

SOS, Disclosure

From: JEFFREY BACHOCHIN <jjbach9@comcast.net>
Sent: Thursday, July 16, 2020 10:10 AM
To: SOS, Disclosure
Subject: Campaign Finance Complaints
Attachments: Campaign Finance Complaint_Nolan Kare_16Jul2020.pdf; Campaign Finance Complaint_Gaylene Hunter_16Jul2020.pdf; Campaign Finance Complaint_Mike Nicley_16Jul2020.pdf

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

I have attached Campaign Finance Complaints for three candidates:

1. Nolan Kare
147 Tillson
Romeo, MI 48065
2. Gaylene Hunter
11469 Richmond
Washington, MI 48094
3. Mike Nicley
11716 Meadow Place
Washington, MI 48094

Please contact me if there are any questions.
Jeffrey J. Bachochin
(586) 703-6973



Michigan Department of State
Campaign Finance Complaint Form
 BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
 430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

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 JEFFREY J. BACHOCHIN		Daytime Telephone Number (586) 703-6933	
Mailing Address 7079 MIDDLECOFF DRIVE			
City WASHINGTON	State MI.	Zip 48094	
Email (optional) jibach9@comcast.net			

Section 2. Alleged Violator			
Name GAYLENE HUNTER			
Mailing Address 11469 RICHMOND			
City WASHINGTON	State MI	Zip 48094	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: 169.247 SEC 47

Explain how these sections were violated:


ADDRESS MISSING IN "PAID FOR BY CTE GAYLENE HUNTER" ON POLITICAL SIGN.

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

THREE PHOTOS OF POLITICAL SIGN ATTACHED.

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  _____ Date 16 Jul 2020

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 _____ 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.

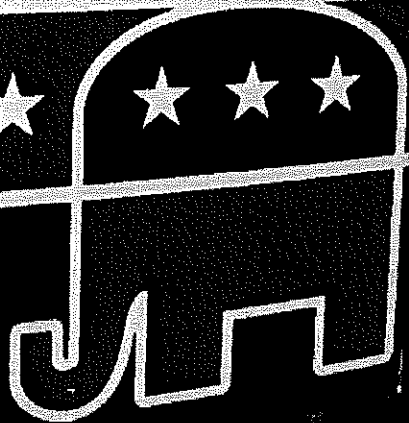
Michigan Department of State
Bureau of Elections
Richard H. Austin Building - 1st Floor
430 West Allegan Street
Lansing, Michigan 48918

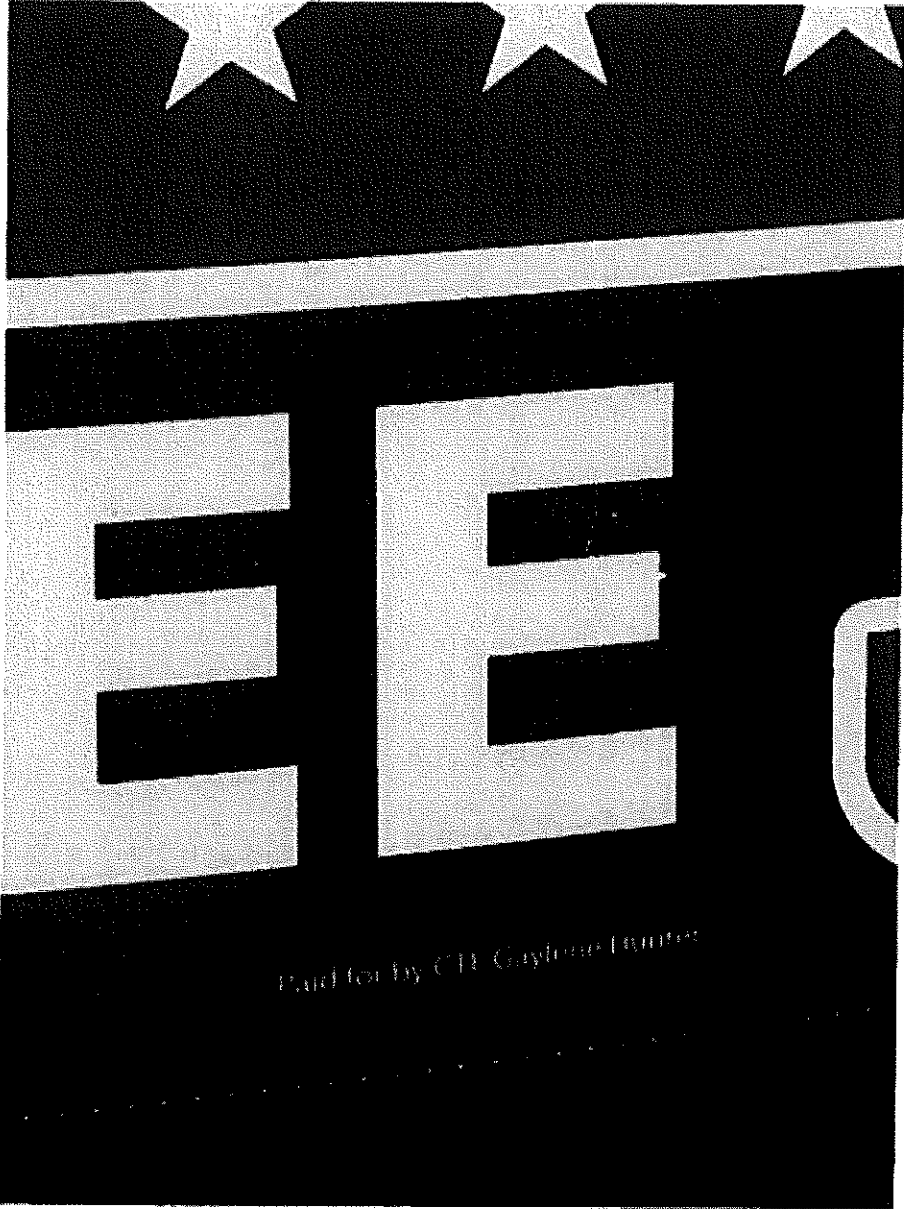
GAYLENE

WINTER



TEE







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

August 3, 2020

Gaylene Hunter
11469 Richmond
Washington, Michigan 48094

Re: *Bachochin v. Hunter*
Campaign Finance Complaint
No. 2020-07-98-47

Dear Ms. Hunter:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials. A copy of the complaint is enclosed.

The complaint was submitted to the Department on July 16, 2020 and alleges that you have distributed yard signs that did not include a proper paid for by statement. A picture of the yard signs is included with the complaint.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election 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(6).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether it is an expenditure covered by the MCFA. The yard sign specifically states "Elect Gaylene Hunter Trustee" which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you on the material using words of express advocacy and was published by your committee, the printed material is covered by the gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the printed material has omitted the address in the required paid for by statement. Since this address is absent, the evidence supports the conclusion that a potential violation has occurred.

After reaching this conclusion, 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

Gaylene Hunter
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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.*

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that MCL 169.247(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 referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department’s conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

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(6), 215(10).

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Jeffrey J. Bachochin