Campaign Finance Complaint Form
Michigan Department of State

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.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Thomas P. Bruetsch		Daytime Telephone Number 313-965-2121 Ext 7026
Mailing Address Schenk & Bruetsch PLC, 535 Griswold, Suite 850		
City Detroit	State Michigan	Zip 48226

Section 2. Alleged Violator		
Name Lauren Nowicki for School Board		
Mailing Address 917 Lakepointe		
City Grosse Pointe Park	State MI	Zip 48230

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

Section(s) of the MCFA violated:
Section 24b; Section 54

Explain how those sections were violated:

Please see attached.

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

Please see attached.

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 _____ 10/20/2020

Signature of Complainant — Date

Section 5. Certification without Evidence (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 the filing of 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 West Allegan Street
Lansing, Michigan 48918

Revised: 01/16

SCHENK & BRUETSCH

Thomas P. Bruetsch
(313) 788-7026 | direct
(313) 268-4525 | mobile
Thomas.Bruetsch@SBDetroit.com

October 21, 2020

Michigan Department of State
Bureau of Elections
Richard H. Austin Bldg 1st Floor
430 West Allegan Street
Lansing MI 48918

Re: *Campaign Finance Complaint*

To whom it may concern:

Enclosed please find a Campaign Finance Complaint Form, Michigan Department of State.

Should you have any questions at this time, please do not hesitate to contact me.

Very truly yours,

SCHENK & BRUETSCH

Thomas P. Bruetsch

TPB/ab

SUPPLEMENT TO COMPLAINT FOR VIOLATIONS OF THE MICHIGAN CAMPAIGN FINANCE ACT AGAINST NOWICKI FOR SCHOOL BOARD

1. Lauren Nowicki is a candidate for trustee of the Grosse Pointe Public School System Board of Education. Ms. Nowicki's candidate committee ("Committee") is called Lauren Nowicki for School Board. *Exhibit 1.*

2. The Committee's registered address is 917 Lakepointe, Grosse Pointe Park MI 48230.

3. The Committee's Treasurer is Sophiah Buffa. *Exhibit 1.*

APPLICABLE STATUTORY PROVISIONS

4. Section 54(1) of the Michigan Campaign Finance Act ("MCFA") prohibits corporations from contributing to candidates for public office and/or their candidate committees.

5. "Contribution" includes anything of ascertainable monetary value used to influence or assist the election of a candidate. MCFA § 4. An "in-kind" contribution is a contribution other than money. MCFA § 9(4).

6. MCFA Section 9(2) provides that an expenditure is an "independent expenditure," and thus not a contribution to a candidate or candidate committee, only if the expenditure is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, candidate committee or its agents.

7. Section 24b(4) states that an independent expenditure committee shall not make a contribution to a candidate committee.

8. Administrative Rule 35 (R 169.35) prohibits a committee from receiving a corporate contribution.

9. Section 24c provides that if the independent nature of a purported independent expenditure is defeated, its expenditures become illegal contributions.

THE COORDINATION AMONG TAXPAYERS FOR GP SCHOOLS AND CANDIDATES FOR THE GROSSE POINTE PUBLIC SCHOOLS BOARD OF EDUCATION

10. Taxpayers for GP Schools ("PAC") is a political action committee that purports to be an "independent expenditure committee." *Exhibit 2.*

11. PAC made expenditures for, among other things:

    a. A September, 2020 mailer featuring the photo, biography, and policy positions of three candidates for election to the Grosse Pointe Public School System Board of Education – Lauren Nowicki, Cynthia Pangborn, and Lisa Papas. *Exhibit 3, Mailer.*

    b. Two advertisements in the September 24, 2020 edition of the Grosse Pointe News, also featuring Lauren Nowicki, Cynthia Pangborn, and Lisa Papas. *Exhibit 4, Advertisement.*

12. It is estimated that the mailer and advertisements cost in excess of the $6,800 limit that MCFA § 52 applies to contributions.

13. Candidate Nowicki admitted, in writing, that:

    a. PAC solicited her approval of the advertisement;

    b. PAC provided her a draft of the advertisement;

    c. Candidate Nowicki gave PAC suggestions for the advertisement.

    Exhibits 5, 6, Facebook posts.

14. In fact, Candidate Nowicki was asked on Facebook, "Did no one solicit your approval before mailing out an ad in your name and with your photo on it?" She answered, "... the truth is they did, and I gave suggestions...."

15. In a published article, another school board candidate running on the same slate as Candidate Nowicki confirmed that Candidate Nowicki provided her photo for the advertisement. *Exhibit 7, article.*

CONCLUSION

16. Candidate Nowicki, describing her communications with PAC, admitted that PAC solicited her approval of PAC's political advertising and provided her drafts of its mailer and advertisement.

17. Such consultation defeats the independence of PAC, and cause PAC's expenditures to be contributions to Candidate Nowicki, in violation of §24b, §24c, and §54 of the MCFA.

EXHIBIT 1

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES
Information on this form is made public

1. Committee ID#: 82-157396

*2. Type of Filing: ☐ Original ☑ Amendment to Items Eff. Date: 07/17/2020

*3. Full Name of Committee (must include Candidate's first and last name): Lauren Nowicki for School Board

*4a. Candidate Full Name: First Name: Lauren; M.I.: Leo; Last Name: Nowicki

*4b. Political Party (if applicable):

*4c. County of Residence: Wayne

*4d. Office Sought: School Board

*4e. District/Circuit# or Jurisdiction: Grosse Pointe

*5. Date Committee was Formed: 07/13/2020

*5a. Committee Phone#: 586-218-0667

6b. Committee Fax#:

6c. Committee E-mail Address: lnowicki33@gmail.com

6d. Committee Website Address:

*7a. Complete Committee Mailing Address (May be PO Box): 917 Lakepointe Grosse Pointe Park MI 48230

*7b. Complete Committee Street Address (May not be PO Box): 917 Lakepointe Grosse Pointe Park MI 48230

*8. Treasurer Name and Complete Address:

Sophan Buffa
929 Berkshire Grosse Pointe Park, MI 48230

Phone#: 586-719-4051

E-mail Address: sophanbuffa@gmail.com

9. Designated Record Keeper Name and Complete Address:

Phone#:

E-mail Address:

*10. REPORTING WAIVER REQUEST:

☑ **YES, I / WE WANT TO APPLY FOR THE REPORTING WAIVER:** The committee does not expect to receive or expend in excess of $1,000 in an election. I/We understand that if the committee does not spend or received in excess $1000 in an election,the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I / We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late contribution Reports.

☐ **NO, I / WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER:** The committee expects to receive or expend in excess of $1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of $1000 in an election. I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting waivers can be found in Appendix C of the Committee Manual.

*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to opened until the first contribution is received.

*Official Depository(name and address):

Flagstar Bank
16021 Kercheval Grosse Pointe , MI 48230

Secondary Depository(name and address):

12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preperation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)

* Candidate: Lauren Lee Nowicki Date: 07/17/2020

*Current Treasurer: Sophan Buffa Date: 07/17/2020

Designated Record Keeper (Required only if filing electronically) Date: 07/17/2020

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Lauren Nowicki for School Board
917 Lakepointe
Grosse Pointe Park, MI 48230

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

July 17, 2020 1:30 pm

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157396

Signature

Date

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
JUL 17 2020
BY

Wayne

County

WC-CFIS-11/2011

EXHIBIT 2

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL INDEPENDENT, POLITICAL AND INDEPENDENT EXPENDITURE COMMITTEES (PACS)
FILED WITH THE COUNTY CLERK
Information on this form is made public

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY: Dep. Clerk

1. **Committee ID #:** 82-157534
*2. **Type of Filing:** ☒ Original: ☐ Amendment to Items: **Eff. Date:**

Committee Type (Check one): For more information regarding committee types, please see Appendix H of the committee manual.
*3a ☐ **Independent Committee:** I/We acknowledge that the committee must meet certain requirements before being legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.
*3b ☐ **Political Committee:** I/We acknowledge that the committee is not legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.
Is this a Separate Segregated Fund (SSF)? ☐ YES ☐ NO **If Yes, the sponsor is a** ☐ Corporation ☐ Labor Organization ☐ D.D.S
The sponsor's name is:

*3c ☒ **Independent Expenditure Committee:** I/We recognize this committee is organized exclusively for the purpose of making independent expenditures that are not in any way made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee or its agents, or political party committee or its agents. An IEC/Super PAC must not make a contribution to a candidate committee, independent committee, political committee, or house or senate political party caucus committee. Independent Expenditure committees are commonly referred to as Super PACS.

*4a. **Full Name of Committee (Must include affiliate or sponsors if Independent or Political Committee only):** TAXPAYERS FOR GP SCHOOLS

4b. **Acronym or Abbreviation (if any):**

*5a. **Complete Committee Mailing Address (May be PO Box):** 2000 LENNON STREET GROSSE POINTE WOODS MI 48236

*5b. **Complete Committee Street Address (May not be PO Box):** 2000 LENNON STREET GROSSE POINTE WOODS MI 48236

*6. **Date Committee was Formed in MI:** 9-1-2020

*7a. **Committee Phone:** 269-625-4302 *7c. **Committee E-mail Address:** monica.palmer@live.com

7b. **Committee Fax:** N/A 7d. **Committee Website Address:** N/A

*8. **Treasurer Name and Complete Address:** KENNETH MULLENS 2012 HOLLYWOOD AVE GROSSE POINTE WOODS MI 48236
Phone #: 313-848-8180 **Email Address:** mull3200@yahoo.com
☐ OUT OF STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION: I/We stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I/We further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. **Designated Record Keeper Name and Complete Address:** MONICA PALMER 2000 LENNON ST GROSSE POINTE WOODS MI 48236
Phone #: 269-625-4302 **Email Address:** monica.palmer@live.com

10. **REPORTING WAIVER REQUEST:**
☐ **YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER.** The committee does not expect to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that if the committee does not spend or received in excess of $1,000.00 in a calendar year, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1,000.00 threshold and all required campaign statements must be filed. ***A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.***
☒ **NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER.** The committee expects to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of $1,000.00 in a calendar year. **I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees.** Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

*11. **Name and Address of Depositories** or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)
***Official Depository (name and address):** FIRST STATE BANK 24335 HARPER AVE ST CLAIR SHORES MI 48080
Secondary Depository (name and address):

*12. **Verification:** I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. **(Sign Name and Date below)**

***Current Treasurer** Kenneth S. Mullens **Date:** 9/1/20 ***Designated Record Keeper** (If Applicable) Monica Palmer **Date:** 9-1-2020

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Taxpayers For GP School
Treasurer Kenneth Mullens
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

September 2, 2020 11:05 am

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157534

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY Cathy M. Garrett

Signature

Date

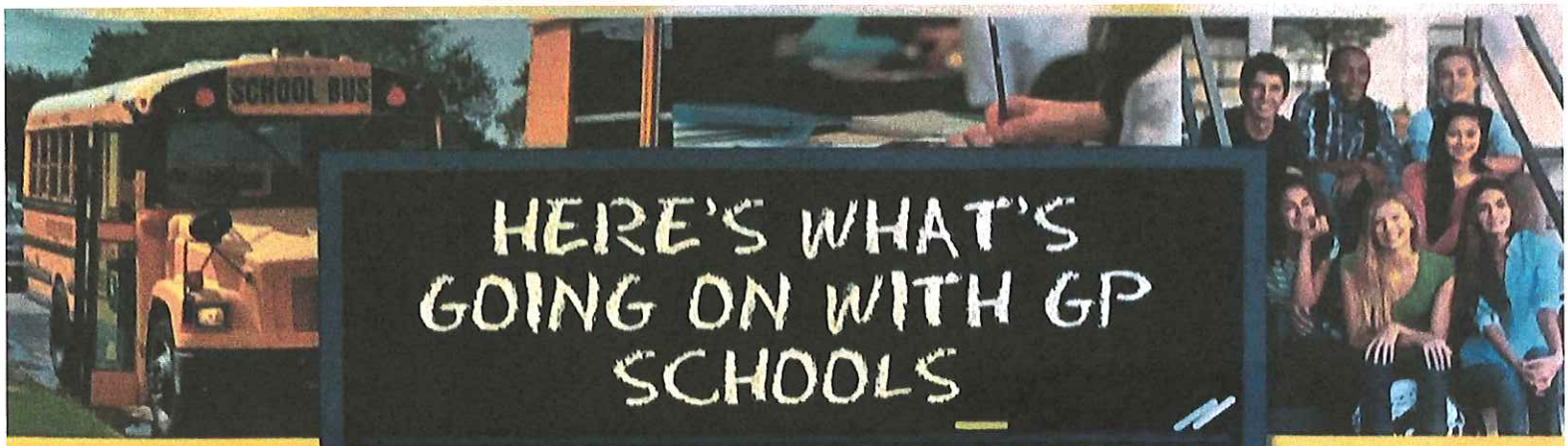
Wayne

County

WC-CFIS-11/2011

Comments or notes associated with this business entity:

EXHIBIT 3



HERE'S WHAT'S GOING ON WITH GP SCHOOLS

Let's bring Grosse Pointe together and fix the School System

Here are the problems, school by school:

Poupard Elementary

SCHOOL CLOSED

Trombly Elementary

SCHOOL CLOSED

Defer Elementary

- 5th Grade removed
- Many new students moved into Defer
- Reduction of Magnet Program
- Loss of Multi-Age Program
- Kids have to cross Jefferson
- No plan for pandemic
- No traffic plan

Ferry Elementary

- 5th Grade removed
- Many new students moved into Ferry
- Reduction of Magnet Program
- No plan for pandemic

Kerby Elementary

- 5th Grade removed
- Many new students moved into Kerby
- No plan for pandemic

Maire Elementary

- 5th Grade removed
- Many new students moved into Maire
- No plan for pandemic

Mason Elementary

- 5th Grade removed
- Many new students moved into Mason
- No plan for pandemic

Monteith Elementary

- 5th Grade removed
- Many new students moved into Monteith
- No plan for pandemic

Richard Elementary

- 5th Grade removed
- Underutilized space
- No plan for pandemic

Brownell Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic

Parcells Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic

Pierce Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic
- No traffic plan

North High

- Principal lacking leadership
- Athletic director is not qualified
- Reduced seat & learning time due to Covid-19
- No plan for pandemic

South High

- Principal is not qualified
- Principal recently sued for sexual harassment
- Reduced seat & learning time due to Covid-19
- No plan for pandemic

State reported ranking has dropped from Level I to Level III

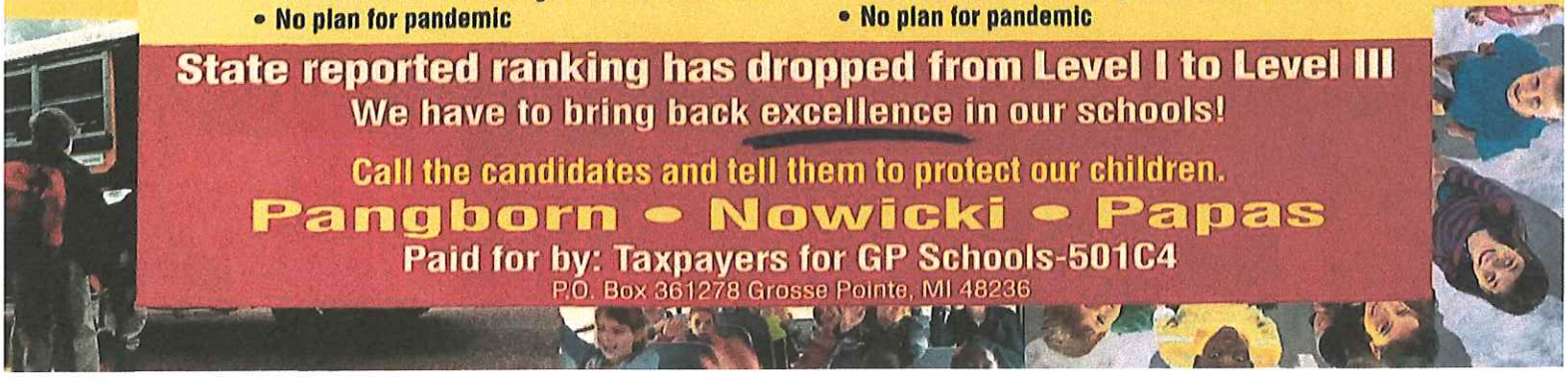
We have to bring back excellence in our schools!

Call the candidates and tell them to protect our children.

Pangborn • Nowicki • Papas

Paid for by: Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236



For our children, let's come together and fix our Grosse Pointe School System!

Let's bring back Excellence!

Cynthia Pangborn

- *Voice of reason on the board asking the tough questions.*
- *Unwavering advocate for public education.*
- *Not afraid to challenge administration and board members opinions.*
- *Return 5th grade to elementary school. Open Trombly and Poupard Elementary schools.*

Lauren Nowicki

- Advocate for disenfranchised groups and reconfiguration. Science teacher, Instructional coach and Title I coach.
- Parent of 3 students and 1 toddler hoping for Early Child Care.
- Return 5th grade to elementary school.
- Open Trombly and Poupard Elementary schools.

Lisa Papas

- Educator teaching students in classroom — not employed by GP school system.
- Varied business experience in management.
- Parent of 4 graduates and 2 current high school students at Grosse Pointe South.
- Return 5th grade to elementary schools.
- Open Trombly and Poupard Elementary schools.

LET'S COME TOGETHER FOR OUR KIDS & STOP RECONFIGURATION

*Based on research, the majority of school parents oppose reconfiguration.

Target Insyght Research states 58% of parents oppose this move.

Parents are concerned their kids are growing up too fast and being bullied in Middle School.

As Parents, we need to work on moving these small children back into walkable Elementary Schools to protect them.

Call the candidates: Pangborn, Nowicki and Papas and tell them to protect our young children from going into middle school before 6th grade.

*Research done 9/14 thru 9/18 in all five Grosse Pointes by Target Insyght Research Company, LLC

Let's bring back excellence into our Grosse Pointe Schools!

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Pangborn • Nowicki • Papas

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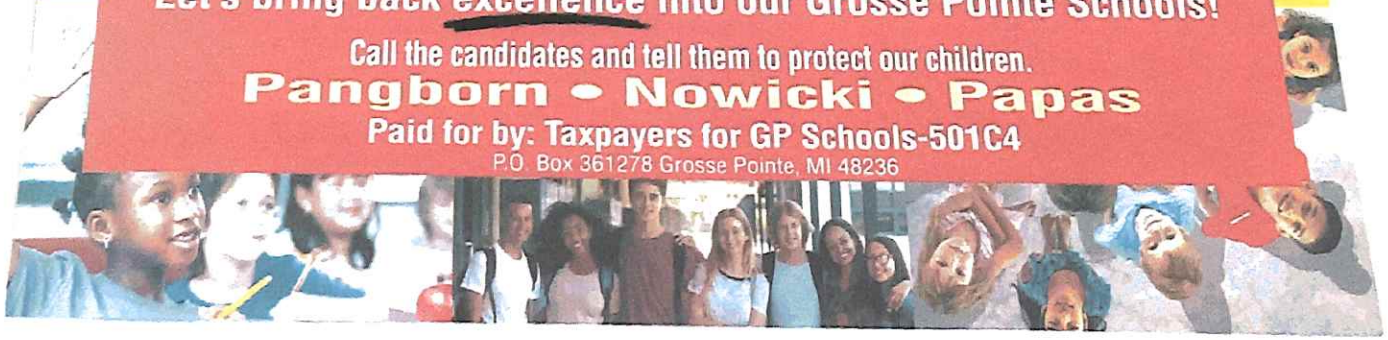

EXHIBIT 4

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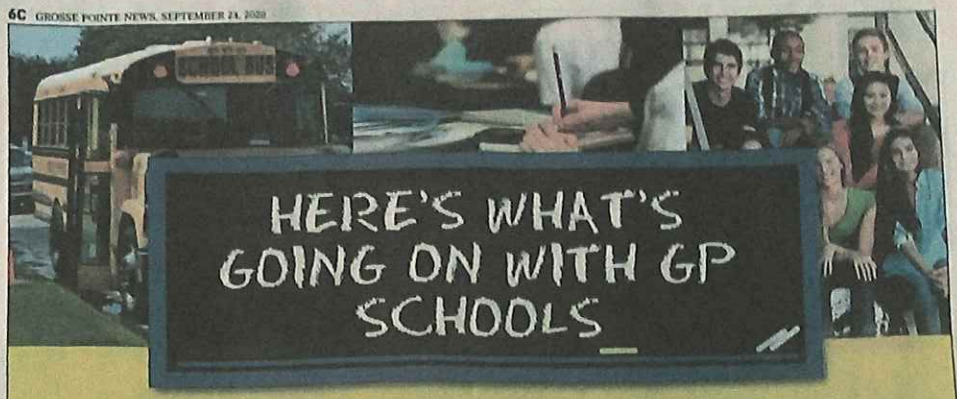
We have to bring back excellence in our schools!

Pangborn • Nowicki • Papas

Paid for with regulated funds by Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236



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Pangborn • Nowicki • Papas

Paid for with regulated funds by Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236

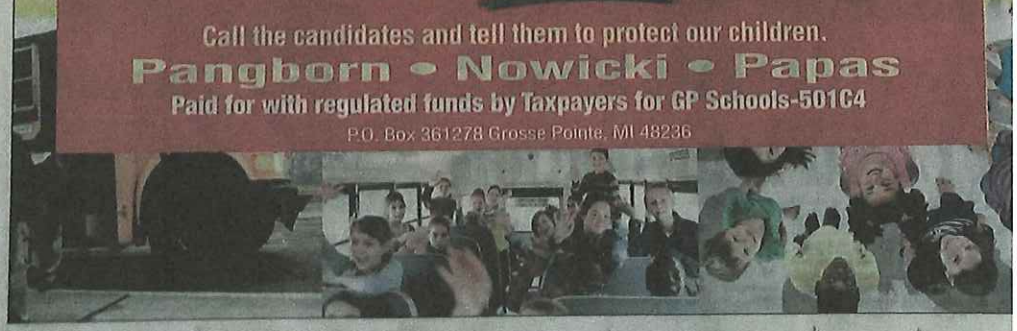


EXHIBIT 5

Replies to your comment on **Lauren Nowicki's post**

View Post

Jen Evans

You said that you previewed the ad. Why didn't you remove your name at that point? Before it was in the GP News and mailed to homes in specific areas of GP?

10m Like Reply

Lauren Nowicki

I did preview and gave suggestions that weren't incorporated and they are allowed to do that. That doesn't mean that I agree with what was written.

2m Like Reply

Jen Evans

Lauren Nowicki you could have refused to have your name associated with the ad. The fact that you did not refuse to be associated with it and took the "free press" anyway shows exactly who you are as a candidate.

Just now Like Reply

Write a reply...

Lauren Nowicki can you help me to understand— did this PAC run this ad without input, permission or support from you and the other candidates identified on it?

1h Like Reply 4

Lauren Nowicki

Maureen Krasner I did preview it. And specifically asked that the points identifying the high school admin not be a part of it.

56m Like Reply 1

Maureen Krasner

Lauren Nowicki thank you

54m Like Reply 1

Lauren Nowicki

Maureen Krasner of course! I was given a draft of the ad, I shared my concern with them pointing out specific individuals and specifically asked that not be included. Bottom line is they paid

Write a comment...

EXHIBIT 6

Did no one solicit your approval before mailing out an ad in your name and with your photo on it? And did it not cause you to put out a statement of disapproval the very day you became aware of it?

Like Reply 1

Lauren Nowicki Author · 9m

Mimi Valentic the truth is they did, and I gave suggestions and in the end they published it with the information they wanted which they are allowed to do.

Like Reply

Mimi Valentic · 6m

Thank you for your reply. I do not believe I would consent to my likeness being used if I did not agree with the messaging. And if it were still legal for them to do, I would have immediately shared a public message loud and clear, and far and wide, that it had been done without my consent. I don't think it was a wise decision to wait and see whether it would play out in your favor.

Write a comment GIF

EXHIBIT 7

The Pangborn Censure... Is the Pot Calling the Kettle Black?

Front page news last week was all about school board member Mrs. Cindy Pangborn and an ad run by a local 501c4 non-profit organization named "Taxpayers for GP Schools".

Apparently, the 501c4 contacted Mrs. Pangborn and school board candidates Nowicki and Papas asking for their photos and letting them know that the 501c4 wanted to endorse their candidacies for school board.

The 501c4's ads came out in the September 24 GP News. To be honest, they weren't my kind of advertising, as they took shots at some of our school administrators. I have a feeling if truth be told, Mrs. Pangborn, Mrs. Nowicki and Mrs. Papas weren't expecting this kind of advertising mixed in with the 501c4's endorsements.

Fast forward to the next board meeting and wham—Mrs. Pangborn is blamed for the ads! In order to put her in her place, Mrs. Gafa brought a motion to the meeting censuring Mrs. Pangborn for the ads.

You have to watch the meeting the get a handle around the orchestrated butchering of Mrs. Pangborn by her fellow board members to believe it.

What is criminal about how the censuring was and I predict will continue to be handled this coming Monday is that rather than getting the censure process over with, our board members will continue the lambasting of Mrs. Pangborn for the ads she didn't pay for and didn't place with the GP News.

Earth to school board—what about instead devoting the same time discussing the staff's ideas for getting our kids and staff back to school safely???

The Weertz Connection

I hope those who were so quick censure Mrs. Pangborn will be as quick to deal with a the far more egregious action by Board President Weertz.

As documented by an email sent on September 14 by Parcells Principal Dan Hartley to the other members of the GPPSS Administrator's Association, President Weertz approached the GPAA requesting that they endorse certain school board candidates!

Now, we all know from following school board meetings that the Board President speaks on behalf of the school board. How would you have liked to be Principal Hartley when the defacto head of the school system called and made that request? Talk about pressure—what administrator in their right mind would ever say "no" to the board president?

Naturally, this clear violation of policy (and beyond that, ethical behavior), isn't getting any traction for censure from board members. Why is that? The answer is simple—board politics!

In sincerely hope that our school board will get back to being neutral in the school board election. After all, they have to work with whoever gets elected. I also hope they get back to serving our kids and our community rather than their own egos.

The Fine Print

I didn't consider this a political ad for me as I am not talking about me. I have been advised by the GP News that it can't be run unless it is paid for with my campaign funds. Now, my wife, Mary Ann, has to donate $$ to cover its cost. :)

So—here's the fine print: *"This ad paid for by the Ahmed Ismail for School Board Committee, 20070 Berns Court, Grosse Pointe Woods 48236".*

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

October 29, 2020

Lauren Nowicki
917 Lakepointe
Grosse Pointe Park, MI 48230

Re: *Bruetsch v. Nowicki*
Campaign Finance Complaint
No. 2020-10-186-54

Dear Ms. Nowicki:

The Department of State (Department) received a formal complaint filed by Thomas Bruetsch against you, alleging that you violated 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 a corporation from making a contribution or expenditure that are excluded from the definition of "contribution." 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 monetary value 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).

Corporations are permitted to make independent expenditures under the MCFA, but may not coordinate with the candidate or convey information about the creation or production of the materials. MCL 169.224c. Individuals who knowingly violate or cause a person to violate this section are guilty of a felony punishable up to 3 years imprisonment and/or a fine of not more than $5,000.

Mr. Bruetsch alleges that you coordinated with Taxpayers for GP Schools, a registered independent expenditure committee.

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. 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.

A copy of your answer will be provided to Mr. Bruetsch, 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 54 of the Act.

Sincerely,

Adam L.S. Fracassi
Bureau of Elections
Michigan Department of State

c: Thomas Bruetsch

SCHENK & BRUETSCH

Thomas P. Bruetsch
(313) 774-1000
thomas.bruetsch@SBDetroit.com

April 26, 2021

Adam Fracassi
Bureau of Elections
Michigan Department of State
Richard H. Austin Building
430 W. Allegan Street
Lansing, Michigan 48918

VIA EMAIL AND REGULAR MAIL

Re: Lauren Nowicki
No. 2020-10-186-54

Dear Mr. Fracassi:

Thank you for your communication of April 16, 2021. This letter serves as my rebuttal to the response filed by Ms. Nowicki's counsel in this matter. I note that no affidavit was submitted on Ms. Nowicki's behalf.

It is uncontested that a Political Action Committee called "Taxpayers for GP Schools" ran newspaper advertisements, published mailers, and sponsored other communications supporting Ms. Nowicki's candidacy for the Grosse Pointe Public Schools Board of Education. Ms. Nowicki's primary defense appears to be that she advised it not to use her name or likeness in its communications, purportedly showing that she did not coordinate with the PAC.

The timeline and context related to this defense show otherwise.

Ms. Nowicki provided the Department with an email communication (Ex. 1) dated **September 20, 2020**, in which John Barlow, head of Barlow Communications (a political consulting firm retained by the PAC) sent an email to four individuals. Three of them were candidates that the PAC was supporting: Ms. Nowicki, Cindy Pangborn, and Lisa Papas. The fourth, Monica Palmer, was the in charge of the PAC (*See, e.g., Ex.2*). In the email, Mr. Barlow attaches "the two full page advs. that are to run in the GP Times and GP News" for the candidates "immediate review and approval." (Ex. 1). Barlow informs the group, including

Nowicki, how and where the ads will be run and concludes, "[r]eview everything and please get back to me ASAP." (Ex. 1). This, of course, is evidence of coordination.

Interestingly, Ms. Nowicki did not provide your office with her response to Barlow's September 20, 2020 email. However, it can be inferred that Ms. Nowicki approved the ad because the next thing that happened was that, on **September 24, 2020,** the PAC's ad was published in the Grosse Pointe News and Grosse Pointe Times (Ex. 3A and B). The ad features the three candidates -- Nowicki, Pangborn and Papas – who Barlow emailed a few days before, including their names and platforms. (Ex 3A and B).

There was considerable negative reaction in the community from the ads. In fact, on **October 1, 2020**, the Grosse Pointe Board of Education introduced a resolution for a formal censure of Board trustee Pangborn (the only one of the three candidates who was then serving on the Board) based on misleading information presented in the September 24, 2020 ad. (Ex. 4).

Nowicki did not write her email to Barlow asking him not to use her name or picture in the PAC's advertising until **October 4, 2020, two weeks after Barlow's "for approval email" the advertising had already run.** In context, Nowicki's October 4, 2020 email is obviously an effort to distance herself from the backlash caused by the misleading advertising campaign, rather than evidence of non-coordination.

Sufficient evidence exists to find that Ms. Nowicki violated the MCFA by unlawfully coordinating with Taxpayers for GP Schools. By her own admission, Nowicki was sent drafts of the advertisements and was asked to review and approve them. She has chosen not to provide her response to that email, or even a sworn affidavit denying that she responded to that email. The ads ran after approval was requested, strongly implying that approval was received. Then, only after negative community reaction, did Nowicki ask for her name and likeness to be removed. Ms. Nowicki's failure to provide your office with ***all*** of her communications with Barlow and/or Palmer is telling. The Department should find that violations of the Act occurred.

Very Truly Yours,
Schenk & Bruetsch, PLC

Thomas P. Bruetsch

Thomas Bruetsch

TPB/dms

EXHIBIT 1

Gmail Jean Kordenbrock <jkordenbrock70@gmail.com>

FW: Attached Are The Revised Full Page Newspaper Advs. For Your Review

1 message

Jean Kordenbrock <jkordenbrock@fraserlawfirm.com> Tue, Dec 8, 2020 at 11:17 AM
To: "jkordenbrock70@gmail.com" <jkordenbrock70@gmail.com>

Jean E. Kordenbrock | Fraser Trebilcock

FraserTrebilcock

p: 517.377.0824 f: 517.482.0887

a: 124 W. Allegan Street, Suite 1000 Lansing, MI 48933

w: fraserlawfirm.com

From: Lauren Nowicki <lnowicki33@gmail.com>
Sent: Wednesday, November 25, 2020 2:15 PM
To: Jean Kordenbrock <jkordenbrock@fraserlawfirm.com>
Subject: Fwd: Attached Are The Revised Full Page Newspaper Advs. For Your Review

---------- Forwarded message ---------
From: **MONICA PALMER** <monica.palmer@live.com>
Date: Sun, Sep 20, 2020 at 5:16 PM
Subject: Re: Attached Are The Revised Full Page Newspaper Advs. For Your Review
To: John Barlow <barlowcomm@gmail.com>
Cc: Cindy Pangborn <cindypangborn@gmail.com>, Lauren Nowicki <lnowicki33@gmail.com>, lpaps <lpaps@protonmail.com>

Fix the AP classes in the HS. They ARE running

Sent from my iPhone

On Sep 20, 2020, at 4:56 PM, John Barlow <barlowcomm@gmail.com> wrote:

Cindy, Lauren, Lisa and Monica,

Attached for your immediate review and approval are the two full page advs. that are to run in the GP Times and GP News.

Once the two adv pages are approved Don will resize everything for the two different newspapers . Just to review for everyone the advs. are to run in each paper as follows:

A. GP Times

1. Adv. #1, Pictures of the three candidates page #2

2. Adv. #2, List of schools and what needs to be fixed page #7 or #9.

B. GP News

1. Adv. #1, Pictures of candidates section - A - page #5

2. Adv. #2, List of schools and what needs to be fixed, back of sports page.

Review everything and please get back to me ASAP. We are out of time so hopefully everything is okay.

Thanks,

JLB

John L. Barlow

The Barlow Group Adv., LLC

Thanks for your time.

JLB

John L. Barlow

The Barlow Group Adv., LLC

22221 Greater Mack Ste. D

St. Clair Shores, MI 48080

586-585-1030

586-585-1646

586-585-9616 Fax

6699 GPS Lg Pstcrd1_final2.pdf
9144K

EXHIBIT 2

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL INDEPENDENT, POLITICAL AND INDEPENDENT EXPENDITURE COMMITTEES (PACS)
FILED WITH THE COUNTY CLERK
Information on this form is made public

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY

1. Committee ID #: 82-157534	*2. Type of Filing: ☒ Original: ☐ Amendment to Items:	Eff. Date:

Committee Type (Check one): For more information regarding committee types, please see Appendix H of the committee manual.

*3a ☐ **Independent Committee:** I/We acknowledge that the committee must meet certain requirements before being legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.

*3b ☐ **Political Committee:** I/We acknowledge that the committee is not legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.

Is this a Separate Segregated Fund (SSF)? ☐ YES ☐ NO **If Yes, the sponsor is a** ☐ Corporation ☐ Labor Organization ☐ D.C.S
The sponsor's name is:

*3c ☒ **Independent Expenditure Committee:** I/We recognize this committee is organized exclusively for the purpose of making independent expenditures that are not in any way made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee or its agents, or political party committee or its agents. An IEC/Super PAC must not make a contribution to a candidate committee, independent committee, political committee, or house or senate political party caucus committee. Independent Expenditure committees are commonly referred to as Super PACS.

*4a. Full Name of Committee (Must include affiliate or sponsors if Independent or Political Committee only): TAXPAYERS FOR GP SCHOOLS

4b. Acronym or Abbreviation (If any):

*5a. Complete Committee Mailing Address (May be PO Box): 2000 LENNON STREET GROSSE POINTE WOODS MI 48236

*5b. Complete Committee Street Address (May not be PO Box): 2000 LENNON STREET GROSSE POINTE WOODS MI 48236

*6. Date Committee was Formed in MI: 9-1-2020

*7a. Committee Phone: 269-625-4302 *7c. Committee E-mail Address: monica.palmer@live.com

7b. Committee Fax: N/A 7d. Committee Website Address: N/A

*8. Treasurer Name and Complete Address: KENNETH MULLENS 2012 HOLLYWOOD AVE GROSSE POINTE WOODS MI 48236
Phone #: 313-848-8180 Email Address: mu13700@yahoo.com

☐ OUT OF STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION: I/We stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I/We further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. Designated Record Keeper Name and Complete Address: MONICA PALMER 2000 LENNON ST GROSSE POINTE WOODS MI 48236
Phone #: 269-625-4302 Email Address: monica.palmer@live.com

10. REPORTING WAIVER REQUEST:

☐ **YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER.** The committee does not expect to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that if the committee does not spend or received in excess of $1,000.00 in a calendar year, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1,000.00 threshold and all required campaign statements must be filed. ***A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.***

☒ **NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER.** The committee expects to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of $1,000.00 in a calendar year. **I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees.** Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)
*Official Depository (name and address): FIRST STATE BANK 24335 HARPER AVE ST CLAIR SHORES MI 48080
Secondary Depository (name and address):

*12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date below)

*Current Treasurer Kenneth S. Mullens Date: 9/1/20 *Designated Record Keeper (If Applicable) Monica Palmer Date: 9-1-2020

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Taxpayers For GP School
Treasurer Kenneth Mullens
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

September 2, 2020 11:05 am

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157534

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY Cathy M. Garrett

Ted Flowers
Signature

Date

Wayne
County

WC-CFIS-11/2011

EXHIBIT 3A

For our children, let's come together and fix our Grosse Pointe School System!

Let's bring back Excellence!

Cynthia Pangborn

- Voice of reason on the board asking the tough questions.
- Unwavering advocate for public education.
- Not afraid to challenge administration and board members opinions.
- Return 5th grade to elementary school. Open Trombly and Poupard Elementary schools.

Lauren Nowicki

- Advocate for disenfranchised groups and reconfiguration. Science teacher, instructional coach and Title I coach.
- Parent of 3 students and 1 toddler hoping for Early Child Care.
- Return 5th grade to elementary school.
- Open Trombly and Poupard Elementary schools.

Lisa Papas

- Educator teaching students in classroom — not employed by GP school system.
- Varied business experience in management.
- Parent of 4 graduates and 2 current high school students at Grosse Pointe South.
- Return 5th grade to elementary schools.
- Open Trombly and Poupard Elementary schools.

LET'S COME TOGETHER FOR OUR KIDS & STOP RECONFIGURATION

*Based on research, the majority of school parents oppose reconfiguration.
Target Insyght Research states 58% of parents oppose this move.

Parents are concerned their kids are growing up too fast and being bullied in Middle School.

As Parents, we need to work on moving these small children back into walkable Elementary Schools to protect them.

Call the candidates: Pangborn, Nowicki and Papas and tell them to protect our young children from going into middle school before 6th grade.

*Research done 9/14 thru 9/18 in all five Grosse Pointes by Target Insyght Research Company, LLC

Let's bring back excellence into our Grosse Pointe Schools!

Call the candidates and tell them to protect our children.

Pangborn • Nowicki • Papas

Paid for by: Taxpayers for GP Schools-501C4 • P.O. Box 361278 Grosse Pointe, MI 48236

SECTION A
READ ABOUT YOUR LOCAL CANDIDATES
LOOK FOR Q&As FOR EVERY CANDIDATE IN THE LOCAL RACES IN THIS ISSUE OF THE GROSSE POINTE TIMES
VOTE 2020
facebook.com/grossepointetimes @candgnews @candgnews
September 24, 2020 • 3A

ELECTION COMMISSION APPROVES RECALL LANGUAGE AGAINST 2 SCHOOL BOARD MEMBERS

BY MARA ALLARD
allard@candgnews.com

DETROIT/GROSSE POINTES — Two Grosse Pointe Public School System Board of Education members could face a recall election.

On Sept. 16, the Wayne County Election Commission unanimously approved recall language against Board of Education President Margaret Weertz and Trustee Christopher Lee. The hearing was held via Zoom videoconferencing.

Grosse Pointe Woods resident Monica Palmer filed the recall petitions with the Wayne County Clerk's Office Sept. 4. A recall election is a process in which voters can remove an elected official from office prior to the end of his or her term by a special election.

Palmer's reasons for the recall efforts center on Weertz and Lee voting yes on three separate issues during various school board meetings. They include voting June 24, 2019, in favor of the district's reconfiguration plan; voting Sept. 9, 2019, to approve a $2.1 million construction contract for the

See RECALL on page 14A

Grosse Pointe Shores saves on sewer meter purchase

BY MICHELE KOR
kmoran@candgnews.com

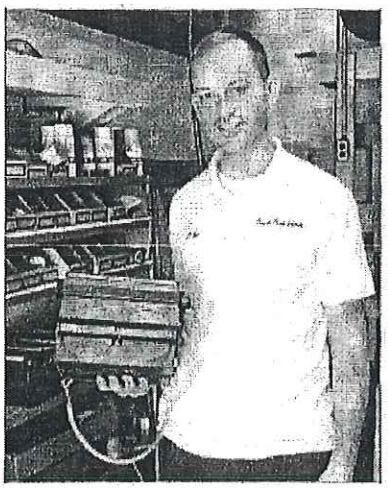
SHORES — Grosse Pointe Shores has saved several thousand dollars on several sewer meters it needed to record sewage flows.

Department of Public Works Director Michael Way said that when the Southeast Michigan Sanitary District found out that the Shores needed these meters, it reached out because SMSD had several used meters it no longer needed. While new meters would have cost an estimated $5,000 to $6,000 each, Way said the Shores was able to purchase the used meters — five of them — at around $3,000 apiece.

The meters in question were still in excellent condition, having only been used for about six to nine months, he said.

"They're basically brand-new," Way said.

The sewer meters will be installed in various spots around the Shores to measure the volume of sewage in those areas, Way said. He said the city is looking for areas with the worst infiltration of rain and lake water into the sewer system so that those areas can be repaired first.

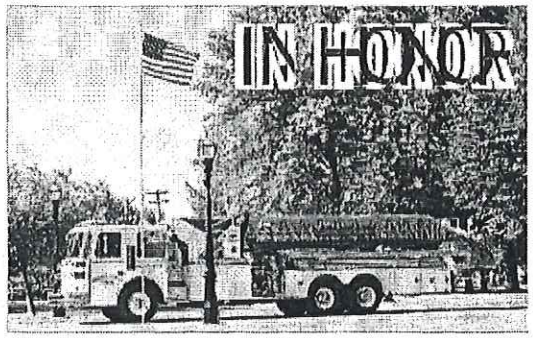


Grosse Pointe Shores Director of Public Works Michael Way holds one of the five sewer meters that the city recently purchased to measure sewage volume.

"Our goal is to get as much infiltration out as possible," Way said.

Every couple of weeks, DPW staffers will be able to take a laptop computer out to the meter locations to

See METERS on page 10A



TOP: In remembrance of the Sept. 11, 2001, terrorist attacks on American soil, the members of the Grosse Pointe Woods Department of Public Safety waved Old Glory in front of the station. ABOVE: A special message was left for those working hard during the COVID-19 pandemic.

EXHIBIT 3B

For our children, let's come together and fix our Grosse Pointe School System!

Let's bring back Excellence!

Cynthia Pangborn

- Voice of reason on the board asking the tough questions.
- Unwavering advocate for public education.
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- Return 5th grade to elementary school. Open Trombly and Poupard Elementary schools.

Lauren Nowicki

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Pangborn, Nowicki and Papas and tell them to protect our young children from going into middle school before 6th grade.

*Research done 9/14 thru 9/18 in all five Grosse Pointes by Target Insyght Research Company, LLC

Let's bring back excellence into our Grosse Pointe Schools!

We have to bring back excellence in our schools!

Pangborn • Nowicki • Papas

Paid for with regulated funds by Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236

EXHIBIT 4

Grosse Pointe News

CELEBRATING 80 YEARS

VOL. 81, NO. 40, 20 PAGES
ONE DOLLAR (DELIVERY 86¢)

Your community newspaper since 1940

OCTOBER 1, 2020
GROSSE POINTE, MICHIGAN

Complete news coverage of all the Pointes

PHOTO COURTESY OF GROSSE POINTE FARMS

In its first update since 2013, the new website will provide residents with both a traditional look and modern features.

New Farms website nears completion

By Laurel Kraus
Staff Writer

GROSSE POINTE FARMS — The next time residents in the Farms click on their city website, they may find an entirely new design waiting for them.

The city plans to go live with its new website early to mid-October. This is its first update since 2013.

Council approved the website redesign with Revize LLC, which specializes in municipal websites, in January and the design process began in March, with goals of ADA compliance, increased security and a traditional look with modern features. "Most importantly, we wanted to make sure that the website facilitated citizen engagement and when this website launches in October, I think it will increase our ability to engage with our residents," Assistant City Manager/City Clerk Derrick Kozicki said.

The old website was significantly difficult for city administration to update, according to Councilman Neil Sroka,

See WEBSITE, page 2A

Resolution calls for Pangborn's censure

By Mary Anne Brush
Staff Writer

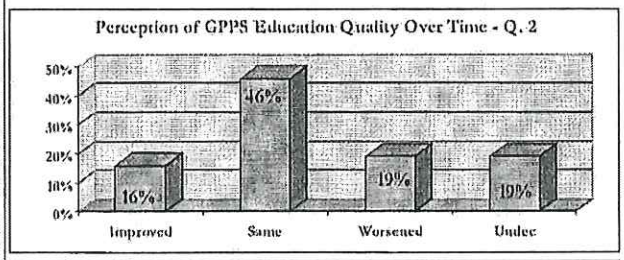
Misinformation in campaign ads placed in the Sept. 24 edition of the Grosse Pointe News resulted in a resolution proposing a formal censure of Trustee Cindy Pangborn at the Grosse Pointe Public School System Board of Education regular meeting Monday, Sept. 28, held virtually.

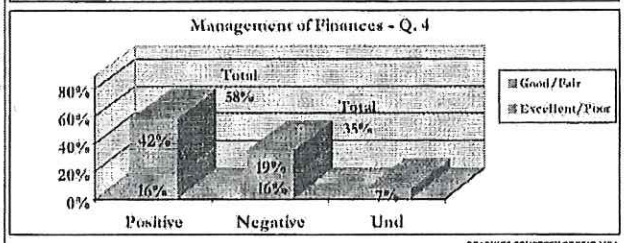
The resolution recommends censuring Pangborn for her actions in placing an ad "maligning our high school administrators" and schools and intentionally including misleading information in violation of board policy 1426 on threatening behavior toward employees, policy 1423 on anti-harassment and board bylaw 0144.2 on board member ethics, "using her board position for personal political gain" and compromising the board with behavior "unbecoming of a Grosse Pointe Board of Education trustee."

Pangborn, who is running for re-election, is named along with board candidates Lauren Nowicki and Lisa Papas in an ad that includes claims her fellow board members say are untrue.

Pangborn read the following statement in response to the resolution.

See CENSURE, page 3A





GRAPHICS COURTESY OF EPIC-MRA

Replacement for Grano sought

By Eddie B. Allen Jr.
Staff Writer

GROSSE POINTE PARK — Grosse Pointe Park City Council unanimously accepted Dan Grano's resignation Monday, Sept. 28, agreeing to immediately launch efforts to replace him with a new member.

The six-person vote came near the conclusion of a virtual session Grano did not attend, having announced plans to vacate his seat early in September. A lifelong Park resident, Grano's resignation letter to the city indicated his plan to relocate to Macomb County for personal and professional reasons.

Councilwomen Lauri Read's motion that an Oct. 26 application deadline be designated for Park residents interested in serving as a new seventh member, and that the League of Women Voters be enlisted to sup-

See GRANO, page 2A

The survey says

Community members weigh in on school district performance

By Mary Anne Brush
Staff Writer

According to Grosse Pointe News Publisher John Minnis, with 17 candidates running for five seats on the Board of Education, now was an opportune time to assess where the community stood on the board's June 2019 vote to close Poupard and Trombly elementary schools in response to declining enrollment and move fifth graders to middle school.

"Because of all the noise out there — social media, letters to the editor, anonymous mailers, political advertising — it was difficult to know how residents felt about their public school system," Minnis explained. "Were residents ready to storm 389 St. Clair, or were they largely satisfied with the district's performance, as last fall's overwhelming support for the school millage renewals indicated?

"So we commissioned a reliable, random sample survey to find out. The results indicate a majority of the respondents gave the district above average grades. However, drilling deeper into the responses, we found significant dissatisfaction in the west end of the district, 48230. We suspect this is largely due to the closing of Trombly Elementary School. Also, a majority of all respondents opposed moving fifth graders into middle school."

EPIC-MRA administered interviews with 400 registered voters in GPPSS from Aug. 19 to 24. The sample included the incorporation of 40 percent cell phone users. The sample was stratified so every area of the dis-

See SURVEY, page 8A

Pointer of INTEREST

Victoria Burton-Harris
Home: City of Grosse Pointe
Criminal lawyer works to promote judicial reform

See story, page 4A

PHONE: (313) 882-6900 ◆ FAX: (313) 882-1585 ◆ MAIL: 16980 Kercheval Ave., 48230 ◆ ON THE WEB: grossepointenews.com ◆ E-MAIL: editor@grossepointenews.com

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

May 3, 2021

Jean Kordenbrock
Attorney for Lauren Nowicki
124 W. Allegan Street, Suite 1000
Lansing, MI 48933

Re: *Bruetsch v. Nowicki*
Campaign Finance Complaint
No. 2020-10-186-54

Dear Ms. Kordenbrock:

This letter concerns the complaint that was recently filed against you, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Thomas Bruetsch

STATE OF MICHIGAN

DEPARTMENT OF STATE

BUREAU OF ELECTIONS

THOMAS BRUETSCH,

Complainant.

Campaign Finance Violation No. 2020-10-186-54

LAUREN NOWICKI,

Respondent.

JEAN E. KORDENBROCK (P56605)
FRASER TREBILCOCK DAVIS AND DUNLAP, P.C.
124 W. Allegan, Suite 1000
Lansing, MI 48933
517-487-5000
jkordenbrock@fraserlawfirm.com
Attorneys for the Respondent

RESPONDANT'S REPLY TO COMPLAINANT'S FORMAL COMPLAINT FOR VIOLATION OF

MCL 169.201 *et seq.*

NOW COMES Respondent, by and through her counsel, in response to Complainant's Formal Complaint, states as follows:

STATEMENT OF FACTS

1. Respondent, Lauren Nowicki, was a candidate for Grosse Pointe Public School Board in the November 3, 2020 general election.
2. On September 20, 2020, Respondent was copied on an email that laid out an advertisement that was going to be disseminated before the general election. The group that sent the email were Taxpayers for GP Schools ("the PAC".) (Exhibit A.)

3. Taxpayers for GP Schools is a registered independent PAC with the Wayne County Clerk. (Exhibit B.)

4. The advertisement featured five candidates, including Respondent, who were running as a "slate". The other candidates included Lisa Papas, Cindy Pangborn, Ahmed Ismali and John Steininger.

5. Respondent immediately contacted John Barlow and indicated to him that she did not approve of the ad. She also in this conversation asked him to remove her name and photo and made it clear to John Barlow, Treasurer for the PAC, that she did not want to be included in the advertisement.

6. On October 4, 2020, in response to an email sent by the Taxpayers for GP Schools, the Respondent again indicated via email "I just want to be clear that I do not want my name or picture used by your pac for any advertisement." (Exhibit C.)

ARGUMENT

I. NO VIOLATION OF MCFA SECTION 24b(4)

7. Respondent realleges and incorporates by reference Paragraphs 1-6 as stated above.

8. MCFA Section 9(2) defines independent Expenditure as

> "...*an expenditure by a person if the expenditure is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a ballot question committee or a candidate, a candidate committee or its agents, or a political party committee or its agents, and if the expenditure is not a contribution to a committee.* MCL 169.209(2).

9. The Respondent did not *suggest* or *request* the advertisements be made or disseminated by the PAC. The original email she received on September 20, 2020 was unsolicited. The Committee arguably should not have been in contact with the Respondent, however, the

onus is on the Committee in this instance, to not contact the Respondent to seek input and review of their advertisement.

10. The Respondent did not *cooperate, consult* or act *in concert with,* the Taxpayers for GP Schools. In fact, the Respondent unequivocally voiced her disapproval of the ad to the independent committee's Treasurer, John Barlow twice: once after the initial September 20th email, and then again on October 4, 2020.
11. Even the Complainant's exhibit in his formal complaint does not prove that Respondent *cooperated, consulted,* or acted *in concert* with Taxpayers for GP Schools. (Exhibit E.) In response to a question purportedly from Maureen Krasner, "...did this PAC run this ad without input, permission or support from you and the other candidates identified on it?", Respondent answers "Maureen Krasner, I did preview it. I specifically asked the points identifying the high school admin not be part of it." She goes on to say, "Maureen Krasner, of course! I was given a draft of the ad, I shared my concern with them pointing out specific individuals and specifically asked that not be included, Bottom line is they paid." This response in and of itself does not prove coordination, in fact, it supports that she did not coordinate with the PAC. The PAC contacted her, showed her the ad, she said she didn't like it and that she should not be included in the ad. These brief Facebook remarks actually prove she was not on board with the messaging that the independent PAC wanted to use in the advertisement.
12. Additionally, the Claimant's second Facebook "evidence" is even more indicative of Respondent failing to cooperate, consult, or act in concert with the PAC. In response to the question from Mimi Valentic, "[d]id no one solicit your approval before mailing out an ad in your name and with your photo it? And did it not cause you to put out a statement of disapproval the day you became aware of it?", Respondent replies, "Mimi Valentic, the truth

is that they did, and I gave suggestions and in the end they published it with information they wanted which they were allowed to do." This clearly indicates that she disapproved, and the PAC released the ad anyway.

13. The Claimant is attempting to extrapolate meaning from vague and brief social media responses as a campaign finance violation by Respondent. He was not party to the transaction, nor had details about the communications between the Respondent and the PAC. At no time did the PAC receive her permission to disseminate the ad with her name on it, in fact she emphatically opposed. Her response to the PAC clearly does not meet the standards for coordination as set forth in MCL 169.209(2) or MCL 169.224(b).

II. NO VIOLATION OF R. 169.35

14. Respondent realleges and incorporates by reference Paragraphs 1-13.

15. Mich. Admin Code R.169.35 states:

A committee treasurer, other than a ballot question committee treasurer, shall not accept as a contribution a check written on a corporate account, except as otherwise provided in sections 54 and 55 of the act.

16. Respondent asked the PAC to remove her name and likeness from the advertisement on September 20, 2020 and on October 4, 2020.

17. Respondent did not accept a contribution of a check.

18. Respondent did not accept the printing and dissemination of the PAC's advertisement as an in-kind contribution as defined by MCL 169.209(4).

19. Respondent did not coordinate with the PAC as described in MCL 169.209(2) or MCL 169.224(b).

20. Finally, the Respondent's counsel spoke with the Treasurer of Taxpayers for GP Schools, and he has indicated the PAC has not received any corporate contributions. There are no filings

online at the Wayne County Clerk, because he has indicated he has not met the threshold for being required to file a financial disclosure.

21. Therefore, it is clear that the Respondent has not received a corporate contribution to her campaign for Grosse Point Public School Board In violation of R. 169.35.

CONCLUSION

Clearly, the Respondent has not violated the Michigan Campaign Finance Act. The Complainant has submitted circumstantial evidence that is not indicative of a violation. The Respondent's actions were indicative of a candidate who wanted nothing to do with the advertisement produced by the PAC and she clearly made that known to the PAC. Respondent asks that the Department dismiss the campaign finance complaint for lack of evidence of the same.

Respectfully,

JEAN E. KORDENBROCK (P56605)

/s/ Jean E. Kordenbrock
FRASER TREBILCOCK DAVIS AND DUNLAP, P.C.
124 W. Allegan, Suite 1000
Lansing, MI 48933
517-487-5000
jkordenbrock@fraserlawfirm.com
Attorney for the Respondent

STATE OF MICHIGAN

DEPARTMENT OF STATE

BUREAU OF ELECTIONS

THOMAS BRUETSCH,

Complainant. Campaign Finance Violation No. 2020-10-186-54

LAUREN NOWICKI,

Respondent.

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Respectfully,

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/s/ Jean E. Kordenbrock
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124 W. Allegan, Suite 1000
Lansing, MI 48933
517-487-5000
jkordenbrock@fraserlawfirm.com
Attorney for the Respondent

Gmail **Jean Kordenbrock <jkordenbrock70@gmail.com>**

FW: Attached Are The Revised Full Page Newspaper Advs. For Your Review

1 message

Jean Kordenbrock <jkordenbrock@fraserlawfirm.com> Tue, Dec 8, 2020 at 11:17 AM
To: "jkordenbrock70@gmail.com" <jkordenbrock70@gmail.com>

Jean E. Kordenbrock | Fraser Trebilcock

p: 517.377.0824 f: 517.482.0887

a: 124 W. Allegan Street, Suite 1000 Lansing, MI 48933

w: fraserlawfirm.com

From: Lauren Nowicki <lnowicki33@gmail.com>
Sent: Wednesday, November 25, 2020 2:15 PM
To: Jean Kordenbrock <jkordenbrock@fraserlawfirm.com>
Subject: Fwd: Attached Are The Revised Full Page Newspaper Advs. For Your Review

---------- Forwarded message ---------
From: **MONICA PALMER** <monica.palmer@live.com>
Date: Sun, Sep 20, 2020 at 5:16 PM
Subject: Re: Attached Are The Revised Full Page Newspaper Advs. For Your Review
To: John Barlow <barlowcomm@gmail.com>
Cc: Cindy Pangborn <cindypangborn@gmail.com>, Lauren Nowicki <lnowicki33@gmail.com>, lpaps <lpaps@protonmail.com>

Fix the AP classes in the HS. They ARE running

Sent from my iPhone

On Sep 20, 2020, at 4:56 PM, John Barlow <barlowcomm@gmail.com> wrote:

Cindy, Lauren, Lisa and Monica,

Attached for your immediate review and approval are the two full page advs. that are to run in the GP Times and GP News.

Once the two adv pages are approved Don will resize everything for the two different newspapers . Just to review for everyone the advs. are to run in each paper as follows:

A. GP Times

1. Adv. #1, Pictures of the three candidates page #2

2. Adv. #2, List of schools and what needs to be fixed page #7 or #9.

B. GP News

1. Adv. #1, Pictures of candidates section - A - page #5

2. Adv. #2, List of schools and what needs to be fixed, back of sports page.

Review everything and please get back to me ASAP. We are out of time so hopefully everything is okay.

Thanks,

JLB

John L. Barlow

The Barlow Group Adv., LLC

Thanks for your time.

JLB

John L. Barlow

The Barlow Group Adv., LLC

22221 Greater Mack Ste. D

St. Clair Shores, MI 48080

586-585-1030

586-585-1646

586-585-9616 Fax

6699 GPS Lg Pstcrd1_final2.pdf
9144K

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL INDEPENDENT, POLITICAL AND INDEPENDENT EXPENDITURE COMMITTEES (PACS)
FILED WITH THE COUNTY CLERK
Information on this form is made public

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY

1. Committee ID #: 82-157534 | ***2. Type of Filing:** ☒ Original: ☐ Amendment to items: | **Eff. Date:**

Committee Type (Check one): For more information regarding committee types, please see Appendix H of the committee manual.

***3a** ☐ **Independent Committee:** I/We acknowledge that the committee must meet certain requirements before being legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.

***3b** ☐ **Political Committee:** I/We acknowledge that the committee is not legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.

Is this a Separate Segregated Fund (SSF)? ☐ YES ☐ NO **If Yes, the sponsor is a** ☐ Corporation ☐ Labor Organization ☐ D.D.S
The sponsor's name is:

***3c** ☒ **Independent Expenditure Committee:** I/We recognize this committee is organized exclusively for the purpose of making independent expenditures that are not in any way made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee or its agents, or political party committee or its agents. An IEC/Super PAC must not make a contribution to a candidate committee, independent committee, political committee, or house or senate political party caucus committee. Independent Expenditure committees are commonly referred to as Super PACS.

***4a. Full Name of Committee (Must include affiliate or sponsors if Independent or Political Committee only):**
TAXPAYERS FOR GP SCHOOLS

4b. Acronym or Abbreviation (if any):

***5a. Complete Committee Mailing Address (May be PO Box):**
2000 LENNON STREET GROSSE POINTE WOODS MI 48236

***5b. Complete Committee Street Address (May not be PO Box):**
2000 LENNON STREET GROSSE POINTE WOODS MI 48236

***6. Date Committee was Formed in MI:** 9-1-2020

***7a. Committee Phone:** 269-625-4302 ***7c. Committee E-mail Address:** monica.palmer@live.com

7b. Committee Fax: N/A **7d. Committee Website Address:** N/A

***8. Treasurer Name and Complete Address:** KENNETH MULLENS
2012 HOLLYWOOD AVE GROSSE POINTE WOODS MI 48236
Phone #: 313-848-8180 **Email Address:** mu13200@yahoo.com

☐ OUT OF STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION: I/We stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I/We further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. Designated Record Keeper Name and Complete Address: MONICA PALMER
2000 LENNON ST GROSSE POINTE WOODS MI 48236
Phone #: 269-625-4302 **Email Address:** monica.palmer@live.com

10. REPORTING WAIVER REQUEST:

☐ **YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER.** The committee does not expect to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that if the committee does not spend or received in excess of $1,000.00 in a calendar year, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1,000.00 threshold and all required campaign statements must be filed. ***A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.***

☒ **NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER.** The committee expects to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of $1,000.00 in a calendar year. **I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees.** Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

***11. Name and Address of Depositories** or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)
***Official Depository (name and address):** FIRST STATE BANK 24335 HARPER AVE ST CLAIR SHORES MI 48080
Secondary Depository (name and address):

***12. Verification:** I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. **(Sign Name and Date below)**

***Current Treasurer** Kenneth S. Mullens **Date:** 9/1/20 ***Designated Record Keeper** (If Applicable) Monica Palmer **Date:** 9-1-2020

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Taxpayers For GP School
Treasurer Kenneth Mullens
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

September 2, 2020 11:05 am

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157534

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY Cathy M. Garrett

Signature

Date

Wayne

County

WC-CFIS-11/2011

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

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The sponsor's name is:

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MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Taxpayers For GP School
Treasurer Kenneth Mullens
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

September 2, 2020 11:05 am

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157534

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY Cathy M. Garrett

Signature

Date

Wayne

County

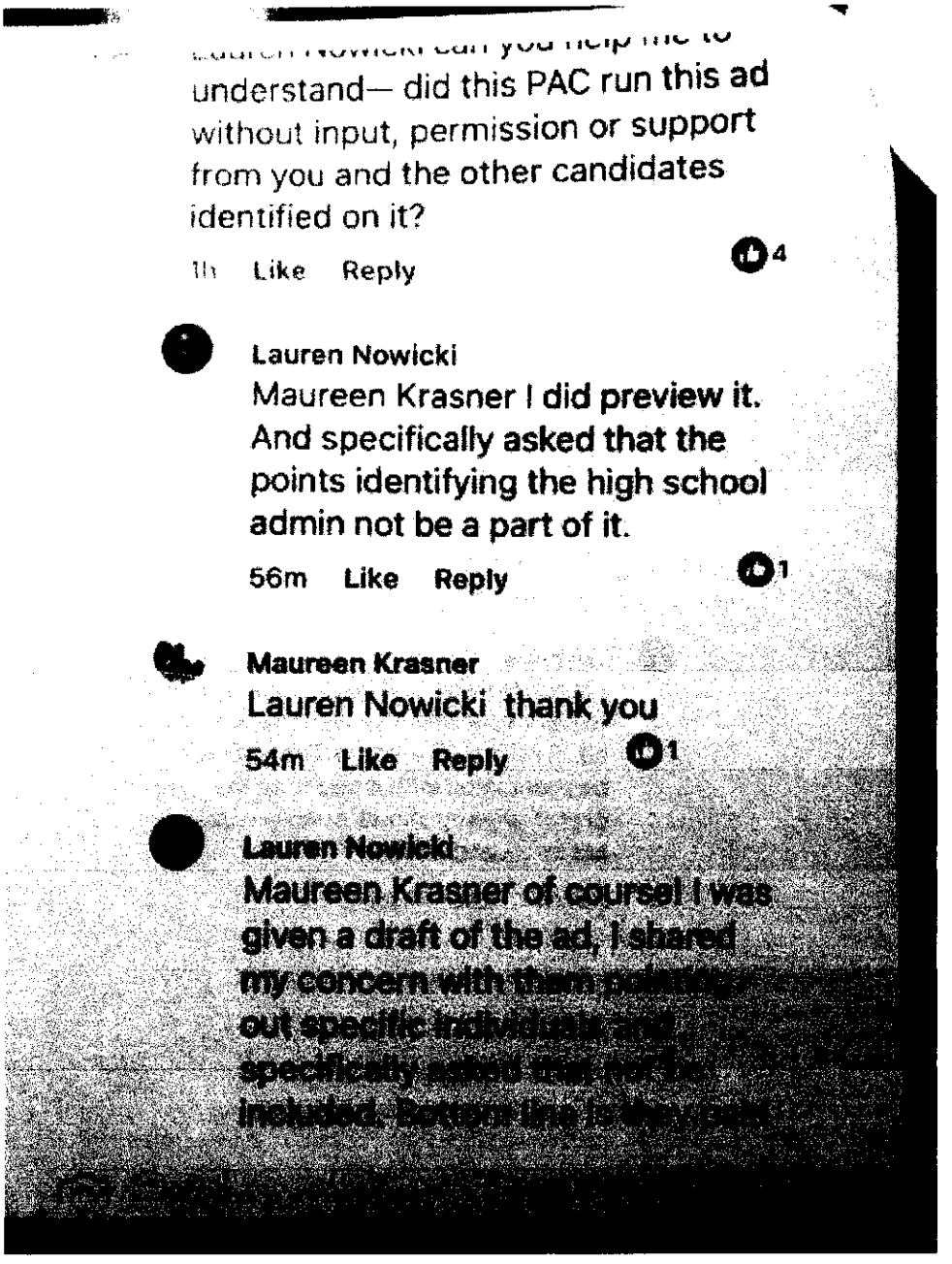
WC-CFIS-11/2011

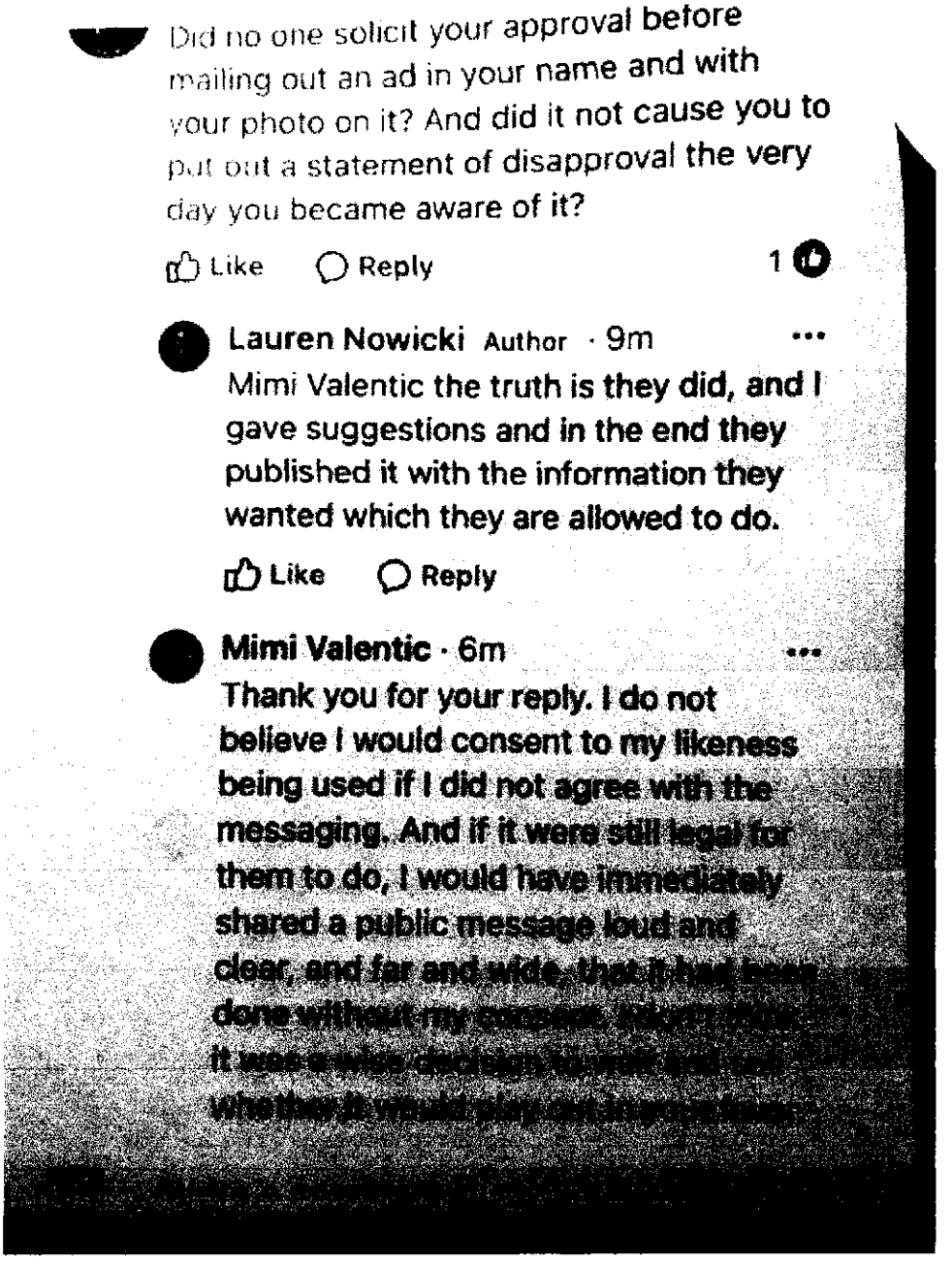
From: Lauren Nowicki <lnowicki33@gmail.com>
Sent: Wednesday, November 25, 2020 2:16 PM
To: Jean Kordenbrock <jkordenbrock@fraserlawfirm.com>
Subject: Fwd: Further advertisements

---------- Forwarded message ---------
From: **Lauren Nowicki** <lnowicki33@gmail.com>
Date: Sun, Oct 4, 2020 at 12:51 PM
Subject: Further advertisements
To: John Barlow <barlowcomm@gmail.com>, MONICA PALMER <monica.palmer@live.com>
Cc: Lisa Papas <lisa.papas@yahoo.com>, Cindy Pangborn <cindypangborn799@gmail.com>

I just want to be clear that I do not want my name or picture used by your pac for any advertisement.
Thanks
Lauren Nowicki

Sent from my iPhone


understand— did this PAC run this ad without input, permission or support from you and the other candidates identified on it?
1h Like Reply
4
Lauren Nowicki
Maureen Krasner I did preview it. And specifically asked that the points identifying the high school admin not be a part of it.
56m Like Reply
1
Maureen Krasner
Lauren Nowicki thank you
54m Like Reply
1
Lauren Nowicki
Maureen Krasner of course I was given a draft of the ad, I shared my concern with them
out specific
specifically
included.


Did no one solicit your approval before mailing out an ad in your name and with your photo on it? And did it not cause you to put out a statement of disapproval the very day you became aware of it?
Like
Reply
1
Lauren Nowicki Author · 9m
Mimi Valentic the truth is they did, and I gave suggestions and in the end they published it with the information they wanted which they are allowed to do.
Like
Reply
Mimi Valentic · 6m
Thank you for your reply. I do not believe I would consent to my likeness being used if I did not agree with the messaging. And if it were still legal for them to do, I would have immediately shared a public message loud and clear, and far and wide, that it had been done without my consent. Even if it was a wise decision to not

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

April 16, 2021

Thomas Bruetsch
535 Griswold, Suite 850
Detroit, MI 48226

Via email

Re: *Bruetsch v. Nowicki*
Campaign Finance Complaint
No. 2020-10-186-54

Dear Mr. Bruetsch:

The Department of State received a response to the complaint you filed against Lauren Nowicki, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Jean Kordenbrock, *via email*

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

May 3, 2021

Jean Kordenbrock
Attorney for Lauren Nowicki
124 W. Allegan Street, Suite 1000
Lansing, MI 48933

Re: *Bruetsch v. Nowicki*
Campaign Finance Complaint
No. 2020-10-186-54

Dear Ms. Kordenbrock:

This letter concerns the complaint that was recently filed against you, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Thomas Bruetsch

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

September 14, 2022

Jean E. Kordenbrock
Attorney for Lauren Nowicki
Fraser Trebilcock Davis and Dunlop, P.C.
124 W. Allegan, Suite 1000
Lansing, MI 48933

Cynthia Pangborn
17620 Mack, Apt 2
Grosse Pointe Woods MI 48230

Taxpayers for GP Schools
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Re: *Bruetsch v. Nowicki, et al*
Campaign Finance Complaint No. 2020-10-186-54

Dear Ms. Kordenbrock, Ms. Pangborn, and Taxpayers for GP Schools:

The Department of State (Department) has finished the investigation regarding the complaint filed by Mr. Thomas Bruetsch, against Lauren Nowicki, Cynthia Pangborn, and Taxpayers for GP Schools, which alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq*.[1] This letter concerns the resolution of the complaint.

The complaint alleged that Nowicki and Pangborn improperly coordinated with Taxpayers for GP Schools (Taxpayers), an independent expenditure committee, on an advertisement published in late September of 2020 that featured information about their candidacy for the Grosse Point Public School System Board of Education. The complaint included Facebook comments Nowicki had posted where she stated that she previewed and gave feedback on the advertisement prior to its publication.

[1] Three complaints were received by the Department. Because each of the complaints involves the same respondents, same evidence, and the same transaction, the Department merged the complaints together for administrative efficiency. However, the Department had extreme difficulty corresponding with the respondents to provide notice of the complaint. The Department also notes that to date, it has not received a response from Taxpayers for GP Schools, and a response to the Complaint was just received from Ms. Pangborn in April 2022 for the first time.

Ms. Nowicki, through counsel, responded to the complaint. In her response, she claimed that she did not coordinate with Taxpayers as defined by the MCFA because she did not solicit the advertisement or provide feedback beyond voicing disapproval to Taxpayers' treasurer. She included an email from October 4, 2020 stating she did not want her name or picture used for any of Taxpayers' advertising. Ms. Pangborn responded to the complaint indicating that the committee was closed and no outstanding issues remained. Taxpayers for GP schools has not responded to the complaint.

Mr. Bruetsch provided a rebuttal statement to Ms. Nowicki's response. In that statement, Mr. Bruetsch emphasized the length of time between the date the advertisement was first published (September 24, 2020), and the date Ms. Nowicki emailed Taxpayers' treasurer that she did not want to be affiliated with their advertisements (October 4, 2020). In that time, the advertisement was published in multiple places, which Mr. Bruetsch suggests would not have occurred without Ms. Nowicki's approval. He notes that Ms. Nowicki provided no record of email communications between herself and Taxpayers between when they first contacted her about the advertisement on September 20, 2020 and her email on October 4th, which was sent after members of the community responded negatively to the advertisement. The Department did not receive a rebuttal to the Pangborn complaint.

To determine whether the Act was violated, the Department must find whether (1) there was express advocacy on behalf of Ms. Nowicki in these materials and, if so, whether (2) Taxpayers for GP Schools and Ms. Nowicki coordinated regarding these materials. The Department assesses each in turn.

First, Taxpayers for GP Schools sponsored and disseminated a mailer and newspaper advertisements featuring three candidates:Lauren Nowicki, Cynthia Pangborn, and Lisa Papas, in the weeks preceding the November 3, 2020 election for trustees of the Grosse Pointe Public Schools System Board of Education.

The sponsor of a campaign ad is required to comply with the registration and disclosure requirements of the MCFA if the ad "support[s] or oppose[s] a … candidate by name or clear inference[,]" or if it contains "express words of advocacy of election of defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for governor,' 'vote against,' 'defeat,' or 'reject.'" MCL 169.206(b), (j). In 2019, the Department made a determination regarding express advocacy in *Daunt v. Build a Better Michigan*, which the Department uses to guide its analysis of the complaint against Ms. Nowicki.

In *Daunt,* the Department concluded that "Gretchen Whitmer | Candidate for Governor" constituted express advocacy. This determination was grounded in the fact that the MCFA includes a nonexclusive list of words and phrases, "such as … 'Smith for governor'[.]" MCL 169.296(2)(j) (emphasis added). Prefacing the list with the words "such as" shows that the drafters of the MCFA did not intend the example list of phrases to be exhaustive. In *Daunt*, the

Department found that the inclusion of the word "candidate" could be reasonably be interpreted as advocating for a "clearly identified candidate" for a specific office.

Here, these materials do not constitute issue advocacy, but rather are documents that expressly advocate for the election of Pangborn, Nowicki and Papas under the guise of issue advocacy. "Issue advocacy" is an advertisement that attempts to persuade the audience to support or oppose a particular public policy position or social issue, rather than the election of defeat of a candidate. Genuine issue ads are those which:

> focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter … The ads do not mention an election, candidacy, political party, or challenger; and they do not take a position on a candidate's character, qualifications, or fitness for office.

FEC v. Wis. Right to Life, Inc, 551 US 449, 470 (2007).

The materials here do not focus on a specific issue, but rather urge voters to "bring back excellence into" the GP school system. The materials specifically advocate for Pangborn, Nowicki and Papas by telling voters to call these three candidates and bring back excellence. The materials state: "Call the candidates: Pangborn, Nowicki[,] and Papas." The materials also discuss school reconfiguration plans, which were publicized at Board of Education meetings.[2] Therefore, it can be inferred that a reasonable person would identify Ms. Pangborn, Ms. Nowicki, and Ms. Papas as candidates for the Grosse Pointe Public Schools Board of Education.

The mailer and newspaper advertisements list the candidates' names. While they do state "[l]et's come together for our kids [and] stop the reconfiguration," they also say "[c]all the candidates: Pangborn, Nowicki[,] and Papas and tell them to protect our young children from going into middle school before [sixth] grade." These materials do not solely focus on the issue of school reconfiguration—they urge voters to contact the listed candidates to "bring back excellence" into the GP school system during an election cycle. This could only be interpreted as advocating for the target audience to vote for the listed candidates for the Board of Education, as that would be the only way for voters to enable these candidates to return the school district to excellence.

For the above reasons, a reasonable person reading these materials in their entirety would likely conclude that they expressly advocate for the election of the identified candidates. These materials therefore advocate for the election of clearly identified candidates using express words of advocacy as defined in MCL 169.206(2)(j).

Next, the Department must determine whether these materials constitute independent expenditures made by Taxpayers for GP Schools, a registered 501(c)(4). Corporations may

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[2] *See*, *e.g.,* Mark Hicks, *Grosse Pointe school board rejects push to pause reconfiguration plans*, The Detroit News (Apr. 27, 2020, 11:12 P.M.), https://www.detroitnews.com/story/news/local/wayne-county/2020/04/27/grosse-pointe-schools-district-board-reconfiguration-plan/3034939001/.

make expenditures on behalf of candidates, so long as they qualify as an independent expenditure, meaning there is an absence of cooperation, consultation, or concert between the candidates and the ad sponsor. MCL 169.209(2). However, the independent nature of the expenditure is defeated if the Department concludes that the candidate and the corporate entity coordinated in order to make the expenditure. See MCL 169.224c. Here, the Department determines that based upon the evidence provided, Ms. Nowicki and Ms. Pangborn improperly coordinated with Taxpayers for GP Schools.

On September 20, 2020, John Barlow sent an email to Nowicki and Pangborn, and Monica Palmer (the designated record keeper for Taxpayers for GP Schools). The email subject line reads: "Attached Are The *Revised* Full Page Newspaper Advs. *For Your Review*" (emphasis added). The word "revised" suggests that this was a subsequent email to candidates, rather than an original email. Furthermore, in the body of the email, Mr. Barlow asks the recipients for their "immediate review and approval" for two full page advertisements. Ms. Nowicki says that she "immediately" voiced her disapproval of the ad to Mr. Barlow after his September 20 email, but she failed to provide contemporaneous evidence to support this claim. The emails further show correspondence between the candidates and Barlow regarding the advertisements.

Days after this email from Mr. Barlow, the advertisements were published. One campaign advertisement, published in the September 24, 2020 edition of Grosse Pointe News, listed two high schools and statements about their administrators, such as a "[p]rincipal lacking leadership." This advertisement led to a resolution calling for the censure of Ms. Pangborn, who at that time served on the Board of Education. It also led to discourse on Facebook about the advertisements, and Ms. Nowicki participated in this discourse.

Ms. Nowicki's comments on Facebook indicate that she coordinated with Taxpayers for GP Schools regarding the advertisements. One person asked:

> "Did no one solicit your approval before mailing out an ad in your name and with your photo on it? And did it not cause you to put out a statement of disapproval the very day you became aware of it?"

Ms. Nowicki replied:

> "[T]he truth is they did, and I gave suggestions and in the end they published it with the information they wanted which they are allowed to do."

Another person asked:

> "[D]id this PAC run this ad without input, permission or support from you and the other candidates on it?"

Ms. Nowicki replied:

> "[] I did preview it. And specifically asked that the points identifying the high school admin not be a part of it … I was given a draft of the ad, I shared my concern with them pointing out specific individuals and specifically asked that not be included. Bottom line is they paid[.]"

Ms. Nowicki's responses demonstrates coordination with Taxpayers for GP Schools. Again, corporations are permitted to make independent expenditures under the MCFA, but may not coordinate with the candidate or convey information about the creation or production of the materials. MCL 169.224c. When Ms. Nowicki "gave suggestions" about the ad and "asked" that certain points be excluded, she "request[ed] or suggest[ed] action" she improperly coordinated with an intendent expenditure committee. MCL 169.224c(2)(b). Even though Taxpayers for GP Schools did not *use* Ms. Nowicki's suggestions, she nonetheless requested and suggested action.

Ms. Nowicki says that she did not coordinate with Taxpayers for GP Schools, pointing to an October 4, 2020 email. In that email, Ms. Nowicki told Mr. Barlow that "I do not want my name or picture used by your pac for any advertisement." The subject line of that email read, "Further advertisements." She sent this communication after the Board of Education called for Ms. Pangborn's censure on September 28, 2020, which the Grosse Pointe News covered in its October 1, 2020 edition. In totality, it appears Ms. Nowicki wanted to separate herself from the advertisements only *after* public pushback about them.

Similarly, Ms. Pangborn did not respond to the allegations of improper coordination, but given the emails provided to the Department and the resolution from the Grosse Pointe School Board, the Department similarly concludes that Ms. Pangborn improperly coordinated with Taxpayers for GP schools in violation of MCL 169.224c.

The Department has not received any response from Taxpayers for GP Schools to date, but the responses from Ms. Nowicki and Ms. Pangborn likewise provide a basis to conclude that Taxpayers participated in impermissible coordination with the candidates.

Therefore, since the advertisement constitutes express advocacy and the evidence shows there was coordination between the corporation and the candidate directly, the advertisements published constitute improper corporate contributions in violation of section 24b of the Act. Accordingly, the Department concludes that there may be reason to believe that a violation of the Act has occurred.

This letter serves to notify all three parties that the Department has determined there may be reason to believe that they have violated the Act and to notify them that the Department is beginning the informal resolution process. "If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

> (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
> (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation."

MCL 169.215(11).

Please contact the undersigned at BOERegulatory@michigan.gov by February 1, 2023 to discuss a resolution to matter. If the Department is unable to informally resolve the complaint, it will have no choice but to refer the matter to the Department of Attorney General for enforcement of the criminal penalties outlined under section 24b of the Act.

Sincerely,

Adam Fracassi
Bureau of Elections
Michigan Department of State

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

In the matter of:

Bruetsch v. Nowicki
Campaign Finance Complaint No. 2020-10-186-54

_____/

CONCILIATION AGREEMENT

Pursuant to MCL § 169.215(10) of the Michigan Campaign Finance Act (the Act), MCL § 169.201 *et seq.*, the Secretary of State and Lauren Nowicki (Respondent) hereby enter into a conciliation agreement (the "Conciliation Agreement") with respect to the Secretary of State's allegations of certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent may have violated section 54 of the Act.

Without admitting any questions of fact or law, Respondent hereby voluntarily enters into this Conciliation Agreement.

By executing this Conciliation Agreement, Respondent certifies that she has paid a conciliation payment in the amount of $521.83 to the State of Michigan.

The Secretary of State and Respondent certify that this Conciliation Agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State and Respondent (or their respective duly authorized representatives).

The Secretary of State and Respondent further agree that this Conciliation Agreement, unless violated as outlined under the Act, shall constitute a complete bar to any further action by

the Secretary of State with respect to the alleged violation/s referenced in this Conciliation Agreement.

The Secretary of State and Respondent further agree that the investigation that resulted in this Conciliation Agreement is disposed of and will not be the basis of further proceedings against Respondent, except pursuant to this agreement.

The Secretary of State and Respondent further agree that Respondent's performance under this Conciliation Agreement shall be given due consideration in any subsequent proceedings that may occur in the event either party violates this Conciliation Agreement.

The Secretary of State and Respondent further agree that that this Conciliation Agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and Respondent finally agree that the signatories below are authorized to enter into and bind the parties to this Conciliation Agreement and have done so by signing this agreement on the date reference below.

JOCELYN BENSON
SECRETARY OF STATE

Jonathan Brater
Director, Bureau of Elections

Dated: 02/10/2023

RESPONDENT

Lauren Nowicki or
Authorized Representative

Dated: 1/31/23

SCHENK & BRUETSCH

Thomas P. Bruetsch
(313) 788-7026 | direct
(313) 268-4525 | mobile
Thomas.Bruetsch@SBDetroit.com

October 21, 2020

Michigan Department of State
Bureau of Elections
Richard H. Austin Bldg 1st Floor
430 West Allegan Street
Lansing MI 48918

Re: *Campaign Finance Complaint*

To whom it may concern:

Enclosed please find a Campaign Finance Complaint Form, Michigan Department of State.

Should you have any questions at this time, please do not hesitate to contact me.

Very truly yours,

SCHENK & BRUETSCH

Thomas P. Bruetsch

TPB/ab

Campaign Finance Complaint Form
Michigan Department of State

2020 OCT 26 PM 1:40

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.**

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name: Thomas P. Bruetsch		Daytime Telephone Number: 313-965-2121 Ext 7026
Mailing Address: Schenk & Bruetsch PLC, 535 Griswold, Suite 850		
City: Detroit	State: Michigan	Zip: 48226

Section 2. Alleged Violator		
Name: Committee to Elect Cynthia Pangborn		
Mailing Address: 19796 Holiday Rd		
City: Grosse Pointe Woods	State: MI	Zip: 48236

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

Section(s) of the MCFA violated:
Section 24b; Section 54

Explain how those sections were violated:

Please see attached.

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

Please see attached.

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 _____ 10/20/2020

Signature of Complainant — Date

Section 5. Certification without Evidence (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 the filing of 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 West Allegan Street
Lansing, Michigan 48918

Revised: 01/16

SUPPLEMENT TO COMPLAINT FOR VIOLATIONS OF THE MICHIGAN CAMPAIGN FINANCE ACT AGAINST CYNTHIA PANGBORN

1. Cynthia Pangborn is a candidate for trustee of the Grosse Pointe Public School System Board of Education. Ms. Pangborn's candidate committee ("Committee") is called Committee to Elect Cynthia Pangborn *Exhibit 1.*

2. The Committee's registered address is 19796 Holiday, Grosse Pointe Woods MI 48236.

3. The Committee's Treasurer is Diane Karbestos *Exhibit 1.*

APPLICABLE STATUTORY PROVISIONS

4. Section 54(1) of the Michigan Campaign Finance Act ("MCFA") prohibits corporations from contributing to candidates for public office and/or their candidate committees.

5. "Contribution" includes anything of ascertainable monetary value used to influence or assist the election of a candidate. MCFA § 4. An "in-kind" contribution is a contribution other than money. MCFA § 9(4).

6. MCFA Section 9(2) provides that an expenditure is an "independent expenditure," and thus not a contribution to a candidate or candidate committee, only if the expenditure is not made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, candidate committee or its agents.

7. Section 24b(4) states that an independent expenditure committee shall not make a contribution to a candidate committee.

8. Section 24c provides that if the independent nature of a purported independent expenditure is defeated, its expenditures become illegal contributions

9. Administrative Rule 35 prohibits a committee from receiving a corporate contribution.

THE COORDINATION AMONG TAXPAYERS FOR GP SCHOOLS AND CANDIDATES FOR THE GROSSE POINTE PUBLIC SCHOOLS BOARD OF EDUCATION

10. Taxpayers for GP Schools ("PAC") is a political action committee that purports to be an "independent expenditure committee." *Exhibit 2.*

11. PAC made expenditures for, among other things:

    a. A September, 2020 mailer featuring the photo, biography, and policy positions of three candidates for election to the Grosse Pointe Public School System Board of Education – Lauren Nowicki, Cynthia Pangborn, and Lisa Papas. *Exhibit 3, Mailer.*

    b. Two advertisements in the September 24, 2020 edition of the Grosse Pointe News, also featuring Lauren Nowicki, Cynthia Pangborn, and Lisa Papas. *Exhibit 4, Advertisement.*

12. It is estimated that the mailer and advertisements cost in excess of the $6,800 limit that MCFA § 52 applies to contributions.

13. Candidate Nowicki, who is running on the same slate as Candidate Pangborn, admitted, in writing, that:

    a. PAC solicited her approval of the advertisement;

    b. PAC provided her a draft of the advertisement;

    c. Candidate Nowicki gave PAC suggestions for the advertisement.

    Exhibits 5, 6, Facebook posts.

14. In fact, Candidate Nowicki was asked on Facebook, "Did no one solicit your approval before mailing out an ad in your name and with your photo on it?" She answered, "... the truth is they did, and I gave suggestions...."

15. Candidate Pangborn admitted at a Grosse Pointe School Board meeting that she had communications with PAC, including concerning its "endorsement" of her candidacy. She also admitted providing her photo for the advertisement. Her statements can be viewed at approximately the 2:00:00 mark at this link:

    https://livestream.com/accounts/3685210/events/9325588/videos/211485107

16. While Candidate Pangborn did not admit that PAC solicited her approval of the mailer or advertisements, it seems unlikely that PAC would solicit Nowicki's approval and then not solicit Pangborn's approval, given the admission that Pangborn communicated with PAC.

17. Indeed, the Grosse Pointe Public School District School Board voted 6-1 to censure Pangborn for coordinating with the PAC. The resolution states that "Trustee Pangborn cooperated with a 501C4 in placing an ad maligning our high school administrators, our schools and intentionally included misleading information." The draft of the resolution made available to the public is attached as Exhibit 7.

CONCLUSION

18. Candidate Pangborn has admitted that she had communications with and provided a photo to PAC.

19. Candidate Nowicki, describing her communications with PAC, admitted that PAC solicited her approval of PAC's political advertising and provided her drafts of its mailer and advertisement.

20. Given that Pangborn also had communications with PAC, and is featured in the same advertisements as Nowicki, there is ample reason to believe that Candidate Pangborn was also consulted about the content of the advertisements.

21. Such consultation would defeat the independence of PAC, and cause PAC's expenditures to be contributions to Candidate Pangborn, in violation of §24b, §24c, and §54 of the MCFA.

EXHIBIT 1

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR CANDIDATE COMMITTEES
Information on this form is made public

1. Committee ID#: 82-134161

***2. Type of Filing:** ☐ **Original** ☑ **Amendment to items** **Eff. Date:** 07/16/2020

***3. Full Name of Committee (must include Candidate's first and last name):** Committee To Elect Cynthia Pangborn

***4a. Candidate Full Name :**	**First Name**	**M.I.**	**Last Name**
	Cynthia	J.	Pangborn

***4b. Political Party (if applicable):**

***4c. County of Residence:** Wayne

***4d. Office Sought:** School Board

***4e. District/Circuit# or Jurisdiction:** Grosse Pointe

***5. Date Committee was Formed:** 04/14/1995

***6a. Committee Phone#:** 313-885-9046

6b. Committee Fax#:

6c. Committee E-mail Address: cindypangborn@gmail.com

6d. Committee Website Address:

***7a. Complete Committee Mailing Address (May be PO Box):** 19796 Holiday Rd. Mail Returned 3/12/2019 Grosse Pointe Woods MI 48236

***7b. Complete Committee Street Address (May not be PO Box) :** 19796 Holiday Rd. Grosse Pointe Woods MI 48236

***8. Treasurer Name and Complete Address :**

Diane Karabetsos
1221 N. Oxford Grosse Pointe Woods, MI 48236

Phone#: 313-886-3445

E-mail Address: djkarabetsos@gmail.com

9. Designated Record Keeper Name and Complete Address:

Phone#:

E-mail Address:

***10. REPORTING WAIVER REQUEST:**

☑ **YES, I / WE WANT TO APPLY FOR THE REPORTING WAIVER:** The committee does not expect to receive or expend in excess of $1,000 in an election. I/We understand that if the committee does not spend or received in excess $1000 in an election,the committee does not owe Pre, Post, Quarterly and Annual Campaign Statements. I / We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1000 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late contribution Reports.

☐ **NO, I / WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER:** The committee expects to receive or expend in excess of $1,000 in an election. I/We understand that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of $1000 in an election. **I further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees.** Further information regarding Reporting waivers can be found in Appendix C of the Committee Manual.

***11. Name and Address of Depositories** or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) While this item must be completed, an account does not have to opened until the first contribution is received.

***Official Depository(name and address):**

Flagstar Bank
19733 Mack Ave. Grosse Pointe Woods , MI 48084

Secondary Depository(name and address):

12. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing electronically, we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. (Sign Name and Date)

*** Candidate :** Cynthia J. Pangborn **Date:** 07/16/2020

***Current Treasurer :** Diane Karabetsos **Date :** 07/16/2020

Designated Record Keeper (Required only if filing electronically) **Date:** 07/16/2020

INSTRUCTIONS FOR COMPLETING THE STATEMENT OF ORGANIZATION FOR CANDIDATE COMMITTEES

WHEN TO FILE THIS FORM

As soon as an individual becomes a "candidate" under Michigan's Campaign Finance Act, P.A. 388 of 1976, as amended, he or she has 10 calendar days to form a Candidate Committee. After the committee's formation date, the candidate has an additional 10 calendar days to register the committee. A candidate registers a Candidate Committee by filing a Statement of Organization form with his or her filing official. A person becomes a candidate under the Campaign Finance Act on the date he or she:

- files a nominating petition, a filing fee or an affidavit of candidacy; or
- receives a contribution or makes an expenditure, or gives consent to someone else to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office; or
- is nominated for an elective office by a political party caucus or convention.

Candidates exempted from Statement of Organization Filing Requirements:

- A candidate who seeks a precinct delegate position is not required to file a Statement of Organization.
- A candidate who seeks a school board position in a school district with a pupil membership count of 2,400 or less AND receives or spends $1,000.00 or less for the election is not required to file a Statement of Organization.

NOTE: The information contained on the statement of Organization must be kept up-to-date. If a change in the information takes place, An Amended Statement of Organization must be filed no later than the due date of the first Campaign Statement required of the committee after the change.

WHERE TO FILE THIS FORM

Offices that file with the County Clerk's Office:

- A candidate for a county, city, township, village, public school board , community college board or other local elective office is required to file two copies of this form with the clerk of the county in which the candidate resides.
  EXCEPTION: A local candidate whose district crosses county boundaries is required to file two copies of this form with clerk of the county where the greatest number of voters eligible to vote on the office resides.

Offices that file with the Michigan Department of State's Bureau of Elections:

- A candidate for Governor, Lt. Governor, Secretary of State, Attorney General, State Senate, State Representative, State Board of Education, University of Michigan Regent, Michigan State University Trustee, Wayne State University Governor, Michigan Supreme Court, Court of Appeal, Circuit Court, District Court, Probate Court and Municipal Court is required to file two copies of this form with the Michigan Department of State, Bureau of Elections, Post Office Box 20126, Lansing Michigan 48901-0726. Office location: Richard H. Austin Building, 1st Floor, 430 Wet Allegan Street, Lansing Michigan 48918. Phone: (517)373-2540.

INSTRUCTIONS

Type or clearly print in ink all information requested on the Statement of Organization form. Each entry on the form is discussed below.

Note: If filing an Original Statement of Organization, all fields preceded with an * are required fields.

ITEM 1: On the original Statement of Organization, leave this item blank. An identification number will be assigned to the committee by the filing official. If an identification number has been assigned to the committee, enter it in Item 1.

* **ITEM 2**: Indicate whether this is an original Statement of Organization filing or an Amendment to a Statement of Organization already on file. On an Amendment, list the number of the Item(s) affected and the date the change took place. Item1, Item 3, Item 12 and all affected item(s) are required fields on an Amendment.

* **ITEM 3:** Enter the committee's official name. **The committee name *must* include the candidate's first and last name.**

* **ITEM 4a:** Enter the Candidate's full name.

* **ITEM 4b:** If the office sought by the candidate is a partisan office, enter the candidate's party affiliation.

* **TEM 4c:** Enter the candidate's county of residence.

* **ITEM 4d:** Enter name of the office sought by the candidate.

* **ITEM 4e:** Enter the district number or jurisdiction (county, city, township, village, school district) served by the office.

* **ITEM 5:** Enter the date the committee was formed. This form must be received by your filing official within **10 calendar days** after the committee's formation date. A late filing fee of $10.00 per business day is assessed if this form is filed late.

* **ITEM 6a:** Enter the committee's telephone number.

ITEM 6b: Enter the committee's fax number.

ITEM 6c: Enter the committee's e-mail address.

ITEM 6d: Enter the committee's website address.

* **ITEM 7a:** Enter the committee's mailing address. A post office box is acceptable. All mail from the filing official will be directed to the committee's mailing address.

* **ITEM 7b:** Enter the committee's street address. A post office box is *not* acceptable. (List the candidate's or treasurer's home address if no other address is available.)

* **ITEM 8:** Enter the full name (last name, first name, middle initial), mailing address, telephone number and e-mail address of the committee's treasurer. The candidate may serve as the committee's treasurer. A committee treasurer must be listed in this item.

ITEM 9: Enter the full name (last name, first name, middle initial) telephone number and e-mail address of the designated record keeper if the committee has one. This is the Person, other than the treasurer, who will be responsible for the committee's records and Campaign Statement filings. If the committee's treasurer will personally handle these responsibilities, leave this item blank. A person designated in this item may sign Campaign Statements in place of the treasurer, but does *not* have the authority to sign a Statement of Organization form in place of the treasurer.

* **ITEM 10: Reporting Waiver Request.**

- Select **"YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER"** on item 10 if the committee does not expect to receive or spend more than $1,000 for any single election. The Committee does not owe Pre, Post, Quarterly and Annual Campaign Statements as long as the Committee does not receive or spend more than $1000. **This Option must be selected to obtain the Reporting Waiver.**

- Select **"NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER"** on item 10 if the committee expects to receive or expend in excess of $1,000 in an election. This means that the committee owes Pre, Post, Quarterly and Annual Campaign Statements even if the committee does not spend or receive in excess of $1,000 in an election.

Election means primary, general, special or millage election, or a convention or caucus of a political party held in this state to nominate a candidate. Election also includes a recall vote.

* **ITEM 11:** Enter the name and address of the Michigan bank, savings and loan association or credit union that the committee now uses, intends to use or would use as its "official depository". While this item must be completed, an account does not have to be opened until the first contribution is received. Enter the name and addresses of any "secondary depositories" the committee uses or intends to use. A secondary depository may be used only for the deposit of contributions; it may not be used for committee expenditures. (Refer to manual for Bingo exception.)

* **ITEM 12:** Enter names where indicated. This form must be signed and dated by both the candidate and the committee's treasurer. If the candidate is serving as the committee's treasurer, the candidate signs once on the line for the candidate's signature

EXHIBIT 2

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED
STATEMENT OF ORGANIZATION FORM FOR LOCAL INDEPENDENT, POLITICAL AND INDEPENDENT EXPENDITURE COMMITTEES (PACS)
FILED WITH THE COUNTY CLERK
Information on this form is made public

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY: Deputy

1. Committee ID #: 82-157534	*2. Type of Filing: ☒ Original: ☐ Amendment to items:	Eff. Date:

Committee Type (Check one): For more information regarding committee types, please see Appendix H of the committee manual.

*3a ☐ **Independent Committee:** I/We acknowledge that the committee must meet certain requirements before being legally qualified to make contributions at a limit that is 10 times greater than the applicable contribution limit for an individual.

*3b ☐ **Political Committee:** I/We acknowledge that the committee is not legally qualified to make contributions at a limit that is greater than the applicable contribution limit for an individual.

Is this a Separate Segregated Fund (SSF)? ☐ YES ☐ NO **If Yes, the sponsor is a** ☐ Corporation ☐ Labor Organization ☐ D.D.S
The sponsor's name is:

*3c ☒ **Independent Expenditure Committee:** I/We recognize this committee is organized exclusively for the purpose of making independent expenditures that are not in any way made in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee or its agents, or political party committee or its agents. An IEC/Super PAC must not make a contribution to a candidate committee, independent committee, political committee, or house or senate political party caucus committee. Independent Expenditure committees are commonly referred to as Super PACS.

***4a. Full Name of Committee (Must include affiliate or sponsors if Independent or Political Committee only):**
TAXPAYERS FOR GP SCHOOLS

4b. Acronym or Abbreviation (if any):

***5a. Complete Committee Mailing Address (May be PO Box):**
2000 LENNON STREET GROSSE POINTE WOODS MI 48236

***5b. Complete Committee Street Address (May not be PO Box):**
2000 LENNON STREET GROSSE POINTE WOODS MI 48236

***6. Date Committee was Formed in MI:** 9-1-2020

***7a. Committee Phone:** 269-625-4302 ***7c. Committee E-mail Address:** monica.palmer@live.com

7b. Committee Fax: N/A **7d. Committee Website Address:** N/A

***8. Treasurer Name and Complete Address:** KENNETH MULLENS
2012 HOLLYWOOD AVE GROSSE POINTE WOODS MI 48236
Phone #: 313-848-8180 **Email Address:** mull3700@yahoo.com

☐ OUT OF STATE COMMITTEE TREASURER IRREVOCABLE WRITTEN STIPULATION: I/We stipulate and agree that any legal process affecting this committee served on the Secretary of State or an agent designated by the Secretary of State shall have the same effect as if personally served on me and all other principals of this committee. I/We further agree that this appointment shall remain in force as long as any liability of this committee remains outstanding within the State of Michigan.

9. Designated Record Keeper Name and Complete Address: MONICA PALMER
2000 LENNON ST GROSSE POINTE WOODS MI 48236
Phone #: 269-625-4302 **Email Address:** monica.palmer@live.com

10. REPORTING WAIVER REQUEST:

☐ **YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER.** The committee does not expect to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that if the committee does not spend or received in excess of $1,000.00 in a calendar year, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the $1,000.00 threshold and all required campaign statements must be filed. ***A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.***

☒ **NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER.** The committee expects to spend or receive in excess of $1,000.00 in a calendar year. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of $1,000.00 in a calendar year. **I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees.** Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

***11. Name and Address of Depositories** or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)
***Official Depository (name and address):** FIRST STATE BANK 24335 HARPER AVE ST CLAIR SHORES MI 48080
Secondary Depository (name and address):

***12. Verification:** I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. If filing campaign statements electronically, I/we further agree that the signatures below shall serve as the signatures that verify the accuracy and completeness of each statement filed electronically by the committee. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief. **(Sign Name and Date below)**

***Current Treasurer** Kenneth S. Mullens **Date:** 9/1/20 ***Designated Record Keeper** (If Applicable) Monica Palmer **Date:** 9-1-2020

MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

STATEMENT OF ORGANIZATION RECEIPT
AND
COMMITTEE IDENTIFICATION NUMBER ASSIGNMENT

Taxpayers For GP School
Treasurer Kenneth Mullens
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Original Statement of Organization - Acknowledgement of Receipt

This acknowledges receipt of the **Original Statement of Organization** form the committee named above.

Date and time received:

September 2, 2020 11:05 am

Committee Identification Number Assignment

The identification number appearing below has been assigned to your committee. This number must be used on each page of all subsequent statements, report, correspondence or other communications filed or submitted by your committee.

USE THIS NUMBER ON ALL DOCUMENTS

82-157534

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
SEP 02 2020
BY Cathy M. Garrett

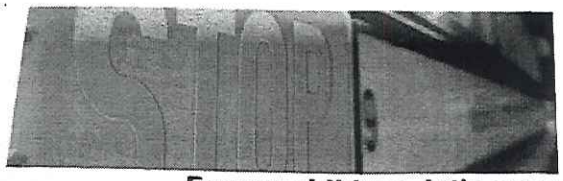
Mich Flowers
Signature

Date

Wayne
County

WC-CFIS-11/2011

EXHIBIT 3



For our children, let's come together and fix our Grosse Pointe School System!

Let's bring back Excellence!

Cynthia Pangborn

- Voice of reason on the board asking the tough questions.
- Unwavering advocate for public education.
- Not afraid to challenge administration and board members opinions.
- Return 5th grade to elementary school. Open Trombly and Poupard Elementary schools.

Lauren Nowicki

- Advocate for disenfranchised groups and reconfiguration. Science teacher, Instructional coach and Title I coach.
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LET'S COME TOGETHER FOR OUR KIDS & STOP RECONFIGURATION

*Based on research, the majority of school parents oppose reconfiguration.

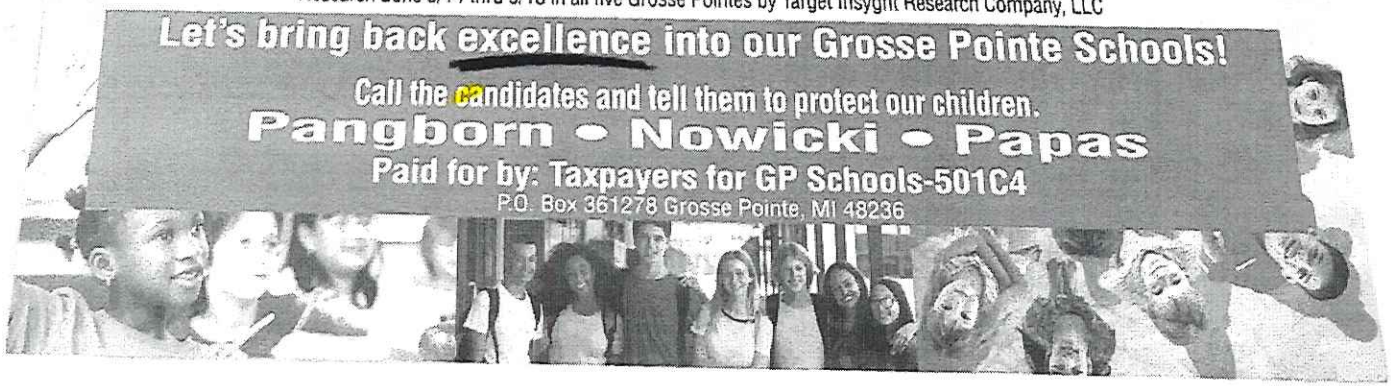
Target Insyght Research states 58% of parents oppose this move.

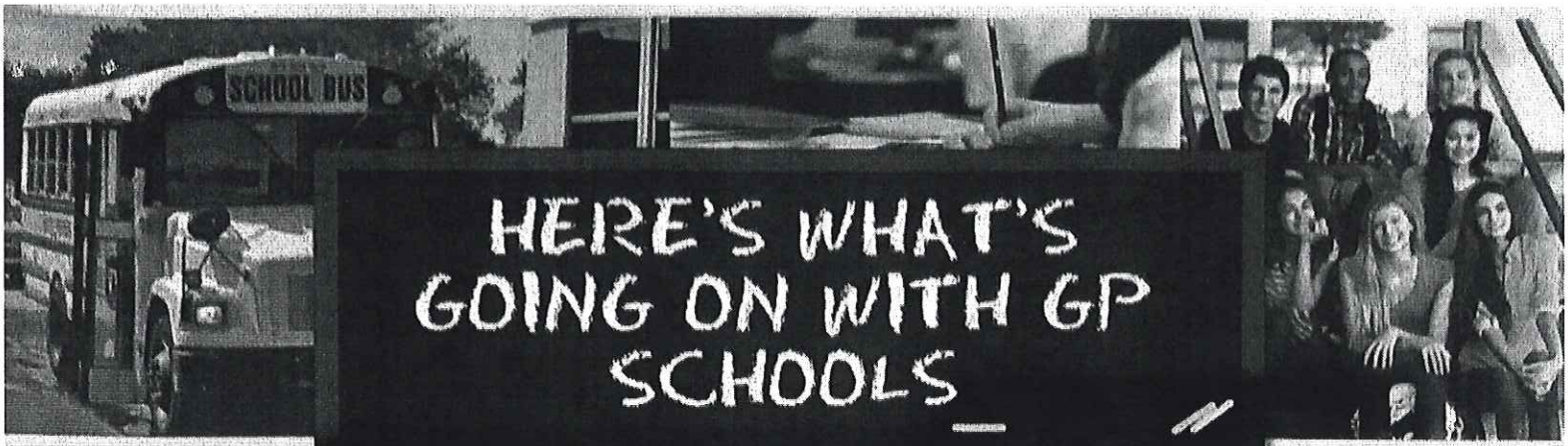
Parents are concerned their kids are growing up too fast and being bullied in Middle School.

As Parents, we need to work on moving these small children back into walkable Elementary Schools to protect them.

Call the candidates: Pangborn, Nowicki and Papas and tell them to protect our young children from going into middle school before 6th grade.

*Research done 9/14 thru 9/18 in all five Grosse Pointes by Target Insyght Research Company, LLC





HERE'S WHAT'S GOING ON WITH GP SCHOOLS

Let's bring Grosse Pointe together and fix the School System

Here are the problems, school by school:

Poupard Elementary

SCHOOL CLOSED

Trombly Elementary

SCHOOL CLOSED

Defer Elementary

- 5th Grade removed
- Many new students moved into Defer
- Reduction of Magnet Program
- Loss of Multi-Age Program
- Kids have to cross Jefferson
- No plan for pandemic
- No traffic plan

Ferry Elementary

- 5th Grade removed
- Many new students moved into Ferry
- Reduction of Magnet Program
- No plan for pandemic

Kerby Elementary

- 5th Grade removed
- Many new students moved into Kerby
- No plan for pandemic

Maire Elementary

- 5th Grade removed
- Many new students moved into Maire
- No plan for pandemic

Mason Elementary

- 5th Grade removed
- Many new students moved into Mason
- No plan for pandemic

Monteith Elementary

- 5th Grade removed
- Many new students moved into Monteith
- No plan for pandemic

Richard Elementary

- 5th Grade removed
- Underutilized space
- No plan for pandemic

Brownell Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic

Parcells Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic

Pierce Middle

- 5th Grade should not be there
- Overcrowded
- Honors classes removed
- No plan for pandemic
- No traffic plan

North High

- Principal lacking leadership
- Athletic director is not qualified
- Reduced seat & learning time due to Covid-19
- No plan for pandemic

South High

- Principal is not qualified
- Principal recently sued for sexual harassment
- Reduced seat & learning time due to Covid-19
- No plan for pandemic

State reported ranking has dropped from Level I to Level III

We have to bring back excellence in our schools!

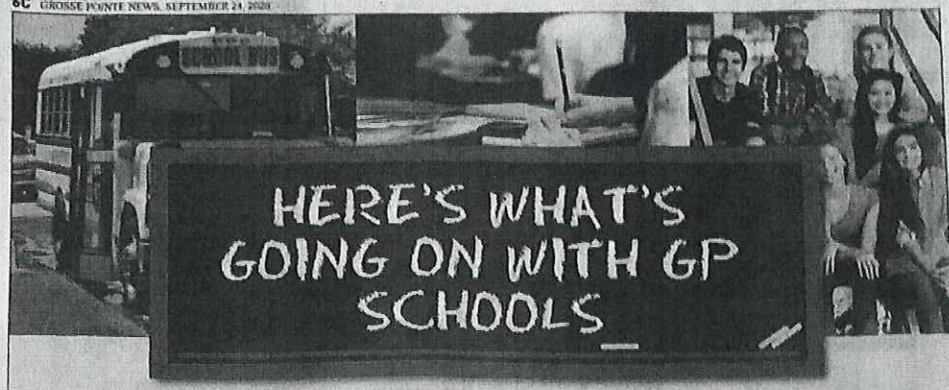
Call the candidates and tell them to protect our children.

Pangborn • Nowicki • Papas

Paid for by: Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236

EXHIBIT 4



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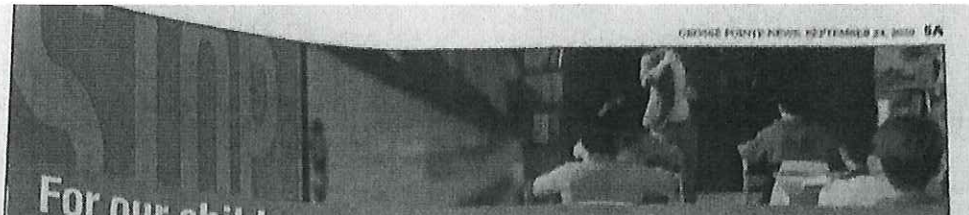
Pangborn • Nowicki • Papas

Paid for with regulated funds by Taxpayers for GP Schools-5D1C4

P.O. Box 361278 Grosse Pointe, MI 48236



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*Research done 9/14 thru 9/18 in all five Grosse Pointes by Target Insyght Research Company, LLC

Let's bring back excellence into our Grosse Pointe Schools!

We have to bring back excellence in our schools!

Pangborn • Nowicki • Papas

Paid for with regulated funds by Taxpayers for GP Schools-501C4

P.O. Box 361278 Grosse Pointe, MI 48236

EXHIBIT 5

Replies to your comment on **Lauren Nowicki**'s **post**

View Post

Jen Evans

You said that you previewed the ad. Why didn't you remove your name at that point? Before it was in the GP News and mailed to homes in specific areas of GP?

10m Like Reply

Lauren Nowicki

I did preview and gave suggestions that weren't incorporated and they are allowed to do that. That doesn't mean that I agree with what was written.

2m Like Reply

Jen Evans

Lauren Nowicki you could have refused to have your name associated with the ad. The fact that you did not refuse to be associated with it and took the "free press" anyway shows exactly who you are as a candidate.

Just now Like Reply

Write a reply...

Lauren Nowicki can you help me to understand— did this PAC run this ad without input, permission or support from you and the other candidates identified on it?

1h Like Reply 4

Lauren Nowicki

Maureen Krasner I did preview it. And specifically asked that the points identifying the high school admin not be a part of it.

56m Like Reply 1

Maureen Krasner

Lauren Nowicki thank you

54m Like Reply 1

Lauren Nowicki

Maureen Krasner of course! I was given a draft of the ad, I shared my concern with them pointing out specific individuals and specifically asked that not be included. Bottom line is they paid

Write a comment...

EXHIBIT 6

Did no one solicit your approval before mailing out an ad in your name and with your photo on it? And did it not cause you to put out a statement of disapproval the very day you became aware of it?

Like Reply 1

Lauren Nowicki Author · 9m

Mimi Valentic the truth is they did, and I gave suggestions and in the end they published it with the information they wanted which they are allowed to do.

Like Reply

Mimi Valentic · 6m

Thank you for your reply. I do not believe I would consent to my likeness being used if I did not agree with the messaging. And if it were still legal for them to do, I would have immediately shared a public message loud and clear, and far and wide, that it had been done without my consent. I don't think it was a wise decision to wait and see whether it would play out in your favor.

Write a comment

EXHIBIT 7

Enclosure: V. B.

THE GROSSE POINTE PUBLIC SCHOOL SYSTEM
Grosse Pointe, Michigan

AGENDA NUMBER & TITLE: V. B. **REVISED Approval of Resolution of the Grosse Pointe Board of Education to Censure Board Member Cynthia Pangborn**

BACKGROUND INFORMATION: **A Resolution of the Grosse Pointe Board of Education to Censure Board Member Cynthia Pangborn**

WHEREAS, the Grosse Pointe Public Schools Board of Education is deeply committed to the effective operation of the GPPSS, in order to provide governance and leadership for the District; and

WHEREAS, as elected officials of the Grosse Pointe Board of Education, as a body we are charged with representing the district and ensuring our students receive an education and our staff work in an environment free of harassment and bullying; and

WHEREAS, in the September 24, 2020 edition of the Grosse Pointe News, Trustee Pangborn cooperated with a 501C4 in placing an ad maligning our high school administrators, our schools and intentionally included misleading information; and

WHEREAS, Trustee Pangborn, by her actions, have violated Board Policy 1426 Threatening Behavior towards Employees, Policy 1423 Anti-Harassment and Board By-law 0144.2 - Board Member Ethics; and

WHEREAS, Trustee Pangborn, being in a position of authority in the GPPSS and cooperating with an entity that publicly disparages administrators is a clear example of intimidation, is insulting, bullying and dehumanizing; and

WHEREAS, Trustee Pangborn, in her action is using her board position for personal political gain and has compromised this board with her behavior; and

NOW, THEREFORE, BE IT RESOLVED: That this conduct unbecoming of a Grosse Pointe Board of Education Trustee and in violation of Board Policy and By-Laws, that this Board of Education moves to censure this behavior and action of Trustee Pangborn.

Votes:

_____ Yea

_____ Nay

_____ Abstain

_____ Absent

The Board authorizes its Chair/President to sign below, the _____ day of _____, 2020.

_____

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

April 12, 2022

Cynthia Pangborn
17620 Mack, Apt 2,
Grosse Pointe Woods, MI 48230

Re: *Bruetsch v. Pangborn*
Campaign Finance Complaint
No. 2020-10-184-54

Dear Ms. Pangborn:

The Department of State (Department) received a formal complaint filed by Thomas Bruetsch against you, alleging that you violated 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.[1]

The MCFA prohibits a corporation from making a contribution or expenditure that are excluded from the definition of "contribution." 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 monetary value 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).

Corporations are permitted to make independent expenditures under the MCFA, but may not coordinate with the candidate or convey information about the creation or production of the materials. MCL 169.224c. Individuals who knowingly violate or cause a person to violate this section are guilty of a felony punishable up to 3 years imprisonment and/or a fine of not more than $5,000.

[1] Mr. Bruetsch supplied the Department with a mailing address on Holiday Rd. for your committee, and the Department sent a Notice of this complaint to that address on October 29, 2020. Your campaign statements on file with the Wayne County Clerk, however, suggest that you may no longer use that address. As a courtesy, the Department is re-sending this Notice to the new address supplied on your most recent campaign statement.

Mr. Bruetsch alleges that you coordinated with Taxpayers for GP Schools, a registered independent expenditure committee.

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. 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.

A copy of your answer will be provided to Mr. Bruetsch, 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 54 of the Act.

Sincerely,

Adam L.S. Fracassi
Bureau of Elections
Michigan Department of State

c: Thomas Bruetsch

April 21, 2022

Dear Mr. Fracassi,

I have received a letter from your office alleging that I violated the Michigan Campaign Finance Act.

Apparently someone in our condominium complex signed for it, I do not know who. I did not sign it as I was out of town and received and read this Monday April 18, 2022.

I have never heard anything about this complaint prior to April 18, 2022. Never have I been contacted about this matter by mail, phone, electronically or

School Board meetings. I am not, nor do I plan to run in the School Board or any other elected position. I have retired from politics.

I am enclosing a copy of a letter from Wayne County Clerk Cathy M. Garrett and Jennifer Redmond, Deputy Director of Wayne County Elections which shows that any errors have been corrected and my committee dissolved.

I consider this complaint by Mr. Bruetsch harassment.

Sincerely, Cindy Payne-Horn

Office of the County Clerk
Elections Division

Cathy M. Garrett
Wayne County Clerk

January 14, 2022

ID #82-134161
CTE Cynthia Pangborn
17620 Mack Apt. #2
Grosse Pointe Woods, MI 48230

Dear Committee:

This letter is to inform you that on January 14, 2022, the Wayne County Clerk has reconsidered and granted your request for waiver of the late filing fees associated with your July 2021 Quarterly Campaign Statement.

Upon further review of the supporting documentation submitted with your request, the Wayne County Clerk has determined that good cause does exist, and the $500.00 late filing fee has been waived.

On September 21, 2021 a request for dissolution of the candidate committee was submitted to this office for consideration. Due to the above outstanding late filing fees associated with the July 2021 Quarterly Campaign Statement, the request for dissolution could not be granted at that time. Please be advised that with the resolution of this outstanding issue, the request for dissolution has been granted and this resolves the last pending issue associated with the candidate committee.

No further campaign statements or reports are due, and as of this date the candidate committee has been dissolved.

If you have any questions or concerns, please contact this office at the number below.

Thank you,

CATHY M. GARRETT
WAYNE COUNTY CLERK

Jennifer Redmond, Deputy Director
Wayne County Elections

CC. Gil Flowers, Manager, Wayne County Campaign Finance

SCHENK & BRUETSCH

Thomas P. Bruetsch
(313) 774-1000
thomas.bruetsch@SBDetroit.com

February 2, 2021

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

Re: Bruetsch v. Pangborn, No. 2020-10-184-54
Bruetsch v. Nowicki, No. 2020-10-186-54
Bruetsch v. Taxpayers for GP Schools, No. 2020-10-185-54
Bruetsch v. Ismail (number not received yet)

Dear Mr. Fracassi:

This letter is for the primary purpose of notifying the Bureau of Elections of my change of address. My new address is:

Schenk & Bruetsch PLC
211 W. Fort, Suite 1410
Detroit, MI 48226
(313) 774-1000
Thomas.Bruetsch@SBDetroit.com

In addition, I have not received any correspondence on the Pangborn, Nowicki, and Taxpayers matters since your correspondence of October 29, 2020, and I have not received any correspondence at all on my Ismail complaint. I assume that this is because of the tremendous amount of work that the Department and Bureau have accomplished with respect to the election and its aftermath, which is perfectly understandable. However, if you have sent out additional

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

July 29, 2022

Thomas Bruetsch
Schenk & Bruetsch PLC
211 W. Fort, Suite 1410
Detroit, MI 48226

Re: *Bruetsch v. Pangborn*
Campaign Finance Complaint No. 2020-10-184-54

Dear Mr. Bruetsch:

The Department of State received a response from Cynthia Pangborn 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,

Bureau of Elections
Michigan Department of State

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

September 14, 2022

Jean E. Kordenbrock
Attorney for Lauren Nowicki
Fraser Trebilcock Davis and Dunlop, P.C.
124 W. Allegan, Suite 1000
Lansing, MI 48933

Cynthia Pangborn
17620 Mack, Apt 2
Grosse Pointe Woods MI 48230

Taxpayers for GP Schools
2000 Lennon Street
Grosse Pointe Woods, MI 48236

Re: *Bruetsch v. Nowicki, et al*
Campaign Finance Complaint No. 2020-10-186-54

Dear Ms. Kordenbrock, Ms. Pangborn, and Taxpayers for GP Schools:

The Department of State (Department) has finished the investigation regarding the complaint filed by Mr. Thomas Bruetsch, against Lauren Nowicki, Cynthia Pangborn, and Taxpayers for GP Schools, which alleged violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq*.[1] This letter concerns the resolution of the complaint.

The complaint alleged that Nowicki and Pangborn improperly coordinated with Taxpayers for GP Schools (Taxpayers), an independent expenditure committee, on an advertisement published in late September of 2020 that featured information about their candidacy for the Grosse Point Public School System Board of Education. The complaint included Facebook comments Nowicki had posted where she stated that she previewed and gave feedback on the advertisement prior to its publication.

[1] Three complaints were received by the Department. Because each of the complaints involves the same respondents, same evidence, and the same transaction, the Department merged the complaints together for administrative efficiency. However, the Department had extreme difficulty corresponding with the respondents to provide notice of the complaint. The Department also notes that to date, it has not received a response from Taxpayers for GP Schools, and a response to the Complaint was just received from Ms. Pangborn in April 2022 for the first time.

Ms. Nowicki, through counsel, responded to the complaint. In her response, she claimed that she did not coordinate with Taxpayers as defined by the MCFA because she did not solicit the advertisement or provide feedback beyond voicing disapproval to Taxpayers' treasurer. She included an email from October 4, 2020 stating she did not want her name or picture used for any of Taxpayers' advertising. Ms. Pangborn responded to the complaint indicating that the committee was closed and no outstanding issues remained. Taxpayers for GP schools has not responded to the complaint.

Mr. Bruetsch provided a rebuttal statement to Ms. Nowicki's response. In that statement, Mr. Bruetsch emphasized the length of time between the date the advertisement was first published (September 24, 2020), and the date Ms. Nowicki emailed Taxpayers' treasurer that she did not want to be affiliated with their advertisements (October 4, 2020). In that time, the advertisement was published in multiple places, which Mr. Bruetsch suggests would not have occurred without Ms. Nowicki's approval. He notes that Ms. Nowicki provided no record of email communications between herself and Taxpayers between when they first contacted her about the advertisement on September 20, 2020 and her email on October 4th, which was sent after members of the community responded negatively to the advertisement. The Department did not receive a rebuttal to the Pangborn complaint.

To determine whether the Act was violated, the Department must find whether (1) there was express advocacy on behalf of Ms. Nowicki in these materials and, if so, whether (2) Taxpayers for GP Schools and Ms. Nowicki coordinated regarding these materials. The Department assesses each in turn.

First, Taxpayers for GP Schools sponsored and disseminated a mailer and newspaper advertisements featuring three candidates: Lauren Nowicki, Cynthia Pangborn, and Lisa Papas, in the weeks preceding the November 3, 2020 election for trustees of the Grosse Pointe Public Schools System Board of Education.

The sponsor of a campaign ad is required to comply with the registration and disclosure requirements of the MCFA if the ad "support[s] or oppose[s] a … candidate by name or clear inference[,]" or if it contains "express words of advocacy of election of defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for governor,' 'vote against,' 'defeat,' or 'reject.'" MCL 169.206(b), (j). In 2019, the Department made a determination regarding express advocacy in *Daunt v. Build a Better Michigan*, which the Department uses to guide its analysis of the complaint against Ms. Nowicki.

In *Daunt,* the Department concluded that "Gretchen Whitmer | Candidate for Governor" constituted express advocacy. This determination was grounded in the fact that the MCFA includes a nonexclusive list of words and phrases, "such as … 'Smith for governor'[.]" MCL 169.296(2)(j) (emphasis added). Prefacing the list with the words "such as" shows that the drafters of the MCFA did not intend the example list of phrases to be exhaustive. In *Daunt*, the

Department found that the inclusion of the word "candidate" could reasonably be interpreted as advocating for a "clearly identified candidate" for a specific office.

Here, these materials do not constitute issue advocacy, but rather are documents that expressly advocate for the election of Pangborn, Nowicki and Papas under the guise of issue advocacy. "Issue advocacy" is an advertisement that attempts to persuade the audience to support or oppose a particular public policy position or social issue, rather than the election of defeat of a candidate. Genuine issue ads are those which:

> focus on a legislative issue, take a position on the issue, exhort the public to adopt that position, and urge the public to contact public officials with respect to the matter … The ads do not mention an election, candidacy, political party, or challenger; and they do not take a position on a candidate's character, qualifications, or fitness for office.

FEC v. Wis. Right to Life, Inc, 551 US 449, 470 (2007).

The materials here do not focus on a specific issue, but rather urge voters to "bring back excellence into" the GP school system. The materials specifically advocate for Pangborn, Nowicki and Papas by telling voters to call these three candidates and bring back excellence. The materials state: "Call the candidates: Pangborn, Nowicki[,] and Papas." The materials also discuss school reconfiguration plans, which were publicized at Board of Education meetings.[2] Therefore, it can be inferred that a reasonable person would identify Ms. Pangborn, Ms. Nowicki, and Ms. Papas as candidates for the Grosse Pointe Public Schools Board of Education.

The mailer and newspaper advertisements list the candidates' names. While they do state "[l]et's come together for our kids [and] stop the reconfiguration," they also say "[c]all the candidates: Pangborn, Nowicki[,] and Papas and tell them to protect our young children from going into middle school before [sixth] grade." These materials do not solely focus on the issue of school reconfiguration—they urge voters to contact the listed candidates to "bring back excellence" into the GP school system during an election cycle. This could only be interpreted as advocating for the target audience to vote for the listed candidates for the Board of Education, as that would be the only way for voters to enable these candidates to return the school district to excellence.

For the above reasons, a reasonable person reading these materials in their entirety would likely conclude that they expressly advocate for the election of the identified candidates. These materials therefore advocate for the election of clearly identified candidates using express words of advocacy as defined in MCL 169.206(2)(j).

Next, the Department must determine whether these materials constitute independent expenditures made by Taxpayers for GP Schools, a registered 501(c)(4). Corporations may

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[2] *See*, *e.g.,* Mark Hicks, *Grosse Pointe school board rejects push to pause reconfiguration plans*, The Detroit News (Apr. 27, 2020, 11:12 P.M.), https://www.detroitnews.com/story/news/local/wayne-county/2020/04/27/grosse-pointe-schools-district-board-reconfiguration-plan/3034939001/.

make expenditures on behalf of candidates, so long as they qualify as an independent expenditure, meaning there is an absence of cooperation, consultation, or concert between the candidates and the ad sponsor. MCL 169.209(2). However, the independent nature of the expenditure is defeated if the Department concludes that the candidate and the corporate entity coordinated in order to make the expenditure. See MCL 169.224c. Here, the Department determines that based upon the evidence provided, Ms. Nowicki and Ms. Pangborn improperly coordinated with Taxpayers for GP Schools.

On September 20, 2020, John Barlow sent an email to Nowicki and Pangborn, and Monica Palmer (the designated record keeper for Taxpayers for GP Schools). The email subject line reads: "Attached Are The *Revised* Full Page Newspaper Advs. *For Your Review*" (emphasis added). The word "revised" suggests that this was a subsequent email to candidates, rather than an original email. Furthermore, in the body of the email, Mr. Barlow asks the recipients for their "immediate review and approval" for two full page advertisements. Ms. Nowicki says that she "immediately" voiced her disapproval of the ad to Mr. Barlow after his September 20 email, but she failed to provide contemporaneous evidence to support this claim. The emails further show correspondence between the candidates and Barlow regarding the advertisements.

Days after this email from Mr. Barlow, the advertisements were published. One campaign advertisement, published in the September 24, 2020 edition of Grosse Pointe News, listed two high schools and statements about their administrators, such as a "[p]rincipal lacking leadership." This advertisement led to a resolution calling for the censure of Ms. Pangborn, who at that time served on the Board of Education. It also led to discourse on Facebook about the advertisements, and Ms. Nowicki participated in this discourse.

Ms. Nowicki's comments on Facebook indicate that she coordinated with Taxpayers for GP Schools regarding the advertisements. One person asked:

> "Did no one solicit your approval before mailing out an ad in your name and with your photo on it? And did it not cause you to put out a statement of disapproval the very day you became aware of it?"

Ms. Nowicki replied:

> "[T]he truth is they did, and I gave suggestions and in the end they published it with the information they wanted which they are allowed to do."

Another person asked:

> "[D]id this PAC run this ad without input, permission or support from you and the other candidates on it?"

Ms. Nowicki replied:

> "[] I did preview it. And specifically asked that the points identifying the high school admin not be a part of it … I was given a draft of the ad, I shared my concern with them pointing out specific individuals and specifically asked that not be included. Bottom line is they paid[.]"

Ms. Nowicki's responses demonstrates coordination with Taxpayers for GP Schools. Again, corporations are permitted to make independent expenditures under the MCFA, but may not coordinate with the candidate or convey information about the creation or production of the materials. MCL 169.224c. When Ms. Nowicki "gave suggestions" about the ad and "asked" that certain points be excluded, she "request[ed] or suggest[ed] action" she improperly coordinated with an independent expenditure committee. MCL 169.224c(2)(b). Even though Taxpayers for GP Schools did not *use* Ms. Nowicki's suggestions, she nonetheless requested and suggested action.

Ms. Nowicki says that she did not coordinate with Taxpayers for GP Schools, pointing to an October 4, 2020 email. In that email, Ms. Nowicki told Mr. Barlow that "I do not want my name or picture used by your pac for any advertisement." The subject line of that email read, "Further advertisements." She sent this communication after the Board of Education called for Ms. Pangborn's censure on September 28, 2020, which the Grosse Pointe News covered in its October 1, 2020 edition. In totality, it appears Ms. Nowicki wanted to separate herself from the advertisements only *after* public pushback about them.

Similarly, Ms. Pangborn did not respond to the allegations of improper coordination, but given the emails provided to the Department and the resolution from the Grosse Pointe School Board, the Department similarly concludes that Ms. Pangborn improperly coordinated with Taxpayers for GP schools in violation of MCL 169.224c.

The Department has not received any response from Taxpayers for GP Schools to date, but the responses from Ms. Nowicki and Ms. Pangborn likewise provide a basis to conclude that Taxpayers participated in impermissible coordination with the candidates.

Therefore, since the advertisement constitutes express advocacy and the evidence shows there was coordination between the corporation and the candidate directly, the advertisements published constitute improper corporate contributions in violation of section 24b of the Act. Accordingly, the Department concludes that there may be reason to believe that a violation of the Act has occurred.

This letter serves to notify all three parties that the Department has determined there may be reason to believe that they have violated the Act and to notify them that the Department is beginning the informal resolution process. "If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

> (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
> (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation."

MCL 169.215(11).

Please contact the undersigned at BOERegulatory@michigan.gov by February 1, 2023 to discuss a resolution to matter. If the Department is unable to informally resolve the complaint, it will have no choice but to refer the matter to the Department of Attorney General for enforcement of the criminal penalties outlined under section 24b of the Act.

Sincerely,

Adam Fracassi, Regulatory Manager
Regulatory Section
Bureau of Elections
Michigan Department of State

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

In the matter of:

Bruetsch v. Nowicki, et al
Campaign Finance Complaint No. 2020-10-186-54

_____/

CONCILIATION AGREEMENT

Pursuant to MCL § 169.215(10) of the Michigan Campaign Finance Act (the Act), MCL § 169.201 *et seq.*, the Secretary of State and Cynthia Pangborn (the Respondent) hereby enter into a conciliation agreement (the "Conciliation Agreement") with respect to the Secretary of State's allegations of certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that respondent has coordinated with an independent expenditure committee, in violation of section 54.

Without admitting any questions of fact or law, the Respondent hereby voluntarily enters into this Conciliation Agreement.

By executing this Conciliation Agreement, the Respondent certifies that she has paid a conciliation payment in the amount of $521.83 to the State of Michigan.

The Secretary of State and the Respondent certifies that this Conciliation Agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State and the Respondent (or their respective duly authorized representatives).

The Secretary of State and the Respondent further agree that this Conciliation Agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violations reference in this Conciliation Agreement.

The Secretary of State and the Respondent further agree that the investigation that resulted in this Conciliation Agreement is disposed of and will not be the basis of further proceedings, except pursuant to this agreement.

The Secretary of State and the Respondent further agree that the Respondent's performance under this Conciliation Agreement shall be given due consideration in any subsequent proceedings.

The Secretary of State and the Respondent further agree that that this conciliation Agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and the Respondent finally agree that the signatories below are authorized to enter into and bind the parties to this Conciliation Agreement, and have done so by signing this agreement on the date reference below.

[*Signature page follows*]

Signature Page

JOCELYN BENSON
SECRETARY OF STATE

Jonathan Brater
Director, Bureau of Elections

Dated: 02/10/2023

RESPONDENT

Cynthia Pangborn

Cynthia Pangborn or
Authorized Representative

Dated: January 27, 2023