

**MINUTES OF THE
MACOMB COUNTY ETHICS BOARD**

Wednesday, October 19, 2016

A meeting of the Macomb County Ethics Board was held Wednesday, October 19, 2016, at 8:45 a.m., in the Conference Room, on the Second Floor of the Talmer Building, 120 North Main Street, Mount Clemens, Michigan.

CALL TO ORDER

Chair Amboyer called the meeting to order at 8:53 a.m.

ROLL CALL

The following Members were present:

Dr. Donald J. Amboyer, Paddy Laske, James McGrail, Dorie Vazquez-Nolan and Brian Gabriel

Michelle LaBelle, Macomb County Finance – Risk & Insurance, prepared/reported the Minutes.

ADOPTION OF AGENDA

MOTION

A motion was made by Paddy Laske, supported by James McGrail, to adopt the Agenda as presented. **The Motion Carried.**

APPROVAL OF SEPTEMBER 21, 2016 MEETING MINUTES

MOTION

A motion was made by Paddy Laske, supported by James McGrail, to approve the Minutes of September 21, 2016. **The Motion Carried.**

PUBLIC PARTICIPATION

Joseph M. Hunt
Karen Spranger
Jared Maynard

CORRESPONDENCE

A letter from the Board of Commissioners was received approving Brian Gabriel's

appointment to the Board. An e-mail was received from a member of the public regarding meeting minutes not being posted until after they are approved. The Board will now start publishing unapproved meeting minutes within eight (8) business days following a meeting as required under the Open Meeting Act, Section 15.269.

A phone call was received from a County employee regarding the use of a County vehicle, but had concern over confidentiality and feared losing his/her job if filed a complaint and made public as now required by Enrolled Ordinance No. 2016-03.

ENROLLED ORDINANCE NO. 2016-03 IMPLICATIONS

Board Members expressed concern with the new Ordinance. The Board of Commissioners did not advise any Ethics Board Member of any changes.

A letter was sent to Corporation Counsel requesting advice on how to proceed legally with the new ordinance and no word has been received at this time.

Concerns over assessing fines, lack of time for gathering information and investigating complaints, lack of confidentiality, procedural issues and the need to update the Rules of Procedure were discussed.

Jim McGrail suggested to hire an administrator to write up a new Rules of Procedure and further suggested bringing all the facts to the Board of Commissioners to show the impact of changes that are now required under the new Ordinance.

At this time, the Board will resolve four (4) outstanding complaints under the old Ordinance. Following discussion as to how complaints will be processed under the new Ordinance until revised Ethics Board Rule of Procedure are adopted, it was decided that Complainants will be invited to appear at an open meeting of the Ethics Board to state their complaint within five (5) minutes and provide any documents/witnesses, etc. Immediately following, Respondents will be likewise invited to state response within five (5) minutes and provide any documents/witnesses, etc., as well. A decision will likely be made for each complaint within sixty (60) days per the Ordinance.

MOTION

A motion was made by Jim McGrail, supported by Dorie Vazquez-Nolan, to create a written set of Rules of Procedure and include the above complaint process. **The Motion Carried.**

BOARD MEMBER VACANCY UPDATE

The County Executive nominated Brian Gabriel to serve as a member of the Ethics Board. The Board of Commissioners confirmed his appointment on October 13, 2016. Mr. Gabriel's term begins immediately and extends through August 31, 2021.

OTHER BUSINESS

Board Members discussed the need for all forms to be updated on the website along with Board Members photograph.

CASE REVIEW

Case # C08-2016 – Complainant Leon Drulet/Respondent Anthony Marrocco – Complaint received 9/28/16 – under current Ordinance have 60 days to resolve (11/28/16).

Dorie Vazquez-Nolan requested recusal from this case and was excused.

Complainant Leon Drulet spoke regarding complaint. All Board Members were provided a copy of complaint. Leon Drulet called Mark Deldin, Deputy County Executive, to describe the process for renting County property.

The Respondent, Public Works Commissioner Anthony Marrocco was not present at the meeting or a representative to respond on his behalf. Respondent did dispute the claim, however, by submitting an e-mail to the Ethics Board the night before the meeting at 10:28 p.m. Mr. Marrocco claimed he paid \$500 to the County to use the Chapaton Basin is not county owned property. An e-mailed copy of the check was provided. Michael Radtke, Jr. stated from the audience that he was not representing Commissioner Marrocco, but further stated a response was emailed to the Ethics Board. A copy of this email was disseminated.

The Board discussed ownership of the Chapaton Building and sought to confirm that the County of Macomb owned the Chapaton Pump Station Building in St. Clair Shores at which the alleged complaint transpired through Internet property search applications. Deputy County Executive Mark Deldin stated Public Works Commissioner Marrocco recently appeared at a budget hearing before the Macomb County Board of Commissioners stating that approximately \$128,000,000 was needed to upgrade the building and equipment. Deputy Deldin then made the point that the Board of Commissioners would not invest \$128,000,000 in a building not owned by the County of Macomb. A videotape of the alleged violation was publically made known by Channel 7 Action News was mentioned during deliberations.

MOTION

A motion was made by Jim McGrail, supported by Paddy Laske, to vote on the preponderance of evidence presented today that it appears Anthony Marrocco violated Section 2.1 and 2.8 of the Ethics Ordinance as it relates to “Inappropriate Use of Count Time and Property for Political Activity” and secondly, “Use of Public Assets for Private Purposes.”

A roll call vote was taken with each Board member responding with Yes or No. **The Motion Carried.**

Amboyer – Yes
McGrail - Yes

Gabriel – Yes

Laske – Yes

MOTION

A motion was made by Jim McGrail, supported by Brian Gabriel, to assess a \$125 fine to Anthony Marrocco for violation of the Ordinance. A roll call vote was taken with each Board member responding with Yes or No. **The Motion Carried.**

Amboyer – Yes

Gabriel – Yes

Laske – Yes

McGrail - Yes

Dorie Vazquez-Nolan returned to the meeting for consideration of the following Complaints:

Case C03-2016-

MOTION

A motion was made by Jim McGrail, supported by Paddy Laske, to seek advice from Corporation Counsel on how to move forward with this complaint. **The Motion Carried.**

C05-2016 – Subcommittee Jim McGrail and Paddy Laske are gathering facts on this complaint.

C06-2016 – Complainant will be invited to the next meeting to appear and address the Board. The Respondent will also be invited.

C07-2016 – This complaint will be administratively dismissed as it is essentially a duplicate of case C08-2016.

ANNUAL ELECTION OF OFFICERS

CHAIR

MOTION

A motion was made by Jim McGrail, supported by Paddy Laske, to retain Don Amboyer as Chair - One Year Term ending October, 2017. **The Motion Carried.**

VICE CHAIR

Paddy Laske nominated Jim McGrail.

MOTION

A motion was made by Paddy Laske, supported by Dorie Vazquez-Nolan, to elect Jim McGrail as Vice Chair - One Year Term ending October, 2017. **The Motion Carried.**

SECRETARY

Paddy Laske nominated Dorie Vazquez-Nolan.

MOTION

A motion was made by Paddy Laske, supported by Jim McGrail, to elect Dorie Vazquez-Nolan as Secretary - One Year Term ending October, 2017. **The Motion Carried.**

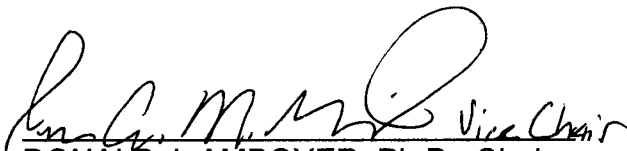
NEXT REGULARLY SCHEDULED MEETING: November 16, 2016 - 8:45 A.M.


ADJOURNMENT

MOTION

A motion was made by Jim McGrail, supported by Dorie Vazquez-Nolan, to adjourn the meeting at 11:42 a.m. **The Motion Carried.**

Approved:


DONALD J. AMBOYER, Ph.D., Chair


~~JAMES McGRAIL, Secretary~~
Paddy Laske