



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

October 12, 2015

Interstate Informed Citizens Coalition, Inc.
101 East Adrian Street
Blissfield, Michigan 49228

Robert and Cathy Haskin
749 North Townline
Sandusky, Michigan 48471

Robert and Mona Albrecht
3050 West Sanilac
Sandusky, Michigan 48471

Cynthia and Sidney Thompson
1200 Wheeler
Snover, Michigan 48472

Donna and Raymond Ellis
1645 Ubly
Snover, Michigan 48472

Karen Flanagan Trust
950 Snover Road
Sandusky, Michigan 48471

Ladies and Gentlemen:

The Department of State (Department) received a formal complaint filed by Jeff Timmer against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The MCFA requires a committee to file a statement of organization within 10 days after a committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. *Id.* Failure to file a statement of organization for more than 30 days is a misdemeanor offense. *Id.* By statutory definition, a committee is formed when "a person"¹

¹ Under the MCFA, "person" includes a business, partnership, company, corporation, or group of persons acting jointly. MCL 169.211(2).

receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against . . . the qualification, passage, or defeat of a ballot question . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

The Act further requires committees to file periodic campaign finance statements and reports. MCL 169.234. The failure to file a single campaign statement may trigger late filing fees. MCL 169.234(5). In certain circumstances, a failure to file may constitute a misdemeanor offense. MCL 169.234(6).

The MCFA and corresponding administrative rules additionally 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).

Finally, the Act requires a person, other than a committee, to file an independent expenditure report if that person makes an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the qualification, passage, or defeat of a ballot question. MCL 169.251. A person who violates this section may be subject to a civil fine not to exceed \$1,000.00. MCL 169.215(15).

Mr. Timmer alleges that you failed to include a complete and proper paid-for-by statement on certain campaign material, you met the definition of a “committee” and failed to file a Statement of Organization and required campaign finance statements, or you failed to file independent expenditure reports with regard to certain campaign material.

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. You may submit one answer signed by each of you, or you each may submit a separate answer. 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.

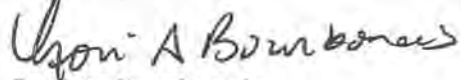
A copy of your reply will be provided to Mr. Timmer, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the 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 penalties provided in sections 24(1), 34(6), and 47(6) of the Act.

October 12, 2015

Page 3

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: Jeff Timmer

Complaint Against:

Interstate Informed Citizens Coalition, Inc.
101 E. Adrian Street
Blissfield, MI 49228
Jim Binns, Registered Agent
Telephone: (517) 486-3121

Robert and Cathy Haskin
749 N. Townline
Sandusky, MI 48471
Telephone: (810) 648-4503

Robert and Mona Albrecht
3050 W. Sanilac
Sandusky, MI 48471
Telephone: (810) 648-4687

Cynthia and Sidney Thompson
1200 Wheeler
Snover, MI 48472
Telephone: (810) 672-9225

Donna and Raymond Ellis
1645 Ubly
Snover, MI 48472
Telephone: (810) 672-9420

Karen Flanagan Trust
950 Snover Rd.
Sandusky, MI 48471
Telephone: (810) 648-4957

Complainant:

Jeff Timmer
10018 E. Grand River Ave
Portland, MI 48875
Telephone: (517) 203-8001

Dated: October 2, 2015

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 OCT -2 PM 3:40
ELECTIONS/GREAT SEAL

Filed Pursuant to MCL 169.215
and the Administrative Rules of the
Michigan Department of State
with the Legal and Regulatory
Services Administration
Treasury Building, 4th Floor
430 W. Allegan
Lansing, Michigan 48918

COMPLAINT

Complainant, Jeff Timmer, whose address is 10018 E. Grand River Ave, Portland, Michigan 48875 and telephone number is (517) 203-8001, declares to the Michigan Secretary of State the following:

STATEMENT OF FACTS

The Ballot Questions: Referendum Elections in Argyle Township and Moore Township in Sanilac County, Michigan

1. On November 3, 2015 in Moore Township, there will be a referendum on the ballot regarding an ordinance regulating the location and construction of utility scale wind turbines.
2. On either March 8, 2016 or May 3, 2016 in Argyle Township, there will be a referendum on the ballot regarding an ordinance regulating the location and construction of utility scale wind turbines.
3. These referenda, which will be submitted to a popular vote at an election, qualify as "ballot questions" for the purposes of the Michigan Campaign Finance Act. See MCL 169.202(2).

The Respondents

4. Respondent Interstate Informed Citizens Coalition, Inc. (the "Coalition") is a Michigan nonprofit corporation. According to the most recent Annual Report filed by the Coalition, the following is the Coalition's purpose:

"To identify, study and educate citizens of the region regarding issues of civic importance, including but not limited to, the location and construction of industrial wind turbines." See Exhibit 1 attached.

5. Respondent Coalition operates an internet website, www.iiccusa.org. See Exhibit 2 attached.
6. Respondent Robert and Cathy Haskin (a "Property Owner") is, upon information and belief, the owner of the following real property located in Moore Township:

749 N. Townline, Sandusky, MI 48471

7. Respondent Robert and Mona Albrecht (a "Property Owner") is, upon information and belief, the owner of the following real property located in Moore Township:

3050 W. Sanilac, Sandusky, MI 48471

8. Respondent Cynthia and Sidney Thompson (a "Property Owner") is, upon information and belief, the owner of the following real property located in Moore Township:

1200 Wheeler, Snover, MI 48472

9. Respondent Donna and Raymond Ellis (a "Property Owner") is, upon information and belief, the owner of the following real property located in Moore Township:

1645 Ubly, Snover, MI 48472

10. Respondent Karen Flanagan Trust (a "Property Owner") is, upon information and belief, the owner of the following real property located in Moore Township:

950 Snover Rd., Sandusky, MI 48471

Electioneering Activity

11. In Moore Township, a number of professionally-made 4x8 signs are popping up urging a "NO" vote at the November 3, 2015 election. Attached as Exhibit 3 are pictures of these 4x8 signs. The message of these signs is as follows:

**WIND ENERGY
GET THE FACTS
WE ARE CONCERNED ABOUT THE HEALTH, SAFETY AND
WELFARE OF ALL MOORE TOWNSHIP RESIDENTS
VOTE NO IN NOVEMBER
SEE CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP
ON FACEBOOK OR WWW.IICCUSA.ORG**

12. According to the Affidavit of Mary McCoy, these 4x8 signs appear in Moore Township at the following addresses:

W. Sanilac Road, plot east of Inbody, Inc. 1240 Sanilac Rd., Sandusky, MI 48471

3050 W. Sanilac, Sandusky, MI 48471

1200 Wheeler, Snover, MI 48472

1645 Ubly, Snover, MI 48472

Snover Road, intersection of N. Townline Road, Sandusky, MI 48471

Upon information and belief, these property locations are owned by the Respondent Property

Owners:

Robert and Cathy Haskin 749 N. Townline, Sandusky, MI 48471

Robert and Mona Albrecht 3050 W. Sanilac, Sandusky, MI 48471

Cynthia and Sidney Thompson 1200 Wheeler, Snover, MI 48472

Donna and Raymond Ellis 1645 Ubly, Snover, MI 48472

Karen Flanagan Trust 950 Snover Rd., Sandusky, MI 48471

See Exhibit 4 attached.

13. According to the Affidavit of Mary McCoy, a minimum of 19 lawn signs are scattered throughout Moore Township. A picture of a lawn sign is included in Exhibit 3 attached.

14. According to the Affidavit of David Pridnia, the fair market value of a single 4x8 sign is \$150.00 while the fair market value of a lawn sign is \$5.70. See Exhibit 5 attached.

15. Based on the Affidavits of Mary McCoy and David Pridnia, the ascertainable monetary value of the expenditures associated with these signs total \$858.30 (5 4x8 signs at \$150.00 per sign plus 19 lawn signs at \$5.70 per sign).

16. On or about during the week of September 14, 2015, a mailing was sent to the voters of Moore Township urging a "NO" vote at the November 3, 2015 election. See Exhibit 6 attached. A portion of this mailing contains the identical graphics and message of the 4x8 signs, the pictures of which are attached as Exhibit 3:

**WIND ENERGY
GET THE FACTS
WE ARE CONCERNED ABOUT THE HEALTH, SAFETY AND
WELFARE OF ALL MOORE TOWNSHIP RESIDENTS
VOTE NO IN NOVEMBER
SEE CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP
ON FACEBOOK OR WWW.IICCUSA.ORG**

17. According to the Affidavit of David Pridnia, the minimum cost (not including labor cost) to send this mailing to the voters of Moore Township is \$409.40. See Exhibit 5 attached.

**FAILURE TO REGISTER AS A BALLOT QUESTION COMMITTEE
RESPONDENT COALITION**

18. According to MCL 169.203(4):

(4) "Committee" means a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year. An individual, other than a candidate, does not constitute a committee. A person, other than a committee registered under this act, making an expenditure to a ballot question committee, shall not, for that reason, be considered a committee for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee.

19. Once a person achieves "committee" status, Section 24(1) of the Michigan Campaign Finance Act requires the committee to file a Statement of Organization within ten (10) days. Once "committee" status is achieved, the Michigan Campaign Finance Act also requires committees to file campaign statements with the Michigan Department of State or the county clerk.

20. The signs (the pictures of which are attached as Exhibit 3) and the mailing (attached as Exhibit 6) ask the reader to contact "IICCUSA.ORG", which is the website owned and operated by the Respondent Coalition; therefore, it is reasonable to conclude that the Respondent Coalition paid for these signs and this mailing. As indicated earlier in this Complaint, the expenditures

associated with these signs and this mailing exceed \$500 (\$858.30 – signs; \$409.40 – mailing), thereby triggering “committee” status under the Michigan Campaign Finance Act.

21. However, upon information and belief, Respondent Coalition has not filed a Statement of Organization with either the Michigan Department of State or the Sanilac County Clerk, or otherwise complied with the requirements of the Michigan Campaign Finance Act.

22. According to MCL 169.224(1), the penalty to Respondent Coalition for failing to file a Statement of Organization is as follows:

(1) A committee shall file a statement of organization with the filing officials designated in section 36 to receive the committee’s campaign statements. A statement of organization shall be filed within 10 days after a committee is formed. A filing official shall maintain a statement of organization filed by a committee until 5 years after the official date of the committee’s dissolution. A person who fails to file a statement of organization required by this subsection shall pay a late filing fee of \$10.00 for each business day the statement remains not filed in violation of this subsection. The late filing fee shall not exceed \$300.00. A person who violates this subsection by failing to file for more than 30 days after a statement of organization is required to be filed is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

23. According to MCL 169.234(4) and 169.234(6), the penalty to Respondent Coalition for failing to file campaign finance reports is as follows:

(4) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee supporting or opposing a statewide ballot question fails to file a statement, other than a preelection statement, under this section, that committee, treasurer, or other designated individual shall pay a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee shall be \$25.00 for each business day the campaign statement remains unfiled, but not to exceed \$1,000.00. If the committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee shall be \$50.00 for each business day the campaign statement remains unfiled, but not to exceed \$2,000.00.

(6) If a treasurer or other individual designated as responsible for the record keeping, report preparation, or report filing of a ballot question committee fails to file a statement as required by subsection (1) or (2) for more than 7 days, that treasurer or other designated individual is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

FAILURE TO FILE AN INDEPENDENT EXPENDITURE REPORT
RESPONDENT PROPERTY OWNERS

24. According to MCL 169.251:

A person, other than a committee, who makes an independent expenditure, advocating the election of a candidate or the defeat of a candidate's opponents or the qualification, passage, or defeat of a ballot question, in an amount of \$100.01 or more in a calendar year shall file a report of the independent expenditure, within 10 days, with the clerk of the county of residence of that person. The report shall be made on an independent expenditure report form provided by the secretary of state and shall include the date of the expenditure, a brief description of the nature of the expenditure, the amount, the name and address of the person to whom it was paid, the name and address of the person filing the report, together with the name, address, occupation, employer, and principal place of business of each person who contributed \$100.01 or more to the expenditure. The filing official receiving the report shall forward copies, as required, to the appropriate filing officers as described in section 36.

25. If Respondent Coalition did not pay for the signs (the pictures of which are attached as Exhibit 3), then it is reasonable to conclude that the Respondent Property Owners paid for these signs since some person had to pay for these professionally-made signs. As indicated earlier in this Complaint, the expenditures associated with these signs exceed \$100 (each sign has a fair market value of \$150.00 according to Exhibit 5 attached), thereby triggering the requirement to file an Independent Expenditure Report.

26. However, upon information and belief, none of the Respondent Property Owners filed an Independent Expenditure Report with the Sanilac County Clerk as required by MCL 169.251.

27. According to MCL 169.215(15), with respect to the failure to file an Independent Expenditure Report under MCL 169.251, the penalty to these Respondents is as follows:

(15) Unless otherwise specified in this act, a person who violates a provision of this act is subject to a civil fine of not more than \$1,000.00 for each violation. A civil fine is in addition to, but not limited by, a criminal penalty prescribed by this act.

FAILURE TO INCLUDE REQUIRED IDENTIFICATION/DISCLAIMER
ALL RESPONDENTS

28. According to MCL 169.247(1):

(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.

29. As indicated in this Complaint, one or more of the Respondents named herein have likely disseminated printed matter having reference to a ballot question; however, none of this printed matter bears the required identification/disclaimer pursuant to the Michigan Campaign Finance Act.

30. According to MCL 169.247(6), the penalty to these Respondents for failing to include an identification/disclaimer on printed material is as follows:

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.

CONCLUSION

Based on the foregoing:

1. If Respondent Coalition paid for the signs (the pictures of which are attached as Exhibit 3) and the mailing (attached as Exhibit 6), then Respondent Coalition has failed to register as a ballot question committee and otherwise file campaign statements in violation of Section 24 and potentially Section 34 of the Michigan Campaign Finance Act.

2. If Respondent Property Owners paid for the signs (the pictures of which are attached as Exhibit 3), then the Respondent Property Owners have failed to file an independent expenditure report in violation of Section 51 of the Michigan Campaign Finance Act.

4. Whichever Respondents paid for the signs (the pictures of which are attached as Exhibit 3) or the mailing (attached as Exhibit 6), are in violation of Section 47 of the Michigan Campaign Finance Act by failing to include proper identification/disclaimer notification on the printed material urging a "No" vote at the November 3, 2015 election in Moore Township.

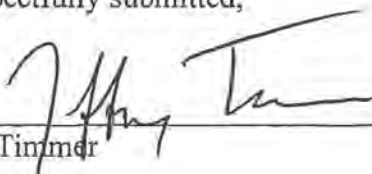
REQUEST FOR ACTION BY THE SECRETARY OF STATE

Accordingly, the Complainant respectfully requests that the Secretary of State immediately investigate these flagrant violations and determine as a matter of law as to which, if not all, of these Respondents have repeatedly violated numerous sections of the Michigan Campaign Finance Act, and to assess all appropriate penalties for such violations. Further, the Complainant respectfully requests the Secretary of State to refer this matter to this Michigan Attorney General for the enforcement of appropriate criminal penalties.

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.

Respectfully submitted,

Dated: October 2, 2015



Jeff Timmer

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 which of these Respondents actually paid for the signs and mailing in question since it is likely that one or more of these Respondents failed to provide the appropriate identification/disclaimer required

under Section 47 of the Michigan Campaign Finance Act and otherwise failed to comply with the registration or reporting requirements of the Michigan Campaign Finance Act.

Respectfully submitted,

Dated: October 2, 2015



Jeff Timmer

EXHIBIT 1

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
NONPROFIT CORPORATION INFORMATION UPDATE
2014**

Identification Number 70790H	Corporation Name INTERSTATE INFORMED CITIZENS COALITION, INC.	
Resident agent name and mailing address of the registered office JIM BINNS MI		
The address of the registered office 101 E ADRIAN ST BLISSFIELD MI 49228		
Describe the purpose and activities of the corporation during the year covered by this report: TO IDENTIFY, STUDY AND EDUCATE CITIZENS OF THE REGION REGARDING ISSUES OF CIVIC IMPORTANCE, INCLUDING BUT NOT LIMITED TO, THE LOCATION AND CONSTRUCTION OF INDUSTRIAL WIND TURBINES.		
Officer/Director Information		
NAME	TITLE	BUSINESS OR RESIDENCE ADDRESS
JOSHUA VAN CAMP	PRESIDENT	3883 FIKE RD. JASPER MI 49248
KEVON MARTIS	SECRETARY	11917 WEGNER RD RIGA MI 49276
JOSHUA NOLAN	TREASURER	6140 SUNNY LAKE CT. SYLVANIA OH 43560
KEVON MARTIS	DIRECTOR	11917 WEGNER RD RIGA MI 49276
JOSHUA VAN CAMP	DIRECTOR	3883 FIKE RD. JASPER MI 49248
JOSHUA NOLAN	DIRECTOR	6140 SUNNY LAKE CT. SYLVANIA OH 43560
Electronic Signature		
Filed By JOSHUA NOLAN	Title Treasurer	Phone 4192509046
<input checked="checked" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.		
Payment Information		
Payment Amount \$ 20	Payment Date/Time 12/29/2014 10:57:30	Reference Nbr 71315 6800 70790H 2014

**MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES**

Date Received

ADJUSTED PURSUANT TO
TELEPHONE AUTHORIZATION

Joshua J. Nolan

This document is effective on the date filed, unless a
subsequent effective date within 90 days after received
date is stated in the document.

Tran Info: 1 16482037-1 01/20/11
Chk#: 1032 Amt: \$20.00
ID: JOSHUA NOLAN

FILED

JAN 24 2011

Administrator
BUREAU OF COMMERCIAL SERVICES

Name

Joshua J. Nolan

Address

6140 Sunny Lake Ct.

City

Sylvania

State

OH

ZIP Code

43560

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

70790H

ARTICLES OF INCORPORATION
For use by Domestic Nonprofit Corporations
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

Interstate Informed Citizens Coalition, Inc.

ARTICLE II

The purpose or purposes for which the corporation is organized are:

To identify, study and educate citizens of the region regarding issues of civic importance, including the location and construction of industrial wind turbines, as well as to act in any manner permissible under Section 501 of the Internal Revenue Code.

ARTICLE III

1. The corporation is organized upon a Nonstock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is

N/A

If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

cd

ARTICLE III (cont.)

3. a. If organized on a nonstock basis, the description and value of its real property assets are: (If none, insert "none")

None

b. The description and value of its personal property assets are: (If none, insert "none")

None

c. The corporation is to be financed under the following general plan:

The corporation will be financed through donations from its directors, committee members, and the general public.

d. The corporation is organized on a Directorship basis.
(Membership or Directorship)

ARTICLE IV

1. The name of the resident agent at the registered office is:

Jim Binns

2. The address of its registered office in Michigan is:

101 E. Adrian St. Blissfield Michigan 49228
(Street Address) (City) (ZIP Code)

3. The mailing address of the registered office in Michigan if different than above:

Michigan
(Street Address or PO Box) (City) (ZIP Code)

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name

Residence or Business Address

Joshua J. Nolan

6140 Sunny Lake Ct., Sylvania, OH 43560

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We) the Incorporator(s) sign my (our) name(s) this 18th ~~19th~~ day of January, 2011

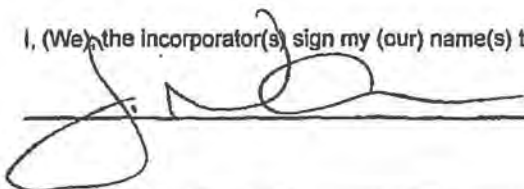


EXHIBIT 2

IICC

Interstate Informed Citizens Coalition, Inc

[Michigan ▾](#)
[Ohio ▾](#)
[Key Impacts ▾](#)
[Developer Claims ▾](#)
[You Can Help ▾](#)
[About ▾](#)
[News ▾](#)

OHIO

Do Not Support HB 190

by [admin](#) • August 13, 2015

Ohio landowners have a constitutionally protected right to the quiet enjoyment of their property. Last year the General Assembly and Governor Kasich righted a wrong to protect that right. In 2009, the Strickland Administration adopted rules for siting industrial wind...

[Read more →](#)

OHIO

Full Text of Ohio HB 190

by [admin](#) • August 10, 2015

NATIONAL AND INTERNATIONAL WIND NEWS

National Wind Watch: All Feeds



Wind turbine fire



Wind turbine in Sublette, Illinois, after burning June 23, 2015 -

photo by Lauren Magnuson via Facebook



Loch Ness Monsters

The latest pics of the Loch Ness monsters - by Iain Green



El molino destruido

Powered by [YI Pipes™](#)

[Get This »](#)

THE INTERSTATE INFORMED CITIZENS COALITION, INC. (IICC) IS A NON-PROFIT CORPORATION DEDICATED TO RAISING PUBLIC AWARENESS OF THE POTENTIAL IMPACTS FROM THE CONSTRUCTION OF INDUSTRIAL WIND TURBINES IN OUR REGION. YOUR GENEROUS DONATION WILL HELP US GREATLY. THANK YOU!

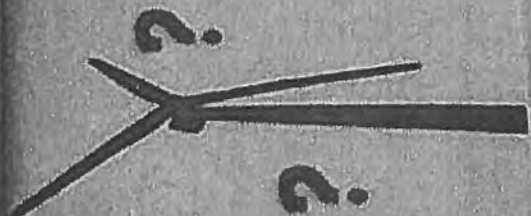
EXHIBIT 3

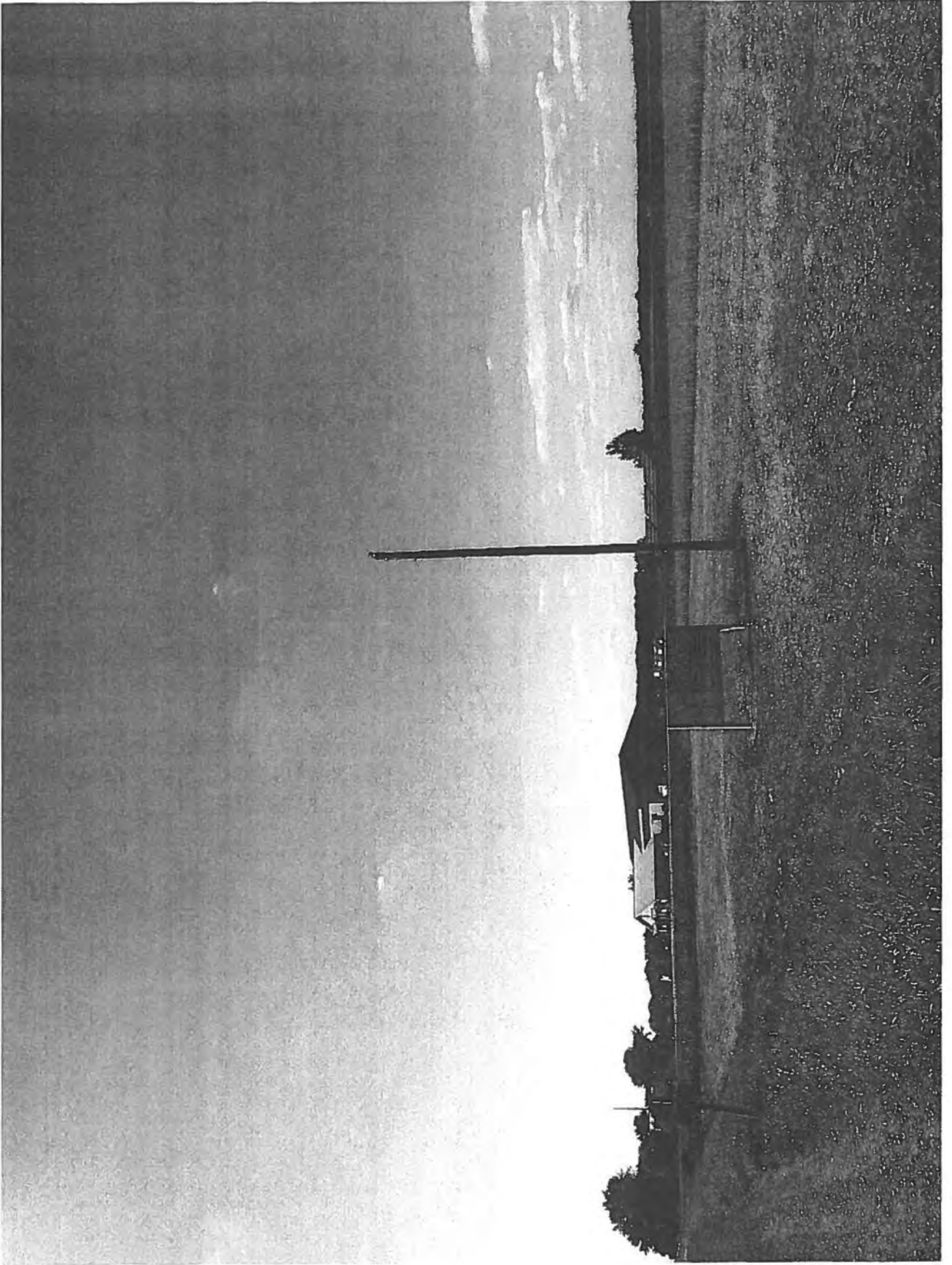
WIND ENERGY GET THE FACTS

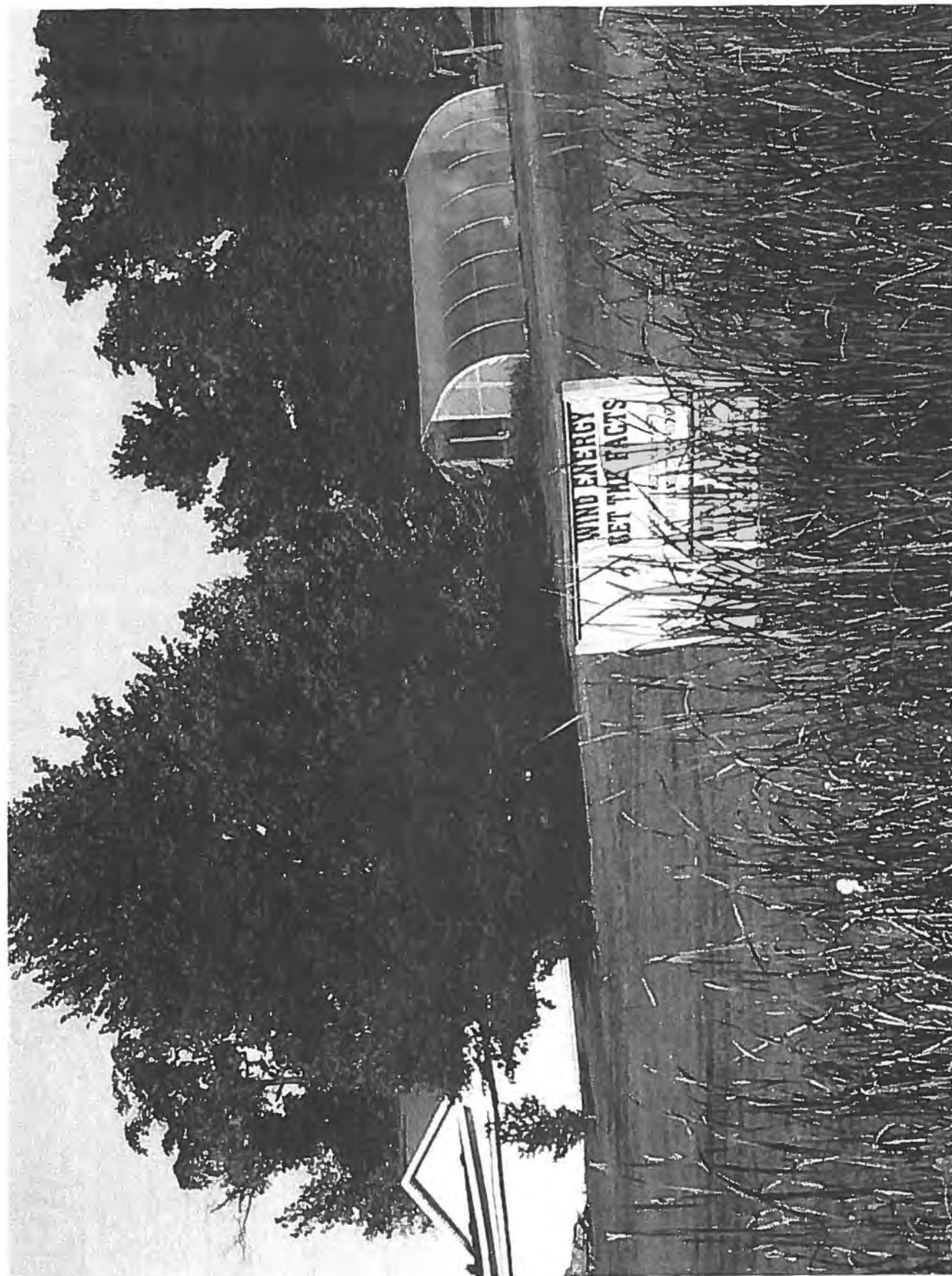
WE ARE CONCERNED ABOUT THE HEALTH, SAFETY AND
WELFARE OF ALL MOORE TOWNSHIP RESIDENTS

VOTE NO IN NOVEMBER

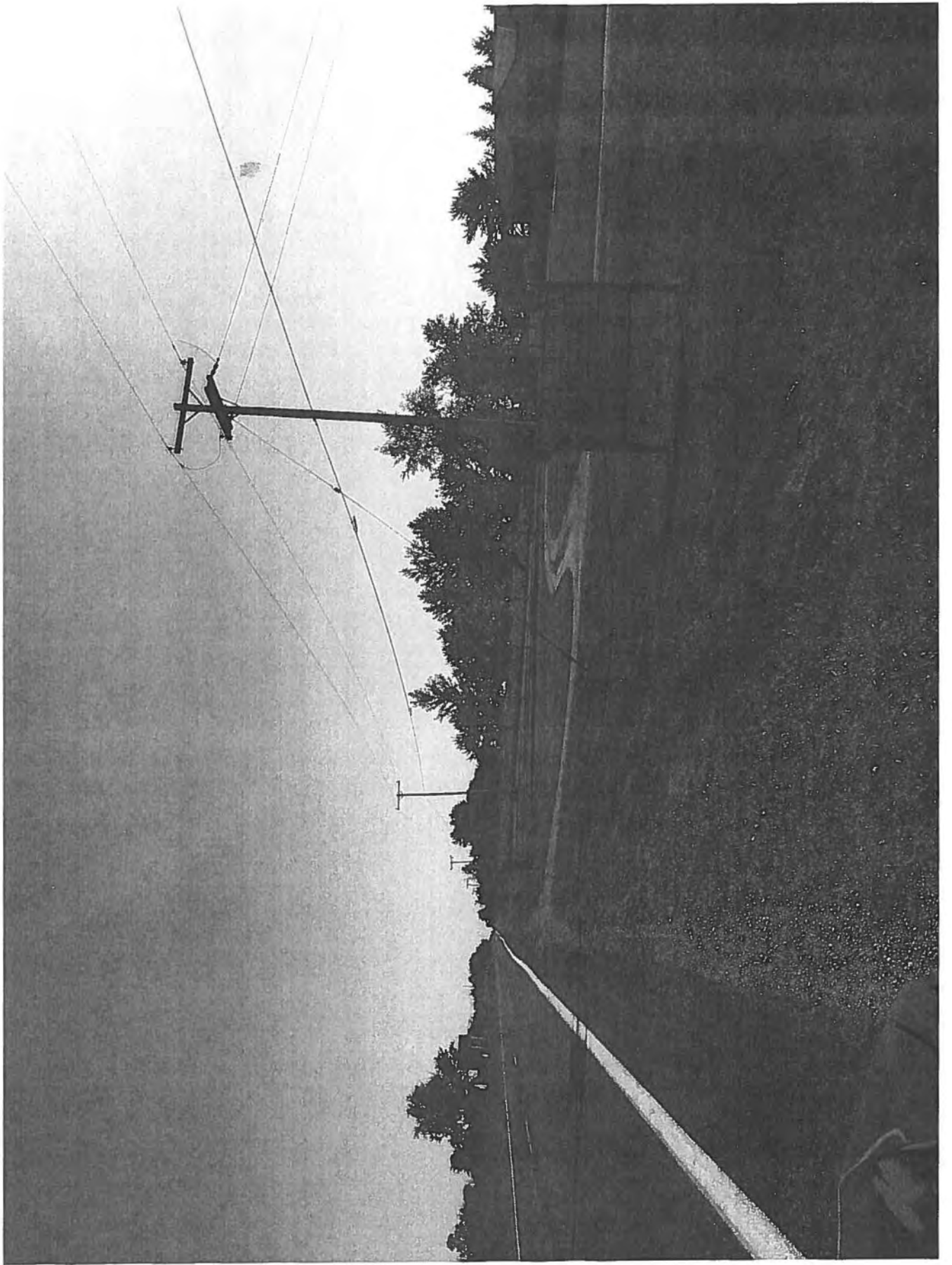
SEE CONCERNED CITIZENS OF MOORE AND MOORE TOWNSHIP
ON FACEBOOK OR WWW.MOOREAL.ORG



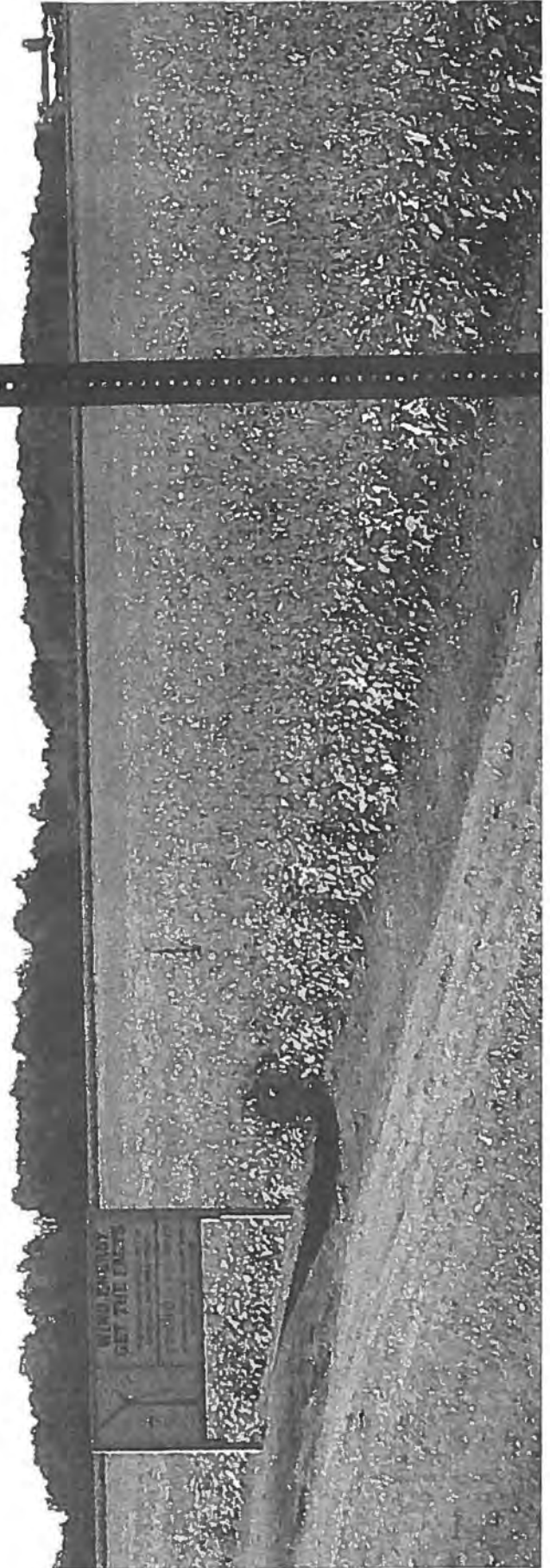








WELCOME TO
MOORE
TOWNSHIP
A ZONED COMMUNITY



WIND ENERGY
GET THE FACTS
1-800-310-3100



EXHIBIT 4

Affidavit of Mary McCoy

STATE OF MICHIGAN)
) ss.
COUNTY OF Sanilac)

Mary McCoy, being first duly sworn, deposes and says that this Affidavit is made upon personal knowledge of the facts stated herein, and if sworn as a witness, the affiant can testify competently to the following to the best of her knowledge:

1. I am the person who took the pictures of the signs that are set forth on Exhibit 3 of the attached Complaint.

2. The larger 4x8 signs appear at the following addresses in Moore Township, Sanilac County, Michigan:

W. Sanilac Road, plot east of Inbody, Inc. 1240 Sanilac Rd., Sandusky, MI 48471

3050 W. Sanilac, Sandusky, MI 48471

1200 Wheeler, Snover, MI 48472

1645 Ubly, Snover, MI 48472

Snover Road, intersection of N. Townline Road, Sandusky, MI 48471

3. The following lawn signs appear at the following addresses in Moore Township, Sanilac County, Michigan:

745 Freiburger, Sandusky, MI 48471

1245 Freiburger, Sandusky, MI 48471

1461 W. Snover, Sandusky, MI 48471

1601 W. Snover, Sandusky, MI 48471

2380 W. Snover, Sandusky, MI 48471

1716 Ubly, Snover, MI 48472

1471 Ubly, Sandusky, MI 48471

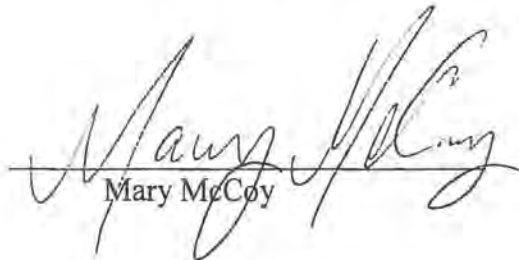
1374 Ubly, Sandusky, MI 48471
1361 Ubly, Sandusky, MI 48471
1070 Ubly, Sandusky, MI 48471
1010 Ubly, Sandusky, MI 48471
988 Ubly, Sandusky, MI 48471
W. Sanilac, Sandusky, MI 48471
730 Ubly, Sandusky, MI 48471
2354 W. Sanilac, Sandusky, MI 48471
830 Wheeler, Snover, MI 48472
1115 Wheeler, Snover, MI 48472
1950 Wheeler, Snover, MI 48472
2105 Wheeler, Snover, MI 48472

4. Upon information and belief, the property owners of the addresses where these 4x8 signs are located, are as follows:

Robert and Cathy Haskin	749 N. Townline, Sandusky, MI 48471
Robert and Mona Albrecht	3050 W. Sanilac, Sandusky, MI 48471
Cynthia and Sidney Thompson	1200 Wheeler, Snover, MI 48472
Donna and Raymond Ellis	1645 Ubly, Snover, MI 48472
Karen Flanagan Trust	950 Snover Rd., Sandusky, MI 48471

FURTHER, AFFIANT SAYETH NOT.

Dated: October 1st, 2015


Mary McCoy

STATE OF MICHIGAN)
COUNTY OF Sanilac) ss.

On this 1st day of October, 2015, before me, a notary public in and for said county, personally appeared Mary McCoy and executed the foregoing instrument and who acknowledged that she executed the same as her free act and deed.



Christine Bluthardt
Notary Public
LAPEER, County, _____
Acting in SANILAC County, Michigan
My commission expires: 8-22-2017

EXHIBIT 5

Affidavit of David Pridnia
President, Pridnia Design, Inc.

STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

DAVID PRIDNIA, being first duly sworn, deposes and says that this Affidavit is made upon personal knowledge of the facts stated herein, and if sworn as a witness, the affiant can testify competently to the following to the best of his knowledge:

1. I am the President of Pridnia Design, Inc.
2. Pridnia Design, Inc. is in the business of creating and selling political signs, including but not limited to, political yard signs and political 4x8 signs.
3. I have reviewed Exhibit 3 of the attached Complaint which shows a number of signs that are being displayed in Moore Township, Sanilac County, Michigan.
4. The fair market value of these signs is as follows:
4x8 sign - \$150.00 (each)
Lawn sign - \$5.70 (each)
5. Pridnia Design, Inc. is also in the business of, among other things, creating, designing, and disseminating political literature of all kinds, including but not limited to, political mailings.
6. I have reviewed Exhibit 6 of the attached Complaint which contains a mailing that the Complaint alleges was sent to voters in Moore Township, Sanilac County, Michigan, on or about during the week of September 14, 2015.
7. The minimum cost (not including labor costs) to send this mailing to the voters of Moore Township is \$409.40 calculated as follows:
Envelopes = \$47.65
Paper = \$48.75

Copying = \$68

Postage = \$245 minimum

FURTHER, AFFIANT SAYETH NOT.

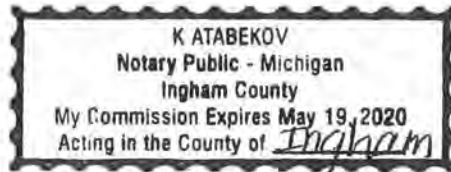
Dated: October 1, 2015



David Pridnia

STATE OF MICHIGAN)
) ss.
COUNTY OF Ingham

On this 1st day of October, 2015, before me, a notary public in and for said county, personally appeared David Pridnia and executed the foregoing instrument and who acknowledged that he executed the same as his free act and deed.





_____, Notary Public
_____, County, _____
Acting in _____ County, Michigan
My commission expires: _____

EXHIBIT 6

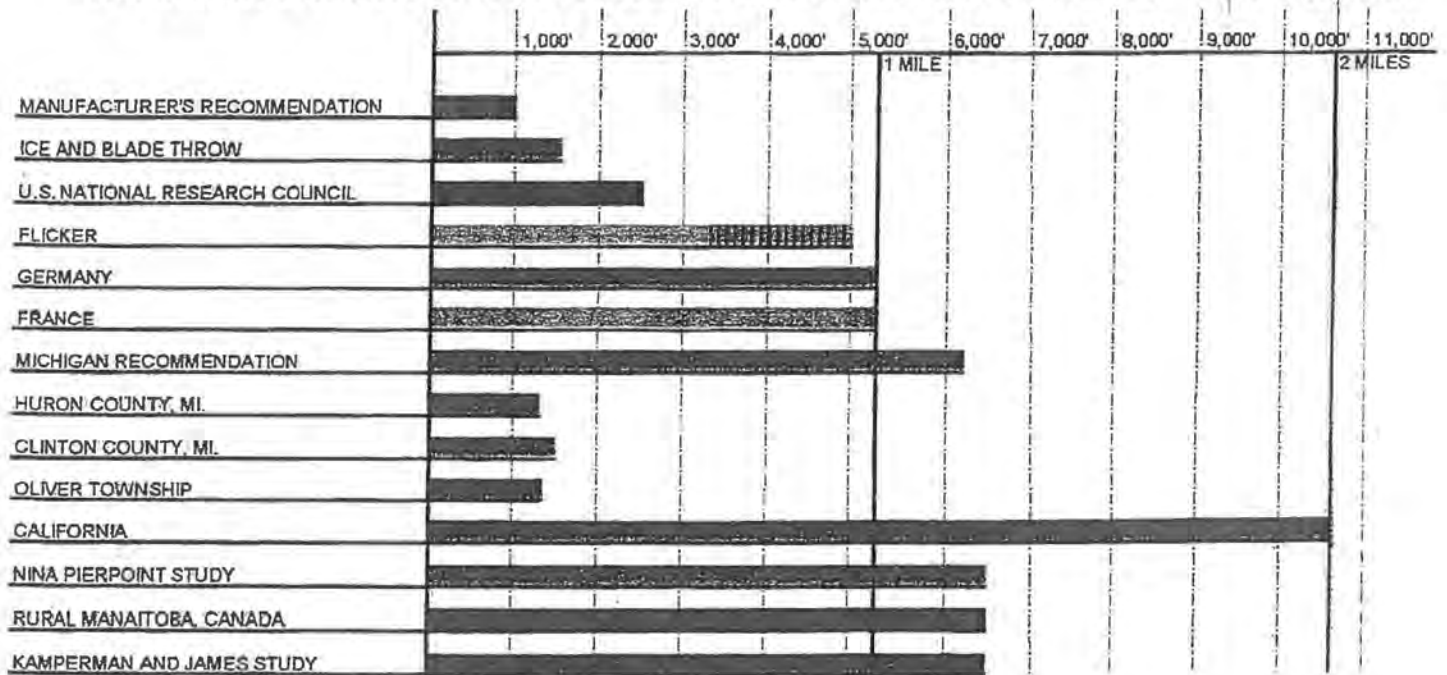
Did you know?

1. Contracts for wind farms are Easement agreements, not leases, these easements go on your deed and land title and can stay in place for 57 years plus. Source Invenenergy contract
2. A wind energy easement or lease agreement, like any easement or lease agreement, is a legally binding agreement that needs to be carefully reviewed and understood before executing it. A wind energy agreement will not only affect you but future generations. It is important that you not agree to or execute any agreement or option agreement until you have discussed it with your attorney. Source Windustry's Wind Easement Work Group.
3. "Consumers pay for electricity twice, once through monthly electric bills and a second time through taxes that finance subsidies for inefficient wind and other energy producers. Over the past 35 years, wind energy, which supplied just 4.4 percent of U.S. electricity in 2014, has received \$30 billion in federal subsidies and grants. These subsidies shield people from the uncomfortable truth of just how much wind power actually costs and transfers money from average taxpayers to wealthy wind farm owners, many of which are units of foreign companies." Source National Center of Policy Analysis.
4. Several physicians from around the world, Amanda Harry in England Robert McMurtry in Ontario, Robyn Phipps in New Zealand, Dr Nina Piermont of New York, have recorded a common set of ill health effects among people living near industrial scale wind turbines. Source Wind Watch.org
5. Wisconsin wind turbines declared health hazard. Board of Health in Brown County Wisconsin, where Green Bay is located, has declared a local industrial wind plant to be a human health hazard. The specific facility consists of eight 500 foot high 2.5 megawatt industrial wind turbines. Source Michigan Capital Confidential
6. In a controlled clinical study, residents who lived within 1.4 kilometers, or 0.87 mile, of IWTs exhibited greater sleep disturbance and poorer mental health than those living at distances greater than 3.3 kilometers, or 2 miles, away, and scores on sleep and mental-health measures correlated well with noise exposure levels. Another study found lower quality of life (QoL) in residents living within 2 kilometers of a turbine installation than at longer distances. Abandonment of homes near wind turbines has been associated primarily with disruptions to sleep and QoL. Source Jerry Punch is an audiologist and professor emeritus at Michigan State University in the Department of Communicative Sciences and Disorders. Source hearinghealthmatters.org

Did you know? Continued

7. In a report by the Michigan Public Service Commission with John D. Quackenbush Chairman, stated "our results suggest that utility scale wind energy generation is not without adverse health impacts on nearby residents and recommends that on the basis of data, suggest that setback distances need to be 2km (1.242 mile) in hilly terrain. Source Michigan Department of Licensing and Regulatory Affairs.
8. The IRS Is Giving Away \$13 Billion A Year In Wind Energy Subsidies, without Congressional Authorization Source Forbes Magazine
9. If things are so great in Huron County with the wind turbines, then why have they placed a moratorium on building wind farms until they rewrite their zoning rules? Source, Moratorium, Huron Co Tribune
10. In 2011 the Michigan Tax Commission changed the taxing formula which resulted in millions of dollars of lost revenue to all the taxing units where there are wind farms, are they worth having in your back yard for few tax dollars. Source, Tuscola Today
11. Many people assume farmers reap large financial benefits when they allow developers to install wind turbines on their property, but is this true, or are wind developers taking advantage of farmers? "The typical agreement is the most one-sided, restrictive real-estate contract in the country." One lawyer said, "The land owner gives up an exceptional amount of rights and essentially becomes a caretaker for the property." Source: dddusmma.wordpress.com
12. Did you know that your 7 member Moore Township Planning commission went through 3 public hearings, spent many hours coming up with the setbacks and other zoning issues, had the county planning commission approve the proposed ordinance, only to have the Moore Township board of five, on a 4-1 vote, change the setback from your property from 1295' to 1.5 times turbine height, which will be about 750'? Now that is a complete lack of respect for the hard work of the planning commission and shows no respect for the health, safety and welfare of all Moore Township residents. We formed a group and circulated a petition of referendum on the wind zoning ordinance, have three times the signatures necessary and now have it placed on the November 2015 ballot in Moore Township. We need your support in November to overturn this wind ordinance and gain the proper setbacks that will protect the safety of all Moore Township residents.

Setback recommendations from wind turbines to residences



SOME WEBSITES: GET THE FACTS

www.aweo.org

www.iicccusa.org

www.wind-watch.org

www.windaction.org

www.countryguardian.net

www.fairwindenergy.org

www.ontario-wind-resistance.org

www.windturbineestimonies.blogspot.com

www.windfarmaction.com

sites.google.com/site/saveoursherman/home

www.windwisema.org

www.windturbinesyndrome.com

www.epaw.org

www.wind-power-problems.org

www.togetheragainstwind.com

www.na.paw.org

Infrasound from Wind Turbines can be Bad for your Health



Very Low frequency sound

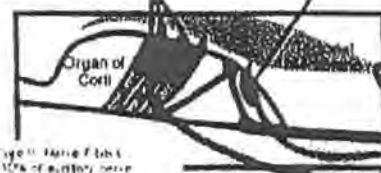


In the Cochlea



Outer Hair Cells
DC-coupled to input
Detect Infrasound

Inner Hair Cells
AC-coupled to input
Do NOT detect Infrasound



From Salt and Haller, 2010

Wind Turbine Syndrome

Prepared, 1998

Dizziness

Unsteadiness



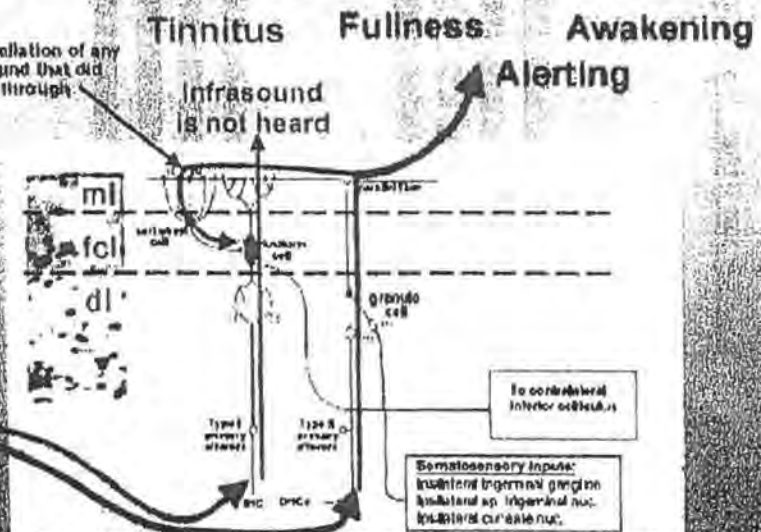
Memory Disturbance

Headache

Elevated Blood Pressure

Sleep Disturbance

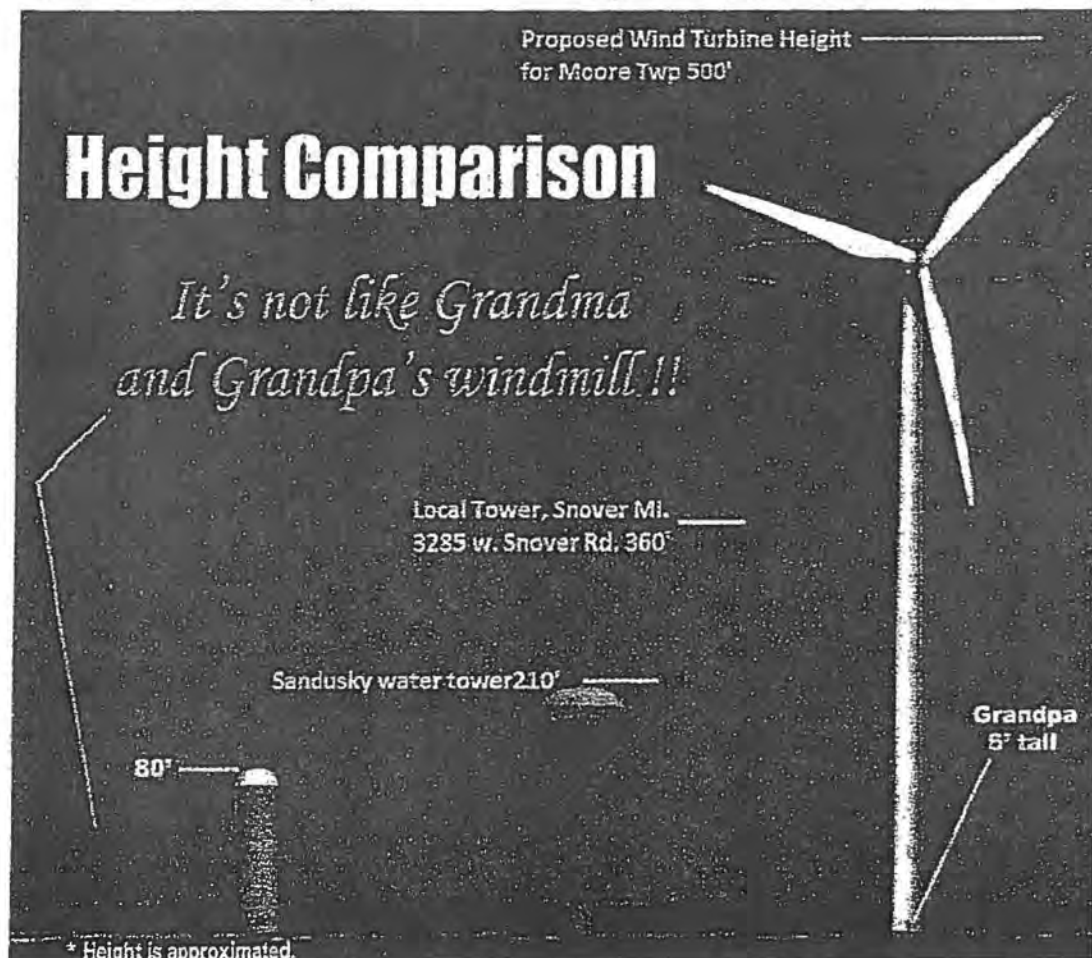
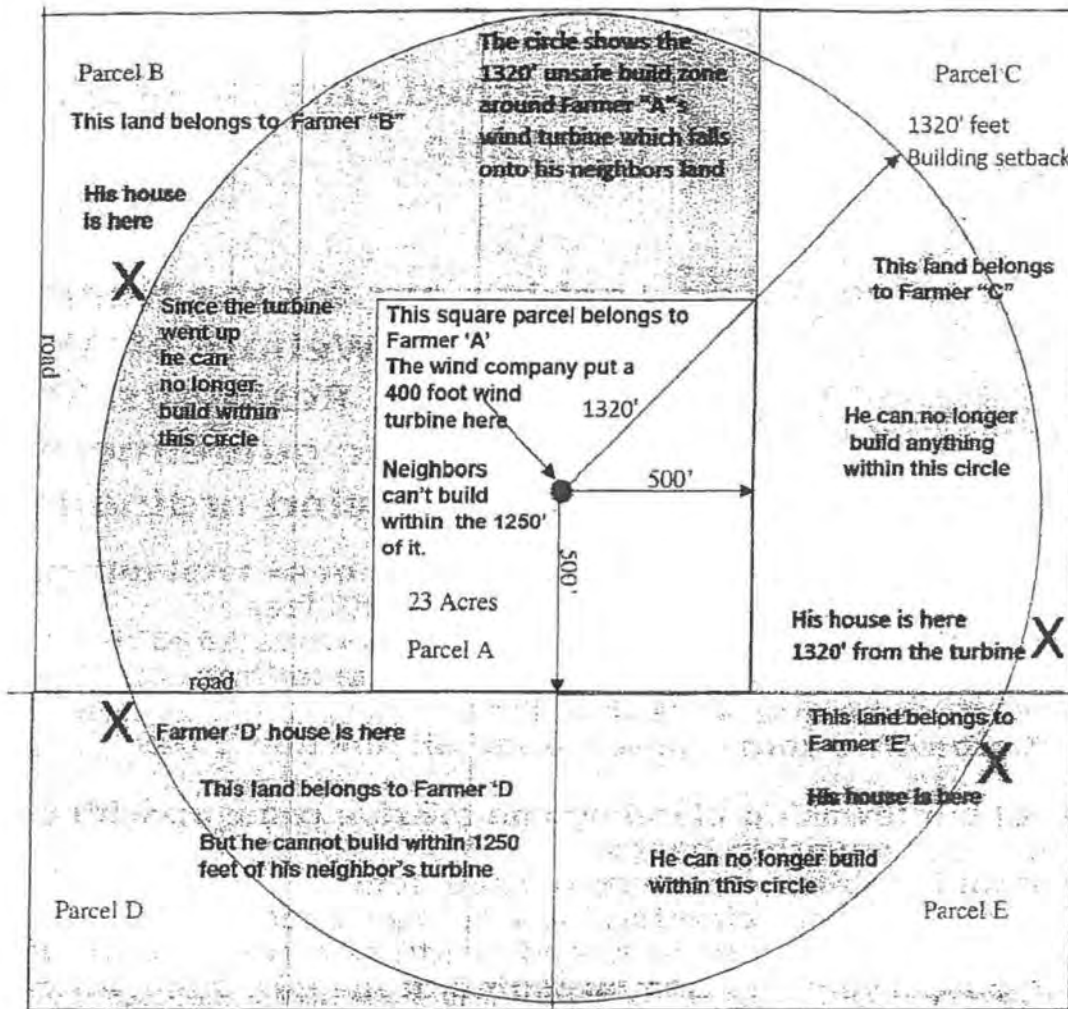
In the Cochlear Nucleus



From Kallenbach & Gordien, 2008

Alec Salt, PhD
Department of Otolaryngology
Washington University School of Medicine in St Louis

Website: oto.wustl.edu/cochlea/wind.html



This is an open letter to Wisconsin farmers who are considering signing a wind lease to host turbines on your land. Before you sign, I'd like to tell you about what happened to our family farm after we signed a contract with a wind developer.

In 2002, a wind developer approached my father about signing a lease agreement to place a MET tower on our land. My father was in his 70's at the time. The developer did a good job of befriending him and gaining his trust.

He assured my father that the project wasn't a done deal and was a long way off. They first had to put up the MET tower to measure the wind for awhile.

He told my father that if the project went forward there would be plenty of time to decide if we wanted to host turbines on our farm. There would be lots of details to work out and paperwork to sign well before the turbines would be built. The developer said my father could decide later on if he wanted to stay in the contract.

In 2003 the developer contacted us again. This time he wanted us to sign a contract to host turbines on our land. We were unsure about it, so we visited the closest wind project we knew of at the time. It was in Montfort, WI.

The Montfort project consists of 20 turbines that are about 300 feet tall and arranged in a straight line, taking up very little farmland with the turbine bases and access roads. The landowners seemed very satisfied with the turbines. But we were still unsure about making the commitment.

We were soon contacted again by the developer, and we told him we were undecided. Then he really started to put pressure on us to sign.

This was in March of 2004, a time of \$1.60 corn and \$1200 an acre land. It seemed worth it have to work around a couple of turbines for the extra cash. We were told the turbines would be in a straight line and only take up a little bit of land like the ones in Montfort.

And we were also told that we were the ones holding up the project. That all of our neighbors had signed, and we were the last hold-outs. It persuaded us.

What we didn't know then was the developer was not being truthful. We were not the 'last hold-out' at all. In later discussions with our neighbors we found out that in fact we were the very first farmers to sign up. I have since found out this kind of falsehood is a common tactic of wind developers.

My father read through the contract. He said he thought it was ok. I briefly skimmed through it, found the language confusing, but trusted my father's judgment. We didn't hire a lawyer to read it through with us. We didn't feel the need to. The developer had explained what was in it.

The wind contract and easement on our farm was for 20 years. By then my dad was 75. He figured time was against him for dealing with this contract in the future so we agreed I should sign it. A few months later, my father died suddenly on Father's Day, June 20th, 2004.

After that, we didn't hear a whole lot about the wind farm for a couple years. There was talk that the project was dead. And then in 2007 we were told the developer sold the rights to the project. A Wisconsin utility bought it.

After that everything changed. The contract I signed had an option that allowed it to be extended for an additional 10 years. The utility used it.

The turbines planned for the project wouldn't be like the ones in Montfort. They were going to be much larger, 400 feet tall. And there were going to be 90 of them.

They weren't going to be in a straight row. They'd be sited in the spots the developer felt were best for his needs, including in middle of fields, with access roads sometimes cutting diagonally across good farm land. Landowners could have an opinion about turbine placement but they would not have final say as to where the turbines and access roads would be placed. It was all in the contract.

Nothing was the way we thought it was going to be. We didn't know how much land would be taken out of production by the access roads alone. And we didn't understand how much the wind company could do to our land because of what was in the contract.

In 2008 I had the first of many disputes with the utility, and soon realized that according to the contract I had little to no say about anything. This became painfully clear to me once the actual construction phase began in 2010 and the trucks and equipment came to our farm and started tearing up the field.

In October of 2010 a representative of the utility contacted me to ask if a pile of soil could be removed from my farm. It was near the base of one of the turbines they were putting on my land. I said no, that no soil is to be removed from my farm.

The rep said that the pile was actually my neighbor's soil, that the company was storing it on my land with plans to move it to another property.

Shortly afterwards I noticed the pile of subsoil was gone.

In November of 2011 I saw several trucks loading up a second pile of soil on my land and watched them exiting down the road. I followed them and then called the Columbia County Sheriff. Reps from the company were called out. I wanted my soil back.

Continued next page

A few days later the rep admitted they couldn't give it back to me because my soil was gone. It had been taken and already dispersed on someone else's land. I was offered 32 truck loads of soil from a stockpile they had. I was not guaranteed that the soil would be of the same quality and composition as the truck loads of soil they took from my farm.

I was informed by the lawyer for the utility that I had until April 30, 2011 to decide to take the soil. There would be no other offer. Take it or leave it.

I contacted the Public Service Commission for help. The PSC approved the terms of project and I believed the utility was violating those terms. The PSC responded by telling me they could do nothing because the issue involved a private contract between myself and the utility.

They told me my only option was to sue the utility.

My father and I both worked those fields. Watching the way they've been ripped apart would sicken any farmer. But what farmer has the time and money it would take to sue a Wisconsin utility?

By signing that contract I signed away the control of the family farm, and it's the biggest regret I have ever experienced and will ever experience. I have only myself to blame for not paying close enough attention to what I was signing.

We had a peaceful community here before the developer showed up, but no more. Now it's neighbor against neighbor, family members not speaking to one another and there is no ease in conversation like in the old days. Everyone is afraid to talk for fear the subject of the wind turbines will come up. The kind of life we enjoyed in our community is gone forever.

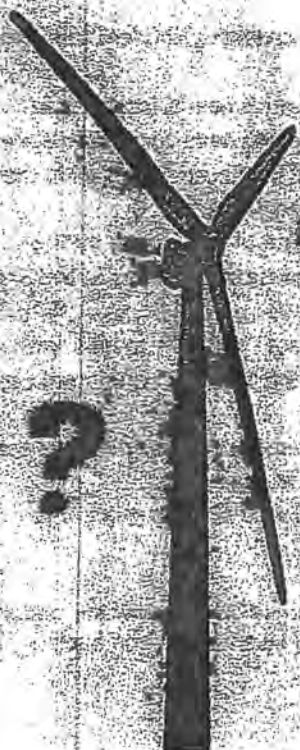
I spend a lot of sleepless nights wishing I could turn back the clock and apply what I've learned from this experience. Now corn and bean prices are up. The money from the turbines doesn't balance out our crop loss from land taken out of production. The kind of life we enjoyed on our family farm is gone forever too.

I would not sign that contract today. As I write this, the utility is putting up the towers all around us. In a few months the turbine will be turned on and we'll have noise and shadow flicker to deal with. If I have trouble with these things, too bad. I've signed away my right to complain. These are some of the many problems I knew nothing about when I signed onto the project.

If you are considering signing a wind lease, take the contract to a lawyer. Go over every detail. Find out exactly what can happen to your fields, find out all the developer will be allowed to do to your land. Go through that contract completely, and think hard before making your decision.

I can tell you from first hand experience, once you sign that contract, you will not have a chance to turn back.

Gary Steinich
Steinich Farms, Inc.
Cambria, WI
June, 2011

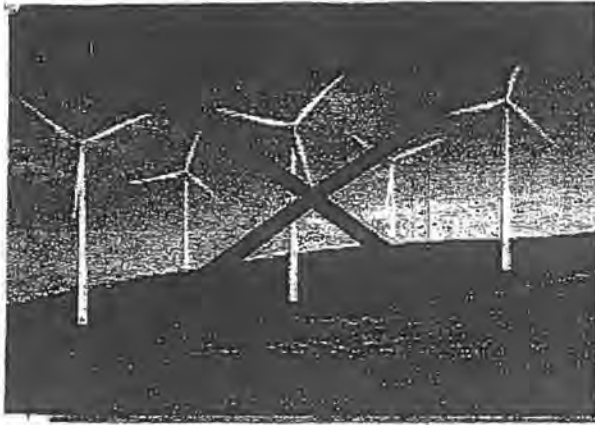


WIND ENERGY GET THE FACTS

WE ARE CONCERNED ABOUT THE HEALTH, SAFETY AND
WELFARE OF ALL MOORE TOWNSHIP RESIDENTS

WOTE NO IN NOVEMBER

SEE CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP
ON FACEBOOK OR WWW.NCCUSA.ORG



Concerned Citizens of Moore Township

Looking out for the Health, Safety and Welfare of ALL Moore Twp. Residents. These are the basic guidelines we

would like to see in our township wind ordinance.

Setback from inhabited structure = 1600' feet or 4x total turbine hgt.

Setback from nonparticipating lot line = 1600' feet

Setback from the centerline of a road or utility wires 1600' feet

Sound pressure level of 40 dba measured at the lot line

Depth of all transmission wires to 8' feet

Fence and protective corner post around all junction boxes

This is what our township planning commission came up with and submitted to our township board

Set back from inhabited structure = 1320' feet

Set back from a nonparticipating lot line 1295' feet

Set back from the centerline of a road or utility wires 1.5x hgt of turbine

Sound pressure level of 45 dba measured at the inhabited structure

Depth of all transmission wires to 5' feet

This is what our township board changed the planning commissions recommendations to

Set back from inhabited structure = 1320' feet

Set back from a nonparticipating lot line = 1.5x Total Turbine Height
Which is 750'

Set back from the centerline of a road or utility wires 1.5x turbine hgt.

Sound pressure level 45 dba measured at the inhabited structure.

Depth of all transmission wires to 5' feet

We are concerned about the lack of thought given to township residents health, safety and welfare by our township board.

We need your help to keep us safe!!!!

We have it placed on the November 2015 ballot now we need your support in November with a no vote.

This will take it back to the planning commission to rewrite the zoning ordinance for wind turbines in Moore Township.

Thank you so much for your support and NO VOTE!

For more info. please see "Concerned Citizens of Argyle and Moore Township" on FACEBOOK



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

November 6, 2015

Jeff Timmer
10018 East Grand River Avenue
Portland, Michigan 48875

Dear Mr. Timmer:

The Department of State received the enclosed responses to the complaint you filed Interstate Informed Citizens Coalition, Inc., Robert and Cathy Haskin, Robert and Mona Albrecht, Cynthia and Sidney Thompson, Donna and Raymond Ellis, and the Karen Flanagan Trust, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.*

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,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Interstate Informed Citizens Coalition, Inc.
Robert and Cathy Haskin
Robert and Mona Albrecht
Cynthia and Sidney Thompson
Donna and Raymond Ellis
Karen Flanagan Trust

NOLAN LAW, LLC

405 Madison Ave.
Suite 1000
Toledo, OH 43604

Telephone: (419) 242-1400
Facsimile: (877) 431-0724
Email: jnolan@nolanlawllc.com

October 30, 2015

Lori A. Bourbonais
Michigan Secretary of State - Bureau of Elections
430 W. Allegan, 1st Floor
Lansing, MI 48918

Re: Alleged Violations of Michigan Campaign Finance Act;
Interstate Informed Citizens Coalition, Inc., Donna and Raymond Ellis, and
Concerned Citizens of Argyle and Moore Township

Dear Mrs. Bourbonais,

I am writing in response to your October 12, 2015 correspondence outlining the formal complaint filed by Jeff Timmer against my clients, Interstate Informed Citizens Coalition, Inc. ("IICC"), as well as Donna and Raymond Ellis. Notably, Mr. Timmer's stated address is located approximately One Hundred Forty (140) miles from the location of the election activity in question. As such, one has to wonder why someone located so far from a township level election would involve himself in an election that would appear to have absolutely no impact upon him.

Regardless, as will be explained in detail below, all funds in question have been properly disclosed in a timely manner on a Ballot Question Committee report filed by Concerned Citizens of Argyle and Moore Township ("CCAMT"). And any minor, technical deficiencies have been corrected by CCAMT. Therefore, I respectfully request that you dismiss Mr. Timmer's complaint in its entirety.

I. CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP IS RESPONSIBLE FOR ACTIONS IN QUESTION.

A. IICC CANNOT BE HELD LIABLE IN THIS MATTER.

Mr. Timmer alleges that because the IICC's website address is listed on the bottom of various signs installed around Argyle and Moore Townships, as well as a letter that was mailed to residents there, "it is reasonable to conclude that Respondent Coalition paid for

these signs and this mailing." Mr. Timmer alleges that IICC violated the Michigan Campaign Finance Act by failing to form a Ballot Question Committee and failing to disclose these expenditures. However, Mr. Timmer's "reasonable conclusion" is simply not accurate.

The IICC had no knowledge that its website was being listed on signs installed in and around Argyle and Moore Townships. Such actions were taken by CCAMT without seeking IICC's consent or other input.¹ To be clear, IICC takes no issue with this use of its website address and welcomes all to visit their site to become better educated on the dangers of improperly sited industrial wind turbines. And if CCAMT had sought the IICC's permission to use its website in their signs and publication, the IICC would have consented to such use – on the condition that such use complied with all aspects of the MCFA. But IICC was not consulted and did not pay for signs or mailings, or make any in-kind contributions to CCAMT that would require campaign finance disclosures.

Under these circumstances, the IICC cannot be held liable for purported violations of the MCFA resulting from the unauthorized use of its website address. And IICC respectfully requests that the Secretary of State ("Secretary") dismiss Mr. Timmer's complaint as it relates to allegations against IICC.

B. CCAMT PURCHASED AND PLACED SIGNS IN QUESTION.

Mr. Timmer has also identified a number of citizens as Respondents in his complaint. Just as he did with the IICC, Mr. Timmer has cast his net far wider than necessary. All signs and sign materials referenced in Mr. Timmer's complaint were purchased by or through CCAMT.² And all contributions of materials that required disclosure were disclosed in CCAMT's Campaign Finance Report.³ Since CCAMT acknowledges responsibility for the actions at issue, Mr. Timmer can stop harassing individual citizens with his allegations.

II. CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP WAS PROPERLY FORMED.

Mr. Timmer noted that "Respondent Coalition has not filed a Statement of Organization with either the Michigan Department of State or the Sanilac County Clerk,

¹ See Exhibit "A" - Affidavit of Raymond Ellis.

² Id.

³ Id. See also, Exhibit "C" – Campaign Finance Report for Concerned Citizens of Argyle and Moore Township.

or otherwise complied with the requirements of the Michigan Campaign Finance Act." And this is technically a true statement, as IICC has not registered as a Ballot Question Committee. However, while technically accurate, Mr. Timmer's statement is terribly misleading.

It is correct that IICC did not form a Ballot Question Committee, as it took no actions that would require the formation of such a committee. However, as Mr. Timmer knows (or should have known by a simple review of the Sanilac County Clerk records), Concerned Citizens of Argyle and Moore Township ("CCAMT") filed a "Statement of Organization Form For Ballot Question Committees" on September 11, 2015 – weeks before Mr. Timmer filed his complaint with the Secretary.⁴ This "Statement of Organization" clearly identifies Raymond Ellis as the Treasurer and Designated Record Keeper of CCAMT. And this "Statement of Organization" specifically included Mr. Ellis' address – which is the location of one of the signs that Mr. Timmer complains about.

Again, one must wonder why someone who is located over 140 miles away would complain about such issues. And one must wonder even more why that complainant would omit critically important information from his complaint that was obviously a matter of public record before the complaint was made.

A. CCAMT HAS COMPLIED WITH REPORTING REQUIREMENTS FOR BALLOT QUESTION COMMITTEES.

Regardless of Mr. Timmer's reasons for omitting this critical information, it is clear that CCAMT is attempting to comply with the MCFA. Unlike Mr. Timmer, who is a paid public relations consultant and well known Republican political operative, the members of CCAMT are not well versed in Michigan campaign finance law. Instead, they are average citizens who are trying to get involved in their township's governance. A review of CCAMT's campaign finance report reveals that their contributors are salesperson, an automotive parts manager and a well driller.

Despite their lack of experience in the nuances of the Michigan Campaign Finance Act, CCAMT has filed a timely campaign finance report.⁵ Notably, unlike Mr. Timmer, everyone who has contributed to CCAMT's activities actually resides in Argyle or Moore Townships and will be affected by the ballot questions at issue.

III. CERTAIN ACTIVITIES FALL OUTSIDE THE MCFA

While some of CCAMT's activities fall within the regulations of the MCFA, some of the actions that Mr. Timmer complains about are outside the MCFA. As will be

⁴ See Exhibit "B" – Original or Amended Statement of Organization Form For Ballot Question Committees, filed at the Sanilac County Clerk's Office on September 11, 2015.

⁵ See Exhibit "C" – Campaign Finance Report for Concerned Citizens of Argyle Township filed October 23, 2015.

explained in detail below, CCAMT cannot be held liable for violating provisions of the MCFA that are not even applicable.

A. "GET THE FACTS" SIGNS DO NOT CONSTITUTE AN
"EXPENDITURE" UNDER MCL § 169.206.

For example, Mr. Timmer complains about yard signs which state, "GET THE FACTS" and then list IICC's website on the bottom of the sign.⁶ Notably, these signs make no reference to voting in favor of or against a ballot proposal. And there is nothing on the IICC's website that discusses the ballot proposals pending in Argyle and Moore Townships.

An "expenditure" for purposes of the MCFA is defined by MCL § 169.206. Exceptions to that definition are located at MCL § 169.206(2) and states, in pertinent part,

(2) Expenditure does not include any of the following:

(b) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot question or candidate by name or clear reference."

. . . .

(j) Except only for the purposes of section 47, an expenditure for a communication if the communication does not in express terms advocate the election or defeat of a clearly identified candidate so as to restrict the application of this act to communications containing express words of advocacy of election or defeat, such as 'vote for', 'elect', 'support', 'cast your ballot for', 'Smith for governor', 'vote against', 'defeat', or 'reject'.

The "Get the Facts" signs make no reference to any ballot question. They do not advocate for the passage or defeat of a ballot question. And they do not contain any of the words referenced in MCL § 169.206(2)(j). As such, the purchase and display of these "Get the Facts" signs do not constitute an "expenditure" under MCL § 169.206 and there can be no liability for any alleged failure to disclose this non-expenditure. Nonetheless, out of an abundance of caution, CCAMT has disclosed the funds spent on these yard signs in its Campaign Finance Report and has now placed "paid-for-by" statements on these signs as well.⁷

⁶ See Exhibit "D" – "Get the Facts" turbine sign.

⁷ See Exhibit "A" and Exhibit "F" – Photos of "Get the Facts" turbine sign with "paid-for-by" statement.

B. CCAMT DID NOT SEND A "MASS MAILING" AS DEFINED BY MCL § 169.247(7).

Mr. Timmer complains that the various Respondents failed to include a proper "paid-for-by" statement on certain campaign material. Unfortunately, because CCAMT is comprised of regular citizens who are neither lawyers, nor well versed in Michigan Campaign Finance law, it is true that some signs were displayed without the proper "paid-for-by" statement. However, all such signs now have the required language.⁸ This unintentional violation was an accidental oversight by CCAMT, which has now been corrected.

In addition to the 4' x 8' signs, Mr. Timmer complained about the absence of the "paid-for-by" statement on yard signs. However, as set forth above, the yard signs in question do not constitute an "expenditure" under the MCFA and therefore, no such "paid-for-by" statement is required.

Although not explicitly stated, it appears that Mr. Timmer's complaint regarding the lack of "paid-for-by" statements also included the "mailing" that was sent out the week of September 14, 2015. That expenditure is identified on CCAMT's Campaign Finance Report.⁹ Nonetheless, Mr. Timmer alleges that mailing these documents without the "paid-for-by" statement is a violation of MCL § 169.247.

Despite Mr. Timmer's claim to the contrary, the documents in question do not meet the definition of a "mass mailing" such that a "paid-for-by" statement is required. Specifically, the MCL 169.247(7), states:

(7) As used in this section, 'mass mailing' means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

The documents in question were mailed out to approximately 240 homes in Moore Township, Michigan.¹⁰ As such, this activity did not reach the threshold "500 pieces of mail" to require the "paid-for-by" statement. Nonetheless, out of an abundance of caution, this expense was included in CCAMT's Campaign Finance Report. Regardless, since the "paid-for-by" statement was not required, there can be no liability under the MCFA for this mailing.

⁸ See Exhibit "E" – Photographs of updated 4' x 8' signs.

⁹ See Exhibit "C" – Campaign Finance Report.

¹⁰ See Exhibit "A" – Affidavit of Raymond Ellis.

IV. CONCLUSION

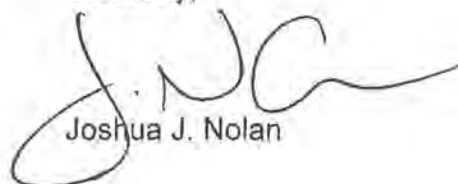
CCAMT is comprised of local citizens who are neither lawyers, nor well known political operatives. They are citizens who are volunteering their time and effort in an attempt to protect their homes and families from what they believe to be unsafe zoning regulations for a proposed industrial wind turbine complex.

In contrast, Mr. Timmer is a public relations consultant whose stated address is well over 100 miles away from the election activity in question. For reasons that remain unexplained, Mr. Timmer has interjected himself into a township level ballot proposal that has no impact upon him whatsoever. In so doing, he failed to inform the Secretary that a Ballot Question Committee was properly formed and that all expenditures that are even arguably covered by the MCFA have been disclosed as required.

Mr. Timmer's complaint lacks merit, as the vast majority of the items in question fall outside the MCFA. In the end, this entire matter boils down to a failure to include "paid-for-by" stickers on five (5) signs located in Moore Township, Michigan. And all five (5) signs now have the required "paid-for-by" statement. This is truly much ado about nothing.

For all the reasons set forth above, Respondents Interstate Informed Citizens Coalition and Donna and Raymond Ellis respectfully request that the Secretary dismiss Mr. Timmer's complaint.

Sincerely,



Joshua J. Nolan

Enclosures



AFFIDAVIT OF RAYMOND ELLIS

STATE OF MICHIGAN)
) SS.
COUNTY OF SANILAC)

Now comes Raymond Ellis, after being duly cautioned and sworn according to law, and states as follows:

1. My name is Raymond Ellis. I have personal knowledge of the matters set forth herein and I am competent to testify.

2. I am the Treasurer of a Michigan Ballot Question Committee known as Concerned Citizens of Argyle and Moore Township ("CCAMT").

3. I filed an Original Statement of Organization for a Ballot Question Committee with the Sanilac County Clerk on or about September 11, 2015. A copy of that "Statement of Organization" is attached to my Response to Mr. Timmer's Complaint as Exhibit "B."

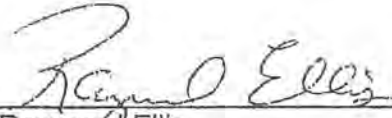
4. CCAMT did not seek the consent of the Interstate Informed Citizens Coalition, Inc. ("IICC") before we placed their website on the bottom of signs we purchased concerning the upcoming referendum election. We referred voters to their website to learn more about the dangers of improperly sited industrial wind turbines. The IICC website contains no reference to the Argyle Township or Moore Township referendum elections.

5. CCAMT received no funds from IICC to purchase the signs in question or any other "in kind" donation from IICC.


6. Approximately fifty (50) yard signs were purchased which state, "Get the Facts" and have a picture of a wind turbine. These signs do not advocate a position on a ballot question. However, out of an abundance of caution, CCAMT has disclosed the amounts spent on such signs and has now placed "paid-for-by" statements on those signs. Photographs showing the revised yard signs are attached to my response to Mr. Timmer's Complaint as Exhibit "F."

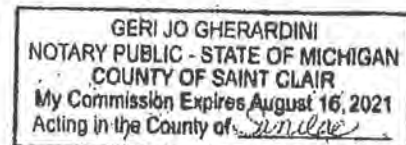
7. CCAMT also purchased signs and construction materials for five (5) 4' x 8' signs that encourage voters to "Vote No in November." CCAMT is comprised of regular citizens, not lawyers or paid political operatives. As a result, CCAMT was unaware that these five (5) signs were required to have a "paid-for-by" statement displayed. CCAMT has now placed "paid-for-by" statements on all five (5) of those signs. Photographs showing the revised 4' x 8' signs are attached to my response to Mr. Timmer's Complaint as Exhibit "E."

FURTHER AFFIANT SAYETH NAUGHT.


Raymond Ellis

Sworn to and subscribed before me, a Notary Public, this 29th day of October, 2015.


Notary Public





MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

1. Committee ID #: 104-2331	2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:	Eff. Date: 09/10/2015
3. Date Committee was Formed: 09/01/2015		
4. Full Name of Committee: CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP		
5. Acronym or Abbreviation (if any): N/A		
6. Complete Committee Mailing Address (May be PO Box): 1645 NORTH UBLY ROAD, SNOVER, MICHIGAN 48472		
7. Complete Committee Street Address (May not be PO Box): 1645 NORTH UBLY ROAD, SNOVER, MICHIGAN 48472		
*Committee Phone: (810) 404-2895 Committee Email Address: raymie61@airadv.net		
Committee Fax #: Committee Website Address: www.facebook.com/argyleandmooretwpcitizens		
8. Treasurer Name and Complete Address: RAYMOND A. ELLIS II 1645 NORTH UBLY ROAD, SNOVER, MI 48472		
Phone #: (810) 404-2895 Email Address: raymie61@airadv.net		
9. Designated Record Keeper Name and Complete Address: RAYMOND A. ELLIS II 1645 NORTH UBLY ROAD, SNOVER, MI 48472		
Phone #: (810) 404-2895 Email Address: raymie61@airadv.net		
10. REPORTING WAIVER REQUEST: <input type="checkbox"/> YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000 in an election, the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports or Petition Proposal Campaign Statements. <input checked="" type="checkbox"/> NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of \$1,000 in an election. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Ballot Question Manual.		
11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) *Official Depository (name and address): Exchange State Bank, Sandusky, MI 48471 Secondary Depository (name and address): n/a		
12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose Description: MOORE TOWNSHIP and ARGYLE TOWNSHIP WIND ORDINANCE AS ADOPTED BY TOWNSHIP BOARDS Indicate the ballot proposal district below by selecting Statewide, County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside. <input type="checkbox"/> Statewide <input type="checkbox"/> County <input type="checkbox"/> Multi-County <input checked="" type="checkbox"/> Local Moore and Argyle Township,		
13. ELECTRONIC FILING: This item applies to committees that file with the Michigan Department of State Bureau of Elections only and does not apply to committees that file with the County Clerk's office. <input type="checkbox"/> Committee spent or received or expects to spend or receive in excess of \$5000 and is required to file electronically. <input type="checkbox"/> Committee did not spend or receive or does not expect to spend or receive in excess of \$5,000 and would like to file electronically voluntarily. Further information regarding Electronic Filing can be found in Appendix D of the Ballot Question Manual.		
14. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.		
*Current Treasurer Raymond A. Ellis II		Designated Record Keeper (Required only if filing electronically) Date: 09/10/2015



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

SANILAC COUNTY
CLERK'S OFFICE
FILED

2015 OCT 23 A 9:09

EXHIBIT

C

**BALLOT QUESTION COMMITTEE
COVER PAGE**

DENISE MCGUIRE FOR OFFICIAL USE ONLY
CLERK

Report must be legible, typed or printed in ink and signed by the treasurer or designated record keeper.

3. This Statement covers from 09/01/15 To 10/18/15

1. Committee I.D. Number **104-2331**

4. Committee's Mailing Address **1645 North Ugly Road
Snover, MI 48472**

2. Committee Name

**CONCERNED CITIZENS OF ARGYLE AND
MOORE TOWNSHIP**

Area Code and Phone: (810) 404-2895

If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.

5. Treasurer's Name and Residential Address

**RAYMOND A. ELLIS II 1645 NORTH UGLY ROAD, SNOVER, MI
48472**

Area Code and Phone (810) 404-2895

6. Treasurer's Business Address

7. Designated Record Keeper's Name and Mailing Address
(If the committee has a Designated Record Keeper)

**RAYMOND A. ELLIS II 1645 NORTH UGLY ROAD
SNOVER, MI 48472**

Area Code and Phone

Area Code and Phone (810) 404-2865

8. TYPE OF STATEMENT:

8a. ☒ PRE-ELECTION
OR
☐ POST-ELECTION

Pre-Election or Post-Election
Statement relates to:

☐ PRIMARY
☐ GENERAL
☐ SCHOOL
☐ SPECIAL
☐ OTHER: _____

Date of Election:
11/03/15

8b.

☐ FEBRUARY STATEMENT
☐ APRIL STATEMENT
☐ JULY STATEMENT
☒ OCTOBER STATEMENT

8c. ☐ ANNUAL STATEMENT
(____ Coverage Year)

8d.

☐ Post Petition Sample Filing
under MCL 168.483a

(Required of Statewide Ballot
Question Committees only after
the submission of a sample petition
prior to circulating the petition)

8e. ☐ AMENDMENT TO
CAMPAIGN STATEMENT

(Complete item 8a, 8b, 8c 8d, or 8f
to indicate which Statement is
being amended)

8f. ☐ DISSOLUTION OF
COMMITTEE REQUEST

Effective Date of Dissolution

By checking this item, I certify that
the committee has no assets or
outstanding debts, including late
filing fees. Note: The disposition of
residual funds must be reported on
Schedule 4B and the Summary
Page.

A committee that does not have a Reporting Waiver must file all required Campaign Statements. The Campaign Statements must include all applicable Schedules. Direct contributions, in-kind contributions, loans, expenditures and outstanding debts count against the \$1,000 Reporting Waiver threshold. If any of the information listed in items 4, 5, 6, or 7 has changed since the information was shown on the committee's Statement of Organization, an amendment to the Statement of Organization should accompany this Campaign Statement. If a request for a Reporting Waiver is not received on or before the filing deadline of a required campaign statement, that campaign statement can not be waived.

9. Verification: I certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my knowledge and belief the contents are true, accurate and complete.

Current Treasurer or
Designated Record Keeper:

RAYMOND A. ELLIS II
Type or Print Name

Signature

Raymond A. Ellis II



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

SUMMARY PAGE
BALLOT QUESTION COMMITTEE

1. Committee I.D. Number 104-2331

2. Committee Name CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP

RECEIPTS	Column I This Period	Column II Cumulative for Election Cycle
3. Contributions		
a. Itemized Contributions (Schedule 4A, Column 6)	(3a.) \$ <u>0.00</u>	
b. Unitemized Contributions (less than \$20.01 - no Schedule)	(3b.) \$ <u>NOT APPLICABLE</u>	
c. Subtotal of Contributions	(3c.) \$ <u>0.00</u>	(18.) \$ <u>0.00</u>
4. Other Receipts (Schedule 4A-1, Column 6)	(4.) \$ <u>0.00</u>	(19.) \$ <u>0.00</u>
5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3 c + Line 4)	(5.) \$ <u>0.00</u>	(20.) \$ <u>0.00</u>
IN-KIND CONTRIBUTIONS		
6. In-Kind Contributions		
a. Itemized In-Kind Contributions (Schedule 4-1K, Column 7)	(6a.) \$ <u>2,551.57</u>	
b. Unitemized (less than \$20.01 each - no Schedule)	(6b.) \$ <u>NOT APPLICABLE</u>	
7. TOTAL IN-KIND CONTRIBUTIONS (Add Line 6a + Line 6b)	(7.) \$ <u>2,551.57</u>	(21.) \$ <u>2,551.57</u>
EXPENDITURES		
8. Expenditures		
a. Itemized Direct Expenditures (Schedule 4B, Column 7)	(8a.) \$ <u>0.00</u>	
b. Itemized Get-Out-The Vote (Schedule 4B-G, Column 6)	(8b.) \$ <u>0.00</u>	
c. In-Kind Expenditures - Purchase of Goods or Services (Schedule 4B-2, Column 7)	(8c.) \$ <u>0.00</u>	
d. Unitemized Expenditures (\$50.00 or less-no Schedule)	(8d.) \$ <u>0.00</u>	
e. Subtotal of Expenditures	(8e.) \$ <u>0.00</u>	(22.) \$ <u>0.00</u>
9. Independent Expenditures (Schedule 4B-1, Column 7)	(9.) \$ <u>0.00</u>	(23.) \$ <u>0.00</u>
10. TOTAL EXPENDITURES (Add Line 8e + Line 9)	(10.) \$ <u>0.00</u>	(24.) \$ <u>0.00</u>
IN-KIND EXPENDITURES		
11. Total In-Kind Expenditures-Endorsements, Donations or Loans of Goods or Services (Schedule 4B-2, Column 8)	(11.) \$ <u>2,551.57</u>	(25.) \$ <u>2,551.57</u>
DEBTS AND OBLIGATIONS		
12. Debts and Obligations		
a. Owed by the Committee (Schedule 4E)	(12a.) \$ <u>0.00</u>	
b. Owed to the Committee (Schedule 4E)	(12b.) \$ <u>0.00</u>	
BALANCE STATEMENT		
13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.)	(13.) \$ <u>0.00</u>	
14. Amount received during reporting period (Line 5, Column I, Total Contributions & Other Receipts)	(14.) + <u>0.00</u>	
15. SUBTOTAL Add lines 13 and 14	(15.) = <u>0.00</u>	
16. Amount expended during reporting period (Line 10, Column I, Total Expenditures)	(16.) - <u>0.00</u>	
17. ENDING BALANCE (Subtract line 16 from line 15)	(17.) \$ <u>0.00</u>	

*If your ending balance is negative, please recheck your math.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND EXPENDITURES
SCHEDULE 4B-2

BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

2. Committee Name CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP

3. Name and Address of person or committee to whom goods or services were donated or loaned, or for whom goods or services were purchased.	4. Type of In-Kind Expenditure (Check applicable box) 5. Date of Expenditure 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Money Spent (Purchased Goods or Services)	8. Fair Market Value (Loan Endorsement or Guarantee, Loan or Donation of Goods or Service)	9. Cumulative for Election (Through date of Item 5)
Expenditure #1 Name & Address: CHARLES THOMPSON 2120 SMECKERT ROAD SANDUSKY, MI 48471 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>SIGNS</u> 5. DATE OF EXPENDITURE: <u>08/20/15</u> 6. VENDOR NAME & ADDRESS: STOLICKERS'S CUSTOM DESIGNS, 237 EAST SANILAC SANDUSKY, MI 48471	\$ <u>0.00</u>	\$ <u>636.00</u>	\$ <u>636.00</u>
Expenditure #2 Name & Address: LEE RICH 2255 NORTH TOWNLINE RD SANDUSKY, MI 48471 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>LUMBER/FASTNERS</u> 5. DATE OF EXPENDITURE: <u>08/22/15</u> 6. VENDOR NAME & ADDRESS: SELF SERVE LUMBER 366 E. SANILAC SANDUSKY, MI 48471	\$ <u>0.00</u>	\$ <u>186.00</u>	\$ <u>186.00</u>
Expenditure #3 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>POSTAGE STAMPS</u> 5. DATE OF EXPENDITURE: <u>09/09/15</u> 6. VENDOR NAME & ADDRESS: US POST OFFICE 55 S. MORSE ST SANDUSKY, MI 48471	\$ <u>0.00</u>	\$ <u>117.60</u>	\$ <u>117.60</u>

Subtotal this Page

\$0.00

\$939.60

Grand Total of all Schedules 4B-2
(Complete on last page of Schedule)

Enter this total
on line 8c of the
Summary Page

Enter this total on
line 11 of the Summary
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND CONTRIBUTIONS
SCHEDULE 4-IK
BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

2. Committee Name CONSERVED CITIZENS OF ANGLIA AND MIDDLE TRIANGLE

23

3. Name and Address from whom received If contribution is from an individual, please enter last name first.	4. Type of In-Kind Contribution (Check applicable box) 5. Date of Receipt 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Fair Market Value	8. Cumulative for Election Cycle (Through date in Item 5)
Contribution #1 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 If over \$100.00 cumulative, please provide: Occupation PARTS MGR Employer Name & Address: APPROVAL POWERSPORTS 190 EAST SANILAC SANDUSKY, MICHIGAN 48472 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description 4-PG FLYER 5. DATE OF RECEIPT: <u>09/09/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: PERSONALLY COPIED	\$ <u>100.00</u>	\$ <u>217.60</u>
Contribution #2 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 If over \$100.00 cumulative, please provide: Occupation PARTS MGR Employer Name & Address: APPROVAL POWERSPORTS 190 EAST SANILAC SANDUSKY, MICHIGAN 48472 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description YARD SIGNS 5. DATE OF RECEIPT: <u>09/15/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: TRIKES SIGN CO 33200 W. 9 MILE ROAD FARMINGTON, MI 48336	\$ <u>300.00</u>	\$ <u>517.60</u>
Contribution #3 Name & Address: DIANE ZENTGREBE 66 EAST CUSTER SANDUSKY, MI 48471 If over \$100.00 cumulative, please provide: Occupation SALES Employer Name & Address: CLEAR IDEAS 42 AUSTIN STREET SANDUSKY, MI 48471 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description PRINTED MATERIAL 5. DATE OF RECEIPT: <u>10/12/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: CLEAR IDEAS 42 AUSTIN STREET SANDUSKY, MI 48471	\$ <u>558.97</u>	\$ <u>558.97</u>

Page Subtotal

\$958.97

Grand Total of all Schedules 4-IK
(Complete on last page of Schedule)

Enter this total on
line 5a of
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND CONTRIBUTIONS
SCHEDULE 4-IK
BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

2. Committee Name CONCERNED CITIZENS OF ARDYLE AND MOORE TOWNSHIP

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3. Name and Address from whom received If contribution is from an individual, please enter last name first.	4. Type of In-Kind Contribution (Check applicable box) 5. Date of Receipt 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Fair Market Value	8. Cumulative for Election Cycle (Through date in Item 5)
<p>Contribution #1 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472</p> <p>If over \$100.00 cumulative, please provide: Occupation PARTS MGR Employer Name & Address: APPROVAL POWERSPORTS 190 EAST SANILAC SANDUSKY, MI 48471</p> <p><input type="checkbox"/> Fund Raiser</p>	<p>4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN</p> <p>Description POSTAGE STAMPS</p> <p>5. DATE OF RECEIPT: <u>10/15/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: US POST OFFICE 1493 MAIN STREET SNOVER, MI 48472</p>	<p>\$ <u>175.00</u></p>	<p>\$ <u>692.60</u></p>
<p>Contribution #2 Name & Address: LEE RICH 2255 NORTH TOWNLINE ROAD SANDUSKY, MI 48471</p> <p>If over \$100.00 cumulative, please provide: Occupation WELL DRILLER Employer Name & Address: RICH WELL DRILLING 2255 NORTH TOWNLINE ROAD SANDUSKY, MICHIGAN 48471</p> <p><input type="checkbox"/> Fund Raiser</p>	<p>4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN</p> <p>Description HALL RENTAL</p> <p>5. DATE OF RECEIPT: <u>10/15/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: GOOD SHEPHERD PARISH 4470 N. WASHINGTON STREET UBLY, MI 48475</p>	<p>\$ <u>260.00</u></p>	<p>\$ <u>446.00</u></p>
<p>Contribution #3 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472</p> <p>If over \$100.00 cumulative, please provide: Occupation PARTS MGR Employer Name & Address: APPROVAL POWERSPORTS 190 EAST SANILAC SANDUSKY, MI 48471</p> <p><input type="checkbox"/> Fund Raiser</p>	<p>4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN</p> <p>Description RADIO ADS</p> <p>5. DATE OF RECEIPT: <u>10/15/15</u> Click Here for Memo Itemization 6. VENDOR NAME & ADDRESS: SANILAC BROADCASTING 19 SOUTH ELK STREET SANDUSKY, MI 48471</p>	<p>\$ <u>218.00</u></p>	<p>\$ <u>910.60</u></p>

Page Subtotal

\$653.00

Grand Total of all Schedules 4-IK
(Complete on last page of Schedule)

\$2,551.57

Enter this total on
line 6a of
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND CONTRIBUTIONS
SCHEDULE 4-IK
BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP

2. Committee Name _____

3. Name and Address from whom received <small>(If contribution is from an individual, please enter last name first.)</small>	4. Type of In-Kind Contribution (Check applicable box) 5. Date of Receipt 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Fair Market Value	8. Cumulative for Election Cycle (Through date in item 5)
Contribution #1 Name & Address: CHARLES THOMPSON 2120 SMECKERT ROAD SANDUSKY, MI 48471 If over \$100.00 cumulative, please provide: Occupation BUILDER Employer Name & Address: THOMPSON BUILDERS 2120 SMECKERT ROAD SANDUSKY, MI 48471 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description <u>SIGNS</u> 5. DATE OF RECEIPT: <u>08/20/15</u> 6. VENDOR NAME & ADDRESS: STOLICKER'S CUSTOM DESIGNS 237 E. SANILAC SANDUSKY, MI 48471	\$ <u>636.00</u>	\$ <u>636.00</u>
Contribution #2 Name & Address: LEE RICH 2255 NORTH TOWNLINE ROAD SANDUSKY, MI 48471 If over \$100.00 cumulative, please provide: Occupation WELL DRILLER Employer Name & Address: RICH WELL DRILLING 2255 NORTH TOWNLINE ROAD SANDUSKY, MI 48471 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description <u>LUMBER/FASTNERS</u> 5. DATE OF RECEIPT: <u>08/22/15</u> 6. VENDOR NAME & ADDRESS: SELF SERVE LUMBER 366 EAST SANILAC SANDUSKY, MI 48471	\$ <u>186.00</u>	\$ <u>186.00</u>
Contribution #3 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 If over \$100.00 cumulative, please provide: Occupation PARTS MGR Employer Name & Address: APPROVAL POWERSPORTS 190 EAST SANILAC SANDUSKY, MI 48471 <input type="checkbox"/> Fund Raiser	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased by Others <input type="checkbox"/> Goods or Services Purchased by Others - LOAN Description <u>POSTAGE STAMPS</u> 5. DATE OF RECEIPT: <u>09/09/15</u> 6. VENDOR NAME & ADDRESS: US POST OFFICE 55 S. MORSE ST SANDUSKY, MI 48471	\$ <u>117.60</u>	\$ <u>117.60</u>

Page Subtotal

\$939.60

Grand Total of all Schedules 4-IK
(Complete on last page of Schedule)

Enter this total on
line 6a of
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND EXPENDITURES
SCHEDULE 4B-2
BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

2. Committee Name CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP

3. Name and Address of person or committee to whom goods or services were donated or loaned, or for whom goods or services were purchased.	4. Type of In-Kind Expenditure (Check applicable box) 5. Date of Expenditure 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Money Spent (Purchased Goods or Services)	8. Fair Market Value (Loan Endorsement or Guarantee, Loan or Donation of Goods or service)	9. Cumulative for Election (Through date on Item 5)
Expenditure #1 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description <u>4 PG FLYER</u> 5. DATE OF EXPENDITURE: <u>09/09/15</u> 6. VENDOR NAME & ADDRESS: <u>PERSONALLY COPIED</u>	\$ <u>0.00</u>	\$ <u>100.00</u>	\$ <u>217.60</u>
Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	Click Here for Memo Itemization			
Expenditure #2 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description <u>YARD SIGNS</u> 5. DATE OF EXPENDITURE: <u>09/15/15</u> 6. VENDOR NAME & ADDRESS: <u>TRIKES SIGN CO</u> <u>33200 W. 9 MILE ROAD</u> <u>FARMINGTON, MI 48336</u>	\$ <u>0.00</u>	\$ <u>300.00</u>	\$ <u>517.60</u>
Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	Click Here for Memo Itemization			
Expenditure #3 Name & Address: DIANE ZENTGREBE 66 EAST CUSTER SANDUSKY, MI 48471	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description <u>PRINTED MATERIAL</u> 5. DATE OF EXPENDITURE: <u>10/12/15</u> 6. VENDOR NAME & ADDRESS: <u>CLEAR IDEAS</u> <u>42 AUSTIN STREET</u> <u>SANDUSKY, MI 48471</u>	\$ <u>0.00</u>	\$ <u>558.97</u>	\$ <u>558.97</u>
Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	Click Here for Memo Itemization			

Subtotal this Page

\$0.00

\$958.97

Grand Total of all Schedules 4B-2
(Complete on last page of Schedule)

\$0.00

Enter this total
on line 8c of the
Summary Page

Enter this total on
line 11 of the Summary
Summary Page



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ITEMIZED IN-KIND EXPENDITURES
SCHEDULE 4B-2
BALLOT QUESTION COMMITTEE

1. Committee I. D. Number 104-2331

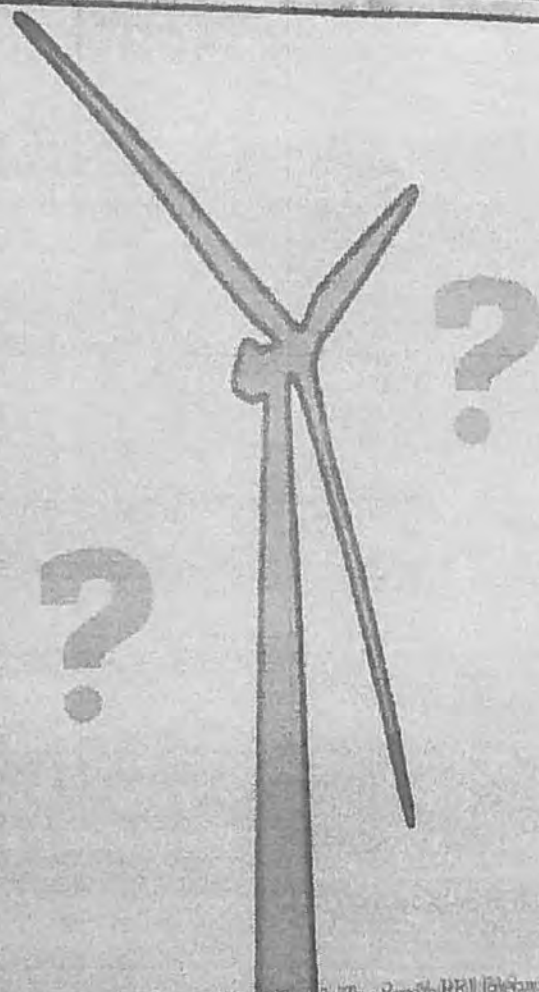
2. Committee Name CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP

3. Name and Address of person or committee to whom goods or services were donated or loaned, or for whom goods or services were purchased.	4. Type of In-Kind Expenditure (Check applicable box) 5. Date of Expenditure 6. Name & Address of Vendor from whom goods or services were purchased	7. Amount or Money Spent (Purchased Goods or Services)	8. Fair Market Value (Loan Endorsement or Guarantee, Loan or Donation of Goods or service)	9. Cumulative for Election (Through date of Item 5)
Expenditure #1 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>POSTAGE STAMPS</u> 5. DATE OF EXPENDITURE: <u>10/15/15</u> 6. VENDOR NAME & ADDRESS: US POST OFFICE 1493 MAIN STREET SNOVER, MI 48472	\$ <u>0.00</u>	\$ <u>175.00</u>	\$ <u>692.60</u>
Click Here for Memo Itemization				
Expenditure #2 Name & Address: LEE RICH 2255 NORH TOWNLINE RD SANDUSKY, MI 48471 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>MAIL RENTAL</u> 5. DATE OF EXPENDITURE: <u>10/15/15</u> 6. VENDOR NAME & ADDRESS: GOOD SHEPHERD PARISH 4470 N. WASHINGTON STREET UBLY, MI 48475	\$ <u>0.00</u>	\$ <u>260.00</u>	\$ <u>446.00</u>
Click Here for Memo Itemization				
Expenditure #3 Name & Address: RAYMOND ELLIS II 1645 NORTH UBLY ROAD SNOVER, MI 48472 Ballot Proposal: <u>MOORE TWP</u> <input type="checkbox"/> Statewide <input checked="" type="checkbox"/> Local County <u>SANILAC</u>	4. <input type="checkbox"/> Loan endorsement or guarantee <input checked="" type="checkbox"/> Goods Donated or Loaned <input type="checkbox"/> Services Donated <input type="checkbox"/> Goods or Services Purchased <input type="checkbox"/> Goods or Services Purchased - LOAN Description: <u>RADIO ADS</u> 5. DATE OF EXPENDITURE: <u>10/15/15</u> 6. VENDOR NAME & ADDRESS: SANILAC BROADCASTING 19 SOUTH ELK STREET SANDUSKY, MI 48471	\$ <u>0.00</u>	\$ <u>218.00</u>	\$ <u>910.60</u>
Click Here for Memo Itemization				

Subtotal this Page	\$0.00	\$653.00
Grand Total of all Schedules 4B-2 (Complete on last page of Schedule)	\$0.00	\$2,551.57
Enter this total on line 8c of the Summary Page		Enter this total on line 11 of the Summary Summary Page



1994



WE ARE CONCERNED ABOUT THE HEALTH, SAFETY AND WELFARE OF ALL MOORE TOWNSHIP RESIDENTS

VOTE NO IN NOVEMBER

SEE CONCERNED CITIZENS OF ARGYLE AND MOORE TOWNSHIP
ON FACEBOOK OR WWW.IICCUSA.ORG

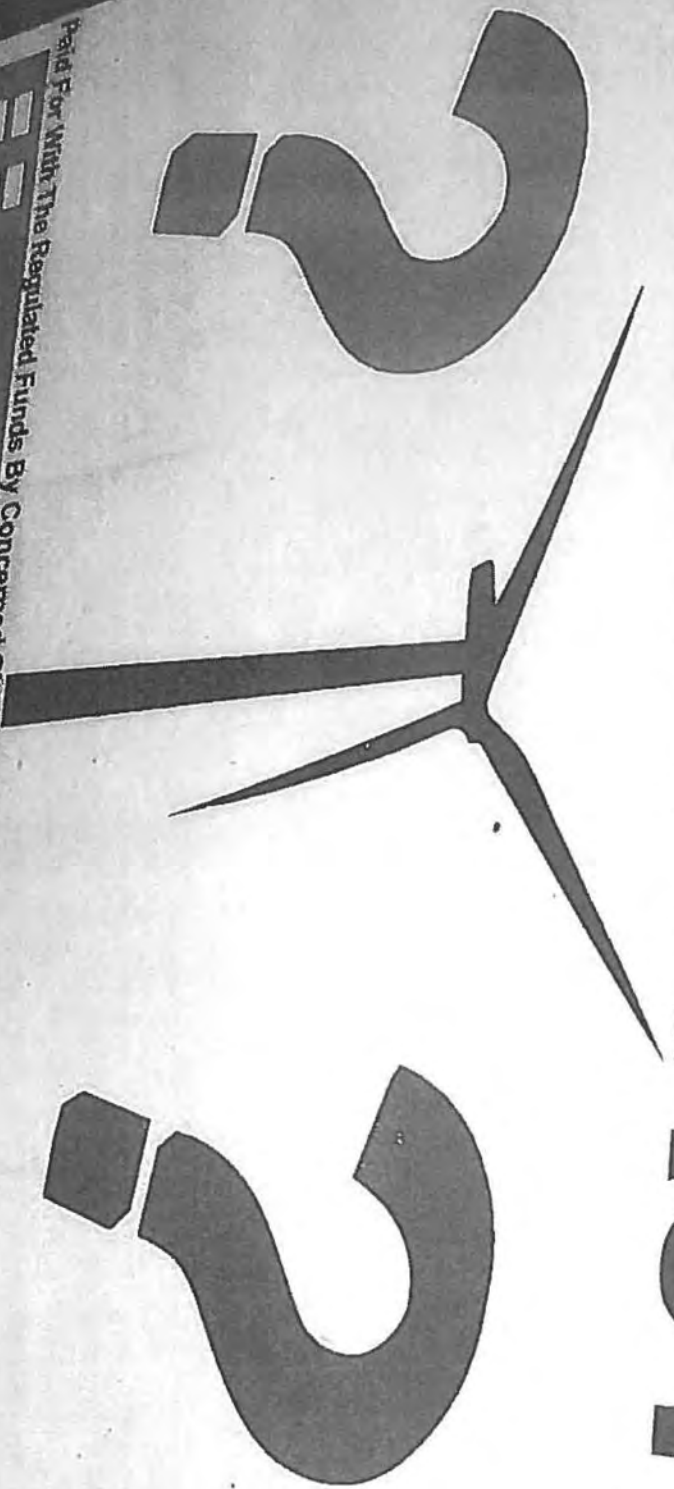
Paid For With The Regulated Funds By Concern, Citizens Against The Energy Regulatory Board

SEE CONCERNED CITIZENS &
ON FACEBOOK OR

VOTE NO

WILLIANE OF

MEET THE FACTS



Paid For With The Regulated Funds By Concerned Citizens Of Argyle And Moore Township 1645 N. Ubiy Snover MI. 48477

accusa-0rg

tabbles

EXHIBIT

E

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

Response From:

Karen Flanagan Trust
950 W. Snover Road
Sandusky, MI 48471
Telephone: 810 648-4957

Complainant:

Jeff Timmer
10018 E. Grand River Ave.
Portland, MI 48875
Telephone: 517 203-8001

Dated: October 20, 2015

In response to the allegations stated in a formal complaint alleging that I have violated the MCFA, 1976 PA 388, MCL 169.201 *et seq.* I hereby attest to the following:

I did not receive any contribution(s) nor make any expenditure(s) related to the November 3rd, 2015 vote in Moore Township.

I did not donate any time into the mailing(s), signage, or website related to the Moore Township Wind issue.

I am not part of any committee or coalition related to the Moore Township Wind issue.

I have zero expense into any sign that was erected on my property. I have no need to file an independent expenditure report.

I had no involvement into any signs/mailings and therefore am not in violation of Section 47 of the Michigan Campaign Finance Act.

In consideration of the facts stated above, I cannot be held responsible for failing to include a complete and proper "paid-for-by" statement.

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2015 OCT 23 AM 9:45
OFFICE OF THE GREAT SEAL

In conclusion, I have sought no legal advice on this matter. I feel I have answered these allegations truthfully and to the best of my ability. I fully expect to be cleared of any involvement regarding the filing of this complaint and the Moore Township Wind issue.

Respectfully submitted,

Dated: October 20, 2015


Karen Flanagan

PS. I just
incurred my first
expense - the
stamp to mail this
K

October 23, 2015

Department of State, Bureau of Election
Richard H Austin Building, 1st Floor
430 W Allegan St
Lansing MI 48918

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2015 NOV -5 PM 3:42

ELECTIONS/GREAT SEAL

RE: Formal Complaint against Cynthia and Sidney Thompson by Jeff Timmer

Lori A. Bourbonais,

On October, 19, 2015, via First Class Mail, we received a formal complaint filed by Jeff Timmer alleging that we violated the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 *et seq.*

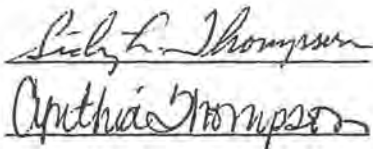
Mr. Timmer has spent considerable time, energy and cost in an attempt to inflict a penalty against my spouse and I for allowing a sign to be placed on our property from the Concerned Citizens of Argyle and Moore Township regarding the upcoming ballot proposal to accept or reject the Moore Township Board's recommendation on Wind Turbine property setbacks. Mr. Timmer alleges that either the Concerned Citizens Committee has not filed a statement of organization, or that we have spent over 100 dollars to purchase the materials and construct the sign that is on our property in regards to this ballot proposal. According to the complaint, we are included with four other property owners with the same allegations.

I would like to respond to this complaint stating that we did not purchase any materials to erect the sign that is on our property. We have never donated any money to this campaign that he has identified in his formal complaint. Any allegations in this complaint brought forth by Jeff Timmer against my spouse and I are not based on any known facts but purely speculation on his part.

I will state for the record that we were approached by the Concerned Citizens from Argyle and Moore Townships and we were asked for permission to post this sign on our property at 1200 Wheeler Rd, Snover MI 48472. We gave permission to this group to erect the sign that they brought to our property. The only activity that we were part of is giving them permission to place the sign on our property.

Thank you for the opportunity to respond to these false allegations that were directed at us.

Respectfully,

The block contains two handwritten signatures. The first signature is "Sidney L. Thompson" and the second signature is "Cynthia L. Thompson". Both are written in cursive and are positioned one above the other.

Sidney L Thompson
Cynthia L Thompson
1200 Wheeler Rd
Snover MI 48472



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

February 29, 2016

Joshua J. Nolan
Nolan Law, LLC
405 Madison Avenue
Suite 1000
Toledo, Ohio 43604

Dear Mr. Nolan:

The Department of State (Department) has completed its investigation of the complaint filed against your client, Raymond Ellis, by Jeff Timmer, which alleged that Mr. Ellis violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. This letter concerns the disposition of Mr. Timmer's complaint.

The MCFA requires a committee to file a statement of organization within 10 days after a committee is formed. MCL 169.224(1). Late fees may be incurred if the statement of organization is filed late. *Id.* Failure to file a statement of organization for more than 30 days is a misdemeanor offense. *Id.* By statutory definition, a committee is formed when "a person¹ receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of voters for or against . . . the qualification, passage, or defeat of a ballot question . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year." MCL 169.203(4). A statement of organization must be filed within 10 days of reaching one of these \$500.00 thresholds.

The Act further requires committees to file periodic campaign finance statements and reports. MCL 169.234. The failure to file a single campaign statement may trigger late filing fees. MCL 169.234(5). In certain circumstances, a failure to file may constitute a misdemeanor offense. MCL 169.234(6).

The MCFA and corresponding administrative rules additionally 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).

¹ Under the MCFA, "person" includes a business, partnership, company, corporation, or group of persons acting jointly. MCL 169.211(2).

Finally, the Act requires a person, other than a committee, to file an independent expenditure report if that person makes an independent expenditure in an amount of \$100.01 or more in a calendar year advocating the qualification, passage, or defeat of a ballot question. MCL 169.251. A person who violates this section may be subject to a civil fine not to exceed \$1,000.00. MCL 169.215(15).

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. Timmer filed his complaint on October 2, 2015. You filed an answer with the Department on November 6, 2015, and Mr. Timmer did not file a rebuttal statement with the Department.

Mr. Timmer alleged that Mr. Ellis failed to (1) include a complete and proper paid-for-by statement on certain campaign material, and (2) either met the definition of a “committee” and failed to file a Statement of Organization and required campaign finance statements, or failed to file independent expenditure reports with regard to certain campaign material.

In support of his complaint, Mr. Timmer provided copies of several pictures of large signs which stated, “WIND ENERGY GET THE FACTS . . . VOTE NO IN NOVEMBER” and directed people to see www.iiccusa.org; a copy of a picture of a small lawn sign which stated GET THE FACTS iiccusa.org [;]” a copy of a mailer which stated “WIND ENERGY GET THE FACTS . . . VOTE NO IN NOVEMBER [;]” an affidavit sworn by Mary McCoy indicating that the signs were on certain property; and an affidavit sworn by David Pridnia, President of Pridnia Design, indicating that the fair market value of the large signs is \$150.00 each, small lawn signs \$5.70 each, and the minimum cost of the mailer would be \$409.40, not including labor costs.

In your answer to the complaint, you included a sworn affidavit from Mr. Ellis in which he stated that he is the treasurer of the Concerned Citizens of Argyle and Moore Township ballot question committee (Committee), that he filed a Statement of Organization and required campaign finance statements for the Committee, and that he was not aware that a paid-for-by statement was required on some of the signs. Additionally, you provided a copy of the Committee’s Statement of Organization which was filed with the Sanilac County Clerk and a copy of the Committee’s 2015 Pre-Election campaign statement, which discloses the in-kind contributions and expenditures for the signs and mailers in question.

The Department has reviewed the Statement of Organization and campaign statement filed by the Committee and concludes that the evidence supports a determination that the Committee paid for the signs and mailers, and the Committee properly filed as a ballot question committee and disclosed the in-kind contributions and expenditures for these signs and mailers. Because Mr. Ellis formed ballot question committee and filed the required statements and reports with the Sanilac County Clerk, the portion of Mr. Timmer’s complaint regarding the formation of a ballot question committee or filing of independent expenditure reports is dismissed.

In your answer you acknowledge that the Committee paid for the signs and mailer. The large signs and mailer contain words of express advocacy and therefore are subject to the identification

Joshua J. Nolan
February 29, 2016
Page 3

requirements in section 47 of the Act. However, the small lawn signs do not contain any reference to a ballot question, nor do they contain words of express advocacy, and therefore fall outside the umbrella of the Act. You indicated in your answer that after being made aware of the section 47 requirements, the Committee added a complete and correct paid-for-by statement to the signs. You also provided copies of pictures of the signs with the paid-for-by statement.

While the Department believes that the evidence tends to show the Committee's campaign material 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 [.]". Therefore, the Department is issuing this warning letter.

The Department is advising Mr. Ellis that section 47(1) and R 169.36(2) require him 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 the Committee. Note that all printed materials that refer to an election produced in the future must include this identification statement.

Please be advised that this notice has served to remind Mr. Ellis of his obligation under the Act to identify his 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 Mr. Ellis at this time.

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jeff Timmer