



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

January 4, 2017

John Conely
7208 West Grand River
Brighton, Michigan 48114

Dear Mr. Conely:

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

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

The Act further requires committees to file periodic campaign finance statements and reports. MCL 169.233. The failure to file a single campaign statement may trigger late filing fees. MCL 169.233(7). In certain circumstances, a failure to file may constitute a misdemeanor offense. MCL 169.233(8).

Mr. Rockwell alleges that you received contributions or made expenditures exceeding the \$500.00 threshold and have not filed a statement of organization or filed any required campaign finance statements.

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. 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

John Conely
January 4, 2017
Page 2

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. Rockwell, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalties provided in sections 24(1) and 33(8) of the Act.

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

Sincerely,



Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: William Rockwell

**Campaign Finance Complaint Form
Michigan Department of State**

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2016 DEC 13 AM 10:09

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>William Rockwell</i>		Daytime Telephone Number <i>248-719-4556</i>	
Mailing Address <i>4346 Argenta Dr.</i>			
City <i>Brighton</i>	State <i>MI</i>	Zip <i>48116</i>	

Section 2. Alleged Violator			
Name <i>John Conely</i>			
Mailing Address <i>BUSINESS</i> <i>7208 W Grand River</i>			
City <i>Brighton</i>	State <i>MI</i>	Zip <i>48114</i>	

PH. 810-227-3530

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

Section(s) of the MCFA violated:

Ran an unregistered committee to promote school board candidates

Explain how those sections were violated:

"The committee to elect Bill, Roger + James" was never
registered w. the Livingston County Clerk. Funds were
raised, signs posted, fliers mass mailed and material
distributed with the committee name. No report
submitted with spending as required for campaign finance laws.

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

- TWO paid INVOICES for graphics and materials w. COMMITTEE name*
- business cards (photo enlarged) handed-out with COMMITTEE name*
- photos of signs with the committee name*
- photo of a mass mail-out ~~showing the committee name~~*

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 William Rockwell 11-30-16
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

Invoice



Image 360 - Brighton
 2150 Pless Dr. Suite 3A
 Brighton, MI 48114
 Phone: (810) 225-7446
 Fax: (810) 220-1202
 www.image360.com/brightonmi

Invoice #:54-33675
 Order Date:9/6/2016
 Invoice Date:9/9/2016
 Salesperson:John Nagel
 Email:john.nagel@signsbytomorrow.com
 Entered By:Aaron Posuniak
 Email:brighton@signsbytomorrow.com

ATTN: Committee to Elect Bill, Roger & James
 For Brighton School Board
 7208 W. Grand River
 Brighton, MI 48114



Customer Contact Information:
 Office Phone: (810) 227- 3530
 Office Fax: (810) -
 E-mail:
 Terms: Cash Customer

Order Due:

Order Description: Qty 4 - 4' x 4' Double Sided Coroplast - 24" x 18" Qty 6

Item #	Product	Quantity	Unit Price	Subtotal
1	Coroplast	4	\$ 89.00	\$ 356.00
Description: Coroplast				
<ul style="list-style-type: none"> • (4) Double Sided 48 in x 48 in White 4mm Coroplast Sign(s) with Digital Graphics • Finishing: • 48 in x 48 in Digital Graphics printed on White Solvent Calendered Vinyl 				
Item #	Product	Quantity	Unit Price	Subtotal
2	Coroplast	4	\$ 28.75	\$ 115.00
Description: Coroplast				
<ul style="list-style-type: none"> • (4) Double Sided 18 in x 24 in White 4mm Coroplast Sign(s) with Digital Graphics • Finishing: • 18 in x 24 in Digital Graphics printed on White Solvent Calendered Vinyl 				

Customer Signature:

I agree to pay according to card issuer agreement.

Date: ___/___/___

Payment Information:

1 Payment(s) for \$499.26.

Date:	Time:	Method:	Amount:
9/9/2016	11:56:00AM	MasterCard	\$ 499.26

Subtotal:	\$471.00
Taxes:	\$28.26
Total:	\$499.26
Total Payments:	\$499.26
Balance Due:	\$0.00

Imagine it... We can do it!

Invoice



Image 360 - Brighton
 2150 Pless Dr. Suite 3A
 Brighton, MI 48114
 Phone: (810) 225-7446
 Fax: (810) 220-1202
 www.image360.com/brightonmi

Invoice #:54-33774
Order Date:9/21/2016

Salesperson:John Nagel
Email:john.nagel@signsbytomorrow.com
Entered By:Aaron Posuniak
Email:brighton@signsbytomorrow.com

ATTN: Committee to Elect Bill, Roger & James
For Brighton School Board
 7208 W. Grand River
 Brighton, MI 48114

**PAID
 9-28-16*

Customer Contact Information:
 Office Phone: (810) 227- 3530
 Office Fax: (810) -
 E-mail: .
 Terms: Cash Customer

Order Due:

Order Description: Qty 3 - 4' x 4' Double Sided Coroplast - Qty 3 - Coverup Decals

Item #	Product	Quantity	Unit Price	Subtotal
1	Coroplast	3	\$ 89.00	\$ 267.00
Description: Coroplast				
<ul style="list-style-type: none"> • (3) Double Sided 48 in x 48 in White 4mm Coroplast Sign(s) with Digital Graphics • Finishing: • 48 in x 48 in Digital Graphics printed on White Solvent Calendered Vinyl 				

Item #	Product	Quantity	Unit Price	Subtotal
2	Ready to Apply Digital Graphics	3	\$ 7.48	\$ 22.44
Description: "Re-elect Decals				
<ul style="list-style-type: none"> • (3) 4 in x 17 in Ready to Apply Digital Graphics • Digital Graphics printed on White Solvent Calendered Vinyl laminated with None 				

Customer Signature:

 I agree to pay according to card issuer agreement.
 Date: ___/___/___

Subtotal: \$289.44
 Taxes: \$17.37
 Total: \$306.81
 Balance Due: \$306.81

Imagine it... We can do it!

✓ VOTE Nov 4th

- ✓ BILL TROMBLEY**
- ✓ ROGER L. MYERS**
- ✓ JAMES A. ALEXANDER JR.**

BRIGHTON SCHOOL BOARD

Our Children, Our Community, Our Future.

AUTO SALES

JOHN CONELY
OWNER

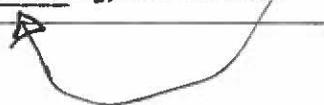
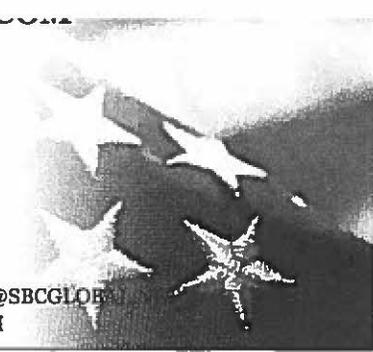
7208 GRAND RIVER
BRIGHTON, MI 48114

PH: 810-227-3530

FAX: 810-227-6730

EMAIL: CONELYRENTAL@SBCGLOBE.COM

WWW.CONELYAUTO.COM



Enlarged photo on next page

 **VOTE** N

BILL TROMBI

ROGER L. MY

JAMES A. ALEX

BRIGHTON SCHO

Our Children, Our Commu

*Enlarged Photo Copy of business card
hand-outs showing in fine print*

"Paid by the Committee to Elect Bill, Roger, James

One of many signs with 1/2
COMMITTEE ID.

 **VOTE**

Nov 4th

- BILL TROMBLEY**
- ROGER L. MYERS**
- JAMES A. ALEXANDER JR.**

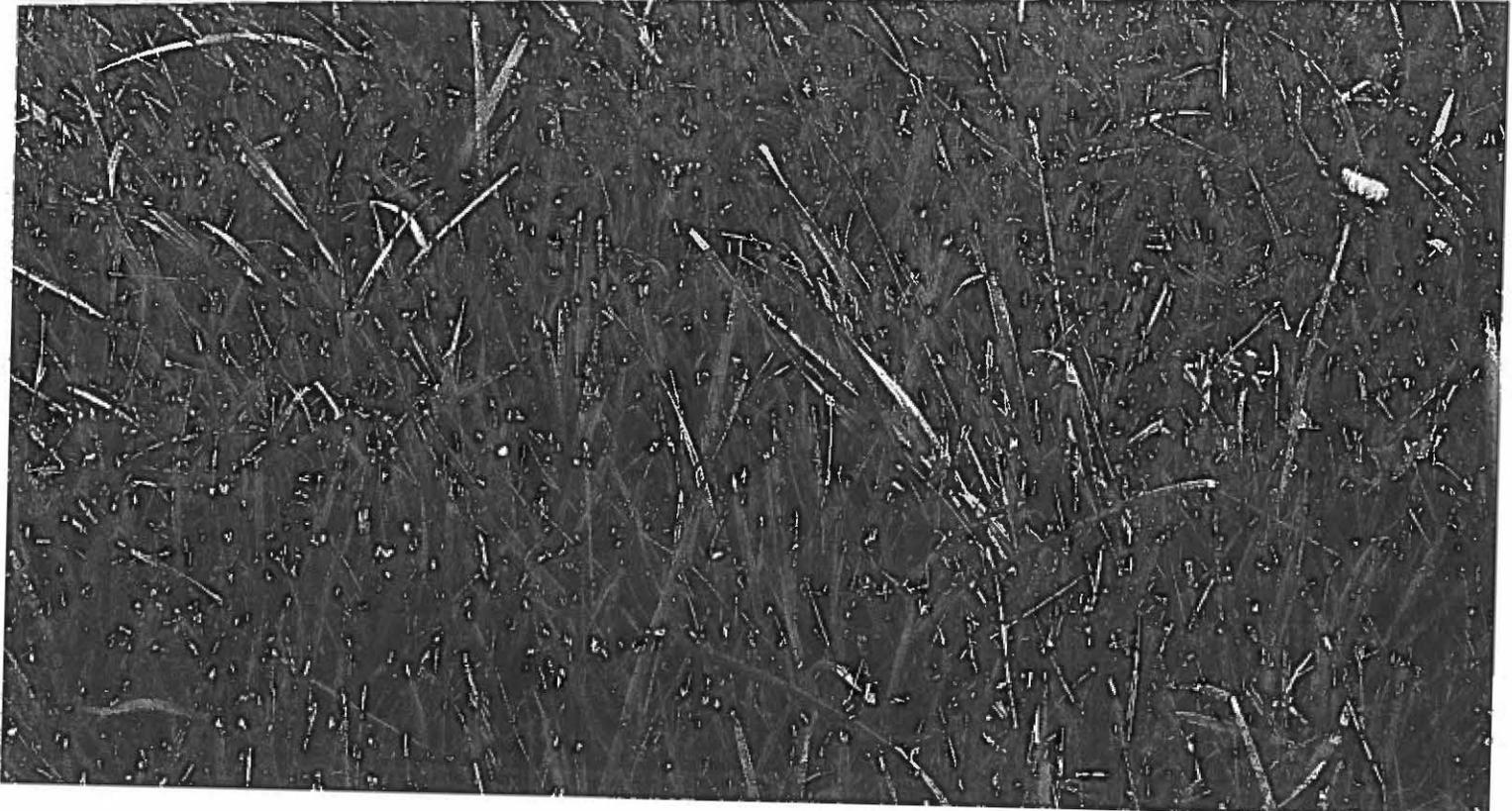
**BRIGHTON
SCHOOL BOARD**

Our Children, Our Community, Our Future.

2/1
DOL BO

, Our Community,

PAID FOR BY THE COMMITTEE TO ELECT BILL, ROGER, and JAMES, FOR BRIGHTON SCHOOL BOARD 7208 GRAND RIVER, BRIGHTON, MICHIGAN 48114



176... 5 A ...

MASS MAILING



Nov 8th

PRESCRIPTION
STANDARD
U.S. POSTAGE PAID
PINCKNEY, MI
PERMIT NO. 823

- BILL TROMBLEY**
- ROGER L. MYERS**
- JAMES A. ALEXANDER JR.**

**BRIGHTON AREA
SCHOOL BOARD**

*****AUTO**SCH 5-DIGIT 48116
 TO THE VOTERS AT
 8905 LEE RD
 BRIGHTON, MI 48116-2034

*Our Children,
 Our Community,
 Our Future.*



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

January 23, 2017

William Rockwell
4346 Argenta Drive
Brighton, Michigan 48116

Dear Mr. Rockwell:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: John Conely

1/12/17

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2017 JAN 19 PH 2: 12

I, John Conely am responding to a Campaign Finance Complaint filed on 12/13/16 by a Mr. William Rockwell.

- A. Alleged sections of MCFA violated, ran an unregistered committee to promote school board candidates. Answer: Did not form a committee because there was no reason to.
- B. Explain how those sections were violated. Answer: Did not form a committee because there was no reason to.
- C. Evidence that supports those allegations. Answer: The invoice #54-33774 does not belong to John Conely, enclosed is a letter to substantiate this fact. Did not form a committee because there was no reason to.
- D. Business cards (photo enlarged) handed out with committee name. Did not form a committee because there was no reason to do so. Alleged business card appears to be tampered with, I have enclosed an unaltered business card.
- E. Photos of signs with the committee name. Answer: Did not form a committee because there was no reason to do so.
- F. Photo of mass mail-out. Answer: Complainant (William Rockwell) appears to have intentionally not given the State of Michigan the complete mailer that clearly has listed, paid for by the committee to elect on it and it has nothing to do with John Conely. I have enclosed an original copy of mailer and would request under section 15(8) of the MCFA that a civil violation be filed for false certification and the Michigan Department of State fine and charge William Rockwell for the attempt to mislead the State regarding evidence. Please notify me of the status of this request, I can be reached @ (810)227-3530.



1/11/2017

To who it may concern,

Our Invoice number 54-33774 was billed incorrectly on our end to "Committee to Elect Bill, Roger & James for Brighton School Board." This was brought to our attention in September. The correct invoice was billed and paid in full by "Bill Trombley/Kids First, 7873 Shore Pointe Dr., Brighton, MI 48116." Enclosed is a copy of the corrected invoice and campaign material it paid for.

If there are further questions regarding this matter please feel free to contact me here at our office.

Thank you,
Aaron Posuniak
810-225-7446

2150 Pless Dr. Ste3A
Brighton, Michigan
48114



2150 Pless Dr., Brighton, MI 48114, Ph: 810-225-7446, Fax: 810.220.1202
Email: brighton@image360.com, www.image360.com/BrightonMI

INVOICE



Image 360 - Brighton
 2150 Pless Dr. Suite 3A
 Brighton, MI 48114
 Phone: (810) 225-7446
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Invoice #:54-33774
 Order Date:9/21/2016
 Invoice Date:9/26/2016
 Salesperson:John Nagel
 Email:john.nagel@signsbytomorrow.com
 Entered By:Aaron Posuniak
 Email:brighton@signsbytomorrow.com

ATTN: Bill Trombley/Kids First,
 7873 Shore Pointe Dr.,
 Brighton, MI 48116

**Customer Contact Information:**

Office Phone: (810)
 Office Fax: (810)
 E-mail: .
 Terms: Cash Customer

Order Due:

Order Description: Qty 3 - 4' x 4' Double Sided Coroplast - Qty 3 - Coverup Decals

Item #	Product	Quantity	Unit Price	Subtotal
1	Coroplast	3	\$ 89.00	\$ 267.00
Description: Coroplast				
• (3) Double Sided 48 in x 48 in White 4mm Coroplast Sign(s) with Digital Graphics				
• Finishing:				
• 48 in x 48 in Digital Graphics printed on White Solvent Calendered Vinyl				

Item #	Product	Quantity	Unit Price	Subtotal
2	Ready to Apply Digital Graphics	3	\$ 7.48	\$ 22.44
Description: "Re-elect Decals				
• (3) 4 in x 17 in Ready to Apply Digital Graphics				
• Digital Graphics printed on White Solvent Calendered Vinyl laminated with None				

Customer Signature:

 I agree to pay according to card issuer agreement.
 Date: ___/___/___

Payment Information:

1 Payment(s) for \$306.81.
 Date: 9/28/2016 Time: 10:21:00AM Method: Cash Amount: \$ 306.81

Subtotal: \$289.44
 Taxes: \$17.37
 Total: \$306.81
 Total Payments: \$306.81
 Balance Due: \$0.00

Imagine it... We can do it!

KIDS FIRST!

**VOTE BILL
TROMBLEY**

**BRIGHTON AREA
SCHOOL BOARD**

PAID FOR BY BILL TROMBLEY/KIDS FIRST, 7873 SHORES POINT DRIVE, BRIGHTON, MI 48116

48 in

48 in

Qty 6

Re-Elect

Qty 3

Re-Elect

4 in

17 in

Customer:	Bill Trombley/Kids First,	
Company:		
Address:	7873 Shore Pointe Dr.,	
City:	Brighton, MI 48116	State/ZIP
Phone:		
Fax:		



Formerly Brighton Signs by Tomorrow
2150 Pless Rd. Ste. 3A Brighton, Michigan 48114
810-225-7446
signsbytomorrow.com/brighton

Scale	0.102	Date:	9/21/2016
Folder Location	T:\JOBS BY CUSTOMER\Bill Trombley\Order 54-33774		
File Name:	BSB.fs		
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STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

January 4, 2017

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7208 West Grand River
Brighton, Michigan 48114

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Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: John Conely

1/12/17

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MICHIGAN DEPT OF STATE
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2150 Pless Dr. Ste3A
Brighton, Michigan
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Email: brighton@image360.com, www.image360.com/BrightonMI

Invoice



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 Phone: (810) 225-7446
 Fax: (810) 220-1202
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Invoice #:54-33774
Order Date:9/21/2016
Invoice Date:9/26/2016
Salesperson:John Nagel
Email:john.nagel@signsbytomorrow.com
Entered By:Aaron Posuniak
Email:brighton@signsbytomorrow.com

ATTN: Bill Trombley/Kids First,
 7873 Shore Pointe Dr.,
 Brighton, MI 48116



Customer Contact Information:
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 Office Fax: (810)
 E-mail: .
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KIDS FIRST!

**VOTE BILL
TROMBLEY**

**BRIGHTON AREA
SCHOOL BOARD**

PAID FOR BY BILL TROMBLEY/KIDS FIRST, 7873 SHORES POINT DRIVE, BRIGHTON, MI 48116

Qty 6

Re-Elect

Qty 3

Re-Elect

17 in

48 in

4 in

48 in

Customer:	Bill Trombley/Kids First,	
Company:		
Address:	7873 Shore Pointe Dr.,	
City:	Brighton, MI 48116	State/ZIP:
Phone:		
Fax:		



Formerly Brighton Signs by Tomorrow
2150 Pless Rd. Ste. 3A Brighton, Michigan 48114
810-225-7446
signsbytomorrow.com/brighton

Scale	0.102	Date	9/21/2016
Folder Location	T:\JOBS BY CUSTOMER\Bill Trombley\Order 54-33774		
File Name:	BSB.fs		

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STATE OF MICHIGAN
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DEPARTMENT OF STATE
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Mr. Rockwell alleges that you received contributions or made expenditures exceeding the \$500.00 threshold and have not filed a statement of organization or filed any required campaign finance statements.

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. 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

CONELYAUTO.COM

AUTO SALES

JOHN CONELY

OWNER

7208 GRAND RIVER
BRIGHTON, MI 48114

PH: 810-227-3530

FAX: 810-227-6730

EMAIL: CONELYRENTAL@SBCGLOBE

WWW.CONELYAUTO.COM



AUTO SALES

Proof of Insurance

Copy of Plate Registration

Lien holder address

Fax to 810-227-6730

 **VOTE**



Nov 8th



BILL TROMBLEY



ROGER L. MYERS



JAMES A. ALEXANDER JR.

**BRIGHTON AREA
SCHOOL BOARD**

*Our Children,
Our Community,
Our Future.*

JAMES ALEXANDER, JR., ROGER MYERS, BILL TROMBLEY

**Community leaders who will stand up
for Brighton Area Schools' students, parents,
teachers, and taxpayers.**

- Commitment to Brighton Area Schools educational excellence**
- Support for balanced budgets and effective school programs**
- Supports making Health and Safety a Top Priority**

Bill Trombley RE-ELECT an advocate for students and voting NO on a \$58,000/year raise for a school administrator (Mackinac Center report, <http://www.michigancapitolconfidential.com/22556>) Over twelve years in Brighton. Parent of two students in Brighton Schools.

Roger L. Myers, Trusted community leader for 20 years with four children in Brighton Schools. For more info: www.myersforbrightonkids.com.

James A. Alexander Jr. volunteers over 400 hours annually mentoring students in Science, Technology, Engineering, and Mathematics; STEM. Over thirty five year employer in Brighton. Parent of two Brighton High School graduates.

PAID FOR BY THE COMMITTEE TO ELECT

Bill Trombley/Kids First, 7873 Shore Pointe Dr., Brighton, MI 48116 - Committee to Elect Roger Myers for Brighton School Board., 915 Michigan Ave, Howell, MI 48843
Election Committee for James Allen Alexander Jr., PO Box 777, Brighton, MI 48116



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

1. Complete 1a or 1b. Do not use this form to report independent expenditures related to more than one candidate or ballot question.

**INDEPENDENT EXPENDITURE
REPORT**

INDIVIDUALS, GROUPS AND ORGANIZATIONS
(Includes Corporations, Unions and Domestic
Dependent Sovereigns)

1a. Enter the candidate's name, office involved, jurisdiction/district and county of residence.
James Alexander
Brighton School Board/Livco.
Bill Trumbley
Brighton School Board/Livco.
ROBERT SMYERS
Brighton School Board/Livco.

1b. Describe the ballot question supported or opposed and indicate whether it is statewide, county or a local proposal.

FILED
MAR 22 2017
DEPUTY COUNTY CLERK
HOWELL, MI 48843

KJR
3:05 p.m.

<p>2. Individual, Group or Organization that made the Independent Expenditure</p> <p>Full Name: <u>John Conely</u></p> <p>Address: <u>7208 Grand River Brighton, MI 48114</u></p> <p>County of Residence or Location: <u>Livco</u></p>	<p>3. Individual Filing the Report</p> <p>Full Name: <u>John Conely</u></p> <p>Address: <u>same</u></p>	<p>4. Person(s) Contributing More than \$100.00 to the Independent Expenditure</p> <p>Full Name: <u>John Conely</u></p> <p>Address: <u>same</u></p> <p>Occupation: <u>Self employed Mechanic</u></p>	
<p>5. Full Name and Address of Person or Business that Received the Funds</p> <p><u>Image 360</u> <u>2150 West Drive</u> <u>Suite 3A</u> <u>Brighton, MI 48114</u> <u>(510) 225-7446</u></p>	<p>6. Date</p> <p><u>9/9/16</u></p>	<p>7. Amount</p> <p><u>499.25</u></p>	<p>8. Purpose of the Independent Expenditure</p> <p><u>yard signs to be put on private property only by request of property owners</u></p>
<p>9. Signature of Person Filing the Report:</p> <p><i>[Signature]</i> <u>John Conely</u></p>		<p>Date: <u>7/22/17</u></p>	



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

June 26, 2017

John Conely
7208 West Grand River
Brighton, Michigan 48114

Dear Mr. Conely:

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

Mr. Rockwell filed his complaint on December 13, 2016, and you filed a written response on January 19, 2017. Mr. Rockwell filed a rebuttal statement on February 7, 2017.

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

The Act further requires committees to file periodic campaign finance statements and reports. MCL 169.233. The failure to file a single campaign statement may trigger late filing fees. MCL 169.233(7). In certain circumstances, a failure to file may constitute a misdemeanor offense. MCL 169.233(8).

The Act also requires "[a] person, other than a committee, who makes an independent expenditure, advocating the election of a candidate . . . in an amount of \$100.01 or more in a calendar year" to file an independent expenditure report within 10 days of the expenditure "with the clerk of the county of residence of that person." MCL 169.251. An independent expenditure is "an expenditure by a person if the expenditure is not made at the direction of, or under the control of, another person and if the expenditure is not a contribution to a committee." MCL 169.209(2).

Finally, 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, and if the Department is unable to correct or prevent additional

violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” *Id.*

Mr. Rockwell alleged that you made expenditures exceeding the \$500.00 threshold and did not file a statement of organization or any required campaign finance statements. As evidence, Mr. Rockwell provided invoice number 54-33675 from image30 issued to the Committee to Elect Bill, Roger & James (Committee) for signs totaling \$499.26, invoice number 54-33774 from image360 issued to the Committee for signs and decals totaling \$306.81, pictures of a sign which stated, VOTE Nov 4th BILL TROMBLEY [,] ROGER L. MYERS [, and] JAMES A. ALEXANDER JR.” which indicated that it was paid for by the Committee, and a copy of a postcard which stated, “VOTE Nov 8th BILL TROMBLEY [,] ROGER L. MYERS [, and] JAMES A. ALEXANDER JR.”

In your response, you asserted that you “did not form a committee because there was no reason to.” You provided a letter from Aaron Posuniak on image360 letterhead which states that invoice number 54-33774 was billed incorrectly to the Committee. The letter further explains that the invoice was subsequently billed to and paid for by the Bill Trombley/Kids First committee. You also provided a corrected copy of the invoice along with a proof copy of the campaign material covered by that invoice stating it was paid for by Bill Trombley/Kids First. Finally, you provided the entire original postcard submitted in part by Mr. Rockwell with his complaint. The postcard states that it was paid for by the Committee to Elect Bill Trombley/Kids First, the Committee to Elect Roger Myers for Brighton School Board, and the Election Committee for James Allen Alexander Jr.”

The MCFA defines a committee as “a person who receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.”

While you admit that you made expenditures for campaign materials urging readers to vote for Bill Trombley, Roger Meyers, and James Alexander, Jr. for Brighton School Board, the evidence does not support a reason to believe those expenditures totaled \$500.00 or more in calendar year. The evidence originally submitted to the Department included invoices totaling \$806.07 and a copy of a postcard. However, you provided a letter and corrected invoice from the vendor stating that \$306.81 was incorrectly billed to the Committee and you provided the original postcard which indicated it was not paid for by the Committee. Based on the evidence provided, your expenditures appear to have totaled \$499.26. This amount fell below the threshold which would have required you to register a committee and file committee statements and reports.

The Department does note, however, that you were required to file an independent expenditure report because you made an independent expenditure of \$100.01 or more to advocate for the election of Mr. Trombley, Mr. Meyers, and Mr. Alexander. You filed this independent expenditure report with the Livingston County Clerk’s office when this matter was brought to your attention. The Department has confirmed with the Livingston County Clerk that an independent expenditure report was filed on March 22, 2017 disclosing your expenditure to image360 in the amount of \$499.26.

John Conely
June 26, 2017
Page 3

Because you quickly took corrective measures once your failure to file an independent expenditure report was brought to your attention and the Department is satisfied that proper disclosure has now been made, in accordance with the Department's authority to informally resolve complaints through corrective action, MCL 169.215(10), the Department now issues this warning letter.

The Department is advising you that section 51 requires you to timely file a complete and accurate independent expenditure report if you expend \$100.01 or more in a calendar year to advocate for the election or defeat of a candidate. Please be advised that this notice has served to remind you of your obligation under the Act to file an independent expenditure report, and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act.

The Department now considers the complaint resolved and this matter closed.

Sincerely,



Lori A. Bourbonais

Bureau of Elections

Michigan Department of State

c: William Rockwell