

Dear Editor:

My husband Richard and I have lived in Clarkston for 15 years, and we both strongly believe in open government. Eric Haven, David Marsh, Al Avery, and Sharron Catallo have demonstrated that they are the anti-transparency candidates. I have a lot to say about why I believe that, but I write today only about city council's violations of the Open Meetings Act ("OMA").

In 2014, Curt Catallo entered into a conditional zoning contract with the City of the Village of Clarkston that allowed him to build a drive-through coffee shop on his property at 148 N. Main Street. On March 9, 2015, the city council closed part of a public meeting so they could secretly discuss water runoff issues at 148 N. Main. The city attorney asked to close the meeting based on a short letter from the city's engineer about water runoff options, but that letter was not a legal basis for a closed meeting (because it was not an attorney's legal opinion that could be discussed at a closed meeting). The city attorney withdrew his request to close the meeting after Richard, who was on city council at the time, challenged the basis for the request. Eric Haven voted "yes" to close the meeting anyway; Richard was the only "no" vote. Richard later posted the engineer's letter and the city attorney's two-sentence enclosure letter on his Facebook page, because he knew people were interested in 148 N. Main issues.

Following that meeting, Curt Catallo sent a letter to the city complaining about Clarkston's actions under his conditional zoning contract. Richard also posted that letter on his constituent Facebook page. Curt's mother, Sharron Catallo, initiated a secret email discussion between council members because she was unhappy that Curt's letter was shared with the public. Eric Haven participated in the secret discussion and also asked that the council discuss whether posting a letter was a violation of the city's ethics policy at the next council meeting (it wasn't).

Richard resigned at that meeting and later sued the city for violating the OMA. Richard asked the court for an order finding that the city had engaged in conduct that violated the law, to order the city to follow the law in the future, and to pay his costs and attorneys' fees. (The cost to file a lawsuit at the time was less than \$200 and the attorneys' fees were ZERO because Richard was representing himself.) The city fought the lawsuit for almost a year before the city council, including David Marsh and Eric Haven, finally admitted the March 9, 2015 meeting had been illegally closed under the OMA. You should note that Sharron Catallo was the only vote against settling the lawsuit.

There was also a criminal investigation regarding the unlawfully closed March 9, 2015 meeting that began with a Clarkston News reporter's complaint to the Oakland County Sheriff. The Sheriff's office investigated and referred the matter to the Oakland County Prosecutor for further action. The Prosecutor's office sent a warning letter to the city council, declining to criminally charge council members who'd voted "yes" in part because they admitted to their unlawful conduct and also because they may have been "confused" about the

OMA's requirements.

While Richard's lawsuit was going on, Joseph Luginski initiated another secret email discussion with city council members asking for approval of a letter to city residents regarding a proposed city hall expansion. Sharron Catallo and Eric Haven gave their approval before a (now former) council member correctly pointed out that the secret email discussion could be a violation of the OMA. (I wonder how many other secret email discussions there have been that we aren't aware of?)

There are a handful of long-time city residents and even some council members who continue to minimize the city council's violation of the OMA, even going so far as to recently characterize Richard's OMA lawsuit as merely a social media issue. I would encourage you to ask the city for a copy of the complaints filed in Richard's lawsuit and decide for yourself. There are people connected to the city who have engaged in what I believe is some very questionable conduct with regard to both the OMA lawsuit and my Freedom of Information Act lawsuit, and it's in their interest to feed talking points to willing speakers. I would suggest that these comments be taken with a large grain of salt until my FOIA lawsuit concludes, at which point I will have much more to say.

In closing, I would urge you to ignore strategically placed campaign signs and carefully study the candidates' conduct. If you support government transparency, please vote for Steve Percival for mayor; Sue Wylie, Rick Detkowski, and newcomer Hampton Swayne for two-year council terms; and Mike Cascone for the one-year city council position. Steve, Sue, and Rick have been very open about their support for government transparency, and I hope that Hampton will follow in their footsteps. Mike has a background in risk management and has been vocal about his support for following the charter.

Thank you for listening.

Susan Bisio
Clarkston