



# MINUTES

## SPECIAL MEETING OF THE BOARD OF ETHICS

Wednesday, September 17, 2025

6:30 PM

Village Hall – 21 East Church Street, Lake Orion, MI 48362

(248) 693-8391 ext. 102

### 1. Call to Order

The September 17, 2025, Board of Ethics Special meeting was called to order by Chairperson Mogill at 6:31 PM.

### 2. Roll Call and Determination of Quorum

#### PRESENT

Chair Kenneth Mogill

Board Member Lisa Flynn

Board Member Chad Scribner

#### STAFF PRESENT

Clerk/Treasurer Sonja Stout

Village Manager Darwin McClary

Village Attorney Mary Kucharek

Police Chief Mark Amundson

### 3. Approval of Agenda

**MOTION** made by Board Member Flynn, Seconded by Board Member Scribner to approve the agenda as presented.

**VOTING YEA:** Mogill, Flynn, Scribner

**VOTING NAY:** None

**MOTION:** Carried

### 4. Approval of Minutes

#### A. Approval of Board of Ethics Organizational Meeting Minutes of June 25, 2025

**MOTION** made by Board Member Flynn, seconded by Board Member Scribner, to approve the minutes of the June 25, 2025, Board of Ethics meeting, with the following amendment: under

Section B, *Board Member Introduction*, revise the reference to Board Member Mogill from “serves as Chair” to “served as past Chair.”

**VOTING YEA:** Mogill, Flynn, Scribner

**VOTING NAY:** None

**MOTION:** Carried

## **5. Public Comments on Non-Agenda Items Only**

None.

## **6. Unfinished Business**

## **7. New Business**

### **A. Board of Ethics: Legal Framework and Procedures**

Village Attorney Kucharek provided an overview of the formation of the Board of Ethics and recommended reviewing the City of Birmingham’s Board of Ethics webpage as a model, noting their board has been in place for over 20 years. She shared her professional background and distributed printed handbooks containing information on the Michigan Open Meetings Act (OMA) and the Freedom of Information Act (FOIA). She noted that the Board of Ethics would meet only as needed, specifically when cases are to be heard.

### **B. Review and Adoption of Board of Ethics Procedural Rules and Forms**

The board agreed to review the procedural rules page by page, with opportunities for questions and clarification.

Discussion arose regarding Chapter 2 – Advisory Opinions. Village Attorney Kucharek outlined the process: the Clerk receives a request, emails the board to coordinate a hearing date, and schedules a public hearing. She emphasized that board members should respond only to the Clerk individually to avoid OMA violations. The Clerk will confirm details with the Attorney. Meetings do not need to be held in the evening and can be scheduled based on board availability. After the public hearing, the board may deliberate and vote on the opinion. She recommended that members take turns drafting advisory opinions to ensure balanced participation and referenced examples from the City of Birmingham. She also encouraged the appointment of alternates, who would attend all meetings.

Regarding Chapter 3 – Procedures for Resolving Complaints, she explained that complaints must cite specific ordinance sections and be submitted via a designated form. Upon receipt, the Clerk will email the complaint to the board and schedule a public hearing. She reiterated that all deliberations must occur in public to comply with the OMA. The Clerk serves as the liaison between the board and the complainant. The Attorney's role is to ensure the board follows proper procedures and may provide legal guidance upon request.

In response to a question from Board Member Flynn, the Attorney confirmed that the Clerk may send the advisory or complaint forms to board members. She also recommended rotating the chairperson role annually. Lastly, she reminded the board that its purpose is to determine

whether a violation of the ethics ordinance has occurred, noting that the ordinance sets the minimum ethical standard.

Board Member Scribner inquired about Rule 202 – Dismissal. Village Attorney Kucharek explained that the Clerk may only dismiss a complaint under Rule 101, such as when a complaint is not submitted on the appropriate form or if it is a previously dismissed matter. A valid complaint must allege a violation of the ethics policy. She noted that dismissals are rare.

Board Member Scribner also asked for clarification on Rules 203, 303, and 403. The Attorney explained that individual board members may contact the Clerk directly, and the Clerk may respond individually and include the Attorney if needed. The Clerk is not bound by Open Meetings Act (OMA) requirements.

Chairperson Mogill suggested amending the language in Rules 203, 303, and 403 to state “board or individual member may request” for improved clarity.

Chairperson Mogill also raised a question regarding Rule 319, specifically whether its application should be discretionary and how consistency would be maintained. The Attorney recommended allowing the board to handle several cases first and consider amendments later, if needed. The board agreed.

Regarding Rule 401, a clarification was requested to add “or individual person” to the first sentence and to replace the word “commission” with “council.”

On the Ethics Incident/Complaint Form, the following changes were proposed:

- Add “Unless dismissed, pursuant to Rule 302,” to the beginning of the second sentence in paragraph one.
- Change “the Clerk will set a hearing for” to “the Clerk will schedule a hearing date for.”

**MOTION** made by Board Member Flynn, seconded by Board Member Scribner to approve and adopt the Village of Lake Orion Board of Ethics Procedural Rules and Complaint and Incident form as discussed and amended.

**VOTING YEA:** Mogill, Flynn, Scribner

**VOTING NAY:** None

**MOTION:** Carried

Village Attorney Kucharek asked the board to consider scheduling their next meeting, noting that meetings are only required when there are cases to review. The board discussed the possibility of offering ethics training to other boards. Village Attorney Kucharek expressed interest in reviewing any training materials in advance to ensure they align with ethical guidelines and recommended holding a joint training session at a future meeting. The board requested that the Village Attorney provide additional training materials for potential review at the October 2025 meeting.

## 8. Public Comment

None.

**9. Closed Session**

Remove this section from upcoming agendas.

**10. Business from Closed Session**

Remove this section from upcoming agendas.

**11. Adjournment**

**MOTION** made by Board Member Flynn, Seconded by Board Member Scribner to adjourn the Wednesday, September 17, 2025 Board of Ethics special meeting.

**VOTING YEA:** Mogill, Flynn, Scribner

**VOTING NAY:** None

**MOTION:** Carried

The Wednesday, September 17, 2025 Board of Ethics special meeting adjourned at 7:47 PM.

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Ken Mogill  
Chair

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Sonja Stout  
Clerk/Treasurer

Approved: as presented December 3, 2025.