



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

October 3, 2016

Linda Obrec
48645 Wildrose Drive
Canton, Michigan 48187

Dear Ms. Obrec:

The Department of State (Department) received a formal complaint filed by Erika Hernandez 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 materials. 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 her complaint, Ms. Hernandez provided a picture of an ad in the 2016 Canton Soccer Tournament program which states, "Elect Linda Obrec Clerk [,] Elect Pat Williams Supervisor [and] Re-Elect Melissa McLaughlin Treasurer [.]". The paid-for-by statement on this ad appears to omit your committees' addresses.

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, 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. Hernandez, 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

Linda Obrec
October 3, 2016
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that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

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

Sincerely,

A handwritten signature in black ink that reads "Lori A Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Erika Hernandez

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 SEP 27 PM 2:10
ELECTIONS/GREAT SEAL

**Campaign Finance Complaint
Michigan Department of State**

I allege that the MCFA was violated as follows:

Section 1. Complainant

Name: Erika Hernandez
Phone Number: (734) 756-0967
Address: 43607 Ryegate St Canton, MI 48187

Section 2. Alleged Violator

Name Linda Obrec
Address: 48645 Wildrose Dr. Canton, MI 48187

Section 3. Alleged Violation

Section of the MCFA violated: 169.247 Sec. 47(1)

Explanation:

A joint advertisement was made available at the 2016 Canton Soccer Cup tournament on the weekend of May 27-29. I observed that the program had a full page advertisement on behalf of the mentioned candidate for Clerk, Pat Williams for Supervisor and Melissa McLaughlin for Treasurer. The attached advertisement does not provide the appropriate "paid for by" followed by each committee name and full address of each candidate, in violation of Section 47(1) of the Michigan campaign Finance Act.

Evidence:

See attached images of Canton Soccer Club Advertisement

Section 4. Certification

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.


Signature of Complainant


Date

Section 5. Certification without Evidence

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:

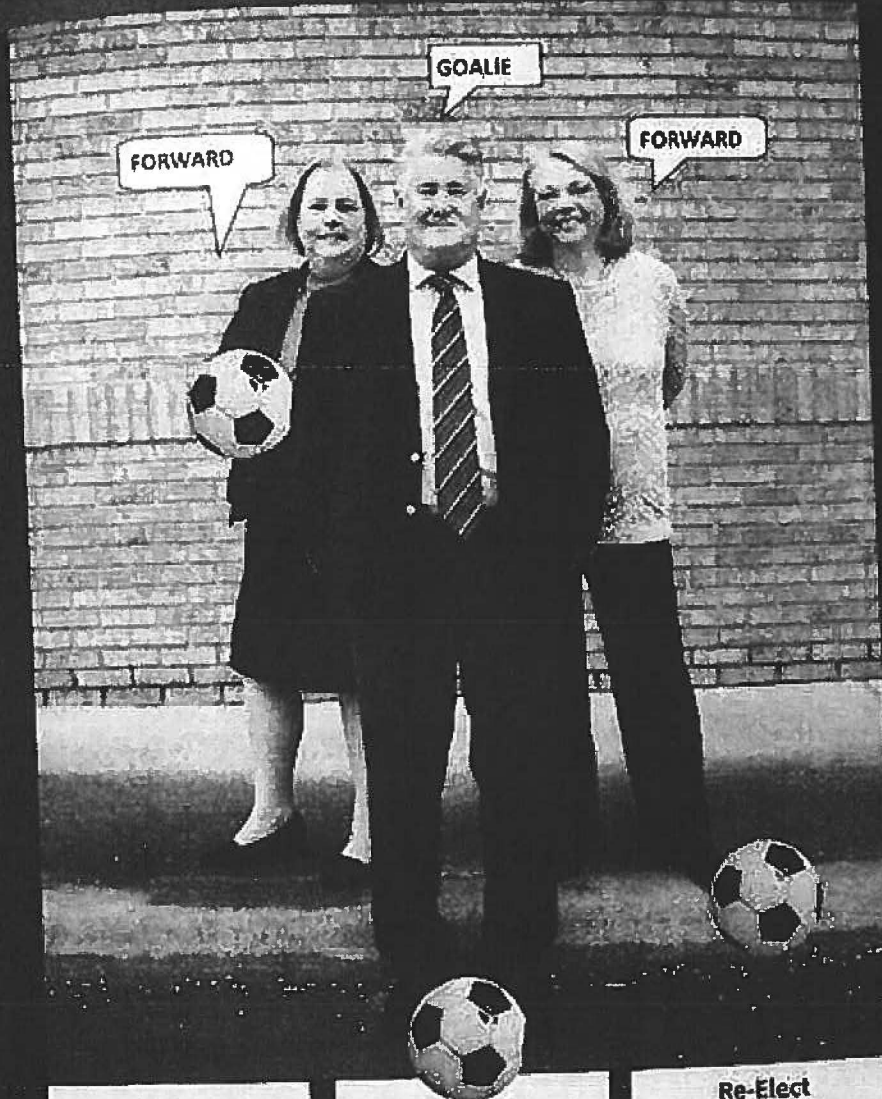
I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

Complaint is certifiable and evidence is provided

A Hernandez 9/22/16
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.

Proven Leadership Building Canton's Future



Elect Linda Obrec
Clerk

Elect Pat Williams
Supervisor

Re-Elect
Melissa McLaughlin
Treasurer

The Winning Game Strategy for 2016 Canton Township Voters

Paid for by the CTE Linda Obrec, Clerk, Pat Williams, Supervisor, Melissa McLaughlin, Treasurer.



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

November 1, 2016

Erika Hernandez
43607 Ryegate Street
Canton, Michigan 48187

Dear Ms. Hernandez:

The Department of State received a response to the complaint you filed against Linda Obrec, 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: Bryan L. Amann

Bryan L Amann
Bryan L Amann PLLC
Attorney & Counselor
1777 Stonebridge Way Ct.
Canton, MI 48188
(734) 776-1111

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 OCT 21 PM 2: 53
ELECTIONS/GREAT SEAL

October 17, 2016

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

RE: Erika Hernandez Complaint

Dear Ms. Bourbonais:

I am writing on behalf of the Committee to Elect Linda Obrec (hereafter "Committee") in response to your letter of October 3, 2016, notifying the Committee of the Complaint and the underlying allegations. I have been retained to represent the Committee in this matter. Please copy me on any and all correspondence to the Committee or others on this matter.

I understand Linda Obrec contacted you by telephone to briefly discuss this matter. Thank for providing insight and clarification on the matter during that conversation.

Based upon the information I have reviewed, it appears the Hernandez Complaint may be factually correct about the advertisement which appeared in the Canton Soccer Cup Tournament program book for the tournament held in Canton Township, Michigan earlier this year. It appears the advertisement mistakenly failed to specifically identify the respective street addresses, zip codes, community or State. Based on my understanding, the person who designed and placed the advertisement **was not aware** that the specific street address, zip code, community and state had to be included. The person **did not know** that MCL 169.247(1) required for a complete "name and address", or that the requirement has been further clarified by Michigan Administrative Rule 169.36(2) which says:

"The identification required by section 47 of the act for printed material shall include the words "Paid for by," followed by the full name of the person or committee paying for the material and the person's or committee's **street number or post office box, city or town**

state and zip code...." (Emphasis added)

There is no question the advertisement did not have the street address, community, zip code or state. Unfortunately, the person responsible for the advertisement was not aware of the statutory or regulatory requirement for either.

From everything I have learned, I can honestly and without any reservation say there was at never any intent to deceive anyone as to where (which street, state or zip code) the committees are located. Neither was there any attempt to knowingly violate the statutory and/or regulatory requirements regarding which elements constitute a "complete address."

You should know that Linda Obrec, the person for whom the committee was formed, has been a part of Michigan's law enforcement family for her entire adult life. It would never be her desire or intent to knowingly violate any legal or regulatory requirement. It's unfortunate an omission by the committee formed on her behalf did anything that could even result in such a question.

I am now working proactively with the Committee to ensure the lessons of the past are learned and applied. The Committee is making every effort to ensure the rest of the campaign material complies with all requirements.

We wanted to respond as fully and quickly as possible to your notice regarding the specific advertisement referenced in your letter. However, in order to be as transparent and forthcoming as possible, I will be working with the committee in the very near future to review any other campaign material distributed prior to receiving your letter to determine if there were other instances where the street address, zip code and state were improperly omitted. We will also use any corrective measures necessary on other material. I would anticipate being able to provide you a more complete assessment in the next two (2) weeks regarding any other instances or issues where the committee failed to provide the zip code and/or state information. We are as interested as you to have this matter resolved in a constructive and thorough manner.

In the meantime, we look forward to working with your office to fully address any concerns you may have regarding this specific Complaint. We are thankful the Complainant brought this to your attention so it could be brought to our attention and corrected. Thank you for your time and consideration. Please contact me if at any time you would like to discuss this matter further.

Sincerely,



Bryan L. Amann
Attorney at law



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

March 24, 2017

Bryan L. Amann
1777 Stonebridge Way Court
Canton, Michigan 48188

Dear Mr. Amann:

The Department of State (Department) has completed its investigation of the complaint filed against Linda Obrec by Erika Hernandez, which alleged that Ms. Obrec 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 Ms. Hernandez' 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.

Ms. Hernandez filed her complaint on September 27, 2016, and you filed a written response on October 21, 2016. Ms. Hernandez did not file a rebuttal statement with the Department.

Ms. Hernandez alleged that Ms. Obrec failed to include her committee's address on the paid-for-by statement in a campaign advertisement. In support of her complaint, Ms. Hernandez provided a picture of an ad in the 2016 Canton Soccer Tournament program which stated, "Elect Linda Obrec Clerk [,] Elect Pat Williams Supervisor [and] Re-Elect Melissa McLaughlin Treasurer [,]" The paid-for-by statement on this ad appeared to omit Ms. Obrec's committee's address.

In your response you stated that it appeared that "the advertisement mistakenly failed to specifically identify the respective street addresses, zip codes, community or State [,]" but that "the person who designed and placed the advertisement was not aware" that inclusion of this information was required.

While the Department believes that the evidence tends to show that Ms. Obrec's ad failed to contain a complete paid-for-by statement and a technical violation of the Act occurred, section

Bryan L. Amann

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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 advising Ms. Obrec that section 47(1) and R 169.36(2) require her 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 her committee. Note that all printed materials that refer to an election or her candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind Ms. Obrec of her obligation under the Act to identify her 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 Ms. Obrec with regard to this complaint at this time.

Sincerely,

A handwritten signature in black ink that reads "Lori A Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Erika Hernandez