



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

April 24, 2015

Ariana Gibbs  
Hayes Middle School PTO President  
3418 Josette Lane  
Lansing, Michigan 48906

**SECOND NOTICE**

Dear Ms. Gibbs:

By correspondence dated March 12, 2015, the Department of State (Department) advised you of its intention to investigate a complaint filed against you by Fredrick McPhail concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The Department notes that the March 12, 2015 notice was mailed to you at 12620 Nixon Road, Grand Ledge, Michigan 48837, as this is the address that was provided to the Department by the complainant. The Department understands that the Nixon Road address is not your residence address.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. You were provided an opportunity to respond to these allegations within 15 business days of your receipt of the notice, but to date no response has been filed on your behalf.

**By this letter, the Department is providing you an opportunity to submit a written response to the enclosed notice.** Your response may include any documentary evidence you wish to submit, and must be received by the Department on or before **May 15, 2015**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 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 Mr. McPhail.

Sincerely,

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Fredrick McPhail



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

March 12, 2015

Ariana Gibbs  
Hayes Middle School PTO President  
12620 Nixon Road  
Grand Ledge, Michigan 48837

Dear Ms. Gibbs:

The Department of State (Department) received a formal complaint filed by Fredrick McPhail 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. McPhail provided a letter which states "I'm writing to ask for your support of the 2015 bond proposal on February 24. I'm asking for you to vote 'YES'!" There does not appear to be a paid-for-by statement on the letter.

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, 1<sup>st</sup> 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. McPhail, 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

Ariana Gibbs  
March 12, 2015  
Page 2

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, 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: Fredrick McPhail

**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:

<b>Section 1. Complainant</b>		
Your Name <i>Fredrick K. McPhail</i>	Daytime Telephone Number <i>517-652-3225</i>	
Mailing Address <i>219 E. Lincoln St.</i>		
City <i>Grand Ledge</i>	State <i>MI</i>	Zip <i>48837</i>

<b>Section 2. Alleged Violator</b>		
Name <i>Arianna Gibbs (Hayes PTD - President)</i>		
Mailing Address <i>12620 Nixon Rd.</i>		
City <i>Grand Ledge</i>	State <i>MI</i>	Zip <i>48837</i>

<b>Section 3. Alleged Violations</b> (Use additional sheet if more space is needed.)
--

Section(s) of the MCFA violated:

*169.247*

Explain how those sections were violated:

*I received the attached letter in the mail asking for my "yes" vote on a bond proposal. It did not contain the required language indicating who paid for the mailing.*

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


*Attached letter & envelope*

DEPT OF STATE  
2015 MAR -2 P 4: 16  
BUREAU OF ELECTIONS

**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

2-24-15

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:*

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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



Dr. Michael V. Johnson / Principal

## Hayes PTO

Ariana Gibbs / President

Dear parent(s),

As a fellow parent of a student in Grand Ledge Public Schools, and most specifically here at Hayes Middle School, I'm writing to ask for your support of the 2015 bond proposal on February 24. I'm asking for you to vote "YES"!

Although Grand Ledge is one of the largest districts in the area, it has one of the lowest millage rates in the region. For years, our district has operated on skeleton resources, and now, some of our buildings are showing significant wear and tear. Our technology is falling behind and our classes are getting bigger and bigger.

Simply put: It's time to invest in our children's future. Our children here at Hayes Middle School will be some of the first classes to benefit directly from this bond. We would be able to remove the portable classrooms here and get the students back inside to where its safe if there was a tornado or wind storm. We would be renovating the science classrooms, fixing the broken plumbing and giving these kids a step up into the future of learning.

Thinking of the future and where education is headed, there will be a technology wing added to the Grand Ledge High School, this is very much needed as all State mandated testing will now be done online. Our children will need access to computers for this testing. We also have to consider how our children will be working in a career after graduation; and chances are, there will be some form of computer work involved. We must teach our kids how to compete and succeed in a global work setting, and technology is key to that.

If approved, the bond would allow many improvements in our district. Not just our school, but district wide. The bond provides for critical mechanical and building upgrades to Grand Ledge High School and Wacusta Elementary. Adding extra classrooms to elementary schools to accommodate the growing district. Additionally, we are in desperate need of new buses. This bond will provide necessary buses to ensure that students and parents have that option in the future.

If approved, we will see relief of traffic congestion on Nixon and Willow and Nixon and M-43 every morning and afternoon! As you know, between the buses and the parents dropping off children, Nixon turns into a virtual parking lot, increasing accidents and congestion. Many of us feel the frustrations of trying to get our kids to school and then get to work on time only to be stuck on the road and parking lot with no end in sight. I don't know about all of you, but, they have my vote right here.

Speaking of road congestion, let us not forget that the High School faces this very same issue every morning. Again, adding a road that provides an entrance and exit to/from the High School that does not send our kids through the neighborhoods will solve this problem. It will relieve the stress of driving down Jenne St. between 7am and 4pm. It will improve the safety of the Neff Kindergarten building, and again, we will be some of the first to see this pay off.

As Comets, we take pride in excelling academically, artistically and athletically. Bond funds will ensure that our district provides well-rounded, engaged citizens who excel in our community and beyond.

So I urge you to **vote "YES" on February 24** to guarantee that your child, or children, enjoys a truly exceptional educational experience. If you think that you may be out of town on the 24th, you can actually request an "absentee ballot" and vote anytime between now and the 24th!!

If you're not sure, think about this: Simply forgoing a couple of Starbucks coffees each month will offset your investment in the bond. (The average homeowner would pay less than \$7 per month.)

Details about the proposal, can be found at: [www.glcomets.net](http://www.glcomets.net)

In conclusion, I know that Dr. Metcalf would welcome any question you might have.

Thank you for your support!

Sincerely,



Ariana Gibbs

President Hayes Middle School PTO

Road  
MI 48837

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Lansing, MI  
Permit No. 407



To the Parent/Guardian of  
Brodrick McPhail  
219 E Lincoln St  
Grand Ledge, MI 48837-1721

HA  
1010





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

May 18, 2015

Fredrick McPhail  
219 East Lincoln Street  
Grand Ledge, Michigan 48837

Dear Mr. McPhail:

The Department of State received a response to the complaint you filed against Ariana Gibbs, 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, 1<sup>st</sup> 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: Ariana Gibbs

**BUREAU OF ELECTIONS  
MI DEPT OF STATE**

May 7th 2015

Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building  
430 West Allegan St  
Lansing, Mi 48918

2015 MAY 15 PM 3:31

To Whom It May Concern,

In a letter dated April 24th, 2015, the Department of State informed me that there had been a complaint issued by Frederick McPhail concerning alleged violations of Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq.

Prior to this letter I had no knowledge of this law.

Further, based on feedback from the Delta Township Clerk, this is a Special Election and this law does not appear to apply. See attached letter from Clerk.

Sincerely,

  
Ariana Gibbs

**CLERK'S OFFICE**  
**Mary R. Clark, Township Clerk**



**(517) 323-8500**  
**email: [mclark@deltami.gov](mailto:mclark@deltami.gov)**

April 24, 2015

Ariana Gibbs  
Hayes Middle School PTO  
12620 Nixon Road  
Grand Ledge, MI 48837

RE: February Special Election

Dear Ms. Gibbs,

In response to your question to clarify the type of election which was conducted February 24, 2015 for Grand Ledge Schools, the election is classified by law as a "Special Election".

I am aware of mailings that were sent, as I was in receipt of such a mailing, that spoke against the bond proposal and did not contain a signature, "a paid for by..." statement, or a return address on the mailing envelope.

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

Sincerely,



Mary R. Clark, CMMC

**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.).

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<b>Section 2. Alleged Violator</b>		
Name <i>Ariana Gibbs (Hayes PTD - President)</i>		
Mailing Address <i>12620 Nixon Rd.</i>		
City <i>Grand Ledge</i>	State <i>MI</i>	Zip <i>48837</i>

<b>Section 3. Alleged Violations</b> (Use additional sheet if more space is needed.)
--

Section(s) of the MCFA violated:

*169.247*

Explain how those sections were violated:

*I received the attached letter in the mail asking for my "yes" vote on a bond proposal. It did not contain the required language indicating who paid for the mailing.*

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

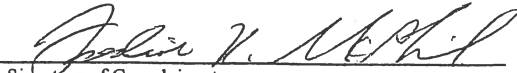
*Attached letter & envelope*

DEPT OF STATE  
2015 MAR -2 P 4: 16  
BUREAU OF ELECTIONS

**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.*

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Signature of Complainant

2-24-15  
Date

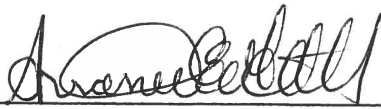
**Section 5. Certification without Evidence (Supplemental to Section 4)**

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*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:*

Please see Attached.

X

  
Signature of Complainant

5-10-15  
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.

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Dr. Michael V. Johnson / Principal

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Ariana Gibbs / President

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So I urge you to **vote "YES" on February 24** to guarantee that your child, or children, enjoys a truly exceptional educational experience. If you think that you may be out of town on the 24th, you can actually request an "absentee ballot" and vote anytime between now and the 24th!!

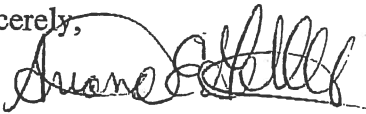
If you're not sure, think about this: Simply forgoing a couple of Starbucks coffees each month will offset your investment in the bond. (The average homeowner would pay less than \$7 per month.)

Details about the proposal, can be found at: [www.glcomets.net](http://www.glcomets.net)

In conclusion, I know that Dr. Metcalf would welcome any question you might have.

Thank you for your support!

Sincerely,



Ariana Gibbs  
President Hayes Middle School PTO

Road  
MI 48837

First Class Presort  
U.S. Postage Paid  
Lansing, MI  
Permit No. 407



To the Parent/Guardian of  
Brodrick McPhail  
219 E Lincoln St  
Grand Ledge, MI 48837-1721

HA  
1010





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

August 12, 2015

Ariana Gibbs  
Hayes Middle School PTO President  
3418 Josette Lane  
Lansing, Michigan 48906

Dear Ms. Gibbs:

The Department of State (Department) has completed its investigation of the complaint filed against you by Fredrick McPhail, 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. McPhail's complaint.

The MCFA and corresponding administrative rules require a person<sup>1</sup> 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. McPhail filed his complaint on March 11, 2015, and you filed a written response on May 15, 2015. Mr. McPhail did not file a rebuttal statement with the Department.

Mr. McPhail alleged that you failed to include a paid-for-by statement on a certain letter supporting a ballot question. In support of his complaint, Mr. McPhail provided a copy of a letter which stated, "I'm writing to ask for your support of the 2015 bond proposal" and "I'm asking for you to vote 'YES' [.]". This letter was signed by you, and it appeared that the letter did not contain a paid-for-by statement.

In your response you indicated that you were unaware of the section 47 paid-for-by statement requirement. You further asserted that because the election was a "special election" section 47 of the Act does not apply.

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<sup>1</sup> "Person" includes an organization or group of persons acting jointly. MCL 169.211(2).

First, the Department notes that the MCFA defines an "election" as "a primary, general, *special*, or millage election held in this state or a convention or caucus of a political party held in this state to nominate a candidate. Election includes a recall vote." MCL 169.205(2). (Emphasis added.) The requirement in section 47 for printed material that relates to an election to include a paid-for-by statement does apply to the special election for Grand Ledge Public Schools held on February 24, 2015, because as defined in the Act, "election" includes a special election.

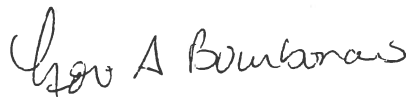
While the Department believes that the evidence tends to show that your letter failed to contain a required paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]". Therefore, the Department is issuing this warning letter.

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 the person paying for the material. 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 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,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Fredrick McPhail