

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.*).

2020 AUG -7 PM 1:42

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name	Daytime Telephone Number	
Kimberly Taylor	(313) 447-7280	
Mailing Address		
10002 Mercedes		
City	State	Zip
Redford	MI	48239
Section 2. Alleged Violator		
Your Name		
Patricia Ann Micallef		
Mailing Address		
12208 Nathalie		
City	State	Zip
Redford	MI	48239
Section 3. Alleged Violations (Use additional sheet if more space is needed.)		

Section(s) of the MCFA violated: 169.233

Explain how those sections were violated: Falsified Campaign Statement Expenses.

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

Ms Micallef Claims a \$5000- expense paid to Markowitz Law at 30400 Telegraph rd Stell' for "Legal Fees - Compliance / Administrative". I contacted the firm as I know them very well and they are family attorneys. Enclosed is a statement from the firm stating Ms. Micallef did not employ their firm nor pay them any amount for any services that she describes.

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

7/24/2020

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

7/24/2020

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



**CANDIDATE COMMITTEE
COVER PAGE**

FOR OFFICIAL USE ONLY

Report must be legible, typed or printed in ink and signed by the treasurer(or designated record keeper) and candidate.

<p>1. Committee I.D. Number 82-154550</p> <p>2. Committee Name Friends of Patricia Kennedy-Micallef</p>		<p>3. This Statement covers From: 07/22/2020 to 07/19/2020</p> <p>4. Candidate First Name M.I. Last Name Patricia A. Kennedy</p> <p>4a. Office Sought Including District # or Community Served (if applicable) Township , Redford , Trustee</p> <p>4b. County of Residence</p>	
<p>5. Committee's Mailing Address 12208 Nathaline, Redford, MI 48239 Area Code and Phone: (313) 244-2416</p> <p>If the address in this box is different from the committee mailing address on the Statement of Organization, mail may be sent to this address by the filing official.</p>		<p>6. Treasurer's Name & Residential Address Patricia, Ann Micallef, 12208 Nathaline, Redford, MI 48239 Area Code and Phone: (313) 224-2416</p>	
<p>7. Treasurer's Business Address Area Code and Phone:</p>		<p>8. Designated Record keeper's Name and Mailing Address (If the committee has a Designated Record keeper) Micallef, Patricia A, 12208 Nathaline, Redford, MI 48239 Area Code and Phone: (313) 244-2416</p>	
<p>9. TYPE OF STATEMENT</p> <p>9a. <input checked="" type="checkbox"/> Pre-Election OR 9b. <input type="checkbox"/> Post-Election</p> <p>Pre-Election or Post-Election Statement relates to:</p> <p><input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Convention <input type="checkbox"/> Special <input type="checkbox"/> School <input type="checkbox"/> Caucus</p> <p>Date of Election, Convention or Caucus 08/04/2020</p>		<p>Required ONLY if candidate is not on the ballot for the current year:</p> <p><input type="checkbox"/> July Quarterly <input type="checkbox"/> October Quarterly</p> <p>9c. <input type="checkbox"/> Annual Statement (2020) Coverage Year</p> <p>9d. <input type="checkbox"/> Amendment to Campaign Statement (Complete Item 9a, 9b, 9c or 9e to indicate which Statement is being amended.)</p>	
		<p>9e. Dissolution of Candidate Committee</p> <p><input type="checkbox"/> By checking this item, I/we certify any outstanding debt by the committee to the candidate or his or her spouse is here by discharged and forgiven, and no longer collectible from the committee. The committee has no outstanding assets, owes no lates fees or has any outstanding debt.</p> <p>Further, if the dissolution cannot be granted, that this be considered a request for the Reporting Waiver.</p> <p style="text-align: center;">Effective Date of Dissolution</p> <p style="text-align: center;">_____</p> <p>Note : The disposition of residual funds must be reported on Schedule 1B and the Summary Page.</p>	
<p>10. Verification: I/We certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.</p>			
Treasurer	Patricia Ann Micallef /	Signature	Date: 07/22/2020
	Type or Print Name	Signature	
Designated Record keeper	Patricia A Micallef /	Signature	Date: 07/22/2020
	Type or Print Name	Signature	
Candidate	Patricia A. Kennedy /	Signature	Date: 07/22/2020
	Type or Print Name	Signature	



**ITEMIZED EXPENDITURES
SCHEDULE 1B
CANDIDATE COMMITTEE**

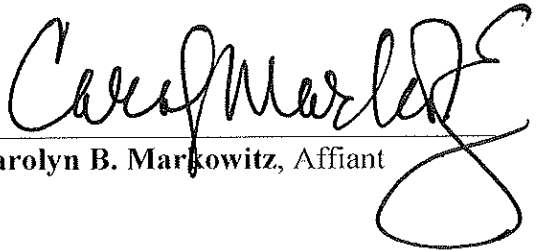
Expenditure Name	Address	Fund Raiser	Purpose	Date	Amount	
Direct						
Amazon	1516 2ND Avenue, Seattle, WA 98101		Office Supplies		\$458.10	
Vendor Details						
		<input type="checkbox"/>		06/01/2020	\$458.10	
					SubTotal	\$458.10
Athletic Uniform Lettering	26114 Six Mile Rd, Redford, MI 48240		Printing Misc. (buttons, bumper stickers, t-shirts)		\$137.80	
Vendor Details						
		<input type="checkbox"/>		06/12/2020	\$137.80	
					SubTotal	\$137.80
Markowitz Law	30400 Telegraph Rd, Suite 111, Bingham, MI 48025		Legal Fees - Compliance/Administrative		\$5000.00	
Vendor Details						
		<input type="checkbox"/>		03/06/2020	\$5000.00	
					SubTotal	\$5000.00
Night Owl Printing	15138 Beech Daly, Redford, MI 48239		Printing - Brochures		\$567.05	
Vendor Details						
		<input type="checkbox"/>		06/25/2020	\$567.05	
					SubTotal	\$567.05
Printing House Inc	23014 Commerce Dr, Farmington Hills, MI 48335		Postage		\$1967.20	
Vendor Details						
		<input type="checkbox"/>		07/14/2020	\$1967.20	
					SubTotal	\$1967.20
Rusas Printing Co	26770 Grand River, Redford, MI 48240		Printing Misc. (buttons, bumper stickers, t-shirts)		\$891.32	
Vendor Details						
		<input type="checkbox"/>		06/13/2020	\$76.32	
		<input type="checkbox"/>		06/24/2020	\$815.00	
					SubTotal	\$891.32
Signs on the Cheap	11550 Stonehollow Drive, Suite 160, Austin, TX 78758		Printing - Yard Signs		\$479.52	
Vendor Details						
		<input type="checkbox"/>	Printing - Yard Signs	06/03/2020	\$479.52	
					SubTotal	\$479.52

AFFIDAVIT OF CAROLYN B. MARKOWITZ, ESQ.

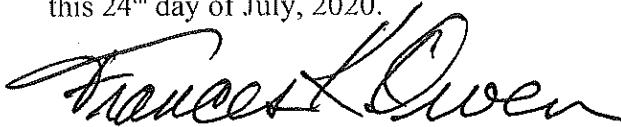
STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss.

NOW COMES **Carolyn B. Markowitz**, Attorney at Law, having been first duly sworn, deposes and says:

1. That she is the president of Carolyn B. Markowitz, PC. (aka Markowitz Law Office), located at 30400 Telegraph Road, #111, Bingham Farms, MI 48025.
2. That she does not and has not represented Patricia A. Kennedy (also known as Patricia Kennedy-Micallef) with respect to any legal action connected with Patricia A. Kennedy's political candidacy in Redford Township, Michigan.
3. That she did not receive payment for any legal fees from Patricia A. Kennedy on March 6, 2020, in the amount of Five Thousand (\$5,000.00) Dollars with respect to any legal action connected with Patricia A. Kennedy's political candidacy in Redford Township, Michigan..
4. That further Affiant sayeth not.


Carolyn B. Markowitz, Affiant

Subscribed and sworn to before me
this 24th day of July, 2020.



Frances K. Owen, Notary Public
Wayne County, Michigan
Acting in Oakland County
My Commission Expires 9-5-25



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

October 6, 2020

Patricia Ann Micallef
12208 Nathaline
Redford, MI 48239

Re: *Taylor v. Micallef*
Campaign Finance Complaint
No. 2020-8-139-33

Dear Ms. Micallef:

The Department of State (Department) received a formal complaint filed by Kimberly 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 requires candidates and committees file contributions and expenditures with the appropriate filing official by specific dates. MCL 169.233(1) – (3). The MCFA requires a committee that receives or expends more than \$1,000 during any election to file campaign finance reports in compliance with the Act. MCL 169.233(6). A person who knowingly omits or underreports expenditures required to be disclosed by the Act is subject to a civil fine of not more than \$1,000 or the amount of the expenditures omitted or underreported, whichever is greater. MCL 169.233(11).

Ms. Taylor alleges that you have improperly reported an expenditure on your pre-primary report.

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.

Patricia Ann Micallef
October 6, 2020
Page 2

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 33(11) of the Act.

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

Sincerely,

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

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Kimberly Taylor



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

June 1, 2021

SECOND NOTICE

Patricia Ann Micallef
12208 Nathaline
Redford, MI 48239

Via Certified mail

Re: *Taylor v. Micallef*
Campaign Finance Complaint
No. 2020-8-139-33

Dear Ms. Micallef:

By correspondence dated October 6, 2020, the Department of State (Department) advised you of its intention to investigate a complaint filed against you by Kimberly Taylor concerning alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 et seq. A copy of the Department's notice is enclosed with this letter.

The notice informed you that, pursuant to section 15(5) of the MCFA, MCL 169.215(5), the Department is reviewing whether you failed to comply with the requirements of the Act. The Committee was provided an opportunity to respond to these allegations within 15 business days of your receipt of the notice, but to date no response has been filed on your behalf.

By this letter, the Department is providing you a final opportunity to submit a written response to the enclosed notice. Your response may include any documentary evidence you wish to submit and must be received by the Department on or before **June 24, 2021**. All materials must be sent to the Bureau of Elections, Michigan Department of State, Richard H. Austin Building, 430 West Allegan Street, Lansing, Michigan 48918.

Failure to submit a written response to this second notice will leave the Department no alternative but to make its determination based solely on the documentation furnished by Ms. Taylor.

Sincerely,

Adam Fracassi
Bureau of Elections
Michigan Department of State

From: Patricia Micallef
Sent: Monday, June 7, 2021 3:50 PM
To: 3. Elections
Subject: FW: Complaint No. 2020-8-139-33 Adam Fracassi

In reference to Kimberly Taylors complaint I sent a response to your office on October 16, 2020, stating this was a clerical error, I did pay for legal services for Markowitz Law on 03/06/2020. I paid a family members legal fee and used it on my personal charge card. Inadvertently my help saw the receipt on the desk and applied it to my campaign receipts. Once your office notified me I reverse the transaction and notified Gil Flowers Wayne County Election Division of the error and it was corrected then. Attached is a copy of the original letter emailed to you. Any questions please call.

Patricia Kennedy-Micallef
[313-244-24416](tel:313-244-24416)
Sent from [Mail](#) for Windows 1

From: [Patricia Micallef](#)
Sent: Friday, October 16, 2020 5:45 PM
Subject: FW: Complaint No. 2020-8-139-33 Adam Fracassi

Sent from [Mail](#) for Windows 10

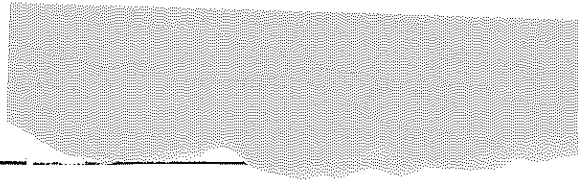
From: [Patricia Micallef](#)
Sent: Friday, October 16, 2020 5:27 PM
To: [3. Elections](#)
Subject: RE: Complaint No. 2020-8-139-33 Adam Fracassi

I received your letter 10/15/2020 dated 10/06/2020 regarding falsifying campaign finance records for the 2020 pre-primary election. In response to this complaint there seems to be a clerical error on my part. I did pay Markowitz Law charged to my personal Discover Card on March 6, 2020, for services not pertaining to my campaign. One of my volunteers inadvertently added this expenditure in error thinking it was a campaign expense.

I only became aware of this error when notified by your letter dated [10-06-2020](#). Attached is a copy of the charge transaction showing I did pay Markowitz Law. I am amending my Pre-Primary and Post Primary Campaign Reports to adjust for this error. Sorry for any inconvenience this may have caused you. If you have any questions please do not hesitate to contact me at [313-244-2416](tel:313-244-2416).

Patricia Kennedy Micallef

Sent from [Mail](#) for Windows 10



7

Search Transactions: We found 1 matches.

You searched in **all categories** between **03/06/20** and **03/06/2020**.

Note: Please review your statements for interest charge information.

Transactions

Trans. Date	Post Date	Description	Amount	Category
<input type="checkbox"/> 03/06/20	03/06/20	MARKOWITZ LAW OFFICE BINGHAM FARMSMI	\$ 5,000.00	Services
Results Total			= \$ 5,000.00	

Need to dispute a charge? Can't find a transaction? Suspect Fraud?

Contact us immediately at:
U.S. 1-800-DISCOVER (1-800-347-2683)
Outside U.S. 1-801-902-3100
TDD/TTY 1-800-347-7449

Printed on 10/16/2020

©2014 Discover Bank, Member FDIC.

Fracassi, Adam (MDOS)

From: SOS, Elections
Sent: Tuesday, June 8, 2021 8:13 AM
To: Fracassi, Adam (MDOS)
Subject: FW: Complaint No. 2020-8-139-33 Adam Fracassi
Attachments: Markowitz Law Receipt.pdf

From: Patricia Micallef <tppat@live.com>
Sent: Monday, June 7, 2021 3:50 PM
To: SOS, Elections <Elections@michigan.gov>
Subject: FW: Complaint No. 2020-8-139-33 Adam Fracassi

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

In reference to Kimberly Taylors complaint I sent a response to your office on October 16, 2020, stating this was a clerical error, I did pay for legal services for Markowitz Law on 03/06/2020. I paid a family members legal fee and used it on my personal charge card. Inadvertently my help saw the receipt on the desk and applied it to my campaign receipts. Once your office notified me I reverse the transaction and notified Gil Flowers Wayne County Election Division of the error and it was corrected then. Attached is a copy of the original letter emailed to you. Any questions please call.

Patricia Kennedy-Micallef
313-244-24416
Sent from [Mail](#) for Windows 1

From: [Patricia Micallef](#)
Sent: Friday, October 16, 2020 5:45 PM
Subject: FW: Complaint No. 2020-8-139-33 Adam Fracassi

Sent from [Mail](#) for Windows 10

From: [Patricia Micallef](#)
Sent: Friday, October 16, 2020 5:27 PM
To: [3. Elections](#)
Subject: RE: Complaint No. 2020-8-139-33 Adam Fracassi

I received your letter 10/15/2020 dated 10/06/2020 regarding falsifying campaign finance records for the 2020 pre-primary election. In response to this complaint there seems to be a clerical error on my part. I did pay Markowitz Law charged to my personal Discover Card on March 6, 2020, for services not pertaining to my campaign. One of my volunteers inadvertently added this expenditure in error thinking it was a campaign expense. I only became aware of this error when notified by your letter dated 10-06-2020. Attached is a copy of the charge transaction showing I did pay Markowitz Law. I am amending my Pre-Primary and Post Primary Campaign Reports to

adjust for this error. Sorry for any inconvenience this may have caused you. If you have any questions please do not hesitate to contact me at 313-244-2416.

Patricia Kennedy Micallef

Sent from Mail for Windows 10



PATRICIA A MICALLEF

547

Search Transactions: We found 1 matches.

You searched in **all categories** between **03/06/20** and **03/06/2020**.

Note: Please review your statements for interest charge information.

Transactions

Trans. Date	Post Date	Description	Amount	Category
<input type="checkbox"/> 03/06/20	03/06/20	MARKOWITZ LAW OFFICE BINGHAM FARMSMI	\$ 5,000.00	Services
Results Total			= \$ 5,000.00	

Need to dispute a charge? Can't find a transaction? Suspect Fraud?

Contact us immediately at:
U.S. 1-800-DISCOVER (1-800-347-2683)
Outside U.S. 1-801-902-3100
TDD/TTY 1-800-347-7449

Printed on 10/16/2020

©2014 Discover Bank, Member FDIC.



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

June 28, 2021

Kimberly Taylor
10002 Mercedes
Redford, MI 48239

Dear Ms. Taylor:

The Department of State received a response to the complaint you filed against Patricia Micallef, 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: Patricia Micallef



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

September 24, 2021

Patricia Ann Micallef
12208 Nathaline
Redford, MI 48239

Re: *Taylor v. Micallef*
Campaign Finance Complaint
No. 2020-08-139-33

Dear Ms. Micallef:

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

The complaint alleges that you improperly used campaign funds. Specifically, the pre-election campaign finance statement that you filed in 2020 concerning expenditures by the Friends of Patricia Kennedy-Micallef committee (the Campaign Finance Statement) reported a \$5,000 expenditure paid to Markowitz Law (the Expenditure). Ms. Taylor contends that this expenditure was not for campaign purposes and would be unlawful under the MCFA.

You have responded to the complaint. You admitted that the Expenditure was for non-campaign purposes, but state that the Expenditure was unintentionally included in the Campaign Finance Statement. You have also provided documentation showing that the Expenditure was paid on a personal credit card. In response to an inquiry from the Department you have stated that you were not reimbursed for the Expenditure. Finally, you have amended the Campaign Finance Statement to remove the Expenditure.

In Michigan, it is unlawful for campaign funds to be used for non-campaign purposes. MCL 169.244(2). When a committee files a campaign statement, the individual filing the statement is required to verify that they have used all reasonable diligence in preparing the statement and that, to the best of their knowledge, the statement is true and complete. MCL 169.237.

The Department has reviewed the evidence submitted in this matter and concluded that a potential violation of the MCFA has occurred. While the evidence shows that the Expenditure

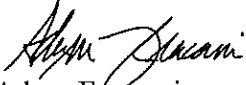
itself was not made from campaign funds, the evidence does show that the Campaign Finance Statement was filed an inaccuracy that would have been readily apparent at the time of filing. Though the inaccuracy was later corrected, this does not mitigate the initial improper verification.

After reaching this conclusion, the MCFA requires the Department to “endeavor to correct the violation or prevent a further violation by using informal methods” if the Department finds that “there may be a reason to believe a violation . . . has occurred[.]” MCL 169.215(10). The objective of an informal resolution is to “correct the violation or to prevent a further violation[.]” *Id.*

Given this, the Department concludes that a formal warning is sufficient resolution to the complaint and is hereby advising you that MCL 169.237 requires you to use “all reasonable diligence” in preparing a campaign statement prior to certifying that the campaign statement is “true and complete.”

Please be advised that this notice has served to remind you of your obligation under the MCFA to use all reasonable diligence when preparing and verifying campaign statements in fulfilling your obligation to file complete campaign finance statements under the MCFA. A failure to file two or more complete campaign statements is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.233(8), 215(10).

Sincerely,


Adam Fracassi
Bureau of Elections

c: Kimberly Taylor