



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

August 17, 2016

Dan Frisch
1696 Mulberry Lane
Lapeer, Michigan 48446

Dear Mr. Frisch:

The Department of State (Department) received a formal complaint filed by Jake Davison 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.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

In support of his complaint, Mr. Davison provided a flyer which states, "DAN FRISCH REBUPLICAN FOR MAYFIELD TOWNSHIP TREASURER [.]" There does not appear to be a paid-for-by statement on this flyer.

The Department notes that Mr. Davison's complaint also alleges that you impermissibly spent public funds in contravention of section 57 of the Act. MCL 168.257. The Department has dismissed this allegation without prejudice for reasons stated in the enclosed letter.

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 the 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, 1st 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 Mr. Davison, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

Dan Frisch
August 17, 2016
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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 47(6) of the Act.

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" and "B".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jake Davison



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

August 17, 2016

Jake Davison
1604 Farnsworth Road
Lapeer, Michigan 48446

Dear Mr. Davison:

The Department of State (Department) acknowledges receipt of the complaint you filed against Dan Frisch, alleging a violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, 169.201 *et seq.* This letter concerns the disposition of a portion of your complaint.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize 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). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

Your complaint alleged that Mr. Frisch expended public funds in contravention of the Act by printing his office phone number on his flyer and inviting people to call his office phone or come to his office with any questions or concerns. You assert that "Dawn Hilliker will testify that [Mr. Frisch] had campaign literature in the treasurer's office and passed it out to people coming in to pay taxes."

The Department first notes that the mere appearance of Mr. Frisch's township phone number on his campaign literature does not give rise to a contribution or expenditure by the township. In order for a violation of section 57 to occur, township funds must be spent or township equipment or resources must be used in furtherance of a candidate's nomination or election. You have not provided any evidence that would support a determination that Mr. Frisch actually used the township phone for campaign activities.

Additionally, while you have asserted that there is a witness to Mr. Frisch using his township office for campaign activities, you have not provided any evidence to support this assertion.

Therefore, the portion of your complaint alleging a violation of section 57 of the Act is dismissed without prejudice. If you wish to resubmit your complaint with a statement from someone with

Jake Davison
August 17, 2016
Page 2

first-hand knowledge of township funds or resources being used for campaign purposes, such as Ms. Hilliker, or other evidence that township funds or resources were used for campaign purposes the Department will review the resubmitted complaint at that time.

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

Campaign Finance Complaint Form
Michigan Department of State

2011-10-10 11:34:11

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.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>Jake Davison</i>	Daytime Telephone Number <i>517-285-9659</i>	
Mailing Address <i>1604 Farnsworth Road</i>		
City <i>Lapeer</i>	State <i>MI</i>	Zip <i>48446</i>

Section 2. Alleged Violator		
Name <i>Dan Frisch</i>		
Mailing Address <i>1696 Mulberry Lane</i>		
City <i>Lapeer</i>	State <i>MI</i>	Zip <i>48446</i>

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

Section(s) of the MCFA violated:
57, 47

Explain how those sections were violated:
Candidate sent campaign letter to voters (picture attached) with Township phone number asking voters to call him at office. Also had no disclaimer.

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

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

Jacob W. Davison
Signature of Complainant

8/4/2016
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:

Dawn Hilliker will testify that he had campaign literature in the treasurer's office and passed it out to people coming in to pay taxes.

X

Jacob W. Davison
Signature of Complainant

8/4/16
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 with an original signature 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

DAN FRISCH

REPUBLICAN FOR MAYFIELD TOWNSHIP

TREASURER

Dear Resident,

As Mayfield Township Treasurer, I have had the distinct honor of serving you and the privilege of meeting and talking with many of you. Mayfield Township is the largest township, with the lowest taxes in Lapeer County. Our tax dollars have improved roads, maintained police and fire protection, upgraded the care of the cemetery, installed tornado sirens, provided free recycling and honored our veterans with a memorial.

I have lived in Mayfield Township for 22 years, paid taxes and raised a family-unlike my opponent, who has lived in the township for one year at his parent's residence. I take very seriously the decisions I have been a part of that impact our families, our property values and way of life. I have never lost sight of the fact that I work for you.

I am asking for your vote on August 2nd to work on your behalf to keep taxes low, continue to improve and make Mayfield Township the best place to live in Lapeer County. Please call or come in with any questions or concerns you may have.

My sincerest appreciation,



Dan Frisch

Mayfield Township Treasurer

810-664-0821



Dear Resident,

As Mayfield Township Treasurer, I have had the distinct honor of serving you and the privilege of meeting and talking with many of you. Mayfield Township is the largest township, with the lowest taxes in Lapeer County. Our tax dollars have improved roads, maintained police and fire protection, upgraded the care of the cemetery, installed tornado sirens, provided free recycling and honored our veterans with a memorial.

I have lived in Mayfield Township for 22 years, paid taxes and raised a family-unlike my opponent, who has lived in the township for one year at his parent's residence. I take very seriously the decisions I have been a part of that impact our families, our property values and way of life. I have never lost sight of the fact that I work for you.

I am asking for your vote on August 2nd to work on your behalf to keep taxes low, continue to improve and make Mayfield Township the best place to live in Lapeer County. Please call or come in with any questions or concerns you may have.

My sincerest appreciation,

Dan Frisch

Mayfield Township Treasurer

810-664-0821



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

September 6, 2016

Jake Davison
1604 Farnsworth Rd
Lapeer, Michigan 48446

Dear Mr. Davison:

The Department of State received a response to the complaint you filed against Dan Frisch, 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, 1st 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: Dan Frisch

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPARTMENT OF STATE
2016 SEP -1 PM 2: 35
ELECTIONS/GREAT SEAL

Dear Lori Bourbonais:

This letter is in response to the complaint there is not a paid-for-by statement on the flyer I sent to township residents. It was not put on by the printing company I hired to print the flyers. I approved the flyer however, I did not have an opportunity to proof read it before it was mailed out. I was not aware of this mistake until I received the complaint from the state. I would not knowingly send out political material that did not follow the law.

Don Frisch



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

February 7, 2017

Daniel Frisch
1696 Mulberry Lane
Lapeer, Michigan 48446

Dear Mr. Frisch:

The Department of State (Department) has completed its investigation of the complaint filed against you by Jake Davison, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on your campaign flyer. This letter concerns the disposition of Mr. Davison's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

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 [.]" MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" *Id.*

Mr. Davison filed his complaint on August 10, 2016, and you filed a written response on September 1, 2016. Mr. Davison did not file a rebuttal statement with the Department.

Mr. Davison alleged that you failed to include a paid-for-by statement on your campaign flyer. In support of his complaint, Mr. Davison provided a flyer which stated, "RE-ELECT DAN FRISCH REPUBLICAN FOR MAYFIELD TOWNSHIP TREASURER [.]" There did not appear to be a paid-for-by statement on the flyer.

In your response you stated that the paid-for-by statement was not "put on by the printing company" and that you "did not have an opportunity to proof read it before it was mailed out."

While the Department believes that the evidence tends to show that your flyer failed to contain a paid-for-by statement and a violation of the Act occurred, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]" The Department now issues you this warning letter.

Daniel Frisch
February 7, 2017
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The Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

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: Jake Davison