



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

May 22, 2017

John Cross, President
Fraternal Order of Police
Kalamazoo Lodge #98
1721 Riverview Drive
Kalamazoo, Michigan 49004

Dear Mr. Cross:

The Department of State (Department) received a formal complaint filed by Zachary Lassiter against the Fraternal Order of Police #98 (FOP), alleging that the FOP 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).

In support of his complaint, Mr. Lassiter provided a copy of a Facebook post picture, a copy a picture from a newspaper article, and a copy of a picture which all include a billboard which states, "VOTE NO ON CONSOLIDATED 911 [.]". These billboards appear to include the FOP logo, but it does not appear that the billboards contain a paid-for-by statement.

The Department notes that Mr. Lassiter also alleges that the Citizens for Consolidated Dispatch committee failed to include a complete and proper paid-for-by statement on its website. However, the evidence provided is insufficient for the Department to determine that the site contained content that is regulated by the Act. Therefore, this portion of Mr. Lassiter's complaint is 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.

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.

John Cross, President
Fraternal Order of Police
Kalamazoo Lodge #98
May 22, 2017
Page 2

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

A handwritten signature in black ink that reads "Lori A. Bourbonais". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Zachary Lassiter

Before The
Michigan Department of State
Bureau of Elections
Lansing, MI

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2017 MAY 15 PM 2:45

ELECTIONS/GREAT SEAL

In The Matter of:)	
)	
Citizens for Consolidated Dispatch)	COMPLAINT FOR
Committee ID #55050)	VIOLATION OF
4600 Thistle Mill Court)	SECTION 47 OF THE
Kalamazoo, MI 49006)	MICHIGAN CAMPAIGN FINANCE
Respondant)	ACT
)	
-&-)	
)	
Fraternal Order of Police)	
Kalamazoo Lodge #98)	
1721 Riverview Drive)	
Kalamazoo, MI 49004)	
Respondant)	
)	
Zachary Lassiter (269)389-0176)	
PO BOX 51644)	
Kalamazoo, MI 49005)	
Complainant)	
)	

JURISDICTION

1. On the May 2nd 2017 election Kalamazoo County voters considered raising the 911 surcharge for telephonic devices in Kalamazoo County.
2. Citizens for Consolidated Dispatch was organized in support of the proposed increase in surcharge and produced materials advocating for voters to support it in the election.
3. While the Fraternal Order of Police Kalamazoo Lodge #98 isn't an organized committee it did produce materials opposing the 911 surcharge and advocating that position to voters.

In the Matter of Fraternal Order of Police Kalamazoo Lodge #98,
Citizens for Consolidated Dispatch

ALLEGATIONS

4. The website produced by Citizens for Consolidated Dispatch advocated for the passing of the surcharge increase and did not contain the required disclaimer.
5. Billboards produced by the Fraternal Order of Police Kalamazoo Lodge #98 advocated for the failure of the surcharge increase and did not contain the required disclaimer.

STATEMENTS OF FACT

6. At the Kalamazoo City Commission Meeting on April 17th 2017 Linda Teeter who is part of the campaign supporting the 911 surcharge increase asked me to look closely at the Billboards produced by the Kalamazoo Fraternal Order of Police Lodge #98 and look at what is missing. She was likely aware of various other campaign finance violations I have noticed by other committees and wanted to draw my attention to this effort.
7. Upon reviewing the billboards located on the 'No 911' surcharge Facebook page made by the Fraternal Order of Police Kalamazoo Lodge #98¹ and a Kalamazoo Gazette/mLIVE.com article about the matter² it while the billboards stated "Fraternal Order of Police Kalamazoo Lodge #98" they were indeed missing the required disclaimer.
8. I located one of the billboards on MichiKal St in Kalamazoo and photographed it³. It was indeed missing the required disclaimer.
9. The billboards stated "May 2 Vote No on Consolidated 911" advocating that voters vote no on the requested surcharge increase.

¹ Exhibit 1

² Exhibit 2

³ Exhibit 3

In the Matter of Fraternal Order of Police Kalamazoo Lodge #98,
Citizens for Consolidated Dispatch

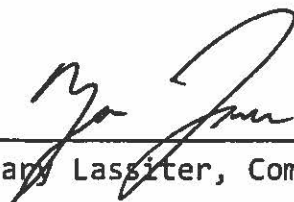
10. While reviewing the website produced by Citizens for Consolidated Dispatch at Consolidate911.com a disclaimer of "Paid for by the Citizens for Consolidated Dispatch Ronald E Reid, Treasurer" appears however the required address is missing.⁴
11. The Consolidate911.com website states "Vote Yes May 2 to approve consolidation of all receiving and dispatching 9-1-1 services in Kalamazoo County." and further advocates that position with the voters.

NOTE

12. The Kalamazoo County Clerk Tim Snow informs me he has fined the Fraternal Order of Police Kalamazoo Lodge #98 for failure to start a committee and campaign finance statements with his office.
13. It should be noted that Citizens for Consolidated Dispatch brought the opposing sides violations to my attention knowing I would file a complaint without being in compliance themselves.

CERTIFICATION

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



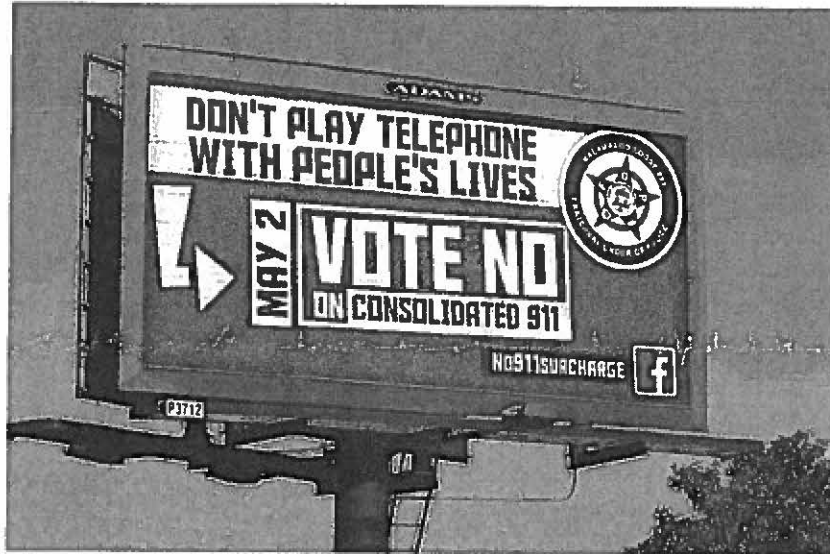
Zachary Lassiter, Complainant

May 4th 2017

⁴ Exhibit 4

In the Matter of Fraternal Order of Police Kalamazoo Lodge #98,
Citizens for Consolidated Dispatch

EXHIBIT 1



VOTE NO! No 911 Surcharge
May 2nd
Like This Page April 11, 2017

Like Comment Share

4

Write a comment.

EXHIBIT 2

31 Kalamazoo Fraternal Order of Police campaigns
against 911 surcharge hike



494
shares



One of 15 billboards purchased by the Kalamazoo Fraternal Order of Police was photographed on Riverview Drive on April 25, 2017. (Carly Gersel / Mlive.com)

MICHIGAN'S BEST



Michigan's Best Sub: 10
finalists revealed

More Michigan's Best »

MICHIGAN PROM



In the Matter of Fraternal Order of Police Kalamazoo Lodge #98,
Citizens for Consolidated Dispatch

EXHIBIT 3

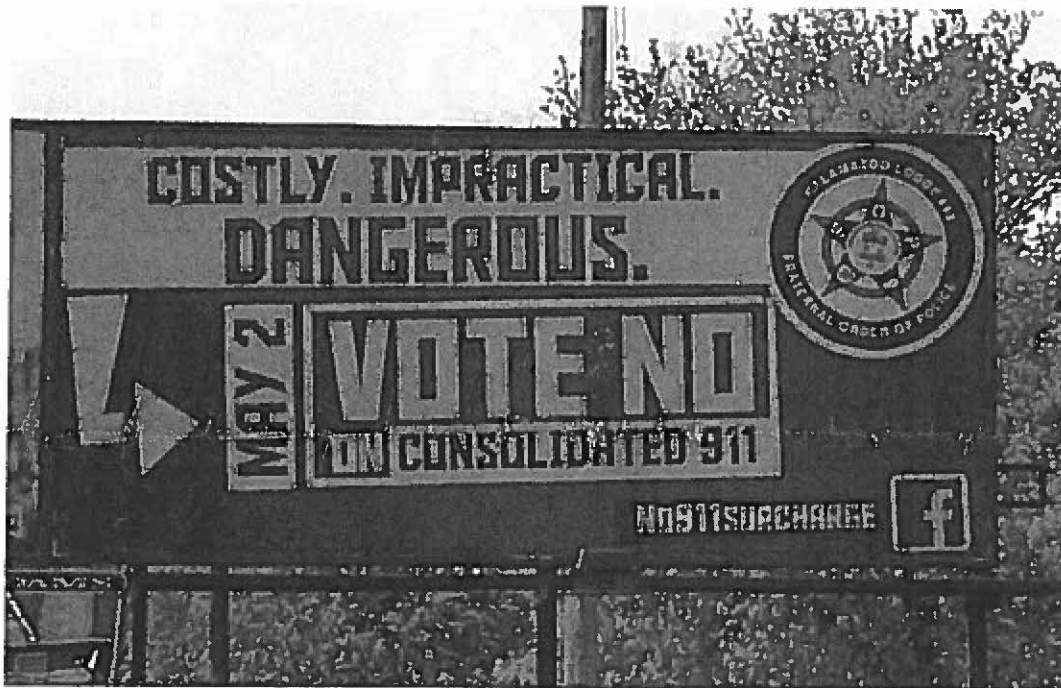


EXHIBIT 4

HERE'S WHY:

Increase efficiency when responding to emergency calls: Police, Fire & Ambulance.

Provide for better coordination of services.

All 9-1-1 calls will be received and dispatched out of one location for our safety.

Paid for by the Citizens for Consolidated Dispatch Ronald E Reid, Treasurer
[Scroll to top](#)



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

June 20, 2017

Zachary Lassiter
P.O. Box 51644
Kalamazoo, Michigan 49005

Dear Mr. Lassiter:

The Department of State received a response to the complaint you filed against the Fraternal Order of Police #98, 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: Eric Kihm

CAREY, KIRK, WEBSTER & KIHM, PLLC

Douglas G. Kirk
Eric O. Kihm
William P. Webster, Jr.
Bill@Billwebsterlaw.com

Attorneys and Counselors at Law
6100 Stadium Drive, Suite 2, Kalamazoo, MI, 49009

Telephone (269) 343-5566
Fax (269) 343-0267

May 30, 2017

Lori A. Bourbonais
Bureau of Elections
430 W. Allegan, 1st Floor
Lansing MI 48918

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2017 JUN -6 AM 9:41
ELECTIONS/GREAT SEAL

Dear Ms. Bourbonais,


I represent Lodge 98 Fraternal Order of Police.


I am in receipt of your letter dated May 22, 2017. The material contained within the letter may be technically correct.

Please understand that the infraction is based solely on an oversight between the Fraternal Order of Police and the company responsible for posting the billboard. Virtually all of the other signage contained the proper information regarding our support of our position. The actual billboards referred to in the complaint contained a huge official FOP logo which we believe tacitly puts us in compliance. At the very least our logo strongly implies that the FOP was the organization supporting the information.

Once again this was purely an oversight and it will not occur again on any signage that supports our position in the future.

Please feel free to contact me if you have any questions.


Eric Kihm, Attorney


John Cross, FOP President



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

August 25, 2017

Eric Kihm
Carey, Kirk, Webster, & Kihm, PLLC
6100 Stadium Drive, Suite 2
Kalamazoo, MI 49009

Dear Mr. Kihm:

The Department of State (Department) has completed its investigation of the complaint filed against the Fraternal Order of Police (FOP), which alleged that they 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. Lassiter'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. Lassiter filed his complaint on May 15, 2017, and a written response was filed on June 6, 2017. Mr. Lassiter did not file a rebuttal statement with this Department.

Mr. Lassiter alleged that the FOP failed to include its address in its paid-for-by statement on a campaign billboard. In support of his complaint, Mr. Lassiter provided a copy of a Facebook post picture, a copy of a picture from a newspaper article, and a copy of a picture which each include a billboard which states, "VOTE NO ON CONSOLIDATED 911 [.]". The billboard appeared to include the FOP logo, but it did not appear that the billboard contained a paid-for-by statement.

In your response you stated "the infraction is based solely on an oversight between the FOP and the company responsible for posting the billboard." You further stated that at the very least the FOP logo strongly implies that the FOP was the organization supporting the information.

Eric Kihm
Carey, Kirk, Webster, & Kihm, PLLC
August 25, 2017
Page 2

While the Department believes that the evidence tends to show that the FOP campaign billboard failed to contain a complete paid-for-by statement and a technical violation occurred, 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 the FOP that section 47(1) and R 169.36(2) require the FOP 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 the person paying for the materials. Note that all printed materials that refer to an election produced in the future must include this identification statement.

Please be advised that this notice has served to remind the FOP of the FOP's obligation under the Act to identify its 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 the FOP at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Zachary Lassiter