

Campaign Finance Complaint Form
Michigan Department of State

RECEIVED/FILED
MICHIGAN
2018 OCT 26 AM 9:04
CLERK OF COURT
ALL SEAL

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	Carla Osborne	
Mailing Address	1691 Dorothea	
City	State	Zip
Berkley	mi	48072
Daytime Telephone Number		
248-818-1303		

Section 2. Alleged Violator		
Name	Mike Wiacek and Wendi Zabramski	
Mailing Address	1811 Beverly RD 3340 Gardner	
City	State	Zip
Berkley	mi	48072

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

Section(s) of the MCFA violated:

169.204, 169.221, 169.224, 169.251

Explain how those sections were violated:

Yard signs have been placed through out the city, for Vote No on a bond proposal. There is no Name or address of who paid for the signs. Mike Wiacek has been the one to orgizie the ordering of the signs and Wendi Zabramski has admitted to taking donations. They are not registered as a formed committee.

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

See Attached pictures

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

Date

9/28/18

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:

We are Unable to verify if a Committee has officially been formed, due to the lack of information on the Signer.

X

Signature of Complainant

Date

9/28/18

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

Vote

NO

On the BIG \$15 Million BOND

Keep Berkley Affordable!

I would like one

5h Like Reply



Mike Wiacek

I will add you to the list. Thank you

5h Like Reply



Write a reply...



Carmen Sarotte

If it's A \$ bond proposal, I'm guessing that's the cost. I think you buried the headline..

5h Like Reply




Wendi Zabramski

If anyone wants a sign but really cannot afford, let me know. We had someone donate the money towards them.

1h Like Reply



 Scott A. Herskovitz I am not an accountant...

 Scott A. Herskovitz And the money we rec...

 Scott A. Herskovitz replied



Wendi Zabramski

Can anyone tell me if you got a NO sign yet and how many, please?

3h Like Reply



Jennifer Mullis Lippo

Just curious? Why no? Do you like the falling down piece of crap that's there now? We won't get a pool or ice arena. I'm literally, honestly curious why you wouldn't want a new one? Do you use the current one?

1h Like Reply

 Mike Wlasek Part of the reason is because...

 Joshua Hunter I would be supportive of so...

 Kurt Hite  Jennifer In Dec 2016 when they...



Wendi Zabramski

For anyone who ordered or wants a sign, I am home now. 3340 Gardner. \$5.00 each

59m Like Reply



Write a comment...





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

November 1, 2018

Mike Wiacek
1811 Beverly Road
Berkley, Michigan 48072

Wendi Zabramski
3340 Gardner Road
Berkley, Michigan 48072

Re: *Osborne v. Wiacek, et al*
Campaign Finance Complaint
No. 2018-09-89-21

Dear Mr. Wiacek and Ms. Zabramski:

The Department of State (Department) received a formal complaint filed by Carla Osborne against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.*

The complaint alleges that you have distributed yards signs which fail to contain a proper paid for by statement and you have failed to register as a committee in violation of the MCFA. A copy of the complaint and supporting documentation is enclosed with this letter.

A committee is required to file its statement of organization within 10 days of its formation, and campaign statements listing a committee's contributions and expenditures in accordance with the schedules set forth in the Act. MCL 169.224; 169.233. The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). Failure to timely file any of these statements may result in the assessment of late filing fees, or if the statement or organization or two or more campaign statements remain unfiled for more than 30 days, prosecution for a misdemeanor offense. MCL 169.224(1); 169.233(7)-(8).

For purpose of the Act's registration requirement, the words "contribution" and "expenditure" are defined, in pertinent part, to include anything of ascertainable monetary value that is made for the purpose of influencing or to assist the nomination or election of a candidate. MCL 169.204(1); 169.206(1). A communication is not treated as an expenditure unless it "support[s] or oppose[s] a . . . candidate by name or clear inference [,]" or unless it contains "express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for governor,' 'vote against,' 'defeat,' or reject.'" MCL 169.206(2)(b)(j). Further, "[i]n-

kind contributions or expenditures must be listed at fair market value and reported as both contributions and expenditures.” MCL 169.226(1)(b).

Additionally, 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).

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 this 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. Should you elect to file a response, please address all the allegations in the complaint and submit any evidence you feel necessary to rebut the allegations.

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 answer will be provided to Ms. Osborne, 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 penalties provided in the Act.

If you have any questions, please do not hesitate to contact the Bureau of Elections.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Carla Osborne

November 12, 2018

Mr. Adam Fracassi
Department of State
Bureau of Elections
Richard H. Austin Building
1st Floor
430 West Allegan Street
Lansing, MI 48918

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2018 NOV 14 AM 9:15
ELECTIONS/GREAT SEAL

Dear Mr. Fracassi:

I am in receipt of your letter dated November 1, 2018 notifying myself and Mrs. Wendi Zabramski of a formal complaint filed by Carla Osbourne (i.e. complainant) alleging our violation of the MCFA. With Mrs. Zabramski's consent, I am submitting this response on behalf of the both of us.

Let me begin by saying I have no political ties to anything or anyone. Historically, I have remained absent from any ongoing discussions via social media related to any candidates or ballot initiatives nor have I ever participated in any sort of political committee. I preferred to stand on the sidelines, vote as I saw fit in local elections and would leave it at that. In the case of the Berkley Community Center Bond initiative, I attended a community town hall sponsored by the City whereby city officials presented an outline of the new center, potential programs to be offered and financial information relating to operations. By the end of that meeting, I was very concerned the City was so ill prepared to take on a project like this and I believed the City was spreading misleading, if not incorrect, information – information residents would be relying on when making their decision on how to vote on the bond initiative. I overheard supporters talking at the town hall meeting, sharing pictures of a "yes" yard sign and saying they would be received any day. I felt so strongly that this measure could potentially harm the long-term financial health of the City and its residents that I took to social media. I was wondering if anyone had formed an opposition committee or had anyone purchased opposition signs (if so, I wanted one). What I found was no kind of group or committee existed nor was there any thought or interest in forming one. There certainly were a lot of people against the measure speaking out but no group or committee. This would also mean no one had thought of ordering any kind of yard signs. I reached out to many residents via Facebook (FB) who appeared to be opposed to the bond measure and asked if they would be interested in buying a yard sign. It turned out they were, and someone referred me to Sign Outfitters. I contacted them and was told they could not process multiple individual credit cards on one multi-sign order. I went back to these residents, explained the situation, and asked if I ordered signs and paid for them, would they reimburse me their share of the cost. They all agreed to do so. Had my fellow residents not been willing to reimburse me, I would not have ordered the signs. I began taking pre-orders immediately and requests for signs were coming in daily (see Attachment A, pages 1 - 7 for examples). I purchased 100 signs at a total cost of \$496.56, which included taxes and shipping (see Attachment 1). I rounded up to \$500 and divided it by the 100 signs which meant anyone who pre-ordered a sign would pay \$5 each. To date, I have not recouped all the \$496.56 I spent but it is close. Of the 100 signs, I still have 7. This would mean I wound up using approximately \$40 of my own money to purchase the signs (7 signs plus

my own sign). I spent no money on any other forms of advertising like newspaper ads, radio ads, flyers mailed to homes, door tags, etc.

A discussion of timing is also important to note. I ordered the yard signs on Thursday, September 20th. It took several days to print and ship them with delivery expected early in the week of September 24th. My family and I were leaving for a 2-week vacation on Wednesday, September 26th. My intent was to receive the signs and pass out whatever number I could before I left and then resume handing them out when I returned. The shipping was delayed, however, and I would not be home to accept delivery, nor would I be home to pass out any signs until I returned from vacation. In the meantime, I was continuing to collect names of people who were pre-ordering signs and wanted to pick them up ASAP as soon as they were delivered. I asked a neighbor to accept delivery in my absence, which she did, and I randomly reached out to a handful of others to see if they would be willing to hand out the signs and collect the \$5 while I was on vacation. Wendi agreed to do just that in my absence. She reached out to those on the pre-order list and posted to them openly on FB that their sign was ready (see Attachment B). Given we had a few others still available, she openly communicated that as well. Wendi pre-ordered a sign but was not involved in my decision to order the signs, she was not involved in the ordering process nor did she set the \$5 reimbursement I established. Wendi simply agreed to help me while I was out of town. Let me be clear here. There were no donations solicited by anyone from anyone to support any kind of anti-community center bond movement or campaign and the complainant knew that. No fundraising of any kind took place, no special events, no businesses approached. A multitude of residents took to FB to voice their thoughts and concerns, but they did that on their own as they saw fit.

Over the course of the past month and a half, there has been significant FB chatter about this bond initiative. I was very active on FB, but I believe the complainant was far more active than I ever was. She oversaw the “yes” committee, organized fundraisers and promotional events, initiated her own posts frequently on FB, posted comments to others’ posts frequently, “liked” and “disliked” comments frequently and openly challenged countless residents who were not in support of the bond measure. She and her other committee members monitored the goings on extremely closely just as one would expect. In the course of these exchanges, the question was raised many times by supporters of the measure asking who paid for the “no” signs and if a committee was formed. Please note the following attachments:

Item #1: Please see attachment 2, pages 1 and 2. On 9/27, I posted on FB that the signs had been received. In that same thread on 9/28, a supporter of the measure, John Coggeshall, posted the following:

John Coggeshall lol you are charging \$5 dollars per sign? Not for a profit I hope..

Mike Wiacek *John Coggeshall* no, just recouping what I spent. Who paid for the YES signs?

That same thread continues with the complainant “liking” a supporter’s post of a “yes” sign on 9/29 which demonstrates that the complainant read the thread and knew I bought the signs. She also knew I was only recouping the cost and no fundraising was underway.


Item #2: Please see attachment 3, pages 1 - 6. On 10/26, Joshua Hunter, an opponent to the bond measure, posted on FB a group of local organizations that were in support of the bond measure and donated money to the "yes" initiative. In that lengthy thread, there are several important comments and exchanges of information:

- A) On 10/27, Bre Young, a supporter of the measure, asks if financial disclosures will be filed for an opposition group. In that thread, Jill Carley Doemer, a Berkley resident, posted:

"There is no registered 501c group for the no vote, nor was there any money donated to anything. One individual ordered and paid for the signs, anyone with a sign reimbursed him the cost. This has been said over and over again."

I don't know Jill, never met her, but this is a true statement. It was repeatedly stated time and again by multiple people on multiple FB threads that no committee existed, no donations were solicited, I paid for the signs and I received reimbursement from those who ordered one. The complainant was well aware of all this since late September.

- B) Later in that thread, the question was raised if the signs should have included wording stating how they were paid for. Another resident, Kurt Hite, stated the question had been answered time and again already but added the link to the MERTS website (https://mertsplus.com/mertsuserguide/index.php?n=MANUALS.AppendixJ&fbclid=IwAR1TYPdxuDwnTbS3rieP1wolpSf-wEIXibYGqxKI_fJE5HSyhO_JGelnVTU) showing that a person acting alone in the purchase of signs does not require such disclosure on the sign. Several residents even joked on the FB threads that need be, they will take a Sharpie and write on their sign "Paid for by me" given they paid for their sign. The complainant disputed this assertion initially however via an exchange with Mr. Hunter, the complainant finally accepts there is no opposition committee as noted below. Given her comment below, it begs the question why she did not withdraw this complaint?

["Carla Osborne Joshua Hunter"](#)  so your group consists on 1 individual? Ok if your good with that. Then don't worry about it"

I believe I have adequately demonstrated I bought the signs on my own via a pre-order system with the residents of Berkley. Per the MERTS guidelines cited above, I have demonstrated I was not required to list my name on the signs as the person buying them. As for the complaint that Mrs. Zabramski and I should have formed a formal committee, I'm not sure how to document no committee existed nor was the intention ever there to do so. She and I met once for roughly 5 minutes when I visited her home to thank her for her help and collect the pre-order money I asked her to collect. We never spoke on the phone, I don't have her home or cell number and she doesn't have mine, she's never been to my home nor have we ever met at any outside location(s). Other than general FB comment posts and communication on the signs, she and I have had no interaction

In conclusion, I find these accusations baseless for the following reasons:

- Fact #1: The complainant knew I placed the order for the signs since late September. Given her and her committee members' frequent posting and monitoring of the FB forums, she saw was aware. As documented, I was open and honest about it and the residents on FB knew.
- Fact #2: The complainant knew since late September that I acted on behalf of Berkley residents in taking preorders and purchasing the signs. She also knew the \$5 was reimbursement via the pre-orders. Again, this also has been openly documented on FB with the volume of public traffic as people placed their orders.
- Fact #3: The complainant knew no opposition committee was formed, no meetings held, no fundraising, nothing that would lend itself to a "committee". This also had been stated multiple times on FB by multiple people in the community.

Moving on to the specific violations noted by the complainant, I would like to address each of the 4 allegations separately:

1) MCFA violation – Section 169.204 pertains to Contributions.

(1) "Contribution" means a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.

*(3) Contribution does not include any of the following:
(e) An independent expenditure.*

As noted, my individual \$40 purchase does not qualify as a contribution.

2) MCFA violation 169.221 - Candidate committee or committee other than candidate committee; treasurer; service of process; official depository for contributions; secondary depositories; requirements for accepting contributions or making expenditures; vacancy in office of treasurer; authorizing expenditure; contributions or expenditures considered received or made by candidate committee; reporting contributions; commingling prohibited; violation; penalty.

In order to address this section, one needs to review the definition of a "committee". Per MFCA Section 169.203, subsection 3(4):

"Committee" means a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year. Except as restricted or prohibited by this act or other state or federal law, a committee may also make other lawful disbursements. An individual, other than a

candidate, does not constitute a committee. A person, other than a committee registered under this act, making an expenditure to a ballot question committee or an independent expenditure committee, shall not, for that reason, be considered a committee or be required to file a report for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee or independent expenditure committee.

As noted, I am one person that spent \$40 so I therefore do not qualify as a committee.

- 3) MCFA violation 169.224 - Statement of organization; time for filing; late filing fee; violation as misdemeanor; penalty; contents of statement; name of sponsor; amendment; statement as to receipts or expenditures; filing statement indicating dissolution of committee; exception; political committee considered as independent expenditure committee.

This Section addresses organizational issues and timelines for committees. Given I am not a committee, this does not apply.

- 4) MCFA violation 169.251 - Independent expenditure of \$100.01 or more; report; forwarding copies to filing officers; late filing fees; violation as misdemeanor.

As previously noted, the signs were purchased on a pre-order system with net cost to me of \$40, which is less than the \$100.01 threshold.

I believe I have addressed all the allegations sufficiently. I look forward to hearing from you soon and your dismissal of these charges.

If you need anything else from me, please don't hesitate to contact me at 248-677-4688.

Regards,

A handwritten signature in dark ink, appearing to read 'Michael Wiacek', with a long horizontal flourish extending to the right.

Michael Wiacek

CC: Wendi Zabramski



Mike Wiacek ► Berkley
Residents Forum

ATTACHMENT A
... PL 1

☕ Conversati...tember 25 •

Let's all band together to ensure fiscal responsibility is maintained in our City government. Let's support our police, firefighters and city employees by correcting the seriously underfunded pension plans. Let's stop borrowing money from one fund to cover shortfalls in other funds. Let's stop the "pay-as-you-go" mentality and allocate money to repair our neglected City facilities. Let's not blindly approve a new Community Center that no one knows how much will cost to operate or responsibly maintain. "Vote No on the \$15MM bond proposal" yard signs coming soon. Please contact me if you'd like one. If not, that's fine too. Just please vote NO.



Like



Comment



You, Joshua Hunter and 55 others



Write a comme...



   You, Joshua Hunter and 55 others



Carlos Humberto Cabral Sanchez
I want one

6w Like Reply



Mike Wiacek ☕

I'll add you to the list.

Thank you

6w Like Reply



Write a reply...



Lori Dodson

Well said Mike! 

6w Like Reply



Jim Thorpe

i guess i just dont understand
the anneal of a communitiv



Write a comme...



5w Like Reply



Write a reply...



Mike May

Sign please!  1

6w Like Reply



Mike Wiacek ☕

You're on the list Mike.
Thank you

6w Like Reply



Write a reply...



Marcia Drinkard

Put me on your list. I'd like a
sign.

6w Like Reply



Mike Wiacek ☕



Write a comment...





Mike Wiacek ☕

I'll add you to the list

Marcia. Thank you

6w Like Reply



Write a reply...



Diane Rismann

me too

6w Like Reply



Mike Wiacek ☕

I'm happy to add you to the list

6w Like Reply



Write a reply...



Michelle Ufford

Sign please  1



Write a comment...





MIKE WIACEK

I'll be sure to add you
Michelle. Thank you

6w Like Reply



Write a reply...



Mike Fry

I would like a new ice arena!

6w Like Reply



Rosamond Gleason

I want one!



6w Like Reply



Mike Wiacek ☕

You're on the list!

6w Like Reply



Rosamond Gleason

Mike Wiacek thank you!



Write a comment...



pool, or community center...but something with costs more clearly defined. As such, I'd like a sign as well please.

6w Like Reply



Jeri Long

I would like one

6w Like Reply



Mike Wiacek ☕

I will add you to the list.

Thank you

6w Like Reply



Write a reply...



Carmen Sarotte

If it's A \$ bond proposal, I'm guessing that's the cost I think



Write a comment...



**Lynne Koreck**

I will take a no sign also.

6w

Like

Reply

**Courtney Wooten**

I would take a sign. New to the city and finding that we are struggling with basic services like fire equipment, water issues, roads, debris pick up, and employee pensions. I'm all for a community center, when we have got our essentials handled. Language is not acceptable on this request as it stands. Consumerism is rampant, even in our city government.

6w

Like

Reply

**Courtney Wooten**

Write a comme...



ATTACHMENT 1

From: sales <sales@ssgraphicsusa.com>
To: [REDACTED]
Subject: SignOutfitters.com Order#: 757616
Date: Thu, Sep 20, 2018 1:22 pm

Date: 2018-09-20 13:21:52

Message addressed to: [REDACTED]

Thank you for your order!

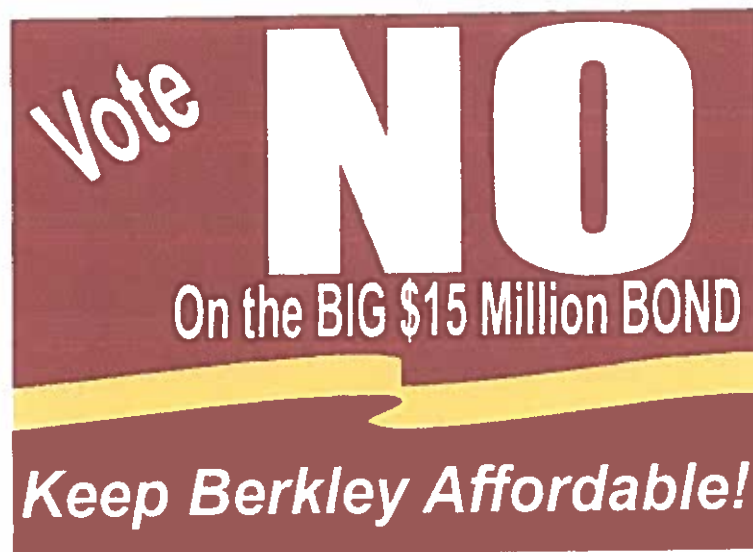
Next, you will be emailed a proof from our Art Department to review. During normal business hours, you will be emailed a proof within 1-2 hours. If you submitted your order after normal business hours, you will see the proof the next business day. Our business hours are Monday - Friday 9:00am to 5:00pm Eastern Standard Time. If you do not see your proof, please check your Spam / Junk Folder or contact our Sales Department at 1-800-513-1695. We always "Welcome Your Call"!

Order No.: 757616 - Date/Time Order Submitted: 2018-09-20 13:21:52

Name: Michael Wiacek Company: [REDACTED] Address: [REDACTED] City: Berkley State: MI Zip: 48072 Phone: [REDACTED] Email: [REDACTED]	Quantity: 100 Product Price: \$433.00 Sales Tax (Michigan only): \$25.98 Total with Shipping: \$496.56
--	---

Comments:

Base: \$3.58 each - Sign Stakes => 15" Stakes: \$0.75 each
Quantity: 100 of Double Sided Yard Signs
Size: 24 x 18
Printed: Medium Yellow substrate



ATTACHMENT
B



Wendi Zabramski ☕

Did anyone get their sign already, please let me know and how many, thanks.

5w Like Reply



Wendi Zabramski ☕

For anyone that ordered signs, I am home now. 3340 Gardner

5w Like Reply



Kara Bradley

I will be by later!

5w Like Reply



Wendi Zabramski ☕

Kara Bradley okay

5w Like Reply



Write a reply...



Write a comme...





Mike Wiacek ▶ **Berkley**

Sep 27 at 6:30 PM • 🌐

ATTACHMENT 2
...
Pg 1

The vote NO signs are in! The requests for signs have been overwhelming! Thank you Berkley!!! Let's stay united! Please post a pic of your sign in your yard.



Like



Comment



Share



21



Lisa Kanka

How can I get one  1

5w

Like

Reply

View 9 previous replies



Wendi Zabramski Marcia Drinkard...



Marcia Drinkard Wendi Zabramski...



Lisa Kanka Wendi Zabramski can I...



Ian Schulz



2 - PG 2

Wendi Zabramski

For anyone who ordered or wants a sign, I am home now. 3340 Gardner. \$5.00 each

5w

Like

Reply



John Coggeshall

lol you are charging \$5 dollars per sign? Not for a profit I hope..

9/28/18

5w

Like

Reply



Mike Wiacek ☕

John Coggeshall no, just recouping what I spent. Who paid for the YES signs?

9/28/18

5w

Like

Reply



Mike Wiacek ☕

John? I'm awaiting your



Joshua Hunter shared a link to the group: **Berkley.**

...

ATTACHMENT

3

PAGE 1

Oct 26 at 9:14 AM • 🌐

For parents with children in Berkley Dads' Club and Hoops, what are your thoughts on how your fees are being used to influence the community center tax increase election? This seems like a lot money, but maybe not?

[Edit: Regarding Moms Club, please see comments below from Corrina Samson Campbell. This is NOT the Berkley Moms Club Softball organization]

Below are the county records of contributors to the Supporters of the Community Center Bond committee:

Berkley Dads' Club \$1000

Berkley Hoops \$500

Friends of Berkley Parks and Rec \$500

* Berkley Moms Club \$100



Bre Young

Joshua Hunter will you also be posting financials from the county for your group as well?

1w

Like

Reply



1



Jill Carley Doemer

There is no registered 501c group for the no vote, nor was there any money donated to anything. One individual ordered and paid for the signs, anyone with a sign reimbursed him the cost. This has been said over and over again.

10/27/18

1w

Like

Reply



3



Joshua Hunter ☕

There's no ballot question committee for the opposition. You are



Joshua Hunter ☕

There's no ballot question committee for the opposition. You are required to file one if you spend more than \$500 to influence an election.

10/27/18

1w

Like

Reply



Tina Hite ✓

...adding to Jill's response...this also was openly discussed on this board at the time. There is no such thing as a no group, there are simply individual residents who agree they do not support this particular CC.

1w

Like

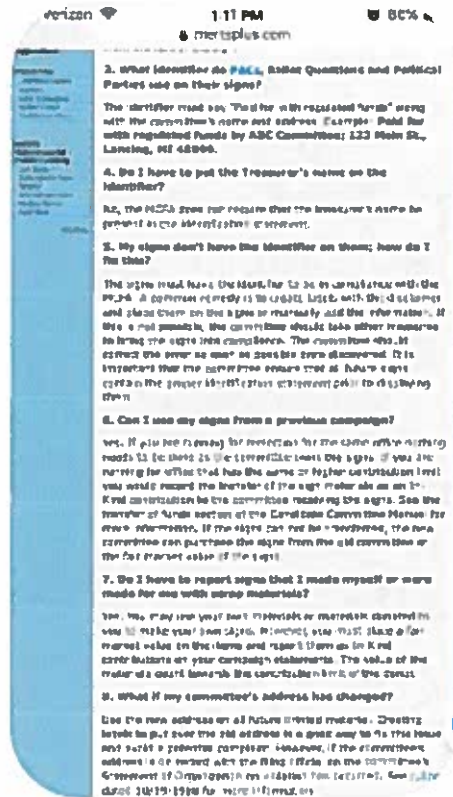
Reply



Bre Young



Bre Young
According to Mi election law, something on your sign needs to say who is funding it.



1w Like Reply



Suzanne Soave Fleming Bailey
Bre Young You are absolutely correct. They have violated campaign finance laws.

1w Like Reply





Kurt Hite

3-PG 5

Bre Young I think others have responded but I will reiterate for them. There is not a "group" There was no money collected which would have required registration. One individual purchased signs. The total was below the limit. I think you can refer to this link here for indication of what would be required. (in case you have any other questions)

<https://mertsplus.com/mertsuserguide/index.php?n=MANU...> See More

OTHERS

STEP 1: Does the communication contain words of express advocacy?

YES - Go to STEP 2

NO - Go to STEP 3

STEP 2: Is the item a novelty item such as a pen, pencil or bumper sticker or something else such as a sign, TV, Radio or electronic communication?

YES - It is a novelty item. The item may already be exempt, see the Printed Items - Exemptions list below. If it is not exempt, you can request exemption by submitting a request to the Bureau of Elections or place the appropriate identifier on the item. Sample wording is provided in the chart below.

NO: It is not a novelty item, it is:

- Other printed item: See column 1 below.
- TV or Radio Advertisement: See column 2 below.
- Robocalls: See column 3 below.
- Electronic Message: See column 4 below.

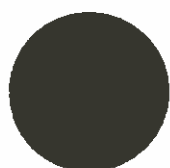
WITH WORDS OF EXPRESS ADVOCACY	PRINT COLUMN 1	RADIO/TV COLUMN 2	ROBO-CALLS COLUMN 3	ELECTRONIC MEDIA COLUMN 4
	Printed matters such as [redacted] [redacted]			Websites (Free side)



Jill Carley Doemer

Carla Osborne, then report any suspected violation to the State of Michigan!

1w Like Reply



Carla Osborne ☕

Joshua Hunter 🙄 so your group consists on 1 individual? Ok if your good with that. Then don't worry about it

10/30/18

1w Like Reply



Joshua Hunter ☕

I don't think there is a registered opposition committee. I wish there was though.

1w Like Reply



RECEIVED
MICHIGAN
2018 NOV 19 A 15

LEGISLATIVE

November 12, 2018

Mr. Adam Fracassi
Department of State
Bureau of Elections
Richard H. Austin Building
1st Floor
430 West Allegan Street
Lansing, MI 48918

Dear Mr. Fracassi

Regarding: The allegations from Carla Osborne.

I give my permission for Mike Wiacek to respond to these allegations from Carla Osborne on my behalf.

Enclosed is a copy of the letter from Mr. Wiacek. The rest of the supporting documents for these charges were sent by Mr. Wiacek, since my copy machine is not real good.

Thank you very much.

Sincerely,



Wendi Zabramski
248-224-7395



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

November 26, 2018

Carla Osborne
1691 Dorothea
Berkley, Michigan 48072

Re: *Osborne v. Wiacek, et al*
Campaign Finance Complaint
No. 2018-10-89-21

Dear Ms. Osborne:

The Department of State received a response to the complaint you filed against Mike Wiacek and Wendi Zabramski, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Mike Wiacek
Wendi Zabramski



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

April 15, 2019

Mike Wiacek
1811 Beverly Road
Berkley, Michigan 48072

Dear Mr. Wiacek:

The Department of State has finished its investigation into the complaint filed against you by Carla Osborne which alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

The complaint was filed with the Department on October 26, 2018 and stated that yard signs were purchased and placed throughout the city which expressly advocated for the defeat of a local bond proposal. Ms. Osborne stated that the signs did not have a proper paid for by statement, and that you organized ordering the signs while Ms. Zabramski coordinated accepting money for the signs. Ms. Osborne further alleged you neither formed nor registered a committee. As evidence to her complaint, Ms. Osborne submitted a copy of the signs which say "Vote NO." She also submitted Facebook messages in which Ms. Zabramski discusses paying for the signs.

By letter dated November 12, 2018, you responded to the complaint indicating that he wanted to purchase an opposition sign but could not find a committee that had any made. Because no committee existed, you made signs and reached out to residents via Facebook to see whether others would purchase a sign, if made. Upon designing signs, you stated that you reached out to the vendor who indicated that only one credit card could be processed, so you took pre-orders for the signs. You then stated that you purchased 100 signs totaling \$496.56, charged \$5.00 per sign, and had 7 signs remaining. In total, you indicated you received approximately \$465 to pay for the signs. As to the requirement of filing an independent expenditure report, you stated that you were not required to file said report because the difference between the total amount of purchasing the signs and the total amount of money received was approximately \$40, which is less than the \$100.01 threshold. Ms. Zabramski indicated by letter dated November 12, 2018 that you could respond on her behalf.

The Department notified Ms. Osborne of her right to file a rebuttal statement by letter dated November 26, 2018. To date, no rebuttal statement has been received.

The first issue presented in the complaint is whether you were required to form a committee under the Act. Under the MCFA, a committee is "a person that receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for

or against . . . the qualification, passage, or defeat of ballot questions . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). The words “contribution” and “expenditure” are generally defined, in pertinent part, to include anything of ascertainable monetary value that is used to influence or assist a candidate’s nomination or election, or the qualification, passage or defeat of a ballot question. MCL 169.204(1), 169.206(1). Under the MCFA, a committee is required to file its statement of organization within 10 days of its formation. MCL 169.224(1), see also *Zucker Interpretive Statement*, Issued November 21, 2007 (finding that “ActBlue’s obligation to register [as a committee] is triggered not more than ten days after it receives contributions or makes expenditures of at least \$500.00 in a single calendar year to influence or attempt to influence the nomination or election of a candidate, or the qualification, passage or defeat of a ballot question.”)¹

Here, your obligation to form and register a committee would be triggered upon receiving or expending \$500 or more in a single calendar year for the purpose of influencing or attempting to influence the qualification, passage or defeat of a ballot question. According to the response to the complaint, you received approximately \$465 in contributions and made \$496.56 in expenditures that expressly advocated² for the defeat of a ballot question. Therefore, absent evidence to the contrary, you did not surpass the \$500.00 threshold to form a committee. Because the evidence submitted does not show that you surpassed the \$500.00 threshold of receiving contributions or making expenditures for the qualification, passage or defeat of a ballot question, you do not meet the definition of “committee” under the Act and were not required to register.

However, while not required to form a committee, a person other than a committee that makes independent expenditures that expressly advocate for the passage or defeat of a ballot question totaling \$100.01 or more in a single calendar year is required to file a report of the independent expenditure with the county clerk within 10 days of the date of the independent expenditure. MCL 169.251(1). Failure to timely file the independent expenditure report may require the payment of late filing fees. MCL 169.251(2).

Here, the independent expenditure totaled \$496.56 which exceeds the \$100.01 threshold established under the Act. While you allege that the total amount of the expenditure is only \$40, the Department disagrees as that incorrectly represents the total amount spent to support or oppose the ballot question. A person making an independent expenditure is required to report the total amount spent on the expenditure regardless of any contributions accepted to offset the amount of the independent expenditure. To date, no independent expenditure report has been filed with the Oakland County Clerk’s Office.

¹ Available at: https://www.michigan.gov/documents/sos/Zucker_Request_-_Final_Response_216319_7.pdf

² Under the Act, express advocacy is defined as communication that specifically urges voters to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a candidate, using these or equivalent words and phrases. MCL 169.206(2)(j).

Therefore, the Department concludes that the evidence supports a reason to believe a violation has occurred. Upon reaching this conclusion, the Department is required 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.*

As part of the informal resolution, the Department requests you file an independent expenditure report with the Oakland County Clerk’s office. For your convenience, a copy of the form is enclosed. **This report should be filed no later than April 30, 2019.** The Department notes that your committee may be assessed a late-filing fee by the Oakland County Clerk for any statement that was not timely filed. MCL 169.233(7). Late-filing fees are assessed and collected by the filing official with whom the statements are filed. MCL 169.217(1). Any questions regarding these late-filing fees should be directed to the Oakland County Clerk.

Upon the filing of the independent expenditure report, the Department will review the report in order to determine whether further enforcement action may be necessary.

Should you have any questions, please do not hesitate to email me at FracassiA@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Wendi Zabramski
Joe Rozell, Oakland County Clerk’s Office



Michigan Department of State
Bureau of Elections

**CAMPAIGN FINANCE
NOTICE OF LATE FILING FEE DUE
OAKLAND COUNTY**

ID # N/A
Date 04/25/2019

COMMUNITY CENTER BOND INITIATIVE
ATTN: MICHAEL WIACEK
1811 BEVERLY BLVD.
BERKLEY, MI 48072

Please be advised that this office is assessing the above named committee a late filing fee for the late filing of the following Statement:

<u>Independent Expenditure Report</u>	<u>09/30/2018</u>	<u>04/22/2019</u>
Statement	Due Date	Date Received

The late fee is assessed in accordance with MCL 169.251(2), in the amount of \$1,000.00.

A copy of the governing provision of law is attached. Make your check payable to **OAKLAND COUNTY CLERK** and forward it to this office. (See office address listed below.)

If you have questions, contact us immediately at 248-858-0564.

Sincerely,

**JOSEPH J. ROZELL, CERA
DIRECTOR OF ELECTIONS**

**OAKLAND COUNTY
ELECTIONS DIVISION
1200 N TELEGRAPH RD., DEPT 417
PONTIAC MI 48341-0417**

Attachment

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)

Act 388 of 1976

169.251 Independent expenditure of \$100.01 or more; report; forwarding copies to filing officers; late filing fees; violation as misdemeanor.

Sec. 51. (1) A person, other than a committee, that makes an independent expenditure, advocating the election or defeat of a candidate or the qualification, passage, or defeat of a ballot question, in an amount of \$100.01 or more in a calendar year shall file a report of the independent expenditure, within 10 days after making that independent expenditure, with the clerk of the county of residence of that person. If the independent expenditure advocates the election or defeat of a candidate for state elective office or the qualification, passage, or defeat of a statewide ballot question, or if the person making the independent expenditure is not a resident of this state, the person shall file the report with the secretary of state in lieu of filing with a clerk of a county. The report required under this section must be made on an independent expenditure report form provided by the secretary of state, include the date of the expenditure, a brief description of the nature of the expenditure, the amount, the name and address of the person to whom it was paid, the name and address of the person filing the report, together with the name, address, occupation, employer, and principal place of business of each person that contributed \$100.01 or more to the expenditure, and identify the candidate or ballot question for or against which the independent expenditure was made. The filing official receiving the report shall forward copies, as required, to the appropriate filing officers as described in section 36.

(2) If a person fails to file a report as required under this section, that person shall pay a late filing fee. If the person has made independent expenditures totaling less than \$10,000.00, the late filing fee is \$25.00 for each business day the report remains unfiled, but not to exceed \$1,000.00. If the person has made independent expenditures totaling \$10,000.00 or more, the late filing fee is \$50.00 for each business day the report remains unfiled, but not to exceed \$5,000.00. A person that violates this subsection by failing to file a report required under this section for more than 30 days after the report is required to be filed is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both.

History: 1976, Act 388, Eff. June 1, 1977;—Am. 1989, Act 95, Imd. Eff. June 21, 1989;—Am. 2017, Act 119, Imd. Eff. Sept. 20, 2017.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

**INDEPENDENT EXPENDITURE REPORT FOR
FILING WITH THE LOCAL COUNTY CLERK**
INDIVIDUALS, GROUPS AND ORGANIZATIONS
(Includes Corporations, Unions and Domestic Dependent Sovereigns)

Use a separate form for each expenditure.

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2019 APR 22 AMH: 23
3Y.
DEPUTY COUNTY CLERK

1a. Enter the candidate's name, office involved, jurisdiction/district and county of residence.		1b. Describe the ballot question.	
<input type="checkbox"/> Support <input type="checkbox"/> Oppose		<u>COMMUNITY CENTER BOND INITIATIVE</u> <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	
2. (Individual, Group or Organization that made Independent Expenditure)			
Name: <u>MICHAEL WIAREK</u>		Address: <u>1811 BEVERLY BLVD, BERKLEY MI 48072</u>	
		County of Residence or Location: <u>OAKLAND</u>	
3. Person(s) Contributing More than \$100.00 to the Independent Expenditure			
Full Name: <u>MICHAEL WIAREK</u>		Address: <u>1811 BEVERLY BLVD, BERKLEY MI</u>	
		Occupation: <u>ASSET MGR</u>	
		Employer: <u>REDSTONE</u>	
4. Person or Business that Received the Funds:		5. Date of Expenditure <u>9/20/18</u> (This form is due within 10 days; Late Filing Fees Apply.)	
<u>SIGN OUTFITTERS</u> <u>4176 6TH ST.</u> <u>WYANDOTTE, MI 48192</u>		6. Amount of Expenditure <u>\$496.56</u>	
<input type="checkbox"/> In-Kind (if box checked leave blank) <input checked="" type="checkbox"/> Not In-Kind		7. Purpose/Description of the Independent Expenditure <u>YARD SIGNS (PRE-SOLD)</u>	
8. Individual Filing the Report:			
Name: <u>MICHAEL WIAREK</u>			
Address: <u>1811 BEVERLY BLVD BERKLEY MI 48072</u>			
9. Verification: I certify that all reasonable diligence was used in the preparation of this statement; to the best of my knowledge and belief the contents are true, accurate and complete.			
Signature of Person Filing the Report <u>[Signature]</u>		Date <u>4 17 19</u> Mo Day Year	



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

April 29, 2019

Mike Wiacek
1811 Beverly Blvd
Berkley, Michigan 48072

Re: *Osborne v. Wiacek, et al*
Campaign Finance Complaint
No. 2018-10-89-33

Dear Mr. Wiacek:

This letter concerns the campaign finance complaint filed against you by Carla Osborne, which alleged certain violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*

In her complaint, Ms. Osborne alleged that you failed to form a campaign committee and file certain reports.

By letter dated April 15, 2019, the Department found that the evidence provided supported a reason to believe that a potential violation had occurred. As previously indicated, upon reaching this conclusion, the Department is required 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.*

As part of the informal resolution, the Department asked you to file independent expenditure reports with the Oakland County Clerk (the filing official) and provide a copy of the reports to the Department. While the Department has not received the reports from you, the Department has received a copy of the reports from the Oakland County Clerk's Office.

The Department has reviewed these statements and is satisfied that you complied with the Department's request. Therefore, the Department determines that this formal warning is a sufficient resolution to the complaint. The Department now considers this matter closed and will take no further action against you at this time.

The Department notes that you may be assessed a late-filing fee by the Oakland County Clerk for any statement that was not timely filed. MCL 169.233(7). Late-filing fees are assessed and collected by the filing official with whom the statements are filed. MCL 169.217(1). Any questions regarding these late-filing fees should be directed to the Oakland County Clerk.

Mike Wiacek
April 29, 2019
Page 2

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping "A" and a cursive "Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Carla Osborne
Wendi Zabramski
Joe Rozell, Director of Elections, Oakland County Clerk