



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

September 8, 2015

Joseph Nichols
17523 Grettel Avenue
Fraser, Michigan 48026

Dear Mr. Nichols:

The Department of State (Department) received a formal complaint filed by Barbara Jennings 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 her complaint, Ms. Jennings provided a flyer which states: "JOE NICHOLS FOR FRASER MAYOR [.]". The paid-for-by statement on the flyer appears to omit your committee's address.

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.

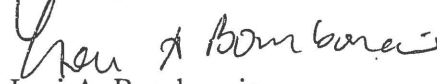
A copy of your reply will be provided to Ms. Jennings, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]". MCL 169.215(10). Note that the Department's

Joseph M. Nichols
September 8, 2015
Page 2

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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Barbara Jennings

**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; MC 169.201 et seq.).

Please print or type all information.

I allege that the MCFA was violated as follows:

RECEIVED/FILED
 MICHIGAN DEPT OF STATE
 2015 AUG 31 PM 2:09
 ELECTIONS/GREAT SEAL

Section 1. Complainant		
Your Name BARBARA L. JENNINGS	Daytime Telephone Number (586) 296-0622	
Mailing Address 31221 CYRIL		
City FRASER	State MI	Zip 48026

Section 2. Alleged Violator		
Name JOSEPH M. NICHOLS		
Mailing Address 17523 GRETTEL AVE.		
City FRASER	State MI	Zip 48026

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

Section(s) of the MCFA violated:
APPENDIX I of PA 388 of 1976 - SEE ATTACHED IDENTIFICATION REQUIREMENTS

Explain how those sections were violated:
DID NOT SPECIFY WHO PAID FOR LITERATURE. NO NAME, NO ADDRESS + ZIP CODE. FLYER SAID "PRINTED IN HOUSE - LABOR DONATED".

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

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 Barbara L. Jennings 8/26/15
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

Appendix I
IDENTIFICATION REQUIREMENTS

The Act requires all paid advertisements having reference to an election, a candidate or a ballot question to contain an identification statement and, if applicable, a disclaimer statement. *An individual other than a candidate is not subject to this provision if the individual is acting independently and not acting as an agent for a candidate or any committee.* The identification must be clear to the reader or listener and worded as follows:

X All printed matter having reference to a candidate, election or a ballot question, including yard signs, brochures, billboards, poll cards, fund raiser tickets, stationery, etc., must contain: "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.

• If the printed matter is an independent expenditure relating to a candidate that is not authorized in writing by the candidate, the printed matter must contain: "Paid for by (name and address of person, group or committee paying for the matter). Not authorized by any Candidate Committee."

• The identification or disclaimer on printed material having reference to a candidate, or a ballot question must be in a place and in a print clearly visible to and readable by an observer. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both.

• All paid political advertisements broadcast by television or radio having reference to a candidate election or ballot question shall identify the sponsoring person as required by the Federal Communications Commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer:

"Not authorized by any candidate"

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by"
(Name of candidate or name of Candidate Committee)

• Except for a Candidate Committee's printed matter or radio or television paid advertisement, each identification or disclaimer must also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds".

The identification requirements of the Act do not apply to videotapes produced by political candidates and cable cast on a public access channel if use of the public access video taping equipment and the public access time is free. The identification requirements only apply to paid political advertisements.

"I know that Joe will serve our city with the same dedication that he served our country."

Rep. Marilee Lere

JOE NICHOLS FOR FRASER MAYOR



I would be honored to hear from you!

votejoeformayor@gmail.com

Phone: (248) 431-2602

Getting to Know Joe

- United States Navy Veteran, served during Operation Desert Storm
- Received National Defense Service Medal and Navy Good Conduct Medal
- Married for 27 years to Tisha, three children - all Fraser High School graduates
- Management for a water restoration business
- Volunteer for Kiwanis Clubs throughout Macomb County

Joe's Vision For Fraser



Improving Transparency

Restore civility and ethics to our government.



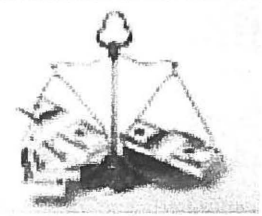
Protecting Our Seniors

Protect and defend Fraser's seniors from those who tried to sell our senior housing center.



Fixing our Water Bills

Eliminate the complicated formula and ensure that everyone pays rates for that they use.



Fixing our Budget

Structurally balancing our budget WITHOUT raising taxes.

Printed on 100% Recycled Paper. Printed in Fraser. Labor Donated





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

September 22, 2015

Barbara L. Jennings
31221 Cyril
Fraser, Michigan 48026

Dear Ms. Jennings:

The Department of State received a response to the complaint you filed against Joseph Nichols, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Joseph Nichols

To Whom it May Concern:

I am writing this letter today in regards to the alleged Michigan Campaign Finance Act violation contained in the letter sent September 8, 2015.

It was my initial understanding that if campaign literature was printed in house and the labor was donated, it had to clearly identify the name of the committee but not the address. At no time did I knowingly or intentionally violate any administrative rules or any provision of the MCFA.

You will find enclosed a copy of the campaign literature that I am walking with, and you will notice that I updated the piece and added the address of the committee.

I apologize for any inconvenience this has caused the Department. This literature is only used as I am walking door-to-door taking to residents, and I began using the new flyer enclosed immediately after receiving the correspondence dated September 8, 2015.

If you would like to discuss this matter further, please contact me at 248-431-2062.

Respectfully,

Joe Nichols

9/14/15

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 SEP 21 PM 2: 21
ELECTIONS/GREAT SEAL

"I know that Joe will serve our city with the same dedication that he served our country."

-Rep. Marilyn Lane

JOE NICHOLS FOR FRASER MAYOR



Getting to Know Joe

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I would be honored to hear from you!
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Restore civility and ethics to our great city.



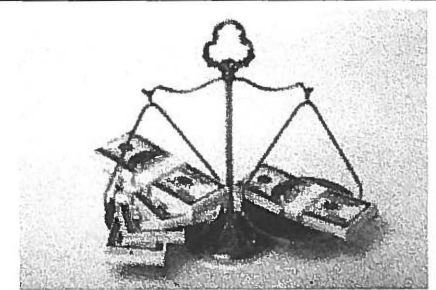
Protecting Our Seniors

Protect and defend Fraser's seniors from those who tried to sell our senior housing center.



Fixing our Water Bills

Eliminate the complicated formula and ensure that everyone pays rates for that they use.



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Structurally balancing our budget WITHOUT raising taxes.

CORRECTED ↓

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Campaign Finance Complaint Form**

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Section(s) of the MCFA violated:
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Explain how those sections were violated:
**DID NOT SPECIFY WHO PAID FOR LITERATURE,
NO NAME, NO ADDRESS + ZIP CODE. FLYER
SAID "PRINTED IN HOUSE - LABOR DONATED"**

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

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 Barbara L. Jennings 8/26/15
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:

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X _____
Signature of Complainant Date

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- If the printed matter is an independent expenditure relating to a candidate that is not authorized in writing by the candidate, the printed matter must contain: "Paid for by (name and address of person, group or committee paying for the matter). Not authorized by any Candidate Committee."
- The identification or disclaimer on printed material having reference to a candidate, or a ballot question must be in a place and in a print clearly visible to and readable by an observer. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both.
- All paid political advertisements broadcast by television or radio having reference to a candidate election or ballot question shall identify the sponsoring person as required by the Federal Communications Commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer:

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- Except for a Candidate Committee's printed matter or radio or television paid advertisement, each identification or disclaimer must also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds".

The identification requirements of the Act do not apply to videotapes produced by political candidates and cable cast on a public access channel if use of the public access video taping equipment and the public access time is free. The identification requirements only apply to paid political advertisements.

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JOE NICHOLS FOR FRASER MAYOR



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Government Transparency

Best practices and ethics for our great city



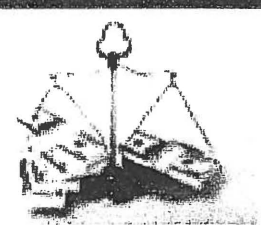
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Protect and defend Fraser's seniors from those who tried to sell our senior housing center.



Fixing our Water Bills

Eliminate the complicated formula and ensure that everyone pays rates for that they use.



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Structurally balancing our budget **WITHOUT** raising taxes.

Part of the Vision for Fraser is to ensure that all are represented





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

November 4, 2015

Joseph Nichols
17523 Grettel Avenue
Fraser, Michigan 48026

Dear Mr. Nichols:

The Department of State (Department) has completed its investigation of the complaint filed against you by Barbara Jennings, 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 Ms. Jennings' 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. Jennings filed her complaint on August 31, 2015, and you filed a written response on September 21, 2015. Ms. Jennings did not file a rebuttal statement with the Department.

Ms. Jennings alleged that you failed to include a complete and correct paid-for-by statement on certain campaign material. In support of her complaint, Ms. Jennings provided a copy of a flyer which stated, "JOE NICHOLS FOR FRASER MAYOR [.]". It appeared that the paid-for-by statement on the flyer omitted your committee's address.

In your response you stated that at no time did you knowingly or intentionally violate the Act. Additionally, you provided a copy of your updated flyer which was corrected to include the committee's address. You indicated in your response that the corrected flyer is the only one you are now distributing.

While the Department believes that the evidence tends to show 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 [.]". The Department is

Joseph Nichols
November 4, 2015
Page 2

satisfied that you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Lori A Bourbonais". The signature is written in a cursive, flowing style.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Barbara Jennings