



Michigan Department of State
Campaign Finance Complaint Form

BUREAU OF ELECTIONS • RICHARD H. AUSTIN BUILDING - 1st Floor
430 W. ALLEGAN STREET • LANSING, MICHIGAN 48918

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (MCFA). 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>Terry Prince</i>		Daytime Telephone Number <i>586 275 7354</i>
Mailing Address <i>47869 Lavender CT</i>		
City <i>MACOMB</i>	State <i>MI</i>	Zip <i>48044</i>
Email (optional)		

Section 2. Alleged Violator		
Name <i>Chippewa Valley Schools/Heather DePorter</i>		
Mailing Address <i>19120 CASS AVE</i>		
City <i>CLINTON TWP</i>	State <i>MI</i>	Zip <i>48038</i>
Email (optional)		

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

Section(s) of the MCFA alleged to be violated: 169.257 Sec 57(1)

Explain how those sections were violated:

Ms. DePorter, in her official capacity as an employee of Chippewa Valley Schools, is using school resources to solicit funds for an election. Equal opportunity was not provided to other candidates running for school board.

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

Copy of email attached

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2022 SEP 29 PM 3:30
ELECTIONS/GREAT SEAL

From: "DePonter, Heather"

<HDePonter@cs.k12.mi.us>

Date: September 19, 2022 at 12:01:05 PM EDT

To: Wyandot Teachers

<WyandotTeachers@cs.k12.mi.us>

Subject: Final plea for \$\$\$

I am turning it in at today's meeting. (Board
Member Fundraiser)

We have 19 out of 45 teachers contributing along
with one retiree contribution.

Please send \$20 my way or venmo @Heather-
DePonter

For those that contributed, THANK YOU!

It's going to be a tough election, especially since
the Mom's for Liberty candidates have more
funding than the candidates that the union is
supporting.

Keshlegels,

Ms. Heather DePonter

7th Grade Science

Wyandot Middle School

568-724-8279





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

October 5, 2022

Heather DePoorter
19120 Cass Ave
Clinton Twp, MI 48038

Re: *Prince v. DePoorter*
Campaign Finance Complaint No. 2022 – 09 – 126 – 57

Dear Ms. DePoorter:

The Department of State (Department) has received a formal complaint filed against you by Terry Prince alleging that you violated the Michigan Campaign Finance Act (MCFA or Act). Specifically, the complaint alleges that you used your Chippewa Valley Schools email address to solicit contributions to your candidacy for school board. 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 [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 enclosed 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 Mr. Prince, 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 of the penalty provided in section 33(11) of the Act.

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

From: Mark Brewer <mbrewer@goodmanacker.com>
Sent: Saturday, October 22, 2022 3:46 PM
To: MDOS-BOERegulatory
Subject: Prince v. DePoorter, Complaint No. 2022-09-126-57

Categories: Robin

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We represent Heather DePoorter in this matter. Please direct all further communications to me. Due to my workload for the November 8th election, this is to request an extension of time for the response from November 2, 2022 until November 16, 2022. Please confirm receipt of this request. Thank you.

Mark Brewer

Mark Brewer
Attorney
Goodman Acker P.C.
17000 West Ten Mile, Second Floor
Southfield, Michigan 48075
MBrewer@goodmanacker.com

[LISTEN TO MY PODCAST: A REPUBLIC...IF YOU CAN KEEP IT](#)

248-483-5000 Phone
248-483-3131 Fax

www.goodmanacker.com

November 16, 2022

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

*GERALD H. ACKER
**BARRY J. GOODMAN
TIM SULOLLI
JORDAN B. ACKER
***BRADLEY M. PERI

MARK BREWER
RONITA BAHRI
MICHELLE T. AARON
AMANDA B. WARNER
J. SCOTT FANZINI
NICOLE M. MCCARTHY

*ALSO ADMITTED IN DC
**ALSO ADMITTED IN FL
***ALSO ADMITTED IN NY

WWW.GOODMANACKER.COM

Re: *Prince v. DePoorter*
Campaign Finance Complaint No. 2022-09-126-57

Dear Sir/Madam,

We are legal counsel in this matter for Ms. Heather DePoorter and submit this response to the complaint on her behalf.

As summarized in your letter dated October 12, 2022, the complaint alleges that Ms. DePoorter unlawfully sent an email to solicit contributions for her school board candidacy using her Chippewa Valley Schools email address.

As an initial matter, the complaint is factually incorrect when it asserts that the contributions were solicited to support Ms. DePoorter's candidacy. She was not a candidate. The solicitation was for contributions to candidates, but not herself.

Ms. DePoorter inadvertently and in error sent the email using the wrong email account. Rather than using her personal email account, Ms. DePoorter unintentionally used her school email account to send the email instead.

The allegation is virtually identical to the complaint investigated by the Attorney General which arose after a county clerk inadvertently used the county computer system to send a campaign fundraising email on behalf of Secretary of State Ruth Johnson to a statewide list. The investigation determined that the cost of the use of the county email system was *de minimis* and resulted in a warning letter to the offending county clerk. *Brewer v. Krueger*, June 27, 2014; *see also Romick v. Michigan Education Association and Livonia Education Association*, August 7, 2015 (cautioning MEA and LEA to avoid using school district email system regarding campaign matters); *Cummings v. Sittig*, April 15, 2013 (use of city copier to make small quantity of campaign materials found to be *de minimis* and resulted in warning letter).

SOUTHFIELD • MAIN OFFICE

17000 WEST TEN MILE ROAD, SECOND FLOOR • SOUTHFIELD, MICHIGAN 48075 • PHONE 248.483.5000 • FAX 248.483.3131

GRAND RAPIDS

1500 E BELTLINE AVE SE, SUITE 235 • GRAND RAPIDS, MICHIGAN 49506 • PHONE 616.582.7225

As in *Krueger*, *Romick*, and *Cummings*, so, too, here: the one-time use of the school email account was inadvertent, the cost was *de minimis*, and the result should be no more than a warning letter to Ms. DePoorter.

Sincerely,

GOODMAN ACKER, P.C.

Mark Brewer

Mark Brewer



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

November 30, 2022

Terry Prince
47869 Lavender Court
Macomb, MI 48044

Re: *Prince v. DePoorter*
Campaign Finance Complaint No. 2022-09-126-57

Dear Terry Prince:

The Department of State received a response from Heather DePoorter via her attorney, 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 as an enclosure 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, MI 48918.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

MDOS-BOERegulatory

From: Terry Prince <princeforcvvsboe@gmail.com>
Sent: Friday, December 9, 2022 4:20 PM
To: MDOS-BOERegulatory
Subject: Prince v DePoorter 2022-09-126-57

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I have rec'd the response from Ms. DePoorter's attorney in regards to the above mentioned complaint. I would like to briefly respond as follows:

- 1) I didn't state in my complaint that it was her campaign that she was soliciting funds for. However I do see how that could have been inferred. It was the Bureau of Elections that made that inference. I only stated that she was using school resources, during school hours, and in her official capacity as a school employee to solicit donations for an election. Whether her candidacy or others, that is a violation of MCL 169.257 Sec 57(1).
- 2) I would argue that Ms. DePoorter knew exactly what she was doing. She was on school grounds, during school hours, (presumably) using school equipment, using a school-maintained mailing list to school teachers within the building.
- 3) I would not argue against Mr. Brewer's request that the violation be determined to be de minimis and that a warning letter should be sufficient. Such warning should be documented in the event that any future violations would establish a pattern subject to further enforcement action.

Thank you,
Terry Prince



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

February 10, 2023

Mark Brewer
Goodman Acker, P.C.
17000 W. 10 Mile Road
Suite 200
Southfield, MI 48075-2902

Re: *Prince v. DePoorter*
Campaign Finance Complaint No. 2022-09-126-57

Dear Mr. Brewer:

The Department of State (Department) has finished investigating the campaign finance complaint filed against your client, Heather DePoorter, by Terry Prince alleging that she violated the Michigan Campaign Finance Act (MCFA or Act). This letter concerns the disposition of that complaint.

The complaint alleged that as an employee of Chippewa Valley Schools, Ms. DePoorter violated 169.257(1) of the MCFA by using school resources when she sent an internal email soliciting funds for an election.

You responded to the complaint on November 16, 2022. In your response, you claimed that Ms. DePoorter erroneously sent the email from her school email account instead of her personal email account and was not soliciting contributions for herself but rather for other candidates. You also indicate the allegation should be considered *de minimis* and suggest only a warning letter would be a sufficient resolution.

Mr. Prince provided a rebuttal statement on December 9, 2022. In that statement, Mr. Prince clarified that his complaint did not allege that Ms. DePoorter was soliciting funds for her own campaign, but that as a school employee, she was using school resources (mailing list and equipment), during school hours to solicit donations for an election.

The Department has reviewed the evidence submitted in this matter and finds that sufficient evidence has been presented to support a finding of a potential violation of the MCFA. Although Ms. DePoorter claims that she was unaware that she was using her employer's email account to solicit campaign funds for a candidate, the Department has determined that she did improperly use public resources by sending the email request for funds. 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) (emphasis added). Upon review, the Department concludes that there is sufficient evidence to support the conclusion that there may be reason to believe that a potential violation has occurred.

Upon reaching this conclusion, the Department must attempt to informally resolve the complaint. MCL 169.215(10). Through correspondence, you have indicated that a minor amount of public resources has been used to send the email because she drafted the email on her own time.¹ The Department therefore offers to resolve this complaint by having Ms. DePoorter reimburse the Chippewa Valley Schools in the amount of \$1.50 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,



Adam Fracassi, Regulatory Manager
Bureau of Elections
Michigan Department of State

c: Terry Prince

¹ While the Department appreciates your argument that a de minimis violation should be dismissed consistent with investigations conducted by the Department of Attorney General, the MCFA does not contain such exceptions or provide the Department with any such authority.

From: [Mark Brewer](#)
To: [MDOS-BOERegulatory](#)
Subject: Prince v. DePoorter Campaign Finance Complaint No. 2022-09-126-57
Date: Monday, February 13, 2023 5:21:25 PM
Attachments: [Doc Feb 13, 2023, 7.43.pdf](#)

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This check has been delivered to the district. If the check is made public in any way this is to request that her address, license number, and bank account information be redacted to protect her privacy and identity. We look forward to receiving the letter closing this matter.

From: [Mark Brewer](#)
To: [MDOS-BOERegulatory](#)
Subject: Prince v. DePoorter Campaign Finance Complaint No. 2022-09-126-57
Date: Monday, February 13, 2023 5:21:25 PM
Attachments: [Doc Feb 13, 2023, 7.43.pdf](#)

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

February 24, 2023

Mark Brewer
Goodman Acker, P.C.
17000 W. 10 Mile Road
Suite 200
Southfield, MI 48075-2902

Re: *Prince v. DePoorter*
Campaign Finance Complaint No. 2022-09-126-57

Dear Mr. Brewer:

This letter concerns the campaign finance complaint filed against your client, Heather DePoorter, by Terry Prince, which alleged certain violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.*

In his complaint, Mr. Prince alleged that as an employee of Chippewa Valley Schools, Ms. DePoorter violated 169.257(1) of the MCFA by using school resources when she sent an internal email soliciting funds for an election.

By letter dated February 10, 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 your client to reimburse the Chippewa Valley Schools in the amount of \$1.50 and provide the Department evidence that this restitution was made.

On February 13, 2023, the Department received your notification that the reimbursement was made to the school. 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 your client at this time.

Thank you for your assistance in resolving this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Fracassi". The signature is fluid and cursive, with a large loop at the end.

Adam Fracassi, Regulatory Manager
Bureau of Elections
Michigan Department of State

c: Terry Prince