



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
Phillip Kwik		313.506.2097
Mailing address		
11391 Lumpkin St		
City	State	Zip
Hamtramck	MI	48212
Email (recommended)		
phillip.kwik@gmail.com		

Section 2. Alleged Violator (Respondent)

Name		
Nayeem Choudhury For City Council		
Mailing address		
10021 Conant Ave.		
City	State	Zip
Hamtramck	MI	48212
Email (recommended)		
nchoudhury@hamtramckcity.com		
Committee ID (optional)		

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

Explain how these sections were violated:

During a Hamtramck City Council Meeting on May 23, 2023, from the Council bench, Nayeem Choudhury, a Hamtramck council member running for reelection, announced his campaign kick off fundrasier to the audience. The announcement was heard in person, and streaming on the internet, and continues to be viewable. No other candidate was offered the same opportunity of announcing a campaign event at a broadcast public meeting, and one that is still viewable on-line.

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


The meeting is archived on the Hamtramck Public Library youtube channel at

<https://www.youtube.com/watch?v=dHC8Q-ZKhF0>

The announcement begins at approximately the 2:50 mark.

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

6-6-23

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



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

June 27, 2023

Via Email at nchoudhury@hamtramckcity.com

Nayeem Choudhury for City Council
10021 Conant Avenue
Hamtramck, MI 48212

Re: *Phillip Kwik v Nayeem Choudhury for City Council*
Campaign Finance Complaint No. 23-039

Dear Nayeem Choudhury for City Council:

The Department of State (Department) has received a formal complaint filed against you by Phillip Kwik alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that while serving on the May 23, 2023 Hamtramck City Council meeting you announced your campaign kickoff fundraiser to the audience. A copy of the complaint is included with this notice.

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 a candidate. MCL 169.204(1), 169.206(1). A violation of this provision is a misdemeanor. 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 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 Phillip Kwik, 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

Attachments

c: Phillip Kwik *via email at phillipkwik@gmail.com*



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Your name		Daytime telephone number
Phillip Kwik		313.506.2097
Mailing address		
11391 Lumpkin St		
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Hamtramck	MI	48212
Email (recommended)		
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Section 2. Alleged Violator (Respondent)

Name		
Nayeem Choudhury For City Council		
Mailing address		
10021 Conant Ave.		
City	State	Zip
Hamtramck	MI	48212
Email (recommended)		
nchoudhury@hamtramckcity.com		
Committee ID (optional)		

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Explain how these sections were violated:

During a Hamtramck City Council Meeting on May 23, 2023, from the Council bench, Nayeem Choudhury, a Hamtramck council member running for reelection, announced his campaign kick off fundrasier to the audience. The announcement was heard in person, and streaming on the internet, and continues to be viewable. No other candidate was offered the same opportunity of announcing a campaign event at a broadcast public meeting, and one that is still viewable on-line.

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

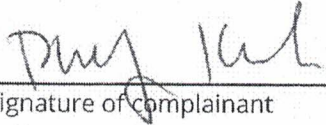
The meeting is archived on the Hamtramck Public Library youtube channel at

<https://www.youtube.com/watch?v=dHC8Q-ZKhF0>

The announcement begins at approximately the 2:50 mark.

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

6-6-23
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

7-06-2023

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.

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

TO WHOM IT MAY CONCERN

07-06-2023

Dear Michigan Department of State,

I want to start with the clarification that I had no idea of the law that doesn't support public funds in election expenditures. It was also unknown to me that the fundraiser can not be announced to the public.

During the community announcement we always share community events and other messages. It was my personal initiative to gather residents of Hamtramck at one place, which might be the reason that other candidates did not get to do the same. In addition to this, I hosted this event with the intention of communicating with the people of the city of Hamtramck and delivering my messages to them. In that event, I arranged a BAR-B-Q, free ice cream for kids as well as a free gaming area. It was more like a gathering for people from diverse communities where we shared our thoughts, opinions, wisdom, suggestions, and laughter. That event was nothing less than a fair and less likely a fundraising event. I misused the word 'fundraising' in my event banner. My intention for that event was not to raise fund at all.

But I do apologize for my ignorance and promise not to repeat this act again. Please accept my apology. I was corrected by Mayor Pro-Tam, and I apologized at that time.

Thank you for letting me explain. Best regards

Nayeem Leon Choudhury

Council member of City of Hamtramck



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

August 18, 2023

Via Email at nchoudhury@hamtramckcity.com

Nayeem Choudhury for City Council
10021 Conant Avenue
Hamtramck, MI 48212

Re: *Phillip Kwik v Nayeem Choudhury for City Council*
Campaign Finance Complaint No. 23-039

Dear Nayeem Choudhury for City Council:

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Phillip Kwik alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleged that while serving on the May 23, 2023 Hamtramck City Council meeting you announced your campaign kickoff fundraiser to the audience. This letter concerns the disposition of that complaint.

You responded to the complaint on July 6, 2023. In your response, you claimed that you were unaware that it is not allowed to announce your campaign fundraiser during a public meeting of the city council. You indicated that it was simply a community event announcement.

The Department has reviewed the evidence submitted in this matter, including the video of the meeting, and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA. We appreciate your response and even though you claim that you were unaware that announcing a simple gathering during the public meeting was not allowed and the gathering was not meant to be a fundraising event, the Department has determined that public resources were improperly used during the meeting. Section 57 of the Act 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.

169.257 Sec. 57(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 a candidate. MCL 169.204(1), 169.206(1).

Use of your position on the city council to announce what may be considered a campaign fundraiser constitutes the use of public resources by a public body. While the resources used may be minimal, they are quantifiable and require reimbursement to the public body.

Upon reaching this conclusion, the Department must attempt to informally resolve the complaint. MCL 169.215(10). Based on the information you provided regarding your salary, we ask that you reimburse the City of Hamtramck in the amount of \$1.11 and provide the Department evidence that this restitution was made. Following this, the Department will issue a warning letter and close the complaint.

This letter serves to notify you that the Department is beginning the informal resolution process. “If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

- (a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.
- (b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.”

MCL 169.215(11).

We look forward to hearing from you and resolving this complaint.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachments

c: Phillip Kwik *via email at phillipkwik@gmail.com*



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

November 29, 2023

Via Email at nchoudhury@hamtramckcity.com

Nayeem Choudhury for City Council
10021 Conant Avenue
Hamtramck, MI 48212

Re: *Phillip Kwik v Nayeem Choudhury for City Council*
Campaign Finance Complaint No. 23-039

Dear Mr. Choudhury:

This letter is the final determination of the campaign finance complaint filed against you by Phillip Kwik which alleged certain violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*

In his complaint, Phillip Kwik alleged that you violated section 57 of the Act by announcing your campaign kickoff fundraiser to the audience during the May 23, 2023 meeting while you were serving as a member of the Hamtramck City Council.

By letter dated August 18, 2023, the Department found that the evidence provided supported a reason to believe that a violation had occurred. As previously indicated, upon reaching this conclusion, the Department is required 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.*

As part of the informal resolution, the Department asked you to reimburse the City of Hamtramck in the amount of \$1.11 and provide the Department evidence that this restitution was made.

On November 13, 2023, the Department received your notification that the reimbursement was made to the city. Therefore, the Department determines that this formal warning is a sufficient resolution to the complaint. The Department now considers this matter closed and will take no further action against you at this time.

Nayeem Choudhury for City Council
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Thank you for your assistance in resolving this matter.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

c: Phillip Kwik *via email at phillipkwik@gmail.com*