

David Whitaker, Esq.  
Director  
Irvin Corley, Jr.  
Executive Policy Manager  
Marcell R. Todd, Jr.  
Director, City Planning Commission  
Janese Chapman  
Director, Historic Designation  
Advisory Board

# City of Detroit


## CITY COUNCIL

LEGISLATIVE POLICY DIVISION  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-4946 Fax: (313) 224-4336

John Alexander  
Roland Amarteifio  
Megha Bamola  
LaKisha Barclift, Esq.  
Nur Barre  
Paige Blessman  
M. Rory Bolger, Ph.D., FAICP  
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**TO:** The Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division

**DATE:** November 14, 2022

**RE:** **Report on Robert Carmack Allegations Against Mayor Duggan**

The Legislative Policy Division (LPD) has been requested to provide an analysis of the allegations made by Mr. Robert Carmack regarding Mayor Duggan.<sup>1</sup> The principal allegation presented is that the criminal charges brought against Mr. Carmack in the matter of the State of Michigan v Robert Carmack, Case Number 19-003870-FH, was the result of the Mayor utilizing his authority and the employees of the City of Detroit in retaliation against Mr. Carmack for releasing personal and embarrassing information about the Mayor in November 2018. The official charges against Mr. Carmack were issued on December 18, 2018.

### Summary of Findings

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<sup>1</sup> Mr. Carmack, after having made repeated public solicitations to the City Council over many months attempting to invite City Council into what can be accurately described as serial litigation between himself or one of his business interests, and the City of Detroit, At Formal Session on October 25, 2022, Mr. Carmack made public comment wherein he stated that the criminal charges against him in has been dismissed, and that no pending litigation between himself and the City of Detroit continues. Based upon the investigation of facts as outlined in this document, Mr. Carmack's assertion that there is no pending litigation between himself, and the City of Detroit is not valid. As LPD and the Law Department has routinely advised Council regarding matters that involves the City that are pending in the courts, council should refrain from any public discussion or investigation relative to these pending matters so as to not interfere with these proceedings.

The allegation presented is that the criminal charges brought against him were the result of the Mayor utilizing his authority, and the employees of the City of Detroit, in retaliation of Mr. Carmack releasing personal and embarrassing information about the Mayor in November 2018. The official charges against Mr. Carmack were issued on December 18, 2018. If the allegations are shown to be valid, the Mayor could be in violation of the Detroit City Charter Grounds for Mandatory Forfeiture, pursuant to Charter Section 2-107(B)(1)(c) or (f). The City Council has the authority under the Charter Section 2-107(B) to conduct forfeiture hearings if egregious allegations are substantiated after affording the Mayor due process. Additionally, City Council in its investigation has the Authority to investigate the substantiated claim and issue subpoenas to assist in the investigation pursuant to Section 4-109 and 4-110 respectively.

In undertaking an analysis of the allegations presented, LPD received documented information from both Mr. Carmack and the Law Department regarding this matter. LPD found, after reviewing the totality of the circumstances derived from our review of the documentation, that these materials do not support Mr. Carmack's allegations.

LPD found that the documented timeline substantiates that the City of Detroit's employees had reasonable suspicion that Mr. Carmack allegedly filed a fraudulent deed with the Wayne County Register of Deeds on September 28, 2012, and had a strong reasonable factual basis to allege that Mr. Carmack fraudulently transferred title of the property at 7751 Melville to Moby Dick Ventures, LLC on March 2, 2016. The process for the criminal investigation began in the fall of 2017, and the investigation included interviewing Mr. Carmack in February 2018. The request for warrant was submitted to the Wayne County Prosecutor's Office on March 1, 2018, which was forwarded to the Attorney General for appointment of Special Prosecutor on April 19, 2018. The Special Prosecutor from Genesee County was appointed on July 24, 2018. All of this occurred months prior to Mr. Carmack's video revelations about the Mayor that were released in November 2018.

LPD has not been able to substantiate any information that would rise to the threshold for this Honorable Body to undertake its duties under Article 2, Section 2-107 regarding Removal of a Duly Elected Official. LPD further believes that Mr. Carmack is quite familiar with the American judicial system and has availed himself of legal representation. The judicial system has the ability to fully afford Mr. Carmack the opportunity to be heard and fully address his concerns with all the constitutional safeguards a court of law provides. In addition, the courts also have the appropriate tools to provide for the veracity of witnesses through cross examination and the rules of evidence, which are not always afforded in a City Council hearing.

Of great significance, LPD would point out that there is currently pending civil litigation regarding the title to the property at 7751 Melville which includes Mr. Carmack and the City of Detroit as parties, as well as the potential appeal of the dismissal of the related criminal proceeding. Additionally, Mr. Carmack's attorneys have publicly indicated, as reported in the media, that they will be filing an action for malicious prosecution, false arrest, and false imprisonment against the Mayor and the City. LPD believes that the legal system, which Mr. Carmack has already availed himself of, is the appropriate venue for these matters to be fully and finally vetted, unless and until factual wrongdoing by the Mayor or other City officials has been substantiated through the courts.