



**Michigan Department of State
Campaign Finance Complaint Form**

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 OCT 13 PM 2:09
ELECTIONS/GREAT SEAL

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

Section 1. Complainant			
Your Name	Bruce Fealk		Daytime Telephone Number
Mailing Address	1494 Oakstone Dr.		
City	Rochester Hills	State	MI
		Zip	48309
Email (optional)	bfealk@gmail.com		

Section 2. Alleged Violator			
Name	Andrew Weaver		
Mailing Address	P.O. Box 70441		
City	Rochester Hills	State	MI
		Zip	48309
Email (optional)	a.weaver@vote4andrew.net		

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

Section(s) of the MCFA alleged to be violated: 169.247

Explain how those sections were violated:

Candidate ran an ad
with no disclosure how
payment was made

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

copy of ad 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

Bruce Deek

Signature of Complainant

10/9/22

Date

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

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

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

X

Signature of Complainant

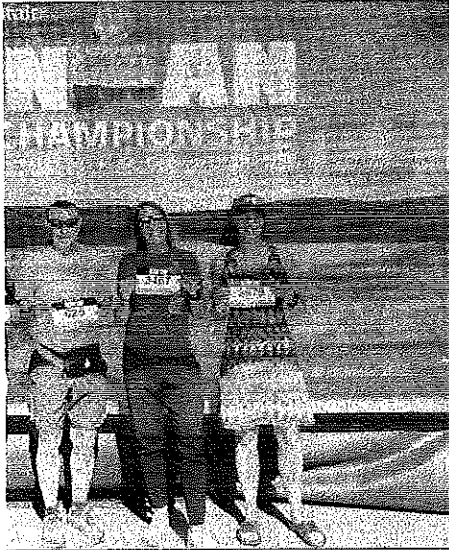
Date

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

Section 6. Submission

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

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



front of the Ironman World Championship sign
 rld Championship. From the left are Jen Hope,
 ara DiLaura and Dominique Rommel.
 3 provided by Dominique Rommel

Ironman

from page 16A

While Hope's competitive energy has made an impact on her children, she's also made a significant impact on the lives of other children as well.

Hope, a foster child herself, has worked with Champ Life, a nonprofit in St. Clair Shores, to raise money for foster children and attend a camp to speak

and participate with the children as well.

"I got to go to this camp and interact with these kids, and it's crazy, because I was a foster kid and got to have this amazing opportunity."

Hope finished the ironman with a 15:41:59 time while DiLaura finished with a 16:34:46 time.

Whether it's motherhood, a full-time job, or both, the women find a way to stick to a routine practice schedule.

See IRONMAN on page 23A

ent & Garage Floor Coatings that l epoxy into a thing of the past

the latest superior garages that cement re-lifetime. Their office is located in downtown Birmingham, across from Mills Pharmacy. Call them for a home estimate today at 248-227-9786 or visit comer-crossconcretecoatings.com

ER & CROSS & BASEMENT COATINGS

he Old Epoxy!



- Slip Resistant
- Zero VOC (Volatile organic compounds)
- Superior Coating - Lasts 15 Years to Lifetime of Home!

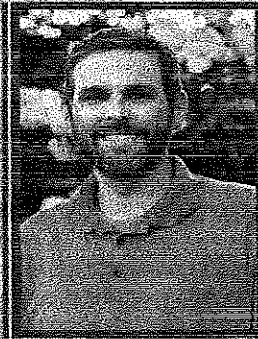
248-227-9786

CrossGarage.com

0331-2241

VOTE NOVEMBER 8, 2022

ROCHESTER COMMUNITY SCHOOLS BOARD OF EDUCATION CANDIDATES



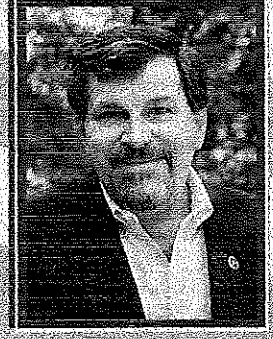
**Andrew
 Weaver**

<https://vote4andrew.net>



**Carol Beth
 Litkouhi**

<https://carolbethforourkids.com>



**Dennis
 Talluto**

<https://dennisforrochesterschoolboard.com>

Committed to...

- ✓ Restoring collaboration between parents, BOE, admin & teachers
- ✓ Stopping the WOKE agenda in our schools
- ✓ Prioritizing safety & security in our buildings
- ✓ Providing transparent policies that rebuilds trust for parents & empowers teachers



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

October 17, 2022

Andrew Weaver
P.O. Box 70441
Rochester Hills, MI 48309

Re: *Fealk v. Weaver*
Campaign Finance Complaint No. 2022 - 10 - 146 - 47

Dear Ms. Vaughn:

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

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

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

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

Andrew Weaver

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

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

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

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure
c: Bruce Fealk

MDOS-BOERegulatory

From: Andrew Weaver <A.Weaver@vote4andrew.net>
Sent: Thursday, January 5, 2023 8:37 AM
To: MDOS-BOERegulatory
Cc: bfealk@gmail.com
Subject: Campaign Finance Complaint

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

Andrew Weaver

PO Box 70442

Rochester Hills, MI 48308

Jocelyn Benson

Secretary of State

Department of State

State of Michigan

Lansing, MI 48918

Dear Ms. Benson,

I never received a notice of this campaign finance complaint, regarding an ad that I did not place in the Rochester Post. Mr. Fealk filed it under the wrong address. He used PO Box 70441 and Vote for Andrew Weaver is PO Box 70442.

Dennis Talluto and Carol Beth Litkouhi both contacted me and told me that they had received this complaint. Please see his message below.

I did not create or place the ad referenced - it is not part of my campaign. I learned that some supporters placed the ad, and the Rochester Post mistakenly cut off the "paid for" disclosure when they first ran the ad on October 6, 2022. Because they made a mistake, the Rochester Post agreed to re-run the ad for free on October 13, 2022, as a courtesy to the supporters.

I'm sure the Rochester Post can provide more verification if needed. I have provided some pictures of the ads. Please let me know if there is anything else I need to do to clear up this matter.

I have included, "Paid for by Vote 4 Andrew Weaver PO Box 70442 Rochester Hills, MI 48308" on all of my written campaign materials.

I am requesting the Warning that was issued be removed as there was no way for me to provide this information before the decision was made.

Thank you!

Sincerely,

Andrew Weaver

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:69eddef0-c92e-3f4a-a316-b66adb6bf33f>
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<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:7058c215-632b-457d-a1cb-e4769e487ebf>
<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Facrobat.adobe.com%2Flink%2Freview%3Furi%3Durn%3Aaaid%3Aacds%3AUS%3A7058c215-632b-457d-a1cb-e4769e487ebf&data=05%7C01%7CMDOS-BOERegulatory%40michigan.gov%7C6d4acd6b7bec4cf05c8508daef21f28e%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C638085226819837263%7CUnknown%7CTWFpbGZsb3d8eyJWljoImMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=TaC4rw75KF%2Bv80LKVz97bp6sdBC%2FU9nV%2FYee8Ut5QO4%3D&reserved=0>>

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:d5029e05-7a17-4602-94c7-b60452e6e3fd>
<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Facrobat.adobe.com%2Flink%2Freview%3Furi%3Durn%3Aaaid%3Aacds%3AUS%3Ad5029e05-7a17-4602-94c7-b60452e6e3fd&data=05%7C01%7CMDOS-BOERegulatory%40michigan.gov%7C6d4acd6b7bec4cf05c8508daef21f28e%7Cd5fb7087377742ad966a892ef47225d1%7C0%7C0%7C638085226819837263%7CUnknown%7CTWFpbGZsb3d8eyJWljoImMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C2000%7C%7C%7C&sdata=B9aSOAW%2Bo9TAgTWsmMZgydtPzXlhQC8IM03vgmUpYHY%3D&reserved=0>>

Sent from Proton Mail for iOS



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

March 1, 2023

Andrew Weaver
P.O. Box 70442
Rochester Hills, MI 48309

Via email

Re: *Fealk v. Weaver*
Campaign Finance Complaint No. 2022-10-146-47

Dear Mr. Weaver:

The Department of State (Department) is in receipt of your January 5, 2023 email response regarding the complaint filed against you by Bruce Fealk, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act).

The complaint alleged that you and two other candidates ran an advertisement without including the required disclosure of the name and address of the person paying for the advertisement. Initially, the Department determined that there was reason to believe that that a violation had occurred and issued a warning to all three on October 17, 2022.

Subsequently, the other two candidates responded claiming that they did not place or pay for the advertisement in question, and that it was instead paid for by their supporters. They went on to state that the disclosure was mistakenly cut off of the advertisement by the newspaper, the Rochester Post, and that the newspaper re-ran the advertisement—including the disclosure—free of charge to correct the mistake. Finally, they submitted copies of the advertisements that ran in the newspaper on October 6, 2022 and October 13, 2022. Accordingly, the Department retracted its warning to the other two candidates.

Because the Department did not receive a response from you, the Department's warning to you was posted to its website in accordance with the Act. MCL 169.215(10). However, in your January 5 email you explain that the address indicated on the complaint as the address for your campaign committee was incorrect, and that you did not receive the warning. You further state that, as was the case for the other two candidates, the advertisement was not placed by you and the disclosure was inadvertently cut off.

Andrew Weaver

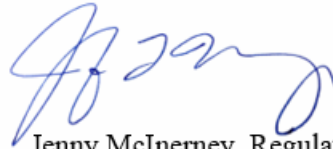
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Unfortunately, your email was sent to the Department's junk mail folder and was only discovered on February 28, 2023.

Upon review of the evidence submitted in this matter, the Department finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. The October 13, 2022 advertisement submitted by you does include a disclosure that the advertisement was paid for by Baggot and Fashho, PIC. While the advertisement does not show an address, that omission is not on your part.

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

Sincerely,

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

Jenny McInerney, Regulatory Attorney
Bureau of Elections
Michigan Department of State

c: Bruce Fealk