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Police board reinstates Lt. Kelly



LT. WILLIAM KELLY

By DAN McCOSH

FARMINGTON—Lt. William Kelly was rehired by a police appeals board Tuesday with a six-week suspension as a disciplinary measure.

The report climaxed three days of testimony before the trial board on Kelly's actions during the investigation of an alleged embezzlement of department funds.

In the report, the trial board cleared Kelly of any wrongdoing in his initial actions in the case, but came down hard on the lieutenant for taking the case to the state police and the resultant publicity.

The board finds Lt. Kelly is guilty of the substance of the charges levied by the director of public safety in his letter of March 12, 1974 (the notice of indefinite suspension).

"He has, in the public press, impugned the integrity of the municipal government of the city, recklessly and without justification, and thereby brought disre-

pect upon the City of Farmington Hills," the report said.

The board indicated Kelly's past record, 12 years without disciplinary action or suspension, made the board "reluctant to order his removal or demote him."

"I'm happy to have my job back," Kelly said after he heard the news. Robert Zack, his attorney, indicated a decision would be made soon whether to appeal the suspension.

"I don't have to like someone to work with him," Kelly said when asked whether the reinstatement would allow him to work with Public Safety Director Ronald Holko.

Holko had no comment following the hearings, other than saying "I don't deal in personalities."

THE SEQUENCE of the events related in the report indicated Kelly "acted properly" during the initial stages of the investigation. The alleged embezzlement first came to Kelly's attention second

hand through an employe of the records bureau on a Friday, Feb. 22.

The following Monday, Lt. Kelly, recently put in charge of the records bureau, returned to work and began an investigation, including confirmation of the shortage with the city treasurer, Charles Rosch.

Kelly took the information directly to City Manager George Majoros the following day, according to the report, bypassing the director of the department.

Majoros then told him not to take any action until the manager had consulted with the city attorney.

Holko was called to a meeting in Majoros' office that afternoon and, according to the report, Majoros told Kelly he would rather the director heard of the shortage from the treasurer and the city manager than Kelly.

"Lt. Kelly insists that there was a discussion about filing his report and that the City Manager told

him to file the report if he felt it necessary.

"The city manager does not recall the conversation.

"It is clear, however, that it is customary in our police department to file a report when the commission of a crime is alleged and in any event, no one told Lt. Kelly not to file any report."

KELLY THEN filed the report, which was later removed by the Director. Holko testified he then told the cadet typing the report to re-do the daily log with a "confidential" notation.

The cadet retyped the page, leaving all mention of Kelly's report out, apparently on his own, and assigning its number to another matter.

The next morning, the director called Kelly to his office, and issued the first, 12-day suspension, and ordered him not to discuss the matter with anyone.

"The board finds that the director (Continued on Page 2-A)

How the hearings were conducted BACKGROUND

(Editor's note: The Farmington Observer & Eccentric was the only newspaper to attend the full hearings on Lt. William Kelly conducted recently by the Farmington Hills police review board. The hearings were made open to the press as part of the rules of procedure. The following story is a result of attending those hearings.)

By DAN McCOSH

When Clarence Darrow rolled into Dayton, Tennessee, he became the archtypical "big city lawyer" challenging the basically provincial values of a small town.

Norman Lippitt, the flashy attorney with a string of victories defending unpopular police cases to his credit, rolled into Farmington Hills with a bit of the flair of Darrow.

The three days of hearings on the suspended policeman, Lt. William Kelly, frequently drifted away from the direct actions of municipal officials and Kelly during the course of the investigation.

Instead the questioning repeatedly returned to the common theme of why Kelly made the alleged embezzlement of license fees in the police department "public."

After listening impassionately for several days, Earl Oppert, chairman of the committee and a city councilman frequently concerned with police affairs, said, "On previous occasions, you (Kelly) have communicated with me. Why didn't you feel you could come to me this time?"

INITIALLY, LIPPITT defended the publicity, and challenged the right of City Manager George Majoros to handle the matter without making it public.

Majoros testified he wasn't sure of his position as a city manager and originally said he wondered if "a city could handle this like private industry."

He also indicated an attempt to get restitution of the money al-

legedly embezzled was underway at the time Kelly was attempting to make the matter public.

He testified he notified several members of the council and the mayor about the facts of the case.

LIPPITT CHALLENGED Majoros' position, saying it was not the right way to handle public funds.

"Didn't you feel it was your responsibility to the taxpayers to advise the city at some point?" he asked.

Majoros said he was in the act of consulting with City Attorney Joseph T. Brennan on propriety in the case about the same time Kelly was attempting to file a police report.

By the end of the testimony, Lippitt had taken another tack. "I personally regret my action in calling the reporter."

"The problem is the city is more concerned with its embarrassment than with the merits of the case."

"It seems to me the board is hung up on this newspaper thing."

WHILE THE board did not end up accepting Lippitt's plea that he was responsible for the publicity, the attorney said, "It is my experience that public officials seem to do their duty a lot more efficiently with newspaper reporters looking over their shoulder."

"I had no idea the city fathers would take it so personally."

A strong undercurrent in the testimony was the distrust Kelly said he felt for Holko.

He testified he felt the director was protecting his secretary in the case, and that was a primary reason he began to feel his report was not being handled properly.

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LOOKING INSIDE
Jean Anzlover, 4, thinks it's play, but it's learning too

See story page 1B

Free clinic to get reprieve from schools until September

By NANCY STEIN

The Farmington Area Advisory Council (FAAC) free medical clinic located in the portable building at the end of the Farmington Administration Building's parking lot will remain in operation, but...

The Farmington Board of Education voted 6-0 (Dr. Burton Knighton, trustee, was absent) that the clinic shall be allowed to continue, but must exclude the dissemination of abortion and, or, birth control information until the clinic moves to non-school property.

Further the FAAC clinic must find non-school property on which to operate by September 1, 1974.

Dr. Mervyn Ross, president of the school board, offered the resolution at the end of an hour and three quarters of discussion on the matter.

He said that he made his motion, "Because I don't want to shut the door on this worthwhile project, but it needs long term solutions. This will give the community time to offer FAAC financial and other support."

Before the meeting began every

board member had received a written copy of attorney Robert Kelly's opinion on the rental of the portable to FAAC.

They had also received several days earlier, a 30-page report from Joe Damiani, director of the clinic, containing answers to all the questions the board had earlier submitted to him in writing.

Kelly's opinion indicated he did not favor the continued rental to FAAC.

"School facilities are principally for the education of school children and that they are incidentally available to others, provided such secondary use does not infringe upon the principal use," he said.

He concluded that, "It should be added that its possible use for furnishing birth control information which is specifically forbidden to school districts by statute, or for abortion for information which is

highly controversial, is most injudicious."

The board then spent one and three quarter hours discussing what was meant by "incidental" and "temporary," both key words in Kelly's decision.

Every board member present at one time or another in the discussion gave verbal support to the clinic.

Waste pact is approved

By DAN McCOSH

FARMINGTON — "Qualified acceptance" of an Oakland County plan for solid waste disposal was approved by the Farmington City Council 5-1 Monday.

Councilman John Allen protested the reliance on landfills in the county plan and argued strongly for the development of incinerators.

He said the county plan, which outlined outlying landfills and

transfer stations, was short-sighted.

"It calls for 20 years — what's 20 years?" Allen said.

"What I am afraid of is that the plan will be used as an excuse to delay a long-term solution."

George Shulte, from the Oakland County DPW, defended the plan.

"We don't have operational experience on incinerators," he said. The City of Farmington is re-

quired to submit a solid waste plan to the Michigan Dept. of Natural Resources by July 1, 1974.

Approving the Oakland County plan meets the requirement.

Under the county plan, four transfer stations and one incinerator will be in operation by 1995. At least one transfer station will probably be in the Farmington area.

The city will eventually have to vote on whether to contract with the county and join the plan.

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