



Michigan Department of State
Campaign Finance Complaint Form

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 JUL 29 PM 2:47

REGISTRATION/CREAT SEAL

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). For instructions on how to complete this form, see the Campaign Finance Complaint Guidebook & Procedures document. All spaces are required unless otherwise indicated.

Section 1. Complainant			
Your Name <u>MELISSA ZELENAK</u>		Daytime Telephone Number <u>231 3501778</u>	
Mailing Address <u>1966 S. MAIN</u>			
City <u>CENTRAL LAKE</u>	State <u>MI</u>	Zip <u>49622</u>	
Email (optional) <u>MELISSA ZELENAK @ iCLOUD.COM</u>			

Section 2. Alleged Violator			
Name <u>JARRIS RUBINGH</u>			
Mailing Address <u>8305 ESSEX ROAD</u>			
City <u>ELLSWORTH</u>	State <u>MI</u>	Zip <u>49729</u>	
Email (optional) <u>RUBINGHJ @ ANTRIM COUNTY. ORG</u>			

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

Section(s) of the MCFA alleged to be violated: ACT 116 OF 1954, 168.944 Sec 944

Explain how those sections were violated:

JARRIS RUBINGH IS USING RE-ELECT ON HIS
CAMPAIGN SIGNS FOR A COUNTY COMMISSIONER
DISTRICT THAT HE IS NOT AN INCUMBENT FOR.
HE ALSO DISTRIBUTED BY POSTAL MAIL CAMPAIGN
LETTERS THAT DO NOT INDICATE REQUIRED "PAID FOR
BY CANDIDATE/ COMMITTEE" VERBIAGE

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

PHOTOS OF SIGN & LETTER INCLUDED

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

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

If, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence as indicated above, you may make the following certification:

I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:

X

Signature of Complainant

Date

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

Section 6. Submission

Once completed, mail or hand deliver the complaint form with your evidence to the address below. The complaint is considered filed upon receipt by the Bureau of Elections.

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

SENT BY USPS
JULY 21, 2022

From: Jahnke, Christopher (MDOS) jahnkec@michigan.gov
Subject: RE: Recall: Campaign violation
Date: July 21, 2022 at 8:34:18 AM
To: Melissa Zelenak melissazelenak@icloud.com

The more information the better- it does not go to my unit, however I would imagine the more the better.

Christopher M. Jahnke

Manager-Special Investigations Section

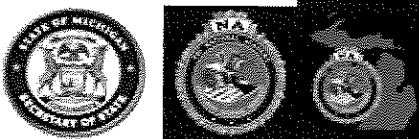
Enforcement Division

Michigan Department of State

313-456-0667

248-388-0468 @

JahnkeC@Michigan.gov



#227

From: Melissa Zelenak <melissazelenak@icloud.com>
Sent: Thursday, July 21, 2022 8:15 AM
To: Jahnke, Christopher (MDOS) <jahnkec@michigan.gov>
Subject: Re: Recall: Campaign violation

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

Thanks, Christopher, will get it sent off today. I hope there is enough time to act before 8/2 election. Shall I include a copy of all the photos in the mail?

M

The content of this message is **confidential**. If you have received it by mistake, please inform me by an **email reply** and then delete the message. Thank you.

MelissaZelenak@icloud.com

On Jul 21, 2022, at 7:23 AM, Jahnke, Christopher (MDOS) <jahnkec@michigan.gov> wrote:

I believe it is "Partially right" meaning that form will address part of the complaint, but not all of the complaint (Different potential violations) So go ahead and submit on that form and the will be directed accordingly.

Christopher M. Jahnke

Manager-Special Investigations Section

Enforcement Division

Michigan Department of State

313-456-0667

248-388-0468 @

JahnkeC@Michigan.gov

<image001.jpg>

<image002.png>

<image003.png>

#227

From: Melissa Zelenak <melissazelenak@icloud.com>

Sent: Thursday, July 21, 2022 7:17 AM

To: Jahnke, Christopher (MDOS) <jahnkec@michigan.gov>

Subject: Re: Recall: Campaign violation

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

Oh yikes I shared that with people, I'll tell them that's not right...

The content of this message is **confidential**. If you have received it by mistake, please inform me by an **email reply** and then delete the message. Thank you.

MelissaZelenak@icloud.com

On Jul 21, 2022, at 6:52 AM, Jahnke, Christopher (MDOS)
<jahnkec@michigan.gov> wrote:

It means I sent you a message then I recalled it. We are trying to get you the right information.

Christopher M. Jahnke

Manager-Special Investigations Section

Enforcement Division

Michigan Department of State

313-456-0667

248-388-0468 ©

JahnkeC@Michigan.gov

<image001.jpg>

<image002.png>

<image003.png>

#227

From: Melissa Zelenak <melissazelenak@icloud.com>
Sent: Wednesday, July 20, 2022 6:31 PM
To: Jahnke, Christopher (MDOS) <jahnkec@michigan.gov>
Subject: Re: Recall: Campaign violation

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

What does recall the message mean?

MZ

The content of this message is **confidential**. If you have received it by mistake, please inform me by an **email reply** and then delete the message. Thank you.
MelissaZelenak@icloud.com

On Jul 20, 2022, at 3:37 PM, Jahnke, Christopher (MDOS)

<jahnkec@michigan.gov> wrote:

Jahnke, Christopher (MDOS) would like to recall the message, "Campaign violation".

From: Jahnke, Christopher (MDOS) jahnkeC@michigan.gov
Subject: FW: Campaign violation
Date: July 20, 2022 at 3:18:10 PM
To: Melissa Zelenak melissazelenak@icloud.com

Ms. Zelenak,

Thank you for the email. In reviewing your concern, it is determined that such a complaint needs to be filed with this form:

https://www.michigan.gov/sos/-/media/Project/Websites/sos/05delrio/Complaint_Process_Info_from.pdf?rev=e7de7ded3ffd4ea0a16e0ec99a9b812f&hash=788399C5502747C6304D431C8E8B1613

Thank you

Christopher M. Jahnke

Manager-Special Investigations Section

Enforcement Division

Michigan Department of State

313-456-0667

248-388-0468 ©

JahnkeC@Michigan.gov



#227

From: Melissa Zelenak < >
Sent: Tuesday, July 19, 2022 8:35:23 PM
To: SOS-OIS <SOS-OIS@michigan.gov>
Subject: Campaign violation

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

Dear SOS,

I've written to the attorney general to ask how to get help for an election crime. Here is the copy I sent her:

" Dear AG,

I'm trying to find out who to contact regarding an election campaign misdemeanor in Antrim County.

A candidate who is not an incumbent in my district is using the word re-elect prominently on hundreds of yard signs in at least three townships. People are quite upset at the misleading representation but they don't know how to report the false message.

I too am upset as I am a candidate in the same race as someone committing a crime that is referenced in the Michigan Election Law Act 116 of 1954, section 168.944, punishable in section 934.

Can someone give guidance on what to do? I believe other people may want to report this as well and I will share your response on what to do with them. I don't know if multiple complaints matter but I know multiple people are disturbed that a current county commissioner is breaking the law.

It is hoped that the incident is not brushed off and that the signs are removed and the offender held responsible.

Thank you kindly for your guidance and consideration,

Melissa Zelenak"

The same person who is distributing those signs has also sent campaign letters which do not include the "Paid for by candidate/committee" verbiage that Senator Wayne Schmidt told me had to be there in a text message when I asked about it. He said not doing so is fine worthy by the SOS office.

I've attached the copy of the note I sent the AG with law reference, a copy of the commissioner's letter, and also a photo of one of the signs that states re-elect.

As a former county commissioner it would be wrong for me to use the words re-elect in my campaign. It is wrong for a current county commissioner to do so when they are not an incumbent in the district they are running in.

I hope you can help me resolve this as it's disturbing at best that this candidate is misleading people but the fact that he's breaking the election laws is quite frightening.

Thank you so much for your guidance as well.

Melissa Zelenak

Antrim County








cannot have signage or advertising that lists them as incumbent, or claim to be running for "re-election". In fact, it is a Misdemeanor in the state of Michigan.

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Section 168.944

 friendly link

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MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.944 False designation of incumbency; misdemeanor.

Sec. 944.

Any person who advertises or uses in any campaign material, including radio, television, newspapers, circulars, cards, or stationery, the words incumbent, re-elect, re-election, or otherwise indicates, represents, or gives the impression that a candidate for public office is the incumbent, when in fact the candidate is not the incumbent, is guilty of a misdemeanor punishable as provided in section 934.

History: Add. 1959, Act 109, Eff. Mar. 19, 1960 ;-- Am. 1963, Act 155, Eff. Sept. 6, 1963 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997

Popular Name: Election Code

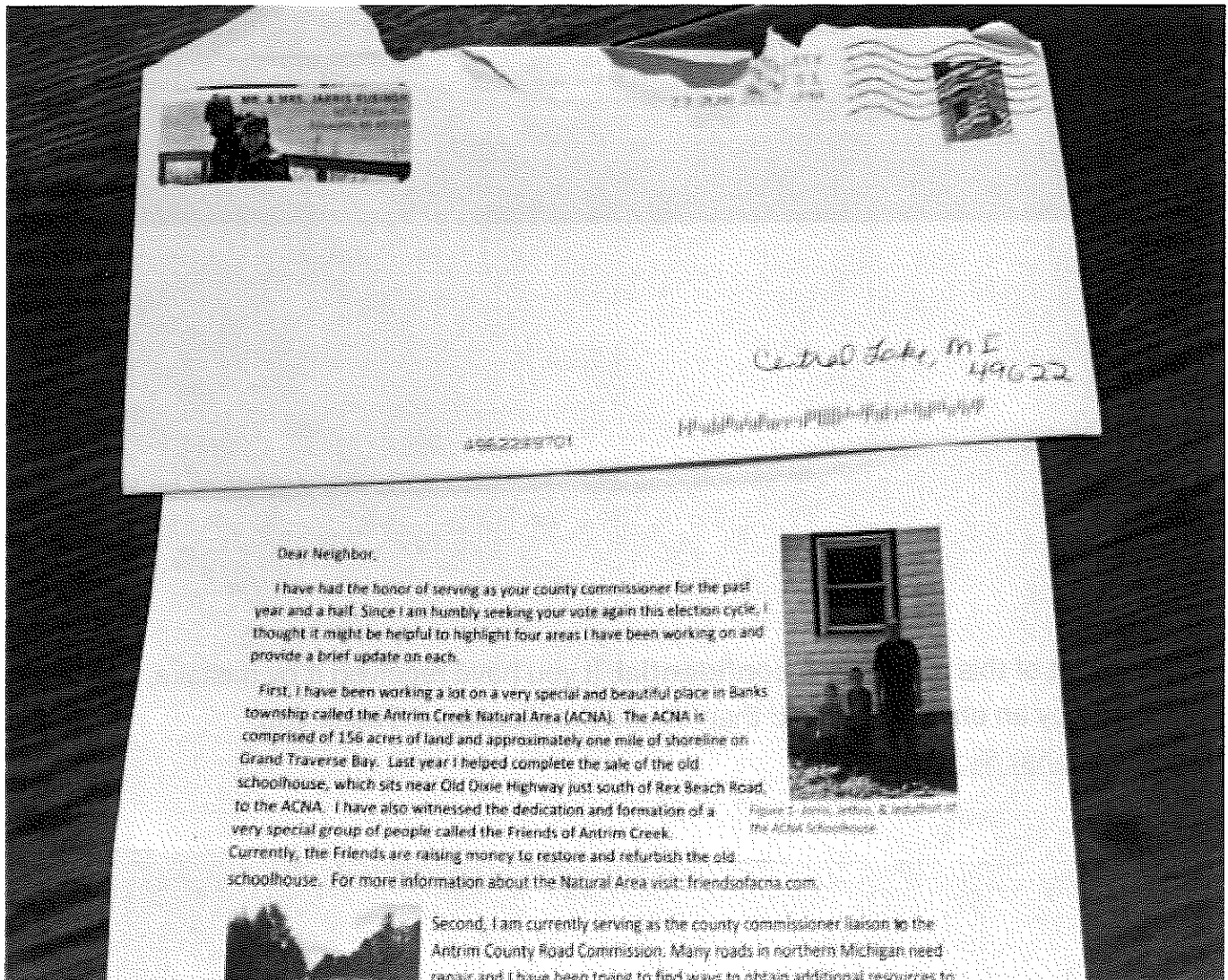




Figure 2 - Culvert that the Road Commission fixed

fund such repairs and improvements. This year the Michigan Economic Development Corporation awarded a \$2 million grant to resurface the roads in the Shanty Creek corridor. The Road Commission was also able to take advantage of favorable interest rates to finance a 20-year, \$4-million bond to construct a new facility in Central Lake. I have also received many calls and complaints about Essex Road, so I am currently filling out paperwork to apply for state funding to help fix it. The bottom line is that Antrim County has more roads that need work than funding to cover the costs, so identifying some state and federal dollars that could be invested on our county roads is key.

Third, Antrim County has been involved in a very detailed hydrology study involving different lakes in our area. Three of the questions that have been asked of our study engineers are: what controls the lake levels of St. Clair and Six Mile Lakes, what would happen to lake levels if we dredged the Intermediate River from Intermediate Lake to the Bellaire Dam, and what would happen to lake levels if we dredged the Torch River at the confluence with the Rapid River? The results of this study are scheduled to be released to the public in July.

Finally, I have worked to pass a small responsible tax cut for Antrim County residents. We live in a beautiful area with many wonderful resources, yet we are seeing families and young people move away at an alarming rate. The tax cut is one small way to help our families handle the rising costs of food, energy and fuel, and, in general, the rising cost of living. It has been my pleasure to serve you these past 18 months, and, with your support, I am willing to continue serving as your county commissioner. If you have any questions or comments, don't hesitate to reach out to me at rubinghi@antrimcounty.org.

Sincerely,


James Rubinghi

The content of this message is **confidential**. If you have received it by mistake, please inform me by an **email reply** and then delete the message. Thank you.

MelissaZelenak@icloud.com

From: Melissa Zelenak melissazelenak@icloud.com

Subject: Campaign violation

Date: July 19, 2022 at 8:35:23 PM

To: SOS-OIS@michigan.gov

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Melissa Zelenak
Antrim County



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incumbent or claim to be running for "re-election". In

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Section 168.944

✓ friendly link

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MICHIGAN ELECTION LAW (EXCERPT) Act 116 of 1954

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History: Add. 1959, Act 109, Eff. Mar. 19, 1960 ;-- Am. 1963, Act 155, Eff. Sept. 6, 1963 ;-- Am. 1996, Act 583, Eff. Mar. 31, 1997

Popular Name: Election Code



Central Lake, MI 49622

496229701

Dear Neighbor,

I have had the honor of serving as your county commissioner for the past year and a half. Since I am humbly seeking your vote again this election cycle, I thought it might be helpful to highlight four areas I have been working on and provide a brief update on each.

First, I have been working a lot on a very special and beautiful place in Banks township called the Antrim Creek Natural Area (ACNA). The ACNA is comprised of 156 acres of land and approximately one mile of shoreline on Grand Traverse Bay. Last year I helped complete the sale of the old schoolhouse, which sits near Old Dixie Highway just south of Rex Beach Road, to the ACNA. I have also witnessed the dedication and formation of a very special group of people called the Friends of Antrim Creek. Currently, the Friends are raising money to restore and refurbish the old schoolhouse. For more information about the Natural Area visit: friendsofacna.com.

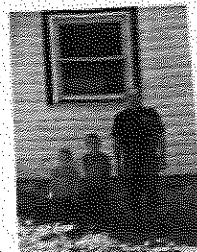


Figure 1: Schoolhouse & location of the ACNA in Banks township



Figure 2: Culvert that the Road Commission fixed

Second, I am currently serving as the county commissioner liaison to the Antrim County Road Commission. Many roads in northern Michigan need repair and I have been trying to find ways to obtain additional resources to fund such repairs and improvements. This year the Michigan Economic Development Corporation awarded a \$2 million grant to resurface the roads in the Shanty Creek corridor. The Road Commission was also able to take advantage of favorable interest rates to finance a 20-year, \$4-million bond to construct a new facility in Central Lake. I have also received many calls and complaints about Essex Road, so I am currently filling out paperwork to apply for state funding to help fix it. The bottom line is that Antrim County has more roads that need work than funding to cover the costs, so identifying some state and federal dollars that could be invested on our county roads is key.

Third, Antrim County has been involved in a very detailed hydrology study involving different lakes in our area. Three of the questions that have been asked of our study engineers are: what controls the lake levels of St. Clair and Six Mile Lakes; what would happen to lake levels if we dredged the Intermediate River from Intermediate Lake to the Bellaire Dam; and what would happen to lake levels if we dredged the Torch River at the confluence with the Rapid River? The results of this study are scheduled to be released to the public in July.

Finally, I have worked to pass a small responsible tax cut for Antrim County residents. We live in a beautiful area with many wonderful resources, yet we are seeing families and young people move away at an alarming rate. The tax cut is one small way to help our families handle the rising costs of food, energy and fuel, and, in general, the rising cost of living. It has been my pleasure to serve you these past 18 months, and, with your support, I am willing to continue serving as your county commissioner. If you have any questions or comments, don't hesitate to reach out to me at rubinghi@antrimcounty.org.

Sincerely,

James Rubinghi
James Rubinghi

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MelissaZelenak@icloud.com



18221 W. State St.
Central Lake, MI 49622

4562289701

NOT COMMISSIONER
IN CENTRAL LAKE

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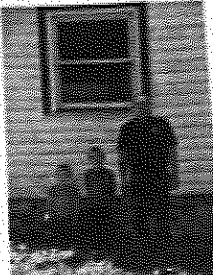


Figure 1 - Jervis, Bethel, & I looking off the ACNA Schoolhouse.



Figure 2 - Culvert that the Road Commission fixed.

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Sincerely,

Jervis Rubinghi
Jervis Rubinghi

COUNTY COMMISSIONER
EMAIL



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

September 12, 2022

Jarris Rubingh
8305 Essex Road
Ellsworth, MI 49729

Re: *Zelenak v. Rubingh*
Campaign Finance Complaint No. 2022 – 7 – 69 – 944

Dear Mr. Rubingh:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include an identification statement on your campaign yard signs. A picture of the yard signs was included with the complaint; a copy of the complaint is enclosed.

Additionally, the complaint alleges that you improperly used the designation “re-elect” in your campaign materials. As noted in the correspondence included with the complaint, such an act would be a misdemeanor under section 944 of the Michigan Election Law (MEL) and its investigation is under the purview of law enforcement and local prosecutors. MCL 168.940, 168.941. Accordingly, the complaint alleging a violation of the MEL is dismissed and this letter only concerns the potential violation of the MCFA.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase “Paid for by [name and address of the person who paid for the item].” MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. From the outset, the Department must consider whether the materials fall within the ambit of the MCFA. Because the materials explicitly advocate for the election or defeat of a candidate, or for the passage or defeat of a ballot proposal, the materials contain express advocacy as defined by the Act. MCL 169.206(2)(j). As explained above, such materials must contain a “paid for by” statement listing the name and address of the committee purchasing the materials. However, the evidence shows that the materials at issue here omit part or all of that required statement. That absence supports the conclusion that a potential violation of the MCFA 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.*

Given this, the Department concludes that a formal warning is a sufficient resolution to the complaint and is hereby advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase “paid for by” followed by the full name and address of your committee.

Note that all printed materials referencing you or your candidacy produced in the future must include this identification statement. For all materials currently in circulation, the paid for by statement must be corrected. If this information has been included in your materials and you wish to rebut the Department’s conclusion, you must respond in writing to the Department within 15 business days of the date of this letter otherwise the Department will treat the complaint as resolved.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

c: Melissa Zelenak