

CASE NO. 17-01123
FILED 12/11/17

2017 DEC -8 PM 1:54

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 <u>IAN FERGUSON</u> | Daytime Telephone Number <u>248-318-3271</u> | |
| Mailing Address <u>28836 LATHRAP Blvd.</u> | | |
| City <u>LATHRAP Village</u> | State <u>MI</u> | Zip <u>48070</u> |

| | | |
|---|----------------------|---------------------|
| Section 2. Alleged Violator | | |
| Name <u>LATHRAP Village Business ASSOCIATION</u> | | |
| Mailing Address <u>28001 Southfield Rd, 26026 Southfield Rd, 28001 Southfield Rd</u> | | |
| City <u>LATHRAP Village, MI</u> | State <u>MICH</u> | Zip <u>48076</u> |

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

Section(s) of the MCFA violated:

Explain how those sections were violated:

A Flyer opposing my Election were out TO every
Resident, but did not have A sponsor identified.
one several occasions, The flyer was placed directly in
the mail box without postage paid.

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

I have Emailed all evidence To Laurie Bourbonais

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.

X

Signature of Complainant

Date

12/7/2017

Section 5. Certification without Evidence (Supplemental to Section 4)

Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint. However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also 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:

X

Signature of Complainant

Date

12/7/2017

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 \$1,000.00 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.

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

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

Bourbonais, Lori (MDOS)

From: Ian Ferguson <moderation35@gmail.com>
Sent: Thursday, December 07, 2017 5:42 PM
To: Bourbonais, Lori (MDOS)
Subject: Violation of campaign in LV

Hello Laurie, thank you for the call. Attached to this email you will find a sample of the flyer that was distributed by a new group (either called Lathrup Village Business Association, or something to that affect) I can scan their literature at a later time. this group was formed by local business owners and a former city manager that was recently terminated by Lathrup Village City Council.

Also Attached are text messages to the Lathrup Village Chief of Police by one of the leaders named Anthony DiMaggio (cell number is visible). Also attached are text messages to the driver he hired. The drivers car was impounded, then he decided to cooperate with me by giving the text messages.

The leaders of this group are as follows:

Anthony DiMaggio (DiMaggio fine Art and Jewelry) 28001 Southfield Road

Assad Farsj (Primerica) 26026 Southfield Road

Nawall Fakhouri 27041 Southfield Road

Andrew Potter (Terminated Lathrup Village City Manager) 944 Bald Lake Road Ortonville 48462

TEXT MESSAGES TO THE DRIVER FROM MR. DIMAGGIO:

“What are you asking for? I spoke with board members last night and this morning. The question is if we paid \$500 cash to canvas the city and the company we retained used a vehicle with no insurance and the driver had an expired license isn't it true that the company compromised our delivery? Furthermore after doing only 1/5 of the city in four hours it was obvious that it would take at least another eight hours to finish but of course there were only 400 brochures left for approximately 1250 homes. This morning at 10 o'clock A new delivery service is providing 4 people at \$25 an hour to work four hours to finish the city. We also had to buy an additional 1200 flyers to finish at a cost of \$535. You never offered to finish this delivery today and I understand why because you're only work vehicle is impounded. For the four hours that your crew was working we paid you \$500 cash and only finished somewhere between one 50 1/3 of the original paid in full project. So with all of th!

at what do you propose concerning the \$189? Also you called me last night to advise me that Kaino Phillips made disparaging and threatening statements about Anthony DiMaggio stating we used mafia tactics to affect an election. Are you willing to make a written statement about all that? Whatever your decision on these matters please call me to discuss I'm available now until 9 o'clock. The board believes you should refund us \$250 and pay us for the labor we had to hire. I said that your attitude and ambition was very fair and that you seem to be a very honorable person. So now let's discuss what will make both sides go away and possibly not 100% happy but able to do business again as I told you I intend to do call me please.

“Last time I’ll contact you. I have decided to pay you but it’s out of my pocket. The group at this point has not agreed. Call if you want to settle”.

391 residents of Lathrup Village voted for Ian Ferguson in 2015, the lowest vote getter of any elected councilperson, but enough to squeak by and grab a seat on City Council. Ferguson has since, betrayed them. With Ferguson on City Council for another 2 years, Lathrup could soon be bankrupted. Bankruptcy eliminates local municipal control and invites the likely appointment of an emergency manager by Governor Rick Snyder. Ferguson is not fiscally responsible. He exudes an elitist, bullying personality and never-ending rhetoric. It's as if he has no clue about municipal governance and no intention to learn. He voted Lathrup into hundreds of thousands of dollars in wasteful spending and pushed for irrational expenditures that, had they not been exposed by concerned residents and business owners, would have broken Lathrup Village's back. If Ferguson remains on Council, Lathrup Village could be annexed and taken over by Southfield via emergency order.

THE BAD NEWS FOR THE "391"

Ferguson's council devastated Lathrup's General Fund with horrible results — now more than \$1,000,000 over budget, it's a fiscal disaster. Ferguson compromised our beautiful city with unprofessional, mostly absentee governance. His two years of public disservice would require hundreds of pages to fully detail. A vote for Ferguson in 2017 is a vote for more wasteful spending, more deception, more corruption, more lies, and more unethical behavior.

THE GOOD NEWS

Ferguson will be voted out because he fooled only 391 voters from amongst nearly 4,065 Lathrup residents; all of whom have his incompetent record to reflect upon before they

vote on November 7th. In 2017, two honorable and respected residents, Bruce Kantor & Saleem Siddiqi, have seen the damage and decided to run for office. Both promise a return to fiscal responsibility and to restore our business and residential districts, if elected. Both possess the skills to succeed. Both are in their early 50's, one is a retired and highly successful health care consultant and the other is a prominent CPA. We have an opportunity to change the tide of decrease into a wave of prosperity, if we vote responsibly in 2017.

Ferguson's "Top 2 Scandals"

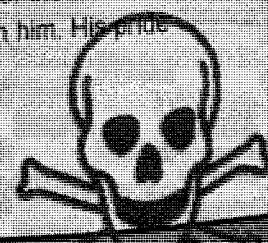
1) A recent Ferguson scandal just cost Lathrup residents over ½ million dollars.

Ferguson fought vigorously to approve a disturbing and unprecedented 28% pay raise for City Treasurer Pam Bratschi, from \$69,000 to \$88,000. The \$19,000 raise increased her pension by about \$500,000 over and above her base pension over the next 30 years.

The details: Upon Ms. Bratschi's retirement in about a year, Ferguson's gift of a half million dollars, one of the heaviest tax burdens ever levied on Lathrup residents, begins to be paid out. But Ferguson didn't quit there; he attempted to fraudulently cover the move. Ferguson demanded that the pay increase be hidden from the residents of Lathrup by physically altering (erasing) the line entry of Bratschi's prior year's salary (\$69K) in the budget ledger record, so no one could make the comparison. Stunned by the suggestion, City Administrator Andrew Potter reprimanded Ferguson. City Attorney Baker and Mayor Brock also cautioned Ferguson this was illegal and fraudulent. This highly suspicious pay raise must be investigated and rectified in 2018 by a new council.

2) Ferguson illegally emailed members of council demanding approval to charge Lathrup taxpayers \$100,000 for a fee to be paid to a headhunter to search nationwide for a police chief. Experienced law enforcement leaders from 2 counties concurred Ferguson's demands were outrageous and completely unjustified. One, a county Sheriff, stated that, "Paying \$100k to search for a chief nationally is never done except for major cities like Miami or New York, and then, only in very special circumstances." Undaunted by the facts, Ferguson continued his irrational pursuit.

The details: Ferguson's proposal almost went through unnoticed, but just when it was about to go to vote of Council, an email secretly written by Ferguson got leaked to business owners and residents. When asked to explain, Ferguson mocked and ridiculed anyone who presented the scenario that the money slated to be paid would cripple the Village. Rather than admit his blunder, Ferguson lied 5 times, in Council meetings, study sessions and on TV when the residents and business owners asked why he championed the \$100k fiasco. Ferguson repeatedly stated he never wanted nor approved of the idea. Finally, after he was shown the email and asked to explain it, he lashed out at members of the City Administration and City Council who received the email from him, erroneously blaming them for leaking what he said was "privileged info between council members". All this from the candidate who ran in 2015 on the promise of "transparency." It was a defining moment that epitomized much of Ferguson's 2-year exploitation of the trust residents of Lathrup Village had vested in him. His pride exceeds his honesty.



MORE ON FERGUSON

- 3) He's considered pompous and procedurally inept by surrounding community leaders, causing Lathrup Village not to be taken seriously by other professionally-run City Councils.
- 4) Absentee governance at its worst, Ferguson rarely attends civic and local public events. He missed all 8 planning sessions for the 2017 Memorial Day collaborative with neighboring cities but showed up that day for pictures.
- 5) He's combative and threatening to highly respected local business owners and residents at public City Council meetings & study sessions. He ridiculed residents for exercising civic rights to attend meetings. Attendees remarked Ferguson was infuriated because they were present and asked questions of him.
- 6) Ferguson, thankfully, lost his crusade to cancel expansion of Michigan Credit Union which has always provided great financial products/ services for our residents while dramatically increasing the City's tax base. Ferguson also fought to deny a \$10 million state of the art business to locate in our city that promised to remediate multiple blighted commercial properties on Southfield Road. Ferguson won and Lathrup Village lost when the business, tired of Ferguson's rants and negative comments, abruptly ended negotiations and instead, opened a stunning facility 1 mile north in Beverly Hills.
- 7) His work ethic is unimpressive. Ferguson missed many council meetings, more than any council members.
- 8) Ferguson demonstrates a complete lack of professional decorum at council meetings. He does not get along with the Mayor and other councilpersons.
- 9) He practices amateurish brinkmanship to set policies at the tax payer's expense.
- 10) He demonstrates no leadership skills or fiscal abilities.

IAN FERGUSON

HAS FAILED LATHRUP VILLAGE



SINCE 2015

HAZARDOUS





Anthony Southfield



do not. we do not apologize for expecting excellent public service just like our clients don't apologize expecting the same from us. Therefore with respect to tomorrow's last day before election opportunity to distribute political flyers we expect no hassle and would prefer no contact whatsoever from any officers of Lathrup Village now that you have been pre-advised of our intent. Thank you in advance for your cooperation. To avoid future contact by text which I will assume is not your preference would you please provide your new chief of police email so that when it is necessary we can make you apprised of situations and events that require your attention. Sincerely



The Lathrup Village Business Association



Type an SMS message





Anthony Southfield



very concerned and motivated Business owners who are trying to attain adequate governance so that the residents of Lathrup and the businesses as well can thrive in a harmonious relationship, know for sure that it was your out reach to the business community nearly a year ago today that inspired this rapidly growing group of focused business owners that will not tolerate threats to the association as a whole nor to any of the individual members. The tradition of no accountability and bullying by city Council is nearly over in Lathrup Village Regardless of the outcome of the upcoming election each and every elected politician, city administration and law-enforcement officer will be scrutinized by a group that seeks to employ excellent



Type an SMS message





3G 6% 11:26 AM



Anthony Southfield



FYI

Dear Chief McKee

This is notice that tomorrow we will be citywide with legal political mailers being distributed to households. Given yesterday's fiasco where frantic Council person Ian Ferguson made a false accusation that persons distributing political literature were doing so illegally, we would appreciate that you inform your officers that should they get any phone calls from council persons, the mayor or any other entities that might suspect illegal activity, they are wrong. This is a political agenda not a commercial distribution and therefore no permits are required. Should you have any concerns I would appreciate that you contact our office 248 410 5437 On behalf of the



Type an SMS message





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

December 21, 2017

Anthony DiMaggio
28001 Southfield Road
Lathrup Village, Michigan 48076

Assad Farsj
26026 Southfield Road
Lathrup Village, Michigan 48076

Nawal Fakhouri
27041 Southfield Road
Lathrup Village, Michigan 48076

Andrew Potter
944 Bald Lake Road
Ortonville, Michigan 48462

Dear Ms. Fakhouri and Messrs. DiMaggio, Farsj, and Potter:

The Department of State (Department) received a formal complaint filed by Ian Ferguson against you, alleging that you violated section 47(1) of the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.247(1), by failing to include a complete and correct identification statement on certain campaign material. A copy of the complaint is provided as an enclosure with this letter.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. 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 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 the 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

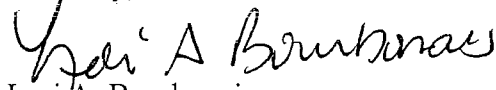
Assad Farsj
Nawal Fakhouri
Andrew Potter
December 21, 2017
Page 2

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 reply will be provided to Mr. Ferguson, 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 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 47(6) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Ian Ferguson

VANESSA G. FLUKER, ESQ., PLLC

January 24, 2018

Ms. Lori Bourbonais
Department of State
Richard H. Austin Bldg., 1st Fl.
430 W. Allegan
Lansing, MI 48918
bourbonaisl@michigan.gov
Via Email and Certified Mail

RECEIVED/FILED
2018 JAN 30 PM 3:20
ELECTIONS/GREAT SEAL

Re: Anthony DiMaggio and Dissemination of Political Flyers Under MCL 169.247

Dear Ms. Bourbonais:

This letter is in response to the formal complaint made at your office by Ian Ferguson. Mr. DiMaggio first requests that this information be considered, and an extension provided to permit the response to the complaint.

The complaint alleges a violation of MCL 169.247, and the alleged failure of Mr. DiMaggio to identify a group that the political flyers were created and disseminated by as set forth in MCL 169.247. It is necessary to briefly discuss the background surrounding the flyer in question and the complaint of Mr. Ferguson. Mr. Ferguson has alleged that a group disseminated the flyers, but that is not true. The flyers were disseminated by Anthony DiMaggio, solely. Mr. DiMaggio, along with other members of the business and residential communities of Lathrup Village had several meetings throughout 2017, some with as many as twenty (20) in attendance to try to create the Lathrup Village Business Association. There has not been any formal group established or even a voluntary association as permitted under the Michigan Court Rules.

The gravamen of the complaint filed by Mr. Ferguson is the failure to identify the group that created and delivered flyers. The drafting, printing and the final distribution of the document, was the exclusive work of Anthony DiMaggio. Attached are proofs including:

- 1) The bill from the printer indicating Anthony DiMaggio paid in full, \$1,099.92 by Check #315. **Exhibit 1.**
- 2) The copy of the final installment check paid to the company/ person retained to distribute the flyers, Mr. Lorenzo Frazier, for \$185. Another, check # 325 for the \$500 initial deposit was returned by Mr. Frazier and paid to Mr. Frazier IN CASH on November 6th as well. **Exhibit 2.**

In fact, the information submitted by Mr. Fleming has a strong emphasis on the conduct of Mr. DiMaggio and his interaction with delivery people and the local police department. The express language of MCL 169.247 specifically acknowledges there must be a knowing violation of the statute by a group. There was not a knowing violation by Mr. DiMaggio, and Mr. DiMaggio facilitated the distribution of the political flyers as an individual, not a group. The statute, MCL 169.247, specifically allows for an exception under MCL 169.247(1)

“An individual other than a candidate is not subject to this subsection if the individual is acting independently and not acting as an agent for a candidate or any committee...”

MCLS § 169.247(1).

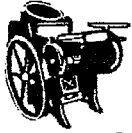
In this matter, Mr. DiMaggio did not know of any law that required him to place a special disclosure and/or language on the flyer he distributed. Moreover, Mr. DiMaggio acting as an individual should be entitled to exercise the clear exemption within the statute for an individual distributing literature as long as he is not the candidate. Under the facts in this particular case, the express terms of the statute have not been violated, and Mr. DiMaggio did not knowingly violate the statute. Mr. DiMaggio certainly regrets this matter having to come before this governmental entity under these circumstances and is hopeful this information will bring clarity to the situation, and closure. Mr. DiMaggio is willing to engage in a conciliatory option including the reprinting of the flyer to include all and more of what was written, modified to reflect a post-election premise, providing his name on the flyer and redistributing to the community that was previously served with the flyer; or placing the signed declaration in any other forum of choice by Mr. Ferguson including local newspapers, blogs, or community forum. It is clear from both Mr. DiMaggio's and Mr. Ferguson's declarations, that Mr. DiMaggio is the known author. As well, both individuals have exchanged both privately and publicly, contempt for one another and it is not secret in the community that Mr. DiMaggio has been a determined critic of Mr. Ferguson.

Mr. DiMaggio is hopeful that this matter can be closed based upon the foregoing information. Should any additional information and further communications be needed to close this matter please contact this office. Thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vanessa G. Fluker', written in a cursive style.

Vanessa G. Fluker

RUSAS**PRINTING CO.****INVOICE**

| DATE | INVOICE # |
|------------|-----------|
| 10/30/2017 | 17-19904 |

| |
|--|
| BILL TO |
| DiMaggio Fine Art & Jewelry 2801 Southfield Road Lathrop Village, MI 48076 |

| |
|----------------|
| SHIP TO |
| |

| P.O. NO. | TERMS | REP | Account # | SHIP DATE | SHIP VIA | FOB |
|----------|-------|-----|-----------|------------|----------|-----|
| | | | | 10/30/2017 | | |

| QTY | DESCRIPTION | UNIT | PRICE | AMOUNT |
|-------|------------------------------|------|---------|-----------|
| 2,500 | Ian Ferguson Tri-Fold Mailer | | 0.218 | 545.00T |
| 2,421 | Mail Processing | | 0.08055 | 195.00 |
| 2,421 | Postage @ \$.373 each | | 0.373 | 903.03 |
| | Paid Check | | | -1,099.92 |
| | Paid Visa | | | -575.81 |

| | |
|-------------------------|----------|
| Subtotal | \$-32.70 |
| Sales Tax (6.0%) | \$32.70 |
| Total | \$0.00 |
| Payments/Credits | \$0.00 |
| Balance Due | \$0.00 |

Thank You. We appreciate your
business.

2

DIMaggio Fine Art and Jewelry

28001 Southfield Rd
Lathrup Village, MI 48076

324

11/6 20 17

6-7041/24-10

PAY TO THE
ORDER OF

Lorenzo Frazier
The Modern Lifestyle Firm
Citizens Bank

\$ 185

DOLLARS

 Security features
on this check.
Call 1-800-448-0000

FOR

Brochures

[Signature]



Bob

Back View

Front View

POWERS CHAPMAN

ATTORNEYS AND COUNSELORS
PROFESSIONAL CORPORATION

3001 WEST BIG BEAVER ROAD, SUITE 704
TROY, MICHIGAN 48064

(800) 231-1466
(248) 816-8100
FAX (248) 643-2476

February 1, 2018

Ms. Lori Bourbonais
Michigan Department of State
Richard H Austin Bldg, 1st Floor
430 W Allegan
Lansing, MI 48918
Via mail and email bourbonaisl@michigan.gov

Re: Asaad Faraj
Allegation of Violation of MCL §169.247
Our File No. 850415

Dear Ms. Bourbonais:

I write on behalf of Asaad Faraj in response to the allegations made to you by Ian Ferguson regarding Mr. Faraj's alleged violation of MCL §169.247. Mr. Faraj denies these allegations for the following reasons.

While Mr. Faraj did permit his office to be used for a meeting of business owners from Lathrup Village, he was not involved in that meeting as he was out of state. He did not write any portion of the flyer. Mr. Faraj was also out of state when the flyer was written, copied and distributed. Mr. Faraj understands that Mr. DiMaggio has taken full responsibility for that flyer, its contents and method of distribution.

Given the above, the complaint against Mr. Faraj must be closed with no action taken against him. This is not a letter of representation and you are authorized to contact Mr. Faraj directly should you require additional information.

Thank you in advance for your cooperation in this matter. If you wish to respond to the undersigned, you may do so in writing referencing file 850415.

Very truly yours,
POWERS CHAPMAN



Anita M. Pugliesi
Attorney at Law

AMP/ap

cc: Ms. Asaad Faraj
File No.: 850415

FAKHOURI LAW GROUP, PLC

To the State of Michigan
Department of State – Lansing
ATTN: Lori A. Bourbonais
Bureau of Elections
430 W. Allegan
1st Floor
Lansing, MI 48918

RECEIVED
MICHIGAN DEPT OF STATE
2018 FEB 13 AM 9:47
ELECTIONS/GREAT SEAL

RE: Violation of MCFA, MCL 169.247(1) as to Nawal Fakhouri only.

Ms. Bourbonais:

Our office represents Mrs. Nawal Fakhouri (our “Client”) regarding the above-referenced allegations made in a certain letter furnished by Councilman Ian Ferguson, dated December 21, 2017. That letter, which includes the attached complaint and correspondence is set forth as an exhibit to this response (hereinafter referred to as the “MCFA Letter”). Please find this correspondence as our client’s formal response.

Background of Client

Mrs. Fakhouri is the managing principal of a CPA practice that does business in Lathrup Village. For the entire duration of our Client’s 30-year career, she has continued to practice without blemish, suit or allegations of any kind. She has been conducting her business in Lathrup Village for approximately 25 years. She has never been a party to any civil action, nor has she ever been grieved by her licensing board for any malfeasance, fraud, civil neglect or for any criminal action. She has been, and continues to be an upstanding business owner, mother and pillar of her community. The allegation produced by Councilman Ian Ferguson (“Ferguson”) is vehemently denied by our Client. Further, our Client may be entitled to seek (and is investigating) potential further legal action against outside of this scope of this matter for his accusations against our Client.

Lack of Existence of Association

The purpose of the Michigan Campaign and Finance Act is to regulate political activity, campaign financing and campaign literature. In the MCFA Letter, Ferguson identifies various *leaders* of an association called the Lathrup Village Business Association (the “LVBA”), of which he names our client as one of them. Ferguson fails to identify or furnish any evidence to purport that Mrs. Fakhouri is a “leader” of this association. Mrs. Fakhouri is not a leader of the LVBA. She did not participate in its formation or file any documentation. She did not contribute monetarily to the LVBA. There is no LVBA related documents that indicate that she plays in form of active role as a leader or otherwise. The only form of correspondence that indicates that Mrs. Fakhouri is a leader is Councilman Ferguson’s unfounded allegation that she is a leader. These allegations should be construed as false and unfounded.

Mrs. Fakhouri did not partake any form of campaign activity or the financing thereof. Our Client did not write, print or sanction the written material that was circulated.

Our Client is not a politician. She is not involved in local, state or other politics of any kind. She is not even a resident of Lathrup Village allowing her the right to vote for its city council's members. She only acted in a prudent manner to attend some local city council meetings with other fellow business owners and residents. She does not hold herself to be a leader, self-declared or otherwise, of any community association calling itself the LVBA. She has never promoted herself as such, nor elected, nor appointed in any manner that would suggest her as a leader of this sort. She does not endorse (or oppose), fund, manage, or take any action that is politically motivated in regards to the Lathrup Village City Council or Ferguson.

Our Client wants to conclude that the false accusations made by Mr. Ferguson are unbecoming of a city council member. Further, she strongly contends that the allegations brought forth against Mr. Ferguson in the literature attached to his Complaint should be further investigated. If Mr. Ferguson is found to have been a part of any misconduct such as the deeds set forth in the MCFA Letter, then these allegations should be further pursued by your office and others as necessary. Ferguson, instead of filing frivolous claims, should use his position of office to publicly address these concerns with his constituents and assure them that they are indeed false. Unfortunately, Ferguson has elected to attempt to thwart answering his constituents and local business owners by attempting to file this weak complaint.

On behalf of our client, we hope that the Department of State finds that this response adequately addresses any concerns. Thank you very much.

Very Truly Yours,



Adel T. Fakhouri, Esq.

On behalf of Nawal Fakhouri (CPA)



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

March 9, 2018

Ian Ferguson
28836 Lathrup Boulevard
Lathrup Village, Michigan 48076

Dear Mr. Ferguson:

The Department of State received responses to the complaint you filed against Anthony DiMaggio, Assad Farsj, Nawal Fakhouri, and Andrew Potter, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are provided as enclosures 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,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Adel T. Fakhouri
Vanessa G. Fluker
Anita M. Pugliesi

March 14, 2018

To Whom it May Concern,

I am writing this letter at the request of Ian Ferguson, member of the Lathrup Village City Council, regarding my interactions with Anthony DiMaggio and others leading up to the November 2018 election.

In late June, I filed my petition to run for a City Council seat in Lathrup Village. Shortly afterward, I was contacted by Mr. DiMaggio. We had a very lengthy conversation, in which he detailed his displeasure with several existing council members. He indicated he had heard great things about me and inquired about my background, beliefs and positions on local issues. He then told me that he was part of a “group of 7 or 8 business owners” who would surely want to back my candidacy and provide whatever support necessary to help me win a council seat. He also indicated that his group was actively recruiting others to run for council so that newly elected members could “take back” the council. He requested that I meet with the rest of his group so that they could get to know me as well. I indicated that I would have to think about it.

Over the next couple of months, there were a few communications back and forth regarding planning a meeting with the group. While I did not want any assistance with my campaign, I decided that it was still important to listen to the concerns of the group. I agreed to meet with them at Panera Bread in Lathrup Village on the afternoon of October 11th. When I arrived, Mr. DiMaggio told me that the only member of the Lathrup Village Business Association able to attend was Nawal Fahkouri. Mr. DiMaggio and Ms. Fahkouri outlined their issues with the existing council. They indicated that their group was willing to provide me with financial resources, purchase campaign signs, produce and deliver fliers, provide use of their office facilities, canvass door-to-door and provide any other assistance I might need.

Further, they also proposed a plan that I run on a combination ticket with Saleem Siddiqi, another registered candidate. They felt that Mr. Siddiqi could benefit from my assistance with campaigning and that a combination ticket would help ensure that multiple coalition-backed candidates would win seats on the council. They indicated that their coalition was meeting with Mr. Siddiqi later that week.

Lastly, they asked me about my comfort level with their group producing literature positively supporting me and negatively portraying existing council members. I indicated I would not be comfortable with that style of campaigning. At the end of the meeting, I told them outside support was not something I had envisioned for my campaign and I would have to further consider their offer. Sometime after that meeting, I let Mr. DiMaggio know that I appreciated his group’s offer, but I had decided to respectfully decline their assistance.

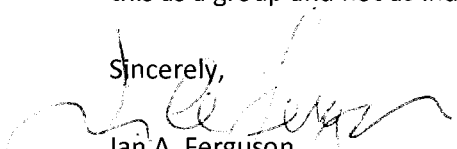
Anthony DiMaggio: I am confirming that I did receive / read the letter from Mr. DiMaggio's Lawyer (Vanessa G. Fluker). Let me point out, I am not certain why Mr. DiMaggio's lawyer has confused me with Mr. Fleming. I have no affiliation with this person. Further clarification maybe required from Mrs. Fluker.

Regarding this complaint, I direct you to the letter from Mr. Bruce Kantor, Mr. Saleem Siddiqi, and the audio recording of the LVBA meetings. Please review audio recording LVBA-2, time stamp 38:20 - Mr. DiMaggio asks for volunteers from the group to meet with the candidates. Mrs. Fakhouri volunteers twice and, actually accompanied Mr. DiMaggio as a representative of their group at separate meetings with Mr. Kantor and Mr. Siddiqi (candidates that ran for city council).

Let me also point out to the state; it is possible that another violation could be at play for Mr. Anthony DiMaggio. During the same conversation (on audio recording LVBA-2), one of the political consultants (Maddocks) suggest making phone calls. Mr. DiMaggio volunteers his employees (DiMaggio Fine Art and Jewelry) to do this. By doing so, he further enlarged their group. Also based on the evidence previously provided by Mr. DiMaggio to refute this case, he used a corporate account from DiMaggio Fine Art and Jewelry (DFA&J) to pay for the printing of the flyers (reference letter and evidence from Mr. DiMaggio's Lawyer, Vanessa G. Fluker). Let me clarify, MCL 169.247(1) does not apply if an individual is acting individually and not as an agent for a committee. I would argue that DFA&J is a business as defined in MCL 169.202(6), and that the business made an expenditure in opposition to the election of a candidate as defined in MCL 169.206(1)(a). DFA&J was acting as a business and as an agent for the Lathrup Village Business Association (LVBA). I would argue the LVBA fits the definition of "committee" under MCL 169.203(4).

In closing, the leaders identified in my rebuttal referred business owners to their website to register / join, met with two candidates from the 2017 elections, and strategized on how to influence votes. They did this as a group and not as individuals.

Sincerely,



Ian A. Ferguson

SYNOPSIS OF AUDIO CONTENT

LVBA Audio-2

- 10:22 – 11:21 Andrew Potter – answered questions in the audience. Also, insists, “The group” can “effectuate change in one big swoop with the help of the LVBA behind it”.
- 12:37 – 16:35 Andrew Potter – discussing increasing market share in Lathrup Village with the help of the LVBA.
- 16:35 – 17:10 Nawal Fakhouri – stated, Lathrup Village fights business owners on tax appeal. Wanted to hear how “the group” can move forward.

- 17:10 – 17:30 Anthony DiMaggio – stated, current council will not cooperate, and how “we” (LVBA) get in a new council.
- 17:30 – 17:39 Nawal Fakhouri – stated, would love to hear how “we” (LVBA) can get the new council in.
- 17:39 – 19:35 Anthony DiMaggio – discusses how to activate “membership” for the LVBA with application.
- 38:06 – 38:34 Anthony DiMaggio – asks for volunteers from the group.

A couple days after the election, Mr. DiMaggio called to congratulate me on my win and to and express his concerns about the new council body. He indicated that his group was not done fighting and that they were considering launching recall campaigns against certain council members. That was the last time I spoke with him.

If I can be of any further assistance, please do not hesitate to contact me. I can be reached at bkantor@aol.com or at (734) 276-2375.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Kantor". The signature is fluid and cursive, with the first name "Bruce" being more legible than the last name "Kantor".

Bruce Kantor

Mayor Pro Tem, Lathrup Village

Saleem R. Siddiqi
27670 Lathrup Blvd.
Lathrup Village, MI 48076
248-390-3602

March 18, 2018

To Whom It May Concern:

I am writing this letter at the request of Ian Ferguson to describe the events and interactions I've had with Mr. Anthony DiMaggio and others related to the City Council elections of 2017.

I was running for city council in the elections taking place in November 2017. During the run up to the elections, I received several phone calls from Anthony DiMaggio asking me to call him back to discuss the election. I did connect with Mr. DiMaggio who said that he was part of the Lathrup Village Business Association (LVBA) and wanted to connect with me to ask me my views on the city and what things I would do if elected. I agreed to meet with him and did so at his offices in October of 2017 (my best recollection).

At the meeting, Mr. DiMaggio was present as well as Mrs. Nawal Fakhouri and Mr. Andy Potter. Mr. DiMaggio stated that he represented the LBVA and stated that Mrs. Fakhouri was a member of this organization as well. Mr. DiMaggio proceeded to ask me what my plans were if I was elected. We discussed this for a while and I described how I wanted to make sure the city continued to move forward, was fiscally responsible and worked well with the businesses and residents of the city. Mrs. Fakhouri also participated and asked about how I would work with businesses to make the city a good place to do business. During this discussion, Mr. DiMaggio described several incidents that he allegedly knew of, that the current council members had not treated properly (his description). He alleged that current council members, specifically, Ian Ferguson had wasted \$100,000 on a job search, had signed off on unusually high expenses and generally, were not taking care of the city properly. Mr. Potter implied that he knew these allegations to be true due to his prior position in the city.

My view, as I told Mr. DiMaggio, was that I did not know any details of any such improprieties but if elected, I would make sure things like that would not happen. I also stated that I had heard that these allegations were grossly overstated but again I did not have details. Additionally, I mentioned that I knew Mr. Ferguson personally, and knew him to be a good person and a friend and that I doubted that the things Mr. DiMaggio stated were true.

Near the end of our meeting, Mr. DiMaggio stated that he liked what I stood for and also liked Bruce Kantor who was also running in the election. He asked if I would run on a joint ticket with Bruce and asked if I wanted his support and the support of the LVBA. I stated that I would be reluctant to run jointly with anyone but I'd think about it. I also told the group that I did not need or want any financial support or any assistance whatsoever with the election. I made it clear that I had my own team and would do just fine without official support or endorsements from anyone.

We then ended the meeting. I did call Mr. DiMaggio the next day and stated that I did not want to run on a joint ticket with Bruce or anyone else. Mr. DiMaggio left me a voicemail indicating he got my message and would honor my position.

Right before the election, the infamous flyers were distributed defaming Ian Ferguson. The flyers disparaged Mr. Ferguson and one section implied that Bruce and I were running, in effect, to fix the problems created by the current council, especially, Ian Ferguson. That is false. I never stated that I was running because Mr. Ferguson or anyone else had done a bad job. I also never acknowledged as true, any allegations made by Mr. DiMaggio against Ian Ferguson.

These are my best recollections of the events and interactions I've had with Mr. DiMaggio and other city members related to the election of 2017.

Regards,

A handwritten signature in black ink, appearing to be 'Saleem R. Siddiqi', with a stylized flourish at the end.

Saleem R. Siddiqi

(Begins at 5:49)

DIMAGGIO: Like I say, first order of business with this new fledgling group, we go out and we say let's see if we can agree to get behind three candidates so we talk to them, get to know them, see what their attitudes are.

(Begins at 9:20)

DIMAGGIO: We'll call it Lathrup Village Business Association, and this is -- by the way, this is the first one of 2017, the first one of any year.

(Begins at 17:02)

FAKHOURI: So I guess the thing is, we know that we have a problem. I would -- I would love to hear how we can move forward and really be (inaudible) (interrupted)

DIMAGGIO: The question is -- the question is then, with a given coach, teacher, principle, counsel, are they amenable to changing and listening to us, or is it better to move on. In my opinion, I don't think you're going to get cooperation from council. I'm --

FAKHOURI: The current council?

DIMAGGIO: Correct.

FAKHOUR: Okay, so we only need new faces, new people who are pro-business.

DIMAGGIO: I would say so.

FAKHOURI: And I would love to hear how we can get them in and why are they (inaudible), (interrupted).

DIMAGGIO: So now it comes down to if it's agreed upon in this informal get-together, that the first order of business would be to honestly fill out those forms and apply for membership and say I want to be part of this. I'll meet with any of you as soon as Tuesday if it has to be seven meetings before the election, or -- but it's not going to work next month. So right now something's imminent. We've got to decide: Can we effectuate change through candidates and are candidates vettable and people that we real -- because the last thing we want to do is say let's do something new and we're going to change but change what with who. So my informal vote would be the motion -- and if I could get it seconded -- is that everybody fills out their form and we agree to have another meeting within the next -- I don't know -- five to six days, and I will talk with Matt directly to find out the actual real mechanics day one. Slogans are needed, pictures are needed, the decision on a slate or not a slate. And then once you get that, you present this to these candidates and say, hey, guys, guess what, this is what we could offer you, here's what we want in exchange; we don't want handouts; we don't want favors; we just want

you to do a fair job, vote your conscience, show us that you're fiscally responsible, you know, and do something good for the -- you know, do it the right way. If you become a councilperson, we expect you to be schooled by the tutorials you can get through Oakland County. We want you to learn how to run a meeting. Don't go in there and have to depend on Frank Brock to tell you how to do things. So that would be my (inaudible). Make it simple. Let's work on the election.

(Begins at 19:50)

MRS. MADDOCK: Well, plus you're going to draw a ton of attention to your new association. So like I would think one of the first things you want to do is put out --

MADDOCK: Press release.

MRS. MADDOCK: -- a press release announcing your new organization.

DIMAGGIO: Now, see, you're coming out -- you're coming out with the real stuff that --

MRS. MADDOCK: And maybe you do that, you don't talk about your candidates yet because it sounds like you guys still need to meet with these three people and make sure they don't mind being put together.

MADDOCK: If you do a press release, you're going to have to be prepared for one or two people because if you do a press release, for example, with the right message, you're going to have the local news out here and they're going to ask you why are you doing this and you're going to have to have a spokesperson that can explain why you're doing this, you know, in a short, you know, concise, to-the-point --

MRS. MADDOCK: That means one person is willing to put their name and face out there in the process, you know, hit guy. And I would think a press release, you're not going to get press unless you said something -- you know, you need to be firm on something like we feel like we need to do this because we're not going to take it anymore or something like that, you know.

(Begins at 29:36)

UNKNOWN: I'm ADD so --

UNKNOWN: Oh, yeah.

UNKNOWN: So plan of attack?

DIMAGGIO: Plan of attack is --

UNKNOWN: Sign up here, right? (inaudible)

DIMAGGIO: Plan of attack is, number one, sign up. Then we'll do an informal , you know , mail. I'll summarize everything. We probably should develop an interim board of directors or whatever it is, but just to group and just designate some tasks. And then I think that myself and maybe one or two other people would be the liaison with the Maddocks because we greatly appreciate your -- (inaudible)

MRS. MADDOCK: Yeah, I can see how you could do a really simple --

MADDOCK: You're talking about 5,400 voters in this -- in this --

DIMAGGIO: No.

MRS. MADDOCK: No, not even --

MADDOCK: Whatever it is.

POTTER: No, no, there's only -- there's 4,065 residents.

MADDOCK: Okay.

DIMAGGIO: A thousand voters.

MRS. MADDOCK: But only a thousand voters.

MADDOCK: Not all of them are going to vote in the primary, either. I mean --

DIMAGGIO: No, there's no primary.

MADDOCK: There may be a thousand registered voters but only --

UNKNOWN: Some (inaudible)

MADDOCK: -- but only 400 of them may show up to vote.

POTTER: Right.

MADDOCK: A lot of registered voters don't vote.

POTTER: This is -- this is everything. This is -- this is the Super Bowl --

MRS. MADDOCK: Uh-hm.

POTTER: -- that's happening on November 7th in this election.

DIMAGGIO: Can I ask you a question financially? Given the numbers with your experience -- I mean you started with nothing and built quite a coalition, a real good machine. Right? I think it's reasonable to say, whether you like Trump or you don't, without you I don't think he would have won Michigan. That's what everybody says. So that's an accolade in campaigning, ok? Now, what is the cost in an area like this to run a successful campaign and --

MADDOCK: Well, you can either pay someone to do it, like all the -- the drops on the voters .

DIMAGGIO: Um-hm.

MADDOCK: Or you can do it via mail.

DIMAGGIO: Um-hm .

MADDOCK: You're going to need some -- need some lawn signs. You're going to have to get those out --

MRS. MADDOCK: But we're talking about like nothing cost. I mean you could do robo calls for a hundred bucks. You could buy -- you could spend two hundred dollars to buy enough lawn signs. Plus you guys are the business owners. Half the problem is always getting businesses willing to put signs out. So if the business owners in this group are willing to do it, you know, you could even do a little bit bigger signs.

MADDOCK: Yes, four by fours.

MRS. MADDOCK: Well, you'd have to check the sign ordinance but --

MADDOCK: Yeah.

MRS. MADDOCK: Or like two by three.

DIMAGGIO: The main thing is as a business owner I'm just saying I want to win, I want to pay the right price. I don't want (inaudible)

MRS. MADDOCK: Like for probably a thousand dollars you could run this whole campaign.

MADDOCK: Yeah, probably more than that.

MRS. MADDOCK: It depends on how much you do, but I mean if you're talking signs or --

DIMAGGIO: (inaudible) -- won't do it himself. (Laughter)

MRS. MADDOCK: Yes, if each of you pitched in 50 bucks, you could probably -- (laughter, inaudible).

(Begins at 36:03)

MRS. MADDOCK: But that's a totally different kind of campaign. That's if you don't have an association. Like you guys have this legitimate group. Let's say you didn't have that, we were just meeting in your basement, and there were four of you .

MADDOCK: You can still do it that way. You say we have -- we have the Lathrup Village Business Association behind us during this campaign; we have these two behind us; we have the homeowners

association over here.

(Begins 37:59)

DIMAGGIO: OK, I'm going to say this is what needs to happen --

MADDOCK: But the business owners aren't going to be voting for these people; the residents are. So you need --

MRS. MADDOCK: Right.

MADDOCK: -- you need to make sure that --

DIMAGGIO: Amongst who's here and who didn't make it that you know, we need three real team groups to get started. One is a group that's going to meet and greet the candidates. Ok, who would like to be involved in calling the candidates and getting them together and giving them an idea that we would like to talk to them and support. I for one will be on that.

FAKHOURI: Me, too.

UNKNOWN: Can I ask you a question before you say that?

DIMAGGIO: Yeah, Nawal.

Yep.

UNKNOWN: My question is : You have three existing council members already, right? And you want a three-party ticket. How are you going to -- isn't it going to be very tricky to get one of those to jump over on this ticket?

DIMAGGIO: They're not going to come over. We don't want anyone on council.

UNKNOWN: Okay.

DIMAGGIO: We've got the three candidates that are new.

UNKNOWN: Oh, I thought you said you only had two that were new.

DIMAGGIO: No, no, three.

UNKNOWN: You've got three new candidates, okay.

DIMAGGIO: We want three that are new to take three spots --

UNKNOWN: Gotcha.

DIMAGGIO: -- or one or two.

Okay, so I will be on that. Nawal, that's --

MRS. FAKHOURI: I (inaudible) um-hm.

DIMAGGIO: I think we also -- and I don't want to be a bully, but at least in the beginning, to interact with the Maddocks on the actual who do we know to help us with slogans, all the mechanics of the campaign, saying that we're going to -- we're going to present a campaign and one, two or three of the candidates are going to take it and we're going to go. Who would like to be involved in that, working, talking to them? Anybody? Nobody. Okay, don't raise your hand at once. (inaudible) All right, that's not too good.

FAKHOURI: Well, can I ask what do you perceive the time element involved in that? Only because CPAs have tax deadlines all the time and we're working tons of hours, too. So my ton of hours and after October 15th, 17th area --

DIMAGGIO: Right after the election?

UNKNOWN: Before.

FAKHOURI: Before. So that puts a lot of pressure on us in the office.

MADDOCK: You're going to have two weeks before the election is when you're going to do the most --

FAKHOURI: Time spent -- (inaudible)

MRS. MADDOCK: I mean you could probably just sit down with Matt for lunch and it would be one meeting.

DIMAGGIO: Tony Di --Anthony Dimaggio will do that, and then you and I will talk to Kantor --

FAKHOURI: Um-hm.

DIMAGGIO: -- and the other two guys and see if they're interested. And the other one would be just find out what the issues, if we could do an informal survey, phone calls to 75 residents and ask what their number one issue is in the city and they'll tell you what's --

MADDOCK: Did you get that voter list, that data?

DIMAGGIO: Yeah, I did, from your guy.

MADDOCK: Good.

DIMAGGIO: So I think if you call up and call some people and say what is your primary want-to-fix problem, they all say Southfield Road or you could even say --

(Begins at 42:12)

MADDOCK: If you have -- how many people do you have in this room? You have -- just five or six of you just make ten phone calls each, (inaudible) you can do that on the lunch hour.

DIMAGGIO: I have employees that can do that, too.

FAKHOURI: I know David is good at social media. Right? Kind of volunteering you there.

(Begins at 45:37))

POTTER: There's only 1,765 residential homes. It would be easier to even just to hand out, to hit all those homes, especially like now.

MADDOCK: Yeah, you could --

POTTER: You could do a handout like -- those are easy to create.

MRS. MADDOCK: Right.

MADDOCK: You could do some, say community bulletin board, you know, important issues to our community. This is our new bulletin board.

POTTER: No permit is needed and you can just start -- just start taping them on people's doorknobs.

MRS. MADDOCK: Well, you can't tape them.

POTTER: Well, yeah, right, because they'll, right, take paint off my door.

MADDOCK: Sometimes there is an ordinance against posting bills or --

MRS. MADDOCK: Right. The best thing to do is hand it to somebody, go door to door, hand it or put it in the door.

POTTER: With politics there, you cannot restrict that.

MADDOCK: But you cannot put anything in the mailbox.

POTTER: No.

MADDOCK: Or on a mailbox.

POTTER: So you go -- I ran a couple campaigns so I just went there, tape it right to their --

MADDOCK: And you're giving them something useful.

POTTER: -- right on the glass on their door because, you know, you're not going to pull peeling paint off. Anyway, but you can do 60 or 65 homes in a day easy.

DIMAGGIO: No, I agree with you. You can impact the small community here.



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

March 9, 2018

Ian Ferguson
28836 Lathrup Boulevard
Lathrup Village, Michigan 48076

Dear Mr. Ferguson:

The Department of State received responses to the complaint you filed against Anthony DiMaggio, Assad Farsj, Nawal Fakhouri, and Andrew Potter, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* Copies of the responses are provided as enclosures 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,

Lori A. Bourbonais
Bureau of Elections
Michigan Department of State

c: Adel T. Fakhouri
Vanessa G. Fluker
Anita M. Pugliesi

March 23, 2018

RECEIVED/FILED
MICHIGAN DEPT OF STATE

2018 MAR 28 PM 1:46

ELECTIONS/GREAT SEAL

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

Dear Mrs. Bourbonais,

Please consider this as my rebuttal statement for the violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 et seq. In it, you will find compelling evidence in the form of an audio recording that I received in the mail anonymously. This audio recording was not solicited by me, did not come from any device that I own (past or present), nor do I know who placed it on my doorstep of my home. The audio recording is from the first meeting of the Lathrup Village Business Association (LVBA) that was held on October 5, 2017 at the Primerica building located at 26026 Southfield Road Lathrup Village, Michigan. The audio recording of the event will be in support of my claims against Anthony DiMaggio, Assad Farsj, Nawal Fakhouri, and Andrew Potter. Please feel free to share the information.

Existence of Association

Andrew Potter: Since Mr. Andrew Potter did not render a response to the allegations; I ask you to please review the audio evidence and render a decision. Please pay close attention to the following sections of the provided audio recording (LVBA-2, time stamp 14:45 – Potter refers to the present group as LVBA). Also, on same audio (LVBA-2, time stamp 45:37 – Potter formulated the idea to place flyers door-to-door in Lathrup Village).

Asaad Faraj: I am confirming that I did receive / read the letter from Mr. Asaad' s lawyer (Anita M. Pugliesi). Mr. Asaad Faraj permitted his place of business to be used for a meeting for the LVBA, but he should have disclosed to the state that he actively participated in the LVBA meeting by way of "Face-Time". If Mr. Asaad Faraj wishes to submit a sworn affidavit to his claims of not being a willing participant / core leader, then I would be more than happy to submit additional evidence to prove otherwise.

Nawal Fakhouri: I am confirming that I did receive / read the letter from Mrs. Fakhouri's Lawyer (Adel T. Fakhouri, esq.). I submit to the state a letter from Mr. Bruce Kantor, and Mr. Saleem Siddiqi confirming that Mrs. Fakhouri was an active participant and core leader of the LVBA. Please read Mr. Kantor's and Mr. Siddiqi's letters carefully. In addition, I submit to the state the audio-recorded evidence. During this meeting, there were many specific instances where they (Mrs. Fakhouri and Mr. DiMaggio) discussed process, and strategy. Please review audio recording LVBA-2, time stamp 38:20 - Mr. DiMaggio asks for volunteers from the group to meet with the candidates. Mrs. Fakhouri volunteered twice and actually accompanied Mr. DiMaggio as a representative of their group at separate meetings with Mr. Kantor and Mr. Siddiqi (candidates that ran for city council).



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

June 7, 2018

Anthony DiMaggio
28001 Southfield Road
Lathrup Village, Michigan 48076

Assad Farsj
26026 Southfield Road
Lathrup Village, Michigan 48076

Nawal Fakhouri
27041 Southfield Road
Lathrup Village, Michigan 48076


Andrew Potter
944 Bald Lake Road
Ortonville, Michigan 48462

Dear Ms. Fakhouri and Messrs. DiMaggio, Farsj, and Potter:

This letter concerns the complaint that was recently filed against you, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter. The Department apologizes for the delay in forwarding the materials. Regrettably, the rebuttal statement was misfiled in our office and it was not brought to our attention until recently.

Mr. Ferguson's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,


Adam L.S. Fracassi
Bureau of Elections
Michigan Department of State

c: Ian Ferguson



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

June 22, 2018

Ian Ferguson
28836 Lathrup Boulevard
Lathrup Village, Michigan 48076

Dear Mr. Ferguson:

The Department of State (Department) has completed its investigation of the complaint you filed against the Lathrup Village Business Association, which alleged that you violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of your complaint.

You filed your complaint on December 8, 2017 against the Lathrup Village Business Association alleging violations of section 47 of the MCFA. Specifically, you stated that a flyer was mailed to residents but did not have a proper paid for by statement as required by the Act. MCL 169.247(1). You indicated that the leaders of this group were Anthony DiMaggio, Assad Farsj, Nawall Fakhouri, and Andrew Potter. As evidence with the complaint, you included the flyer that was mailed.

A copy of the complaint was mailed to the individuals you identified. Mr. DiMaggio responded by letter dated January 24, 2018. In his response, he indicated that he was solely responsible for creating and disseminating the flyers.

Mr. Faraj responded via letter on February 1, 2018 and indicated that he did not have any responsibility for creating or disseminating the flyer and was out of town.

Finally, Mrs. Fakhouri denied any involvement with the Lathrup Village Business Association or the flyers.

To date, the Department has not received a response from Mr. Potter to the complaint.

The only issue in the complaint is whether the Lathrup Village Business Association has violated section 47 of the MCFA by failing to include a proper paid for by statement on the flyer that was enclosed with the complaint. Whether the Lathrup Village Business Association is properly formed is not a determination for this office and has no bearing on whether a potential violation of the MCFA has occurred.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election to include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), Mich. Admin. R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00,

June 22, 2018

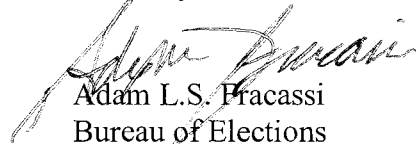
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imprisonment for up to 93 days, or both. MCL 169.247(6). However, under section 47, individuals – other than candidates – are not subject to section 47's requirements if the individual is acting independently and not acting as an agent for a candidate or committee. MCL 169.247(1).

Here, Mr. DiMaggio has indicated that he was solely responsible for the financing, designing, and distribution of the flyer. As evidence, he provided documentation attached to his response demonstrating that he paid for the flyer solely. Further, Mr. Farsj and Ms. Fakhouri both denied any involvement with the flyer, which supports Mr. DiMaggio's assertion.

Therefore, because Mr. DiMaggio acted independently and not on behalf of a candidate or committee, he is excluded from the requirements of section 47 of the MCFA. Accordingly, your complaint is dismissed and no further enforcement action will be taken by the Department.

Sincerely,



Adam L.S. Pracassi
Bureau of Elections
Michigan Department of State

c: Anthony DiMaggio
Assad Farsj
Nawal Fakhouri
Andrew Potter