



**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/FILED
MICHIGAN DEPT OF STATE

2021 MAY -4 PM 2:10

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	Charles Blackwell	
Daytime Telephone Number	313-739-3597	
Mailing Address	22655 Fairmont Dr Apt 102	
City	State	Zip
Farmington Hills	MI	48335
Email (optional)	cblack618@gmail.com	

Section 2. Alleged Violator		
Name	Patrick Andre Wimberly	
Mailing Address	1725 Kenwood	
City	State	Zip
Inkster	MI	48141
Email (optional)	PAWWimberly@gmail.com	

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

Section(s) of the MCFA alleged to be violated: MCL 169.233(7)

Explain how those sections were violated:

Friends of Patrick Wimberly (Committee ID# 82-157145)
has not filed any required pre or post election
Campaign Statement. Patrick Wimberly is also
the designated committee treasurer

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

See attached failure to file notice from
Wayne County Clerk's office

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

Charles Blum
Signature of Complainant

4-27-2021

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

Charles Blum
Signature of Complainant

4-27-2021

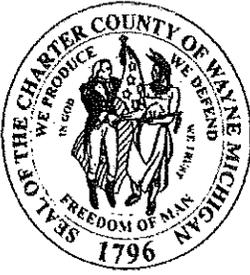
Date

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



Office of the County Clerk

Elections Division

SECOND MAILING
APRIL 5, 2021

Cathy M. Garrett
Wayne County Clerk

Date: March 4, 2021

I.D #82-157145
Friends of Patrick Wimberly
27334 Michigan ave.,
Inkster, MI 48141

NOTICE OF FAILURE TO FILE FEE

THIS IS A BILL

Dear Committee:

Please be advised that this office is assessing the above named committee a fee for Failure To File the following Statement: Our web site

ANNUAL 2020 CAMPAIGN STATEMENT

The last day to file this report was 02/01/2021 by 5:00 pm. In accordance with the Campaign Finance Act, MCL 169.233, we are assessing you the amount of \$500.00. A copy of the governing provision of law is attached. Reporting Period Name "12/31/2020 Annual".

Please be aware that we are required to notify the County Treasurer to initiate collection procedures for a late filing fee that remains unpaid for more than 60 days.

For information on the provision of the Campaign Finance Act that governs late filing fee waivers, please reference Appendix E.

If you have any questions, please contact this office at (313) 224-2380, (313) 224-0169 or email at wccampaignfinance@waynecounty.com.

Very truly yours,

Gil Flowers

Gil Flowers
Campaign Finance Manager

**PAYMENTS MUST BE MADE BY CERTIFIED CHECK, MONEY ORDER, CREDIT CARD OR COMMITTEE CHECK
-NO PERSONAL CHECK WILL BE ACCEPTED.**

Make Check Payable To: Wayne County Clerk
Election Division
502 Coleman A. Young Municipal Center
Detroit, MI 48226



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

May 24, 2021

Patrick Wimberly
1725 Kenwood
Inkster, MI 48141

Re: *Blackwell v. Wimberly*
Campaign Finance Complaint
No. 2021-05-06-33

Dear Mr. Wimberly:

The Department of State (Department) has received a formal complaint filed by Charles Blackwell against you alleging that you violated 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.

The MCFA requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11). Moreover, if a candidate fails to file two or more statements required under section 33 or section 35 of the Act and those statements remain unfiled for more than 30 days, the candidate “is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.” MCL 169.233(8).

Mr. Blackwell alleges that your committee has failed to file required statements with the Wayne County Clerk’s Office.

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 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 process is available on the enclosed guidebook.

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. All materials must be sent to the

Patrick Wimberly

May 24, 2021

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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 answer will be provided to Mr. Blackwell, 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 penalty provided in section 33(8) and (11) of the Act.

If you have any questions concerning this matter, you may contact me at Elections@Michigan.gov

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Charles Blackwell



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

October 6, 2021

FINAL NOTICE

Patrick Wimberly
1725 Kenwood
Inkster, MI 48141

Via Certified mail & Email

Re: *Blackwell v. Wimberly*
Campaign Finance Complaint
No. 2021-05-06-33

Dear Mr. Wimberly:

By correspondence dated May 24, 2021, the Department of State (Department) advised you of its intention to investigate a complaint filed against you by Charles Blackwell concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. The Committee was provided an opportunity to respond to these allegations within 15 business days of your receipt of the notice, but to date no response has been filed on your behalf.

By this letter, the Department is providing you a final opportunity to submit a written response to the enclosed notice. Your response may include any documentary evidence you wish to submit and must be received by the Department on or before **October 27, 2021**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

Failure to submit a written response to this final notice will leave the Department no alternative but to make its determination based solely on the documentation furnished by Mr. Blackwell.

Sincerely,

Adam Fracassi
Bureau of Elections
Michigan Department of State



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

November 30, 2021

Patrick Wimberly
1725 Kenwood
Inkster, MI 48141

Via certified mail

Re: *Blackwell v. Wimberly*
Campaign Finance Complaint
No. 2021-05-06-33

Dear Mr. Wimberly:

The Department of State (Department) has concluded its investigation of the complaint that you filed against Charles Blackwell concerning an alleged violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 P.A. 388, MCL 169.201 *et seq.*

Mr. Blackwell alleged that your candidate committee has failed to file required campaign statements with the Wayne County Clerk's office. In support of this allegation, Mr. Blackwell submitted a failure to file notice issued to your committee by the Wayne County Clerk on April 5, 2021.

The Department invited you to respond to Mr. Blackwell's complaint on multiple occasions. By email and certified mail correspondence dated October 6, 2021, the Department informed you that a failure to respond by October 27, 2021 would leave the Department with no alternative but to make its determination based solely on the documentation furnished by Mr. Blackwell. To date, you have not responded to that letter or to any other communication from the Department.

In Michigan, candidates and committees are required to file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A committee which fails to file a campaign statement required under the Act is subject to late filing fees. MCL 169.233(7). Moreover, if a candidate fails to file two or more statements required under section 33 or section 35 of the Act and those statements remain unfiled for more than 30 days, the candidate "is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both." MCL 169.233(8).

The Department has concluded its investigation of the complaint filed against you and concludes that, based on the nine outstanding failures to file issued against your committee by the Wayne County Clerk, there is reason to believe that a possible violation of the MCFA has occurred.¹ Upon reaching this conclusion, the Department is required 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 further violation [.]” *Id.* If the violation cannot be corrected through the conciliation process within 90 business days of this notice, the Department is required to either commence a civil hearing or refer the outstanding case to the Attorney General for criminal prosecution. *Id.*

Please contact the undersigned at fracassia@michigan.gov to discuss a resolution to this matter. If you fail to make contact to discuss a possible resolution, or if a resolution cannot be reached, the Department will have no choice but to seek the aforementioned remedies.

Sincerely,



Adam Fracassi
Bureau of Elections

C: Charles Blackwell, via email

¹ A search of the Wayne County Clerk’s campaign finance filing database conducted on Nov. 17, 2021 shows that you have not filed any required campaign statement with the clerk since your Statement of Organization was filed on May 7, 2019.



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

June 7, 2022

The Honorable Dana Nessel
Department of Attorney General
G. Mennen Williams Building
525 West Ottawa Street
Lansing, MI 48933

**Re: Blackwell v. Wimberly
Michigan Campaign Finance Complaint**

Dear Attorney General Nessel:

Please allow this letter to serve as a referral to the Attorney General of the above-referenced campaign finance matter for the enforcement of any criminal penalties under the Michigan Campaign Finance Act. MCL 169.215(10)(a).

If you or your staff would like any additional information regarding this case, please contact this office.

Sincerely,

s/ Michael J. Brady

Michael J. Brady, Chief Legal Director
Michigan Secretary of State

MJB/mes

cc: Heather Meingast, Division Chief, CLEE Division