



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

2021 NOV 10 PM 2:43

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 <u>Joseph R Thompson</u>		Daytime Telephone Number <u>906 420 1338</u>	
Mailing Address <u>602 Montana Ave</u>			
City <u>Gladstone</u>	State <u>MI</u>	Zip <u>49837</u>	
Email (optional) <u>W8JRT@live.com</u>			

Section 2. Alleged Violator			
Name <u>Mike D'Connor</u>			
Mailing Address <u>526 Minnesota Avenue</u>			
City <u>Gladstone,</u>	State <u>MI</u>	Zip <u>49837</u>	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: 169.271 Sect 71(2) and 169.244 Sect 44(2)

Explain how those sections were violated:

Only the Campaign of Mike D'Connor formed a committee and his
Committee is believed to have purchased campaign signs with the
names of 6 candidates on them. This violates 169.271(2) Contribution
from one campaign to another campaign. It also violates 169.244(2) a
candidate shall not make an expenditure except for the campaign for which
it was formed.

Evidence included with the submission of the complaint that supports the allegations:
see attach photos of signs.

Section 4. Certification (Required)

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

X

Signature of Complainant

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





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Your Name		Daytime Telephone Number	
Joseph R. Thompson		906 420 1338	
Mailing Address			
602 Montna Avenue			
City	State	Zip	
Gladstone	MI	49837	
Email (optional)			
w8jrt@live.com			

Section 2. Alleged Violator			
Name			
Steve Viau			
Mailing Address			
817 Delta Avenue			
City	State	Zip	
Gladstone	MI	49837	
Email (optional)			

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

Section(s) of the MCFA alleged to be violated: 169.271 Sec 71(2)

Explain how those sections were violated:

Campaign committee of Steve Viau accepted contribution from campaign of Mike O'Connor in the form of 6 signs in violation of 169.271 Sec 71(2).

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

picture of signs on Steve Viau's properties. The picture shows what the signs looked like.

Section 4. Certification (Required)

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

X

Signature of Complainant

Date

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2021 NOV -4 PM 1:09

ELECTIONS/GREAT SEAL

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

Section 1. Complainant			
Your Name <u>Stacy Nelson</u>		Daytime Telephone Number <u>906-420-3911</u>	
Mailing Address <u>418 Dakota Ave.</u>			
City <u>Gladstone</u>	State <u>MI</u>	Zip <u>49837</u>	
Email (optional)			

Section 2. Alleged Violator			
Name <u>Steven Vian</u>			
Mailing Address <u>1107 Delta Ave.</u>			
City <u>Gladstone</u>	State <u>MI</u>	Zip <u>49837</u>	
Email (optional)			

Section 3. Allegations (Use additional sheets if more space is needed.)
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Section(s) of the MCFA alleged to be violated: 169.247

Explain how those sections were violated:

The signs do not bear upon them identification
that contains the name & address of the
person paying for the matter. They do not contain
the disclaimer "Not authorized by any candidate".
Godfrey is spelled incorrectly.

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

See attached photo. There are more of
these throughout the city of Gladstone.

Section 4. Certification (Required)

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

X

Signature of Complainant

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

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

11 South 9th St.
Gladstone, MI 49837





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

April 7, 2022

Mike O'Conner
526 Minnesota Ave.
Gladstone, MI 49837

Steve Viau
816 Delta Ave.
Gladstone, MI 49837

Re: *Thompson v. O'Conner*
Campaign Finance Complaint No. 2021-11-64-71

Thompson v. Viau
Campaign Finance Complaint No. 2021-11-65-71

Nelson v. Viau
Campaign Finance Complaint No. 2021-11-54-247

Dear Mr. O'Conner and Mr. Viau:

The Department of State (Department) has received three formal complaints alleging you have violated the Michigan Campaign Finance Act (MCFA).¹ Specifically, the complaints alleges that you made or received an improper contribution or expenditure related to signs advocating for the election of you both, as well as the election of four others, to Gladstone City Commission. Additionally, the complaint alleges that the signs did not contain proper "paid for by" statements. A copy of the complaint is enclosed.

In Michigan, all money spent "in assistance of, or in opposition to, the nomination or election of a candidate" is either an expenditure or a contribution. MCL 169.204, MCL 169.206. A committee supporting a candidate for election is prohibited from making a contribution to a committee supporting another candidate's election, and is also prohibited from making an expenditure supporting another candidate's election. MCL 169.244(2). A knowing violation of this provision is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000, or both. MCL 169.244(5). This prohibition bars a candidate committee

¹ For administrative efficiency, the Department has consolidated the complaints into a single investigation.

from creating materials advocating for the election of any other candidate, even if the material also advocates for the election of the candidate the committee was formed to support. If candidate committees wish to ban together to run joint advertisements or create joint singe, the candidate committees must share the cost of the advertisement or singe in proportion to the benefit accrued by each candidate. Additionally, any printed materials purchased by a candidate committee must 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).

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. 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 answer will be provided to Mr. Thompson, 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 penalty provided in section 33(11) of the Act.

If you have any questions concerning this matter, you may contact me at BOERegulatory@Michigan.gov.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

Michael O'Connor
526 Minnesota Avenue
Gladstone, Michigan 49837

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 MAY -3 AM 9:57
ELECTIONS/GREAT SEAL

Adam Fracassi
State of Michigan
Bureau of Elections
430 W Allegan Street
Lansing, Michigan 48918

April 25th, 2022

Re: Letter date April 7th, 2022 Complaint 2021-11-64-71

Dear Mr. Fracassi,

There appears to be two issue, signage and expenditure or contribution.

The issue of the signage was reviewed by your department and a determination was made concerning the "paid for statements" in a letter I received dated November 5, 2021.

The issue of expenditure or contribution has to do with signage. The attached picture on the complaint is the sign placed on the property of Jeff Diebolt. I was unaware of the posting of the sign and had never viewed the sign as the City of Gladstone Crews removed the sign.

I was aware candidates could share advertising. I used my person funds to purchase the signs and provided one to each candidate. I was not fully aware of the process required to provide the correct notifications. The cost of each sign was \$50, a minimal cost.

Obviously, sharing is not as simple as I believed.

Sincerely,



Michael O'Connor

State of Michigan
Adam Fracassi
Bureau of Elections
Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 MAY -3 AM 9:58
ELECTIONS/GREAT SEAL

April 22, 2022

Dear Adam Fracassi,

Re: Thompson v. Viau, Campaign Finance Complaint No 2021-11-65-71

Candidate Mr. Joseph R Thompson, 906-420-1338 alleged that the Campaign committee of Steve Viau accepted a contribution from the campaign of Mike O'Conner in the form of 6 signs in violation of MCFA-169.271 Sec 71 (2)

The Campaign Committee of "Steven Viau" applied for the (*10. Reporting Waiver Request, Yes, I/We WANT TO APPLY FOR THE REPORTING WAIVER.) as filed with the City Clerk, and did not receive or expend in excess of \$1,000.00 in this election.

The Campaign Committee of "Steven Viau" disagrees with Candidate Mr. Joseph R. Thompson, 906-420-1338, as no contributions were made under **MCFA-169.271 Sec 71 (2)**.

The Campaign Committee of "Steven Viau" was one of the several candidate committees that made workable a combined sign alliance. Candidate Mr. Joseph R Thompson, 906-420-1338, in his allegation that shared expenditure or proportion to benefit to Campaign Committee of "Steven Viau" is unfounded.

Re: Nelson v. Viau, Campaign Finance Complaint No. 2021-11-54-247

Miss Stacy Nelson, 906-420-3911 alleges that the signs do not bear the identification and or disclaimer, and incorrect spelling. MCFA violated 169.247

The Campaign Committee of "Steven Viau" was notified by the Delta County Clerk (906-789-5100) that a complaint was called into the Delta County Clerk's office stating that the required disclaimer was missing from the signs. Immediately this was rectified by attaching secondary signs that included the required phrases as to the name and address of the person who paid and approved the signs.

Misspelling is not wrongdoing.

Please notify in writing to "The Campaign Committee of Steven Viau" of any decision or my redress towards speaking at an administrative hearing?

Thank you



Steven Viau (Representative for The Campaign Committee of "Steven Viau")
817 Delta Avenue
Gladstone, MI 49837
906-241-7494



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

September 13, 2022

Stacy Nelson
418 Dakota Ave
Gladstone, MI 49837

Joseph Thompson
602 Montana Ave
Gladstone, MI 49837

Dear Ms. Nelson & Mr. Thompson:

The Department of State received a response to the complaint you filed against Mike O'Connor & Steven Viau, 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,

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Mike O'Connor
Steven Viau



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

October 24, 2022

Mike O'Connor
526 Minnesota Avenue
Gladstone, MI 49837

Steven Viau
817 Delta Avenue
Gladstone, MI 49837

Dear Mr. Viau, & Mr. O'Connor:

The Department of State (Department) has concluded its investigation into the campaign finance complaints submitted against you concerning alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* This letter concerns the resolution of the complaints.

Multiple complaints were received regarding campaign signs in which several individuals running for elected office were listed. The sign is as follows:



The complaints alleged that the signs failed to contain a proper paid for by statement under section 47, were improper candidate to candidate expenditures under section 44, and were not reported properly under section 33.

By response, Mr. O'Connor indicated that he purchased the signs using personal funds and each sign cost \$50. Mr. Viau's response indicated there were a total of six signs purchased. Further, each candidate is on a reporting waiver.

The Department notified the complainants indicating their right to file a rebuttal statement. To date, no rebuttal has been received.

Regarding the first allegation that the signs constituted an improper candidate to candidate contribution, the Department determines that there is insufficient evidence to support the conclusion that a potential violation of the Act has occurred. Under the Act, candidates are prohibited from making contributions or expenditures directly to or on behalf of another candidate committee. MCL 169.244(2). However, candidates are permitted to do joint advertising so long as each candidate pays their proportional share.

According to the statements provided, there were six signs purchased totaling \$300 and it appears that based on the statements provided, each candidate was involved in the purchasing and placed the signs on their property. Further, since the candidates were on reporting waivers and did not surpass the \$1,000 threshold, there was no need to submit reports. Accordingly, the Department dismisses this claim.

However, upon review, the signs fail to contain a proper paid for by statement. 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. The material specifically uses words of express advocacy as defined by the Act. MCL 169.206(2)(j). Because it urges voters to vote for you using words of express advocacy and was published by your committees, the materials are covered by the ambit of the Act and must include the paid for by statement outlined under section 47. MCL 169.206(2)(j). However, the signs have completely omitted the required paid for by statement, and every individual that has paid for these signs should have listed their full committee name and address. Since this phrase is absent, the evidence supports the conclusion that a potential violation 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 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,

A handwritten signature in blue ink, appearing to read "Adam Fracassi", with a stylized, cursive script.

Adam Fracassi
Regulatory Section
Bureau of Elections
Michigan Department of State

c: Joseph Thompson
Stacy Nelson