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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director
Legislative Policy Division Staff 

DATE: October 20, 2025

RE: **MEMO REGARDING THE INTERIM SUSPENSION OF GAYANGA AND BRIAN MCKINNEY**

The City of Detroit Office of Inspector General (OIG) has issued interim suspensions for Gayanga Co LLC (Gayanga) and Brian McKinney, as well as any companies in which he/the entity have ownership, control, or a financial interest pursuant to Section 17-5-360 of the 2019 Detroit City Code, which provides the following:

Sec. 17-5-360. – Interim Suspension

- (a) Prior to a final debarment determination, the Inspector General may, upon determination of a need for immediate action may:
- (1) Suspend a contractor from eligibility for award of a City contract;
 - (2) Terminate the services of the contract under any existing contract, and
 - (3) Prior to any such suspension, notify the Chief Procurement Officer and allow seven days for comment, which time period may be waived by the Chief Procurement Officer.
- (b) The contractor will be suspended for the lesser of an initial period of 90 days or until the Inspector General makes a final determination with respect to the debarment, The initial suspension may be extended for up to three additional 30-day periods.

- (c) The Chief Procurement Officer will not solicit bids or proposals from, or approve the award for a contract to, the suspended contractor, and will not open or consider for a contract any bid or proposal received from same.
- (d) The Inspector General shall send a written notice of the initial suspension and any extension specifying the basis for the same, to the suspended contractor by certified mail with return receipt requested.
- (e) A copy of the interim suspension shall be filed with the City Clerk for transmission to City Council.

Gayanga and Brian McKinney sent a letter to the Detroit City Clerk on October 9, 2025, stating their intent to appeal the interim suspension pursuant to Section 17-5-361 of the Code, which provides the following:

Sec. 17-5-361. – Appeal.

- (a) The contractor may appeal a debarment decision, the length of a debarment, or an interim suspension to City Council within 28 days after the issuance of the Inspector General's debarment decision or interim suspension.
- (b) The contractor shall send the appeal letter together with any supporting materials to the City Clerk for transmission to City Council.
- (c) The contractor may request an in-person meeting with City Council, where the contractor may be represented by legal counsel.
- (d) The Inspector General shall have the right to appeal in person or to submit written comments to City Council.
- (e) City Council shall hold the appeal hearing within 45 days of receipt of the appeal letter.
- (f) City Council must have a vote of two-thirds majority of members present to overturn the Inspector General's debarment decision, length of debarment, or interim suspension. The decision shall be supported by competent, material, and substantial evidence on the whole record.
- (g) City Council shall notify the contractor, in writing, of the result of the appeal within ten days after the determination.

Under Section 17-5-361(e), City Council **must hold an appeal within 45 days of the receipt of the appeal letter, which was received on October 9, 2025. This means that the appeal must be held on or before Monday, November 24, 2025.**¹ City Council may overturn the Inspector General's interim suspension with a two-thirds majority of members present and must notify the contractor, in writing, of the result of the appeal within ten days of the determination.

¹ The 45 day period ends on November 23, 2025, but a day is added because it falls on a Sunday.

Inspector General's Position

On June 25, 2025, the OIG received a complaint alleging that Gayanga used contaminated dirt from a Northland Mall redevelopment in Southfield, Michigan to backfill residential properties located in Detroit. The OIG then requested that the Detroit Construction and Demolition Department conduct testing of the dirt used by Gayanga to backfill various demolition sites in Detroit. The test results showed that approximately 80% of the sites tested thus far have failed to meet the state's residential standards, after which the OIG issued the notice of interim suspension on September 11, 2025.

Gayanga and Brian McKinney's Position

In the October 9, 2025, letter requesting an appeal of the interim suspension, Gayanga contests that it has complied with all of its obligations with the city and has only obtained backfill from City approved sources. They noted the lack of factual information provided in the notice of interim suspension regarding the properties tested and the dates Gayanga allegedly utilized unapproved dirt. Further, Gayanga states that it has been using backfill from Iron Horse, a City approved source of backfill, in recent months and that it has records that can verify the origins of the backfill it has utilized.

Please contact our office if we can be of any further assistance.



CITY OF DETROIT

OFFICE OF INSPECTOR GENERAL

Kamau C. Marable, MA., CIG, CFE
Inspector General

Jennifer Bentley, Esq., CIGI
Deputy Inspector General

September 11, 2025

Honorable Council President Mary Sheffield
Honorable Council President Pro-Tem James Tate
Honorable Council Member Mary Waters
Honorable Council Member Coleman A. Young II
Honorable Council Member Scott Benson
Honorable Council Member Angela Whitfield-Calloway
Honorable Council Member Fred Durhal III
Honorable Council Member Latisha Johnson
Honorable Council Member Gabriela Santiago-Romero

Detroit City Council
Coleman A. Young Municipal Center
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VIA Email Only

RE: City of Detroit Office of Inspector General Notice of Interim Suspension of Gayanga Co LLC and Brian McKinney, and Any Companies in which They Have Ownership or Financial Interest
OIG File No. 25-0014-INV

Dear Honorable City Council Members:

Pursuant to Section 17-5-360 of the City of Detroit Debarment Ordinance (“Debarment Ordinance”) and for the reasons stated below, the City of Detroit Office of Inspector General (OIG) is issuing interim suspensions for Gayanga Co LLC (Gayanga) and Brian McKinney, as well as any companies in which he/the entity have ownership, control, or a financial interest.

On June 5, 2025, the OIG received a complaint regarding the potential use of unapproved dirt in residential areas. Specifically, it was alleged that Gayanga used contaminated dirt from a Northland Mall redevelopment in Southfield, Michigan to backfill residential properties located within the City of Detroit (City). Based on the OIG’s preliminary review of the evidence, we requested that the City of Detroit Construction and Demolition Department (CDD) conduct testing of the dirt used by Gayanga to backfill various sites across the City.

Test results showed that the dirt located at approximately 80% of properties tested thus far have failed to meet the state’s residential standards. As such, and pursuant to the OIG’s Charter mandate to ensure honesty and integrity in City government and contracting, we find it is in the public interest to prohibit Gayanga and Brian McKinney from conducting business with the City,



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October 9, 2025

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Office of Inspector General
City of Detroit
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Janice Winfrey
City Clerk-City of Detroit
winfrey@detroitmi.gov
cityclerkhelpdesk@detroitmi.gov

**Re: Appeal of Interim Suspension of Gayanga Co. LLC and Brian McKinney
OIG File No. 25-0014-INV**

Dear Ms. Greene:

As you may be aware, this law firm represents Gayanga Co. LLC ("Gayanga") and has been retained in connection with the interim suspension of Gayanga and Brian McKinney ("McKinney") issued by the City of Detroit Office of Inspector General ("OIG"). Please allow this letter to serve as Gayanga and McKinney's formal appeal of their interim suspensions pursuant to Detroit City Code Section 17-5-361.

As you are aware, on September 11, 2025 a notice of interim suspension (the "Notice") was issued to Gayanga and McKinney. The Notice stated that OIG received a complaint regarding the potential use of unapproved and contaminated dirt in residential areas. Specifically, the Notice alleged that Gayanga used contaminated dirt from a Northland Mall redevelopment in Southfield, Michigan to backfill residential properties located within the City of Detroit (the "City"). Consequently, the Notice explained OIG requested the City's Construction and Demolition Department ("CDD") conduct testing of the dirt used by Gayanga to backfill certain sites in the City. The Notice alleged dirt used by Gayanga at approximately 80% of the properties tested "failed to meet the state's residential standards."

Because Gayanga has complied with its contractual obligations with the City and has obtained backfill only from City approved sources, the interim suspensions should be overturned based on this appeal. While the Notice did not identify the allegedly contaminated properties, or provide the dates that OIG alleges Gayanga utilized unapproved dirt, based on information gathered following the Notice, Gayanga is confident the allegations are without merit. Following receipt of the Notice on September 11, 2025, McKinney received a call from LaJuan Counts ("Ms. Counts"), Group Executive of Construction & Building Operations, regarding the investigation into Gayanga and McKinney. Among other information, Ms. Counts informed McKinney that the source of the backfill in question was Iron Horse, a City approved public source. (**Exhibit A**, Current Approved Public Source List).

EXHIBIT A