

## Campaign Finance Complaint Form Michigan Department of State

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SEAL

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

**Please print or type all information.**

I allege that the MCFA was violated as follows:

<b>Section 1. Complainant</b>		
Your Name Jon-Paul Rutan	Daytime Telephone Number 517-320-1383	
Mailing Address 2228 Pondbrooke Dr.		
City Hillsdale	State MI	Zip 49242

<b>Section 2. Alleged Violator</b>		
Name CITIZENS SUPPORTING SHERIFF'S MILLAGE C/O Travis Sheerer		
Mailing Address 246 E. Chicago St.		
City Jonesville	State MI	Zip 49250

<b>Section 3. Alleged Violations (Use additional sheet if more space is needed.)</b>
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Section(s) of the MCFA violated:  
MCL169.247 Sec 47 (1)

**Explain how those sections were violated:**

There is no address of the PAC on the yard signs, nor a statement identifying that the signs were paid for using

"regulated funds."

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

**Section 4. Certification (Required)**

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

X

  
Signature of Complainant

4/27/2019  
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

## COMPLAINT PROCESS

Section 15 of the MCFA governs the filing and processing of complaints. If you believe someone has violated the MCFA, you may file a written complaint. The complaint **must** include all of the following:

- Your name, address and telephone number.
- The alleged violator's name and address.
- A description in reasonable detail of the alleged violation, including the section or sections of the MCFA you believe were violated, an explanation of how you believe the MCFA was violated, and any other pertinent information.
- Evidence which supports your allegations.
- A certification that:

*To the best of your knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.*

- If after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, you may also certify that:

*To the best of your knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.*

- Your signature immediately after the certification or certifications.

**WARNING:** Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(16) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to \$1,000.00.

A complaint may be dismissed if any required information is not included, or if the complaint is determined to be frivolous, illegible, or indefinite. All parties are notified of dismissed complaints.

When a complaint meets the above requirements, the Department notifies the alleged violator that a complaint has been filed and provides a copy of the complaint. The alleged violator will have an opportunity to file a response. The complaint filer will have an opportunity to file a rebuttal to any response. All parties receive periodic reports concerning the actions taken by the Department on a complaint.

If the Department finds no reason to believe that the allegations are true, the complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

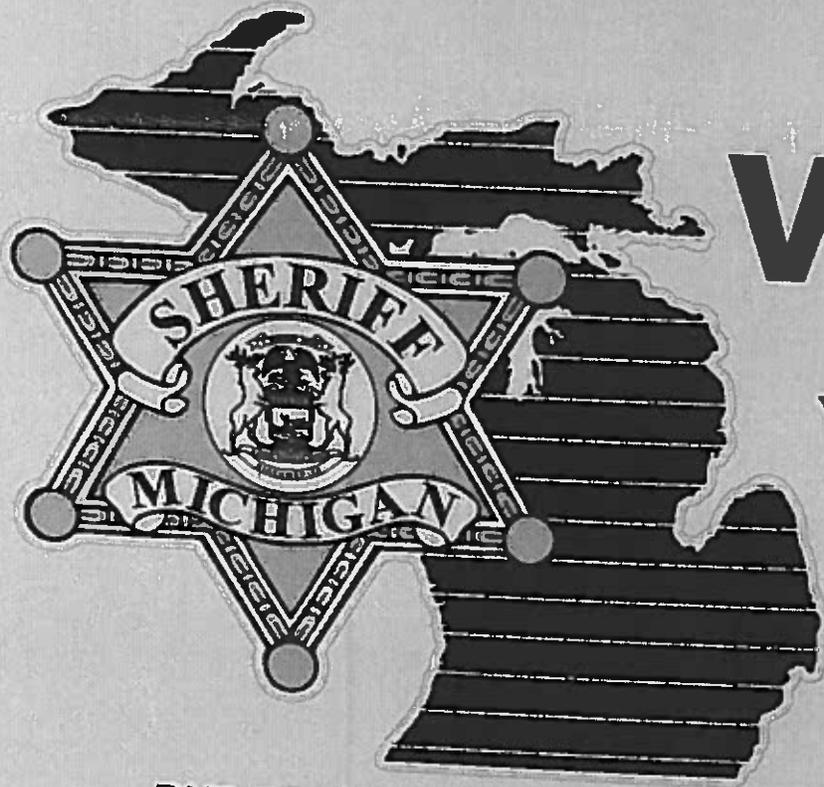
If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

Accepted complaints and all supporting documentation including responses and rebuttal statements are made available on the Department's website as required by the MCFA at the conclusion of the process.

Questions? Contact us at:

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918  
Phone: 517-335-3234  
Email: [Disclosure@Michigan.gov](mailto:Disclosure@Michigan.gov)

SUPPORT YOUR  
SHERIFF'S OFFICE



VOTE

YES

MAY 7<sup>TH</sup>

PAID FOR BY CITIZENS SUPPORTING SHERIFF'S MILLAGE



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

May 6, 2019

Citizens Supporting Sheriff's Millage  
C/O Travis Sheerer  
246 East Chicago Street  
Jonesville, Michigan 49250

Re: *Rutan v. Citizens Supporting Sheriff's Millage*  
Campaign Finance Complaint  
No. 2019-05-13-47

Dear Mr. Sheerer:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). In addition, each identification statement shall indicate that the printed matter is "paid for 'with regulated funds.'" MCL 169.247(4). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Submitted with the complaint was a picture of a yard sign that appears to violate MCL 169.247. The sign says, "SUPPORT YOUR SHERIFF'S OFFICE VOTE YES MAY 7<sup>TH</sup>." The Department notes that the picture was cut off.

Upon review, it appears that the disclaimer is omitted entirely from these campaign materials and the address fails to contain the full and complete address in violation of MCL 169.247. Accordingly, the Department determines that there is sufficient evidence to support the conclusion that a potential violation of the Act has occurred.

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

Given this, the Department is hereby advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee and the statement "with regulated funds."<sup>1</sup>

Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement. For all materials currently in circulation that refer to your candidacy, the paid for by statement must be corrected/included. If this information has been included on your website or campaign flyers, please provide this office evidence demonstrating the proper paid for by statements.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department considers the instant action closed and resolved.

Sincerely,



Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Jon-Paul Rutan

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<sup>1</sup> For additional information and resources on identification requirements under the Act, please see the Department's manual on identification requirements:

<https://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixJ>.