



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

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING – 1<sup>st</sup> Floor  
 430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

RECEIVED/FILED  
 MICHIGAN DEPT OF STATE

2020 JUL 14 AM 10:11

NOTATIONS/GREAT SEAL

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	Joe DiSano		Daytime Telephone Number
517-974-8352			
Mailing Address	5859 W. Saginaw #309		
City	State	Zip	
Lansing	MI	48917	
Email (optional)	joe@joedisano.net		

Section 2. Alleged Violator			
Name	Tom Smyly		
Mailing Address	737 Satterlee Rd.		
City	State	Zip	
Bloomfield Hills	MI	48304	
Email (optional)	smylyhomes@gmail.com		

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

Section(s) of the MCFA alleged to be violated: MCL 169.247 Sec. 47

Explain how those sections were violated:

*Respondent is a candidate for Bloomfield Township Clerk. His campaign website (www.electtomsmly.com) lacks any disclaimer (as required by the Act) indicating the party responsible for the expenditure for the website (screenshots provided).*

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

www.electtomsmly.com - see attached screenshots

**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

Joe Orlano  
Signature of Complainant

June 18, 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:*

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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

The Bloomfield Township Clerk position is essential to help the township function in a variety of ways. The Clerk's Office provides support services across a broad spectrum including voter registration, elections, record requests, passports, FOIA requests, notary, neighborhood association contact information, and liquor licenses.

- REGISTER TO VOTE! >>
- PERMANENT ABSENTEE VOTER APPLICATION >>
- POLLING LOCATIONS & PRECINCTS >>

Additionally, the Bloomfield Township Clerk maintains the minutes and also casts one of the seven votes at Bloomfield Township Board Meetings along with the Supervisor, Treasurer, and four Trustees.



CAMPAIGNBUZZ

March 26, 2020  
Township Tunes

Now that the general operating millage has passed in Bloomfield Township, Bloomfield Township police officer Terry Smyly is considering his next job. Like becoming township clerk in 2020 after incumbent clerk Jan Feneck calls in a career as a cleric after 46 years in Bloomfield. Smyly, a Republican, has been a township police officer for over 10 years, lives in Bloomfield Township, and has three kids in Bloomfield Hills Schools. "I pay my own salary," he joked. He's also a local teacher and president of his homeowners association. "I know the area very well, from my job and as a resident. I understand the community," Smyly said. "I rub shoulders with people everyday." He thinks he'll do well as clerk because he's a multi-talented and good with customer service. "I treat everyone with respect," he said.

<http://www.bloomfieldtownship.com/blog-post/2020/03/26/TOWNSHIP-TUNES>

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joined the University of Michigan in Ann Arbor and received her M.A. in Psychology in 2009. She worked for the University of Michigan for 10 years, serving in various capacities.

In the summer of 2007, she moved to Bloomfield Hills and joined the Bloomfield Hills Police Department. She worked for the department for 10 years, serving in various capacities. She was promoted to sergeant in 2017 and worked for the department for 3 years.

Throughout her 10-year career, she has worked for the department in various capacities. She has worked for the department in various capacities. She has worked for the department in various capacities. She has worked for the department in various capacities.

She is currently working for the Bloomfield Hills Police Department. She is currently working for the Bloomfield Hills Police Department. She is currently working for the Bloomfield Hills Police Department.

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

July 24, 2020

Tom Smyly  
737 Satterlee Road  
Bloomfield Hills, MI 48304

Re: *DiSano v. Smyly*  
Campaign Finance Complaint  
No. 2020-07-63-47

Dear Mr. Smyly:

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 and alleges that your website fails to contain a proper paid for by statement.

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 website 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).

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 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.*

Tom Smyly  
July 24, 2020  
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As of the date of this letter, the address appears on the bottom of the webpage. 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". The signature is stylized and cursive.

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

Enclosure  
c: Joe DiSano