



ORIGINAL INCIDENT REPORT

Date 9/3/2020	Report No. 20-4138
Time Received 3:00pm	File Class 2600-1

Complainant Ute OConner (Township Clerk)		Home Phone [REDACTED]		Date of Birth [REDACTED]	
Street 9601 Groh Rd.		City Grosse Ile		State MI	Zip 48138
Reporting Officer Ptl. Eric Vazquez 1627			Reviewed by Deputy Chief Brent Hardin 1602		
Unit Number			Video System <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Hard Drive

ELECTION VIOLATION

SUBJECT:

M-420-585-044-113
 Mark Alexander-Oz Mills W/M/2-12-1969
 23509 West River Rd.
 Grosse Ile, MI 48138
 TX: 734-552-8785

WITNESSES:

Brian Edward Loftus W/M/[REDACTED] Township Supervisor / Election Commission
 9601 Groh Rd, Grosse Ile, MI 48138
 TX: 734-676-4422 ext 215

Ute Gesine-Klotzek O'Connor W/F/[REDACTED], Township Clerk / Election Commission
 9601 Groh Rd, Grosse Ile, MI 48138
 TX: 734-362-7100 ext 206

Theodore Anthony Van Os W/M/[REDACTED], Township Treasurer / Election Commission
 9601 Groh Rd, Grosse Ile, MI 48138
 TX: [REDACTED]

Bryan Christopher Friel W/M/[REDACTED], Township Deputy Clerk
 9601 Groh Rd, Grosse Ile, MI 48138
 TX: 734-676-4422 ext 241

Wesley Harold Pfeiffer W/M/[REDACTED]
 [REDACTED] West River Rd.
 Grosse Ile, MI 48138
 TX: [REDACTED]

ALLEGED VIOLATIONS:

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168.10 "Qualified elector" defined. Sec. 10. (1) Except as provided in subsection (2), the term "qualified elector", as used in this act, means a person who possesses the qualifications of an elector as prescribed in section 1 of article II of the state constitution of 1963 and who has resided in the city or township 30 days.

168.11 "Residence" defined. Sec. 11. (1) "Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This section does not affect existing judicial interpretation of the term residence.

INFORMATION:

On September 3, 2020, at 3:00pm, I met with the Grosse Ile Township Election Commission at the Township Hall, 9601 Groh Rd. The Election Board Members are Supervisor Brian Loftus, Clerk Ute O'Connor, and Treasurer Ted Van Os. Township Manager Dale Reaume and Deputy Clerk Bryan Friel were also present. The meeting set was in regards to Improper Voting and Candidate Registration for the State Primary Election date August 4, 2020. The subject involved in this matter is Mark Alexander-Oz Mills, who is also a current sworn Law Enforcement Sergeant with the Westland Police Department.

Mr. Mills owns the property located at 23509 West River Rd. in the Township of Grosse Ile, which he purchased in December 2018. Mr. Mills moved into the 23509 West River Rd. address with his wife and children after selling their prior residence of 4 years in Grosse Ile, 8374 Lake Rd. Mr. Mills lived in the 23509 West River Rd. residence until January 2019 when major renovation was being conducted leaving the residence impossible to live in due to the dust, noise, and utility system destruction. Due to building permits pulled for work to be done on the residence, a certificate of occupancy was never issued by the Township of Grosse Ile for residency.

On April 19, 2020, Mr. Mills signs an Affidavit of Identity and Receipt of Filing for the August 4, 2020 Primary Election for the Trustee Office Name for the Township of Grosse Ile. The statement and attestation signed acknowledges that making a false statement in this affidavit is perjury. On this date of signature, Mr. Mills had not lived in the 23509 West River Rd. Residence since the end of January 2019. The notary signature is that of current Trustee Board Member James Budny, dated April 19, 2020.

On July 9, 2020, Wesley Pfeiffer of [REDACTED] West River Rd., neighbor of Mr. Mills, submitted a letter to the Election Commission and Deputy Clerk summarizing a challenge to Mr. Mills candidacy. On July 10, 2020, Mr. Pfeiffer appeared before Deputy Clerk Friel with an Affidavit challenging Mr. Mills as a registered voter. The address Mr. Pfeiffer provided as Mr. Mills residence was 1402 20th St, Wyandotte, MI 48192.

In Clerk O'Connor's investigation of the complaint, found that Mr. Mills has not been a resident of the 23509 West River Rd. residence for over a year and a half and in violation of Election Violations 168.10 and 168.11. As the process required, the Clerk's office sent a letter from the Township Clerk to the challenged candidate/voter Mr. Mills on July 13, 2020.

Mr. Mills states in an August 10, 2020 affidavit response to Clerk Ute (Reference MCL 198.512 Challenge Procedure), "We are temporarily not living in this permanent house because it is not comfortable to do so while we perform a major renovation to the 108-year-old structure." Mr. Mills cites Michigan Department of Treasury Form 3799, Statement of Determine Domicile stating "Your domicile is where you have your permanent home. It is the place you plan to return to whenever you go away. You may have several

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residences, but you can only have one domicile at a time (MCL 206.18). That domicile continues until a new permanent home is established. Mr. Mills states that his family is temporarily residing with in-laws in the City of Wyandotte until his family is able to move back to the Grosse Ile residence.

Note: The challenge response was completed after Mr. Mills had voted in the August 4th Primary Election, in person at Precinct 2, Presbyterian Church, 7925 Horsemill Rd.

CLERK UTE O'CONNOR

In speaking with Clerk O'Conner, the following sequence of events occurred and was accepted as a witness statement:

On or about June 25, 2020, Grosse Ile resident and eligible voter Wes Pfeiffer sent an email to Township Manager Dale Reaume, Township Supervisor Loftus, and Township Clerk Ute O'Conner. In this email, Mr. Pfeiffer notified the Clerk's office that he would be hand delivering a complaint regarding then Candidate for Township Trustee Mark Mills "candidacy and the voting privileges of anyone using 23509 West River as their place of residency."

Upon this communication, the Clerk's office notified the Township Attorney Thomas Esordi and began following due diligence by beginning to investigate this complaint.

On June 29, 2020, Attorney Esordi responded to the request. His memorandum [REDACTED] The memo also states [REDACTED]

The Clerk's Office took this to mean that the candidate/voter in question may indeed own the property but is not allowed to reside in the property. It was then brought further to light, that the candidate/voter being challenged was living in another community, 1402 20th St., Wyandotte, MI 48192, and had been doing so for an extended period of time.

Based on this memorandum, the Clerk's Office continued to research this candidate/voter challenge but had not yet made a plan of action.

As planned, the Grosse Ile Election Commission met at its regularly scheduled pre-election meeting on Tuesday, July 7, 2020, at 7 pm, prior to a scheduled Closed Session meeting scheduled for the same day. Both meetings were appropriately and officially noticed to the public via official Township communications. As a member of the public, Mr. Pfeiffer attended this meeting in person and was allowed to speak under "public comment". Mr. Pfeiffer then reiterated his complaint to the Election Commission. Attorney Esordi, also present while waiting for the Closed Session to begin, was then instructed by the Election Commission to continue his investigation of the facts. On Wednesday, July 8, 2020, Deputy Clerk Friel reached out the Michigan Bureau of Elections to find out if the challenged candidate/voter "should be registered to vote with us if he hasn't actually lived on Grosse Ile for a year and a half?"

The Bureau of Elections then responded that 1. "MCL 168.512, provides the procedure for an elector who lives in Grosse Ile Township to challenge Mr. Mills' registration with the Grosse Ile Township Clerk... via a written notarized affidavit that the specifies the grounds for the challenge." The Bureau's reply also noted the process for the Township Clerk to make a full investigation of the facts under MCL 168.520." Upon receiving

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this information, Mr. Pfeiffer was instructed that he would have to provide a written and notarized affidavit, which he returned to the Township Clerk's office on July 10, 2020.

As the process required, the Clerk's office sent a letter from the Township Clerk, to the challenged candidate/voter on July 13, 2020. This letter provided Mr. Mills with a copy of MCL 168.512 outlining the challenge procedure, and 30 days to provide information or another affidavit proving his qualifications as an elector of Grosse Ile.

This timeline, of course, took the process past the election on August 4, 2020. Clerk O'Connor noted that Mr. Mills did not get enough votes in this primary election to continue on as a candidate in the November General election.

Mr. Mills supplied his information to the Clerk's office on August 13, 2020. The information was scanned by our Election Coordinator Alaina Farmer and sent to Clerk O'Connor, who instructed Ms. Farmer to also send the documentation to Township Attorney Esordi, Township Supervisor Loftus, and Township Manager Reaume for their review.

Clerk O'Connor found that while the documentation provided by Mr. Mills proved that he owned the property on West River, it did not show or prove that he currently or even recently resided at the West River property, and a certificate of occupancy had not been granted for the residence on West River. An official letter stating our findings was sent via certified mail on Friday August 28, 2020. According to Deputy Clerk Friel, Mr. Mills picked up this letter at the post office on Tuesday September 1, 2020.

SUPERVISOR BRIAN LOFTUS

In speaking with Supervisor Loftus, information relating to Mark Mills residency had surfaced through social media, specifically Facebook. Per, Supervisor Loftus, the comment was made where he essentially admits that he lived in Wyandotte while his Grosse Ile House was undergoing extensive renovations.

Supervisor Loftus stated that an additional Facebook post from Mark Mills states "Mr. Mills and his family are legal residents of Grosse Ile although they are temporarily living in the Wyandotte house of his mother-in-law to enable a major renovation of their house on West River Rd. Mr. Mills meets all legal requirements to be a candidate for Grosse Ile."

Supervisor Loftus completed a witness statement and documents his discussion with current elected Board Member, Trustee Jim Budny, (Elected Township Supervisor for the 2020 Primary), regarding Mark Mills ineligibility to run as a candidate for elected office due to his lack of residency. In an email response from Trustee Budny on July 27, 2020, states that Mark Mills is aware of this issue and plans to meet with the Clerk's staff as they requested, after the election.

Supervisor Loftus states that Mr. Mills is not a resident of Grosse Ile when he filed as a candidate and refused to withdraw when the error was discovered. The 1057 votes that Mr. Mills received did affect the outcomes of other trustee candidates. Mr. Mill's refusal to withdraw affected the election.

DEPUTY CLERK BRYAN FRIEL

In speaking with Deputy Clerk Friel, he received the complaint from Wes Pfeiffer on June 25, 2020, regarding Mark Mills residency and his ability to be a candidate since he doesn't have a Certificate of Occupancy or live on Grosse Ile. On July 9, 2020, Mr. Pfeiffer submitted a letter to the Election Commission

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and Deputy Clerk summarizing a Challenge to Mr. Mills candidacy. On July 10, 2020, Mr. Pfeiffer appeared before Deputy Clerk Friel with an Affidavit challenging Mr. Mills as a registered voter. Deputy Clerk Friel notarized the Affidavit and forwarded it the Township Clerk, Ute O'Connor.

On July 15, 2020, Deputy Clerk Friel mailed a letter to Mr. Mills informing him that a resident had challenged his voter registration with Grosse Ile Township and that he had 30 days to appear before the Clerk or submit an Affidavit setting forth his qualifications as an elector of Grosse Ile Township. On August 13, 2020, Deputy Clerk Friel received an email from Mr. Mills with a copy of his residency challenge response and in the email.

On August 28, 2020, Clerk O'Connor asked me to mail a letter to Mr. Mills with her response to his Affidavit and to cancel Mr. Mills as a voter on Grosse Ile. On September 1, 2020, Mr. Mills received his letter from Clerk O'Connor in the mail.

Deputy Clerk Friel completed a witness statement and is attached to the case file jacket.

TREASURER THEODORE A. VAN OS

In speaking with Treasurer Van Os, he was informed by Wesley Pfeiffer at the July 7, 2020 Election Commission Meeting that Mark Mills was not a legal resident of Grosse Ile Township and accused him of Election Fraud. Wesley Pfeiffer was informed that a complaint with the Clerks office would have to be made.

Treasurer Van Os was kept informed by the Election Commission of the investigation and was present during the meeting regarding the criminal complaint at Township Hall on September 3, 2020.

Treasurer Van Os completed a witness statement and is attached to the case file jacket.

End of statements.

INFORMATION:

The information provided by the Election Commission and Deputy Clerk Brian Friel are as follows:

- Email notifications from Township Election Commission regarding Election Violation Complaint and meeting scheduled with a Grosse Ile Detective.
- Affidavit of Identity and Receipt of Filing, 4/19/20 Mark A. Mills
- Citizen Complaints 6/25/20, Wes Pfeiffer
- Agenda, notes, Election Commission, 7/7/20
- Response from O'Connor to Mr. Mills, 8/27/20
- Response from Mr. Mills, 8/10/20
- Notification from O'Connor to Mr. Mills, 7/13/20
- Complaint from Wes Pfeiffer, 7/9/2020
- Reference material, Loftus,
- Statements
 - Brian Loftus
 - Ute O'Connor
 - Ted Van Os
 - Bryan Friel

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With the information/evidence provided by Clerk O'Connor, I will contact the Michigan State Board of Elections, the Michigan Attorney General's Office, and the Wayne County Prosecutors Office on whether a crime has been committed and who the appropriate investigation agency would be for this complaint.

STATUS: Open, TOT DB.

EEV

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SUPPLEMENTAL REPORT

Date 9/3/2020	Report No. 20-4138
Date of Supplement 10/1/2020	File Class 2600-1
Reporting Officer Ptl. Eric Vazquez 1627	Reviewed by Deputy Chief Brent Hardin 1602

FOLLOW-UP INVESTIGATION

WAYNE COUNTY PROSECUTORS OFFICE:

On September 11, 2020, I sent AP Joe Jansen, Chief Officer of Public Integrity and Special Prosecution Unit (jjanson@waynecounty.com) an email regarding this complaint to inquire if his unit handles Election Violation complaints. On September 15, 2020, I contacted AP Jansen on his desk line TX:313-224-0307, and was informed that the WCPO does not handle the Election Violations. That this complaint would have to be made with either the Michigan State Election Board or the Michigan Attorney Generals Office. No further information was received.

MICHIGAN ATTORNEY GENERAL'S OFFICE:

On September 15, 2020, I contacted the Attorney General Office TX: 517-335-7622 and spoke with Secretary / Litigations Officer Lisa Albro. I gave a brief overview of the Grosse Ile case and was informed that the information gathered will be forwarded to both the Civil and Criminal Chief Investigators for direction on who the complaint will be forwarded to. My contact information was provided to Lisa for a return call from the appropriate Chief Investigator.

On September 28, 2020, I contacted the AG's office again and spoke with receptionist Claudia. After a brief explanation of the complaint, a message was forwarded to Inv. David Tanay for an immediate return call. There was no return call received, even after additional contact with Claudia.

MICHIGAN BUREAU OF ELECTIONS:

On September 23, 2020, I contacted the Bureau of Elections TX: 517-335-3234 and spoke with receptionist Josh. I gave Josh a brief description of this case and requested to speak with a supervisor to review this complaint. I was forwarded to Lori Bourbanais, Director of Training and Database. I was greeted with an answering machine where a message for a return call regarding the complaint.

On September 24, 2020, I contacted the Bureau of Elections again and spoke with Charamy Cleary and asked to be forwarded to Lori Bourbanais. I was requested to give a brief description of the complaint which relayed to Bourbanais in a direct message from Charamy. I was informed that Bourbanais would be contacting me directly as she was in a meeting.

On September 28, 3020, I contacted the Bureau of Elections again and spoke with Christy and sked to be forwarded to Lori Bourbanais. I was forwarded to Lori's cell phone and left a message for a return call.

On September 29, 2020, I received a return call from Lori Bourbanais. In speaking with Bourbanais about the complaint, she stated that due to Mr. Mills having the 23509 West River Rd. address on his drivers license and being able to provide utility bills for the address, makes him a Qualified Elector and Resident in the Township of Grosse Ile. The concern regarding his temporary living arraignment in another jurisdiction

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does not affect Mark Mills residency in Grosse Ile as long as he plans on returning to the home once the renovation is complete. Bourbanais further stated that details reported in this complaint are not that of a criminal matter.

CONTACT WITH CHIEF MARK WARNICK:

On September 29, 2020, around 4:30pm, I received a call from Chief Warnick who relayed a message from the Grosse Ile Election Commission that a meeting was to be set up with the Michigan Election Board regarding this complaint and to put a hold on the investigation. During this time, I received the return call from Lori Bourbanais.

VIDEO EVIDENCE – SEPTEMBER 14, 2020 TOWNSHIP BOARD MEETING:

On September 23, 2020, I contacted Deputy Clerk / Communications Director Bryan Friel to obtain a copy of the September 14th 7:30pm Public Board Meeting due to two comments that were made by Clerk O'Connor and Mr. Mills.

At the 1:14:50 – 1:20:00 timeline, Clerk O'Connor makes a comment during the Clerk's Report regarding the Election Violation complaint made against Mr. Mills. Clerk O'Connor comment duplicates what is listed in her witness statement.

At the 2:27:40 – 2:30:25 timeline, Mr. Mills responds during open comment stating he is going to be cautious with his response as communication with the Township / Clerk will be talking to his attorney. Mr. Mills claims permanent domicile at the Grosse Ile address and had every intention moving back and has been sleeping in another place due to the Certificate of Occupancy. Mr. Mills stated that nothing is wrong with what he did.

CONTACT WITH WESLEY PHEIFFER:

On September 30, 2020, I received a call back from Wesley Pfeiffer from a September 27th phone message I left him. In speaking with Wesley, I inquired how he obtained the Wyandotte address listed where Mr. Mills was temporarily living at. Wesley stated that he did not know what I was talking about. I informed Wesley that he listed the address in his complaint made to the Election Commission. Wesley then stated that he would have to check his notes because someone had given him that information. Nothing further was provided.

CONTACT WITH CLERK UTE O'CONNOR:

On September 1, 2020, I contacted Clerk O'Connor and informed her of the information I had received from the Michigan Bureau of Elections, Lori Bourbanais. Clerk O'Connor stated that on September 29, 2020, she had spoken with Election Specialist Riley Millard who works under Lori Bourbanais. Per Clerk O'Connor, a meeting is currently being arranged between the Grosse Ile Election Commission and the Michigan Bureau of Elections regarding this complaint.

CONCLUSION:

After speaking with Lori Bourbanais from the Michigan Bureau of Elections, Mark Mills was found to be a Qualified Elector and a Resident of Grosse Ile Township. The information obtained from Bourbanais was forwarded to Clerk O'Connor. At this point in the investigation, no criminal violations were found and will be turned back over to the Grosse Ile Township Election Commission to resolve.

STATUS: Closed, no crime.

EEV

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