

Campaign Finance Complaint Form Michigan Department of State

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 *et seq.*). All information on the form must be provided along with an original signature and evidence.
Please print or type all information.

I allege that the MCFA was violated as follows:

Section 1. Complainant		
Your Name <i>Leon Drolet</i>	Daytime Telephone Number <i>586-321-5933</i>	
Mailing Address <i>46116 Lookout Drive</i>		
City <i>Macomb</i>	State <i>MI</i>	Zip <i>48044</i>

Section 2. Alleged Violator		
Name <i>Adam Simon</i>		
Mailing Address <i>21290 Pine Cone Drive</i>		
City <i>Macomb</i>	State <i>MI</i>	Zip <i>48042</i>

Section 3. Alleged Violations (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated:

Section 57 of MI Campaign Finance Act, MCL 169.257

Explain how those sections were violated:

Please see attached

Evidence that supports those allegations (attach copies of pertinent documents and other information):

Please see attached

RECEIVED
 MICHIGAN DEPARTMENT OF STATE
 2010 JUL 6 - 9 AM 9: 07
 CLERK'S OFFICE

June 28, 2018

Leon Drolet
46116 Lookout Drive
Macomb, MI 48044
586-321-5933
leondrolet@comcast.net

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

Dear MI Secretary Of State Compliance Official,

In Michigan it is unlawful for a public body or an individual acting on its behalf to 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[.]" MCL 169.257(1).

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

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

Sec. 57.

*(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.*

This letter and accompanying complaint serve as an official complaint regarding two concurrent, related violations of law committed by Mr. Adam Simon of 21290 Pine Cone Drive,

Macomb, MI 48042.

Mr. Simon is treasurer and designated record keeper for Firefighters for a Better Clinton Township, a ballot question committee advocating for voter passage of a police and fire tax proposals appearing on the August 7, 2018 ballot in Clinton Township, Michigan. Firefighters for a Better Clinton Township has filed a Statement of Organization with the Macomb County Clerk Elections Division and their committee's identification number is 139642.

There are two violations of the Michigan campaign Finance Act committed by Mr. Simon on behalf of Firefighters for a Better Clinton Township.

1. On the Statement Of Organization for Firefighters for a Better Clinton Township, Mr. Simon lists the mailing address of the ballot question committee as 42601 Romeo Plank Road, Clinton Township, MI 48308. This is the address of the Clinton Township Fire Department - a publicly owned and operated government building (see attached Statement of Organization filed by Mr. Simon with the Macomb County Clerk). Use of a public building as a political campaign headquarters violates Section 57 of the Michigan Campaign Finance Act MCL 169.257(1).

A simple Google search of the address 42601 Romeo Plank Road, Clinton Township, MI 48308 will confirm that is the address of the Clinton Township Fire Department.

2. On the Statement Of Organization for Firefighters for a Better Clinton Township, Mr. Simon lists the Committee's email address as **a.simon@clintontownship-mi.gov**. This is a government email address, the use of which for political campaign purposes is prohibited by Section 57 of the Michigan Campaign Finance Act MCL 169.257(1). Proof of this violation is also found on the attached Statement Of Organization filed by Mr. Simon with the Macomb County Clerk.

Mr. Simon is Clinton Township public employee who, according to a December 18, 2017 newspaper article (attached) is a firefighter, paramedic and Clinton Township chaplain. A copy of the newspaper article can also be found online here:

<https://www.candgnews.com/news/FirefightershelplocalkidsduringShopwithaHeroevent>

Mr. Simon's use of a Township building (the Clinton Township Fire Department) and public, government computer resources for political campaign purposes (advocating on behalf of ballot questions) is a blatant violation of law punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both.

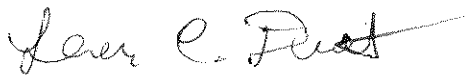
The Secretary Of State is entrusted by both the law and the citizens of the State Of Michigan to ensure that public resources are not abused by public employees to advance political campaigns. Mr. Simon's defiance of the law is clear, blatant, and, in the opinion of this complainant, is either attributable to ignorance of what constitutes criminal abuse of taxpayer-

paid resources and the purpose of ensuring public resources are used for public benefit or is evidence of willful disregard of the law.

This is an urgent matter, as the ballot question is already being voted on by absentee voters in advance of this upcoming August 7th, 2018 election. Use of public resources as a headquarters for a political campaign operation can affect the integrity of the election.

Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leon E. Drolet". The signature is written in black ink and is positioned above the typed name.

Leon Drolet
46116 Lookout Drive
Macomb, MI 48044
586-321-5933
leondrolet@comcast.net



(<https://www.candgnews.com/admin/articles/temp-image/1513629381.jpeg>)

Firefighters from Clinton and Harrison townships helped local children pick out Christmas presents for themselves during the Shop with a Hero event Dec. 9 at the Meijer on Groesbeck Highway in Clinton Township. Pictured, Lt. Scott Sanders shops with Jaiden Flynn, 7, of Clinton Township.

Photo by Erin Sanchez

Firefighters help local kids during Shop with a Hero event

By: Julie Snyder (/reporterbio/julie-snyder), Nick Mordowanec (/reporterbio/nick-mordowanec) | Fraser - Clinton Township Chronicle (<https://www.candgnews.com/newspaper/fraserclintonchronicle>) | Published December 18, 2017

CLINTON TOWNSHIP/HARRISON TOWNSHIP — During the past six years, local children and their families have benefited from the Shop with a Hero program. Combining firefighters and paramedics from Clinton and Harrison townships, the cause brings holiday joy to those who otherwise might not have a joyful Christmas.

This year's event took place Dec. 9 at the Meijer store on Groesbeck Highway in Clinton Township. Sgt. Matt Sahr, president of the Harrison Township Firefighters Local 1737, said they launched the program six years ago after they were approached by Meijer.

"It's such a good program, of course we wanted to be involved," Sahr said.

Sahr said union representatives meet with student counselors at L'Anse Creuse Public Schools and identify students who may be in need. They then contact the parents and set up the shopping date. Sahr said it's traditionally the second Saturday in December.

The Meijer Corporation provides \$125 gift cards for each child. Sahr said oftentimes, the children want to shop for their parents as well, so their "hero" shopping partner will often front money from their own pocket to make that happen.

This year, 20 firefighters from both departments shopped with 20 students.

"They're always excited," Sahr said of the children. "That's what this program does. It gives them a good Christmas."

Paul Brouwer, a Clinton Township Fire Department captain and president of Clinton Township Firefighters Local 1381, said the program brings pride to the firefighters, their departments and the community as a whole.

Brouwer, who has more than 24 years of experience in his career, said that more recent hires with six months of experience were just as willing to lend a helping hand.

"It's really good to see that spirit of giving," Brouwer said. "The union gets together to help a community, beyond what we do every day. It's good to see that tradition is handed on to new tradition to guys on the job, and they're carrying the torch."

Adam Simon, a firefighter, paramedic and Clinton Township chaplain, has participated the past four years. When the firefighters from Harrison Township invited them to be involved, since the Meijer is in their own backyard, he said it would be a blessing to give back.

Simon's aunt is a social worker within Clintondale Community Schools. He recalled one past Christmas, when the entire family was together and his aunt's eyes lit up with the prospect of helping families in the community. She said she knew families who needed some help the most.

He added that on top of the gift cards that are used to purchase toys and the like, Meijer also offers an entire Christmas dinner, with all the trimmings. He called the Meijer employees "superstars" for even allowing them the opportunity to impact the lives of a few dozen families in Macomb County.

"(People) only see us when we're rescuing somebody or going on a medical call," Simon said. "Being able to walk around and laugh and see their situation — how many kids get to hang out with a firefighter for a couple hours? You know, just a friend?"



(<https://www.candgnews.com/admin/articles/temp-image/1513629394.jpeg>)

Firefighter and paramedic Andy Wiegand helps Mariah Lange, 9, of Warren, pick out accessories for her doll.

Photo by Erin Sanchez

(<https://www.galeanasvandykedodge.net>)

"Sometimes you forget how special a job we actually have. People really value their relationships with us. The blessing goes both ways."

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1

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MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR LOCAL BALLOT QUESTION COMMITTEES FILED WITH COUNTY CLERK

Information on this form is made public.

1. Committee ID #: _____ *2. Type of Filing: Original: _____
 Amendment to Items: _____ Eff. Date: _____

*3. Date Committee was Formed: 05/28/2018

*4. Full Name of Committee: Firefighters for a Better Clinton Township

5. Acronym or Abbreviation (if any): _____

*6. Complete Committee Mailing Address (May be PO Box): 42601 Romeo Plank Road, Clinton Township, MI 48038

*7. Complete Committee Street Address (May not be PO Box): ~~42601 Romeo Plank Road~~ (SAME)

*Committee Phone: 586-212-6791 *Committee Email Address: a.simon@clintontownship-mi.gov

Committee Fax #: _____ Committee Website Address: _____

*8. Treasurer Name and Complete Residential Address: Adam Simon - 21290 Pine Cone Drive, Macomb, MI 48042

Phone #: 586-212-6791 Email Address: a.simon@clintontownship-mi.gov

9. Designated Record Keeper Name and Complete Address: Adam Simon - 21290 Pine Cone Drive, Macomb, MI 48042

Phone #: 586-212-6791 Email Address: a.simon@clintontownship-mi.gov

*10. REPORTING WAIVER REQUEST:

YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.

NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)

*Official Depository (name and address): Michigan Schools & Government Credit Union

Secondary Depository (name and address): _____

12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: Support Oppose

*Designation: Police/Fire Village

Indicate the ballot proposal district below by selecting County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside.

County Multi-County Local

13. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.

*Current Treasurer _____ Date: 5/28/18

*Designated Record Keeper (If Applicable) _____ Date: 5/28/18

FILED
18 JUN -5 PM 12:05
CLERK
MICHIGAN

FILED
MAY 29 AM 10:35
CLERK
MICHIGAN



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 10, 2018

Adam Simon
21290 Pine Cone Drive
Macomb, Michigan 48042

Dear Mr. Simon:

The Department of State (Department) received a formal complaint filed by Leon Drolet against you alleging violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* 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.* A copy of the complaint and supporting documentation is enclosed with this letter.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Mr. Drolet alleges that you unlawfully used public resources by using the Clinton Township Fire Department as the mailing address for the ballot question committee, and that you violated the MCFA by listing your Clinton Township email address as the Committee's email address.

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.

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. All materials must be sent 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.

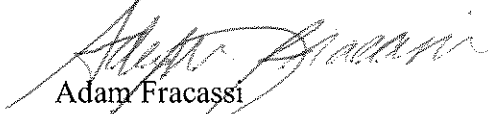
A copy of your answer will be provided to Mr. Drolet, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]". MCL 169.215(10). Note that the Department's

Adam Simon
July 10, 2018
Page 2

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 criminal penalty provided in section 57(4) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 373-2540.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Leon Drolet



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 30, 2018

Leon Drolet
46116 Lookout Drive
Macomb, Michigan 48044

Re: Drolet v. Simon
Campaign Finance Complaint
No. 2018-07-26-57

Dear Mr. Drolet:

The Department of State received a response to the complaint you filed against Adam Simon, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Adam Simon

HELVESTON & HELVESTON

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
65 CADILLAC SQUARE, SUITE 2915
DETROIT, MI 48226-2880
(313) 963-7220

ADMINISTRATOR
MARIE KIRKLAND

RONALD R. HELVESTON
RHELVESTON@HELVESTON.COM

MARY ANNE M. HELVESTON
MHHELVESTON@HELVESTON.COM

OF COUNSEL:
MICHAEL D. MCFERREN
MMCFERREN@HELVESTON.COM

July 30, 2018

Mr. Todd Fracassi
Bureau of Elections
Michigan Department of State
430 W. Allegan
Lansing, MI 48918

Re: Response to Complaint
Leon Drolet vs. Adam Simon/Firefighters for a Better Clinton Township

Dear Mr. Fracassi:

I am responding to the Complaint filed with your office by Leon Drolet against Adam Simon. In the Complaint, Drolet alleges that Mr. Simon violated the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 *et seq.* (the "Act") by using street and email addresses. Mr. Simon categorically denies any violation of the Act. As explained in the attached Response to the Complaint, both the law and facts support Mr. Simon's position.

Please do not hesitate to contact me if you have any further questions or concerns. We trust this matter will be swiftly and appropriately resolved with the dismissal of the Complaint.

Very truly yours,

/s/ Ronald R. Helveston

Ronald R. Helveston

Encl.

RECORDED/FILED
MICHAEL D. MCFERREN
2018 JUL 30 PM 12:48
ELECTIONS/GREAT SEAL

ADAM SINGER'S RESPONSE TO LEON DROLET'S COMPLAINT

I. RELEVANT LAW.

The Complaint alleges Mr. Simon violated only one section of the Act, which provides, in pertinent part:

A public body or an individual 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).

MCL 169.257(1) ("Sec. 57").

"[W]hen a statute specifically defines a given term, that definition alone controls." *Tryc v. Michigan Veterans' Facility*, 451 Mich. 129, 136, 545 N.W.2d 642 (1996). Section 57 relies on the definition of several fundamental terms. As relevant to the instant Complaint, the Act defines the essential terms as follows:

"Public body" means 1 or more of the following:

(a) A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

(b) The legislature or an agency, board, commission, or council in the legislative branch of state government.

(c) A county, city, township, village, intercounty, intercity, or regional governing body; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.

(d) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, if the body exercises governmental or proprietary authority or performs a governmental or proprietary function.

MCL 169.211(7).

"Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party. Expenditure includes, but is not limited to, any of the following:

(a) A contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of a candidate, the qualification, passage, or defeat of a ballot question, or the qualification of a new political party.

MCL 169.206(1) (in relevant part).

(2) Expenditure does not include any of the following:

(a) An expenditure for communication by a person with the person's paid members or shareholders and those individuals who can be solicited for contributions to a separate segregated fund under section 55 [MCL169.255].

MCL 169.206(2).

(1) A connected organization may make an expenditure for the establishment or administration of, and solicitation, collection, or transfer of contributions to, a separate segregated fund to be used for political purposes. A separate segregated fund established by a connected organization under this section shall be organized as a political committee or an independent committee, and, in addition to any other disbursements not restricted or prohibited by law, shall only make contributions to, and expenditures on behalf of, candidate committees, ballot question committees, political party committees, political committees, independent expenditure committees, independent committees, and other separate segregated funds.

MCL 169.255(1).

(11) As used in this section:

(a) "Connected organization" means either of the following:

(i) A corporation organized on a for-profit or nonprofit basis, a joint stock company, a domestic dependent sovereign, or a labor organization formed under the laws of this or another state or foreign country.

MCL 169.255(11) (emphasis added).

II. LEGAL ANALYSIS

Without a doubt, any and every violation of Sec. 57 necessarily begins with some action by a public body or a person acting on behalf of a public body. That primary, critical element simply does not exist in the instant case.

Mr. Simon is the treasurer of Firefighters for a Better Clinton Township ("FBCT"), an organization formed to support and pursue the objectives of the firefighters *union*, the International Association of Fire Fighters (IAFF), Local 1381 (the "Union"), "a labor organization formed under the laws of this or another state or foreign country." The Act itself identifies a labor union as a "connected organization" and not a public body. MCL 169.255(1), (11). And because the Union's primary function is to represent its members across the table from the local "public body," the Union is not a public body and is, in fact, the antithesis of a public body.

Furthermore, to accomplish its goals, the Union is mandated to engage in political activism. It provides support for or against particular candidates and/or ballot issues, either directly or by forming an associated organization to perform the work. In the instant matter, Mr. Simon provided a service to the Union through FBCT. He performed no work on behalf of any public body. Therefore, Mr. Drolet's Complaint must fail.

The lack of action by a public body is not the only reason the Complaint must fail.

Where the public body is not doing the speaking, but is simply allowing its facilities to be used in a way that does not show favoritism, it does not violate the Michigan Campaign Finance Act. Local meeting hall use for debates or cable access station candidate interviews do not constitute violations.

Michigan Secretary of State, 1-96-CI (September 3, 1996) (Byrum).

Mr. Drolet makes much of the fact that FBCT uses the Clinton Township firehouse as its address. The Complaint, however, fails to mention that the firehouse includes an office dedicated exclusively for Union (including FBCT) business. It has been in the same location for decades and locating a Union office in a firehouse is standard industry practice. In fact, because the Union's collective bargaining agreement ("CBA") permits Union members, such as Mr. Simon, to conduct Union business and participate in Union sponsored activities *during working hours*, an in-house location is vital to a well run department. Importantly, however, all computers, telephones, etc. for this office are supplied by the Union members themselves – Township equipment and/or property is not used in the Union office. Similarly, just as Union members may engage in Union business during work hours, nothing in the CBA prohibits a Union member from using his or her work email address for Union business and/or activities. Of course, because Mr. Simon is not acting on behalf of a public body, any alleged misuse of his assigned email address would be an internal matter – not a violation of the Act. The mere use of the Union office and assigned email address for Union and FBCT business simply cannot support a violation of the Act. Again, (and again and again), Mr. Drolet's Complaint fails as a matter of both law and fact.

One final thought, clearly Mr. Simon did nothing more than perform the proper work of the Union, in the proper location, using the proper equipment and resources. There simply can be no violation of the Act and the Complaint must be denied in its entirety. As a long-time Macomb County Commissioner and politician, Mr. Drolet is expected to be well aware of these facts or, at a minimum, have the experience to know he should check all facts before filing a specious Complaint. Therefore, one must wonder if the goal of the Complaint was simply to generate negative publicity for FBCT and undermine its support of a ballot proposal Mr. Drolet hopes to defeat. If so, Mr. Drolet has abused the system and wasted the resources of all involved including this office, the FBCT, the Union and Adam Simon. This certainly cannot be the intent of the Act. Therefore, Mr. Simon requests that Mr. Drolet pay all costs and fees incurred by or on behalf of Mr. Simon as a result of this matter.

Respectfully submitted,

/s/ Ronald R. Helveston

Ronald R. Helveston
Helveston & Helveston PC
For Adam Simon

FACSIMILE TRANSMITTAL SHEET

TO:	Mr. Adam Fracassi	FROM:	Ronald Helveston
COMPANY:	Bureau of Elections	DATE:	7/30/18
FACSIMILE NUMBER:	517-373-0941	FACSIMILE NUMBER:	313-963-3249
TELEPHONE NUMBER:	517-373-2540	TELEPHONE NUMBER:	313-963-7220
RE:	Drolet Complaint	TOTAL NO. OF PAGES INCLUDING COVER:	5

Dear Mr. Fracassi:

Attached please find Adam Simon's Response to Leon Drolet's Complaint. Please do not hesitate to contact me if you have any questions or require further information.

Very truly yours,

Ronald Helveston

RECEIVED/FILED
MONROE COUNTY CLERK OF COURT
2018 JUL 30 PM 12:48
ELECTIONS/GREAT SEAL

Confidentiality Notice

The information in this facsimile message is privileged and/or confidential information intended for the use only of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither allowed nor intended. If you have received this communication in error, please immediately notify us by telephone at the above number, and return the original message to us at the above address via the U.S. Postal Service. Thank you.



STATEMENT OF ORGANIZATION FORM FOR LOCAL BALLOT QUESTION COMMITTEES FILED WITH COUNTY CLERK

Information on this form is made public.

1. Committee ID #: 139642

*2. Type of Filing: Original: 6, 7, 8, 9
 Amendment to items:

Eff. Date: 07/06/18

*3. Date Committee was Formed:

*4. Full Name of Committee: Firefighters for a Better Clinton Township

5. Acronym or Abbreviation (if any):

*6. Complete Committee Mailing Address (May be PO Box): P.O. Box 380361, Clinton Township, MI 48038

*7. Complete Committee Street Address (May not be PO Box): 21290 Pine Cone Dr., Macomb, MI 48042

*Committee Phone:

*Committee Email Address: asimon126@yahoo.com

Committee Fax #:

Committee Website Address:

*8. Treasurer Name and Complete Residential Address:

Phone #:

Email Address: asimon126@yahoo.com

9. Designated Record Keeper Name and Complete Address:

Phone #:

Email Address: asimon126@yahoo.com

*10. REPORTING WAIVER REQUEST:

YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000.00 in an *election*. I/We understand that if the committee does not spend or receive in excess of \$1,000.00 in an *election*, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. **A Reporting Waiver does not exempt a committee from filing Late Contribution Reports.**

NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000.00 in an *election*. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an *election*. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.

*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association)

*Official Depository (name and address):

Secondary Depository (name and address):

12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: Support Oppose

Description:

Indicate the ballot proposal district below by selecting County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside.

County

Multi-County

Local

13. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.

*Current Treasurer

Date: 7/6/18

*Designated Record Keeper, (If Applicable)

Date: 7/6/18



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

October 24, 2018

Ronald Helveston
Attorney for Adam Simon
65 Cadillac Square, Suite 2915
Detroit, Michigan 48226

Via mail & email: RHelveston@helveston.com

Re: *Drolet v. Simon*
Campaign Finance Complaint
No. 2018-07-26-57

Dear Mr. Helveston:

The Department of State (Department) has concluded its investigation into the complaint filed against your client, Adam Simon, by Leon Drolet which alleges violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* This letter concerns the disposition of the complaint.

The complaint was filed on July 6, 2018 and alleged violations of section 57 of the MCFA. Mr. Drolet alleges that Mr. Simon unlawfully used public resources by using the Clinton Township Fire Department as the mailing address and his township email address for the ballot question committee's statement of organization.

By letter dated July 30, 2018, you filed a response on behalf of Mr. Simon arguing that the union engages in political activism, and the union contract authorizes one room in the fire department to be used exclusively for union activity. You further stated the union contract authorizes union members to participate in union sponsored activities during work hours. Finally, you stated that no public resources have been used for any equipment in that office, and that all the computers and other equipment have been supplied by the union and/or its members. No rebuttal was filed.

The Department spoke with Ms. Mindy Schwartz who indicated she represented the union and worked with your office. Per the Department's request, Ms. Schwartz described the provisions of the union contract and indicated that no Township funds are utilized to pay firefighters while they are conducting union activity, and no Township funds have been spent on any supplies for the union office. Ms. Schwartz indicated therefore that any political activity that happens in that office, if any, is happening either on the firefighters' own time or on union time and expense. Ms. Schwartz also indicated that the mailing address provided on the statement of organization is the legal way to send mail to the union.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a

contribution or expenditure. MCL 169.257(1). The words “contribution” and “expenditure” are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

At issue here is whether the placement of Mr. Simon’s township email address and the fire station are considered an improper use of township resources in violation of section 57. The Department takes no position at this time as to whether using the office space is a violation and dismisses this claim as there is no evidence in this case that township resources have been used to make a contribution or expenditure.¹ The Department takes you at your word (and in the absence of any evidence to the contrary) that the union contract authorizes the office to be used to conduct certain union activity during working hours, that no Township funds have been spent for staff to conduct political activity in the office, and that no Township funds have been spent to provide equipment for the union office.

Additionally, the email address on the Statement of Organization was changed on July 6, 2018 – likely prior to Mr. Simon receiving notice of the complaint since it was filed with the Department the same day. The email address now on file is Simon’s personal email address.

Based upon the above, the Department dismisses the complaint as it does not appear likely that a violation of the MCFA has occurred. The mailing address and email address do not – in and of themselves – show that Township funds have been improperly spent to expressly advocate for the passage of a ballot question. Moreover, the email address has been changed prior to the complaint being mailed to a personal email. Accordingly, the Department dismisses this complaint. The file in this matter is now closed and no further enforcement action will be taken.

Sincerely,



Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Leon Drolet
Mindy Schwartz (via email)

¹ The Department notes that the union and the Township have contracted to use one room in the fire station as the authorized union office to conduct union activity, but on the other hand, a union contract cannot be used as vehicle to avoid potential section 57 violations. The Department takes no position on whether the union and a jurisdiction may authorize political activity on behalf of a union be conducted in a local governmental office.