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

August 7, 2012

Melodie Culverhouse
13613 Log Cabin Road
Three Oaks, Michigan 49128

Dear Ms. Culverhouse:

The Department of State (Department) received a formal complaint filed by Wanda Green 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 these complaints 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.

Section 57 of the MCFA prohibits a public body or an individual acting on its behalf from using or authorizing the use of public resources, including equipment and supplies, 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. Green alleges that you "used or directed to be used Weesaw Township property (copier) for the creation of 2012 primary election campaign posters [.]"

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 your receipt 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. Green, 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.

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

Sincerely,

Lori A. Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Wanda Green

BUREAU OF ELECTIONS
MI DEPT OF STATE
2012 AUG -6 AM 10: 42

Wanda J. Green
361 W. Wagner Rd.
Buchanan, MI 49107
Telephone: 269-695-3505

July 31, 2012

MI Dept. of State
Bureau of Elections
Richard H. Austin Bldg., 1st Floor
430 W. Allegan St.
Lansing, MI 48918

Attention: Lori A. Bourbonais

Per your request, I am enclosing a signed "Campaign Finance Complaint Form". If you will recall, I forwarded a complaint to you several weeks ago that I inadvertently neglected to sign. During a recent phone call, you indicated that you still have the copies of back-up documentation in your possession that I initially sent.

Incidentally, I am also in possession of the original crumpled political signs/posters that were found in the trash receptacle by the copy machine, and can supply them if necessary. I have already sent a copy of them with my previous complaint.

I appreciate your looking into this offense and letting me know your findings. I am troubled that my rights as a candidate seem to have been violated due to Clerk Melodie Culverhouse's wrong actions. I have made every effort to stay within the law, yet she apparently has not. She has not only handed out campaign literature in the Township Hall, but evidence indicates she is also using the township's equipment to further her campaign.

Thank you for your help in this regard.

Sincerely,

Wanda Green

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: Wanda J. Green		Daytime Telephone Number: 269-695-3505
Mailing Address: 361 W. Wagner Rd.		
City: Buchanan	State: MI	Zip: 49107

Section 2. Alleged Violator		
Name: Melodie Culverhouse		
Mailing Address: 13613 Log Cabin Rd.		
City: Three Oaks	State: MI	Zip: 49128

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

Section(s) of the MCFA violated:
MCL 169.257

Explain how those sections were violated:
The alleged violator used or directed to be used Weesaw Township property (copier) for the creation of 2012 Primary election campaign posters (signs) that were later posted in Weesaw Township.

Evidence that supports those allegations (attach copies of pertinent documents and other information):
Four eye-witnesses observed 5 crumpled rough draft version in a township hall waste basket next to the copier. Date of observation: July 10, 2012. The finished poster/sign was posted on California Rd., New Troy (Weesaw Township). See attached photo taken July 13, 2012.

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 Wanda J. Green — Signature of Complainant — July 27, 2012 — 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:

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

Revised 06/03/2011

John Dodds

Witnesses: John Dodds 2048 Kaiser Road, Galien MI 49113 269-545-8801
Jack D. Jones Jack D. Jones 13531 California Rd. New Troy, Mi. 49119 269-426-3918
Gary Sommers Gary Sommers 14800 Cleveland Ave Galien MI 49113 269.422.1432

copy of rough draft of poster

ct

)IE

'LVERHOUSE

saw Township Clerk

'E AUGUST 7. 2012

copy of rough draft of poster.

Re-elect

MELODIE

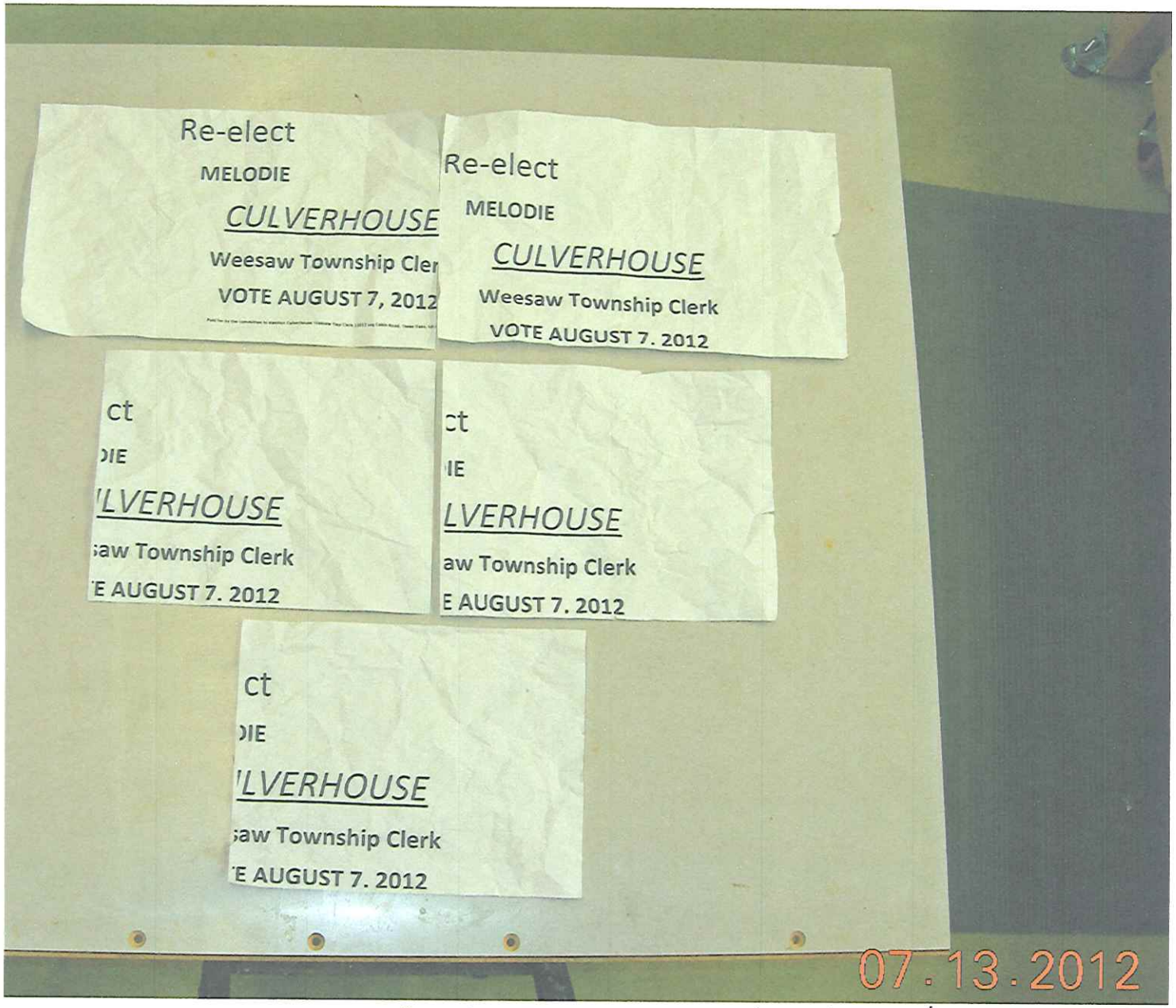
CULVERHOUSE

Weesaw Township Cle

VOTE AUGUST 7, 201

Paid for by the committee to election Culverhouse Weesaw Twp Clerk 13613 Log Cabin Road, Three Oaks, M

Rough drafts & Poster Rough drafts found in trash. Middle sign is poster.



5 Rough drafts found in Weesaw Township Hall wastebasket on July 10, 2012 - next to copier

Closeup of rough draft and poster disclaimers. Note the spelling of "electin" instead of "elect."

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

August 7, 2012

Melodie Culverhouse
13613 Log Cabin Road
Three Oaks, Michigan 49128

Dear Ms. Culverhouse:

The Department of State (Department) received a formal complaint filed by Jack Jones 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 these complaints 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 an individual acting on its behalf to "use or authorize the use of funds . . . office space . . . property . . . 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).

Mr. Jones alleges that you campaigned during business hours on township property. Mr. Jones provided a copy of a campaign flyer that he alleges was given to Jack Hojara by you while you were in your office in Township Hall.

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 your receipt 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. Jones, 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.

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

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jack Jones

Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS
MI DEPT OF STATE

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		Daytime Telephone Number
Jack D. Jones		269-426-3918
Mailing Address		
P.O. Box 335		
City	State	Zip
New Troy	MI	49119

Section 2. Alleged Violator

Name		
Melodie Culverhouse		
Mailing Address		
13613 Log Cabin Rd.		
City	State	Zip
Three Oaks	MI	49128

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

Section(s) of the MCFA violated:
MCL 169.257

Explain how those sections were violated:
The Clerk of the Township (Weesaw Twp) distributed her campaign flyer to Jack Hojara during business hours while in her office in Township Hall. on or about July 16, 2012.

Evidence that supports those allegations (attach copies of pertinent documents and other information):
Attached is a duplicate copy of the flyer.

Witness: Jack Hojara. He will attest to this incident

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 Jack D. Jones WEESAW TWP. TRUSTEE July 30, 2012
Signature of Complainant 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:

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

ELECTION AND RE-ELECTION CANDIDATES FOR WEESAW TOWNSHIP

Knowledge, Commitment & Motivation

Re-elect Irene Oman Supervisor of Weesaw Township

I AM:

A long time resident of Weesaw Township for over 50 years with two children and 9 grandchildren
Treasurer of Trinity Lutheran Church since 2002
Corporate secretary of M&M Die Cast, Inc. since 2000

I AM COMMITTED TO:

Bringing township government and residents together for the "best interests" of all
Finishing projects that have been started long ago and current
Stopping partisanship within the township board and put an end to three on two battles

I WILL:

Support a reasonable Fund Balance Policy for Weesaw Township taking into consideration current state revenue sharing estimates
Continue to work with county and state government to improve the infrastructure, roads, bridges, drainage, etc; of Weesaw Township through possible grant programs
Continue to respect the concerns of the residents on neighborhood as well as township matters and work out a solution that is acceptable to all
Continue to work toward more transparency of financial information to township residents
Continue to attend training sessions and seminars to expand my knowledge of township government and further develop leadership skills
Continue working for the "best interests" of all township residents.

Paid for by Irene Oman for Supervisor Committee 12534 Cleveland Ave., Buchanan, MI. 49107

Re-Elect Melodie Culverhouse Clerk of Weesaw Township

Melodie Culverhouse – Weesaw Twp. Clerk
First of all thank you for allowing me to be the Weesaw Twp. Clerk for the last four years.

Family and Community
Lived in Weesaw Township 13 years. Married Jim Culverhouse 49 years ago, moved to Weesaw Township in 1999 after living in Chikaming Township most of my life.
Berrien County Clerks Association
Currently Secretary
Member of the Berrien County Emergency Mgmt/Disaster Committee
On the Mitigation & Live Animal Evacuation Comm.
Attended the MTA Conference to learn and Interact with other community leaders
Attended all training available to be a better Twp Clerk
Member of the Blossomtime Festival for 33+ years.
Board of Directors 11 years. Volunteer of the year in 1999.

SUPPORTED:
Making the roads safer. Having our own Building Inspector and Code Enforcement .The Weesaw Twp Park
Electronic Poll Book-for all elections

COMMITTED:
As your public servant, I am committed to strong fiscal management, quality services at all township levels, public safety, economic growth and effective communication and cooperation with all units of our government and constituents. My goal, with your help, is to improve the quality of life in Weesaw Township for present and future generations.

Paid for by the Committee to Elect Culverhouse for Clerk 13613 Log Cabin Rd., Three Oaks, MI. 49128

Elect Lonnie Young Treasurer of Weesaw Township

I AM:
A property owner and resident of New Troy for over 20 years. Currently employed as a store manager, District Team Leader and Certified Manager Trainer for a major retail chain. As such, I am fully aware and competent on Excel, Quickbooks and maintaining solid, complete and accurate records of any type required of the position.
I am 47 years old, single and devoted to family and friends.

MY INTERESTS:
A strong desire to find ways to move our township forward, to create policies and procedures with the Board that will benefit all of the residents of the Township. To create a welcoming and friendly environment for visitors to our community.

MY COMMITMENTS:
To maintain open lines of communication with all resident's regarding tax matters and will provide open hours for payment of taxes from the first date until completed and make myself available, as necessary, for collection of taxes.
I will attend any/all classes/seminars to maintain the highest level of correct information for completion of the job as Treasurer of the Township.

Paid for by the Committee to Elect Lonnie Young Weesaw Treasurer P.O. Box 106 New Troy, MI. 49119

Elect Elizabeth Palulis Trustee of Weesaw Township

I have the knowledge, commitment and motivation to be a Trustee for Weesaw Township.

I AM:

A permanent resident of Weesaw Township since 1999. Married to Victor Palulis, 3 children and 6 grandchildren.
Currently the President of River Valley Garden Club
Former Board President of Regional Chapter of Big Brothers and Big Sisters
A school librarian with 18 yrs. experience
Former president and owner of a successful wholesale book business for 11 years.

I WILL:

Listen to all residents and work to improve the qualities of their lives
Communicate with all members of the Board and end partisanship
Continue to work to improve the infrastructure of our township
Be informed of all matters of the Township
Increase the positive image of our Township
Support of a Fund Balance Policy.
Be fiscally responsible with all residents in mind.

Paid for by the Committee to Elect Elizabeth Palulis for Trustee. 13722 Pardee Rd., Buchanan, MI. 49107

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

August 23, 2012

Wanda J. Green
361 West Wagner Road
Buchanan, Michigan 49107

Jack D. Jones
P.O. Box 335
New Troy, Michigan 49119

Dear Ms. Green and Mr. Jones:

The Department of State received a single response to the complaints you each filed against Melodie Culverhouse, which concern alleged violations 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. You may each file a separate rebuttal statement or file one rebuttal statement signed by both of you.

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Craig Rochau

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 AUG 27 PM 3:14

CRAIG A. ROCHAU
Attorney at Law
612 Main Street, P.O. Box 126
Saint Joseph, Michigan 49085

Telephone: (269) 982-0500 Facsimile: (269) 982-0503

August 21, 2012

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Bldg., 1st Floor
430 W. Allegan Street
Lansing, MI 48918

Dear Ms. Bourbonais:

I represent Melodie Culverhouse in connection with two letters sent by you August 7, 2012 and received by Melodie Culverhouse on August 10, 2012.

Under the circumstances of both of the alleged violations, it is my client's position that she did not violate state law in that she did not campaign within the Weesaw Township Hall in that all she did was distribute a flyer for both herself and her opponent.

Further, although she did use the Township copier for a campaign poster experiment, she paid petty cash for this personal use and did not use the copier for the creation of 2012 primary election campaign posters; rather these were created for her by private firm.

Certainly it must be concluded that even if a technical violation exists, it is the fact that the violations as alleged by Wanda Green and Jack Jones are, at best, unknowing technical violations which have been presented to the Bureau of Elections in a deliberately out of context manner.

Very truly yours,

Craig A. Rochau

CAR:bjk

cc: Melodie Culverhouse

August 21, 2012

Response to letter dated August 7, 2012 re: "Creation of 2012 Primary Election Campaign Posters (signs) that were later posted in Weesaw Township"

On July 9, 2012, I used the copier at Weesaw Township Hall for a personal use. It has been the policy that personal use may be made so long as paid for. I used the copier's "enlargement function" for five copies to determine whether or not it might be possible to enlarge a campaign sign by use of a copier.

This was unsuccessful. I paid $2.50 into petty cash (petty cash receipt attached), and threw the five copies into the trash. No copies were made for display or any other purpose on the Township copier.

Three signs which were posted were made by me and included the American Flag in each corner and the balance of signs for use, display and posting were made for me by Signs Plus (copy of receipt attached).

Dated: August 21, 2012

Melodie Culverhouse

STATE OF MICHIGAN)
) SS.
COUNTY OF BERRIEN)

The foregoing instrument was acknowledged before me this 21 day of August, 2012, by Melodie Culverhouse.

Betty Jane Knoll, Notary Public
Berrien County, Michigan
My Commission Expires: 04-24-18
Acting in Berrien County

PETTY CASH

NUMBER

DATE 7/9/12

DESCRIPTION OF ITEM PAID OR PURCHASED	AMOUNT	
5 Copies @ .50	2	50
CHARGE TO ACCOUNT TOTAL	2	50

Received By MRC Approved By MRC

SIGNSPLUS

SALES RECEIPT

SIGNSPLUS
Signs The Way You Like It!

1331 M 139
Benton Harbor, MI 49022
269 925-6558
signsplus1@comcast.net

RECEIPT NO. 1046
DATE July 13, 2012

SOLD TO MELODIE
CULVERHOUSE

269 426-3857

PAYMENT METHOD	CHECK NO.	JOB

QTY		DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
10.00		yard signs	$ 7.00		$ 70.00
12.00		step steaks	1.00		$ 12.00
			TOTAL DISCOUNT		
				SUBTOTAL	$ 82.00
				SALES TAX	6%
				TOTAL	$ 86.92

Bal $-0-
PAID IN FULL

August 21, 2012

Response to letter dated August 7, 2012 re: "Campaigning at Township Hall on or about July 16, 2012".

Jack Hojara, Weesaw Township Fire Chief, came into my office for a chat. (The fire department is in part of th Weesaw Township building). After a couple of minutes of casual conversation (non-campaign related), he asked me how the campaign was going. I said "Have you ever seen a copy of my opponent's flyer? He said, "no,". I said, "Would you like to see it?" He said "yes" and gave him a copy of the flyer for both the slate of candidates I was running with and a copy of the "flyer" that my opponent Wanda Green was running with..

There was no further conversation and Jack Hojara left my office. I never spoke to Jack Hojara about my candidacy on Township property.. I did not consider that handing out flyers for all candidates constituted "campaigning".

Dated: August 21, 2012

Melodie Culverhouse

STATE OF MICHIGAN)
) SS.
COUNTY OF BERRIEN)

The foregoing instrument was acknowledged before me this 21 day of August, 2012, by Melodie Culverhouse.

Betty Jane Knoll, Notary Public
Berrien County, Michigan
My Commission Expires:04-24-18
Acting in Berrien County

August 21, 2012

I have reviewed the "Response to letter dated August 7, 2012" re: Campaigning at Township Hall" signed by Melodie Culverhouse, copy of which is attached to this, my statement.

I hereby affirm that the facts as stated in said response are true and factual.

In addition, it should be noted that Wanda Green, Melodie Culverhouse opponent, found out about the distribution of flyers for both the Melodie Culverhouse and Wanda Green slate of candidates from me. I told her at the time that Melodie Culverhouse had given me both sets of flyers. .

I never had any conversations with Jack Jones with regard to the subject matter of the Complaint made against Melodie Culverhouse.

If anyone wishes to contact me, my telephone number is: (269) 929-2774.

Dated: August 21, 2012

Jack Hojara

STATE OF MICHIGAN)
) SS.
COUNTY OF BERRIEN)

The foregoing instrument was acknowledged before me this 21st day of August, 2012, by Jack Hojara. .

Theresa Marie Priest
Notary Public
Berrien County, Michigan
My Commission Expires: 5/7/2018
Acting in Berrien County

CRAIG A. ROCHAU
Attorney at Law
612 Main Street, P.O. Box 126
Saint Joseph, Michigan 49085

Telephone: (269) 982-0500

Facsimile: (269) 982-0503

FACSIMILE TRANSACTION

Date: August 21, 2012

To: Lori A Bourbonais
Bureau of Elections
Michigan Dept of State

Fax No.: (517) 373-0941

Phone No.:

From: Craig A. Rochau

No. of Pages: ____ (Including Cover Page)

Re: Melodie Culverhouse

I represent , Melodie Culverhouse, and attached is letters for your review. These documents are also being sent by First Class Mail.

Confidentiality Notice

The documents accompanying this facsimile transmission may contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed above and we will arrange for return of the original documents to us. Thank You

CRAIG A. ROCHAU
Attorney at Law
612 Main Street, P.O. Box 126
Saint Joseph, Michigan 49085

Telephone: (269) 982-0500

Facsimile: (269) 982-0503

August 21, 2012

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Bldg., 1st Floor
430 W. Allegan Street
Lansing, MI 48918

Dear Ms. Bourbonais:

I represent Melodie Culverhouse in connection with two letters sent by you August 7, 2012 and received by Melodie Culverhouse on August 10, 2012.

Under the circumstances of both of the alleged violations, it is my client's position that she did not violate state law in that she did not campaign within the Weesaw Township Hall in that all she did was distribute a flyer for both herself and her opponent.

Further, although she did use the Township copier for a campaign poster experiment, she paid petty cash for this personal use and did not use the copier for the creation of 2012 primary election campaign posters; rather these were created for her by private firm.

Certainly it must be concluded that even if a technical violation exists, it is the fact that the violations as alleged by Wanda Green and Jack Jones are, at best, unknowing technical violations which have been presented to the Bureau of Elections in a deliberately out of context manner.

Very truly yours,

Craig A. Rochau

CAR:bjlc

cc: Melodie Culverhouse

August 21, 2012

Response to letter dated August 7, 2012 re: "Creation of 2012 Primary Election Campaign Posters (signs) that were later posted in Weesaw Township"

On July 9, 2012, I used the copier at Weesaw Township Hall for a personal use. It has been the policy that personal use may be made so long as paid for. I used the copier's "enlargement function" for five copies to determine whether or not it might be possible to enlarge a campaign sign by use of a copier.

This was unsuccessful. I paid $2.50 into petty cash (petty cash receipt attached), and threw the five copies into the trash. No copies were made for display or any other purpose on the Township copier.

Three signs which were posted were made by me and included the American Flag in each corner and the balance of signs for use, display and posting were made for me by Signs Plus (copy of receipt attached).

Dated: August 21, 2012

Melodie Culverhouse

STATE OF MICHIGAN)
) SS.
COUNTY OF BERRIEN)

The foregoing instrument was acknowledged before me this 21 day of August, 2012, by Melodie Culverhouse.

Betty Jane Knoll, Notary Public
Berrien County, Michigan
My Commission Expires: 04-24-18
Acting in Berrien County

PETTY CASH

NUMBER

DATE 7/9/12

DESCRIPTION OF ITEM/SERVICE PURCHASED	AMOUNT
5 @ 0.50	2 50
CHARGE TO ACCOUNT TOTAL	2 50

Received By HRC Approved By HRC

SIGNSPLUS

SALES RECEIPT

SIGNSPLUS
Signs The Way You Like It!

1331 M 139
Benton Harbor, MI 49022
269 925-6558
signsplus1@comcast.net

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DATE July 13, 2012

SOLD TO MELODIE
CULVERHOUSE

269 426-3857

PAYMENT METHOD	CHECK NO.	JOB

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12.00		step steaks	1.00		$ 12.00
			TOTAL DISCOUNT		
				SUBTOTAL	$ 82.00
				SALES TAX	6%
				TOTAL	$ 86.92

Bal $-0+

Paid In Full

THANK YOU FOR YOUR BUSINESS!

August 21, 2012

Response to letter dated August 7, 2012 re: "Campaigning at Township Hall on or about July 16, 2012".

Jack Hojara, Weesaw Township Fire Chief, came into my office for a chat. (The fire department is in part of th Weesaw Township building). After a couple of minutes of casual conversation (non-campaign related), he asked me how the campaign was going. I said "Have you ever seen a copy of my opponent's flyer? He said, "no,". I said, "Would you like to see it?" He said "yes" and gave him a copy of the flyer for both the slate of candidates I was running with and a copy of the "flyer" that my opponent Wanda Green was running with..

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Dated: August 21, 2012

Melodie Culverhouse

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) SS.
COUNTY OF BERRIEN)

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Berrien County, Michigan
My Commission Expires:04-24-18
Acting in Berrien County

August 21, 2012

I have reviewed the "Response to letter dated August 7, 2012" re: Campaigning at Township Hall" signed by Melodie Culverhouse, copy of which is attached to this, my statement.

I hereby affirm that the facts as stated in said response are true and factual.

In addition, it should be noted that Wanda Green, Melodie Culverhouse opponent, found out about the distribution of flyers for both the Melodie Culverhouse and Wanda Green slate of candidates from me. I told her at the time that Melodie Culverhouse had given me both sets of flyers. .

I never had any conversations with Jack Jones with regard to the subject matter of the Complaint made against Melodie Culverhouse.

If anyone wishes to contact me, my telephone number is: (269) 929-2774.

Dated: August 21, 2012

Jack Hojara

STATE OF MICHIGAN)
) SS.
COUNTY OF BERRIEN)

The foregoing instrument was acknowledged before me this 21st day of August, 2012, by Jack Hojara. .

Theresa Marie Priest
Notary Public
Berrien County, Michigan
My Commission Expires: 5/7/2018
Acting in Berrien County

Received Time Aug. 22. 2012 12:54PM No. 5632

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

September 12, 2012

Craig Rochau
612 Main Street
P.O. Box 126
Saint Joseph, Michigan 49085

Dear Mr. Rochau:

This letter concerns the complaints that were recently filed against Melodie Culverhouse by Jack Jones and Wanda Green, which relate to purported violations of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a single rebuttal statement from the complainants, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Jones' and Ms. Green's complaints remain under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaints.

Sincerely,

Lori A Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jack Jones
Wanda Green

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 SEP -6 PM 4:11

August 29, 2012

Michigan Dept. of State
Bureau of Elections
Richard H. Austin Bldg., 1st Floor
430 W. Allegan St.
Lansing, MI 48918

Attention: Lori A. Bourbonais

This is written in response to your August 23, 2012, letter which pertained to two (2) complaints filed by Jack Jones and Wanda Green regarding violations of the Michigan Campaign Finance Act. Following is our rebuttal of Melodie Culverhouse's response to these violations. We are supplying the information in one statement, as you stated we might do.

Violation 1: Violation of MCL 169-257 (Using Township Property for Creation of 2012 Primary Election Campaign Posters)

1. Exhibit 1: This photo shows three (3) posters, 2 of which were found in the trash in Weesaw Township Hall, and the third (middle one) was posted on the corner of California Rd. and Pine St., downtown New Troy (Weesaw Township) for a number of days, at which time it was replaced by a professionally prepared sign that appeared to have been purchased from a sign company. The middle poster in this photo was the same poster as the copies found in the trash, except Mrs. Culverhouse had applied flag stickers in the corners, and covered it with a clear covering to protect it from the elements.
2. Exhibit 2: The five (5) signs are a composite photo of all posters that were pulled out of the trash receptacle next to the copy machine in the Township Hall.
3. Exhibit 3: This photo is an enlarged copy of the bottom portions from both the posted sign and one of the trash signs, pointing out the inaccurate verbiage (the campaign clause reads ". . . committee to ***election*** . . . " and should have read ". . . committee to ***elect*** . . ." [my italics]) on both the sign posted in the Township and the one pulled out of the trash.

We believe that this evidence presented to the State is sufficient to prove the violation. The photocopy sign posted in Weesaw Township (see Exhibit 1) stood for several days before it was replaced on July 13, 2012, by a professionally made sign, the same day the dated Exhibit 1 photograph was taken. This photocopy sign clearly violates the prohibition against the use of Weesaw Township property and equipment for personal gain. As the Township Clerk for a 4-year term of office, and having attended many training sessions and workshops on election procedures, paid for by the Township, she should have been well aware of this fact. You might also note that the $2.50 paid receipt for five copies was inaccurate, as there were at least seven (7) copies of posters printed, not five (5) as indicated, and also that the receipt was both issued and signed by Melodie Culverhouse. In addition to Exhibit 1 posted at the corner of California and Vine and the five (5) trashed posters, another sign was posted on California Road near the Sawyer crossroad for at least one day, as it was seen by Wanda on two occasions that day, but was removed by the following day.

Violation 2: Violation of MCL 169-257 (Distributing Campaign Materials while in the Township Hall)

The following information was orally conveyed by Jack Hojara (Weesaw Township Fire Chief) to both Jack Jones and Wanda Green: Jack Hojara was given campaign literature by Clerk Melodie Culverhouse while

she was in her office in the Township Hall. He was asked by Mrs. Culverhouse if he had seen her group's campaign literature, and he stated that he had not. She proceeded to take the literature from her file cabinet drawer and gave it to him. He reported that, after a moment, it appeared that she thought better of what she had done. She then said to him that here's the other candidates' literature also, and handed that packet to him as well. The other candidates, of whom we were two, had neither given her any literature nor had we requested that she supply it to others – certainly not while on Township property. Note that she was a candidate on an opposing slate. In any event, campaign materials should not have been in her Township file cabinet, regardless of whether or not she supplied both sets of campaign literature to Mr. Hojara.

Regarding the discrepancy between Hojara's account of this incident to us and his signed statement: He may not have carefully read the statement he signed, which was a statement prepared by Mrs. Culverhouse for his signature and presented to him in the Notary Public's office. He has related to us that she had prepared an earlier statement, and that its content was inaccurate. He refused to sign it because she had written that she had given the literature to him in the Weesaw Township Fire Station. He reminded her of the actual circumstances of the literature exchange, and she consequently rewrote the letter and came back with this version at a later date. Just speculation, but perhaps, since he had told her the circumstances that had transpired, he felt the verbiage would be accurate and did not thoroughly read this version. We affirm that Hojara told both of us (Jack Jones and Wanda Green) about his being given the campaign literature by Mrs. Culverhouse in the Township Hall in the manner described above. He also stated that he would testify to this if asked about it, and was later told that Jack Jones was going to file a violation complaint. He affirmed that he would tell the truth about the whole event.

We might add that, in our opinion, Attorney Craig Rochau's final paragraph is both inflammatory and inaccurate, and we wholeheartedly disagree with this egregious statement.

We hope this rebuttal supplies all the information you require.

Should you desire further information, please feel free to contact Wanda at wanda.green_412@yahoo.com or (269) 695-3505 or Jack at (269) 426-3918. Thank you for your response.

Sincerely,

Jack D. Jones

Jack Jones
P.O. Box 335
New Troy, MI 49119

Wanda J. Green

Wanda Green
361 W. Wagner Rd.
Buchanan, MI 49107

Enclosures: 3

copy from trash
sign w/stickers posted corner fine & Calif, New Troy Weesaw Township
copy from trash
Re-elect
MELODIE
CULVERHOUSE
Weesaw Township Clerk
VOTE AUGUST 7. 2012
Re-elect
MELODIE
CULVERHOUSE
Weesaw Township Clerk
VOTE AUGUST 7, 2012
Re-elect
MELODIE
CULVERHOUSE
Weesaw Township Cler
VOTE AUGUST 7, 2012
ELECT
★07★13.2012★

Exhibit 1

5 copies taken from trash

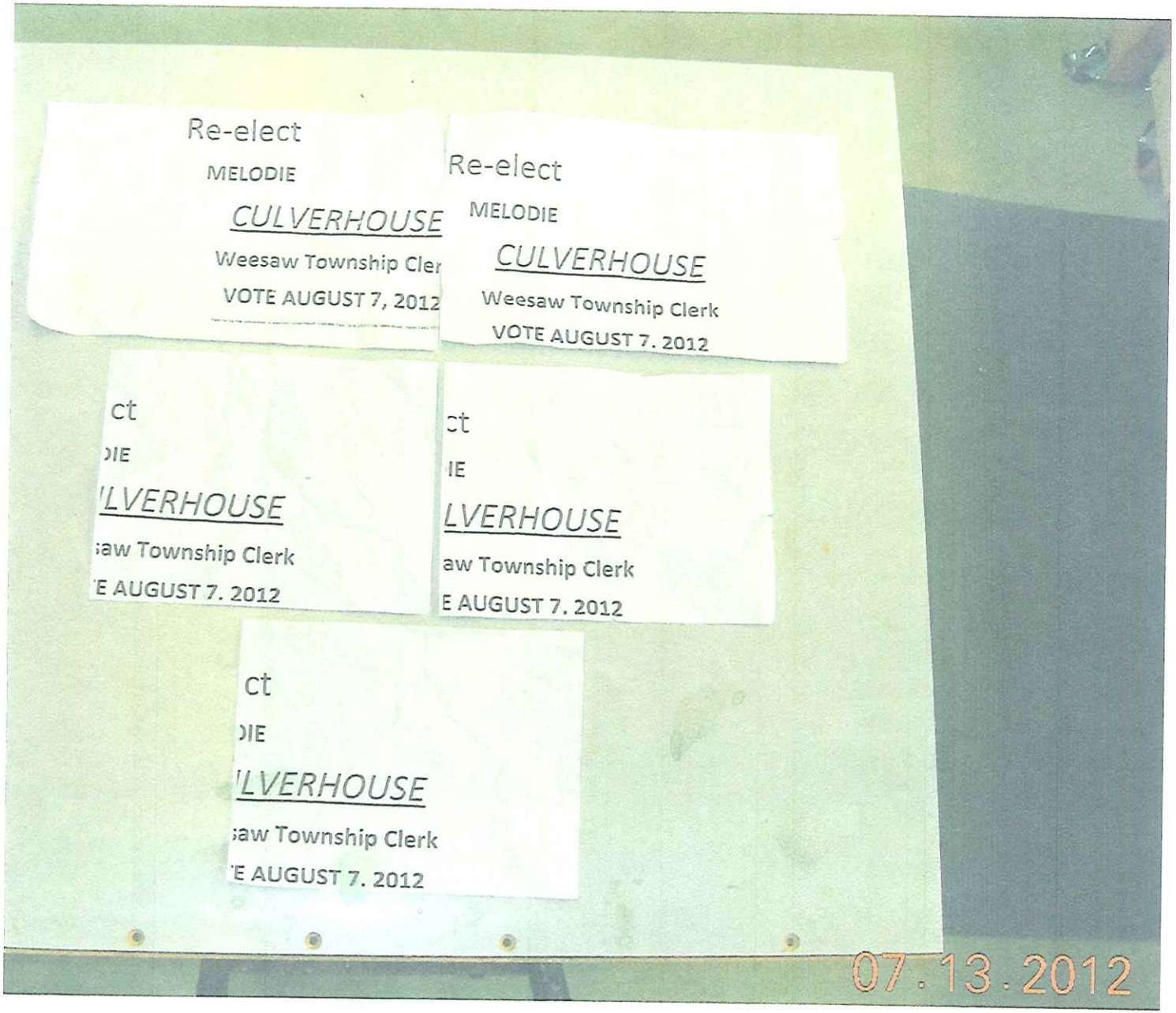

Exhibit 2

Enlarged verbiage of campaign disclosure

E AUGUST 7, 2012

Weesaw

VOTE A

to election Calverhouse Weesaw Twp Clerk 13613 Log Cabin Road, Three Oaks, MI

Paid for by the committee to election

trash sign

posted sign

Exhibit 3

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

December 4, 2012

Craig Rochau
612 Main Street
P.O. Box 126
Saint Joseph, Michigan 49085

Dear Mr. Rochau:

The Department of State (Department) has completed its investigation of complaints filed against your client, Melodie Culverhouse, by Wanda Green and Jack Jones, which alleged that Ms. Culverhouse violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq*. The Department has carefully considered all of the written statements and documentary evidence provided by the parties in this matter and issues this warning letter in resolution of both complaints.

It is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the nomination or election of a candidate. MCL 169.204(1), 169.206(1). A person who knowingly violates this provision may be charged with a misdemeanor offense. MCL 169.257(3).

The definition of expenditure 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 nomination or election of a candidate [.]" MCL 169.206(1).

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. Jones's complaint was filed on August 3, 2012. Ms. Green's complaint was filed on August 6, 2012. You filed a single answer on behalf of Ms. Culverhouse to both complaints on August 27, 2012, and the complainants filed a single rebuttal statement on September 6, 2012.

Ms. Green alleged that your client "used or directed to be used Weesaw Township property (copier) for the creation of 2012 primary election campaign posters [.]" Mr. Jones alleged that your client campaigned during business hours on township property. Mr. Jones provided a copy

of a campaign flyer that he alleged was given to Jack Hojara by Ms. Culverhouse while she was in her office in the township hall.

In response, you filed a statement from Ms. Culverhouse in which she admits to using the township copier "to determine whether or not it might be possible to enlarge a campaign sign by use of copier." You also provided a receipt to show that Ms. Culverhouse reimbursed the township petty cash fund $2.50, which was paid at the normal reimbursement rate for personal use of the township copier. Additionally, Ms. Culverhouse stated that she posted three homemade signs, none of which were produced on the township copier, and had 10 signs produced by SignsPlus. You provided a sales receipt from SignsPlus with Ms. Culverhouse's statement. Ms. Culverhouse's statement also provided that Ms. Culverhouse gave Mr. Hojara a flyer for "both the slate of candidates [she] was running with and a copy of the 'flyer' that [her] opponent Wanda Green was running with." Lastly, you provided a notarized signed statement from Jack Hojara attesting that Ms. Culverhouse's response regarding her conversation with Mr. Hojara was "true and factual" and that Ms. Culverhouse gave him literature for "both the Melodie Culverhouse and Wanda Green slate of candidates [.]"

In their joint rebuttal statement, Ms. Green and Mr. Jones provided a picture of one of the homemade signs used by Ms. Culverhouse and noted that the displayed sign contained the same "inaccurate verbiage" as the copies "pulled out of the trash" at the township hall. They also alleged that Mr. Hojara's oral account to them regarding what took place at the township hall with respect to the flyers was inconsistent with Ms. Culverhouse's statement and Mr. Hojara's own signed statement that you provided.

After reviewing all of the evidence submitted, the Department believes that the evidence tends to show that Ms. Culverhouse used the township property to further her candidacy by using the copier to attempt to enlarge her homemade campaign signs. 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 does not believe that Ms. Culverhouse displayed any signs that were made by the copier, but does believe that the evidence tends to show that her use of the copier to experiment with the size of the signs was a technical violation of the MCFA. The Department is, however, satisfied that Ms. Culverhouse's reimbursement to the township for the copies was an appropriate corrective measure. It is the same measure that would have been sought by the Department through a conciliation agreement.

However, please note that the Department is advising your client that it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). Additionally, this notice has served to remind Ms. Culverhouse of this provision of the Act 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 169.257(3).

Finally, the Department believes that Mr. Hojara's notarized written statement adequately answers the allegation contained in Mr. Jones's complaint.

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

Sincerely,

Lori A. Bourbonais

Lori A. Bourbonais
Bureau of Elections
Michigan Secretary of State

c: Wanda Green
Jack Jones