

**CITY OF BIRMINGHAM
BOARD OF ETHICS AGENDA
SEPTEMBER 20, 2024
MUNICIPAL BUILDING, 151 MARTIN
1:00 PM**

I. CALL TO ORDER

James Robb, Chairperson

II. ROLL CALL

Alexandria Bingham, City Clerk

III. APPROVAL OF MINUTES

A. Approval of minutes of January 19, 2024

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

- A. Welcome and introduction of new members: regular member Melissa Leduc and alternate member Irene Hathaway
- B. Ethics Complaint 2024-01 Shell re Pielack
 - a. Additional correspondence on behalf of Pielack
 - b. Additional correspondence from Shell
- C. Update from Clerk Bingham regarding Detroit Ethics Board conference

VI. PUBLIC COMMENT

VII. BOARD 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 August 15, 2024.

**City of Birmingham
Board of Ethics Minutes
January 19, 2024
151 Martin, Birmingham**

I. CALL TO ORDER

Chair Robb called the meeting to order at 1:00 p.m.

II. ROLL CALL

Present: Chair James Robb; Board Members Michael Coakley, John Schrot; Alternate Board Member Judy Doyle (non-voting)

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, City Attorney Kucharek

III. APPROVAL OF MINUTES

A. Approval of minutes of December 19, 2023

MOTION: Motion by Mr. Coakley, seconded by Mr. Schrot:
To approve the minutes of December 19, 2023 as amended.

VOICE VOTE: Ayes, Chair Robb
Mr. Coakley
Mr. Schrot

Nays, None

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. Review Draft Opinion 2023-04 (Canvasser Opinion Request)

The Chair and Mr. Schrot offered their concurrence with the draft advisory opinion.

MOTION: Motion by Mr. Schrot, seconded by Chair Robb:
To adopt, approve, and sign it.

VOICE VOTE: Ayes, Chair Robb
Mr. Coakley
Mr. Schrot

Nays, None

B. Review Draft Opinion 2023-03 (Regan Complaint)

The Chair discussed the draft opinion.

Messrs. Coakley and Schrot offered their concurrence with the draft advisory opinion.

Board member comments regarding the draft opinion:

- The dicta regarding constitutional concerns was included because advisory opinions have occasionally included dicta in the past;
- The dicta can provide guidance; and,
- The explanation of the Board’s findings in the opinion would help the individuals involved in the particular case, the public, and other City officials.

Minor amendments, determined by Board consensus, were made to the draft opinion by CC Bingham.

MOTION: Motion by Mr. Schrot, seconded by Mr. Coakley:
To sign as edited.

VOICE VOTE: Ayes, Chair Robb
Mr. Coakley
Mr. Schrot

Nays, None

The Chair asked CC Bingham to prepare both opinions for the Board’s signatures.

MOTION: Motion by Mr. Schrot, seconded by Mr. Coakley:
To amend the agenda to move the section for public comment forward, and to allow public comment once again on the workshop or any other issue.

VOICE VOTE: Ayes, Chair Robb
Mr. Coakley
Mr. Schrot

Nays, None

The Board briefly recessed, signed the opinions, and returned from recess.

VI. PUBLIC COMMENT

David Bloom commented on minutes, on the code of conduct, on when Board alternates serve as voting members, on items from previous meetings, and on resident correspondence with City administration.

Paul Reagan commented on items from previous meetings.

V. NEW BUSINESS (CONT’D)

C. February 5, 2024 – City Commission Workshop Planning

Staff and the Chair introduced the topic and answered informational questions from the Board.

The Board discussed a potential workshop. The general points discussed were as follows:

- It could be beneficial to present an overview of the Ethics Ordinance and the Board of Ethics’ Rules of Procedure.

- Advising the Commission on hypothetical questions at a presentation would not be appropriate, since the Board considers the specific circumstances in detail when deliberating each case and advisory opinion.
- The Board could discuss whether it might be appropriate to answer questions submitted by the Commission in advance.
- More specific direction from the Commission regarding a possible presentation would likely be necessary. The Board would then need adequate time to discuss and prepare, which would preclude holding a presentation on February 5, 2024.
- Some caution would be appropriate since statements made during a presentation could be cited in future Board of Ethics deliberations.
- Certain matters of Board practice, such as citing previous opinions or decisions as precedents, could benefit from further Board study. This should occur before a presentation is given to the Commission.
- The Commission and the public may need clarity about the Board of Ethics' jurisdiction.
- It would be helpful to know whether a potential presentation should be geared towards the Commission or towards all of the City's boards. If the latter, it could be valuable for the City to publicize the presentation amongst the City's board members.
- There was disagreement as to whether it would be appropriate for the Board of Ethics to address the Commissioners' oath, the City charter, and/or the Commission's code of conduct in a potential presentation.
- The Commission should be made aware that a robust Board discussion regarding the topic did occur.

VII. BOARD COMMENT

Board members remarked on matters raised earlier in the meeting:

- Proper procedure was followed during the December 19, 2023 meeting.
- While a Commissioner had commented on when adverse action may be taken against a Commissioner, that is in fact within the Board of Ethics' purview and not within the Commission's.
- The Board of Ethics does not take up a matter without a complaint or a request for an advisory opinion.
- For advisory opinion 2023-04, it was found that there was a conflict of interest, that the conflict was not disabling, and that the board member, Mr. Canvasser, took appropriate action to recuse himself when the conflict arose during his board service.
- The City could hold a workshop on its procedures and policies regarding minutes.
- For complaint 2023-03, Procedural Rule 304 was used in dismissing the complaint. Material facts would have only been relevant under Procedural Rule 305.
- During the hearing for advisory opinion 2023-04, the City Attorney and Mr. Canvasser had an exchange. When a Board of Ethics member raised questions regarding that exchange, the questions were answered by Mr. Canvasser.
- It was procedurally appropriate for Ms. Doyle to serve in Mr. Coakley's absence at the beginning of the December 19, 2023 meeting. Since Mr. Coakley arrived before the review of case 2023-04 commenced, it was appropriate for Mr. Coakley to participate in the case review and for Ms. Doyle to step aside. If Mr. Coakley had arrived after the review of the case had commenced, it may have been appropriate for Ms. Doyle to stay on for the review of the case.

VIII. ADJOURN

No further business being evident, the Board motioned to adjourn at 3:51 p.m.



Laura Eichenhorn, City Transcriptionist

Alexandria Bingham, City Clerk

DRAFT



Case No. **2024-01**
(Assigned by clerk)

ETHICS INCIDENT/COMPLAINT FORM

Any person who has a complaint against a city official or employee, as defined in the Code of Ethics, alleging that conduct of that official or employee is in breach of the code, may bring the matter before the Birmingham Board of Ethics by filing this form with the city clerk. Within seven days upon receipt of this filing, the clerk will set a hearing for this matter and notify the parties involved according to the ordinance.

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 the person alleged to have violated one or more provisions of the City of Birmingham's Ethics Ordinance (Chapter 2, Article IX), and provide the following information, if known. If you are alleging that more than one person may have violated the City of Birmingham's Ethics Ordinance, file a separate complaint form for each individual. The information on this form may be subject to disclosure under the Freedom of Information Act.

Name LESLIE PIELACK Phone Number (248) 530-1682

Address 556 W. MAPLE ROAD, BIRMINGHAM, MI
(Number, Street, City, State, Zip)

Position or Board MUSEUM DIRECTOR

- Explain why you believe that the individual named above may have violated the City of Birmingham's Ethics Ordinance. Be as specific as possible as to dates, times, places, and actions. Attach additional sheets of paper if the space provided below is not sufficient. Also note which specific section in the ordinance was violated.

SEE ATTACHED 2 PAGES

SECTION 2-320 - PUBLIC POLICY

SECTION 2-321 - RESPONSIBILITY OF PUBLIC OFFICE

SECTION 2-323 - INTENTION OF CODE

CLERK'S OFFICE

RECEIVED



Kelly Dollard 5 pages

4. Are you aware of any civil, criminal or administrative action pending that involves the same parties as alleged in this complaint which involves substantially the same subject matter? If so identify in detail.

NO

5. I declare that the foregoing information is true and accurate to the best of my knowledge.

J. Shell 26 JUNE 24
Your signature Date

JAY R. SHELL
Your printed name

Address 1121 NORTHLAWN BLVD. BIRMINGHAM, MI
(Number, Street, City, State, Zip) 48009

Daytime Phone (248) 890 6333 Evening Phone (248) 890 6333

Email JAY.SHELL@GMAIL.COM

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

If you have questions about this form, or would like to request the form in an alternate format for the visually impaired, contact the Clerk's Office at 248.530-1880 or write us at the above address. We will take reasonable steps to accommodate your needs.

NOTE: Within seven days of receipt of this form, the Birmingham Ethics Board will set a date for hearing this matter. Any parties involved will be given 28 days notice to appear at the hearing.

Revised 8/16/12

FOR OFFICE USE ONLY

Accepted by _____ Date _____

Section 2-320 – Public Policy

...city officials and employees must avoid conflicts between their private and public interest. Public officials and employees must:

Be independent, impartial and responsible to the people

<Leslie Pielack's impartiality is questionable. Leslie appears to have a personal relationship with former Museum employee family member who currently serves as both Chair of the Birmingham Museum as well as Treasurer of the Friends of the Birmingham Museum (Marty Roush – Logue)>

<Through this relationship, it would appear in the Birmingham Museum Board Governance that Leslie Pielack prefers to exude significant control over the Chair of the Birmingham Museum Board and indirectly the Friends of the Birmingham Museum Board. See comments in sections below.>

Section 2-321 – Responsibility of public office

...City officials and employees are bound to observe in their official acts the highest standards of ethical conduct and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their official conduct should be above reproach. All city officials and employees shall safeguard public confidence by being honest, fair respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding conduct which may tend to undermine respect for city officials and employees and for the city as an institution.

<Leslie Pielack's ethical conduct, respect and fairness is questionable. Leslie authoring an insinuation that I am unethical to a wide email distribution list without validating her knowledge of the facts with me privately I find reckless, disrespectful, and defaming behavior that appears to be retaliatory on Leslie Pielack's part due to my support for former Museum Board member Caroline Ashleigh.>

Section 2-323 – Intention of code

...city officials and employees avoid any action, whether or not specifically prohibited by section 2-324, which might result in, or create the appearance of:

Using public employment or office for private gain

<Leslie Pielack recently petitioned the Friends of the Birmingham Museum to provide her with a cash award to cover her expenses not covered by the city for her to attend an out of state training class. This petition for funds was not made directly to the Board of the Friends of the Birmingham Museum but through the Chair of the Birmingham Museum who is also the Treasurer of the Friends of the Birmingham Museum. Also, as Board member of the Friends of the Birmingham Museum I was asked to support this cash award to Leslie 'after the fact' and felt under duress to support the decision that had apparently already been made.>

<It is important to note that the governance structure of the Friends of the Birmingham Museum is questionable. The following positions on the Board of the Friends of the Birmingham Museum for years

have remained vacant: (1) President, (2) Assistant Treasurer, (3) Corresponding Secretary. The Friends of the Birmingham Museum Board has not met in several years. With 43% of the Friends of the Birmingham Museum Board positions vacant, even if we were to meet it would be highly questionable if a quorum could ever be reached on any decision. It would have been highly unlikely for example, that there could have been a quorum in the recent Leslie Pielick cash award decision. I have made attempts to encourage a Friends of the Birmingham Museum Board meeting to introduce an interested Birmingham resident and business owner to participate in filling Friends of the Birmingham Museum open Board positions. These requests have been ignored. In addition, at the June 6, 2024 Birmingham Museum Board meeting when Museum Board Chair Marty Roush-Logue was asked by several Museum Board members why the Friends of the Birmingham Museum Board would not meet to entertain an interested party to help fill an open Board position she stated, "we do not need to meet... we used to meet to fundraise but that is no longer necessary... we just collect money and write checks...">

Giving or accepting preferential treatment, including the use of city property or information to or from any organization or person

<Leslie Pielack provided details of Birmingham Museum Board member Caroline Ashleigh's alleged conflict of interest situation to Birmingham Museum Chair and Friend of Birmingham Museum Treasurer Marty Roush-Logue but intentionally withheld these details from other Birmingham Museum Board members who only learned the details of the situation by my bringing the topic up at the June 6, 2024 Museum Board meeting.>

Losing complete independence or impartiality of action

<Again, Leslie Pielack's retaliatory insinuation that I am unethical without checking with me privately to verify what she believed to be the facts demonstrated a bias with Leslie Pielack to diminish my character and retaliation for my disclosure to the Board of the Birmingham Museum the facts of former Board member Caroline Ashleigh's exit from the board as well as my support for Caroline Ashleigh as a highly qualified contributor of the Birmingham Museum Board who shall be sorely missed.>

Affecting adversely the confidence of the public or the integrity of the city government

<In conclusion, it would appear that Leslie Pielack prefers the status quo of leveraging a governance challenged Friends of the Birmingham Museum Board and access to resources the Friends can provide through her relationship with the Friends Board Treasurer who is also Chair of the Board of the Birmingham Museum. There has been no apparent governance process surrounding the leadership (Chair) of the Birmingham Museum Board for quite some time; that position is undisputedly held by Marty Roush-Logue. Anyone who threatens Leslie Pielack's control over the board of the Birmingham Museum is unfairly attacked, defamed, and treated with hostility. This undermines the Governance and proper functioning of the Board of the Birmingham Museum, and the result is a diminished public trust.>



COLLINS EINHORN

Collins Einhorn Farrell PC

James J. Hunter

Email: James.Hunter@ceflawyers.com
Direct Dial: 248-663-7716

July 2, 2024

Via email to abingham@bhamgov.org

Alexandria Bingham
City Clerk's Office
City of Birmingham
151 Martin, P.O. Box 3001
Birmingham, MI 48012

Re: Jay Shell v. Leslie Pielack / Case No. 2024-01

Dear Ms. Bingham:

Attached please find our Appearance on behalf of Leslie Pielack in the Board of Ethics matter concerning the complaint filed by Jay Shell dated June 26, 2024. Please direct all correspondence and notices regarding this matter to my attention. Thank you.

Very truly yours,

COLLINS EINHORN FARRELL PC

James J. Hunter

James J. Hunter

JJH/slm

STATE OF MICHIGAN
CITY OF BIRMINGHAM BOARD OF ETHICS

In Re: Leslie Pielack
Case No.: 2024-01

_____ /

APPEARANCE

Please enter an appearance for James J. Hunter of Collins Einhorn Farrell PC as counsel for Leslie Pielack in connection with Case No. 2024-01.

COLLINS EINHORN FARRELL, P.C.

James J. Hunter

JAMES J. HUNTER (P74829)
Counsel for Leslie Pielack
4000 Town Center, 9th Floor
Southfield, MI 48075
(248) 355-4141

Dated: July 2, 2024

**COLLINS EINHORN**

Collins Einhorn Farrell PC

James J. Hunter

Email: James.Hunter@ceflawyers.com
Direct Dial: 248-663-7716

August 6, 2024

Birmingham Ethics Board c/o City Clerk's Office
City of Birmingham
151 Martin, P.O. Box 3001
Birmingham, MI 48012

Re: Jay Shell as to Leslie Pielack, case no. 2024-01

Dear Birmingham Ethics Board:

Below please find Museum Director Leslie Pielack's response to the above-titled Ethics Complaint.

The Birmingham Code of Ordinances, Article IX - Ethics sets minimum standards of ethical conduct for all city officials and employees. At the outset, to the extent any of Complainant's allegations relate to the operation of the Friends of the Museum, those allegations should be dismissed under Board of Ethics Procedural Rule 304(b) because the Board lacks jurisdiction over the subject matter. The Friends of the Birmingham Museum a/k/a the Birmingham Historical Society is a 501c3 non-profit organization. It operates independently from the Birmingham Museum. Friends of the Museum is not a city entity and it is not within the Board's jurisdiction.

As addressed more thoroughly herein, the remainder of his claims should be dismissed under Board of Ethics Procedural Rule 304(e): The complaint on its face fails to demonstrate any violation of the code of ethics.

Background

Complainant's allegations focus on three areas:

- 1) the departure of Caroline Ashleigh from the Museum Board,
- 2) funding provided by the Friends of the Museum for Director Pielack to attend the American Association for State and Local History's Leadership Development Institute, and
- 3) an email exchange relating to landscaping on the museum grounds.

Context and related information for each is provided below.

1. Caroline Ashleigh's Resignation

Complainant alleges that Director Pielack withheld information from the Board relating to Ms. Ashleigh's departure from the Board. He further alleges that the email Director Pielack sent regarding this issue was retaliatory.

Ms. Ashleigh, as lead plaintiff, brought a class action lawsuit against the City of Birmingham regarding damage to personal property due to flooding. Caroline Ashleigh resigned from the Museum Board on April 19, 2024. The events leading up to her resignation took place outside of the scope of the Museum Board and were otherwise a matter of public record, through the City Commission's agendas and minutes.

The vacancy created by her resignation was the first time this matter became relevant to the Museum Board, and the vacancy was promptly noted at the next Museum Board meeting (which took place on May 2). The public was also noticed that there was a vacancy through the City Clerk's office.

On June 6, 2024, at a Museum Board meeting that Director Pielack was unable to attend, Complainant voiced concerns about the lack of information about this matter shared among Museum Board members. [TAB A - June 6, 2024 Museum Board Meeting Minutes]. He further insisted that a written statement drafted by him be included in the minutes as part of the public record. On June 21, 2024, Director Pielack distributed the draft minutes for the June 6, 2024 meeting, including complainant's written statement regarding Caroline Ashleigh's departure. She also

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included a detailed chain of events, all reflected in the public record, to correct any misunderstandings resulting from his statements at the meeting and the letter, as soon as possible.

2. *Funding from Friends of the Museum*

Complainant alleges that Director Pielack used her position for personal gain, and that the nature of her request to the Friends of the Museum placed him in a difficult position.

Director Pielack was selected to participate in the 2024 cohort of the American Association for State and Local History's Leadership Development Institute. City funding provided some support for attending but did not cover her daily parking, food and gas for a two-week seminar. The Institute allows the cohort the opportunity to participate in workshops, discussions, activities, and field studies facilitated by dozens of nationally-recognized experts working on the field's leading edge. Director Pielack's participation in the Institute was of great benefit to the museum.

On February 29, 2024, Director Pielack requested support for the outstanding costs in writing to the full board of the Friends of the Museum, totaling \$750; parking alone for this seminar was over \$200. [TAB B - February 29, 2024 Email re: Museum Staff Professional Development Opportunities]. Complainant¹ responded, supporting the expenditure:

From: Jay Shell <jay_shell@gmail.com>
Date: Thu, Mar 7, 2024 at 7:41 PM
Subject: Re: Funding Request for Museum Staff Professional Development Opportunities
To: Leslie Pielack <lpielack@bhmagov.org>
Cc: John West Hunter <friends@thebhmagov.org>, Leslie Mio <seymourmios@gmail.com>, George Getschman <getschmanfamily@comcast.net>, Marty Logue <atferos@comcast.net>

I support both professional development opportunities!

Jay

Sent from my iPhone

¹ All members of the Museum Board, including Complainant, maintain memberships with the Friends of the Museum a/k/a/ the Birmingham Historical Society. Complainant is also a member of the Friends Board, which makes decisions about expenditures.

Director Pielack does not participate in the Friends of the Museum decision-making process. She has no information regarding the Complainant's participation in this decision, or any other. As previously addressed, the Friends of the Museum is an entity separate and distinct from the museum.

3. Issue Related to Landscaping on the Museum Grounds

Complainant again alleges that an email Director Pielack sent on this issue was retaliatory in nature and sent without proper basis in fact, despite being supported by the written record.

On May 2, 2024, the Museum Board met and discussed, among other things, a landscape design presented by Nagy Devlin Land Design. The Board voted unanimously to approve the landscape design and to proceed with its phased implementation. Complainant was unable to attend the May 2 meeting, but moved to approve these minutes at the next Board meeting on June 6, 2024.

On June 14, 2024, Complainant reached out to Carrie Laird, the Parks & Recreation Manager for the City of Birmingham. [TAB C - Email Exchange Regarding Landscape Design Plan]. He raised personal concerns that he had relating to a city service. Complainant identified himself as a "Birmingham Museum Board member" and stated that he had questions relating to the multi-phase landscape improvement project.

On June 21, 2024, Director Pielack emailed Complainant to address his communications with Ms. Laird. Because Complainant's email was to city staff and referenced Museum Board business, it is part of the public record. When responding, Director Pielack copied all Museum Board members, the City Manager, and the Parks Manager, and also provided a "Michigan Open Meetings Act" notation. Director Pielack included this notation because she believed that the subject matter and method of communication placed the issue in the public sphere.

Director Pielack's response substantively addressed Complainant's concern—pointing out that these same concerns had been raised by him at the April 4 Board meeting, addressed at the May 2 meeting, and that the Museum Board had considered these issues and unanimously approved the design.

Director Pielack also noted that Complainant may be interested in reviewing the City of Birmingham's Code of Ethics, in order to confirm that he understood the expected role and activities of the Museum Board members. She further noted that the proper place to voice concerns about Museum Board decisions is at Museum Board meetings, where the public has the opportunity to participate if they wish.

Analysis

Complainant alleges that Director Pielack violated three sections of the City of Birmingham's Ethics Ordinance:

1. Section 2-320 Public Policy

To support his assertion that Director Pielack violated Section 2-320, Complainant states only that Director Pielack appears to have a personal relationship with current Chair of the Birmingham Museum Board, Marty Roush-Logue.

Director Pielack has a longstanding working relationship with Ms. Roush-Logue. Ms. Roush-Logue has served as the Chair of the Museum Board since 2018, and has been the treasurer of the Friends of the Museum for many years. The Friends of the Museum receive all of their mail and keep their records at the museum. As a result, Ms. Roush-Logue is often at the museum and interacts with Director Pielack. The two further interact on Museum Board business, as Ms. Roush-Logue is the Chair and Director Pielack is the city staff liaison. The two maintain a collegial and friendly relationship; however, it is limited to museum business and they do not socialize or have contact outside of work-related matters. Director Pielack's professional relationship with Ms. Roush-Logue does not impact the

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performance of her duties with the Board and does not violate the ethics rules.

This allegation should be dismissed.

2. Section 2-321 Responsibility of Public Office

As it relates to Section 2-321, Complainant asserts that Director Pielack authored “an insinuation that [he is] unethical to a wide email distribution list without validating her knowledge of the facts with [him].” In both instances where Director Pielack sent emails relating to Complainant’s actions, there was a written record corroborating the facts. Director Pielack addressed the written record and did so with the appropriate individuals included on the correspondence. There is no requirement in the ethics rules that Director Pielack must seek Complainant’s pre-approval of her correspondence, especially considering his comments were already part of the public record.

Complainant further asserts that Director Pielack’s actions were retaliatory. However, he provides no basis for this assertion.

This allegation should be dismissed.

3. Section 2-323 Intention of Code

a. Using public employment or office for private gain

Complainant asserts that Director Pielack sought a cash award from the Friends of the Museum improperly. She didn’t. Director Pielack sought a professional development stipend, as addressed above. Since its establishment in 2001, the museum has coordinated some funding and projects with the Friends of the Museum Organization. To request funds from the Friends of the Museum, the practice is to submit the request in writing with an explanation for how the funds will be used. Director Pielack has made requests once or twice a year previously using this method without any concerns. She made this request in the same fashion and it was approved by the Friends board. Further, the stipend was not

personal in nature, but rather for the purpose of professional development and training to benefit the museum.

To the extent Complainant disagrees with the expenditure itself, that approval process is outside the jurisdiction of this body, as it relates to the internal processes of the Friends of the Museum.

This allegation should be dismissed.

b. Giving or accepting preferential treatment, including the use of city property or information to or from any organization or person

Complainant asserts that Director Pielack inappropriately withheld information relating to Ms. Ashleigh's departure from the board. And that, further, she provided details to Ms. Roush-Logue outside the Museum Board.

Director Pielack did not withhold information from the Museum Board. As previously stated, the facts surrounding Ms. Ashleigh's departure were, at all times, a matter of public record between Ms. Ashleigh and the City, unrelated to the Museum Board. Director Pielack was aware of the lawsuit but was not involved in the process. Director Pielack did not reveal any non-public information to the Board, as she had no information that was not a part of the public record. Further, Ms. Ashleigh's absence was not commented on during any board meetings, and was not relevant to Museum Board business conducted until her position became vacant. Ms. Roush-Logue was aware of the matter, in her role as Museum Board Chair, as there was an ongoing discussion about board member attendance and quorum.

This allegation should be dismissed.

c. Losing complete independence or impartiality of action

Complainant again asserts that Director Pielack's communications regarding his actions were retaliatory in nature. They weren't. These issues took place over two months after Ms. Ashleigh resigned. That matter was

closed. He asserts that she sent the messages without verifying “what she believed to be the facts.” However, the written record confirms the accuracy of Director Pielack’s reporting of Complainant’s actions. His own communications speak for themselves. This was consistent with her duties as Director, specifically to ensure that the Board is presented with an accurate understanding and full picture of the issues.

In both instances, Director Pielack responded in the interests of full disclosure and transparency, with all of the information to the Museum Board as a whole, so that they could draw their own conclusions.

This allegation should be dismissed.

d. Affecting adversely the confidence of the public or the integrity of the city government

Finally, Complainant asserts that Director Pielack leverages her position to gain resources from the Friends of the Museum. He further takes issue with the governance of the Museum Board. Complainant also alleges, without any specificity or example, that Director Pielack attacks and defames unnamed individuals who “threaten [Director Pielack’s] control over the Board . . .”

Director Pielack does not personally possess or regularly use any resources from the Friends of the Museum. She occasionally seeks support for museum-related projects, expenses, and professional development, which are generally a part of the ongoing Birmingham Museum Strategic Plan and improvements or enhancements relating to Museum Board activities.

As it relates to the governance of the Museum Board, the Chair is nominated annually in the first meeting in July. Ms. Roush-Logue currently serves, and has served for several years, because she was nominated and voted Chair unanimously. Director Pielack does not recall a single no vote for Ms. Roush-Logue, nor does she recall anyone else seeking the nomination.

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Complainant does not provide any information, examples, or specificity regarding his allegations of threats, attacks, and defamation. Director Pielack is unaware of any complaints against her by anyone, other than Complainant, with similar claims.

This allegation should be dismissed.

Conclusion

Director Pielack regularly receives comments from Board members on her performance and in appreciation for her role at the museum. Under Director Pielack's leadership, the Birmingham Museum is very highly regarded as an institution in the community.

This is the first time any complaint has been asserted against Director Pielack. There is no support to Complainant's allegations; they appear to be his subjective and personal interpretations of events. His interpretations are contrary to the established record concerning the issues outlined above. His allegations are without merit. In sum, Complainant's allegations are belied by the public record and there is no evidence of any violation of the City's Code of Ordinances relating to Ethics by Director Pielack.

The above-captioned complaint should be dismissed under Board of Ethics Procedural Rule 304(e) as it fails, on its face, to demonstrate any violation of the code of ethics.

Very truly yours,

COLLINS EINHORN FARRELL PC

James J. Hunter

James J. Hunter

Counsel for Leslie Pielack

JJH

TAB A



**CITY OF BIRMINGHAM
MUSEUM BOARD MEETING
556 W. Maple
Thursday, June 6, 2024
5:00 PM**

Members Present: Kristy Barrett (Alternate), Pat Hughes, Judith Keefer, Marty Logue, Jay Shell
Members Absent: Alexandra Harris, Bev Erickson
Administration: Museum Specialist Caitlin Donnelly
Guests: None

The meeting was called to order at 5:00 PM by Chairperson Logue.

**Approval of the Minutes
Minutes of May 2, 2024**

MOTION: by Shell, seconded by Keefer

To approve the minutes of May 2, 2024.

VOTE: Yeas, 5
Nays, 0

New Business

Members discussed the strategic plan materials provided by Director Pielack in the packet and four additional materials distributed during the meeting, which were originally intended to be distributed by members for their review and report back to the full board. Members agreed by consensus to include the four additional articles with all the readings for all the members rather than split up the documents with separate reports. Due to a scheduling conflict with Museum Director Pielack for the August 1 meeting, the board discussed whether to do an alternate August meeting or cancel the August meeting and reconvene in September.

MOTION: by Keefer, seconded by Shell:

To cancel the August meeting of the Museum Board due to various scheduling conflicts.

VOTE: Yeas, 5
Nays, 0

Communication and Reports

Museum Director Pielack phoned in to share the news that a regional museum association will be honoring the Birmingham Museum with an award for our leadership in the multi-community Underground Railroad research project for the past year. The award will be given later this summer and has yet to be made public. When the press release is official,

there will be more to come. Following the phone communication, Museum Specialist Donnelly summarized the Director's report.

Member Comments

Mr. Shell shared a written statement regarding Caroline Ashleigh's departure from the Birmingham Museum Board and sharing his concerns about the lack of information about this matter among Museum Board members. Ms. Keefer expressed her opinion that Ms. Ashleigh's departure was appropriate due to a conflict of interest. Chairperson Logue suggested that the matter was decided and did not pertain to the Museum Board business at hand, and that further discussion was not relevant to this meeting.

Public Comments

None.

The next Regular Meeting is scheduled for Thursday, July 11, 2024, at 5:00 PM.

Ms. Logue adjourned the meeting at 5:55 PM.

Caroline Ashleigh departure from the Birmingham Museum Board:

Caroline Ashleigh was asked to resign from the Birmingham Museum Board of Directors due to the fact that her home on Lincoln Street is in the geographic boundary of 100+ homes that have been included in a class action lawsuit against the City of Birmingham related to repeated residential flooding. The City Attorney has characterized Caroline Ashleigh's inclusion in the flood related class action lawsuit as a conflict of interest in serving on the Birmingham Museum Board of Directors. Caroline herself has not filed suit against the City of Birmingham, nor does the repeated flooding of the homes in her geographic area have anything to do with Birmingham Museum business.

Ms. Ashleigh's career began as a member of the Educational Department staff and Docent Board of Directors of the Detroit Institute Arts. She became involved in appraising and founded Caroline Ashleigh Appraisers & Auctioneers, cataloguing important collections, estates, archives, and serving as an expert in court cases. She has worked closely with major museums and foundations, and served as a consultant to major auction houses including Sotheby's, Leslie Hindman Auctioneers, and Consignment Director & Personal Auction Concierge at Heritage Auctions. She is a nationally known appraiser and has appeared on Antiques Roadshow since 1996. Ms. Ashleigh lectures extensively and is a columnist and author on art and antiques. She is a contributing author on arts and antiques to the Antiques Roadshow Collectibles Primer; the Antiques Roadshow Insider Magazine; Art & Antiques Magazine; All About Appraising: The Definitive Appraisal Handbook; Antiques Roadshow Magazine; and Warman's Antiques & Collectibles Price Guides. She has been the subject of feature presentations in the New York Times, Art & Antiques Magazine, Forbes Magazine, Crains Business and Hour Magazine. She is the author of Warman's Field Guide published in 2010.

Caroline Ashleigh is both a long-time resident and business owner in the city of Birmingham whose wealth of experience, expertise, and ability to contribute to the Birmingham Museum will be sorely missed.

Respectfully submitted,

Jay R. Shell

Member of the Birmingham Museum Board of Directors

TAB B

From: Leslie Pielack <LPielack@bhamgov.org>
Sent: Monday, July 1, 2024 8:55 AM
To: leslie.pielack
Subject: Fwd: Funding Request for Museum Staff Professional Development Opportunities

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

From: Jay Shell <jay.shell@gmail.com>
Date: Thu, Mar 7, 2024 at 7:41 PM
Subject: Re: Funding Request for Museum Staff Professional Development Opportunities
To: Leslie Pielack <LPielack@bhamgov.org>
Cc: John West Hunter <friendsofthebhammuseum@gmail.com>, Leslie Mio <seymourmios@gmail.com>, George Getschman <getschmanfamily@comcast.net>, Marty Logue <gtferos@comcast.net>

I support both professional development opportunities!

Jay

Sent from my iPhone

On Feb 29, 2024, at 12:05 PM, Leslie Pielack <LPielack@bhamgov.org> wrote:

Hi everyone,

A couple great opportunities have come up and I would like to request some funding assistance to make it possible.

1. First, I'm excited! I have been one of only twenty people accepted into the American Association for State and Local History's leadership development institute this year. It is a comprehensive program that includes a two week in-person seminar this summer, and is aimed at planning and cutting edge approaches to museum work in history organizations. It will be especially helpful in the museum's upcoming ten-year strategic plan in-depth review and revision. The tuition is covered, but I would like to request a stipend of \$750 to cover travel expenses, meals, and such.

2. Second, Donna and I separately submitted programs to present at the Midwest Museums Association conference in August in Ohio, and we were both accepted! Also exciting! Her program will discuss how she is using her archival training to adapt the FindAGrave memorial files to more standardized archival use for the museum and city. We also will be presenting a program jointly that discusses how we conceived and developed the multi-community Underground Railroad research and traveling exhibition public history project, and worked with different groups to

bring it all together to benefit the larger community. Our two programs have been scheduled on separate days; we can travel together and share a room but are hoping the Friends can help us with some costs. I don't have a firm idea yet, but if you are agreeable, I will get back with you separately with a specific number.

I continue to look for ways to bring the museum field to us, but also, we have something to offer the field as well. These two opportunities help bring both those possibilities a little closer. Thank you for your consideration,

Leslie

--

Leslie Pielack
Director
Birmingham Museum
248-530-1682



--

Leslie Pielack
Director
Birmingham Museum
248-530-1682



TAB C

From: Leslie Pielack <LPielack@bhamgov.org>
Sent: Monday, July 1, 2024 9:04 AM
To: leslie.pielack
Subject: Fwd: City Trees and Clarification of Museum Board Decision

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

From: Leslie Pielack <LPielack@bhamgov.org>
Date: Fri, Jun 21, 2024 at 1:45 PM
Subject: Fwd: City Trees and Clarification of Museum Board Decision
To: Laird, Carrie <Claird@bhamgov.org>
Cc: Alexandra Harris <akharrisart@gmail.com>, Kristy a <kristybarrett1@yahoo.com>, Marty Logue <gtfieros@comcast.net>, Pat Hughes <33hughes@gmail.com>, Judith Keefer <jlwk2014@gmail.com>, Bev Erickson <bfe.gatehouse@gmail.com>, Jay Shell <jay.shell@gmail.com>, Ecker, Jana <Jecker@bhamgov.org>

I am re-sending this message to include Parks and Recreation Manager Carrie Laird, who was inadvertently left off the list of recipients.

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

From: Leslie Pielack <LPielack@bhamgov.org>
Date: Fri, Jun 21, 2024 at 1:42 PM
Subject: RE: City Trees and Clarification of Museum Board Decision
To: Jay Shell <jay.shell@gmail.com>
Cc: Alexandra Harris <akharrisart@gmail.com>, Kristy a <kristybarrett1@yahoo.com>, Marty Logue <gtfieros@comcast.net>, Pat Hughes <33hughes@gmail.com>, Judith Keefer <jlwk2014@gmail.com>, Bev Erickson <bfe.gatehouse@gmail.com>, Ecker, Jana <Jecker@bhamgov.org>

*******Open Meetings Act Caution*******

This email and attachments have been provided to you for information purposes only. Do not reply to this email by the use of group email with your fellow elected or appointed officials because it may, unintentionally, create or give the appearance of a violation of the Michigan Open Meetings Act.

Mr. Shell:

I am writing this message in response to the email communication below between yourself and Carrie Laird, Parks and Recreation Manager, in an effort to clarify to you the problematic nature of your contact with her regarding matters that were decided by the Museum Board on **May 2, 2024**. The comments in question are (see full email below):

"As a Birmingham Museum Board member I also had some questions for you as it relates to the multi-phase landscape improvement project we are currently discussing. There seems to be a 'bend' to plant all 'disease resistant' Elm trees on the museum property. The jury is not yet out

on whether these newly engineered Elms are truly disease resistant so I think it prudent to not plant all Elms but rather plant a single Elm, perhaps an Oak, a Maple, etc. I have found that staggering tree species is always best so that if a disease does attack a tree it doesn't wipe them all out. These diseases tend to be tree specific."

You appear to be acting in your own interests but representing yourself as an agent of the whole Museum Board in your statement. At the same time, you are actually working in opposition to the unanimous board decision on **May 2** approving the final design plan by Brian Devlin of Nagy Devlin Land Designs. The approved design includes two disease-resistant elm trees, per the design scheme, the recommendation of the certified and licensed historic landscape architect/consultant, and the research I provided to the Museum Board in response to your stated concerns at the **April 4** meeting about using two disease-resistant elm trees. This research verified that there is no conflict of this scheme with City of Birmingham tree-planting policy, which is determined by City staff (including the city's professional arborist) and was reported to the Museum Board and in the packet for the **May 2** meeting.. The Museum Board considered these issues on **May 2** and took the following action (excerpt of the minutes):

"MOTION: *by Logue, seconded by Keefer:*

To approve the phased landscape design for the John West Hunter Park as presented by Nagy Devlin Land Design, and to proceed with its phased implementation.

VOTE: *Yeas, 4*

Nays, 0

It is worth noting that at the **June 2** Museum Board meeting, you made a motion to approve these minutes, which includes this board action, which is in further contradiction of your actions in your communication with Parks & Recreation Manager Laird.

This behavior on your part indicates that you are unaware of, or unwilling to abide by, the expectations and decisions of the Museum Board as a whole. By this I mean conducting and discussing board-related business in the public forum of the Museum Board, and not acting independently of board decisions. If you oppose the action of the board, it is important for you to bring that concern to the board where it may be discussed in accordance with board process and appropriate communication for the benefit of the public and in compliance with the Open Meetings Act. It is not appropriate for an individual board member to contact City staff as though the individual board member represents the interests of the entire board. Any actions otherwise threaten to undermine the authority of the board and/or may undermine the public trust. In addition, with this decision of the Museum Board, I had also begun to actively work on the implementation component of the project, which includes working with a significant donor regarding funding for the approved design (including the specified trees).

Below are excerpts from the City of Birmingham's Ethics ordinance that pertain to this matter. It may be beneficial to you to review the ordinance (it can be viewed in full at https://library.municode.com/mi/birmingham/codes/code_of_ordinances?nodeId=PTIICICO_C H2AD_ARTIXET) to help you understand how your actions are in contradiction to the expected role and activities of Museum Board members to function as an advisory unit--not as individuals--on behalf of the museum, the commission, and the people of Birmingham.

In summary, the proper place for you to raise concerns about Museum Board decisions and actions is at the Museum Board meetings, where notice to the public provides the opportunity for the public to participate, if they wish. I strongly encourage you to revisit this issue with the Museum Board if you continue to have concerns.

ARTICLE IX. - ETHICS^[9]

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Footnotes:

--- (9) ---

Editor's note— *Ord. No. 1810, adopted May 19, 2003, states that the provisions of this article shall become effective July 21, 2003.*

Sec. 2-320. - Public policy.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Public office and employment are public trusts. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust by integrity and conduct.

The city hereby declares that all city officials and employees must avoid conflicts between their private interests and the public interest. Public officials and employees must:

(1)

Be independent, impartial and responsible to the people;

(2)

Make governmental decisions and policy in the proper governmental channels;

(3)

Not use public office for personal gain.

To enhance public trust, the city must provide its officials and employees with adequate guidelines for separating their roles as private citizens from their roles as public servants.

- This Code sets minimum standards of ethical conduct for all city officials and employees, elected or appointed, paid or unpaid. It proscribes actions incompatible with the public interest and directs disclosure of private financial or other interests in matters affecting the city.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04)

- **Sec. 2-321. - Responsibilities of public office.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

City officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out impartially and comply with the laws of the nation, state, and the city. City officials and employees must not exceed their authority or breach the law or ask others to do so. City officials and employees are bound to observe in their official acts the highest standards of ethical conduct and to discharge the duties of their offices faithfully, regardless of personal consideration, recognizing that their official conduct should be above reproach.

All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding official conduct which may tend to undermine respect for city officials and employees and for the city as an institution.

(Ord. No. 1805, 4-28-03; Ord. No. 1810, 5-19-03; Ord. No. 1819, 1-12-04; Ord. No. 2177, 3-28-16)

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

From: **Carrie Laird** <Claird@bhamgov.org>

Date: Fri, Jun 14, 2024 at 1:47 PM

Subject: Re: City Trees

To: Jay Shell <jay.shell@gmail.com>

Jay,

Thank you for reaching out. Melissa did let us know of your concerns and we followed up with our City Arborist overseeing the planting project. The Arborist's findings are that the trees are being planted correctly (he regularly reviews planting sites) and to industry standards for this type of planting project. I apologize for the negative experience you had with the contractor. As a board member, I am sure you recognize reaching out to a City staff member is the appropriate means of voicing your concerns, as contractors take direction from staff, not the public. Also, please don't hesitate to contact the proper department directly instead of the manager's office for perhaps a more timely response.

For the Birmingham Museum, I anticipate City staff will be provided an opportunity to have input on designs as they progress, and staff comments will be shared with the Board as appropriate to make decisions. I can follow up with Leslie upon her return, as we have discussed the topic of Elm trees. I can say that DPS has been planting disease-resistant elms throughout the City for many years with great success. But to your point, we understand the importance of diversity in the City's forest as well. Ultimately, DPS will provide comments on whether or not this is contributing to the bio-diversity of our forest when we conduct an official plan review.

Thank you!

On Fri, Jun 14, 2024 at 12:32 PM Jay Shell <jay.shell@gmail.com> wrote:
Carrie,

I had some conversations recently with Melissa (Assistant City Manager) regarding a very negative city service experience we had on Northlawn with the contractors planting the trees. Melissa said she would be speaking with you and that I would be hearing from you.

I also got to witness first hand how these trees are planted with wire basket in-tact and burlap fully covering the root ball.

As a Master Gardener who is very experienced with planting trees, I wanted to share some opportunities for improvement. I am sure the trees the city plants are not inexpensive, and the more we can ensure the best chance of surviving post planting the better for the budget.

As a Birmingham Museum Board member I also had some questions for you as it relates to the multi-phase landscape improvement project we are currently discussing. There seems to be a 'bend' to plant all 'disease resistant' Elm trees on the museum property. The jury is not yet out on whether these newly engineered Elms are truly disease resistant so I think it prudent to not plant all Elms but rather plant a single Elm, perhaps an Oak, a Maple, etc. I have found that staggering tree species is always best so that if a disease does attack a tree it doesn't wipe them all out. These diseases tend to be tree specific. Anyhow when you have a chance I look forward to hearing from you.

*Regards,
Jay R. Shell*

--

Carrie A. Laird
Parks & Recreation Manager
851 S. Eton
Birmingham, MI 48009
248-530-1714

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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Leslie Pielack
Director
Birmingham Museum
248-530-1682



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Leslie Pielack
Director

Birmingham Museum

248-530-1682



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Leslie Pielack

Director

Birmingham Museum

248-530-1682



**COLLINS EINHORN**

James J. Hunter

Collins Einhorn Farrell PC

Email: James.Hunter@ceflawyers.com
Direct Dial: 248-663-7716

September 10, 2024

Birmingham Ethics Board c/o City Clerk's Office
City of Birmingham
151 Martin, P.O. Box 3001
Birmingham, MI 48012

Re: Jay Shell as to Leslie Pielack, case no. 2024-01

Dear Birmingham Ethics Board:

Since Director Pielack initially responded to the complaint, Complainant has provided two additional letters: one a document purporting to allege additional ethical violations and the other a reply to Director Pielack's response. Below please find Museum Director Leslie Pielack's supplemental response to each.

Purported Additional Ethics Violation (August 14, 2024 Letter)

Complainant submitted a letter in which he attempts to allege another ethics violation by Director Pielack. In it, he claims that Director Pielack misrepresented her research on the City's policy regarding tree species and planting proximity. He asserts, essentially, that because a City staff member later stated that an official plan review would be conducted at the appropriate time, that Director Pielack must have misrepresented her research at an earlier meeting. This claim is baseless.

To support his claims, Complainant cites excerpts of the Museum Board meeting minutes claiming they lacked specific detail about the research conducted by Director Pielack. Museum Board meeting minutes are not

recorded word-for-word; they include summarized content and only record the details for board actions taken and voting. The minutes accurately reflect the outcome of the research Director Pielack conducted in summary form. Museum Board members present at the meeting were satisfied with the information Director Pielack provided, so much so that they voted unanimously to approve the plan to include the elm trees. Complainant was not present at that meeting, nor did he inquire with Director Pielack about the outcome of the research at any time.

At no point was Director Pielack tasked with obtaining a comprehensive site plan review by the Parks Department. She was tasked with researching the City's policy, which she did by reviewing the City's tree manual. Director Pielack also consulted with Parks Manager Carrie Laird directly to verify that the museum could use elms at their site as part of her due diligence. Director Pielack took appropriate action based on the Museum Board's requested information and she accurately presented her research at the next meeting.

This additional allegation has no merit and should be dismissed.

Reply to Director Pielack's Answer (August 9, 2024 Letter)

Complainant also sent a reply to Director Pielack's answer to his initial complaint. Most of these items were already addressed by Director Pielack in her initial answer, but she provides additional clarifications and/or context below.

Complainant's statements in this letter largely relate to the Friends of the Birmingham Museum, or the City leadership more broadly. Neither is within Director Pielack's control or responsibility. This information is beyond the scope of Complainant's allegations against Director Pielack. For instance, in his letter, Complainant claims that he was 'removed' from the Museum Board in a "clandestine plan." The City Commission elected not to re-appoint him, which is their purview. This has nothing to do with Director Pielack and she was not involved.

As previously addressed, the Friends of the Birmingham Museum operates independently from the Birmingham Museum. Friends of the Museum is not a City entity and it is not within the Ethics Board's jurisdiction. Director Pielack did not take any inappropriate action relating to the Friends organization.

Conclusion

Complainant's allegations are largely unrelated to Director Pielack and belied by the public record. There is no evidence, in the initial complaint or either of Complainant's subsequent letters, of any violation of the City's Code of Ordinances relating to Ethics by Director Pielack.

The above-captioned complaint should be dismissed under Board of Ethics Procedural Rule 304(e) as it fails, on its face, to demonstrate any violation of the code of ethics.

Very truly yours,

COLLINS EINHORN FARRELL PC

James J. Hunter

James J. Hunter

9 August 2024

1121 Northlawn
Birmingham, MI 48009

Alexandra Bingham
City of Birmingham
Clerk's Office
151 Martin
Birmingham, MI 48009

RE: Leslie Pielack Ethics Complaint Case Number 2024-01

Alexandra Bingham and the Ethics Board,

In response to counsel of Leslie Pielack's August 6, 2024 communication responding to my Ethics Complaint filed June 26, 2024 I would like to make one thing perfectly clear. My complaint IS NOT about the lack of governance or operating structure of the Friends of the Birmingham Museum as Leslie Pielack's counsel cites as reason that the complaint is outside of the jurisdiction of the Ethics Board. My complaint IS about Leslie Pielack; a Director level employee of the City of Birmingham and her unethical behavior as it pertains to fulfilling the duties of her position.

To review more succinctly, the facts of Leslie Pielack's unethical behavior as the basis for the Ethics complaint are as follows:

FACTS:

- 1) There is a long-standing relationship between Leslie Pielack, Museum Director and Ms. Marty Roush-Logue, Museum Board Chair and Friends of the Museum Board Treasurer
- 2) While purported to be independent from the Birmingham Museum, Operations of the Friends of the Museum Board are interlinked with that of the museum; Friends of the Museum mail is received by the Museum, Friends of the Museum records are kept at the Museum, Friends of the Museum website is housed on City of Birmingham resources, and even the Friends of the Birmingham Museum web site displays the official City of Birmingham logo.
- 3) The Friends of the Birmingham Museum collects annual membership fees from Birmingham citizens and the general public to gain free entry into the Birmingham Museum.
- 4) The Friends of the Birmingham Museum Board has been non-functional for 3 years:
 - a. President role is vacant
 - b. Assistant Treasurer role is vacant
 - c. Corresponding Secretary role is vacant
 - d. Friends of the Museum Board has not held a meeting in past 3 years
 - e. With Board vacancies Friends of Museum Board does not have a quorum
- 5) Leslie Pielack has taken advantage of the non-functional Friends of the Birmingham Museum Board:
 - a. With no Friends of the Museum Board meeting or agenda to present a request for funding, entertain a motion to approve, engage in discussion, and hold a formal Board vote, these requests are made directly to the Birmingham Museum Chair Marty Roush-Logue who is also the Treasurer of the Friends of the Museum with hasty follow-up emails to others.
 - b. The average citizen would conclude the latest \$750 travel expenses for Leslie as a personal benefit; if Leslie were traveling on official City Business her expenses should have been approved as City of Birmingham expense.
- 6) Birmingham Museum meeting minutes do not reflect that there is an annual election of Birmingham Museum Chair position.

CLERK'S OFFICE

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- 7) Leslie Pielack obtained and forwarded a private email that I sent to Carrie Laird, Parks and Recreation Manager for the City of Birmingham to a wide audience and included strong, defamatory comments attacking my character and ethics using words including:
 - a. ..."problematic nature of your contact with her (Carrie Laird)"...
 - b. ..."you appear to be acting in your own interests"...
 - c. ..."you are actually working in opposition"...
 - d. ..."in further contradiction of your actions"...
 - e. ..."this behavior on your part indicates that you are unaware of, or unwilling to abide by, the expectations and decisions of the Museum Board"...
 - f. ..."to help you understand how your actions are in contradiction"...
- 8) Leslie Pielack disclosed to Marty Rousch-Logue details of Caroline Ashleigh's departure from the Museum Board but did not disclose to any other Museum Board member. Other Museum Board members found this shocking.
- 9) As a world-renowned museum and appraisal professional, Birmingham business owner and resident, Caroline Ashleigh's departure from the Museum Board was a significant loss to the Birmingham Museum Board and should have been discussed at the Museum Board level.
- 10) Caroline Ashleigh HAS NOT hired an attorney to sue the City of Birmingham and IS NOT the lead plaintiff in the residential flooding class action suit. Her name appears on the suit because of the 50+ homes in the flood-zone area her last name is alphabetically first.
- 11) True Conflict of Interest of Caroline Ashleigh continuing to serve on the Birmingham Museum Board when she is part of a residential flooding geography / class is debatable.
- 12) I have suffered abuse and retaliation from Leslie Pielack only because I supported healthy dialog regarding the loss of an esteemed fellow Museum Board member.

In summary, it would appear that Birmingham City leadership (our elected Commissioners) have frowned on me for filing an Ethics Complaint of a City Department Director; Leslie Pielack. In July my Museum Board term was up for renewal. I proactively submitted my interest to continue on the Birmingham Museum Board but it was apparent in watching the Commission Meeting that there was a clandestine plan for no Commissioner to motion to renew my term on the Museum Board and therefore there was no vote to renew my term and I was removed from the Museum Board. My former Museum Board seat remains vacant. This is troublesome and heightens fear among Birmingham residents that Birmingham is not a safe place for residents to use the City's Ethics Complaint structure because when you do there are retaliatory consequences.

I look forward to the re-schedule of the Ethics Board meeting to review case number 2024-01 further.

Sincerely,



Jay R. Shell

CLERK'S OFFICE

RECEIVED





14 August 2024

1121 Northlawn
Birmingham, MI 48009

RECEIVED

Alexandra Bingham
City of Birmingham
Clerk's Office
151 Martin
Birmingham, MI 48009

RE: Additional Details Leslie Pielack Ethics Complaint Case Number 2024-01

CLERK'S OFFICE

Alexandra Bingham and the Ethics Board,
With the delay in the Ethics Board hearing case number 2024-01, I have had the opportunity to identify yet another apparent ethics violation where Leslie Pielack is concerned.

In the May 2nd Museum Board Meeting agenda in the meeting minutes of the April 4, 2024 Museum Board meeting there was a commitment that Leslie Pielack would research the City's policy regarding tree species and planting proximity:

... There was a question about whether the City would permit the planting of two additional elm trees of the same variety along Willits (there are already 5 on the Museum property), and a brief discussion of the limitations of disease resistance and whether different tree varieties should be considered. Elm trees are preferable if they can be used, because they reflect the historic character of the property, which is a key objective of the project. **Director Pielack will research the City's policy regarding tree species and planting proximity for the next meeting.**

In the June 6th Museum Board Meeting agenda in the meeting minutes of May 2, 2024 Museum Board meeting it was stated:

...placing two elm trees along Willits is not prohibited by the City.

There was no mention of who in the City was spoken to as the basis for this conclusion.

In a June 14th email communication from the appropriate city official regarding the policies surrounding planting trees in the City of Birmingham (Carrie Laird) ...to your point (Mr. Shell), we understand the importance of diversity in the City's forest as well. Ultimately, DPS will provide comments on whether or not this is contributing to the bio-diversity of our forest when we conduct an official plan review.

This would infer that on June 14th the appropriate city department HAD NOT yet conducted a review of the Museum landscape plan, whereas at the May 2nd Museum Board meeting Leslie Pielack indicated otherwise which was the basis for the Museum Board vote to adopt the landscape plan as submitted.

This continual pattern of Leslie Pielack's lack of transparent, ethical conduct in her administration of the Birmingham Museum as observed by me in my 3 year tenure as Museum Board member demonstrates an abuse of authority not in keeping with allowance for valued participation by residents of the City of Birmingham.

I look forward to the re-schedule of the Ethics Board meeting to review case number 2024-01 further.

Sincerely,

Jay R. Shell