



DISPOSITION MEMORANDUM
CITY OF MUSKEGON HEIGHTS INVESTIGATION

SCOPE

This memorandum is a summary of the investigation that was started after the July 23, 2026 search warrant of the City of Muskegon Heights building. These efforts were in cooperation with the DEA, FBI, IRS, and MSP. The Michigan State Police, along with members of my staff, are reviewing the material related to activity within the City of Muskegon Heights Government. I want to thank the members of the Michigan State Police and FBI who conducted an extremely thorough investigation. They have reviewed over 7000 digital items and have conducted several in person interviews during the course of this investigation. As a result of these investigative efforts, my office has been able to evaluate and determine criminal culpability involving members of city government. These charging decisions and determinations do not end this police investigation nor our review of any additional information that may be discovered.

LAW

My office used the following criminal statutes during the review of the facts and circumstances uncovered by police. It is very important to understand that there is a 6-year statute of limitations that legally prevents us from charging any activity that occurred in 2020 or earlier.

APPLICABLE LAWS

Contract of public servants with public entities (MCL 15.322)

MCL 15.322

Section 2

(1) Except as provided in sections 3 and 3a, a public servant shall not be a party, directly or indirectly to any contract between himself or herself and the public entity of which he or she is an officer or employee.

MCL 15.323

Section 3

(2) A contract as defined in and limited by section 2 involving a public entity and a public servant described in subsection (1) shall meet all of the following requirements:

(a) **The public servant promptly disclosed any pecuniary interest in the contract to the official body that has power to approve the contract, which disclosure shall be made a matter of record in its official proceeding...** The disclosure shall be made in either of the following manners:

(i) **The public servant discloses in writing to the presiding officer, or if the presiding officer is the public servant, to the clerk... at least 7 days prior to the meeting at which a vote will be taken.** The disclosure shall be made public in the same manner as a public meeting notice.

(ii) **The public servant discloses the pecuniary interest at a public meeting of the official body.** The vote shall be taken at a meeting of the official body held at least 7 days after the disclosure is made...

MCL 15.324

Section 4.

The prohibitions of section 2 shall not apply to any of the following:

d) Contracts to purchase residential property. A public servant of a city or village may purchase 1 to 4 parcels not less than 18 months between each purchase. **This subdivision does not apply to public servants of a city or village who have been appointed or elected to their position** or whose employment responsibilities include the purchase or selling of property for the city or village that has adopted an ethics ordinance which as in effect at the time the residential property was purchased.

Felony 1 year and a fine of not less than \$1,000.

MCL 750.478 - Willful neglect of duty; public officer or person holding public trust or employment

When any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

Muskegon Heights Ethics Policy Ordinance (No. 06-561, 8-28-06)

Sec 2-26

(e) No public servant shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, material, labor, or service, or money for the personal convenience or the private advantage of self or of any other person.

(f) Matters requiring disclosure of conflicts of interest, actual and potential. The following disclosure requirements are established to avoid both actual and potential conflicts between the private self-interest and the public interest of public servants.

* * *

(1) Self-interest: No public servant, either on his or her behalf or on the behalf of any other person shall have an interest in any business transactions with any public body of the city unless the person shall first make full public disclosure of the nature of the interest.

(2) Disclosure and disqualification: Whenever the performance of official duties shall require a public servant to deliberate and vote on any matter involving his or her financial or personal interest, that person shall publicly disclose the nature and extent of such interest and is disqualified from participating in the deliberations and voting on the matter.

* * *

(g) Prohibited conduct. All public servants are prohibited from engaging in the following conduct:

* * *

(4) Misusing city personnel resources, property, funds, or assets for personal gain

(5) Soliciting or accepting a gift or loan of money, goods, services, or other things of value which tend to influence the manner in which the public servant performs his or her official duties.

(6) Engaging in a business transaction which may cause the public servant to derive a personal profit or gain directly or indirectly as a result of his or her official position.

* * *

(l) Every person convicted of a violation of this section shall be punished by a fine of not more than \$500 or by a sentence of 90 days in jail, or both, in the discretion of the court.

This is a city ordinance and can **only** be prosecuted by the Muskegon Heights City Attorney or qualified associate. Because this is not a violation of state law, my office does not have jurisdiction to prosecute, however, it is our opinion that a violation of this ordinance can be a basis of a violation of MCL 750.478. (see above)

Land Transfers

Land transfers were investigated with the assistance of the Muskegon County Register of Deed's Office, and Land Bank Authority for Muskegon County.

Applicable state law prohibits individuals whom are elected officials from “directly or indirectly” benefiting from a contract with the same municipality. An exception is provided for tax sale properties under MCL 15.323(a)(d). This exception applies to public servants whom are not elected. See MCL 15.324.

The Land Transfer Process

It is important to understand the process that takes place when a municipality decides to purchase land offered by the County Land Bank. Once a year, the County Land Bank will offer municipalities the option to purchase properties within their borders. The City of Muskegon Heights would be provided a list of available properties. This list would be distributed to City Council members for review. Based on the Council's policies and desires, the Council would then vote to decide which properties to purchase from the County Land Bank. Once purchased it is the Council's responsibility to put those properties up for auction. The auction process for the City of Muskegon Heights required notice to the public of the auction, an application process that included a closed (secret) bid collected by the City of Muskegon Heights within a defined

timeframe including a known deadline date to apply. Bidders were given a minimum bid amount per property that would cover any back taxes owed on that particular property.

Once the deadline to submit bids has passed, the City Clerk would bring all the bids to the Building and Lands Committee of the City Council (“Committee”). It is important to point out that at this point in the process the names and amounts of everyone who bid on a particular piece of property are revealed to the Committee. That Committee was tasked with determining which bid was the winner. There exist some loose criteria or priorities the Committee considers when determining which bid wins. These priorities, in order are:

1. Property was for home ownership;
2. Bidder is an existing city resident vs. a non-resident;
3. The dollar amount of the bid.

Those winning bid recommendations were then brought before the entire City Council at a regular business meeting for the entire Council to vote on. The name and amount of the winning bidders are revealed to the entire Council prior to this vote. A winning bid could only be approved by a super majority vote of the Council, meaning that 5 of 7 commissioners had to vote “yes.”

This process has the overarching check and balance of the above cited state law and the City of Muskegon Heights ethics/conflict of interest ordinance. A violation of state law is a felony, while a violation of the city ordinance is a misdemeanor. The enforcement of the ordinance rests solely in the hands of the city attorney as it is a city ordinance violation and not a violation of state law). The specifics of both the state law and city ordinance used during our review of the facts of this investigation are listed above.

Notice of violation:

While reviewing documents from information seized via search warrant from a server, investigators discovered a memorandum that had been prepared by Interim City Manager Melvin Burns. This memorandum was dated January 29, 2025, and was sent to Mayor Bonnie McGlothin. This communication was specifically addressing the sale of tax reverted properties by the City of Muskegon Heights that had been on the 2024 property list. Of note, Mr. Burns indicates that:

“The other variation you should be aware that I considered was potential conflicts of interest. I have reviewed the Handbook for Municipal Officials Roles and responsibilities, Chapter 8, Ethics and Ethics Handbook for Michigan Municipalities Chapter 3, and I am not comfortable recommending awarding bids to immediate family members of City Council. As you know it is within council’s authority to award bids and Tax Reverted Properties. I see it as my obligation to provide you my best recommendation, regardless of how it may be perceived. I have attached both copies of the documents mentioned above.”

This same memorandum was copied verbatim, including the above quoted paragraph and reference materials, and sent from Mayor Bonnie McGlothin to the members of City Council on April 16, 2025. City records indicate that the elected members of City Council as of April 16, 2025 were:

Mayor: Bonnie McGlothin;
Mayor Pro Tem: Kellie Kitchen;
Council Member: Derrick Lamar Collins;
Council Member: Ronald Jenkins;
Council Member: Lashae Simmons;
Council Member: William Kitchen; and
Council Member: Andre Williams.

Attorney Te Smith would have been the appointed City Attorney. Of note, this memorandum would have been received by city council prior to the April 13, 2026 meeting and vote on the 2024 city owned auctioned properties.

Re: Shawnderrick Roberson

Mr. Roberson is currently charged with one count of possession with intent to deliver a controlled substance and two counts of state tax evasion. Investigators were able to uncover public land transactions from Roberson to a Mr. Javon Brewer. Mr. Brewer was federally indicted on drug charges and was one of the main targets in the DEA investigation, which also led to state charges against Roberson. All the property of these transactions cited above were obtained by the City of Muskegon Heights through the Muskegon County Land Bank. Because of the dates of these transactions they are all outside of the criminal statute of limitations, therefore cannot be considered for criminal charges.

Homelawn addition Block 11 Lot 13-14- 3332 Highland St Parcel: 61-26-400-011-0013-00

- ROBERSON purchased from land bank for \$200 on March 8, 2016.
- Transferred in 2018 from Roberson to Brewer for zero Dollars.

Homelawn addition Block 11 Lots 15-16- 3330 Highland St: Parcel 61-26-400-011-0015-00

ROBERSON purchased from land bank for \$200 on March 8, 2016.

ROBERSON transferred the property to Brewer on June 27, 2017 for zero dollars.

Homelawn addition Block 11 Lot 17-19- 3320 Highland: Parcel 61-26-400-011-0017-00

- ROBERSON purchased from private seller (Clinton and Barbara Todd) February 11, 2016 for one dollar.
- Transferred on June 27, 2017 from Roberson to Brewer for zero Dollars

2800 Waalkes St – Parcel 61-26-210-001-0014-00

- Records incomplete - vacant lot

3113 Waalkes- Parcel 61-26-636-245-0004-00

- Property purchased by Roberson from Land bank on April 29, 2016 for \$500
- Property sold to Brewer August 2, 2018 for zero dollars.
- Property sold by Brewer to a third party on Nov 2, 2023 for \$86,000.00

3320 Waalkes – Parcel: 61-26-835-000-0044-00

- Property purchased by Roberson from Muskegon County Land Bank on March 17, 2016 for \$1,000
- Property sold to Brewer August 2, 2018 for zero dollars.

3324 Waalkes, Parcel 61-26-835-000-0043-00

- Property purchased by ROBERSON from land bank on March 17, 2016, for \$1,000
- Property sold to BREWER August 2, 2018 for zero dollars.
- BREWER sold to Clark Renovation and design for \$50,000 on March 10, 2025
- Sold to Matthew Matheny from Clark Renovation.

3321 Park Street, Parcel: 61-26-835-000-0013-00

- Property purchased by ROBERSON from Muskegon County Land Bank on March 17, 2016 for \$1,000.
- Property sold to BREWER August 2, 2018 for zero dollars.

3225 Park Street, Parcel 61-26-835-000-0044-00

- Property purchased by ROBERSON from Land Bank on March 17, 2016 for \$1,000
- Property sold to BREWER August 2, 2018, for zero dollars
- Sold to Clark Renovation and Design for \$50,000 on March 10, 2025, with 3324 Waalkes.

Because each of the above referenced transactions occurred before the year 2020, the six-year statute of limitations prohibits the filing of criminal charges.

Re: Councilman Derrick Collins:
2301 Reynolds

Mr. Collins is currently charged with a criminal offense related to his involvement in the land transaction involving the property located at 2301 Reynolds Avenue. Pursuant to Michigan Rules of Professional Conduct 3.6, no further details can be provided until the evidence is presented in open court. Additionally, the pending charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

Re: Councilman Ronald Jenkins
2420 Reynolds

During a search conducted by the Michigan State Police of Muskegon Heights computer systems, a document entitled “2024 Foreclosed Properties Bids” was located. Within this document were the bid amounts, addresses being bid on, bidder name, and bid number. 2420 Reynolds was won by “Ronald Jenkins Jr.”, the adult son of Councilman Ronald Jenkins. Jenkins, Jr. was the highest bid out of two bids for the property located at 2420 Reynolds. The document was created by Jennifer Ross, City Clerk, on 9/17/24 and modified on 10/1/24. 2420 Reynolds was a property originally part of the County Land Bank that was sold to the City of Muskegon Heights. This was confirmed by reviewing the County Register of Deeds which shows that the property was transferred from the Muskegon County Land bank to the City of Muskegon Heights on July 16, 2024. During this timeframe the Building and Land Committee members included Council Member Collins (chair), Council Member Kellie Kitchen, and Council Member Simmons. Council Member Ron Jenkins was not a part of the Building and Land Committee, was not present during the committee meeting, and did not participate in any discussions during the committee meeting about the bid on this property. It was recommended by this Committee that Mr. Jenkins, Jr., be awarded the property.

There is no reference in the minutes that the Committee acknowledged or recognized that this was the son of Council Member Ron Jenkins. The approval of this sale would appear at two separate full council meetings, with the first occurring on November 12, 2024. At that meeting in which Council Member Jenkins was present, a motion was made by Council Member Simmons with a second by Mayor Pro Tem Kitchen to approve the sale of the properties in the 2024 foreclosure auction to the winning bidders, which included 2420 Reynolds to Mr. Jenkins, Jr. There is no indication in the minutes, that prior to the vote, Council Member Jenkins noted for the Council that one of the properties was being awarded to his son. Further, Council Member Jenkins did not abstain from the vote and voted in favor of the motion. The motion ultimately failed as it did not receive the required five (super majority) votes.

At a second full council meeting on April 13, 2026, the issue of the 2024 foreclosed properties was on the agenda. The Buildings and Land Committee included William Kitchen (chair), Kellie Kitchen, and Andre Williams. A motion was made by Council Member Collins to

accept as a whole all the winning bidders for the 2024 foreclosed properties which included Council Member Jenkins's son for 2420 Reynolds. Council Member Jenkins was the second to accept the motion. Through out the course of the discussion prior to the vote, Council Member Jenkins did not indicate his conflict of interest regarding 2420 Reynolds. When the vote was called, Council Member Jenkins did not abstain from voting and voted in favor of the motion. The motion again failed to receive 5 (super majority) votes; therefore, it failed to pass.

As of the writing of this memorandum, the deed to 2420 Reynolds has not transferred to anyone and still remains with the City of Muskegon Heights. Although it is my opinion that the best practice would have been for Council Member Jenkins to disclose and abstain from voting on this particular property, the facts of this land transaction do not rise to the level of a criminal violation.

**Re: Council Member Lashae Simmons
3327 8th Street**

Ms. Simmons is now also currently charged with a criminal offense of willful neglect of duty of a public official related to her involvement in the land transaction involving the property located at 3327 8th Street. Pursuant to Michigan Rules of Professional Conduct 3.6 no further details can be provided until the evidence is presented in open Court. Additionally, the pending charge is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

Re: Councilman William Kitchen

There are no properties in the legal name of William Kitchen. However, during the course of an unrelated investigation investigators obtained information of communications that occurred in early 2026 related to properties that were part of the 2024 foreclosure list between Council Member William Kitchen and a person named Reveal Warren.

At the time of these communications between William Kitchen and Warren, all but one of the listed properties below had already been awarded in 2024 to the winning bidders and were not available. Further, the connection between Council Member William Kitchen and Warren was Council Member Kitchen's relationship with Ashley Grider who is Warren's sister. These communications suggest that, upon receiving a sum of money, Council Member William Kitchen was going to assist Warren with obtaining the properties located at:

161 E. Cleveland Ave.

- Transferred to Muskegon Heights in 2023. The final recorded deed is the judgement of forfeiture to the previous owner; however, the list provided from the County Treasurer's office indicates that it was transferred to the City of Muskegon Heights.

3327 Eighth St.

- Transferred to Muskegon Heights in 2024. Presently still deeded to the city of Muskegon Heights.

3016 Eighth St.

- Transferred to Muskegon Heights in 2024. Presently still deeded to the city of Muskegon Heights.

3332 Eighth St.

- Transferred to Muskegon Heights in 2023. The final recorded deed is the judgement of forfeiture to the previous owner, however the list provided from the County Treasurer's office indicates that it was transferred to the City of Muskegon Heights.

It is important to note that neither William Kitchen nor Revel Warren appear on any of the bids for the above listed properties. During the April 13, 2026 full council meeting, Council Member William Kitchen was very vocal about his concern regarding council members benefiting from the sale of city owned property. This concern is also evident by two votes he cast against the sales of the foreclosed properties from the city to the winning bidders. Although the final transfer of the above listed properties to the winning bidders failed to obtain the super majority council vote, the following people had been awarded the winning bids in 2024 and police have been able to rule out any connection to Kitchen or Warren:

- 161 E. Cleveland – Calvin Davis
- 3327 8th Street – Devin Simmons
- 3332 8th Street – Kaelee Cook

-3016 8th Street – not on the bidding sheet

As of the writing of this memorandum, the City of Muskegon Heights still owns the deeds to the above listed properties as the motion to award them to the chosen bidders failed to obtain a super majority. The above facts do not meet the evidentiary requirements of the criminal statutes to charge William Kitchen or Reveal Warren with a criminal offense.

Re: Mayor Pro Term Kellie Kitchen

Michigan State Police and the Muskegon County Prosecutor's Office investigated properties and transfers from Council Member Kellie Kitchen and located no noteworthy transactions. Kitchen appears on no purchases from land banks, nor has she been referenced by any persons interviewed in this investigation implicating her in potentially criminal behavior.

Re: Councilman Andre Williams

Michigan State Police and the Muskegon County Prosecutors Office investigated properties and transfers from Council Member Andre Williams and located no noteworthy transactions. Williams appears on no purchases from land banks, nor has he been referenced by any persons interviewed in this investigation implicating him in potentially criminal behavior.

Re: City Attorney Te Smith:

I was asked to review what, if any, role Mr. Te Smith had during the course of the events that have been discussed in this memorandum. As Prosecutor, I am tasked to review the facts and the law to determine what if any criminal liability might exist for Mr. Smith's conduct.

Mr. Smith was interviewed as it related to his contract with the City of Muskegon Heights as well as his knowledge of land transfers with city council members. He reported only knowing of one deeded transfer which was to Council Member Collins. Smith was seemingly unaware of any violations of state law or city ordinance as it related to conflicts of interest or neglect of duty by a public officer. This is in direct contradiction to the Muskegon Heights City Ordinance related to conflicts of interest as well as two state laws that requires full disclosure of any financial interest by an elected official to municipal government, and the memorandum authored by Melvin Burns in January 2025, which was later sent by the Mayor to City Council.

Investigators obtained the contract between the City of Muskegon Heights and Mr. Smith. This contract appoints Mr. Smith as City Attorney as of August 25, 2023, for a term of 2 years at a rate of \$17,000.00 per month. This appears to be his pay rate regardless of the amount of work he or any of his associates perform for the City of Muskegon Heights. Mr. Smith indicated to investigators that he was aware of the property transfer of city owned property to City Council Member Collins.

Mr. Smith acknowledged that he authored the deed which conveyed the property purchased by Council Member Derrick Collins in 2025, and presented that deed to the Mayor. The vote for the sale of the property to Council Member Collins occurred in 2021. This property transfer is the basis of Council Member Collin's criminal charge. Based on the above facts, there does not appear to be any violation of criminal law. As law enforcement and my office have no jurisdiction to determine any ethical responsibility on Mr. Smith's part, this information will be shared with the Attorney Grievance Commission for their own evaluation on whether any further investigation is necessary regarding Mr. Smith's conduct.

EXAMPLES OF LACK OF OVERSIGHT

161 E. Cleveland

There had been a resident living at 161 E. Cleveland since 2022. After receiving the property on land contract in late 2022 from the previous owner, the home then became city-owned as a result of delinquent taxes. This resident bid on the property and was subsequently told he was the winning bid. As a result, the resident took a check to city hall for the purchase of the home, however the purchase was never approved by City Council. Davis was given permission by an employee of the City of Muskegon Heights government to stay in the home while it remained in limbo. This same resident has resided in the home for more than 2 years paying only utilities on the home. Because the deed is currently being held by the City of Muskegon Heights, there have been no taxes collected on the property.

3332 8th Street

Currently, the City of Muskegon Heights owns the property at 3332 8th Street. Interviews with the tenants at 3332 8th St, indicated that they were given permission to reside at the residence. The current tenant had been leasing the residence from Robert Reed, who was had title to the property. However after Reed was arrested for murder the property reverted back to the City of Muskegon Heights. After Reed no longer owned the property, the current resident of 3327 8th Street indicated that they started paying rent to a “landlord” even though the city owned the property. The “landlord” originally rented the city owned property from Robert Reed prior to his arrest. After Reed’s arrest, and after the property had reverted back to the City of Muskegon Heights, the “landlord” contacted an employee of the City of Muskegon Heights government, and were told they could continue to reside in the property. Rather than continuing to reside in the property they sublet it to the current resident and began collecting monthly rent. The City of Muskegon Heights did not receive any rent money. The people living at these addresses and collecting rent from the sublessors have been very open about this situation with police. These living situations, on city owned property, have been going on for years with the City of Muskegon Heights knowing about it and not collecting any revenue. Because the deed is currently being held by the City of Muskegon Heights, there have been no taxes collected on the property.

CONCLUSION

It is very clear from this investigation that important parts of the City of Muskegon Heights Government have failed the citizens of Muskegon Heights. It is clear that there are dedicated public servants serving the citizens of Muskegon Heights, but it is hard to discern what policies and procedures exist to provide layers of oversight and a neutral check and balance system to make sure to identify and properly dispose of the above discovered issues. A system must be developed that defines which unit of government – more importantly who in that unit of government – is responsible to make sure what has been going on for years does not happen anymore. Most importantly, there must be put in place a structure and discipline of documentation. A government that is not transparent or one that has sloppy or non-existent records, becomes a breeding ground for fraud and corruption. I have spoken to the Muskegon County Land Bank, and they are willing to facilitate a proper auction for the twenty properties

still in the possession of the City of Muskegon Heights. It my strong recommendation that the City of Muskegon Heights work with the County Land Bank to ensure a transparent, non-collusive auction and sale of these properties. My desire was to provide a quick and efficient resolution to this part of the investigation. The investigation into the issues with city owned land bank properties has led to the issuance of new criminal charges and this memorandum outlining that aspect of the investigation. There are still a few areas that I have asked investigators to continue to review, which may require additional action on my part. Those areas are not outlined in this public document, and I am not closing the door on the filing of additional charges.