

## Vote Rose for President

## Vote Portell for Clerk

### DID YOU KNOW...???

- John has not been in the village office during office hours for over a year.
- Both John and Steve held Mary Portell Captive in her office against her will after the June 2017 meeting (this is verified on the official July 2017 meeting minutes available on the village website) resulting in the removal of her office door for her safety.
- Have you gotten an ordinance ticket? Chances are John or Steve were on your property after dark looking for a reason to cite you.
- They spread multiple rumors like the one about a village resident harassing women at Papa P's and the Village Pavilion- this was false as the accused was actually away at basic training during this time.
- Did you know that Steve Buckner owns a business called Airsource, LLC (also known as Fabworks)? A quick visit to the Michigan Entity Search online will verify not only he is the sole owner, but that his business has been listed as "not in good standing" since 2010. Is that really who you want as clerk, someone who fails to comply in HIS OWN business?
- John has spent thousands of taxpayer dollars in discussions with the village attorney on topics of personal vendettas and matters the public should have a voice in; Multiple phone calls over individuals property and new construction-even after zoning approvals; He wants to make the clerk and treasurer positions appointed by the president NOT elected by voters; He wants to eradicate the board of zoning appeals. The village also "sits on" nearly \$200,000.00 of taxpayer monies that should be going to improve and promote our village (why not put it into parks, put restrooms at the ball creek park).
- Neither believe in due process-instead of due process, our zoning administrator receives texts, emails and phone calls all hours of the day demanding citations be issued. In 2018, John demanded a citation be given to the township clerk and a neighbor in the village for "violations" that indeed were not ordinance violations (zoning administrator Kaminski verified the residents were not in violation and refused to write the tickets).
- John runs the Kent City Fall festival with no accountability. As a matter of fact, review the Michigan Entity Search, Kent City Fall Festival does not exist. All the banking is done on the Kent City Chamber of Commerce account, although the chamber officially and legally dissolved in 2006. This means there is NO TAX ID number for the fall festival (another nonprofit entity cannot "transfer" a tax ID to another nonexistent entity). This also means that without the Festival being a legal entity, soliciting donations for the fall festival is illegal as there is clearly no tax ID number. Tax fraud, check fraud, illegal solicitation, operating a nonprofit organization that DOES NOT EXIST. Where does the money go? Paid in cash? Where does that cash come from, it should at a minimum flow through the bank account. This is a matter that has actually caught the investigative attention of the Kent County Sheriff's office and Michigan Attorney General's office.

## Vote Rose for President

## Vote Portell for Clerk

- Steve Buckner doesn't actually want the clerk's position. His intent is to get elected, resign his seat, statutorily making it open for appointment by the president, at which time he'll attempt to regain his seat on the council, all while undermining the voters confidence.
- At the October 2018 Council Meeting, Steve Buckner (on record) read a political statement slandering Mary Portell, Bert Rose, Dennis Kaminski and Jill Krilke in promotion of his own campaign for village clerk. Under election law this is illegal and is actually a misdemeanor. A report has been filed and Steve Buckner is currently under investigation by the election bureau for this misdemeanor violation.
- Both have made unfounded and unverifiable accusations towards multiple residents of the village, including council members who oppose them. This is a "good ole boys" club, if you want to live YOUR life in YOUR village, it's time to Flush the John and get the Buck out. If they get reelected, you will find yourself living YOUR life in THEIR village.

Kent County has no record of this complaint. They stated possibly it was investigated by campaign finance. (Do you have a record of this? Is this true?)

Remember, November 6<sup>th</sup>, you have the power to make a difference. Vote Rose for President and Portell for Clerk and help put an end to the harassment, threats, slander and intimidation. Help stop the illegal, immoral and unethical practices that are slowly damaging our once vibrant and growing village on the ridge.

Sincerely,

Kent City Voters for Transparency

This communication was compiled with verifiable fact finding by a group of active concerned Kent City residents. We are eager to see honesty and transparency in the village office and that cannot happen with Petruska and Buckner "running the show." Mary has proved, over 35 years, her level of integrity, as has Bert.

Notice: This letter has been compiled by private citizens within the village and is not endorsed or approved by the candidates supported herein.



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DATE: May 10, 2019  
TO: Bert Rose, Mary Portell  
FROM: Greg Goss

At the regular monthly meeting of the Village Trustees last night (5/9/2019) I was made aware of a campaign Finance Complaint filed with the State of Michigan by Steve Buckner. I wish to clarify two items in that complaint, #3 & #5 as well as a handwritten note in section 5.

A couple months ago, I do not recall the exact date, Mr. Buckner called me and expressed concern that the Village was planning to replace the copy machine. He alleged that copies of a campaign document may have been made on that machine and he stated that the hard drive on the machine would contain evidence of those copies. He wanted to make sure the hard drive was preserved. I told him I did not believe such evidence would exist, but he needn't worry because the Council had voted to put a new copier in next year's budget and stick with the existing machine for now.

He also indicated that he was told the Village computers were being replaced in an effort to destroy evidence. I told him that we have routinely replaced the desktop computers every 4 years and this year is the normal year for that upgrade, however, we were looking at the whole computer system to get away from our peer to peer network and upgrade to a domain-based server. I told him that we were looking at updating the RAM in the two desktops, changing out the SCSI hard drives for SSD drives and moving all the data to redundant hard drives on the server. He was concerned about what would become of those old hard drives and I told him they would be preserved for FOIA purposes.

In his complaint, Mr. Buckner stated that I told him that I have knowledge of illegal document production and duplication. I do not have a key to the Village office, I do not have alarm codes and I do not have passwords for the computers. I have not seen, nor have I attempted to see, any digital evidence of any kind that would either affirm or refute his claims. I regret that he construed from our conversations that I was in possession of materials which would support his allegations.

The salient facts are these:

- At the time the letter(s) were produced and distributed I was on an extended vacation to the East Coast. I did not return until October 12, 2018. Because of that extended vacation, I had resigned from the Council in May 2018. I won election in November 2018 and returned to the Council at the December 2018 meeting.
- The individuals named in the complaint did not initiate the plan to replace the computers, the hard drives or the copy machine. The IT committee, of which I am a member, recommended those actions.
- Preserving the hard drives was not motivated by any evidentiary purpose, it was because of the Freedom of Information Act. The removed drives are in the possession of the Village's IT supplier, Shorecomm WM LLC.
- I have no knowledge or evidence of any illegal activity by any individual.



Exhibit E:  
Text Message From  
Bert Rose

B

Bert Village &gt;

*Bert Rose*  
Meet me tomorrow  
morning 7.30 at office if  
you can or call this  
number now

*Steve*  
See U in the morn.

*Bert*  
Ok

Thu, Mar 28, 7:55 AM

*Bert*  
Found the letter I  
handed

*Steve*  
Can you take a pick and  
send it to me?



Text Message





*Red*



*Steve*

I was on the road today.  
I see there is only 2 of 3  
sent. Is there another  
page?

5:07 PM

2 of 3

MMS 8:22 AM



Enter message



Dear



MMS 6:03 PM



Thanks. The first two are kinda blurry. Can you resend maybe? Or could I see them myself sometime. This might be a different letter.

6:07 PM

Steph



Enter message



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

May 24, 2019

Steve Buckner  
223 North Main Street  
Kent City, Michigan 49330

Re: Buckner v. Rose, et al  
Campaign Finance Complaint  
No. 2019-04-10-57

Dear Mr. Buckner:

The Department of State received a response to the complaint you filed against Bert Rose and Mary Portell, 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Bert Rose  
Mary Portell

Adam Fracassi  
Bureau of Elections  
Michigan Department of State  
Compliant No. 2019-04-10-57

RECEIVED  
MICHIGAN  
2019 JUN 12 PM 2:23  
GREAT SEAL

Dear Mr. Fracassi,

Let me start by saying.... None of this would be on your desk had I not been told directly that copies of a letter handed out during the election were copied on the village office copy machine. This was told to me directly by Bert Rose. (Bert had handed the letters out to a few residents) I am unsure if Bert wrote the letter. I believe that, when he admitted to me that the copies were made, that he didn't know this was a violation. It wasn't until he spoke with the people involved that he was made aware that this was against election rules.

After reading the evidence presented, I have a few observations.

From what I observed and what Bert told me - Only about 10 - 20 letters were handed out in the community. I have had several people ask me about the letter that Bert gave them and all of them say it was Bert only, no others with him.

Dennis Kaminski's response to you admits to writing the letter handed out and having the copies made at Kinkos.(100 copies) However; I believe this is for a different letter that was mail most the residents. (A three-page letter as indicated on his receipt.)


Greg Goss indicated to me that he heard there were a few copies made in the office. He also said he felt there were election violations that happened, but he didn't believe there was enough evidence to prove it. In my opinion, Greg thinks that what he knows is only hearsay and there is no proof. (As indicated in his letter.)

Again, I would have never brought this to you without Bert directly telling me that he got the letters off the village office copy machine. Currently, he is lying to one of us. Do I believe that the copies were made on the village copy machine? Yes, I do. Is it provable? I am unsure.

I was hopeful that the copy machine and the security system could prove who was in the office when the copies were made. But it appears that the copy machine was either erased through this process or it was never set to record, as indicated in the responses.

It is unfortunate that through the course of our election system people can say and print whatever they want and get away with it. In this case, the writing of a letter to my community stating that I was being investigated for wrongdoing by your department. From the top tiers of government, to my local government, the example shown is to, *say and do what you want and deny it every happened*. Our judicial system rarely proves wrongdoing with government officials. Lots of talk, and very little accountability.

Steve Buckner







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

June 20, 2019

Bert Rose  
85 S. Second Street SW  
Kent City, Michigan 49330

Mary Portell  
302 N. Main Street  
Kent City, Michigan 49330

Re: *Buckner v. Rose, et al*  
Campaign Finance Complaint  
No. 2019-4-10-57

Dear Mr. Rose and Ms. Portell:

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 and the file will be posted on the Department's website.

Sincerely,

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Steve Buckner



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

August 14, 2019

Steve Buckner  
223 North Main Street  
Kent City, Michigan 49330

Re: *Buckner v. Rose, et al*  
Campaign Finance Complaint  
No. 2019-04-10-57

Dear Mr. Buckner:

The Department of State (Department) has finished processing your complaint filed against Bert Rose and Mary Portell 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.

You filed the complaint on April 26, 2019 and alleged that Mr. Rose and Ms. Portell unlawfully used public resources to expressly advocate<sup>1</sup> for the defeat of two candidates. Specifically, you alleged that prior to the November 2018 election, two documents were improperly created and distributed to voters. The first was a flyer that was handed to voters and the second was a three-page letter directly mailed to voters. You then indicated that you were told by Mr. Rose that he found a copy of the letter mailed to voters on the copy machine in the village office. You also alleged that the village clerk used village office supplies to mail this letter. Finally, you alleged that because the last name of a resident was only available on the sewer bill, that was evidence that the village resources had been used. As evidence to your complaint, you submitted copies of the letters mailed to and handed out to voters, the envelope used to mail the letters, an affidavit from a resident, and an excerpt of a text message.

By letter dated May 14, 2019, Ms. Portell responded to the complaint and indicated that she did not compose a letter, copy a letter, or mail a letter that expressly advocated for the election or defeat of any candidates using village equipment. With her response, Ms. Portell included letters from the Village Treasurer, Debra Forth, and the Zoning Administrator, Dennis Kaminski. Ms. Forth stated that she has never printed a list from the sewer account for campaign purposes, and that she did not use village office supplies to mail letters. She indicated that her desk is next to a cart containing office supplies which could have been placed on her desk temporarily.

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<sup>1</sup> Express advocacy is defined under the Act as a communication that specifically urges voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a ballot question, using these or equivalent words and phrases. MCL 169.206(2)(j).



Additionally, Mr. Kaminski indicated that he was the author of the campaign flyer included with the complaint. He stated that he created the flyer on his home computer and printed it off at Kinkos. He submitted a copy of the receipt with his response. He stated that he does not know who mailed the three-page letter.

Finally, Ms. Portell included a letter from Greg Goss who is a member of the village's IT committee. Mr. Goss stated that every four years, computers are replaced in the village and is currently being done as a normal upgrade. Mr. Goss also indicated that he does not have knowledge of improper document production or duplication and that he is not in possession of any evidence to support or refute the allegations in the complaint.

Mr. Rose responded by letter received by the Department on May 17, 2019. Mr. Rose indicated that he distributed a two-page flyer created and printed by Mr. Kaminski. He stated this flyer was never sent via mail and was hand delivered to voters. As to the letter, Mr. Rose stated he was not involved in the creation or distribution and did not believe that village resources were used to create or distribute the letter. The remainder of his response addresses the same statements also submitted by Ms. Portell which have been discussed above.

You submitted a rebuttal statement to the Department on June 12, 2019. Your rebuttal states that Mr. Goss told you that he felt violations had occurred and that he had heard copies of the letter were made on the village copy machine. You also indicated that Mr. Rose told you directly that he picked the letters up off of the copy machine.

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 words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

The Department has reviewed the responses and the evidence submitted during the course of the investigation and determines that it is insufficient to support the conclusion that a potential violation of the Act has occurred. First, as to the flyer, Mr. Kaminski stated that he developed the flyer at home and printed it at Kinkos and he has provided a copy of the receipt. Additionally, he and Mr. Rose stated that this flyer was hand distributed to voters. Therefore, there is evidence that this flyer was not created, printed, or distributed using village resources and that no potential violation has occurred.

In terms of the letter mailed to voters, there is no evidence submitted that shows village equipment was used. Ms. Portell and Mr. Rose have both stated that neither was involved in the printing of this letter and do not have knowledge of who printed the letter or what equipment may have been used. Mr. Rose also indicated that he was not aware of village personnel using the copier for campaign purposes. Without any concrete evidence, the Department is unable to conclude that a potential violation has occurred.

Steve Buckner  
August 14, 2019  
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Therefore, the Department determines that the evidence is insufficient to support the conclusion that a potential violation has occurred and dismisses the complaint. The file on this matter will be closed and posted on the Department's website.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with the first name "Adam" being more prominent than the last name "Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Bert Rose  
Mary Portell