

Grosse Pointe Times

Campaign law violations alleged

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Editor's note: Please see next week's issue of the **Grosse Pointe Times** for a follow-up story that will include more information about **Grosse Pointe Shores'** official legal response to the state.

GROSSE POINTE SHORES - Unsatisfied with the response they got from city officials, a former **Shores** City Council candidate and one current council member have filed an official complaint calling on the state to investigate their allegations of campaign law violations.

Current City Council member Daniel Schulte and former candidate Janice Pemberton, both of whom ran for office during a February special election, filed a complaint with Secretary of State Terri Lynn Land against City Attorney Mark McInerney, City Manager Brian Vick and Mayor James Cooper last month.

Schulte charges that Cooper, Vick and the City Council "authorized the use of taxpayer dollars to pay City Attorney Mark McInerney to review challengers' campaign materials, which is prohibited by Michigan law." Pemberton likewise says that the 1.2 hours billed to the city by McInerney for review of her campaign materials by the then-village attorney "is clearly a misuse of taxpayer dollars and is a violation of the Michigan Campaign Finance Act, as well as a violation of the freedom of democratic elections." During the July 21 City Council meeting, McInerney attempted to clear the air by explaining what he said had happened.

Shores voters were facing a special election in February to approve a new charter and a new City Council to go along with it.

As he recalled, on Jan. 27 and 28, 2009, McInerney said, he was responding to questions from Vick, who had then only been the **Shores** city manager for a few weeks. Vick had apparently seen candidate fliers from Schulte and Pemberton and wanted to know if there were any charter issues referenced in them he should be aware of, McInerney said. This is why the attorney said he reviewed the literature.

"There was no investigation of campaign fliers by Mr. Schulte, Dr. Pemberton or any other candidates," McInerney told the council.

The attorney added that there was no suggestion that Schulte or Pemberton had committed any illegal campaign acts.

Addressing the council at that July meeting, Vick said he was getting inquiries from residents asking about "what was fact or fiction" during the campaign, and he wanted more information to be able to address those questions.

"At no time was there an investigation.... This was about getting the ground beneath my feet and being able to answer resident questions," Vick said.

Schulte and Pemberton remain unconvinced by this explanation.

"During the June 16 council meeting, when I first asked Mr. McInerney why he reviewed my campaign material, he turned pale, rolled his head and buried his face in his hands," Schulte said. "His body language said more than words ever could. Then he stalled for a month before providing an answer to my question, ultimately coming up with an excuse that was about as convincing as the dog ate my homework." Pemberton argues that the city has failed to meet her numerous specific requests for information about this issue, including a request for what she said appeared to be a written statement McInerney looked to be reading from at the July council meeting.

"As I have not been given the courtesy of replies to my repeated requests, but a 'generic' explanation by way of Councilman Schulte's questions, I feel that I have not only been shown great disrespect, but the casual behavior of 'explaining' away behavior that is questionable at least and unlawful at most and which has personally named me as a 'taxpayer cost' for a legal review is stunning," Pemberton said. "This kind of behavior and action should have been explained to me in a face to face meeting with me personally. I should have been contacted by each person when each person knew that I had found out about this billing - by Mr. McInerney, Mr. Vick and Mayor Cooper. Each person, individually, should have made the time and effort to sit down with me and fully discuss each of my requests. As a taxpayer and someone named in the billing, I deserved at least that."

Pemberton said she received emails from McInerney - who she said told her on June 23 that he couldn't respond to her phone inquiries about the campaign materials review - and Vick, who told her via e-mail on July 2 that McInerney would be addressing related questions from Schulte at the council's July meeting. She said she never received a response from Cooper.

Pemberton and Schulte both say that by lodging this complaint, they hope to prevent similar action by city leaders in the future.

Through the investigation, Schulte said, he hopes "to prevent this kind of illegal activity from going on in our community and open the door to a fair and more democratic elections process.

Over the years, many council members have been hand-picked to fill a seat that was vacated mid-term. Appointed council members have a clear advantage over legitimate challengers staging a fresh campaign, which is a slap in the face to our elections process. We send our military overseas to help other nations fight for a democratic process, while the one we have ... right here in our own backyard is eroding. It's time for that nonsense to end."

McInerney stands by the explanation he offered this summer, and isn't sure why Schulte and Pemberton are still pursuing it.

"I thought the matter was dead and buried, but apparently they won't let it go," McInerney said.

On Oct. 2, McInerney filed a joint response to the state with input from Vick and Cooper. The response packet included several relevant attachments as exhibits, including the campaign materials in question.

McInerney said he wasn't sure how long it would take for the state to perform its review or when it might determine whether a campaign law violation occurred.

Schulte and Pemberton will now have an opportunity to review the city's response and file a rebuttal, if they choose, according to the Michigan Department of State.

McInerney pointed out that "this is just a preliminary inquiry." The Department of State reiterates as much in a letter to the city recognizing that the complaint had been lodged, noting that the department "is neither making these complaints nor accepting the allegations as true." It wasn't clear at press time how long this investigation might take or when the state would be able to offer its ruling.

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