



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

December 7, 2012

Charles Sittig  
6702 Martin Road  
Three Oaks, Michigan 49128

Dear Mr. Sittig:

The Department of State (Department) received a formal complaint filed against you by Elizabeth Cummings, 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 these complaints 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.

At the outset, the Department notes that while it received the original complaint on November 15, 2012, supporting evidence was received by the Department through December 4, 2012.

Ms. Cummings alleges that you violated the MCFA by using township resources to create campaign material and that some of this material failed to include a complete and correct paid-for-by statement.

In Michigan, it is unlawful for a public body or individual acting on its behalf to "use or authorize the use of funds . . . property . . . 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).

Additionally, 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).

Ms. Cummings alleges that "[c]ampaign materials were generated using office equipment at a Municipal Government office [.]". In support of her complaint, Ms. Cummings provided copies of a flyer which states "VOTE to Re-Elect Charles 'Chuck' Sittig, Township Supervisor [.]". Additionally, Ms. Cummings included a flyer which directs campaign workers to a State of Michigan Audit for the Village of Three Oaks and instructs the works to read the audit so that they may "better understand why the Village had a FINANCIAL COLLAPSE." The document further states that two of the slate's opponents, Phil Smith for Trustee and Liz Cummings Zebel for Clerk, were officials during the collapse and that "such issues may come up in [the workers'] voter contact." The flyer instructs workers to "[k]eep focus on our local election" and states "[i]f we all work together our candidates will be elected."

A signed statement by Edward Carpenter was also provided. In the statement, Mr. Carpenter states that "[o]n or about September 8, 2012, [he] found a document in the copier at the City Hall in New Buffalo, MI. It was composed by Chuck Sittig." Mr. Carpenter further states that the document "appeared to be instructions directing someone in how to talk to potential voters about the upcoming election."

Ms. Cummings also alleges that the printed materials do not contain a complete and correct paid-for-by statement. The flyer which states "VOTE to Re-Elect Charles 'Chuck' Sittig [,]" along with urging voters to vote for 3 other candidates, contains a paid-for-by statement which lists four candidate committees, but appears to omit the addresses of the committees. The flyer with the instructions to the campaign workers appears to omit the paid-for-by statement.

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

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of your receipt 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, 1<sup>st</sup> 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. Cummings, 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 sections 47(5) and 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: Elizabeth Cummings

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

**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:

| <b>Section 1. Complainant</b>   |   |   |
|---|---|---|
| Your Name<br><div style="text-align: center;">Elizabeth Cummings</div>        | Daytime Telephone Number<br><div style="text-align: center;">269-876-7225</div> |   |
| Mailing Address<br><div style="text-align: center;">16486 Three Oaks Rd</div> |   |   |
| City<br><div style="text-align: center;">Three Oaks</div>                     | State<br><div style="text-align: center;">MI</div>                              | Zip<br><div style="text-align: center;">49128</div> |

| <b>Section 2. Alleged Violator</b>                                       |  |   |
|--|--|---|
| Name<br><div style="text-align: center;">Charles Sittig</div>            |  |   |
| Mailing Address<br><div style="text-align: center;">6702 Martin Rd</div> |  |   |
| City<br><div style="text-align: center;">Three Oaks</div>                | State<br><div style="text-align: center;">MI</div> | Zip<br><div style="text-align: center;">49128</div> |

| <b>Section 3. Alleged Violations</b> (Use additional sheet if more space is needed.) |
|--|
|--|

Section(s) of the MCFA violated: **Section 57**

**Explain how those sections were violated:**

Campaign materials were generated using office equipment at a Municipal Government office and printed material does not contain full addresses

The New Buffalo City Hall is were items were generated.

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

copies attached, also have witness of where documents were copied

10/24/2012

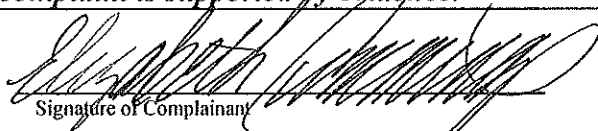
2012 NOV 15 AM 10:16

BUREAU OF ELECTIONS  
MI DEPT OF STATE

**Section 4. Certification (Required)**

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

X

  
Signature of Complainant

10/24/2012

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:*

copies attached, also have witness of where documents were copied

copies attached, also have witness of where documents were copied

copies attached, also have witness of where documents were copied

copies attached, also have witness of where documents were copied

copies attached, also have witness of where documents were copied

copies attached, also have witness of where documents were copied

X

Signature of Complainant

10/24/2012

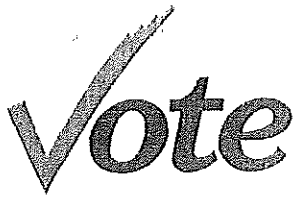
Date

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

On NOVEMBER 6<sup>TH</sup>



*For Sound, Thoughtful Leadership  
for Three Oaks Township*

**VOTE to Re-Elect Charles "Chuck" Sittig, Township Supervisor**

- 12 years as your Three Oaks Township Supervisor – proven leadership
- Life-long resident of Three Oaks
- 1968 Graduate of River Valley High School; 1973 Graduate of Western Michigan University
- Member of the Berrien County Solid Waste Planning Commission, The Region of Three Oaks Museum Board of Directors, Three Oaks Spokes Bicycle Club and former Trustee of the Three Oaks United Methodist Church and Three Oaks Township Planning Commission

**VOTE to Elect Joan Brown, Township Clerk**

- Lives on a section of Phillips Road farm, in the Phillips-Brown family since 1868
- Attended Michigan State University and the University of Toledo
- 30 years office management experience with private sector corporations
- Strong work ethic, dependable, detail-oriented, team player
- Member of The Region of Three Oaks Museum Board of Directors and the Randall Couchman American Legion Post 204 Auxiliary

**VOTE to Elect Rexalee Gordon, Township Trustee**

- Life-long resident of Three Oaks, married, raised 3 sons here
- 1977 Graduate of River Valley High School; Graduate of Lake Michigan College, Applied Business Major
- Small business owner, experienced poll worker, 19 years Little League Association volunteer, UMC New Carlisle Pastor Parish Committee
- Strong organizational skills and willingness to listen with objectivity

**VOTE to Re-Elect Christian "Chris" Mitchell, Township Trustee**

- 4 years as your Three Oaks Township Trustee – proven leadership
- Life-long resident of Three Oaks
- 1969 Graduate of River Valley High School; attended Lake Michigan College; earned Indiana University South Bend Business Certificates
- Dairy Farmer for 25 years; Warehouse and Purchasing Manager for plumbing/heating service company
- 20 years on the Three Oaks Township Planning Commission

# OUR CONTRACT WITH YOU

- **ACCESSIBILITY**

*Enhanced business hours at the Township Office to meet the needs of all residents; we pledge to listen to the voice of the people and to act responsibly*

- **NO LANDFILL EXPANSION - NOW OR EVER!**

*Protect our environment and serve as a role model for other communities in responsible stewardship of our resources*

- **PROMOTE SAFE ENVIRONMENT AND QUALITY OF LIFE**

*Cooperate with the Village on police, fire, ambulance services and keep our community a desirable place to raise a family*

- **FISCAL ACCOUNTABILITY AND SOUND DECISION MAKING**

*Preserve the financial integrity of the Township now and for future generations*

- **PROMOTE AGRICULTURAL AND BUSINESS COMMERCE**

*Thoughtful expansion to retain our hometown quality while promoting economic enhancement; maintain and improve infrastructure and roads throughout the Township*

- **TRANSPARENT GOVERNMENT AND INTEGRITY**

*Accurate up-to-date record keeping and balanced budget with no hidden or personal agendas*

**VOTE** FOR THE FUTURE OF THREE OAKS TOWNSHIP

**ELECT** THE TEAM TO GET THE JOB DONE

- ✓ **Chuck Sittig**
- ✓ **Joan Brown**
- ✓ **Rexalee Gordon**
- ✓ **Chris Mitchell**



*Paid for by the Committees to Elect Chuck Sittig, Joan Brown, Rexalee Gordon and Chris Mitchell.  
Labor donated in-house.*

On NOVEMBER 6<sup>TH</sup>

**Vote**

For Sound, Thoughtful Leadership  
for Three Oaks Township

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- Life-long resident of Three Oaks
- 1968 Graduate of River Valley High School; 1973 Graduate of Western Michigan University
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**VOTE to Elect Joan Brown, Township Clerk**

- Lives on a section of Phillips Road farm, where Phillips family farm, since 1968
- Attended Michigan State University and the University of Toledo
- 30 years of business management experience with various local organizations
- Strong work ethic, organized, detail oriented, and a team player
- Member of the Region of Three Oaks Museum Board of Directors and the Berrien County Solid Waste Planning Commission

**VOTE to Elect Rickenee Gordon, Township Trustee**

- Life-long resident of Three Oaks, married, raised 3 sons here
- 1977 Graduate of River Valley High School; Graduate of Lake Michigan College, Applied Business Major
- Small business owner, experienced dairy worker, 19 years Little League Association volunteer, UMC New Canaan Pastor Parish Committee
- Strong organizational skills and willingness to listen with objectivity

**VOTE to Re-Elect Christian "Chris" Mitchell, Township Trustee**

- 4 years as your Three Oaks Township Trustee – proven leadership
- Life-long resident of Three Oaks
- 1969 Graduate of River Valley High School; attended Lake Michigan College; earned Indiana University South Bend Business Certificates
- Dairy Farmer for 25 years; Warehouse and Purchasing Manager for a printing/retailing service company
- 20 years on the Three Oaks Township Planning Commission

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- ✓ **Chuck Sittig**
- ✓ **Joan Brown**
- ✓ **Rexalee Gordon**
- ✓ **Chris Mitchell**





Campaign workers-- Enclosed is your BLUE BOOK containing valuable information and list of voters you are to contact.

In ring binder you will find a portion of the State of Michigan Audit for the Village of Three Oaks. Important items are highlighted yellow. We have decided not to "negatively campaign" on these issues with printed material. However, such issues may come up in your voter contact. Read the audit to better understand why the Village had a FINANCIAL COLLAPSE. Two of our opponents [Phil Smith for Trustee] and [Liz Cummings Zabel for Clerk] were Village Officials during this collapse and their actions and inactions were MAJOR contributing factors to the Village Financial collapse and they both resigned from their Village Mayor and Clerk positions.

Give each voter a campaign brochure & extra's if they want. You will be contacting people you know so conversation should be pleasant. Stress the need to vote for all our candidates "team", but if the voter is supporting one of our opponents "don't push the issue".

Keep focus on our local election. Our candidates are on the Democratic Ticket but we don't want to offend any Voter who generally supports Republican Candidates. They will Split their ticket for the LOCAL DEMOCRATIC CANDIDATES.

Check the phone number we have is correct and if we don't have a phone number Ask them if they will give it to you so we can call them before the Election. Write any updated phone #'s down. If they say they may be out of town or if they are elderly You could ask them if they want to vote with an absentee ballot (AV). We Can get them the AV application. Make a notation under their name for your contact by using the following- V-personal visit contact , P-phone call contact, AV- needs an absentee ballot, R- needs ride to the polls, and + - positive voter response.

You can also give out Joan Brown's resume to the voters (in right pocket).

If we all work together our candidates will be elected.

Questions or need more brochures/handouts please call chuck 269-756-3547

Thanxs- Chuck, Joan, Rexalee and Chris

BUREAU OF ELECTIONS  
MI DEPT OF STATE

2012 SEP -4 PM 3:14

November 26, 2012

To Whom It May Concern:

On or about September 8, 2012 I found a document in the copier at the City Hall in New Buffalo, MI. It was composed by Chuck Sittig.

The document appeared to be instructions directing someone in how to talk to potential voters about the upcoming election. The document was instructing how to talk to voters about the financial situation in the Village of Three Oaks. He was trying to condemn Liz Cummings Zabel and Phil Smith for allowing it to happen. This was his attempt to get his people elected.

Edward Carpenter



City of New Buffalo  
Three Oaks Township  
Galien Township  
Building Official



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

January 3, 2012

Elizabeth Cummings  
16486 Three Oaks Road  
Three Oaks, Michigan 49128

Dear Ms. Cummings:

The Department of State received a response to the complaint you filed against Charles Sittig, 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, 1<sup>st</sup> 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: Charles Sittig

Department of State  
Bureau of Elections  
Richard H. Austin Bldg, 1<sup>st</sup> Floor  
430 W. Allegan Street  
Lansing, Michigan 48918

2012 SEP 27 11:10:06

Enclosed Find my response and supporting evidence in regards to the complaint by Elizabeth Cummings concerning the Michigan Campaign Finance Act (MCFA)

\*Paid for by [name and address of the person who paid for the item]

Prior to the 2012 election the only campaign material I had used was Campaign Signs in the 2000 Election. I purchased the signs from KB Signs, Wyoming, Michigan (phone # 616-532-6300). I have enclosed one of the signs they printed for me in 2000. At bottom of sign it states "PAID BY THE COMM. TO ELECT CHARLES SITTIG". In the Campaign Material used in 2012 I used the same format used by KB Signs "Paid for by the Committees to Elect Chuck Sittig, Joan Brown, Rexalee Gordon and Chris Mitchell". I was of the belief this was the proper way to do it, since this was the manner/form KB Signs used. I did not omit my address from the Campaign Material on purpose. The page without a "Paid for Statement", which Ms Cummings refers to, is actually the first page of a five page "Campaign Workers Instructions" brochure. The "Paid for Statement" is actually on the last page of the brochure.

\*Campaign Workers Instruction Brochure.

Brochure (enclosed) is 5 pages. Pages 2, 3 and 4 were authored by State of Michigan And came from a lengthy report outlining 2008 Village of Three Oaks Financial Collapse. Report was downloaded from State of Michigan Website and pages 53, 54 and 56 were used. Page 5 credits State of Michigan for the report and has the "paid for statement". Brochure was not distributed or mailed to anyone, only Campaign Workers received it. Five Campaign Workers Brochures were printed by Reprographic Arts on September 4<sup>th</sup> (\$50 cash down payment was made on total order, receipt enclosed).

\* 8 ½ X 11 Flyers

200 double sided flyers were printed by Reprographic Arts and received by me on September 4<sup>th</sup> (\$50 cash down payment was made on total order, receipt enclosed). All Flyers were handed out.

On October 5<sup>th</sup> I purchased 200 more 2 sided 8 ½ X 11 Flyers from Reprographic Arts for \$24.00 cash (receipt enclosed). All flyers were handed out.

\* Card Stock Flyers

On September 4<sup>th</sup> 200 card stock color flyers were ordered at Reprographic Arts. (\$50 cash down payment on total order, receipt enclosed). Card Stock Color Flyers were picked up on Sept. 24<sup>th</sup> with \$50 balance paid by check # 5065 (receipt, copy of check and bank statement enclosed). Card Stock was cut in half by the Beacher for \$3, resulting in 400 copies (Beacher receipt enclosed). Copy machine at New Buffalo City Hall does not print in color. A copy of the Card Stock Flyer is enclosed.

\* document in the copier at the City Hall in New Buffalo (Ed Carpenter)  
Since this event happened over three month's ago I can not recall with 100% certainty what actually took place but I will recollect what happened. I assembled the Campaign Workers Instruction Brochures. In addition to the 5 sets of Campaign Workers Brochures made by Reprographic Arts perhaps I had an incomplete set or two needing a "cover page". In my employment at the City of New Buffalo I have access to a B/W copier across the hall from my office and either one the following scenarios probably happened:

I certainly could have made a copy or two to make a complete brochure (s), and forgot the original in the copy machine or I could have placed the original in the copier, got distracted by a phone call, took the call, forgot about making a copy and left for the day without making a copy. In either case the logical number of copies made would have been small (1 or 2) since there were only 3-4 campaign workers and for candidates for office and Reprographic Arts made five brochures. I probably didn't give it much thought and I wasn't aware what I was Doing was against the law, since I am not familiar with the MCFA Election Law.

Charles Sittig

Campaign workers-- Enclosed is your BLUE BOOK containing valuable information and list of voters you are to contact.

In ring binder you will find a portion of the State of Michigan Audit for the Village of Three Oaks. Important items are highlighted yellow. We have decided not to "negatively campaign" on these issues with printed material. However, such issues may come up in your voter contact. Read the audit to better understand why the Village had a FINANCIAL COLLAPSE. Two of our opponents [Phil Smith for Trustee] and [Liz Cummings Zabel for Clerk] were Village Officials during this collapse and their actions and inactions were MAJOR contributing factors to the Village Financial collapse and they both resigned from their Village Mayor and Clerk positions.

Give each voter a campaign brochure & extra's if they want. You will be contacting people you know so conversation should be pleasant. Stress the need to vote for all our candidates "team", but if the voter is supporting one of our opponents "don't push the issue".

Keep focus on our local election. Our candidates are on the Democratic Ticket but we don't want to offend any Voter who generally supports Republican Candidates. They will Split their ticket for the LOCAL DEMOCRATIC CANDIDATES.

Check the phone number we have is correct and if we don't have a phone number Ask them if they will give it to you so we can call them before the Election. Write any updated phone #'s down. If they say they may be out of town or if they are elderly You could ask them if they want to vote with an absentee ballot (AV). We Can get them the AV application. Make a notation under their name for your contact by using the following- V-personal visit contact , P-phone call contact, AV- needs an absentee ballot, R- needs ride to the polls, and + - positive voter response.

You can also give out Joan Brown's resume to the voters (in right pocket).

If we all work together our candidates will be elected.

Questions or need more brochures/handouts please call chuck 269-756-3547

Thanxs- Chuck, Joan, Rexalee and Chris

VILLAGE OF THREE OAKS

SCHEDULE OF FINDINGS AND RESPONSES

For the Year Ended September 30, 2008

MATERIAL WEAKNESSES (Continued)

Management's Response-Corrective Action Plan: The duties of the clerk and treasurer have been segregated as required by statute and the recommendation. The treasurer will write receipts and make deposits, reconcile all bank accounts monthly with the treasurer's ledger and compare with the general ledger bank account balances. The clerk will make daily journal entries, post receipts and prepare vouchers for payment. The Village president or president pro-tem will sign all checks and the checks will be countersigned by a Village trustee.

General Ledger

*Finding 2008-3*

✓ *Condition:* From October 2007 through July 2008, the Village discontinued posting and maintaining its general ledger. The Village has updated its general ledger, but has incurred deficit spending in the Major Street Fund, Local Street Fund, Municipal Street Fund and the Rubbish Fund.

*Criteria:* The general ledger is the gathering place for all local unit financial data. Properly maintained, it is a valuable tool of management. The general ledger is the "single binder" in which all funds and accounts of the Village are maintained.

✓ *Cause:* The Village switched from the Quick-Books software system to BS&A and did not maintain a complete set of records on any system until the changeover was completed in July 2008.

*Effect:* Failure to post accurate accounting records on a timely basis may result in the following:

1. The financial condition of the Village is not readily determined.
2. The Village council may not be able to make sound business decisions because it has no financial data on which to make an evaluation.
3. The Village council may obligate more funds than are available which is a violation of Public Act 2 of 1968, as amended, the Uniform Budgeting and Accounting Act.

*Recommendation:* We recommend that the Village council establish monthly procedures to ensure that all transactions are properly posted to a general ledger and that each individual fund is maintained.

Management's Response-Corrective Action Plan: Procedures have been adopted per Treasury's guidelines and are being monitored for compliance.

VILLAGE OF THREE OAKS  
SCHEDULE OF FINDINGS AND RESPONSES  
For the Year Ended September 30, 2008

MATERIAL WEAKNESSES (Continued)

Bank Reconciliations

*Finding 2008-4*

✓ *Condition:* From October 2007 through June 2008, the Village did not perform bank reconciliations on a monthly basis and the cash in the general ledger was not reconciled to the cash in the bank accounts for each individual fund. The bank statements were then reconciled through July 2008 for the Michigan Department of Treasury's review. The subsequent months of August and September were not reconciled.

*Criteria:* The Standards for Internal Control for the Federal Government (which is a good general standard for all types of municipalities) states that reconciliations must be performed as part of internal controls. This is further enhanced by the Uniform Accounting Procedures Manual which states that, "All cash accounts should be reconciled to their respective bank statements monthly."

*Cause:* From October 2007 through June 2008, bank statements could not be reconciled to a general ledger when, as explained above, no general ledger existed. The August and September bank statements were not reconciled as the procedure was not performed and no oversight was performed to ensure the completion of the reconciliations.

*Effect:* Failure to reconcile the bank statements can create an incomplete general ledger and lead to an over or understatement of cash balances and a corresponding over or understatement of revenues and/or expenses.

*Recommendation:* We recommend that all bank accounts be reconciled on a timely basis with the accounting records. The clerk and the treasurer should then compare the balances of the general ledger cash balances to the bank reconciliations. The activity in the bank should reconcile back to the general ledger and provide a means to correct errors in posting. The Village must be able to determine how much money each fund has in a particular bank and/or investment account.

*Management's Response-Corrective Action Plan:* All bank accounts have been reconciled and will continue to be reconciled separately by both the clerk and treasurer on a monthly basis.

Capital Assets

*Finding 2008-5*

*Condition:* The Village does not maintain adequate internal controls for capital assets and a capital asset listing is not maintained in accordance with generally accepted accounting principles. The balances reported in the Village's audit report are maintained by the Village's auditor.

*The Village has not adopted a capitalization policy to determine a "threshold" to capitalize an asset or record it as expenditure.*



VILLAGE OF THREE OAKS  
SCHEDULE OF FINDINGS AND RESPONSES  
For the Year Ended September 30, 2008

MATERIAL WEAKNESSES (Continued)

Disbursement Process

*Finding 2008-6*

*Condition:* The Village clerk and other department heads review invoices as they are received but do not indicate administrative approval or account classification on the invoices.

*Criteria:* The Uniform Accounting Procedures Manual issued by the Michigan Department of Treasury requires appropriate documentation (supporting invoices) must be attached to check copies for all disbursements. Vouchers must describe the payment to be made, indicate account number to be charged, and be signed by the person approving the disbursement.

*Effect:* The accountability for who is actually approving invoices prior to council approval is not documented. The lack of account classification also makes determining the posting of the expense and the ability to monitor the budget more difficult.

*Cause:* The procedures have not been practiced in the Village due its small size.

*Recommendation:* We recommend that the Village clerk begin including administrative approval on all invoices as verification that the invoices have been reviewed and signed by the appropriate personnel.

Management's Response-Corrective Action Plan: We have instituted and are following the recommendation.

Due To/Due From and Transfers In/Transfers (Out)

*Finding 2008-7*

*Condition:* The "due to/due from" accounts and "transfers in/transfers (out)" accounts did not agree with each other. Numerous errors were posted to these accounts that overstated and understated revenues.

*Criteria:* These accounts are set up to record short-term amounts "due to/due from" other accounts and appropriations being transferred from one fund to another. An entry made in one fund should have an equal offsetting entry made into another fund. Essentially, "due to accounts" should equal "due from accounts" and "transfers in" should equal "transfers (out)."

*Effect:* Revenues and expenses were both overstated and understated in the General Fund and Municipal Street Fund.

✓ *Cause:* The general ledger was not being maintained properly as one did not exist for an extended period of time. Once the general ledger was posted, the accounts were not monitored to ensure their accuracy.

VILLAGE OF THREE OAKS  
SCHEDULE OF FINDINGS AND RESPONSES  
FOR THE YEAR ENDED SEPTEMBER 30, 2008  
WAS PRODUCED BY THE STATE OF MICHIGAN

Paid for by the committees to Elect Chuck Sittig, Joan Brown, Rexalee Gordon and Chris Mitchell.

# REPROGRAPHIC ARTS INC. PLANS & SPECS WORK ORDER

1017 Franklin St. Michigan City, In. 46360 (219) 872-9133

Fax orders to (219) 872-9133 E-Mail Plans & Specs orders to: [plans@repro.com](mailto:plans@repro.com)

| CUSTOMER      | ORDERED BY: | TODAYS DATE | DATE & TIME NEEDED | PICK UP | EMAIL EWO FTP |
|---------------|-------------|-------------|--------------------|---------|---------------|
| Chude S. Harg |             |             | SEPT 4             | 16      |               |
| JOB NAME      | PO #        | POST ONLINE | PUBLIC             | PRIVATE |               |
|               |             |             |                    |         |               |

## PLANS

| NUMBER OF COPIES EACH | NUMBER OF ORIGINALS | ORIGINAL SIZE | FULL SIZE LOOSE | HALF SIZE | EDGEBOUND | STAPLED |
|-----------------------|---------------------|---------------|-----------------|-----------|-----------|---------|
|                       |                     |               | Notes:          |           |           |         |

## SPECIFICATIONS

| NUMBER OF COPIES EACH | NUMBER OF ORIGINALS | ORIGINAL SIZE | 3 HOLE | 19 HOLE | LOOSE |
|-----------------------|---------------------|---------------|--------|---------|-------|
|                       |                     |               | Notes: |         |       |

## PLANS

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| 200                   | 25                  | 20 1/2"       | Notes:          |           |           |         |

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|-----------------------|---------------------|---------------|--------|---------|-------|
|                       |                     |               | Notes: |         |       |

## ADDITIONAL INSTRUCTIONS:

CRTX  
Pam

# FIFTH THIRD BANK

(WESTERN MICHIGAN)  
P.O. BOX 630900 CINCINNATI OH 45263-0900

CHARLES G SITTIG  
6702 W MARTIN RD  
THREE OAKS MI 49128-9559

0

411

Statement Period Date: 9/1/2012 - 10/12/2012

Account Type:

Account Number:

Banking Center: New Buffalo

Customer Service: 1-800-972-3030

Internet Banking & Bill Payment: www.53.com



IMAGINE HAVING YOUR IDENTITY STOLEN WITHOUT EVEN KNOWING IT HAPPENED! HELP SAFEGUARD YOU AND YOUR FAMILY WITH FIFTH THIRD IDENTITY ALERT PREMIUM TODAY. THE BENEFITS IN FIFTH THIRD IDENTITY ALERT ARE PROVIDED BY FIFTH THIRD'S VENDOR, AFFINION BENEFITS GROUP. TO FIND OUT MORE ON IDENTITY ALERT, PLEASE VISIT 53.COM/IDENTITYALERT. FIFTH THIRD BANK. MEMBER FDIC.

## Account Summary

|       |                      |              |                                |        |
|-------|----------------------|--------------|--------------------------------|--------|
| 09/14 | Beginning Balance    | \$1,876.23   | Interest Earned                | \$0.04 |
| 17    | Checks               | \$(5,728.48) | Number of Days In Period       | 29     |
| 8     | Withdrawals / Debits | \$(584.39)   | Annual Percentage Yield Earned | 0.02%  |
| 5     | Deposits / Credits   | \$4,892.23   | Interest Earned YTD            | \$0.45 |
| 10/12 | Ending Balance       | \$455.59     |                                |        |

## Checks

17 checks totaling \$5,728.48

\* Indicates gap in check sequence I = Electronic Image S = Substitute Check

| Number | Date Paid | Amount   | Number | Date Paid | Amount | Number | Date Paid | Amount   |
|--------|-----------|----------|--------|-----------|--------|--------|-----------|----------|
| 5028 I | 10/11     | 256.27   | 5060 I | 09/26     | 64.87  | 5066 I | 10/01     | 387.82   |
| 5030*  | 10/04     | 30.00    | 5061 I | 10/01     | 25.00  | 5067 I | 10/02     | 442.94   |
| 5031 I | 10/09     | 30.00    | 5062 I | 09/26     | 30.00  | 5068 I | 10/02     | 47.71    |
| 5033*  | 10/11     | 2,000.00 | 5063 I | 09/25     | 277.50 | 5069 I | 10/09     | 1,365.73 |
| 5058*  | 09/17     | 256.82   | 5064 I | 10/10     | 50.00  | 5070 I | 10/09     | 363.82   |
| 5059 I | 09/21     | 50.00    | 5065 I | 10/01     | 50.00  |        |           |          |

## Withdrawals / Debits

8 items totaling \$584.39

| Date  | Amount | Description                  |
|-------|--------|------------------------------|
| 09/25 | 219.25 | 5/3 INSTALL LOAN             |
| 09/26 | 44.44  | AMER ELECT PWR CPPWDRAWAL    |
| 09/26 | 157.68 | AMER ELECT PWR CPPWDRAWAL    |
| 09/28 | 31.00  | CHRRYLND ELC MEM ELECTRIC    |
| 10/02 | 11.75  | SEMCO ENERGY GAS BILL PAY    |
| 10/02 | 25.00  | PURCHASE OFFICIAL            |
| 10/09 | 93.27  | BCBS Michigan PREMIUM        |
| 10/12 | 2.00   | IMAGE/SHOT SNAPSHOT STMT FEE |

## Deposits / Credits

5 items totaling \$4,892.23

| Date  | Amount   | Description           |
|-------|----------|-----------------------|
| 09/28 | 280.02   | DEPOSIT               |
| 09/28 | 2,000.00 | FUNDS TRANSFER FROM I |
| 10/01 | 1,702.17 | DEPOSIT               |
| 10/04 | 910.00   | DEPOSIT               |
| 10/12 | 0.04     | INTEREST              |

## Daily Balance Summary

| Date  | Amount   | Date  | Amount   | Date  | Amount   |
|-------|----------|-------|----------|-------|----------|
| 09/17 | 1,619.41 | 09/28 | 3,024.69 | 10/09 | 2,763.82 |
| 09/21 | 1,569.41 | 10/01 | 4,264.04 | 10/10 | 2,713.82 |
| 09/25 | 1,072.66 | 10/02 | 3,736.64 | 10/11 | 457.55   |
| 09/26 | 775.67   | 10/04 | 4,616.64 | 10/12 | 455.59   |

|   |                 |              |
|---|-----------------|--------------|
| CHARLES G. SITTING<br>3701 W. MARTIN ROAD<br>THREE CREEKS, WI 49124 |                 | 5065         |
| Pay to the order of <u>Recreational Activities</u>                  | <u>4-24-12</u>  | \$ 50.00     |
| FIFTY THIRD BANK  | CLUB FIFTYTHREE | \$0000005000 |

10/1/2012 5065 \$50.00



the Beacher Business Printers

Date:

~~9-24-12~~ 9-24-12

Received From:

Charles Aitig

Amount:

Three and 11/100

\$ 3.00

Payment for:

cutting down stick

# 1222

Received by:

J. Davis

THE  
Beacher  
Weekly Newspaper  
511 Franklin Street  
Middletown, CT 06457

# REPROGRAPHIC ARTS INC. PLANS & SPECS WORK ORDER

1017 Franklin St. Michigan City, In. 46360 (219) 872-9111

Fax orders to (219) 872-9198 E-Mail Plans & Specs orders to: [orders@rapianroom.com](mailto:orders@rapianroom.com)

| CUSTOMER | ORDERED BY: | TODAYS DATE | DATE & TIME NEEDED | PICK UP | EMAIL EWO FTP |
|----------|-------------|-------------|--------------------|---------|---------------|
| Chuck    |             |             | OCT                | 5:00    |               |

| JOB NAME | PO # | POST ONLINE | PUBLIC | PRIVATE |
|----------|------|-------------|--------|---------|
|          |      |             |        |         |

## PLANS

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|-----------------------|---------------------|---------------|--------|---------|-------|
|                       |                     |               | Notes: |         |       |

ADDITIONAL INSTRUCTIONS:

On NOVEMBER 6<sup>TH</sup>

# Vote

*For Sound, Thoughtful Leadership  
for Three Oaks Township*

**VOTE to Re-Elect Charles "Chuck" Sittig, Township Supervisor**

- 12 years as your Three Oaks Township Supervisor — proven leadership
- Life-long resident of Three Oaks
- 1968 Graduate of River Valley High School; 1973 Graduate of Western Michigan University
- Member of the Berrien County Solid Waste Planning Commission, The Region of Three Oaks Museum Board of Directors, Three Oaks Spokes Bicycle Club and former Trustee of the Three Oaks United Methodist Church and Three Oaks Township Planning Commission

**VOTE to Elect Joan Brown, Township Clerk**

- Lives on a section of Phillips Road farm, in the Phillips-Brown family since 1868
- Attended Michigan State University and the University of Toledo
- 30 years office management experience with private sector corporations
- Strong work ethic, dependable, detail-oriented, team player
- Member of The Region of Three Oaks Museum Board of Directors and the Randall Couchman American Legion Post 204 Auxiliary

**VOTE to Elect Rexalee Gordon, Township Trustee**

- Life-long resident of Three Oaks, married, raised 3 sons here
- 1977 Graduate of River Valley High School; Graduate of Lake Michigan College, Applied Business Major
- Small business owner, experienced poll worker, 19 years Little League Association volunteer, UMC New Carlisle Pastor Parish Committee
- Strong organizational skills and willingness to listen with objectivity

**VOTE to Re-Elect Christian "Chris" Mitchell, Township Trustee**

- 4 years as your Three Oaks Township Trustee — proven leadership
- Life-long resident of Three Oaks
- 1969 Graduate of River Valley High School; attended Lake Michigan College; earned Indiana University South Bend Business Certificates
- Dairy Farmer for 25 years; Warehouse and Purchasing Manager for plumbing/heating service company
- 20 years on the Three Oaks Township Planning Commission

## OUR CONTRACT WITH YOU

- **ACCESSIBILITY**  
*Enhanced business hours at the Township Office to meet the needs of all residents; we pledge to listen to the voice of the people and to act responsibly*
- **NO LANDFILL EXPANSION - NOW OR EVER!**  
*Protect our environment and serve as a role model for other communities in responsible stewardship of our resources*
- **PROMOTE SAFE ENVIRONMENT AND QUALITY OF LIFE**  
*Cooperate with the Village on police, fire, ambulance services and keep our community a desirable place to raise a family*
- **FISCAL ACCOUNTABILITY AND SOUND DECISION MAKING**  
*Preserve the financial integrity of the Township now and for future generations*
- **PROMOTE AGRICULTURAL AND BUSINESS COMMERCE**  
*Thoughtful expansion to retain our hometown quality while promoting economic enhancement; maintain and improve infrastructure and roads throughout the Township*
- **TRANSPARENT GOVERNMENT AND INTEGRITY**  
*Accurate up-to-date record keeping and balanced budget with no hidden or personal agendas*

## VOTE FOR THE FUTURE OF THREE OAKS TOWNSHIP

### ELECT THE TEAM TO GET THE JOB DONE

- ✓ **Chuck Sittig**
- ✓ **Joan Brown**
- ✓ **Rexalee Gordon**
- ✓ **Chris Mitchell**



*Paid for by the Committees to Elect Chuck Sittig, Joan Brown, Rexalee Gordon and Chris Mitchell.  
Labor donated in-house.*



Siatic

for Supervisor

AD BY THE COM. TO ELECT CHARLES STTIS  
1 0000 018 000-0000



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

January 18, 2013

Charles Sittig  
6702 Martin Road  
Three Oaks, Michigan 49128

Dear Mr. Sittig:

This letter concerns the complaint that was recently filed against you by Elizabeth Cummings, which relates to purported violations of the Michigan Campaign Finance Act (MCFA), 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 receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Ms. Cummings' 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. If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

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

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Elizabeth Cummings


Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

RECEIVED  
BUREAU OF ELECTIONS  
2013 JAN 16 A 10:15  
MICHIGAN DEPT OF STATE

January 11, 2013

This is my rebuttal statement to Mr. Charles Sittig's answers to my complaints against him. They are simple and old fashion statements. To his answer that he was following the same style as the campaign signs designed in 2004 my response is "two wrongs don't make a right". My response to his answer to using the municipal copy machine of not knowing the campaign finance law is "ignorance of the law is no excuse".

Since I sent my complaint I have received responses from a couple of electors in the Township that have stated that when Mr. Sittig did his house calling campaigning he produced a copy of the sample ballot with himself and his "team" marked telling the electors whom to vote for. I don't know if this is allowed but I would think this would be construed as violating election laws.



Elizabeth Cummings

16486 Three Oaks, MI 49128



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

copy

January 3, 2012

Elizabeth Cummings  
16486 Three Oaks Road  
Three Oaks, Michigan 49128

Dear Ms. Cummings:

The Department of State received a response to the complaint you filed against Charles Sittig, 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Charles Sittig



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

April 15, 2013 .

Charles Sittig  
6702 Martin Road  
Three Oaks, Michigan 49128

Dear Mr. Sittig:

The Department of State (Department) has completed its investigation of a complaint filed against you by Elizabeth Cummings, which alleged that you violated Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*, by using city resources to create campaign material and failing to include a complete and correct paid-for-by statement on certain campaign material. This letter concerns the disposition of Ms. Cummings' complaint.

In Michigan, it is unlawful for a public body or individual acting on its behalf to "use or authorize the use of funds . . . property . . . 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).

Additionally, 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.* If the Department is unable to correct or prevent additional violations, it may convene an administrative hearing or ask the Attorney General to prosecute if a crime has been committed. *Id.*

Ms. Cummings completed filing the complaint on December 4, 2012, and you filed a written response on December 27, 2012. Ms. Cummings' rebuttal statement was filed on January 16, 2013.

Ms. Cummings alleged that you used city office equipment to generate campaign material. Ms. Cummings provided a copy of a flyer which directed campaign workers to a State of Michigan Audit for the Village of Three Oaks and instructed the workers to read the audit so that they may "better understand why the Village had a FINANCIAL COLLAPSE." The document further stated that two of the slate's opponents, Phil Smith for Trustee and Liz Cummings Zabel for Clerk, were officials during the collapse and that "such issues may come up in [the workers']

voter contact." The flyer instructed workers to "[k]eep focus on our local election" and stated "[i]f we all work together our candidates will be elected." A signed statement by Edward Carpenter was also provided. In the statement, Mr. Carpenter stated that "[o]n or about September 8, 2012, [he] found a document in the copier at the City Hall in New Buffalo, MI. It was composed by Chuck Sittig." Mr. Carpenter further stated that the document "appeared to be instructions directing someone in how to talk to potential voters about the upcoming election."

Ms. Cummings also alleged that some of your campaign material failed to include a complete and correct paid-for-by statement. Ms. Cummings included as evidence a copy of a flyer which stated "VOTE to Re-Elect Charles 'Chuck' Sittig," along with urging voters to vote for 3 other candidates. The flyer contained a paid-for-by statement which listed four candidate committees, but appeared to omit the addresses of the committees. Additionally, the above-mentioned flyer with the instructions to the campaign workers appeared to omit the paid-for-by statement.

In response, you stated that you had campaign worker brochures and approximately 600 flyers printed by Reprographic Arts. You included receipts for these items with your response. You also indicated that the copy machine in the New Buffalo City Hall only makes black and white copies, so it could not have been used to create the color flyers.

However, you did admit that while you do not recall the specific incident, because Mr. Carpenter stated that he found one of your documents in the city hall copier, it is possible that you made 1 or 2 copies of the "cover page" for the brochure using the city's copy machine.

Finally, you stated that that you thought that the paid-for-by statements on your campaign literature were proper because you used the same format used by KB Signs when they had printed campaign signs for you in a prior election. You also provided a complete copy of the brochure to show that the last page contained the same paid-for-by statement as on the flyer. It appears that your paid-for-by statements omit the committee addresses.

The Department finds that the evidence supports a reason to believe that a violation of the Act has occurred. You admit that it is possible that you made an expenditure of city funds by using the city copier to reproduce campaign-related material. Additionally, your campaign material does not contain complete and correct paid-for-by statements because they omit the committee addresses.

The Department is mandated by the MCFA to "correct [a] violation or prevent a further violation" by informal methods. MCL 169.215(10).

The Department takes you at your word and finds that you made a maximum of 2 copies. Accordingly, the Department is satisfied that your use of the city copier resulted in a de minimis cost to the taxpayers of New Buffalo, and that this warning letter is the appropriate resolution to this portion of Ms. Cummings' complaint.

Please note that the Department is advising you that it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). Additionally, this notice has served to remind you of this provision of the Act and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A

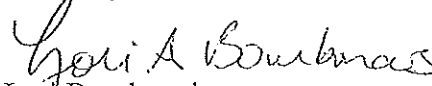
knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.257(3).

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,



Lori Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Elizabeth Cummings