



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

August 23, 2012

Gerald A. Fox
2190 Evon Road
Saginaw, Michigan 48601

Dear Mr. Fox:

The Department of State (Department) received a formal complaint filed by Suzanne Masters 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 printed campaign-related material. A copy of Ms. Masters' 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), 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. Masters provided a copy of a mailed card, a copy of a printed brochure, and a picture of a sign. The mailed card, in pertinent part, states "Re-Elect Gerald A. Fox for Spaulding Township Supervisor [,]" the brochure, in pertinent part, states "Gerald A. Fox for Spaulding Township Supervisor" and "Primary Election Voting is Tuesday, August 7th 2012 [,]" and the sign states "ELECT GERALD FOX SPAULDING TOWNSHIP SUPERVISOR [,]" It appears that there is no paid-for-by statement on any of this material.

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. 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.

BUREAU OF ELECTIONS
MI DEPT OF STATE

Michigan Department of State
Campaign Finance Complaint Form

2012 AUG 16 PM 3:32

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.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1: Complainant		
Your Name	SUZANNE MASTERS	Daytime Telephone Number 989 777 0632
Mailing Address	1570 W. MOORE	
City	State	Zip
SAGINAW	MI	48601

Section 2: Alleged Violator		
Name	Gerald A. FOX	
Mailing Address	2190 EVON ROAD	
City	State	Zip
SAGINAW	MI	48601

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

Section(s) of the MCFA violated:

11979 AC; 1982 AACSR 169.36

Explain how those sections were violated:

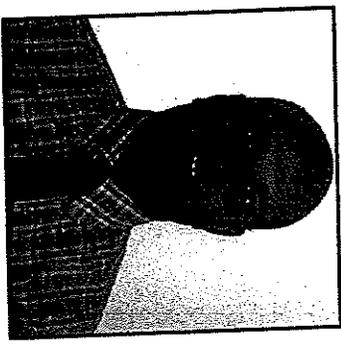
Mr Fox's campaign materials (printed brochure, mailed card + yard signs - did not contain the required "Paid for by" information, as shown by the copies attached

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

I have the brochure he gave out, the card he mailed and a yard sign. I have attached copies of them

(5 attachments in all)

Gerald A. Fox
2190 Evon Rd.
Saginaw, MI 48601



Vote AUGUST 7th

front
card

1 of 5

Postal Customer

Re-Elect Gerald A. Fox
for
Spaulding Township Supervisor

PRSR7 STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

2 of 5

Back Eared

RE-ELECT GERALD A. FOX -- *for* -- SPAULDING TOWNSHIP SUPERVISOR

- ★ Negotiated & was Awarded \$70,000 from U.S. Fish & Wildlife Service for Repair of Curtis Rd.
- ★ Worked with Saginaw Land Bank to Demo 5 Homes - Saving an Est. 20,000 - \$30,000
- ★ Negotiated a \$3,500 Decrease in Cost of Township Liability Insurance
- ★ Saved an Additional \$3,500 when Updating the Township Bookkeeping Program
- ★ Arranged for a 50% Contract Increase with Holy Cross Healthcare
- ★ Worked with Police Chief Bruns & Saginaw County to Keep a Portion of Fines & Violations for Yrs. 2009-2012 - Totaling \$20,600
- ★ Saved Spaulding Township Over \$125,000 in my First Term of Office
- ★ Honest & Dedicated to Serving Spaulding Township Residents
- ★ Thank You for Your Vote on August 7th - Gerald A. Fox

3 of 5

Gerald A. Fox

for

SPAULDING TOWNSHIP SUPERVISOR



Gerry Fox was sworn in as Spaulding Township Supervisor in 2008, and dedicated his first term in office to streamlining Township services and administration, trimming expenses and non-essential staff positions, saving Spaulding Township over \$125,000.

Gerald A. (Gerry) Fox

for

SPAULDING TOWNSHIP SUPERVISOR

When he was elected Township Supervisor in 2008, one of his first acts was to look into the practicality and advisability of decreasing the size on the Planning Commission by a third, cutting back on the unnecessary Cass River Dike and Planning Commission meetings, and suspending cost of living increases for board members. His managerial approach has not only utilized time and resources more efficiently, but it has also left more money in the pockets of the taxpayers, where it belongs without endangering the future of the essential services the Township provides.

During his first term, Gerry negotiated, and was awarded \$70,000 from the U.S. Fish & Wildlife Service for the repair of Curtis Road and worked with the Saginaw County Land Bank to demo five desolate homes saving Spaulding Township and estimated \$20,000 - \$30,000. He negotiated a \$3,500 decrease in the cost of the Township liability insurance, with board approval clipped and sealed multiple roadways, and saved an additional \$3,500 when updating the Township bookkeeping program. In his first term, Gerry was also able to arrange for a 50% contract increase with Holy Cross Kairos Healthcare, and being open to suggestions, he took under advisement of Chief of Police Jay Bruns' recommendation to work with Saginaw County, which resulted in the Township being able to keep \$20,600 brought in from the fines received from tickets and violations for years 2009-2012.

Guided by Gerry's personal principles

one sided brochure

growth of its financial accounts, despite the State of Michigan decreasing the state revenue sharing they provide to the Township by 14%. He enjoys serving the residents of Spaulding Township and working with the community at large to improve inter-governmental relations throughout the region. He has even gone so far as to travel to Washington D.C. on his own time in order to gain the attention and seek funding for the Cass River Dike project.

Gerry Fox has been a resident of Spaulding Township for 35 years. Following graduation from High School, he earned his license as a Michigan building contractor, became the owner/operator of both Fox Builders and Mid Michigan Concrete, and served as the Spaulding Township Building Inspector from 1993-1996.

Spaulding Township residents have benefited from the management and decisions reached under the actions and guidance of Gerald Fox. Vote for Gerry and give him 4 more years to continue the great work that he has started.

Primary Election Voting is
Tuesday, August 7th, 2012

Gerald A. Fox

for

SPAULDING TOWNSHIP SUPERVISOR

SPAUDING TOWNSHIP
SUPERVISOR
FOX
GERALD
ELECT

ELECT
GERALD
FOX
SPAUDING TOWNSHIP
SUPERVISOR

589

LS 205

History: 1979 AC; 1982 AACCS.

R 169.36 Printed material or other campaign media; identification or disclaimer; exemption.

Rule 36. (1) Printed material having reference to an election, a candidate, or a ballot question shall bear the identification or disclaimer, or both, provided in section 47 of the act 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, provided in section 47 of the act.

(2) The identification required by section 47 of the act for printed material shall include the words "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. A disclaimer shall be in the same form as an identification, except that it shall be preceded by the phrase "Not authorized by the candidate committee of (candidate's name)."

(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule.



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

September 13, 2012

Suzanne Masters
1570 West Moore
Saginaw, Michigan 48601

Dear Ms. Masters:

The Department of State received a response to the complaint you filed against Gerald Fox, which concerns alleged violations 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 that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Gerald Fox

September 4, 2012

2012 SEP 04 08

Dear Lori,

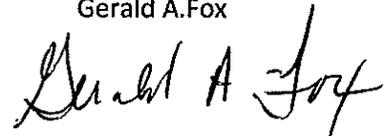
I'm working with a different print company, and I totally forgot to tell him to print "Paid for by" on the literature. I am taking all the necessary actions to correct this mistake.

I enclosed pictures of my yard signs showing that they do in fact have the "Paid for by" on them. The picture of the sign that Mrs. Masters is showing is an old sign from four years ago when I ran for supervisor.

Also included are the two pieces of literature that I handed out and mailed out. These have been sent back to the print shop and have had the correct wording added. "Paid for by the committee to elect Gerald A. Fox 2190 Evon Road, Saginaw, MI 48601."

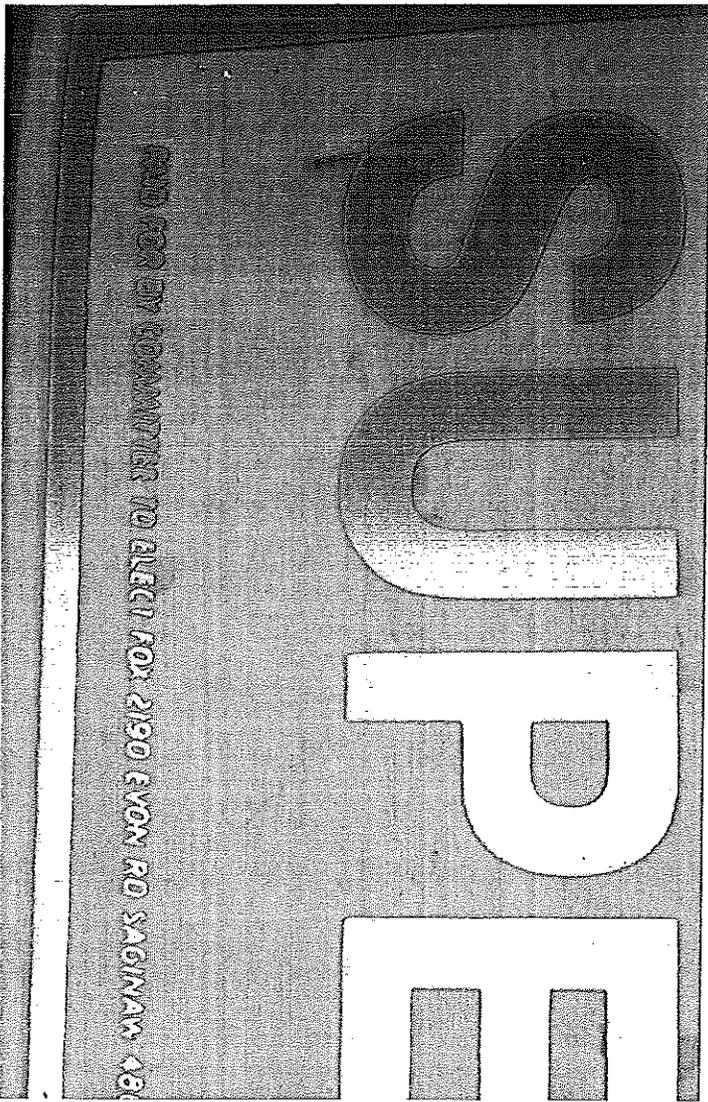
I also sent the receipts showing that I, Gerald Fox paid for all of the printing that was done for my re-election for Spaulding Township Supervisor

Thank you
Gerald A. Fox



ELECT GERALD
FOX
SPAULDING TOWNSHIP
SUPERVISOR

Picture
of our
goes
etc.
yards
sign
10

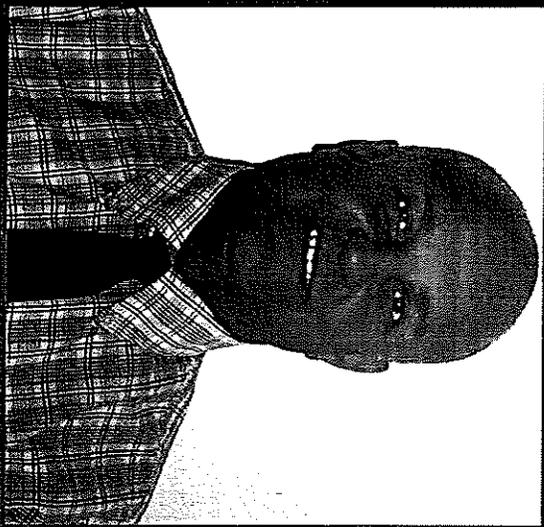


Close up of
Yard sign
"that shows
PAID for BY"

Gerald A. Fox

for

SPAULDING TOWNSHIP SUPERVISOR



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Paid for by the Committee to Elect Gerald A. Fox
2190 Ewon Rd, Saginaw, Michigan 48601

Guided by Gerry's personnel principles and values the Township has enjoyed a steady growth of its financial accounts, despite the State of Michigan decreasing the state revenue sharing they provide to the Township by 14%. He enjoys serving the residents of Spaulding Township and working with the community at large to improve inter-governmental relations throughout the region. He has even gone so far as to travel to Washington D.C. on his own time in order to gain the attention and seek funding for the Cass River Dike project.

Gerry Fox has been a resident of Spaulding Township for 35 years. Following graduation from High School, he earned his license as a Michigan building contractor, became the owner/operator of both Fox Builders and Mid Michigan Concrete, and served as the Spaulding Township Building Inspector from 1993-1996.

Spaulding Township residents have benefited from the management and decisions reached under the actions and guidance of Gerald Fox. Vote for Gerry and give him 4 more years to continue the great work that he has started.

**Primary Election Voting is
Tuesday, August 7th, 2012**

Gerald A. Fox

for

SPAULDING TOWNSHIP SUPERVISOR

RE-ELECT GERALD A. FOX -- for -- SPAULDING TOWNSHIP SUPERVISOR

- ★ Negotiated & was Awarded \$70,000 from U.S. Fish & Wildlife Service for Repair of Curtis Rd.
- ★ Worked with Saginaw Land Bank to Demo 5 Homes - Saving an Est. 20,000 - \$30,000
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- ★ Thank You for Your Vote on August 7th - Gerald A. Fox

Paid for by the Committee to Elect Gerald A. Fox
2190 Evon Rd, Saginaw, Michigan 48601

Vote AUGUST 7th

Spaulding Township Supervisor

Re-Elect Gerald A. Fox

Postal Customer



Gerald A. Fox
2190 Evon Rd.
Saginaw, MI 48601

PRSRT STD
ECHRWS :
U.S. POSTAGE
PAID
EDOM RETAIL



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

September 28, 2012

Gerald A. Fox
2190 Evon Road
Saginaw, Michigan 48601

Dear Mr. Fox:

This letter concerns the complaint that was recently filed against you by Suzanne Masters, which relates to purported violations 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 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Ms. Master'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,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Suzanne Masters

September 23, 2012

2012 SEP 27 AM 9: 56

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

Attn: Lori A. Bourbonais

Rebuttal statement concerning Gerald A. Fox

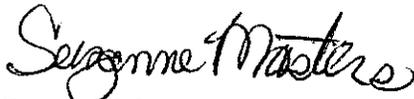
Mr. Fox states that he is working with a different print company now and he forgot to tell him to print the required information on his literature - he obviously forgot to tell his print company four years ago also.

The yard sign that I sent a photo of was one of many that was placed around the township during the campaign (the lack of the required information was brought to my attention by other voters in the township also) – whether it and the others were old signs from four years ago that was used for 2012 or new for this campaign - then and during this last campaign they didn't have the correct Paid for information on them. I don't know if Mr. Fox was saying that for some reason I had a sign from his campaign four years ago that I used for documentation, I can assure you that I did not.

Mr. Fox said he sent the two pieces of literature back to the print shop and had the correct information added. It looks like he typed the Paid for at the bottom of the literature to send to you, this is after the fact that it has already been handed out, mailed, or placed in outdoor places and it was not in compliance with the law. It doesn't seem to make sense for him to pay the print company to remedy his error at this time, on his political literature.

As I stated previously Mr. Fox and also by his own statements, wasn't new to the campaign process – he ran four years ago. He seems to have had the same issues four years ago with following the law and again during this campaign.

Thank you for your consideration on this matter.



Suzanne Masters
1570 W. Moore
Saginaw, Michigan 48601



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

December 21, 2012

Gerald A. Fox
2190 Evon Road
Saginaw, Michigan 48601

Dear Mr. Fox:

The Department of State (Department) has completed its investigation of a complaint filed against you by Suzanne Masters, 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. Masters' 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(5).

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.*

The complaint was filed by Ms. Masters on August 16, 2012. You filed a written response on September 6, 2012, and Ms. Masters filed a rebuttal statement on September 27, 2012.

Ms. Masters alleged that your "campaign materials . . . did not contain the required 'Paid for by['] information [,]" Ms. Masters provided as evidence a copy of a postcard which states "RE-ELECT GERALD A. FOX - for - SPAULDING TOWNSHIP SUPERVISOR [,]" a copy of a brochure which states "Gerald A. Fox - for - SPAULDING TOWNSHIP SUPERVISOR [,]" and a picture of a sign which states "ELECT GERALD FOX SPAULDING TOWNSHIP SUPERVISOR [,]" It appears that there is no paid-for-by statement on any of this campaign-related material. However, the postcard did contain your name and address in the return-address area.

In response, you filed a letter which stated that you were "working with a different print company [,]" and that you mistakenly left off the paid-for-by statement on the brochure. You also provided a picture of the new yard signs that your campaign used this year that shows a complete and correct paid-for-by statement. You stated that the picture provided by Ms. Masters was of an old sign used in a previous campaign. Finally, you stated that you sent the two pieces

of literature that you handed and mailed out back to the printer and had the correct wording added. You provided samples of the corrected postcard and brochure.

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 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 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(5), 215(10).

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

Sincerely,



Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Suzanne Masters