

STATE OF MICHIGAN
COURT OF APPEALS

PAUL W. CHAMPION,

Plaintiff-Appellant,

v

STATE OF MICHIGAN DEPARTMENT OF
STATE, BUREAU OF LEGAL SERVICES, and
SECRETARY OF STATE,

Defendants-Appellees.

UNPUBLISHED

December 13, 2002

No. 233308

Oakland Circuit Court

LC No. 00-027746-AS

Before: Owens, P.J., and Murphy and Cavanagh, JJ.

MEMORANDUM.

Plaintiff appeals as of right the order dismissing his petition for judicial review as untimely filed. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed a complaint with the secretary of state under the campaign finance act, alleging a violation of MCL 169.254. In a September 29, 2000 letter, the department dismissed the complaint without a hearing. Plaintiff filed a petition for judicial review on November 29, 2000, which the circuit court dismissed as untimely.

A litigant seeking judicial review of an administrative agency's decision has three potential avenues of relief: (1) the method of review prescribed by the statutes applicable to the particular agency; (2) the method of review prescribed by the administrative procedures act; or (3) an appeal under MCL 600.631 of the revised judicature act. *Jackson Community College v Dep't of Treasury*, 241 Mich App 673, 678-679; 621 NW2d 707 (2000).

The campaign finance act provides that a final decision and order issued by the secretary of state is subject to judicial review as provided by chapter 6 of the administrative procedures act. MCL 169.215. The administrative procedures act provision allows for judicial review after a hearing in a contested case. No hearing was held on plaintiff's complaint, and it is not a contested case. *Delly v Bureau of State Lottery*, 183 Mich App 258, 263; 454 NW2d 141 (1990). Thus, review was not available directly under the campaign finance act or through the administrative procedures act.

Where no hearing is held, judicial review is only available under MCL 600.631. *Delly, supra* at 264. Plaintiff had twenty-one days from the date of the decision of the secretary state to appeal as of right. MCR 7.101(B)(1)(a). Where he failed to do so, the trial court properly granted the motion to dismiss for lack of jurisdiction. *Living Alternatives for the Developmentally Disabled, Inc v Dep't of Mental Health*, 207 Mich App 482, 485; 525 NW2d 466 (1994).

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Mark J. Cavanagh