

TO: James Smiertka, City of Lansing, City Attorney

RE: Ethics Complaint

DATE: May 12, 2023

INTRODUCTION

On March 27, 2023, the Lansing City Clerk received an ethics complaint against Council Member Jeffrey Brown. The complaint alleges that Council Member Brown violated Sections 290.04(b), 290.04(d), and/or 290.04(i) of the City of Lansing Ethics Ordinance (“Ethics Ordinance”). Specifically, the complaint alleges:

- Council Member Brown violated Section 290.04(b) of the Ethics Ordinance during a conversation with a representative of a developer (Jeff Deehan), in which Council Member Brown indicated that he would vote favorably on resolutions relating to the Ovation project if, in exchange, Mr. Deehan’s company or the mayor agreed to pay first and last month’s rent for a constituent’s apartment.
- Council Member Brown violated Section 290.04(b) of the Ethics Ordinance during a conversation with the Executive Director of the Lansing Housing Commission (“LHC”) Doug Fleming, in which Council Member Brown referred to an alleged LHC “slush fund” and suggested that he would vote favorably on resolutions relating to the LHC if the LHC paid tenant related fees for a citizen who had voiced a complaint during public comment.
- Council Member Brown violated Sections 290.04(d) and 290.04(i) of the Ethics Ordinance by requesting, ostensibly on behalf of the City of Lansing, “Community Project Funding” for two (2) projects from Congresswoman Elissa Slotkin, although City Council had not passed resolutions authorizing these requests nor had the Mayor included these projects in his funding requests to Congresswoman Slotkin.

The ethics complaint was submitted by five (5) members of City Council: City Council President Carol Wood, City Council Vice President Jeremy Garza, City Council Member Adam Hussain, City Council Member Peter Spadafore, City Council Member Patricia Spitzley, and Mayor Andy Schor. A copy of the ethics complaint is attached as Exhibit A. A copy of the relevant portions of the Ethics Ordinance is attached as Exhibit B.

I was assigned to investigate the complaint. Below is a summary of my investigation and my findings.

SUMMARY OF INVESTIGATION

Interview of Council Member Jeremy Garza

Council Member Jeremy Garza was interviewed by phone on May 3, 2023.

Council Member Garza stated that he was not personally present for the conversation between Council Member Brown and the representative from Mr. Deehan's company, nor was he personally present for the conversation between Council Member Brown and Mr. Fleming. He stated that he signed off on the ethics complaint with the understanding that it would be noted he had heard these allegations second or third hand.

Council Member Garza stated that the Mayor originally advised him about the allegations relating to the request for funding from Congresswoman Slotkin. The Mayor told Council Member Garza that it was not his intention that Council Member Brown speak on these issues. Council Member Garza stated that there were no discussions during Council meetings regarding the Ladybug Center project or the International Center project, although there were some discussions about them during leadership meetings. Council Member Garza could not recall whether Council passed any resolutions to request funding for these projects from Congresswoman Slotkin's office.

Regarding the other allegations of the ethics complaint, Council Member Garza reiterated that he only heard about these allegations "second or third hand." He stated that no one has complained or reported to him that Council Member Brown was trying to buy votes.

Interview of Doug Fleming

Doug Fleming was interviewed by phone on May 4, 2023.

Mr. Fleming is the Executive Director of the Lansing Housing Commission. He stated that the LHC is independent of the City, although the Mayor appoints members to the LHC Board. He stated that the LHC often has business in front of City Council.

Mr. Fleming explained that LHC provides subsidies for qualified tenants, whereby LHC pays a portion of the tenant's rent; the tenant is responsible for the remainder. Due to administrative error, occasionally LHC's portion of the rent may be delayed, resulting in the tenant being assessed late fees. When that occurs, and LHC is at fault, LHC will pay the late fees for the tenant.

Mr. Fleming stated that he was aware of a public comment made by a tenant during a City Council meeting, in which the tenant claimed that she was charged late fees as a result of delays caused by LHC, and that she was also charged utility fees by her management company. Mr. Fleming stated he was not present for this meeting, but he heard about the tenant's complaint from Council Member Spitzley. Tenants often complain to City Council, either privately or at public comment, and Council Member Spitzley has previously brought these complaints to Mr. Fleming for investigation. Mr.

Fleming stated that it is not unusual for a tenant to misrepresent what has happened or omit pertinent information; Council Member Spitzley is aware of that, and so she notifies Mr. Fleming of the complaints so that LHC can look into it. That's what happened in this case.

Mr. Fleming stated that his father had passed away during this time period, and therefore, the investigation into the tenant's complaint was delayed as he was dealing with his father's death. Council Member Brown called Mr. Fleming while he was on the way to the funeral¹ – this was after Council Member Spitzley apprised him of the complaint, but before Mr. Fleming had a chance to investigate – and indicated that he had the tenant in his office. Council Member Brown started the conversation by stating to Mr. Fleming “this is another one of those” instances where LHC had caused a tenant to incur late fees; according to Mr. Fleming, Council Member Brown was already “drinking the Kool Aid” before the conversation started that LHC was at fault. Mr. Fleming indicated that he had not had a chance to look into the matter but would be doing so. Council Member Brown then asked whether LHC could pay the late fees out of the LHC “slush fund.” Mr. Fleming advised that there was no “slush fund” and reiterated that he would have to look into the matter. This angered Council Member Brown, who accused Mr. Fleming of being disrespectful. Council Member Brown then hung up on Mr. Fleming.

Mr. Fleming stated that he believed Council Member Brown's phone call was an attempt to impress the constituent, who was in Council Member Brown's office during the call. When Mr. Fleming would not give him the answer he wanted, Council Member Brown became upset.

Mr. Fleming stated that he did look into the matter and discovered that the tenant had misrepresented the facts and omitted important details. The late fees were caused by the tenant being late on her portion of the rent; LHC was not at fault. In addition, the tenant had misrepresented the amount of late fees she was assessed, as she had claimed to Council that the amount was \$150 when in fact it was \$100. As to the utility fees, Mr. Fleming advised that LHC had already provided the tenant money for the utilities, which she was to use to pay the management company. She evidently had not done so, which resulted in the management company paying them on her behalf. When the management company sought reimbursement from her, the tenant claimed LHC was responsible, even though LHC had already provided her the money. Mr. Fleming stated that the tenant was trying to obtain a double payment. Mr. Fleming reported his findings in an email to Council Members Brown, Spitzley, and Hussain; and reiterated that LHC did not have a “slush fund.” (See Exhibit A, attachment March 22, 2023 Email). Mr. Fleming stated that he did not believe Council Member Brown substantively responded to his email, although he may have acknowledged its receipt.

Mr. Fleming stated that the only discussions he had with Council Member Brown regarding this matter were the phone call and email. He denied the allegation in the ~~ethics complaint that Council Member Brown suggested that he would vote favorably~~ ~~on Mr. Fleming~~ stated that he did not know if Council Member Brown was aware that his father had died or that he was going to his funeral when he called.

resolutions if LHC paid the fees for the tenant. Mr. Fleming stated that he had heard the opposite, that Council Member Brown had said that he would *not* vote in favor of any LHC resolutions because he believed Mr. Fleming had been rude and disrespectful on the phone call. Mr. Fleming stated that Council Member Brown never said this to him directly, but that he heard about this from multiple people. Mr. Fleming declined to identify the individuals who told him this.

Mr. Fleming stated that Council Member Brown has never told him or suggested to him that he would or would not support LHC resolutions based on LHC doing him or a constituent a favor.

Interview of Council Member Carol Wood

Council Member Carol Wood was interviewed by phone on May 5, 2023.

Council Member Wood stated that she was not personally present for the conversation between Council Member Brown and the representative from Mr. Deehan's company, nor was she personally present for the conversation between Council Member Brown and Mr. Fleming. She stated that she only heard "hearsay information" that Council Member Brown was suggesting a quid pro quo for his votes to Mr. Fleming and Mr. Deehan. She stated that she heard about the allegations from the Mayor and Council Member Hussain.

Council Member Wood stated that the normal practice with respect to requesting Congressional earmark/funding is that the Mayor will make a recommendation to Council regarding the projects on which funding should be requested. Council reviews these recommendations during open session, discusses them, and votes on them, passing a resolution on which projects to request funding for. Council Member Wood stated that Council speaks as a body through its resolutions, and no individual council member can say they represent the Council or even suggest that they represent the Council.

Council Member Wood stated that, in this case, the normal practice was not followed. Council Member Wood stated that she was told that the Mayor and Council Member Brown talked about requesting funding for the Ladybug Center and International Center projects, but there was no recommendation from the Mayor to Council on them, Council never discussed them in open session, and there was never a resolution passed authorizing a request for funding on these projects. Council Member Wood Stated that Council Member Brown just sent the requests on his own to Congresswoman Slotkin's office. She stated this has never happened before and it is not a practice of the City for individual council members to request congressional funding without a resolution by the City. She stated that she was told that Congresswoman Slotkin's office contacted Council Member Brown and told him that these projects were not being supported by the City, which the Mayor confirmed.

Council Member Wood stated that this is Council Member Brown's second year on Council and he went through the earmark process last year. After these events, the City went through its earmark process, with the Mayor making recommendations to Council,

Council discussing them, and then voting on them. The Ladybug Center and International Center projects Council Member Brown had put forward were not included in this request for funding.

Council Member Wood stated that Council Member Brown was upset by this situation, as he felt he was blindsided and made to look stupid. He told Council Member Wood he would never support anything that the Mayor brought forward again.

Council Member Wood stated that Council receives ethics training from the HR Director and City Attorney at the start of every year.

Interview of Council Member Adam Hussain

Council Member Adam Hussain was interviewed by phone on May 5, 2023.

Council Member Hussain was not present for the conversations at issue between Council Member Brown and Mr. Deehan and Council Member Brown and Mr. Fleming. He stated he heard about the conversation with Mr. Deehan from Council Member Spitzley, who stated that Council Member Brown told Mr. Deehan that if he got the Mayor to help out with a constituent, he (Council Member Brown) would get the Mayor to help out on the Ovation project. Council Member Hussain stated that he heard there was some mention of a slush fund with regard to the conversation with Mr. Fleming. He stated that he had “fifth and sixth information” about these two conversations.

Council Member Hussain stated that he had some discussions with Council Member Brown regarding the issue involving the funding request to Congresswoman Slotkin’s office. It was Council Member Hussain’s understanding that the Mayor was putting together a list of items to submit to Congresswoman Slotkin’s office for funding. He stated that a council member could submit to the Mayor an idea for projects to be funded. He stated that Council Member Brown told him he spoke to the Mayor about his ideas, and based on that conversation, he believed that he could send his idea directly to Congresswoman Slotkin’s office, with the Mayor’s blessing. When Council Member Brown sent his proposals to Congresswoman Slotkin’s office, someone from her office reached out to the Mayor to confirm whether the Mayor was in support of the proposals. The Mayor said no. Council Member Hussain stated that Council Member Brown was angry and humiliated by this.

Council Member Hussain stated that no vote or resolution was required in order for a council member to suggest a proposal for funding. But once the list was put together, Congresswoman Slotkin’s office asked that Council vote on the proposals from that list that the City wanted to request funding for. So there was a vote by Council authorizing the proposals to be submitted. The proposals Council Member Brown had suggested were not included, but he did vote in favor of the resolution.

Council Member Hussain stated that, based on his conversation with Council Member Brown, it seemed to him that the issue involving Congresswoman Slotkin’s office was just

a misunderstanding. He stated that Council Member Brown is relatively new to office. He twice stated that the process for requesting funding from Congresswoman Slotkin's office has not been done the same way.

Interview of Council Member Peter Spadafore

Council Member Peter Spadafore was interviewed by phone on May 5, 2023.

Council Member Spadafore stated he was not present for the conversation between Council Member Brown and a member of Mr. Deehan's company; he stated he heard about the conversation from the Mayor and that it sounded like Council Member Brown had suggested a quid pro quo.

Council Member Spadafore stated he was not present for the conversation between Mr. Fleming and Council Member Brown, although Mr. Fleming called him afterwards. Mr. Fleming told him that Council Member Brown wanted him to use LHC resources, which Council Member Brown referred to as a "slush fund," to pay the tenant's fees as a favor to him. Council Member Spadafore stated that Mr. Fleming did not specifically say that Council Member Brown was seeking a quid pro quo, but from the context, it may have been implied.

Council Member Spadafore stated that the City speaks through its resolutions and any official requests on behalf of the City are done by resolution. He agreed with Council Member Wood regarding the normal practice with respect to requesting Congressional earmark/funding, *i.e.*, that the Mayor makes a recommendation to Council, Council reviews these recommendations during open session, and then votes on them. Council Member Spadafore stated that this process was not followed with respect to the funding requests Council Member Brown made and that Council never passed any resolutions authorizing Council Member Brown to submit those requests. Council Member Spadafore stated that in his six (6) years on Council, he has never witnessed a council person going around the official governing body. Council Member Spadafore stated that when the Mayor submitted funding requests to Congresswoman Slotkin's office, it was done by way of a resolution.

Interview of Mayor Andy Schor

Mayor Andy Schor was interviewed by phone on May 5, 2023.

Mayor Schor was not personally present for the conversation between Council Member Brown and a member of Mr. Deehan's company. He stated he heard second hand from Mr. Deehan that Council Member Brown stated, "I'll only vote for the Ovation project if the Mayor's office pays first and last month's rent" for a constituent.

Mayor Schor stated he was not present for the conversation between Council Member Brown and Mr. Fleming.

Mayor Schor stated that the City has projects that it submits to Congresswoman Slotkin's office to request grant funding. Council Member Brown knew about this, and apparently spoke to Congresswoman Slotkin's office about projects he was interested in. Council Member Brown then spoke to Mayor Schor and shared that he was involved in a "homelessness" project that Congresswoman Slotkin was also committed to. Mayor Schor stated that he told Council Member Brown to send him information about the project to determine whether it could be added to the list of projects the City was going to seek funding for. On the day the requests were due, the City submitted 6-7 projects. These were established projects that the City was supporting. Council Member Brown, without telling anyone, wrote up two (2) proposals that he sent to Congresswoman Slotkin's office, both of which were for a significant amount of money: \$2 million and \$3-5 million. Mayor Schor stated that these requests weren't from the City, but Council Member Brown represented on the proposals that it was from "the City of Lansing." One of the proposals was also for a concept, not an actual established project. Mayor Schor stated that he called Council Member Brown and told him, you can't submit this on behalf of the City, it wasn't approved by Council. Council Member Brown was very upset and said, you told me I could do this.

Mayor Schor stated that Council speaks as a body, not as individuals. He stated that these requests are for grant funding that Congresswoman Slotkin has asked the City to apply for. He stated that Congresswoman Slotkin's office asked the City to approve the specific funding requests it was seeking by a majority vote of Council. This vote was held, but Council Member Brown's proposals were not included in this vote.

Mayor Schor stated he recently spoke to Council Member Brown who stated that he had only been there a year, and wasn't sure what he was doing and that maybe he had been a little naïve. Mayor Schor stated that the City Attorney's Office provides ethics training to Council. He also stated that there is a little part of him that thinks Council Member Brown needs a job and needs an income, since he's currently unemployed, and that he may have submitted these grant requests for that purpose.

Interview of Council Member Jeffrey Brown

Council Member Jeffrey Brown was interviewed remotely by Zoom on May 8, 2023. He was represented by his attorneys, Brendon Basiga and Eric Doster.

Prior to the interview, Mr. Basiga and Mr. Doster formally requested a copy of this report and asked that the request be noted in this report.

Council Member Brown stated that he has been on City Council since January 1, 2022. He stated that the City Attorney's Office and the HR department provided training on sex harassment, confidentiality, and conflicts of interest, but could not recall if ethics training was also provided. Council Member Brown stated that training is provided at the start of every calendar year. He has received training twice since joining Council. He agreed that Council acts through its resolutions.

Council Member Brown stated that he knows Jeff Deehan, but does not know the name of his company. He knows that Mr. Deehan is a developer in the City who has something to do with the City's Ovation project. Council Member Brown's understanding is that Ovation is owned by the City and is a City project.

Council Member Brown stated that he did have a conversation with Mr. Deehan about the Ovation project. Mr. Deehan reached out to him and told him he was the Project Manager for the project. Council Member Brown told Mr. Deehan that he had concerns about the project including 1) that there was no accountability when things happened that deviated from resolutions Council has passed; 2) the long-term financial stability of the project; and 3) the location of the project. Council Member Brown stated that there are other developments in the City, including the Lansing Center, the Lugnuts baseball stadium, and the Groesbeck golf center, that the City developed and is now subsidizing because they are not financially successful. He stated that he was concerned that the Ovation project might end up also being financially unsuccessful, and that the City would also have to subsidize it. He stated that the Lansing Center is very close to the Ovation development, and could be used for the concert venue that is to be built in the Ovation development. He stated that the City is in a structural deficit and as a fiduciary to the City, he was concerned about how the City was going to pay for everything if the Ovation project was unsuccessful. Mr. Deehan indicated that he understood Council Member Brown's concerns and offered to have a meeting with him and Dominick Cochran; Council Member Brown stated that it was his understanding that Mr. Cochran is a City employee and is a "media guy." This meeting subsequently occurred, and Mr. Deehan and Mr. Cochran explained that there was a specific source of funding that can only be used for entertainment which could be used for the Ovation project.

Council Member Brown denied the allegations in the complaint – he stated "absolutely not" – that he indicated to Mr. Deehan that he would support resolutions regarding the Ovation project if Mr. Deehan's company or the Mayor paid rent for a constituent. He stated that he does not know who the constituent is and that he represents over 112,000 people. Council Member Brown stated why would he ask someone to pay a few hundred dollars in rent in exchange for a \$40 million project? "It doesn't make any sense."

Council Member Brown stated that he is the Ad-Hoc Committee Chair to the Homelessness and Solutions Committee. This committee invited individuals to come and give testimony regarding systemic issues with the various agencies involved (federal and state), including the LHC. One of the individuals, Jessica Verlinde, approached him for help. He suggested meeting with the Continuum of Care Chair, Rawley Van Fossen. Ms. Verlinde, her two (2) children, Mr. Van Fossen, and Council Member Brown all met in the latter's office. Ms. Verlinde told them that LHC was behind on paying her rent, and so she was assessed late fees. Ms. Verlinde was crying. Council Member Brown called Mr. Fleming. As soon as he mentioned that he was calling about Ms. Verlinde, Mr. Fleming "went off." Council Member Brown stated that he was calm, but Mr. Fleming was upset and angry. Council Member Brown stated that Ms. Verlinde had made other complaints about Mr. Fleming/LHC and that was why Mr. Fleming was so upset. Council Member Brown told Mr. Fleming that he just needed to know who to talk to in order to get

her some help, and that he hadn't jumped to any conclusions. He stated that Mr. Fleming was very defensive. Council Member Brown felt that Mr. Fleming was demoralizing him and being disrespectful, so he told Mr. Fleming "never mind, I'm not going to be abused by you" and ended the call.

Council Member Brown stated that he never mentioned anything about a "slush fund" nor did he suggest that he would vote favorably on LHC resolutions in exchange for Mr. Fleming paying Ms. Verlinde's late fees out of an alleged "slush fund." He stated that he was just trying to get Mr. Fleming to help, but will not speak to him anymore outside official channels based on how he was treated. He stated that after the exchange, he emailed Mr. Fleming on March 20, 2023 and repeated that he would not be spoken to like that and would not deal with Mr. Fleming except through official channels. Council Member Brown provided a copy of that email during the interview.

Council Member Brown was asked whether he responded to Mr. Fleming's March 22, 2023 email, in which he states that Council Member Brown inquired about a "slush fund." Council Member Brown stated that he reattached his March 20, 2023 email and sent it to Mr. Fleming and the other recipients of Mr. Fleming's email.

Council Member Brown stated that Congresswoman Slotkin approached him at the MLK lunch to discuss his interest in homelessness issues. She told him to speak to her staff and they would tell him what to do to request federal funding. Council Member Brown stated that he spoke to Ann Brown from Congresswoman Slotkin's office and she told him to work with the Mayor's office because they apply for the projects. She also sent him a webinar that explained the process. Council Member Brown then advised the Mayor that Congresswoman Slotkin had approached him about requesting funds for the homeless project. The Mayor told him, "great, let's do it." Council Member Brown stated that last year, the Mayor wanted to support the International Center with ARPA funding, but it was not eligible for funding, so the Mayor told him they would try to find another source of funding.

Council Member Brown stated that he spoke to Slotkin's office about the process, completed the proposal, and told the Mayor that he was going to apply. The Mayor said, "Great, we'll see what happens." So Council Member Brown sent the email with the two (2) proposals and cc'd the Mayor on the email. He stated that Congresswoman Slotkin's office responded and indicated that his proposals had been selected to move to the next round of the application process. Council Member Brown provided a copy of that email. Council Member Brown stated that he then spoke to the Mayor to discuss the application process. The Mayor now indicated that he did not support these projects because he had his own list of projects that he was supporting. Council Member Brown told him that was fine and that he wasn't going to argue about it. Council Member Brown did not complete the application process for his projects.

Council Member Brown stated that he had no training on this process, no staff to help out on it. He stated, "How do I know there's a whole other process? How would I know to ask what the process is when people are telling me something else?" He stated that he did

not believe that Council had to pass a resolution in order to submit proposals to Congresswoman Slotkin's office. He stated that the resolution Council passed happened after the submissions were made by the Mayor's office and that he believed the resolution had to do with appropriating the funding, if it was awarded.

Council Member Brown stated that he never actually applied for the funding, he just sent proposals indicating interest in order to initiate the process. Once the Mayor indicated he would not support his proposals, Council Member Brown did not complete the application process.

Council Member Brown stated that he "100%" believed he was following the process by working with the Mayor's office. He stated, "If I didn't, why would I cc the Mayor if I was trying to be ethically rogue?"

At the conclusion of the interview, Mr. Doster asked that it be noted in this report that unless the complaint is dismissed, Council Member Brown was asking for a reasonable opportunity to respond.

Interview of Council Member Patricia Spitzley

Council Member Spitzley was interviewed by phone on May 9, 2023.

Council Member Spitzley stated she was not present for Council Member Brown's conversations with Mr. Deehan or Mr. Fleming. She stated she heard about the situation with Mr. Deehan third hand, but could not recall how she heard about it. Regarding the situation with Mr. Fleming, Council Member Spitzley stated that she is on the Ad Hoc Committee on Homelessness with Council Member Brown. The tenant in question was at the Ad Hoc Committee, and Council Member Spitzley tried to help her. Council Member Brown also tried to help her by making several phone calls on her behalf. One of those calls was to Mr. Fleming.

Council Member Spitzley stated that her understanding of the issue with Council Member Brown – whether it was with Mr. Deehan or Mr. Fleming or someone else – is that when he gets an answer he doesn't like, he takes the position of "don't come back to me for votes, you're not helping me so I'm not going to help you." She stated that she personally spoke to Council Member Brown who told her that he spoke to the Mayor asking for certain considerations in exchange for his (Council Member Brown's) votes on the Ovation project. The Mayor told her the same thing, that Council Member Brown was mad at him because he had asked for these considerations and did not think he was going to get what he wanted. The Mayor told Council Member Spitzley that he was going to talk to Council Member Brown to try to work things out. Council Member Spitzley stated that she told Council Member Brown, "you need to be careful, you can't trade votes, you can't imply favors for votes." She stated that City Council must stay above that kind of behavior and that is why she signed the ethics complaint.

Council Member Spitzley stated that Council Member Brown has been on Council for two (2) years and that Council Members receive ethics training.

Council Member Spitzley stated that the process for requesting funding is that Congresswoman Slotkin sends out a notice of the deadline to submit requests. The Mayor then advises Council of the deadline and to let him know if a council member wants a project submitted. She stated that funding requests go through the Mayor. She stated that individual council members can't go directly to Congresswoman Slotkin, the Mayor must submit the requests. Because Council acts through its resolutions, there is a vote on the proposals that are going to be submitted. This vote happens before the proposals are submitted.

In this case, the Mayor came to Council and asked them to submit proposals. Council Member Brown, however, submitted a project on his own but in the name of City Council. Council Member Spitzley stated that Council Member Brown claimed that the Mayor told her to submit projects on his own, but this surprised her because that's not how the process works. She stated that Congresswoman Slotkin's office reached out to the Mayor to ask if Council Member Brown's projects were approved, and he said no. This upset Council Member Brown, who told Council Member Spitzley that the Mayor was disrespecting him and that it would be a "no" for anything the Mayor brings to Council.

Second Interview of Mayor Schor

Mayor Schor was interviewed for a second time on May 9, 2023 by phone.

Mayor Schor was asked about Council Member Spitzley's statements regarding Council Member Brown asking Mayor Schor for certain conditions in exchange for his support on the Ovation project. He stated that Council Member Brown did approach him about his support on the two (2) projects he wanted to submit for funding – the Lady Bug Center and the International Center – but there was never a quid pro quo proposed regarding Council Member Brown's support for the Ovation project.

Mayor Schor was asked again to clarify the process regarding submitting funding requests to Congresswoman Slotkin's office. He stated that the process has only been in place for two (2) years, and it was slightly different last year. He stated that this year, Congresswoman Slotkin sent an email to the cities, villages, counties within her congressional district to advise that there would be an opportunity to request funding. The Mayor's office called Congresswoman Slotkin's office for more information, and thereafter, collected a number of projects/proposals to send to Congresswoman Slotkin's office. Once that was done, Congresswoman Slotkin's office selected the eight (8) proposals that the City was to submit and asked that Council pass a resolution approving selection of the eight. Mayor Schor stated that this all happened in a very short amount of time, just two (2) weeks.

Mayor Schor stated that Council Member Brown initially told him that he had spoken with Congresswoman Slotkin about his homelessness project and that she was in support,

Mayor Schor did not realize that Council Member Brown was considering seeking funding under this process. He stated that he did not know he was going to submit a proposal directly to Congresswoman Slotkin and never told him he could submit a proposal. He stated that the proposals come out of the Mayor's office because that office is responsible for submitting grants. He stated that Council Member Brown could have certainly requested that Council consider one of his proposals in lieu of one of the proposals the Mayor put forward, but Council Member Brown never did that. Mayor Schor stated that he did advise Council Member Brown that he could put forward a funding request to Senator Peters on his own, but to make sure it was clear it was coming from him and not from the City.

Interview of Jeff Deehan

Jeff Deehan was interviewed on May 10, 2023 by phone.

Mr. Deehan stated that he is involved with a project for the community, the Ovation project. He called Council Member Brown to ask for his support on the project and to clarify or answer any questions Council Member Brown may have. He stated that he ended up meeting with Council Member Brown, sometime in early March. During that meeting, Council Member Brown expressed his frustration with the Mayor/administration. Council Member Brown told Mr. Deehan that the Mayor/administration lacked integrity. Council Member Brown told Mr. Deehan that he would not support anything that the Mayor/administration was supporting because they were unsupportive of an initiative he had put forward, which was to find housing or pay for housing for an individual in the community. Council Member Brown told Mr. Deehan that unless the Mayor/administration started supporting his initiatives, he was going to vote against everything they put forward.

Mr. Deehan was asked about the allegations in the ethics complaint. He stated that Council Member Brown did not say exactly what is alleged in the complaint. He stated that Council Member Brown did not indicate a direct quid pro quo, but that he "walked very close to that line. I don't know if he crossed it, but he danced around it." He stated that his impression of what Council Member Brown was saying was that he was frustrated and that if the Mayor/administration wanted his support on anything, then they would have to earn his support by paying closer attention to what he wanted.

Mr. Deehan stated that he walked away from the conversation with Council Member Brown feeling "weird." He stated that the interaction left him with questions and that he was concerned about his own exposures based on what Council Member Brown was suggesting. Mr. Deehan stated that he actually called his own attorney because of his concerns.

Review of Other Documents and Information

As part of the investigation, I received and reviewed the following documents which were attached to the ethics complaint (Exhibit A).

- A March 22, 2023 email from Mr. Fleming to Council Members Hussain, Brown, and Spitzley. Among other things, this email states that the LHC “do[es] not have a ‘slush fund’ as asked by Councilman Brown to take care of these issues.”
- A March 9, 2023 email from Council Member Brown to an email address associated with the office of Congresswoman Slotkin. The email states, in relevant part, “Please see the attached Community Project Funding request...” and contains two (2) attachments, both of which appear to be requests for funding for the City of Lansing.

I also received and reviewed the Ethics Ordinance. (Exhibit B).

Council Member Brown sent me the following Exhibits during my interview of him:

- A March 20, 2023 email exchange between Council Member Brown and Mr. Fleming. In this email exchange, Mr. Fleming indicates that he knows Council Member Brown was frustrated “with my non-committal of resolution to your questions” and explains that he needs to do further investigation before a resolution can be suggested. Council Member Brown responds that he is “simply asking to be treated with dignity and respect” and that he will no longer be contacting Mr. Fleming because “I will not be attacked by you because I am trying to get answers.” A copy of this email is attached as Exhibit C.
- A March 14, 2023 email from Korey Calloway of Congresswoman Slotkin’s office. This email indicates that Council Member Brown’s proposals have been selected to move onto the next round of the application process and lists the requirements to be completed and a deadline to complete them. Council Member Brown advised that he did not complete these requirements because the Mayor indicated he was not going to support Council Member Brown’s proposals. This email is attached as Exhibit D.

I also reviewed the March 27, 2023 minutes of the Committee of the Whole (“COW”) meeting and the March 27, 2023 minutes of the City Council meeting, which are attached as Exhibits E and F respectively. During its meeting, the COW passed a resolution supporting eight (8) funding proposals for Congresswoman Slotkin to advocate. Discussion on the resolution indicated that the Mayor and the administration “team” selected and submitted the eight (8) proposals. During its meeting, City Council passed a resolution “fully and completely support[ing]” the eight (8) funding proposals. Both sets of minutes indicate that the projects Council Member Brown put forward – the Lady Bug Center and the International Center – were not included in the eight (8) proposals.

FINDINGS

The ethics complaint alleges that Council Member Brown violated Sections 290.04(b), 290.04(d), and/or 290.04(i) of the Ethics Ordinance. In relevant part, these sections provide that:

- No officer shall directly or indirectly solicit or accept any payment, contribution, money, or other thing of value based on any agreement or understanding with a person that a vote or official action or decision of an officer would be influenced thereby. (Exhibit B, Section 290.04(b)).
- No officer shall falsely represent his personal opinion to be the official position or determination of the governmental body of which he is a member. (Exhibit B, Section 290.04(d)).
- No officer shall act on behalf of the City by making any policy statements, promising to authorize or to prevent any future action, agreement or contract, when such officer has no authority to do so. (Exhibit B, Section 290.04(i)).

As a sitting member of the City Council, Council Member Brown is undisputedly subject to the above provisions. (See Section 290.02 (defining, in relevant part, an “officer” as “an elected or appointed officer...of a governmental body of the City.”))

Regarding the first allegation in the ethics complaint – that Council Member Brown allegedly indicated to a representative of Mr. Deehan’s company that he would vote favorably on resolutions involving the Ovation project if Mr. Deehan’s company or the Mayor paid rent for a constituent – I cannot substantiate the allegation as presented. Council Member Brown flatly denied the allegation. Mr. Deehan also denied that Council Member Brown made the comments as they are described in the ethics complaint. Since both participants to the conversation denied the allegation, I cannot substantiate it. Therefore, I do not find that Council Member Brown violated Section 290.04(b) in this instance.

Regarding the second allegation in the ethics complaint – that Council Member Brown allegedly inquired about a LHC “slush fund” and suggested to Mr. Fleming that he would vote favorably on resolutions involving the LHC if the LHC paid tenant related fees for a constituent out of the “slush fund” – Mr. Fleming and Council Member Brown have different recollections of the conversation. Mr. Fleming remembers that he was polite but firm that he would not commit to a resolution until further investigation had been done; he also remembers that Council Member Brown inquired about a “slush fund.” Council Member Brown, on the other hand, remembers that Mr. Fleming was disrespectful and angry, and that there was no discussion about a “slush fund.” The email exchanges following this conversation appear to support each party’s memory of events. (See March 22, 2023 Email attached to Exhibit A; Exhibit C). However, both were united in their recollection that Council Member Brown did not suggest or indicate that he would vote favorably on LHC resolutions in exchange for LHC paying the tenant’s fees (whether out

of an alleged “slush fund” or not”). Since both participants to the conversation denied the allegation, I cannot substantiate it. Therefore, I do not find that Council Member Brown violated Section 290.04(b) in this instance.

However, while I do not find that Council Member Brown engaged in the conduct as specifically alleged in paragraphs 1 and 2 of the ethics complaint, I do substantiate that Council Member Brown has suggested that his support on matters is based upon whether he has received reciprocal support on a matter of importance to him. Mr. Deehan, Council Member Spitzley, and, to some extent, Mr. Fleming, all provided examples of this. In addition, both Council Member Spitzley and Mr. Deehan expressed concern about Council Member Brown’s comments, with Mr. Deehan indicating that he was concerned enough to consult with his own attorney and Council Member Spitzley indicating that she was concerned enough to warn Council Member Brown.

Having substantiated that Council Member Brown has suggested that his support hinges on others supporting him, I turn to the question of whether this violates Section 290.04(b). That section states that no officer shall “...indirectly solicit...any...other thing of value based on any...understanding with a person that a vote or official action or decision of an officer would be influenced thereby.” While it is a close question, I find that Council Member Brown’s comments could be viewed as an indirect solicitation of a thing of value (*i.e.*, support on matters of importance to him), with the understanding that his support would be reciprocally influenced thereby. I therefore find that Council Member Brown violated Section 290.04(b) with regard to these comments.

Regarding the final allegation – that Council Member Brown requested funding on two (2) projects from Congresswoman Slotkin, even though City Council had not approved these funding requests nor had the Mayor included them in his funding requests – there was conflicting testimony. Based on a careful review of the evidence, I substantiate this allegation. Nearly all the witnesses (Council Members Wood, Spadafore, and Spitzley, and Mayor Schor) stated that the Mayor was responsible for submitting the proposals; nearly all the witnesses (Council Members Wood, Spadafore, Spitzley, and Hussain, and Mayor Schor) stated that Council had to pass a resolution regarding the proposals for which the City was requesting funding. While Council Member Brown expressed some confusion about the process and indicated that he was under the belief that he was permitted to submit proposals directly to Congresswoman Slotkin’s office on his own, he was the only witness who made this claim; and he also acknowledged that Council acts through its resolutions. Here, the March 27, 2023 COW and City Council meeting minutes demonstrate that the proposals were selected by the Mayor/administration, that a resolution was passed regarding what proposals to seek funding for, and the proposals Council Member Brown put forward were not included in that resolution.

Having substantiated these allegations, I also find that Council Member Brown’s actions in this instance violate Sections 290.04(d) and 290.04(i) of the Ethics Ordinance. Those sections state, respectively, that no officer shall “falsely represent his...personal opinion to be the official position or determination of the governmental body of which he...is a member” or act “on behalf of the City by making any policy statements...when such

officer...has, in fact, no authority to do so.” (Exhibit B). I find that Council Member Brown’s submission of two (2) funding proposals identifying the City of Lansing as the applicant could be viewed as an official position or policy statement of the City, *i.e.*, that it was the City’s position or policy to support these projects and to seek funding for them. Since Council Member Brown was not authorized to submit these proposals on behalf of the City and was not authorized to represent that it was the official position or policy of the City to request funding for these projects, I find that he violated Sections 290.04(d) and 290.04(i) in this instance.

CONCLUSION

Thank you for allowing me to assist you in this matter. Please let me know if you have any questions regarding the above or wish to discuss this matter further.

Very truly yours,

/s/Gouri G. Sashital
Gouri G. Sashital, Esq.