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January 16, 2025

Tyrone Township Board of Trustees
c/o Charles Widmaier, Attorney
8420 Runyan Lake Road
Fenton, MI 48430

Via Email
charles.widmaier@harrisandliterski.com

Re: Censure Resolutions and Planning Commission Removal

Dear Members of the Township Board:

I am writing on behalf of Trustees Dean Haase and Chris Ropeta regarding recent efforts to punish them for lawful and legitimate conduct. For the reasons detailed below, I respectfully submit that the censure resolutions that a majority of the Board adopted on January 7, 2025, were inappropriate and should be withdrawn. Further, any attempt to remove Mr. Ropeta from the Planning Commission based on the conduct alleged in resolutions would be equally unfounded and ultimately overturned by a reviewing court.

1. Censure Resolution

The censure resolutions adopted by the Board represent a serious overreach that misconstrues both the relevant facts and applicable law. *First*, the resolutions state that Mr. Haase and Mr. Ropeta worked with Township Supervisor Greg Carnes to “generate a document” charging Planning Commission members with nonfeasance. While Mr. Haase and Mr. Ropeta assisted Mr. Carnes in reviewing meeting minutes to determine which Planning Commissioners routinely miss meetings, and Mr. Ropeta provided some draft language to Mr. Carnes for his consideration, neither Mr. Haase nor Mr. Ropeta signed or endorsed the final version of the letter referenced in the resolution. Accordingly, their limited contributions to the process do not constitute the kind of direct authorship or oversight implied by the resolution.

2. Prospective Removal of Mr. Ropeta from the Planning Commission

During the January 7 meeting, a trustee suggested that Mr. Ropeta should be removed from his seat on the Planning Commission based on the same conduct alleged in the censure resolution. Any such effort would be vigorously contested and ultimately reversed by a reviewing court.

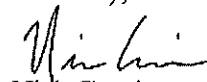
First, the allegations against Mr. Ropeta relate solely to actions allegedly taken in his capacity as a trustee on the Township Board, not in his role as an ex officio member of the Planning Commission. The MPEA indicates that the removal of a planning commissioner must be based on “misfeasance, malfeasance, or nonfeasance in office,” meaning in the office of planning commissioner. Accordingly, actions taken in other capacities do not provide for removal.

Second, even if actions taken in the capacity of trustee could theoretically constitute grounds for removal from the Planning Commission, the allegations here do not rise to that level. At most, the allegations against Mr. Ropeta reflect a good-faith disagreement about the procedures for addressing attendance issues — a matter that is wholly insufficient to justify removal under the MPEA. Should the Board nevertheless proceed with removal proceedings, Mr. Ropeta will seek all available legal remedies, including but not limited to an action for superintending control in Circuit Court for Livingston County.

Conclusion

In sum, we respectfully request that the Board reconsider its censure resolutions and refrain from any further attempts to punish Mr. Haase, Mr. Ropeta, and Mr. Carnes for their good-faith conduct. If the Board wishes to establish alternative procedures for initiating commissioner removal proceedings, we suggest addressing this through a forward-looking ordinance or policy rather than through punitive actions against individual officials.

Sincerely,


Nick Curcio