

Attn: Adam Fracassi

Complaint re-filed 10/27/2020
w/ addresses provided



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

NOV-5 PM 12:44

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	Kathleen Boll		Daytime Telephone Number
			313 824 2232
Mailing Address	1255 Nottingham Road		
City	Grosse Pointe Park	State	MI
		Zip	48230
Email (optional)			

Section 2. Alleged Violator			
Name	Kathleen Abke	Colleen Worden	George Bailey
			Joseph Herd
Mailing Address	2070 Hawthorne	2070 Hawthorne GPW 48236	1155 Hampton GPW 48236
			1886 Prestwick GPW 48236
City	GPW 48236	GPW 48236	State
		20052 Fairway	MI
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 (1)

Explain how those sections were violated:

The printed door hanger political ad does not include
the addresses of the committees paying for the ad

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

Please see door hanger political advertising.

Note: absence of committee/home addresses.

Section 4. Certification (Required)

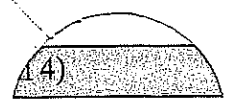
I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is :

X Kathleen Bell
Signature of Complainant
10/27/20 Kathleen Bell

Signed

Section 5. Certification without Evidence (S

If, after a reasonable inquiry under the circumstances, you believe that certain factual contentions are supported by evidence as indicated



certify that certain factual contentions are supported by evidence as indicated following certification

I certify that to the best of my knowledge and belief, formed after a reasonable inquiry under the circumstances, the following contentions are likely to be supported by evidence as indicated and you are providing an opportunity for further inquiry. Those contentions are:

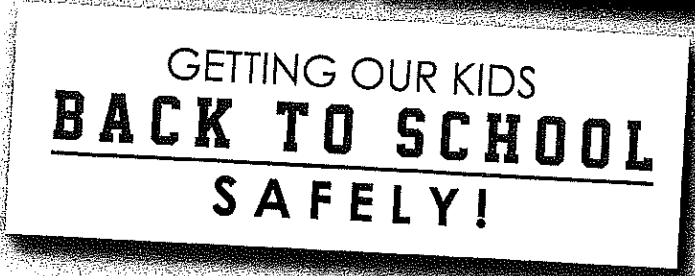
X _____
Signature of Complainant

Section 15(8) of the MCFA provides that a person who is responsible for a civil violation of the MCFA shall be liable for \$1,000.00 and some, or all, of the expenses incurred by the complainant as a direct result of the filing of the complaint.

Section 6. Submission

Once completed, mail or hand deliver the complaint to the Michigan Department of Education. The complaint is considered filed upon receipt by the Michigan Department of Education.

Michigan
Bureau of
Richard H.
430
Lansing



paid for by:
CTE Kathleen Abke for GP Schools; Colleen Worden for GP Schools
Committee to Elect George Bailey for GP School Board
CTE Joseph Herd/ Grosse Pointe School Board



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

April 16, 2021

Kathleen Abke
2070 Hawthorne
Grosse Pointe Woods, MI 48236

Colleen Worden
20052 Fairway
Grosse Pointe Woods, MI 48236

George Bailey
1155 Hampton
Grosse Pointe Woods, MI 48236

Joseph Herd
1886 Prestwick
Grosse Pointe Woods, MI 48236

Re: *Boll v. Abke, et all*
Campaign Finance Complaint
No. 2020-10-202-47

Dear Ms. Abke, Ms. Worden, Mr. Bailey, & Mr. Herd:

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 November 5, 2020 and alleges that you have distributed flyers that did not include a proper paid for by statement. A picture of the flyers 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 flyer specifically states, "Please Vote November 3 for Grosse Pointe School Board," was published by your committees, and 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 ambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the flyers have completely omitted the required paid for by statement.

Kathleen Abke, et al
April 16, 2021
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Since this phrase 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 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: Kathleen Boll