



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

May 16, 2018

Kris O. Mbah
2053 E. Centre Avenue
Portage, Michigan 49002

Re: *Mbah v. Randall*
Campaign Finance Complaint
No. 2018-01-008-41

Mbah v. Hoadley
Campaign Finance Complaint
No. 2018-01-007-41

Dear Mr. Mbah:

The Department of State (Department) acknowledges receipt of the complaints you filed against Patricia Randall and State Representative Jon Hoadley. In these complaints, you allege that contributions were made to Patricia Randall's campaign for mayor of Portage and that Jon Hoadley coordinated these contributions. You further allege that there was an agreement to transfer the funds. Your complaints allege violations of the Michigan Campaign Finance Act (MCFA or Act), MCL 169.241, and 169.271. This letter concerns the disposition of your complaints.

Your first claim raises allegations of MCL 169.271 which prohibits contributions from being made by a person to another person with the agreement or arrangement that the contribution will then be transferred to another candidate committee. "Person" means a business, individual, proprietorship, limited liability company, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly." MCL 169.211(2). For purposes of MCL 169.271, "candidate" is defined as "in a primary, a candidate for the office of governor and, in a general election, a candidate for the office of governor or lieutenant governor." MCL 169.203(e). The second claim alleges violations of MCL 169.241(3) and (4) which state that a contribution cannot be made "by any person in a name other than the name by which that person is identified for legal purposes." Subsection four creates a civil penalty for knowing violations of MCL 169.241.

In analyzing complaints filed, the Department analyzes the complaints in the light most favorable to the filing party. The Department has carefully reviewed your complaint and the evidence you have provided. First, your claims alleged pursuant to MCL 169.271 are dismissed because they

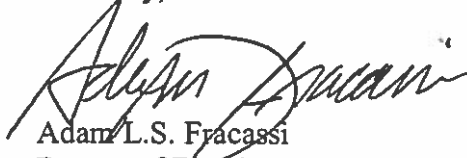
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are not brought against a candidate running for governor as is required by the MCFA. Because your complaints have been filed against a candidate running for the Mayor of Portage, Michigan, MCL 169.271 is not applicable.

Second, the claims brought under MCL 169.241 are also dismissed for lack of evidence sufficient to support a reason to believe that a violation of the MCFA has occurred. There is no evidence presented in the complaint establishing that a person made a contribution in a name other than his or her legal name.

Because the evidence submitted is insufficient to support a reason to believe that a violation of the Act has occurred, your complaints are dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L.S. Fracassi", written over the typed name.

Adam L.S. Fracassi
Bureau of Elections
Michigan Department of State

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2018 JAN 18 AM 10:33

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.*).

ELECTIONS GREAT SEAL

All information on the form must be provided along with an original signature and evidence.

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name	Kris O. Mbah	Daytime Telephone Number 269-389-9796
Mailing Address	2053 E. Centre Ave.	
City	State	Zip
Portage	MI	49002

Section 2. Alleged Violator		
Name	State Representative Jon Hoadley	
Mailing Address	P.O. Box 30014	
City	State	Zip
Lansing	MI	48909

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

Section(s) of the MCFA violated: 169.241, article (3). And 169271, section 71, article (1)

Explain how those sections were violated:

Jon Hoadley coordinated campaign contributions from his AZO PAC with

Jevin Weyenberg to contribute twice the individual allowable amount to

Patricia Randall's campaign for mayor of the City of Portage.

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

See Attached Documents:

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

Smbal

Signature of Complainant

11/6/17

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

Smbal

Signature of Complainant

11/6/17

Date

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

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

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

Evidence supporting allegations:

- Between November 24th, 2016 and July 22nd, 2016, Patricia Randall received \$1,000 (<http://docs.kalamazoo.mi.campaignfinance.us/26603.pdf>) from a Jevin Weyenberg, owner of the Lake Effect marijuana dispensary in Portage, MI.
- In May 2016, the Portage City Council approved a moratorium to allow for Jevin Weyenberg's marijuana dispensary to continue its operation despite being in violation of Portage City ordinance. Patricia Randall voted in support of the moratorium. Prior to 2015, Jevin Weyenberg had not contributed to any of Patricia Randall's political campaigns (http://www.mlive.com/news/kalamazoo/index.ssf/2016/05/portage_backs_six-month_medic.html) .
- Between October 22, 2016 to October 22nd, 2017, Patricia Randall returned Jevin Weyenberg's \$1,000 donation (<http://docs.kalamazoo.mi.campaignfinance.us/26589.PDF>) from July 2016. Jevin Weyenberg then later donates a sum of \$500 to Patricia Randall's campaign on September 26, 2017.
- Between September 27th, 2017 and October 17th, 2017, the day after donating the sum of \$500 to Patricia Randall's campaign, Jevin Weyenberg donates \$14,000 (<https://cfrsearch.nictusa.com/documents/448701/details/filing/contributions?schedule=1A&changes=0>) to State Representative Jon Hoadley's PAC, AZO PAC. These donates were comprised of three individual amounts (\$5,000, \$4,000, and \$5,000). Prior to 2017, Jevin Weyenberg had not contributed to AZO PAC.
- October 20th, 2017, Jevin Weyenberg makes a \$1,000 contribution (<https://cfrsearch.nictusa.com/documents/448918/details/filing/contributions?schedule=1A&changes=0>) to Jon Hoadley's political campaign (though Jon Hoadley is not currently campaigning).
- Also on October 20th, 2017, the same day as Jevin Weyenberg's donation to Jon Hoadley's political campaign, State Representative Jon Hoadley's AZO PAC donates \$2,000 (<https://cfrsearch.nictusa.com/documents/448701/details/filing/expenditures?schedule=1B&changes=0>) to Patricia Randall's campaign for mayor of Portage (twice the allowable amount for any individual and the largest donation given by AZO PAC this year).
- November 1st, 2017, AZO PAC announces State Representative Jon Hoadley's endorsement of Patricia Randall and her campaign for mayor of Portage (<https://www.facebook.com/AZOPAC/>) .

Links campaign finance report documentation (dates and times given in deposition):

54605 - CITIZENS TO ELECT PATRICIA M. RANDALL

<http://kalamazoo.mi.campaignfinance.us/iDocuments.php?iCommitteeID=3402&cmdOk=View+Campaign+Statements>

516478 - FRIENDS OF JON HOADLEY

<https://cfrsearch.nictusa.com/committees/516478>

517596 - AZO PAC

<https://cfrsearch.nictusa.com/committees/517596>

Michigan Campaign Finance Act Violations:

169.241 Single contribution of \$20.00 or expenditure of \$50.00; written instrument; anonymous contribution; contribution in name of another; violations; penalties.

Sec. 41. (1) A person shall not make or accept a single contribution of more than \$20.00 in cash or make or accept a single expenditure of more than \$50.00 in cash. Contributions of more than \$20.00 and expenditures of more than \$50.00, other than an in-kind contribution or expenditure, shall be made by written instrument containing the names of the payor and the payee.

(2) A person shall not accept or expend an anonymous contribution. An anonymous contribution received by a person shall not be deposited but shall be given to a tax exempt charitable organization. The charitable organization receiving the contribution shall provide the person with a receipt. The receipt shall be retained by an appropriate committee pursuant to section 22.

(3) A contribution shall not be made, directly or indirectly, by any person in a name other than the name by which that person is identified for legal purposes.

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

169.271 Prohibited contributions; violation; penalty.

Sec. 71. (1) A contribution shall not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) A candidate committee shall not make a contribution to another candidate committee. This subsection does not prohibit the purchase of tickets to another candidate committee's fund-raising event that does not exceed \$100.00 per candidate committee in any calendar year. A person who knowingly violates this section is guilty of a misdemeanor and shall be punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.