

REQUEST FOR WARRANT

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DETAILS OF INVESTIGATION (CONTINUED)

PROBABLE CAUSE STATEMENT

I, Jeff Seipenko, an investigator assigned to the OFFICE OF SPECIAL COUNSEL, MICHIGAN DEPARTMENT OF ATTORNEY GENERAL, in support of probable cause statement, state the following:

INTRODUCTION

1. The statements contained in this Request for Warrant are based on my investigation of the Flint Water Crisis, the review of investigative reports of assigned investigators, conferences with other law enforcement officers, interviews of approximately 180 witnesses, the review of approximately 20 depositions taken under investigative subpoenas, the review of thousands of pages of emails and other documents, and upon my own extensive experience, training and background in the investigation of criminal conduct. I have not included all the facts known about the case, only those necessary to establish probable cause to believe that: LIANE SHEKTER SMITH (“Defendant SHEKTER SMITH”) violated MCL 750.505 (Misconduct in Office) and MCL 750.478 (Willful Neglect of Duty); ADAM ROSENTHAL (“Defendant ROSENTHAL”) violated MCL 750.505 (Misconduct in Office), MCL 750.483a(6)(a) (Tampering with Evidence), MCL 750.478 (Willful Neglect of Duty), and MCL 750.157a (Conspiracy); and Defendant PATRICK COOK (“Defendant COOK”) violated MCL 750.505 (Misconduct in Office), MCL 750.157a (“Conspiracy”), and MCL 750.478 (Willful Neglect of Duty).¹ Defendants breached their duties by violating Michigan law and then taking various steps to cover up their actions.

DEFENDANTS AND THEIR DUTIES

¹ All three defendants were, or currently are employees of the Michigan Department of Environmental Quality.

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2. In 2013, 2014 and 2015, Defendant SHEKTER SMITH served as the Chief of the Office of Drinking Water and Municipal Assistance (“ODWMA”) of the Michigan Department of Environmental Quality (“MDEQ”). She was also responsible for the MDEQ’s drinking water division, which encompassed Genesee County and the City of Flint. Her duties included coordinating compliance efforts with state and local agencies concerning the evaluation of environmental quality standards. Defendant SHEKTER SMITH’s job qualifications required her to have a thorough knowledge of contaminants relative to the impact on the environment and public health, and the methods and techniques necessary for collecting and analyzing data.
3. Defendant ROSENTHAL, also of MDEQ, worked under Defendant SHEKTER SMITH as an environmental quality analyst for the ODWMA. **Exhibit 1.** In 2013, 2014 and 2015, Defendant ROSENTHAL was an Environmental Quality Analyst 12, which is expressly recognized as an advanced level position within MDEQ. **Exhibit 2.** In this role, Defendant ROSENTHAL regularly received assignments that have been recognized by the Civil Service as having significantly greater complexity than those assigned at that experience level. *Id.* As part of his duties, Defendant ROSENTHAL was responsible for water quality monitoring in the City of Flint and was required to have knowledge of state and federal environmental protection regulations, the operation and maintenance of monitoring equipment, and sampling procedures.
Id.
4. Defendant COOK, also of MDEQ, worked under Defendant SHEKTER SMITH as a professional engineer in the Community Drinking Water Unit, ODWMA. In his role, he served as a Safe Water Drinking Act, Lead and Copper Rule specialist. As a part of his duties, he was responsible for interpretation and the implementation of the legal requirements of the Lead and Copper Rule for the City of Flint Water Treatment Plant.

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5. Defendants, all holding significant positions at the MDEQ specifically with respect to their obligations as officers in the ODWMA, had an unequivocal duty to enforce applicable statutes, rules, and regulations that are intended to protect the public health and to ensure safe drinking water for Michigan residents.
6. The MDEQ was created by Governor Rick Snyder pursuant to Executive Order No. 2011-1 and has regulatory oversight over all public water supplies in Michigan. **Exhibit 3.** Dan Wyant, former MDEQ Director, accurately stated on September 17, 2015, that the MDEQ has a “responsibility to ensure safe drinking water for all Michigan residents.” **Exhibit 4.**
7. The MDEQ’s mission statement states in part: **“The [MDEQ] ensures Michigan’s water sources remain clean and abundant by establishing water quality standards, overseeing public water supplies, regulating the discharge of industrial and municipal wastewaters, [and] monitoring quality” Exhibit 5.** (emphasis added).
8. On January 21, 2015, Defendant SHEKTER SMITH stated that “[MDEQ’s] responsibility is to see that [water supply] operations are managed properly, regulations are met, and safe water is delivered.” **Exhibit 6.**
9. The Michigan Safe Water Drinking Act’s (“MSDWA”) contains provisions that mandate “anti-corrosion control treatment” must be used when, as here, a new water source is being used to deliver potable water to over 50,000 users.

GENERAL BACKGROUND

10. On April 25, 2014, the City of Flint’s drinking water source switched from pretreated water, provided by the Detroit Water and Sewerage Department (“DWSD”), to raw, untreated water, from the Flint River, that was required to be treated by the Flint Water Treatment Plant

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("FWTP"). **Exhibit 7.** For approximately 50 years, between 1967 and the time the switch occurred, the FWTP had only been in limited service as an emergency backup treatment facility. Subsequent to the switch and until October 2015, the source water from the Flint River was treated and distributed by the FWTP. Soon after the switch, public officials at MDEQ, the City of Flint and the United States Environmental Protection Agency ("EPA") began receiving complaints from various Flint residents concerning obvious quality issues with the new drinking water supply. The complaints generally related to rust or brown colored water, a rotten egg smell, and poor taste. Residents also complained about their children suffering from skin rashes and hair loss after bathing in the water. **Exhibit 8.**

11. By late August 2014, E. coli bacteria, among other toxic contaminants, were found at such high levels that the City of Flint had to issue public warnings and boil water advisories with respect to the use of drinking water. **Exhibit 9.**

12. Also, in the fall of 2014, the water supply was discovered to have dangerously high levels of a water disinfection by-product known as trihalomethane ("THM"). The THM levels were well above the maximum level allowed by applicable regulations. **Exhibit 10.**

13. The MDEQ, specifically including Defendants SHEKTER SMITH, ROSENTHAL, and COOK, were aware of these significant issues with the City of Flint's water supply.

14. The corrosive nature of the water supply also became well known by mid-October 2014, by Defendants when the General Motors' Flint Engine Plant announced that Flint water was causing production parts to rust, and as a result, it was returning to the water supplied by the DWSD at a cost of roughly \$250,000. **Exhibit 11.**

15. By February 2015, the fact that the corrosive Flint water was causing toxic lead to leach into the water supply also became known to these Defendants when water sampling conducted at the

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home of Flint resident Lee Anne Walters revealed lead level results that were dozens of times higher than that permitted by law. **Exhibit 8.**

16. It was eventually determined that the failure to use corrosion control treatment when the City of Flint switched its water supply from DWSD to the Flint River, among other things, caused the integrity of the entire water supply system to become compromised and constituted the root-cause of the lead contamination. **Exhibit 12.**

17. After the water source was switched, many residents were exposed to dangerous levels of lead.

Id. Many Flint residents have suffered, and continue to suffer, from serious medical conditions that have been linked to the City of Flint drinking water supply.

18. The contamination of the City of Flint water supply, along with the resulting harms to public health and municipal infrastructure, have been commonly referred to as the “Flint Water Crisis.”

SHEKTER SMITH’S EXPERIENCE

19. Defendant SHEKTER SMITH has an extensive history working as a state official. Beginning in 1988, Defendant SHEKTER SMITH worked as a student assistant in the Department of Public Health. **Exhibit 13.**

20. From 1989 to 1993, Defendant SHEKTER SMITH served as an Environmental Engineer with the Michigan Department of Natural Resources (“DNR”). Simultaneously, Defendant SHEKTER SMITH served in a dual capacity within the DNR from 1990 to 1994 as an Environmental Quality Manager. *Id.*

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21. From 1996 to 2002, Defendant SHEKTER SMITH transitioned to MDEQ where she served as an Engineer Manager for the Drinking Water and Radiological Protection division. *Id.*
22. From 2002-2005, Defendant SHEKTER SMITH was Environmental Manager for the Waste and Hazardous Materials Division. *Id.*
23. From 2005 to 2010, Defendant SHEKTER SMITH served as the Division Chief for MDEQ's Waste and Hazardous Materials section. *Id.*
24. From 2010-2011, Defendant SHEKTER SMITH briefly held the Division Chief position at the DNR's Environmental Resources Management division. *Id.*
25. Continuing her career in drinking water, Defendant SHEKTER SMITH then became the Chief at MDEQ's Office of Waste Management and Radiological Protection division from 2011-2012. *Id.*
26. Finally, from 2012 to 2016, Defendant SHEKTER SMITH served as Chief for MDEQ's ODWMA. *Id.*
27. During Defendant SHEKTER SMITH's tenure as Chief of MDEQ's ODWMA, she was extremely involved with matters involving the City of Flint both before and after the utilization of the Flint River as the City of Flint's source of drinking water.
28. On December 13, 2012, Defendant SHEKTER SMITH was involved in conversations indicating the City of Flint had accepted an offer to join the municipal water supply system known as the Karegnondi Water Authority ("KWA"). **Exhibit 14.**
29. On January 16, 2013, a Department of Treasury official e-mailed MDEQ's Michael Prysby² regarding, "Flint Water Discussion," and requested that he attend a meeting on the subject. Prysby, in turn, e-mailed Defendant SHEKTER SMITH requesting her to attend the "Flint Water Discussion" meeting with him. **Exhibit 15.**
30. The next week, on January 23, 2013, Defendant SHEKTER SMITH emailed MDEQ Deputy Director Jim Sygo stating: "Just a heads up that **we've been in contact with Treasury regarding water treatment options for the City of Flint.**" **Exhibit 15** (emphasis added).

² Michael Prysby is currently facing multiple criminal charges brought by the Office of Special Counsel.

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RISKS OF USING A CONTAMINATED RIVER

31. On March 26, 2013, Defendant SHEKTER SMITH was copied on an email sent by MDEQ's Stephen Busch³ to then MDEQ Director Dan Wyant discussing the risks associated with using the Flint River as a drinking water source for the City. Busch said that use of the Flint River would pose increased health risks to the public, including a microbial risk, an increased risk of disinfection by-product (THM) exposure, would trigger additional regulatory requirements under MSDWA, and would require significant upgrades to the FWTP beyond what the engineering consultants Tucker, Young, Jackson, Tull ("TYJT") identified in their source water evaluation report. **Exhibit 16.**

32. At several times prior to the water switch, MDEQ's Defendant ROSENTHAL met with Michael Glasgow⁴ and others at the FWTP, and discussed the necessity of adding a corrosion control treatment to the new water supply once the source was switched. MDEQ personnel stated to Glasgow that the City of Flint did not need to add any corrosion control treatment to the water.

This was contrary to the law as specified in the MSDWA and accompanying rules.

33. On March 20, 2014, Defendant SHEKTER SMITH played an integral role in ensuring the City of Flint received an Administrative Consent Order ("ACO") that 1) required the City to make use of the FWTP; 2) attempted to prevent the City from ever returning to the DWSD; and 3) mandated the City to "undertake the KWA public improvement project or undertake other public improvement projects to continue to use the Flint River, such as additional FWTP public improvements, source water protection public improvements, and public improvements to obtain a back-up water supply, in order to comply with Act 399." **Exhibit 17.**

³ Stephen Busch is currently facing multiple criminal charges brought by the Office of Special Counsel.

⁴ Michael Glasgow also faced multiple criminal charges related to his involvement in the Flint Water Crisis.

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34. Less than one month prior to the switch, and the onset of this manmade catastrophe, DEQ leaders and Defendant SHEKTER SMITH acknowledged that there were still “significant changes and regulatory requirements that needed to be considered for start-up.”

Exhibit 18.

DEFENDANTS’ NOTICE AND CRIMINAL ACTS

35. The next day, March 27, 2014, Defendant SHEKTER SMITH received an email discussing an inspection that MDEQ would conduct of the FWTP prior to treatment of Flint River water to ensure that the City’s water supply would be able to comply with the requirements of the MSDWA subsequent to the switch. **Exhibit 19.**

36. In conjunction with other permits, on April 9, 2014, Defendant COOK signed an Act 399 permit on behalf of Michael Prysby, which was the last permit signed by the MDEQ prior to, and necessary to allowing, the water system switch to go forward. **Exhibit 20.**

37. On April 16, 2014, and April 17, 2014, Glasgow gave notice to the MDEQ, in an email sent to Defendant ROSENTHAL, Prysby, and Busch that the FWTP was not prepared for proper operation. Further, Glasgow indicated if the FWTP was to begin operation, to distributed drinking water to City of Flint citizens, it would be without his approval. **Exhibit 21.**

38. Despite Glasgow’s warning to Defendant ROSENTHAL, Prysby, and Busch, the FWTP started the intake and distribution of Flint River water to the residents of the City on April 25, 2014.

39. By confession of Glasgow and through statements of several witnesses, including but not limited to Nicole Alexander, the FWTP never hired sufficient and properly trained staff or made the necessary improvements to produce safe drinking water.

40. As Chief of ODWMA, Defendant SHEKTER SMITH was also involved with specific issues relating to water quality post-switch to the Flint River. On May 15, 2014, within two weeks after

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the switch, Defendant SHEKTER SMITH received many citizen complaints, including one forwarded by EPA's Jennifer Crooks that stated:

Mr. Jefferson said he and many people have rashes from the new water, and I told him to have his doctor document this and he can bring it to the attention of the [M]DEQ, since lab analyses to date show that the drinking water is meeting all health-based standards.

Additionally, in the same e-mail chain, Jennifer Crooks stated the "Flint River quality is not great, but there is a surface water treatment plan producing water that is currently meeting SDWA standards... his doctor says the rash is from the new drinking water" **Exhibit 22.**

41. After receiving various complaints from citizens about the dangerous conditions of the water in the fall of 2014, Defendant SHEKTER SMITH was given notice that the City of Flint's drinking water contained yet another potentially fatal health risk. On October 13, 2014, Michigan Department of Community Health's ("DCH") Infectious Disease Epidemiologist, Shannon Johnson, wrote to other DCH employees that since the switch to Flint River water, Genesee County had reported 30 cases of Legionnaires' disease, compared to just two to nine cases from the same timeframe in prior years (2009-2013). *See Exhibit 23.*

42. DEQ officials were warned yet again by citizen complaints through the EPA. For example, on

October 14, 2014, Jan Burgess, a Flint resident, stated:

Since this change, our drinking water has tripled in cost and the quality varies daily. Some days it smells like an over-chlorinated swimming pool; other days, like pond scum. It often is brown in color and frequently has visible particles floating in it. We've been under several boil water advisories due to e-coli contamination. . . . **The water is not safe to drink, cook or wash dishes with, or even give to pets. We worry every time we shower. Exhibit 24.** (emphasis added).

43. On October 14, 2014, it became public knowledge that City of Flint water was so corrosive that it caused engine parts to rust at the General Motors Flint Engine Plant. **Exhibit 25.**

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44. On October 17, 2014, Defendant SHEKTER SMITH attempted to suppress evidence that the FWTP was not producing safe water as reflected in an email from Susan Bohm, Manager at the DCH's Enteric and Respiratory Illnesses Epidemiology Unit, to other DCH infectious disease staff:

I just received a call just now from the DEQ Chief of the Office of Drinking Water and Municipal Assistance, Liane Shekter Smith, about a call that came into her Office from the Genesee County Health Department re Legionnaire's Disease in Genesee County. Liane was concerned this was a situation just breaking so I was able to tell her that it had been under investigation by the Genesee County Health Department for several weeks. She was concerned that we were going to be making some announcement soon about the water being the source of infection, so I told her the Flint water was at this point just a hypothesis. She asked whether Genesee had the capability to test water and I replied that we would be working with Genesee to coordinate any water testing. **What she did share with me was interesting – that there have been numerous complaints about the Flint water, that the Governor's Office had been involved, and that any announcement by public health about the quality of the water would certainly inflame the situation. Exhibit 26** (emphasis added).

45. This was not the only time in October 2014 that DCH heard from Defendant SHEKTER SMITH regarding Legionella. On October 21, 2014, Susan Bohm e-mailed the Genesee County Health Department stating:

We have been contacted **a couple of times** by the DEQ Chief of the Office of Drinking Water and Municipal Assistance, Liane Shekter Smith, about Legionnaire's Disease Cluster in the Flint area **She was concerned that an announcement was going to be made soon about the water as the source of infection; I told her the Flint water was at this point just a hypothesis. Exhibit 27.**

46. After discovering that the City of Flint's drinking water supply violated the laws that she had a duty to enforce, Defendant SHEKTER SMITH did not take corrective action and failed to notify

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health officials and others. In addition, when she discovered violations of state law, she took affirmative steps to mislead and conceal evidence from health officials and others. She also failed to take appropriate corrective action.

47. The investigation confirmed that Defendant SHEKTER SMITH failed to act after becoming aware that the City of Flint was in violation of safe drinking water standards. *See Exhibit 28.*
48. On January 29, 2015, Jim Sygo, Deputy Director of MDEQ, sent an email to Defendant SHEKTER SMITH and while referring to the conditions of Flint's drinking water stated, "I've never seen TTHMs cause such discoloration." **Exhibit 29.** In her reply, still nine months before Flint switched back to DWSD water, Defendant SHEKTER SMITH stated, "I'm theorizing here, but most likely what [the citizens of Flint] are seeing is a result of differing water chemistry. A change in water chemistry can sometimes cause *more corrosive water* to slough material off pipes as opposed to depositing material or coating pipes in the distribution." *Id.*

DEFENDANTS MISLEAD THE PUBLIC

49. Investigation showed that there were two monitoring periods for the Lead and Copper Rule. The timing of these reports is significant. The first monitoring period did not begin until July 2014, some three months after the switch to the new water treatment plant.
50. The Defendants, upper-level MDEQ employees, applied monitoring in substitution for adding anti-corrosive treatment. In so doing, they manipulated the monitoring reports to conceal that Flint exceeded the legal action level for lead. First, MDEQ started monitoring three months after the switch with no plausible explanation as to why. Second, the first round monitoring report was defective on its face as it did not comply with monitoring rule by: 1) not conducting testing at all Tier 1 sites; 2) not testing all the same locations that were previously tested; and 3) representing that all service lines were lead, without actually having knowledge or regard for whether they

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were. Third, MDEQ personnel were the first to know of the lead results as the testing was processed using MDEQ forms and laboratories. Fourth, the first round of testing resulted in 6 ppb of lead (Pb), which meant they could not be deemed optimized for corrosion control regardless what the second round of monitoring produced. Finally, the report on the second round of testing was intentionally and grossly manipulated to distort the results in order to conceal from the citizens of Flint that they were drinking poisonous water laden with lead (Pb).

Exhibit 30.

51. Investigation showed that, yet again, Defendant SHEKTER SMITH had notice that the water reaching citizens' homes was contaminated with lead. On February 26, 2015, Jennifer Crooks of the EPA sent an email to Busch, Prysby, Miguel Del Toral and others stating:

[T]he main purpose of my email is to alert you to the high lead levels reported to a citizen yesterday by Flint Water Dept. I have been discussing the water situation with LeeAnne Walters since January, and she has been talking with Mike Glasgow at the plant about the black sediment in her water. (HUGE KUDOs to MIKE [Glasgow]!!) He did test it to find that the iron levels were greater than his test would go; GT 3.3. But, because the iron levels were so high, he suggested testing for lead and copper. **WOW!!!! Did he find the LEAD! 104 ppb. She has 2 children under the age of 3...Big worries here.** So, Steve [BUSCH], this goes back to what you and I were talking about yesterday. That the different chemistry water is leaching out contaminants from the insides of the biofilms inside the pipes. I think Lead is a good indication that other contaminants are also present in the tap water, that obviously were not present in the compliance samples taken at the plant. (emphasis added).

This correspondence was forwarded to Defendant SHEKTER SMITH by Busch. **Exhibit 8.**

52. The investigation revealed the EPA informed Defendant ROSENTHAL that the high values of lead identified is usually due to particulate lead and raised concerns whether Flint was practicing optimized corrosion control treatments.

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53. Defendant COOK, who was the MDEQ official responsible for compliance with lead and copper monitoring, was questioned by Miguel Del Toral about whether Flint was using optimized corrosion control treatment. Investigators learned that, after this inquiry, Defendant COOK tried to get everyone on the same page. On April 23, 2015, Defendant COOK forwarded Del Toral's email to Busch and Prysby and commented: "I knew that this was going to happen. Miguel [Del Toral] is questioning that Flint is in compliance with optimal corrosion control... Please read the below email and let me know what you think. While it's not a big hurry at this time since Miguel is out till next week, we will eventually have to respond to him." **Exhibit 31.**
54. Defendant SHEKTER SMITH again was on notice when Del Toral responded to MDEQ that he was worried that utilizing the flushing procedures were producing artificially lower lead levels.

THE COVER UP CONTINUES

55. The investigation revealed that Defendant COOK committed an overt act to mislead Miguel Del Toral of the EPA. Knowing it was false, Defendant COOK forwarded Busch's interpretation of the rules to Del Toral. *See Exhibit 32*
56. On May 1, 2015, in furtherance of the Defendants' knowingly false application of the rules, Defendant COOK sent an email to Del Toral, Crooks, Thomas Poy of the EPA, Richard Benzie, and Busch stating that a decision regarding corrosion control would be made after the City of Flint completed a second round of monitoring by June 30, 2015. *Id.* Cook further stated, "As Flint will be switching raw water sources in just over one year from now, raw water quality will be completely different than what they currently use. **Requiring a study at the current time will be of little to no value in the long term control of these chronic contaminants.**" *Id.* (emphasis added).
57. In June 2015, Miguel Del Toral issued a report stating:

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Recent drinking water sample results indicate the presence of high lead results in the [City of Flint's] drinking water, which is to be expected in a public water system that is not providing corrosion control treatment. The lack of any mitigating treatment for lead is of serious concern for residents that live in homes with lead service lines or partial lead service lines, which are common throughout the City of Flint **When the City of Flint switched to the Flint River as their water source on April 30, 2014, the orthophosphate treatment for lead and copper control was not continued.** In effect, the City of Flint stopped providing treatment used to mitigate lead and copper levels in the water. **In accordance with the Lead and Copper Rule (LCR), all large systems (serving greater than 50,000 persons) are required to install and maintain corrosion control treatment for lead and copper.** In the absence of any corrosion control treatment, lead levels in drinking water can be expected to increase. **Exhibit 33** (emphasis added).

A copy of this report was forwarded to Defendant SHEKTER SMITH, Busch and Prysby.

Exhibit 34.

DEFENDANTS' SCHEME

58. In a June 8, 2015, email, Defendant ROSENTHAL revealed his criminal intent to manipulate the monitoring report when he wrote Prysby regarding the City's second round of testing, allowing citizens to continue to drink water laden with lead (Pb):

We have 28 samples, 4 are over the AL for lead, (42, 22, 20 & 17 ppb), 2 in red are marked other though. **If they count**, the 90th would be 17.6 rounding to 18 ppb. **If they don't**, then the 90th would be 11.2 or 11 ppb. They are required 100 samples for this 2nd 6 month round. Hopefully the rest are below. **Exhibit 35** (emphasis added).

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59. On June 25, 2015, Defendant ROSENTHAL e-mailed Glasgow regarding the second monitoring period and stated:

Morning Mike & Brent, just wanted to remind you/confirm that Flint is on track for a few items. 1- We hope you have 61 more lead/copper samples collected and sent to the lab by 6/30/15, and that they **are will** be below the [action level] for lead. As of now with 39 results, Flint's 90th percentile is over the [action level] for lead. **Exhibit 36** (emphasis added).

Subsequently, Glasgow collected more samples all of which were below the action level as Defendant ROSENTHAL suggested. The investigation revealed that the 71 samples collected fell below the 100 required did not test the same tier 1 sites as the first monitoring period and the two highest samples that would have caused an exceedance of the AL were thrown out. Therefore, only 69 samples were counted.

60. On July 1, 2015, Jennifer Crooks circulated draft notes of a semi-annual regulatory overview call held on June 10, 2015 between the EPA and the MDEQ. **Exhibit 37**. The draft notes stated that there was no corrosion control added to Flint's water system since April, 2014, and summarized Del Toral's concerns. Specifically, Del Toral believed that the lead levels in the Flint water were being affected by the lack of corrosion control.

61. In June and July of 2015, Busch and Prysby had telephone conversations with Glasgow regarding completing Glasgow's report of sample testing for lead in Flint's drinking water. Reports prepared by Glasgow regarding the testing of water samples were utilized by MDEQ to determine courses of action to be taken related to further testing and/or mandatory public notifications of health hazards. In addition, such records were utilized in administrative hearings

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in the State of Michigan as support for allegations of violations of the MSDWA, and, therefore, are documents that would have been used in future official proceedings.

62. On July 14, 2015, Jennifer Crooks sent an email to Busch and Defendant COOK acknowledging that Flint failed to obtain the minimum number of lead samples, 100, for the second six-month reporting period. **Exhibit 38.** Busch responded that they would provide the 90th percentile when available, but did not anticipate any LCR violations. *Id.*

63. For the calendar year 2015, the MDEQ charged the City of Flint a water management fee for a population of over 100,000. **Exhibit 39.**

64. On July 24, 2015, Busch sent an email to Defendant SHKETER SMITH, Prysby, Brad Wurfel, and Dan Wyant relaying his interpretation of the latest discussion with the EPA regarding corrosion control. **Exhibit 40.** Busch stated that the second round of water testing showed a 90th percentile level of 11 ppb, which was nearly double the first six-month testing period. *Id.* Busch further stated that Flint would complete a study within 18 months and was allowed two additional years to install treatment for fully optimized corrosion control. *Id.* Busch implied that the EPA and MDEQ were in agreement on next steps; however, months later, the EPA and the Auditor General concluded that Flint should never have switched to the Flint River without corrosion control.

65. In a Lead and Copper Consumer Notice report dated July 28, 2015, Glasgow submitted only 71 samples, 29 less than the 100 required by law. *See Exhibit 30.* In addition, the two highest samples for lead (104 and 28 ppb) were excluded. This effectively misrepresented the lead levels, among other things, and avoided triggering written warnings of the violations to be sent to the general public. This result also exceeded the safe drinking water level (the practical quantitation limit or PQL) set by the MSDWA of 5 ppb.

THE CONCERT OF ACTIONS BETWEEN AGENCIES

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66. The investigation revealed that Defendant SHEKTER SMITH misrepresented to MDHHS' Linda Dykema that there was no lead problem with City of Flint drinking water.
67. Glasgow had telephone conversations with MDEQ's Busch and Prysby subsequent to their review of the testing report. During these conversations, Busch and Prysby directed that Glasgow
- 1) alter the report by removing two testing sites from the sample set he had previously provided in his report and 2) "hurry" and complete the alterations.
68. The investigation revealed that based on the instructions received from Prysby and Busch, Glasgow altered his July 28 report after the City of Flint completed a second round of monitoring by June 30, 2015.
69. On August 17, 2015, Defendant ROSENTHAL sent the "scrubbed" Lead and Copper Monitoring report to FWTP supervisor Brent Wright indicating the plant had to take action and implement corrosion control. *See Exhibit 41.*
70. On September 11, 2015, Crooks sent an email to Defendant SHEKTER SMITH, Richard Benzie, and Busch, stating:
- Just to clarify: on our call, I wanted to remind you that Miguel's report had MDEQ cc.d. So if the Legislature or whoever might say you were all cc.d, you can truthfully respond that it was EPA's request that the report not be sent to the cc.s. Consequently, you all never received the report from Miguel. **Exhibit 42.**
71. Defendant SHEKTER SMITH told representatives of the MDHHS that there was not a lead problem in the City of Flint and that they were in compliance. Defendant SHEKTER SMITH and Defendant COOK told [Witness 1] they had certified copies of the Lead and Copper Monitoring Reports but did not communicate to [Witness 1] that the FWTP had failed to comply with the Lead and Copper Rule monitoring requirements and that the reports were in fact altered to affect the resulting calculations.

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72. [Witness 1] stated that had he known of the altered Lead and Copper Reports prepared by Glasgow, Busch and Prysby he would 1) not have allowed personnel from the MDEQ to state to the MDHHS that the City of Flint was in compliance with its monitoring requirements, and 2) retract his statement that the Water Treatment Plant was in compliance with the monitoring rules.

CONCLUSION

73. Defendant SHEKTER SMITH had a duty to ensure that the drinking water provided to the residents of the City of Flint was safe for public consumption. The MDEQ expressly acknowledges this duty, the position for which Defendant SHEKTER SMITH held required her to fulfill these duties, and Michigan law, including the Michigan Safe Water Drinking Act, imposed upon her the duty to ensure that the City of Flint's water was properly monitored and safe to drink. As the facts demonstrate, Defendant SHEKTER SMITH was willfully negligent in carrying out her duty and knowingly made overt acts in breach of her duty to provide clean and safe drinking water to the citizens of the City of Flint, State of Michigan. In addition, Defendant SHEKTER SMITH affirmatively took steps to mislead public health official and others. Defendant SHEKTER SMITH misrepresented that there were no lead issues with the City of Flint drinking water, despite having knowledge to the contrary. Defendant SHEKTER SMITH also misrepresented the nature and quality of certain lead and copper reports to others within MDEQ.

74. Defendant ROSENTHAL had a duty to ensure that the drinking water provided to the residents of the City of Flint was safe for public consumption. The MDEQ expressly acknowledges this duty, the position for which Defendant ROSENTHAL held required him to fulfill these duties, and Michigan law, including the Michigan Safe Water Drinking Act, imposed upon him the duty

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DETAILS OF INVESTIGATION (CONTINUED)

to ensure that the City of Flint's water was properly monitored and safe to drink. As the facts demonstrate, Defendant ROSENTHAL willfully and knowingly participated in the manipulation of testing results for a state mandated lead and copper report, and falsely reported that the 90th percentile of the results of lead water monitoring for was below the federal action level of 15 parts per billion. Defendant ROSENTHAL violated his duty to ensure that clean and safe drinking water was being provided to the citizens of the County of Genesee, State of Michigan.

75. As the facts demonstrate, Defendant ROSENTHAL did, between on or about January 2015, through November 2015, unlawfully conspire, combine, confederate and agree together with persons, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Tampering with Evidence, including but not limited to manipulating lead monitoring reports mandated by law.

76. As the facts demonstrate, Defendant ROSENTHAL did knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence, to wit: reports entitled "Lead and Copper Report and Consumer Notice of Lead Result" dated February 27, 2015 and/or July 28, 2015 and/or August 20, 2015.

77. Defendant COOK had a duty to ensure that the drinking water provided to the residents of the City of Flint was safe for public consumption. The MDEQ expressly acknowledges this duty, the position for which Defendant COOK held required him to fulfill these duties, and Michigan law, including the Michigan Safe Water Drinking Act, imposed upon him the duty to ensure that the City of Flint's water was properly monitored and safe to drink. As the facts demonstrate, Defendant COOK was, on or about April 2014 through on or about August 2015, said dates being approximate, willfully negligent in carrying out his duty to provide clean and safe drinking water to the citizens of the the City of Flint, State of Michigan, did commit misconduct in office

REQUEST FOR WARRANT

Page 20

DETAILS OF INVESTIGATION (CONTINUED)

and did unlawfully conspire, combine, confederate and agree together and with others, both known and unknown, to the People of the State of Michigan to commit the same, by willfully and knowingly applying the Michigan Safe Drinking Water Act contrary to the requirements of the Lead and Copper Rule contained therein, in violation of his duty to ensure the provision of clean, safe drinking water to the citizens of the County of Genesee, State of Michigan. In addition, Defendant COOK misrepresented the nature and quality of certain lead and copper reports to others within the MDEQ.

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. 16TA-1685 FY DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

THE PEOPLE OF THE STATE OF MICHIGAN v ADAM ROSENTHAL 6100 Coleman Rd. East Lansing, Michigan 48823		Defendant's name and address	Victim or complainant J. SEIPENKO
Codefendant(s) (if known)		Date: On or about April 2014 through November 2015	Complaining witness J. SEIPENKO
City/Twp./Village City of Flint	County in Michigan Genesee	Defendant TCN	Defendant CTN
Police agency report no.	Charge Misconduct Office, Conspiracy, Tampering w/Evidence	Defendant SID	Defendant DOB 01/04/1973
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		Maximum penalty 5 years	Defendant DLN R 253 031 125 012
<input type="checkbox"/> Oper./Chauf.		Vehicle Type	
<input type="checkbox"/> CDL			

Witnesses
S/A J. Seipenko
S/A W. Cousins
S/A A. Wimmer
Miguel Del Toral
Marc Edwards
Dr. Mona Hanna-Attisha
James Henry
Brian Steglitz
LeeAnne
Walters Brent
Wright Victor
Yu Michael
Glasgow

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law, COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly participating in the manipulation of testing results for a state mandated lead and copper report; and falsely reporting to the City of Flint Water Treatment Plant that the 90th percentile of the results of water monitoring for lead was below the federal action level of 15 parts per billion; all in violation of his duty to provide clean and safe drinking water to the citizens of the County of Genesee, State of Michigan; contrary to MCL 750.505. [750.505] FELONY: 5 Years and/or \$10,000.00

COUNT 2 - CONSPIRACY - TAMPERING WITH EVIDENCE OR MISCONDUCT IN OFFICE did, between on or about January 2015, through November 2015, unlawfully conspire, combine, confederate and agree together with persons, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Tampering with Evidence or Misconduct in Office, including but not limited to manipulating monitoring reports mandated by law; contrary to MCL 750.157a. [750.483A6A][C] FELONY: 4 Years and/or \$10,000.00

COUNT 3 - TAMPERING WITH EVIDENCE did knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence, to wit: reports entitled "Lead and Copper Report and Consumer Notice of Lead Result" dated February 27, 2015 and/or July 28, 2015 and/or August 20, 2015; contrary to MCL 750.483a(6)(a). [750.483A6A] FELONY: 4 Years and/or \$5,000.00

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

COUNT 4 – PUBLIC OFFICER - WILLFUL NEGLIGENCE OF DUTY

did willfully neglect to perform the duty of providing clean, safe drinking water, a duty enjoined upon him by the Michigan Safe Drinking Water Act; contrary to MCL 750.478. [750.478]
MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7-29-16</u> by:
<small>Date</small>
<u>Thomas D. Hester</u>
Prosecuting official <u>40964</u>
<input type="checkbox"/> Security for costs posted

[Signature]
Complaining witness signature

Subscribed and sworn to before me on 7/29/16
Date

[Signature]
Judge/Magistrate/Clerk

Bar no.

COPY

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. DISTRICT CIRCUIT 16TB-1685 ^{RY}
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District Court ORI: MI-

Circuit Court ORI: MI-

THE PEOPLE OF THE STATE OF MICHIGAN	Defendant's name and address LIANE SHEKTER-SMITH 540 North Marshall Avenue Marshall, Michigan 49068-1272	Victim or complainant J. SEIPENKO
Codefendant(s) (if known)		Complaining witness J. SEIPENKO
		Date: On or about April 2014 through November 2015
City/Twp./Village City of Flint	County in Michigan Genesee	Defendant TCN
		Defendant CTN
		Defendant SID
		Defendant DOB 06/27/1960
Police agency report no.	Charge Misconduct in Office, Neglect of Duty	Maximum penalty 5 years
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type
		Defendant DLN M

Witnesses
S/A J. Seipenko
S/A W. Cousins
S/A A. Wimmer
Miguel Del Toral
Marc Edwards
Dr. Mona Hanna-Attisha
James Henry
Brian Steglitz
LeeAnne Walters
Breat Wright
Victor Yu
Sarah Lyon-Callo
Cristin Lardet

COPY

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law,
COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE
 did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly misleading public health officials and others regarding the existence of lead in the drinking water in the City of Flint; in violation of her duty to ensure the provision of clean, safe drinking water for the citizens of the County of Genesee, State of Michigan; contrary to MCL 750.505. [750.505]
FELONY: 5 Years and/or \$10,000.00

COUNT 2 - PUBLIC OFFICER - WILLFUL NEGLECT OF DUTY
 did willfully neglect to perform the duty of ensuring the provision of clean, safe drinking water to the citizens of the County of Genesee, State of Michigan, a duty enjoined upon her by the Michigan Safe Drinking Water Act; contrary to MCL 750.478. [750.478]
MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7-29-16</u> by <u>THOMAS DANIEL</u> Date Prosecuting official <u>40964</u>
<input type="checkbox"/> Security for costs posted

[Signature]
Complaining witness signature

Subscribed and sworn to before me on 7/29/16
Date
[Signature]
Judge/Magistrate/Clerk

Bar no.

MCL 764.1 et seq., MCL 766.1 et seq., MCL 767.1 et seq., MCR 6.110

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. 16TC-16BSF DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address PATRICK COOK 503 West Brunswick Drive Dewitt, Michigan 48820		Victim or complainant J. SEIPENKO	
Codefendant(s) (if known)				Complaining witness J. SEIPENKO	
				Date: On or about April 2014 through November 2015	
City/Twp./Village City of Flint	County in Michigan Genesee	Defendant TCN	Defendant CTN	Defendant SID 1291791E	Defendant DOB 11/06/1963
Police agency report no.	Charge Misconduct in Office, Conspiracy, Neglect of Duty			Maximum penalty 5 years	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN C 200 676 507 853	

Witnesses
S/A J. Seipenko
S/A W. Cousins
S/A A. Wimmer
Miguel Del Toral
Marc Edwards
Dr. Mona Hanna-Attisha
James Henry
Brian Steglitz
LeeAnne Walters
Brent Wright
Victor Yu

COPY

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law, COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly interpreting the Michigan Safe Drinking Water Act contrary to the requirements of the Lead and Copper Rule contained therein; in violation of his duty to ensure the provision of clean, safe drinking water to the citizens of the County of Genesee, State of Michigan; contrary to MCL 750.505. [750.505]
FELONY: 5 Years and/or \$10,000.00

COUNT 2 - CONSPIRACY - MISCONDUCT IN OFFICE did unlawfully conspire, combine, confederate and agree together and with others, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Misconduct in Office as alleged in Count 1; contrary to MCL 750.157a. [750.505C]
FELONY: 5 Years and/or \$10,000.00

COUNT 3 - PUBLIC OFFICER - WILLFUL NEGLECT OF DUTY did willfully neglect to perform the duty of ensuring the provision of clean, safe drinking water to the citizens of the County of Genesee, State of Michigan enjoined upon him by the Michigan Safe Drinking Water Act; contrary to MCL 750.478. [750.478]
MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7-29-14</u> by:	Date
Prosecuting official <u>Thomas Dawson</u>	<u>40941</u>
<input type="checkbox"/> Security for costs posted	

Complaining witness signature [Signature]

Subscribed and sworn to before me on 7/29/14 Date

Judge/Magistrate/Clerk [Signature] Bar no. _____

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. 16TD-1685 FT DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v NANCY PEELER 4304 Partridge Lane Midland, MI 48640-2169		Victim or complainant J. SEIPENKO	
Codefendant(s) (if known) Robert Scott, Corinne Miller		Complainant witness J. SEIPENKO	
City/Twp./Village City of Flint		County in Michigan Genesee	Defendant TCN
Police agency report no.		Charge Misconduct in Office, Conspiracy, Neglect of Duty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Defendant CTN Defendant SID Defendant DOB Maximum penalty 5 years Defendant DLN P 460 622 067 574

Witnesses
 S/A J. Seipenko
 S/A W. Cousins
 S/A A. Wimmer
 Miguel Del Toral
 Marc Edwards
 Dr. Mona Hanna-Attisha
 James Henry
 Brian Steglitz
 LecAnne Walters
 Brent Wright
 Victor Yu
 Sarah Lyon-Callo
 Cristin Larder

COPY

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law, COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly misleading employees of the Department of Health and Human Services regarding reports of the increase in blood lead levels of children in Genesee County, in violation of her duty to promote and protect the health of the citizens of the County of Genesee, State of Michigan, contrary to MCL 750.505. [750.505] FELONY: 5 Years and/or \$10,000.00

COUNT 2 - CONSPIRACY did unlawfully conspire, combine, confederate and agree together with one another and others, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Misconduct in Office as alleged in Count 1; contrary to MCL 750.157a. [750.505C] FELONY: 5 Years and/or \$10,000.00

COUNT 3 - PUBLIC OFFICER - WILLFUL NEGLECT OF DUTY did willfully neglect to perform the duty of promoting and protecting the health of the citizens of the County of Genesee, State of Michigan enjoined upon her by the Michigan Public Health Code, MCL 333.511(1), MCL 333.511(2)(f) and MCL 333.20531 and the Critical Health Problems Reporting Act, MCL 325.71, et seq.; contrary to MCL 750.478. [750.478] MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7-29-14</u> by:
Date <u>7-29-14</u> Prosecuting official <u>THOMAS DANUS</u> <u>40984</u>
<input type="checkbox"/> Security for costs posted

Complainant witness signature [Signature]
 Subscribed and sworn to before me on 7/29/14
 Date
 Judge/Magistrate/Clerk [Signature] Bar no.

MCL 764.1 et seq., MCL 766.1 et seq., MCL 767.1 et seq., MCR 6.110

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. 16TE-1685 FY DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

THE PEOPLE OF THE STATE OF MICHIGAN v. ROBERT LAWRENCE SCOTT 6051 Redondo Drive Haslett, Michigan 48840-9721		Defendant's name and address	Victim or complainant J. SEIPENKO
Nancy Peeler, Corinne Miller		Complaining witness J. SEIPENKO	Date: On or about April 2014 through November 2015
City/Twp./Village City of Flint	County in Michigan Genesee	Defendant TCN	Defendant CTN
Police agency report no.	Charge Misconduct in Office, Conspiracy, Neglect of Duty	Defendant SID	Defendant DOB 08/01/1957
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	Maximum penalty 5 years	Defendant DLN S 300 745 488 603	

Witnesses
S/A J. Seipenko
S/A W. Cousins
S/A A. Wimmer
Miguel Del Toral
Marc Edwards
Dr. Mona Hanna-Attisha
James Henry
Brian Steglitz
LeeAnne Walters
Brent Wright
Victor Yu
Sarah Lyon-Callo
Cristin Lander

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE

did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly misleading employees of the Department of Health and Human Services regarding reports of the increase in blood lead levels of children in Genesee County; in violation of his duty to promote and protect the health of the citizens of the County of Genesee, State of Michigan; contrary to MCL 750.505. [750.505]

FELONY: 5 Years and/or \$10,000.00

COUNT 2 - CONSPIRACY

did unlawfully conspire, combine, confederate and agree together with one another and others, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Misconduct in Office as alleged in Count 1; contrary to MCL 750.157a. [750.505C]

FELONY: 5 Years and/or \$10,000.00

COUNT 3 - PUBLIC OFFICER - WILLFUL NEGLIGENCE OF DUTY

did willfully neglect to perform the duty of promoting and protecting the health of the citizens of the County of Genesee, State of Michigan enjoined upon him by the Michigan Public Health Code, MCL 333.5111(1), MCL 333.5111(2)(f) and MCL 333.20531 and the Critical Health Problems Reporting Act, MCL 325.71, et seq.; contrary to MCL 750.478. [750.478]

MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on 7-29-16 by: _____
 Date _____
 Prosecuting official Thomas Danse
40984
 Security for costs posted

Complaining witness signature

Subscribed and sworn to before me on _____
 Date 7/29/16

Judge/Magistrate/Clerk

Bar no.

MCL 764.1 et seq., MCL 766.1 et seq., MCL 767.1 et seq., MCR 6.110

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN 67th JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. DISTRICT 167F-1685 R CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

THE PEOPLE OF THE STATE OF MICHIGAN v		Defendant's name and address CORINNE MILLER 411 West Washington St. Dewitt, Michigan 48820-8925		Victim or complainant J. SEIPENKO	
Codefendant(s) (if known) Robert Scott, Nancy Peeler				Complaining witness J. SEIPENKO	
				Date: On or about April 2014 through November 2015	
City/Twp./Village City of Flint	County in Michigan Genesee	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB 08/23/1950
Police agency report no.	Charge Misconduct in Office, Conspiracy, Neglect of Duty		Maximum penalty 5 years		
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN M	

Witnesses
S/A J. Seipenko
S/A W. Cousins
S/A A. Wimmer
Miguel Del Toral
Marc Edwards
Dr. Mona Hanna-Attisha
James Henry
Brian Stegitz
LeeAnne Walters
Brent Wright
Victor Yu
Sarah Lyon-Callo
Cristin Larder

COPY

STATE OF MICHIGAN, COUNTY OF Genesee

The complaining witness says that on the date and at the location described, the defendant, contrary to law,
COUNT 1 - COMMON LAW OFFENSES - MISCONDUCT IN OFFICE
 did, on or about April 2014 through on or about August 2015, said dates being approximate, commit misconduct in office, an indictable offense at common law, by willfully and knowingly instructing employees of the Department of Health and Human Services to ignore valid reports of the increase in blood lead levels of children in Genesee County; in violation of her duty to promote and protect the health of the citizens of the County of Genesee, State of Michigan; contrary to MCL 750.505. [750.505]
FELONY: 5 Years and/or \$10,000.00

COUNT 2 - CONSPIRACY
 did unlawfully conspire, combine, confederate and agree with others, both known and unknown to the People of the State of Michigan, to commit an offense prohibited by law, to wit: Misconduct in Office as alleged in Count 1; contrary to MCL 750.157a. [750.505C]
FELONY: 5 Years and/or \$10,000.00

COUNT 3 - PUBLIC OFFICER - WILLFUL NEGLECT OF DUTY
 did willfully neglect to perform the duty of promoting and protecting the health of the citizens of the County of Genesee, State of Michigan enjoined upon her by the Michigan Public Health Code, MCL 333.5111(1), MCL 333.5111(2)(f) and MCL 333.20531 and the Critical Health Problems Reporting Act, MCL 325.71, et seq.; contrary to MCL 750.478. [750.478]
MISDEMEANOR: 1 Year and/or \$1,000.00

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7-29-16</u> by: _____ Date
Prosecuting official <u>Thomas Danahy</u> <u>410984</u>
<input type="checkbox"/> Security for costs posted

Complaining witness signature _____
 Subscribed and sworn to before me on 7/29/16 Date
 Judge/Magistrate/Clerk _____ Bar no. _____

MCL 764.1 et seq., MCL 796.1 et seq., MCL 767.1 et seq., MCR 6.110