



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

May 6, 2016

Robert Brinkerhoff
Preserve Richland Village
8683 East D Avenue
Richland, Michigan 49083

Dear Mr. Brinkerhoff:

The Department of State (Department) received a formal complaint filed by Robert Perks against the Preserve Richland Village committee (Committee) alleging that the Committee 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 and disclaimer 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). Additionally, section 47 requires printed matter that is not a candidate's to indicate that it was paid for "with regulated funds." MCL 169.247(4). A knowing violation of section 47 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. Perks provided a copy of a picture of a sign which states, "VOTE NO MAY 3RD," and two post cards which state "VOTE NO MAY 3 [.]". The Committee's address appears to be omitted from these campaign materials and they do not appear to indicate that they were paid for with regulated funds.

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.

A copy of your reply will be provided to Mr. Perks, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

Robert Brinkerhoff
Preserve Richland Village
May 6, 2016
Page 2

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 written in a cursive, flowing style.

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Perks

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAY -4 PM 3:16
Campaign Finance Complaint Form
Michigan Department of State

RECEIVED
MICHIGAN DEPT OF STATE
2016 MAY -4 PM 3:16

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 Robert R. Perks		Daytime Telephone Number 269.209.2023
Mailing Address 9213 Bunkerhill		
City Richland	State MI	Zip 49083

Section 2. Alleged Violator

Name Preserve Richland Village Committee c/o Robert Brinkerhoff		
Mailing Address 8683 East D Avenue		
City Richland	State MI	Zip 49083

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

Section(s) of the MCFA violated: **Act 388 of 1976, 169.247, Sec 47 (1) and (4)**

Explain how those sections were violated:

None of the Preserve Richland printed materials contain Committee address information.

In addition, none of the Preserve Richland printed materials contain the required "with regulated funds" language. These violations apply to their Yard Signs, Flyers, Post Card, and Buttons.

The size of these materials would not exempt them from the requirements of this section.

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

Please see attached pictures of each violation.

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

05/01
4/28/2016

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 with an **original signature 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

Preserve Richland Village!

VOTE

MAY 3RD

RICHLAND TWP



NO

paid for by Preserve Richland Village

Richland Township - Remember to Vote May 3

VILLAGE OF RICHLAND

Shall the Incorporation of Richland Village be vacated?

YES

NO



Don't be fooled...

- A "Yes" vote terminates the Village.
- A "No" vote preserves the Village – a community asset since 1871.

Three Reasons To Vote NO

1 Township taxes will have to go up, since some services now paid for by the Village (fire department share, street-lights, disincorporation attorney fees, and more) will have to be paid for.

2 How much might Township taxes go up? **The Township Board states "We don't know."** If some services were reinstated, who would pay? "We don't know." Will Village zoning be protected? "We don't know." Who will enforce traffic laws in the Village? "We don't know." **IF YOU DON'T KNOW, VOTE NO!**

3 Home re-sale values in the entire area will go down. A safe, patrolled and well maintained Village is an asset to the entire Gull Lake community. Look at the sad and run-down unincorporated towns up north and other places across Michigan. That would be our future unless the "No" votes win.

Preserve Richland Village!

VOTE
MAY 3RD
RICHLAND TWP



NO

KEEP THE QUALITY OF LIFE IN RICHLAND - **VOTE NO MAY 3** - PROTECT COMMUNITY PROPERTY VALUES
paid for by Preserve Richland Village <https://preserverichlandvillage.wordpress.com>

VOTE NO MAY 3RD

**Don't let a small group,
misleadingly named
"Reclaim Richland",
destroy our Village!**

Would a dis-incorporation reduce
Village resident taxes?

Technically, since the Village would no longer exist, there would be no Richland Village taxes. But - as the Township stated at the recent joint meeting, the village area could be declared a "special assessment district", adding tax costs right back in. So - Village residents might have to pay even more to get back the services they already have...after a long and intense process of negotiating what services will remain and who will pay. And, they would lose direct control over these and all taxes and services.

All of the benefits of a governed and managed Village could be lost: police services, village maintenance, road and sidewalk plowing, Village trees and

flowers, and more of the factors that keep Village property resale values up. Even the Richland District Library funding is at risk, as no one knows how this could be impacted if there is no more Village government. \$90,000 in annual State revenue sharing for Village streets maintenance will be diluted into Kalamazoo County Road Commission funds, and lost to local control.

**DON'T RISK THE FUTURE
OF OUR COMMUNITY ON A
"DON'T KNOW" BALLOT
ISSUE.**

VOTE NO MAY 3RD!

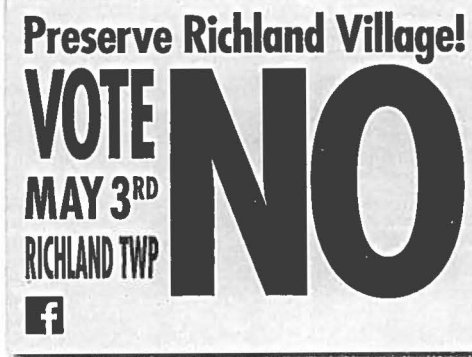
Don't know where to vote?
Call Township Clerk at 629-4921

Be sure to get out and vote NO.
**A failure to vote risks major losses
for the entire Gull Lake area.**

Preserve Richland Village
8683 E DAVE Richland, MI 49083

PRST STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

**Local
Postal Customer**



f Preserve the Village of Richland

<https://preserverichlandvillage.wordpress.com>

KEEP THE QUALITY OF LIFE IN RICHLAND -- VOTE **NO** MAY 3 -- PROTECT COMMUNITY PROPERTY VALUES

Your vote is needed! Don't let a small group of citizens destroy Richland Village.

PRST STD
ECRWSS
U.S. POSTAGE
PAID
EDDM RETAIL

Vote **NO**, or you will lose all these services:

- Immediate local police *First Response* for Gull Lake School emergencies
- Early morning plowing of High School access to all schools
- Plowed sidewalks where kids and others can safely walk
- First Response local police support on medical calls in *and* outside the village
- Local police who deter crime and provide help within minutes even outside the village when County deputies are not available
- Local school police liaison officers to keep our children safe
- Traffic laws enforced for the 40,000+ vehicles transiting our village *daily*
- Security for parades, football games, and other events
- Local businesses knowing they are patrolled and safe
- Local ordinances, master planning and zoning that assure an aesthetic, safe, and functional Village
- Diligent interdiction and prosecution of dangerous drug traffic in and through the village

**Local
Postal Customer**

Paid for by:
Preserve Richland Village

*Be sure to get out and **vote NO**. A failure to vote risks major losses for the entire Gull Lake area*

KEEP THE QUALITY OF LIFE IN RICHLAND -- VOTE **NO** MAY 3 -- PROTECT COMMUNITY PROPERTY VALUES

VOTE **NO** MAY 3RD

PRESERVE THE VILLAGE OF RICHLAND

IMPORTANT VOTE MAY 3RD – WHY YOUR NO VOTE IS NEEDED!

A small group of residents wants to get rid of the village and their village taxes and have forced a combined Township-Village vote to “Vacate the incorporation of the Village of Richland”. Our committee of concerned citizens believes that dis-incorporation of the Village would severely damage our community.

What is “Dis-incorporation”?

The Village would no longer exist as a municipal entity and would be absorbed into Richland Township. All village services, maintenance and governance currently supported by Village taxes (paid only by Village residents) would be lost. See the reverse side for examples of lost services and benefits.

Why does this issue require a Township vote?

The township would have to absorb the village and take on all village liabilities. This has higher tax and reduced quality-of-life implications for all township residents, so state law requires an all-township vote.

If we don't live in the Village, why should we care?

Township taxes will have to go up. Your property values will go down as the village core deteriorates. The village tax and state-sharing revenues that now support many services and safeguards will disappear. A safe, well-maintained Village raises the quality of life – and home-re-sale values – of the entire Gull Lake area.

We have all seen the many sad and run-down unincorporated towns on trips up north and elsewhere in Michigan. If Richland Village becomes just another unregulated and un-patrolled crossroads in the county, our families and future generations will be robbed of an asset and heritage that has benefitted this area since the mid 1800s. Your vote is vital to keep it here! Once lost, the Village is gone forever.

There is even more to lose! Alert your neighbors... Learn more at PreserveRichlandVillage.wordpress.com



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

May 27, 2016

Robert R. Perks
9213 Bunkerhill
Richland, Michigan 49083

Dear Mr. Perks:

The Department of State received a response to the complaint you filed against the Preserve Richland Village Committee, 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 that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Brinkerhoff

Lori Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, MI 48918
17 May 2016

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 MAY 23 PM 3:09
ELECTIONS/GREAT SEAL

Dear Ms. Bourbonais:

I am writing in response to your letter to me as registered record keeper of the Preserve Richland Village committee dated 6 May 2016. This letter notified me that Mr. Robert Perks had filed a complaint against our committee for failure to include a complete and correct identification statement and disclaimer on our yard signs and two postcard mailings.

Our Preserve Richland Village Committee of volunteers raised funds for and organized two post-card mailings and a number of "Vote No" yard signs. We also filed the required paperwork registration and reports with our Kalamazoo County clerk office.

- First postcard mailed 19 April, 2016
- Second and corrected postcard mailed 29 April, 2016
- Yards signs distributed about April 16-20, 2016

On April 25, I was alerted to an anonymous post on the opposition's ("Reclaim Richland") Facebook page stating that our signs were in "violation". We were at first baffled by this assertion, as our yard signs carried the "Paid for by Preserve Richland Village" disclaimer and a Facebook logo that would link to our web address. I and our committee believed these displays met the full and complete disclaimer requirement. On further research I discovered, however, that the signs also needed to include a street address. I then called the Kalamazoo County Clerk, Mr. Tim Snow, and asked him for advice on how to remediate the problem, as our signs were already located: Should we remove all our signs? Had we jeopardized the validity of the election? He assured me that the election was not threatened, and suggested that we correct all of our signs by adding our committee's registered street address. I immediately placed a rush order for adhesive stickers with our committee's name and registered street address, and at the same time on 27 April sent a message (photo attached) to all of our committee members notifying them of the problem and asking their assistance in placing stickers on each and every yard sign. At that time also, my wife and I drove on all streets in the village placing stickers on the signs (see photo attached showing sticker placement). This and our committee members' reported actions confirmed that stickers with the street address were placed on every yard sign we could locate within the next 24 - 36 hours.

Being alerted to this yard sign problem made me realize that our first postcard mailing (April 19) included a "Paid for by Preserve Richland Village" and a web site address, but did not include a street address. We then devised and produced a second corrected postcard mailing that included the street address, and again, the "Paid for ..." disclaimer. This corrected postcard was sent April 29 to the same address list as the first postcard.

None of our disclaimers, however, contained the phrase "...with regulated funds...". Our failure to use this particular phrase was again fully inadvertent. In an effort to be in compliance with Michigan state laws, I went to this web site (<https://www.signs.com/blog/do-political-signs-work-running-an-effective-legal-sign-campaign/>) which listed state-by-state election material regulations, and it advised only that the language read "Paid for by" with no "with regulated funds" language cited. Had I known that the regulated funds phrase was needed, we of course would have included it.

Mr. Perks also states in his complaint that we did not include this language on "buttons". Our committee did not produce any buttons. Though some local residents wore a homemade "Vote No" nametag on occasion, our Preserve Richland Village committee did not authorize or produce any buttons; only the yard signs and the two mailings were Preserve Richland Village materials.

In summary, we were, in all respects, a group of concerned volunteer citizens with no professional election expertise or experience. Our committee's mistakes were inadvertent oversights, not intended in any way to mislead anyone. We believed that we were in compliance with the requirements. The immediate corrective actions we took (placing stickers and sending a second corrected postcard) demonstrate our good faith and intention, and we sincerely regret the violations.

Again, I apologize for our mistakes. I would be happy to participate in a conciliation conference or take whatever other steps you might prescribe to resolve this matter.

Sincerely,


Robert O. Brinkerhoff
8683 East D Avenue
Richland, MI 49083

Attachments:

- Photo of yard sign showing address correction sticker
- Copy of email message alerting volunteers of violation and directing sticker corrections

10 TWP

3 RD

100

paid for by Preserve Richland Village

PRESERVE
RICHLAND VILLAGE
8683 East D Avenue
Richland, MI 49083

Robert Brinkerhoff	new donation, and invoice - I stopped by to meet Teri Donovan at Village Antiques. She wrote a check ...	179 KB	Apr 29
Robert Brinkerhoff	Re: Receipt 11323 from MAILING & MORE - Thanks John - I'll get this to Doug right away, and I just got ...	3 KB	Apr 29
MAILING & MORE	Receipt 11323 from MAILING & MORE - Dear PRESERVE RICHLAND VILLAGE Please review the attached receipt ...	180 KB	Apr 29
Robert Brinkerhoff	Re: Important yard sign correction - Congratulations to and on Reel: That's a good thing! See comments ...	28 KB	Apr 28
Robert Brinkerhoff	Re: Important yard sign correction - I am sure you are super busy. Let me know if you need any piece ...	15 KB	Apr 28
Robert Brinkerhoff	RE: Important yard sign correction - Thanks Jissa - have you won some converts in your neighborhood? ..	12 KB	Apr 28
Robert Brinkerhoff	RE: Important yard sign correction - Thanks Cindy - but Dave Greve reports he has done Richland Woods ...	10 KB	Apr 28

From: Robert Brinkerhoff <robert.brinkerhoff@wmich.edu>
 Subject: Important yard sign correction
 To: John Smith <johnsmith@comcast.net>, Mollie Sternburgh <molliester@yahoo.com>, Kelli Jerke <kjerke1@yahoo.com>, Julia Sherman <JuliaSherman17@yahoo.com>, be van
 Pearson <bovanp@stcglobal.net>, Joe Sisker <joe@migalac1.com>, Bill Nooney <winoneymf@hotmail.com>, Sherri Snyder <rgsgrd@gmail.com>, Brian McGee
 <mogee1858@comcast.net>, Liz Wateridge <elizabethr@gmail.com>, Jan Elwell <jelwell7@comcast.net>, Jamie Ricon <jamie.ricon@gmail.com>, Jissa Williams
 <jissa.williams@gmail.com>, Doug Jones <dnejonas@gmail.com>, Howard Briggs <hbriggs@comcast.net>, Paul Gobbie <pauf@paugobbie.com>, Barb Erickson
 <barberichan17@yahoo.com>, Randy Veltbridge <randyvel7633@comcast.net>, Virginia Gross <virgig@comcast.net>, Lee Cressley <lcresley@jaguar.co.uk>, Edward
 Schwaedt <edschwaedt@gmail.com>, Cindy Berg <cynthiaberg@gmail.com>, Graham Pete <GrahamPete@aol.com>, Dave Greve <davegreve@gmail.com>

Reply | Reply All | Forward | Print

All -
 We inadvertently did not include a street address for our registered Preserve Richland Village vote NO yard signs and thus are not in full compliance with Michigan election laws. To correct this oversight, we have made stickers with the address that can be affixed to the lower left corner of the sign on the side facing traffic. It is important that we take action right away to comply with the law. Some of us are cruising the village putting on stickers.
 But we need help. Condo area folks and others. Please stop by our home (6683 East D Avenue in the village) and pick up enough stickers to correct the signs in your area. The stickers are in a green cooler by our garage entry door. On the clipboard next to these, please make a note as to what area you will be taking care of. Get help as you need from friends and neighbors.
 Stevie and I are taking care of East D Avenue and Harding's Market.
 A "reply all" to this message will let others know what area you will be taking care of.
 Thank you, and I apologize for this error. We thought that our web addresses were sufficient to identify us, but just learned that a street address is required.
 Final all-49083 mailing will hit this weekend.
 Robert O. Brinkerhoff
 Professor Emeritus, Western Michigan University
 Office: 269 629 4161; Cell 269 993 9003

Refresh | Compose | ☒ Delete | ☒ Print | Move to: | ☒ Folders | ☒ Actions | ☒ ☒ ☒



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

June 21, 2016

Robert Brinkerhoff
8683 East D Avenue
Richland, Michigan 49083

Dear Mr. Brinkerhoff:

This letter concerns the complaint that was recently filed against the Preserve Richland Village Committee by Robert Perks, 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. Perks' 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 that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Perks

June 6, 2016

Lori A Bourbonais

Bureau of Elections

Michigan Department of State

Richard H Austin Building, 1st Floor

430 W. Allegan

Lansing, MI 48918

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 JUN 14 PM 2:09
ELECTIONS/GREAT SEAL

Dear Ms. Bourbonais:

As Mr. Brinkerhoff acknowledges, The Preserve Richland Village Committee was in violation of the Michigan Campaign Finance Act as established by the Michigan Legislature. While attempts to ameliorate this violation may have taken place, It should be noted that this violation continued to exist even up to just days before the election as evidenced by dated photographs of the signs in question.

Despite what was represented by Mr. Brinkerhoff, The Preserve group is not composed of political neophytes, but possess knowledge of the election process and what is required. The group includes members of the Village council, and Mr. Brinkerhoff himself is a former village councilman. As such, they are in a much better position of knowing the expectations associated with the election process, and actions that must be taken to be in compliance with the Michigan Campaign Finance Act.

It should be also noted that the Preserve Group had access to the very same information as the Reclaim group, yet the Reclaim group was in compliance with the Act, whereas the Preserve Group was not.

Since the Preserve group has acknowledged that they have violated the act, we accept this acknowledgement, and we would also be receptive to participating in a conciliation conference in an effort to redress this violation.

Thank you for your consideration.

Sincerely,



Robert R. Perks

9213 Bunkerhill

Richland, MI 49083

Lori Bourbonais
Bureau of Elections
Michigan Department of State
Richard H. Austin Building, 1st Floor
430 W. Allegan
Lansing, MI 48918
9 July 2016

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 JUL 15 PM 2:45
ELECTIONS/GREAT SEAL

Dear Ms. Bourbonais:

Thank you for the copy of the letter you wrote to Mr. Robert Perks concerning his complaint against me as the head of the Preserve Richland Village group. I am writing again to reiterate our apologies and to note that our mistakes were inadvertent. As evidence that not including our committee mailing address on our sign was not purposeful, I listed my *home address* on our registration form with the county clerk; had I known that this address was required on literature and signs, I would certainly have used a PO box.

Because all of our literature and signs carried our identification and noted that our Preserve Richland Village had provided the funding, it is clear that we were in no way trying to hide our affiliation or mislead anyone. Further, as I noted in our previous letter and as Mr. Perks acknowledges, we made corrections immediately. It is difficult to imagine that the omission of the "paid for with regulated funds" phrase could influence any voting opinion or outcome in our favor. Virtually everyone in our area, due to hundreds of social media conversations and heavy news media coverage, knew or could find out immediately exactly who we were. In any case, this was nowhere near a close election as the vote in favor of preserving our village succeeded by a 70% margin.

I apologize for the work that our inadvertent mistake has caused for your office.

Sincerely,


Robert O. Brinkerhoff
8683 East D Avenue
Richland, MI 49083



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

July 19, 2016

Robert Brinkerhoff
8683 East D Avenue
Richland, Michigan 49083

Dear Mr. Brinkerhoff:

The Department of State (Department) has completed its investigation of the complaint filed against the Preserve Richland Village Committee (Committee) by Robert Perks, which alleged that the Committee violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include complete and correct identification and disclaimer statements on certain campaign materials. This letter concerns the disposition of Mr. Perks' 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). Additionally, any printed matter that is paid for by a committee other than a candidate committee must indicate that the printed matter was paid for with regulated funds. MCL 169.247(4). 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. Perks filed his complaint on May 3, 2016. You filed a written response on May 27, 2016, and Mr. Perks filed a rebuttal statement on June 14, 2016.

Mr. Perks alleged that the Committee failed to include its address in its paid-for-by statements and failed to include the disclaimer that the material was paid for "with regulated funds" on certain campaign material. In support of his complaint, Mr. Perks provided a copy of a picture of a sign which stated, "VOTE NO MAY 3RD RICHLAND TWP [.]" and two postcards which stated, "VOTE NO MAY 3RD [.]"

In your response you stated that the Committee address was missing from the signs and the Committee's original post card, and on the advice of the Kalamazoo County Clerk's office, the Committee corrected its signs with stickers which included the Committee's street address. You further stated that the Committee did a "second corrected postcard mailing that included the street address." You also admitted that none of the materials contained the disclaimer that the

materials were paid for with regulated funds. You stated that it was inadvertent and that you were not aware of the requirement at the time the materials were produced.

While the Department finds that the evidence provided supports a reason to believe that the Committee's campaign material failed to contain a complete and correct paid-for-by and disclaimer 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 [.]". To resolve this matter informally, the Department is issuing this warning letter.

The Department is advising the Committee that section 47(1) and R 169.36(2) require the Committee 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 Committee. Additionally, all campaign material produced by the Committee must indicate that it was paid for with regulated funds. Note that all printed materials that refer to an election produced in the future must include this identification and disclaimer statement.

Please be advised that this notice has served to remind the Committee of its 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 Committee at this time.

Sincerely,

A handwritten signature in cursive script, reading "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Perks