



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

July 14, 2016

Bruce Austin
3665 South M-37
Baldwin, Michigan 49304

Dear Mr. Austin:

The Department of State (Department) received a formal complaint filed by Dan Sloan 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 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. Sloan provided a picture of a sign which states, "ELECT BRUCE AUSTIN LAKE COUNTY SHERIFF [.]". The paid-for-by statement on this sign appears to omit your committee's address.

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

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July 14, 2016
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enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink that reads "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: Dan Sloan

Campaign Finance Complaint Form
Michigan Department of State

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 <i>Dan Sloan</i>		Daytime Telephone Number <i>231-287-2309</i>	
Mailing Address <i>10035 E. 40th St.</i>			
City <i>Chase</i>	State <i>MI</i>	Zip <i>49623</i>	

Section 2. Alleged Violator		
Name <i>Bruce Austin</i>		
Mailing Address <i>3665 S. M-37</i>		
City <i>Baldwin</i>	State <i>MI</i>	Zip <i>49304</i>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)
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Section(s) of the MCFA violated:

Section 47(1)

Explain how those sections were violated:

Failure to include a complete identification on certain signs.

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

attached is a picture of a sign.

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 JUL -8 PM 2:45
ELECTIONS/CLEARING

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

Aan Sloan
Signature of Complainant

7-8-16
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:

Bruce Austin violated MCFA, 1976, PA
388, MCL 169.247(1) by failing to
provide a complete identification on
certain signs.

X

Aan Sloan
Signature of Complainant

7-8-16
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

ELECT

BRUCE AUSTIN
LAKE COUNTY SHERIFF
Democrat

Paid for by the Committee to Elect Bruce L. Austin

501 ©



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

October 17, 2016

Bruce Austin
3665 South M-37
Baldwin, Michigan 49304

Dear Mr. Austin:

The Department of State (Department) has completed its investigation of the complaint filed against you by Dan Sloan, 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. Sloan'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. Sloan filed his complaint on July 8, 2016. The Department gave notice of the complaint to you by letter dated July 14, 2016. That notice letter informed you that you had 15 business days to respond to the complaint. As of today, you have failed to provide any response to the Department.

Because you have failed to submit a response, the Department has no choice but to render a decision based on the evidence furnished by the complainant.

Mr. Sloan alleged that you failed to include a committee address in your paid-for-by statement on your campaign signs. In support of his complaint, Mr. Sloan provided a picture of a sign which stated, "ELECT BRUCE AUSTIN LAKE COUNTY SHERIFF [.] The paid-for-by statement on the sign appears to omit your committee's address.

While the Department believes that the evidence tends to show that your campaign sign failed to contain a committee address, 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 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 cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Dan Sloan