



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

June 24, 2014

Edward Engstrom
309 Petoskey Avenue
P.O. Box 309
Charlevoix, Michigan 49720

Dear Mr. Engstrom:

The Department of State (Department) received a formal complaint filed by Robert Taylor against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), 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. Taylor provided copies of pictures of two signs which state "Vote for Engstrom Circuit Court Judge [.]". It appears that neither sign includes a complete paid-for-by statement. Mr. Taylor also provided your committee website address. This website does not appear to contain a complete paid-for-by statement.

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. 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. Taylor, 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

Edward Engstrom

June 24, 2014

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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 dark ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" being more prominent.

Lori A. Bourbonais

Bureau of Elections

Michigan Department of State

c: Robert Taylor

**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:

Section 1. Complainant		
Your Name Robert Taylor	Daytime Telephone Number 231-582-7460	
Mailing Address 2594 Eagle Island Road		
City Boyne City	State MI	Zip 49712

Section 2. Alleged Violator		
Name Edward Engstrom		
Mailing Address 309 Petoskey Avenue, P.O. Box 309		
City Charlevoix	State MI	Zip 49720

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

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

Explain how those sections were violated:

Mr. Engstrom is running for Circuit Judge. He has two signs in front of his law office which do not have the full name and address

printed on the sign. Mr. Engstrom's website, EdforJudge.com also does not have any "Paid for by" language,

it just states © Copyright - Elect Ed Engstrom to Charlevoix County Circuit Court Judge -- Webmaster: Michaelagaudio@gmail.com

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

See attached photo which shows the sign and states "Paid for by the committee to elect

Edward Engstrom" and "Edforjudge.com." The address where these signs are located is 309 Petoskey Avenue,

Charlevoix MI. Electronic Media is not specifically exempt from the disclosure requirements.

BUREAU OF ELECTIONS
MI DEPT OF STATE

2014 JUN 18 AM 2:34

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

Robert D. Taylor
Signature of Complainant

6/12/2014
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 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:

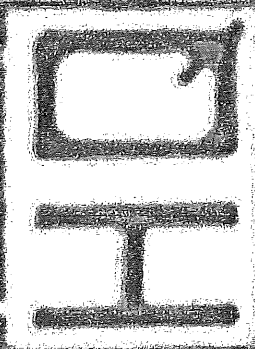
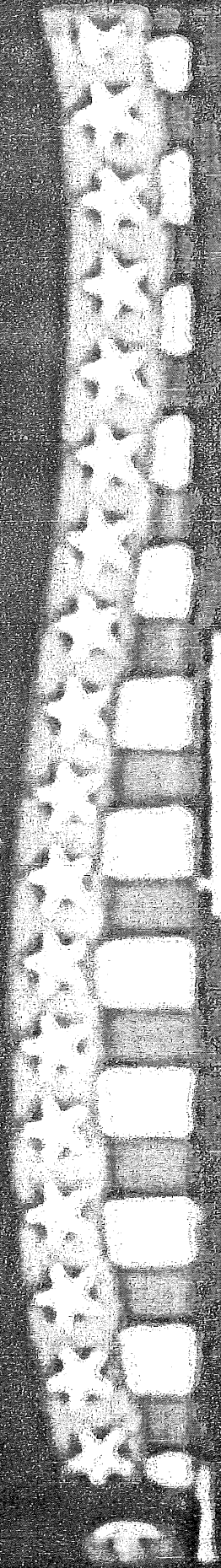
Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

Vote for

Engstrom

Circuit Court Judge

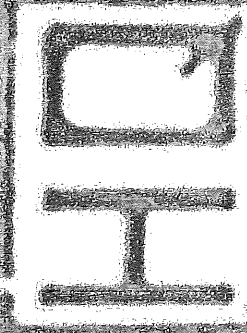
www.engstrom.com Publishing and Consulting to Court Community



Vote for Engstrom

Circuit Court Judge

Residence: 12345 Main Street, Suite 100, Minneapolis, MN 55401





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

July 8, 2014

Robert Taylor
2594 Eagle Island Road
Boyne City, Michigan 49712

Dear Mr. Taylor:

The Department of State received a response to the complaint you filed against Edward Engstrom, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Edward Engstrom

BARRON & ENGSTROM, P.L.C.

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 309

309 PETOSKEY AVENUE

CHARLEVOIX, MICHIGAN 49720

DANIEL B. BARRON

dbarron@barronengstrom.com

EDWARD F. ENGSTROM

efengstrom@barronengstrom.com

TELEPHONE: (231) 547-9950

TELEFAX: (231) 547-2977

beplc@barronengstrom.com

July 1, 2014

"VIA UPS OVERNIGHT DELIVERY"

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

2014 JUL -2 PM 3:31
BUREAU OF ELECTIONS
MI DEPT OF STATE

Dear Ms. Bourbonais:

Please accept this as a response to the attached Michigan Department of State Campaign Finance Complaint Form filed by Robert Taylor with your organization on or about June 18, 2014.

Upon reviewing the Complaint, I double checked the relevant issues and discovered the website did not have the complete "Paid for by" language. It was on the first page, but was removed inadvertently by the website designer. The website has been changed to indicate the following: Paid for by the Committee to Elect Edward Engstrom, 309 Petoskey Avenue, Charlevoix, Michigan.

The two signs that Mr. Taylor addresses exist on the real estate which is the address of the committee: 309 Petoskey Avenue, Charlevoix, Michigan. They do indicate "Paid for by the Committee to Elect Edward F. Engstrom" and below that there is a sign that indicates it is the headquarters. I have added the address directly to those signs.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

BARRON & ENGSTROM, P.L.C.


Edward F. Engstrom

EFE/db



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

July 25, 2014

Edward Engstrom
309 Petoskey Avenue
P.O. Box 309
Charlevoix, Michigan 49720

Dear Mr. Engstrom:

This letter concerns the complaint that was recently filed against you by Robert Taylor, which relates to purported violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Taylor's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in cursive script, reading "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Taylor

July 14, 2014

Lori Bourbonais
Election Law Specialist
Michigan Department of State
Richard H. Austin Buildings, 1st Fl.
430 West Allegan Street
Lansing, Michigan 48901-0726

BUREAU OF ELECTIONS
MI DEPT OF STATE
2014 JUL 17 PM 3:39

Re: Rebuttal statement regarding Complaint against Edward Engstrom

Ms. Bourbonais:

Mr. Engstrom claims that his website contained the proper disclaimer but was "inadvertently removed by the website designer." The law is clear and it doesn't allow for inadvertent mistakes by third parties. Mr. Engstrom supposedly hired this person to perform a service for him and his campaign. He is responsible for their actions.

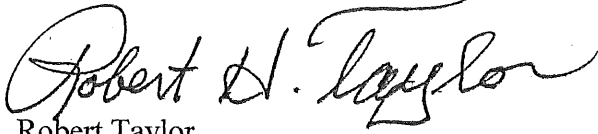
Mr. Engstrom claims that since the two signs were placed on the committee's property and was the committee's address, it is somehow exempt from the disclaimer language. The law again is clear. The reason for the law is that persons have a right to know who paid for the sign and where the committee is located by address, zip code etc. It is not the job of the general public to connect the dots as to what the committee's address is and if the location is the committee's location. Many persons running for elected offices have headquarters in different towns. Those headquarters may be the actual committee's address and may not be the actual address.

MCL 169.247(1) states:

(1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

Although Mr. Engstrom claims that he added the address directly to the signs in question, the fact remains that the signs were in violation of the law. Mr. Engstrom is an attorney and must know the law. The general public is presumed to know the law but Mr. Engstrom is an attorney and must know the law. He should not get a pass on the "inadvertence" of a web-site designer or

the fact that the sign was placed on his campaign headquarters. There is not an exemption for those "oversights." Mr. Engstrom needs to be held accountable under the law.

A handwritten signature in cursive script, reading "Robert H. Taylor". The signature is written in dark ink and is positioned above the printed name and address.

Robert Taylor
2594 Eagle Island Road
Boyne City, MI 49712

Home 231-582-7460
Cell 231-282-1158



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

October 7, 2014

Edward Engstrom
309 Petoskey Avenue
P.O. Box 309
Charlevoix, Michigan 49720

Dear Mr. Engstrom:

The Department of State (Department) has completed its investigation of the complaint filed against you by Robert Taylor, 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. Taylor'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. Taylor filed his complaint on June 18, 2014. You filed a written response on July 2, 2014, and Mr. Taylor filed a rebuttal statement on July 17, 2014.

Mr. Taylor alleged that two of your campaign signs and your campaign website did not contain a complete and correct paid-for-by statement. In support of his complaint, Mr. Taylor provided copies of pictures of signs which state "Vote for Engstrom Circuit Court Judge [.]". It appears that your committee's address is omitted from the paid-for-by statement. Mr. Taylor also provided your committee's website address, which the Department reviewed.

In your response you indicated that the omission of a complete paid-for-by statement on your campaign website was an inadvertent mistake by the website designer, but that the website was changed to include a complete and correct paid-for-by statement. You also indicated that you added the committee's address directly to the two signs that were the subject of the complaint.

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete 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 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 cursive script that reads "Lori A. Bourbonais".

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Taylor