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MEMORANDUM

To: Delta County Board of Commissioners
From: Scott Graham
Re: Delta County Airport Investigation
Date: March 1, 2024

The Board assigned me to investigate activity at the Delta County Airport and the general state of FAA compliance. I have investigated these issues and I provide this memorandum describing certain issues. My ability to report is governed in part by the need to protect certain information that I have reviewed. Before I received certain items, I was required to certify that I would keep confidential information classified “sensitive security information. (“SSI”)” I've done that and I will provide a report that is as complete as possible while protecting such information. I have significant additional information that supports my conclusions that I have not included in order to protect SSI.

This report is confidential to the Commissioners and to the County Administrator. Any disclosure of the report or its contents without Commission approval will constitute a serious breach of confidentiality and will comprise misconduct. The Commission is free to disclose the report as it chooses. However, disclosure should occur only based upon Commission action.¹ I intend that the report will be discussed with the

¹ I understand some of the dynamics that exist in the county. I understand that some will reject any opinion or conclusion that is critical to the prior airport manager regardless of what the facts may show. And are stand that others will criticize the prior manager regardless of the facts. I don't share either opinion. I care only about the facts as they relate to the operation of the airport and the county. It's for this reason that I recommend referral of the matter to the FAA. The county has other options, such as closing the matter with no further action or proceeding with a civil action against the former manager based upon her conduct. If the civil action went forward, I would handle it

board in closed session as an attorney's opinion. However, before this can occur, the Board must vote to meet in closed session in order to hear the opinion. There is nothing about my intent or desire that controls the question of whether the opinion will be considered in closed sessions. That decision rests solely with the Board based on the Michigan Open Meetings Act.

My conclusions can be summarized as follows: Andrea Nummilien, the Delta County Airport Manager in the first half of 2023, subjected the airport and the county to serious jeopardy by performing her duties in a grossly negligent manner that jeopardized continued airport operations. She may have intended to harm the airport and the county by sabotaging the annual inspection. The question of what should be done about her misconduct should be referred to the FAA so that claims of bias against the county can be avoided.

The Delta County airport is supervised by the Federal Aviation Administration "FAA." The FAA conducts an annual inspection of airports commonly referred to as a periodic inspection (sometimes "PI"). The PI is crucial to the FAA's evaluation of continued airport operations. The FAA has provided the airport with detailed information regarding what is required as part of the PI.

My investigation focused on airport activity occurring during the first half of calendar year 2023. During that time, the Airport Manager was Andrea Nummilien. I have reached the following conclusions about Airport operations and the performance of the Manager based upon information provided to me, including SSI. Based upon these conclusions, I recommend that the Board authorize the current Airport Manager and I to contact the FAA and refer to the FAA a request for an

unless otherwise directed by the board. I am not recommending that the board proceed in this way. The present hostility apparently control many opinions regardless of what happened. The FAA should decide whether further action will occur. This is the closest that the county will come to and impartial third party whose opinion may be accepted by all. This is unfortunate, but it appears to be a fact of life in the county.

investigation into the prior Airport Manager's actions.² My conclusions include the following:

1. The airport manager was aware of what the FAA required in order to complete the 2023 periodic inspection.
2. The airport manager participated in the periodic inspection during prior years.
3. The FAA provided the airport manager with a detailed list of the items that the FAA required in order to conduct the periodic inspection.
4. The agreement between the FAA and the airport was that these materials would be provided online through the use of an information portal. This would allow the FAA to have electronic access to the materials it required in order to prepare for and conduct important parts of the periodic inspection.
5. Other portions of the inspection would be performed by the FAA on site.
6. A crucial aspect of the periodic inspection was proof by the airport that its employees had participated in regular training.
7. Another crucial aspect of the periodic inspection was the FAA's review of whether the airport had corrected prior FAA designated violations.
8. The airport manager failed to prepare the information that the FAA required for the 2023 periodic inspection.

² I have conducted this investigation based in part on the following factual premise. Current airport management has corrected the prior manager's deficiencies at a level that could be described as heroic. The airport remains in a precarious position regarding the 2024 periodic inspection because the efforts of current management to correct past errors have taken priority over ongoing training. The prior manager's actions have created an ongoing problem period however, I am optimistic that current management can correct FAA concerns given time and that the airport will be able to operate within FAA requirements. As a result, I have concluded that this matter should not be referred to the FAA unless the prior manager's conduct was so serious that it might raise statutory violations of FA rules and regulations. It is my opinion that the prior manager's actions are so serious that they must be reported. I wish this was not the case. I have tried to evaluate the situation in a way that would not require referral to the FAA. This is impossible. It is my opinion that the failure to refer the matter would likely constitute a breach of fiduciary duty because of the seriousness of the situation and the prior manager's conduct.

9. The airport manager recognized in May of 2023 or earlier that the airport was not prepared for the inspection.
10. The airport manager tried unsuccessfully to postpone the periodic inspection because she had not prepared the materials that the FAA required.³
11. The airport manager falsely told the FAA Inspector that she had a scheduling conflict on the day when the inspection was scheduled to start.
12. The Inspector agreed to move the inspection date in order to accommodate the manager, but would not postpone the date. The Inspector agreed to start the inspection on an earlier date.
13. The airport manager falsely told the FAA that the airport was prepared for the periodic inspection.
14. The airport manager falsely told the FAA that all inspection documents had been loaded into the file sharing system used by the FAA and the airport.
15. Rather than deal with and participate in the periodic inspection for which the airport was not prepared, the airport manager resigned her job with no meaningful notice to the airport or the county.
16. After tendering her resignation, the airport manager did nothing to assist the airport in complying with the periodic inspection requirements.
17. The airport manager spent her last two days of work shredding documents and cooking for her friends.
18. A reasonable inference is that the airport manager destroyed records that showed the extent of her misconduct.
19. The airport manager left the airport offices in shambles.
20. The airport manager left piles of documents out in the open when they should have been filed. Some of these documents contained SSI.

³ It is unclear when the airport manager knew that she had not properly prepared for the periodic inspection. It is also unclear whether the airport manager intended to harm the airport by sabotaging the inspection. This is something that the FAA and perhaps the FBI should determine.

21. The airport manager demonstrated a disregard for the airport security.
22. The airport manager acknowledged to others that she was leaving the airport in a mess.
23. The airport manager did not arrange for training for airport employees as the FAA required.
24. The airport manager left no records reflecting that training had occurred.
25. It is more likely than not that the airport manager attempted to obtain employee signatures regarding training that were false.
26. The airport manager provided no training or assistance to the newly hired assistant manager.
27. The assistant manager needed such training.
28. The County is fortunate that the assistant manager did not resign when the airport manager provided no training or assistance.
29. The airport manager said that she would return to help with the periodic inspection but did not do so.
30. The airport manager did not correct a crucial issue that remained from the 2022 periodic inspection.
31. The airport manager failed to correct one or more crucial issues from the 2021 periodic inspection.
32. The prior airport manager has continued to falsely claim that the airport was fully prepared for the periodic inspection when she resigned.
33. The airport manager's actions should be referred to the FAA with a request for a full investigation and for possible referral to the FBI.⁴
34. The airport manager's actions threatened the continued viability of the airport operations.

⁴ The FAA does not prosecute statutory violations. If the FAA determines that criminal violations have occurred, the FAA refers matters to the FBI for a criminal investigation. Any decision regarding a referral to the FBI should be made by the FAA and not the county.

35. A significant issue exists regarding whether the airport manager mismanaged the payment of airport funds to contractors who worked at the airport.
36. The airport manager was, at the least, grossly negligent in fulfilling her work duties.
37. The airport manager is potentially criminally liable for her actions.
38. The airport manager committed other acts of misconduct that I will not report on at this time because of my desire to commitment to protect SSI.

RELEASED