



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

June 22, 2016

The Honorable Brian Banks  
21456 Newcastle Road  
Harper Woods, Michigan 48225

Dear Representative Banks:

The Department of State (Department) received a formal complaint filed by Rosemary Regan against you, alleging that you 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.* Copies of the complaint and supporting documentation are enclosed with this letter.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]” MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

Ms. Regan alleges that you improperly used public funds to promote a campaign event.

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 Ms. Regan, 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 57(4) of the Act.

The Honorable Brian Banks  
June 22, 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: Rosemary Regan

## Campaign Finance Complaint Form Michigan Department of State

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Rosemary Regan	Daytime Telephone Number (313) 610-1044	
Mailing Address 20232 Woodside Street		
City Harper Woods	State MI	Zip 48225

Section 2. Alleged Violator		
Name Brian Roderick Banks		
Mailing Address 21456 Newcastle Road		
City Harper Woods	State MI	Zip 48225

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

Section(s) of the MCFA violated:  
MCFA §§169.247 and 196.257.

Explain how those sections were violated:  
 Brian Roderick Banks did, on or about May 10, 2016, use official Michigan House of Representatives Letterhead, Envelopes, Postage and Staff to promote his "Called To Care" event held in Detroit on May 28, 2016. At the event, Brian Roderick Banks and all supporters and volunteers, including Representative Sherry Gay-Dagnogo, wore "Re-Elect Brian Banks" campaign t-shirts. The wear of campaign t-shirts by Banks and volunteers for the event gives the appearance that the event was, in fact, an event to promote the re-election of Brian Roderick Banks to the Michigan House of Representatives. The use of official Michigan House of Representatives personnel, office space, computer hardware or software, property, stationary, postage, supplies or other resources to make an expenditure to his campaign is a violation of MCFA §196.257. If, in fact the event was deemed to be a campaign event, the literature should have included the appropriate political disclaimer, pursuant to MCFA §169.247.

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

Letter Promoting "Called To Care" on Michigan House of Representatives Letterhead

Official Michigan House of Representatives Envelope Used To Mail Letter. Photos of event.

**Section 4. Certification (Required)**

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

X     Rosemary Regan         0-8-10      
Signature of Complainant Date

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X \_\_\_\_\_  
Signature of Complainant Date

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

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

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



1ST DISTRICT  
STATE CAPITOL  
PO BOX 30014  
LANSING, MI 48909-7514  
PHONE (517) 373-0154  
FAX (517) 373-6094  
E-MAIL: [brianbanks@house.mi.gov](mailto:brianbanks@house.mi.gov)

MICHIGAN HOUSE OF REPRESENTATIVES

**BRIAN BANKS**  
STATE REPRESENTATIVE

May 10, 2016

Sean Motley; Associate Pastor: Christina Vares  
First English Evangelical Lutheran  
800 Vernier Rd  
GPW, MI 48236

Dear Pastor:

Thank you for allowing me to serve as your representative in Lansing! It is an honor and a privilege to serve the residents of Michigan's 1<sup>st</sup> House District. During my time in office, I have been working hard to make the 1<sup>st</sup> District a better place to live and work. I appreciate your many emails and phone calls in support of my work for you, and I look forward to continuing to work on your behalf at the Capitol.

On Saturday, May 28, 2016 I am presenting the **Called to Care 2016 Health Expo**. I would like to personally invite you, your family, and friends to this free event. **The Health Expo will be held at East English Preparatory Academy, 5020 Cadieux, Detroit, MI 48224 beginning at 10 am.** This event will feature medical exams, screenings, workshops, panels, giveaways, and musical guests.

Please find enclosed with this letter a flyer detailing the event that I am asking you share with your congregation. Feel free to contact my office with any questions about the event. My staff and I are available to assist you, my office can be contacted by phone at (517) 373-0154 or [Brianbanks@house.mi.gov](mailto:Brianbanks@house.mi.gov). I look forward to seeing you at Called to Care 2016 Health Expo.

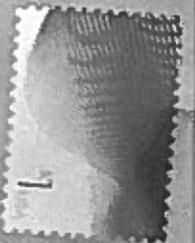
Regards,

Brian Banks, M.Ed., J.D.  
State Representative, District 1  
Chair, Detroit Caucus

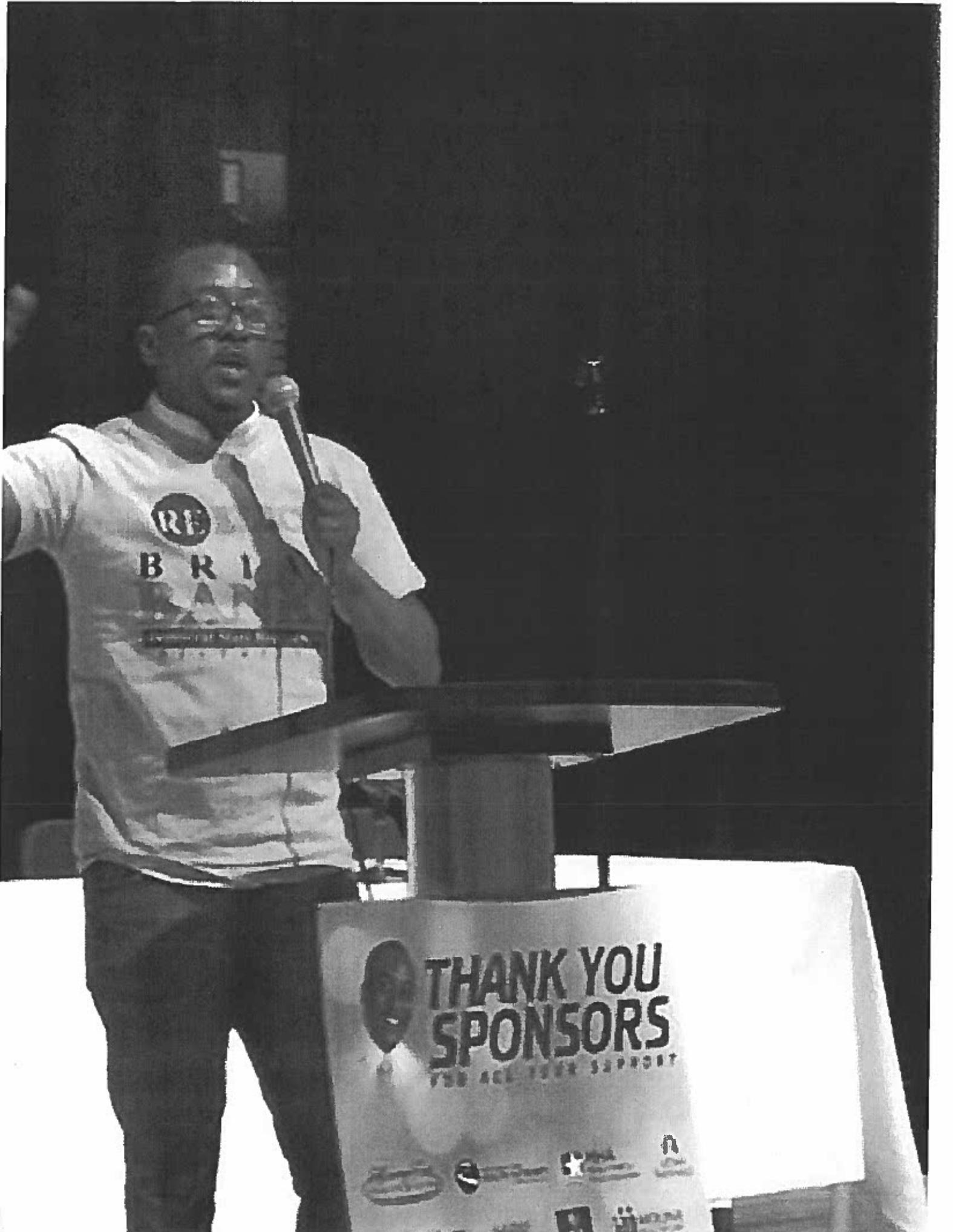
HOUSE OF REPRESENTATIVES  
MICHIGAN



197 DISTRICT  
**BRIAN BANKS**  
P.O. BOX 30014  
LANSING, MI 48209-7514



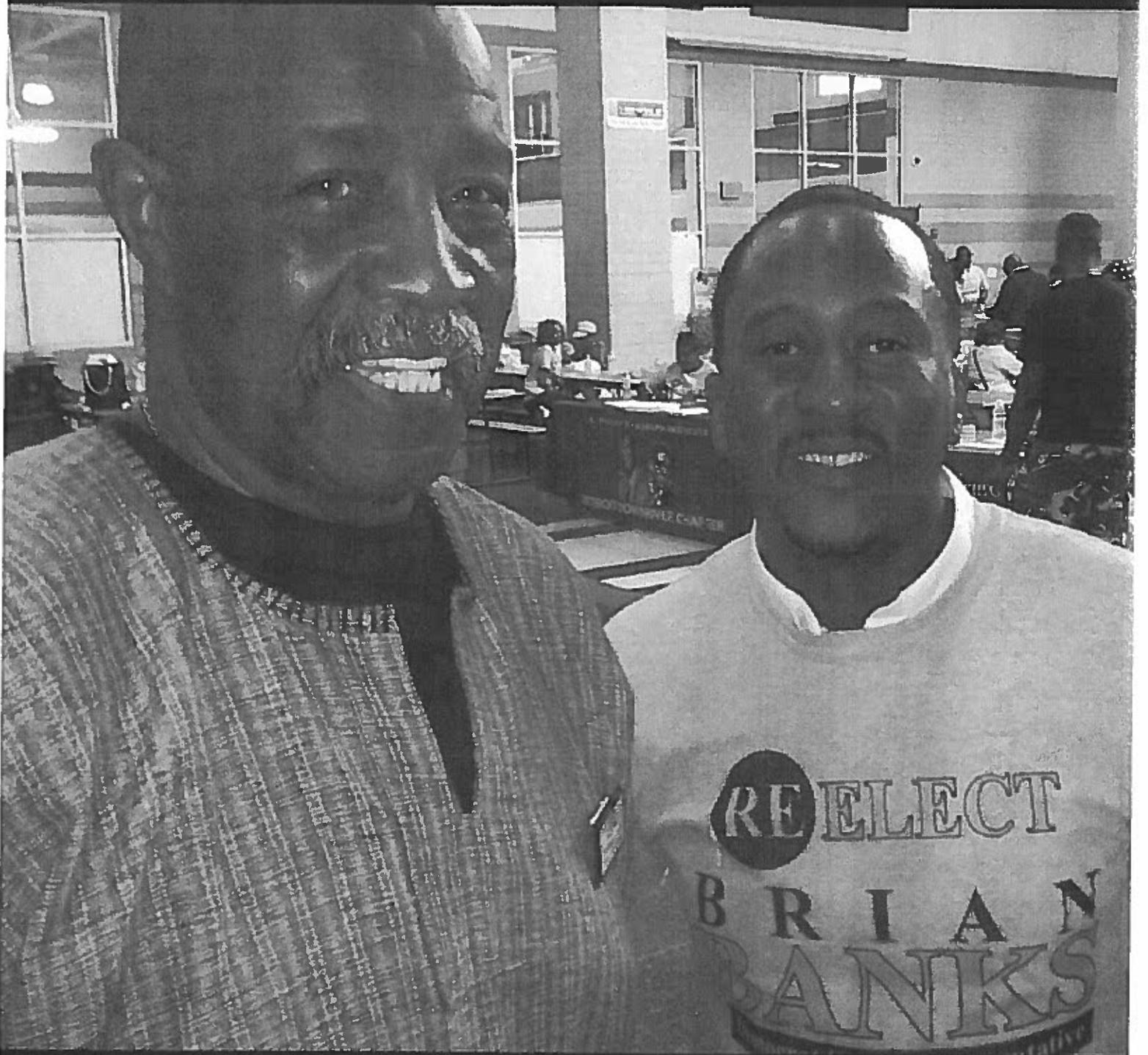
Sean Motley; Associate Pastor:  
Christina Vares  
First English Evangelical Lutheran  
800 Vernier Rd  
GPW, MI 48236



RE  
B R I  
FAR

**THANK YOU  
SPONSORS**  
FOR ALL YOUR SUPPORT





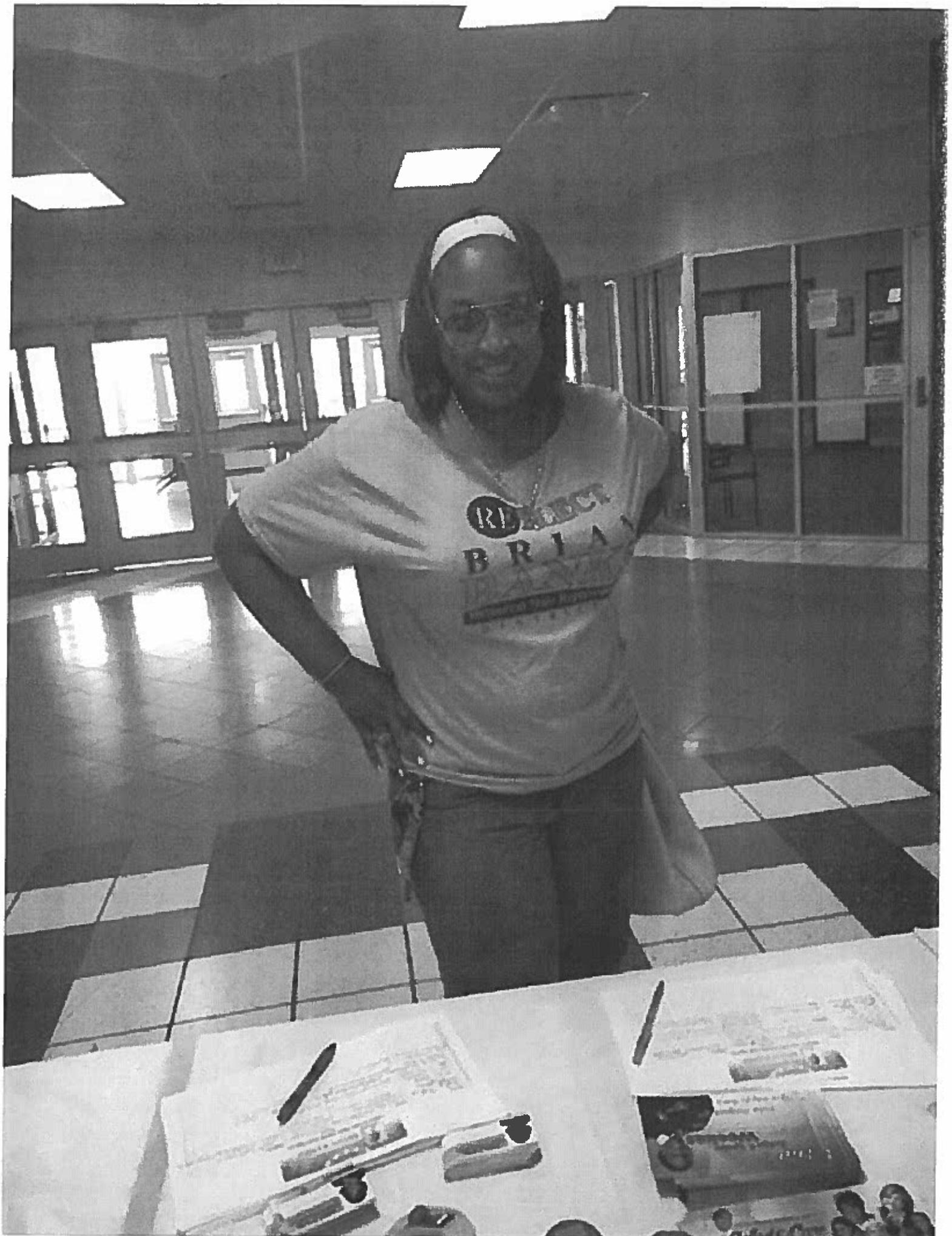
Showing love for State Representative **Brian Banks**.



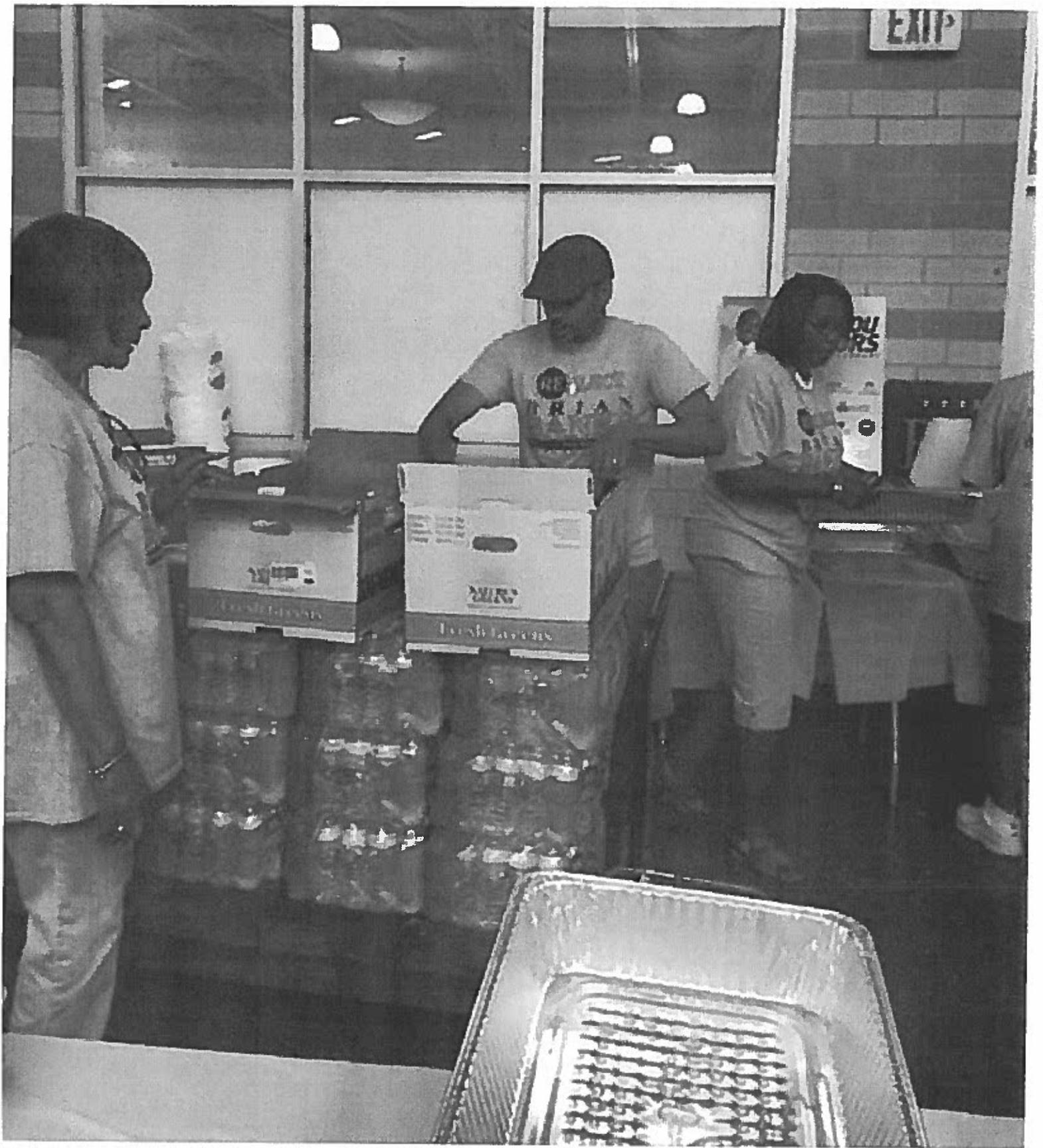


Valerie Messiah

SATURDAY AT 14:48

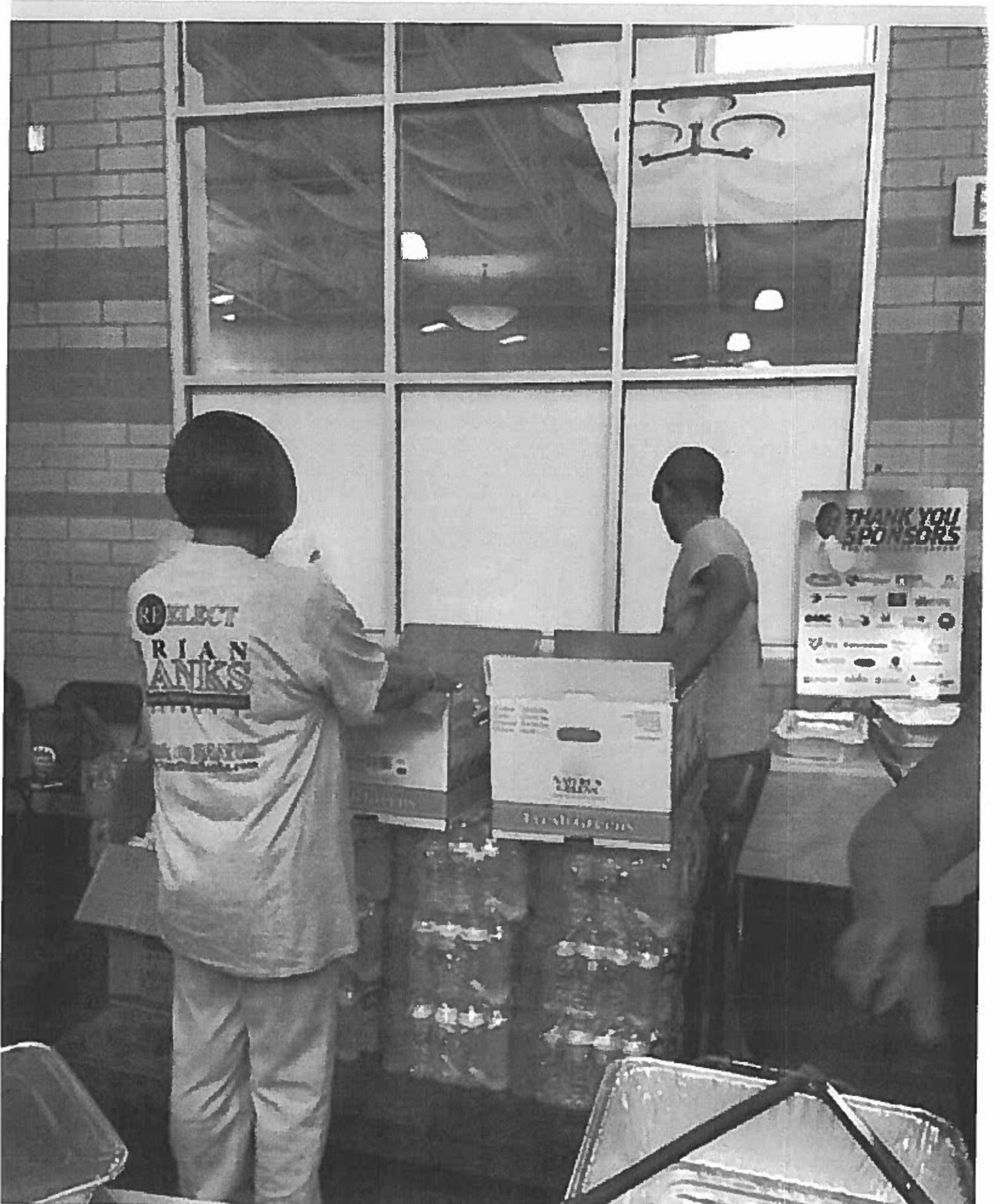






👍 1

➔ Share



# Called Care

2018 HEALTH Expo

## WORKSHOP SESSIONS

**Mental Health: Your Glass Isn't Half Empty**  
 Keep your mental health a priority during the busy holiday season. It's available for  
 discussion & facilitated by Virginia Chandy, Director, Health Agency, Community  
 Outreach Services, and Your Center Community Mental Health

**Diabetes/Obesity: Don't Sugar Coat It**  
 Find out how to get control of your diabetes and obesity. Learn how to make healthy  
 choices & manage your weight.  
 Facilitated & Presented by David Weatherly, MD

**Cancer: Cancer is a Word, NOT a Sentence**  
 Don't let your doctor tell you that you have cancer and you're done.  
 Facilitated & Presented by Dr. Christopher Hays, MD & Katherine

**Hepatitis C: Taking Care of Me & My Liver**  
 Hepatitis C is a common blood-borne virus that affects the livers of Americans living with  
 the disease. It's preventable & treatable.

**Asthma: Asthma is Not a Tragedy. Appearances Can Be Deceiving.**  
 It's time to take control of your asthma. Learn more about asthma, symptoms and  
 treatment options.  
 Facilitated & Presented by Cynthia Adams, RN, Children's Center, Shingora Child  
 Health Center

**Dementia/Alzheimer's: Always Remember for Those Who Can Not**  
 As a caregiver, you're always on the go. Get the care you need and need  
 facilitated & presented by a Neurology Care Center

**Adrenaline: How I Can Fall and I Can't Get Up!**  
 Discover the latest research on  
 recovery and a path to recovery. Get the legal advice and support you need after  
 experiencing an auto accident, slip and fall, workplace injury and medical malpractice.  
 Facilitated & Presented by Christopher Carter, Johnson Law, and Special Tree  
 Rehabilitation

# Called Care

2018 HEALTH Expo

## EVENT SCHEDULE



9:00 AM Doors Open

10:00 AM Welcome: Michael Gaddis

10:05 AM Overview: Honorable Brian Banks, J.D.

10:10 AM Musical Guest: Ted Wain

10:20 AM Healthy Policy Legislative Update

10:30 AM Special Guest Address: Dr. Steven Miller

10:45 AM Musical Guest: Branche McAllister-Dykes

10:55 AM Women's Empowerment Panel

11:55 AM Comedy with CoCo

12:10 PM Workshop

1:30 PM Musical Guest: Branche McAllister-Dykes

1:40 PM Special Guest Address: Dr. Craig Bailey

1:55 PM Male Panel: Real Men Can't

3:05 PM Musical Guest: Vickie Winsa

3:10 PM Youth United

3:25 PM Keynote Speaker: Lisa Lazarus

3:55 PM Musical Guest: Vickie Winsa





The Right Turn Project  
PO Box 36416  
Grosse Pointe, Michigan 48236



State Representative  
**BRIAN BANKS**  
Keynote Speaker  
**LIZA LAZARUS**

## Called @ Care

2015 HEALTH EXPO

**Saturday, May 23, 2015 10am**

Law Center Village Multipurpose Assembly | 8000 Cadmus, Detroit, Michigan 48202

**Free Event! Free Food! Raffles & Giveaways!**  
Medical Exams, Screenings, and Much More!

For more information, please contact (866) 234-8291





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

June 28, 2016

Rosemary Regan  
20232 Woodside Street  
Harper Woods, Michigan 48225

Dear Ms. Regan:

The Department of State received a response to the complaint you filed against Representative Brian Banks, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 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: The Honorable Brian Banks

June 27, 2016

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State  
430 W. Allegan 1<sup>st</sup> Floor  
Lansing, Michigan 48918

2016 JUN 28 AM 9:17

RE: **Written Response to Complaint filed by Rosemary Regan**

Dear Ms. Bourbonais:

I hope that this correspondence find you well. I am in receipt of your letter dated June 22, 2016 and provide the following as my response to these frivolous allegations:

- The May 28, 2016 “Called to Care 2016 Health Expo” was **NOT** a campaign event.
  - It was a **FREE** event with **NO** entry fee, **NO** campaign ask or commitment request.
  - It was an event that provide **FREE** medical exams/screenings, **FREE** eye exams, **FREE** health items, **FREE** food, and other **FREE** resources to a community that need it most.
  - There were **NO** campaign funds used for this event.
  - As it relates to any staff at the event, this event was held on Saturday, May 28, 2016, therefore, any staff that may have been present was **NOT** on State time and can attend any event and or volunteer at any event that wish to.
- As it relates to “Brian Banks and all supporters and volunteers, including Representative Sherry Gay-Dagnogo wearing ‘Re-Elect Brian Banks’ t-shirts:”
  - This was **NOT** a campaign event, however, volunteers left the event, in 2 hour intervals, to go out in the community/district to canvass.
  - In addition, people can wear whatever they would like to an event as it is a part of “freedom of speech.”
- Further response and documentation
  - On June 7, 2016, Mr. Tim Bowlin, Director, House Business Office, provided Mr. Norris a written response to his email alleging my use of state resources for an alleged campaign event (See Attached Letter dated June 7, 2016).

- Mr. Norris is the boyfriend & campaign manager of Pamela Sossi, who is running in the democratic primary for State House District 1
- Ms. Rosemary Regan is a supporter and campaign volunteer of Pamela Sossi
- All of the emails and telephone calls that were made to your office, as well as, to the House Business office, et al., were made by Mr. Mike Norris, boyfriend & campaign manager (See email provided)
- On June 7, 2016, Mr. Norris and Pamela Sossi's campaign was made aware that there was no wrongdoing on my part
- On June 3, 2016, Mr. Norris provided MIRS News a copy of a Campaign Finance Complaint Form that was NOT signed by Ms. Rosemary Regan. This was before anything was provided to your office or the House Business Office

Please accept this correspondence as my response to the allegation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Banks', with a long horizontal line extending to the right.

Brian Banks



**MICHIGAN HOUSE OF REPRESENTATIVES**  
**BUSINESS OFFICE**

P.O. Box 30014 / Lansing, MI 48909-7514 / 517-373-6339

June 7, 2016

Mike Norris

Dear Mr. Norris:

As the Director of the Business Office, I am responsible for responding to information requests under the provisions of the House Rules and the Access to Information Policy, which states financial records of the House shall be open to public inspection. Please be advised, however, that the Michigan House of Representatives is not subject to the Freedom of Information Act.

In response to your email alleging Representative Brian Banks' use of House resources to promote a campaign event, it has been determined that the content of the recent mailing by Representative Banks is compliant with House policy. A Member may use state resources to invite constituents to a district event which is legislative and/or community service related. Further, while the House would not sanction the use of state resources to promote campaign activities, it does not have the ability to monitor what individuals wear to an event (sanctioned or otherwise).

Sincerely,

Tim L. Bowlin, Director  
House Business Office





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

July 13, 2016

The Honorable Brian Banks  
21456 Newcastle Road  
Harper Woods, Michigan 48225

*Also via email: repbrianbanks@gmail.com*

Dear Representative Banks:

This letter concerns the complaint that was recently filed against you by Rosemary Regan, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Ms. Regan's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Rosemary Regan

RECEIVED  
MICHIGAN DEPT OF STATE

July 11, 2016

State of Michigan  
Secretary of State  
Department of State Attn: Lori Bourbonais  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI 48918

2016 JUL 13 PM 2: 52

LEED

Ms. Bourbonais,

Please find, below, my response to Brian Roderick Banks' statements. I have addressed each issue in the order presented by Banks. Should you have any questions, or need any additional information, please do not hesitate to contact me.

- 1) The Michigan Campaign Finance Act (MCFA) does not make exception if an event is free, does not have an entry fee or makes a "campaign ask" or commitment request. Rather, it states "[a] public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a)."
- 2) One of the facts I presented was that the legislator himself chose to wear a campaign t-shirt to the event. This legislator knew both the rules of the House, as well as what is and is not allowed under the MCFA. That the legislator himself knew of these rules and statutes, yet still chose to intentionally and volitionally wear a campaign t-shirt to his event, is proof that he intended to use the event to promote his re-election for Michigan House, District 1.

Moreover, the chance that everyone who volunteered for the event chose to wear the same t-shirt, independently of one another, is slim. In any given group of 20 individuals choosing between only 2 shirts, there is a 0.00000954% chance that each person would choose to wear the exact same shirt. Should the sample size of shirts to choose from increase, the percentage of choosing the same shirt would continue to decrease. With this information it is tenuous to believe that each volunteer for the event independently chose to wear "re-elect Brian Banks" t-shirts. (Computations available on request)

Brian Banks himself, admits that "volunteers left the event, in 2 hour intervals, to go out in the community/district to canvas." This is evidence that the legislator/candidate intended to use the event to promote his campaign for re-election to the Michigan House of Representatives.

- 3) As stated by Tim Bowlin, Director, House Business Office, "A Member may use state resources to invite constituents to a district event which is legislative and/or community service related." Mr. Bowlin's statement continues "Further, while the House would not sanction the use of state

resources to promote campaign activities, it does not have the ability to monitor what individuals wear to an event.”

- I am well aware that members of the Michigan House of Representatives are allowed to promote and hold legislative/community service events with state funds. However, when it is proven that a legislator/candidate intended to use his official event as a campaign event, he has now used taxpayer resources to promote partisan political activities, a violation of the MCFA 169.257. As these materials are now deemed to be political in nature and not official legislative communications, these materials are also in violation of the MCFA 169.247, as they do not possess the political disclaimer that is required to be printed on all political material.
- 4) Irrelevant information. None of the information provided here by Banks allows for a violation of the MCFA. After becoming aware of Banks possible violation of the MCFA, I did contact Mike Norris for guidance on what my rights were as a constituent of District 1. It appeared to me that the Michigan House of Representatives was allowing use of my taxpayer dollars to support a candidates re-election campaign. As I knew Mr. Norris had previously worked in a State Legislature, he seemed a logical person to speak to about this issue.
  - 5) Brian Banks states that I am supportive of Ms. Pamela Sossi's campaign efforts; this is by no means false - although that has no direct relation to this filed grievance. I am a Harper Woods native and grew up with Harper Woods native Pamela Sossi, one of Brian Banks' Primary opponents. As a resident of District 1, that also means I am one of Brian Banks' constituents. I became aware of Brian Banks' event on my own and felt it was inappropriate for him to utilize funds from his position in the Michigan House of Representatives to promote this event and subsequently use it to promote his re-election.
  - 6) Irrelevant information. None of the information provided here by Banks allows for a violation of the MCFA.
  - 7) Irrelevant information. None of the information provided here by Banks allows for a violation of the MCFA.
  - 8) Irrelevant information. None of the information provided here by Banks allows for a violation of the MCFA.

Please accept this correspondence as my response to Brian Banks response.

I have sent a copy via email to [bourbonaisl@michigan.gov](mailto:bourbonaisl@michigan.gov) and via USPS to Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

If you have any additional questions, do not hesitate to contact me.

Sincerely,



Rosemary Regan



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

September 15, 2016

The Honorable Brian Banks  
21456 Newcastle Road  
Harper Woods, Michigan 48225

Dear Representative Banks:

The Department of State (Department) has completed its initial investigation of the complaint filed against you by Rosemary Regan, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Ms. Regan's complaint.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that there may be reason to believe that a violation has occurred, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" *Id.*

Ms. Regan filed her complaint on June 20, 2016. You filed an answer to the complaint on June 27, 2016, and Ms. Regan filed a rebuttal statement with the Department on July 13, 2016.

Ms. Regan alleged that you improperly used Michigan House of Representatives (House) funds or resources to promote a campaign event.

As evidence, Ms. Regan provided a copy of an invitation to the Called to Care 2016 Health Expo (Health Expo) written on Michigan House of Representatives letterhead; a copy of the Michigan House of Representatives envelope used to mail the invitation; pictures of yourself and 4 others who all appear to be wearing identical t-shirts which state, "RE ELECT BRIAN BANKS [.]" a picture of the event schedule; and a picture of an event information piece.

Ms. Regan alleged that because you and other volunteers wore t-shirts advocating your re-election while at the Health Expo, you used public funds in contravention of the Act to send invitations to the event.

In your response you asserted that this was a free healthcare event and not a campaign event. However, you did state that, "volunteers left the event, in 2 hour intervals, to go out in the community/district to canvass [,]" and you asserted that people can wear whatever they like to an event. You also provided a letter written by Tim Bowlin, Director of the House Business Office, in which Mr. Bowlin stated that, "it has been determined that the content of the recent mailing by Representative Banks is compliant with House policy. A Member may use state resources to invite constituents to a district event which is legislative and/or community service related." Mr. Bowlin further states in the letter that, "while the House would not sanction the use of state resources to promote campaign activities, it does not have the ability to monitor what individuals wear to an event [.]"

It is uncontroverted that you used House funds or resources to mail invitations to the Health Expo. Once you and your volunteers, staff, or expo workers wore identical t-shirts to the event expressly advocating for your re-election, you converted what was an accepted method of constituent outreach under House rules -- i.e., an event promoting health and wellness -- into an improper expenditure of public funds under the MCFA. While the Department acknowledges that people may wear whatever they like to an event, section 57 of the Act prohibits the use of public resources to promote that event when a coordinated effort is made to wear clothing that furthers your nomination or election. The wearing of the t-shirts advocating your re-election is akin to you passing out your campaign literature at the event, which clearly would run afoul of the Act.

The evidence provided to the Department supports a conclusion that you and others wore clothing to the health expo which advocated for your re-election. Because you used House resources to send invitations to an event which included material which expressly advocated for your nomination or election, the Department finds that there is a reason to believe that you violated section 57 of the Act. Upon making this determination the Department is required by law to attempt to resolve the matter informally. MCL 169.215(10).

**Please calculate the total amount of House resources expended to send the invitations. Please provide to the Department a detailed list of all expenses, including but not limited to, the cost for envelopes, postage, supplies, and a calculation of the salary and benefits for you or any staff involved with the preparation or distribution of the letter. Please provide this information to the Department no later than September 30, 2016. The Department will use this information to facilitate an informal resolution of Ms. Regan's complaint.**

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4). MCL 169.215(10)(a).

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

## **Bourbonais, Lori (MDOS)**

---

**From:** Rep Brian Banks <repbrianbanks@gmail.com>  
**Sent:** Thursday, September 22, 2016 2:02 PM  
**To:** Bourbonais, Lori (MDOS)  
**Subject:** Requested Information  
**Attachments:** Banks cost for 1 piece.pdf

Hello:

I hope this email find you well. Please find attached, a letter detailed requested information regarding Campaign Finance Complaint.

Please confirm your receipt. Thank you very much.

Regards,

Brian Banks

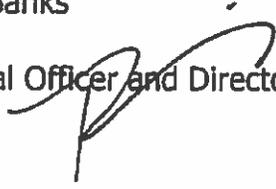
Sent from my iPhone



**MICHIGAN HOUSE OF REPRESENTATIVES**  
**BUSINESS OFFICE**  
P.O. Box 30014 / Lansing, MI 48909-7514 / 517-373-6339

## MEMORANDUM

**To:** State Representative Brian Banks

**From:** Tim L. Bowlin, Chief Financial Officer and Director  
House Business Office 

**Subject:** Use of State Resources

**Date:** September 22, 2016

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Per your request, the cost of printing and preparation by your staff for one single piece of material, mailed at private expense, is itemized below:

1 piece of stationary	.07
1 manila envelope	.11
<u>1 minute of staff time</u>	<u>.26</u>
Total expense:	.44

Please feel free to contact me if you need to provide additional information to the Department of State.



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

September 27, 2016

The Honorable Brian Banks  
21456 Newcastle Road  
Harper Woods, Michigan 48225

Dear Representative Banks:

The Department of State (Department) has concluded its investigation of the complaint filed against you by Rosemary Regan, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Ms. Regan's complaint, which was filed on June 20, 2016. You filed an answer to the complaint on June 27, 2016, and Ms. Regan filed a rebuttal statement on July 13, 2016. At the Department's request, you provided additional information on September 22, 2016.

The MCFA and corresponding administrative rules require the Department to ascertain whether there may be "reason to believe that a violation of this act has occurred." MCL 169.215(10), R 169.55(3). The Department has carefully considered the written statements and supporting documentation and has determined that the evidence submitted meets this evidentiary standard. Upon a finding that there may be "reason to believe that a violation of this act has occurred[.]" the Department is required by law to "endeavor to correct the violation or prevent a further violation by using informal methods." MCL 169.215(10).

Ms. Regan alleged that you improperly used Michigan House of Representatives (House) funds or resources to promote a campaign event.

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The MCFA prohibits a public body or an individual acting on its behalf from "us[ing] or authoriz[ing] the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure." MCL 169.257(1).

By letter dated September 15, 2016, the Department notified you of its determination that the evidence provided supported a conclusion that a violation of the Act had occurred. The Department requested that you provide the Department with "the total amount of House resources expended to send the invitations" for the event and "a detailed list of all expenses, including but not limited to, the cost for envelopes, postage, supplies, and a calculation of the salary and benefits for you or any staff involved with the preparation or distribution of the letter [.]"

The Honorable Brian Banks  
September 27, 2016  
Page 2

You provided this information to the Department in an email sent received on September 22, 2016. You provided a memorandum written to you by Tim Bowlin, Chief Financial Officer and Director of the House Business Office. Mr. Bowlin's memo indicates that the total expense for one piece of material mailed at private expense is 44 cents.

The Department has determined that an expenditure was made with regard to the letter provided as evidence with Ms. Regan's complaint. Having made this determination, the Department must now "endeavor to correct the violation or prevent a further violation by using informal methods." MCL 169.215(10). The Department offers to resolve Ms. Regan's complaint against you through execution of the enclosed conciliation agreement, which requires you to assure the Department that you will comply with the Act in the future.

**If you wish to enter into the conciliation agreement, please return the original signed document to this office by October 10, 2016.**

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4) or conduct an administrative hearing to enforce the civil penalty provided in MCL 169.215(11). MCL 169.215(10).

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State



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

In the Matter of:

The Honorable Brian Banks  
21456 Newcastle Road  
Harper Woods, Michigan 48225

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**CONCILIATION AGREEMENT**

Pursuant MCL §169.215(10) of the Michigan Campaign Finance Act (the Act), MCL §169.201 *et seq.*, the Secretary of State and Representative Brian Banks (Respondent) hereby enter into a conciliation agreement with respect to certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent violated MCL §169.257(1) by making an improper expenditure by mailing a letter inviting the reader to an event where Respondent and others wore campaign t-shirts.

Respondent states only one letter was produced or mailed using public resources.

Therefore, Respondent, without admitting any issue of law or fact, except as stated herein, hereby voluntarily enters into this conciliation agreement and assures the Secretary of State that he will comply with the Act and the Rules promulgated to implement the Act.

The Secretary of State and Respondent further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly authorized representative.

The Secretary of State and Respondent further agree that this agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violation that resulted in the execution of this agreement.

The Secretary of State and Respondent further agree that the complaint and investigation that resulted in this agreement are disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

The Secretary of State and Respondent further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

The Secretary of State and Respondent further agree that Respondent's performance under this agreement shall be given due consideration in any subsequent proceedings.

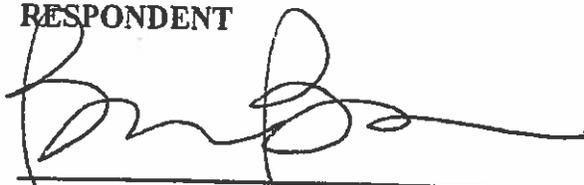
The Secretary of State and Respondent further agree that this agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and Respondent finally agree that the signatories below are authorized to enter into and bind the parties to this agreement, and have done so by signing this agreement on the date below.

**RUTH JOHNSON**  
**SECRETARY OF STATE**

  
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Christopher M. Thomas, Director  
Bureau of Elections

**RESPONDENT**

  
\_\_\_\_\_  
Representative Brian Banks

Date: 10/14/16

Date: 10/6/16