



Michigan Department of State Campaign Finance Complaint Form

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MICHIGAN DEPT OF STATE
CLEAR FORM

2023 SEP 14 PM 3:21

ELECTIONS/GREAT SEAL

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act \(MCFA\)](#). Electronic submission of the form to BOERegulatory@Michigan.gov is strongly recommended. 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>Marie Fielder</i>		Daytime telephone number <i>989-657-3738</i>
Mailing address <i>280 Island View Drive</i>		
City <i>Alpena</i>	State <i>MI</i>	Zip <i>49707</i>
Email (recommended) <i>mariemyra@hotmail.com</i>		

Section 2. Alleged Violator (Respondent)

Name <i>Todd Smalenberg for State Representative</i>		
Mailing address <i>PO Box 614</i>		
City <i>Alpena</i>	State <i>MI</i>	Zip <i>49707</i>
Email (recommended) <i>Todd.Smalenberg4state rep@gmail.com</i>		
Committee ID (optional) <i>521188-CAN</i>		

Please include email addresses to expedite processing time and mitigate mail delays.

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

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

<ul style="list-style-type: none"> - Appendix J of the Candidate Manual - <u>Section 169.247</u>
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Explain how these sections were violated:

A political advertisement appearing in the 9/2/23 edition of the Alpena News on page 8A - did not contain a "Paid for by -" statement / disclaimer.

In a phone call to the Alpena News on 9/5/23 indicated that the person who paid for the advert. was a Dennis Schultz who resides at:
700 S. State Ave. Alpena, MI 49707.

The Alpena News advertisement is attached.

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

See hard copy attachment.

(I am also recognizing that Hoover for Senate also does not have a disclaimer statement.)

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.

Marie Fielder
Signature of complainant

9/6/2023
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:

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 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, submit the complaint form with your evidence to BOERegulatory@Michigan.gov. Alternatively, you may 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

DAILY PRESS
The Local News Leader

FLEET
"QUALITY AT A DISCOUNT"

SCHOOLCRAFT
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ESCANABA
MI

BLADE'S
TV
Sports & Events

19NEWS
THIS IS HOME

Call the Daily Press at 906-786-2021 to become a vendor
or for more information on the event

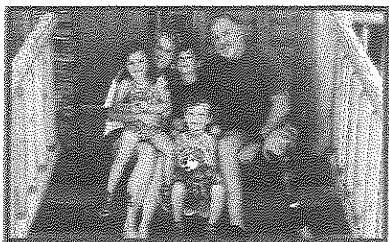
- IN A NATION WHERE ... President Biden and his family accept more than \$50,000,000 from foreign nations without investigation or question.
- IN A NATION WHERE ... A government managed by political parties who propagate and finance a war that has already killed more than 450,000 Ukrainian people and 50,000 Russians plus causing 14,000,000 refugees to leave their homes.
- IN A NATION WHERE ... Governor Whitmer invites companies to Michigan because Michigan does NOT honor marriage and allows killing babies ... as employee benefits.
- IN A NATION WHERE ... Our state of Michigan uses millions of taxpayers hard earned dollars to fund a Chinese Communist Party owned battery plant.
- IN A NATION WHERE ... Jesus Christ is not allowed in schools while the Devil roams the halls every day.
- IN A NATION WHERE ... The Chinese Communist Party propagates a virus on the world that is developed for and funded by our own National Institutes of Health.
- IN A NATION WHERE ... The National Institute of Health collaborates with the pharmaceutical companies to supply experimental vaccines that are proven to cause more harm by death and maiming than the virus it fails to prevent.
- IN A NATION WHERE ... The government forces its citizens to wear masks and social distance while acknowledging that they are ineffective preventive actions.

It is an honor to introduce all citizens in the Alpena area to two men who promise to work diligently on your behalf to correcting a nation in chaos with hard work, calm, integrity and commonsense solution.

TODD SMALENBERG

For State Representative

AMERICAN. PATRIOT. FAMILY MAN.

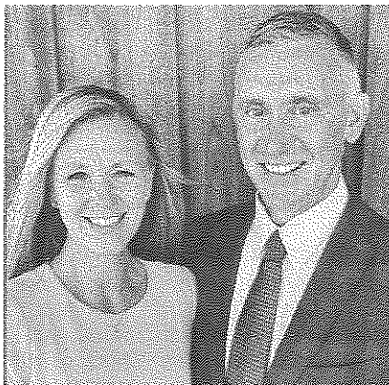


www.electsmalenberg.com

**Join them Thursday
September 7 at 7 PM**

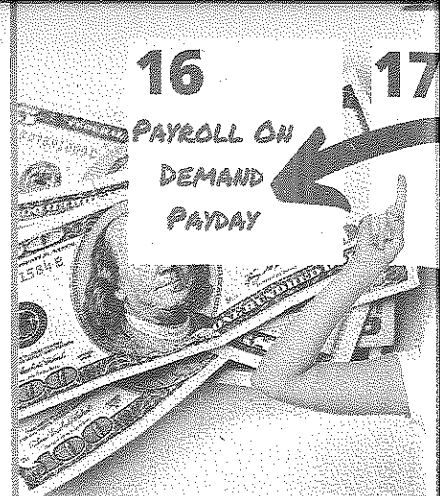
MICHAEL HOOVER

For Michigan US Senate



www.hooverforsenate.com

In the Granum Theater at the Alpena Community College,
Johnson Street, Alpena, Michigan



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your direct deposit appears
while you have to wait
Well, the wait is over,

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Have questions? Contact



989-4

Toll Free: 1

*Early access to direct deposit funds depends on timing of payment.
Any automated transfers tied to the deposit will also post early.
offset, decline and/or
Rewards will be deposited to your regular share account. Rewards
All taxes due are the responsibility



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

November 13, 2023

Dennis Schultz
700 S State Ave
Alpena, MI 49707

Re: *Fielder v. Schultz*
Campaign Finance Complaint No. 23-109

Dear Mr. Schultz

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 newspaper political advertisement. A picture of the advertisement was included with the complaint; a copy of the complaint is enclosed. The complainant also listed Todd Smalenberg and Michael Hoover as alleged violators, but per Alpena News, Dennis Schultz was the person who paid for the advertisement.

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

Dennis Schultz

Page 2

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: Marie Fielder