

**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, 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 remained 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 |

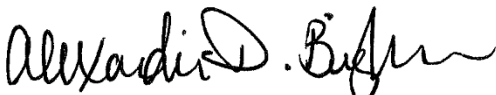
VI. PUBLIC COMMENT

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