

Michigan Department of State

2019 OCT 15 PH 2: 20

Campaign Finance Complaint Form

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

CLEGHOSS/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 Pillon Breen | | Daytime Telephone Number | | |
| 38987 Stacey Drive | F a | | | |
| City Livonia | State | Zip 48154-1068 | | |
| Email (optional) | | | | |
| Section 2. Alleged Violator | | | | |
| Name Carolyn Upton | | | | |
| Mailing Address 42806 Brookstone Driv | re | | | |
| Novi | State | ^{Zip} 48377 | | |
| Email (optional) | | - | | |
| Section 3. Allegations (Use additional sheets if more | snace is needed) | | | |
| Section(s) of the MCFA alleged to be violated: | W 12 (0 - 2) | v ² | | |
| Explain how those sections were violated: | 50 | | | |
| Postcards advocating the viole | | | | |
| display an insufficient disc | lainer Pe | r Sec. 47(1) of the | | |
| MCFA. Does not include the | | | | |
| | | | | |
| | | | | |
| Evidence included with the submission of the complain | (8) | he 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.

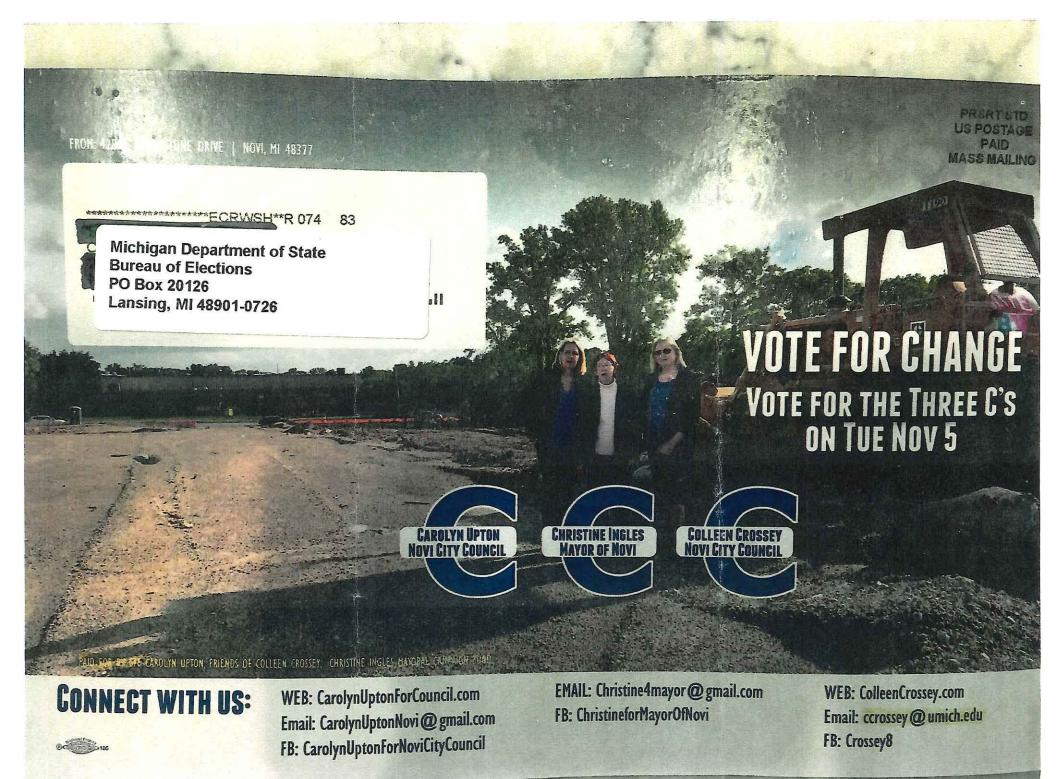
| X | Dillow Bree | 10/10/19 |
|-----|--|---|
| | Signature of Complainant | Date |
| Sec | ction 5. Certification without Evidence (Su | applemental to Section 4) |
| | fter a reasonable inquiry under the circumstances entions are supported by evidence as indicated a | s, you are unable to certify that certain factual bove, you may make the following certification: |
| | I certify that to the best of my knowledg grounds to conclude that the following | specifically identified factual |
| | contentions are likely to be supported by opportunity for further inquiry. Those s | |
| | | |
| | 2 | |
| | | |
| | × | |
| | | |
| X | * | |
| 1 | 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



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, GO TREES, AND THE UNIQUE CHARACTE DUR COMMUNITY
- ADEQUATE FUNDA OUR SCHOOLS, OUR POLICE, AT 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

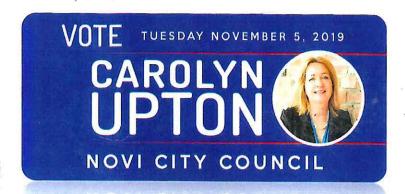
BREETINGS.

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



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



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 Page 2

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,

Adam Fracassi

Bureau of Elections

Michigan Department of State

Enclosure c: Dillon Breen