



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

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

2019 DEC 23 AM 9:25

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

Section 1. Complainant			
Your Name	Linda G. Wheeler		Daytime Telephone Number 313 465-2394
Mailing Address	106 McLean		
City	Highland Park	State	MI Zip 48203
Email (optional)			

Section 2. Alleged Violator			
Name	Eban Morales		
Mailing Address	97 Connecticut		
City	Highland Park	State	MI Zip 48203
Email (optional)			

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

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

Explain how those sections were violated:

Eban Morales was a write-in candidate for the Highland Park, MI City Council election, which was held on Nov. 5, 2019. Eban Morales posted on his Facebook page a Gofundme.com account soliciting campaign donations (See attachment)

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

The campaign donations totaling 7 were received to him by anonymous donors.

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 Linda D. Wheeler 12/02/19
Signature of Complainant Date

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

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

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

X Linda D. Wheeler 12/02/19
Signature of Complainant Date

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

Section 6. Submission

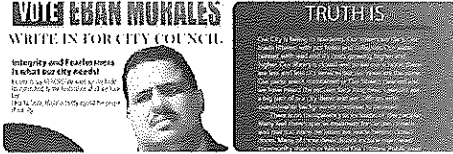
Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

OCTOBER 22, 2019

by Eban Morales, Organizer

I designed my campaign cards.
I can really use some love and support as I fight this battle for the city of Highland Park. Every bit helps to keep me in the game. Please donate



OCTOBER 11, 2019

by Eban Morales, Organizer

I am really counting on you to help me in this campaign City Council for District 1. Please donate

Show older

Donations (2)

Anonymous
\$100 4 d

Anonymous
\$125 7 d



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

December 26, 2019

Eban Morales
97 Connecticut St
Highland Park, MI 48203-3554

Re: *Wheeler v. Morales*
Campaign Finance Complaint
No. 2019-12-63-41

Dear Mr. Morales:

The Department of State (Department) received a formal complaint filed by Linda Wheeler against you alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

Section 41 bars a person or a committee from accepting and/or expending an anonymous contribution. MCL 169.241(2). Anonymous contributions are required to be given to a tax-exempt charity with a receipt given, and the receipt is to be maintained. *Id.* A knowing violation of this section is a misdemeanor punishable by a fine of not more than \$1,000. MCL 169.241(4).

Ms. Wheeler alleges that you have accepted anonymous contributions via Gofundme, while not specifically stated, in violation of section 41. Included with her complaint is a screenshot of your Gofundme page.

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 the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* An explanation of the investigative process is found in the Department's Guidebook, a copy of which is enclosed.

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. **In your response, please specifically address the following points:**

- 1. Please identify whether the two contributions provided were anonymous or if you knew the donor's information.**

2. If the contributions were anonymous, did you accept or expend the anonymous contributions?

3. If the contributions were anonymous, did you give the anonymous contributions to a tax-exempt organization, and do you have proper documentation required under section 41 demonstrating the donation? If yes, please provide a copy of the receipt with your answer.

If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Ms. Wheeler, 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 penalty provided in the Act.

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

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Linda Wheeler

Eban Morales
97 Connecticut
Highland Park, Michigan 48203

January 6, 2020

Bureau of Elections
Richard H. Austin Building
430 West Allegan Street
Lansing, MI 48918

Re: Rebuttal Statement/Campaign Finance Complaint #2019-12-63-41

Dear Mr. Adam Fracassi:

I am in receipt of a copy of finance complaint #2019-12-63-41 filed by Ms. Linda Wheeler in regards to Michigan Campaign Finance Act(MCFA 1976 PA 388. MCL 169.2.01 et.seq.

Specifically in regards to a **knowing** violation of this this section being a misdemeanor punishable by a fine of not more than \$1000, MCL 169.241(4). I assure you that a knowing or unknowing act did not occur nor does Ms, Wheeler's allegations hold any validity.

While I appreciate Ms. Wheeler's concerns and your inquiry, the two contributions questioned are not anonymous to me but donators contributed via GoFundMe are given the option to being anonymous to visitors to the site as obviously Ms. Wheeler was. These two contributions were made by Tom Borrow and Teresa Kelly and their information were provided to me at donation time to my campaign although excluded from view on the web site by their choice.

If, You have any additional questions concerning this matter please let me know what else is required from me or needed to resolve this complaint.

Sincerely,



Eban Morales
(313) 587-8303

cc:: File
J.P. SL Atty.

2020 JAN 10 AM 9:50
RECEIVED
BUREAU OF ELECTIONS
LANSING, MI 48918



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

January 13, 2020

Linda Wheeler
106 McLean
Highland Park, MI 48203

Dear Ms. Wheeler:

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

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

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Eban Morales

January 21, 2020

Linda G. Wheeler
106 McLean
Highland Park
MI 48203

2020 JAN 29 AM 9:32

Bureau of Elections
Richard H. Austin Building
430 West Allegan Street
Lansing, Mi 48918

Re: Rebuttal Statement/ Campaign Finance

Dear Mr. Adam Fracassi,

I elect to file a rebuttal statement:

Mr. Morales alleges that Teresa Kelly and Tom Borrow are the two anonymous donors in question from his Gofundme account. I contend that naming these individuals or any individuals as the donors in question is not sufficient proof they actually made the donations on October 11, 2019 on Mr. Morales GoFundMe page.

Where are the receipts of the anonymous donors? (Teresa Kelly/Tom Borrow) (a third anonymous donor to be identified see attachment)

Mr. Morales did not give confirmation proof and receipts that Teresa Kelly/Tom Borrow and the third anonymous donor in his rebuttal.

The emails of the anonymous donors should be attached from the GoFundMe account. Where are they? The dates the donations were given.

Where are the receipts from the anonymous donor's credit cards that state they have made donations on the date in question? (Teresa Kelly/Tom Borrow) (A third to be identified see attachment)

Where is Mr. Morales bank account statement that states he received those anonymous donations? (Teresa Kelly/ Tom Borrow) (A third to be identified see attachment.)

Mr. Morales states in his rebuttal statement that Tom Borrow and Teresa Kelly information were provided to him at donation time to his campaign. When is donation time? What does he mean?

I submit additional evidence concerning a third anonymous donor making it a total of 3 anonymous donors to be identified from Mr. Morales Gofundme account. (See attachment.)

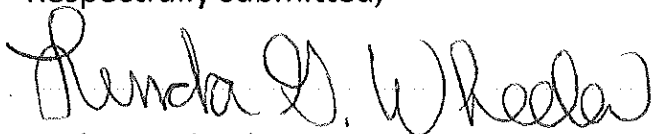
Mr. Morales states in his rebuttal statement "specifically in regards to a knowing violation of this section being a misdemeanor punishable by a fine of not more than \$1000, MCL 169.241(4). I assure you that a knowing or unknowing act did not occur nor do Ms. Wheeler's allegations hold any validity."

Mr. Morales had the opportunity to disclose to you and your department a third anonymous donor which he failed to do so. Mr. Morales knew he received three anonymous donations on his Gofundme account yet he didn't disclose this to you or your department.

Mr. Morales rebuttal states that Tom Borrow and Teresa Kelly information was provided to him at donation time. Donation time is Oct 11, 2019 (see attachment) which his three donors on his Gofundme account made. One of the three anonymous donors the Bureau of Election is not aware of. Mr. Morales wrote his rebuttal and did not include the third anonymous donor. (See attachment the third anonymous donor.)

This is the time Mr. Morales should have disclosed the third anonymous donor to the Bureau of Elections. Yet he **knowing** chose not to disclose. He failed to do so.

Respectfully submitted,

A handwritten signature in black ink that reads "Linda G. Wheeler". The signature is written in a cursive style with a large initial "L".

Linda G. Wheeler




OCTOBER 11, 2019


by Eban Morales, Organizer


I am really counting on you to help me in this campaign City Council for District 1. Please donate


Show older

Donations (7)

 Anonymous
\$100 4 d

 Anonymous
\$125 6 d

 Anonymous
\$25 13 d

 Lynda Fulgenzi



Attachment



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

June 3, 2020

Eban Morales
97 Connecticut St
Highland Park, MI 48203-3554

Re: *Wheeler v. Morales*
Campaign Finance Complaint
No. 2019-12-63-41

Dear Mr. Morales:

The Department of State (Department) has finished investigating the formal complaint filed by Linda Wheeler against you alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the resolution of the complaint.

Ms. Wheeler filed her complaint with the Department on December 23, 2019. Ms. Wheeler alleges that you have accepted anonymous contributions via Gofundme, while not specifically stated, in violation of section 41. Included with her complaint is a screenshot of your Gofundme page.

The Department notified you of the complaint by letter dated December 26, 2020 requesting you file an answer and address three specific questions. You submitted an answer to the complaint on January 6, 2020 and indicated that while the name of the contributors appears as "anonymous" on the screen, their names appear to you at the time of donation.¹

By letter dated January 13, 2020, the Department notified Ms. Wheeler of her right to file a rebuttal. In her rebuttal, Ms. Wheeler provided additional evidence arguing there was a third anonymous contribution which you have failed to disclose.

Section 41 bars a person or a committee from accepting and/or expending an anonymous contribution. MCL 169.241(2). Anonymous contributions are required to be given to a tax-exempt charity with a receipt given, and the receipt is to be maintained. *Id.* A knowing violation of this section is a misdemeanor punishable by a fine of not more than \$1,000. MCL 169.241(4).

¹ The Department notes that it is unable to view this information as you have obtained a reporting waiver from the Wayne County Clerk's Office and makes no conclusion as to the filings of these contributions.

Eban Morales
June 3, 2020
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Because you have indicated that you knew the donor's information at the time the contribution was made, the Department determines that the evidence is insufficient to conclude that a potential violation of the Act has occurred.

Therefore, the Department dismisses this complaint and will take no further enforcement action at this time. In accordance with the MCFA, the Department's entire file on this matter will be posted to its website.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping initial "A" and a long, horizontal stroke extending to the right.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Linda Wheeler