



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

September 16, 2014

Amy Lothamer  
4388 Alder Wood  
Okemos, Michigan 48864

Dear Ms. Lothamer:

The Department of State (Department) received a formal complaint filed by Barb Byrum against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign literature. 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). 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 her complaint, Ms. Byrum provided a copy of a palm card which states: "VOTE MERIDIAN FIRST! Democratic Primary" and "Amy Lothamer County Commissioner, 12<sup>th</sup> District [.]". There does not appear to be a paid-for-by statement on the palm card.

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.

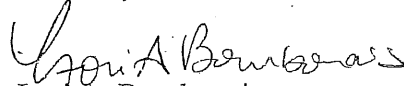
**If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA.** Your response may 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, 1<sup>st</sup> 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 Ms. Byrum, 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 dark ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" being more prominent.

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Barb Byrum

**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:

<b>Section 1. Complainant</b>		
Your Name Barb Byrum, Ingham County Clerk	Daytime Telephone Number (517) 676-7204	
Mailing Address PO Box 179		
City Mason	State MI	Zip 48854

<b>Section 2. Alleged Violator</b>		
Name Amy Lothamer		
Mailing Address 4388 Alder Wood		
City Okemos	State MI	Zip 48864

<b>Section 3. Alleged Violations</b> (Use additional sheet if more space is needed.)
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Section(s) of the MCFA violated: Section 47 of the MCFA

Explain how those sections were violated:

See attached

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

See attached

DEPT OF STATE

2014 SEP -8 P 3:48

BUREAU OF ELECTIONS

**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

8/29/14

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:*

Amy Lothamer is in violation of the Michigan Campaign Finance Act, section 47, as she had literature encouraging individuals to vote that is lacking the "paid for by" disclaimer.

X

Signature of Complainant

8/29/14

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



MAIN OFFICE  
P.O. Box 179  
341 South Jefferson  
Mason, MI 48854  
Phone: (517) 676-7201  
Fax: (517) 676-7254

Barb Byrum  
INGHAM COUNTY CLERK

BRANCH OFFICE  
Veterans Memorial Courthouse  
Lansing, MI 48933  
inghamclerk@ingham.org  
www.ingham.org

August 29, 2014

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

To Whom It May Concern:

During the August 5<sup>th</sup> Primary Election, I received notice from State Representative Sam Singh, Ingham County Register of Deeds Curtis Hertel, Jr. and Ingham County Commissioner Deb Nolan of campaign volunteers that were standing within 100 feet of the polling location at Cornell and Kinawa Middle schools, both polling locations in Meridian Township.

I was further informed by the above mentioned individuals that campaign literature was being handed out by these individuals, which included Ms. Amy M. Lothamer and her husband. Enclosed, please find a copy of the front and back of said literature. Please note that the "paid for by" disclaimer is missing and Sam Singh and Curtis Hertel, Jr have indicated that they did not approve of the use of their name in said literature.

I contacted the Meridian Township Clerk to go to each polling location to address the campaigning within the 100 feet of the polling locations.

Amy Lothamer is in violation of Michigan Campaign Finance Law as she had literature encouraging individuals to vote that is lacking the "paid for by" disclaimer and has filed a Statement of Organization that does not have a waiver. The Committee she has with the Ingham County Clerk's Office is Friends for Amy Lothamer for Ingham County Commissioner, 4388 Alder Wood, Okemos MI 48864.

Please be advised that I attempted to contact Ms. Lothamer as soon as this concern was brought to my attention, however I was only able to leave a message. To date, Ms. Lothamer has not returned my call.

Sincerely,

  
Barb Byrum  
Ingham County Clerk

cc: The Honorable Curtis Hertel, Jr.  
The Honorable Sam Singh  
The Honorable Deb Nolan  
Amy Lothamer



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED  
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES

*Tried to call Amy 8/30/14  
1:45pm left msg with Laura*

1. Committee ID #: <b>46396</b>	*2. Type of Filing: <input type="checkbox"/> Original: <input checked="" type="checkbox"/> Amendment to Items:		Eff. Date: <b>4-29-14</b>
*3. Full Name of Committee (must include Candidate's first and last name): <b>Friends For Amy Latham for Ingham County Commission</b>			
*4a. Candidate Full Name: Last Name <b>Latham</b>		First Name <b>Amy</b>	M.I. <b></b>
*4b. Political Party (if applicable): <b>Democrat</b>		*4c. County of Residence: <b>Ingham</b>	
*4d. Office Sought: <b>Ingham County Commission</b>		*4e. District/Circuit # or Jurisdiction: <b>12</b>	
*5. Date Committee was Formed:			
*6a. Committee Phone:		6b. Committee Fax #:	
6c. Committee Email Address:		6d. Committee Website Address:	
*7a. Complete Committee Mailing Address (May be PO Box):			
*7b. Complete Committee Street Address (May not be PO Box):			
*8. Treasurer Name and Complete Address: <b>Jesse Latham 438 Alderwood Okemos MI 48864</b>			
Phone #: <b>517-484-1840</b>		Email Address: <b>jesselatham@gmail.com</b>	
9. Designated Record Keeper Name and Complete Address:			
Phone #:		Email Address:	
*10. REPORTING WAIVER REQUEST: <input 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 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarter and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. <u>A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.</u> <input checked="" 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 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 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): <b>MS4FCU 3777 West Ed East Lansing MI</b> Secondary Depository (name and address): <b># 546 353-84</b>			
12. This item applies only to Gubernatorial Candidate Committees; Check if this committee intends to seek qualifying contributions or make qualifying expenditures.			
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to Candidate Committees that file with the County Clerk's office. <input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$5,000 and is required to file electronically. <input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Committee Manual.			
14. 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 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: <b>Amy Latham</b> Date: <b>4-29-14</b> *Current Treasurer: <b>Jesse Latham</b> Date: <b>4/29/14</b>			
Designated Record Keeper (Required only if filing electronically) <b></b> Date: <b></b>			

F2014-0448  
4/30/14 2:06 PM Page 1 of 1  
CAMP \$0.00  
Barb Byrum, Ingham County Clerk

## About Amy Lothamer for Ingham County Commission:

- Okemos School Board Trustee
- Small Business Owner
- Lifetime Meridian Resident



## Please Vote on the Proposals:

- |                               |                                     |     |
|-------------------------------|-------------------------------------|-----|
| Meridian Parks                | <input checked="" type="checkbox"/> | Yes |
| CATA Millage Renewal          | <input checked="" type="checkbox"/> | Yes |
| Capital Area District Library | <input checked="" type="checkbox"/> | Yes |



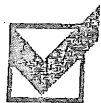
# VOTE MERIDIAN FIRST!

Democratic Primary



***Eric Schertzing***

Congress, 8th District



***Curtis Hertel Jr.***

State Senator, 23rd District



***Sam Singh***

State Representative, 69th District



***Amy Lothamer***

County Commissioner, 12th District





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

October 3, 2014

Barb Byrum  
P.O. Box 179  
Mason, Michigan 48854

Dear Ms. Byrum:

The Department of State received a response to the complaint you filed against Amy Lothamer, 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,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Amy Lothamer

**Bourbonais, Lori (MDOS)**

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**From:** Amy Lothamer <alothamer@lothamer.com>  
**Sent:** Thursday, October 02, 2014 5:18 PM  
**To:** Bourbonais, Lori (MDOS)  
**Subject:** response to complaint

October 2, 2014

Lori Bourbonais  
Bureau of Elections  
Michigan Department of State  
Richard H Austin Building – 1<sup>st</sup> Floor  
430 W Allegan  
Lansing, MI 48918

Dear Ms. Bourbonais,

This letter is to accept responsibility for unintentionally violating campaign law by not including a “paid for by” disclaimer on my campaign literature. The literature that is in question was paid for and produced by my mother as an in-kind donation. It was produced at the last minute just before the election but should have been better scrutinized. Although this campaign was my first run for elective office, I should have taken better care to follow election laws. Please accept my apology for this oversight.

Please respond that you received this correspondence.

Sincerely,

Amy Lothamer



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

January 28, 2015

Amy Lothamer  
4388 Alderwood  
Okemos, Michigan 48864

Dear Ms. Lothamer:

The Department of State (Department) has completed its investigation of the complaint filed against you by Barb Byrum, 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 on certain campaign-related material. This letter concerns the disposition of Ms. Byrum'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), 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).

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.

Ms. Byrum filed her complaint on September 8, 2014, and you filed a written response on October 3, 2014. Ms. Byrum did not file a rebuttal statement with the Department.

Ms. Byrum alleged that you failed to include a paid-for-by statement on certain campaign literature. In support of her complaint, Ms. Byrum provided a copy of a palm card which stated, "VOTE MERIDIAN FIRST! Democratic Primary" and "Amy Lothamer County Commissioner, 12<sup>th</sup> District [.]". It appeared that the palm card did not contain a paid-for-by statement.

In your response you indicated that the literature was "paid for and produced by [your] mother as an in-kind donation [.]" and you acknowledged that it should have been "better scrutinized."

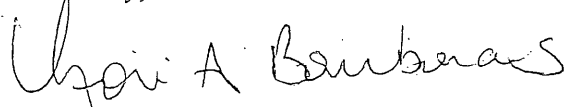
While the Department believes that the evidence tends to show that your campaign material failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]". Therefore, the Department is issuing this warning letter.

The Department is advising you that section 47(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 that refer to an election or your candidacy produced in the future must include this identification statement.

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(5), 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Barb Byrum