



Michigan Department of State
Campaign Finance Complaint Form

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

RECEIVED
MICHIGAN DEPT. OF STATE
JAN 20 AM 11:10

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 Paul Foust		Daytime Telephone Number 269-370-2185	
Mailing Address 8561 East D Avenue			
City Richland	State MI	Zip 49083	
Email (optional)			

Section 2. Alleged Violator			
Name Bear Priest			
Mailing Address 7401 North 32nd St.			
City Richland	State MI	Zip 49083	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: **24**

Explain how those sections were violated:

Bear Priest has held the office of Township Clerk since 2019 and has never filed a statement of organization. His previous filings only pertain to the previous office he held: Township Trustee. He is not in compliance with the MCFA.

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

Attached FOIA from the Kalamazoo County Clerk. (Two pages)

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

Paul Foerst
Signature of Complainant

04-16-2020

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





Kalamazoo County

[Begin a New Search](#)[View Campaign Statements](#)[Return to Search Results](#)

Committee Details

Committee ID: 54791

Committee Name: BEAR PRIEST FOR RICHLAND TOWNSHIP TRUSTEE

Committee Type: CANDIDATE

Formation Date: 07/19/2012

Status: Dissolved

Dissolution Date: 08/01/2015

Has Waiver: Yes

Candidate: PRIEST, BEAR

Jurisdiction: RICHLAND TWP

Office: TRUSTEE

Political Party: NON-PARTISAN

Committee Address: 6272 STURBRIDGE DRIVE
KALAMAZOO, MI 49004

Telephone: (269) 349-9979

Mailing Address: 6272 STURBRIDGE DRIVE
KALAMAZOO, MI 49004Treasurer: PRIEST, BEAR
6272 STURBRIDGE DRIVE
KALAMAZOO, MI 49004

Telephone: (269) 349-9979

[Begin a New Search](#)

Tools For Transparency for Michigan Counties

All Software is © 2011-2020, Campaign Finance US, LLC



Kalamazoo County

[Begin a New Search](#)[View Campaign Statements](#)[Return to Search Results](#)

Committee Details

Committee ID: 54949

Committee Name: BEAR PREIST FOR TRUSTEE

Committee Type: CANDIDATE

Formation Date: 03/04/2016

Has Waiver: Yes

Candidate: PRIEST, BARRET G

Jurisdiction: RICHLAND TWP

Office: TRUSTEE

Political Party: REPUBLICAN

Committee Address: 6272 STURBRIDGE DR.
KALAMAZOO, MI 49004

Telephone: (269) 377-1710

Mailing Address: 6272 STURBRIDGE DR.
KALAMAZOO, MI 49004Treasurer: PRIEST, BEAR
6272 STURBRIDGE DR.
KALAMAZOO, MI 49004

Telephone: (269) 377-1710

[Begin a New Search](#)

Tools For Transparency for Michigan Counties

All Software is © 2011-2020, Campaign Finance US, LLC



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

June 17, 2020

Bear Priest
7401 North 32nd Street
Richland, Michigan 49083

Re: *Foust v. Priest*
Campaign Finance Complaint
No. 2020-04-22-24

Dear Mr. Priest:

The Department of State (Department) received a formal complaint filed by Paul Foust against you alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

The MCFA requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

Mr. Foust alleges that you have been Township Clerk since 2019 and have failed to file a statement of organization or any additional reports with the Kalamazoo County Clerk's Office.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the

corresponding administrative rules, R 169.51 *et seq.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department's website.

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. Your response may also be sent via email to Elections@Michigan.gov to my attention.

If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Mr. Foust, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State
P.O. Box 20126
Lansing, MI 48901

c: Paul Foust

Fracassi, Adam (MDOS)

From: SOS, Elections
Sent: Monday, June 22, 2020 2:23 PM
To: Fracassi, Adam (MDOS)
Subject: CF Complaint 2020-04-22-24 Bear Priest

From: Bear Priest <bpriest@richlandtwp.net>
Sent: Monday, June 22, 2020 2:17 PM
To: SOS, Elections <Elections@michigan.gov>
Subject: Attn: Adam Fracassi

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Adam,

I write in response to your letter dated June 17, 2020. Campaign Finance Complaint No. 2020-04-22-24

In response, I was appointed Clerk of Richland Township in January 2019. I did not run for the office nor did I campaign for appointment. So until I registered to run for Clerk in 2020, no campaign committee existed.

Upon registering for the August 2020 State Primary I did speak with Tim Snow, Registrar of Deeds Kalamazoo County, he informed me my previous Campaign Committee (#54949) was still valid. I did submit to him via US Mail a request to amend the name and office being sought on April 22, 2020. (Photo attached.)

Upon receipt of your letter, it did look up my Committee on Kalamazoo County's website and noticed the Committee name had not been amended, thus I hand delivered another copy of the form mailed in April today.

This link to Kalamazoo County's website lists my position being sought as Clerk for my Committee #54949.
<https://kalamazoo.mi.campaignfinance.us/iCommitteePortal.php?iCommitteeID=3958>

In 2016 when I registered my Committee, I did request a reporting waiver. So the allegations that I have not submitted required reporting are without merit.

Also, this complaint is dated 4-16-2020. I did not submit my affidavit for office until the day before April 15, 2020.

Please feel free to contact me with any questions.

Sincerely,
Bear Priest
Clerk
Richland Township
269-629-4921



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

1. Committee ID #: 54949

*3. Full Name of Committee (not
Committee to elect Bear Priest

*4a. Candidate Full Name: Last N

*4b. Political Party (if applicable)

*4c. Office Sought: Clerk



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

July 1, 2020

Paul Foust
8561 East D Avenue
Richland, MI 49083

Dear Mr. Foust:

The Department of State received a response to the complaint you filed against Bear Priest, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Bear Priest

Paul Foust
8561 East D Avenue
Richland, MI 49083

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2020 JUL 20 PM 3:50
ELECTIONS/GREAT SEAL

July 11, 2020

Michigan Bureau of Elections
430 W. Allegan St.
Lansing, MI 48918

Re: Rebuttal Statement — Foust v. Priest Campaign Finance Complaint

To Whom It May Concern:

After reading the statement put forth by Mr. Priest, I would like to offer the following rebuttals:

- * Mr. Priest claims he filed for election on 4/15/20. Kalamazoo County records clearly show that he filed on 4/14/20, meaning his amended Statement of Organization would be due ten days later on 4/24/20. County records clearly show that Mr. Priest never filed any such document with the county until 6/22/20.
- * Mr. Priest was clearly out of compliance with the Michigan Campaign Finance Act from April 25, 2020 until June 21, 2020.
- * The prescribed fine for being out of compliance is \$10 per day, maximum of \$300, to be paid to the County Clerk of the candidate's residence.
- * With over 50 days of non-compliance, the fee that should be assessed to Mr. Priest is \$300.
- * I think Mr. Priest and I are both in agreement that he, since my complaint was filed, has begun to bring himself in line with the MCFA standards. His last step to attain total compliance would be to pay his \$300 fine to Kalamazoo County Clerk Tim Snow.

Paul Foust
Paul Foust
(269) 370-2185



Kalamazoo County

[Return to Committee Details](#)

54949 - BEAR PREIST FOR TRUSTEE

Document	Received	Due	Pages
Stmt of Organization (Amended)	06/22/20	-	1 View
Stmt of Organization - 08/02/2016 Primary Election	03/15/16	04/15/16	1 View



Tools For Transparency for Michigan Counties

All Software is © 2011-2020, Campaign Finance US, LLC



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE COMMITTEES FILED WITH A COUNTY CLERK
Information on this form is made public.

1. Committee ID #: 54949		*2. Type of Filing: <input type="checkbox"/> Original: <input checked="" type="checkbox"/> Amendment to Items:		Eff. Date: 4/21/2020
*3. Full Name of Committee (must include Candidate's first and last name): Committee to elect Bear Priest				
*4a. Candidate Full Name: Last Name Priest		First Name Bear		M.I.
*4b. Political Party (if applicable): Republican Party		*4c. County of Residence: KALAMAZOO		
*4d. Office Sought: Clerk		*4e. District or Jurisdiction: Richland Township		
*5. Date Committee was Formed: 03/04/2016				
*6a. Committee Phone: 269-377-1710		6b. Committee Fax #:		
*6c. Committee Email Address:		6d. Committee Website Address:		
*7a. Complete Committee Mailing Address (May be PO Box): 6272 Sturbridge Drive, Kalamazoo, MI 49004				
*7b. Complete Committee Street Address (May not be PO Box): 6272 Sturbridge Drive, Kalamazoo, MI 49004				
*8. Treasurer Name and Complete Residential Address: Bear Priest		<div>RECEIVED</div> <div>JUN 22 2020</div> <div>Kalamazoo County Elections</div>		
Phone #: 269 377-1710				
9. Designated Record Keeper Name and Complete Address: Bear Priest		<div>RECEIVED</div> <div>JUN 22 2020</div> <div>Kalamazoo County Elections</div>		
Phone #: 269-377-1710				
*10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.				
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address): Consumer's Credit Union, Kalamazoo, MI Secondary Depository (name and address):				
12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)				
*Candidate:		Date: 4/21/20	*Current Treasurer:	
*Designated Record Keeper (if Applicable):		Date: 4/21/20		

OSHTEMO TOWNSHIP TRUSTEE (4)	Mary	Ann	Heffernan	2551 Fairgrove Street	Kalamazoo	MI	49009	R
OSHTEMO TOWNSHIP TRUSTEE (4)	David		Nieuwenhuis	1972 South 9th Street	Kalamazoo	MI	49009	R
PAVILION TOWNSHIP SUPERVISOR	John	R.	Speeter	8470 Greenfield Shores	Scotts	MI	49088	R
PAVILION TOWNSHIP CLERK	Karen	Emily	Siegwart	7321 East T Avenue	Scotts	MI	49088	R
PAVILION TOWNSHIP TREASURER	Robyn		Maxson	8488 S. 35th Street	Scotts	MI	49088	R
PAVILION TOWNSHIP TRUSTEE (2)	Edward	J.	Cagney	7439 East PQ Ave.	Scotts	MI	49088	R
PAVILION TOWNSHIP TRUSTEE (2)	Gregory		Thomas	8725 E. Long Lake Drive	Scotts	MI	49088	R
PRAIRIE RONDE TOWNSHIP SUPERVISOR	Michael	J.	Tomlinson	13740 South 8th Street	Schoolcraft	MI	49087	R
PRAIRIE RONDE TOWNSHIP CLERK	Dale	L.	Smith	16020 South 2nd Street	Schoolcraft	MI	49087	R
PRAIRIE RONDE TOWNSHIP TREASURER								
PRAIRIE RONDE TOWNSHIP TRUSTEE (2)	John		Chapin	5630 West VW Avenue	Schoolcraft	MI	49087	R
PRAIRIE RONDE TOWNSHIP TRUSTEE (2)								
RICHLAND TOWNSHIP SUPERVISOR	Lysanne		Harna	8727 North 27th Street	Richland	MI	49083	R
RICHLAND TOWNSHIP CLERK	Bear		Priest	6272 Sturbridge Drive	Richland	MI	49083	R
RICHLAND TOWNSHIP TREASURER	Marsha		Drouin	9207 East DE Avenue	Richland	MI	49083	R
RICHLAND TOWNSHIP TRUSTEE (4)	Nicole		Speedy	8901 East DE Avenue	Richland	MI	49083	D
RICHLAND TOWNSHIP TRUSTEE (4)	Loyal		Eldridge III	10990 N. Interlaken Drive	Richland	MI	49083	R
RICHLAND TOWNSHIP TRUSTEE (4)	Paul		Foust	8561 East D Avenue	Richland	MI	49083	R
RICHLAND TOWNSHIP TRUSTEE (4)	Bill		Peter	10220 North 30th Street	Richland	MI	49083	R
RICHLAND TOWNSHIP TRUSTEE (4)	David		Wendzel	8876 East DE Avenue	Richland	MI	49083	R
ROSS TOWNSHIP SUPERVISOR	Robert		Baker	10701 N. 42nd Street	Hickory Corners	MI	49060	R
ROSS TOWNSHIP CLERK	Alex		Harris	868 LaBelle Terrace	Richland	MI	49083	R
ROSS TOWNSHIP CLERK	Linda		Walters	7229 Pin Oak Circle	Augusta	MI	49012	R
ROSS TOWNSHIP TREASURER	Cynthia	M.	Genung	504 W. Jefferson St.	Augusta	MI	49012	R
ROSS TOWNSHIP TRUSTEE (4)	Michael		Bekes	7315 Donald Ross Dr.	Augusta	MI	49012	R
ROSS TOWNSHIP TRUSTEE (4)	Lynn	M.	Harmon	16190 East Augusta Drive	Augusta	MI	49012	R
ROSS TOWNSHIP TRUSTEE (4)	Diana	D.	Langshaw	14625 East C Avenue	Augusta	MI	49012	R
ROSS TOWNSHIP TRUSTEE (4)	David		Senkewitz	16288 East CD Ave.	Augusta	MI	49012	R
ROSS TOWNSHIP TRUSTEE (4)	Mike		Sulka	7031 North 48th Street	Augusta	MI	49012	R
SCHOOLCRAFT TOWNSHIP	Donald	K.	Ulish	12044 Oakland Drive	Schoolcraft	MI	49087	R
SCHOOLCRAFT TOWNSHIP CLERK	Virginia	M.	Mongreig	16895 South 16th St.	Vicksburg	MI	49097	R
SCHOOLCRAFT TOWNSHIP	Teresa	A.	Scott	11656 S. Shaver Road	Schoolcraft	MI	49087	R



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

July 24, 2020

Bear Priest
7401 North 32nd Street
Richland, MI 49083

Re: *Foust v. Priest*
Campaign Finance Complaint
No. 2020-05-22-24

Dear Mr. Priest:

This letter concerns the complaint that was recently filed against you, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. The complaint remains under investigation at this time.

If the Department needs more information, you may be contacted. The complaint will remain under investigation until a final determination has been made. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Paul Foust



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

October 14, 2020

Paul Foust
8561 East D Avenue
Richland, MI 49083

Re: *Foust v. Priest*
Campaign Finance Complaint
No. 2020-04-22-24

Dear Mr. Foust:

The Department of State (Department) has concluded its investigation into the formal complaint you filed against Bear Priest alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the Disposition of the complaint.

Your complaint alleges that Mr. Priest has been Township Clerk since 2019 and failed to file a statement of organization or any additional reports with the Kalamazoo County Clerk's Office.

Mr. Priest responded and indicated that he was appointed in 2019 and did not become a candidate for clerk until registering to run in 2020. He further indicated that he had an active committee as trustee, and did not amend the committee report until June of 2020.

You submitted a rebuttal and indicated that the reports appeared to be accurate now, and that Mr. Priest should be required to pay a late filing fee totaling \$300.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

The Department concludes that the evidence is insufficient to support the conclusion that a potential violation has occurred. Under the Act, an individual is not considered to be considered a candidate merely by being appointed to office. MCL 169.220(1)(d). It is not until that individual receives contributions, makes expenditures, or files to run for office that the individual becomes a candidate and MCFA reporting obligations are triggered. MCL 169.203(1). Given that Mr. Priest was appointed in January 2019 and did not file to run for office until April 14,

2020, the statement of organization and any subsequent reports were not required to be filed until *after* that date.

Finally, you have indicated that late filing fees are owed because the amendment to the campaign committee did not come until June 2020. Please note that late-filing fees are assessed and collected by the filing official with whom the statements are filed. MCL 169.217(1). Any questions regarding these late-filing fees should be directed to the Kalamazoo County Clerk.

Accordingly, the Department determines that the evidence is insufficient to support the conclusion that a potential violation has occurred. Therefore, the Department's file on this matter is now closed and no further enforcement action will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State
P.O. Box 20126
Lansing, MI 48901

c: Bear Priest