



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

October 26, 2015

Keith Cotter
120 South University
Mount Pleasant, Michigan 48858

Dear Mr. Cotter:

The Department of State (Department) received a formal complaint filed by James Moreno against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). 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. Moreno provided a copy of a picture of a sign which states, "Elect KEITH COTTER CITY COMMISSION [.]". There does not appear to be a paid-for-by statement on 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. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Moreno, 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

Keith Cotter
October 26, 2015
Page 2

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,

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is written in a cursive, flowing style.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: James S. Moreno

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 JAMES S. MORENO	Daytime Telephone Number 989-954-5144	
Mailing Address 610 E. WISCONSIN		
City Mt. Pleasant	State MI	Zip 48858

Section 2. Alleged Violator		
Name Keith Cotter		
Mailing Address 120 S. University		
City Mt. Pleasant	State MI	Zip 48858

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

Section(s) of the MCFA violated:

169.247

Explain how those sections were violated: **NO DISCLAIMER ON LAWN SIGNS**

... a billboard, poster, pamphlet or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of a person

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

Paying for the matter

Enclosed photo of lawn sign

taken 10-14-15.

OFFICE OF THE GREAT SEAL

2015 OCT 21 PM 2:37

RECEIVED/FILED
MICHIGAN DEPT OF STATE

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X

James S. Mours
Signature of Complainant

10-14-15
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:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

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

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

Elect ☆ ☆ ☆ ☆ ☆

**KEITH
COTTER**
CITY COMMISSION



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

November 25, 2015

James S. Moreno
610 East Wisconsin
Mount Pleasant, Michigan 48858

Dear Mr. Moreno:

The Department of State received a response to the complaint you filed against Keith Cotter, 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 "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Keith Cotter

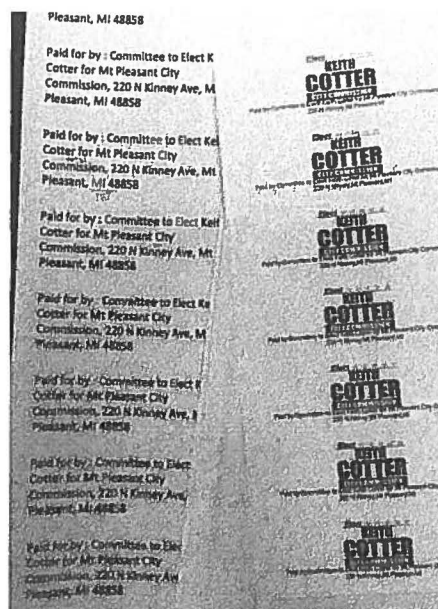
November 5, 2015

Re: Letter received from The Department of State, Lansing Michigan

Lori A Bourbonais
Department of State, Bureau of Elections
Richard H Austin Building
1st Floor
430 West Allegan
Lansing, Michigan 48918

Dear Lori A. Bourbonais,

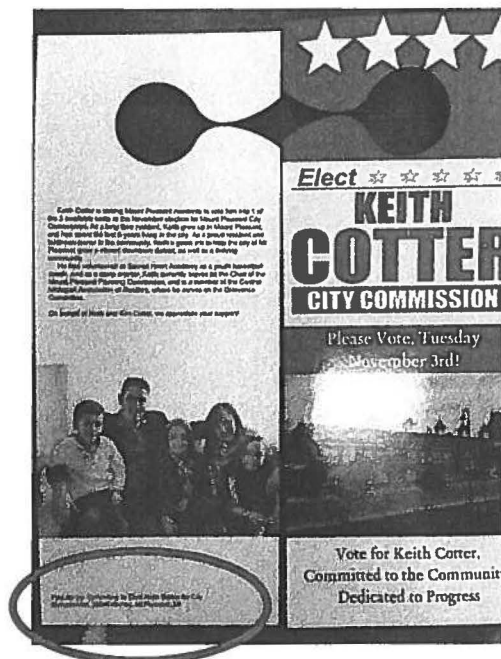
Thank you for your correspondence and your efforts in these matters. I have read through your letter regarding the complaint made by James Moreno, on 10/14/15. I do not deny the fact that I was not in compliance with the Michigan Campaign Finance Act at the time this complaint was filed. I simply didn't realize that I needed disclaimers. I was made aware of my non-compliance by Steven Covio & Petro Tolas, around the same date of this complaint. It was suggested that I print stickers with the disclaimer on them and post them to each of my signs. At the time of this complaint I had placed, roughly, 75 signs out in various yards. I had, and still maintain, a list of all sign locations. By on October 21st, 2015, I had successfully visited each sign location and placed stickers on each one. There were roughly 20 signs that had been stolen or were missing and those signs were not labeled and are still missing. I used stickers similar to those you see below.



An additional 40 signs were ordered with the correct disclaimers printed on them. See Below,

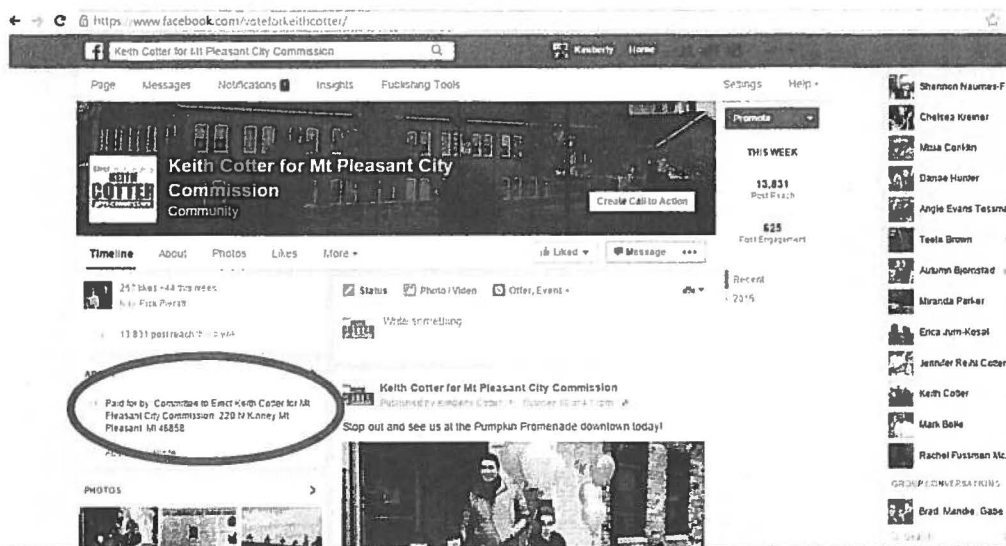


An additional 2,000 door hangers were ordered with the correct disclaimers printed on them. See Below,

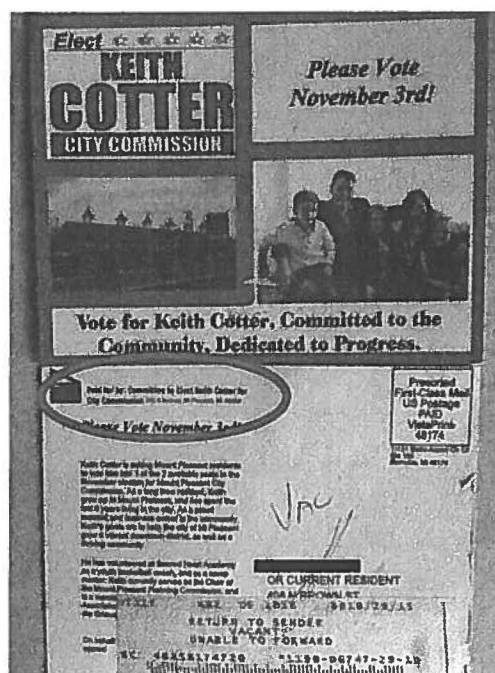


From the Desk of Keith Cotter
220 N Kinney Ave Mt. Pleasant MI 48858 989-400-4448

A disclaimer was added to my candidate Facebook page. See Below,



A disclaimer was added to postcards that I sent out. See Below,



From the Desk of Keith Cotter
220 N Kinney Ave Mt. Pleasant MI 48858 989-400-4448

A disclaimer was included on my billboard ad that was created after the date I realized I needed disclaimers. See Below,



As you can see, I have made every attempt to correct my mistake and ensure that it didn't happen again throughout my campaign. If you have any further questions regarding this issue, please, don't hesitate to get in touch with me.

Regards,

Keith Cotter
220 N Kinney Ave
Mt. Pleasant MI 48858



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

February 29, 2016

Keith Cotter
220 North Kinney Avenue
Mount Pleasant, Michigan 48858

Dear Mr. Cotter:

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

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]" MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" Id.

Mr. Moreno filed his complaint on October 21, 2015, and you filed a written response on November 13, 2015. Mr. Moreno did not file a rebuttal statement with the Department.

Mr. Moreno alleged that you failed to include a paid-for-by statement on certain campaign material. In support of his complaint, Mr. Moreno provided a copy of a picture of a sign which stated, "Elect KEITH COTTER CITY COMMISSION [.]". There did not appear to be a paid-for-by statement on the sign.

In your response you admitted that your signs were not in compliance with the Act at the time the complaint was filed, but once the omission was brought to your attention you printed stickers with a complete and correct paid-for-by statement and affixed the stickers to each of your signs. You provided a copy of a picture of the stickers, along with copies of pictures of your campaign material with the stickers affixed. You also provided copies of pictures of campaign material produced after you received notice that the paid-for-by statement was required, and it appears that this material contained complete and correct paid-for-by statements.

While the Department believes that the evidence tends to show that your campaign material failed to contain a paid-for-by statement, section 15(10) of the MCFA requires the Department to “endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]” The Department is satisfied that you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, the Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase “paid for by” followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" being more prominent.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: James Moreno