

**CITY OF BIRMINGHAM
BOARD OF ETHICS AGENDA
NOVEMBER 16, 2021
MUNICIPAL BUILDING, 151 MARTIN
2:00 PM**

I. CALL TO ORDER

Chairperson Sophie Fierro-Share

II. ROLL CALL

Alexandria Bingham, City Clerk

III. APPROVAL OF MINUTES

A. Approval of minutes of March 29, 2021

IV. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

- A. Selection of new chair
- B. Consideration of Advisory Opinion Request 2021-04

VII. PUBLIC COMMENT

VIII. ADJOURN

Should you wish to participate, you are invited to attend the meeting in person or virtually through ZOOM: <https://us06web.zoom.us/j/99656852194> Meeting ID: 996 5685 2194
You may also present your written statement to the Board of Ethics, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the meeting.

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

I, Alexandria Bingham, the duly appointed City Clerk for the City of Birmingham, certify this meeting notice was posted at all four entrances into the Municipal Building, and to www.bhamgov.org on November 12, 2021.

Alexandria Bingham

**City of Birmingham
Board of Ethics Minutes
March 29, 2021
151 Martin, Birmingham
Virtual Meeting ID: 996 5685 2194**

I. CALL TO ORDER

Chair Fierro-Share called the meeting to order at 1:30 p.m.

II. ROLL CALL

Present: Sophie Fierro-Share, Chair (located in Denver, CO)
James Robb, Board Member (located in Birmingham, MI)
John Schrot, Board Member (located in Birmingham, MI)

Absent: None

Also Present: City Attorney Kucharek, City Commissioner Sherman

Administration: City Clerk Bingham

III. APPROVAL OF MINUTES

MOTION: Motion by Mr. Robb, seconded by Mr. Schrot:
To approve the minutes of March 15, 2021 as submitted.

ROLL CALL VOTE: Ayes, Mr. Robb
Mr. Schrot
Chair Fierro-Share

Nays, None

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. Complaint 2021-03 (Holland v. Sherman) – Consideration of whether to administratively dismiss the complaint pursuant to Board of Ethics Rule 302(b) for the reason that “One or more complaints or requests for advisory opinions regarding the same matter are pending.”

Mr. Robb stated that as long as there are other cases regarding this matter being heard by other courts or quasi-judicial tribunals, this case should not be heard by the Board of Ethics at this time, per Board of Ethics Procedural Rule 3.02(b). When the Board considered hearing complaint 2019-03, they administratively dismissed the complaint without prejudice on the same grounds. Mr. Robb informed the Board that he had provided the Clerk with a one-page statement for the Board’s review regarding administratively dismissing complaint 2021-03.

MOTION: Motion by Mr. Robb, seconded by Mr. Schrot:

To administratively dismiss complaint 2021-03 without prejudice and to sign the one-page statement composed by Mr. Robb outlining the reasoning for the Board's dismissal of the complaint.

City Attorney Kucharek noted that all civil actions regarding this matter had been dismissed. She stated that Commissioner Sherman sued Mr. Holland and that the courts found in favor of Commissioner Sherman. She stated that one case regarding this matter remains pending before the Michigan Department of Civil Rights.

City Attorney Kucharek and the Board discussed and made a few changes to the text of the opinion. Clerk Bingham amended the opinion per the Board's recommendations during the discussion. The updated draft of the opinion will be circulated to the Board members for their signatures. All updates to the opinion were added by Board consensus.

The Board noted that Mr. Holland was absent from the present meeting. He had notified the Clerk prior to the meeting that he would be absent, and had said he had nothing to add beyond the written documentation already provided as part of his complaint.

The Board noted that neither Mr. Holland nor Commissioner Sherman needed to speak during the Board's present deliberations since it was a Board discussion about dismissing the complaint and not a formal hearing of the complaint.

ROLL CALL VOTE:	Ayes,	Mr. Robb Mr. Schrot Chair Fierro-Share
	Nays,	None

VI. PUBLIC COMMENT

A. Communication from Cory "King" Holland Sr

Commissioner Sherman said that if the Board had not administratively dismissed the complaint, he would have filed a motion to dismiss under Board of Ethics Rule 304(d) since a materially similar complaint was already adjudicated by Judge Hunt of the 43rd District Court. He thanked the Board for their work.

VII. ADJOURN

Chair Fierro-Share adjourned the meeting at 2:06 p.m.

Alexandria Bingham, City Clerk



Case No. _____
(Assigned by clerk)

REQUEST FOR ADVISORY OPINION

The Procedural Rules of the Board of Ethics allow a city official or employee, the City Commission, or another city commission, board or committee, as defined in the Code of Ethics ("the requesting party"), to request an advisory opinion as to whether the requesting party's conduct or anticipated conduct, or that of a city official, employee, commission, board or committee under the requesting party's authority, conforms to the Code of Ethics. The party whose conduct is sought to be reviewed, if it is someone other than the requesting party, is called the "subject party."

All advisory opinions will be communicated to the city commission and will be published on the city's website at www.bhamgov.org.

Written requests are subject to disclosure under the Freedom of Information Act.

Name Thomas M. Markus Phone Number (248) 530-1808

Address 151 Martin Street, Birmingham, MI 48009
(Number, Street, City, State, Zip)

Position or Board (If Applicable) City Manager

- A. State each question upon which an opinion is desired. Attach additional sheets of paper if the space provided below is not sufficient.
- B. State all of the facts giving rise to each question presented.
- C. If available, provide all relevant statutory provisions, case law, prior opinions of the Ethics Board, and other authorities.

NOTE: Although the foregoing criteria are subject to exception when the circumstances warrant, a request which does not meet these criteria may be returned and the requestor asked to resubmit the request in an appropriate form.

Please return requests to: City Clerk's Office, City of Birmingham
151 Martin, P.O. Box 3001, Birmingham, MI 48012

Please review the documents written by Commissioner Baller and Carolyn Normandin from the ADL that were provided to you from the City Clerk as the facts giving rise to the following question:
Did the words of Commissioner Baller which have been characterized as anti-Semitic trope by Ms. Normandin rise to the level of an ethnic or racial incident?

FOR OFFICE USE ONLY

Accepted by _____ Date _____



November 10, 2021

Board of Ethics
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Dear Members of the Board:

The City of Birmingham, via the Manager's office, has received a letter from the ADL written November 8, 2021 to Mayor Boutros alleging that Birmingham Commissioner Baller used language they believe may have risen to the level of anti-Semitism. The City of Birmingham, since 1992 when it implemented a plan for the City of Birmingham's response to incidents involving racial or ethnic conflict, takes allegations of racial or ethnic incidents very seriously. In the attached letter, the "ADL calls for a retraction and public apology by Commissioner Baller and asks the Birmingham Commission to investigate and take appropriate disciplinary action." There is no Charter provision or ordinance granting authority to the Birmingham Commission to "investigate" such allegations. However, the City of Birmingham Charter, Chapter 2. – Administration, Article IX. – Ethics at Sec. 2-325(b) Functions of the Board of Ethics, provides:

"(b) Functions of the board of ethics. When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable."

In adhering to the *Plan for the City of Birmingham's Response to Incidents Involving Racial or Ethnic Conflict*, attached herein for your reference, "the City Manager or his/her designee shall be responsible for making a determination that an incident involving racial or ethnic conflict has occurred." I am, therefore, designating the Ethics Board, as my designee to determine whether an incident of racial or ethnic conflict occurred. Please review this request and the attached

documents to determine whether there are sufficient allegations of complaint to warrant the Board to conduct hearings and/or issue an advisory opinion as to whether an incident of racial or ethnic conflict occurred. Clearly, a political conflict occurred, the question is whether any incident of racial or ethnic conflict occurred? Please keep me apprised as to your determinations and process.

Thank you for your attention to this matter.

Very truly yours,

CITY OF BIRMINGHAM

A handwritten signature in black ink, reading "Thomas M. Markus". The signature is written in a cursive style with a large, looping initial "T".

Thomas M. Markus
City Manager

Enclosures

PLAN
FOR THE CITY OF BIRMINGHAM'S
RESPONSE TO INCIDENTS
INVOLVING RACIAL OR ETHNIC CONFLICT

WHEREAS The City of Birmingham has consistently and publicly condemned any and all forms of racism, sexism or discrimination; and

WHEREAS The City of Birmingham wishes to establish a formal plan to assist in responding to any reported incident which may occur within the city and involve racial or ethnic conflict; and

WHEREAS The administrative staff of the City of Birmingham, assisted by the Birmingham-Bloomfield Task Force on Race Relations and Ethnic Diversity, has developed such a plan, entitled, "Plan for the City of Birmingham's Response to Incidents Involving Racial or Ethnic Conflict." Now, therefore, be it

RESOLVED That the City of Birmingham hereby adopts said "Plan for the City of Birmingham's Response to Incidents Involving Racial or Ethnic Conflict," dated January 27, 1992.

AYES: Unanimous NAYS: _____

Rep. A. Martin

Mayor

Judith A. Binn

City Clerk

**PLAN
FOR THE CITY OF BIRMINGHAM'S
RESPONSE TO INCIDENTS
INVOLVING RACIAL OR ETHNIC CONFLICT**

INTRODUCTION

The goal of this plan is to respond legally, promptly, sensitively and effectively to any incident which may involve racial or ethnic conflict. This requires that the plan be very flexible, and that it be supported by the entire community.

To this end, the city's administrative staff has sought and received the assistance of the Birmingham-Bloomfield Task Force on Race Relations and Ethnic Diversity in developing this plan.

INCIDENT IDENTIFICATION

If any person believes that an incident involves a violation of any city, state or federal law, he or she should report it immediately to the appropriate law-enforcement agency.

City personnel, as well as community and business leaders, neighborhood associations, members of the Birmingham-Bloomfield Task Force on Race Relations and Ethnic Diversity and others, must be trained to ensure that incidents which may involve racial or ethnic conflict are recognized and reported. This training must also identify the appropriate individuals and agencies to notify if such an incident is discovered. (Of course, people must also be trained to avert future incidents involving racial or ethnic conflict.)

For the purposes of the implementation of this plan, the City Manager or his/her designee shall be responsible for making a determination that an incident involving racial or ethnic conflict has occurred.

RESPONSE

A. Incident Investigation

The City Manager or his/her designee will work with the Police Department to investigate reported incidents aggressively and, where appropriate, involve the office of the appropriate prosecutor.

B. Communication with the Affected Party or Parties

Where it can reasonably be determined that a person has (or persons have) been the innocent victim of an incident involving racial or ethnic conflict, the City Manager or his/her designee will communicate with the person to:

1. Reassure him or her that the City of Birmingham does not tolerate acts of discrimination, whether or not they constitute criminal offenses;
2. Offer him or her assistance, such as with the removal of racist graffiti, etc;
3. Inform him or her of this plan; and
4. Seek his or her permission to implement appropriate elements of this plan.

This communication is to be initiated separate from and in addition to any communication undertaken by law-enforcement agents.

The Birmingham-Bloomfield Task Force on Race Relations and Ethnic Diversity may also establish a support team to assist anyone experiencing the effects of an incident involving racial or ethnic conflict. As part of its mission, the support team would advise such persons of help available from other non-profit agencies or programs.

C. Communication with News Media

When deemed appropriate by the City Manager, and with the permission of any person identified in the previous section, the City Manager or his/her designee will promptly prepare and issue a news release including: the Manager's determination that an incident as identified in this plan is believed to have occurred; the fact that this plan, in whole or in part, has been implemented; and a restatement of the city's position condemning acts of discrimination in general and the incident in question in particular.

If the manager deems it appropriate, he or she may also call a news conference. With the permission of any person identified in Section B, such a news conference may be held at the site of the incident.

D. Communication with the Birmingham-Bloomfield Task Force on Race Relations and Ethnic Diversity and Others

The City Manager or his/her designee will notify the Task Force. The manager and the Task Force will also notify other appropriate agencies and associations; e.g., the Birmingham School District, neighborhood organizations, religious institutions, neighboring communities, chapters of the National Association for the Advancement of Colored People (NAACP), the Race Relations Council of Metropolitan Detroit.

If an incident occurs in a neighborhood with an active neighborhood association, the City Manager or his/her designee will attempt to obtain their support and

assistance in aiding any resident identified in Section B above, assisting law-enforcement officers, and joining with the city in publicly condemning such acts.

If an Incident occurs in the business district, the City Manager or his/her designee will attempt to obtain the same support and assistance from the Chamber or Commerce.

E. Audit and Follow-Up

The City Manager or his/her designee will audit the effectiveness of its response to a reported incident, including communicating with any person identified in Section B to determine if he or she is satisfied with the city's response, to determine whether additional steps need to be implemented.

Wherever legally appropriate, the City Manager or his/her designee will continue to monitor any legal proceedings which may arise out of an incident identified as falling within the scope of this plan.

F. Documentation

The City Manager or his/her designee will maintain a file of incidents identified as falling within the scope of this plan, including factual information and the city's response.

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Kenneth Jacobson



November 8, 2021

Mayor Pierre Boutres
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012

Dear Mayor Boutres:

I am deeply disturbed by an email sent by Birmingham Commissioner Clinton Baller on October 26, 2021, where he used language typically used by people who circulate antisemitic tropes. Using expressions like "willing marionette" and "This cabal," as well as calling out members of the Jewish community accusing them of using wealth and "buying the ponies," are common anti-Jewish themes that promote hatred of the Jewish community.

My office received a number of reports regarding the letter. I must say I find the language used in Mr. Baller's message troubling, and unbecoming a City Commissioner. In the past five years, antisemitic incidents have increased 240% in Michigan, often through divisive and dog-whistle language designed to promulgate hatred. Community leaders must be held to a higher standard. ADL calls for a retraction and public apology by Commissioner Baller and asks the Birmingham Commission to investigate and take appropriate disciplinary action.

ADL was founded in 1913 with a timeless mission to protect the Jewish people and to secure justice and fair treatment for all. We are a global leader in exposing extremism, delivering anti-bias education and fighting hate online, and I am gravely concerned.

I am willing to answer any questions you may have about the work of the ADL, and I could also suggest some resources to learn about common antisemitic tropes. My mobile number is 248-672-8831. I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn J. Normandin".

Carolyn Normandin
Regional Director, ADL Michigan

cc:

Therese Longe, Mayor Pro-Tem
Commissioners: Clinton Baller, Racheline Hoff, Brad Host, Mark Nikita, Stuart Lee Sherman



November 9, 2021

Ms. Carolyn Normandin
Regional Director, ADL Michigan
P.O. Box 252166
West Bloomfield, MI 48325-2166

Re: Allegation of Anti-Semitic Tropes

Dear Ms. Normandin:

The City of Birmingham, via the Manager's office, acknowledges receipt of your letter written November 8, 2021 to Mayor Boutros alleging Birmingham Commissioner Baller used language that you believe may rise to the level of anti-Semitic words or intention. The City of Birmingham, since 1992 when it implemented a plan for the City of Birmingham's response to incidents involving racial or ethnic conflict, takes allegations of incidents very seriously. In your letter you state "ADL calls for a retraction and public apology by Commissioner Baller and asks the Birmingham Commission to investigate and take appropriate disciplinary action." There is no Charter provision or ordinance granting authority to the Birmingham Commission to "investigate" such allegations. However, the City of Birmingham Charter, Chapter 2. – Administration, Article IX. – Ethics at Sec. 2-325(b) Functions of the Board of Ethics, provides:

"(b) Functions of the board of ethics. When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable."

In adhering to the *Plan for the City of Birmingham's Response to Incidents Involving Racial or Ethnic Conflict*, attached herein for your reference, "the City Manager or his/her designee shall be responsible for making a determination that an incident involving racial or ethnic conflict has occurred." I will designate the City of Birmingham's Ethics Board to be my designee in order to determine if an incident occurred. Therefore, I will forward your letter to the Birmingham City Clerk directing her to follow the prescribed procedures, and bring to the Board's attention your complaint. You will also find enclosed the letter I am sending to the Ethics Board in this regard. Pursuant to the City of Birmingham Charter Article IX. – Ethics and the Board of Ethics Rules of

Procedure, Commissioner Baller will likewise have an opportunity to respond to your very serious allegations.

The City's Ethics Ordinance is a comprehensive ordinance which dictates the highest level of ethics for the City of Birmingham's employees and officials, and is also one that adheres to the due process procedure and affords the accused their opportunity to respond to allegations such as yours. The Birmingham City Clerk in following the procedure stated above, will contact the Ethics Board, and you will be informed of the Board's decision regarding their next procedural steps.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

CITY OF BIRMINGHAM

A handwritten signature in black ink, appearing to read "Thomas M. Markus", with a stylized, flowing script.

Thomas M. Markus
City Manager

cc: Therese Longe, Mayor
Pierre Boutros, Mayor Pro-Tem
Commissioner Clinton Baller
Commissioner Brad Host
Commissioner Elaine McLain
Commissioner Katie Schafer
Commissioner Andrew Haig
City Clerk
(all w-cc of enclosures)

COMMISSIONERS DENOUNCE CAMPAIGN INSULTS, DECEPTIONS

Dear Neighbor,

At last night's City Commission meeting, five of seven commissioners spoke out against the insults and lies being spread by David Bloom, Andrew Haig and their supporters. One of those supporters, Brad Host, who founded the political action committee that is directing the campaign of lies, was in the room. He is a sitting commissioner, and he is a willing marionette of his successor trustees of the PAC, Paul Reagan and Jonathon Hofley.

This cabal, which holds itself up as a champion of neighborhoods, has done virtually nothing to improve the lot of Birmingham residents. Instead, it knowingly spreads lies and misinformation and sows division in an attempt to... well, that's hard to figure out, because the list of practical proposals uniquely their own to improve Birmingham contains exactly ZERO items.

Mindful to not directly address the election or candidates specifically, a chorus of commissioners spoke. I made a detailed rebuttal of the nonsense; Mark Nickita explained the legitimate reasons for a master plan; Stuart Sherman articulated what makes good and bad commissioners; Therese Longe expressed dismay at those who would undermine trust in government for no apparent reason, and Mayor Pierre Boutros made an emotional plea for humility.

It was especially poignant because this was the last full meeting for commissioners Sherman, Nickita and Rackeline Hoff.

You can watch it all by [clicking here](#), then clicking the play button on the video.

Folks, the only way to beat back this despicable conduct is to share this information far and wide, and VOTE.

(And in case you missed it, my picks for City Commission are **Katie Schafer**, **Anthony Long** and **Elaine McLain**, who have integrity and a healthy respect for facts.)

TWO COUPLES PUMP MORE THAN \$8,000 INTO BLOOM, HAIG CAMPAIGNS

Just two couples have pumped at least \$8,200 into the campaigns of David Bloom and Andrew Haig so far, according to campaign finance records. Shirley Road residents Edward Levy and wife Linda Dresner gave a total of \$4,200 to the two campaigns, and Aspen residents Edward and Jane Schulak gave \$4,000. The two couples may have made further contributions to Birmingham Citizens for Responsible Government, the aforementioned political action committee, but we don't know because BCRG has so far failed to file financial statements, thus putting itself in violation of state law.

Levy and Schulak aren't betting on a race here. They're buying the ponies.

We've seen this before. Throwing gobs of money into an election didn't work in 2019, when developers on the NOW project dumped \$250,000 into a losing campaign.

Voters who value honesty and integrity need to turn Levy's and Schulak's investments sour as well.

WHO IS THE REAL DAVID BLOOM?

So David Bloom accuses city officials of dissing residents, huh? Precious. This from a guy who accuses anyone with whom he disagrees of "corruption." And from a guy who was filmed giving the finger to a fellow resident at a city meeting several years ago.



*Paid for by Clinton Baller 4 Birmingham, 822 Shirley Rd, Birmingham MI 48009,
and in case it's not obvious, reporting and opinions are mine, not "official."*

Clinton Baller
Birmingham City Commissioner
822 Shirley Rd.
Birmingham, MI 48009



MY RESPONSE TO A CHARGE OF ANTISEMITISM

Dear Neighbor,

The Anti Defamation League, an organization I have held in high esteem for my entire adult life, has branded an email I wrote in the midst of our recent election season antisemitic. To be fair, they said I "used language typically used by people who circulate antisemitic tropes." Small comfort. This is my response.

But first, read the [offending email](#) and the [ADL's letter](#).

Part of my life story is relevant.

My father was born in New York City, my mother in Nutley, N.J. They met in the city after the war in 1948, married in 1950, built a house on a lake in East Brunswick, N.J., in 1952, and in 1957 I was born the youngest of three boys. My father was a non-practicing Jew, my mother a non-practicing Catholic. In 1960 they became charter members of the local Unitarian Society because they thought religion ought to be part of our lives, and we should have a Universalist upbringing. Mom, Dad and our Sunday school teachers did a good job. Among the qualities they instilled was curiosity about people and the world around us.

So not surprisingly, in my mid-30's, I questioned something I had always taken for granted -- my mother's Catholic upbringing. Her maiden name, after all, was Blum. Her mother's maiden name was Nagle. Her grandfather, who was one of the first mayors of Nutley in 1912, was Abram Blum. I brought this up with mom a few times over the years, and she feigned ignorance. But in her early '90s, she relented and told me that if I wanted the story, I should talk to her cousin Ruthie.

Ruth Bedford was a big sister to my mom, an aunt to me. She was, until her death in 2019 at 101, the grand dame of Nutley. She lived in an old mansion on Highfield Lane, and in 2017, I finally made a pilgrimage to see her. Her maiden name was Grey, but she told me she was born a Ginsburg. In 1937, with the rise of antisemitism, she and her younger sister, Jane, were advised to change their surname -- that they would be safer and more successful in the world if their Jewish identity wasn't so obvious. Ruth became personal secretary to William T. Grant, the department store magnate, and both she and her sister were active in politics. Ruth married an attorney named Stanley, who became a judge, and Jane married a car dealer named John Burgio and in 1982 was appointed Secretary of State to New Jersey Gov. Thomas Kean.

That explained the paternal side of my mother's family. As for the Nagles, they turned out to be bona fide Irish Catholics from County Cork.

In 1993, I married my first wife. The marriage ended in divorce, but not before I witnessed the bar mitzvah of my stepson and became the proud father of a baby boy. My son was raised, like his mother, Jewish. For years he attended Sunday school at Birmingham Temple, where I was heartened at the parallels between Humanistic Judaism and Unitarian Universalism. In 2009, my son was bar mitzvahed by Rabbi Tamara Kolton. She remains a family friend and advisor.

Now, to the ADL and those who made and are spreading this allegation for political gain:

I will not apologize, and I will not retract my statements. My email was not antisemitic. It was political. If the ADL letter proves anything, it's that wealthy donors can influence more than politics. The ADL letter is born out of a politically motivated desire to continue the pre-election deceptions, misinformation and fear-mongering of a political faction clawing for traction and relevance. The ADL has a legitimate role in rooting out antisemitism, but this isn't that. If an inquiry results, I will welcome careful and contextual analysis of my writing, and transparency as to the genesis of the allegation.

The people making this allegation don't know me. Those who do, including many of my political foes, know I don't have an antisemitic bone in my body. And it is especially them on whom I call to denounce the allegation. Former Commissioner Stuart Sherman, no fan of mine who is well acquainted with the full cast of characters (and who happens to be Jewish) virtuously, and virtually instantaneously, led the way with a denunciation of the charge.

Let me ask you, where should the outrage lie? With those who call out the lies, or with those who perpetuate them?

If I have any regrets, it is that this is a distraction for the commission on which I sit, the administration that works so hard to sustain our city, and for you, the community I serve.

Sincerely,

Clinton Baller
248.971.0123

*Paid for by Clinton Baller 4 Birmingham, 822 Shirley Rd, Birmingham MI 48009,
and in case it's not obvious, reporting and opinions are mine, not "official."*

Clinton Baller
Birmingham Resident
Birmingham City Commissioner
822 Shirley Rd.
Birmingham, MI 48009



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My mailing address is:
822 Shirley Rd, Birmingham MI 48009

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).

Birmingham Board of Ethics has been Requested to Review Anti-Defamation League Allegations

Marianne Gamboa <MGamboa@bhamgov.org>

Wed, Nov 10, 2021 at 4:55 PM

Bcc: city-commission@bhamgov.org

Good afternoon. The City of Birmingham's Board of Ethics has been requested to review allegations received by the Anti-Defamation League (ADL) stating that City Commissioner Clinton Baller used language that the ADL believes may have risen to the level of antisemitism. Attached please find a press release with additional information.

Kind regards,
Marianne Gamboa

--

Marianne Gamboa
Communications Director
[City of Birmingham](#)
[151 Martin Street](#)
Birmingham, Michigan 48009
Phone 248.530.1812
Fax 248.530.1072

Connect with the City of Birmingham:



www.bhamgov.org

Important Note to Residents

Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at www.bhamgov.org/citywideemail.

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You received this message because you are subscribed to the Google Groups "City Commission" group.
To unsubscribe from this group and stop receiving emails from it, send an email to city-commission+unsubscribe@bhamgov.org.

To view this discussion on the web visit https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CA%2B5aCnndnmrwhQp_0Qcyp%2BP8biDg4w2dwajP3BQdVgrvMMzmcQ%40mail.gmail.com.



Ethics Board Requested to Review ADL Allegations.docx

42K



For Immediate Release

Contact:
Marianne Gamboa
City of Birmingham
(248) 530-1812

Birmingham Board of Ethics has been Requested to Review Anti-Defamation League Allegations

BIRMINGHAM, MI, November 10, 2021 – The City of Birmingham’s Board of Ethics has been requested to review allegations received by the Anti-Defamation League (ADL) stating that City Commissioner Clinton Baller used language that the ADL believes may have risen to the level of antisemitism.

The City of Birmingham takes allegations of racial or ethnic incidents very seriously, and implemented a plan for response to such incidents in 1992. The goal of the *Plan for the City of Birmingham’s Response to Incidents Involving Racial or Ethnic Conflict* is to respond legally, promptly, sensitively and effectively to any incident which may involve racial or ethnic conflict. In adhering to the plan, Birmingham City Manager Tom Markus has requested the Board of Ethics to determine whether an incident of racial or ethnic conflict occurred.

“The City has consistently condemned any and all forms of discrimination. The Board of Ethics has been requested to conduct a review of this incident,” said Birmingham City Manager Tom Markus.

The City’s Ethics Ordinance has established rules of conduct for City officials, employees, and advisors and has designed a process for determining whether their conduct conforms to or violates the ordinance. When there is a question or a complaint as to the applicability of any provision of the Ethics Ordinance to a particular situation, the City directs that question or complaint to the Board of Ethics. Learn more about the Board of Ethics and view the Ethics Ordinance at www.bhamgov.org/ethics.

Clearly, a political conflict occurred. The question is whether any incident of racial or ethnic conflict occurred. Should the Board of Ethics accept the request of the City Manager, the board will review the submitted documents to determine whether there are sufficient allegations of complaint to warrant the Board of Ethics to conduct hearings and/or issue an advisory opinion as to whether an incident of racial or ethnic conflict occurred.

City of Birmingham – A Walkable Community. Visit the City’s website at www.bhamgov.org.

#

Fwd: ADL letter

Tom Markus <tmarkus@bhamgov.org>
To: City Commission <city-commission@bhamgov.org>

Thu, Nov 11, 2021 at 5:02 PM

----- Forwarded message -----

From: **Pierre Boutros** <pboutros@bhamgov.org>
Date: Thu, Nov 11, 2021 at 4:35 PM
Subject: Fwd: ADL letter
To: Tom Markus <tmarkus@bhamgov.org>

Please share.

Best,

Pierre Boutros
Mayor Pro Tem
City of Birmingham
248.361.6868

Begin forwarded message:

From: MARC BAKER <NenBaker@yahoo.com>
Date: November 11, 2021 at 11:30:02 AM EST
To: pboutros@bhamgov.org
Subject: ADL letter

Dear Mayor Boutros,

After a close reading of the ADL letter condemning Clinton Baller for anti-Semitic language I would like to voice my support for Commissioner Baller. He refers to the "cabal" as BCRG and the "marionette" refers to Brad Host. How is that anti-Semitic? I was a member of BCRG but with the run up to the Nov. election I distanced myself and didn't support their candidates primarily due to their anti-development and anti-private property stance. A BCRG email called for an end to "speculation". I thought speculation was part of a free capitalist economy.

I am calling on the city commission to defend Clinton and rebuke the ADL. By calling out anti-Semitism where it doesn't exist the ADL is making it more difficult to combat real hatred and they are undermining their own credibility.

For the sake of Birmingham government and Commission credibility anonymous and false political attacks against a sitting commissioner must be nipped in the bud. Free speech and political speech must be protected. Using the ADL to intimidate your political opponent must be called out to preserve our non-partisan Commission.

Thanks for listening.

I would appreciate a call and update.

Marc Baker
Phone: 248-550-8541
PS. I am Jewish, not that that matters.

--

You received this message because you are subscribed to the Google Groups "City Commission" group.
To unsubscribe from this group and stop receiving emails from it, send an email to city-commission+unsubscribe@

bhamgov.org.

To view this discussion on the web visit https://groups.google.com/a/bhamgov.org/d/msgid/city-commission/CALPLqChWr8j98n3So9ZKUur2%2B4jiFOu4XK_qQzgvW4OBWpzrhw%40mail.gmail.com.

From: george dilgard <gdilgard@hotmail.com>
Subject: Fwd: Political email is branded antisemitic
Date: November 10, 2021 at 5:22:09 PM EST
To: Brice Sheila <sheilabrice3@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: george dilgard <gdilgard@hotmail.com>
Date: November 10, 2021 at 2:33:13 PM EST
To: Schafer Katie <katieforbirmingham@gmail.com>
Subject: Fwd: Political email is branded antisemitic

During our talk I new it had nothing to do about being Jewish. This kind of false accusation hurts the ADL credibility.

Clint is a an excellent wordsmith. Glad to see Sherman stepped up.

We'll see how much trouble Bloom tries to create- so petty.

Sent from my iPhone

Begin forwarded message:

From: Clinton Baller <clinton@baller4bham.com>
Date: November 10, 2021 at 1:06:52 PM EST
To: George Dilgard <gdilgard@hotmail.com>
Subject: Political email is branded antisemitic
Reply-To: Clinton Baller <clinton@baller4bham.com>

Ethics case against Clinton Baller

Klein, Rebecca M. <kleinr@butzel.com>

Sat, Nov 13, 2021 at 12:35 PM

To: "clerksoffice@bhamgov.org" <clerksoffice@bhamgov.org>

Cc: "TMarkus@bhamgov.org" <TMarkus@bhamgov.org>

To Whom It May Concern,

My name is Rebecca Klein. I grew up in Birmingham, graduated from Seaholm and the University of Michigan Law School, and still live and work in the area. I am writing to ask the Ethics Board to agree to hear the case against Clinton Baller.

My mother is Donna MacMurray Klein. As you are likely aware, Mr. Baller was involved in a previous ethics case involving my mother, which involved some very distressing allegations.

I was extremely alarmed to hear the recent allegations against Mr. Baller made by the Anti-Defamation League and others. As a Jewish woman and a long-time citizen of Birmingham and Oakland County, I feel strongly that these allegations must be addressed.

I urge you to agree to hear the case against Mr. Baller and to make clear that this kind of behavior will not be tolerated from a public official in our state.

Thank you for your consideration.

Best,
Rebecca Klein

Rebecca Klein
Associate
kleinr@butzel.com

Direct: (313) 225-7065 | Mobile: (248) 420-3257



Main: (313) 225-7000 | Fax: (313) 225-7080
150 West Jefferson, Suite 100 | Detroit, MI 48226



Ethics Board

'Nenita Baker' via Clerks Office <ClerksOffice@bhamgov.org>

Sat, Nov 13, 2021 at 7:23 PM

Reply-To: Nenita Baker <nenbaker@yahoo.com>

To: "clerksoffice@bhamgov.org" <clerksoffice@bhamgov.org>

11/13/21

To the Ethics Board,

I am writing to you as a concerned Birmingham resident. It has come to my attention that the email Commissioner Ballar wrote on 10/27/21 is being reviewed for anti-Semitic intent as per the recommendation of the ADL.

Upon closely reading Ballar's email I noticed the following:

A) The reference to a "marionette" refers to Brad Host and the reference to a "cabal" refers to a political PAC, BCRG, of which I have been a member in the past. Although coincidentally I am Jewish, Brad Host is not Jewish and BCRG is not a Jewish organization. The ADL incorrectly labelled these terms anti-Semitic even though Baller's use of these terms is unrelated to anything Jewish. Rather they reflect fairly common political speech. Basically the ADL is suggesting that the use of these words is in and of itself anti-Semitic. This assault on language can not be allowed stand. The ADL did not give sufficient weight to the context, that is something we must do. As you know there is a clash of ideas re Birmingham's future. One side supports balanced downtown development and views downtown as an asset not a liability to Birmingham's *raison d'etre*. The other side seems to want to put roadblocks in the path of any development and make it harder for citizens to tear down their houses to build newer and bigger homes. The recent election highlighted this divide and Baller's email must be viewed in this context something the ADL did not deem necessary to research.

B) As to the disclosure of David Bloom's donors I don't see that as a breach of ethics. David Bloom himself used the issue of financial backing to help defeat the NOW proposal. Baller's point was that just as the NOW backers pumping \$250,000 into their campaign it did not insure success just as Bloom's financial backers did not lead to his victory. It is my view that the insults hurled during the election, for ex. Bloom and BCRG making loose claims of corruption against their political opponents including Baller, and Baller's response with terms like "cabal" need to be understood as exaggerated political speech which all politicians engage in. Similarly the reference to "buying ponies" is again political speech meant to be taken figuratively not literally. The fact that Bloom as well as his donors are Jewish, that may or may not be common knowledge, is irrelevant because nowhere does Baller refer to their race/religion as determinative. It is hard to claim truth because political issues have at least two opposing sides.

C) If you agree with these points then you have no choice but to declare Baller didn't violate any ethical code, and especially that he did not commit an anti-Semitic act. I realize the ADL has already put their foot on the scale but my experience following the ADL is that in recent years they have become too quick to call out perceived instances of anti-Semitism. Any of us who defend Baller risk being accused of anti-Semitism ourselves. As a Jew this does not concern me. What does concern me is a false anonymous accusation of anti-Semitism. It is convenient that the political side opposing downtown development will benefit if Baller is disciplined or worse. Unfortunately we do not know the motivation of whomever reported this email to the ADL. Unfortunately this accusation will influence voters regardless of the outcome but vindication will prevent these frivolous accusations and involvement of outside groups like the ADL in future

campaigns. Ask yourselves why didn't this person bring the allegations to the Ethics Board or to City Council?

I have known Clinton Baller for many years I have always found him to be honest and dedicated to serving Birmingham and its' residents. I have found his periodic emails informative and contributing to transparent government, his objective has always been to inform the citizenry which is a breath of fresh air. It is my view that this false accusation of anti-Semitism is a veiled political attack masquerading as anti-Semitism. These issues should be dealt with at the ballot box not in sensational articles in the press.

I would welcome your response or a chance to address the board if that is necessary. I wish to reiterate I believe that the accusation against Commissioner Ballar is an injustice and a finding against him would compound this injustice and invite more politically motivated false accusations in the future which will mar our non-partisan election process for decades to come.

Marc Baker
1731 Fairway Dr.
Birmingham, MI
phone:248-550-8541