

Court of Appeals, State of Michigan

ORDER

Robert Davis v Highland Park School Dist Financial Review Team

William C. Whitbeck
Presiding Judge

Docket No. 309219

Henry William Saad

LC No. 12-000102-CZ

Douglas B. Shapiro
Judges

The Court orders that the motion for immediate consideration is GRANTED, and the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED.

The question posed in this case is whether a financial review team, appointed pursuant to the Local Government and School District Fiscal Accountability Act, 2011 PA 4, MCL 141.1501, *et seq.*, commonly known as the emergency financial manager act, constitutes a “public body” under the Open Meetings Act.

In *Davis v Detroit Fin Review Team*, 296 Mich App 568; ___ NW2d ___ (2012), a panel of this Court addressed the question of whether “a financial review team that the Governor appoints under [MCL 141.1512(3)] of the emergency financial manager act is a “public body,” as [MCL 15.262(a)] defines the term.” 296 Mich App at 574. The *Davis* panel addressed three consolidated cases, the relevant facts being nearly identical to those at bar, the difference being that *Davis* concerned the Detroit Financial Review team, while this case concerns the Highland Park School District Financial Review Team. In both *Davis* and this case, Governor Snyder appointed the financial review team after receiving a preliminary review. In both *Davis* and this case, Davis alleged violations of the Open Meetings Act against the Detroit and Highland Park School District financial review teams, respectively. In both cases, the trial court granted Davis’s motion for declaratory judgment finding identical violations of the Open Meetings Act. But the *Davis* panel held “that a financial review team, and therefore the Detroit Financial Review Team, is not a ‘governing body’ and therefore is not a ‘public body’ under the Open Meetings Act and is not statutorily required to comply with the Open Meetings Act.” *Id.* at 627.

We are bound by the *Davis* holding that a financial review team, such as the Highland Park School District financial review team, is not a “public body” under the Open Meetings Act and, therefore, not required to comply with the Open Meetings Act. MCR 7.215(J)(1).

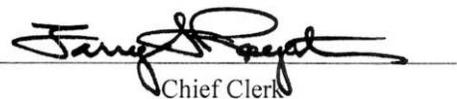
We do not retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 04 2013

Date


Chief Clerk