



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

June 27, 2014

Dwight Brady
4 Hidden Creek Drive
Marquette, Michigan 49855

Dear Mr. Brady:

The Department of State (Department) received a formal complaint filed by Nicholas Smaby against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on your campaign signs. 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(5).

In support of his complaint, Mr. Smaby provided copies of pictures of a sign which states "Brady FOR COUNTY COMMISSION DISTRICT 6 [.]". There does not appear to be a paid-for-by statement on the sign.

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. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. 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. Smaby, 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(5) of the Act.

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

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Nicholas Smaby

**Michigan Department of State
Campaign Finance Complaint Form**

Reset Form

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.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Nicholas E. Smaby	Daytime Telephone Number (906) 360-6425	
Mailing Address 229 Jean St.		
City Marquette	State MI	Zip 49855

Section 2. Alleged Violator		
Name Dwight Brady		
Mailing Address 4 Hidden Creek Dr.		
City Marquette	State MI	Zip 49855

Section 3. Alleged Violations (Use additional sheet if more space is needed.)
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Section(s) of the MCFA violated: **Section 169.247 (1)**

Explain how those sections were violated:

Political yards signs fail to identify who paid for them.

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

I have photographs of multiple illegal yard signs all date, time and gps stamped with their location

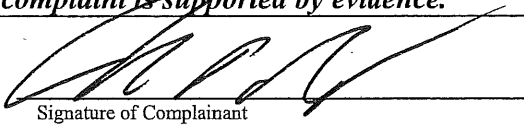
2019 JUN 20 PM 2:23

BUREAU OF ELECTIONS
MICHIGAN DEPT OF STATE

Section 4. Certification (Required)

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

X


Signature of Complainant

06-13-14

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.

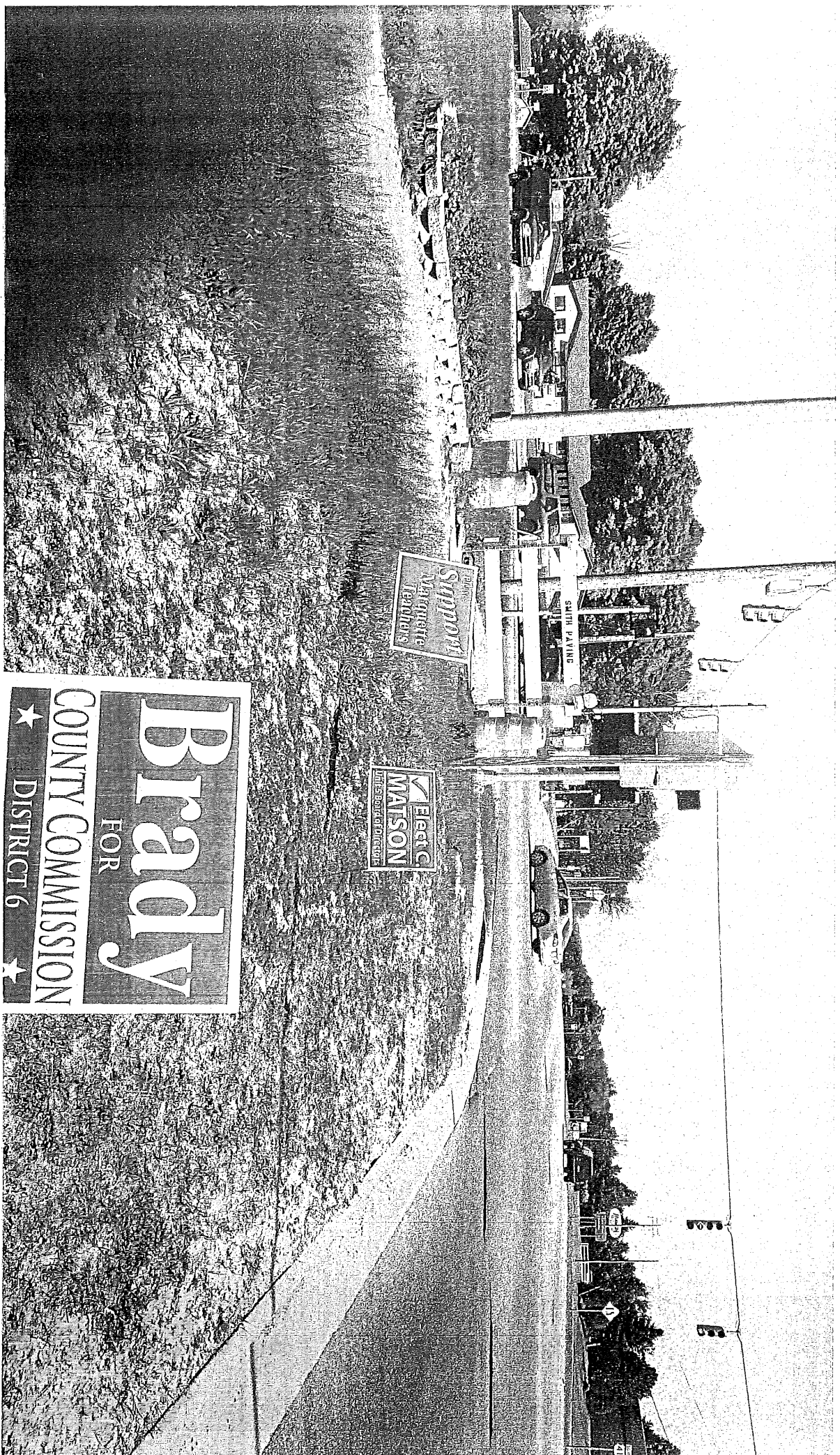
Mail or deliver the completed complaint form and evidence to the following address:

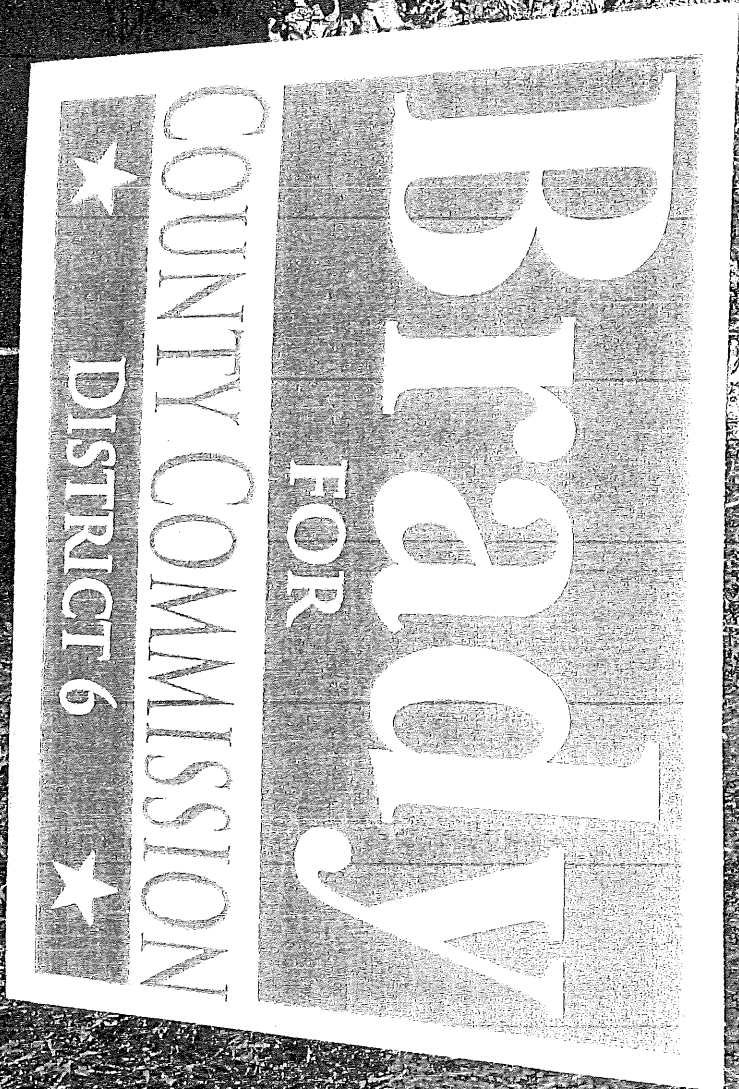
Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

6-13-14

Cons. Shop -- Located at US 2 & Va-28

Truckee, Nevada
m.s.





6-13-14

front

Brady
FOR
COUNTY COMMISSION



DISTRICT 6



6-13-14

Back



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

July 25, 2014

Nick Smaby
229 Jean Street
Marquette, Michigan 49855

Dear Mr. Smaby:

The Department of State received a response to the complaint you filed against Dwight Brady, 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, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script, reading "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Dwight Brady

Bourbonais, Lori (MDOS)

From: Dwight Brady <dbrady.mqt@gmail.com>
Sent: Wednesday, July 23, 2014 4:06 PM
To: Bourbonais, Lori (MDOS)
Subject: Section 47 compliance
Attachments: YS.jpg

Ms. Lori Bourbonais:

Thank you for taking the time to speak with me today about the complaint filed against me.

As I pointed out, I just read the complaint this morning. My wife was cleaning the house a few weeks ago, and filed the unopened letter from your office in a box. After receiving a call this morning from a local newspaper about this issue, I asked my wife about it, and she was able to find the notice. So, even though I have clearly not responded within the 15 business days limit, I am trying to respond as quickly as possible now that I am aware of the issue.

I have attached a picture of the modified sign that now displays who paid for the sign with our address on it. I have modified six signs already, and I will work on the remaining signs over the next several days.

If you need any further information from me, I will be happy to provide it. Again, I am sorry for not being aware of this law for yards signs. This is my first attempt running for office, and I am learning a lot.

Thanks,

Dwight Brady

11 COLLEGE DISTRICT 6

PAID FOR BY BRADY FOR COUNTY COMMISSION
4 HIDDEN CREEK DR, MARQUETTE, MI





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

October 7, 2014

Dwight Brady
4 Hidden Creek Drive
Marquette, Michigan 49855

Dear Mr. Brady:

The Department of State (Department) has completed its investigation of the complaint filed against you by Nicholas Smaby, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Mr. Smaby's complaint.

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), 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(5).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". Id.

Mr. Smaby filed his complaint on June 20, 2014, and you filed a written response on July 23, 2014. Mr. Smaby did not file a rebuttal statement with the Department.

Mr. Smaby alleged that your campaign signs "fail[ed] to identify who paid for them." In support of his complaint, Mr. Smaby provided copies of pictures of a sign which stated "Brady FOR COUNTY COMMISSION DISTRICT 6 [.]". It appeared that there was no paid-for-by statement on the sign.

In your response you indicated that you were not aware of the requirement that your printed campaign material must contain a paid-for-by statement, but that you corrected your signs by adding a sticker with a complete and correct paid-for-by statement to the signs. As evidence, you provided a copy of a picture of a sign with the sticker affixed to it.

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete paid-for-by statement prior to your corrective action, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]". The

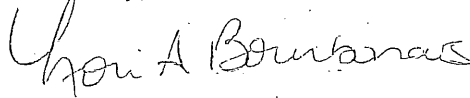
Department is satisfied that you took appropriate corrective measures once the potential violation was brought to your attention.

Additionally, the Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(5), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" and last name "Bourbonais" clearly distinguishable.

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Nicholas Smaby