

O'Boyle takes township

back to court

Pine River clerk seeks at least

\$24,776 in compensation

By JANE GENTRY
Sun Staff Writer

The Pine River Township clerk is taking new legal action seeking attorney's costs from recent court actions.

Donna Jean O'Boyle, represented by Mt. Pleasant attorney Daniel O'Neil, filed a complaint last week in Gratiot County Circuit Court seeking at least \$24,776 from the township board and Michigan Municipal League Liability and Property.

Of the total, \$6,396 stems from attorney fees after injunctive relief was sought when O'Boyle allegedly mishandled absentee ballots in the Aug. 2, 1988 primary election.

The remainder of the amount, \$18,379, is a result of criminal charges later brought up against O'Boyle, who eventually was acquitted. O'Boyle had been charged with four counts of violating Michigan election laws.

Named as defendants in the suit are township board members Maynard

Danks, Kenneth Parks, Kathryn Wilk and Fred Sigourney, and the Michigan Municipal League Liability.

A suit earlier this year on O'Boyle's behalf, between the same parties, was dismissed by Judge Randy L. Tahvonen.

O'Neil said that case was a request the judge order payment to O'Boyle. The case was dismissed when the judge said he had no authority to do so without a trial or evidentiary hearing.

"We were seeking a remedy the judge didn't have the authority to give," O'Neil said.

The latest complaint filed, O'Neil said, follows the normal steps of a lawsuit.

Sigourney, the township supervisor, said Monday he had heard nothing of the latest filing. Danks also said he had not been notified of the action.

The suit by O'Boyle indicates that pursuant to Michigan statutory and case law, the township board, with O'Boyle as their fellow office holder and township clerk, is to provide her with legal counsel when she needs it regarding important legal matters.

The board, O'Neil said in the suit, has a duty to compensate her for any and all expenses incurred as a result of the litigation.

The suit also states that Sigourney has verbally indicated he will continue to table this matter indefinitely in order to avoid payment of this obligation. The matter was tabled by the township board more than once, according to the complaint.

The Michigan Municipal League Liability and Property is a non-profit organization which administers and establishes risk management services to members. The township is a member of the pool and according to the suit, is subject to the terms and conditions of a contract of insurance for which the township paid consideration in the form of a premium.

The insurance provided for coverage and defense for public officials' errors and omissions.

"As both the civil and criminal actions against the plaintiff were based upon violation of specific Michigan election statutes, the Michigan Municipal League has a duty to provide defense to the plaintiff," O'Neil said in the

(See "Complaint" on page 2)



DONNA JEAN
O'BOYLE



DANIEL
O'NEIL