

**BAY COUNTY ELECTION COMMISSION
RECALL CLARITY HEARING
MARCH 28, 2018**

**RECALL PETITION FOR
CHRISTINE COUSINEAU, GIBSON TOWNSHIP CLERK**

THE ELECTION COMMISSION MET FOR A RECALL MEETING ON WEDNESDAY, MARCH 28, 2018, IN THE FOURTH FLOOR BAY COUNTY BOARD OF COMMISSIONER'S CHAMBERS IN THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY JUDGE JAN MINER AT 8:02 A.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ELECTION COMMISSION: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
RICK BRZEZINSKI, BAY COUNTY TREASURER
JAN MINER, BAY COUNTY PROBATE JUDGE

THIS MEETING OF THE ELECTION COMMISSION WAS CALLED PURSUANT TO THE MICHIGAN STATUTE FOUND AT MCL 168.952 WHICH GOVERNS ELECTIONS IN THE STATE OF MICHIGAN.

THE MEMBERS OF THE BAY COUNTY ELECTION COMMISSION, AS DEFINED BY STATUE ARE: MCL 168.23, THE COUNTY CLERK, CYNTHIA A. LUCZAK, SHE SERVES AS THE SECRETARY OF THE COMMISSION. COUNTY TREASURER, RICHARD BRZEZINSKI, SERVES AS A MEMBER OF THE COMMISSION AND JAN A. MINER, PROBATE JUDGE, WHO SERVES AS THE CHAIRPERSON OF THIS COMMISSION.

AS DEFINED BY STATUTE, THE PURPOSE OF TODAY'S MEETING WAS "TO DETERMINE WHETHER EACH REASON FOR THE RECALL STATED IN THE PETITION, WAS FACTUAL AND OF SUFFICIENT CLARITY TO THE OFFICER, WHOSE RECALL WAS SOUGHT, AND THE ELECTORS, TO IDENTIFY THE COURSE OF CONDUCT THAT WAS THE BASIS OF THE RECALL", MCL 168.952(3). THE RECALL COMMISSION DOES NOT DETERMINE THE TRUTH OF ANY ALLEGATIONS. ALLEGATIONS OF FACT MAY BE TRUE OR FALSE, AND THE COMMISSION DOES NOT HAVE THE STRUCTURE, THE RESOURCES OR PROCEDURAL AUTHORITY TO INVESTIGATE, TO SWEAR IN WITNESSES OR TO SUBPOENA TO DETERMINE IF ALLEGATIONS ARE TRUE OR NOT.

THE RECALL COMMISSION WILL CONSIDER ONLY WHETHER THE ASSERTIONS IN THE PETITION ARE STATED CLEARLY AND FACTUALLY. ANY ALLEGATION OF FACT MAY BE TRUE OR FALSE, AND THE TEST EMPLOYED BY THIS COMMISSION WILL BE TO FIND OUT WHETHER THE ALLEGATIONS STATES FACTS AND ARE CLEAR, SO THAT THE RESPONDING OFFICIAL MAY DEFEND.

PLEASE NOTE: IF ANY REASON FOR THE RECALL WAS NOT FACTUAL OR OF SUFFICIENT

CLARITY, THE ENTIRE RECALL PETITION SHALL BE REJECTED. (MCL 168.952(3))

IN ADDITION, EACH REASON FOR THE RECALL, "SHALL BE BASED UPON THE OFFICER'S CONDUCT DURING HIS OR HER CURRENT TERM IN OFFICE".

MATTERS OF OPINION ARE NOT FACTUAL.

IF THE COMMISSION APPROVES THE RECALL LANGUAGE, A COPY OF THE APPROVED LANGUAGE WILL BE FORWARDED TO THE FILING OFFICIAL WHO WILL LATER RECEIVE THE SIGNED RECALL PETITION SHEETS. WE WILL MAKE OUR DETERMINATION AT THE END OF THIS MEETING BY VOTE.

OUR RULING ON THE CLARITY AND FACTUAL NATURE OF THE RECALL LANGUAGE MAY BE APPEALED BY THE OFFICE WHOSE RECALL WAS SOUGHT, OR BY THE SPONSOR OF THE RECALL PETITION, TO THE CIRCUIT COURT IN THIS COUNTY, AND IT MUST BE FILED WITHIN 10 DAYS AFTER OUR DETERMINATION. (MCL 168.952(6))

**RECALL PETITION FOR CHRISTINE COUSINEAU
GIBSON TOWNSHIP CLERK**

THIS WAS FOR THE TOWNSHIP OF GIBSON IN THE COUNTY OF BAY FOR THE STATE OF MICHIGAN. THE PETITION FOR THE CALLING OF AN ELECTION TO RECALL CHRISTINE COUSINEAU FOR THE OFFICE OF CLERK FOR THE FOLLOWING REASONS: CHRISTINE HAS NOT RECONCILED THE TOWNSHIP RECORDS SINCE 3/31/2017 THE DISCREPANCIES BETWEEN THE BANK STATEMENTS AND THE TOWNSHIP RECORDS ARE 1.1 MILLION DOLLARS AS OF MARCH 10, 2018. SIGNED BY VICKI LYNN MCEVOY.

VICKI LYNN MCEVOY, 7212 PARK STREET, BENTLEY MICHIGAN 48613
THE WORDING WAS AS SIMPLE AS I COULD MAKE IT. THE RECORDS ARE NOT FIXED.

CYNTHIA A. LUCZAK QUESTIONED MS. MCEVOY, AT THE DATE OF THE PETITION, THIS AMOUNT WAS CORRECT? NOW IT WAS SUBJECT TO CLARIFICATION? IT MAY NOT BE THIS MUCH?

VICKI MCEVOY, THE AMOUNT WAS NOT 1.1 MILLION, BUT IT WAS A LARGE AMOUNT.

CHRISTINE COUSINEAU, 6073 CARTER ROAD, BENTLEY, MICHIGAN 48613
IN ANSWER TO THE PETITION, I HAVE ALL OF THE DATES THAT I HAVE TAKEN THE COMPUTER TO THE AUDITOR TO SHOW THAT IT WAS BEING WORKED ON. I ALSO HAVE A SCREEN SHOT TO SHOW THAT THERE WAS NO DISCREPANCY. FROM QUAST & JANKE COMPANY, THE AUDITORS, A STATEMENT STATING THAT THEY HAVE ANALYZED THE COMPUTER, AND DUE TO A GLITCH IN THE SOFTWARE WHEN QUICKBOOKS WAS RELOADED DUE TO A COMPUTER CRASH, STATES THERE ARE NO DISCREPANCIES AND

THAT THE CRASH "HAD NOTHING TO DO WITH PHYSICAL OR ACTUAL CASH BALANCES IN THE BANK". AT THIS TIME ON THE PROFIT AND LOSS STATEMENT THERE WAS (-64,000.00) THIS WAS DONE IN MARCH OF 2018 AND I HAVE NOT RECEIVED THE BANK STATEMENTS FOR MARCH YET TO PUT THE INCOME IN. I WILL GET THOSE IN APRIL, WE WILL ALSO HAVE A FISCAL AUDIT AT THAT TIME. YES, THERE WAS A MINUS BALANCE UNTIL THE NEW STATEMENTS ARE UPDATED FOR MARCH, THEN I CAN ENTER THEM INTO THE COMPUTER.

WHEN THE COMPUTER CRASHED, IT WOULD SEND ALL OF THE A.C.H. ACCOUNTS TO PNC BANK AND DIFFERENT ACCOUNTS. IT WOULD PLACE IT IN A DISCREPANCY REPORT, BUT WOULD NEVER SHOW THE REPORT. IT HAD BEEN ALL FIXED AT THIS POINT.

JUDGE MINER QUESTIONED, WHAT WAS AN A.C.H. REPORT?

MS. COUSINEAU, STATED IT WAS AN AUTOMATIC CASH TRANSFER, LIKE WHEN THE AUDITOR PAYS OUR WITHHOLDING TAXES, SHE JUST PAYS IT OUT OF OUR CHECKING ACCOUNT, AND THEN WHEN I GO TO REFLECT THAT IN MY COMPUTER, IT WAS NOT PLACING THAT IN THE RIGHT ACCOUNT. IT WOULD TAKE IT OUT OF THE CASH AMOUNT OUT OF THE REGISTER, BUT IT WOULD NOT REGISTER IT, IT WOULD THEN THROW IT INTO A DISCREPANCY ACCOUNT. WHEN QUICK BOOKS WAS RELOADED, IT WAS NOT DONE RIGHT, BUT THAT HAS ALL BEEN CORRECTED AND UPDATED TO THE SYSTEM OF 2018.

JUDGE MINER ASKED, AND THIS ALL STEMMED FROM A CRASH OF THE COMPUTER IN 2017?

MS. COUSINEAU; YES, I LOST EVERYTHING FROM 2017 AND HAD TO GO BACK IN AND HAND LOAD EVERYTHING. GO BACK AND BRING IN ALL THE STATEMENTS, IT WAS A LOT OF WORK. AND EVEN THOUGH I PUT EVERYTHING IN, IT WAS NOT REGISTERING IT CORRECTLY, WHEN IT WAS RELOADED INTO THE COMPUTER. IT HAS BEEN ALL FIXED NOW. SHE WENT THROUGH AND FOUND ALL THE GLITCHES, WE GOT A HOLD OF QUICK BOOKS, WENT ONLINE AND HAD ALL THE NEW UPDATES DONE. IT WAS NOTHING I HAD DONE, IT WAS THE COMPUTER. IT WAS ALL CORRECTED NOW. I HAVE A STATEMENT FROM THE AUDITOR THAT THEY HAVE NEVER GIVEN DIANE OR VICKI ANY WRITTEN INFORMATION.

CHRISTINE PLACED LETTERS FROM THE AUDITOR INTO THE RECORD. SHE ALSO PRESENTED THE TWO YEAR FISCAL YEAR AUDIT, THAT STATES THAT IN MARCH, 2017, THERE WERE NO DISCREPANCIES IN THE COMPUTER, GOING INTO THAT AUDIT. THIS INFORMATION WAS AVAILABLE TO THE PUBLIC.

PUBLIC COMMENTS

ALAN HITZ, 2813 SAGANING ROAD, BENTLEY MI 48613

I WAS AT THE MEETING, THIS PAST MARCH, WHAT MS. COUSINEAU WAS SAYING HERE WAS NEVER BROUGHT UP AT THE MEETING. WHAT WAS STATED, WAS ACCEPTED, THE AUDIT REPORT WAS NOT CORRECT AND SHE ACCEPTED IT. I DO THE AUDIT FOR THE AMERICAN LEGION, IT HAS TO BE CORRECT, OTHERWISE I HAVE TO GO BACK AND FIND THE MISTAKES, SHE ACCEPTED THE REPORT AND IT WAS NOT CORRECT. IT WAS NOT PRESENTED TO THE PEOPLE AT THE MEETING. THE BOARD DOES NOT ADDRESS THE PUBLIC.

SUZETTE RIVARD, 944 SAGANING ROAD, BENTLEY MI 48613

ON MARCH 19, 2018, I WENT WITH CHRIS TO PICK UP THE COMPUTER FROM THE ACCOUNTANT AND SHE STATED THAT THE BOOKS WERE CORRECT WHEN SHE RETURNED THE COMPUTER.

DIANE PIENIOZEK, 2179 BENTLEY ROAD, BENTLEY MI 48613

I WAS IN FLORIDA THIS PAST WEEK AND I CUT MY VACATION SHORT, SO I COULD BE HERE, TO REPRESENT THE TOWNSHIP. I DID GET A PROFIT AND LOSS SHEET FROM THE AUDITOR, AND IT SHOWS HERE, MY AMOUNT WAS RIGHT, I MADE \$7,20.00 IN THE MONTH OF FEBRUARY FOR THE YEAR. THAT WAS FOR 10 MONTHS, WE GET PAID; THE SUPERVISOR, THE CLERK, AND THE TOWNSHIP TREASURER ALL GET PAID \$720.00 PER MONTH, SO FOR 10 MONTHS TIME IT WAS \$7,200.00. YOU WILL SEE THE CLERKS WAGES WERE \$13,675.92 THESE ARE NOT CORRECT, IT HAS ZEROED OUT AS FAR AS IT GOES BETWEEN THE BANK ACCOUNT AND THE RECORDS, BUT IT WAS STILL WRONG ON HERE, BECAUSE SHE WAS SAYING SHE MADE \$6,000.00 SHE CAN'T ACCOUNT FOR. HERE WAS THE REPORT THAT I RECEIVED FROM THE AUDITOR, THAT SHE STATED WERE NEVER SENT TO ME.

JUDGE JAN MINER QUESTIONED IF THE \$6,000.00 COULD BE UNDER A SEPARATE ACCOUNT? DO YOU HAVE A CORRESPONDING REPORT THAT STATES THE WAGES AND WHEN THEY WOULD HAVE BEEN PAID TO EACH PERSON? HAVE YOU LOOKED TO THE CORRESPONDING WAGE REPORT FOR EACH INDIVIDUAL TO SEE WHERE THAT MONEY MAY HAVE COME FROM?

DIANE STATED THAT NO, IT WOULD BE LISTED AS WAGES. THE REPORT WOULD BE AT THE OFFICE, AS TO HOW MUCH EACH PERSON WAS MAKING AND SHE WOULD BE \$720 PER MONTH. I CANNOT LOOK TO THE REPORT, BECAUSE IT WAS NOT LISTED, SHE WAS NOT BRINGING THE BOOKS UP-TO-DATE. SHE THINKS EVERYTHING WAS FIXED AND IT WAS NOT FIXED. YES, IT WAS ZEROED OUT, FROM WHAT WAS IN JANUARY WHERE IT SAID WE WERE IN DISCREPANCY BETWEEN THE BANK ACCOUNT AND OUR RECORDS AT \$197,907.95. THIS WAS WHEN I TOLD HER, THIS NEEDS TO BE CORRECTED, YOU NEED TO GO TO THE AUDITOR AND GET THESE BOOKS CORRECTED. FROM WHAT I CAN

SEE HERE THE AUDITOR ALSO SENT ME AN EMAIL EARLIER, DATED JANUARY 23, 2018, STATING THAT IT DOES NOT APPEAR THAT QUICK BOOKS CASH WAS BEING RECONCILED AND SHE ASKED CHRISTINE SEVERAL TIMES TO BRING THE COMPUTER IN. THE RECORDS ARE GETTING WORSE BECAUSE OF IT.

JUDGE JAN MINER STATED HAVE YOU EVER SAT DOWN, AS A GROUP, WITH THE AUDITORS?

DIANE, NOT AS A GROUP, I HAVE TALKED TO THEM, BUT CHRIS WILL NOT CONTACT ME IN BETWEEN MEETINGS. THIS WAS ANOTHER THING THAT WAS HURTING OUR TOWNSHIP, WE ARE NOT WORKING TOGETHER, SHE WAS WORKING AGAINST ME.

CHRISTINE COUSINEAU, 6073 CARTER ROAD, BENTLEY, MICHIGAN 48613 AS YOU CAN SEE ON THE PAPERWORK I HAVE HANDED YOU, WAS CURRENT AND UP-TO-DATE. THE DOCUMENTS SHE HAS WHERE THE RECORDS ARE WRONG FOR THE AMOUNTS, WHICH I KNOW HAVE NOTHING TO DO WITH THE PETITION, BUT JUST TO CLARIFY, YOU WILL ALSO SEE ALL OF THE DATES THAT I HAVE TAKEN THE COMPUTER TO THE AUDITOR, THOSE ARE THE DAYS WE ARE PAID, WE HAVE TO RECEIVE THE BILL, THE ONLY REASON THE AUDITOR WOULD BILL US WAS IF I TOOK THE COMPUTER AND YOU WILL SEE THAT I BELIEVE THERE ARE FIVE SINCE THE FIRST OF THE YEAR. I WORK WITH THE AUDITOR, I TAKE CARE OF THE BOOKS, THE AUDITOR HAS STATED THAT EVERYTHING WAS FINE, PER THE PAPERWORK.

CYNTHIA A. LUCZAK QUESTIONED, WHEN DID YOU SAY THAT YOUR COMPUTER CRASHED?

CHRISTINE COUSINEAU STATED THAT THE COMPUTER CRASHED IN NOVEMBER 2017. WHEN IT DID I LOST EVERYTHING.

COMMENTS FROM THE BOARD

RICK BRZEZINSKI: AS THE CHAIR, JUDGE MINER MENTIONED IN THE BEGINNING INTRODUCTION WAS THAT OUR RESPONSIBILITY WAS TO DETERMINE IF THE WORDING ON THE PETITION WAS FACTUAL AND CLEAR. WE ARE NOT HERE TO DETERMINE IF IT WAS TRUE OR NOT. NOR DO WE HAVE THE RESOURCES TO MAKE THAT DETERMINATION. I JUST WANT TO POINT THAT OUT BEFORE I VOTE.

CYNTHIA A. LUCZAK: I BELIEVE THIS WAS A CLEAR STATEMENT ON THIS PETITION. I JUST REGRET THAT IT WAS NOT, WE HAVE TO LOOK AT THESE DATES TO SEE WHEN THIS WAS ALL STRAIGHTENED OUT. I BELIEVE, AT THIS TIME, WHEN THIS PETITION WAS FILED, THAT IT WAS A PROBLEM. IT HAS JUST TAKEN THIS PETITION TO GET THIS RESOLVED. SO I'M GLAD IT WAS RESOLVED, BUT I AM JUST LOOKING AT THE DATES, THAT WAS WHY I AM TAKING SO LONG, AND I APOLOGIZE, FOR THE RECORD.

VOTE

JUDGE MINER CALLED FOR A VOTE: TREASURER, YES; CLERK, AGAIN I BELIEVE THAT THE LANGUAGE WAS CLEAR, AND THAT IT CAN BE UNDERSTANDABLE TO THE PERSON ON THE PORCH IF ASKED TO SIGN THIS, IT WAS CLEAR IT'S CONCISE AND GIVES DATES, IT SITES AN AMOUNT OF MONEY, BUT I DON'T BELIEVE THAT IT WAS CORRECT. SO IT WAS WITH RESERVATION THAT I VOTE NO ON THIS PETITION, BECAUSE I DO NOT BELIEVE IT WAS FACTUAL. CLERK, MY VOTE WAS NO; JUDGE, YES, I WILL STATE MY REASONS FOR THIS. UNFORTUNATELY, WE DO NOT HAVE THE ABILITY TO GO THROUGH THE AUDITS, GO THROUGH YOUR BANK ACCOUNTS, GO THROUGH TWO YEARS WORTH OF WHETHER THESE ACCOUNTS HAVE BEEN BALANCED, LOOK AT CORRESPONDING ACCOUNTS BETWEEN QUICK BOOKS TO SEE WHETHER OR NOT THESE AMOUNTS THAT WILL FLUCTUATE FROM DAY TO DAY TO DETERMINE WHETHER OR NOT THIS AMOUNT OF THE 1.1 MILLION OR IF THIS WAS HAPPENING. I THINK THAT ON ITS FACE IT WAS CLEAR, IT WAS A FACT, AND IT DEPENDS THAT GOING FORWARD WHETHER OR NOT THE VOTERS DECIDE WHICH WAY TO GO. SO AT THIS TIME, I SAY YES. THE PETITION LANGUAGE HAS PASSED.

CLOSING STATEMENTS

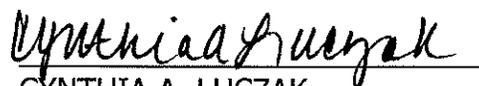
AS I STATED EARLIER, THERE WAS AN APPELLATE PROCESS WHICH HAS TO BE DONE WITHIN 10 DAYS OF TODAY'S DATE.

RECESS/ADJOURNMENT

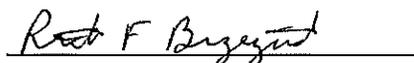
JUDGE JAN MINER MOVED TO ADJOURN THE MEETING OF MARCH 28, 2018. THE MEETING CONCLUDED AT 8:25 A.M..



JAN MINER
BAY COUNTY PROBATE JUDGE



CYNTHIA A. LUCZAK
BAY COUNTY CLERK



RICK BRZEZINSKI
BAY COUNTY TREASURER