

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			35 65 85		
Your Name		Daytime Telephone Nu	mber		
Aaron Martinez		(248) 672-880	7		
Mailing Address					
31168 Shorecrest Drive, # 28308					
City	State	Zip			
Novi Email (optional)	MI	48377	***************************************		
Email (optional)					
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Section 2 Allowed Welstern			Ç		
Section 2. Alleged Violator			=1	2	<u> </u>
Morgan Colo for 30th Circuit Court, Judgo			<u></u>	<u>5</u>	or age
Morgan Cole for 30th Circuit Court Judge Mailing Address			×	<u> </u>	
4449 Alderwood Drive			8	T	إنحص
City	State	Zip			9
Okemos	МІ	48864	Ç.	i.	STAT
Email (optional)	1411	1 70007		Ö	Ħ
		17707WHB4HIAM.			
Section 3. Allegations (Use additional sheets if more	space is needed.)				
					311000011071000
Section(s) of the MCFA alleged to be violated: Section	on 57; MCL 169).257			
Explain how those sections were violated:					
Explain now those sections were violated.					
See Attachment.					
Paddana in India India India India		**			
Evidence included with the submission of the complaint	t at supports the	ie allegations:			
See attachment with submitted evidence.					

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	Com Mhustimp	August 25, 2022
	Signature of Complainant	Date
Section	5. Certification without Evidence	e (Supplemental to Section 4)
If, after a contentio	reasonable inquiry under the circumstants are supported by evidence as indicated	ances, you are unable to certify that certain factual ted above, you may make the following certification:
g c	certify that to the best of my know, rounds to conclude that the follow ontentions are likely to be supportently for further inquiry. The	ed by evidence after a reasonable
_		
x	Signature of Complainant	Data
responsib \$1,000.00	5(8) of the MCFA provides that a pele for a civil violation of the MCFA.	erson who files a complaint with a false certification is The person may be required to pay a civil fine of up to rred by the Michigan Department of State and the alleged aplaint.

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

Attachment to Campaign Finance Complaint Form

Upon the best of my knowledge, information, and belief, I, **Aaron Martinez** (Complainant), allege the following violations of the Michigan Campaign Finance Act (MCFA or "the Act"), MCL 169.201, et seq., against **Morgan Cole for 30**th **Circuit Court Judge** ("the Committee").

Section 3: Allegations:

Allegation 1: Use of Publicly Owned Equipment

- The Committee is organized pursuant to MCL 169.221 in support of Morgan Cole's candidacy for the Ingham County Circuit Court.
- Candidate Cole is presently employed by Ingham County, a public body under Section 11 of the Act. Candidate Cole serves as the Ingham County Probate Court Administrator. See Ingham County Probate Court Website attached as Exhibit
 1.
- 3. Ryan Buck is the Committee's Treasurer pursuant to Section 21(2) of the Act. See the Committee's Campaign Finance Statement of Organization (Committee ID: 519752).
- 4. Mr. Buck is employed by Ingham County and is an elected Trustee of the Lansing Community College, a public body under Section 11 of the Act. See Mr. Buck's official biography attached as Exhibit 2
- 5. Upon information and belief, Konica Minolta is an IT/printing vendor for both Ingham County and Lansing Community College. See Ingham County Resolution attached as Exhibit 3; See also Lansing Community College 2020 Environmental Policy attached as Exhibit 4.

- 6. Konica Minolta provides printing and scanning equipment to businesses, governmental bodies, and other enterprises. The company does not provide equipment to the average consumer. See Konica Minolta website attached as Exhibit 5.
- 7. Documents scanned by Konica Minolta devices are converted into PDF files and embedded with metadata which can be linked back to the device, as well as with metadata providing date and time stamps.
- 8. This metadata is visible to users who access the document.
- 9. Frequently, documents scanned within the offices of Ingham County's courts and offices are embedded with this metadata. See 2020 Ingham County Law and Court document metadata, attached as Exhibit 6.
- 10. Upon information and belief, the Bureau of Elections does not use Konica Minolta devices. See Metadata from scanned petition documents provided by the Bureau, attached as Exhibit 7. No Konica Minolta metadata is present.
- 11. On April 25, 2022, the Committee submitted a petition challenge to the Bureau of Elections ("the Challenge").
- 12. The Challenge document contained metadata from a Konica Minolta scanning device. See metadata attached as Exhibit 8.
- **13.**The professional device on which the document was created is a Konica Minolta bizhub 754e. See Fact Sheet **attached as Exhibit 9.**
- 14. This device is a high volume printer and scanner of the same sort used by Ingham County. See metadata from Ingham County Citizens Guide, **attached as Exhibit**10.

- 15. The document's metadata indicates that the Challenge was scanned and created on April 25, 2022 at 14:15:31 (2:15PM). ¹
- 16. The Challenge was signed by Candidate Cole and notarized by Mr. Buck.
- 17. Ingham County and Lansing Community College offices were open for public business on April 25, 2022 at 2:15PM.
- 18. Upon information and belief, the evidence appears to indicate that the Challenge submitted by the Committee was prepared and submitted using equipment owned and maintained by either Ingham County or Lansing Community College, and potentially while on Ingham County time.
- 19. The Bureau has previously held that use of equipment for submitting documents on behalf of a candidate violates Section 57 of the Act. See Cynthia Churches v Robert Gatt, 2015, attached as Exhibit 11.
- 20. For the same reasons set forth by the Bureau in *Gatt*, the Committee has violated Section 57 of the Act.

Allegation 2: Use of Ingham County Facilities

- 21. Candidate Cole engaged in a campaign photo shoot inside of a courtroom of the Ingham County Circuit Court. See Cole Campaign Photos attached as Exhibit 12.
- 22. The Ingham County Circuit Court is a public body and engaged in governmental functions pursuant to Section 11 of the Act.
- 23. Section 57 prohibits public bodies from allowing the use of property to provide contributions to a candidate for public office.

¹ The exact metadata reads "KM_754e-20220425141531" – indicating the machine type and the date/time in the following format: YYYYMMDDHHMMSS (HHMMSS means Hours, Minutes, Seconds of the time it was created)

- 24. "Contribution" is defined in Section 4 of the Act, in part, as "anything of ascertainable monetary value to a person, made for the purpose of influencing the...election of a candidate..."
- 25. "Expenditure" is defined in Section 6 of the Act, in part, as "donation...or anything of ascertainable monetary value for...**facilities** in assistance of...the...election of a candidate."
- 26. The photoshoot which occurred within the Ingham County Circuit Court facilities happened with the intention of influencing Candidate Cole's election, and also incurred costs to Ingham County taxpayers in the form of lighting and utilities.
- 27. Enacting section 1 of Act 31 of 2012 provides: "It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."
- 28. Therefore, Candidate Cole's photoshoot within the Ingham County Circuit Court violated Section 57 of the Act.

Section 3: Evidence

I hereby state that to the best of my knowledge, information, and belief, the following exhibits support the preceding allegations:

- 1. Exhibit 1: Ingham County Probate Website
- 2. Exhibit 2: Biography from Trustee Ryan Buck
- 3. Exhibit 3: Ingham County Board of Commissioners Resolution
- 4. Exhibit 4: Environmental Purchasing Policy of Lansing Community College

- 5. Exhibit 5: Konica Minolta website (www.konicaminolta.us)
- 6. Exhibit 6: Metadata from "Ingham County Law & Courts"
- 7. Exhibit 7: Metadata from Bureau's Scanned Petitions
- 8. Exhibit 8: Metadata for the Challenge
- 9. Exhibit 9: Konica Minolta 754e device fact sheet
- 10. Exhibit 10: Document metadata for "2020 Ingham County Citizens Guide"
- 11. Exhibit 11: Churches v Gatt
- 12. Exhibit 12: Photoshoot Photos
- 13. An attempt to obtain timecard and printer records from Ingham County was denied pursuant to the Freedom of Information Act. See FOIA Response attached as Exhibit 13. Therefore, Ms. Cole and Mr. Buck are the only individuals who have an ability to shed light on their activities on April 25, 2022. They should promptly do so with full transparency.

EXHIBIT 1

Probate Court



Conserv



Decease Estates Trusts



Guardiai



Mental Health Information

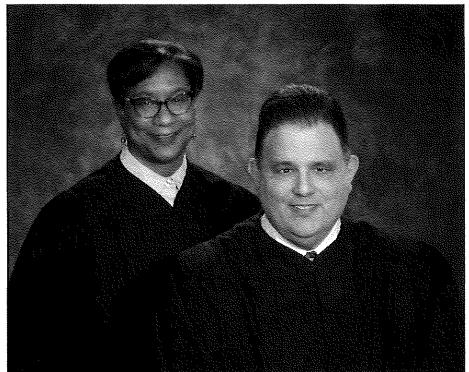
Ingham County Probate Court

MILITARY SERVICE?

There may be benefits and resources available to help you through your current situation.

Call 1-800-MICH-VET or visit Michigan.gov/MVAA





The Probate Court administers the filing and safe keeping of wills, probating of decedent estates, trusts, appointment and supervision of guardians and conservators over minors, adults, and developmentally disabled individuals, and processing mental health matters.



Morgan E. Cole
Court Administrator & Probate Register
Email the Court Administrator/Probate Register

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ANSING COMMUNITY COLLEGE

Search LCC

COMMUNITY

CAMPUS LIFE

SMOISSIMON ACADEMICS

RAN BCK, CFE

trips across the country. Later, Ryan graduated from Michigan State mother has continuously owned and operated a small convenience A lifelong Michigander, Ryan grew up in the rural, mining region of Science and European Studies. There, he took up leadership roles with the Siblings Weekend program and led issue-based service the central Upper Peninsula. He is the product of a middle class University, earning a Bachelor's Degree, cum laude, in Political family-his father spent 30 years in the UP's iron mines and his University College of Law, earning a Juris Doctor, cum laude. store for even longer. Ryan is a graduate of Central Michigan

disputes with the IRS, Michigan Department of Treasury, and City of County Circuit Court. The Circuit Court hears matters such as civil While studying law, he also worked with the Alvin L. Storrs Low-Income Taxpayer Clinic, helping indigent clients resolve their tax cases and controversies seeking damages over \$25,000, felony criminal, domestic relations, juvenile delinquency, abused and Lansing. Ryan serves as the Chief Deputy Clerk of the Ingham neglected children, adoptions, among many others.

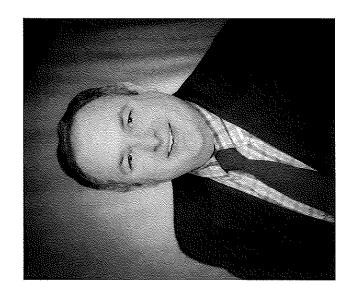


EXHIBIT 3

CHAIRPERSON SARAH ANTHONY

VICE-CHAIRPERSON CAROL KOENIG

VICE-CHAIRPERSON PRO-TEM
RANDY MAIVILLE

FINANCE COMMITTEE
MARK GREBNER, CHAIR
BRIAN MEGRAIN
TODD TENNIS
KARA HOPE
SARAH ANTHONY
RANDY SCHAFER
ROBIN CASE NAEYAERT

INGHAM COUNTY BOARD OF COMMISSIONERS

P.O. Box 319, Mason, Michigan 48854 Telephone (517) 676-7200 Fax (517) 676-7264

THE FINANCE COMMITTEE WILL MEET ON WEDNESDAY, DECEMBER 6, 2017 AT 6:00 P.M., IN THE PERSONNEL CONFERENCE ROOM (D & E), HUMAN SERVICES BUILDING, 5303 S. CEDAR, LANSING.

Agenda

Call to Order

Approval of the November 21, 2017 Minutes and Closed Session Minutes Additions to the Agenda Limited Public Comment

1. Sheriff's Office

- a. Resolution to Authorize the Ingham County Sheriff's Office to Enter into an Agreement with Tigg's Canteen Services for Inmate Commissary for Three Years
- b. Resolution to Contract with Tigg's Canteen Services, Inc. to Manage the Kitchen and Laundry Services at the Ingham County Jail
- 2. <u>Treasurer's Office</u> Resolution Receiving Advice from the County Treasurer as to a Surplus which can be transferred from the Ingham County Delinquent Tax Revolving Fund to the Ingham County General Fund
- 3. <u>Prosecutor's Office</u> Resolution to Authorize a Memorandum of Understanding between the Ingham County Prosecutor's Office and the Department of the Attorney General
- 4. <u>Drain Commissioner</u> Resolution Pledging Full Faith and Credit to Williamston-Locke Drain Drainage District Bonds or Notes
- 5. Animal Control Resolution to Accept an ASPCA Animal Care Grant
- 6. <u>Finance Committee</u> Resolution to Amend the 2018 Ingham County Budget to Restore Two Sheriff Corrections Officers
- 7. <u>Health Services Millage</u> Resolution Authorizing a Health Services Millage Contract with the Ingham County Health Plan Corporation (IHPC)

8. Health Department

- a. Resolution to Authorize an Agreement with Graphic Sciences, Inc. for the Transport, Storage, and Retrieval of Health Department Files
- Resolution to Authorize an Agreement with Professional Credential Verification Services, Inc. (PCVS) to Provide Verification of Professional Credentials of Physicians and Allied Health Professionals
- c. Resolution to Authorize an Agreement with Blue Cross Blue Shield of Michigan Foundation

9. Farmland and Open Preservation Board

- a. Resolution to Approve Proceeding to Close Permanent Conservation Easement Deeds
- b. Resolution to Approve 2017 Application Ranking and Purchase of Conservation Easements

10. Facilities Department

- a. Resolution to Authorize Agreements to Provide Alarm Monitoring Services
- b. Resolution to Authorize Purchase of Copper Tubing for Jail Repairs

11. Innovation and Technology

- a. Resolution to Approve Hardware Maintenance Agreement from Avalon Technologies
- b. Resolution to Approve Renewal of the Imagesoft and Onbase Annual Support
- c. Resolution to Approve Renewal of the Ocularis Software Licensing Agreement
- d. Resolution to Approve Purchase of Training from SANS
- e. Resolution to Enter into a Service Agreement with CDWG
- 12. <u>Purchasing Department</u> Resolution to Authorize an Agreement for Prevailing Wage Monitoring

13. Road Department

- a. Resolution to Retain As-Needed Construction Inspection and Supervision Services
- b. Resolution to Authorize Approval of Land Division and Acceptance of a Public Road
- 14. <u>Parks Department</u> Resolution to Authorize an Amendment to Agreements with the City of Lansing for Trails and Parks Millage Funding

15. Human Resources Department

- a. Resolution to Approve Modifications to the 2018 Managerial and Confidential Employee Personnel Manual
- b. Resolution to Approve a Collective Bargaining Agreement with the Command Officers Association of Michigan 911 Supervisors
- c. Resolution to Approve a Collective Bargaining Agreement with the UAW Local 2256 Zoo Unit
- d. Resolution to Approve a Letter of Understanding with CCLP 911 Non-Supervisory Unit Regarding Use of Personal Leave
- 16. <u>Board of Commissioners' Office</u> Resolution Approving Annual 2018 Compensation for Non-Judicial County-Wide Elected Officials

17. Controller/Administrator's Office

- a. Resolution Approving Various Contracts for the 2018 Budget Year
- b. Resolution to Approve a Contract for Services with the Greater Lansing Convention and Visitors Bureau
- c. Resolution Authorizing Adjustments to the 2017 Ingham County Budget

Announcements
Public Comment
Adjournment

PLEASE TURN OFF CELL PHONES OR OTHER ELECTRONIC DEVICES OR SET TO MUTE OR VIBRATE TO AVOID DISRUPTION DURING THE MEETING

The County of Ingham will provide necessary reasonable auxiliary aids and services, such as interpreters for the hearing impaired and audio tapes of printed materials being considered at the meeting for the visually impaired, for individuals with disabilities at the meeting upon five (5) working days notice to the County of Ingham. Individuals with disabilities requiring auxiliary aids or services should contact the County of Ingham in writing or by calling the following: Ingham County Board of Commissioners, P.O. Box 319, Mason, MI 48854 Phone: (517) 676-7200. A quorum of the Board of Commissioners may be in attendance at this meeting. Meeting information is also available on line at www.ingham.org.

Introduced by the Finance Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION APPROVING VARIOUS CONTRACTS FOR THE 2018 BUDGET YEAR

WHEREAS, county policy requires that all contracts over \$5,000 be approved by the Board of Commissioners; and

WHEREAS, numerous contracts are approved by the Board of Commissioners each year, many of which are routine continuations of existing contracts; and

WHEREAS, funding for these contracts has been included within the 2018 Adopted Budget; and

WHEREAS, the budget also contains anticipated revenues and expenditures from certain grant programs, which will also require approval of agreements with granting agencies at various times during the fiscal year.

THEREFORE BE IT RESOLVED, that the Board Chairperson is authorized to sign agreements, contracts, and/or other documents related to grant programs and other county appropriations which are contained in the adopted budget, as listed in the attached document, subject to review by the County Attorney as to form and to certification by the Controller that 1) the total amount of revenues and expenditures and the net obligation to the County is not greater than what is budgeted; and 2) there is no change in employee status and no additional employees other than as authorized in the adopted budget.

BE IT FURTHER RESOLVED, that all grants and funding arrangements with entities whose fiscal years do not coincide with the County's fiscal year be considered authorized providing that they have been authorized in part in the adopted budget, and the remaining portion of the time period and funds are included in the Controller's Recommended Budget for the succeeding fiscal year.

BE IT FURTHER RESOLVED, that all contracts over \$5,000 that are not included in this resolution shall be approved by the Board of Commissioners by separate resolution.

EXHIBIT 4

Lansing Community College Environmental Purchasing 2019-2020

Lansing Community College strives to balance environment and fiscal responsibility in making green purchasing decisions. In order to increase the development and awareness of environmentally sound products, Lansing Community College Purchasing Department staff ensures that wherever possible and economical, specifications are amended to provide for expanded use of products and services that contain the maximum level of post-consumer recyclable waste and/or recyclable content, without significantly affecting the intended use of the product or service.

Cleaning Services and Supplies

Lansing Community College contracts with * WFF Facility Services for cleaning all campuses. WFF Facility Services is CIMS-Green Building Certified by ISSA. They use standardized cleaning systems on each campus, using highly efficient equipment and Green Seal certified cleaning supplies http://www.wffservices.com/sustainability/

Restroom Facility Supplies

- Paper towels
- C-fold (hand towels)
- Toilet paper

Are made from 100% recycled material.

Lansing Community College Printing

Lansing Community College contracts with *Konica Minolta for the college's print and faxing needs. LCC participates in the Konica Minolta Clean Planet Recycling Program that provides cost-free consumable recycling. https://kmbs.konicaminolta.us/kmbs/about/environment All LCC campuses recycle ink, toner and drums through this program.

Office Supplies

- 35% of Office Supplies order through Office Depot are considered green purchases
- 35% off Office Depot orders had recycled content 8% or greater.
- 18% of Office Depot printer paper ordered by the College is made of recycled content.

Additional Contract Awardees that have Environmentally Friendly programs and/or policies

- Granger Services
- Rapid Shred

Lansing Community College Recycling Availability

All Lansing Community College campuses have recycling receptacles for paper, plastic and cardboard products.

- AOF Recycling-Single Stream-6 yard-1 per week-315 N. Grand
- Arts &Sciences Recycling-Single Stream-6 yard-1 per week-419 N. Wash.
- Gannon Building Recycling-Single Stream-6 yard-1 per week-411 N. Grand
- Health and Human Services Recycling-Single Stream-6 yard-2 per week-515 N. Wash.
- Technology and Learning Center Recycling-Single Stream-4 yard-1 per week-400 N. Capitol
- West Campus Recycling-Single Stream-6 yard-1 per week-Cornerstone
- Arts & Sciences -8 yard FEL Packer-3 per week Service-419 N. Washington

Recycling is also available LCC Mason, East and Livingston exact recycling quantities are not represented here.

Access to Public Transportation

LCC is entered into a student savings partnership with the Capital Area Transportation Authority (CATA) through the <u>Clean Commute Card</u>. The Clean Commute Card gives students an incentive to carpool to downtown Lansing. The CATA Clean Commute Card is available for a group of two or more current students or LCC employees and gives a discounted rate. The CATA Bus services routes to LCC Main, West and East Campuses.

* WFF & Konica are Contractors of the College that were selected through a public competitive bid process.

ABOUT

SUPPORT & DOWNLOADS

CONTACT US

CAREERS





At Konica Minolta we've always done things differently, from our cameras helping capture the world from space for the first time, to developing the world's first finger-measurement pulse oximeter. We're innovation obsessed, constantly refining and improving the way the world works across the technology, healthcare and imaging industries. Together we believe we can work ever smarter to provide answers to the challenges of tomorrow.

Find out more:

Konica Minolta Business Solutions U.S.A., Inc.: is reshaping and revolutionizing the Workplace of the Future.™ The company guides and supports its customers' digital transformation through its expansive office technology portfolio, including IT Services, ECM, Managed Print Services and comprehensive industrial and commercial printing and packaging solutions that deliver the latest innovations in printing, applications and expertise. Its All Covered IT Services division offers a range of IT strategy, support, and network security solutions across all industries.

<u>Konica Minolta Healthcare Americas</u>: is an industry leader of medical diagnostic imaging solutions focused on Digital Radiography, Ultrasound, Precision Medicine and Healthcare Information Technology. Solutions span the continuum of care; from prevention to diagnosis to treatment.

<u>Konica Minolta Sensing Americas</u>: provides advanced optical technology that precisely measures the elements of color and light. Our products have become a staple in research and manufacturing environments, helping meet product quality and operational goals with less waste, time, and effort. When it comes to color and light measurement, the world looks to Konica Minolta.

Business Solutions Professional printing Office Printing IT Services Newsroom Careers Blog	Healthcare Americas Medical Imaging Healthcare IT Press Releases Blogs Contact Us	Sensing Americas > Color Measurement > Light and Display Measurement Solutions > News > Careers > Contact Us	Global Information Sustainability Investor Relations Research and Development News Other countries
Konica Minolta Business Solutions			Giving Shape to Ideas
Konica Minolta Healthcare Americas			
Konica Minolta Sensing Americas			
Contact Us Privacy Policy Suppo	ort and Downloads	© 2022	Konica Minolta Business Solutions U.S.A., Inc.

✓ More Info:

EXHIBIT 6

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Version: 1.4 Pages: 42

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Security: None

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Adobe Acrobat (default)

Use this application to open all documents like this one.

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PROGRAM DESCRIPTION LAW AND COURTS

PROGRAM ANEA

Bits are strongered the Country's provision of Public Safery through its law and/overment system and court purchase through its judicial system. The Shariff's Office and Led, Fromework 's Office and the Anisad Country Department have public safety as their primary good. District and Chronic Courts cover general jurisdation while Probate Court and Public Defended bandles specialized court reasters. Here are also agreed so while the court system that deal with family and child masters work as Uriond of the Court and Child Care.

PROGRAM OVERSIGIT

The Law and Course Connection advisors the Board of Contempolaries in an inside of Congregation of County entitioned and representations of County entitionates and representations for programs and departments which this actual for Committee above recommends action on any claims, complaint, or requests submitted to the various departments or agencies under the jurisdiction of the Committee and are as fairless in the Board for the departments and agencies whose appropriations are within this area.

The total General Food budget for this program area is \$53,391,868, or 62,05% of the General Food budget, excluding Capital Improvements and Continguous. The total budget is \$85,470,654, or \$1,22% of the morall tudget for the major sociale areas.

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EXHIBIT 7

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Version: 1.4 Pages: 130

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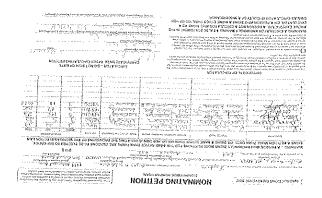
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MORGAN E. COLE

4449 Alderwood Co. Disease, 12441864 (507) 1991 1995 Margin Labitat / Estericism

Rt-Challenge of Hommading Petritons /Signatures Caristians: Christopher Wickman Office Soughs: Circuit Court hodge I Non-incombent Office 10th Christ

Base two reserved trace / Bareau of Floritons / Board of Canvasarrs.

This mean complaint (the "Chailenge") alleges the nominating petations of Christopher Wickman for throat Chart hodge in the 150° Greek Coart - Non-tenembert - Register Term practice are defeated and/or have an insufficient number of valud signatures. Based on the foregoing and as more practically described bedome, Mr. Wickman's petations violate Metalgan Bertin Law, thus discoulding this from placement on the November 8, 1622 general election is 200.

DEFECTIVE PETITION HEADER

Alt of Mr. Wickman's 133 nominating petitions contain a fatal defect in the header, which results in all 1.196 of the signatures being defection. The fatal defect in the header of all 133 nominating petitions in due to the fact that fire Wickman included the wong late of the period y fection EAM of Mr. Wickman's petitions incorrectly reflect that the date of the primary election is August 22, 1332.

Purposes to MCL 168.544(1), a nominating patiesh must be in the following form, which specifically requires the primary election date. In this case, the date of the primary election is August 7, 2012, and August 7, 2012, in Alefan V. Sabough, 2016 MJ 3475383, Docket No. 333461 (1946) M. 1865, in the Michigan Court of Appeals held that an emission of the permany election date on a people petition constituted a 1914 defect.

Each of Mr. Web man's 131 thects of nominating getition; deady and the cented primary efection date of August 2, 2022 - and instead is the primary election date of August 2, 2022 - which is manner. Mr. Webcham the 2014 demonstrated that be found too to cross such methods, as a special be originally out the date of the general election on his provisiting editions, November 8, 2022. Mr. Webcham plainty existed over and crossed out the world November, but clearly made the 8 tot a 2 by writing over 8 and then inserted another 2, thereby making the date the 22nd. The

JORGAN E COLE

MORGAN E. COLE

4449 Alderwood Dr. Okemos, MI 48864 (502) 593-6505

Morgan.Cole1022@gmail.com

RE: Challenge of Nominating Petitions /Signatures

Candidate: Christopher Wickman

Office Sought: Circuit Court Judge / Non-Incumbent

District: 30th Circuit

Dear Secretary of State / Bureau of Elections / Board of Canvassers,

S

This sworn complaint (the "Challenge") alleges the nominating petitions of Christopher Wickman for Circuit Court Judge in the 30th Circuit Court - Non-Incumbent - Regular Term position are defective and/or have an insufficient number of valid signatures. Based on the foregoing and as more particularly described below, Mr. Wickman's petitions violate Michigan Election Law, thus disqualifying him from placement on the November 8, 2022 general election ballot.

DEFECTIVE PETITION HEADER

က

All of Mr. Wickman's 131 nominating petitions contain a fatal defect in the header, which results in all 1,186 of his signatures being defective. The fatal defect in the header of all 131 nominating

EXHIBIT 9



Giving Shape to Ideas







bizhub 754e

With 75 ppm print/copy output in high-resolution B&W, standard dual scanning at up to 180 opm, multiple finishing options and enhanced touch-and-svipe interface, the bizhub 754e brings maximum productivity to high-volume document demands and in-house, on-demand printing applications.

System Overview	
System memory	2,049 MB
System hard disk	250 GB
Interface	10-Base-T/100-Base-TX/1,000-Base-T/Ethernet, USB 2.0
Network protocals	TCP/IP (IPv4 / IPv6), SMB, LPD, IPP, SHMP, HTTP, HTTPS
Frame types	Elbernet 802.2. Eibernet 802.3, Ethernet III, Elbernet SNAP
Dual scan	Up to 150 originals / 5.5" x 8.5" to 11" x 17" / 35-210 gsm
document feeder	
Printable paper size	Scanning/Copying: up to 11" x 17"
	Printing: up to 11" x 17" full bleed on 12" x 18" paper
	Custom paper sizes
	Banner paper max: 11.75" x 47.25"
Printable paper weight	52-300 gsm
Paper input capacity	Standard; 3,650 sheets Max.; 6,650 sheets
Tray 1	500 sheets / 5.5" x 8.5" to 12" x 18" / 52-256 gsm
Tray 2	500 sheets / 5.5" x 8.5" to 12" x 18" / 52-256 gsm
Tray 3	1,500 sheets / 8.5" x 11", 5.5" x 8.5", 4" x 6" / 52-256 gsin
Tray 4	1,000 sheets / 8.5" x 13", 5.5" x 8.5", 4" x 6" / 52-256 gsm
Large capacity tray	3,000 sheets / 8.5" x 11" / 52-256 gsra
LU-301 (optional)	
Large capacity tray	2,500 sheets / 8.5" x 11" to 12" x 18" / 52-256 gsm
LU-204 (optional)	
Manual bypass	150 sheets / 4" x 6" to 12" x 18" / custom paper sizes / 50-300 gsm
Automatic duplexing	5.51 x 8.51 to 121 x 181 / 52-256 gsm
Finishing modes	Offset, group, sort, punch, post insertion, z-fold, half-fold.
	tri-fold, beaklet
Output capacity	Max, with finisher; 3,300 sheets Max, without finisher; 250 sheets
04-1:4-7-1:1	
Stapling (optional)	Max.: 100 sheets or 94 sheets + 2 cover sheets (up to 209 gsm)
Stapling output capacity	Max.: 1000 sheets
Tri-fold	Un to 3 sheets
Tri-fold capacity	Max.: 30 sheets (tray), unlimited
Bookiet	Max.; 20 sheets or 19 sheets + 1 cover sheet (up to 209 gsm)
Booklet output capacity	Max.: 100 sheets (tray), unlimited
Copy/print volume	Max.: 300,000 pages / month'
Toner lifetime	Black; 40,300 pages
Imaging unit lifetime	300,000 pages / 1,200,000 pages (Drum / Developer)
	120 V / 50/60 Hz, Less than 2.1 kW (system)
Power consumption	25.5" x 31.5" x 45.5" (W x D x H)
System dimensions	
System weight	Аррюх. 487.25 fb

Copying process Electrostatic faser copy, tandem, indirect Toner system Simitra* HD Polymerized Toner Print speed (8.5* x 11*) Print speed (11* x 17*) Up to 75 ppm (Portrait) Autoduplex speed (8.5* x 11*) Seed (8.5* x 11*) B&W: 3.6 sec. Warm-up time Approx. 22 sec. Copy resolution 600 x 600 dpi Gradations 256 gradations Multi-copy 1-9,999 Original format Up to 11* x 17* Magnification Copy functions Chapter cover and page insertion, proof copy (print and screen), adjustment test print, digital art functions, job setting memory, post mode, image repeat, overlay (optional), stamping, copy protection Printer Specifications Print resolution 1,800 x 600 dpt. 1,200 x 1,200 dpt. PDL PCL6 (XL 3.0), PCL 5c, PostScript 3 (ver. 3016), XPS Windows (823/64); XP //vista 7 7 / 8 Windows (823/
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Print speed (11" x 17") Up to 37 ppm (Portrait)
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Gradations 256 gradations
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Original format Up to 11" x 17"
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Chapter. cover and page insertion, proof copy (print and screen), adjustment test print, digital art functions, job setting memory, post mode, image repeat, overlay (optional), stamping, copy protection. Printer Specifications Print resolution 1,800 x 600 dpi. 1,200 x 1,200 dpi PDL PCL6 (XL 3.0), PCL 5c, PosiScript 3 (ver. 3016), XPS Unix / Enux / Cittix Windows (x32/x64); XP / Vista / 7 / 8 Windows Server (x32/x64); 2003 / 2008 / 2008 R2 / 2012 Macintosh 0S X 10.2.8 or later Unix / Linux / Cittix Printer fonts 80 PCL Latin, 137 PosiScript 3 emulation Print functions Direct Print of PCL, PS, TIFF, XPS, PDF, encrypted PDF files and OOXML (DOCX, XLSX, PPTX), mixmedia and mixptex. Easy Set' job programming, overlay, watermark, copy protection, caubon copy printed process and search of the printed pri
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PDL PCL6 (XL. 3.0), PCL 5c, PostScript 3 iver. 3016), XPS Operating systems Windows (x32/x64): XP / Vista / 7 / 8 Windows Server (x32/x64): 2003 / 2008 R2 / 2012 Macintosh OS X 10.2.8 or later Unix / Linux / Citits Printer fonts 30 PCL Latin, 137 PostScript 3 emulation Print functions Direct Print of PCL, PS, TIFF, XPS, PDF, encrypted PDF files and OOXML (DOCX, XLSX, PPTX), mixmedia and mixplex. "Easy Set" joi programming, overlay, cvalermark, copy protection, carbon copy pri Scanner Specifications Scan speed B&W / Colors up to 180 gpm Scan resolution Max.: 600 x 600 gpi Scan nodes Scan-to-Ernal, Scan-to-SMB, Scan-to-FTP, Scan-to-Box, Scan-to-Scan-to-WebDAV, Scan-to-DPWS, Network TWANI scan File formats JPEG, TIFF, PDF, PDF/A 1a and 1b (optional), compact PDF, encrypth PDF and searchable PDF (optional), XPS, compact XPS, PPTX and searchable PPTX (optional), searchable DOCX/XLSX (optional) Scan Destinations 2,100 (shared with tax), LDAP support Annotation (text/lime/date) for PDF, up to 400 job programs, realtime scan preview. Fax Specifications Fax Super G3 (optional) Transmission Analog, i-Fax, Color i-Fax, IP-fax
Operating systems
Windows Server (x32/x64): 2003 / 2008 R2 / 2012
Macintosh OS X 10.2.8 or later Unix / Linux / Citrix Printer fonts 80 PCL Latin, 137 PostScript 3 emulation Direct Print of PCL, PS, TIFF, XPS, PDF, encrypted PDF files and OOXML (DOCX, XLSX, PPTX), mixmedia and mixplex. "Easy Set" jot programming, overlay, watermark, copy protection, earlbon copy pri Scanner Specifications Scan speed B&W / Color: up to 180 ipm Scan resolution Max.: 600 x 600 dpi Scan modes Scan-to-Ernal, Scan-to-SMB, Scan-to-FTP, Scan-to-Box, Scan-to-Exal-to-WebDAV, Scan-to-DPWS, Network TWANN scan File formats JPEG TIFF, PDF, PDF/A 1a and 1b (optional), compact PDF, encrypt PDF and searchable PDF (optional), XPS, compact XPS, PPTX and searchable PPTX (optional), Searchable DOCX/XLSX (optional) Scan Destinations 2, 100 (shared with tax), LDAP support Annotation (text/time/date) for PLY, up to 400 job programs, realtime scan preview Fax Specifications Fax Super G3 (optional) Transmission Analog, i-Fax, Color i-Fax, IP-fax
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Functions Polling, time shift, PC-fax, receipt to confidential box, receipt to Envi
FTP/SMB, up to 400 job programs
User Box
User Box Specifications

Personal (with password or authentication)

copy box to box

Secure print, Encrypted PDF, Fax receipt, Fax polling, Annotation

Reprint, combination, download, sending (Email/FTP/SM8 and fax),

Group (with authentication)

Type of system boxes

User box functionality

System Features					
Security	ISO 15408 EAL3				
	IEEE 2600.1				
	IP filtering and port blocking				
	SSL2, SSL3 and TSL1.0 estwork communication				
	Psec support				
	IEEE 802.1x support				
	User authentication				
	Authentication log				
	Secure print				
	Hard disk overwrite (8 standard types)				
	Hard disk data encryption (AES 128)				
	Memory data auto deletion				
	Confidential fax receipt,				
	Print user data encryption				
	Copy protection (Copy Guard, Password Copy) optional				
Accounting	Us) to 1,690 user accounts				
**	Active Directory support				
	(user name + password + e-mail + smb folder)				
	User function access definition				
	Optional Biometric authentication (finger vein scanner)				
	Optional ID card authentication (ID card reader)				
Software	PageScope Net Care Device Manager				
	PageScope Data Administrator				
	PageScope Box Operator				
	PageScope Direct Print				
	Print Status Notifier				
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	adline intended to other a comparison of durability as a relates to the entire konica kinedia				
	line so that the appropriate device can be placed in order to meet customer needs				
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Supports x64 only					

AU-102 Biometric	Finger vein scanner
authentication	
EK-604 USB I/F kit	USB keyhoard connection
EK-605 USB I/F kit	USB keyboard connection, Bluetooth
FK-508 Fax board	Super G3 fax, digital fax functionality, lines 3 & 4 support
FK-511 Fax board	Super G3 tax, digital fax functionality
FS-534 Staple finisher	50-sheet stapfing, 3,300 sheets max, output
FS-534 + SD-511	50-sheets staple finisher, 20-sheets booklet finisher,
Booktet finisher	3.300 sheets max, output
FS-535 Staple finisher	100 sheets stapling, 3,200 sheets max. output
ID card reader	Various ID card tectinologies
JS-602 Job separator for FS-535	Separation for fax output etc.
KH-102	To płace USB keyboard
Keyboard holder	to place dob hoposition
KP-101 10-Key pad	For use instead of touchscreen
LK-101 v3	Web browser
Web browser	
LK-102 v3	PCF/A, PDF encryption, digital signature
PDF enhancements	
LK-104 v3	Provides voice guidance functions
Voice guidance	C. L. L. DOF
LK-105 v3 OCR text recognition	Searchable PDF
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Barcode fonts	supports native national printing
LK-107	Supports native Unicode printing
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OCR A and B fonts	· · · · · · · · · · · · · · · · · · ·
LK-110 Enhanced	Generates various file formats incl. DOCX, XESX and combines
image support	Lk-102 (encrypted PDF) + LK-105 (searchable PDF/OCR functionalit
LK-111	Print data compression for reduced network impact
ThinPrint® Client	0.58 4484 408 (108.0.500 days) 50.050
LU-204	8.5" x 11" to 12" x 18", 2.500 sheets, 52-256 ysm
Large capacity tray LU-301	3.5" x 11", 3,000 sheets, 52-256 gsm
Large capacity tray	5.0 X 13 , 5,000 atigats, 52-250 gstil
MK-728 Mount kit	Installation kit for FK-508 fax board
MK-735 Mount kit	Installation kit for ID card reader
OT-503 Output tray	Output tray used instead of finisher
PI-505 Post inserter	Cover insertion, post finishing
for FS-535	
PK-520 Punch kit	2/3 hole punching, autoswitching
for FS-534 PK-521 Punch kit	2/3 hate punching, autose/dohing
for FS-535	усо пото Гангалиду авих хараный
SC-508 Security kit	Copy Guard function (2 x required)
SD-512 Saddle kit for	Booklet finishing, half-fold, tri-fold
FS-535	"
SX-4600WAN	Wireless EAH to network connector
Wireless LAN	
UK-204	Memory extension for I-Options
-Option memory	
WT-506 Working table	Authentication device placement
ZV-606 Z-fold unit	Z-fold for 11" x 17" prints, 2/3 hole penching



KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC.

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EXHIBIT 11



STATE OF MICHIGAN RUTH JOHNSON, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

December 16, 2015

Robert J. Gatt 22670 Penton Rise Court Novi, Michigan 48375

Dear Mr. Gatt:

The Department of State (Department) received a formal complaint filed by Cynthia Churches 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.

In Michigan, it is unlawful for a public body or individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(3).

Ms. Churches alleges that you improperly used public funds by using county resources to submit your campaign finance statements and reports.

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, 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 reply will be provided to Ms. Churches, 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 penalty provided in section 57(3) of the Act.

BUREAU OF ELECTIONS

. Robert J. Gatt December 16, 2015 Page 2

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Singerely,

Chan A Bourbones
Lori A. Bourbonais Bureau of Elections

Michigan Department of State

c: Cynthia Churches

Michigan Department of State Campaign Finance Complaint Form

Reset Form

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.).

Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant			
Your Name Cynthia Churches		Daytime Telephone Number 248-417-0051	
Mailing Address 22543 Cranbrooke Drive		to the state of th	
City	State	Zip	
Novi	MI	48375	
Section 2. Alleged Violator		A Company of the Comp	
Name	ilias 2 - 500 4 - Sax Striits saa 2 Mi versiili Vi	ga ta sa	
Robert J. Gatt Mailing Address			
22670 Penton Rise Ct.			
City Novi	State MI	Zip 48375	
Section 3. Alleged Violations (Use additions	ll sheet if more space	iš needed.)	
Section(s) of the MCFA violated:	<u> </u>		
Explain how those sections were violated:		, , , , , , , , , , , , , , , , , , ,	
The candidate is an employee of Oakl	and County. He	consistently uses the cou	nty
equipment to submit his political camp	aign reports.		
Evidence that supports those allegations (attach copies of pertin	ent documents and other in	nformation):	
		,	
Attached are candidate committee cov		ne OC Fax Server imprint	
Attached are candidate committee coving the upper left corner.		ne OC Fax Server imprint	·· (*)
		ne OC Fax Server imprint	HIGH
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		ne OC Fax Server imprint	THE PLANT
		ne OC Fax Server imprint	MGAH.

Sectio	n 4: Certification (Required)	
	0 P	ledge, information, and belief, formed after umstances, each factual contention of this
X	Lante Ille	12/07/15
	Signature of Complainant	Date
Sectio	n 5. Certification without Evidence	(Supplemental to Section 4)
under th	ne circumstances, you are unable to ce ence, you may also make the following	dge, information, or belief, there are ng specifically identified factual I by evidence after a reasonable
X		12/07/15
	Signature of Complainant	Date
esponsi o \$1,000	ble for a civil violation of the MCFA.	on who files a complaint with a false certification is The person may be required to pay a civil fine of up urred by the Michigan Department of State and the State complaint.

Mail or deliver the completed complaint form 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



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

CANDIDATE COMMITTEE COVER PAGE

FOR OFFICIAL USE ONLY

« دی الإد_{ام (} در ۱۹۱۱) «

Report must be legible, typed or printed in ink and the treasurer (or designated record keeper) and c	l signed by andidate.	3. This Statement covers:	om 10/21/14 to	12/31/14		
1. Committee I.D. Number		4. Candidate Last Name	First Name	M.I.		
C-93289		Gatt	Robert	J		
2. Committee Name		4a, Office Sought Including DI: Novi Mayor	4a, Office Sought Including District#or Community Served (If applicable) Novi Mayor			
Bob Gatt for Novi Mayor	_	4b. County of Residence OA	KLAND	O4: No 12:37		
6. Committee's Malling Address		6. Treasurer's Name & Reside	ential Address			
22670 Penton Rise Ct.		Robert Gatt		5		
Novl, Mich 48375		22670 Penton Rise	Ct.	70=		
		Novi, Mich 48375		54.5		
1				V-2		
Area Code and Phone (248) 773-8853	774			\		
If the address in this box is different from the comm mailing address on the Statement of Organization, be sent to this address by the filing official.	ntee mali may	1249) 77	73.9053			
		Area Code & Phone (248) 77				
7. Treasurer's Business Address		6. Designated Record Keeper Designated Record Keeper)	's Name and Malling Addre	ss (If the committee has £17) = 21.7		
22670 Penton Rise Ct.		N/A				
Novl, Mich 48375						
Area Code and Phone (248) 773-8853		Area Code and Phone				
9. TYPE OF STATEMENT			9e, Dissolution of Cand	idate Committee		
9a. Pre-Election OR 9b. Post-Election	Required ON Is not on the current year:		By checking this Item	I/We cerlify any outstanding debt andidate or his or her spouse is here		
Pre-Election of Post-Election Statement relates to:			lby discharged and foroive	n and no longer collectible from nittee has no outstanding assets,		
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General	October Q	uarterly	Further, If the dissolution c	annot be granted, that this be		
Convention			considered a request for the	ne Reporting Walver.		
Special Special	9c. X Annua	Statement (2014)	[1		
School		Coverage Year	Effective date of	dissalullan		
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	Indicat	e which Statement is being	Note: The disposition of re	esidual funds must be reported on		
	emend	ed.)	Schedule 18 and the Sum	mary Page.		
Date of Election, Convention or Caucus						
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Marie Company			1	and the same of th		
				1		
10. Verification: NWe certify that all reasonable dilige mylour knowledge and belief the contents are true, a	ince was used l	n the preparation of this statement	ant and attached schedules	(If any) and to the best of		
		16V Do	Kath	04/44/004#		
Designated Record Keeper 100010. Oatt		1/ Over	Dale	01/14/2015		
Type or Print Name		Signature	MUA			
Candidate Robert J. Gatt		1000	L. Date	01/14/2015		
Type or Print Name		SIgnature	1			

Authority granted under P.A. 388 of 1976



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

COVER PAGE

FOR OFFICIAL USE ONLY

GOVER PAGE					
Report must be legible, typed or printed in link and si the tressurer (or designated record keeper) and can	didate.	3. This Statement covers From	¹¹ <u>01/01/15</u>	to 10/18/15	
1. Committee I.D. Number		4. Candidate Last Name	Firs	(Name	M.I.
C-93289		Gatt	Robert		Ą
2. Committee Name		4s. Office Sought Including Dis Mayor, City of Novi	itrict # or Communi	y Served (If applicab	le)
Poh Catt for Novi Mayor		,,			
Bob Gatt for Novi Mayor		4b. County of Residence OA		Ç	12 N 0
6. Committee's Malling Address		6. Treasurer's Name & Reside	niiel Address	ر . ئەر	
22670 Penton Rise Ct.		Robert J. Gatt			
Novi, Mich 48375		22670 Penton Rise	Ct.		(P) = 1
		Novl, Mich 48375			() =
Area Code and Phone (248) 773-8853					
If the address in this box is different from the committee mailing address on the Statement of Organization, ma	20			Č	mm 1
be sent to this address by the filing official.	ы глау	Area Code & Phone (248) 77	3-8853	<u> </u>	တ္ ု 🔆
7. Treasurer's Business Address		8. Designated Record keeper	s Name and Malilno	Address (If the com	mittee has a
22670 Penton Rise Ct.		Designated Record keeper)		•	
Novl, Mich 48375		IWA			
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Convention			considered a requi	est for the Reporting t	yvasver,
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School		Coverage Year	Ellective	e date of dissolution	
Caucus 90		dment to Campaign Statement liete Item 9a, 9b, 9c or 9e to			
		e which Statement is being	Note: The disposit	lion of residual funds . the Summary Page,	must be reported on
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Date of Election, Convention or Caucus					
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10. Verification: RWe certify that all reasonable diligence my/our knowledge and belief the contents are true, acc	ce was used	n the preparetion of this statem	l ent_and attached sc	hedules (If any) and t	o the best of
mylour knowledge and belief the contents are true, acc	curate and co	mpiste.	()/1+	Ω	
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Designated Record keeper Type or Print Name		8tgnature /	100	Dale	10-15
0 101 = 7 1		(1/20 V-TA	VIIMA	4	
Candidate KOBERT I. GA	7-77	1 / Octob	1 July	Date/	10-15
Type or Print Name		Signature			

Authority granted under P.A. 388 of 1979



MICHIGAN DEPARTMENT OF STATE BUREAU OF ELECTIONS

CANDIDATE COMMITTEE COVED BACE

FOR OFFICIAL USE ONLY

COVER PAGE						
Report must be legible, typed or printed in ink and signed by the treasurer (or designated record keeper) and candidate.		3. This Statement covers Fro				_
1. Committee I.O. Number		4. Cendidate Last Name	First Neme M.I.			
C-93289		Gatt	Robert		J	
		4a. Office Sought Including District # or Community Served (If applicable)				
2. Committee Name		Mayor, City of Novi				
Bob Gatt for Novi Mayor		4b. County of Residence Of	KLAND	\square		
5. Committee's Mailing Address		6. Treasurer's Name & Residential Address				
22670 Penton Rise Ct.		Robert J. Gatt	Robert J. Galt 温し まっ 岩。			
Novi, Mich 48375		22670 Penton Rise Ct.				7.184
		Novi, Mich 48375				
		3 / ∞				
Area Code and Phone (248) 773-8853						
If the address in this box is different from the committee malling address on the Statement of Organization, mall may be sent to this address by the filing official.		÷ =3 =				
be sent to this address by the filing official.		Area Code & Phone (248) 773-8853				
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22670 Penton Rise Ct.						
Novi, Mich 48375		N/A			, ,	
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L_1040409	(Complete Item 9a, 9b, 9e or 9e to indicate which Statement is being		Note: The disposition of residual funds must be reported on			
	ameno		Schedule 18 and	the Summary Pa	age.	
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40 Made at 11Ma and the bat of secondarie differ	noa waa kandi	in the morning of the states	nent and attached ed	hadulas lif anul	and to the hest of	
10. Verification: IWe certify that all reasonable diligence was used in the preparation of this statement and attached schedules (if any) and to the best of my/our knowledge and belief the contents are true, accurate and complete.						
Current Treasurer or Robert J. Gatt 10/19/15						
Designated Record keeper	1 1 Krent 9		— Date	10/19/10		
Type or Print Name		Signature	1 12	AA		
Candidate Robert J. Gatt		1 lelect	对人物	Date	10/19/15	
Type or Print Name Signature						

Authority granted under P.A. 388 of 1976



STATE OF MICHIGAN RUTH JOHNSON, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

January 13, 2016

Cynthia Churches 22543 Cranbrooke Drive Novi, Michigan 48375

Dear Ms. Churches:

The Department of State received a response to the complaint you filed against Robert Gatt, 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, Laoni A Bombnas

Lori A. Bourbonais Bureau of Elections

Michigan Department of State

c: Robert Gatt

Robert J. Gatt 22670 Penton Rise Court Novi, MI 48375

RECCIVED/FILED MICHIGAN DEPT OF STATE

2016 JAN -7 PM 2: 49

January 4, 2016

OFFICE OF THE GREAT SEAL

Michigan Department of State Bureau of Elections Richard H. Austin Building, First Floor 430 West Allegan Street Lansing, MI 48918

Attention: Lori Bourbonais

Re: Complaint Filed By Cynthia Churches

Dear Ms. Bourbonais:

Please accept this as my Response to the Complaint filed by Cynthia Churches alleging a violation of the Michigan Campaign Finance Act. In her Complaint Ms. Churches alleges that I violated Section 57 of the Michigan Campaign Finance Act, MCL 169.257. Section 57 prohibits an individual from using "...funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies or other public resources to make a contribution or expenditure or to provide volunteer personal services..." Ms. Churches alleges that I violated this Section by using an Oakland County fax machine to fax my annual campaign finance statement on January 14, 2015, my prelelection statement on October 21, 2015 and my prelelection statement amended on November 10, 2015. Let me say at the outset, I did fax those reports from an Oakland County fax machine.

I have never used any Oakland County funds, personnel, office space, vehicle, equipment or other public resources "to make a contribution or expenditure or provide volunteer personal services." I never dreamed that using a County fax machine to send out a fax could be considered a violation of the Michigan Campaign Finance Act. However, after receiving your letter I see how my use of a fax machine could be interpreted as such in that I did use "equipment". I apologize for this oversight/misunderstanding on my part that led to this complaint and I assure you this will not happen again.

I do not believe that my use of a fax machine resulted in any expenditure to the County, however, I want to remove any doubt. The number of pages I faxed totaled 73: (1/14/15, 3 pages; 10/21/15, 63 pages; 11/10/15, 7 pages). I have arbitrarily assigned .25 cents per page and I have made a donation to the Oakland County Animal Shelter in the amount of \$18.25. (73 x .25 = \$18.25).

Michigan Department of State Bureau of Elections January 4, 2016

Page 2

My use of the fax machine was never intended by me to be a violation of Section 57. A review of my campaign finance records will reveal that this was in no way an attempt to obtain a financial benefit. My campaign funds are more than sufficient to account for mailing these campaign finance reports.

After review of Section 57 of the Michigan Campaign Finance Act I now see how my use of a fax machine could lead someone to believe that a violation occurred. I sincerely apologize. Again, I have taken the steps necessary to ensure that this will never happen again.

I thank you for your consideration of this matter. If I may be of any further assistance please let know.

Very truly yours

Robert J. Gatt



STATE OF MICHIGAN RUTH JOHNSON, SECRETARY OF STATE DEPARTMENT OF STATE LANSING

April 08, 2016

Robert Gatt 22670 Penton Rise Court Novi, Michigan 48375

Dear Mr. Gatt:

The Department of State (Department) has completed its investigation of the complaint filed against you by Cynthia Churches, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Ms. Churches' complaint.

The MCFA prohibits a public body or an individual acting on its behalf from "us[ing] or authoriz[ing] the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure." MCL 169.257(1). Expenditure is a term of art which includes "a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to . . . the qualification, passage, or defeat of a ballot question [.]" MCL 169.206(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

The Act also 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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is "to correct the violation or prevent a further violation [.]" *Id*.

Ms. Churches filed her complaint on December 9, 2015, and you filed an answer on January 7, 2016. Ms. Churches did not file a rebuttal statement with the Department.

Ms. Churches alleged that you improperly used county resources to file your campaign finance statements and reports.

As evidence, Ms. Churches provided copies of the Candidate Committee Cover Page from your 2014 Annual statement, 2015 Pre-General statement, and Amended 2015 Pre-General statement. At the top of each page is an imprint from a fax machine which reads "OC FAX SERVER" and contains a page counter. It appears from these imprints that a total of 73 pages were faxed during these transactions.

Robert Gatt April 08, 2016 Page 2

In response, you stated that you did fax the reports from the county fax machine, but that you "never dreamed that using a County fax machine to send out a fax could be considered a violation of the [Act]." You further stated that after receiving the complaint, you could see how the use of the fax machine could be viewed as a violation. You then computed .25 cents per page times 73 pages, which equals \$18.25, and you made a donation of \$18.25 to the Oakland County Animal Shelter in an attempt to resolve the matter.

Because you admit to using the Oakland County fax machine to fax your campaign finance statements, the Department concludes that that there may be a reason to believe that a violation of section 57 of the Act occurred. Upon making this determination the Department is required by law to attempt to resolve the matter informally. MCL 169.215(10).

It appears that as soon as the improper use of public funds to fax your campaign statements was brought to your attention, you attempted to remedy the matter by reimbursing the Oakland County Animal Shelter, your place of employment. However, the Department notes that county resources were used on at least 3 separate occasions and on one of those occasions, more than 50 pages were faxed. This was more than a one-time oversight involving the faxing of one or two pages.

Based on the above, the Department offers to resolve this matter through execution of the enclosed conciliation agreement, which requires you to pay a civil fine to the State of Michigan in the amount of \$100.00.

If you wish to enter into the conciliation agreement, please return the original signed document to this office by April 29, 2016.

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4). MCL 169.215(10)(a).

Sincerely,

Louis A Bombonas

Bureau of Elections

Michigan Department of State



RECEIVED/FILED MICHIGAN DEPT OF STATE

STATE OF MICHIGAN RUTH JOHNSON, SECRETARY OF STATE 2016 APR 21 AM 10: 22 DEPARTMENT OF STATE Lansing

ELECTIONS/GREAT SEAL

In the Matter of:

Robert J. Gatt 22670 Penton Rise Court Novi, Michigan 48375

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 Robert Gatt (Respondent) hereby enter into a conciliation agreement with respect to certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent violated MCL §169.257(1) by using county resources to submit Respondent's campaign finance statements and reports.

Therefore, Respondent hereby voluntarily enters into this conciliation agreement and assures the Secretary of State that Respondent will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondent certifies Respondent has paid a civil fine in the amount of \$100.00 to the State of Michigan.

The Secretary of State and Respondent further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly MDOS 5112738-1 04/18/2016 authorized representative. NY \$100.00 MISC

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

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

The Secretary of State and Respondent further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

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

The Secretary of State and Respondent further agree that this 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 agreement, and have done so by signing this agreement on the date below.

RUTH JOHNSON SECRETARY OF STATE

stopher M. Thomas, Director

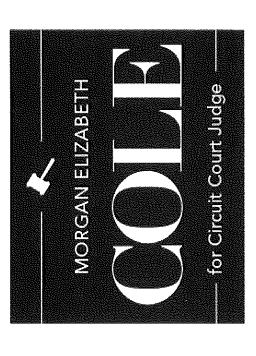
Bureau of Elections

RESPONDENT

Date: 4-21-16

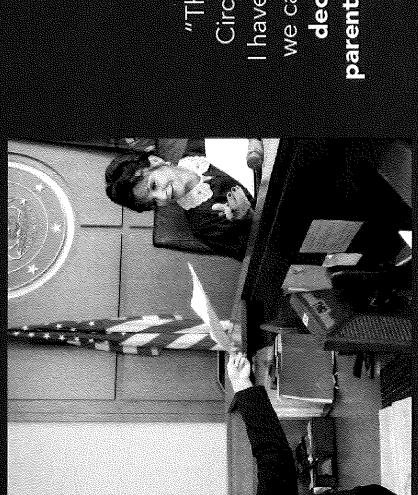
Date: 4-13-16

EXHIBIT 12



Morgan Elizabeth Cole Knows Ingham County.





MORGAN ELIZABETH

for Gireuit Countaludge 💴

"Throughout my work with the Circuit Court the past seven years, I have witnessed the positive impact we can have on adoptions, custody decisions, child support rulings, parental rights and child protections."

MORGAN ELIZABETH COLE

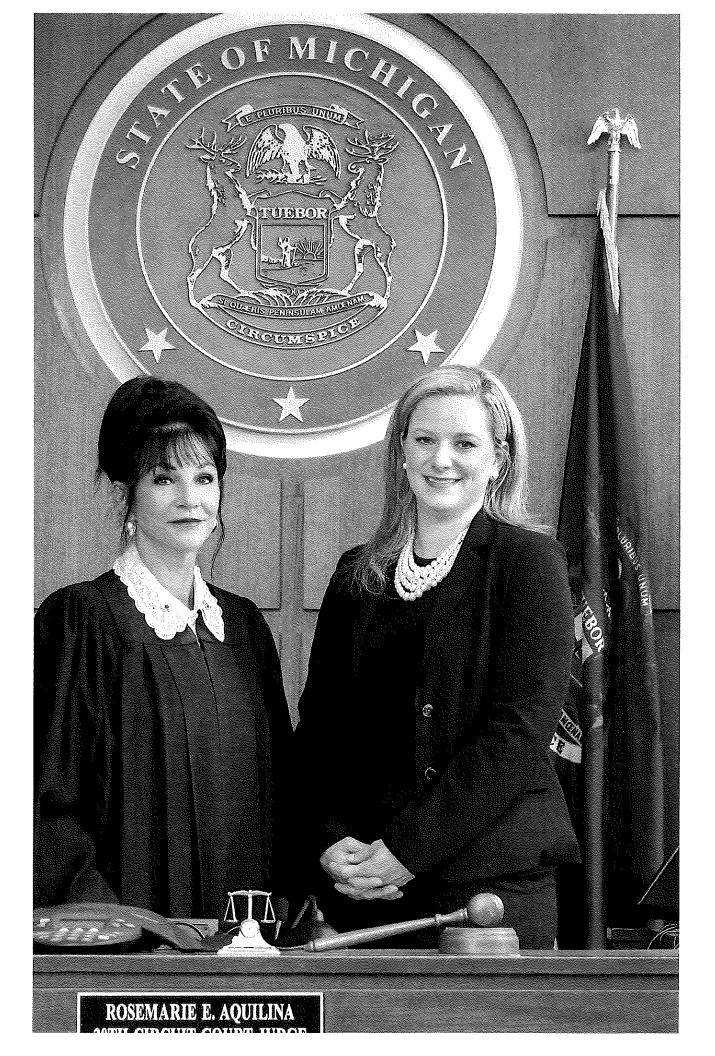




EXHIBIT 13

Aaron Martinez <amartinez719@gmail.com>

FOIA Response

Becky Bennett <BBennett@ingham.org>
To: "amartinez719@gmail.com" <amartinez719@gmail.com>

Wed, Aug 24, 2022 at 4:02 PM

Dear Mr. Martinez

This is in response to your Freedom of Information Act (FOIA) request dated August 21, 2022. Your request was for the following records:

- 1. "A copy of any time cards, time tracking entries, or other document (whether physically or electronically held) showing the actual hours worked by employee Morgan Elizabeth Cole on April 25, 2022, including specific time periods if available.
- 2. A copy of any time cards, time tracking entries, or other document (whether physically or electronically held) showing the actual hours worked by employee Ryan Buck on April 25, 2022, including specific time periods if available.
- 3. A copy of any time cards, time tracking entries, or other document (whether physically or electronically held) showing the actual hours worked by the Assistant to the Ingham County Probate Court Administrator between April 25, 2022, including specific time periods if available.
- 4. A copy of any printer/scanner logs created by Ingham County-owned Konica Minolta devices on April 25, 2022 showing transmissions made to or by either Morgan Elizabeth Cole or Ryan Buck."

Your request is denied in full. These are financial and security records in the possession and control of the Probate Court, and the Court is not a public body subject to FOIA, MCL 15.232(d)(v).

Because this constitutes a denial of your request, pursuant to Section 10 of the Freedom of Information Act, you are entitled to appeal any denial of a request and, if you prevail in such an appeal, attorney's fees, costs, and disbursements shall be awarded. Enclosed please find a complete copy of Section 10 of the Act for your reference.

If you have any questions, please feel free to contact me.

Becky Bennett, Director/FOIA Coordinator
Board of Commissioners Office
517 676-7200



STATE OF MICHIGAN JOCELYN BENSON, SECRETARY OF STATE

DEPARTMENT OF STATE Lansing

September 13, 2022

Morgan Cole for 30th Circuit Court Judge 4449 Alderwood Drive Okemos, MI 48864

Re: *Martinez v. Morgan Cole for 30th Circuit Court Judge* Campaign Finance Complaint No. 2022 – 08 – 87 – 257

Dear Morgan Cole for 30th Circuit Judge:

The Department of State (Department) has received a formal complaint filed against you by Aaron Martinez alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you impermissibly used public resources and facilities in furtherance of your campaign. A copy of the complaint is included with this notice.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure[.]" MCL 169.257(1). The words "contribution" and "expenditure" are terms of are that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of [candidate, ballot question, etc.]. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

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 process is included in the enclosed guidebook.

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. Materials 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. If you

Morgan Cole for 30th Circuit Court Judge Page 2

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. Martinez, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact the Regulatory Section of the Bureau of Elections at BOERegulatory@michigan.gov.

Sincerely,

Regulatory Section Bureau of Elections Michigan Department of State

Morgan Cole for 30th Circuit Court Judge

4449 Alderwood Dr. Okemos, MI 48864

Re: Martinez v. Morgan Cole for 30th Circuit Court Judge Campaign Finance Complaint No. 2022-08-87-257

Dear Bureau of Elections:

I am in receipt of the Bureau's letter dated September 14, 2022, informing of the complaint filed by Mr. Aaron Martinez.

Mr. Martinez is the Treasurer of Chris Wickman for Judge. Mr. Wickman and I are the only candidates seeking election for the current non-incumbent open judicial seat in the 30th Circuit Court of Ingham County.

Please be advised that I received the Bureau's letter and enclosed complaint via mail on September 21, 2022, and remain in the process of investigating the allegations set forth therein.

According to the Guidebook for Complainants and Respondents on the Campaign Finance Complaint Process, a respondent may request one 15-business day extension of the response deadline.

Given the delayed receipt and ongoing investigation, I respectfully submit that good cause exists and hereby request the Bureau grant a 15-business day extension to formally respond to Mr. Martinez's complaint.

Should you have any questions or require any additional information, please do not hesitate to contact me. I look forward to the Bureau's response regarding the above extension request.

Loyally,

Morgan E. Colè

MICHIGA BEDEFOR STATE

2022 OCT -5 PM 3: 13

MDOS-BOERegulatory

From: Sent: To: Subject:	MDOS-BOERegulatory Wednesday, October 5, 2022 4:13 PM Morgan Cole RE: Morgan Cole - Request - Complaint 2022-08-87-257
Dear Ms. Cole, Your request for an extension is g	granted. A response is now due October 26, 2022.
Regulatory Section <u>Bureau of Elections</u> Michigan Department of State Main: 517-335-3234 <u>BOERegulatory@michigan.gov</u>	
From: Morgan Cole <morgancole Sent: Wednesday, October 5, 202 To: MDOS-BOERegulatory <mdo: Subject: Morgan Cole - Request - CAUTION: This is an External ema</mdo: </morgancole 	22 3:25 PM S-BOERegulatory@michigan.gov>
Good afternoon,	
This afternoon, I filed my request electronic copy of my request for	for extension in the above complaint in person at the BOE. In addition, please find an extension submitted via email.
Thank you for your assistance wit	th this matter and I will await further direction from the SOS.
Loyally,	
Morgan Cole	
Sent from my iPhone	

Delivered via Email

MDOS-BOERegulatory@michigan.gov

Michigan Bureau of Elections Regulatory Section

Austin Building, 1st Floor 430 West Allegan Street, Lansing, Michigan 48918

RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Complaint No: 2022-08-87-257

SUPPLEMENTAL MEMO OF LAW IN SUPPORT OF COMPLAINT

Dear Regulatory Section,

On August 25, 2022, I submitted a complaint against the Morgan Cole for Circuit Court Judge Committee ("the Committee) alleging 2 violations of the Michigan Campaign Finance Act, MCL 169.201, et seq, by the Committee for what I believe amounts to the campaigns use of public facilities and equipment in support of Ms. Cole's campaign. On September 14, 2022, the Committee was notified of my complaint and given under September 29, 2022 to submit a response. On October 6, 2022, I was informed that the Committee has not responded or defended against the allegations I have made. Because the statutory timeline for the Committee's response has lapsed, I ask the Bureau to make a finding of responsibility on both allegations.

Allegation 1: Use of Public Equipment

MCL 169.257 prevents the use of publicly owned equipment in support of a candidate's campaign. In this situation, the Alleged Violating Committee is operated by two employees of the Ingham County Probate Court, which has denied Complainant access to the printer records pursuant to the Freedom of Information Act, MCL 15.231, et seq. The Probate Court claims that the FOIA exemption prevents them from disclosing the documents that would show whether Ms. Cole or Mr. Buck broke the law by using the County's Konica Minolta scanning/printing devices to prepare their challenge to the petition signatures gathered by Ms. Cole's opponent.

Although the judicial system is not expressly provided for in the definition of "public body" in MCL 169.211(7), the Ingham County Circuit Court qualifies as "any other body that is created by state or local authority." The Ingham County Circuit Court was established under the authority of Article VI, Section 11 of the 1963 Michigan Constitution, and more specifically, under MCL 600.531. Further, the Ingham County Circuit Court is funded in part by the federal, state, and local government funding sources, as well as through court generated revenues. ¹

Ms. Cole works in the Ingham County Probate Court which is a statutorily protected environment where she is able to use public resources to further her campaign without the public having any

¹ Michigan Association of Counties, *Michigan Trial Court Funding*, March 21, 2022, Page 7, https://micounties.org/wp-content/uploads/Trial-Court-Funding-Bosanac.pdf

ability to know that she is doing so. Complainant has been able to establish the following facts ² that support either a finding of responsibility or a referral to the Attorney General's Office for further investigation:

- 1. Konica Minolta does not sell consumer products and only sells/leases printing and scanning devices to corporations, public bodies, and enterprises.
- 2. Konica Minolta devices embed metadata into the files they create.
- 3. Ms. Cole and her treasurer Mr. Buck are employed by the Ingham County Courts.
- 4. The Ingham County Courts use Konica Minolta devices.
- 5. The documents published by Ingham County contain the referenced Konica Minolta metadata.
- 6. Ms. Cole's challenge contains metadata from a Konica Minolta device, as well as a timestamp indicating that it was created during Ingham County's business hours. ³
- 7. The Freedom of Information Act prevents the undersigned Complainant from reviewing or retrieving the exact printing and scanning logs that would show whether any device owned by Ingham County was used to prepare and submit the challenge.

These facts are sufficient to make a finding to a standard of clear and convincing evidence that the Committee engaged in the use of Ingham County equipment in furtherance of Ms. Cole's campaign for Circuit Court.

In the alternative, should the Bureau disagree that the facts are sufficient, Complainant respectfully requests that Allegation 1 be submitted to the Attorney General's Office for further investigation into Ms. Cole and Mr. Buck's compliance with Section 57 of the Act, pursuant to MCL 169.215(10)(a).

Allegation 2: Use of Public Facilities

For the reasons provided above, the Ingham County Circuit Court is a public body as defined by the MCFA at MCL 169.211(7)(d). As a general rule, Section 57 expressly prohibits the use of "funds, personnel, office space, computer hardware or software, property, stationary, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure" to a candidate committee. ⁴

MCL 169.257 prevents the use of publicly owned facilities in support of a candidate's campaign unless "any candidate or committee has an equal opportunity to use the public facility." ⁵ The Bureau has previously indicated its position that state and local units of government and their employees "share a heightened duty to safeguard public resources from misuse for political purposes." ⁶ This position has only been bolstered by the Legislature since the passage of PA 31

⁵ MCL 169.257(1)(d)

² See MCFA Complaint, August 25, 2022

³ The Ingham County Courts are open from 8:30AM-4:30PM; See https://cc.ingham.org/courts and sheriff/circuit court/hours and holidays.php

⁴ MCL 169.257(1)

⁶ Interpretive Statement (IS) to Robert LaBrant, February 17, 2006

of 2012 which formally made it state policy that public bodies, and those acting on their behalf, do not attempt to influence the outcome of an election. ⁷

The Bureau states that Section 57 is "not intended to squash the constitutional right to free speech by public officials or public bodies, but rather ensure that public resources are not used to influence elections." ⁸ To be clear, the Complaint is not one directed at the judges who have exercised their right to endorse Ms. Cole's candidacy. The Complaint is directed at the Committee for undertaking the use of such courtrooms for staged campaign photo opportunities that are only available to Ms. Cole's campaign. The Bureau has made it clear that the use of public facilities is only allowable under the MCFA when those equal opportunities are available for any candidate. ⁹

The term "expenditure" is defined in the MCFA¹⁰ as:

- 1. A contribution or transfer of anything of ascertainable monetary value
- 2. For goods, materials, services, or facilities
- 3. In assistance of or in opposition to
- 4. The nomination or election of a candidate

For the following reasons, the use of the Ingham County Circuit Court facilities by Ms. Cole and her campaign to stage multiple campaign photoshoots constitutes an improper contribution, and therefore an expenditure, in violation of Section 57.

The question of whether furnishing facilities in assistance of a candidate's election amounts to a contribution has been answered by this Bureau in the past. In a 1981 interpretive statement, the Bureau determined that when a company furnished facilities to a candidate, that the company has made a contribution to the candidate's campaign. ¹¹ In that statement, the Bureau analyzed that it is important to first determine whether there is something of ascertainable monetary value which is "in assistance of or in opposition to" the election of a candidate.

Here, there can be no question that use of the Ingham County Circuit Court courtroom facilities, for a campaign photoshoot which assists Ms. Cole in her election, constitutes a contribution by the public body under the MCFA. First, the Ingham County Circuit Courtrooms are not available to the public for rental. Any requests to gain access to a courtroom must be referred to the judge who presides over that courtroom. Through her position as a Court Administrator, Ms. Cole was able to secure access to at least three courtrooms which are not open to the general public, and most importantly other candidates, for purposes of taking photographs in support of her campaign.

The Bureau is able to infer that the photos were not taking for any personal reasons because in one photo provided in the Complaint, Ms. Cole is seen pretending to handle documents on behalf of a judge. This is not the role of a Court Administrator. These photos were taken specifically for their use in Ms. Cole's campaign. The use of the photos on printed and electronic materials supporting Ms. Cole's campaign is also indicative of the purpose behind the use of the courtrooms.

⁹ Committee Manuals, Appendix I, supra

⁷ PA 31 of 2012, Enacting Section 1

⁸ *Id*

¹⁰ MCL 169.206(1); MCL 169.257(1)(d)

¹¹ IS to Jack Bailey, December 2, 1981

Therefore, for these reasons, the undersigned Complainant respectfully requests that the Bureau make a finding of responsibility against Ms. Cole and her campaign for improperly using facilities not available to the general public for purposes of taking photographs to be used in support of her campaign.

After the filing of the Complaint, Ms. Cole Continues to Violate Section 57

After this Complaint was filed on August 25, 2022, the undersigned Complainant discovered that Ms. Cole has engaged in the use of Ingham County facilities to benefit her campaign on other occasions as well:



Like the other photos submitted with the Complaint, the photos are framed in such a way to invoke the seal of the State of Michigan and the Circuit Court bench. More importantly, like the photos submitted with the Complaint, these photos are used in materials containing words of express advocacy in support of Ms. Cole's campaign.

Further, Complainant has learned that a photo of Ms. Cole appearing in a Circuit Courtroom was mailed to thousands of Ingham County voters. Again, that mailer contained words of express advocacy. Complainant does not have a copy of that mailer to share with the Bureau, but has seen it and verified that it was mailed in support of her campaign. Ms. Cole's repeated habits of staging her campaign photoshoots inside the Ingham County Circuit Court, in violation of Section 57 of the Act, must be stopped.

Conciliation Agreement is an Appropriate Informal Resolution to the Complaint

MCL 169.215(10) provides that the Bureau should venture to resolve and correct all complaints through informal methods. The objective of the informal resolution is to prevent future violations.

Here, the violations alleged are severe in nature due to Ms. Cole's close proximity of her employment to the public body that has been used to benefit her campaign. Ms. Cole has abused the public trust by using her position to benefit her campaign on multiple occasions. Complainant fears that we will never know the true extent to which Ms. Cole has misused public resources due to the limitations imposed by the Freedom of Information Act.

Complainant believes that, should the Bureau find that both allegations have been substantiated, that a Conciliation Agreement is a proper way to avoid repeat violations. It is the Complainant's belief that any Conciliation Agreement entered into in this matter should include not only Ms. Cole and her Treasurer Mr. Buck, but should also include a representative who is able to act on behalf of Ingham County.

Within the last 3 years, the Bureau has determined that Ingham County resources have been used by public officials/employees in furtherance of campaign activity. ¹² In that matter, only the offender was required to enter into the Agreement. Requiring the public body to enter into the Conciliation Agreement is a proper informal step to ensure that the public body itself is reminded of its obligations under the law as well as making sure that the public body and its employees are properly trained and monitored for compliance with the Michigan Campaign Finance Act.

Conclusion

THEREFORE, for the preceding reasons, I respectfully request that the Bureau find that both allegations of violations of the Michigan Campaign Finance Act set forth in the complaint have been substantiated to a standard of clear and convincing evidence.

To the extent that the Bureau finds the Committee responsible for only Allegation 2, Complainant respectfully requests that the Bureau refer Allegation 1 to the Department of Attorney General for a more comprehensive investigation into whether Ingham County resources have been used to benefit Ms. Cole's campaign.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Aaron Martinez Complainant

¹² Markwort v Wriggelsworth, 2019-1-1-57

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STATE OF MICHIGAN JOCELYN BENSON, SECRETARY OF STATE

DEPARTMENT OF STATE

LANSING

October 10, 2022

Morgan Cole for 30th Circuit Court Judge 4449 Alderwood Drive Okemos, MI 48864

Via email

Re: *Martinez v. Morgan Cole for 30th Circuit Court Judge*Campaign Finance Complaint No. 2022 – 08 – 87 – 257

Dear Morgan Cole for 30th Circuit Court Judge:

The Department of State (Department) received a formal complaint filed against you by Aaron Martinez alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you impermissibly used public resources and facilities in furtherance of your campaign. A notice of the complaint was mailed to you September 14, 2022. On October 5, you requested, and the Department granted, an extension of an additional 15 days to submit a response, pursuant to section 15 of the MCFA. MCL 169.215(5). On October 7, 2022, the complainant submitted supplemental materials to his initial complaint. In order to allow you to respond to the allegations against you, the Department is allowing 15 days from the date of this letter to respond to the allegations in both the initial and supplemental filings. A copy of the supplemental filing is included with this notice. The Department will not accept any additional supplemental documents from the complainant.

A copy of your answer will be provided to Mr. Martinez, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing 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.

If you have any questions concerning this matter, you may contact the Regulatory Section of the Bureau of Elections at BOERegulatory@michigan.gov.

Sincerely,

Regulatory Section Bureau of Elections Michigan Department of State

c: Aaron Martinez

From: MDOS-BOERegulatory

Sent: Monday, October 17, 2022 8:40 AM

To: Morgan Cole

Subject: RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Dear Ms. Cole,

Upon receipt of the supplemental filing, the Department reset the 15-business day clock to start from October 10 rather than October 5, the date initially indicated in your extension. Accordingly, your response, if you choose to file one, is due October 31.

Regulatory Section Bureau of Elections Michigan Department of State

From: Morgan Cole <morgancoleforjudge@gmail.com>

Sent: Saturday, October 15, 2022 4:09 PM

To: MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Hello,

I am in receipt of the supplemental notice and supplemental memo in support of the complaint.

When the Department granted my extension request on October 5, 2022, I received an email indicating a response was due October 26, 2022.

The supplemental notice dated October 10, 2022, states "the Department is allowing 15 days from the date of this letter to respond to the allegations in both the initial and supplemental filings," which is October 25, 2022.

At your earliest convenience, can you kindly clarify whether I have 15 days or 15 business days from the date of the supplemental notice to file a response?

MCL 169.215(5) references business days, so I wanted to make sure. I calculate that 15 business days would require my response by October 31, 2022.

Thank you for your time and clarification.
Loyally,
Morgan Elizabeth Cole for 30th Circuit Court Judge
On Mon, Oct 10, 2022 at 12:02 PM MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > wrote:
Please see the attached
Regulatory Section
Bureau of Elections
Michigan Department of State
Main: 517-335-3234
BOERegulatory@michigan.gov

From: Aaron Martinez <amartinez719@gmail.com>
Sent: Wednesday, October 26, 2022 3:54 PM

To: MDOS-BOERegulatory

Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Thank you for the clarification. The letter stated the deadline was "15 days from" the date of the letter which threw me off. I do agree the statute says 15 business days.

Best, Aaron

On Wed, Oct 26, 2022 at 3:16 PM MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > wrote:

Because you submitted supplemental materials, the Department re-set the clock on the 15 business days allowed for a response. Accordingly, Ms. Cole's deadline for a response is October 31, 2022, or 15 business days after the supplemental notice on October 10.

Regulatory Section

Bureau of Elections

Michigan Department of State

Main: 517-335-3234

BOERegulatory@michigan.gov

From: Aaron Martinez < amartinez 719@gmail.com > Sent: Wednesday, October 26, 2022 12:33 PM

To: MDOS-BOERegulatory < <u>MDOS-BOERegulatory@michigan.gov</u>> Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Good Afternoon,

Would you please kindly advise whether a response was submitted before the deadline yesterday?
Thank you,
Aaron Martinez
On Mon, Oct 10, 2022 at 12:22 PM Aaron Martinez amartinez719@gmail.com > wrote:
Received, thank you!
Best,
Aaron
On Mon, Oct 10, 2022 at 12:02 PM MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > wrote:
Please see the attached
Regulatory Section
Bureau of Elections
Michigan Department of State
Main: 517-335-3234
BOERegulatory@michigan.gov

Morgan Cole for 30th Circuit Court Judge

4449 Alderwood Dr. Okemos, MI 48864

Re: Martinez v. Morgan Cole for 30th Circuit Court Judge Campaign Finance Complaint No. 2022-08-87-257

To Whom It May Concern:

On September 21, 2022, I received a copy of the Department of State's (the "Department") letter informing of the complaint filed by Mr. Aaron Martinez. On October 5, 2022, the Department granted my timely request for an extension to respond to the complaint. On October 7, 2022, Mr. Martinez submitted supplemental materials to his complaint. By letter dated October 10, 2022, the Department allowed until October 31, 2022 to respond to the complaint. This letter responds to Mr. Martinez's complaint.

Mr. Martinez is the Treasurer of Chris Wickman for Judge. Chris Wickman is the only other candidate for the current non-incumbent open judicial seat in the 30th Circuit Court of Ingham County.

Mr. Martinez first alleges that my campaign violated the Michigan Campaign Finance Act ("MCFA") by using public resources to scan a petition challenge in April 2022. Please be advised that Mr. Buck and I have reviewed our email accounts, including personal, campaign, and work. Neither Mr. Buck nor I could find that we scanned the petition challenge using public resources, nor did either of us knowingly direct anyone else to scan the petition challenge using public resources on behalf of the campaign. I further disagree that Mr. Martinez has established facts sufficient to prove that an improper contribution or expenditure was made in violation of the MCFA and look forward to the Department's decision on this matter.

Mr. Martinez further alleges that my campaign violated the MCFA when I took pictures inside the courtrooms of different Ingham County Circuit Court judges who support my candidacy. In that regard, Mr. Martinez correctly stated in his supplemental materials that "the Bureau has made it clear that the use of public facilities is only allowable under the MCFA when those equal opportunities are available for any candidate." Mr. Martinez then erroneously concludes that I am the only candidate with access to the Ingham County Circuit Court courtrooms. Despite acknowledging a request process for access to the County courtrooms, Mr. Martinez has failed to submit any evidence showing or even suggesting that his candidate, Mr. Wickman, availed himself to that process or even made a request. Accordingly, because Mr. Martinez has failed to show that Mr. Wickman made a request and was denied access to any Ingham County Circuit Court courtroom, it cannot be said that an equal opportunity was not available to Mr. Wickman. Accordingly, no violation of the MCFA has occurred.

MICHIGAN DEPT OF STATE

2022 OCT 31 PM 1: 15

FI FCTIONS/GREAT SEA

Should you have any questions or require any additional information regarding this response, please do not hesitate to contact me. I look forward to resolving this matter as expeditiously as possible.

Thank You,

Morgan E. Cole

From: MDOS-BOERegulatory

Sent: Thursday, November 10, 2022 3:56 PM

To: Morgan Cole

Subject: RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Dear Ms. Cole,

Please consider this your second notice of the complaint and supplemental filing by Mr. Martinez. To date, the Department has not received a response from you. The Department is allowing an additional five business days from today as a courtesy, during which you may submit a response. At that point, the Department will proceed to a determination based on the submissions received to that point.

Regulatory Section

Bureau of Elections

Michigan Department of State

Main: 517-335-3234

BOERegulatory@michigan.gov

From: MDOS-BOERegulatory

Sent: Monday, October 17, 2022 8:40 AM

To: Morgan Cole <morgancoleforjudge@gmail.com>

Subject: RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Dear Ms. Cole,

Upon receipt of the supplemental filing, the Department reset the 15-business day clock to start from October 10 rather than October 5, the date initially indicated in your extension. Accordingly, your response, if you choose to file one, is due October 31.

Regulatory Section Bureau of Elections

Michigan Department of State

From: Morgan Cole < morgancoleforjudge@gmail.com >

Sent: Saturday, October 15, 2022 4:09 PM

To: MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Hello,

I am in receipt of the supplemental notice and supplemental memo in support of the complaint.

due October 26, 2022.
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MCL 169.215(5) references business days, so I wanted to make sure. I calculate that 15 business days would require my response by October 31, 2022.
Thank you for your time and clarification.
Loyally,
Morgan Elizabeth Cole for 30th Circuit Court Judge
On Mon, Oct 10, 2022 at 12:02 PM MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > wrote:
Please see the attached
Regulatory Section
Bureau of Elections
Michigan Department of State
Main: 517-335-3234
BOERegulatory@michigan.gov

When the Department granted my extension request on October 5, 2022, I received an email indicating a response was

From: MDOS-BOERegulatory

Sent: Monday, November 14, 2022 9:06 AM

To: Morgan Cole

Subject: RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Ms. Cole,

I apologize for the confusion. Thank you for submitting another copy electronically in a separate email.

Regulatory Section

Bureau of Elections

Michigan Department of State

Main: 517-335-3234

BOERegulatory@michigan.gov

From: Morgan Cole <morgancoleforjudge@gmail.com>

Sent: Thursday, November 10, 2022 4:40 PM

To: MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov>

Cc: mcolelaw04@gmail.com

Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Hello,

I submitted my response in person on October 31, 2022.

Please advise.

Loyally,

Morgan Cole

Sent from my iPhone

On Nov 10, 2022, at 3:56 PM, MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov> wrote:

Dear Ms. Cole,

Please consider this your second notice of the complaint and supplemental filing by Mr. Martinez. To date, the Department has not received a response from you. The Department is allowing an additional five business days from today as a courtesy, during which you may submit a response. At that point, the Department will proceed to a determination based on the submissions received to that point.

Regulatory Section
Bureau of Elections

Michigan Department of State

Main: 517-335-3234

BOERegulatory@michigan.gov

From: MDOS-BOERegulatory

Sent: Monday, October 17, 2022 8:40 AM

To: Morgan Cole <morgancoleforjudge@gmail.com>

Subject: RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Dear Ms. Cole,

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From: Morgan Cole <morgancoleforjudge@gmail.com>

Sent: Saturday, October 15, 2022 4:09 PM

To: MDOS-BOERegulatory < <u>MDOS-BOERegulatory@michigan.gov</u>> Subject: Re: Martinez v. Morgan Cole for 30th Circuit Court Judge

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

Hello,

I am in receipt of the supplemental notice and supplemental memo in support of the complaint.

When the Department granted my extension request on October 5, 2022, I received an email indicating a response was due October 26, 2022.

The supplemental notice dated October 10, 2022, states "the Department is allowing 15 days from the date of this letter to respond to the allegations in both the initial and supplemental filings," which is October 25, 2022.

At your earliest convenience, can you kindly clarify whether I have 15 days or 15 business days from the date of the supplemental notice to file a response?

MCL 169.215(5) references business days, so I wanted to make sure. I calculate that 15 business days would require my response by October 31, 2022.
Thank you for your time and clarification.
Loyally,
Morgan Elizabeth Cole for 30th Circuit Court Judge
On Mon, Oct 10, 2022 at 12:02 PM MDOS-BOERegulatory < MDOS-BOERegulatory@michigan.gov > wrote:
Please see the attached
Regulatory Section
Bureau of Elections
Michigan Department of State
Main: 517-335-3234
BOERegulatory@michigan.gov



STATE OF MICHIGAN JOCELYN BENSON, SECRETARY OF STATE

DEPARTMENT OF STATE Lansing

November 14, 2022

Aaron Martinez 31168 Shorecrest Drive, #28308 Novi, MI 48377

Via email amartinez719@gmail.com

Re: *Martinez v. Morgan Cole for 30th Circuit Court Judge* Campaign Finance Complaint No. 2022 – 08 – 87 – 257

Dear Mr. Martinez:

The Department of State received a response from Morgan Cole to the complaint you filed against her 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. <u>If you elect to file a rebuttal statement</u>, 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,

Regulatory Section
Bureau of Elections
Michigan Department of State

November 29, 2022

Delivered via Email

MDOS-BOERegulatory@michigan.gov

Michigan Bureau of Elections Regulatory Section

Austin Building, 1st Floor 430 West Allegan Street, Lansing, Michigan 48918

RE: Martinez v. Morgan Cole for 30th Circuit Court Judge

Complaint No: 2022-08-87-257 REBUTTAL STATEMENT

Dear Regulatory Section,

On November 14, 2022, I was provided with a copy of the Response submitted by Morgan Cole dated October 31, 2022. This letter shall serve as my timely Rebuttal Statement pursuant to MCL 169.215(5). At the outset, I will state that notwithstanding my professional campaign work, I have standing to file this complaint under MCL 169.215.

For the reasons stated herein, I ask the Bureau to make a finding of responsibility on both allegations, or alternatively, direct this matter to the Department of Attorney General for investigation or enforcement.

Allegation 1: Use of Public Equipment

As the administrator of the Probate Court, which is exempt from disclosure under the Freedom of Information Act, Ms. Cole is aware that there is no way for a member of the public to obtain information about how she uses public resources under her control. Her response does little to shed light on whether she has followed the law in that capacity.

In this day and age, every click leaves a record. As experts have stated, ¹ and the U.S. Supreme Court recognized in *Riley v California*, 573 US 373 (2014), the digital footprint of a person's online/technological data has only grown in recent decades. Unlike earlier models, modern printers and scanners, both consumer and professional, create logs of transmissions. Ms. Cole's response is a non-answer to the allegation, and she fails to provide any information or evidence which can help the Bureau to know:

- 1. How and where she actually printed the challenge;
- 2. How and where she actually signed the challenge; or
- 3. How and where she scanned the challenge.

¹ What is a digital footprint? And how to protect it from hackers, AO Kaspersky Labs, https://www.kaspersky.com/resource-center/definitions/what-is-a-digital-footprint (Accessed on November 29, 2022)

The undersigned Complainant would have been happy to concede this allegation if Ms. Cole or her Treasurer provided any transparency regarding how the challenge was prepared, printed, scanned, or submitted, including verifiable proof (such as in the form of a time card) as to whether any such political activity was completed on public time. Regretfully, Ms. Cole's response leaves more questions than answers. It is further problematic that Ms. Cole indicates that her campaign did not "knowingly" direct anyone to use public resources on her campaign. This qualification clearly leaves open the possibility that she may have "unknowingly" directed someone to use public resources to further her campaign. This kind of wordplay without any support, does little to help resolve the questions presented.

In light of Ms. Cole's evasive response, and because the Probate Court exemption in the FOIA statute provides the Complainant with no other legal avenue in which to prove or disprove the allegation, I do not believe the Bureau is able to conclusively state that a violation did not occur here. Rather, the evasive response is enough to warrant referral to an investigative body which has the ability to obtain records and information which are shielded from the public. I believe the proper course of action is for this allegation to be referred to the Investigative Division of the Department of Attorney General.

Allegation 2: Use of Public Facilities

In her response, Ms. Cole acknowledges using public facilities for political purposes. ² She states, however, that her use of the public facilities for a campaign photoshoot is not prohibited because I did not prove that such access was denied to her opponent. Ms. Cole fundamentally misstates the requirements of the statute.

MCL 169.257(1)(d) states that the prohibition on use of public facilities properly does not apply where "<u>any</u> candidate...has an equal opportunity to use the public facility." (Emphasis added). The spirit of this statute has long been interpreted to apply to circumstances where a public room or facilities is available to the public for rent, such as a local library or city hall. Such is not the case here. The Ingham County Circuit Court is not a public forum of that nature.

Further, the Supplemental Memo submitted by Complainant was clear: "the Ingham County Circuit Courtrooms are not available to the public for rental." In the event there is any question as to the availability of the courtrooms to any candidate for political purposes, in an email dated November 16, 2022, Ingham County Circuit Court Administrator George Strander confirmed that the Court does not allow political events in the court facilities:

² See Ms. Cole's Response, dated October 31, 2022, Page 1 ("Mr. Martinez further alleges that my campaign violated the MCFA when I took pictures inside the courtrooms of different Ingham County Circuit Court judges who support my candidacy." (Emphasis added)

³ Supplemental Memo of Law in Support of Complaint, Page 3

Good morning, Mr. Martinez.

Court facilities, including courtrooms, are not available for the purpose of hosting a political event.

George Strander

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From: Aaron Martinez sent: Tuesday, November 15, 2022 1:06 PM
To: George Strander GStrander@ingham.org
Subject: Rental Inquiry

Good Afternoon Mr. Strander,

I was writing to get confirmation about whether the Circuit Court facilities were able to be rented for purposes of hosting a political event? I also wanted to find out whether there was a process to be able to request to rent or use the courtrooms.

Thank you for your assistance.

Best,

Aaron Martinez

By virtue of this policy against political activity on court property, it cannot be said that any other person, candidate, or committee would have had the ability to use the courtrooms in the manner which Ms. Cole repeatedly has over two different election cycles. Ms. Cole has shown she is willing to use her position as Probate Court Administrator to gain access to courtrooms for political purposes, in violation of the county's policy as stated by the Circuit Court Administrator.

Further, the law does not support Ms. Cole's assertion that I must prove anything with respect to her opponent, who is not a party to this complaint. MCL 169.257 expressly frames the issue around whether "any" candidate or committee would be able to use the facilities. On that basis, there is no requirement for me to demonstrate that Ms. Cole's opponent attempted to obtain or was denied access to the court room for political purposes in order for Ms. Cole to be found responsible for the violation. The Ingham Circuit Court Administrator clearly states that political events such as campaign photoshoots, are not permitted in the Court. A candidate who made the request to use the facilities for a campaign photoshoot would be denied by the Circuit Court Administrator. In violation of the court's clear prohibition, Ms. Cole has nonetheless availed herself of the Court's facilities for political purposes in a manner which is not available to others.

As to this allegation, Ms. Cole has admitted to using the Circuit Court facilities for her campaign photoshoots. The Ingham County Circuit Court Administrator says that courtrooms are not permitted to be used or rented for political purposes. Therefore, Ms. Cole has clearly violated MCL 169.257 by hosting multiple campaign photoshoots in the public facilities owned by Ingham County, when those facilities are not available to any other candidate.

Conclusion

THEREFORE, for the preceding reasons, I respectfully request that both allegations set forth in the complaint be upheld as violations of the Michigan Campaign Finance Act.

Further, in light of the FOIA statute, MCL 15.231 et seq., preventing the disclosure of key dispositive information such as printer/scanner records, time cards, emails of court staff, etc., if the Bureau is unable to make a finding of responsibility as to Allegation 1, I respectfully request that the Bureau refer Allegation 1 to the Department of Attorney General for further investigation, while making a finding of responsibility as to Allegation 2.

Further, I believe entering into a Conciliation Agreement is a proper informal resolution for these violations. As stated previously, I believe a representative of the Public Body, whether it is the County Clerk, Court Administrator, or Chief Judge, Court, should also be a party of that agreement in order to ensure that the tenants and responsibilities that come with MCL 169.257 are adhered to in the future. There is no indication at this time that the County or Court Administration itself permitted the violations to occur, however, it is clear that the county or court have improvements to make to ensure compliance with Section 57.

If you have any questions about this Rebuttal Statement, please do not hesitate to contact me. I give my appreciation to the Bureau staff for their ongoing professionalism and assistance in this matter.

Respectfully submitted,

Aaron Martinez (P86228)

Dam Musting

Complainant



STATE OF MICHIGAN JOCELYN BENSON, SECRETARY OF STATE

DEPARTMENT OF STATE Lansing

January 11, 2023

Morgan Cole for 30th Circuit Court Judge 4449 Alderwood Drive Okemos, MI 48864

Re: *Martinez v. Morgan Cole for 30th Circuit Court Judge*Campaign Finance Complaint No. 2022 – 08 – 87 – 257

Dear Morgan Cole for 30th Circuit Court Judge:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Aaron Martinez alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that you impermissibly used public resources and facilities in furtherance of your campaign.

First, the complainant alleged that you used a Konica Minolta printer in order to submit a petition challenge on April 25, 2022. In support of that assertion, he points to the fact that Ms. Cole is employed by Ingham County as Probate Court Administrator and the campaign's treasurer is employed by Ingham County as an elected Trustee of Lansing Community College; that the petition challenge submission contains metadata from a Konica Minolta device; that both the Ingham County courts and Lansing Community College use Konica Minolta devices; that Konica Minolta does not sell products to consumers; and that the submission's metadata indicates that it was submitted during working hours.

Second, Mr. Martinez alleged that Ms. Cole engaged in a campaign photo shoot inside a courtroom of Ingham County Circuit Court, which constituted a contribution of facilities, lighting, and utilities.

On October 7, 2022, Mr. Martinez submitted a supplemental memo, reiterating the allegations regarding the use of a Konica Minolta device and the use of Ingham County court facilities for photo shoots. He argued that the courtrooms are not available to the public for rental and that any requests to gain access to a courtroom are referred to the presiding judge. As Court Administer, Ms. Cole was able to secure access to at least three courtrooms that are not open to the general public or to other candidates for the purpose of taking photographs, in support of her campaign, he alleged.

Mr. Martinez also requests that a representative of Ingham County be included in any conciliation discussions. The MCFA does not contemplate such an arrangement and, in its role of enforcing the MCFA, the Department does not see a reason to extend the provisions of the complaint process to persons or entities who are not parties to the complaint.

Ms. Cole responded to the complaint in a letter received by the Department October 31, 2022. First, she responded to the allegation that her campaign violated the MCFA by using public resources to scan a petition challenge in April 2022. She stated that she and her treasurer had reviewed their email accounts, including personal, campaign, and work. Upon review, neither could find that they had scanned the petition challenge using public resources, nor did either knowingly direct anyone else to scan the petition challenge using public resources on behalf of the campaign.

Next, she responded to the allegation that her campaign violated the MCFA when she took pictures inside the courtrooms of different Ingham County Circuit Court judges who supported her candidacy. She acknowledged that "the Bureau has made it clear that the use of public facilities is only allowable under the MCFA when those equal opportunities are available for any candidate." However, she disputed the assertion that other candidates were not afforded equal opportunity to use the facilities. She argued that the complainant did not submit any evidence showing that any other candidate, including her opponent, Mr. Wickman, was denied access or even made a request for access using the court's request process.

Mr. Martinez provided a rebuttal statement in a letter dated November 29, 2022. In that statement, he argued that Ms. Cole's response constituted a "non-answer" to the allegation, given that she did not provide an answer as to how and where the challenge was printed or scanned. He argues that he does not believe "the Bureau is able to conclusively state that a violation did not occur here." Regarding the use of facilities, he submitted an email to the Ingham County Circuit Court Administrator confirmed that the court does not allow political events in court facilities. He argued that there is no need for Ms. Cole's opponent to prove that he was unable to use the facilities, as he was not a party to the complaint.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure[.]" MCL 169.257(1). The words "contribution" and "expenditure" are terms of are that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of [candidate, ballot question, etc.]. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Contrary to Mr. Martinez's assertion, there is no burden for the Bureau to "conclusively state that a violation did not occur here." Rather, the Department endeavors—using any submitted complaint, response, or rebuttal statement, as well as any dispositive correspondence—to determine "whether or not there may be reason to believe that a violation of this act occurred."

While Mr. Martinez argues that the petition challenge could have only been scanned at the Ingham County courts or at Lansing Community College—both Ingham County facilities—the Department disagrees. The document contained no identifying marks indicating the use of Ingham resources (as opposed to the use of a Konica Minolta scanner from any other facility), and Mr. Martinez has not submitted any affidavits or tracking information showing an Ingham connection. The scanner is commercially available and may be used at any number of facilities. Mere availability of a device, the use of which would be a MCFA violation, is not enough to establish that that device was the device used.

The Department notes that Ms. Cole's response to this allegation is particularly unhelpful, however. While she denies knowledge of a violation, the Department expected that the 15-business day extension she requested and received to investigate the allegations would have been enough to determine the provenance of the scanned petition challenge. Instead, she replied, "Neither [her treasurer] Mr. Buck nor I could find that we scanned the petition using public resources, nor did either of us knowingly direct anyone else to scan the petition challenge using public resources on behalf of the campaign."

In the email Mr. Martinez points to as evidence that other candidates did not have equal opportunity to use the courtrooms, both he and the person to whom he directed the inquiry refer to the possibility of using the courtroom for a "political event." However, Mr. Martinez does not allege that Ms. Cole used the courtroom for a political event; rather, he points to a few pictures taken across three courtrooms, describes them as photo shoots, and concludes that no other candidate would have been able to take pictures in those facilities. Without an indication that another candidate was denied access to take pictures, the Department cannot find that Ms. Cole's campaign benefited from an opportunity that was not available to other candidates.

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. 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,

Jenny McInerney, Regulatory Attorney

Bureau of Elections

Michigan Department of State