

Smith, Jessica (MDOS)

From: Jillian Kerry <jmkerry731@gmail.com>
Sent: Tuesday, October 20, 2020 5:05 PM
To: SOS, Disclosure
Subject: Ed Frutig for Scio Twp. Trustee campaign violation complaint
Attachments: Ed Frutig campaign violation complaint.pdf; Frutig sign front 2020-converted.pdf

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

Hello,

Please read the attached complaint and review the evidence.

Ed Frutigs campaign yard signs do not have payee identification included.

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Thank you,
Jillian Michele Kerry
734-271-5982



**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 <u>Jillian Kerry</u>		Daytime Telephone Number <u>734-271-5982</u>
Mailing Address <u>153 Lucella Ave</u>		
City <u>Ann Arbor</u>	State <u>mi</u>	Zip <u>48103</u>
Email (optional)		

Section 2. Alleged Violator		
Name <u>Edward Frutig</u>		<u>734-355-3543</u>
Mailing Address <u>8640 Scio Church Rd</u>		
City <u>Ann Arbor</u>	State <u>mi</u>	Zip <u>48103</u>
Email (optional) <u>Edward.Frutig@gmail.com</u>		

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

Section(s) of the MCFA alleged to be violated: Act 388 169.247 Sec.47 (1)

Explain how those sections were violated:

NO identification on campaign material

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

Photos of yard sign - Front & Back

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

Jeffrey Kerry
Signature of Complainant

10-20-2020

Date

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

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

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

X

Signature of Complainant

Date

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

Section 6. Submission

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

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



MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE COMMITTEES FILED WITH A COUNTY CLERK

State Committees Must File Electronically

ORIGINAL OR AMENDED

Information on this form is made public.

1. Committee ID #: <u>2020-005</u>		2. Type of Filing: <input checked="" type="checkbox"/> Original; <input type="checkbox"/> Amendment to Item:		Eff. Date:	
3. Full Name of Committee (must include Candidate's first and last name): <u>EDWARD FRUTIG FOR TRUSTEE</u>					
4a. Candidate Full Name: Last Name <u>FRUTIG</u>		First Name <u>Edward</u>		M.I. <u>A</u>	
4b. Political Party (if applicable): <u>REPUBLICAN</u>		4c. County of Residence: <u>WACHTENAW</u>			
4d. Office Sought: <u>TRUSTEE</u>		4e. District or Jurisdiction: <u>SCIO TOWNSHIP</u>			
5. Date Committee was Formed: <u>APRIL 29TH 2020</u>					
6a. Committee Phone: <u>3136576882</u>		6b. Committee Fax #:			
6c. Committee Email Address: <u>Edward.Frutig@gmail.com</u>		6d. Committee Website Address:			
7a. Complete Committee Mailing Address (May be PO Box): <u>8040 SCIO CHURCH ROAD ANN ARBOR MI 48103</u>					
7b. Complete Committee Street Address (May not be PO Box):					
8. Treasurer Name and Complete Address: <u>KELLY FRUTIG</u> <u>8040 SCIO CHURCH ROAD ANN ARBOR MI 48103</u> Phone #: <u>734 955 9549</u> Email Address: <u>KELLY FRUTIG @ GMAIL.COM</u>					
9. Designated Record Keeper Name and Complete Address: Phone #: Email Address:					
10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000 in an election, the committee does not owe Pre, Post and Quarterly Campaign Statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly Statements even if the committee does not spend or receive in excess of \$1,000 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.					
11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to be opened until the first contribution is received. *Official Depository (name and address): <u>PNC BANK</u> <u>5490 JACKSON RD ANN ARBOR MI 48103</u> Secondary Depository (name and address):					
12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)					
*Candidate: <u>Edward Frutig</u>		Date: <u>4/29/20</u>		*Current Treasurer: <u>Kelly Frutig</u>	
*Designated Record Keeper (if Applicable)		Date:		Date: <u>4/29/20</u>	

Clear Form

VOTE FOR

**Edward
FRUTIG**

SCIO TOWNSHIP TRUSTEE

VOTE FOR

**Edward
FRUTIG**

SCIO TOWNSHIP TRUSTEE



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

January 19, 2021

Edward Frutig
8040 Scio Church Road
Ann Arbor, MI 48103

Re: *Kerry v. Frutig*
Campaign Finance Complaint
No. 2020-10-188-47

Dear Mr. Frutig:

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 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 "Vote For Edward Frutig Scio Township 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 using words of express advocacy and was published by your committee, the signs are covered by the Act's requirements and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the signs have completely omitted the required paid for by statement. Since this phrase is absent, the evidence supports the conclusion that a 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

Edward Frutig
January 19, 2021
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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,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure
c: Jillian Kerry