

Janice M. Winfrey  
City Clerk

**City of Detroit**  
OFFICE OF THE CITY CLERK

Andre P. Gilbert II  
Deputy City Clerk

**DEPARTMENT PETITION REFERENCE COMMUNICATION**

*To: The Department or Commission Listed Below*

*From: Janice M Winfrey, Detroit City Clerk*

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The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

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Petition No.	2025-138
Name of Petitioner	Kirk Leaphart
Description of Petition	Petition request to speak before council for reconsideration of Council's June 3 <sup>rd</sup> decisions.
Type of Petition	<b>Speak Before Council</b>
Submission Date	06/05/2025
Concerned Departments	City Council, City Clerk
Petitioner Contact	Kirk Leaphart 100 Blaine St. Detroit, MI 48202 P1: (313) 974-9244 P2: (313) 816-3319 <u><a href="mailto:Walkinginpower60@gmail.com">Walkinginpower60@gmail.com</a></u>

STATE OF MICHIGAN

IN THE CITY OF DETROIT

✓ TO: City Council

**PETITION OF KIRK LEAPHART FOR RECONSIDERATION OF COUNCIL'S  
JUNE 3<sup>RD</sup>, 2025 DECISIONS BASED UPON PETITION COMMENTS OF  
ASSISTANT CORPORATION COUNSEL'S THAT MISLED ALL COUNCIL  
MEMBERS.**

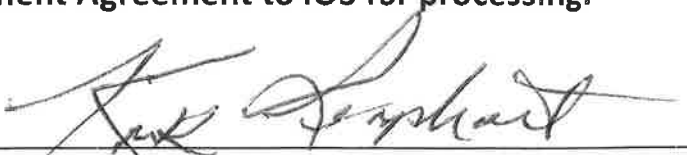
1. Mr. Leaphart had an established right by federal law to enjoy the same rights as white citizens as he does now. 42 U.S.C.A. Section 1981 (Exhibit-1 attached).
2. He enjoyed the right to petition city council for redress of his compensation grievance he titled "Settlement Resolution Request", and to have council decide whether or not to refer it to IOS for settlement resolution with it's accompanying Release And Settlement Agreement executed. *Exhibit 4*
3. Assistant corporation counsel, a white male, appeared at the June 3, 2025 session and petitioned city council for objection to the Settlement Resolution Request in his public comments on behalf of the City Of Detroit, knowing Mr. Leaphart was not represented by a lawyer to render fundamental unfairness to Mr. Leaphart, which is prohibited by the Michigan Constitution, 1963, which requires fundamental fairness (due process) in all executive investigations and hearings. Const. 1963, Article 1, section 17. Exhibit 2 attached.
4. Moreover, Mr. Leaphart had already filed his settlement resolution request with the law department on a claim form provided by the law department on October 17<sup>th</sup>, 2024, and after it was denied, he had the freedom of choice whether to retain a lawyer to file a lawsuit and/or to petition city council for redress of his settlement resolution request, and not be bound –

to only filing a lawsuit before he could approach city council for compensation funds only through the law department as assistant corporation counsel misrepresented to city council verbally in his comments during the June 3<sup>rd</sup>, 2025 session. (Exhibit 3 in pertinent part). *23a*

5. Mr. Leaphart had the established State and federal Constitutional rights and federal statutory right, (just as assistant corporation counsel who was white, and who petitioned city council to object to the proposed settlement resolution) to petition city council without a heightened pleading standard requisite of having commenced a lawsuit in a court of competent jurisdiction just because that is the years long common practice of the law department, who, sat as city council, Detroit's legislative body, during the June 3, 2025 session of city council when counsel announced that requisite. *Exhibit 4.*

**Wherefore, Petitioner respectfully requests of this honorable body  
reconsideration of its June 3<sup>rd</sup>, 2025 decision, set its decision aside,  
grant and refer petitioner's Settlement Resolution Request with its  
executed Release And Settlement Agreement to IOS for processing.**

June 4<sup>th</sup>, 2025.



Kirk Leaphart (Petitioner)  
100 Blaine St.  
Detroit, MI; 48202.  
(313) 974-9244.

## CHAPTER III—PUBLIC FACILITIES

- Civil actions by the Attorney General.  
 Liability of United States for costs and attorney's fee.  
 Personal suits for relief against discrimination in public facilities.  
 "Complaint" defined.

## CHAPTER IV—PUBLIC EDUCATION

- Definitions.  
 Omitted.  
 Technical assistance in preparation, adoption, and implementation of plans for desegregation of public schools.  
 Training institutes; stipends; travel allowances.  
 Grants for inservice training in dealing with and for employment of specialists to advise in problems incident to desegregation; factors for consideration in making grants and fixing amounts, terms, and conditions.  
 Payments; adjustments; advances or reimbursement; installments.  
 Civil actions by the Attorney General.  
 Liability of United States for costs.  
 Personal suits for relief against discrimination in public education.  
 Classification and assignment.

## CHAPTER V—FEDERALLY ASSISTED PROGRAMS

- Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin.  
 Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action.  
 Judicial review; administrative procedure provisions.  
 Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment.  
 Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty.  
 "Program or activity" and "program" defined.  
 Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged non-compliance with Civil Rights Act.  
 Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies.  
 Civil rights remedies equalization.

## CHAPTER VI—EQUAL EMPLOYMENT OPPORTUNITIES

- Definitions.  
 Exemption.  
 Unlawful employment practices.  
 Other unlawful employment practices.  
 Equal Employment Opportunity Commission.  
 Enforcement provisions.  
 Civil actions by the Attorney General.  
 Effect on State laws.

## Investigations.

- Conduct of hearings and investigations pursuant to section 161 of title 29.  
 Posting of notices; penalties.  
 Veterans' special rights or preference.  
 Regulations; conformity of regulations with administrative procedure provisions; reliance on interpretations and instructions of Commission.  
 Application to personnel of Commission of sections 111 and 1114 of title 18; punishment for violation of section 1114 of title 18.  
 Equal Employment Opportunity Coordinating Council; establishment; composition; duties; report to President and Congress.  
 Presidential conferences; acquaintance of leadership with provisions for employment rights and obligations; plans for fair administration; membership.  
 Employment by Federal Government.  
 Short title; purpose; definition.  
 Discriminatory practices prohibited.  
 Coverage of previously exempt State employees.  
 Procedure for denial, withholding, termination, or suspension of Government contract subsequent to acceptance by Government of affirmative action plan of employer; time of acceptance of plan.

## SUBCHAPTER VII—REGISTRATION AND VOTING STATISTICS

- Survey for compilation of registration and voting statistics; geographical areas; scope; application of census provisions; voluntary disclosure; advising of right not to furnish information.

## SUBCHAPTER VIII—COMMUNITY RELATIONS SERVICE

- Establishment of Service; Director of Service; appointment, term; personnel.  
 Functions of Service.  
 Cooperation with other agencies; conciliation assistance in confidence and without publicity; information as confidential; restriction on performance of investigative or prosecuting functions; violations and penalties.  
 Reports to Congress.

## SUBCHAPTER IX—MISCELLANEOUS PROVISIONS

- Criminal contempt proceedings: trial by jury, criminal practice, penalties, exceptions, intent; civil contempt proceedings.  
 Double jeopardy; specific crimes and criminal contempts.  
 Intervention by Attorney General; denial of equal protection on account of race, color, religion, sex or national origin.  
 Construction of provisions not to affect authority of Attorney General, etc., to institute or intervene in actions or proceedings.  
 Construction of provisions not to exclude operation of State laws and not to invalidate consistent State laws.  
 Authorization of appropriations.  
 Separability.

## SUBCHAPTER I—GENERALLY

## § 1981. Equal rights under the law

## (a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every

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State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

**(b) "Make and enforce contracts" defined**

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

**(c) Protection against impairment**

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

(R.S. § 1977; Pub. L. 102-166, title I, § 101, Nov. 21, 1991, 105 Stat. 1071.)

**CODIFICATION**

R.S. § 1977 derived from act May 31, 1870, ch. 114, § 16, 16 Stat. 144.

Section was formerly classified to section 41 of Title 8, Aliens and Nationality.

**AMENDMENTS**

1991—Pub. L. 102-166 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

**EFFECTIVE DATE OF 1991 AMENDMENT**

Section 402 of Pub. L. 102-166 provided that:

"(a) **IN GENERAL.**—Except as otherwise specifically provided, this Act [see Short Title of 1991 Amendment note below] and the amendments made by this Act shall take effect upon enactment [Nov. 21, 1991].

"(b) **CERTAIN DISPARATE IMPACT CASES.**—Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983."

**SHORT TITLE OF 1991 AMENDMENT**

Section 1 of Pub. L. 102-166 provided that: "This Act [enacting section 1981a of this title and sections 601 and 1201 to 1224 of Title 2, The Congress, amending this section and sections 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, 12112, and 12209 of this title, and section 626 of Title 29, Labor, and enacting provisions set out as notes under this section and sections 2000e and 2000e-4 of this title, and section 1a-5 of Title 16, Conservation] may be cited as the 'Civil Rights Act of 1991'."

**SHORT TITLE OF 1976 AMENDMENT**

Pub. L. 94-559, which amended section 1988 of this title, is known as "The Civil Rights Attorney's Fees Awards Act of 1976", see note set out under section 1988 of this title.

**SEVERABILITY**

Section 401 of Pub. L. 102-166 provided that: "If any provision of this Act [see Short Title of 1991 Amendment note above], or an amendment made by this Act, or the application of such provision to any person or circumstances is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of such provision to other persons and circumstances, shall not be affected."

**CONGRESSIONAL FINDINGS**

Section 2 of Pub. L. 102-166 provided that: "The Congress finds that—

"(1) additional remedies under Federal law are needed to deter unlawful harassment and intentional discrimination in the workplace;

"(2) the decision of the Supreme Court in *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989) has weakened the scope and effectiveness of Federal civil rights protections; and

"(3) legislation is necessary to provide additional protections against unlawful discrimination in employment."

**PURPOSES OF 1991 AMENDMENT**

Section 3 of Pub. L. 102-166 provided that: "The purposes of this Act [see Short Title of 1991 Amendment note above] are—

"(1) to provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace;

"(2) to codify the concepts of 'business necessity' and 'job related' enunciated by the Supreme Court in *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989);

"(3) to confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and

"(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination."

**LEGISLATIVE HISTORY FOR 1991 AMENDMENT**

Section 105(b) of Pub. L. 102-166 provided that: "No statements other than the interpretive memorandum appearing at Vol. 137 Congressional Record S 15276 (daily ed. Oct. 25, 1991) shall be considered legislative history of, or relied upon in any way as legislative history in construing or applying, any provision of this Act [see Short Title of 1991 Amendment note above] that relates to *Wards Cove—Business necessity/cumulative/alternative business practice.*"

**CONSTRUCTION OF 1991 AMENDMENT**

Section 116 of title I of Pub. L. 102-166 provided that: "Nothing in the amendments made by this title [enacting section 1981a of this title and amending this section, sections 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, and 12112 of this title, and section 626 of Title 29, Labor] shall be construed to affect court-ordered remedies, affirmative action, or conciliation agreements, that are in accordance with the law."

**ALTERNATIVE MEANS OF DISPUTE RESOLUTION**

Section 118 of title I of Pub. L. 102-166 provided that: "Where appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, factfinding, minitrials, and arbitration, is encouraged to resolve disputes arising under the Acts or provisions of Federal law amended by this title [enacting section 1981a of this title and amending this section, sections 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, and 12112 of this title, and section 626 of Title 29, Labor]."

**EXECUTIVE ORDER NO. 13050**

Ex. Ord. No. 13050, June 13, 1997, 62 F.R. 32987, which established the President's Advisory Board on Race, was revoked by Ex. Ord. No. 13138, § 3(e), Sept. 30, 1999, 64 F.R. 53880, formerly set out as a note under section 14 of the Appendix to Title 5, Government Organization and Employees.

**§ 1981a. Damages in cases of intentional discrimination in employment**

**(a) Right of recovery**

**(1) Civil rights**

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act

of 1964 [42 U.S.C. 1981] a complaining party who is a victim of intentional discrimination that is unlawful under the Act [42 U.S.C. 1981] and provided that the complaining party and punitive damages authorized by section 1981a of the Act of 1964, from:

**(2) Disability**

In an action under the provisions set forth in the Civil Rights Act of 1964 (as provided in section 1981a of the Act with Disabilities Act of 1991 (42 U.S.C. 12117(a)), and in unlawful employment practices of its disparate treatment title 29 and the provisions of section 791 of title 29 of the Act implementing the provisions of the Disabilities Act committed a violation of the Act, against the party may be awarded damages under this section, as provided by section 1981a of the Act of 1964, from the

**(3) Reasonable effort**

In cases where the complaining party involves the provision pursuant to the Americans with Disabilities Act of 1991 (42 U.S.C. 12112(b)) section 791 of the Act awarded under the provisions of the Act entity demonstration who has information on the provision of a reasonable accommodation a reasonable opportunity hardship on the

**(b) Compensate**

**(1) Determine**

A complaining party who is a victim of intentional discrimination that is unlawful under the Act [42 U.S.C. 1981] and provided that the complaining party and punitive damages authorized by section 1981a of the Act of 1964, from the

**(2) Exclusion**

Compensate under section 706 or 717 of the Civil Rights Act

## Art. 1, § 16

### Note 45

extinguish fire through cell door, officials placed breathing mask over inmate's face and attempted to break cell window, and evidence did not indicate that inmate's injuries created immediate substantial risk of harm. *Carlton v. Department of Corrections* (1996) 546 N.W.2d 671, 215 Mich.App. 490, appeal denied 557 N.W.2d 312, 453 Mich. 969.

#### 46. Review, cruel and unusual punishment

Where sentences were well within statutory limits and had already been served, claim of cruel and unusual punishment was both moot and devoid of merit. *Winegar v. Corrections Dept.*, W.D.Mich.1977, 435 F.Supp. 285, affirmed 582 F.2d 1281.

Sentence of life imprisonment for defendant who had originally been charged with armed robbery and two counts of first-degree criminal sexual conduct but pled guilty to one count of first-degree criminal sexual conduct with agreement that the other two charges would be dismissed fell within statutory limits prescribed by the Legislature and lay within the trial judge's discretion, exercise of which the Court of Appeals was without power to review. *People v. Stevens* (1983) 340 N.W.2d 852, 128 Mich.App. 354.

Court of Appeals was unable to review sentence of three days in jail and \$100 fine imposed upon defendant convicted of operating a motor vehicle when his license was suspended since punishment was within applicable statutory limits and no attack had been made on constitutionality of the punishment provisions of ordinance. *People v. Glantz* (1983) 335 N.W.2d 80, 124 Mich.App. 531.

## § 17. Self-incrimination; due process of law; fair treatment at investigations

Sec. 17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

### Convention Comment

This is a revision of Sec. 16, Article II, of the present [1908] constitution. The second sentence incorporates a new guarantee of fair and just treatment in legislative and executive investigations. This recognizes the extent to which such investigations have tended to assume a quasi-judicial character.

The language proposed in the second sentence does not impose categorical guarantees of procedural due process upon such investigations. It leaves to the Legislature, the Executive and finally to the courts, the task of developing fair rules of procedure appropriate to such investigations. However, guarantee fair and just treatment in such matters.

## CONSTITUTION OF 1963

## DECLARATION OF RIGHTS

### Constitution:

Art. 6, § 32.

Art. 2, § 16.

Where defendants did not argue in Court of Appeals or on application for leave to appeal to Supreme Court that their sentences were inequitable as constituting cruel and unusual punishments, Supreme Court would not consider issue on appeal; issue was not the significant question presented by briefs and oral argument. Both defendants were sentenced within statutory limits, and both defendants had prior criminal records. *People v. Ford* (1982) 331 N.W.2d 878, 417 Mich. 66.

Since defendant's brief made no argument on issue that penalty provision imposed cruel and unusual punishment, it need not be considered by the reviewing court. *People v. Kitchin* (1982) 327 N.W.2d 535, 120 Mich.App. 371.

Absent full evidentiary record properly developed, it was not established that defendant found "guilty but mentally ill" would not be afforded the treatment which defendant received under M.C.L.A. § 768.36 creating such a dict had a right to nor that actual operation of M.C.L.A. § 768.36 violated ban on cruel and unusual punishment. *People v. McLeod* (1982) 288 N.W.2d 909, 407 Mich. 632.

An appellate court does not have supervisory control over sentence imposed in trial court. *Lane v. Michigan Dept. of Corrections*, 383 Mich. Bd. (1970) 173 N.W.2d 209, 383 Mich. 50.

Contention that a sentence constituted an abuse of discretion and cruel and unusual punishment will not ordinarily be reviewed by appellate court when sentence imposed falls within statutory limits. *People v. Girard* (1982) 288 N.W.2d 567, 18 Mich.App. 593.

rights in criminal prosecution  
and alcohol tests, admissibility of evidence on failure of criminal defendant to produce substances, seizure and forfeiture of property, just compensation, search and seizure, recognition of persons, taking into protective custody, committee investigative powers, trial or admission to bail, see § 29.7, disclosing students' communications, examination, see § 487.328, drug matches, see § 750.446, jury, see § 750.125.

court granting immunity to witness of assets, judgement delinquent offenses, see § 168.942, employment security proceedings, investigations, see § 29.7, financial investments, investigation, see § 750.334.

business, see § 600.2154, entry on complaint, see § 767.6, evidence, see § 500.2033.

debtor, discovery of assets and decrees, supplementary, see § 750.453, and gas, see §§ 324.61509, 324.61510, in general, see § 600.215, insurance, see §§ 750.453, 750.454, see § 462.27.

privilege, see § 451.80, intent or motive, see § 205.3, matters, see § 600.2154, 600.2155, right of parties, see § 76

## Claim Form

(Notice of Claim Must Be Filed Not Later Than 45 Days from the Date of Accident)

City of Detroit Law Department  
Claims Section  
2 Woodward, Suite 500  
Detroit, MI 48226

10/16/2024  
(Today's Date)

Kirk Leaphart  
(Print Name)

Gentlemen:

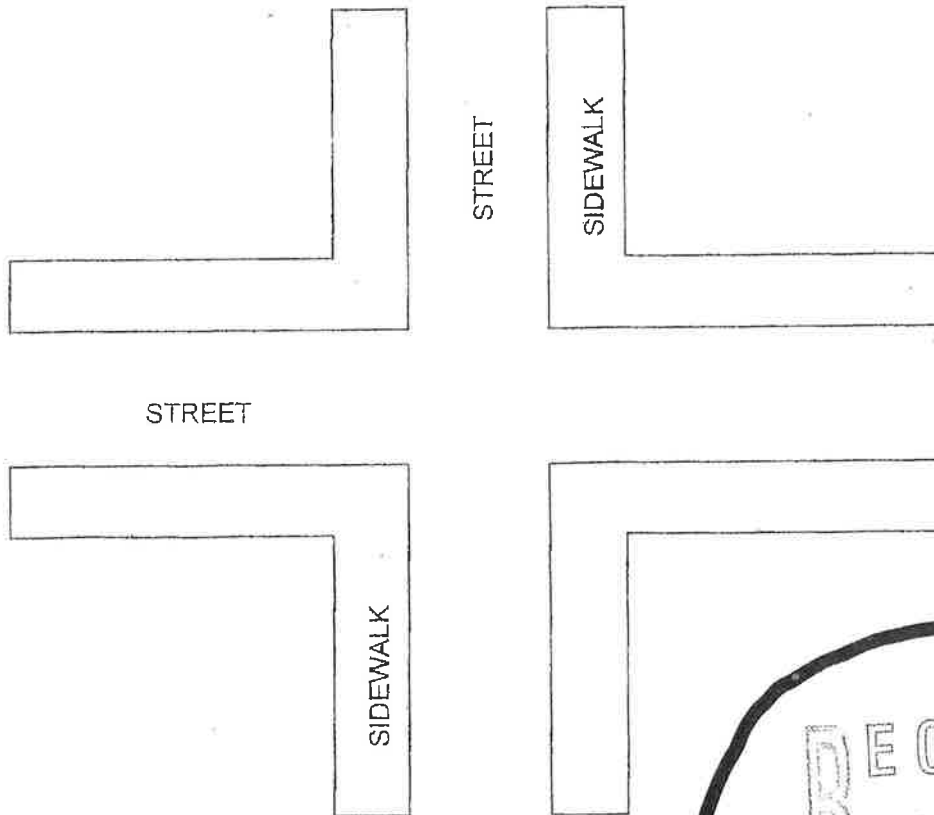
Claim is hereby made against the City of Detroit due to the following happening  
on

9/12 & 9/14/2024  
(Month - Day - Year)

See attached Notice(s) or reports at reports AM, PM  
(Time)

1. Location on 9/12 Temple & Woodward / on 9/14 Michigan Ave  
(Enter location of accident including street address)

2. Make complete diagram. (Use for Outdoor Accidents)



RECEIVED  
OCT 17 2024  
CITY OF DETROIT  
LAW DEPARTMENT

C 24-05018





**Where am I:** [Home](#) / [Law Department](#)

## Law Claims Information

The Claims Section investigates and attempts to resolve claims filed against the City of Detroit, involving both personal injury and property damage allegedly arising from the City's wrong doing or negligence.

The purpose of the Claims Section is to provide a simplified procedure for resolving legal disputes without the necessity, time and expense of our formal judicial system. Hence, the claims process serves both the needs of the claimant and the City.

**Please note that the Claims Section does NOT take or receive complaints pertaining to any City services, department(s), official(s), or employee(s).**

3a



## CONSTITUTION OF 1963

### Section

5. State elective executive officers and senators, 2 and 4 year terms.
6. Supreme court, reduction to 7 justices.
7. Judges of probate, eligibility for re-election.
8. Judicial officers, staggered terms.
9. State board of education; first election, terms.
10. Boards controlling higher education institutions and state board of public community and junior colleges, terms.
11. Michigan State University trustees and Wayne State University governors, terms.
12. Initial allocation of departments by law or executive order.
13. State contracts, continuance.
14. Mackinac Bridge Authority; refunding of bonds, transfer of functions to highway department.
15. Submission of constitution; time, notice.
16. Voters, ballots, effective date.

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## ARTICLE I

### DECLARATION OF RIGHTS

#### § 3. Assembly, consultation, instruction, petition

Sec. 3. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances.

#### Convention Comment

No change from Sec. 2, Article II, of the present [1908] constitution except that the word "government" is substituted for "legislature." The change reflects recognition that today agencies of government other than the legislature exercise policymaking functions and ought to be subject to the right of petition.

#### Historical Notes

Prior Constitutions:  
1835, Art. 1, § 20.

1850, Art. 18, § 10.  
1908, Art. 2, § 2.

#### Cross References

Disturbance of lawful meetings, see § 750.170.

## DECLARATION

Disturbance of religious  
Disturbances at institutions  
Emergency powers of  
Lobbying, regulation,  
Petitions, initiative and  
Riots and unlawful as

Access to Michigan  
ing" of constitutiona  
93 (1983).

Clear and present  
sembly controversie  
13 U.Det.L.J 198 (19

Constitutional law  
gan law 1969. Wi  
L.Rev. 567 (1970).

Exclusive represe  
petition for nonunio  
Vieira, Jr., 1977, De

Freedom of silenc  
against government  
fairs—Compulsory  
with lobbying. Ch  
L.Rev. 209 (1948).

Constitutional La  
Westlaw Topic N  
C.J.S. Constitutio  
612 to 629.

Right to peaceable

Conspiracy, an  
right to interstate  
Women's Health

Freedom of sp  
public TV broadc  
dent candidates fr  
tion, see Arkansa  
Forbes, 1998, 118  
L.Ed.2d 875, on r

Free speech, in  
tion circulators,

Associational rig  
Construction and  
Obstructing acces  
Public officers an