



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

December 5, 2013

Neal Rohrs
2990 North Stewart Road
Charlotte, Michigan 48813

Dear Mr. Rohrs:

The Department of State (Department) received a formal complaint filed by Brett McRae against you, alleging a violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of Mr. McRae's 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). However, an individual who is not a candidate and not acting as an agent of a candidate or committee is exempt from this requirement. MCL 169.247(1).

The Act additionally requires a person, other than a committee, to file an independent expenditure report if that person makes an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the passage or defeat of a ballot question. MCL 169.251. A person who violates this section may be subject to a civil fine not to exceed \$1,000.00. MCL 169.215(15).

In support of his complaint, Mr. McRae provided a copy of an ad which ran in the October 6, 2013 Charlotte Shopping Guide. The ad states "NEAL ROHRS' VIEWS" and "go to the polls on Nov. 5th and vote NO on this excessive new tax." Mr. McRae alleges that either a paid-for-by statement was necessary on the ad or that an independent expenditure report should have been filed.

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.

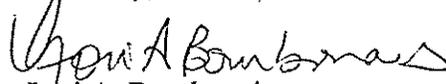
If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau 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. McRae, 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(5) 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: Brett J. McRae

2013 NOV 20 PM 2:37

STATE OF MICHIGAN
DEPARTMENT OF STATE
BUREAU OF ELECTIONS

Campaign Finance Complaint

Brett J. McRae (P41336)
403 Fourth Street
Charlotte, Michigan 48813
(517) 543-4278

Complainant,

VS.

Neal Rohrs
2990 North Stewart Road
Charlotte, Michigan 48813
(517) 645-7022

Respondent

NOW COMES THE COMPLAINANT, who alleges the Respondent violated Section 47 of the Michigan Campaign Finance Act, being Michigan Compiled Law 169.247, or in the alternative violated Section 51 of the Michigan Campaign Finance Act, being Michigan Compiled Law 169.251, by doing the following:

1. On or about October 6, 2013, an advertisement headlined "Neal Rohrs' Views: The Election Is Just Around the Corner" appeared in the Charlotte Shopping Guide, a publication of general circulation distributed in Eaton County, Michigan.
2. The advertisement measured approximately 3.25 inches by 6 inches and, according to an agent of the Charlotte Shopping Guide during a telephone conversation with the complainant on or about November 14, 2013, cost approximately \$138.00.

3. The advertisement expressly advocated the defeat of a ballot proposal to institute a city income tax in the City of Charlotte, Michigan by stating "Make sure and go to the polls on Nov. 5th and vote NO on this excessive new tax." A copy of the advertisement is included with this complaint.
4. The advertisement did not include the name and address of the person paying for the advertisement as required by Section 47 of the Michigan Campaign Finance Act, being Michigan Compiled Law 169.247.
5. According to the Eaton County Clerk in a personal conversation with the Complainant on or about October 30, 2013, An Independent Expenditure Report has not been filed with the Eaton County Clerk relating to this advertisement (or any other matter within the memory of those currently working there), as required by Section 51 of the Michigan Campaign Finance Act, being Michigan Compiled Law 169.251.

I certify that to the best of my knowledge, information or belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.


Brett J. McRae, Complainant

11/14/2013
Date

CHARLOTTE — Charlotte Police handled over 188 incidents during the week of Sept. 9-15. Here are just a few of those incidents:

» Sept. 10: Charlotte Police were dispatched to a female lying in the roadway causing a safety issue and a traffic back-up. Officers arrived and the 40-year-old female would not cooperate in moving out of the roadway. She was arrested for Disorderly Conduct.

» Sept. 11: Patrol officers were dispatched to an unwanted subject call. Officers arrived and determined the same 40-year-old female from the day prior had walked into an unlocked apartment where she was not known by the resident. The subject then had a seat on the couch until officers arrived. The subject was then arrested for Illegal Entry in a Residence.

» Sept. 12: Charlotte Police were dispatched to a domestic dispute. Officers arrived and determined the 29-year-old suspect had fled on foot after learning police were on their way. Officers were unable to locate the subject after an extensive search. Further investigation determined the suspect kicked in a door and then threatened to blow up the home after turning on the stove. Charges are pending for the suspect.

» Sept. 13: Patrol officers stopped a vehicle for a traffic violation. Officers identified the driver as a 42-year-old

female. Officers then learned that the driver did not have a valid license and was wanted for three outstanding warrants. The driver was jailed for the warrants and cited for having a suspended license.

» Sept. 15: Charlotte Police were dispatched to a female yelling in a front yard of a residential neighborhood. Officers arrived and determined the 40-year-old female they had dealt with prior in the week was possibly having a medical reaction. The female was transferred by ambulance to the hospital where she became combative with hospital staff and officers. The officer was assaulted causing minor but obvious injuries. Officers successfully deployed a Taser to subdue the female where she was then restrained for a medical evaluation. Charges are pending.

School safety tips

With kids going back to school, the Charlotte Police want to remind parents, students and drivers to be cautious around school zones, neighborhood areas and near parks where children may be crossing the road and riding bicycles. Watch for reduced speed limits in school zones on State St., High St. and Kalamo Hwy. Traffic is required by law to stop in both directions when a school bus has activated its lights and is loading and unloading children. Don't drive distracted!

— From the Charlotte Police Department

NEWS IN BRIEF

Benefit for Becky Wheeler Oct. 12

A Spaghetti Dinner will be held Saturday, Oct. 12 from 5 p.m. to 8 p.m. at the VFW in Nashville for Becky Wheeler. Cost \$10 adults; 10 and under \$5. 50/50 drawing and a silent auction. All

proceeds go for Becky's stem cell treatments.

'Friends of Chrystal' to meet

"Friends of Chrystal" meetings are held the second Thursday at the First Congregational Church from 7-9 p.m.

517 Anna 702-426

GRAND LEDGE HIGH SCHOOL PERFORMING ARTS CENTER

presents

Direct from Austria

the 'Monty Pythons' of Music:

MNOZIL BRASS

HURRY! SEATING IS LIMITED



"Happy Birthday"

Saturday, October 19 | 7:30 pm

tickets: \$30

(upgrade to premium seating with donation)

For Tickets and Info Call: (517) 925-5356

Find us on Facebook!

LJ-0100247602

PAID ADVERTISEMENT

★ **NEAL ROHRS' VIEWS: THE ELECTION IS JUST AROUND THE CORNER.** ★

November 5th is just around the corner. A new mayor, several council members and a new city income tax will be decided upon. Current Councilman and Mayoral Candidate Kevin Weissenborn was quoted as saying "The best practice is an income tax vs. a millage." (Charlotte Shopping Guide article June 16, 13.) I disagree; a millage can have a sunset provision an income tax cannot. A millage would end at a future date, but this income tax will continue forever. Council Members and the City administration says that \$500,000.00 per year is needed to fix the streets, but the income tax will collect up to \$1.5 million. Why does the city need to collect so much more than needed? The city plans to hire a collection firm that is NOT local, to be paid tens of thousands of dollars, to collect this new tax. I am sure that the job providers in Charlotte are thrilled with the burden of paying and collecting a new tax. I am also sure that each one of us will be thrilled to fill out an additional tax return each year. Retirees will not have to pay this burdensome tax but do these same retirees want their children and grandchildren to pay this poorly thought out tax for the rest of their lives? In an off election year a few supporters can make this bad tax a reality. Make sure and go to

the polls on Nov. 5th and vote NO on this excessive new tax. Five council members; Kevin Weissenborn, Lloyd Conway, Mary Jean Baker, Brandon Dyer and Wayne Kruger voted in favor of this ill-conceived tax. Thank you Mayor Dee Smith and Council Member Corey Sanders for voting to oppose the Charlotte Income Tax.



LJ-0100246396



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

January 3, 2014

Brett J. McRae
403 Fourth Street
Charlotte, Michigan 48813

Dear Mr. McRae:

The Department of State received a response to the complaint you filed against Neal Rohrs, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Neal Rohrs

2013 DEC 18 10 00 AM

Lori Bourdonais

December 18, 2013

Bureau of Elections

Michigan Department of State

RE: Response to Michigan Campaign Finance per Complaint

Ms Bourdonais,

This letter is in response to a correspondence that I received from your office on December 7, 2013 containing a complaint filed by Mr. Brett J. McRae.

Based on the information in paragraph two of the letter that was included in the correspondence from your office; I do not believe I committed a violation. I was not acting as an agent of a candidate or committee. I was acting as a concerned citizen of Eaton County who did not like the fact that the City of Charlotte was trying to pass an income tax that would be collected from thousands of people who could not vote in the election. The article is also clearly labeled a paid advertisement by Neal Rohrs.

In response to the information in paragraph three of your letter; the Lansing State Journal will not allow me to write a guest column so I paid to put an article in the paper that covered this topic. The cost of this article was \$117.00. I provided information that was not included in any other article or story release by a newspaper or the city.

I did not purposely violate the Michigan campaign finance act. I now have a clearer understanding of what the rules are. It did not occur to me that as an individual that I would need to file a report when using my money to share this information about the income tax proposal. I apologize for the time you have had to take to investigate this matter.

It appears that I spent \$17.00 more than I should have without filing an Independent Expenditure Report. I went to the Eaton County Clerk's Office yesterday and filed the Independent Expenditure Report. I hope that filing this report resolves this issue with your department.

Sincerely,

Neal O. Rohrs





MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**INDEPENDENT EXPENDITURE
REPORT**

INDIVIDUALS, GROUPS AND ORGANIZATIONS
(Includes Corporations, Unions and Domestic
Dependent Sovereigns)

1. Complete 1a or 1b. Do not use this form to report independent expenditures related to more than one candidate or ballot question.

1a. Enter the candidate's name, office involved, jurisdiction/district and county of residence.

1b. Describe the ballot question supported or opposed and indicate whether it is a statewide, county or a local proposal.

Charlotte Income Tax
Ballot Proposal
Opposed
Local Proposal

<p>2. Individual, Group or Organization that made the Independent Expenditure</p> <p>Full Name: <u>Neal O. Rohrs</u></p> <p>Address: <u>2990 N. Stewart Rd</u> <u>Charlotte MI 48813</u></p> <p>County of Residence or Location: <u>Eaton</u></p>	<p>3. Individual Filing the Report</p> <p>Full Name: <u>Neal O. Rohrs</u></p> <p>Address: <u>2990 N. Stewart Rd</u> <u>Charlotte, MI 48813</u></p>	<p>4. Person(s) Contributing More than \$100.00 to the Independent Expenditure</p> <p>Full Name: <u>Neal O. Rohrs</u></p> <p>Address: <u>2990 N. Stewart Rd</u> <u>Charlotte MI 48813</u></p> <p>Occupation: <u>Insurance + Investment Product Sales</u></p>	
<p>5. Full Name and Address of Person or Business that Received the Funds</p> <p><u>Gannett Michigan Newspapers</u> <u>P.O. Box 30318</u> <u>Lansing MI 48919</u></p>	<p>6. Date</p> <p><u>10/6/2013</u></p>	<p>7. Amount</p> <p><u>\$117.00</u></p>	<p>8. Purpose of the Independent Expenditure</p> <p><u>I paid to place an article into the Charlotte Shopping guide explain why people should vote against the Charlotte Income Tax Proposal.</u></p>
<p>9. Signature of Person Filing the Report:</p> <p><u>Neal O. Rohrs</u></p>		<p>Date: <u>12/17/2013</u></p>	

Authority granted under P.A. 388 of 1976 3/10

STATE of MICHIGAN, COUNTY of EATON

FILED

DEC 17 2013

DIANA BOSWORTH
EATON COUNTY CLERK



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

December 5, 2013

Neal Rohrs
2990 North Stewart Road
Charlotte, Michigan 48813

Dear Mr. Rohrs:

The Department of State (Department) received a formal complaint filed by Brett McRae against you, alleging a violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of Mr. McRae's 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). However, an individual who is not a candidate and not acting as an agent of a candidate or committee is exempt from this requirement. MCL 169.247(1).

The Act additionally requires a person, other than a committee, to file an independent expenditure report if that person makes an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the passage or defeat of a ballot question. MCL 169.251. A person who violates this section may be subject to a civil fine not to exceed \$1,000.00. MCL 169.215(15).

In support of his complaint, Mr. McRae provided a copy of an ad which ran in the October 6, 2013 Charlotte Shopping Guide. The ad states "NEAL ROHRS' VIEWS" and "go to the polls on Nov. 5th and vote NO on this excessive new tax." Mr. McRae alleges that either a paid-for-by statement was necessary on the ad or that an independent expenditure report should have been filed.

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.

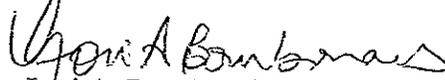
If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau 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. McRae, 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(5) 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: Brett J. McRae



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

February 25, 2014

Neal Rohrs
2990 North Stewart Road
Charlotte, Michigan 48813

Dear Mr. Rohrs:

The Department of State (Department) has completed its investigation of the complaint filed against you by Brett McRae, which alleged that you violated either section 47(1) or section 51 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1) 169.251, by either failing to include a complete and correct identification statement on an ad regarding a ballot question or failing to file an independent expenditure report. This letter concerns the disposition of Mr. McRae'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(5). However, an individual who is not a candidate and not acting as an agent of a candidate or committee is exempt from this requirement. MCL 169.247(1).

The Act additionally requires a person, other than a committee, to file an independent expenditure report if that person makes an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the passage or defeat of a ballot question. MCL 169.251. A person who violates this section may be subject to a civil fine not to exceed \$1,000.00. MCL 169.215(15).

Finally, 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.*

The complaint was filed by Mr. McRae on November 20, 2013, and you filed a written response on December 30, 2013. Mr. McRae did not file a rebuttal statement with the Department.

Mr. McRae alleged that either a paid-for-by statement was necessary and omitted on an ad you placed in the Charlotte Shopping guide urging a "no" vote on a city ballot question, or that an independent expenditure report should have been filed regarding the ad.

In response, you filed a letter which stated that you placed and paid for the ad as an individual and not the agent of a candidate or committee so you were not subject to section 47 of the Act

regarding the ad. The ad contained the disclaimer "NEAL ROHR'S VIEWS" and is written in the first person containing statements such as "I disagree" and "I am sure[,] supporting your assertion that you acted as an individual. No evidence has been provided to the contrary. Therefore, the Department agrees that you were not subject to the requirements of section 47 of the Act, and this portion of Mr. McRae's complaint is dismissed.

You further provided that the cost of the ad was \$117.00, and you did not realize at the time of placing the ad that you were required to file an independent expenditure report. You also stated that "[i]t did not occur to [you] that as an individual that [you] would need to file a report when using [your] money" to place the ad and share information regarding the ballot question. Finally, you stated that you did not purposely violate the MCFA.

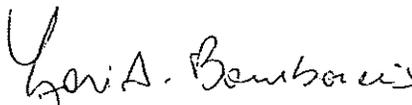
With your answer, you provided a copy of the independent expenditure report regarding this ad that you filed with the Eaton County Clerk on December 17, 2013. The Department also notes that the ad contained a disclaimer at the top which stated "PAID ADVERTISEMENT" and "NEAL ROHR'S VIEWS" which provided the public some, though imperfect, disclosure of the source of the funds for the ad at the time it ran in the paper.

While the Department believes that the evidence tends to show that you failed to timely file the required independent expenditure report for the ad referenced in the complaint, 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 have taken appropriate corrective measures by filing an independent expenditure report and will take no further action against you at this time.

However, please be advised that this notice has served to remind you of your obligation under the Act to timely file an independent expenditure report if you make an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the passage or defeat of a ballot question, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. MCL 169.251. A violation of this section may subject you to a civil fine of up to \$1,000.00. MCL 169.215(15).

Sincerely,



Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Brett McRae