

**Campaign Finance Complaint Form
Michigan Department of State**

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2018 JUN 20 PM 1:36

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.*).

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:

Section 1. Complainant			
Your Name Margaret Mancuso		Daytime Telephone Number 248-921-5891	
Mailing Address 1439 Vanstone Drive			
City Commerce Twp	State MI	Zip 48382	

Section 2. Alleged Violator		
Name Matt Marko		
Mailing Address 5036 Dixie Hwy #1164		
City Waterford	State MI	Zip 48338

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

Section(s) of the MCFA violated:

MCL 169.247 Section 47 (1)

Explain how those sections were violated:

Printed campaign magnetic car sign does not have any identification, regarding who paid for the campaign magnetic car sign such as the name and address of person or organization.

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

Attached

MATT

MARK



for State Representative

www.matthewmarko.com

www.matthewmarko.com



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

June 26, 2018

Matt Marko
5036 Dixie Highway #1164
Waterford, Michigan 48330

Dear Mr. Marko:

The Department of State (Department) received a formal complaint filed by Margaret Mancuso against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

This is the second complaint that has been received by the Department alleging your printed campaign materials fail to comply with section 47 of the MCFA. Previously, the Department issued you and your campaign a warning letter advising you of the requirements of section 47 of the MCFA. In response, you indicated via letter, "I am aware of the identification needed on all printed material and I am in compliance."

Since the filing of the first complaint, a second complaint was filed where Ms. Mancuso alleges that a car magnet supporting your candidacy does not contain a proper paid for by statement. In support of her complaint, she has provided a picture of the car magnet which reads "MATT MARKO for State Representative." A copy of the materials is enclosed.

As you are aware, the MCFA and corresponding administrative rules require a person who produces printed material that relates to an election 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 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 this 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. Should you elect to file a response, **please address why this should not be considered a knowing violation given your previous**

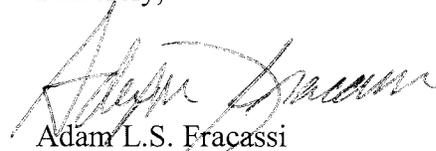
Matt Marko
June 29, 2016
Page 2

admission knowing of the need for all printed material to contain a proper paid for by statement and stating you are in compliance.

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 answer will be provided to Mancuso, 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 penalties provided in section 47 of the Act.

Sincerely,



Adam L.S. Fracassi
Bureau of Elections
Michigan Department of State

c: Margaret Mancuso

Matt Marko
Candidate, Michigan House District 44
1222 Forest Bay Dr.
Waterford, MI 48328
6/20/18

2018 JUN 26 AM 10:12
ELECTIONS/GREAT SEAL

Adam L.S. Fracassi
Bureau of Elections
430 W. Allegan
Lansing, MI 48918

Dear Adam L.S. Fracassi:

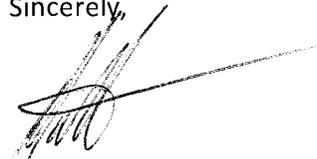
Dear Mr. Fracassi

Thank you for your letter of June 7th, 2018 which I just received yesterday as I've been remised in checking the P.O. Box.

I am aware of the identification needed on all printed material and I am in compliance. At the particular event in question, the banner was folded over the top of the table to hold it in place, making the "paid for" information not visible from the seated position where the photo was taken. I've included a photo of where it is on that banner as well as a photo and other printed material showing my compliance.

I regret this has caused you any inconvenience

Sincerely,



Matt Marko
c) 248-330-8733

Paid for by Friends of Matt Martin, 2030 Circle Hwy #1186, Washington WA 98090

MATT MARINO



for State Representative

Paid for by Friends of Matt Marino, 5036 State Highway #2104, Waterford MI 48326



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

July 10, 2018

Margaret Mancuso
1439 Vanstone Drive
Commerce Township, Michigan 48382

Dear Ms. Mancuso:

The Department of State received a response to the complaint you filed against Matt Marko, 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, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Matt Marko

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2018 JUL 10 PM 2:54

ELECTIONS/GREAT SEAL

Adam Fracassi

Department of State, Bureau of Elections

Richard H. Austin Bldg, 1st Floor

430 W. Allegan St., Lansing MI 48918

7/3/2018

Subject: Your letter of June 26, 2018 – Complaint

Dear Mr. Fracassi:

My car magnets, as well as all other promotional materials for the campaign, are in compliance. Please see the enclosed photo evidence.

A handwritten signature in black ink, appearing to read "Matt Marko", with a long horizontal line extending to the right.

Matt Marko

Candidate for State Representative District 44

1222 Forest Bay Dr.

Waterford, MI 48328





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

September 24, 2018

Matt Marko
5036 Dixie Highway #1164
Waterford, Michigan 48330

Re: *Mancuso v. Marko*
Campaign Finance Complaint
No. 2018-06-021-47

Dear Mr. Marko:

The Department of State (Department) has concluded its investigation into a complaint filed against you by Margaret Mancuso which alleged you violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on car magnets. This letter concerns the disposition of the complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election 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).

This is the second complaint that has been received by the Department alleging your printed campaign materials fail to comply with section 47 of the MCFA. Previously, the Department issued you and your campaign a warning letter advising you of the requirements of section 47 of the MCFA. In response, you indicated via letter, "I am aware of the identification needed on all printed material and I am in compliance."

Since the filing of the first complaint, a second complaint was filed where Ms. Mancuso alleges that a car magnet supporting your candidacy does not contain a proper paid for by statement. In support of her complaint, she has provided a picture of the car magnet which reads "MATT MARKO for State Representative." In the picture, the car magnet entirely omits a paid for by statement.

In your response to the complaint dated July 3, 2018, you stated that your car magnets and other promotional materials were in compliance and you provided a picture demonstrating that the car magnet contained a paid for by statement.

Matt Marko
September 24, 2018
Page 2

Upon review of the submitted materials, it appears that there is evidence that tends to support the conclusion that a violation of the MCFA has occurred. While your response indicates that your materials are in compliance, the evidence shows that at least one car magnet failed to contain a proper paid for by statement thereby violating MCL 169.247.

Upon the finding of a violation, the Act 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.*

Given that the picture you submitted shows there are at least some materials in compliance, the Department determines that this warning is a sufficient resolution to the complaint. MCL 169.247(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 produced in the future referring to an election or to your candidacy must include this identification statement. If this information has been included on the banner, but has not been provided to this office, please provide this office such evidence demonstrating the proper paid for by statements located on the banner.

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 considers the instant action closed and resolved.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Margaret Mancuso