



**Michigan Department of State
Campaign Finance Complaint Form**

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

RECEIVED
2019 AUG -1 PM 2:17

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act](#) (MCFA). For instructions on how to complete this form, see the Campaign Finance [Complaint Guidebook & Procedures](#) document. All spaces are required unless otherwise indicated.

Section 1. Complainant			
Your Name <i>Angela A. Lugo-Thomas</i>		Daytime Telephone Number <i>313 477 5616</i>	
Mailing Address <i>93 Rhode Island St.</i>			
City <i>Highland Park</i>	State <i>MI</i>	Zip <i>48203</i>	
Email (optional) <i>alugothomas72@gmail.com</i>			

Section 2. Alleged Violator			
Name <i>Hubert Yopp</i>			
Mailing Address <i>201 Moss St.</i>			
City <i>Highland Park</i>	State <i>MI</i>	Zip <i>48203</i>	
Email (optional)			

Section 3. Allegations (Use additional sheets if more space is needed.)

Section(s) of the MCFA alleged to be violated: *169.247*

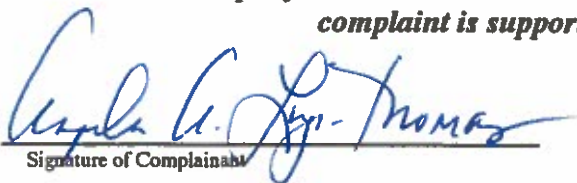
Explain how those sections were violated:
The letters that were distributed, did not include a statement indicating "Paid for by... or Authorized by...". As stated in the Act, this communication should have the identification containing the name and address of the person paying for this.

Evidence included with the submission of the complaint that supports the allegations:
I have included copies of the two letters that were distributed to senior citizens and parents of summer youth employees.

Section 4. Certification (Required)

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

X


Signature of Complainant

7/29/19
Date

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

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may 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.

Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

June 30, 2019

Dear Highland Park Seniors

I am writing this letter of support to you regarding the August 6, 2019 Primary Elections.


I, Catherine Perkins, have the humblest respect and care for you and you deserve every bit of it. I am writing this letter not to tell you how to vote but to share my views as to why you shouldn't just give your vote away.

We have folks on the ballot you've never heard of and they have never showed up at your homes to contribute any type of support towards you until Election time. Most of them show false concerns because they need your vote.

Well this is my overall reason for writing this letter to you. I will be voting to keep our current Mayor, and that is Mayor Hubert Yopp only because he cares about all of our Seniors and all of the residents in the city of Highland Park.

I have never asked anything of you and because it is your vote I respect that and I am hoping that you will understand that I am your Senior Coordinator because of Mayor Yopp to remain your Senior Coordinator stand with me in supporting Mayor Hubert Yopp.

I truly thank each of you!!! for your support.


Catherine Perkins
City of Highland Park
Mayor H. Yopp

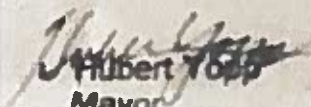
July 17, 2019

Dear Parent (s).

I have worked diligently to improve our Summer Youth Program to provide our Highland Park youth job opportunities. From 2016 through 2019, the number of summer youth students has increased as well as our funding for the program. It has been my pleasure interacting and working with our Highland Park youth so that their experience in the Summer Youth Program will be beneficial to them in the future

In order for my administration to continue providing opportunities to our Highland Park youth, such as resources and job placements that will benefit them throughout their lives. On August 6, 2019, please cast your vote to re-elect Hubert Yopp as your Mayor

Respectfully,


Hubert Yopp
Mayor



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

August 6, 2019

Hubert Yopp
201 Moss Street
Highland Park, Michigan 48203

Re: *Lugo-Thomas v. Yopp*
Campaign Finance Complaint
No. 2019-07-25-47

Dear Mr. Yopp:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials. A copy of the complaint is enclosed.

The complaint was submitted to the Department on August 1, 2019 and alleges that you distributed letters that did not include a proper paid for by statement. A copy of the letters distributed are included with the complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election 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).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The letters specifically urges voters to "support" your reelection or to "cast your vote to re-elect Hubert Yopp as your Mayor." Because it urges voters to vote for you using words of express advocacy, the flyer is covered by the gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the letters have completely omitted the required paid for by statement. Since this phrase is absent, the evidence supports the conclusion that a potential violation has occurred.

After reaching this conclusion, 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

Hubert Yopp
August 6, 2019
Page 2

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.*

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that MCL 169.247(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 referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department’s conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

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).

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with a large loop at the end.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Angela Yugo-Thomas