

**MACOMB COUNTY BOARD OF COMMISSIONERS
SPECIAL FULL BOARD MEETING SEPTEMBER 11, 2003
PURPOSE: RESPONSE OF ROAD COMMISSIONER TOM RAYMUS
TO MACOMB COUNTY PROSECUTING ATTORNEY' S REPORT OF
JULY 26, 2003**

The Macomb County Board of Commissioners met at 9:00 a.m. on September 11, 2003 at the Macomb County Board of Commissioners Conference Room, Mount Clemens. Chair White called the meeting to order and the following members were present:

Ralph A. Liberato	District 1
Marvin Sauger	District 2
Phillip DiMaria	District 3
Mike Walsh	District 4
Susan L. Doherty	District 5
Joan Flynn	District 6
Sue Rocca	District 7
Diana J. Kolakowski	District 8
Robert Mijac	District 9
Philis DeSaele	District 10
Ed Szczepanski	District 11
Peter J. Lund	District 12
Don Brown	District 13
Kurt S. Kramer	District 14
Keith Rengert	District 15
William J. Revoir	District 16
Bobby L. Hill	District 17
Michael C. Sessa	District 18
James M. Perna	District 19
Nancy M. White	District 20
Leonard Haggerty	District 21
Elizabeth Slinde	District 22
Roland R. Frascetti	District 23
Peggy Kennard	District 24
Kathy Vosburg	District 25
Nicholyn Brandenburg	District 26

MOMENT OF SILENCE

Chair White calls for a moment of silence for all the victims of 911. Today being the 2-year anniversary. Commissioner Revoir led prayer for all the victims and their families in remembrance and comfort.

AGENDA

A **MOTION** to Adopt the Agenda was made by Commissioner Haggerty, supported by Commissioner Slinde, and the **MOTION CARRIED.**

PUBLIC PARTICIPATION

None

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Tom Raymus thanked the board for the opportunity to respond to the Macomb County Prosecuting Attorney's report dated July 26, 2003. He responded as follows:

Verbatim

In October of 2000, I was contacted by Fran Gillett regarding a contract to hire a 5-person firm in 4-days. She had just received the information and had no opportunity to read it or seek legal advice. I read the contract and advised her to have it postponed for an opportunity to seek legal advise.

At the Board meeting, two working days later, Frank Gillett asked for a 30-day postponement. Mary Lou Daner made a motion to hire the entire firm with a five-year guarantee and super seniority and asked John Zoccola for a second, which he gave.

When I took office after January 1, 2001 I discovered that prior to their being hired, there had never been an RFP or audit for over 15 years.

There also had never been an RFP regarding the insurance agency for over 15 years.

The Board at the second meeting of 2001 dismissed the attorney firm and authorized an RFP for attorneys.

I contacted Dan Castle to request an audit to determine what we were receiving for our costs.

In the casualty insurance industry you cannot receive any information from an insurance company without an "Agent of Record" letter.

Dan Castle said he could complete the audit in 8 or 9 days with a bonafide Letter of Record. A "Letter of Record" can be rescinded at a moments notice.

Dan Castle prepared the letter, as it must be official to obtain the proper information.

Bo Kirk, was having laser eye surgery and I called him regarding his signature and asked his assistant to sign in his behalf and initial same.

I then went directly to Fran Gillett's office where Mary Lou Daner was sitting. I gave the letter to Fran and explained the 8 to 9 day audit at no charge to both.

Mr. Castle obtained the audit in the 8 days and we rescinded the Letter of Record as agreed. Mr. Castle still has the original audit.

I first met Dan Castle in approximately 1982 when I was Commander in the 1st Precinct

and

he was the insurance agency for several downtown buildings.

The TMR was a consulting business and the only other partner was Mark Mueller. I did not personally handle casualty insurance, but before I sold out to Mark, he did casualty business with Dan. The other company went out of business, by the way.

During the day-to-day operations the Commissioners have never made a decision, agreement or anything that could be interpreted as a violation of the open meetings act.

Speaking of that, how did two commissioners approve a 5-year multi-million dollar contract for 3 attorneys and 2 secretaries at a meeting 4 days after receiving 5 individual contracts 4 days before the meeting, all done with no legal or financial advice.

I asked the secretary of Hay & Comsa how they could defend Daner and Zoccola for 2-years through trial and appeal without compensation. She said they told her it was on a contingency.

That was statement number one. That covers the insurance part.

Nunneley Road. I believe the future road needs of the Road Commission of Macomb County were initiated under the direction of Carlo Santia. He was the County Highway Engineer of the Road Commission of Macomb County, with the assistance of several of his staff members. My understanding of Carlo's concerns were the fastest growing county in the state, not able to afford the 60/40 split and our dire need of paved roads. The gravel roads were not sufficient for the huge increase of traffic and were in constant need of maintenance. There is also a safety factor involved as to the present state law regarding a 55 mph speed limit on gravel roads.

I also understand that he formulated a presentation with the aid of his assistants and input from the Road Commission of Macomb County Finance Director, Michelle Miller, to provide a \$12 million 80/20 fund to provide for as many paved township roads as they could afford or until the \$12 million was depleted. The funding was in accordance with Act 51 as amended in 1983. Mr. Santia presented this plan and it was unanimously passed.

After Mr. Santia retired, I was contacted by Lou Mollicone, who was previously introduced to me by Mr. Santia. He informed me that John Carlo was working on Garfield near North Nunneley Road. He stated that John Carlo would pave Nunneley Road for less than estimated while his crew and equipment was nearby.

I relayed this information to Bob Hoepfner, acting County Highway Engineer for the Road Commission of Macomb County, who has 28 years experience with the Road Commission. Bob stated that there were funds in the 80/20 program and the original estimate for Nunneley Road paving was \$180,000. He left a message for Robert Cannon, Supervisor for Clinton Township, regarding the offer. Mr. Hoepfner received an affirmative reply on his

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voice mail.

It is also my understanding that the 80/20 program had funds to the sum of \$12 million. The paving and selections were made by the County Highway Engineer and his assistants.

I believe that Mr. Hoepfner, as acting County Highway Engineer, had the discretion and authority to approve the paving of Nunneley Road.

Mr. Hoepfner received an offer of \$97,000 and a commitment of 20% from the area residents – a savings of over \$80,000. I did not talk to anyone else regarding this matter because I believed that Mr. Hoepfner had the authority and discretion to make this road improvement decision within the \$12 million budget. Furthermore, everyone was aware of the Nunneley Road project before it started, as it was all over the Macomb Daily.

Mr. Santia was called and questioned regarding the procedure and authority, and it is my understanding that he agreed as to the action with his statement, "it's a win – win for everyone".

The project was temporarily suspended by the County Highway Engineer, Bob Hoepfner, until he received the 20% of funds from the area residents.

At this time, the Road Commission of Macomb County's current County Highway Engineer is Edwin Tatem. If funds are available in the 80/20 program, I contend that Mr. Tatem has the authority and discretion to make a professional engineering decision for the good of the public to add or delete from the road program.

It is my contention and position that the former Board of County Road Commissioners micro-managed each and every department including hiring and promotion decisions.

The present Board does not interfere with the daily operation, professional daily decisions or hiring and promotion practices. Mr. Robert Hoepfner could have been the permanent County Highway Engineer, but for his own personal reasons, he declined this position. Mr. Hoepfner is a brilliant engineer, loyal to the needs of the Road Commission of Macomb County, and as honest a man as I have ever met.

That covers both. Could I speak on one other. I just wanted to say for the benefit of all the commissioners. At this time I offer my sincerest apologies to the board of county commissioners regarding my actions without notifying your board. Please be assured my only motive was to assure the state auditors and citizens of Macomb County that we were protecting taxpayer monies by competitive bids and were in full compliance of state laws. In retrospect, I should have apprised the Macomb County Board of Commissioners of my concerns and proposed actions. In the future I will notify the Board of Commissioners of any such concerns and proposed actions to rectify those concerns. I can honestly swear my intentions were not for personal gratification or personal gain. Again, I sincerely offer my apologies for any inconvenience or embarrassment to the Honorable Macomb County Officials. Thank you for allowing me those statements.

After the responses of Road Commissioner Tom Raymus, a lengthy question and answer session occurred.

A **MOTION** was made by Commissioner Szczepanski to authorize the Board chairperson to schedule a special meeting of the Board of Commissioners, for the purpose of conducting a public hearing to 1) hear the charges and supporting evidence against Mr. Thomas Raymus, of the Macomb County Board of Commissioners; 2) allow Mr. Raymus an opportunity to respond and be heard on the charges; and 3) take a vote on whether to remove Mr. Thomas Raymus from the Macomb County Board of Road Commissioners and declare a vacancy on said Board, if Mr. Thomas Raymus is removed, supported by Commissioner Sessa.

(Chair White indicated that Commissioner Szczepanski must articulate the charges for the record)

1. That Thomas Raymus violated the public trust and confidence reposed in him in that he coerced a Road commission employee to falsify the signature of her superior on Road Commission letterhead.
2. That Commissioner Thomas Raymus violated the public trust and confidence reposed in him by making a decision to appoint an agency, that employed his business partner as a contract insurance agent, to be Agent of Record for insurance companies servicing the Road Commission.
3. That Commissioner Thomas Raymus has violated the public trust and confidence reposed in him by taking the above action without Board of Road Commissioners approval and without notifying all Road Commissioners of this action.
4. That Commissioner Thomas Raymus has violated the public trust and confidence reposed in him by arranging for a meeting between an insurance agency, employing his business partner as a contract agent, and the Personnel Director of the Road Commission for the purpose of appointing said insurance agency, as Agent of Record for insurance companies servicing the Road Commission.
5. That Commissioner Thomas Raymus instructed a Road Commission employee to secrecy about sending a letter appointing as insurance agency, that employed his business partner as a contract insurance agent, as Agent of Record for insurance companies servicing the Road Commission.
6. That Commissioner Thomas Raymus violated the public trust and confidence reposed in him by instructing a Road Commission employee not to send a letter authorizing the insurance agency employing his business partner as a contract insurance agent, to perform an insurance audit for the Road Commission, but,

instead, to appoint the said agency as the Agent of Record for insurance companies servicing the Road Commission.

7. That Thomas Raymus violated the public trust and confidence reposed in him by instructing the Road Commission staff to write a letter stating;

“The decision to change agencies is based on our strong working relationship with Ponta, Castle, and Ingram Agency.”

In fact, said agency had never had any working relationship whatsoever with the Road Commission.

8. That Commissioner Thomas Raymus has violated the public trust and confidence reposed in him by taking the above actions for the purpose of directing future commissions from Road Commission insurance policies to an insurance agency that employed his business partner as a contract insurance agent.
9. That Commissioner Thomas Raymus has violated the public trust and confidence reposed in him by not informing pertinent Road Commission employees and all Road Commissioners that the insurance agency appointed as Agent of Record for insurance companies servicing the Road Commission employed his business partner as a contract insurance agent.
10. That Thomas Raymus violated the public trust and confidence reposed in him by divesting himself from the said partnership only after the insurance agency employing his business partner was appointed Agent of Record for insurance companies servicing the Road Commission.
11. That Thomas Raymus violated the public trust and confidence reposed in him by expending funds from the Michigan Transportation Fund for a road project, North Nunneley Road, that he alone approved, and was not approved by the Board of Road Commissioners at a public meeting.
12. That Thomas Raymus violated the public trust and confidence reposed in him by expending public monies on a project, North Nunneley Road, that did not have the participation approval from the Clinton Township Board of Trustees.
13. That Thomas Raymus violated the public trust and confidence reposed in him by violating the Board of County Road Commission of Macomb County Policy Manual, which requires 90% of the bid amount and inspection costs be paid prior to the award of the contract.
14. Thomas Raymus violated the public trust and confidence reposed in him by paving a road, North Nunneley Road, with no prior approval, no township participation, no

bid process, and no contracts approved and signed.

- 15. Mr. Thomas Raymus violated the public trust and confidence reposed in him by violating state law which states "Money distributed from the Michigan transportation fund may be expended for construction purposes on county local roads only to the extent matched by money from other sources."

The discussion continued.

A **SUBSTITUTE MOTION** was made by Commissioner Doherty to have chair schedule a meeting of the full board with the intent to address specific charges related to the information presented, supported by Commissioner Szczepanski.

CALL FOR THE QUESTION to end debate was made by Commissioner DiMaria, supported by Commissioner Brown.

ROLL CALL VOTE TO END DEBATE

	YES	NO
BRANDENBURG		X
BROWN		X
DESAELE	X	
DIMARIA	X	
DOHERTY	X	
FLYNN		X
FRASCHETTI	X	
HAGGERTY		X
HILL		X
KENNARD		X
KOLAKOWSKI		X
KRAMER		X
LIBERATO		X
LUND		X
MIJAC	X	
PERNA		X
RENGERT		X
REVOIR	X	
ROCCA		X
SAUGER		X
SESSA	X	
SLINDE		X
SZCZEPANSKI	X	
VOSBURG		X
WALSH		X
WHITE	X	

TOTAL 9 17

NOT 2/3's VOTE, THE DEBATE CONTINUED.

ROLL CALL VOTE ON SUBSTITUE MOTION

	YES	NO
BRANDENBURG	X	
BROWN		X
DESAELE	X	
DIMARIA	X	
DOHERTY	X	
FLYNN		X
FRASCHETTI	X	
HAGGERTY		X
HILL		X
KENNARD		X
KOLAKOWSKI	X	
KRAMER	X	
LIBERATO		X
LUND		X
MIJAC	X	
PERNA		X
RENGERT		X
REVOIR	X	
ROCCA		X
SAUGER		X
SESSA	X	
SLINDE		X
SZCZEPANSKI	X	
VOSBURG		X
WALSH	X	
WHITE	X	
TOTAL	13	13

THE SUBSTITUE MOTION FAILED.

A **MOTION** was made by Commissioner Perna to end this inquiry with a letter of censure to be sent out against Thomas Raymus, supported by Commissioner Lund.

A **FRIENDLY AMENDMENT** was made by Commissioner Kennard to add the language: *for not adhering to Road Commission policy; violation would be cause for removal.* Supported by Commissioner Slinde. Commissioner Perna **accepted** the **FRIENDLY AMENDMENT.**

ROLL CALL VOTE ON MOTION AS AMENDED

	YES	NO
BRANDENBURG		X
BROWN	X	
DESAELE		X
DIMARIA		X
DOHERTY		X
FLYNN	X	
FRASCHETTI		X
HAGGERTY	X	
HILL	X	
KENNARD	X	
KOLAKOWSKI		X
KRAMER		X
LIBERATO	X	
LUND	X	
MIJAC		X
PERNA	X	
RENGERT		X
REVOIR		X
ROCCA	X	
SAUGER		X
SESSA		X
SLINDE	X	
SZCZEPANSKI		X
VOSBURG		X
WALSH		X
WHITE		X
TOTAL	11	15

THE MOTION FAILED.

A **MOTION TO ADJOURN** was made by Commissioner Hill, supported by Commissioner Liberato.

ROLL CALL VOTE ON MOTION TO ADJOURN

	YES	NO
BRANDENBURG	X	
BROWN	X	
DESAELE		X
DIMARIA		X
DOHERTY		
FLYNN	X	
FRASCHETTI		X

Register to Remove Trial Watermark!!

MACOMB COUNTY BOARD OF COMMISSIONERS - SPECIAL FULL BOARD - September 11, 2003

PURPOSE OF MEETING: Response of Road Commissioner Tom Raymus to Macomb County Prosecuting Attorney's Report of July 26, 2003

HAGGERTY	X		
HILL	X		
KENNARD	X		
KOLAKOWSKI		X	
KRAMER		X	
LIBERATO	X		
LUND		X	
MIJAC		X	
PERNA	X		
RENGERT	X		
REVOIR		X	
ROCCA	X		
SAUGER	X		
SESSA			
SLINDE	X		
SZCZEPANSKI		X	
VOSBURG	X		
WALSH	X		
WHITE	X		
TOTAL	15	9	

THE MOTION TO ADJOURN PASSED.

Chair White adjourned the meeting at 2:35 p.m., until the call of the Chair.

Nancy M. White, Chair
Todd Schmitz, Deputy Clerk