

## City Clerk

---

**From:** erinevashevskilaw@gmail.com  
**Sent:** Monday, February 5, 2024 9:07 AM  
**To:** City Clerk; Mayor's Assistant  
**Subject:** FW: Mackinac Island Ferry Company - Residential Pass Inquiry

I received a response from Mr. Murray regarding the Star Line island resident issue – see below.

**Erin K. Evashevski**

### **EVASHEVSKI LAW OFFICE**

838 N. State Street, PO Box 373  
St. Ignace, MI 49781  
P: 906.643.7740  
F: 906.643.1533

Disclaimer: This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete/destroy all copies.

**From:** Larson, Treisha <TLarson@plunkettcooney.com>  
**Sent:** Friday, February 2, 2024 3:23 PM  
**To:** Erin Evashevski <erinevashevskilaw@gmail.com>  
**Cc:** Murray, James <JMurray@plunkettcooney.com>  
**Subject:** Mackinac Island Ferry Company - Residential Pass Inquiry

Erin:

Jim is currently out of the office, but asked that I forward the attached response on his behalf:

Erin,

As you may recall, we urged the City to define the term “*Island Resident*” but they chose not to. Mackinac Island Ferry Company (MIFC) is well aware of the terms of the Winter Contract. The issue is not the type of “*documentary evidence*” given. All the evidence in the world cannot make a non-Island Resident an Island Resident.

According to the State of Michigan, a “residency” means a “*fixed, permanent, and **principal** home to which a person, wherever temporarily located, always intends to return.*” Mich. Admin. Code R 206.5.

As such, is an owner of a residence on Mackinac Island an “Island Resident” when their **principal** residence is downstate? The term was used by the City at a time when the clear intent appears to be consistent with the State of Michigan definition—that those who claim the Island as their **principal** residence we covered.

MIFC requires a drivers license or equivalent Michigan ID. If someone cannot provide adequate documentation that the Island is their principal residence, they do not qualify under the terms of the Winter Contract. This is why MIFC made an accommodation for the essential workers on the Island (police, fire, etc.) as they were not able to produce proper proof of “residency”.

As for the two complaints, MIFC is unaware of the specifics of those incidents and therefore cannot comment.

If the City would like to take the lead in developing a better vetting process to confirm "Island Residency" please let me know and I will share with MIFC.

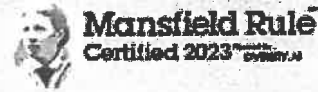
Jim



**Treisha Larson** Legal Assistant to  
James Murray

Plunkett Cooney  
Attorneys & Counselors at Law  
T 231.348.6426

office | vcard | web



## City Clerk

---

**From:** Erin Evashevski <erinevashevskilaw@gmail.com>  
**Sent:** Wednesday, February 7, 2024 1:14 PM  
**To:** City Clerk  
**Subject:** Fwd: Residential Pass Inquiry

----- Forwarded message -----

**From:** <erinevashevskilaw@gmail.com>  
**Date:** Wednesday, February 7, 2024  
**Subject:** Residential Pass Inquiry  
**To:** Mayor's Assistant <assistant@cityofmi.org>

Danielle,

Below is the chain of emails, beginning with my initial email on December 27th, Jim's response on December 28th, my December 28<sup>th</sup> reply, my follow up on January 19<sup>th</sup>, and a second follow up on January 31<sup>st</sup>.

Let's chat soon.

**Erin K. Evashevski**

### **EVASHEVSKI LAW OFFICE**

838 N. State Street, PO Box 373

St. Ignace, MI 49781

P: 906.643.7740

F: 906.643.1533

Disclaimer: This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete/destroy all copies.

**From:** [erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com) <[erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com)>  
**Sent:** Wednesday, January 31, 2024 4:10 PM  
**To:** 'Murray, James' <[JMurray@plunkettcooney.com](mailto:JMurray@plunkettcooney.com)>  
**Subject:** FW: Residential Pass Inquiry

Good afternoon Jim,

I have sent a couple of emails with no response. I am writing again to ensure that you have received my December 28<sup>th</sup> and January 19<sup>th</sup> emails – if you could please respond to let me know I would appreciate it. The council has asked about this issue and a response from Star Line for the last 4 council meetings, I am hoping to have an answer for them at the next meeting.

Sincerely,

Erin

**Erin K. Evashevski**

**EVASHEVSKI LAW OFFICE**

838 N. State Street, PO Box 373

St. Ignace, MI 49781

P: 906.643.7740

F: 906.643.1533

Disclaimer: This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete/destroy all copies.

**From:** [erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com) <[erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com)>

**Sent:** Friday, January 19, 2024 2:20 PM

**To:** 'Murray, James' <[JMurray@plunkettcooney.com](mailto:JMurray@plunkettcooney.com)>

**Subject:** RE: Residential Pass Inquiry

Good afternoon Jim,

I hope you are feeling better after your sickness over the holidays. I am forwarding my December 28<sup>th</sup> email to you, as I am still hoping for a response. I am also passing along the complaints that the council member conveyed as you had requested. Again, what the council is asking for clarification on is Starline's process/requirements for proving residency. It seems that there have been different procedures for different people, and the City is often the recipient of complaints. The most recent complaint was that a driver's license was required, and that the other documentary evidence would not suffice without a driver's license. Of course there are numerous Island residents that do not have driver's licenses. I assume this is a mistake, but it would help the City to know Starline's requirements to be able to better respond to the public.

The first complaint:

I was denied on Dec 1 and had my tax bill, two utility bills, my receipt for My Shepler resident pass and last years starline pass. They denied me . I had the printout and asked them why the drivers license requirement is not listed ? They told me that it was city council that is requiring a drivers license. They confiscated my last years starline pass and would not give it to me and said I obtained it fraudulently . Julie Raisch was behind me and was aghast at the entire interaction. They also denied mark fliesher and his family who own a condo at Leslie court.

The second complaint was:

St Ignace side: Presented my D/L (with downstate address) and Shepler boat pass to start.

The lady at the window said I needed to prove I "paid" for my Shepler boat pass and my D/L "must" indicate an Island address. Nothing else I would submit would count until I showed my Island address on my D/L.

I told her my information should already be in their computer as I had one previously. She looked but did not tell me anything about what she saw in the computer.

I offered to call Shepler's to verify the boat pass and later found out that any free boat passes indicate a VIP status on it somewhere, so she KNEW it was a paid for pass. She said she would check with her supervisor (who was in the back office area). That supervisor lady confirmed my D/L MUST state an Island address before I could do anything.

I offered to call the Island Clerk's office or Treasurer's office (It was Thursday during operating hours). Her response was, that wouldn't matter. Without the D/L I did not qualify for the winter boat pass.

I brought to her attention that the letter states that any two of the items would be acceptable, including someone vouching for me. Didn't make any difference to her.

I asked what my options were. She said I needed to buy the regular boat ticket at 44.00. I told her we own a house on the Island and operate a business on the Island. Her response was then you can buy a book of worker tickets (minimum 20 one-way tickets). I said I OWN the business and I OWN the house. I will be making trips before the Shepler boats start running but I am not going to be making 10 round trips at "worker" price.

They didn't cave and I needed to get to the Island, so I paid the 44.00 (plus another \$10.00 cart fee for the cart that was being donated by ATMI for the Christmas Bazaar).

The resolution was to simply go to the Island-side office on that Monday. They asked for my D/L, Shepler pass, and I handed her the tax document (the same one I was willing to call to get verify) that I got from the Island treasurer.

The very nice young lady at the Island-side ferry office processed it and handed me my winter pass without any issue.

So it basically cost me \$44.00 and a lot of wasted time for my winter boat pass.

Perhaps the moral of the story is to do Island business at the Island-side office.

I hope this accurately represents the chain of events.

When the next year's contract is offered to Star, I hope the Island can convince Star to be a little more accommodating, based on their OWN requirements as not to tick off, out of what seems to be retaliation for those of us who rarely use their services during the Season.

I hope to hear back from you soon.

Sincerely,

Erin

**Erin K. Evashevski**

## EVASHEVSKI LAW OFFICE

838 N. State Street, PO Box 373

St. Ignace, MI 49781

P: 906.643.7740

F: 906.643.1533

Disclaimer: This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient, please contact the sender and delete/destroy all copies.

**From:** Erin Evashevski <[erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com)>  
**Sent:** Thursday, December 28, 2023 3:34 PM  
**To:** Murray, James <[JMurray@plunkettcooney.com](mailto:JMurray@plunkettcooney.com)>  
**Subject:** Re: Residential Pass Inquiry

Good afternoon Jim,

Thank you for your response Jim and I'm sorry to hear that you are sick with Covid, especially during the holidays.

First, I apologize, the complaint did not come through a letter, rather there were complaints to council members, and there was a particular Facebook posting that was raised by one of the council members. I asked the council member who raised the issue to send me a screenshot of the complaint - once received I will send it your way.

I understand that there has been much discussion on what an "island resident" is defined as. We have the language in the Winter Service Agreement, which is the same that it has been for quite some time now, and the council is not asking Star to redefine or further define "island resident". What the council would clarify is Starline's process/requirements for proving residency. It seems that there have been different procedures for different people, and the City is often the recipient of complaints. The most recent complaint was that a driver's license was required, and that the other documentary evidence would not suffice without a driver's license. Of course there are numerous Island residents that do not have driver's licenses. I assume this is a mistake, but it would help the City to know Starline's requirements to be able to better respond to the public.

I hope you are feeling better soon and we can resolve this matter quickly.

Sincerely,

Erin

On Thu, Dec 28, 2023 at 1:00 PM Murray, James <[JMurray@plunkettcooney.com](mailto:JMurray@plunkettcooney.com)> wrote:

Erin,

Unfortunately, I am out of town and sick with Covid, but will send this to Jerry. It is difficult to respond without the particulars of the purported "resident". Can you provide the details including a copy of the letter?

Mackinac Island Ferry Company (MIFC) is well aware of the language in the Winter Contract. As you well know, we have begged City Council to define an Island Resident in terms of what it means to be a "resident". For example, if one owns a cottage on the Island but lives downstate where they vote and get a Homestead Exemption are they an Island Resident?

Jim



**James J. Murray**

Plunkett Cooney  
Attorneys & Counselors at Law  
T 231.348.6413 C 231.838.6102

[bio](#) | [office](#) | [vcard](#) | [web](#) | [linkedin](#)



**From:** Evashevski Law <[tomelaw@lighthouse.net](mailto:tomelaw@lighthouse.net)>  
**Sent:** Wednesday, December 27, 2023 10:24 AM  
**To:** Murray, James <[JMurray@plunkettcooney.com](mailto:JMurray@plunkettcooney.com)>  
**Cc:** Erin K. Evashevski <[erinevashevskilaw@gmail.com](mailto:erinevashevskilaw@gmail.com)>  
**Subject:** Residential Pass Inquiry



[EXTERNAL]

Dear Jim,

The city council received a letter at its last council meeting with the complaint that a person attempted to show proof of residency to purchase a resident pass at Star Line, but was told that, despite having other forms of document proof of residency, the person needed a driver's license. As you are aware the winter service contract between the city and Star Line states:

*D. Island Residents. The term "Island Resident as used in this Agreement means only those individuals that are residents of the City of Mackinac Island and who produce satisfactory documentary evidence of such residence by way of a driver's license, voter identification card, utility bill, or similar evidence. Alternatively, proof of residence can be established by production of documentary evidence verifying that the individual physically resides on Mackinac Island. The City agrees to support compliance with the "Island Residency" requirement and that the rates applicable to Island Residents and allow MIFC reasonable discretion in its enforcement.*

Could you please provide an explanation to the city of the procedure that you are using when individuals are attempting to purchase resident passes? The city feels that clear communication on this matter will help the situation.

Sincerely,

Erin K. Evashevski

**EVASHEVSKI LAW OFFICE**

838 N. State Street, PO Box 373

St. Ignace, MI 49781

(906)643-7740

(906)643-1533 (Fax)