

Campaign Finance Complaint Form
Michigan Department of State

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MICHIGAN DEPT OF STATE
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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	Karen Mallon	Daytime Telephone Number
Mailing Address		231 383 0211
957 Sugarbush Lane		
City	State	Zip
Beulah	MI	49617

Section 2. Alleged Violator		
Name	TIM MARKEY	
Mailing Address	541 N. HAZE ROAD	
City	State	Zip
Beulah	MI	49617

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

Section(s) of the MCFA violated:

169.247, sec. 47-1

Explain how those sections were violated:

Printed matter to encourage the election
of said candidate contains no disclaimer as
to "paid by" regulated funds

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

Copy of campaign sign

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

Karen Malen
Signature of Complainant

7-17-2018

Date

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

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

ELECT

Tim

Markey

County Commissioner



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

July 24, 2018

Tim Markey
541 North Haze Road
Beulah, Michigan 49617

Re: *Mallon v. Markey*
Campaign Finance Complaint
No. 2018-07-044-47

Dear Mr. Markey:

The Department of State (Department) has received a formal complaint alleging you have violated MCL 169.247 of the Michigan Campaign Finance Act (MCFA) by failing to include a complete and correct identification statement on certain campaign-related materials.

The MCFA and corresponding administrative rules require a person who produces printed material that relates to an election include the phrase "Paid for by [name and address of the person who paid for the item]." MCL 169.247(1), R 169.36(2). A knowing violation constitutes a misdemeanor offense punishable by a fine of up to \$1,000.00, imprisonment for up to 93 days, or both. MCL 169.247(6).

The Act also requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [.] if it finds that "there may be reason to believe that a violation ... has occurred [.] MCL 169.215(10). The objective of an informal resolution is "to correct the violation or prevent a further violation [.] *Id.*

At issue is a yard sign which states the following: "ELECT Tim Markey City Commissioner." A picture of the sign was submitted with the complaint and is enclosed with this correspondence.

Upon review, it appears that the paid for by statement is omitted entirely from these campaign materials in violation of MCL 169.247. Given this, the Department is hereby advising you that MCL 169.247(1) and R 169.36(2) require you to print a complete and accurate identification statement on all campaign materials, consisting of the phrase "paid for by" followed by the full name and address of your committee.

Note that all printed materials that refer to an election or your candidacy produced in the future must include this identification statement. For all materials currently in circulation that refer to

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your candidacy, the paid for by statement must be corrected/included. If this information has been included on your website or campaign flyers, please provide this office evidence demonstrating the proper paid for by statements.

Please be advised that this notice has served to remind you of your obligation under the Act to identify your printed matter and may be used in future proceedings as evidence that tends to establish a knowing violation of the Act. A knowing violation is a misdemeanor offense and may merit referral to the Attorney General for enforcement action. MCL 169.247(6), 215(10).

The Department considers the instant action closed and resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L.S. Fracassi". The signature is stylized with a large, looped "A" and a cursive "F".

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

c: Karen Mallon