



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

July 16, 2015

Nick Kennedy
1880 Hopkins Drive
Wixom, Michigan 48393

Dear Mr. Kennedy:

The Department of State (Department) received a formal complaint filed by Kevin Hinkley against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(5).

In support of his complaint, Mr. Hinkley provided a campaign card which states: "NICK KENNEDY FOR WIXOM MAYOR [.]". There does not appear to be a paid-for-by statement on the card.

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 Mr. Hinkley, 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

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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(5) 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: Kevin Hinkley

**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 Kevin W. Hinkley	Daytime Telephone Number 248-388-2365	
Mailing Address 3250 Johanna Ware West		
City Wixom	State MI	Zip 48393

Section 2. Alleged Violator		
Name Nick Kennedy		
Mailing Address 1880 Hopkins Dr.		
City Wixom	State MI	Zip 48393

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

Section(s) of the MCFA violated:
169.247 sec. 47

Explain how those sections were violated:
The attached item does not bear the info. whos paid for by comm. to elect?

Evidence that supports those allegations (attach copies of pertinent documents and other information):
Attach: Please find campaign card Nick Kennedy, for Wixom Mayor (No paid for by comm.)

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 JUL 10 PM 4:16
ELECTIONS/GREAT SEAL

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

Kevin H. Hinkle
Signature of Complainant

07-07-2015
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

NICK
Kennedy
FOR WIXOM MAYOR

Nick Kennedy
Candidate - Wixom Mayor
Phone: 313-350-2595
email: nicholasjkennedy@aol.com



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

August 13, 2015

Kevin Hinkley
3250 JoHanna Ware West
Wixom, Michigan 48393

Dear Mr. Hinkley:

The Department of State received a response to the complaint you filed against Nick Kennedy, 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: Nick Kennedy

**Committee To Elect Nick Kennedy
1880 Hopkins Dr., Wixom, MI 48393**

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2015 AUG 10 AM 10: 01

ELECTIONS/GREAT SEAL

July 31, 2015

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

Dear Ms. Bourbonais,

I am writing in response to your letter of July 16, 2015 regarding a complaint alleging violation of section 47(1) of the MCFA MCL 169.247(1), failing to include a complete and correct identification statement on my business card.

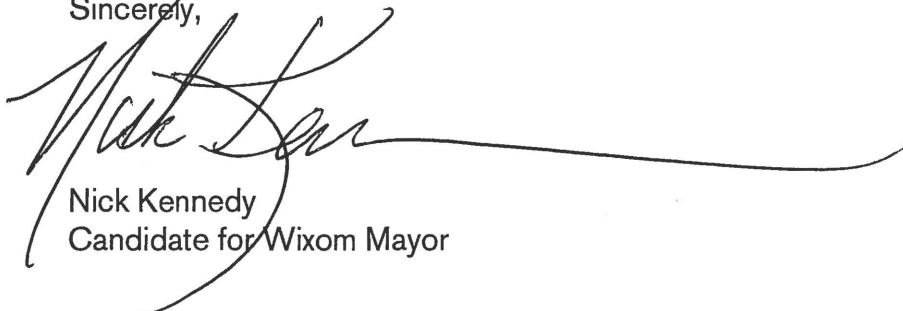
Upon review, it came to my attention that the firm that printed my cards did not print the complete and correct identification statement on the back of the card as instructed. The error was overlooked prior to some of the cards being distributed at an event.

The following actions were taken immediately upon notification of the violation:

- 1) All business cards without the complete and correct identification were destroyed.
- 2) New cards were ordered with the complete and correct identification. The layout of those cards is included.
- 3) I have reviewed with my vendors the requirements for complete and correct identification.
- 4) I have provide my vendors with a copy of Appendix J. – Identification Requirements.
- 5) I will carefully review all materials to ensure they comply with the MCFA.

Thank you for bringing this matter to my attention and I hope this adequately addresses the complaint and brings closure to this matter.

Sincerely,



Nick Kennedy
Candidate for Wixom Mayor

Front



Nick Kennedy
Candidate - Wixom Mayor
Phone: 313.350.2595
email: nicholasjkennedy@aol.com

Back

Paid For By The Committee To Elect Nick Kennedy
1880 Hopkins Dr., Wixom, MI 48393



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

November 4, 2015

Nick Kennedy
1880 Hopkins Drive
Wixom, Michigan 48393

Dear Mr. Kennedy:

The Department of State (Department) has completed its investigation of the complaint filed against you by Kevin Hinkley, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Mr. Hinkley's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". Id.

Mr. Hinkley filed his complaint on July 10, 2015, and you filed a written response on August 10, 2015. Mr. Hinkley did not file a rebuttal statement with the Department.

Mr. Hinkley alleged that you failed to include a paid-for-by statement on certain campaign material. In support of his complaint, Mr. Hinkley provided a copy of a business card which stated, "NICK Kennedy FOR WIXOM MAYOR [.]". It appeared that this business card did not contain a paid-for-by statement.

In your response you indicated that upon review, you discovered that the printer did not include the statement on the card as instructed. You stated that you then took several corrective measures, including destroying all remaining cards without the paid-for-by statement and ordering new cards with the complete and correct identification.

While the Department believes that the evidence tends to show that your campaign material failed to contain a 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 [.]". The Department is satisfied that you took

Nick Kennedy
November 4, 2015
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appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, the Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

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

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Kevin Hinkley