

Dear Editor:

I want to talk more about why I believe that Eric Haven, David Marsh, Al Avery, and Sharron Catallo are the anti-transparency candidates. Today, I write about the Freedom of Information Act (FOIA).

I am a municipal attorney. I've worked for large municipalities for the last 17 years and with the Michigan FOIA almost exclusively for the last 11 years. My husband Richard has been an attorney for over 40 years, and his specialty is civil litigation (lawsuits). There are court rules that govern civil litigation – among other things, these rules can be used to force a lawsuit opponent to turn over records. Richard has written some of the court rules, he coauthored a treatise explaining how the court rules work, and he was recently handpicked by the Michigan State Bar to sit on a committee that is currently rewriting the court rules. He obviously understands how the court rules work.

I'm sharing Richard's background with you because there have been people associated with the city who have alleged that Richard "used" me to make my FOIA request to help him with his Open Meetings Act (OMA) lawsuit, and that he also "used" me to file my FOIA lawsuit to advance some sort of "vendetta" against the city. I am going to be blunt – these are lies. Had Richard wanted my FOIA records to use in his lawsuit, he could have used the court rules to get them for himself. He didn't ask for them because they weren't helpful to his OMA lawsuit. Claiming that Richard "used" me for anything suggests that I have no identity apart from my husband and no separate interest in these records as a taxpayer. Believing such a thing to be true is rank sexism.

My June 2015 FOIA request was not onerous as you have been told – if I were to receive an identical request tomorrow, I would produce the records without argument. My lawsuit seeks only 18 pieces of correspondence involving two Clarkston issues related to Sharron Catallo's children. The city attorney billed Clarkston taxpayers to prepare, send, or review this correspondence. Thirteen related to Curt Catallo's property at 148 N. Main Street. The other five concerned the property at M15 and Waldon and were prepared during the April-May 2015 time period when Cara Catallo attacked the property owners for cutting down trees on *their own property* while she was Historic District Commission Chairperson.

It is true the city won in the circuit court and the court of appeals. I have appealed that decision to the Michigan Supreme Court because I believe the case was wrongly decided. You should know that if the Michigan Supreme Court does not reverse the decision, then every Clarkston employee, officer, and official can keep secret offsite files pertaining to city business. They don't have to acknowledge that information kept in a secret offsite file exists, and if you become aware of it, they can refuse to let you see it (which is what happened to me). That is what Sharron Catallo, Eric Haven, David Marsh, Al Avery, the Michigan Municipal League (MML), and the Michigan Townships Association (MTA) fought so hard to achieve. Adding insult to injury, their legal costs were paid indirectly with taxpayer dollars.

Sharron Catallo has stated several times that: everyone on the council was aware of all of the issues involved in my lawsuit; everything was explained to them;

all council members had an opportunity ask every question they had; and, she's even reminded us that when my lawsuit was discussed, several city council members were lawyers (one of whom was Al Avery). In other words, Eric Haven, David Marsh, Al Avery, and Sharron Catallo support keeping secrets from taxpayers and hiding city records in offsite locations, *even when they relate to family members of elected officials*. You have never been told that when I filed the lawsuit in December 2015, I asked the court to immediately rule regarding whether the city attorney could keep a secret offsite file that was not reachable by a FOIA request made to the city. The city objected to an immediate ruling and insisted on full discovery, resulting in an almost one year delay before court ruled on the issue I raised in December 2015. Since Sharron Catallo has repeatedly told us that she, David Marsh, Al Avery, and Eric Haven knew everything that there was to know about my lawsuit, the anger that has been directed at Richard and me because of the length of time that this lawsuit has taken is more appropriately directed toward the four of them.

Late last year, Sue Wylie, Rick Detkowski, and Steven Percival (who were elected *after* my case ended in circuit court) voted to have a public discussion to learn what my lawsuit was about. Eric Haven, Sharron Catallo, and David Marsh voted to talk about it in secret. The vote was 4 to 3, and Haven, Catallo, and Marsh lost. Since then, Eric Haven and Sharron Catallo have complained several times that the public was allowed to hear that discussion. Eric Haven has also severely criticized council members Wylie, Detkowski, and Percival for their belief that the city should not be hiding records. Why? Because he's concerned that the MML and the MTA might form a negative opinion of Clarkston. Eric Haven wants to be our mayor but cares more about the concerns of government associations than Clarkston taxpayers, and Eric Haven has given full-throated support to hiding records pertaining to city business from the public.

American poet Maya Angelou once said "[w]hen someone shows you who they are *believe them the first time*." This November, you will be asked to vote for one person for mayor, three people for two-year terms on city council, and one person for a one-year term on city council. Al Avery, Sharron Catallo, David Marsh, and Eric Haven have shown us that they are the anti-transparency candidates. Please support open government and cast your votes for Steven Percival, Sue Wylie, Rick Detkowski, Hampton Swayne, and Mike Cascone.

Thank you for listening.

Susan Bisio

Clarkston