

2018 JUL 25 PM 3: 02

**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	MICHAEL HIKADE	Daytime Telephone Number 231-519-2810
Mailing Address	145 WEST PINE LAKE DRIVE APT D	
City	State	Zip
NEWAYGO	MI	49337

NEWAYGO
CITY
COUNCIL
MEMBER

Section 2. Alleged Violator		
Name	NEWAYGO COUNTY SHERIFF DEPT ROBERT MENDHAM SHERIFF	
Mailing Address	300 th 1035 EAST JAMES ST PO BOX 845	
City	State	Zip
WHITE CLOUD	MI	49349

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

Section(s) of the MCFA violated:
169-257-

Explain how those sections were violated:
THIS WAS VIOLATED BY SHERIFF DEPUTIES
IN UNIFORM & DRIVING COUNTY PATROL
CARS HANDING OUT BROCHURES THAT
STATE VOTE YES FOR THE 2018

PUBLIC SAFETY MILAGE & USING OFFICE
NUMBER ON BROCHURE

Evidence that supports those allegations (attach copies of pertinent documents and other information):
COPIES OF SAID BROCHURE
& COVER THAT SHOW IT STATING
VOTE YES.

Thursday, July 12 2018 at 7pm Dayton Township– Brian Frens (Supervisor) Jean Stroven (Clerk) William Kunnen (treasurer) Glenn Sparks (trustee) Rhoni Kaastra (trustee) Peter Lance –zoning administrator – Adam Mercer and Holly Hughes and Valmond Smith – Full uniform and with patrol car

Tuesday , July 10, 2018 at 7pm Garfield Township

Tuesday July 17, 2018 at 7pm full house Chad Palmiter in full uniform and in a cruiser. With vote yes pamphlets delivered.



Bob Mendham for Sheriff
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Write a comment...

August 7, 2018 - .5 mill proposal will appear on the primary ballot

History: On September 29, 1987 the Newaygo County Sheriff's Office Proposition 1 for 1 Mill to finance the operation of Road Patrol passed for the calendar years 1987 through 1990. This millage has been renewed by the voters in 2006 and 2010.

Why an additional millage? We are asking for an additional millage to add personnel, equipment, and training to the Sheriff's Office. The training and equipment to include Medical First Responder training and equipment for at least four deputies.

How much money will the Public Safety Millage generate? It is estimated that the Public Safety Millage will generate approximately \$750,000.00 per year for ten years.

What will it cost me? To calculate the property tax, the authority multiplies the assessed value by the mill rate and then divides by 1,000. For example, a property with an assessed value of \$50,000 with a mill rate of .5 mills would have a property tax bill of \$25.00 per year.

I live in a city that has a police department why should I support a county millage? We believe that no police agency in Newaygo County, including the Sheriff's Office, is large enough or well enough equipped to handle all calls for service. We must rely on each other and work as a team to serve our citizens. A well manned, trained, and equipped Sheriff's Office can offer assistance to all agencies and allow those agencies to remain in their jurisdictions instead of leaving to assist an understaffed Sheriff's Office.

Is there more crime why do we need more Deputies? We have seen an increase of 14% in calls for service over the past five years. We have also experienced a decrease in Michigan State Police presence in the county. They now take 21% fewer calls for service. Medical and potentially recreational marijuana will have a negative impact on our citizens as well as the increase in active assault incidents on our roads.

Funded by Proposed Millage

The first year after millage adoption the Sheriff's Office would hire, train, and equip four (4) full time road patrol deputies who would also be medically trained first responders to better serve the areas of the county which lack immediate lifesaving care.

The second year of the millage, we would hire, train, and equip one (1) fulltime detective/deputy to work with our one (1) existing full time detective, and one (1) existing part time detective. One (1) full time Community Police/School Liaison Deputy would also be hired, trained, and equipped. The remaining years of the millage would be used to maintain the six positions and all necessary training and equipment.

We have weighed this request with three thoughts in mind.

1. The safety of the public.
2. The safety of the men and women who protect the public.
3. Be financially responsible with taxpayer money.

We take the spending of taxpayer money very seriously, and we struggle with balancing that with our commitment and duty to protect the public, along with protecting the men and women who put their lives on the line. We also understand this request will likely be the last such request we make of the taxpayers for many years.

By The Numbers

Funded by Current Road Patrol Millage

Chief Deputy = ½

Uniformed Road Patrol Sergeants = 3

Uniformed Road Patrol Deputies = 11

Uniformed Part-time Deputies = 3

Detective Part-time = 1

\$1,343,809.00

Funded by County's General Fund

Sheriff = 1

Undersheriff = 1

Chief Deputy = ½

Detective = 1

CMET Deputy = 1

Uniformed Road Patrol Deputy = 1

Administrative Assistance = 2

\$651,003.00

Calls for Service

14% - Increase in calls for service the Sheriff's Office has experienced over the past five years. 5574 calls for service in 2013 to 6399 in 2017.

21% - Decrease in calls for service taken by the State Police in the last five years. 3044 calls for service in 2013 to 2403 in 2017.

The Sheriff's Office is taking more calls while experiencing less assistance from MSP.

Friend Requests



Mark Mansfield
19 mutual friends

Confirm Friend

See All



Bob Mendham for Sheriff

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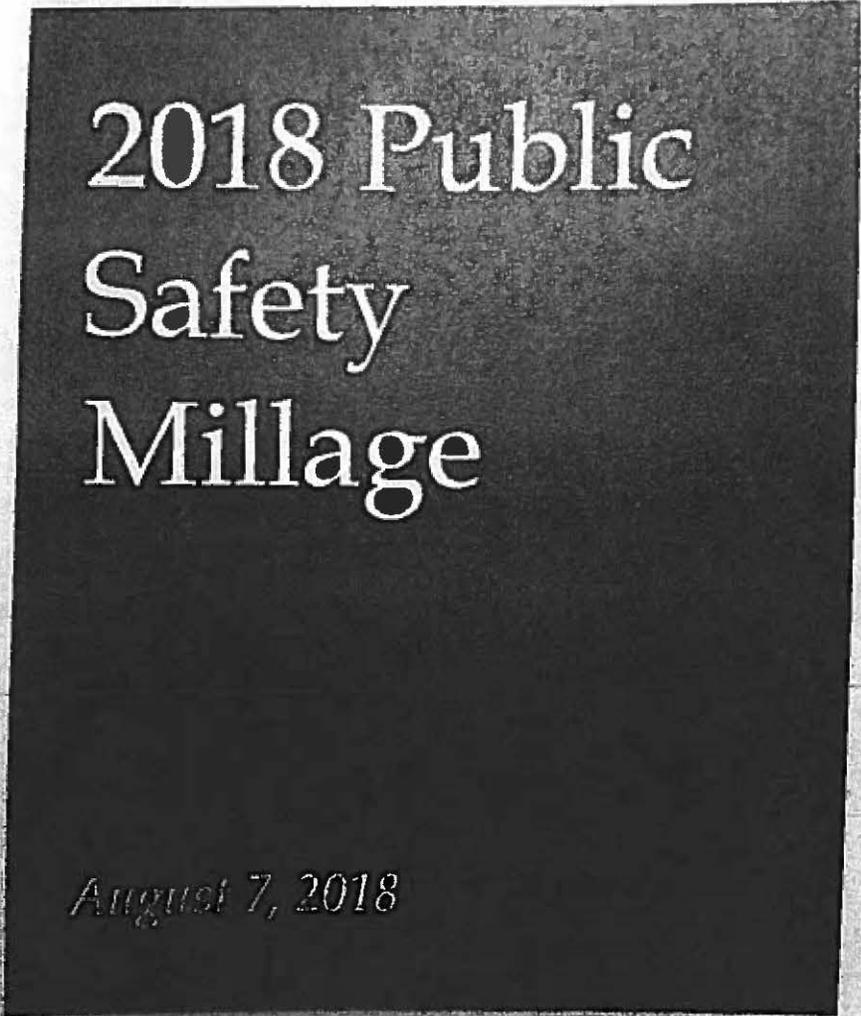
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Friend Requests

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Mark Mansfield
19 mutual friends

Confirm Friend

Photos from Bob Mendham for Sheriff's post



Bob Mendham for Sheriff

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In 1998 the NJSO employed 10 more patrol deputies, as opposed to 16 in 2018.

The Sheriff's Office works a 12 hour schedule. We have two squads. Each has a day shift and a night shift. Each shift has a maximum crew of four (4). With vacation, training, and sick time we have more three (3) man crews than four (4) man crews. We can mandate overtime during known busy times, but are limited to how many deputies we can have work during any shift because we must have 24 hour coverage.

Along with our normal road patrol duties our 16 deputies have specialized training in:

- | | |
|----------------------------------|--------------------------|
| Accident Investigation | Dive Team |
| Range/Taser Instructor | Forensic Interview |
| A.R.I.D.E. | L.E.I.N. TAC |
| Crime Scene/Evidence Technicians | K-9 |
| T.E.A.M. Instructor | Property Room Management |

We believe we are a well-rounded agency, prepared to address any calls for service that we may be confronted with, and have some of the best trained officers ready to serve our community.

OPERATIONAL IMPACT

The operational impact to the Sheriff's Office would be immediate. One deputy would be added to each of the four shifts, increasing them from four (4) to five (5) deputies. This would increase the Sheriff's Office ability to promptly respond to calls for service, as well as completely and thoroughly investigate each citizen's complaint. We have seen our status crimes remain at a consistent level ranging from a low of 2158 to a high of 2580. The status crimes are the crimes which take more time to investigate and include murder, CSC, assault, and drunk driving. We average three (3) deputies on the road during a shift.

BSE scene that leaves two (2) deputies to patrol 864 sq. miles. The limited personnel on each shift greatly reduces our ability to effectively respond to any mass casualty event that may occur in the county.

Possible alternatives to the unilage request have been exhausted. We have restructured our front office reducing our staff by two (2) full time positions and eliminated the Jail Administrator and Community Policing positions. We are also working within the overtime budget restrictions that have been placed on our office. We now schedule our K-9 Units on opposite crews and have them working hours which overlap the day and night shifts in an effort to increase patrol coverage during the higher impact times of the day.

Newaygo County Sheriff's Office

Sheriff Bob Mendham

Undersheriff Chad Palminter

Contact Us

Phone: (231) 689-7303

www.countyofnewaygo.com/SheriffsDepartment.aspx



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1 Share

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Friend Requests

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Mark Mansfield
19 mutual friends

Confirm Friend

vote

YES!

2018 Public
Safety
Millage

August 7, 2018

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When one deputy is removed from patrol duties to transport an inmate to the hospital or is processing a B&E scene that leaves two (2) deputies to patrol 864 sq. miles. The limited personnel on each shift greatly reduces our ability to effectively respond to any mass casualty event that may occur in the county.

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Newaygo County Sheriff's Office

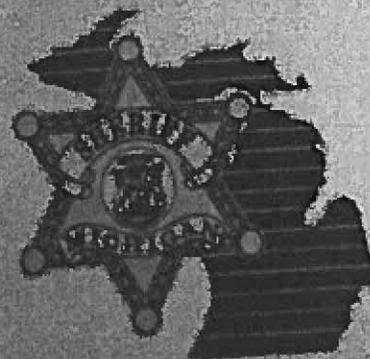
Sheriff Bob Mendham

Undersheriff Chad Palmer

Contact Us

Phone: (231) 689-7303

www.countyofnewaygo.com/SheriffsDepartment.aspx



vote



YES

2018
Safety
Milla

August

Photos from Bob Mendham for Sheriff's post



Bob Mendham for Sheriff

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- Crime Scene/Evidence Technicians E.R.T.
- T.E.A.M. Instructor Property Room Management

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Newaygo County Sheriff's Office

Sheriff Bob Mendham

Undersheriff Chad Palmiter

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Mark Mansfield
19 mutual friends

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

July 27, 2018

Newaygo County Sheriff Department
Robert Mendham, Sheriff
1035 East James Street
PO Box 845
White Cloud, Michigan 49349

Dear Sheriff Mendham:

The Department of State (Department) received a formal complaint filed by Michael Hikade against the Newaygo County Sheriff Department alleging of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL-169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Mr. Hikade alleges that on at least three different occasions, sheriff deputies have driven county patrol cars, in full uniform, and handed out brochures urging voters to vote yes on the public safety millage on the August 7, 2018 ballot.

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 this 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.

Newaygo County Sheriff's Office
Sheriff Bob Mendham
July 27, 2018
Page 2

A copy of your answer will be provided to Mr. Hikade, 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 57(4) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 373-2540.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is written in a cursive style with a large, looping initial "A".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Michael Hikade



NEWAYGO COUNTY SHERIFF'S OFFICE

Robert Mendham, Sheriff • Chad Palmiter, Undersheriff

P.O. Box 845 • 1035 James • White Cloud, MI 49349 • (231) 689-7303 Fax (231) 689-7273

August 6, 2018

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

BUREAU OF ELECTIONS
2018 AUG - 9 A 10: 22
DEPT OF STATE

Dear Mr. Fracassi,

Thank you for the opportunity to respond to Mr. Hikade's complaint.

It has been a long established practice of the Newaygo County Sheriff's Office that we maintain contact with local governmental bodies by attending their regularly scheduled meetings. We ask that the officer attending speak on current crime trends, provide crime statistics, and answer any questions that may arise. These meetings are attended as part of their regularly scheduled shift and attendance of at least one meeting per year is mandatory.

Based on the City of Newaygo's open opposition to the millage I felt it best to give our officers a way to respond to millage questions without giving their personal opinion. For that reason I created and paid for the millage pamphlets. All officers were instructed to present a pamphlet when questioned about the millage and suggest the person contact me if they had further questions.

The meeting referred to in Mr. Hikade's complaint dated July 17, 2018 was a Brooks Township meeting. Brooks Township has contracted with the Sheriff's Office for additional road patrol and river patrol. Undersheriff Palmiter gives regular reports to the Brooks Township board regarding those contracted positions. Undersheriff Palmiter was given the millage pamphlets by me and instructed to give those pamphlets to anyone who may have a question about the millage.

Sgt. Adam Mercer was the officer who attended the Garfield and Dayton Township meetings as he was the sergeant working on those dates. He was also given the millage pamphlets by me and instructed to give those pamphlets to anyone who may have a question regarding the millage.

Both officers were conducting routine Sheriff's Office business and at no time were they campaigning for the Public Safety Millage.

MISSION STATEMENT

To provide leadership for our community, to prevent unlawful activity, ensure individual rights, and promote a safe and secure environment.

Help a kid say NO to drugs!



NEWAYGO COUNTY SHERIFF'S OFFICE

Robert Mendham, Sheriff • Chad Palmiter, Undersheriff

P.O. Box 845 • 1035 James • White Cloud, MI 49349 • (231) 689-7303 Fax (231) 689-7273

I am saddened to see that a municipality in our county is working directly against a millage that will benefit all citizens of Newaygo County. The Newaygo County Sheriff's Office will continue to serve all citizens of the county and remain above petty, small-town politics.

Sincerely,

Bob Mendham, Sheriff

Newaygo County Sheriff's Office

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

August 10, 2018

Michael Hikade
145 West Pine Lake Drive
Apartment D
Newaygo, Michigan 49337

Re: *Hikade v. Mendham, et al*
Campaign Finance Complaint
No. 2018-07-48-57

Dear Mr. Hikade:

The Department of State received a response to the complaint you filed against Robert Mendham and the Newaygo County Sheriff Department, 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 black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Robert Mendham, Sheriff



NEWAYGO COUNTY SHERIFF'S OFFICE

Robert Mendham, Sheriff • Chad Palmiter, Undersheriff

P.O. Box 845 • 1035 James • White Cloud, MI 49349 • (231) 689-7303 Fax (231) 689-7273

August 6, 2018

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

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2018 AUG - 9 A 10: 22
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To provide leadership for our community, to prevent unlawful activity, ensure individual rights, and promote a safe and secure environment.

Help a kid say NO to drugs!



NEWAYGO COUNTY SHERIFF'S OFFICE

Robert Mendham, Sheriff • Chad Palmiter, Undersheriff
P.O. Box 845 • 1035 James • White Cloud, MI 49349 • (231) 689-7303 Fax (231) 689-7273

I am saddened to see that a municipality in our county is working directly against a millage that will benefit all citizens of Newaygo County. The Newaygo County Sheriff's Office will continue to serve all citizens of the county and remain above petty, small-town politics.

Sincerely,

Bob Mendham, Sheriff

Newaygo County Sheriff's Office

MISSION STATEMENT

To provide leadership for our community, to prevent unlawful activity, ensure individual rights, and promote a safe and secure environment.
Help a kid say NO to drugs!

August 16, 2018

Mr. Adam Fracassi

Michigan Department of State

Bureau of Elections

Richard H Austin Building

1st Floor

430 West Allegan Street

Lansing MI 48918

Mr. Fracassi:

After reading Mr. Mendham's response to my complaint with your agency, I felt lead to respond in order to clarify and set the record straight so that your agency has a clear picture of the events and actions that have occurred. As Mr. Mendham mentioned in his letter, that the pamphlet was created and paid for by him. However, first point of order is this: does he have a receipt for payment of the pamphlets, or were they created and paid for by tax dollars? That is not answered in his response. The "brochures" appeared to have been created on a computer and printed from an office printer. I feel the investigation into this complaint needs to determine whether or not public resources were used to create these "brochures". Exactly what did Mr. Mendham pay for?

In regards to the Garfield and Brooks township meetings, uniformed deputies attended those meetings for the sole purpose of supporting a "Yes" vote on the millage proposal. I have contacted people who attended the meetings listed. Sgt. Adam Mercer came to the Dayton Twp. meeting specifically to talk to the millage request. The sheriff was supposed to be there, but due to a conflict was not able to attend. Sgt. Mercer arrived in uniform, in a publicly owned vehicle (patrol car), brought pamphlets and spoke to the millage and prompted support (a Yes vote) on the millage. Regarding the Brooks Township meeting, Undersheriff Palmiter attended the Brooks Twp. monthly meeting, again transporting brochures in a county owned vehicle, and directing a Yes vote on the millage, while in uniform and on duty. Sheriff Mendham's response talked about a long-standing practice of the sheriff's office whereas deputies must attend one township meeting annually. This is true. However, I find it suspiciously coincidental that township meetings were attended just prior to the August 2018 primary election [where the millage proposal was on the ballot]. My understanding of this long-standing protocol of attending one township meeting annually is that each deputy has certain townships assigned to him. Those assigned townships are then the deputies' responsibility to attend one meeting in a calendar year. Again, it is suspiciously coincidentally timed to attend these meetings just prior to the August primary election.

Another point is this: Around 7/24/18 I contacted WZZM TV13, and was put in contact with Jon Mills, a reporter with them. We discussed the YES brochures that I found out about, and was wondering if this would be newsworthy. He had to do some fact gathering and was going to get in contact with me shortly. He called me back, and said that he had contacted the Newaygo County Clerk's Office, and wanted to know if they were aware of the YES pamphlets. They said no, but would act on it. Jon called me back, and notified me that the Newaygo County Clerk's Office had contacted the Sheriff Department to cease and desist and not pass the brochures out effective immediately. My question is this: How can the sheriff defend the brochures and the actions of his officers in this matter when the county clerk told them to stop handing out the pamphlets? Seems to me that if the brochures were legal, there should have been no issue with the clerk.

My interest is in the voters of this county having the best service for their dollar. Also that our Sheriff Department needs to respect all of the citizens of all the county and treat them fairly, not trying to bully or intimidate people into voting for a millage. In conclusion, I believe Mr. Mendham's comments regarding "petty, small town politics" concerning this issue have been an attempt to minimize my complaint to you. The reality is this; the Newaygo County Sheriff's Office and Mr. Mendham are neck deep in local politics, and always have been. Just as many sheriff's departments are. Please don't let this statement distract you from the facts. The facts are, the brochures were carried by on-duty, uniformed, public employees who were driving publicly owned vehicles. Those brochures were handed out at open, public governmental meetings. The on-duty deputies then campaigned at these meetings urging a "Yes" vote. One must also reasonably question whether the brochures were also stored, disseminated for delivery, possibly posted in and created at public buildings on publicly owned infrastructure. The brochures only portrayed the benefits of a "Yes" vote on the millage proposal and did not cover the benefits of the other side of the proposal; a "No" vote. Recognizing that Mr. Mendham is an elected official and may be exempt from certain CFA-activities, his deputies are certainly obligated to follow election and campaign finance laws. In fact, they should be setting an example to the public when it comes to following the law, not violating it openly. The Sheriff shouldn't then attempt to minimize a CFA complaint when called to task by a citizen. Thank you for your time.

Mike Hikade



Newaygo City Council member



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

August 20, 2018

Robert Mendham, Sheriff
Newaygo County Sheriff Department
1035 East James
P.O. Box 845
White Cloud, Michigan 49349

Re: *Hikade v. Newaygo County Sheriff Department*
Campaign Finance Complaint
No. 2018-07-48-57

Dear Mr. Mendham:

This letter concerns the complaint that was recently filed against you, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Hikade's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Michael Hikade

August 16, 2018

Mr. Adam Fracassi

Michigan Department of State

Bureau of Elections

Richard H Austin Building

1st Floor

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After reading Mr. Mendham's response to my complaint with your agency, I felt lead to respond in order to clarify and set the record straight so that your agency has a clear picture of the events and actions that have occurred. As Mr. Mendham mentioned in his letter, that the pamphlet was created and paid for by him. However, first point of order is this: does he have a receipt for payment of the pamphlets, or were they created and paid for by tax dollars? That is not answered in his response. The "brochures" appeared to have been created on a computer and printed from an office printer. I feel the investigation into this complaint needs to determine whether or not public resources were used to create these "brochures". Exactly what did Mr. Mendham pay for?

In regards to the Garfield and Brooks township meetings, uniformed deputies attended those meetings for the sole purpose of supporting a "Yes" vote on the millage proposal. I have contacted people who attended the meetings listed. Sgt. Adam Mercer came to the Dayton Twp. meeting specifically to talk to the millage request. The sheriff was supposed to be there, but due to a conflict was not able to attend. Sgt. Mercer arrived in uniform, in a publicly owned vehicle (patrol car), brought pamphlets and spoke to the millage and prompted support (a Yes vote) on the millage. Regarding the Brooks Township meeting, Undersheriff Palmiter attended the Brooks Twp. monthly meeting, again transporting brochures in a county owned vehicle, and directing a Yes vote on the millage, while in uniform and on duty. Sheriff Mendham's response talked about a long-standing practice of the sheriff's office whereas deputies must attend one township meeting annually. This is true. However, I find it suspiciously coincidental that township meetings were attended just prior to the August 2018 primary election [where the millage proposal was on the ballot]. My understanding of this long-standing protocol of attending one township meeting annually is that each deputy has certain townships assigned to him. Those assigned townships are then the deputies' responsibility to attend one meeting in a calendar year. Again, it is suspiciously coincidentally timed to attend these meetings just prior to the August primary election.

Another point is this: Around 7/24/18 I contacted WZZM TV13, and was put in contact with Jon Mills, a reporter with them. We discussed the YES brochures that I found out about, and was wondering if this would be newsworthy. He had to do some fact gathering and was going to get in contact with me shortly. He called me back, and said that he had contacted the Newaygo County Clerk's Office, and wanted to know if they were aware of the YES pamphlets. They said no, but would act on it. Jon called me back, and notified me that the Newaygo County Clerk's Office had contacted the Sheriff Department to cease and desist and not pass the brochures out effective immediately. My question is this: How can the sheriff defend the brochures and the actions of his officers in this matter when the county clerk told them to stop handing out the pamphlets? Seems to me that if the brochures were legal, there should have been no issue with the clerk.

My interest is in the voters of this county having the best service for their dollar. Also that our Sheriff Department needs to respect all of the citizens of all the county and treat them fairly, not trying to bully or intimidate people into voting for a millage. In conclusion, I believe Mr. Mendham's comments regarding "petty, small town politics" concerning this issue have been an attempt to minimize my complaint to you. The reality is this; the Newaygo County Sheriff's Office and Mr. Mendham are neck deep in local politics, and always have been. Just as many sheriff's departments are. Please don't let this statement distract you from the facts. The facts are, the brochures were carried by on-duty, uniformed, public employees who were driving publicly owned vehicles. Those brochures were handed out at open, public governmental meetings. The on-duty deputies then campaigned at these meetings urging a "Yes" vote. One must also reasonably question whether the brochures were also stored, disseminated for delivery, possibly posted in and created at public buildings on publicly owned infrastructure. The brochures only portrayed the benefits of a "Yes" vote on the millage proposal and did not cover the benefits of the other side of the proposal; a "No" vote. Recognizing that Mr. Mendham is an elected official and may be exempt from certain CFA activities, his deputies are certainly obligated to follow election and campaign finance laws. In fact, they should be setting an example to the public when it comes to following the law, not violating it openly. The Sheriff shouldn't then attempt to minimize a CFA complaint when called to task by a citizen. Thank you for your time.

Mike Hikade



Newaygo City Council member



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

October 22, 2018

Robert Mendham, Sheriff
Newaygo County Sheriff's Office
1035 East James
P.O. Box 845
White Cloud, Michigan 49349

Re: *Hickade v. Mendham, et al*
Campaign Finance Complaint
No. 2018-07-48-57

Dear Mr. Mendham:

The Department of State (Department) has completed its initial investigation of the complaint filed against the Newaygo County Sheriff's Office by Michael Hikade, which alleged that the you and the Sheriff's Office violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Mr. Hikade's complaint.

Mr. Hikade filed his complaint on July 26, 2018 alleging that the Sheriff's office was violating section 57 because Sheriff Deputies in uniform and while in patrol cars were handing out brochures which stated, "Vote-Yes 2018 Public-Safety Millage." Mr. Hikade alleged that uniformed sheriffs appeared at three different Township meetings in the month of July and handed out these pamphlets. In total, he alleges that four different county sheriff employees campaigned at three different township meetings.

By letter dated August 6, 2018, you filed a response to the complaint stating that it has been longstanding practice to have officers attend regularly scheduled township meetings. You further indicated that the meetings are attended during regularly scheduled shifts and attendance to at least one per year is mandatory. You indicated that all officers were instructed to present a pamphlet. In terms of the meetings, you stated that Undersheriff Chad Palmiter attended the July 17, 2018 meeting where he handed out pamphlets at your direction. You then indicated that Sgt. Adam Mercer attended the Garfield and Dayton Township meetings and you again instructed him to deliver pamphlets. You indicated that no officers were campaigning for the millage but were conducting official business.

Mr. Hikade filed a rebuttal on August 17, 2018 and stated that at the Dayton Township meeting, Sgt. Adam Mercer attended and spoke on the millage. The rebuttal further stated that brochure was not factual in nature and only presented the benefits of voting yes after directly urging voters to vote yes.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). A public body is allowed produce or disseminate factual information concerning issues relevant to the function of the public body. MCL 169.257(1)(b). The words “contribution” and “expenditure” are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The pamphlet at issue is attached to the complaint. The first page specifically says “vote YES! 2018 Public Safety Millage August 7, 2018.” The remainder of the pamphlet explains the millage and provides information. The back provides contact information to the Newaygo County Sheriff’s department.

The pamphlet is the exact type of language that section 57 of the Act prohibits. A public body or a person acting on its behalf may not expend public funds or use public resources to expressly advocate for the passage of a ballot question. Under the MCFA, express advocacy is defined as language that specifically urges voters to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question or candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). The pamphlet meets this standard as the first page requests voters to “vote YES!” on the public safety millage. This is not factual in nature, but is express advocacy as defined by the MCFA.

Given that the pamphlet contains words of express advocacy, the Department concludes that the evidence demonstrates that a potential violation of section 57 has occurred as county resources were improperly used in order to campaign in support of the public safety millage. First, the complaint alleges – and you have admitted – that officers in uniform attended township meetings and spoke on the millage. You further admitted that officers are mandated to attend at least one meeting per year, and you instructed them to hand out the pamphlets while at those meetings. Because they were instructed to hand out items containing express advocacy at mandated work events, an expenditure was made in support of the millage.

Further, there is evidence that at least four different officers attended township meetings while on duty, dressed in their uniform, and arrived there using their county-owned patrol cars. Then, while at these meetings, they handed out these pamphlets and/or spoke on the record about the millage. Moreover, you instructed all officers to distribute these pamphlets to voters, which resulted in officers handing the pamphlets out while on duty.

While they may have attended meetings for official purposes, the fact that they then handed out a pamphlet containing words of express advocacy transforms this into campaigning while on official business directly in violation of section 57.

Therefore, the evidence provided to the Department supports a conclusion that the County expended public resources to advocate for the passage of a ballot question. Because you

authorized the use of public resources to distribute the flyer, it is likely a potential violation of section 57 has occurred.

Upon the finding of a potential violation, the Act 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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” *Id.*

For the pamphlet handed out by county employees, please calculate the following and provide written answers to the Department by November 13, 2018:

- 1. How many pamphlets were produced?**
 - 2. How much time was spent during work hours to create the pamphlet?**
 - 3. Was the pamphlet printed at the county sheriff’s office?**
 - 4. Were county resources used to print the pamphlet?**
 - 5. Provide the number of county employees who produced the pamphlet together with their hourly salary (including benefits).**
 - 6. Provide the cost of the paper used to produce the pamphlet.**
 - 7. Provide the cost incurred by the County to print the pamphlet.**
-
- 8. You indicated that Sgt. Adam Mercer attended the Township meetings. Please provide the total number of hours he spent at those two meetings together with his hourly salary (including benefits).**
 - 9. Provide the mileage incurred by Sgt. Mercer to travel to the meeting from his prior location and to travel from the meeting to his next location**
 - 10. Provide the amount of time Adam Mercer, Holly Hughes, and Valmond Smith spent at the July 12, 2018 Dayton Township meeting together with their hourly salary (including benefits).**
 - 11. Please provide the total mileage incurred by Mercer, Hughes, and Smith to travel to the meeting from their prior locations and to travel from the meeting to their next locations.**
 - 12. Provide the amount of time Chad Palmiter spent at the July 17, 2018 Brooks Township meeting together with his hourly salary (including benefits).**
 - 13. Please provide the mileage incurred by Palmiter to travel to the meeting from his prior location and to travel from the meeting to his next location.**

14. What are the regular hours worked by Mercer, Hughes, Smith, and Palmiter?
15. How many county employees you instructed to present a pamphlet, whether they did so, how many were distributed, and the total time spent distributing pamphlets?
16. State the hourly wage (including benefits) for each individual that distributed the pamphlet.

The Department will use this information to facilitate an informal resolution of Mr. Hikade's complaint. Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4). MCL 169.215(10)(a).

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State



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

December 14, 2018

Robert Mendham, Sheriff
Newaygo County Sheriff's Office
1035 East James
P.O. Box 845
White Cloud, Michigan 49349

Re: *Hickade v. Mendham, et al*
Campaign Finance Complaint
No. 2018-07-48-57

Dear Mr. Mendham:

The Department of State (Department) has completed its initial investigation of the complaint filed against the Newaygo County Sheriff's Office by Michael Hikade, which alleged that the you and the Sheriff's Office violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Mr. Hikade's complaint.

Mr. Hikade filed his complaint on July 26, 2018 alleging that the Sheriff's office was violating section 57 because Sheriff Deputies in uniform and while in patrol cars were handing out brochures which stated, "Vote Yes 2018 Public Safety Millage." Mr. Hikade alleged that uniformed sheriffs appeared at three different Township meetings in the month of July and handed out these pamphlets. In total, he alleges that four different county sheriff employees campaigned at three different township meetings.

By letter dated August 6, 2018, you filed a response to the complaint stating that it has been longstanding practice to have officers attend regularly scheduled township meetings. You further indicated that the meetings are attended during regularly scheduled shifts and attendance to at least one per year is mandatory. You indicated that all officers were instructed to present a pamphlet. In terms of the meetings, you stated that Undersheriff Chad Palmiter attended the July 17, 2018 meeting where he handed out pamphlets at your direction. You then indicated that Sgt. Adam Mercer attended the Garfield and Dayton Township meetings and you again instructed him to deliver pamphlets. You indicated that no officers were campaigning for the millage but were conducting official business.

Mr. Hikade filed a rebuttal on August 17, 2018 and stated that at the Dayton Township meeting, Sgt. Adam Mercer attended and spoke on the millage. The rebuttal further stated that brochure was not factual in nature and only presented the benefits of voting yes after directly urging voters to vote yes.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). A public body is allowed produce or disseminate factual information concerning issues relevant to the function of the public body. MCL 169.257(1)(b). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The pamphlet at issue is attached to the complaint. The first page specifically says "vote YES! 2018 Public Safety Millage August 7, 2018." The remainder of the pamphlet explains the millage and provides information. The back provides contact information to the Newaygo County Sheriff's department.

The pamphlet is the exact type of language that section 57 of the Act prohibits. A public body or a person acting on its behalf may not expend public funds or use public resources to expressly advocate for the passage of a ballot question. Under the MCFA, express advocacy is defined as language that specifically urges voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a ballot question or candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). The pamphlet meets this standard as the first page requests voters to "vote YES!" on the public safety millage. This is not factual in nature, but is express advocacy as defined by the MCFA.¹

Given that the pamphlet contains words of express advocacy, the Department concludes that the evidence demonstrates that a potential violation of section 57 has occurred as county resources were improperly used in order to campaign in support of the public safety millage. First, the complaint alleges – and you have admitted – that officers in uniform attended township meetings and spoke on the millage. You further admitted that officers are mandated to attend at least one meeting per year, and you instructed them to hand out the pamphlets while at those meetings. Because they were instructed to hand out items containing express advocacy at mandated work events, an expenditure was made in support of the millage.

Further, there is evidence that at least four different officers attended township meetings while on duty, dressed in their uniform, and arrived there using their county-owned patrol cars. Then, while at these meetings, they handed out these pamphlets and/or spoke on the record about the millage. Moreover, you instructed all officers to distribute these pamphlets to voters, which resulted in officers handing the pamphlets out while on duty.

¹ Under the Act, a public body is allowed to produce or disseminate materials that are factual in nature. However, once words of express advocacy – such as "vote yes" – are included, the materials are no longer purely factual in nature.

While they may have attended meetings for official purposes, the fact that they then handed out a pamphlet containing words of express advocacy transforms this into campaigning while on official business directly in violation of section 57.

Therefore, the evidence provided to the Department supports a conclusion that the County expended public resources to advocate for the passage of a ballot question. Because you authorized the use of public resources to distribute the flyer, it is likely a potential violation of section 57 has occurred.

Upon the finding of a potential violation, the Act 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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]'" *Id.*

Based upon the information that you have provided in response to the Department's request for supplemental information, the Department offers to resolve this informally through the execution of the attached conciliation agreement. The conciliation agreement requires Newaygo County be repaid \$146.92 which represents the approximate amount of county resources that are alleged to have been improperly used to expressly advocate for the passage of a ballot question. The conciliation agreement also requires a \$100 fine be paid to the State of Michigan.

If you wish to enter into the conciliation agreement, please return the original signed document to this office, along with proof of reimbursement of \$146.92 to the County and the \$100 fine to the State of Michigan by December 28, 2018

Please be advised that if the Department is unable to resolve this informally, it is required by MCL 169.215(10)-(11) to:

- 1) Refer Jefferson Township to the Attorney General with a request that his office prosecute it for the crime of expending public funds to make an expenditure, a misdemeanor violation of MCL 169.257(1); or
- 2) Conduct an administrative hearing to enforce the civil penalty provided in MCL 169.215(11), which provides that the Secretary of State may seek a civil fine of triple the amount outlined in 169.257(4), plus up to \$1,000.00 for each violation of the Act.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State



NEWAYGO COUNTY SHERIFF'S OFFICE

Robert Mendham, Sheriff • Chad Palmiter, Undersheriff

P.O. Box 845 • 1035 James • White Cloud, MI 49349 • (231) 689-7303 Fax (231) 689-7273

October 25, 2018

Mr. Fracassi,

No. 2018-07-48-57

1. 500
2. The pamphlet was created by me in approximately two hours.
3. No
4. No
5. None
6. Total bill for printing from The Original Print Shop in Fremont, MI was approximately \$368.00 and was paid by me using my personal Visa card.
7. \$0.00
8. 2 hours, \$32.61/hour
9. From the Sheriff's Office to the meeting, 10 miles, from the meeting back to office, 10 miles.
10. Sgt. Mercer spent 1 hour at the meeting, \$32.61/hour. Hughes and Smith are not employed by the Sheriff's Office. Holly Hughes was a political candidate, I do not know Valmond Smith.
11. 20 miles
12. Undersheriff Palmiter spent 1 hour at the Brooks Twp. Meeting, \$36.13/hour. The Undersheriff is a salaried position and not eligible for overtime or comp. time.
13. 4 miles
14. Sgt. Mercer works 3pm-3am, Undersheriff Palmiter works 8am-4pm. Hughes and Smith are not employees of the Sheriff's Office.
15. Pamphlets were made available to the deputies, I do not know which deputies took pamphlets or how many were distributed or how they were distributed. I made sure they knew it was not mandatory.
16. N/A

RECEIVED/FILED
MICHIGAN DEPT. OF STATE
2018 OCT 31 PM 2:30
ELECTIONS/GREAT SEAS

Throughout this process I have learned many things but most importantly I have recognized the mistakes I have made. Placing our officers in the position I did was not an appropriate decision. Creating a pamphlet that only listed facts and nothing else was also a mistake. At no time did I intend to create these issues but I did, and I take full responsibility. I can assure you that if I am ever confronted with this type of situation again I will first seek advice from the County Clerk and Attorney.

While I cannot go back and correct my mistakes I can prevent further violations and will work diligently to do so.

Sincerely,

Robert Mendham, Sheriff

MISSION STATEMENT

To provide leadership for our community, to prevent unlawful activity, ensure individual rights, and promote a safe and secure environment.
Help a kid say NO to drugs!



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

In the Matter of:

**Michael Hikade
145 West Pine Lake Drive
Apartment D
Newaygo, Michigan 49337**

v.

**Robert Mendham
Newaygo County Sherriff Department
1035 East James Street
PO Box 845
White Cloud, Michigan 49349**

CONCILIATION AGREEMENT

Pursuant to MCL §169.215(10) of the Michigan Campaign Finance Act (the Act), MCL §169.201 *et seq.*, the Secretary of State and Robert Mendham and the Newaygo County Sheriff's Department (Respondents) hereby enter into a conciliation agreement with respect to certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondents violated MCL §169.257 by improperly using Newaygo County resources to expressly advocate for the passage of a county millage.

Therefore, Respondents, without admitting any issue of law or fact, except as stated herein, hereby voluntarily enter into this conciliation agreement and assure the Secretary of State that they will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondents certify that Newaygo County has been repaid in the amount of \$146.92 representing the amount of the improperly used County resources.

By executing this conciliation agreement, Respondents further certify that a civil fine in the amount of \$100 has been paid to the State of Michigan.

The Secretary of State and Respondents further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly authorized representative.

The Secretary of State and Respondents further agree that this agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violation that resulted in the execution of this agreement.

The Secretary of State and Respondents further agree that the complaint and investigation that resulted in this agreement are disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

The Secretary of State and Respondents further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

The Secretary of State and Respondents further agree that Respondents' performance under this agreement shall be given due consideration in any subsequent proceedings.

The Secretary of State and Respondents further agree that this agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and Respondents finally agree that the signatories below are authorized to enter into and bind the parties to this agreement, and have done so by signing this agreement on the date below.

**RUTH JOHNSON
SECRETARY OF STATE**

RESPONDENTS

**Sally Williams, Director
Bureau of Elections**

**Robert Mendham
Newaygo County Sheriff's Department**

Date: _____

Date: _____



MDO# 5839880-1 12/28/2018
ELEC NY \$100.00

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

In the Matter of:

**Michael Hikade
145 West Pine Lake Drive
Apartment D
Newaygo, Michigan 49337**

v.

**Robert Mendham
Newaygo County Sherriff Department
1035 East James Street
PO Box 845
White Cloud, Michigan 49349**

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The Secretary of State alleges that there may be reason to believe that Respondents violated MCL §169.257 by improperly using Newaygo County resources to expressly advocate for the passage of a county millage.

Therefore, Respondents, without admitting any issue of law or fact, except as stated herein, hereby voluntarily enter into this conciliation agreement and assure the Secretary of State that they will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondents certify that Newaygo County has been repaid in the amount of \$146.92 representing the amount of the improperly used County resources.

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The Secretary of State and Respondents further agree that the complaint and investigation that resulted in this agreement are disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

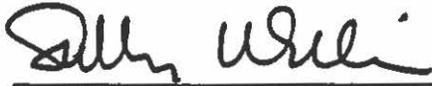
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The Secretary of State and Respondents finally agree that the signatories below are authorized to enter into and bind the parties to this agreement, and have done so by signing this agreement on the date below.

RUTH JOHNSON
SECRETARY OF STATE



Sally Williams, Director
Bureau of Elections

Date: 1/4/19

RESPONDENTS



Robert Mendham
Newaygo County Sheriff's Department

Date: 12/20/2018



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 4, 2019

Robert Mendham, Sheriff
Newaygo County Sheriff's Office
1035 East James
P.O. Box 845
White Cloud, Michigan 49349

Dear Mr. Mendham:

Enclosed is a signed copy of the conciliation agreement entered into in response to the complaint filed by Michael Hikade, which concerned alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* The Department considers this matter closed and resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 4, 2019

Michael Hikade
145 West Pine Lake Drive
Apartment D
Newaygo, Michigan 49337

Dear Mr. Hikade:

The Department of State has concluded its investigation of the complaint that you filed against Robert Mendham, which concerned an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the final resolution is provided as an enclosure with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State