



Michigan Department of State Campaign Finance and Financial Disclosure Complaint Form

This complaint form may be used to file a complaint alleging that someone violated the [Michigan Campaign Finance Act](#) (MCFA), the [Candidate for Office Financial Disclosure Act](#), or the [Public Officers Financial Disclosure Act](#) (financial disclosure acts). Electronic submission of the form to BOERegulatory@michigan.gov is strongly recommended. For instructions on how to complete this form, see the [Campaign Finance and Financial Disclosure Complaint Guidebook](#) document. All spaces are required unless otherwise indicated.

Section 1. Complainant

Your name		Daytime telephone number
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		

Section 2. Alleged Violator (Respondent)

Name		
Mailing address		
City	State	Zip
Email (<i>recommended</i>)		
Committee ID (<i>optional</i>)		

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

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

I allege a violation of the following:

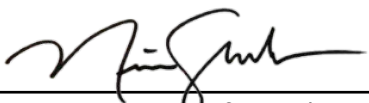
- MCFA
- Public officer disclosure
- Candidate disclosure

Identify the section(s) of the MCFA or relevant financial disclosure act section(s) alleged to be violated and explain how the section(s) were violated:

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

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:

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. MCL 169.215(16).

The financial disclosure acts prohibit a person from filing a complaint with a false certification. MCL 169.313(7); MCL 15.713(7).

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

Theresa
Briand



City Council

Better Roads!



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

July 1, 2024

Theresa Briand
1615 N. 5th St. Apt. 175
Niles, MI 49120

Re: *Shelton v. Briand*
Campaign Finance Complaint No. 24-061

Dear Ms. Briand:

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 campaign sign. A picture of the sign 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.*

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 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: Nick Shelton

From: [Nick Shelton](#)
To: [Theresa Briand](#)
Cc: [MDOS-BOERegulatory](#); [elections@berriencounty.org](#); [kklemesrud@berriencounty.org](#); [Ric Huff](#)
Subject: Re: Unfounded MCFA violation report made against me.
Date: Wednesday, July 24, 2024 2:23:56 PM
Attachments: [2024-07-24T12_05_37.png](#)
[Untitled.png](#)

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

Ms. Briand,

Thanks for the note.

I did make a post on July 8th regarding the importance of following the MCFA. Thank you for appreciating my commitment to upholding the rules.

On July 1, I observed campaign signs that lacked the required identification of who paid for them. I submitted a color photograph of these signs to the appropriate authorities, as part of my (personal) duty to uphold transparency and accountability in our community. It's possible that the black and white version you mentioned was a copy provided to you by the State, as that is what was mailed to me.

My complaint was based on accurate information, as the signs I saw did not contain identification. On July 8, I noticed that your signs now included a stamp indicating who paid for them. While the information was difficult to read due to smudging, it was present. This addition suggests that corrective measures were taken, which is positive for ensuring compliance with the MCFA.

I don't believe this is an "unfounded controversy," as I made my complaint directly to the proper channels (the Michigan Department of State) based on factual evidence. Further, I believe the only mistake that needed to be corrected fell upon you, the candidate that violated the Act.

I reported you as a citizen, as is my right. I did this after seeing your sign missing the identification.

If you have further concerns, I suggest you contact the Michigan BOE (copied on this response).

Thank you,

Nick Shelton

Nick J. Shelton
Mayor, City of Niles
Mayor@nilesmi.org
Mobile: 269-479-6132

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From: Theresa Briand <theresabriand@yahoo.com>
Sent: Wednesday, July 24, 2024 1:08 PM
To: Nick Shelton <mayor@nilesmi.org>; Ric Huff <cityadministrator@nilesmi.org>
Subject: Re: Unfounded MCFA violation report made against me.

You don't often get email from theresabriand@yahoo.com. [Learn why this is important](#)

Caution: External

Mayor Nick Shelton

I noticed you made this post on July 8th about the importance of following the Michigan Campaign Finance Act (MCFA). I appreciate your commitment to upholding these rules.

However, I wanted to clarify an important issue: On July 1st, you reported my campaign to the Michigan Secretary of State, claiming that my signs violated MCFA by not displaying the required identification. I want to assure you that my signs do comply with the law and include the necessary information about who paid for them. The black-and-white photo you provided as evidence does not accurately reflect this detail given the information is printed in black.

It's interesting to see your post about the rules after having made a report against me. Transparency and accuracy are crucial, and it's essential that allegations are based on accurate information to avoid unnecessary complications and potential legal repercussions.

Such claims could lead to serious consequences, including the involvement of our attorney general and potential misdemeanor charges. In the future, as you work to ensure compliance among candidates, I urge you to verify the accuracy of your claims before reporting them.

I have always strived to engage respectfully and constructively on issues related to compliance and transparency. I am committed to following the rules and ensuring that all aspects of my campaign adhere to legal standards.

Being compliant with the law is important to me as well. If there are ever any questions about my compliance, a simple email inquiring about it would suffice, just as I have done with you regarding concerns about Open Meetings Act and FOIA violations.

And to Rik Huff, now that Mayor Shelton has stirred up this unfounded controversy, are there any measures you or he can take to correct these mistakes? Additionally, I am curious why Mayor Shelton is reporting me. Mayor Shelton, did you personally review my sign and oversee the black print indicating who paid for it, therefore felt it was so concerning that you had to report me immediately?

Warm regards,

Theresa Briand

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Mayor Nick Shelton

Intro

Nick Shelton is the Mayor of Niles, Michigan. This is the official government page for Mayor Nick.

- Page** · Government Official
- mayor@nilesmi.org
- library.municode.com/mi/niles/codes/code_of_ordinances
- mayornickshelton.com

Photos

[See all photos](#)



Comment as Theresa Briand 1st Ward Niles

Mayor Nick Shelton
July 8 at 8:22 AM

Election season means the emergence of campaign signs. Here are a couple of reminders and notes about campaign signs:

- *You cannot place signs in the public right of way (boulevard, etc.).
- Per the City of Niles Zoning Ordinance, Section 1(D):
1. Political Signs; provided such signs shall meet the following requirements: d. No political sign shall be placed within the public right of way.
- *Signs must contain a "Paid for By" disclaimer.

Per the MICHIGAN CAMPAIGN FINANCE ACT MCFA 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, must display an identification that contains the name and address of the person paying for the matter.

ZONING: <https://cms3.revize.com/.../Niles%20Zoning%20Ordinance%20...>

MCFA: <https://www.legislature.mi.gov/Laws/MCL...>



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: Nick Shelton

Identify the section(s) of the MCFA or relevant financial disclosure act section(s) alleged to be violated and explain how the section(s) were violated:

I believe the the candidate has violated MCFA 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, must display an identification that contains the name and address of the person paying for the matter.

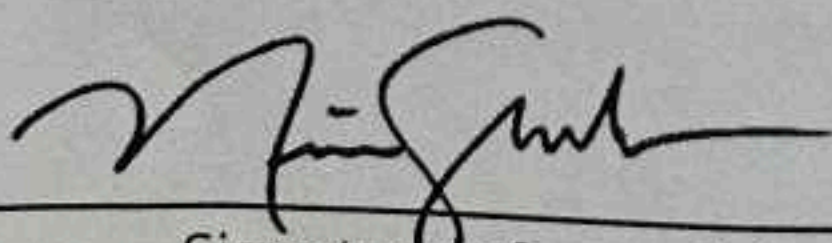
The candidate's signs do not contain identification (name and address) of the person who paid for the matter.

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

Picture of sign attached to email.

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

7/1/2024

Date

Theresa
Briand



City Council

Better Roads!

Theresa
Briand



City Council

Better Roads!

Approved by
Michael Andrew Thompson
P.O. Box 102
Hann, AL 36842-0102

From: [Smith, Jessica \(MDOS\)](#)
To: [Theresa Briand](#)
Cc: [MDOS-BOERegulatory](#)
Subject: RE: MCFA Violation reported against me.
Date: Friday, July 26, 2024 1:46:30 PM

Ms. Briand,

Per the letter you received, the email you will want to send communication to concerning this complaint is BOE-Regulatory@michigan.gov.

I have forwarded your email and you should receive a response regarding your extension request.

Thank you,

Jessica Smith

Michigan Department of State
Bureau of Elections

From: Theresa Briand <theresabriand@yahoo.com>
Sent: Friday, July 26, 2024 11:07 AM
To: Smith, Jessica (MDOS) <SmithJ124@michigan.gov>
Subject: Re: MCFA Violation reported against me.

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

Dear Jessica Smith,

I hope this email finds you well. My name is Theresa Briand and I am currently running for City Council in Niles, MI. I am writing in response to a letter from the Michigan Department of State dated July 1, 2024, which I received on July 23, 2024. The letter addresses a complaint filed by Nick Shelton regarding the proper identification on my campaign signs as required by the Michigan Campaign Finance Act (MCFA), MCL 169.247.

Upon receiving the letter, I immediately attempted to reach the Department by phone to discuss the matter and clarify the timeline for my response. Unfortunately, due to the delay in receiving the letter, the 15 business days response period had lapsed by the time I received it. Today when I reached someone with the Department, I was given your email address and name for contact.

I want to emphasize that all my campaign signs have always included the required identification information. While Nick Shelton's complaint suggests otherwise, it is worth

noting that he later admitted in an email to me that the identification stamps can be smudged off. This raises concerns about the validity of the complaint. I can provide evidence to support my compliance with the legal requirements. I believe it is crucial to address this matter promptly and accurately to ensure the integrity of my campaign and adherence to all legal requirements.

Attached to this email, you will find one piece of evidence: an affidavit from Michael Thompson, the individual responsible for producing and stamping all the campaign signs before their distribution. Please note that the affidavit mentions the date as "Tuesday, July 22," but Tuesday was actually July 23. This clerical error does not affect the validity of the statement.

Given the circumstances of the delayed receipt of the Department's letter, I kindly request an extension to submit my formal response and **additional evidence**. I trust that the Department will consider this reasonable given the situation.

Thank you for your time and assistance in this matter. I am committed to maintaining transparency and compliance throughout my campaign, and I would greatly appreciate the opportunity to clarify and resolve this issue.

Sincerely,

Theresa Briand

1615 N 5th st, apt 175

Niles, MI 49120

269-861-2029

To The State of Michigan
Jocelyn Benson, Secretary of State
Michigan Department of State
Regulatory Section
Bureau of Elections

Re: Shelton v Briand
Campaign Finance Complaint No. 24-061

To the Department of State,

I, Theresa Briand, the respondent in this matter, acknowledge receipt of this complaint on Tuesday, July 23rd. Please refer to Attachment 1, which contains my request for an extension sent to Jessica Smith at the Secretary of State's office, and Attachment 2, which confirms that this Department granted an extension until August 16th, 2024.

I appreciate the opportunity to respond, as it is crucial to me that my campaign, built on transparency and accountability, maintains its integrity throughout this process.

The complainant, Nick Shelton, alleged that my campaign signs did not contain the required identification (name and address) of the person who paid for them. He has provided a photograph of one of my signs, which I can only assume was taken by him, as the sign has since gone missing.

This Department should be aware that on April 23rd, 2024, I received an email from Jennifer Dewey, the Deputy Clerk of Niles. Please see Attachment 3. In this email, Ms. Dewey provided guidelines for the placement of political signs as we approached the filing deadline for council member petitions. The attached document, referenced as Attachment 4, explicitly states: "On-site Address/Identification Signs for one- and two-family dwellings are limited to one (1) per structure, with a maximum sign display area of three (3) square feet."

It is important to note that these signs were neither produced nor paid for by my committee but by a supporter, Michael Thompson, a resident of Niles' 4th Ward. Please refer to Attachment 5, where Mr. Thompson communicated via text on June 20th, 2024, at 4:55 PM: "Your signs have arrived. My stamp, indicating that I paid for the signs, will be here within the next day or so. Once stamped, I can begin placing them out 30 days prior to the election."

Both Mr. Thompson and I were fully aware of the requirement that the signs must contain an identifier, and as evidence, I submit Attachment 6, which shows the identifier that was affixed to every sign before they were displayed.

Upon receiving this complaint on July 23rd, I immediately informed Mr. Thompson of the false accusations against my campaign (see Attachment 7). Not only did Mr. Thompson provide a signed affidavit (Attachment 8), but he also personally visited every location where he had placed signs and confirmed that all remaining signs, which had not been stolen, still bore the required identifier. Please note that Mr. Thompson's affidavit incorrectly refers to the date as "Tuesday, July 22nd," when in fact, the date was Tuesday, July 23rd.

I also wish to inform the Department that I have filed a police report with the City of Niles Police Department regarding the tampering with and theft of my campaign signs.

Additional information for your consideration:

On July 24th, I emailed Mayor Nick Shelton regarding the recent complaint he filed against my campaign. A copy of that correspondence is attached as [Attachment 9]. The email reads as follows:

Mayor Nick Shelton,

I noticed your post on July 8th about the importance of adhering to the Michigan Campaign Finance Act (MCFA). I appreciate your commitment to upholding these regulations.

However, I must clarify a crucial issue: On July 1st, you reported my campaign to the Michigan Secretary of State, alleging that my signs violated the MCFA by not displaying the required identification. I assure you that my signs comply fully with the law and include all necessary information regarding the person who paid for them. The black-and-white photo you provided as evidence does not accurately reflect this detail, as the information is printed in black ink.

It is interesting that your post about the rules was made after you filed a report against me. Transparency and accuracy are paramount, and it is essential that allegations are based on correct information to avoid unnecessary complications and potential legal repercussions.

Such claims could lead to serious consequences, including involvement from the Attorney General and potential misdemeanor charges. In the future, as you work to ensure compliance among candidates, I urge you to verify the accuracy of your claims before reporting them.

I have always endeavored to engage respectfully and constructively on matters related to compliance and transparency. I remain committed to following the rules and ensuring that all aspects of my campaign adhere to legal standards.

Compliance with the law is as important to me as it is to you. If there are ever questions about my compliance, a simple email inquiry would suffice, just as I have done with you concerning issues related to the Open Meetings Act and FOIA violations.

I am curious about your motivation in reporting me. Did you personally review my sign and oversee the black print indicating who paid for it, and did you find it so concerning that you felt the need to report me immediately?

Warm regards,
Theresa Briand

Mayor Nick Shelton responded the same day, as shown in [Attachment 10]:

Ms. Briand,

Thank you for your note.

On July 1st, I observed campaign signs that lacked the required identification of who paid for them. I submitted a color photograph of these signs to the appropriate authorities, fulfilling my personal duty to uphold transparency and accountability in our community. It is possible that the black-and-white version you mentioned was a copy provided to you by the State, as that is what was mailed to me.

My complaint was based on accurate information, as the signs I saw did not contain identification. On July 8th, I noticed that your signs now included a stamp indicating who paid for them. While the information was difficult to read due to smudging, it was present. This addition suggests that corrective measures were taken, which is positive for ensuring compliance with the MCFA.

I don't believe this is an "unfounded controversy," as I made my complaint to the proper channels (the Michigan Department of State) based on factual evidence. Further, I believe the only mistake that needed to be corrected fell upon you, the candidate that violated the Act.

I reported you as a citizen, as is my right. I did this after seeing your sign missing the identification.

If you have further concerns, I suggest you contact the Michigan BOE (copied on this response).

Thank you,
Nick Shelton

I ask the Department to carefully consider Mayor Shelton's statement: "On July 8th, I noticed that your signs now included a stamp indicating who paid for them. While the information was difficult to read due to smudging, it was present. This addition suggests that corrective measures were taken, which is positive for ensuring compliance with the MCFA."

Mayor Shelton's acknowledgment that the identifiers on my signs could have been smudged is significant. Instead of considering the possibility that the sign he reported may have had its identifier smudged off, he asserts that I took corrective measures by July 8th. This assertion is perplexing, as I did not even receive notice of his complaint until July 23rd. How could I have taken corrective measures before being informed of the alleged violation?

The Department should also be aware that I have a long history of correspondence with Mayor Nick Shelton, dating back to 2018. My advocacy has always been respectful yet persistent, particularly on issues involving public trustees abusing their positions for personal gain, violations of the Open Meetings Act (OMA) and FOIA rights, and the potential misallocation of city funds to a board that may be involved in embezzlement and certainly uses its funds to further special interest groups. Mayor Shelton sits with this board and is publicly known to have a close relationship with an employee of the board against whom I have raised concerns.

Given this context, I urge the Department to consider whether Mayor Shelton's actions are part of a broader pattern of retaliation against me for my ongoing advocacy. His complaint against my campaign, along with subsequent actions, appear to be retaliatory.

I will be filing a formal complaint against Mayor Nick Shelton for his actions, which include using his official mayoral social media account to further his efforts against me. This conduct has contributed to my narrow loss in the primary election by just 14 votes.

I believe these actions represent a misuse of his position and retaliation against me.

Thank you for your time and consideration.

Attachment 1

Re: MCFA Violation reported against me.

From: Theresa Briand (theresabriand@yahoo.com)

To: [REDACTED]

Date: Friday, July 26, 2024 at 11:06 AM EDT

Dear Jessica Smith,

I hope this email finds you well. My name is Theresa Briand and I am currently running for City Council in Niles, MI. I am writing in response to a letter from the Michigan Department of State dated July 1, 2024, which I received on July 23, 2024. The letter addresses a complaint filed by Nick Shelton regarding the proper identification on my campaign signs as required by the Michigan Campaign Finance Act (MCFA), MCL 169.247.

Upon receiving the letter, I immediately attempted to reach the Department by phone to discuss the matter and clarify the timeline for my response. Unfortunately, due to the delay in receiving the letter, the 15 business days response period had lapsed by the time I received it. Today when I reached someone with the Department, I was given your email address and name for contact.

I want to emphasize that all my campaign signs have always included the required identification information. While Nick Shelton's complaint suggests otherwise, it is worth noting that he later admitted in an email to me that the identification stamps can be smudged off. This raises concerns about the validity of the complaint. I can provide evidence to support my compliance with the legal requirements. I believe it is crucial to address this matter promptly and accurately to ensure the integrity of my campaign and adherence to all legal requirements.

Attached to this email, you will find one piece of evidence: an affidavit from Michael Thompson, the individual responsible for producing and stamping all the campaign signs before their distribution. Please note that the affidavit mentions the date as "Tuesday, July 22," but Tuesday was actually July 23. This clerical error does not affect the validity of the statement.

Given the circumstances of the delayed receipt of the Department's letter, I kindly request an extension to submit my formal response and **additional evidence**. I trust that the Department will consider this reasonable given the situation.

Thank you for your time and assistance in this matter. I am committed to maintaining transparency and compliance throughout my campaign, and I would greatly appreciate the opportunity to clarify and resolve this issue.

Sincerely,

Theresa Briand

1615 N 5th st, apt 175

Niles, MI 49120

269-861-2029

Attachment 2

RE: MCFA Violation reported against me.

From: MDOS-BOERegulatory (mdos-boeregulatory@michigan.gov)
To: theresabriand@yahoo.com
Date: Monday, July 29, 2024 at 09:53 AM EDT

Extension has been granted.

The new deadline to response by is August 16, 2024.

Thank you,

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

From: Smith, Jessica (MDOS) <[REDACTED]>
Sent: Friday, July 26, 2024 1:46 PM
To: Theresa Briand <theresabriand@yahoo.com>
Cc: MDOS-BOERegulatory <MDOS-BOERegulatory@michigan.gov>
Subject: RE: MCFA Violation reported against me.

Ms. Briand,

Per the letter you received, the email you will want to send communication to concerning this complaint is BOE-Regulatory@michigan.gov.

I have forwarded your email and you should receive a response regarding your extension request.

Thank you,

Jessica Smith

Michigan Department of State
Bureau of Elections



Attachment 3

Emailing: Political signs

From: Jennifer Dewey (deputyclerk@nilesmi.org)
To: DeputyClerk@nilesmi.org; CityClerk@nilesmi.org
Date: Tuesday, April 23, 2024 at 02:53 PM EDT

Good afternoon,

As we inch closer to the deadline to file councilmember petitions, we are attaching the rules for placement of political signs, please read over and familiarize yourself with said rules, if you are planning to put out signs. Ward 1 will be the only to partake in the August Election due to having 3 councilmember candidates while every other ward only has 2. Every ward will then be a part of the November Election.

Thank you and have a great rest of your week,

Jennifer Dewey
City of Niles
Deputy City Clerk
333 N. Second Street Ste. 301
Niles, MI 49120
269-683-4700 ext 3031

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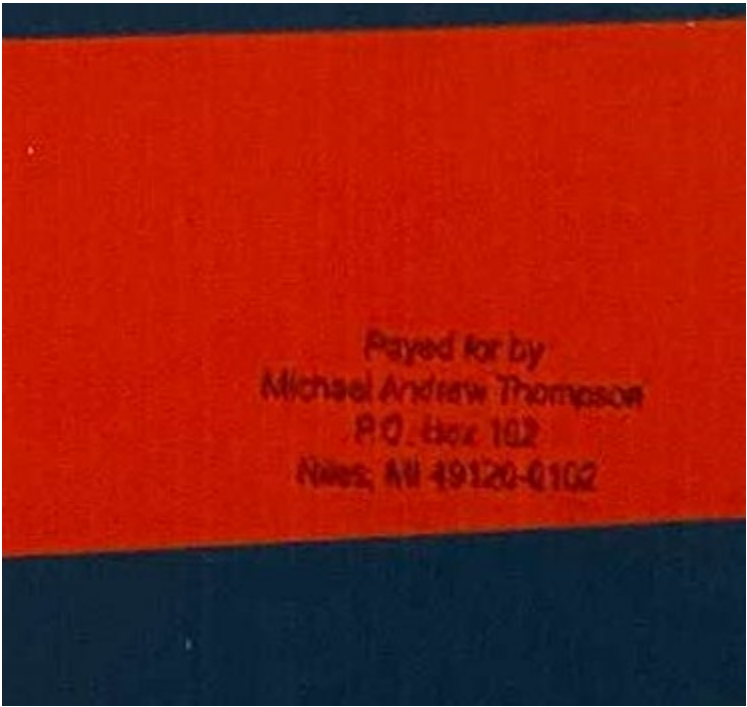
 Political signs.pdf
586.8kB

Attachment 4

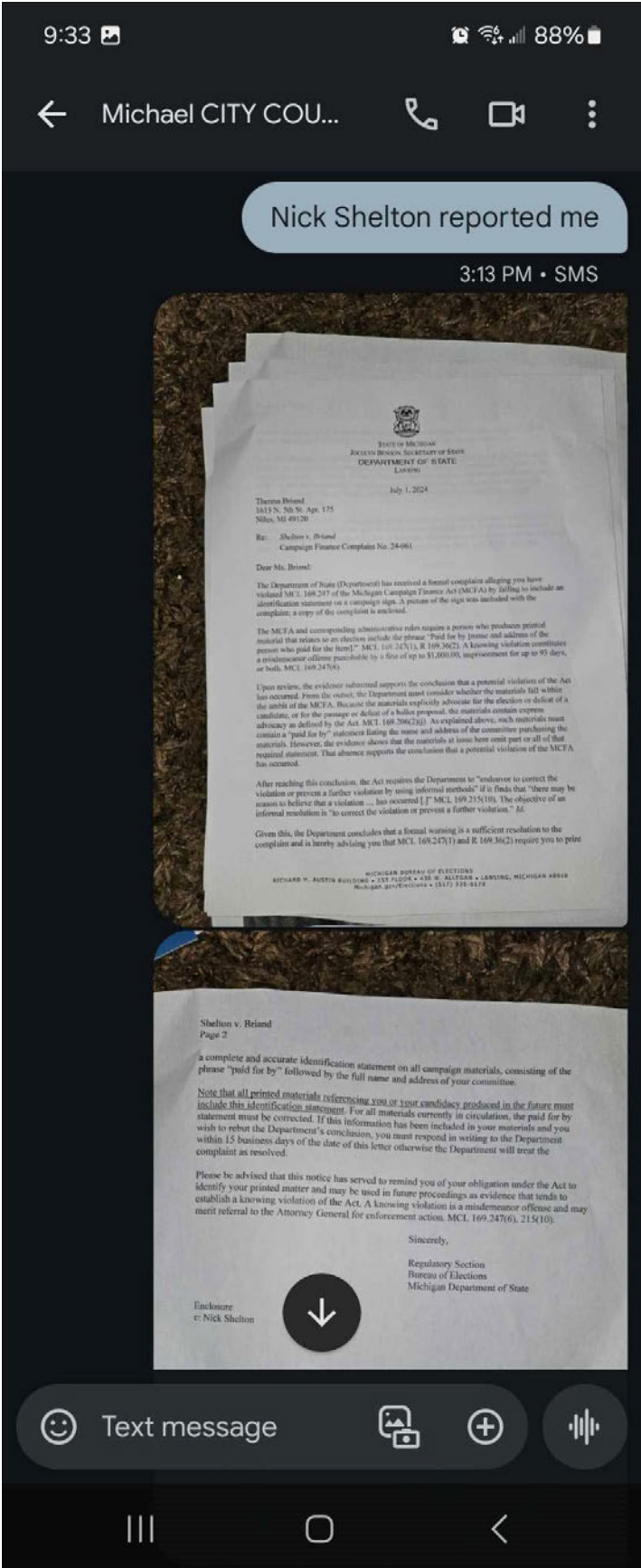
1. Political Signs; provided such signs shall meet the following requirements:
 - a. Such signs shall not be installed more than 30 days prior to a primary or general election date and must be removed within one (1) week of election date.
 - b. Within the LDR, MDR, CB and NC Districts such signs shall have a maximum sign display area of eight (8) square feet.
 - c. Within the OC, RC and IND Districts such signs shall have a maximum sign display area of thirty-two (32) square feet.
 - d. No political sign shall be placed within the public right of way.
 - e. There shall be a limit of two political signs per candidate or voting issue per address.
2. Signs expressing opinions regarding non-commercial topics.
 - a. Within the LDR and MDR Districts, such signs shall have a maximum sign display of four (4) square feet.
 - b. Within the CB, NC, OC, RC and IND Districts, such signs shall have a maximum sign display of eight (8) square feet.
 - c. A limit of one non-commercial sign per address is permitted.
 - d. No non-commercial topic sign shall be placed within the public right of way.
3. On site Real Estate Signs, For Sale and/or For Rent Signs; provided such signs shall meet the following requirements:
 - a. Exempt real estate signs shall not be internally illuminated or contain flashing lights.
 - b. Within the LDR, MDR and OS Districts such signs shall have a maximum sign display area of eight (8) square feet.
 - c. Within the CB, NC, RC, OC and IND Districts, such signs shall have a maximum display area of thirty-two (32) square feet.
 - d. No Real Estate, For Sale/For Rent sign shall be placed within the public right of way.
4. On site Address/Identification Signs, for one and two family dwellings, limited to one (1) per structure, per address, with a maximum sign display area of three (3) square feet.
5. On site Building Construction Signs, limited to one (1) non-illuminated sign with a maximum sign display area of thirty-two (32) square feet and providing such sign shall be removed within twelve (12) months of its installation.
6. On site Temporary Development Signs, limited to one (1) non-illuminated sign with a maximum sign display area of sixteen (16) square feet.



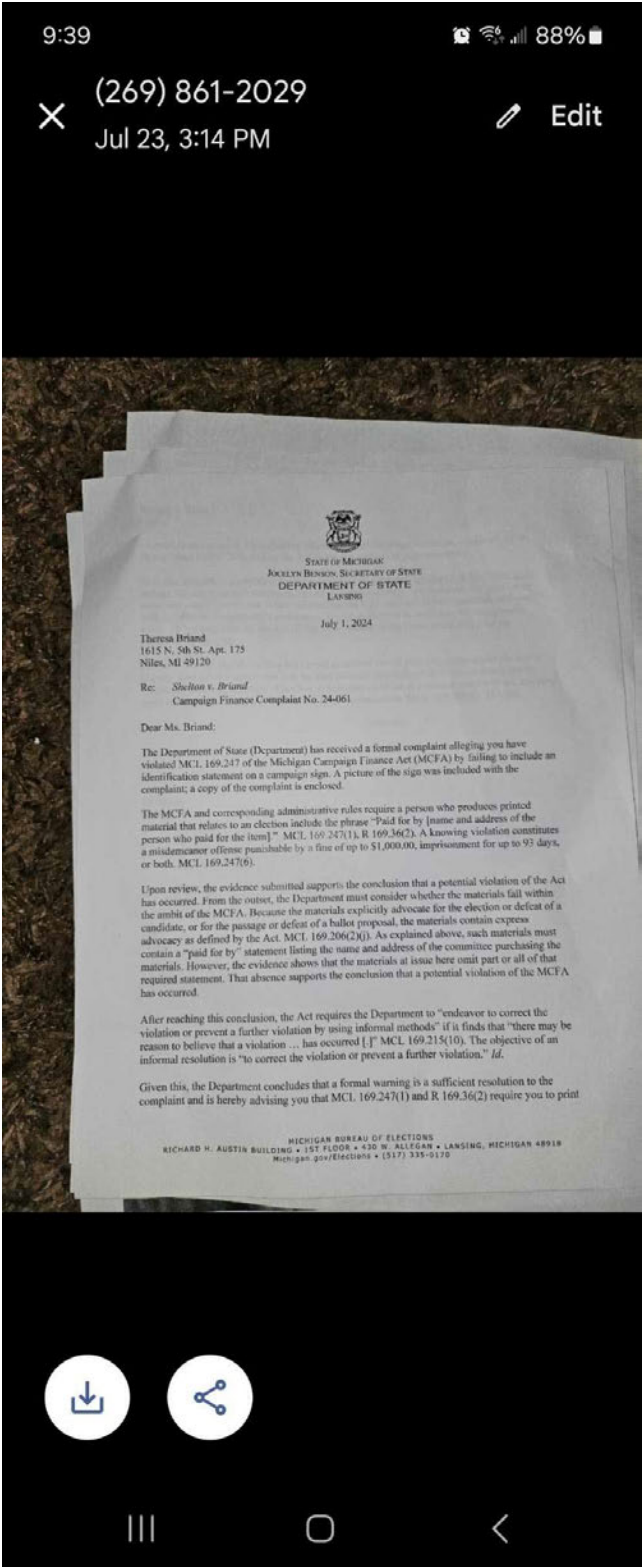
Attachment 6



Attachment 7



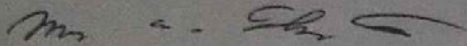
Attachment 7 Time Stamped



Attachment 8

All election signs for Theresa Briand were stamped with funding identification notices by me personally immediately upon opening of the shipping box.

I have personally checked all of the signs in yards, as of Tuesday July 22, and all of them still have the identification on them, though slightly worn due to weathering. Any that seemed excessively worn I personally stamped again, but in location separate from the original stamp. I was obviously unable to check signs that were stolen.



Michael A. Thompson
4th Ward Niles City Councilman
07/25/24

P.O. Box 102

Niles, IL 49120-0102

Attachment 9

From: Theresa Briand <theresabriand@yahoo.com>
Sent: Wednesday, July 24, 2024 1:08 PM
To: Nick Shelton <mayor@nilesmi.org>; Ric Huff <cityadministrator@nilesmi.org>
Subject: Re: Unfounded MCFA violation report made against me.

You don't often get email from theresabriand@yahoo.com. [Learn why this is important](#)

Caution: External

Mayor Nick Shelton

I noticed you made this post on July 8th about the importance of following the Michigan Campaign Finance Act (MCFA). I appreciate your commitment to upholding these rules.

However, I wanted to clarify an important issue: On July 1st, you reported my campaign to the Michigan Secretary of State, claiming that my signs violated MCFA by not displaying the required identification. I want to assure you that my signs do comply with the law and include the necessary information about who paid for them. The black-and-white photo you provided as evidence does not accurately reflect this detail given the information is printed in black.

It's interesting to see your post about the rules after having made a report against me. Transparency and accuracy are crucial, and it's essential that allegations are based on accurate information to avoid unnecessary complications and potential legal repercussions.

Such claims could lead to serious consequences, including the involvement of our attorney general and potential misdemeanor charges. In the future, as you work to ensure compliance among candidates, I urge you to verify the accuracy of your claims before reporting them.

I have always strived to engage respectfully and constructively on issues related to compliance and transparency. I am committed to following the rules and ensuring that all aspects of my campaign adhere to legal standards.

Being compliant with the law is important to me as well. If there are ever any questions about my compliance, a simple email inquiring about it would suffice, just as I have done with you regarding concerns about Open Meetings Act and FOIA violations.

And to Rik Huff, now that Mayor Shelton has stirred up this unfounded controversy, are there any measures you or he can take to correct these mistakes? Additionally, I am curious why Mayor Shelton is reporting me. Mayor Shelton, did you personally review my sign and oversee the black print indicating who paid for it, therefore felt it was so concerning that you had to report me immediately?

Warm regards,

Theresa Briand

Attachment 10



• Nick Shelton

From: mayor@nilesmi.org
To: Theresa Briand
Cc: BOERegulatory@michigan.gov, elections@berriencounty.org, kklemesrud@berriencounty.org, Ric Huff



Wed, Jul 24 at 2:23 PM



Ms. Briand,

Thanks for the note.

I did make a post on July 8th regarding the importance of following the MCFA. Thank you for appreciating my commitment to upholding the rules.

On July 1, I observed campaign signs that lacked the required identification of who paid for them. I submitted a color photograph of these signs to the appropriate authorities, as part of my (personal) duty to uphold transparency and accountability in our community. It's possible that the black and white version you mentioned was a copy provided to you by the State, as that is what was mailed to me.

My complaint was based on accurate information, as the signs I saw did not contain identification. On July 8, I noticed that your signs now included a stamp indicating who paid for them. While the information was difficult to read due to smudging, it was present. This addition suggests that corrective measures were taken, which is positive for ensuring compliance with the MCFA.

I don't believe this is an "unfounded controversy," as I made my complaint directly to the proper channels (the Michigan Department of State) based on factual evidence. Further, I believe the only mistake that needed to be corrected fell upon you, the candidate that violated the Act.

I reported you as a citizen, as is my right. I did this after seeing your sign missing the identification.

If you have further concerns, I suggest you contact the Michigan BOE (copied on this response).

Thank you,

Nick Shelton

Nick J. Shelton
Mayor, City of Niles
Mayor@nilesmi.org
Mobile: 269-479-6132



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

September 4, 2024

Nick Shelton
103 S. Lincoln Ave.
Niles, MI 49120

Re: *Shelton v. Briand*
Campaign Finance Complaint No. 24-061

Dear Nick Shelton

The Department of State received a response from Theresa Briand to the complaint you filed against them 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: Theresa Briand

From: [Nick Shelton](#)
To: [MDOS-BOERegulatory](#)
Cc: [elections@berriencounty.org](#); [kklemesrud@berriencounty.org](#); [Linda Casperson](#); [Ric Huff](#)
Subject: RE: Shelton v. Briand Campaign Finance Complaint No. 24-061
Date: Friday, September 6, 2024 9:12:16 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[2024-09-04 Response Letter Shelton v. Briand.pdf](#)
[2024-08-13 Briand Response Shelton v. Briand Redacted.pdf](#)

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

Good Morning,

Thank you for sharing Ms. Briand's response.

I stand by what I shared in the email sent to you July 1, 2024 (below):

Good Morning,

Campaign signs for Niles City Council Candidate, Theresa Briand, have been placed in the City of Niles.

*I believe the the candidate has violated MCFA 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, must display an identification that contains the name and address of the person paying for the matter.***

The candidate's signs do not contain identification (name and address) of the person who paid for the matter.

A copy of the Michigan Department of State Campaign Finance and Financial Disclosure Complaint Form is attached to this email, along with a photo of one of her signs.

Thank you,

Nick Shelton

My original complaint was based on an observation of a sign missing identification information, as required by the Michigan Campaign Finance Act. My intent was to ensure compliance with the law, not to engage in retaliation or personal attacks.

Ms. Briand states, "Mayor Shelton's acknowledgment that the identifiers on my signs could have been smudged is significant. Instead of considering the possibility that the sign he reported may have had its identifier smudged off, he asserts that I took corrective measures by July 8th. This assertion is perplexing, as I did not even receive notice of his complaint until July 23rd. How could I have taken corrective measures before being informed of the

alleged violation?"

I ask the state, if an identifier is smudged or smudged off, is it still an identifier? The requirement of MCFA 169.247 is clear: signs must display an identifier that contains the name and address of the person who paid for it. A smudged or missing identifier does not meet this standard. Regardless of the cause—whether smudging, theft, or other factors—the fact remains that the sign I observed did not display the required information at the time I submitted my complaint.

The focus of my original observation is compliance at the time I reported the sign, not any subsequent corrective measures. Ms. Briand's explanation suggests that if identifiers were missing or unclear due to tampering, it further emphasizes the need for visible, intact information at all times, as per the law.

It is not my assertion that corrective measures were taken by July 8th, but rather a recognition of the timeline and circumstances: I filed my complaint based on an observation of non-compliance. Whether her team made changes before or after receiving formal notice does not alter the fact that, at the time of my complaint, the sign did not meet legal standards.

While I respect her ongoing advocacy and her right to voice concerns regarding city governance, I categorically deny any accusations of retaliation. My complaint regarding her campaign signs was strictly in accordance with Michigan Campaign Finance Act guidelines and was not motivated by any personal or political differences. The timing of my complaint, based on an observation of non-compliant signage, was unrelated to Ms. Briand's past advocacy or our previous interactions.

As a citizen, my primary responsibility is to ensure that all candidates and public officials are held to the same legal standards. To suggest that my actions are part of a broader pattern of retaliation is simply not accurate. My focus is on ensuring transparency, fairness, and legal compliance in all matters, including elections.

The claim that my actions contributed to her loss in the primary election is speculative and unfounded. My conduct has always been in the best interest of the City of Niles and its residents, and I maintain the highest standards of integrity in both my personal and professional capacities.

I trust the Department will review the facts of the case fairly and thoroughly.

The "Board" referred to in Ms. Briand's statement is the Niles Downtown Development Authority. By state law, the mayor is a sitting member of that board. The employee of that board she is referring to is Lisa Croteau, who also happens to be the grandmother of Ms. Briand's children.

Regarding my "close relationship" with an employee of the board, Lisa, I believe Ms. Briand is referring to our professional working relationship in Lisa's capacity as the director of the Downtown Development Authority (DDA). Any personal matters between Ms. Briand and Lisa are entirely unrelated to my role as Mayor, and it is inappropriate to suggest otherwise. My actions have always been in the best interest of the City of Niles, and any claims to the contrary are not based on facts.

Regarding the claim about my use of social media:

My Facebook page is a personal and professional platform, distinct from the City of Niles' official communications. It includes a disclaimer that the views expressed are my own and not reflective of the City or City Council. The page is used to share information and engage with the community, and any reference to campaign-related matters was made in a personal capacity. The page explicitly states that the comments do not reflect the positions of the City, and I have adhered to that guideline.



I shared a post from my personal mayoral page on August 5th. The purpose of that post was to clarify information shared on a flyer distributed by Councilmember Michael Thompson on behalf of Ms. Briand. My goal with the post was to clarify misinformation shared on the flyer.



Mayor Nick Shelton

★ Favorites · August 5 · 🌐



Friends,

In the eight years I've served as your mayor, I've never publicly endorsed or opposed a candidate—until now. With the primary election for Ward 1 tomorrow, I feel compelled to address some false claims circulating in a recent flyer.

I've always aimed to earn your trust through transparency, responsiveness, and dedication. Therefore, I'm concerned about the potential impact on our community if certain individuals are elected. Here's what you need to know about the 1st Ward candidate:

****Red Flags:****

1. ****Campaign Funding****: The flyer is funded by Council Member Thompson (Ward 4), who has consistently voted against community engagement initiatives, including the Memorial Day Parade. Additionally, Thompson has two relatives running for other ward seats, raising questions about the motives behind this support.
2. ****Road Improvements****: Roadway improvements are primarily funded through state-collected fuel taxes, redistributed via Public Act 51. Despite ongoing discussions at the state level, current funding is insufficient to meet needs. While the City has the option to allocate local tax revenues for road maintenance, as it did 15 or more years ago, doing so would necessitate cuts in other essential services. Our balanced budget prioritizes basic services without compromising financial stability. If we choose to invest local dollars in roadway maintenance, what service should we reduce? The City has spent \$5.2 million on roadway, sidewalk, and parking lot improvements within the city over the past three years, not counting MDOT projects.
3. ****Taxes****: The base millage rate of 15 mills, set by our Charter and regulated by the State of Michigan, has decreased to 13.5921 mills due to the Headlee Amendment and Proposal A. These laws ensure that tax rates adjust with community growth and protect property owners from excessive increases, capped at the rate of inflation or 5%.
4. ****Downtown Spending****: The candidate's claim about downtown spending likely refers to the new sidewalks and outdoor hub, funded by ARPA and RAP grants. Importantly, RAP grants were specific to these projects and could not be used for streets. Additionally, the downtown murals were paid for with private investments and not funded by the City.

In summary, I urge you to thoroughly research candidates and their claims. Misinformation can lead to misguided decisions that impact our community's future.

Thank you for your attention and commitment to informed voting.





Please let me know if there is anything else you would like me to share.

Thank you,

Nick J. Shelton
nickjshelton@gmail.com

On Sep 4, 2024, at 3:27 PM, 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

<2024-09-04 Response Letter Shelton v. Briand.pdf>

<2024-08-13 Briand Response Shelton v. Briand_Redacted.pdf>



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

September 20, 2024

Theresa Briand
1615 N. 5th Street Apt. 175
Niles, MI 49120

Re: *Shelton v. Briand*
Campaign Finance Complaint No. 24-061

Dear Theresa Briand:

The Department of State has received a rebuttal to your response regarding your alleged violation of the Michigan Campaign Finance Act, 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the rebuttal is provided with this letter.

At this point, the Department will commence the determination phase of the campaign finance complaint process, during which time all submitted materials will be reviewed. Within 45 business days of its receipt of the enclosed rebuttal, the Department will make a determination as to whether there may be reason to believe that a violation of the MCFA occurred. If you have any questions about this process, you may contact BOERegulatory@Michigan.gov.

Sincerely,

Regulatory Section
Bureau of Elections
Michigan Department of State

Attachment
c: Nick Shelton



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

December 6, 2024

Theresa Briand
1615 N. 5th Street, Apt. 175
Niles, MI 49120

Re: *Shelton v. Briand*
Campaign Finance Complaint No. 24-061

Dear Theresa Briand

The Department of State (Department) has finished investigating the campaign finance complaint filed against you by Nick Shelton 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 failed to include the required identification statements on your campaign materials.

You responded to the complaint. In your response, you claimed that the required identification statement was added to the signs before they were placed.

Nick Shelton provided a rebuttal statement. In that statement, he stated that he stood by his previous statement.

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).

The Department has reviewed the evidence submitted in this matter and finds that insufficient evidence has been presented to support a finding of a potential violation of the MCFA. Because the identification statement was added prior to the signs being circulated, no violation has occurred.

Because the violation of the MCFA alleged in the complaint has not been substantiated by sufficient evidence, the Department dismisses the complaint and will take no further enforcement action. If you have any questions concerning this matter, you may contact me at

BOERegulatory@Michigan.gov.

Sincerely,

A handwritten signature in cursive script that reads "James Biehl". The signature is written in dark ink and is positioned below the word "Sincerely,".

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