



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

October 8, 2013

Carla Filkins
P.O. Box 61
Cadillac, Michigan 49601

Dear Ms. Filkins:

The Department of State (Department) received a formal complaint filed by Julie Theobald 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 material. A copy of Ms. Theobald's 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), 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(5).

In support of her complaint, Ms. Theobald provided copies of a donation reply card for Friends of Carla Filkins and a flyer which states "CARLA FILKINS FOR MAYOR [.]". It appears that the paid-for-by statement is omitted from this material.

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

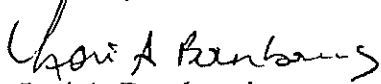
If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter. Please include any evidence that reflects any corrective measures you have taken to bring your campaign material into compliance with the MCFA. Your response may include 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 Ms. Theobald, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]". MCL 169.215(10). Note that the Department's

enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 47(5) of the Act.

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

Sincerely,

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

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Julie Theobald

Michigan Department of State
Campaign Finance Complaint Form

2013 OCT 11

Reset 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 169.201 *et seq.*).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant			
Your Name		Daytime Telephone Number	
Julie A. Theobald		231-942-8673	
Mailing Address			
926 Sundberg st			
City	State	Zip	
Cadillac	MI	49601	

Section 2. Alleged Violator		
Name		
Carla Filkins or Friends of Carla Filkins		
Mailing Address		
P.O. Box 61		
City	State	Zip
Cadillac	MI	49601

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

Section(s) of the MCFA violated:

Identification Requirements - Section 47 of the Act (MCL 169.247)

Explain how those sections were violated:

Does not include: "Paid for by" on this material.

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

Letter, envelopes, and donation reply card.

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

Julie H. Sheehy
Signature of Complainant

9/27/13
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 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

COMPLAINT PROCESS

If you believe someone has violated the Michigan Campaign Finance Act (the MCFA), you may file a written complaint with the Department of State (the Department). The complaint must include all of the following:

- Your name, address and telephone number.
- The alleged violator's name and address.
- A description in reasonable detail of the alleged violation, including the section or sections of the MCFA you believe were violated, an explanation of how you believe the MCFA was violated, and any other pertinent information.
- Evidence which supports your allegations.
- A certification that:

To the best of your knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence.

- However, in addition, if after a reasonable inquiry under the circumstances, you are unable to certify that certain specifically identified factual contentions of the complaint are supported by evidence, you may also certify that:

To the best of your knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

- Your signature immediately after the certification or certifications.

If you wish to have your complaint considered, it must include all of the above information. The Department may dismiss your complaint if any item is not included, or if the complaint is determined to be frivolous, illegible, or indefinite. If the complaint is dismissed, both you and the alleged violator will be notified.

A form for filing a complaint may be obtained from the Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726, or on the Department's web site at <http://www.michigan.gov/sos/>.

The completed form should be sent to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building – 1st Floor
430 West Allegan Street
Lansing, MI 48918
Telephone: (517) 373-2540

If your complaint meets the above requirements, the Department will notify the alleged violator that a complaint has been filed. The notification will include a copy of your complaint. The alleged violator will have an opportunity to file a response. You will have an opportunity to file a rebuttal to any response. You and the alleged violator will receive periodic reports about the actions taken by the Department concerning your complaint.

If the Department finds no reason to believe that your allegations are true, your complaint will be dismissed.

If the Department finds that there may be reason to believe your allegations are true, the Department must attempt to correct the violation or prevent further violations by informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the alleged violator.

If the Department is unable to correct the violation or prevent further violations informally, an administrative hearing may be held to determine whether a civil violation of the MCFA has occurred, or the matter may be referred to the Attorney General for the enforcement of criminal penalties. An administrative hearing could result in the assessment of a civil penalty. Such a hearing would be conducted in accordance with the Michigan Administrative Procedures Act. An order issued as a result of such a hearing may be appealed to the appropriate circuit court.

WARNING: Section 15(8) of the MCFA (MCL 169.215) provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. Under section 15(14) of the MCFA (MCL 169.215), the Secretary of State may require a person who files a complaint with a false certification to:

- Pay the Department some or all of the expenses incurred by the Department as a direct result of the filing of the complaint.
- Pay the alleged violator some or all of the expenses, including, but not limited to, reasonable attorney fees, incurred by that person as a direct result of the filing of the complaint.
- Pay a civil fine of up to \$1,000.00.

If you have any questions about the complaint process, please write or call the Legal and Regulatory Services Administration.



CARLA FILKINS FOR MAYOR

FRIENDS OF CARLA FILKINS ~ P.O. BOX 61 ~ CADILLAC ~ MICHIGAN ~ 49601

September 8th, 2013

Dear *Joe & Julie,*

I am very concerned about the state of affairs with our current city council and specifically the actions of our mayor. I believe change is needed to address the unnecessary spending and personal agendas. We need to get ourselves back to the Council/Manager Form of Government we are supposed to be as defined by the city charter. We need our focus to be on the good things in our city and what we want it to be for our children's future.

As you can imagine, this was not an easy decision. Campaigns are grueling. This one will require a tremendous amount of hard work and sacrifice. However, if you agree with me that we are in need of change in Cadillac, then I humbly request your support in making that change a reality.

This campaign will require the purchase of brochures, flyers, postage and yard signs along with Local TV and newspaper media advertising.

In our 2011 run we spent almost \$10,000 and narrowly missed the win by 18 votes. This campaign will cost as much or greater. I'm turning to those who know me best, and inviting them to join in my campaign. Your willingness to support this endeavor with a donation of \$25, \$50, \$100 or more will be greatly appreciated. Campaign law caps individual donations at \$500 per person. Your contribution will help me raise the additional funds needed to successfully complete this campaign.

An envelope and reply card is enclosed. I hope that you'll decide to become involved and help make a difference. We must begin ordering signs and developing ads as soon as possible.

Together we can win and help make Cadillac a better place to live. Not all who receive this letter live within the city of Cadillac, but we all call Cadillac home.

Thank you in advance for your encouragement and support, and I look forward to hearing from you. Please feel free to contact me at 231-779-1590 or carlafilkins@gmail.com if you would like to discuss any concerns or suggestions as we move towards election day!

Warmest regards,

Carla

NAME _____ PHONE # _____

ADDRESS _____ E-MAIL _____

_____ Work as a campaign volunteer _____ Schedule a "Meet Carla Filkins" event

_____ Display a lawn sign _____ Work on election day

_____ I commit to VOTE on November 5th

_____ I authorize the "FRIENDS OF CARLA FILKINS" Campaign Committee to Use My Name in Any Campaign Support Advertising

_____ I'd like to make a financial donation in the amount of \$ _____ ENCLOSED
(NO CORPORATION CHECKS ALLOWED)

CARLA FILKINS FOR MAYOR
PO BOX 61
CADILLAC, MI 49601



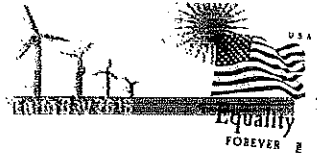
Friends of Carla Filkins
P.O. Box 61
Cadillac, MI 49602



CARLA FILKINS FOR MAYOR
PO BOX 61
CADILLAC, MI 49601

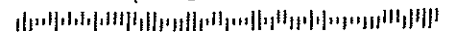
TRAVERSE CITY MI 496

12 SEP 2013 PM 2 L



Joe & Julie Theobald
926 Sundberg
Cadillac, MI
49601

4960131215





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

October 23, 2013

Julie A. Theobald
926 Sundberg Street
Cadillac, Michigan 49601

Dear Ms. Theobald:

The Department of State received a response to the complaint you filed against Carla Filkins, 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: Carla Filkins

BUREAU OF ELECTIONS
MI DEPT OF STATE

2013 OCT 22 PM 3:35

October 21st, 2013

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

To Whom It May Concern,

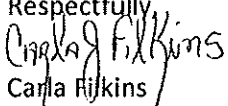
Even before I received this notice of complaint from the Elections Board, I had discovered that a flyer went out without the requisite notice of "Paid for by". I had this corrected immediately, before I received this notice. That mistake was unintentional.

Attached is a copy of the corrected version that was mailed after this had been brought to my attention and before I received your notice.

Please note that all of my campaign literature and signs contain the proper notification. Attached is a photo of my campaign yard signs containing the proper language. Also enclosed is a campaign flyer/handout. As you can see it has the required notice.

While the flyer in question should not have gone out without the notice, I note that it was in fact paid for by "Friends of Carla Filkins." Again, the error was inadvertent. It was recognized and corrected BEFORE I received notice of the complaint.

Should you have any questions or concerns I am available at your convenience to discuss them.

Respectfully,

Carla Filkins
327 Granite St.
Cadillac, MI 49601



CARLA FILKINS FOR MAYOR

PAID FOR BY FRIENDS OF CARLA FILKINS ~ P.O. BOX 61 ~ CADILLAC ~ MICHIGAN ~ 49601 MIKE BENGELINK TREASURER

September 28th, 2013

Dear ,

I am very concerned about the state of affairs with our current city council and specifically the actions of our mayor. I believe change is needed to address the unnecessary spending and personal agendas. We need to get ourselves back to the Council/Manager form of government we are supposed to be as defined by the city charter. We need our focus to be on the good things in our city and what we want it to be for our children's future.

As you can imagine, this was not an easy decision. Campaigns are grueling. This one will require a tremendous amount of hard work and sacrifice. However, if you agree with me that we are in need of change in Cadillac, then I humbly request your support in making that change a reality.

This campaign will require the purchase of brochures, flyers, postage and yard signs along with Local TV and newspaper media advertising.

In our 2011 run we spent almost \$10,000 and narrowly missed the win by 18 votes. This campaign will cost as much or greater. I'm turning to those who know me best, and inviting them to join in my campaign. Your willingness to support this endeavor with a donation of \$25, \$50, \$100 or more will be greatly appreciated. Campaign law caps individual donations at \$500 per person. Your contribution will help me raise the additional funds needed to successfully complete this campaign.

An envelope and reply card is enclosed. I hope that you'll decide to become involved and help make a difference. We must begin ordering signs and developing ads as soon as possible.

Together we can win and help make Cadillac a better place to live. Not all who receive this letter live within the city of Cadillac, but we all call Cadillac home.

Thank you in advance for your encouragement and support, and I look forward to hearing from you. Please feel free to contact me at 231-779-1590 or carlafilkins@gmail.com if you would like to discuss any concerns or suggestions as we move towards election day!

Warmest regards,

Carla

Elect

Carla Filkins

Mayor of Cadillac

Creating a Culture of Trust in City Hall

November 5th,
★ 2013 ★

★
Paid for by Friends of Carla Filkins

Set on creating a culture of trust, Carla Filkins will be a leader that sets the tone for change. Creating open and respectful relations with Cadillac's Industry, Wexford County, and neighboring townships is high priority.

Sporting an active campaign, Carla looks forward to meeting many more City residents during her campaign. By using open dialogue and a collaborative spirit, she plans to work with the people of Cadillac to face the tremendous challenges ahead in order to reach positive solutions and outcomes.

She promises to be a Mayor that is a true civil servant and goodwill ambassador for every resident and business in our beautiful city.

<http://carlafilkins.wordpress.com>



/FilkinsForMayor

LINK

DR MAYO

FOR BY FRIENDS OF CARLA F

Friends of Carla Filing
Miss Berglund, Treasurer
P.O. Box 63
Cadillac, MI 49601



*** CARLA ***
FILKINS

FOR MAYOR

PAID FOR BY FRIENDS OF CARLA FILKINS



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

January 27, 2014

Carla Filkins
P.O. Box 61
Cadillac, Michigan 49601

Dear Ms. Filkins:

The Department of State (Department) has completed its investigation of a complaint filed against you by Julie Theobald, 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 Ms. Theobald's 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(5).

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.

The complaint was filed by Ms. Theobald on October 1, 2013, and you filed a written response on October 22, 2013. Ms. Theobald did not file a rebuttal statement.

Ms. Theobald alleged that your fundraising flyer, the associated donation reply card, and mailing envelope did not contain complete and correct paid-for-by statements. In support of her complaint, Ms. Theobald provided copies of a donation reply card for Friends of Carla Filkins, a mailing envelope, and a flyer which states "CARLA FILKINS FOR MAYOR [.] It appears that the paid-for-by statement is omitted from this material.

In response, you filed a letter which stated that you had "discovered that a flyer went out without the requisite notice of 'Paid for by.'" You further stated that you "had this corrected immediately" before you received notice of Ms. Theobald's complaint. You provided a copy of the corrected flyer which included a complete and correct paid-for-by statement. Finally, you stated that the error was inadvertent.

While the Department believes that the evidence tends to show that your campaign material failed to contain a complete 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 flyer into compliance with the MCFA. However, please note that each piece of literature which references your candidacy or relates to an election must contain a paid-for-by statement. This would include the donation reply card and any mailing envelope.

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(5), 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 cursive script, appearing to read "Lori Bourbonais", with a stylized flourish at the end.

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Julie Theobald