

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

August 16, 2017

Committee to Elect Jerry Whitaker 2151 Hollow Creek Trail Portage, Michigan 49024

Dear Mr. Whitaker:

The Department of State (Department) has completed its investigation of the complaint filed against you by Zachary Lassiter, 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. Lassiter'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. Lassiter filed his complaint on November 15, 2016, and you filed a written response on February 17, 2017.

First, the Department apologizes for the delay in resolving this complaint. Regrettably, your answer was misfiled in our office and it was not brought to our attention until recently.

Mr. Lassiter alleged that you failed to include your address in your paid-for-by statements on your campaign materials. In support of his complaint, Mr. Lassiter provided pictures of signs which stated, "Jerry Whitaker Kalamazoo Co. Commission 10th District [.]" It appeared that your committee's address was omitted from the paid-for-by statements on these materials.

In your response you admitted that you were "only aware that the sign had to identify the name of the committee to elect and did not require the actual physical address on referred signage." You further stated that all signage used in the future will be corrected.

Committee to Elect Jerry Whitaker August 16, 2017 Page 2

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete paid-for-by statement and a technical violation occurred, 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 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

A Boundonas

c: Zachary Lassiter

2017 FEB 1 2017 ELECTIONS/

Gerald M. "Jerry" Whitaker

2151 Hollow Creek Trail Portage, MI 49024 269-324-6993 premiumboy62@gmail.com

February 14, 2017

Michigan Department of State Bureau of Elections Richard H. Austin Building 1st Floor 430 West Allegan Street Lansing, MI 48918

Attn: Lori A. Bourbonais

Dear Ms. Bourbonais,

I am responding to the complaint filed on November 22, 2016 and the "Second Notice" dated February 6, 2017.

I own a home at 6280 Cully's Trail and a condominium at 2151 Hollow Creek Trail. I have made my permanent mailing address 2151 Hollow Creek Trail and requested all mail be forwarded to that address. I have been receiving all forwarded mail, so I have no idea why I did not receive the original complaint on November 22, 2016. I just received the second notice on February 11, 2017, certified mail at the Portage Post Office.

As to my response to the complaint of not having my campaign address on the campaign sign referred, I as only aware that that the sign had to identify the name of the committee to elect and did not require the actual physical address on referred signage.

I apologize for this oversight and will correct all signage that I would use in the future, if I decide to run for a public office in the future.

Thank you for allowing me to respond to this complaint.

Sincer

Gerald N. "Jerry" Whitaker 2151 Hollow Creek Trail

Portage/MI



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

February 6, 2017

Committee to Elect Jerry Whitaker 2151 Hollow Creek Trail Portage, Michigan 49024

Via Certified Mail

SECOND NOTICE

Dear Mr. Whitaker:

The Department of State (Department) received a formal complaint filed by Zachary Lassiter 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 Department notes that it attempted to notify you of this complaint on November 22, 2016 at 6280 Cully's Trail, Portage, Michigan 49024, but the envelope was returned by the U.S. Postal Service marked "Return to Sender."

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. Lassiter provided copies of pictures of signs which state, "Jerry Whitaker Kalamazoo Co. Commission 10th District [.]" The paid-for-by statements on these signs appear to omit your committee's address.

The Department also notes that Mr. Lassiter alleges that your committee's original Statement of Organization was incomplete in violation of MCL 169.224. However, the Department notes that an amended Statement of Organization, which appears to be complete, was filed with the Kalamazoo County Clerk prior to the filing of Mr. Lassiter's complaint. Therefore, this portion of Mr. Lassiter's complaint is dismissed.

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>

Committee to Elect Jerry Whitaker February 6, 2017 Page 2

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. 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. Lassiter, 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

c: Zachary Lassiter



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

November 22, 2016

Committee to Elect Jerry Whitaker 6280 Cully's Trail Portage, Michigan 49024

Dear Mr. Whitaker:

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Jerry Whitaker November 22, 2016 Page 2

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Sinterely, A Bomboras

Lori A. Bourbonais Bureau of Elections

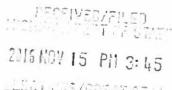
Michigan Department of State

c: Zachary Lassiter

Before The

Michigan Department of State Bureau of Elections

Lansing, MI



In The Matter of:	-)	-LECT.CHS/GREAT SIM
Committee To Elect Jerry Committee ID # 54948 6280 Cully's Trail Portage, MI 49024 Violator	Whitaker)	COMPLAINT FOR VIOLATION OF SECTIONS 47, 24 AND 18a of the MICHIGAN CAMPAIGN FINANCE ACT
Zachary Lassiter (2 PO BOX 51644 Kalamazoo, MI 49005 Complainant	69)389-0176))) _)	

JURISDICTION

- Gerald Whitaker is a candidate for the District 10 seat of the Kalamazoo County Commission, meeting the requirements of a candidate under the Michigan Campaign Finance Act.
- Whitaker Formed the Committee "Committee to Elect Gerald Whitaker to Kalamazoo County Commission" Committee ID 54948 On March 10 2016 and is a committee regulated by the Michigan Campaign Finance Act.

ALLEGATIONS

- 3. Yard signs purchased by the committee do not contain the required disclaimer required under Section 47 of the Michigan Campaign Finance Act.
- 4. At the time of purchase and placement of the signs the committee was known as "Committee to Elect Gerald Whitaker to the Kalamazoo County Commission" and not "CTE Jerry Whitaker"

- 5. The Original Statement of Organization filed with the Kalamazoo County Clerk on March 10th 2016 does not contain a treasurer signature as required by Section 18a of the Michigan Campaign Finance Act.
- 6. The original Statement of Organization filed on March 10th 2016 does not contain an official depository as required by Section 24 of the Michigan Campaign Finance Act.

STATEMENTS OF FACT

- 7. On November 2nd 2016 at 9:32 PM I located a yard sign advocating for the election of Jerry Whitaker for the 10th District Kalamazoo Co Commission seat.
- 8. The sign stated "Jerry Whitaker Kalamazoo Co. Commission 10th District" and had the disclaimer "Paid for by CTE Jerry Whitaker". A photograph of the sign is attached as Exhibit 1.
- 9. The sign did not contain the address of the committee.
- 10. The sign was located on the North East corner of Michigan Ave and Venture Park in the front of the Home Builders Association in Oshtemo Township, Kalamazoo County.
- 11. The yard sign design exactly matches the design of a post made on the candidate's facebook page at https://www.facebook.com/whitakerforcommissioner/ on October 3rd 2016 at 9:58 PM and October 15th 2106 at 7:55 AM. The posts depict the signs being placed in the ground. This posts are attached as Exhibit 2 and 3.
- 12. According to the Itemized Expenditures Report filed October 28th 2016 the yard signs were purchased on "Oct 7th 20" which is presumed to be October 7th 2016. This is attached as Exhibit 4
- 13. At the time of purchase as well as the time of the above facebook posts the committee was known as "Committee to Elect Gerald Whitaker to Kalamazoo County Commission" according to the

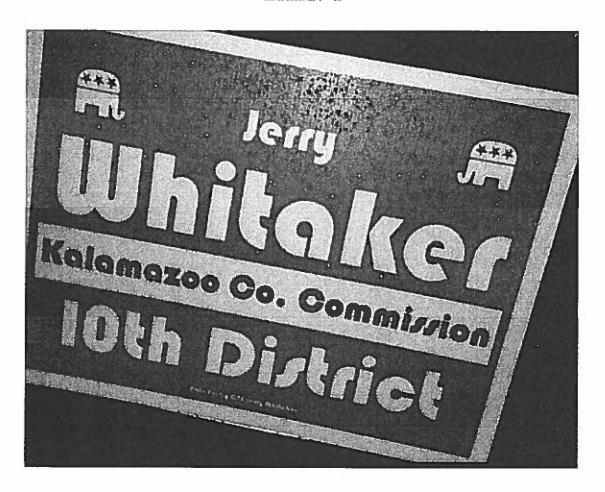
statement of organization form for candidate committees filed with the Kalamazoo County Clerk on March 10th 2016. It is attached as Exhibit 5.

- The original statement of organization filed on March 10 2016 does not contain a treasurer signature or the name and address of the depository.
- On October 28th 2016 an amended statement of organization was filed with the Kalamazoo County Clerk changing the committee name to Committee to Elect Jerry Whitaker which CTE Jerry Whitaker is believed to be an abbreviation for. This is attached as Exhibit 6

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 the complaint is supported by evidence.

Nov 5th 2016





Ruby says two thumbs up for Whitaker





Jerry Whitaker added 2 new photos.

October 15 at 7:55am - 🖨

Team Whitaker:)





HEMIZED EXPENDITURES	54948		
SCHEDULE 1B	Committee I. D. Number	ne lathiant	
CANDIDATE COMMITTEE 2.0	Committee To Elect Jen	ry verniar	
3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5 Date	B. Amount
Expenditure #1			
Name Signs on the Cheap	1	0/7/20	377.54
W. (S. W. Const.)	Yard Signs	Date	•
11525A Stonehollow Dr., Ste. A	Purpose,		
Austin, TX 78758	ClokHe	e lor Memo (tem zation Type
	Chock box if this expendeure is payment of		
Fund Raiser	debt or colligation reported on previous statement		
Expenditure #2	Seattle (1): 11		
Name Got Print	1	0/7/20	245.05
	Palm Cards	Date	s 246.26
Address	Purpose:	hale	
7651 N. San Fernando Rd.	Dark Harris	- des blums l	territation Type
Burbank, CA 91505		e ici isenio i	mutation (And
<u> </u>	Check box if this expendature is payment of		
Fund Raiser	তিত্রী or obligation reported on previous statement		
Expenditure #3			
Name SBF Enterprises	[10/7/20	1 550 0.
	Absentee Mailings	Date	s 1,559.9·
815 E. Crosstown Pkwy.	Purpose:	Odd	
Kalamazoo, MI 49001	Clox Her	g for Morno t	emization Type
5 5 50 50 50 50 50 50 50 50 50 50 50 50	Check box if this expenditure is payment of		
Fund Raiser	debt or obligation reported on previous		
Expenditure #4	statement		
Name SBF Enterprises	1	0/7/20	
our smarphood	1.55		s 1,774.4
Address	Purpose Printing Postcards	Date	
815 E. Crosstown Pkwy.			
Kalamazoo, MI 49001	Click Her	g for Memo II	етильног Туре
	Check box if this expensions is payment of		
Fund Raiser	debt or obligation reported on previous statement		
Expenditure #5			
Name			
	_		s
Address	Ригроза:	Date	
	Circk Her	ne for Merma II	enszaton Type
	Check box if this expenditure is payment of	77 (24%) 460 M (450 M)	
Fund Raiser	GEOt or obligation reported on previous statement		
	Subtotal	this page	3,958.17
	Grand Total of all Sci	redules 18	3,958.17
	(Complete on last page of		_,000.17
			Enter this total
1 1			on line Ba of Summary Page



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES	
1. Committee ID #: 54948	rch 10, 7
*3. Full Name of Committee (must include Candidate's first and last name):	
Committe to Fleet Green Whitely to Kalantae County	الاءبيس
61345	
4b. Political Party (if applicable): Republican "4c. County of Residence: 16/10/10/10	
*4e. District/Circuit # or Jurisdiction: 10 S. Date Committee was Formed: 3/16/16	
5. Date Committee was Formed: 3 //c//C	
6a. Committee Phone: 1C4 - 114 C913 6b. Committee Fax #:	
c. Committee Email Address: 6d. Committee Website Address:	
Prenimby (1e canil con 78. Complete Committee Marling Address (May be PO Box): C2 ED Citys Inil Pretize MI 49014	
"7b. Complete Committee Street Address (May not be PO Box):	
*8. Treasurer Name and Complete Address: Agken Whithit 3 921 Face Cove Lave Phone #: 209 - 491 - 6210 Email Address: Poeting MI 49024 9. Designated Record Keeper Name and Complete Address:	Opt #1
s. Designation notice a Reeper Name and Complete Address:	
Phone #: Email Address:	
*10. REPORTING WAIVER REQUEST:	
and Annual Campaign Statements. I/We further understand that the Reporting Walver will be automatically lost if the committee exceeds threshold and all required campaign statements must be filed. <u>A Reporting Weber does not exempt a committee from filing Late Contrib</u> Reports.	
NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in a I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend excess of \$1,000 in an election. I further understand that the Reporting Waiver cannot be requested retractively to avoid filing require to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual. *11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Associations)	or receive in ments and
this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address):	
Secondary Depository [name and address]:	
12. This stem applies only to Gubernatorial Candidate Committees: Check if this committee intends to seek qualifying contributions of managements.	ke qualifying
<u> </u>	Total to
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not candidate Committees that file with the County Clerk's office.	C elabora ro
Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically.	3
Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would bite to file electrobically volunts Further information regarding Electronic Filing can be found in <u>Appendix D</u> of the Committee Manual.	dily.
14. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true,	
emplete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signat verify the accuracy and completeness of each statement filed electronically by the commistee. I/We certify that all reasonable diagence will be	
preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and compl	rte to the
est of my/our knowledge or belief. (Sign Name and Date)	
Candicule: Date: 3/so//C Current Treasurer Date:	
Designated Record Keeper (Required only if filing electronically) Date:	



MICHISAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE A COMMITTEES FILED WITH A COUNTY CLERK

1. Committee ID #: 54948	Tes =	treormation on this form is made pu	blic.	
T. Commuttee in at 24849	*2. Type of Filing: Ongl	nal: indiment to items:	Eff. Date: 10	3/7/2016
*3. Full Name of Committee (must include Committee to Elect Jerry Whits	e Candidate's first and last na	me):		
"4a. Candidate Full Name: Last Hame Ju	эггу	First Name Whiteker	M.I.	
*4b. Political Party (if applicable): Repu	bilcan Party	*4c. County of Residence: MA	LAMAZOD	
*4d. Office Sought: Board Member -	Local	*4a. District or Jurisdiction:	10	
*5, Date Committee was Formed:	*********			
*6a. Committee Phone: (259) 274-61	59	6b. Committee Fax #:		
*6c. Committee Email Address:		fid. Committee Website Addres	s: °>	
*7a. Complete Committee Mailing Addres 6250 Cully's Trail, Portage, MI	s (Mary be PO Bos): 49024		=======================================	2016
*7b. Complete Committee Street Address	(May not be PO Box):		<u>, ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;</u>	9 4
*8. Treasurer Name and Complete Addres Aaron Whitaker, 3421 Fawn Co		, Mt 49024		Hd 84
Phone #: (269) 491-6210	Email Addr	'eşt:	7	PH IZ
 Designated Record Keeper Name and Co Jerry Whitaker, 6280 Gully's To Phone #: (269) 274-6159 			R	2
YES, I/We WANT TO APPLY FOR THE UNDERSTAND THAT If the committee does campaign Statements I/We further understand transpaign statements must be filled. NO, I/We DO NOT WANT TO APPLY I/We understand that the committee owes in the committee ow	s not spend or received in except and that the Reporting Waiver it. A Reporting Waiver does no Y FOR THE REPORTING WAIVE Pre, Post, Quarterly Statement parting Waiver cannot be required.	ess of \$1,000 in an election, the com will be automatically lost if the cor- it exempt a committee from filing La ER. The committee expects to rece to even if the committee does not sy ested retroactively to avoid filing in	mittee does not owe Prc, Pc natitee exceeds the \$1,000 ate Contribution Reports. eve or expend in excess of \$1 send of receive in excess of \$1	est and Quarterly threshold and all 1,000 in an <u>electi</u> 51,000 in an
*11. Name and Address of Depositories or this item must be completed, an account do *Official Depository (name and address): Secondary Depository (name and addre	es not have to be opened unt Wells Fargo Advisors	til the first contribution is received.		stociation) Whi
12. Verification: I/We certify that all reason, complete to the best of my/our knowledge of the sagnatures that verify the accuracy and chiligence will be used in the proparation of eccurate and complete to the best of my/our properties.	or belief. If filing campaign statemet completeness of each statemet ack statement electronically fi	tements electronically, we further a nt filed electronically by the commi lied by this committee and that the	gree that the signatures belo itee. I/We certify that all rea	ow shall serve as asonable
Candidate:	Date: 10/27/2016	*Current Treasurer	Date:	10/27/2016
Designated Record Keeper (If Applicable)			Date:	

CFR101 CAN SO. doc REV D4/16: Authority granted under Act 388 of 1976, as amended ** Required Field on Originals