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Campaign Finance Complaint Form
Michigan Department of State

MAY -2 AM 10:28

3-11-00/GREAT SEAL

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence. **Please print or type all information**

PLEASE PRINT OR TYPE ALL INFORMATION.

I allege that the MCFA was violated as follows:

SECTION 1. COMPLAINANT

Your Name: **Mario L Morrow**

Telephone Number: **313 800-5973**

Mailing Address:

19185 Strathcona Drive

City: **Detroit**

State: **MI** Zip: **48203**

SECTION 2. ALLEGED VIOLATOR

Name: **Mr. Robert Davis**

Mailing Address: **180 Eason**

City: **Highland Park**

State: **MI** Zip: **48203**

SECTION 3. ALLEGED VIOLATIONS

Section(s) of the MCFA violated:

MCL 169.224

Explain how those sections were violated:

Under the Michigan Campaign Finance Act ("MCFA"), MCL 169.201 *et seq.*, a person who attempts to influence voters for or against a recall election must file a statement of organization

within 10 days of that person receiving contributions or making expenditures of \$500 or more during a calendar year. MCL 169.224. Contributions and expenditures include a promise to pay money in support of or opposition to the election of a candidate. See MCL 169.204, 169.206. Failure to file a statement of organization is punishable by a late filing fee of \$10.00 for each business day the statement remains unfiled, or a misdemeanor if the statement is not filed for more than 30 days. MCL 169.224.

Additionally, a person making an independent expenditure of more than \$100 advocating for or against a recall election must file a report within 10 days of making the expenditure. MCL 169.251(1). Independent expenditures are generally expenditures that are not made in cooperation with a candidate or committee and that advocate for or against the candidate or committee. MCL 169.109(2). A person who fails to file a report may be assessed fines and may be guilty of a misdemeanor. MCL 169.251(2).

Mr. Davis Failed to File a Statement of Organization

On April 22, 2019, Mr. Davis filed a recall petition against City of Detroit Mayor Michael Duggan. **Exhibit A.** As of the date he filed the petition, Mr. Davis indicated that he has received over \$50,000 in financial commitments from Detroit area businessmen to recall Mayor Duggan. **Exhibit B.** In other words, Mr. Davis has received more than \$50,000 in contributions under the MCFA to recall Mayor Duggan. As of May 2, 2019, however, Mr. Davis has not filed a statement of organization with the State of Michigan or Wayne County.

There is also evidence that Mr. Davis is coordinating with Detroit businessman Robert Carmack. **Exhibit C.** Mr. Carmack is under criminal investigation for allegedly selling property that he fraudulently obtained from the City of Detroit. **Exhibit D.** As a result of this investigation, Mr. Carmack has repeatedly expended funds criticizing Mayor Duggan. For example, on April 5, 2019, Mr. Carmack paid \$4,500 to fly banners over the City of Detroit suggesting Mayor Duggan misused public funds and committed adultery. **Exhibit E** and **Exhibit F.** Mr. Carmack's allegations are the same reasons given by Mr. Davis in support of his recall petition. See **Exhibit A.** Mr. Carmack indicates he will continue to expend funds to publicize these allegation against Mayor Duggan. **Exhibit D.**

Based on the aforementioned facts, Mr. Davis has failed to comply with the MCFA. First, because Mr. Davis did not file a statement within 10 days of filing the recall petition and claiming more than \$50,000 in contributions, Mr. Davis is violating MCL 169.224. Second, Mr. Davis's recall effort is either being directly supported by Mr. Carmack or Mr. Carmack is advocating for it. If the former, which the evidence suggests, Mr. Davis has already received several thousand dollars from Mr. Carmack for advertisement related to the recall election. If the latter, and Mr. Carmack continues to expend money—as he plans to do—to broadcast his allegations against Mayor Duggan, he is independently supporting the recall effort against Mayor Duggan and must file reports pursuant to MCL 169.251.

Therefore, for the reasons stated herein, Mr. Davis is violating the MCFA.

Evidence that supports those allegations (attach copies of pertinent documents and other information)

- Exhibit A: Recall Petition Filed by Mr. Robert Davis on April 22, 2019.
- Exhibit B: Kat Stafford & Joe Guillen, *Detroit Inspector General Probe Sparks Recall Effort Against Mayor Mike Duggan*, DET. FREE PRESS (Apr. 22, 2019).
- Exhibit C: *Non-Profit Linked to Duggan Friend Examined*, WJR (Apr. 9, 2019).
- Exhibit D: Christine Ferretti, *Banners Flown Over Ballpark Take Swipe at Mayor Duggan*, DET. NEWS (Apr. 4, 2019).
- Exhibit E: Oralandar Brand-Williams, *Buyer: I Didn't Know Land Carmack Sold Me Was Disputed*, DET. NEWS (Apr. 11, 2019).
- Exhibit F: *Robert Carmack Promises More Plane Banners Targeting Detroit Mayor During Key Court Hearing*, CLICKONDETROIT.COM (Apr. 11, 2019).

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

5/1/19

Date

SECTION 5. Certification (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also 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 filing the complaint.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State
Bureau of Elections
Richard H. Austin Building -- 1st Floor
430 W. Allegan Street
Lansing, Michigan 48918

114200.000001 4815-7147-8165.2

Exhibit A

RECALL PETITION

INSTRUCTIONS ON REVERSE SIDE

We, the undersigned, registered and qualified voters of the City of Detroit ☒ City ☐ Township ☐ Village of ☐ CHECK ONE

calling of an election to recall Michael Duggan from the office of Mayor in the County of Wayne and State of Michigan, petition for the

(Name of Officer) (Title of Office) (District, if Any) for the following reason(s):

On Friday, April 5, 2019, the City of Detroit's Office of Inspector General opened an investigation into Detroit Mayor Mike Duggan's and the City of Detroit's interactions with the Make Your Date non-profit organization. The Office of Inspector General's investigation will have on whether Mayor Duggan and/or any City officials potentially abused their authority by providing preferential treatment to the Make Your Date organization, which is run by Dr. Sami Hassan. Dr. Hassan is alleged to be involved in an extra-judicial affair with Duggan.

WARNING-A PERSON WHO KNOWINGLY SIGNS A RECALL PETITION MORE THAN ONCE OR SIGNS A NAME OTHER THAN HIS OR HER OWN IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
				MONTH	DAY	YEAR
1. A. Robert Garrett for Emergency Services Task						
2. 180 E. Grand Blvd. #404						
3. Robert Duggan						
4. R. D.						
5. 313-503-7118						
6. dani.robert.854@gmail.com						
7.						
8.						
9.						
10.						
11.						
12.						

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
2019 APR 22 P 2 57

CERTIFICATE OF CIRCULATOR

designated circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on this petition was signed in his or her presence and was not obtained through fraud, deceit or misrepresentation; that he or she neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the City or Township listed in the heading of the petition, and the elector was qualified to sign the petition.

he circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [✓] in the box provided, and each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the decision of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if served on the circulator.

ING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, SON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME

CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.

(Signature of Circulator)

(Date)

(Printed Name of Circulator)

(Complete Residence Address (Street and Number or Rural Route)) - (Do not enter a post office box)

(City or Township, State, Zip Code)

Exhibit B

Detroit inspector general probe sparks recall effort against Mayor Mike Duggan

 freep.com/story/news/investigations/2019/04/22/detroit-mayor-mike-duggan-recall-petition/3541198002/

Kat Stafford and Joe Guillen, Detroit Free Press Published 5:59 p.m. ET April 22, 2019 | Updated 6:15 p.m. ET April 22, 2019

The investigation into whether Detroit Mayor Mike Duggan gave preferential treatment to a local medical program has spawned a recall effort against the mayor.

Government agitator Robert Davis and Brenda Hill, who called herself a "political actionist," have coordinated on recall petitions filed on Monday against Duggan. The petitions are worded differently but they both seek to kick Duggan out of office based on an ongoing investigation by the Detroit Office of Inspector General into the city's support of the Make Your Date organization.

Dr. Sonia Hassan, an associate dean at the Wayne State University School of Medicine with close personal ties to Duggan, runs Make Your Date, which aims to fight preterm birth.

A Free Press investigation earlier this month showed the city directed more than \$358,000 in federal grant money to Make Your Date between 2015 and 2017. Duggan also ordered the city's chief development officer to help raise money for Make Your Date in 2017.

Duggan was seen late last year arriving after hours at the same suburban residence as Hassan in an edited surveillance video taken by a private investigator. She was handpicked by the mayor to lead Detroit's efforts to reduce preterm births in Detroit.

Detroit Inspector General Ellen Ha opened her investigation days after the Free Press detailed the city's support to Make Your Date. Both the administration and Wayne State have repeatedly denied any conflict of interest due to the personal relationship because the program is administered by the university, they say.

"Mike Duggan has been no friend to the citizens of the city of Detroit," Davis said. "He is by far one of the most corrupt, inept public officials this city has ever elected."

This is Davis' second attempt to recall Duggan. His first petition was approved in 2016 but he said he collected no signatures. This time is different, he said, because he has \$50,000 committed from Detroit businessmen, whom he would not name.

Duggan's Chief of Staff Alexis Wiley said in a brief statement, "As was the case in 2016, a recall is still a right provided under the City Charter." There was no other comment from city officials.

Davis' petition language references Duggan's ties to Hassan, the inspector general investigation and "whether Mayor Duggan and/or any city officials potentially abused their authority by

providing preferential treatment to the Make Your Date nonprofit organization, which is run by Dr. Sonia Hassan."

Hill, who filed the second petition to recall Duggan on Monday, said she's been displeased with the mayor since he was first elected. Hill has long been active in Detroit politics and recently worked on Coleman Young II's failed bid against Duggan for mayor in 2017.

"Time after time, we've found that he hasn't done what's in the best interest of the majority of Detroiters," Hill said. Former mayor "Kwame (Kilpatrick) didn't steer grants toward his alleged mistress. Duggan's doing that."

The Wayne County election commission will review the petition language in the coming weeks at a hearing that has yet to be scheduled.

If either petition is approved, Davis would have to collect valid signatures equal to at least 25% of votes cast for governor in Detroit last year.

According to Michigan law, recall petition language must be submitted to the county clerk in the county where the elected officer resides before a recall petition may be circulated.

Davis filed recall petitions in September 2015 against Duggan, citing his hiring of two top administrators who have since left the city — former Department of Neighborhoods Director Charlie Beckham and Corporation Counsel Melvin Butch Hollowell — despite their brushes with the law.

Wayne County Clerk spokeswoman Lisa Williams-Jackson said petition sponsors have 180 days to collect signatures once their petition is approved.

Exhibit C

Non-Profit Linked To Duggan Friend Examined

 wjv.com/2019/04/09/non-profit-linked-to-duggan-friend-examined/

April 9, 2019

A non-profit program that helps needy pregnant women is being examined by the city of Detroit Inspector General. The Make Your Date program is part of the Wayne State school of medicine, and is headed by a doctor linked to Mayor Duggan.

The Free Press reports that 358-thousand dollars in city grants were steered to the program by the Detroit office of Development and Grants.

The city says no city funds were involved, and that the mayor welcomes the investigation.

The relationship between the doctor and Mayor Duggan is at the center of objections by businessman Robert Carmack, and by union agitator Robert Davis.

Exhibit D

Banners flown over ballpark take swipe at Mayor Duggan

 detroitnews.com/story/news/local/detroit-city/2019/04/04/detroit-mayor-targeted-banners-over-comerica-park/3363098002/

Banners flown over ballpark take swipe at Mayor Duggan

Christine Ferretti, The Detroit News Published 11:01 a.m. ET April 4, 2019 | Updated 9:13 p.m. ET April 4, 2019

Detroit — On Opening Day at Comerica Park a Detroit businessman locked in a legal battle with the city used the opportunity to broadcast his claims against Detroit Mayor Mike Duggan.

Robert Carmack, who is facing multiple felony counts on allegations he stole a million-dollar property from the city, shelled out \$4,500 to hire three pilots to fly banners over the Tigers' home field on Woodward for six hours proclaiming "Been forced to pay a bribe to Duggan? Call 1-800-carmack," another one questions the mayor's fidelity and a third says, "Any1 have sex w/Mike Duggan 4 a raise? Call 1-800-carmack."

The 800-number routes callers to a property management company in San Diego.

"I got some banners flying around about my favorite person, Mike Duggan," Carmack told The Detroit News. "I ain't got no problem saying I did it."

"I had this man attack me for the last four years, you know. I ain't backing down from him or anybody," Carmack said. "He's done what he's done to me."

In response, Alexis Wiley, chief of staff to Duggan, said Carmack's actions weren't surprising.

"This is the kind of behavior we've come to expect from Bob Carmack," she said.

The public display isn't Carmack's first time targeting the mayor. In November, Carmack aired footage of the mayor's comings and goings on a billboard truck outside City Hall.

Carmack, at the time, said he'd hired a private investigator to trail Duggan over a series of months and has questioned whether Duggan resides in the city.

The footage showed the mayor visiting a condominium in Novi and separately showed a woman arriving there on other occasions.

The incident prompted the mayor and his wife to defend their marriage and also led Duggan to convene a news conference to announce to the media that he'd asked the Michigan State Police to review whether Carmack's actions — allegedly in retaliation for the city's refusal to drop property lawsuits against him — amounted to extortion.

Carmack of Woodhaven is in the midst of a preliminary hearing in 36th District Court in Detroit on charges of false pretenses with intent to defraud \$100,000 or more, and three counts of uttering and publishing a document affecting real property tied to a decade-old land deal.

The false pretenses charge carries a penalty of up to 20 years in prison, according to state statute. Uttering and publishing carries a penalty of up to 14 years.

The case centers around the purchase of property on Melville on Detroit's southwest side. The city maintains that Carmack, who sold the property for \$1 million, did not legally own the site.

In November, Carmack convened an elaborate news conference at his auto repair shop on Michigan Avenue, telling reporters that he intended to share new information that he'd claimed would embarrass the mayor.

Ultimately, he declined to do so and vowed instead it would come at a later date.


On Thursday, Carmack told The News "I have more to say" but said he's waiting to speak further on the topic until his legal case is resolved.

"I don't believe I'm guilty of anything," he said.

cferretti@detroitnews.com

Exhibit E

Buyer: I didn't know land Carmack sold me was disputed

 detroitnews.com/story/news/local/wayne-county/2019/04/11/carmack-targets-duggan-again-airplane-banners/3433840002/

Oralandar Brand-Williams, The Detroit News Published 10:52 a.m. ET April 11, 2019 | Updated 4:38 p.m. ET April 11, 2019

The real estate investor who bought the property at the center of a criminal case against Detroit businessman Robert Carmack testified Thursday he didn't know ownership of the site was disputed when he made the \$1 million transaction in 2016.

Harry Conkey III said he bought the 10-acre property on Melville Street from Carmack without realizing its status was "impaired," and that his rights to the riverfront site remain in limbo.

Carmack, 59, of Woodhaven is charged with four felonies in connection with the sale. Authorities allege he never completed a \$250,000 purchase of the site but used draft documents from 2007 to fraudulently represent that he owned the land before selling it for \$1 million.

Conkey, who is based in Illinois, said he was interested in the property because it was on the Detroit River and was economically attractive since it was in an area where a second bridge to Canada was potentially going to be built.

"We went back and forth many times ... on price," Conkey said.

Conkey was one of two people who testified Thursday during the continuation of the preliminary examination for Carmack. The other was Michael Cuschieri, the president and owner of Minnesota Title, which conducted the closing between Conkey and Carmack.

Under questioning from Assistant Genesee County Prosecutor Patrick McCombs, Cuschieri said his office received a quit claim deed from Carmack that indicated that he was the owner of the property that was being sold to Conkey.

Cuschieri says he normally only closes with warranty deeds but closed with Carmack's quit claim deed because had done many closings with the attorney who was part of the closing and trusted his work.

Carmack's co-counsel Steve Haney produced a copy of the deed from 2007, which, he said, showed Carmack was granted ownership of the property through a quit claim deed "for the sum of \$250,000" and that the official document was signed by city officials.

Haney said Detroit City Council members approved the deed to Carmack June 20, 2007, two days before it was signed by the city's director of planning/development as well as the city's finance director.

But McCombs said Haney was mischaracterizing facts involving the deed, saying "we do know that \$250,000 was never paid to the city of Detroit by Mr. Carmack."

Carmack and Haney refused to say whether the businessman paid for the deed.

"He got a valid quit claim deed mailed to him (from the city of Detroit) and he received the deed and now he's the valid owner of that property. End of story," Haney said after the hearing. "I don't know if he paid cash. This deed satisfies all (the) requirements."

Prior to his court appearance over the disputed land purchase, Carmack took to the skies again Thursday, flying banners from a plane over downtown Detroit with messages targeting Mayor Mike Duggan.

One banner read, "Kilpatrick in jail 28 years 4 corruption — Put Duggan 4 for the same." Another banner alleges, "Duggan spent \$1.5 million of "city tax \$\$ on his mistress & sex." Carmack hired a plane to fly over downtown with similar banners during the Tigers' home opener last week.

Duggan on Wednesday vowed "100 percent" cooperation in an investigation into claims the city gave favor to a nonprofit dedicated to premature births, saying the assertions are "completely false."

Detroit's Office of Inspector General on Monday announced it is investigating "whether the mayor and/or any city officials potentially abused their authority by providing preferential treatment to the Make Your Date Non-Profit," led by Dr. Sonia Hassan, who is affiliated with Wayne State University.

The mayor said Wednesday the city never directed any dollars toward a nonprofit and that its partnership was with Wayne State.

City of Detroit spokesman John Roach said Thursday: "As accurately reported by (The) Detroit News, the city money that went to the Make Your Date program went directly to Wayne State University, which administers the program. That amount was \$358,000 from 2015 to 2017," Roach said. "Any suggestion of the contrary is purely made up."

Roach said he was "only commenting on the alleged misuse of funds banner."

Carmack appeared was scheduled to be in court at 11 a.m. for a motion hearing on a request that criminal charges be dismissed against him in connection with a disputed land deal.

Carmack, 59, of Woodhaven is charged with four felonies in connection with his 2016 sale of a 10-acre property. Authorities allege he never completed a \$250,000 purchase of the site but used draft documents from 2007 to fraudulently represent that he owned the land before selling it for \$1 million.

Carmack told The News Thursday it is costing him \$3,000 to fly the banners. He said the banners were airborne starting at 8:30 a.m. and were scheduled to run for six hours.

"I'm flying them for one reason. I feel this administration under Duggan is corrupt," said Carmack. "He should do the same time as Kilpatrick is doing."

The preliminary examination continues at 10 a.m. April 22.

bwilliams@detroitnews.com.

(313) 222-2027

Exhibit F

Robert Carmack promises more plane banners targeting Detroit mayor during key court hearing

4 clickondetroit.com/news/defenders/robert-carmack-promises-more-plane-banners-targeting-detroit-mayor-during-key-court-hearing

April 11, 2019

DETROIT - From mobile billboards to banners flying over the Detroit Tigers' Opening Day, businessman Robert Carmack has been a constant thorn in the side of Mayor Mike Duggan.

Carmack said he has even more up his sleeve.

On Thursday, Carmack is scheduled to be in a Detroit courtroom for a key hearing in his ongoing battle with the city. A specially appointed Eaton County prosecutor will try to prove that Carmack is a crook, but Carmack will be showing up with a piece of paper he claims proves he is innocent.

Carmack said he plans to keep agitating Duggan until the case is dropped, but he wants to end his war on the mayor.

"I hope it isn't going to continue with me," Carmack said. "I'd like to have this beyond me, move on in life. I'm tired of all this, you know? It's taking a lot away from me, my kids' sports, my kids' homework, my kids -- just enjoying my kids, you know?"

He insists he won't stop coming after Duggan until criminal charges are dropped. Carmack has paid for a mobile video billboard and planes to pull large banners over Downtown Detroit to embarrass Duggan, and accused him of having an extramarital affair.

"I know what I've done and I feel that I did the right things in life, in my heart," Carmack said. "These charges are false charges. I feel that these are brought against me because of what I've done to the mayor."

Thursday's hearing will be held in 36th District Court. Carmack's attorney is asking the judge to throw out all charges that Carmack fraudulently obtained a deed to city property and sold it for \$1 million. He will be presenting the deed, which he said is signed by the director of finance and approved by Detroit City Council members.

"I don't know how it can be alleged to be a forged document when it's represented by so many different signatures -- those who have the authority to execute such a document," Carmack's attorney, Steve Haney, said.

City officials also billed Carmack for taxes on the property in question, totaling \$250,000. Those taxes were paid by Carmack, but his attorney insists the case should be dismissed.

"I don't think I've seen a case like this in 20 years, and that includes being a defense attorney," Haney said.

At a Wednesday press conference, Duggan said he wouldn't answer any questions about the woman with whom Carmack has accused him of having an affair.

Carmack said banners will fly over the courthouse and City Hall during Thursday's hearing.

Here is a statement from the mayor's office:

"The Mayor's office tells the Defenders the Genessee County Prosecutor made the decision to bring charges against Mr. Carmack and the Detroit Police Department investigates it. The Mayor is not involved in any charging decisions."

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

May 6, 2019

Robert Davis
180 Eason
Highland Park, Michigan 48203

Re: *Morrow v. Davis*
Campaign Finance Complaint
No. 2019-05-12-24

Dear Mr. Davis:

The Department of State (Department) received a formal complaint filed by Mario Morrow against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* 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.* A copy of the complaint and supporting documentation is enclosed with this letter.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A candidate who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000. *Id.*

Mr. Morrow alleges that you have failed to file a statement of organization in violation of the Act.

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. **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.

Robert Davis
May 6, 2019
Page 2

A copy of your answer will be provided to Mr. Morrow, 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 penalties provided in section 24(1) of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with the first name "Adam" and last name "Fracassi" clearly distinguishable.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Mario Morrow

**STATE OF MICHIGAN
MICHIGAN SECRETARY OF STATE**

In re Complaint of Morrow v Davis

Case No. 2019-05-12-24

ANDREW A. PATERSON (P18690)
Attorney for Respondent Robert Davis
2893 E. Eisenhower Pkwy
Ann Arbor, MI 48108
(248) 568-9712
aap43@outlook.com

**RESPONDENT ROBERT DAVIS' RESPONSE TO MARIO MORROW'S
CAMPAIGN FINANCE COMPLAINT**

**NOW COMES ROBERT DAVIS ("Mr. Davis"), by and through his
legal counsel, ANDREW A. PATERSON, and for his response to Mario
Morrow's Campaign Finance Complaint, states the following:**

INTRODUCTION

It is apparent after reading Mr. Mario Morrow's ("Mr. Marrow") frivolous complaint that Mr. Morrow is clearly ignorant of the law. Mr. Davis has not violated any provision of Michigan's Campaign Finance Act, particularly MCL 169.224 as Mr. Morrow's complaint falsely alleges. Mr. Davis was under no legal obligation to file a statement of organization for a ballot question committee or any

other committee because Mr. Davis has not received any financial contributions from any individual or business for any recall effort against Detroit Mayor Mike Duggan nor has Mr. Davis made any independent expenditures for purposes of influencing a recall effort against Detroit Mayor Mike Duggan. Accordingly, for the reasons set forth below, Mr. Marrow's complaint shall be dismissed and pursuant to MCL 169.215(16), Mr. Marrow shall be assessed sanctions for filing this frivolous complaint that contains a false certificate.

LAW AND LEGAL ANALYSIS

In apparent attempt to try to get his name in the paper, Mr. Marrow filed a frivolous complaint with the Michigan Secretary of State falsely alleging that Mr. Davis violated Michigan's Campaign Finance Act by allegedly failing to file a statement of organization. As noted, it is apparent that Mr. Marrow is ignorant of the law because Mr. Davis was not obligated to file a statement of organization because Mr. Davis has not received any financial "contributions" for the purpose of influencing a recall election against Detroit Mayor Mike Duggan and the exhibits attached to Mr. Marrow's frivolous complaint does not even remotely suggest that Mr. Davis has received any financial "contributions".

MCL 169.224(1) provides:

(1) A ***committee*** shall file a statement of organization with the filing officials designated in section 36 to receive the committee's campaign statements. A ***committee*** shall file a statement of organization within

10 days *after the committee is formed*. A filing official shall maintain a statement of organization filed by a committee until 5 years after the official date of the committee's dissolution. A person who fails to file a statement of organization required by this subsection shall pay a late filing fee of \$10.00 for each business day the statement remains not filed in violation of this subsection. The late filing fee must not exceed \$300.00. A person who violates this subsection by failing to file for more than 30 days after a statement of organization is required to be filed is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00. (Emphasis supplied).

MCL 169.203(4) defines the term “committee” as follows:

(4) “Committee” **means a person that receives contributions or makes expenditures** for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party, if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year. Except as restricted or prohibited by this act or other state or federal law, a committee may also make other lawful disbursements. **An individual, other than a candidate, does not constitute a committee.** A person, other than a committee registered under this act, making an expenditure to a ballot question committee or an independent expenditure committee, shall not, for that reason, be considered a committee or be required to file a report for the purposes of this act unless the person solicits or receives contributions for the purpose of making an expenditure to that ballot question committee or independent expenditure committee. (Emphasis supplied).

The definition of the term “committee” clearly illustrates that Mr. Davis was not a “committee” because “an individual...does not constitute a committee” and,

perhaps more importantly, Mr. Davis has not received any “contributions” from any individual for the purpose of influencing a recall election against Detroit Mayor Mike Duggan nor has Mr. Davis made any independent expenditures for purposes of influencing a recall effort. Additionally, Mr. Davis simply has not received a “contribution” as that term is defined under MCL 169.204. Mr. Marrow’s desire to see his name in the paper resulted in Mr. Marrow filing a frivolous complaint without Mr. Marrow thoroughly researching the issue. If necessary, Mr. Davis is willing to provide the Secretary of State with a sworn affidavit attesting to the fact that Mr. Davis has not received any “contributions” as that term is defined under the Michigan Campaign Finance Act. Additionally, Mr. Davis is willing to file a sworn affidavit attesting to the fact that he has not made any expenditures related to the filing of his now-rejected/dismissed recall petition against Detroit Mayor Mike Duggan.

As a result of Mr. Marrow’s unethical actions, Mr. Davis will be filing a federal lawsuit against Mr. Marrow for retaliation and defamation. It is clearly apparent that Mr. Marrow, who has served as a hired consultant to Mayor Duggan, filed this frivolous complaint in an attempt to secure consultant contracts with Mayor Duggan.

Mr. Marrow’s actions have caused Mr. Davis financial harm because Mr. Davis had to retain legal counsel to respond to this frivolous complaint.

Accordingly, Mr. Davis is also respectfully requesting the Michigan Secretary of State to sanction Mr. Marrow pursuant to MCL 169.215(16).

MCL 169.215(16) provides:

(16) In addition to any other sanction provided for by this act, the secretary of state may require a person who files a complaint with a false certificate under subsection (6)(c) to do either or both of the following:

(a) Pay to the secretary of state some or all of the expenses incurred by the secretary of state as a direct result of the filing of the complaint.

(b) Pay to the person against whom the complaint was filed some or all of the expenses, including, but not limited to, reasonable attorney fees incurred by that person in proceedings under this act as a direct result of the filing of the complaint.

Mr. Marrow submitted his frivolous complaint containing a false certificate because the certificate Mr. Marrow signed clearly states that “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.” This certificate Mr. Marrow signed is clearly false because Mr. Marrow did not provide any evidence that showed Mr. Davis received any financial “contributions”, which would have required the filing of a statement of organization for a “committee”. Moreover, Mr. Marrow has failed to provide any evidence that a “committee” was in fact formed. Mr. Marrow provided news article that failed to prove any of the false and defamatory allegations Mr. Marrow

stated in his frivolous complaint. Accordingly, pursuant to MCL 169.215(16), sanctions shall be assessed against Mr. Marrow.

CONCLUSION

WHEREFORE, for the foregoing reasons, Mr. Davis prays that the Michigan Secretary of State DISMISS Mr. Marrow's frivolous complaint and further award Mr. Davis sanctions pursuant to MCL 169.215(16).

Dated: June 3, 2019

Respectfully submitted,
/s/ ANDREW A. PATERSON
ANDREW A. PATERSON (P18690)
Attorney for Respondent Robert Davis
2893 E. Eisenhower Pkwy
Ann Arbor, MI 48108
(248) 568-9712
aap43@outlook.com

Fracassi, Adam (MDOS)

From: Drew Paterson <aap43@outlook.com>
Sent: Monday, June 3, 2019 12:46 PM
To: Fracassi, Adam (MDOS)
Subject: Re: Robert Davis' Response to Mario Marrow's Campaign Finance Complaint No. 2019-05-12-24

I prefer if you send all correspondence and/or documents via email. It's a lot easier if they are sent via email. Thanks.

Drew Paterson
(248) 568-9712
aap43@outlook.com

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Monday, June 3, 2019 12:40 PM
To: Drew Paterson
Subject: RE: Robert Davis' Response to Mario Marrow's Campaign Finance Complaint No. 2019-05-12-24

I apologize – it looks like I erroneously deleted words. Can I contact you and send documents related to the complaint via email, or would you like to continue receiving them via mail.

From: Drew Paterson <aap43@outlook.com>
Sent: Monday, June 3, 2019 12:38 PM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Re: Robert Davis' Response to Mario Marrow's Campaign Finance Complaint No. 2019-05-12-24

Can you please clarify your message?

Drew Paterson
(248) 568-9712
aap43@outlook.com

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Monday, June 3, 2019 12:25 PM
To: Drew Paterson
Subject: RE: Robert Davis' Response to Mario Marrow's Campaign Finance Complaint No. 2019-05-12-24

Thanks, Drew. May I contact you documents via email?

From: Drew Paterson <aap43@outlook.com>
Sent: Monday, June 3, 2019 10:57 AM

To: Bourbonais, Lori (MDOS) <bourbonaisl@michigan.gov>; Fracassi, Adam (MDOS) <FracassiA@michigan.gov>

Subject: Robert Davis' Response to Mario Marrow's Campaign Finance Complaint No. 2019-05-12-24

Mr. Fracassi:

Attached is Robert Davis' response to Mario Marrow's campaign finance complaint. Please be advised that my client, Robert Davis, did not receive a copy of the complaint in the mail until May 16, 2019. If you should have any questions, please feel free to contact me or my client, Robert Davis, directly.

Drew Paterson
(248) 568-9712
aap43@outlook.com

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Friday, June 7, 2019 12:08 PM
To: Drew Paterson
Subject: Morrow v. Davis - Answer Letter
Attachments: Answer Letter.pdf; FINAL REVISED DRAFT R Davis Response to Mario Marrow's Campaign Finance Complaint.pdf

Mr. Paterson:

Please find a copy of correspondence sent today in the campaign finance complaint filed against Mr. Davis. If you have any questions, please do not hesitate to contact me.

Adam Fracassi
Election Law Specialist
Bureau of Elections
Michigan Department of State
430 West Allegan Street
Lansing, Michigan 48918
(517) 335-3234



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

June 7, 2019

Mario Morrow
19185 Strathcona Drive
Detroit, Michigan 48203

Re: *Morrow v. Davis*
Campaign Finance Complaint
No. 2019-05-12-24

Dear Mr. Morrow:

The Department of State received a response to the complaint you filed against Robert Davis, 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, 1st 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: Andrew Patterson, attorney for Robert Davis

Fracassi, Adam (MDOS)

From: Fracassi, Adam (MDOS)
Sent: Monday, June 24, 2019 1:02 PM
To: Drew Paterson
Subject: Morrow v. Davis - Campaign Finance Complaint Rebuttal
Attachments: morrow.rebuttal.pdf; Rebuttal Letter.pdf

Mr. Paterson,

The Department has received the attached rebuttal in the abovementioned campaign finance complaint filed against your client. Please find attached a copy of the rebuttal and correspondence from the Department. If you have any questions, please do not hesitate to contact me.

Thank you,

Adam Fracassi
Bureau of Elections



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

June 24, 2019

Drew Paterson
Attorney for Robert Davis
2893 E. Eisenhower Pkwy
Ann Arbor, Michigan 48108

Via email

Re: *Morrow v. Davis*
Campaign Finance Complaint
No. 2018-05-12-57

Dear Mr. Paterson:

This letter concerns the complaint that was recently filed against your client, Robert Davis, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the receipt of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. The complaint remains under investigation at this time.

If the Department needs more information, you may be contacted. The complaint will remain under investigation until a final determination has been made. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Mario Morrow

2019 JUN 20 PM 2:53

STATE OF MICHIGAN
MICHIGAN SECRETARY OF STATE ELECTIONS/GREAT SEAL

Mario Morrow,

Complainant,

Campaign Finance Complaint

v.

Case No. 2019-05-12-24

Robert Davis,

Respondent.

Mario Morrow
19185 Strathcona Drive
Detroit, MI 48203

**REBUTTAL STATEMENT TO RESPONDENT'S RESPONSE TO CAMPAIGN
FINANCE COMPLAINT**

Mr. Davis premises his attack on the Campaign Finance Complaint (the "Complaint") on a misunderstanding of the Michigan Campaign Finance Act (the "Act"). Specifically, Mr. Davis believes that, as an individual, he is completely excluded from the definition of "Committee" under MCL 169.203 and thus not required to file a Statement of Organization under MCL 169.224. But Mr. Davis fails to read the exception to the definition in context. The first sentence of the definition includes any person, including individuals, who receive or expend \$500 or more in a calendar year to influence voters. The third sentence then states that an individual "does not constitute a committee." But, given the first sentence, this exception is plainly meant to exclude individuals who contribute or expend their own money, not individuals who receive and expend contributions from other people. This is exactly how the Secretary of State understands the definition.

"The exception for individuals who are not candidates applies to a person who contributes or expends his or her own money. It does not apply to an individual who opens an account for the sole purpose of depositing contributions received from other individuals and subsequently spending the accumulated funds to support or oppose candidates in state and local elections."

Advisory Opinion of June 14, 1990 (Gromek) (attached as Exhibit A). If the exception meant what Mr. Davis believes it means, the provisions of the Act applicable to committees would be rendered meaningless because people attempting to influence Michigan's political process could simply avoid the Act altogether by funneling contributions through an individual.

Mr. Davis then fails to provide any evidence to dispute the allegations in the Complaint. The closest he comes is stating he is willing to provide affidavits that he did not receive contributions or make expenditures. But conveniently, Mr. Davis does not provide these affidavits. This is because those affidavits would directly contradict the statement Mr. Davis made to the Detroit Free Press on April 22, 2019. See Complaint, Exhibit B (for his recall effort, Mr. Davis said that "he has \$50,000 committed from Detroit businessmen."). A contribution means an "expenditure . . . made for the purpose of influencing the nomination or election of a candidate;" and an expenditure means a "promise of payment of money." MCL 169.204(1) and 169.206(1); see also *MEA v Sec'y of State*, 489 Mich 194, 258 (2011) ("The definition of 'contribution' includes the term 'expenditure'."). Thus, Mr. Davis received over \$50,000 in contributions because Detroit businessmen had promised to pay that much for the recall election.

In sum, Mr. Davis misreads the Act to believe he is exempted from its requirements and fails to provide any evidence to refute the allegations in the Complaint. In reality and by his own admission, Mr. Davis has received contributions for the purpose of influencing the recall election against Mayor Duggan. He is required to file a Statement of Organization. In fact, as of the date of this Rebuttal Statement, Mr. Davis has failed to file a Statement of Organization for more than 30 days, which means he is guilty of a misdemeanor under MCL 169.224(1). Simply put, Mr. Davis has violated and is continuing to violate the Act.

From: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Sent: Monday, August 26, 2019 12:12 PM
To: Drew Paterson <aap43@outlook.com>
Subject: RE: Voice Message Regarding Robert Davis' affidavit

Mr. Paterson,

On page 4 of your response (copy attached for your convenience), you stated that "Mr. Davis is willing to provide the Secretary of State with a sworn affidavit attesting to the fact that Mr. Davis has not received any 'contributions' . . . [or] that he has not made any expenditures related to the filing of his now-rejected/dismissed recall petition. . ." Please provide that affidavit.

Adam Fracassi
Election Law Specialist
Bureau of Elections
Michigan Department of State
430 West Allegan Street
Lansing, Michigan 48918
(517) 335-3234

From: Drew Paterson <aap43@outlook.com>
Sent: Monday, August 26, 2019 11:51 AM
To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: Voice Message Regarding Robert Davis' affidavit

Mr. Fracassi:

This is a follow up to your voice mail message you left on my phone a few days ago regarding Robert Davis' affidavit. Please send me that request in an email. Thanks.

Drew Paterson
(248) 568-9712
aap43@outlook.com

Fracassi, Adam (MDOS)

From: Drew Paterson <aap43@outlook.com>
Sent: Wednesday, September 4, 2019 1:57 PM
To: Fracassi, Adam (MDOS)
Subject: Re: Voice Message Regarding Robert Davis' affidavit

Mr. Fracassi:

Although my client does not have a problem providing an affidavit attesting to certain facts, it has been brought to my client's attention that the Secretary of State and your office have conflicts of interest that need to be addressed before my client submits any affidavit to the office of Secretary of State.

Last week, the complainant, Mr. Mario Marrow, appeared on Channel 7 Action News and represented that he was the spokesman for Mayor Mike Duggan's secretive nonprofit organization. This development is problematic considering the Secretary of State's husband, Ryan Friedrichs, is an appointee of Detroit Mayor Mike Duggan. In fact, Mr. Friedrichs is a named defendant in the lawsuit filed by a former city employee who has alleged Mr. Friedrichs was involved in a cover-up to hide funds funneled to Mayor Mike Duggan's mistress, Dr. Sonia Hasan.

Therefore, considering Mr. Marrow's frivolous complaint is concerning the purported recall effort of Detroit Mayor Mike Duggan, which cited his alleged affair with Dr. Sonia Hasan, my client believes that the Secretary of State cannot fairly adjudicate Mr. Marrow's frivolous complaint and must immediately dismiss Mr. Marrow's complaint and/or recuse herself and her office. Accordingly, until such time as the Secretary of State addresses this apparent conflict, my client will not be submitting an affidavit. Also please be advised that my client will be proceeding with filing a federal lawsuit against both the Secretary of State and Mr. Marrow for violating his federal constitutional rights with respect to this biased process.

Please advise if the Secretary of State will address my client's concerns with respect to her apparent conflicts. I look forward to your response.

Drew Paterson
(248) 568-9712
aap43@outlook.com



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

July 15, 2022

Robert Davis
180 Eason
Highland Park, Michigan 48203

Re: *Morrow v. Davis*
Campaign Finance Complaint No. 2019-05-12-24

Dear Mr. Davis:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Mario Morrow alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that you failed to file a statement of organization despite stating in a newspaper article that you had \$50,000 committed from Detroit businessmen to support your recall effort against Detroit mayor Mike Duggan. Mr. Morrow argues that because "expenditure" is included in the definition of contribution, MCL 169.204(1), and an expenditure includes a "promise of a payment of money," MCL 169.206(1), your statement that financial support had been promised to your recall effort triggered reporting obligations under the MCFA.

You responded to the complaint. In your response, you claimed that you were not obligated to file a statement of organization under the MCFA because you did not actually receive any financial contributions or make any expenditures in support of your recall effort. Specifically, you stated that you did not receive any of the financial support which you had been promised. Because you had received no tangible support, your recall effort did not qualify as a committee under MCL 169.203(4).

Mr. Morrow provided a rebuttal statement. In that statement, Mr. Morrow argued that the promise of contributions was sufficient to demonstrate that you were acting as a committee. Furthermore, Mr. Morrow contended that you failed to provide any evidence disputing the allegations in the complaint that you stated that you had been promised \$50,000 from Detroit businessmen in support of your recall effort.

Section 24 requires committees to file a statement of organization with the proper filing official within 10 days of committee formation. MCL 169.224(1). Section 24 details specific requirements for all statements of organization that must be filed. *See* MCL 169.224(2)-(3). A person who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report is not filed, not to exceed \$300.00. MCL 169.224(1). A person failing to

file a statement of organization after 30 days is guilty of a misdemeanor punishable by a fine of up to \$1,000.00. *Id.*

Under the MCFA, a committee is formed when “a person receives contributions or makes expenditures for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of a candidate . . . if contributions received total \$500.00 or more in a calendar year or expenditures made total \$500.00 or more in a calendar year.” MCL 169.203(4). For purposes of determining whether a committee exists, the word “person” includes “a group of persons acting jointly.” 169.211(2).

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. Although Mr. Morrow is correct that the definition of “contribution” includes expenditures, and that the definition of expenditures includes “the promise or payment of money,” the Department declines to find that a person’s claim that that person has been promised future contributions, without more, is sufficient evidence that a contribution has actually been made. While a promise is a contribution regulated by the Act, the Department will not find that a promise has been made without at least some evidence that the promise was, in fact, actually made. Such evidence may involve a formal document, like a promissory note, or informal documents or conversations that established actual intent by the promisor to deliver the promised funds. Alternatively, even in the absence of such evidence, a promise may be covered by the Act if the promisee used the promise to solicit additional contributions, even if the initial contribution never materialized.

No evidence was submitted that a reliable promise to contribute existed beyond your quote in a newspaper article, further supported by the fact that no campaign finance reports had been filed, no recall petition submitted, and your statements in response to the complaint. Without further evidence, there is no way to verify that those commitments were credible, and the Department must conclude that you were acting only as an individual, and not as a committee. MCL 169.203(4). Therefore, you were under no obligation to file a statement of organization, *id.*, and the Department cannot conclude that a potential violation of the MCFA has occurred.

Because the violation of the MCFA alleged in the complaint has not been substantiated by sufficient evidence, the Department dismisses the complaint and will take no further enforcement action. If you have any questions concerning this matter, you may contact me at BOERegulatory@michigan.gov.

Sincerely,

Regulatory Division
Bureau of Elections
Michigan Department of State

c. Mario Morrow