



Michigan Department of State
Campaign Finance Complaint Form

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

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MICHIGAN
2019 OCT 15 PM 2:20
ELECTIONS/GREAT SEAL

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 Dillon Breen		Daytime Telephone Number 734-718-0207
Mailing Address 38987 Stacey Drive		
City Livonia	State MI	Zip 48154-1068
Email (optional)		

Section 2. Alleged Violator		
Name Carolyn Upton		
Mailing Address 42806 Brookstone Drive		
City Novi	State MI	Zip 48377
Email (optional)		

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

Section(s) of the MCFA alleged to be violated: **Sec. 47**

Explain how those sections were violated:

Postcards advocating the violators election to city Council
display an insufficient disclaimer per Sec. 47(1) of the
MCFA. Does not include the full mailing address as required.

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

Copy of Mail piece recieved.

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

10/10/19
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

FROM: 4250 PINE DRIVE | NOVI, MI 48377

PRRT STD
US POSTAGE
PAID
MASS MAILING

*****ECRWSH**R 074 83

Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

VOTE FOR CHANGE
VOTE FOR THE THREE C'S
ON TUE NOV 5



PAID FOR BY: CAROLYN UPTON, FRIENDS OF COLLEEN CROSSEY, CHRISTINE INGLES MAYORAL CAMPAIGN TEAM

CONNECT WITH US:

WEB: CarolynUptonForCouncil.com
Email: CarolynUptonNovi@gmail.com
FB: [CarolynUptonForNoviCityCouncil](https://www.facebook.com/CarolynUptonForNoviCityCouncil)

EMAIL: Christine4mayor@gmail.com
FB: [ChristineforMayorOfNovi](https://www.facebook.com/ChristineforMayorOfNovi)

WEB: ColleenCrossey.com
Email: ccrossey@umich.edu
FB: [Crossey8](https://www.facebook.com/Crossey8)



CONCERNED ABOUT

- OVERDEVELOPMENT THAT'S CAUSING TRAFFIC JAMS AND OVERWHELMING OUR PUBLIC SERVICES
- BUILDERS UPROOTING OUR TREES AND PAVING OVER OUR CITY
- SELECT BUSINESSES RECEIVING CITY COUNCIL APPROVED TAX ABATEMENTS THAT DRAIN FUNDS FROM OUR SCHOOLS AND PUBLIC SERVICES

CARES ABOUT

- THOUGHTFUL, CONTROLLED GROWTH OF OUR CITY
- OUR WOODLANDS, OLD TREES, AND THE UNIQUE CHARACTER OF OUR COMMUNITY
- ADEQUATE FUNDING FOR OUR SCHOOLS, OUR POLICE, AND OUR FIREFIGHTERS

COMMITTED TO

- STANDING UP FOR THE NEEDS AND WANTS OF NOVI RESIDENTS
- DEMANDING THAT DEVELOPERS OBEY THE CITY'S WOODLANDS PRESERVATION REQUIREMENTS
- ELIMINATING UNNECESSARY TAX ABATEMENTS TO PRESERVE THE FUNDING FOR OUR SCHOOLS, OUR POLICE, AND OUR FIREFIGHTERS

GREETINGS FROM NOVI

VOTE FOR CHANGE

**VOTE FOR THE THREE C'S
ON TUE NOV 5**

**CAROLYN UPTON
NOVI CITY COUNCIL**

**COLLEEN CROSSEY
NOVI CITY COUNCIL**

**CHRISTINE INGLES
MAYOR OF NOVI**

VOTE TUESDAY NOVEMBER 5, 2019

**CAROLYN
UPTON**



NOVI CITY COUNCIL

Hello neighbor,

My name is Carolyn Upton and
I am running for Novi City Council
I am asking for your vote on
Tuesday November 5, 2019

Personal Info

Novi resident for 23 years
Married and have 2 grown sons
Employed at Amerisure Insurance

Community Service

Novi Emergency Response Team
Novi Citizen's Police Academy
Novi Beautification Commission
Homeowners Assoc. Vice President
Boy Scout Troop 54 Leader

*You can vote
absentee, it has never
been easier.*

Please connect with me



[CarolynUptonforNoviCityCouncil](#)



[CarolynUptonForCouncil.com](#)

Paid for by Committee to Elect Carolyn Upton



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

October 17, 2019

Carolyn Upton
42806 Brookstone Drive
Novi, Michigan 48377

Re: *Breen v. Upton*
Campaign Finance Complaint
No. 2019-10-40-47

Dear Ms. Upton:

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 by Dillon Breen to the Department on October 15, 2019 and alleges that you have distributed postcards that did not include a proper paid for by statement. A picture of the mailer 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 mailer specifically states "Vote for the three C's" next to your name 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 gambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, while the mailers have included the required paid for by statement, it fails to contain the full mailing addresses of the committee paying for the mailer. Since this is absent, the evidence supports the conclusion that a potential violation has occurred.

Carolyn Upton
October 17, 2019
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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 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: Dillon Breen