

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

2019 JAN 20 AM 9:45

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	Paul Foust	Daytime Telephone Number 269-370-2185
Mailing Address	8561 E D Ave	
City	State	Zip
Richland	MI	49083

Section 2. Alleged Violator		
Name	Susan Miller	
Mailing Address	9191 W S Ave	
City	State	Zip
Schoolcraft	MI	49087

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

Section(s) of the MCFA violated:

21 + 24

Explain how these sections were violated:

According to the Kalamazoo County Clerk, Susan Miller has held elected office as KVCC Trustee since 2003 having never filed a single campaign finance-related document with the County. No Statement of Organization is on file for her.

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

Kalamazoo County Clerk, FOIA Request/Denial  
#19-0006, dated 17 Jan 2019.

**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

*Paul Zint*

Signature of Complainant

*1-20-19*

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



Warpfactor 23 &lt;warpfactor23@gmail.com&gt;

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**FOIA REQUEST 19-0006**

1 message

FOIA &lt;foia@kalamazoo.com&gt;

Thu, Jan 17, 2019 at 9:12 AM

To: "warpfactor23@gmail.com" &lt;warpfactor23@gmail.com&gt;

Dear Paul Froust:

We have reviewed your request submitted pursuant to the Michigan Freedom of Information Act received by Kalamazoo County on January 14, 2019 as:

*"Electronic copies of all Campaign Finance documents filed between 1/1/2003 and 1/13/2019 by the following elected officials: Julia C. Buck (KVCC Trustee) & Susan Miller (KVCC Trustee)."*

Your request is **DENIED** under authority of MCL 15.235(1)(b) [*Records Do Not Exist*] for the reason that the public records do not exist under the name given or by another name reasonably known to the County of Kalamazoo.

**CERTIFICATION OF NON-EXISTANCE:** The undersigned does hereby certify that an attempt has been made to locate the above-described documents and such does not exist or cannot be located using the description provided. The Clerk's Office advises that they are reaching out to the individuals named in your request and have requested those records. Once received, those documents will be posted online.

Michigan law provides you the ability to appeal the denial of your request. A copy of Section 10 of the Michigan FOIA statute is enclosed.

Sincerely,

**Zack Hunkins**



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

January 28, 2019

Susan Miller  
9191 West S Avenue  
Schoolcraft, Michigan 49087

Re: *Foust v. Miller*  
Campaign Finance Complaint  
No. 2019-01-03-21

Dear Ms. Miller:

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

Section 21 requires a candidate to form a candidate committee within 10 days of becoming a candidate. MCL 169.221(1). Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A candidate who fails to form a candidate committee within 10 days is subject to a civil fine up to \$1,000. MCL 169.221(13). A candidate who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

Mr. Foust alleges that you have held office since 2003 but have failed to file a statement of organization.

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. **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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a

Susan Miller  
January 28, 2019  
Page 2

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. Foust, 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 24(1) of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi". The signature is written in a cursive style with a large, sweeping initial "A".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Paul Foust

Susan L. Miller  
9191 West S Avenue  
Schoolcraft, MI 49087

RECEIVED ON FEB  
2019 FEB 20 AM 9:39  
MICHIGAN  
MICHIGAN

February 11, 2019

Mr. Adam Fracassi  
Department of State  
Bureau of Elections  
Richard H. Austin Building  
1<sup>st</sup> Floor  
430 W. Allegan Street  
Lansing, MI 48918

RE: Your Letter Dated January 28, 2019  
Foust v. Miller  
Campaign Finance Complaint  
No. 2019-01-03-21

Dear Mr. Fracassi:

This letter is in response to the above referenced letter I received on February 2, 2019.

As of this date, I have filed my Statement of Organization with the County Clerk's office and paid the necessary late filing fee. (A copy of said statement filed with the County Clerk's office is attached)

This was an oversight. I never intended to receive, or did receive any campaign money, or spend any money, as I sought election, or re-election, on the Kalamazoo Valley Community College Board of Trustees.

I hope this will fulfill the requirements as stated in your letter.

Thank you.

Sincerely,



Susan L. Miller

Attachment



1. Committee ID: <b>55413</b>	*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:	Eff. Date: <b>2/8/19</b>
*3. Full Name of Committee (must include Candidate's first and last name): <b>Friends of Susan Miller</b>		
*4a. Candidate Full Name: Last Name <b>Miller</b>	First Name <b>Susan</b>	M.I. <b>L</b>
*4b. Political Party (if applicable):	*4c. County of Residence:	COUNTY OF KALAMAZOO 2019 FEB - 8 AM 8:29 RECEIVED
*4d. Office Sought: <b>KVCC Trustee</b>	*4e. District or Jurisdiction:	
*5. Date Committee was Formed: <b>2005</b>		
*6a. Committee Phone: <b>269-668-4123</b>	6b. Committee Fax #:	
*6c. Committee Email Address: <b>SIMILL9191@aol.com</b>	6d. Committee Website Address:	
*7a. Complete Committee Mailing Address (May be PO Box): <b>9191 W. S Avenue, Schoolcraft, MI 49087</b>		
*7b. Complete Committee Street Address (May not be PO Box):		
*8. Treasurer Name and Complete Residential Address: <b>Susan L. Miller, 9191 W. S. Avenue, Schoolcraft, MI 49087</b>		
Phone #: <b>269-668-4123</b>	Email Address: <b>SIMILL9191@aol.com</b>	
9. Designated Record Keeper Name and Complete Address:		
Phone #:	Email Address:	
*10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, 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.  <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. 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 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 be opened until the first contribution is received. *Official Depository (name and address):  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, 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:	Date: <b>2/8/19</b>	*Current Treasurer Date:
*Designated Record Keeper (If Applicable)	Date:	



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

February 21, 2019

Paul Foust  
8561 E D Ave  
Richland, MI 49083

Dear Mr. Foust:

The Department of State received a response to the complaint you filed against Susan Miller, 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Susan Miller



Susan L. Miller  
9191 West S Avenue  
Schoolcraft, MI 49087

RECEIVED  
2019 FEB 20 AM 9:39

February 11, 2019

Mr. Adam Fracassi  
Department of State  
Bureau of Elections  
Richard H. Austin Building  
1<sup>st</sup> Floor  
430 W. Allegan Street  
Lansing, MI 48918

RE: Your Letter Dated January 28, 2019  
Foust v. Miller  
Campaign Finance Complaint  
No. 2019-01-03-21

Dear Mr. Fracassi:

This letter is in response to the above referenced letter I received on February 2, 2019.


As of this date, I have filed my Statement of Organization with the County Clerk's office and paid the necessary late filing fee. (A copy of said statement filed with the County Clerk's office is attached)

This was an oversight. I never intended to receive, or did receive any campaign money, or spend any money, as I sought election, or re-election, on the Kalamazoo Valley Community College Board of Trustees.

I hope this will fulfill the requirements as stated in your letter.

Thank you.

Sincerely,



Susan L. Miller

Attachment



MICHIGAN DEPARTMENT OF STATE  
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED  
STATEMENT OF ORGANIZATION FORM FOR LOCAL CANDIDATE COMMITTEES FILED WITH A COUNTY CLERK  
Information on this form is made public.

1. Committee ID: <b>55413</b>		*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:		Eff. Date: <b>2/8/19</b>
*3. Full Name of Committee (must include Candidate's first and last name): <b>Friends of Susan Miller</b>				
*4a. Candidate Full Name: Last Name <b>Miller</b>		First Name <b>Susan</b>		M.I. <b>L</b>
*4b. Political Party (if applicable):		*4c. County of Residence:		COUNTY OF KALAMAZOO RECEIVED 2019 FEB -8 AM 8:29
*4d. Office Sought: <b>KVCC Trustee</b>		*4e. District or Jurisdiction:		
*5. Date Committee was Formed: <b>2005</b>		6b. Committee Fax #:		
*6a. Committee Phone: <b>269-668-4123</b>		6d. Committee Website Address:		
*6c. Committee Email Address: <b>SIMILL9191@aol.com</b>				
*7a. Complete Committee Mailing Address (May be PO Box): <b>9191 W. S Avenue, Schoolcraft, MI 49087</b>				
*7b. Complete Committee Street Address (May not be PO Box):				
*8. Treasurer Name and Complete Residential Address: <b>Susan L. Miller, 9191 W. S. Avenue, Schoolcraft, MI 49087</b>				
Phone #: <b>269-668-4123</b>		Email Address: <b>SIMILL9191@aol.com</b>		
9. Designated Record Keeper Name and Complete Address:				
Phone #:		Email Address:		
*10. REPORTING WAIVER REQUEST: <input checked="" type="checkbox"/> YES, I/We WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to receive or expend in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or received in excess of \$1,000.00 in an election, 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.  <input type="checkbox"/> NO, I/We DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to receive or expend in excess of \$1,000.00 in an election. 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 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.				
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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, 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:		Date: <b>2/8/19</b>		*Current Treasurer Date:
*Designated Record Keeper (If Applicable)				Date:



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

May 8, 2019

Susan Miller  
9191 West S Avenue  
Schoolcraft, Michigan 49087

Re: *Foust v. Miller*  
Campaign Finance Complaint  
No. 2019-01-03-21

Dear Ms. Miller:

The Department of State (Department) has concluded its investigation into the formal complaint filed by Paul Foust against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the resolution of the complaint.

Mr. Foust filed his complaint with the Department on January 24, 2019 and alleged that you have held elected office as Kalamazoo Valley Community College Trustee since 2003 and you failed to file a statement of organization and any related documents. As evidence to his complaint, Mr. Foust submitted a copy of a FOIA request sent to the Kalamazoo County Clerk's Office. The Department notified you of its intent to investigate the complaint by letter dated January 28, 2019 and sent you a copy of the complaint and the evidence.

By letter dated February 11, 2019, you responded to the complaint and indicated that you have since filed your Statement of Organization with the County Clerk's office and paid the late filing fee. You indicated that it was an oversight and that you did not receive or spend any money as you sought election or re-election. The Statement of Organization also states that you requested and were approved for a reporting waiver.

By letter dated February 21, 2019, the Department mailed a copy of your response to Mr. Foust and notified him of his right to file a rebuttal. To date, no rebuttal has been received.

Section 21 requires a candidate to form a candidate committee within 10 days of becoming a candidate. MCL 169.221(1). Section 24 requires committees to file a statement of organization with the proper filing official within 10 days after the committee is formed. MCL 169.224(1). Section 24 details specific requirements for all statement of organizations that must be filed. See MCL 169.224(2)-(3). A candidate who fails to form a candidate committee within 10 days is subject to a civil fine up to \$1,000. MCL 169.221(13). A candidate who fails to file a statement of organization shall pay a late filing fee of \$10.00 per business day the report isn't filed not to

Susan Miller  
May 8, 2019  
Page 2

exceed \$300. MCL 169.224(1). A person failing to file a statement of organization after 30 days, is guilty of a misdemeanor punishable by a fine up to \$1,000.

Upon review, the Department determines that the evidence submitted supports the conclusion that a potential violation of the MCFA has occurred. The MCFA requires a statement of organization be filed within 10 days of the candidate forming a campaign committee, and the committee must be formed within 10 days of becoming a candidate. Based upon the evidence submitted and your admission, no statement of organization was filed until February 8, 2019 – after the filing of this complaint.

Therefore, because you failed to timely file a statement of organization, the Department determines that a potential violation of the MCFA has occurred. Upon reaching this conclusion, the Department is required 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 of prevent further violation [.]” *Id.*

The Department notes that as part of your response, you filed the statement of organization and have paid the maximum late filing fee of \$300. The Department has reviewed this statement and is satisfied that you have come into compliance with the MCFA. Therefore, the Department determines that this formal warning is a sufficient resolution to the complaint.

The Department his hereby advising you that sections 24 and 33 require you to file certain campaign finance reports with the county by specific deadlines. Although you currently have a reporting waiver, be advised that should you exceed the \$1,000 threshold, you will be required to file reports as outlined by the Act.

Please be advised that this notice has served to remind you of your reporting obligations under the Act and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. The Department now considers the instant matter closed and will take no further action against you at this time.

Sincerely,



Adam Fracassi  
Bureau of Elections  
Michigan Department of State

c: Paul Foust