

CITY OF DETROIT BOARD OF ETHICS

COMPLAINT

Name: _____ Date of Complaint: _____

Complainant's Address: _____

Complainant's Telephone Numbers: (Home) _____ (Work) _____

Name of Public Servant Complained Against: _____

Position/Office of Public Servant: _____

Dates of Occurrence Complained About: _____

Provision(s) of Ethics Ordinance Alleged to Have Been Violated:

Disclosure Requirements: ___ Interest in real or personal property ___ Interest in City contracts,
 ___ Appointee relationship to Elected Official.

(See excerpts of the Ethics Ordinance on the following pages)

Standards of Conduct:

___ Engage in official duties for private gain.	___ Use confidential information for private gain.
___ Disclosure of confidential information.	___ Use of City resources for commercial gain.
___ Incompatible employment or service.	___ Representation of private entity.
___ Self-interested regulation.	___ Improper use of official position.
___ Solicitation of loan/monetary payment	___ Elected Official improper influence of civil service vacancy.

Facts and Circumstances of Alleged Violation (**attach separate sheet if needed**):

Signature of Complainant

Subscribed and sworn to before me this
___ day of _____, 20__.

**Complaint must be sworn in
the presence of a Notary Public**

Notary Public

Submit Request to:

**City of Detroit Board of Ethics
660 Woodward Ave.
First National Building, Suite 1537
Detroit, MI 48226
313-224-2376
313-224-2371 (fax)**

Website: <http://www.ci.detroit.mi.us/BoardOfEthics/>

Dated: 4/07

Attachment for Complainant

Signature

Print Your Name

Mayor Bing specifically violated the Charter Article 7.5 -206 which states: "The Corporation Counsel shall prepare or approve all contracts, bonds and other written instruments in which the city concerned, shall approve all surety bonds required to be given for the protection of the City, and shall keep a proper registry of all contracts, bonds and instruments." Mr. Bing has put the assets and financial well-being of the City at jeopardy by the following actions:

- 1) He has contracted independently with Miller-Canfield Law Firm to advise him during "negotiations" of the Consent Agreement (known as the Financial Stability Agreement) without abiding by Article 7.5-206, by neglecting to obtain approval by Corporation Counsel of the contract & by keeping counsel (Krystal Crittendon, esq.) out of all related meetings and access to documents and discussions.
- 2) He entered into a \$137 million bond agreement without the approval of Corporation Counsel (a loan further putting the City of Detroit & its citizens at financial risk). He did not demand from the State of Michigan Treasury over \$224 million owed in revenue sharing; \$4.75 million in sewage & water bills and other debts.

I believe that myself and other taxpayers and citizens of the City of Detroit are not being adequately represented by Mayor Bing, nor most of his appointees and/or staff (excluding Corporation Counsel) and that we are being subjected to taxation without representation. It appears the Bing Executive Administration has collaborated with the State of Michigan and Miller Canfield (attorneys to the State for Public Act 4 as modified in 2011) to dismantle the City of Detroit, its federally funded agencies and other assets such as the Water and Sewage Department, Public Lighting Department, Department of Transportation, Department of Human Services, and Belle Isle. Our best interest is not being served by Mayor Bing or the local media in general who fails to disclose the facts on both sides of any given issue faced by the City of Detroit.

We also find the Mayor's appointees, Chief of Staff Kirk Lewis, COO Chris Brown, and appointees supervising the Department Directors, and Department Directors subject to investigation and dismissal. The following sections of the City Charter have potentially been violated by many (secs 2-106.1, 2-111).

Chronology

On Wednesday, April 4, 2012, five members of the Detroit City Council, and they are: Charles Pugh, Council President; Gary Brown, Council Pro Tem; Saunteel Jenkins, Council Member; Kenneth Cockrel, Jr., Council Member; and James Tate, Council Member, knowingly drafted and signed a resolution to support a Consent Agreement (i.e. contract) better known as a **Financial Stability Agreement** with the State of Michigan, against the advice of the Corporation Counsel and Research and Analysis Division. Dave Bing, Mayor of the City of Detroit, along with Kirk Lewis, Deputy Mayor of the City of Detroit and Chris Brown (Appointee), also signed and supported entering a illegal contract; known as, the Consent Agreement or Financial Stability Agreement; which has violated the Charter for the City of Detroit, the laws and statues for the State of Michigan and federal laws governing the United States of America.

Based on **Michigan Compiled Law 117.5 (1) (f)** the City of Detroit, the executive branch departments and the legislative branch agencies are prohibited from making a contract with, or giving an official position to, one who is in default to the City. Yet, all of the persons named above have willfully ignored "**the will**" of the people, Corporation Council and Research and Analysis Division and have placed the City of Detroit and the Citizens of the City of Detroit in harm's way with their negligent acts.

On letters dated May 11, 2012, Krystal Crittendon (Corporate Council for the City of Detroit) notified Mayor Dave Bing, the members of the Detroit City Council and Governor Rick Snyder that the Financial Stability Agreement violated Section 7.5-209 of the Detroit City Charter, and is therefore *“void and unenforceable as a matter of law.”*

On Thursday, May 24, 2012, six (6) members of the Detroit City Council and they are as follows: Charles Pugh, Council President; Gary Brown, Council Pro Tem; Saunteel Jenkins, Council Member; Kenneth Cockrel, Jr., Council Member; Andre Spivey, Council Member and James Tate, Council member - violated the law by approving the **2013 City of Detroit budget** which was based on an illegally authorized Financial Stability Agreement; thus, the 2013 budget was passed without the proper authority.

On Thursday, May 31, 2012, Mayor Dave Bing, City of Detroit - approved the 2013 budget adopted by the City Council, which was based on an illegally authorized Financial Stability Agreement; thus, the approval was passed without the proper authority. The \$1.12-billion budget green lighted by Mayor Bing slashes the city's payroll by 2,600 jobs, changes and ignores union agreements and/ or contracts, eliminates emergency and necessary City services and reduces its general fund by \$246 million after allotting \$75 million to pay down its accumulated deficit. This act marked the end of City services and employment opportunities previously afforded to City residents and workers; thus granting the oversight approval of this austere budget to the Financial Stability Agreement's required **Financial Review Board**, wherewith further reductions in City services and/employment opportunities will be unilaterally slashed. This process is void of citizen involvement or input – otherwise known as **dictatorship**.

On Friday, June 1, 2012, Krystal Crittendon (Corporate Council) filed a court complaint with the Court of Claims in Lansing to scuttle the agreement because state law prohibits intergovernmental pacts in which one party is indebted to another. This means that the City is requesting a legal judgment before the agreement goes ahead.

On Wednesday, June 13, 2012 Judge William Collette (State Court of Appeals) ruled on The City of Detroit vs. State of Michigan, State Treasurer, et al. Dave Bing, Mayor of the City of Detroit, while not a direct party to the hearing was represented by Michael Hodges and Mike McGee both of Miller-Canfield law firm. This is a Charter violation, refer to section 2-111. Miller-Canfield's attorneys submitted a last minute brief that excluded **current Charter language allowing Corporation Counsel to pursue violations independent of the Mayor**. Judge Collette's official ruling was that Corporation Counsel was subordinate to the Mayor, and does not have the legal standing to bring a lawsuit against the state. An order was prepared in advance by Mayor's counsel and presented. This claim is false per the above mentioned Charter section.

I _____ submit that the following officials and public servants including, but not limited to Dave Bing Mayor; Kirk Lewis, Deputy Mayor; Chris Brown ,Appointee ; Council Members – Charles Pugh, Gary Brown, Saunteel Jenkins, Kenneth Cockrel, Jr., André Spivey and James Tate have been derelict in their duties, have violated their oath of office and have failed to uphold the Charter of the City of Detroit, which became effective January 1, 2012. According to the Detroit Charter Section 2-113, and it states the following: Prohibition against entering into contracts or giving Position to those in Default. The City through its executive branch departments and legislative branch agencies, is prohibit from making a contract with, or giving a contract with, or giving an official position to, one who is in default to the City. We are asking that the Board of Ethics for the City of Detroit to investigate the seven (7) elected officials and two (2) appointees named above under the sec. 2-6-68, initiate forfeiture proceedings and take all necessary action including and not limited to judicial prosecution.