



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

November 25, 2015

Brandon Hall
Save the Grand Haven Cross
And Nativity PAC
1820 Dykhouse
Grand Haven, Michigan 49417

Dear Mr. Hall:

The Department of State (Department) received a formal complaint filed by Josh Brugger against you, alleging that you violated section 47 of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247, by failing to include a complete and correct identification statement and disclaimer on certain campaign material. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). Additionally, printed matter relating to a candidate that is an independent expenditure not authorized in writing by the candidate, must include the phrase "Not authorized by any candidate committee." MCL 169.247(1). Finally, printed matter that is not produced by a candidate committee must indicate that the advertisement was paid for "with regulated funds." MCL 169.247(4). 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(5).

In support of his complaint, Mr. Brugger provided a copy of a postcard which states: "VOTE Josh Brugger [,]" and "Paid for by Save the Grand Haven Cross and Nativity PAC:1820 Dykhouse, Grand Haven, MI 49417." It appears that the phrase "Not authorized by any candidate committee" and an indication that the material was paid for "with regulated funds" appear to be missing.

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 that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. 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. 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 reply will be provided to Mr. Brugger, 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 criminal penalty provided in section 47(5) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Josh Brugger

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

Reset Form

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant			
Your Name Josh M. Brugger		Daytime Telephone Number 616-402-0259	
Mailing Address 20 Prospect Street #3			
City Grand Haven	State MI	Zip 49417	

Section 2. Alleged Violator		
Name "Save The Grand Haven Cross and Nativity PAC" C/O Mr. Brandon Hall		
Mailing Address 1820 Dykhouse		
City Grand Haven	State MI	Zip 49417

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: **169.247 Sect 47; subsection 1, and Sect 47; subsection 4**

Explain how those sections were violated:

Printed postcard (attached copy) did not include the required disclaimer stating, "Not authorized by any candidate committee" as required by Sect 47, SS1. Printed post card (attached copy) did not include the required statement, "with regulated funds" as required by Sect 47, SS4.

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Copies included and attached. It is believed that these were mailed to over 500 addresses, thus meeting the definition of a mass mailing. It is believed that regardless of the mass mailing definition, the above noted Sections were violated. And it is believed that subsection 1 was egregiously violated as the "paid for by" statement is placed directly adjacent a photograph of my, thus implying that I approved this message or am somehow associated with the PAC.

2015 NOV 13 PM 3:16
ELECTIONS/GREAT SEAL

RECEIVED/FILED
MICHIGAN DEPT OF STATE

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


Signature of Complainant


Date

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

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also 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:

Evidence is included for post card. Evidence is not included to determine if mailing went to more than 500 addresses within a 30 day period. It is believed that further inquiry by the Department of State will show that the post cards were mailed to more than 500 addresses.

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.

Mail or deliver the completed complaint form and evidence to the following address:

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



MIKE
CRAMER?



-Subscribed To Cheating
Website For Married Couples
"Ashley Madison" For Years...

There's A Better Way: **VOTE Josh Brugger!**

Grand Haven Values. Ready To Lead.

**>>>Businessman Josh Brugger Is Ready
To Serve The People Of Grand Haven!**



Paid For By Save The Grand Haven Cross And Nativity PAC:1820 Dykhouse, Grand Haven, MI, 49417

JOHN HIERHOLZER
BETRAYED GH!

**>>>WOW: Sides With Anti-
Christian Mitch Kahle Over
Grand Havenders?!**

**-Voted AGAINST
The "Coast Guard
City USA" Sign!**

(Grand Haven Tribune, July, 2013)

**-Voted AGAINST
50 Years Of History,
Removing Our Cross
+Nativity!**



**Grand Haven Can't Afford Four More Years Of
Hierholzer. It's Time For New Leadership.**

**TO: 20 Prospects
#3
Grand Haven, MI, 49417**

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; size and placement of identification or disclaimer; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; "mass mailing" defined; prerecorded telephone message.

Sec. 47. (1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the federal communications commission, shall bear the name of the person paying for the advertisement, and shall be in compliance with subsection (3) and with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".
(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification or disclaimer required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject only to the identification required by subsection (1), (2), or (8) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.

(7) As used in this section, "mass mailing" means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

(8) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall contain the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall be in compliance with subsection (4).

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1978, Act 348, Imd. Eff. July 12, 1978;—Am. 1996, Act 225, Imd. Eff. May 30, 1996;—Am. 2001, Act 250, Eff. Mar. 22, 2002;—Am. 2012, Act 277, Imd. Eff. July 3, 2012;—Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013.

Compiler's note: Section 2 of Act 225 of 1996, which amended this section, provides:

"Section 2. If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect

without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable.”



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

March 1, 2016

Brandon Hall
Save the Grand Haven Cross
and Nativity PAC
1820 Dykhouse Avenue
Grand Haven, Michigan 49417

Dear Mr. Hall:

The Department of State (Department) has completed its investigation of the complaint filed against you by Josh Brugger, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement and disclaimer on certain campaign-related material. This letter concerns the disposition of Mr. Brugger's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). Additionally, printed matter relating to a candidate that is an independent expenditure not authorized in writing by the candidate, must include the phrase "Not authorized by any candidate committee." MCL 169.247(1). Finally, printed matter that is not produced by a candidate committee must indicate that the advertisement was paid for "with regulated funds." MCL 169.247(4). 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).

The Act also 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.

Mr. Brugger filed his complaint on November 13, 2015. The Department gave notice of the complaint to you by letter dated November 25, 2015. That notice letter informed you that you had 15 business days to respond to the complaint. As of today, you have failed to provide any response to the Department.

Because you have failed to submit a response, the Department has no choice but to render a decision based on the evidence furnished by the complainant.

Mr. Brugger alleged that you failed to include a complete paid-for-by identification statement and disclaimer on certain campaign material. In support of his complaint, Mr. Brugger provided a copy of a postcard which stated, "VOTE Josh Brugger!" It appears that the phrase "Not

authorized by any candidate committee” and an indication that the material was paid for “with regulated funds” is missing from the postcard.

While the Department believes that the evidence tends to show that the postcard failed to contain a paid-for-by statement indicating the mailer was paid for with regulated funds and failed to contain a disclaimer stating that the material was not authorized by any candidate committee, section 15(10) of the MCFA requires the Department to “endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]”

The Department is advising you that section 47(1) and (4) and R 169.36(2) require you to print a complete and accurate identification statement and a disclaimer on all campaign materials. You must indicate that the material was paid for with “with regulated funds” and if appropriate, that it was not authorized by any candidate committee. Note that all printed materials that refer to an election produced in the future must include a complete identification statement and a disclaimer.

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).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Josh Brugger