

Michigan Department of State
Campaign Finance Complaint Form

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.*).

Please print or type all information.

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2020 JUL 20 PM 2:07
ELECTIONS/GREAT SEAL

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name	Daytime Telephone Number	
Kim Taylor	313 537 8590	
Mailing Address		
10002 Mercedes		
City	State	Zip
Redford	MI	48239

Section 2. Alleged Violator		
Your Name		
Torina Grarsuch		
Mailing Address		
9042 Lucerne		
City	State	Zip
Redford	MI	48239

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: Sec 54 & 55

Explain how those sections were violated: Corporation paid directly for bill board ad promoting candidate. Did not use a PAC or segregated funds. Evidence that supports those allegations (attach copies of pertinent documents and other information):

Bill board says "
"Paid for by Twins Auto Sales"
They are a corporation.

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

Date

7/14/2020

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

Section 15(6) of the MCFA (MCL 169.215) required 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

7/14/2020

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.

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State
Legal and Regulatory Service Administration
Richard H. Austin Building - 4th Floor
430 West Allegan Street
Lansing, Michigan 48918

VOTE
AUGUST 4TH

LET'S BUILD REDFORD TOGETHER

Paid for by Twins Auto Sales

Torima Gorsuch
For Redford Treasurer

Garth Christie
For Redford Clerk

Tony Yanish
For Redford Supervisor

100106

OUTFRONT

TRUCK TIRE
SERVICE



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

July 27, 2020

Torima Gorsuch
9062 Lucerne
Redford, MI 48239
No. 2020-07-66-54

Garth Christie
15470 Delaware
Redford, MI 48239
No. 2020-07-67-54

Tony Yanish
11792 Hazelton
Redford, MI 48239
No. 2020-07-68-54

Twins Auto Sales
24310 Grand River Ave
Redford, MI 48240
No. 2020-07-69-54

Re: *Taylor v. Gorsuch, et al*
Campaign Finance Complaint
No. 2020-07-66-54

Dear Ms. Gorsuch, Mr. Christie, Mr. Yanish, and Twins Auto Sales:

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

The MCFA prohibits corporations from making direct contributions or expenditures to candidates or their committees. MCL 169.254. Corporations are required to either form an independent expenditure committee or separate segregated fund. MCL 169.255. A violation of this Act is a felony punishable by a fine of up to \$5,000, if the person is an individual (\$10,000 if the person is not an individual), imprisonment for not more than 3 years, or both. MCL 169.254(5).

Ms. Taylor filed her complaint on July 20, 2020 and alleges that Twins Auto Sales, a corporation, has improperly made a contribution to the Christie, Yanish, and Gorsuch committees by purchasing a billboard which expressly advocated for their election.¹

¹ The Department notes that Ms. Taylor filed individual complaints which have been merged for administrative efficiency. All filings should be submitted under the *Taylor v. Gorsuch, et al* caption.

Torima Gorsuch
Garth Christie
Tony Yanish
Twins Auto Sales
July 27, 2020
Page 2

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.

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. Due to the ongoing public health emergency, the Department asks that all materials be submitted via email to Elections@Michigan.gov to my attention. 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 Ms. Taylor, 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 54(5) of the Act.

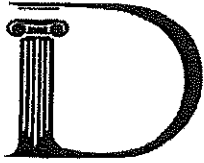
If you have any questions concerning this matter, you may contact me via email.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Kim Taylor



DAGHER LAW
Serving clients needs since 1992.

Tel: (313) 846-1900 • Fax: (313) 846-1910
14207 Ford Road • Dearborn, Michigan 48126

August 10, 2020
Via Email

Adam Fracassi
State of Michigan Bureau of Elections
430 W. Allegan
Lansing, MI 48917
Email: elections@michigan.gov

Re: Taylor v. Gorsuch and Twins Auto Sales
Campaign Finance Complaint No. 2020-07-66-54
Twins Auto Sales Response

Mr. Fracassi,

Please be advised this firm represents Twins Auto Sales, Inc. I have been trying to get in touch with you to discuss resolving this matter but have not received any response from you. Please contact me at your earliest convenience so we can discuss resolving the matter. Nevertheless, please allow this correspondence to serve as my clients' response to your July 27, 2020 correspondence.

My clients admit that they purchased the billboard for the sole purpose that the candidates on the billboard would have access to the discount my clients have with the billboard company. My clients were later reimbursed for the purchase of the billboard by the candidates. My clients deny that this was a "direct contribution or expenditure" as alleged in the complaint because my clients were reimbursed.

I look forward to hearing from you so that we can resolve this issue.

Sincerely,

Ali H. Dagher

Cc: Twins Auto Sales



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

April 22, 2021

Torima Gorsuch
9062 Lucerne
Redford, MI 48239
No. 2020-07-66-54

Garth Christie
15470 Delaware
Redford, MI 48239
No. 2020-07-67-54

Tony Yanish
11792 Hazelton
Redford, MI 48239
No. 2020-07-68-54

Twins Auto Sales
24310 Grand River Ave
Redford, MI 48240
No. 2020-07-69-54

Via Certified Mail

Re: *Taylor v. Gorsuch, et al*
Campaign Finance Complaint
No. 2020-07-66-54

Dear Ms. Gorsuch, Mr. Christie, Mr. Yanish, and Twins Auto Sales:

In a previous letter dated July 27, 2020, the Michigan Department of State (Department) notified you of its intention to investigate alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* In its letter, the Department requested a response to the complaint within 15 business days. To date, Twins Auto Sales, through its attorney, is the only respondent to have submitted an answer.

Enclosed with this letter is a copy of the Department's notice, the complaint, and the answer submitted by Twins Auto Sales. Should you elect to file a response to the complaint, you must do so within 15 business of the date of this letter – by May 13, 2021. If you fail to respond to the complaint, the Department will attribute the answer provided by Twins Auto Sales to you.

If you have any questions, please feel free to contact me by email at Elections@Michigan.gov.

Sincerely,

Adam Fracassi
Bureau of Elections
Michigan Department of State

Fracassi, Adam (MDOS)

From: ACTION WAY MOTIVATIONAL <adyanish712@gmail.com>
Sent: Friday, November 13, 2020 9:23 AM
To: Fracassi, Adam (MDOS)
Subject: Re: Complaint

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good morning Adam,

I have explained in my campaign financing with Wayne County.

Mr. Flowers (Campaign Finance Manager of Wayne County) help guide me in my filing of the billboard. Each individual who was on the billboard had to file an individual cost of donation concerning the billboard, it was an in-kind donation toward my campaign that did not violate the contribution act.

I have a question, who do I file with concerning the fraudulent action of Trustee Kim Taylor? Do I make a complaint to your office or another office? My complaint has documents involving, trying to get access to my background online in what seems to be a fraudulent manner. The documents are sent directly from her. I need to know what are my options, please?

I lost my race on August 4th under unusual circumstances, the board of canvass acknowledges that there are discrepancies with the count but I chose not to pursue the matter to keep the integrity of our election from being harmed any further.

She continues to harass me with this filing after I explained and submitted all documents.

Concerning Trustee Linda Jackson, it was an in-kind donation concerning my yard signs, which donor name is filed with the campaign finance.

Concerning the article cost in the Redford Connection, she is inaccurate in her statement of the cost for placing an ad in the paper she and others just recently forced out of business.

I will send you the cost I was charged for the paper no later than Monday evening (if it's ok with you sir)?

Concerning the Al Sharpton show and who she says "I have it on good authority" and she gave the name of the person who she states her information comes from, he is inaccurate on this information. I will send you a charge cost of what I was asked to pay for a campaign ad to be run.

I have started the process of legal action against the complaints and the gentleman that Trustee Jackson mentions in her complaint. My lawyers have taken the time to investigate why these Redford Board Of Trustees continue to file financial complaints against me and others.

My race was clean, open, and transparent.

If there is anything that you would like from me please let me know sir, I would like to move beyond this campaign as quickly as possible.

By the way, I apologize for the delay in response, I have been in the process of moving for the last 5 days.

Thank you
Anthony Yanish
313-460-9799

On Mon, Nov 2, 2020 at 12:55 PM Fracassi, Adam (MDOS) <FracassiA@michigan.gov> wrote:

Thank you for that. To date, there are two complaints that I have sent you in which I have not received a response. I am including all the information in this email. I will give you 15 business days from the date of this email to respond to each (your response to the complaint is due on or before 11/25/2020). You may send it by email to me, if you would like.

Thanks,

Adam Fracassi, Election Law Attorney

Michigan Bureau of Elections

P.O. Box 20126

Lansing, Michigan 48901

From: ACTION WAY MOTIVATIONAL <adyanish712@gmail.com>

Sent: Monday, November 2, 2020 12:38 PM

To: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>

Subject: Re: Complaint

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

My concern is that I received a complaint from your office.

I got this on Saturday 27th of October which was much later than I could respond concerning the due date to respond.

My question is, how do I respond online to these allegation?

Case #2020-8-151-33

Anthony Yanish

313-460-9799

On Fri, Oct 30, 2020, 12:39 PM Fracassi, Adam (MDOS) <FracassiA@michigan.gov> wrote:

Mr. Yanish,

Please let me know what you need to speak about.

Thanks,

Adam Fracassi, Election Law Attorney

Michigan Bureau of Elections

P.O. Box 20126

Lansing, Michigan 48901

From: Miller, Cheryl (MDOS) <MillerC60@michigan.gov>
Sent: Friday, October 30, 2020 12:29 PM
To: ACTION WAY MOTIVATIONAL <adyanish712@gmail.com>
Cc: Fracassi, Adam (MDOS) <FracassiA@michigan.gov>
Subject: RE: Complaint

Mr. Yanish –

This is notice of a formal complaint filed against you that is being investigated by the Department of State. The person you need to talk to is Adam Fracassi. He is copied on this email.

Sincerely-

Cheryl Miller

Cheryl Miller, Department Analyst

Disclosure Data Division

Michigan Department of State

Bureau of Elections

www.Michigan.gov/campaignfinance

Campaign Finance Common Filing Dates

Follow us on Twitter @MICHCFR

The Bureau of Elections provides general information regarding compliance matters, not legal, accounting, or other professional advice regarding any specific situation. The best course of action is to contact your own attorney, accountant or other professional for guidance.

Email communications between the Bureau of Elections and outside individuals are considered a part of the public record and can be requested under FOIA. Emails are reviewed for content and may be placed on the Bureau of Election's website as a public record.

From: ACTION WAY MOTIVATIONAL <adyanish712@gmail.com>
Sent: Friday, October 30, 2020 12:16 PM
To: Miller, Cheryl (MDOS) <MillerC60@michigan.gov>
Subject: Re: Complaint

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Here is the letter I received. Please help with whom I need to speak with about this complaint.

Thank you



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

April 26, 2022

Kim Taylor
10002 Mercedes
Redford, MI 48239

Re: *Taylor v. Gorsuch*
Campaign Finance Complaint No. 2020-07-66-54

Taylor v. Christie
Campaign Finance Complaint No. 2020-07-67-54

Taylor v. Yanish
Campaign Finance Complaint No. 2020-07-68-54

Taylor v. Twins Auto Sales
Campaign Finance Complaint No. 2020-07-69-54

Dear Ms. Taylor:

The Department of State received a response from Anthony Yanish to the complaint you filed against them alleging a violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, you are required to do so within 10 business days of the date of this letter. The rebuttal statement may be emailed to BOERegulatory@michigan.gov or mailed to the Department of State, Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenny McInerney".

Jenny McInerney, Election Law Specialist
Bureau of Elections
Michigan Department of State



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

September 21, 2022

Torima Gorsuch
9062 Lucerne
Redford, MI 48239
Complaint No. 2020-07-66-54

Tony Yanish
11792 Hazelton
Redford, MI 48239
Complaint No. 2020-07-68-54

Garth Christie
15470 Delaware
Redford, MI 48239
Complaint No. 2020-07-67-54

Ali H. Dagher
Attorney for Twin Auto Sales
14207 Ford Road
Dearborn, MI 48126
Complaint No. 2020-07-69-54

Re: *Taylor v. Gorsuch, et al.*
Campaign Finance Complaint No. 2022-07-66-54

Dear Ms. Gorsuch, Mr. Christie, Mr. Yanish, and Mr. Dagher:

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

The complaint alleged that Twin Auto Sales paid directly for a billboard advertisement promoting Ms. Gorsuch, Mr. Christie, and Mr. Yanish. The Department received responses from Twin Auto Sales, through their attorney Mr. Dagher, and from Mr. Yanish.

Mr. Yanish responded that the campaign finance manager of Wayne County helped him file the proper documentation for the billboard, and that each individual who was on the billboard “had to file an individual cost of donation concerning the billboard, it was an in-kind donation toward my campaign that did not violate the contribution act.”

Twin Auto Sales claimed that they purchased the billboard on behalf of the candidates solely to allow the candidates to use the discount on billboards afforded to Twin Auto Sales.¹ They further stated that they were later reimbursed for the purchase of the billboard by the candidates.

¹ The Department notes that this extension of a benefit to a party to which it was not intended is generally an impermissible corporate contribution under the Act. MCL 169.254.

Ms. Taylor was given the opportunity to provide a rebuttal statement but did not do so.

The MCFA prohibits a corporation from making a contribution or expenditure that are excluded from the definition of “contribution.” MCL 169.254(1). Under the MCFA, a contribution is defined as “a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable money to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, passage, or defeat of a ballot question, or for the qualification of a new political party.” MCL 169.204(1). A contribution is not an independent expenditure. MCL 169.204(3)(e). A knowing violation of this section is a felony, punishable by a fine of not more than \$10,000 or imprisonment. MCL 169.254(5).

As Twin Auto Sales noted in their response, Twin Auto Sales purchased the billboard for the candidates in order to secure a discounted rate. The MCFA defines an in-kind contribution or expenditure as a contribution or expenditure other than money. MCL 169.209(4). Given that the candidates received a benefit in the form of a discounted rate on account of Twin Auto Sales’ purchase of the billboard, the candidates have received an in-kind contribution. Further, since Twin Auto Sales is a corporation, this constitutes an impermissible in-kind corporate contribution in violation of section 54. Notably, candidate reimbursement does not cure the violation, but rather, is evidence of impermissible coordination. Accordingly, the Department concludes that a violation of the Act 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 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.*

Typically, the Department would resolve the matter by levying a fine equal to the amount of the discount. However, as indicated in Mr. Yanish’s response, the parties were counseled in these matters by their proper filing officials in Wayne County. According to Mr. Yanish, the candidates worked with the Wayne County Clerk’s office on how to properly report this transaction. While the Department concludes after reviewing the entire matter that an improper corporate contribution has occurred, because you worked with the Wayne County Clerk’s office and relied upon their guidance, the Department determines that a formal warning is a sufficient resolution to the matter.

Please note that it is impermissible for candidates to coordinate with corporations to receive a tangible benefit for printed matter. Specifically, discounts only available to corporations based on their corporate status may not be passed onto candidates directly without running afoul of the Act’s requirements. This notice shall serve to remind you of your obligations under the Act and may be used in future enforcement actions as evidence that tends to show a knowing violation.

Torima Gorsuch et al.

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Given this, the Department's file on this matter is now closed and it will take no further enforcement action. If you have any questions concerning this matter, you may contact me at BOERegulatory@michigan.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jenny McInerney".

Jenny McInerney, Election Law Specialist

Bureau of Elections

Michigan Department of State