

Tuesday, October 1, 2019

From: Robert D. Spencer **RDS**
709 N.W. Torch Lake Drive
Kewadin, MI 49648

To: Torch Lake Township Board Members
Alan Martel, Supervisor
Kathy Windiate, Clerk
Sharon Schultz, Treasurer
Bill Petersen, Trustee
Bob Cook, Trustee

Re: Incident Report: Date of Occurrence: Monday, September 23, 2019 at roughly 2:10 PM

Dear Board Members:

Kathy Windiate, Alan Martel and I, members of the Township Board's Sunshine law advisory committee, met for the second time at approximately 1:15 PM on Monday, Sept. 23, 2019 to continue our review and discussions. Our initial meeting was held on Sept. 9, 2019.

At our Sept. 23rd committee meeting, we reviewed results from the committee's Sept. 9th meeting and reported on new information and thoughts. We also discussed tasks yet to be dealt with by the committee. It was agreed that a procedural checklist for processing FOIA (et al) requests would be helpful in shoring up Township Sunshine Law response procedures. We agreed that making sure the Township's policies are based upon content of current State statutes is important. Having Township legal counsel review current State statutes and Township policies was also suggested. Shortly after 2:00 PM, we ended the committee meeting after scheduling the next one at 1:00 PM on Oct. 7th. We all remained in the room.

Kathy then mentioned to me that she would be replying to a FOIA request I had made on Sept. 10th, telling me that I would receive her responses before Sept 25th.

That prompted me to raise the matter of my request for e-mail addresses of Township officials. So, I then asked Alan if he was going to provide me with the Township's response to my request for e-mail addresses used by Township's officials for doing the public's business. [Note: On Sept. 3rd, Alan had told me that he'd provide me this information on Sept. 9th, telling me he needed to talk to Todd Millar before he responded to me. On Sept 9th when I asked Alan about this, he told me, again, that he hadn't yet connected with Todd Millar and that he would need more time in order to respond to my request, but would try to let me know on Sept. 23rd] So, at this meeting (Sept. 23rd), I again asked Alan if he was going to provide me with the Township's response to my FOIA request. Once again, Alan told me that he hadn't yet talked to Todd Millar and needed more time to do so.

I reminded Alan that his Sept 23rd response was the same that he had given me on both Sept. 3rd and on Sept. 9th. I also reminded him that, in my Sept 19th e-mail message to Kathy and him, I had suggested some easy ways for the Township to respond to my request for e-mail addresses that avoided any technical problems alluded to in Kathy's e-mail. I then began to read from my Sept 19th e-mail message.

At that point, Alan changed the direction of the discussion by saying to both of us that, if he followed current Township e-mail policy, he would have to fire someone who did not use their assigned Township e-mail address, saying that he wasn't going to do that. I told him I had no interest in anyone being fired; rather, that I was simply interested in assuring that the public had access to e-mail addresses being used by the Township's public officials. At that point, Alan said that I could go ahead and take the Township to court, saying that, at this point, he didn't care if I did. I reminded him that I was not interested in taking the Township to court, only in getting access to the information requested.

Then, Alan asked for clarification about which e-mail list I wanted: the list showing the e-mail addresses assigned by the Township; or, the list showing the e-mail addresses that individuals were actually using. I responded that I was not aware of different e-mail address lists and that I was seeking the e-mail addresses actually being used by Township officials in fulfilling their public responsibilities. [Note: This information had previously been provided to Alan on several prior occasions]

By now, Alan's demeanor had changed, in my opinion. To me, he appeared agitated.

Alan then stood up and picked up the papers in front of him while uttering several comments under his breath, for example "... I'm not doing this ..." (I do not recall the exact words he used). He then stepped toward Kathy's chair at the end of the conference table, stopping before he got to her chair. By this time he was shaking and, to me, appeared visibly upset. Then he wadded up a piece of paper and threw it, forcefully, on the table. Next, in a loud voice, he exclaimed "GOD DAMN IT" and forcefully pounded the tabletop with the side of his fist, resulting in a loud "thump." He then quickly left the conference room, saying nothing more to either Kathy or me as he exited the room. I did not feel threatened during Alan's actions; I was just very surprised at his loss of emotional control. In my estimation, this whole incident lasted less than a minute.

Alan's emotional response to whatever real or imagined provocation(s) sparked his unfortunate outburst, was quite surprising to me. At the time this occurred, the three of us in the room were having a discussion in normal conversational tones. No argument; no yelling; no emotion. Personally, I have never observed Alan become so angry, so quickly. It was an unfortunate occurrence, to say the least.

Since this incident occurred, I have neither heard from Alan nor have I attempted to contact him. However, I am concerned for his well-being.

After this incident, I took some time to think about whether or not to bring it to your attention. Upon reflection, I decided that members of the Township Board should be informed about these kinds of behaviors when exhibited by a Township official. I do not know whether or not Alan has exhibited similar behaviors in the past. Hopefully not.

Please feel free to contact me, should you have any questions.

Sincerely,

Bob Spencer

Phone: (231) 264-6566
E-mail: bspencer@torchlake.com