



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
John Kulesz		248.990.1342
Mailing address		
2336 Paris Dr.		
City	State	Zip
Troy	MI	48083-2367
Email (recommended)		
JTKulesz@gmail.com		

Section 2. Alleged Violator (Respondent)

Name		
Mark Gunn		
Mailing address		
1061 Snead Dr.		
City	State	Zip
Troy	MI	48085
Email (recommended)		
info@markgunn4troy.com		
Committee ID (optional)		
98256		

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:

MCL Section 169.247(1); Except as otherwise provided in this subsection and subject to subsections (3) and (4), a billboard, placard, poster, pamphlet, or other printed matter having reference to an election, a candidate, or a ballot question, shall bear upon it an identification that contains the name and address of the person paying for the matter.

Explain how these sections were violated:

In September 2023, the Bharatiya Temple of Troy, Michigan, produced a brochure for their "Annual Fundraising Event." (See attached.) On page 21 of the brochure, Mark Gunn, Candidate for Troy City Council, purchased a full page ad.

The ad plainly supports Mr. Gunn's campaign, and promotes his platform and agenda. Further, the ad contains a QR code that, when scanned, directs you to his campaign website, "MarkGunn4Troy.com."


The ad fails to have a "paid for" identifier, as required by MCL 169.247(1).

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

Please see the attached scans. I will supply the hard copy of the entire brochure upon request.

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

09/22/2023
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



THE
BHARATIYA
TEMPLE



ANNUAL Fundraising Event

September 2023





“Bharatiya Temple has been a key component in the cultural diversity of this entire state. Bharatiya Temple and the City of Troy have such a vibrant Indian community and Hindu population! In fact, in the City of Troy, we are building a **\$900,000 Cricket Field**, for students and teams to play! We must put back **Honors Classes** (which were removed recently), **Cut Taxes** and develop more sustainably and support the citizens in our city, starting by supporting this beautiful Temple.”

Mark Gunn

SCAN
ME





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

September 26, 2023

Mark Gunn
1061 Snead Dr.
Troy, MI 48085

Re: *Kulesz v. Gunn*
Campaign Finance Complaint No. 23-073

Dear Mr. Gunn:

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 an advertisement inside of a brochure. Pictures of the brochure 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.*

Mark Gunn

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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 to 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: John Kulesz