

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 Wes Nakagiri		Daytime Telephone Number 810-207-1060
Mailing Address P.O. Box 126		
City Hartland	State Mi	Zip 48353

Section 2. Alleged Violator		
Name Matt Germane		
Mailing Address 3600 Bullard Rd		
City Hartland	State Mi	Zip 48353

Section 3. Alleged Violations (Use additional sheet if more space is needed.)
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Section(s) of the MCFA violated:
Section 169.247

Explain how those sections were violated:

Campaign signs do not display the name and address of the person paying for them.

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

Photo of yard sign and photo of large campaign sign have been included along with this complaint form.

Email memorializing communication between Nakagiri and Germane about this subject.

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

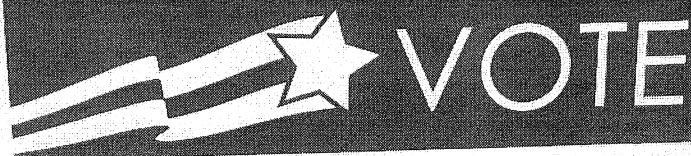
Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged 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

GERMANE FOR DISTRICT 3 COMMISSIONER

• Paid for by: The committee to Elect Commissioner Matt Germane •



Matt
Germane

Commissioner



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

August 8, 2018

Matt Germane
3600 Bullard Road
Hartland, Michigan 48353

Re: *Nakagiri v. Germane*
Campaign Finance Complaint
No. 2018-08-054-47

Dear Mr. Germane:

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.*

There are two pieces of campaign materials that have been provided which appear to violate MCL 169.247. The first large sign that reads "GERMANE FOR DISTRICT 3 COMMISSIONER" and under this is the following paid for by statement: "Paid for by: The committee to Elect Commissioner Matt Germane." The second is a yard sign that says, "VOTE Matt Germane Commissioner." In support of the complaint, copies of the materials were provided, and have been enclosed with this communication.

Upon review, it appears that the paid for by statement is incomplete on one sign and omitted entirely from the second sign 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

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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 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 Fracassi", written in a cursive style.

Adam Fracassi
Bureau of Elections
Michigan Department of State

c: Wes Nakagiri