

## **CAMPAIGN FINANCE ACT AND LOBBY REGISTRATION ACT COMPLAINT**

Complainant: Lonnie Scott  
Progress Michigan  
614 Seymour  
Lansing, MI 48933

Alleged Violators: 1) State Senator Mike Shirkey  
11757 Sutfin Rd.  
Clark Lake, MI 49234

2) DTE Energy Company PAC  
2000 Second Avenue  
Room 1505 WCB  
Detroit, MI 48228

3) DTE Energy Company  
1 Energy Plaza  
Detroit, MI 48226

Sections of the MCFA and LRA alleged to be violated: MCL 4.414(1), 4.421(2), 169.203(2) and (4), 169.204(1), 169.209(4)

### Explanation of violation:

The LRA prohibits gifts from lobbyists to legislators in excess of the limits. MCL 4.414(1), 4.421(2). Candidate committees may only receive “contributions” as defined in the MCFA. *See* MCL 169.203(2) and (4). The MCFA defines “contribution,” including an in-kind contribution, as “made for the purpose of influencing” or “in assistance of” the nomination or election of a candidate. *Id* 169.204(1), (4).

On June 26, 2019, DTE PAC made a \$4,100 in-kind contribution to the Committee to Elect Mike Shirkey State Senate (“Shirkey”) for a “charitable golf event.” Campaign finance and press reports revealed this conduct. *See* Gongwer News Service, Sept. 1, 2020 (attached).

Paying golf tournament fees does not remotely “influence the nomination or election of a candidate” or “assist” in nominations or elections. They serve no electoral purpose whatsoever.

Therefore it was illegal in violation of the MCFA for DTE PAC to make and for Shirkey to accept the payment of these fees.

This scheme not only violated the MCFA but evaded the gift restrictions of the Lobby Registration Act. The Department has long held that the payment of golf fees by a lobbyist in excess of the gift limit is illegal. *See, e g*, July 16, 1990 Brunelli Informational Letter; September 8, 2006 LaBrant and Robinson Declaratory Ruling. DTE Energy Company is registered lobbyist and it would be illegal for it to “gift” over \$4,000 in golf fees to Shirkey. DTE cannot evade the gift limit by having its PAC pay the fees claiming they were “in-kind” contributions to Shirkey which they are plainly not.

For all these reasons, I request that you find that 1) DTE Energy Company PAC made an illegal in-kind contribution to Shirkey; 2) that Shirkey illegally received an illegal in-kind contribution from DTE Energy Company PAC; and 3) that DTE Energy Company made an illegal gift to Shirkey.

***For purposes of the Michigan Campaign Finance Act, 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.***

***For purposes of the Lobby Registration Act, I certify that the statements set forth above are true to the best of my knowledge, information, and belief.***

  
\_\_\_\_\_

9/16/21  
\_\_\_\_\_  
Date

# DTE Fronted \$1,500 Fee For Bellino To Play Rocket Mortgage Charity Event

It cost Rep. Joe Bellino \$1,500 to participate in the Delta Dental Pro-Amateur golf event during the Rocket Mortgage Classic in Detroit, the funding for which was provided by DTE Energy's PAC in the form of an in-kind expenditure.

A campaign finance report from DTE Energy Company Political Action filed in July notes an in-kind expenditure dated July 1 in the amount of \$1,500 to the Committee to Elect Joe Bellino. Reason for the payment is listed as an in-kind contribution "to pay for golf tournament entry fee."

It is not the first time either that DTE Energy has paid for Mr. Bellino (R-Monroe) to enter the tournament. Since 2019, according to data provided by the Michigan Campaign Finance Network, DTE's PAC has thrice paid for Mr. Bellino in relation to the event. A first in-kind contribution of this nature was reported in 2019 totaling \$3,000, with a second totaling \$170 in 2020 – the latter likely a donation only since the tournament did not occur during the pandemic.

He is also not the only lawmaker to have received this sort of contribution. Since 2019, that same data indicates both Senate Majority Leader Mike Shirkey (R-Clarklake) and former House Speaker Lee Chatfield (R-Levering) have also received in-kind expenditures of this type from DTE's PAC totaling \$4,100 and \$3,000, respectively.

Unlike those two, however, is the fact that Mr. Bellino currently chairs the House Energy Committee Track. In speaking with Gongwer News Service, he said he accepted the contribution as part of an effort for charity though understands the political heat that could bring him one day.

"As someone who may run again someday, you'd much rather have a check than an in-kind contribution," he said. "But as an avid golfer who likes to participate in charity events – and I have the last four years of my life – it was a wonderful thing to participate in. It's the biggest charity golf event in all of Michigan."

Mr. Bellino is also one of the 140 legislators who have accepted a contribution from at least one of the utility companies PACs – DTE Energy or CMS Energy, the parent company of Consumers – according to an article published late last month in The Detroit News. From their estimates, Mr. Bellino has received \$34,170 from those political action committees.

Peter Ternes, spokesperson for DTE Energy, defended the payment in a statement by saying the company supports "the political process and effective leaders, on a bipartisan basis, who look out for the best interests of our customers."

As for if the in-kind contribution could be construed as a gift of some kind (those familiar with campaign finance laws believe the in-kind contribution made by DTE Energy comes close to the line) Mr. Bellino disparaged the idea.

"There'll be people out there who will worry that because I turn my lights on and pay my bill that I'm getting some sort of advantage," he said. "There's always people who think like that. ... People are just haters."

Mr. Bellino pointed to work done on the DUI expungement bill to make his point, saying that following its passage – and his support for the legislation – people tried to insinuate that he was somehow benefiting from the law, as they erroneously believed Mr. Bellino was looking to expunge a DUI from his own driving record. He added that "a lot of stuff gets misconstrued."

Whether the contribution should be looked at as a gift is up for debate.

The Michigan Campaign Finance Act indicates that a contribution to a campaign – as well as an expenditure by a campaign – is a legitimate contribution should it provide a tangible benefit to furthering a candidate's nomination or election, meaning whether something could be looked at as a gift is circumstantial.

The fiscal limit on a PAC for making an in-kind contribution to a House candidate is \$10,500, so should the payment not be considered any type of gift, then it would reasonably fall under contribution limits.

Further, as the classic took place in Detroit – just outside Mr. Bellino's district – it's possible this event could be used for him to raise awareness of his role as a legislator. He is, however, term limited in the House though could pursue a Senate seat or higher elected office if he so chose.

"Just to be pointed: Most of us would rather have the damn cash in our account but when it comes to the charity events, we love doing them," he said.