

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

February 11, 2013

Brian Wilmot, Superintendent Alpena-Montmorency-Alcona Educational Service District 2118 US 23 South Alpena, Michigan 49707

Dear Superintendent Wilmot:

The Department of State (Department) received a formal complaint filed by Kenneth Short 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. Copies of the complaint and supporting documentation are enclosed with this letter.

In Michigan, it is unlawful for a public body or individual acting on its behalf to use or authorize the use of "funds, personnel, office space... property... vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

Mr. Short alleges that you have improperly used public funds in support of a ballot question by using taxpayer-funded equipment, resources, and personnel to run a ballot question committee, create a website, and to collect funds for the committee.

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

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

A copy of your reply will be provided to Mr. Short, 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

Brian Wilmot February 11, 2013 Page 2

administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(3) of the Act.

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

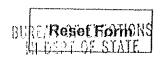
Sincerely,

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

c: Kenneth D. Short

Michigan Department of State Campaign Finance Complaint Form



This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 3: 14 169.201 et seq.).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant			
Your Name Kenneth D. Short Mailing Address		Daytime Telephone Number	
10718 Procuncer Rd			
Harrisville	State	zip 48740	
Section 2. Alleged Violator			
Name Curkids First Committee Bri Mailing Address	an Wilmon	t Chairperson	
2118 US 23 South			
Alpeno	State (V))	2ip 49707	
Section 3. Alleged Violations (Use additional shee	if more space is	needed.)	
Section(s) of the MCFA violated:			
Per Instructions from Mark Diljak - Sp. Explain how those sections were violated:	generalit	ns are unknown but in y see PAGE3,	
SEE PAGE 3			
Evidence that supports those allegations (attach copies of pertinent docu	ments and other infor	nation):	
SEC PAGE 4	·····		
5 DOCUMENTS OF S	SUPPOR	T	

Section 4. Certification (Required)	
I certify that to the best of my knowledge a reasonable inquiry under the circums complaint is supported by evidence.	
X Yout Defit	Feb 1, 2013
Signature of Complainant Section 5. Certification without Evidence (Sup	oplemental to Section 4)
Section 15(6) of the MCFA (MCL 169.215) requestion 4 of this form be included in every compunder the circumstances, you are unable to certify by evidence, you may also make the following certify that to the best of my knowledge, grounds to conclude that the following specontentions are likely to be supported by a opportunity for further inquiry. Those specifically in the section of the section	plaint. However, if, after a reasonable inquiry that certain factual contentions are supported rtification: information, or belief, there are recifically identified factual evidence after a reasonable
X Signature of Complainant	Date
Section 15(8) of the MCFA provides that a person we responsible for a civil violation of the MCFA. The person to \$1,000.00 and some or all of the expenses incurrentleged violator as a direct result of the filing of the	person may be required to pay a civil fine of up d by the Michigan Department of State and the
Mail or deliver the completed complaint form and evid	ence to the following address:
Michigan Depart Bureau of E	lections

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

Revised 06/03/2011

Section(s) of the MCFA violated:

Exact section unknown - - In taxpayer terms, misuse of <u>School Property</u> (building), equipment (computers, internet, video equipment, telephones, etc.), <u>Professional Employees</u> (Superintendent, Asst. Superintendent, Bookkeepers, Secretaries, Computer Support Personnel, and etc.), <u>Various Support</u> Personnel, utilities, and other resources.

Explain how those sections were violated:

I perceive that the AMA-ESD in attempt to navigate a loophole in the Headlee Amendment generated an Enhancement Millage Election asking the voters for 3 mill for 10 years. On or about November 29, 2012 they established Our Kids First, addressed at 2118 US-23 South, Alpena (a tax funded public school administration building) as indicated in Document 1.

This letter was sent to school employees, with employees being intimidated that if they did not donate via check being recorded at district office, would be detrimental to their careers. Although not actually stated – it is implied.

During the first part of January 2013 the Our Kids First Committee became very active by establishing a web site, video, officially organizing as a committee, and filing with Alpena County and the State, with all addresses as 2118 US-23 South. Evidenced and recorded with Alpena County with Committee ID#04-13-141.

Their web site ourkids1st.com, I believe was created with use of tax payer equipment, resources, and personnel. This web site has two letters. One to Parents/Grandparents signed by Brian Wilmont, Our Kids First Chairperson, who is the AMA-ESD Superintendent. He tells them various things to do to include "Vote YES".

His second letter to Teachers he tells teachers to contact their student's parents and ask them to support the millage. He tells them to compile a list of supporters, and provide to Principal. Then he tells them to contribute by check c/o Tony Suszek at the AMA-ESD; which again is a collection of funds at a public school building. Mr. Suszek is the Assistant Superintendent of AMA-ESD. This letter to Teachers implies (almost a directive) they accomplish certain tasks and provide information to Principals, monies contributed so if you are not a contributor or millage promoter, not only the Principal but Superintendents and ESD will be aware of those who do and those who do not.

By virtue of collecting funds at the AMA-ESD implies that not only Mr. Suzek, but mail clerks, secretaries, and possible bookkeepers are utilized at tax payer expense.

Evidence that supports those allegations...

DOCUMENT #1

Evidence that Our Kids First was organized on or about November 29, 2012 at 2118 US-23 South, Alpena, MI, -- with use of Letterhead and 2118 US-23 South address.

DOCUMENT #2

Michigan Department of State Bureau of Elections Form CFR BQSO 10/07 signed, dated and recorded on January 14, 2013 Committee ID 04-13-141. This form not only indicates organization forming date on January 10, 2013, it also provides Committee Fax#(989)-356-3385, which is the AMA-ESD fax line bought and paid for or leased by the tax payer.

DOCUMENT #3

Is Our Kids First Website letter from Mr. Brian Wilmont, Committee Chairperson. Mr. Wilmont is the AMA-ESD Superintendent and the overall Superintendent of all four school districts (Alcona, Atlanta, Hillman, and Alpena) where this millage is taking place.

It shows where Wilmont told teachers and parents certain things to do and where to send contributions. Suggest you view entire web site, and Facebook page where negative comments are not accepted and you are unfriended.

DOCUMENT#4

Is an open letter to the public published in the Alcona County Review, January 30, 2013. It is on Our Kids First format signed by Mr. Petrovich, with a disclaimer stating that this letter was paid for with funds from Our Kids 1st Committee. He states that he and his wife have been working on this millage for over 2 ½ months. (Reference back to Document #1 -- where teachers were asked to fund millage, It shows Our Kids First Committee was active on November 29, 2012 at 2118 US-23 South, Alpena MI).

DOCUMENT #5

Is an ad that was published in the Alcona County Review on January 30, 2013. It is inviting people to attend a Community Forum on Thursday, February 7, 2013 beginning at 7:00 a.m. RSVP is **required** to Donna Meyer, who is the personal secretary to Mr. Wilmont. Who paid for this ad? Why RSVP—maybe no seating for opposition? If it is breakfast, brunch or lunch, who is paying for it? Tax dollars? Probably.

I is my belief, maybe wrong, but it certainly implies wrong-doing by the AMA Superintendent, Assistant Superintendent, and originators of Our Kids Fist web site.

Thank you, Ken Short Con Skill

Please help the tax payer keep this millage on a level playing field.

OUR KIDS FIRST

2118 US 23 SOUTH **ALPENA, MI 49707**

November 29, 2012

Dear Colleagues,

As we prepare for the Enhancement Millage on February 26th, we need to raise funds for the campaign. The easiest way to raise the necessary funds for the campaign and at the same time expend the least amount of energy possible on everyone's part is through donations!

The Millage Steering Committee of the Our Kids First Campaign is suggesting that each employee donate 1/10th of 1% of his/her annual pay toward the campaign. By keeping the donation relative to your pay, we feel this will be more equitable to all. Please remember that since this is a 10 year millage, we are hoping that we will not need to request additional donations from you in the next 10 years. If you divide the donation by 10 years, it is really a small amount to donate for something that can truly have a big impact on our schools. We would like to have everyone donate by December 7.

EXAMPLES

GROSS ANNUAL PAY	SUGGESTED DONATION
\$15,000	\$15.00
20,000	20.00
30,000	30.00
50,000	50.00
70,000	70.00
- 100 000	100 00

Brion Wilmot Bient Holcomb, Shown Olson, Shown Thurton, This request is being made on a voluntary basis. Donors and amounts will not be made public; however, the Campaign is legally required to report to the County Clerk's Office any donations in excess of \$20 with the person's name. You make your donation payable to Our Kids First and send it to the District Office. The checks will be delivered to the campaign treasurer.

Please consider the suggested donation as a way to save us all some time and energy for more important campaign activities-Thanks!

Bob Petrovich, Local Steering Committee Chair

As you donate what amounts to "a pennance" corepored to your solory - please think of the with for ten years.



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

POCHMENT#2

9.05.

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

1. Commiltee ID#: 04-13-14/	11. Name and Address of Depositories or Intended Depositories of
2. Type of Filing:	committee funds. a. Official Depository
✓ Original	Alpena Alcona Area Credit Union
Amendment to Items: Eff. Date:	1100 S. Bagley Street
3. Date Committee was Formed: 01/10/13	Alpena, MI 49707
4. Full Name of Committee:	b. Secondary Depository
Our Kids First Committee	
Acronym or Abbreviation (if any):	
6. Complete Committee Mailing Address (May be PO Box):	12. Complete if Committee is being registered to support or oppose a specific ballot proposal: Support or Oppose
Our Kids First Committee	Description: AMA ESD Enhancement Millage (2-26-13)
2118 US Highway 23 S	If not a statewide proposal, list the county, city, township, village or school
Alpena, MI 49707 7.Complete Committee. Street Address (May not be PO Box):	district involved. If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside: Statewide
	County:
,	Multi County: Apena, Montmorency, Alcone, Presqua Isla
Committee Phone #: (989) 354-1523	Local:
Committee Fax #: (989) 356-3385	13. ELECTRONIC FILING: This item applies to committees that file with
Committee E-mail Address:	the Michigan Department of State Bureau of Elections only and does not apply to Ballot Question Committees that file with the County Clerk's
Committee Website Address: ourkids1st.com	office.
8. Treasurer Name and Complete Address:	The Campaign Finance Act requires any committee that files with the Secretary of State and spends or receives \$20,000 in the preceding calendar year OR expects to spend or receive \$20,000 in the current calendar year to
Donald Mills 2118 US-23 South	file campaign statements electronically. MERTS Plus software is provided to you free of charge to assist you in meeting this requirement.
Alpena, MI 49707	Committee spent or received or expects to spend or receive in excess of \$20,000 and is required to file electronically.
Phone #: (989) 354-1523	" OR "
E-mail Address: _dmills@aaacu.com	Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily.
Designated Record Keeper Name and Complete Address:	14. Verification: I/We certify that all reasonable diligence was used in the
Tony Suszek	preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or bellef. If filing electronically,
114 Kensington Ct.	we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by
Alpena, MI 49707	the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that
Phone #: (989) 356-4434	the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date below)
/	C-1 M/ 1/11/2013
E-mail Address: suszektj@charter.net	Current Treasurer / (Date)
REPORTING WAIVER REQUEST: If the committee does not expect to receive or expend in excess of \$1,000 in an election and checks this box; the filing requirement of pre, post and annual campaign statements is waived. The Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold.	Designated Record Keeper (Date) (Required only if filing electronically)

HOME

ENDORSEMENTS

CONTACT US

FAO

THE BROCHURE

THE VIDEO

Our Kids Need Our Help

Alcona, Alpena, Atlanta, and Hillman School Districts



"Our Kids First" February 26



A Message to Parents and Grandparents

Dear Parents and Grandparents,

On Tuesday, February 26, registered voters in the four public school districts of Alcona, Alpena, Atlanta, and Hillman will be asked to vote in support of a Regional Enhancement Millage.

The outcome of this election is crucial to the future of the public schools in our area. All of our area schools are in financial distress. As a result, schools have had to cut programs, reduce staff resulting in large class sizes and split-grade classrooms, forgo the purchase of new busses or upgrade technology for your children, and have been unable to invest in early childhood and other important initiatives to help area students get the best education possible. Sadly, if the millage falls, things will only get worse.

I'm sure this is not acceptable to you. Now, we all have a chance to vote on what the future for "Our Kids" will look like. This may be our only chance to ensure a brighter future for our area children. As a parent, here are some things you can do to belo:

- Personally contact your family members and friends to share information about the miliage. Encourage
 them to attend one of the miliage forums being held in area schools, and to ask them to talk to others in
 support of the miliage.
- "Like us" on Facebook at http://ourkids1st.com on your own Facebook page
- Put together a list of names of people you know who are miliage supporters and give the list to your principal for delivery to your local district steering committee.
- · Vote "YES" on February 26 and remind other supporters to do the same on election day!

My wife and I raised three children that graduated from Alpena Public Schools and my grandson is a future APS student. I know your kids and grandkids are the most important thing in the world to you. You and your efforts can make the difference! Let's not let this opportunity to put "Our Kids First" slip away from us.

Sincerely, Brian Wilmot AMA Our Kids First Chairperson

A Message to Area Teachers

Dear Teacher,

Our area is blessed with many excellent teachers. Many of you routinely go "above and beyond" to make sure that your students get the best educational experience you can give them. As your colleague, a father of three successful graduates of Aipena Public Schools, and the grandfather of a future public school student, I want to thank you for the important work you do every day for area children.

No one knows better than you, the very difficult times we in public education are currently facing. A sluggish economy, cuts in State Ald to schools, and decilning enrollment have all contributed to a funding crisis in our public schools. There are no signs that help for schools will come from Lansing or Washington D.C.; however, we can do something on the local level to take care of our own and put "Our Kids First". The Regional Enhancement Millage is our opportunity as a community to invest in our area children. We do not have to accept that the current and future generations of school children will have less opportunity and that our schools will have to cut programs and services to Our Kids. Together we can decide that Our Kids are too important to us to just stand by and watch our local public schools fail.

I am appealing to you as professional educators, parents, and as leaders in our community to get involved in this extremely important campaign. Some things you can do include: Personally contact the parents of your students to share information about the millage, to encourage them to attend one of the millage forums being held in area schools, and to ask them to ask their family and friends to support the millage.

- Personally contact the parents of your students to share information about the millage, to encourage them
 to attend one of the millage forums being held in area schools, and to ask them to ask their family and
 friends to support the millage.
- "tike us" on Facebook at http://ourkids1st.com on your own Facebook page
- Make a contribution by check to the "Our Kids First" committee c/o Tony Suszek at AMA ESD.
- . Wear an "Our Kids First" button both at work and when you are out in the community.
- Put together a list of names of people you know are militage supporters and give the list to your principal
 for delivery to your local district steering committee.

This may be our only chance to keep our schools from going broke and to ensure a brighter future for Our Kids. Let's not look back the day after the election and wish we would have done more. Together we can make a difference and put "Our Kids First".

Thanks for all you do for your students. I'm proud to call you colleagues!

Sincerely,

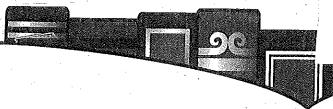
Brian Wiknot AMA Our Kids First Chairperson

This website paid for by the Our Kids First Committee 2118 US. 23 South, Alpena HI 49707

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POCUMEUT #4

CLIPPED FROM ALCONA COUNTY REVIEW JAN 30, 2013



Our Kids 1st

For the last 2½ months Connie and I have been part of an ongoing conversation around our community about the enhancement millage. We haven't been alone in that effort. We have been joined by a growing group of people in and out of the school setting. But this is our perspective. There has been a vigorous and sometimes even accurate exchange. The focus has been on money. It's an adult conversation, you see, that revolves around blame, finger pointing and suspicion; a classic adult debate. Example: "Teachers are overpaid and we suspect anyone who is associated with the school to hide behind kids for their own self interest." Or: "The private sector is full of selfish people who have plenty of money and should willingly throw it in the public pot. No accountability. Keep your mouth shut and pay up." Not much to build from in any of that. We bet you agree.

We all are products of the choices we have made: where we live; what we do; continuing education or not; buy land or not; retire or not. These are many choices, often times led by the question, "How does this benefit me?" Or not. We have 779 kids in our local schools, far fewer than in 1975 when we moved here. Here is what's stunning to us, kids are almost never at the core of this debate. Kids, if you haven't noticed are largely non-partisan and are in charge of very few of the most critical decisions that affect their lives, as it should be. It is our job to make those choices with their best interest in mind.

Connie and I have empathy for the circumstances adults face, however, they have all decided. Teachers have decided, business owners, retirees, laborers have all decided. We have 779 kids whose lives have not yet taken form. They have not yet decided. It's our job to educate them so they can build a better life for themselves and just as important contribute to the community they live in. Our sons have moved away and our grandchildren will never attend our schools. But the kids who are here are all of our responsibility, period.

If you think Lansing will reach out to fix this problem in time, so our local schools are not further damaged, we don't. We don't trust Lansing for a second. What we do trust, is the people of our own community. Maybe we could do this together, as adults, and help build a platform for our kids to make better choices than we have made. We have decided to vote yes on February 26th. We hope we can count on you too.

Thanks for listening, Connie and Bob Petrovich Jim and Robyn Hart Co-chairs Our Kids 1st

Why Are We Asking For Your Help? Funding History

Budget History 2004 to 2012

The district has lost \$1,834,000 in revenue due to declining enrollment and decreases in per pupil funding in relation to increasing expenses and inflation.

Enrollment History 2004 to 2012

1048 students to 779 students. A loss of 269 pupils.

Per Pupil Funding History 2008 to 2012

\$7,359 per pupil to \$6,966 per pupil. A reduction of -\$393.00.

What's Gone Away To Balance The Budget?

19.5 teachers Academic/career counselor Bus routes 26 support staff

K-12 Vocal music Athletic transportation Regular facility maintenance K-12 Instrumental music Elective courses Four Administrators Librarians

Our school is hosting a community forum on February 21, in the auditorium at 7 p.m. Please join us for a conversation about what we value and what this means for our community.

For more information see our website at www.ourkids1st.com

Paid for by Our Kids 1st 2118 US-23 South, Alpena, MI 4970

DOCHMENT HS

CLIPPED FROM

ALCONA GOUNTY REVIEW

JAN 30, 2013

COMMUNITY INVITATION

If you are interested in learning more about the upcoming enhancement millage election

Please join us for a Community Forum on Thursday, February 7, 2013 beginning at 7:00 a.m.

RSVP is **required** to Donna Meyer By February 1, 2013 at (989)354-8216 or E-mail meyerd@amaesd.org

AMA ESD, 2118 US-23 South, Alpena



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

February 25, 2013

Kenneth D. Short 10718 Procunier Road Harrisville, Michigan 48740

Dear Mr. Short:

The Department of State received a response to the complaint you filed against Brian Wilmot, 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 <u>within 10 business days</u> of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Singerely,

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

c: Brian Wilmot



ALPENA-MONTMORENCY-ALCONATATE EDUCATIONAL SERVICE DISTRICT 2: 57

Brian G. Wilmot, Superintendent

2118 U.S. 23 South Alpena, MI 49707

(989) 354-3101 Fax: (989) 356-3385

February 18, 2013

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

Dear Ms. Bourbonais,

I am writing in response to your letter dated February 1, 2013 and the formal complaint filed by Kenneth Short alleging violations of the Michigan Campaign Finance Act. In this response to Mr. Short's complaint, I will attempt to address each allegation and document used by Mr. Short separately as they appear on pages three (3) and four (4) of Mr. Short's complaint.

Page three of Mr. Short's narrative contains various allegations which constitute his complaint.

Paragraph 2:

- Mr. Short asserts that AMA placed the "Enhancement Millage Election" on the ballot via a "loophole in the Headlee Amendment". Enhancement millages are authorized by Michigan law. Calling an enhancement millage a "loophole" in the Constitution or law is obviously a mischaracterization and a complete disregard of Michigan law.
- the mailing address as the AMA ESD address, which is 2118 US 23 South, Alpena, Michigan. The address was simply listed to comply with the requirement to provide an address for the campaign. It was never the intent to receive correspondence at this address or to suggest that the campaign was run from that location. When questions arose about the use of AMA ESD's address, the Our Kids First Committee changed its address and completed the appropriate forms that listed the new address. The documentation was filed with the County Clerk. The use of the AMA ESD address has been the practice in previous millage elections. Mere use of the address has never been considered to be a use of AMA ESD resources or an expenditure under the Michigan Campaign Finance Act (MCFA). Merely listing the address on documents did not result in

- any expense to AMA ESD and did not cause any AMA ESD property, facilities, equipment or resources to be utilized.
- Mr. Short referenced his accompanying "Document # 1" as evidence supporting the aforementioned allegations. Document # 1 appears to be a letter sent by a private citizen not employed by AMA ESD, Mr. Bob Petrovich, to teachers in Alcona Community Schools. This letter is not related to the establishment of the Our Kids First Committee, does not involve use of AMA ESD resources and does not constitute an expenditure under the MCFA. There is no published guidance or authority suggesting that an address is a resource.

Paragraph 3:

- Mr. Short's complaint alleges that the letter (Document # 1) sent by Mr. Petrovich, a private citizen not employed by AMA ESD, intimidated employees and implied that failure to donate to the campaign would be "detrimental to their careers". However, the content of that letter does not suggest any form of intimidation or implied threats being made by Mr. Petrovich. In fact, in the second to last paragraph of his letter, he wrote "This request is being made on a voluntary basis."
- Since Mr. Petrovich is not employed by AMA ESD or Alcona Community Schools, he has no control over employment decisions. Thus, the claim that the failure to donate would be detrimental to the careers of employees is baseless.

Paragraph 4:

- Paragraph 4 of Mr. Short's complaint again references the use of the 2118 US 23 South address. (See Document # 2). As stated earlier in this response, simply using the address on Our Kids First Committee documents does not constitute the use of an AMA ESD resource. However, at the first suggestion that use of address may be improper, the Our Kids First Committee took immediate action to change its address.
- Paragraph 4 of Mr. Short's complaint is misleading because it falsely insinuates that the Our Kids First Committee activities mentioned in Paragraph 4 took place at the AMA ESD.

Paragraph 5:

- Mr. Short alleged that the website ourkids1st.com was created with the use of taxpayer equipment, resources, and personnel. Those claims are not true. In fact, the website was created by Mr. Todd Kruger, an AMA employee, on his own time using equipment not owned by AMA ESD and at his own expense.
- Mr. Short alleges that I wrote the letter to Parents and Grandparents referenced by Mr. Short (Document # 3). That allegation is correct. However, the letter was written and submitted to the website on my own personal time. I did not "tell" readers to "Vote Yes". I simply listed "things you can do to help".

Paragraphs 6 and 7:

- Document 3 contains two letters authored by me. Both letters were written on
 my own personal time. Mr. Short referenced my "letter to Teachers" and notes
 that it contains a list of "things you can do". Contrary to Mr. Short's claim, merely
 identifying things teachers could do does not constitute a directive to do those
 things.
- I did not instruct teachers to mail their donations to Mr. Suszek. Mr. Suszek has volunteered his own time as the "Designated Record Keeper" and he has not received any donations from area teachers mailed to the AMA office. (*See affidavit signed by Mr. Suszek)
- I have no supervisory authority or control over teachers employed by constituent school districts. Thus, the notion that I could direct them to do things, and the suggestion that I could take adverse action if they failed to do so, are incorrect.
- Mr. Short alleges that in addition to Mr. Suszek, mail clerks, secretaries, and bookkeepers were utilized in the collection of millage funds at AMA ESD. This is untrue. The fact is that no funds were mailed to AMA ESD by area educators. Hence no mail clerks, secretaries or bookkeepers were utilized in the collection of such funds. (*See affidavit signed by Mr. Suszek)
- Mr. Suszek acted as the "Designated Record Keeper" entirely on his own personal time.

Document # 2:

While not specifically related to any of Mr. Short's allegations on page three of his complaint, his narrative related to document #2 alleges the misuse of AMA ESD's fax number. The fact is that not a single fax has been sent or received related to the campaign using the AMA ESD fax number. The fax number was removed from the campaign filing at the same time the address was changed. This was done to eliminate any misconception of use of AMA ESD equipment and property.

Document # 4:

• It appears that Mr. Short attached Document # 4 to his complaint because it contains the 2118 US 23 South address. Document #4 is an advertisement paid for by the Our Kids First Committee and placed in the Alcona County Review by community volunteers not employed by AMA ESD or any local school district. As stated earlier in this response, we do not believe that the simple identification of an address qualifies as the use of a district resource or constitutes an expenditure. When this issue was first mentioned as a concern, the Our Kids First Committee changed its official address.

Document #5:

- Mr. Short's complaint refers to Document #5 as an ad "clipped from the Alcona County Review Jan 30, 2013". Mr. Short correctly stated that the ad invited the public to attend a community forum on February 7, 2013 at AMA ESD.
- AMA has held other community forums on a variety of educational matters.
- This forum was an **informational forum** open to all members of the AMA ESD community. A panel discussion was held by the area superintendents and questions were fielded from those in attendance.
- There were no Our Kids First campaign materials used or available at the informational forum and there was no "Vote YES" message delivered.
- The RSVP was required in order to plan and set up for the number of attendees. No one was turned away and all were welcome.
- The ad was legitimately paid for by AMA ESD.

I hope that this letter adequately addresses Mr. Short's complaint and I invite you to contact me if you have questions or desire additional information.

Same

Brian Wilmot

Superintendent, AMA ESD

AFFIDAVIT OF ANTHONY A. SUSZEK

I, Anthony Suszek, attest that the following is true:

I have acted as the volunteer Designated Record Keeper solely and entirely on my own personal time.

I did not receive any donations from area educators mailed to the address of AMA ESD 2118 US 23 South. No mail clerks, secretaries, or bookkeepers were utilized in the collection of such funds

I did not receive any campaign material faxed to me using the AMA ESD fax# (989) 356-3385.

I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated:February 15, 2013

Anthony A. Suszek

The foregoing affidavit was acknowledged before me, a Notary Public, this <u>15th</u> day of February, 2013, being of his own free act and deed.

Donna M. Meyer (signed)

Donna M. Meyer

____ (printed or typed)

Notary Public, State of Michigan, County of Alpena

My commission expires: August 21, 2018

Acting in the County of Alpena



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

March 7, 2013

Brian Wilmot, Superintendent Alpena-Montmorency-Alcona Educational Service District 2118 US 23 South Alpena, Michigan 49707

Dear Superintendent Wilmot:

This letter concerns the complaint that was recently filed against you by Kenneth Short, which relates to purported violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq*. The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 60 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Short's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

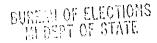
Sincerely,

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

xi A Bourbonow

c: Kenneth Short



Lori Bourbonais Michigan Department of State, Bureau of Elections Richard H. Austin Building 1st Floor 430 West Allegan Street Lansing, Michigan 48918 208 417 -5 71 7: 211

Dear Ms. Bourbonais,

In regards to your February 25, 2013 letter concerning the response of Mr. Brian Wilmot to the allegations of violating the Michigan Campaign Finance Act of 1976, and Public Act 31 of 2012, the following rebuttal is offered and will provide further evidence of campaign violations.

- 1) Mr. Wilmot, in his responding letter, admits to listing the AMA-ESD office as the mailing address for the "Our Kids 1st" ballot question committee. He states, "The address was simply listed to comply with the requirement to provide an address for the campaign." In fact, the requirement is to abide by the MCFA which requires a legal address. Since it is illegal to use public "office space" for campaign purposes, the AMA-ESD is not a legal address, and by allowing "Our Kids 1st" to use the address, Mr. Wilmot violated the law.
- 2) An assertion is made by Mr. Wilmot that the AMA-ESD office has been used for campaign purposes in previous millage elections and that it was never considered illegal. However, Mr. Wilmot does not provide any legal opinions from the Secretary of State Elections Division or Attorney General's office to back up his claim. In fact, it is only his opinion. What Mr. Wilmot has actually done is admit to multiple previous violations of the MFCA.
- A claim is made that "merely listing the address on documents did not result in any expense to AMA-ESD and did not cause any AMA-ESD property, facilities, equipment or resources to be utilized." Once again, Mr. Wilmot is incorrect. Public Act 31 of 2012 states, "a public body shall maintain strict neutrality in each election." An address of a physical location is in fact a resource of a public body, and the AMA-ESD is a public body. Further, when Mr. Wilmot states on page two of his letter that "at first suggestion that use of address may be improper, the Our Kids First Committee took immediate action to change its address," he neglected to say that it was not until February 12, 2013, more than a week after receiving the letter from you, that they bothered to change the address to a post office box. (Attached document one Amended Statement of Organization form) Further, it is not the responsibility of the public to suggest what may be improper, it is the responsibility of the AMA-ESD as a public body to make sure it is acting in compliance to the law. Meanwhile, according to their pre-election filing, they received \$5,772 worth of donations during the time period the committee claimed the address of the AMA-ESD office. The Treasurer address during this time is also the AMA-ESD address. All of this creates an egregious violation of the MFCA.
- 4) Mr. Wilmot denies the Our Kids 1st website was created using public resources. In fact, the AMA-ESD is listed as the registrant of the domain name, and Todd Krueger, who works for the AMA-ESD district, has his official school district email address listed as the contact. All domain name registration verification emails that he received at that email address are by law a violation of the MFCA. Further, the AMA-ESD official website had a link to the Our Kids 1st campaign website, an action clearly prohibited by MFCA as interpreted by the October 31, 2005 letter of Secretary of State Terri Lynn Land to Mr. David Murley of the Michigan House of Representatives. (Attached document two domain registration info; attached document three screen shot of AMA website)

- On the bottom of page two, Mr. Wilmot admits to writing a letter to Parents and Grandparents about the millage. However, he states that he did not "tell" readers to vote yes. Since the letter in question, which was attached to the original complaint, clearly reads in bulleted paragraph four, "Vote "YES" on February 26 and remind other supporters to do the same on election day," it is hard to fathom what Mr. Wilmot expects people to believe. The only reasonable explanation is that by putting the word "tell" in quotes in his response, he is playing word games to avoid perjuring himself. Certainly he did not "tell" them to vote yes, but he irrefutably "wrote" that they should vote yes. This response by Mr. Wilmot seems to be making a mockery of the law.
- Concerning the charges about Mr. Suszek, the assistant superintendent, handling donations at the AMA-ESD office, Mr. Wilmot again appears to be playing word games. He repeatedly states that no donations were "mailed" to the AMA-ESD office. The original charge made no mention of donations being mailed. It simply took the language of Mr. Wilmot's letter to teachers that asked them to "make a contribution by check to the "Our Kids First" committee c/o Tony Suszek at AMA-ESD." Mr. Wilmot asserts that Mr. Suszek acted entirely on his own time. Yet, the letter from Mr. Wilmot asked that contributions in some unspecified way get to "Tony Suszek at AMA-ESD." There is no legal way Mr. Suszek can receive donations at the AMA-ESD office, regardless of whether they were mailed or brought in the front door. Public Act 31 demands "strict neutrality" by a public body, thus the AMA-ESD cannot have the slightest hint of favoring the Our Kids 1st committee. On his own time, Mr. Suszek is free to do as he wishes, but "Tony Suszek at AMA-ESD" is required by law to be neutral.
- 7) Finally, as you will note in the attached pre-election campaign filing for the Our Kids 1st committee, there are many unusual donations that are recorded for January 10, 2013. The very first donation listed is for \$112 from a secretary who works at the AMA-ESD office. Other donations include \$28, \$112, \$111, \$48, \$63, \$32, \$51, and \$43. Those are not typical amounts for check written donations. Many of these donations are from people who work for the AMA-ESD. Given that there were several campaign events prior to forming the Our Kids 1st committee, and that people witnessed envelopes with cash being handed up to the organizers, is seems possible that the odd amounts are in fact the cash donations being falsely claimed by employees of Mr. Wilmot. If there was some particular reason for non-typical donations, it disappeared after January 10, as the campaign statement clearly shows.

In summary,

Mr. Wilmot admits using the AMA-ESD office address for the Our Kids 1st committee. According to the committee pre-election filing, they collected campaign donations of \$5,772 at that address because during that time both the committee and treasurer addresses were the AMA-ESD office address.

There is documented evidence that the AMA-ESD functioned as the registrant of the Our Kids 1st website and Mr. Krueger used his official school district email address for related correspondence.

Contrary to Mr. Wilmot's ridiculous claim that he did not "tell" parents and grandparents to vote yes, the evidence is irrefutable that he indeed wrote the words on a campaign website registered by the AMA-ESD with the AMA-ESD physical address appearing on the bottom of the website. He also wrote that teachers should take contributions to "Tony Suszek at AMA-ESD."

The pre-election filing of the Our Kids 1st committee, when put in the context of the multiple MFCA violations, contains many red flags that may point to money laundering of cash donations by AMA-ESD employees.

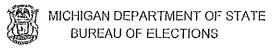
In totality, Mr. Wilmot displays a cavalier attitude toward the MFCA and Public Act 31 of 2012 by not once acknowledging the importance of public bodies remaining neutral and instead offering his own interpretations of the law to justify violations in previous campaigns. Mr. Wilmot also insults the intelligence of the public and the Secretary of State's office by denying actions that are clearly documented. Claiming that he did not say "Vote YES" when in fact he did, raises the question of whether Mr. Wilmot even meets the ethical standards required for public service.

Thank you for your attention to this matter and your work ensuring that public officials do not violate the public trust by improperly using their position to improperly influence elections.

Ken Short

1071 East Procunier Harrisville, MI 48740

989 - 736 -3190



Document #1

ORIGINAL OR AMENDED STATEMENT OF ORGANIZATION FORM FOR BALLOT QUESTION COMMITTEES

1. Committee ID #: 04-13-141	Name and Address of Depositories or Intended Depositories of committee funds.
2. Type of Filling:	a. Official Depository
Original	
Amendment to Items: 6, 7,8 Eff. Date: 02/12/13	
3. Date Committee was Formed:	
4. Full Name of Committee:	b. Secondary Depository
5. Acronym or Abbreviation (if any):	
6. Complete Committee Mailing Address (May be PO Box):	Complete if Committee is being registered to support or oppose a specific hallot proposal: Support or Oppose
Our Kids First Committee	Land Vision
P.O. Box 118	Description:
Alpena, MI 49707	If not a statewide proposal, list the county, city, township, village or school district involved. If multi-county, list the county where the greatest number of
7.Complete Committee, Street Address (May not be PO Box):	voters eligible to vote on the proposal reside: Statewide
15548 Carr Road	
Posen, MI 49776	County:
,	Multi County:
Committee Phone #: (989) 354-1523	Local:
Committee Fax #:	13. ELECTRONIC FILING: This item applies to committees that file with
Committee E-mail Address:	the Michigan Department of State Bureau of Elections only and does not apply to Ballot Question Committees that file with the County Clerk's
Committee Website Address: Ourkids1st.com	office.
Treasurer Name and Complete Address:	The Campaign Finance Act requires any committee that files with the
Donald Mills	Secretary of State and spends or receives \$20,000 in the preceding calendar year OR expects to spend or receive \$20,000 in the current calendar year to
15548 Carr Road	file campaign statements electronically. MERTS Plus software is provided to you free of charge to assist you in meeting this requirement.
Posen, MI 49776	Committee spent or received or expects to spend or receive in excess of
	\$20,000 and is required to file electronically.
Phone #: (989) 354-1523	** OR *^
E-mail Address: donaldandbarbie@yahoo.com	Committee did not spend or receive or does not expect to spend or receive in excess of \$20,000 and would like to file electronically voluntarily.
9. Designated Record Keeper Name and Complete Address: Phone #:	14. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or bellef. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date below)
THORE II.	2-12-2013
E-mail Address:	Corrent Treasurer (Date)
10. REPORTING WAIVER REQUEST: If the committee does not expect	
to receive or expend in excess of \$1,000 in an election and checks this box; the filing requirement of pre, post and annual campaign statements is	
waived. The Reporting Walver will be automatically lost if the committee exceeds the \$1,000 threshold.	Designated Record Keeper (Date) (Required only if filing electronically)
exceeds the \$1,000 lineshold,	

Document #2

ourkids1st.com

Current Registrar: GODADDY.COM, LLC

IP Address: 184.168.175.1 (ARIN & RIPE IP search)

Lock Status: clientDeleteProhibited

The data contained in GoDaddy.com, LLC's WhoIs database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" field. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database.

Registered through: GoDaddy.com, LLC (http://www.godaddy.com)

Domain Name: OURKIDS1ST.COM

Created on: 11-Jan-13 Expires on: 11-Jan-14 Last Updated on: 11-Jan-13

Registrant:
AMAESD
11271 M32
Lachine, Michigan 49753
United States

Administrative Contact:

Kruger, Todd krugert@amaesd.org AMAESD 11271 M32 Lachine, Michigan 49753 United States 9894640826



Educational Service District



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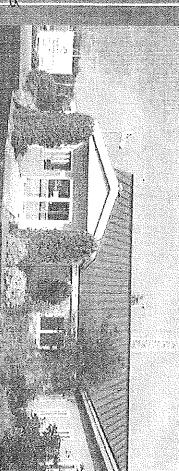
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Alpena-Montmorency-Alcona Educational Service District



Budget and Salary/Compensation

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Rec'd 2/15/13 PD pn



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

BALLOT QUESTION COMMITTEE COVER PAGE

				FOR OFFICIAL USE ONLY
Report must be legible, typed or pri- treasurer or designated record keep	nted in ink and signed by the		3.This Statement covers From: 01/10/13	3 To 02/10/13
1. Committee I.D. Number 04			4. Committee's Malling Address P.O. ALP	BOX 118 ENA, MI 49707
2. Committee Name OUR KIDS FIRST			Area Code and Phone: (989) 354-152 If the address in this box is different from the Statement of Organization, mail may official.	13 In the committee mailing address on the sent to this address by the filing
5. Treasurer's Name and Residentia DONALD MILLS 15548 GARR ROAD POSEN, MI 49776				
Area Code and Phone (989) 354-	-1523		A PROPERTY OF THE PROPERTY OF	
6. Treasurer's Business Address 1100 S. BAGLEY STREE ALPENA, MI 49707	Ξ T	TONY.	signated Record Keeper's Name and Me the committee has a Designated Record SUSZEK NSINGTON COURT IA, ML 49707	elling Address Keeper)
Area Code and Phone (989) 356-3	3577	Area (Tode and Phone (989) 356-4434	P==49
8. TYPE OF STATEMENT: 8a. PRE-ELECTION OR POST-ELECTION Pre-Election or Post-Election Statement relates to PRIMARY GENERAL SCHOOL SPECIAL OTHER Date of Election: 92/26/13	8b. X FEBRUARY STATEMENT APRIL STATEMENT JULY STATEMENT OCTOBER STATEMENT 8c ANNUAL STATEMEN Coverage Year)		Bd: Post Pelition Sample Filing under MCL 168.483ar (Required of Statewide Ballot Ouestion Committees only after the submission of a sample petition prior to circulating the petition) Be: AMENOMENT TO CAMPAIGN STATEMENT (Complete Item 83. 85, 8c 8d, or 8f to indicate which Statement is being amended)	By checking this item, I certify that the committee has no assets or outstanding debts, including late filing fees. Note: The disposition of residual funds must be reported on Schedule 4B and the Summary Page.
	able diligence was used in the	prepara	ampaign Statements. The Campaign S and outstanding debts count against the officemation was shown on the committee paign Statement. If a request for a Re impaign statement can not be waived tion of this statement and attached scho	
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MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

SUMMARY PAGE BALLOT QUESTION COMMITTEE

1. Committee I.D. Number 04-13-141

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MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

ITEMIZED CONTRIBUTIONS SCHEDULE 4A

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MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

ITEMIZED CONTRIBUTIONS SCHEDULE 4A

04-13141 1. Committee J.D. Number

Please enter contributors name and address. If contribution is from an individual, enter last name, first name, middle initial.			6. Amount	7. Cumulative for Election Cycle for Each Contributor (Through date of receipt)
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