



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

August 13, 2012

Charles Bogren
Megan Buwalda, Treasurer
Friends of Charles Bogren
7398 Cottage Oak Drive
Portage, Michigan 49024

Dear Mr. Bogren and Ms. Buwalda:

The Department of State (Department) received a formal complaint filed by Scott Arnett against Friends of Charles Bogren, alleging that the 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 printed campaign material. A copy of Mr. Arnett'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 his complaint, Mr. Arnett provided a copy of a palm card which states "CHARLES BOGREN FOR COUNTY COMMISSION [.]". It appears that the paid for by statement on the card omits your committee's address.

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 Mr. Arnett, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials

Charles Bogren
Megan Buwalda
August 13, 2012
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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 cursive script, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Scott Arnett

**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:

Section 1. Complainant		
Your Name Scott Arnett	Daytime Telephone Number 269-373-1274	
Mailing Address 6617 Peyton Place		
City Kalamazoo	State MI	Zip 49048

Section 2. Alleged Violator		
Name Friend of Charles Bogren & Treasurer Megan Buwalda		
Mailing Address 7398 Cottage Oak Drive		
City Portage	State MI	Zip 49024

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

Section(s) of the MCFA violated: **169.247 Sec 47**

Explain how those sections were violated:

Printed materials do not have required disclosure.

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

Photo of palm card enclosed

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 AUG - 6 PM 12: 27

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

August 6, 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:

Printed materials do not have required disclosure.

X


Signature of Complainant

Aug 6, 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

A photograph of Charles Bogren, a man with glasses, wearing a dark suit jacket over a light-colored shirt. He is smiling and looking towards the camera. An American flag is visible in the background to his left.

CHARLES BOGREN

FOR COUNTY COMMISSION

**Republican
Charles Bogren,**

*Fighting for Hard-
Working Taxpayers:*

- Pledges to oppose tax increases
- Committed to making government live within its means
- Focused on encouraging job creation and economic growth
- Dedicated to transparency, high ethics and good governance
- Pro-Life and defender of the Constitution
- Building a stronger Kalamazoo County, with your input

Paid for by Friends of
Charles Bogren



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

September 12, 2012

Scott Arnett
6617 Peyton Place
Kalamazoo, Michigan 49048

Dear Mr. Arnett:

The Department of State received a response to the complaint you filed against the Friends of Charles Bogren committee, which concerns alleged violations 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: Charles Bogren

BUREAU OF ELECTIONS
MI DEPT OF STATE

August 29th, 2012

2012 SEP -4 AM 10:43

Lori A. Bourbonais
Michigan Department of State
Bureau of Elections
Richard H Austin Building, 1st Floor
430 W Allegan
Lansing, Michigan 48918-0001

Dear Ms. Bourbonais,

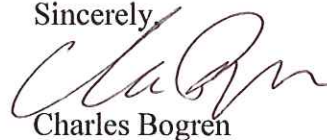
This is in response to your letter dated August 13th, 2012, regarding the complaint filed by Scott Arnett against the Friends of Charles Bogren. Enclosed with this letter you will find a scanned copy of my updated palm card including all required information under the Michigan Campaign Finance Act. This copy shows the label that includes the address of the Friends of Charles Bogren.

When the palm card was first printed we mistakenly did not include the address on the literature. A small batch that held this error was taken out by volunteers canvassing on behalf of my campaign. Very shortly thereafter we realized that not all the necessary information was included, and we immediately printed new labels that were in compliance.

Leaving the address for the Friends of Charles Bogren off of the palm card was a mistake, and one that I worked to immediately rectify. I sincerely apologize for this oversight, and hope that the actions that were taken to correct this error demonstrate that fact.

Thank you for your time and consideration.

Sincerely,



Charles Bogren

CHARLES BOGREN

FOR COUNTY COMMISSION



**Republican
Charles Bogren,**
*Fighting for Hard-
Working Taxpayers:*

- Pledges to oppose tax increases
- Committed to making government live within its means
- Focused on encouraging job creation and economic growth
- Dedicated to transparency, high ethics and good governance
- Pro-Life and defender of the Constitution
- Building a stronger Kalamazoo County, with your input

Paid for by Friends of Charles Bogren
7398 Cottage Oak Dr.
Portage, MI 49024

BUREAU OF ELECTIONS
MI DEPT OF STATE

2012 SEP -4 AM 10:43



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

October 12, 2012

Charles Bogren
Megan Buwalda, Treasurer
Friends of Charles Bogren
7398 Cottage Oak Drive
Portage, Michigan 49024

Dear Mr. Bogren and Ms. Buwalda:

The Department of State (Department) has completed its investigation of a complaint filed against you by Scott Arnett, 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 printed campaign material. This letter concerns the disposition of Mr. Arnett'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 Mr. Arnett on August 6, 2012, and you filed a written response on September 4, 2012. Mr. Arnett did not file a rebuttal statement.

Mr. Arnett alleged that your "[p]rinted materials do not have required disclosure." Mr. Arnett provided as evidence a copy of a palm card which states "CHARLES BOGREN FOR COUNTY COMMISSION [.]". It appears that the paid-for-by statement on the card omits your committee's address.

In response, you filed a letter which stated that the address was mistakenly omitted on a small batch of cards, but "[v]ery shortly thereafter [you] realized that not all the necessary information was included, and [you] immediately printed new labels that were in compliance." You provided a copy of a palm card which contained a complete and correct paid-for-by statement.

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 campaign material into compliance with the MCFA.

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 that reads "Lori A. Bourbonais".

Lori Bourbonais
Bureau of Elections
Michigan Department of State

c: Scott Arnett