



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

July 7, 2016

Jason Nehmer
3320 West 13th Street
Cadillac, Michigan 49601

Dear Mr. Nehmer:

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

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

In support of his complaint, Mr. Sloan provided a copy of a picture of a sign which states, "NEHMER Wexford Sheriff [.] The identification statement on the sign appears to omit the phrase "Paid for by [.]". The Department notes that the copy of the picture of a second sign is insufficient for the Department to ascertain if it is a sign required by the Act to contain an identification statement.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

If you wish to file a written response to the complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 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. Wiers, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

Jason Nehmer
July 7, 2016
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provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(6) of the Act.

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

Sincerely,

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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Michael Wiers

Campaign Finance Complaint Form

Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPT OF STATE

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 et seq.). All information on the form must be provided along with an original signature and evidence. Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>MICHAEL WIERS</i>		Daytime Telephone Number <i>231-838-4358 x7</i>
Mailing Address <i>8358 N Whispering Pines Cir</i>		
City <i>Lake City</i>	State <i>MI</i>	Zip <i>49651</i>

Section 2. Alleged Violator		
Name <i>Jason Nehmer</i>		
Mailing Address <i>3320 W 13th St</i>		
City <i>Cadillac</i>	State <i>MI</i>	Zip <i>49601</i>

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

Section(s) of the MCFA violated:

RCFA R 1169.36

Explain how those sections were violated:

*Campaign yard signs do not have the disclaimer
"Paid for by"*

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

Attached images of signs

Section 4. Certification (Required)

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

X

Signature of Complainant

Date

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

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

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

X

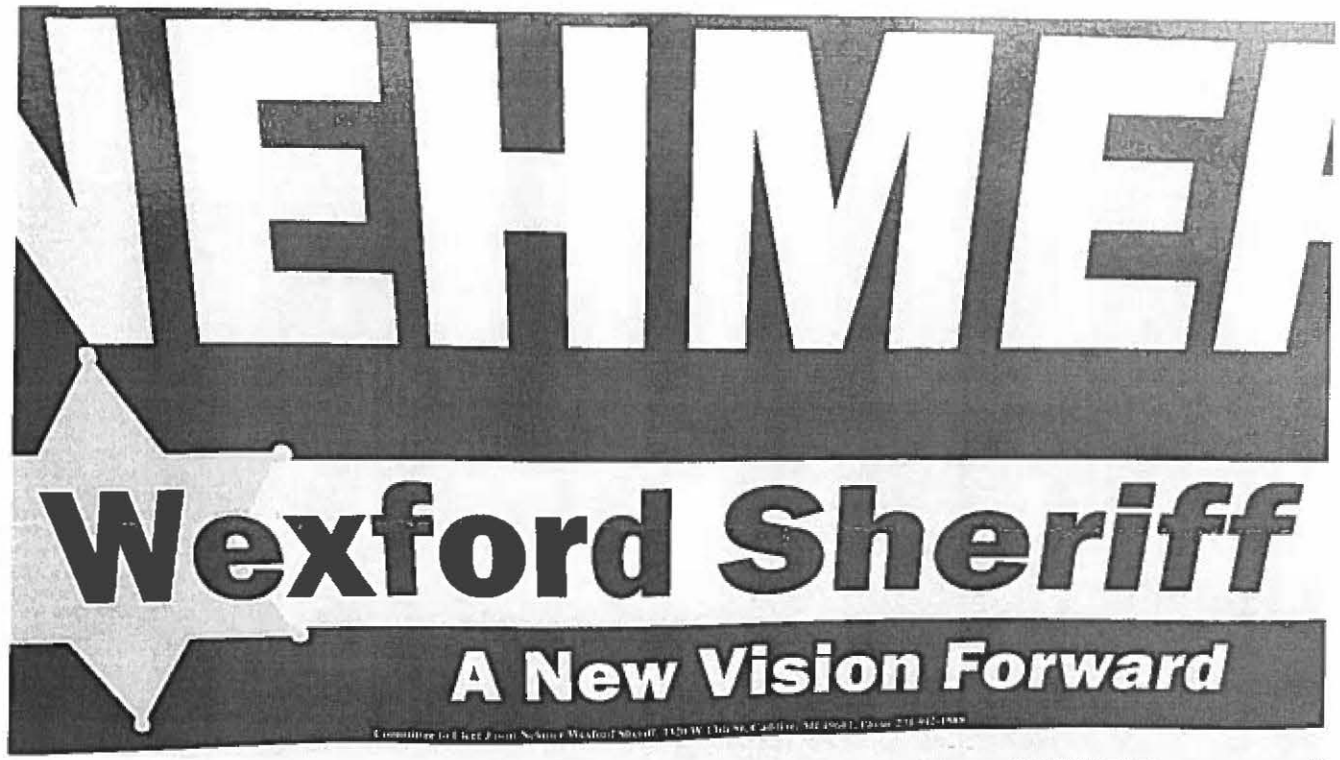
Signature of Complainant

Date

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

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

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



A New Vis

to Elect Jason Nehmer Wexford Sheriff, 3320 W 13th St. Cadillac





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

August 8, 2016

Michael Wiers
8358 West Whispering Pines Circle
Lake City, Michigan 49651

Dear Mr. Wiers:

The Department of State received a response to the complaint you filed against Jason Nehmer, 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 "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Jason Nehmer

July 14, 2016

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2016 JUL 29 PM 3: 00

ELECTIONS/GREAT SEAL

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

Lori,

I have reviewed the Complaint Form filed by Mr. Wiers. I sincerely apologize for this oversight on behalf of myself, and my committee. I have enclosed a copy of the email to Capitol Promotions, Nancy Shenk. I approved the sign design and requested the paid for portion to include the Committee information. They included the Committee information and address. I then placed the order. Upon receipt of the signs, I did not analyze them nor did my committee. I did not notice that they were missing the words, "Paid for By". I then proceeded to assemble the signs and place them at addresses that I had received.

To be in compliance with The Campaign Finance Act, I have added the required wording with a black sharpie. I have also printed labels with the words "Paid for By," on any and all signs that I am able to locate. I have enclosed photos from several samples of those corrections. I hope that this will take care of this unfortunate situation.

Also, I have had sixty (60) signs stolen in the past three weeks. My opponent's supporters have removed them and I am unable to locate them. My concern is these uncorrected signs may be displayed, by my opponent's supporters, to constitute another violation. I hope you understand that that would be out of my control.

I did not, as MCL 169.247 (1), Mich. Admin. R 169.36(2) states, *knowingly* violate this law. I did not intentionally leave off the words "Paid for By." I assumed the sign company, Capitol Promotions, having made millions of signs over the years, knew when I stated, "It looks good, (meaning the design). The paid for section will state Committee to Elect Jason Nehmer Wexford Sheriff, 3320 W 13th St, Cadillac, MI 49601 Phone 231-942-1588" that the bottom of the sign would include that wording of Paid For By Committee to Elect Jason Nehmer Wexford Sheriff, 3320 W 13th St, Cadillac, MI 49601 Phone 231-942-1588. When the signs arrived, my committee and I started assembly of the signs and placement, not realizing the omission of the three prefix words of Paid for By. I sincerely apologize to the Bureau of Elections and my opponent, and his supporter, Mr. Wiers, for this accidental oversight. I hope this remedy will be satisfactory to conclude this inquiry.

Sincerely,



Jason A. Nehmer
3320 West 13th Street
Cadillac, MI 49601



Jason Nehmer <nehmer44@gmail.com>

Fwd: Fixed signs

1 message

Jason Nehmer <nehmer44@gmail.com>
To: Jason Nehmer <nehmer44@gmail.com>

Thu, Jul 14, 2016 at 6:17 PM

As of this letter from the State of Michigan, I have either written the correction in black sharpie, or affixed a sticker saying "paid for by," to each sign that I am able to locate. Sixty (60) of my signs have been stolen in the past three weeks from my opponent's supporters. I won't be able to fix those signs, and the signs may reappear from my opponent's supporters, and that unfortunately is out of my control.

3 attachmentsIMG_20160714_122309080.jpg
3707KIMG_20160714_122302726.jpg
3813KIMG_20160714_122255507.jpg
3537K

Jason Nehmer <nehmer44@gmail.com>
To: Jason Nehmer <nehmer44@gmail.com>

Thu, Jul 14, 2016 at 6:20 PM

Attached please find photos of the corrected signs with labels attached (excluding the 60 stolen signs that my opponent may re-display in order to trigger another violation). Thank you Jason.

4 attachments



IMG_20160714_180808783_HDR.jpg
4302K



IMG_20160714_180734510_HDR.jpg
3444K



IMG_20160714_180803228_HDR.jpg
4960K



IMG_20160714_180710098_HDR.jpg
4408K



Jason Nehmer <nehmer44@gmail.com>

Fixed signs

2 messages

Jason Nehmer <nehmer44@gmail.com>
To: nehmer44@gmail.com

Thu, Jul 14, 2016 at 6:13 PM

Photos if corrected signs with labels attached. Except for the stolen 60 signs that opponent may place out to trigger another violation. Thank you Jason.

4 attachments

IMG_20160714_180808783_HDR.jpg
4302K



IMG_20160714_180734510_HDR.jpg
3444K



IMG_20160714_180803228_HDR.jpg
4960K



IMG_20160714_180710098_HDR.jpg
4408K



Jason Nehmer <nehmer44@gmail.com>

campaign sign proof

11 messages

Nancy Shenk <ns@capitolpromotions.com>

To: Jason Nehmer <nehmer44@gmail.com>

Thu, Mar 24, 2016 at 12:22 PM

A proof is attached for your review. Please check carefully for spelling and content. Let us know your ideas.

Thank you,

Nancy

Capitol Promotions

800.884.3024

ns@capitolpromotions.com

nehmer j 16x26.jpg
125K

*Paid for section
was asked for
but not printed*

Jason Nehmer <nehmer44@gmail.com>

To: Nancy Shenk <ns@capitolpromotions.com>

Thu, May 5, 2016 at 6:42 PM

It looks good. The paid for section will state
Committee to Elect Jason Nehmer Wexford Sheriff
3320 W 13th St
Cadillac, MI 49601
Phone 231-942-1588



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

November 22, 2016

Jason Nehmer
3320 West 13th Street
Cadillac, Michigan 49601

Dear Mr. Nehmer:

The Department of State (Department) has completed its investigation of the complaint filed against you by Michael Wiers, which alleged that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign-related material. This letter concerns the disposition of Mr. Wiers' complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

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. Wiers filed his complaint on June 29, 2016, and you filed a written response on July 29, 2016. Mr. Wiers did not file a rebuttal statement with the Department.

Mr. Wiers alleged that you failed to include a complete paid-for-by statement on your campaign signs. In support of his complaint, Mr. Wiers provided a copy of a picture of a sign which stated, "NEHMER Wexford Sheriff [.] A New Vision Forward [.]". The paid-for-by statement on the sign appeared to lack the phrase "Paid for by" before your committee's name and address.

In your response you stated that the phrase was inadvertently omitted by the printer and you did not notice the error. However, once the omission was brought to your attention you took action to correct the signs add the words "paid for by." You provided copies of pictures of the signs with the corrected statements. It appears that after the correction, the signs contain a complete and correct paid-for-by statement.

The Department notes that while your signs did contain the name of your committee and the committee's address, the failure to include the words "paid for by" is a technical violation of the Act. While the evidence tends to show that your campaign material failed to contain a complete

Jason Nehmer
November 22, 2016
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and proper paid-for-by statement, section 15(10) of the MCFA requires the Department to “endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion [.]” The Department is satisfied that you took appropriate corrective measures to bring your campaign material into compliance with the MCFA.

Additionally, the Department is advising you that section 47(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase “paid for by” followed by the full name and address of your committee. Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department now considers this matter closed and will take no further action against you at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Michael Wiers