

Andrew Stark  
3741 Wilder Road  
Vassar, MI 48768

RECEIVED  
2010 DEC 17 AM 9:30  
MICHI  
STATE DEPARTMENT OF STATE

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building — First Floor  
430 West Allegan Street  
Lansing, MI 48918

To Whom It May Concern,

I am writing to file a complaint against the group or organization "the Concerned Citizens of Juniata Township" (CCJT) for violating the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

**Complainant information:**

Andrew Stark  
3741 Wilder Road  
Vassar, MI 48768  
v 989.274.5396

**Alleged violator:**

The Concerned Citizens of Juniata Township (CCJT)  
2698 Ringle Road  
Vassar, MI 48768

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:

**Section(s) of the MCFA violated: 16, 21, 22, 24**

The CCJT, a committee by the definition of the MCFA having received contributions in excess of \$500 in assistance of and in opposition to the nomination or election of a candidate (in the recall and election of the offices of supervisor, clerk, and treasurer of Juniata Township, Tuscola County, Michigan) failed to file as a committee as a committee with the Tuscola County Clerk's Office and was required to do so.

**Explanation of violation:**

The CCJT maintains a Facebook page and a GoFundMe.com page through which they solicited and collected funds and advertised fundraising events for multiple stated purposes including recalling Neil A. Jackson, Supervisor, Heidi Stark, Clerk, and Andrew Stark, Treasurer of Juniata Township and for advocating for Garrett Tetil for supervisor, Brenda Bigham for clerk, and Judy Cockerill for treasurer.

The GoFundMe page documents contributions of exceeding \$500 9 months ago and a total of \$1845 by October 27, 2018. In addition to the GoFundMe page, the CCJT conducted fundraising dinners, at least one yard sale (August 22-24, 2018), held "\$5 Fridays," and held "recyclable can" drives at which they collected returnable containers to collect on the deposit.

The CCJT states on its GoFundMe and Facebook pages that, "Fundraising support will assist our efforts moving forward for expenses such as legal fees, securing documentation, FIOA [sic] requests, advertising and awareness [sic] efforts, etc." Further, the CCJT states that its efforts are litigation, fundraising and recall, so, by their declaration, fundraising is in support of the recall efforts, both against the now former office holders and in support of their chosen candidates. Please note that the picture on their GoFundMe site includes one of their recall graphics in the collage reinforcing at least one purpose for which one is donating as being the recall of the now former board members.

**Section(s) of the MCFA violated: 33**

The CCJT failed to file required campaign statements for expenditures including fees for legal services provided in conjunction with opposing the election of Neil A. Jackson, Heidi Stark, and Andrew Stark.

**Explanation of violation:**

Having not filed as a committee, the CCJT did not file required campaign statements for expenditures. It appears that the CCJT expended funds on legal advice, printed materials, and in other areas over the period from December 2017 through November 2018 and that some of the expenditure is related to promoting and opposing candidates.

**Section(s) of the MCFA violated: 41**

The CCJT accepted seven anonymous contributions through their GoFundMe page including one in the amount of \$200 and another in the amount of \$100.

**Explanation of violation:**

The CCJT GoFundMe page documents seven anonymous donations to CCJT.

Supporting documentation (sourced from <https://www.facebook.com/JuniataTownship/> and <https://www.gofundme.com/4ccjt>):

**Attachment screen captures:**

CCJT GoFundMe fundraiser site, two pages  
CCJT Facebook (FB) Jan 18, 2018 timeline photo, "Next Steps"  
CCJT FB Jan 10, 2018 timeline photo, "Recall Hearing Today"  
CCJT FB Mar 16, 2018 timeline photo, "The Judge Has Upheld Our Recall Wording!"  
CCJT FB (no date captured) timeline photo, "Recyclable Can Drive" with post on use of funds  
CCJT FB Sep 14, 2018 post, "The candidates endorsed by CCJT"

CCJT FB Jul 23, 2018 post, "The CCJT team is out collecting recall signatures"

CCJT FB Oct 22, 2018 mobile uploads, "Yard signs available"

CCJT FB Apr 29, 2018 timeline photo, "To Do List"

A handwritten signature in blue ink that reads "Andrew Stark". The signature is written in a cursive style with a large, stylized 'A' at the end.

Andrew Stark

07 Dec 2018

cc: Tuscola County Clerk



Concerned Citizens of Juniata Township

### Concerned Citizens of Juniata Twshp

Share

Tweet

27 shares

\$1,845 of \$1,000 goal

Raised by 16 people in 9 months

Donate Now

Share on Facebook

Created January 25, 2018



Brenda Lagos Bigham

Community  
CARO, MI

Recent Donations

\$100  
Steve & Nicki Williams  
2 months ago

\$1,000  
eric barden  
6 months ago

\$100



**Some call us anti-wind. We are not anti-wind, rather are pro Juniata and pro people.**

It is our mission to bring awareness and transparency to NextEra Energy's application and request for Special Land Use Permits for the construction of wind towers within our township, while ensuring the Juniata Township Board and Planning Commission have the best interests of the community in mind throughout the decision making process to protect the health, safety and well being of the community at large.

Funds raised will support the citizens of Juniata Township and CCJT's efforts in protecting the health, safety and welfare of the people within our community. Our believe is: not a single soul shall suffer on account of NextEra's proposed Special Land Use Permit. Fundraising support will assist our efforts moving forward for expenses such as legal fees, securing documentation, FIOA requests, advertising and awarness efforts.etc.

We are proud to be a part of Juniata Township and a community that cares! Every donaiton - big or small - will have an impact on the people and future of our community!

Anonymous Person  
8 months ago

MB  
**\$55**  
Melanie Boylan  
8 months ago

**\$10**  
Anonymous Person  
8 months ago

DM  
**\$25**  
Dale & Nancy Mccollum  
8 months ago

**\$25**  
Anonymous Person  
8 months ago

NL  
**\$25**  
Nancy Laskowski  
8 months ago

+ See More

Viewing 10 of 16 Donations

Timeline Photos



# NEXT STEPS

LAWYER, JOSH NOLAN  
BEGIN LITIGATION PROCEEDINGS

BEGIN FUNDRAISING

CONTINUE RECALL EFFORTS

Like Comment Share Tag Photo Options Send in Messenger

**Concerned Citizens of Juniata Township**

Like This Page January 16

Setting the record straight:  
There has been a lot of speculation that we have lost our battle. This is NOT the case.

We are currently looking into options and strategy and are still awaiting final transcripts from the meetings. As soon as we have a clear vision we will let you know our plan of action.

Please REMEMBER: this meeting was held in violation of the Open Meetings Act - the outcome of the PC meeting will not be recognized.

This is too important for us to give up our fight! We're in it for the long haul!

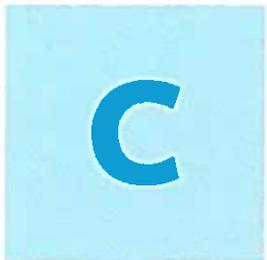
27 1 Comment 5 Shares

Like Comment Share

Oldest

**Gregg Campbell** fight the good fight  
Like Reply 37w 1

Write a comment



Concerned Citizens of Juniata Township  
@JuniataTownship

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Create a Page

Like Follow Share

Concerned Citizens of Juniata Township  
January 10

Neil Jackson | Heidi Stark | Andrew Stark | Elaine Schunn

**TODAY  
2:00 PM  
TUSCOLA COUNTY COURTHOUSE**

7 1 Comment 1 Share

Like Comment Share

Sign Up Send Message

5.0 5 out of 5 - Based on the opinion of 6 people



Our Story

This page is designed and supported by Concerned Citizens of Juniata Township to bring awareness and...

See More

Community

- Invite your friends to like this Page
- 339 people like this
- 366 people follow this
- Amanda Doud and 1 other like this

See All

About

Typically replies within a day  
Send Message

See All

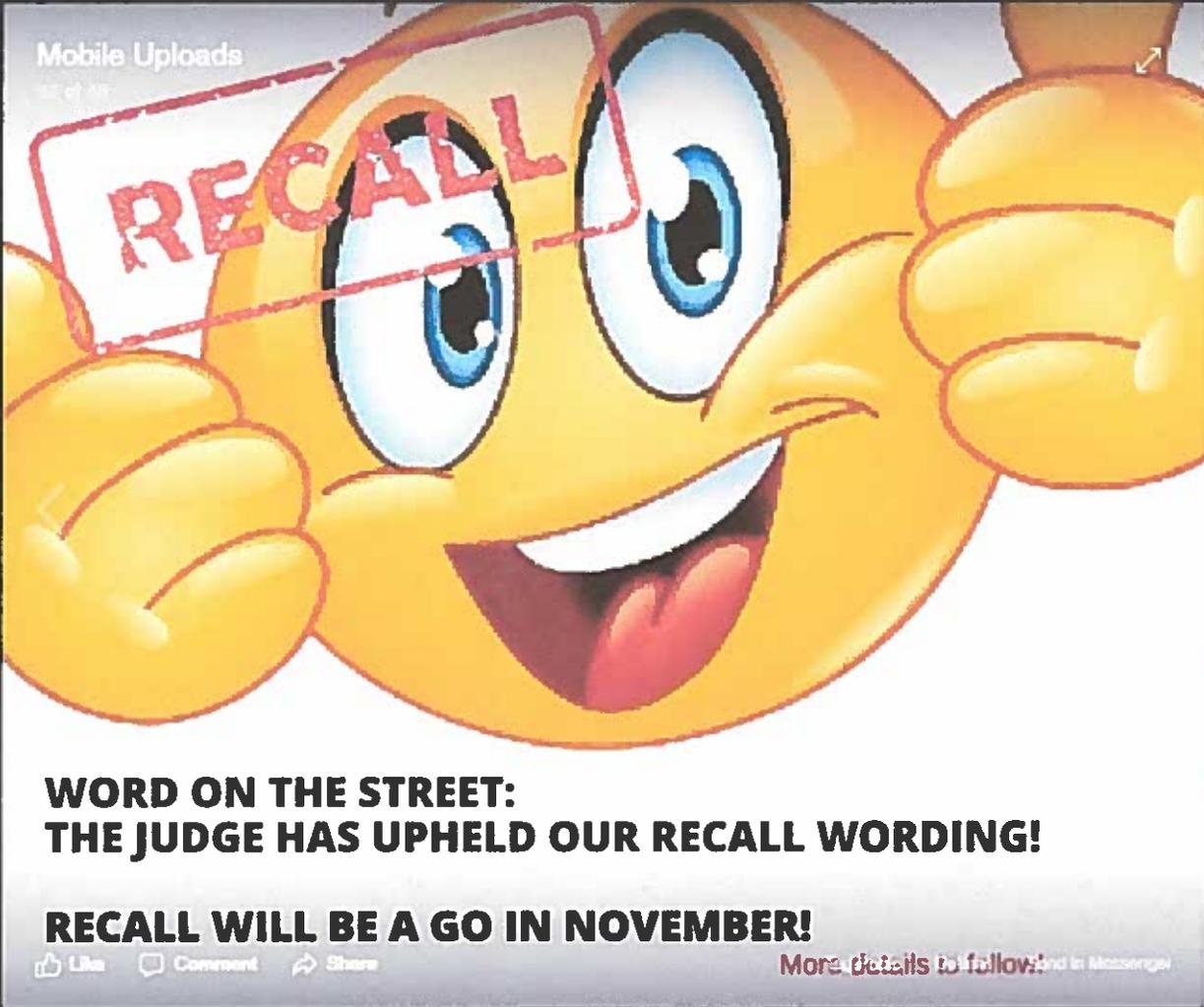
YOUR PAGES

- Truth in Juniata Towns...
- Help BrewPastor Jeff...

CONTACTS

- Sylvia Boyd Engerbre...
- Rob Grant
- Trace Livingston
- Chad Burke
- Tom Feck
- Dave Mahanes II
- Matt Woodward
- Ken Adams
- Joe Pruss
- Andy Konhaeuser
- Sandy Keyes
- BrewPastor, Stacey

GROUP CONVERSATIONS



**Concerned Citizens of Juniata Township**  
Like This Page March 16

34 8 Comments 7 Shares

Like Comment Share

Oldest

View 2 more comments

**LeeAnn Anderson Yay!**  
Like Reply 32w

**Terrie Wright McTaggart Congratulations you guys are GREAT**  
Like Reply 32w

**Shelly McCarty Glad she finally ruled!**  
Like Reply 32w

2 Replies

**Juniata Garrett** This is just the beginning of their court losses.  
Like Reply 32w

**Linda Swaffer Lagos** Another good job. Thanks to all!

Write a comment

Timeline Photos

# Today!

## RECYCLABLE CAN DRIVE AT THE DUMP

### 9 AM - 2 PM



Like Comment Share

Tag Photo Options Send in Messenger

1 Comment

Like Comment Share

Oldest

**Helen Kastraba Brock** Why do they collect recyclable cans?

Like Reply 4w

**Concerned Citizens of Juniata Township** Funds raised will support the citizens of Juniata Township and CCJT's efforts in protecting the health, safety and welfare of the people within our community. Our believe is: not a single soul shall suffer on account of NextEra's proposed Special Land Use Permit. Fundraising support will assist our efforts moving forward for expenses such as legal fees, securing documentation, FIOA requests, advertising and awarness efforts, etc.

Like Reply 4w

**Penny Trisch Berry Helen,** they take anything you pay a 10 cent deposit on. FYI, they will be doing a scrap metal collection in the near future

Like Reply 4w Edited

**Helen Kastraba Brock** If it went towards weekly trash pickup, I would gladly donate.

Write a comment



**Concerned Citizens of Juniata Township**  
@JuniataTownship

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September 14 at 6 52 PM

A sneak peek at the November ballot! The candidates endorsed by CCJT have the filled-in bubbles. 🗳️🗳️

\*Ballot may be subject to minor changes.

Richner Republican	<input type="radio"/>	Recall Election
an Acker Democrat	<input type="radio"/>	
ul Brown Democrat	<input type="radio"/>	Township
is Hudler Libertarian	<input type="radio"/>	Supervisor
7 Jascob Libertarian	<input type="radio"/>	Partial Term Ending 11/20/2020 Vote for not more than 1
8 Sanger Taxpayers	<input type="radio"/>	Garrett Teti Republican
in Sickle Taxpayers	<input type="radio"/>	Neil A. Jackson Democrat
. Graves Green	<input type="radio"/>	Recall Election
Sallows atural Law	<input type="radio"/>	Township
	<input type="radio"/>	Clerk
	<input type="radio"/>	Partial Term Ending 11/20/2020 Vote for not more than 1
University an 2	<input type="radio"/>	Heidi Stark Republican
	<input type="radio"/>	Renee Thornton Democrat
ve Dutch Republican	<input type="radio"/>	Brenda Bigham No Party Affiliation
ike Miller Republican	<input type="radio"/>	
1 T. Scott Democrat	<input type="radio"/>	Recall Election
on Tebay Democrat	<input type="radio"/>	Township
Campbell Libertarian	<input type="radio"/>	Treasurer
schowski Libertarian	<input type="radio"/>	Partial Term Ending 11/20/2020 Vote for not more than 1

[Sign Up](#) [Send Message](#)

**Juniata Garrett**  
Yesterday at 8:15 PM

2 Likes  
[Like](#) [Comment](#)

**Norman Stephens**  
September 24 at 6:16 PM

Juniata Citizens: You might want to attend Wednesday evening's citizen meeting. Or, your property might look like this?

2 Comments  
[Like](#) [Comment](#)

**Norman Stephens**  
September 15 at 9:14 PM

I would like to dedicate this song to Neil Jackson and his cohorts

3 Likes

English (US) Español Português (Brasil) Français (France) Deutsch

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Facebook © 2018

Chat (12)



### Concerned Citizens of Juniata Township

@JuniataTownship

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Create a Page

Like Follow Share

**Concerned Citizens of Juniata Township**  
July 23 at 10:43 PM

The CCJT team is out collecting final signatures for the recall of Township Supervisor Neil Jackson, Clerk Heidi Stark and Treasurer Andrew Stark. Signatures gathered now will allow us to vote in November and reseal the Board of Trustees with a team of individuals... [See More](#)



1 Comment 8 Shares

10

**Concerned Citizens of Juniata Township** shared a post.  
February 28 at 9:54 AM

The issues and concerns around wind are never-ending...

**Kevon Martis's Post**  
Remember you heard it here first

3

**Concerned Citizens of Juniata Township**  
February 17 at 5:15 PM

[https://www.michigancapitolconfidential.com/industrial-wind-farms-bring-political-conflict-recalls-and-lawsuit-to-township?utm\\_source=CapCon+Daily&utm...](https://www.michigancapitolconfidential.com/industrial-wind-farms-bring-political-conflict-recalls-and-lawsuit-to-township?utm_source=CapCon+Daily&utm...) [See More](#)

**Industrial Wind Farms Bring Political Conflict, Recalls and Lawsuit to Township**  
www.michigancapitolconfidential.com

3



1 Share



2 Shares

Sign Up Send Message

**Norman Stephens**  
September 24 at 6:16 PM

Juniata Citizens You might want to attend Wednesday evening's citizen meeting Or, your property might look like this?

2 Comments  
Like Comment

**Norman Stephens**  
September 15 at 9:14 PM

I would like to dedicate this song to Neil Jackson and his cohorts.

3 Likes

English (US) Español Português (Brasil) Français (France) Deutsch

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#### YOUR PAGES

- Truth in Juniata Towns
- Help BrewPastor Jeff

#### CONTACTS

- Marisa Bealor
- BrewPastor Jeff
- Melissa Marchese Gr.
- Jeff Lumm
- Chris Rietz
- Ruth Carrell
- Stephanie Littlefield
- Tony Davis
- Spencer Northington
- Kylie Carr

#### GROUP CONVERSATIONS

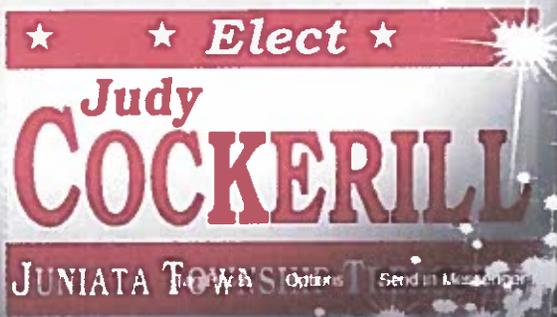
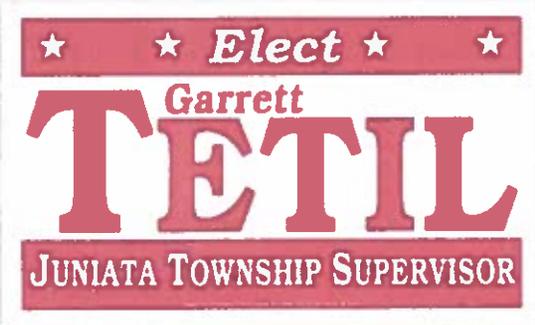
- BrewPastor, Stacey

Search Show all

Mobile Uploads  
2 of 48

# YARD SIGNS AVAILABLE

Please contact Nancy at: 988-325-5339



**Concerned Citizens of Juniata Township**  
Like This Page October 22

Your support is amazing. If you're looking for yard signs please let us know!

989-325-5339

17 2 Comments 9 Shares

Like Comment Share

Oldest

**Bobbie Mozden Sapiano** I'd put them in my yard in town!  
Like Reply 1w

**Nancy Jo Laskowski** Come on team CCJT. Let's get these last sets of signs out there. Let's make sure our candidate's names are recognized on voting day.  
Like Reply 6d

**Norman Stephens** If it would do any good and IF you have enough signs, I can put some on my front yard. Let me know and I'll come and get them. Juniata Garrett Brenda Lagos Bigham Judy Cockerill Nancy Jo Laskowski

Write a comment

Timeline Photos

# CCJT's To Do List for the week

**Monday**

**Circuit Court Hearing - 9:00 am**

**Monday**

**Trash Hearing - 6:00 pm**  
Tech Center

**Thursday - Saturday**

**Community Yard and Bake Sale**  
3325 West Caro Road

**Saturday**

**First Saturday Can Drive**  
Sheridan Road Dump Entrance



Please contact us if you are interested in helping out or donating to CCJT!

Like Comment Share

Concerned Citizens of Juniata Township

Like This Page April 29

Like Comment Share

Write a comment

Suggested Groups See All



Vassar Community 24 friends 3 768 members + Join



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

January 4, 2019

The Concerned Citizens of Juniata Township  
2698 Ringle Road  
Vassar, Michigan 48768

Re: *Stark v. Concerned Citizens of Juniata Township*  
Campaign Finance Complaint  
No. 2018-12-108-16

Dear Concern Citizens of Juniata Township:

The Department of State (Department) received a formal complaint filed by Andrew Stark 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.* A copy of the complaint and supporting documentation is enclosed with this letter.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

The MCFA requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

Finally, section 41 bars a person or a committee from accepting and/or expending an anonymous contribution. MCL 169.241(2). Anonymous contributions are required to be given to a tax-exempt charity with a receipt given, and the receipt is to be maintained. *Id.* A knowing violation of this section is a misdemeanor punishable, if the person is other than an individual, by a fine of not more than \$10,000. MCL 169.241(4).

Mr. Stark alleges that because you received contributions in excess of \$500, you were required to register as a committee and file a statement of organization together with a treasurer under sections 21, 22, and 24. Additionally, Mr. Stark alleges you have failed to file required reports under section 33, and that you accepted anonymous contributions in violation of section 41.

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 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. **In your response, please specifically address the following points:**

- 1. Please identify whether the three contributions provided in the exhibits to the complaint were anonymous or if you knew the donor's information.**
- 2. If the contributions were anonymous, did you accept or expend the anonymous contributions?**
- 3. Were the anonymous contributions given to a tax-exempt organization, and do you have proper documentation required under section 41 demonstrating the donation?**

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. Stark, 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 373-2540.

Sincerely,



Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Andrew Stark



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

February 19, 2019

**SECOND & FINAL NOTICE**

Garrett Tetil  
Concerned Citizens of Juniata Township  
2698 Ringle Road  
Vassar, Michigan 48768

*Via Certified Mail, return receipt requested*

Re: *Stark v. Concerned Citizens of Juniata Township*  
Campaign Finance Complaint  
No. 2018-12-108-21

Dear Mr. Tetil:

By correspondence dated January 4, 2019, the Department of State (Department) advised you of its intention to investigate a complaint filed by Andrew Stark against you and the Concerned Citizens of Juniata Township – a group you appeared to be in control of during the relevant time period of the complaint - concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. The Committee was provided an opportunity to respond to these allegations within 15 business days of your receipt of the notice, but to date no response has been filed on your behalf.

**By this letter, the Department is providing you a final opportunity to submit a written response to the enclosed notice.** Your response may include any documentary evidence you wish to submit and must be received by the Department on or before **March 12, 2019**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

**Failure to submit a written response will leave the Department no alternative but to make its determination based solely on the documentation and allegations furnished by Mr. Stark.** As previously indicated, the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter

Garrett Tetil  
Concerned Citizens of Juniata Township  
February 19, 2019  
Page 2

to the Attorney General for enforcement of the criminal and civil penalties provided in sections 21(13), 22(1), and 24(1) of the Act.

If you have any questions, please contact the Bureau at (517) 335-3234.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with a large initial "A" and "F".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Andrew Stark

## **Fracassi, Adam (MDOS)**

---

**From:** Joshua Nolan <jnolan@nolanlawllc.com>  
**Sent:** Friday, March 8, 2019 11:55 AM  
**To:** Fracassi, Adam (MDOS)  
**Subject:** Re: \*\*\*Attention - Adam Fracassi \*\*\* - Michigan Campaign Finance Act Complaint - Concerned Citizens of Juniata Township

Mr. Fracassi,

I am happy that the document finally made its way to you. Please do not hesitate to contact me with any questions or concerns you may have regarding this matter.

Joshua J. Nolan  
NOLAN LAW, LLC  
405 Madison Ave., Suite 1000  
Toledo, OH 43604  
Telephone: (419) 242-1400  
Facsimile: (877) 431-0724  
Email: jnolan@nolanlawllc.com

Confidentiality Notice: The information contained in and transmitted with this communication is strictly confidential, is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any use of the information contained in or transmitted with the communication or dissemination, distribution, or copying of this communication is strictly prohibited by law. If you have received this communication in error, please immediately return this communication to the sender and delete the original message and any copy of it in your possession.

---

**From:** Fracassi, Adam (MDOS) <FracassiA@michigan.gov>  
**Sent:** Friday, March 8, 2019 11:49 AM  
**To:** Joshua Nolan  
**Subject:** RE: \*\*\*Attention - Adam Fracassi \*\*\* - Michigan Campaign Finance Act Complaint - Concerned Citizens of Juniata Township

Mr. Nolan,

Thank you for sending. I'm not sure what happened, so I appreciate you resending the response.

**Adam Fracassi**  
Bureau of Elections

---

**From:** Joshua Nolan <jnolan@nolanlawllc.com>  
**Sent:** Thursday, March 7, 2019 1:07 PM  
**To:** Fracassi, Adam (MDOS) <FracassiA@michigan.gov>

**Subject:** Fw: \*\*\*Attention - Adam Fracassi \*\*\* - Michigan Campaign Finance Act Complaint - Concerned Citizens of Juniata Township

Mr. Fracassi,

I received a message that you did not receive my client's attached response to the Campaign Finance Act complaint that was filed.

As you will see from the email below, it was submitted on 1/25/19 at 3:36 pm. I received an email from [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov) at 3:337 pm on that same date, confirming receipt of my email. I will forward that email to you as well.

Please contact me to confirm your receipt of this email and clarify that no negative action has been taken against my clients concerning this matter.

Joshua J. Nolan  
NOLAN LAW, LLC  
405 Madison Ave., Suite 1000  
Toledo, OH 43604  
Telephone: (419) 242-1400  
Facsimile: (877) 431-0724  
Email: [jnolan@nolanlawllc.com](mailto:jnolan@nolanlawllc.com)

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---

**From:** Joshua Nolan  
**Sent:** Friday, January 25, 2019 3:36 PM  
**To:** [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)  
**Subject:** \*\*\*Attention - Adam Fracassi \*\*\* - Michigan Campaign Finance Act Complaint - Concerned Citizens of Juniata Township

Please forward to Adam Fracassi the attached response from the Concerned Citizens of Juniata Township to a MCFA Complaint filed by Andrew Stark.

Thank you for your time and attention to this matter.

Joshua J. Nolan  
NOLAN LAW, LLC  
405 Madison Ave., Suite 1000  
Toledo, OH 43604  
Telephone: (419) 242-1400

Facsimile: (877) 431-0724

Email: [jnolan@nolanlawllc.com](mailto:jnolan@nolanlawllc.com)

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STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 12, 2019

Andrew Stark  
3741 Wilder Road  
Vassar, MI 48768

Dear Mr. Stark:

The Department of State received a response to the complaint you filed against The Concerned Citizens of Juniata Township, 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 "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Concerned Citizens of Juniata Township

# NOLAN LAW, LLC

405 Madison Ave., Suite 1000  
Toledo, OH 43604  
Telephone: (419) 242-1400  
Facsimile: (877) 431-0724  
Email: jnolan@nolanlawllc.com

---

January 25, 2019

**SENT VIA EMAIL – Disclosure@Michigan.gov**

Adam Fracassi  
Michigan Department of State - Bureau of Elections  
430 W. Allegan  
Lansing, MI 48918

**Re: Alleged Violations of Michigan Campaign Finance Act  
Concerned Citizens of Juniata Township**

Dear Mr. Fracassi,

I am writing to address the allegations of Mr. Andrew Stark for purported violations of the Michigan Campaign Finance Act that Mr. Stark claims were made by the Concerned Citizens of Juniata Township ("CCJT"). As you will see, the vast majority of the issues raised by Mr. Stark have nothing to do with the November 6, 2018 election, as the activities in question occurred well before the "Official Call of Election" by the Tuscola County Clerk on or about August 31, 2018 and are therefore outside of the "election cycle" in question. More importantly, funds expended by the CCJT do not constitute "expenditures" under MCL 169.206 and therefore were not required to be reported under the Michigan Campaign Finance Act ("MCFA"). Finally, although there was one (1) anonymous donations received (for the grand total amount of \$20.00), CCJT violated no laws by receiving those donations because CCJT did not make political "expenditures."

In short, Mr. Stark's complaint is little more than "sour grapes" from a well-funded politician whom was removed from office by approximately 68% of Juniata Township voters for failing to heed the directives of his constituents. Mr. Stark's December 7, 2018 Complaint lacks merit and should be dismissed.

## **Background of Dispute -**

Before addressing the generally spurious allegations made by Mr. Stark, I feel it is important to provide you with some background regarding this matter. As you may or may not be aware, Mr. Stark served as the Treasurer for Juniata Township until the November 6, 2018 election wherein he was recalled from office. At that time, his wife (Heidi Stark) was removed from her position as Juniata Township Clerk and the Juniata

Township Supervisor, Neil Jackson, was also recalled. Voters were very upset with these previous Township Board members because of a generally perceived disrespect for the constituents, a refusal to take actions to protect against the improper and unsafe siting of industrial wind turbines within the Township, and a failure to enforce the laws of Juniata Township. As a result, more than 60% of Juniata Township voters voted to remove Mr. Stark, Mrs. Stark and Mr. Jackson from office on November 6, 2018.

### Response to Allegations of Mr. Stark –

Mr Stark has made numerous allegations regarding expenditures by the CCJT. I will attempt to address each one separately.

#### (1) CCJT WAS NOT REQUIRED TO FILE AS A "COMMITTEE" UNDER THE MICHIGAN CAMPAIGN FINANCE ACT.

Mr. Stark correctly asserts that CCJT failed to file as a committee with the Tuscola County Clerk. However, Mr. Stark's allegation fails to recognize that CCJT does not meet the definition of a "committee" under the Michigan Campaign Finance Act because it received no contributions and made no expenditure "for the purpose of influencing or attempting to influence the action of the voters ..." Instead, any politically related expenditures were taken by the individual candidates who sought to obtain the seats on the Township Board that would be vacated by the November 6, 2018 recall election and whom filed MCFA reports.

MCL § 162.203(4) sets forth the definition of a "committee" and states, in pertinent part:

**"Committee" means a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year. Except as restricted or prohibited by this act or other state or federal law, a committee may also make other lawful disbursements.<sup>1</sup>**

The CCJT was formed in December 2017. At that time, a group of citizens had learned about a proposed industrial wind turbine complex in Juniata Township and were concerned about the dangers associated with improperly sited industrial wind turbines. A Facebook page was created for CCJT on December 25, 2017. Under the "Our Story" section of the CCJT Facebook page it states, "This page is designed and supported by Concerned Citizens of Juniata Township to bring awareness and transparency to NextEra Energy's application and request for Special Land Use Permits for the construction of

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<sup>1</sup> See MCL 169.203(4) (*emphasis added*).

wind towers within the township.”<sup>2</sup> Notably, there is no reference whatsoever to an election of any form, whether for a recall of a candidate, election of a candidate, or anything concerning a ballot proposal.

CCJT did raise funds through a “GoFundMe.com” page, which was created on January 25, 2018. However, contrary to Mr. Stark’s assertions, this page was not created to raise funds to have Mr. Stark or his colleagues removed from office. Instead, the purpose of the CCJT is stated directly on the gofundme.com page and states,

Some call us anit-wind [sic]. We are not anti-wind, rather we are pro Juniata and pro people.

It is our mission to bring awareness and transparency to NextEra Energy’s application and request for Special Land Use Permits for the construction of wind towers within our township, while ensuring the Juniata Township Board and Planning Commission have the best interests of the community in mind throughout the decision making process to protect the health, safety and well being of the community at large.

**Funds raised will support the citizens of Juniata Township and CCJT’s efforts in protecting the health, safety and welfare of the people within our community. Our believe [sic] is: not a single soul shall suffer on account of NextEra’s proposed Special Land Use Permit. Fundraising support will assist our efforts moving forward for expenses such as legal fees, securing documentation, FIOA [sic] requests, advertising and awareness efforts, etc.**

We are proud to be a part of Juniata Township and a community that cares. Every donation – big or small – will have an impact on the people and future of our community!<sup>3</sup>

Notably, there is no statement of advocacy for or against a candidate or a ballot question listed on the “Our Story” portion of the CCJT Facebook page. Moreover, as will be explained below, while the CCJT GoFundMe.com page raised more than \$1,000.00, those funds were not raised or expended “for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party.” In fact, CCJT instructed its supporters that any funds that they wanted earmarked for political expenditures must be donated directly to the candidate committees, who presumably reported those donations and expenditures in their own MCFA reports. In light of the foregoing, it is apparent that CCJT was never required to form a Campaign Committee as Mr. Stark erroneously alleges. Therefore, CCJT respectfully requests that Mr. Stark’s MCFA Complaint be dismissed.

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<sup>2</sup> See Exhibit A – “Our Story” section of CCJT Facebook page.

<sup>3</sup> See Exhibit B – CCJT gofundme.com page (*emphasis added*).

(2) CCJT Made Only Non-Political Expenditures –

MCL § 169.206(1) defines an "expenditure" as

A payment, donation, loan or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, or the qualification, passage or defeat of a ballot question.

It should also be noted that, pursuant to MCL § 169.206(2)(b):

Expenditure does not include any of the following:

(b) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by clear inference.<sup>4</sup>

Mr. Stark erroneously asserts in his Complaint that "the CCJT states that its efforts are litigation, fundraising and recall, so, by their declaration, fundraising is in support of the recall efforts, both against the now former office holders and in support of their chosen candidates." However, as noted above, recall is never mentioned in any of the stated purposes for the CCJT on its Facebook page or the GoFundMe.com pages. Instead, Mr. Stark relies upon the fact that the word "Recall" can be found in the picture collage on the GoFundMe.com page, which also contains images of a couple of sections of map, citizens standing in the cold, a picture of a wind turbine with some wording next to it that was cut off, and the name of the group.

It should be noted that the word "recall" can be subjected to multiple interpretations, most of which have nothing to do with politics. However, even if CCJT were to concede that this reference was somehow related to politics, it contains no words of express advocacy. The image in question does not encourage anyone to vote to have a candidate removed from office. It does not advocate against having a candidate removed from office. The presence of the word "Recall" in a social media post, without any call to action or reference to a specific candidate, does not constitute an "expenditure" under MCL § 169.206(2)(b).

Mr. Stark also alludes to the idea that CCJT may have paid legal fees related to the recall efforts. The recall was not sponsored by CCJT, nor did CCJT pay any legal fees related to the recall.

Finally, even if the CCJT were required to form a Committee because of statements of express advocacy on its Facebook or GoFundMe.com pages, Mr. Stark's claim still fails. As you are well aware, "Free social media such as Facebook, Twitter and

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<sup>4</sup> See MCL 169.206(2)(b).

emails are exempt” from identification requirements under the MCFA.<sup>5</sup> If a party is not required to include a statement identifying themselves in a purported “political communication,” then they are certainly not required to disclose those social media communications as a campaign expenditure. In the absence of any donations received during the “Call of the Election” period or express advocacy outside of free social media, Mr. Stark’s claim fails and should be dismissed.

**(3) NO VIOLATION OF THE MCFA COULD HAVE OCCURRED BEFORE THE AUGUST 31, 2018 “CALL OF ELECTION.”**

A recall election, by its very nature, is a “special election.” It does not occur at every (or even many) regular elections. An “election cycle” for a “special election” “begins the date the special general election is called or the date the office becomes vacant (whichever is earlier) and ends on the day of the special general election.”<sup>6</sup>

In the present matter, the “election cycle” began on August 31, 2018 when the Tuscola County Clerk issued the “Official Call of Election.”<sup>7</sup> Prior to that date, there could be no political activity for which CCJT would have been required to form a Committee or to file a campaign finance disclosure.

A review of the CCJT GoFundMe.com page conducted on January 7, 2019 reveals that the most recent donation was five (5) months before that report. Thus, the last donation to the CCJT GoFundMe.com page was made several weeks BEFORE the August 31, 2018 “Call of Election.” Therefore, the donations made to the CCJT GoFundMe.com page, and any related expenditures before August 31, 2018, are simply not subject to the MCFA. Again, Mr. Stark’s claim fails and should be dismissed.

**(4) CCJT DID NOT VIOLATE THE MCFA BY ACCEPTING ANONYMOUS DONATIONS.**

As explained above, the MCFA could not have been applicable to this matter until after the August 31, 2018 “Call of Election.” The “anonymous” donations that Mr. Stark complains of occurred in February or March of 2018 – approximately six (6) months BEFORE the Call of Election. Since the MCFA was not applicable at that time, there was no prohibition against accepting these anonymous donations.

It should be noted that only one (1) of the seven (7) “anonymous” donations that Mr. Stark complains of was actually “anonymous.” While the name and contact information for the donors may not have been visible on the GoFundMe.com page, the name of six (6) of those donors was known to the administrator of the GoFundMe.com page. Thus, there was only one (1) “anonymous” donation to the GoFundMe.com page. That donation was for Twenty Dollars (\$20.00) and occurred approximately six (6) months

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<sup>5</sup> See Exhibit C – “Appendix J – Identification Requirements” at pgs 1 – 3. See also, <https://mertsplus.com/mertsuserguide/index.php?n=MANUALS,AppendixJ>

<sup>6</sup> See MCL § 169.205(2)(b).

<sup>7</sup> See Exhibit D – August 31, 2018 “Official Call of Election” from Tuscola County Clerk Jodi Fetting.

prior to the "Call of Election." Moreover, as set forth above, these funds were not expended by CCJT for any purpose that contained "express advocacy" statements that would trigger the application of the MCFA.

While CCJT does not believe that its acceptance of this anonymous donation violated the MCFA, as the MCFA was not applicable at the time CCJT received that donation, CCJT will gladly donate the Twenty Dollars (\$20.00) it received in "anonymous" donation to the charity of Mr. Stark's choosing if the Department of State believes that the donation was improperly received.

**Conclusion –**

The vast majority of Mr. Stark's allegations relate to donations that were received well before the August 31, 2018 "Call of Election." Prior to that point, pursuant to MCL § 169.206(b)(2), the donations received and any expenditures in question were not required to be disclosed. His only "evidence" of any purported violation are free social media posts, which are exempt from MCFA disclosures. And while CCJT did receive Twenty Dollars (\$20.00) of "anonymous" donations, those donations were received months before the MCFA was even arguable applicable. Mr. Stark's remaining allegations are little more than "sour grapes" from an individual who cannot comprehend that his constituents actually expected him to represent their interests instead of those of the multi-billion dollar company seeking to construct an industrial wind turbine project at unsafe distances from homes.

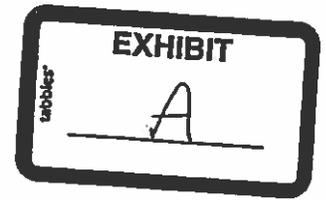
For all the reasons set forth above, I respectfully request that your dismiss Ms. Stark's complaint.

Sincerely,



Joshua J. Nolan

Enclosures  
JJN / klm



# Our Story

CONCERNED CITIZENS OF JUNIATA TOWNSHIP · MONDAY, DECEMBER 25, 2017

This page is designed and supported by Concerned Citizens of Juniata Township to bring awareness and transparency to NextEra Energy's application and request for Special Land Use Permits for the construction of wind towers within the township.

## **Page Rules of Engagement**

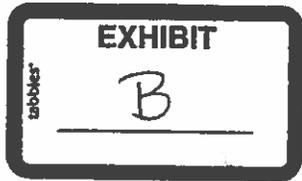
- 1. There will be no cursing in this group – ever.**
- 2. All opinions will be treated with mutual respect, unless they violate the aforementioned rules. Treat your fellow Facebook group members with that same respect.**
- 3. If a member personally attacks another member with words that are harmful, threatening or not in-line with our mutual respect policy, that member may be immediately be banned from the page.**
- 4. Please stick to the mission statement of this Facebook page. Irrelevant content does not belong here it belongs on other pages.**
- 5. If someone mentions you by name please respond directly to that person on the same post.**

**6. Think before you post! This is Facebook, one of the biggest sites on the internet – what goes up can never really come down. Respect the privacy of others!**

**7. If you choose to contribute to conversations on this page, we would prefer it if you could try and add valuable discussion to the conversation. Be friendly, be fair and use common sense.**

**8. CCJT page admin may use their discretion to allow or ban those that don't comply with the house rules or support the mission of the page.**

**These professional rules are intended to maintain the focus and integrity of the CCJT page.**



**\$1,845** of \$1,000 goal

Raised by 16 people in 11 months

Recent Donations ▼

SW **\$100**  
Steve & Nicki Williams  
5 months ago

EB **\$1,000**  
eric barden  
8 months ago

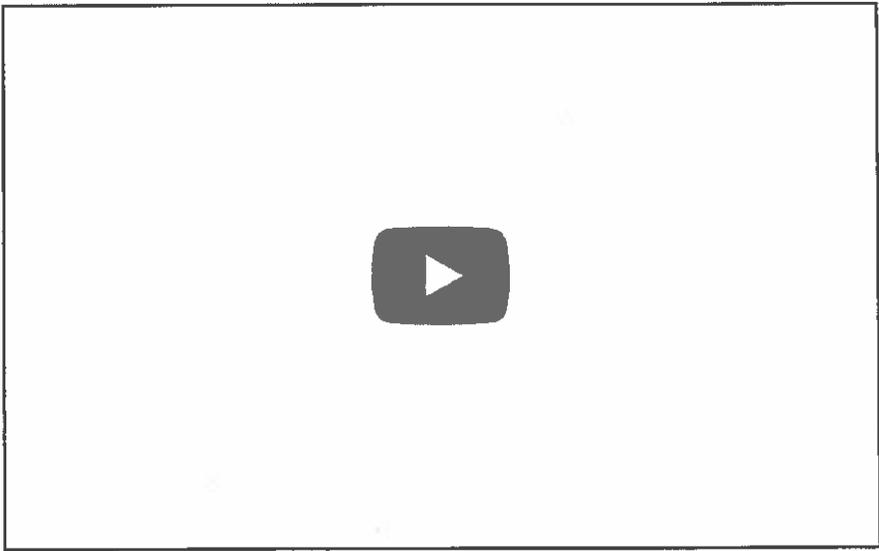
SW **\$100**  
Steve and Nicki Williams  
9 months ago

AP **\$20**  
Anonymous Person  
10 months ago

AP **\$20**  
Anonymous Person  
10 months ago



# Concerned Citizens of Juniata Twshp



**Some call us anit-wind. We are not anti-wind, rather are pro Juniata and pro people.**

It is our mission to bring awareness and transparency to NextEra Energy's application and request for Special Land Use Permits for the construction of wind towers within our township, while ensuring the Juniata Township Board and Planning Commission have the best interests of the

community in mind throughout the decision making process to protect the health, safety and well being of the community at large.

Funds raised will support the citizens of Juniata Township and CCJT's efforts in protecting the health, safety and welfare of the people within our community. Our believe is: not a single soul shall suffer on account of NextEra's proposed Special Land Use Permit. Fundraising support will assist our efforts moving forward for expenses such as legal fees, securing documentation, FIOA requests, advertising and awarness efforts,etc.

We are proud to be a part of Juniata Township and a community that cares! Every donaiton - big or small - will have an impact on the people and future of our community!



Leave a comment



**Share photos with your comment**  
**(Public)**

Post

MB

**\$55**

Melanie Boylan

10 months ago



**\$10**

Anonymous  
Person

10 months ago

DM

**\$25**

Dale & Nancy  
Mccollum

10 months ago



**\$25**

Anonymous  
Person

11 months ago

NL

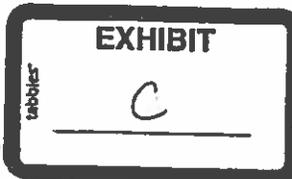
**\$25**

Nancy  
Laskowski

11 months ago

Viewing 10 of 16 Donations

# Appendices



## Appendix J IDENTIFICATION REQUIREMENTS

On September 20, 2017, 2017 implements a num (MCFA). Click here to

Section 47 of the Michigan Campaign Finance Act (MCFA) provides that certain political communications or paid political advertisements must identify the person or persons paying for the communication. The communication can be to further the nomination or election of a candidate or the qualification, passage or defeat of the ballot question. Communications are made in a number of formats:

- Printed items include signs and mailers, novelty items such as pens, pencils and stickers
- Broadcast media includes radio and TV advertisements
- Robotic Calls are automated messages sent via telephone
- Electronic media includes email, websites and social media such as Twitter and Facebook.

To determine if an identifier/disclaimer statement is needed, a clear understanding of the following definitions is required.

**Identification Statement:** Tells the person reading or hearing the advertisement who paid for the message or materials and provides their address or other contact information. This is commonly referred to as an "identifier."

**Disclaimer Statement:** Tells the person reading or hearing the advertisement that the candidate or candidate committee did not authorize the message or materials. This is commonly referred to as a "disclaimer."

**Express Advocacy:** Refers to words or references in a communication that expressly advocate for the election or defeat of a candidate or the passage or defeat of a ballot proposal. Specific words of express advocacy include words such as "VOTE FOR," "ELECT," "SUPPORT," "CAST YOUR BALLOT FOR," "SMITH FOR GOVERNOR," "VOTE AGAINST," "DEFEAT," or "REJECT" or similar words or phrases. These are often referred to as the magic words.

**Independent of a Candidate or Candidate Committee:** Means the communication is not authorized by the candidate or candidate committee who is the subject of the communication. In this case, the expenditure is an independent expenditure.

**Authorized by the Candidate or Candidate Committee:** Means the communication is authorized by the candidate or candidate committee and is not an independent expenditure. In this case, the payment of the communication is an in-kind contribution to the candidate committee who is the subject of the communication.

### STEPS TO DETERMINE IF AN IDENTIFICATION/DISCLAIMER STATEMENT IS NEEDED:

The following step by step instructions and sample wording are provided to assist committees and others in determining if an identifier/disclaimer is needed on a communication and what the identifier should contain. There are two (2) sets of instructions:

- Candidates and Candidate Committees
- All others

### CANDIDATE AND CANDIDATE COMMITTEES

PRINT	RADIO/TV	ROBO-CALLS	ELECTRONIC MEDIA
Printed matter such as signs, posters, fliers, billboards, newspapers, novelty items, mass mailings etc.	Radio and TV Advertisement	Robotic calls	Websites (Free social media such as Facebook, Twitter and emails are exempt)
<b>Note: SAMPLE WORDING ONLY; SUBSTITUTE ACTUAL NAME/ADDRESS INFORMATION.</b>			
"Paid for by the CTE Joe Smith, 123 Winners Lane, Lansing Michigan 48933" Unless the item is exempt; see list below.	Must comply with FCC rules and bear the name of the payer	"Paid for by the CTE Joe Smith, 123 Winners Lane, Lansing Michigan 48933" (The address can be substituted with a phone number or other contact information.)	"Paid for by the CTE Joe Smith, 123 Winners Lane, Lansing Michigan 48933"

### ALL OTHERS

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**STEP 1: Does the communication contain words of express advocacy?**

YES - Go to STEP 2

NO - Go to STEP 3

**STEP 2: Is the item a novelty item such as a pen, pencil or bumper sticker or something else such as a sign, TV, Radio or electronic communication?**

YES: It is a novelty item. The item may already be exempt, see the Printed Items - Exemptions list below. If it is not exempt, you can request exemption by submitting a request to the Bureau of Elections or place the appropriate identifier on the item. Sample wording is provided in the chart below.

NO: It is not a novelty item, it is:

- Other printed item: See column 1 below.
- TV or Radio Advertisement: See column 2 below.
- Robotic calls: See column 3 below.
- Electronic Message: See column 4 below.

Committee)

M - Recount Expenses

N - Penalties

O - Prohibited Contributions

O1 - Contributions Exemptions

O2 - Contributions Received by Partnership, LLC or PLLC

P - Special Primary, General and Recall Elections

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S - Campaign Signs - FAQs

T - Transfers

W - Dissolution of a Committee

X - Declaratory Rulings and Interpretive Statements

Y - The Complaint Process

Z - Reference Information

Appendices:  
 Include TOC  Publish

WITH WORDS OF EXPRESS ADVOCACY	PRINT COLUMN 1	RADIO/TV COLUMN 2	ROBO-CALLS COLUMN 3	ELECTRONIC MEDIA COLUMN 4
Payer	Printed matters such as signs, posters, fliers, billboards, newspapers, novelty items, mass mailings etc.	Radio and TV Advertisements	Robotic calls	Websites (Free social media such as Facebook, Twitter and emails are exempt)
<b>Note: SAMPLE WORDING ONLY; SUBSTITUTE ACTUAL NAME/ADDRESS INFORMATION.</b>				
Individual Acting Alone	N/A	Must comply with FCC rules and bear the name of the payer. Add "Not Authorized by any candidate" if it relates to a candidate and is an independent expenditure. If it relates to a candidate and is in-kind, add "Authorized by (Name of Candidate or Candidate Committee)"	"Paid for by Gloria Smith, 123 Main Street, Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)	"Paid for by Gloria Smith, 123 Main Street, Lansing, Michigan 48933"
PAC, Super PAC, or Political Party Committee	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" Add: "Not authorized by any candidate committee" if it is a candidate related independent expenditure.	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds" Add "Not Authorized by any candidate" if it relates to a candidate and is an independent expenditure. If it relates to a candidate and is in-kind, add "Authorized by (Name of Candidate or Candidate Committee)"	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" Add: "Not authorized by any candidate" if it is a candidate related independent expenditure.
Ballot Question Committee	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave. Lansing, Michigan 48933"	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds"	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933"
	"Paid for by Our Club,	Must comply with FCC rules and bear	"Paid for by Our	"Paid for by Our Club, 678 Main Street,

Unregistered Group	678 Main Street, Lansing, Michigan, 48933" Add: "Not authorized by any candidate committee" if it is a candidate related independent expenditure.	the name of the payer" If it relates to a candidate and is an independent expenditure, add "Not Authorized by any candidate" If relates to a candidate and is in-kind, add "Authorized by (Name of Candidate or Candidate Committee)	Club, 678 Main Street, Lansing, Michigan, 48933" (The address can be substituted by a phone number or other contact information.)	Lansing, Michigan, 48933" Add: "Not authorized by any candidate" if it is a candidate related independent expenditure.
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**STEP 3: Is the item a TV Advertisement, Radio Advertisement, Robotic call or a mass mailing?** (Mass mailing means: A mailing by US mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period).

YES: Go to Step 4

NO: Because the item does not contain express advocacy and it is not a qualified category listed above, no identifier/ disclaimer is required.

**STEP 4: Does the communications meet all of these conditions?**

1. The communication references a clearly identified candidate or ballot question, and
2. The communication is disseminated within 60 days of a General Election in which the candidate or ballot question is on the ballot, or
3. The communication is disseminated within 30 days of a Primary Election in which the candidate or ballot question is on the ballot, and
4. The communication is targeted to the relevant electorate (i.e., the electoral district where the candidate or ballot question will appear on the ballot).

YES: An identifier ONLY may be required. See the chart below.

- See column 1 for Printed Items
- See column 2 for TV/Radio Advertisements
- See column 3 for Robotic calls

WITHOUT WORDS OF EXPRESS ADVOCACY	PRINT COLUMN 1	RADIO/TV COLUMN 2	ROBO-CALLS COLUMN 3
Payer	Printed Mass Mailing: A mailing by US mail or facsimile of >500 identical or substantially similar nature within any 30-day period.	Radio and TV Advertisement	Robotic calls
<b>Note: SAMPLE WORDING ONLY; SUBSTITUTE ACTUAL NAME/ADDRESS INFORMATION.</b>			
Individual Acting Alone	N/A	Must comply with FCC rules and bear the name of the payer	"Paid for by Gloria Smith, 123 Main Street, Lansing, Michigan 48933" (The address can be substituted by the phone number or other contact information.)
PAC, Super PAC, or Political Party Committee	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933"	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds"	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)
Ballot Question Committee	"Paid for with regulated funds by The Best BQ Committee Ever, 456 Support Ave. Lansing, Michigan 48933"	Must comply with FCC rules, bear the name of the payer and include paid for "with regulated funds"	"Paid for with regulated funds by The Best Committee Ever, 456 Support Ave. Lansing, Michigan 48933" (The address can be substituted by a phone number or other contact information.)
Unregistered Group	"Paid for by Our Club, 678 Main Street, Lansing, Michigan, 48933"	Must comply with FCC rules, bear the name of the payer. Include paid for "with regulated funds" only if the group's registration is pending	"Paid for by Our Club, 678 Main Street, Lansing, Michigan, 48933" (The address can be substituted by a phone number or other contact information.)

NO: Because the communication does not meet all of the requirements, no identifier/ disclaimer is required.

**Other Points to Consider**

- Electronic media such as web sites, Facebook, Twitter, etc. are not specifically exempt from the requirements of Section 47.
- Email communications are not paid political advertisements and are therefore are not covered under Section 47.
- An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee.
- The identification or disclaimer on printed matter must be in a place and in a print clearly visible to and readable by an observer.
- A ballot question petition and a recall petition must bear the identification statement. A candidate petition is exempt from this requirement. However, the detachable portion of a candidate petition must bear the identification statement.
- Committees participating in a joint fund raiser must include the appropriate identifier and the names and addresses of all of the committees participating in the joint fundraiser.
- A committee that has filed an amendment to its Statement of Organization to show a change of committee address is not required to note the change of address on printed matter it previously purchased as long as the printed matter contains an identification statement that was correct at the time the printed matter was produced.
- The requirement for the identifier/disclaimer does not apply to printed communications between a separate segregated fund (SSF) and individuals who can be solicited for contributions to that SSF.

**Printed Items - Exemptions**

Certain items are exempt from the identification or disclaimer requirement due to their size or difficulty of placement. See list below. Any item NOT included in this list must contain an identification statement, and if applicable, a disclaimer statement. To request an exemption, a Declaratory Ruling request must be submitted. Following is a listing of the exempted items:

Aerial Banners	Fortune Cookie Messages ¼" X 2" Or Smaller)	Pendants
Ashtrays	Frisbees	Pennants
Badges & Badge Holders	Glasses	Pens
Balloons	Golf Tees	Pinwheels
Bingo Chips	Golf Balls	Plastic Tableware
Brushes	Hats	Pocket Protectors
Buttons	Horns	Pot Holders
Bumper Stickers (4" X 15" Or Smaller)	Ice Scrapers	Refrigerator Magnets
Campaign Stickers (3" X 1 ½" Or Smaller)	Jar Lid Grippers (5" Or Smaller)	Rubber wrist bracelets with dimensions up to 1" wide and 8.25" in diameter
Candy Wrappers (1 ¼" X 2 ¼" Or Smaller)	Key Rings	Ribbons
Cigarette Lighters	Knives	Sun Glasses
Cloth Pot Holders	Labels	Shoe Horns
Clothes Pins	Lapel Pins/Stickers	Staple Removers
Clothing	Magnifying Glasses	Yo-Yo's
Coasters	Matchbooks	
Combs	Nail Clippers	
Cups	Nail Files	
Drinking Glasses	Noisemakers	
Earrings	Paper & Plastic Cups	
Emery Boards	Paper & Plastic Plates	
Envelopes	Paper Weights	
Erasers	Pencils	

**FAQs****Why must items contain an identifier and/or disclaimer?**

Political communications must contain an identifier/disclaimer as it is required by the Michigan Campaign Finance Act. The rules can be confusing and complicated. It is recommended that the identifier be placed on the communication to avoid a possible violation.

**What must the identifier say?**

The most common identifier for printed material is the phrase "Paid for by" and the name and address of the person paying for the communication. While this is the most common, it is not the only required wording. It is recommended that you review the charts above carefully to make sure you are including all of the required information in the identifier.

**What are the conditions for placement and size of the identifier on printed communications?**

An identifier must be clearly visible to those that would be viewing the material. It should be separate from any text and is usually shown at the bottom of signs, fliers, etc. So for sample, a billboard identifier should be visible from the road and separate from the main text of the advertisement.

**Do envelopes require an identifier on them?**

No. Envelopes are exempt from the requirement, but the contents of the envelope must be considered independently to determine if the identifier/disclaimer is required.

**Are there special requirements for a joint fundraiser?**

Yes. For a joint fundraiser, all of the committees involved in paying for the fundraiser must be identified on the fundraiser communications. See Appendix F for more information concerning joint fundraisers.

**My committee address changed; can I use my signs with the previous address?**

Yes. As long as the address change has been recorded in an amendment to the Statement of Organization, the signs can be used without updating the address information on the signs themselves. See Appendix S for more information on signs.

**How do I request an exemption of an item?**

To request an exemption of a specific item not already exempt, a request must be sent to the Bureau of Elections, PO Box 20126, Lansing, Michigan 48901-0726 or via email at [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov). Unless and until an item is exempt, it must contain the identification statement as required by the MCFA.

**Can an identifier be placed on a communication even if it is not required?**

Yes. There is nothing in the MCFA that prohibits placing an identification statement on a communication that is otherwise exempt or not covered.

**Is the identifier required on emails?**

No. Since an email is not a paid political advertisement, an identification statement is not required. However, if the email contains attachments or links to websites, those communications must be considered separately from the email itself to determine if an identifier/disclaimer is required.

**My opponent's signs don't have the identifier on them, can they be taken down?**

No. The absence of an identifier on a sign or other communication does not give anyone the authority to remove the signs. The owner of the property may remove the signs. Removing signs without the property owner's permission could result in the violation of other laws such as trespassing and theft.

**Does a Separate Segregated Fund have to use the identifier to communicate with its paid members?**

No. A separate segregated fund's communication with its paid members is not required to contain an identifier. See SSF for more information.

**What is a mass mailing under Section 47?**

Mass mailing means: A mailing by US mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

**I'm an individual acting alone; do I have to use an identifier on communications?**

Maybe. An individual other than a candidate is not subject to the identification requirement provision as it relates to printed matter only if the individual is acting independently and not acting as an agent for a candidate or any committee. This exemption only applies to print communications. Carefully review the charts to determine if an identifier is required on other types of communications.

**Do candidate petitions require the identifier?**

No. A candidate petition is exempt from this requirement. However, the detachable portion of a candidate petition if applicable must bear the identification

Andrew Stark  
3741 Wilder Road  
Vassar, MI 48768

19 March 2019

2019 03 25 PM 2:18

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building — First Floor  
% Adam Fracassi  
430 West Allegan Street  
Lansing, MI 48918

Mr. Fracassi,

I thank you for the opportunity to and provide this rebuttal to the response to my complaint alleging that the Concerned Citizens of Juniata Township (CCJT) violated the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.*

I think it clear in my complaint that I contend that the CCJT is a committee as defined by the MCFA. As stated in MCFA section 3, paragraph (4), "'Committee' means a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate..." Mr. Nolan argues that the MFCA does not apply and CCJT cannot be deemed a committee because it did not attempt to influence or attempt to influence the action of the voters and that there was nothing to influence before the call of election. I categorically disagree.

The evidence I submitted and additional Facebook posts clearly document that the CCJT received financial contributions exceeding \$500 in a calendar year and that it repeatedly attempted to influence the action of the voters both for and against the nomination and election of specific candidates. In calling for the recall, by name, of Neil Jackson, Heidi Stark, Elaine Schunn, and myself, the CCJT attempted and did, in fact, influence the action of voters both for and against candidates and forced under Michigan law the nomination of the three candidates recalled. In repeatedly, on their Facebook page and in person, asking for and physically collecting voters signatures for the recall petition, the CCJT attempted and did, in fact, influence the action of voters both for and against candidates. In repeatedly, on their Facebook page and in person, advocating specifically for their candidates and against the incumbent officials both by name and under the general terminology of recall, the CCJT attempted and did, in fact, influence the action of voters both for and against candidates. These attempts and actions are documented in the evidence I originally submitted with Facebook posts as early as 10 Jan 2018. The CCJT posts about their recall efforts begin in December 2017.

Mr. Nolan's contention that the CCJT did not sponsor the recall is both irrelevant and belied by numerous posts (labeled as made by CCJT, not public comment) on their Facebook page specifically calling it "our recall," stating that "the CCJT team is out collecting final signatures for the recall of Supervisor Neil Jackson, Clerk Heidi Stark, and Treasurer Andrew Stark," and referring to "our recall

wording." Regardless any determination of CCJT "sponsorship" with respect to the recall, the CCJT acted to attempt to, and did in fact, influence voter actions with respect to the recall and the election.

Mr. Nolan's argument that the CCJT made no attempt to influence the action of voters for or against nomination and election of candidates because that language is absent in the "Our Story" portion of the CCJT Facebook page is akin to stating that the Holy Bible, Hebrew Bible, or Koran are not religious texts because there is no mention of God or it does not say "The Holy Scriptures" on the copyright page included in some printings; that is to say entirely false. The CCJT Facebook page is not solely about ensuring "not a single soul shall suffer on account of NextEra's proposed Special Land Use Permit" as stated in the "Our Story" portion and argued by Mr. Nolan. Such a contention is belied by posts including crime watch/stop items (3 Jan 2018), weather hazard reports (7 Aug 2018), and the call for volunteers to march in a parade to support Candidate Gary Glenn (12 March 2018), as well as the extensive advertising to generate the recall election, against the incumbent officials, and in support of their candidates.

As Mr. Nolan acknowledges in writing that the CCJT did not file campaign finance statements, I have nothing to refute on that aspect of the response. With respect to the anonymous contributions, I have nothing to add to my original complaint.

My complaint was predicated on the CCJT receiving contributions. Contributions were not limited to the GoFundMe page, can drives, dinners, and "\$5 Fridays." I do not know the full extent of contributions to the CCJT, but it clearly exceeded the threshold for reporting under MCFA and they acted as a committee. I had and still have no way to assess expenditure of funds by the CCJT except their own statements of what expenditures would be made on the Facebook and GoFundMe pages. The MCFA requires in-kind expenditure to be valued at the fair market value of the goods or services or the usual rental charge of the facility, etc. In their extensive use of Facebook for advertising, homes for fundraising locations, and donations of food and other items for generating revenue, the CCJT may be obligated to report the fair market value of those as contributions, expenditures, or both, in addition to any non in-kind expenditures in the campaign finance statements that they failed to file. Without the filings, there is no visibility whatsoever into the finances behind the advocacy of this group.

Regards,



Andrew Stark



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

March 26, 2019

The Concerned Citizens of Juniata Township  
2698 Ringle Road  
Vassar, Michigan 48768

Re: *Stark v. The Concerned Citizens of Juniata Township*  
Campaign Finance Complaint  
No. 2018-12-108-16

Dear Concerned Citizens of Juniata Township:

This letter concerns the complaint that was recently filed against you, 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. The complaint remains under investigation at this time.

If the Department needs more information, you may be contacted. The complaint will remain under investigation until a final determination has been made. 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 "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Andrew Stark

## **Fracassi, Adam (MDOS)**

---

**From:** Joshua Nolan <jnolan@nolanlawllc.com>  
**Sent:** Thursday, May 30, 2019 2:33 PM  
**To:** Fracassi, Adam (MDOS)  
**Subject:** Re: Stark v. Concerned Citizens of Juniata Township

I will confer with my client and respond ASAP.

Joshua J. Nolan  
NOLAN LAW, LLC  
405 Madison Ave., Suite 1000  
Toledo, OH 43604  
Telephone: (419) 242-1400  
Facsimile: (877) 431-0724  
Email: jnolan@nolanlawllc.com

Confidentiality Notice: The information contained in and transmitted with this communication is strictly confidential, is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any use of the information contained in or transmitted with the communication or dissemination, distribution, or copying of this communication is strictly prohibited by law. If you have received this communication in error, please immediately return this communication to the sender and delete the original message and any copy of it in your possession.

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**From:** Fracassi, Adam (MDOS) <FracassiA@michigan.gov>  
**Sent:** Thursday, May 30, 2019 2:29:16 PM  
**To:** Joshua Nolan  
**Subject:** Stark v. Concerned Citizens of Juniata Township

Mr. Nolan,

I am writing in regards to the abovementioned complaint and have a question. As part of the effort to recall township officials, did Concerned Citizens of Juniata Township make expenditures on items such as petition sheets, paying circulators, graphic design for Facebook ads, yard signs for Mr. Tetil, Ms. Bigham, or Ms. Cockerill? If so, can you please identify the amount?

In regards to the yard signs that are submitted as an attachment to the complaint, can you indicate whether CCJT purchased those signs?

**Adam Fracassi**  
Bureau of Elections



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

May 30, 2019

Joshua Nolan  
Nolan Law, LLC  
405 Madison Ave., Suite 1000  
Toledo, Ohio 43604

Re: *Stark v. Concerned Citizens of Juniata Township*  
Campaign Finance Complaint  
No. 2018-12-108-16

Dear Mr. Nolan:

The Department of State (Department) has concluded its investigation into the formal complaint filed by Andrew Stark against your client, the Concerned Citizens of Juniata Township (CCJT), alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*

Mr. Stark filed his complaint with the Department on December 17, 2018. The complaint alleged that CCJT has received contributions in excess of \$500 for recall purposes, has failed to register as a committee with the Tuscola County Clerk, and has failed to file certain reports. The complaint alleges that CCJT has conducted numerous fundraisers and sponsored recall efforts for four Township officials. Mr. Stark also alleged that CCJT accepted at least seven anonymous contributions through GoFundMe. As evidence to the complaint, Mr. Stark submitted screenshots from CCJT's Facebook page and the GoFundMe.

On behalf of your client, you filed an answer to the complaint via email. You stated that CCJT was formed in December 2017 for the purpose of opposing an industrial wind turbine complex in Juniata Township. You further indicated that all money spent or received via fundraisers and all advertising done on Facebook was done related to the wind turbines and not for the purpose of influencing the nomination or election of a candidate. As evidence of this, you pointed to statements on CCJT's Facebook page and GoFundMe page which state that CCJT efforts surround "protecting the health, safety and welfare of the people within our community."

Mr. Stark filed a rebuttal with the Department on March 25, 2019. In his rebuttal, Mr. Stark states that the CCJT Facebook page indicates the group attempted to influence the action of voters both for and against candidates. Mr. Stark stated that CCJT posted frequently about their recall efforts and that the group exceeded the reporting threshold for filing reports under the MCFA.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

The MCFA requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

Finally, section 41 bars a person or a committee from accepting and/or expending an anonymous contribution. MCL 169.241(2). Anonymous contributions are required to be given to a tax-exempt charity with a receipt given, and the receipt is to be maintained. *Id.* A knowing violation of this section is a misdemeanor punishable, if the person is other than an individual, by a fine of not more than \$10,000. MCL 169.241(4).

The Department has reviewed the evidence submitted by both parties and will take each allegation in turn. The first question is whether CCJT was required to form a committee by participating in and/or sponsoring recall efforts against Township officials. From the outset, the Department disagrees that CCJT could not have participated in activity potentially covered by the Act until the call of the recall election. Committees sponsoring efforts to recall township officials may still be covered by the Act and the timing does not depend on the calling of the recall election but rather depends on meeting the \$500 threshold as defined under the Act. The evidence in the complaint demonstrates that CCJT was engaged in activity potentially covered by the MCFA as the group circulated and sponsored petitions aimed at recalling four different township officials.

However, in order to be required to register, CCJT must have received contributions or made expenditures totaling \$500.00 in a calendar year aimed towards the recall efforts. In order to answer this question, the Department sent you supplemental questions. In those questions you indicated that CCJT did not produce any petition sheets but received them from the County Clerk. You further indicated that CCJT used all volunteers to circulate petitions and did not otherwise make any expenditures to conduct the recall.

Therefore, the Department concludes that it does not appear CCJT has met the \$500.00 threshold required to form a committee under the Act. MCL 169.203(4). Because CCJT did not meet the threshold, it was not required to file a statement of organization with the county clerk or any further reports under section 33 of the Act.

Concerned Citizens of Juniata Township  
May 30, 2019  
Page 3

Accordingly, the Department concludes that there is insufficient evidence to support the conclusion that a potential violation of the Act has occurred and dismisses the complaint. The Department's file on this matter will now be closed, the entire file will be posted on the Department's website, and no further enforcement action will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is written in a cursive style with a large, looping initial "A".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Andrew Stark

**Fracassi, Adam (MDOS)**

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**From:** Fracassi, Adam (MDOS)  
**Sent:** Thursday, May 30, 2019 5:11 PM  
**To:** 'Joshua Nolan'  
**Subject:** Stark v. CCJT - Determination  
**Attachments:** Determination.pdf

Mr. Nolan:

Please find attached the Department's determination in the abovementioned campaign finance complaint filed against your client. If you have any questions, please do not hesitate to contact me.

**Adam Fracassi**  
Bureau of Elections