



Michigan Department of State
Campaign Finance Complaint Form

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 OCT 28 PM 2:00

THU OCT 27 2022 10:00 AM

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 <i>OPAL LOVELAND- FEARON</i> | | Daytime Telephone Number <i>734 500 8367</i> | |
| Mailing Address <i>29155 Barton</i> | | | |
| City <i>Garden City</i> | State <i>MI</i> | Zip <i>48135</i> | |
| Email (optional) <i>olovelandfearon@aol.com</i> | | | |

| Section 2. Alleged Violator | | | |
|--|--------------------|---------------------|--|
| Name <i>Randy Walker</i> | | | |
| Mailing Address <i>6249 Deering</i> | | | |
| City <i>Garden City</i> | State <i>MI</i> | Zip <i>48135</i> | |
| Email (optional) | | | |

| 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 has sent out 2 campaign cards neither of which have the required authentication of "paid for ~~by~~ with regulated funds" printed on them. The 1st mailing carries use of the Garden City logo. I understand

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

a third card is coming. See enclosed B/W copies of the cards. 2nd card has candidate's name & address but lacks the "paid for..." requirement.

Section 4. Certification (Required)

I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.

X

[Signature]
Signature of Complainant

10/25/22
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

printed
10/25/22

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

169.247 Printed matter or radio or television paid advertisement having reference to election, candidate, or ballot question; name and address; identification or disclaimer; size and placement; rules; exemption; statement that payment made "with regulated funds"; communication exempted under section 6(2)(j); violation as misdemeanor; penalty; prerecorded telephone message.

Sec. 47.

(1) Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter. Except as otherwise provided in this subsection and subsection (5) and subject to subsections (3) and (4), if the printed matter relating to a candidate is an independent expenditure that is not authorized in writing by the candidate committee of that candidate, in addition to the identification required under this subsection, the printed matter shall contain the following disclaimer: "Not authorized by any candidate committee". An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee. This subsection does not apply to communications between a separate segregated fund established under section 55 and individuals who can be solicited for contributions to that separate segregated fund under section 55.

(2) A radio or television paid advertisement having reference to an election, a candidate, or a ballot question shall identify the sponsoring person as required by the Federal Communications Commission, bear an identification that contains the name of the person paying for the advertisement, and be in compliance with subsection (3) and, except as otherwise provided by subsection (5), with the following:

(a) If the radio or television paid advertisement relates to a candidate and is an independent expenditure, the advertisement shall contain the following disclaimer: "Not authorized by any candidate".

(b) If the radio or television paid advertisement relates to a candidate and is not an independent expenditure but is paid for by a person other than the candidate to which it is related, the advertisement shall contain the following disclaimer:

"Authorized by.....".

(name of candidate or name of candidate committee)

(3) The size and placement of an identification or disclaimer required by this section shall be determined by rules promulgated by the secretary of state. The rules may exempt printed matter and certain other items such as campaign buttons or balloons, the size of which makes it unreasonable to add an identification or disclaimer, from the identification or disclaimer required by this section.

(4) Except for a communication described in subsection (5) and except for a candidate committee's printed matter or radio or television paid advertisements, each identification required by this section shall also indicate that the printed matter or radio or television paid advertisement is paid for "with regulated funds". Printed matter or a radio or television paid advertisement that is not subject to this act shall not bear the statement required by this subsection.

(5) A communication otherwise entirely exempted from this act under section 6(2)(j) is subject to both of the following:

(a) Must contain the identification required by subsection (1), (2), or (7) if that communication references a clearly identified candidate or ballot question within 60 days before a general election or 30 days before a primary election in which the candidate or ballot question appears on a ballot and is targeted to the relevant electorate where the candidate or ballot question appears on the ballot by means of radio, television, mass mailing, or prerecorded telephone message.

(b) Is not required to contain the disclaimer required by subsection (1) or (2).

(6) A person who knowingly violates this section is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 93 days, or both.

(7) A prerecorded telephone message that in express terms advocates the election or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a ballot question, shall bear an identification that contains the name and telephone number, address, or other contact information of the person paying for the prerecorded telephone message, and shall be in compliance with subsection (4). A prerecorded telephone message subject to this subsection is not required to contain a disclaimer.

History: 1976, Act 388, Eff. June 1, 1977 ;-- Am. 1978, Act 348, Imd. Eff. July 12, 1978 ;-- Am. 1996, Act 225, Imd. Eff. May 30, 1996 ;-- Am. 2001, Act 250, Eff. Mar. 22, 2002 ;-- Am. 2012, Act 277, Imd. Eff. July 3, 2012 ;-- Am. 2013, Act 252, Imd. Eff. Dec. 27, 2013 ;-- Am. 2015, Act 269, Imd. Eff. Jan. 6, 2016

Compiler's Notes: Section 2 of Act 225 of 1996, which amended this

RE-ELECT RANDY WALKER! VOTE WALKER FOR MAYOR ★ ON NOVEMBER 8TH ★



- Garden City Kiwanian
- Lifelong Garden City Resident
- Raised & Educated in Garden City
- USAF Veteran
- Former Garden City Police Reserve Officer
- Liaison for Planning Commission
- Member of the DDA
- Lead Garden City with Professional Oversight & Governance
- Supported Road Construction Throughout Garden City
- Invested Into Code Compliance to Clean Up Blight In Our City

- Supporter of Our Seniors, Veterans & Military Families
- Always Voted to Support Our Employees, Especially Public Safety
- Have Made & Kept Garden City Financially Secure!!



Randy Walker
6249 Deering Street
Garden City, MI 48135

PSRT STD
U.S. POSTAGE
PAID
PERMIT 487
DEARBORN, MI

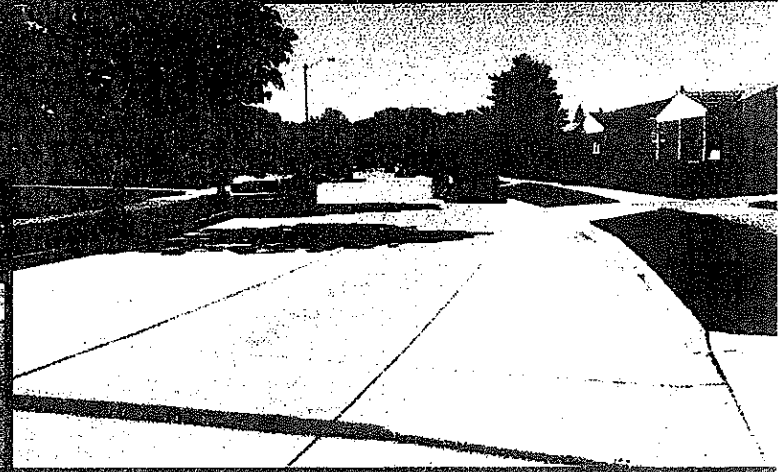
Voters at:
29155 Barton St
Garden City MI 48135-2709

2nd mailing

green gold white



RE-ELECT MAYOR RANDY WALKER PROVEN, POSITIVE LEADERSHIP GARDEN CITY - NOVEMBER 8TH



Let's Keep The Progress Going!!!

RE-ELECT RANDY WALKER VOTE WALKER FOR MAYOR ★ ON NOVEMBER 8TH ★



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- Supported Road Construction Throughout Garden City
- Invested Into Code Compliance to Clean Up Blight In Our City
- Supporter of Our Seniors, Veterans & Military Families
- Always Voted to Support Our Employees, Especially Public Safety
- Have Made & Kept Garden City Financially Secure!!

*****AUTO**5-DIGIT 48135 5915 5 5

Or Current Resident

Garden City MI 48135-2709



1st mailing - red / white / blue

PSRT STD
U.S. POSTAGE
PAID
PERMIT #87
DEARBORN, MI

**RE-ELECT
MAYOR RANDY WALKER
PROVEN, POSITIVE LEADERSHIP**

GARDEN CITY - NOVEMBER 8TH

“Keep Garden City strong with proven, positive leadership & continue to make our city a great place to call home”



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

November 21, 2022

Randy Walker
6249 Deering
Garden City, MI 48135

Re: *Loveland-Fearon v. Walker*
Campaign Finance Complaint No. 2022 - 11 - 180 - 47

Dear Mr. Walker:

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 campaign mailers. Pictures were 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.*

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. It should be pointed out, the “paid for with regulated funds” is used by Political Action Committees and Ballot Question Committees and not candidate committees.

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

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

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure
c: Opal Loveland-Fearon