



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

November 15, 2012

Sue Camilleri
5170 Elizabeth Lake Road
Waterford, Michigan 48327

Dear Ms. Camilleri:

The Department of State (Department) has concluded its review of the complaint you filed against Teresa Fortino, concerning purported violations of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

A candidate committee is required to file periodic campaign statements disclosing its contributions and expenditures in accordance with the MCFA. With respect to contributions, the candidate committee must identify a person from whom payments are received by name and address, the date on which the contribution is received, and the amount and purpose of the contribution. MCL 169.226(1)(g). This disclosure requirement also applies to in-kind contributions, which must be reported at fair market value. MCL 169.226(1)(b). A candidate committee that knowingly files an incomplete or inaccurate campaign statement may be ordered to pay a civil fine up to \$1,000.00. MCL 169.233(10).

You alleged that Ms. Fortino's candidate committee, Teresa Fortino for Clerk, "is using her mother's campaign signs," which indicate that they were "Paid for by Friends for Betty Fortino ... [.]". The signs read, "Fortino for Waterford Township Clerk," and were reported as an in-kind contribution to Teresa Fortino for Clerk on the pre-primary campaign statement filed with the Oakland County Clerk on July 27, 2012.

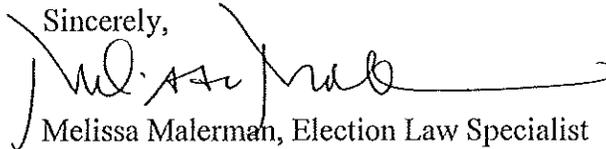
In response to your complaint, Teresa Fortino explained that her mother, Betty, held elective office as the Waterford Township Clerk until her death on June 18, 2011. Teresa Fortino subsequently decided to re-use Betty's yard signs as a cost savings measure and made inquiries to this office regarding whether the use of a deceased candidate's yard signs was permitted under the MCFA. Teresa was correctly advised that she could re-use Betty's yard signs if the transaction was recorded and disclosed as an in-kind contribution to Teresa's candidate committee.

In accordance with these instructions and in compliance with the disclosure requirements of the Act, the campaign statement filed by Teresa Fortino for Clerk indicates that the committee received an in-kind contribution of signs valued at \$200.00 from the Friends for Betty Fortino committee. You did not dispute that the value of the signs reported by Teresa's committee represents their fair market value. Further, it is not apparent that Teresa intentionally sought to evade the reporting requirements of the Act.

Teresa also explained that the "paid for by" identification statement on the bottom of the signs was not altered because her committee had not actually produced or purchased the signs from the original vendor. In other words, the "Paid for by Friends for Betty Fortino" identification statement was accurate at the time the signs were initially acquired. While we view this explanation as credible, we would encourage Teresa to include her own committee's identifying information if she chooses to become a candidate again in the future.

The Department is cognizant that the election has concluded and Teresa Fortino lost her bid to become Waterford Township Clerk. In view of the foregoing, the Department has dismissed your complaint and will refrain from taking any further action against Teresa at this time. MCL 169.215(10). The Department's file in this matter is now closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Malerman", with a long horizontal flourish extending to the right.

Melissa Malerman, Election Law Specialist
Bureau of Elections
Michigan Secretary of State

c: Teresa Fortino