



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](#) (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		Daytime telephone number
Mykale Garrett		248 302-0336
Mailing address		
18804 Lacrosse Ave		
City	State	Zip
Lathrup Village	MI	48076
Email (recommended)		
mykalegarrett@gmail.com		

Section 2. Alleged Violator (Respondent)

Name		
Barbara Kenez		
Mailing address		
19115 Glenwood		
City	State	Zip
Lathrup Village	MI	48076
Email (recommended)		
bhkenez@hotmail.com		
Committee ID (optional)		
97845		

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:

169.257 Contributions, expenditures, or volunteer personal services; prohibitions; civil action; use of public funds or resources for communication referencing local ballot questions; violation as misdemeanor; penalty. Sec. 57.

Explain how these sections were violated:

Mrs. Kenez violation is using public resources for her campaign. She is currently using the city of Lathrup Village's office phone number as her campaign phone number on her campaign website and literature.

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

Picture attached.

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.

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:

NA



Signature of Complainant

10-25-23

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

11:53




Barbara Kenez

LATHRUP VILLAGE CITY COUNCIL MEMBER
(INCUMBENT)

Phone: (248) 557-2600 ext. 289

Contact



 haddock-parsnip-hb72.squarespace.com



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

November 8, 2023

Barbara Kenez
19115 Glenwood
Lathrup Village, MI 48076

Re: *Garrett v. Kenez*
Campaign Finance Complaint No. 23-097

Dear Mrs. Kenez:

The Department of State (Department) has received a formal complaint filed against you by Mykale Garrett alleging that you violated the Michigan Campaign Finance Act (MCFA or Act) by using public resources during your campaign for city council. A copy of the complaint is included with this notice.

Specifically, the complaint alleges that you are using your office phone number on your campaign website and campaign literature.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art 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 Department's campaign finance complaint [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

Barbara Kenez

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 Mykale Garrett, 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

Enclosure
c: Mykale Garrett

Barb Kenez
19115 Glenwood Blvd.
Lathrup Village, MI 48076

Re: Garrett v. Kenez
Campaign Finance Complaint
No. 23-097

To Whom it May Concern:

I apologize in advance for any time and resources spent by the State of Michigan on my behalf due to the ongoing petty complaints filed from Her/She Mykale Garrett.

In response to Her/She Garrett's second campaign complaint against me stating that I used public resources for my campaign:

The photo and the phone number published were captured from other materials by a third party administering the website. The phone number, provided to me as a city Council member, has never been used. In fact, I had to reach out to the city administrator to find out how to access it just last month when the administrator asked that we clear voicemail boxes because some were full. She helped me access it and there was not one call or message left at this number.

That said, the phone number was inadvertently added by a third-party, not me.

Truth be told, Her/She Garrett, as the seated Mayor of the City of Lathrup Village, was caught by multiple residents using city resources and employees to do work at her home during business hours. The residents who spotted the city van and employees in her yard on a Friday morning reported the incident to me. I have been punished since for bringing it up at a council meeting, and apparently the attempted attacks continue.

Again, this was completely unintentional, the administrators of the website added materials and information they found to the website. I'm certain they had absolutely no knowledge that the number used was a city phone number, a number that had not received one call in two years.

Please feel free to contact me if you need additional information.

Thank you for your attention to this matter, and again, I apologize for the valuable time and resources spent on this matter on my behalf.

Regards,
Barb Kenez
(248) 229-0388



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

December 8, 2023

Mykale L. Garrett
18804 Lacrosse Ave
Lathrup Village, MI 48076

Re: *Garrett v. Kenez*
Campaign Finance Complaint No. 23-097

Dear Mykale Garrett:

The Department of State received a response from Ms. Kenez in response 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 with this letter.

You may file a rebuttal statement after reviewing the enclosed response. If you elect to file a rebuttal statement, 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

Attachment
c: Barbara Kenez

12/11/2023

Re: Garrett v. Kenez
Campaign Finance Complaint No. 23-097

Dear Board of Elections,

I would request that the aforementioned complaint stand. The complainant, former candidate Barbara Kenez stated in her rebuttal, “the phone number was inadvertently added by a third-party, not me.” Mrs.Kenez has the responsibility, as a candidate, to review all material that is made public on her behalf or from herself. The law was put in place so candidates do not misrepresent or use their official title/office for personal gain during an election cycle.

Per the Michigan Campaign Finance Act 169.257 - Contributions, expenditures, or volunteer personal services; prohibitions; civil action; use of public funds or resources for communication referencing local ballot questions; violation as misdemeanor; penalty. ***Sec. 57 specifically states, “(1) A public body or a person acting for a public body shall not 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 or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a).*** The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection.”

Mrs. Kenez authorized the use of her City of Lathrup Village provided phone number on her campaign literature. Including the phone number paid for by the city in her campaign materials indicates authorization and acceptance by the candidate, regardless of whether she used the phone number or received calls to the number regarding her campaign.

Ignorance of the law does not excuse Mrs. Kenez from complying with the law. Mrs.Kenez admitted the City of Lathrup Village’s number was used for campaign purposes. I request that complaint 23-097 not be dismissed and continue to move through the Bureau of Elections process of violations of the MCFA.

Sincerely,

Mykale L. Garrett



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

December 20, 2023

Barbara Kenez
19115 Glenwood
Lathrup Village, MI 48076

Re: *Garrett v. Kenez*
Campaign Finance Complaint No. 23-097

Dear Ms. Kenez:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Mykale Garrett 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 utilized public resources in your campaign by including your city phone number on your campaign website.

You responded to the complaint. In your response, you claimed that a third party inadvertently included your city council photo and phone number.

Ms. Garrett provided a rebuttal statement. In that statement, they reaffirmed their complaint and asked for the department to continue with 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 equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words “contribution” and “expenditure” are terms of art 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 the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000.00 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The Department must first determine if any public resources were used by Ms. Kenez that would be subject to the Michigan Campaign Finance Act. The city phone number is a public resource that is subject to MCFA. The [website](#) where the phone number is currently listed includes “Website content approved and paid for by: ... The Committee to elect Barbara Kenez.”¹ The

¹ [Contact — KENEZ | MILLER | WEAKS FOR LATHRUP VILLAGE CITY COUNCIL \(votekenezmillerweak4lv.com\)](#)

candidate is ultimately responsible for the content of their campaign website and ensuring that it complies with MCFA.

Resolution

Upon review, the evidence submitted supports the conclusion that a potential violation of the Act has occurred. The telephone number on Ms. Kenez's campaign website is a city phone number provided by Lathrup Village and the use of city resources for campaign purposes is a violation of MCFA.

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 requesting that Ms. Kenez remove the city phone number from her campaign website immediately. If the Lathrup Village phone number is removed from the campaign website and Ms. Kenez discontinues the use of public resources for campaign purposes the Department will treat this complaint as closed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jimmy Biehl". The signature is written in a cursive, flowing style.

Jimmy Biehl, Regulatory Attorney
Regulatory Section
Bureau of Elections
Michigan Department of State

c: Mykale Garrett

From: [B. Kenez](#)
To: [MDOS-BOERegulatory](#)
Subject: Re: Garrett v. Kenez Campaign Finance Complaint No. 23-097
Date: Friday, December 22, 2023 6:22:36 AM
Attachments: [2023-12-20 Determination Letter Garrett v Kenez.pdf](#)

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

In response to the recommendation issued:

The website is updated. The phone number no longer exists on the page. The Contact link connects to my personal email.

<https://votekenezmillerweeks4lv.com/contact>

Regards,
Barb Kenez

BHKenez
(248) 229-0388

Sent from my iPhone

On Dec 21, 2023, at 9:55 AM, MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov> wrote:

Please see the attached.

Bureau of Elections, Regulatory Section
Michigan Department of State
Secretary of State Jocelyn Benson
P.O. Box 20126
Lansing, Michigan 48901