

Campaign Finance Complaint Form
Michigan Department of State

RECEIVED/FILED
MICHIGAN DEPT OF STATE
2017 OCT 24 PM 2:16

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>Robert Meyer's</i>	Daytime Telephone Number <i>231 882 9388</i>	
Mailing Address <i>5599 6 Mile Rd</i>		
City <i>Frankfort</i>	State <i>Mi</i>	Zip <i>49635</i>

Section 2. Alleged Violator		
Name <i>Debra Lindgren</i>		
Mailing Address <i>7077 Mick Road</i>		
City <i>Benzonia</i>	State <i>MI</i>	Zip <i>49616</i>

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:

The pamphlet having reference to a ballot question does not bear the identification containing the name and address of the person paying for the matter or contain the disclaimer "Not authorized by any candidate committee" if an independent expenditure.

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

pamphlet enclosed

Debra Lindgren stated at the Oct 4, 2017 Joyfield Twp Board meeting that she and Susan Zenker sent the enclosed pamphlet.

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

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

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 Robert Meyers		Daytime Telephone Number 231 882 9388	
Mailing Address 5599 6 Mile Rd			
City Frankfort	State MI	Zip 49635	

Section 2. Alleged Violator			
Name Susan Zenker			
Mailing Address 4700 Wallaker Road			
City Benzonia	State MI	Zip 49616	

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:

The pamphlet having reference to a ballot question does not bear the identification containing the name and address of the person paying for the matter or contain the disclaimer "Not authorized by any candidate committee" if an independent expenditure.

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

pamphlet enclosed
Debra Lindgren stated at the Oct 4, 2017 Joyfield-Twp Board meeting that she and Susan Zenker sent the enclosed pamphlet.

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

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

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Lansing, Michigan 48918

The township board has had the ability to adopt ordinances to regulate activity, from the moment they took office in 2012. Examples of “activity” include, among others, motor vehicle regulations, parking, health code, food safety, boats and marinas, blight, noise, signs and junk. This type of ordinance is called a Police Power Ordinance and it is explained in an article written by Michigan State University Extension planning and zoning expert Kurt Schindler. A zoning ordinance (land use regulation- which is what residents will be voting on in November) is not necessarily effective enforcing activities in the township. You may link to the article to check authenticity.

http://msue.anr.msu.edu/news/zoning_and_police_power_ordinances_are_not_the_same_and_should_not_be_mixed

****Does the proposed Zoning Ordinance regulate blight and junk?*** There is a small reference to blight in this ordinance, (7.4 page 77), but it may be hard to enforce. A land use regulation ordinance will not be retroactive. All existing land uses in the township will be allowed to continue.

****Will the zoning ordinance regulate, allow or dis-allow medical marijuana facilities.*** Not at this time. The Joyfield Township board must decide if they are going to “opt” into allowing Medical Marijuana facilities by adopting a Police Power ordinance. In the same document, the township board will designate how many of each allowed facility they will have in the township. THEN, the planning commission will write the land use regulations for these facilities, which will be a part of the Land Use Regulations- Zoning ordinance. It’s possible the proposed Zoning Ordinance with its out-of-the-ordinary band zoning districts may clash with the 2016 State of Michigan Medical Marijuana laws, which were written based on standard zoning districts.

****How will ~~what~~ I know what I can and cannot do on my land?*** Pay close attention to the charts and tables that can be found in Article 4- pages 31 through 36. Boxes with an “S” or left blank in the Land Use and Base District zoning Table, [pg32 & 33], require both **permission** and permits.

****How do I know if my property is agricultural, commercial, industrial or residential? There’s no definition or instruction in the ordinance on how this is determined.*** A good question for Planning commission members.

****Why are the setbacks on each road in the township so different from each other? Example-***

****You own property on Wallaker Road and according to the Zoning District Typology Chart, (pg 35) you can build a house starting at 100 feet from the center line of the road. Property owners on Kast Road can build structures starting at 65 feet from the centerline. You will have to build 35 more feet of driveway and plow it. Why? People who own property on road corners will have two different setbacks to follow, one for each road, restricting their land use more intensely. Double zoning?!***

****Why can’t I build on the back of my residential property which is located in the Commercial District? (Zone D).*** Most of agricultural and all of Industrial can build in Zone D. (see pg. 32 & 33).

****Will I have nonconforming buildings or uses if this ordinance is approved. (pg 115, Article 12).***

****How many permits will the township be requiring if the proposed land use regulation- zoning ordinance- is approved by voters?*** This was this list of permits that was discussed if the zoning ordinance is approved.

1) Land Use Compliance Permit. 2) Special Land Use Permit. 3) Special Land Use Renewal Application. 4) Special Land Use Extension Permit. 5) Wind Energy Conversion System Permit. 6) Communication Facilities Permit. 7) Permit to remove Soil, Sand, other material and also for Fill. 8) Permit to Create a Pond. 9) Temporary Dwelling Permit. 10) P.U.D. application. 11) Parking Lot Application. 12) Zoning Appeal Form. 13) A Lot Wrecking Determination. 14) Wrecking a Building Permit. 15) Application for Certificate of Land Use Permit Compliance. 16) Rezoning Application.

If the proposed ordinance passes, the permit fees will be established by the township board.

****Is bad zoning or incomplete zoning better than nothing?*** No, because it exposes the township to more lawsuits and appeals. In the long term it could cost the township more money. At a Planning Commission meeting, they admitted the zoning ordinance needed more work, but they didn’t want to adjust it anymore. It was approved and sent to the township board. The township board, at least once, sent it back to the planning commission to be amended. This delayed the final approval process, which in turn delayed the date upon which the ordinance could be put on the ballot. **Had the planning commission sent the township board a better document at the start, it may have been approved sooner. This would have put it on the August ballot, avoiding the cost to the township to hold a November election.**

****Does the planning commission get paid?*** Yes, beginning this year, they get paid per meeting.

In September, the township board had a request to hold a public forum in which the planning commission would answer questions about the zoning ordinance. So far, there has been no action on this request.

-Comments from some property owners have not been complimentary- claiming the proposed zoning ordinance is too restrictive, the commercial district is too small, has too many setbacks and does not encourage additional economic development. It is unnecessary for our little township to have such a large zoning ordinance.

The next Joyfield Township Board meetings are October 4th at 7 p.m. and November 1st at 7 p.m.

The next Joyfield Township Planning Commission meeting is October 19th at 7:30 p.m.

Joyfield Planning Commission

Betsy Evans- Chair, Kurt Krueger

Mike Evans, Gerald Wilgus, Ted Wood

Joyfield Township Board Members:

Matt Emery, Ted Wood, Mark Evans

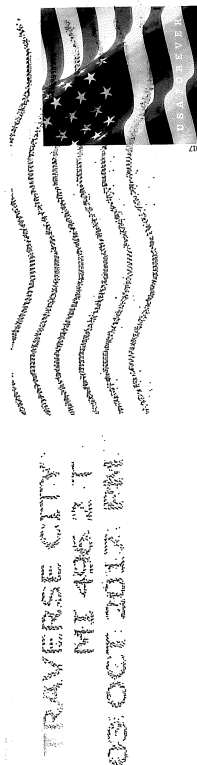
Patricia Daugherty, Jim Evans

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*A copy of the ordinance may be purchased or inspected by contacting Ted Wood, Joyfield Township Clerk at 231-882-7199. It also is posted on the following website:

<http://www.lakeistoland.bria2.net/joyfield/joyfield-zoning/>

**Why do we need land use regulation- a Zoning Ordinance- if two or three Police Power Ordinances could be easily and quickly adopted to regulate the township's biggest issues.*



MEYERS, ROBERT W.
MEYERS, JANE
5599 SIX MILE ROAD
FRANKFORT MI 49635



Does Joyfield Township Need Land Use Regulation? (Zoning)

On November 7th, 2017, Joyfield Township voters will decide: (actual ballot language) **Shall the Joyfield Township Zoning Ordinance, adopted on June 7th, 2017, which regulates the use of land in Joyfield Township, be approved?**

If you are not already registered, you must register to vote by October 10th, 2017, to be eligible to vote at the November 7th, election.

If you are going to be out of town, or are over sixty years of age, you may contact the Township Clerk for an application for an absentee ballot.

To register to vote or request an absentee ballot, contact:

Ted Wood

5490 Benzie Hwy

Benzonia, MI 49616.

231-882-7199

You may also register to vote at the County Clerk's Office, located in the Government Center at 448 Court Place, Beulah, MI

231-882-9671



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

November 21, 2017

Debra Lindgren
7077 Mick Road
Benzonia, Michigan 49616

Susan Zenker
4700 Wallaker Road
Benzonia, Michigan 49616

Dear Ms. Lindgren and Ms. Zenker:

The Department of State (Department) received a formal complaint filed by Robert Meyers 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). If a communication is otherwise excluded from the Act's reach but (1) references a clearly identified ballot question, (2) is made within 60 days of a general election, and (3) it is targeted to the relevant electorate where the ballot question appears on the ballot by means of mass mailing, it is subject to the identification requirement in section 47(1). MCL 169.247(5). Mass mailing is defined as "a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period." MCL 169.210(2).

Mr. Myers alleges that you failed to include a complete paid-for-by statement on a mailer.

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. You may each submit your own signed response or you may submit one response signed by each of you. 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

Debra Lindgren
Susan Zenker
November 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. Meyers, 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 cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais
Bureau of Elections
Michigan Secretary of State

c: Robert Meyers

December 7, 2017

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

BUREAU OF ELECTIONS

2017 DEC 12 P 4: 46

DEPT OF STATE

To Whom It May Concern,

This is my response to the complaint Robert Myers filed against me on October 10, 2017.

I was asked by friend Debra Lindgren to make several hundred two sided copies of a flyer. She provided me with a ream of paper. Of course I read what I was making copies of.

I had no knowledge that a flyer containing information without taking a political position supporting or opposing a ballot question, was regulated by state law.

Sincerely

A handwritten signature in cursive script, reading "Susan K. Zenker". The signature is written in dark ink and is positioned below the word "Sincerely".

Susan K. Zenker
4700 Wallaker Rd
Benzonia, MI 49616

231-930-7216

Dec. 8, 2017

To: Lori A. Bourbonnais
Bureau of Elections
Michigan Secretary of State

Concerning complaint by Robert Meyers dated Oct. 10, 2017.

I put together, paid for, and mailed less than 350 flyers. Do to cost, they were mailed to households, not individuals. I didn't know that I needed to put any identifying information on it. It came from just me and I did not ask people to vote "yes" or "no".

To make this a true township decision, I was hoping to get as many people as possible interested enough to vote. I encouraged them to register, educate themselves, and go to meetings to ask questions.

My copier does not copy double-sided, so I gave Susan Zenker paper to make copies for me. That was her only involvement.

If I knew I was breaking a law, I certainly would not have tied myself or Susan to the flyers by announcing it at a public meeting.

Thank-you for your time and consideration of this matter,

DEPT OF STATE
2017 DEC 13 P 2:08
BUREAU OF ELECTIONS

Debra Lindgren
Debra Lindgren
7077 Mick Rd.
Bedford, Mi. 49616
Ph# 231-882-4532

LARRY J LINDGREN 03-04
DEBRA A LINDGREN
7077 MICK RD.
BENZONIA, MI 49616

74-6741724
9231638820

879

DATE 10-3-17

PAY TO
THE ORDER OF

Postmaster

\$ *49.00*

Forty Nine + 00/100

DOLLARS



Check For \$
Pay to the
Order of



Central State Bank

BEULAH, MICHIGAN 49617

fabulous
fifty
account

MEMO

Stamps

Debra Lindgren

NP



10/03/17

ENDORSE HERE

For Deposit Only
USPS Fin⁺
BENZONIA
BENZONIA, MI
Clerk: 03

UnitID: [redacted]



10/03/17 10:03:17
UNITID: 03
Clerk: 03
BENZONIA, MI
BENZONIA
USPS Fin⁺
For Deposit Only
ENDORSE HERE

LARRY J LINDGREN 03-04
DEBRA A LINDGREN
7077 MICK RD.
BENZONIA, MI 49616

74-574/724
6021636820

880

DATE 10-4-17

PAY TO
THE ORDER OF

Postmaster
forty nine & 00/100

\$ *49* ⁰⁰/₁₀₀

DOLLARS



For deposit only
Please endorse back



Central State Bank
BEULAH, MICHIGAN 49617

fabulous
fifty
account

MEMO

stamps

Debra Lindgren

ENDORSE HERE

ENDORSE HERE

For Deposit Only
USPS Form #
BENZONIA, MI

UNITID:

LARRY J LINDGREN 03-04
DEBRA A LINDGREN
7077 MICK RD.
BENZONIA, MI 49616

74-574/724
5091636820

877

DATE 9-28-17

PAY TO Benzie Co. Clerk \$ 31 ³⁰/₁₀₀
THIRTY ONE & 30/100 DOLLARS



Central State Bank
BEULAH, MICHIGAN 49817

fabulous
fifty
account

MEMO "Voter Registration" Labels

Debra Lindgren

ENDORSE HERE

PAY TO:

Benzie County Treasurer

DAWN OLNEY, PAYEE

County of Benzie

Benzie County Treasurer

Central State Bank
Beulah, MI

FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

LARRY J. LINDGREN 03-04
DEBRA A LINDGREN
7077 MICK RD.
BENZONIA, MI 49616

74-574724
929163E820

876

DATE 9-22-17

PAY TO THE ORDER OF

Ben. Co. Equalization

\$ 31 00

Thirty one + 00/100

DOLLARS



Central State Bank

BEULAH, MICHIGAN 49617

labulous
fifty
account

MEMO

"PRE" Labies

Debra Lindgren

ENDORSE HERE

Central State Bank
Beulah MI

Pay To Benzie County Treasurer
From Benzie County Equalization
FOR DEPOSIT ONLY
DO NOT WRITE
County of Benzie THIS LINE
Benzie County Treasurer

8 00431 8 006

Hoping to identify people who could vote if
they were registered.



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

January 9, 2018

Robert Meyers
5599 6 Mile Road
Frankfort, MI 49635

Dear Mr. Meyers:

The Department of State received a response to the complaint you filed against Susan Zenker and Debra Lindgren, 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 "David Foster".

David Foster
Bureau of Elections
Michigan Department of State

c: Susan Zenker
Debra Lindgren



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

July 30, 2018

Robert Meyers
5599 6 Mile Road
Frankfort, Michigan 49635

Dear Mr. Meyers:

The Department of State (Department) has concluded its investigation into the formal complaint you filed against Debra Lindgren and Susan Zenker, alleging violations 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. This letter concerns the resolution of the complaint.

The complaint was received on October 24, 2017 and alleged that the pamphlet mailed to voters referenced a ballot question and did not contain the name and address of the person paying for the matter as required by the MCFA.

On December 8, 2017, Ms. Lindgren filed a response to the complaint stating that she put together, paid for, and mailed the flyers herself. As evidence, she provided copies of checks demonstrating that she paid the entire costs. Ms. Lindgren also stated that only 350 copies were mailed to households. Finally, Ms. Lindgren stated that Ms. Zenker's only involvement was to print the flyers. Ms. Zenker responded by letter dated December 7, 2017 and said that her only involvement was to print the flyers on the paper provided by Ms. Lindgren. No rebuttal was filed.

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 Department has carefully reviewed the brochure and all related evidence and concludes that the evidence does not support the conclusion that a violation of the MCFA has occurred. First, Ms. Lindgren indicated that she acted alone in the production of the flyer and the only involvement of another individual involved the printing by Ms. Zenker. Yet, 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). Although Ms. Zenker printed the brochure, the Department concludes that this does not rise to the level of a potential violation. Ms. Lindgren provided the paper and paid all

relevant costs associated with the printing. This would be equivalent to taking a flyer to a store to print, and therefore the evidence supports the conclusion that Ms. Lindgren acted alone.

Second, the brochure does not contain any express advocacy language as defined by the act. The MCFA excludes any communication from the Act's reach, subject to MCL 169.247, unless it specifically urges voters to "vote yes," "vote no," "elect," "defeat," "support," or "oppose" a candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). Upon review, the Department finds that the brochure does not contain any of these directives.

However, even if a communication is otherwise excluded from the Act's reach but (1) references a clearly identified ballot question, (2) is made within 60 days of a general election, and (3) it is targeted to the relevant electorate where the ballot question appears on the ballot by means of mass mailing, it is subject to the identification requirement in section 47(1). MCL 169.247(5). Mass mailing is defined as "a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period." MCL 169.210(2).

Because there is no express advocacy, the brochure is only required to have an identification statement if it is a mass mailing within 60 days of the election. As indicated above, mass mailing is defined in the MCFA as more than 500 pieces. The brochure does not meet this standard as only 350 copies of the brochure were mailed. Therefore, because less than 500 pieces were mailed, the brochure is not a mass mailing and no section 47 identification statement is required.

Accordingly, your complaint is dismissed because the evidence shows Ms. Lindgren acted alone, and the brochure is not a mass mailing as defined by the MCFA. The Department considers this action resolved and no further enforcement action will be taken.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Secretary of State

c: Debra Lindgren
Susan Zenker