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March 9, 2011

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Clerk of the Court
Michigan Supreme Court
925 W. Ottawa St.
Lansing, MI 48913

Dear Clerk of the Court:

Re: *Loar v Department of Human Services*
Michigan Supreme Court Docket No. 142237

Enclosed, please find an original plus seven copies of Brief in Opposition to Application for Leave to Appeal along with Proof of Service for filing in the above-referenced matter.

Thank you for your courtesy in this regard.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joshua S. Smith", written over a horizontal line.

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c: Patrick Wright

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

SHERRY LOAR, MICHELLE BERRY,
And PAULETTE SILVERSON,

Supreme Court No: 140810
Court of Appeals No: 294087

Plaintiffs-Appellants,

v

MICHIGAN DEPARTMENT OF HUMAN SERVICES
and MAURA CORRIGAN, in HER official capacity as
Director of the Michigan Department of Human Services,

Defendants-Appellees.

PROOF OF SERVICE

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The undersigned certifies that a copy of Defendants-Appellees' Brief in Opposition to Application for Leave to Appeal was served upon the above attorneys of record or parties appearing *in pro per* in the above cause by mailing the same to them at their respective addresses with first class postage fully prepaid thereon, on the 9th day of March, 2011.



Staci J. Soya

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And PAULETTE SILVERSON,

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Defendants-Appellees.

BRIEF IN OPPOSITION TO
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Dated: March 9, 2011

TABLE OF CONTENTS

	<u>Page</u>
Index of Authorities	iii
Counter-Statement of Questions	vii
Counter-statement of Judgment appealed from and relief sought	viii
Introduction.....	1
Counter-Statement of Proceedings and Facts	4
Argument	8
I. A case becomes moot when there is no longer an active controversy between adverse litigants. In the present case, Plaintiffs ask that DHS "stop taking 'union dues' from their checks." But DHS has rescinded the interlocal agreement, dissolved the Council, and union dues will no longer be deducted as of March 18, 2011. Plaintiffs' claims are moot for lack of a case or controversy because DHS has taken to steps to stop the collection of union dues from Plaintiffs' checks?.....	8
A. Standard of Review.....	8
B. By voluntarily abandoning the interlocal agreement that created the Council, which effectively abolishes the Council, and ceasing the deduction of union dues, the claims against DHS have become moot.	8
II. Mandamus is extraordinary relief, issuing only where a plaintiff asserts a clear right to the performance of a ministerial function that the defendant has a clear legal duty to perform, and no other remedy is available. Plaintiffs fail to identify a clear legal right, a clear legal duty, or any ministerial act. Plaintiffs have available remedies in circuit court. Accordingly, this Court should deny leave to appeal.....	12
A. Standard of Review.....	12
B. Plaintiffs failed to establish the elements of mandamus in the Court of Appeals.	12
1. Plaintiffs fail to show a clear legal right or clear legal duty pertaining to the Defendants.....	13
2. Plaintiffs fail to link any ministerial act of Defendants to the conduct forming the basis of their complaint.....	14
3. Plaintiffs had other remedies that they failed to exercise.....	15
4. Plaintiffs' discussion of the mandamus case law is erroneous and misleading.....	19

C. Because Plaintiffs' remaining arguments lack merit or are unpreserved, this Court should not grant leave to appeal. 21

D. Conclusion. 23

Relief Sought 24

INDEX OF AUTHORITIES

	<u>Page</u>
 <u>Cases</u>	
<i>Anway v Grand Rapids R Co</i> , 211 Mich 592, 610; 179 NW 350 (1920)	8
<i>Brandywine v Richmond</i> , 359 F3d 830, 836 (6th Cir., 2004)	11
<i>Casco Township v Secretary of State</i> , 472 Mich 566, 571; 701 NW2d 102 (2005).....	12
<i>Citizens Protecting Michigan’s Constitution v Secretary of State</i> , 280 Mich App 273; 761 NW2d 210 (2008)	19
<i>City of Huntington Woods v City of Detroit</i> , 279 Mich App 603, 614; 761 NW2d 127 (2008).....	8
<i>City of Lansing v Carl Schlegel Inc</i> , 257 Mich App 627; 669 NW2d 315 (2003)	17
<i>City of Warren v Detroit</i> , 261 Mich App 165, 166 n 1; 680 NW2d 57 (2004)	8
<i>Delly v Bureau of State Lottery</i> , 183 Mich App 258, 260-261; 454 NW2d 141 (1990)	14
<i>Demings v City of Ecorse</i> , 423 Mich 49; 377 NW2d 275 (1985).....	16
<i>Dressel v Ameribank</i> , 468 Mich 557, 569; 664 NW2d 151 (2003)	19
<i>Eichhorn v Lamphere School Dist</i> , 166 Mich App 527, 546; 421 NW2d 230 (1988)	23
<i>Family Independence Agency v Hosler</i> , 245 Mich App 126, 134; 626 NW2d 921 (2001).....	23
<i>Federated Publications, Inc v City of Lansing</i> , 467 Mich 98, 112; 649 NW2d 383 (2002)	8, 9
<i>Friends of the Earth, Inc v Laidlaw Envntl Servs (TOC) Inc</i> , 528 US 167, 189; 120 S Ct 693; 145 L Ed 2d 610 (2000).....	10
<i>Gorzen v Westfield Ins Co</i> , 207 Mich App 575, 579; 526 NW2d 43 (1994).....	18
<i>Illinois State Bd of Elections v Socialist Workers Party</i> , 440 US 173, 187; 99 S Ct 983; 59 L Ed 2d 230 (1979).....	9
<i>In re Zelzack</i> , 180 Mich App 117, 126; 446 NW2d 588 (1989).....	23
<i>Insurance Institute of Michigan v Comm’r of Fin and Ins Serv</i> , 486 Mich 370, 384; 785 NW2d 67 (2010)	21
<i>Iron Arrow Honor Society v Heckler</i> , 464 US 67, 69-70; 104 S Ct 373; 78 L Ed 2d 58 (1983).....	11

<i>Johnston v City of Livonia</i> , 177 Mich App 200, 208; 441 NW2d 41 (1989).....	18
<i>Kauffman v Shefman</i> , 169 Mich App 829, 834-835; 426 NW2d 819 (1988).....	23
<i>Keaton v Village of Beverly Hills</i> , 202 Mich App 681, 684; 509 NW2d 544 (1993).....	13
<i>Kent County Deputy Sheriff's Assoc v Kent County Sheriff</i> , 463 Mich 353, 359; 616 NW2d 677 (2000)	15
<i>Kentucky Right to Life, Inc v Terry</i> , 108 F3d 637, 645 (6th Cir., 1997).....	11
<i>Labor Mediation Board v Jackson County Road Commissioners</i> , 365 Mich 645; 114 NW2d 183 (1962)	15
<i>Lamphere Schools v Lamphere Federation of Teachers</i> , 400 Mich 104, 118; 252 NW2d 818 (1977).....	15, 16
<i>Lee v Macomb Co Bd of Comm'rs</i> , 235 Mich App 323, 331; 597 NW2d 545 (1999).....	12
<i>Lobaido v Detroit Police Comm'r</i> , 15 Mich App 138, 140; 166 NW2d 515 (1968).....	15
<i>Maldonado v Ford Motor Co</i> , 476 Mich 372, 388; 719 NW2d 809 (2006).....	12
<i>McGregor v Carney</i> , 271 Mich 278, 281; 260 NW 163 (1935)	12
<i>Mesquite v Aladdin's Castle, Inc</i> , 455 US 283, 289; 102 S Ct 1070 & n 10; 71 L Ed 2d 152 (1982).....	10
<i>Michigan Ass'n of Homes & Servs for the Aging v Shalala</i> , 127 F3d 496, 503 (CA 6 1997)	15
<i>Michigan Nat'l Bank v St Paul Fire & Marine Ins Co</i> , 223 Mich App 19, 21; 566 NW2d 7 (1997).....	8
<i>Moses Inc v Southeast Mich Council of Gov'ts</i> , 270 Mich App 401, 416; 716 NW2d 278 (2006).....	8
<i>Mosley v Hairston</i> , 920 F2d 409, 415 (6th Cir., 1990).....	11
<i>Musselman v Governor</i> , 200 Mich App 656, 663-664; 505 NW2d 288 (1993).....	18
<i>Parkwood Ltd v State Housing Development Authority</i> , 468 Mich 763, 744, n 8; 664 NW2d 185 (2003)	18
<i>People ex rel Oakland Prosecuting Attorney v State Bureau of Pardons and Paroles</i> , 78 Mich App 111; 259 NW2d 385 (1977).....	19, 20
<i>People v Davis</i> , 468 Mich 77, 82; 658 NW2d 800 (2003)	21
<i>People v Richmond</i> , 486 Mich 29, 34; 782 NW2d 187 (2010)	8

<i>People v Williams</i> , 483 Mich 226, 232; 769 NW2d 605 (2009)	20
<i>Prisoners' Labor Union v Dep't of Corrections</i> , 61 Mich App 328; 232 NW2d 699 (1975).....	17
<i>Secretary of State v State Treasurer</i> , 113 Mich App 153; 317 NW2d 238 (1982).....	19
<i>Secretary of State v State Treasurer</i> , 414 Mich 874; 322 NW2d 710 (1982)	19
<i>Silbert v Lakeview Education Ass'n, Inc</i> , 187 Mich App 21, 25; 466 NW2d 333 (1991)	16
<i>St. Clair Intermediate School Dist v Intermediate Education Ass'n</i> , 458 Mich 540, 581 NW2d 707 (1998)	15
<i>State Board of Education v Fox</i> , 620 F2d 578, 580 (6 th Cir 1980).....	23
<i>Tenneco Inc v Amerisure Mut Ins Co</i> , 281 Mich App 429, 458; 761 NW2d 846 (2008).....	18
<i>Tipton v William Beaumont Hospital</i> , 266 Mich App 27, 33; 697 NW2d 552 (2005).....	18
<i>Tuggle v Michigan Dep't of State Police</i> , 269 Mich App 657, 669; 712 NW2d 750 (2005).....	13
<i>Walters v Nadell</i> , 481 Mich 377, 381-382; 751 NW2d 431 (2008)	23
<i>Weinstein v Bradford</i> , 423 US 147, 149; 96 S Ct 347; 46 L Ed 2d 350 (1975)	9
<i>White-Bey v Dept of Corrections</i> , 239 Mich App 221, 223-224; 608 NW2d 833 (1999).....	12, 13
<i>Woodland v Michigan Citizens Lobby</i> , 423 Mich 188, 199; 378 NW2d 337 (1985)	18

Statutes

MCL 423.213	15
MCL 423.216	15
MCL 7.302(B).....	2

Rules

MCR 1.102.....	19
MCR 2.202(C)	6
MCR 2.205.....	14
MCR 2.207.....	20
MCR 2.605(A)(1)	18

MCR 3.305(A)(1)	20
MCR 3.305(A)(2)	14, 20
MCR 7.203.....	18
MCR 7.203(C)(2).....	13, 20
MCR 7.302(C)(2).....	20

COUNTER-STATEMENT OF QUESTIONS

- I. A case becomes moot when there is no longer an active controversy between adverse litigants. In the present case, Plaintiffs ask that DHS "stop taking 'union dues' from their checks." But DHS has rescinded the interlocal agreement, dissolved the Council, and union dues will no longer be deducted as of March 18, 2011. Are Plaintiffs' claims moot for lack of a case or controversy where DHS has taken to steps to stop the collection of union dues from Plaintiffs' checks?

Court of Appeals' answer: The Court of Appeals did not address this question.

Plaintiffs'-Appellants' answer: Plaintiffs'-Appellants did not address this question.

Defendants'-Appellees' answer: "Yes."

- II. Mandamus is extraordinary relief, issuing only where a plaintiff asserts a clear legal right to the performance of a ministerial function that the defendant has a clear legal duty to perform, and no other remedy is available. Plaintiffs fail to identify a clear legal right, a clear legal duty, or any ministerial act. Plaintiffs have available remedies in circuit court. Should this Court deny leave to appeal?

Court of Appeals' answer: "Yes."

Plaintiffs'-Appellants' answer: "No."

Defendants'-Appellees' answer: "Yes."

**COUNTER-STATEMENT OF JUDGMENT APPEALED FROM AND RELIEF
SOUGHT**

On December 30, 2009, the Michigan Court of Appeals, in an original action, denied Plaintiffs' Complaint for Mandamus and denied reconsideration on February 10, 2010. Plaintiffs filed an Application for Leave to Appeal in this Court on March 24, 2010. In lieu of granting that application, this Court remanded to the Court of Appeals, asking "for an explanation of the reason(s) for the denial of the plaintiffs' complaint for mandamus." The Court of Appeals complied, dismissing Plaintiffs' case on September 22, 2010, explaining that Plaintiffs "failed to meet their burden of identifying a clear legal right to the performance of a specific, ministerial duty." Furthermore, the Court found that the Department of Human Services "did not have the clear legal duty to ignore the results of the union certification election." The Court of Appeals also noted that Plaintiffs were seeking declaratory or injunctive, rather than mandamus, relief. Accordingly, the Court of Appeals dismissed Plaintiffs case and later denied Plaintiffs Motion for Reconsideration.

Plaintiffs have once again sought leave to appeal in this Court, and Defendants Michigan Department of Human Services and Director Maura Corrigan ask this Court to deny the Application for Leave to Appeal because this case is moot.

INTRODUCTION

In this mandamus action, Plaintiffs object to the deduction of union dues from the checks they receive from the State of Michigan for providing subsidized child daycare services; these dues go to Child Care Providers Together Michigan, the union certified by the Michigan Employment Relations Commission to represent home daycare providers in Michigan. On March 1, 2011, DHS announced that the deduction of union dues from the subsidy checks of all daycare providers will cease on March 18, 2011. Furthermore, DHS announced that it had, along with Mott Community College, rescinded the interlocal agreement that created the Michigan Home Based Child Care Council (Council). This effectively dissolved the Council, which was the entity that the Union, on behalf of daycare providers, bargained with. Because DHS has voluntarily granted the only relief requested by Plaintiffs, i.e. the cessation of dues collection from Plaintiff's checks, this case is moot and this Court should decline to grant Plaintiffs' Application for Leave to Appeal.

In the alternative, to the extent that this Court believes that this case is not moot, it should deny Plaintiffs' Application for Leave to Appeal because the Court of Appeals' decision was correct. Despite calling the action a "Complaint for Writ of Mandamus," Plaintiffs actually seek declaratory and injunctive relief. Essentially, Plaintiffs asked the Court of Appeals to declare that it is unlawful for Defendants to deduct union dues from their subsidy checks and sought to enjoin Defendants from withholding those dues. But, the Court of Appeals lacks original jurisdiction over actions for declaratory or injunctive relief. Moreover, in order for the Court of Appeals to determine whether Plaintiffs are entitled to their relief, it would have to address various legal rights and obligations of parties who Plaintiffs failed to name in this action – those whose presence are necessary to afford complete relief. Plaintiffs also failed to exhaust available

remedies because they never filed any claim with Michigan Employment Relations Commission regarding the matters challenged in this lawsuit.

The Court of Appeals properly denied Plaintiffs' request for a writ of mandamus and this Court should deny the Plaintiffs' Application for Leave to Appeal because they fail to satisfy any of the grounds for granting such relief under MCL 7.302(B). The Court of Appeals, in a well-reasoned and sound decision, dismissed Plaintiffs' case because Plaintiffs "failed to meet their burden of identifying a clear legal right to the performance of a specific, ministerial duty." (Court of Appeals Order, 9/22/10). Furthermore, the Court found that the Department of Human Services "did not have the clear legal duty to ignore the results of the union certification election." (Court of Appeals Order, 9/22/10). The Court of Appeals also noted that Plaintiffs were seeking declaratory or injunctive, rather than mandamus, relief. (Court of Appeals Order, 9/22/10). Thus, mandamus is wholly inappropriate. Furthermore, the Court of Appeals held that Plaintiffs had other remedies available. (Court of Appeals Order, 9/22/10). Instead of following the law, however, Plaintiffs ask this Court to revise and alter the long-established law of mandamus in order to remedy their own failure to file a correct action in the proper court. Plaintiffs should not be rewarded for their failure to pursue the available remedies in circuit court.

This case does not involve legal principles of major significance to the State's jurisprudence. The contours of a mandamus action are well-established in Michigan. Plaintiffs' failure to pursue their case in the proper court, with the proper parties under the proper cause of action does nothing to elucidate major jurisprudential principles of Michigan law.

Most importantly, the Court of Appeals decision is not erroneous because Plaintiffs failed to establish the requisite elements of a mandamus action. Plaintiffs' arguments do not merit

granting leave where the Court of Appeals correctly decided the case, and there is no need for additional court interpretation or clarification of mandamus law.

COUNTER-STATEMENT OF PROCEEDINGS AND FACTS

On July 27, 2006, the Department of Human Services (DHS) and Mott Community College (Mott) entered an interlocal agreement to create the Michigan Home Based Child Care Council (Council) (Amended Complaint, ¶ 20). The express purpose of the Council included coordination of "providing effective, efficient, and stable child care, offering training to [home-based child care] Providers, and providing public sector payments to Providers" (Amended Complaint, Exhibit 8, Interlocal Agreement, § 2.01, p 6). Section 6.10 of the agreement stated that the Council has the right to collectively bargain and enter into agreements with labor organizations (Amended Complaint, ¶ 22).

In September 2006, an entity called Child Care Providers Together Michigan (Union) filed a petition with the Michigan Employment Relations Commission (MERC) seeking to represent a bargaining unit comprised of all home-based daycare providers receiving reimbursement payments from the Michigan Child Development and Care Program and other programs (Amended Complaint, ¶ ¶ 24-25). MERC mailed notice of the election to all home-based daycare providers, including Plaintiffs. (MERC Mailing, attached as Appendix A).¹ In November 2006, MERC, following a mail election, certified the Union (Amended Complaint, ¶ ¶ 27-28). After MERC's certification, the Council and the Union entered into a collective bargaining agreement. In the agreement, the parties agreed to have DHS withhold union dues from the subsidy checks that their members receive for providing home-based child care (Amended Complaint, ¶ ¶ 29-32). Plaintiffs are home-based daycare providers who "had 'union

¹ This document was attached to Defendants' Motion to Dismiss.

dues' removed from subsidy checks," beginning in January 2009. (Amended Complaint, ¶¶ 33-36).

On September 16, 2009, Plaintiffs Sherry Loar and Dawn Ives filed an original action in the Court of Appeals, nominally seeking a writ of mandamus to stop DHS from taking "union dues" from their home-based child care subsidy payments. In lieu of an answer, Defendants moved to dismiss on October 7, 2009. Ives was dismissed by stipulation. On October 21, 2009, Plaintiffs moved to file an amended complaint seeking to add Plaintiffs Michelle Berry and Paulette Silverson and adding some additional paragraphs which they claimed satisfied the pleading requirements for a mandamus action.

In their Complaint, Plaintiffs requested that DHS cease deducting union dues from their state subsidy checks:

WHEREFORE, Plaintiffs respectfully request that this Honorable Court issue a writ of mandamus directing Defendant Department of Human Services to stop taking "union dues" from their checks. [Amended Complaint, p 7.]

Plaintiffs requested no other relief.

On December 30, 2009, the Court of Appeals issued an order that granted the motion to amend, denied the request for a writ of mandamus, and denied Defendants' motion to dismiss as moot. On February 10, 2010, the Court of Appeals denied Plaintiffs' motion for reconsideration of the order denying mandamus.

Plaintiffs filed an Application for Leave to Appeal in this Court on March 24, 2010. In lieu of granting that application, this Court remanded to the Court of Appeals, asking "for an explanation of the reason(s) for the denial of the plaintiffs' complaint for mandamus." The Court of Appeals complied, explaining that Plaintiffs "failed to meet their burden of identifying a clear

legal right to the performance of a specific, ministerial duty." (Court of Appeals Order, 9/22/10). Furthermore, the Court of Appeals found that the Department of Human Services "did not have the clear legal duty to ignore the results of the union certification election." (Court of Appeals Order, 9/22/10). According to the Court of Appeals, Plaintiffs were seeking declaratory or injunctive, rather than mandamus, relief. (Court of Appeals Order, 9/22/10). The Court of Appeals, once again, dismissed Plaintiffs case and later denied Plaintiffs Motion for Reconsideration. (Court of Appeals Order, 10/27/10).

On January 1, 2011, Governor Snyder was sworn in, replacing former Governor Granholm. Shortly thereafter, Director Corrigan replaced former Director Ahmed.² On February 28, 2011, the Mott Community Council Board of Trustees voted to dissolve the interlocal agreement creating the Council. (Board of Trustees Meeting Record, attached as Appendix B). Director Corrigan and Mott Community College President M. Richard Shaink formally terminated the interlocal agreement. (Termination of the Interlocal Agreement Creating the Michigan Home Based Child Care Council, 3/1/11, attached as Appendix C). On March 1, 2011, Director Corrigan, acting on behalf of DHS, signed a letter dissolving the interlocal agreement effective March 7, 2011. (Letter from Director Corrigan to Council, 3/1/11, attached as Appendix D). Director Corrigan also notified the Council that its Contract will be terminated effective April 8, 2011. (Second Letter from Director Corrigan to Council, 3/1/11, attached as Appendix E). Finally, Director Corrigan notified the Council that, as of the March 18, 2011 payroll, "the department will cease deducting union dues from home based child care providers." (Third Letter from Director Corrigan to Council, 3/1/11, attached as Appendix F). Director

² Pursuant to MCR 2.202(C), Director Corrigan automatically substituted for DHS Director Ahmed.

Corrigan publicized her decision and concomitant actions in a press release. (DHS Press Release, 3/1/11, attached as Appendix G).

Plaintiffs' counsel greeted DHS' actions as "Fantastic news," and commended Director Corrigan for her actions and statements. (Mackinac Center for Public Policy Press Release, 3/1/11, attached as Appendix H). Plaintiffs' counsel added that "The Legislature needs to make certain that this cannot happen to anyone else." (Appendix H). Ms. Loar stated, "I'm thrilled." (Appendix H).

Based on these actions, DHS asks this Court to deny Plaintiffs' Application for Leave to Appeal because the claims against DHS are moot. Alternatively, if this Court does not feel that Plaintiffs' claims are moot, it should deny Plaintiffs' Application for Leave to Appeal because the Court of Appeals reached the correct decision.

ARGUMENT

I. A case becomes moot when there is no longer an active controversy between adverse litigants. In the present case, Plaintiffs ask that DHS "stop taking 'union dues' from their checks." But DHS has rescinded the interlocal agreement, dissolved the Council, and union dues will no longer be deducted as of March 18, 2011. Plaintiffs' claims are moot for lack of a case or controversy because DHS has taken to steps to stop the collection of union dues from Plaintiffs' checks?

A. Standard of Review

Mootness is a traditional restriction on the justiciability of an issue.³ The justiciability of an issue is a question of law reviewed *de novo*.⁴

B. By voluntarily abandoning the interlocal agreement that created the Council, which effectively abolishes the Council, and ceasing the deduction of union dues, the claims against DHS have become moot.

Plaintiffs' claims should be dismissed as moot because DHS has, along with Mott Community College, rescinded the interlocal agreement, effectively dissolving the Council after a 30-day period to wind up its activities. Furthermore, DHS has announced that the deduction of union dues from providers' checks will cease on March 18, 2011. These actions moot Plaintiffs' claims against DHS.

A court may only decide an actual case or controversy.⁵ This Court has long held that it will not decide issues that are moot.⁶ Mootness precludes the adjudication or litigation of claims where there is no longer an actual controversy between adverse litigants,⁷ or where a subsequent event renders it impossible for the court, if it should decide in favor of the party, to grant relief."⁸

³ *Moses Inc v Southeast Mich Council of Gov'ts*, 270 Mich App 401, 416; 716 NW2d 278 (2006).

⁴ *City of Huntington Woods v City of Detroit*, 279 Mich App 603, 614; 761 NW2d 127 (2008).

⁵ *Federated Publications, Inc v City of Lansing*, 467 Mich 98, 112; 649 NW2d 383 (2002).

⁶ *People v Richmond*, 486 Mich 29, 34; 782 NW2d 187 (2010). See also *Anway v Grand Rapids R Co*, 211 Mich 592, 610; 179 NW 350 (1920)

⁷ *Richmond*, 486 Mich at 34.

⁸ *City of Warren v Detroit*, 261 Mich App 165, 166 n 1; 680 NW2d 57 (2004) (quoting *Michigan Nat'l Bank v St Paul Fire & Marine Ins Co*, 223 Mich App 19, 21; 566 NW2d 7 (1997)).

Although a moot issue may be reviewed if it is deemed to be of public significance and is likely to recur while simultaneously likely to evade judicial review,⁹ this exception for matters "capable of repetition, yet evading review" is applicable to prevent a case from being moot only when "(1) the challenged action [is] in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there [is] a reasonable expectation that the same complaining party [will] be subjected to the same action again."¹⁰

DHS has remedied any alleged legal violation by voluntarily abandoning the interlocal agreement that created the Council, effectively abolishing the Council, and ceasing the deduction of union dues. Because the only relief requested by Plaintiffs was for DHS to cease the deduction of union dues, there is no longer a controversy at issue. (Amended Complaint, p 7). Indeed, in a press release, Plaintiffs' counsel referred to DHS' actions as "Fantastic news." (Appendix H). Plaintiffs' counsel stated that he believed a legislative remedy would be in order, "The Legislature needs to make certain that this cannot happen to anyone else." Ms. Loar stated, "I'm thrilled." (Appendix H). Under these circumstances, it is clear that the legal issues giving rise to this suit are moot.

Furthermore, DHS has demonstrated that there is no reasonable likelihood that it will recreate the interlocal agreement or the Council, both of which would be requisite to reinstating the deduction of dues. DHS spent considerable time and resources to dissolve the Council and end the deduction of union dues. (See Appendices B through G). These actions had to be approved by the DHS Director and the Governor prior to adoption and implementation.

⁹ *Federated Publications*, 467 Mich at 112.

¹⁰ *Illinois State Bd of Elections v Socialist Workers Party*, 440 US 173, 187; 99 S Ct 983; 59 L Ed 2d 230 (1979) (quoting *Weinstein v Bradford*, 423 US 147, 149; 96 S Ct 347; 46 L Ed 2d 350 (1975)).

Furthermore, DHS had to secure the cooperation and consent of Mott Community College's Board of Trustees. (See Appendices B through G). Under these circumstances, DHS are not likely, therefore, to "return to [their] old ways"¹¹ by revivifying the Council and requiring the deduction of union dues.

In the present case, it is highly unlikely that DHS will return to its old ways. In the first instance, as made clear by Director Corrigan's letters and the DHS Press Release, DHS does not believe that the Council fulfilled its goals and feel that it detracts from the efficient use of scarce State resources. (See Appendices B through G). Under these circumstances, Governor Snyder and Director Corrigan will not seek to revive the Council or in any other way seek to reinstate the deduction of dues. They have spoken and acted clearly in changing Michigan's policy in this area.

Furthermore, to the extent that a future administration could change course and seek to revive the Council and the deduction of dues, such a scenario rests on pure speculation. Even if a future administration wanted to revive the Council, it would depend on the coordination of several elements, the absence of any one of which would quell the plan. First, such a plan would require a local unit of government willing to enter into an interlocal agreement similar to the one recently rescinded that created an entity similar to the Council. Second, MERC would have to certify the entity for purposes of collective bargaining. Third, the providers would have to vote in favor of union representation. Fourth, the vote would have to be certified by MERC. Fifth, the parties would have to ratify a contract that included the automatic deduction of dues. Sixth, DHS would have to agree to deduct union dues. Thus, even if a future administration wanted to

¹¹ *Friends of the Earth, Inc v Laidlaw Env'tl Servs (TOC) Inc*, 528 US 167, 189; 120 S Ct 693; 145 L Ed 2d 610 (2000), (quoting *City of Mesquite v Aladdin's Castle, Inc*, 455 US 283, 289; 102 S Ct 1070 & n 10; 71 L Ed 2d 152 (1982)).

put in place a similar arrangement to the one recently rescinded, it would be difficult and, unlike the present case, likely to receive a legal challenge in its embryonic stages. Accordingly, any worry that DHS will return to their old ways is unwarranted.

Not only have DHS expended significant resources in changing their policy and altering their actions, but the change of policy was motivated by a genuine desire for administrative efficiency, not by this litigation. As Director Corrigan stated, "The council has not delivered on its original goals to enhance and improve the delivery of quality care for children whose parents receive assistance from the department" and "these providers are not state employees." (DHS Press Release, 3/1/11, attached as Appendix G). This clearly shows a genuine desire to end the program at issue and that DHS' decision was not merely an expediency motivated by the present lawsuit. The Sixth Circuit has recognized that self-correction by government officials "provides a secure foundation for dismissal based on mootness so long as it appears genuine."¹²

In *Brandywine v Richmond*, the Sixth Circuit held that the defendant City of Richmond's passage of an amendment to a development ordinance provided sufficient assurance that the earlier amendment would not be re-enacted, especially since no threat was made to re-enact the offending legislation.¹³ Here, DHS notified the Council by letter that it was changing its policy, further demonstrating that the challenged action will not occur and that additional enforcement action is unnecessary.¹⁴ Indeed, DHS notified all of Michigan of its policy change through a

¹² *Mosley v Hairston*, 920 F2d 409, 415 (6th Cir., 1990) (citing 13A Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure* § 3533,7 (2d ed)).

¹³ *Brandywine v Richmond*, 359 F3d 830, 836 (6th Cir., 2004) (citing *Kentucky Right to Life, Inc v Terry*, 108 F3d 637, 645 (6th Cir., 1997)).

¹⁴ See *Iron Arrow Honor Society v Heckler*, 464 US 67, 69-70; 104 S Ct 373; 78 L Ed 2d 58 (1983) (holding that a third party non-defendant university's letter to the courts and members of an all-male organization stating that it the society could return as a university organization only if it complied with nondiscrimination policies, was sufficient to demonstrate that additional enforcement actions were not needed, and mooted the case).

press release.

Under these circumstances, where DHS has provided all of the relief Plaintiffs requested, this case is moot and this Court should deny Plaintiffs' Application for Leave to Appeal.

II. Mandamus is extraordinary relief, issuing only where a plaintiff asserts a clear right to the performance of a ministerial function that the defendant has a clear legal duty to perform, and no other remedy is available. Plaintiffs fail to identify a clear legal right, a clear legal duty, or any ministerial act. Plaintiffs have available remedies in circuit court. Accordingly, this Court should deny leave to appeal.

A. Standard of Review

A court's decision regarding a writ of mandamus is reviewed for an abuse of discretion.¹⁵

An abuse of discretion occurs when the court's decision falls outside the range of reasonable and principled outcomes.¹⁶

B. Plaintiffs failed to establish the elements of mandamus in the Court of Appeals.

To establish entitlement to mandamus relief, a Plaintiff must prove four elements¹⁷:

(1) the plaintiff has a clear legal right to the performance of the duty sought to be compelled, (2) the defendant has a clear legal duty to perform, (3) the act is ministerial in nature, and (4) the plaintiff has no other adequate legal or equitable remedy.

Mandamus is not a "writ of right."¹⁸ Rather, it is an "extraordinary remedy" within the discretion of the court.¹⁹ Mandamus, being an extraordinary remedy, is properly granted only where there is no other legal or equitable remedy that can achieve the same result.²⁰ Essentially,

¹⁵ *Casco Township v Secretary of State*, 472 Mich 566, 571; 701 NW2d 102 (2005). Despite the clear law on this point, Plaintiffs insist that "elements" of mandamus "seem amenable to de novo review," failing to provide any sound legal authority for this novel proposition. Plaintiffs' Application for Leave to Appeal, 12/8/10, at p 18.

¹⁶ *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).

¹⁷ *White-Bey v Dept of Corrections*, 239 Mich App 221, 223-224; 608 NW2d 833 (1999).

¹⁸ *McGregor v Carney*, 271 Mich 278, 281; 260 NW 163 (1935).

¹⁹ *Lee v Macomb Co Bd of Comm'rs*, 235 Mich App 323, 331; 597 NW2d 545 (1999).

²⁰ *White-Bey*, 239 Mich App at 223-224.

a party must be bereft of any other means of redress in order for mandamus to be appropriate.²¹ The party seeking mandamus relief bears the burden of proving that he or she is entitled to a writ of mandamus.²² Because "[t]he burden of showing entitlement to the extraordinary remedy of a writ of mandamus is on the Plaintiff," merely stating "mandamus" in the complaint or even reciting the elements, bereft of support, do not satisfy that burden.²³

The Court of Appeals recognized that Plaintiffs "failed to meet their burden of identifying a clear legal right to the performance of a specific, ministerial duty." (Court of Appeals Order, 9/22/10). The Court also found that the Department of Human Services "did not have the clear legal duty to ignore the results of the union certification election." (Court of Appeals Order, 9/22/10). The Court of Appeals' holding did not constitute an abuse of discretion. Accordingly, this Court should deny leave to appeal.

1. Plaintiffs fail to show a clear legal right or clear legal duty pertaining to the Defendants.

Plaintiffs' amended complaint did not specify any legal right relating to the Defendants' conduct or what clear legal duty Defendants are required to perform. In their application, Plaintiffs claim that they have a right not to be placed into a public-employees union. (Amended Complaint, ¶ 54; Application, p 20). But neither DHS nor its Director placed Plaintiffs into any union. Moreover, neither DHS nor its Director have any clear legal duty to either place or remove Plaintiffs from any union. Thus, Plaintiffs seek to compel an action that is not controlled by Defendants.

Notably, Plaintiffs premised the Court of Appeals' jurisdiction on MCR 7.203(C)(2) and MCR 3.305(A)(1), which grant the Court of Appeals jurisdiction over an original action for

²¹ *Tuggle v Michigan Dep't of State Police*, 269 Mich App 657, 669; 712 NW2d 750 (2005).

²² *Keaton v Village of Beverly Hills*, 202 Mich App 681, 684; 509 NW2d 544 (1993).

²³ *White-Bey*, 239 Mich App at 223.

mandamus against a state officer. Mandamus actions, other than against a state officer, however, "must be brought in the Circuit Court."²⁴ Here, there must be a determination of legal obligations and legal rights of the Council, the Union, members of the Union and MERC relative to the creation of the union, union representation and the terms of the collective bargaining agreement. These parties have a significant stake in the outcome of this litigation and are necessary to fully litigate the claims raised in Plaintiffs' amended complaint. Thus, even if the amended complaint could be properly framed as a mandamus action, it is not truly an action against a state officer because of the legal interests of necessary parties that form the basis of the claim. Plaintiffs failed to join parties—the Council, the Union, Union members and MERC—whose presence is essential to a court rendering complete relief. These parties are necessary and thus should have been joined.²⁵ And once they are joined, the Court of Appeals would be stripped of jurisdiction under MCR 3.305(A)(2).

2. Plaintiffs fail to link any ministerial act of Defendants to the conduct forming the basis of their complaint.

Plaintiffs claim that they satisfy the ministerial act requirement of a mandamus action because they believe that the issuance of a check is plainly a ministerial act. (Application, p 48). But their amended complaint and application reveal that the issuance of a check is not the action actually being challenged in this action. Instead, Plaintiffs object to their placement into the Union. A ministerial duty is one which the law prescribes and defines the performance with such precision and certainty, as to leave nothing to the exercise of discretion or judgment.²⁶ Here, placement into the Union is not a ministerial act of DHS or its Director. Moreover,

²⁴ MCR 3.305(A)(2).

²⁵ MCR 2.205.

²⁶ *Delly v Bureau of State Lottery*, 183 Mich App 258, 260-261; 454 NW2d 141 (1990).

mandamus is not available to collect money taken by a defendant unless there is no factual or legal dispute that the plaintiff is entitled to the funds—a situation that does not exist here.²⁷

3. Plaintiffs had other remedies that they failed to exercise.

Finally, Plaintiffs have not established the lack of any adequate legal or equitable remedy. Mandamus is not available where a party has failed to exhaust its remedies, including challenging the rules, processes, and procedures before the appropriate agency.²⁸ Through the Public Employee Relations Act (PERA), the Legislature gave MERC the exclusive job of determining appropriate bargaining units for public employees.²⁹ MERC's exclusive jurisdiction over bargaining unit composition is well settled.³⁰ Moreover, the Legislature vested the authority for determining unfair labor practices under the PERA in MERC.³¹ And case law is clear that jurisdiction to decide claims of unfair labor practices lies with MERC.³²

Here, if Plaintiffs, who had notice of the representation election and are members of the Union, claim that the deduction of dues somehow constitutes an unfair labor practice or that the union breached its duty of fair representation, they were required to file their claim six months

²⁷ *Lobaido v Detroit Police Comm'r*, 15 Mich App 138, 140; 166 NW2d 515 (1968).

²⁸ *Michigan Ass'n of Homes & Servs for the Aging v Shalala*, 127 F3d 496, 503 (CA 6 1997) (discussing 28 USC 1351, which codifies common law action for mandamus against a state officer).

²⁹ MCL 423.213.

³⁰ *St. Clair Intermediate School Dist v Intermediate Education Ass'n*, 458 Mich 540, 581 NW2d 707 (1998) (MERC has "exclusive jurisdiction" over unfair labor practices with respect to bargaining policy).

³¹ MCL 423.216.

³² *Kent County Deputy Sheriff's Assoc v Kent County Sheriff*, 463 Mich 353, 359; 616 NW2d 677 (2000). See also *Labor Mediation Board v Jackson County Road Commissioners*, 365 Mich 645; 114 NW2d 183 (1962); *Lamphere Schools v Lamphere Federation of Teachers*, 400 Mich 104, 118; 252 NW2d 818 (1977).

after discovery.³³ Such actions must be brought either before MERC or in Circuit Court.³⁴ This Court has recognized that divesting MERC of its jurisdiction over unfair labor claims would not only "seriously erode" MERC's jurisdiction, but the resulting conflicting decisions of the courts and MERC would "further confuse labor relations in the public sector," and "seriously undercut . . . the statutory responsibility given to the MERC."³⁵

Rather than properly object to the Union's certification and the terms of the collective bargaining agreement that requires their union dues to be deducted, Plaintiffs have attempted an end run around their legal obligations. Plaintiffs have even acknowledged that they are "not contending that the election was run improperly."³⁶ Yet, they are indirectly challenging the formation of the Union and the collective bargaining agreement by stating the election should not have taken place.³⁷

In this case, *MERC actually exercised jurisdiction over the certification election* and issued a decision. Plaintiffs no doubt knew this, as shown by the discussion of MERC's role in their Brief in Support of Original Action for Mandamus.³⁸ Having failed to timely challenge the MERC decision, Plaintiffs filed the mandamus action to retroactively attack the MERC proceedings without the presence of the Union, the Council, or MERC. If Plaintiffs truly believed that MERC lacked jurisdiction or believed that the election should not have occurred, they should have raised these issues *when the issue was before MERC or within the appeal*

³³ *Silbert v Lakeview Education Ass'n, Inc*, 187 Mich App 21, 25; 466 NW2d 333 (1991).

³⁴ *Demings v City of Ecorse*, 423 Mich 49; 377 NW2d 275 (1985).

³⁵ *Lamphere*, 400 Mich at 119.

³⁶ Plaintiffs' Brief in Response to Motion to Dismiss, p 13.

³⁷ Plaintiffs' Brief in Response to Motion to Dismiss, pp 13-14.

³⁸ Plaintiffs' Brief in Support of Original Action for Mandamus, at pp 13-14.

period. But, Plaintiffs not only failed to timely challenge MERC's jurisdiction, they failed to name MERC as a defendant in this mandamus action.³⁹

Instead of squarely addressing their failures, Plaintiffs cite to a pair of cases that they claim bar MERC's jurisdiction.⁴⁰ Both are inapposite. First, Plaintiffs ignore the fact that both *City of Lansing* and *Prisoners' Labor Union* originated in MERC.⁴¹ If anything, these cases stand for the proposition that the proper time for Plaintiffs' action to decertify the union was when the union certification was pending before MERC, not three years after the fact in the Court of Appeals. Second, both cases involve far different legal issues than those presently at issue. *Prisoners Labor Union* held that the Department of Corrections, rather than MERC, had exclusive jurisdiction over correctional industries and the inmates who work for them.⁴² And *City of Lansing* involved a challenge to a project labor agreement requiring a private company to unionize its employees in order for it to work on a city project.⁴³ Neither situation applies to the present case.

Finally, while Plaintiffs labeled this as a complaint for writ of mandamus, a court is free to look beyond procedural labels to determine the gravamen of an action or the exact nature of

³⁹ Defendants' statements should not be viewed to waive any valid defenses MERC may have should Plaintiffs attempt to join it as a party.

⁴⁰ See Application, pp 24-25, citing *Prisoners' Labor Union v Dep't of Corrections*, 61 Mich App 328; 232 NW2d 699 (1975); and Application, p 42, citing *City of Lansing v Carl Schlegel Inc*, 257 Mich App 627; 669 NW2d 315 (2003). For some reason, Plaintiffs address this argument in two different sections of their Application.

⁴¹ *City of Lansing*, 257 Mich App at 629-630; *Prisoners' Labor Union*, 61 Mich App at 329.

⁴² *Prisoners' Labor Union*, 61 Mich App at 336-337. The providers, including Plaintiffs, are not in the Michigan prison system.

⁴³ *City of Lansing*, 257 Mich App at 629. Unlike *City of Lansing*, the present case involves employees who voted in favor of a union in a free and fair election.

the claim.⁴⁴ "A court is not bound by the party's choice of labels for the cause of action because to do so would exalt form over substance."⁴⁵ A court must review a complaint as a totality to ascertain the true nature of the claim.⁴⁶ The allegations and underlying facts control the nature of the action rather than the label placed on the case by a plaintiff.⁴⁷

Here, Plaintiffs' amended complaint actually sought a declaration that they have a clear legal right not to be subject to collective bargaining under PERA. (Amended Complaint, ¶ 54; Application, p 20). A party seeking a declaration of legal rights is asking for declaratory judgment.⁴⁸ Plaintiffs also seek a court order directing DHS to stop taking "union dues" from their subsidy checks. A party asking a court to stop another party's activity is asking for an injunction.⁴⁹ Thus, Plaintiffs' action is actually for declaratory judgment and injunctive relief which is outside the Court of Appeals' jurisdiction for original actions.⁵⁰ The Court of Appeals recognized this, finding that Plaintiffs seek declaratory or injunctive, rather than mandamus, relief. (Court of Appeals Order, 9/22/10). The Court of Appeals further recognized that it lacked jurisdiction over an action for declaratory or injunctive relief. (Court of Appeals Order, 9/22/10). And, as held by the Court of Appeals, Plaintiffs have legal remedies available in circuit court. (Court of Appeals Order, 9/22/10).

⁴⁴ *Parkwood Ltd v State Housing Development Authority*, 468 Mich 763, 744, n 8; 664 NW2d 185 (2003) ("nature of the claim, rather than how the plaintiff phrases the request for relief, controls how a court will characterize the claim"); *Tipton v William Beaumont Hospital*, 266 Mich App 27, 33; 697 NW2d 552 (2005) (same principle applied in medical malpractice context).

⁴⁵ *Johnston v City of Livonia*, 177 Mich App 200, 208; 441 NW2d 41 (1989).

⁴⁶ *Tenneco Inc v Amerisure Mut Ins Co*, 281 Mich App 429, 458; 761 NW2d 846 (2008).

⁴⁷ *Gorzen v Westfield Ins Co*, 207 Mich App 575, 579; 526 NW2d 43 (1994).

⁴⁸ MCR 2.605(A)(1).

⁴⁹ *Woodland v Michigan Citizens Lobby*, 423 Mich 188, 199; 378 NW2d 337 (1985).

⁵⁰ MCR 7.203. See also *Musselman v Governor*, 200 Mich App 656, 663-664; 505 NW2d 288 (1993), affirmed 448 Mich 503, 553 NW2d 237 (1995).

4. Plaintiffs' discussion of the mandamus case law is erroneous and misleading.

Plaintiffs rely on the Court of Appeals' decision in *Citizens Protecting Michigan's Constitution v Secretary of State* for the proposition that the Court of Appeals retains jurisdiction where a non-state party is added.⁵¹ Jurisdiction, however, was never raised in *Citizens Protecting Michigan's Constitution* nor was it an issue in the case or central to this Court's holding. Thus, any statement concerning jurisdiction in that case is mere *dicta* and lacks precedential value.⁵² It is thus inaccurate to cite it as conferring jurisdiction over the present case. To be certain, courts have a duty to *sua sponte* question their own jurisdiction, but a court's failure to do so can in no way be twisted to support the conclusion that it has jurisdiction in all similar cases, particularly when that conclusion contradicts the language of the court rules. Moreover, Defendants specifically challenge jurisdiction in this case.

The other cases cited by Plaintiffs are even less relevant. In *Secretary of State v State Treasurer*, jurisdiction was neither raised nor addressed by the Court of Appeals.⁵³ Moreover, not only was the opinion vacated by the Michigan Supreme Court⁵⁴, it also features separate opinions by each judge on the panel. Finally, it was decided under the former General Court Rules, which were superseded in 1985 by the present Michigan Court Rules.⁵⁵

Plaintiffs also cite to *People ex rel Oakland Prosecuting Attorney v State Bureau of Pardons and Paroles*.⁵⁶ Once again, however, the issue of this Court's jurisdiction was neither

⁵¹ *Citizens Protecting Michigan's Constitution v Secretary of State*, 280 Mich App 273; 761 NW2d 210 (2008).

⁵² *Dressel v Ameribank*, 468 Mich 557, 569; 664 NW2d 151 (2003).

⁵³ *Secretary of State v State Treasurer*, 113 Mich App 153; 317 NW2d 238 (1982).

⁵⁴ *Secretary of State v State Treasurer*, 414 Mich 874; 322 NW2d 710 (1982).

⁵⁵ See generally MCR 1.102.

⁵⁶ *People ex rel Oakland Prosecuting Attorney v State Bureau of Pardons and Paroles*, 78 Mich App 111; 259 NW2d 385 (1977).

raised nor addressed. Moreover, it also originated under the General Court Rules. Finally, *Oakland County Prosecuting Attorney* was originally composed of two original actions in this Court—a complaint filed by Edward A. Trudeau for superintending control and a complaint by the Oakland County Prosecuting Attorney for mandamus.⁵⁷ This Court then consolidated the cases for consideration. Needless to say, the procedural posture of *Oakland County Prosecuting Attorney* was far different than the present case and in no way stands for the proposition that the language of the court rules may be ignored.

Plaintiffs, also fail to address the actual language of the rules governing jurisdiction in the present case. The rules governing the interpretation of statutes apply to court rules, including the cardinal rule that a court rule must be interpreted according to its plain language.⁵⁸ The basis for the Court of Appeals' jurisdiction is MCR 7.203(C)(2) and MCR 3.305(A)(1). Under MCR 7.302(C)(2), the Court of Appeals has jurisdiction over an original action for "mandamus against a state officer." At the same time, however, MCR 3.305(A)(2) makes it clear that where the action involves a party other than a state officer, the action "must be brought in the circuit court." Accordingly, applying the plain language of the relevant rules, once the necessary parties are added, the Court of Appeals would be stripped of jurisdiction.⁵⁹ Contrary to Plaintiffs' position, dismissal on jurisdictional grounds will cause no prejudice to Plaintiffs because they have the option of filing suit in circuit court.

⁵⁷ *Oakland County Prosecuting Attorney*, 78 Mich at 111.

⁵⁸ *People v Williams*, 483 Mich 226, 232; 769 NW2d 605 (2009).

⁵⁹ Contrary to Plaintiffs' assertions, MCR 2.207 does not apply because it does not address the jurisdictional requirements set forth in MCR 7.203(C)(2) and MCR 3.305(A)(1) and (2).

C. Because Plaintiffs' remaining arguments lack merit or are unpreserved, this Court should not grant leave to appeal.

Plaintiffs make several meritless arguments, some of which are new, and cite to non-record evidence to support their position.

Plaintiffs argue that because the Court of Appeals did not "discuss whether Plaintiffs were public employees," this Court should grant leave. Plaintiffs' argument is misguided. Courts generally decline to decide issues that they do not need to reach.⁶⁰ Thus, if a court dismisses a case on other grounds, including procedural grounds, it usually will not decide the merits of a case.⁶¹ Here, the Court of Appeals, however, correctly determined that it lacked jurisdiction over a complaint against a state officer for injunctive or declaratory relief.⁶² Moreover, the Court recognized that Plaintiffs "failed to meet their burden of identifying a clear legal right to the performance of a specific, ministerial duty" and that Defendants "did not have the clear legal duty to ignore the results of the union certification election." (Court of Appeals Order, 9/22/10). Needless to say, where a court lacks jurisdiction and a party pleads the wrong cause of action in the wrong court, that court has no duty to address each aspect of a plaintiff's argument or every claim made in their complaint.

Plaintiffs also make the argument that "[t]he Court of Appeals can hear an original mandamus action." (Application, at pp 43). That the Court of Appeals can hear an original

⁶⁰ *Insurance Institute of Michigan v Comm'r of Fin and Ins Serv*, 486 Mich 370, 384; 785 NW2d 67 (2010)("We decline to reach these issues because it is unnecessary for us to do so."); *People v Davis*, 468 Mich 77, 82; 658 NW2d 800 (2003)("Given that we have [decided the case on other grounds], it is unnecessary to reach defendant's double jeopardy argument.").

⁶¹ *Insurance Institute of Michigan v Comm'r of Fin and Ins Serv*, 486 Mich 370, 384; 785 NW2d 67 (2010)("We decline to reach these issues because it is unnecessary for us to do so."); *People v Davis*, 468 Mich 77, 82; 658 NW2d 800 (2003)("Given that we have [decided the case on other grounds], it is unnecessary to reach defendant's double jeopardy argument.").

⁶² In any case, once necessary parties were added the Court would lose jurisdiction. Interestingly, because the Court of Appeals did not address this issue, under Plaintiffs' theory of the law, that fact would constitute grounds for granting an application for leave.

action for mandamus against a state officer is not reasonably in dispute. As argued by Defendants and held by the Court of Appeals, however, Plaintiffs do not present a claim for mandamus, regardless of the terminology with which they refer to their case, and the elements of mandamus have not been met. Accordingly, the Court of Appeals reached the only legally sound conclusion and denied Plaintiffs' Complaint.

Plaintiffs also make several baseless assertions regarding past statements by Defendants. For example, throughout their Application, Plaintiffs make the false assertion that Defendants "admitted" that Plaintiffs and other home-based daycare providers are not public employees. (Application, pp 21, 41, 49). Plaintiffs use the terms "de facto admission," and "tacit and explicit admissions," later stating that "Defendants have essentially ceded the central point of the litigation: Plaintiffs are not public employees under PERA." (Application, pp 21, 41, 49). Defendants, however, have made no such admission. DHS *actually* said: "Defendants . . . are not conceding that Plaintiffs are public employees." This statement simply does not constitute a "de facto admission." (Application, p 17).

Plaintiffs similarly engage in unnecessary hyperbole regarding Defendants' statement that "DHS did not—indeed *could not*—grant MHBCCC the power to collectively bargain." Plaintiffs argue that this constitutes a "concession of a central point." (Application, p 16). In reality, it is a relatively basic legal proposition that DHS does not have the legal authority to grant the power to collectively bargain. The Legislature vested the power to determine appropriate collective bargaining entities to MERC, not DHS.

Although Plaintiffs previously argued that MERC did not have jurisdiction under PERA, they now raise new challenges to the subject-matter jurisdiction of MERC. (Application, pp 41-43). To the extent that they raise new arguments, they are unpreserved and thus forfeited. A

party preserves an issue for appeal by raising it below, allowing the lower court to reach a decision which may be reviewed on appeal.⁶³ An issue not raised below has not been preserved for appeal and effectively forfeits this Court's consideration of that issue.⁶⁴

D. Conclusion.

A writ of mandamus is extraordinary relief and Plaintiffs' failure to establish any one of the mandamus elements mandated denial of mandamus.⁶⁵ Plaintiffs failed to show a clear right to the performance of a ministerial function that these defendants have a clear legal duty to perform. The "clear legal rights" or "clear legal duties" Plaintiffs cite as the basis for their mandamus action do not involve the Defendants. Plaintiffs also failed to link any ministerial act of Defendants to the conduct forming the basis of their complaint. They also failed to show that no other remedy is available. Moreover, mandamus is not available to decide unresolved issues of law.⁶⁶ Given that the present case involves unresolved issues of law against non-parties, and that Plaintiffs failed to pursue remedies at the agency level, it would have been inappropriate to grant mandamus relief in the present case. The Court of Appeals properly denied Plaintiffs' request for mandamus. This Court should deny leave.

⁶³ *Walters v Nadell*, 481 Mich 377, 381-382; 751 NW2d 431 (2008); *Family Independence Agency v Hosler*, 245 Mich App 126, 134; 626 NW2d 921 (2001) (Because argument not raised below it was not preserved for appellate review); *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989) (Because defendant never raised issue below, there was no decision to review and the issue was not preserved for appeal).

⁶⁴ *Walters*, 481 Mich at 387; *Hosler*, 245 Mich App at 134; *Zelzack*, 180 Mich App at 126.

⁶⁵ *Kauffman v Shefman*, 169 Mich App 829, 834-835; 426 NW2d 819 (1988); *Eichhorn v Lamphere School Dist*, 166 Mich App 527, 546; 421 NW2d 230 (1988).

⁶⁶ *State Board of Education v Fox*, 620 F2d 578, 580 (6th Cir 1980).

RELIEF SOUGHT

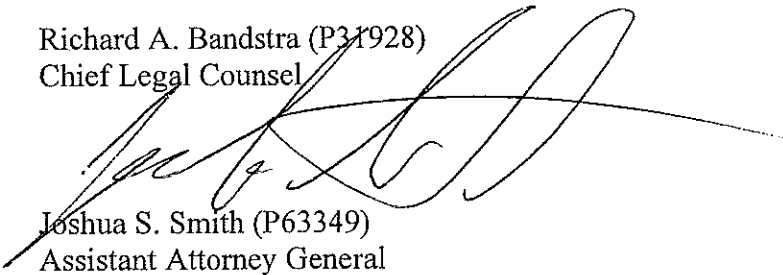
Defendants Michigan Department of Human Services and Director Maura Corrigan request that this Court deny Plaintiffs' Application for Leave to Appeal. DHS, by ending the deduction of union dues, has granted Plaintiffs the relief they requested, mooting this case. To the extent that this Court believes the case is not moot, Plaintiffs fail to satisfy any of the grounds for granting relief under MCL 7.302(B).

Respectfully submitted,

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Dated: March 9, 2011

Representation Election - MERC Mailing to Petoskey

ProviderID	ProviderName	LastName	FirstName	Middle Name	Address	City	State	Zip	PmtInJun2006
4771081	BECHAZ ANNA LISA	BECHAZ	ANNA	USA	4026 GREENWOOD ROAD	PETOSKEY	MI	49770	Yes
8953681	BURKE PATRICIA A	BURKE	PATRICIA	A	2095 HORTON BAY RD	PETOSKEY	MI	49770	Yes
4649773	CHARTIER MELISSA	CHARTIER	MELISSA		7463 OLD US-31	PETOSKEY	MI	49770	Yes
9547678	DAVIS AMY LYNN	DAVIS	AMY	LYNN	5630 PICKEREL LAKE RD.	PETOSKEY	MI	49770	Yes
9989796	DIAZ LINDA A	DIAZ	LINDA	A	201 LAFAYETTE AVE APT 808	PETOSKEY	MI	49770	Yes
6147369	DIXON JESSICA	DIXON	JESSICA		2914 HOWARD RD.	PETOSKEY	MI	49770	Yes
3994082	GOODWIN CAROLE ANNE	GOODWIN	CAROLE		422 PORTER ST	PETOSKEY	MI	49770	Yes
5499189	HITCHINGS SHARON ELLEN	HITCHINGS	SHARON	F	1636 HOWARD RD	PETOSKEY	MI	49770	Yes
9655218	HUNT TERESA	HUNT	TERESA		3312 ECKER RD	PETOSKEY	MI	49770	Yes
9015309	IVES DAWN L	IVES	DAWN	L	812 REGENT DR	PETOSKEY	MI	49770	Yes
4721310	LOAR-TRUDELL SHERRY WYONNE	LOAR-TRUDELL	SHERRY	Y	801 WEST SHERIDAN	PETOSKEY	MI	49770	Yes
9876596	RICHARDS RICKEY E	RICHARDS	RICKEY	E	817 JENNINGS AVE	PETOSKEY	MI	49770	Yes
8664722	SIMON KATHLEEN MARIE	SIMON	KATHLEEN	MARIE	3957 EVERGREEN TRL	PETOSKEY	MI	49770	Yes
1106617	SIMON VINCENT	SIMON	VINCENT		4028 RIVER RD	PETOSKEY	MI	49770	Yes
1061632	TOMPKINS LANETTE	TOMPKINS	LANETTE		6615 GREENWOOD RD	PETOSKEY	MI	49770	Yes
9771093	VANHUIS AMBER M.	VANHUIS	AMBER	M	3109 GREENFIELD DRIVE	PETOSKEY	MI	49770	Yes

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Representation Election – MERC Mailing to Brighton

ProviderID	ProviderName	LastName	FirstName	MiddleName	Address	City	State	Zip	PrintInJun2006
9020588	BALL KATARINA LYNN	BALL	KATARINA	LYNN	9390 LEO DR	BRIGHTON	MI	48116	Yes
7470878	BECK PHYLLIS	BECK	PHYLLIS		4991 WALKER DR	BRIGHTON	MI	48114	Yes
6721839	BIEGERT RUTH ANN	BIEGERT	RUTH	ANN	3109 SCHOOL LAKE DR	BRIGHTON	MI	48114	Yes
9700037	BUCKMEIER MARY ANN	BUCKMEIER	MARY	ANN	1007 PINWOOD CT	BRIGHTON	MI	48116	Yes
8354265	CYBART RUTHANN	CYBART	RUTHANN		6294 LUCERNE DR	BRIGHTON	MI	48116	Yes
9699553	DEATON EVIE	DEATON	EVIE		321 N THIRD ST	BRIGHTON	MI	48116	Yes
1058716	DUPONT ROBIN D	DUPONT	ROBIN	D	8251 WOODLAND SHORE DR APT E	BRIGHTON	MI	48114	Yes
4105154	GRIEST WENDY	GRIEST	WENDY		6546 WILSON DR	BRIGHTON	MI	48116	Yes
6914782	HERBST KATRIN	HERBST	KATRIN		9470 LEO DR	BRIGHTON	MI	48116	Yes
1033825	KASTEN MARGIE ANITA	KASTEN	MARGIE	ANITA	12202 LARKINS RD	BRIGHTON	MI	48114	Yes
7753499	KOVACS NANCY	KOVACS	NANCY		200 WOODLAKE DR	BRIGHTON	MI	48116	Yes
7649507	KRINOCK ANNE	KRINOCK	ANNE		445 S CHURCH ST	BRIGHTON	MI	48116	Yes
9506094	KUJALA JACKLYN	KUJALA	JACKLYN		665 WINDEMERE	BRIGHTON	MI	48114	Yes
7063951	SMALLWOOD SARAH MARIE	LANNING	SARAH	MARIE	2638 HUBERT RD	BRIGHTON	MI	48114	Yes
8222435	MCCARTHY CATHY	MCCARTHY	CATHY		8079 BLUEBIRD DR	BRIGHTON	MI	48116	Yes
4793848	PAULETTE SILVERSON	PAULETTE	SILVERSON		13175 E LASHBROOK	BRIGHTON	MI	48116	Yes
9114970	RAYMAN RYAN	RAYMAN	RYAN		461 FOREST DR	BRIGHTON	MI	48116	Yes
9581491	SEENTER RONDA	SEENTER	RONDA		15 MELODY LANE	BRIGHTON	MI	48114	Yes
9930574	SPORER DANIEL J	SPORER	DANIEL	J	10680 SHARON DR	BRIGHTON	MI	48116	Yes
5979352	SWAIN COLETTE N.	SWAIN	COLETTE	N	6072 VICKI JEAN LANE	BRIGHTON	MI	48116	Yes
7872471	TUFNELL SARAH FAITH	TUFNELL	SARAH	FAITH	6275 ALDINE	BRIGHTON	MI	48116	Yes
1022861	VANBLARICUM CARL LYNN	VANBLARICUM	CARI	LYNN	6336 SIDNEY ST	BRIGHTON	MI	48116	Yes

Representation Election - MERC Mailing to Flint, Last name begins with "B"

ProviderID	ProviderName	LastName	FirstName	MiddleName	Address	City	State	Zip	PmthJun2006
9822924	BACKSTROM BRITNEY S	BACKSTROM	BRITNEY	S	435 W WATER ST	FLINT	MI	48503	Yes
9475784	BACKUS MARCIA RENEE	BACKUS	MARCIA	RENEE	725 THAYER ST	FLINT	MI	48503	Yes
9898216	BADGLEY ANGEL	BADGLEY	ANGEL		1735 ILLINOIS	FLINT	MI	48506	Yes
8965520	BAILEY BARBARA	BAILEY	BARBARA		202 E GRACELAWN	FLINT	MI	48505	Yes
8919026	BAILEY BARBARA J	BAILEY	BARBARA	J	2717 E PIERSON RD	FLINT	MI	48506	Yes
8767926	BAILEY CARLIN	BAILEY	CARLIN		2722 HILLCREST AVE	FLINT	MI	48507	Yes
8398116	BAILEY MARY C	BAILEY	MARY	C	2222 ARLINGTON AVE	FLINT	MI	48506	Yes
7200101	BAILEY PEGGY	BAILEY	PEGGY		1242 W GENESEE AVE	FLINT	MI	48505	Yes
9809860	BAILEY STEPHANIE	BAILEY	STEPHANIE		2622 N STEVENSON ST	FLINT	MI	48504	Yes
9569380	BAKEMAN MELODIE	BAKEMAN	MELODIE		2923 AGREE AVE	FLINT	MI	48506	Yes
1019414	BAKER BRETT R	BAKER	BRETT	R	4302 WESTERN RD LOT 31	FLINT	MI	48506	Yes
8925480	BAKER CATHERINE MARIE	BAKER	CATHERINE	MARIE	2121 BERKLEY ST	FLINT	MI	48504	Yes
9870260	BAKER CHRISTINA L	BAKER	CHRISTINA	L	2609 DAKOTA AVE	FLINT	MI	48506	Yes
9831137	BAKER DEON	BAKER	DEON		621 W MOTT AVE	FLINT	MI	48505	Yes
9175797	BAKER MICHELE LYNN	BAKER	MICHELE	LYNN	616 SIMCOE AVE	FLINT	MI	48507	Yes
9834246	BALLARD CHRISTOPHER	BALLARD	CHRISTOPHER		738 VERMILYA AVE	FLINT	MI	48507	Yes
5978533	BALLARD LAREE	BALLARD	LAREE		602 STOCKDALE ST	FLINT	MI	48503	Yes
8995378	BALYEAT KAYE ANNETTE	BALYEAT	KAYE	ANNETTE	2201 DUTCHER ST	FLINT	MI	48532	Yes
9467568	BANISTER JAMES S	BANISTER	JAMES	S	6714 SALLY CT	FLINT	MI	48505	Yes
9513197	BANKHEAD JOSHUA J	BANKHEAD	JOSHUA	J	830 E AUSTIN AVE	FLINT	MI	48505	Yes
3994556	BANKS DEBRA	BANKS	DEBRA		7709 E COURT ST	FLINT	MI	48503	Yes
2260340	BANKS JEAN	BANKS	JEAN		1914 ROSELAWN DR	FLINT	MI	48504	Yes
1078854	BANKS LASHONDA RENEE	BANKS	LASHONDA	RENEE	1508 W HOME	FLINT	MI	48505	Yes
1057728	BANKS ROBIN	BANKS	ROBIN		200 W JACKSON	FLINT	MI	48505	Yes
8198385	BANKS SHAKISTA	BANKS	SHAKISTA		1202 HOLTSLANDER AVE	FLINT	MI	48505	Yes
5979915	BANKS TOYA	BANKS	TOYA		3006 STONEGATE DR	FLINT	MI	48507	Yes
1078872	BANKSTON GREGORY	BANKSTON	GREGORY		1902 RASKOB ST	FLINT	MI	48504	Yes
1063913	BANYARD QUINCY	BANYARD	QUINCY		2511 WINONA ST	FLINT	MI	48504	Yes
9249460	BARBER CATHY L	BARBER	CATHY	L	1502 MABEL AVE	FLINT	MI	48506	Yes
5731563	BAREFIELD WILLIE	BAREFIELD	WILLIE		1309 WELCH BLVD	FLINT	MI	48504	Yes
4152323	BARFIELD LUCILLE	BARFIELD	LUCILLE		4028 NORTH ST	FLINT	MI	48505	Yes
9768795	BARFIELD NICOLE L	BARFIELD	NICOLE	L	1155 E RUSSELL AVE	FLINT	MI	48505	Yes
8534595	BARKER MARY L	BARKER	MARY	L	310 HARRIET ST	FLINT	MI	48505	Yes

Representation Election - MERC Mailing to Flint, Last name begins with "B"

9943939	BARNES VICTOR C JR	BARNES	VICTOR	C	233 E HOBSON AVE	FLINT	MI	48505	Yes
6633342	BARTON DEBORAH D	BARTON	DEBORAH	D	1305 RIDGECIFFE DR	FLINT	MI	48532	Yes
9067828	BASS DARRAL D	BASS	DARRAL	D	618 W MOTT AVE	FLINT	MI	48505	Yes
4519170	EVANS DOROTHY	BATES-EVANS	DOROTHY			FLINT	MI	48501	Yes
9928182	BATSON JERELL	BATSON	JERELL		2302 WINONA ST	FLINT	MI	48504	Yes
9156755	BAUSWELL THERESA	BAUSWELL	THERESA		2960 WOLCOTT	FLINT	MI	48504	Yes
9098482	BAXTER DENISE J	BAXTER	DENISE	J	1056 W CASS AVE	FLINT	MI	48505	Yes
6173574	BAYLOR CAROLYN	BAYLOR	CAROLYN		3800 RICHFIELD RD APT 409	FLINT	MI	48506	Yes
5713494	BEADY LOTTIE	BEADY	LOTTIE		330 E BALTIMORE ST	FLINT	MI	48505	Yes
9691617	BEAMES MARJORIE	BEAMES	MARJORIE		2416 BETA LN	FLINT	MI	48506	Yes
9246647	BEAN TONYA	BEAN	TONYA		1901 KENT	FLINT	MI	48503	Yes
8897591	BEAN TONYA	BEAN	TONYA			FLINT	MI	48507	Yes
9420051	BEARD GREGORY	BEARD	GREGORY		213 E BALTIMORE BLVD	FLINT	MI	48505	Yes
8465916	BEASLEY RAYMOND III	BEASLEY	RAYMOND		723 W BUNDY AVE	FLINT	MI	48505	Yes
9681085	BEAUGARD ROY	BEAUGARD	ROY		2117 BONBRIGHT ST	FLINT	MI	48505	Yes
1018229	BECK DEBORAH	BECK	DEBORAH		6486 LUCAS RD	FLINT	MI	48506	Yes
7038510	BECK DEBRA	BECK	DEBRA		310 E ELDRIDGE AVE	FLINT	MI	48505	Yes
3653842	BEENE JACQUELINE	BEENE	JACQUELINE		2255 MORNINGSIDE DR	FLINT	MI	48505	Yes
7129937	BELL BARBARA K	BELL	BARBARA	K	3105 W RIDGEWAY AVE	FLINT	MI	48504	Yes
9295982	BELL DAVID JR	BELL	DAVID		401 W WATER ST	FLINT	MI	48503	Yes
4296969	BELL GLENN H	BELL	GLENN	H	918 EDMUND ST	FLINT	MI	48505	Yes
5266418	BELL KATHY C	BELL	KATHY	C	3231 W MYRTLE AVE	FLINT	MI	48504	Yes
1083826	BELL PATRICIA	BELL	PATRICIA		435 E BAKER APT 1	FLINT	MI	48505	Yes
9945782	BELL THESSALONIA	BELL	THESSALONIA		6609 DUPONT ST	FLINT	MI	48505	Yes
6282336	BELL-MILLER ROXANN	BELL-MILLER	ROXANN		3401 WINONA ST	FLINT	MI	48504	Yes
3994396	BENMARK CHARLENE	BENMARK	CHARLENE		3701 JOEL LN	FLINT	MI	48506	Yes
8520301	BENNETT AMBER	BENNETT	AMBER		935 OSSINGTON AVE	FLINT	MI	48503	Yes
9553755	BENNETT YVETTE	BENNETT	YVETTE		3178 BERTHA AVE	FLINT	MI	48504	Yes
9623036	BENNETT-ELRIDGE TINI	BENNETT-ELRIDGE	TINI		525 W AUSTIN	FLINT	MI	48505	Yes
8549883	BENSON GERALD	BENSON	GERALD		511 SPENCER ST	FLINT	MI	48505	Yes
6921508	BENTLEY ELEONOR J	BENTLEY	ELEONOR	J	1505 LAPEER RD	FLINT	MI	48503	Yes
4158266	BENTON GLORIA H	BENTON	GLORIA	H	410 E RUSSELL	FLINT	MI	48505	Yes
9837551	BERNARD CLAUDIA	BERNARD	CLAUDIA		2488 ZIMMERMAN	FLINT	MI	48503	Yes
1079627	BERRY CYNTHIA	BERRY	CYNTHIA		129 E ELDRIDGE AVE	FLINT	MI	48505	Yes

Representation Election - MERC Mailing to Flint, Last name begins with "B"

7198569	BERRY LAVITA	BERRY	LAVITA		2027 CLIFFORD ST	FLINT	MI	48503	Yes
3493097	BERRY MICHELLE RENEE	BERRY	MICHELLE	R	5148 CHANTELLE DR	FLINT	MI	48507	Yes
4931523	BETHAY CYNTHIA	BETHAY	CYNTHIA		2101 STEDRON	FLINT	MI	48504	Yes
9495849	BETHAY RUSSELL JR	BETHAY	RUSSELL		5211 WOODHAVEN DR	FLINT	MI	48504	Yes
8537210	BETTS ANTOINETTE	BETTS	ANTOINETTE		1729 MONTANA AVE	FLINT	MI	48506	Yes
6572336	BIBBS ALECIA	BIBBS	ALECIA		2113 CHATEAU DR	FLINT	MI	48504	Yes
4148652	BIGGS GWENDOLYN	BIGGS	GWENDOLYN		4123 COMSTOCK AVE	FLINT	MI	48504	Yes
8022701	BILLINGS ALLEREE	BILLINGS	ALLEREE		144 DAMON ST	FLINT	MI	48505	Yes
9153468	BINGHAM REGGIE L	BINGHAM	REGGIE	L	5906 FLEMING RD	FLINT	MI	48504	Yes
4459278	BIVINS CAROLYN	BIVINS	CAROLYN			FLINT	MI	48504	Yes
5746314	BLACKMON MAMIE	BLACKMON	MAMIE		308 CROSBY ST	FLINT	MI	48503	Yes
8446160	BLACKMON OCEILA S	BLACKMON	OCEILA	S	833 E GILLESPIE AVE	FLINT	MI	48505	Yes
8849709	BLACKWELL JACQUELINE	BLACKWELL	JACQUELINE		2720 SLOAN ST	FLINT	MI	48504	Yes
6711082	BLAINE CORINNE	BLAINE	CORINNE		4252 E COLDWATER RD	FLINT	MI	48506	Yes
5727749	BLAIR TYESHA	BLAIR	TYESHA		102 E HOLBROOK AVE	FLINT	MI	48505	Yes
1099728	BLAKE CHERYL D	BLAKE	CHERYL	D	925 E FOSS AVE	FLINT	MI	48505	Yes
9321714	BLANKS DAVID E	BLANKS	DAVID	E	3505 MILBOURNE AVE	FLINT	MI	48504	Yes
4159020	BLANKS ETHEL	BLANKS	ETHEL		328 W GENESEE ST	FLINT	MI	48505	Yes
6183964	BLANKS ROBERT	BLANKS	ROBERT		3505 MILBOURNE	FLINT	MI	48505	Yes
9278435	BOATNER ANNIE	BOATNER	ANNIE		312 W STEWART AVE	FLINT	MI	48505	Yes
7386907	BOAZ ANNA	BOAZ	ANNA		121 W DEWEY ST	FLINT	MI	48505	Yes
4159790	BOGARD NANCY J	BOGARD	NANCY	J	706 CRAWFORD ST	FLINT	MI	48507	Yes
8744897	BOLDS CLEOPATRA	BOLDS	CLEOPATRA		3502 FLEMING RD	FLINT	MI	48504	Yes
9172721	BOLER JOE LEE	BOLER	JOE	LEE	736 E MOORE ST	FLINT	MI	48505	Yes
9777060	BOND LEOLA	BOND	LEOLA		2845 HAMPSTEAD DR	FLINT	MI	48506	Yes
9209447	BONNER ROBERT	BONNER	ROBERT	C	201 EAST MYRTLE AVE	FLINT	MI	48505	Yes
7937217	BONNER SHARON K	BONNER	SHARON	K	1905 BARKS ST	FLINT	MI	48503	Yes
4786137	BOONE DAISY	BOONE	DAISY		2006 N CHEVROLET AVE	FLINT	MI	48504	Yes
4287262	BOONE MACIE L	BOONE	MACIE	L	750 E BUNDY AVE	FLINT	MI	48505	Yes
7074310	BOOTH SANDRA	BOOTH	SANDRA		1376 TREMONT AVE	FLINT	MI	48505	Yes
4618310	BOVEN HOLLY	BOVEN	HOLLY		2429 OHIO AVE	FLINT	MI	48506	Yes
4284707	BOWERS MILDRED	BOWERS	MILDRED		1274 S GRAHAM RD	FLINT	MI	48532	Yes
3399676	BOWERS TAMMY LYNN	BOWERS	TAMMY	LYNN	1291 KEARSLEY PARK	FLINT	MI	48506	Yes
9739630	BOWMAN SHARONDA L	BOWMAN	SHARONDA	L	BLVD 1913 CONCORD ST	FLINT	MI	48504	Yes

Representation Election – MERC Mailing to Flint, Last name begins with “B”

3393171	BOXLEY LOIS	BOXLEY	LOIS		5510 MENDELBERGER DR	FLINT	MI	48505	Yes
9966906	BOYD CHANDA	BOYD	CHANDA		6910 CLIO RD APT 240	FLINT	MI	48504	Yes
8861202	BOYD CLOTEAL	BOYD	CLOTEAL		901 KENNELWORTH AVE	FLINT	MI	48503	Yes
7691940	BOYD CYNTHIA	BOYD	CYNTHIA		511 W HAMILTON AVE	FLINT	MI	48503	Yes
9736746	BOYD DOMINIC	BOYD	DOMINIC		505 W PULASKI	FLINT	MI	48505	Yes
9976976	BOYD OLIVE	BOYD	OLIVE		5117 INDIAN HILLS TRL	FLINT	MI	48506	Yes
7567733	BOYLAND ROCHELLEN	BOYLAND	ROCHELLE	N	1466 N CHEVROLET	FLINT	MI	48504	Yes
8759924	BOYLAND TAMEKA N	BOYLAND	TAMEKA	N	2517 SENECA ST	FLINT	MI	48504	Yes
1048363	BOYLES EDWARD	BOYLES	EDWARD		6602 ORANGE LN	FLINT	MI	48505	Yes
4867373	BRACEY MARIE	BRACEY	MARIE		2414 SLOAN ST	FLINT	MI	48504	Yes
8865364	BRADFORD DIANA LYNN	BRADFORD	DIANA	LYNN	1020 CARSON CT	FLINT	MI	48503	Yes
1083156	BRADFORD RASHA E	BRADFORD	RASHA	E	3051 COURTZ ISLE APT 5	FLINT	MI	48532	Yes
8552145	BRADLEY JOHNISHA L	BRADLEY	JOHNISHA	L	2715 RASKOB ST	FLINT	MI	48504	Yes
6887308	BRADLEY JULIE	BRADLEY	JULIE		1918 BARKS ST	FLINT	MI	48503	Yes
5464405	BRADLEY SANDRA L	BRADLEY	SANDRA	L	4507 DRUMMOND SQ	FLINT	MI	48504	Yes
9924970	BRADLEY TIFFANEY M	BRADLEY	TIFFANEY	M	130 E OAKLEY	FLINT	MI	48503	Yes
4289202	BRADLEY WILLIE RUTH	BRADLEY	WILLIE	R	1913 MACKIN RD APT 1	FLINT	MI	48504	Yes
6163890	BRANCH JAMES HALE II	BRANCH	JAMES	HALE	1217 HOLTSLANDER AVE	FLINT	MI	48505	Yes
9809190	BRANDON CHANDRA L	BRANDON	CHANDRA	L	2729 MACKIN RD	FLINT	MI	48504	Yes
9481745	BRANDON ELLA	BRANDON	ELLA		2026 DARON PLACE	FLINT	MI	48505	Yes
3015713	BRANK OTELIA	BRANK	OTELIA		1634 BELLE AVE	FLINT	MI	48506	Yes
9729993	BRANNON JEFFORY A D	BRANNON	JEFFORY	A D	1145 EDITH AVE	FLINT	MI	48507	Yes
3997208	BRANTLEY SHERRY	BRANTLEY	SHERRY		5221 DANIA ST	FLINT	MI	48532	Yes
9984726	BRASS REGINALD	BRASS	REGINALD		410 E BAKER	FLINT	MI	48505	Yes
9085949	BRASSFIELD ANDREA	BRASSFIELD	ANDREA		6108 SALLY CT	FLINT	MI	48505	Yes
9541001	BRASWELL JACQUESE	BRASWELL	JACQUESE		702 FATHER DUKETTE BLVD APT 407	FLINT	MI	48503	Yes
9839805	BREED LEE ESTER	BREED	LEE	ESTER	3165 W CASS AVE	FLINT	MI	48504	Yes
1059732	BREEDLOVE MARYANN	BREEDLOVE	MARYANN		401 E GENESEE	FLINT	MI	48505	Yes
1098534	BREGAN MELANIE	BREGAN	MELANIE		3997 SPRINGBALLEY DR	FLINT	MI	48504	Yes
9776939	BRETT CHRISTINA K	BRETT	CHRISTINA	K	3313 STARKWEATHER	FLINT	MI	48506	Yes
5997655	BRETT ROXANNE	BRETT	ROXANNE		6326 POTOMAC ST	FLINT	MI	48506	Yes
4739398	BREWER LINDA	BREWER	LINDA		710 E JAMIESON ST	FLINT	MI	48504	Yes
4105922	BREWER SANDRA PHILLIPS ANGIE	BREWER	SANDRA ANGIE	PHILLIPS	G5337 CORUNNA RD	FLINT	MI	48532	Yes

Representation Election - MERC Mailing to Flint, Last name begins with "B"

1017062	BREWER TAMMY	BREWER	TAMMY	2402 DAKOTA AVE	FLINT	MI	48506	Yes
1045549	BREWER TEONDRA	BREWER	TEONDRA	G-4606 BEECHER RD APT F 1	FLINT	MI	48532	Yes
9176319	BRIDGES CHANTELL J	BRIDGES	CHANTELL J	3209 WINONA	FLINT	MI	48504	Yes
1095891	BRIDGES SHERISA	BRIDGES	SHERISA	3913 DUPONT ST	FLINT	MI	48504	Yes
1064821	BRINK AMY LYNN	BRINK	AMY LYNN	5125 N CENTER RD LOT 60	FLINT	MI	48506	Yes
5655390	BROACH DINA MAE	BROACH	DINA MAE	230 E PIERSON RD	FLINT	MI	48503	Yes
5121724	BROCK CHERYL D	BROCK	CHERYL D	4113 LAWINDALE	FLINT	MI	48504	Yes
9673510	BROCK THERESA A	BROCK	THERESA A	2030 DWIGHT	FLINT	MI	48503	Yes
8133148	BRODEN DIANE	BRODEN	DIANE	1926 MCPHAIL ST	FLINT	MI	48503	Yes
1046064	BRONSON LYNETTE	BRONSON	LYNETTE	6097 CORUNNA RD	FLINT	MI	48532	Yes
8770215	BROOKS ALDRIC	BROOKS	ALDRIC	210 E MYRTLE AVE	FLINT	MI	48505	Yes
9617431	BROOKS CARLOTTA L	BROOKS	CARLOTTA L	3418 RACE ST	FLINT	MI	48504	Yes
9781367	BROOKS DEBORAH	BROOKS	DEBORAH	4283 POST DR	FLINT	MI	48532	Yes
8903269	BROOKS JULIA WARD	BROOKS	JULIA WARD	4616 FLEMING RD.	FLINT	MI	48504	Yes
1077955	BROOKS KEOSHA	BROOKS	KEOSHA	11202 SHORELANE	FLINT	MI	48504	Yes
9956104	BROUGHMAN JENNIFER	BROUGHMAN	JENNIFER	1630 BROADWAY BLVD	FLINT	MI	48506	Yes
9793706	BROWN ALICIA J	BROWN	ALICIA J	1101 DURAND ST	FLINT	MI	48504	Yes
7940820	BROWN BRANDIS	BROWN	BRANDIS	2520 TRUMBULL AVE	FLINT	MI	48504	Yes
5723060	BROWN CATHERINE	BROWN	CATHERINE	2025 CROCKER AVE	FLINT	MI	48503	Yes
9425156	BROWN CHARLOTTE	BROWN	CHARLOTTE	3002 WOLCOTT ST	FLINT	MI	48504	Yes
9886986	BROWN CHYLA	BROWN	CHYLA	3226 LAWINDALE AVE	FLINT	MI	48504	Yes
9299604	BROWN DEANDRE	BROWN	DEANDRE	116 W JACKSON AVE	FLINT	MI	48505	Yes
1018041	BROWN DENNIS	BROWN	DENNIS	2811 M L KING AVE	FLINT	MI	48505	Yes
4152673	BROWN DIANE	BROWN	DIANE	1928 GILMARTIN ST	FLINT	MI	48503	Yes
9840270	BROWN DIONNA	BROWN	DIONNA	6418 HICKORY HOLLOW CT	FLINT	MI	48532	Yes
9855415	BROWN DONNA	BROWN	DONNA	1070 KURTZ AVE	FLINT	MI	48505	Yes
6953216	BROWN DORA	BROWN	DORA	3605 RIDGECLIFFE DR	FLINT	MI	48532	Yes
6986629	BROWN ELLEN	BROWN	ELLEN	119 W EDDINGTON AVE	FLINT	MI	48503	Yes
3869066	BROWN ETHEL	BROWN	ETHEL	2113 HOWARD AVE	FLINT	MI	48503	Yes
5462554	BROWN EVELYN	BROWN	EVELYN	1914 WOODSLEA DR APT 11	FLINT	MI	48507	Yes
4299432	BROWN JACQUELINE	BROWN	JACQUELINE	2710 BARTH	FLINT	MI	48504	Yes
8853505	BROWN JAMIE A	BROWN	JAMIE A	202 W YORK AVE	FLINT	MI	48505	Yes
8570582	BROWN JOERON A	BROWN	JOERON A	5726 EDGAR HOLT DR	FLINT	MI	48505	Yes

Representation Election – MERC Mailing to Flint, Last name begins with “B”

8147742	BROWN KAY	BROWN	KAY		G1093 LINCOLN DR	FLINT	MI	48507	Yes
6444523	BROWN MICHAEL A	BROWN	MICHAEL	A	1025 WAGER AVE	FLINT	MI	48505	Yes
8333579	BROWN MICHAEL L	BROWN	MICHAEL	L	1622 BARBARA DR	FLINT	MI	48504	Yes
2925026	BROWN MILDRED	BROWN	MILDRED		3810 ORR ST	FLINT	MI	48532	Yes
7661047	BROWN RAQUEL	BROWN	RAQUEL		815 ROOT ST	FLINT	MI	48503	Yes
9632590	BROWN RITCHIE D	BROWN	RITCHIE	D	2309 DEVON LN	FLINT	MI	48507	Yes
6752340	BROWN SCHAWN RAELENN	BROWN	SCHAWN	RAELENN	1902 WOODSLEA DR	FLINT	MI	48507	Yes
1045414	BROWN SEARCY	BROWN	SEARCY		172 E VAN WAGONER	FLINT	MI	48505	Yes
7898057	BROWN SHAMIKA S	BROWN	SHAMIKA	S	2506 TROUT DR BLDG 43	FLINT	MI	48507	Yes
1603082	BROWN SHARON L	BROWN	SHARON	L	1908 CANNIFF	FLINT	MI	48504	Yes
9000674	BROWN STELLA	BROWN	STELLA		3109 MENOMINEE AVE	FLINT	MI	48507	Yes
4158120	BROWN TALINA R	BROWN	TALINA	R	1909 SEYMOUR AVE	FLINT	MI	48503	Yes
9949763	BROWN TONYA DANYELL	BROWN	TONYA	DANYELL	225 W DAYTON ST	FLINT	MI	48505	Yes
9873487	BROWN URSENA	BROWN	URSENA		1101 CALDWELL AVE	FLINT	MI	48503	Yes
7791130	BROWNLEE JEAN MARIE	BROWNLEE	JEAN	MARIE	2118 BLADES AVE	FLINT	MI	48503	Yes
9993780	BRUFF BOBBIE JO	BRUFF	BOBBIE	JO	2024 MONACO ST	FLINT	MI	48532	Yes
9977561	BRYANT JOHN RAY	BRYANT	JOHN	RAY	2052 DIAMOND AVE	FLINT	MI	48532	Yes
9541861	BRYANT KAREEM	BRYANT	KAREEM		729 WELCH BLVD APT 1	FLINT	MI	48504	Yes
9458863	BRYANT MEANYONE N	BRYANT	MEANYONE	N	1609 DELAWARE AVE APT 1	FLINT	MI	48506	Yes
9490261	BRYSON KRYSTAL	BRYSON	KRYSTAL		6029 MARJA ST	FLINT	MI	48505	Yes
8719482	BUFORD DERRY	BUFORD	DERRY		1701 FOREST HILL AVE	FLINT	MI	48504	Yes
9713124	BULLARD TERRLYON D	BULLARD	TERRLYON	D	3026 CONCORD ST	FLINT	MI	48504	Yes
9795658	BULLOCK ALTON G	BULLOCK	ALTON	G	509 E AUSTIN AVE	FLINT	MI	48505	Yes
9800293	BUNCH ARLEATHA M	BUNCH	ARLEATHA	M	6199 CALKINS RD	FLINT	MI	48532	Yes
8351218	BUNING RUTH	BUNING	RUTH		3157 W DARTMOUTH	FLINT	MI	48504	Yes
9696954	BURKE TANIKA R B	BURKE	TANIKA	R B	414 E MYRTLE	FLINT	MI	48505	Yes
5391828	BURNETTE GWENDOLYN M	BURNETTE	GWENDOLYN	M	3416 TELLER AVE	FLINT	MI	48504	Yes
4373370	BURNS DIANA	BURNS	DIANA		329 E LORADO AVE	FLINT	MI	48505	Yes
8955210	BURNS DNAYA	BURNS	DNAYA		329 E LORADO	FLINT	MI	48505	Yes
9289484	BURNS HATTIE	BURNS	HATTIE		3513 FOREST HILL	FLINT	MI	48504	Yes
4157482	BURNS JONES PINKIE	BURNS	JONES	PINKIE	702 FATHER DUKETTE BLVD APT 805	FLINT	MI	48503	Yes
1063753	BURTCH KARRIE	BURTCH	KARRIE		1079 W SCHUMACHER AVE	FLINT	MI	48507	Yes
9612767	BUSH NEDRA	BUSH	NEDRA		5836 EDGAR HOLT DR	FLINT	MI	48505	Yes

Representation Election - MERC Mailing to Flint, Last name begins with "B"

1028950	BUTTERFIELD LORI	BUTTERFIELD	LORI	3076 BASSETT HEIGHTS	FLINT	MI	48507	Yes
7972234	BUYCK ERIC	BUYCK	ERIC	901 E MYRTLE AVE	FLINT	MI	48505	Yes
7786319	BYAS BEVERLY	BYAS	BEVERLY	1213 E GRACELAWN AVE	FLINT	MI	48505	Yes
3996579	BYRD JOANN	BYRD	JOANN	2305 CANNIFF	FLINT	MI	48504	Yes

FOR ACTION

Board of Trustees
Charles Stewart Mott Community College
Regular Meeting, February 28, 2011
Volume 42

1.26 Dissolution of Home-Based Child Care Interlocal Agreement

On April 17, 2006, the Board of Trustees approved an Interlocal Agreement with the Michigan Department of Human Services (DHS) providing for the creation of the Michigan Home-Based Child Care Council (MHBCCC). The Board also designated the College President as the officer of the College authorized to sign the agreement on behalf of the College.

As partners in the agreement, DHS and the College can choose by joint action to immediately dissolve the agreement, or one party may act unilaterally, upon which the agreement would be dissolved in 11 months.

DHS has contacted the President and the Board Attorney, and has reported that, following a review and cost benefit analysis of MHBCCC, the Department feels the funds expended upon MHBCCC could be better utilized in other fashions, and as such, wishes for a joint dissolution of the agreement.


Based on the above information, the following resolution is recommended.

Be It Resolved, That

The Charles Stewart Mott Community College Board of Trustees

Authorizes the College President to effectuate the joint dissolution of the Home-Based Child Care Interlocal Agreement.

Reviewed and Submitted by:


M. Richard Shaink, President

Date: February 28, 2011


James L. Delaney, Board Attorney

Date: February 28, 2011

Board Policy Statement Reference: 2100 – President (Authority)

The President has the full authority to conduct the operations of the College as authorized by law and in accordance with the policies, mission, and goals adopted by the Board. Additionally, the Board of Trustees delegates authority to the President to do the following:

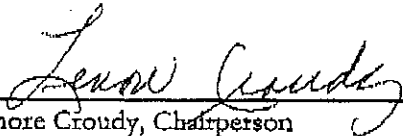
(9) Sign contracts, reports and assurances, and all matters approved by the Board unless a specific officer of the Board of Trustees is the required signatory.

Board Policy Statement Reference: 8101 – Government Relations Philosophy

General: In order to establish a good working relationship with all governmental agencies, the Board establishes the following:

(1) The Board, the President and/or his/her designee(s) will establish working relationships with government agencies and their staff.

Approved unanimously by the Charles Stewart Mott Community College Board of Trustees during a regular meeting, Monday, February 28, 2011.



Lenore Croudy, Chairperson
Mott Community College Board of Trustees



Michael Simon, Assistant Secretary
Mott Community College Board of Trustees

**TERMINATION OF INTERLOCAL AGREEMENT
CREATING THE
MICHIGAN HOME BASED CHILD CARE COUNCIL**

WHEREAS, Mott's authorized representative signed the Agreement on May 23, 2006 and DHS' authorized representative signed the Agreement on July 27, 2006;

WHEREAS, Article VIII, Section 8.01 of the Agreement states that the Agreement shall continue in effect until terminated by joint action of the Parties or withdrawal by a Party under Section 8.02; and

WHEREAS, the Parties to the Agreement desire to terminate the Agreement through joint action;

NOW, THEREFORE, pursuant to Article VIII, Section 8.01 of the Agreement:

1. The Parties terminate the Agreement by joint action, effective March 7, 2011.
2. Accordingly, the Michigan Home Based Child Care Council is hereby immediately dissolved.

This Termination of Interlocal Agreement Creating the Michigan Home Based Child Care Council is executed by the authorized representative of each Party on the dates indicated below:

**DEPARTMENT OF HUMAN
SERVICES**, a principal department
of the State of Michigan

By: *Maura Corrigan*
Maura Corrigan,
Its: Director

Date: March 1, 2011

MOTT COMMUNITY COLLEGE,
a community college district of the
State of Michigan

By: *M. Richard Shaink*
M. Richard Shaink
Its: President

Date: February 28, 2011



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



MAURA D. CORRIGAN
DIRECTOR

March 1, 2011

Michigan Home Based Child Care Council
3186 Pine Tree Rd.
Lansing, Michigan 48911

Dear Contractor:

This letter serves as notification that the Interlocal Agreement creating the Michigan Home Based Child Care Council, which was established by the Michigan Department of Human Services (DHS) and Mott Community College in 2006 will be terminated effective March 7, 2011.

As specified in the Interlocal Agreement, Section 8.03, the Michigan Home Based Child Care Council shall finish its affairs as follows:

- a. All of the Council's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Michigan Home Based Child Care Council and distribution of its assets shall be paid first; and
- b. The remaining assets, if any, shall be distributed to any successor entity, subject to approval by the Parties and federal and state requirements. In the event that no successor entity exists, the remaining assets shall be distributed to each Party in the same proportion as those assets were provided to the council.

Sincerely,

Maura D. Corrigan

cc: Brian Rooney, Director Policy and Compliance
Lisa Brewer Walraven, Office of Early Education and Care



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



MAURA D. CORRIGAN
DIRECTOR

March 1, 2011

Michigan Home Based Child Care Council
3186 Pine Tree Rd.
Lansing, Michigan 48911

Dear Contractor:

This letter serves as notification that your Contract, **ADMIN 11-99099**, with the Department of Human Services (DHS) for Administration services will be terminated effective April 8, 2011.

Your organization will only be reimbursed for allowable administrative expenses incurred through the date of termination. It is the expectation of DHS that you will discontinue all other activities under this agreement by the above date.

All contract audit requirements remain in effect. Compliance with the requirements is mandatory and follows the timetable set in the original contract. Failure to comply with the audit requirements may result in DHS recouping all payments made to you during the period the contract was in effect as well as other financial sanctions. General provisions of the contract regarding Closeout and Continuing Responsibilities remain in effect as specified.

Sincerely,

Maura D. Corrigan

cc: Brian Rooney, Director Policy and Compliance
Contract Payment Unit
Internal Audit
John DuPuis, Division of Contract & Rate Settings
Lisa Brewer Walraven, Office of Early Education and Care
Fidelia Notman, Contract Administrator



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



MAURA D. CORRIGAN
DIRECTOR

March 1, 2011

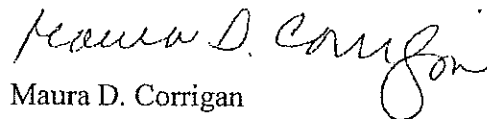
Michigan Home Based Child Care Council
3186 Pine Tree Rd.
Lansing, Michigan 48911

Dear Contractor:

According to the Performance of Functions agreement between the Department of Human Services (DHS) and the Michigan Home Based Child Care Council, the department has been deducting union dues from home based child care providers on behalf of the Michigan Home Based Child Care Council.

This letter serves as notification that the department will cease deducting union dues from home based child care providers after the March 18, 2011 payroll run. You can expect to receive the final dues deduction and dues files on or about March 25, 2011.

Sincerely,


Maura D. Corrigan

cc: Brian Rooney, Director Policy and Compliance
Lisa Brewer Walraven, Office of Early Education and Care



Michigan Department of Human Services News Release

Contact: Gisgíe Dávila Gendreau, acting communications director, 517-373-7394,
gendreaug@michigan.gov

**Michigan Department of Human Services, Mott Community College Dissolve Agreement
That Created Michigan Home Based Child Care Council**
Council to dissolve by April

March 1, 2011

LANSING, Mich. – The Michigan Department of Human Services has ended an agreement with the Michigan Home Based Child Care Council and will no longer fund it or collect union dues from home-based child care providers, Director Maura D. Corrigan announced today.

“The council has not delivered on its original goals to enhance and improve the delivery of quality care for children whose parents receive assistance from the department,” Corrigan said. “That’s why we will stop all funding and, because these providers are not state employees, will also cease collecting union dues.”

State Sen. John Proos, R-St. Joseph, a member of the Senate Subcommittee on Human Services Appropriations, said the action means more money will go directly to those who provide child care.

“I commend the department for recognizing the failure of the Michigan Home Based Child Care Council to follow through on its promise of support and training for child care providers,” Proos said. “Now the department can focus our taxpayer funded support in areas that improve the quality of child care.”

The council was created in 2006 under an inter-local agreement with DHS and Mott Community College, who ended the agreement. Funding for the council was not included in Governor Rick Snyder’s fiscal year 2012 budget proposal.

The change is effective March 7 and allows the council 30 days to wrap up administrative duties. Dues will no longer be collected after March 18 for more than 16,500 providers who belong to the Child Care Providers Together Michigan union.

DHS’ Child Development and Care program provides payment for child care services for qualifying families when the parent, legal guardian or substitute parent is unavailable to provide child care because of employment or education, for example. DHS makes payments directly to providers on behalf of the child’s parent or guardian.

The CDC program ensures child care providers have the skills and knowledge to provide safe and stimulating environments for more than 60,000 children in their care. DHS also has

implemented a basic training requirement for unlicensed aides and relatives providing care, in partnership with the Early Childhood Investment Corp. Michigan is one of the first states to require such mandatory training before providers receive payment.

"DHS will continue to focus on quality improvements in the Child Development and Care program, and in all areas of the department as we fulfill our mission to protect the state's vulnerable children, adults and families," Corrigan said.

For more information about DHS, please visit www.michigan.gov/dhs. Follow DHS on Twitter @MichiganDHS or become a fan at www.facebook.com/MichiganDHS.

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State of Michigan to Stop Illegal ‘Union Dues’ Withdrawals From Checks to Home-Based Day Care Providers

‘Fantastic news’ needs to be coupled with legislative action to prevent similar schemes in the future, says Mackinac Center attorney

March 1, 2011

For Immediate Release

Tuesday, March 1, 2011

Contact: Patrick Wright

Director, Mackinac Center Legal Foundation

or

Kathy Hoekstra

Communications Specialist

Mackinac Center for Public Policy

989-631-0900

MIDLAND — A spokesperson for the Michigan Department of Human Services today told the Mackinac Center for Public Policy that on March 18 the department will stop withdrawing so-called "union dues" from subsidy checks to home-based day care providers who supply child care services to low-income families. The Mackinac Center Legal Foundation filed suit against the DHS in 2009 to stop the illegal withdrawals.

"This is fantastic news," said MCLF Director Patrick J. Wright, who sued the DHS on behalf of Sherry Loar of Petoskey, Michelle Berry of Flint and Paulette Silverson of Brighton. "Our clients took a courageous stand against powerful interests and overwhelming odds. The idea that millions of dollars could be diverted annually from the subsidy checks of low-income families to fatten union coffers was bad enough. The fact that the government was a party to this scheme and was willing to call private employers 'public employees' made it all the more egregious. It is commendable that new DHS Director Maura D. Corrigan has just publicly affirmed in a news release, "[T]hese providers are not state employees."

Loar, who first brought the dubious "public employee union" scheme to the attention of the Center, stated: "I'm thrilled. But this lawsuit should not have been necessary in the first place. My government attacked the sanctity of my home just to benefit its political allies. I'm so happy to know that I'm no longer responsible to a union inside the walls of my own house."

The lawsuit was filed in September 2009 after the discovery that the DHS and Mott Community College had

entered into a so-called "interlocal agreement" to create a shell employer, the Michigan Home Based Child Care Council, solely to shanghai private business owners into a public employee union. The union, Child Care Providers Together Michigan, is a subsidiary of the United Auto Workers and the American Federation of State, County and Municipal Employees. E-mails obtained through the Freedom of Information Act show that the unions brought this idea to the Granholm administration, which helped them implement it.

A spokesman for Mott Community College today told Mackinac Center Communications Specialist Kathy Hoekstra that the college's Board of Trustees had voted unanimously Monday night to dissolve the so-called "interlocal agreement" that had created the MHBCCC. The DHS spokesperson likewise confirmed that the agreement was terminated, saying the termination would take effect on March 7.

"Tens of thousands of Michiganders were targeted and millions of dollars were misappropriated in order to help political allies of former Gov. Granholm," said Wright. "This was shameful, and we are glad to see it end."

But more needs to be done to prevent home-based day care providers and those in comparable situations from similar partisan efforts, Wright added. "The Legislature needs to make certain that this cannot happen to anyone else. Will doctors, landlords and grocers be the next victims of opportunistic public employee unions?"

Wright also indicated that his clients' legal options are now being reviewed. In addition to the lawsuit filed by Mackinac Center Legal Foundation, the illegal arrangement also prompted an ongoing federal lawsuit by the National Right-to-Work Legal Defense Foundation on behalf of several Michigan clients.

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Publication: News Release