



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

July 15, 2016

Ruth Pruis  
4708 Riley Street  
Hudsonville, Michigan 49426

Kim Jenkins  
2318 Outback Drive  
Hudsonville, Michigan 49426

Ron Koroleski  
2967 8<sup>th</sup> Avenue  
Hudsonville, Michigan 49426

Dear Ms. Pruis, Ms. Jenkins, and Mr. Koroleski:

The Department of State (Department) received a formal complaint filed by Ken Bergwerff 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 a campaign business card. 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(6).

In support of his complaint, Mr. Bergwerff provided a business card which states, "CONCERNED CITIZES OF JAMESTOWN TWP" on the front and "Vote Ron Koroleski For Trustee" on the back. There does not appear to be a paid-for-by statement on the card.

The Department notes that Mr. Bergwerff also alleges that you violated the Act by failing to register a committee and by failing to include a paid-for-by statement on certain other campaign materials. For the reasons stated in the enclosed letter, those allegations have been dismissed.

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.

Ruth Pruis  
Kim Jenkins  
Ron Koroleski  
July 15, 2016  
Page 2

**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 Mr. Bergwerff, 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(6) of the Act.

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

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ken Bergwerff



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

July 15, 2016

Ken Bergwerff  
2345 Riley Street  
Hudsonville, Michigan 49426

Dear Mr. Bergwerff:

The Department of State (Department) acknowledges receipt of the complaint you filed against Ruth Pruis, Kim Jenkins, and Ron Koroleski, alleging Ms. Pruis, Ms. Jenkins, and Mr. Koroleski violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, 169.251. This letter concerns the disposition of two of the allegations in your complaint.

The MCFA requires a committee to file a statement of organization within 10 days after a committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. *Id.* Failure to file a statement of organization for more than 30 days is a misdemeanor offense. *Id.* By statutory definition, a committee is formed when "a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate. . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

Additionally, 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(6).

Your complaint alleged that Ms. Pruis, Ms. Jenkins, and Mr. Koroleski were required to form a committee and to meet the registration requirements of the Act. You further alleged that campaign material produced by Ms. Pruis, Ms. Jenkins, and Mr. Koroleski failed to contain a complete and accurate paid-for-by statement. As evidence you supplied a screen shot of a Facebook post, a business card, and a flyer all produced by Concerned Citizens of Jamestown Twp.

First, the Department must determine if any of the materials you provided are covered by and subject to the requirements of the Act. The Department applies the "express advocacy test" to communications to determine if they are subject to the Act. Interpretive Statement to David Murley (Oct. 31, 2005). The MCFA provides that a communication that "does not support or oppose a ballot question or candidate by name or clear inference" is not subject to the requirements and limitations of the MCFA. MCL 206(2)(b). The Act specifically excludes

Ken Bergwerff  
July 15, 2016  
Page 2

from the definition of "expenditure" the payment for a communication that does not contain "express words of advocacy of election or defeat such as 'vote for', 'elect', 'support', 'cast your ballot for', 'Smith for governor', 'vote against', 'defeat', or 'reject'." MCL 169.206(2)(j).

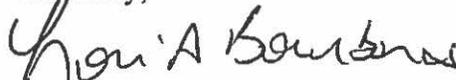
The Department has reviewed the flyer and has determined that it does not contain words of express advocacy, and the production and distribution of this flyer does not give rise to an expenditure as defined by the Act.

However, the Facebook post and business card do contain words of express advocacy. The Facebook post states, "Today we'd like to highlight the candidates that CCJT endorses [,]" and the statement is followed by a list of candidates. The business card, states "Vote Ron Koroleski For Trustee [,]" Because these materials contain express advocacy, these communications fall under the ambit of the Act.

A committee is formed when "a person<sup>1</sup> receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against the nomination or election of a candidate. . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." The evidence you have provided is insufficient to support a conclusion that the cost of the Facebook page and business cards exceeded the \$500.00 threshold, which triggers the requirement to form a committee. Therefore, this portion of your complaint is dismissed without prejudice. However, if you find evidence that Concerned Citizens of Jamestown Twp exceeded the threshold, you may resubmit your complaint along with any newly discovered evidence.

The Department further notes that there is no cost for a Facebook page or a post to a Facebook page. While the Facebook post you provided to the Department does contain express advocacy, there was no payment made for the Facebook page and no paid-for-statement was required to be present on the post. Therefore, this portion of your complaint is dismissed.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

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<sup>1</sup> "Person" includes a group of people acting jointly. MCL 169.211(2).

Section 1. Complainant:  
Ken Bergwerff 616-291-5052  
2345 Riley St  
Hudsonville, MI 49426

Section 2. Alleged Violators:  
Ruth Pruis  
4708 Riley St  
Hudsonville, MI 49426

Kim Jenkins  
2318 Outback Dr.  
Hudsonville, MI 49426

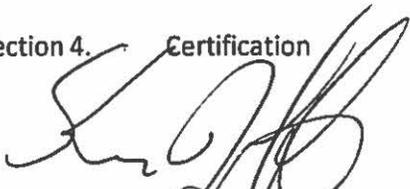
Ron Koroleski  
2967 8<sup>th</sup> Ave  
Hudsonville, MI 49426

Section 3. Alleged Violations  
MCL 169.247 & 169.224 of MCFA 388

1. There is no committee on file for the Concerned Citizens.
2. There is no name, address, or identification on their electronic communications or printed mailer that was mailed to all of the registered voters who voted in the 2012 primary election. This was a highly targeted mailing.

Most of the business cards that were handed out at the Jamestown Memorial Parade and at township board meetings to not have identification. Some have a sticker promoting a specific candidate (Ron Koroleski). There is no identification on this group's Facebook page – even though they are promoting specific candidates.

Section 4. Certification



7-5-16

Section 5. Certification without evidence (supplemental top Section 4)

Information contained in the mailing is highly specific and it appears that only someone who worked in the Clerk's office ( or is closely associated with it) would have this information. This includes the photo on the Facebook page of purported tax overcharges. That document was not available to the general public. Ruth Pruis is the former clerk; Kin Jenkins is the former deputy clerk (presently running for clerk); and Ron Koroleski (presently running for trustee).



7-5-16

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2016 JUL -8 PM 3:19  
ELECTIONS/GREAT SEAL

## Campaign Finance Complaint Form Michigan Department of State

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.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>Ken Bergwerff</i>	Daytime Telephone Number <i>616-291-5052</i>	
Mailing Address <i>2345 Riley St</i>		
City <i>Hudsonville</i>	State <i>MI</i>	Zip <i>49426</i>

Section 2. Alleged Violator		
Name <i>Ruth Prais</i>	<i>Kim Jenkins</i>	<i>Ron Karaleski</i>
Mailing Address <i>4708 Riley St      2318 Outback Dr      2967 8th Ave</i>		
City <i>Hudsonville</i>	State <i>MI</i>	Zip <i>49426</i>

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

Section(s) of the MCFA violated:  
*MCL 169.247      § 169.224 of MCFA 388*

Explain how those sections were violated:

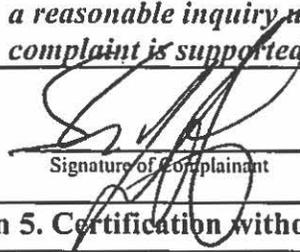
*1. There is no committee on file for the "Concerned Citizens"*

*2. There is no name, address, or identification on the printed mailer that was mailed to all of the voters who voted in the Primary election of 2012. There is also no identification on the business cards that were handed out at the James Town Memorial Day Parade & that have been disseminated at Township board meetings. There is no identification on this group's Facebook page - even though the...*

**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

7-5-16

Date

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

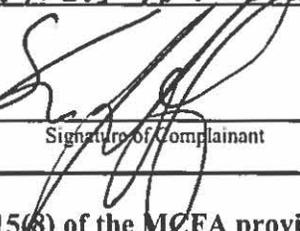
**Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint.** However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you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

Information contained in the mailing is highly specific and it appears that only someone who had worked in clerk's office would know. (or someone who was closely associated with the clerk / deputy clerk)

Ruth Truis is the former clerk. Kim Jenkins is former deputy clerk & is running for clerk. Ron Koraleski is running for trustee.

X



Signature of Complainant

7-5-16

Date

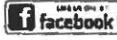
Section 15(6) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Mail or deliver the completed complaint form with an original signature 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



CONCERNED CITIZENS OF  
**JAMESTOWN TWP**



facebook

<http://bit.ly/23kn76j>

**Vote**  
**Ron Koroleski**  
**For**  
**Trustee**

---

From: Steven Daitch [sdaitch@miottawa.org]  
Sent: Tuesday, July 05, 2016 7:33 AM  
To: Candy DeHaan; Justin Roebuck  
Cc: Ken Bergwerff  
Subject: RE: Independent/Political Committee Formation

Hi Ken,

I can confirm that we do not have any committees on file from Jamestown other than committees that are directly tied to candidates.

Best,  
Steve

---

Steven R. Daitch  
Elections Coordinator  
Ottawa County Clerk/Register of Deeds  
(616) 994-4535  
miOttawa.org/Elections

*email to confirm that  
a committee for this organization  
does not exist*

Screen shot of  
the endorsements  
by this group

June 25 at 2:16pm

Today we'd like to highlight the candidates that CCJT endorses. We believe they all hold to conservative principles, a strong work ethic and will do an excellent job serving the township.

- Laurie Van Haltsma-Supervisor
- Ann DeHoog-Treasurer
- Tim Tacoma-Trustee
- Ron Koroleski-Trustee
- Ben Miller-Trustee
- Kim Plummer-Jenkins-Clerk

Stay tuned for more details on each candidate.

Like Comment

Matt Bergmans, Sheryl Vanderkoik, Kraig Koroleski and 5 others like this.

Chris VandenHeuvel I'd be interested to know who is running this page and if there is any connection to these candidates.

1 June 26 at 5:30am



CONCERNED CITIZENS OF  
**JAMESTOWN TWP**



<http://bit.ly/23kn76j>

**Vote**  
**Ron Koroleski**  
**For**  
**Trustee**

Some cards had  
this sticker on the  
back, most did not.

B. **Fact 2:** There was a failure on the part of the current administration to follow through on documented questionable conduct on the part of certain township employees.

1. **Former Library Director:** It was documented that the previous library director, contrary to her contract, overpaid herself and in addition claimed hours of work from her home on certain Fridays when she did not show up for work at the library. The current administration ignored the findings of an investigation into this matter and declined to follow up with a demand for accountability.

2. **Treasurer's Office:** Over a two year period certain businesses in Jamestown Township were overcharged on their tax bills amounting to a cumulative sum in excess of \$73,000 per year. The treasurer should have and could have immediately resolved this mistake but he refrained from doing so. Instead it was noted that \$1500.00 was paid to an outside firm to confirm the problem which had already been identified by the recipient of the excess revenue. This was done with full knowledge and apparent consent of the current administration. At this printing there is no public record that the victims of this over-taxation have been reimbursed and no apology has been issued.

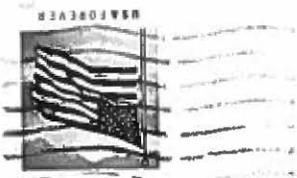
Additional requested information not honored: The total expenses incurred in resolving this over-taxation matter such as amounts paid to attorneys, Ottawa County, and any other agencies involved.

C. **Additional questions/requests that never got answered or honored by the current administration.**

1. A summary of the major expenditures that caused the \$550,000 plus deficit in the 2016-2017 budget.
2. Actual amount paid to the township lawyer in dealing with fire department issues during the past two years (2014 - 2016).
3. A copy of the payroll time sheets turned in since January 1, 2016.
4. Pertaining to the newly hired financial manager (duties formerly done by the township clerk): How much is he being paid, for how long, and was this position formally approved by the township board?

# The township did WHAT?

REGISTERED VOTERS AT  
1881 RILEY ST  
HUDSONVILLE MI 49426



## INFORMATION ABOUT JAMESTOWN CHARTER TOWNSHIP GOVERNMENT WHICH EVERY CITIZEN SHOULD KNOW ABOUT

**Introduction:** During the recent past a group of citizens in Jamestown Township has been regularly attending township board meetings and have become increasingly concerned about administrative decisions which are in danger of placing our township in financial hardship. With proper leadership most of the causes of the potential financial hardship could have been avoided. This paper contains factual information about these recent decisions - all of which can be verified by examination of the public record. We also bring to your attention what additional information was requested for your knowledge since January of 2016, but the requests were not honored. More information can be obtained by going to our facebook page listed under <http://bit.ly/23kn76j>.

**A. Fact 1: The budget proposed by the supervisor and adopted by the board for the 2016 - 17 fiscal year showed a projected deficit of -\$559,362.** This was part of a budget in which total revenue was projected to be \$1,706,204. This represents an over spending of more than 132% of projected revenues. A look into a past 20 year budget history in Jamestown Charter Township showed a balanced budget for every one of those 20 years. In fact the projected fund balance for the 2015-16 fiscal year was \$1,532,740. We looked into some of the causes of these projected deficits and found the following:

1. ***Replacement Clerk Appointment:*** A person was appointed by the board to replace the former clerk who retired December 31, 2015. The person appointed had no prior experience and no idea of what the duties of township clerk entailed. Yet the administration agreed to pay her the full former clerk's salary of \$28,400 and, in addition, to pay for outsourcing of most of the work done by the former clerk some of which is detailed below.

Accounting & Financial duties: \$6000, Special training: \$1000, Running elections: \$11,600

Additional requested information not honored: A complete listing of all expenses - in addition to the clerk's salary - associated with the clerk's office since January 1, 2016.

(NOTE: The former deputy clerk was trained and ready to assume all the duties of clerk in 2016 for the \$28,400 salary with no additional outsourcing costs to the township. Typically a township appoints the experienced deputy to fill a position until the next election cycle.)

2. ***Attorney Fees:*** Since the current administration took charge in Jamestown Township, over \$115,000 was paid in a three year period on attorney fees. This is an average in excess of \$38,300 per year.

Requested information that was not honored:

- Attorney fees to investigate charges against fire chief which proved to be unfounded.
- A copy of attorney fees during the three year period prior to the current administration taking office

3. ***New Library Director Appointment:*** The new library director agreed to accept the part-time position at the advertised salary of \$31,500. After she was on the job one month her salary was raised to \$35,000 in response to her claim of being underpaid. There were four other qualified applicants for this job at the advertised salary.

Additional requested information not honored: A copy of the current library director's contract containing responsibilities, hours required on the job per week, compensation, etc .

4. ***Supervisor Office Changes:*** Before the current administration took charge, the supervisor's office hours were designated to be Monday, Tuesday, and Thursday for a period of 8 hours per each day. The current supervisor reduced these hours to a period from 1:00 PM to 5:00 PM on Tuesday and Thursday only. He did this while continuing to draw the full supervisor's annual salary of \$36,057. In addition he created a new position of Deputy Supervisor paying \$16.75 per hour and also added \$3000 in the budget for contracted services on behalf of the supervisor.

Jarvis Township  
2013 Property Tax Returns

Parcel	Name	Amount	Commercial			
			Assessed	Delinquent	Exempt	Refund
Industrial personal property - exempt from school operating						
18-004-550	Daron Mfg	2,758.00				
18-004-020	Dan-Rite Machine	2,526.00				
18-005-350	Parsons Sheet Metal	534.50				
18-005-550	Custom Machining	1,721.70				
18-005-550	W B Paker	1,322.50				
18-007-300	Royal PlasSol	21,127.40				
18-008-450	HRACG LLC	928.00				
18-008-350	ESPEC	2,157.30				
18-013-450	Speed Wrench	2,443.50				
18-010-550	Speed Off	1,952.40				
18-018-350	Speed Wrench	434.10				

11 properties 53,812.50 100% collected, 100% should be refunded

Commercial personal property - (2.0 mills exempt from school operating)						
Parcel	Name	Amount	Assessed	Delinquent	Exempt	Refund
18-005-900	My-Con Inc	1,944.00			972.00	972.00
18-005-300	Jerry Vanderhook	341.20			170.60	170.60
18-005-900	Chenai Communications	1,071.20			535.60	535.60
18-005-900	Garber Collision	651.20			325.60	325.60
18-004-300	Palade Sheet Metal	798.00			399.00	399.00
18-005-500	Freight Diesel	575.00			287.50	287.50
18-005-850	Imperi Media	864.00	(864.00)			
18-005-300	My Pac	525.20			262.60	262.60
18-005-400	Advanced Excavating	5,726.00	(5,726.00)			
18-005-810	T-Mobile Central	808.00			404.00	404.00
18-007-350	Karaga Construction	845.00	(845.00)			
18-007-500	SPCS Wireless	802.40			401.20	401.20
18-007-510	ATT Mobility	367.20			183.60	183.60
18-007-950	County Line Excavating	832.00			416.00	416.00
18-008-250	Trabek Law Service	490.00	(490.00)			
18-008-000	GR Displays LLC	1,344.00			672.00	672.00
18-008-050	SPCS Wireless	872.40			436.20	436.20
18-009-800	Kasja Prop	787.20			393.60	393.60
18-010-050	Randy Distributions	1,214.20			607.10	607.10
18-010-700	Peter Helzel	675.50			337.75	337.75
18-011-000	Wells Fargo	505.20			252.60	252.60
18-011-350	ATT Mobility	1,202.40			601.20	601.20
18-011-800	ATT Mobility	782.40			391.20	391.20
18-011-950	Verizon Wireless	862.40			431.20	431.20
18-013-750	Construction Refuse Service	107.20			53.60	53.60
18-014-100	T-Mobile Assets	782.00			391.00	391.00
18-014-150	SBA 2012 TC Assets	442.80			221.40	221.40
18-014-300	Metra Health Hospital	604.00			302.00	302.00
18-014-350	Metra PCS	85.20			42.60	42.60
18-014-700	Timepayers Corp	382.20			191.10	191.10
18-014-800	Advanced CNC Machining	828.40	(828.40)			
18-015-700	ATT Mobility	291.00			145.50	145.50
18-015-900	West Michigan Cabinet Supply	300.00			150.00	150.00
18-016-200	Neh Company	13,564.80			6,782.40	6,782.40
18-016-900	Caterpillar	812.00	(812.00)			
18-018-100	Forest Grove Lawn & Rental	60.00			30.00	30.00
18-018-300	Custom Trencing	673.00			336.50	336.50
18-018-450	Orthopedic Associates	14.00			7.00	7.00
18-018-550	Michael Zuvank	372.20			186.10	186.10
18-018-800	RPM Machinery	1,308.00			654.00	654.00
18-019-100	MEB Equipment	727.20			363.60	363.60
18-019-450	Nobel Foundations	794.40			397.20	397.20
18-019-500	Somerset CPAs	1,452.00	(1,452.00)			

58 properties 49,644.00 (11,258.20) 19,203.40 19,203.40  
 collected 38,384.60  
 Total refund 7,725.20

*Page from  
Facebook -  
only available  
from the  
Clerk or  
Treasurer's  
office.*



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

August 9, 2016

Ken Bergwerff  
2345 Riley Street  
Hudsonville, Michigan 49426

Dear Mr. Bergwerff:

The Department of State received responses to the complaint you filed against Ruth Pruis, Kim Plummer-Jenkins, and Ron Koroleski, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are 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 black ink that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ruth Pruis  
Kim Plummer-Jenkins  
Arthur C. Spalding



Arthur C. Spalding | Attorney & Counselor  
office: 616.235.3500 55 Campau Avenue NW  
direct: 616.233.5111 Suite 300  
fax: 616.233.5269 Grand Rapids, MI 49503  
email: acs@grlaw.com

July 29, 2016

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

2016 JUL -2 PM 4:08  
RECEIVED

Dear Ms. Bourbonais:

Our office has been retained by Ron Koroleski with respect to your letter dated July 15, 2016 regarding the Complaint filed by Ken Bergwerff. I have been provided with the following information. Ron Koroleski is a candidate for Jamestown Township Trustee. He formed a campaign committee and filed the necessary statement of organization in 2012. He has not been required to make reports of campaign contributions and campaign expenditures because of the small dollar amount of contributions and expenditures. He is unaware of any information that would require Concerned Citizens of Jamestown Township to file a statement of organization. A friend provided him with 50 to 60 cards (business card size) with the phrase "Concerned Citizens of Jamestown Twp" on one side. He prepared the sticker which he placed on the other side of the card which said "Vote Ron Koroleski for Trustee". To his knowledge, Ron Koroleski has complied in every respect with the Campaign Finance Act in all campaign activities.

Ron Koroleski did not knowingly violate the Campaign Finance Act or knowingly fail to comply with MCL 169.247(1). It is possible, without my having reviewed the rules promulgated by the Secretary of State, that the distribution of the cards may be exempt from compliance pursuant to MCL 169.247(3). In any event, the spirit of the language of MCL 169.247(3) would seem to have application. Ron Koroleski has not been the subject of any prior complaint filed with the Bureau. Ron Koroleski intended and intends to make every effort possible to comply with the requirements of the Campaign Finance Act.

Thank you for your consideration.

Very truly yours,

RHOADES McKEE PC

A handwritten signature in black ink that reads 'Arthur C. Spalding'. The signature is fluid and cursive, with the first and last names being clearly legible.  
Arthur C. Spalding

July 30, 2016

2016 AUG -5 PM 4: 04  
ELECTIONS/GREAT SEAL

Michigan Department of State

Bureau of Elections

Attn: Lori Bourbonais

Dear Lori:

This letter is to serve as my response to the Alleged Violations filed against me by Ken Bergwerff on July 5, and your letter dated July 15, 2016, received on July 17, 2016.

As per our phone conversation, I did not produce the business card in question, nor did I pay for or contribute anything to the business cards in question.

Thank you for all your help.

Kimberly Plummer- Jenkins



July 30, 2016

Lori A. Bourbonais

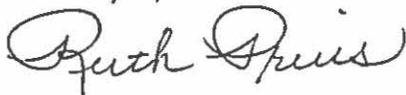
Bureau of Elections

Michigan Department of State

Dear Ms. Bourbonais:

This note is in response to the Alleged Violations filed against me by Mr. Bergwerff on July 5 and the letter written by you dated July 15, 2016 and received on July 17, 2016. As per our telephone conversation, I did not produce or contribute anything to the business cards in question.

Thank you,

A handwritten signature in cursive script that reads "Ruth Rcuis". The signature is written in black ink and is positioned above the printed name.

Ruth Rcuis



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

November 22, 2016

Arthur C. Spalding  
55 Campau Avenue NW  
Suite 300  
Grand Rapids, Michigan 49503

Dear Mr. Spalding:

The Department of State (Department) has completed its investigation of the complaint filed against Ron Koroleski by Ken Bergwerff, which alleged that Mr. Koroleski 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 Mr. Bergwerff'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). Some materials are exempt from this requirement due to the unreasonableness of adding a printed disclaimer caused by the size of the material. MCL 169.247(3). R 169.36(3). The Department has compiled a list of items that are exempt from this requirement. *MERTS User Guide Appendix J*, (Nov. 1, 2016)<sup>1</sup>. A knowing violation of this section 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. Bergwerff filed his complaint on July 8, 2016, and you filed a written response on August 2, 2016. Mr. Bergwerff did not file a rebuttal statement with the Department.

Mr. Bergwerff alleged that Mr. Koroleski failed to include a paid-for-by statement on a campaign-related business card. In support of his complaint, Mr. Bergwerff provided a business card which stated, "CONCERNED CITIZENS OF JAMESTOWN TWP [,]" and on the reverse a sticker which stated "Vote Ron Koroleski For Trustee [,]" There did not appear to be a paid-for-by statement on the card.

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<sup>1</sup> <http://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixJ>

Arthur C. Spalding  
November 22, 2016  
Page 2

In your response you stated that Mr. Koroleski prepared and placed stickers "which said 'Vote Ron Koroleski for Trustee' on business cards given to him. You asserted that due to the size of the cards perhaps they would be excluded from the identification requirement of section 47, or at least the spirit of the exemption language would apply. However, business cards are not a part of the list of exempt items promulgated by the Department. Additionally, the Department issued the enclosed Interpretative Statement to James Irvine on June 22, 1988 stating that business cards are not exempt from the paid-for-by statement requirement.

While the Department believes that the evidence tends to show that Mr. Koroleski's campaign material failed to contain a paid-for-by statement, and that Mr. Koroleski produced and paid for the cards, at least in part, 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 Mr. Koroleski that section 47(1) and R 169.36(2) require him to print a complete and accurate identification statement on all of his campaign materials, consisting of the phrase "paid for by" followed by the full name and address of his committee. Note that all printed materials that refer to an election or Mr. Koroleski's candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind Mr. Koroleski of his obligation under the Act to identify his 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 Mr. Koroleski at this time.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Ken Bergwerff

## MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE  
STATE TREASURY BUILDING



LANSING  
MICHIGAN 48918

June 22, 1988

Mr. James D. Irvine  
14866 Greenbriar Court  
Plymouth, Michigan 48170

Dear Mr. Irvine:

This is in response to your letter of June 6, 1988, requesting an exemption from the identification requirements set forth in the Campaign Finance Act (the Act), 1976 PA 388, as amended.

Section 47(3) of the Act, MCL 169.247, states that "printed matter having reference to an election, . . . shall bear upon it the name and address of the person paying for the matter." This section goes on to state:

"The size and placement of the disclaimer 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."

Pursuant to this provision in the Act, the Department has promulgated rule 36(3), 1979 AC R169.36(3):

"(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule."

Refrigerator Magnets

The first item you identify is a refrigerator magnet presumably with a plastic case or cover bearing the message:



Mr. James D. Irvine  
June 22, 1988  
Page Two

Elect  
Candidate Name  
Office

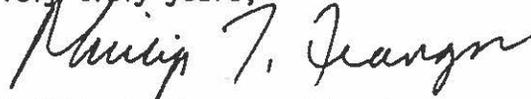
This item would be of comparable size and construction to a button, coaster, cup or yo yo, each of which have been exempted in the past. Because of the size and difficulty in printing the disclosure on the item, refrigerator magnets are not required to bear the language required by section 47 of the Act.

Business Cards

Secondly, you ask if a business card is exempt from the required identification. The card you envision would contain printing on both sides. You suggest that it would be of similar size to a matchbook, which is exempt. However, the materials used in business cards make it possible to include the required identification without unduly limiting the size of the message.

In a July 7, 1978 letter to William A. Everard the Secretary of State concluded that it was reasonable to require the identification on a business card sized piece of campaign literature. There is no new development which would change that conclusion. Thus, the identification required by section 47 must be included on a business card sized piece of campaign literature.

Very truly yours,



Phillip T. Frangos, Director  
Office of Hearings and Legislation

PTF:cw:rlp



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

November 22, 2016

Ruth Pruis  
4708 Riley Street  
Hudsonville, Michigan 49426

Kim Jenkins  
2318 Outback Drive  
Hudsonville, Michigan 49426

Dear Ms. Pruis and Ms. Jenkins:

The Department of State (Department) has completed its investigation of the complaint filed against you by Ken Bergwerff, 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 material. This letter concerns the disposition of Mr. Bergwerff'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). 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).

Mr. Bergwerff filed his complaint on July 8, 2016. Ms. Jenkins filed a written response on August 5, 2016, and Ms. Pruis filed a written response on August 9, 2016. Mr. Bergwerff did not file a rebuttal statement with the Department.

Mr. Bergwerff alleged that you failed to include a paid-for-by statement on a campaign-related business card. In support of his complaint, Mr. Bergwerff provided a business card which stated, "CONCERNED CITIZENS OF JAMESTOWN TWP" on one side, and on the reverse side a sticker which stated "Vote Ron Koroleski For Trustee [.]". There did not appear to be a paid-for-by statement on the card.

In your responses you each claimed that you had no part in the production of the business cards. There were also no business cards with stickers supporting either of you, only stickers promoting Mr. Koroleski.

The Department takes you at your word that you did not produce or pay for the business cards. Additionally, Mr. Koroleski has admitted to placing the stickers advocating for his election on the business cards. No evidence has been provided to the contrary.

Ruth Pruis  
Kim Jenkins  
November 22, 2016  
Page 2

Because you did not produce or pay for the business cards, you were not subject to the requirements of section 47 of the Act. Therefore, the complaint against you is dismissed.

Sincerely,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is written in a cursive style with a large initial "L".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Secretary of State

C: Ken Bergwerff