



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

July 19, 2016

Ryan Gallogly  
P.O. Box 183  
Byron Center, Michigan 49315

Dear Mr. Gallogly:

The Department of State (Department) received a formal complaint filed by Eric Fouch against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. A copy of the complaint is provided as an enclosure 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. Fouch provided a picture of a banner which states, "GALLOGLY STATE REPRESENTATIVE [,]" and a picture of a yard sign which states, "GALLOGLY STATE REPRESENTATIVE [,]" There does not appear to be a paid-for-by statement on these campaign materials.

The Department notes that Mr. Fouch also alleges that you violated the Michigan Election Law (MEL) by falsely claiming incumbency. MCL 168.944. As explained in the enclosed letter, because the campaign finance complaint process is not the proper venue to resolve an allegation of a violation of the MEL, that allegation has been dismissed.

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.

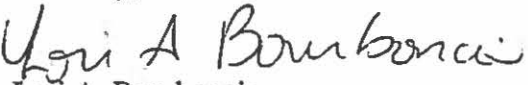
**If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA.** Your response may 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

Ryan Gallogly  
July 19  
Page 2

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. Fouch, 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 47(6) 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: Eric Fouch



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

July 19, 2016

Eric Fouch  
22339 84<sup>th</sup> Street SE  
Caledonia, Michigan 49316

Dear Mr. Fouch:

The Department of State (Department) acknowledges receipt of the complaints you recently filed pursuant to section 15(5) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.215(5) against Ryan Gallogly. This letter concerns the disposition of a portion of your complaints.

The MCFA generally regulates the source, amount, and disclosure of campaign contributions and expenditures. The campaign finance complaint process, which is described more fully at MCL 169.215, is designed to address allegations relating to the receipt of prohibited contributions, unauthorized expenditures, improper disclosure, and so on. In contrast, the Michigan Election Law (MEL), 1954 PA 116, MCL 168.1 *et seq.*, governs the administration of elections including the circulation and filing of petitions, voter registration, ballot counting procedures, certification of election results, and provides a list of certain election-related offenses such as forgery, perjury, and the false designation of incumbency.

It is important to understand that the Department's investigatory powers are strictly limited to purported violations of the MCFA. MCL 169.215(5), (10). Upon a careful review the complaints and supporting documentation you submitted, the Department notes that in addition to a violation of the MCFA you have also alleged that Mr. Gallogly violated the MEL by producing yard signs, t-shirts, banners, a Facebook page, a website, and postcard in which "Mr. Gallogly is indicating, representing and giving the impression that he is a State Representative." The MEL provides,

Any person who advertises or uses in any campaign material, including radio, television, newspapers, circulars, cards, or stationery, the words incumbent, re-elect, re-election, or otherwise indicates, represents, or gives the impression that a candidate for public office is the incumbent, when in fact the candidate is not the incumbent, is guilty of a misdemeanor punishable as provided in section 934.

MCL 168.944. Other provisions of the MEL, specifically sections 940 and 941, MCL 168.940 and 168.941, confer upon law enforcement officers and prosecuting attorneys the authority to investigate and prosecute such criminal violations of the MEL.

Since a portion of your first complaint and the entirety of your second complaint concern the application and enforcement of the MEL, these portions cannot be the subject of a campaign

Eric Fouch  
July 19, 2016  
Page 2

finance complaint filed under the MCFA. See MCL 169.215(5) (“[a] person may file with the secretary of state a complaint that alleges a violation *of this act* [,]”) and MCL 169.215(10) (the secretary of state may “refer the matter to the attorney general for the enforcement of a criminal penalty provided *by this act.*”) (Emphasis added). The campaign finance complaint process simply is not designed to resolve complaints involving purported violations of the MEL.

For this reason, the Department has no alternative but to dismiss the portions of your complaints which allege a violation of MCL 168.944.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

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

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 JUL 18 AM 11:29

ELECTIONS/GREAT SEAL

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:

<b>Section 1. Complainant</b>		
Your Name	Eric Fouch	Daytime Telephone Number 616.422.6209
Mailing Address	2339 84 <sup>th</sup> Street SE	
City	State	Zip
Caledonia	Michigan	49316

<b>Section 2. Alleged Violator</b>		
Name	Candidate Ryan Gallogly, Gallogly For Michigan	
Mailing Address	P.O. Box 183	
City	State	Zip
Byron Center	Michigan	49315

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

Section(s) of the MCFA violated: 168.944 and 169.247 (1) and Mich. Admin. R 169.26 (2)

Explain how these sections were violated: Multiple Violations, see attached, in summary they are:

# 1 Facebook Page says "Gallogly State Representative" # 2 Facebook page says "Government Official"

# 3/4 Banner used at the Dorr and Kentwood Parades violated 168.944 and 169.247 (1) and Mich. Admin. R 169.26 (2)

# 5/6 Banner used at the Dutton Days Parade violated 168.944 and 169.247 (1) and Mich. Admin. R 169.26 (2)

# 7 Gallogly T-Shirts state: "Gallogly State Representative" # 8 Signs on Facebook page show "Gallogly State Representative"

# 9 Gallogly Website says "Gallogly State Representative" # 10 Small Yard signs say "Gallogly State Representative"

# 11 Large yard signs violated 168.944 and 169.247 (1) and Mich. Admin. R 169.26 (2)

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

Yes see attached.

**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

7/10/16  
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:*

Candidate Gallogly has and is currently violating the MCFA through Facebook, campaign website, parade banners, t-Shirts, small yard signs and large yard signs. With the most egregious violation being his portrayal on printed and electronic material of being a State Representative. The material does NOT say ELECT Gallogly State Representative; NOR does it say Gallogly FOR State Representative. Candidate Gallogly is running a campaign indicating, representing and giving the impression to voters that he is already serving as State Representative.

X

  
Signature of Complainant

7/10/16  
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:**

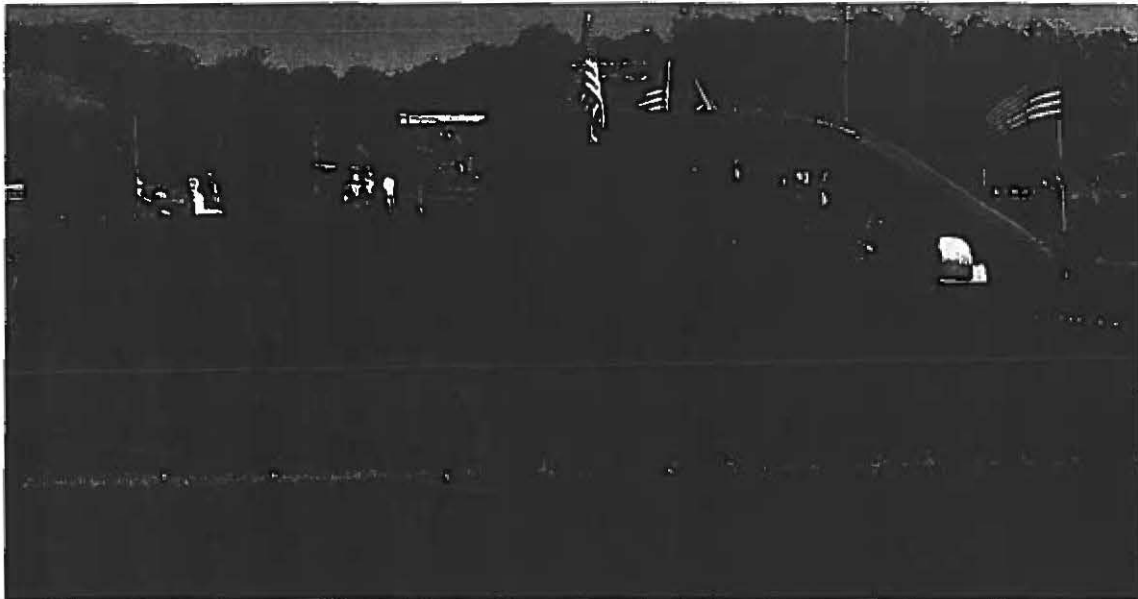
Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building - 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918



**Gallogly Facebook Page:**

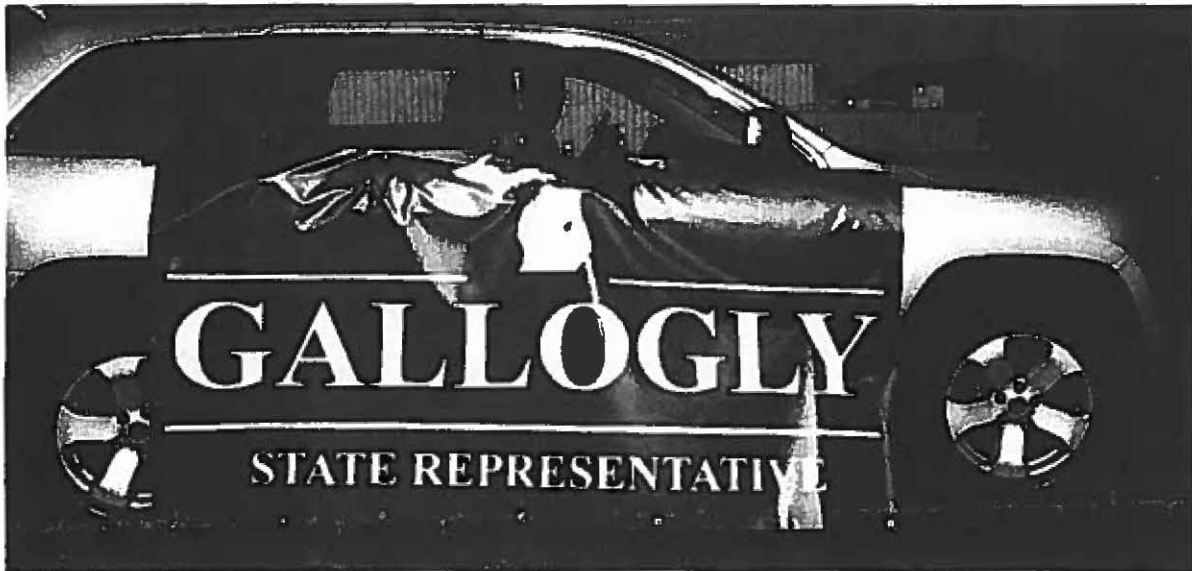
<https://www.facebook.com/Ryan-Gallogly-for-Michigan-441937742676287/?fref=ts>

- # 1 **"Gallogly State Representative"** indicates, represents and gives the impression that the candidate is the incumbent. **Candidate Gallogly is not a State Representative nor the incumbent.** This is a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.
- # 2 Further, Candidate Gallogly's Campaign has labeled the candidate as a **"Government Official"** **Candidate Gallogly is not a Government Official, and further indicates, represents and gives the impression that this candidate an incumbent.** This is a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.



- # 3 **"Gallogly State Representative"** signs used in both Dorr and Kentwood Michigan parades, July 4, 2016 indicated, represented and gave the impression that the candidate is the incumbent. **Candidate Gallogly is not a State Representative nor the incumbent.** This banner was a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.
- # 4 Further, candidate Gallogly's banner used in both Dorr and Kentwood Michigan parades, July 4, 2016 **failed to include a complete and correct identification statement.** Candidates who produce printed material related to an election must include the phrase "paid for by", (name and address) of who paid for the item. Candidate Gallogly's banner did not.





- # 5 **"Gallogly State Representative" sign during the Dutton Days Parade on June 25, 2016 indicated, represented and gave the impression that the candidate was the incumbent. Candidate Gallogly is not a State Representative nor the incumbent. This banner was a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency; misdemeanor.**
- #6 **Further, candidate Gallogly's banner used during the Dutton Days Parade on June 25, 2016 failed to include a complete and correct identification statement. Candidates who produce printed material related to an election must include the phrase "paid for by", (name and address) of who paid for the item. Candidate Gallogly's banner did not.**



- # 7 **"Gallogly State Representative" T-Shirts indicates, represents and gives the impression that the candidate is the incumbent. Candidate Gallogly is not a State Representative nor the incumbent. "Gallogly State Representative" T-Shirts are a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.**



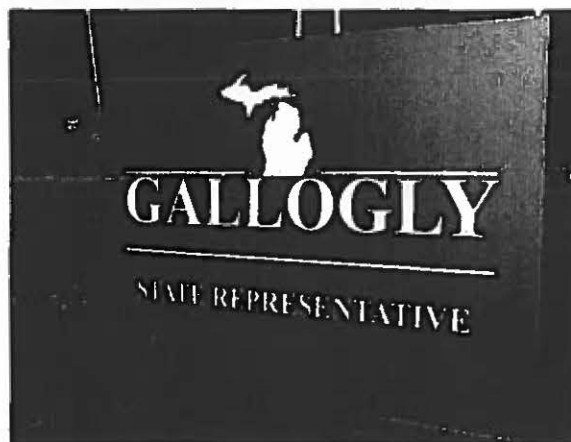


- #8 **"Gallogly State Representative"** on Facebook since January 14, 2016 indicates, represents and gives the impression that the candidate is the incumbent. **Candidate Gallogly is not a State Representative nor the Incumbent.** The Ryan Gallogly for Michigan Facebook Page has been in violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency, since January 14, 2016.



**Gallogly Website:** <http://galloglyformi.nationbuilder.com/>

- #9 **"Gallogly State Representative"** on Website indicates, represents and gives the impression that the candidate is the incumbent. **Candidate Gallogly is not a State Representative nor the Incumbent.** Website pages where this appears are a violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.



- #10 **"Gallogly State Representative"** Small yard signs: indicate, represent and give the impression that the candidate is the incumbent. **Candidate Gallogly is not a State Representative nor the Incumbent.** These yard signs are in violation of MICHIGAN ELECTION LAW Act 116 of 1954, 168.944 False designation of incumbency.



**LARGE YARD SIGNS:** Although improperly fastened large yard signs are not a violation of the MCFA

**# 11,** Failing to include a complete and correct identification statement is.

So is . . .

**# 12** indicating, representing and giving the impression that candidate Gallogly is the currently serving State Representative and incumbent. "Gallogly State Representative"

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

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 JUL 19 PM 3:46

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:

<b>Section 1. Complainant</b>			
Your Name Eric Fouch		Daytime Telephone Number 616.422.6209	
Mailing Address 2339 84 <sup>th</sup> Street SE			
City Caledonia	State Michigan	Zip 49316	

<b>Section 2. Alleged Violator</b>			
Name Candidate Ryan Gallogly, Gallogly For Michigan			
Mailing Address P.O. Box 183			
City Byron Center	State Michigan	Zip 49315	

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

Section(s) of the MCFA violated: Act 116 of 1954, 168.944

Explain how these sections were violated:

In the previous complaint I submitted on July 11, 2016, Mr. Gallogly's violations included yard signs, t-shirts, banners, facebook page and website. It now also includes direct mail, which may have been sent to entire district. Mr. Gallogly's direct mail piece violates Michigan Election Law 168.944. Mr. Gallogly is indicating, representing and giving the impression that he is a State Representative. "Ryan Gallogly State Representative"

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

See attached.

**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

7/15/16  
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:*

Mr. Gallogly's direct mail piece violates Michigan Election Law 168.944.

Mr. Gallogly is indicating, representing and giving the impression that he is a State Representative.

X

  
Signature of Complainant

7/15/16  
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





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

August 8, 2016

Eric Fouch  
22339 84<sup>th</sup> Street SE  
Caledonia, Michigan 49316

Dear Mr. Fouch:

The Department of State received a response to the complaint you filed against Ryan Gallogly, 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: Ryan Gallogly





Corrective Measure taken. Upon notice that there was an error I created a sticker amendment to the banner piece. Stating in full the "Paid For" information. Upon examining an opponent's sign I made sure to write in a font size larger.

- 3) Other printed material. I've included a couple examples of other pieces of printed material I've handed out, or mailed to show that the "Paid For" disclaimer has been common place on my material.

Sincerely,

Ryan Gallogly

**REPRESENTATIVE**

Paid for by Gallogly for Michigan PO Box 183 Byron Center, MI 49315

Paid for by Gallogly for Michigan PO Box 183 Byron Center, MI 49315



UPHOLD THE CONSTITUTION AS WRITTEN

## CONNECT ON SOCIAL MEDIA

Galloglyformi.nationbuilder.com

@gallogly4MI Twitter

"Gallogly for Michigan" Facebook

gallogly2016@gmail.com

Paid for by Gallogly for Michigan, PO Box 183 Byron Center, MI 49315

is needed.

and am a graduate of  
I studied History and  
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VOTE AUG 2ND!

# GALLOGLY



Paid For By

Gallogly for Michigan

PO Box 183

Byron Center, MI

Prsrt Std  
US Postage  
PAID  
Grand Rapids MI  
Permit 3

gallogly4MI Twitter



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

November 22, 2016

Ryan Gallogly  
1044 Cobblestone Way Drive  
Byron Center, Michigan 49315

Dear Mr. Gallogly:

The Department of State (Department) has completed its investigation of the complaint filed against you by Eric Fouch, 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 certain campaign-related material. This letter concerns the disposition of Mr. Fouch'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. Fouch filed his complaint on July 18, 2016, and you filed a written response on August 2, 2016. Mr. Fouch did not file a rebuttal statement with the Department.

Mr. Fouch alleged that you failed to include a paid-for-by statement on certain campaign material. In support of his complaint, Mr. Fouch provided a copy of a picture of a large banner which stated, "GALLOGLY STATE REPRESENTATIVE [.]". There did not appear to be a paid-for-by statement on the banner.

In your response you admitted that during the design process that the paid-for-by statement had inadvertently been cut off of the banner. However, once the omission was brought to your attention you attached labels with a complete and correct paid-for-by statement and affixed the labels to the banner. You provided copies of pictures of the banner after you received notice that the paid-for-by statement was missing, and it appears that the banner now contains the complete and correct paid-for-by statement.

Ryan Gallogly  
November 22, 2016  
Page 2

The Department takes you at your word regarding the error in design of the banner. However, the evidence tends to show that your original banner failed to contain a paid-for-by statement in violation of the Act, and 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 is satisfied that you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, 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,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Eric Fouch