

## APPENDIX 2

### CHARGED FALSE STATEMENTS

The evidence (including case transcripts, depositions, formal hearing testimony, documents, etc.) shows respondent made many incorrect statements. Some of them are certainly innocent mistakes. Others are deliberate efforts to deceive. The deliberate efforts to deceive that were charged as misconduct are listed below, for easy reference. Also listed are corresponding references to relevant counts from the Second Amended Complaint. Each of the allegations below is a violation of *violated MCJC Canon 2(B) and MCR 9.205(B) and 9.208(B)*.

#### False statements under oath at deposition:

*Count XVII(a)- Respondent's knowledge of motion to preserve evidence-* Respondent did not tell the truth about when she first learned of Root's motion to preserve evidence during her divorce deposition as it was when Pratt called emailed her and not when her attorney advised her. This false statement is material as it relates to respondent's actions concerning her destruction of evidence and the delay in signing the disqualification in her divorce.

*Count XVII(c)- Respondent told Pratt that she was too busy to sign the disqualification order-* Respondent did not tell Prat that she was too busy to sign the order and in fact was not too busy to do it. She simply chose not to sign it while she was attempting to learn how to delete information from her phone and to get it reset to factory settings while a motion to preserve evidence was pending. This false statement is material is it relates to respondent's actions concerning her destruction of evidence and the delay in signing the disqualification in her divorce.

*Counts XVII(d) and (e)- Respondent's statement that she was only joking when asking others about how to delete information from her cell phone and her denial that she requested*

*assistance in deleting an email account from her phone-* Respondent admitted at the formal hearing that this was not a joke. In fact, based on respondent's directions to Milhouse, her secretary and her statements to others. This false statement is material as it relates to respondent's actions concerning her destruction of evidence in her divorce.

*Count XVII(f)- Respondent's statement that she had not taken steps to have her phone reset-* That statement is false as respondent did, in fact, have her phone reset as she acknowledged at the formal hearing. This false statement is material as it relates to respondent's actions concerning her destruction of evidence in her divorce.

*Count XVII(m)- false statement as to communication with Sharpe-* Respondent testified at her deposition that Sharpe vomited at respondent's house in a guest bedroom (described as a "really horrible thing"), failed to apologize or pay for the damage, and asserted it was not in Sharpe's nature to apologize. In actuality, a text exchange between respondent and Sharpe proved that Sharpe did apologize, offered to pay, and respondent declined saying she had one worse. Shortly after the incident respondent pushed to make Sharpe a full-time employee at the court. This statement is material as it concerns respondent's relationship with Sharpe and respondent's later conduct of assigning Sharpe the personal task of paying respondent's bills to offset the cost of paying for ruined sheets.

*Count XVII(l)- Statements regarding Sharpe's deck staining-* Respondent stated at her deposition in relation to her divorce on February 9, 2017, and in her responses to the Commission, that she was not aware that Sharpe was working on staining respondent's deck during work hours. Sharpe testified that she stained the deck during work hours and respondent directed her to do so. The evidence proves Sharpe texted respondent about the work on September 2 and she was paid by Livingston County for a full day of work on September 2. This

lie is material as it relates to respondent's authorization of her staff to perform personal services for respondent while on work hours.

False statements in court proceedings:

*Count XIII(A)- Concealment of relevant facts relating to, and true nature of, relationship with Furlong and Corriveau as to the Kowalski case on January 4, 2013-* Respondent's relationships with Furlong and Corriveau were why counsel in *Kowalski* met with respondent on January 4. On that date, when asked about the relationships, respondent failed to disclose her relevant information regarding her contacts with Furlong (as to the phone calls, texts, socializing, etc.) and her contact with both Furlong and Corriveau as to their trips to the court for search warrants. This conduct is material as counsel, and Chief Judge Reader on review, did not have an accurate understanding of the relationship in the context of the disqualification.

*Counts XIII(B) and XIV(A)- Respondent's knowledge of Pollesch representing Root-* Respondent asserted both to opposing counsel in *McFarlane*, when the question was raised about Pollesch's representation of Root, and to the Commission, that she learned of it either around, or shortly before, her divorce was filed (the divorce complaint was filed on December 2, 2016). This statement is false as she commented on the representation in December 2014 (as revealed by respondent's statement on the record) and both Root and Cox stated respondent was aware of the relationship while it existed. This statement is material as it relates to respondent's duty to disclose the existence of the relationship in cases where Pollesch and attorneys from her firm appeared before respondent.

*Count XIII(c)- False statement about phone equipment during Sullivan v Sullivan-* Respondent stated at a proceeding that the court did not have a system that allows someone to

participate in a court proceeding by telephone. The testimony of Cox, stipulation of the person who maintains the relevant equipment, and the transcripts in *Sullivan v Sullivan* (including one where respondent remarked a party could have participated by phone) prove that respondent's statement was false. This statement is material as the party in question lived in Florida and it was expensive for her to attend court proceedings (based on travel, hotel, and car rental costs).

False statements under oath to the Commission:

*Count XVII(b)(ii)- Respondent's representation to Commission regarding when she first spoke with her attorney after her divorce-* Respondent asserted she first spoke with her attorney following Pratt's visit to the Brighton court to pick up the signed disqualification order, when in fact she spoke to him the day before and after Pratt's phone call and email regarding the pending motion to preserve evidence. This false statement is material as it relates to respondent's actions concerning her destruction of evidence and the delay in signing the disqualification in her divorce.

*Count XVII(g)- Respondent's statement to the Commission that there was nothing to preserve on her cell phone-* Respondent's statement was false as she was having Milhouse scramble to delete information from her phone and was asking others about how to delete information from her phone; she believed there was something to preserve. This false statement is material as it relates to respondent's actions concerning her destruction of evidence in her divorce.

*Count XVII(j)- Respondent's statements to the Commission about Ryan vis-à-vis the Furlong relationship-* Respondent overstated, to a large degree, her friendship with Ryan as to reason why respondent had contact with Furlong. Those statements were false as while *Kowalski*

pending, and prior to the *Kowalski* trial, Furlong had an independent friendship with Furlong that was not dependent on Ryan's involvement. The statements were material as they were an attempt by respondent to minimize her relationship with Furlong relating to her obligation to disclose and disqualify as to the *Kowalski* proceedings.

*Count XVII(i)- Respondent's denials to the Commission regarding her treatment of Furlong and Corriveau as to search warrants-* Respondent denied in her written responses to the Commission, and confirmed those denials during her testimony at the formal hearing, that she gave Furlong and Corriveau different, or preferential, treatment when they came to the court for search warrants. Those statements were false as a number of witnesses testified that respondent always took them to her office and closed the door (even when on the record). The witnesses asserted other officers did not get this treatment as their warrants were handled while respondent was on the bench or in her office with the door open. This false statement is material as it was an attempt by respondent to hide relevant facts relating to her relationships with Furlong and Corriveau, witnesses in *Kowalski*.

*Count XVII(h)- Denials that she texted Furlong during the Kowalski trial-* In her written responses to the Commission, respondent denied that she texted Furlong during the *Kowalski* trial, and confirmed those denials during the formal hearing. Phone records belie those denials as respondent texted Furlong a number of times while the trial was pending. This statement is material as it reflects respondent's contact with a key witness and co-officer-in-charge in a murder trial, and serves as an attempt to hide her true relationship with Furlong.

*Counts XIII(B) and XIV(A)- Respondent's knowledge of Pollesch representing Root-* Respondent asserted both to opposing counsel in *McFarlane*, when the question was raised about Pollesch's representation of Root, and to the Commission, that she learned of it either around, or

shortly before, her divorce was filed (the divorce complaint was filed on December 2, 2016). This statement is false as she commented on the representation in December 2014 (as revealed by respondent's statement on the record) and both Root and Cox stated respondent was aware of the relationship while it existed. This statement is material as it relates to respondent's duty to disclose the existence of the relationship in cases where Pollesch and attorneys from her firm appeared before respondent.

*Count XVII(l)- Statements regarding Sharpe's deck staining-* Respondent stated at her deposition in relation to her divorce on February 9, 2017, and in her responses to the Commission, that she was not aware that Sharpe was working on staining respondent's deck during work hours. Sharpe testified that she stained the deck during work hours and respondent directed her to do so. The evidence proves Sharpe texted respondent about the work on September 2 and she was paid by Livingston County for a full day of work on September 2. This lie is material as it relates to respondent's authorization of her staff to perform personal services for respondent while on work hours.

*Count XVII(n)- Respondent's statements about the voluntary nature of Cox and Sharpe's payment of her personal bills during work hours-* Respondent asserted to the Commission in her written responses that Cox and Sharpe volunteered, or insisted, on paying her bills as respondent was so negligent as to her finances. In fact, respondent directed Cox and Sharpe to pay her bills (as to Sharpe the first instance was to work off the damage Sharpe caused by vomiting on sheets in a guest bedroom at respondent's home). Respondent's false statements are material as they reflect an attempt by respondent to minimize the circumstances under which respondent had her staff perform respondent's personal tasks (voluntary versus directed to do so).

*Counts XIV(b) and XVII(p)- Respondent's knowledge of her staff doing campaign work during court hours and on the court premises-* Respondent asserted to the Commission that she “never” allowed her staff to perform work during work hours, mixing her campaign with work was an “absolute no”, and other similar statements. However, Cox’s computer records and the testimony of Cox and Sharpe establish that respondent *did* have the staff work on campaign items during court hours, and in fact participated in some of the projects (respondent acknowledged that during her testimony at the formal hearing, after being provided the computer records; she turned her testimony in an attempt to minimize the work). In any event, the denials are material as they reflect respondent’s attempts to cover up violations of the Michigan Campaign Finance Act. (MCL 169.257)