



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

September 6, 2016

Jason Ellenburg, Treasurer  
Michigan House Democratic Fund  
215 South Washington Square, Suite E  
Lansing, Michigan 48933

Dear Mr. Ellenburg:

The Department of State (Department) received a formal complaint filed by Steven Ostrow against the Michigan House Democratic Fund (MHDF), alleging that the MHDF 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 prohibits a house political party caucus committee from making a contribution to or expenditure on behalf of a candidate seeking nomination at a primary if that candidate is opposed at that primary. MCL 168.252(2)(b). A person who knowingly violates this section may be guilty of a misdemeanor, may be subject to a civil fine, or both. MCL 169.252(9).

Mr. Ostrow alleges that the MHDF made an improper contribution to or expenditure on behalf of Erin Kieliszewski.

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, 1<sup>st</sup> 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 answer will be provided to Mr. Ostrow, 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

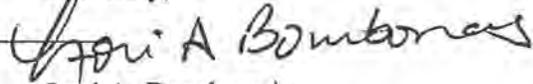
Joseph Aragona  
September 6, 2016  
Page 2

administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalties provided in section 52(9) 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: Steven Ostrow



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

September 6, 2016

Carol Shafto, Treasurer  
Friends of Erin Kieliszewski  
720 South Second Avenue  
Alpena, Michigan 49707

Dear Ms. Shafto:

The Department of State (Department) received a formal complaint filed by Steven Ostrow against the Friends of Erin Kieliszewski committee (Committee), alleging that the Committee violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by falsely indicating that the Committee paid for a certain campaign ad. A copy of the 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), 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).

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.** 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, 1<sup>st</sup> 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. Ostrow, 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.

Carol Shafto, Treasurer  
Friends of Erin Kieliszewski  
September 6, 2016  
Page 2

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Steven Ostrow

**Complaint Against:**

Michigan House Democratic Fund  
Committee Identification Number: 502755  
215 S. Washington Square, Suite E  
Lansing, MI 48933  
(517) 882-2758

Jason Ellenburg, Treasurer  
Michigan House Democratic Fund  
404 Hilton Road  
Ferndale, MI 48220  
(517) 882-2758

Cortney Goddard, Designated Recordkeeper  
Michigan House Democratic Fund  
215 S. Washington Square, Suite E  
Lansing, MI 48933  
(517) 882-2758

Friends of Erin Kieliszewski  
Committee Identification Number: 517423  
720 S. Second Avenue  
Alpena, MI 49707  
(989) 590-2576

Carol Shafto, Treasurer  
Friends of Erin Kieliszewski  
720 S. Second Avenue  
Alpena, MI 49707  
(989) 464-0883

**Complainant:**

Steven Ostrow  
520 Seymour Street  
Lansing, MI 48933  
(517) 487-5413

Dated: Aug 30, 2016

Filed pursuant to MCL 169.215 and the Administrative Rules  
of the  
Michigan Department of State  
Legal and Regulatory Services Administration  
Treasury Building, 4th Floor  
430 W. Allegan  
Lansing, MI 48918

2016 AUG 30 AM 9:25

## COMPLAINT

Complainant Steven Ostrow, whose address is 520 Seymour Street, Lansing, MI, 48933; telephone (517) 487-5413, declares to the Michigan Secretary of State the following:

### STATEMENT OF FACTS

1. Respondent Michigan House Democratic Fund is a house political party committee registered under the Michigan Campaign Finance Act ("MCFA").
2. According to the records of the Michigan Department of State, Respondent Jason Ellenburg, whose address is 404 Hilton Road, Ferndale, MI 48220, is the Treasurer for Respondent Michigan House Democratic Fund.
3. According to the records of the Michigan Department of State, Respondent Cortney Goddard, whose address is 215 S. Washington Square, Suite E, Lansing, MI 48933, is the Designated Recordkeeper for Respondent Michigan House Democratic Fund.
4. Respondent Friends of Erin Kieliszewski is a candidate committee registered under the MCFA.
5. Erin Kieliszewski was a candidate for the State House of Representatives for the 106th House District in the August 2, 2016 Democrat primary election.
6. According to the records of the Michigan Department of State, Respondent Carol Shafto, whose address is 720 Second Avenue, Alpena, MI 49707, is the Treasurer of Respondent Friends of Erin Kieliszewski.
7. Erin Kieliszewski was opposed in the nomination for the State House of Representatives for the 106th House District in the August 2, 2016 Democrat primary election.
8. Attached as Exhibit 1 is an advertising contract between Respondent Michigan House Democratic Fund and WBKB for the placement of television advertisements to benefit Respondent Friends of Erin Kieliszewski in the amount of \$760.
9. Attached as Exhibit 2 is an agreement form between Respondent Michigan House Democratic Fund and WBKB with respect to the television advertisements aired on behalf of Respondent Friends of Erin Kieliszewski.
10. The text of the television advertisements paid by Respondent Michigan House Democratic Fund to be aired on WBKB is as follows:

"Born and raised in northern Michigan, Democrat Erin Kieliszewski is a long time Alpena Public School teacher, and a mother of six. She's seen students suffer as Lansing politicians give corporations billions in tax

breaks, while making huge cuts to our schools. Right now, the system is rigged for the wealthy, but Erin Kieliszewski will change Lansing's priorities. She'll invest in our schools, and work to make college more affordable, so Michigan works for all of us. Erin Kieliszewski, Democrat for State House."

11. The identification on the television advertisement attached as Exhibit 3 indicates "Paid for by Friends of Erin Kieliszewski." A video of this television advertisement will be sent to the Michigan Department of State by a separate email transmission.

**ILLEGAL CONTRIBUTION OR EXPENDITURE BY RESPONDENT  
MICHIGAN HOUSE DEMOCRATIC FUND TO A CANDIDATE  
SEEKING NOMINATION AT A PRIMARY ELECTION**

12. According to Section 52(2)(b) of the MCFA:

"A house political party caucus committee or a senate political party caucus committee shall not make a contribution to or make an expenditure on behalf of a candidate if that candidate is seeking nomination at a primary election and the candidate is opposed at that primary."
13. Since Erin Kieliszewski was opposed at the August 2, 2016 Democrat primary election, Respondent Michigan House Democratic Fund was prevented by Section 52(2)(b) of the MCFA from making a contribution to or making an expenditure on behalf of Erin Kieliszewski.
14. Nonetheless, as Exhibit 1 and Exhibit 2 of this Complaint illustrate, Respondent Michigan House Democratic Fund made a contribution to or an expenditure on behalf of Erin Kieliszewski in the August 2, 2016 Democrat primary election.

**FAILURE TO INCLUDE REQUIRED IDENTIFICATION  
BY RESPONDENT FRIENDS OF ERIN KIELISZEWSKI**

15. Section 47(2) of the MCFA indicates that a television paid advertisement shall bear an identification that contains the name of the person paying for the advertisement.
16. According to Interpretative Statement issued by the Michigan Department of State to Alan Reuther dated August 28, 1981, a committee which only pays the printing costs of campaign materials for a candidate must be identified on the materials as the person paying for the printed material, even though the candidate committee has prepared, ordered, and distributes the printed material.
17. As illustrated by Exhibit 1 and Exhibit 2 of this Complaint, Respondent Michigan House Democratic Fund paid for the television advertisement attached as Exhibit 3 of this Complaint.

18. Nonetheless, the television advertisement attached as Exhibit 3 to this Complaint falsely indicates that Respondent Friends of Erin Kieliszewski paid for this television advertisement.

### CONCLUSION

19. Based on the foregoing, Respondent Michigan House Democratic Fund has violated Section 52(2)(b) of the MCFA by making a contribution to or an expenditure on behalf of Erin Kieliszewski in the August 2, 2016 Democrat primary election.

20. According to Section 52(9) of the MCFA:

“A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.”

21. Based on the foregoing, Respondent Friends of Erin Kieliszewski violated MCL 169.247(2) by falsely indicating that Respondent Friends of Erin Kieliszewski paid for the television advertisement attached as Exhibit 3 of this Complaint.

22. According to Section 47(6) of the MCFA:

“A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.”

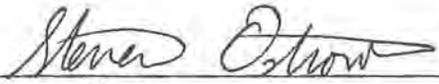
### REQUEST FOR ACTION BY THE SECRETARY OF STATE

The Complainant requests that the Secretary of State immediately investigate these violations and determine as a matter of law that the Respondents have violated the MCFA and assess all appropriate penalties for these violations. Further, the Complainant respectfully requests that the Secretary take all steps necessary to prevent future violations of the MCFA by the Respondents.

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

Respectfully submitted,

Dated: 8/30/16

  
\_\_\_\_\_  
Steven Ostrow

# Exhibit 1

# CONTRACT



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u> 12742 /		<u>Alt Order #</u> 25253420
<u>Product</u> Party		
<u>Contract Dates</u> 07/27/16 - 08/02/16		<u>Estimate #</u> 3652
<u>Advertiser</u> Michigan House Democratic Fund		<u>Original Date / Revision</u> 07/26/16 / 07/26/16
<u>Billing Cycle</u> EOM/EOC	<u>Billing Calendar</u> Broadcast	<u>Cash/Trade</u> Cash
<u>Station</u> WBKB	<u>Account Executive</u> Thomas Drury	<u>Sales Office</u> Millennium- Wa
<u>Special Handling</u>		
<u>Demographic</u> Adults 25-54		
<u>IDB#</u>	<u>Advertiser Code</u> 678	<u>Product Code</u> 708
<u>Agency Ref</u>	<u>Advertiser Ref</u>	

And:

**PRISM Communications**  
 1322 G ST NE  
 Washington, DC 20003

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Spots	Amount
N 1	WBKB	07/27/16	07/27/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$30.00			
N 2	WBKB	07/29/16	07/29/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$30.00			
N 3	WBKB	08/02/16	08/02/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$30.00			
N 4	WBKB	08/01/16	08/01/16	Dr. Oz	9-10am		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$30.00			
N 5	WBKB	07/27/16	07/27/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$55.00			
N 6	WBKB	07/29/16	07/29/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$55.00			
N 7	WBKB	08/02/16	08/02/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$55.00			
N 8	WBKB	07/28/16	07/28/16	Family Feud	12:00pm-12:30pm		:30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$35.00			
N 9	WBKB	08/01/16	08/01/16	Family Feud	12:00pm-12:30pm		:30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$35.00			
N 10	WBKB	07/30/16	07/30/16	Sat. Morn The Early Show	9AM-11AM		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	-----S-				1	\$55.00			
N 11	WBKB	07/28/16	07/28/16	Thu 10pm-11pm	Thu 10pm-11pm		:30			NM	1	\$350.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$350.00			

(\* Line Transactions: N = New, E = Edited, D = Deleted)

"Nondiscrimination - Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain nondiscrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected."

Two week advance cancellation notice is required unless otherwise specified



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u>	<u>Alt Order #</u>
12742 /	25253420

<u>Contract Dates</u>	<u>Product</u>	<u>Estimate #</u>
07/27/16 - 08/02/16	Party	3652

<u>Advertiser</u>	<u>Original Date / Revision</u>
Michigan House Democr	07/26/16 / 07/26/16

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Totals Spots Amount	
		Start Date	End Date	Weekdays			Spots/Week	Rate				
<b>Totals</b>											11	\$760.00

Time Period	# of Spots	Gross Amount	Net Amount
06/27/16 - 07/31/16	7	\$610.00	\$518.50
08/01/16 - 08/02/16	4	\$150.00	\$127.50
<b>Totals</b>	11	\$760.00	\$646.00

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

\*Nondiscrimination - Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain nondiscrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected.

Two week advance cancellation notice is required unless otherwise specified.

# **Exhibit 2**

## AGREEMENT FORM FOR NON-CANDIDATE/ISSUE ADVERTISEMENTS

<b>Station and Location:</b> <i>WBKB, FBKB, CBKB, ALPENA</i>	<b>Date:</b> <i>7-22-16</i>
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I, Prism Communications

do hereby request station time concerning the following issue:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

This broadcast time will be used by: Michigan House Democratic Fund

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT  
"COMMUNICATES A POLITICAL MATTER OF NATIONAL IMPORTANCE."  
FOR ALL OTHER ISSUE ADS, PLEASE GO TO PAGE 3.**

Programming that "communicates a political matter of national importance" includes (1) references to legally qualified candidates (presidential, vice presidential or congressional); (2) any election to Federal office (e.g., any references to "our next senator", "our person in Washington" or "the President"); and (3) a national legislative issue of public importance (e.g., Affordable Care Act, revising the IRS tax code, federal gun control or any federal legislation).

<p><b>Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"</b></p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
--

For programming that "communicates a message relating to any political matter of national importance," list the name of the legally qualified candidate(s) the programming refers to, the offices being sought, the date(s) of the election(s) and/or the issue to which the communication refers (if applicable):

------------------

I represent that the payment for the above described broadcast time has been furnished by (name and address):

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and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

------------------

For programming that "communicates a message relating to any political matter of national importance," attach Agreed Upon Schedule (Page 5)

**THIS PAGE MUST BE COMPLETED FOR PROGRAMMING THAT  
DOES NOT "COMMUNICATE A POLITICAL MATTER OF NATIONAL  
IMPORTANCE"**

I represent that the payment for the above described broadcast time has been furnished by (name and address):

Michigan House Democratic Fund  
PO Box 16193, Lansing, MI 48901

and you are authorized to announce the time as paid for by such person or entity (hereinafter referred to as the "sponsor").

List the chief executive officers or members of the executive committee or the board of directors below (or attach separately):

Jason Ellenburg - Treasurer

### AGREED UPON SCHEDULE

**For All Issue Advertisements That Communicate a Message Relating to Any Political Matter of National Importance**

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

**Attach proposed schedule with charges (if available):**

### AFTER AIRING OF BROADCASTS:

Attach invoices or Schedule Run Summary to this Form showing:

- (1) actual air time and charges for each spot;
- (2) the date(s), exact time(s) and reason(s) for Make-Good(s), if any; and
- (3) the amount of rebates given (identify exact date, time, class of broadcast and dollar amount for each rebate), if any.

**Note:** Because the FCC requires that the political file contain the actual time the rate for spots "communicating a political matter of national importance" air, that information should be included in the file as soon as possible. If that information is only generated monthly, the file should include the name of a contact person who can provide the times that and rates for specific spots aired. The FCC's online political files include a folder for "Terms and Disclosures." NAB suggests that, for stations subject to the online public file rule, the names of contact person(s) be placed in that folder.

**TO BE COMPLETED FOR ALL ISSUE ADVERTISEMENTS**

**THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.**

The Sponsor agrees to indemnify and hold harmless the station for any damages or liability, including reasonable attorney's fees, that may ensue from the broadcast of the above-requested advertisement(s). **For the above-stated broadcast(s), the sponsor also agrees to prepare a script, transcript, or tape, which will be delivered to the station at least \_\_\_\_\_ before the time of the scheduled broadcasts.**

**TO BE SIGNED BY ISSUE ADVERTISER (SPONSOR)**

7/21/16

Date

Robert Mushroe

Signature

Digitally signed by Robert Mushroe  
DN: cn=Robert Mushroe, o=, ou=,  
email=robby@mushroe.com, c=US  
Date: 2014.10.17 11:31:59 -0400

202-675-6936

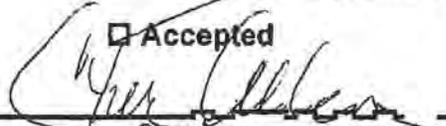
Contact Phone Number

**TO BE SIGNED BY STATION REPRESENTATIVE**

Accepted

Accepted in Part

Rejected



Signature

CHER ALLEN

Printed Name

GM

Title

# Exhibit 3

**The television advertisement for Erin Kieliszewski can  
be viewed at:**

**<https://www.youtube.com/watch?v=nNOMa3cge2o>**.

**A copy of the video will also be sent in a separate email  
transmission.**

## Bourbonais, Lori (MDOS)

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**From:** sarahanderson1216@gmail.com via YouTube <noreply@youtube.com>  
**Sent:** Tuesday, August 30, 2016 10:02 AM  
**To:** Bourbonais, Lori (MDOS)  
**Subject:** sarahanderson1216@gmail.com sent you a video: "Erin Kieliszewski for State House"



[sarahanderson1216@gmail.com](#) has shared a video with you on YouTube

Hello Lori,

As stated in our complaint, this is where you can find the video referenced in exhibit 3.

Thank you,

Sarah Anderson

[sanderson@miqop.org](mailto:sanderson@miqop.org)



### Erin Kieliszewski for State House

by Erin Kieliszewski

VOTE August 2nd for Democrat Erin Kieliszewski for State Representative. It's time to turn Lansing around with Northeast Michigan values!



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

September 28, 2016

Steven Ostrow  
520 Seymour St.  
Lansing, Michigan 48933

Dear Mr. Ostrow:

The Department of State received separate responses to the complaint you filed against the Michigan House Democratic Fund and the Friends of Erin Kieliszewski, 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 enclosures 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, 1<sup>st</sup> 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: Erin Kieliszewski  
Jason Ellenburg  
Courtney Goddard

P: (517) 882-2758

•• MICHIGAN HOUSE ••  
**DEMOCRATIC FUND**

F: (517) 393-4247

WWW.MIHOUSEDEMS.COM

Lori A. Bourbonais  
Department of State, Bureau of Elections  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, Michigan 48918

September 26, 2016

*In re: Complaint filed against the Michigan House Democratic Fund*

The Michigan House Democratic Fund (MHDF) did not purchase television advertisements for Erin Kieliszewski in the 2016 primary election. MHDF categorically denies the assertion that it violated the Michigan Campaign Finance Act, Section 52(2)(b), by buying television commercials for Erin Kieliszewski.

As such, MHDF questions whether the exhibits presented in the complaint accurately reflect filings and agreements between the TV station, purchasing entity, and the FCC. MHDF was not able to independently verify exhibit 1 and exhibit 2 from the complaint. MHDF is unaware of how the complainant obtained these documents presented in the exhibit as they do not appear on the FCC's official website and appear not to be accurate filings.

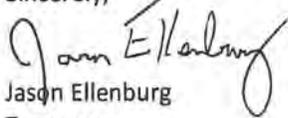
MHDF did find public filings on the FCC's website for Erin Kieliszewski's campaign committee. The FCC's public inspection filings can be found at <https://publicfiles.fcc.gov/tv-profile/wbkb-tv/political-files/2016/state/8534630d-26c6-bff5-2d85-ee89e4dde7ef/> These filings reflect that all of the advisements that were publically attributed to the Friends of Erin Kieliszewski campaign committee were paid by the Erin Keiliszewski campaign committee.

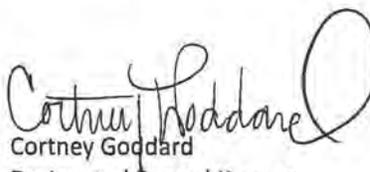
On the FCC's website, on September 26, 2016, there are no documents that exactly replicate the exhibits shown in the complaint. When reviewing the FCC's public inspection files, MHDF found two files that were updated on August 5, 2016, that appear to show the Friends of Erin Kieliszewski's campaign committee purchasing air time. These documents in many ways mirror the exhibits submitted by the complainant. They appear to have the same estimate # which is 3652. These appear to be the documents that are partially referred to in the complaint. Please see exhibit A and B attached for the FCC. Please also see [file:///C:/Users/HOUSE/Downloads/wbkb-11-1-friends-of-erin-kieliszewski-invoice-inv-12742-2-20160901-124353050-pdf%20\(1\).pdf](file:///C:/Users/HOUSE/Downloads/wbkb-11-1-friends-of-erin-kieliszewski-invoice-inv-12742-2-20160901-124353050-pdf%20(1).pdf)

The complaint against MHDF was filed on August 30, 2016. The FCC last updated its website in respect to filings for Erin Kieliszewski on August 5, 2016, (see exhibit C). We are sure that the complainant, prior to filing the complaint, would have checked the accuracy of its proof. As such, we are unable to ascertain where the complainant found this information.

MHDF once again states that it did not purchase any air time for Erin Kieliszewski. We request that the Secretary of State look at the FCC's website to see the proper entity that did pay for the advertisement. Further, MHDF requests that the Secretary of State immediately dismiss this frivolous complaint for lack of evidence.

Sincerely,

  
Jason Ellenburg  
Treasurer

  
Cortney Goddard  
Designated Record Keeper

RECEIVED  
MICHIGAN HOUSE DEMOCRATIC FUND  
2016 SEP 26 PM 4:13  
ELECTORAL ADMINISTRATION



INVOICE

**EXHIBIT A** Page 1 of 1



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 Main: (989)356-3434  
 Billing: (989)356-3434

Invoice #	Invoice Date	Invoice Month	Invoice Period
12742-2	08/02/16	August 2016	08/01/16 - 08/02/16

Station	Account Executive	Sales Office	Sales Region
WBKB	Thomas Drury	Millennium- Was	National

Advertiser	Product	Estimate Number
Friends of Erin Kielszewsk	Party	3652

Billing Address:

**PRISM Communications**  
 Attention: Accounts Payable  
 1322 G ST NE  
 Washington, DC 20003

Flight Dates	Order #	Alt Order #
07/27/16 - 08/02/16	12742	25253420

Billing Calendar	Billing Type
Broadcast	Cash

Special Handling

Send Payment To:

**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707

IDB #	Advertiser Code	Product Code
	678	708

Agency Ref	Advertiser Ref

Line	Start Date	End Date	Description	Start/End Time	MTWTFSS	Length	Spots/Week	Rate	Type																																										
3	08/02/16	08/02/16	CBS THIS MORNING	7AM-9AM	-T-----	:30	1	\$30.00	NM																																										
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1	WBKB	M	08/01/16	12:26 PM	Family Feud	12:00pm-12:30pm	:30	EK-T16-101H	\$35.00	NM																																									

Total Spots                      4                      Gross Total                      \$150.00

**Payment Terms 30 Days**

Agency Commission                      \$22.50  
Net Amount Due                      \$127.50

We warrant that the actual broadcast time shown on this invoice was taken from the program log.

# CONTRACT



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u> 12742 /		<u>Alt Order #</u> 25253420
<u>Product</u>		
<u>Party</u>		
<u>Contract Dates</u> 07/27/16 - 08/02/16		<u>Estimate #</u> 3652
<u>Advertiser</u> Friends of Erin Kiellszewski		<u>Original Date / Revision</u> 07/26/16 / 07/26/16
<u>Billing Cycle</u> EOM/EOC	<u>Billing Calendar</u> Broadcast	<u>Cash/Trade</u> Cash
<u>Station</u> WBKB	<u>Account Executive</u> Thomas Drury	<u>Sales Office</u> Millennium- Wa
<u>Special Handling</u>		
<u>Demographic</u> Adults 25-54		
<u>IDB#</u>	<u>Advertiser Code</u> 678	<u>Product Code</u> 708
<u>Agency Ref</u>		<u>Advertiser Ref</u>

And:

**PRISM Communications**  
 1322 G ST NE  
 Washington, DC 20003

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/ Week	Rate	Type	Totals Spots Amount	
N 1	WBKB	07/27/16	07/27/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$30.00			
N 2	WBKB	07/29/16	07/29/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$30.00			
N 3	WBKB	08/02/16	08/02/16	CBS THIS MORNING	7AM-9AM		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$30.00			
N 4	WBKB	08/01/16	08/01/16	Dr. Oz	9-10am		:30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$30.00			
N 5	WBKB	07/27/16	07/27/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$55.00			
N 6	WBKB	07/29/16	07/29/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$55.00			
N 7	WBKB	08/02/16	08/02/16	The Price is Right	11am-12pm		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$55.00			
N 8	WBKB	07/28/16	07/28/16	Family Feud	12:00pm-12:30pm		:30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$35.00			
N 9	WBKB	08/01/16	08/01/16	Family Feud	12:00pm-12:30pm		:30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$35.00			
N 10	WBKB	07/30/16	07/30/16	Sat. Morn The Early Show	9AM-11AM		:30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	-----S-				1	\$55.00			
N 11	WBKB	07/28/16	07/28/16	Thu 10pm-11pm	Thu 10pm-11pm		:30			NM	1	\$350.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$350.00			

(\* Line Transactions: N = New, E = Edited, D = Deleted)

"Nondiscrimination -Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain nondiscrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected."

Two week advance cancellation notice is required unless otherwise specified.



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u>	<u>Alt Order #</u>
12742 /	25253420

<u>Contract Dates</u>	<u>Product</u>	<u>Estimate #</u>
07/27/16 - 08/02/16	Party	3652

<u>Advertiser</u>	<u>Original Date / Revision</u>
Friends of Erin Kieliszew	07/26/16 / 07/26/16

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Totals Spots Amount	
		Start Date	End Date	Weekdays			Spots/Week	Rate				
<b>Totals</b>											11	\$760.00

Time Period	# of Spots	Gross Amount	Net Amount
06/27/16 -07/31/16	7	\$610.00	\$518.50
08/01/16 -08/02/16	4	\$150.00	\$127.50
<b>Totals</b>	11	\$760.00	\$646.00

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

\*Nondiscrimination - Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain nondiscrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected.

Two week advance cancellation notice is required unless otherwise specified.

Exhibit B

### AGREEMENT FORM FOR POLITICAL CANDIDATE ADVERTISEMENTS

(check applicable box)

FEDERAL CANDIDATE

STATE/LOCAL CANDIDATE

To Avail Themselves Of The Lowest Unit Charge During A Political Window, Federal Candidates Must Sign The Certification On Page 3

Station and Location: WBKB, EBKB, CBKB - ALYENA Date: 7-22-16

I, Prism Communications

being/on behalf of: Erin Kieliszewski

a legally qualified candidate of the Democratic

political party for the office of: State Representative - 106th District

in the Primary

election to be held on: August 2nd, 2016

do hereby request station time as follows:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

Attach proposed schedule with charges (if available):

I represent that the payment for the above described broadcast time has been furnished by:

Friends of Erin Kieliszewski, 702 S. Second Ave, Alpena, MI 49707

and you are authorized to announce the time as paid for by such person or entity. I represent that this person or entity is either a legally qualified candidate or an authorized committee/organization of the legally qualified candidate.

The name of the treasurer of the candidate's authorized committee is:

Carol Shafto - Treasurer

This station has disclosed to me its political advertising policies, including: applicable classes and rates; and discount, promotional and other sales practices (not applicable to federal candidates).

**THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.**

**To Be Signed By Candidate or Authorized Committee**

07/21/16

Date



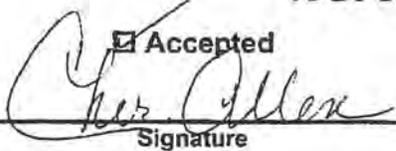
Signature

**To Be Signed By Station Representative**

Accepted

Accepted in Part

Rejected



Signature

CHER ALLEN

Printed Name

CA

Title

RECEIVED  
2016 SEP 26 PM 2:05  
ELECTIONS/GREAT LAKES

September 23, 2016

Department of State  
Bureau of Elections  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI 48918

To Whom It May Concern:

In response to the complaint submitted against Friends of Erin Kieliszewski I would like to state that my committee purchased all ads pertaining to my primary campaign.

I have attached information to substantiate my statement. Attached you will find the receipts from Friends of Erin Kieliszewski to Mundy Katowitz for ads purchased on WBKB, EBKB, GBKB - Alpena station (s). You will also find attached the wire transfer information for the purchase of those ads which came from my campaign committee.

In no way, shape, or form did any other committee make purchases on my behalf for express advocacy primary ads.

Regards; -



Erin Kieliszewski  
Friends of Erin Kieliszewski (Committee #517423)  
720 South Second Avenue  
Alpena, MI 49707

Enclosures: Domestic Wire Details (2); Agreement Form For Political Candidate Advertisements; WBKB Contract.

Cc: File

## Domestic Wire Details

### Status

Status: **Pending Member Approval**

Transaction Number: 11729931

IMAD:

Transaction Type: Domestic Wire Out

RTN: 272476446 - Besser CU

Primary Phone Number: (989) 356-1880

CAN Number: 0

Effective Date: 07/21/2016

Late Order: No

### Amount / Wire Detail

Wire Amount: \$12,000.00

Type Code: CTR - 1000 - Consumer Transfer

Dodd-Frank: No

Receiving Institution: ██████████ - BK AMER NYC; NEW YORK, NY

Originator: Besser CU; ██████████ 1381 N Bagley St, Alpena MI 49707

Purpose:

Beneficiary: Merrill Lynch; ██████████ 1700 State Route 23# 200, Wayne NJ 07470

Instructions:

Beneficiary FI: Mundy Katowitz Media INC; ██████████; 1322 G Street SE, Washington DC 20003

Beneficiary FI Instructions: From Friends Of Erin Kieliszewski

### Transaction History

Activity Type	Date/Time	Person	Organization	Successful
Created	07/21/2016 08:41:11 AM	Tammie Lewis	Besser CU	✓
Member OFAC Tested	07/21/2016 08:41:12 AM	Tammie Lewis	Besser CU	✓

### Comment History

Comment Type	Date/Time	Person	Comment
There are no comments to display.			

## Domestic Wire Details

### Status

Status: Pending Member Approval

Transaction Number: 11729931

IMAD:

Transaction Type: Domestic Wire Out

RTN: 272476446 - Besser CU

Primary Phone Number: (989) 356-1880

CAN Number: 0

Effective Date: 07/21/2016

Late Order: No

### Amount / Wire Detail

Wire Amount: \$12,000.00

Type Code: CTR - 1000 - Consumer Transfer

Dodd-Frank: No

Receiving Institution: ██████████ - BK AMER NYC; NEW YORK, NY

Originator: Besser CU; ██████████ 1381 N Bagley St, Alpena MI 49707

Purpose:

Beneficiary: Merrill Lynch; ██████████, 1700 State Route 23# 200, Wayne NJ 07470

Instructions:

Beneficiary FI: Mundy Katowitz Media INC; ██████████; 1322 G Street SE, Washington DC 20003

Beneficiary FI Instructions: From Friends Of Erin Kieliszewski

### Transaction History

Activity Type	Date/Time	Person	Organization	Successful
Created	07/21/2016 08:41:11 AM	Tammie Lewis	Besser CU	✓
Member OFAC Tested	07/21/2016 08:41:12 AM	Tammie Lewis	Besser CU	✓

### Comment History

Comment Type	Date/Time	Person	Comment
There are no comments to display.			

Member Number	Description	Trans. Amount	Balance	Principal	Int
[REDACTED]	OUT GOING WIRE	12000.00-	30587.38		
	WIRE FEE	10.00-	30577.38		

7/21/16            01            9:43            28  
 19180 FRIENDS OF ERIN KIELISZEWSKI

## Domestic Wire Details

### Status

**Status: Pending Member Approval**  
 Transaction Number: 11775907  
 IMAD:  
 Transaction Type: Domestic Wire Out  
 RTN: ██████████ - Besser CU  
 Primary Phone Number: (989) 356-1880  
 CAN Number: 0  
 Effective Date: 07/26/2016  
 Late Order: No

### Amount / Wire Detail

Wire Amount: \$3,000.00  
 Type Code: CTR - 1000 - Consumer Transfer  
 Dodd-Frank: No  
 Receiving Institution: ██████████ - BK AMER NYC; NEW YORK, NY  
 Originator: Besser CU; ██████████; 1381 N Bagley St, Alpena MI 49707  
 Purpose:  
 Beneficiary: Merrill Lynch; ██████████; 1700 State Route 23 #200, Wayne NJ 07470  
 Instructions:  
 Beneficiary FI: Mundy Katowitz Media INC; ██████████; 1322 G Street SE, Washington DC 20003  
 Beneficiary FI Instructions:

### Transaction History

Activity Type	Date/Time	Person	Organization	Successful
Created	07/26/2016 08:42:32 AM	Tammie Lewis	Besser CU	✓
Member OFAC Tested	07/26/2016 08:42:33 AM	Tammie Lewis	Besser CU	✓

### Comment History

Comment Type	Date/Time	Person	Comment
There are no comments to display.			

## AGREEMENT FORM FOR POLITICAL CANDIDATE ADVERTISEMENTS

(check applicable box)

FEDERAL CANDIDATE

STATE/LOCAL CANDIDATE

To Avail Themselves Of The Lowest Unit Charge During A Political Window, Federal Candidates Must Sign The Certification On Page 3

<b>Station and Location:</b> <u>WBKB, EBKB, CBKB - ALYENA</u>	<b>Date:</b> <u>7-22-16</u>
--	--------------------------------

I, Prism Communications,

being/on behalf of: Erin Kieliszewski,

a legally qualified candidate of the Democratic

political party for the office of: State Representative - 106th District

in the Primary

election to be held on: August 2nd, 2016

do hereby request station time as follows:

Broadcast Length	Time of Day, Rotation or Package	Days	Class	Times per Week	Number of Weeks

**Attach proposed schedule with charges (if available):**

I represent that the payment for the above described broadcast time has been furnished by:

Friends of Erin Kleliszewski, 702 S. Second Ave, Alpena, MI 49707

and you are authorized to announce the time as paid for by such person or entity. I represent that this person or entity is either a legally qualified candidate or an authorized committee/organization of the legally qualified candidate.

The name of the treasurer of the candidate's authorized committee is:

Carol Shafto - Treasurer

This station has disclosed to me its political advertising policies, including: applicable classes and rates; and discount, promotional and other sales practices (not applicable to federal candidates).

**THIS STATION DOES NOT DISCRIMINATE OR PERMIT DISCRIMINATION ON THE BASIS OF RACE OR ETHNICITY IN THE PLACEMENT OF ADVERTISING.**

***To Be Signed By Candidate or Authorized Committee***

07/21/16

Date



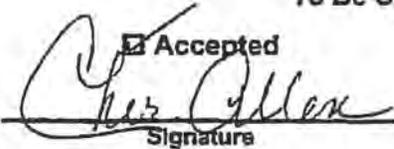
Signature

***To Be Signed By Station Representative***

Accepted

Accepted in Part

Rejected



Signature

CHER ALLEN

Printed Name

CA

Title

# CONTRACT



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u> 12742 /	<u>Alt Order #</u> 25253420
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<u>Product</u> Party	
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<u>Contract Dates</u> 07/27/16 - 08/02/16	<u>Estimate #</u> 3652
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<u>Advertiser</u> Friends of Erin Kleiszawski	<u>Original Date / Revision</u> 07/26/16 / 07/26/16
--	--

And:

**PRISM Communications**  
 1322 G ST NE  
 Washington, DC 20003

<u>Billing Cycle</u> EOM/EOC	<u>Billing Calendar</u> Broadcast	<u>Cash/Trade</u> Cash
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<u>Station</u> WBKB	<u>Account Executive</u> Thomas Drury	<u>Sales Office</u> Millennium- Wa
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<u>Special Handling</u>		
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<u>Demographic</u> Adults 25-54		
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<u>IDB#</u>	<u>Advertiser Code</u> 678	<u>Product Code</u> 708
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<u>Agency Ref</u>	<u>Advertiser Ref</u>
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*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Totals Spots Amount	
N 1	WBKB	07/27/16	07/27/16	CBS THIS MORNING	7AM-9AM		30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$30.00			
N 2	WBKB	07/29/16	07/29/16	CBS THIS MORNING	7AM-9AM		30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$30.00			
N 3	WBKB	08/02/16	08/02/16	CBS THIS MORNING	7AM-9AM		30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$30.00			
N 4	WBKB	08/01/16	08/01/16	Dr. Oz	9-10am		30			NM	1	\$30.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$30.00			
N 5	WBKB	07/27/16	07/27/16	The Price Is Right	11am-12pm		30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	--W----				1	\$55.00			
N 6	WBKB	07/29/16	07/29/16	The Price Is Right	11am-12pm		30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	----F--				1	\$55.00			
N 7	WBKB	08/02/16	08/02/16	The Price Is Right	11am-12pm		30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	-T-----				1	\$55.00			
N 8	WBKB	07/28/16	07/28/16	Family Feud	12:00pm-12:30pm		30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$35.00			
N 9	WBKB	08/01/16	08/01/16	Family Feud	12:00pm-12:30pm		30			NM	1	\$35.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		08/01/16	08/07/16	M-----				1	\$35.00			
N 10	WBKB	07/30/16	07/30/16	Sat. Morn The Early Show	9AM-11AM		30			NM	1	\$55.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	-----S-				1	\$55.00			
N 11	WBKB	07/28/16	07/28/16	Thu 10pm-11pm	Thu 10pm-11pm		30			NM	1	\$350.00
		<u>Start Date</u>	<u>End Date</u>	<u>Weekdays</u>				<u>Spots/Week</u>	<u>Rate</u>			
Week:		07/25/16	07/31/16	---T---				1	\$350.00			

(\* Line Transactions: N = New, E = Edited, D = Deleted)

\*Non-discrimination - Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity, and must contain non-discrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected.

Two week advance cancellation notice is required unless otherwise specified.



**WBKB (11.1 - CBS)**  
 1390 North Bagley Street  
 Alpena, MI 49707  
 (989)356-3434

<u>Contract / Revision</u>	<u>All Order #</u>
12742 /	25253420

<u>Contract Dates</u>	<u>Product</u>	<u>Estimate #</u>
07/27/16 - 08/02/16	Party	3652

<u>Advertiser</u>	<u>Original Date / Revision</u>
Friends of Erin Kjeliszew	07/26/16 / 07/26/16

*Line	Ch	Start Date	End Date	Description	Start/End Time	Days	Length	Spots/Week	Rate	Type	Totals Spots Amount	
		Start Date	End Date	Weekdays			Spots/Week		Rate			
<b>Totals</b>											11	\$760.00

Time Period	# of Spots	Gross Amount	Net Amount
06/27/16 - 07/31/16	7	\$610.00	\$518.50
08/01/16 - 08/02/16	4	\$150.00	\$127.50
<b>Totals</b>	11	\$760.00	\$646.00

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(\* Line Transactions: N = New, E = Edited, D = Deleted)

\*Nondiscrimination - Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order No. 07-217 provides that broadcast stations' advertising contracts will not discriminate on the basis of race or ethnicity and must contain nondiscrimination clauses. Consistent with this order, this station does not discriminate in advertising contracts on the basis of race or ethnicity. Any provision in any order or agreement for advertising that purports to discriminate on the basis of race or ethnicity, even if handwritten, typed or otherwise made part of a particular contract, is hereby rejected.

Two week advance cancellation notice is required unless otherwise specified.



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

March 21, 2017

Steven Ostrow  
520 Seymour Street  
Lansing, Michigan 48933

Dear Mr. Ostrow:

The Department of State (Department) has concluded its investigation of the complaint you filed against the Michigan House Democratic Fund (MHDF) and Friends of Erin Kieliszewski, which concerned 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 filed your complaint on August 30, 2016. The Department received written responses from the MHDF and Ms. Kieliszewski on September 26, 2016. You did not file a rebuttal statement with the Department.

The MCFA prohibits a house political party caucus committee from making a contribution to or expenditure on behalf of a candidate seeking nomination at a primary if that candidate is opposed at that primary. MCL 168.252(2)(b). A person who knowingly violates this section may be guilty of a misdemeanor, may be subject to a civil fine, or both. MCL 169.252(9).

Your complaint alleged that Ms. Kieliszewski had a primary opponent and the MHDF made an improper contribution to or expenditure on behalf of Ms. Kieliszewski by paying for a television advertisement during the primary campaign. In support of your complaint you provided a copy of a contract from WBKB between MHDF and PRISM communications showing the purchase of television spots between July 27, 2016 and August 2, 2016, an "Agreement Form for Non-Candidate/Issue Advertisements [,]" and a link to a television ad for Erin Kieliszewski.

In response to the complaint, the MHDF denied that it purchased television ads for Erin Kieliszewski in the 2016 primary election. The MHDF asserted that it could not find the documents that you provided as evidence on the FCC website, but that there were two files that "in many ways mirror[ed] the exhibits submitted" by you. However, these documents indicated that Ms. Kieliszewski's candidate committee paid for the advertisement in question. The MHDF provided these documents as evidence with its response.

In her response to your complaint, Ms. Kieliszewski stated that "[her] committee purchased all ads pertaining to [her] campaign." Ms. Kieliszewski provided wire transfer information as proof of payment by her committee for the ads, along with an Agreement Form for Political Candidate Advertisements. Ms. Kieliszewski asserted that no "other committee [made] purchases on [her] behalf for express advocacy primary ads."

The Department notes that it also was unable to locate on the FCC website the documents that you submitted as evidence. The Department was able to locate a document nearly identical to the contract you submitted; however, it listed "Friends of Erin Kieliszewski" as the advertiser instead of "Michigan House Democratic Fund [.]". Otherwise, it appears that the documents are the same, including the contract and order numbers. The Department further notes that the contract document submitted by you indicated it was printed on July 26, 2016 and the nearly identical one on the FCC website indicated it was printed on August 5, 2016. It is plausible that a correction had been made to the contract since you obtained it.

The Department also reviewed the invoices listed on the FCC website regarding the television ads and these invoices list the advertiser as "Friends of Erin Kieliszewski [.]" not the MHDF.

Although the evidence submitted by the parties in this matter is contradictory, an independent review by the Department of the materials available on the FCC website supports the assertions made by the MHDF and Ms. Kieliszewski that no contribution was made to or expenditure made in behalf of the Friends of Erin Kieliszewski committee by the MHDF. Because the evidence available does not tend to support a reason to believe that the MHDF made a contribution to or expenditure in behalf of Ms. Kieliszewski with regard to the television ad in contravention of section 52 the Act, your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Erin Kieliszewski  
MHDF