



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

June 24, 2014

Mary Beth Kur
523 East Mitchell Street
Petosky, Michigan 49770

Dear Ms. Kur:

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 "Mary Beth Kur for Circuit 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 enforcement powers include the possibility of entering a conciliation agreement, conducting an

Mary Beth Kur.
June 24, 2014
Page 2

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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Taylor

**Michigan Department of State
Campaign Finance Complaint 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 Mary Beth Kur		
Mailing Address 523 E. Mitchell Street		
City Petoskey	State MI	Zip 49770

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:

Ms. Kur is running for Circuit Judge. Ms. Kur placed a billboard on US 31 in Bayshore Michigan after she announced her candidacy.

The billboard was up for approximately 1 month - Feb to March 2014. The Billboard stated "Paid for by MBK for Judge" or

"Paid for by Mary Beth Kur for Judge" The same disclaimer is on her political website- see www.MBKforjudge.com

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

Picture of the Billboard, Picture of sign outside where if there was a proper disclaimer, it was

not readable. Picture of sign inside fundraiser hall which had a proper disclaimer which

appears to be the same as the sign outside which doesn't appear to have any disclaimer. Ms. Kur's

political website doesn't have a proper disclaimer.

BUREAU OF ELECTIONS
MI DEPT OF STATE

2014 JUN 17 PM 1:55

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

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:

Obtaining the "proof" of the Billboard which had to have been approved prior to printing the billboard. Obtaining a clear picture of the sign which was displayed outside of Ms. Kur's fundraiser held May 17, 2014 to see if it had any disclaimer on it. It appears that the sign outside of the fundraiser was the same as the banner which hung inside the fundraiser hall and the sign inside the hall had a proper disclaimer and the sign doesn't appear to have any disclaimer.

X

Robert H. Taylor
Signature of Complainant

6/12/2014
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

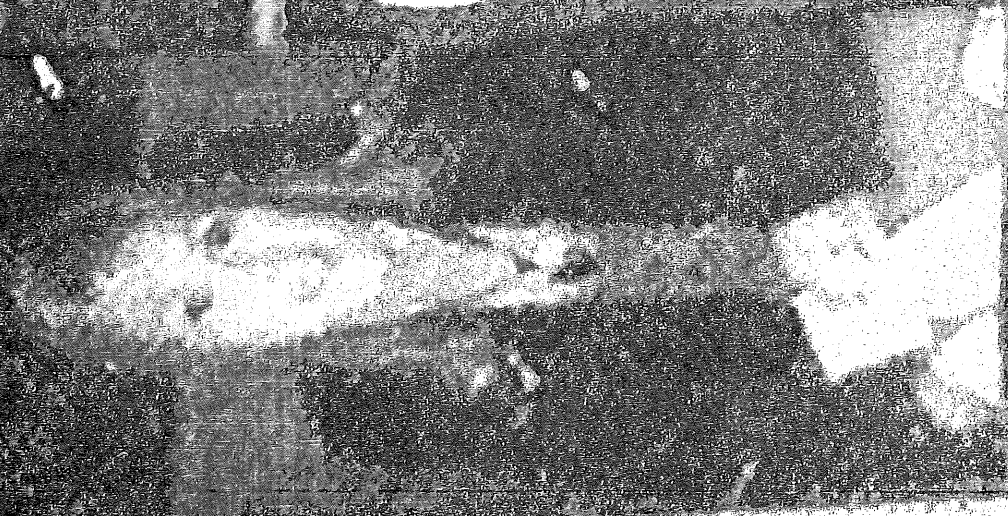
Mary Beth Kurr

for

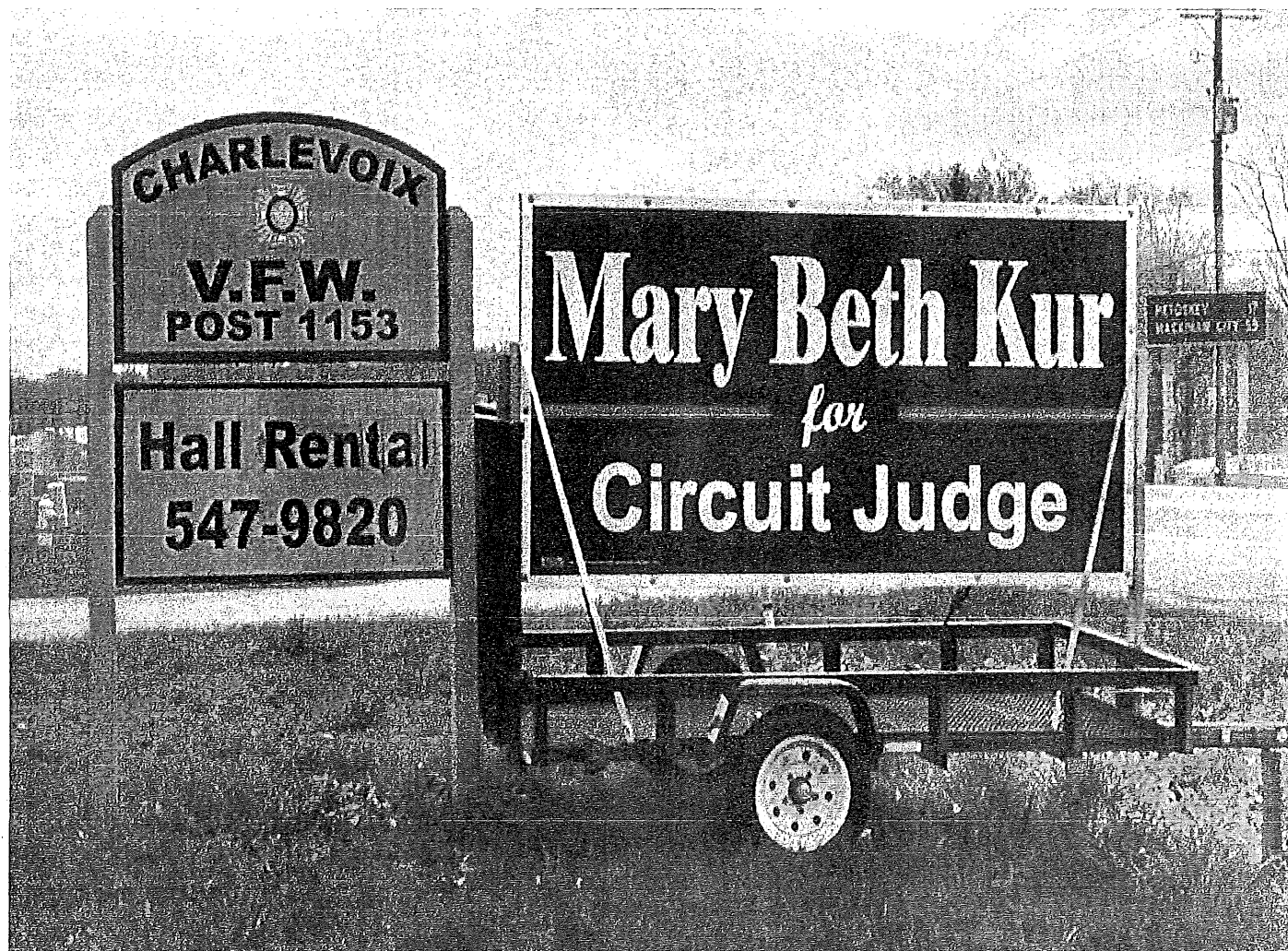
Circuit Judge

mbkforjudge.com

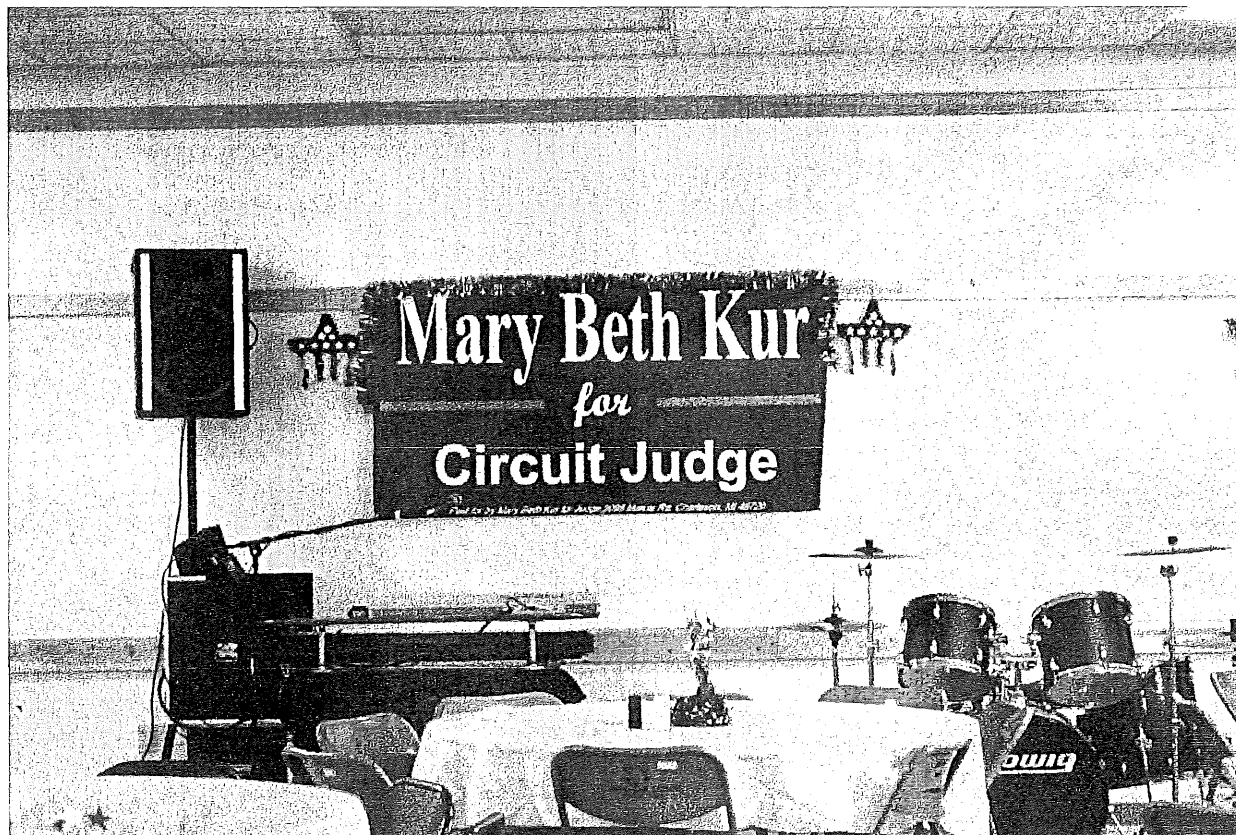
She has everything it takes.



2011



outside
No Disclaimer



*Inside
Disclaimer*



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 Mary Beth Kur, 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: Mary Beth Kur

July 1, 2014

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

Re: Formal Complaint filed by Robert Taylor

Dear Ms. Bourbonais:

This letter is written in response to your letter dated June 24, 2014 and the Complaint filed against me by Mr. Robert Taylor. I note that he did not sign the required Certification in Section 4.

All of my campaign's yard signs do have the proper disclaimer printed on them, including the 4 x 8 sign that Mr. Taylor attached a picture of. I ordered the signs from Sawicki & Son who can verify that the large and small signs both contain a proper disclaimer. It is located in the lower left hand corner of the signs. I went through Nathan Pietrowski at Sawicki & Son and his telephone number is 313-962-2725. I am assured it is in the same size font and in the same location on the sign that Sawicki & Son has used for decades.

I designed and have from time to time edited my campaign website. I am reasonably certain that, in the past, I have had the address of my committee on it, but evidently at some point when it was edited, the address was inadvertently omitted. As soon as I received your letter, I looked at the bottom of the site and saw that only my committee name was on it and not the address, so I immediately inserted the address at the bottom of the site.

As to the billboard, it did not have the address of my committee on it. It only had the name of the committee. This omission was made in error. It was difficult, if not impossible to remedy the address omission after it was posted. It was up for 4 weeks. The billboard was taken down back in March, 2014. Other campaign billboards have been purchased, but not yet posted and the error has been corrected. Artwork is attached for your review as is a picture of the proper disclaimer that is on the 4 x 8 signs. I have also attached a screen shot of the webpage with the proper disclaimer on it.

Sincerely,



Mary Beth Kur

Enclosures (3)

Cc: Nathan Pietrowski

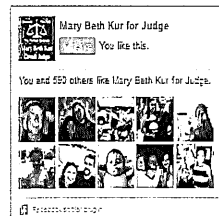
2014 JUL -7 PM 3:41

BUREAU OF ELECTIONS
MI DEPT OF STATE



Mary Beth Kur

- BGS University of Michigan: 1985
- Juris Doctor University of Detroit School of Law: 1990
- Admitted to Michigan Bar: 1991
- Chief Asst. Prosecutor, Charlevoix County: 1993-1995
- Charlevoix County Prosecutor: 1995-2004
- Formed own private practice law firm: 2004-present
- **ENDORSED BY 23 MICHIGAN JUDGES**
(Click here to see the list)



have visited our site

DEDICATED TO PUBLIC SERVICE

My name is Mary Beth Kur, (click here to learn about MB's personal biography) and I want to be your next Circuit Judge. The importance of this position to our county has motivated me to again seek public office after 10 years in the private sector. I am willing to leave behind a very successful law practice because serving the public is and has been an important part of my life and I sincerely believe in giving back to my community. Throughout my 23 year legal career, (click here for more information on MB's legal experience) I have seen the court system from a variety of vantage points. This has given me a unique perspective which will serve me well on the bench. Like you, I want our county to have a Judge who is hard working, smart, no nonsense, ethical and fair to all.

If you share my vision, I urge you to connect with me and help make it happen! Together, we can make a meaningful difference—for our families and our community.

Sincerely,



Add a comment

☒ Also post on Facebook

Posting as Vince Left

Comment



Mary Beth Kur

for

Circuit Judge

13 yrs
Prosecution



10 yrs
Private Practice

The Perfect Balance

Paid for by Mary Beth Kur for Judge, 9095 Mercer Rd., Charlevoix, MI 49720

FOR BY MARY BETH KUR FOR JUDGE, 9095 MERCER RD., CHARLEVOIX, MI 49720



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

July 25, 2014

Mary Beth Kur
9095 Mercer Road
Charlevoix, Michigan 49720

Dear Ms. Kur:

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 that reads "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 3:42

Re: Rebuttal statement regarding Complaint against Mary Beth Kur

Ms. Bourbonais:

Enclosed is a copy of the Certification page dated June 12, 2014. I do not know what happened to the original.

Mrs. Kur admits in paragraph 4 that the billboard did not have the proper disclaimer pursuant to MCL 169.247. That is a violation pursuant to section (1) and is a misdemeanor pursuant to section (6). Mrs. Kur states that it was an "omission." This is not an ordinary person but an attorney who has run for elective office in the past. The general public is presumed to know the law and an attorney must know the law. Mrs. Kur ran as the prosecuting attorney before which included placing signs. She must know the law and must be held accountable.

Mrs. Kur sent photographs of her large signs, 4 foot by 8 foot, and claims the disclaimer is located on them. This very same design is used for her yard size signs. Pursuant to MCL 169.247(3) states:

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

The rules promulgated by the secretary of state regarding these issues states:

R 169.36 Printed material or other campaign media; identification or disclaimer; exemption.

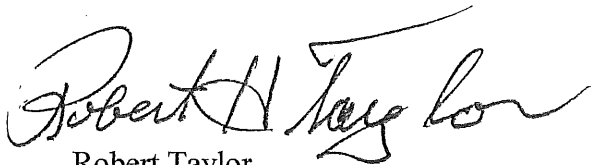
Rule 36. (1) Printed material having reference to an election, a candidate, or a ballot question shall bear the identification or disclaimer, or both, provided in section 47 of the act in a place and **in a print clearly visible to and readable by an observer**. Any other medium used for campaign purposes shall clearly and unequivocally include the identification or disclaimer, or both, provided in section 47 of the act.

(2) The identification required by section 47 of the act for printed material shall include the words "Paid for by," followed by the full name of the person or committee paying for the material and the person's or committee's street number or post office box, city or town, state, and zip code. A disclaimer shall be in the same form as an identification,

except that it shall be preceded by the phrase "Not authorized by the candidate committee of (candidate's name)."

(3) A campaign item, the size of which makes it unreasonable to add an identification or disclaimer, or both, as designated by the secretary of state, is exempted from this rule.

Clearly the rules state that the printed disclaimer must be "clearly visible and readable by an observer." On Mrs. Kur's 4x8 large signs, the disclaimer is $\frac{1}{4}$ of an inch. I am a 76 year old veteran and wear glasses. I had to stop my car and walk to this sign and get within 2 feet to see if in fact there was a disclaimer. Mrs. Kur's yard signs also have a disclaimer but this disclaimer is approximately $\frac{1}{8}$ of an inch and cannot be read unless I am on my knees within one foot of the sign. I have enclosed color photos of the large signs. In one photo, you can see my shadow taking the picture. I was approximately 3 feet from the sign. I do not believe this disclaimer follows the intent of the promulgated rules. The disclaimer is not "clearly visible and readable by an observer."

A handwritten signature in black ink, reading "Robert H. Taylor". The signature is fluid and cursive, with the first name "Robert" and last name "Taylor" clearly legible.

Robert Taylor
2594 Eagle Island Road
Boyne City, MI 49712

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

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

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:

Obtaining the "proof" of the Billboard which had to have been approved prior to printing the billboard. Obtaining a clear picture of the sign which was displayed outside of Ms. Kur's fundraiser held May 17, 2014 to see if it had any disclaimer on it. It appears that the sign outside of the fundraiser was the same as the banner which hung inside the fundraiser hall and the sign inside the hall had a proper disclaimer and the sign doesn't appear to have any disclaimer.

X

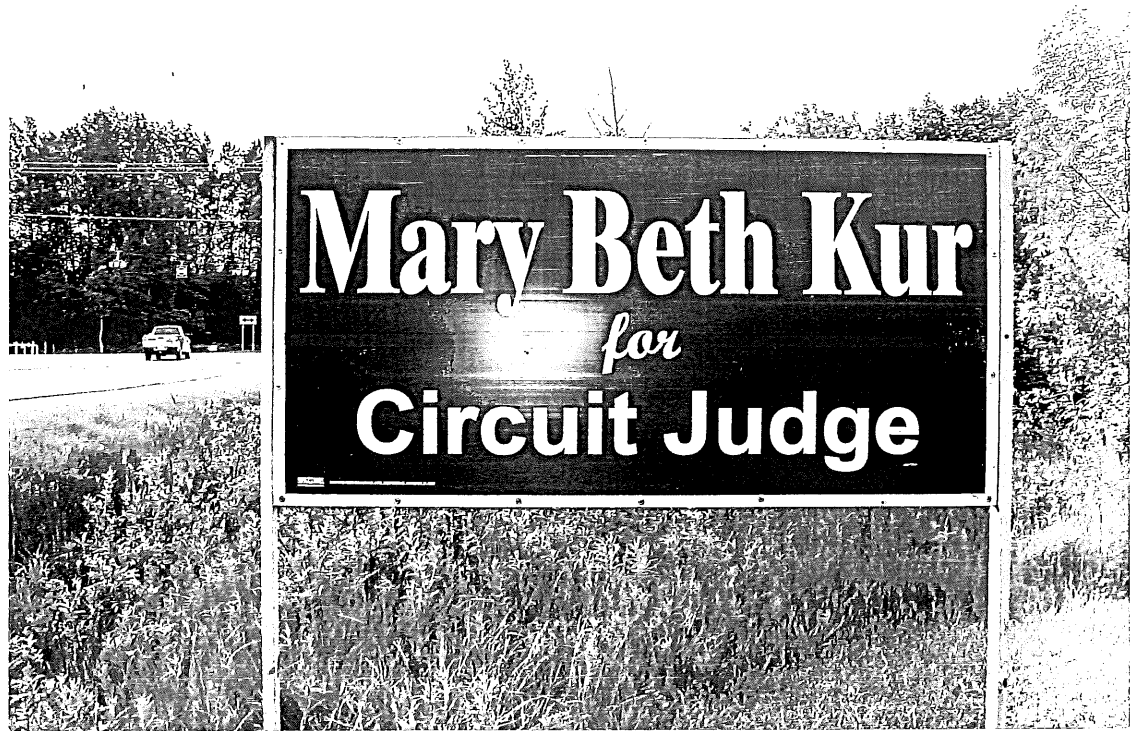
Robert H. Taylor
Signature of Complainant

6/12/2014
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





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

October 7, 2014

Mary Beth Kur
9095 Mercer Road
Charlevoix, Michigan 49720

Dear Ms. Kur:

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 17, 2014. You filed a written response on July 7, 2014, and Mr. Taylor filed a rebuttal statement on July 17, 2014.

Mr. Taylor alleged that the paid-for-by statements on one of your campaign billboards and your campaign website did not include your committee's address, and that some of your campaign signs did not contain a proper paid-for-by statement. In support of his complaint, Mr. Taylor provided your campaign website address, a copy of a picture of a billboard which states "Mary Beth Kur for Circuit Judge [.]". and two copies of pictures of signs which state "Mary Beth Kur for Circuit Judge [.]". The pictures are not clear enough to determine if the billboard or signs contain a correct and complete paid-for-by statement.

In your response you indicated that the omission of the committee's address from the paid-for-by statement on your campaign website was an inadvertent mistake which occurred while the website was edited, but after you were notified of the error you "immediately inserted the address at the bottom of the site." You provided a screen shot of the website with the proper statement. You further stated that all of your campaign yard signs do have the proper disclaimer on them. You provided a picture of the bottom portion of the sign, and the paid-for-by statement

is, indeed, complete and correct. Finally, you admitted that the paid-for-by statement on your campaign billboard was missing your committee's address. You indicated that the billboard had been down since March, 2014, but that the error was corrected on the new campaign billboards that had been purchased but not yet posted. You provided artwork for the new billboards which contains a correct and complete paid-for-by statement.

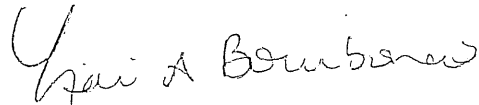
While the Department believes that the evidence tends to show that some of your campaign material failed to contain a complete paid-for-by statement, section 15(10) of the MCFA requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods such 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,



Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Robert Taylor