



**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

2022 AUG -2 AM 8:40

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 <i>Sarah Cross</i>		Daytime Telephone Number <i>510 333 0483</i>	
Mailing Address <i>6984 Challis Rd</i>			
City <i>Brighton</i>	State <i>MI</i>	Zip <i>48116</i>	
Email (optional) <i>sarahmeycross@gmail.com</i>			

Section 2. Alleged Violator			
Name <i>Nick Fiani</i>			
Mailing Address <i>5840 Sterling Dr Ste 530</i>			
City <i>Howell</i>	State <i>MI</i>	Zip <i>48843</i>	
Email (optional) <i>nfiani@live.com</i>			

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

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

Explain how those sections were violated:

1) Banners do not have any identifications
2) Small Stake signs contain identifier that is not clear and legible. It is so small you cannot see it.

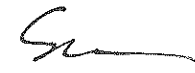
Evidence included with the submission of the complaint that supports the allegations:

photos of banner + signs

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

7/10/22

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

FLANN

**FISCALLY CONSERVATIVE
REPUBLICAN**

Conservative Republican

County
Election

**NICK
ETANTI**



**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
2022 JUL 19 PM 2:08
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 <i>Judy Daubenmier</i>		Daytime Telephone Number <i>734-612-7137</i>	
Mailing Address <i>4490 Lakeshore Ct.</i>			
City <i>Brighton</i>	State <i>MI</i>	Zip <i>48116</i>	
Email (optional) <i>jdaubem9@gmail.com</i>			

Section 2. Alleged Violator			
Name <i>Nick Fiani</i>			
Mailing Address <i>5840 Sterling Dr. Suite 530</i>			
City <i>Howell</i>	State <i>MI</i>	Zip <i>48843</i>	
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:

Nick Fiani has large signs that bear no identification stating who paid for the signs such as "Paid for by Nick Fiani..."
A photo is included. He is a candidate for Livingston County Commissioner in District 8.

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

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

Judith M. Daubenmier 7/15/2022
Signature of Complainant 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:

No identification is visible on several
large signs in the district.

X

Judith Daubenmier 7/15/2022
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

Conservative Republican

NICK

FOR
County

Commissioner

FEINSTEIN



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

September 2, 2022

Via Email at nfiani@live.com

Mr. Nick Fiani
5840 Sterling Drive, Suite 530
Howell, MI 48843

Re: *Cross v Fiani*
Campaign Finance Complaint No. 2022-08-72-47
Daubenmier v Fiani
Campaign Finance Complaint No. 2022-07-55-247

Dear Mr. Fiani:

The Department of State (Department) has received two formal complaints alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include campaign identifiers on yard signs and banners; a copy of each complaint is enclosed.

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 the materials fall within the ambit of the MCFA. Because the materials explicitly advocate for the election or defeat of a candidate, or for the passage or defeat of a ballot proposal, the materials contain express advocacy as defined by the Act. MCL 169.206(2)(j). As explained above, such materials must contain a "paid for by" statement listing the name and address of the committee purchasing the materials. However, the evidence shows that the materials at issue here omit part or all of that required statement. That absence supports the conclusion that a potential violation of the MCFA 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.*

Mr. Nick Fiani

Page 2

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,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachments

c: Ms. Sarah Cross – Via email at sarahmaycross@gmail.com
Ms. Judy Daubenmier – Via email at jdaubenm9@gmail.com

From: Nicholas Fiani <nfiani@live.com>
Sent: Friday, September 2, 2022 3:14 PM
To: MDOS-BOERegulatory
Subject: Re: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247
Attachments: Exhibit A.jpg; Exhibit B.jpg; Exhibit C.jpg; Exhibit D.jpg; Exhibit E.jpg
Categories: Robin

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

Good Afternoon,

As you can see in the attached exhibits (Exhibit A through Exhibit E), all of my signs clearly include the phrase "Paid for by [name and address of committee]". Furthermore, Exhibit C expressly shows a photo that was posted to social media well before both complaints were submitted, and taken a considerable time before even posted, that shows my sign with the phrase "Paid for by [name and address of committee]" clearly displayed in the upper corner.

Therefore, I charge that both Attorney Sarah Cross and Judy Daubenmier knowingly violated Section 15(8) of the MCFA by filing a complaint with a false certification and are each responsible for a civil violation of the MCFA in my opinion.

Thank you,

Nick Fiani

From: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>
Sent: Friday, September 2, 2022 10:53 AM
To: nfiani@live.com <nfiani@live.com>
Cc: sarahmaycross@gmail.com <sarahmaycross@gmail.com>; jdaubenm9@gmail.com <jdaubenm9@gmail.com>
Subject: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247

Good morning:

Please see the attached correspondence.

Thank you.

Regulatory Section
Bureau of Elections
(517) 335-3234

FIANI

FISCALLY CONSERVATIVE
REPUBLICAN

PAID FOR BY COMMITTEE TO ELECT NICHOLAS FIANI, 4902 CHILSON, HOWELL, MI 48843

SAWICKI & SON (313) 962-2725

FISCALLY CONS REPUBL

PAID FOR BY COMMITTEE TO ELECT NICHOLAS FIANI, 4902 CHILSON, HOWELL, MI 48843



Paul Almashy

June 30 · 👥

My granddaughter knows good people!!! Great choice Milanyah! Nick's the best!

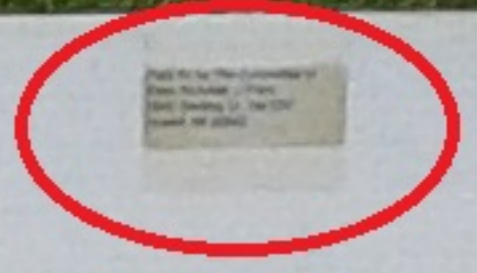


Conservative Republican

OR
County
Commissioner

NICK

FRANZI



lican

Paid for by The Committee to
Elect Nicholas J. Fiani
5840 Sterling Dr, Ste 530
Howell, MI 48843



100
100
100
100
100

From: Nicholas Fiani <nfiani@live.com>
Sent: Monday, April 10, 2023 5:34 PM
To: MDOS-BOERegulatory
Subject: Fw: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247

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

Good Afternoon,

It has been a few months since I had submitted my response below to complaint number 2022-08-72-47 and complaint number 2022-07-55-247, so I thought I would follow up and see if there are any updates?

Thank you,

Nicholas Fiani

From: Nicholas Fiani <nfiani@live.com>
Sent: Wednesday, October 19, 2022 11:43 AM
To: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>
Subject: Re: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247
Hello,

I wanted to check and see if there are any updates regarding the response I submitted to complaint number 2022-08-72-47 and complaint number 2022-07-55-247?

I see that they are currently listed under "Resolved Complaints", however, I did not receive anything indicating that a violation did not occur based upon my response.

Thank you,

Nicholas Fiani

From: Nicholas Fiani <nfiani@live.com>
Sent: Friday, September 2, 2022 3:13 PM
To: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>
Subject: Re: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247
Good Afternoon,

As you can see in the attached exhibits (Exhibit A through Exhibit E), all of my signs clearly include the phrase "Paid for by [name and address of committee]". Furthermore, Exhibit C expressly shows a photo that was posted to social media well before both complaints were submitted, and taken a considerable time before even posted, that shows my sign with the phrase "Paid for by [name and address of committee]" clearly displayed in the upper corner.

Therefore, I charge that both Attorney Sarah Cross and Judy Daubenmier knowingly violated Section 15(8) of the MCFA by filing a complaint with a false certification and are each responsible for a civil violation of the MCFA in my opinion.

Thank you,

Nick Fiani

From: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>

Sent: Friday, September 2, 2022 10:53 AM

To: nfiani@live.com <nfiani@live.com>

Cc: sarahmaycross@gmail.com <sarahmaycross@gmail.com>; jdaubenm9@gmail.com <jdaubenm9@gmail.com>

Subject: Campaign Finance Complaint No. 2022-08-72-47 and Campaign Finance Complaint No. 2022-07-55-247

Good morning:

Please see the attached correspondence.

Thank you.

Regulatory Section

Bureau of Elections

(517) 335-3234



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

April 28, 2023

Via Email at nfiani@live.com

Mr. Nick Fiani
5840 Sterling Drive, Suite 530
Howell, MI 48843

Re: *Cross v Fiani*
Campaign Finance Complaint No. 2022-08-72-47
Daubenmier v Fiani
Campaign Finance Complaint No. 2022-07-55-247

Dear Mr. Fiani:

The Department of State (Department) is in receipt of your email messages regarding the complaints filed against you by Sarah Cross and Judy Daubenmier alleging that you violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA). The Department apologizes for the delay in responding to your email correspondence. Regrettably, your email messages went to a different State of Michigan email box, and they were not brought to our attention until recently.

The complaints alleged that your campaign signs did not include the required disclosure of the name and address of the person paying ("Paid for by") for the advertisement. Initially, the Department determined that there was reason to believe that that a violation had occurred and issued a warning to you on September 2, 2022.

You responded on September 2, 2022 and denied that a violation occurred. You also presented photos showing that your campaign signs did correctly include the "Paid for by" information.

Upon review of the evidence submitted in this matter, the Department concludes that you have submitted sufficient evidence to rebut the possibility that you violated the MCFA by failing to include the "Paid for by" information on your campaign materials. As such, the Department retracts the warning issued to you on September 2, 2022 and will update the information on our website regarding this matter. If you have any questions, you may contact me at BOERegulatory@michigan.gov.

Mr. Nick Fiani
Page 2

Sincerely,

/s/Robin Hiar
Regulatory Analyst
Bureau of Elections
Michigan Department of State

Attachments

c: Ms. Sarah Cross – Via email at sarahmaycross@gmail.com
Ms. Judy Daubenmier – Via email at jdaubenm9@gmail.com