



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

June 6, 2018

Thomas Mitchell
40171 William Drive
Sterling Heights, Michigan 48313

Dear Mr. Mitchell:

The Department of State (Department) acknowledges receipt of the complaint you filed against Barbara Ziarko, alleging that she violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, 169.257. This letter concerns the disposition of your complaint.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The definition of expenditure includes "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 [.]" MCL 169.206(1). A person who knowingly violates this provision may be charged with a misdemeanor offense. MCL 169.257(4).

First, the claim against Ms. Ziarko regarding the omission of a zip code on her address has already been addressed in communication from this department dated June 5, 2018. Therefore, this claim is dismissed. Second, you alleged that Ms. Ziarko violated section 57 of the MCFA by listing her city email address on a campaign flyer.

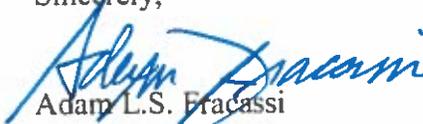
The mere writing of Ms. Ziarko's city email address on the campaign flyer does not give rise to a contribution or expenditure in violation of the MCFA. In order for a violation of section 57 to occur, city funds must be spent, or city equipment or resources must be used in furtherance of a candidate's nomination or election. No evidence has been provided that would allow the Department to determine if Ms. Ziarko's city email account has actually been used for campaign activity.

The evidence submitted does not show activity that could give rise to a violation of the MCFA. However, if you find evidence that Ms. Ziarko used city resources for campaign purposes, you may resubmit your complaint along with any newly discovered evidence.

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Accordingly, your complaint is dismissed without prejudice. We will retain your complaint and already-submitted evidence on file.

Sincerely,



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

Campaign Finance Complaint Form Michigan Department of State

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2017 OCT 18 PM 2:47
ELECTORAL/GREAT LAKES

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name THOMAS MITCHELL	Daytime Telephone Number 586 264 0186	
Mailing Address 40171 WILLIAM DR.		
City STERLING HEIGHTS	State MI	Zip 48313

Section 2. Alleged Violator		
Name BARBARA A. ZIARKO		
Mailing Address 13805 DEEPWOOD CT.		
City STERLING HEIGHTS	State MI	Zip 48312

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

Section(s) of the MCFA violated:

SEC 57 OF THE MCFA

Explain how those sections were violated:

MISUSE OF PUBLIC RESOURCES AS AN ELECTED CITY COUNCIL PERSON THE USE OF OFFICIAL CITY E-MAIL ADDRESS BEING USED FOR CAMPAIGN FLIER CONTACT AND NO ZIP CODE FOR COMMITTEE ADDRESS

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

PHOTO COPIES OF CURRENT CAMPAIGN FLIER WITH OFFICIAL CITY E-MAIL ADDRESS FOR CONTACT INFO - SEE ALSO NO ZIP CODE FOR COMMITTEE ADDRESS

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

Thomas Mitchell
Signature of Complainant

10-10-17

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

Signature of Complainant

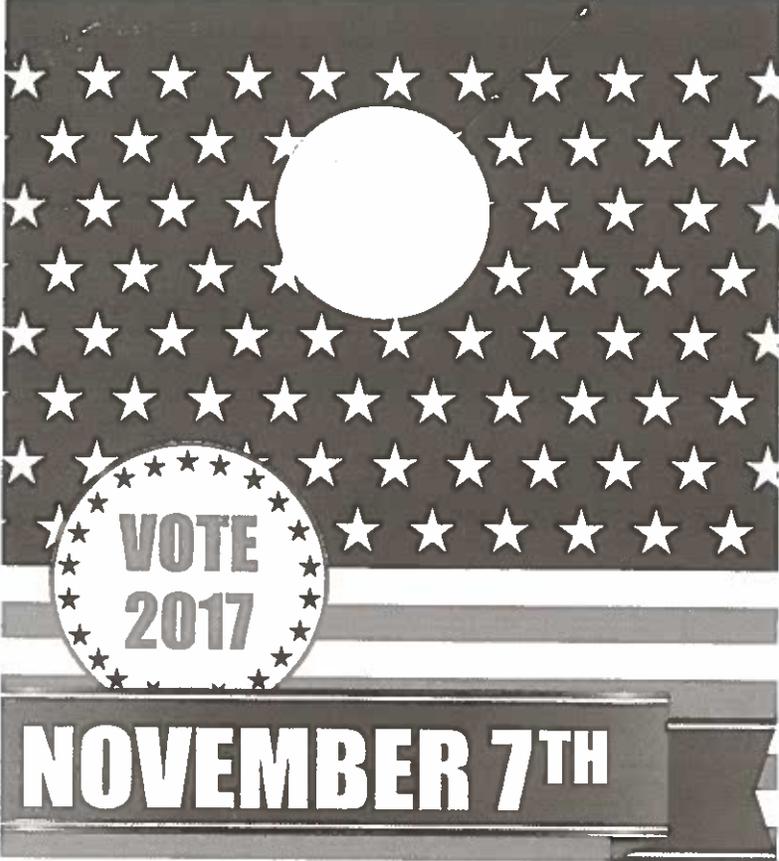
Date

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

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

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

SIDE ONE



NOVEMBER 7TH

Re-Elect Mayor Pro Tem
Barbara A. Ziarko



Common Sense
Candidate

Serving the residents
of Sterling Heights
since 2001



Paid for by the Committee to Elect Barbara A. Ziarko
 13805 Deepwood Ct, Sterling Heights, MI 586 939-0332

← NO ZIP CODE

**The City of Sterling Heights has survived
the financial crisis of the past 9 years.**

**WE'VE WORKED TOGETHER
Residents, City Council, and City Employees
to CREATE a more COST EFFECTIVE
government.**

**My commitment to public safety was
RE-ENFORCED when residents APPROVED
the Safe Streets millage to REPLACE
retiring policemen and firefighters
and fix our local roads.**

**The PASSAGE of the
ReCreating Recreation millage insures
a VIBRANT future for all of us.**

KEEP THE MOMENTUM GOING

Re-Elect Mayor Pro Tem

Barbara A. Ziarko

Working in the best interest of ALL residents since 2001

**bziarko@sterling-heights.net
810-449-5408**

← CITY E-MAIL

**Please vote by absentee ballot or at the polls on
Election Day, Tuesday, November 7th.**