



CITY OF YPSILANTI
Board of Ethics MEETING
Monday, March 2, 2020 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197

Page

I. CALL TO ORDER

II. ROLL CALL

Steven Landstrom
Patricia Berry
Brian Geiringer
Beth Currans
Sally Lusk

III. AGENDA APPROVAL

IV. PUBLIC COMMENT (3 MINUTES)

V. RESOLUTIONS/MOTIONS/DISCUSSIONS

2 - 3

A. Review provided proofs as requested by Resolution No. 2019-001.
[Letter](#)
[Email](#)

4 - 9

B. Determine how to proceed with an Ethics Complaint regarding Mayor Bashert.
[City Attorney Memo](#)
[Complaint](#)

VI. PUBLIC COMMENT (3 MINUTES)

VII. ADJOURNMENT



DUNNING TOYOTA

3745 Jackson Rd. P.O. Box 1368
Ann Arbor, Michigan 48106-1368
(734) 997-7600 • Fax: (734) 997-9213
www.dunningtoyota.com

Ethics Commission
C/O City Clerk Andrew Hellenga
One South Huron
Ypsilanti, Mi 48197

February 25, 2020

Dear Andrew Hellegna,

Dunning Toyota is a family dealership that is proud of the quality and accomplishments of our employees. We celebrate them and support the community through many charitable donations and activities.

While we are proud of Beth Bashert as Mayor, we support the ethics of the city of Ypsilanti. As such, we have removed all mention of her being Mayor from our website, social media, emails, You Tube channel, and other marketing materials.

Dunning Toyota will not actively market her role as Mayor as an employee of our Dealership.



Julie Dunning
President

Andrew Hellenga

From: beth@dunningtoyota.com
Sent: Monday, February 24, 2020 4:32 PM
To: Andrew Hellenga
Subject: for Ethics Commission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Beth Bashert



Finance Manager

Phone: (734) 997-7600 | **Cell:** (734) 368-3573 **Fax:** (734) 661-0375

Dunning Toyota | 3745 Jackson Rd. Ann Arbor, MI 48103 [Map]

Email: beth@dunningtoyota.com | **Web:** www.dunningtoyota.com

Get Prequalified: <http://tinyurl.com/Bethapplynow>

My Site: <http://bashert.us/> |



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
Tel (734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com

John M. Barr
Karl A. Barr

Jesse O'Jack ~ Of Counsel
William F. Anhut ~ Of Counsel – Retired
Jennifer A. Healy ~ Legal Assistant

MEMORANDUM

To: Ypsilanti Ethics Commission
From: John M. Barr, Ypsilanti City Attorney
Date: 2/26/2020
Re: Ethics Violation

Mr. Isaac Levine filed an ethics complaint with this office under section 46-79 of the Ypsilanti City Code alleging unethical behavior on the part of Mayor Beth Bashert.

The complaint (copy attached) alleges unethical behavior in that Mayor Bashert used her position as Mayor to assist in the sale of vehicles at Dunning Toyota her employer. That she and her employer merged her position of Mayor and that of an employee for personal and private gain. The complaint also states that on October 28th 2019 Bashert was directed by the Board of Ethics to cease all marketing material using her city title within 30 days. That 30 days has elapsed and she has not complied with the Ethics Boards order.

Sec. 46-34 of the city code states the procedure for filing a complaint:

Filing of complaint. Any person may file a written, sworn, and signed complaint with the city attorney alleging a violation of ethics by any officer or employee of the city. The city attorney shall review the complaint as to proper form, determine whether the complaint falls under the scope of the board of ethics as defined throughout this article, determine whether the complaint alleges a prima facie case, and make a nonbinding recommendation to the board of ethics for action (e.g. order a hearing, forward to another agency for investigation, dismiss the case, etc.).

Mr. Levine submitted a letter to this office asking that it be seen as an ethics complaint pursuant to the above sited section of the city code. Although it does not comply with requirement of the Code to be under oath, it will be considered for purpose further inquiry.

Sec. 46-7 of the city code provides - Prohibited use of position or confidential information.

(a) No city of officer or employee shall make use of his public position, or any confidential information received through holding such public position, to obtain financial gain for himself, a member of his immediate family or an associated business or organization or entity.



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

February 26, 2020
Page 2

(b) This section shall not prevent any officer or employee from accepting their regular compensation.
(Ord. No. 818, § 12, 5-22-1995)

Breach of the public trust:

Does appearing in an advertisement for private business as Mayor constitute an official endorsement by the city? As I stated in an earlier memo, the question of using an official city title in advertising for a business is a difficult question. The ordinance does not give guidance in the situation. On the one hand, the use of the title is only descriptive, but on the other hand when the two distinct positions are blurred to the extent that an ordinary person would be unable to distinguish the two separate rolls, the result could give the impression of an official city endorsement where none was intended. It can difficult to say, but it is doubtful that the average citizen would consider it an official endorsement by the city.

In addition, I have requested that mayor Bashert respond to the allegation. Her response is included in this memo. Based on her statements I am of the opinion that this is no ethical violation.

Therefore, I am of the opinion that no further action be taken and the complaint be dismissed.

To: City Attorney John Barr
jbarr@johnbarrlawfirm.com
City Clerk Andrew Hellenga
ahellenga@cityofypsilanti.com

From: Isaac Levine
iclevine94@gmail.com

Dear Mr. Barr and Mr. Hellenga,

I'm following up on a report from Mlive by McKenna Rosş regarding Ypsi mayor Beth Bashert, who reportedly used her city title in correspondence with marketing materials for Dunning Toyota where she works. In lieu of an investigation and hearing, Bashert was directed by the Board of Ethics to cease all marketing materials using her city title within 30 days of October 28th 2019 when the Board of Ethics meeting was held. It is now February 17th 2020, well beyond the 30-day period, and mayor Bashert's Dunning Toyota ad in which she uses her official title as mayor, is still publicly available and searchable on Facebook. I have found as many as 4 posts on Dunning Toyota's Facebook page that reference mayor Bashert's city title in correspondence to her sales role.

The mayor's initial decision to create ads using her official title as well as her poor compliance with the Board of Ethic's instruction casts serious doubt on her overall judgement and ability to understand the seriousness of these actions. As one person responding to the Mlive article on Facebook wrote, "There is a video where Beth Bashert literally talks about how she's the mayor of Ypsi posted on the Dunning Toyota YouTube channel. This leads me to two possible conclusions, that Bashert knew this would be an issue and didn't care until someone raised a complaint or that Bashert never imagined this would be an issue. Both conclusions say the same thing though, Bashert isn't a good mayor."

I submit the attached photos showing mayor Bashert's title used in a Dunning Toyota Facebook post, as well as a Dunning Toyota video advertisement with mayor Bashert speaking about her official title and her job making money off of car sales." Both files show that the date is 2/15/2020, the video verifies this date by showing the CBS News channel covering a story about the Coronavirus. I submit these requesting the Ethics Commission open an investigation and hold a hearing to determine whether mayor made ethical violation(s) as laid out in our Code of Ordinances. As stated in the original complaint by Sam Jones-Darling, I submit this letter and files as an ethics complaint pursuant to Sec. 46-39 of the City Code of Ordinances noting that I believe Ms. Bashert has breached her ethical obligations as outlined in Sec. 46-79 of the City Code of Ordinance by engaging in behavior that: 1. uses her public position with the City of Ypsilanti as a method of gaining consumer trust for personal financial gain and 2. Uses her public position with the City of Ypsilanti as a method of gaining consumer trust for the purpose of associated business interest, namely Dunning Toyota's gain.

Sincerely,
Isaac Levine

The Ypsilanti City Ethics Ordinance in section 46-79 provides in part:

- (a) No city officer or employee shall make use of his public position, or any confidential information received through holding such public position, to obtain financial gain for himself, a member of his immediate family or an associated business or organization or entity.

Mlive article: <https://www.mlive.com/news/ann-arbor/2019/10/knock-it-off-ethics-board-tells-mayor-not-to-use-title-in-day-job.html>

John Barr

From: Beth Bashert <mayor@cityofypsilanti.com>
Sent: Wednesday, February 26, 2020 3:48 PM
To: John Barr
Subject: Ethics commission

Mr. Barr:

You requested an update on the ethics commission and the tasks they requested to be completed.

I have sent the City Clerk an email with my current email signature which was changed the day the complaint was filed. The City Clerk also has a letter from the company I work for asserting that the business will comply with the request of the ethics commission. This fulfills the request of the Ethics Commission.

The next part of this email refers to the Ethics 'complaint' filed by Isaac Levine that I received yesterday.

The You Tube video that was sent to you is online thanks to Defend Affordable Ypsi (DAY) who continue to post it to social media. The dealership took it down after the ethics complaint was filed. I find it discrediting to this latest complaint, from a leader in the DAY group, that their own work is undermining the stated goal of having a clear separation between my employment and my role as Mayor. DAY members have posted that video 2 times to my knowledge on Facebook. I have not touched it, saved it, shared it or used it since the complaint was filed.

I still have no evidence or image of the commercial Mr. Levine claims to have seen that day.

Marketing at the dealership is handled by both internal staff and several contractors. I am still trying to find out what commercials were aired on Feb. 15, 2020 at the unstated time. I am in several commercials the dealership uses as are many other staff who work here. BTW, all sales staff have videos on our website, it is common practice. I and management had already requested both internal staff and our contractors that they no longer use any commercials or videos that mention my role as Mayor. If an error occurred and a commercial mentioning me as Mayor was aired I will apologize for that error. Until then, I wait for firm information.

Question: If I am in a video and do not mention being Mayor, is that an violation of the ethics code?

Is the perception of the complainant and the Ethics Commission that I am to keep it a secret that I have a job and what it is? Am I going to be charged with ethics violations if I wear a city pin to work or carry a Toyota mug to a city meeting? Just how far is this scrutiny to be expected to go? This is one slippery slope aspect to this line of inquiry that I see. Yes this example is a little extreme, and yet these are extreme times.

Further: I have changed my job at the dealership and am no longer in direct sales. I now work with financing and banking. Our sales staff is now my client base, as they sell the car and then I sign up the contracts.

Moreover: It is possible I am being singled out as a target for harassment through this mechanism. Other council members hold jobs. Their employers, co-workers, clients, etc. know they serve on city council. If they get a promotion, is the ethics commission prepared to investigate if there was any part of that promotion that was earned because of their role on council? If they are awarded a coaching gig or a contract position, is the ethics commission prepared to investigate a similar question? At least 2 City Council members have received promotions in the past year, for instance. There are other examples. Why am I being singled out without any shred of evidence that actual reward was gained

through the email signature and video? This is the second slippery slope question that I see potentially associated with this line of inquiry.

Lastly, it is an invasion of my work life to repeatedly peruse this line of questioning. Asking the management of the dealership to repeatedly deal with these questions costs the dealership time and money. It undermines my position at the dealership and I believe is harming my employment situation. When my employer is required to take more time and energy away from running a business to repeatedly research this question, it is a subtle form of harassment and could harm my ability to earn a living for my family.

I thank you for your consideration.

Beth Bashert
Mayor

CITY OF YPSILANTI
1 South Huron Street
Ypsilanti, MI 48197
(734) 483-9644 - Office
(734) 483-7260 - Fax
(734) 368-3573 - Cell
www.cityofypsilanti.com <<http://www.cityofypsilanti.com>>

To: City Attorney John Barr
jbarr@johnbarrlawfirm.com
City Clerk Andrew Hellenga
ahellenga@cityofypsilanti.com

From: Isaac Levine
lclevine94@gmail.com

Dear Mr. Barr and Mr. Hellenga,

I'm following up on a report from Mlive by McKenna Ross regarding Ypsi mayor Beth Bashert, who reportedly used her city title in correspondence with marketing materials for Dunning Toyota where she works. In lieu of an investigation and hearing, Bashert was directed by the Board of Ethics to cease all marketing materials using her city title within 30 days of October 28th 2019 when the Board of Ethics meeting was held. It is now February 17th 2020, well beyond the 30-day period, and mayor Bashert's Dunning Toyota ad in which she uses her official title as mayor, is still publicly available and searchable on Facebook. I have found as many as 4 posts on Dunning Toyota's Facebook page that reference mayor Bashert's city title in correspondence to her sales role.

The mayor's initial decision to create ads using her official title as well as her poor compliance with the Board of Ethics' instruction casts serious doubt on her overall judgement and ability to understand the seriousness of these actions. As one person responding to the Mlive article on Facebook wrote, "There is a video where Beth Bashert literally talks about how she's the mayor of Ypsi posted on the Dunning Toyota YouTube channel. This leads me to two possible conclusions, that Bashert knew this would be an issue and didn't care until someone raised a complaint or that Bashert never imagined this would be an issue. Both conclusions say the same thing though, Bashert isn't a good mayor."

I submit the attached photos showing mayor Bashert's title used in a Dunning Toyota Facebook post, as well as a Dunning Toyota video advertisement with mayor Bashert speaking about her official title and her job making money off of car sales." Both files show that the date is 2/15/2020, the video verifies this date by showing the CBS News channel covering a story about the Coronavirus. I submit these requesting the Ethics Commission open an investigation and hold a hearing to determine whether mayor made ethical violation(s) as laid out in our Code of Ordinances. As stated in the original complaint by Sam Jones-Darling, I submit this letter and files as an ethics complaint pursuant to Sec. 46-39 of the City Code of Ordinances noting that I believe Ms. Bashert has breached her ethical obligations as outlined in Sec. 46-79 of the City Code of Ordinance by engaging in behavior that: 1. uses her public position with the City of Ypsilanti as a method of gaining consumer trust for personal financial gain and 2. Uses her public position with the City of Ypsilanti as a method of gaining consumer trust for the purpose of associated business interest, namely Dunning Toyota's gain.

Sincerely,
Isaac Levine

The Ypsilanti City Ethics Ordinance in section 46-79 provides in part:

- (a) No city of officer or employee shall make use of his public position, or any confidential information received through holding such public position, to obtain financial gain for himself, a member of his immediate family or an associated business or organization or entity.

Mlive article: <https://www.mlive.com/news/ann-arbor/2019/10/knock-it-off-ethics-board-tells-mayor-not-to-use-title-in-day-job.html>