



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

June 5, 2018

Barbara Ziarko
13805 Deepwood Court
Sterling Heights, Michigan 48312

Dear Ms. Ziarko

The Department of State (Department) has received a complaint alleging that you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials.

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 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.*

There are two pieces of campaign materials that have been provided which appear to violate MCL 169.247. The first is a sign that states "RE-ELECT BARBARA ZIARKO STERLING HEIGHTS CITY COUNCIL" and "Sign Labor Donated by BARB ZIARKO AND FRIENDS." The second is literature that was distributed to voters and is alleged to not contain a proper address. In support of the complaint, copies of the materials were provided, and have been enclosed with this communication.

Upon review, it appears that the campaign literature does not contain the zip code on your address. Because enough of the mailing address is included other than the zip code, to identify an address to voters, the Department dismisses this portion of the complaint.

However, the campaign signs that have been posted appear to omit entirely the paid for by statement in violation of MCL 169.247. Given this, the Department is hereby advising you that 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

Barbara Ziarko
June 5, 2018
Page 2

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. If this information has been included on the signs, please provide this office evidence demonstrating the proper paid for by statements.

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.

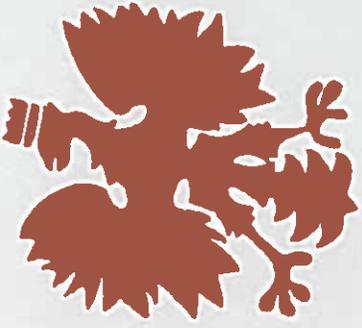
Sincerely,



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

c: Thomas Mitchell

RE-ELECT



BARBARA

ZIARKO

Sterling Heights City Council

labor Donated by BARB ZIARKO AND FRIENDS

**The City of Sterling Heights has survived
the financial crisis of the past 9 years.**

**WE'VE WORKED TOGETHER
Residents, City Council, and City Employees
to CREATE a more COST EFFECTIVE
government.**

**My commitment to public safety was
RE-ENFORCED when residents APPROVED
the Safe Streets millage to REPLACE
retiring policemen and firefighters
and fix our local roads.**

**The PASSAGE of the
ReCreating Recreation millage insures
a VIBRANT future for all of us.**

KEEP THE MOMENTUM GOING

Re-Elect Mayor Pro Tem

Barbara A. Ziarko

Working in the best interest of ALL residents since 2001



**bziarko@sterling-heights.net
810-449-5408**

**Please vote by absentee ballot or at the polls on
Election Day, Tuesday, November 7th.**

Campaign Finance Complaint Form
Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2017 OCT 24 PM 2:20

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	Daytime Telephone Number	
THOMAS MITCHELL	586 264 0186	
Mailing Address		
40171 WILLIAM DR.		
City	State	Zip
STERLING HEIGHTS	MI	48313

Section 2. Alleged Violator		
Name		
BARBARA A. ZIARKO		
Mailing Address		
13805 DEEPWOOD CT.		
City	State	Zip
STERLING HEIGHTS	MI	48312

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

Section(s) of the MCFA violated:

SEC 47 OF THE MCFA

Explain how those sections were violated:

IDENTIFIER ON CAMPAIGN SIGNS IMPROPER
OR INCORRECT - NO ADDRESS etc.

PHOTO TAKEN ON MOUND Rd

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

SEE ATTACHED

PHOTO'S OF SIGN - ONE OF MANY IN STERLING HEIGHTS, MI.

SEE ATTACHED CURRENT FLIER WITH DIFFERENT
IDENTIFIER AND INCOMPLETE ADDRESS

Section 4. Certification (Required)

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

X Thomas Mitchell 10-18-17
Signature of Complainant Date

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X _____
Signature of Complainant Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

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

