



# Karen A. Spranger

Paul M. Kardasz  
Deputy Clerk

Macomb County  
Clerk/Register of Deeds

Erin A. Stahl  
Deputy Register of Deeds

## SUPPLEMENTAL DOCUMENTS RECEIPT FOR RECALL LANGUAGE SEEKING CLARITY REVIEW FOR ELEC COMM MTG OF 3/27/17

Person(s) Being Recalled

Office Held

SEVEN PACKETS

PACKET 1 - 7 PAGES

PACKET 5 - 7 PAGES

PACKET 2 - 4 PAGES

PACKET 6 - 4 PAGES

PACKET 3 - 9 PAGES

PACKET 7 - 35 PAGES ~~IN~~

PACKET 4 - 4 PAGES

70 ~~34~~ PAGES total backup material

SUBMITTED BY:

Joseph Hunt

ADDRESS:

8306 Stanley

CITY & ZIP:

Warren, MI 48093

PHONE:

586 467 5638

E-MAIL ADDRESS:

joseph.hunt.m@gmail.com

SIGNATURE:

Joseph M. Hunt

Susan Wetters  
ELECTION CLERK

2017 MAR 24 AM 9:40  
CARMELLA SABAUGH  
MACOMB COUNTY CLERK  
MT. CLEMENS, MICHIGAN

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### Clerk's Office

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Mount Clemens, MI 48043  
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macombgov.org/clerksoffice  
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macombgov.org/juryroom  
juryroom@macombgov.org

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3-27-17  
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TO: Board of County Election Commissioners  
MACOMB COUNTY  
MACOMB COUNTY CLERK

Re: WARREN MAYOR Recall  
JAMES R. FOUTS

Submission of Recall Petition for approval and Request for Recall Clarity Hearing

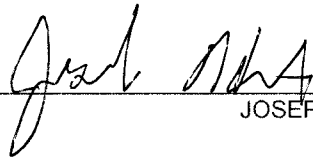
Dear COMMISSIONERS:

Please accept this correspondence as a request that you submit the attached petition form, which proposes recall of the above designated office(s), to the Board of County Election Commissioners for MACOMB County. As you know, MCL 168.952 requires that the Board of County Election Commissioners hear this matter not less than 10 days nor more than 20 days for this date of submission and determine whether the stated reasons for recall are of sufficient clarity.

I call your attention to the reasons cited for the recall. The petition language refers to a specific course of action or inaction during the current term in office. The language must be "of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall."

I refer you to the Michigan precedent stated in Dimas v. Macomb County Election Commission, 248 Mich.App. 624 (2001). There the court stated that the standard of review for clarity of recall petitions has been described as both "lenient," and "very lenient". A meticulous and detailed statement of the charges against an officeholder is not required. It is sufficient if an officeholder is apprised of the course of conduct in office that is the basis of the recall drive, so that a defense can be mounted regarding that conduct. "Where the clarity of the reasons stated in the petition is a close question, doubt should be resolved in favor of the individual formulating the petition."

Dated:

  
\_\_\_\_\_  
JOSEPH HUNT

FILED  
2017 MAR 24 AM 9:40  
CARMELLA SABAUGH  
MACOMB COUNTY CLERK  
MT. CLEMENS, MICHIGAN

LANGUAGE:

In a Facebook post dated November 17, 2016, James R. Fouts stated, "A major environmental scandal is brewing in Macomb County" which "could be a mini version of what happened in Flint."



**Jim Fouts**

November 17, 2016 · 🌐

A major environmental scandal is brewing in Macomb County. This could cost the taxpayers millions of dollars. I'm closely watching this development. If what I heard and understand is true this could cost the taxpayers a good deal of money and somebody must be held accountable for this unacceptable mess. This is a developing situation. Could be a mini version of what happened in Flint.

TO: Board of County Election Commissioners  
MACOMB COUNTY  
MACOMB COUNTY CLERK

Re: WARREN MAYOR Recall  
JAMES R. FOUTS

Submission of Recall Petition for approval and Request for Recall Clarity Hearing

Dear COMMISSIONERS:

Please accept this correspondence as a request that you submit the attached petition form, which proposes recall of the above designated office(s), to the Board of County Election Commissioners for MACOMB County. As you know, MCL 168.952 requires that the Board of County Election Commissioners hear this matter not less than 10 days nor more than 20 days for this date of submission and determine whether the stated reasons for recall are of sufficient clarity.

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Dated:

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JOSEPH HUNT

**LANGUAGE:**

In a statement dated December 1, 2016, James R. Fouts said, "Macomb County Executive Mark Hackel gave his approval for his favorite contractor to illegally dump at least 150,000 yards of road excavation at the Freedom Hill closed landfill without any required permits or approval."

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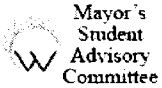
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SHARING AND SOCIAL



**March 21, 2017-** Warren Mayor Jim Fouts Honoring Two Individuals with Police Civilian Citations Tomorrow at 2 p.m.

**March 9, 2017-** Warren Mayor James Fouts Announces Emergency Shelter Opening because of Windstorm

**March 2, 2017-** Detroit Arsenal of Democracy Museum Coming to Warren

**December 14, 2016-** City of Warren Mayor Jim Fouts request for an investigation of the Freedom Hill County Park Landfill dumping.

**December 1, 2016-** City of Warren Mayor Jim Fouts Statement about Freedom Hill

**November 23, 2016-** City of Warren Mayor Jim Fouts Appears on Flashpoint

**November 22, 2016-** Letter from Warren Mayor Jim Fouts to Sterling Heights Mayor Michael Taylor about the pollution cover-up at Freedom Hill Landfill

**November 9, 2016-** Warren Mayor Jim Fouts Declares November Pancreatic Cancer Awareness Month

**November 2, 2016-** Mound Park Elementary School students to accept School supplies for needy students Friday, November 4 at 11:30 a.m. in Mayor's Office

**October 19, 2016-** Statement by Warren Mayor Jim Fouts On His Directive for More Training of Warren Police on Use Of Force

**September 27, 2016-** Town Hall on Prescription Drug and Opioid Abuse September 27, 2016 7 p.m. at Warren City Hall first floor conference room.

**September 22, 2016-** Warren Hosts 8th Annual College Fair Tonight at City Hall from 6-8 p.m.

**September 21, 2016-** Town Hall on Prescription Drug and Opioid Abuse September 27 in Warren

**September 20, 2016-** Warren Hosts 8th Annual College Fair on Thursday, September 22nd from 6-8 p.m. [Click here for a list of Colleges participating.](#)

**September 14, 2016-** Warren Man in Jail After Illegally Renting Out City-Owned Home

**September 8, 2016-** Fouts Forum Interviews Investigative Reporter Saturday 4-5 P.M.

**September 8, 2016-** Warren Commission for Senior Health Seminar

**September 2, 2016 -** Statement by Warren Mayor Jim Fouts on Warren Police DEA Heroin/Fentanyl Indictments

**August 31, 2016 -** Warren Mayor Sponsors 4th Back-to-School Supplies Drive For Needy Students

**August 24, 2016 -** Fouts Directs Anti West Nile Virus Efforts After Infected Mosquitoes Found

**July 27, 2016 -** City Honors Group That Donated Nearly \$1 Million In Volunteer Hours To Help 2014 Flood Victims

**July 22, 2016 -** Free Document Shredding Day at Warren City Hall on July 23, 2016

**July 21, 2016 -** Warren Police-Free Open House Sunday, July 24, noon - 4 p.m.

**July 20, 2016 -** Auto Salvage Yards to be Replaced By Modern Warehouse

**July 14, 2016 -** Warren Sells 69 City-Owned Vacant Lots for \$1 Each

**July 1, 2016 -** Mayor Jim Fouts Reacts to 2 Important New Designations For Warren

**June 30, 2016 -** Warren To Strictly Enforce Fireworks Laws; Mayor Will Monitor Neighborhoods July 4 **Addendum:** Important Fireworks Rules For A Safe 4th of July

**June 29, 2016 -** Warren Mayor Jim Fouts Honors 6 Centenarians; Including 104 Year Old Woman At Luncheon June 30 at Noon

**June 16, 2016 -** Warren Police, DEA Agents Arrest 5 in Drug Cartel Bust

**June 1, 2016 -** Statement by Warren Mayor Jim Fouts on Actions He Initiated to Prevent the Spread of the Zika Virus, West Nile Virus and Chikungunya

**‘Where is the \$90,000 owed to Macomb County by Mark Hackel’s favorite contractor for free and illegal dumping at the closed Freedom Hill landfill?’**

## **A Statement by Warren Mayor Jim Fouts**

“Macomb County Executive Mark Hackel gave his approval for his favorite contractor to illegally dump at least 150,000 yards of road excavation at the Freedom Hill closed landfill **without any required permits or approval**. He did not have any written agreement with the contractor for the illegal dumping

“Consequently, the contractor did not pay the county or the SMDA for this cost-saving dumping. **In other words, it was free** dumping.



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**Court of Appeals of Michigan.**

**George L. DIMAS, Plaintiff-Appellee/Cross-Appellant, v. MACOMB COUNTY ELECTION COMMISSION, Defendant,**

**Scott Stevens, Defendant-Appellant/Cross-Appellee. Ann E. Klein and Charles T. Busse, Plaintiffs-Appellees/Cross-Appellants, v. Macomb County Election Commission, Defendant, Scott Stevens, Defendant-Appellant/Cross-Appellee.**

**Docket Nos. 231727, 231730.**

**Decided: December 07, 2001**

Before: BANDSTRA, C.J., and DOCTOROFF and WHITE, JJ. York, Dolan & Ciaramitaro, P.C. (by Timothy D. Tomlinson and John A. Dolan), Clinton Township, for George L. Dimas, Ann E. Klein, and Charles T. Busse. Rodnick, Unger & Kaner, P.C. (by N. Rick Unger), Warren, for Scott Stevens. In these consolidated appeals, Scott Stevens (hereafter appellant) appeals by leave granted from an order of the circuit court holding that recall petitions appellant wished to circulate did not satisfy the requirements of M.C.L. § 168.952(1)(c). We reverse and remand for further proceedings.

**FACTS**

On June 5, 2000, appellant filed a total of twenty-seven recall petitions with the Macomb County Election Commission.<sup>1</sup> These petitions set forth nine allegations against each of three Warren City Council members-George L. Dimas, Charles T. Busse, and Ann E. Klein (hereafter appellees). When the commission met to certify the petitions, however, it approved only one of the nine against each member rejecting the remaining eight as insufficiently clear.<sup>2</sup>

Other than the names of the council members, the language in the three approved petitions was essentially identical and alleged that

during a Warren City Council meeting on December 21, 1999, [council members George L. Dimas, Charles T. Busse, and Ann E. Klein] voted to raise Warren's potable water rates by 10.97% to its consumers.

In separate actions, Dimas, followed by Busse and Klein, appealed to the circuit court, arguing that the commission should not have approved the petitions under M.C.L. § 168.952 because (1) appellant had failed to state "each reason [for the recall] in a single petition," and (2) the petitions were not sufficiently clear with respect to the reason for the recall. After consolidating the appeals, the circuit court reversed the commission's holding, finding that the approved petitions were not sufficiently clear and that, therefore, the first of the questions presented was moot. Appellant subsequently filed delayed applications for leave to appeal, which this Court granted. This Court also consolidated the appeals.

**ANALYSIS**

Resolution of this appeal entails a matter of statutory construction. This Court reviews such questions de novo.<sup>3</sup>

Recalls of elected officials in Michigan are governed by M.C.L. § 168.951 et seq. Subsection 952(1) sets forth the requirements for a recall petition. It reads, in relevant part, as follows:

A petition for the recall of an officer shall meet all of the following requirements:

\* \* \*

(c) State clearly each reason for the recall. Each reason for the recall shall be based upon the officer's conduct during his or her current term of office. The reason for the recall may be typewritten.<sup>4</sup>

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CARMELLE J. ASBROUGH  
CLERK  
MICHIGAN COURT OF APPEALS

Subsection 952(3) requires the election commission to make a prompt determination “whether each reason for the recall stated in the petition is of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall.”<sup>5</sup>

The standard of review for clarity of recall petitions has been described as both “lenient,”<sup>6</sup> and “very lenient.”<sup>7</sup> “Thus, recall review by the courts should be very, very limited.”<sup>8</sup> A meticulous and detailed statement of the charges against an officeholder is not required.<sup>9</sup> It is sufficient if an officeholder is apprised of the course of conduct in office that is the basis of the recall drive, so that a defense can be mounted regarding that conduct.<sup>10</sup> “Where the clarity of the reasons stated in the petition is a close question, doubt should be resolved in favor of the individual formulating the petition.”<sup>11</sup>

The vast majority of panels of this Court have found that the reasons stated in the recall petitions before them were sufficiently clear. For example, in *Molitor v. Miller*<sup>12</sup> the panel found the following statements of reason to be acceptable:

“Conducting secret meetings in violation of the open meetings act:

“Failure to follow procedures set forth in the township officers manual: (appointments of committees, boards, etc.)<sup>13</sup>

The panel in *Mastin v. Oakland Co Elections Comm*<sup>14</sup> similarly found the following language to be sufficiently clear:

“1. Failure to faithfully represent the people of the 8th Senatorial District by voting on March 23, 1983, to report a tax increase bill (HB 4092) out of committee with a recommendation for passage.

“2. Failure to faithfully represent the people of the 8th Senatorial District by voting ‘yes’ on March 24, 1983, to a bill increasing the State income tax (HB 4092).”<sup>15</sup>

Finally, the panel in *Schmidt v. Genesee Co Clerk*<sup>16</sup> found that, taken as a whole, the following language met the clarity standards required by the statute:

“Ex-HIBITED SPEND AND TAX-TAX and SPEND mentality. At a time when governmental units are cutting back on budget expenditures and laying off people the above elected official presented the 1982 budget which was a increase of \$400,000.00 over the 1981 budget (December 7, 1981).-INCREASED the budget again by another additional \$185,516.00 on August 2, 1982, which can only result in future higher taxes.-Voted, at a special, not regular meeting, to INCREASE operational taxes by one mill without a vote of the people.-INCREASED sewer and water rates above the recommendation of the County.-Voted to spend \$63,000.00 to RE ASSESS ALL TOWNSHIP PROPERTIES.-Acted to violate the provisions of the Charter Township Act requiring the budget to be presented for public inspection before adoption. - Allowed Township Funds to be invested in UN AUTHORIZED ACCOUNT and not available for public inspection. -Failed to follow campaign promise to give open, clean, honest, and efficient government, and at all times be available to serve and to administer the Township efficiently and remain within a budget.”<sup>17</sup>

In contrast to these cases, the panel in *Noel v. Oakland Co Clerk*<sup>18</sup> was presented with language determined to be insufficiently specific: “Incompetence in administering his/her duties as an elected official and in a manner not conducive to the better interests of the residents of the City of South Lyon.”<sup>19</sup>

Unlike the general language rejected by the Noel panel, the language at issue here is “of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall.”<sup>20</sup> The petition refers to a specific action, “vot[ing] to raise Warren’s potable water rates,” at a specific event, “a Warren City Council Meeting on December 21, 1999,” with a specified outcome, an increase of “potable water rates by 10.97% to [Warren’s] consumers.” While Warren may have more than one potable water rate, accepting appellees’ argument that the petition language failed because it did not specify which rate was voted on would require just the kind of meticulous and detailed

statement that has been previously found unnecessary.<sup>21</sup> Further, only one of Warren's water rates was at issue at the December 21 council meeting and reference to the vote on that date sufficiently identified the challenged conduct. We thus conclude that the circuit court erred in determining that the recall petition was not "of sufficient clarity" under M.C.L. § 168.952(3).

We next turn our attention to the question considered moot by the trial court-whether the statute was violated because appellant failed to state each reason for which recall was sought in a single petition.<sup>22</sup> "[T]he primary rule of statutory construction is to determine and effectuate the intent of the Legislature through reasonable construction in consideration of the purpose of the statute and the object sought to be accomplished."<sup>23</sup> If the statutory language is clear and unambiguous, judicial construction is neither required nor permitted.<sup>24</sup> If judicial interpretation is necessary, the Legislature's intent must be gathered from the language used, and the language must be given its ordinary meaning.<sup>25</sup> In determining legislative intent, statutory language is given the reasonable construction that best accomplishes the purpose of the statute.<sup>26</sup>

As noted above, M.C.L. § 168.952(1)(c) requires that a petition for the recall of an officer "[s]tate clearly each reason for the recall." Appellees argue that the word "each," as used in the statute, means that a petitioner must include every reason for the recall on a petition. In doing so, they cite the definition of "each" found in Black's Law Dictionary, which states that "[t]he word 'any' is equivalent to 'each' [and] '[e]ach' is synonymous with 'all'."<sup>27</sup>

We do not conclude that this generalized definition of "each" can be applied in the context of the statute at issue here. Instead, we conclude that the word "each" is used in the statute to link the phrase "state clearly" with the phrase "reason for the recall." In other words, to paraphrase the statute, the requirement is that each reason the petitioner includes on the petition shall be stated clearly. This understanding of "each" is consistent with the overall statutory goal of assuring sufficient clarity regarding the reasons for a recall, as discussed above. In contrast, reading "each" as requiring that "every" reason must be presented does not advance any similar statutory goal.

Had the Legislature intended that petitions contain "each and every" or "all" reasons for recall, that language could have easily been used. Similarly, other sections set clear limits on the filing of recall petitions. For example, M.C.L. § 168.951 specifies when during an official's term a petition may be filed, and M.C.L. § 168.969 makes provision for election cost reimbursement in repetitive recall situations. A requirement that all a petitioner's reasons for recall be included in the petition could have been set forth in one of these sections, had that been the legislative intent.

The election commission properly determined that the three petitions at issue here complied with the statute. We reverse the decision of the circuit court to the contrary and remand for further proceedings consistent with this opinion. We do not retain jurisdiction.

#### FOOTNOTES

1. Although a party to the action below, the Macomb County Election Commission is not a party to this appeal.
2. See M.C.L. § 168.925(3), hereinafter discussed. Appellant did not appeal the commission's rejection of the other eight petitions filed against each of the three appellees.
3. *Oxendine v. Secretary of State*, 237 Mich.App. 346, 348-349, 602 N.W.2d 847 (1999).
4. MCL 168.952(1)(c).
5. MCL 168.952(3).
6. *Meyers v. Patchkowski*, 216 Mich.App. 513, 517, 549 N.W.2d 602 (1996).

7. In re Wayne Co. Election Comm., 150 Mich.App. 427, 438, 388 N.W.2d 707 (1986).
8. Mastin v. Oakland Co. Elections Comm., 128 Mich.App. 789, 793, 341 N.W.2d 797 (1983).
9. See Molitor v. Miller, 102 Mich.App. 344, 348, 301 N.W.2d 532 (1980), quoting Eaton v. Baker, 334 Mich. 521, 525-526, 55 N.W.2d 77 (1952).
10. Molitor, n. 9, supra at 350, 301 N.W.2d 532.
11. Id. at 351.
12. Molitor, n. 9, supra at 350, 301 N.W.2d 532.
13. Id. at 346, 301 N.W.2d 532.
14. Mastin, n. 8, supra at 800, 341 N.W.2d 797.
15. Id. at 792, 341 N.W.2d 797.
16. Schmidt v. Genesee Co. Clerk, 127 Mich.App. 694, 339 N.W.2d 526 (1983).
17. Id. at 698, 339 N.W.2d 526.
18. Noel v. Oakland Co. Clerk, 92 Mich.App. 181, 284 N.W.2d 761 (1979).
19. Id. at 183, 284 N.W.2d 761.
20. MCL 168.952(3).
21. Molitor, n. 9, supra at 348, 301 N.W.2d 532.
22. Although we do not ordinarily review questions of law that have not been decided by the lower court, we do so here because this is an issue of public significance “which may recur and yet evade review.” See Highland Recreation Defense Foundation v. Natural Resources Comm., 180 Mich.App. 324, 327, 446 N.W.2d 895 (1989). We note that the length of an official's term is oftentimes shorter than the time it may take for this type of issue to reach this Court. See Meyers, n. 6, supra at 518-519, 549 N.W.2d 602.
23. Gross v. General Motors Corp., 448 Mich. 147, 158-159, 528 N.W.2d 707 (1995).
24. Mino v. McCarthy, 209 Mich.App. 302, 304, 530 N.W.2d 779 (1995).
25. Id. at 304-305, 530 N.W.2d 779.
26. Id. at 305, 530 N.W.2d 779.
27. Black's Law Dictionary (6th ed), p 507 (citations omitted).

BANDSTRA, C.J.

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CARMELLA SABAUGH  
MACOMB COUNTY CLERK  
MT. CLEMENS, MICHIGAN

20 December 2016

## Introduction

I am an audio and video forensic expert and have been practicing for over 30 years. I have testified in several courts throughout the United States and worked on various International cases. My forensic practices for audio investigation include digital and analogue audio authentication, restoration and voice identification. As a video forensic expert, my practices include video authentication, restoration and identification.

I was asked to perform a voice identification analysis of a concealed recording against two known recording samples of James Fouts. The known samples include sections of a radio interview with James Fouts and an in-person statement given by James Fouts.

## Preparation

The unknown evidence recording and the in-person recording sample were edited to only contain the pertinent voice. These samples were provided as MOV files. To make the recordings compatible with our forensic voice analysis software, I converted the files to uncompressed WAV audio files. This process does not alter the content of the recording and maintains the quality of the audio. To prepare the radio interview sample, I loaded the recording into Adobe Audition and isolated clips of the audio that only contained James Fouts speaking. This was then saved as an uncompressed WAV audio file. The files used for testing are listed below:

- **fouts tape\_L.wav** – Unknown voice sample
- **James-Fouts-Interview-ExemplarSamples.wav** – Exemplar 1: Radio interview
- **fouts interview\_L.wav** – Exemplar 2: In-person sample

## Frequency Analysis

To perform a voice identification analysis, I utilize various software to extract data from the audio recordings for comparison. These programs include but are not limited to:

- Wavesurfer
- Multi Speech
- SIS II

These programs include frequency analysis features to calculate pitch and formant frequency information of voice samples. All data that was extracted was compiled in a spreadsheet and percentage differences between the data was calculated. Percentage differences were calculated by finding the difference between the exemplar data set and the evidence sample data set and dividing this value by the evidence exemplar set. This is represented by the following formula:

$$D = \text{abs}((E_v - E_x) / E_v) * 100$$

The variable 'D' represents the percentage difference, the variable 'Ev' represents the evidence recording data point, the variable 'Ex' represents the exemplar recording data point, and 'abs' stands for absolute value to resolve negative percentage values for the sake of representing data.

When comparing two voice samples, I reach a conclusion of possible identification, probable identification, positive identification, possible elimination, probable elimination, positive elimination, or inconclusive. This determination is given based on analysis and comparison of all testing to reach the most accurate conclusion.

The pitch of a voice is the fundamental frequency of that voice and is a product of the physical characteristics of the vocal cords. When comparing the pitch, a difference of less than 5% will indicate similarities between the voices. The standard deviation represents the overall inflection of the voice as it changes from its central pitch. A difference of less than 15% can indicate similarities between the voices, though the pitch must be a match for this to be considered. These values are set as general standards but the overall data must be interpreted and compared with all other testing to reach the final conclusions.

#### Unknown Voice Sample Data

I began my analysis by extracting the pitch and formant information from the evidence recording of the unknown voice in question. Below is the data extracted from the unknown voice recording in Wavesurfer and Multi Speech:

Figure 1: Evidence Wavesurfer Data

Pitch	Mean	Standard Deviation
	114.071978	19.178124
Formants		
F1	481.08468	172.175713
F2	1957.775005	357.063922
F3	2721.434887	286.158959
F4	3456.549549	292.110814

Figure 2: Evidence Multi Speech Data

Mean Frequency (Hz)	124.42
Mean Fo (Hz)	114.94
Std.Deviation (Hz)	44.01
Median (Hz)	110.42
RMS (Hz)	131.96
Geometric Mean (Hz)	118.95
Semitone Range	28
Semitones	C#2 - F4
Mean Fo (Semitone)	A#2
Std. Deviation (Semitones)	4.86

### Exemplar 1 Data Analysis

The following tables show the data extracted from Exemplar 1 (James-Fouts-Interview-ExemplarSamples.wav), as well as the percentage differences calculated when compared to the evidence recording.

Figure 3: Exemplar 1 Wavesurfer Data

Pitch	Mean	Standard Deviation
	116.647582	14.385555
Formants		
F1	408.249317	144.091231
F2	1651.627044	425.002227
F3	2773.214699	504.637769
F4	3634.926192	368.809274

Figure 4: Exemplar 1 Wavesurfer Percentage Differences

Pitch	Mean	Standard Dev
	2.258%	24.990%
Formants		
F1	15.140%	16.312%
F2	15.638%	19.027%
F3	1.903%	76.349%
F4	5.161%	26.257%

Figure 5: Exemplar 1 Multi Speech Data

Mean Frequency (Hz)	119.15
Mean Fo (Hz)	116.58
Std.Deviation (Hz)	22.08
Median (Hz)	115.29
RMS (Hz)	121.18
Geometric Mean (Hz)	117.7
Semitone Range	25
Semitones	D#2 - E4
Mean Fo (Semitone)	A#2
Std. Deviation (Semitones)	2.54



Figure 6: Exemplar 1 Multi Speech Percentage Differences

Mean Frequency (Hz)	4.236%
Mean Fo (Hz)	1.427%
Std.Deviation (Hz)	49.830%
Median (Hz)	4.410%
RMS (Hz)	8.169%
Geometric Mean (Hz)	1.051%
Semitone Range	10.714%
Semitones	
Mean Fo (Semitone)	
Std. Deviation (Semitones)	47.737%

The overall comparison of the pitch showed very high consistencies between the two voices. All comparisons showed a percentage difference below 5% in all calculations of the voices' pitch. The standard deviation showed a higher percentage difference, showing some inconsistency. As stated, the standard deviation represents the speakers level of inflection which can vary more than the fundamental pitch. The formant analysis showed moderate consistency between the voices.

Exemplar 2 Data Analysis

The following tables show the data extracted from Exemplar 2 (fouts interview\_L.wav), as well as the percentage differences calculated when compared to the evidence recording.

Figure 7: Exemplar 2 Wavesurfer Data

Pitch	Mean	Standard Deviation
	117.840778	26.365203
Formants		
F1	464.926316	187.730845
F2	1667.458817	412.382743
F3	2756.22939	536.382185
F4	3809.364975	359.923814

Figure 8: Exemplar 2 Wavesurfer Percentage Difference

Pitch	Mean	Standard Dev
	3.304%	37.475%
Formants		
F1	3.359%	9.034%
F2	14.829%	15.493%
F3	1.279%	87.442%
F4	10.207%	23.215%

Figure 9: Exemplar 2 Multi Speech Data

Mean Frequency (Hz)	121.55
Mean Fo (Hz)	115.74
Std.Deviation (Hz)	32.2
Median (Hz)	113.66
RMS (Hz)	125.73
Geometric Mean (Hz)	118.32
Semitone Range	25
Semitones	D2 - D#4
Mean Fo (Semitone)	A#2
Std. Deviation (Semitones)	3.83

Figure 10: Exemplar 2 Multi Speech Percentage Differences

Mean Frequency (Hz)	2.307%
Mean Fo (Hz)	0.696%
Std.Deviation (Hz)	26.835%
Median (Hz)	2.934%
RMS (Hz)	4.721%
Geometric Mean (Hz)	0.530%
Semitone Range	10.714%
Semitones	
Mean Fo (Semitone)	
Std. Deviation (Semitones)	21.193%

All pitch testing showed a high consistency between the voices with a difference of less than 5% found in each test. This was consistent with the testing performed on Exemplar 1. The same difference in standard deviation (inflection) was observed, showing some slight inconsistency. The formant frequency analysis showed a moderately high consistency in the frequency comparison, with all differences showing below 15%.

Overall, the pitch and formant comparison showed a relatively high consistency between the unknown evidence recording and the two exemplar recordings. Consistency within the pitch is a strong indicator of a possible match between voices as it is a representation of the subject's vocal cords. The similar consistency observed in the formant frequency supports these findings. There were inconsistencies noted in the standard deviation, but the overall comparison showed high consistencies between the voices.



Figure J.2: Exemplar 2 Comparison Results

**Identification**

Files

File 1: E:\Evidence\1001\1001\_01.wav  
 File 2: E:\Evidence\1001\1001\_02.wav

Method: SF (4000 Hz) 25.50 sec  
 search segmented: pure speech: 15.06 sec

Method: Pitch (4000 Hz) 25.50 sec  
 search segmented: pure speech: 15.06 sec

Method: GMM (4000 Hz) 25.50 sec  
 search segmented: pure speech: 15.06 sec

Method: Fusion (4000 Hz) 25.50 sec  
 search segmented: pure speech: 15.06 sec

Confidence level: 99%

Method	FR [min,max], %	FA [min,max], %	LR [min,max]	P [min,max], %	P# [min,max], %	DET
✓ SF	19.0 [16.2, 21.9]	37.4 [33.8, 40.9]	0.5 [0.4, 0.6]	33.8 [29.6, 37.7]	66.2 [62.3, 70.4]	DET
✓ Pitch	97.9 [96.9, 98.9]	0.1 [0.12, 0.3]	1 223.8 [342.3, 9 999.88]	99.9 [99.7, 99.99]	0.1 [0.01, 0.3]	DET
✓ GMM	22.1 [19.1, 25.2]	0.4 [0.12, 0.9]	56.1 [25.0, 9 999.88]	98.2 [96.2, 99.99]	1.8 [0.01, 3.8]	DET
✓ Fusion	30.5 [27.1, 33.9]	0.1 [0.12, 0.4]	253.8 [79.2, 9 999.88]	99.6 [98.8, 99.99]	0.4 [0.01, 1.2]	DET

Summary:

The speakers' identification traits **match** with confidence level of more than 99%.  
 Match probability is more than 98.8%.

Copy results Close

The automatic comparison runs four individual tests and provides a conclusion based on the results of each. Exemplar 1 came back as a high match in all four categories indicating very high consistencies between the voices. Exemplar 2 came back as a high match in three of the four categories but came back inconsistent in the formant analysis. Despite this inconsistency, the pitch analysis showed an extremely high match between the samples. Pitch has been noted to be a strong indicator of the accuracy of the test based on in-lab testing.

### Conclusion

The testing showed high consistency between the unknown evidence recording and the two exemplar recordings of Jim Fouts. The pitch comparison in both the manual testing and biometric comparison showed extremely high consistency indicating a probable match. Formant comparison also showed a moderate consistency indicating a possible match. The biometric testing as a whole showed high consistencies with both exemplars indicating a probable match. There were noted differences in the standard deviation of the voices, though this is understood to be the inflection which can vary depending on several factors including emotional state. Overall, the results show that Jim Fouts is a probable match for the unknown evidence recording.

It should be noted that this is an emergency voice identification analysis and an exact exemplar was not created. To confirm the findings in this report, an exact exemplar should be created with the suspected person, Jim Fouts, reading the same dialogue spoken in the evidence recording. The same type of device should be used as well to eliminate as many extraneous factors as possible. The lack of an exact exemplar does not discredit the testing and results of this analysis.

I reserve the right to amend my conclusions and opinions as additional materials are provided in conjunction with future testimony.

Respectfully submitted,

Edward J. Primeau, CCI, CFC

3-27-17  
PAGE #4  
of 7  
BACKUP  
MATERIAL

# Hackel scolds Warren mayor for Facebook post about 'scandal'

Christina Hall, Detroit Free Press 11:39 p.m. ET Nov. 17, 2014

*Jim Fouts talked of an environmental scandal in Macomb County that could be a "mini version of what happened in Flint."*

Two of Macomb County's best-known politicians traded barbs Thursday after one of them took to social media Wednesday night about a "major environmental scandal" brewing in the county that "could be a mini version of what happened in Flint."

The cryptic Facebook post by Warren Mayor Jim Fouts included no other details, which prompted calls to the county from worried residents concerned about their drinking water. That was followed by a scolding of the mayor by County Executive Mark Hackel at a midday news conference on Thursday at which Hackel called Fouts' posts "appalling" and "inappropriate."

Hackel emphasized that drinking water in the county and the City of Warren was safe.

By later Thursday Fouts had revealed that his concern involved what he called illegal dumping at the closed Freedom Hill landfill in Sterling Heights — but still Hackel and other county officials disputed and criticized Fouts' claims and defended the county's environmental safety.

Fouts claimed to the Free Press that Macomb County dumped 150,000 to 200,000 yards of excavating dirt at the Freedom Hill site without permits, burying 110 trees along with more than 40 methane gas monitoring wells that he said allow methane gas to escape.

Fouts said the trees were planted to absorb leachate created by the garbage. If the leachate isn't stopped, Fouts said, it would go into the Red Run Drain and potentially to the Clinton River and Lake St. Clair, creating a potential "environmental disaster." He said to reshape berms will cost \$500,000 to \$1 million and he doesn't want "the City of Warren taxpayers to pay a penny."

Fouts said he never said anything was wrong with the water.

But Deputy County Executive Mark Deldin said Fouts' "allegation about illegal dumping is 100% untrue and it's as erroneous as his Facebook post."

Deldin said that during the last couple of years, "we got permission to add more dirt on the landfill to fill in low-lying spots" from parking to create a more level surface for people to

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walk on. He said the county was granted a permit by Sterling Heights' soil erosion department. He said the county public works office also was aware of the permit for the dirt that was being filled in.

Deldin said a remediation plan has been in effect long before Hackel became executive and that engineer regularly tests the vents for methane gas. If there are any spikes in the vents, further remediation is done, Deldin said.

Deldin said representatives of the Michigan Department of Environmental Quality and the landfill consultant conducted a visual inspection Thursday after a recent methane spike, but found nothing that couldn't be quickly remedied. Deldin said there were some broken or missing trees, but officials don't know why.

"We're going to take corrective action," he said, adding that Hackel told South Macomb Disposal Authority representatives "that no city in Macomb County, including Warren, will bear any cost for further remediation action." Deldin said he didn't know where Fouts got the figure of a cost of \$500,000 to \$1 million and that officials are awaiting a copy of the remediation report.

"Because there's a spike in a vent has nothing to do with contamination," Deldin said.

Hackel said he tried to contact Fouts early Thursday about his post, but Fouts hadn't returned his calls as of noon.

**Fouts told the Free Press that Hackel left him a "threatening call" and that Hackel said Fouts would regret what he said. Fouts said he has not called Hackel, adding "I don't talk with people who are angry and out of control. I don't know if he made the decision."**

He said Hackel "is trying to deflect it and make me the person responsible ... make me the scapegoat for actions at the county level."

"Don't shoot the messenger, just tell me who made this decision," Fouts said.

Hackel could not be immediately reached late Thursday for reaction to Fouts' comments.

**Earlier in the day, Hackel said Fouts' post was "creating quite a hysteria and I think inappropriately so."** He said the county health department called Warren's water department, the City of Detroit, the state and the Great Lakes Water Authority to find out if there was a problem, but all of them said the water was safe in Warren and the county.

Fouts made a follow-up post about 12:20 p.m. Thursday, assuring everyone in Warren that the water is safe and "there is no environmental problem in our city."

Flint's water became contaminated with lead more than two years ago. State officials acknowledged the public health crisis more than a year ago after denials and public complaints about the water's color, odor and taste.

Hackel said he believed Fouts created the hysteria for political reasons. He said this is not the first time he's seen an alarmist type of reaction from Fouts only to find out the matter was a minor issue or a non-issue.

"I find it extremely unacceptable. I don't even have the words to express it," Hackel said. "People have real issues about what happened in Flint and rightly so."

# Warren Mayor Jim Fouts says new racist, sexist audio recordings are not him

## Mayor says Macomb County executive is behind 'engineered' recordings

By Dave Bartkowiak Jr.

Posted: 2:09 PM, January 16, 2017 Updated: 7:18 PM, January 16, 2017

**WARREN, Mich.** - Warren Mayor Jim Fouts said new audio released Monday by MotorCityMuckraker.com, which alleges racist and sexist comments by the mayor, is fake.

Fouts insists the audio recordings, which allegedly captured him making racist comments about black people and vulgar sexist comments about women, have been fabricated by Macomb County Executive Mark Hackel. The source of the recordings is not known and was not reported.

- **WATCH:** Latest info on Jim Fouts recordings case  
"Those are engineered tapes by Mark Hackel and his friends. That is not my voice," Fouts said Monday as he left a Martin Luther King Jr. Day event in



Warren. **"Those are engineered tapes inspired by Mark Hackel, just like the last one. It is not me. That is not me at all."**

The "last one" Fouts is referring to is a recording released in December which allegedly captured him making comments about people with special needs.

***Read back: Alleged recording of Fouts insulting people with special needs creates firestorm***

When those recordings came out, the Warren mayor defended himself in a Facebook post:

On Monday, Fouts was back on Facebook defending himself and claiming the county executive hijacked his ceremony for Dr. King:

This all started in November when Fouts took to Facebook warning Warren residents of an impending "mini Flint" situation in his city. The mayor was hinting at an alleged environmental disaster. He said there was an "environmental scandal brewing in Macomb County."

In response, Hackel held a news conference during which he called Fouts' comments "absolutely deplorable." Hackel said the mayor has a track record of "alarmist" comments such as this. The county executive denied any such claim of a water scandal in his county.

Fouts then alleged Hackel allowed illegal dumping to take place at the Freedom Hill Landfill. The Warren mayor said \$90,000 is owed to the county for what he called illegal dumping. He has filed a complaint with the state's attorney general asking for an investigation.

The two elected officials have been sparring ever since.

BACKUP  
MATERIAL

That could cause problems for the City of Warren, which has maintained footage of the State of the City address, which included an apparent endorsement of a candidate, Patrick Green, on its website for weeks now.

MCFN reached out to Fouts and Perry, the communications director, about the situation. Neither responded to requests for comment.

Ghanam said he believes the law was followed and he labeled criticism of the event as an attempted "political assassination."

"I made sure I followed every rule because I knew it would be scrutinized," he said.

# Warren clerk joins councilman, city treasurer in urging Mayor Fouts to resign

By **Norb Franz**, *The Macomb Daily*

POSTED: 01/18/17, 11:11 AM EST UPDATED: ON 01/18/2017

Three elected Warren officials have joined a growing chorus of people urging Warren Mayor James Fouts to resign in the wake of the latest audio recordings of disturbing comments that sound like the voice of the embattled mayor.

**Councilman Keith Sadowski and first-term Treasurer Lorie Barnwell, both of whom have received considerable political support from Fouts in their respective campaigns, both believe he should step down. On Wednesday afternoon, City Clerk Paul Wojno became the latest city official saying the third-term mayor should leave office.**

**Wojno said Fouts' efforts as mayor of Michigan's third-largest city and as a councilman prior to winning the top elected post in 2007, are unmatched.**

**"As a friend and co-worker, it has been truly difficult to watch recent events unfold and to listen to the disparaging remarks attributed to the mayor. While these comments target those with disability, African Americans, and women -- all of us are affected equally as a community," Wojno said in a prepared statement**

**"However difficult this may be, I am requesting at this juncture that the mayor resign unless he can provide solid evidence that demonstrates that these tapes have been falsely produced. It would be counterproductive to have this continue and to interfere with the management of our great city," the clerk said.**

Sadowski said he reached that conclusion after lengthy review of the controversy.

"The comments on the tapes are hurtful and racist in nature. They disparage women and do not reflect the beliefs and the attitudes of our residents. I feel that the leader of our great city needs to be accountable for his actions and take personal responsibility, in order for our city to move forward in a positive manner," said Sadowski, also in a separate, prepared statement.

"I feel that if this air of controversy continues, it will paint Warren in a poor light. Over the past several years, this city has made great strides that we can all be proud of under this Mayor's leadership. However, with the previous comments about people with disabilities, followed by the disparaging remarks directed towards women, alongside his racist statements, it is time ... for new leadership."

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Barnwell, who was heavily endorsed by Fouts on her way to defeating incumbent Carolyn Kurkowski Mocerri in the 2015 election, said the audio recordings have become “an undue distraction and impediment to the management” of the city.

**Barnwell said she believes Fouts may have an opportunity to attempt to prove his steadfast claims that it’s not his voice on the recordings and that the offensive and lude remarks were engineered by his political opponents.**

**“I appreciate the many positive things that Mayor Fouts has done for the City of Warren and consider him a friend. Therefore, it greatly pains me to call for the Mayor to resign unless he can offer compelling support for the claim that the recently released tapes have been ‘doctored.’ While I would have preferred that these recordings been released earlier to proper investigators in a more transparent manner, there exists no evidence at this time that Mayor Fouts did not make these offensive remarks,” Barnwell said in a press release.**

“When members of the disabled community, African Americans, and women, are degraded in the most dehumanizing terms, silence is not an option. Morality and principle demand that leaders in the community stand with those who have been hurt and affected by these revelations. I extend my love and support to all individuals in our diverse community,” she said.

After the release in December of a recording in which a person sounding like Fouts makes disturbing remarks about mentally impaired people, City Councilman Scott Stevens called on Fouts to resign. Stevens has unsuccessfully tried twice -- including on Jan. 10 -- to convince a majority of council members to act on a resolution he proposed, that would ask Fouts to take a polygraph test and a voice analysis. Fouts would not be bound to comply with that resolution.

The latest release of recordings occurred Monday morning on the website motorcitymuckraker.com, shortly before that start of Warren’s annual Martin Luther King Day observance at Warren City Hall. The person says on one segment that blacks look like chimpanzees. In a separate clip: “You think I want to date a f----- 60-year-old hag? F--- that s---. I’m not interested in any old, ugly hag. I think after a certain age they’re all dried up, washed up, burned out.”

During his 17-minute speech Monday to the crowd of approximately 250 people, Fouts near the start mentioned that more audio recordings had been released. He claimed he had not heard the tapes and did not want to hear them. However, he insisted the voice -- which sounds very much like him -- was not him, and said they were engineered by his political foes, including Macomb County Executive Mark Hackel.

Fouts also repeated his assertion the recordings were retaliation against him for requesting Michigan Attorney General Bill Schuette investigate the dumping of approximately 200,000 cubic yards of dirt at Freedom Hill County Park in Sterling Heights. That dumping was not authorized by the Michigan Department of Environmental Quality. Fouts has accused Hackel of a cover-up involving that dumping and told the MLK Day crowd that he will not be silent on that issue and others.

On Tuesday morning, several elected Democrats representing communities in southern Macomb County called on Fouts to resign. Later that morning, the defiant mayor said on social media he will not step down.

“There is tremendous effort to force me out immediately by slander, by character assassination, lies, and by outright condemnation of me,” he said via Facebook.

## **Macomb County politicians call for Warren Mayor Jim Fouts to resign**

Eight county, state and federal politicians representing the city of Warren today asked Warren Mayor Jim Fouts to resign in light of recordings released Monday in which a voice that is purported to be Fouts denigrates black people and older women.

A statement was released from U.S. Rep. Sander Levin, State Sen. Steve Bieda, state Representatives Henry Yanez, John Chirkun, Patrick Green and Macomb County Commissioners Andrey Duzyj, Veronica Klinefelt and Marv Sauger. Green is a former councilman in Warren.

"We have listened to the audio tapes with the voice we recognize of Mayor Jim Fouts. These comments are hateful. They are racist and disparaging of women. The leader of our state's third-largest city should be a role model for how we treat each other and anyone that harbors these feelings and expresses them is not fit to lead," according to the politicians' statement. "We believe that these comments, and the previous comments about people with disabilities, do not represent the people of the City of Warren. Therefore, we believe that it would be best for the people of Warren for Mayor Fouts to resign, and we call on him to do so."

It continues: "It would have been our preference that the individuals making these audio recordings would have immediately turned them over to the proper authorities for investigation so they would have been handled in an appropriate manner and reduced the discussion about the motivation for the recording and the circumstances of the release."

**The statement comes after Detroit Mayor Mike Duggan said Monday on Twitter that "If Mayor Fouts said those disgusting things, he has to go. The tapes are sickening. It's hard to believe anybody could say those things."**

On Monday, a national holiday meant to celebrate the legacy of Dr. Martin Luther King Jr., one of America's greatest civil rights leaders, Fouts found himself having to deny the veracity of newly released audio recordings purportedly of him comparing African-Americans to chimps and using vulgarities to disparage older women.

Fouts took to Facebook in a lengthy post Monday and again today saying today: "I will not resign." He did not respond to repeated requests from the Free Press for comment Monday.

Here is his Fouts' Facebook post today:

"There is tremendous effort to force me out immediately by slander, by character assassination, lies, and by out right condemnation of me. This is an attempt to reverse the 2015 election results when I won with 85% of the vote. I won with 81% in 2011. This is despite solid evidence that I did nothing wrong whatsoever. My actions as mayor have been inclusive and no one can deny that. We are the best run city in the state when it comes to police, fire, and fund balance. I will not resign," according to Fouts' Facebook post. "I will be here through at least 2019 as the people wanted me to. I will not capitulate to a rush to judgement by those who wish to take over city hall and hijack the 2015 election. Why? Because I have changed things for the better in the city. I serve the citizens 24/7 and they know it. I'm not answerable to any politician I'm only answerable to the people of Warren. I serve the interests of the people of Warren not the politicians. I will continue to push for diversity in employment in Warren and that is why I hired Greg Murray as diversity coordinator."

Many of the people who commented on Fouts' post today wrote that they supported him and a few encouraged him to get an expert to review the recordings.

Joe DiSano, a political consultant who says he advised Fouts from 2003 until 2013, told the Free Press on Monday that the content of newly released recordings was nothing new to his ears.

"In many meetings I've heard him casually use the N-word," DiSano said in a phone interview Monday. "At one of the last meetings I ever had with him, he actually stood at the front of the conference room table and danced around like he was monkey. And that was in reference to voters in Detroit."

Fouts denied during the MLK Day event in Warren that it is his voice on the recordings and accused Macomb County Executive Mark Hackel — with whom he has been feuding about dumped dirt at Freedom Hill County Park in Sterling Heights — of being behind the "phony, engineered tapes."

"Mark Hackel and friends attempted to hijack this ceremony by releasing more vile, vitriolic, phony tapes against me," Fouts later wrote on his Facebook page Monday, referring to the city's pre-scheduled MLK Day event.

John Cwikla, a spokesman for Hackel, denied that Hackel was the source of the new recordings. The source and date of the audio tapes are unknown.

They were revealed Monday on the *Motor City Muckraker* web site, operated by Steve Neavling, a former Free Press reporter who previously covered Warren City Hall.

Neavling declined to reveal who provided the tapes, only saying that he believes they are authentic.

"Blacks do look like chimpanzees. I was watching this black woman with her daughter and they looked like two chimps," the male voice says in one of the tapes embedded on Neavling's website. In another, the n-word is used.

In two other tapes, the male voice disparages older women, calling them "mean, hateful, dried up ..." and using vulgar terms for female genitalia to describe them.

"I'm not interested in any old ugly hag. I think after a certain age, they are dried up, washed up, burned out."

Fouts has denied the authenticity of the latest recordings as well as earlier released recordings containing derogatory remarks about disabled people. He says that the "phony, engineered tapes" are part of a conspiracy against him by Hackel and other political opponents. Lt. Gov. Brian Calley weighed in after that set of recordings was released.

Contact Christina Hall: [chall99@freepress.com](mailto:chall99@freepress.com). Follow her on Twitter: [@challreporter](https://twitter.com/challreporter).

## Warren's Fouts defiant as calls for resignation grow

Nicquel Terry and Ian Thibodeau, **The Detroit News** Published 11:35 a.m. PT Jan. 17, 2017 | Updated 11:00 a.m. ET Jan. 18, 2017

Warren Mayor Jim Fouts on Tuesday remained defiant in the face of growing calls for his resignation after the release of crude new recordings disparaging blacks and older women.

Critics say it's clear the voice on the recordings belongs to Fouts, and that he should step down if he cannot — or will not — prove otherwise.

**Local political leaders denounced Fouts during the Detroit Economic Club's annual "Big Four" luncheon Tuesday at Cobo Center, with Macomb County Executive Mark Hackel alleging the mayor routinely exposes city employees to "hate speech."**

"The reality is it's his voice," Hackel said at the luncheon. "He's going to have to at least own the issue (and) figure out how does he make some kind of amends with the people he's offended ... either look for forgiveness or step down."

Hackel, who released separate recordings in December of Fouts allegedly making disparaging comments about people with special needs, said he did not release the new

recordings and does not know who did. But Hackel said he believes the new tapes did come from a city employee or former employee.

“Some of them are exposed to this on a regular basis but are afraid to come forward and say something,” Hackel said.

**Detroit Mayor Mike Duggan, who joined Hackel on stage Tuesday with Wayne County Executive Warren Evans and Oakland County Executive L. Brooks Patterson, called for Fouts to resign if it’s truly his voice on the recordings.**

Duggan, a former Wayne County prosecutor, said if someone altered the recordings to make it sound like Fouts — as Fouts as claimed — the mayor needs to go to the Michigan State Police to file a crime report.

“If he doesn’t go and file a criminal charge, he needs to resign,” Duggan said.

Evans echoed Duggan. Patterson added: “I think he’s probably ended his career.”

Fouts has denied he is the person making the comments on the recordings, writing in [a Facebook post Tuesday](#) that the controversy is a “tremendous” effort “to force me out immediately by slander, by character assassination, lies, and by outright condemnation of me.”

“This is an attempt to reverse the 2015 election results when I won with 85 percent of the vote,” Fouts wrote. “I won with 81 percent in 2011. This is despite solid evidence that I did nothing wrong whatsoever. My actions as Mayor have been inclusive and no one can deny that.

“We are the best run city in the state when it comes to police, fire, and fund balance. I will not resign. I will be here through at least 2019 as the people wanted me to. I will not capitulate to a rush to judgment by those who wish to take over city hall and hijack the 2015 election. Why? — Because I have changed things for the better in the city.”

Earlier Tuesday, several local and state officials also called for Fouts to resign amid [the release of the new audio recordings](#).

The officials, who all represent Warren residents, say they recognize the voice on the clip to be Fouts and called the remarks “hateful” and “racist” and “disparaging of women.”

**The officials named in the statement were U.S. Rep. Sander Levin, state Sen. Steve Bieda, state Rep. Henry Yanez, state Rep. John Chirkun, state Rep. Patrick Green,**

**Macomb County Commissioner Andrey Duzyj, Macomb County Commissioner Veronica Klinefelt and Macomb County Commissioner Marvin Sauger.**

“The leader of our state’s third largest city should be a role model for how we treat each other and anyone that harbors these feelings and expresses them is not fit to lead,” the officials said in a statement released Tuesday. “We believe that these comments and the previous comments about people with disabilities do not represent the people of the city of Warren.”

The officials said they also would have preferred if the person providing the recordings, first published on the website Motor City Muckraker, turned them over to authorities for investigation.

**Later Tuesday, Warren City Treasurer Lorie Barnwell also called on the mayor to step down.**

“I appreciate the many positive things that Mayor Fouts has done for the city of Warren and consider him a friend,” Barnwell said. “Therefore, it greatly pains me to call for the mayor to resign unless he can offer compelling support for the claim that the recently released tapes have been ‘doctored.’ ”

Fouts has previously accused Hackel of releasing the clips to retaliate against the mayor for filing a complaint to the state attorney general about “illegal dumping” at Freedom Hill.

Joe DiSano, a former Fouts aide, told The Detroit News that city employees often record meetings with Fouts because he backtracks on things he says.

“That’s why there are so many tapes on him around,” said DiSano, adding that he severed ties with Fouts because he no longer felt comfortable working for him.

Fouts blasted DiSano in a separate Facebook post Tuesday, saying: “Joe Disano wanted a job with the city of Warren and I didn’t agree to it. As a result he has held a grudge against me ever since.”

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Backup  
MATERIAL

# State probe of Warren State of the City is second involving Mayor Fouts

By Norb Franz, *The Macomb Daily*

POSTED: 02/01/17, 7:16 PM EST UPDATED: ON 02/01/2017

The state investigation of Warren's use of public resources for a political fundraiser marks the second time in six years Mayor James Fouts has been part of a campaign finance probe.

The Secretary of State's Bureau of Elections has given Fouts and Public Service Director Richard Sabaugh -- one of his top appointees and primary political adviser -- until Feb. 9 to provide details about taxpayer-funded activities involved in the promotion and production of the mayor's 2016 State of the City address.

That annual luncheon event, which draws a few hundred local business and political leaders, doubled last year for the first time as a political fundraiser. Macomb Businesses United, a pro-Fouts political action committee run by another mayoral appointee, Gust Ghanam, took over the planning, ticket sales and presentation last spring from the Macomb Chamber of Commerce. In May 2016, anti-tax activist and former state lawmaker Leon Drolet filed a complaint with the state, alleging Ghanam violated Michigan's campaign finance law.

After an investigation that spanned several months, the Bureau of Elections recently fined Ghanam \$500 because the PAC violated state law by accepting a contribution from a corporation despite the fact Ghanam refunded the donation to the company, NTH Consultants. State officials concluded he committed no other violations and did not have a hand in a flier inserted into water bills that mentioned ticket sales to the State of the City.

In 2011, Fouts' re-election campaign was the focus of an unrelated campaign probe by state investigators. Mark Liss, who was a Warren councilman at the time, filed a complaint alleging the mayor's campaign committee illegally used public resources. Liss charged that a city-owned fax machine at City Hill was used to deliver eight campaign finance reports, totaling 272 pages, between February 2009 and March 2011.

Fouts' attorney denied the mayor or his candidate committee knew, or approved of, a city employee's use of the taxpayer-owned fax machine. That employee was Cathy Lawson, who was a staffer at the time in the Warren Mayor's Office and his campaign committee treasurer.

Lawson claimed she was unaware use of the equipment to file campaign statements was prohibited and that she was never authorized by any person affiliated with the committee to use the city's fax machine or any other public resources.

Liss claimed Fouts should have known a violation was committed because the mayor, through his candidate committee, did not reimburse her for expense she would have incurred had the documents been mailed, delivered by hand or sent via a third-party fax, or had he listed her efforts as an in-kind political contribution.

Fouts' attorney showed the committee corrected the violation by repaying \$371 to the city for the use of the fax machine. That sum was determined by consulting with a local office supply store, for the cost it would charge to fax the campaign expense reports to any location in the 586 area code.

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Lawson was later replaced by a new committee record keeper who was instructed to file reports on her personal time using her personal or committee resources.

“Given campaign coordinator’s explicit direction and the reprimand and replacement of the former record keeper, the department is confident that any further violation of (campaign finance law) is unlikely to occur,” said Melissa Malerman, election law specialist at the Bureau of Elections, in an August 2011 letter to Liss.

The state took no additional action and closed the matter.

However, it could impact the review of the State of the City as a PAC event.

“Certainly, election staff will be cognizant of previous issues as this moves forward with investigators and if a conciliation agreement is necessary to resolve the matter,” Secretary of State spokesman Fred Woodhams told The Macomb Daily Wednesday.

**Michigan law bans the use of public funds, personnel, office space, vehicles, equipment, supplies or other public resources to make a contribution or expenditure. A violation is a misdemeanor.**

**As part of the review, elections officials have ordered Fouts and Sabaugh to provide details about:**

- **The amount of money spent to design, print and mail the water bill insert.**
- **The number of phone calls received at Fouts’ office regarding the event and the fundraiser, including the number of staffers that handled those calls and their salaries.**
- **Amounts, including salaries and benefits, of city employees involved in gathering and assembling video footage by the Warren Communications Department shown during the State of the City.**
- **The number of city employees who attended the event/fundraiser during working hours.**
- **Details about the design, printing and other costs involving the event program book by Macomb Businesses United.**

Top sponsorships for the fundraiser were provided by companies holding large municipal contracts, including law firms and engineering companies. As at past State of the City addresses, including those under previous mayors, numerous department heads, high-ranking police and fire officials and a few City Council members attended.

The Warren Communications Department, which oversees locally-produced cable television programming, taped video segments around town for use in the mayor’s annual speech. As they have in previous years, a city cable TV crew also recorded the event, which was replayed several times on the city’s government channels and can be viewed on the city’s website.

Fouts has authorized the city to hire attorney Robert Huth to gather the information demanded by state investigators.

The City Council wants its own independent legal review. Council members voted 4-3 last month to hire the law firm Miller-Canfield for the same task expected to be carried out by Huth.

Councilman Keith Sadowski, who proposed the hiring of Miller-Canfield, said independent counsel is needed to avoid any potential appearance of impropriety by the city during the state probe. He also

noted the work by outside lawyers may prevent or minimize potential fines that would be absorbed by Warren's taxpayers if the city is fined.

Huth said he will be able to work jointly on the information demanded by the Bureau of Elections. He is a partner in the Clinton Township-based law firm Kirk, Huth, Lange & Badalamenti, which was one of the platinum sponsors for the State of the City/Macomb Businesses United fundraiser last April.

# A State Of The City Address That Entangles Public Resources, Fundraising And An Endorsement

*Warren Mayor Holds State Of The City Address That Doubled As A Fundraiser For A Political Action Committee*

By **CRAIG MAUGER**

*Michigan Campaign Finance Network*

About an hour into **Warren Mayor James Fouts'** 2016 State of the City address, he turned to highlight a member of his city council. This particular council member is also a candidate for the Michigan House.

**Councilman Patrick Green** "is likely to be one of our more outstanding state representatives," Fouts told the crowd estimated at 470 people "if that's an endorsement, so be it. It is an endorsement."

A bit earlier in the speech, Fouts also instructed the crowd, "We need to renew the police and fire millage."

How do we know these statements were part of the speech? Well, for weeks, video of the speech has been posted [the homepage of Warren's official website](#).

That's one example of why Fouts' 2016 State of the City address is still a topic of conversation in Macomb County a month later. It was an event that raised thousands of dollars for a state political action committee (PAC) while seeming to entangle public resources in the process.

The State of the City address in Warren occurred at noon on April 7 at the Italian restaurant Andiamo.

According to a notice that allegedly ran in city water bills, the cost of a ticket to the event was \$40 and those interested in attending were directed to call the mayor's office at 586-574-4520. The mayor's office also issued an official city press release about the event that listed the mayor's office as the official contact.

While it may seem like the speech was an official city government event, it was actually put on by the Macomb Business United PAC. Proceeds from tickets and sponsorships went to the PAC, said its treasurer, **Gust Ghanam**. Ghanam told the *Macomb Daily* that money raised at the event would go to support efforts to renew the city's police and fire millage. He stood by that statement in an interview this week with MCFN.

**The PAC's most recent campaign finance filing showed that it raised \$20,510 on April 7, the day of the address and spent \$8,652 on renting the Andiamo banquet hall. Of that amount**

**fundraised, about \$2,640 seemed to come from a handful of corporations — despite the fact that corporations can't legally give to independent PACs that can directly support political candidates, like Macomb Business United.**

Ghanam said he wasn't aware that the PAC had taken corporate contributions, and he added that he would wait for the Secretary of State to flag them if it did. On a past occasion, in November 2015, the Secretary of State's Office highlighted more than \$8,000 in improper corporate contributions to Macomb Business United.

It also appears that city employees were involved in creating a video presentation to go along with the speech that Fouts gave at the fundraiser. According to emails obtained through the Freedom of Information Act, employees of the city's communications department worked over a period of weeks to put footage together. The videos included a building demolition and repaired roads in the city.

On Wednesday, April 6, **Tracey Perry**, communications director of the city, wrote in an email that she had "been really buried with the State of the City."

On March 16, Perry sent an email to **Warren Police Commissioner Jere Green**, requesting a ride-along for a cameraperson to get footage for the State of the City. The ride-along would take a "few hours," she said in one email.

"This is for his State of the City presentation," she wrote specifically in another email.

On March 30, someone, whose name was redacted from the documents, sent an email to the mayor's office asking about where to get tickets for the State of the City address.

A day later, the mayor's office responded, "Please contact Gus at (redacted email address) for ticket information."

In addition to helping gather footage for the event, the Warren Communications Department recorded the entire address. According to the city's budget, the department is under the mayor, and the government TV operation is funded by franchise fees received from Comcast, Wide Open West and AT&T. It operates two channels of government access cable television programming, according to the budget.

Ghanam said Warren TV — as the TV operation is known — has always recorded the State of the City address, which he asserted previously occurred at events that benefitted the Macomb County Chamber of Commerce's PAC. Up until 2016, the Macomb County Chamber had helped put on the annual State of the City in Warren.

But **Grace Shore**, CEO of the Macomb County Chamber of Commerce, said Ghanam's statement was false. While in previous years the chamber sold tickets, any money that was made off the event went to the chamber's general operations, Shore said. On top of that, the chamber's PAC has been dormant, she said.

"There were several years that we ran a deficit and actually, the event cost us money," Shore said of previous State of the City addresses.

While there are some exceptions, Michigan law generally prohibits public bodies, like the City of Warren, from making campaign contributions and expenditures that support candidates or ballot proposals.

In 2005, the Michigan Secretary of State's Office issued an interpretative statement that specifically included in the prohibitions the use of public resources "to create and maintain links to web sites, organizations, commentary or editorials that expressly support or oppose candidates or ballot questions if the public body does so for the purpose of influencing the outcome of an election."



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

3-27-17  
 PAGE # 7  
 of 7  
 BACKUP  
 MATERIAL

January 17, 2017

The Honorable James Fouts  
 City of Warren Mayor  
 One City Square, Suite 215  
 Warren, MI 48093

Richard Sabaugh  
 City of Warren Public Service Director  
 One City Square, Suite 320  
 Warren, Michigan 48093

2017 MAR 24 AM 9:41  
 CARMELLA SABAUGH  
 MACOMB COUNTY CLERK  
 MT. CLEMENS, MICHIGAN

FILED

Dear Mayor Fouts and Mr. Sabaugh:

This letter concerns the complaint that was filed against Gust Ghanam by Leon Drolet, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* A copy of the complaint is enclosed with this letter.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of “funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]” MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

Based on the evidence provided with the complaint and the response we received on behalf of Mr. Ghanam, we are investigating whether you, the City of Warren (City), or other City employees violated the Act by using or authorizing the use of public funds to make a contribution or expenditure with respect to the Macomb Businesses United Political Action Committee’s (Committee) fundraiser (Fundraiser) held on April 7, 2016.

Because Mayor Fouts appeared and gave his State of the City address during the Fundraiser and the Fundraiser was advertised on a water bill insert, it appears to the Department that you and the City authorized the use of City resources for the Fundraiser by attending or speaking at the Fundraiser, advertising the Fundraiser, and producing materials for the Fundraiser.

**Please provide in writing the following information to the Department no later than February 9, 2017:**

1. Indicate who authorized the design, printing, mailing, and any other distribution of the water bill insert which included the advertisement for the Mayor’s State of the City address (Event) and directed readers to call the Mayor’s office for information regarding the Event and the \$40.00 tickets for the Fundraiser.

The Honorable James Fouts  
Richard Sabaugh  
January 17, 2017  
Page 2

2. Provide the amount spent on the design, printing, mailing, and any other distribution of this insert and who paid this amount.
3. Provide the number of phone calls received at the Mayor's office regarding the Event and Fundraiser.
4. Provide the number of staff or employees who answered these calls and provide the cost of staff and employee salaries and benefits for the time spent answering these calls.
5. Indicate who authorized the Warren Communications Department to gather and assemble footage to be used at the Event and Fundraiser.
6. Provide the amount spent on gathering and assembling this footage, including but not limited to staff and employee salaries and benefits for their time spent working on the footage and all City resources used.
7. Provide the number of City staff and employees who attended the Event and Fundraiser during working hours.
8. Indicate how many staff or employees assisted in selling tickets to the Event and Fundraiser or collecting contributions to the Committee during working hours.
9. Indicate who authorized the production of the program book.
10. Provide the amount spent on the design, printing, and any other cost associated with the program book and who paid this amount.
11. Indicate who authorized the production of the power point presentation used at the Event and Fundraiser.
12. Provide the amount spent on the design, production, and any other cost associated with the power point and who paid this amount.
13. Provide a detailed list of any other costs incurred by the City for the Event and Fundraiser.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State



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

June 2, 2016

Gust Ghanam  
32068 Margaret  
Warren, Michigan 48093

Dear Mr. Ghanam:

The Department of State (Department) received a formal complaint filed by Leon Drolet against you, alleging that you violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

The MCFA requires filed campaign finance statements and reports to be complete and accurate. MCL 169.233. A treasurer who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10).

The Act prohibits a corporation from making a contribution to a committee other than a ballot question committee. MCL 169.254.<sup>1</sup> A knowing violation of this section is a felony, punishable by a fine of not more than \$5,000 or imprisonment. MCL 169.254(4). Additionally, Michigan Administrative Rule 169.35 prohibits the treasurer of a committee, other than a ballot question committee, from accepting a contribution written on a check from a corporate account. A person who violates this provision may be subject to a civil fine of up to \$1,000.00 per violation plus triple the amount of each improper contribution. MCL 169.215(11), (15).

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

Mr. Drolet alleges that you filed an incomplete or inaccurate campaign statement for the Macomb Businesses United committee (Committee), accepted contributions to the Committee from prohibited sources, and improperly used or authorized the use of public funds or resources with regard to a fundraiser for the Committee.

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<sup>1</sup> Under *Mich Chamber of Commerce v Land*, 725 F Supp 2d 665 (2010), the Department must allow any committee that only makes independent expenditures to accept corporate contributions. However, this ruling does not apply to independent political committees that make direct or in-kind contributions to candidates.

Gust Ghanam  
June 2, 2016  
Page 2

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Mr. Drolet, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe that a violation of [the MCFA] has occurred [.]" MCL 169.215(10). Note that the Department's 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 penalties provided in section 57(4) of the Act.

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

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Leon Drolet



**Campaign Finance Complaint Form  
Michigan Department of State**

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2016 MAY 25 PM 3:08

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.**

ELECTIONS/GREAT SEAL

I allege that the MCFA was violated as follows:

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

<b>Section 2. Alleged Violator</b>		
Name Gust Ghanam		
Mailing Address 32068 Margaret		
City Warren	State MI	Zip 48093

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

Section(s) of the MCFA violated:  
Section 57 of the Michigan Campaign Finance Act, MCL 169.257; and Section 54 of the Act MCL 169.254; and Section 26 of the Act MCL 169.226(d)  
Explain how those sections were violated:

See attached.

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

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**Section 4. Certification (Required)**

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
MAY 25 PM 3:08  
ELECTIONS/GREAT SEAL

*I certify that to the best of my knowledge, information, and belief, after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

X Dean Dwolet 5-23-2016  
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

## **Section 3**

Gust Ghanam is the Treasurer of Macomb Businesses United PAC (Committee ID # 514906) and he is also a full-time employee of the city of Warren and an appointee of Mayor James R. Fouts. Ghanam, along with the Mayor and other city officials, unlawfully used significant taxpayer resources to promote and staff a fund raising event for this PAC. This article from the *Macomb Daily* newspaper dated April 9, 2016 that describes the fundraiser in detail:

<http://www.macombdaily.com/article/MD/20160409/NEWS/160409634>.

The nonprofit campaign finance watchdog Michigan Campaign Finance Network has also investigated and issued their report here:

<http://mcfn.org/press.php?prId=270>.

The evidence is overwhelming: high-ranking Warren city officials, at the direction of the Mayor, used substantial public resources to plan, staff, furnish, and promote a Political Action Committee fundraiser.

The PAC sponsored the Mayor's annual "State of the City" speech and it was a fund raising event. The fundraiser took place on April 7, 2016. On April 24, 2016, Ghanam filed the April Quarterly Campaign Statement for the committee and it showed that \$20,510 was raised on April 7, 2016. On April 10, 2016, the committee paid \$8,652 for banquet hall services to Andiamo Banquet Center in Warren.

Section 57 of the Act states it is unlawful for "a public body or individual acting on its behalf to use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services[.]" As described in detail below, the fund raising event used a vast amount of City of Warren resources, personnel, and equipment in violation of Section 57 of the Act. The proof is overwhelming, and the amount of taxpayer resources used or leveraged to support the fundraiser is staggering.

Section 7 of the Act says a "Fund raising event" is defined as "an event such as a dinner, reception, testimonial, rally, auction, or similar affair through which contributions are solicited or received by purchase of a ticket, payment of an attendance fee, making a donation, or purchase of goods or services." There were 472 persons in attendance at this event and

attendees purchased tickets priced at \$40 or \$50 for seats closer to the podium. Attendees were paying to see the Mayor give an official city address and eat lunch. Even though the PAC showed \$20,510 in contributions and paid \$8,652 to the banquet hall, the PAC neglected to report this as a fund raising event under Section 26 of the Act. This violation pales in comparison to the abuse of significant taxpayer resources that were used to promote and staff this PAC fundraiser. The Mayor's "State of the City Address" is like the President's State of the Union Address, or the Governor's State of the State address. The purpose of the address is to update the public on significant events and proposals in city government. The event was staffed and attended by city employees, including uniformed law enforcement, during normal working hours. Numerous city employees also contributed to the PAC in order to attend the event during the workday.

The City of Warren promoted ticket sales to this PAC fundraiser using an insert in the March 2016 water bills. The Macomb Daily on May 5, 2016 reported this, but incorrectly identified the insert as a phone bill insert rather than a water bill insert. Here is a link to the news article:

<http://www.macombdaily.com/article/MD/20160505/NEWS/160509750>.

Attached is a copy (**Exhibit A**) of the full water bill insert and in the upper right-hand corner of the insert is an advertisement for the State of the City Speech directing water customers to call the Mayor's office at 574-4520 to purchase a \$40 ticket to the event. The city website has the most recent Water & Sewer budget information and there are 50,472 water meters in the city, and presumably over 50,000 water bills are mailed to water consumers. Here is the link to the water budget information, page 14 of the PDF has the water meter data:

<http://www.cityofwarren.org/images/stories/water-sewer-system/2015%20Adopted%20W&S%20Budget.pdf>

The event program (**Exhibit B**), which was distributed to attendees, includes BOTH the city logo and the PAC logo, along with a photo of the Mayor. The program includes a "Special Thank You to Today's Sponsors!" and it recognizes sponsors based on their level of contribution to the PAC for the fund raising event. Among the sponsors that made large PAC donations are city vendors, city employees, and city labor unions. The April Quarterly Report filed by the PAC shows that a number of the sponsors and contributors are corporate entities, and are donations may have been accepted in violation of Section 54 of the Act.

The city's government channel, known as "TV Warren", was used to staff the

fundraiser. The production of the speech included a Power Point presentation showing the Mayor's accomplishments and the accomplishments of the various city departments and employees. The presentation and speech were lengthy (1 hour, 16 minutes) and potentially hundreds of staff hours, or more, went into the preparation and production of the event. TV Warren is funded by the city's Communications Department and these are all public funds. The city-owned TV cameras were in the banquet hall during the fundraiser, and at least 3-4 cameras were used. City employees staffed these cameras during the fundraiser. The city-owned TV cameras zoomed in on various city employees during the speech as the Mayor highlighted their work for the city. The presentation used numerous video clips to support the Mayor's remarks, and as shown below the city's Communications Director directed city staff to obtain these videos and even used on-duty police officers and vehicles.

The fundraiser speech was uploaded to the City of Warren website at [www.cityofwarren.org](http://www.cityofwarren.org). The speech is uploaded on the website Vimeo at <https://vimeo.com/162073646>. The city of Warren owns the account on Vimeo at <https://vimeo.com/tvwarren>. The speech uses the official city logo and the link below the video says "2016 City of Warren State of the City Address from TV Warren on Vimeo." Attached is a "TV Warren Government Channel Program Schedule" (**Exhibit C**), and it shows the "State of the City" fundraiser speech was shown nine times per day from April 8, 2016 through April 14, 2016. The PAC did not reimburse the city for any of the equipment, employee work hours, or airtime.

Also attached is "**Exhibit D**" which is an 8-page PDF of emails obtained by the Michigan Campaign Finance Network after a Freedom of Information Act (FOIA) request. The emails from city officials show the extent to which city employees worked on taxpayer time to promote and prepare for this PAC fundraiser. Page 1 is a heavily redacted email but it shows the official Mayor's office email directing a citizen to contact Gust Ghanam to purchase a ticket to the fundraiser. Page 2 shows emails involving the city's Communications Director Tracey Perry and the Police Commissioner Jere Green and police officer Dan Beck. They are discussing getting footage of police cars for the presentation at the fundraiser, and also doing a "ride along" in a police car to get video footage. Interestingly, police officer Dan Beck writes that he needs to get the Mayor's approval before doing anything- this shows that the Mayor had to approve much of what happened and he has a high degree of culpability due to his power over all of these employees. They were using on-duty police officers and police vehicles for several hours to create videos for a political fundraiser at the expense of public safety!

Page 3 of Exhibit D shows an email between George Mikla, a city of Warren employee and production specialist, and several other city employees and other individuals whose names were redacted. This email shows that they created a "State of the City" production book, which is an attachment to the email and that everyone was to report to the banquet hall at 8:30 am on the date of the event. This further demonstrates the amount of city staff time and hours that went into the production of the PAC fundraiser.

Page 4 of Exhibit D shows multiple emails between Tracey Perry, Communications Director, and Tom Bommarito, who is an "Administrative Supervisor" for the City of Warren according to his LinkedIn profile: <https://www.linkedin.com/in/thomas-bommarito-5474b418>. He also has a private sponsorship business. According to the emails, Ms. Perry didn't have the time to work on other things such as the "Sinatra event" and "the Mayor's billboard art" because she has been "really buried with the State of the City." This is definite proof that a city department head was working long hours at taxpayer expense on the production of this event.

Pages 5 through 8 of Exhibit D involve Director Tracey Perry and eight other city of Warren employees. The emails show a list of 13 different videos or footage that she needs from the staff for the State of the City speech. In a March 7, 2016 email she says "EVERYONE IS EXPECTED TO PARTICIPATE" (all caps in original). The employees do not have a choice when the supervisor is mandating they participate in a political fundraising event. She is requesting that video footage be obtained and saved in a folder for use at the event.

This kind of blatant abuse of taxpayer dollars to support a PAC is without precedent. The City and its Mayor, working through high-ranking appointed officials, completely blurred the distinction between a PAC fundraiser and an official city function to the point that it is impossible to distinguish between the two. They used paid staff time, city mailings, city phones, the city logo and city equipment to promote and staff a PAC fundraiser during regular city work hours. The cost to the taxpayers is staggering. The PAC can now use those funds to support whatever candidate or ballot proposal it wants and the taxpayers paid the cost. This is the very thing the Act was designed to prevent and punish, and I request a referral to the Attorney General for appropriate criminal and civil penalties, in addition to administrative remedies available to the Secretary of State.

# EXHIBIT A

## **JOBS! JOBS! JOBS!**

### **Prospective Employers Needed**

The April 19 Job Fair, co-sponsored by Macomb Community College and the City of Warren, is in need of employers that want to interview prospective employees.

Interested employers should go to [www.macomb.edu](http://www.macomb.edu). (use search words "Career Services Job Fair") or call 586-445-7321.

The Job Fair will be held at South Campus, Sports and Expo Center, P-Building from 4-7 p.m.

### **Job Fair - April 19**

Location: Macomb Community College (South Campus) Sports and Expo Center, P Building on Tuesday, April 19, 4-7 p.m.

Full and part-time positions, list of employers at [www.macomb.edu](http://www.macomb.edu) "Career Services Job Fair." Sponsored by MCC and City of Warren.

### **Free Income Tax Help for Seniors Mondays and Wednesdays**

Also for the low and moderate income Tax-Aide helps low and moderate income taxpayers, with special attention to those 60 and older, file their personal income tax returns. Volunteers are trained to assist in filing tax forms and basic schedules, including the 1040, 1040A and 1040EZ. Taxpayers with complex tax returns are advised to seek paid tax assistance. No appointments are necessary. Held at Warren City Hall 9 a.m. - 12 p.m.

Monday, March 21	Monday, April 4
Wednesday, March 23	Wednesday, April 6
Monday, March 28	Monday, April 11
Wednesday, March 30	Wednesday, April 13

### **Burnt Out Warren Streetlights?**

Call City of Warren's 7-day - 24-hour hotline (586) 574-4682

## **Convention and Coin Show**

April 8 - 10

Macomb Community College Sports and Expo Center (South campus) 14500 E. 12 Mile (Building P)  
Hours: Friday and Saturday - 10 a.m. - 6 p.m.  
Sunday - 10 a.m. to 3 p.m.

### **Additional FREE Events**

- Professional Appraisals (Sat. 11 a.m.-3 p.m.)
- Educational Exhibits
- Educational Seminars
- Kids' Programs (Sat. 11:30 a.m.)
- Admission and Parking

[www.michigancoinclub.org](http://www.michigancoinclub.org)

For more information contact: [secretarymmsns@aol.com](mailto:secretarymmsns@aol.com) or Call (734) 453-0504

Featuring  
175 Dealer  
Tables

### **FREE Diabetes Prevention Program**

Do you want to lose weight? Are you worried about type 2 diabetes? Class meets once a week for 16 weeks with a trained lifestyle coach from the Macomb County Health Department.

Classes are at the Warren Community Center starting April 6 from 10 a.m. - 11 a.m.

Sign up today and make a change for life!

Contact: Ashley Mascagni at 586-412-6393

### **MAYOR'S STATE OF THE CITY ADDRESS**

Thursday, April 7 - Time: Noon  
Location: Andiamo Restaurant, Luncheon Served  
Cost: \$40 a ticket  
For more information, call the Mayor's Office - 586-574-4520

### **Warren Senior Housing Available**

Warren Senior Housing is now accepting applications for both Stilwell Manor and Joseph Coach Manor

For more information, call 586-758-1310

NOW OPEN



### **It's all about good taste.**

Located in Tech Plaza Shopping Center (12 Mile and Van Dyke)

### **A Community Good Friday Service**

At the Warren Community Center Auditorium  
5460 Arden Avenue  
(north of 13 Mile, west of Mound)  
Friday, March 25 - 7 p.m. - 8:30 p.m.  
For more information: (586) 761-4668

### **TV Warren Special**

The story of Sgt. Philip Maceri's life, including his fight on the front line during the Battle of the Bulge, is told in the TV Warren documentary "A Hero's Journey." The program is on TV Warren at the following times during March and April.

Fridays, Sundays, Tuesdays, and Thursdays 11:30 a.m. and 11 p.m.

Saturdays, Mondays and Wednesdays 8:30 a.m. and 6:30 p.m.  
TV Warren Government Channel, Comcast Xfinity channel 5, WOW channel 10, ATT UVerse channel 99

## **City-Owned Vacant Lots for Sale for \$1**

If you live next door to a city-owned vacant lot, you have the option to purchase it for \$1.

Please contact Tom Bommarito (586) 574-4646 or e-mail: [tbommarito@cityofwarren.org](mailto:tbommarito@cityofwarren.org)

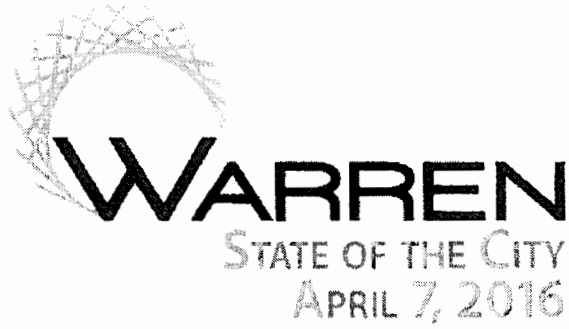
**EXHIBIT B**



*Presents*



**The Honorable Mayor James R. Fouts**





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## ***Program***

**Invocation**

**Lunch**

**Announcements**

**Introduction of the Mayor: U.S. Congressman Sander Levin**

**Mayor Fouts' State of the City Address**

# EXHIBIT C



## TV Warren Government Channel Program Schedule

Comcast Xfinity Channel 5, WOW Channel 10, ATT U-Verse Channel 99

City of Warren Communications Department, 5460 Arden Warren MI 48092, 586-258-2000, www.cityofwarren.org

	Friday 4/8/16	Saturday 4/9/16	Sunday 4/10/16	Monday 4/11/16	Tuesday 4/12/16	Wednesday 4/13/16	Thursday 4/14/16	
7:00 a.m.	Life is Good	State of the City	Life is Good	State of the City	Life is Good	State of the City	Life is Good	07:00
7:30 a.m.	A Hero's Journey	State of the City	A Hero's Journey	State of the City	A Hero's Journey	State of the City	A Hero's Journey	07:30
8:00 a.m.	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	08:00
8:30 a.m.	Veterans Project	A Hero's Journey	Veterans Project	A Hero's Journey	Veterans Project	A Hero's Journey	Veterans Project	08:30
9:00 a.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	09:00
9:30 a.m.	Going Green	Life is Good	Going Green	Life is Good	Going Green	Life is Good	Going Green	09:30
10:00 a.m.	People, Parks	Going Green	People, Parks	Going Green	People, Parks	City Council (replay)	People, Parks	10:00
10:30 a.m.	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	City Council (replay)	(BULLETIN BOARD)	10:30
11:00 a.m.	Life is Good	People, Parks	Life is Good	People, Parks	Life is Good	City Council (replay)	Life is Good	11:00
11:30 a.m.	A Hero's Journey	(BULLETIN BOARD)	A Hero's Journey	(BULLETIN BOARD)	A Hero's Journey	City Council (replay)	A Hero's Journey	11:30
12:00 p.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	City Council (replay)	TV Warren News	12:00
12:30 p.m.	State of the City	A Hero's Journey	Going Green	A Hero's Journey	State of the City	City Council (replay)	State of the City	12:30
1:00 p.m.	State of the City	Planning	Planning	Life is Good	State of the City	Life is Good	State of the City	13:00
1:30 p.m.	State of the City	Going Green	State of the City	Going Green	State of the City	Going Green	State of the City	13:30
2:00 p.m.	Going Green	People, Parks	State of the City	People, Parks	Going Green	People, Parks	Going Green	14:00
2:30 p.m.	People, Parks	State of the City	State of the City	State of the City	People, Parks	State of the City	People, Parks	14:30
3:00 p.m.	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	15:00
3:30 p.m.	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	15:30
4:00 p.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	TV Warren News	16:00
4:30 p.m.	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	(BULLETIN BOARD)	16:30
5:00 p.m.	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	17:00
5:30 p.m.	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	Veterans Project	State of the City	17:30
6:00 p.m.	State of the City	(BULLETIN BOARD)	State of the City	(BULLETIN BOARD)	State of the City	(BULLETIN BOARD)	State of the City	18:00
6:30 p.m.	(BULLETIN BOARD)	A Hero's Journey	(BULLETIN BOARD)	A Hero's Journey	(BULLETIN BOARD)	A Hero's Journey	(BULLETIN BOARD)	18:30
7:00 p.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	City Council (LIVE)	City Council (replay)	TV Warren News	19:00
7:30 p.m.	Life is Good	State of the City	Life is Good	State of the City	City Council (LIVE)	City Council (replay)	Life is Good	19:30
8:00 p.m.	Going Green	State of the City	Going Green	State of the City	City Council (LIVE)	City Council (replay)	Going Green	20:00
8:30 p.m.	People, Parks	State of the City	People, Parks	State of the City	City Council (LIVE)	City Council (replay)	People, Parks	20:30
9:00 p.m.	State of the City	Life is Good	State of the City	Life is Good	City Council (LIVE)	City Council (replay)	State of the City	21:00
9:30 p.m.	State of the City	Going Green	State of the City	Going Green	City Council (LIVE)	City Council (replay)	State of the City	21:30
10:00 p.m.	State of the City	People, Parks	State of the City	People, Parks	(BULLETIN BOARD)	People, Parks	State of the City	22:00
10:30 p.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	(BULLETIN BOARD)	TV Warren News	TV Warren News	22:30
11:00 p.m.	A Hero's Journey	Veterans Project	A Hero's Journey	Veterans Project	(BULLETIN BOARD)	Veterans Project	A Hero's Journey	23:00
11:30 p.m.	(BULLETIN BOARD)	Veterans Project	(BULLETIN BOARD)	Veterans Project	(BULLETIN BOARD)	Veterans Project	(BULLETIN BOARD)	23:30
12:00 a.m.	TV Warren News	TV Warren News	TV Warren News	TV Warren News	(BULLETIN BOARD)	TV Warren News	TV Warren News	00:00

TV Warren News—What's happening in Warren this week.

Warren State of the City Address—with Warren Mayor James R. Fouts (4/7/16)

A Hero's Journey—The Philip Maceri Story

Planning Commission Meeting (4/4/16)

Warren City Council—LIVE 7 pm Tuesday, replays Wednesday 10 am & 7 pm, early Thursday 3 am

Veterans History Project—Samuel Papandrea, U.S.S. LSM 471, U.S. Navy, 1944-1945

Going Green in Warren—Strawbale Studio Relocalize Reskill Reconnect

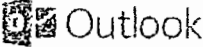



Life is Good in Warren for Seniors—Host: Joan Flynn, Subject: Senior Softball








People, Parks & Programs—Warren Parks & Recreation

# EXHIBIT D

RE: state of city - Outlook

https://outlook.office365.com/owa/?ae=Item&t=IPM.Note&id=RgA...

 Type here to search Entire Mailbox  Privacy  Options  Sign out

Mail  Reply  Reply All  Forward  X  Junk Close  

Calendar

Contacts


Deleted Items


Drafts

Inbox (1)

Junk Email

Sent Items

Click to view all folders 

- 2016 SOTC
- Clutter (3)
- Det. New/Free Press
- Human Resources
- Invitations
- MEDC
- Medical Marijuana Regula...
- Personal
- Police
- Property Maintenance
-  Manage Folders...

**RE: state of city**  
Mayor  
Sent: Thursday, March 31, 2016 9:36 AM  
To: [REDACTED]  
Good morning [REDACTED]  
Please contact Gus at [REDACTED] or ticket information.  
Sincerely,  
The Office of Mayor James R. Fouts  
City of Warren  
One City Square- Suite 215  
Warren, MI 48093-6726  
586-574-4520  
mayor@cityofwarren.org  
[www.cityofwarren.org](http://www.cityofwarren.org)  
AM  
From: [REDACTED]  
Sent: Wednesday, March 30, 2016 2:16 PM  
To: Mayor  
Subject: state of city  
[\[http://us.il.yimg.com/us.yimg.com/i/mesg/tsmileys2/01.gif\]](http://us.il.yimg.com/us.yimg.com/i/mesg/tsmileys2/01.gif)where can a ticket to state of city address?

Connected to Microsoft Exchange

4/20/2016

RE: Ride-Along? - Tracey Perry

## RE: Ride-Along?

Tracey Perry

Wed 3/16/2016 11:04 AM :

To: Beck, Daniel [REDACTED]

It's for the state of the city. I'll make sure it's fully clear.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Beck, Daniel" [REDACTED]

Date: 03/16/2016 10:46 AM (GMT-05:00)

To: Tracey Perry [REDACTED]

Subject: RE: Ride-Along?

Tracey,

We can set something up, but Jere wants to make sure the Mayor approves first.

Dan Beck

---

**From:** Tracey Perry [mailto:tperry@cityofwarren.org]

**Sent:** Tuesday, March 15, 2016 2:54 PM

**To:** Beck, Daniel; Green, Jere

**Subject:** Ride-Along?

I need footage of police cars and stuff for state of the city. Can I have Alex Nelson ride along with someone for a few hours? He might need to set up a couple of shots while they're out, like having the car drive in or out of frame.

He's available: Thursday after 1 or Friday around 11am.

Tracey Perry

Communications Director

City of Warren, Michigan

[REDACTED]

4/20/2016

State of the City - Tracey Perry

# State of the City.

George Mikla

Mon 4/4/2016 3:29 PM

To: DeShon D. Davis [REDACTED] Alex D Nelson [REDACTED] Jim Mahirniak [REDACTED]

Christie Laabs [REDACTED]

Nicholas Candela [REDACTED]

Austin Crowl [REDACTED]

Cc: Tracey Perry [REDACTED]

1 attachment (275 KB)

Warren State of the City REV. 4.4.2016.pdf;

Hello,

Attached is the "State of the City" production book. Call time: **Thursday April 7th, 2016 8:30am** at Andiamo Warren. Dress in all black for this occasion. Please reply to this E-mail as confirmation.

Thanks,

**George Mikla**  
Production Specialist

O: [REDACTED]

F: [REDACTED]

E: [REDACTED]

4/20/2016

Re: Follow Up - Tracey Perry

Re: Follow Up

Tom Bommarito

Wed 4/6/2016 10:52 AM

To: Tracey Perry [REDACTED]

You're the Best!

---

**From:** Tracey Perry  
**Sent:** Wednesday, April 6, 2016 10:51 AM  
**To:** Tom Bommarito  
**Subject:** Re: Follow Up

I'm available whenever. I have no one on the billboard yet. Been really buried with the State of the City. We'll get on the billboard after tomorrow.

Tracey Perry  
Communications Director  
City of Warren, Michigan  
[REDACTED]  
[REDACTED]

---

**From:** Tom Bommarito  
**Sent:** Wednesday, April 6, 2016 10:35 AM  
**To:** Tracey Perry  
**Subject:** Follow Up

Hi  
Maybe we should begin our meetings about the Sinatra event.  
Walkthrough Macomb next week?  
TB

PS Is someone working on the Mayor's billboard art?

4/20/2016

RE: NOW LATE: Re: Footage and Videos for State of the City - Tracey Perry

## RE: NOW LATE: Re: Footage and Videos for State of the City

Tracey Perry

Wed 3/9/2016 3:34 PM

Sent Items

To: Eric Williamson [REDACTED]

I found the one. It was in a different folder than everything else.

Both videos will need updating.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Eric Williamson <[REDACTED]>  
Date: 03/09/2016 1:52 PM (GMT-05:00)  
To: Tracey Perry <[REDACTED]>  
Subject: Re: NOW LATE: Re: Footage and Videos for State of the City

I gave you the 2015 events video and talked to you about city with a heart footage. Lori was going to get back with me on where the footage is at. Sorry about the open animation. I've been working on the other videos.

Sent with AquaMail for Android

On March 9, 2016 9:33:20 AM Tracey Perry <tperry@cityofwarren.org> wrote:

This was due Monday. I know Alex is getting more footage of Used Car lots. Still waiting on the rest.

Missing footage:

- 1) Justin - City Square/Tech Center (Drone)
- 2) Anyone - Trailer Parks (GoPro?)
- 3) Anyone - New Roads (can be drone or GoPro)
- 4) Anyone - Used Car Lots
- 5) Eric - State of the City 2016 Animated Open
- 6) Eric - City with a Heart video (•Free Income Tax Help for Seniors •Job Fair •National Day of Prayer •Free Senior Health Seminars •College Fair •Household Hazardous Waste Day •Back to School Supply Drive •Smoke Detector Give-Away •Salvation Army Toy Drive Salvation Army Holiday Food Drive)
- 7) Anyone - Tech Center
- 11) Eric - 2015 Events Video

Tracey Perry  
Communications Director



City of Warren, Michigan  
[REDACTED]  
[REDACTED]

---

**From:** Alex D Nelson  
**Sent:** Tuesday, March 8, 2016 11:25 AM  
**To:** Tracey Perry; Nicholas Candela; Justin Crown; Eric Williamson; George Mikla  
**Cc:** Louis Kerman; DeShon D. Davis; Jim Nahirniak  
**Subject:** Re: Footage and Videos for State of the City

I got footage of used car lots, but might need some more.

Alex Nelson  
TV Warren - City of Warren Communication Dept.  
Office: [REDACTED]  
Cell: [REDACTED]  
[REDACTED]

---

**From:** Tracey Perry  
**Sent:** Monday, March 7, 2016 11:43:21 AM  
**To:** Nicholas Candela; Justin Crown; Eric Williamson; George Mikla  
**Cc:** Louis Kerman; DeShon D. Davis; Alex D Nelson; Jim Nahirniak  
**Subject:** Re: Footage and Videos for State of the City

- 1) Justin - City Square/Tech Center (Drone)
- 2) Anyone - Trailer Parks (GoPro?)
- 3) Anyone - New Roads (can be drone or GoPro)
- 4) Anyone - Used Car Lots
- 5) Eric - State of the City 2016 Animated Open
- 6) Eric - City with a Heart video (•Free Income Tax Help for Seniors •Job Fair •National Day of Prayer •Free Senior Health Seminars •College Fair •Household Hazardous Waste Day •Back to School Supply Drive •Smoke Detector Give-Away •Salvation Army Toy Drive Salvation Army Holiday Food Drive)
- 7) Anyone - Tech Center
- 8) ALEX - Senior Housing (Coach & Stilwell) interiors/exterior
- 9) NICK - Flamethrowers (possibly download video from web)
- 10) KEVIN - Fireworks
- 11) Eric - 2015 Events Video
- 12) JIM - LED Street Lights
- 13) KEVIN - Parks & Rec Smart Busses

Tracey Perry  
Communications Director  
City of Warren, Michigan  
[REDACTED]

[REDACTED]

---

**From:** Nicholas Candela  
**Sent:** Monday, March 7, 2016 11:27 AM  
**To:** Tracey Perry; Justin Crown; Eric Williamson; George Mikla  
**Cc:** Louis Kerman; DeShon D. Davis; Alex D Nelson; Jim Nahirniak  
**Subject:** Re: Footage and Videos for State of the City

Here are the bits of footage I need for the State of the City. All videos should be assembled and placed on the Archive in the SOTC16 folder. (2-5 minute lengths will be great for most)

Due March 7

EVERYONE is expected to participate

REPLY ALL with the videos you will be handling

- 1) Justin - City Square/Tech Center (Drone)
- 2) Anyone - Trailer Parks (GoPro?)
- 3) Anyone - New Roads (can be drone or GoPro)
- 4) Anyone - Used Car Lots
- 5) Eric - State of the City 2016 Animated Open
- 6) Eric - City with a Heart video (•Free Income Tax Help for Seniors •Job Fair •National Day of Prayer •Free Senior Health Seminars •College Fair •Household Hazardous Waste Day •Back to School Supply Drive •Smoke Detector Give-Away •Salvation Army Toy Drive Salvation Army Holiday Food Drive)
- 7) Anyone - Tech Center
- 8) Anyone - Senior Housing (Coach & Stilwell) interiors/exterior
- 9) NICK - Flamethrowers (possibly download video from web)
- 10) Anyone - Fireworks
- 11) Eric - 2015 Events Video
- 12) Anyone - LED Street Lights
- 13) Anyone - Parks & Rec Smart Busses

---

**From:** Tracey Perry  
**Sent:** Monday, February 22, 2016 3:35 PM  
**To:** Justin Crown; Eric Williamson; George Mikla  
**Cc:** Louis Kerman; DeShon D. Davis; Nicholas Candela; Alex D Nelson; Jim Nahirniak  
**Subject:** Footage and Videos for State of the City

Here are the bits of footage I need for the State of the City. All videos should be assembled and placed on the Archive in the SOTC16 folder. (2-5 minute lengths will be great for most)

Due March 7

EVERYONE is expected to participate

REPLY ALL with the videos you will be handling

4/20/2016

RE: NOW LATE: Re: Footage and Videos for State of the City - Tracey Perry

- 1) Justin - City Square/Tech Center (Drone)
- 2) Anyone - Trailer Parks (GoPro?)
- 3) Anyone - New Roads (can be drone or GoPro)
- 4) Anyone - Used Car Lots
- 5) Eric - State of the City 2016 Animated Open
- 6) Eric - City with a Heart video (•Free Income Tax Help for Seniors •Job Fair •National Day of Prayer •Free Senior Health Seminars •College Fair •Household Hazardous Waste Day •Back to School Supply Drive •Smoke Detector Give-Away •Salvation Army Toy Drive Salvation Army Holiday Food Drive)
- 7) Anyone - Tech Center
- 8) Anyone - Senior Housing (Coach & Stilwell) interiors/exterior
- 9) Anyone - Flamethrowers (possibly download video from web)
- 10) Anyone - Fireworks
- 11) Eric - 2015 Events Video
- 12) Anyone - LED Street Lights
- 13) Anyone - Parks & Rec Smart Busses

Tracey Perry  
Communications Director  
City of Warren, Michigan





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

July 18, 2016

Leon Drolet  
46116 Lookout Drive  
Macomb Township, Michigan 48044

Dear Mr. Drolet:

The Department of State received a response to the complaint you filed against Gust Ghanam, 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, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Bourbonais".

Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Eric Doster (via email)



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

January 17, 2017

Eric Doster  
Doster Law Offices, PLLC  
2145 Commons Parkway  
Okemos, Michigan 48864

*Via email: eric@ericdoster.com*

Dear Mr. Doster:

The Department of State (Department) has completed its initial investigation of the complaint filed against Gust Ghanam by Leon Drolet, which alleged certain violations of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* This letter concerns the disposition of Mr. Drolet's complaint.

Mr. Drolet filed his complaint on May 25, 2016, and you filed an answer on July 15, 2016. Mr. Drolet did not file a rebuttal statement with the Department.

The MCFA requires filed campaign finance statements and reports to be complete and accurate. MCL 169.233. A treasurer who knowingly files an incomplete or inaccurate statement or report may be subject to a civil fine of up to \$1,000.00. MCL 169.233(10).

The Act prohibits a corporation from making a contribution to a committee other than a ballot question committee. MCL 169.254.<sup>1</sup> A knowing violation of this section is a felony, punishable by a fine of not more than \$5,000 or imprisonment. MCL 169.254(4). Additionally, Michigan Administrative Rule 169.35 prohibits the treasurer of a committee, other than a ballot question committee, from accepting a contribution written on a check from a corporate account. A person who violates this provision may be subject to a civil fine of up to \$1,000.00 per violation plus triple the amount of each improper contribution. MCL 169.215(11), (15).

Additionally, in Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of "funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure [.]" MCL 169.257(1). A knowing violation of section 57 is a misdemeanor offense. MCL 169.257(4).

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<sup>1</sup> Under *Mich Chamber of Commerce v Land*, 725 F Supp 2d 665 (2010), the Department must allow any committee that only makes independent expenditures to accept corporate contributions. However, this ruling does not apply to independent or political committees that make direct or in-kind contributions to candidates.

Finally, the Act 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, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed or conduct an administrative hearing for enforcement of a civil violation. MCL 169.215(10)(a), (b). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” *Id.*

First, Mr. Drolet alleged that Mr. Ghanam filed an incomplete or inaccurate campaign statement for the Macomb Businesses United PAC (Committee) by failing to include a fundraiser schedule with the Committee’s 2016 April Quarterly statement. Mr. Drolet alleged that the Committee held a fundraiser on April 7, 2016 in conjunction with Warren Mayor James Fouts’ State of the City address. As evidence, Mr. Drolet provided a copy of a page from the State of the City program and a copy of an ad stating that a ticket to the event cost \$40.00.

In your response to the complaint, you stated that while the Committee “completely and accurately reported all of its contributions and expenditures” on its 2016 April Quarterly Statement, a fundraiser schedule was not filed with the statement. You further stated that as soon as the omission was brought to Mr. Ghanam’s attention, the schedule was filed immediately. A review of the Department’s records indicates that Mr. Ghanam filed an Amended 2016 April Quarterly statement, including the fundraiser schedule, on July 13, 2016.

The Department notes that while a fundraising schedule<sup>2</sup> was not included with the Committee’s original 2016 April Quarterly statement, the statement itself did include all the detailed information regarding contributions received by the Committee and expenditures made by the Committee during the reporting period. Because the Committee disclosed this information in a timely manner and promptly filed an amended statement containing the fundraiser schedule, although a technical violation of section 33 occurred when the Committee failed to include the fundraiser schedule with its original 2016 April Quarterly statement, no enforcement action will be taken.

Second, Mr. Drolet alleged that Mr. Ghanam violated section 57 of the Act by using or authorizing the use of public funds for the fundraiser for the Committee. As evidence, Mr. Drolet provided a copy of a city water bill insert with an ad for the State of City Speech directing water customers to call the Mayor’s office to purchase a ticket to the event, a “TV Warren Government Channel Program Schedule” indicating times the speech was shown, and emails from city officials and employees discussing preparations for the event.

You pointed out in your response that none of the emails included as evidence were addressed to or from Mr. Ghanam, nor was he copied on any of the emails. Further, you asserted in your answer that Mr. Ghanam did not create the water bill insert, nor did he have the authority to

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<sup>2</sup> The fundraiser schedule only contains a summary total of contributions received and expenditures made for a particular fundraiser.

direct or control the content of the insert. You also asserted that Mr. Ghanam does not have the authority to authorize or direct TV Warren to appear at any event.

The Department notes that many of the emails provided by the complainant discuss capturing footage of police cars, the Communications Director's schedule, and other footage<sup>3</sup> needed for the event. It is plausible that, as you asserted, Mr. Ghanam, the Deputy Public Service Director, has no authority to direct the Warren Communications Department or Warren TV.

The Department further notes that the complainant included a link to an article in the Macomb Daily as evidence with his complaint. In that article, Mr. Ghanam denies any knowledge of the water bill insert and Richard Sabaugh, the Warren Public Service Director, admitted to being responsible for the insert. The Department further notes that readers of this ad are directed to call the Mayor's office for tickets and it lists the Mayor's phone number, not Mr. Ghanam's or the Committee's.

It appears to the Department that while it is possible that City funds may have been spent in contravention of the Act with regard to the Committee's fundraiser, no evidence has been provided that *Mr. Ghanam* used or authorized the use of those City funds. However, based on the evidence provided, the Department is asking the City to further explain the use of City funds and resources used for the Committee's fundraiser. A copy of the Department's letter to the City is enclosed for your convenience.

Third, Mr. Drolet alleged that the Committee accepted prohibited contributions from corporations or labor organizations. As evidence, Mr. Drolet provided a copy of the "Special Thank You to Today's Sponsors" page from the State of City program. Additionally, Mr. Drolet stated that the "April Quarterly Report filed by the PAC shows that a number of the sponsors and contributors are corporate entities [.]"

In your response, you asserted that "the contributors set forth on the 2016 April Quarterly Campaign Statement filed by Macomb Businesses United PAC are individuals, committees or limited liability companies with one exception." You stated that after reviewing the complaint, it was discovered that the committee did accept a contribution from NTH Consultants LTD, which is an assumed name of a corporation. You asserted that Mr. Ghanam was not aware that NTH Consultants LTD was a corporation, and upon discovery of this information he immediately refunded the contribution. You provided a copy of the refund check with your answer.

Based on your admission that the Committee accepted a contribution from a prohibited source and the Department's review of the Committee's 2016 April Quarterly statement, the Department concludes that the evidence supports a reason to believe a violation has occurred.

Upon making this determination the Department is required by law to attempt to resolve the matter informally. MCL 169.215(10). The Department offers to resolve Mr. Drolet's complaint against Mr. Ghanam informally through execution of the enclosed conciliation agreement, which requires Mr. Ghanam pay a civil fine in the amount of \$500.00.

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<sup>3</sup> Footage requested included fireworks, parks and rec, senior housing, new roads, used car lots, etc.

Eric Doster  
January 17, 2017  
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If Mr. Ghanam wishes to enter into the conciliation agreement, please return the original signed document to P.O. Box 20126, Lansing, Michigan 48901-0726, along with payment in full of the \$500.00 fine, on or before February 1, 2016. Payment must be made by check or money order payable to the State of Michigan; please include the notation, "Conciliation Agreement, Attn: Bureau of Elections" on the check or money order. A copy of the conciliation agreement signed by the Secretary of State's authorized representative will be returned to you promptly.

Please be advised that if the Department is unable to resolve Mr. Drolet's complaint informally, it is required by MCL 169.215(10)-(11) to conduct an administrative hearing to enforce the civil penalty provided in MCL 169.215(11), which provides that the Secretary of State may seek a civil fine of triple the amount of each improper contribution, plus up to \$1,000.00 for each violation of the Act.

Sincerely,



Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State

c: Leon Drolet



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July 15, 2016

Lori Bourbonais  
Bureau of Elections  
Michigan Department of State  
430 W. Allegan, First Floor  
Lansing, MI 48918

*By Email Transmission*  
*([bourbonaisl@michigan.gov](mailto:bourbonaisl@michigan.gov))*

***Re: Response to Campaign Finance Complaint (the "Complaint") Filed by Leon Drolet Dated  
May 23, 2016***

Dear Ms. Bourbonais:

This office represents Gust Ghanam in the above-referenced matter. We have received your letter dated June 2, 2016, which contained the Complaint. The Complaint, which lists only Mr. Ghanam as the Respondent, makes 3 allegations against Mr. Ghanam:

1. Mr. Ghanam, acting on behalf of the City of Warren, used or authorized the use of public resources to benefit Macomb Businesses United PAC (an independent committee registered with the Michigan Department of State), in violation of Section 57 of the Michigan Campaign Finance Act.
2. Mr. Ghanam, as Treasurer of Macomb Businesses United PAC, violated Section 54 of the Michigan Campaign Finance Act by "accepting" corporate contributions to Macomb Businesses United PAC.
3. Mr. Ghanam, as Treasurer of Macomb Businesses United PAC, violated Section 26(d) of the Michigan Campaign Finance Act by failing to complete a separate Fund Raising Schedule for an event held on April 7, 2016 in Warren, Michigan.

For the following reasons, these allegations are without merit, and the Complaint should be dismissed.

**THE COMPLAINT MAKES ABSOLUTELY NO ALLEGATIONS OF FACT THAT MR. GHANAM, ACTING ON BEHALF OF THE CITY OF WARREN, USED OR AUTHORIZED THE USE OF PUBLIC RESOURCES TO BENEFIT MACOMB BUSINESSES UNITED PAC.**

In Section 2 of the Complaint, Mr. Ghanam is referenced as the only Respondent. In Section 3 of the Complaint, one of the alleged violations against Mr. Ghanam is a violation of Section 57 of the Michigan Campaign Finance Act. However, the Complaint alleges absolutely no fact against Mr. Ghanam for violation of Section 57 of the Michigan Campaign Finance Act. Instead:

1. The Complaint attaches a copy of a water bill insert which contained an advertisement for the State of the City Speech;<sup>1</sup> however, assuming for the sake of discussion that this water bill insert represents a violation of Section 57 of the Michigan Campaign Finance Act, there is no allegation that Mr. Ghanam had any involvement with the creation of this water bill insert. Moreover, assuming that the Complaint actually did make such an allegation, such an allegation would be completely false as Mr. Ghanam had no responsibility for this water bill insert, nor does he have the authority to direct or control the content of a water bill insert for the City of Warren.
2. The Complaint appears to suggest that the presence of the City of Warren's government channel, known as "TV Warren" provided a benefit to Macomb Businesses United PAC. According to the Complaint:

"TV Warren is funded by the city's Communications Department and these are all public funds. The city-owned TV cameras were in the banquet hall during the fundraiser, and at least 3-4 cameras were used. City employees staffed these cameras during the fundraiser."

Significantly, the foregoing fails to demonstrate how the presence of "TV Warren" offered any sort of benefit or expenditure to benefit Macomb Businesses United PAC. But more importantly, the Complaint once again completely fails to even suggest that Mr. Ghanam, acting on behalf of the City of Warren, used or authorized the use of "TV Warren" to benefit Macomb Businesses United PAC. Even if the Complaint actually did make such an allegation, such an allegation would be completely false as Mr. Ghanam does not have the authority to authorize or direct "TV Warren" to appear at any event.

3. The Complaint attaches a number of emails to "show the extent to which city employees worked on taxpayer time to promote and prepare for this PAC fundraiser." But again, none of the emails referenced in the Complaint were addressed to or by Mr. Ghanam. In fact, Mr. Ghanam is not even copied on any of

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<sup>1</sup> See Exhibit A of the Complaint.

these emails. Therefore, to attach these emails to a Complaint against Mr. Ghanam once again illustrates the frivolity of the Complaint because these emails allege no violation by Mr. Ghanam of Section 57 of the Michigan Campaign Finance Act.

Significantly, the Complaint does provide a link<sup>2</sup> to an April 9, 2016 article from The Macomb Daily which states the following:

“With his political group directing an event involving local government and politics, Ghanam insists he treaded carefully.

The city’s website made no mention of the event.

‘It’s not a city sponsored event, so it’s not on the website,’ Ghanam said. ‘I don’t want anyone coming to me saying, “You’re using the city’s resources.”’

‘I’ve been doing this on my own time, at night, after work, on lunch,’ said Ghanam, who also oversees the Warren’s residential trash pickup, recycling and compost service.”  
(emphasis supplied)

In addition, the Complaint also provides a link<sup>3</sup> to a May 5, 2016 article from The Macomb Daily which states the following with respect to Mr. Ghanam’s involvement with the water bill insert attached as Exhibit A of the Complaint:

“Reached for comment Thursday, Ghanam said he was unaware of the water bill insert until recently.

‘I heard about it when the complaint was filed. I had no knowledge of it. I didn’t ask for it to be done. The PAC had nothing to do with it,’ the assistant public service director said.

‘To this day, I haven’t seen it. I went out of my way to make sure there was no crossover between the City of Warren and that event,’ he added.

Ghanam pointed out the Macomb Chamber of Commerce has its own PAC but no fuss was raised about that business group’s involvement over the years.

Public Service Director Richard Sabaugh, who also has worked as Fouts’ campaign manager and continues to be his top advisor, said Thursday the content of fliers inserted into water bills is his responsibility.

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<sup>2</sup> See <http://www.macombdaily.com/article/MD/20160409/NEWS/160409634>

<sup>3</sup> See <http://www.macombdaily.com/article/MD/20160505/NEWS/160509750>

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‘Cover to cover,’ Sabaugh told The Macomb Daily. ‘The PAC didn’t have anything to do with it.’”

Consequently, the only evidence offered by the Complaint with respect to a violation of Section 57 of the Michigan Campaign Finance Act by Mr. Ghanam illustrates that Mr. Ghanam used no City of Warren resources to benefit Macomb Businesses United PAC.

Accordingly, the Complainant’s allegations against Mr. Ghanam for violation of Section 57 of the Michigan Campaign Finance Act are contradicted by the Complaint itself. Such an intentional disregard of the facts of this matter constitutes a clear violation of Section 15 of the Michigan Campaign Finance Act. To this end, the Complainant signed Section 4 of the Complaint which indicates as follows:

“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.”

However, Section 3 of the Complaint clearly alleges that Mr. Ghanam violated Section 57 of the Michigan Campaign Finance Act, and yet, nothing in the Complaint makes any factual allegation that Mr. Ghanam violated Section 57 of the Michigan Campaign Act. Moreover, as indicated by The Macomb Daily articles referenced in the Complaint itself, Mr. Ghanam used absolutely no public resources to benefit Macomb Businesses United PAC. As a result, the Complainant, by executing Section 4 of the Complaint, has filed a complaint with a false certificate and is responsible for a civil violation of the Michigan Campaign Finance Act.<sup>4</sup> Consequently, the Complaint itself now represents conclusive proof that an appropriate campaign finance complaint may now be filed against the Complainant! Therefore, if anyone should want this matter dismissed, it is the Complainant himself.

**MR. GHANAM, WHO IS NOT A CORPORATION, CANNOT VIOLATE SECTION 54 OF THE MICHIGAN CAMPAIGN FINANCE ACT BY ACCEPTING CORPORATE CONTRIBUTIONS FOR MACOMB BUSINESSES UNITED PAC.**

According to the Complaint:

“The April Quarterly Report filed by the PAC shows that a number of the sponsors and contributors are corporate entities, and are donations [sic] may have been accepted in violation of Section 54 of the Act.”

Please note that the contributors set forth on the 2016 April Quarterly Campaign Statement filed by Macomb Businesses United PAC are individuals, committees, or limited liability companies with one exception. This exception is a contribution received from “NTH Consultants LTD.” After reviewing the allegations set forth in the Complaint, it was discovered that “NTH Consultants LTD” is an assumed name

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<sup>4</sup> See Section 15(8) of the Michigan Campaign Finance Act.

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of a corporation. Of course, when this contribution was accepted by Macomb Businesses United PAC, Mr. Ghanam had absolutely no knowledge that "NTH Consultants LTD" was an assumed name of a corporation. Consequently, immediately upon this discovery, Macomb Businesses United PAC has refunded this contribution to "NTH Consultants LTD." See attached copy of refund check.

Significantly, even though the single contribution from "NTH Consultants LTD" was a contribution from a corporation, Mr. Ghanam did not violate Section 54 of the Michigan Campaign Finance Act because this Section prohibits a corporation (the maker of the contribution) from making a contribution to a committee, not the recipient of the corporate contribution. We recognize that Michigan Administrative Rule 169.35 prohibits the treasurer of a committee from accepting a contribution written on a check from a corporate account; however, there is no penalty for violating Administrative Rule 169.35. While we acknowledge that your June 2, 2016 letter states that a person who violates Administrative Rule 169.35 may be subject to a civil fine, Section 15(15) of the Michigan Campaign Finance Act clearly indicates that only a "person who violates a provision of the this act," not an Administrative Rule, is subject to a civil fine. Moreover, since Mr. Ghanam acted immediately upon discovery of this corporate contribution, even assuming that Mr. Ghanam could be subject to a civil fine in this matter, the imposition of a civil fine would be unwarranted.

**MACOMB BUSINESSES UNITED PAC HAS AMENDED ITS 2016 APRIL QUARTERLY CAMPAIGN STATEMENT TO INCLUDE A FUND RAISER SCHEDULE FOR THE EVENT HELD ON APRIL 7, 2016.**

In its 2016 April Quarterly Campaign Statement, Macomb Businesses United PAC completely and accurately reported all of its contributions and expenditures. As noted in the Complaint, Macomb Businesses United PAC did not file a Fund Raiser Schedule with the 2016 April Quarterly Campaign Statement in accordance with Section 26(d) of the Michigan Campaign Finance Act. Consequently, Macomb Businesses United PAC has now since amended its 2016 April Quarterly Campaign Statement to add a Fund Raiser Schedule for this event on April 7, 2016.<sup>5</sup> Therefore, since Mr. Ghanam filed this Fund Raiser Schedule immediately once it was brought to his attention, any suggestion that Mr. Ghanam knowingly filed an incomplete or inaccurate statement or report defies reality.

It is interesting to note that Leon Drolet, the Complainant in this matter, would file a campaign finance complaint alleging that a Fund Raiser Schedule has not been filed when Mr. Drolet himself has a demonstrated history of failing to file a required Fund Raiser Schedule. For example, the 2004 Post Primary Campaign Statement for the Committee to Elect Leon Drolet contained contributions from the

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<sup>5</sup> See [http://miboecfr.nictusa.com/cgi-bin/cfr/cs\\_option.cgi?com\\_id%3D514906%26doc\\_seq\\_no%3D423767%26doc\\_date\\_proc%3D07/13/2016%26doc\\_stmnt\\_year%3D2016%26doc\\_type\\_code%3DQ3A](http://miboecfr.nictusa.com/cgi-bin/cfr/cs_option.cgi?com_id%3D514906%26doc_seq_no%3D423767%26doc_date_proc%3D07/13/2016%26doc_stmnt_year%3D2016%26doc_type_code%3DQ3A)

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following candidate committees: The Committee to Elect James Carabelli, the CTE Daniel Acciavatti, the Committee to Elect Joe Rozell, and the Committee to Elect William Nearon.<sup>6</sup>

However, according to Section 44(2) of the Michigan Campaign Finance Act, a candidate committee may only contribute to another candidate committee at a fundraising event. Significantly, Mr. Drolet's committee, The Committee to Elect Leon Drolet, failed to include a Fund Raiser Schedule of this fundraising event in his 2004 Post Primary Campaign Statement.<sup>7</sup>

Other than pointing out the hypocrisy of Mr. Drolet's Complaint, the point here is that the failure to attach a separate Fund Raiser Schedule, when all contributions and expenditures are completely and accurately reported, is not worthy of a complaint -- particularly when a Fund Raiser Schedule has been provided as in this case.

For the foregoing reasons, the Complaint must be dismissed.

Thank you for your consideration of our comments in this matter. If you have any questions or require additional information, please contact the undersigned.

Sincerely,

DOSTER LAW OFFICES, PLLC



Eric Doster

ED/sjm

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<sup>6</sup> See the Contributions Schedule found at [http://miboecfr.nictusa.com/cgi-bin/cfr/contrib\\_anls\\_res.cgi?doc\\_seq\\_no%3D244759%26doc\\_stmnt\\_year%3D2004%26com\\_id%3D510203%26doc\\_date\\_proc%3D+++++%26sched%3D%2A%26doc\\_type\\_code%3DP2%26caller%3Dcf\\_online](http://miboecfr.nictusa.com/cgi-bin/cfr/contrib_anls_res.cgi?doc_seq_no%3D244759%26doc_stmnt_year%3D2004%26com_id%3D510203%26doc_date_proc%3D+++++%26sched%3D%2A%26doc_type_code%3DP2%26caller%3Dcf_online)

<sup>7</sup> See the Fund Raiser Schedule found at [http://miboecfr.nictusa.com/cgi-bin/cfr/fund\\_rais.cgi?doc\\_seq\\_no%3D244759%26doc\\_stmnt\\_year%3D2004%26com\\_id%3D510203%26doc\\_date\\_proc%3D+++++%26doc\\_type\\_code%3DP2](http://miboecfr.nictusa.com/cgi-bin/cfr/fund_rais.cgi?doc_seq_no%3D244759%26doc_stmnt_year%3D2004%26com_id%3D510203%26doc_date_proc%3D+++++%26doc_type_code%3DP2)

