



Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

2020 AUG -4 PM 2:04

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant			
Your Name REESE K. SCRIPTURE		Daytime Telephone Number 616-890-9163	
Mailing Address 148 PARK DRIVE			
City CLAWSON	State MI	Zip 48017	
Email (optional) SCR scripture@comcast.net			

Section 2. Alleged Violator			
Name BRIAN CHRISTIAN HARTWELL			
Mailing Address 1600 MILLARD AVENUE			
City MADISON HEIGHTS	State MI	Zip 48071	
Email (optional) bc.hartwell@gmail.com			

Section 3. Allegations (Use additional sheets if more space is needed.)

Section(s) of the MCFA alleged to be violated: _____

Explain how those sections were violated:

See Attached

Evidence included with the submission of the complaint that supports the allegations:

See Attached

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X

Signature of Complainant

Date

Section 5. Certification without Evidence (Supplemental to Section 4)

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some, or all, of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.

Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

Sections of MCFA alleged to be violated and explanations of how those sections were violated:

Per MCL 169.245 et seq., unexpended funds of a candidate committee (that cannot be transferred to another committee) can only be disbursed to a political party committee, a tax-exempt organization (as long as the candidate does not become an officer or director or receive compensation directly from that organization), return funds to the contributor (including the candidate) that don't exceed the amount originally contributed by the person, give to an independent committee, or give to a ballot question.

This complaint alleges that now Judge Hartwell violated MCL 169.245(2) by not disbursing \$12,775.86 of unexpended candidate committee funds in accordance with the provisions of that statute.

Per MCL 169.206 et seq., an expenditure is defined as a payment for goods, materials, or services in assistance of, or in opposition to the nomination or election of a candidate.

This complaint alleges that Judge Hartwell violated MCL 169.206 et seq., as the *Committee to Elect Brian Hartwell for Mayor of Madison Heights* would not have been making expenditures to be elected as the next Mayor of Madison Heights. Specifically, 2020 is a non-election year. Also, in 2020, Judge Hartwell filed a candidate committee for the purpose of running for Judge of 43rd District Court.

Per MCL 169.209(1), an incidental expense is "an expenditure that is an ordinary and necessary expense, paid or incurred in the carrying out the business of an elective office." The statute defines a number of incidental expenses such as (but not limited to) constituent assistance and communications, supplies and equipment for the office of the public official, polling, marketing, etc. that is NOT for the purpose of campaign related activity.

This complaint alleges that the items purchased by the Committee to Elect Brian Hartwell for Mayor of Madison Heights from April 2, 2020 through June 9, 2020 **could not** be considered incidental expenses that were ordinary and necessary for carrying out the business of the office of Mayor. Particularly when one expense was made on the date that Mr. Hartwell was officially appointed to the Judge of the 43rd District Court, and would have known in advance of that date that he had been selected for that position by the Governor's Office to serve out the former Judge Goedert's term.

Timeline of events supporting the allegations of Campaign Finance violations:

Week of March 17, Judge Goedert resigned from the 43rd district court.

March 27, 2020 - *Candidate Committee Friends of Brian Hartwell for Judge of 43rd District Court* (Committee ID 519571) formed. Per the Amended Pre-Primary report, some key transactions include:

- April 2, 2020 Friends of Brian Hartwell committee purchases \$914 in handwipes. No donations are listed until April 22 and the expense is not listed as an in-kind donation.
- April 22, 2020 Mr. Hartwell lists first contribution (loan) to Friends of Brian Hartwell committee of \$1,000.
- May 11, 2020, Friends of Brian Hartwell Committee purchases \$2,624 in masks from Formosa Group*.
- May 30, 2020, Friends of Brian Hartwell Committee purchases ads from Facebook for \$480.92.
- June 7, and June 8, 2020, Friends of Brian Hartwell Committee purchases ads from Facebook for \$74.77 and \$234.80 respectively.

June 9, 2020 the *Committee to Elect Brian Hartwell for Mayor of Madison Heights* (Committee ID # 96303) was dissolved. The report, filed July 6, 2020 indicates the following transactions:

Ending balance from prior report = \$13,101.68

There were no debts or obligations listed (\$0)

Expenditures are noted as follows:

- 4/2/2020 – Postage from United States Postal Service - \$3,700
- 4/8/2020 – Masks from Formosa Group LLC - \$1,200*
- 4/15/2020 – Printing – EGT Printing Solutions - \$6,073.87
- 6/9/2020 – Laptop Computer – HP, Inc. - \$1,801.99
- This left a balance of \$325.82 which was distributed as refunds to donors (Kristen Hartwell, Ray Hartwell, Barbara Gerald, Lawrence Campbell).

The ending balance on this final report was \$0.

June 8, 2020 - Resigned as Mayor of Madison Heights.

June 9, 2020 - Appointed Judge 43rd District June 9.

Additional items of concern

* March 6, 2020 – Brian C. Harwell files articles of incorporation listing himself as resident agent and signing the document as the organizer of the LLC for Formosa Group, LLC. (ownership/membership unconfirmed).

If, Per MCL 169.245 et seq., unexpended funds of a candidate committee cannot be disbursed to a tax-exempt organization if the candidate is an officer or director or if they receive compensation directly from the organization, this would seem to indicate to pay candidate committee funds to any

Attachment to Campaign Finance Complaint Form

Complainant: Reese Scripture

Alleged Violator: Judge Brian Hartwell

Page 3 of 3

organization of which a candidate is an officer or director or receives compensation directly from that organization to be prohibited.

Regarding purchases by both committees from Formosa Group, LLC, where now Judge Harwell is listed as resident agent and organizer; If Mr. Hartwell is a sole member or one of a group of members, is it permissible for a candidate to use campaign dollars to purchase goods or services from himself under the cover of an LLC?

Supporting Attachments:

1. Dissolution and final Committee financial report for CTE Brian Hartwell for Mayor of Madison Heights.
2. Amended pre-primary campaign statements for Friends of Brian Hartwell for 43rd District Judge
3. Article stating date of appointment as Judge for 43rd District Court
4. Articles of Organization for the Formosa Group, LLC.



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

EXHIBIT 1

CANDIDATE COMMITTEE
COVER PAGE

FOR OFFICIAL USE ONLY

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

3. This Statement covers From: 11/26/19 to 6/9/20

1. Committee I.D. Number

96303

4. Candidate Last Name First Name M.I.

Hartwell Brian C

4a. Office Sought Including District # or Community Served (If applicable)

Mayor of Madison Heights

4b. County of Residence OAKLAND

2. Committee Name

Committee to Elect Brian Hartwell

5. Committee's Mailing Address

1606 Millard Ave

Madison Heights, MI 48071

6. Treasurer's Name & Residential Address

Brian C. Hartwell

1606 Millard Ave

Madison Heights, MI 48071

Area Code and Phone 248-217-8732

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.

Area Code & Phone 248-217-8732

7. Treasurer's Business Address

1 Ajax Dr Ste 201

Madison Heights, MI 48071

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

None

Area Code and Phone 248-217-8732

Area Code and Phone

9. TYPE OF STATEMENT

9a. ☐ Pre-Election OR 9b. ☐ Post-Election

Pre-Election or Post-Election Statement relates to:

☐ Primary

☐ General

☐ Convention

☐ Special

☐ School

☐ Caucus

Date of Election, Convention or Caucus

Required ONLY if candidate is not on the ballot for the current year:

☒ July Quarterly

☐ October Quarterly

9c. ☐ Annual Statement () Coverage Year

9d. ☐ Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)

9e. Dissolution of Candidate Committee

☒ By checking this item I/We certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no late fees or has any outstanding debt.

Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.

Effective date of dissolution

6/9/20

Note: The disposition of residual funds must be reported on Schedule 1B and the Summary Page.

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

Current Treasurer or Designated Record keeper Brian C. Hartwell

Type or Print Name

Signature

Date 6/9/20

Candidate Brian C. Hartwell

Type or Print Name

Signature

Date 6/9/20



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

1. Committee I.D. Number 96303

**SUMMARY PAGE
CANDIDATE COMMITTEE**

2. Committee Name Committee to Elect Brian Hartwell

RECEIPTS		Column I This Period	Column II Cumulative this election cycle
3. Contributions			
a. Itemized (Schedule 1A - Column 6)	(3a.) \$	<u>0</u>	
b. Unitemized (less than \$20.01 each - no Schedule)	(3b.) \$	<u>NOT APPLICABLE</u>	
c. Subtotal of "Contributions"	(3c.) \$	<u>0</u>	(18.) \$ <u>0</u>
4. Other Receipts (Schedule 1A -1, Column 6)	(4.) \$	<u>0</u>	(19.) \$ <u>0</u>
5. TOTAL CONTRIBUTIONS AND OTHER RECEIPTS (Add Line 3c + Line 4)	(5.) \$	<u>0</u>	(20.) \$ <u>0</u>
IN-KIND CONTRIBUTIONS & EXPENDITURES			
6. In-Kind Contributions (Schedule 1-IK, Column 7)	(6.) \$	<u>0</u>	(21.) \$ <u>0</u>
7. In-Kind Expenditures (Schedule 1B-IK, Column 6)	(7.) \$	<u>0</u>	(22.) \$ <u>0</u>
EXPENDITURES			
8. Expenditures			
a. Itemized (Schedule 1B, Column 6)	(8a.) \$	<u>13101.68</u>	
b. Itemized Get-Out-the-Vote (Schedule 1B-G)	(8b.) \$	<u>0</u>	
c. Unitemized (less than \$50.01 each - no Schedule)	(8c.) \$	<u>0</u>	
9. TOTAL EXPENDITURES (Add Line 8a + Line 8b + Line 8c)	(9.) \$	<u>13101.68</u>	(23.) \$ <u>13101.68</u>
INCIDENTAL EXPENSE DISBURSEMENTS (Officeholders Only)			
10. Disbursements			
a. Itemized (Schedule 1C, Column 6)	(10a.) \$	<u>0</u>	
b. Unitemized (less than \$50.01 each - no Schedule)	(10b.) \$	<u>0</u>	
11. TOTAL INCIDENTAL EXPENSE DISBURSEMENTS (Add Line 10a + Line 10b)	(11.) \$	<u>0</u>	(24.) \$ <u>0</u>
DEBTS AND OBLIGATIONS			
12. Debts and Obligations			
a. Owed by the Committee (Schedule 1E)	(12a.) \$	<u>0</u>	
b. Owed to the Committee (Schedule 1E)	(12b.) \$	<u>0</u>	
BALANCE STATEMENT			
13. Ending Balance of last report filed (Enter zero if no previous reports have been filed.)	(13.) \$	<u>13101.68</u>	
14. Amount received during reporting period (Line 5, Total Contributions & Other Receipts)	(14.) + \$	<u>0</u>	
15. SUBTOTAL Add lines 13 and 14	(15.) = \$	<u>13101.68</u>	
16. Amount expended during reporting period (Add lines 9 and 11)	(16.) - \$	<u>13101.68</u>	
17. ENDING BALANCE (Subtract line 16 from line 15)	(17.) \$	<u>0</u>	*



ITEMIZED EXPENDITURES
SCHEDULE 1B
CANDIDATE COMMITTEE

1. Committee I. D. Number 96303
2. Committee Name Committee to Elect Brian Hartwell

3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5. Date	6. Amount
Expenditure #1 Name EGT Printing Solutions Address 32031 Townley Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	Purpose: <u>Printing</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>4/15/20</u> Date	<u>\$ 6073.87</u>
Expenditure #2 Name United States Postal Service Address 29441 John R Rd Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	Purpose: <u>Postage</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>4/2/20</u> Date	<u>\$ 3700</u>
Expenditure #3 Name Formosa Group LLC Address 1895 Crooks Rd Troy, MI 48084 <input type="checkbox"/> Fund Raiser	Purpose: <u>Masks</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>4/8/20</u> Date	<u>\$ 1200</u>
Expenditure #4 Name HP Inc Address 1501 Page Mill Road Palo Alto, CA 94304 <input type="checkbox"/> Fund Raiser	Purpose: <u>Laptop</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 1801.99</u>
Expenditure #5 Name Diane Hartwell Address 30361 Yorkshire Dr Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	Purpose: <u>residual funds refund to donor</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 100</u>

Subtotal this page 12875.86
Grand Total of all Schedules 1B
(Complete on last page of Schedule)

Enter this total
on line 8a of
Summary Page



ITEMIZED EXPENDITURES
SCHEDULE 1B
CANDIDATE COMMITTEE

1. Committee I. D. Number **96303**
2. Committee Name **Committee to Elect Brian Hartwell**

3. Name and address of person or vendor to whom paid	4. Purpose (Required Information)	5. Date	6. Amount
Expenditure #1 Name Kristin Hartwell Address 30361 Yorkshire Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	<i>residual funds</i> Purpose: <u>refund to donor</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 20</u>
Expenditure #2 Name Ray Hartwell Address 30361 Yorkshire Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	<i>residual funds</i> Purpose: <u>refund to donor</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 20</u>
Expenditure #3 Name Barbara Gerald Address 28162 Lorenz Madison Heights, MI 48071 <input type="checkbox"/> Fund Raiser	<i>residual funds</i> Purpose: <u>refund to donor</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 100</u>
Expenditure #4 Name Lawrence Campbell Address 6690 Vernmoor Troy, MI 48098 <input type="checkbox"/> Fund Raiser	<i>residual funds</i> Purpose: <u>refund to donor</u> <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	<u>6/9/20</u> Date	<u>\$ 85.82</u>
Expenditure #5 Name Address <input type="checkbox"/> Fund Raiser	Purpose: _____ <input type="checkbox"/> Check box if this expenditure is payment of debt or obligation reported on previous statement	_____ Date	\$ _____

Subtotal this page **225.82**
Grand Total of all Schedules 1B
(Complete on last page of Schedule) **13101.68**

Enter this total
on line 8a of
Summary Page

EXHIBIT #2

SOS Home (<http://www.michigan.gov/sos>)



Jocelyn Benson, Secretary of State
Department of State

(<http://www.michigan.gov/sos/0,1607,7-127-1,00.html>)

(<http://www.michigan.gov/sos/0,4670,7-127-47331-1,00.html>)

Michigan Campaign Statement Cover Page

- ☐ **Committee Name:** FRIENDS OF BRIAN HARTWELL
- ☐ **Statement Type:** AMENDED PRE-PRIMARY CS
- ☐ **Statement Year:** 2020

Committee ID#:	519571
Committee Name:	FRIENDS OF BRIAN HARTWELL
This statement covers from:	03/27/2020 07/19/2020
Candidate Last Name:	HARTWELL
First Name:	BRIAN
MI:	CHRISTIAN
Office Sought:	Judge of District Court – 43rd District
County of Residence:	OAKLAND
Political Party:	No Party Affiliation
Committee Mail Address	1606 MILLARD AVE MADISON HEIGHTS, MI 48071
Committee Phone Number:	(248) 217-8732
Treasurer Name:	MORGAN WEBB
Residential Address:	357 W PEARL HAZEL PARK, MI 48030
Phone:	(248) 269-3378
Treasurer Business Address:	151 MARTIN ST PO BOX 3001 BIRMINGHAM, MI 48012
Phone:	(248) 530-1800
Designated Recordkeeper Name:	30361 YORKSHIRE DRIVE
Address:	MADISON HEIGHTS, MI 48071
Phone:	(248) 952-7077
Type of Statement:	AMENDED PRE-PRIMARY CS
Date of Election:	08/04/2020
Statement Year:	2020

Forms (http://www.michigan.gov/sos/0,1607,7-127-1640_11777---,00.html)

FAQ (<http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html>)

Online Services (<https://onlineservices.michigan.gov/ExpressSOS>) SOS Home (<http://www.michigan.gov/sos>)

Contact the Secretary of State (<http://www.michigan.gov/sos/0,4670,7-127-25634--,00.html>)

State Web Sites (<http://www.michigan.gov/sos/0,1607,7-127---A,00.html>)

Michigan.gov Home (<http://www.michigan.gov/>) Michigan News (<http://www.michigan.gov/minewswire>)

Policies (<http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html>)



Jocelyn Benson, Secretary of State
Department of State

(<http://www.michigan.gov/sos/0,1607,7-127---,00.html>)

(<http://www.michigan.gov/sos/0,4670,1-127-41331---,00.html>)

Michigan Campaign Statement Contributions

- ☑ **Committee Name:** FRIENDS OF BRIAN HARTWELL
- ☑ **Statement Type:** AMENDED PRE-PRIMARY CS
- ☑ **Statement Year:** 2020
- ☑ **Schedule:** ALL

Matches 1 – 36 of 36

Receiving Committee	Committee ID-Type	Schedule Type	Description	Received From	City State Zip	Date	Amount
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		BRIAN HARTWELL 1606 MILLARD AVE DISTRICT COURT JUDGE STATE OF MICHIGAN	MADISON HEIGHTS MI 48071	07/05/2020	\$85,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		BRIAN HARTWELL 1606 MILLARD AVE DISTRICT COURT JUDGE STATE OF MICHIGAN	MADISON HEIGHTS MI 48071	07/05/2020	\$5,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		ALYSE HADDAD 1471 E NINE MILE DIRECTOR MOTOR CITY MEDICAL	HAZEL PARK MI 48030	07/08/2020	\$1,050.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		INAAM HADDAD 1471 E NINE MILE RETIRED N/A	HAZEL PARK MI 48030	07/08/2020	\$1,050.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		SAM HADDAD 1471 E NINE MILE PRESIDENT CAPITAL SALES COMPANY	HAZEL PARK MI 48030	07/08/2020	\$1,050.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		STEVE HADDAD 1471 E NINE MILE ATTORNEY CAPITAL SALES COMPANY	HAZEL PARK MI 48030	07/08/2020	\$1,050.00

Receiving Committee	Committee ID-Type	Schedule Type	Description	Received From	City State Zip	Date	Amount
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		CURTIS GOURE 21640 JOHN R OWNER BDT PIPE & TOBACCO	HAZEL PARK MI 48030	06/25/2020	\$1,050.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		MIKE BAHOURA 5398 VAN NESS ATTORNEY LAW OFFICES OF MIKE BAHOURA	BLOOMFIELD HILLS MI 48302	06/04/2020	\$1,050.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		RAYMOND HARTWELL 30361 YORKSHIRE RETIRED N/A	MADISON HTS MI 48071	06/15/2020	\$1,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		HOWARD LUCKOFF 240 MARBLEHEAD ATTORNEY STRETCHZONE SZ DETROIT LC	BLOOMFIELD HILLS MI 48304	06/26/2020	\$1,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		DIANE HARTWELL 30361 YORKSHIRE PHOTOGRAPHER KAISER STUDIO	MADISON HTS MI 48071	06/14/2020	\$1,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		MOHAMMAD DIA 7835 OAKMAN OWNER MAJOR OIL INC	DEARBORN MI 48126	07/06/2020	\$1,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		BRIAN HARTWELL 1606 MILLARD AVE DISTRICT COURT JUDGE STATE OF MICHIGAN	MADISON HEIGHTS MI 48071	04/22/2020	\$1,000.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		FADY HERMIZ 3829 TIMBERCREST OWNER FRANK'S PROPERTIES LLC	TROY MI 48098	07/05/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		LATIF ORAM 3294 WARDS POINT OWNER INTERNATIONAL OUTDOOR	WEST BLOOMFIELD TWP MI 48322	07/06/2020	\$500.00

Receiving Committee	Committee ID-Type	Schedule Type	Description	Received From	City State Zip	Date	Amount
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		SABAH AMMOURI 265 LOWELL CT PRESIDENT ATM OF AMERICA INC	BLOOMFIELD HILLS MI 48304	07/01/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		DANA WILSON 309 W 4TH ST ATTORNEY WILSON AND WILSON	ROCHESTER MI 48307	07/08/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		NEIL STREFLING 2430 CROMIE ATTORNEY NEIL STREFLING PC	WARREN MI 48092	05/14/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		ERIC WILSON 240 MENASHA TRAIL ATTORNEY WILSON AND WILSON	LAKE ORION MI 48362	07/07/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		LAUREN MAKI 500 OVERBROOK REAL ESTATE AGENT CENTURY 21 NORTH COUNTRY	BLOOMFIELD HILLS MI 48302	07/06/2020	\$500.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		FADI DALLO 6887 DAKOTA OWNER KEG AND CASK SHOPPE II	TROY MI 48098	07/08/2020	\$300.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		ANTHONY OROW 3263 DIX HWY OWNER MADISON HEIGHTS COLLISION	LINCOLN PARK MI 48146	07/10/2020	\$300.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		ROBERT MCMAHON 4013 18TH ST FINANCE DIRECTOR CITY OF RIVERVIEW	WYANDOTTE MI 48192	06/05/2020	\$250.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		MERRI BUSCH 1117 E HUDSON RETIRED N/A	MADISON HTS MI 48071	07/15/2020	\$250.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571--CAN	DIRECT		SHERRY HUFFMAN 406 GROVE VICE PRESIDENT BEAUMONT DEARBORN	CLAWSON MI 48017	06/30/2020	\$200.00

Receiving Committee	Committee ID-Type	Schedule Type	Description	Received From	City State Zip	Date	Amount
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		MARVIN HUFFMAN 30183 DEQUINDRE OWNER AMERICAN ABATEMENT & ASBESTOS	MADISON HTS MI 48071	06/25/2020	\$200.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		ALYSSA BOTTRELL 4241 BARCROFT WAY PHYSICIAN WAYNE STATE UNIVERSITY	WEST BLOOMFIELD MI 48323	04/22/2020	\$200.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		BARBARA GERALDS 28162 LORENZ	MADISON HTS MI 48071	06/27/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		NABILA SHEIKH 1635 HAMMOND CT	BLOOMFIELD HILLS MI 48304	06/01/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		STEVEN MORTON 6645 MELLOW WOOD	WEST BLOOMFIELD MI 48322	07/08/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		SUE CHASE 802 CANTERBURY	MADISON HTS MI 48071	07/15/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		LAURIE GERALDS 28162 LORENZ	MADISON HTS MI 48071	06/27/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		JUDITH GRACEY 2200 BEECHMONT	KEEGO HARBOR MI 48320	07/14/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		BETTY HUFFMAN 30151 DEQUINDRE	MADISON HTS MI 48071	06/23/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		PATRICK NONA 5655 PAULOS	WEST BLOOMFIELD MI 48322	05/28/2020	\$100.00
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT		KIRA KURKIEREWICZ 30557 AUSTIN	CHESTERFIELD MI 48051	06/24/2020	\$50.00

Matches 1 – 36 of 36

Exhibit #2

SOS Home (<http://www.michigan.gov/sos>)



Jocelyn Benson, Secretary of State
Department of State

(<http://www.michigan.gov/sos/0,1607,7-127-1-00.html>) (FAUS (<http://www.michigan.gov/sos/0,4670,1-127-47331-1-00.html>)) (<http://www.michigan.gov/sos/0,4670,1-127-47331-1-00.html>)

Michigan Campaign Statement Expenditures

- ☐ **Committee Name:** FRIENDS OF BRIAN HARTWELL
- ☐ **Statement Type:** AMENDED PRE-PRIMARY CS
- ☐ **Statement Year:** 2020
- ☐ **Schedule:** ITEMIZED DIRECT EXPENDITURES

Matches 1 – 36 of 36

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value	Support
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	C & G NEWSPAPERS 13650 11 MILE RD WARREN, MI 48089	07/14/2020	PA	AD	\$3,890.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	REAL TOO REAL DESIGN & DUPLICATION 25514 JOHN R RD MADISON HTS, MI 48071	06/22/2020	PA	PRINTING	\$3,629.50	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	C & G NEWSPAPERS 13650 11 MILE RD WARREN, MI 48089	07/01/2020	PA	AD	\$3,445.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	REAL TOO REAL DESIGN & DUPLICATION 25514 JOHN R RD MADISON HTS, MI 48071	07/14/2020	PA	PRINTING	\$3,007.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FORMOSA GROUP 1895 CROOKS RD STE 200 TROY, MI 48064	05/11/2020		MASKS	\$2,624.00	

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value	Support
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	C & G NEWSPAPERS 13650 11 MILE RD WARREN, MI 48089	07/01/2020	PA	AD	\$2,199.50	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	C & G NEWSPAPERS 13650 11 MILE RD WARREN, MI 48089	06/19/2020	PA	AD	\$1,532.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	SAWICKI & SON INC 1521 W LAFAYETTE BLVD DETROIT, MI 48216	06/18/2020	SA	SIGNS	\$1,484.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	SAWICKI & SON INC 1521 W LAFAYETTE BLVD DETROIT, MI 48216	07/10/2020	SA	SIGNS	\$1,484.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 29441 JOHN R RD MADISON HTS, MI 48071	06/29/2020	MA	POSTAGE	\$955.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 20501 LIVERNOIS AVE DETROIT, MI 48221	06/27/2020	MA	POSTAGE	\$954.05	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 20501 LIVERNOIS AVE DETROIT, MI 48221	07/15/2020	MA	POSTAGE	\$954.05	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 200 W 2ND ST ROYAL OAK, MI 48068	06/27/2020	MA	POSTAGE	\$951.56	

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value	Support
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 23200 JOHN R RD HAZEL PARK, MI 48030	07/14/2020	MA	POSTAGE	\$938.96	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	BOBAISHUN PETROLEUM CHEMICAL 1895 CROOKS RD STE 200 TROY, MI 48084	04/02/2020		HANDWIPES	\$914.28	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FERNDAL FRIENDS LLC PO BOX 20076 FERNDAL, MI 48220	07/02/2020	PA	AD	\$735.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 29441 JOHN R RD MADISON HTS, MI 48071	06/30/2020	MA	POSTAGE	\$689.32	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 23200 JOHN R RD HAZEL PARK, MI 48030	06/27/2020	MA	POSTAGE	\$453.63	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	UNITED STATES POSTAL SERVICE 23200 JOHN R RD HAZEL PARK, MI 48030	07/15/2020	MA	POSTAGE	\$453.63	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	07/06/2020		AD	\$250.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/07/2020		AD	\$234.80	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	05/30/2020		AD	\$197.47	

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value	Support
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	C & G NEWSPAPERS 13650 11 MILE RD WARREN, MI 48089	07/14/2020	PA	AD	\$180.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	05/30/2020		AD	\$142.61	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	05/30/2020		AD	\$140.84	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	SQUARE 1455 MARKET ST STE 600 SAN FRANCISCO, CA 94103	07/08/2020	CF	CREDIT PROCESSING FEE	\$122.40	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	OFFICEMAX 32251 JOHN R RD MADISON HTS, MI 48071	06/22/2020	OE	TONER	\$107.05	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	07/06/2020		AD	\$100.00	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/08/2020		AD	\$74.77	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/25/2020		AD	\$59.60	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/22/2020		AD	\$59.30	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	07/06/2020		AD	\$37.76	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	07/06/2020		AD	\$18.82	

Committee Making Expenditure	Committee ID-Type	Schedule Type	Payee	Expense Date	Exp Code	Purpose	Amount or Value	Support
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/25/2020		AD	\$2.24	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/25/2020		AD	\$0.92	
FRIENDS OF BRIAN HARTWELL (https://cfrsearch.nictusa.com/committees/519571)	519571-CAN	DIRECT	FACEBOOK 1 HACKER WAY MENLO PARK, CA 94025	06/25/2020		AD	\$0.35	

Matches 1 – 36 of 36

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[Transparency \(http://www.michigan.gov/openmichigan/0,4648,7-266-58520---,00.html\)](http://www.michigan.gov/openmichigan/0,4648,7-266-58520---,00.html)
[Office of Regulatory Reinvention \(http://www.michigan.gov/lara/0,4601,7-154-35738---,00.html\)](http://www.michigan.gov/lara/0,4601,7-154-35738---,00.html)
[Forms \(http://www.michigan.gov/sos/0,1607,7-127-1640_11777---,00.html\)](http://www.michigan.gov/sos/0,1607,7-127-1640_11777---,00.html)
[FAQ \(http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html\)](http://www.michigan.gov/sos/0,1607,7-127-12539---F,00.html)
[Online Services \(https://onlineservices.michigan.gov/ExpressSOS\)](https://onlineservices.michigan.gov/ExpressSOS) [SOS Home \(http://www.michigan.gov/sos\)](http://www.michigan.gov/sos)
[Contact the Secretary of State \(http://www.michigan.gov/sos/0,4670,7-127--25634--,00.html\)](http://www.michigan.gov/sos/0,4670,7-127--25634--,00.html)
[State Web Sites \(http://www.michigan.gov/sos/0,1607,7-127----A,00.html\)](http://www.michigan.gov/sos/0,1607,7-127----A,00.html)
[Michigan.gov Home \(http://www.michigan.gov/\)](http://www.michigan.gov/) [Michigan News \(http://www.michigan.gov/minewswire\)](http://www.michigan.gov/minewswire)
[Policies \(http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html\)](http://www.michigan.gov/sos/0,4670,7-127--281460--,00.html)

EXHIBIT #13

Attention Readers: We're Back

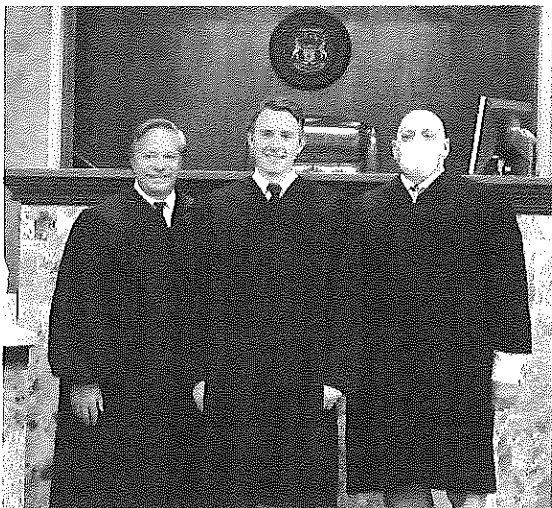
C&G Newspapers is pleased to have resumed publication. For the time being, our papers will publish on a biweekly basis as we work toward our return to weekly papers. In between issues, and anytime, continue to find local news on our website and look for us on **Facebook** (<http://www.facebook.com/candgnews>) and **Twitter** (<http://twitter.com/candgnews>).



(<https://www.candgnews.com/eventsfunandfood>)

Madison Heights mayor resigns, takes oath for Hazel Park judgeship

By: Andy Kozlowski (/reporterbio/andy-kozlowski) |
Madison - Park News (<https://www.candgnews.com/newspaper/madisonparknews>) | Published June 19,
2020





(<https://www.candgnews.com/admin/articles/temp-image/cc5a4b3cc38e240cf0371550a62f6470.jpeg>)

Brian Hartwell, center, is sworn in as judge of Hazel Park 43rd District Court June 9, accompanied by Judge Keith Hunt, left, and Chief Judge Joseph Longo. Gov. Gretchen Whitmer appointed Hartwell to a partial term following the resignation of the previous judge, Charles Goedert. Hartwell had to first resign as mayor of Madison Heights, which he did June 8.

Photo provided by Brian Hartwell

MADISON HEIGHTS/HAZEL PARK — Brian Hartwell is no longer the mayor of Madison Heights, following his resignation in order to become the new judge of Hazel Park 43rd District Court.

A licensed attorney, Hartwell was appointed by Gov. Gretchen Whitmer to fill a partial term ending Jan. 1, 2021, after Judge Charles Goedert stepped down due to health reasons in March. This required Hartwell to resign as mayor, which he officially did at the City Council meeting June 8. Hartwell has already indicated that he plans to run for the full six-year judicial term in this year's general election.

After he resigned as mayor, Hartwell was then sworn in for the judgeship the next day, June 9. Chief Judge Joseph Longo administered the oath of office in a court ceremony that was attended by Madison Heights 43rd District Court Judge Keith Hunt, as well as Hartwell's parents, his wife Lingyu Chen and the full court staff.

Roslyn Grafstein, the mayor pro tem of Madison Heights, is now the acting mayor, a role that she will serve until a permanent mayor is selected, which can occur in one of two ways. The six council members will first try to appoint one of the council members to serve as mayor for the remainder of Hartwell's term, which expires November 2021. This will require a majority vote. The council has 60 days from the date of Hartwell's resignation to decide on which council member will be mayor.

At press time June 17, the next earliest opportunity for the council to decide was at the council meeting

scheduled for June 22.

If they are unable to agree on which council member should be mayor within the 60 days, the decision then falls on the residents in a special election in May. In either case, once a new mayor is selected, the resulting vacancy will be filled by automatically appointing the runner-up from the most recent council election.

"In this scenario, former Councilman Robert Gettings would return to the council, a veteran leader who would bring back a much-needed focus on recreation and public health," Hartwell said.

In his farewell address delivered June 8, Hartwell reminisced about his history on the council, starting in 2007 when he was elected to the council at 25 years old. He won the open seat left by the retirement of former City Councilwoman Toni Shad, and he said he owes her a debt of gratitude.

Hartwell recalled how he went into public service with rosy ambitions of implementing new initiatives but quickly found himself faced with the financial challenges of the Great Recession.

"My dreams of bringing new policies quickly were dashed by a focus on fiscal responsibility," Hartwell said. "Under the leadership of then City Manager Jon Austin, City Council saved this city from bankruptcy. The cuts we made were difficult but necessary at the time to preserve our institutions. We made mistakes, come to find out, but crisis demands assertive leadership."

Hartwell also took a moment to remember the people who helped him along the way.

"During my first year on council, Gary McGillivray, now our county commissioner, was my closest mentor. He was one of our finest councilmen and mayors because he spoke up for our residents and challenged old habits in City Hall," Hartwell said.

"It wasn't until Kyle Gerald was elected when I truly had a partner," he said. "Kyle brought a positive and constructive energy that made us get on board or out of his way. With Kyle, we proposed and adopted as many policies as we could: encouraging our police to work closer with the community, tackling blight, collaborating with the schools and of course, we co-authored the original domestic hen ordinance. Kyle knew he would serve one term, and he challenged me to serve with the same sense of urgency."

Hartwell's second term on council, which began in 2011, was defined by the lingering effects of the recession and the catastrophic flood of 2014.

Advertisement



(<http://mydrainmaster.com/>)

"Aug. 11, 2014, changed everything for me and our city," Hartwell said. "Our city was too slow to respond to the emergency of the great rainstorm that year. We needed to declare a state of emergency sooner. We needed to be stronger against our neighbors who illegally dumped their waste in our backyard after the flood. That rain event galvanized my intention to seek the office of mayor a year later."

Hartwell's first term as mayor started in 2015 and saw the city recovering from the recession and enjoying a resurgence in property values. The council's first action once Hartwell became mayor was to reinstate the city's Special Investigations Unit to combat human trafficking in the city's hotels. Hartwell also called for an investigation into the electric company to stop the constant power outages.

"Remember, it wasn't too long ago when power would fail in our city every week," he said.

Hartwell said he is particularly proud of the city's work updating the plan for the downtown, adding that while the coronavirus has slowed the growth there, he is confident it will bounce back.

During his second term as mayor, which began in 2017, the council hired Melissa Marsh as the new city manager and adopted several commercial development plans, including Michigan's first BJ's Wholesale Club location, and two of the largest medical marijuana projects in state history. He also takes a point of pride in the city's ethnically diverse business

community.

"The secret formula to our success on City Council is that we take action when we see a problem. We are lifeguards who run towards the drowning victim. We aren't idle," Hartwell said. "I feel strongly that the people who run for City Council and mayor need three qualities: the awareness to identify problems in our society, the wisdom to understand the solution, and the courage and ability to execute the plan."

He also warned against cynicism — how fear of a new approach can stunt the city's progress.

"I beg my colleagues on council: Do not be distracted or delayed by cynics," Hartwell said. "This isn't to say disregard criticism. As a matter of fact, the best advice I received during my first year on City Council was to not be distracted by how someone from the public addresses City Council. They may yell, shout, use coarse language or seem ill prepared. Some people just aren't comfortable with public speaking or might be tired from a long day of work. A councilman ... Dean Eggert, told me: patiently listen to every speaker who comes before council, and don't be swayed by their emotions or appearance, but truly listen for the heart of their message."

On this note, he said the next mayor must demonstrate a commitment to community service, empathize with residents and be firm in their conviction to move council forward on thorny issues. They also must be trustworthy — a role model for children and someone seniors can count on, too.

"These principles have informed my career as an elected leader and will continue as I assume the bench as the next district court judge," Hartwell said. "Service. Empathy. Leadership. Trust. Fairness. When the governor called me to appoint me as judge, she said that she selected me over the other candidates for these simple values: humility and service to others."

Madison Heights City Councilman Mark Bliss wished Hartwell well on his judgeship.

"Back when I was elected seven years ago, Brian's was the first call I received," Bliss said. "He congratulated me and immediately asked how he could help me make ITAC (Information Technology Advisory Committee) a reality. Before I was even sworn in, he was helping me craft policy, and that continued up until his last meeting. That type of collaborative leadership is what made him

a great mayor and allowed us to accomplish all that we did as a council.

"It was an absolute honor to serve our city with Mayor Hartwell," he said. "I'm so proud of him for getting this appointment and serving us in a new way as district court judge."

3 Comments

Sort by **Newest**



Add a comment...



Gerilynn Arnold

As a mayor you have had some awesome integrity. Please do not lose that quality as judge. God bless !

Like · Reply · 5w



Gerilynn Arnold

Congrats

Like · Reply · 5w



Walt Szyborski

Congrats! God Bless..& If he's half the Judge..Keith Hunt is.. He'll be fine & well loved, for all the same attributes

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**INSTANT WINNER
WEDNESDAY**

Exhibit 4



08

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

Date Received

AC1

(FOR BUREAU USE ONLY)

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

TranInfo: 1 24141539-2 03/04/20
Chk#: 2198 Amt: \$50.00
ID: BRIAN HARTWELL

Name

Address

City

State

ZIP Code

FILED

EFFECTIVE DATE:

MAR 06 2020

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

ARTICLES OF ORGANIZATION
For use by Domestic Limited Liability Companies

(Please read information and instructions on reverse side)

ADMINISTRATOR
CORPORATIONS DIVISION

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

ARTICLE I

The name of the limited liability company is: Formosa Group LLC

ARTICLE II

The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.

ARTICLE III

The duration of the limited liability company if other than perpetual is: _____

ARTICLE IV

- The name of the resident agent at the registered office is: Brian C. Hartwell, Esq
- The street address of the location of the registered office is:
1 Ajax Dr Ste 201 Madison Heights Michigan 48071
(Street Address) (City) (Zip Code)
- The mailing address of the registered office if different than above:

(P.O. Box or Street Address) (City) Michigan (Zip Code)

ARTICLE V (Insert any desired additional provision authorized by the Act; attach additional pages if needed.)

Signed this 18 day of January, 2020

By Brian Hartwell

(Signature(s) of Organizer(s))

Brian Hartwell

(Type or Print Name(s) of Organizer(s))



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

August 14, 2020

Hon. Brian Christian Hartwell
1606 Millard Avenue
Madison Heights, MI 48071

Via email only

Re: *Scripture v. Hartwell*
Campaign Finance Complaint
No. 2020-08-140-45

Dear Hon. Hartwell:

The Department of State (Department) has received a formal complaint alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The complaint was submitted to the Department by Reese Scripture on August 4, 2020 and alleges that you have made improper expenditures from your Mayoral committee. Specifically, she alleges that the expenditures made do not qualify as incidental office expenses as that term is defined by the Act since they were dated after you had been appointed District Judge and that you improperly disbursed funds pursuant to section 45.

While still an expenditure, an incidental office expense is "an expenditure that is an ordinary and necessary expense, paid or incurred in carrying out the business of an elective office." MCL 169.209(1) (emphasis added). The MCFA does not allow a candidate committee to make disbursements for incidental office expenses unless the candidate actually holds elective office. MCL 169.221a(1). All incidental office expenses are expenditures, but not all expenditures are incidental office expenses. To qualify as an incidental office expense, the expenditure must be one of the 16 outlined categories.

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. 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.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department's website.

Brian Hartwell
August 14, 2020
Page 2

If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Ms. Scripture, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether “there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 335-3234.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Reese Scripture, via email

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, August 14, 2020 4:02 PM
To: bc.hartwell@gmail.com
Subject: Scripture v. Hartwell - Campaign Finance Complaint
Attachments: Notice of Complaint.pdf; Complaint_Redacted.pdf; Complaint Guidebook & Procedures.pdf

Hon. Hartwell,

The Department of State has received the attached campaign finance complaint filed against you. Please find attached correspondence as well as information on the process. If you have any questions, please let me know.

Thank you,

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, August 14, 2020 4:03 PM
To: 'scripture@comcast.net'
Subject: Scripture v. Hartwell - Campaign Finance Complaint
Attachments: Complaint Guidebook & Procedures.pdf; Notice of Complaint.pdf; Complaint_Redacted.pdf

Ms. Scripture,

Please find attached a copy of correspondence sent in the abovementioned complaint.

Thank you,

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

Re: Scripture v. Hartwell
Campaign Finance Complaint, No. 2020-08-140-45
Response of Brian Hartwell

Dated: September 28, 2020

RESPONSE OF BRIAN HARTWELL

On August 4, 2020, the Michigan Bureau of Elections received a Campaign Finance Complaint Form signed by Reese K. Scripture, 148 Park Drive, Clawson, MI 48017, alleging violations of section 45 of the Michigan Campaign Finance Act, MCL 169.245, by the Committee to Elect Brian Hartwell and, individually, Brian Hartwell, the former mayor of the City Madison Heights, and, currently, a judge of the 43rd District Court. Specifically, Ms. Scripture identifies five groups of expenditures as the basis of her complaint.

1. April 2, 2020: postage stamps, \$3,700
2. April 8, 2020: face masks, \$1,200
3. April 15, 2020: printing of envelopes and postcards, \$6,073.87
4. June 9, 2020: laptop, \$1,801.99
5. Various refunds to past contributors

Expenditures (1) through (4) were ordinary and necessary expenses made while Brian Hartwell was the acting mayor of the City of Madison Heights while carrying out the business of mayor in compliance with the provisions of MCL 169.209. Expenditures (5) were authorized refunds of unexpended funds and were returned to contributors in compliance with MCL 169.245.

Brian Hartwell served as the mayor from 7:35PM November 9, 2015 until 12:20PM on June 9, 2020, when, at that time, he took the oath of office to serve as judge of the 43rd District Court for a governor-appointed term expiring January 1, 2021. Brian Hartwell was the mayor until the moment he accepted the oath of office for judge. There was no lapse in service between the two offices (see attached copy of resignation letter). As an aside, if Brian Hartwell fails to win the 2020 general election to hold his incumbent seat as district court judge, he intends on running for re-election as mayor in a special election or general election in 2021.

(1)

Under MCL 169.209(1)(a), postage stamps are an allowable incidental expense because they are ordinary and necessary to communicate with constituents. The stamps were purchased while Brian Hartwell was the acting mayor to deliver two messages to constituents.

The first message was about public health during the pandemic. The public health message included a stamped envelope from the mayor, a note card signed by the mayor, and a face mask (see attached copies). The health packages were sent to households with vulnerable senior citizens and children.

The second message was about the government's response to the industrial contamination disaster at a private business on the 10 Mile Road border of the Cities of Madison Heights and Hazel Park. This public safety message assured residents that the contamination was under

control and that government was working effectively to manage the site. This message was printed on a stamped postcard from the mayor (see attached copies).

(2)

Under MCL 169.209(1)(a), face masks during a global coronavirus pandemic and local state of emergency are allowable incidental expenditures because they are ordinary and necessary to assist and serve constituents, especially vulnerable senior citizens and young children. The face masks were purchased from an organization called Formosa Group. The complainant raises questions about Brian Hartwell's connection to this company. Brian Hartwell, a former solo practice attorney in the area of business and nonprofit planning, was hired as a private attorney to draft and file this organization's formation paperwork. Aside from being the attorney hired for a limited purpose of drafting documents, Brian Hartwell is not an owner or operator of this organization.

(3)

Under MCL 169.209(1)(a), printing of envelopes and postcards is an allowable incidental expense because printing is ordinary and necessary to communicate with constituents (see the above responses and attached copies).

(4)

Under MCL 169.209(1)(b), a laptop computer is an allowable incidental expense because it is an expenditure for equipment, furnishings, or supplies for the office of the public official. During the pandemic, Brian Hartwell was working from home. Neither his city-issued computer (failed in April 2020) nor personal laptop (failed in January 2020) worked for extended periods of time during 2020. Brian Hartwell sometimes used his telephone to participate in city meetings including a meeting of regional mayors where Ms. Scripture participated, other times borrowing computers. This was unsustainable. During the morning of June 9, 2020, while Brian Hartwell was the acting Mayor of Madison Heights, he purchased a laptop computer in fulfillment of his remaining mayoral duties including communicating with constituents.

(5)

Under MCL 169.245(2)(c), unexpended funds of a candidate committee may be returned to the contributors of those funds. The Committee to Elect Brian Hartwell returned funds to a handful of contributors.

Summary

The Committee to Elect Brian Hartwell made various expenditures during 2020. All expenditures in question were authorized under the Michigan Campaign Finance Act as either MCL 169.209 incidental expenses or MCL 169.245 refunds to contributors. Based on the foregoing and the attachments, there is no violation of the Act as alleged by Ms. Scripture. This response satisfies Brian Hartwell's obligations to fully and accurately respond to the allegations. Therefore, Brian Hartwell requests that the Secretary of State issue a notice dismissing the complaint for no violation of the Act and take no further enforcement action.

Affidavit

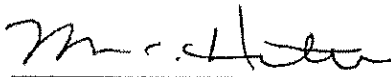
I, Brian Hartwell, being duly sworn, depose and state as follows:

That I reside at 1606 Millard Ave, City of Madison Heights, Oakland County, State of Michigan.

That I have firsthand knowledge of the facts contained in the foregoing response and attachments.

That under penalty of perjury, I affirm the foregoing response and attachments are true and correct.

Affiant



BRIAN HARTWELL

Dated: September 28, 2020

STATE OF MICHIGAN

COUNTY OF Oakland

Acknowledged before me in Oakland County, Michigan, on September 28, 2020, by Brian Hartwell.



Notary Public Heather Whited

My Commission expires 5/15/2024

Acting in the County of Oakland

Heather L. Whited
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF Oakland
My Commission Expires 05/15/2024
Acting in the County of Oakland

Cheryl Rottmann

From: Brian Hartwell
Sent: Thursday, June 4, 2020 10:50 AM
To: Cheryl Rottmann
Cc: Melissa Marsh; Larry Sherman
Subject: Agenda item request: resignation

Dear City Clerk Rottmann

On June 3, 2020, Governor Gretchen Whitmer announced her decision to appoint me as the next District Court Judge for the 43rd District Court-Hazel Park Division. Governor Whitmer asked me to start as soon as possible. I ask the Madison Heights City Council to unanimously approve my resignation from the Office of Mayor effective upon being sworn in as District Court Judge. It's anticipated that I will take the oath of office on June 9, 2020. It's been an honor to serve our residents alongside you, our employees and city council.

Sincerely,
Mayor Brian C. Hartwell

Brian C. Hartwell
Mayor, City of Madison Heights, MI

ENVELOPE FROM MAYOR

VOTE TO RE-ELECT
BRIAN HARTWELL FOR MAYOR
1606 Millard
Madison Heights, MI 48071



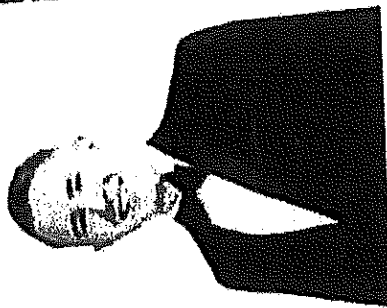
• 66 •

**OTE TO RE-ELECT
IAN HARTWELL FOR MAYOR**

Millard
son Heights, MI 48071

Minerals USA
29 PM 8

Mayor Brian C. Hartwell (248) 217-8732

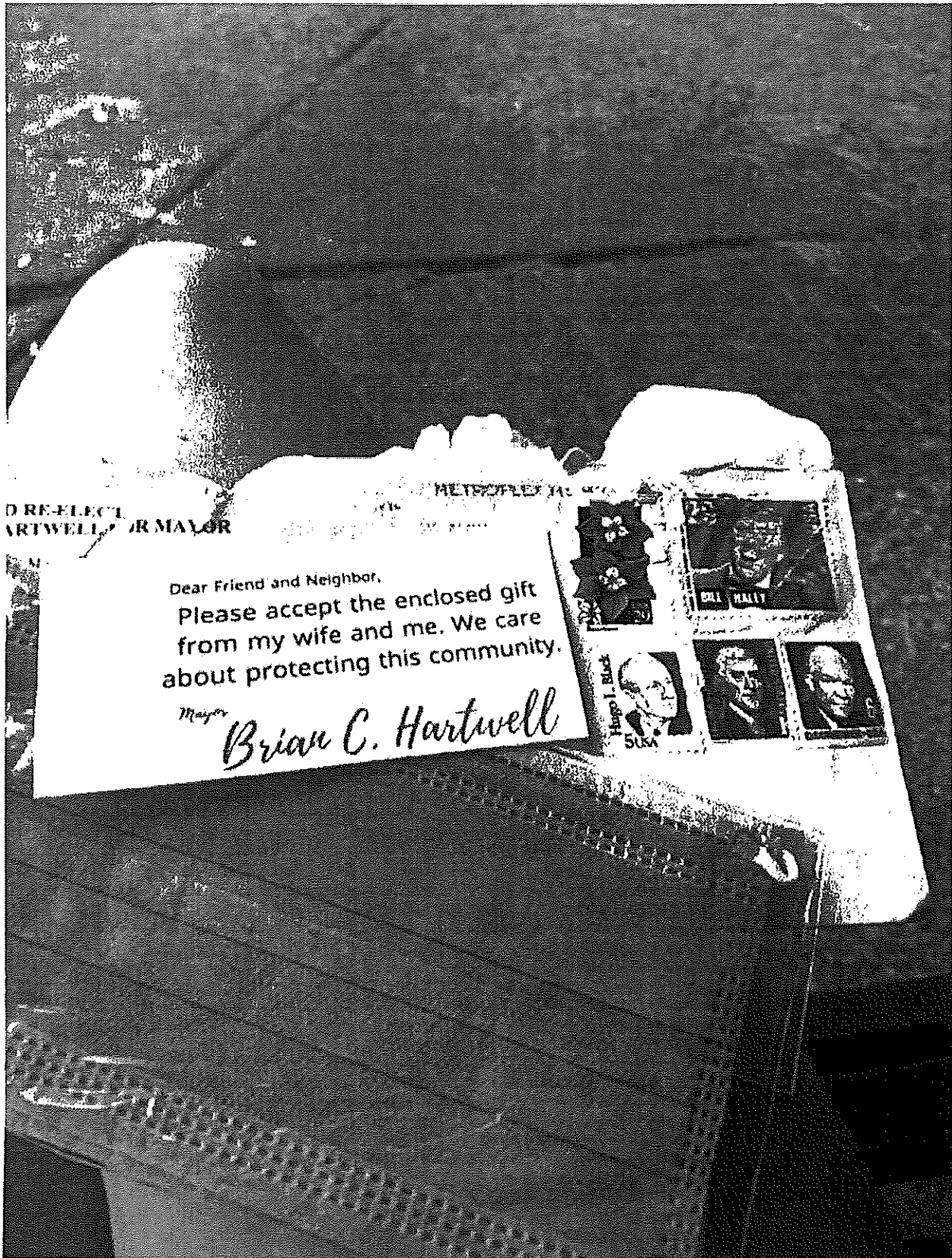


From this Community ♡
For this Community

Paid for by the CTE Brian Hartwell, 1606 Millard, Madison Hts, MI 48071



I got a gift from the mayor! Anyone else?



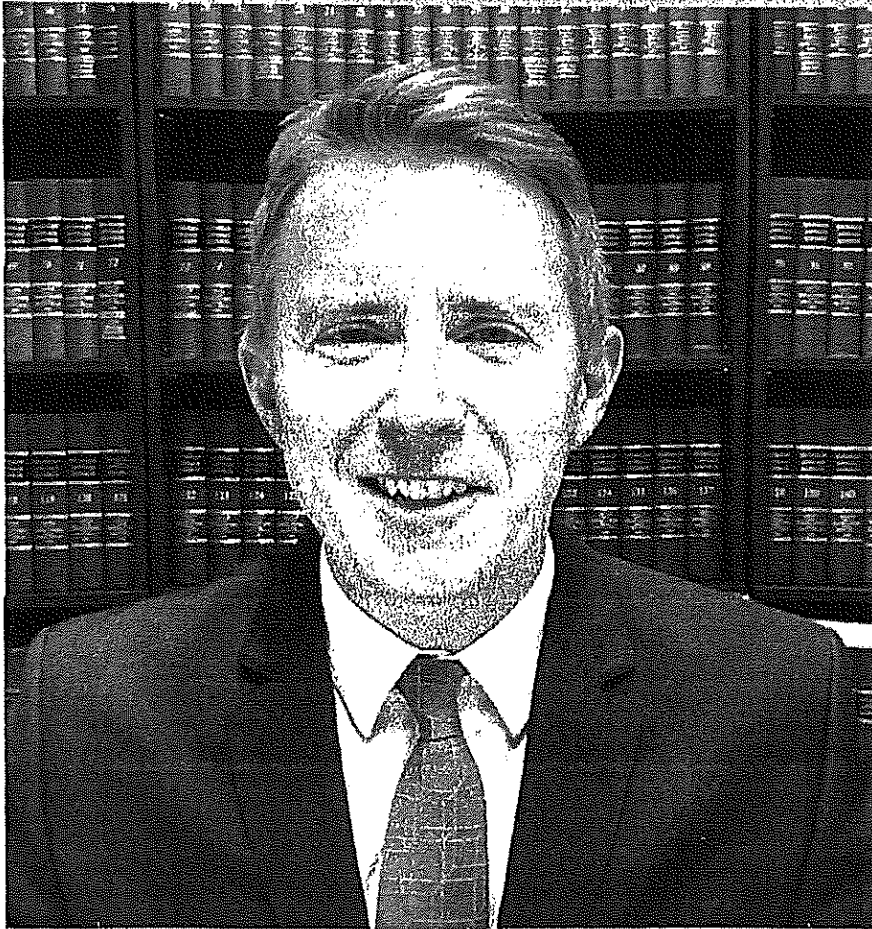
POSTCARD FRONT

Mayor Brian Christian Hartwell

FROM THIS COMMUNITY

FOR THIS COMMUNITY

Paid for by CTE Brian Hartwel
1606 Millard Ave
Madison Heights MI 48071



POST CARD BACK

***From the Desk of Brian Christian Hartwell
Mayor of Madison Heights***

I hope that you and your family are well. City government has been working hard to protect public health. We have great news regarding the polluted chrome site on 10 Mile Road. Test results show that no contaminants are present south of 10 Mile Road in Hazel Park. Next, state and federal partners will continue to pump groundwater, demolish the buildings, then remediate the soil. The bond between Hazel Park and Madison Heights has never been stronger.

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, October 8, 2020 8:48 PM
To: 'Brian Hartwell'
Subject: RE: Response to Complaint 2020-08-140-45
Attachments: Answer Letter.pdf; Response 2020-08-140-45.pdf

Mr. Hartwell,

Please see a copy of correspondence received in the abovementioned complaint. If you have any questions, please let me know.

Thanks,
Adam

From: Brian Hartwell <bc.hartwell@gmail.com>
Sent: Monday, September 28, 2020 12:23 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Response to Complaint 2020-08-140-45

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Mr. Fracassi,

Attached is my response to Campaign Complaint No. 2020-08-140-45. Upon your review, you will find there was no violation of the Act. Please verify receipt of the attached response.

Sincerely,
Brian Hartwell

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, October 8, 2020 8:47 PM
To: scripture@comcast.net
Subject: Scripture v. Hartwell - CF Complaint
Attachments: Answer Letter.pdf; Response 2020-08-140-45.pdf

Ms. Scripture,

The Department has received an answer to the complaint you filed against Brian Hartwell. You may file a rebuttal, if you elect to do so. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 8, 2020

Reese Scripture
148 Park Drive
Clawson, MI 48017

RE: Scripture v. Hartwell
Campaign Finance Complaint
No. 2020-08-140-45

Dear Ms. Scripture:

The Department of State received a response to the complaint you filed against Brian Hartwell, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Brian Hartwell, via email

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, October 8, 2020 8:48 PM
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Attachments: Answer Letter.pdf; Response 2020-08-140-45.pdf

Mr. Hartwell,

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Thanks,
Adam

From: Brian Hartwell <bc.hartwell@gmail.com>
Sent: Monday, September 28, 2020 12:23 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Response to Complaint 2020-08-140-45

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Mr. Fracassi,

Attached is my response to Campaign Complaint No. 2020-08-140-45. Upon your review, you will find there was no violation of the Act. Please verify receipt of the attached response.

Sincerely,
Brian Hartwell

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Thursday, October 8, 2020 8:47 PM
To: scripture@comcast.net
Subject: Scripture v. Hartwell - CF Complaint
Attachments: Answer Letter.pdf; Response 2020-08-140-45.pdf

Ms. Scripture,

The Department has received an answer to the complaint you filed against Brian Hartwell. You may file a rebuttal, if you elect to do so. If you have any questions, please let me know.

Adam Fracassi, Election Law Specialist
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 8, 2020

Reese Scripture
148 Park Drive
Clawson, MI 48017

RE: Scripture v. Hartwell
Campaign Finance Complaint
No. 2020-08-140-45

Dear Ms. Scripture:

The Department of State received a response to the complaint you filed against Brian Hartwell, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Brian Hartwell, via email

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Wednesday, March 31, 2021 12:34 PM
To: Brian Hartwell
Subject: Scripture v. Hartwell - Campaign Finance Complaint
Attachments: Determination.pdf; Resolution Offer.pdf

Judge Hartwell –

Please see the attached. If you have any questions, please do not hesitate to contact me.

Thank you,

Adam Fracassi, Election Law Attorney
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 31, 2021

Hon. Brian Hartwell
1606 Millard Avenue
Madison Heights, Michigan 48071

Re: *Scripture v. Hartwell*
Campaign Finance Complaint – Potential Resolution
No. 2020-08-140-45

Dear Judge Hartwell:

The Department of State (Department) has concluded its investigation of the complaint filed by Reese Scripture against you, which alleged that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of Ms. Scripture's complaint.

The complaint was filed on August 4, 2020 and alleged that the Committee to Elect Brian Hartwell for Mayor of Madison Heights (Committee) improperly used candidate committee funds to make incidental office expenses. Ms. Scripture alleged that you made improper expenditures from your mayoral committee. Specifically, she alleged that expenditures made between April 2, 2020 and June 9, 2020 do not qualify as incidental office expenses as that term is defined by the Act since they were dated after you had formed a candidate committee for the 43rd District Court Judge office, and that you improperly disbursed funds pursuant to section 45. The expenditures in question include:

1. \$3,700.00 for postage stamps on April 2, 2020
2. \$1,200.00 for face masks on April 8, 2020
3. \$6,073.87 for the printing of envelopes and postcards on April 15, 2020
4. \$1,801.99 for a laptop on June 9, 2020
5. \$325.82 in reimbursements to various contributors on June 9, 2020

Finally, Ms. Scripture alleged that you may have improperly expended funds to the Formosa Group LLC (Formosa), because you were listed as the resident agent of Formosa at the time the expenditure was made.

In your response you asserted that the first four expenditures were ordinary and necessary expenses made while carrying out your business as the acting mayor of the City of Madison Heights. You also stated that the refunds of contributions were allowed under MCL 169.245. Finally, you explained that while you were hired to draft and file Formosa's formation paperwork, you are not an owner or operator of the organization.

You explained that the postage and printing services (expenditures 1 & 3 above) were purchased while you were the acting mayor of Madison Heights to deliver two messages to your constituents. You provided copies of the mailers with your answer. The first appears to contain a face mask as a gift, along with a note to constituents in response to the COVID-19 pandemic. The second appears to be a postcard containing information regarding the city's response to an industrial disaster. You further explained that the payment for masks included with the first mailer was allowable under MCL 169.209(1)(a) "because they are ordinary and necessary to assist and serve constituents, especially vulnerable senior citizen and young children." Next, you argued that expenditure 4, the purchase of a laptop, was an incidental office expense because it was an expenditure for equipment, furnishings, or office supplies for a public official. Finally, you state that the refund of contributions (expenditure 5) was a lawful disbursement because it represents the refund of contributions.

The MCFA limits the way unexpended funds may be dispersed when a committee is winding down. MCL 169.245. Funds may be transferred from one candidate committee to another under certain circumstances, given to certain types of committees, given to certain tax-exempt charitable organizations, or returned to contributors. Additionally, while holding office, candidates may use committee funds to pay for incidental office expenses. MCL 169.209(1).

While still an expenditure, an incidental office expense is "an expenditure that is an ordinary and necessary expense, paid or incurred in carrying out the business of an elective office." MCL 169.209(1). The MCFA does not allow a candidate committee to make disbursements for incidental office expenses unless the candidate holds an elective office. MCL 169.221a(1). All incidental office expenses are expenditures, but not all expenditures are incidental office expenses. To qualify as an incidental office expense, the expenditure must fall into one of the 16 outlined categories. The Department takes each of the listed expenditures above in turn.

Regarding expenditures 1 & 3, expenditure for postage and printing services, the Department determines the evidence is insufficient to conclude that a violation of the Act has occurred as these purchases qualify as incidental office expenses. MCL 169.209(1)(a) specifically includes "[a] disbursement necessary to . . . communicate with a constituent []" in the definition of an "incidental expense." Because the postage and mailers were sent to constituents while you were still the acting mayor, payment of costs associated with the mailers were proper expenditures under the Act.

Regarding expenditure 2, the Department concludes that the purchase of facemasks qualifies as an incidental office expense. The Act specifically includes "[a] disbursement necessary to assist [or] serve . . . a constituent []" in the definition of an "incidental expense." MCL 169.209(1)(a). Recently, the Department has concluded in a preliminary response to the request for an interpretive statement, that the purchase of facemasks *may* constitute an incidental office expense where it is shown that the purchase is not a personal expense. In determining whether an expenditure is personal in nature, the Department applies the "but-for" test: if the disbursement would not otherwise have occurred but for the status as an officeholder, committee funds may be used.

As applied here, you have indicated that the facemasks were purchased a disbursement to assist and serve a constituent and were not purchased for your own use. The evidence submitted with your response, and the complaint, both support this conclusion. Because the masks were purchased and sent to constituents while you were still the acting mayor, payment of costs associated with the masks were proper expenditures under the Act.¹

Turning to the fifth expenditure, you have indicated that this disbursement represents refunds of contributions allowed under section 45 of the Act. Upon dissolution, the Act authorizes unexpended funds to be disbursed by returning the funds to the contributors. MCL 169.245(2)(c). You were appointed to District Court Judge for the 43rd District on June 3, 2020 by the Governor. As such, the Act requires you to begin the dissolution process for your mayoral candidate committee. According to the records you supplied in response to the complaint, you issued refunds to five donors totaling \$325.82 on June 9, 2020 and reported the refund as part of the July Quarterly campaign finance statement. Because the refund was issued after your appointment as District Court Judge and while you were in the process of dissolving the committee, the Department concludes that the reimbursement of contributions received are allowable disbursements under section 45 of the Act, and there is no evidence that a potential violation has occurred.

The final allegation surrounds the Committee's purchase of a laptop. While the Department agrees with your assertion that the purchase of a laptop is also an allowable incidental expense under MCL 169.209(1)(b) ("A disbursement for equipment, furnishings, or supplies for the office of the public official []"), any purchase of consumable supplies or permanent assets by the committee remains subject to the Department's rules on asset disposition upon the committee's dissolution. See *Interpretive Statement issued to Christopher L. Rose*, Issued November 2, 1978 ("The Act does not expressly permit usage or retention of these assets and moneys by the candidate for his personal benefit.") Consumable supplies are assets or goods that are intended to be "used up" or discarded. See *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/consumed>; *FTC v. Staples*, 970 F. Supp. 1066, 1073 (D.D.C. 1997). Comparatively, permanent assets are those that are not intended to be discarded. *Id.* The Department considers laptops and computers as permanent assets.

For the purchase of permanent assets, the committee must maintain records of the purchase. Upon dissolution, the items may be sold at fair market value and the funds deposited into the committee's account or donated to a qualifying charity. R. 169.65² Items may also be transferred from a dissolving committee to an eligible committee under § 45 of the Act.

¹ While Ms. Scripture raises questions as to your connections to the company from which the masks were purchased (Formosa), the Department takes you at your word that you were hired as an attorney to draft and file initial documents and that you are not an owner or operator of the organization. No evidence has been provided to the contrary.

² Rule 65 specifically governs the dissolution of assets purchased using Officeholder Expense Funds (OEF). In 1994, the MCFA was amended to eliminate OEFs and replace them with incidental office expenses under one candidate committee. 1994 PA 411.

Hon. Brian Hartwell

March 31, 2021

Page 4

The Department takes you at your word that you purchased the laptop with your mayoral committee funds to fulfill your remaining mayoral duties the morning of June 9, 2020. However, once you ceased to be the acting mayor and dissolved your committee, the monetary value of the laptop computer should have been disgorged from your mayoral committee. The evidence does not show that you have properly disposed of the laptop under section 45, therefore a potential violation has occurred.

After reaching this conclusion, the Act 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.* In a separate letter, the Department will send you its offer to informally resolve this complaint.

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must either conduct an administrative hearing or refer the matter to the Attorney General for enforcement of the penalty provided. in MCL 169.215(15). MCL 169.215(10)(a).

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", with a stylized flourish at the end.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, May 4, 2021 9:45 AM
To: Fracassi, Adam (MDOS)
Subject: Scripture v. Hartwell - Resolution
Attachments: Disposition letter.pdf

Good morning,

Please see the attached. The Department's file on this matter is now closed, and will be posted on its website. If you have any questions, please let me know.

Thank you,

Adam Fracassi, Election Law Attorney
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 4, 2021

Hon. Brian Hartwell
1606 Millard Avenue
Madison Heights, MI 48071

Via Email

Re: *Scripture v. Hartwell*
Campaign Finance Complaint
No. 2020-08-140-45

Dear Judge Hartwell:

This letter concerns the campaign finance complaint filed against you by Reese Scripture, which alleged certain violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*

In her complaint, Ms. Scripture alleged that you dissolved your committee but failed to properly dispose of certain assets (laptop) upon dissolution.

By letter dated March 31, 2021, the Department found that the evidence provided supported a reason to believe that a violation had occurred. As previously indicated, upon reaching this conclusion, the Department is required 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.*

As part of the informal resolution, the Department asked you to donate the laptop to a 501(c)(3) and provide a receipt to the Department. The requested information was provided to the Department on April 8, 2021.

The Department has reviewed the materials submitted and is satisfied that you complied with the Department's request. Therefore, the Department determines that this formal warning is a sufficient resolution to the complaint. The Department now considers this matter closed and will take no further action against you at this time.

Hon. Brian Hartwell
May 4, 2021
Page 2

Please be advised that this notice has served to remind you of your obligations under the Act and the Department's administrative rules to dispose of assets upon your committees dissolution, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping "A" and a cursive "Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Reese Scripture