



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

2020 JUL 24 PM 3:36

This complaint form may be used to file a complaint alleging that someone violated the SEAL 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

Cardi DeMonaco Jr

Daytime Telephone Number

586-744-3864

Mailing Address

23225 Oakwood

City

Eastpointe

State

MI

Zip

48021

Email (optional)

cardidemonaco@gmail.com

Section 2. Alleged Violator

Name

Peter Lucido

Mailing Address

6303 26 Mile Rd., Suite 203

City

Washington Twp.

State

MI

Zip

48094

Email (optional)

peterjlucido@peterjlucido.com

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

Section(s) of the MCFA alleged to be violated: *Sec. 47 (1)*

Explain how those sections were violated:

Billboard near the northeast corner of Common & Groesbeck has disclaimer stating "Paid for by the CTE Peter J. Lucido for State Representative." The billboard itself says "Lucido for Prosecutor." CTE Peter J. Lucido for State Representative is dissolved. Also, the disclaimer includes no address, and is not easily readable.

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

Photos

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

2020-07-20

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

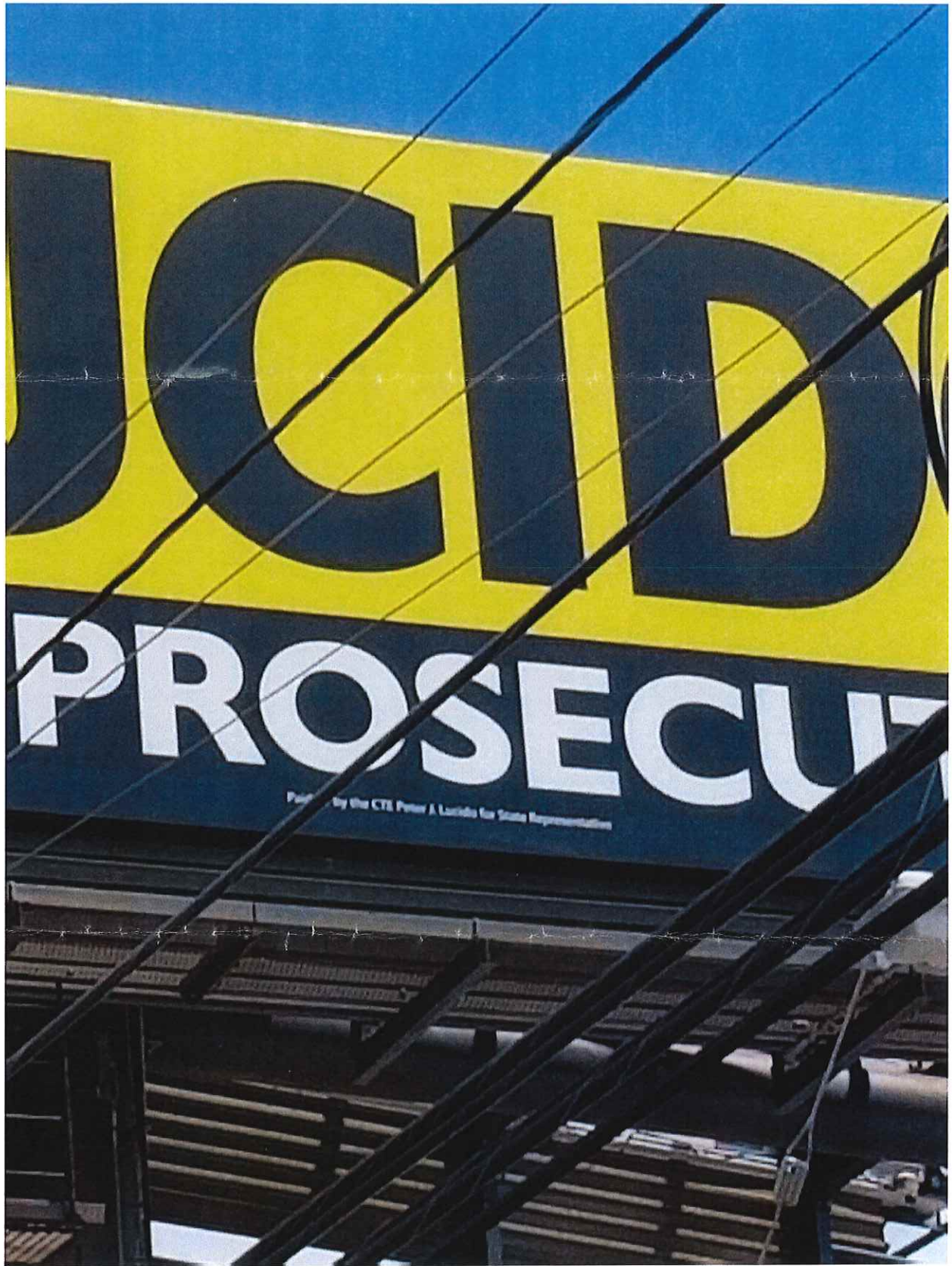
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some, or all, of the expenses incurred by the Michigan Department of State and the 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







LUCIDO
FOR PROSECUTOR



Michigan Department of State
Campaign Finance Complaint Form

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

FILED
MICHIGAN DEPT OF STATE
2020 JUL 28 AM 9:33
ELECTIONS/CREAT 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>Cardi DeMonaco Jr</i>		Daytime Telephone Number <i>586-744-3864</i>	
Mailing Address <i>23225 Oakwood</i>			
City <i>Eastpointe</i>	State <i>MI</i>	Zip <i>48021</i>	
Email (optional) <i>cardidemonaco@gmail.com</i>			

Section 2. Alleged Violator		
Name <i>Peter Lucido</i>		
Mailing Address <i>6303 26 Mile Rd, Suite 203</i>		
City <i>Washington Twp.</i>	State <i>MI</i>	Zip <i>48094</i>
Email (optional) <i>peterjlucido@peterjlucido.com</i>		

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

Section(s) of the MCFA alleged to be violated: *Sec. 47 (1)*

Explain how those sections were violated:

Yard signs say "Paid for by CTE Peter J. Lucido for Prosecutor" when they should say "Paid for by CTE Peter J Lucido for Prosecutor • 6303 26 Mile Rd. Suite 203 • Washington Twp., MI 48094"

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

photos from northwest corner of 10 Mile & Shattuck

Section 6. Submission

Date _____

X

6 / N

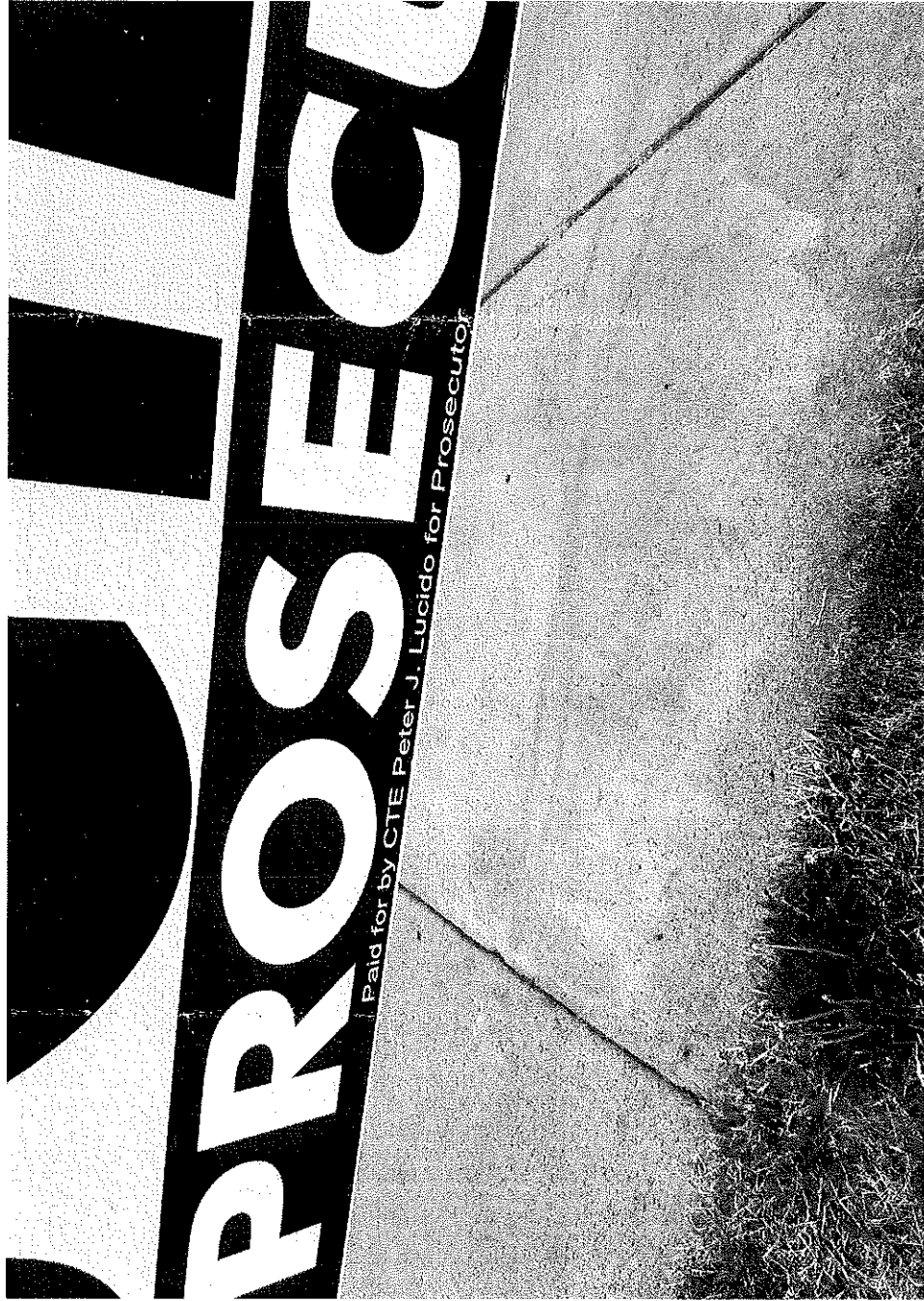
Section 5. Certification without Evidence (Supplemental to Section 4)

Date _____

X

Section 4. Certification (Required)







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

July 28, 2020

Hon. Peter Lucido
6303 26 Mile Road, Suite 203
Washington Township, Michigan 48094

Re: *DeMonaco Jr. v. Lucido*
Campaign Finance Complaint
No. 2020-07-85-47

Dear Senator Lucido:

The Department of State (Department) has received a formal complaint 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 complaint was submitted to the Department by Cardi DeMonaco Jr. on July 21, 2020 and alleges that a billboard you purchased contains an improper paid for by statement because it was paid for by your state representative committee.

The MCFA prohibits candidate committees from making an expenditure or other disbursement except to further the nomination or election of the candidate for which the committee was formed. MCL 169.244(2). A person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment up to 90 days or a fine up to \$1,000, or both. MCL 169.244(5).

Additionally, section 47 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).

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.* An explanation of the investigation process is enclosed with this letter and a copy is available on the Department's website.

Hon. Peter Lucido

July 28, 2020

Page 2

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. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st 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. DeMonaco, 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 44(5) 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", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

Enclosure

c: Cardi DeMonaco

LUCIDO & MANZELLA, P.C.
Attorneys and Counselors at Law
LUCIDO'S PROFESSIONAL OFFICE PLAZA
39999 Garfield Road
Clinton Township, Michigan 48038-4098
[586] 228-3900 Fax [586] 228-3906

VINCENZO MANZELLA
KIMBERLY L. DIBARTOLOMEO
KYLE KOLE
ANGELO DONOFRIO

of counsel

PETER J. LUCIDO
DAVID L. MAZUR
THE COREY LAW FIRM
MARC J. LITTMAN, P.C.

Adam Fracassi
Bureau of Elections - Michigan Department of State
Re: Demonaco Jr. v. Lucido
Campaign Finance Complaint
No. 2020-07-85-47

Mr. Fracassi,

I am in receipt of the letter dated July 28th, 2020 in regards to the complaint received by the department made by Cardi DeMonaco Jr. on July 21, 2020. In response, we have prepared this answer along with four attachments. The first is the statement of Mr. Joe Oram, whose company 5 Star Outdoor, LLC, was responsible for the instillation of the billboard questioned in the complaint. The second is the bill and the first check written to 5 Star Outdoor for services preformed, from the CTE Peter J. Lucido for Prosecutor. The third attachment is a letter from Mr. Craig Grzech, whose company G-Tek Professional Services was responsible for the production and application of decals to the signs for the campaign. Finally, the fourth attachment is a check to G-Tek Professional Services for the work performed, from the CTE Peter J. Lucido for Prosecutor.

In response to the first allegation in the complaint, regarding the billboard placed at Common Road and Groesbeck Highway, 5 Star Outdoor was hired to place those advertisements. 5 Star Outdoor has previously worked for both the CTE Peter J. Lucido for State Representative, and the CTE Peter J. Lucido for State Senate. 5 Star Outdoor was sent the template for the new signs, including the line stating "Paid for by the CTE Peter J. Lucido for Prosecutor". It appears that in a mistake by the graphics department, 5 Star Outdoor used a previous template for the billboard at Common Road and Groesbeck Highway. This mistake is not present on the other billboard advertisements installed by 5 Star Outdoor. As soon as this error was made known, 5 Star Outdoor was contacted to fix the erroneous billboard through the use of decals. The billboard will now also read "Paid for by the CTE Peter J. Lucido for Prosecutor, 6303 26 Mile Rd., Ste 203, Washington Twp., MI 48094." The candidate and the committee were not aware of this mistake until we received the letter from the Bureau of Elections and Cardi DeMonaco Jr.'s complaint. As soon as the error was found, the campaign has made every effort to fix it immediately.


In response to the second allegation in the complaint, regarding the lawn signs missing the address of the CTE Peter J. Lucido for Prosecutor, G-Tek Professional Services was hired to apply decals to the lawn signs in question. The decals were not to cover the part of any sign that contained the address 6303 26 Mile Road, Washington Twp., MI 48094. Upon inspection after receiving the complaint, it appears that some of the lawn sign decals did cover the address. The campaign has immediately contacted G-Tek Professional Services who are working on new decals that do not cover the address and new decals that also have the address to avoid this problem going forward. G-Tek Professional Services was also hired solely by the CTE Peter J. Lucido for Prosecutor.

LUCIDO & MANZELLA, P.C.
Attorneys and Counselors at Law

Both MCL § 169.244(5) and MCL § 169.247(6) state that “knowingly” is a requirement of the underlying offense. The attached letters and bills clearly demonstrate that both the allegations contained in the complaint are the byproduct of human error on the companies hired to produce these materials. At no point in time was this known by Candidate Lucido, and it was not done so at his direction. Further, the attached checks and bills show that all labor, billboards, signs, and decals mentioned in the complaint were paid for solely by the CTE Peter J. Lucido for Prosecutor.

Thank you for your time,

Respectfully submitted,



KYLE KOLE (P78237)
Attorney and Counselor at Law
LUCIDO & MANZELLA, P.C.

LUCIDO & MANZELLA, P.C.
Attorneys and Counselors at Law
LUCIDO'S PROFESSIONAL OFFICE PLAZA
39999 Garfield Road
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[586] 228-3900 Fax [586] 228-3906

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KYLE KOLE
ANGELO DONOFRIO

of counsel

PETER J. LUCIDO
DAVID L. MAZUR
THE COREY LAW FIRM
MARC J. LITTMAN, P.C.

SIGNED STATEMENT OF JOE ORAM

1. My name is Joe Oram, my address is 2187 Orchard Lake Road, West Bloomfield MI 48320.
2. My company 5 Star Outdoor LLC was hired by the Committee to Elect Peter J. Lucido for Prosecutor to oversee the instillation of billboards in Macomb County.
3. We have previously been contracted to do similar work for the Committee to Elect Peter J. Lucido for State Representative, as well as the CTE Peter J. Lucido for State Senate.
4. Although we were given a new template by the Committee to Elect Peter J. Lucido for Prosecutor, the graphics department sent my company the wrong template to use on one of the billboards.
5. Upon learning of the incorrect billboard the company is now correcting the error on the billboard.
6. This billboard was not paid for by the state representative committee, the error rests solely on the installation of the previous template on accident after being sent the wrong template by the graphics department.

Signed by me this 7th day of August, 2020



Joe Oram

Firefox

about:bla

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Attorneys and Counselors at Law
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39999 Garfield Road
Clinton Township, Michigan 48038-4098
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ANGELO DONOFRIO

of counsel

PETER J. LUCIDO
DAVID L. MAZUR
THE COREY LAW FIRM
MARC J. LITTMAN, P.C.

SIGNED STATEMENT OF CRAIG GRZECH

1. My name is Craig Grzech, my business address is 42888 Mound Road, Sterling Heights, MI 48314.
2. My company was hired by the Committee to Elect Peter J. Lucido for Prosecutor to print stickers for signs for the prosecutor campaign.
3. When my company placed these stickers, in error, we have covered up the address and phone number of the CTE Peter J. Lucido for Prosecutor.
4. We are now working on fixing this error on all signs affixed with these stickers, so that the name and address of the CTE Peter J. Lucido for Prosecutor are clearly visible.
5. All purchases of stickers, decals, and installation have been made by the CTE Peter J. Lucido for Prosecutor.

Signed by me this 7th day of August, 2020


Craig Grzech

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, March 30, 2021 9:36 AM
To: 'cardidemonaco@gmail.com'
Subject: DeMonaco v. Lucido - Campaign Finance Complaint
Attachments: Determination.pdf

Mr. DeMonaco –

Please see the attached. If you have any questions, please let me know.

Thank you,

Adam Fracassi, Election Law Attorney
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Tuesday, March 30, 2021 9:35 AM
To: kkole@lucidolaw.com
Subject: DeMonaco v. Lucido - Campaign Finance Complaint
Attachments: Determination.pdf

Hi Kyle,

Please see the attached. If you have any questions, please let me know.

Thank you,

Adam Fracassi, Election Law Attorney
Michigan Bureau of Elections
P.O. Box 20126
Lansing, Michigan 48901



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

March 29, 2021

Kyle Kole
Lucido & Manzella, P.C.
39999 Garfield Road
Clinton Township, Michigan 48038-4098

Dear Mr. Kole:

The Department of State (Department) has completed its investigation of the complaints filed against your client, Peter Lucido, by Cardi DeMonaco, Jr., which alleged that Mr. Lucido violated sections 44 and 47(1) of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.244 and 169.247(1), by failing to include a complete and correct identification statement on certain campaign materials and paying for a billboard with Mr. Lucido's state representative committee funds. This letter concerns the disposition of Mr. DeMonaco's complaints.

The MCFA prohibits candidate committees from making an expenditure or other disbursement except to further the nomination or election of the candidate for which the committee was formed. MCL 169.244(2). A person who knowingly violates this section is guilty of a misdemeanor punishable by imprisonment up to 90 days or a fine up to \$1,000.00, or both. MCL 169.244(5)

Additionally, section 47 and corresponding administrative rules require a person who produces printed material that relates to an election to 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).

The Act also 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. DeMonaco filed his complaints on July 24 and 28, 2020. You timely filed a written response.

Mr. DeMonaco alleged that one of Mr. Lucido's billboard campaign ads contained an improper paid for by statement, because it was paid for by his state representative committee. Mr. DeMonaco also alleged that the paid for by statement on Mr. Lucido's yard signs failed to include the committee's address.

In your response, you explained that 5 Star Outdoor (5 Star) was hired to place the billboard ad in question, and 5 Star had previously worked with Mr. Lucido's house and senate candidate committees. You indicated that the template sent to the company included the line "Paid for by the CTE Peter J. Lucido for Prosecutor." You asserted that a mistake was made by the graphics department at 5 Star, and as soon as the error was made known, 5 Star fixed the paid for by statement, and included the committee's address. In support of your explanation, you provided a signed statement from Joe Oram, owner of 5 Star. In his statement, Mr. Oram admitted that while they were given a new template to use, the graphics department did, indeed, send the company the wrong template to use on the billboard. He also stated that the billboard was not paid for by Mr. Lucido's state representative committee and that the billboard was being corrected. Additionally, you included a copy of the check from Mr. Lucido's prosecutor committee to 5 Star, showing that the billboard was paid for by the prosecutor committee.

You also explained that G-Tek Professional Services (G-Tek) was hired to apply decals to Mr. Lucido's lawn signs to update the candidate committee name. While the original paid for by statement on the signs included the address of Mr. Lucido's committee, the decals affixed to some of the signs did mistakenly cover up the address as well as the old committee name. You stated that the campaign immediately contacted G-Tek and that G-Tek was working on new decals that do not cover the address and new decals that also included the committee's address to avoid the problem moving forward. In support of your explanation, you provided a signed statement from Craig Grzeck, owner of G-Tek. Mr. Grzeck admitted that G-Tek did, indeed, err when placing the decals by covering up the address. He also stated that G-Tek was working on fixing the error.

Because the errors were outside of the Committee's control and were addressed immediately when he became aware of the situation, the Department dismisses the complaints.

The Department does take this opportunity to remind your client of his obligations under the Act. MCL 169.247(1) and R 169.36(2) requires candidates 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 the committee.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Cardi DeMonaco, Jr.