



Lathrup Village Election Commission Meeting

DRAFT Minutes

Wednesday, September 8, 2021 at 5:00 PM
27400 Southfield Road, Lathrup Village, Michigan 48076

In accordance with Emergency Orders issued by local officials, and State of Michigan legislation, which allows for electronic meetings of public bodies, notice is hereby given that the City of Lathrup's City Council will be meeting electronically using [www.Zoom.us](https://www.zoom.us) for videoconference and public access.

- 1. Call to Order** (in accordance with PA 254 of 2020, the members should identify their physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely).

Meeting called to order by Yvette Talley, City Clerk at 5:01 p.m.

- 2. Roll Call**

Present: Scott Baker, City Attorney, Dawn Medley, City Council Member, Yvette Talley, City Clerk

Scott Baker located in Addison Twp., MI – Oakland County, Dawn Medley, located in Stony Brook, NY-Suffolk County. Yvette Talley, located in McKinney, TX-Collin County.

Present: Mayor Mykale Garrett, Mayor Pro Tem Bruce Kantor, Council member Ian Ferguson and Dr. Sheryl Mitchell Theriot, City Administrator, Kelda London, Government Services

Others Present: Butzel Long, Law Firm – Steven Eatherly, Beth Gotthelf, Joseph E. Richotte

- 3. Pledge of Allegiance**

- 4. Approval of Agenda**

Motion by Commissioner Medley, seconded by Commissioner Baker to approve the Agenda.

Ayes: Baker, Medley, Talley

No: None

Motion carried.

- 5. Approval of Minutes**

A. Election Commission Minutes Remote Meeting – September 3, 2021

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Motion by Commissioner Medley, seconded by Commissioner Baker to approve the minutes of the September 3, 2021 meeting.

Ayes: Baker, Medley, Talley

No: None

Motion carried.

6. Public Comments

Greg Ruvolo – 27641 Lathrup Blvd. stated - on the affidavit of identity form for Barbara Kenez Affidavit the notary and candidate Barbara Kenez signed on 2 different dates which leaves to question if it was in the presence of a notary.

Barbara Kenez – 19115 Glenwood Blvd. stated her affidavit of identity was signed in the presence of a notary and an attorney.

Butzel Long Law Firm–Steven Eatherly -based on additional information received and reviewing case law, Marvin Moore and Greg Ruvolo should be omitted from the ballot. He gave an overview of each candidate:

Mark Dizik, Jalen Jennings, Bruce Kantor, Barbara Kenez, Karen Miller and Saleem Siddiqi each satisfying the Affidavit of Identity requirements.

Mr. Richotte-Butzel Long - explained that there is a published Court of Appeals case decided June 5, 2020 where the court stated it was not a fatal mistake because a person's signature date is not required. The candidate only needs to sign and the notary is the only one who needs to sign and date the document. The court said the affidavit technically satisfied the requirement. Dates that have to be met are: the cut- off date for filing the affidavit of identity which was July 20. If the affidavit of identity is not submitted by then, it is not in compliance with election law. The affidavit of identity and other filing requirements were met for Barbara Kenez. Her affidavit of identity was signed by the notary and the candidate on 2 different dates, it's not a fatal mistake and she does qualify to run for office.

Karen L. Miller, she did not indicate her date of birth on the affidavit of identity but that information is not required but recommended. She is eligible to be on the ballot.

Marvin Moore – failed to attest that he is a citizen of the United States and failed to mark the circle in section 5 of the affidavit of identity. He stated he's a U.S. citizen as a circulator on his nominating petitions, he didn't attest to the statutory requirement for the office which disqualifies him.

Greg Ruvolo II – did not indicate on the term of office on the nomination petitions and on the affidavit of identity, his name should be excluded from the ballot.

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Saleem Siddiqi – he is eligible to appear on the ballot.

7. Action Requests - For Consideration / Approval

A. RECEIVE LEGAL OPINION AND IMPLEMENT RECOMMENDATION THEREIN

Motion by Commissioner Baker, seconded by Commissioner Medley to adopt the revised opinion letter from Butzel Long Law firm based on the opinion letter to disqualify Marvin Moore and Greg Ruvolo II from the November 2, 2021 ballot for the reasons stated and contained in the opinion letter.

Ayes: Baker, Medley, Talley

No: None

Motion carried.

8. Public Comments

Bruce Kantor – 18921 Sunnybrook Ave – said he’s disappointed in the way Butzel Law Firm handled the matter.

Barbara Kenez – 19115 Glenwood Blvd. – stated she has questions on the deadline date of a candidate.

Martha Moore –28050 Red River - stated she’s an attorney and disappointed and alarmed in the way Butzel Law Firm handled the revised opinion.

Greg Ruvolo II- 27641 Lathrup Blvd – It has been an educational and challenging process but his commitment and intent is to serve the residents of Lathrup Village.

Mayor Mykale Garrett stated- Questioned the notary dates not matching when that is the purpose of the notary verifying who they are and all information/ dates matching. This process has cost the city/residents a lot of money.

Ian Ferguson – stated this will cost the city a lot of money and not handled the way it should have been handled.

Karen Miller – 18755 Glenwood Blvd. -stated that she’s disappointed in the way this process was handled by the city.

Commissioner Dawn Medley – Questioned Notary stamp, notary date has to match the signature date and if it doesn’t, it’s a fatal error. Also, the date of birth is an important date because you have to be at least 18 years old to vote. We entered into a legal contract with a law firm to help us

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avoid liability and to strengthen the integrity of this process and it has fundamentally failed. Now there are candidates who've verbally attacked city staff and each other, this is not Lathrup Village.

City Attorney stated he will take ownership of bringing in outside counsel and they didn't have the direction of what the city was requesting until the first meeting on August 23rd.

Butzel Law Firm – Beth Gotthelf stated they were retained by the City to provide a written opinion only had a couple of days to prepare. They have heard the comments from the public and City Council and have taken them to heart.

Sheryl Mitchell Theriot – some counties contact the city when there are questions on the forms filed before the deadline, it is not the practice in Oakland but it would be helpful.

9. Adjourn

Motion by Commissioner Baker, seconded by Council member Medley to adjourn this meeting.

Ayes: Baker, Medley, Talley

No: None

Motion carried.

Meeting adjourned at 6:10 p.m.

Minutes recorded by: Yvette Talley, City Clerk