

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LEELANAU

JOHN H. MAXWELL, INDIVIDUALLY,

AND

GREG MIELCZAREK, INDIVIDUALLY,

Plaintiffs,

vs.

Case No. 26-
HON. -

STEVEN D. SCALES, Individually

Defendant.

LAWRENCE J. ACKER (P28123) Attorney for Plaintiffs 203 North Main Street, Suite 3 Leland, MI 49654 <i>and</i> P.O. Box 892 Traverse City, MI 49685 231.421.2392 E: L.Acker@AckerPC.com	
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COMPLAINT

Filed together with JURY DEMAND

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the Complaint between these parties.
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_____ Lawrence J. Acker (P28123)

NOW COME Plaintiffs herein, JOHN MAXWELL and GREG MIELCZAREK Individually and
as Citizens of Leland, Michigan, by and through their Counsel and for their Complaint against
the Defendant, state as follows:

SYNOPSIS OF THE CASE

This Litigation brings to the attention of this Circuit Court actions under both the Michigan Open Meetings Act (MCL 15.261 et seq; Act 267 of 1976) and the Michigan Planning Enabling Act (MCL 125.3801 et seq, Act 33 of 2008). This Litigation is filed against, and demands response from, a Leland Township Board Member who has been engaged in Open Meetings Act violations, Undue Influence, and violations of the Michigan Planning Enabling Act.

This is an action for Individual Intentional Misconduct by Defendant Steven Scales, a Leelanau County resident, acting under color of his official position but exceeding the bounds of lawful authority, criminal in nature under the Michigan Open Meetings Act (MCL 15.272 & MCL 15.273) establishing a violation as a State of Michigan misdemeanor and statutorily prohibited under the Michigan Planning Enabling Act (MCL 125.3815).

JURISDICTION AND VENUE

1. Plaintiff John Maxwell is a resident of Leland Township, and a Resident of Leelanau County.
2. Plaintiff Greg Mielczarek is a resident of Leland Township and a resident of Leelanau County.
3. Defendant Steven Scales is currently a sitting Leland Township Trustee, serving as an elected public official.
4. Defendant Scales' recent divorce proceedings may require him to re-confirm a residential location in Leland Township, a statutory requirement to maintain his status as a Trustee under MCL 168.342, MCL 168.10, and MCL 168.11(1).

5. MCL 168.11(1) confirms that establishing residence and continued service as a Trustee requires proof that a Trustee is established in a township location where the individual habitually sleeps, keeps his personal belongings, and is lodged. Moving out of the residence where the Trustee resided and establishing residence in a location outside Leland Township requires that the elected official be forced to vacate the seat.

6. This claim is lodged against Defendant Scales for his individual misconduct and is not designed to be a Complaint against the Leland Township Board, nor a Complaint against any other Member(s) of the Leland Township Board of Trustees, although their names will also be identified.

7. Further action against other Board Members may be necessitated after discovery is underway.

8. By virtue of the jurisdiction afforded by the Open Meetings Act and the Planning Enabling Act this matter is within the jurisdiction of this Circuit Court.

9. Injunctive relief is requested.

10. Damages will include actual and exemplary damages, costs and attorney fees (MCL 15.273).

11. A jury is being requested for those sections of the damages and penalty portions attributed to the Open Meetings Act (MCL 15.272 & MCL 15.273), to the extent a jury trial right attaches to such claims.

12. Jurisdiction and venue are proper in this County pursuant to MCL 600.1615 and MCL 600.1629(1)(a).

13. The amount in controversy, exclusive of interest and attorney fees, exceeds \$25,000 and/or is otherwise within the jurisdiction of this Circuit Court pursuant to MCL 600.605, the Michigan Open Meetings Act (MCL 15.273), and the Michigan Planning Enabling Act.

FACTUAL SUMMARY

I. HISTORY OF MISCONDUCT INVOLVING DEFENDANT SCALES AND A FELLOW TRUSTEE RELATED TO CULTURAL DISTRICT OVERLAY APPLICATION

14. As a Member of the Township Board of Trustees, Defendant Scales was assigned a seat on the Leland Township Planning Commission as the Township Board Representative to the Township Planning Commission.

15. After Defendant Scales was elected and sworn in as a Trustee, a seat on the Township Board became vacant. Leland Township Supervisor Clint Mitchell nominated Greg Kuntz to fill that vacancy.

16. At the time Mr. Kuntz was nominated by Supervisor Mitchell to fill the Township Board seat vacated by a duly elected Trustee, he had never run for office, had not been vetted by the voters, and his qualifications were not part of any open record.

17. At the time he was nominated to fill the vacancy, Mr. Kuntz had already publicly stated his vocal and strident objections to the Cultural District Overlay (“CDO”) application then before the Planning Commission concerning the cultural activities of the Old Art Building, the Leland Township Library, and the Leland Historical Museum.

18. The Kuntz appointment resulted in adverse consequences to the CDO applicants:

(a) Mr. Kuntz was an ardent opponent to the CDO application;

(b) once the Planning Commission's decision on the CDO action returned to the Board for final approval, the Board of Trustees would lose a vote through Kuntz required recusal; and

(c) Mr. Kuntz and Defendant Scales were close allies on the Board and, as described below, communicated privately concerning the CDO application, then pending before the Planning Commission.

19. During the balance of the CDO process, between early 2025 and January 2026, Defendant Scales communicated frequently with Mr. Kuntz and became, in effect, a sponsor of Kuntz's objections to the CDO.

20. By way of example, Defendant Scales sent email communications to Mr. Kuntz asking Kuntz to supply additional support in opposition to the CDO so that Scales could argue Kuntz's objection more forcefully.

21. Email proofs establish this relationship. July 8, 2025 at 11:22 AM from stevescales7@gmail.com to GKuntz@milleniumresources.com. Defendant Scales shares messaging from the Old Art Building to Mr. Kuntz urging Kuntz to gather more support for his opposition. The reply from Mr. Kuntz describes to Defendant Scales the Kuntz arguments against the merits of the CDO. These emails were **not** shared with the public nor with the Planning Commission membership contemporaneously.

22. Defendant Scales did not disclose to the other Planning Commission members that he was actively supporting Mr. Kuntz' position, despite Kuntz's recusal, and soliciting additional information to advance Kuntz's objections.

23. Defendant Scales also did not disclose to the Board as a group that he was coordinating the Kuntz objections to the CDO Application by non-disclosed consultations with Kuntz, using his position on the Planning Commission to the disadvantage of the Applicants.

24. Defendant Scales and Mr. Kuntz did not, collectively nor individually, disclose to the Public, the Board as a whole, or the Applicants, that Defendant Scales was engaged in improper Open Meetings Act activities with his fellow Trustee and that he was attempting to influence the Planning Commission, and ultimately the Board, in support of property use restrictions Kuntz was seeking. These serial, sub-quorum communications were a means of deliberating toward decisions of the Planning Commission and of the Board outside of open meetings; Michigan law prohibits the use of sub-quorum communications to accomplish what the Open Meetings Act forbids. *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211, 222-223; 507 NW2d 422 (1993).

25. Additionally, Defendant Scales suggested, and ultimately implemented with the assistance of supervisor Mitchell, zoning restrictions, and regulations on use of the CDO properties that are **not** part of the zoning code. This included restrictions on food trucks, music, outdoor events, music levels, hours for musical presentations, and potential rental usage of the building facilities.

26. Arguably, the only beneficiary of these newly minted zoning restrictions was Mr. Kuntz.

27. In addition to the violation of the Open Meetings Act, the communications between Mr. Kuntz and Defendant Scales violated the Michigan Planning Enabling Act because this information was not then identified as having resulted from private

conversations to which other Planning Commission members had not been invited and in which they did not participate.

II. MISCONDUCT RE: APOLLO'S APPLICATION TO THE PLANNING COMMISSION

28. Commencing in approximately November of 2025, a Special Land Use Permit ("SLUP") application was presented to the Township Board and the Township Planning Commission, filed on behalf of a C1 Zoned property owner in the name of Apollos Inc. ("Applicant").

29. Prior to the application filing date, the Applicant had conducted and endorsed the operation of a non-commercial Youth for Christ chapter in its commercial lease space within the C1 commercial district at 110 N. Lake Street in Leland, MI.

30. Prior to the application filing date, the Applicant had been identified as a potential violator of applicable zoning requirements by the Zoning Administrator based on its use of the property without proper permitting and without having yet applied for a SLUP.

31. Nonetheless, the SLUP Applicant continued its use of the property for non-commercial purposes that had not been legally authorized.

32. During the period of time that this SLUP Application was before the Township Planning Commission, continuing from November 2025 through April 15, 2026, Defendant Scales held a seat on the Planning Commission as the Township Board Representative.

33. Defendant Scales aligned himself with the Applicant, allowed his independence to be co-opted by the Applicant, and Defendant Scales continued such actions unabated.

34. Other members of the Planning Commission did not receive disclosure from Defendant Scales that he was meeting with the Applicant's owner at private residences, local

food and drink establishments, and with Applicant's supporters, nor that he was aligned with the Applicant in seeking the objective of SLUP approval.

35. After the first public meeting of the Planning Commission on the Application, which occurred in November 2025, the Applicant's property owner spoke publicly about the SLUP request, as did the Applicant's retained attorney.

36. At Planning Commission meetings following the November 2025 meeting, neither the Applicant's property owner nor the Applicant's attorney spoke at public sessions.

37. They did not need to do so; Defendant Scales was carrying the burden of presenting the SLUP Application.

38. In February of 2026, at a scheduled Planning Commission meeting, attended by approximately 100-120 community members, Defendant Scales was challenged about inappropriate conduct and a by members of the community about Open Meetings Act violations.

39. Despite that caution, he made no public disclosure of his close ties to the Applicant, nor did Defendant Scales disclose to his fellow Planning Commission members that he had been meeting with the Applicant and was in support of the SLUP based upon information and encouragement received from the Applicant.

40. Despite that public caution, during the remainder of the February 2026 meeting, Defendant Scales engaged in the following conduct:

- (a) argued in favor of the SLUP Application;
- (b) voted to accept a "Report" from the Township Attorney which was properly criticized by community members because of:

- (1) attorney conflict of interest;
 - (2) poor quality legal briefing;
 - (3) a failure to present the accumulated Facts in a manner that described both “favorable” and “unfavorable” facts;
 - (4) deficient legal research and argument; and
 - (5) non-compliance with statutorily mandated findings of fact & record establishment;
- (c) voted to decide the SLUP application in the absence of a properly drafted and unbiased attorney opinion;
 - (d) voted to decide the SLUP application without honoring the Planning Commission requirements that the procedure required detailed and sequential findings of relevant facts; and
 - (e) failed to identify his conflict of interest and to recuse himself in accordance with the statutory requirements.

41. The Leland Township attorney, present at the hearing, did not contest or dispute his conflict of interest, did not support the legal quality and independence of his “Report”, did not provide any explanation to the public nor to the Planning Commission and did not otherwise make any public remarks.

42. Neither the Applicant nor the Applicant’s Attorney, both of whom were present, spoke to address any of these topics.

43. Defendant Scales provided sponsorship service to the Applicant making and sponsoring supportive comments and joining the 4-to-1 vote against retaining counsel from

an independent attorney and the 4-to-1 vote against securing the statutorily required findings of fact.¹

44. Following the conclusion of the February meeting, Defendant Scales was seen and overheard defending to the Applicant his inability to have obtained an affirmative vote in favor of the SLUP.

45. Following the conclusion of the February meeting, Defendant Scales convened at a Northport bar with supporters of the Applicant, sat with them, was cheered by them, was encouraged by them, and feted by them.

46. At a March 2026 meeting of the community for the Township Board annual meeting, Defendant Scales attempted to defend his obvious lack of independence from the SLUP Applicant and, instead, announced that he would continue his improper practices.

47. He was advised at that session by an attorney and local resident, that he should reconsider his position and communicate with the Attorney General's office to fully understand the content of the statutes which govern his position as a Board Member and his position as a member of the Planning Commission.

48. Defendant Scales did not modify his behavior.

49. As Planning Commission events continued on the SLUP, Defendant Scales' behavior became more obviously subject to undue influence.

50. At an April 15, 2026 Planning Commission session where the SLUP was presented for review, statutory findings of fact, and serial voting, Defendant Scales consistently cast the

¹ Defendant Scales stuck true to form and his conflicts even when the votes were of a "neutral" impact.

minority vote in the Commission's 4-to-1 decisions, and his vote uniformly favored the Applicant position, including on matters that were neutral in character and did not warrant an advocacy position.

III. RETRIBUTIVE AND PUNITIVE BEHAVIOR BY DEFENDANT SCALES FOLLOWING THE SLUP DENIAL BY THE PLANNING COMMISSION

A. Undue Influence: Report

51. Defendant Scales was aware of and as a Board Member approved the payment of attorney fees to the Township Attorney for the flawed work product rejected at the February Planning Commission session. The incomplete and conflicted "Report" of the Township attorney was deemed to be unusable and procedurally defective by the majority of the Planning Commission members.

52. The Township attorney who attended the February 2026 Planning Commission public meeting has been replaced by the Board.

53. Defendant Scales approved payment of attorney fees for the January-February 2026 work product of the attorney for the Report that had been deemed unusable and procedurally defective.

54. Time and billing records obtained by Freedom of Information Act ("FOIA") requests have identified the active role in the drafting of the defective Report by fellow Trustee and Supervisor Mitchell, who did not hold a seat on the Planning Commission and should not have been supervising the report to the Planning Commission. A reasonable inference of undue influence can be drawn from the billing records. Exhibit A.

55. Supervisor Mitchell's actions in supervising the defective Report were known by Defendant Scales and not communicated to other members of the Planning Commission.

56. Payment of the attorney fees for the defective Report was not disclosed to other Planning Commission members until months later.

57. The Board of Trustees, on a motion at a special session, approved replacement Counsel selected and proposed by the Chairman of the Planning Commission.

58. The activities of the Planning Commission continued through the Formal Hearing Process of the Application completed on April 15, 2026. Defendant Scales adhered to his sponsorship of the Application at that session.

B. As to improper law firm payments for non-usable work product and refusal to pay for attorney services authorized by the Board (see paragraph 54)

59. Subsequently, Defendant Scales sponsored and voted for an action by the Board of Trustees, in league with Supervisor Mitchell and Mr. Kuntz, to deny payment to the subsequent Law Firm that had produced detailed, statutorily compliant, non-conflicted, and cogent legal services and legal guidance to the Planning Commission.

C. As to improper, ill-conceived challenges to the Planning Commission Denial

60. Defendant Scales has recently attempted to call into question the term limits of Planning Commission Members Brian Fenlon and Chairperson Lee Cory.

61. FOIA records which include the January and February 2026 time records and billings from the discharged former Township Attorney disclose that Supervisor Mitchell was engaged in communications with the former township attorney when he was drafting his flawed and unaccepted Report.

62. There is a reasonable inference to be drawn from the billing entries, which the Board approved and paid, that Supervisor Mitchell was engaged in undue influence activity favoring the Applicant and had a role in drafting the flawed Report. Supervisor Mitchell held

no seat on the Planning Commission at the time of the February 2026 events. Supervisor Mitchell's repeated contacts with the attorney were not reported to the Planning Commission members at large by Defendant Scales or Mitchell himself.

63. Supervisor Mitchell's attorney contacts were not disclosed to the Planning Commission.

64. Defendant Scales was aware of Supervisor Mitchell's improper and non-disclosed contacts with the attorney while he was writing his February Report. When brought to the attention of the Public at Public Comment on June 8, 2026, neither Defendant Scales nor Mitchell denied the accuracy of the billing records nor the payment.

65. The activities described in paragraphs 54 and 61 – 64 are not authorized by, and are contrary to, the provisions of the Planning Enabling Act.

66. In the absence of Court action involving Defendant Scales, the Open Meetings Act Violations and Zoning Enabling Act Violations will continue unabated.

67. "Zoning Enabling Act" means the Michigan Zoning Enabling Act, MCL 125.3101 et seq., Act 110 of 2006.

D. As to the Outcome of Legal Filings Protective of the Chairman

68. Lee Cory serves as the Leland Township Planning Commission Chairman through and inclusive of December 2026. (Confirmed by Court Order dated July 24, 2026 signed by the Honorable Judge Charles M. Hamlyn in Leelanau County Circuit Court action # 26-11644-CZ.)

69. Defendant Scales and Supervisor Mitchell collaborated in an effort to remove Chairman Cory from service on the Planning Commission.

70. Their position was legally incorrect, retributive, and harassing.

71. The Township community was harmed by Defendant Scales' careless and vindictive actions.

72. When Supervisor Mitchell was challenged by a Circuit Court Writ of Mandamus request, Mitchell capitulated and the Court affirmed the Chairman's membership status through December 2026. Mitchell's Counsel stipulated to the proper interpretation of the Zoning Enabling Act, the three-year term for the Chairman that Mitchell had improperly challenged, and the Court signed an Order properly affirming the term through December 2026.

E. As to recent ZBA improprieties

73. Defendant Scales and Supervisor Mitchell have most recently coordinated an effort known as ZBA "stacking" — packing the Zoning Board of Appeals with predetermined and conflicted appointees — in violation of the Michigan Zoning Enabling Act and the Open Meetings Act.

74. Open seats on the Leland Township Zoning Board of Appeals ("ZBA") have been vacant for months.

75. At a "special" meeting convened on July 28, 2026 by the Township Board to address the vacant ZBA seats, Defendant Scales joined a plan devised by Supervisor Mitchell to avoid Public Comment, to avoid compliance with the Zoning Enabling Act, to overlook qualified applicants and to approve appointments for multiple conflicted candidates.

76. “Special” meetings for this purpose were convened and then cancelled because the chosen venues could not accommodate the more than 100 community members who wanted to attend these proceedings.

77. During Defendant Scales’ tenure on this Board, special meetings are frequently announced on the shortest time permissible under the law, without broad circulation, at inconvenient locations and inconvenient times. Defendant Scales is complicit in the intentional misconduct of scheduling meetings without adequate space, with limited notice, and incomplete agendas. The purpose of these acts is to avoid public comment, public attendance and public scrutiny.

78. These scheduling practices are intentional. They are designed to avoid public comment and public scrutiny of the gross misconduct attributable to Scales.

79. Most recently the July 28, 2026, meeting was conducted at the Leland Firehouse, with seating having to be provided, and with a makeshift communication system, and the room still did not accommodate all of the public community members who desired to attend. Many were left outside and unable to hear because of the flawed communication system. (The Leland School auditorium was available. Supervisor Mitchell continues a petty dispute with the School Board and opted for a less convenient, poorly equipped venue.) Conducting meetings at inadequate locations, on limited notice and without a proper sound system is a violation of the Open Meetings Act. At the special session on July 28, 2026, the sound system was so inadequate for the site that even the transcriptionist could not make an accurate record of the speakers’ content.

80. More importantly, at the July 28, 2026, meeting, the Township Board violated statutory procedures inclusive of the following ZBA requirements:

- (a) multiple applicants who were qualified and are appropriately residing in Leland Township were ignored and only mentioned in passing;
- (b) there is no evidence presented by the Board that some of these applicants were even acknowledged, reviewed, or considered;
- (c) the Board members approved at least one zoning board appointment where the candidate had been solicited and never completed an application;
- (d) the Board members approved another zoning board appointment of a candidate whose previously and publicly espoused viewpoints concern the very Planning Commission decisions now subject to ZBA review, including the SLUP Application;
- (e) one of the appointees has a financial interest in success of the SLUP Application; and
- (f) another has an ardent, publicly expressed, written conviction that the SLUP Application should be granted.

81. Defendant Scales did not recuse himself from voting on the ZBA nominees despite the facts described in this Complaint describing his sponsorship conflicted status as a Planning Commission member who withheld information from his fellow Planning Commission members while serving as a champion for the SLUP Application. Scales was obligated to recuse himself from voting for nominees who hold the same prejudiced and conflicted view of the SLUP Application proceedings in which Scales previously failed to recuse himself.

82. Under the direction of Supervisor Mitchell, and with vocal support from Defendant Scales, the nominees who were appointed have been the subject of a blatant Open Meetings Act violation in which Mitchell actually stated on the record that the Board members had previously met, reviewed the applications, reached their conclusion regarding which people they would sponsor as nominees, had agreed en-banc in non-public sessions, had actively recruited people for nominee status who had not filed applications, and had otherwise acted contrary to the Open Meetings Act statutory requirements in their zeal to appoint ZBA members who will vote in a manner consistent with Mitchell and Scales.

83. As stated previously, Defendant Scales did not recuse himself despite his previous misconduct at the Planning Commission level.

84. These Open Meetings Act violations were observed by more than 100 concerned community members and spectators, and at least 15 people who publicly opposed the process and the manner in which it was being conducted.

85. The Board provided no semblance of recognizable statutory compliance for disclosure of nominees, review of applications, fair voting and fair proceedings.

86. By these activities Defendant Scales individually engaged in repetitive Open Meetings Act violations, which coupled with his behavior at the Planning Commission, make it abundantly clear that he should be held personally liable for actual and exemplary damages, costs, and actual attorney fees under MCL 15.273, and enjoined from further violations under MCL 15.271.

F. Lack of education opportunity and leadership

87. This Leland Township Board intentionally allowed its membership in the Michigan Township Association (“MTA”) to lapse for non-payment of dues in October 2025.

88. Township Board members (Defendant Scales included) do not have ready access to MTA guidance, seminars, publications, and legal advice of MTA retained lawyers.

89. FOIA-obtained records describe Defendant Scales’ limited educational efforts after his election. They demonstrate a lack of training to serve in the public interest. They demonstrate disregard for the importance of public service.

COUNT I: OPEN MEETING ACT VIOLATIONS BY DEFENDANT SCALES

90. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

91. A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action. MCL 15.273(1).

92. At all relevant times, Defendant Scales was a member of the Leland Township Board of Trustees and of the Leland Township Planning Commission, each of which is a “public body” subject to the Open Meetings Act. MCL 15.262(a).

93. The Open Meetings Act requires that all meetings of a public body be open to the public and held in a place available to the general public, that all decisions of a public body be made at a meeting open to the public, and that all deliberations of a public body constituting a quorum of its members take place at a meeting open to the public. MCL 15.263(1)-(3).

94. A public body may not evade these requirements through serial, sub-quorum communications or private consensus-building designed to achieve the intercommunication of a full meeting while avoiding public scrutiny. *Booth Newspapers, Inc v Univ of Michigan Bd of Regents*, 444 Mich 211, 222-223; 507 NW2d 422 (1993).

95. Defendant Scales intentionally violated the Open Meeting Act by, among other things:

- (a) engaging in undisclosed private communications and deliberations with fellow Trustee Kuntz concerning the CDO application then pending before the Planning Commission (paragraphs 14 – 27);
- (b) engaging in undisclosed private meetings with the Applicant and its supporters concerning the pending SLUP Application (paragraphs 28 – 50);
- (c) participating in the non-public review, selection, and en-banc agreement upon ZBA nominees, as admitted on the record on July 28, 2026 (paragraphs 73 – 86); and
- (d) participating in meetings deliberately scheduled and sited so as to be unavailable to the general public (paragraphs 73 – 86).

96. Defendant Scales' violations were intentional: he was publicly cautioned about Open Meetings Act violations in February 2026 (paragraph 38), was advised in March 2026 to consult the Attorney General's office concerning his statutory obligations (paragraph 47), and nonetheless continued and expanded the conduct described in this Complaint.

97. The violations alleged herein occurred at and in connection with multiple separate meetings, and a separate action lies for each meeting at which an intentional violation occurred. MCL 15.273.

98. This action is timely as it is commenced within 180 days of the most recent violations alleged herein, as required by MCL 15.273(2).

99. A public official who intentionally violates the Open Meeting Act is guilty of a misdemeanor punishable by a fine of not more than \$1,000. MCL 15.272(1). These criminal provisions are cited to demonstrate the severity of Defendant Scales' statutory violations; Plaintiffs seek civil remedies under MCL 15.273.

100. A public official who is convicted of intentionally violating a provision of the Open Meeting Act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000, or imprisoned for not more than a year, or both. MCL 15.272(2).

101. An action for damages under MCL 15.273(1) may be joined with an action for injunctive or exemplary relief under section 11. MCL 15.273(3).

102. Plaintiffs request actual and exemplary damages, court costs, and actual attorney fees pursuant to MCL 15.273(1), together with injunctive relief compelling compliance with the Open Meetings Act and enjoining further noncompliance, pursuant to MCL 15.271(1).

COUNT II: MICHIGAN PLANNING ENABLING ACT VIOLATIONS BY DEFENDANT SCALES

103. MCL125.3821(2) provides that the business of the Planning Commission shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to MCL 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by the act (i.e Open Meetings Act). Plaintiffs reallege and incorporate by reference all preceding paragraphs.

104. MCL 125.3815(9) requires that, before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, a planning commission member shall disclose the potential conflict of interest to the planning commission, and provides that a member's failure to disclose a potential conflict of interest constitutes malfeasance in office.

105. Defendant Scales repeatedly participated and voted in Planning Commission proceedings on the CDO and SLUP Application matters without disclosing his conflicts of interest — including his undisclosed sponsorship of the Kuntz objections and his undisclosed alignment and private meetings with the SLUP Applicant — in violation of MCL 125.3815(9), constituting malfeasance in office.

106. Non-public meetings with Applicants, Applicant sponsors, and Applicant attorneys are prohibited and contrary to the Planning Commission member responsibilities.

107. The failure to disclose private sessions with Applicants in a timely and consistent manner to other Planning Commission members is a violation.

108. The failure to conduct Board business in a properly noticed public setting is a violation of the statutes that have been cited.

WHEREFORE, Plaintiffs request damages, injunctive relief, costs, and attorney fees for the Planning Enabling Act violations described herein.

COUNT III: DAMAGES

WHEREFORE, Plaintiffs reallege and incorporate by reference all preceding paragraphs and request monetary damages, injunctive relief, attorney fees for Plaintiffs, and costs before

a jury of Leelanau County citizens. Other relief will be available from the Court sitting in Equity under both of the cited statutes.

COUNT IV: INJUNCTIVE RELIEF

WHEREFORE, For the reasons described in the preceding paragraphs, Plaintiffs request injunctive relief under MCL 15.271(1), which authorizes any person to commence a civil action to compel compliance with, or to enjoin further noncompliance with, the Open Meetings Act, requiring Scales to publicly recognize his conflict of interest, refrain from any further action related to the Application DENIAL for the SLUP currently proceeding before the ZBA, and cease and desist from all conduct that violates the Michigan Open Meetings Act and the Michigan Planning Enabling Act, including but not limited to non-public deliberations with fellow board members and undisclosed communications with applicants or interested parties regarding matters pending before the Planning Commission, Township Board, or ZBA.

Plaintiffs will promptly request a public hearing for purposes of requesting preliminary injunctive relief against Defendant Scales, and a time and date set for jury consideration of the Damages requested in the preceding paragraphs.

Respectfully Submitted,

Date: August 6, 2026

By: _____
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