



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

August 7, 2014

William J. Collop
39250 Glenwood
Westland, Michigan 48186

Dear Mr. Collop:

The Department of State (Department) received a formal complaint filed by Erik Eastridge 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 your campaign signs. 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 his complaint, Mr. Eastridge provided a copy of a picture of a sign which states "VOTE William COLLOP for COUNTY COMMISSIONER [.]". It appears that the required paid-for-by statement is omitted from the sign.

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.

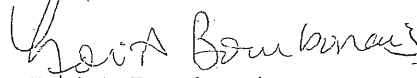
If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of 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. Eastridge, 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 cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Erik Eastridge

**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 Erik Eastridge	Daytime Telephone Number 734-216-6275	
Mailing Address 18426 Middlebelt Road		
City Romulus	State MI	Zip 48174

Section 2. Alleged Violator		
Name William J. Collop		
Mailing Address 39250 Glenwood		
City Westland	State MI	Zip 48186

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

Section(s) of the MCFA violated: **169.247 Sec. 47 (1)**

Explain how those sections were violated:

Yard signs were placed by the named candidate throughout the area in which they are running. None of the signs have the "Paid for by" disclaimer that is required by the MCFA.

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

See the attached picture of the candidates yard signs.

If your complaint meets the above requirements, the Department will notify the alleged violator that a complaint has been filed. The notification will include a copy of your complaint. The alleged violator will have an opportunity to file a response. You will have an opportunity to file a rebuttal to any response. You and the alleged violator will receive periodic reports about the actions taken by the Department concerning your complaint.

If the Department finds no reason to believe that your allegations are true, your complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

WARNING: Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(14) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to \$1,000.00.

If you have any questions about the complaint process, please write or call the Legal and Regulatory Services Administration.

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

07-19-2014

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:

COMPLAINT CERTIFIABLE

EVIDENCE PROVIDED

X



Signature of Complainant

07-19-2014

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



VOTE

☒ **William**

COLLIER

for COUNTY COMMISSIONER



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

September 3, 2014

Erik Eastridge
18426 Middlebelt Road
Romulus, Michigan 48174

Dear Mr. Eastridge:

The Department of State received a response to the complaint you filed against William Collop, 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, 1st 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: Charles E. Clos

(734) 326-2101
FAX (734) 595-9771
TOLL FREE: (800) 605-2101
www.LawyersMichigan.com

August 25, 2014

Department of State
Bureau of Elections
Richard H. Austin Building, 1st Floor
430 West Allegan Street
Lansing, MI 48198

RE: William J. Collop
Campaign Finance Complaint.

Dear Sir/Madam:

Please be advised that the undersigned represents William J. Collop who is the subject of a complaint filed by Erik Eastridge on or about August 19, 2014 ("Complaint"). The Complaint alleges that Mr. Collop violated the provisions of MCL 169.247(1) by posting political signs without the necessary disclaimers required by Section 47(1).

In response to these allegations it should be noted that Mr. Collop, a first time candidate for political office, when ordering his campaign signs, was assured by the printer that the signs he ordered would be in compliance "with all state and federal election laws." Unfortunately and upon receipt, these signs (approximately 160) were immediately distributed by Mr. Collop's volunteers and it was not until the referenced Complaint was filed that he was aware of this violation. Ameliorative action could not have been taken to remove the offending signs as Mr. Collop was not notified by the state until August 7, 2014, two (2) days after the primary election.

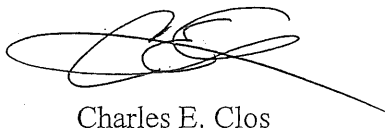
Thus, while Mr. Collop acknowledges that these signs did not include the statutory disclaimers of Section 47, at no time did Mr. Collop knowingly or intentionally attempt to circumvent the statutory requirements. Further, had Mr. Collop been aware of this deficiency during the campaign he would have immediately removed the offending item.

Conclusion and Relief Requested

As set forth in MCL §169.247(6) a person is guilty of violating the provisions of MCL 169.247 if he or she "knowingly violates" the applicable provisions. In this instance, clearly there was no "intent" to violate.

Therefore, Mr. Collop would request that this matter be remedied by conference and conciliation agreement in which Mr. Collop will assure the Department that he is fully aware of the applicable rules and will take all steps necessary to assure future compliance.

Sincerely,
CLOS, RUSSELL & WIRTH, P.C.



Charles E. Clos

CEC/tsm

cc: William J. Collop

2014 AUG 27 PM 3:00
DEPT OF STATE



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

November 24, 2014

Charles E. Clos
Clos, Russell & Wirth, P.C.
1515 South Wayne Road
Westland, Michigan 48186

Dear Mr. Clos:

The Department of State (Department) has completed its investigation of the complaint filed by Erik Eastridge against your client, William J. Collop. The complaint alleged that Mr. Collop 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. Eastridge'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(5).

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. Eastridge filed his complaint on July 31, 2014, and you filed a written response on August 29, 2014. Mr. Eastridge did not file a rebuttal statement with the Department.

Mr. Eastridge alleged that Mr. Collop failed to include a paid-for-by statement on his campaign yard signs. In support of his complaint, Mr. Eastridge provided a copy of a picture of a sign which stated "VOTE William COLLOP for COUNTY COMMISSIONER [.]". It appeared that there was no paid-for-by statement on the sign.

In your response you indicated that Mr. Collop acknowledged that the signs did not include a paid-for-by statement, but that Mr. Collop did not "knowingly or intentionally attempt to circumvent the statutory requirements." You further explained that Mr. Collop relied on the assurances given by the printer that the signs were in compliance with all state and federal election laws. Finally, you asserted that action could not be taken to correct the omission, because Mr. Collop did not become aware of the violation until 2 days after the primary election.

Regardless of the assurances made by the sign printer, it is the candidate's responsibility to ensure his compliance with all sections of the Act. The evidence supports a conclusion that Mr. Collop's campaign signs failed to contain the statutorily-required paid-for-by statement.

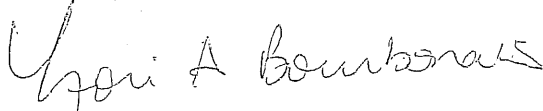
While the Department believes that the evidence tends to show that Mr. Collop's campaign signs failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]"

Therefore, the Department is issuing this warning letter and advising Mr. Collop that section 47(1) and R 169.36(2) require him 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 his committee. Note that all printed materials that refer to an election or his candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind Mr. Collop 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(5), 215(10).

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

Sincerely,

A handwritten signature in cursive script, reading "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Erik Eastridge