

Michigan House Oversight Committee

C/o: Chairman Johnson,

Please consider questioning former MDHHS Director, Attorney Robert Gordon, about if his sudden resignation with that sweet severance package is related to what appears to be repeated contradiction of the law (PA 177 of 2019 and the Open Meetings Act) as he presided over the first public meeting of the MI Suicide Prevention Commission on May 15, 2020.

- On May 15, 2020, Robert Gordon called the first public meeting of the MI Suicide Prevention Commission to order at 11:00 a.m. as required by PA 177 of 2019.
- According to PA 177; (7) The director of the department shall call the first meeting of the commission. At the first meeting, the commission shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. (9) The business that the commission may perform must be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- According to the minutes of May 15, 2020 (attached), the Commission "did not" elect a Chairperson at the first meeting and they still "have not" legitimately elected a Chairperson by majority vote at a public meeting under the OMA as required.
- Consequently, the current Director of MDHHS is technically still the Presiding Officer of the Commission who is required by PA 177 to, at some point, entertain a motion to elect one (1) of the two (2) member that were officially nominated to be the legitimate Chairperson of the Commission.
- Also at the May 2020 meeting;
- There is "no business or action items" on the agenda, discussion only (they still do this and they have never voted to approve an agenda).
- There was no "public comment" at the first meeting, the meeting notices "were not" properly posted, and therefore constitutes violates of the OMA.
- Concerning agenda item - IX (b.) Action Item Recap-Commission members will identify which subcommittee they would like to participate in. [and] Commission members will complete the elections online. They do this at every meeting. These are the decisions the Commission agreed to at the meeting (by consensus) with a process called "Facilitated Dialogue" which bypasses the required voting to effectively deny the members their legal right and obligation to vote.
- The Commission "did not" approve any of the final drafts of any of their reports because MDHHS edited them after the meetings. It was testified at a meeting that most of the work had already been completed before the law establishing the Commission was approved and the Sept. 2020 initial report "was not" voted on at all.
- The Commission voted to stop all public comment and attendance at all Committee meetings in direct contradiction to their Bylaws because the members "were not" provided with the required 14 day

notice of the actual language of the propose amendments to the Bylaws. (Jan. 2020) They started with discussion and negotiated the motion before voting, again.

- The Commission always starts agenda items (except minutes and adjournment) with discussion instead of the required motion/second to establish an "immediately pending question" to confuse the members so they won't know what they're going to be voting on next.
- The NACCHO's 2018 training on "Facilitated Dialogue" that's used by MDHHS at Michigan's Health Departments, appears to contradict provisions of PA 177 of 2019, the Bylaws of the Commission, and the ethical standards of the State of Michigan's employees who are forbidden to state personal opinions and then represent them as the opinions of the State.
- The Commission has essentially amended PA 177 of 2019 by changing its language before approving a statement currently contained in their Bylaws.
- PA 177 of 2019; "(9) The business that the commission may perform must be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275."

Current Bylaws; "The duties charged to the Commission by the Act must be conducted at a public meeting of the Commission held in compliance with the open meetings act (1976 PA 267, MCL 15.261 to 15.275) and therefore, open to public attendance"

- This is why the Department says the Commission's Committees "do not" have to comply with the OMA, which directly contradicts MI Attorney General Opinion #7000 (attached).
- This and more all happened while Attorney Robert Gordon was the Director of MDHHS and I believe it was in no small way part of the reason for his sudden departure .

Thank you, James Gallant, Marquette County Suicide Prevention Coalition

< mqtsuicidepreventioncoalition@gmail.com > (906) 360-7347