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, 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 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...
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,

[Signature]

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Steven Ostrow
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, 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. 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.
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
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
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

[Signature]

Steven Ostrow
Exhibit 1
**Contract Agreement Between:**

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

And:

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

---

**CONTRACT**

<table>
<thead>
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<th>Contract Dates</th>
<th>Estimate #</th>
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**Advertiser:**

**Michigan House Democratic Fund**

**Oral Date:** 07/26/16

**Revision Date:**

---

**Billing Cycle:**

**ECM/EOC:**

**Broadcast Calendar:**

**Cash/Trade:**

**Station Account Executive:**

**Sales Office:**

**Special Handling:**

---

**Demographic:**

**Adults 25-54**

---

**ID#**

**Advertiser Code:** 878

**Product Code:** 708

---

**Agency Ref:**

**Advertiser Ref:**

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<td>07/27/16</td>
<td>07/27/16</td>
<td>CBS THIS MORNING</td>
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<td>30.00</td>
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<td>.30</td>
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(* 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 provide 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.
### Contract Agreement Between:

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

---

**Contract Dates:**
- **Start Date:** 07/27/16
- **End Date:** 08/02/16

**Advertiser:**
- Michigan House Democrats

**Original Date / Revision:**
07/25/16 / 07/26/16

---

**Contract / Revision:**
- 12742 / 3652

**Order #**
- 25253420

**Line Ch:**
- *Line Transactions: N = New, E = Edited, D = Deleted*

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**Signature:** ____________________________  **Date:** ____________________________

---

*(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

<table>
<thead>
<tr>
<th>Station and Location:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>WBKB, EBKB, CBKB, ALPENA</td>
<td>9-22-16</td>
</tr>
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**Prism Communications**

do hereby request station time concerning the following issue:

<table>
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<th>Broadcast Length</th>
<th>Time of Day, Rotation or Package</th>
<th>Days</th>
<th>Class</th>
<th>Times per Week</th>
<th>Number of Weeks</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

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).

Does the programming (in whole or in part) communicate "a message relating to any political matter of national importance?"

☐ Yes  ☑ No

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):

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)

Copyright © 2013 by the National Association of Broadcasters. May not be copied, reproduced or further distributed.
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

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<th>Time of Day, Rotation or Package</th>
<th>Days</th>
<th>Class</th>
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</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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
Robert Mushroe
Date
Signature
Contact Phone Number

202-675-6936

TO BE SIGNED BY STATION REPRESENTATIVE

Accepted
Accepted in Part
Rejected

□
□
□

Signature
Printed Name
Title
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.
Hello Lori,
As stated in our complaint, this is where you can find the video referenced in exhibit 3.
Thank you,
Sarah Anderson
sanderson@migop.org
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, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Erin Kieliszewski  
Jason Ellenburg  
Courtney Goddard
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 Kieliszewski 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

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
### INVOICE

**Exhibit A**
1 of 1

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

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

Send Payment To:
WBKB (11.1 - CBS)
1390 North Bagley Street
Alpena, MI 49707

---

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

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

**Advertiser** Friends of Erin Kieliszewski

**Product** Party

**Estimate Number** 3652

---

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

**Billing Calendar**
Broadcast
**Billing Type** Cash

**Special Handling**

**IDB #** 678
**Advertiser Code** 708

**Agency Ref**

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<td>08/02/16</td>
<td>CBS THIS MORNING</td>
<td>7AM-9AM</td>
<td>-T-------</td>
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<td>1</td>
<td>$30.00</td>
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<td>Dr. Oz</td>
<td>9-10am</td>
<td>M--------</td>
<td>30</td>
<td>1</td>
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<td>$35.00</td>
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**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.*
WBKB (11.1 - CBS)
1390 North Bagley Street
Alpena, MI 49707
(989)356-3434

And:
PRISM Communications
1322 G ST NE
Washington, DC 20003

CONTRACT

Contract Agreement Between:
WBKB (11.1 - CBS)
1390 North Bagley Street
Alpena, MI 49707
(989)356-3434

And:
PRISM Communications
1322 G ST NE
Washington, DC 20003

Contract Dates
07/27/16 - 08/2/16

Advertiser
Friends of Erin Kleiszewski

Billing Cycle
EOM/EOC

Cash/Trade
Broadcast

Station
WBKB
Thomas Drury

Demographic
Adults 25-54

IDB#
678

Spots/Type

Start/End Time Days Length Week Rate Totals

7AM-9AM :30 NM 1 $30.00

9-10am :30 NM 1 $30.00

11am-12pm :30 NM 1 $55.00

12:00pm-12:30pm :30 NM 1 $35.00

7AM-9AM :30 NM 1 $30.00

9-10am :30 NM 1 $30.00

11am-12pm :30 NM 1 $55.00

12:00pm-12:30pm :30 NM 1 $35.00

9AM-11AM :30 NM 1 $55.00

Thu 10pm-11pm :30 NM 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.
Contract Agreement Between:

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

<table>
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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.
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: Date:

WBBB, EBKB, CBKB - ALPENA 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:

<table>
<thead>
<tr>
<th>Broadcast Length</th>
<th>Time of Day, Rotation or Package</th>
<th>Days</th>
<th>Class</th>
<th>Times per Week</th>
<th>Number of Weeks</th>
</tr>
</thead>
</table>

Attach proposed schedule with charges (if available):

Copyright © 2013 by the National Association of Broadcasters. May not be copied, reproduced or further distributed.
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  
Printed Name  
Title

Copyright © 2013 by the National Association of Broadcasters. May not be copied, reproduced or further distributed.
September 23, 2016

Department of State
Bureau of Elections
Richard H. Austin Building, 1st 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:** 272479446 - 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

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<td>Tammie Lewis</td>
<td>Besser CU</td>
<td>✔</td>
</tr>
<tr>
<td>Member OFAC Tested</td>
<td>07/21/2016 08:41:12 AM</td>
<td>Tammie Lewis</td>
<td>Besser CU</td>
<td>✔</td>
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## Comment History

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Domestic Wire Details

Status: Pending Member Approval

Transaction Number: 11729931
IMAD:
Transaction Type: Domestic Wire Out
RTN: 272476445 - 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 Fl: Mundy Katowitz Media INC; 1322 G Street SE, Washington DC 20003
Beneficiary Fl Instructions: From Friends Of Erin Kieliszewski

Transaction History

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<th>Organization</th>
<th>Successful</th>
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<tr>
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<td>Besser CU</td>
<td>✔</td>
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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: [Redacted] - 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: [Redacted] - BK AMER NYC; NEW YORK, NY

Originator: Besser CU; [Redacted]; 1381 N Bagley St, Alpena MI 49707

Purpose:

- Beneficiary: Merrill Lynch; [Redacted]; 1700 State Route 23 #200, Wayne NJ 07470

Instructions:

- Beneficiary FL: Mundy Katowitz Media INC; [Redacted]; 1322 G Street SE, Washington DC 20003

- Beneficiary FL Instructions:

Transaction History

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<td>Besser CU</td>
<td>✔️</td>
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<td>07/26/2016 08:42:33 AM</td>
<td>Tammie Lewis</td>
<td>Besser CU</td>
<td>✔️</td>
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Comment History

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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

Station and Location: Date:
Prism Communications 7-22-16

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:

<table>
<thead>
<tr>
<th>Broadcast Length</th>
<th>Time of Day, Rotation or Package</th>
<th>Days</th>
<th>Class</th>
<th>Times per Week</th>
<th>Number of Weeks</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Attach proposed schedule with charges (if available):

Copyright © 2013 by the National Association of Broadcasters. May not be copied, reproduced or further distributed.
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   Printed Name   Title

Copyright © 2013 by the National Association of Broadcasters. May not be copied, reproduced or further distributed
**CONTRACT**

**Contract Agreement Between:**

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

**And:**

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

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<th>End Date</th>
<th>Description</th>
<th>Start/End Time</th>
<th>Days</th>
<th>Rate</th>
<th>Type</th>
<th>Spots/ Week</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>N 1</td>
<td></td>
<td>07/27/16</td>
<td>07/27/16</td>
<td>CBS THIS MORNING</td>
<td>7AM-9AM</td>
<td>30</td>
<td>$30.00</td>
<td>NM</td>
<td>1</td>
<td>$30.00</td>
</tr>
<tr>
<td>N 2</td>
<td></td>
<td>07/29/16</td>
<td>07/29/16</td>
<td>CBS THIS MORNING</td>
<td>7AM-9AM</td>
<td>30</td>
<td>$30.00</td>
<td>NM</td>
<td>1</td>
<td>$30.00</td>
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<tr>
<td>N 3</td>
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<td>08/02/16</td>
<td>08/02/16</td>
<td>CBS THIS MORNING</td>
<td>7AM-9AM</td>
<td>30</td>
<td>$30.00</td>
<td>NM</td>
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</tr>
<tr>
<td>N 4</td>
<td></td>
<td>08/01/16</td>
<td>08/01/16</td>
<td>Dr. Oz</td>
<td>9-10am</td>
<td>30</td>
<td>$30.00</td>
<td>NM</td>
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<td>N 5</td>
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<td>07/27/16</td>
<td>07/27/16</td>
<td>The Price is Right</td>
<td>11am-12pm</td>
<td>30</td>
<td>$55.00</td>
<td>NM</td>
<td>1</td>
<td>$55.00</td>
</tr>
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<td>N 6</td>
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<td>07/29/16</td>
<td>07/29/16</td>
<td>The Price is Right</td>
<td>11am-12pm</td>
<td>30</td>
<td>$55.00</td>
<td>NM</td>
<td>1</td>
<td>$55.00</td>
</tr>
<tr>
<td>N 7</td>
<td></td>
<td>08/02/16</td>
<td>08/02/16</td>
<td>The Price is Right</td>
<td>11am-12pm</td>
<td>30</td>
<td>$55.00</td>
<td>NM</td>
<td>1</td>
<td>$55.00</td>
</tr>
<tr>
<td>N 8</td>
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<td>07/28/16</td>
<td>07/28/16</td>
<td>Family Feud</td>
<td>12:00pm-12:30pm</td>
<td>30</td>
<td>$35.00</td>
<td>NM</td>
<td>1</td>
<td>$35.00</td>
</tr>
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<td>N 9</td>
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<td>08/01/16</td>
<td>08/01/16</td>
<td>Family Feud</td>
<td>12:00pm-12:30pm</td>
<td>30</td>
<td>$35.00</td>
<td>NM</td>
<td>1</td>
<td>$35.00</td>
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<tr>
<td>N 10</td>
<td></td>
<td>07/30/16</td>
<td>07/30/16</td>
<td>The Early Show</td>
<td>9AM-11AM</td>
<td>30</td>
<td>$55.00</td>
<td>NM</td>
<td>1</td>
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<td>N 11</td>
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<td>07/28/16</td>
<td>Thu 10pm-11pm</td>
<td>Thu 10pm-11pm</td>
<td>30</td>
<td>$350.00</td>
<td>NM</td>
<td>1</td>
<td>$350.00</td>
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</tbody>
</table>

* (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. 07-317 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.
## Spots & Rates Table

<table>
<thead>
<tr>
<th>Time Period</th>
<th># of Spots</th>
<th>Gross Amount</th>
<th>Net Amount</th>
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<td>7</td>
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<td>$518.50</td>
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<td>08/01/16 - 08/02/16</td>
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<tr>
<td>Totals</td>
<td>11</td>
<td>$760.00</td>
<td>$646.00</td>
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</tbody>
</table>

Signature: ___________________________ Date: ___________________________

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"Nondiscrimination. Paragraphs 49 and 50 of the United States Federal Communications Commission's Report and Order no. 07-217 provide 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 of 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.

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*Note: All transactions are final and non-refundable.*
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