

ATTACHMENT TO ATTORNEY GRIEVANCE MADE BY ERICA MOON MOHR

I am an elected member of the Traverse City Area Public Schools (TCAPS) Board of Education (Board). I am filing this grievance against Nancy Mullet and Clark Hill PC for ethics violations in their representation of TCAPS as an entity and me individually. The violations relate to Nancy Mullet's actions between October 2019 and December 2020 when she and Clark Hill PC served as legal counsel to TCAPS. I further allege that Clark Hill PC failed to represent the best interests of TCAPS but chose instead to recommend and take legal actions in order to placate those individuals who were responsible for selecting Clark Hill PC as counsel for the district, including but not limited to M. Sue Kelly who served as the President of the TCAPS Board during the period in question. I believe that Mullet and Clark Hill willfully and purposefully took certain unethical and improper actions in order to maintain their lucrative contract with TCAPS. I have included (1) a historical background; (2) a summary of the events in question; and (3) a chronology of pertinent actions and statements made by Mullet during the period in question. I have included newspaper article links and written documentation in support of my allegations.

1. BACKGROUND

TCAPS was represented by Thrun Law for approximately 65 consecutive years until approximately mid-2018 when former Superintendent Paul Soma decided to change law firms for no apparent reason. It is my belief that Soma was unhappy with the counsel and recommendations made by Thrun Law because they were opposed to the actions that he was taking, and that they recommended shorter contracts for Soma in order to allow the board to terminate his employment should he not improve his problematic behavior. He, along with certain board members who supported him (including Sue Kelly), abruptly announced that TCAPS was seeking new legal counsel. In January 2019, the TCAPS board under the leadership of Sue Kelly chose to replace Thrun Law with Clark Hill. https://www.record-eagle.com/news/local_news/tcaps-switches-law-firms/article_bf13cdae-7788-55b3-9b80-f09f688bac16.html

2. SUMMARY

During the summer of 2019, Ann Cardon began as the new superintendent of TCAPS following the retirement of Paul Soma. I believe that Sue Kelly and others within the TCAPS executive team and board were unhappy with Cardon because she was trying to change what seemed to be improper and dysfunctional ways of operating the district, including awarding an unnecessary and no-bid contract to an individual who was closely associated with Kelly and Soma (EXHIBIT A). https://www.record-eagle.com/news/contract-updated-before-cardon-s-resignation/article_369493b0-fcd6-11e9-b255-e355ea57630a.html

Kelly wrote a controversial complaint against Cardon, which she presented to Cardon during a closed session board meeting on October 7, 2019 (EXHIBIT B). Kelly and her allies on the Board verbally assaulted Cardon during this meeting. I was the sole Board member to defend Cardon and call out Kelly's outrageous behavior. I made public comments calling out Kelly and the other Board members' improper behavior. Shortly thereafter, Cardon resigned from her new position and the Board agreed to pay her a \$180,000 severance. I wrote an email to all the Board members as well as certain members of the executive team regarding the Kelly and other Board members' poor behavior during the October 7 closed session (EXHIBIT C). That email was leaked to the press. When the public became aware of the complaint and Cardon's resignation, there was a strong backlash against Sue Kelly and the Board members who supported her. Several Freedom of Information Act (FOIA) requests were made for Kelly's complaint against Cardon (EXHIBIT D). It is my understanding that Kelly removed her complaint

from Cardon's file and refused to allow TCAPS to release the document to the public. Mullet and Clark Hill advised Kelly on how to handle the FOIA requests as well as public outcry. The local newspaper, the Traverse City Record-Eagle, filed a lawsuit against TCAPS and Kelly based on violations of FOIA and the Open Meetings Act (OMA). Kelly, Mullet and others accused me of criminal violations of OMA (EXHIBIT E). On October 11, 2019 a Special Meeting of the Board of Education was scheduled (EXHIBIT F). Jeff Butler was in attendance at this meeting. After a lengthy public comment session, I read a statement to my fellow board members (EXHIBIT G). During my statement, Jeff Butler of Clark Hill told me to "Stand Down" (EXHIBIT H). We then went into closed session to discuss the settlement agreement between Ann Cardon and TCAPS. While we were in closed session, on said date, Jeff Butler made all the board members sign a non-disclosure agreement. We were not told about this in open session, but were forced to sign the NDA in closed session, or else the closed session would not continue. We were not allowed to retain legal advice outside of the closed session. Please note that I had just been accused of criminal charges by Jeff Butler, and was never given an opportunity to consult my own attorney inside of the closed session.

On October 15, 2019 I requested to read the material from the closed session on October 7, 2019. I was told that I was not allowed to read this material. I was then advised to call Nancy Mullet for the explanation of why I wasn't allowed to read the material (EXHIBIT I and J).

On October 28, 2019, I met with Mullet who interviewed me regarding the events surrounding Cardon's termination. Mullet told me that our discussions were protected by Attorney-Client Privilege. I had repeatedly requested that TCAPS provide me with separate legal counsel in order to protect myself against the allegations and potential criminal liability. I was repeatedly told that I was not entitled to have TCAPS assign or provide separate counsel because there were no criminal cases against me. (EXHIBITS K, L, M, N, O, P, Q, R)

In December 2019, Kelly told me via voice mail that the Michigan State Police were investigating the events of October 7 and that they would be reaching out to speak with all Board members, including me (EXHIBIT S). She never told me that I was the subject of that investigation. I decided to secure my own legal counsel since TCAPS had refused to provide it. That counsel provided me with the legal guidance that I had been requesting from TCAPS and Mullet for months. That counsel reached out to MSP on my behalf and I learned that a criminal complaint had been filed against me. The identity of the complaint was confidential. As the accused, I asked MSP for the name of the complainant, which they refused to disclose. In January 2020, the MSP findings were sent to a special prosecutor. The MSP complaint and investigative findings were released to the public in February 2020. The identity of the complainant was redacted. In March 2020, the special prosecutor declined to file charges against me. I had no idea who had filed the charges against me until October 2020. An unredacted MSP complaint was filed in court in the lawsuit against TCAPS. I was completely shocked and outraged to learn that it was Nancy Mullet who had filed the criminal complaint against me at the same time that she had told me that she was representing me and that all of our communications were protected by Attorney-Client Privilege (EXHIBIT T). Furthermore, Mullet falsely imputed statements to me that I had not made to her or anyone else (EXHIBIT U). https://www.record-eagle.com/news/local_news/no-year-resolution-community-still-in-the-dark-1-year-after-ann-cardons-controversial-exit/article_7d87508e-fc47-11ea-bd1e-1b78260b707f.html

3. CHRONOLOGY

10/7/2019 - Sue Kelly, TCAPS BOE president (at the time) adds an agenda item to the board meeting agenda for a closed session regarding a "complaint" brought against a staff member.

10/7/2019 - A reception for Doris Ellery, Vice President of TCAPS BOE, who was stepping down was to begin at 5:00 pm.

10/7/2019 - 4:00 pm - I see the change on the agenda regarding a complaint against a staff member. I called Matt Anderson, TCAPS BOE Treasurer, to see what he knew about the "complaint" as he was traveling. He said he knew nothing. I saw Doris Ellery in the hallway at Boardman right before her reception, and asked her what she knew about the "complaint" and she told me she knew nothing. I then called Sue Kelly, TCAPS BOE president, and asked her about the "complaint" and she told me it had to do with Superintendent Ann Cardon.

10/7/2019 - The TCAPS BOE went into a closed session where Sue Kelly gave each member of the board, an 8 page packet. 6 pages were a complaint against Ann Cardon and the last two pages were a contract with regards to Jame McCall, the associate superintendent. The 6 page letter was an attack on the superintendent by four BOE members. All four board members contributed to the "complaint" with specific stories related to Ann Cardon. At the end of the closed session, Sue Kelly collected all copies of the document, and left with those in a folder.

10/7/2019 - 9:00 pm - I called Ann Cardon and had a 45 minute conversation with her about what had just taken place. She basically told me, that she could not stay as the TCAPS superintendent if the 4 of those BOE members and Jame McCall, the associate superintendent, were to stay. She said they don't want me here and that is the majority of the board, and so I cannot stay.

10/9/2019 - I put a Facebook post out about "calling all supporters" to attend the TCAPS school board meeting that was scheduled for 10/10/2019.

10/9/2019 - I wrote a letter to my fellow BOE members explaining my disgust with their behaviors from the closed session on 10/7/2019. I emailed this letter to each of them.

10/10/2019 - A special BOE meeting was scheduled for October 11, 2019 with a 3:00 pm start time.

10/10/2019 - I received a phone call from Jeff Butler, Clark Hill PLC where he stated the following:

"Erica, good evening, Jeff Butler from Clark Hill calling you. It is just about 5:00 on Thursday, October 10th. Um Erica I am calling at the request of the a board president umm to speak with you about some concerns about information that was, a as I understand it, discussed in closed session with members of the board and concerns about it being communicated inappropriately outside of the closed session and some additional concerns about apparently some FOIA requests that have been received by the district. So I am hoping that you can give me a call back just as soon as possible, again this is Jeff Butler from Clark Hill. My phone number the best way to reach me is (517) 281-9221 and I will take a phone call Erica at any time. If you want to text me before you call that would be helpful if I am on the phone I will hang up and get to you right away but I do I feel that some of the reason to get, you know, an understanding of what are related to the open meetings act and the closed session discussions with the board and ummm I just want to make sure that we are all on the same page. So if you can give me a call when you get a chance I would greatly appreciate it again Jeff Butler (517) 281-9221. Thanks Erica."

I immediately called Jeff Butler back and was told that I was disclosing closed session material based on a letter that I wrote to the other BOE members. I said I was not and understood what could and could not be shared with the public.

10/11/2019 - 3:00 pm TCAPS BOE special meeting. At the start of the TCAPS BOE meeting I read a statement to the community and to the BOE trustees, I was told to "STAND DOWN" by Jeff Butler, Clark Hill, PLC, the TCAPS BOE attorney. I was threatened with criminal charges for his claim that I was in violation of the Open Meetings Act. At no time did I disclose closed session meeting material. I talked about inappropriate behaviors behind closed doors, but never read minutes or any other material from that closed session. He threatened me two more times throughout that meeting.

10/11/2019 - The purpose of this special meeting was to go into closed session for the purposes of receiving Privileged Attorney Client Communication. We went into closed session at 4:46 pm and sat for 45 minutes while legal counsel created a "non-disclosure agreement" that ALL board members were forced to sign. The decision to agree to the "non-disclosure agreement" was reached outside an open meeting which is in violation of the OMA. Jeff Butler told us that the closed meeting would not continue unless all members signed the agreement. We were not given copies and we were not allowed to ask for our own legal representation.

10/15/2019 - I called Stacey Hozak, executive assistant to the superintendent, at TCAPS and asked if I could come in and read the closed meeting material from the BOE meeting on October 7, 2019. I was told that I was not allowed to read the material. I asked "why not" and was told that I needed to call Nancy Mullet of Clarke Hill, PLC. I immediately called her law firm and left a message asking why I was not allowed to read the material that was in closed session. Nancy called me back and left me a message stating that I was not allowed to read the material, she gave no explanation, but that I just was not allowed. About 5 minutes after I listened to that message, Nancy called me back and said that the "meeting minutes" were not completed and so I could now view the material that was presented in closed session. I immediately went down to Boardman and read the material with Stacey Hozak sitting across the table from me.

However the material that I read, was different than what I received in closed session. In the closed session, I received a 6 page complaint penned by Sue Kelly the TCAPS BOE president, an amended contract dated October 6, 2019 between Jame McCall and Ann Cardon, and a second contract dated October 6, 2019 between Jame McCall and Ann Cardon. Both contracts had to do with an Employment Agreement/Proposal to allow Jame McCall to continue in the present position with her current contract.

I told Stacey about the discrepancy between what was given in closed session and what I had just read that was in the office. She then must have called Nancy Mullet with Clark Hill and told her about the discrepancy or I called Nancy, I cannot remember. I received a call from Nancy who wanted to set up a meeting to review the closed session material that I was questioning. We scheduled our meeting for October 28th 11:00 am in the conf room B.

10/17/2019 - TCAPS BOE had a special meeting where the board authorized the board president to sign a mutual separation agreement with the superintendent on behalf of the TCAPS. The mutual agreement was Ann Cardon's resignation.

Nancy Mullet reported to the TCAPS BOE president, Sue Kelly, that I "requested" that the 6 page complaint be included in the closed meeting minutes. I never once requested this. I asked to read the closed meeting material. Never once did I demand them to be included. Once again another fabrication

from Nancy. I was always under the assumption that we as BOE members could review closed session material at anytime under supervision of the executive assistant to the superintendent.

10/28/2019 - Nancy Mullet came to TCAPS and met with me regarding the material that was presented in the closed session on 10/7/2019. She informed me that she received an email from Sue Kelly on the morning of October 7, 2019 at 10:00 am. She explained this email was in fact the complaint that Sue Kelly was going to present in the closed session. Nancy and I read through the document line by line. It was in fact the same letter that I read in closed session, minus the 2 contracts involving Jame McCall.

During this meeting with Nancy Mullet, I asked her if I was able to discuss what happened in that closed session on October 7, 2019. She explained that I absolutely could talk about it, and I was protected under attorney client privilege. We talked about what took place behind closed doors. Nancy Mullet then accused me of violating the Open Meetings Act. Ms. Mullet went on to say that she has known Ann Cardon for many years. That she has worked closely with Ann in different districts. She said that "through her personal relationship with Ann Cardon, Ms. Mullet believed that I had hurt Ann."

11/4/2019 - I asked Interim superintendent Jim Pavelka for contact information for the TCAPS Errors and Omissions carrier in order to speak with that entity about retaining legal counsel for myself. Clearly Clark Hill, PLC was in violation of representing me.

11/6/2019 - Jim Pavelka left me a voicemail stating that he has spoken with the attorney and that I was not entitled to counsel or imdecification by the TCAPS Errors and Omissions carrier.

12/4/2019 - Nancy Mullet filed a Michigan State Police report against me asserting an "Open Meeting Violation". Ms. Mullet also provided documents to the Michigan State Police, including but not limited to, my own personal Facebook posts, The Grand Traverse Business Ticker, and the Traverse City Record Eagle. She also went on to tell the Michigan State Police that she would attempt to get a copy of the minutes. Ms. Mullet went on to disclose to the Michigan State Police her communications with Sue Kelly and myself which she further advised Michigan State Police on what constituted the OMA violation.

Nancy Mullet stated in the Michigan State Police report that "Erica admitted that she delivered her letter to the Record Eagle", this is complete fabrication. I never delivered the letter to the Record Eagle. As the Record Eagle had reported in an earlier syndication, "a mysterious man" delivered the letter to Brendan Quealy, the Record Eagle reporter.

The State Police report stated "at this time, I have been told that the only thing that has been read out loud was the letter/synopsis from Erica that she had taken from the closed session meeting. I have not yet seen a copy of the meeting minutes as they are sealed and can only be opened through a court order. Nancy (Mullet) advised she would attempt to get a copy of those for this report, but she does not know if she is legally able to do so."

3/13/2020 - The OMA case against me, was sent to Wexford County to be reviewed due to a conflict of interest in the case. Prosecutor Elmore reviewed it and the State Police received a decline letter in this case stating that no charges were going to be filed in this case.

October 6, 2019

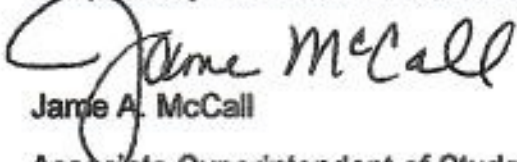
Employment Agreement/ Revised Proposal

Revised Proposal: To continue in present position with current contract, with the following:

1. Blueprint Priorities: In order to fulfill responsibilities associated with the Blueprint, the Board will support a contract with Our Students Matter in the amount of \$30,000 for six (6) months service (contract to be completed) to Traverse City Area Public Schools in the next steps of the Blueprint installation, including, but not limited to:
 - a. Board Governance Learning support
 - b. Tutoring/Coaching Leaders- Both Central Office and Building
 - c. Central Office Redesign to support the Blueprint work
 - d. Fidelity Checks with feedback for improvements in levels attained this far
2. Workplace Standards: The Superintendent and Executive Team members, along with members of the administrative team will adhere to the Board Policies, standards of practice, governance team standards, the chain of command, and the Blueprint Communication Driver System.

The work environment will be collegial, collaborative and professional. At any time, if the working conditions do not follow the standards contained herein, the employee may terminate this agreement and her employment by giving not less than 30 days written notice to the Employer, and will be afforded her retirement options as outlined in her contract, with exception to the 60 day notice.
3. Vacation Time: The employee will continue to receive five (5) weeks of vacation time with the right to carry all unused vacation days into the following school year.

Respectfully submitted for consideration.


Jamie A. McCall

Associate Superintendent of Student Services
Traverse City Area Public Schools

Accepted
10-8-19


Exhibit A.

AGENDA - Traverse City Area Public Schools

Meeting of the Board of Education

Monday, October 7, 2019 @ 6:00 PM

Tompkins Boardman Administration Center, Conference Room G-2 2nd Floor
412 Webster Street, Traverse City, MI 49686



This meeting is a meeting of the Board of Education held in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time set aside for public comment during the meeting as noted below.

Any person with a disability who needs accommodation for participation in this meeting should contact Stacey Hozak, Board Recording Secretary at (231) 933-1725 (or hozakst@tcaps.net) in advance of the meeting to request assistance.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. REVIEW/APPROVAL OF AGENDA

The Board will welcome staff and citizens, review the agenda, consider any suggested rearrangement of items, and determine if any changes in the agenda are needed.

4. PUBLIC COMMENT

The Board has set aside this time for public comment on any topic. If you wish to make public comment, please fill out the public comment card and present it to the Board's Recording Secretary. As you speak, please identify yourself by name (and you may also give your address). An individual may make public comment for up to three (3) minutes. We ask that no more than two individuals make public comment on the same topic until citizens with a different topic have had an opportunity to speak. The Board will not respond to public comment. We ask that concerns or comments directed toward individuals be made privately or in writing to the Superintendent, designee, or Board of Education President.

5. RECOGNITION

West Senior High Theatre Department Performance – Fiddler on the Roof

6. BOARD COMMITTEE REPORTS / DISCUSSION

Board members will provide a brief summary of meetings held, and discuss miscellaneous topics.

Board Communications Committee (October 4) → Report Out by Klegman

Board Curriculum Committee (September 19) → Report Out by Ellery

Board Human Resources and Policy Committee (September 25) → Report Out by Ellery

Board Finance & Operations Committee (October 2) → Report Out by Anderson

District Advisory Network (multiple dates) → Report Out by Kelly

Full Board Discussion: Open Discussion as Needed

Board Office Hours @ Horizon Books 6:00pm – 7:00pm:

- **September 26, 2019** → Report Out Kelly
- **October 24, 2018** - Attending: Leonhardt

7. SUPERINTENDENT'S REPORT

Legislative Update

District Highlights - STEP Program

Exhibit B

8. **CONSENT**

The purpose of the Consent Calendar is to expedite business by grouping items together to be dealt with by one board member motion without discussion. Any member of the board may ask that any item on the consent calendar be removed there from and placed elsewhere on the agenda for full discussion. Such requests will be automatically respected.

a. **Personnel Recommendations**

The Board will consider personnel recommendations.

b. **Board Policy Language**

The Board will consider the following:

- Policy 5420 – Reporting Student Progress (REVISED)
- Policy 5421 – Grading (REVISED)
- Policy 5514 – Student Use of Bicycles (REVISED)
- Guideline 5420A – Reporting Student Progress (REVISED)
- Guideline 5514A – Use of Motor Vehicles and Student Use of Bicycles (REVISED)

c. **Professional Development**

The Board will consider the following:

- Long Lake Elementary Principal, Kate Burwinkle to travel to Washington DC November 8-10, 2019 to attend ASCD Conference on Educational Leadership: Resilient Schools in Action.

d. **Minutes**

The Board will be asked to approve the Regular and Closed Session minutes from their meeting held September 23, 2019.

CLOSED SESSION

The Board will go into Closed Session for the purpose of discussing the complaint brought against a staff member who has requested a closed hearing as allowed by the Open Meetings Act, P.A. 267 of 1976, Section 8(a).

10. **BOARD PRESIDENT CLOSING REMARKS**

11. **ADJOURNMENT**

Next Board Meeting

October 28, 2019

Special Board Retreat – 4:00 pm

Board Study Session – 5:30 p.m.

Tompkins Boardman Administration Center

412 Webster Street, Traverse City, MI

Letter of concern

11/15/2019

Erica Moon Mohr <mohrer@tcaps.net>

Thu, Oct 10, 2019 at 11:51 AM

To: Sue Kelly <kellysu2@tcaps.net>, Pamela Forton <fortonpa@tcaps.net>, Jeff Leonhardt <leonhardje@tcaps.net>, Matthew Anderson <andersonma@tcapsstudent.net>, Jane Klegman <klegmanja@tcaps.net>, Doris Ellery <ellerydo@tcaps.net>

Cc: Ann Cardon <cardonan@tcaps.net>

Sue, Jane, Pam and Jeff,

Having taken a few days to process what happened this week, I am completely and utterly disgusted with your behavior and truly concerned about the fallout to happen. What took place, in my opinion, was an assault on Ann and was absolutely uncalled for. I will not participate or tolerate this type of behavior. More importantly, I will not watch this district suffer because of your bad decisions. The kids and this community deserve better than the behaviors that you displayed this week.

About a month ago Sue started this campaign against Ann, which has come to a head this week. I sat back and hoped that my gut was wrong as I watched it unfold. Knowing Ann's position on the SFRC, Sue looked for opportunities to bully and attack Ann in discourse. After our BOE meeting on August 26th, Sue called every BOE member and discussed Ann presentation regarding the budget. Sue let every BOE member know her disgust with Ann. The next day Ann was quoted in the Record Eagle and the budget came up. Once again Sue took the opportunity to call every BOE member and build a bullying campaign against her. This continued for the next month. This week was the final straw. We were notified of a meeting to discuss Ann only one hour before we were to attend Doris Ellery's retirement reception. No one had any idea what was about to take place. The 6 page letter that Sue put together was completely disgraceful and unprofessional. Why did you not review this letter with the entire BOE? Didn't you think it was important enough to get all of our input? Or were you just working behind the scenes with the BOE members that agree with you? The approach, the delivery, the tone, were absolutely atrocious. Calling her a liar 3 times. Maligning her character. Questioning her work ethic. Disgracing her 26 years of experience. Stating "facts" that seemed far from the truth, in my opinion. During Ann's 60 days of employment as Superintendent, there have been NO issues that could not have been resolved without a simple phone call in which Sue or anyone else could have asked questions and gotten answers. Instead, Sue has been working behind the scenes to build a campaign against Ann using whatever little issues she can blow out of proportion. The BOE and Sue should have addressed any issues in a professional, productive, constructive manner, not the lynching session that Sue spearheaded. The BOE should have been working collaboratively with our new Superintendent in order to ensure her success as well as all of TCAPS, especially as she was beginning in her new position. Instead, we have failed her and all of TCAPS.

Sue, why would you hold a meeting regarding Ann when you knew that Matt would not be there? Was it because you knew that he disagreed with your position on Ann?

I also find it disturbing that Sue and Pam took it upon themselves to meet with Jame McCall and discuss her contract. I find that insulting to Ann who is Jame's direct report. No BOE member should ever be a part of these discussions and it is totally out of line. Again Sue, it has become apparent you were deliberately trying to undermine Ann.

Next Jane started with the attack. She said 2 times that she thought Ann was not right for our district. She said that Ann had lied and needed to be let go. She compared Ann's behavior to something that took place 3 years ago with a principal and said that we don't tolerate liars. As she has often been, Jane was calculating, attacking, accusatory, inappropriate, unprofessional and coached. It was obvious that Jane was prepped by someone who knew exactly what was going to take place. There was no constructive criticism toward Ann, it was an outright attack.

From there Jeff began. He stated that he too had issues with Ann. He said that he couldn't believe that Ann wanted to meet with the BOE every other month, not every month. That this was a red flag and he was very concerned. While I support discussing growth opportunities with Ann, I ask you Jeff why you didn't take the opportunity in your one-on-one meeting with her to explain your concerns? I ask you why you didn't pick up the phone and talk with Ann about your concerns? Why you didn't help Ann to be successful? Instead you just joined in with the belligerence and

Exhibit C

bullying. When I stood up for Ann and expressed my absolute disgust with the letter, you turned your attack to me. You attacked my point of view and argued that I was wrong in my thoughts and concerns.

And then Pam. Pam brought up the fact that she couldn't believe that Ann hadn't met with the Union. She attacked in a condescending, inappropriate, derogatory manner. There was no opportunity for growth for Ann, just a shaming by Pam. I ask you Pam, why didn't you pick up the phone as soon as you heard rumblings from the Union that they were not happy that Ann hasn't met with them? Why didn't you give Ann a heads up that there were some unhappy people? Why didn't you help her to be successful. You just joined the bullying attack. Once again when I voiced my concern and disgust over what was taking place, you condescendingly turned your attack to me. Which is nothing new, just so inappropriate and unprofessional. I have continued to try to reach out to resolve these issues with you, and make sure that we are putting kids first and are working toward the same goal. But when your response to me is "I don't trust you, I don't respect you, I really don't even like you, and I try not to look at you".... I am pretty sure you have no interest in working together with me to do what's right by TCAPS.

I have worked for many corporations and organizations in my lifetime. At every juncture in my life I have always had opportunities to become better. My superiors would sit me down in a professional, positive environment and review my strengths, weaknesses, opportunities, and threats (SWOT). My superiors always wanted me to be successful. They stood behind me and supported me. They may not have always agreed with me, but they professionally presented their viewpoint and we worked through our differences. In the end it made us both stronger, that is what team players do. What took place this week had nothing to do with helping Ann succeed; it was clearly intended to tear her apart in a power play, bullying session. I am embarrassed for each one of you. You should be ashamed of what you have done to our district. The fallout from this series of events will take at least 10 years to correct itself. I ask you, was it worth it? Who do you think will now lead our district? I thought we were finally on the right track. Instead the four of you single handedly derailed the greatest thing that TCAPS had going.

I am asking that Sue Kelly and Jane Klegman resign from the BOE. Your actions toward Ann have been outrageous. You continue to speak and act in an unprofessional and counterproductive manner. Our kids and our community deserve better. If we are to move forward, the two of you need to step down. Your presence on this BOE taints the entire TCAPS district, which we are sworn to serve. We need to consider the future of our district and we will never attract a new Superintendent until there is change on this board. The dysfunction is well known, and this community knows what took place this week. Your actions continue to shame our entire district. I am asking that you both step down so that TCAPS can move past this disgrace.

Sincerely,
Erica

Update on FOIA requests

3: 00:58:34:1

Sue Kelly <kellysu2@tcaps.net>

Thu, Oct 10, 2019 at 12:44 PM

Reply-To: kellysu2@tcaps.net

To: Doris Ellery <ellerydo@tcaps.net>, Matthew Anderson <andersonma@tcapsstudent.net>, Pamela Forton <FortonPa@tcaps.net>, Jeff Leonhardt <leonhardje@tcaps.net>, Jane Klegman <klegmanja@tcaps.net>, Erica Moon Mohr <mohrer@tcaps.net>

Cc: Ann Cardon <cardonan@tcaps.net>

Board Members,
As update for you all.

We have received a number of FOIA requests from the Record Eagle today for information regarding Ann Cardon's job performance and related items. We are working with our attorney to determine what, if anything, will be legally allowable to release.

I would like to remind all that the discussion in closed session was at Ann's request and cannot be discussed outside the closed session. Please do not reply to this or any messages regarding this matter and refer all inquiries to me.

Sue Kelly, President
Board of Education
Traverse City Area Public Schools

Exhibit D

Phone Message from Jeff Butler of Clarke Hill
October 10th at 3:05 pm

Erica, good evening, Jeff Butler from Clarke Hill calling you. It is just about 5:00 on Thursday October 10th. Um Erica I am calling at the request of the a board president umm to speak with you about some concerns about information that was, a as I understand it, discussed in closed session with members of the board and concerns about it being communicated inappropriately outside of the closed session and some additional concerns about apparently some FOIA requests that have been received by the district. So I am hoping that you can give me a call back just as soon as possible, again this is Jeff Butler from Clarke Hill. My phone number the best way to reach me is (517) 281-9221 and I will take a phone call Erica at any time. If you want to text me before you call that would be helpful if I am on the phone I will hang up and get to you right away but I do I feel that some of the reason to get, you know, an understanding of what are related to the open meetings act and the closed session discussions with the board and umm I just want to make sure that we are all on the same page. So if you can give me a call when you get a chance I would greatly appreciate it again Jeff Butler (517) 281-9221. Thanks Erica

Exhibit E

Minutes - Traverse City Area Public Schools

Special Meeting of the Board of Education

Friday, October 11, 2019 @ 3:00 PM

Tompkins Boardman Administration Center, Conference Room C – 412 Webster

412 Webster Street, Traverse City, MI 49669



To be approved at the October 28, 2019 Board Meeting.

A meeting of the Board of Education of the Traverse City Area Public Schools, Counties of Grand Traverse, Leelanau and Benzie, Michigan, was held at the Tompkins Boardman Administration Center, 412 Webster Street, Traverse City, Michigan, on Friday, October 11, 2019. Board President Kelly called the meeting to order at 3:01 p.m.

BOARD MEMBERS PRESENT:	Anderson, Forton, Kelly, Klegman, Leonhardt, Moon Mohr
BOARD MEMBERS ABSENT:	Ellery
ADMINISTRATORS PRESENT:	Berck, Gullar, McCall, Thomas-Hill
ADMINISTRATORS ABSENT:	Cardon
ATTORNEY PRESENT:	Jeff Butler – Clark Hill, PLC.

Board President Kelly welcomed those in attendance.

PLEDGE OF ALLEGIANCE

Board Secretary Forton led the Board and those in attendance in the Pledge of Allegiance.

Board President Kelly, Treasurer Anderson, and Trustee Moon Mohr read individual statements to those in attendance.

REVIEW/APPROVAL OF AGENDA

The Board reviewed the agenda and Board President Kelly entertained a motion for approval.

MOVED BY LEONHARDT SUPPORTED BY FORTON TO approve the agenda as presented.

The following vote was held:

YES: Anderson, Forton, Kelly, Klegman, Leonhardt, Moon Mohr

NO: None

MOTION CARRIED.

PUBLIC COMMENT

Board President Kelly solicited Public Comment and the following was volunteered:

- Grant Parsons, 6936 Mission Ridge, Traverse City – Closed Session
- Terra Walters, 5792 Ridgewater, Traverse City – Superintendent Cardon
- Bryce Hundle, 338 W. 11th Street, Traverse City – District Concern
- Michelle Keith, Traverse City – Public Comment
- Deyar Jamil, 892 Lodge Pine Lane, Traverse City – District Policy
- Pat Brumbaugh, 4984 Church Road, Traverse City – Superintendent Cardon
- Warren Call, 617 Seventh Street, Traverse City – Superintendent Cardon
- Jane Hayes, 720 Cherokee, Traverse City – Special Meeting
- Paul Baldwin, 9162 Helen White Drive, Traverse City – Board of Education Concerns
- Thom Grigal, 325 Heartland Drive, Traverse City – Special Meeting
- Anne Stanton, 124 N. Madison, Traverse City – Superintendent Cardon
- Doug Stanton, 124 N. Madison, Traverse City – General Interest
- Cathy O'Connor, 3159 Ogodaki Trail, Traverse City – Closed Session
- Fern Spence, 658 Old Incochee Farm Trail, Traverse City – Closed Session
- Larissa Vander Zee, 3087 Lake Meadows Circle, Traverse City – Superintendent Cardon
- Barb Corbett, 6080 Peggy Lane, Traverse City – Special Meeting
- Beth Holmes-Bozung, 330 E. Bay Blvd. S, Traverse City – Transparency
- Lynne Moon, NA – District Concern

Exhibit F

- Cori Chekhovskiy, 3800 Cedar Lake Road, Traverse City – Superintendent Cardon
- Rebecca Rogan, 109 Fairlane Drive, Traverse City - NA
- Chris Hintz, 8784 Stratford Road, Interlochen – Leadership Changes
- Pamela Harris Kaiser, 1309 Old Long Lake Road, Traverse City – Superintendent Cardon
- Amy Shamroe, 511 Depot View, Traverse City – School Board Chair
- Ron Fitch, 5227 Hazelnut Ct., Traverse City – District Concerns
- Corey Phelps, 8977 Sunset West, Traverse City – Transparency
- Kelly Roscher, 323 W. 11th Street, Traverse City – NA
- Katy Bertodatto, 603 W. 7th Street, Traverse City – Vision
- Andrew Parvel, 303 Homestead Lane, Traverse City – District Concern
- HT Snowday, 40 S. Long Lake Road, Traverse City - Board Process
- John Nelson, 4022 Incochee, Traverse City – Board of Education
- Marcia Bartlett, 5208 Arlington Lane, Traverse City – Board issues
- Tak Ready, 4956 Pinespar Trail, Traverse City – Board Process

CLOSED SESSION

The Board went into Closed Session for the purposes of receiving Privileged Attorney Client Communication as allowed by the Open Meetings Act, P.A. 267 of 1976, Section 8(h).

MOVED BY MOON MOHR TO continue meeting in Open Session.

MOTION FAILED

MOVED BY FORTON, SUPPORTED BY LEONHARDT TO go into Closed Session for the purpose of receiving Privileged Attorney Client Communication as allowed by the Open Meetings Act, P.A. 267 of 1976, Section 8(h).

The following Roll Call vote was taken:

YES: Anderson, Forton, Kelly, Klegman, Leonhardt

NO: Moon Mohr

MOTION CARRIED.

The Board went into Closed Session at 4:46 pm.

The Board returned to Open Session at 6:19 pm.

BOARD PRESIDENT CLOSING REMARKS

Board President Kelly reminded the audience that closed session dialogue is confidential and cannot legally be discussed publicly.

ADJOURNMENT

MOVED BY LEONHARDT SUPPORTED BY FORTON to adjourn the meeting at 6:21 pm.

The following vote was held:

YES: Anderson, Forton, Kelly, Klegman, Leonhardt, Moon Mohr

NO: None

MOTION CARRIED.

Respectfully submitted,

Julie Gordon

Acting Board Recording Secretary

Next Meeting
October 28, 2019
Special Board Retreat – 4:00 pm
Board Study Session – 5:30 p.m.
Tompkins Boardman Administration Center
412 Webster Street, Traverse City, MI 49686

BOARD MEMBERS: Matt Anderson, Doris Ellery, Pamela Forton, Sue Kelly, Jane Klegman, Jeff Leonhardt, Erica Moon Mohr

Read parts/not all
10/11/2019

My comments are primarily aimed at Sue, Jane, Pam and Jeff....

Having taken a few days to process what happened on Monday, I am finding myself disgusted with the behavior of the board and appalled at what the fallout will be. While I cannot divulge details, what took place in closed session, in my opinion, was an assault on our new superintendent and was absolutely uncalled for. I will not tolerate this and I will not be silent while this district suffers because of your bad decisions. The kids and this community deserve better than the behaviors that you have displayed.

In my observation, during the past month, Board President Sue Kelly started a campaign against Ann, which came to a head this week. I sat back and hoped that my gut was wrong, as I watched it unfold. In my observation, Sue looked for opportunities to bully and attack Ann, for her own political gain. After our BOE meeting on September 23, Sue called every board member and discussed Ann's presentation regarding the budget. Sue let every board member know her disgust with Ann. The next day Ann was quoted in the media and the budget came up. Once again, Sue took the opportunity to call every board member and build a bullying campaign against her. This continued for the next month. Three of us were notified of Monday's meeting that same day, about an hour before we were to attend Doris Ellery's retirement reception. Apparently only 4 of you knew what was about to take place. Ironical that Matt Anderson happen to be out of town. The "complaint" that we were read by the board chair was a complete disgrace. The approach, the delivery, the tone, were absolutely atrocious. Stating "facts" that seemed far from the truth, in my opinion. What I don't understand is why, if there were any real issues, this could have been done in a professional, productive, constructive manner. Why we couldn't have discussed the issues to help Ann in her entry into the district. We failed her.

I also find it disturbing that Sue and Pam took it upon themselves to meet with Jame McCall and discuss her contract. I find that insulting to Ann who is Jame's direct supervisor. No board member should ever be a part of these discussions and it is totally out of line. Again Sue, it felt like you were deliberately trying to undermine Ann.

You could tell that Jane, Jeff and Pam were prepped by someone who knew exactly what was going to take place on Monday night. There was no constructive discussion, it was an outright attack.

If any of you had concerns, I ask you why you didn't take the opportunity in your one-on-one meeting with her to explain your concerns? I ask you why you didn't pick up the phone and talk with Ann about your concerns? Why you didn't help Ann to be successful? Instead you just joined in with the belligerence and bullying. When I stood up for Ann and expressed my absolute disgust with the letter, you turned your attack to me. You attacked my point of view and argued that I was wrong in my thoughts and concerns. Pam, I have tried to discuss issues with you, and make sure that we are putting kids first and are working toward the same goal. But when your response to me is "I don't trust you, I don't respect you, I really don't even like you, and I try not to look at you" I am pretty sure we will not move past this.

I am embarrassed for each one of you. You should be ashamed of what you have done to our district. The fallout from this series of events will take at least 10 years to correct itself. I ask you, was it worth it? Who do you think will now lead our district? I thought we were finally on the right track. Instead the four of you single handedly derailed the greatest thing that TCAPS had going.

Since being on this board, I have continuously been disrespected by the four of you. I have been talked down to and treated with such despair that it is an embarrassment to this community and our kids.

Exhibit G

When my daughter is confronted by your grand daughter, PAM in 6th grade WMS and she proceeds to explain how much her grandma can't stand me.... Something is wrong!

I am asking that Sue Kelly and Jane Klegman resign from the BOE. Your actions have been outrageous. Our kids and our community deserve better. If we are to move forward, the two of you need to step down. We will never attract a high quality Superintendent until there is change on this board. The dysfunction here is well known through out the state of Michigan. I ask you to step down so we can move past this disgrace.

I respect Ann and her wishes, and understand why she would not want to stay and work with this board, but I will not be silent about this board's behavior. Calling both Monday's meeting and today's meeting on short notice, discussing mysterious "complaints" in closed session, not televising today's meeting, and holding this meeting at a time when staff and community cannot attend, is secretive and not transparent. When I asked you Sue, why today's meeting was at 3:00 on a Friday afternoon, your response was "this is when both the attorney and I were available".

Well, I choose transparency. Our community deserves to know about the absolutely poor behavior of this board.

I am an equal member of this board. I will not be bullied.

You can gavel me down all you want, but I am going to make my statement either to the board now or to the media after this meeting.

October 11, 2019

Special Board of Education meeting, Jeff Butler's comments to Erica Moon Mohr as I read a prepared statement:

1. "Number one we have law enforcement on the way (ineligible) ... you are disclosing information from closed session, you are doing it openly. Any information from closed session, and if you are you need to stand down. Any information that you are about to disclose from closed session you need to stand down (ineligible).
2. "What letter are we talking about?" "Trustee Mohr, what letter are we talking about?" What letter are we talking about?"
3. "Trustee, Trustee Mohr, you cannot continue to disclose information from closed session. You are doing it openly, it is a violation of the law. You cannot continue to do that. The comment that you just made was a direct comment on a content of a closed session meeting, I heard it clearly. Discontinue disclosing the information, I am urging you to do that under penalty of the law."

<https://fb.watch/3Ji4VjserA/>

Exhibit H

.EAD: Phone Number

1 message

Stacey Hozak <hozakst@tcaps.net>
Reply-To: hozakst@tcaps.net
To: Erica Moon Mohr <mohrer@tcaps.net>

Wed, Oct 16, 2019 at 2:13 PM

Erica -

Per your request, here is Nancy Mullett's phone number: 616-608-1147.

Stacey Hozak

Executive Assistant to Superintendent and
Recording Secretary to Board of Education
Traverse City Area Public Schools
412 Webster Street
Traverse City, MI 49686
231-933-1725

Exhibit I

.osed meeting material from 10/7

1 message

Erica Moon Mohr <mohrer@tcaps.net>
To: Stacey Hozak <hozakst@tcaps.net>

Wed, Oct 16, 2019 at 2:59 PM

Stacey,

Thank you for calling me back regarding the closed meeting material from 10/7. I am not sure why I am not allowed to come into the office and view this material? Can you please explain again?

Sincerely,
Erica

—
Erica Moon Mohr

Exhibit J

Phone message from Jim Pavelka
November 6, 2019

Hi Erica this is Jim Pavelka, I find the... attorney did get back to me via a email or a fax, last night and a it is a two page, or a two paragraph statement and I am not going to read the whole thing, um it just talks about the board by-law number 0144.4 indemnification does not mandate payment in the civil matter you can check with your insurance carrier but my guess is there's no coverage particularly with the action that is outside the scope of authority. The next paragraph, the board may hold harmless and indemnify (?) or compromise a judgment against a board member up to the extent allowed under law. Um and the first paragraph had a couple of sentences about the statute, indemnification for criminal act. Um I have that here, um it does have attorney client communication on it. Um feel free to call me and I am going to um suggest that you talk to the other board members, um because the board is the one that gonna have to hold harmless or a get involved with indemnifying. So take care and give me a call if you have any questions. Good bye.

Exhibit K

Phone message from Jim Pavelka
November 6, 2019 1:15 pm

Hi Erica Jim Pavelka just calling back to see if you got my voicemail message regarding errors and omissions coverage um coverage for attorneys and that type of thing. I am going to go into meetings here in a few minutes and will be tied up through the rest of the day. I did have a great meeting with your mother um late this morning she is a very special person and I enjoyed meeting with her. Feel free to call me at any time, take care, bye bye.

Exhibit L

November 7, 2019

Nancy Mullett
200 Ottawa NW
Suite 500
Grand Rapids, MI, 49503

RE: Errors and Omissions Carrier

Dear Nancy Mullett,

In my capacity as a TCAPS School Board Member, I was threatened by Jeff Butler with criminal charges for his claim that I was in violation of the Open Meetings Act on 10/11/19.

On 10/28/19 I was accused by Nancy Mullett of violating the Open Meetings Act. Ms. Mullett also said that through her personal relationship with Ann Cardon, Ms. Mullett believed that I had hurt Ann Cardon.

On 11/4/19, I asked interim Superintendent Jim Pavelka for contact information for the TCAPS Errors and Omissions carrier in order to speak with that entity about retaining legal counsel for myself.

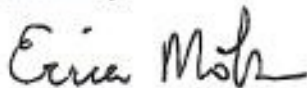
On 11/6/19 Mr. Pavelka left me a voicemail stating that he has spoken with the attorney and that I was not entitled to counsel or indemnification by the TCAPS Errors and Omissions carrier.

Clark Hill is clearly conflicted from advising or representing me.

I am again requesting that TCAPS provide me with legal counsel immediately. I need to speak with the TCAPS Errors and Omissions carrier myself. Nobody has identified that company to me as of yet.

I am requesting this information be provided immediately.

Sincerely,



Erica Moon Mohr

Emailed and mailed to:

Sue Kelly, kellysu2@tcaps.net, PO Box 847, Traverse City, MI, 49685
Nancy Mullett, nmullett@clarkhill.com, 200 Ottawa NW, Suite 500, Grand Rapids, MI, 49503
Jeff Butler, jbutler@clarkhill.com, 212 E Cesar Chavez Ave, Lansing, MI, 48906
Jim Pavelka, pavelkaja@tcaps.net, 412 Webster Street, Traverse City, MI, 49686

Exhibit M

November 7, 2019

Jeff Butler
212 E Cesar Chavez Ave
Lansing, MI
48906

RE: Errors and Omissions Carrier

Dear Jeff Butler,

In my capacity as a TCAPS School Board Member, I was threatened by Jeff Butler with criminal charges for his claim that I was in violation of the Open Meetings Act on 10/11/19.

On 10/28/19 I was accused by Nancy Mullett of violating the Open Meetings Act. Ms. Mullett also said that through her personal relationship with Ann Cardon, Ms. Mullett believed that I had hurt Ann Cardon.

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I am again requesting that TCAPS provide me with legal counsel immediately. I need to speak with the TCAPS Errors and Omissions carrier myself. Nobody has identified that company to me as of yet.

I am requesting this information be provided immediately.

Sincerely,



Erica Moon Mohr

Emailed and mailed to:

Sue Kelly, kellysu2@tcaps.net, PO Box 847, Traverse City, MI, 49685
Nancy Mullett, nmullett@clarkhill.com, 200 Ottawa NW, Suite 500, Grand Rapids, MI, 49503
Jeff Butler, jbutler@clarkhill.com, 212 E Cesar Chavez Ave, Lansing, MI, 48906
Jim Pavelka, pavelkaja@tcaps.net, 412 Webster Street, Traverse City, MI, 49686

Exhibit N

November 7, 2019

Jim Pavelka
412 Webster Street
Traverse City, MI
49686

RE: Errors and Omissions Carrier

Dear Jim Pavelka,

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On 10/28/19 I was accused by Nancy Mullett of violating the Open Meetings Act. Ms. Mullett also said that through her personal relationship with Ann Cardon, Ms. Mullett believed that I had hurt Ann Cardon.

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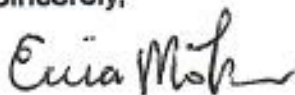
On 11/6/19 Mr. Pavelka left me a voicemail stating that he has spoken with the attorney and that I was not entitled to counsel or indemnification by the TCAPS Errors and Omissions carrier.

Clark Hill is clearly conflicted from advising or representing me.

I am again requesting that TCAPS provide me with legal counsel immediately. I need to speak with the TCAPS Errors and Omissions carrier myself. Nobody has identified that company to me as of yet.

I am requesting this information be provided immediately.

Sincerely,



Erica Moon Mohr

Emailed and mailed to:

Sue Kelly, kellysu2@tcaps.net, PO Box 847, Traverse City, MI, 49685
Nancy Mullett, nmullett@clarkhill.com, 200 Ottawa NW, Suite 500, Grand Rapids, MI, 49503
Jeff Butler, jbutler@clarkhill.com, 212 E Cesar Chavez Ave, Lansing, MI, 48906
Jim Pavelka, pavelkaja@tcaps.net, 412 Webster Street, Traverse City, MI, 49686

Exhibit O

Phone message from Jim Pavelka
November 8, 2019 2:16 pm

Yeah Erica this is Jim Pavelka, and I just got back from an area superintendents meeting here in town, and I got this email I think came from you to Sue, in that it talks about requesting that TCAPS provide legal council... that is something that is gonna have to be you and the whole board are going to have to discuss that. And I am trying to get a hold of the errors and omissions carrier, which is Set Sag, um and they are out of Lansing or Okemos, and uhh not sure I am going to be able to get anybody this afternoon, but I will by Monday morning I am sure. And ah, I have not been in a situation where I have had individual board members contact the errors and omissions, it is usually a representative of the board or the board directs a staff member, if you have a situation with a bus or something, I am talking about property casualty AND errors and omissions, but a that is something that we need to discuss and maybe discuss that at the board meeting Monday night as a whole board. And I know the school board association over the years, not sure if they still do, but they may have attorney coverage for individual board members, I am not sure about that but their number is (517) 327-5900 and if you talk to them they may be able to assist you with that part of it... I know there is some kind of coverage there for board members. If you have any questions please feel free to call me. Hope to see you tomorrow morning at the conference and I plan on being there when the choir is there. Take care, have a great day Erica. Bye bye.

Exhibit P

Phone message from Jim Pavelka
November 11, 2019 9:29 am

Hi Erica this is Jim Pavelka and I am just calling to see if there's any follow up I need to do after your conversation with Brad Beneshak with MASB, um if I can be of any assistance or information feel free to give me a call, take care and I will see you tonight.

Exhibit Q

November 13, 2019

Phone message from Janet Sluiter

Hello Erica this is Janet Cider calling from Set Sag, we are the insurance company for Traverse City Area Public Schools and a the interim Superintendent contacted me and asked that I reach out to you you had some questions regarding how the insurance coverage with the pool works um for board members in reference to a current situation you guys have going on so I am following back up with you to kind of walk you through that process. If you wanna give me a call back my direct line is area code 517-816-1671 again my name is Janet Sluiter and I am the claim manager here at Set Sag alright I will talk to you soon, thank you.

Exhibit R

State police investigation

Message

Sue Kelly <kellysu2@tcaps.net>

Tue, Dec 10, 2019 at 1:46 PM

Reply-To: kellysu2@tcaps.net

To: Jeff Leonhardt <leonhardje@tcaps.net>, Pamela Forton <FortonPa@tcaps.net>, Erica Moon Mohr <mohrer@tcaps.net>, Benjamin McGuire <moguirebe@tcaps.net>, Jane Klegman <klegmanja@tcaps.net>, Matthew Anderson <andersonma@tcapsstudent.net>, James Pavelka <pavelkaja@tcaps.net>

Hello All,

I'm sorry that I was not able to catch you individually last evening the reporter from TC Record Eagle had a lot of questions:) and give you a heads up that Trooper Theniki contacted me last weekend as part of an investigation they are doing regarding the process that unfolded around Superintendent Ann Cardon's departure. He asked me questions and also will be contacting each of you individually. He requested and I provide him your names and cell phone numbers of which I did. Just wanted you to be aware so it isn't a total surprise when he reaches out to you.

Sue Kelly, President
Board of Education
Traverse City Area Public Schools

Exhibit S

**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Wed, Dec 04, 2019		INCIDENT NO: 071-0005893-19	
TIME RECEIVED: 1000		FILE CLASS: 89003	
WORK UNIT: MSP CADILLAC POST		COUNTY: GRAND TRAVERSE	
COMPLAINANT: NANCY LEE MULLETT		TELEPHONE NO:	
ADDRESS: STREET AND NO:	CITY:	STATE:	ZIP CODE:
INCIDENT STATUS: OPEN			

OPEN MEETING COMPLAINT**SUMMARY:**

A few weeks ago, I was contacted by D/Sgt. Fink regarding an open meeting complaint involving TCAPS that he was going to turn over to me. He advised that I needed to contact Nancy Mullett, who is the lawyer for TCAPS, regarding one of the school board members giving out confidential information during one of the board meetings in the fall of 2019. At this time, this case is still being investigated and once it is complete, it will be sent to the Grand Traverse County prosecutor's office for their review for possible charges of an Open Meeting violation.

VENUE:

GRAND TRAVERSE COUNTY
TCAPS
GARFIELD TWP, MI
AT OR NEAR: TCAPS SCHOOLS

DATE & TIME:

ON OR AFTER: MON, OCT 07, 2019 AT 1700

COMPLAINANT:

NAM: NANCY LEE MULLETT

BIR:		RAC:	WHITE	ETH:	Unknown
NBR:	DIR:	SEX:	FEMALE	DL:	/
STR:		DOB:	01/02/1957	SSN:	
SFX:		HGT:	5'06"	SI:	/
CTY:	ST:	WGT:		FBI:	
TXH:	ZIP:	HAI:		MNU:	
TXW:		EYE:		PR:	
SMT:					

PAGE: 1 of 6	INVESTIGATED BY: THENIKL, TRAVIS, 95, TROOPER	INVESTIGATED BY:	REVIEWED BY:
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PRINTED: 8/14/2020 07:53

Exhibit T

**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

CONTACT WITH NANCY MULLETT:

I made phone contact with Nancy Mullett after receiving this complaint and we scheduled a time on 12/04/19 to meet at the post. On 12/04/19, I met with her at the post and began to go over what the allegations were.

She stated that Sue Kelly, who is the president of the TCAPS school board, had spoken with the superintendent Ann Cardon about concerns that she wanted to bring forth to the board. They advised that there was going to be a meeting on October 7 and Sue asked whether or not they wanted to make it public or if they wanted to go into a closed-door session. It was advised that Ann wanted to go into a closed-door session to have the issues brought up and talked about. Nancy informed me that this was all done before they even went to the meeting on the night of October 7, and everyone knew that it was on the agenda.

I was informed that after the meeting was done, they had gone into closed session and discussed the concerns. I was advised that the concerns were [REDACTED]

After learning about some of the concerns, but not all as they are part of the meeting minutes which are still sealed and can only be obtained by court order, Nancy advised that a day or two after the meeting, one of the trustees, Erica Moon-Mohr had drafted a letter and sent it to the board members about her concerns of what was said in the closed door session. This letter was dated October 10, 2019 and addressed to the TCAPS board members along with some of the executive board members.

Nancy said prior to that, on October 8 and 9, Erica had voice concerns about the closed-door session and wanted to know where the minutes were as she wanted to go through them. She stated that when she looked at the meeting minutes, she believed that some were either missing or they had been altered, and due to this Nancy stated that she got a copy of the minutes from Sue as she had sent a copy to them prior to the meeting. Nancy stated that she and Erica had gone line by line through all the minutes and notes and noticed that nothing had been altered or changed.

After going line by line through the minutes, and after the letter had been sent out with her concerns that were brought up at the closed-door session, including that of bullying the superintendent, they called for another meeting on October 11, a Friday. This was to be an open meeting where everything could be discussed. Nancy stated that during this meeting, after introductions had been done, Erica stated that she had something to say. Erica then began reading from the letter that she had sent to the other members. During the course of this, other board members along with one of the attorneys at the meeting kept telling Erica to stop reading from it because she was violating the Open Meeting Act. Nancy stated that Erica said something along the lines of "I don't care," and that everyone needed to hear what had happened. Nancy stated this created an uproar and people started yelling as members of the community wanted to know what was said, as this has been a long drawn out battle before the TCAPS board regarding Ann's employment, with Ann resigning her superintendent position after not having been there a full year. This has been in the news for several months.

After finding out that Erica had read the letter out loud, I was advised that this was the violation of the Open Meeting Act, as she had released confidential information from a closed session to an open session. I was

PAGE: 2 of 8	INVESTIGATED BY: THENIKL, TRAVIS, 95, TROOPER	INVESTIGATED BY:	REVIEWED BY:
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PRINTED: 8/14/2020 07:53

**MICHIGAN DEPARTMENT OF
STATE POLICE****ORIGINAL INCIDENT REPORT**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

then provided with several documents along with postings from Facebook, the Grand Traverse Business Ticker, and the Traverse City Record Eagle. Nancy advised that the letter had been released to all of these organizations also.

I asked if anyone had talked to Erica about this, and I was advised that the superintendent Ann had told Erica numerous times even prior to her reading the letter that she had already considered resigning and that she was not going to come back, and told Erica to just stay out of it, that she did not want to get everyone involved in it and wanted to keep things personal. Nancy advised that after the closed door session, it was possible that Ann was planning to leave her superintendent role, and this angered Erica because she felt that due to the closed door session, the board members were ganging up on Ann and trying to push her out of the community. Nancy stated it is believed this is why Erica took it upon herself to release this confidential information.

While speaking with Nancy, she informed me that in addition to the media outlets that the letter had been released to, it was also posted to Erica Moon-Mohr's personal Facebook page. Nancy did not provide a screenshot of this; however, it was along the lines of things that had been discussed before or other issues that are going on with the board.

Nancy stated that Erica had admitted that she had delivered her letter to the Record Eagle.

I asked if Nancy would contact the board president, Sue Kelly, so I could meet with her and discuss the issues and get a timeline, as well as speak with each of the board members who were present, and once those interviews are completed, this report would be sent to the prosecutor for their review for possible charges. Nancy contacted Sue Kelly and gave her my contact information to schedule a time to meet.

Nancy thanked me for looking into this matter, and provided me with several documents for my review, which will be entered as external documents. The interview with Nancy was concluded.

WITNESS:

NAM: MAURICIA SUE KELLY			
BIR:		RAC: WHITE	ETH: Unknown
NBR: 10667	DIR:	SEX: FEMALE	DL: MI/K400590778189
STR: TIMBERLEE		DOB: 03/12/1954	SSN:
SFX: DRIVE		HGT: 5'08"	SI: /
CTY: TRAVERSE CITY	ST: MI	WGT: 200	FBI:
TXH: (231) 218-9800	ZIP: 49684	HAI: GRAY	MNU:
TXW:		EYE: Hazel	PR:
SMT:			

PHONE CONTACT WITH SUE KELLY:

On 12/05/19, Sue Kelly contacted me on my work cell phone, and we scheduled a time on 12/07/19 to meet to review the issues from the open meeting.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

CONTACT SUE KELLY:

On 12/07/19 I met with Sue Kelly at her residence, where I conducted this interview. Sue advised that on October 7, she went to the office of the superintendent to talk about some issues and conduct that she had seen with the superintendent and parents. She advised that there were issues that she had been dealing with for a while, and that after so long, she wanted to bring these to Ann's attention to see if something could be done about them. She advised that she wanted the board to know, and she asked whether this would be done at the open or the closed session, and she stated that Ann wanted it at a closed session.

Sue stated that she would see Ann roughly once a week at the school and inform her of the issues that were going on. I asked what were some of the issues she had with Ann. Sue advised that some of the issues included that [REDACTED]

[REDACTED] Due to confidentiality rights from the Open Meetings Act, Sue was unable to tell me the other issues that she has concerns about but stated that they were all along the same lines.

Sue stated once they went into closed session October 7 at the end of the meeting, it was a very professional meeting, and nothing went wrong and all issues were addressed. However, she stated that Trustee Erica Moon-Mohr was very upset and emotional during the meeting. She stated that afterward, the minutes were done by a fill-in secretary, as their secretary was not going to be back until the following day. She was told to hold on to the minutes and give them to the secretary the next day to be typed and added to the report.

Sue advised that on October 8 she went to Ann's office to talk about the meeting. Sue stated Ann told her that Ann wanted to get feedback from the board members to see what their thoughts were on what was said at the meeting. Sue stated that by the end of that day, she had spoken with two or three board members and that she would need an extra day to figure out what was going on. Sue stated that on October 9, Erica had gone to Sue's office in Traverse City and was very upset, yelling and screaming at Sue about the issues from the closed meeting. Sue stated that Erica said they were costing the district over \$600,000 if Ann would be removed from her role. The three-year contract that Ann signed was for roughly \$600,000. Sue said during this meeting she had to tell Erica several times to keep her voice down, and stated Erica was yelling profanities and stormed out of her office.

Sue stated that on October 9 around 12:30 p.m., she spoke with Ann about what was said at the meeting and was trying to get feedback, and Ann reported to Sue that she was going to resign from the superintendent role. Sue stated that after getting this information, she then contacted the executive members of the board to let them know, and that they would start working out an agreement of separation for Ann with terms and payment details. Sue advised that Ann had not yet worked for a full year and the board was trying to determine how much it would cost the district. Sue stated that because Ann indicated she wanted to resign, everything was going to be withheld and no information released for confidentiality, and she also felt that it would show the lies that were brought up at the closed-door meeting. There was also a text message sent on October 9 to Erica about the confidential session, stating that she wanted everything to be kept confidential.

Sue stated she went to the administration office on October 10, where the executive team met, and they discussed Ann's intention to resign. The attorneys were working out a payout plan. I asked if anything had been signed by anyone at that time, and Sue stated no, everything was all verbal and they were accepting a

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

verbal resignation from Ann. She also stated they did not want anything in writing as they did not want anything to be leaked to the press. After speaking with the executive board about this, they called for a special board meeting on October 11 to discuss what was going to happen.

While Sue was speaking with the executive board about this, she and 3 members of the executive team got an email from Erica, which was the letter/synopsis of what she had taken from the closed-door session and sent that to them. She stated this was around 11:30, and after this happened, she contacted Ann who was at a superintendent conference at Crystal Mountain. Sue informed Ann that the confidential information had been released, and roughly 20 minutes later it was then sent out again to every board member. It was the same letter/synopsis that Sue had received from Erica.

The board was trying to determine how the information was leaked and at one point the Traverse City Record Eagle called and spoke with Sue, stating they had received the letter that morning from Erica Mohr. They did not tell Sue whether it had been emailed to them or dropped off. It was discussed with Erica how the letter got to the Record Eagle, and she stated that she did not disclose it and it must have been another board member who forwarded it to them.

The night of October 10, after everything had been disclosed, it was determined that Ann intended to put in her resignation, and this would be discussed at the open meeting on October 11. Ann had been in contact with Sue and stated that she did not want any of this to be brought forward or disclosed to the public. On the evening of October 10, she received a phone call from The Ticker who advised that they had received information that Ann was resigning as superintendent. Sue stated that she did not give any comment to this and asked where they had gotten the information from, and they stated it was from an unknown source. Sue also advised that on the night of the 10th, one of the lawyers had called and spoke with Erica on the phone and advised her that she was not able to read anything from the minutes at the open session, as that would be a violation of the Open Meeting Act. Erica advised the attorney that she did not care and that she was going to read it out loud anyway.

At the meeting on October 11, when the board members were introduced, Erica went into "her rant" with the letter that she had written. They said that the board members were upset with her and the lawyer was trying to shut her down and stop her from telling everything. Sue advised that the "rant" went on for roughly seven to eight minutes and that Erica was out of control the entire time.

Sue stated that afterward, she had thought about stopping the meeting but she felt that would just open up another can of worms if she stopped the meeting, let people think about what was said, and then come back to another meeting.

I asked if there had been any other instances like this with Erica, and Sue stated that on the 17th, Erica disclosed more information about the same closed-door session and another closed-door session which is also a violation of the Open Meeting Act. I asked Sue why Erica would do something like this, and Sue stated that she feels that the board members are not with her and that they sided against her. Sue stated she thinks that Erica wanted everyone to agree with her, and that she feels like the board members talk about her behind her back when she is not around. Sue stated that is not true, and they are not allowed to do that, but that is the way that Erica sees it, and she feels that she is bullied there too.

I asked if Sue had any more information, and Sue stated she did not. She then provided me with the names and number of the rest of the board members, who I will contact for interviews.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

FOLLOW UP TO BE CONDUCTED:

Speak with remaining board members, and forward report to prosecutor for review.

At this time, I have been told that the only thing that has been read out loud was the letter/synopsis from Erica that she had taken from the closed session meeting. I have not yet seen a copy of the meeting minutes as they are sealed and can only be opened through a court order. Nancy advised she would attempt to get a copy of those for this report, but she does not know if she is legally able to do so. If a copy is obtained, it will be compared to the letter to see if it is an exact match and if any violation occurred.

STATUS:

Open pending further investigation.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**SUPPLEMENTAL INCIDENT REPORT
0001

ORIGINAL DATE:

Wed, Dec 04, 2019

INCIDENT NO:

071-0005893-19

SUPPLEMENTARY DATE:

Thu, Jan 02, 2020

FILE CLASS:

89003

INCIDENT STATUS:
OPEN**OPEN MEETING COMPLAINT****JOURNAL**

12/13/19	Richards	Original reviewed, pends interview of the rest of the school board / PAO review.
01/2/20	Thenikl	Sup 1 pulled and people added, left message for suspect and another witness to call me. Pends them making contact and PAO review.

SUMMARY

After making contact and speaking with Mauricia "Sue" Kelly and Nancy Mullett, I set up meetings to contact the other individuals who were present at the meeting. A few days ago, I was able to contact both Pamela Forton and Jeffrey Leonhardt, and on 01/02/20 I made contact over the phone with Jane Klegman who is currently out of the state. I have also left messages for the suspect Erica Moon Mohr, and I also contacted Matt Anderson who I will speak with on 01/03/20 at his office. After speaking with everyone else, whether Erica returns my call or not, this report will be forwarded to the prosecutor for their review.

WITNESS

NAM: PAMELA GAYLE FORTON

BIR:

NBR: 335

DIR:

STR: 12TH

SFX: STREET

CTY: TRAVERSE
CITY

ST: MI

TXH: (231) 938-
1377

ZIP: 49684

TXW:

SMT:

RAC: WHITE

ETH:

Unknown

SEX: FEMALE

DL:

MI/F635676271754

DOB: 09/30/1954

SSN:

HGT: 5'02"

SI:

/

WGT: 140

FBI:

HAI:

MNU:

EYE: Blue

PR:

INTERVIEW PAMELA FORTON

I contacted Pamela at her address in Traverse City and advised her I wanted to speak with her about the Open Meeting Act. She informed me that she knew that I wanted to talk to her, and she began by telling me that she is the secretary for the board. She stated that one morning they received an email addressed to the four of them (referred to in original report) that started this incident. A few hours later, the email was sent out to all other members in the meeting. She stated that it was also leaked to the news.

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**MICHIGAN DEPARTMENT OF
STATE POLICE****SUPPLEMENTAL INCIDENT REPORT
0001**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
SUPPLEMENTARY DATE: Thu, Jan 02, 2020	FILE CLASS: 89003

I asked her to tell me what she knew about this, and she stated it all started on October 7, 2019; however, this was not the first time that things have been sent out. She advised that Erica has sent out numerous things in the past to the media from a closed-door session.

I asked her if she thought that she sent it out or her mother, and she stated that she believes it was one of them; however, Erica stated it was one of the board members who did it. Pamela stated there is no reason for them to do that.

Pamela informed me of the same information that I have heard from previous interviews, stating that they were at the closed door session and Erica got upset, thinking they were ganging up on the superintendent Ann, but that was not what was going on. Pamela informed me that there were a lot of nonfactual things that were in the email and that Erica had put out to the media. She also informed me that this is not the first time that she has done something like this, and stated that Erica gets upset if she does not get her way and feels that people gang up on her if she does not get her way in the meetings.

I asked Pamela if the letter written by Erica was an exact replica of the notes that were taken from the closed door or if it was just a synopsis. She informed me it was just a synopsis. She again informed me that it was a very nonfactual synopsis and stated that many of the things Erica stated were lies and did not happen.

She informed me that Erica likes to accuse people of bullying her if they don't agree with her and stated that this is not the first time, she has leaked sensitive information. Pamela informed me that all the members other than Erica who were present at the closed-door meeting had issues or concerns they wanted to bring up with Ann, however when they did, that was when Erica got upset. Pamela informed me that this upset them, and she stated that they don't know what they will do about it.

I asked her if she had any more information, and she stated no. I thanked her for her time and informed her if I had additional questions, I would contact her.

WITNESS**NAM: JEFFREY ALAN LEONHARDT****BIR:****NBR: 1118****DIR:****STR: PINE NEEDLE****SFX: LANE****CTY: TRAVERSE****ST: MI****CITY****TXH: (231) 883-
6118****ZIP: 49686****TXW:****SMT:****RAC: WHITE****SEX: MALE****DOB: 01/13/1958****HGT: 5'07"****WGT: 150****HAI:****EYE: Green****ETH:****Unknown****DL:****MI/L563390040037****SSN:****SI:****/****FBI:****MNU:****PR:****INTERVIEW JEFFREY LEONHARDT (BOARD TRUSTEE, NOW VICE PRESIDENT)**

I then contacted the then Board Trustee, and now Vice President, Jeffrey Leonhardt. He stated the same information that I have heard from the others, stating that there was a closed-door session the night of October

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0001**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
SUPPLEMENTARY DATE: Thu, Jan 02, 2020	FILE CLASS: 89003

7, 2019, against the superintendent. He stated that Trustee Moon Mohr struggled with this and that during the meeting she got upset and would not let anyone finish in the meeting. He stated that she took it that everyone was ganging up on Ann and attacking her, and he stated that was not the issue at all. He stated that they were bringing concerns to Ann [REDACTED]. Jeffrey stated that the letter written by Erica was just a synopsis to the best of his knowledge, and that it wasn't even close to what had occurred. He stated that Erica cited many incidents of bullying and attacking going on, and he stated that was far from factual. He stated it was a very adult conversation and [REDACTED]

He stated that a few days later, that same letter was read aloud in an open meeting, and Erica was told to stop talking as she was committing a violation of the Open Meeting Act, and she stated that she didn't care and was going to read it no matter what.

Jeffrey informed me that this was not the first time that Erica has done something like this, and he stated that she has disclosed information before. He stated, as did the others, that Erica feels bullied and attacked if everyone does not agree with her or if she does not get her way. He states that he does not trust her, and that they want something done about her violating this act. I informed him that the report would be sent to the prosecutor and it will be in their hands. He advised he understood.

I asked if he had any more information, and he stated no. I informed him that if I had any additional questions, I would contact him. He stated he understood, and I thanked him for his time.

WITNESS

NAM: JANE ELLEN KLEGMAN

BIR:

NBR: 528 **DIR:**

STR: TIMBER CREST

SFX: DRIVE

CTY: TRAVERSE CITY **ST:** MI

TXH: (231) 649-6943 **ZIP:** 49686

TXW:

SMT:

RAC: WHITE

SEX: FEMALE

DOB: 04/15/1958

HGT: 5'02"

WGT: 160

HAI:

EYE: Brown

ETH: Unknown

DL: MI/K425368214293

SSN:

SI: /

FBI:

MNU:

PR:

INTERVIEW JANE KLEGMAN

On 01/02/20, I made phone contact with Jane Klegman and informed her that I wanted to speak with her about the Open Meeting Act. She stated that we could talk on the phone as she was currently on her way out of state for the next several months. I asked her to tell me what she remembers, and she said that on October 7, 2019, they were going into a closed session [REDACTED].

She stated that at the closed session, Erica raised her voice and was upset about things that were being said about the complaint. Jane advised that the next day, Erica had gone to Sue Kelly's office and got upset with

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0001**

ORIGINAL DATE:

Wed, Dec 04, 2019

INCIDENT NO:

071-0005893-19

SUPPLEMENTARY DATE:

Thu, Jan 02, 2020

FILE CLASS:

89003

her about what was said at the closed meeting, and even told her that she was going to go to the media about what was said, even though she was told several times that she was not allowed to disclose anything.

Jane stated that an email came out to the board members and then eventually was leaked to the media. She stated that it was possibly Erica or what she described as "Erica's cohort." She does think that Erica leaked it to the media based on what she had said to Sue Kelly.

She then told me that at an open meeting that same week, Erica read off verbatim the note that she had written to the media, and that she was told several times by the lawyer and Sue to stop, and Erica stated she was not going to.

Jane advised that many of the things brought up in the letter were nonfactual and false statements, and it was more of a view of what Erica thought had happened in the closed-door session. She went on to state that Erica feels like people gang up on her if they don't choose her side, and she gets upset if she does not get her way. Jane advised that when Erica does not get her way, she will then reach out to social media, posting things on her Facebook account for people to see.

Jane stated that since the open meeting violation, at the subsequent meetings Erica will tell board members that they need to resign, that they are unfit, and make untrue statements. Jane stated she does not trust Erica at all, as she cannot keep anything confidential and will leak anything to the media. She stated that she wants to see something done with Erica due to her violating the Open Meeting Act. I informed her that a report is being forwarded to the prosecutor, who has the ultimate say. She stated that she understood. I informed her that if I had any additional questions, I would contact her. She stated she understood.

CONTACT BENJAMIN MCGUIRE:

I made phone contact with Benjamin McGuire and advised that I wanted to talk with him about the Open Meeting Act. He informed me that he was just recently appointed to the board after the Open Meeting Act violation. He stated that happened the week of October 7, 2019, and he was elected in the end of October 2019. He stated he had no information for me and stated that he was following everything in the news, like everyone else. I thanked him for his time and concluded the call.

FOLLOW UP TO BE COMPLETED:

I did make phone contact with Matt Anderson and I will interview him on 01/03/20. I also left a message for Erica Moon Mohr to contact me. At this time, she has not contacted me. If she does not contact me, this report will be forwarded to the prosecutor for their review.

STATUS:

Open pending investigation.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**SUPPLEMENTAL INCIDENT REPORT
0002ORIGINAL DATE:
Wed, Dec 04, 2019SUPPLEMENTARY DATE:
Fri, Jan 10, 2020INCIDENT NO:
071-0005893-19FILE CLASS:
89003INCIDENT STATUS:
OPEN**OPEN MEETING COMPLAINT****JOURNAL:**

1/5/20	Richards	Supp. #1 reviewed, pends interview of Anderson & Mohr & PAO review.
1/10/20	Thenikl	Anderson was interviewed and Mohr advised she had an attorney and didn't want to talk to me. 2 nd sup pulled today and dictated. Mohr's lawyer called me and left me a message. Called him back and haven't heard from him.

SUMMARY:

After talking to the subjects in Supplement 1, I called Erica Mohr and left her a message and also left a message with Matthew Anderson. Both subjects called me back, and times were scheduled to speak with them.

SUSPECT

NAM: ERICA LYNNE MOHR

BIR:

NBR: 574

DIR:

STR: OLD INCOCHEE FARM

SFX: TRAIL

CTY: TRAVERSE
CITY

ST: MI

TXH: ZIP: 49684

TXW:

SMT:

RAC: WHITE

SEX: FEMALE

DOB: 01/14/1973

HGT: 5'08"

WGT: 130

HAIR: Blue

EYE: Blue

ETH: Unknown

DL: MI/M600234564040

SSN:

SI: /

FBI:

MNU:

PR:

CONTACT ERICA MOHR:

Erica called me the following day after the message I had left for her. She informed me that she currently has an attorney who advised her not to make any statements to me. I informed her that was her right and she provided me with the attorney's name and phone number if I wanted to speak with him: Jay Zelenak at 231-929-9525.

I informed Erica that I was still working on this complaint and that after the report is complete, it will be sent to the prosecutor for review, and if any charges are being sought, I would contact her lawyer and he could inform her. She stated that she understood, and the conversation ended. I then contacted her lawyer and left a message for him to contact me so I could advise him of the investigation. At the time of this report, I have not yet heard back from the attorney.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0002**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
SUPPLEMENTARY DATE: Fri, Jan 10, 2020	FILE CLASS: 89003

WITNESS

NAM: MATTHEW ROBERT ANDERSON
BIR: RAC: WHITE ETH: Unknown
NBR: 9501 DIR: SEX: MALE DL: MI/A536589745777
STR: ROLLING RIDGE DOB: 10/09/1966 SSN:
SFX: DRIVE HGT: 5'09" SI: /
CTY: TRAVERSE ST: MI WGT: 225 FBI:
CITY ZIP: 49686 HAI: MNU:
TXH: EYE: Brown PR:
TXW:
SMT:

CONTACT MATT ANDERSON:

That same day, I contacted Matt Anderson and scheduled a time to meet with him at his office in Traverse City.

I spoke with Matt at his office and asked him to tell me what was going on. Matt informed me that he was not at the closed-door session, as he was out of town that day. He stated that he is the TCAPS Treasurer and knew that there was going to be a meeting that night, however he had informed Sue Kelly he would not be attending as he was out of town.

I asked him how many times he had met with the superintendent, and he stated that he met with her at least four times. I asked him to tell me what he knew about the meeting from what he had heard. He stated that he received a phone call from Sue on October 7 stating that they were going to go into closed door session, and [REDACTED] He stated that it was fine and that he would review the minutes when he returned, and he informed Sue that he would not be attending as he was out of town.

He stated that believes on October 10, Erica sent an email to the board members regarding the meeting that was held. He stated he read the minutes and highlighted the areas of concerns that were brought up, and stated they were nonfactual and were lies.

He provided me with a copy of Erica's email along with the highlighted section. It is the same email I had received both from Nancy and Sue.

Matt stated he reviewed the minutes and the email sent out and did not see anything in there that was the same regarding Erica's accusations. He stated that she is the only one who then divulged this information to the press.

After being told this, I asked what happened at the next meeting, which was the following Friday, October 11. He stated that there were a lot of people at that meeting and everyone was yelling and screaming about everything that was released to the media. He informed me that while at this meeting, Erica did start reading aloud at the open meeting from her email that she had sent to the board members. She was told several times that she needed to stop, and she even stated that she didn't care, and she was going to read it no matter what. Matt stated this was causing an uproar at the meeting, with people telling the board to stop telling Erica not to

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0002**

ORIGINAL DATE:

Wed, Dec 04, 2019

INCIDENT NO:

071-0005893-19

SUPPLEMENTARY DATE:

Fri, Jan 10, 2020

FILE CLASS:

89003

talk, and that the statements needed to be said. He stated that due to the conflict going on and Erica releasing the information, it created a stressful environment and now community members do not trust the TCAPS Board.

I asked what the board's view of Erica is now. He stated that there is no trust with her as she has leaked everything to the media, and she makes everything about her. I asked if she leaked it, and he stated that she must have sent it out, or someone that she knows sent it out to the media. He stated that he heard from Sue that Erica did go into Sue's office the day following the open meeting was held and started yelling and screaming at Sue about what was said. He was told by Sue that she was told to leave several times before she did leave.

Matt informed me that with everything that was going on, they were already in contract negotiations to figure out what a settlement would be for the superintendent and to get out of her contract for the next meeting. He stated he had scheduled a meeting with Ann, Erica and himself to say that Ann was separating. He stated during this meeting, he was only holding it so Ann could tell Erica to stop getting the media involved as she did not want any hardship going forward and wanted everything to stop. During this meeting, Erica was very upset, yelling and screaming and swearing at them, even though Ann told Erica it was her decision that she was leaving, and wanted Erica to stop.

Matt informed me of the same information I have heard from other witnesses about Erica's demeanor at meetings, where if people don't agree with her, she feels like she is being bullied and she makes everything about herself if she doesn't get her way. Matt also informed me there is no trust with Erica anymore, and they do not agree with having her on the board, but at this time would have to have a special election to replace her.

I asked if there was any discussion of removing her from the board, and he stated that he knows the Governor could remove her, however they were planning to complete the criminal investigation before pursuing any other action. I asked if the minutes and the email sent out were duplicates or an exact match, and he stated it was not, only a synopsis of what Erica took from the meeting that was read aloud.

I asked if he had any additional information, and he stated that he did not. However, he did inform me that everyone in the community is always asking at meetings what is going to happen with Erica since she has violated the Open Meeting Act. He stated that it is a big talking point brought up every time. He, along with every other board member I spoke with, stated that in his opinion Erica needs to be charged in this matter as she has breached confidentiality along with breaking policy set forth in the TCAPS Board. I informed him that all this information will be in the report and the prosecutor will ultimately have the say in what would be done. Matt stated that he understood and asked for a status on when this would be reviewed. I informed him that I didn't know when the prosecutor would have a decision, but as soon as that is available, I will contact their lawyers so members of the board can be advised. He stated he understood, and the interview concluded at this point.

ATTEMPTED CONTACT – JAY ZELENAK:

On Saturday, January 4, 2020 I called and left a message for JAY ZELENAK in regard to this complaint, however he hasn't returned my call yet.

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0002**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
SUPPLEMENTARY DATE: Fri, Jan 10, 2020	FILE CLASS: 89003

EXTERNAL DOCUMENTS:

Several pages of documents from everyone that was talked to.

CCH:

ERICA'S CCH was forwarded to Grand Traverse Prosecutor's office on 1/15/20.

STATUS:

OPEN

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**MICHIGAN DEPARTMENT OF
STATE POLICE**SUPPLEMENTAL INCIDENT REPORT
0003ORIGINAL DATE:
Wed, Dec 04, 2019SUPPLEMENTARY DATE:
Wed, Jan 29, 2020INCIDENT NO:
071-0005893-19FILE CLASS:
89003INCIDENT STATUS:
OPEN**OPEN MEETING COMPLAINT****JOURNAL:**

1/16/20	Richards	Supp. #2 reviewed, pends PAO review.
1/29/20	Thenikl	Case was sent to PAO and I was requested to type a search warrant for the closed session minutes. Warrant was typed on today's date and signed by Judge Cooney at courthouse. SW was then searched at TCAPS building and records were released. Sup pulled to be typed and sent to PAO for their review.

INFORMATION:

After sending this report to the prosecutor I was asked to draft a search warrant for the minutes from the meeting that took place on 10/07/19. On 1/29/20 a search warrant was drafted and signed by Judge Cooney. It was then executed at 412 Webster st to obtain the minutes that were taken from the meeting.

After obtaining the minutes they were transported to the TC detachment where they were placed into property as they were confidential documents. A copy was made for the prosecutor and will be attached to this report. I did read through the documents and observed that there were several items that were being brought up against Superintendent Ann Cardon. The things that were talked about were of the same items that were explained to me though out this case.

Essentially the board members and the President were unhappy with how Ann Cardon was conducting herself and representing TCAPS. Items that were discussed in Erica's email were similar in nature and something were disclosed, but again as stated it was a synopsis of what had gone on in closed session and not an actual account. For a full account see attached documents.

SEIZED:

SEIZED BY: TPR THENIKL

Prop 0001 -Type: DOCUMENTS/PERSONAL OR BUSINESS Qty: 7 Article Type: Documents (Description Req) Brand: Model: Serial #: Misc #: OAN: Value: \$0.00 Recovered Value: \$0.00
Descrp: 7 PAGES OF CONFIDENTIAL DOCUMENTS FROM CLOSED MEETING AT TCAPS ON OCTOBER 7TH, 2019.

Obtained From: 412 WEBSTER ST

66 - TRAVERSE CITY, MI

28 - GRAND TRAVERSE,

7 PAGES OF CONFIDENTIAL DOCUMENTS FROM CLOSED MEETING

Date/Time Recovered: 01/29/2020 1130

PAGE: 1 of 2	INVESTIGATED BY: THENIKL, TRAVIS, 96, TROOPER	INVESTIGATED BY: THENIKL, TRAVIS, 96, TROOPER	REVIEWED BY:
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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0003**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
SUPPLEMENTARY DATE: Wed, Jan 29, 2020	FILE CLASS: 89003

RETURN AND TAB:

Completed and sent to back to the court, along with a copy to the Superintendent's office.

STATUS:

OPEN

PAGE: 2 of 2	INVESTIGATED BY: THENIKL, TRAVIS, 95, TROOPER	INVESTIGATED BY: THENIKL, TRAVIS, 95, TROOPER	REVIEWED BY:
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**MICHIGAN DEPARTMENT OF
STATE POLICE**SUPPLEMENTAL INCIDENT REPORT
0004ORIGINAL DATE:
Wed, Dec 04, 2019SUPPLEMENTARY DATE:
Fri, Mar 13, 2020INCIDENT NO:
071-0005893-19FILE CLASS:
89003INCIDENT STATUS:
OPEN**OPEN MEETING COMPLAINT****JOURNAL:**

2/1/20	Richards	Supp. #3 reviewed, pends PAO.
3/1/20	Richards	MR - check status w/ PAO.
3/5/20	Thenikl	Talked with PAO, they advised that they are still selecting a prosecutor from a surrounding county to review complaint.
3/13/2020	Thenikl	Decline letter received from Wexford county. Prosecutor Elmore reviewed case and stated that no charges will be filed. Decline letter placed in external documents. Case will remain opening pending property and then closed exceptional clearance.

INFORMATION:

This case was sent to Wexford county to be reviewed due to a conflict of interest in the case. Prosecutor Elmore reviewed it and I received a decline letter in this case stating that no charges were going to be filed in this case. ERICA was advised of this along with the president and lawyer of TCAPS. Once the property in this case is destroyed, case can be closed exceptional clearance.

SUSPECT

NAM: ERICA LYNNE MOHR

BIR:

NBR: 574

DIR:

STR: OLD INOCHEE FARM

SFX: TRAIL

CTY: TRAVERSE
CITY

ST: MI

TXH: ZIP: 49684

TXW:

SMT:

RAC: WHITE

SEX: FEMALE

DOB: 01/14/1973

HGT: 5'08"

WGT: 130

HAIR: Blue

EYE: Blue

ETH: Unknown

DL: MI/M600234564040

SSN:

SI: /

FBI:

MNU:

PR:

EXTERNAL DOCUMENTS:

2 pages of decline letter

STATUS:

OPEN pending property.

PAGE:	INVESTIGATED BY:	INVESTIGATED BY:	REVIEWED BY:
1 of 1	THENIKL, TRAVIS, 95, TROOPER	THENIKL, TRAVIS, 95, TROOPER	

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**MICHIGAN DEPARTMENT OF
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT
0005**

ORIGINAL DATE:
Wed, Dec 04, 2019

SUPPLEMENTARY DATE:
Thu, Apr 23, 2020

INCIDENT NO:
071-0005893-19

FILE CLASS:
89003

INCIDENT STATUS:
OPEN PENDING RELEASE OF PROPERTY

OPEN MEETING COMPLAINT

JOURNAL:

3/19/20	Richards	Supp. #4 reviewed. Once property disposition sheet is received, supp. and make status 5.
4/11/20	Richards	MR - please update!
4/24/20	Thenikl	Sup pulled, status 6, opening pending destruction of property. Once destroyed closed exceptional clearance.

INFORMATION:

Sup pulled status 6 pending release of property. Once destroyed, close exceptional clearance.

STATUS:

OPEN PENDING RELEASE OF PROPERTY

PAGE: 1 of 1	INVESTIGATED BY: THENIKL, TRAVIS, 96, TROOPER	INVESTIGATED BY: THENIKL, TRAVIS, 96, TROOPER	REVIEWED BY:
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**MICHIGAN DEPARTMENT OF
STATE POLICE****ORIGINAL INCIDENT REPORT**

ORIGINAL DATE: Wed, Dec 04, 2019	INCIDENT NO: 071-0005893-19
TIME RECEIVED: 1000	FILE CLASS: 89003

then provided with several documents along with postings from Facebook, the Grand Traverse Business Ticker, and the Traverse City Record Eagle. Nancy advised that the letter had been released to all of these organizations also.

I asked if anyone had talked to Erica about this, and I was advised that the superintendent Ann had told Erica numerous times even prior to her reading the letter that she had already considered resigning and that she was not going to come back, and told Erica to just stay out of it, that she did not want to get everyone involved in it and wanted to keep things personal. Nancy advised that after the closed door session, it was possible that Ann was planning to leave her superintendent role, and this angered Erica because she felt that due to the closed door session, the board members were ganging up on Ann and trying to push her out of the community. Nancy stated it is believed this is why Erica took it upon herself to release this confidential information.

While speaking with Nancy, she informed me that in addition to the media outlets that the letter had been released to, it was also posted to Erica Moon-Mohr's personal Facebook page. Nancy did not provide a screenshot of this; however, it was along the lines of things that had been discussed before or other issues that are going on with the board.

Nancy stated that Erica had admitted that she had delivered her letter to the Record Eagle.

I asked if Nancy would contact the board president, Sue Kelly, so I could meet with her and discuss the issues and get a timeline, as well as speak with each of the board members who were present, and once those interviews are completed, this report would be sent to the prosecutor for their review for possible charges. Nancy contacted Sue Kelly and gave her my contact information to schedule a time to meet.

Nancy thanked me for looking into this matter, and provided me with several documents for my review, which will be entered as external documents. The interview with Nancy was concluded.

WITNESS:**NAM: MAURICIA SUE KELLY****BIR:****NBR: 10667****DIR:****STR: TIMBERLEE****SFX: DRIVE****CTY: TRAVERSE****ST: MI****CITY****TXH: (231) 218-****ZIP: 49684****9800****TXW:****SMT:****RAC: WHITE****ETH:****Unknown****SEX: FEMALE****DL:****MI/K400590778189****DOB: 03/12/1954****SSN:****HGT: 5'08"****SI:****/****WGT: 200****FBI:****HAI: GRAY****MNU:****EYE: Hazel****PR:****PHONE CONTACT WITH SUE KELLY:**

On 12/05/19, Sue Kelly contacted me on my work cell phone, and we scheduled a time on 12/07/19 to meet to review the issues from the open meeting.

PAGE: 3 of 6	INVESTIGATED BY: THENIKL, TRAVIS, 95, TROOPER	INVESTIGATED BY:	REVIEWED BY:
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Exhibit U