



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

July 18, 2016

Carl Muscott
P.O. Box 1045
Indian River, Michigan 49749

Dear Mr. Muscott:

The Department of State (Department) received a formal complaint filed by Michael Ridley 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 your campaign signs. 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. Ridley provided a picture of a sign which states, "Carl Muscott Tuscarora Township Supervisor [.]". There does not appear to be a paid-for-by statement on this sign.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your reply will be provided to Mr. Ridley, 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

Carl Muscott
July 18, 2016
Page 2

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 dark 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: Michael Ridley

Campaign Finance Complaint Form
Michigan Department of State

RECEIVED
MICHIGAN DEPT. OF STATE

2016 JUL 12 PM 3:00

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 <u>Michael Ridley</u>		Daytime Telephone Number <u>231-420-3360</u>	
Mailing Address <u>530 Plymouth Beach Rd</u>			
City <u>Indian River</u>	State <u>Mi</u>	Zip <u>49749</u>	

Section 2. Alleged Violator

Name <u>Carl Muscott</u>		
Mailing Address <u>P.O. Box 1045</u>		
City <u>Indian River</u>	State <u>Mi</u>	Zip <u>49749</u>

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

Section(s) of the MCFA violated:

Section 47

Explain how those sections were violated:

No identification of who paid for the campaign
signs

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

Michael E. Riley
Signature of Complainant

7/7/16
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

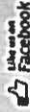
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the

Your Advocate for SMART Government

Carl Muscott

Tuscarora Township

Supervisor



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Facebook



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

July 28, 2016

Michael Ridley
530 Plymouth Beach Road
Indian River, Michigan 49749

Dear Mr. Ridley:

The Department of State received a response to the complaint you filed against Carl Muscott, 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: Carl Muscott

July 22, 2016

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

RECEIVED FILED
2016 JUL 26 PM 3:00
ELECTIONS/GREAT SEAL

Dear Ms Bourbonais,

Thank you for your letter of July 18, 2016 concerning a complaint made by incumbent Tuscarora Township Supervisor Michael Ridley of an alleged violation of Michigan's Campaign Finance Act.

As soon as I was aware some of my signage did not have the required declaration, I took action by applying self-adhesive stickers to my signs starting the last week in June. My campaign signs have a sticker affixed stating "Pd for by CMTE to Elect Carl Muscott PO Box 1045 Indian River, MI 49749". There might still be a few installed by volunteers that I have not located, and there have been about 30 stolen that may or may not have stickers because they are not in my possession or control.

Tuscarora Township Supervisor Michael Ridley, the complainant, is aware of all of this because he had apparently advised Tuscarora Township Clerk Sue Fisher of the alleged violation. I spoke with Clerk Fisher on June 29, 2016 and advised her that my signs that were not yet in compliance would have the required declaration affixed. This issue has also been widely published in two local papers; please see reverse page.

I was working to correct the issue several weeks before Supervisor Michael Ridley filed the alleged violation. I believe Tuscarora Township Supervisor Michael Ridley ignored all these facts and falsely signed his name to a statement that the complaint is supported by evidence. The sign pictured in Tuscarora Township Supervisor Michael Ridley's complaint is either a sign stolen from a yard before I was able to affix a sticker, or, he may have chosen to photograph one side of a two sided sign choosing to ignore the declaration on the other side.

I therefore don't believe Tuscarora Township Supervisor Michael Ridley can truthfully state his complaint is factual and supported by evidence. I am not interested in pursuing any possible violation by him for falsely filing a complaint under Section 15(8) of the Michigan Campaign Finance Act.

I want to assure your department that there was never any intentional violation of the law and I trust this information will be an adequate response to the alleged violation.

My sincere thanks for your time,



Carl Muscott 231-290-1994

PO Box 1045
Indian River, MI

~~49749~~ 49749

cc/file

Campaign signs must be in compliance by July 29 Cheboygan Tribune

Contributed July 14, 2016

CHEBOYGAN COUNTY – It's that time of year, election season. Campaign signs are popping up all over the county, and not all of the signs around the are not in compliance with the Michigan Campaign Finance Act, MCFA.

The MCFA provides that certain political communications or paid political advertisements, including signs of any size, must identify the person paying for the communication. This is called an identifier and must be clearly visible. The identifier must include both the name and address of the person paying for the sign to be in compliance with the MCFA.

An example of a common identifier would be "Paid for by the Committee to Elect Tom Izzo President, #1 Sparty Lane, East Lansing MI 49721."

Those candidates whose signs are not in compliance must remedy the problem to bring them into compliance by July 29, 2016, or further action may be taken.

Any questions, please call County Clerk Mary Ellen Tryban at 231-6278807 or Amber Libby, Chief Deputy at 231-6278870.



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

November 17, 2016

Carl Muscott
P.O. Box 1045
Indian River, Michigan 49749

Dear Mr. Muscott:

The Department of State (Department) has completed its investigation of the complaint filed against you by Michael Ridley, 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 your campaign signs. This letter concerns the disposition of Mr. Ridley's complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.]" if it finds that "there may be reason to believe that a violation ... has occurred [.]". MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]". Id.

Mr. Ridley filed his complaint on July 12, 2016, and you filed a written response on July 26, 2016. Mr. Ridley did not file a rebuttal statement with the Department.

Mr. Ridley alleged that you failed to include a paid-for-by statement on your campaign signs. In support of his complaint, Mr. Ridley provided a picture of a sign which stated, "Carl Muscott -- Tuscarora Township Supervisor[.]" There did not appear to be a paid-for-by statement on the sign.

In your response you admitted that your signs had not been in compliance with the Act around the time the complaint was filed, but you were in the process of trying to remedy the situation by attaching stickers to your signs with the appropriate paid-for-by statements. You claimed the picture must have been taken of a sign that had not received a proper sticker yet.

While the Department believes that the evidence tends to show that your campaign material originally failed to contain a 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 [.]". The Department is satisfied that

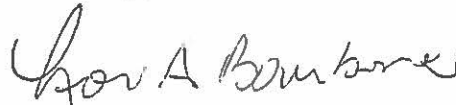
you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, the Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Michael Ridley