



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
2021 JUN 22 AM 11:34
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 Matthew Hayes		Daytime Telephone Number 908-783-9228	
Mailing Address 15115 University			
City Allen Park	State MI	Zip 48101	
Email (optional)			

Section 2. Alleged Violator			
Name Silvio Davis			
Mailing Address 21550 Donaldson			
City Dearborn	State MI	Zip 48124	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: MCL 169.247

Explain how those sections were violated:

Silvio Davis is running for city council. He has no identifier/disclaimer "paid for by:" on his lawn signs or flags he is passing out.

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

Pictures of lawn signs and flags are attached also on his facebook page.

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

6/11/21
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



VOTE

SILVIO
DAVIS

DEARBORN CITY COUNCIL

VOTE
**SILVIO
DAVIS**

DEARBORN CITY COUNCIL



**I WANT TO LISTEN, LEARN,
UNDERSTAND, COMMUNICATE
& BE YOUR VOICE FOR
A POSITIVE DIVERSE
FUTURE IN DEARBORN**

In 2021, we will elect a new Mayor & at least 3 new Councilmembers. The time for strong positive leaders to step up has come. Through my years of community service & passion to better our city, I understand the importance of this role—that is why I am asking for the privilege to be your next City Councilman.

Lifelong Dearborn Resident | Product of Dearborn Public Schools
Local Insurance Agency Supervisor

Silvio Davis

YEARS OF DEDICATION TO OUR COMMUNITY

- President of **Dearborn Goodfellows**. Active volunteer since 2013, 2018 Goodfellow of the Year
- **Hines Park PM Rotarian** since 2015- Past President (2019-20 term)
- **Centurions, Inc.** member since 2015
- Presidential Search Committee for **Henry Ford College**, 2018
- Active volunteer with **Winter Special Olympics** since 2013
- Volunteer with **Dearborn Area Chamber**, Special All-Star Day since 2012
- One of the original members with "**Save Our Small Pools**" established in 2010; group of residents in support of keeping the small neighborhood pools open
- Organized **pool/park clean-ups** within the city, 2010
- Currently co-operating **Ten Eyck "Floatie Nights"** since 2014
- Volunteer with **SODA "Track or Treat"** event since 2014
- Volunteered with "Senoritas & Margaritas" in support of **Breast Cancer Research Foundation**
- Assisted with raising funds and participated in **Detroit Breast Cancer Walk**, 2019

Supporter of many other organizations, whether financially or volunteering.

- | | |
|--|--|
| - Dearborn Burn Drive | - United Humanitarian Foundation- Coat drive |
| - Dearborn Police Officers Charities | - Hat/glove/mitten drive for Dearborn Public Schools |
| - Dearborn Special Olympics | - Cereal drive in support of Dillon Marshall-Alley |
| - Blessings in a Backpack | - Assisted with neighborhood park and street clean-ups |
| - Friends for Animals of Metro Detroit | - American Legion Fort Dearborn Post 364 |
| - ChristNet | |



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

June 23, 2021

Silvio Davis
21550 Donaldson Street
Dearborn, Michigan 48124

Re: *Hayes v. Davis*
Campaign Finance Complaint
No. 2021-6-14-47

Dear Mr. Davis:

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 June 22, 2021 and alleges that you have distributed yard signs and flags that did not include a proper paid for by statement. Pictures of the yard signs and flags are 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 materials specifically state "Vote Silvio Davis Dearborn City Council," which uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because the materials urge voters to vote for you using words of express advocacy and were published by your committee, the materials 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 yard signs and flags have completely omitted the required paid for by statement. 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

Silvio Davis
June 23, 2021
Page 2

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,

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

Enclosure
c: Matthew Hayes