



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

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

RECEIVED
MICHIGAN

2020 JUN 18 PM 2:12

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	William J Winslow		Daytime Telephone Number
Mailing Address	94 N Lake Pleasant Rd		
City	Attica	State	Mi Zip 48912
Email (optional)			

Section 2. Alleged Violator			
Name	AL OCITADLEUS		
Mailing Address	4350 Peppermill Rd		
City	Attica	State	Mi Zip 48912
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: SECTION 57

Explain how those sections were violated:

See Attach
CAMPAINING ON TWP MONEY & POST-MIAL
HE HAS DONE THIS FOR YEAR'S

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

See Attach

Apr 6

ATTICA TOWNSHIP

4350 Peppermill Road ~ P.O. Box 86 ~ Attica, Michigan 48412

Phone (810) 724-8128 ~ Fax (810) 724-3705

www.atticatownship.org

SUPERVISOR
Al Ochadleus

CLERK
Nancy Herpolshäimer

TREASURER
Pam Mason

TRUSTEE
Rich Lacey

TRUSTEE
Phil Madeline

FROM THE DESK OF AL OCHADLEUS ATTICA TOWNSHIP SUPERVISOR

My Fellow Residents,

I want you to know that I intend to run again for the position of your Township Supervisor. When I took this position, my wife of 55 years charged me with ensuring that the rules were for everyone, "NO GOOD OLE BOYS CLUB". I can honestly say that in my time as your Supervisor that is how I have operated. Individuals may not like the answer they get, but they can be assured that it is truthful and follows the rules established in the Township as well as looking out for all Attica Township resident's interest. Although we need to follow the rules, if a rule no longer fits our community, we can work to change it to the benefit of all.

My background as a manufacturing executive for Vlastic and Campbell soup allowed me to bring a wealth of knowledge to the position of Supervisor. We stand today in a strong financial position with NO DEBT, PERIOD, with the exception of normal monthly expenses.

Additionally, I continue to be involved in areas throughout the county. The reason for this is to ensure that we do not get blindsided in areas that could affect Attica residents. That is why I'm a Board member on the Construction Code Board, as well as Chairperson of the Lapeer County EMS Board. I have served as an appointed County representative on the Valley Area Agency on Aging as well.

Throughout my time as Supervisor I have always published my home and cell phone numbers to be available to our residents in their time of need. There are times when an issue is so important that the residents must be heard now!

I expect I will face competition in the 2020 election process. The thing I would like the voters of Attica Township to consider is THAT CHANGE FOR THE SAKE OF CHANGE IS NOT ALWAYS GOOD. A proven leader who operates with integrity and honesty is always the best choice. So, I come to you, the residents and taxpayers of the Township, asking for your continued support.

For your information, the Township spends approximately 25% of the general fund budget on the roads. The budget for the roads for the fiscal year of 2019/2020 is \$294,325.00. What comprises that number is brining at \$42,992.00 (\$14,330.63 per application), gravel/limestone \$190,020.00, road side mowing \$11,200.00 and other miscellaneous road projects, including cross tubes, ditching and brush cutting are budgeted at \$50,623.00. If you have any questions, please do not hesitate to ask!

If you have an issue do not hesitate to call me at home at 810-664-9720 or on my cell at 810-441-7524. If you are in the area, please do not hesitate to stop in, have a cup of coffee and chat.

PLEASE MARK YOUR CALENDAR FOR DUMPSTER DAY MAY 16, 2020

Saturday May 16, 2020 from 9:00 a.m. – 12:00 noon at the township. This is for Attica Township residents only.

FROM THE TREASURER'S OFFICE PAM MASON

Happy New Year and may 2020 be happy and healthy for all. Just a reminder, we send out two tax bills a year, one in July and the other in December. If you have questions or do not receive your bill, please contact us Monday – Friday from 9:00 a.m. till Noon at 810-724-8128. Please, for the safety of all, pay your taxes by check or money order. WE WILL ACCEPT CASH IN THE EXACT AMOUNT ONLY, as we keep no cash in the office to make change with. Receipts will be sent only when the ENTIRE BILL is mailed to the office. Also, for your convenience, we have added a locked drop box to the front of the building, west of the front door, and any Township business can be left safely and taken care of the next business day.

PLEASE BE AWARE WE ARE UNABLE TO WAIVE INTEREST ON SUMMER BILLS ANY LONGER AND INTEREST WILL BE ADDED ON ALL BILLS AS OF SEPTEMBER 15, 2020.

Just a reminder that summer deferments are available to those who qualify. Veterans Exemptions are also available to those with at least 70% disability and 100% unemployable and must be applied for on a yearly basis. Please call if you have any questions.

FROM THE CLERK'S OFFICE NANCY HERPOLSHÄIMER

As we move forward in this new decade, we will see a lot of activity in the Clerk's office. There will be three elections to prepare for as well as the everyday duties of the Clerk's office. The election dates are March 10, 2020; August 4, 2020; and November 3, 2020. There are new laws that have been passed and it is now possible for anyone to receive an absentee ballot. You simply have to request a ballot and we will first send you an application and then the ballot will be sent when they are available. We are expecting larger turnouts for these elections so if it is inconvenient or difficult for you to wait in line for any length of time, this might be the year to use an absentee ballot.

Our office is open every day from 9a.m. to noon to answer any questions and to register voters. We can be reached by calling the office during those hours at 810-724-8128.

LAPEER COUNTY EMS

To clear up any confusion over the Lapeer County EMS ambulance copay, if you have insurance and Lapeer County EMS responds to a medical emergency there is no copay. If Medstar responds to the call there will be a copay. In an emergency call 911 and the closest ambulance service will respond. If there is a non-emergency situation you can call Lapeer EMS at 810-667-2927 or call the non-emergency number at Central Dispatch and request Lapeer County EMS at 810-667-029

TOWNSHIP AGRICULTURAL PROPERTY AVAILABLE

The Township adopted a resolution to rent 16 acres that it owns for a starting bid of \$100.00 per acre. Submit your bid prior to the April 9, 2020 Township Board Meeting, attention: "Township Clerk Acreage Bid" on the sealed envelope.



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

June 26, 2020

Al Ochadelus
4350 Peppermill Road
Attica, MI 48412

Re: *Winslow v. Ochadelus*
Campaign Finance Complaint
No. 2020-06-32-57

Dear Mr. Ochadelus:

The Department of State (Department) received a formal complaint filed by William Winslow against you alleging violations of 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.

In Michigan, 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). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Mr. Winslow alleges that you used Township resources by expressly advocating for your election in a township mailing.

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. 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 investigation process is enclosed with this letter and a copy is available on the Department's website.

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. Due to the ongoing public health emergency, the Department asks that all materials be submitted via email to Elections@Michigan.gov to my attention. 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 Mr. Winslow, 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 57(4) of the Act.

If you have any questions concerning this matter, you may contact me via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is written in a cursive style with a large, looping initial "A".

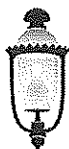
Adam Fracassi
Bureau of Elections
Michigan Department of State

c: William Winslow

ATTORNEYS AT LAW

James D. Morrice 1908-2004

John L. Lengemann
Sally A. Miller
William E. Lengemann



Morrice,
Lengemann,
& Miller, P.C.

TRUSTED SINCE 1941

Bureau of Elections
Michigan Department of State
c/o Adam Fracassi
430 W. Allegan
Lansing, MI 48918

July 8, 2020

Re: No. 2020-06-32-57

2020 JUL 14 PM 2:12

Dear Mr. Fracassi:

This firm represents the interests of Mr. Al Ochadelus, Supervisor of Attica Township. Mr. Ochadelus admits to writing in the township's newsletter 2020 in his capacity as Township Supervisor. The Township's newsletter is the domain within which to announce newsworthy events affecting its citizens. Mr. Ochadelus' statements to his township's citizens were not made with the intension of soliciting political contributions or pressure to vote for him. This is an isolated incident and not something he has written about in years past as alleged.

Morrice, Lengemann & Miller PC

By:


Sally A. Miller

cc: Mr. Al Ochadelus



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

July 24, 2020

William Winslow
94 N Lake Pleasant Road
Attica, MI 48412

Re: *Winslow v. Ochadelus*
Campaign Finance Complaint
No. 2020-06-32-57

Dear Mr. Winslow:

The Department of State received a response to the complaint you filed against Al Ochadelus, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Sally Miller, Attorney

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, March 26, 2021 1:01 PM
To: maryk@mlm-law.net
Subject: FW: Bureau of Elections ATTN ADAM FRACASSI
Attachments: Initial Determination Letter.pdf; Questions.pdf

Hi Mary,

Please see the attached for Ms. Miller regarding the abovementioned campaign finance complaint. If you have any questions, please let me know.

Adam Fracassi, Election Law Attorney
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

From: Mary Kanaziz <maryk@mlm-law.net>
Sent: Thursday, July 9, 2020 11:24 AM
To: SOS, Elections <Elections@michigan.gov>
Subject: Bureau of Elections ATTN ADAM FRACASSI

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Mr. Fracassi:

Attached please find a letter from Attorney Sally Miller, dated July 8, 2020, on behalf of Al Ochadelus, Attica Township Supervisor.

Should you have any questions or concerns, please contact our office.

Mary Kanaziz

Mary Kanaziz
Legal Secretary
Morrice, Lengemann & Miller, P.C.
202 E. Third Street
Imlay City, MI 48444
(810) 724-2565
Fax (866) 267-0303

NOTICE OF CONFIDENTIALITY: This message and any attachments are from the law firm of Morrice, Lengemann & Miller, P.C. and may be privileged, confidential or otherwise protected from disclosure under the electronic and communication privacy act of 1986, 18 U.S.C. Sec. 2510, et seq, (the "ECPA"). This information is intended for the addressee only. If you are not the addressee, or if you have received this message in error, please be aware that any disclosure, copying, distribution or use of the content of this message or any attachments is prohibited. If you have received this message in error, please notify us immediately by reply email or telephone (810-724-2565) and destroy the original message and all attachments without retaining any copies. Thank you.



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

March 26, 2021

Sally Miller
Attorney for Al Ochadelus
Morrice, Lenegemann & Miller
202 East Third Street
Imlay City, Michigan 48444

Re: *Wislow v. Ochadelus*
Campaign Finance Complaint
No. 2020-06-32-57

Dear Ms. Miller:

The Department of State (Department) has completed its initial investigation of the complaint filed against your client by William Winslow, which alleged violations of section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Mr. Winslow's complaint.

Mr. Winslow filed his complaint on June 18, 2020 and alleged that your client spent township money to expressly advocate for his reelection. Provided with the complaint was a township newsletter in which Mr. Ochadleus states "I intend to run again for the position of your Township Supervisor" and "I come to you, the residents and taxpayers of the Township, asking for your continued support."

By letter dated July 8, 2020 you indicated that your client admits to writing in the Township's newsletter, and this was an isolated incident. The Department notified Mr. Winslow of his right to file a rebuttal, but to date none has been received.

In Michigan, 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). A public body is allowed produce or disseminate factual information concerning issues relevant to the function of the public body. MCL 169.257(1)(b). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The Department has reviewed the complaint and the materials submitted and concludes that a potential violation of the Act has occurred. The newsletter at issue is attached to the complaint

and specifically states “I intend to run again for the position of your Township Supervisor” and “I come to you, the residents and taxpayers of the Township, asking for your continued support.”

This language is the exact type of language prohibited section 57 of the Act prohibits. A public body or a person acting on its behalf may not expend public funds or use public resources to expressly advocate for the passage of a ballot question. Under the MCFA, express advocacy is defined as language that specifically urges voters to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question or candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). The article published in the newsletter meets this standard as the first page requests voters for their “continued support.” This is not factual in nature, but is express advocacy as defined by the MCFA.

Given that the newsletter contains words of express advocacy, the Department concludes that the evidence demonstrates that a potential violation of section 57 has occurred as township resources were improperly used in order to campaign in support of your client’s reelection.

Upon the finding of a potential violation, the Act 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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” *Id.*

In a separate communication, the Department will attempt to resolve the complaint using informal methods. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is stylized with a large, sweeping flourish at the end.

Adam Fracassi
Bureau of Elections
Michigan Department of State



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

In the Matter of:

William Winslow
94 N. Lake Pleasant Road
Attica, MI 48412

v.

Al Ochadleus
4350 Peppermill Road
Attica, MI 48412

CONCILIATION AGREEMENT

Pursuant to MCL §169.215(10) of the Michigan Campaign Finance Act (the Act), MCL §169.201 *et seq.*, the Secretary of State and Al Ochadleus (Respondent) hereby enter into a conciliation agreement with respect to certain acts prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent violated MCL §169.257 by making improper expenditures using township resources.

Therefore, Respondent, without admitting any issue of law or fact, except as stated herein, hereby voluntarily enters into this conciliation agreement and assures the Secretary of State that he will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondent certifies that Attica Township has been repaid \$1,463.62 representing the total amount of the improper expenditure and have provided a receipt of such to the Secretary of State.

The Secretary of State and Respondent further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly authorized representative.

The Secretary of State and Respondent further agree that this agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violation that resulted in the execution of this agreement.

The Secretary of State and Respondent further agree that the complaint and investigation that resulted in this agreement are disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

The Secretary of State and Respondent further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

The Secretary of State and Respondent further agree that Respondents' performance under this agreement shall be given due consideration in any subsequent proceedings.

The Secretary of State and Respondent further agree that this agreement, when signed, shall become a part of the permanent public records of the Department of State.


The Secretary of State and Respondents finally agree that the signatories below are authorized to enter into and bind the parties to this agreement and have done so by signing this agreement on the date below.

JOCELYN BENSON
SECRETARY OF STATE

RESPONDENT



Jonathan Brater, Director
Bureau of Elections



Al Ochadlus, or authorized
representative

Date: 06/01/2021

Date: 5-12-21