



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

July 7, 2016

Anthony Daunt
P.O. Box 14162
Lansing, Michigan 48901

Dear Mr. Daunt:

The Department of State (Department) has concluded its investigation of the complaint you filed against the Committee to Elect John Fisher (Committee), which concerned an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

You filed your complaint on March 29, 2016, and David Lushin filed an answer on April 15, 2016. You did not file a rebuttal statement with the Department.

The MCFA requires filed campaign finance statements and reports to be complete and accurate. MCL 169.235. A treasurer who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.235(6). A treasurer who knowingly omits or underreports a contribution or expenditure may be subject to a civil fine of up to \$1,000.00, or the amount of the undisclosed contribution or expenditure, whichever is greater. MCL 169.233(11).

You alleged that the Committee failed to report 5 contributions on its 2016 Annual campaign statement. As evidence in support of your complaint you provided printouts of pages from the Department's campaign finance website which indicated that the Friends of Andy Schor committee reported a December 22, 2015 contribution of \$100.00 to the Committee, the Friends of Jon Hoadley committee reported a December 29, 2015 contribution of \$100.00 to the Committee, the Friends of Julie Plawecki committee reported a December 27, 2015 contribution of \$100.00 to the Committee, the Jeremy Moss for State Representative committee reported a December 21, 2015 contribution of \$100.00 to the Committee, and the Sam Singh for State Representative committee reported a December 20, 2015 contribution of \$100.00 to the Committee. None of these contributions appeared on the Committee's 2016 Annual campaign statement.

In response to your complaint Mr. Lushin provided a signed sworn statement in which he asserted that he did not receive the contributions until after December 31, 2015, which was the closing date for the 2016 Annual campaign statement. Mr. Lushin further asserted that 4 of the contributions were received on January 5, 2016, and 1 contribution was received on January 9, 2016.

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The Act provides that a “contribution is considered received by a committee when it is received by the committee treasurer [.]” MCL 169.221(11). Mr. Lushin, the treasurer of the Committee, has provided a sworn statement that he did not receive the 5 contributions in question until January 5 and January 9, 2016, after the close of the time period reported on the 2016 Annual campaign statement. This explanation is satisfactory and the Department expects these transactions to appear on the next campaign statement filed by the Committee.

Because the evidence supports a reason to believe that Mr. Lushin received the contributions after the reporting period for the 2016 Annual statement, the Department has determined that he was not required to disclose those contributions until the next report, and your complaint is dismissed. However, if those contributions are not reported on the Committee’s next campaign statement, you may file a new signed complaint.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: David Lushin