



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

April 25, 2017

Thom Dumond, Board President
Hartland Consolidated Schools
9525 Highland Road
Hartland, Michigan 48843

Dear Mr. Dumond:

The Department of State (Department) received a formal complaint filed by Wes Nakagiri against the members of the Hartland School Board (Board Members), alleging that the Board Members 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.

The MCFA requires a committee to file a statement of organization within 10 days after the committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. *Id.* Failure to file a statement of organization for more than 30 days is a misdemeanor offense. *Id.* By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for . . . the qualification, passage, or defeat of a ballot question . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

The MCFA and corresponding administrative rules also 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).

Mr. Nakagiri alleges that you "distributed a mass mailing expressly advocating a yes vote" for a question on the May 2, 2017 ballot, spent or received more than \$500.00, failed to file a Statement of Organization, and failed to include a complete and proper paid-for-by statement on the mailing.

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 the complaint, you are required to do so within 15 business days of the date of this letter. You may each submit your own signed response or

Thom Dumond, Board President
Hartland Consolidated Schools
April 25, 2017
Page 2

you may submit one response signed by each of you. 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. Nakagiri, 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(6) 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: Wes Nakagiri

Campaign Finance Complaint Form
Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2017 APR 18 AM 9:17
ELECTIONS/GRAND SEAL

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 <u>WES NAKAGIRI</u>	Daytime Telephone Number <u>248 505 8918</u>	
Mailing Address <u>3093 N. TIERICO LAKE RD.</u>		
City <u>HARTLAND</u>	State <u>MI</u>	Zip <u>48353</u>

Section 2. Alleged Violator		
Name <u>MEMBERS OF THE HARTLAND SCHOOL BOARD ①</u>		
Mailing Address <u>9525 HIGHLAND ROAD</u>		
City <u>HARTLAND</u>	State <u>MI</u>	Zip <u>48843</u>

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

Section(s) of the MCFA violated:

169.247

Explain how those sections were violated:

THE (7) SCHOOL BOARD MEMBERS COLLECTIVELY DISTRIBUTED A
MASS MAILING EXPRESSLY ADVOCATING A YES VOTE FOR MAY 2
ELECTION. 1) THIS MAILING DID NOT INCLUDE AN IDENTIFICATION
STATEMENT 2) A BALLOT QUESTION COMMITTEE WAS NOT
FORMED TO COLLECT FUNDS FOR THIS MAILING

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

SEE ATTACHED PHOTOGRAPH OF THE MAILING. SEE ATTACHED
PHOTO OF THE ENVELOPE IN WHICH IT WAS SENT - POSTMARKED
APRIL 6.
① THOM DUMOND, CYRIL KENRICK, BILL GATEWOOD, MICHAEL HEMMEYER
CHARLIE ABERASTORI, CHRIS COSTA, KEVIN KASZYCA

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


Signature of Complainant

4/17/17
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:

ALL (7) BOARD MEMBERS COLLECTED FUNDS TO MAIL AN EXPERTS
ADVANCY PIECE. MCFA REQUIRES THEM TO FORM A BOLLOTT QUESTION
COMMITTEE AFTER RECEIVING \$500.00. 10 DAYS HAVE PASSES
WITHOUT A STATEMENT OF ORGANIZATION BEING TURNED IN TO
THE LIVINGSTON COUNTY CLERK. (SECTION 169.224)

X


Signature of Complainant

4/17/17
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

Bourbonais, Lori (MDOS)

From: Wes Nakagiri <wesnakagiri@gmail.com>
Sent: Monday, April 17, 2017 9:56 PM
To: Bourbonais, Lori (MDOS)
Subject: MCFA Complaint - May 2 Sinking Fund for Hartland Consolidated School. Missing Statement of Identification and Failure to form Ballot Question Committee
Attachments: campaign finance complaint 2.pdf; vote-yes-letter-from-school-board-envelope-2.jpg; vote-yes-letter-from-school-board.png

Dear Ms. Bourbonais,

Enclosed is another MCFA complaint. This complaint alleges one violation and one possible violation.

1. Violation: An express advocacy flyer was mailed to voters without a statement of identification. This flyer advocated a yes vote on May 2, 2017. This flyer was authored by all seven Hartland Consolidated School board members.
2. Possible violation: If the funds required to print and distribute the flyer exceeded \$500, then another MCFA violation occurred. If the total expenditure exceeded \$500 then a ballot question committee would have needed to be formed within 10 calendar days. This 10 day period has lapsed since the envelope, in which the flyer was mailed, was postmarked on April 6. Today, April 17, the office of the Livingston County Clerk informed me that a ballot question committee has not yet been formed.

Regards,

Wes Nakagiri
3093 N Tipsico Lake Road
Hartland, MI 48353
248.505.8918

From MCL and Merts: regarding need for statement of identification

A

[http://www.legislature.mi.gov/\(S\(idqlu1x5x0cqav2ofwfuelp\)\)/mileg.aspx?page=GetObject&objectname=mcl-169-247](http://www.legislature.mi.gov/(S(idqlu1x5x0cqav2ofwfuelp))/mileg.aspx?page=GetObject&objectname=mcl-169-247)

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)

Act 388 of 1976

yer

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47.

(1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter.

WITH WORDS OF EXPRESS ADVOCACY	PRINT COLUMN 1	
Payer	Printed matters such as signs, posters, fliers, billboards, newspapers, novelty items, mass mailings etc.	

From Michigan Secretary of State Website: Regarding the need to for Ballot Question committee within 10 days.

http://www.michigan.gov/sos/0,4670,7-127-1633_8723_11893-142880--,00.html

As soon as an organization or group of persons received \$500 in contributions or makes independent expenditures totaling \$500 in a calendar year to influence voters for or against the qualification, passage or defeat of one or more ballot questions in Michigan, the organization or group of persons has 10 calendar days to form and register a Statement of Organization.

169.224 Statement of organization; time for filing; late filing fee; violation as misdemeanor; penalty; contents of statement; name of sponsor; amendment; statement as to receipts or expenditures; filing statement indicating dissolution of committee; exception.

Sec. 24. (1) A committee shall file a statement of organization with the filing officials designated in section 36 to receive the committee's campaign statements. A committee shall file a statement of organization within 10 days after the committee is formed

As stated in the attached complaint, it is possible that the (7) Hartland School Board members violated the MCFA by failing to register a Statement of Organization and form a Ballot Question Committee. It is likely that the total cost of producing and distributing the attached mailing exceeded the \$500 threshold given the estimated prices for the following:

- First class stamp - \$0.49
- Envelope - \$0.03
- Printing letter and mailing label - \$0.03
- Total cost per letter - \$0.55 each

If the Board Members printed and distributed over 910 mailings they would have exceeded the \$500 threshold. Note: in the May 2015 special election about 3500 votes were cast in Hartland Township. The electoral boundary of Hartland Consolidated Schools is greater than the electoral boundary for Hartland Township.

Dear Hartland Community Members,

The below signed Hartland School Board members are reaching out to you as concerned citizens in order to provide our strong support and encouragement to vote YES on the upcoming May-2nd Sinking Fund Ballot measure.

This communication is not part of any official Board or School action, but instead a heartfelt endeavor to clear any lingering confusion and offer ourselves, fellow community members, to you as an avenue for information and clarity.

We are finding that the primary area of confusion relates to the ballot language itself. The form of description is standard for Sinking Fund Ballots and is required by the state....

Shall the limitation on the amount of taxes which may be assessed against all property in Hartland Consolidated Schools, Livingston County, Michigan, be increased by and the board of education be authorized to levy not to exceed 0.50 mill (\$0.50 on each \$1,000 of taxable valuation) for a period of 10 years, 2017 to 2026, inclusive, to create a sinking fund for the repair or construction of school buildings, for school security improvements, for the acquisition or upgrading of technology, for the purchase of real estate for sites for school buildings and all other purposes authorized by law; the estimate of the revenue the school district will collect if the millage is approved and levied in 2017 is approximately \$593,744?

The critical information not included in the ballot is that the district will be reducing the current debt fund levy by 0.5mill if the ballot proposal is successful, resulting in no net increase in the current tax rate! Your tax bill will be identical whether the ballot measure passes or not! It is also true that 100% of the sinking fund revenue stays in Hartland.

It is likely you are asking yourselves "Why bother"? There are very detailed presentations and further discussion online at the Hartland Schools Website (<http://www.hartlandschools.us/>). Here are the basics...

- A "Sinking Fund" is a dedicated "pay-as-you-go" method for building, remodeling, and repair needs. Money is collected locally and no debt or interest is incurred by school district.
- Per state law and oversight, the money cannot be used to pay for Teacher, administrator, or employee salaries. It may also not be used for daily maintenance or other operating expenses.
- This allocation will be used for repairs, security enhancements, remodeling, technology, etc....

I trust that you recognize that the Hartland Schools have been extremely conservative and thrifty with the generous tax dollars you have provided over the years. If you have any questions, please do not hesitate to contact us!

Thom Dumond (President)	thomdu@sbcglobal.net
Cyndi Kenrick (Vice President)	ckenrick4@yahoo.com
Bill Gatewood (Treasurer)	wrgatewood@gmail.com
Michelle Hemeyer (Secretary)	michellehemeyer@gmail.com
Charlie Aberasturi	aberasturi@aol.com
Chris Costa	Christophercosta121@gmail.com
Kevin Kaszyca	kevinkaszyca@gmail.com



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

May 26, 2017

Wes Nakagiri
3093 North Tipsico Lake Road
Hartland, Michigan 48353

Dear Mr. Nakagiri:

The Department of State received two responses to the complaint you filed against the members of the Hartland School Board, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are 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, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Thomas Dumond

May 6, 2017

2017 MAY 10 PM 3:53
ELECTIONS/GREAT SEAL

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

Dear Ms. Bourbonais:

I am writing in response to your letter dated April 25, 2017; addressed to Thom Dumond, Board President, Hartland Consolidated Schools. Your letter addressed allegations, made by Wes Nakagiri, relative to a mailing I was involved with.

With this mailing it was our intent to contact those Hartland township absentee voters that had requested a ballot for the May 2, 2017 election. I contacted the Hartland township clerk with a FOIA request for the applicable addresses. He replied with a list of approximately 385 addresses as requested.

I was concerned with understanding the appropriate Campaign Finance laws. Near the end of March 2017, prior to making the request of the Hartland Clerk, I contacted the Michigan Department of State Bureau of Elections office. I talked with a man; however I did not record his name. I asked about Campaign Finance concerns. He advised me if we spend less than \$500 we are not required to form a committee nor are we required to post on the document who paid for it.

My understanding is we spent approximately \$250 on this mailing and there are no other expenditures we made related to this election. We were significantly below the \$500 threshold.

Should you have any questions you may contact me at (810) 632-7960 or Aberasturi@aol.com

Sincerely,



Charles Aberasturi

April 30, 2017

2017 MAY -8 AM 10:50
ELECTIONS/GREAT SCHL

Ms. Lori A. Bourbonais
Bureau of Elections, Michigan Department of State
Richard H. Austin Building
1st Floor
430 W. Allegan
Lansing, MI 48918

RE: Wes Nakagiri Campaign Finance Complaint
Hartland Consolidated Schools

Dear Ms. Bourbonais,

I am in receipt of the above referenced Campaign Finance Complaint form filed by Wes Nakagiri and offer the following comments. The letter which Mr. Nakagiri is referring to in his complaint, was written by seven individual voters of the Hartland Consolidated School district. No funds or resources of the Hartland Consolidated School system were used to produce and mail the letter to absentee voters. I have attached to this letter, a copy of the receipts of items purchased by the seven individuals. Each person paid an equal share to cover the cost, which totaled \$246.93. Once again, the school system was not involved with any part of the creation and mailing of the before mentioned letter.

If you should have any further questions, please do not hesitate to reach out to me, or the six other individuals regarding this issue.

Respectfully submitted,



Thomas H. Dumond
2102 Parmalee Lane
Brighton, MI 48114
thomdu@sbcglobal.net
517.861.9387

Printing \$ 41.34

Stamps \$ 195.00

Envelopes 10.59
(9.99 + .60 tax)

Labels - Free
(used mine)

\$ 246.93

÷ 7

\$ 35.27 each

This is what the
Board speak to mail
380-390 copies!
CZG.
4-21-17.

COSTCO
WHOLESALE

Green Oak Twp #786
6700 Whitmore Lake Road
Brighton, MI 48116

TU Member 111769585956
4 @ 48.75

979669 STAMP 100 CT	195.00
1014311 GV BLOUSE	12.99 A
0000165097 CPN/1014311	3.00
402919 LENSUIPE225C	9.69 A
0000162158 CPN/402919	3.00
402919 LENSUIPE225C	9.69 A
0000162158 CPN/402919	3.00
664676 #10 ENV SEAL	9.99 A
SUBTOTAL	228.36
TAX	2.54
**** TOTAL	230.90
CASH	250.00
CHANGE	19.10

A 6.0 % TAX RATE 2.54
TOTAL TAX 2.54
TOTAL NUMBER OF ITEMS SOLD - 8
COUPONS TENDERED \$ 9.00
04/27/2017 11:54 786 10 75 11

Executive members earn a 2% reward
annually up to \$750.00, or
approximately \$4.54 on this
purchase. They also get added benefits
& larger discounts on Costco Services.
See Membership for exclusions and
details.

OP#: 11 Name: COREY D
Thank You!
Please Come Again
Wise: 786 Trn: 10 Trn: 15 OP: 11

4/27/2017 12:15 AM
Store 1

Sales Receipt #13337

The One Stop Shop
6600 E Highland Rd
Howell, MI 48843

Cashier:

Item Name	Qty	Price	Ext Price
9 5/8" Black and white	1050	\$2.10	\$220.50
6 5/8"			
		Subtotal	\$220.50
		6% Tax	\$13.23
Local Sales Tax			\$13.23
RECEIPT TOTAL			\$233.73

Cash \$233.73

Thanks for shopping with us!



13337



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

August 2, 2017

Thomas Dumond, Board President
Hartland Consolidated Schools
9525 Highland Road
Hartland, Michigan 48843

Dear Mr. Dumond:

The Department of State (Department) has completed its investigation of the complaint filed against the members of the Hartland School Board (Board Members) by Wes Nakagiri, which alleged the Board Members violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of Mr. Nakagiri's complaint.

Mr. Nakagiri filed his complaint on April 18, 2017. You filed a written response on May 8, 2017 and Charles Aberasturi filed a written response on May 10, 2017. Mr. Nakagiri did not file a rebuttal statement with the Department.

The MCFA requires a committee to file a statement of organization within 10 days after the committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. *Id.* Failure to file a statement of organization for more than 30 days is a misdemeanor offense. *Id.* By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for . . . the qualification, passage, or defeat of a ballot question . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

The MCFA and corresponding administrative rules also 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).

The Act also requires "[a] person,¹ other than a committee, who makes an independent expenditure, advocating the . . . qualification, passage or defeat of a ballot question, in an amount of \$100.01 or more in a calendar year" to file an independent expenditure report within 10 days of the expenditure "with the clerk of the county of residence of that person." MCL 169.251. An independent expenditure is "an expenditure by a person if the expenditure is not made at the direction of, or under the control of, another person and if the expenditure is not a contribution to a committee." MCL 169.209(2).

¹ "Person" includes a "group of persons acting jointly." MCL 169.211(2).

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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” Id.

Mr. Nakagiri alleged that the Board Members made expenditures exceeding the \$500.00 threshold by producing and distributing a flyer supporting the May 2, 2017 sinking fund ballot question and did not file a statement of organization. As evidence, Mr. Nakagiri provided a copy of a flyer signed by all 7 Board members, which stated that the “Hartland School Board members are reaching out to you as concerned citizens in order to provide our strong support and encouragement to vote YES on the upcoming May 2nd Sinking Fund Ballot measure.”

In your response, you stated that the total cost to produce and mail the flyers was \$246.93, and that each Board Member paid an equal share of the cost. You provided a receipt from The One Stop Shop showing an expenditure of \$41.34 for copies and a receipt from Costco showing an expenditure of \$195.00 for stamps and \$10.59 (\$9.99 plus \$.60 tax) for envelopes. In Mr. Aberasturi’s response, he stated that the Board Members mailed approximately 385 flyers.

The MCFA defines a committee as “a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for . . . the qualification, passage, or defeat of a ballot question . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.”

While your answers admit that the Board Members made expenditures for a flyer urging a “yes” vote on a ballot question, the evidence does not support a reason to believe those expenditures totaled \$500.00 or more in calendar year. Based on the evidence provided, the Board Members’ expenditures appear to have totaled \$246.93. This amount fell below the threshold which would have required the Board Members to register as a committee.

The Department does note, however, that section 51 of the Act requires a person who makes an independent expenditure of \$100.01 or more to advocate for the passage of a ballot question to file an independent expenditure report. Because the Board Members made an expenditure of \$246.93 to advocate for the passage of the May 2, 2017 sinking fund ballot question, the Board Members were required to file an independent expenditure report.

Please file an independent expenditure report with the Livingston County Clerk’s office disclosing the expenditures made by the Board Members for the flyer by August 18, 2017 and provide a copy of the report to the Department along with proof of filing. An independent expenditure report form is enclosed for your convenience.

Mr. Nakagiri also alleged that the Board Members failed to include an identification statement on the flyer. It appeared from the flyer provided by Mr. Nakagiri with his complaint that the paid-for-by statement was omitted from the flyer. Neither you nor Mr. Aberasturi addressed this allegation in your answers.

While the Department believes that the evidence tends to show that the flyer 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 advising the Board Members that section 47(1) and R 169.36(2) require the Board Members 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 the person paying for the materials. Note that all printed materials that refer to an election produced in the future must include this identification statement.

Please be advised that this notice has served to remind the Board Members of their obligation under the Act to identify their 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).

Once the Department receives the independent expenditure report along with proof of filing, the Department will consider this matter closed.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Wes Nakagiri

INSTRUCTIONS FOR COMPLETING THE INDEPENDENT EXPENDITURE REPORT

An individual, group or organization that spends more than \$100.00 in a calendar year on "independent expenditures" to support or oppose the nomination or election of a candidate or advocate the qualification, passage or defeat of a ballot question (includes millage issues) is required to file this form as required under Michigan's Campaign Finance Act, (MCFA) P.A. 388 of 1976. An organization includes but is not limited to a corporation, union or domestic dependent sovereign.

This form is not filed by a group or organization registered as a committee under the MCFA; committees registered under the MCFA disclose their expenditure on forms specially designed for their use. *A group or an organization must register as a "committee" under the MCFA as soon as it spends or receives \$500.00 or more in a calendar year to influence voters for or against the nomination or election of a candidate or qualification, passage or defeat of a ballot question. Certain exceptions apply.*

Definition of "Independent Expenditure": An individual, group or organization has made an "independent expenditure" if:

- the money was spent to support or oppose the nomination or election of a candidate or advocate the qualification passage or defeat of a ballot question (includes millage issues);
- the money was not spent at the direction of or under the control of a committee registered under the MCFA or another person; and
- the money was not given to a committee registered under the MCFA.

Filing Information: File this form within 10 calendar days after the \$100.01 threshold for reporting independent expenditures is reached.

- Submit two copies of the form (one original and one photocopy) to the clerk of the county where the individual who made the independent expenditure(s) resides or where the group or organization that made the independent expenditure(s) is located.
- Submit a separate Independent Expenditure Report each time the \$100.01 threshold for reporting independent expenditures is reached.
- Do not use this form to report independent expenditures related to more than one candidate or ballot question.

Instructions: Type or clearly print in ink. Each request for information is discussed below.

Item 1. Complete item 1a or 1b only.

- 1a. Enter the name of the candidate supported or opposed. List the office involved, the jurisdiction or district served by the office and the candidate's county of residence.
- 1b. Describe the ballot question supported or opposed, indicate whether it is a statewide, county or local proposal.

Item 2. Enter the full name and address of the individual, group or organization that made the independent expenditure(s). Also enter the individual's county of residence or the county in which the group or organization is located.

Item 3. Enter the name and address of the individual filing this report. Enter "N/A" if the individual is already identified in item 2.

Item 4. Enter the name, address, occupation, employer and principal place of business of any individual who gave more than \$100.00 toward the independent expenditure. Attach 8 1/2" x 11" sheets if extra space is needed.

Item 5. Enter the full name and address of the person, business, firm, etc. that received the funds that were spent. List each expenditure separately if more than one expenditure was made to support or oppose the candidate or ballot question.

Item 6. Enter the date the independent expenditure was made.

Item 7. Enter the amount of the independent expenditure.

Item 8. Describe the purpose of the expenditure. Be as specific as possible and state whether the ballot question or candidate involved was supported or opposed. Example: "Ad in Daily Times to support ballot question."

Item 9. Sign and date the form.

For further information contact the local county clerk or:

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726
Email: Disclosure@michigan.gov
Phone: (517) 373-2540



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

September 6, 2017

Thomas Dumond, Board President
Hartland Consolidated Schools
9525 Highland Road
Hartland, Michigan 48843

Dear Mr. Dumond:

This letter concerns the campaign finance complaint filed against the members of the Hartland School Board by Wes Nakagiri.

The Department of State (Department) acknowledges receipt of the Independent Expenditure Report you filed with the Livingston County Clerk. As noted in its August 2, 2017 letter to you, the Department now considers this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Wes Nakagiri