

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW**

SHANNON BITTERMAN,
Plaintiff,

Case No.: 13-_____ -CZ
Honorable _____

v.

COMPLAINT

CHERYL BOLF,
Defendant

MR. PHILIP L. ELLISON (P74117)
OUTSIDE LEGAL COUNSEL PLC
Attorney for Plaintiff
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Hemlock, MI 48626
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COMPLAINT

NOW COMES SHANNON BITTERMAN, by and through counsel, Outside Legal Counsel PLC, and as her complaint against CHERYL BOLF states as follows:

PARTIES

1. Plaintiff SHANNON BITTERMAN is a resident of the State of Michigan.
2. Defendant CHERYL BOLF is a resident of Village of Oakley, County of Saginaw, State of Michigan.
3. Defendant CHERYL BOLF is and was at all relevant times the duly elected Clerk of the Village of Oakley.

JURISDICTION

4. This Court has jurisdiction pursuant to MCL 600.601 and 600.605 and MCR 2.605 as an actual controversy exists between the parties.
5. Venue is proper before this Court pursuant to MCL 600.1621 because Defendant BOLF resides in and conducts her business within this county.

GENERAL ALLEGATIONS

6. On November 6, 2012, Defendant BOLF was re-elected as Clerk of the Village of Oakley.
7. Several other new trustees were also elected by the people of the village of Oakley, causing a major shift in control and influence of village politics.
8. On November 8, 2012, the Board of Trustees of the Village of Oakley held a regular meeting consisting of 'voted-out' trustees and then currently-serving trustees to discuss and vote on the business of the Village of Oakley.
9. The newly elected trustees were not yet sworn-in.
10. The November 8, 2012 meeting had numerous irregularities regarding inappropriate deliberations and/or decisions, which Plaintiff is scrutinizing as a citizen of the Village of Oakley.
11. As Village Clerk, Defendant BOLF's duty was to prepare the official minutes of the Village of Oakley Board of Trustees as required by Michigan's Open Meetings Act.
12. In the position of Clerk, Defendant BOLF is the public official responsible for the creation and maintenance of these minutes as well as proceedings and resolutions of the council. MCL 64.5(3).
13. At the next regular meeting held in December 2012 meeting, the newly composed Board of Trustees of the Village of Oakley heard the official minutes as read by Defendant BOLF.
14. It was the common and normal practice of the Board of Trustees of the Village of Oakley to orally read the previous meeting's minutes for approval (by vote) by the Board of Trustees of the Village of Oakley.
15. A motion was made and passed to approve the minutes as read by Defendant BOLF.
16. A copy of the minutes was finalized and recorded into written form by Defendant BOLF.
17. An official copy of the "APPROVED" written November 8, 2012 meetings minutes (hereinafter "Approved Written Meeting Minutes") as recently provided by the Village of Oakley are attached as **Exhibit A**.
18. The Approved Written Meeting Minutes contains the signature of Defendant BOLF.
19. The Approved Written Meeting Minutes are an altered version of the meeting minutes actually approved by the Board of Trustees of the Village of Oakley as read by Defendant BOLF at the December 10, 2012 Board of Trustees of the Village of Oakley's regular meeting.

COUNT I
INTENTIONAL VIOLATION OF OPEN MEETINGS ACT BY PUBLIC OFFICIAL
(MCL 15.273)

20. Plaintiff incorporates by reference the previous allegations as if set forth word for word herein.
21. The Approved Written Meeting Minutes were falsified, altered, and/or illegally changed by Defendant BOLF in an effort to add previously hidden actions, deliberations, and decisions taken by herself and other trustees of the Village of Oakley Board of Trustees in regards to the November 8, 2012 meeting, including but not limited to going illegally into close session, conducting an illegal close session, interviewing employees in close session, and approving public employment contracts without a public vote.
22. Defendant BOLF's actions described herein were willful, wrongful, and intentional.
23. By intentionally and wrongfully altering and/or changing the Approved Written Meeting Minutes of the November 8, 2012 meeting, Defendant BOLF has intentionally violated the requirements of the Open Meetings Act for the Village of Oakley to have and keep official and approved meeting minutes.
24. Such intentional violation makes Defendant BOLF personally liable in a civil action for actual and exemplary damages of not more than \$500.00, plus court costs and actual attorney fees to the person bringing the action.

RELIEF REQUESTED

25. WHEREFORE, Plaintiff requests this Court enter an order—
 - a. declaring the Approved Written Meeting Minutes of the November 8, 2012 meetings were altered, falsified, and/or otherwise illegally changed by Defendant BOLF from the meeting minutes approved by the Board of Trustees of the Village of Oakley on December 10, 2012;
 - b. enjoining Defendant BOLF from falsifying and/or otherwise changing the meeting minutes in the future;
 - c. awarding exemplary damages to Plaintiff of not more than \$500.00;
 - d. awarding all court costs and actual attorney fees to Plaintiff in bringing the action pursuant to MCL 15.273(1); and
 - e. granting all other relief that Court deems equitable and just.

RESPECTFULLY SUBMITTED:

Philip L Ellison

OUTSIDE LEGAL COUNSEL PLC
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Attorney for Plaintiff
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Date: April 4, 2013

COPY

Village of Oakley
P.O. Box 64
Oakley, Michigan 48649



Phone: 989-845-2222

Council Meeting
2nd Tuesday of
Each Month
Fax: 989-845-2230

APPROVED

November 8, 2012

Meeting called to order at 7:10p.m.

Roll call taken: Dingo, Early, Fish, Frelitz, Lorencz, President Shindorf, Clerk Bolf, Absent Shuster, Dudek.

Minutes from last month read and corrections made motion made by Fish seconded by Lorencz to accept minutes. Treasurer report read by Clerk due to Treasurer absents motion made by Dingo seconded by Early to accept report treasures report.

Sue Dingo, Trustee read to council recommendations concerning the written complaints against Chief Reznick. He was cleared of ALL complaints each member agreed and signed recommendations. Per committee this will be the end of any further discussion about this issue. Two of the complaints written were asked to be removed by the person writing the complaint because she wanted them taken off one being sexual harassment the other being harassment toward her boyfriend, stated a Committee member. Motion made by Lorencz to accept seconded by Early. Roll call vote taken and as followed:

Dingo : agree
Fish : agree
Frelitz : agree
Lorencz : agree
Early : agree
Shindorf : agree

It was recommended by Trustee Lorencz that the complaints be taken by the writer to attorneys and the Council is finished with this issue.

Due to the request to spend monies for improvement for the non-motorized fund per Frelitz a bike rack was built on the property at the park.

Waste Water auditors informed treasurer that if 75% contributions toward the loan in the last three years of the loan for Waste Water project is not paid we are going to be in the negative. They recommended three payments of \$20,000 to cover the payment before the end of the loan they will only accept \$1,000 increment payments. Motion made by Frelitz seconded by Lorencz to move \$30,000.00 from police donations to pay on sewer principal bond motion accepted.

To balance the budget the Clerk requested monies to be moved from police donations to cover adjustments. Motion made by Frelitz seconded by Lorencz to make adjustments and to transfer funds motion accepted.

Auditors also suggested we repay General fund back from the O.M. start up loan of \$30,000.00 from General fund to establish the Operation & Maintenance operation. Motion made by Lorencz seconded by Dingo to transfer \$5,000.00 from Savings Waste Water to General fund miscellaneous to begin to pay back the start up fund motion accepted.

Motion made by Fish seconded by Lorencz to roll over Local Street C.D. expiring November 20, 2012 motion accepted.

Street light outages was addressed consumers power suggested sending location of lights out and tape on lights to be faxed to them with the request of a confirmation fax back with work order numbers. These street lights per Steve at consumers are dusk to dawn but do not work. A fax will be sent and tape around lights will be done.

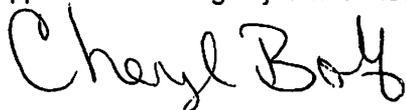
Per Fish Waste water discharge was done on November 11, 2012 all went well.

Motion made by Lorencz seconded by Dingo to appoint Jim Frelitz current Street Administrator to continue to work on project until completed with a monthly labor cost of \$30.00 to continue until Trustee Dingo can take over for him or project is completed, motion accepted.

Motion made by Lorencz and seconded by Dingo to pay bills.

Request by Lieutenant Kaylor to go into closed session to review application for employment. Motion made by Dingo seconded by Lorencz to go into closed session to discuss issues.

Adjourned to closed session 8:45p.m. Regular meeting reopened vote taken on all police contracts, all approved. W.W contracts voted upon Frelitz and Fish abstained from vote from their contract all approved. Meeting adjourned meeting at 9:25p.m.



Cheryl Bolf, Clerk