



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 14, 2014

Marilyn Britten
1874 Birchwood Drive
Okemos, Michigan 48864

Dear Ms. Britten:

The Department of State (Department) has concluded its review of the complaint you filed against the Melanie Foster for MSU Trustee committee (Foster Committee) concerning an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

You alleged that the Foster Committee received a prohibited contribution from the Trust Sakwa for Trustee committee (Sakwa Committee), failed to report the prohibited contribution, and made prohibited expenditures in behalf of the Sakwa Committee.

In support of your complaint you provided a printout of the Sakwa Committee's 2014 Amended Annual campaign statement expenditure schedule, a printout of one page of the Foster Committee's 2014 Amended Annual campaign statement expenditure schedule, a copy of a September 4, 2013 email which stated, "MELANIE FOSTER AND JEFF SAKWA MSU TRUSTEE [,]" and a copy of an ad which stated, "MELANIE FOSTER & JEFF SAKWA MSU TRUSTEES [,]" The email contained an identification statement which stated that it was paid for by both the Foster Committee and the Sakwa Committee; the ad appeared to contain an identification statement which indicated that it was paid for by the Foster Committee.

The MCFA prohibits a candidate committee from making a contribution to or independent expenditure in behalf of another candidate committee. MCL 169.244(2).

Additionally, the Act requires filed campaign finance statements and reports to be complete and accurate. MCL 169.233, 235. A candidate who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10), 235(6). A candidate who knowingly omits or underreports a contribution or expenditure may be subject to a civil fine of up to \$1,000.00, or the amount of the undisclosed contribution or expenditure, whichever is greater. MCL 169.233(11).

You filed your complaint on June 5, 2014, and Ms. Foster filed an answer on July 2, 2014. You did not file a rebuttal statement with the Department.

In your complaint, you alleged that the Sakwa Committee reported a \$4,147 direct contribution to the Foster Committee on its 2014 Amended Annual campaign statement, which was not reported on the Foster Committee's 2014 Amended Annual campaign statement.

In her answer, Ms. Foster explained on September 22, 2013 the Foster Committee and Sakwa Committee hosted a joint reception. The cost for this reception was \$8,294.57, which Ms. Foster paid using a personal credit card. The Sakwa Committee wrote a check to Ms. Foster personally to cover its portion of the costs. Ms. Foster explained that the Sakwa Committee reported this payment as a contribution to the Foster Committee in error. The Sakwa Committee filed an Amended 2014 Annual campaign statement on July 1, 2014 which reports the payment to Ms. Foster personally.

The evidence provided and a review of the Committee's campaign statements support a determination that the Sakwa Committee paid its proportional share for this event and did not make a contribution to the Foster Committee. Additionally, the Foster Committee correctly reported its proportional share for the event, and it was not required to report a contribution from the Sakwa Committee. Therefore, this portion of your complaint is dismissed.

You also alleged that only the Foster Committee paid Strategic National to do work for both the Foster Committee and the Sakwa Committee. You alleged that only the Foster Committee reported an expenditure on its 2014 Annual campaign statement to Strategic National. You provided copies of portions of both Committees' campaign finance reports, a September 4, 2013 email which indicated that it was paid for by both committees, and a copy of an ad for both Mr. Sakwa and Ms. Foster from the 2014 Lapeer GOP Lincoln Dinner, which appears to indicate that it was paid for by the Foster Committee.

Ms. Foster explained that "[her] committee retained Strategic National for campaign work specific to [her] campaign." She further stated that Strategic National has a separate contract with the Sakwa Committee. She asserted that Strategic National billed each committee separately for the services it performed, including sending the September 4, 2013 email (which does indicate that it was paid for by both Committees). Finally, Ms. Foster asserted that the Lincoln Day Dinner ad was paid for by both Committees (by proportional share), and the cost would be reported on her next filing.

Ms. Foster has offered plausible explanations, which are supported by the Department's review of both Committees' statements. Both Committees report expenditures to Strategic National in both 2013 and 2014. In the absence of any evidence which contradicts Ms. Foster's assertions and the reports made by both Committees, this portion of your complaint is also dismissed.

The Department notes the imperfect identification statement on the Lincoln Day Dinner ad. However, both Committees report expenditures for each Committee's proportionate share, and the identification statement does list the Foster Committee.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Melanie Foster