

**STATE OF MICHIGAN
IN THE 44TH 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 Plaintiffs

**VERIFIED COMPLAINT
FOR ORDER OF SUPERINTENDING CONTROL**

EXPEDITED CONSIDERATION REQUESTED

There is no other pending or resolved civil action arising
out of the transaction or occurrence alleged in this
complaint.

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 during the November 2024 election. Shortly thereafter, on
December 3, 2024, he was appointed to serve on the Tyrone Township Planning Commission for
a term of three years.

3. This complaint seeks to prevent the Tyrone Township Board from holding a hearing on or about March 25 to remove Mr. Ropeta from the Planning Commission.

4. This Court has jurisdiction to issue orders of superintending control over administrative tribunals pursuant to MCR 3.302. Subsection (E)(3)(b) specifically provides: “If a need for immediate action is shown, the court may enter an order before an answer is filed.”

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. This Court has venue under MCL 600.1621 because Mr. Ropeta resides in Livingston County and because the hearing at issue in this complaint is scheduled to take place in Livingston County.

**Request for Order of Superintending Control
Dismissing Insufficient Charges for Removal**

7. 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).

8. During a meeting on February 18, 2025, the Tyrone Township Board voted by a margin of 4 to 3 to charge Mr. Ropeta with misfeasance and malfeasance in office and to set a public hearing to remove him from the Planning Commission. The charges against Mr. Ropeta that were included in the Board’s motion are as follows:

While serving as a member of the Planning Commission, Mr. Ropeta conspired to conceive and actively participated in drafting a letter to the PC 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 Board and thereby misrepresented the Board and its authority. Language in the letter directly stated that the Township Board made a collective decision to charge Planning Commissioners even though there was never a public meeting held, a quorum present, or a vote taken. Mr. Ropeta was also present upon delivery knowing the letter contained false statements that would adversely impact fellow Planning Commissioners.

9. The letters referenced in the motion were letters dated December 10, 2024, that Township Supervisor Greg Carnes delivered to various members of the Planning Commission. Each letter was substantially in the form shown in the attached **Exhibit A**. In pertinent part, the letters indicated that the recipient was being charged with nonfeasance for attending less than 80% of the meetings of the Planning Commission held in 2024, and they directed the recipient to appear at a hearing on December 17 to show-cause why they should not be removed. The letters were signed solely by Supervisor Carnes, not by Mr. Ropeta. Further, Mr. Carnes rescinded the letters shortly after sending them, and no removal hearings were ever held.

10. Given the undisputed facts stated in the previous paragraph, the charges against Mr. Ropeta are legally deficient in at least three respects. In other words, the charges do not constitute adequate grounds for removal from the Planning Commission even if the Township Board were able to prove all the facts alleged.

11. **First**, the charges are replete with conclusory statements that do not provide sufficient detail to enable Mr. Ropeta to reasonably respond. See *Dillon v Lapeer State Home and Training School*, 364 Mich 1, 23; 110 NW2d 588 (1961) (quoting Kaplan, *The Law of Civil Service*, pp 225-228) (“[A] statement so obscure as ‘neglect of duty,’ ‘political activity’ or

similar generalities would be insufficient” under a statute that requires only general notice of the charges against an officer, let alone a statute requiring specific notice).

12. Specifically, the charges allege that Mr. Ropeta “conspired to conceive” the letters that Mr. Carnes sent to Planning Commissioners who had attended less than 80% of the meetings in the prior year. This language does not adequately define Mr. Ropeta’s alleged role in the specified incident. Is the accusation that the removal of Planning Commissioners was Mr. Ropeta’s idea? Or that Mr. Ropeta merely discussed concerns about Planning Commissioner attendance with Mr. Carnes or other members of the Township Board?

13. The charges further allege that Mr. Ropeta knew that “the letter contained false statements,” without specifying what statements were false. Is the Township Board alleging that the Planning Commissioners who received the letter had not actually missed more than 20% of the meetings held in 2024? If that is the case, Mr. Ropeta could focus his defense on presenting meeting minutes showing that they had in fact done so. Alternatively, is the Township Board alleging that the statement the “Township Board is charging you . . .” is false? In that case, Mr. Ropeta could focus on proving either that: (1) he did not draft that statement; or (2) that the statement is legally defensible because Mr. Carnes is authorized to bring charges on behalf of the Township Board under MCL 41.2, which provides that township supervisors are authorized to act as “agent for [the] township for the transaction of legal business.” Or, as a third alternative, is the Board alleging that both these statements — and perhaps other statements as well — were false? The language of the charges may suggest so, since it uses the plural term “statements” rather than the singular term “statement.” And for a final point of clarity, is it sufficient to defeat the charges if Mr. Ropeta can prove that he *believed* that the Planning Commissioners had

attended less than 80% of the meetings, and that Mr. Carnes had the authority to bring charges on behalf of the Township Board, even if that is not in fact the case?

14. The charges also fail to specify what “adverse impacts” were caused by Mr. Ropeta’s alleged actions. Given that no removal hearings were ever held and no Planning Commissioners were removed, what impacts are being alleged? Is the mere receipt of a letter requesting attendance at a hearing considered an adverse impact? Is the Board suggesting that disclosing a Planning Commissioner’s actual attendance records adversely impacts their reputations?

15. **Second**, the charges fail to allege any misconduct in Mr. Ropeta’s capacity as a Planning Commissioner, as required for removal under 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.

16. Here, the charges allege actions that Mr. Ropeta took in his capacity as a Township Board member — not in his official capacity as a Planning Commissioner. Nothing in the charges suggests 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. Mr. Ropeta’s different official roles

must be separated, and conduct taken pursuant to his duties as a Board member cannot serve as grounds for removal from his separate office as Planning Commissioner. 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.

17. *Third*, the alleged conduct, even if proven, does not constitute malfeasance or misfeasance warranting removal from office. 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. The charges here allege only that Mr. Ropeta participated in an attempt to address Planning Commissioner attendance issues. There is no allegation of corrupt behavior or intentional wrongdoing. At most, the charges describe a good-faith effort to address a legitimate concern about commissioner attendance. Even if Mr. Ropeta was mistaken in believing that the Township Supervisor could bring charges on behalf of the Township Board given his authority as legal agent for the Township, see MCL 41.2, his conduct does not rise to the level intentional misbehavior required for removal from office.

18. With respect to timing, while the Township Board's motion did not expressly state the date of the removal hearing, members of the Township Board indicated that it should be set to occur during the next regular Board meeting at which Mr. Ropeta could be in attendance.

Since Mr. Ropeta will be out of the state and unable to attend the March 4 meeting, the hearing will likely be scheduled for the following meeting on March 25.

19. In order for Mr. Ropeta to avoid the significant effort and expense of preparing a defense against the charges, this Court would need to resolve this matter on an expedited basis, as permitted by MCR 3.302(E)(3)(b).

WHEREFORE, Mr. Ropeta respectfully requests that this Court enter an order of superintending control on or before March 18 (one week before the likely date of the removal hearing) dismissing the charges against him and prohibiting the Tyrone Township Board from conducting the hearing. A proposed order to this effect is attached for the Court's convenience as **Exhibit B**. Alternatively, this Court could set a show-cause hearing for a date on or before March 18 to determine whether an order of superintending control should be issued. See MCR 3.302(3)(a)(i). A proposed show-cause order is attached as **Exhibit C**.

Respectfully submitted,

CURCIO LAW FIRM PLC

By: /s/ C. Nicholas Curcio
C. Nicholas Curcio (P75824)
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(616) 430-2201

Dated: February 24, 2025

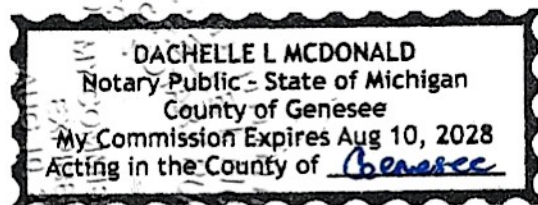
**VERIFICATION OF COMPLAINT
CHRIS ROPETA**

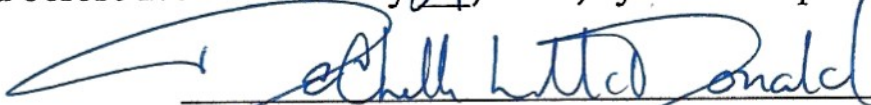
I, Chris Ropeta, declare under the penalties of perjury that this verified complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.


Chris Ropeta

STATE OF MICHIGAN)
 Genesee) SS
COUNTY OF LIVINGSTON)

This verified complaint was acknowledged before me on February 24, 2025, by Chris Ropeta.




Notary Public, *Genesee* Livingston County, Michigan
Acting in *Genesee* Livingston County
My commission expires: *Genesee*