



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

July 18, 2014

Mark Curran  
200 South 4<sup>th</sup> Street  
Marquette, Michigan 49855

Dear Mr. Curran:

The Department of State (Department) received a formal complaint filed by Nicholas Smaby 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(5).

In support of his complaint, Mr. Smaby provided copies of pictures of a sign which states "Mark Curran FOR County Commission [.]". There does not appear to be a paid-for-by statement on the 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, 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. Smaby, 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 penalty provided in section 47(5) of the Act.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Nicholas Smaby

**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 <b>Nicholas E. Smaby</b>	Daytime Telephone Number <b>(906) 360-6425</b>	
Mailing Address <b>229 Jean St.</b>		
City <b>Marquette</b>	State <b>MI</b>	Zip <b>49855</b>

<b>Section 2. Alleged Violator</b>		
Name <b>Mark Curran</b>		
Mailing Address <b>200 S. 4th St.</b>		
City <b>Marquette</b>	State <b>MI</b>	Zip <b>49855</b>

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

Section(s) of the MCFA violated: **Section 169.247 (1)**

Explain how those sections were violated:

**Political yards signs fail to identify who paid for them.**

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

**I have photographs of multiple illegal yard signs all date, time and gps stamped with their location**

BUREAU OF ELECTIONS  
MI DEPT OF STATE

2014 JUL 11 PM 2:47

**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

~~06-13-14~~

Date

Resubmitted 7/9/14

**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:*

I have evidence (attached)  
No signature required here!!!

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

Mark  
**Curran**  
FOR  
County  
Commission

Facing South -- US 41



Mark  
Curran  
— F O R —  
County  
Commission

Facing North-- us 91

Cancel

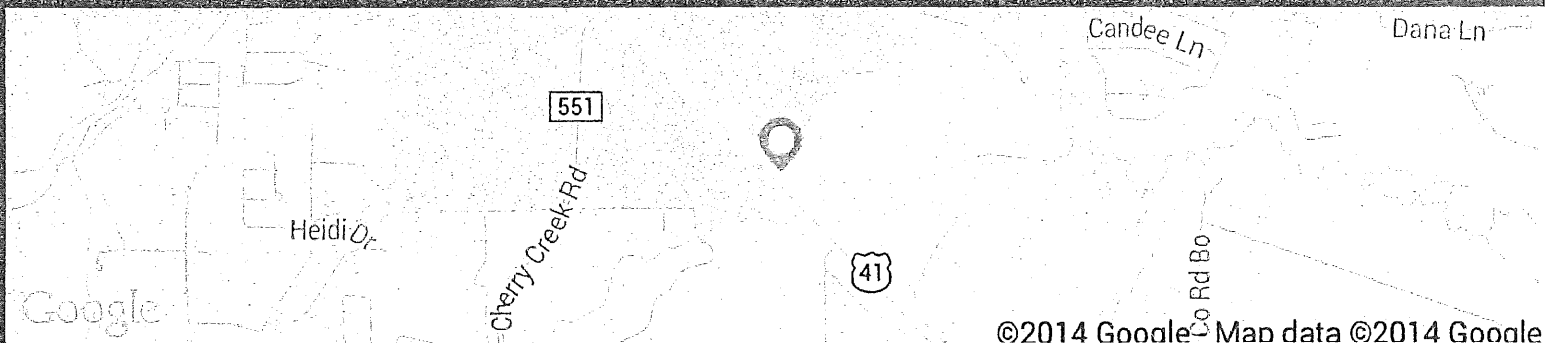
Done

Date

06/13/2014 4:53 PM

Location

Michigan, Marquette, U.S. 41, 49855, United..



Screen shot showing this  
sign's location (Date, Time +  
Location Stamp from Smart Phone)  
Multiple signs (all Illegal) in  
various parts of Marquette  
County



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

August 7, 2014

Nick Smaby  
229 Jean Street  
Marquette, Michigan 49855

Dear Mr. Smaby:

The Department of State received a response to the complaint you filed against Mark Curran, 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: Mark Curran



www.curranandcompany.com

Mark Curran  
1520 Commerce Drive  
Marquette, MI 49855

Telephone: 906/228-8604 Fax: 906/228-9674

Department of State  
Bureau of Elections  
Richard H. Austin Building 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI 48918

July 29, 2014

Re: Election signs

To Whom It May Concern,

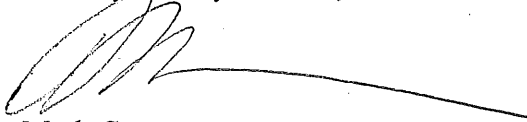
As soon as I became aware of the printing error on my signs in mid-June we began updating all of our signs.

As you can see in the Mining Journal Article dated July 23, 2014, we had already updated our signs with labels stating "Paid for by The Committee to Elect Mark Curran for County Commission, 1520 Commerce Drive, Marquette MI 49855". Your letter was post marked July 22, 2014. Therefore, we found out about our mistake and began addressing it even before receiving your letter.

There are few signs that I have not been able to locate and would be more than happy to put my updated information if informed of the location. Please also note that our phrase "Paid for by The Committee to Elect Mark Curran for County Commission, 1520 Commerce Drive, Marquette MI 49855" is on one side only of each sign, as we did not find in writing the requirement to be on both sides.

I take full responsibility for the error and have taken corrective action.

Thank you for your time,



Mark Curran

Enclosure: Picture of Updated Signs  
Mining Journal Article  
Copy of Postmarked Letter

2014 AUG -5 PM 3:58

BUREAU OF ELECTIONS  
MI DEPT OF STATE



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

July 18, 2014

Mark Curran  
200 South 4<sup>th</sup> Street  
Marquette, Michigan 49855

Dear Mr. Curran:

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In support of his complaint, Mr. Smaby provided copies of pictures of a sign which states "Mark Curran FOR County Commission [.]". There does not appear to be a paid-for-by statement on the 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, 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.

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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(5) 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: Nicholas Smaby

Paid for by  
The Committee to Elect  
Mark Curran for  
County Commission  
1520 Commerce Drive  
Marquette, MI 49855

# Mark Curran

— F O R —

# County Commission

County Commission  
1520 Commerce Drive  
Marquette, MI 49855

# County candidate files complaints with state over political signs

By JACKIE STARK  
Journal Staff Writer

MARQUETTE — Marquette County Board candidate Nick Smaby said he's filed complaints on four other District 6 candidates with the Michigan Department of State alleging violations of campaign finance law.

District 6 encompasses Chocolay and Sands townships and portions of the city of Marquette.

Smaby, who issued a press release this morning on the issue, said Demo-

cratic candidates Erik Booth, Karen L. Alholm and Dwight Brady, along with Republican Mark Curran, have yard signs that do not meet the qualifications outlined in Michigan's Campaign Finance Act 388 of 1976.

The law requires all signs to indicate who paid for the signs and show an address for the person paying for the signs.



SMABY

Smaby, a Republican, has alleged Curran and Brady have no information about who paid for the signs nor an address listed on their yard signs, filing complaints against them June 13. Smaby filed complaints June 25 against Booth and Alholm for not listing the address of the person paying for the signs.

"It's a case of they're not

operating legally and I just think everybody should have a level playing field," Smaby said.

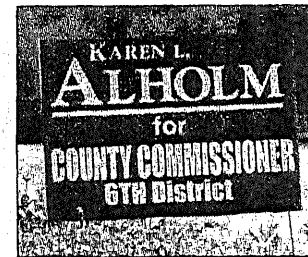
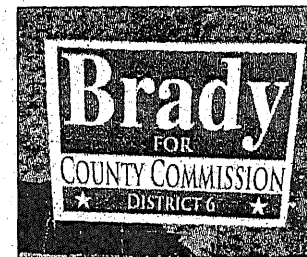
He added that the issue wasn't just confined to District 6 candidates.

"There's illegal yard signs everywhere," he said.

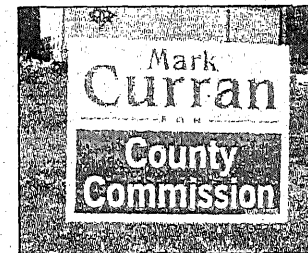
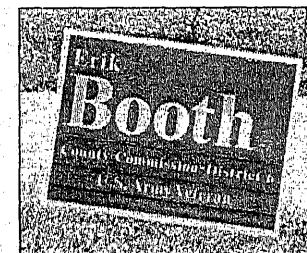
Smaby also said he was hoping the District 6 candidates would fix their signs prior to the Aug. 5 election.

"The primary will be over by the time any possible enforcement action could

See Signs p. 8A



Above and below are examples of the political signs that spurred complaints to the state by a Marquette County Board candidate. (Brady sign photo courtesy of Nick Smaby. Alholm, Booth and Curran signs by Adelle Whitefoot of The Mining Journal)



**GOOD AFTERNOON**  
**James Bertucci**  
Thank you for subscribing  
to The Mining Journal

**INSIDE TODAY**  
**Three Sections, 18 pages**  
Records .....2A  
Local/Region .....3A

Editorial .....4A  
State/Nation .....5A  
World .....6A  
Primary election .....7A  
Sports .....1-2, 5-6B

Classifieds .....3-5B  
Learning .....1C  
Comics .....2C  
Community .....3C  
Spotlight .....4C

**WEATHER**

THU 79  
52

FRI 76  
59



Check us out on the Internet at [www.miningjournal.net](http://www.miningjournal.net)

Mining Journal Wed July 23 2014

Paid for by  
The Committee to Elect  
Mark Curran for  
County Commission  
1520 Commerce Drive  
Marquette, MI 49855



## Signs from 1A

be taken," Smaby said. "What I'd really like is they fix their yard signs or take them down if they want to play by the rules."

According to the Michigan Secretary of State Office, which oversees elections, if a filed complaint meets a slate of qualifications — including evidence to support the allegations — then the alleged violator will receive written notice from the state that will include a copy of the com-

plaint. From there, the alleged violator has a chance to file a response. After that, the complainant can file a response. Both parties receive periodic reports about any actions taken by the state during the complaint process.

The state can then find the allegations to be untrue, in which case the complaint would be dropped.

If the state finds for the complainant, it would work with the violator to correct the violation or prevent further violations.

Curran said he was un-

aware of the requirements to include information on the signs concerning who paid for them when his signs were initially printed.

"We did go back, we printed labels and put them on all of our signs," Curran said. "Maybe there's a few we missed, but all of our signs were paid for by the Committee to Elect Mark Curran for County Commissioner, and we appreciate Nick for bringing that to our attention."

Curran also noted his campaign was self-funded

and did not take donations.

Booth said he had met all the requirements on his printed materials except for printing his home address.

"Both Cook Sign and Johnson's Printing have been great in helping us get this corrected and we've gotten the corrective actions approved by the state," Booth said.

Brady also said he has taken steps to correct the issue.

"I've put that information on some of my signs that are displayed in public," Brady said, noting stickers with the proper information were

added to the signs.

He also said Smaby's complaints were "extremely petty for a county commission level race."

Calls for comment to Alholm were not returned by press time today.

Jackie Stark can be reached at 906-228-2500, ext. 242. Her email address is [jstark@miningjournal.net](mailto:jstark@miningjournal.net).



...the largest of the Great Lakes is to Canada and the United States. Even-  
 Many of the activities for the day were the same as last year, including canoe races, demonstrations as to why, for example, communities had to use let-runs to  
 added activities. Also during the day, including canoe races, demonstrations as to why, for example, communities had to use let-runs to  
 Sunday during the Lake Superior Day activities in Copper Harbor, including canoe races, demonstrations as to why, for example, communities had to use let-runs to  
 email address is [zjay@miningjournal.net](mailto:zjay@miningjournal.net).

So far the Delta County School Justice Partnership has met twice and has broken into committees to work out different parts of the proposal, which will be presented at the Superintendents' Round Table in August.

"Hopefully we have the support of all the superintendents to, if you will, squeeze the ISD into giving us some help in that area," said Gladstone Junior High Principal Dave Ballard.



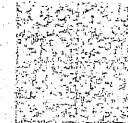
Secretary of State

Ruth Johnson

[www.Michigan.gov/sos](http://www.Michigan.gov/sos)

LANSING, MICHIGAN 48918-0001

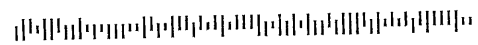
MS-ENV-13 (01/11)



\$01.15

PAID BY POSTAGE METER

Letter Post marked  
July 22<sup>nd</sup>, 2014



Mark Curran  
200 South 4th Street  
Marquette, Michigan 49855



*Curran & Co.*

"When Quality Counts"

**906-228-8604**

[www.curranandcompany.com](http://www.curranandcompany.com)

1520 Commerce Drive  
Marquette, MI 49855  
Fax 228-9674

MARK CURRAN  
Owner

[Mark@curranandcompany.com](mailto:Mark@curranandcompany.com)



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

October 7, 2014

Mark Curran  
200 South 4<sup>th</sup> Street  
Marquette, Michigan 49855

Dear Mr. Curran:

The Department of State (Department) has completed its investigation of the complaint filed against you by Nicholas Smaby, 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. Smaby'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(5).

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. Smaby filed his complaint on July 11, 2014, and you filed a written response on August 5, 2014. Mr. Smaby did not file a rebuttal statement with the Department.

Mr. Smaby alleged that your campaign signs "fail[ed] to identify who paid for them." In support of his complaint, Mr. Smaby provided copies of pictures of signs which state "Mark Curran FOR County Commission [.]" It appeared that there was no "paid-for-by" statement on the signs.

In your response you indicated that as soon as you became aware of the printing error on the signs you began updating the signs with labels containing a complete and correct "paid-for-by" statement. You asserted that you discovered and began correcting the error prior to your receipt of notice of Mr. Smaby's complaint. As evidence, you provided a copy of the labels you used, a copy of a picture of a sign which had been corrected, and a newspaper article.

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete paid-for-by statement prior to your corrective action, 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

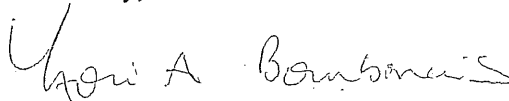
Department is satisfied that you took appropriate corrective measures once the potential violation was brought to your attention.

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(5), 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 dark ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" and the last name "Bourbonais" clearly distinguishable.

Lori Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Nicholas Smaby