



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

July 30, 2015

Dave Fetter
5729 Lathers Street
Garden City, Michigan 48135

Dear Mr. Fetter:

The Department of State (Department) received a formal complaint filed by Cheryl Partin 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 her complaint, Ms. Partin provided a copy of a postcard which states: "Vote for change DAVE FETTER For Mayor [.]". There does not appear to be a paid-for-by statement on the postcard.

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.

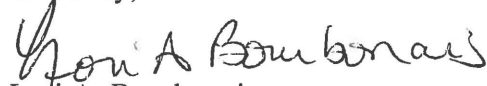
A copy of your reply will be provided to Ms. Partin, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]". MCL 169.215(10). Note that the Department's

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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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Cheryl Partin

**Michigan Department of State
Campaign Finance Complaint 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 Cheryl PARTIN		Daytime Telephone Number 734/788 1319	
Mailing Address 31960 KATHRYN			
City GARDEN CITY	State MI	Zip 48135	
Section 2. Alleged Violator			
Your Name DAVE FETTER		<div style="writing-mode: vertical-rl; transform: rotate(180deg);">RECEIVED/FILED MICHIGAN DEPT OF STATE 2015 JUL 23 PM 3:10 ELECTIONS/GREAT SEAL</div>	
Mailing Address 5729 LATHERS			
City GARDEN CITY	State MI		
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: **Postcards mailed (copy attached) to GARDEN CITY RESIDENTS DO NOT INDICATE "PAID FOR by..."**

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

Document attached

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 Cheryl Partin 7/18/15
Signature of Complainant Date

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

Section 15(6) of the MCFA (MCL 169.215) required 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
Legal and Regulatory Service Administration
Richard H. Austin Building - 4th Floor
430 West Allegan Street
Lansing, Michigan 48918

METROPLEX MI 490

SUPPORTED BY

RAY WIACEK

Past Council Member
Community Activist

**ATTORNEY ROBERT
CONSTAN**

Former State Representative
Dearborn Council Member

HANK CABLE

Community Activist

GEORGE KORDIE

Past School Board President
Past Council Member

MARYJANE SCHILDBERG

Past Council Member
Past Library Board Member
Community Activist

WINNIE WIACEK

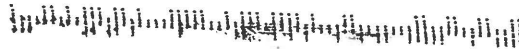
Community activist

48135272158

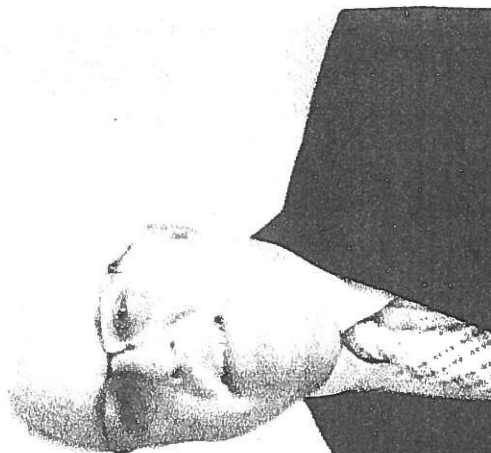
17 JUN 2015 PM 11



MIDDLEBELT RD
GARDEN CITY MI 48135



Vote for change
DAVE FETTER
For Mayor



True **TRANSPARENCY** and **ACCOUNTABILITY**
• **NO MORE** tax increases • **NO MORE** special
assessments • **NO MORE** high water rates •
A STRONG VOICE for THE PEOPLE



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

August 19, 2015

Cheryl Partin
31960 Kathryn
Garden City, Michigan 48135

Dear Ms. Partin:

The Department of State received a response to the complaint you filed against Dave Fetter, 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: Dave Fetter

Ms. Lori A. Bourbonais

I'm responding to the complaint filed against me and my campaign for the office of Mayor in the city of Garden City. Very simply I'm Guilty as charged. I'm sorry but my printer omitted the phrase and I didn't catch it when I proofed his copy. It wasn't intentional by any means, I don't see a benefit in me having the phrase omitted. I've tried to do everything correctly as I go through the process but not having gone through it that many times I made a mistake.

I have taken actions to fix this issue in the future and have obtained a stamp that has the appropriate phrase on it and will be marking all future campaign Postcards. The amount of postcards I mailed was very limited, (about 150 pieces) everything else I have sent out into the community such as campaign signs do have the phrase and meet the requirements outlined in the complaint.

I have attached a copy of the "paid for statement" as it appears on my stamp. It's too bad Ms. Partin didn't contact me when she discovered the omission I would have fixed it right then and you wouldn't have had to get involved. Ms. Partin knows me personally, what my phone number is and where I live.

Ms. Bourbonais I'm not trying to minimize the seriousness of the charges filed against me but I hope you understand I didn't purposely try deceive anyone. If there are any further questions please let me know.



Dave Fetter.

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 AUG 17 PM 3:58
ELECTIONS/GREAT SEAL

Paid for by the Committee to elect David R Fetter for Mayor
5729 Lathers • Garden City, Michigan 48135



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

November 4, 2015

Dave Fetter
5729 Lathers Street
Garden City, Michigan 48135

Dear Mr. Fetter:

The Department of State (Department) has completed its investigation of the complaint filed against you by Cheryl Partin, 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 Ms. Partin'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.*

Ms. Partin filed her complaint on July 23, 2015, and you filed a written response on August 17, 2015. Ms. Partin did not file a rebuttal statement with the Department.

Ms. Partin alleged that you failed to include a complete and correct paid-for-by statement on certain campaign material. In support of her complaint, Ms. Partin provided a copy of a postcard which stated, "Vote for change DAVE FETTER For Mayor [.]". It appeared that the postcard did not contain a paid-for-by statement.

In your response you stated that your printer omitted the phrase and you did not catch it when you proofed the copy. You stated that you obtained a stamp containing a complete and correct paid-for-by statement, which you have used to mark all postcards mailed since the omission was brought to your attention. You provided the Department with a copy of the paid-for-by statement produced by your stamp. Finally, you stated that the rest of your campaign material did contain a complete and correct paid-for-by statement.

While the Department believes that the evidence tends to show that some of your campaign material failed to contain a complete and correct paid-for-by statement, section 15(10) of the

Dave Fetter
November 4, 2015
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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 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: Cheryl Partin