



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

COL. TADARIAL J. STURDIVANT
DIRECTOR

MAR 16 2005

MS AMANDA ROWE

LINCOLN PARK, MI 48146-

RE: CR-51116-05 28-2873-04 CITY OF LINCOLN PARK, MI

Dear MS ROWE:

The department of State Police has received your request for certain information and has processed it under the provisions of the Michigan Freedom of Information Act (FOIA), P.A. 442, of 1976, as amended.

The records you have requested have been:

- Granted. The requested documents are ENCLOSED.
- Granted in part and denied in part. Portions of your request are exempt from disclosure based on provisions set forth in the Act. (See comments on the back of this letter.) The granted documents are ENCLOSED. Under the FOIA, Section 10 (a copy of which is enclosed), you have the right to appeal to the head of this public body or to a judicial review of the denial.
- Denied. (See comments on the back of this letter.) Under the FOIA, Section 10 (a copy of which is enclosed), you have the right to appeal or to a judicial review of the denial.
- Your request for photographs has been sent to the Michigan State Police Photo Lab for processing. They will respond to your request within ten (10) business days.

Please pay the amount of \$ 8.46 to the address below. The check or money order should be made payable to the **STATE OF MICHIGAN**. To ensure proper credit, please **enclose a copy of this letter with your payment.**

If you have questions concerning this matter, please feel free to contact our office at the address below, and enclose a copy of this correspondence.

Sincerely,

Linda Ortiz

Linda Ortiz

Assistant FOIA Coordinator
Michigan State Police

OFFICE BUILDING • 7150 HARRIS DRIVE • LANSING, MICHIGAN 48913
www.michigan.gov/msp • (517) 322-5531

Printed by members of:



DENIAL OF RECORDS:

Denial is based on the following provision(s) of the Freedom of Information Act. MCL 15.243, Sec. 13(1). (All that apply will be checked.)

- (a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
 telephone number(s) address(es) date(s) of birth physical characteristics driver license number(s)
 other _____

- (b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure would do any of the following:
 (i) Interfere with law enforcement proceedings.
 (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication
 (iii) Constitute an unwarranted invasion of personal privacy.
 (iv) Disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.
 (vi) Endanger the life or physical safety of law enforcement personnel.

- (d) Records or information specifically described and exempted from disclosure by statute.
Statute: _____

- (m) Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final agency determination of policy or action.

- (n) Records of law enforcement communication codes, or plans for deployment of law enforcement personnel, that if disclosed would prejudice a public body's ability to protect the public.

- (s) Unless the public interest in disclosure outweighs the public interest in nondisclosure in the particular instance, public records of a law enforcement agency, the release of which would do any of the following:
 (i) Identify or provide a means of identifying an informer.
 (ii) Identify or provide a means of identifying a law enforcement undercover officer or agent or a plain clothes officer as a law enforcement officer or agent .
 (viii) Identify or provide a means of identifying a person as a law enforcement officer, agent, or informer.
 (ix) Disclose personnel records of law enforcement agencies.

- (u) Records of a public body's security measures, including security plans, security codes and combinations, passwords, passes, keys, and security procedures, to the extent that the records relate to the ongoing security of the public body.

- (w) Information or records that would disclose the social security number of any individual.

- Your request is denied under the authority of Section 13(1)(a) above. However, if you provide a notarized, signed release of information from the individual to whom the records pertain, you will receive that information to which the individual signing the release is entitled.

- To the best of the Department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the Department, the public records do not exist within the Department.

- Based on the information you provided, we are unable to locate any records pertaining to the incident you described. In order for us to continue processing your request, please comply with the following items. To ensure proper handling of your request, please include a copy of this letter with your response.

- Specific location (i.e. city, county.)
- Michigan State Police incident number
- Names of those involved in the incident
- Specific dates (i.e., date of incident)
- Name of driver and their birth date or driver license number
- Date of birth

- The report you have requested has not yet been completed and filed. Please resubmit your request in 30 days.

Additional Comments:

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240 Options by requesting person; appeal; orders; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court for the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977;—Am. 1978, Act 329, Imd. Eff. July 11, 1978;—Am. 1996, Act 553, Eff. Mar. 31, 1997.

Popular name: Act 442

Popular name: FOIA

Michigan Department of State Police

ORIGINAL INCIDENT REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

WORK UNIT MSP MONROE	COUNTY Wayne
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COMPLAINANT AMANDA MARIE ROWE		TELEPHONE NO.	
ADDRESS: STREET AND NO. 623 LINCOLN AVENUE	CITY LINCOLN PARK	STATE MI	ZIP CODE 48146-
INCIDENT STATUS Open			

OPEN MEETING ACT VIOLATION-LINCOLN PARK

INFORMATION:

On September 17, 2004 officer met with the complainant at the Michigan State Police Monroe Post in regard to a request for an investigation involving alleged Open Meeting Act violations with the City of Lincoln Park.

This investigation was directed to undersigned officer by Acting D/Lt. Alison King, on a request by Lincoln Park police chief (Kish), through Second District Headquarters of the Michigan State Police.

VENUE:

WAYNE COUNTY , LINCOLN PARK
1355 SOUTHFIELD RD

DATE & TIME:

ON OR AFTER: MON, JUL 26, 2004 AND BEFORE: TUE, SEP 07, 2004

COMPLAINANT:

NAM: AMANDA MARIE ROWE

NBR: [REDACTED] DIR:
 STR: [REDACTED]
 SFX: AVENUE
 CTY: LINCOLN PARK
 TXH:
 TXW:
 MB: [REDACTED]

ST: MI
ZIP: 48146

RAC: W
 SEX: F
 DOB: 05 [REDACTED]
 HGT:
 WGT:
 HAI:
 EYE:
 ETH:
 OPS:
 SSN:
 SID:
 FBI:
 MNU:
 PRN:

NAM: ROBIN ANNE LYSON

NBR: [REDACTED] DIR:
 STR: [REDACTED]
 SFX: [REDACTED]
 CTY: [REDACTED]
 TXH: [REDACTED]

ST: MI
ZIP: 48146

RAC: W
 SEX: F
 DOB: [REDACTED]
 HGT:
 WGT:
 HAI:
 ETH:
 OPS:
 SSN:
 SID:
 FBI:
 MNU:

PAGE 1 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

ORIGINAL INCIDENT
REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

INTERVIEW COMPLAINANT:

On September 17, 2004 officer interviewed Amanda Rowe along with Robin Lyson at the Michigan State Police Monroe Post. Officer requested Rowe relay all information she had in regard to allegations that the City of Lincoln Park violated the Open Meeting Act statute.

Rowe stated she, along with Lyson, are part of a group that monitors the affairs of the City of Lincoln Park to benefit the citizens. Rowe stated they had concerns that the City of Lincoln Park was in violation of the Open Meeting Act.

Rowe stated the city had two consecutive closed meetings, one week apart, for contract negotiations involving city workers. Rowe stated she believed the one closed session was to address the police department's command officers contract and the other closed session was to discuss contracts involving the Department of Public Service, the fire department and the police officers for the city. Rowe advised that after the first closed session the newspaper had in their possession a 50 page document that was obtained from someone in the closed meeting. Rowe stated the information from the closed meeting was published in the News Herald and was reported by Jason Alley.

Rowe stated their three major concerns are, that the city should not be going into closed session to discuss contracts with groups that have already been signed and ratified with the groups operating under these contracts. Rowe advised that the newspaper article dated August 1, 2004 stated that Duchane had a restructuring plan to better the city. Rowe stated they feel that in the Open Meeting Acts, Chapter 15.268 subsection 8 "c" the city should not be able to go into closed session for contracts that were settled. Rowe advised that when the city said they were restructuring, the City Manager, Steve Duchane, is quoted as discussing what happened in the closed session.

Rowe's second concern is that if the city is in closed session to discuss open labor contracts they cannot go out and discuss what happened in the closed session with the newspapers or the public. Rowe advised that an AG opinion says that information in a closed meeting may not be released to the public and must remain confidential. Rowe advised she feels the city cannot have it both ways and that if a session is closed for contract negotiations, that information cannot be released to the public. Rowe stated that information released to the newspaper should be from an open meeting.

Rowe said the mayor was upset when the newspaper published information obtained from the closed meeting and stated the next time closed meeting information leaked out they would start an investigation. Rowe stated when the city leaders went into closed session to discuss "labor negotiations" that is what they need to discuss at the closed meeting.

Rowe advised the third concern was that the City Manager, Steve Duchane, when talking to the newspaper, publicly discussed pending contracts that were previously discussed in a closed session. Rowe stated that a 50 page document from the closed session was given to the newspaper; which is a violation. Rowe said that as Duchane was talking to the newspaper he spoke of different positions the city would be eliminating and that this information was covered during the closed session. Rowe advised that because of what was said in the newspaper it was learned that at these closed meetings, the city leaders were talking about early retirement

PAGE 2 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

ORIGINAL INCIDENT REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

incentives, potential lay-offs of specific employees and city department reorganization. Rowe felt this does not fall under the guidelines of the Open Meeting Act.

Rowe stated that on August 30, 2004 the City Manager, Duchane, the council and mayor made agreement on the police command contract to be presented to the command officer's union. Rowe advised this was information that she believed was being discussed in the closed session and was the reason why the city went into closed session. Rowe stated that on August 30, 2004 the mayor and council voted on the police command contract agreement that was to be delivered to the union. Rowe advised the Mayor, Steve Brown, gave the City Manager, Duchane, the agreement which was to be delivered to the command union for ratification.

Rowe said that by the time the agreement, that had been approved by the mayor and council, went to the union it was changed by Duchane. Rowe advised the police command union agreed to and ratified the contract with the changes that Duchane made unknowingly to the council.

Rowe stated that at the next council meeting held on September 7, 2004, Councilwoman Brady questioned the changes in the agreement. Rowe advised that Brady questioned the changes in the agreement as it was not what the council had voted on presenting to the union. Rowe stated Councilwoman Brady wanted to go into closed session to discuss the changes of the contract but the mayor put it to vote and it was not approved. Rowe said Brady attempted to have the contract tabled to find out how the contract was changed, at which time the mayor stated it was changed and they were taking a leap of faith that the council would agree to the changes because Mr. Duchane knew what was best for the city.

Rowe advised that Councilmen Murphy, Higgins, Desanto and Councilwoman Brady said they did not know about the agreement changes at the open meeting. Rowe advised Councilman Desanto then said he did not care about the changes and that they had his vote accepting the changes as he trusted Mr. Duchane's discretion. Rowe said that Councilwoman Brady questioned the fact that they were discussing an open contract at a meeting that was not closed and the mayor said it was not a violation.

SUSPECT:

NAM: STEPHEN MICHAEL DUCHANE

NBR: [REDACTED] DIR:
STR: [REDACTED]
SFX: [REDACTED]
CTY: [REDACTED] S ST: MI
TXH: [REDACTED] ZIP: 48312
TXW: (313)386-1800 EXT 231

RAC: W
SEX: M
DOB: [REDACTED]
HGT: [REDACTED]
WGT: [REDACTED]
HAI: [REDACTED]
EYE: [REDACTED]

ETH: [REDACTED]
OPS: [REDACTED]
SSN: [REDACTED]
SID:
FBI:
MNU:
PRN:

INTERVIEW SUSPECT:

On November 29, 2004 undersigned interviewed Lincoln Park City Manager Stephen Duchane in the presence of, Edward Zelenak, who is the attorney for the City of Lincoln Park . The interview was conducted in Duchane's office at City Hall at 11:10 a.m. The interview was taped with the consent of the city attorney and Mr. Duchane. Undersigned advised Mr. Duchane of allegations of violations of the Open Meeting Act and the fact that much of the information that was discussed in closed meetings somehow found its way to the local

PAGE 3 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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ORIGINAL INCIDENT REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

newspaper. Duchane advised that much of the information that was in the newspaper was and did come out of discussions from a closed meeting. Duchane advised that the information published in the newspaper was public information and has been public since he came into office and they began talking contracts with various groups and restructuring operations within the city.

Officer advised Duchane and City Attorney Zelenak of the major concerns of violations of the Open Meeting Act, those being 1) that the city manager, mayor and council went into closed session to discuss contracts that were already settled; 2) that if they were in a closed session to talk about contracts, information discussed in the closed session cannot be disclosed to anyone and the fact that the newspaper had information from the closed session with a copy of a 50 page document that was presented to council during the closed session and 3) that the city manager openly discussed with the newspaper pending contracts that had been discussed in a closed meeting.

Duchane advised he would address each issue of concern involving any questions on violation of the Open Meeting Act by him or the city of Lincoln Park.

Duchane stated information discussed in closed sessions are sealed and have not been discussed with anyone. Duchane said the only information released to the public was through the newspaper and it was regarding the city needing to reduce costs. Duchane said that from the time he was hired in June of 2004 to present he has had discussions on implementing the early retirement packages to each of the eight bargaining units. Duchane stated that throughout this time, information has been given to the newspaper regarding the early retirement package and that the package had been discussed with each group that it impacted. Duchane stated the early retirement package was discussed during a closed session but information in the newspaper was already brought out openly to the various groups and city council.

Officer asked Duchane if he discussed with the newspaper the information contained in the 50 page document after the package had been distributed to council in a closed session. Duchane advised he had but it was the same information he had been presenting openly since his arrival and implementation of the early retirement program began.

At this point, City Attorney, Edward Zelenak, opened the sealed packets from the special closed meeting dated July 26, 2004 and August 2, 2004. Zelenak advised that due to the fact that this was a criminal investigation the packets could be opened and that the city would do this to expedite this investigation and waive any need for subpoenas and court orders. Officer noted that the documents were brief and pertained to what Mr. Duchane earlier advised was a request for implementation of the early retirement plan for those with 18 years or more of service. Information in this document was found to be nothing more than what Duchane advised had been brought out openly to the public, through the newspaper, to inform the citizens of Lincoln Park about the city's plan to reduce costs.

Duchane advised that discussion of the city's financial condition started when he was appointed on April 5, 2004. Duchane said the city adopted its annual budget and discussed how to reduce the use of reserve funds. Duchane stated he continued to talk and plan for cost reductions from everything including insurance, personnel costs, operating costs, purchases and so on. Duchane said as city manager, he has had a number of labor management meetings, with various groups, which occupied most of his time during the months of April

PAGE 4 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

ORIGINAL INCIDENT
REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

through July. Duchane stated when it was evident that in cutting costs would affect city personnel he put together a budget reduction recommendation for 2004-2005 (see enclosure number 6). Duchane stated that as part of the reduction recommendation it would now impact open and closed contracts for the city.

Duchane said the open contracts at this time were the administrator's agreement for department heads and the police officer's association/patrolman. Duchane advised that a closed meeting was asked for to discuss labor negotiation strategies in the existing contracts and the two open contracts at the time. Duchane stated the plan goes into a variety of areas and talks about the imbalance where they have capital program cuts and reductions. Duchane said part of the discussion was on how to reduce the number of employees in the most humane manner as possible and the early retirement proposal.

Duchane stated that during the closed session the mayor, six city council members, himself and the City Clerk, Donna Breeding were present as he presented budget reduction recommendations. Duchane advised the meeting was open for questions on the material that was presented or about the status of the city and where they were going. Duchane said he told the mayor and council that his intentions were to open negotiations with the closed labor agreements and to conclude negotiations with the two open groups while keeping considerations for cost reductions in mind.

Officer asked Duchane if he was discussing negotiations of particular groups or if it was an overall general discussion regarding all those involved. Duchane stated the discussion was an overall general discussion involving city employees. Duchane said during the closed session they had a question and answer period from the council on how soon he should move on these reductions and the fact whether they would be able to reduce costs.

Officer questioned Duchane in regard to reopening negotiations with contracts that had been ratified. Duchane said that instead of implementing lay-offs he wanted to sit down with the various groups and rework their agreements to do some cost reductions, the same as was being done throughout the state of Michigan. Duchane advised this was not new information but was information he had already spoken to the groups about back in June. Duchane stated the early retirement incentive was a voluntary program but noted that if the program had not been instituted some positions would have had to of been eliminated.

Officer asked Duchane if after the closed meeting information was brought out to the newspaper and if he in part spoke to the newspaper about information discussed in the closed session. Duchane stated that at the conclusion of the closed meeting on July 26, 2004 they had a regularly scheduled council meeting. Duchane said that on Tuesday, July 27, 2004 he received a telephone call from Jason Alley, who is a reporter with the News Herald. Duchane said that Jason advised he was in possession of information about the city budget reductions and the early retirement incentive plan. Duchane advised Alley wanted to interview him with some general questions in regard to the early retirement incentive. Duchane said that the newspaper did have prior knowledge of the early retirement incentive because it had been openly discussed back in June. Duchane stated Alley interviewed him and it was obvious during the interview that Alley was reading from a copy of a report he had given the council and mayor at the special meeting the night before. Duchane said he knows that although this document, along with other information, could have been obtained through the Freedom of Information Act, that it does not work that quick and there was no way the newspaper could have gotten this information overnight. Duchane advised he told Alley it was obvious that he had a copy of the memo from the

PAGE 5 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

ORIGINAL INCIDENT
REPORT

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

meeting that was held the night before and Alley responded yes, I do. Duchane stated they did talk about what was in the memo but none of the information they discussed was information that Alley could not have obtained through the Freedom of Information Act.

Officer questioned Duchane in regard to the allegation of information that was already negotiated for a collective bargaining unit cannot be taken into a closed session unless one of the parties wants to review it. Duchane stated he was the one from the city that wanted the information reviewed in closed session, which is not a violation of the Open Meeting Act. Duchane advised that any information he discussed with the newspaper was done legally and properly with all contracts involved.

Officer addressed the concern that Duchane spoke to the newspaper about specific people and positions that were to be eliminated and he advised that he talked about the number of bodies and positions, not people. Duchane further advised that he responded to the reporters questions and whatever was in the newspaper was in response to questions the reporter asked him.

Officer asked Duchane if he not only talked about the number of people in various departments being cut but if he was quoted in the newspaper as naming certain people whose positions would be cut. Duchane stated the names mentioned in the newspaper were those that were discussed openly, prior to going into closed session. Duchane again advised that some of the information discussed in closed session was information that had openly been discussed with various employee groups outside of the closed session. Duchane said these various groups did have council advocates involved to discuss the city's plans.

Officer asked Duchane about his and the mayor's concern regarding information that had come out of a closed session and had gotten into the hands of the newspaper. Duchane said he was not sure how the newspapers got the information and that the mayor was surprised that the newspaper had documents that were presented at a closed session. Officer asked Duchane if the document the newspaper had was presented for the first time during a closed session and he said it was. Officer asked Duchane about the mayor's quote in the newspaper regarding confidential information pertaining to the document being leaked to the public. Duchane advised nobody knew how the newspaper got the information but that the information was the plan which was a public record and had already been presented to the various groups.

Officer questioned Duchane in regard to a concern involving a police command contract that the city council had voted on and agreed to present to the union and then he (Duchane) took it upon himself to change the contract prior to presenting it to the union. Officer explained the concern that the contract he presented to the union was not the same one that the council had voted on and that the police command were not informed of the changes prior to them viewing and ratifying the contract. Officer also included the fact that at the following meeting, Councilwoman Brady asked that since it was not the contract they agreed upon prior to it being presented to the union, final approval of the contract should be tabled and discussed in closed session. Officer also included the fact that allegations are the mayor mentioned that even if the changes to the contract were made without council being notified, the city should take a "leap of faith" and trust what he (Duchane) was doing.

Duchane stated the only reason Brady questioned the contract was because she didn't know what the final conditions were. Duchane advised that the reason the council didn't know the final conditions was because

PAGE 6 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

**ORIGINAL INCIDENT
REPORT**

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
TIME RECEIVED 1419	FILE CLASS 73000

these conditions were subject to collective bargaining and that he was involved with negotiating to each group. Duchane said that as an example, one of the conditions he reached with command was how many sergeants and management lieutenants the police units would have and the fact that these were two party negotiations between the city that he represented and the various groups.

Duchane advised that the mayor's reference to "leap of faith" refers to the fact that he (Duchane) is the bargaining agent for the city and negotiates contracts with the various groups. Duchane advised he does not run back and forth to the council with each portion of the contract to see if they agree on what is presented. Duchane advised the "leap of faith" reference was that the city had him as a bargaining agent, with other labor attorneys present, who got the best deal for the city. Duchane said after the command officers ratified the contract it was then brought up for vote with the council.

Officer asked Duchane if the contract was presented to the union then brought back to the council for review and then returned to the union for ratification. Duchane stated no, he only presents ratified contracts from the union to the city council for approval.

Officer asked Duchane if at the August 30, 2004 meeting the city council voted on an agreement with the command officers association. Duchane advised the council voted on the agreement he brought to them. Officer asked if at the September 7, 2004 meeting Councilwoman Brady questioned the contract as not being the same they voted on and questioned if the contract was changed. Duchane stated there was only one agreement presented. Officer asked if any contract had been changed prior to being brought to the council, giving the reason Brady wanted it tabled and he stated it was not changed. Officer asked Duchane why Councilwoman Brady wanted this contract tabled on September 7, 2004. Duchane said the only thing he can go by was that she was concerned because she was not involved in any of the negotiations with the various groups. Duchane advised that none of the council is involved in the negotiations. Duchane further advised that he does not believe these issues fall in the boundaries of the Open Meeting Act.

Officer questioned Duchane if he has had any criminal charges brought against him in the past regarding any Open Meeting Act violations. Duchane advised he has been questioned on various litigations while he was City Manager in Sterling Heights. Duchane advised the last Open Meeting Act allegation he was involved with was also in the city of Lincoln Park, and he answered questions for the investigation as he is doing today.

At this time the interview with Duchane ended.

STATUS:

Open - pends further witness interviews

PAGE 7 of 7	INVESTIGATED BY D/SGT DAVID E. MEYER #94	REPORTED BY	REVIEWED BY
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ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

INCIDENT STATUS Open

OPEN MEETING ACT VIOLATION-LINCOLN PARK

JOURNAL:

None

RECONTACT COMPLAINANT:

On December 7, 2004 at 12:30 p.m. officer recontacted the complainant, Amanda Rowe, at the Michigan State Police Monroe Post. Rowe came to the post with a video tape of prior council meetings that she wanted to view with officer and point out incidents that may be helpful to this investigation.

Officer viewed the tape which was of a council meeting held on August 2, 2004. Present during this meeting were the Lincoln Park City Council members, the mayor, the city manager and city attorney, Edward Zelenak.

The information Rowe felt would be of assistance was during the citizens communication time when a citizen commented to the council about water drainage problems. The citizen talked about water drainage problems and the fact that he felt the city manager was taking over the city and how he did not want a dictatorship. The citizen also expressed his concerns over what he had read in the paper about the city cutting positions or threatening city employees with lay-offs if they did not take the early retirement incentive package.

On the tape, the mayor commented about the city's desire to not cut services but to balance the budget and he felt the city manager (Duchane) was making proposals to get the budget in line. The mayor stated one way to help get the budget in line was through the early retirement incentive package. After the mayor concluded, Councilman Desanto stated the city hired a city manager to take care of problems but the council makes the final decision.

The mayor then stated the city manager brought the early retirement proposal to the city council and it was discussed during two prior closed meetings. The mayor continued that he and the council came to a consensus that they should go ahead and make the presentation for the early retirement incentive to the bargaining units.

On the tape, during council comment time, Councilwoman Brady discussed the article in the paper where the information about the early retirement incentive package was released right after the closed meeting. Brady stated some of the ideas in the package are very good and that the proposal needed to be given a chance as it would be a good thing.

Councilman Murphy commented that he received a number of calls about the article in the paper and was concerned that no one would own-up to releasing the information to the paper. Murphy stated a lot of the

PAGE 1 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

information was sensationalism and that no one will be forced out. Murphy did state he felt it was not fair for the paper to print the names of those who may be affected by cuts.

The mayor then expressed concern that information released through the paper to the public should not have happened. The mayor commented that this information was discussed as part of a closed negotiation meeting and that it had not even been released to the affected bargaining units. The mayor continued that this was not only troubling from an ethical standpoint but that it is contrary to the law of the city of Lincoln Park which prohibits the release of information in violation of the ethics ordinance. The mayor stated if it happens again he is going to advocate a full investigation to find the source of the leak of information, as it not only happened once but twice. The mayor stated this information was only available to elected city officials and possibly less than a handful of department heads.

Officer also viewed a second taped meeting dated November 1, 2004. It was noted toward the end of the meeting that there was a discussion over a miscellaneous resolution regarding problems that occurred during the past several months about information getting out to the media that was discussed during a closed session. The mayor did not want the investigation, but several council members wanted to discuss the problem.

There was also discussion as to this investigation. In their resolution they wanted the city attorney and city police to investigate where the leaks were coming from.

Councilman Murphy questioned the fact that information obtained in closed session was not being marked confidential. Councilman Candace said he made the resolution to stop having information released that was discussed during a closed session. Candace stated this information has not hurt the city yet, but if it continues it may.

Councilman Vaslo commented that his understanding was that information given in a closed meeting was confidential and must remain confidential until such time as the mayor and council release the information. Vaslo referred his comment to the city attorney regarding the information obtained in closed session being given out prior to it's discussion at an open meeting.

City Attorney Zelenak responded that the release of the early retirement incentive document by a council member is a violation of the Open Meeting Act. Attorney Zelenak advised that this is the reason why the Michigan State Police were called in to investigate.

Councilwoman Brady then asked Attorney Zelenak if he received a copy of the early retirement incentive book right after it was discussed in closed session and prior to the regular meeting. Attorney Zelenak responded that he got the package the day after or the day after that. Brady advised she could not recommend the city attorney and the police chief investigate something that he may be a part of. Brady advised that since Zelenak had a copy of the early retirement package, he must be off of the investigation. Zelenak then stated his being off of the investigation would be the decision of the council.

PAGE 2 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

Councilman Murphy questions why they are not looking for the person who gave this information from the closed session to the media. Murphy's concern is that the resolution wants the investigation into who gave the information to another city employee.

At this time, Brady again questions the fact that the city attorney may be the focus of this investigation as he had the document after the closed session and before the open meeting. Brady said Zelenak should not be involved in any investigation regarding the document becoming public knowledge.

Attorney Zelenak responded that he did not get the document until a couple of days after the meetings. Brady informs Attorney Zelenak that this is not what City Manager Duchane informed her. Brady stated that she was informed that Zelenak obtained the document right after the closed meeting and prior to their regular meeting. Zelenak then became defensive and said he would not sit and defend when he got the report and that his concern is with who gave it to the newspaper that night; which is the basis of the MSP investigation.

Further into the tape the mayor comments that he was upset because the information was released to the public before it was available to various groups in the city or the general public. Councilwoman Brady again comments that the city attorney did not get the document during the closed meeting since he did not attend this meeting. Brady said after the closed meeting City Attorney Zelenak obtained the document from City Manager Duchane.

City Attorney Zelenak then commented that he now recalls getting the paperwork the day after the newspaper already had it. Zelenak also made a comment shortly after that if he found out he got the document right after the meeting, he would withdraw from any investigation as to how it leaked out to the press.

The mayor commented that his understanding was that everything discussed at a closed meeting is not to be discussed outside that closed meeting. The mayor stated even if the paperwork presented at the meeting was not marked confidential, it still cannot be released.

OTHER:

NAM: EDWARD M ZELENAK

NBR: [REDACTED] DIR:
STR: [REDACTED]
SFX: [REDACTED]
CTY: [REDACTED] ST: MI ZIP: 48146
TXW: [REDACTED]

RAC: W
SEX: M
DOB: [REDACTED]
HGT: [REDACTED]
WGT: [REDACTED]

OPS: [REDACTED]
HAI: [REDACTED]

CONTACT ATTORNEY GENERAL:

Undersigned contacted Tom Quasarano of the Michigan Attorney Generals office and expressed the concerns surrounding this complaint and the allegations that the open meeting act had been violated. Officer asked Quasarano if it would be proper to review the closed session minutes as part of this investigation and he advised as this was a criminal investigation he didn't feel section 15.267 sec.7 (2) would be violated.

PAGE 3 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

When the question of information from a closed session being discussed with the newspaper prior to it being discussed in an open meeting Quasarano advised this would be up to a prosecutor to decide. Quasarano advised the law addresses minutes not documents. Quasarano felt section 7 covers minutes not content. Quasarano stated he knows of no opinion from the attorney general suggesting that any discussion of the minutes or content of the minutes is a violation. One could argue that any disclosure of information related to the minutes is a violation but the letter of the law talks about actual minutes v/s material related to the minutes.

INTERVIEW CHIEF THOMAS KARNES:

On December 9, 2004 officer telephoned Chief Karnes to ascertain if he was conducting an independent investigation regarding release of information to the media.

Chief Karnes advised that the city wanted him to investigate the ethical violation regarding confidential information being released to the media. Chief Karnes advised that until undersigned officer's investigation is complete, he was not acting on any investigation.

WITNESS:

NAM: VALERIE YVONNE BRADY

NBR: [REDACTED]	DIR: [REDACTED]	RAC: W	ETH:
STR: [REDACTED]		SEX: F	OPS:
SFX: [REDACTED]		DOB: [REDACTED]	SSN:
CTY: [REDACTED]	ST: MI	HGT: [REDACTED]	SID:
TXH: [REDACTED]	ZIP: 48146	WGT:	FBI:
TXW: [REDACTED]		HAI:	MNU:
MB: [REDACTED]		EYE:	PRN:

NAM: THOMAS A MURPHY

NBR: [REDACTED]	DIR: [REDACTED]	RAC: W	ETH:
STR: [REDACTED]		SEX: M	OPS:
SFX: [REDACTED]		DOB: [REDACTED]	SSN:
CTY: [REDACTED]	ST: MI	HGT: [REDACTED]	SID:
TXH: [REDACTED]	ZIP: 48146	WGT:	FBI:
TXW: [REDACTED]		HAI:	MNU:
MB: [REDACTED]		EYE:	PRN:

INTERVIEW VALERIE BRADY:

On December 9, 2004 at 12:15 p.m. undersigned officer interviewed Valerie Brady at the Minnesota Title Company in Livonia Michigan in their conference room. Valerie Brady is a councilwoman for the City of Lincoln Park.

Officer questioned Brady as to information she may have regarding discussions during closed meetings in Lincoln Park that were being brought to the public, through the newspaper, before they were discussed in an

PAGE 4 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

open meeting. Officer requested Brady relay any information she had in regard to these allegations of a violation of the Open Meeting Act.

Brady advised that on July 26, 2004 the city of Lincoln Park had a closed session and the mayor, city manager, council and labor attorney Howard Shipman were present at the meeting. Officer asked if City Attorney Zelenak was present and she advised he was not.

Officer asked if that was the only closed session where information discussed during the meeting was brought out to the public before it was discussed at an open meeting. Brady advised that information obtained during closed sessions and leaking out to the general public has been an ongoing problem for over 30 years. Brady stated this was the first time, that she knows of, that the newspaper obtained the information before the council had actually voted on it. Officer asked Brady to explain what she meant by voting on it and if it involved discussing contract negotiations.

Brady advised it was regarding contract negotiations and that there was some discussion about early retirement. Brady stated an early retirement incentive document was presented to the council by City Manager Duchane when they went into the closed session. Brady said that council did not have time to review the packet and the early retirement talks were tabled until the documents could be reviewed and approved during their next closed session on August 2, 2004. Brady stated the early retirement packet, the reopening of all contracts, restructuring of departments and etc. were to be discussed.

Officer asked Brady if the early retirement incentive that was being questioned was the one that got out to the newspaper or if there was other information in the paper that officer needed to be concerned with. Brady advised that since she has been elected, the article in the News Herald about early retirement was the only mention of anything that council discussed in closed session that has been in the paper. Brady was concerned because the council had not even voted to approve the package.

Officer asked Brady if the city manager (Duchane) had talked about the early retirement incentive prior to this closed session and she stated there was some discussion with some of the bargaining members. Brady advised the members were told that an early retirement package was being worked on to be presented to them along with restructuring of departments. Brady said there was nothing concrete discussed because the mayor and council hadn't had anything to formally present to the bargaining members.

Officer asked Brady if, when the unions were contacted about the early retirement package, everything in the package was told to them. Brady responded they were not and the unions were unaware that employees were not going to be reappointed. Brady stated some positions were going to be cut and people were going to be released and that they found out about it in the newspaper. Officer asked Brady if that information was in the package presented to them in closed session and she advised it was. Officer asked Brady if the persons going to be released were named in that retirement package and she stated they were.

Brady advised the only way the newspaper could have gotten that information was by someone in the closed session giving it to them. Brady advised she was very concerned because prior to the August 2, 2004 meeting

PAGE 5 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police

SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

to discuss the package, the newspaper printed on August 1, 2004 contained an article including the early retirement and the names of individuals whose positions were going to be cut.

Brady advised that after reading the article on August 1, 2004 she was upset and immediately contacted City Manager Duchane as he made comments to the paper about the early retirement package. Brady stated that since council had not even voted on the proposal for the early retirement package to be presented to the various groups affected she questioned Duchane as to if he was the one who released information to the paper.

Brady said that Duchane denied giving the information to the newspaper and told her the paper came to his office last Tuesday (July 27, 2004) at 10 a.m. Brady stated Duchane said the reporter asked specific questions about specific items on specific pages and he knew, at that time, the reporter had the early retirement document. Brady advised that Duchane told her the only thing he could do at this time was give information to the reporter to tone down the article so it didn't appear so bad. Brady said she asked Duchane who would have given the newspaper this information; to which Duchane said he did not know.

Brady advised her theory was a simple process of elimination. Brady felt that she and Councilman Murphy could be eliminated as the News Herald reporter would not talk to them and they would not give information to him. Brady advised that Councilman Vaslo turned his packet back in as he was going on vacation and Councilman Candace stressed the importance that this document needed to be confidential. Brady stated the News Herald reporter, Jason Alley, does not talk to Councilman Desanto and she has never known the mayor to release information in the past. Brady said she originally felt it was either the mayor or City Manager Duchane who released the information from the closed session.

Brady expressed concern that the City Attorney, Zelenak, had a rapport with the reporter, Jason Alley, and although she did not see him give the early retirement document to the reporter, she has, in the past, seen Zelenak copying materials from their meetings and handing them to the reporter. Brady stated Zelenak's wife used to work for the News Herald and is now a free lance reporter for the newspaper.

Brady advised that when she read the article and called Duchane she mentioned Zelenak to Duchane and he made the comment that it was funny she should mention this because right after the closed session (Monday, July 26, 2004) Zelenak asked him (Duchane) for a copy of the early retirement incentive. Brady advised that Duchane told her he gave Zelenak a copy of the document. Brady stated this was also a concern because Zelenak is not the labor attorney and had no business obtaining a document that was from the closed session and also the fact that Zelenak is eligible for the early retirement incentive that may be offered.

Brady advised at their next closed session on August 2, 2004 comments were discussed about the information being in the newspaper before council had approved the early retirement incentive package. Brady said at the August 2, 2004 closed meeting, the early retirement package was approved for presentation to the various unions. Brady advised they also voted at the open meeting to present the early retirement incentive package to the various groups.

Brady stated at their November 1, 2004 council meeting she questioned City Attorney Zelenak about a proposal that was presented to research who leaked information to the newspaper. Brady advised that Zelenak

PAGE 6 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

was in the proposal to be on the committee to investigate this leak of information. Brady said she questioned Zelenak on the fact that he was given a copy of the early retirement incentive package from City Manager Duchane. Brady said she felt Zelenak had no business having a copy of the retirement package from the closed session before it was approved and discussed at an open meeting.

Brady advised the various union contracts were reopened to offer the early retirement incentive to the various groups. Brady said the command officers contract was still on the table when this package was discussed. Brady stated she was upset at the August 2, 2004 meeting when she looked at the agenda and there was a heading of Command Contract. Brady advised the council had not been presented with a contract to approve prior to this meeting and all of a sudden it was on the agenda. Brady advised she felt that some of the council and city manager are polling each other and leaving her and Councilman Murphy out of the loop.

Officer requested Brady forward a copy of the early retirement package and other pertinent paperwork that may assist this investigation.

INTERVIEW THOMAS MURPHY:

On December 10, 2004 at 3:25 p.m. officer interviewed Councilman Thomas Murphy at the Lincoln Park City Hall in the second floor conference room. Officer explained this investigation alleging Open Meeting Act violations and requested he relay any information he may have regarding closed sessions and this investigation.

Murphy stated he has been a councilman for over 30 years and the city council has had many closed meetings that are properly posted. Murphy said in those meetings they receive information regarding negotiations or lawsuits that wouldn't normally go out to the public. Murphy advised that any information the public would receive about a closed session would be a thumbnail sketch of what was discussed.

Murphy stated that in reference to this investigation, there are some questions as to how the news reporter got the early retirement incentive booklet. Murphy advised there are some questions as to who passed the booklet on to the reporter. Murphy advised he believes the closed session in question was held in July and that after that meeting the news reporter got a copy of their early retirement incentive package.

Officer asked Murphy if this package for early retirement had been approved or voted on and he advised it had not been approved since it had just been handed out at that meeting. Murphy advised that before the early retirement package could be discussed at an open meeting, the newspaper already had a copy of it and had written an article.

Officer asked Murphy if the first time he saw this package was at that closed session and if he was aware that the package was going to be presented during that meeting. Murphy said he knew there was going to be a meeting but he wasn't aware of what would be presented. Murphy advised that although he was not aware that the early retirement package was to be presented, it was obvious that other members of the council had knowledge of what was in the booklet. Murphy stated he had to fumble through the booklet to keep up with

PAGE 7 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

what was being discussed while other council members appeared to know the package like the back of their hand. Murphy advised it was obvious that other council members had information prior to the meeting.

Officer asked Murphy if, when the meeting was set, had it been posted. Murphy stated he believed the meeting was posted as a closed door meeting on negotiations.

Officer asked Murphy if the council acted on the early retirement incentive package that night and he believed they may have voted to approve the concept but he's not sure if it was the night of that particular closed session. Officer asked Murphy if at any closed session, they voted on the package. Murphy stated he did not believe there was an actual vote taken but that there was a basic understanding that they would go forward with the package.

Officer asked Murphy if there was a closed session to discuss contract negotiations between the command officers association and the city. Murphy advised there had been several sessions regarding contracts and that they have these meetings all the time. Officer asked Murphy if a contract was eventually hammered out to be presented to the command officers and he advised he believed there was and they accepted it. Officer inquired if the details of the contract are generally hammered out in a closed session and Murphy responded, "generally, for the most part."

Murphy stated that once they have an offer, the personnel director or the city manager presents their proposal to the union. Murphy advised the union then counters with their best offer or accepts the contract just as it is given to them. Murphy said that if the union group does not accept the contract, they would then go back to a closed session to discuss what changes should be made to get the contract accepted.

Officer asked Murphy how the group gets a consensus in closed session if they do not have a vote. Murphy stated sometimes it's done by polling, such as "is anyone against this or does this seem ok with everybody". Murphy advised they don't generally vote but that it is usually done by consensus.

Officer asked Murphy if he knew how the reporter got the information on the early retirement incentive package that was given out during a closed session. Murphy advised he has no idea but feels it could have been a number of people on the council. Murphy advised the newspaper reporter does not talk to him or Councilwoman Brady so he knows it wouldn't have been given to the reporter from either of them. Murphy said he believe the reporter obtained the package from one of the other people at the meeting.

Officer questioned Murphy further on the retirement package being given to people outside of the meeting. Murphy advised that Councilwoman Brady made it very evident she felt that City Attorney Zelenak shouldn't have received a copy of the plan; since he was involved in an early out program for himself. Murphy advised the city attorney (Zelenak) did get a copy of the package and that they are trying to hang Councilwoman Brady, saying she gave it to another city worker.

Officer asked Murphy if there was a vote to go into closed session prior to that meeting. He advised that sometimes closed sessions are voted on but generally there is an 18-hour notice posted and just about anyone can request a closed session. Murphy said generally it is the mayor's job to call a closed session.

PAGE 8 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

Officer advised Murphy he felt that the closed session should be book-ended by an open session such as beginning with an open meeting and then going to a closed session and back to the open meeting. Murphy said it is rarely done this way and that the meetings are generally posted with an 18-hour notice. Officer asked Murphy if at an open meeting they discuss what was talked about at the closed session and he advised they approve the minutes but those are only a thumbnail sketch of what transpired.

Officer asked Murphy if City Manager Duchane talked at any meeting about giving City Attorney Zelenak the early retirement package. Murphy advised he was not sure if this was brought up at a meeting but that Councilwoman Brady had been aware that Zelenak had a copy of the package. Officer asked Murphy if Zelenak admitted he had a copy of the retirement package before it was in the newspaper and Murphy said Zelenak admitted he was given a copy. Murphy advised that Zelenak's reasoning was that he got one because he is the city attorney. Officer advised Murphy that the complainant expressed concern that information discussed in a closed session was given to the press before it was discussed in an open meeting.

Officer asked Murphy if he had any concerns and he stated he feels there may be polling between council and the city while some of the council haven't been contacted. Murphy said that Councilwoman Brady found information that this type of polling is illegal.

Murphy advised there are a lot of things going on in the city that only certain council people are privy too. Murphy advised this group has a consortium that make a policy and then calls upon the rest of them at the last minute to make it happen. Murphy stated that he believes according to an attorney general opinion that round-robinning is not illegal.

Murphy advised that a concern he had was of a blowup at the city council meeting two weeks ago. Murphy said the council president, city manager, mayor, and one other councilman are involved in a plan to spend \$2,000,000.00 on a project they have been working on since May. Murphy advised that he and Councilwoman Brady have not heard about this in depth and no plans have been made at a public hearing.

Murphy said there have been no closed sessions to discuss this plan and not one word has been mentioned at city council meetings about this \$2,000,000.00 project. Murphy advised it is suspicious to him that just a few of the council members are involved in this and that Councilmen Candace and Vaslo were actually arguing about sketches they had for this project. Murphy stated the two councilmen were planning on how this project should be done and whose sketch was better. Murphy said this arguing was done outside of the open meeting and was never mentioned during the open meeting.

Murphy advised that the plan is to level the library and city hall and relocate them. Murphy said he is concerned because they have sucked every dollar out of their employees and told them they are going bankrupt and now they come up with a two million dollar expenditure that they are not willing to tell anyone about. Officer asked Murphy if this project has been discussed at all and he said it is obvious it has been talked about between certain people but has never been discussed in an open or closed session.

PAGE 9 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

Officer asked Murphy if he confronted anyone on this and he stated that about two weeks ago he confronted them and they said this has been announced at a city manager's meeting for a month. Murphy advised he went back and looked at the city manager meeting minutes and found mention that the facility plan is coming along but there was no notation or even a complete sentence describing what the facility plan was or details of the plan. Murphy advised that in the city manager meeting minutes from June, it was discussed that the plan was to relocate the library and combine the library and city hall.

Murphy stated the city has a lot of expenses and now it appears they are hiding this \$2,000,000.00 expense until they have it locked up and it is a done deal. Officer asked Murphy if the public has any knowledge of this plan and he stated those involved do not want the public involved because they don't want them sticking their nose in the consortium's business. Officer asked if the public has been aware of any of this and he stated they have not. Murphy advised the public is as aware of what's going on as he and Councilwoman Brady are; and that's through whispers and rumors that such a plan exists.

Murphy advised that the public did not know about this \$2,000,000.00 project until he started questioning this at a meeting two weeks ago. Murphy advised that some of the other council members are giving just enough information out to get the votes they need to proceed.

CONTACT THE NEWS HERALD PAPER:

Officer made contact with the reporter, Jason Alley, in regard to the article he wrote in the paper about the early retirement incentive. Officer requested Alley be interviewed on the information in the article and from whom he obtained the information. Alley advised he had to consult with the papers attorney, Herschel Fink, prior to an interview.

On 12-10-04 officer spoke with Atty. Fink and he advised he would be inclined to not allow Alley to talk with officer. The following week officer also spoke with Alley who advised he would not make a statement.

FURTHER:

On 2-7-05 officer contacted Councilwoman Brady and again requested the early retirement paperwork along with any other documents that may assist this investigation. On 2-11-05 officer received the documents to be included in this report.

OFFICER OBSERVATIONS:

It appears that although there are three issues of concerns brought by the complaint for review the major question is **"Does information discussed at a closed session have to remain confidential until such time that it is discussed at an open meeting."** The open meeting act refers to minutes of a meeting remaining sealed, the question is then **is all information obtained in the closed session confidential or only the actual minutes themselves.**

PAGE 10 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0001

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Wed, Feb 09, 2005	FILE CLASS 73000

The question also arose during this investigation regarding whether the city attorney had a right to open the closed session minutes as part of this criminal investigation for undersigned officer to review. The city attorney waived the need for a court order to expedite this investigation as this was not a request from the public per sec. 7 of the act.

EXTERNAL DOCUMENTS:

- 1) City of Lincoln Park ordinance 208.04 (e) regarding release of confidential information.
- 2) City of Lincoln Park posted meeting notifications.
- 3) Letter form complainant to Prosecutor Kim Worthy detailing this complainant in exhibits 1-5.
- 4) Notes from Councilwoman Brady summarizing the Nov. 1, 2004, council meeting.
- 5) City of Lincoln Park resolution to investigate the release of information
- 6) Councilman Murphy & Councilwoman Brady's request for A.G. opinion.

STATUS: Open - pends prosecutor review

PAGE 11 of 11	INVESTIGATED BY D/SGT DAVID MEYER #94	REPORTED BY	REVIEWED BY
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Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0002

ORIGINAL DATE Fri, Sep 17, 2004	INCIDENT NO. 028-0002873-04 (DB)
SUPPLEMENTARY DATE Fri, Mar 04, 2005	FILE CLASS 73000

INCIDENT STATUS
Closed

OPEN MEETING ACT VIOLATION-LINCOLN PARK

JOURNAL:

02/16/04 Meyer Report to Wayne County Prosecutor for review.

DISPOSITION:

Chief Assistant Prosecutor Richard Hathaway advised this was denied as the law permits a closed session but all matters can be discussed to the public.

FINAL DISPOSITION:

Closed

PAGE 1 of 1	INVESTIGATED BY D/SGT DAVID E MEYER #94/lap	REPORTED BY	REVIEWED BY
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WAYNE COUNTY PROSECUTING ATTORNEY'S RECOMMENDATION

IN CUSTODY () YES (x) NO	Dept. Precinct MSP Monroe 28 28-2873-04	Date 2-15-05	() Further Investigation Ordered () Further Investigation Completed				
I (x) DENY () RECOMMEND THE ISSUING OF A WARRANT AGAINST:			MISDEMEANOR () FELONY ()				
DEFENDANT NAME (Last, First, Middle)		FULL ADDRESS	AGE	SEX	RACE	D.O.B.	ST. & LOCAL I.D.
Offense 1		Defn. No. 1 2 3					
Attempted() MCLA							
Offense 2		Defn. No. 1 2 3					
Attempted() MCLA							
Offense 3		Defn. No. 1 2 3					
Attempted() MCLA							
Denial Reason:		MCL 15.268(c) permits a closed session and all					
Denial Code:		matters can be discussed to public.					
Defn. No. 1:		Defn. No. 2:		Defn. No. 3:			
Instructions:							
<p align="center">3/1/05</p> <p align="center">Date Completed</p>		<p>Signed: <u>Richard Hathaway P28627</u></p> <p align="center">Assistant Prosecuting Attorney & Bar No.</p>					

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