



## Michigan Department of State Campaign Finance Complaint Form

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

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 Matt Dame		Daytime Telephone Number (734) 454-1111	
Mailing Address 128 Deer Ridge Lane			
City Brooklyn	State MI	Zip 49230	
Email (optional) BetaSP@msn.com			

Section 2. Alleged Violator			
Name Eric Johnson			
Mailing Address 106 E. Commercial St			
City Norvell	State MI	Zip 49263	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: 169.257 Sec. 57. (1)

Explain how those sections were violated:

A public body or a person acting for a public body **shall not use or authorize the use of funds**, etc.

Supplied is a copy of an invoice submitted by Best, Heyns, Schroeder & Best, the Norvell Twp. legal council, dated 5/18/2020. Mentioned is a meeting with Supervisor Johnson regarding a "possible candidate for election". On 2/19/2020, there was clearly time spent regarding a "candidate". Supervisor Johnson's wife, Trustee Pamela Johnson, is a candidate for Norvell Township Trustee. It would be a clear violation of section 57.(1) if any Township resources were spent on Candidate Johnson's campaign, or any candidate's campaign. This issue needs to be investigated.

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

Please see the attached invoice mentioned in the explanation.

#### 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

11/02/2020

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



LAW OFFICES  
BEST, HEYNS, SCHROEDER & BEST, P.C.

410 S. JACKSON STREET  
JACKSON, MI 49201-2217  
TELEPHONE (517) 787-2620  
TAX ID: 38-1961330

May 18, 2020

CONFIDENTIAL  
Mr. Eric Johnson  
TOWNSHIP OF NORVELL  
P.O. BOX 188  
NORVELL, MI 49263

Invoice# 17909 KAS  
Client/Matter# NORVE 00002  
Billing through: 04/30/2020

NORVELL TOWNSHIP - GENERAL FILE

PROFESSIONAL SERVICES

02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: gravel pit (G & A) - draft letter and modify same	1.00 hrs	110.00	412
02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: amended and restated Articles of Incorporation for South Central Utility Authority;	0.30 hrs	33.00	101
02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: bylaws of South Central Utility Authority;	0.30 hrs	33.00	101
02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: South Central Utility Authority Services Agreement (47 pages);	0.60 hrs	66.00	101
02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: Traciak UA Summary;	0.20 hrs	22.00	101
02/03/2020	KAS	Receipt and review e-mail from Eric Johnson re: Marion Stone termination letter;	0.10 hrs	11.00	101
02/03/2020	KAS	Research LARA for status of G & A Sand & Gravel LLC;	0.30 hrs	33.00	412
02/03/2020	KAS	Call from Eric Johnson re: status of Norvell business, G & A Sand & Gravel, sewer issue;	0.30 hrs	33.00	412
02/13/2020	KAS	(Zoning) Receipt and review voice mail from Eric Johnson re: Vineyard Lake set back issue and Gravel Pit meeting and need to schedule conference (NO CHARGE);	0.10 hrs	0.00	412
02/13/2020	KAS	(Zoning) E-mail to Eric Johnson re: review of Norvell Township Zoning Ordinances 5.1 and 9.5 and meeting re: gravel pit	0.30 hrs	33.00	412
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: temporary replacement for Charlie Miller during family medical leave; salary contract versus hourly, job description;	0.20 hrs	22.00	101
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: Marion Stone status and what potential position to be published with job description;	0.10 hrs	11.00	101
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: possible candidate for election;	0.10 hrs	11.00	101
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: need for closed session meeting and HR policy;	0.10 hrs	11.00	101
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: sewer authority issue county meeting to vote, need review of documents with Board, need guarantee re: current lawsuit and what liability, local authority versus simple customer versus voting rights of eight member board;	0.20 hrs	22.00	101
02/19/2020	KAS	Prepare for and meet with Eric Johnson re: status of Charlie Miller	0.20 hrs	22.00	101



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

January 26, 2021

Eric Johnson  
106 E. Commercial Street  
Norvell, MI 49263

Re: *Dame v. Johnson*  
Campaign Finance Complaint  
No. 2020-10-195-57

Dear Eric Johnson:

The Department of State (Department) received a formal complaint filed by Matt Dame 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.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Mr. Dame alleges that you improperly utilized township resources to expressly advocate for your election by meeting with your township attorney regarding your candidacy for election. A copy of the letter was included with the complaint.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true. The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* For more information on the investigative process and potential resolutions, please review the Department's guidebook, a copy of which is enclosed and available on the Department's website.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. Please submit any materials via email to [Elections@Michigan.gov](mailto:Elections@Michigan.gov). A copy may also be sent to the Department of State, Bureau of

Eric Johnson  
January 26, 2021  
Page 2

Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Mr. Dame, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's enforcement powers include the possibility of entering a conciliation agreement, conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(4) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 335-3234.

Sincerely,

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

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Matt Dame

February 25, 2021

Department of State  
Bureau of Elections  
Richard H Austin Building  
1<sup>st</sup> Floor

430 West Allegan Street

Lansing, MI 48918

Re: Campaign Finance Complaint No. 2020-10-195-57

2021 MAR -2 AM 8:33

To whom it may concern:

I am responding to the above complaint which was dated January 26, 2021. I received the complaint yesterday at 4:30 PM after being called by the Norvell Township Supervisor, William Sutherland to inform me that it was found in their office and had just been opened. It was addressed to me at 106 E. Commercial Street, Norvell, MI 49263. This is the address for the Norvell Township office. Mr. Dame who filed the complaint is a Trustee for the Township. I was Supervisor for the Township until my last term ended on November 20, 2020.

This is the epitome of a nuisance complaint. It came about as a result of my sending a letter to the local paper identifying how much Mr. Dame had cost our Township in his pursuit of securing the Township's website and its related activities through his personal website management business. In response to this, he requested copies of our attorney's invoices for all of our Board members. Prior to my leaving office, I discussed this matter with all the members, including Mr. Dame, and the Board, except for Mr. Dame, was satisfied with the information I am recounting below.

At the February 19, 2020 meeting in the offices of Keith Schroeder, the 0.1 hour billed was correct. It was approved subsequently by the Board for payment when it was presented to them. The discussion for which we received this total charge of \$11.00 involved my asking Mr. Schroeder if there were any legal implications for the Township if I were to appoint William Sutherland as my Deputy Supervisor. Mr. Sutherland, who was mentioned above, was the only candidate filing to run for the Supervisor position. The goal was to allow him some time to get more oriented to the Township's records and procedures. It was a very brief discussion as reflected in the billing.

I have no explanation why Mr. Dame filed this complaint when he should have already known the facts involved. The rest of the Board was satisfied with the outcome of this matter. My wife, Pamela Johnson was noted in the complaint as a candidate for Township Trustee. In fact, she was the other incumbent running for the two Trustee positions on the Board besides Mr. Dame. She had no involvement with this meeting item with our attorney. As such, I have to surmise his motivations were purely political. His complaint is dated just prior to the election.

My biggest regret and concern arising from this action on his part is that he has apparently decided the taxpayer-funded activities of your office should be used as part of his personal political vendettas. If you need any further information, please contact me at the proper address or by calling (517) 592-5497.

Sincerely,

Eric Johnson

Cc: Keith Schroeder, Best, Heyns, Schroeder & Best, P.C.



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

April 22, 2021

Matt Dame  
128 Deer Ridge Lane  
Brooklyn, MI 49230

Dear Mr. Dame:

The Department of State received a response to the complaint you filed against Eric Johnson, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Eric Johnson



Matt Dame  
128 Deer Ridge Lane | Brooklyn, MI 49230  
BetaSP@msn.com | (734) 454-1111

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2021 MAY 11 PM 12:01  
ELECTIONS/GREAT SEAL

May 3, 2021

Department of State  
Bureau of Elections  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 W Allegan Street  
Lansing, MI 48918  
No. 2020-10-195-57

Dear Bureau of Elections Personnel:

Thank you for the opportunity to reply to Mr. Johnson's letter dated February 25, 2021. I filed this complaint as a fiduciary of public resources and public trust. As a good steward of the financial resources of the good people of Norvell Township, it was my duty to file this complaint.

It is obvious that the invoice generated by **former** Norvell Township Legal Counsel, Best, Heyns, Schroeder & Best, P.C. strongly points to a Campaign Finance violation. Did Mr. Johnson offer any proof from Attorney Keith Schroeder what the conversation pertained to in his defense? There was no explanation offered on Best, Heyns, Schroeder & Best, P.C. letterhead that was presented to the Bureau of Elections or the Norvell Township Board. Mr. Schroeder did not attend a Norvell Township Board Meeting to explain the charge on his invoice. I was not satisfied with Mr. Johnson's word on the matter without additional proof.

The invoice for legal services I provided the Bureau of Elections clearly indicates that Township resources were allocated regarding a "candidate for election", which Johnson's wife, Pamela Johnson was. Mr. Schroeder's lack of corroborating Mr. Johnson's story is also quite compelling.

The fact that Mr. Johnson flippantly refers to this action as a "nuisance complaint" speaks volumes to his lack of understanding of Campaign Finance Law and the gravity of the error committed. In no way was this campaign finance complaint filed in retaliation for his personal attacks on me in the local paper.

Because Mr. Johnson tries to explain away his error by stating that my actions are about a personal vendetta, I will refute that by stating that I can point to two malicious "letters to the editor" Mr. Johnson submitted to the Brooklyn Exponent, specifically in the September 29, 2020 and October 20, 2020 issues, where Mr. Johnson attacks me and others directly. Neither former Supervisor Johnson or former Trustee Pamela Johnson can point to a single article I wrote disparaging Candidate Johnson. Who has a vendetta against who? I believe actions speak louder than words.

Maybe Mr. Johnson should consider approaching the new Norvell Township Board, admit his error, and offer to pay the money back to the Township. I think that resolution would satisfy the taxpayers of Norvell.

Respectfully,



Matt Dame





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

June 30, 2021

Eric Johnson  
1386 Lakeshore Drive  
Brooklyn, MI 49230

*Via email*

Re: *Dame v. Johnson*  
Campaign Finance Complaint  
No. 2020-10-195-57

Dear Mr. Johnson:

The Department of State ("Department") has finished its investigation into the complaint filed against you by Matt Dame which alleged a violation of the Michigan Campaign Finance Act ("MCFA"), 1976 P.A. 388, MCL 169.201 *et seq.* This letter concerns the disposition of your complaint.

The complaint was filed with the Department on November 2, 2020 and stated that you used or authorized the use of funds in the furtherance of electing or nominating a candidate to Norvell Township Supervisor. Mr. Dame provided an invoice of Norvell Township's legal counsel—Best, Hynes, Schroeder & Best, PC—showing that the Norvell Township paid \$11.00 for .10 hours of legal services regarding a "possible candidate for election" on February 19, 2020. Mr. Dame alleged this "possible candidate" was your wife, Mrs. Pamela Johnson, who at the time was a candidate for Norvell Township Trustee.

By letter dated February 25, 2021, you responded to the complaint and stated that you met with the Township's legal counsel to discuss implications of appointing Mr. William Sutherland as the Deputy Supervisor to ensure an easier onboarding process since he was running unopposed. You noted that the Norvell Township Board approved the meeting and payment of \$11.00 for the .10 hours of legal services.

By letter dated May 3, 2021, Mr. Dame submitted a rebuttal to your complaint response indicating his disbelief of your response and concern over lack of demonstrable evidence supporting your claims. Mr. Dame reiterated his concern about this potential campaign finance violation.

The primary issue in this case is whether the activity in the complaint constitutes an expenditure. The public body use of funds provision of the MCFA applies to "contributions" and "expenditures," which are defined respectively as "a payment ... expenditure, contract, payment

for services ... of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate" and "a payment ... or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities *in assistance of*, or in opposition to, the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question." MCL 169.204(1), 169.206(1) (emphasis added). A public body or person acting on behalf of a public body is prohibited from using or authorizing the use of funds constituting expenditures or contributions. MCL 169.257(1).

In your response to the complaint, you stated that the legal services paid for by Norvell Township were to understand if there would be "any legal implications" if you appointed Mr. William Sutherland as your Deputy Township Supervisor. You noted Mr. Sutherland was running unopposed, ensuring he would become the next Township Supervisor. You further explained that your intent in appointing Mr. Sutherland to this temporary position was to give him some additional time to become oriented to the work demanded by the Township Supervisor position. While the invoice Mr. Dame provided did identify the meeting was regarding a "possible candidate for election," there was no evidence presented demonstrating that township resources were utilized "in the assistance of, or in opposition to, the nomination or election of a candidate." MCL 169.206.

Therefore, the Norvell Township's payment for this purpose does not constitute "a payment ... in assistance of ... the nomination or election of a candidate" under MCL 169.206(1) because the underlying purpose of the meeting was regarding the appointment of a deputy supervisor. It is clear from your description that these funds were not spent to ensure Mr. Sutherland's candidacy succeeded, but instead to provide a smooth transition for his inevitable winning of Township Supervisor.

For these reasons, the Department concludes that the evidence does not support a reason to believe a violation has occurred. The Department's file on this matter is now closed and no further enforcement action will be taken.

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

c: Matt Dame