



Michigan Department of State
Campaign Finance Complaint Form

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

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2022 OCT 17 PM 1:40

ELECTIONS/GREAT SEAL

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

Section 1. Complainant			
Your Name <i>Matthew H. Metcalf</i>		Daytime Telephone Number <i>989 837 1029</i>	
Mailing Address <i>615 Hillcrest Rd</i>			
City <i>Midland</i>	State <i>MI</i>	Zip <i>48640</i>	
Email (optional) <i>mhmetcal@yahoo.com</i>			

Section 2. Alleged Violator		
Name <i>SEE ATTACHED</i>		
Mailing Address		
City	State	Zip
Email (optional)		

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

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

Explain how those sections were violated:

Printed materials (flyers, door hangers) do not identify who is funding that material

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

Copy of flyer included

Section 2 – Alleged Violators

Mindy Cox
3113 Walden Woods Drive
Midland, MI 48640

Sara Ladwein
3781 Susan Ln
Midland, MI 48642

Jimmy Sheets
1206 Bayberry Lane
Midland, MI 48640

Parents for Midland Public School Board
<https://parentsformidlandpublicschoolboard.org/>

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

Justin J. J. J.
Signature of Complainant

10/14/2022
Date

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

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

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

X

Signature of Complainant

Date

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

Section 6. Submission

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

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

VOTE
NOVEMBER 8

for Midland Public
SCHOOL BOARD



Mindy Cox



Sara Ladwein



Jimmy Sheets

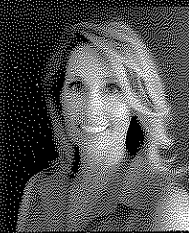
Endorsed by
MOMS *for*
★ LIBERTY ★
MIDLAND COUNTY • MI

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Mindy Cox



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Jimmy Sheets

Endorsed by
MOMS *for*
★ **LIBERTY** ★

MIDLAND COUNTY • MI

★ Midland Public ★
School board

A vote for:

- JIMMY SHEETS
- MINDY COX
- SARA LADWEIN

Is a vote for:

- FOCUS ON EXCELLENCE IN
EDUCATION
- PARENTS RIGHTS
- TRANSPARENCY & ACCOUNTABILITY
- FUNDING CLASSROOMS, NOT
AGENDAS

Visit us on Facebook at
Parents for Midland
Public School Board





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

October 21, 2022

Mindy Cox
3113 Walden Woods Dr.
Midland, MI 48640

Sara Ladwein
3781 Susan Ln.
Midland, MI 48642

Jimmy Sheets
1206 Bayberry Ln.
Midland, MI 48640

Re: *Metcalf v. Sheets et al.*
Campaign Finance Complaint No. 2022 - 10 - 156 - 47

Dear Ms. Cox, Ms. Ladwein & Mr. Sheets:

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

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

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

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

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

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

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

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Enclosure
c: Matthew Metcalf

From: mindy cox <mindy.cox1@gmail.com>
Sent: Monday, November 7, 2022 1:27 PM
To: MDOS-BOERegulatory
Cc: Sara Ladwein; jimmysheets1@gmail.com
Subject: Re: Campaign Finance Complaint No. 2022-10-156-47
Attachments: 18A9BC9B-96E8-4B4E-8482-4383CBF42933.jpeg; 413FE25A-0329-4407-B4A4-D4803586BA6D.jpeg

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

Thank you very much for the reply and clarification on information. We stopped delivering any campaign materials when we first received the notice and have since corrected the error and included the name and address on the “paid for by” statement on all materials in circulation. If there is anything else we need to do please advise. Thank you for your time.

Best regards,

Mindy Cox

On Monday, October 31, 2022, MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov> wrote:

Dear Ms. Cox,

As stated in the warning letter, the requirement is that materials include the name and address of the person paying for the materials. [MCL 169.247](#). The picture of the door hanger that you included appears to show only the names of the people who paid for the materials. However, the writing is extremely faint in your attachment; if there is a picture where an address is visible, please send it. If not, please refer to the warning letter for the appropriate next steps—namely, including the omitted information in all future distributions and rectifying the omitted information in distributed material to the extent possible.

Regulatory Section

[Bureau of Elections](#)

Michigan Department of State

Main: 517-335-3234

BOERegulatory@michigan.gov

From: mindy cox <mindy.cox1@gmail.com>
Sent: Monday, October 31, 2022 11:28 AM

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

Subject: Campaign Finance Complaint No. 2022-10-156-47

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

To whom it may concern,

I have received a complaint from one Mr. Metcalf claiming missing "paid for by" information on our public school board campaign door hangers. It is unclear to me in the complaint if an actual door hanger was mailed to you, therefore, I am including a photo that shows it does in fact include a "paid for by" statement.

Our County Clerk received a similar complaint and reached out to us with this concern, at which time we immediately delivered an actual door hanger to his office. He was able to see the "paid for by" statement and gave us the all clear to continue distributing our material.

We are looking for further instruction as to how to proceed given the allegation that we omitted a "paid for by" statement is incorrect.

Thank you for your time,

Mindy Cox

801-360-5299

Please do not compromise to elect Jimmy Sheets, Mindy Cox, or Sara Ladwein.
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★ Midland Public ★
School board

A vote for:

- JIMMY SHEETS
- MINDY COX
- SARA LADWEIN

Or a vote for:

- FOCUS ON EXCELLENCE IN EDUCATION
- PARENTS RIGHTS
- TRANSPARENCY & ACCOUNTABILITY
- FUNDING CLASSROOMS, NOT AGENDAS

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