

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

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2022 NOV 14 PM 1:59  
FIDELITY/CREAT SEAL

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name Gilberto Villarini, Jr.		Daytime Telephone Number 313-805-1842
Mailing Address 17739 Oakwood Blvd.		
City Dearborn	State MI	Zip 48124

Section 2. Alleged Violator		
Your Name Zachary Witt		
Mailing Address 31976 Bock St		
City Garden City	State MI	Zip 48135

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

Section(s) of the MCFA violated:

169.247 Sec. 47 (1)

Explain how those sections were violated:

Yard signs were posted in the community for which the candidate is running without the required MCFA identification of who paid for the printed materials.

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

See attached photo taken at a business on Ford Road and Henry Ruff in Garden City.

**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  11-4-22  
Signature of Complainant Date

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

Section 15(6) of the MCFA (MCL 169.215) required that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

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

X \_\_\_\_\_  
Signature of Complainant Date

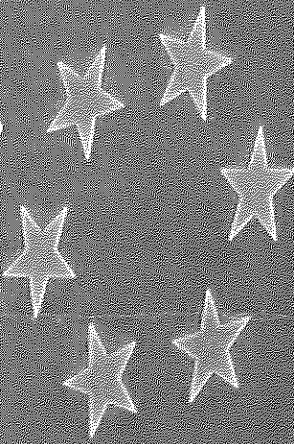
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged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

Mail or deliver the completed complaint form and evidence to the following address:

Michigan Department of State  
Legal and Regulatory Service Administration  
Richard H. Austin Building - 4<sup>th</sup> Floor  
430 West Allegan Street  
Lansing, Michigan 48918

Zachary

Witt



Garden City ★ City Council



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

November 21, 2022

Zachary Witt  
31976 Bock St  
Garden City, MI 48135

Re: *Villarini Jr. v. Witt*  
Campaign Finance Complaint No. 2022 - 11 - 200 - 47

Dear Mr. Witt

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 yard sign. A picture 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

Zachary Witt

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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,

Regulatory Section  
Bureau of Elections  
Michigan Department of State

Enclosure

c: Gilberto Villarini Jr.