

COUNTY OF CALHOUN

ELECTION COMMISSION

IN RE: Petition to Recall Richard Lindsey
MPS School Board Member

DETERMINATION OF ELECTION COMMISSION

A Petition was filed with the Calhoun County Clerk seeking the recall of Marshall Public School Board Member Richard Lindsey. The Election Commission met in public session on Monday, February 14, 2022 at 10:00am and took comments and arguments on the clarity and factual nature of the petition language.

The Commission is charged with determining whether each reason stated in the petition is based upon conduct occurring during the official's current term of office, and whether each reason, "is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall."

The language filed is as follows:

Richard Lindsey is being recalled because numerous voters believe he violated MPS policy #1130 CONFLICT-OF-INTEREST, based on the following facts. He simultaneously served as BOE President & as attorney representing Albion College. His activities as an attorney raised questions of conflict with his school system duties & responsibilities. He presided over BOE meetings associated with a school bond proposal while concurrently participating in activities associated with his client's unsolicited proposal, to MPS for establishing a new elementary school adjacent to their campus. Questions were raised by the public, bloggers, and in local newspapers about the appearance of impropriety & apparent conflict between his representation of Albion College & activities as president of the school board. The legal firm of Hewson & Van Hellmont sent a legal opinion to the school board concluding a conflict-of-interest under MCL 380.1203(1) exists and that Mr. Lindsey's representation of Albion College on a matter involving MPS is in violation of the Michigan Rules of Professional Conduct. Fifty community members in the Marshall School District signed a petition requesting he recuse himself from voting on board decisions which affect the location of a new school in Albion. Mr. Lindsey continued to represent Albion College.

The Election Commission is charged as follows:

" ... shall meet and shall determine whether each reason for the recall stated in the petition is factual and of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall. If any reason for the recall is not factual or of sufficient clarity, the entire recall petition shall be rejected." MCL 168.952

The Election Commission determines by a vote of X **APPROVED** and ___ Rejected that the reasons for recall stated in the petition *are factual in nature and of sufficient clarity* to enable the officer whose recall is sought and the electors to identify the course of conduct that is the basis for the recall.

Appeals to this determination may be made to the Circuit Court of Calhoun County no later than February 24, 2022.

Dated: 2.14.2022 Approved
 Rejected Kimberly A. Hinkley
KIMBERLY A. HINKLEY, County Clerk

Dated: 14 Feb 22 Approved
 Rejected Brian Wensauer
BRIAN WENSAUER, County Treasurer

Dated: 2-14-2022 Approved
 Rejected Michael Jaconette
MICHAEL JACONETTE, Probate Judge