

Monroe County Board of Commissioners
Ad Hoc Committee on Ethics, Transparency, and Common Sense
Report to Operations Committee
December 10, 2024

COMMITTEE MEMBERS

Commissioner Dave Vensel, Chairperson, Commissioner Randy Richardville, Bob Neely, Michael Roehrig, and former Commissioner Bill Sisk

INTRODUCTION

At its meeting on November 12, 2024¹, the Monroe County Board of Commissioners (hereafter “the Board”), approved the formation of a bipartisan, citizen-represented, *ad hoc* committee (hereafter, “the Committee”) to develop and report potential guidelines regarding a code of ethical conduct. The Committee was designated by the Board as the “Ad Hoc Committee on Ethics, Transparency, and Common Sense.” The Committee’s report is respectfully offered to Operations Committee Chair J. Henry Lievens and the entirety of the Operations Committee. The Committee is considered temporary, non-authoritative, and dissolved as of December 31, 2024.

FORMATION OF THE COMMITTEE

The formation of the Committee was prompted by three revelations – the first hint of which came vicariously (by way of citizens) to the Board’s attention in September 2024.

1. First, Mark Brant, the Chair of the Monroe County Board of Commissioners, had been charged in a federal, multistate illegal drug trafficking conspiracy case in the United States District Court, Northern District of Ohio. The case (*United States of America v. Mark Brant and Konstantin Sorin*) was filed by the U.S. Attorney’s Office on **December 15, 2022**, and charged Brant and Soren with violating federal drug trafficking laws. The case was assigned to Chief Judge Sara Lioi. On **March 20, 2024**, Brant pleaded guilty to one felony (Maintaining a Drug-Involved Premises) in violation of federal law. On **September 11, 2024**, Brant was sentenced to serve 18 months in a federal prison.

*The consequences of Brant’s conviction of an infamous crime include, but are not limited to, disqualifying him from holding office as a Commissioner on the Monroe County Board of Commissioners. In his letter of **October 31, 2024**², attorney for the County, Philip Goldsmith, noted that “the elected office of County Commissioner occupied by Mr. Brant became vacant upon his conviction for the federal felony,” effectively **March 20, 2024**. Although Brant continued to participate in county board*

¹ Monroe County Board of Commissioner Meeting Minutes, November 12, 2024.

² Letter from the law offices of Lennard, Graham, and Goldsmith, dated October 31, 2024, RE: Legal Opinion Regarding Automatic Vacancies, Specifically the Elected Office of County Commissioner.

*meetings and in his capacity as board chair, he was legally ineligible to do so. This, in turn, casts a legal shadow over every otherwise-legitimate action taken by the Board since the aforementioned date of Brant's guilty plea through his resignation, effective **October 1, 2024**.*

2. Secondly, Brant failed to make any affirmative effort to notify the Board of the fact that he had been charged with a drug trafficking conspiracy, convicted of a felony, and sentenced to a term of imprisonment. Brant resigned from the Monroe County Board of Commissioners via a letter to the Board effective **October 1, 2024**³, for the term ending **December 31, 2024**. The committee believes Brant's silence caused a series of events that eroded public confidence in government and, particularly, in Monroe County government.

The Committee notes that Brant was re-elected to the Board on November 5, 2024. The Board, Monroe County Clerk, Michigan Bureau of Elections, and the courts may need to review whether Brant, in the wake of his conviction and imprisonment, is eligible to hold this office for the 4-year term beginning January 1, 2025. Also, if a special election to fill the seat is necessary, who should bear the cost? The committee believes that while pertinent, these questions are deemed beyond the scope of this committee.

3. Thirdly, the Board subsequently learned that both the county's chief administrative officer, Michael Bosanac, and the county's deputy chief administrative officer, Aundrea Armstrong, were aware of a legal situation involving Brant, did not disclose the matter to the Board, and both directed letters to Vincent Haisha, Brant's attorney in the criminal case, showing support for Brant. The letters were not disclosed to, nor authorized by, the Board. The letters were dated **June 4, 2024**.⁴

SCOPE AND LIMITATIONS

The scope of this Committee's focus was limited to five areas: 1) discovery of relevant information, 2) amendments to the bylaws that would improve county governance, 3) outline a possible code of ethical conduct, 4) improve transparency, and 5) "any and all matters which may arise as a result of this process."

In defining its scope and limitations, it is helpful to state what it IS NOT. The Committee is:

- NOT an empowered committee of the Monroe County Board of Commissioners.
- NOT a legal investigative team.
- NOT an evaluation committee for the purposes of election law.
- NOT a law enforcement entity with any legal authority.

³ Monroe County Board of Commissioners Meeting Minutes.

⁴ Bosanac stated in an October Free Press article authored by M.L. Elrick that he knew of Brant's troubles in May 2024.

- NOT engaged in contract performance nor employee evaluation.

The Committee was acutely aware of its directive. Within the scope of its assignment, the Committee was able to gather and review relevant sources (including federal court documents, written letters, contract and job descriptions, the Monroe County Board of Commissioners Bylaws and Rules of Procedure, various association guidelines, codes of conduct from other counties, municipalities, states, and other matters of public record). The Committee engaged in discussions over a four-week period directed at the areas outlined by the Board with obvious limitations on what the Committee could accomplish given the time and resources available.

DISCOVERY

The committee only used information that was available in the public domain, with the exception of the legal opinion from Lennard, Graham, and Goldsmith, the Board's legal advisors (which is referenced above and included in the attachments). Court documents, research materials, source information, and newspaper articles are readily available via the internet. The committee sought to be factual and objective in its work without regard to rumor, innuendo, or hearsay. Further, the Committee believes it has done an appropriate amount of research into bylaws, codes of ethical conduct, transparency, and committee structure possibilities given the limited time available.

With respect to the investigation of the facts of this matter, the Committee has found nothing to indicate any criminal activity beyond the Brant felony. If the Board of Commissioners believes further investigation, research and recommendations beyond the scope of this committee is prudent, then a sound course of action would be to retain the services of an independent counsel, preferably an attorney/law firm without ties to Monroe County, but with knowledge of Michigan municipal and election law, and with adequate resources to review and advise the Board. Obviously, this activity would require a budget and thorough vetting process.

BYLAWS/CODE OF ETHICAL CONDUCT

The Committee believes that any set of ethical guidelines adopted by the Board should apply to all duly elected or appointed members of the Board and all administrative personnel of Monroe County (including, *minimally*, the county's chief administrative officer, and the county's deputy chief administrative officer through applicable internal policies). The Committee believes doing so would strengthen the quality of Monroe County government, improve, and help ensure transparency, and help restore trust with the citizens of Monroe County. The Committee further believes that Commissioners – and, indeed, all county employees – should be dedicated to the highest ideals of honor and integrity in all public and personal interactions. The chief function of county government is to serve the best interests of all citizens.

Presently, it appears to the Committee that the Monroe County Board of Commissioners Bylaws and Rules of Procedure are silent as to substantive ethical standards and duties of

Commissioners and County personnel.⁵ The Committee reviewed and evaluated ethics policies from other counties, both within and outside the State of Michigan. The Committee believes the Board should amend the Bylaws and Rules of Procedure (and relevant internal policies) to include a code of ethical conduct that would apply to all duly elected or appointed members of the Board and administrative personnel of Monroe County. Further, the Committee believes that Commissioners and administrative personnel annually should execute a document reasserting their commitment to adhere to the established code of ethical conduct, and that the document should be maintained by the Human Resources Department or other authority designated by the Board. The Committee believes that the guidelines for ethical conduct should include requirements that all duly elected or appointed members of the Board and administrative personnel should:

- a. Faithfully perform the duties of their offices.
- b. Properly administer the affairs of the county.
- c. Promote decisions intended to benefit public interests.
- d. Actively promote confidence in public government.
- e. Faithfully comply with all laws, codes, and regulations applicable to their position.
- f. Immediately disclose to the Board any development, including being convicted of a felony or qualifying misdemeanor, which renders the individual ineligible to hold office.
- g. Immediately disclose to the Board any and all factors or information which may presently or in the future impact the individual's eligibility of hold office or in any way limit the ability or effectiveness of the individual's office or employment with the County of Monroe.

The Committee further believes that, within the confines of the law, there should be certain minimum qualifications required for an individual to serve as a Commissioner or as a member of the administrative staff of Monroe County. To that end, the Committee believes that an individual should be considered unfit for office if the individual:

- a. Has been convicted of any felony involving moral turpitude unless the individual has completed his/her entire sentence and is no longer subject to the authority of the court.
- b. Fails to timely notify the county attorney of any pending legal action in which the Commissioner or member of the administrative staff has been named a defendant in his or her capacity as a Commissioner or as a member of the administrative staff of Monroe County.
- c. Commits a willful and substantive violation of the individual's oath of office.

⁵ Monroe County Board of Commissioners Bylaws and Rules of Procedure (as amended and revised March 5, 2024), Section 4.1 (regarding general conduct), provides in its entirety that "a member shall not use profane, intemperate, or discourteous language or conduct. If a member arrives late at a meeting, the time of arrival shall be noted by the Clerk or Deputy Clerk/Administrative Assistant. If a member leaves a meeting before adjournment, the time shall be noted by the Clerk or Deputy Clerk/Administrative Assistant."

- d. Engages in misfeasance or malfeasance in office.
- e. Fails to be insurable under the county's errors and omissions policy – or any other policy indemnifying Board of Commissioner members.⁶

TRANSPARENCY

With respect to enhancing transparency, the Committee notes that, at present, the meetings of the Board, while open to the public, are not made available to the public and the media by live electronic means. To promote an air of transparency and to encourage public awareness and engagement, the Committee believes that all Board of Commissioner meetings should be made available to the public and the media via live electronic means (television or streaming services).

The current computer monitors used in the commissioner's boardroom create a barrier between the audience and the commissioners. A properly televised or streaming of public meetings would require replacement of these screens as well as a budget to make the experience a quality one for constituents. This could include portals maintained on a web page or other technological advancements for the sole purpose of transparency to the public.

STANDING COMMITTEE

Finally, the Committee believes that a standing committee on ethical conduct should be created by the Board in an on-going effort to encourage compliance with the ethical conduct expected of Commissioners and administrative personnel. The standing committee on ethical conduct should be made known to the public, and members of the public who are aware of a potential violation of the ethical code should be encouraged to contact the standing committee via a public portal implemented by the Board (e.g., ombudsman/whistleblower roadmap/third-party entity for anonymity, etc.).

The Committee further acknowledges that a code of ethical conduct is more than a collection of words or a signed statement. "Moral integrity is a standard to which we are called and part of the foundation of our community. These fundamental rules define behavior, are accepted, and willingly followed. Properly adhered to, our values contribute positively to long-term excellence."⁷

CLOSING

The Committee believes these potential improvements would help discourage the recurrence of the aforementioned or similar events while, at the same time, improving public confidence in government and, particularly, in Monroe County government. Finally, the Committee notes that this report is not intended to be all inclusive. Further exploration and

⁶ Board member insurability may be outside a Code of Ethical Conduct, but the committee stresses its importance.


⁷ Everybody Wants To Go To Heaven, 6 Steps to Organizational Excellence, P.J. McDonnell, Sunrise Publishing, 2002, 35-37.

development of the principles, guidelines, and ideas identified above should be undertaken in order to create and maintain the highest and most up-to-date ethical standards available.

“Mistakes will happen – and it is in the best interest of those involved that corrective action be taken immediately...when they are first detected...”⁸ The Committee believes corrective action is necessary.

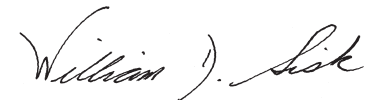
Respectfully submitted,
Members of the *Ad Hoc* Committee on Ethics, Transparency, and Common Sense


Commissioner Dave Vensel
Committee Chairperson


Commissioner Randy Richardville
BOC Chairperson


Bob Neely
Monroe County Citizen Representative


Michael G. Roehrig
Retired Monroe County Prosecuting Attorney


Bill Sisk
Former Commissioner and former BOC Chairperson

⁸ Ibid., 47-48.