



**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
MICHIGAN DEPARTMENT OF STATE

2020 AUG 21 PM 2:03

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 BOB CUSHMAN		Daytime Telephone Number 734-780-5662	
Mailing Address 58226 BELFORE CT			
City SOUTH LYON	State MI	Zip 48178	
Email (optional) bobcushman887@GMAIL.COM			

Section 2. Alleged Violator		
Name Kelly Breen		
Mailing Address 242 Linhart St.		
City Novi	State MI	Zip 48377
Email (optional) hello@kellybreen.com		

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

Section(s) of the MCFA alleged to be violated: 162.252 (MCFA Act Sec. 52)

Explain how those sections were violated:


According to the website Transparency USA, Kelly Breen has three contributions from individuals in excess of the permitted \$1,050.00. Specifically, Linda Charters donation of \$2,050.00, John Charters donation of \$2,000, and Molly Morris donation of \$1,200 dollars. These donations are in excess of the permitted \$1,000 as well as the extra \$50.00 dollars allowed by the consumer price index adjustment (MCFA Sec. 46).

Evidence included with the submission of the complaint that supports the allegations:
See screenshot from Transparency USA's website included with this letter.

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

8-18-20

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

Overview > Michigan > Candidates > Kelly Breen > Donors



Kelly Breen
House of Representatives (D)

\$41,545 TOTAL DONATIONS
\$54,232 TOTAL EXPENDITURES

Overview Donations Expenditures Loans Personal Activity

Donors

This page displays the cumulative amount given by these donors to this candidate during the selected election cycle.

View By: **DONORS** DONATIONS

Total Donations	↓ Donor	Type
\$2,050.00	Linda Charters	INDIVIDUAL
\$2,000.00	John Charters	INDIVIDUAL
\$1,500.00	Michigan Association of Realtors	ENTITY
\$1,200.00	Molly Morris	INDIVIDUAL

MOLLY	MORRIS	46962 SUNNYBRO NOVI	MI	6/27/2020	700	1200
MOLLY	MORRIS	46962 SUNNYBRO NOVI	MI	4/26/2020	500	500
MIKE	MORRIS	46962 SUNNYBRO NOVI	MI	11/14/2019	1000	1000
ELIZABETH	MORRIS	46962 SUNNYBRO NOVI	MI	11/14/2019	300	800
ELIZABETH	MORRIS	46962 SUNNYBRO NOVI	MI	6/6/2019	250	500
ELIZABETH	MORRIS	46962 SUNNYBRO NOVI	MI	4/28/2019	250	250
ELIZABETH	MORRIS	46962 SUNNYBRO NOVI	MI	7/11/2018	150	150

JOHN	CHARTERS	777 GREAT OAK	BLOOMFIELD	MI	6/3/2020	1000	2000
LINDA	CHARTERS	777 GREAT OAKS	BLOOMFIELD HILL	MI	6/3/2020	1000	2050
JOHN	CHARTERS	777 GREAT OAK	BLOOMFIELD	MI	11/10/2019	1000	1000
LINDA	CHARTERS	777 GREAT OAKS	BLOOMFIELD HILL	MI	11/10/2019	1050	1050



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

October 8, 2020

Kelly Breen
242 Linhart Street
Novi, MI 48377

Re: *Cushman v. Breen*
Campaign Finance Complaint
No. 2020-8-149-52

Dear Ms. Breen:

The Department of State (Department) received a formal complaint filed by Bob Cushman against you alleging violations of 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 Act provides that person shall not make a contribution to a candidate in excess of \$1,000 per election cycle to a state representative. MCL 169.252. This amount is adjusted to the consumer price index every four years. MCL 169.246. A candidate may not accept a contribution in excess of the applicable limitations, and money returned within 30 days of receipt is not considered to be a contribution. MCL 169.204(3)(c). A violation of this section is punishable a by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00. MCL 169.252.

Mr. Cushman alleges that you have accepted three contributions in excess of the limitation. He alleges that Ms. Linda Charters contributed \$2,050, Mr. John Charters contributed \$2,000, and Ms. Molly Morris contributed \$1,200.

From the outset, the Department must dismiss the allegations as it relates to Ms. Morris. According to your statements filed with the Department¹, the excess contribution was received on June 27, 2020 and was refunded \$150 on July 15, 2020 – less than 30 days after receipt. Because the excess amount was refunded within 30 days of receipt, it is not a contribution and therefore, no violation has occurred. MCL 169.204(3)(c).

However, both Linda and John Charters exceeded the contribution limitation on June 3, 2020 and their contributions were not refunded until July 15, 2020 – 42 days after receipt. Because the amount was refunded late, a technical violation of the law has occurred.

¹ Available here: <https://cfrsearch.nictusa.com/documents/496094>

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. The Department has a longstanding practice of encouraging candidates to self-correct errors. Given that the mistake was corrected prior to the filing of the complaint, albeit untimely, the Department determines that a formal warning is a sufficient resolution.

If 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 refund the excess contribution within 30 days of receipt 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 169.252, 215(10).

If you have any questions concerning this matter, you may contact me via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with a large initial "A" and "F".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Bob Cushman