

February 29, 2016

Nicole James Committee to Elect Nicole James P.O. Box 7514 Detroit, Michigan 48207

Dear Ms. James:

The Department of State (Department) received a formal complaint filed by Robert LaBrant 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(6).

In support of his complaint, Mr. LaBrant provided a copy of a picture of a palm card which states, "Vote for Nicole James Michigan Court of Appeals, District 1, on Tuesday August 2 [.]" 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, 1<sup>st</sup> 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. LaBrant, 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

Nicole James February 29, 2016 Page 2

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,

Lori A. Bourbonais
Bureau of Elections

Michigan Department of State

Campaign Finance Complaint Form
Michigan Department of State 2016 FEB 29 AM 10: 23

This complaint form may be used to file a complaint alleging that sometime violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 et seq.). All information on the form must be provided along with an original signature and evidence. Please print or type all information.

I allege that the MCFA was violated as follows:	Common And a Control appeal finds by the second section of the control of			
Section 1. Complainant				
Robert LaBrant		Daytime Telephone Number 517-267-9028		
Mailing Address 106 W Allegan St, Suite 200				
City Lansing	State MI	<sup>Zip</sup> 48933		
Section 2. Alleged Violator				
Name Committee to Elect Nicole James				
Mailing Address P.O. Box 7514				
City Detroit	State MI	<sup>Zip</sup> 48207		
Section 3. Alleged Violations (Use additional shee	ifinore space is	ne-ded <sub>1</sub> )		
Section(s) of the MCFA violated: Sec. 47(1) MCL 169.247(1)				
Explain how those sections were violated:				
The two-sided printed card does not contain an identification as required by the				
Act as to the person who paid for the printed card and their address.				
( Paid for by) is not provided.				
Evidence that supports those allegations (attach copies of pertinent documents and other information):				
See attached copy of the two-sided card without the required identification.				

Section 4. Certification (Required)	
I certify that to the best of my knowledge, inf a reasonable inquiry under the circumstance complaint is supported by evidence.	
x Robert La Brank	February 17, 2016
Signature of Complainant	Date
Section 5. Certification without Evidence (Supplem	nental to Section 4)
Section 15(6) of the MCFA (MCL 169.215) requires section 4 of this form be included in every complain under the circumstances, you are unable to certify that to by evidence, you may also make the following certificates.  I certify that to the best of my knowledge, information grounds to conclude that the following specific contentions are likely to be supported by evide opportunity for further inquiry. Those specific	t. However, if, after a reasonable inquiry certain factual contentions are supported ation:  rmation, or belief, there are cally identified factual nce after a reasonable
X Signature of Complainant	Date
	Dillo .
Section 15(8) of the MCFA provides that a person who for responsible for a civil violation of the MCFA. The person to \$1,000.00 and some or all of the expenses incurred by alleged violator as a direct result of the filing of the comp	n may be required to pay a civil fine of up the Michigan Department of State and the

Mail or deliver the completed complaint form with an original signature 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

Done

3 of 4





#### PERSONAL

- e the long resident of the City of Detroit

   Member, Brumph (Funch

   Graduate of Oxborn High School, Michigan State University,
  and Thomas Codey Law School

The Law Offices of Nicole L. James, PLLC-Full Service Law Farm handling cristical cases, driving white intoxicated, family and probate matters and more.

Wayne County, Assistant Prosecuting Atterney, 15 years.
Specially assigned to the Special Victors Unit people using horvidge gases that occurred as the result of domestic violence. Other assignments by dude: the Appelluse Diction, the Homicide Unit, the Annyale Unit, Warrant and Dottick Court Section and General Trips.

COMMUNITY SERVICE University of Phoenia Criminal Autice Instructor

Menter/Volunteer Triamph Church Youth Almistries and Local Evangelism and Outreach Service

Legal Volunteer/Voter Rights Specialist-Election Day National Democratic Party

Keep Politics out of our Courts

#### Vote for Nicole James

Michigan Court of Appeals, District 1, on Tuesday, August 2 District 1: Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne County

Office: (313) 429-7141 · Emall: njames@nlcolejameslaw.com

A Share



March 14, 2016

Nicole James Committee to Elect Nicole James P.O. Box 7514 Detroit, Michigan 48207

Dear Ms. James:

The Department of State (Department) received a second formal complaint filed by Robert LaBrant 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 Department first notes that this is a second complaint alleging a violation of the same section of law as the first complaint. However, this complaint is regarding a different piece of campaign literature. The Department will consider the two complaints together. If you have not already sent an answer to the first complaint, please send only one answer in response to both complaints. Your deadline to respond has been extended to 15 business days from the date of 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. LaBrant provided a copy of a picture of a palm card which states, "Vote for Nicole James Michigan Court of Appeals, District 1, on Tuesday August 2 [.]" 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. <u>It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.</u>

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

Nicole James March 14, 2016 Page 2

Elections, Richard H. Austin Building, 1<sup>st</sup> 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. LaBrant, 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.

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

four brows

### Campaign Finance Complaint Form Michigan Department of State

RECEIVED/FILED MICHIGAN DEPT OF STATE

This complaint form may be used to file a complaint alleging that someone violated the Michigan: 15 Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.20 Letter with Algreat SEAL information on the form must be provided along with an original signature and evidence. Please print or type all information.

I allege that the MCFA was violated as follows: Section 1. Complainant Your Name Daytime Telephone Number Robert LaBrant 517-267-9028 Mailing Address 106 W. Allegan St., Suite 200 State Zip Lansing MI 48933 Section 2. Alleged Violator Committee to Elect Nicole James Mailing Address P.O. Box 7514 City State Zip 48207 MI Detroit Section 3. Alleged Violations (Use additional sheet if more space is needed.) Section(s) of the MCFA violated: Section 47(1) MCL 169. 247 (1) Explain how those sections were violated: This is a second print piece from this committee. It is different from the piece I filed a complaint against on February 17, 2016. This print piece adds Branch County to the 1st Court of Appeals District. This piece, like the first piece, does not contain an identification as required by the Act as to the person who paid for the printed card and their address (paid for by.... is not provided). Evidence that supports those allegations (attach copies of pertinent documents and other information): See attached copy of the two-sided card without the required identification.

### Section 4. Certification (Required)

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X Fo	bet La Brant	March 3, 2016	
Signa	ture of Complainant	Date	
Section 5. Cer	rtification without Evidence (Suppl	emental to Section 4)	
section 4 of this under the circum by evidence, yo  I certify grounds contenti	f the MCFA (MCL 169.215) requires form be included in every complete instances, you are unable to certify the unay also make the following certify that to the best of my knowledge, in the to conclude that the following specifients are likely to be supported by evinity for further inquiry. Those specifies	aint. However, if, after a real at certain factual contentions ication:  aformation, or belief, there are if it is identified factual idence after a reasonable	sonable inquiry are supported
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X			
Signa	ture of Complainant	Date	
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	ne completed complaint form with an or	iginal signature and evidence	- D
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	Richard H. Austin Build		-8
	430 West Allega	nn Street	EPT EPT GRE
Revised: 01/16	Lansing, Michiga	ın 48918	PM :
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#### **COMMUNITY SERVICE**

University of Phoenix

Criminal Justice Instructor

#### Mentor/Volunteer

Triumph Church Youth Ministries and Local Evangelism and Outreach Service

**Legal Volunteer/Voter Rights Specialist- Election Day**National Democratic Party



Keep Politics out of our Courts

### **Vote for Nicole James**

Michigan Court of Appeals, District 1, on Tuesday, August 2

District 1: Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne County

Office: (313) 429-7141 • Email: njames@nicolejameslaw.com

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2016 MAR -8 PM 2: 15

# Elect Nicole A STATE S MICHIGAN COURT OF APPEALS, DISTRICT 1

### Keep Politics out of our Courts

#### **PERSONAL**

- Life-long resident of the City of Detroit
- · Member, Triumph Church
- Graduate of Osborn High School, Michigan State University, and Thomas Cooley Law School



#### **LEGAL EXPERIENCE**

The Law Offices of Nicole L. James, PLLC Full Service Law Firm handling criminal cases, driving while intoxicated, family and probate matters and more.

Wayne County, Assistant Prosecuting Attorney, 15 years.

Specially assigned to the Special Victims Unit prosecuting homicide cases that occurred as the result of domestic violence. Other assignments include: the Appellate Division, the Homicide Unit, the Juvenile Unit, Warrant and District Court Section and General Trials.

MICHIGAN DEPT OF STATE

2016 MAR -8 PM 2: 15



March 31, 2016

Robert LaBrant 106 West Allegan Street Suite 200 Lansing, Michigan 48933

Dear Mr. LaBrant:

The Department of State received a response to the complaints you filed against the Committee to Elect Nicole James, which concern 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

c: Nicole James

RECEIVED/FILED MICHIGAN DEPT OF STATE 2016 MAR 28 AM 11:55 ELECTIONS/GREAT SEAL

State of Michigan Bureau of Elections Richard H. Austin Building, 1<sup>st</sup> Floor 430 West Allegan Street Lansing, MI 48933

#### To Whom It May Concern:

This is in response to a complaint filed by Robert LaBrant alleging that campaign finance laws were violated by Nicole James.

As to each allegation, I deny each allegation and present documentation to the Bureau of Elections that campaign literature contains the proper information i.e. proper counties and that the literature also indicates who paid for the literature. (See enclosure). The attached literature was purchased in January 2016 and February 2016. This literature includes all proper information.

If you have any further questions, please feel free to contact me.

Nicole James



March 14, 2016

Nicole James Committee to Elect Nicole James P.O. Box 7514 Detroit, Michigan 48207

Dear Ms. James:

The Department of State (Department) received a second formal complaint filed by Robert LaBrant 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 Department first notes that this is a second complaint alleging a violation of the same section of law as the first complaint. However, this complaint is regarding a different piece of campaign literature. The Department will consider the two complaints together. If you have not already sent an answer to the first complaint, please send only one answer in response to both complaints. Your deadline to respond has been extended to 15 business days from the date of 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. LaBrant provided a copy of a picture of a palm card which states, "Vote for Nicole James Michigan Court of Appeals, District 1, on Tuesday August 2 [.]" 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. <u>It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.</u>

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

Nicole James March 14, 2016 Page 2

Elections, Richard H. Austin Building, 1<sup>st</sup> 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. LaBrant, 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.

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

Sincerely, Low & Bourbnas

Lori A. Bourbonais Bureau of Elections

Michigan Department of State



### Keep Politics out of our Courts

#### **PERSONAL**

- Life-long resident of the City of Detroit
- · Member, Triumph Church
- Graduate of Osborn High School, Michigan State University, and Thomas Cooley Law School



Endorsed by: Michigan AFSCME Council 25

#### LEGAL EXPERIENCE

**The Law Offices of Nicole L. James, PLLC** - Full Service Law Firm handling criminal cases, driving while intoxicated, family and probate matters and more.

Wayne County, Assistant Prosecuting Attorney, 15 years.

Specially assigned to the Special Victims Unit prosecuting homicide cases that occurred as the result of domestic violence. Other assignments include: the Appellate Division, the Homicide Unit, the Juvenile Unit, Warrant and District Court Section and General Trials.

#### **COMMUNITY SERVICE**

Mentor/Volunteer

Triumph Church Youth Ministries and Local Evangelism and Outreach Service

**Legal Volunteer/Voter Rights Specialist- Election Day**National Democratic Party

Endorsed by: Michigan AFSCME Council 25



Keep Politics out of our Courts

### **Vote for Nicole James**

Michigan Court of Appeals, District 1, on Tuesday, August 2

District 1: Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne County

Office: (313) 429-7141 • Email: njames@nicolejameslaw.com

Paid for by the Committee to Elect Nicole James PO Box 7514, Detroit, MI 48207



April 14, 2016

Nicole James Committee to Elect Nicole James P.O. Box 7514 Detroit, Michigan 48207

Dear Ms. James:

This letter concerns the complaint that was recently filed against you, 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. LaBrant's 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, Loui A Bourboaus

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

RECEIVED/FILED MICHIGAN DEPT OF STATE 2016 APR 13 PM 2: 40 ELECTIONS/GREAT SEAL

April 7, 2016

Lori A. Bourbonis Bureau of Elections Michigan Department of State Richard H. Austin Building-1<sup>st</sup> Floor 430 W. Allegan St. Lansing, MI 48918

Dear Ms. Bourbonais:

My rebuttal statement to the response you received from Nicole James on March 21, 2016, to my two complaints against her candidate committee for its failure to include a complete and correct identification statement on her campaign literature is simply this-- third time is a charm. She finally got it right!

Too bad she can't be intellectually honest enough with the Department to admit, rather than deny, that her first two campaign pieces did not contain a paid-for-by statement.

By brashly denying any and all violations of MCL 169.247 (1), in the face of the copies of the palm cards I submitted with my complaints, Ms. James displays such conceit to the Department that a finding of "there may be reason to believe a violation of the MCFA has occurred" is more than warranted.

Sincerely,

Robert S. LaBrant 106 W. Allegan St.

Suite 200

Lansing, MI 48933



April 27, 2016

Nicole James Committee to Elect Nicole James P.O. Box 7514 Detroit, Michigan 48207

Dear Ms. James:

The Department of State (Department) has completed its investigation of the 2 complaints filed against you by Robert LaBrant, 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. LaBrant's complaints.

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. LaBrant filed his complaints on February 29 and March 8, 2016. You filed a written response on March 28, 2016, and Mr. LaBrant filed a rebuttal statement on April 13, 2016.

Mr. LaBrant alleged that you failed to include a paid-for-by statement on certain campaign material. In support of his complaint, Mr. LaBrant provided copies of 2 palm cards which stated, "Vote for Nicole James Michigan Court of Appeals, District 1, on Tuesday August 2 [.]" It appeared that neither palm card contained a paid-for-by statement.

In your response you denied that your material did not contain a proper paid-for-by statement. As evidence, you provided a palm card which did contain a complete and correct paid-for-by statement. The Department notes that the palm card you provided is different from both examples provided by Mr. LaBrant.

While the Department believes that the evidence tends to show that some of your campaign material failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the

Nicole James April 27, 2016 Page 2

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 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.

Additionally, 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,

About A Bombonas

Lori A. Bourbonais Bureau of Elections

Michigan Department of State