



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

November 3, 2014

Dennis Niles, Treasurer
Save Our Police Committee
14500 Harvey Road
Grass Lake, Michigan 49240

Dear Mr. Niles:

The Department of State (Department) received a formal complaint filed by Claire Foley against the Save Our Police Committee (Committee), alleging that the Committee 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.* Copies of the complaint and supporting documentation are 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. Foley alleges that the Committee improperly used public funds by faxing its Statement of Organization using the Waterloo Police fax machine.

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, 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.

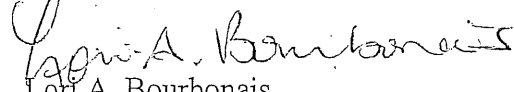
A copy of your reply will be provided to Ms. Foley, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an

Dennis Niles, Treasurer
Save Our Police Committee
November 3, 2014
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administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(3) of the Act.

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

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Claire Foley

Bourbonais, Lori (MDOS)

From: Claire Foley <clrfoley@gmail.com>
Sent: Sunday, October 26, 2014 12:48 PM
To: Bourbonais, Lori (MDOS)
Subject: Campaign Finance Complaint Form
Attachments: campaignfinanceviolationcomplaint.pdf

Dear Ms. Bourbonais,

Please find attached the Complaint Form and supporting evidence in regard to a use of public resources by a ballot question committee to promote passage of a public safety millage that is to appear on the Waterloo Township, Jackson County, MI ballot on 11/4/2014. Specifically, the evidence shows that this committee used the Waterloo Township Police Department's fax machine to send a document to register the committee with the county. I am submitting this as a private citizen and not as a member of any organized group.

Thank You,

Claire Foley

Michigan Department of State
Campaign Finance Complaint Form

Reset Form

2014 OCT 27 PM 3: 52

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 Claire Foley		Daytime Telephone Number 517596-2622	
Mailing Address 10248 Mt. Hope Rd			
City Munith	State MI	Zip 49259	

Section 2. Alleged Violator		
Name Save Our Police Committee		
Mailing Address 14500 Harvey Rd		
City Grass Lake	State MI	Zip 49240

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

Section(s) of the MCFA violated: 169.257 (Sec 57)

Explain how these sections were violated:

This committee used the Waterloo Township Police Department's fax machine to fax their Statement of Organization Form for Ballot Question Committee. This is a use of a public resource in a current millage campaign. The group was formed to support passage of the Waterloo Township Public Safety millage, which would fund police services if passed.

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

Attached, please find a copy of the aforementioned Statement of Organization for Save Our Police Committee. The top of the document shows that it was sent on 9/19/14 from the Waterloo Police fax number. The Jackson County Elections Director, Colleen Garety, verified that incoming faxes to their department are stamped/ marked with the sender's information by their fax equipment. The copy of the form was provided to me by Colleen Garety at the Jackson County Clerk's Office.

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

Clare B. Foley

Date

10/25/14

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:

X

Signature of Complainant

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

146543

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

1. Committee ID #: _____ *2. Type of Filing: Original: _____
 Amendment to Items: _____ Eff. Date: 09-19-14

*3. Date Committee was Formed: 09-19-2014 (Friday)

*4. Full Name of Committee: Save Our Police Committee

5. Acronym or Abbreviation (if any): S.O.P.E.

*6. Complete Committee Mailing Address (May be PO Box): 14500 Harvey Rd. Grass Lake, MI-49240.

*7. Complete Committee Street Address (May not be PO Box): 14500 Harvey Rd.
 Grass Lake, MI-49240.

*Committee Phone: 734-945-1534 Committee Email Address: DaleRobinson8676@gmail.com

Committee Fax #: _____ Committee Website Address: _____

*8. Treasurer Name and Complete Address: Dennis Niles 1456 Sarossy Lake Rd.
 Grass Lake, MI-49240.

Phone #: 517-795-0880 Email Address: DJNiles@yahoo.com

9. Designated Record Keeper Name and Complete Address: Dennis Niles 1456 Sarossy Lake Rd.
 Grass Lake, MI-49240.

Phone #: 517-795-0880 Email Address: DJNiles@yahoo.com

*10. REPORTING WAIVER REQUEST:
 YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports or Petition Proposal Campaign Statements.
 NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 in an election. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Ballot Question Manual.

*11. Name and Address of Depositories or Intended Depositories of committee funds: (Michigan Bank, Credit Union or Savings & Loan Association)
 *Official Depository (name and address): Flag Star Bank 1290 S. Main St., Suite 9A
 Chelsea, MI-48118.
 Secondary Depository (name and address): _____

12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: Support Oppose Waterloo Township Police Millage
 Description:
 Indicate the ballot proposal district below by selecting Statewide, County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside.
 Statewide County Multi-County Local Waterloo Township

13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to committees that file with the County Clerk's office.
 Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically.
 Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Ballot Question Manual.

14. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.

Current Treasurer: _____ Date: 9/19/14 Designated Record Keeper (Required only if filing electronically): _____ Date: 9/19/14



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

November 19, 2014

Claire Foley
10248 Mount Hope Road
Munith, Michigan 49259

Dear Ms. Foley:

The Department of State received a response to the complaint you filed against the Save Our Police Committee, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Dale Robinson

To the Bureau of Elections:

11-11-2014

From: Save Our Police Committee

I Dale Robinson, Chair Person of S.O.P. Committee was made aware that one of my helpers faxed the form Statement of Organization from the Waterloo Police fax machine by mistake. The Fax form (1) sheet was a local Phone call. I offered the Township to pay damages and was informed no money was needed to cover the cost, it was an honest mistake. I still felt a payment needed to be paid in good faith, so I paid \$5.00 to cover any cost for a local call.

Dale Robinson

Chair Person

S.O.P. Committee

BUREAU OF ELECTIONS
MI DEPT OF STATE
2014 NOV 14 PM 2:42



Located at: 11120 Musbach Rd. Munith, MI 49259

Mail to: P.O. Box 130 Munith, MI 49259

Office: 517.596.8200 Fax: 517.596.8600

Office Hours: 9 am - 7 pm Monday - Friday

www.waterlootwpmi.com

07 November 2014

Attn: Jackson County Elections Finance Committee

RE: Misuse of Fax Machine

To Whom It May Concern:

I am addressing the complaint filed against Dale Robinson for use of the police department fax machine to send Finance Committee paperwork for the November 4, 2014 committee supporting the Waterloo Township Police Millage. We are aware that this was not following the requirements of the law. We have given him the expectations of the finance law. He has made restitution in the form of \$5.00 to cover the cost of the fax. At this time we consider the episode closed.

If you need further information from me, please call me at 517.596.8400.

Sincerely,

Janice Kitley

Waterloo Township Clerk

BUREAU OF ELECTIONS
MI DEPT OF STATE
2014 NOV 14 PM 2:42

Receipt: 110002398

Nov/07/2014

Cashier: MARYANNE

WATERLOO TOWNSHIP

Received Of:

Dale Robinson-Save our Police

11120 MUSBACH ROAD
P O BOX 130
MUNITH, MI 49259
MON. - FRI. 9 AM - 1PM
517-596-8200

WATERLOOTWPML.COM@WATERLOOTWPML.COM

WATERLOOTWPML.COM

fax charges

The sum of: \$5.00

MISC	MISCELLANEOUS	5.00
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Total		5.00
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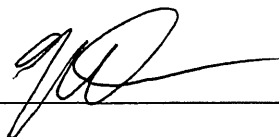
TENDERED:	CASH	5.00
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Balance:

PAID
11-7-2014

2014 NOV 14 PM 2:43
BUREAU OF ELECTIONS
MI DEPT OF STATE

Signed: _____





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

March 10, 2015

Dale Robinson
Save Our Police Committee
14500 Harvey Road
Grass Lake, Michigan 49240

Dear Mr. Robinson:

The Department of State (Department) has completed its investigation of the complaint filed against the Save Our Police Committee (Committee) by Claire Foley, which alleged that the Committee 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. Foley's complaint.

Ms. Foley filed her complaint on October 27, 2014, and you filed a written response on November 14, 2014. Ms. Foley did not file a rebuttal statement with the Department.

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).

Additionally, 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. Foley alleged that the Committee improperly used public funds by faxing its single-page Statement of Organization using the Waterloo Police fax machine.

In your response, you indicated that you were informed that one of your helpers faxed the Committee's Statement of Organization from the Waterloo Police fax machine by mistake. You also stated that after you were made aware of the mistake, you attempted to pay the township for the transmission, but the township told you that no money was needed to cover the cost to the township. However, you stated that you still believe that payment needed to be made so you paid \$5.00 to the township to cover any cost for a local call.

You provided with your answer a letter from the Waterloo Township Clerk which indicates that she gave you guidance regarding the MCFA, received \$5.00 from you to cover the cost of the

Dale Robinson
Save Our Police Committee
March 10, 2015
Page 2

fax, and considers the matter closed. You also provided a copy of a receipt for the \$5.00 payment to the township dated November 7, 2014.

Because you admit to using the Waterloo Township fax machine to fax the Committee's single-page Statement of Organization, 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 was brought to your attention, you reimbursed the township promptly, which is the corrective action that the Department would have required of the Committee. Therefore, the Department now considers this matter closed.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Claire Foley