



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

December 16, 2015

Robert J. Gatt  
22670 Penton Rise Court  
Novi, Michigan 48375

Dear Mr. Gatt:

The Department of State (Department) received a formal complaint filed by Cynthia Churches against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

In Michigan, it is unlawful for a public body or individual acting on its behalf to use or authorize the use of “funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]” MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

Ms. Churches alleges that you improperly used public funds by using county resources to submit your campaign finance statements and reports.

The purpose of this letter is to inform you of the Department’s examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

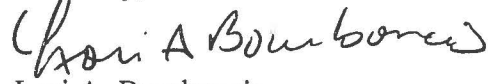
**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Ms. Churches, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(3) of the Act.

Robert J. Gatt  
December 16, 2015  
Page 2

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink that reads "Lori A Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Cynthia Churches

**Michigan Department of State  
Campaign Finance Complaint Form**

**Reset Form**

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

**Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Cynthia Churches	Daytime Telephone Number 248-417-0051	
Mailing Address 22543 Cranbrooke Drive		
City Novi	State MI	Zip 48375

Section 2. Alleged Violator		
Name Robert J. Gatt		
Mailing Address 22670 Penton Rise Ct.		
City Novi	State MI	Zip 48375

**Section 3. Alleged Violations** (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

Explain how those sections were violated:

The candidate is an employee of Oakland County. He consistently uses the county equipment to submit his political campaign reports.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Attached are candidate committee cover pages with the OC Fax Server imprint in the upper left corner.

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2015 DEC -9 PM 2:23  
OFFICE OF THE GREAT SEAL

**Section 4. Certification (Required)**

*I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

X

  
Signature of Complainant

12/07/15

Date

**Section 5. Certification without Evidence (Supplemental to Section 4)**

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

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X

Signature of Complainant

12/07/15

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

**CANDIDATE COMMITTEE  
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

3. This Statement covers: from 10/21/14 to 12/31/14

1. Committee I.D. Number  
**C-93289**

2. Committee Name  
**Bob Gatt for Novi Mayor**

4. Candidate Last Name First Name M.I.  
**Gatt Robert J**

4a. Office Sought Including District # or Community Served (if applicable)  
**Novi Mayor**

4b. County of Residence **OAKLAND**

5. Committee's Mailing Address  
**22670 Penton Rise Ct.  
Novi, Mich 48375**

Area Code and Phone (248) 773-8853  
If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.

6. Treasurer's Name & Residential Address  
**Robert Gatt  
22670 Penton Rise Ct.  
Novi, Mich 48375**

Area Code & Phone (248) 773-8853

7. Treasurer's Business Address  
**22670 Penton Rise Ct.  
Novi, Mich 48375**

Area Code and Phone (248) 773-8853

8. Designated Record Keeper's Name and Mailing Address (if the committee has a Designated Record Keeper)  
**N/A**

Area Code and Phone \_\_\_\_\_

9. TYPE OF STATEMENT

9a.  Pre-Election OR 9b.  Post-Election

Pre-Election or Post-Election Statement relates to:

Primary  
 General  
 Convention  
 Special  
 School  
 Caucus

Date of Election, Convention or Caucus  
\_\_\_\_\_

Required ONLY if candidate is not on the ballot for the current year:

July Quarterly  
 October Quarterly

9c.  Annual Statement (2014 )  
Coverage Year

9d.  Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)

9e. Dissolution of Candidate Committee

By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven and no longer collectible from the committee. The committee has no outstanding assets, owes no late fees or has any outstanding debt.

Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.

Effective date of dissolution  
\_\_\_\_\_

Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.

10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.

Current Treasurer or Designated Record Keeper Robert J. Gatt Date 01/14/2015  
Type or Print Name Signature

Candidate Robert J. Gatt Date 01/14/2015  
Type or Print Name Signature



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

**CANDIDATE COMMITTEE  
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

3. This Statement covers From: <u>01/01/15</u> to <u>10/18/15</u>	
1. Committee I.D. Number <b>C-93289</b>	4. Candidate Last Name <u>Gatt</u> First Name <u>Robert</u> M.I. <u>J</u> 4a. Office Sought Including District # or Community Served (If applicable) <b>Mayor, City of Novi</b> 4b. County of Residence <b>OAKLAND</b>
2. Committee Name <b>Bob Gatt for Novi Mayor</b>	6. Treasurer's Name & Residential Address <b>Robert J. Gatt</b> <b>22670 Penton Rise Ct.</b> <b>Novi, Mich 48375</b> Area Code & Phone <u>(248) 773-8853</u>
5. Committee's Mailing Address <b>22670 Penton Rise Ct.</b> <b>Novi, Mich 48375</b> Area Code and Phone <u>(248) 773-8853</u> If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.	8. Designated Record keeper's Name and Mailing Address (If the committee has a Designated Record keeper) <b>N/A</b> Area Code and Phone _____
7. Treasurer's Business Address <b>22670 Penton Rise Ct.</b> <b>Novi, Mich 48375</b> Area Code and Phone <u>(248) 773-8853</u>	9e. Dissolution of Candidate Committee <input type="checkbox"/> By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no late fees or has any outstanding debt. Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver. Effective date of dissolution _____ Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.
9. TYPE OF STATEMENT 9a. <input checked="" type="checkbox"/> Pre-Election OR 9b. <input type="checkbox"/> Post-Election <b>AMENDED</b> Pre-Election or Post-Election Statement relates to: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Convention <input type="checkbox"/> Special <input type="checkbox"/> School <input type="checkbox"/> Caucus Date of Election, Convention or Caucus <u>11/03/15</u>	Required ONLY if candidate is not on the ballot for the current year: <input type="checkbox"/> July Quarterly <input type="checkbox"/> October Quarterly 9c. <input type="checkbox"/> Annual Statement (_____) Coverage Year 9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to Indicate which Statement is being amended.)
10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.	
Current Treasurer or Designated Record Keeper <u>ROBERT J. GATT</u> Signature <u>Robert J. Gatt</u> Date <u>11-10-15</u>	
Candidate <u>ROBERT J. GATT</u> Signature <u>Robert J. Gatt</u> Date <u>11-10-15</u>	

RECEIVED  
OAKLAND COUNTY CLERK  
2015 NOV 10 AM 8:41  
DEPUTY CLERK



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

**CANDIDATE COMMITTEE  
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

3. This Statement covers From: 01/01/15 to 10/18/15

1. Committee I.D. Number <b>C-93289</b>	4. Candidate Last Name <b>Gatt</b> First Name <b>Robert</b> M.I. <b>J</b> 4a. Office Sought Including District # or Community Served (if applicable) <b>Mayor, City of Novi</b>
2. Committee Name <b>Bob Gatt for Novi Mayor</b>	4b. County of Residence <b>OAKLAND</b>

5. Committee's Mailing Address <b>22670 Penton Rise Ct. Novi, Mich 48375</b>  Area Code and Phone <u>(248) 773-8853</u> <small>If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.</small>	6. Treasurer's Name & Residential Address <b>Robert J. Gatt 22670 Penton Rise Ct. Novi, Mich 48375</b>  Area Code & Phone <u>(248) 773-8853</u>
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7. Treasurer's Business Address <b>22670 Penton Rise Ct. Novi, Mich 48375</b>  Area Code and Phone <u>(248) 773-8853</u>	8. Designated Record keeper's Name and Mailing Address (if the committee has Designated Record keeper) <b>N/A</b>  Area Code and Phone _____
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**9. TYPE OF STATEMENT**

9a.  Pre-Election OR 9b.  Post-Election

Pre-Election or Post-Election Statement relates to:

Primary

General

Convention

Special

School

Caucus

Date of Election, Convention or Caucus  
11/03/15

Required ONLY if candidate is not on the ballot for the current year:

July Quarterly

October Quarterly

9c.  Annual Statement (\_\_\_\_\_) Coverage Year

9d.  Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)

**9e. Dissolution of Candidate Committee**

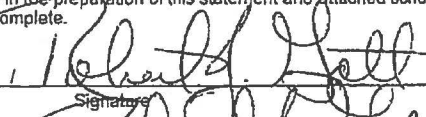
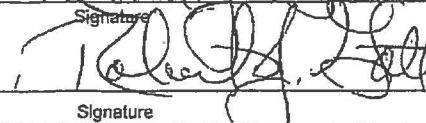
By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no lates fees or has any outstanding debt.

Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.

Effective date of dissolution \_\_\_\_\_

Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.

10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.

Current Treasurer or Designated Record Keeper <b>Robert J. Gatt</b> Type or Print Name	 Signature	Date <b>10/19/15</b>
Candidate <b>Robert J. Gatt</b> Type or Print Name	 Signature	Date <b>10/19/15</b>



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

January 13, 2016

Cynthia Churches  
22543 Cranbrooke Drive  
Novi, Michigan 48375

Dear Ms. Churches:

The Department of State received a response to the complaint you filed against Robert Gatt, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Robert Gatt



Robert J. Gatt  
22670 Penton Rise Court  
Novi, MI 48375

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 JAN -7 PM 2:49

January 4, 2016

OFFICE OF THE GREAT SEAL

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building, First Floor  
430 West Allegan Street  
Lansing, MI 48918

Attention: Lori Bourbonais

Re: Complaint Filed By Cynthia Churches

Dear Ms. Bourbonais:

Please accept this as my Response to the Complaint filed by Cynthia Churches alleging a violation of the Michigan Campaign Finance Act. In her Complaint Ms. Churches alleges that I violated Section 57 of the Michigan Campaign Finance Act, MCL 169.257. Section 57 prohibits an individual from using "...funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies or other public resources to make a contribution or expenditure or to provide volunteer personal services..." Ms. Churches alleges that I violated this Section by using an Oakland County fax machine to fax my annual campaign finance statement on January 14, 2015, my pre-election statement on October 21, 2015 and my pre-election statement amended on November 10, 2015. Let me say at the outset, I did fax those reports from an Oakland County fax machine.

I have never used any Oakland County funds, personnel, office space, vehicle, equipment or other public resources "to make a contribution or expenditure or provide volunteer personal services." I never dreamed that using a County fax machine to send out a fax could be considered a violation of the Michigan Campaign Finance Act. However, after receiving your letter I see how my use of a fax machine could be interpreted as such in that I did use "equipment". I apologize for this oversight/misunderstanding on my part that led to this complaint and I assure you this will not happen again.

I do not believe that my use of a fax machine resulted in any expenditure to the County, however, I want to remove any doubt. The number of pages I faxed totaled 73: (1/14/15, 3 pages; 10/21/15, 63 pages; 11/10/15, 7 pages). I have arbitrarily assigned .25 cents per page and I have made a donation to the Oakland County Animal Shelter in the amount of \$18.25. (73 x .25 = \$18.25).

Michigan Department of State  
Bureau of Elections  
January 4, 2016

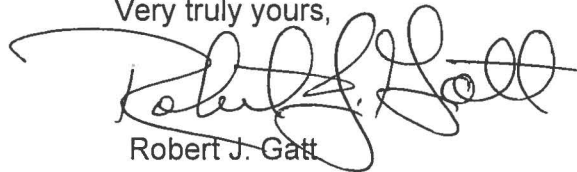
Page 2

My use of the fax machine was never intended by me to be a violation of Section 57. A review of my campaign finance records will reveal that this was in no way an attempt to obtain a financial benefit. My campaign funds are more than sufficient to account for mailing these campaign finance reports.

After review of Section 57 of the Michigan Campaign Finance Act I now see how my use of a fax machine could lead someone to believe that a violation occurred. I sincerely apologize. Again, I have taken the steps necessary to ensure that this will never happen again.

I thank you for your consideration of this matter. If I may be of any further assistance please let know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert J. Gatt", with a large, sweeping flourish extending to the left.

Robert J. Gatt



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

April 08, 2016

Robert Gatt  
22670 Penton Rise Court  
Novi, Michigan 48375

Dear Mr. Gatt:

The Department of State (Department) has completed its investigation of the complaint filed against you by Cynthia Churches, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Ms. Churches' complaint.

The MCFA prohibits a public body or an individual acting on its behalf from "us[ing] or authoriz[ing] the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure." MCL 169.257(1). Expenditure is a term of art which includes "a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to . . . the qualification, passage, or defeat of a ballot question [.]" MCL 169.206(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that there may be reason to believe that a violation has occurred, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" *Id.*

Ms. Churches filed her complaint on December 9, 2015, and you filed an answer on January 7, 2016. Ms. Churches did not file a rebuttal statement with the Department.

Ms. Churches alleged that you improperly used county resources to file your campaign finance statements and reports.

As evidence, Ms. Churches provided copies of the Candidate Committee Cover Page from your 2014 Annual statement, 2015 Pre-General statement, and Amended 2015 Pre-General statement. At the top of each page is an imprint from a fax machine which reads "OC FAX SERVER" and contains a page counter. It appears from these imprints that a total of 73 pages were faxed during these transactions.

Robert Gatt  
April 08, 2016  
Page 2

In response, you stated that you did fax the reports from the county fax machine, but that you “never dreamed that using a County fax machine to send out a fax could be considered a violation of the [Act].” You further stated that after receiving the complaint, you could see how the use of the fax machine could be viewed as a violation. You then computed .25 cents per page times 73 pages, which equals \$18.25, and you made a donation of \$18.25 to the Oakland County Animal Shelter in an attempt to resolve the matter.

Because you admit to using the Oakland County fax machine to fax your campaign finance statements, the Department concludes that there may be a reason to believe that a violation of section 57 of the Act occurred. Upon making this determination the Department is required by law to attempt to resolve the matter informally. MCL 169.215(10).

It appears that as soon as the improper use of public funds to fax your campaign statements was brought to your attention, you attempted to remedy the matter by reimbursing the Oakland County Animal Shelter, your place of employment. However, the Department notes that county resources were used on at least 3 separate occasions and on one of those occasions, more than 50 pages were faxed. This was more than a one-time oversight involving the faxing of one or two pages.

Based on the above, the Department offers to resolve this matter through execution of the enclosed conciliation agreement, which requires you to pay a civil fine to the State of Michigan in the amount of \$100.00.

**If you wish to enter into the conciliation agreement, please return the original signed document to this office by April 29, 2016.**

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4). MCL 169.215(10)(a).

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2016 APR 21 AM 10:22  
ELECTIONS/GREAT SEAL

**In the Matter of:**

**Robert J. Gatt**  
22670 Penton Rise Court  
Novi, Michigan 48375

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**CONCILIATION AGREEMENT**

Pursuant to MCL §169.215(10) of the Michigan Campaign Finance Act (the Act), MCL §169.201 *et seq.*, the Secretary of State and Robert Gatt (Respondent) hereby enter into a conciliation agreement with respect to certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent violated MCL §169.257(1) by using county resources to submit Respondent's campaign finance statements and reports.

Therefore, Respondent hereby voluntarily enters into this conciliation agreement and assures the Secretary of State that Respondent will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondent certifies Respondent has paid a civil fine in the amount of \$100.00 to the State of Michigan.

The Secretary of State and Respondent further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly authorized representative.

MD08 5112738-1 04/18/2016  
MISC NY \$100.00

The Secretary of State and Respondent further agree that this agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violations that resulted in the execution of this agreement.

The Secretary of State and Respondent further agree that the complaint and investigation that resulted in this agreement is disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

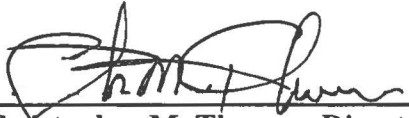
The Secretary of State and Respondent further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

The Secretary of State and Respondent further agree that Respondent's performance under this agreement shall be given due consideration in any subsequent proceedings.

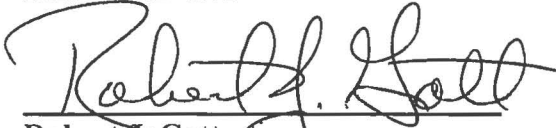
The Secretary of State and Respondent further agree that this agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and Respondent finally agree that the signatories below are authorized to enter into and bind the parties to this agreement, and have done so by signing this agreement on the date below.

**RUTH JOHNSON  
SECRETARY OF STATE**

  
\_\_\_\_\_  
Christopher M. Thomas, Director  
Bureau of Elections

**RESPONDENT**

  
\_\_\_\_\_  
Robert J. Gatt

Date: 4-21-16

Date: 4-13-16