

**STATE OF MICHIGAN  
IN THE 44<sup>TH</sup> CIRCUIT COURT FOR LIVINGSTON COUNTY**

In re CHRIS ROPETA, in his capacity  
as a member of the TYRONE TOWNSHIP  
PLANNING COMMISSION,

Honorable  
Case Number 25-\_\_\_\_\_-AS

Plaintiff,

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C. Nicholas Curcio (P75824)  
CURCIO LAW FIRM PLC  
16905 Birchview Drive  
Nunica, Michigan 49448  
(616) 430-2201

*Attorney for Plaintiff*

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**COMPLAINT FOR ORDER OF SUPERINTENDING CONTROL**

**INCLUDES REQUEST FOR IMMEDIATE ISSUANCE  
OF SHOW-CAUSE ORDER**

A prior action arising out of the same transaction alleged in this complaint was previously filed in this Court, where it was given Case No. 2025-000000392-AS and assigned to the Honorable Susan Longworth. The action is no longer pending, as the Court dismissed the complaint after concluding that, under Michigan law, “a removed person may seek superintending control after the removal has occurred.”

Plaintiff Chris Ropeta states as follows for his complaint requesting an order of superintending control:

**Parties, Jurisdiction, and Venue**

1. Tyrone Township is a Michigan general law township in Livingston County that is organized pursuant to the Revised Statutes of 1846.

2. Mr. Ropeta is a resident of Tyrone Township. He was elected as a trustee on the Tyrone Township Board of Trustees (the “Township Board”) during the November 2024 election. Shortly thereafter, on December 3, 2024, he was appointed to serve on the Tyrone Township Planning Commission (the “Planning Commission”) for a term of three years.

3. This complaint seeks an order of superintending control reinstating Mr. Ropeta to the Planning Commission after the Township Board unlawfully removed him from that position on April 15, 2025.

4. This Court has jurisdiction to issue orders of superintending control over administrative tribunals pursuant to MCR 3.302. Superintending control is an extraordinary power that a court may invoke when the plaintiff has no legal remedy and demonstrates that the lower tribunal has failed to perform a clear legal duty. *In re Gosnell*, 234 Mich App 326, 341; 594 NW2d 90 (1999).

5. A legislative body like the Tyrone Township Board acts as an administrative tribunal subject to the Court’s superintending control authority when it exercises its power to discipline public officials for alleged misconduct. See, e.g., *Wilson v City of Highland Park*, 284 Mich 96, 97; 278 NW 778 (1938) (reviewing a city council’s removal proceedings via a writ of certiorari); MCR 3.302(C) (providing that superintending control orders replace the ancient writ of certiorari with respect to matters involving administrative tribunals).

6. Because a municipal governing body’s act of removing an official for cause is primarily an administrative proceeding, a traditional appeal challenging the removal decision is not available and a complaint for superintending control is therefore the proper remedy. See, e.g.,

*Appeal of Fredericks*, 285 Mich 262, 265-266; 280 NW 464 (1938); *Lepofsky v City of Lincoln Park*, 48 Mich App 347, 359-360; 210 NW2d 517 (1973).

7. Venue is appropriate in this Court under MCL 600.1621 because Mr. Ropeta resides in Livingston County and because the removal proceedings at issue in this case took place in Livingston County.

### **General Allegations**

8. The Michigan Planning Enabling Act provides that the “legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office on written charges and after a public hearing.” MCL 125.3815(9).

9. On or about March 31, 2025, the Township Board issued written charges to Mr. Ropeta indicating that he:

Conspired to conceive and actively participated in drafting a letter to the Planning Commission members informing them that the “Township Board” was charging them with nonfeasance and requested they appear before the Board for a public hearing to explain their position;

Conducted township business in the name of the Township Board and thereby misrepresented the Board and its authority;

Language written in the letter directly stated that the “Township Board” made a collective decision to charge planning commissioners with nonfeasance, even though there was never a publicly held meeting of the township board, quorum present, or vote taken;

Was present upon letter delivery, knowing the letter held false statements that would adversely impact fellow planning commissioners

10. The Township Board held a hearing on the charges on April 15, 2025. At the conclusion of the hearing, the Township Board voted by a margin of 4 to 3 to remove Mr. Ropeta from the Planning Commission based on a finding of malfeasance and misfeasance.

11. The issuance of an order of superintending control vacating that decision and reinstating Mr. Ropeta is warranted because the Township Board had a clear legal duty to dismiss the charges against Mr. Ropeta for the following reasons:

**Ground 1**  
**Charges Unrelated to Mr. Ropeta's Conduct**  
**In the Office of Planning Commissioner**

12. The charges against Mr. Ropeta failed to allege any misconduct in his capacity as a Planning Commissioner, as required for removal under the Michigan Planning Enabling Act (MPEA), MCL 125.3815(9). The Michigan Supreme Court has held that “[t]he misconduct which will warrant the removal of an officer must be such as affects his performance of his duties as an officer and not such only as affects his character as a private individual. In such cases, it is necessary to separate the character of the man from the character of the office.” *Wilson v Council of City of Highland Park*, 284 Mich 96, 98; 278 NW 778 (1938). Thus, to warrant removal, alleged misconduct must relate specifically to the duties of the office from which removal is sought.

13. Here, the charges were based on actions that Mr. Ropeta allegedly took in his capacity as a Township Board member — not in his official capacity as a Planning Commissioner. Nothing in the charges indicated that Mr. Ropeta failed to perform his Planning Commission duties or engaged in misconduct while acting as a Planning Commissioner. To the contrary, the alleged conduct — addressing attendance issues of Planning Commissioners — falls squarely within the Township Board’s statutory responsibilities under MCL 125.3815(9), which empowers the Board to remove Planning Commissioners for nonfeasance.

14. When properly construed, the MPEA requires that Mr. Ropeta’s official roles must be separated, and that conduct taken pursuant to his duties as a Board member cannot serve

as grounds for removal from his separate office as Planning Commissioner. See MCL 125.3815(9). Rather, if Mr. Ropeta’s conduct as a Township Board member was improper, the appropriate remedies are removal by the governor under MCL 168.369 or censure by the Township Board. Indeed, the Township Board has already censured Mr. Ropeta, in his capacity as a Township Board member, for the same conduct on which these charges are based. An unsigned copy of the censure resolution adopted by the Board is attached as **Exhibit 1**. This fact alone provides sufficient legal basis to vacate the removal decision, as it conclusively demonstrates the Township Board improperly conflated Mr. Ropeta’s separate official roles.

**Ground 2**  
**Insufficient Evidence of Wrongful**  
**Intent or Purpose**

15. Malfeasance and misfeasance are categories of misconduct in office, which requires “intentional or purposeful misbehavior or wrongful conduct pertaining to the requirements and duties of office.” *People v Coutu (On Remand)*, 235 Mich App 695, 706; 599 NW2d 556 (1999). Malfeasance is “the doing of a wrongful act” while misfeasance is “the doing of a lawful act in a wrongful manner.” *Id.* at 705-706.

16. The evidence presented at the April 15, 2025 hearing conclusively demonstrates that Mr. Ropeta lacked any wrongful intent or purpose when he participated in drafting the template letter regarding Planning Commissioner attendance issues. As detailed in his affidavit, which is attached as **Exhibit 2** to this complaint<sup>1</sup>, Mr. Ropeta was motivated solely by legitimate concerns about Planning Commissioners’ chronic absences from meetings, which he reasonably believed constituted nonfeasance under the Michigan Planning Enabling Act.

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<sup>1</sup> The affidavit includes its own exhibits, which are labeled **Exhibit A** through **Exhibit F**.

17. Mr. Ropeta's affidavit establishes that he initially drafted the template letter to be sent from Supervisor Carnes because he understood that the Supervisor had the authority under applicable statutes to bring charges on behalf of the Board of Trustees. See MCL 41.2. When Supervisor Carnes later revised the draft to state that "the Township Board is charging you with non-feasance," Mr. Ropeta reasonably assumed these revisions were based on the Supervisor's understanding of his statutory authority. The Township Board presented no evidence challenging this good-faith reliance.

18. Further, the original template letter drafted by Mr. Ropeta was addressed from Supervisor Carnes individually, not from the Township Board collectively. It was only after Supervisor Carnes made his own revisions — without Mr. Ropeta's input — that the letter purported to speak on behalf of the entire Township Board.

19. Finally, the evidence presented at the hearing (including the attendance chart compiled from official meeting minutes) confirmed that multiple Planning Commissioners had indeed failed to attend a significant percentage of meetings in 2024, supporting Mr. Ropeta's stated concerns rather than suggesting any improper motivation.

20. Based on the weight of evidence supporting Mr. Ropeta's account and the absence of contrary evidence, no reasonable trier of fact could find that the legal standards for malfeasance or misfeasance were met in this case. The Township Board's decision therefore lacks the necessary evidentiary support and must be vacated.

### **Ground 3 Application of Incorrect Legal Standard**

Even if the evidence presented at the hearing could theoretically support a finding of intentional or purposeful wrongdoing, the actual statements made by Township Board members

during deliberations demonstrate that a majority did not in fact find the requisite intent necessary for removal. Under Michigan law, a planning commissioner may only be removed for “misfeasance, malfeasance, or nonfeasance in office.” MCL 125.3815(9). The first two grounds require proof of “intentional or purposeful misbehavior or wrongful conduct.” *People v Coutu (On Remand)*, 235 Mich App 695, 706; 599 NW2d 556 (1999).

21. After the evidence was presented during the hearing, Trustee Eden — whose vote was necessary to remove Mr. Ropeta from the Planning Commission — stated the following regarding Mr. Ropeta’s conduct: “While I think maybe the intentions were good, I think the way in which it was done is what the problem is.”<sup>2</sup>

22. This statement by Trustee Eden demonstrates that the Township Board failed to apply the correct legal standard when removing Mr. Ropeta. By acknowledging that Mr. Ropeta’s “intentions were good,” Trustee Eden effectively conceded that Mr. Ropeta lacked the intentional or purposeful wrongdoing necessary to establish misfeasance or malfeasance.

23. The concern expressed by Trustee Eden about “the way in which it was done” suggests, at most, a procedural disagreement about the proper method for addressing Planning Commissioner attendance issues. Such a procedural disagreement cannot, as a matter of law, rise to the level of intentional or purposeful wrongdoing required under the MPEA.

24. Because Trustee Eden’s stated basis for her vote directly contradicts the legal standard for removal under the MPEA, and because her vote was necessary to achieve the

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<sup>2</sup> A videorecording of the hearing is available at: <https://www.youtube.com/live/00tqZQ10h-c>. A complete transcript of this video would significantly aid the Court in its review of the case. Accordingly, the proposed show-cause order attached as **Exhibit 3** directs the Township Clerk to file a certified transcript of the hearing, with the Township and Mr. Ropeta splitting the cost of producing the transcript.

required majority, the Township Board's removal decision was legally deficient and must be vacated.

25. Courts exercising super-intending control over administrative tribunals have held that when a decision-maker applies the wrong legal standard, the resulting decision cannot stand. See, e.g., *Quigley v Dexter Twp.*, 43 Mich App 308, 313-314; 204 NW2d 257 (1972), *judgment rev'd on other grounds*, 390 Mich 707, 213 NW2d 166 (1973). Here, Trustee Eden's statement reveals that the wrong standard was applied, requiring this Court to vacate the Township Board's decision.

#### **Ground 4 Prejudicial Consideration of Uncharged Conduct**

26. Due process in administrative proceedings requires that parties receive adequate notice of the charges against them so they can prepare a meaningful defense. See, e.g., *Mathews v Eldridge*, 424 US 319; 96 S Ct 893, 47 L Ed 2d 18 (1976). This fundamental principle applies with equal force to removal proceedings under the MPEA. Yet, during the April 15, 2025 hearing, the Township Board pervasively considered and relied upon alleged violations of the Michigan Open Meetings Act (OMA) — allegations that were entirely absent from the written charges provided to Mr. Ropeta.

27. The Township Board's specially retained counsel, John Gillooly, repeatedly emphasized supposed OMA violations, stating that "there have been more violations of the Open Meetings Act admitted to tonight than you can shake a stinking stick at." He further claimed that the matter before the Township Board "boils down to" OMA compliance and extensively discussed the requirements of that statute, declaring that "the Open Meetings Act requires if you are deliberating toward or rendering a decision on public policy that's the definition ladies and



gentlemen you have got to all be here in front of you so that you can hear what's going on." Special Counsel's commentary on alleged OMA violations consumed a substantial portion of his comments to the Township Board and undoubtedly influenced its deliberations.

28. Moreover, throughout the hearing, the members of the Township Board who ultimately voted in favor of removal repeatedly discussed alleged OMA violations, even though such violations were not included in the written charges. This shift in focus from the specific charges to uncharged OMA violations created a fundamentally unfair proceeding.

29. The consideration of these uncharged OMA violations was unfair and prejudicial to Mr. Ropeta for several reasons. First, Mr. Ropeta chose not to retain legal counsel for the removal hearing precisely because the written charges appeared straightforward and limited to allegations regarding the supposed falsehoods in the letter that Supervisor Carnes provided to Planning Commissioners. Had he known that OMA compliance — a substantially more complex legal issue — would become a central focus of the hearing, he would have secured legal representation.

30. Second, because the written charges contained no reference to OMA violations, Mr. Ropeta came to the hearing unprepared to defend against such allegations. He had no opportunity to research relevant legal authority, gather exculpatory evidence, or prepare arguments specifically addressing OMA compliance.

31. Third, had Mr. Ropeta been properly notified that OMA violations would be considered, he could have presented two dispositive defenses: (a) his communications were with fewer than a quorum of the Township Board (only three of seven members) and therefore did not constitute a "meeting" under the OMA; and (b) his communications related to an action

(issuance of charges) that he reasonably believed was a supervisor-level decision rather than a Board-level decision, and therefore did not constitute deliberation toward a decision of a public body as defined by the OMA.

32. The Township Board's consideration of uncharged OMA violations was not merely a technical error but a substantial defect that deprived Mr. Ropeta of a fair hearing. Michigan courts have held that charges in an administrative proceeding must be reasonably specific so that the respondent has a fair opportunity to prepare a defense. *Dillon v Lapeer State Home and Training School*, 364 Mich 1, 23; 110 NW2d 588 (1961). Here, the Board's failure to provide advance notice of OMA allegations directly contravened this principle and its decision was irreparably tainted by consideration of uncharged conduct.

WHEREFORE, for the foregoing reasons, each of which independently required dismissal of the charges, Mr. Ropeta respectfully requests that this Court enter an order providing that:

A. The Tyrone Township Clerk shall, as soon as reasonably possible, file with the Court: (i) all documents and materials considered by the Township Board in connection with the removal proceedings conducted on April 15, 2025, (ii) the official approved minutes of those proceedings, and (iii) a transcription of the proceedings prepared by a certified court reporter, court recorder, or voice writer.

B. Mr. Ropeta and the respondent tribunal (the Tyrone Township Board) shall each pay one half of the applicable transcription fee.

C. Upon filing all required documents with the Court, the Tyrone Township Clerk shall serve upon plaintiff Ropeta a written notice that the transmittal of the record is complete. Service shall be made in accordance with MCR 2.107.

D. Plaintiff Ropeta shall have 28 days from the date the notice is served to file a brief in support of his request for an order of superintending control.

E. The respondent Township Board shall have 28 days from the date of the filing of the plaintiff's brief to file a response brief.

F. Sometime after the applicable deadlines for the filing of briefs, the Court will conduct a show-cause hearing to determine whether to issue an order of superintending control vacating the Township Board's removal decision and reinstating Mr. Ropeta to the Planning Commission. The date and time of such order shall be set by subsequent order of the Court.

A proposed order to this effect is attached as **Exhibit 3**.

Respectfully submitted,

**CURCIO LAW FIRM PLC**

By: /s/ C. Nicholas Curcio  
C. Nicholas Curcio (P75824)  
CURCIO LAW FIRM PLC  
16905 Birchview Drive  
Nunica, Michigan 49448  
(616) 430-2201

Dated: May 2, 2025

# **Exhibit 1**

# TYRONE TOWNSHIP

## RESOLUTION OF CENSURE OF TRUSTEE CHRIS ROPETA

WHEREAS, it has come to the attention of the Board of Trustees of Tyrone Township ("Board") that Trustee Chris Ropeta has engaged in conduct deemed inappropriate and not in alignment with the Township's standards and ethical guidelines;

WHEREAS, the Board has reviewed the actions and decisions made by Trustee Chris Ropeta in the execution of his duties and found discrepancies that warrant formal censure;

WHEREAS, the actions of Trustee Chris Ropeta, which are inconsistent with the expectations and responsibilities of his office, includes:

1. Working with Tyrone Township Supervisor, Greg Carnes and Trustee Dean Haas to generate a document bearing text that directly suggests that it was an official Tyrone Township document approved by the Tyrone Township Board of Trustees charging certain Tyrone Township Planning Commission Members with non-feasance and scheduling a date for a hearing before the Tyrone Township Board to answer the charge of non-feasance when:
  - a. There was no public meeting of the Tyrone Township Board of Trustees to approve charging Township Planning Commission Members with non-feasance;
  - b. Several Officers and Trustees of the Tyrone Township Board of Trustees were never made aware that the document was being generated;
  - c. The document was generated without asking for the input or opinion of many of the Officers and Trustees of the Tyrone Township Board of Trustees;
  - d. The document was generated after meeting, either in person or with electronic communications, with other Board of Trustee members, for the purpose of obtaining support from those other Trustees and possibly in violation of the Open Meetings Act;
  - e. There was insufficient time for publication of notice to the public of the hearing where the Township Planning Commission Members would have the opportunity to answer the charge of non-feasance;
2. Helping generate the document charging certain Planning Commission members with non-feasance with the intention of intimidating certain Planning Commission members so that those members would resign their positions on the Planning Commission;
3. Violating his own promise of transparency when he conducted himself as described above;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Tyrone Township formally censures Trustee Chris Ropeta for his aforementioned conduct;

BE IT FURTHER RESOLVED that the Board provides this censure as a formal reprimand and reminder of the standards expected of all township officials, and notes that further inappropriate conduct may result in additional actions, up to and including removal from office as per the applicable laws and regulations.

Motion to adopt this resolution was made by \_\_\_\_\_ and seconded by \_\_\_\_\_;

Those voting in favor \_\_\_\_\_

Those voting against \_\_\_\_\_

This resolution adopted the \_\_\_\_\_ day of January , 2025

\_\_\_\_\_  
Pamela Moughler  
Tyrone Township Clerk

# Exhibit 2

## **AFFIDAVIT OF CHRIS ROPETA**

Chris Ropeta, being sworn, states as follows:

1. I am a resident of Tyrone Township. I was elected as a trustee on the Tyrone Township Board of Trustees during the November 2024 election. Shortly thereafter, on December 3, 2024, I was appointed to serve as an *ex officio* member of the Tyrone Township Planning Commission.

2. Before running for the Board of Trustees, I regularly attended meetings of the Planning Commission as a private citizen. As I did so, it became apparent to me that certain Planning Commissioners routinely missed meetings, without any public explanation of why they were unable to attend.

3. After I was elected, I discussed my concerns about Planning Commissioner attendance with fellow trustee Dean Haase, who in turn discussed the issue in text messages with another fellow trustee, Herman Ferguson. My understanding is that Mr. Ferguson's friend, former Genessee County district court judge John Gadola, told Mr. Ferguson that repeated absences from meetings could constitute grounds for the Board of Trustees to remove a Planning Commissioner under the terms of the Michigan Planning Enabling Act ("MPEA"). Relevant text messages between Mr. Haase and Mr. Ferguson are attached as **Exhibit A** to this affidavit.

4. I also conducted my own review of the MPEA, as well as the Michigan Zoning Enabling Act ("MZEa"), and came to the same conclusion as Judge Gadola. My conclusion was based on the fact that those statutes impose a number of duties on Planning Commissioners — master planning, recommending zoning ordinance amendments, approving site plans, etc. — that can only be satisfied when the Planning Commissioner is physically present at Planning Commission meetings. I also came to understand through my review of the MPEA that the



process by which the Board of Trustees has the authority to remove a Planning Commissioner is to hold a public hearing after issuing written charges.

5. Based on that understanding, I undertook a review of the 2024 Planning Commission meeting minutes, which indicate that 5 of 7 current Planning Commissioners attended less than 80% of the Planning Commission meetings in 2024. Indeed, the records indicated that some Planning Commissioners attended as little as 50% of the Commission's meetings. The chart attached as **Exhibit B** to this affidavit shows the attendance percentage for each Planning Commissioner and was compiled using official meeting minutes.

6. I then drafted a template letter that could be used to charge the offending Planning Commissioners with non-feasance in office and notify them of the required removal hearing. That template letter read as follows:

To <NAME>

Tyrone Township Planning Commission

Due to your attendance during calendar year 2024, you have attended less than 80% of held meetings and as a result, we are bringing you up on charges of non-feasance. We will hold a public hearing where you will be able to defend yourself for possible removal from your appointment. If you do not show up for this meeting (date to be determined), then the Tyrone Township Board will notify you of our decision regarding your appointment after the meeting is held.

Greg Carnes

Tyrone Township Supervisor

7. I specifically drafted the letter to be addressed from Supervisor Greg Carnes because I understood that he has the authority under the MPEA to bring charges on behalf of the Board of Trustees.

8. On December 5, 2024, I emailed the template letter to Mr. Haase and Mr. Carnes for review. A copy of the transmission email is attached as **Exhibit C** to this affidavit.

9. Mr. Carnes subsequently revised the draft letter I had sent to him. On December 9, 2024, he sent me a text message stating, “I emailed my letter to PC members[.] Look good?” A printout of this text message is attached as **Exhibit D** to this affidavit.

10. After receiving the text message, I opened my email and quickly reviewed the revised letter that Mr. Carnes had sent to me. A complete copy of Mr. Carnes’ revised draft letter is attached as **Exhibit E** to this affidavit.

11. Among other changes, the revised draft states: “The Township Board is charging you with non-feasance . . . .” This phrase that was not included in my original draft. It did not strike me as problematic, however, as I assumed that Mr. Carnes had made his revisions based on his understanding of his statutory authority as Township Supervisor. Accordingly, I responded to Mr. Carnes’ text message by stating: “Looks good to me! Thanks” See **Exhibit D**.

12. Mr. Carnes delivered his finalized letters on December 10, 2024, after the conclusion of the Planning Commission meeting. A copy of one of the final letters is attached as **Exhibit F**. My name does not appear on the letters. Mr. Carnes delivered them to the various Planning Commissioners and I was leaving the meeting as Mr. Carnes delivered them. Mr. Carnes rescinded the letters shortly after delivering them, and no removal hearings were ever held.

13. To this day, I do not believe that I did anything inappropriate during the episode described above. My actions were motivated by legitimate concern that certain Planning Commissioners were not fulfilling their statutory responsibility to attend meetings and decide on the matters presented to the Commission. They were also based on my understanding that Mr. Carnes, as Township Supervisor, is authorized to take certain actions on behalf of the Township Board. To this day, no one has presented me with any statute, case law, or other legal authority indicating that the Township Supervisor lacks the authority to bring removal charges against

Planning Commissioners (or that such charges can only be brought by majority vote of the Township Board). Further, no one has presented me with any legal authority indicating that chronic absence from Planning Commission meetings does not rise to the level of "non-feasance," as that term is used in the MPEA.

*[Signature on Next Page]*

I have personal knowledge that the above statements are true and correct, and would so testify if called as a witness in a court proceeding.



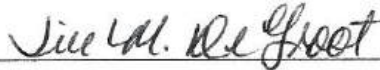
Chris Ropeta

Signed and sworn to before this 11th day of April, 2025.



**JILL M DeGROOT**

Notary Public, Genesee Co., MI  
My Commission Expires Oct. 8, 2028  
Acting in Genesee Co.



Notary Public, Fenton, Michigan  
Acting in Genesee County  
My commission expires: 10-8-2028

# **Exhibit A**

5:14



2 People >

Herman Ferguson

Herm

In order to replace people on the planning commission the new board would have to show "misfeasance or malfeasance" on behalf of the planning commission members

And then provide the members with a "due process" notice and a hearing so they can respond to the allegations of wrongdoing

HF



iMessage





He forgot one nonfeasance lack of doing job which he cant do if not there

Herman Ferguson

Herm

I would say lack of attendance is "malfeasance"





I talked with Judge Gadola,&he said any-time you have a legal question you call reach out to him free of charge at anytime!

HF

Thanks herm

Herman Ferguson

Your welcome  
It's sad in 5 years I could never call our township attorney. Even now Jennifer said we can't call Chuck as a Trustee.  
Such BS!!!

HF



iMessage



# **Exhibit B**



From: chris.ropeta@gmail.com  
 Sent: Monday, December 2, 2024 3:44 PM  
 To: 'Dean Haase'  
 Subject: 2024 PC Attendance Report  
 Attachments: 2024 PC Attendance Report.xlsx

Hi Dean,

Here is the attendance report that we discussed for your review.

### 2024 Planning Commission Attendance Report

Commissioner	9-Jan-24	13-Feb-24	12-Mar-24	9-Apr-24	14-May-24	11-Jun-24	9-Jul-24	13-Aug-24
Rich Erickson	Yes	No	Yes	No	Yes	No	No	Yes
Kurt Schulze	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jon Ward	Yes	Yes	Yes	No	Yes	Yes	No	Yes
Steve Krause	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Bill Wood	Yes	Yes	Yes	No	No	Yes	Yes	No
Kevin Ross	Yes	Yes	No	Yes	No	No	No	No
Garrett Ladd	Yes	Yes	Yes	Yes	No	No	Yes	Yes
Ross Nicholson	Yes	No	No	Yes	No	Yes	Yes	Yes
Karie Carter		Yes	Yes		Yes			
Matteo Passalacqua (CWA)	Yes	Yes	Yes	Yes	Yes	Yes		Yes
John Enos (CWA)					Yes			
Charles Widmaier				Yes				
Laura Genovich (Foster Swift)				Yes	Yes	Yes		Yes
Michael Homier (Foster Swift)								
Gerald Fisher								

## 2024 Planning Commission Attendance Report

Commissioner	9-Jan-24	13-Feb-24	12-Mar-24	9-Apr-24	14-May-24	11-Jun-24	8-Jul-24	13-Aug-24	9-Oct-24	12-Nov-24	10-Dec-24	Attendance %
Rich Erickson	Yes	No	Yes	No	Yes	No	No	Yes	No	Yes		50%
Kurt Schulte	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		100%
Jon Ward	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	Yes		70%
Steve Kasse	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes		90%
Blitt Wood	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	No		60%
Kevin Ross	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes		50%
<b>Garnett Ladd</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>		70%
Ross Nicholson	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes		
Kare Carter	Yes	Yes	Yes		<b>Yes</b>							
Mattio Passalacqua (CWA)	Yes	Yes	Yes	Yes	Yes	Yes		Yes				
John Enas (CWA)					<b>Yes</b>							
Charles W. Hollar				Yes								
Laura Gensvick (Foster Swift)				Yes	<b>Yes</b>	<b>Yes</b>		<b>Yes</b>				
Michael Homer (Foster Swift)									Yes			
<b>Gerald Fisher</b>									<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	

# **Exhibit C**

**From:** Chris Ropeta  
**Sent:** Thursday, December 5, 2024 8:03 PM  
**To:** Dean Haase  
**Subject:** Non-Feasance Letter  
**Attachments:** mcl-Act-33-of-2008.pdf; mcl-Act-110-of-2006.pdf; PLANNING-COMMISSION-BYLAWS-2018.pdf

Hi Dean, here is the letter we spoke about. I am also including copies of the 2 Michigan laws that govern the planning commission for your reference if you desire, but this is the primary section that speaks about removal of a member.

Page 4 of the attached Michigan Planning Enabling Act. Act 33 of 2008

125.3815 Planning commission; membership; appointment; terms; vacancy; representation; qualifications; ex-officio members; board serving as planning commission; removal of member; conditions; conflict of interest; additional requirements

Section 15, subsection (9) on page 5 states:

(9) The legislative body may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this subsection, the planning commission shall do so in its bylaws

## Non-Feasance Letter

Thursday, December 5, 2024  
5:59 PM

To <NAME>  
Tyrone Township Planning Commission

Due to your attendance during calendar year 2024, you have attended less than 80% of held meetings and as a result, we are bringing you up on charges of non-feasance. We will hold a public hearing where you will be able to defend yourself for possible removal from your appointment. If you do not show up for this meeting (date to be determined), then the Tyrone Township Board will notify you of our decision regarding your appointment after the meeting is held.

Greg Carnes  
Tyrone Township Supervisor

Created with OneNote

# **Exhibit D**



Greg >



I emailed my letter  
to PC members  
Look good?

Let me check

Looks good to me!  
Thanks

Tue, Dec 10 at 10:20 PM

I can't sleep cause  
I'm praying we are  
doing the right  
thing

Yes, I understand.  
There is no  
question of non-



iMessage



# **Exhibit E**

Garret Ladd

Tyrone Planning Commission

Your attendance record during the 2024 calendar year at Planning Commission meetings is less than 80% of held meetings.

As a result of this the Township Board is charging you with non-feasance.

The Township Board will hold a public hearing (line item on the agenda of the December 17, 2024 at 7:00pm meeting) and your attendance is requested so you can explain your position.

Thank-You

Greg Carnes - Tyrone Township Supervisor



# **Exhibit F**



8420 Runyan Lake Road • Fenton, Michigan 48430-9439 • (810) 629-8631 • Fax (810) 629-0047

12-10-2024

Kevin Ross

Tyrone Planning Commission

Your attendance record during the 2024 calendar year at Planning Commission meetings is less than 80% of held meetings.

As a result of this the Township Board is charging you with non-feasance.

The Township Board will hold a public hearing (line item on the agenda of the December 17, 2024 at 7:00pm meeting) and your attendance is requested so you can explain your position.

Thank-You

Greg Carnes - Tyrone Township Supervisor

# Exhibit 3

**STATE OF MICHIGAN  
IN THE 44<sup>TH</sup> CIRCUIT COURT FOR LIVINGSTON COUNTY**

In re CHRIS ROPETA, in his capacity  
as a member of the TYRONE TOWNSHIP  
PLANNING COMMISSION,

Honorable  
Case Number 25-\_\_\_\_\_-AS

Plaintiff,

---

C. Nicholas Curcio (P75824)  
CURCIO LAW FIRM PLC  
16905 Birchview Drive  
Nunica, Michigan 49448  
(616) 430-2201

*Attorney for Plaintiff*

---

**ORDER TO SHOW CAUSE REGARDING REQUEST  
FOR SUPERINTENDING CONTROL**

At a session of said Court held in the Courthouse in the City of  
\_\_\_\_\_, County of Livingston, State of Michigan  
on \_\_\_\_\_, 2025.

This matter having come before the Court upon plaintiff's complaint for an order of superintending control. The Court has reviewed the complaint and related filings and is otherwise fully advised in the premises, and hereby orders as follows pursuant to MCR 3.302(E)(3)(a)(i):

A. The Tyrone Township Clerk shall, as soon as reasonably possible, file with the Court: (i) all documents and materials considered by the Township Board in connection with the removal proceedings conducted on April 15, 2025, (ii) the official approved minutes of those proceedings, and (iii) a transcription of the proceedings prepared by a certified court reporter, court recorder, or voice writer.

B. Plaintiff Ropeta and the respondent tribunal (the Tyrone Township Board) shall each pay one half of the applicable transcription fee.

C. Upon filing all required documents with the Court, the Tyrone Township Clerk shall serve upon plaintiff Ropeta a written notice that the transmittal of the record is complete. Service shall be made in accordance with MCR 2.107.

D. Plaintiff Ropeta shall have 28 days from the date the notice is served to file a brief in support of his request for an order of superintending control.

E. The respondent Township Board shall have 28 days from the date of the filing of the plaintiff's brief to file a response brief.

F. Sometime after the applicable deadlines for the filing of briefs, the Court will conduct a show-cause hearing to determine whether to issue an order of superintending control vacating the Township Board's removal decision and reinstating Mr. Ropeta to the Planning Commission. The date and time of such order shall be set by subsequent order of the Court.

Dated: \_\_\_\_\_, 2025

\_\_\_\_\_  
Hon.

**STATE OF MICHIGAN  
IN THE 44<sup>TH</sup> CIRCUIT COURT FOR LIVINGSTON COUNTY**

In re CHRIS ROPETA, in his capacity  
as a member of the TYRONE TOWNSHIP  
PLANNING COMMISSION,

Honorable  
Case Number 25-\_\_\_\_\_-AS

Plaintiff,

---

C. Nicholas Curcio (P75824)  
CURCIO LAW FIRM PLC  
16905 Birchview Drive  
Nunica, Michigan 49448  
(616) 430-2201

*Attorney for Plaintiff*

---

**CERTIFICATE OF SERVICE**

I, Nicholas Curcio, certify that on the date signed below, I caused to be served the foregoing *Complaint for Order of Superintending Control* on the Tyrone Township Board by mailing a copy via first-class mail to Township Clerk Pam Moughler at 8420 Runyan Lake Road Fenton, MI 48430 and by providing a courtesy digital copy by email to Ms. Moughler at the email address of pmoughler@tyronetownship.us and to Township Special Counsel John Gillooly at the email address of jgillooly@garanlucow.com.

Respectfully submitted,

**CURCIO LAW FIRM PLC**

By: /s/ C. Nicholas Curcio  
C. Nicholas Curcio (P75824)  
CURCIO LAW FIRM PLC  
16905 Birchview Drive  
Nunica, Michigan 49448  
(616) 430-2201

Dated: May 2, 2025