



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

February 16, 2016

Nicolas Proctor
416 Madison
Howell, Michigan 48843

Dear Mr. Proctor:

The Department of State (Department) received a formal complaint filed by Douglas Heins 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 signs. 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. Heins provided pictures of a sign which states, "VOTE Nick Proctor for Howell Mayor [.]". The paid-for-by statement on the sign appears to be incomplete.


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. Heins, 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.

Nicolas Proctor
February 16, 2016
Page 2

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: Douglas Heins

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 Douglas Heins | Daytime Telephone Number 517-672-6564 | |
| Mailing Address 212 Prospect | | |
| City Howell | State MI | Zip 48843 |

| Section 2. Alleged Violator | | |
|---------------------------------------|--------------------|---------------------|
| Name Nicolas Proctor | | |
| Mailing Address 416 Madison | | |
| City Howell | State MI | Zip 48843 |

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

Section(s) of the MCFA violated: **169.247 Section 47 Printed matter or radio or television paid advertisement having reference to election, candidate**

Explain how those sections were violated:

Candidate Proctor posted yard signs that stated "Paid for by candidate" instead of indicating proper committee name and address.

Candidate was verbally informed before the election at a city council meeting his signs were not in compliance with election rules

and should be taken down. Candidate then knowingly allowed his illegal signs to remain posted for until after the election

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

Photographs of various yard signs though out city that show candidate Proctor

did not properly and legal comply with Michigan election laws

RECEIVED/FILED
 MICHIGAN DEPT. OF STATE
 2016 FEB -8 PM 2:11
 OFFICE OF THE GREAT SEAL

Section 3. Alleged Violations

This is the second election cycle for candidate Proctor. As duly elected lawmaker and a person that votes for legislation that includes fines and penalties for noncompliance with city laws, he clearly knows from his previous election to city council the correct election rules and as now as an elected lawmaker should be held accountable for not following the election rules and law.

This is not an innocent error. This coupled with the fact that candidate Proctor was told by this complainant many days before the election that his signs were in violation, but Proctor chose to allow them to remain up during the election knowingly demonstrates the candidate did not believe he had to comply with the sprit or intent of law.

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

Douglas Heins
Signature of Complainant

2-1-2016
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:

X

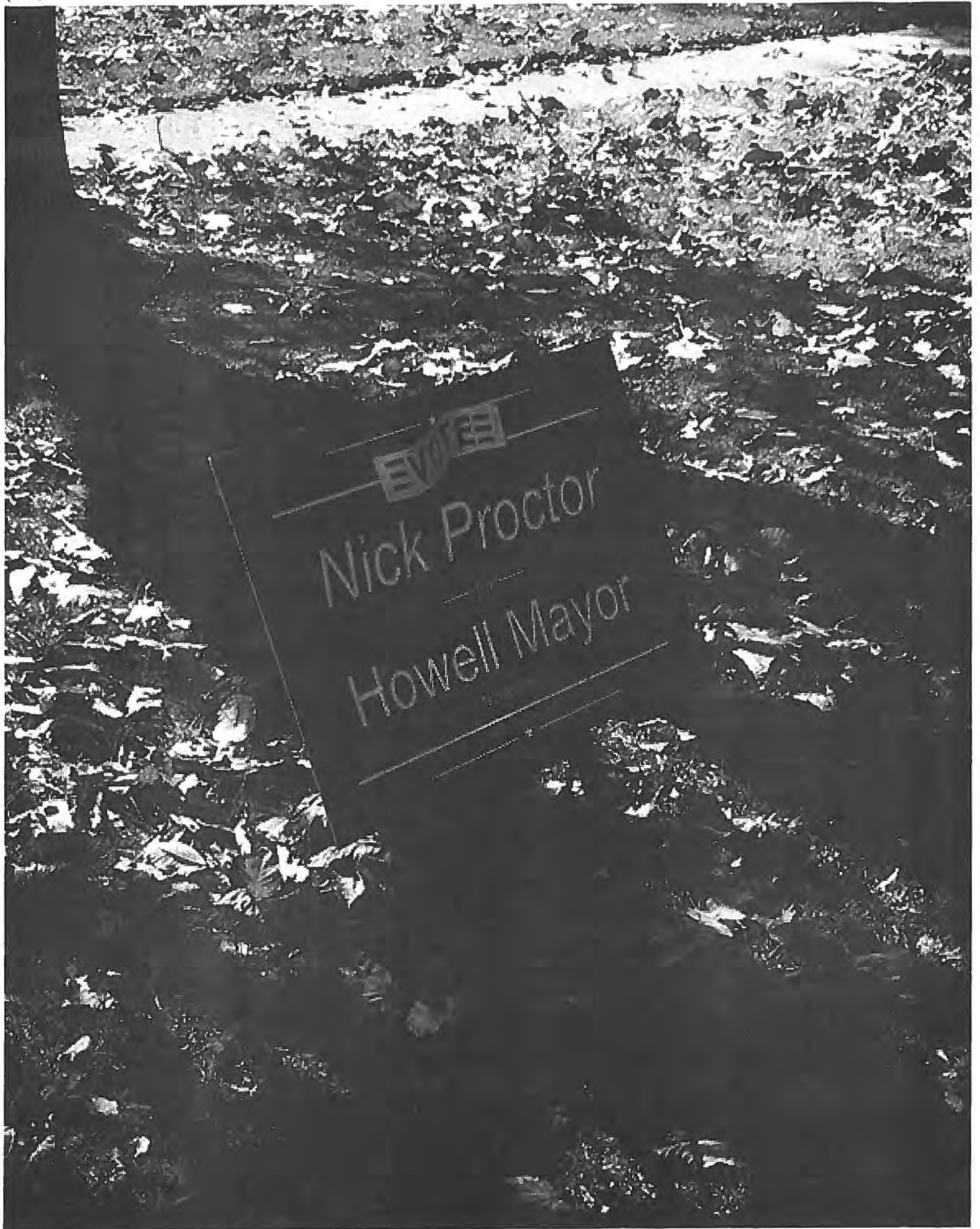
Signature of Complainant

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



EVIDENCE
Nick Proctor
Howell Mayor

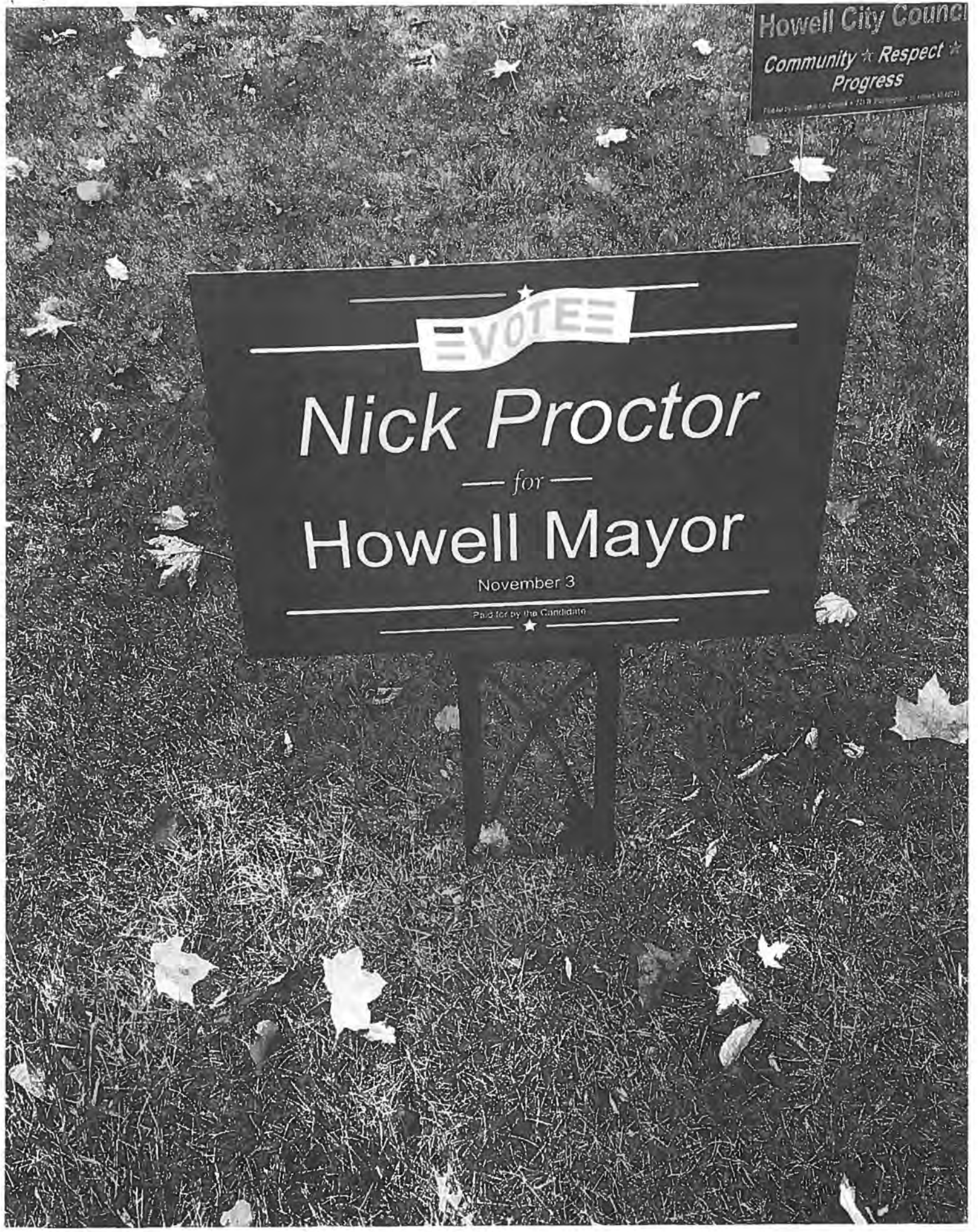
Howell City Council
Community ☆ Respect ☆
Progress

EVOTE

Nick Proctor
— for —
Howell Mayor

November 3

Paid for by the Candidate



★
EVOTE!

Nick Proctor

— *for* —

Howell Mayor

November 3

Paid for by the Candidate





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

March 2, 2016

Douglas Heins
212 Prospect
Howell, Michigan 48843

Dear Mr. Heins:

The Department of State received a response to the complaint you filed against Nicolas Proctor, 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: Nicolas Proctor

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2016 MAR -1 AM 9: 26

February 23, 2016 ELECTIONS/GREAT SEAL

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

Reference: Your letter dated February 16, 2016

Ms. Bourbonais:

Thank you for your correspondence allowing me to respond to allegations that I failed to fully comply with elements of Michigan election law. Running unopposed and in an attempt to keep my costs to a minimum, my initial focus was to have a single mailing of postcards to voters. However, a last minute addition of about forty (40) yard signs was included. In my haste, I neglected to include my home address under the "paid for by candidate" phrase. The postcards, however, were in full compliance and copies are included for your review.

Unfortunately, I didn't notice the oversight when providing the yard sign to those residents and business asking to have one. In late September and while at the Livingston County Courthouse complying with election finance reporting, the elections official brought the oversight to my attention. She believed that since I was running unopposed, the violation would not impact voter intent or place an opponent at an electoral disadvantage. Nonetheless, it was a violation and I ceased placing any additional yard signs.

From my recollection, there were ten (10) residents and five (5) businesses that had yard signs in place. To remedy my oversight and at the suggestion of the county elections official, I placed address labels below the "paid for by candidate" phrase. This worked well for those at indoor business locations. In candor, however, the address label faded on those signs outdoors – and after replacing the faded labels once, I gave up on the effort once the second one faded.

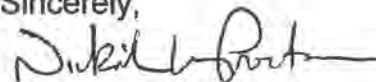
The complainant's assertion that he personally told me of the violation well in advance of the election is inaccurate. After our city council meeting of October 26, 2015, the complainant informed me in anger that my yard signs were in violation of election law – only one week from election day. He apparently decided to overlook my

remediation efforts or bring it to my attention much earlier. His anger, no doubt, stemmed from a heated council meeting where he was confronted directly over his campaign literature – literature taped to residences and placed in mailboxes without appropriate attribution - alleging corruption. The assertions were confronted directly and evidence was requested supporting these claims. Evidence was to be recorded in the meeting minutes and turned over to the Livingston County District Attorney. No evidence was provided tacitly revealing the fallacious, slanderous and libelous intent of the complainant's literature. Unfortunately, this wasn't the first time where outlandish and false claims by the complainant had to be confronted during Council meetings. Frankly, our residents are weary of this type behavior. The minutes of this meeting can be found on the City of Howell's website.

I view this complaint, albeit with some validity, nothing short of vindictive retribution for confronting outrageous behavior. And in a note of hypocrisy, the complainant's large campaign signs neglected any statement on who funded them and was absent any address (photographic evidence). Nonetheless, this does not obviate the fact that my yard signs didn't have an address, as my postcards did, and my remediation efforts met with mixed results. The absence of the address on the yard signs was a simple oversight – not an attempt to circumvent election law or to impact the electorate.

Thank you, again, for this opportunity to respond – along with some "color commentary." I can provide assurances that, should I decide to ask the voters of Howell for another two-year term, all campaign literature and signs will be in full compliance.

Sincerely,



Nickolas W. Proctor
416 Madison
Howell, MI 48843

Enclosure: Campaign Postcard

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAR -1 AM 9:26
ELECTIONS/GREAT SEAL



EVOTE

★
vote

— for —

Howell Mayor

★

- Elected to City Council in 2013
- Extensive Public and Private Sector Management Experience
- Masters Degree in Public Service Management
- U.S. Army Veteran
- Family History in Howell since 1850

★

*A Common Sense Approach to
Manage Howell's Future*

Ballot by the Candidate, 116 Madison, Howell, MI 48813

Nick Proctor

★

*A Common Sense Approach
to Manage Howell's Future*

It was a short two years ago when I asked for your support in electing a new voice to Howell's City Council. With resignations earlier this year of both our mayor and mayor pro-tem, I now ask for your support to continue efforts to stabilize our city's political structure and continue efforts to chart our strategic direction. To do so, I intend to use our newly adopted "master plan" as a template for both our budget and performance assessment process. To augment my personal availability to all residents, I plan to implement a "town hall" process to discuss issues of concern.

As such, I'm asking for your support for a full two year term as your mayor. In addition, your input is needed on two important educational initiatives also on the ballot this year. Thanks - Nick



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

March 15, 2016

Nickolas Proctor
416 Madison
Howell, Michigan 48843

Dear Mr. Proctor:

This letter concerns the complaint that was recently filed against you by Douglas Heins, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, 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 45 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. Heins' complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Douglas Heins

Ms. Lorí A. Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Building – 1st floor
430 W. Allegan
Lansing MI 48918

March 8, 2016

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAR 14 PM 3:32
ELECTIONS/GREAT SEALS

Ms. Bourbonais,

I find Mr. Proctor response to my complaint disingenuous and stretches credibility.

Mr. Proctor did acknowledge his non-compliance with election law requirements.

Mr. Proctor did acknowledged a failure of his 'alleged" corrective action to update his yard signs.

Mr. Proctor did not identify any campaign expenditure for "correction" stickers for the yard signs. (Copy of final election expense filing attached)

Mr. Proctor has not provided any physical evidence that the inaccurate yard signs were ever corrected other than his written statement.

According to Proctor's response; when he updated his Statement of Organization on September 21st, 2015, he was notified by the County Clerk of the failure to properly identify his signs and postcards with the correct "paid for" statements to comply with election law requirements.

It stretches believability, which after his notification in September, Mr. Proctor states his yard signs were stickered twice but the stickers weathered off. One would think that if the original attempt to correct the problem failed, a more durable method would be applied on his second attempt. One may venture that rather than actually remedy the problems with new or updated signs, Mr. Proctor rolled the dice and likely believed a complaint would not be filed as he was running unopposed. As he stated in his letter, if it's not a contested race, it doesn't really matter that much, so will a precedent established that one can look that other way in uncontested elections with incomplete compliance with election laws and regulations?

I have enclosed three photos (with photo log dates) taken a various locations in Howell on October 24th, 25th, and 29th, about one week before the election. Not a single sign shows any ANY evidence of stickers placed on the "Paid For" section. If the signs had the faded stickers from the initial attempt to correct it was not evident. There is no adhesive residue present as can be seen in the photos.

Not the first time, not a second time. **Nor, during my door to door campaign, did I ever observe even a single one of any of Proctors' yard signs with the corrections.**

What are the odds that every one of Mr. Proctor outdoor signs had ALL the corrective stickers' weather off without any evidence they had been updated?

There is no photographic or financial evidence at all the Mr. Proctor made the alleged attempt to correct the violation even though Mr. Proctor had WEEKS to remedy the violation.

Rather than remedy the failure of his "stickers" to correct the problem with the mismarked signs by removing them or replace them with new signs, he mostly likely knowingly and willing kept them posted through the election in public view.

I find his response to the complaint disingenuous, his failure to comply and remedy the violation after weeks of notice is not an innocent error, but a mockery to the election law process.

Sincerely,

Douglas Heins

Douglas Heins

September

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

1. Name of Committee (must include Candidate's first and last name): **PROCTOR**

2. Type of Filing: Original Amendment to Items: **#10**

Eff. Date: **9/21/15**

Candidate Full Name: Last Name **PROCTOR** First Name **MARK**

3. Political Party (if applicable): _____ *4c. County of Residence: **DEPUTY COUNTY CLERK**

4. Office Sought: _____ *4e. District/Circuit # or Jurisdiction: **HOWELL, MI 48843**

5. Date Committee was Formed: _____

6a. Committee Phone: _____ 6b. Committee Fax #: **1130 p.m.**

6c. Committee Email Address: _____ 6d. Committee Website Address: _____

7a. Complete Committee Mailing Address (May be PO Box): _____

7b. Complete Committee Street Address (May not be PO Box): _____

8. Treasurer Name and Complete Address: _____

Phone #: _____ Email Address: _____

9. Designated Record Keeper Name and Complete Address: _____

Phone #: _____ Email Address: _____

10. REPORTING WAIVER REQUEST:

YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post 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.

NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post 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 Committee Manual.

11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received.

*Official Depository (name and address): _____

Secondary Depository (name and address): _____

12. This item applies only to Gubernatorial Candidate Committees: Check if this committee intends to seek qualifying contributions or make qualifying expenditures.

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 Candidate Committees that file with the County Clerk's office.

Committee spent or received or expects to spend or receive in excess of \$20,000 and is required to file electronically.

Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee 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, 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. (Sign Name and Date)

*Candidate: **[Signature]** Date: **9/21/15** *Current Treasurer _____ Date: _____

Designated Record Keeper (Required only if filing electronically) _____ Date: _____

4-2 or less AND receive or spend in excess of \$1,000 in an election takes place, an Amendment must be filed after the change.
The clerk of the county where the election is held is required to file the original and a copy of the statement of organization with the county clerk of the county where the election is held.

October

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

FILED
OCT 19 2015
10:10 a.m.

FOR OFFICIAL USE ONLY

CANDIDATE COMMITTEE
COVER PAGE

DEPUTY COUNTY CLERK
HOWELL, MI 48843

Report must be legible, typed or printed in ink and signed by
the treasurer (or designated record keeper) and candidate

3 This Statement covers From 09/21/15 to 10/18/15

1. Committee I.D. Number
158516

4. Candidate Last Name Proctor First Name Nickolas MI W

2. Committee Name
Nick Proctor

4a Office Sought Including District # or Community Served (If applicable)
Mayor - City of Howell

4b County of Residence LIVINGSTON

5. Committee's Mailing Address
416 Madison Street
Howell, MI 48843

6. Treasurer's Name & Residential Address
Nick Proctor
416 Madison Street
Howell, MI 48843

Area Code and Phone (517) 545-1031
If the address in this box is different from the committee
mailing address on the Statement of Organization, mail may
be sent to this address by the filing official.

Area Code & Phone (517) 545-1031

7. Treasurer's Business Address

8. Designated Record keeper's Name and Mailing Address (If the committee has a
Designated Record keeper)

Nick Proctor
416 Madison Street
Howell, MI 48843

Area Code and Phone

Area Code and Phone (517) 545-1031

9. TYPE OF STATEMENT

9a. Pre-Election OR 9b. Post-Election

Required ONLY if candidate
is not on the ballot for the
current year.

9e. Dissolution of Candidate Committee

By checking this item I/We certify any outstanding debt
by the committee to the candidate or his or her spouse is here
by discharged and forgiven, and no longer collectible from
the committee. The committee has no outstanding assets,
owes no late fees or has any outstanding debt.

Pre-Election or Post-Election Statement relates to:

Further, if the dissolution cannot be granted, that this be
considered a request for the Reporting Waiver.

Effective date of dissolution

Note: The disposition of residual funds must be reported on
Schedule 1B and the Summary Page.

Primary

General

Convention

Special

School

Caucus

July Quarterly

October Quarterly

9c. Annual Statement ()
Coverage Year

9d. Amendment to Campaign Statement
(Complete Item 9a, 9b, 9c or 9e to
indicate which Statement is being
amended.)

Date of Election, Convention or Caucus

11/03/15

10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of
my/our knowledge and belief the contents are true, accurate and complete.

Current Treasurer or
Designated Record keeper Nickolas W. Proctor

Nickolas W. Proctor
Signature

Date 10/18/15

Candidate Nickolas W. Proctor

Nickolas W. Proctor
Signature

Date 10/18/15

Type of Print Name

Signature

November

DEPARTMENT OF STATE
BUREAU OF ELECTIONS

FILED
NOV 23 2015
FOR OFFICIAL USE ONLY CLERK
HOWELL MI 48843
1211
425AM

**CANDIDATE COMMITTEE
COVER PAGE**

Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.

| | |
|--|--|
| 3 This Statement covers From <u>10/19/15</u> to <u>11/23/15</u> | |
| 1. Committee I.D. Number 158516 | 4 Candidate Last Name <u>Proctor, Nickolas W.</u> First Name <u>Nick</u> MI <u>MI</u> 4a. Office Sought Including District # or Community Served (If applicable) Mayor - City of Howell 4b. County of Residence LIVINGSTON |
| 2. Committee Name Nick Proctor | 6. Treasurer's Name & Residential Address Nick Proctor 416 Madison Street Howell, MI 48843 |
| 5. Committee's Mailing Address 416 Madison Street Howell, MI 48843 | Area Code & Phone <u>(517) 545-1031</u> |
| Area Code and Phone _____ If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official. | 8. Designated Record keeper's Name and Mailing Address (If the committee has a Designated Record keeper) Nick Proctor 416 Madison Street Howell, MI 48843 |
| 7. Treasurer's Business Address | Area Code and Phone <u>(517) 545-1031</u> |

| | | |
|--|---|---|
| <p>9. TYPE OF STATEMENT</p> <p>9a. <input type="checkbox"/> Pre-Election OR 9b. <input checked="" type="checkbox"/> Post-Election</p> <p>Pre-Election or Post-Election Statement relates to:</p> <p><input type="checkbox"/> Primary</p> <p><input checked="" type="checkbox"/> General</p> <p><input type="checkbox"/> Convention</p> <p><input type="checkbox"/> Special</p> <p><input type="checkbox"/> School</p> <p><input type="checkbox"/> Caucus</p> <p>Date of Election, Convention or Caucus <u>11/03/15</u></p> | <p>Required ONLY if candidate is not on the ballot for the current year.</p> <p><input type="checkbox"/> July Quarterly</p> <p><input type="checkbox"/> October Quarterly</p> <p>9c. <input type="checkbox"/> Annual Statement (_____) Coverage Year</p> <p>9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)</p> | <p>9e. Dissolution of Candidate Committee</p> <p><input type="checkbox"/> By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is hereby discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no late fees or has any outstanding debt.</p> <p>Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.</p> <p>Effective date of dissolution _____</p> <p>Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.</p> |
|--|---|---|

10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.

Treasurer or Designated Record keeper: Nickolas W. Proctor, Nick Proctor Signature Date 11/23/15

Candidate: Nickolas W. Proctor, Nick Proctor Signature Date 11/23/15

**SUMMARY PAGE
CANDIDATE COMMITTEE**

1 Committee I D Number 158516
2 Committee Name Nick Proctor

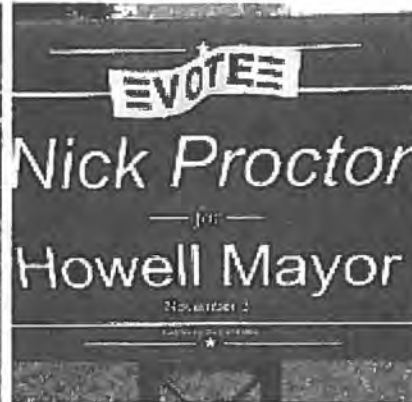
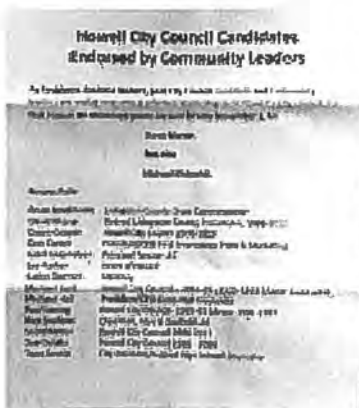
| | Column I This Period | Column II Cumulative this election cycle |
|---|--------------------------------|---|
| RECEIPTS | | |
| 3. Contributions | | |
| a. Itemized (Schedule 1A - Column 6) | (3a.) \$ _____ | (18.) \$ _____ |
| b. Unitemized (less than \$20.01 each - no Schedule) | (3b.) \$ <u>NOT APPLICABLE</u> | (19.) \$ _____ |
| c. Subtotal of "Contributions" | (3c.) \$ _____ | (20.) \$ <u>1060.19</u> |
| 4. Other Receipts (Schedule 1A -1, Column 6) | (4.) \$ _____ | (21.) \$ _____ |
| 5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3c + Line 4) | (5.) \$ <u>\$0.00</u> | (22.) \$ _____ |
| IN-KIND CONTRIBUTIONS & EXPENDITURES | | |
| 6. In-Kind Contributions (Schedule 1-IK, Column 7) | (6.) \$ _____ | (21.) \$ _____ |
| 7. In-Kind Expenditures (Schedule 1B-IK, Column 6) | (7.) \$ _____ | (22.) \$ _____ |
| EXPENDITURES | | |
| 8. Expenditures | | |
| a. Itemized (Schedule 1B, Column 6) | (8a.) \$ _____ | |
| b. Itemized Get-Out-the-Vote (Schedule 1B-G) | (8b.) \$ _____ | |
| c. Unitemized (less than \$50.01 each - no Schedule) | (8c.) \$ _____ | |
| 9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c) | (9.) \$ <u>\$0.00</u> | (23.) \$ <u>1060.19</u> |
| INCIDENTAL EXPENSE DISBURSEMENTS (Officeholders Only) | | |
| 10. Disbursements | | |
| a. Itemized (Schedule 1C, Column 6) | (10a.) \$ _____ | |
| b. Unitemized (less than \$50.01 each - no Schedule) | (10b.) \$ <u>\$0.00</u> | |
| 11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS (Add Line 10a + Line 10b) | (11.) \$ _____ | (24.) \$ _____ |
| DEBTS AND OBLIGATIONS | | |
| 12. Debts and Obligations | | |
| a. Owed by the Committee (Schedule 1E) | (12a.) \$ _____ | |
| b. Owed to the Committee (Schedule 1E) | (12b.) \$ _____ | |

BALANCE STATEMENT

| | |
|---|-------------------------|
| 13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.) | (13.) \$ <u>- 0 -</u> |
| 14. Amount received during reporting period (Line 5, Total Contributions & Other Receipts) | (14.) + \$ <u>- 0 -</u> |
| SUBTOTAL Add lines 13 and 14 | (15.) = \$ <u>- 0 -</u> |
| 16. Amount expended during reporting period (Add lines 9 and 11) | (16.) - \$ <u>- 0 -</u> |
| 17. ENDING BALANCE (Subtract line 16 from line 15) | (17.) \$ <u>\$0.00</u> |

October 24, 2015

Share



October 25, 2015

Share



October 29, 2015

Share



5107. 157 JADODDQ dn 8917

EVOLVER

Nick Proctor
for Mayor
HOME

November 3



October 25, 2015




Nick Proctor
Howell Mayor

NOVEMBER 27, 2012

EVOTE

Nick Proctor
— for —
Howell Mayor

November 3

Paid for by the Candidate



OCTOBER 29, 2013

EVOTE

Nick Proctor
— for —
Howell Mayor

November 3

Paid for by the Candidate ★



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

March 22, 2016

Nickolas Proctor
416 Madison
Howell, Michigan 48843

Dear Mr. Proctor:

The Department of State (Department) has completed its investigation of the complaint filed against you by Douglas Heins, 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 signs. This letter concerns the disposition of Mr. Heins' 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. Heins filed his complaint on February 8, 2016. You filed a written response on March 1, 2016, and Mr. Heins filed a rebuttal statement on March 14, 2016.

Mr. Heins alleged that you failed to include a complete and correct paid-for-by statement on your campaign signs. In support of his complaint, Mr. Heins provided pictures of signs which stated, "Nick Proctor for Howell Mayor" and "Paid for by the Candidate [.]"

In your response you indicated that you ordered your signs as a last minute addition to your campaign, and you admitted that in haste you "neglected to include [your] home address under the 'paid for by candidate' phrase [.]" You also asserted that you did attempt to correct the signs by affixing address labels to them, but the labels faded on the outdoor signs.

While the Department finds that the evidence provided supports a reason to believe that your campaign material failed to contain a complete and correct paid-for-by statement, 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 [.]" To resolve this matter informally, the Department is issuing this warning letter.

Nickolas Proctor
March 22, 2016
Page 2

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" and a long, sweeping tail.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Douglas Heins