



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

August 12, 2015

Fred McPhail  
219 East Lincoln Street  
Grand Ledge, Michigan 48837

Dear Mr. McPhail:

The Department of State (Department) has concluded its review of the complaint filed by you against the Grand Ledge Public Schools (GLPS) concerning an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

You alleged that GLPS mailed certain campaign material which failed to contain a complete and correct paid-for-by statement and unlawfully used public resources to create and mail this material, which asked the reader to support the GLPS 2015 bond proposal.

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).

Additionally, in Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

You filed your complaint on March 11, 2015, and GLPS filed its answer on April 24, 2015. You did not file a rebuttal statement with the Department.

As evidence, you provided a letter dated February 13, 2015 which stated, "we are writing to ask for your support of the 2015 bond proposal" and "[w]e are asking you to vote 'YES' [.] This letter appeared to be printed on GLPS letterhead. You also provided a letter signed by Ariana Gibbs which stated, "I'm writing to ask for your support of the 2015 bond proposal" and "I'm asking for you to vote 'YES' [.] This letter also appeared to be printed on GLPS letterhead.

In its answer to your complaint, GLPS asserted GLPS did not use or authorize the use of public resources to send the letters. Rather, GLPS asserted that the letters were created and distributed by independent parent groups and the letters did not appear on official letterhead paid for by the district.

**Hayes Middle School PTO Letter**

GLPS stated that the Hayes Middle School PTO “is an *independent* parent-teacher organization that any parent or guardian of a Hayes Middle School student may join.” (Emphasis in original.) GLPS further stated that Ariana Gibbs is the current PTO President, and the PTO created and mailed the letter which was signed by Ariana Gibbs. GLPS also stated that “[n]o [GLPS] resources were used in the letter’s creation or distribution.”

As evidence, GLPS provided an affidavit from Ariana Gibbs, which stated that the letter was produced and distributed on the PTO’s own personal time, using the PTO’s own funds and resources. She further stated that she did not ask permission for the PTO to use the digital image of the GLPS name or GLPS letterhead, nor did GLPS authorize its use. GLPS also provided an affidavit from Dr. Brian Metcalf, Superintendent of GLPS, which stated that GLPS “does not manage, supervise, or control . . . Hayes Middle School PTO [,]” Hayes Middle School PTO did not request his permission to use the GLPS digital image, stationary, or letterhead, and that he did not use or authorize the use of GLPS funds or resources to make a contribution or expenditure with regard to the letter. Dr. Metcalf further stated that he would have declined any request to assist in the copying or distribution of the letter. Dr. Metcalf also stated that it is his information and belief that the Hayes Middle School PTO used names and contact information that it had previously acquired in its role as a parent group to mail the letter. Dr. Metcalf also stated that parent contact information is available in public directories, and that GLPS had responded to FOIA requests which asked for a copy of the Grand Ledge district parent list.

No evidence has been provided which contradicts the statements made in the affidavits.

Finally, GLPS notes that the letterhead used for the letter signed by Ariana Gibbs is different than the Hayes Middle School official letterhead. GLPS notes that the size of the district’s name and slogan are different, the PTO letter has its own name under the image rather than the school’s, the PTO’s letter has the PTO president’s name and position at the top of the letter rather than the assistant principal’s name and position, and the PTO’s letter is missing the recycle icon in the bottom right corner. A comparison of the two letterheads shows these assertions to be true.

Based on the above, the Department finds that the evidence does not support a conclusion that GLPS used or authorized the use of public funds to create or distribute the Hayes Middle School PTO letter in contravention of section 57 of the Act. And because the evidence supports a conclusion that GLPS funds or resources were not used to create or distribute the letter, the lack of a paid-for-by statement on the letter does not give rise to a section 47 violation by GLPS.

Therefore, this portion of your complaint is dismissed.

**High School Parent Letter**

GLPS stated that a group of parents at the Grand Ledge High School, while not a formally organized group, created and mailed a letter “on their own time, expressing their own views, and expending their own funds and resources.” GLPS also stated that “[n]o [GLPS] resources were used in the letter’s creation or distribution.”

As evidence, GLPS provided an affidavit from Theresa Ross, which stated that she helped organize a group of parents to produce and distribute the letter, the letter was produced and distributed on the group's own personal time, using the group's own funds and resources. She further stated that she did not ask permission to use the digital image of the GLPS name or GLPS letterhead, nor did GLPS authorize its use. GLPS also provided an affidavit from Dr. Brian Metcalf, Superintendent of GLPS, which stated that GLPS "does not manage, supervise, or control the high school parent group [,]" the high school parent group did not request his permission to use the GLPS digital image, stationary, or letterhead, and that he did not use or authorize the use of GLPS funds or resources to make a contribution or expenditure with regard to the letter. Dr. Metcalf further stated that he would have declined any request to assist in the copying or distribution of the letter. Dr. Metcalf also stated that it is his information and belief that the high school parent group used names and contact information that it had previously acquired in its role as a parent group to mail the letter. Dr. Metcalf also stated that parent contact information is available in public directories, and that GLPS had responded to FOIA requests which asked for a copy of the Grand Ledge district parent list.

No evidence has been provided which contradicts the statements made in the affidavits.

Finally, GLPS notes that the letterhead used for the letter from the group of high school parents is different than the Grand Ledge High School official letterhead. GLPS notes that the size of the district's name and slogan are different, the parent letter does not include the high school's name, the parent letter does not include the high school's fax number at the bottom, and the parent letter is missing the recycle icon in the bottom right corner. A comparison of the two letterheads shows these assertions to be true.

Based on the above, the Department finds that the evidence does not support a conclusion that GLPS used or authorized the use of public funds to create or distribute the letter from the group of high school parents in contravention of section 57 of the Act. And because the evidence supports a conclusion that GLPS funds were not used to create or distribute the letter, the lack of a paid-for-by statement on the letter does not give rise to a section 47 violation by GLPS.

Therefore, this portion of your complaint is also dismissed.

The Department's file in this matter has been closed and no further enforcement action will be taken.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Secretary of State

c: Robert Dietzel