



Michigan Department of State

Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

2020 AUG 12 PM 1:51

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant			
Your Name <i>Brad Barvelst</i>		Daytime Telephone Number <i>810 841 5105</i>	
Mailing Address <i>517 E. Main St</i>			
City <i>Flushing</i>	State <i>MI</i>	Zip <i>48433</i>	
Email (optional)			

Section 2. Alleged Violator			
Name <i>Seth Neblock</i>			
Mailing Address <i>444 Crestview Dr</i>			
City <i>Flushing</i>	State <i>MI</i>	Zip <i>48433</i>	
Email (optional)			

Section 3. Allegations (Use additional sheets if more space is needed.)

Section(s) of the MCFA alleged to be violated: *MCL 169.247*

Explain how those sections were violated:

*failure to include address of
the person paying for the yard signs*

Evidence included with the submission of the complaint that supports the allegations:

picture of yard sign / artwork
Resubmit: No 2020-07-83-47

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

Brook Barnett

Signature of Complainant

8/6/2020

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may 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.

Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

Elect

Seth

Neblock

FLUSHING CITY COUNCIL

Let's Work Together

PHOTO BY JEFFREY M. ROSEN FOR THE NEW YORK TIMES

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FLUSHING CITY COUNCIL

Let's Work Together

The Council of the City of New York, for Flushing City Council, 1984-1985





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

2020 AUG 12 PM 1:51

July 28, 2020

Brad Barrett
517 E. Main Street
Flushing, MI 48433

Re: *Barrett v. Neblock*
Campaign Finance Complaint
No. 2020-07-83-47

Dear Mr. Barrett:

The Department of State (Department) has received the formal complaint you filed against Seth Neblock which alleges violations of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials.

With the complaint, you submitted a copy of a picture of the complaint. However, the entire picture of the yard sign has been omitted. Without the entire picture, the Department cannot render a determination.

Therefore, the Department dismisses the complaint without prejudice. You may resubmit your complaint with a copy of the entire yard sign, should choose.

Sincerely,

Adam Fracassi
Bureau of Elections
Michigan Department of State



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

August 14, 2020

Seth Neblock
444 Crestview Drive
Flushing, MI 48433

Re: *Barrett v. Neblock*
Campaign Finance Complaint
No. 2020-08-137-47

Dear Mr. Stimpson:

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. A copy of the complaint is enclosed.

The complaint was submitted to the Department on August 12, 2020 and alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint.

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). 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).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The yard sign specifically states "Elect Seth Neblock Flushing City Council" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committee, the signs are covered by the ambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the signs have completely omitted the required address in the paid for by statement. Since this is absent, the evidence supports the conclusion that a potential violation has occurred.

After 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

David Stimpson
August 14, 2020
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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 concludes that a formal warning is a sufficient resolution to the complaint and 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.

Note that all printed materials referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department’s conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

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).

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", with a stylized flourish at the end.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: William Swift