

**From:** "Fink, Mike (MSP)" <FINKM@michigan.gov>

**Date:** June 15, 2022 at 4:18:40 PM EDT

**To:** Joe Hubbell <jhubbell@leelanau.gov>

**Subject:** Michelle Crocker Allegations

Joe,

After conferring with the Michigan Attorney General's Office, we have come to the determination that criminal charges would not be warranted stemming from this investigation. I have attached our incident report, and supp #1 details the factors in the investigation which were discussed with the AG's office and led to a conclusion that criminal charges would not be sought.

If you have any questions, please let me know. If you feel it would be appropriate for Trooper Swanson or I to meet with Mr. Gallagher, let me know, or if you would just like to share the facts of our report, that is fine also.

Have a good day

D/Sgt. Mike Fink  
Michigan State Police Cadillac Post  
Seventh District  
Traverse City Detachment  
218 W Fourteenth Street  
Traverse City, MI 49684  
Mobile Phone # 231-942-8972

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY"

**MICHIGAN DEPARTMENT OF  
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE:

Tue, May 17, 2022

INCIDENT NO:

071-0001929-22

TIME RECEIVED:

0900

FILE CLASS:

73000

WORK UNIT:

MSP CADILLAC POST

COUNTY:

LEELANAU

COMPLAINANT:

LEELANAU COUNTY TREASURER

TELEPHONE NO:

(231) 256-8111

ADDRESS: STREET AND NO:

8527 E GOVERNMENT CENTER  
DR

CITY:

SUTTONS BAY TWP

STATE:

MI

ZIP CODE:

49682

INCIDENT STATUS:

OPEN

**OFFICIAL MISCONDUCT****INFORMATION:**

I, Trooper Swanson was contacted by D/Sergeant Fink regarding a complaint made by the Leelanau County Treasurer's Office regarding another elected official, the Leelanau County Clerk, Michelle Lynn Crocker. D/Sergeant Fink directed me to make contact with the Leelanau County Treasurer, John Gallagher to take the information regarding this complaint, and to then contact the Attorney General's office to ascertain if this complaint is potentially criminal in nature.

**VENUE:**

LEELANAU COUNTY  
8527 E GOVERNMENT CENTER DR  
SUTTONS BAY TWP, MI 49682

**DATE & TIME:**

ON OR AFTER: FRI, JAN 01, 2021 AT 0001

**COMPLAINANT:**

BUSINESS NAME: LEELANAU COUNTY TREASURER

ADDRESS:

8527 E GOVERNMENT CENTER DR

SUTTONS BAY TWP MI 49682

TXW: (231) 256-8111

CODE: GOVERNMENT

DOT #

ICC #

MPSC #

MISC #

Treasurer John Arthur Gallagher, III

Office TEL: 231-256-8111

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**MICHIGAN DEPARTMENT OF  
STATE POLICE**

ORIGINAL INCIDENT REPORT

ORIGINAL DATE: Tue, May 17, 2022	INCIDENT NO: 071-0001929-22
TIME RECEIVED: 0900	FILE CLASS: 73000

**INTERVIEW COMPLAINANT:**

I spoke with Treasurer Gallagher on May 17, 2022 at approximately 9:35 a.m. in his office at the Leelanau County courthouse.

Treasurer Gallagher indicated he discovered some conduct that he believed required investigation involving the actions taken by the Leelanau County Clerk, Michelle Crocker. He indicated he spoke with county officials who directed him to file a complaint with the Michigan State Police.

Treasurer Gallagher stated that he is aware that the clerk's office had been assigned the responsibility of acting as the fiduciary and administrator for the retirement program through the Municipal Employees Retirement Service (MERS). He indicated that the clerk's office has acted in this capacity for at least the last ten years, as that represents his tenure in the treasurer's office.

He indicated that the treasurer's office will receive a billing statement from the clerk's office and his office is responsible for disbursement of the funds. He advised the treasurer's office receives a statement from the clerk's office which does not include any quantitative data to verify the numbers, and only breaks down disbursements based on union or non-union payments, with union types separated.

John stated that sometime in late 2020, Michelle Crocker, acting as the administrator of the retirement system, presented an addendum to the MERS contract to the Board of Commissioners under a separate cover (not disseminated beforehand or made public). Treasurer Gallagher stated he was watching the commissioner's meeting on YouTube and observed Clerk Crocker was present at the meeting. He advised a county commissioner whom he identified as Deb Rushman asked Clerk Crocker directly if the addendum made any changes to the MERS contract in a broad fashion. He advised he observed Clerk Crocker to respond in a manner that represented it did not make any meaningful changes. He advised the addendum was then approved by the Board of Commissioners by vote, and eventually took effect in January 2021.

Treasurer Gallagher indicated that after this addendum took effect, he received an invoice for the retirement system as is customary. However, this invoice also included specifically the name of Allan Crocker. He knows Allan Crocker is Clerk Crocker's husband, and he is additionally aware that Allan had been hired by his wife under the authority of the clerk's office to provide paper shredding services. He stated that he has observed Allan Crocker at the courthouse in this capacity one or two days per month. As such, this struck him as unusual as he understood the MERS eligibility to be based on working ten or more days per month. Upon investigating the matter, he discovered that the addendum that was passed made changes to the retirement eligibility and lowered the requirement for the amount of time worked from ten days per month to 20 hours or more per month. This also struck him as unusual and a potential conflict as it appeared that Allan Crocker was the only one of the part time employees who would benefit from this change.

Treasurer Gallagher advised he had a conference with the Leelanau County Prosecuting Attorney who indicated they would recuse themselves but recommended that he make a report with the Michigan State Police. In this conference, it was also decided that they did not seek relief or opinion from the County Attorney, Cole Stoker Toskey due to their longstanding close relationship with Clerk Crocker. Treasurer Gallagher expressed concern about the clerk's office preparation of commissioner meeting minutes. Treasurer Gallagher indicated he believed the clerk's office has failed in their duties to prepare minutes as required by the Open Meetings Act.

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**MICHIGAN DEPARTMENT OF  
STATE POLICE**

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Tue, May 17, 2022

INCIDENT NO:

071-0001929-22

TIME RECEIVED:

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I advised Treasurer Gallagher that I would record his information and seek guidance from the Attorney General's Office to determine whether this conduct merits criminal investigation, and I provided him a business card with this complaint number.

I had contact with Treasurer Gallagher again on May 18, 2022 at approximately 1:17 p.m. Treasurer Gallagher indicated there was a commissioner meeting after we spoke on May 17<sup>th</sup>, and he wished to pass along additional information. He advised there was a motion to move the county's finances into the clerk's office; however, no decision was made. Also, a salary increase for the chief assistant to the clerk was approved by the board, to increase her pay to \$68,000.00 per year. Additionally, the clerk's office presented information in the meeting that eligibility requirements had not been met for Allan Crocker to receive retirement benefits.

Treasurer Gallagher indicated it appeared as though the clerk's office offered this in an attempt to appease the examination of the conduct related to this matter. Treasurer Gallagher stated he was suspicious of this action being a result of some feelings of guilt and/or in the hopes that it would resolve this matter and potential investigation.

**OFFICIAL OFFICE:**

BUSINESS NAME: LEELANAU COUNTY CLERK

ADDRESS:

8527 E GOVERNMENT CENTER DR

SUTTONS BAY TWP MI 49682

CODE: GOVERNMENT

DOT #

ICC #

MPSC #

MISC #

**SUSPECT:**

NAM: MICHELLE LYNNE CROCKER

BIR:

NBR: 12052 DIR:

STR: OLD ORCHARD

SFX: TRAIL

CTY: SUTTONS

BAY

ST: MI

TXH: ZIP: 49682

TXW:

SMT:

RAC: UNKNOWN ETH:

SEX: FEMALE DL:

DOB: 1960 SSN:

HGT: 5'07" SI: /

WGT: 199 FBI:

HAI: MNU:

EYE: Blue PR:

**INVESTIGATION:**

I visited the Leelanau County website and observed that all meetings with the exception of the meeting on 05/17/2022 included a link to a video recording and several of them included a link to meeting minutes available online.

**CONTACT MICHIGAN ATTORNEY GENERAL'S OFFICE:**

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I contacted the Michigan Attorney General's office and spoke with Thomas Quasarano. I briefed Attorney Quasarano on the Open Meetings Act allegation and he advised that the links to videos of the commissioners' meetings could take the place of meeting minutes, and therefore any lack of meeting minutes within the required timeframe would not qualify as a violation of the Open Meetings Act specifically. Attorney Quasarano indicated he would refer me to the Public Integrity Unit regarding the other allegations.

**IN CAR VIDEO:**

7108 is not available.

**STATUS:**

OPEN-Pends additional conference with a representative from the Attorney General's Office.

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**MICHIGAN DEPARTMENT OF  
STATE POLICE**SUPPLEMENTAL INCIDENT REPORT  
**0001**ORIGINAL DATE:  
Tue, May 17, 2022SUPPLEMENTARY DATE:  
Mon, Jun 13, 2022INCIDENT NO:  
071-0001929-22FILE CLASS:  
73000INCIDENT STATUS:  
CLOSED**OFFICIAL MISCONDUCT****JOURNAL:**

DATE	JOURNALED BY	ACTION
05-27-2022	ENTERED BY: SWANSON II, ROBERT, JOHN, 923, TROOPER	SENT DRAFT COPY OF REPORT TO AG CRIMINAL INVESTIGATIONS FOR GUIDANCE.

**INFORMATION:**

I, Trooper Swanson, was contacted by Michigan Attorney General's Office Criminal Prosecution Attorney Robert Hayes regarding this case on 6/9/2022 over the telephone. As a result of this contact and subsequent briefing of D/Sgt. Fink, this case will be closed as no criminal liability could be identified.

**OTHER BUSINESS**BUSINESS NAME: MICHIGAN ATTORNEY GENERAL'S OFFICE  
ADDRESS:CODE: POLICE AGENCY  
DOT #  
ICC #  
MPSC #  
MISC #Criminal Investigation Attorney: Robert Hayes  
Email: [HayesR2@michigan.gov](mailto:HayesR2@michigan.gov)**CONTACT ATTORNEY GENERAL'S OFFICE:**

I had briefed Michigan Attorney General Criminal Investigations Prosecutor Hayes over the telephone regarding this case on 5/27/2022 at approximately 5:15 PM. During the briefing I conveyed our suspicion that the alleged conduct did not meet the elements of a criminal offense. Prosecutor Hayes indicated he would examine the information in the report to evaluate our analysis.

I spoke with Michigan Attorney General Criminal Investigations Prosecutor Robert Hayes over the telephone on 6/9/2022 at 3:19 PM.

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**MICHIGAN DEPARTMENT OF  
STATE POLICE**

**SUPPLEMENTAL INCIDENT REPORT  
0001**

<b>ORIGINAL DATE:</b> Tue, May 17, 2022	<b>INCIDENT NO:</b> 071-0001929-22
<b>SUPPLEMENTARY DATE:</b> Mon, Jun 13, 2022	<b>FILE CLASS:</b> 73000

Robert advised after examination of the information in this case, the Attorney General's Office supports the preliminary determination by D/Sgt. Fink and I that there has been no criminal liability identified. Robert indicated this support is only based upon the information provided to his office for this determination but that his office trusts our ability to make this determination.

**CONTACT DETECTIVES:**

I contacted D/Sgt. Fink and advised him of the result of the Attorney General examination. D/Sgt. Fink advised that the complaint should be closed as unfounded.

**ANALYSIS FOR CRIMINAL CHARGES:**

D/Sgt. Fink and I examined this case for the criminal elements of the crimes of embezzlement, perjury as well as crimes in Act 328 of 1931 regarding Public Offices and Officers. We considered the following factors in determining no crime had taken place:

- The Clerk was not sworn in and there is no perjury liability for the Clerk in a Board of Commissioners meeting when she offered a reply to the question posed by a Commissioner.
- The reported question posed to the Clerk was broad. Her response should not take the place of examination of the documents put before the Board.
- The broad nature of this question undermines the ability to determine intent from her statement.
- While the Clerk's alleged response to the question posed may appear misleading, there is no evidence to suggest the document she provided to the Board was misleading or inaccurate. If Commissioners were provided an accurate document of the change in the agreement, there is no ability to show an attempting to conceal the agreement she made on behalf of the County.
- The retirement system/contract itself is not a County monetary account subject to reporting requirements of accounting.
- No monetary damages have been incurred as a result as her husband did not qualify for the retirement benefits.
- Finally, the Board of Commissioners is the responsible party who voted on the addendum in question and who are tasked with the diligent inquiry/research regarding the issues it votes on. By casting their vote to approve the addendum, the changes are inferred to have been made with the permission of the Board acting on behalf of the people of the County.

Based on the above factors and our combined training and experience, D/Sgt. Fink and I failed to identify criminal liability for the Clerk's actions.

**STATUS:**

CLOSED-Unfounded.

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