

To: Lt. David Johnson, Michigan State Police, 6th District, Mt. Pleasant Post

RE: notice of criminal complaint and demand for criminal investigation by affidavit

Sent: 4.16.2024

Lt. Johnson,

This verified communication is notice of criminal complaint and demand for criminal investigation. If you are not able to personally process the claims of criminal activity, please direct the following affidavit to the appropriate officer for criminal investigation and subsequent enforcement. Note - all information contained in the weblink references within the affidavit are fully incorporated by reference into the affidavit.

### **Affidavit**

I, Larry Finkbeiner, do declare that the following averments are true and correct:

This verified complaint and demand for criminal investigation is based in multiple instances of ethics violations and "misconduct in office" (a common law offense) which are violations of MCL 750.505: "750.505 Punishment for indictable common law offenses."

Sec. 505:

"Any person who shall commit any indictable offense at the common law, for the punishment of which no provision is expressly made by any statute of this state, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years or by a fine of not more than \$10,000.00, or both in the discretion of the court."

[http://www.legislature.mi.gov/\(S\(oragcudnqmlxkkibxw34tn2p\)\)/mileg.aspx?page=GetObject&objectname=mcl-750-505](http://www.legislature.mi.gov/(S(oragcudnqmlxkkibxw34tn2p))/mileg.aspx?page=GetObject&objectname=mcl-750-505)

This particular application of the named statute is further discussed in "Fact Sheets" that were published by the Michigan Municipal League:

[https://mml.org/resources/publications/one\\_pagers/x%20FS%20ethics%20-Misconduct%20in%20Office.pdf](https://mml.org/resources/publications/one_pagers/x%20FS%20ethics%20-Misconduct%20in%20Office.pdf)

[https://mml.org/resources/publications/one\\_pagers/x%20FS%20ethics%20-%20standards%20of%20conduct.pdf](https://mml.org/resources/publications/one_pagers/x%20FS%20ethics%20-%20standards%20of%20conduct.pdf)

[https://mml.org/resources/publications/one\\_pagers/opp\\_incompatibe.pdf](https://mml.org/resources/publications/one_pagers/opp_incompatibe.pdf)

and in case law from the Michigan Supreme Court (People vs. Coutu:

<https://law.justia.com/cases/michigan/supreme-court/1999/110652-1.html>).

This complaint is directed against any and every state actor operating under color of law, and any of their confederates in the private sector, that combined and was complicit in the illegal and unconstitutional conspiratorial imposition of the Gotion factory on behalf of "GOTION, INC", and others, including, but not limited to: State actor Gretchen Whitmer, the various committee members and administrators of the "MICHIGAN ECONOMIC DEVELOPMENT CORPORATION", "MICHIGAN STRATEGIC FUND," "THE RIGHT PLACE", "MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND

ENERGY”, and “THE US ENVIRONMENTAL PROTECTION AGENCY REGION 5”; the administrator, and board of commissioners of “MECOSTA COUNTY”; the former supervisor of “BIG RAPIDS TOWNSHIP,” and the former supervisor and board members of “GREEN CHARTER TOWNSHIP,” among others.

Affiant alleges the following indicators of criminal activity that provide probable cause of misconduct in office, malfeasance, misfeasance, and nonfeasance by the above-named state actors:

1. That the \$2.4B+ “Gotion, Inc.” electric vehicle battery component manufacturing project and its manner of public funding using the “MICHIGAN ECONOMIC DEVELOPMENT CORPORATION” and the “THE RIGHT PLACE” as front organizations were a type of fraudulent land acquisition and money laundering scheme designed to circumvent (or, “accomplish indirectly that which it cannot do directly”) the mandate of Art. 9, Sec. 18 of the Michigan Constitution (1963) and is a criminal violation of that constitutional prohibition:

“Sec. 18. :”The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, except as authorized in this constitution. This section shall not be construed to prohibit the investment of public funds until needed for current requirements or the investment of funds accumulated to provide retirement or pension benefits for public officials and employees, as provided by law.”

This project was facilitated by the propaganda of lobbyists, legislators, and corporate media in their duplicitous use of the label “incentives” intended to deceive the public, obfuscate the significance of the financial risk to taxpayers, and abdicate the responsibility of legislators and the press to expose the unconstitutionality of the entire scheme.

Both the Michigan Supreme Court and the Michigan Court of Appeals have been very clear about the unconstitutionality of the use of “corporate welfare” by government, regardless of whether state or local:

“Public funds may not be used to support a private purpose.” *Kestenbaum v. Michigan State University*, 97 Mich.App. 5, 294 N.W.2d 228 (1980), affirmed 414 Mich. 510, 327 N.W.2d 783.

“The express limitation on power of state under constitutional provision that the credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private, applies with equal force to municipalities of state.” *Black Marsh Drainage Dist. v. Rowe* 87, 350 Mich. 470, N.W.2d 65 (1957).

“Contracts involving use of public money to further private enterprise are void.” *Skutt v. City of Grand Rapids*, 275 Mich. 258, 266 N.W. 344 (1936).

2. That false promises and fraudulent representations of the project were made by Gotion, Inc., to administrators and board members of Mecosta County, Big Rapids Township, and Green Charter Township, which were endorsed by the Michigan Economic Development Corporation, in order to induce contracts with the county and townships. This is evidenced in, among other documents, Mecosta County’s Board of Commissioners’ resolution on September 26, 2022, which resolves that the board:

“does hereby strongly support efforts to bring Gotion Incorporated’s Project Elephant to Mecosta County and will work in the interest of our constituents and community by assisting Gotion Inc. in their efforts to become members of our Community.”

The resolution, which notes the board's and both townships' approval of a 30 year tax exempt Renaissance Zone for the project, also lists promises made by Gotion, including:

“WHEREAS, the Applicant’s proposed investment in the project is approximately \$2,364,000,000, with the direct creation of up to 2,350 good paying jobs; and

“WHEREAS, this project is expected to lead to significant opportunities for local school districts, the Mecosta/Osceola Intermediate School district, and Ferris State University through creation of additional programs to support the project and future training and staffing needs for Gotion Inc. and other firms who will locate here, and

“WHEREAS, the addition of Gotion, Inc. to our community will bring high tech advanced battery component manufacturing that will be critical to our future, and

“WHEREAS, this addition will bring an economic boost to the entire region stretching from Grand Rapids to Cadillac and Scottsville to Mt. Pleasant.”

A letter of support from the Michigan Economic Development Corporation dated September 23, 2022 also presents Gotion Inc.’s figure of “Up to 2,350” jobs, in addition to offering state incentives of “up to \$1,143,915,908.”

Yet no economic impact studies, or references to studies, were provided to source this job figure or these economic projections. Furthermore: Gotion Inc.’s proposed timeline of job creation shows grossly overestimated figures. According to the presentation “A Global Approach to Electrification” submitted by Gotion, Inc. to Michigan Senate Appropriations Committee on March 15th, Gotion, Inc. would create 131 jobs in 2023, and 502 jobs in 2024. Yet, as of the second quarter of 2024, the “office space” Gotion, Inc. has rented in Big Rapids remains largely empty, with little evidence of employee activity.

Neither is the current outlook for the EV market consistent with these economic projections. The automotive industry’s technological leader, Toyota, is moving swiftly away from EV batteries and towards hydrogen power, and many other major automotive manufacturers are following suit. An objective analysis of the automotive industry yields none of the optimism for EVs expressed in Gotion Inc.’s economic projections.

Furthermore: the alleged environmental impetus for the federal and state incentives for EVs which are in part supporting the Gotion Inc. project is based on the false premise that EVs are good for the environment. Not only are the environmental impacts of EV battery plants such as Gotion Inc.’s devastating to local water supply, water quality, and biodiversity; the entire EV supply chain is riddled with environmentally destructive materials mining, such as lithium and cobalt. Environmentalists Max Wilbert and Derrick Jensen have documented the false representation of the EV and so-called “renewables” industries in their book “Bright Green Lies,” which is one of countless books on the subject.

<https://rightplace.nyc3.cdn.digitaloceanspaces.com/production/uploads/downloads/public-resources/Project-Elephant-Offer-Letter-09232022-signed-Thelen.pdf>

<https://rightplace.nyc3.cdn.digitaloceanspaces.com/production/uploads/downloads/general/Mecosta-County-Commission-Resolution-2.16.23.pdf>

<https://www.dropbox.com/scl/fi/4h3kfy8tr9smf6bvm12qz/Gotion-A-Global-Approach-to-Electrification-March-15th-2023-House-Appropriations.pdf?rlkey=fwwnswovepr2cqyu7d1st5sop&dl=0>

<https://www.amazon.com/Bright-Green-Lies-Mainstream-Environmentalism/dp/194862639X>

[https://www.greencarreports.com/news/1142087\\_toyota-exec-says-evs-won-t-top-30-wants-new-engines](https://www.greencarreports.com/news/1142087_toyota-exec-says-evs-won-t-top-30-wants-new-engines)

3. That The Michigan Economic Development Corporation, The Right Place, the Mecosta County Board of Commissioners, and Michigan Department of Environment, Great Lakes, and Energy have knowingly performed gross negligence by failing to require an environmental impact study (EIS) to be conducted and reviewed before the Gotion, Inc. project commences, as is mandated by the National Environmental Policy Act of 1969, due to the federal oversight required on this project. Projects, such as Gotion's, which are under federal agency jurisdiction, are required to perform an EIS before they commence. (42 U.S.C. §4321 et seq. 1969)

Gotion's proposed EV megasite places it under federal agency jurisdiction due to a number of criteria:

- The Clean Water Act's National Pollutant Discharge Elimination System (NPDES), which regulates permitting of pollutant discharge for industrial facilities. (40 CFR Subchapter D, Water Programs, Parts 100 through 149; and 40 CFR Subchapter N, Effluent Guidelines and Standards Parts 405 through 499).
- The Clean Air Act's National Environmental Policy Act (NEPA), which regulates permitting of airborne contaminants. (42 U.S.C. §4321 et seq. 1969)
- and Section 404 of the Clean Water Act, which regulates permitting of development on wetlands and streams. (33 U.S.C. §1251 et seq. 1972)

In October of 2022 Gotion's own consulting firm, Barr Engineering, delineated over 60 acres of wetlands within the reviewed 257 acres, the majority of which are protected under Part 303 of the State's Wetlands Protection, under the National Resources and Environmental Protection Act (NREPA). Gotion's proposed site also qualifies under Part 303 due to its proximity to the historic coldwater transitional stream, Dalziel Creek, a near tributary to the Muskegon River.

<https://mienviro.michigan.gov/nsite/map/results/detail/-3624250605071055043/documents>

Under Section 404, Gotion's project matches Michigan Department of Environment, Great Lakes, and Energy's definition of a "Red File" project, on a minimum of three fronts:

- Major Discharges affecting one or more acre of wetland
- Potential to affect endangered or threatened species as determined by the US Fish and Wildlife Service (including the Karner Blue Butterfly and Bald Eagle)
- Discharges to waters...suspected to contain toxic pollutants or hazardous substances, located in proximity of a public water supply intake (unconfined aquifers and Muskegon River watershed).

<https://www.michigan.gov/egle/about/organization/water-resources/wetlands/state-and-federal-wetland-regulations>

Gotion, Inc. proposes to develop and pave over 60 acres of 303 protected wetlands within a flood plain, to take 715,000 gallons of water from local aquifers, and to produce 65,000 gallons of wastewater per day. Yet to date, neither environmental impact studies nor assessments have been performed; Michigan's Department of Environment, Great Lakes, and Energy has failed to Red File the Gotion, Inc. project, and the EPA Region 5 has failed to enforce required environmental impact reporting.

4. That the Michigan Economic Development Corporation, The Right Place, the Mecosta County Board of Commissioners, and the former Green Charter Township board knowingly violated the area's Master Plan and Zoning Ordinance by approving the Gotion project despite the fact that the county Zoning Ordinance does not allow for the type of heavy industrial activities Gotion proposes, and that the Master Plan's Future Use specifically recommends against further industrial development of the area which Gotion currently proposes to develop in Green Charter Township.

The Mecosta County Zoning Ordinance describes its intent for "Industrial District" zoning, in section 2.20 I-1 (A): "The I-1 Industrial District is designed so as to primarily accommodate industrial and business parks, wholesale activities, warehouses, assembly and industrial operations whose external effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding district or adjacent uses. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, while permitted as a special use under strict scrutiny, is highly discouraged.

"Permitted uses should be compatible with surrounding residential or commercial uses. Accordingly, permitted manufacturing, distribution, warehousing, and **light industrial uses permitted in this District** should be fully contained within well-designed buildings on amply-landscaped sites, with adequate off-street parking and loading areas, with proper screening around outside storage areas."

The type of manufacturing facility which Gotion, Inc. proposes is clearly in violation of the intent of Mecosta County's industrial zoning, which is described by the county as "light industrial". Neither does the county's detailed lists of permitted uses for industrial zoning describe the type of facility Gotion, Inc. proposes to build.

<https://cms9files.revize.com/mecostacountymi/BZ/Zoning%20Ordinance%20rev.%2003-21-24.pdf>

Furthermore, page 75 of Mecosta County's Master Plan states:

"Existing industrial development is located along 18 Mile Road in section 31 of the Township and along 19 Mile and Coolidge Road in Section 27 of the Township. These areas are not accessible to public utilities and further development for industrial purposes in these areas is highly discouraged."

<https://cms9files.revize.com/mecostacountymi/BZ/Mecosta%20County%20Master%20Plan/Mecosta%20County%20Master%20Plan%20As%20Approved.pdf>

[https://www.house.mi.gov/ArchiveVideoFiles/HAPPR-031523.mp4?fbclid=IwAR1WF7-VMFXrRVCEax750XuDbBHBGG4E5gC2U9iYcP0G0t4KSqxKsOgryvM\\_aem\\_AbT7N-3hmUmFHcDiplSWdPhvkntOv9gffxFx83CbRcYygFF-\\_k1NCog9VqY4FAzjNdyg0ZAdTcicvfqgTdeZ0-78](https://www.house.mi.gov/ArchiveVideoFiles/HAPPR-031523.mp4?fbclid=IwAR1WF7-VMFXrRVCEax750XuDbBHBGG4E5gC2U9iYcP0G0t4KSqxKsOgryvM_aem_AbT7N-3hmUmFHcDiplSWdPhvkntOv9gffxFx83CbRcYygFF-_k1NCog9VqY4FAzjNdyg0ZAdTcicvfqgTdeZ0-78)

[https://www.youtube.com/watch?v=59d\\_Yyyy8bg](https://www.youtube.com/watch?v=59d_Yyyy8bg)

5. That former Green Charter Township Supervisor James Chapman and current Mecosta County Commissioner Jerilynn Strong (who was the Chair of the Board of Commissioners at the time) did knowingly and willfully misrepresent the support of their constituents for the Gotion, Inc. project to Michigan's Senate Appropriations Committee on April 22nd, 2023. Mr. Chapman and Ms. Strong both testified to the Committee, in regards to the Gotion, Inc. project, that 90% of their constituents were in support of the project.

Yet neither elected official had conducted any formal polling of their constituents to back up this claim. Mr. Chapman and Ms. Strong did, however, have strong indications of their constituents' opposition to the project. This was evidenced by a large protest against the Gotion, Inc. project in Big Rapids on April 5th, in which hundreds of residents were in attendance, and on March 14th, when Green Charter Township Hall exceeded its 110 person capacity with local residents who came to express their concern about the Gotion, Inc. project to the township board.

Furthermore: Mr. Chapman was recalled by a wide margin in a voter-initiated recall election in November 2023, with Mr. Chapman's support for Gotion being cited at the top of his recalling constituents' concerns.

Mr. Chapman's and Ms. Strong's assertion of their constituents' support to the Committee were fraudulent misrepresentations, made deliberately to mislead to Michigan legislators in order to induce constitutionally violative state funding contracts for the Gotion, Inc. project.

<https://cloud.castus.tv/vod/misenate/video/6441857427e38f00084260e1?page=PLAYLIST>

<https://www.woodtv.com/news/michigan/protestors-question-battery-plant-planned-for-big-rapids/>

6. That former Green Charter Township trustee Dale Jernstadt did knowingly make votes, as a township trustee, in favor of the Gotion, Inc. project, despite having already entered into a purchase agreement with Gotion, Inc. for a large sum of money in exchange for his land within the Gotion, Inc. project area, without recusing himself, thus demonstrating a conflict of interest in violation of Art. 4, Sec. 10 of the Mich. Const. (1963) and MCL 15.301, et seq.

<https://www.themidwesterner.news/2023/04/green-twp-trustee-owns-land-ccp-gotion-is-buying-for-proposed-battery-project/>

[https://www.greentownship.org/files/ugd/958d79\\_d450334d88784d53b693b4319f36d457.pdf](https://www.greentownship.org/files/ugd/958d79_d450334d88784d53b693b4319f36d457.pdf)

7. That Gotion, Inc., the Michigan Economic Development Corporation, and The Right Place entered into contracts, including the SSRP and CIP grants, knowing that none of the parties had fulfilled the contractually required consideration and documentation of either local community support for the project, or for environmental contamination assessment.

No documentation is provided in Gotion, Inc.'s SSRP and CIP applications for consideration of local community support. Neither Gotion, Inc. nor The Right Place provided any reasonable effort to gather local community stakeholder input on the project, despite the fact that these are required to meet CIP and other grant criteria.

Furthermore, in Gotion, Inc.'s CIP "Programmatic Considerations", as documented in the Michigan Strategic Fund's October 5, 2022 meeting packet, Gotion, Inc. materially misrepresents the assessment of environmental contamination as a result of Gotion, Inc.'s operations. In the CIP application, on [PAGE], Gotion, Inc. responds to the matter of the level and extent of environmental contamination as such:

"An environmental assessment of the site has been completed and shows soil conditions are suitable for construction of the planned facility. A geotechnical evaluation is currently underway, but based on the information available, including the construction of the facility, it is assumed geotechnical conditions will support the planned facility and Gotion is in compliance with all environmental permits and regulations."

<https://www.dropbox.com/scl/fi/2zy6yponcoekpz9y9ipg8/Gotion-MSF-special-meeting-CIP-approval.pdf?rlkey=9j9jbp05j4nshuvx80c0foju&dl=0>

This assertion materially misrepresents the level of environmental assessment of the site and of Gotion, Inc.'s impacts which has been performed, and it directly contradicts the one environmental study which was conducted. The only environmental study conducted at the date of Gotion, Inc.'s CIP application submission was an October 2022 wetlands delineation performed by Barr Engineering, the findings of which included identifying over 60 acres of 303 protected wetlands within Gotion's proposed development area. The presence of such a large quantity of protected wetlands is not consistent with Gotion's assertion that "soil conditions are suitable" for this heavy industrial development.

The material misrepresentation of Gotion's environmental assessment extends to the exclusion of existing relevant scientific literature, and the fact that neither Gotion, Inc. nor The Right Place have attempted to gather and consider this literature in good faith. This includes the 1997 Michigan DNR "Muskegon River Watershed Assessment," and most egregiously: a 1975 study by Ferris State University's Environmental Management Study Center which shows that the Dalziel Creek area along 19 Mile Road, 18 Mile Road, and Northland Drive (aka: the "Gotion block") has experienced four "100 year" floods within a 75 year time span, including a fatality and a successful lawsuit against Mecosta County.

<https://www.dropbox.com/scl/fi/xiin1v8tb1uvk0fcrn/Muskegon-River-Watershed-Assessment-DNR.pdf?rlkey=14fmoxfgxk2z08fww7od692x&dl=0>

<https://www.dropbox.com/scl/fi/is4z80d0f424z2pyjj7u0/Dalziel-and-Paris-Creeks-Flood-Impact-Study-FSU-1975.pdf?rlkey=6ptj5u0ui1std8e7f1zsr96li&dl=0>

[https://www.ferris.edu/university-archives/finding/findingaids/c-e/ua2371.htm?fbclid=IwAR36Z1-0nIDuJ6UxshiFNiCVPYUWmdodA3jvYXjbaAjkydxO7JvaiSrmUg\\_aem\\_AcX6Yp\\_IDwevSAnlFaEwW1fCwEcGFqzdnbS\\_WT6BJD1nydqalULZV\\_LTRMis1EmSNQd5DmpUegVxWf7tNqS3q--I](https://www.ferris.edu/university-archives/finding/findingaids/c-e/ua2371.htm?fbclid=IwAR36Z1-0nIDuJ6UxshiFNiCVPYUWmdodA3jvYXjbaAjkydxO7JvaiSrmUg_aem_AcX6Yp_IDwevSAnlFaEwW1fCwEcGFqzdnbS_WT6BJD1nydqalULZV_LTRMis1EmSNQd5DmpUegVxWf7tNqS3q--I)

8. That the board members of Big Rapids Township, the former members of Green Charter Township, the Michigan Economic Development Corporation, the Michigan Strategic Fund, and the Right Place, violated state law by granting Gotion, Inc. a Renaissance Zone tax abatement of 30 years, which is 15 years longer than the state allows according to MCL 125.2684.

9. That every vote among the various corporate entities and those state actors involved (that is, "MICHIGAN ECONOMIC DEVELOPMENT CORPORATION", and "THE RIGHT PLACE"; the administrator, and board of commissioners of "MECOSTA COUNTY"; the former supervisor of "BIG RAPIDS TOWNSHIP," and the former supervisor and board members of "GREEN CHARTER TOWNSHIP") was made ultra vires, having been made with multiple conflicts of interest in violation of Art. 4, Sec. 10 of the Mich. Const. (1963) and MCL 15.301, et seq.

10. That state actors involved in effectuating the major components of this project have appeared to deliberately and maliciously combined to contort the basic provisions of "good faith" contractual requirements, and to circumvent constitutional and statutory prohibitions, in order to deceive the public about to the megasite development process in violation of the provisions of MCL 445.903 and MCL 750.505.

The gross lack of due diligence performed by Gotion, as demonstrated in Gotion, Inc.'s applications for the Renaissance Zone, SSRP and CIP grants, lies far outside the realm of historically accepted business practices for

both the county and the state. The standards of architectural planning and preparation, environmental assessment and documentation, and stakeholder input have been completely set aside by the aforementioned state and local actors for the Gotion, Inc. project, indicating a willfully deceptive trade agreement.

11. That the entire Gotion, Inc. project and its funding, as well as specific aspects of its development, appear to be treasonously acting in the manner of a racketeering organization on behalf of foreign (Communist Chinese Party) interests, in order to undermine state sovereignty, with foreign agent behavior being demonstrated by Governor Gretchen Whitmer herself:

<https://uscode.house.gov/view.xhtml?path=/prelim@title18/part1/chapter96&edition=prelim>


<https://uscode.house.gov/view.xhtml?path=/prelim@title50/chapter53&edition=prelim>

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section2381&num=0&edition=prelim>

12. That the above list of examples of misconduct in office is not exhaustive, and a criminal investigation by Michigan State Police may uncover other aspects of criminality not discussed above.

Therefore, for the reasons stated above that indicate instances of probable cause of criminal activity, Affiant requests that the Michigan State Police initiate a criminal investigation concerning the above-described instances of misconduct in office, as well as other crimes, and enforce the provisions of MCL 750.505, among others.

I, Affiant Larry Finkbeiner, further say nothing.



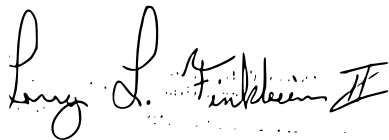
All Rights Reserved,

/s/ Larry Finkbeiner

22750 22 Mile Road, Paris MI 49338

Self-Verification

I, Affiant Larry Finkbeiner, do declare that the averments in the above "Affidavit" are true and correct, under penalty of perjury, in the manner of MCL 600.1434.



All Rights Reserved,

/s/ Larry Finkbeiner

22750 22 Mile Road, Paris MI 49338

P.S. It is not in my character to make frivolous complaints. As a decorated veteran, I ask you to weigh this complaint with seriousness and careful consideration. If you do not choose to act on this complaint, it's my intention to submit it to your commander in Lansing; if he does not act, it's my intention to inform the federal marshals of my complaint pursuant to 18 USC 4, Misprision of Felony:

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section4&num=0&edition=prelim>

Thank you for your time in reviewing this matter.