**BIENNIAL REPORT**

**of the**

# ATTORNEY GENERAL

**of the**

# STATE OF MICHIGAN

**for the**

BIENNIAL PERIOD ENDING DECEMBER 31, 2006

**MICHAEL A. COX**
**ATTORNEY GENERAL**

**AUTHORITY**

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® 191-C

LETTER OF TRANSMITTAL

To the Honorable Legislature of the State of Michigan:

In accordance with the provisions of MCL 14.30, I submit the Report of the Attorney General for the biennial period of January 1, 2005 through December 31, 2006.

MICHAEL A. COX
Attorney General

## MICHAEL A. COX

*Attorney General*

Born in 1961, Cox entered the Marines after graduation from Catholic Central High School in Detroit and went on to graduate from the University of Michigan Law School in 1989. Cox went to work for the Wayne County Prosecutor's Office in Detroit where he prosecuted organized crime cases ranging from public corruption to drug and gang-related homicides. He tried more than 125 jury trials, in addition to hundreds of bench trials, with a conviction rate in excess of 90 percent. In 2000, Cox was appointed the Director of the Wayne County Prosecutor's Homicide Unit, which prosecuted approximately two-thirds of all homicides in Michigan. He and his wife, Laura, a former federal agent, have four children. Cox was sworn in as Attorney General of Michigan, January 1, 2003.

**GARY P. GORDON**

*Chief Deputy Attorney General*

Okemos, Michigan. Bachelor of Arts degree from Michigan State University, East Lansing, Michigan, and Juris Doctorate degree from the University of Detroit, Detroit, Michigan. Admitted to practice law November 1976. Chief Deputy Attorney General from March 2005 to August 2006.

**CAROL L. ISAACS**

*Chief Deputy Attorney General*

East Lansing, Michigan. Received Bachelor of Science degree from Michigan State University and Juris Doctorate degree from Thomas M. Cooley Law School, Lansing, Michigan. Admitted to practice law in 1993. First Woman Chief Deputy. Appointed Chief Deputy Attorney General January 2003 to April 2005. Reappointed September 2006.

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## ATTORNEYS GENERAL OF THE STATE OF MICHIGAN

### APPOINTED

| | |
|---|---|
| Daniel Leroy | July 18th, 1836–1837 |
| Peter Morey | March 21st, 1837–1841 |
| Zephaniah Platt | March 4th, 1841–1843 |
| Elon Farnsworth | March 9th, 1843–1845 |
| Henry N. Walker | March 24th, 1845–1847 |
| Edward Mundy | March 12th, 1847–1848 |
| George V. N. Lothrop | April 3rd, 1848–1850 |

### ELECTED

| | |
|---|---|
| William Hale | 1851–1854 |
| Jacob M. Howard | 1855–1860 |
| Charles Upson | 1861–1862 |
| Albert Williams | 1863–1866 |
| William L. Stoughton | 1867–1868 |
| Dwight May | 1869–1872 |
| Byron B. Ball(a) | 1873–1874 |
| Isaac Marston | April 1st, 1874–1874 |
| Andrew J. Smith | 1875–1876 |
| Otto Kircher | 1877–1880 |
| Jacob J. Van Riper | 1881–1884 |
| Moses Taggert | 1885–1888 |
| Stephen V. R. Trowbridge(b) | 1889–1890 |
| Benjamin W. Houston | March 25th, 1890–1890 |
| Adolphus A. Ellis | 1891–1894 |
| Fred A. Maynard | 1895–1898 |
| Horace M. Oren | 1899–1902 |
| Charles A. Blair | 1903–1904 |
| John E. Bird(c) | 1905–1910 |
| Franz C. Kuhn(d) | June 7th, 1910–1912 |
| Roger I. Wykes | September 6th, 1912–1912 |
| Grant Fellows | 1913–1916 |
| Alex J. Groesbeck | 1917–1920 |
| Merlin Wiley(e) | 1921–1922 |
| Andrew B. Dougherty(f) | 1923–1926 |
| Clare Retan | 1926–1926 |
| W. W. Potter(g) | 1927–1928 |
| Wilbur M. Brucker | 1928–1930 |
| Paul W. Voorhies | 1931–1932 |
| Patrick H. O'Brien | 1933–1934 |
| Harry S. Toy(h) | October 24th, 1935–1935 |
| David H. Crowley | 1935–1936 |

(a) Resigned April 1st, 1874. Isaac Marston appointed to fill vacancy.
(b) Resigned March 25th, 1890. Benjamin W. Houston appointed to fill vacancy.
(c) Resigned June 6th, 1910. Franz C. Kuhn appointed to fill vacancy.
(d) Resigned September 6th, 1912. Roger I. Wykes appointed to fill vacancy.
(e) Resigned January 9th, 1923. Andrew B. Dougherty appointed to fill vacancy.
(f) Resigned October 27th, 1926. Clare Retan appointed to fill vacancy.
(g) Resigned February 16th, 1928. Wilbur M. Brucker appointed to fill vacancy.
(h) Resigned October 14th, 1935. David H. Crowley appointed to fill vacancy.

Raymond W. Starr . . . . . .1937–1938
Thomas Read . . . . . .1939–1940
Herbert J. Rushton . . . . . .1941–1944
John J. Dethmers(i) . . . . . .1945–1946
Foss O. Eldred . . . . . September 9th, 1946–1946
Eugene F. Black . . . . . .1947–1948
Stephen J. Roth . . . . . .1949–1950
Frank G. Millard . . . . . .1951–1954
Thomas M. Kavanagh(j) . . . . . .1955–1957
Paul L. Adams(k) . . . . . .1958–1961
Frank J. Kelley . . . . . .1962–1998
Jennifer M. Granholm . . . . . .1999–2002
Michael A. Cox . . . . . 2003–

---

(i) Resigned September 9th, 1946. Foss O. Eldred appointed to fill vacancy.
(j) Resigned December 31st, 1957. Paul L. Adams appointed to fill vacancy.
(k) Resigned December 31st, 1961. Frank J. Kelley appointed to fill vacancy.

REGISTER OF
DEPARTMENT OF ATTORNEY GENERAL

2005–2006

Attorney General . . . . . MICHAEL A. COX

Chief Deputy Attorney General . . . . . GARY P. GORDON

Chief Deputy Attorney General . . . . . CAROL L. ISAACS

Director for External Affairs . . . . . STUART M. SANDLER

Child and Family Services Bureau Chief . . . . . WANDA M. STOKES

Consumer Protection and
Criminal Prosecutions Bureau Chief . . . . . A. MICHAEL LEFFLER

Economic Development and Oversight Bureau Chief . . . . . DEBORAH ANNE DEVINE

Governmental Affairs Bureau Chief . . . . . FRANK J. MONTICELLO

Solicitor General . . . . . THOMAS L. CASEY

Assistant Attorney General for Law . . . . . SUSAN I. LEFFLER

Assistant in Charge of Detroit Office . . . . . RON D. ROBINSON

Director of Communications . . . . . GERALD R. HILLS

Director of Legislative and Constituent Relations . . . . . MICHAEL J. GARAVAGLIA

Director of Legislative Affairs . . . . . DEENA M. BOSWORTH

Special Assistant to the Attorney General . . . . . GORDON J. MALANIAK

**OPINION REVIEW BOARD**

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Thomas L. Casey
Robert Ianni
Patrick F. Isom
Russell E Prins
Thomas F. Schimpf
Lucille Taylor[1]

[1] Special Assistant Attorney General appointed 6/9/2004.

## PROFESSIONAL RESPONSIBILITY, EDUCATION, AND POLICY BOARD

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Frank Monticello, Vice-Chairperson
Wanda Stokes
Leo Friedman
Daphne Johnson
Genevieve Tusa
Doug Bramble, ex-officio member
Valerie Schmidt, Department Training Officer
Frank Monticello, Department Ethics Officer

In March 2006, Attorney General Mike Cox created the Professional Responsibility, Education, and Policy (PREP) Board to replace the Litigation Advisory Board (LAB). The PREP Board was charged with the responsibility of encouraging the professional growth of Attorney General staff through innovative and cost-efficient training, to assume responsibility for the development and dissemination of department policy, and to assist the Department Ethics Officer in the application of the Rules of Professional Responsibility and the formation of sound ethical practices. Concomitant with the creation of the PREP Board, the Attorney General appointed Frank Monticello as the Department Ethics Officer and gave him the principal responsibility for providing ethics training and coordinating ethics policy in the department. In 2006, the PREP Board recommended the adoption five new department policies, including a continuing legal education policy for both new and experienced department attorneys. The PREP Board, in conjunction with the Department Training Officer, identified and presented 23 different staff training courses. A total of 835 staff members participated in PREP- arranged training. The Board has created a training library to allow staff to individually secure training based on past department training events and relevant national seminars purchased from a variety of sources.

## ASSISTANT ATTORNEYS GENERAL

Yasmin J. Abdul-Karim
Richard M.C. Adams
Todd B. Adams
Syed S. Ahmed
Tonatzin M. Alfaro-Maiz
Donald L. Allen, Jr.[1]
Cynthia A. Arcaro
Cynthia M. Arvant[2]
Rosendo Asevedo, Jr.
Andrea D. Bailey
Susan K. Balkema
Cori E. Barkman
Patricia S. Barone
Katharyn A. Barron
Margaret A. Bartindale
Denise C. Barton
H. Daniel Beaton, Jr.
Brad H. Beaver
Julia R. Bell
Michael R. Bell
Ross H. Bishop
Philip L. Bladen
E. John Blanchard
Jack A. Blumenkopf
Mark E. Blumer[3]
Thomas P. Boyd[4]
Henry J. Boynton
Robert L. Brackenbury
Megan Maher Brennan[5]
Sarah K. Brenner
David D. Brickey
Marvin L. Bromley
Larry F. Brya
Steven M. Cabadas
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Christine Mikrut Campbell
William C. Campbell
David C. Cannon
Sonia M. Cannon
Ray W. Cardew, Jr.
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Tiffany N. Cartwright
Jerome C. Cavanagh[6]
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William A. Chenoweth
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William F. Denner
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Suzanne R. Dillman
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Norman W. Donker
Mark E. Donnelly
Heather M. Durian
George M. Elworth
Ronald W. Emery
Donald E. Erickson
Stacy L. Erwin-Oakes
Jason R. Evans
Angie A. Fadly
Ronald H. Farnum
James T. Farrell
Michael P. Farrell
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Elaine D. Fischhoff
Jennifer Fitzgerald
Kathleen P. Fitzgerald
Patrick M. Fitzgerald
Steven B. Flancher
Darrin F. Fowler
Michael J. Fraleigh[10]
Phillip I. Frame
Kevin L. Francart

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[1] Transferred 9/9/2005
[2] Resigned 4/29/2005
[3] Retired 4/8/2005
[4] Resigned 7/20/2005
[5] Resigned 1/13/2006
[6] Resigned 7/2/2005
[7] Retired 12/30/2005
[8] Retired 6/30/2006
[9] Resigned 4/8/2005
[10] Retired 3/25/2005

Jessica L. Frazier
Michael G. Frezza
Leo H. Friedman
LuAnn C. Frost
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Neil D. Gordon
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A. Peter Govorchin
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Erik A. Grill
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Socorro Guerrero
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Edith C. Harsh
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Suzanne Hassan
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Alan F. Hoffman
Rose A. Houk
Peggy A. Housner
Raymond O. Howd
James C. Howell[15]
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Roland Hwang
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Vincent J. Leone
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Brooke M. Liszak
Sheryl L. Little-Fletcher
Michael A. Lockman
James E. Long
Iris M. Lopez
John P. Mack
S. Peter Manning
John B. Manos

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[11] Transferred 9/23/2005
[12] Resigned 7/14/2006
[13] Resigned 2/4/2005
[14] Resigned 6/17/2005
[15] Resigned 4/21/2006
[16] Resigned 3/24/2006
[17] Resigned 12/28/2005
[18] Transferred 12/30/2005

Howard C. Marderosian
Mary Kathleen Markman
Thomas S. Marks
Erica Weiss Marsden[19]
Harold J. Martin
Robert J. Martin
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Thomas E. McClear[20]
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Mark A. Meyer
Gerald C. Miller
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William E. Molner
Laura L. Moody
Michael E. Moody
Lamar D. Moreland
William R. Morris
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Oronde C. Patterson
Donna L. Pendergast
Sante J. Perrelli
William F. Pettit
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Nancy A. Piggush
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Nancy B. Pridgen[23]
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C. Adam Purnell
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Ronald E. Quick
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Dennis J. Raterink
Victoria A. Reardon
Robert P. Reichel
Michael J. Reilly
T. Blair Renfro[24]
B. Eric Restuccia
Matthew H. Rick
Michelle M. Rick[25]
Stephen M. Rideout
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Santiago Rios
William A. Rollstin
Kandy C. Ronayne
Amy L. Rosenberg
Merry A. Rosenberg
Judith Blinn Rudman
Suzan M. Sanford
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Bethany L. Scheib
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Jarrod T. Smith
Joshua S. Smith
Kevin T. Smith
Kristin M. Smith
Nichole M. Soma
Suzanne D. Sonneborn
Tracy A. Sonneborn
Daniel E. Sonneveldt
Allan J. Soros

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[19] Retired 3/31/2005
[20] Retired 11/30/2006
[21] Retired 4/21/2006
[22] Transferred 4/18/2005
[23] Resigned 10/21/2005
[24] Resigned 9/29/2006
[25] Transferred 6/16/2006

E. Michael Stafford[26]
George N. Stevenson
Pamela J. Stevenson
Rodney D. Stewart
James L. Stropkai
Ronald J. Styka
Chester S. Sugierski, Jr.
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David A. Voges
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John D. Walter[27]
Lamont M. Walton[28]
Robert C. Ward, Jr.[29]
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Donna K. Welch
Robert S. Welliver
Gerald A. Whalen
Glenn R. White[30]
Jane A. Wilensky
Mitchell J. Wood
Shannon N. Wood
Joseph L. Yanoschik
Michael A. Young
Mona M. Youssef
Morrison R. Zack
Daniel J. Zarimba[31]

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[26] Retired 1/31/2005
[27] Transferred 7/7/2006
[28] Resigned 6/16/2006
[29] Retired 6/3/2005
[30] Transferred 6/17/2005
[31] Resigned 8/4/2005

Executive Assistant to Attorney General . . . . . Cynthia A. Aven

Executive Assistant to Chief Deputy Attorney General . . . . . Sandra J. Szul

Executive Assistant to Director for External Affairs . . . . . Andrew H. Phelps

## SENIOR EXECUTIVE MANAGEMENT ASSISTANTS

Cynthia L. Armstrong
Alicia K. Kirkey
Carla S. Lechler[32]
Holly M. McDonnald[33]
Maxine R. Reck
Diane E. VanderMoere
Mary F. Zischke

## SECRETARIES / CLERICALS

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Julie A. Gerszewski
Ida M. Glassbrook
Cheryl A. Goff
Amy A. Gonea
Marni J. Goodwin
Stephanie L. Grace

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[32] Transferred 5/20/2005
[33] Resigned 10/28/2005
[34] Resigned 12/2/2006
[35] Resigned 10/6/2006
[36] Retired 3/31/2005
[37] Resigned 10/28/2005
[38] Retired 3/25/2005
[39] Resigned 8/18/2006
[40] Transferred 8/12/2005
[41] Retired 2/24/2006
[42] Transferred 8/12/2005
[43] Retired 11/1/2006

Kimberly S. Greenhoe
Rashada D. Griffin
Holly L. Gustafson
Sara B. Haase
Erika L. Hamilton
Betty J. Hankins[44]
Diana M. Hanks
Carolyn A. Harris
Nancy E. Hart
Patricia K. Hartman[45]
Stacy L. Hassett[46]
Janet A. Hawken
Darlene K. Heilner
Alisa S. Hill
Lois J. Hopkins
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Jackie M. Isaac
Starkema T. Jackson
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Tracie L. James
Tracy A. Janousek
Randalyn G. Jegla
Melissa M. Jenson
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Michele L. Lemmon
Karen E. Lockwood
Sylvia MacGregor
Susan E. Macias
Latasha C. Madison
Bertha L. Mathis
Billie J. McBrien[48]
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Vickie A. Miner
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Annette L. Murphy
Kimborly S. Musser
Laura Nageotte
Denise L. O'Brien
Nancy M. O'Shea
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Mary A. Pasch
Sharon M. Pavlik
Cathy M. Pawlus
Margaret M. Perrin
DeLynn M. Pettit
Pier M. Piepenbrok
Valerie C. Pilot[49]
Diane M. Pittman[50]
Theresa L. Pollack[51]
Tanya L. Pope[52]
Karon M. Post
Pamela A. Pung
Clarisse Y. Ramey
Marilyn Reed
Denise R. Richards
Cherie A. Richie
Phyllis I. Ried
Ashley A. Robison
Rhonda S. Robison
Cynthia M. Ruff
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JoLynn B. Satterelli
Susan M. Schaefer
Cristie A. Schafer
Janet A. Schafer
Kelly J. Schumaker
Debbie J. Scott
Betty S. Shepard
Jeri M. Sherwood
Kari L. Shook
Mary E. Sigfred
Carol L. Simon
Louann K. Simon
Ellen M. Smith[53]
Lillian M. Smuts
Cheryl R. Starks[54]
Andrea C. Strong
Susan R. Swanson
Julie A. Sworden
Jacqueline M. Szymanski
Myrna L. Tate
Cindy K. Tessman
Barbara A. Teszlewicz
Natalie D. Thelen
Susan L. Tigner[55]

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[44] Resigned 11/30/2005
[45] Retired 4/29/2005
[46] Transferred 3/11/2005
[47] Retired 11/30/2005
[48] Retired 1/31/2006
[49] Resigned 11/28/2006
[50] Transferred 6/17/2005
[51] Resigned 5/12/2006
[52] Resigned 6/24/2005
[53] Resigned 9/8/2006
[54] Retired 3/17/2006

Wendy L. Todd
Laurie A. VanBeelen
Pamela A. Walters-Whalon
Latasha S. Wilkins-O'Neal

## HUMAN RESOURCES STAFF

Douglas J. Bramble, Director
Julie A. Campbell
Veronica E. Estrada
Justin A. Gray
Mary V. Joy
Valerie A. Schmidt
Irene A. Winter

## FISCAL MANAGEMENT STAFF

James Selleck, Director
Beth L. Ball
Joey R. Bengel
Susan A. Bristol
Cathy D. Knott
Carrie S. Morey[56]
Craig P. Thurman[57]

## PURCHASING PROCUREMENT STAFF

Craig A. Farr
Cynthia J. Fournier

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Janice J. Adams
Rodger F. Brown[58]
Jackie E. Crockett

## DEPARTMENT MANAGER

Patricia A. Conley

## DEPARTMENT SUPERVISOR

Julie L. Edwards
Jane E. Feeley

## REGULATION AGENT

Constance Y. Hawthorne[59]
Mark Kachar
Margaret L. Rost
Onyaka Tiggart

## DEPARTMENTAL TECHNICIANS

Barbara J. Baldwin
Beverly J. Ballinger
Angela E. Branch
Daniel J. Burns
Sandra M. Cuddy[60]
Nancy L. Davis
Michelle R. Doerr
Beth A. Doyle-Steadman
Chynessia M. Evans
Barbara L. Fair
Elizabeth G. Grace
Kimberly E. Harps
Sylvia Mack[61]
Tamara L. McComb
Mitzi F. Mertens
Melody L. O'Keefe
Rita Reynoso[62]
Angelita Ripley
Sherry L. Rosin
Cynthia A. Scott
Joann C. Sepic[63]
Gretchen W. Villarreal
Rosetta T. Watts[64]

## COMMUNICATIONS REPRESENTATIVE

Martha K. Eyde

## PROSECUTING ATTORNEYS COORDINATING COUNCIL

Thomas M. Robertson, Director
Dan Barnette
Marcia A. Beatty
William D. Bond
Kim W. Eddie
John P. Goergen
Beverley A. Henrichsen
Myra J. Holmi
Karen G. Maleitzke

---

[55] Resigned 5/20/2005
[56] Transferred 8/19/2005
[57] Transferred 10/7/2005
[58] Retired 11/30/2006
[59] Resigned 6/9/2006
[60] Retired 12/29/2006
[61] Resigned 8/4/2006
[62] Resigned 8/4/2006
[63] Transferred 10/6/2006
[64] Transferred 2/24/2006

Kim I. Mathison
Joey K. Schueller
Nancy J. St. Pierre
Beverly A. Thelen
Matthew K. Wade
Brian C. Zubel

## AUDITORS

Stanwood L. Krycinski
Joseph J. Kylman
Richard J. Ruelle
Eric D. Spanogle

## INVESTIGATORS

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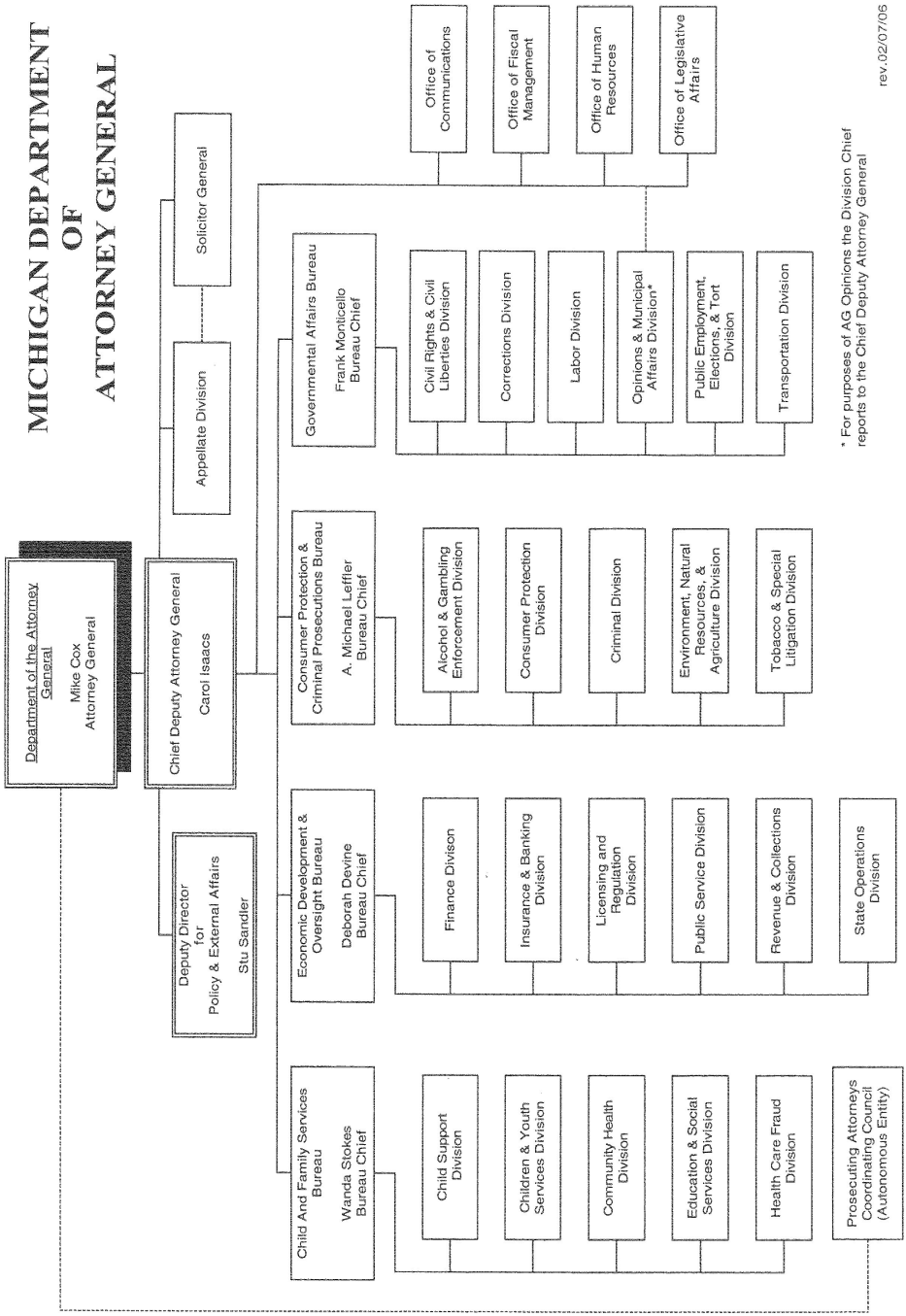
**Deceased 11/24/2006; Melissa Powell Weston appointed 12/2006.



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# OPINION POLICY

Michigan law[1] provides that it shall be the duty of the Attorney General, when required, to give his opinion on questions of law submitted to him by the Legislature,[2] Governor, Auditor General, Treasurer, or any other state officer.[3] Michigan's Supreme Court has recognized that one of the "primary missions" of the Attorney General is to give legal advice to members of the Legislature, and to departments and agencies of state government.[4] County prosecutors may also submit opinion requests provided that they are accompanied by a memorandum of law analyzing the legal question.

Consistent with his primary mission, the Attorney General prioritizes opinion requests that affect the operation of state government. Because the Legislature has authorized local units of government to employ their own legal counsel to provide guidance on matters of local concern, the Attorney General typically does not issue opinions concerning the interpretation of local charters, local ordinances, locally negotiated collective bargaining agreements, and other uniquely local issues.

Upon receipt, all opinion requests are referred to the Assistant Attorney General for Law. Opinion requests are initially evaluated to determine whether to grant the request. Typical reasons for declining a request are: 1) the requester is not a person authorized to request an opinion under the applicable law; 2) the request seeks an interpretation of proposed legislation that may never become law; 3) the question asked is currently pending before a tribunal; 4) the request involves the operation of the judicial branch of government or a local unit of government; or 5) the request seeks legal advice on behalf of, or involves disputes between, private persons or entities.

If the request is granted, it is then determined whether the response should be classified as a formal opinion, letter opinion, or informational letter. Formal opinions address questions significant to the State's jurisprudence that warrant publication. Letter opinions involve questions that should be addressed by the Attorney General but are of limited impact and do not warrant publication. Informational letters address questions that have relatively clear, well-established answers or are narrow in scope. Copies of all pending requests are provided to the Governor's Legal Counsel and to the Senate and House Majority and Minority Counsel, thereby affording notice that the question is under review and the opportunity for input. On request, any person is permitted to present information regarding pending requests.

If the opinion request is granted, it is assigned to an assistant attorney general having a recognized expertise in the relevant area of the law. This attorney is expected to prepare a thoroughly researched and well written draft. The Assistant

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[1] MCL 14.32.

[2] The Attorney General has historically interpreted this to include individual legislators.

[3] *LaFountain v Attorney General*, 200 Mich App 262, 264; 503 NW2d 739 (1993).

[4] *East Grand Rapids School Dist v Kent County Tax Allocation Bd*, 415 Mich 381, 394; 330 NW2d 7 (1982).

Attorney General for Law edits the draft to assure it is both legally sound and well written. The draft may be circulated to other attorneys within the Department of Attorney General for substantive review.

All informational letters, and most letter opinions, are submitted directly to the Chief Deputy Attorney General for review and approval. If the draft does not require further editing, it is submitted to the Attorney General; or, in the case of informational letters, the draft is signed and issued by the Chief Deputy Attorney General. Drafts of most formal opinions and some letter opinions are first submitted for consideration and approval by the Attorney General's Opinion Review Board (ORB).

The ORB, which meets weekly to review draft opinions, consists of senior assistant attorneys general appointed by the Attorney General. The ORB assures that draft opinions are both legally accurate and well written. In considering a draft, the ORB has several options, including receiving input from the drafter as well as other persons outside the department, revising the draft, directing that revisions be made by others, and requesting that a counter draft be submitted by either the original drafter or by another person.

Upon final ORB approval, draft opinions are submitted to the Chief Deputy Attorney General for review and, if approved, to the Attorney General for his further review, approval, and signature or other appropriate action.

Upon issuance, formal opinions are published and indexed in the Biennial Report of the Attorney General. Formal opinions issued since March 1, 1963, are available on the Attorney General's website: www.michigan.gov/ag. Formal opinions issued since 1977 can be found on both Westlaw and Lexis. Formal and letter opinions are available on request from the Department's Opinions and Municipal Affairs Division.

**EDUCATION: Eligibility for state school aid under Postsecondary Enrollment Options Act**

**SCHOOLS AND SCHOOL DISTRICTS:**

**A school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act, provided that the student is enrolled in at least one high school class in at least grade 11 and has achieved the endorsements required under section 3(f) of the act.**

Opinion No. 7168 January 28, 2005

Honorable Lisa Wojno
State Representative
The Capitol
Lansing, MI 48909

You have asked if a school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act.

The Postsecondary Enrollment Options Act (PSEOA), 1996 PA 160, MCL 388.511 *et seq*, was enacted to provide a wider variety of options to high school students "by encouraging and enabling qualified pupils to enroll in courses or programs in eligible postsecondary institutions," commonly called "dual enrollment." MCL 388.512. Information received with your request indicates that a school district is encouraging students to remain in high school for an additional year so that they can participate in the dual enrollment program and earn college credits at state expense.

The purpose of the PSEOA is clear. In providing for the education of children in Michigan, the Legislature has increased the academic options for high school students who have reached certain levels of achievement by authorizing the use of state school aid funds to pay tuition and other "eligible charges" to state universities, community colleges, or certain private universities or colleges located in Michigan, thus enabling those students to enroll in courses or programs not offered at the high school by the school district.[1] MCL 388.512; MCL 388.513(c) (defining "eligible charges"); MCL 388.1621b. See OAG, 1995-1996, No 6872, p 99 (September 19, 1995).

To take courses under the PSEOA, a student must be an "eligible student," which is defined in section 3(f) of the PSEOA, in relevant part, as:

> [E]xcept as otherwise provided in this subdivision, *a student enrolled in at least 1 high school class in at least grade 11 in a school district in this state*, except a foreign exchange pupil enrolled in a school district under a cultural exchange program. Until the 2006-2007 school year, to be an eligible student a student must have achieved state endorsement in all subject areas under section 1279 of the revised school code, 1976 PA 451, MCL 380.1279. However, if the student has not achieved state endorsement in all subject areas under that section, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has achieved state endorsement, in computer science or foreign language not offered by the

[1]The payment of state school aid funds that may be used for tuition and other eligible charges is based on a formula set out in section 4(5) of the PSEOA, MCL 388.514(5). The payment may not necessarily cover the entire cost, in which case the student is responsible for the difference.

> school district, or in fine arts as permitted by the school district. [MCL 388.513(f); emphasis added.][2]

The primary rule of statutory construction is to effectuate the intent of the Legislature:

> The foremost rule, and our primary task in construing a statute, is to discern and give effect to the intent of the Legislature. This task begins by examining the language of the statute itself. The words of a statute provide "the most reliable evidence of its intent . . . ." If the language of the statute is unambiguous, the Legislature must have intended the meaning clearly expressed, and the statute must be enforced as written. . . . Only where the statutory language is ambiguous may a court properly go beyond the words of the statute to ascertain legislative intent. [*Sun Valley Foods v Ward*, 460 Mich 230, 236; 596 NW2d 119 (1999); citations omitted.]

The language of the PSEOA is unambiguous. Students may enroll in courses or programs in eligible postsecondary institutions if they are enrolled in a least one high school class in at least grade 11 in a school district in this state and have achieved the required endorsements.

In the situation you describe, a school district is encouraging students to remain in high school for a fifth year for the purpose of qualifying as an eligible student under the PSEOA so that they may attend courses at postsecondary institutions that are paid for with state funds. Nothing in the statutory language precludes this. These students meet the statutory definition of eligible student if they are enrolled in at least one high school class in at least grade 11 and have achieved the required endorsements.[3]

It is my opinion, therefore, that a school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act, provided that the student is enrolled in at least one high school class in at least grade 11 and has achieved the endorsements required under section 3(f) of the act.

MIKE COX
*Attorney General*

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[2] Beginning in the 2006-2007 school year, to be eligible to participate in the program under this act, a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a "readiness assessment" as defined in section 3(j) of the PSEOA and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on that examination. "However, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has achieved a qualifying score, in computer science or foreign language not offered by the school district, or in fine arts as permitted by the school district." [MCL 388.513(f).]

[3] The State School Aid Act of 1979 provides that a school district may only claim state school aid funds for pupils who are properly counted in membership in the district. MCL 388.1701. To be counted in membership, except in the case of special education students, a pupil must be less than 20 years of age on September 1 of the school year. MCL 388.1606(4)(l). Additionally, the Legislature has provided that an individual who has obtained a high school diploma or a general education development (GED) certificate shall not be counted in membership. MCL 388.1606(4)(m).

**TAXATION: Taxation of transportation service companies under Michigan Stadia and Convention Act**

**MICHIGAN STADIA AND CONVENTION ACT:**

**Companies that provide limousine, taxi, or bus services are not "engaged in the business of leasing or rental of motor vehicles of which delivery is made" and, accordingly, are not subject to the tax imposed under the Michigan Stadia and Convention Act, MCL 207.751 *et seq*.**

Opinion No. 7169 February 4, 2005

Honorable Alan Cropsey
State Senator
The Capitol
Lansing, MI

You have asked whether companies that provide limousine, taxi, or bus services are engaged in the business of "leasing or rental of motor vehicles" and subject to the tax imposed under the Michigan Stadia and Convention Act, 1991 PA 180, MCL 207.751 *et seq*.

Section 2(1)(b) of the Michigan Stadia and Convention Act (Act), MCL 207.752(1)(b), permits an eligible municipality, including certain counties to:

> [L]evy, assess, and collect an excise tax on the privilege of operating the following businesses in the eligible municipality:
>
> * * *
>
> (b) A person engaged in the business of the leasing or rental of motor vehicles of which delivery is made in the eligible municipality.

Section 2(2) of the Act further provides:

> The rate of tax imposed pursuant to subsection (1) shall not exceed the following amounts:
>
> * * *
>
> (b) 2% of the gross receipts received by the person subject to tax under subsection (1)(b) from the leasing or rental of motor vehicles for periods of less than 30 consecutive days. [MCL 207.752(2)(b).]

Generally, each tax has an object (generally a privilege or property), a measure (e.g., gross receipts, income, value), and is incident upon a person or property. Where the terms of a statute, including a tax measure, are plain, specific, and unambiguous, there is no occasion to "construe" its provisions. They must be enforced as written. In doubtful cases, i.e., those involving ambiguity, the law is construed liberally in favor of taxpayers. *R C Mahon Co v Dep't of Revenue*, 306 Mich 660, 666; 11 NW2d 280 (1943). See also *Bechtel Power Corp v Dep't of Treasury*, 128 Mich App 324, 329; 340 NW2d 297 (1983), citing *Ecorse Screw Machine Products v Corporation and Securities Comm*, 378 Mich 415, 418; 145 NW2d 46 (1966). The scope of a tax measure should not be extended by implication or forced construction. *Garavaglia v Michigan Dep't of Revenue*, 338 Mich 467, 471; 61 NW2d 612 (1953); *Detroit v Norman Allan & Co*, 107 Mich App 186, 191; 309 NW2d 198 (1981). But neither should the measure be so narrowly construed as to defeat the purposes for which it was enacted, raising revenue for public purposes. See *In re Brackett Estate*, 342 Mich 195, 205; 69 NW2d 164 (1955), quoted with approval in *Michigan Bell Telephone Co v Dep't of Treasury*, 445 Mich 470, 477-478; 518 NW2d 808 (1994).

The tax involved in your question is an excise tax imposed upon the privilege of engaging in the business of leasing or renting motor vehicles to others. The tax is incident upon those operating such businesses.

The Act defines neither "leasing" nor "rental" of motor vehicles. But, significantly, the only businesses falling within the scope of section 2(1)(b) of the Act are those that rent or lease vehicles "of which delivery is made in the eligible municipality."

Words used in a statute must be construed and understood according to the common and approved usage of the language, taking into account the context in which the words are used. MCL 8.3a; *Western Michigan Univ Bd of Control v State*, 455 Mich 531, 539; 565 NW2d 828 (1997). Technical words and those that have acquired a peculiar and appropriate meaning in the law, however, must be construed according to that peculiar and appropriate meaning. MCL 8.3a. Consulting dictionary definitions is appropriate to learn the common and approved usage of the language. *Stanton v Battle Creek*, 466 Mich 611, 617; 647 NW2d 508 (2002).

The most relevant conventional meaning of the word "delivery" given the context of section 2(1)(b) of the Act is "a giving or handing over; transfer." *Webster's New World Dictionary, 3rd College Edition* (1988), p 365. *Black's Law Dictionary, Revised 4th Edition* (1968) offers the following definition: "The tradition or transfer of the possession of personal property from one person to another."

The Act contemplates only those transactions in which the person takes "delivery" of the motor vehicle "in the eligible municipality." When hiring the services of a taxi, bus, or limousine, a person does not take "delivery" of the vehicle within the common and approved meaning of the word. The owner or operator of the vehicle does not surrender possession and control to the patron or transfer the vehicle in any way. Nor has research disclosed any definition of the term "leasing" or "rental" that would support the view that a person using a limousine, taxi, or bus service either "rents" or "leases" the vehicles involved.

This distinction between transactions involving the hiring of a taxi, bus, or limousine service and those involving the rental or leasing and delivery of a vehicle is drawn by the Department of Treasury in administering provisions of the General Sales Tax Act, 1933 PA 167, MCL 205.51 *et seq*, and the Use Tax Act, 1937 PA 94, MCL 205.91 *et seq*. These statutes afford those in the business of leasing or renting tangible personal property the option of remitting use tax (based on lease or rental receipts) rather than paying the sales tax on such items at the time the lessor purchases them.

The General Sales Tax Act imposes a tax on retailers based on the gross receipts realized from the sale at retail of items of tangible personal property. The sales tax is typically collected from the purchaser. The use tax is imposed upon the use, storage, and consumption of items of tangible personal property upon which a sales tax has not been paid. Were the purchaser to pay sales tax in conjunction with the purchase of motor vehicles to be used for lease to others, 6% of the purchase price would be paid at the time of purchase. The Use Tax Act, section 5(4), however, provides:

> A lessor may elect to pay use tax on receipts from the rental or lease of the tangible personal property in lieu of payment of sales or use tax on the full cost of the property at the time it is acquired. [MCL 205.95(4).]

In a letter ruling dated July 1, 1988 (LR 1988-17),[1] the Acting Commissioner of Revenue for the Michigan Department of Treasury distinguished the leasing of motor vehicles from the chartering of transportation services:

> You have inquired about the difference between a charter and a lease of tangible personal property.
>
> When an individual leases tangible personal property, that person has full control of the property. For instance, when an individual leases a vehicle, he may drive that vehicle wherever he chooses. He pays a daily rate, etc., but he has full control over where that vehicle is driven. The lessor of the vehicle may elect to pay Michigan sales tax on the acquisition of the vehicle or collect and remit Michigan use tax on the rental receipts under Michigan's Specific Sales and Use Tax Rules, 1979 AC, R 205.132.
>
> On the other hand, when an individual charters a boat and captain for a day of fishing, for example, the individual does not have total control of the vessel. This would also be true of a person who purchases an airline ticket, or a ticket for a tour of the Soo Locks. The owner or provider is in control. He is providing a service to his customers. As a person who provides a service, he must pay sales tax on the purchase of all tangible personal property used to provide his service.

Under the Stadia and Convention Act, a similar distinction is warranted between motor vehicles leased or rented to others, with complete possession and control delivered to the lessee, and those instances where a person engages the services of a taxi cab, limousine, or bus operated by a chauffeur[2] or other authorized vehicle operator.

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[1] The Department of Treasury Revenue Administrative Bulletin, RAB 1989-34, explaining its issuance of bulletins and letter rulings, states:

> The Michigan Revenue Act empowers the Department of Treasury to periodically issue bulletins that index and explain state tax laws. (See MCL 205.3(f).) The purpose of this Bulletin is to establish the general procedures for issuing Bulletins and Letter Rulings as position statements of the Bureau of Revenue. These documents are to provide guidance to persons regarding the proper interpretation and application of Michigan tax laws administered by the Bureau of Revenue.
>
> * * *
>
> A Letter Ruling is a formal document setting forth the position of the Commissioner of Revenue on specific tax matters. It is issued to taxpayers by the Commissioner of Revenue, or designee of the Commissioner, in response to a particular tax issue. Letter Rulings help to promote uniform application of tax laws throughout the State by Bureau of Revenue personnel and to provide guidance to taxpayers. A Letter Ruling is prospective in nature. It provides a taxpayer with assurance regarding the tax ramification of a future transaction. The Department is bound by a Letter Ruling only for the specific transaction and only for the tax period indicated. Letter Rulings are available to the public upon request.

The powers and duties of the Commissioner of Revenue have been transferred by Type III transfer to the State Treasurer by Executive Reorganization Order 1991-16, as codified at MCL 205.35.

[2] "Chauffeur" is defined by the Motor Vehicle Code, section 6(1), as:

> (a) A person who operates a motor vehicle as a motor common carrier of property or a motor contract carrier of property as defined in section 1(f) and (h) of the motor carrier act, 1933 PA 254, MCL 475.1, or a motor carrier of passengers as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.
>
> (b) A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more.
>
> (c) A person who operates a bus or school bus.
>
> (d) A person who operates a taxi.
>
> (e) A person who operates a limousine as defined by section 3 of the limousine transportation act, 1990 PA 271, MCL 257.1903 [MCL 257.6(1)(a)-(e)].

It is my opinion, therefore, that companies that provide limousine, taxi, or bus services are not "engaged in the business of leasing or rental of motor vehicles of which delivery is made" and, accordingly, are not subject to the tax imposed under the Michigan Stadia and Convention Act, MCL 207.751 *et seq*.

MIKE COX
*Attorney General*

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**MICHIGAN VEHICLE CODE: Responsibility for preparing accident reports**

**ACCIDENT REPORTING:**

**Section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer who receives a report of an accident involving a motor vehicle to prepare and forward a report of the accident to the Director of the Department of State Police on prescribed forms, if the accident results in death or injury or if the officer reasonably believes that property was damaged to an apparent extent totaling $1,000 or more.**

Opinion No. 7170 February 7, 2005

Honorable Rick Shaffer
State Representative
The Capitol
Lansing, MI

You ask if section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer to prepare a motor vehicle accident report where the officer reasonably believes that the accident involves less than $1,000 in damage to property. Your question suggests a need for guidance involving the duty of a police officer to prepare a report when there is a disagreement between the officer and the driver of the vehicle regarding whether the value of the property damage involved is less than $1,000.

Michigan law requires the driver of a motor vehicle involved in an accident to report the accident if: (1) a person is injured; (2) a person is killed; or (3) there is apparent property damage of at least $1,000:

> The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling $1,000.00 or more, shall immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. [MCL 257.622.]

Section 622 further requires a police officer to prepare and forward a report of a reportable accident to the Director of the Department of State Police, who is responsible for compiling the information received:

> The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. [MCL 257.622.]

Moreover, section 622 requires the police agency to maintain a copy of the report for at least three years:

> A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report. [MCL 257.622.]

Section 621 of the Michigan Vehicle Code, MCL 257.621, is the corresponding reporting provision for a driver who causes damage to "fixtures" on or adjacent to the highway, such as guardrails, signs, or light poles. MCL 257.621 does not contain a minimum property value damage requirement for reporting purposes. Thus, under MCL 257.621 and 257.622, the Department of State Police is required to compile information regarding accidents for public use.

The text of MCL 257.622 does not make clear whether the police officer may make an independent assessment of the damage to property involved in the accident or whether the judgment of the driver who makes the report is determinative on this point. Where an ambiguity exists, it is proper to effectuate the Legislature's intent by giving statutory language a reasonable construction that best accomplishes the purpose and object of the statute. *Frankenmuth Mutual Ins Co v Marlette Homes, Inc*, 456 Mich 511, 515; 573 NW2d 611 (1998). The purpose of MCL 257.622 is to apprise the police that an accident has occurred and to provide statistical information concerning the number and causes of accidents. *People v Schmidt*, 196 Mich App 104, 107; 492 NW2d 509 (1992), citing *People v Morgan*, 24 Mich App 604, 606; 180 NW2d 508 (1970).

Section 622 of the Vehicle Code imposes two distinct duties. The first is on the motorist to notify the police of any accident involving a death, injury, or apparent damage to property totaling at least $1,000. A violation of this provision is a misdemeanor under section 901 of the Vehicle Code, MCL 257.901. *Schmidt*, 196 Mich App at 105, n 1. The second duty is imposed on the responding officer to forward each report to the Director of the Department of State Police on "forms prescribed" by the Director. The form currently in use, commonly referred to as the "UD-10," instructs the reporting officer that the criteria for a reportable crash are that the accident "resulted in death, injury, or property damage of $1,000 or more (effective January 1, 2004)." [UD-10 Traffic Crash Report Instruction Manual, 2004 Edition, p 11.]

When the Vehicle Code was originally enacted in 1949, no reporting threshold for property damage existed. Instead, the law required a report to be made whenever a vehicle involved in an accident was "incapable of being propelled in the usual manner." 1949 PA 300. The law was amended in 1967 to require a report whenever the property damage caused by the accident totaled $200 or more. 1967 PA 3. In subsequent years, the statute was amended to increase the property damage threshold reporting amount to $400 and then to the present $1,000 in 2003 PA 66.

According to the House Fiscal Agency Legislative Analysis of the bill that was passed into law as 2003 PA 66, the problem that 2003 PA 66 was apparently enacted to address was that the former $400 reporting amount threshold did not reflect inflation or the rising costs of new automobiles. To the extent individuals were required to report relatively minor "fender benders" or low impact accidents, police officers were filling out accident reports that would not have been required had the rate of inflation been factored into the threshold. The testimony received at the hearings on the bill and an identical predecessor bill demonstrated that it had become increasingly evident that police officers' time and resources could be better spent on more important public safety issues. Moreover, testimony indicated that the "police can give people an alternate accident reporting number to submit to their insurance companies for insurance purposes, so raising the property damage threshold would not mean that people involved in low impact auto accidents would have greater difficulty in substantiating their auto insurance claims." House Legislative Analysis, HB 4238, March 26, 2003, p 2.

Information that you supplied with your request suggests that section 622 should not be read to authorize a responding officer to decline to complete a traffic accident report if the driver estimates the value of property damage involved to be $1,000 or more, even if the officer reasonably estimates the damage is less than $1,000. To best effectuate the purpose and object of section 622, however, it is important to recall that two separate and distinct duties are identified in this section – the duty of the driver to alert authorities to an accident and the duty of the officer to assure that accidents meeting certain criteria are accounted for in a system designed to collect statistical data used to enhance public safety. These purposes would not be served by requiring an officer to prepare and forward a report where the informed and experienced judgment of that officer is that damage of less than $1,000 is involved. Relieving officers of the time and expense of completing forms in relatively minor low impact accidents is exactly what the higher threshold reporting amount was enacted to accomplish.

With respect to the driver's duty to report the accident in the first instance, on the other hand, the estimation of property damage is one reasonably vested in the driver alone, particularly where the driver assumes the risk of prosecution for failure to report the accident if the threshold reporting amount is later determined to have been met. See *Schmidt*, 196 Mich App at 108 (driver's conviction overturned where record failed to show proof that damage to vehicle met threshold amount and extent of damage was apparent).

Additional support for this interpretation is found in the language of section 622 providing that the report is to be compiled on "forms prescribed by the director of the department of state police." The Legislature has left the manner in which the accident data is to be collected and the content of the forms to the sound discretion of the Director. It would be unreasonable to define the officer's duty to fill out the UD-10 form as one involving the mere repetition of the driver's statements, at least with respect to data involving independent observation of conditions or circumstances.[1] It is the product of what the officer is told and what the officer observes that constitutes the "report" that the officer has a duty to forward to the Director. The officer necessarily exercises discretion and is not bound by the statements of the reporting driver in determining whether a report must be forwarded to the Director.

It is my opinion, therefore, that section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer who receives a report of an accident involving a motor vehicle to prepare and forward a report of the accident to the Director of the Department of State Police on prescribed forms, if the accident results in death or injury or if the officer reasonably believes that property was damaged to an apparent extent totaling $1,000 or more.

MIKE COX
*Attorney General*

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[1] For example, among the information included on the UD-10 is the type of road involved, whether the accident involved alcohol or special circumstances, the location of the greatest damage to the vehicle, the extent of damage, and the weather.

**MARRIAGE: Constitutionality of city providing same-sex domestic partnership benefits**

**CONST 1963, ART 1, § 25:**

**Const 1963, art 1, § 25 operates as a limitation on government conduct and therefore applies to state and local governmental entities, including the City of Kalamazoo.**

**Const 1963, art 1, § 25 prohibits state and local governmental entities from conferring benefits on their employees on the basis of a "domestic partnership" agreement that is characterized by reference to the attributes of a marriage. Accordingly, the City of Kalamazoo's Domestic Partner Benefits Policy is contrary to the mandate of Const 1963, art 1, § 25.**

**Const 1963, art 1, § 25 does not invalidate a state or local governmental entity's existing contractual obligations but does apply to its future contracts.**

Opinion No. 7171 March 16, 2005

Honorable Jacob W. Hoogendyk, Jr.
State Representative
The Capitol
Lansing, MI 48913

You have asked to what extent Const 1963, art 1, § 25, the recent amendment to Michigan's Constitution involving same-sex marriages and similar unions, affects the City of Kalamazoo's ability to provide domestic partnership benefits to its city employees both under its current contracts and under new contracts.

The City has informed this office that, in accordance with its Domestic Partner Benefits Policy (the City's Policy), it provides insurance and other benefits to the same-sex "domestic partners" of city employees "identical to those provided to spouses of City employees." The City's Policy, incorporated in its collective bargaining agreements, defines "domestic partners":

> For the purposes of the City of Kalamazoo's program, the definition and use of the term *domestic partner* shall only include couples of the same sex. To be considered as domestic partners, the individuals must:
>
> A. Be at least 18 and mentally competent to enter into a contract;
>
> B. Share a common residence and have done so for at least six (6) months;
>
> C. Be unmarried and not related by blood closer than would prevent marriage;
>
> D. Share financial arrangements and daily living expenses related to their common welfare;
>
> E. File a statement of termination of previous domestic partnership at least six (6) months prior to signing another Certification of Domestic Partnership. [City of Kalamazoo, Domestic Partner Benefits Policy, ¶ I. (Emphasis in original.)]

The City's Policy requires a notarized Certification of Domestic Partnership, which affirms the criteria listed in paragraphs A through E and requires proof of "mutual economic dependence" and evidence of "common legal residence." *Id.*, at ¶ III, B and C.

The City's Policy explains that the "identical" benefits provided are:

A. Hospital/medical coverage

B. Dental care

C. Sick leave

D. Funeral and critical illness leave

E. COBRA continuation coverage

F. Family Medical Leave Act (FMLA) provisions

G. Retiree medical coverage

H. Pension benefits

The partners have an obligation under the City's Policy to notify the City when there has been a change in any of the circumstances that qualify the couple as a domestic partnership.

On November 2, 2004, Michigan voters approved Proposal 04-2[1], adding art 1, § 25 to Michigan's Constitution.[2] Const 1963, art 1, § 25 states:

> To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose.

Your request, therefore, requires consideration of whether, by entering into a contract that incorporates the City of Kalamazoo's Domestic Partner Benefits Policy, the City recognizes a partnership of persons of the same sex as a "marriage or similar union for any purpose" within the meaning of, and contrary to the mandate of, Const 1963, art 1, § 25.

To ascertain the meaning of a constitutional provision, the courts have laid down a number of controlling rules of interpretation. It must never be forgotten that "it is a Constitution we are expounding," and that "[e]ach provision of a State Constitution is the direct word of the people of the State, not that of the scriveners thereof." *Michigan United Conservation Clubs v Secretary of State*, 464 Mich 359, 373; 630 NW2d 297 (2001) (Young, J., concurring) (citations omitted). Thus, the primary rule of construction is to give effect to the intent of the people of the State of Michigan who ratified the Constitution by applying the rule of "common understanding." *Wayne County v Hathcock*, 471 Mich 445, 468; 684 NW2d 765 (2004). The Michigan Supreme Court reiterated its long-standing reliance on Justice Thomas Cooley's discussion in his treatise Constitutional Limitations to explain the basis for this rule:

> "A constitution is made for the people and by the people. The interpretation that should be given it is that which reasonable minds, the great mass of the people themselves, would give it. 'For as the Constitution does not derive its force from the convention which framed, but from the people who ratified it, the intent to be arrived at is that of the people, and it is not to be supposed that they have looked for any dark or abstruse meaning in the words employed, but rather that they have accepted them in the sense most obvious to the common understanding, and ratified the instrument in the belief that that was the sense designed to be conveyed.'"[3]

Ordinarily, the common understanding of constitutional text is understood by applying each term's plain meaning at the time of ratification. But if the constitution employs technical or legal terms of art, those terms must be construed according to their technical or legal sense because, "in ratifying a constitution, the people may understand that certain terms used in that document have a technical meaning within the law." *Hathcock*, 471 Mich at 469 n 48. See also *Michigan Coalition of State Employee Unions v Michigan Civil Service Comm*, 465 Mich 212, 222-223; 634 NW2d 692 (2001).

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[1] Of 4,602,396 votes cast, 2,698,077 voted in favor of the amendment and 1,904,319 voted against the measure. See http://miboecfr.nicusa.com/election/results/04GEN/90000002.html.

[2] By constitution, Proposal 2 became effective December 18, 2004, "at the end of 45 days after the date of the election at which it was approved." Const 1963, art 12, § 2.

[3] *Hathcock*, 471 Mich at 468, quoting *Traverse City School Dist v Attorney General*, 384 Mich 390, 405; 185 NW2d 9 (1971), in turn quoting from 1 Cooley, Constitutional Limitations (6th ed), p 81 (emphasis omitted). See also *American Axle & Mfg, Inc v Hamtramck*, 461 Mich 352, 362; 604 NW2d 330 (2000).

A second important rule of constitutional construction requires consideration of the circumstances surrounding the provision's adoption and the purpose sought to be accomplished. *House Speaker v Governor*, 443 Mich 560, 580; 506 NW2d 190 (1993). The historical origins of the provision are relevant in following this rule. *Federated Publications, Inc v Michigan State Univ Bd of Trustees*, 460 Mich 75, 85; 594 NW2d 491 (1999). The provision must also be interpreted to give reasonable effect to all, not just some, of its parts. *House Speaker*, 443 Mich at 579.

A threshold issue that must be considered in light of these governing principles is to whom art 1, § 25 applies and whether, in particular, it applies to cities, such as the City of Kalamazoo. Analysis of this question begins with an examination of the precise language used in art 1, § 25:

> To secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose. [Const 1963, art 1, § 25.]

The plain text of this provision is general in scope. It clearly mandates that the union of one man and one woman shall be the only agreement "recognized" as a marriage or similar union, but it does not specifically identify what entities or persons, public or private, are bound by its terms. Its placement in Article 1 of Michigan's Constitution is legally significant, however, in that Article 1, entitled "Declaration of Rights," generally articulates limitations on *government* conduct.

The Michigan Supreme Court elaborated on this point in *Woodland v Michigan Citizens Lobby*, 423 Mich 188; 378 NW2d 337 (1985), in which the issue presented was whether the free speech guarantees of Const 1963, art 1, §§ 3 and 5[4] applied to limit only state action or were directly applicable against private entities as well. The case involved a challenge brought by citizens' groups whose members had been blocked in their efforts to solicit signatures for an initiative petition drive in large shopping malls. In ruling that privately owned shopping malls were not prohibited from denying or restricting access to private individuals, the Court concluded that these provisions of Article 1 were implicitly limited to state action:

> The Michigan Constitution's Declaration of Rights provisions have never been interpreted as extending to purely private conduct; these provisions have consistently been interpreted as limited to protection against state action. [423 Mich at 205.]

The *Woodland* case rejected any presumption that would find certain constitutional provisions applicable to private individuals or entities in the absence of direct language requiring it:

> In light of traditionally accepted notions of the limited reach of constitutionally guaranteed individual rights, the past decisions of this Court, the documented history of Michigan's most recent constitutional convention, and the underlying rationale of the state action limitation, it may not be presumed that the constitutional provisions here in question are intended to apply against private individuals or entities. If any presumption is to be raised it is to the contrary: that unless otherwise expressed, constitutionally guaranteed protections are applicable only against government. [*Id.*, at 212.]

Accordingly, addressing the precise question raised, it is clear that art 1, § 25's extension of constitutional protection to the "union of one man and one woman in marriage" to "secure and preserve the benefits of marriage for our society and for future generations of children" is applicable against the government. Municipal

[4] Const 1963, art 1, § 3 states: "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." Const 1963, art 1, § 5 states: "Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press."

corporations, including cities, are creatures of the State of Michigan and are, therefore, governmental entities. *Sinas v City of Lansing*, 382 Mich 407, 411; 170 NW2d 23 (1969). Their actions are "subject to the constitution and law." Const 1963, art 7, § 22, quoted in *Mack v Detroit*, 467 Mich 186, 194; 649 NW2d 47 (2002) (emphasis omitted).

It is my opinion, therefore, that Const 1963, art 1, § 25 operates as a limitation on government conduct and therefore applies to state and local governmental entities, including the City of Kalamazoo.

Analysis of your question next turns to the core issue of whether the City's contracts that incorporate its Domestic Partner Benefits Policy violate the mandate of art 1, § 25. To the extent the City recognizes a same-sex partnership "agreement" as a "marriage" or "similar union" for "any purpose," it contravenes the provision. Under the primary rule of constitutional construction, the common understanding of the meaning of each of these operative terms must be ascertained. Analysis will begin with the term on which this amendment is focused: marriage.

The word "marriage" appears three times in art 1, § 25 and is reasonably understood in both a common sense and a technical or legal sense. In chapter 551 of the Michigan Compiled Laws, "marriage" is defined as a "civil contract between a man and a woman, to which the consent of parties capable in law of contracting is essential. Consent alone is not enough to effectuate a legal marriage . . . . Consent shall be followed by obtaining a license . . . and solemnization . . . ." MCL 551.2. "Marriage" is further described in MCL 551.1:

> Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

Under MCL 551.3, the Legislature prohibits marriage between a man and certain listed family members, blood relations, and other persons, including another man, and under MCL 551.4, the Legislature prohibits marriage between a woman and certain listed family members, blood relations, and other persons, including another woman. Chapter 551 also prohibits bigamy, MCL 551.5, and creates a minimum age for marriage at 16 years of age, MCL 551.51. It further provides the terms for obtaining marriage licenses. MCL 551.101 *et seq*.

These statutory provisions recognize that the term "marriage" has social and legal connotations. Michigan courts have recognized that the public policy of the State of Michigan favors marriage. *Van v Zahorik*, 460 Mich 320, 332; 597 NW2d 15 (1999). This principle is deeply entrenched in our law. *Id*., at 332 n 4. As observed by the Michigan Supreme Court over a century ago, "society rests upon marriage and the family as its foundation." *Wagoner v Wagoner*, 128 Mich 635, 638; 87 NW 898 (1901).

Moreover, the courts make it clear that marriage is not like any other private contract, but it creates a legal relation in which the spouses and the State have a vested interest. For example, addressing the validity of a marriage, the Court in *Hess v Pettigrew*, 261 Mich 618, 621-622; 247 NW 90 (1933), observed:

> Marriage is a civil contract, but it is not a pure private contract. It is affected with a public interest and by a public policy. The status of children, preservation of the home, private morality, public decency, and the like afford ample grounds for special treatment of marriage as a contract, by statute and decision. In recognition of its public and social nature, courts have cast about it the protecting mantle of presumptions, sustaining validity of marriage, said to be the strongest known to the law. Any rule concerning it must favor the validity of an intended marriage if it may be done without violence to the essentials of the civil contract. [Citation omitted.]

See also *Maynard v Hill*, 125 US 190, 210-211; 8 S Ct 723; 31 L Ed 654 (1888) ("It is also to be observed that, whilst marriage is often termed by text writers and in decisions of courts a civil contract . . . it is something more than a mere contract").

A simple, working definition of marriage that accords with Michigan law is the "[l]egal union of one man and one woman as husband and wife." This is the definition given "marriage" in *Black's Law Dictionary* (6th ed), p 972, and is consistent with the standard dictionary definition: "the state of being united to a person of the opposite sex as husband or wife in a consensual and contractual relationship recognized by law."[5]

Although the meaning of "marriage" is well established, art 1, § 25 states in its first clause that its purpose is "[t]o secure and preserve the *benefits* of marriage for society and our children." (Emphasis added.) Because any examination of the question whether the domestic partnership defined in the City's Policy constitutes a "similar union" to a marriage must be pursued in light of the purpose sought to be accomplished by art 1, § 25, attention now turns to the meaning of this first clause of the amendment.

Two broad categories of "benefits" that stem from marital relationships can be identified: social or societal benefits and legal or financial benefits. With regard to the societal benefits of marriage, the United States Supreme Court has described marriage as "the foundation of the family and of society, without which there would be neither civilization nor progress." *Maynard, supra*, 125 US at 211. Other acknowledged benefits of marriage are that it "confers economies of scale and of joint consumption, minimizes sexually transmitted disease, and provides a stable and nourishing framework for child rearing." *Irizarry v Bd of Educ*, 251 F 3d 604, 607 (CA 7, 2001). The promotion of procreation and child-rearing within a stable environment is among the most often-cited societal benefits of marriage. *Gard v Gard*, 204 Mich 255, 267 (1918) ("It has been said in many of the cases cited that one of the great purposes of marriage is procreation. . . . All true, but there are other purposes of marriage beyond the perpetuation of the species. One of the purposes is the maintenance of the sacred institution called home").

With regard to the legal or financial benefits associated with marriage, the Citizen's Research Council of Michigan summarized some of the major benefits conferred by federal law in its Publication No. 1076 (September 2004) (CRC Memorandum), which was available to voters during the November 2004 general election:

> According to the U.S. General Accounting Office, there are over 1,000 references in the U.S. Code to marital status. Selectively, these include social security benefits, low income housing and food stamp programs, as well as veterans' and military benefits, taxation implications, employment benefits, and immigration and naturalization status. Statutory protections for married couples are also numerous, including legal protections such as the right to not have to testify against one's spouse, domestic violence statutes, custody and child support, and probate statutes, to name just a few. Michigan statutes contain over 400 references to marriage. [CRC Memorandum, State Ballot Issues on the November General Election Ballot, p 6, citing Government Accounting Office, *Defense of Marriage Act*, GAO/OGC-97-16 (Washington, D.C.; January 31, 1997); footnote omitted.]

[5] *Meriam-Webster Online Dictionary*, http://www.meriam-webster.com. See also *Baker v Vermont*, 170 Vt 194, 199; 744 A2d 864, 868 (2000) ("Although it is not necessarily the only possible definition, there is no doubt that the plain and ordinary meaning of 'marriage' is the union of one man and one woman as husband and wife"); *Adams v Howerton*, 486 F Supp 1119, 1122 (CD Cal, 1980) (Concluding that "marriage" is "a contract, a status, and a relationship between persons of different sexes").

Michigan law also confers benefits attendant to marriage. For example, Michigan recognizes the common law estate called a tenancy by the entireties, which only a husband and wife can hold. *Sanford v Bertrau*, 204 Mich 244; 169 NW 880 (1918).[6] A select sampling of the Michigan statutes that confer benefits associated with marriage include those involving taxation,[7] death and sickness,[8] custody and support,[9] property rights,[10] certain legally recognized privileges and presumptions,[11] adoption,[12] eligibility for crime victims compensation and certain veterans' benefits,[13] and retirement and related rights.[14]

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[6] See Michigan Land Title Standards (5th Ed), State Bar of Michigan, Standard 6.5. Lands held as tenants by the entireties cannot be conveyed to others or encumbered without the consent of both husband and wife. *Arrand v Graham*, 297 Mich 559; 298 NW 281 (1941); *Nurmi v Beardsley*, 275 Mich 328; 266 NW 368 (1936). Neither can judgment-creditors obtain execution against such interests unless the judgment debt is one for which both spouses are liable. *Sanford, supra; Muskegon Lumber & Fuel Co v Johnson*, 338 Mich 655, 658; 62 NW2d 619 (1954).

[7] See, e.g., MCL 205.93 (exemption from use tax for transfer of personal property); MCL 205.202 (tax exemption for transfer of property); MCL 205.202c (tax exemption for surviving spouse benefits); and MCL 206.514, 206.520 and 206.522 (tax credits for senior citizens and spouses).

[8] See, e.g., MCL 257.236 (right to transfer title of deceased spouse's vehicle); MCL 333.2855 (right to request autopsy); MCL 333.10102 (authority to make gift of deceased's body); MCL 333.20201 (right of nursing home resident to meet privately with spouse, right of married residents to reside in same room, and right of spouse of terminally ill resident to stay at facility 24 hours a day); MCL 338.847 and 338.1076 (right to carry on business of deceased spouse holding certain licenses for 90 days after death); MCL 390.1243 and 390.1263 (higher education tuition waiver for spouse of police officer, firefighter, or correction officer killed in line of duty); MCL 419.203 (death benefits for spouse of firefighter); MCL 550.2003 (eligibility for prescription drug coverage under the Elder Prescription Insurance Coverage program); MCL 28.634 (death and disability benefits for spouses of public safety officers); MCL 32.49d, 32.810, and 32.811 (death benefits for spouses of military officers and enlisted persons); MCL 500.3708 (coverage under small employer health benefit plans).

[9] See, e.g., MCL 552.15 and 552.16 (child custody, parenting time, and child support); MCL 552.18 and 552.101 (rights to spouse's pension, annuity, and retirement benefits upon annulment, divorce, or judgment of separate maintenance); MCL 552.19 (property rights upon annulment, divorce, or judgment of separate maintenance); MCL 552.23 (spousal and child support); MCL 722.124 (right to place child in control and care of another person – i.e., daycare/child care centers); and MCL 552.401 (award of property upon decree of divorce or separate maintenance).

[10] See, e.g., MCL 558.1 – 558.14 (rights to dower in lands); MCL 700.2201-700.2206 (elective share of surviving spouse in deceased spouse's estate); and MCL 700.2301 (rights in spouse's estate).

[11] See, e.g., MCL 600.2162 (spousal privilege) and MCL 700.2114 (presumption that spouses are the natural parents of children born during marriage).

[12] See, e.g., MCL 710.24.

[13] See MCL 18.354 and 18.361 (crime victims' compensation) and MCL 36.31 (spouse of veteran qualified for residence in veterans' facility).

[14] See, e.g., MCL 38.27 and 38.31 (interest in spouse's retirement allowance under state employee retirement system); MCL 38.556 (interest in spouse's retirement allowance, disability and death benefits under firefighters and police officers retirement system); MCL 38.1024 (interest in spouse's retirement allowance under legislative retirement system); MCL 38.1050a (life insurance benefits under legislative retirement system); MCL 38.1050b (health insurance benefits under legislative retirement system); MCL 38.1391 (health care benefits under school employee retirement system); MCL 38.1389 and 38.1390 (interest in spouse's retirement allowance and worker's disability compensation under school employee retirement system); MCL 38.1391 (health insurance benefits under school employee retirement system); MCL 38.1624 - 38.1630 (interest in spouse's retirement allowance under state police retirement system); and MCL 38.2508 (interest in spouse's retirement allowance under judges retirement system); MCL 38.2669 (health insurance benefits under judges retirement system).

Thus, Michigan has historically afforded a combination of social, legal, and financial benefits uniquely to married men and women. It is reasonable to conclude that average citizens when casting their votes at the November 2004 election commonly understood that, to secure and preserve to our society the benefits derived from the institution of marriage, Proposal 04-2 would reserve that unique recognition to the union of one man and one woman in marriage and not allow its extension to similar unions.

Three terms remain for consideration before turning to the amendment's application to the City's Policy: "similar union," "recognized," and "for any purpose." Under the rule of construction requiring an interpretation that gives reasonable effect to all, not just some, of the parts of a constitutional provision, each of these terms must be given full effect. See *House Speaker, supra*, 443 Mich at 579.

With regard to "similar union," the Supreme Court has made clear that words in a constitutional provision must be given their plain meaning if they are obvious on their face. *Phillips v Mirac, Inc*, 470 Mich 415, 422; 685 NW2d 174 (2004). The meaning of "similar union" is clear: a union similar to a marriage. A union is similar to a marriage if it is not a marriage but is characterized by reference to the attributes of a marriage.[15]

Where the words of a provision are as clear as "a similar union," resort to the circumstances surrounding adoption of the provision to assist in clarifying meaning is not necessary. This is especially true in light of the guidance provided by the Supreme Court that surrounding circumstances may be relevant, but are not controlling. *Lapeer County Clerk v Lapeer Circuit Court*, 469 Mich 146, 156; 665 NW2d 452 (2003). Nevertheless, the historical origins of art 1, § 25 and the circumstances surrounding its adoption lend further support to the view that the term "similar union" was understood to have a meaning similar to, but distinct from, marriage.

As stated in the September 2004 CRC Memorandum, the Proposal 04-2 initiative was "part of a national trend of attempts at strengthening same-sex marriage prohibitions by amending state constitutions." [CRC Memorandum at p 1.] The Citizens Research Council noted that Michigan was one of 11 states where the electorate was asked to amend its state constitution. *Id*. Similar proposed amendments appeared on the ballots in 10 other states, all of which passed.[16]

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[15] No Michigan statute recognizes a relationship that could be considered a "similar union." Other states do have such statutes, however. For example, Vermont's "civil union" statute, 18 VSA §§ 5160 *et seq*, and California's "domestic partner" act, Cal Fam Code §§ 297 *et seq*, which allow couples of the same sex, and opposite-sex couples under certain circumstances, to achieve state-licensed relationships would appear to fall within the "similar union" category. Other states offering certain benefits to same-sex couples include Hawaii (Reciprocal Beneficiaries Act, 1997 PA 383), and New Jersey (Family Equality Domestic Partnership Act, 2003 NJ ALS 246, 2). Massachusetts now offers full marital benefits to same-sex married couples pursuant to the holding in *Goodridge v Dep't of Public Health*, 440 Mass 309, 322-325; 798 NE2d 941 (2003). See also *Baehr v Lewin*, 74 Haw 530, 561; 852 P2d 44 (1993) and *Baker v Vermont*, 170 Vt 194, 220-222; 744 A2d 864 (2000).

[16] The other states were Arkansas, Georgia, Kentucky, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon and Utah. Louisiana held a ballot issue vote on September 18, 2004, which resulted in passage of the amendment. (La Const, Art XII, § 15.) See CRC Memorandum No. 1076, at http://www.crcmich.org/PUBLICAT/2000s/2004/memo1076.pdf. The courts have relied on the work of the Citizens Research Council in the past. See *Advisory Opinion re Constitutionality of 1972 PA 294*, 389 Mich 441, 474; 208 NW2d 469 (1973); *Butcher v Grosse Ile Twp*, 387 Mich 42, 75; 194 NW2d 845 (1972); *WPW Acquisition Co v City of Troy*, 250 Mich App 287, 312; 646 NW2d 487 (2002).

After Proposal 04-2 was officially declared part of the November 2004 ballot,[17] numerous reports, articles, and editorials appeared in the media regarding the amendment. The legal implications of passage were widely discussed, including the continued legality of domestic partner benefits, same-sex or otherwise. The difference in interpretation among the various views expressed on this subject was attributable to the clause "or similar union for any purpose" and the effect the clause would have on domestic partner benefits if the amendment passed. *Id*.

Looking at the circumstances surrounding adoption of Proposal 2, therefore, the issue of domestic partner benefits based on a union similar to marriage was at the forefront of the public debate as voters prepared to go to the polls. Regardless of whether there was agreement regarding the effect the proposal might have on domestic partner benefits, one thing that would clearly have been evident to voters was that benefits provided based on the recognition of a "similar union" were at issue and might be eliminated if the measure passed.

Of greatest significance, however, is the plain language of the amendment itself. Looking at the words "a similar union" in the "sense most obvious to the common understanding," combined with the historical context in which they arose, leads inescapably to the conclusion that "similar union" means a union similar to a marriage but not a marriage.

The final terms of art 1, § 25 to examine are "recognized" and "for any purpose." The term "recognized" appears in conjunction with the term "agreement." When read in context, it is reasonable to conclude that it means "to acknowledge the existence, validity, authority or genuineness of." *Webster's New World Dictionary* (1988). The phrase "for any purpose" modifies the word "recognized." "The word 'any' means just what it says. It includes 'each' and 'every'. It comprehends 'the slightest'." *Sifers v Horen*, 385 Mich 195, 199 n 2; 188 NW2d 623 (1971) (citations omitted). See also *In re Forfeiture of $ 5,264*, 432 Mich 242, 250; 439 NW2d 246 (1989) ("Webster defines the adjective 'any' to mean 'every'"). Thus, giving this phrase its plain meaning, and in the absence of any contextual limitation in the amendment, its meaning is clear and requires no further interpretation: for each and every, or any, conceivable purpose.

Considering these interpretations as a whole, the operative clause of art 1, § 25, "the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose," is best interpreted as prohibiting the acknowledgement of both same-sex relationships and unmarried opposite-sex relationships. More simply, the only relationship that may be given any recognition or acknowledgement of validity is the union of one man and one woman in a marriage.

Applying art 1, § 25 to the City of Kalamazoo's Domestic Partner Benefits Policy, the intent of the City is to accord same-sex partners the same health- and retirement-related benefits accorded to married spouses. The policy's threshold criterion requires that only "*couples of the same sex*" may apply for the benefits. To obtain the benefits, the City requires the individuals to fill out a "certification" attesting to their domestic-partnership status. It also requires that the persons applying be "unmarried" and "not related by blood closer than would prevent marriage." These criteria parallel the State of Michigan's definitions in MCL 551.3 and MCL 551.4 that a person may not legally marry a person within one's family. The City's Policy establishes a minimum age requirement as does MCL 551.51. Finally, the certification of domestic partnership requires that any previous domestic partnership have been terminated, which is similar to the State's prohibition of bigamy. See MCL 551.5.

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[17] A lawsuit filed before the election resolved challenges regarding whether the proposal was properly placed before Michigan voters. See *Citizens for Protection of Marriage v Bd of State Canvassers*, 263 Mich App 487; 688 NW2d 538 (2004).

The City's Policy accords same-sex "domestic partnerships" a "marriage-like" status. The clear design of the City of Kalamazoo's policy is to establish a special status for "domestic partners" of the same sex, who share a common residence and financial arrangements, and to use this as a basis on which to confer benefits on the "partner" of the city employee. In the words of art 1, § 25, the City's Policy recognizes same-sex domestic partnerships as a "similar union" to marriage. Given the broad language of the amendment, there can be little doubt that conferring these benefits constitutes recognition or the acknowledgement of the validity of these same-sex relationships. Conferring these health- and retirement-related benefits also falls within the all-encompassing "for any purpose" language.

Thus, the City's policy of offering benefits to same-sex domestic partners violates the amendment's prohibition against recognizing any "similar union" other than the union of one man and woman in marriage. The City's contracts fall squarely within the scope of what the amendment prohibits. The provision of benefits itself does not violate the amendment, but the benefits cannot be given based on the similarity of the union or domestic partnership agreement to a legal marriage. In other words, Const 1963, art 1, § 25 does not prevent the City of Kalamazoo, if it elects to do so, from conferring benefits on persons a city employee may wish to designate as a recipient as long as the benefits are not dependent on the existence of a union that is similar to a marriage as defined by Michigan law.

It is my opinion, therefore, that Const 1963, art 1, § 25 prohibits state and local governmental entities from conferring benefits on their employees on the basis of a "domestic partnership" agreement that is characterized by reference to the attributes of a marriage. Accordingly, the City of Kalamazoo's Domestic Partner Benefits Policy is contrary to the mandate of Const 1963, art 1, § 25.

The remaining question, then, is whether the amendment applies to existing contracts or only to future contracts. The City may not act contrary to constitutional mandate[18] and, thus, art 1, § 25 prohibits the City from offering domestic partnership benefits, as the City's Policy is currently written, in future contracts. It is basic contract law that a contractual provision that violates the law is void. *Nelson v Galpin*, 277 Mich 529, 541; 269 NW 586 (1936), citing *American Trust Co v Michigan Trust Co*, 263 Mich 337, 340; 248 NW 829 (1933).

With respect to existing contracts offering these benefits, it is "a general rule [that] constitutional amendments operate *prospectively and not retroactively*." *People v Gornbein*, 407 Mich 330, 334; 285 NW2d 41 (1979) (emphasis added), citing 16 CJS, Constitutional Law, § 40, pp 121-122; *Toole v State Bd of Dentistry*, 300 Mich 180; 1 NW2d 502 (1942); *City of Lansing v Michigan Power Co*, 183 Mich 400, 416; 150 NW 250 (1914). For the purpose of this analysis, "retroactive" refers to an application of the amendment that would act as a bar to the future enjoyment of benefits afforded by a contract entered into before the amendment's effective date.

In *Michigan Power Co*, the City of Lansing sought to compel the defendant utility company to remove from the city's streets all poles, wires, and other equipment installed by the company on the basis that the former franchise agreement between the city and the company had expired, and that statutory law authorizing the company to use the city's streets in this way was abrogated by a subsequent constitutional amendment. *Id*., at 402-406. The trial court concluded that once the company invested money and effort into supplying the city with electricity by constructing poles upon city streets, the company had a "contract by user" under the statute, and although the subsequent constitutional amendment abrogated the statute, it did not apply retroactively to this existing contract. *Id*., at 406-410. In its opinion as quoted approvingly by the Supreme Court, the trial court explained:

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[18] Const 1963, art 7, § 22; *Mack v Detroit, supra*, 467 Mich at 194; *Mich Coalition for Responsible Gun Owners v City of Ferndale*, 256 Mich App 401, 406-407; 662 NW2d 864 (2003).

"It is claimed that the act of 1905 has been abrogated or repealed by section 28, art. 8, of the Constitution of 1909 [now commonly cited as Const 1908] . . . .

* * *

This provision of the Constitution is a wise and radical change in the policy of exercising the sovereign power over the streets, and upon its adoption it at once superseded the act of 1905 and rendered that act from that time inoperative.

The Constitution of 1909 did not revoke and terminate existing user of the streets under Act 264 of 1905. The Constitution did abrogate the law of 1905, *but it did not and could not revoke existing contracts under that act arising out of beneficial user of the streets for public utility purposes.*

*Constitutional provisions, as well as legislative enactments, must be held prospective in operation only, unless they carry upon their face an intention to be retrospective*." [*Id*., at 408-409; emphasis added.][19]

The Michigan Supreme Court concurred in the trial court's conclusion with respect to this issue and further explained:

After examining the many authorities cited by counsel, we are satisfied that the provisions of the new Constitution, cited and referred to in the briefs and arguments, are prospective in their operation. The rule is well stated in volume 6, Am. & Eng. Enc. Law (2d Ed.), at page 917, as follows:

"*Constitutions are construed to operate prospectively only, unless on the face of the instrument a contrary intention is manifest beyond reasonable question*."

See, also, the many cases there cited. The same rule is applied to statutes. [*Id*., at 416; see also 16 Am Jur 2d Constitutional Law § 46 and *Traverse City v Michigan Railroad Comm*, 202 Mich 575; 168 NW 481 (1918); emphasis added.]

Accordingly, in determining whether a statute or a constitutional amendment should be applied retroactively, "the primary and overriding rule is that . . . intent governs. All other rules of construction and operation are subservient to this principle." *Lynch v Flex Technologies, Inc*, 463 Mich 578, 583; 624 NW2d 180 (2001) (internal citations omitted). A constitutional or statutory provision will be presumed to operate prospectively unless a contrary intent is clearly manifested. *Id*.; *Michigan Power Co, supra*. This is especially so if retroactive application of the statute or amendment would impair vested rights,[20] create a new obligation and impose a new duty, or attach a disability with respect to past transactions. *Lynch, supra*, 463 Mich at 583; *Gornbein, supra*, 407 Mich at 334 ("[C]onstitutional amendments operate prospectively and not retroactively. This is particularly so where the constitutional amendment would affect a substantive right.")

There is nothing in the text of art 1, § 25 that clearly manifests an intention that the amendment apply retroactively. Again, the amendment states, "[t]o secure and preserve the benefits of marriage for our society and for future generations of children, the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose." The words "secure" and "preserve" do not suggest retroactive application. Thus, there is no language in art 1, § 25 that manifests beyond a reasonable question that it was intended to apply retroactively. *Michigan Power Co, supra*.

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[19] When the Michigan Constitution of 1963 was adopted, it made clear that its provisions applied prospectively: "[a]ll writs, actions, suits . . . contracts, claims, demands . . . existing on the effective date of this constitution shall continue unaffected except as modified in accordance with the provisions of this constitution." Mich Const 1963, sched § 2.

[20] "Vested rights" have been defined as "an interest that the government is compelled to recognize and protect of which the holder could not be deprived without injustice." *Detroit v Walker*, 445 Mich 682, 699; 520 NW2d 135 (1994). But there can be no vested right in an existing law that precludes its change or repeal. *Harsha v Detroit*, 261 Mich 586, 594; 246 NW 849 (1933). See also *New York CR Co v White*, 243 US 188, 198; 37 S Ct 247; 61 L Ed 667 (1917).

Moreover, art 1, § 25 does not fall within the recognized "exception" to prospective application for laws "which operate in furtherance of a remedy or mode of procedure and which neither create new rights nor destroy, enlarge, or diminish existing rights." *Lynch, supra*, 463 Mich at 584 (internal citations omitted). The provision is clearly an expression of public policy, and not a remedial or procedural law that would fall within the exception. Indeed, its retroactive application could "change significantly the substance of the parties' agreement and unsettle their expectations." *Id*., at 585-586.[21]

Thus, in accordance with these general principles and in the absence of any contrary indications in the amendment or the circumstances surrounding its passage, Const 1963, art 1, § 25 applies prospectively only. Generally, depending on the specific terms of the various contracts entered into and the surrounding factual circumstances, any new contractual obligations taking effect on or after December 18, 2004, including extensions and renewals of contracts entered into before that date, must comply with the mandate of art 1, § 25. Similarly, with respect to those employees who work for the City pursuant to an employment policy or implied contract, a definitive answer depends on the actual facts and circumstances. Generally, however, for those employees not covered by a collective bargaining agreement, personal services contract, or other formal contractual arrangement, art 1, § 25 prohibits the continuation of domestic partnership benefits on or after December 18, 2004, except with respect to those benefits already accrued or vested and provided that the employer gives affected employees reasonable notice of the policy change.[22]

It is my opinion, therefore, that Const 1963, art 1, § 25 does not invalidate a state or local governmental entity's existing contractual obligations but does apply to its future contracts.

MIKE COX
*Attorney General*

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[21] This opinion does not address the issue of whether retroactive application of art 1, § 25 would violate the Contract Clauses of the Federal and Michigan Constitutions, which generally prohibit the enactment of state laws that impair existing contractual obligations. US Const, art I, § 10; Const 1963, art 1, § 10; *Allied Structural Steel Co v Spannaus*, 438 US 234, 242; 98 S Ct 2716; 57 L Ed 2d 727 (1978). Article 1, § 10 of the Michigan Constitution provides, "[n]o bill of attainder, ex post facto law or law impairing the obligation of contract shall be enacted." An amendment to the state constitution is a law for purposes of the Contracts Clause. *State Hwy Comm'r v Detroit City Controller*, 331 Mich 337, 354; 49 NW2d 318 (1951); *Public Service Comm v Cheboygan*, 324 Mich 309, 321; 37 NW2d 116 (1949). Such a determination can only be made on a case-by-case basis and is dependent on a number of factual and legal variables that are beyond the scope of this opinion.

[22] See *In re Certified Question*, 432 Mich 438, 456-457; 443 NW2d 112 (1989) (An employment policy is "not a perpetually binding contractual obligation" and, therefore, the employer may "unilaterally change" such policies). For a discussion of the circumstances under which an implied contract may be found and deemed enforceable against an employer, see *Toussaint v Blue Cross & Blue Shield of Michigan*, 408 Mich 579; 292 NW2d 880 (1980), and *Manning v City of Hazel Park*, 202 Mich App 685; 509 NW 2d 874 (1993).

**FREEDOM OF INFORMATION ACT: Meaning of "business day" under FOIA**

**COMPUTATION OF TIME:**

**The five business days within which a public body must respond to a request for a public record under section 5 of the Freedom of Information Act, MCL 15.235, means five consecutive weekdays, other than Saturdays, Sundays, or legal holidays, and not five consecutive days on which the particular public body receiving the request is open for public business.**

Opinion No. 7172 March 17, 2005

Honorable Neal Nitz
State Representative
The Capitol
Lansing, MI

You have asked whether the five business days within which a public body must respond to a request for a public record under section 5 of the Freedom of Information Act (FOIA or Act), 1976 PA 442, MCL 15.235 *et seq*, means five consecutive weekdays, other than Saturdays, Sundays, or legal holidays, or five consecutive days on which the particular public body receiving the request is open for public business. Your request advises that some local units of government in your district are open for business on fewer than five days per week.

Section 5 of the FOIA sets forth the deadlines stated in "business days" that govern a public body's time for responding to FOIA requests:

> (1) [A] person desiring to inspect or receive a copy of a public record shall make a written request for the public record to the FOIA coordinator of a public body. A written request made by facsimile, electronic mail, or other electronic transmission is not received by a public body's FOIA coordinator until *1 business day* after the electronic transmission is made.
>
> (2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within *5 business days* after the public body receives the request by doing 1 of the following:
>
> (a) Granting the request.
>
> (b) Issuing a written notice to the requesting person denying the request.
>
> (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
>
> (d) Issuing a notice extending for not more than *10 business days* the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request.
>
> (3) Failure to respond to a request pursuant to subsection (2) constitutes a public body's final determination to deny the request. [MCL 15.235(1)-(3); emphasis added.]

Thus, a public body must respond to a FOIA request within five business days after receiving a request, but it has the option of extending the deadline for 10 additional business days. While the FOIA defines a number of terms used in the Act, it does not define the term "business days."

The FOIA is one of a number of statutes that use the term "business day" without providing a definition of that term.[1] Where a statute does not define a term, it should be accorded its plain and ordinary meaning. *Donajkowski v Alpena Power Co*, 460 Mich 243, 248-249; 596 NW2d 574 (1999). An anchoring rule of jurisprudence, and the foremost rule of statutory construction, is to effectuate legislative intent. *Halloran v Bhan*, 470 Mich 572, 576-578; 683 NW2d 129 (2004). A review of the text of the statute is the starting point in resolving a statutory construction issue. When the language of the statute is clear and unambiguous, further inquiry is precluded. *Frankenmuth Mut Ins Co v Marlette Homes, Inc*, 456 Mich 511, 515; 573 NW2d 611 (1998). If a statute is ambiguous, however, the courts seek to effectuate the Legislature's intent through a reasonable construction, considering the purpose of the statute and the object sought to be accomplished. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich 149, 159-160; 627 NW2d 247 (2001). Moreover, other provisions of an act should be examined so as to construe the act as a whole and harmonize its provisions. *Farrington v Total Petroleum, Inc*, 442 Mich 201, 209; 501 NW2d 76 (1993). Unless such a construction would be inconsistent with the manifest intent of the Legislature, all words and phrases must be construed and understood according to the common and approved usage of the language. MCL 8.3 and 8.3a. But technical words and phrases and those that may have acquired a peculiar and appropriate meaning in the law shall be construed according to that peculiar and appropriate meaning.

Standard dictionaries do not define "business day," but numerous statutes defining the term exclude a Saturday, Sunday, or legal holiday. For example, the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1502a(1)(h), defines "business day" as "a day of the year, exclusive of a Saturday, Sunday, or legal holiday." The Michigan Election Law, MCL 168.2(c), defines "business day" as "a day that is not a Saturday, Sunday, or legal holiday." Under the Home Solicitation Sales Statute, MCL 445.111(c), "business day" is defined as "Monday through Friday and does not include Saturday, Sunday," or certain listed business holidays. "Business day" is defined under the Condominium Act, MCL 559.103(6), as "a day of the year excluding a Saturday, Sunday, or legal holiday."[2]

In MCL 8.6, the Legislature addressed the calculation of time periods applicable to statutes and administrative rules:

> In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday or legal holiday, the period or day is extended to include the next day which is not a Saturday, Sunday or legal holiday.

Although this statute does not define "business day," by providing that a time period cannot end on a Saturday, Sunday, or legal holiday, but on the next day that is not a weekend day or legal holiday, its treatment of these days is consistent with the other statutes that exclude Saturdays, Sundays, and legal holidays from the definition of

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[1] See, e.g., the Administrative Procedures Act of 1969, MCL 24.224(1); the Township Ordinances Act, MCL 41.185(3); the Food Law of 2000, MCL 289.4113(1); the Public Health Code, MCL 333.18826(4); the State School Aid Act of 1979, MCL 388.1611f(5); and the Uniform Commercial Code, MCL 440.3501(4).

[2] These statutory provisions were cited by the Court in *Key v Paw Paw Twp*, 254 Mich App 508, 515; 657 NW2d 546 (2002). The plaintiff in that case argued that "business day" under the FOIA should include Saturday because many commercial institutions, including banks, are open for business on Saturday. The defendant maintained an office open to the public only on Monday, Wednesday, and Friday, and asserted that business day should only refer to the days a public body is open for business. *Id*., at 513-514. The Court concluded: "We will leave it for another case to determine if 'business day' should exclude days (Monday through Friday) in which the governmental agency is not open for business." The Court also declined to address whether Saturday constitutes a business day where a public body is open for public business on a Saturday. *Id*., at 515-516.

"business day." See also Michigan Court Rule 1.108(1) excluding a Saturday, Sunday, or legal holiday from the computation of time if the last day of the period to be calculated falls on one of those days. These provisions establish that a peculiar and appropriate meaning of the term "business day" has developed in the law that excludes a Saturday, Sunday, or legal holiday.

A review of other FOIA provisions reinforces the view that "business day" does not include Saturday, Sunday, or a legal holiday but is also not limited to days a public body is open to the public. Section 10 of the FOIA, MCL 15.240, affords an appeal process from a public body's decision denying a request in a manner that expressly takes into account the fact that a particular public body may not adhere to a five-weekday work schedule. That section provides:

> (2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:
>
> (a) Reverse the disclosure denial.
>
> (b) Issue a written notice to the requesting person upholding the disclosure denial.
>
> (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
>
> (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.
>
> (3) *A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).* If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in circuit court under subsection (1)(b). [MCL 15.240(2) and (3); emphasis added.]

The above section evidences that, where the Legislature intended to accommodate the actual working schedule of a public body, it did so in express language, but it did not elect to do so in section 5. The Legislature established a period of five business days for a public body's response to a FOIA request in section 5 because it intended requests for public records to be handled expeditiously. OAG, 1981-1982, No 6042, pp 584, 586 (February 25, 1982).

The FOIA provides that, within a specified time period, public bodies shall respond to persons requesting information regarding the affairs of government and the acts of public officials and employees. MCL 15.231(2) and 15.235(2). The Act's emphasis on timeliness is underscored in section 3(1) of the FOIA, MCL 15.233(1), which provides that an employee of a public body who receives a public record request "*shall promptly* forward that request to the [FOIA] coordinator." (Emphasis added.) The FOIA's remedial provisions provide for the prompt determination of public information dissemination. Section 10(5), MCL 15.240(5), provides that, "[a]n action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the *earliest practicable date and expedited in every way*." (Emphasis added.)

Where a public body is open for public business on fewer than five consecutive weekdays, the public body must arrange for the processing of FOIA requests in compliance with section 5 of the FOIA. Although a public body may choose to maintain a limited schedule for public access to its principal place of business, this does not serve to limit or reduce the obligation of its administrative officers to perform their legal duties and responsibilities. These duties must be discharged

regardless of whether the public body's offices are open to the public on a given business day or not.

Finally, as a practical matter, it is difficult to conceive of a situation where a public body would be unable to issue a FOIA response within the time limitations of section 5(2) of the Act. To illustrate with an example, if a FOIA request is received on a Monday, the five-business-day response period starts the next day, Tuesday. But if made by electronic transmission on Monday, the Act deems it to have been received on Tuesday, starting the five-business-day response period the next day, Wednesday. Under these situations, a timely response under section 5(2) of the FOIA must be issued the following Monday or Tuesday, respectively, or, if the ten-business-day extension permitted under the Act is invoked, on Monday or Tuesday two weeks later.

It is my opinion, therefore, that the five business days within which a public body must respond to a request for a public record under section 5 of the Freedom of Information Act, MCL 15.235, means five consecutive weekdays, other than Saturdays, Sundays, or legal holidays, and not five consecutive days on which the particular public body receiving the request is open for public business.

MIKE COX
*Attorney General*

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**INCOMPATIBILITY: Incompatibility of charter township trustee and community college trustee**

**COMMUNITY COLLEGES:**

**CHARTER TOWNSHIPS:**

**PUBLIC OFFICES AND PUBLIC OFFICERS:**

**The Incompatible Public Offices Act does not prohibit a person from simultaneously serving as a trustee in a charter township and as a member of a board of trustees of a community college district unless these two governmental entities enter into contractual negotiations or a contract or some other situation arises in which the public official holding dual offices cannot advance the interests of both offices simultaneously.**

Opinion No. 7173 March 18, 2005

Honorable Bruce Patterson
State Senator
The Capitol
Lansing, MI

You have asked if the Incompatible Public Offices Act (Act), 1978 PA 566, MCL 15.181 *et seq*, prohibits a person from simultaneously serving as a trustee in a charter township and as a member of a board of trustees of a community college district.

A similar question was addressed in Letter Opinion of the Attorney General to Representative William P. Hampton, dated June 10, 1968. At the time that opinion was issued, the Act had not been passed. The opinion applied the common law rule

of incompatibility of public offices that two offices are incompatible if the duties of the two offices are such that it would be improper public policy for one person to occupy both offices. Further, at common law the acceptance of a second and incompatible public office served to vacate the first office. *Attorney General, ex rel Moreland v Common Council of Detroit*, 112 Mich 145, 168, 174; 70 NW 450 (1897).

The letter opinion concluded that the two public offices were incompatible for two reasons. First, by statute the community college board of trustees had the authority to agree to pay special assessments for local improvements to a township. Second, the township board of trustees had the statutory authority to contribute funds toward the support of the community college.

In 1978, the Legislature passed the Act prohibiting the same person from simultaneously holding two incompatible public offices. The Legislature has the constitutional power to alter the common law by the enactment of statutes. Const 1963, art 3, § 7. *O'Brien v Hazelet & Erdal*, 410 Mich 1, 15; 299 NW2d 336 (1980). It defined incompatible public offices in section 1(b) of the Act as follows:

> "Incompatible offices" means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:
>
> (i) The subordination of 1 public office to another.
>
> (ii) The supervision of 1 public office by another.
>
> (iii) A breach of duty of public office. [MCL 15.181(b).]

Thus, it must first be determined if the Act applies to the two public offices identified in your question. The law is settled that the Act applies to public positions occupied by both public officers and public employees. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich 149, 157-162; 627 NW2d 247 (2001). A charter township trustee elected to the charter township board under section 5 of the Charter Township Act, 1947 PA 359, MCL 42.5, is a public officer under section 1(e)(ii) of the Act, MCL 15.181(e)(ii). A member of the board of trustees of a community college district elected under section 156 of the Community College Act of 1966, 1966 PA 331, MCL 389.156, is also a public officer under section 1(e)(iii) of the Act, MCL 15.181(e)(iii).

To determine whether the simultaneous holding of these two public offices results in the subordination of one public office to another, or the supervision of one public officer by another, the duties of each position must be examined. The board of trustees in a charter township is the governing body of that township. *Huxtable v Meridian Charter Twp Bd of Trustees*, 102 Mich App 690, 692; 302 NW2d 282 (1981). The board of trustees of a community college district is the governing body of that community college district with a duty to operate the community college. *West Shore Community College v Manistee County Bd of Comm'rs*, 389 Mich 287, 303; 205 NW2d 441 (1973). In that both the charter township and the community college district are separate and distinct units of government that do not control each other, there is no subordinate or supervisory relationship between the two public offices in question. Thus, these dual public offices are not incompatible under the first two incompatibility criteria under section 1(b) of the Act, MCL 15.181(b).

It must next be considered whether this dual office holding results in "a breach of duty of public office" under section 1(b) of the Act. Under the common law doctrine of incompatibility of public offices, the fact that two public entities could contract with each other was enough to render the two public offices incompatible. The potential for a conflict between the interests of the two public entities was sufficient to result in an incompatibility, even if the two public entities had never negotiated for or entered into a contract with each other. But under section 1(b) of the Act, there is no incompatibility unless the performance of the duties of one of the offices results in one of the three prohibited situations in section 1(b) of the Act. The mere potential for a conflict does not result in incompatibility. Thus, in the contract situation, there

is no incompatibility unless the two units of government actually enter into contract negotiations or a contract. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich at 162-167.

A breach of duty arises wherever a public officer holding dual offices cannot promote the interests of both offices simultaneously. That may occur in a contract setting or other setting where the public official in question cannot simultaneously advance the interests of both public offices. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich at 164. One example of a non-contractual breach of duty is holding the offices of township trustee and school district superintendent when the township and the school district are competing for higher millage rates before the county tax allocation board. *Contesti v Attorney General*, 164 Mich App 271, 281; 416 NW2d 410 (1987). Another example is holding the offices of township clerk and board of education member when, by statute, a board of education must reimburse a township for conducting a school district's regular or special election. In that situation, the two units of government have competing interests as the township will seek to maximize its recovery of costs and the board of education will seek to minimize the election costs to be reimbursed to the township. OAG, 2003-2004, No 7156, p 128 (June 1, 2004).

The 1968 letter opinion to Representative Hampton relied upon section 145 of the Community College Act of 1966, MCL 389.145, as a basis for finding an incompatibility of public offices. Section 145 still authorizes a community college board of trustees to agree to pay special assessments for local improvements to a township:

> The property of the community college district shall be exempt from all taxation and assessment, and no writ of attachment or writ of execution shall be levied upon the property thereof. The board of trustees may enter into an agreement with any city, village or township or with the board of county road commissioners whereby the community college district agrees to pay special assessments for local improvements levied against any community college district property irrespective of the use to which the property is put. [MCL 389.145.]

Under the Act, unlike the common law, this section would not result in an incompatibility of public office unless the township had made local improvements and the issue had arisen before the board of trustees of the community college district whether to agree to pay special assessments for the local improvements. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich at 166-167.

The 1968 letter opinion to Representative Hampton also relied on the statutory authority of a township to contribute to the support of a community college. Today that statutory authority is found in section 1607 of 1976 PA 451, the Revised School Code, MCL 380.1607:

> A county, *township*, or other governmental unit, by action of its governing body may contribute annually toward the support *of a community college maintained by a school district pursuant to this part*. Tuition and fees charged by the school district for enrollment in the community college shall be uniform throughout a county, township, or governmental unit making an annual contribution to the community college. [Emphasis added.]

Currently, Michigan only has one community college maintained by a school district. All the other community colleges are now maintained by separate and independent community college districts under the Community College Act of 1966, 1966 PA 331, MCL 389.1 *et seq*. The community college involved in this opinion request is not maintained by a school district. Thus, section 1607 of the Revised School Code is not relevant to this inquiry.

The two rationales for finding an incompatibility of public offices in the 1968 letter opinion to Representative Hampton no longer automatically apply. Under the Act, there is no longer any basis for finding a breach of duty based on a hypothetical or potential conflict between the interests of the two governmental units in question.

It is my opinion, therefore, that the Incompatible Public Offices Act does not prohibit a person from simultaneously serving as a trustee in a charter township and as a member of a board of trustees of a community college district unless these two governmental entities enter into contractual negotiations or a contract or some other situation arises in which the public official holding dual offices cannot advance the interests of both offices simultaneously.

MIKE COX
*Attorney General*

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**LEGAL BIRTH DEFINITION ACT: Application of Legal Birth Definition Act to abortion procedures**

**STATUTES:**

**PHYSICIANS AND SURGEONS:**

**PROSECUTORS:**

**The Legal Birth Definition Act, MCL 333.1081 *et seq*, which defines when a person shall be considered born for all purposes under the law, has the effect of banning, with certain exceptions, those dilation and extraction (D & X) abortion procedures that require the killing of a "perinate" as defined in the act. The Legal Birth Definition Act does not have the effect of banning the dilation and evacuation (D & E) abortion procedure.**

**A physician or physician's agent is immune from criminal, civil, or administrative liability for performing a dilation and extraction (D & X) abortion procedure when, in the "physician's reasonable medical judgment and in compliance with the applicable standard of practice and care," it is necessary to protect the life or health of the mother as set forth in section 3(2) of the Legal Birth Definition Act, MCL 333.1083(2).**

**Prosecuting attorneys are directed to employ the interpretation of the Legal Birth Definition Act contained in this opinion.**

Opinion No. 7174 April 4, 2005

Honorable Cameron Brown
State Senator
The Capitol
Lansing, MI 48909

On behalf of the Hillsdale County Prosecuting Attorney, you have asked two questions regarding the application of the Legal Birth Definition Act (LBDA), MCL 333.1081 *et seq*, to the performance of abortion procedures. You ask: (1) whether the LBDA bans partial-birth abortions and any other abortion procedures; and (2) whether there are circumstances under which application of the LBDA will not result in criminal or other liability.

When interpreting the language of a statute, the primary goal is to give effect to the Legislature's intent. *Wayne County v Hathcock*, 471 Mich 445, 456; 684 NW2d 765 (2004). "[I]t is a well-established rule of statutory construction that the

Legislature is presumed to be aware of judicial interpretations of existing law when passing legislation." *Pulver v Dundee*, 445 Mich 68, 75; 515 NW2d 728 (1994). See also *Attorney General v Detroit United Railway*, 210 Mich 227, 256; 177 NW2d 726 (1920) ("We must presume that in framing legislation the legislature acts with a just appreciation and at least with a cursory knowledge of the constitutional limitations within which it may function"). A statute is "presumed to be constitutional unless its unconstitutionality is *clearly* apparent." *McDougal v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999) (emphasis added), citing *People v Bricker*, 389 Mich 524, 528; 208 NW2d 172 (1973).

With respect to statutes that regulate and prohibit abortion procedures, the Michigan Supreme Court has expressly required that such laws be read in a manner that preserves their constitutionality. *Bricker*, 389 Mich at 528-529. See also *People v Higuera*, 244 Mich App 429, 434; 625 NW2d 444 (2001). In *Bricker*, the Michigan Supreme Court had its first occasion to examine Michigan's criminal abortion statute, MCL 750.14[1], after the United States Supreme Court's decisions in *Roe v Wade*, 410 US 113; 93 S Ct 705; 35 L Ed 2d 147 (1973), and *Doe v Bolton*, 410 US 179; 93 S Ct 739; 35 L Ed 2d 201 (1973). The *Bricker* Court held that under the *Roe* decision, Michigan's criminal abortion statute "cannot stand as relating to abortions in the first trimester of a pregnancy as authorized by the woman's attending physician in the exercise of his medical judgment." *Bricker*, 389 Mich at 527. In evaluating whether Michigan's abortion statute could nevertheless be applied to non-physicians, the Court explained that its role is to preserve the Michigan abortion law to the extent possible:

> *We are duty bound under the Michigan Constitution to preserve the laws of this state and to that end to construe them if we can so that they conform to Federal and state constitutional requirements*. The United States Supreme Court would be the first to acknowledge that our construction of our statutes in a manner which does not offend the Federal constitutional right recognized in *Roe* and *Doe* is determinative until changed by the Michigan Legislature or the initiative of the people of this state. [*Bricker*, 389 Mich at 528; emphasis added.]

The Court reiterated the principle that Michigan law requires a constitutional construction of a statute, even if its reach might otherwise extend to unconstitutional applications, as long as it may be validly applied without defeating the statute's general purpose:

> "A legislative act may be entirely valid as to some classes of cases, and clearly void as to others.
>
> * * *
>
> In any such case the unconstitutional law must operate as far as it can . . . . If there are any exceptions to this rule, they must be of cases only where it is evident, from a contemplation of the statute and of the purpose to be accomplished by it, that it would not have been passed at all, except as an entirety, and that the general purpose of the legislature will be defeated if it shall be held valid as to some cases and void as to others." [*Bricker*, 389 Mich at 530, quoting Cooley, Constitutional Limitations (5th ed), pp 215-216.]

Employing this principle, the Court affirmed the conviction of a non-physician who performed an abortion, construing MCL 750.14 to "mean that the prohibition of

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[1] MCL 750.14 states:

> Administering drugs, etc., with intent to procure miscarriage–
>
> Any person who shall wilfully administer to any pregnant woman any medicine, drug, substance or thing whatever, or shall employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, unless the same shall have been necessary to preserve the life of such woman, shall be guilty of a felony, and in case the death of such pregnant woman be thereby produced, the offense shall be deemed manslaughter.
>
> In any prosecution under this section, it shall not be necessary for the prosecution to prove that no such necessity existed.

this section shall not apply to 'miscarriages' authorized by a pregnant woman's attending physician in the exercise of his medical judgment; the effectuation of the decision to abort is also left to the physician's judgment; however, a physician may not cause a miscarriage after viability except where necessary, in his medical judgment, to preserve the life or health of the mother." *Id*., at 529-530.

More recently, in *Higuera*, the Court of Appeals employed this same approach in sustaining the constitutionality of MCL 750.14 as applied where there were allegations that a doctor performed an abortion on a 28-week-old fetus without a medical reason for doing so. *Higuera*, 244 Mich App at 433. The Court explained that, for legislation enacted after *Roe* and *Doe*, Michigan courts examine such statutes with the understanding that the Legislature seeks to prohibit only those abortions that are not constitutionally protected:

> After *Bricker* was decided in 1973, the Legislature enacted various statutes regulating the performance of abortions . . . but did not revise MCL 750.14 . . . .
>
> * * *
>
> We think it clear that in enacting those statutes after *Bricker*, *the Legislature intended to regulate those abortions permitted by Roe and Doe, and Bricker, and did not intend to repeal the general prohibition of abortions to the extent permitted by the federal constitution*, as construed by the United States Supreme Court. [*Higuera*, 244 Mich App at 436-437; emphasis added.]

In short, the courts give effect to the Legislature's intent in abortion cases but in a manner that strives to conform abortion statutes to constitutional requirements.

Applying these principles, the LBDA[2] defines when a person shall be considered "legally born" for the purposes of Michigan law. MCL 333.1083 and MCL 333.1085. The term "perinate" is defined in section 5(d):

> "Perinate" means a live human being at any point after which any anatomical part of the human being is known to have passed beyond the plane of the vaginal introitus[3] until the point of complete expulsion or extraction from the mother's body. [MCL 333.1085(d).]

Under the LBDA, when any "anatomical part"[4] of a "live"[5] human being is known to have passed the "plane of the vaginal introitus," the human being, or "perinate," gains the protection of the law as "a legally born person for all purposes under the law." MCL 333.1083(1). While the statute does not by its own terms ban any type of abortion procedure, the practical effect of the LBDA on abortion procedures is that

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[2] The language at issue here was originally passed by the Legislature as Enrolled Senate Bill 395 but was vetoed by the Governor on October 10, 2003. Following the veto, the legislation was proposed by initiative petition pursuant to Const 1963, art 2, § 9 and subsequently approved by a majority vote of both the Michigan House of Representatives and Senate on June 9, 2004, and became 2004 PA 135. The new act was to take effect on March 30, 2005, the 91st day after the *sine die* adjournment of the 2004 session of the Legislature. Const 1963, art 4, § 27. Its enforcement has been stayed until June 15, 2005, in the pending case of *Northland Family Planning Clinic, Inc v Attorney General*, US District Court (ED Mich) Docket No. 05CV70779.

[3] "Introitus" is defined in Stedman's on-line medical dictionary as "[t]he entrance into a canal or hollow organ, as the vagina." http://216.251.232.159/semdweb/internetsomd/ASP/1529851.asp.

[4] The statute defines an "[a]natomical part" as any "portion of the anatomy of a human being that has not been severed from the body, but not including the umbilical cord or placenta." MCL 333.1085(a).

[5] The statute defines "[l]ive" as when the perinate demonstrates 1 or more of the following biological functions:

(i) A detectable heartbeat.

(ii) Evidence of breathing.

(iii) Evidence of spontaneous movement.

(iv) Umbilical cord pulsation. [MCL 333.1085(c).]

any physician who performs an abortion that results in the injury or death of a "perinate" would be subject to criminal prosecution. The LBDA makes a specific exception for "performing any procedure that results in injury or death of a perinate while completing the delivery" that in the "physician's reasonable medical judgment and in compliance with the applicable standard of practice and care" is necessary to "save the life of the mother" or to "avert an imminent threat to the physical health of the mother." MCL 333.1083(2)(b)(i) and (ii).

Before analyzing the statutory language, it is necessary to look at the applicable constitutional law because the Legislature is presumed to enact legislation consistent with such principles. *Pulver, supra; Detroit United Railway, supra; Bricker, supra; Higuera, supra*. Recently, the United States Supreme Court ruled that a Nebraska statute that prohibited certain abortion procedures placed an undue burden on a woman's federal abortion rights by limiting the "dilation and evacuation" form of abortion, known as the D & E abortion procedure. The Court concluded that the D & E procedure was a constitutionally protected practice. *Stenberg v Carhart*, 530 US 914, 938-939; 120 S Ct 2597; 147 L Ed 2d 743 (2000).

Applying *Carhart*, the United States Court of Appeals for the Sixth Circuit upheld an Ohio statute that prohibited only the "dilation and extraction" abortion procedure, known as the D & X abortion procedure, and not the D & E procedure. See *Women's Medical Professional Corp v Taft*, 353 F3d 436 (CA 6, 2003). See also *Carhart*, 530 US at 951 (O'Connor, J., concurring, stated that "a ban on partial-birth abortion that only proscribed the D & X method of abortion and that included an exception to preserve the life and health of the mother would be constitutional in my view"). In examining the Ohio statute in light of *Carhart*, the Sixth Circuit provided definitions of both the D & E procedure and the D & X procedure:

> **Dilation and Evacuation (D & E) procedure:**
>
> As performed late in the second trimester, the abortion procedure commonly referred to as dilation and evacuation, or "D & E," begins with dilation of a woman's cervix. Once sufficient dilation is achieved, the physician reaches into the woman's uterus with an instrument, grasps an extremity of the fetus, and pulls. When the fetus lodges in the cervix, the traction between the grasping instrument and the cervix causes dismemberment and eventual death, although death may occur prior to dismemberment. The process continues until the entire dead fetus has been removed, piece-by-piece, from the woman's uterus. [*Taft*, 353 F3d at 439; citations omitted.]
>
> **Dilation and Extraction (D & X) procedure:**
>
> The physician initiates the D & X or partial birth abortion procedure by dilating a woman's cervix, but to a greater degree than in the traditional D & E procedure. Once the physician achieves sufficient dilation, the manner in which the abortion proceeds depends upon the presentation of the fetus. . . . In a breech extraction [where the fetus presents in a feet first position], the physician partially delivers the fetus through the mother's cervix up to a point that allows the physician to access the fetus's head, which is inside the mother, while stabilizing the fetus's body, which is outside the mother. Then, in order to collapse the fetus's skull (so that it will pass easily through the cervix), the physician forces a pair of scissors into the base of the skull, enlarges the opening and evacuates the contents with a suction catheter. The abortion concludes with the removal, in a single pass, of the fetus's intact, dead body. If the fetus presents head first (a cephalic presentation), the doctor first collapses the fetus's exposed skull by breaching and compressing the [head] with the forceps' jaws, inserting a finger . . . , or piercing the [head] with a sharp instrument, such as a tenaculum or a large-bore needle. The doctor then suctions out the fetus's skull contents, if necessary, and completes the delivery of the fetus from the mother's body, whole and intact, in a single pass. [*Taft*, 353 F3d at 439-440; citations and quotation marks omitted.]

As the Sixth Circuit noted, these terms "have a generally understood meaning, regularly relied upon by courts, litigants, medical experts, and legislatures operating in this field of law." *Taft*, 353 F3d at 439. In upholding the constitutionality of the Ohio statute, the Sixth Circuit was also clear that, under *Carhart*, the D & E procedure is protected by the federal constitution.

Significantly, the Sixth Circuit emphasized that "courts have explained repeatedly that the principal distinction between D & X and D & E is *intactness*: D & X maximizes intactness and D & E requires dismemberment prior to removal of the fetus." *Taft*, 353 F3d at 452 (emphasis in original), citing *Carhart*, 530 US at 927, 939 and *Women's Medical Professional Corp v Voinovich*, 130 F3d 187, 199 (CA 6, 1997).

With this understanding of the federal constitutional rules, the Michigan Legislature enacted the LBDA in 2004. In order to determine which abortion procedures are subject to criminal prosecution as a result of passage of the LBDA, the question then is which abortion procedure requires the injury or death of a perinate. Therefore, the crucial statutory language is found in the provision defining the term "perinate" and related terms.

Given the established definitions of the D & X and D & E procedures described in *Taft* and *Carhart* and the prevailing constitutional principles, Michigan's LBDA prohibits the D & X procedure only. The definition of "perinate" spans the period from the time an "anatomical part" of a live and intact fetus passes beyond the plane of the vaginal introitus to the time the perinate is completely expelled or extracted from the mother's body. MCL 333.1083(2).

As explained in *Carhart* and *Taft*, the D & E procedure requires dismemberment or disarticulation of the fetus and removal of the dead fetus "piece-by-piece" from the woman's uterus – there is no intact extraction of the fetus. Consequently, in a D & E procedure as described by *Taft* and *Carhart*, the fetus would never achieve the status of a perinate under the statute. The statute specifically excludes from its definition of "anatomical part" a part of the fetus that has been "severed from the [fetus's] body." MCL 333.1085(a). In contrast, the D & X procedure, as previously defined, involves the partial extraction of a live and intact fetus for the sole purpose of intentionally killing it, which under the LBDA would be the killing of a "perinate." The LBDA cannot be read, however, to place any restrictions on actions taken before an anatomical part of an intact, live fetus passes beyond the plane of the vaginal introitus of the mother's body.

This reading of the LBDA is consistent with the legislative history of the statute. The statute was known as an effort to ban "partial-birth abortions," which is the common term used for the D & X procedure. See Senate Fiscal Agency Analysis, SB 395, October 10, 2003, pp 2-5, 6. See also *Carhart*, 530 US at 942 ("'partial birth abortion,' [is] a term ordinarily associated with the D & X procedure"). The arguments advanced in support of the statute were unambiguous in targeting the D & X procedure:

> [T]he bill [SB 395] effectively would prohibit the practice of partial-birth abortion. . . . *Partial-birth abortion is a gruesome procedure whereby a nearly full-term fetus is partially delivered and then killed by means of having its skull crushed or incised before the delivery is completed*. . . . This extreme practice should not be tolerated in a civilized society and violators should be punished appropriately. While the bill does not refer to partial-birth abortion by name, it specifies that a perinate would be considered a legally born person for all purposes under the law. [Senate Fiscal Agency Analysis, SB 395, October 10, 2003, p 6; emphasis added.]

This description corresponds to the definition of the D & X procedure in *Taft*, 353 F3d at 439-440, and *Carhart*, 530 US at 927-928.

Moreover, interpreting the LBDA as prohibiting D & X procedures that require the killing of a perinate, and not the D & E procedure, is consistent with the rule

requiring that statutes be accorded the presumption of constitutionality. See *McDougal*, 461 Mich at 24 (a statute is "presumed to be constitutional unless its unconstitutionality is clearly apparent"). In fact, given the Michigan Supreme Court's decision in *Bricker*, this interpretation of the statute is compelled. See *Bricker*, 389 Mich at 528-530. In the context of the LBDA, current federal case law is clear that the only abortion procedure that Michigan may prohibit is the D & X procedure that requires the killing of a perinate. See *Carhart, supra; Taft, supra*.

Any application of the statute to constitutionally protected methods of abortion, such as the D & E procedure, is void under *Bricker*. Michigan law cannot constitutionally limit the D & E abortion procedure. *Carhart, supra; Taft, supra*. See also *Bricker*, 389 Mich at 528-530. Therefore, the LBDA can have no application where an "anatomical part" of a live and intact fetus passes beyond the plane of the vaginal introitus during a constitutionally protected method of abortion such as the D & E abortion procedure.[6]

It is my opinion, therefore, in answer to your first question, that the Legal Birth Definition Act, MCL 333.1081 *et seq*, which defines when a person shall be considered born for all purposes under the law, has the effect of banning, with certain exceptions, those dilation and extraction (D & X) abortion procedures that require the killing of a "perinate" as defined in the act. The Legal Birth Definition Act does not have the effect of banning the dilation and evacuation (D & E) abortion procedure.

Your second question asks whether there are circumstances under which application of the LBDA will not result in criminal or other liability. Section 3 of the statute provides that a physician or agent of a physician[7] is immune from "criminal, civil, or administrative liability for performing any procedure that results in injury or death of a perinate while completing the delivery of the perinate" under any of the following circumstances:

> (a) If the perinate is being expelled from the mother's body as a result of a spontaneous abortion.
>
> (b) If in that physician's reasonable medical judgment and in compliance with the applicable standard of practice and care, the procedure was necessary in either of the following circumstances:
>
> > (i) To save the life of the mother and every reasonable effort was made to preserve the life of both the mother and the perinate.
> >
> > (ii) To avert an imminent threat to the physical health of the mother, and any harm to the perinate was incidental to treating the mother and not a known or intended result of the procedure performed. [MCL 333.1083(2)(a) and (b).]

The phrase "imminent threat to the physical health" is defined to mean "a physical condition that if left untreated would result in substantial and irreversible impairment of a major bodily function." MCL 333.1085(b).

The Sixth Circuit in the *Taft* case upheld the constitutionality of the Ohio statute, which contained an exception based on "reasonable medical judgment." *Taft*, 353 F3d at 445. The provisions of the Ohio criminal code at issue in *Taft* stated:

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[6] In all other cases, whether abortion-related or not, the LBDA would only apply to actions taken after a fetus has achieved the status of a "perinate" as defined by the statute. For example, the LBDA would not apply to the killing of a fetus where the fetus presents head first and no "anatomical part" of the intact, live fetus has passed beyond the plane of the vaginal introitus.

[7] As used in this opinion, "agent" means "an individual performing an act, task, or function under the delegatory authority of a physician." MCL 333.1083(2).

> [N]o person shall knowingly perform a partial birth procedure on a pregnant woman when the procedure is not necessary, in reasonable medical judgment, to preserve the life or health of the mother as a result of the mother's life or health being endangered by a serious risk of the *substantial and irreversible impairment of a major bodily function*. [*Taft*, 353 F3d at 440, citing Ohio Rev. Code Ann. § 2919.15.1(B), (C); emphasis added.]

The Sixth Circuit concluded that "Ohio's maternal health exception is valid because it permits the partial birth procedure when necessary to prevent significant health risks. The Fourteenth Amendment, as applied in [*Planned Parenthood v Casey*, 505 US 833; 112 S Ct 2791; 120 L Ed 2d 674 (1992)] and *Carhart*, requires nothing more." *Taft*, 353 F3d at 445.

The immunity provisions contained in the LBDA are like the Ohio statute in many significant respects. Under the LBDA, the decision determining whether the procedure is necessary is based on the "reasonable medical judgment" of the physician performing the procedure. MCL 333.1083(b). The physician's decision must also be "in compliance with the applicable standard of practice and care." MCL 333.1083(b). In the words of the Supreme Court in *Carhart*, a physician under the LBDA does not have "unfettered discretion" in the selection of abortion methods; rather there is a health exception where "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." *Carhart, supra*, 530 US at 938. The LBDA also defines "[i]mminent threat to the physical health" of the mother as a physical condition that if left untreated would result in "substantial and irreversible impairment of a major bodily function." MCL 333.1085(b). This is almost identical to the language upheld as constitutional in the Ohio statute. See *Taft, supra*.

The primary difference between the Michigan and Ohio statutes arises from the physician's obligation in Michigan to preserve the life of the perinate and to avoid intentionally harming the perinate when attempting to preserve the life or health of the mother. The LBDA immunizes a physician from criminal, civil, or administrative liability for performing a procedure that results in injury or death to a perinate while completing the delivery of the perinate to save the life of the mother or to avert an imminent threat to the mother. MCL 333.1083(2). The LBDA provides immunity in the following two circumstances: (1) in attempting to save the life of the mother, the physician must make "every reasonable effort . . . to preserve the life of both the mother and the perinate;" or (2) in attempting to avert an imminent threat to the mother's health, any harm to the perinate must be "incidental to treating the mother and not a known or intended result of the procedure performed." MCL 333.1083(2)(b).

Where the physician concludes that the mother's life or health makes it medically necessary to perform an act that will injure or kill the perinate, the physician must first consider other reasonably safe alternatives, if any, before doing so. MCL 333.1083(2)(b)(i) and (ii). In other words, the physician must look to ensure the life or physical health of the mother without harming the perinate where medically possible. These considerations do not, however, prevent a physician from performing a procedure that may directly harm or kill the perinate where in the reasonable medical judgment of the physician it is necessary to safeguard the mother's life or health. See *Carhart, supra; Taft, supra*.

It is my opinion, therefore, in answer to your second question, that a physician or physician's agent is immune from criminal, civil, or administrative liability for performing a dilation and extraction (D & X) abortion procedure when in the "physician's reasonable medical judgment and in compliance with the applicable standard of practice and care," it is necessary to protect the life or health of the mother as set forth in section 3(2) of the Legal Birth Definition Act, MCL 333.1083(2).

As Michigan's Attorney General, it is my duty to supervise and advise all prosecuting attorneys and to take the necessary actions to protect the interests of the

people of the State. MCL 14.30. See also MCL 14.28.[8] The questions presented in your letter on behalf of the Hillsdale County Prosecuting Attorney involve matters of great importance that affect the interests of the people of the State of Michigan. As proclaimed by the people who proposed this act by initiative petition and by the Legislature, the State "has a compelling interest in protecting the life of a born person." MCL 333.1082(d). There is currently pending before the federal courts a case challenging the constitutionality of the Legal Birth Definition Act. Further, the people of the State have an interest in assuring that there will be a uniform and fair application of this act throughout the State of Michigan. Persons may reasonably and in good faith rely on the advice contained in this opinion; pursuant to fundamental rules of due process, they are protected from prosecution. See *People v Woods*, 241 Mich App 545, 557; 616 NW2d 211 (2000).[9] Therefore, in order to protect the interests of the people, consistent with my authority under MCL 14.30, I direct all prosecuting attorneys to employ the interpretation of the Legal Birth Definition Act contained in this opinion.

MIKE COX
*Attorney General*

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[8] See Letter Opinion of the Attorney General to Representative D. J. Jacobetti, dated May 1, 1979, p 2. In his letter, former Attorney General Frank Kelley explained that "[w]hen advising State agencies and prosecutors, I consider such advice as binding whether in letter form or in the form of an opinion to be published." See also *Traverse City School Dist v Attorney General*, 384 Mich 390, 410, n 2; 185 NW2d 9 (1971).

[9] This bar to prosecution is based on the criminal doctrine of entrapment by estoppel. "To determine the availability of the defense, the court must conclude that (1) a government must have announced that the charged criminal act was legal; (2) the defendant relied on the government announcement; (3) the defendant's reliance was reasonable; and (4) given the defendant's reliance, the prosecution would be unfair." *United States v Levin*, 973 F2d 463, 468 (CA 6, 1992).

**COUNTIES: Authority of county road commissions to require hauling permits**

**COUNTY ROAD COMMISSIONS:**

**HIGHWAYS AND ROADS:**

**County road commissions have no independent authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code.**

**County boards of commissioners do not possess, and therefore may not delegate to county road commissions, authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code.**

Opinion No. 7175 June 13, 2005

Honorable Daniel J. Acciavatti
State Representative
The Capitol
Lansing, MI

You have requested my opinion on several questions concerning the authority of county road commissions or county boards of commissioners to require that haul route permits be obtained before trucks loaded with highway construction materials may be operated on county roads.

As background for your questions, you describe a circumstance that you indicate is typical of a practice in numerous counties. Paraphrasing that description, county road commissions are requiring private truckers who haul highway construction materials (soil, sand, stone, cement, asphalt, concrete, and similar materials) to and from highway projects over county roads to obtain a hauling permit from the road commission. To obtain the permits, truckers are required to pay fees, make cash deposits, and post bonds as security for any damage that the hauling may cause to the county roads. Apparently, the concern is with damage that may be caused by the weight of the trucks. Fees are imposed for inspection of the haul routes and to restore any damage that the commissions determine have been caused by the hauling. For purposes of your questions, you ask that the following assumptions be made: (1) that the trucks are within the weight limitations set forth in section 722 of the Michigan Vehicle Code (Code), MCL 257.722, and thus no permit is required under section 725 of the Code, MCL 257.725; and (2) that the haul routes have not been designated with special weight limitations, or to exclude trucks, under section 726 of the Code, MCL 257.726.

You first ask if a county road commission may legally require a private business to obtain such a haul route permit.

"A county road commission draws its legal life from the county road law and, as a creature of that legislation, the commission has no power save that which is legislatively conferred." *Arrowhead Dev Co v Livingston County Rd Comm*, 413 Mich 505, 512; 322 NW2d 702 (1982). Section 9(2) of the County Road Law, 1909 PA 283, MCL 224.9(2), provides:

> The board of county road commissioners shall act as an administrative board only and the function of the board shall be limited to the formulation of policy and the performance of official duties *imposed by law and delegated by the county board of commissioners* . . . . [Emphasis added.]

Whether the power to require haul route permits may lawfully be delegated by the county board of commissioners will be addressed later.

In general, the County Road Law empowers a county road commission to construct, improve, and maintain county roads, and perform specified administrative duties relating to them.[1] A board of county road commissioners has the authority and responsibility to maintain those roads so they are reasonably safe and convenient for public travel:

> A county shall keep in reasonable repair, so that they are reasonably safe and convenient for public travel, all county roads, bridges, and culverts that are within the county's jurisdiction, are under its care and control, and are open to public travel. [MCL 224.21(2).]

A review of the County Road Law reveals no express grant of authority for county road commissions to require truckers to obtain a haul route permit.[2]

The Vehicle Code authorizes county road commissions to regulate truck traffic. But no provision of the Code allows county road commissions to require truckers to obtain a hauling permit in order to haul highway construction materials. Neither does a search of the Michigan Compiled Laws disclose any other source of such authority.

To fully analyze your question, however, it is necessary to consider whether a road commission has the implied power to require haul route permits. As the Supreme Court stated in *Dep't of Public Health v Rivergate Manor*, 452 Mich 495, 503; 550 NW2d 515 (1996):

> The absence of an explicit grant of authority is not dispositive. This Court, in *Coffman v State Bd of Examiners in Optometry*, 331 Mich 582, 590; 50 NW2d 322 (1951), said "powers [of administrative boards] are limited by the statutes creating them to those conferred expressly *or by necessary or fair implication*." Quoting 42 Am Jur, § 26, pp 316 ff [Emphasis in original.]

*Coffman v State Bd of Examiners in Optometry*, 331 Mich 582, 590; 50 NW2d 322 (1951), explains more fully the principle of necessary and implied powers:

> In 42 Am Jur, § 26, p 316 *et seq*., it is stated:
>
> "Administrative boards, commissions, and officers have no common-law powers. Their powers are limited by the statutes creating them to those conferred expressly or by necessary or fair implication. * * * In determining whether a board or commission has a certain power, the authority given should be liberally construed in light of the purposes for which it was created and that which is incidentally necessary to a full exposition of the legislative intent should be upheld as being germane to the law. * * * Implication of necessary powers may be especially appropriate in the field of internal administration. However, powers should not be extended by implication beyond what may be *necessary for their just and reasonable execution*." [Emphasis added.]

The most relevant provisions of the Code must be reviewed to determine if the power to require haul route permits is necessary for the just and reasonable execution of a county road commission's expressly granted powers.

In general, the Code sets out detailed parameters for the operation of trucks, including their permissible size and weight, the circumstances in which permits may be required, and the extent to which they may be regulated.

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[1] See, e.g, MCL 224.19 - 224.21.

[2] A county road commission may seek damages from a person who injures a county road. MCL 224.19(4).

For example, section 726(1) of the Code, MCL 257.726(1), allows a county road commission to prohibit the operation of trucks on designated highways, designate the specific highways that trucks may use, or impose limitations as to the weight of trucks on designated highways:[3]

> Local authorities and county road commissions with respect to highways under their jurisdiction, except state trunk line highways, by ordinance or resolution, may do any of the following:
>
> (a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.
>
> (b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.
>
> (c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

Section 725(1) of the Code, MCL 257.725(1), authorizes jurisdictional authorities, which includes county road commissions, to issue permits to allow the operation of trucks that would otherwise violate the size, weight, or other restrictions of the Code:

> Upon receipt of a written application and good cause being shown, a jurisdictional authority may issue a written special permit authorizing an applicant to operate upon or remove from a highway maintained by that jurisdictional authority a vehicle or combination of vehicles that are any of the following:
>
> (a) Of a size, weight, or load exceeding the maximum specified in this chapter.
>
> (b) Otherwise not in conformity with this chapter.

That statute does not, however, authorize a county road commission to require a hauling permit for a truck that complies with the size and weight requirements.

Another statute, section 18 of 1925 PA 368, MCL 247.188, does require the consent of the road commission, and the posting of a bond to cover possible damage, but only under the described conditions – before a building or other obstruction to traffic is moved on the highway:

> No building, or other obstruction to traffic shall be moved across, upon or along any road without consent being first obtained from the commissioner or commissioners having jurisdiction over the road, and without first executing to such commissioner or commissioners, a bond in an amount sufficient to cover all possible damage to the road on account of such moving, to be determined by the commissioner or commissioners aforesaid, and conditioned for the payment of all such damage or injury to the road on account of such moving.

These laws establish that the Legislature chose to be specific in describing the powers of local government to regulate truck traffic, rather than delegating broad administrative discretion to them.

Moreover, to the extent any haul route permit requirement is intended to regulate the weight of trucks that are within the weight limitations of the Code, any possibility of implying the existence of the power is expressly negated. Section 716(1) of the Code, MCL 257.716(1), prohibits local authorities from altering the size and weight limitations provided in the Code, except as it specifically allows:

[3] Again, for purposes of analyzing your question, this opinion will assume that the trucks are in full compliance with any restrictions imposed under this provision and any other provisions of the Code.

> Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and *the maximum size and weight specified in this chapter shall be lawful throughout this state, and local authorities shall not alter those size and weight limitations except as express authority is granted in this chapter*. [Emphasis added.]

In *Michigan Municipal Liability & Property Pool v Muskegon Bd of County Road Comm'rs*, 235 Mich App 183, 191; 597 NW2d 187 (1999), the Court held that "[a] power is 'necessarily implied' if it is essential to the exercise of authority that is expressly granted." In view of the specific provisions of the Code and other laws concerning the powers of county road commissions to regulate the operation of trucks on county roads, there is no basis for concluding that the power to require haul route permits can be implied from the powers expressly granted.

It is my opinion, therefore, in answer to your first question, that county road commissions have no independent authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code.

You also ask if a county board of commissioners may lawfully delegate the authority to require haul route permits to a county road commission.

The authority of county boards of commissioners regarding roads must also be found in statutes. Const 1963, art 7, § 16, states:

> The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. *The legislature may provide the powers and duties of counties in relation to highways*, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. [Emphasis added.]

This legislative power was recently confirmed in *Wayne County Bd of Comm'rs v Wayne County Airport Authority*, 253 Mich App 144, 180; 658 NW2d 804 (2002): "[T]he Legislature has the power to regulate the powers and duties of counties in relation to highways and airports pursuant to Const 1963, art 7, § 16 . . . ." In *Alan v Wayne County*, 388 Mich 210, 245; 200 NW2d 628 (1972), the Court emphasized: "It is elementary that a county has only such powers as have been granted to it by the Constitution or the state Legislature."

Under section 11(j) of 1851 PA 156, MCL 46.11(j), a county board of commissioners may "pass ordinances that relate to county affairs and do not contravene the general laws of this state . . . ." As explained above, it would contravene the Michigan Vehicle Code to require that truckers obtain a haul route permit before operating trucks on county roads where those trucks are in full compliance with the Code.

Under section 11(m) of 1851 PA 156, a county board of commissioners may:

> Establish rules and regulations in reference to the management of the interest and business concerns of the county as the board considers necessary and proper in all matters not especially provided for in this act or under the laws of this state. [MCL 46.11(m).]

But the regulation of trucks on highways is a matter especially provided for in the Michigan Vehicle Code. The provisions of the Code cited and quoted above negate any legislative intent to confer on county boards of commissioners the power to require truckers who are in compliance with the Code's requirements to obtain a haul route permit to operate on county roads.

It is my opinion, therefore, in answer to your second question, that county boards of commissioners do not possess, and therefore may not delegate to county road commissions, authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code.

In view of my answers to your first two questions, it is not necessary to address your other questions.

MIKE COX
*Attorney General*

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**ADMINISTRATIVE LAW AND PROCEDURE: Eligibility for Michigan Merit Award Scholarships**

**EDUCATION:**

**MICHIGAN MERIT AWARD BOARD:**

**SCHOLARSHIPS:**

**The Michigan Merit Award Scholarship Act, MCL 390.1451 *et seq*, does not authorize the Michigan Merit Award Board to add a requirement that a student complete 40 hours of voluntary community service in order to qualify for a Michigan Merit Award Scholarship.**

Opinion No. 7176 June 21, 2005

Honorable Brian Palmer
State Representative
The Capitol
Lansing, MI 48913

You have asked whether the Michigan Merit Award Board has the authority to add a requirement that a student complete 40 hours of voluntary community service in order to qualify for a Michigan merit award scholarship by either a board resolution or administrative rules adopted under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 *et seq*.

The Michigan Merit Award Scholarship Act (Act), 1999 PA 94, MCL 390.1451 *et seq*, established a program to provide merit award scholarships to Michigan students who graduate from high school or pass a graduate equivalency examination. This scholarship program is administered by the Michigan Merit Award Board. See sections 4, 7, 7a, and 7b of the Act, MCL 390.1454; MCL 390.1457; MCL 390.1457a; MCL 390.1457b.

Sections 7, 7a, and 7b of the Act provide the eligibility criteria for the scholarships. A student is eligible for a merit award if the student, while in high school, has taken and received qualifying results on the high school assessment tests or, if the student has not received qualifying results in all subject area assessments, the student has received qualifying results on certain other examinations or job skills assessment tests. Section 7(2)(a)-(c), MCL 390.1457(2)(a)-(c).

In addition to these testing requirements, the student must satisfy the eligibility requirements set forth in section 7b of the Act:

In addition to the requirements set forth in section 7(2) or (3) or section 7a(1), to be eligible for the award of a Michigan merit award scholarship under this act, the board must find that a student satisfies all of the following:

(a) The student has graduated from high school or passed the general educational development (GED) test or other graduate equivalency examination approved by the state board.

(b) The student graduated from high school or passed the general educational development (GED) test or other graduate equivalency examination approved by the state board within 1 of the following time periods. . . .

(c) The student is enrolled in an approved postsecondary educational institution. For students who qualify under section 7(2)(c), the student is enrolled in a vocational or technical education program at an approved postsecondary educational institution.

(d) The student has not been convicted of a felony involving an assault, physical injury, or death.

(e) *The student satisfies any additional eligibility requirements established by the board*. [MCL 390.1457b(1); emphasis added.]

On August 17, 2004, the Michigan Merit Award Board adopted, by Resolution 2004-1, an additional eligibility requirement. Starting with the class of 2006, each student eligible for a Michigan Merit award must complete at least 40 hours of volunteer community service before June 30 of their graduation year to earn the award. Although the text of the Board's resolution does not indicate the statutory basis for the Board's action, it is presumed that the Board exercised its authority under MCL 390.1457b(1)(e) to establish "*any* additional eligibility requirements." (Emphasis added.)

The broad language used in this section raises the threshold question of whether the authority of the Board under section 7b(1)(e) of the Act to establish "any" additional eligibility requirements constitutes an unconstitutional delegation of legislative authority. The Legislature may not delegate to another its lawmaking powers. *Dep't of Natural Resources v Seaman*, 396 Mich 299, 308, 240 NW2d 206 (1976). In *Seaman*, the Court confronted the issue of whether a statutory provision constituted an unconstitutional delegation of legislative authority because it lacked sufficient standards to limit administrative discretion. The *Seaman* Court provided the following guiding principles to apply in making such determinations:

While no hard and fast rule exists for determining whether a given statute has provided sufficient standards, a number of guiding principles have evolved in Michigan jurisprudence to assist in making a determination in this case.

First, the act in question must be read as a whole; the provision in question should not be isolated but must be construed with reference to the entire act. *Argo Oil Corp v Atwood, supra*, 53.

Second, the standard should be "as reasonably precise as the subject matter requires or permits". *Osius v St Clair Shores*, 344 Mich 693, 698; 75 NW2d 25; 58 ALR2d 1079 (1956).

The preciseness of the standard will vary with the complexity and/or the degree to which [the] subject regulated will require constantly changing regulation. The "various" and "varying" detail associated with managing the natural resources has led to recognition by the courts that it is impractical for the Legislature to provide specific regulations and that this function must be performed by the designated administrative officials. *People v Soule*, 238 Mich 130, 140; 213 NW 195 (1927). See *United States v Grimaud*, 220 US 506; 31 S Ct 480; 55 L Ed 563 (1910).

Third, if possible the statute must be construed in such a way as to "render it valid, not invalid" as conferring "administrative, not legislative" power and as

vesting "discretionary, not arbitrary, authority". *Argo Oil Corp v Atwood, supra*, 53. [Seaman, 396 Mich at 309; footnotes omitted.]

Applying these principles to the statutory provision involved here, section 7b(1)(e), read by itself, appears to confer unlimited discretion on the Michigan Merit Award Board to impose additional eligibility requirements. But section 7b(1)(e) of the Act may not be read in isolation. Rather, it must be construed within the context of the entire Act.

The Legislature created the Michigan Merit Award Board and spelled out its goals in section 4(1) of the Act, MCL 390.1454:

> The Michigan merit award board is established within the department of treasury. *The goal of the board is to increase access to postsecondary education and reward Michigan high school graduates who have demonstrated academic achievement*. [Emphasis added.]

Thus, the broad authority of the Board to impose additional eligibility requirements is carefully limited by the Legislature's explicit language defining the dual goals of the Board to increase access to postsecondary education and to reward high school graduates who have achieved academically. When the Act is read as a whole, the Legislature has provided standards to limit the authority of the Board in imposing additional eligibility requirements.

Consideration then turns to whether the standards are as reasonably precise as the subject matter requires or permits. Here, since the Board may only exercise its authority to impose additional eligibility requirements within the context of achieving its legislatively defined goals of increasing access to postsecondary education and rewarding demonstrated academic achievement, the standards are reasonably precise in light of the regulated subject matter. These two statutory goals direct and give focus to the Board in implementing the Michigan merit award scholarship program.

Third, if possible, the Act must be construed in a way that renders it valid as conferring administrative rather than legislative power. The Act may be given a constitutional construction by limiting the Board's authority to impose additional eligibility requirements to include only those requirements that implement the legislatively defined goals of the Board to increase access to postsecondary education and to reward demonstrated academic achievement. Construing the delegation of authority in section 7b(1)(e) in this manner, the Board's power to impose additional eligibility requirements does not constitute an unconstitutional delegation of legislative authority.

The question that arises next is whether the additional eligibility requirement to perform voluntary community service is authorized by the Act. *Luttrell v Dep't of Corrections*, 421 Mich 93, 100; 365 NW2d 74 (1984), sets forth the test for resolving this issue:

> The offenders challenge the validity of the Department of Corrections' rules and policy directives under the standard quoted in *Chesapeake & Ohio R Co v Public Service Comm*, 59 Mich App 88, 98-99; 228 NW2d 843 (1975), *lv den* 394 Mich 818 (1975):
>
> > "Where an agency is empowered to make rules, courts employ a three-fold test to determine the validity of the rules it promulgates: (1) whether the rule is within the matter covered by the enabling statute; (2) if so, whether it complies with the underlying legislative intent; and (3) if it meets the first two requirements, when [*sic*] it is neither arbitrary nor capricious."

The Board's power to impose additional eligibility requirements is limited by the legislatively imposed dual goals of the Board to increase access to postsecondary education and to reward high school graduates who have demonstrated academic achievement by providing scholarships to those graduates. The requirement that students complete 40 hours of voluntary community service in order to qualify for a

merit scholarship award neither increases access to postsecondary education nor rewards Michigan high school graduates for their academic achievements. Thus, the voluntary community service eligibility requirement is not within the matters authorized by the Board's enabling statute. Further, the requirement does not comply with the underlying legislative intent. Having failed to qualify under the first two prongs of the three-part test in *Luttrell*, it is not necessary to consider the third prong.

It is my opinion, therefore, that the Michigan Merit Award Scholarship Act, MCL 390.1451 *et seq*, does not authorize the Michigan Merit Award Board to add a requirement that a student complete 40 hours of voluntary community service in order to qualify for a Michigan Merit Award Scholarship.

MIKE COX
*Attorney General*

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**CIVIL SERVICE: Application of Police and Fire Civil Service Act to certain fire fighters**

**FIRE FIGHTERS:**

**In the absence of a collective bargaining agreement providing otherwise, the Police and Fire Civil Service Act, 1935 PA 78, as amended by 1986 PA 155, MCL 38.501 *et seq*, does not require a municipality to which that act applies, when reducing the number of full-time fire fighters for reasons of economy, to lay off volunteer, paid-on-call, or part-paid fire fighters with less time in service than the full-time fire fighters being laid off; nor is the municipality precluded by the act from doing so.**

**As a result of amendments to 1935 PA 78 enacted by 1986 PA 155, a municipality to which the Police and Fire Civil Service Act, MCL 38.501 *et seq*, applies is required to follow that act when hiring full-time paid members of its fire department only and not for volunteer, paid-on-call, or part-paid fire fighters.**

Opinion No. 7177 June 28, 2005

Honorable Michael A. Prusi
State Senator
The Capitol
Lansing, MI 48909

You have asked two questions concerning the authority of municipalities whose voters have adopted the Police and Fire Civil Service Act, 1935 PA 78, MCL 38.501 *et seq* (Act 78), to lay off and hire fire fighters.

You first ask whether a municipality subject to Act 78 may lay off full-time fire fighters, hired under Act 78, without first laying off part-paid or paid-on-call volunteer fire fighters, hired under Act 78 whose dates of hire are later than the dates of hire of the full-time fire fighters.

Prior to the amendment of Act 78 by 1986 PA 155, the Attorney General was asked if Act 78 applied to all of the employees, or only those who "'devote their whole time to fire fighting and law enforcement'" in those municipalities that employ "'full paid' *as well as* 'part time' and/or 'volunteer'" members of the police or fire

department. OAG, 1981-1982, No 5950, p 302 (August 10, 1981) (emphasis in original). The opinion quoted section 7 of Act 78, which then provided:

> "[N]o person shall be appointed, reinstated, promoted or discharged as a paid member of said departments . . . by any means other than those prescribed in this act." [OAG No 5950 at p 302.]

The opinion also quoted the following language of *Olson v City of Highland Park*, 345 Mich 345, 350; 76 NW2d 13 (1956), finding that Act 78 was intended to apply to *all* members of a department:

> "*The intent of the legislature to bring as far as possible without exception all members of the department under the civil service regulations is disclosed by the provisions of section 7 dealing with new appointments*. . . ." [*Id*.; emphasis in original.]

Citing that and other authorities, the Attorney General opined that Act 78 applied "to all members of the police and/or fire department, regardless of whether the member is a 'full paid,' 'part paid,' or 'volunteer' employee." *Id*., at p 303.

1986 PA 155 amended section 7 to add language limiting its application to full-time paid members of the department:

> [N]o person shall be appointed, reinstated, promoted, or discharged as a full-time paid member of a department . . . except as provided in this act. *This section applies only to full-time paid members as defined in section 17*. [MCL 38.507; emphasis added.]

Consistent with an intent to limit Act 78 to full-time paid members, the title to the Act was amended to declare that the Act's purpose is "to provide a civil service system . . . for appointment, employment, and promotion of all *full-time paid members*." (Emphasis added.)

1986 PA 155 added a definition of "full-time paid member" to mean "an officer, fire fighter, or police officer who is paid regularly by the city and devotes his or her whole time to fire fighting, law enforcement, or related activities." MCL 38.517(g).

Section 14(2) of Act 78 was amended so that the prescribed layoff procedure would no longer apply to "paid members" but would apply to *full-time* paid members of police or fire departments:

> *If for reasons of economy it shall be deemed necessary* by any city, village, or municipality *to reduce the number of full-time paid members of any fire or police department*, the municipality shall follow the following procedure: *Removals shall be accomplished* by suspending in numerical order, *commencing with the last employee appointed* to the fire or police department, all recent appointees to the fire or police department *until the reductions are made*. However, if the fire or police department increases in numbers to the strength existing before the reductions were made, the fire fighters or police officers suspended last under this act shall be reinstated before any new appointments to the fire or police department are made. [MCL 38.514(2); emphasis added.]

Section 14(2) requires that layoffs commence "with the last employee *appointed*" and continue until all the reductions are made. Use of the word "appointed" further clarifies the intent to limit this statutory layoff procedure to full-time paid members. As the title indicates, the purpose of the Act is "to provide a civil service system . . . of all full-time paid members." Section 7 governs the *appointment* of those persons:

> *Appointments* to . . . all paid fire or police departments . . . shall be made only according to qualifications and fitness . . . and no person shall be *appointed* . . . as a full-time paid member of a department . . . except as provided in this act. [MCL 38.507; emphasis added.]

The word "appointment" is defined in Act 78 to mean: "selection, promotion, appointing, or employing any person to hold any office, place, or position of employment subject to civil service." MCL 38.517(b). Since only full-time paid

members are part of the Act 78 civil service, they are the *appointed* employees whose layoffs are governed by the terms of section 14(2).

Clear and unambiguous statutory language must be enforced as written. *Macomb County Prosecuting Attorney v Murphy*, 464 Mich 149, 158; 627 NW2d 247 (2001). The language of section 14(2) is clear. By its terms, it applies only to full-time paid members of a fire or police department in an Act 78 municipality. However, to the extent any provision of Act 78 conflicts with a collective bargaining agreement governed by the provisions of the Public Employment Relations Act (PERA), MCL 423.201 *et seq*, in *Local 1383, Int'l Ass'n of Fire Fighters v City of Warren*, 411 Mich 642, 662-663; 311 NW2d 702 (1981), the Supreme Court stated:

> Although this Court has not previously had occasion to consider the conflicting requirements of the fire and police civil service act in contrast with PERA, our previous decisions compel a conclusion that the provisions of PERA control.
>
> * * *
>
> The mandatory bargaining duty of PERA and the need for uniformity, contrasted with the permissive nature of Act 78, lead us to determine that in enacting PERA the Legislature intended the bargaining duty to prevail over Act 78.

Also see *St Clair Prosecutor v AFSCME*, 425 Mich 204, 237; 388 NW2d 231 (1986), distinguishing *Local 1383*, in a case where no conflict was found with the provisions of PERA.

It is my opinion, therefore, in answer to your first question, that in the absence of a collective bargaining agreement providing otherwise, the Police and Fire Civil Service Act, 1935 PA 78, as amended by 1986 PA 155, MCL 38.501 *et seq*, does not require a municipality to which that act applies, when reducing the number of full-time fire fighters for reasons of economy, to lay off volunteer, paid-on-call, or part-paid fire fighters with less time in service than the full-time fire fighters being laid off; nor is the municipality precluded by the act from doing so.

You next ask whether a municipality subject to Act 78 may hire volunteer, paid-on-call, or part-paid fire fighters, without following the hiring procedures outlined in Act 78, without first rescinding the Act by a majority vote of its electors.

As previously explained, Act 78 does not address or govern the procedures for retaining volunteer, paid-on-call, or part-paid fire fighters. Nor does Act 78 prevent a department in an Act 78 municipality from making use of volunteer, paid-on-call, or part-paid fire fighters. Thus, while section 7 requires that all appointments and promotions be made under the civil service selection system, the final sentence of that section limits that requirement to full-time paid members: "This section applies only to full-time paid members as defined in section 17."

It is my opinion, therefore, in answer to your second question, that as a result of amendments to 1935 PA 78 enacted by 1986 PA 155, a municipality to which the Police and Fire Civil Service Act, MCL 38.501 *et seq*, applies is required to follow that act when hiring full-time paid members of its fire department only and not for volunteer, paid-on-call, or part-paid fire fighters.

MIKE COX
*Attorney General*

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**MICHIGAN HISTORICAL COMMISSION: Constitutionality of statute specifying term of office of Michigan Historical Commission**

**CONST 1963, ART 5, § 3:**

**PUBLIC OFFICERS AND EMPLOYEES:**

**Const 1963, art 5, § 3 requires that the terms of office of a board or commission created or enlarged after the effective date of the Constitution shall not exceed four years. 2001 PA 66 enlarged the Michigan Historical Commission. As a result, by the self-executing operation of Const 1963, art 5, § 3, the terms of office of the members of the Michigan Historical Commission cannot exceed four years.**

**Const 1963, art 5, § 3 invalidates only those provisions of 2001 PA 66 that specify a term of office in excess of four years and does not affect the remaining provisions of that act.**

Opinion No. 7178 August 2, 2005

Mr. William M. Anderson, Director
Department of History, Arts and Libraries
702 West Kalamazoo Street
Lansing, Michigan 48909

You have asked three questions concerning the constitutionality of 2001 PA 66, which amended the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 *et seq*. You first ask whether 2001 PA 66 is unconstitutional in light of Const 1963, art 5, § 3.

Const 1963, art 5, § 3 provides, in pertinent part:

> Terms of office of any board or commission created or enlarged after the effective date of this constitution shall not exceed four years except as otherwise authorized in this constitution. The terms of office of existing boards and commissions which are longer than four years shall not be further extended except as provided in this constitution.

The Michigan Historical Commission (MHC) advises the director of the Department of History, Arts, and Libraries, and also approves Michigan Historical Markers. Under MCL 399.4, the MHC is charged with collecting and preserving records, archives, paintings, and statuary that illustrate the history of Michigan and the old Northwest Territory. The MHC also publishes source material and historical studies concerning the history of our State.

Before 2001 PA 66, the structure of the MHC had gone largely unchanged since its inception in 1913 and consisted of "six members, with the addition of the governor, ex officio." Section 1 of 1913 PA 271, as amended by 1917 PA 192 and 1951 PA 250. The terms of office of the MHC members were established in section 2 of 1913 PA 271:

> The Governor shall appoint members of said commission for the following terms: One for one year, one for two years, one for three years, one for four years, one for five years, and one for six years, and thereafter one member annually for a term of six years until their successors shall have been appointed and qualified.[1]

[1] Although the term of the commission exceeded four years, the MHC was in existence with a six-year term at the time the Michigan Constitution of 1963 became effective, and so under art 5, § 3, it was allowed to keep its six-year term provided it was not enlarged.

2001 PA 66 enlarged the MHC from seven members to ten members, amending section 1(1) of 1913 PA 271, MCL 399.1(1), to read:

> There is hereby created within the department a commission to be known as the Michigan historical commission. The commission shall consist of the following members:
>
> (a) One member appointed by the speaker of the house of representatives.
>
> (b) One member appointed by the senate majority leader.
>
> (c) Seven members appointed by the governor by and with the advice and consent of the senate. One of the members appointed under this subdivision shall be a representative of the historical society of Michigan. The governor shall make this appointment from a list of 3 persons nominated by the historical society of Michigan.
>
> (d) The director of the department, serving as an ex officio member.

2001 PA 66 further amended MCL 399.2 to set the terms of office for the new commission members:

> (1) . . . The additional member appointed by the governor as provided for in the 2001 amendatory act that amended this section shall serve for a term of 6 years and until his or her successor is appointed and qualified.
>
> (2) A member of the commission appointed to the commission by the speaker of the house of representatives or the senate majority leader . . . shall hold office for a term of 2 years to coincide with the term of office of state representative. [MCL 399.2(1) and (2).]

Michigan courts "have a duty to construe a statute as constitutional unless its unconstitutionality is clearly apparent" and will presume a statute is constitutional. *Taylor v Gate Pharmaceuticals*, 468 Mich 1, 6; 658 NW2d 127 (2003). Every reasonable presumption or intendment must be indulged in favor of the validity of an act, and only when a statute is so clearly invalid as to leave no room for reasonable doubt that it violates some provision of the Constitution will a court refuse to sustain its validity. *Phillips v Mirac, Inc*, 470 Mich 415, 423; 685 NW2d 174 (2004). Whenever possible, an interpretation that does not create constitutional invalidity is preferred to one that does. *Michigan State AFL-CIO v Employment Relations Comm*, 453 Mich 362, 378; 551 NW2d 165 (1996). Similarly, courts avoid constructions of statutes that render the statute meaningless. *People v Claypool*, 470 Mich 715, 730; 684 NW2d 278 (2004). Finally, individual parts of an act are not to be examined out of context but should be interpreted with regard to the intent of the Legislature in enacting the whole:

> [T]he entire act must be read, and the interpretation to be given to a particular word in one section arrived at after due consideration of every other section so as to produce, if possible, a harmonious and consistent act as a whole. [*Baraga County v State Tax Comm*, 466 Mich 264, 274-275 n 6; 645 NW2d 13 (2002); citation omitted.]

While legislative enactments are to be interpreted in a manner consistent with the Constitution wherever possible, taking MCL 399.1 and MCL 399.2 together, there is no ambiguity in the enactment. 2001 PA 66 added three new members to the MHC. By enlarging the MHC, 2001 PA 66 triggered Const 1963, art 5, § 3. No reasonable interpretation of this section of the act can avoid conflicting with the four-year limit imposed by art 5, § 3.

The question then becomes what effect Const 1963, art 5, § 3 has on 2001 PA 66. To answer this question, it must be determined whether Const 1963, art 5, § 3 is self-executing or if it requires implementing legislation in order to place any limits on acts of the Legislature. The official record of the 1961 Constitutional Convention offers no guidance as to the framers' intent concerning this particular clause of the Constitution, as the debates on this section focused on other clauses. However, in

*Musselman v Governor*, 448 Mich 503, 523 n 24; 533 NW2d 237 (1995), the Court, quoting *Davis v Burke*, 179 US 399, 403; 21 S Ct 210; 45 L Ed 249 (1900), described how to determine whether a constitutional provision is self-executing:

> "A constitutional provision may be said to be self-executing if it supplies a sufficient rule by means of which the right given may be enjoyed and protected, or the duty imposed may be enforced; and it is not self-executing when it merely indicates principles, without laying down rules by means of which those principles may be given the force of law." [Citation omitted.]

Moreover, the Court noted that "[a]s a general rule, no legislation is necessary to give effect to a prohibition." *Id*., at 523.

Const 1963, art 5, § 3 sets out a clear rule that terms of office of boards and commissions shall not exceed four years unless otherwise authorized by the Constitution.[2] Far from a mere statement of principle, it specifies the limit and the terms of office to which it applies. As a result, Const 1963, art 5, § 3 lays out the rule with enough clarity and specificity to be given the force of law.

Further, by its language, Const 1963, art 5, § 3 is plainly a prohibition:

Terms of office of any board or commission created or enlarged after the effective date of this constitution *shall not* exceed four years except as otherwise authorized in this constitution. [Emphasis added.]

Under the rule identified in *Musselman*, no legislation is necessary to give effect to Const 1963, art 5, § 3. This provision of the Constitution is self-executing. It operates on its own to invalidate the terms of office of enlarged or newly created boards and commissions to the extent those terms exceed four years and requires no legislation to implement this limitation.[3]

It is my opinion, therefore, in answer to your first question, that Const 1963, art 5, § 3 requires that the terms of office of a board or commission created or enlarged after the effective date of the Constitution shall not exceed four years. 2001 PA 66 enlarged the Michigan Historical Commission. As a result, by the self-executing operation of Const 1963, art 5, § 3, the terms of office of the members of the Michigan Historical Commission cannot exceed four years.

You next ask whether, in light of Const 1963, art 5, § 3 rendering parts of 2001 PA 66 ineffective, the remaining provisions of 2001 PA 66 are also rendered ineffective. Section 1 of 2001 PA 66 changes the ex officio member. MCL 399.1. This does not implicate Const 1963, art 5, § 3. Section 2(2) sets the terms of office for the two legislative appointees. MCL 399.2(2). These terms are within the four-year limitation set by Const 1963, art 5, § 3 and are likewise inoffensive to the Constitution. Sections 4a, 6, 7, and 7a of 2001 PA 66 concern record retention, publication of historical materials, and the administration of a store. MCL 399.4a, MCL 399.6, MCL 399.7, MCL 399.7a. These sections have no bearing on the terms of office for the MHC, and so Const 1963, art 5, § 3 has no bearing on their validity.

It is my opinion, therefore, in answer to your second question, that Const 1963, art 5, § 3 invalidates only those provisions of 2001 PA 66 that specify a term of office in excess of four years and does not affect the remaining provisions of that act.

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[2] For example, the Constitution authorizes eight-year terms for the State Board of Education and for the boards of control of the state universities and community colleges. Const 1963, art 8, §§ 3, 5, 6, and 7.

[3] The Legislature may, consistent with Const 1963, art 5, § 3, establish terms of office that are less than the four years allowed by the Constitution, but it is not permitted to exceed the four-year limitation unless otherwise authorized by the Constitution.

Finally, you ask what effect 2001 PA 66 has on the terms of office of the members of the MHC. This question has been answered in response to your first question. As stated above, because the MHC has been enlarged, Const 1963, art 5, § 3 limits the terms of office of those serving on the MHC on and after the effective date of 2001 PA 66 to no longer than four years. This provision is self-executing and so the four-year limit established by Const 1963, art 5, § 3 operates by its own force to set the terms of office of the gubernatorial appointees.[4] While the Legislature may decide at some point to revisit this issue, until that time the terms of office of the gubernatorial appointees are limited by the Constitution to no more than four years.

MIKE COX
*Attorney General*

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**CONST 1963, ART 4, § 25: Constitutionality of certain appropriation acts**

**APPROPRIATIONS:**

**SUPPLEMENTAL APPROPRIATIONS:**

**Laws enacting appropriations, whether general or supplemental appropriation acts, are subject to the provisions of the constitution governing the enactment of laws, including Const 1963, art 4, § 25. Section 805 of 2004 PA 309 (Enrolled Senate Bill 267) violates Const 1963, art 4, § 25 because it purports to make changes to another law without reenacting and publishing the affected section of that law.**

**Insofar as section 806 of 2004 PA 309 (Enrolled Senate Bill 267) and section 628 of 2004 PA 361 (Enrolled House Bill 5528) change the conditions imposed on appropriations enacted by 2003 PA 161 and 2003 PA 162 or would change the laws governing the Mackinac Bridge Authority and management of the Mackinac Bridge, they violate Const 1963, art 4, § 25.**

**To the extent the Detroit Transportation Corporation qualifies as an "eligible authority" or "eligible governmental authority" under MCL 247.660c(b) and (c), section 707 of 2004 PA 361 (Enrolled House Bill 5528) violates Const 1963, art 4, § 25 insofar as it would exclude the Detroit Transportation Corporation from the 1951 PA 51 definition of "eligible authority" or "eligible governmental agency," or would exclude it from receiving a grant under MCL 247.660e (4)(a)(i) without reenacting and publishing the relevant definitions and formulas in 1951 PA 51.**

Opinion No. 7179 September 8, 2005

Honorable Dan Acciavatti
State Representative
The Capitol
Lansing, MI 48913

You have asked several questions concerning Const 1963, art 4, § 25 and its application to both appropriation bills and supplemental appropriation bills. In particular, you ask whether sections 203, 602, 802, 804, and 805 of Enrolled Senate

[4] The two-year terms of office of the legislative appointees are not affected by art 5, § 3.

Bill 267 of 2004, enacted as 2004 PA 309, and sections 365, 628, and 707 of Enrolled House Bill 5528 of 2004, enacted as 2004 PA 361, violate Const 1963, art 4, § 25. Generally, this constitutional provision requires that, if a law is modified, the affected sections must be re-enacted and published at length.

Your letter acknowledges that Const 1963, art 4, § 25 applies to appropriation bills that would amend public acts published in the Michigan Compiled Laws,[1] but you question whether that provision applies to supplemental appropriation bills, such as Enrolled Senate Bill 267, that would amend general appropriation acts.

Several provisions of the Michigan Constitution address appropriation bills. The Governor presents a proposed budget, embodied in general appropriation bills, at the beginning of each fiscal period as required by Const 1963, art 5, § 18. These general appropriation bills for the ensuing fiscal period must be passed or rejected in either house of the Legislature before that house passes any appropriation bill for items not covered in the budget "except bills supplementing appropriations for the current fiscal year's operation." Const 1963, art 4, § 31.

Const 1963, art 9, § 17 requires that no money be paid out of the State treasury except in pursuance of appropriations "made by law." No distinction is made for supplemental appropriations. Const 1963, art 4, § 22 provides that all legislation shall be by bill. Const 1963, art 4, § 26 requires that no bill may become law without the concurrence of a majority of the members elected to and serving in each house. Every bill passed by the Legislature must be presented to the Governor. Const 1963, art 4, § 33. While the Governor may disapprove any distinct item appropriating money in an appropriation bill, the parts approved "shall become law." Const 1963, art 5, § 19. Every appropriation bill must go through this process. Thus, original appropriation acts are "laws," as are supplemental appropriation acts. The requirements of the state constitution for the enactment of "laws" apply equally to both general and supplemental appropriations.

Const 1963, art 4, § 25 states:

> No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

If the Legislature intends to revise, alter, or amend a statute,[2] it must use the constitutionally prescribed process to actually revise, alter, or amend the statute. In *City of Livonia v Dep't of Social Services*, 423 Mich 466, 490 n 15; 378 NW2d 402 (1985), quoting *Dearborn v Dep't of Social Services*, 120 Mich App 125, 133-134; 327 NW2d 419 (1982), *lv den* 417 Mich 1078 (1983), the Michigan Supreme Court explained that "Const 1963, art 4, § 25 is not violated unless the statute amending the act which has not been reenacted or published dispenses with or changes any provision of the amended act."

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[1] Unlike other laws, most appropriation acts are not assigned a Michigan Compiled Laws number for inclusion within the Michigan Compiled Laws. At least two appropriations acts, the Revised School Aid Act and the State Trunk Line Highway System Act, are published in the Michigan Compiled Laws. Regardless of these exceptions, all appropriations acts, general and supplemental, are published in the annual volumes of the Public Acts as required by Const 1963, art 4, § 35: "All laws enacted at any session of the legislature shall be published in book form within 60 days after final adjournment of the session, and shall be distributed in the manner provided by law."

[2] The term "statute" is equivalent to the term "law" as used in Const 1963, art 4, § 25 for purposes of this analysis. See *Vagts v Perry Drug Stores, Inc*, 204 Mich App 481, 485; 516 NW2d 102 (1994).

OAG, 1981-1982, No 6036, p 548, 550 (January 29, 1982), addressed the constitutionality of a provision of an appropriation act that would have amended a provision of 1951 PA 51, MCL 247.651 *et seq*, pertaining to grants for public transportation. Citing *Alan v Wayne County*, 388 Mich 210; 200 NW2d 628 (1972), *Advisory Opinion re Constitutionality of 1972 PA 294*, 389 Mich 441, 473; 208 NW2d 441 (1973), and *Midland Twp v State Boundary Comm*, 401 Mich 641; 259 NW2d 326 (1977), the Attorney General summarized the application of Const 1963, art 4, § 25:

> It is clear under the principles set forth above that where an appropriation bill *dispenses with or makes changes* in another statute, the amended provisions must be reenacted and republished. [OAG No 6036 at p 550; emphasis added.]

The Attorney General concluded that the provisions of the appropriation act that would have amended 1951 PA 51, without doing so directly, were unconstitutional.

However, if a statute or appropriation act simply refers to another act or incorporates an act by reference, that does not render the statute or appropriation act unconstitutional. OAG, 1981-1982, No 5883, p 101 (April 10, 1981). In that opinion, the Attorney General found that the Legislature may incorporate by reference entire sections of a previously adopted appropriation act or a new act constituting general limitations upon appropriations:

> An entire act, or sections of an act, may be incorporated by reference in a subsequent act, where the entire act, or entire sections or section of an act are incorporated without amendment or alteration. However, where an entire act or entire portions of an act are incorporated by reference in a later statute or act, which are amended or altered by a subsequent statute or act, such later provisions must be reenacted and published pursuant to Const 1963, art 4, § 25. [OAG No 5883 at p 103; citations omitted.]

Thus, under Const 1963, art 4, § 25, where an amendatory statute or appropriation act substantively alters or amends provisions of another statute or appropriation act, the affected provisions of the amended or altered statute or appropriation act must be reenacted and published at length.

The first part of your inquiry concerns 2004 PA 309. By its title, 2004 PA 309 is a supplemental appropriation for the 2003-2004 and 2004-2005 fiscal years:

> AN ACT to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

Your letter refers to sections 203, 602, and 802 of 2004 PA 309. These three provisions attempt to change previously enacted appropriation acts for the 2002-2003 and 2003-2004 fiscal years. As both these fiscal years have been closed in accordance with the Management and Budget Act, 1984 PA 431, MCL 18.1101 *et seq*, your questions regarding these sections are moot.

You next inquire about section 805 of 2004 PA 309. Your letter states that the intent of section 805 is to "amend transportation appropriations act PA 162 of 2003."

> Sec. 805. Except as otherwise provided in this section, a public transportation entity shall not receive state operating assistance for a scheduled regular route service which is competing with another private or public carrier over the same route. In situations where there is duplicate service, either both the public and private carriers shall receive the same level of operating assistance or neither one shall receive operating assistance.

In accordance with the principles stated above, section 805 of 2004 PA 309 violates Const 1963, art 4, § 25 insofar as it would amend section 10e (4)(a)(i) of 1951 PA 51[3] without reenacting and publishing that section.[4]

The second part of your inquiry concerns 2004 PA 361. 2004 PA 361 is a general appropriation act for MDOT for the 2004-2005 fiscal year, as expressed in its title:

> AN ACT to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Section 806[5] of 2004 PA 309 attempts to limit the use of funds appropriated in that act and two previous appropriation acts:

> Funds appropriated in part 1 of this act, in 2003 PA 161, or in 2003 PA 162 shall not be used to transfer investment management functions from the Mackinac Bridge Authority to the state treasurer. All bridge operating functions currently performed by the Mackinac Bridge Authority remain within the Mackinac Bridge Authority established under section 2 of 1950 (Ex Sess) PA 21, MCL 254.302. The legislature concurs with the findings of the Governor's Mackinac Bridge Task Force established under Executive Order No. 1986-14 that the Mackinac Bridge Authority remain in existence and continue to operate and maintain the bridge in the future.

Section 628 of 2004 PA 361 similarly provides:

> Funds appropriated in part 1 shall not be used to transfer investment management functions from the Mackinac Bridge Authority to the state treasurer. All bridge operating functions currently performed by the Mackinac Bridge Authority remain within the Mackinac Bridge Authority established under section 2 of 1950 (Ex Sess) PA 21, MCL 254.302. The legislature concurs with the finding of the Governor's Mackinac Bridge Task Force established under Executive Order No. 1986-14 that the Mackinac Bridge Authority remain in existence and continue to operate and maintain the bridge in the future.

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[3] Section 805 would also change how funds are expended under another act. Section 805 would change section 10e (4)(a)(i) of 1951 PA 51, MCL 247.660e, as that section allows MDOT to define "eligible operating expenses" that qualify for the grant: "(i) For the fiscal year ending September 30, 1998, and for each fiscal year thereafter, each eligible authority and eligible governmental agency which provides public transportation services in urbanized areas under Public Law 103-272, 49 U.S.C. 5307, with a Michigan population greater than 100,000 shall receive a grant of up to 50% of their *eligible operating expenses as defined by the state transportation department*." [Emphasis added.]

[4] Should the Legislature wish to amend 1951 PA 51, care should be taken to follow the guidance in OAG, 1981-1982, No 6063, p 638, 640 (April 29, 1982). Amendments to 1951 PA 51 "must be made by reenacting and republishing the provisions of 1951 PA 51 . . . intended to be amended rather than by way of enactment of provisions in an appropriation act."

Moreover, to the extent that compliance with Const 1963, art 4, § 25 in the enactment of supplemental appropriations may be considered burdensome, the Supreme Court has made clear that such a burden must be borne:

> [C]onstitutional duties and requirements may not be avoided on the ground that it might be a lot of work to comply with the constitution. [*Alan v Wayne County*, 388 Mich 210, 282; 200 NW2d 628 (1972); emphasis omitted.]

[5] While your letter cites section 804 of 2004 PA 309 regarding the Mackinac Bridge Authority, it appears that it is section 806 of 2004 PA 309, and not section 804, that refers to the Mackinac Bridge Authority.

The first sentence of each section prohibits the use of funds appropriated in part 1 "to transfer investment management functions from the Mackinac Bridge Authority to the state treasurer." The Department of Treasury has provided correspondence indicating that direct investment management functions for Mackinac Bridge funds were requested to be transferred by the Mackinac Bridge Authority on July 30, 2004, before the August 17, 2004, effective date of 2004 PA 309. In addition, section 2 of 1950 PA 21, MCL 254.302, already provides that the Mackinac Bridge funds will be handled by the State Treasurer:

> The treasurer of the state shall serve as treasurer of the [Mackinac Bridge] authority. . . . All funds shall be handled by the state treasurer in the same manner and shall be governed by the same provisions of law as apply to state funds.

To the extent that the language in the first sentences of section 628 of 2004 PA 361 and section 806 of 2004 PA 309 would change MCL 254.302 and prevent the State Treasurer from carrying out the statutory responsibility stated there, it would violate Const 1963, art 4, § 25.

The intent of the remainder of section 806 of 2004 PA 309 and section 628 of 2004 PA 361 is unclear; it either reiterates existing law concerning the Mackinac Bridge Authority and management of the Mackinac Bridge,[6] or changes how the bridge is managed under existing law. The former purpose would not violate Const 1963, art 4, § 25 as no existing law would be changed. To the extent that section 806 and section 628 would change how the Mackinac Bridge is managed under existing law, they violate Const 1963, art 4, § 25 because they do not reenact and publish the sections of existing law that are being changed.

Next you ask if section 365 of 2004 PA 361 is unconstitutional as contrary to the requirements of federal law. Section 365 provides that no funds appropriated by part 1 may be expended for the development of design plans or the construction of "Practical Alternative 5" or "Practical Alternative 5 modified" and states a legislative intent that MDOT construct a full limited access freeway within the US-131 corridor:

> No funds appropriated in part 1 may be expended for the development of design plans or for the construction of either Practical Alternative 5 or Practical Alternative 5 modified, as identified in US-131 Improvement Study in St. Joseph County. It is the intention of the legislature that the department proceed with the construction of a full limited access freeway development within the US-131 planning corridor from the Indiana state line to north of the city of Three Rivers to Lovers Lane. The highway location must be determined with public input and using Practical Alternative numbers 1 through 4.

There is insufficient information in your request to determine whether this section is contrary to the requirements of federal law or to assess the implications of such a conflict. A determination as to this section's constitutionality would require significant factual development beyond the scope of this opinion.

Finally, you ask whether section 707 of 2004 PA 361 violates Const 1963, art 4, § 25. Section 707 provides that the Detroit Transportation Corporation is not an eligible authority or eligible governmental agency under 2004 PA 361 and is not entitled to receive grant funding:

> For the fiscal year ending September 30, 2005, each eligible authority and each eligible governmental agency which provides public transportation services in urbanized areas with a Michigan population of less than or equal to 100,000 and nonurbanized areas under section 5311 of title 49 of the United States Code,

[6] The Mackinac Bridge Authority was transferred by Type I transfer to the predecessor to the Michigan Department of Transportation (MDOT). See section 357 of the Executive Organization Act of 1965, MCL 16.457. The resulting restructuring of the powers of the Mackinac Bridge Authority, and the successor, MDOT, was explained in OAG, 1965-1966, No 4479, p 209 (March 9, 1966), and OAG, 1965-1966, No 4468, p 291 (May 24, 1966).

49 USC 5311, shall receive a grant of up to 60% of its eligible operating expenses. Each eligible authority and each eligible government agency which provides public transportation services in urbanized areas with a Michigan population of greater than 100,000 under section 5307 of title 49 of the United States Code, 49 USC 5307, shall receive a grant of up to 50% of its eligible operating expenses. *The Detroit Transportation Corporation is not an eligible authority or eligible governmental agency under this act and is not eligible for grants funded from appropriations made in this act*. [Emphasis added.]

Your letter states that the Governor indicated that this emphasized sentence conflicts with 1951 PA 51, which provides for disbursement of funds to eligible authorities and eligible governmental authorities. Section 10c of 1951 PA 51, MCL 247.660c, defines "eligible authority" and "eligible governmental agency" and section 10e of 1951 PA 51, MCL 247.660e, provides the relevant formula for the distribution of operating funds.

Section 10c provides in relevant part:

(b) "Eligible authority" means an authority organized pursuant to the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426.

(c) "Eligible governmental agency" means a county, city, or village or an authority created pursuant to 1963 PA 55, MCL 124.351 to 124.359; the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512; 1967 (Ex Sess) PA 8, MCL 124.1 to 124.13; 1951 PA 35, MCL 124.1 to 124.13; the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479; or the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. [MCL 247.660c(b) and (c).]

Section 10e provides in relevant part:

(4) After making or setting aside payments required by subsections (2) and (3), the balance of the comprehensive transportation fund shall be expended each fiscal year *as appropriated annually by the legislature* pursuant to the state transportation program approved by the commission as follows:

(a) The third priority shall be the payment of operating grants to eligible authorities and eligible governmental agencies according to the following formulations and subject to the following requirements:

(i) For the fiscal year ending September 30, 1998, and for each fiscal year thereafter, *each eligible authority and eligible governmental agency* which provides public transportation services in urbanized areas under Public Law 103-272, 49 U.S.C. 5307, with a Michigan population greater than 100,000 *shall receive a grant of up to 50% of their eligible operating expenses as defined by the state transportation department*. [MCL 247.660e(4)(a)(i); emphasis added.]

Thus, MCL 247.660e (4)(a)(i) is not self-executing but is dependent on annual appropriations. The Legislature is free to appropriate the total amount of money that will be available for distribution to "each eligible authority and eligible governmental agency." The Legislature may not, however, change the distribution formula as to specific authorities or agencies, or change the statutory definition of "eligible authority" or "eligible governmental agency," without complying with Const 1963, art 4, § 25. To the extent the Detroit Transportation Corporation qualifies as an "eligible authority" or "eligible governmental authority" under the definitions in MCL 247.660c(b) and (c), section 707 is unconstitutional because the Legislature failed to reenact and publish MCL 247.660c and 247.660e. See OAG No 6036, *supra*, and OAG No 6063, *supra*.

It is my opinion, therefore, that laws making appropriations, whether general or supplemental appropriation acts, are subject to the provisions of the constitution governing the enactment of laws, including Const 1963, art 4, § 25. Your questions regarding sections 203, 602, and 802 of 2004 PA 309 are moot because the 2002-

2003 and 2003-2004 fiscal years have closed. Section 805 of 2004 PA 309 violates Const 1963, art 4, § 25 because it purports to make changes to other laws without reenacting and publishing the affected sections of those laws. Insofar as section 806 of 2004 PA 309 and section 628 of 2004 PA 361 change the conditions imposed on appropriations enacted by 2003 PA 161 and 2003 PA 162 or would change the laws governing management of the Mackinac Bridge Authority and its funds, they violate Const 1963, art 4, § 25. The constitutionality of section 365 of 2004 PA 361 cannot be determined without additional factual information. Finally, to the extent the Detroit Transportation Corporation qualifies as an "eligible authority" or "eligible governmental authority" under MCL 247.660c(b) and (c), section 707 of 2004 PA 361 violates Const 1963, art 4, § 25 insofar as it would exclude the Detroit Transportation Corporation from the 1951 PA 51 definition of "eligible authority" or "eligible governmental agency," or would exclude it from receiving an operating assistance grant under MCL 247.660e (4)(a)(i) without reenacting and publishing the relevant definitions and formulas in 1951 PA 51.

MIKE COX
*Attorney General*

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**MUNICIPALITIES: Municipal authority to bill for costs of fire protection services**

**INTERGOVERNMENTAL AGREEMENTS:**

**FIRE PROTECTION:**

**A municipal ordinance imposing fees for fire service runs adopted pursuant to MCL 41.806a may only be applied within the territory of that municipality. In order for participating townships acting jointly with a village to impose fees for fire service runs within their respective territories, each must adopt its own authorizing ordinance under MCL 41.806a.**

Opinion No. 7180 September 29, 2005

Honorable Mike Nofs
State Representative
The Capitol
Lansing, MI 48909

You have asked a question regarding the extent to which a village ordinance may be made effective in an area outside the village's territory by the terms of a joint agreement. According to your letter, a village and three townships receive fire protection services from the village fire department under the supervision of a joint fire board authorized by section 11 of 1951 PA 33, MCL 41.801 *et seq* (Act). The agreement between these four units of government creating the joint fire board authorizes the village to bill for fire runs under its village billing ordinance in the defined coverage areas of each of these four units of government. You ask whether the village and these townships may, by agreement, impose the requirements of the village ordinance for paying the costs of fire runs on those persons and entities receiving fire services in the three townships.

The answer to your question requires a review of the history of the Act, which authorizes townships to provide fire and police services individually as well as jointly with other townships, villages, and certain cities meeting the population requirements of the Act. Until 1978, the Act did not have a provision that authorized billing for the fire services provided under the Act. Indeed, OAG, 1973-1974, No 4768, p 23 (April 20, 1973) considered the laws governing townships, including the then-applicable version of the Act, and concluded that townships did not have the authority to charge for fire runs.

1978 PA 101 amended Section 1(3) of the Act, MCL 41.801(3), to authorize township boards to defray the costs of providing fire protection services with the "[c]ollection of fees for services." See OAG, 1979-1980, No 5538, p 339 (August 10, 1979), which concluded, in light of this addition to the Act, that a township board may impose fees for fire protection services.

In a general updating of township statutes, 1989 PA 81 deleted the authority in section 1 of the Act, MCL 41.801, for the billing of fire runs. Shortly thereafter, however, 1990 PA 102 restored and enlarged the authority for the billing for fire protection services with the addition of section 6a of the Act, MCL 41.806a, providing in relevant part:

> The legislative body of a municipality providing emergency police or fire service *or the legislative bodies of municipalities acting jointly to provide such a service pursuant to this act may authorize by ordinance the collection of fees for the service*. [Emphasis added.]

A bill analysis for this amendment noted that 1989 PA 81 had "inadvertently deleted" the authority for fire runs. The analysis further explained that the amendment would also enable villages and small cities (as well as townships) to collect these fees plus fees for emergency police services, since townships often provide these services in cooperation with villages and small cities under the Act:

> Public Act 101 of 1978 amended Public Act 33 of 1951 to permit a township board, or boards acting jointly, to provide that the costs of purchasing and housing fire equipment, operating that equipment, or contracting for fire protection could be defrayed by the collection of fees for services. Public Act 33 already allowed townships to impose a special assessment to pay for these costs. With the recodification of the laws governing general law townships, however, the provision permitting the collection of fees was inadvertently deleted under Public Act 81 of 1989. Senate Bill 710 would not institute a new fee for townships, but simply would restore their authority to collect these fees. The bill also would authorize villages and small cities to collect fees for emergency police and fire services. Under Public Act 33, townships can contract with other municipalities for police or fire protection, and contiguous townships, cities, and villages can create joint police and fire administrative boards. [Senate Legislative Analysis, SB 710, February 4, 1991.]

Townships have only those powers conferred by law. *Hanslovsky v LeLand Twp*, 281 Mich 652, 655; 275 NW 720 (1937). Section 11(1) of the Act, MCL 41.811(1), authorizes the "governing bodies of 2 or more contiguous townships, villages, or qualified cities" to, "acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board." Section 6a of the Act explicitly authorizes the "*legislative bodies* of municipalities acting jointly" to provide emergency fire service to adopt ordinances for the collection of fees for these services. MCL 41.806a. (Emphasis added.) No provision of the Act authorizes one municipal legislative body to adopt a single fire service fee ordinance that would be effective outside its own territory and into the territories of the other participating municipalities through an agreement creating a joint fire board under section 11 of the Act. Under the rules of statutory construction, where the language of a statute is clear, judicial construction is neither required nor permitted. The statute must be applied as written. *Piper v Pettibone Corp*, 450 Mich 565, 571-572; 542 NW2d 269 (1995). This conclusion is buttressed by one of the leading treatises on the law of

municipal corporations, which states the general rule regarding the territorial reach of local ordinances as follows:

> Municipal ordinances are necessarily local in their application. Usually they operate only in the territory of the municipality by which they are enacted and can have no force beyond it. At least, without a grant of power, ordinances cannot operate beyond the corporate area. [5 McQuillin, Municipal Corporations (3rd ed, 2002 Cum Supp), § 15.30, p 176 (footnote omitted). See also *Deneen v Houghton County Street-Railway Co*, 150 Mich 235, 239; 113 NW 1126 (1907).]

Moreover, no other statutory authority empowers one municipality's legislative body to adopt a fire service fee ordinance that would apply within the territories of other participating municipalities acting jointly to provide fire service in the absence of those municipalities taking similar legislative action within their respective jurisdictions. Nor does any other statute authorize the imposition of a municipality's fire service fee ordinance in other municipalities through an agreement creating a joint fire board under section 11 of the Act.

The procedure for the adoption of ordinances by general law townships is set forth in MCL 41.181 – 41.186 and for charter townships in MCL 42.20 – 42.23. The procedure for the adoption of ordinances by general law villages is set forth in MCL 66.1 – 66.4 and for home rule villages in its charter provisions adopted pursuant to MCL 78.23 – 78.25b. In the absence of an ordinance applicable to a person or entity being billed for a fire run that has been adopted by the legislative body of the village or township where the fire protection run took place, neither the municipality nor the fire board has a basis on which to bill a person or entity for fire service fees.

It is my opinion, therefore, that a municipal ordinance imposing fees for fire service runs adopted pursuant to MCL 41.806a may only be applied within the territory of that municipality. In order for participating townships acting jointly with a village to impose fees for fire service runs within their respective territories, each must adopt its own authorizing ordinance under MCL 41.806a.

MIKE COX
*Attorney General*

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**MOTOR VEHICLE CODE: Michigan's recognition of foreign operator licenses**

**SECRETARY OF STATE:**

**TREATIES:**

**By virtue of the 1943 Convention on the Regulation of Inter-American Automotive Traffic, a resident of Mexico who is at least 18 years of age and possesses a driving license required by the laws of Mexico or issued by any political subdivision of Mexico having legal authority to issue driving licenses is entitled to exercise the same driving privileges in Michigan as were conferred by the issuing authority, without also obtaining a Michigan driver license.**

**Under MCL 257.302a, the Michigan Secretary of State has exchanged letters with certain foreign countries to confirm reciprocal operator privileges, as identified on the list published on the Michigan Secretary of State's website. Michigan must also extend operating privileges to individuals authorized to drive in the United States by the 1943 Convention on the Regulation of Inter-American Automotive Traffic and the 1949 Convention on Road Traffic entered into between the United States and certain other countries.**

Opinion No. 7181 October 6, 2005

Honorable Cameron Brown
State Senator
The Capitol
Lansing, MI 48913

Honorable Rick Shaffer
State Representative
The Capitol
Lansing, MI 48913

You have asked two questions concerning the operation of motor vehicles in Michigan by persons licensed in countries other than the United States. Materials accompanying your request suggest that local law enforcement agencies need guidance concerning whether a person licensed to operate a vehicle in Mexico may lawfully operate a vehicle in Michigan without also obtaining a Michigan driver license.

The United States is a signatory to several treaties governing the international use of highways. Treaties are the supreme law of the land. US Const, art VI, cl 2.[1] See *Missouri v Holland*, 252 US 416; 40 S Ct 382; 64 L Ed 641 (1920).

In 1943, the United States, Mexico, and other North and South American countries entered into a treaty to establish uniform rules to control and regulate international automotive traffic and facilitate the movement of motor vehicles. Convention on the Regulation of Inter-American Automotive Traffic, *opened for signature* December 15, 1943, 61 Stat 1129; TIAS 1567 (1943 Treaty). Compliance with the 1943 Treaty entitles "motor vehicles and motor vehicle operators to circulate on the highways of any of the Contracting States." 1943 Treaty, art VII.

Article VI of the 1943 Treaty imposes two requirements on a Mexican resident operating a vehicle in a signatory country. The operator must possess a driving license required by the laws of Mexico or issued by any political subdivision of Mexico having legal authority to issue driving licenses, and must be at least 18 years of age.[2] Nothing in the 1943 Treaty requires Michigan to recognize driving privileges beyond those granted by the issuing authority.

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[1] Art VI, cl 2 provides in pertinent part: "[A]ll Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

[2] Other provisions of the 1943 Treaty establish requirements that apply to vehicles. See 1943 Treaty, articles V, IX, X, XI, and XII.

In 1949, the United Nations formulated a treaty allowing drivers who possess valid driving licenses issued by the signatory nations to drive in other countries that are parties to the treaty, without further examination. Convention on Road Traffic, September 19, 1949, 3 UST 3008; TIAS 2487 (1949 Treaty); see *Eskew v Young*, 992 F Supp 1049, 1052-1053 (SD Ill, 1998); *Schofield v Hertz Corp*, 201 Ga App 830, 831-832; 412 SE 2d 853 (1991).[3]

This treaty was signed by the United States and countries in North and South America, Europe, Asia, Africa, and Australia. Mexico is not, however, a signatory to this treaty.[4] Article 30 of the 1949 Treaty recognizes that the Treaty only affects the rights of the signatory countries; it does not alter rights established between the United States and Mexico under the 1943 Treaty:

> This Convention shall terminate and replace, *in relations between the Contracting States*, the International Convention relative to Motor Traffic and the International Convention relative to Road Traffic signed at Paris on 24 April 1926, and the Convention on the Regulation of Inter-American Automotive Traffic opened for signature at Washington on 15 December 1943. [Emphasis added.]

It is my opinion, therefore, in answer to your first question, that by virtue of the 1943 Convention on the Regulation of Inter-American Automotive Traffic, a resident of Mexico who is at least 18 years of age and possesses a driving license required by the laws of Mexico or issued by any political subdivision of Mexico having legal authority to issue driving licenses is entitled to exercise the same driving privileges in Michigan as were conferred by the issuing authority, without also obtaining a Michigan driver license.

You also ask whether the Michigan Secretary of State publishes a list of countries with which the Michigan Secretary of State has exchanged letters confirming reciprocal operating privileges, as required by the Motor Vehicle Code. Materials accompanying your request suggest the need for uniform guidance concerning the recognition Michigan must afford foreign driver licenses.

The Motor Vehicle Code, 1949 PA 300, MCL 257.1 *et seq*, governs operation of motor vehicles in Michigan. MCL 257.302a provides that the Michigan Secretary of State may exchange letters with foreign countries to confirm reciprocal operating privileges and must publish a list of those countries:

> (1) Except as otherwise provided by this act, a nonresident operator of a motor vehicle, who is the holder of a license to operate a motor vehicle in the country in which he or she resides, shall not be required to obtain a license to operate any passenger vehicle within this state, if he or she does not receive compensation for such operation. This section shall not apply unless the secretary of state determines that the standards of the other country for licensing operators correspond substantially to those of this state and that the other country extends the same privileges to persons licensed to operate vehicles by this state. This section shall not apply unless the secretary of state and the other country have exchanged letters confirming the reciprocal extension of privileges to operate vehicles.

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[3] It is the reported position of the United States Department of State that the 1949 Treaty does not require that federal or state authorities recognize the foreign operator's license of a driver who has entered the United States without authority. *Contemporary Practice of the United States Relating to International Law*, 96 Am J Int'l L 706,709-710 (Sean D. Murphy ed., 2002).

[4] 1 USC 112a requires the Secretary of State of the United States to publish a compilation of all treaties to which the United States is a party. The compilation, entitled "Treaties in Force," can be found at http://www.state.gov/s/l/c8455.htm. The website includes a list of signatories to the 1943 Treaty and the 1949 Treaty in a file entitled "Multilateral Treaties: A-B," under the index heading "Automotive Traffic."

(2) On May 1 and November 1 each year, the secretary of state shall publish a list of the countries for which reciprocal operating privileges have been extended and withdrawn. The list shall be mailed to the courts, prosecuting attorneys, and law enforcement agencies of this state.

The Michigan Secretary of State's website publishes a list identifying the countries with which the Michigan Secretary of State has exchanged letters confirming reciprocal operating privileges. That list identifies only France and Germany.[5] While the list identifies countries with which the Michigan Secretary of State has exchanged such letters, it should not be regarded as providing a complete list of countries whose operator licenses must be recognized in Michigan. As discussed in connection with your first question, Michigan must recognize licenses issued by signatory countries to the 1943 and 1949 Treaties in accordance with the terms of those agreements.[6]

In answer to your second question, under MCL 257.302a, the Michigan Secretary of State has exchanged letters with certain foreign countries to confirm reciprocal operator privileges, as identified on the list published on the Michigan Secretary of State's website. Further, it is my opinion that Michigan must also extend operating privileges to individuals authorized to drive in the United States by the 1943 Convention on the Regulation of Inter-American Automotive Traffic and the 1949 Convention on Road Traffic entered into between the United States and certain other countries.

MIKE COX
*Attorney General*

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[5] http://michigan.gov/documents/International_Reciprocity_90483_7.pdf .

[6] This opinion does not address the federal laws and regulations which may apply in certain instances.

**FIREARMS: Meaning of retired police or law enforcement officer in the Concealed Pistol Licensing Act**

**LAW ENFORCEMENT OFFICERS:**

**The terms "retired police officer" or "retired law enforcement officer," as used in the Concealed Pistol Licensing Act, MCL 28.421 *et seq*, mean a certified police or law enforcement officer who retired in good standing from his or her employment as a police or law enforcement officer and who is receiving a retirement benefit.**

Opinion No. 7182 October 19, 2005

Honorable Herb Kehrl
State Representative
The Capitol
Lansing, MI 48909

You have asked several questions concerning the meaning of the terms "retired police officer" or "retired law enforcement officer" as used in the Michigan Concealed Pistol Licensing Act (CPLA), 2000 PA 381, MCL 28.421 *et seq*.

Section 5b(7)(c) of the CPLA, MCL 28.425b(7)(c), provides that, in order to become licensed to carry a concealed pistol, the applicant must have successfully completed a firearms course that satisfies the basic requirements of section 5j, MCL 28.425j, which includes such subjects as the safe handling of a pistol, fundamentals of pistol shooting, legal issues relating to firearms, avoiding confrontation, as well as training and practice on a firing range. Section 5*l*(2), MCL 28.425*l*(2), exempts from the educational requirements of section 5b(7)(c) an applicant "who is a retired police officer or retired law enforcement officer." The CPLA also prohibits licensees from carrying a concealed pistol in certain locations, such as schools, hospitals, and day care centers. MCL 28.425o. However, that prohibition does not apply to a licensee who is a "retired police officer or retired law enforcement officer." MCL 28.425o(4)(a).

You ask whether the term "retired police officer" or "retired law enforcement officer" includes an officer who worked part time and is not eligible for retirement benefits. Your other questions present additional factual variations on the first, including whether an officer would be deemed "retired" under the CPLA if the officer was receiving less that full benefits, lacks a retirement card, or retired for medical reasons and was collecting workers compensation benefits. By way of background, you advise that a prosecutor who serves as the chairperson of a county concealed weapon licensing board has taken the position that a retired police or law enforcement officer must be receiving retirement benefits in order to be eligible for the exemptions found in the CPLA.

The terms "retired police officer" and "retired law enforcement officer" are defined in section 1(h) of the CPLA, MCL 28.421(h):

> "Retired police officer" or "retired law enforcement officer" means an individual who was a certified police officer or certified law enforcement officer as those terms are defined under section 2(k) of the commission on law enforcement standards act, 1965 PA 203, MCL 28.602,[1] and retired in good standing from his or her employment as a police officer or law enforcement officer.

[1] Former section 2(k) of the Commission on Law Enforcement Standards Act is now section 2(*l*) by virtue of an amendment to that act by 2004 PA 379.

The Michigan Commission on Law Enforcement Standards Act (MCOLES Act), MCL 28.601 *et seq*, does not expressly define the terms "certified police officer" or "certified law enforcement officer." Section 2(*l*) of that act, however, does define "police officer" or "law enforcement officer":

> "Police officer" or "law enforcement officer" means, unless the context requires otherwise, any of the following:
>
> (*i*) A regularly employed member of a law enforcement agency authorized and established pursuant to law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Police officer or law enforcement officer does not include a person serving solely because he or she occupies any other office or position.
>
> (*ii*) A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations set forth in section 9(3).
>
> (iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382.
>
> (*iv*) A law enforcement officer of a multicounty metropolitan district, subject to the limitations of section 9(7).
>
> (*v*) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county.
>
> (*vi)* Until December 31, 2007, a law enforcement officer of a school district in this state that has a membership of at least 20,000 pupils and that includes in its territory a city with a population of at least 180,000 as of the most recent federal decennial census. [MCL 28.602(*l*).]

The MCOLES Act further defines "certification" in section 2(b), MCL 28.602(b):

> "Certification" means either of the following:
>
> (*i*) A determination by the commission that a person meets the law enforcement officer minimum standards to be employed as a commission certified law enforcement officer and that the person is authorized under this act to be employed as a law enforcement officer.
>
> (*ii*) A determination by the commission that a person was employed as a law enforcement officer before January 1, 1977 and that the person is authorized under this act to be employed as a law enforcement officer.

The primary rule of statutory construction is to discern and effectuate the intent of the Legislature. *Sun Valley Foods Co v Ward*, 460 Mich 230; 236; 596 NW2d 119 (1999). Reading the relevant definitions together, it is reasonable to conclude that, for the purposes of the CPLA, the Legislature intended "certified police or law enforcement officer" to mean a person who meets the definition of a police or law enforcement officer in the MCOLES Act and who has met the qualifications for certification under that act.[2]

The question then turns to whether an officer who meets these requirements is "retired." Again, the primary goal of statutory construction is to ascertain and give effect to legislative intent. *People v Stanaway*, 446 Mich 643, 658; 521 NW2d 557 (1994). The word "retired" is not defined in either the CPLA or the MCOLES Act.

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[2] Michigan Administrative Code, 1988 AACS, R 28.4151(c) defines the term "certified as a police officer" as a "person who has met all the selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer."

The rules of statutory construction also require that every word or phrase of a statute be given its commonly accepted meaning. *Western Michigan Univ Bd of Control v Michigan*, 455 Mich 531, 539; 565 NW2d 828 (1997); MCL 8.3a. In the absence of a statutory definition, it is proper to resort to dictionary definitions. *State ex rel Wayne County Prosecuting Attorney v Levenburg*, 406 Mich 455, 465; 280 NW2d 810 (1979). *Webster's Third New International Dictionary, Unabridged Edition* (1964), defines "retired" as having "withdrawn from active duty or business" while "retire" is defined as "to withdraw from office, public station, business, occupation, or active duty." A person who is retired is a "retiree," which is synonymous with "retirant." *Id. Black's Law Dictionary* (7th ed) defines "retirement" as the "voluntary termination of one's own employment or career, [especially] upon reaching a certain age."

Applying these definitions alone, however, does not answer the question of whether an officer must be receiving retirement benefits in order to be deemed "retired" for the purposes of the CPLA. A literal application of the dictionary definition could lead to the conclusion that any certified officer who is separated from his or her position as a police or law enforcement officer, regardless of whether the officer meets the age and longevity requirement needed to qualify for retirement benefits, would qualify as "retired." By requiring that the officer be "retired," however, rather than merely a "former" officer, it is apparent that the Legislature contemplated more than that the officer has received basic training, been employed for the minimum period of time to become certified, and then left that position.

It is helpful in determining legislative intent to examine other statutes that relate to the same subject or share a common purpose. Such statutes are *in pari materia*, and may be read together as one law, even if they contain no reference to one another and were enacted on different dates. *Palmer v State Land Office Bd*, 304 Mich 628, 636; 8 NW2d 664 (1943). The purpose of the *in pari materia* rule is to give effect to the legislative purpose as found in harmonious statutes. *Jennings v Southwood*, 446 Mich 125, 136-137; 521 NW2d 230 (1994). In addition, the Legislature is deemed to be aware of the meaning given to the words it uses, *Anzaldua v Band*, 457 Mich 530, 543; 578 NW2d 306 (1998), and of the existence of the law in effect at the time of its enactments. *Malcolm v East Detroit*, 437 Mich 132, 139; 468 NW2d 479 (1991).

The term "retired" person or "retirant" has a particular meaning under various pension and employment statutes that are, therefore, relevant in determining the meaning of the terms "retired police officer" and "retired law enforcement officer" under the CPLA. For retirement purposes, a "retirant" is defined in section 2(c) of the Public Employee Retirement Benefits Forfeiture Act, 1994 PA 350, MCL 38.2702(c), as a "person who has retired with a retirement benefit payable from a retirement system." A "member" is defined as a person who is "a member, vested former member, or deferred member of a retirement system." MCL 38.2702(b). Thus, different terminology is employed for a person who is receiving a pension benefit (a "retirant") and a person who may qualify for a pension benefit but is not yet receiving it (a "member").[3]

The Fire Fighters and Police Officers Retirement Act, 1937 PA 345, MCL 38.551 *et seq*, provides that a "member" who is at least 55 years of age and has 25 years of service may "retire." MCL 38.556(1)(a). A member who becomes incapacitated due to a duty-related injury or disease "shall be retired" and receive a disability retirement pension. MCL 38.556(2)(d). A member who has at least five years of service and suffers a non-duty related injury or disease "may be retired by the retirement board" and receive a formula-based disability retirement pension. MCL 38.556(2)(e). In

[3] A similar distinction in terminology is also found in section 2 of the Public Employee Retirement Benefit Protection Act, 2002 PA 100, under which "retirant" means a person "who has retired with a retirement benefit payable from a retirement system," MCL 38.1682(e), and "member" means "a member, vested former member, deferred member . . . . " MCL 38.1682(c).

either case, "a retired member restored to active service shall again become a member of the retirement system" and any workers disability compensation benefits are to be offset against any retirement benefits. MCL 38.556(2)(f). The State Police Retirement Act of 1986, 1986 PA 182, MCL 38.1601 *et seq*, defines a "retirant" as "a member who separates from service and retires with a retirement allowance payable from the appropriate reserve of the retirement system." MCL 38.1604(3). These statutes governing retirement benefits, including those applicable to police officers, support the conclusion that a "retired" police or law enforcement officer is one who separates from service with a retirement benefit. This conclusion would apply regardless of the amount of retirement benefit the officer receives, whether the benefit is based on the officer being injured in the line of duty, or whether the officer receives a retirement card.[4] Given the changes that are being made in retirement benefits in various communities – such as "401(k)" defined contribution plans replacing defined benefit plans, and the possibility of delayed receipt of vested retirement benefits – the Legislature may wish to consider amending MCL 28.421(h) to assure that the language of the statute continues to reflect the underlying intent of the Legislature.

It is my opinion, therefore, that the terms "retired police officer" or "retired law enforcement officer," as used in the Concealed Pistol Licensing Act, MCL 28.421 *et seq*, mean a certified police or law enforcement officer who retired in good standing from his or her employment as a police or law enforcement officer and who is receiving a retirement benefit.

MIKE COX
*Attorney General*

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[4] This conclusion is also supported by the decision in *Clexton v Detroit*, 179 Mich App 209, 214; 445 NW2d 201 (1989). That case involved the interpretation of a city charter provision that defined a "retirant" as a member of the City's retirement system "who retires with a retirement allowance or pension paid by the retirement system." The plaintiff had left his employment before becoming eligible to receive his pension, retaining the right to a retirement allowance upon reaching retirement age. The plaintiff sought to receive payment of unused sick leave payable by the City to a "retirant." Since the plaintiff was not receiving a retirement benefit, the court found he was not a "retirant."

**FIREARMS: Possession and transfer of a machine gun**

**MICHIGAN PENAL CODE:**

**A person in Michigan may only possess a machine gun if it was lawfully possessed before May 19, 1986, and is properly registered under federal law. A person in Michigan may only transfer possession of a machine gun if authorized to do so by the federal Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.**

Opinion No. 7183 December 27, 2005

Honorable Leon Drolet
State Representative
The Capitol
Lansing, Michigan 48909

You have asked whether a person[1] in Michigan may transfer possession of a federally registered machine gun.

Possession of a machine gun by a person in Michigan is controlled by section 224 of the Michigan Penal Code, MCL 750.224:

> (1) A person shall not manufacture, sell, offer for sale, or possess any of the following:
>
> (a) A machine gun or firearm that shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger.
>
> * * *
>
> (3) Subsection (1) does not apply to any of the following:
>
> (a) A self-defense spray device as defined in section 224d.
>
> (b) A person manufacturing firearms, explosives, or munitions of war by virtue of a contract with a department of the government of the United States.
>
> (c) *A person licensed by the secretary of the treasury of the United States or the secretary's delegate*[2] to manufacture, sell, or *possess a machine gun*, or a device, weapon, cartridge, container, or contrivance described in subsection (1). [Emphasis added.]

Of greatest relevance to your question is the exception stated in subsection 3(c) above. Michigan law, therefore, prohibits the possession of a machine gun by a person unless that person has been "licensed" by the United States Government to manufacture, sell, or possess the weapon.

To determine how one becomes "licensed" by the federal government, the governing provision is subsection (*o*) of section 922 of the federal Firearms Owners' Protection Act of 1986 (FOPA), 18 USC 922(*o*). That subsection states in relevant part:

> (1) Except as provided in paragraph (2), it shall be unlawful for any person to transfer or possess a machinegun.
>
> (2) This subsection does not apply with respect to–

[1] Because your request only concerns private individuals, this opinion does not address any other classes of persons, such as law enforcement officers and military personnel.

[2] The historical responsibility of the Secretary of Treasury of the United States to regulate firearms through the Bureau of Alcohol, Tobacco, Firearms and Explosives was transferred by Congress to the United States Attorney General by Public Law No 107-296, Title XI, Subtitle B, § 1112(f)(4), (6), 116 Stat 2276 (2002).

* * *

(B) any lawful transfer or lawful possession of a machinegun that was lawfully possessed before the date this subsection takes effect [effective May 19, 1986]. [18 USC 922(*o*)(1) and (2)(B).]

After enactment of the FOPA, the Bureau of Alcohol, Tobacco, Firearms and Explosives promulgated implementing regulations permitting private ownership of a machine gun under specified circumstances. One of those regulations, 27 CFR 479.105, provides:

(a) General. As provided by 26 U.S.C. 5812 and 26 U.S.C. 5822, an application to make or transfer a firearm shall be denied if the making, transfer, receipt, or possession of the firearm would place the maker or transferee in violation of law. . . .

(b) Machine guns lawfully possessed prior to May 19, 1986. A machine gun possessed in compliance with the provisions of this part prior to May 19, 1986, may continue to be lawfully possessed by the person to whom the machine gun is registered and may, upon compliance with the provisions of this part, be lawfully transferred to and possessed by the transferee.

Thus, under federal law, a person may possess a machine gun if that person lawfully possessed it before May 19, 1986, or if the person is one to whom a person in lawful possession lawfully transferred possession after that date. Another regulation, 27 CFR 479.84, generally prohibits the transfer of a firearm "unless an application, Form 4 (Firearms), Application for Transfer and Registration of Firearm, in duplicate, executed under the penalties of perjury to transfer the firearm and register it to the transferee has been filed with and approved by the Director [of the Bureau of Alcohol, Tobacco, Firearms and Explosives]." The regulation further requires that the application provide a complete description of the firearm and detailed identification of both parties to the transfer. Under the current Form 4 (copy attached), the transferee is required to certify whether the transferee has been convicted of or is facing criminal felony charges, whether the transferee is a fugitive, illegal alien, addicted to controlled substances, subject to a domestic relations restraining order, has received a military dishonorable discharge, has been adjudicated mentally defective, or has been convicted of domestic violence. An affirmative answer to any of these questions results in a denial of the application. Another regulation, 27 CFR 479.85, requires that the application include the transferee's photograph and set of fingerprints. The application must also be certified by the appropriate state or local law enforcement official as to whether the official has any information indicating that the machine gun will be used for other than a lawful purpose or that possession of the gun by the transferee would be in violation of state or federal law. 27 CFR 479.85. The Form 4 application is then reviewed by the Director and, if approved, is returned to the transferor who may then transfer the weapon. The transferee is required to retain the approved Form 4 application as proof that the firearm is properly registered. 27 CFR 479.86.

In light of this federal regulatory background, it must next be determined whether this federal approval process culminates in the issuance of a "license" for purposes of the exception to the prohibition on the possession of a machine gun found in MCL 750.224.

The foremost rule in construing a statute is to discern and give effect to the intent of the Legislature. *Nastal v Henderson & Associates Investigations, Inc*, 471 Mich 712, 720; 691 NW2d 1 (2005). The first step in ascertaining that intent is to review the language of the statute. The plain meaning of the critical word itself as well as its placement and purpose in the statutory scheme must be considered. *Sun Valley Foods Co v Ward*, 460 Mich 230, 236-237; 596 NW2d 119 (1999).

The concept of licensure was discussed in *Bostrom v Jennings*, 326 Mich 146, 167; 40 NW2d 97 (1949) (Boyles, J. concurring):

[A] license means "to confer on a person the right to do something which otherwise he would not have the right to do." 33 Am Jur, "Licenses," § 2, p 325.

"The object of a license is to confer a right that does not exist without a license." *Chilvers v. People*, 11 Mich 43, 49.

"The popular understanding of the word license undoubtedly is, a permission to do something which without the license would not be allowable. . . ." *Youngblood v. Sexton*, 32 Mich 406, 419 (20 Am Rep 654).

The general understanding of a license is stated in Webster's New International Dictionary (2d ed), p 1425, as follows:

"License, license, *n* * * * Authority or liberty given to do or forebear any act; permission to do something."

Although the application and registration scheme provided for under the federal laws and regulations discussed above do not result in the issuance of a document labeled "license,"[3] the Form 4 application and resulting approval process bears all the hallmarks of licensure. The permission granted by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to transfer and possess a machine gun is the official authority required in order to avoid the federal proscription. Absent such approval, a person possessing a machine gun would be subject to serious sanctions, including prosecution and incarceration under both federal and state law. See 18 USC 924 and MCL 750.224(2).

Moreover, there is no indication in the plain text of MCL 750.224 that the Legislature intended the word "license" to have a meaning other than its ordinary meaning as described by the Court in *Bostrom*. Its purpose in the statutory scheme appears to be to assure that only those persons receiving the proper authorization from the appropriate federal officials are allowed to manufacture, sell, or possess a machine gun. The statute does not focus on the particular title or name given to that authorizing instrument. Accordingly, the authorization provided under the federal regulatory scheme embodied in 18 USC 922(*o*) and related regulations constitutes a "license" within the meaning of MCL 750.224.[4]

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[3] Compare 18 USC 923 (providing for the licensure of manufacturers, importers, dealers, and collectors).

[4] OAG, 1977-1978, No 5210, p 189 (August 10, 1977), reached the opposite conclusion on this question. However, at the time that opinion was issued, MCL 750.224 allowed a person to possess a machine gun if the person was "duly licensed to manufacture, sell, or possess any machine gun." As that opinion noted, when MCL 750.224 was amended in 1959, the Legislature considered a companion bill to license the possession of machine guns. The opinion concluded that the failure to enact the bill was evidence that no law existed to allow for the possession of a machine gun. The opinion further noted that then existing federal law only provided for the registration and not the licensing of machine guns. As discussed above, Congress subsequently enacted legislation authorizing the Director of Alcohol, Tobacco, Firearms and Explosives to formally approve the possession of certain machine guns. Moreover, soon after the issuance of OAG No 5210, the Legislature amended MCL 750.224 by 1978 PA 564 to specifically recognize an exception for a license issued by the United States Government. The Attorney General was also quick to recognize that with the amendment, the machine gun prohibition in MCL 750.224 did not apply to a person duly licensed by the Secretary of Treasury of the United States or the Secretary's delegate to possess a machine gun. Letter opinion of the Attorney General to Phillip Price, Chief, National Firearms Act Branch, United States Department of Treasury, dated April 25, 1979. Accordingly, OAG No 5210 is superseded by this opinion.

It is my opinion, therefore, that a person in Michigan may only possess a machine gun if it was lawfully possessed before May 19, 1986, and is properly registered under federal law. A person in Michigan may only transfer possession of a machine gun if authorized to do so by the federal Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

MIKE COX
*Attorney General*

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OMB No. 1140-0014 (10-31-2007)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

**Application for Tax Paid Transfer and Registration of Firearm**

**ATF Control Number**

**Submit in Duplicate to:**
**National Firearms Act Branch**
**Bureau of Alcohol, Tobacco, Firearms and Explosives, P.O. Box 73201**
**Chicago, Il 60673-7201**

2a. Transferee's Name and Address *(Including tradename, if any) (See instruction 2)*

Tranferee's Name & Address

2b. County
County

1. Type of Transfer *(Check one)*
☐ $5 ☑ $200
Submit with your application a check or money order for the appropriate amount made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives. Upon approval of this application, this office will acquire, affix and cancel the required "National Firearms Act" stamp for you. *(See instructions 2h, 2i and 3.)*

3a. Transferor's Name and Address *(Including trade name, if any) (Executors: see instruction 2k)*

Transferor's Name & Address

3b. Transferor's Telephone Number and Area Code

3c. If Applicable: Decedent's Name, Address, and Date of Death

Decedent's Info

3d. Number, Street, City, State and Zip Code of Residence *(or Firearms Business Premises)* if Different

Alternate Address

The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

4. Description of Firearm *(Complete items a through h)*

a. Name and Address of Manufacturer and/or Importer of Firearm

Manufacturer

b. Type of Firearm *(See instruction 1c)*

Machinegun

c. Caliber, Gauge or Size *(Specify)*

Caliber

d. Model

Model

Length *(Inches)*

e. Of Barrel:
Bbl

f. Overall:
OAL

g. Serial Number

Serial

h. Additional Description or Data Appearing on Firearm *(Attach additional sheet if necessary)*

Additional

5. Transferee's Federal Firearms License *(If any)*
*(Give complete 15-digit number) (See instruction 2b)*

| First 6 digits | 2 digits | 2 digits | 5 digits |
|---|---|---|---|
| 000000 | 00 | 00 | 00000 |

6. Transferee's Special (Occupational) Tax Status *(If any)*
a. Employer Identification Number
b. Class

7. Transferor's Federal Firearms License *(If any)*
*(Give complete 15-digit number) (See instruction 2b)*

| First 6 digits | 2 digits | 2 digits | 5 digits |
|---|---|---|---|
| 000000 | 00 | 00 | 00000 |

8. Transferor's Special (Occupational) Tax Status *(If any)*
a. Employer Identification Number
b. Class

**Under Penalties of Perjury, I Declare** that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Chapter 44, Title 18, United States Code; Chapter 53, Title 26, United States Code; or Title VII of the Omnibus Crime Control and Safe Streets Act, as amended; or any provisions of State or local law.

9. Consent to Disclosure of Information to Transferee *(See instruction 8).* I **Do** or **Do Not** *(Circle one)* Authorize ATF to Provide Information Relating to this Application to the Above-Named Transferee.

10. Signature of Transferor *(or authorized official)*

11. Name and Title of Authorized Official *(Print or type)*

12. Date

**The Space Below is for the use of the Bureau of Alcohol, Tobacco, Firearms and Explosives**

By authority of the Director, This Application has been Examined, and the Transfer and Registration of the Firearm Described herein and the Interstate Movement of that Firearm, when Applicable, to the Transferee are:

Stamp Denomination

☐ Approved *(with the following conditions, if any)*

☐ Disapproved *(For the following reasons)*

Signature of Authorized ATF Official

Date

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**Transferee Information**

The following questions must be answered by any transferee who is **not** a Federal firearms licensee or government agency. The transferee shall give full details on a separate sheet for all "YES" answers. *(See instruction 2d)*

| 13. Are You: | Yes | No | 14. Have You: | Yes | No |
|---|---|---|---|---|---|
| a. Charged by information or under indictment in any court for a crime punishable by imprisonment for a term exceeding one year? | | | a. Been convicted in any court of a crime for which the judge could have imprisoned you for more than one year, even if the judge actually gave you a shorter sentence? | | |
| b. A **fugitive** from justice? | | | | | |
| c. An alien who is **illegally** or unlawfully in the United States? | | | b. Been discharged from the armed forces under **dishonorable** conditions? | | |
| d. Under 21 years of age? | | | | | |
| e. An unlawful user of or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance? | | | c. Been adjudicated mentally defective or been committed to a mental institution? | | |
| | | | d. Renounced your United States citizenship? | | |
| f. Subject to a court order restraining you from harassing, stalking or threatening an intimate partner or child of such partner? | | | e. Been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim, or by a person with a similar relationship with the victim. | | |

**15. Transferee's Certification** *(See instruction 2e)*

I, Name, have a reasonable necessity to
*(Name of Transferee)*
possess the machinegun, short-barreled rifle, short-barreled shotgun, or destructive device described on this application for the following reason(s) Reason
and my possession of the device or weapon would be consistent with public safety (18 U.S.C. 922(b)(4) and 27 CFR 478.98).

UNDER PENALTIES OF PERJURY, I declare that I have examined this application and the documents submitted in support thereof, and to the best of my knowledge and belief it is true, correct and complete.

*(Signature of Transferee)* *(Date)*

**16. Photograph**

*Would you be interested in printing your photo directly on the form? I've done all of my forms this way and would be happy to create a custom form for you with your photo and all personal information for only $50. You'll only need to change the gun data everytime you submit a new form. Visit www.titleii.com/photo.htm for more information. All funds support www.titleii.com*

*Or simply select all text here and remove by hitting the spacebar*

**17. Law Enforcement Certification** *(See instruction 2e)*

I certify that I am the chief law enforcement officer of the organization named below having jurisdiction in the area of residence of

Name, I have no information indicating that the transferee will use the firearm or device
*(Name of Transferee)*
described on this application for other than lawful purposes. I have no information that the receipt or possession of the firearm or device described in item 4 would be place the transferee in violation of State or local law.

CLEO Name CLEO Title

*(Signature and Title of Chief Law Enforcement Officer)* *(Date)*

CLEO Organization and Street Address

*(Organization and Street Address)*

County

*(County)* *(Telephone Number)*

**Important Information for Currently Registered Firearms**

If this registration document evidences the current registration of the firearm described on it, please note the following information.

**Estate Procedures:** For procedures regarding the transfer of firearms in an estate resulting from the death of the registrant identified in item 2a, the executor should contact the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

**Change of Address:** Unless currently licensed under the Gun Control Act, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226, in writing, of any change to the address in Item 2a.

**Change of Description:** The registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226, in writing, of any change to the description of the firearm in Item 4.

**Interstate Movement:** If the firearm identified in item 4 is a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device, the registrant may be required by 18 U.S.C. § 922(a)(4) to obtain permission from ATF prior to any transportation in interstate or foreign commerce.

**Restrictions on Possession:** Any restriction *(see approval block on face of form)* on the possession of the firearm identified in item 4 continues with the further transfer of the firearm.

**Persons Prohibited from Possessing Firearms:** If the registrant becomes prohibited by 18 U.S.C. § 922 from possessing a firearm, the registrant shall notify the NFA Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226, in writing, immediately upon becoming prohibited for guidance on the disposal of the firearm.

**Proof of Registration:** This approved application is the registrant's proof of registration and it shall be made available to any ATF officer upon request.

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## Instructions

1. **Definitions**

a. **National Firearms Act (NFA).** Title 26, United States Code, Chapter 53. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.

b. **Gun Control Act (GCA).** Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 479.

c. **Firearm.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon as defined in 18 U.S.C. § 5845(e); (6) a machinegun; (7) a muffler or silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

d. **Person.** The term "person" means a partnership, company, association, trust, estate, or corporation, as well as a natural person.

e. **Employer Identification Number (EIN).** Required of taxpayer filing special (occupational) tax returns under 27 CFR § 479.35.

f. **SPECIAL (OCCUPATIONAL) TAX.** Required by the NFA to be paid by a Federal firearms licensee engaged in the business of manufacturing (Class 2), importing (Class 1), or dealing (Class 3) in NFA firearms.

g. **Federal Firearms License.** A license issued under the provisions of the GCA to manufacture, import or deal in firearms.

h. **ATF Officer.** An officer or employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) authorized to perform any function relating to the administration of the NFA.

i. **Transfer.** Selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of a firearm.

j. **Transferor.** The registered owner of a firearm who is applying to transfer it.

k. **Transferee.** The person acquiring the firearm.

l. **Misdemeanor Crime of Domestic Violence.** A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has cohabited with the victim as a spouse, parent, or guardian. The term includes all misdemeanors that involve the use or attempted use of physical force *(e.g., simple assault, assault and battery)*, if the offense is committed by one of the defined parties. The person is NOT considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.

2. **Preparation of Application**

a. **Authority.** As provided by 26 U.S.C. §§ 5811 and 5812, any person seeking to transfer a firearm tax paid must complete, in duplicate, an application on this form for each firearm. The transferor must furnish all the information called for on this application form.

b. **Federal Firearms Licensees.** If the transferor or transferee is licensed under the GCA, the name, trade name *(if any)*, and address shall be identified on the ATF Form 4 as they appear on the license. If item 6 is completed, the entity identified must be the same as the entity identified in item 5. For example, **if Item 5 identified a sole proprietor, item 6 cannot identify a corporation.** This also applies for the completion of items 7 and 8.

c. **Transferee Qualifications.** If the transferee is an individual and not licensed under the GCA, the questions in items 13 and 14 must be answered.

d. **Transferee Certification.** Item 15 must be completed by the transferee if:

(1) the firearm to be transferred is a machinegun, short-barreled rifle, short-barreled shotgun, or destructive device;
(2) the transferor is licensed under the GCA to deal in such device or firearm; and
(3) the transferee is not licensed under the GCA to deal in such device or firearm.

e. **Law Enforcement Certification.** Item 17 must be completed for an individual transferee, unless the transferee is licensed as a manufacturer, importer, or dealer under the GCA and is a special *(occupational)* taxpayer under the NFA at the time of the submission of the application for transfer. The chief law enforcement officer is considered to be the Chief of Police for the transferee's city or town of residence; the Sheriff for the transferee's county of residence; the Head of the State Police for the transferee's State of residence; a State or local district attorney or prosecutor having jurisdiction in the transferee's area of residence; or another person whose certification is acceptable to the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives. If someone has specific delegated authority to sign on behalf of the Chief of Police, Sheriff, etc., this fact must be noted by printing the Chief's, Sheriff's, or other authorized official's name and title, followed by the word "by" and the full signature and title of the delegated person. The certificate must be dated no more than one year prior to the date of receipt of the application.

f. **Photographs and Fingerprints.** An individual transferee, except if licensed as a manufacturer, importer, or dealer under the GCA, must (1) attach to Item 16, a 2 inch x 2 inch photograph of the frontal view of the transferee taken within 6 months prior to the date of the application and (2) attach two properly completed FBI Forms FD-258 *(Fingerprint Card with blue lines)* to the application. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them.

g. **Signatures.** All signatures required on ATF Form 4 must be original in ink on both copies.

h. **Remittance.** A check or money order, made payable to the Bureau of Alcohol, Tobacco, Firearms and Explosives, in the amount for the appropriate rate of tax *(see instruction 2i)* must be submitted with the ATF Form 4. Do not send cash.

i. **Rate of Tax.** The tax on the transfer of any NFA firearm is $200.00, except that the tax is $5.00 on the transfer of a firearm classified as "any other weapon."

j. **Photocopies, Computer Generated Versions, or Downloaded Version from ATF Website.** The ATF Form 4 may be photocopied, computer-generated *(as long as it is in the same format and contains all required information)*, or downloaded from the ATF website *(www.atf.gov)*. Please note the instructions on the website.

k. **Estates.** If the firearm is being transferred from an estate, item 3a shall reflect: the executor's name, title *(executor (or executrix, administrator, administratrix)* of the estate of *(name))*, and the executor's address. Item 3c shall reflect the address of the decedent and the date of death. *(see the ATF Internet website at **www.atf.gov** for additional information about transfers from estates.)*

l. **Submission.** All requested information must be entered in blue or black ink and must be legible. Send both copies of the ATF Form 4 and attachments to the address located in the upper right hand corner on the face side of the ATF Form 4. The return of the application or sending it to any other address will only delay the processing.

m. **State or Local Permit.** If a State or local permit or license is required for the transferee prior to acquisition of the firearm, a copy of the permit must be included with the application.

3. **Approval of Application.** Upon approval of an application, the NFA Branch will affix the appropriate NFA transfer tax stamp, cancel it, and return the approved copy with the stamp affixed to the transferor for delivery with the firearm to the transferee. Since the approval of the application effectuates registration of the firearm to the transferee, the physical transfer of the firearm must be completed immediately; however, the transferor must not transfer the firearm until the application has been approved and received. If the physical transfer of the firearm cannot be completed immediately, the transferor must contact the NFA Branch with the specifics.

4. **Withdrawal of Application.** The transferor may withdraw an application prior to approval subsequent to a written request. The NFA Branch will arrange for a refund of the taxpaid.

5. **Cancellation of Approved Application.** The transferor may cancel an approved application only if the physical transfer of the firearm has not been completed. The transferor must return the approved application with the tax stamp affixed with a written request for cancellation, citing the need and that the physical transfer of the firearm did not take place. The NFA Branch will arrange for a refund of the tax paid.

6. **Disapproval of Application.** If the application is disapproved, the NFA Branch will note the reason for disapproval on the application and return one copy of the ATF Form 4 to the transferor. The NFA Branch will arrange for a refund of the tax paid.

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7. **Reasons for Disapproval.** 26 U.S.C. § 5812 provides that applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

   a. **State or Local Law.** If State or local law prohibits the receipt or possession of the firearm being transferred, the application will be disapproved.

   b. **Persons Prohibited from Receiving a Firearm.** The application will be disapproved if the transferee is a person prohibited from receiving a firearm by 18 U.S.C. § 922(g), which provides that it shall be unlawful for any person—

      (1) who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
      (2) who is a fugitive from justice;
      (3) who is an unlawful user of or addicted to any controlled substance;
      (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
      (5) who, being an alien, is illegally or unlawfully in the United States or except as provided in 18 U.S.C. 922(y)(2), has been admitted to the United States under a non-immigrant visa (*as that term is defined in 8 U.S.C. 1101(a)(26)*);
      (6) who has been discharged from the Armed Forces under dishonorable conditions;
      (7) who, having been a citizen of the United States, has renounced his citizenship;
      (8) who is subject to a court order that—

         (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
         (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
         (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

      (9) who has been convicted in any court of a crime of domestic violence; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. **Status Inquiries and Questions.** Information relating to the NFA and other firearms laws is available at the ATF Internet website at **www.atf.gov**. Any inquiry relating to the status of an application to transfer an NFA firearm or about procedures in general should be directed to the NFA Branch at (202) 927-8330. Please be aware that any dissemination by ATF of information relating to the application to register an NFA firearm must conform with the restrictions in 26 U.S.C. § 6103. The opportunity provided in item 9 to authorize ATF to disclose information is intended to enable ATF to respond to inquiries by the transferee regarding the application. The failure to complete item 9 will be considered a declination of authorization to release the information.

9. **Penalties.** Any person who violates or fails to comply with any of the requirements of the NFA shall, upon conviction, be fined not more than $10,000 or be imprisoned for not more than 10 years, or both. Any firearm involved in a violation of the NFA shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the NFA knowing such entry to be false.

10. **Compliance with the Gun Control Act.** All provisions of the GCA must also be complied with, including the recordkeeping requirements for licensees and the retention of ATF Form 4473 (5300.9) by licensees for dispositions to non-licensees.

**Privacy Act Information**

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552(e)(3)):

1. **Authority.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5812). Disclosure of this information by the applicant is mandatory for transfer of an NFA firearm, unless the transfer is otherwise exempt from tax.

2. **Purpose.** To insure payment of the tax imposed by 26 U.S.C. § 5811; to insure that the transfer would not be in violation of law; and to effect registration of the firearm.

3. **Routine Uses.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from an application, registration, or records required to be submitted by a natural person in order to comply with any provision of the National Firearms Act or regulations issued thereunder, shall, except in connection with prosecution or other action for furnishing false information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purposes of prosecution for violation of the National Firearms Act.

4. **Effects of not Supplying Information Requested.** Failure to supply complete information will delay processing and may cause denial of the application.

**Paperwork Reduction Act Notice**

This information request is in accordance with the Paperwork Reduction Act of 1995. The information your provide is used in applying to transfer serviceable firearms taxpaid to persons other than special taxpayers qualified to deal in NFA firearms or government entities. Data is used to identify transferor, transferee, and firearm, and to ensure legality for transfer under Federal, State and local laws. The furnishing of this information is mandatory. *(26 U.S.C. § 5812)*

The estimated average burden associated with this collection of information is 4 hour(s) per respondent or recordkeeper, depending on individual circum-stances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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**ANNEXATION: County Commissioner serving as head of village public works department**

**COUNTIES:**

**GENERAL LAW VILLAGE ACT:**

**INCOMPATIBILITY:**

**PUBLIC OFFICES AND OFFICERS:**

**VILLAGES:**

**The Incompatible Public Offices Act does not prohibit a person from simultaneously serving as a member of the county board of commissioners and the head of a general law village's public works department, when that village's council has submitted an annexation petition to the county board of commissioners for review and approval under MCL 74.6, absent facts demonstrating that the person cannot protect, advance, or promote the interests of both offices simultaneously.**

Opinion No. 7184 January 12, 2006

Honorable Howard Walker
State Representative
The Capitol
Lansing, MI

You have asked if the Incompatible Public Offices Act (Act), MCL 15.181 *et seq*, prohibits a person from simultaneously serving as a member of the county board of commissioners and the head of a general law village's public works department, when that village's council has submitted an annexation petition to the county board of commissioners for review and approval.

OAG, 2001-2002, No 7071, p 2 (January 4, 2001), addressed this same question, concluding there was no incompatibility of public offices. But that opinion was premised on the village in question being subject to the Home Rule Village Act, 1909 PA 278, MCL 78.1 *et seq*. Under section 4 of that statute, if the annexation petition meets the statutory requirements, the county board of commissioners has a ministerial duty to approve the petition and submit the annexation question to the village voters.

In fact, the village in question is subject instead to the General Law Village Act, 1895 PA 3, MCL 61.1 *et seq*. Under chapter XIV of that act, MCL 74.6, the county board of commissioners has discretion in determining whether to grant the village's annexation petition. This opinion applies the General Law Village Act annexation provisions in resolving the incompatibility question.[1]

The preliminary analysis set forth in OAG No 7071, at pp 2-3, is equally applicable here:

> The Incompatible Public Offices Act, 1978 PA 566, MCL 15.181 *et seq*; MSA 15.1120(121) *et seq* (Act), prohibits the same person from simultaneously holding two or more incompatible public offices. Section 1(b) of the Act defines incompatible public offices as follows:

[1] See *Local Government Law and Practice in Michigan, Michigan Municipal League*, Volume 1, pp 1-20, 1-21 for a discussion of both home rule villages and general law villages.

"Incompatible offices" means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

(i) The subordination of 1 public office to another.

(ii) The supervision of 1 public office by another.

(iii) A breach of duty of public office.

As a threshold issue, it must be determined if the Act applies to the two public positions identified in your question. Members of the county board of commissioners are elected officials. OAG, 1995-1996, No 6903, p 172, 173 (May 28, 1996). The head of a village department of public works is a village officer appointed by the village council under MCL 62.2(1); MSA 5.1216(1). Thus, each of these positions is a public office under section 1(e)(ii) of the Act, which covers persons elected or appointed to county and village offices.

The Act exempts from its incompatibility restrictions . . . governmental units having populations under 25,000. Section 3(4)(c). The governmental units that are the subject of your question have populations under 25,000. But this exemption applies only to public positions within the same unit of government. Here, the positions are in different units of government and, therefore, section 3(4)(c)'s exemption does not apply.

The determination whether the simultaneous holding of the two public offices results in the subordination of one public office to another, or the supervision of one public officer by another, requires an examination of the nature and duties of each position. Members of a county board of commissioners are elected officials generally responsible for managing the affairs of the county. OAG, 1995-1996, No 6903, at 173. The village council appoints the head of the department of public works and prescribes the powers and duties of the position under MCL 62.2(1); MSA 5.1216(1). The county board of commissioners does not supervise or control the village department head, nor vice-versa, since the county and village are separate and distinct units of local government. Under these circumstances, there is no subordinate or supervisory relationship between the offices of county commissioner and head of the village department of public works. Thus, the first two incompatibility criteria under section 1(b) of the Act do not render the dual positions incompatible.

The remaining question is whether this dual office holding results in a "breach of duty" under section 1(b)(iii) of the Act as a result of the village annexation petition pending before the county board of commissioners. The Michigan Supreme Court addressed the Act's breach of duty provision in *Macomb County Prosecutor v Murphy*, 464 Mich 149, 162-167; 627 NW2d 247 (2001). In that case, a person simultaneously served as a township trustee and as a delinquent personal property tax coordinator for the county. The township had the legal authority to contract with the county for collection of its delinquent personal property taxes by the county.

After confirming that the Act applies to both public officers and public employment, the Court concluded that a breach of duty occurs when a public official holding two public positions cannot advance the interests of both positions simultaneously:

We agree with the Court of Appeals that a breach of duty arises when a public official holding dual offices cannot protect, advance, or promote the interest of both offices simultaneously. Public officers and employees owe a duty of loyalty to the public. 63C Am Jur 2d, Public Officers and Employees, § 247, p 690. "All public officers are agents, and their official powers are fiduciary. They are trusted with public functions [for] the good of the public; to protect, advance and promote its interests . . . ." *People ex rel Plugger v Twp Bd of Overyssel*, 11 Mich 222, 225 (1863) (opinion of Manning, J.). [*Macomb County Prosecutor v Murphy*, 464 Mich at 157-162 and 164.]

But there was no breach of duty in the case before the Court, since the two governmental entities had not entered into contractual negotiations:

> We conclude that defendant's positions are not inherently incompatible because only a potential breach of duty of public office arises from the ability of the township to contract with the county for the collection of its delinquent personal property taxes. Under the circumstances of this case, defendant's holding of dual offices did not violate the incompatible offices act because the governmental entities never entered into contractual negotiations. [*Macomb County Prosecutor v Murphy*, 464 Mich at 166-167.]

The Court stated that proposals to enter into contractual negotiations with another governmental entity do not require the vote of the board member who is an officer or employee of the other entity because such proposals in themselves, until accepted by the board that a contract be negotiated or approved by the board, involve only potential, rather than actual, incompatibility of offices on account of conflicting interests involving a breach of duty. *Macomb County Prosecutor v Murphy*, 464 Mich at 164-165. The focus of the Act is on the manner in which the public official actually performs the duties of public office. *Id*., at 164. The Court in *Murphy* expressly rejected the notion that a breach of duty exists merely because "'an issue arises in which one constituency's interests *may* conflict with the interests of a separate constituency represented by the official.'" *Id*. (Emphasis added.)

Thus, to answer your question requires determining whether there are actual or potential conflicting interests between the village and the county with regard to the village council's annexation petition. The annexation petition process under the General Law Village Act, specifically MCL 74.6, confers discretion on the county board of commissioners[2] to approve or reject the village's annexation petition, which must include the village's reasons for the proposed annexation:

> Whenever the council of any village shall determine by resolution to alter the boundaries of such village, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in such village, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change . . . and shall set forth the reasons for the proposed change . . . . At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such village, and *after* such hearing and *due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted* . . . . [Emphasis added.]

Turning to the facts involved in your request, the village council has filed its annexation petition with the county board of commissioners. The board of commissioners is required by law to approve or reject the annexation in whole or in part. In reaching that decision, the board has discretion to make a determination between competing considerations, which will involve accepting or rejecting the reasons given by the village in support of its annexation petition.

OAG, 1985-1986, No 6283, p 42 (April 2, 1985), concluded that a member of a township zoning board of appeals may not simultaneously serve as a member of a board of education of a school district if a matter involving the school district comes before the township zoning board of appeals. The opinion recognized that a school board member who was also on the township zoning board of appeals would, if called upon to decide a matter involving the school district, be placed "'in an antagonistic position by reason of his duty to the school district conflicting with his duty to serve impartially as a member of the board of appeals.'" OAG No 6283, at p 43, quoting from OAG, 1961-1962, No 3621, p 257 (February 5, 1962).

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[2] Under MCL 46.416, all statutory references to county boards of supervisors shall be deemed to mean county boards of commissioners.

OAG, 1995-1996, No 6841, p 27 (March 30, 1995), concluded that the positions of township building inspector and a member of a board of education of a school district were incompatible when a question concerning the board of education comes before the building inspector in his capacity as the official responsible for enforcing the township zoning ordinance. The opinion stated:

> Here, a question involving the school district has come before the building inspector, who is responsible for enforcing the township zoning ordinance. Clearly, the person in question has been placed in a position where his duty to the school district conflicts with his duty to impartially enforce the zoning ordinance as building inspector. This person cannot protect, advance or promote the interests of both offices in this situation. Thus, the two positions are incompatible, and the person in question must vacate one office. [OAG No 6841, at p 28.]

Both OAG No 6283 and OAG No 6841 are premised on the language from *People ex rel Plugger v Overyssel Twp Bd*, 11 Mich 222, 225 (1863), that all public officers have a fiduciary duty to promote the interests of the public entities they serve. That is the same language quoted with approval by the Michigan Supreme Court in *Macomb County Prosecutor v Murphy*, 464 Mich at 164, in support of its conclusion "that a breach of duty arises when a public official holding dual offices cannot protect, advance, or promote the interest of both offices simultaneously." As noted above, the Act applies to public positions occupied by both public officers and public employees. *Macomb County Prosecutor v Murphy*, 464 Mich at 157-162.

Unlike the situations in OAG No 6283 and OAG No 6841, here the county board is not being called upon to enforce a zoning code or other regulatory program affecting the involved municipalities. No contract between the governmental units is at issue. Nor have any other facts been presented to support the conclusion that the official cannot protect, advance, or promote the interests of both offices simultaneously.

That the members of the county board of commissioners represent the interests of their constituents does not automatically bar the participation of a village official as a duly elected county commissioner. *Murphy*, 464 Mich at 164. It must be remembered that the powers of a county commission are exercised as a board and not individually. *Crain v Gibson*, 73 Mich App 192, 200; 250 NW2d 792 (1977). As the Supreme Court advised in *Veldman v Grand Rapids*, 275 Mich 100, 113; 265 NW 790 (1936):

> If the defendants [the members of the city commission] acted officially upon a matter which by the law and the choice of their fellow-citizens was committed to their charge, it must be presumed they acted in good faith. The law presumes public officials perform their duty.

It is also instructive to recall that the Court in *Murphy* interpreted the language of the Incompatible Public Offices Act as reflecting "a legislative intent to eschew the common-law focus on *potential* conflicts in favor of *actual* breaches of duty," characterizing the act as "in effect, a public employees enabling act." *Macomb County Prosecutor v Murphy*, 464 Mich at 164-165, n 13 (emphasis in original). As explained by the Court:

> This legislative choice encourages civic-minded individuals to engage in public service in as many capacities as they choose, without limiting their involvement through concerns about *potential* conflicts of interest. The Legislature has focused on *actual* breaches, recognizing the value of enabling public employees to serve in public offices when they are off duty. [*Id*.]

It is my opinion, therefore, that the Incompatible Public Offices Act, MCL 15.181 *et seq*, does not prohibit a person from simultaneously serving as a member of the county board of commissioners and the head of a general law village's public works department, when that village's council has submitted an annexation petition to the

county board of commissioners for review and approval under MCL 74.6, absent facts demonstrating that the person cannot protect, advance, or promote the interests of both offices simultaneously.

MIKE COX
*Attorney General*

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**CONSTITUTIONAL LAW: Authority of municipalities to regulate placement of political signs on private property**

**ELECTIONS:**

**MUNICIPALITIES:**

**Municipalities may not, consistent with the First Amendment to the federal constitution, impose a permit and fee requirement with respect to political signs posted on private property.**

**A municipality may impose reasonable size restrictions with respect to all signs, including political signs, on private property, provided that the regulation preserves the effective exercise of First Amendment rights.**

Opinion No. 7185 January 13, 2006

Honorable Wayne Kuipers
State Senator
The Capitol
Lansing, MI 48913

You have asked two questions concerning the authority of local governments to regulate the placement of political signs on private property. First, you ask whether local governments may require a permit and impose a fee for the placement of political signs on private property. Second, you request clarification regarding size limitations that may be applied to political signs.

Both the First Amendment to the United States Constitution, US Const, Am I,[1] and the Michigan Constitution, Const 1963, art 1, § 5,[2] preserve the right of the people to free speech, including political speech. These rights are "coterminous," and thus federal authority construing the First Amendment may also be used in construing Michigan's constitutional free speech rights. *City of Owosso v Pouillon*, 254 Mich App 210, 214; 657 NW2d 538 (2002). See also *Woodland v Michigan Citizens Lobby*, 423 Mich 188, 208; 378 NW2d 337 (1985).

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[1] This federal constitutional provision states: "Congress shall make no law . . . abridging the freedom of speech . . . ." The right of free speech secured against federal abridgement by the First Amendment is among the fundamental personal rights and liberties secured against state abridgement by the Fourteenth Amendment to the federal constitution. *Book Tower Garage, Inc v Local No 415, Int'l Union, UAWA (CIO)*, 295 Mich 580, 586; 295 NW 320 (1940).

[2] This Michigan constitutional provision states: "Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press."

The issues you raise were both addressed in OAG, 1983-1984, No 6258, p 411 (November 26, 1984). OAG No 6258 sets forth the guiding legal principle that political speech is entitled to the fullest possible measure of constitutional protection, and that communication by signs and posters is a form of protected political speech. OAG No 6258 at p 412, citing *Baldwin v Redwood City*, 540 F2d 1360 (CA 9, 1976), cert den sub nom *Leipzig v Baldwin*, 431 US 913; 97 S Ct 2173; 53 L Ed 2d 233 (1977), and quoting *City Council v Taxpayers for Vincent*, 466 US 789, 816; 104 S Ct 2118; 80 L Ed 2d 772 (1984). The opinion observed, however, that despite its protected character, courts have upheld reasonable "time, place, and manner restrictions" upon speech that are content neutral, that serve a significant governmental interest, and that leave open "ample alternative channels for communication of the information." *Id*., at p 412, quoting *Virginia State Bd of Pharmacy v Virginia Citizens Consumer Council*, 425 US 748, 771; 96 S Ct 1817; 48 L Ed 2d 346 (1976). OAG No 6258 reviewed a number of decisions addressing restrictions upon political speech but noted that, as of 1984 when the opinion issued, the United States Supreme Court had not yet ruled upon the regulation of political signs on private, residential property. *Id*., at pp 412-414.

Among the questions addressed by OAG No 6258 was whether a municipality may require that a bond be posted or insurance procured before the municipality will permit the erection of political signs on private, commercial, or industrial property. *Id*., at p 417. In its analysis of this question, the opinion relied substantially on two decisions from the United States Court of Appeals for the Ninth Circuit – *Baldwin, supra*, and *Verrilli v City of Concord*, 548 F2d 262 (CA 9, 1977) – in which the Ninth Circuit struck down a permit and fee requirement and a bond requirement as "unnecessarily burdensome and arbitrary in light of the interests such regulations may properly serve." OAG No 6258 at p 417, quoting *Baldwin*, 540 F2d at 1372. In light of these decisions, the opinion concluded that "[a]n ordinance that requires the posting of a bond or the procurement of insurance as a condition precedent to securing a permit to post political campaign signs on private property *is unnecessarily burdensome and places a chilling effect on the constitutionally protected right of political expression*." *Id*., at p 417 (emphasis added).

The question posed in your request regarding a permit and fee requirement is analogous to the bond question addressed in OAG No 6258 and, therefore, is subject to the same analysis and conclusion, unless any subsequent changes in the law require a different result.

Despite 20 years having passed since OAG No 6258 issued, *Baldwin* remains the leading and most persuasive case with respect to the posting of political signs. In *Baldwin*, the Ninth Circuit affirmed a lower court order declaring unconstitutional a provision of the defendant city's ordinance imposing a $1 nonrefundable inspection fee per temporary political sign, but reversed the court's decision upholding the city's permit requirement and its $5 refundable deposit for each temporary political sign.

Before reaching these issues, however, the *Baldwin* Court addressed a provision of the city's ordinance limiting the aggregate area of all signs allowed on behalf of a single candidate or issue to 64 square feet. 540 F2d at 1369. Because this restriction was based on the political content of the signs, it was subject to a "strict scrutiny" analysis that the City could not overcome on the basis of aesthetics, the City's primary argument. *Id*., at 1369-1370. Turning to the permit and fee requirement, the Court observed:

> The invalidity of the 64 square foot limitation affects the burdensomeness, and hence the constitutionality, of the preconditions Redwood City imposes upon erection of temporary signs: filing an application, paying a $1.00 inspection fee, and depositing a $5.00 removal charge, for each sign. Applied to four 16 square foot signs, the burden of compliance may be inconsequential. Applied to the number of political posters that would normally be used in supporting a candidate or issue in a community the size of Redwood City, the burden is so great as to inhibit the use of this means of communication. Moreover, each of the three

> requirements, when examined in light of its purpose, is unnecessarily burdensome and contains an element of arbitrariness. [*Id*., at 1370-1371.]

The Court disapproved of the city's permit application form for a sign because it was overly burdensome in requiring applicants to provide or obtain certain information. *Id*., at 1371.

With respect to the per-sign inspection fee, the Court noted that the city provided evidence that it cost at least $10 to inspect a sign, but further observed that the only aspect of a temporary sign subject to inspection at the outset is its size, which could be verified quickly with a tape measure:

> A $1.00 fee for checking the size of a single poster might be reasonable; but, as the district court held, a $500 fee for inspecting 500 identical political posters would be essentially arbitrary, bearing no relationship to the cost. The absence of apportionment suggests that the fee is not in fact reimbursement for the cost of inspection but an unconstitutional tax upon the exercise of First Amendment rights. [*Id*.; footnote omitted.][3]

Turning to the $5 removal deposit, although the City argued that the average cost of removal was actually $25 per sign, the Court concluded that "a $5.00 removal deposit has no reasonable relationship to the cost of removing a single 50 cent political poster placed by a property owner in his front yard, and the charge is so disproportionately burdensome as to inhibit such an expression of political opinion." *Id*., at 1372. The Court recognized that the fee was refunded if the sign was removed, but observed that "money is most useful during a campaign." *Id*. The Court determined that requiring the commitment for the duration of a campaign of $5 in cash or surety for each poster erected would, "as a practical matter, preclude erection of all but a few large signs. Means less restrictive of free expression must be relied upon to serve the interests of community tidiness and aesthetics." *Id*. Accordingly, the *Baldwin* Court held that although "[i]n some circumstances a city may both require a permit for activity involving free expression without violating the First Amendment and also collect fees that fairly reflect costs incurred by the city in connection with such activity," the Redwood City ordinances were unconstitutional because they were overly burdensome and did not reasonably reflect the costs incurred as a result of the activity. *Id*. (footnotes omitted).

The result in *Baldwin* and its persuasiveness with respect to the question here is further supported by the United States Supreme Court's decision in *City of Ladue v Gilleo*, 512 US 43; 114 S Ct 2038; 129 L Ed 2d 36 (1994). There the Supreme Court addressed an ordinance restricting the placement of political signs on private, residential property. The City's ordinance essentially banned all signs on residential property, except for small window signs. In determining that the City of Ladue's sign ordinance amounted to an unconstitutional, outright ban regarding this form of expression, the Court observed:

> Signs that react to a local happening or express a view on a controversial issue both reflect and animate change in the life of a community. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression. [*Id*., at 54-55; footnote omitted.]

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[3] The *Baldwin* Court's reference to "apportionment" incorporates United States Supreme Court decisions addressing fees related to First Amendment activities in the context of whether the fees were properly apportioned to the costs of the activities. See *Follett v Town of McCormick*, 321 US 573, 575, 576-577; 88 L Ed 938; 64 S Ct 717 (1944); *Murdock v Pennsylvania*, 319 US 105, 113-114; 87 L Ed 1292; 63 S Ct 870 (1943); *Cox v New Hampshire*, 312 US 569, 576-577; 85 L Ed 1049; 61 S Ct 762 (1941).

The *City of Ladue* Court further noted that residential yard signs are distinctive in identifying the "speaker" of a message, which can enhance or detract from the effectiveness of the message depending upon the circumstances and the speaker. *Id*., at 56-57. The Court also acknowledged that "[r]esidential signs are an unusually cheap and convenient form of communication" and "may make the difference between participating and not participating in some public debate" for some individuals. *Id*., at 57.

In addition to noting the historic importance of this form of expression, the Court also explained that "[a] special respect for individual liberty in the home has long been part of our culture and our law" and that "that principle has special resonance when the government seeks to constrain a person's ability to *speak* there." *Id*., at 58 (citations omitted; emphasis in original). The Court recognized that "the government's need to mediate among various competing uses, including expressive ones, for public streets and facilities is constant and unavoidable," but that "*its need to regulate temperate speech from the home is surely much less pressing*." *Id*. (citations omitted; emphasis added).

The *City of Ladue* Court's recognition of the revered status accorded political speech on private, residential property further validates the decision in *Baldwin*.[4] At least one federal court has followed *City of Ladue* and *Baldwin* in declaring a permit and fee requirement with respect to political signs unconstitutional. See *Curry v Prince George's County*, 33 F Supp 2d 447, 455 (D Md, 1999) ("'In some circumstances a city may both require a permit for activity involving free expression without violating the First Amendment . . . and also collect fees that fairly reflect costs incurred by the city in connection with such activity'. . . . But there is no justification for imposing such requirements in the case of campaign signs posted upon a private residence.") (citations omitted).[5] Research has disclosed no Michigan cases addressing the authority of local governments to regulate the placement of political signs on private, residential property under the Michigan Constitution.

It is my opinion, therefore, in answer to your first question, that municipalities may not, consistent with the First Amendment to the federal constitution, impose a permit and fee requirement with respect to political signs posted on private property.

Your second question asks whether there have been any decisions since the issuance of OAG No 6258 that "add to or further clarify the opinion" with respect to size limitations concerning political signs. OAG No 6258 addressed whether a size limitation could be placed on political signs on private property, concluding:

> [A] municipality may reasonably regulate the size of political campaign signs on private property, provided that it regulates all signs, and does so in a manner that preserves the efficacy of the medium so that the political sign may be of sufficient dimension to enable a person traveling by vehicle or on foot to readily perceive the message. [*Id*., at p 419.]

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[4] In a decision addressing a virtual ban on residential signs, the Sixth Circuit, too, has noted the importance accorded this form of expression. See *Cleveland Area Bd of Realtors v City of Euclid*, 88 F3d 382, 389 (CA 6, 1996), citing *City of Ladue*, *supra*. See also *Dimas v City of Warren*, 939 F Supp 554, 557-558 (ED Mich, 1996).

[5] In *Sugarman v Village of Chester*, 192 F Supp 2d 282 (SD NY, 2002), although the United States District Court for the Southern District of New York invalidated a number of other sign ordinances, it affirmed a village's permit and fee requirement with respect to political signs. In a brief analysis that did not discuss the *City of Ladue* case, the court concluded that the ordinance was content-neutral because it applied to *all* temporary signs, and that it was a "reasonable time, manner and place restriction narrowly tailored to support [the village's] significant government interests in aesthetics and public safety." *Id*., at 293. Because the *Sugarman* decision did not discuss *City of Ladue* or *Baldwin* in its analysis of the permit and fee requirement, the decision is unpersuasive.

This statement remains accurate under current law. Courts have upheld content-neutral size restrictions that apply to all signs equally, for example to all temporary signs, as reasonable restrictions on speech furthering government interests in aesthetics and safety. See *Sugarman*, 192 F Supp 2d at 295; *Long Island Bd of Realtors, Inc v Village of Massapequa Park*, 277 F3d 622, 628 (CA 2, 2002) ("Where a legislature's ends are aesthetics and safety, permissible means have included the regulation of the size, placement, and number of signs"); *Curry*, 33 F Supp 2d at 452 ("Courts have also routinely upheld regulation of signs by size and shape"). The Supreme Court in *City of Ladue* similarly commented that "governments may regulate the physical characteristics of signs." *City of Ladue*, 512 US at 48.

OAG No 6258 noted several decisions upholding certain size restrictions where they applied to all signs of the same category or class[6] but invalidating others.[7] Although your request asks for further clarification, there is no bright-line test for determining whether a size restriction is reasonable. Rather, the guiding principle a municipality must keep in mind in formulating any ordinance that regulates the size of signs, including political signs, is whether the size restriction would destroy the efficacy of the medium of expression. As noted by the Ninth Circuit in *Verrilli*, "[limitations are permissible] as long as the . . . limitations are not so restrictive as to foreclose an effective exercise of First Amendment rights." 548 F2d at 265.

It is my opinion, therefore, in answer to your second question, that a municipality may impose reasonable size restrictions with respect to all signs, including political signs, on private, residential property provided that the regulation preserves the effective exercise of First Amendment rights.

MIKE COX
*Attorney General*

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[6] *Baldwin*, 540 F2d at 1369 (upholding 16-square-foot size limitation per sign, and 80-square-foot aggregate area of all temporary signs per parcel of property in one ownership); *Ross v Goshi*, 351 F Supp 949 (D HI, 1972) (upholding 18-square-foot size limitation).

[7] *State v Miller*, 83 NJ 402; 416 A2d 821 (1980) (expressing doubt regarding validity of six-square-foot size limitation); and *Verrilli*, 548 F2d at 265 (rejecting four square-foot limitation).

**PUBLIC OFFICERS: Enforceability of charter provision declaring office vacant**

**MUNICIPALITIES:**

**REMOVAL FROM OFFICE:**

**HOME RULE CITY ACT:**

**A city charter provision that renders vacant an office held by an elected city officer who also becomes a candidate for another city office does not conflict with the requirements of section 5(d) of the Home Rule City Act, MCL 117.5(d), concerning the shortening of a public official's term of office. That act allows a shortened term where an officer is removed for cause. Running for a second office while serving in the first constitutes such a cause when so specified in the city charter.**

Opinion No. 7186 January 27, 2006

Honorable Bruce Patterson
State Senate
The Capitol
Lansing, MI 48933

You have asked if a city charter provision may lawfully prescribe the removal of an elected city officer who becomes a candidate for another city office. Information supplied with your request expresses concern that the particular charter provision may be unenforceable because of a conflict with a provision of the Home Rule City Act (HRCA), MCL 117.1 *et seq*. The section in question is section 5(d) of the HRCA, MCL 117.5(d), which provides, in relevant part:

> The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is *removed for cause*, if the office is held for a fixed term. [Emphasis added.]

The HRCA provides no detail as to what constitutes "cause" for removal under MCL 117.5(d). Under Const 1963, art 7, § 22, home rule cities enjoy broad powers, subject to the laws of this State. *AFSCME v Detroit*, 468 Mich 388, 410-411; 662 NW2d 695 (2003). The Court in *AFSCME* cited *Detroit v Walker*, 445 Mich 682, 690; 520 NW2d 135 (1994), for the proposition that "home rule cities enjoy not only those powers specifically granted, but they may also exercise all powers not expressly denied." *AFSCME*, 468 Mich at 410. Accordingly, a city may determine what constitutes cause for removal, so long as it does not contravene state or federal law.

The charter provision about which you inquire provides:

> The office of any elective officer of the City who files and does not withdraw petitions to become a candidate for another city office shall become vacant upon the passage of the deadline for withdrawal of said petitions. [Dearborn City Charter, section 6.2.]

A related section of the charter is captioned "Proceedings for removal of city officers." (Dearborn City Charter, section 6.14.) It provides that, when the City Council shall have reason to believe that any elective or appointive office should be declared vacant, the Council shall hold a special public hearing to investigate the matter. A majority of the members of the Council may thereafter vote to declare that office vacant based on one or more specified grounds, including absence of the officer from the city for ninety consecutive days, substantial inability to perform the functions of office due to physical or mental incapacity, conviction of certain crimes, wilful violation of the charter or ordinances of the city, and the "[f]ailure of the

officer to meet any of the requirements of this charter for holding office." (Dearborn City Charter, section 6.14(a) – (e).)

The express reference to removal for cause in section 5(d) of the HRCA, MCL 117.5(d), contemplates the potential for the shortening of the term of an elected city officer due to his or her removal from office. In fact, city charters in Michigan commonly list the circumstances under which an elective officer may be removed from office. On the facts presented in your request, the basis for removal would be the officer's failure to meet the charter's requirements for holding office due to the officer's attempt to run for another city elected office. Under these circumstances, there is no basis for concluding that the application of this charter provision would conflict with section 5(d) of the HRCA, MCL 117.5(d), by impermissibly shortening an elective officer's term of office.

It is my opinion, therefore, that a city charter provision that renders vacant an office held by an elected city officer who also becomes a candidate for another city office does not conflict with the requirements of section 5(d) of the Home Rule City Act, MCL 117.5(d), concerning the shortening of a public official's term of office. That act allows a shortened term where an officer is removed for cause. Running for a second office while serving in the first constitutes such a cause when so specified in the city charter.

MIKE COX
*Attorney General*

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**CAMPAIGN FINANCE ACT: Political Action Committees – payroll deduction plans**

**CAMPAIGN CONTRIBUTIONS:**

**CIVIL SERVICE COMMISSION:**

**A payroll deduction plan in the state classified civil service under which state personnel and other resources are used to record, collect, and disburse employee contributions to a political action committee would violate section 57 of the Michigan Campaign Finance Act, MCL 169.257, which prohibits the use of public resources to make a political contribution. A labor union's offer to reimburse the State for the expenses involved in administering a payroll deduction plan to facilitate employee contributions to a political action committee would neither obviate the violation nor permit the implementation of an otherwise prohibited plan.**

**Section 57 of the Michigan Campaign Finance Act, MCL 169.257: (a) is a valid exercise of legislative authority to regulate the use of public resources and to "preserve the purity of elections" under Const 1963, art 2, § 4; (b) does not infringe upon the plenary authority granted the Civil Service Commission under Const 1963, art 11, § 5; and (c) precludes the Civil Service Commission from approving provisions of a collective bargaining agreement that would require the State to administer a payroll deduction plan facilitating state employee contributions to a political action committee.**

Opinion No. 7187 February 16, 2006

Honorable Tonya Schuitmaker
State Representative
The Capitol
Lansing, MI 48909-7514

You have asked several questions concerning the Civil Service Commission's authority to approve a payroll deduction plan for state employees in the classified civil service that would involve recording, collecting, and disbursing employee contributions to a union political action committee (PAC).

You first ask whether Michigan law prohibits the Civil Service Commission from approving the provisions of a collective bargaining agreement that would require the State to administer a payroll deduction plan.[1] In the absence of a specific plan to review, it is presumed for purposes of this opinion that the plan would involve solicitation of the state employee to participate in the plan, recording of the employee's agreement to participate, and the collection and disbursement of the contributions to the PAC through the state payroll system.[2] These actions will necessarily involve the State's use of public resources to effectuate the political contributions of its employees.

Over a period of more than 40 years, the Attorney General has issued a series of opinions consistently concluding that, absent authority, a public body cannot use public resources to influence the electorate to support or oppose a particular

[1] Civil Service Rules permit payroll deductions for membership dues and service fees relating to a union's operation as an exclusive bargaining representative. See Civil Service Rules 6-7.1, 6-7.2, and 6-7.3. A payroll deduction to facilitate payments to a PAC, however, would not fall within the type of deductions permitted by these rules.

[2] It is presumed that these contributions would be deposited by the State into a separate segregated fund established by the labor union to receive political contributions. See MCL 169.255(1).

candidate or ballot proposal.[3] In 1995, the Legislature addressed this subject by amending the Michigan Campaign Finance Act (MCFA), 1976 PA 388, MCL 169.201 *et seq*, to add section 57 to prohibit public bodies from using public resources to make contributions:[4]

> (1) A *public body* or an individual acting for a public body *shall not use or authorize the use of* funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other *public resources to make a contribution* . . . . [MCL 169.257(1); emphasis added.]

This provision applies to the State and all its agencies, departments, boards, and commissions, including the Civil Service Commission.[5] To the extent the administration of a payroll deduction plan requires a state agency to utilize state equipment, state personnel, state supplies and office space, or other state resources, to record, collect, and disburse the payroll deductions, this constitutes the use of "public resources" within the scope of section 57.

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[3] See, e.g., OAG, 1965-1966, No 4291, p 1 (January 4, 1965) (school district could not spend public funds to advocate a favorable vote on a tax and bond ballot proposal); OAG, 1979-1980, No 5597, p 482 (November 28, 1979) (State Civil Rights Commission could not use public funds "to urge the electorate to support or oppose a particular candidate or ballot proposal"); OAG, 1987-1988, No 6423, pp 33, 35 (February 24, 1987); OAG, 1991-1992, No 6710, pp 125, 127 (February 13, 1992); OAG, 1993-1994, No 6763, p 45 (August 4, 1993) ("School districts may not permit their offices and phone equipment to be used in a restrictive manner for advocacy of one side of a ballot issue . . . . School districts may not endorse a particular candidate or ballot proposal"); OAG, 1993-1994, No 6785, p 102 (February 1, 1994). See also, OAG, 1991-1992, No 6709, p 124 (February 11, 1992) (state agency cannot use public funds to lobby unless authorized by law to do so), and *Mosier v Wayne County Bd of Auditors*, 295 Mich 27, 31; 294 NW 85 (1940) (addressing county board's lack of authority to expend county resources for political purpose).

[4] Although not relevant here, section 57(1) lists certain activities that are not proscribed by that subsection of the MCFA:

> (a) The expression of views by an elected or appointed public official who has policy making responsibilities.
>
> (b) The production or dissemination of factual information concerning issues relevant to the function of the public body.
>
> (c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
>
> (d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.
>
> (e) The use of a public facility owned or leased by, or on behalf of, a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund-raising event.
>
> (f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services. [MCL 169.257(1)(a)-(f).]

[5] MCL 169.211(6) provides that "public body" means one or more of the following:

> (a) A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
>
> (b) The legislature or an agency, board, commission, or council in the legislative branch of state government.
>
> (c) A county, city, township, village, intercounty, intercity, or regional governing body; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
>
> (d) Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a governmental or proprietary function.

The Civil Service Commission is a state commission within the executive branch of government. See, e.g., *Straus v Governor*, 459 Mich 526, 535, 537, n 7; 592 NW2d 53 (1999).

Under the MCFA, a "contribution" is defined as:

> [A] *payment*, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, *or donation of money* or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, *made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question*. [MCL 169.204(1); emphasis added.]

Where the Legislature has defined a term in a statute, that definition must be applied and is binding on the courts. *Tryc v Michigan Veterans' Facility*, 451 Mich 129, 136; 545 NW2d 642 (1996). An employee's payroll deduction payment to a PAC is a "contribution" for purposes of the MCFA. Political action committees are generally created for the specific purpose of making contributions or expenditures on behalf of or against the nomination or election of candidates, or in support of or against ballot questions.[6] Thus, the employees' payroll deductions fall squarely within the MCFA's definition of "contribution" since they constitute "payment[s] . . . or donation[s] of money . . . made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question." MCL 169.204(1).

Section 57 prohibits a public body from using public resources "to *make* a contribution or expenditure." MCL 169.257(1) (emphasis added). The word "make" is not defined in the statute. Undefined statutory terms are to be given their plain and ordinary meaning, MCL 8.3a, and "when considering a nonlegal word or phrase that is not defined within a statute, resort to a layman's dictionary . . . is appropriate." *Horace v City of Pontiac*, 456 Mich 744, 756; 575 NW2d 762 (1998). The word "make" means "'to cause to exist or happen; create.'" *Frankenmuth Mutual Ins Co v Marlette Homes, Inc*, 456 Mich 511, 516; 573 NW2d 611 (1998), quoting the *American Heritage Dictionary, Second Edition*. A public body's use of its resources to administer the payroll deduction plan would "cause" the contribution to "happen," and thus violate section 57.[7]

You also ask whether a union's offer to reimburse the State for expenses involved in administering a payroll deduction plan would permit implementation of an otherwise prohibited plan.

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[6] The term "political action committee" is not defined in the MCFA. Rather, it is a term of art that has gained common acceptance and usage to describe independent committees or political committees established under the MCFA to support or oppose candidates. See MCL 169.203(4), 169.208(3), 169.211(2). See also, MCL 8.3a (setting forth the rule requiring that words and phrases be construed according to the common and approved usage of the language). These committees must register with the Secretary of State or county clerk, adhere to contribution limits regarding contributions they make, and file periodic campaign finance reports. See MCL 169.224, 169.226, 169.252. Labor organizations are prohibited from using treasury funds to make contributions or expenditures on behalf of or against candidates, MCL 169.254, unless they establish a separate segregated fund under MCL 169.255(1) – in other words, a political action committee. MCL 169.255 specifically limits the use of a separate segregated fund "to making contributions to, and expenditures on behalf of, candidate committees, ballot question committees, political party committees, political committees, and independent committees." The Attorney General opined in OAG, 1993-1994, No 6785, *supra*, n 3, that public schools and universities, as public bodies, are prohibited from establishing separate segregated funds. In the absence of a specific factual scenario, it is assumed that the union PAC will use the payroll deduction payments to influence, or assist in, the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question.

[7] It is worth emphasizing that public employees, like all citizens, are free to make political contributions to the candidates or causes of their choice. But they have no First Amendment or other right to have the government subsidize those contributions through a payroll deduction plan. See *Toledo Area AFL-CIO Council v Pizza*, 154 F3d 307, 319-322 (CA 6, 1998).

Section 57 states that a public body "shall not use or authorize the use of . . . public resources to make a contribution." There is nothing in the language of section 57 that indicates a violation may be remedied or excused through a reimbursement mechanism. Indeed, section 57 imposes significant penalties for its violation:

> (2) A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than $1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by 1 of the following, whichever is greater:
>
> (a) A fine of not more than $20,000.00.
>
> (b) A fine equal to the amount of the improper contribution or expenditure. [MCL 169.257(2).]

These penalties demonstrate the Legislature's clear intent to prohibit and punish this activity. Where the language of a statute is clear, it must be enforced as written and no provisions may be added that the Legislature did not choose to include. *Jones v Dep't of Corrections*, 468 Mich 646, 655-656; 664 NW2d 717 (2003) (the courts may not engraft onto the terms of a statute a remedy that has no basis in the plain language of the statute); *Omne Financial, Inc v Shacks, Inc*, 460 Mich 305, 311; 596 NW2d 591 (1999). There is no basis in the plain language of section 57 for reading in a remedy or exception to the prohibition for unions that offer to reimburse the State for its use of public resources. To do so would be contrary to the intent of the Legislature as expressed in the plain language of section 57.[8]

It is my opinion, therefore, that a payroll deduction plan in the state classified civil service under which state personnel and other resources are used to record, collect, and disburse employee contributions to a political action committee would violate section 57 of the Michigan Campaign Finance Act, MCL 169.257, which prohibits the use of public resources to make a political contribution. A labor union's offer to reimburse the State for the expenses involved in administering a payroll deduction plan to facilitate employee contributions to a political action committee would neither obviate the violation nor permit the implementation of an otherwise prohibited plan.

Having determined that section 57 of the MCFA prohibits a PAC payroll deduction plan for the state classified service, the only remaining question is whether that statute improperly infringes upon the plenary authority granted the Civil Service Commission under Const 1963, art 11, § 5.

Const 1963, art 11, § 5 provides, in relevant part, that the Commission:

[S]hall classify all positions in the classified service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates for positions in the classified service, *make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service*. [Emphasis added.]

Article 11, § 5 has been described as vesting the Commission "with plenary powers in its sphere of authority." *Plec v Liquor Control Comm*, 322 Mich 691, 694; 34 NW2d 524 (1948); *Viculin v Dep't of Civil Service*, 386 Mich 375; 192 NW2d

[8] Similarly, a violation could not be avoided by requiring the union to pay the anticipated costs before they are actually incurred. The language of MCL 169.257(1) unqualifiedly prohibits the use of public resources for the described political purposes, making no exception for compensated uses. This is, therefore, distinguishable from the circumstances analyzed in *Michigan State AFL-CIO v Civil Service Comm*, 455 Mich 720, 734; 566 NW2d 258 (1997) (addressing section 4 of the Political Freedom Act, MCL 15.404).

449 (1971). The Commission's "sphere of authority" includes the broad power to "make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service." The question is whether section 57, which prohibits a payroll deduction plan for classified employees, infringes upon that constitutional authority.

The primary objective in interpreting a constitutional provision "is to determine the text's original meaning to the ratifiers, the people, at the time of ratification." *Wayne County v Hathcock*, 471 Mich 445, 468; 684 NW2d 765 (2004). This "rule of 'common understanding'" was described by the Supreme Court in *Hathcock*:

> "A constitution is made for the people and by the people. The interpretation that should be given it is that which reasonable minds, the great mass of the people themselves, would give it. 'For as the Constitution does not derive its force from the convention which framed, but from the people who ratified it, the intent to be arrived at is that of the people, and it is not to be supposed that they have looked for any dark or abstruse meaning in the words employed, but rather that they have accepted them in the sense most obvious to the common understanding, and ratified the instrument in the belief that that was the sense designed to be conveyed.'" [*Hathcock*, 471 Mich at 468, quoting *Traverse City School Dist v Attorney General*, 384 Mich 390, 405; 185 NW2d 9 (1971) (emphasis in original omitted), quoting Cooley's Constitutional Limitations 81.]

The courts apply "each term's plain meaning at the time of ratification." *Hathcock*, 471 Mich at 468-469.

A second important rule of constitutional construction requires consideration of the circumstances surrounding the provision's adoption and the purpose sought to be accomplished. *House Speaker v Governor*, 443 Mich 560, 580; 506 NW2d 190 (1993). The historical origins of the provision are relevant. *Federated Publications, Inc v Michigan State Univ Bd of Trustees*, 460 Mich 75, 85; 594 NW2d 491 (1999).

The State's civil service system and the Commission were created in response to what was referred to as the "longstanding 'spoils system', or 'patronage system'" that prevailed in state personnel practices of early twentieth century Michigan. *Council No 11, AFSCME v Civil Service Comm*, 408 Mich 385, 397; 292 NW2d 442 (1980) (citation omitted). This system was described as the practice of filling government jobs with "loyal party workers who [could] be counted on not to do the state job better than it [could] be done by others, but rather to do the party work or the candidate work when elections roll around." *Council No 11*, 408 Mich at 397, n 10 (citation omitted). An early report on the subject detailed the "political appointments, promotions, demotions, rewards and punishments" that were a part of the traditional spoils system, and viewed "[a]ssessment schemes and participation in political activity during working hours . . . as serious and expensive causes of poor job performance by unqualified civil servants." *Id*., at 397-398.

It was in this historical context that the Legislature enacted its first version of the civil service system in 1937 PA 346. *Id*., at 398. But legislation in 1939 essentially destroyed the new system, ultimately leading the people to adopt a constitutional amendment establishing the State's civil service system and the Commission in 1940. *Id*., at 398-401. Only minor changes were made to the provision upon adoption of the 1963 Constitution, now found in Const 1963, art 11, § 5.[9]

In answering whether section 57 infringes the Commission's constitutional authority, *Council No 11*, *supra*, is also instructive. There, the Michigan Supreme Court addressed the validity of a Civil Service Commission rule prohibiting off-duty political activities by classified employees. The plaintiff union argued that the rule

[9] Art 11, § 5 was again amended by the people in 1978 to permit collective bargaining by state troopers.

conflicted with the Political Freedom Act, MCL 15.401 *et seq*, which authorized public employees to participate in various political activities, MCL 15.402, with the prohibition that such activities could not be "actively engaged in by a public employee during those hours when that person is being compensated for the performance of that person's duties as a public employee." MCL 15.404. The Commission argued that "its authority to order a flat ban on the off-duty as well as on-duty partisan political activity by all state classified civil service employees . . . [was] derived from 'the plain language' of Const 1963, art 11, § 5." *Council No 11*, 408 Mich at 393.

The Supreme Court observed that the Legislature is the branch of government with the "power" and "duty" to "protect and insure" the political freedoms of all citizens, and that the enactment of laws to assure such freedom is "therefore a particularly proper legislative concern." *Id*., at 394-395. The Court continued, noting that the Legislature was given specific power by the people to regulate elections in Const 1963, art 2, and that "[i]t is well settled that the Legislature of this state is empowered to enact laws to promote and regulate political campaigns and candidacies." *Id*., at 395. Despite these principles, the Commission in *Council No 11* argued that it had "exclusive jurisdiction" under art 11, § 5, to "'legislate' on the subject of political activity by classified civil servants." *Id*., at 395-396.

After reviewing the history of the civil service system and the Commission's rules relating to political activity, the Court concluded that the Commission did not have authority to regulate off-duty political activity by state classified employees. *Id*., at 397-403. With respect to the language of art 11, § 5, the Court concluded:

> The power to make "rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service" is indeed a plenary grant of power. But it is to be exercised with respect to determining the conditions "*of* employment", not conditions *for* employment. As the learned trial court so aptly put it:
>
> > "It is the purpose of the commission to keep politics out of the classified state service, not to keep classified employees out of politics." [*Id*., at 406; emphasis in original.]

The Court did not question the Commission's ability to regulate employment-related activity "involving internal matters such as job specifications, compensation, grievance procedures, discipline, collective bargaining and job performance," or its authority to prohibit off-duty activity that interferes with job performance. *Id*. The Court was careful to note that its opinion was not "qualifying" the Court's previous holding that the Commission has plenary powers within its "sphere of authority":

> We intend, rather, to be understood as emphasizing that the commission's "sphere of authority" delimits its rule-making power and confines its jurisdiction over the political activity of classified personnel to on-the-job behavior related to job performance. . . . The statute does not conflict with the Civil Service Commission's authority to regulate, indeed proscribe, on-duty political activity or deal with unsatisfactory job performance attributable to off-duty political activity or any other cause on a case-by-case basis. [*Id*., at 408-409.]

The Court held that the Commission's blanket rule prohibiting off-duty political activity was invalid.

By enacting section 57, the Legislature restricted on-duty political activity. Statutes are presumed constitutional. *Phillips v Mirac, Inc*, 470 Mich 415, 422; 685 NW2d 174 (2004). Moreover, the Legislature has broad powers to protect the public interest, including its power and duty to protect the integrity of the political process

under Const 1963, art 2.[10] *Council No 11*, 408 Mich at 394-395. Ensuring that public resources are not used to advocate for or against candidates or ballot questions assists in maintaining government neutrality with respect to elections, and promotes the integrity of the political process itself. Section 57 is consistent with Const 1963, art 11, § 5 and the purpose behind the creation of the civil service system and the Commission itself to "'keep politics out of the classified state service.'" *Council No 11*, 408 Mich at 406. A payroll deduction plan that uses state resources to effectuate the political contributions of state employees would reinsert a political element into the classified service.

Consistent with this purpose of art 11, § 5, the Commission, through the adoption of rules, has also exercised its constitutional authority to restrict on-duty political activity. Rule 1-12.6 prohibits on-duty political activity. Rule 1-12.5 provides that "[t]he levying, solicitation, collection, or payment of any type of political assessment and the authorizing or ordering of such activity in the classified service are prohibited." Rule 6-10.3 further requires the Commission to reject or modify any provision of a collective bargaining agreement that is contrary to law or its rules. Finally, "[p]olitical activity . . . by classified employees during actual-duty time" is a prohibited subject of collective bargaining. Rule 6-3.2(b)(6).

It is my opinion, therefore, that section 57 of the Michigan Campaign Finance Act, MCL 169.257: (a) is a valid exercise of legislative authority to regulate the use of public resources and to "preserve the purity of elections" under Const 1963, art 2, § 4; (b) does not infringe upon the plenary authority granted the Civil Service Commission under Const 1963, art 11, § 5; and (c) precludes the Civil Service Commission from approving provisions of a collective bargaining agreement that would require the State to administer a payroll deduction plan facilitating state employee contributions to a political action committee.

In light of the above conclusions with respect to the applicability of section 57 of the MCFA and its application to classified state employees, it is unnecessary to address your remaining questions.

MIKE COX
*Attorney General*

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[10] Specifically, Const 1963, art 2, § 4 provides that the Legislature "shall enact laws to regulate the . . . manner of all nominations and elections," and "shall enact laws to preserve the purity of elections." Additionally, exercising its powers under various provisions of the constitution, the Legislature has, for example, transferred duties and powers exercised by a person holding a position covered by the state civil service to a board, *Civil Service Comm v Dep't of Labor*, 424 Mich 571; 384 NW2d 728 (1986); vested the Civil Rights Commission with jurisdiction over sex discrimination claims by classified state employees, *Marsh v Dep't of Civil Service*, 142 Mich App 557; 370 NW2d 613 (1985), and *Dep't of Civil Rights ex rel Jones v Dep't of Civil Service*, 101 Mich App 295; 301 NW2d 12 (1980), and, provided supplemental employment benefits to mental health workers, *Oakley v Dep't of Mental Health*, 136 Mich App 58; 355 NW2d 650 (1984). In *Michigan State AFL-CIO v Civil Service Comm*, 455 Mich 720, 734, *supra*, n 8, the Court applied provisions of the Political Freedom Act, 1976 PA 169, MCL 15.401 *et seq*, to invalidate a Civil Service Commission rule that prohibited political activity by an employee on union leave. Citing the language of the statute and *Council No 11*, the Court ruled that the Legislature could, and did, preempt application of the rule insofar as while on union leave: (1) the employee was not being compensated by the employer, or (2) any compensation paid was not for the performance of the duties as a public employee. MCL 15.404 provides: "The activities permitted by sections 2 and 3 [certain political activities] shall not be actively engaged in by a public employee during those hours when that person is being compensated for the performance of that person's duties as a public employee."

**COUNTIES: Authority of counties to regulate outdoor advertising signs**

**BILLBOARDS:**

**COUNTY ZONING ACT:**

**HIGHWAY ADVERTISING ACT:**

**The Highway Advertising Act preempts counties from regulating the size, lighting, and spacing of signs and sign structures that are located within an "adjacent area" as defined by MCL 252.302(o). Within the limitations of the County Zoning Act, a county may otherwise regulate signs and sign structures.**

Opinion No. 7188 February 17, 2006

Honorable Tim Moore
State Representative
The Capitol
Lansing, MI 48913

You have asked if counties may regulate and control the size, lighting, and spacing of signs and sign structures with a county zoning ordinance adopted under the County Zoning Act or whether the Highway Advertising Act preempts county regulation in this area.

A county has only those powers that have been granted to it by the Constitution or the state Legislature. *Alan v Wayne County*, 388 Mich 210, 245; 200 NW2d 628 (1972).[1] A county's statutorily granted authority should be liberally construed in its favor and includes those powers "fairly implied and not prohibited by the constitution." Const 1963, art 7, § 34. *Saginaw County v John Sexton Corp*, 232 Mich App 202, 221; 591 NW2d 52 (1998).

Section 1(1) of the County Zoning Act, MCL 125.201(1), provides limited authorization to a county board of commissioners to adopt zoning ordinances, including regulations "designating or limiting the location, size of, and the specific uses for which a . . . structure may be erected or altered":

> The county board of commissioners of a county in this state may provide by zoning ordinance for the establishment of land development regulations and districts in the portions of the county outside the limits of cities and villages which regulate the use of land . . . to insure that uses of the land shall be situated in appropriate locations and relationships; . . . and to promote public health, safety, and welfare. For those purposes the county board of commissioners may divide the county into districts of a number, shape, and area as is considered best suited to carry out this act. . . . *Land development regulations may also be adopted designating or limiting the location, size of, and the specific uses for which a* dwelling, building, or *structure may be erected or altered* . . . . [Emphasis added.]

County ordinances may be adopted for portions of the county outside the limits of cities and villages as stated in this provision. Further, section 39 of the County Zoning Act, MCL 125.239, excludes certain townships from coverage under such a county ordinance:

> A township in which an ordinance enacted under the township zoning act, Act No. 184 of the Public Acts of 1943, being sections 125.271 to 125.310 of the Michigan Compiled Laws, is in effect is not subject, unless otherwise provided in this act, to an ordinance, rule, or regulation adopted under this act.

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[1] See OAG, 2001-2002, No 7117, pp 115, 116 (September 11, 2002), for examples of powers that counties lack because of the absence of affirmative authority.

Thus, county zoning ordinances are generally inapplicable to townships in which a validly enacted township zoning ordinance is in effect under the Township Zoning Act. *Bengston v Delta County*, 266 Mich App 612, 617; 703 NW2d 122 (2005).

In *Dingeman Advertising, Inc v Saginaw Twp*, 92 Mich App 735, 738; 285 NW2d 440 (1979), the Court considered language in the Township Zoning Act comparable to the emphasized language in section 1(1) of the County Zoning Act, MCL 125.201, and stated:

> In order to implement programs to attain the goals set forth, local governmental bodies are given the power to regulate or prohibit in a specified manner the type and method of development. MCL 125.271; MSA 5.2963(1). *The power includes control over all "dwellings, buildings and structures" which would incorporate large scale signs*. MCL 125.271; MSA 5.2963(1), *Midland Twp v Rapanos*, 41 Mich App 75; 199 NW2d 548 (1972). [Emphasis added.]

Thus, regulations adopted by a county board of commissioners "designating or limiting the location, size of, and the specific uses for which a . . . structure may be erected or altered" may extend to signs, subject to the limitations expressed in MCL 125.201(1) and MCL 125.239 and so long as that power is not otherwise limited.

Your question concerns whether the Highway Advertising Act limits a county board of commissioners' power by preempting its authority to regulate signs.

According to its title, the Highway Advertising Act of 1972 (Act), MCL 252.301 *et seq*, provides for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways. A person shall not engage or continue to engage in outdoor advertising through the erection, use, or maintenance of any signs in an "adjacent area" where the facing of the sign is visible from an interstate highway, freeway, or primary highway. MCL 252.305. The term "adjacent area" is defined in section 2(*o*) of the Act to mean:

> [T]he area measured from the nearest edge of the right of way of an interstate highway, freeway, or primary highway and extending 3,000 feet perpendicularly and then along a line parallel to the right-of-way line. [MCL 252.302(*o*).]

Section 4 of the Act, MCL 252.304, preempts local regulation of the size, lighting, and spacing of signs and their structures, in adjacent areas, except that a city, village, township, or charter township may adopt identical or more restrictive regulations:

> This act regulates and controls the size, lighting, and spacing of signs and sign structures in adjacent areas and occupies the whole field of that regulation and control except for the following:
>
> (a) *A city, village, township, or charter township may enact ordinances to regulate and control the size, lighting, and spacing of signs and sign structures, but the ordinances shall not permit a sign or sign structure that is otherwise prohibited by this act* or require or cause the removal of lawfully erected signs or sign structures subject to this act without the payment of just compensation. A sign owner shall apply for an annual permit pursuant to section 6 for each sign to be maintained or to be erected within that city, village, charter township, or township. A sign erected or maintained within that city, village, township, or charter township shall also comply with all applicable provisions of this act. [MCL 252.304(a); emphasis added.]

The Act does not extend that exception to counties. Section 25 of the Act recognizes that fact, providing that a study should be conducted to determine whether counties should be given the authority to regulate outdoor advertising in adjacent areas:

> It is the intent of the legislature that the state fund a study to analyze the effect of the amendatory act that added this section and to make recommendations to the legislature of any additional changes to this act that should be considered. At a minimum, the study shall consider all of the following:

> (a) *Whether regulatory authority under this act should be extended to counties*. [MCL 252.325(a); emphasis added.]

As to the scope of the Act's preemption provisions, *Dingeman Advertising, Inc*, *supra*, addressed whether section 4 of the Act preempted authority that a township could otherwise exercise under the Township Zoning Act to regulate signs. The Court noted that the Township Zoning Act is general in its scope while the Highway Advertising Act specifically addresses the regulation of signs in adjacent areas, stating that, "[w]hile both statutes are directed toward orderly development of land use, the HAA is specifically concerned with billboard advertising as it relates to land use." 92 Mich App at 739.

After recognizing the rule of statutory construction that specific statutory provisions control over more general statutory provisions, the Court found that the Highway Advertising Act expressly preempts local regulation:

> When the state undertakes to assume exclusive regulation, municipal regulation is preempted. The express language utilized here indicates that *the pervasive scheme of control in this area* intended by the Legislature *preempts local regulation*. [92 Mich App at 741; emphasis added.]

The same conclusion may be drawn when considering the general regulatory authority conferred on a county board of commissioners under the County Zoning Act, compared to the specific limitations imposed by section 4 of the Highway Advertising Act.

It should be noted, however, that so long as the signs in question are not within an "adjacent area," the plain language of the Act does not preempt the authority of a county – or any other local unit of government – to regulate them. Similarly, so long as the county regulation does not address the "size, lighting, and spacing of signs and sign structures," regulation by a county is not preempted. *Homer Twp v Billboards by Johnson, Inc*, 268 Mich App 500; 708 NW2d 737 (2005).[2] As to such signs and sign structures, a county may exercise its limited regulatory authority under the County Zoning Act.

It is my opinion, therefore, that the Highway Advertising Act preempts counties from regulating the size, lighting, and spacing of signs and sign structures that are located within an "adjacent area" as defined by MCL 252.302(o). Within the limitations of the County Zoning Act, a county may otherwise regulate signs and sign structures.

MIKE COX
*Attorney General*

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[2] In so ruling, the Court in *Homer Twp* followed *Central Advertising Co v St. Joseph Twp*, 125 Mich App 548, 552; 337 NW2d 15 (1983): "[P]re-emption extends only to the area of regulation, which is, size, lighting and spacing in adjacent areas. . . . [T]he Highway Advertising Act does not pre-empt local governments from regulating areas unrelated to the spacing, lighting and size of signs in adjacent areas." Accord, *Oshtemo Charter Twp v Central Advertising Co*, 125 Mich App 538, 542; 336 NW2d 823 (1983).

**LICENSES AND PERMITS: Authority of concealed weapon licensing boards to diagnose mental illness**

**CONCEALED WEAPONS:**

**MENTAL HEALTH:**

**The Concealed Pistol Licensing Act, MCL 28.421 *et seq*, does not confer on a county concealed weapon licensing board the power to make its own medical diagnosis of mental illness in the course of determining an applicant's eligibility for licensure under that act. However, a county concealed weapon licensing board has the authority to review records and other evidence in the course of fulfilling its responsibility to determine whether an applicant for a concealed pistol license has been diagnosed with a mental illness at the time the application is made.**

Opinion No. 7189 March 15, 2006

Honorable Fred Miller
State Representative
The Capitol
Lansing, MI

You ask whether a county concealed weapon licensing board (Board) has the power to interpret medical and other records in order to make a diagnosis of mental illness when reviewing an application for a license to carry a concealed pistol.

The Concealed Pistol Licensing Act (Act), 1927 PA 372, MCL 28.421 *et seq*, regulates the carrying of concealed pistols. The Act prohibits a person from carrying a concealed pistol unless the person has been licensed in accordance with the requirements of the Act. Among these is the requirement that the applicant "does not have a diagnosed mental illness at the time the application is made regardless of whether he or she is receiving treatment for that illness." MCL 28.425b(7)(*l*).

The Board is required by the Act to determine applicant eligibility. MCL 28.425b(7). The Board is an administrative agency created by statute, and as such, it has "no inherent powers and possess[es] only those limited powers which are expressly conferred upon [it] by the state constitution or state statute[ ] or which are necessarily implied therefrom." *Hanselman v Killeen*, 419 Mich 168, 187; 351 NW2d 544 (1984). The principles that govern the interpretation of an agency's powers are expressed in *Pharmaceutical Research & Manufacturers of America v Dep't of Community Health*, 254 Mich App 397, 403-404; 657 NW2d 162 (2002). The Court of Appeals stated that, in addition to their express powers, administrative agencies may exercise powers that are granted by necessary or fair implication to fully effectuate the express powers:

> Statutes are the primary source of administrative power; thus, whether an administrative agency has a particular power is typically a matter of statutory construction. Consistent with the goal of effectuating legislative intent, the power conferred includes that which is expressly granted and that which is granted by necessary or fair implication, i.e., "powers necessary to a full effectuation of authority expressly granted." [Citations omitted.]

Similar statements of this principle have been adopted in other cases, including *Dep't of Public Health v Rivergate Manor*, 452 Mich 495, 503; 550 NW2d 515 (1996), *Soap & Detergent Ass'n v Natural Resources Comm*, 415 Mich 728, 736 n 4; 330 NW2d 346 (1982), and *Coffman v State Bd of Examiners in Optometry*, 331 Mich 582, 590; 50 NW2d 322 (1951).

The powers vested in the Board are described in the Act. Among these is the power to investigate an applicant to determine eligibility under the Act. MCL

28.425a(7). The Board is further authorized to access an applicant's medical and mental health records to aid in the eligibility determination.[1] The Board is to determine whether the applicant has a "diagnosed mental illness at the time the application is made." Nowhere in the Act is the Board granted the power to make its own diagnosis of mental illness, nor can any such power be reasonably inferred from those expressly granted.

While your question does not present a specific factual situation, three possible factual scenarios nevertheless emerge from the context of your question. Those include a case where a diagnosis of mental illness has been made by a health professional, a case where such a diagnosis has not been made, and a case where the existence of a diagnosis at the time the application is made is subject to a good faith factual dispute. If the evidence before the Board clearly establishes that the applicant has "a diagnosed mental illness at the time the application is made," the Board is bound by that determination. Likewise, if the evidence before the Board establishes that the applicant does not have a diagnosed mental illness at the time the application is made, the Board is bound by that circumstance.

Where the existence of an actual diagnosis is debatable, however, the Board has the responsibility under section 425b(7) to resolve that question.[2] For example, if medical records indicate that an applicant suffers from symptoms consistent with a mental disorder but those records do not definitively resolve whether a diagnosis has been made, a question arises whether the Board may properly reach the requisite determination that the applicant "does not have a diagnosed mental illness." In this instance, while the Board members would be without authority to formulate their own diagnosis, the Board has the authority to further investigate the matter to resolve that question. MCL 28.425a(7).

It is also worth noting that the Board must deny a license to an applicant where, although the person has not been diagnosed with a mental illness at the time the concealed pistol license application is made, the Board has determined, based on clear and convincing evidence, that issuing the license is detrimental to the safety of the applicant or any other individual. MCL 28.425b(7)(n). In addition, even if an applicant does not have a diagnosed mental illness at the time the application is made, if that person has ever been found to be guilty but mentally ill of any crime, has offered a plea of not guilty of, or been acquitted of, any crime by reason of insanity, or has been the subject of an order of involuntary commitment due to mental illness, the application must be denied. MCL 28.425b(7)(j) and (k). Moreover, before issuing a license, the Board must determine that the applicant is not the subject of an order or disposition under section 464a of the Mental Health Code, MCL 330.1464a. MCL 28.425b(7)(d)(*i*). Further, if the applicant "has been adjudicated as a mental defective" or been committed to a mental institution, federal law prohibits that person from possessing a firearm, 18 USC 922 (g)(4), and the application should be denied.

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[1] Under MCL 28.425b(1)(c) and (d), an application for a license to carry a concealed pistol must contain a statement by the applicant authorizing the Board to access any medical record pertaining to the applicant's qualifications for a license and to access the applicant's mental health records relating to his or her mental health history.

[2] Section 425b(7) states that the concealed weapon licensing board "shall issue a license to an applicant to carry a concealed pistol . . . after the applicant properly submits an application . . . and the concealed weapon licensing board determines that all of the [listed] circumstances exist." MCL 28.425b(7). Among these circumstances is that the applicant "does not have a diagnosed mental illness at the time the application is made." MCL 28.425b(7)(*l*).

It is my opinion, therefore, that the Concealed Pistol Licensing Act, MCL 28.421 *et seq*, does not confer on a county concealed weapon licensing board the power to make its own medical diagnosis of mental illness in the course of determining an applicant's eligibility for licensure under that act. However, a county licensing board has the authority to review records and other evidence in the course of fulfilling its responsibility to determine whether an applicant for a concealed pistol license has been diagnosed with a mental illness at the time the application is made.

MIKE COX
*Attorney General*

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**CONST 1963, ART 4, § 41: Impact of amendments to Const 1963, art 4, § 41 on Bureau of State Lottery operations**

**LOTTERY:**

**The voter-approval requirement of Const 1963, art 4, § 41 does not apply to games that the Commissioner of the Bureau of State Lottery may authorize pursuant to the authority conferred under the existing provisions of the Traxler-McCauley-Law-Bowman Bingo Act, MCL 432.101 *et seq*.**

Opinion No. 7190 March 15, 2006

Commissioner Gary C. Peters
Bureau of State Lottery
101 E. Hillsdale
Lansing, MI 48909

You have asked whether the voter-approval requirement of the recent amendment to Const 1963, art 4, § 41 applies to games that the Commissioner of the Bureau of State Lottery may authorize pursuant to authority granted in existing provisions of the Traxler-McCauley-Law-Bowman Bingo Act (Bingo Act), MCL 432.101 *et seq*.

Michigan voters ratified the recent amendment of art 4, § 41 by approving Proposal 04-1 on November 2, 2004. Before this amendment, art 4, § 41 stated: "The legislature may authorize lotteries and permit the sale of lottery tickets in the manner provided by law." The passage of Proposal 04-1 added two sentences to that section, so that art 4, § 41 now provides:

> The legislature may authorize lotteries and permit the sale of lottery tickets in the manner provided by law. No law enacted after January 1, 2004, that authorizes any form of gambling shall be effective, nor after January 1, 2004, shall any new state lottery games utilizing table games or player operated mechanical or electronic devices be established, without the approval of a majority of electors voting in a statewide general election and a majority of electors voting in the township or city where gambling will take place. This section shall not apply to gambling in up to three casinos in the City of Detroit or to Indian tribal gaming.

In determining the meaning of a constitutional provision, courts apply the rule of "'common understanding.'" *Wayne County v Hathcock*, 471 Mich 445, 468; 684 NW2d 765 (2004). "The primary objective in interpreting a constitutional provision is to determine the text's original meaning to the ratifiers, the people, at the time of

ratification." *Id*. The first step in this analysis is determining whether the words of the constitutional provision "have a plain meaning." *Silver Creek Drain Dist v Extrusions Div, Inc*, 468 Mich 367, 375; 663 NW2d 436 (2003). If the words at issue have a plain meaning, that meaning is applied. *Id*. However,

> "[I]f a constitutional phrase is a technical legal term or a phrase of art in the law, the phrase will be given the meaning that those sophisticated in the law understood at the time of enactment unless it is clear from the constitutional language that some other meaning was intended." [*WPW Acquisition Co v City of Troy*, 466 Mich 117, 123; 643 NW2d 564 (2002), quoting *Michigan Coalition of State Employee Unions v Civil Service Comm*, 465 Mich 212, 223; 634 NW2d 692 (2001).]

Another rule of constitutional construction holds that the circumstances surrounding the adoption of the provision and the purpose sought to be accomplished may be considered. *Soap & Detergent Ass'n v Natural Resources Comm*, 415 Mich 728, 745; 330 NW2d 346 (1982).

Your question concerns the Commissioner's authority under existing law.[1] It does not invoke the restrictions against new laws enacted to authorize "any form of gambling," but rather it involves the restrictions imposed by the constitutional amendment on "any new state lottery games utilizing table games or player operated mechanical or electrical devices." The threshold issue is thus whether games that the Commissioner of the Bureau of State Lottery may authorize pursuant to the Bingo Act constitute "state lottery games" as that phrase is used in art 4, § 41. If these games are not "state lottery games," the Commissioner may authorize them without voter approval.

Until 1972, Const 1963, art 4, § 41 prohibited the Legislature from authorizing lotteries: "The legislature shall not authorize any lottery nor permit the sale of lottery tickets."[2] Many years before the voters ratified the 1963 Constitution, the Michigan Supreme Court had defined a "lottery" as an activity involving the elements of chance, prize, and consideration. See *People v Welch*, 269 Mich 449, 452; 257 NW 859 (1934). Because the term "lottery" in art 4, § 41 was not limited to any particular type of lottery, this provision prevented legislative authorization of private lotteries as well as state-operated lotteries. In 1972, however, the voters approved a constitutional amendment that lifted the prohibition on legislative authorization of lotteries, such that Const 1963, art 4, § 41 thereafter read: "The legislature may authorize lotteries and permit the sale of lottery tickets in the manner provided by law." Accordingly, with the 1972 amendment came the authority for the Legislature to authorize both state-operated and private lotteries.

The Legislature responded to this grant of authority by enacting the McCauley-Traxler-Law-Bowman-McNeely Lottery Act (Lottery Act), MCL 432.1 *et seq*, and the Bingo Act. In the Lottery Act, the Legislature mandated that a state-operated lottery be established: "The commissioner [of the Bureau of State Lottery] shall initiate, establish, and operate a state lottery at the earliest feasible and practicable time." MCL 432.9(1). The Legislature also stated in what was then MCL 432.3(c) that "[l]ottery" or "state lottery," as used in the act, meant "the lottery created and operated pursuant to this act." In 1996, the Legislature clarified this definition: "'Lottery' or 'state lottery' means the lottery created pursuant to this act and operated exclusively by or under the exclusive control of the bureau of state lottery." MCL 432.3(d). From the outset, the Legislature afforded the Commissioner broad authority to promulgate rules concerning the type of lottery that the Bureau of State

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[1] The Bingo Act was last amended by 1999 PA 108, effective March 10, 2000.

[2] Similar prohibitions were found in Const 1835, art 12, § 6, Const 1850, art 4, § 27, and Const 1908, art 5, § 33.

Lottery would conduct,[3] the price of lottery tickets, the number and size of prizes, the manner of selecting winners, and the frequency of selecting winning tickets. MCL 432.11(2)(a), (b), (c), (d), and (f).

In the Bingo Act, the Legislature authorized certain organizations, under specified conditions, to conduct games of chance such as bingo, raffles, numeral games,[4] and "millionaire party"[5] games for consideration. See, e.g., MCL 432.102(4), MCL 432.104a, and MCL 432.107a. These games, as conducted pursuant to the Bingo Act, constitute lotteries under the common law, given that the elements of chance, prize, and consideration are present. See *Welch*, 269 Mich at 452. Until 1972, in addition to the constitutional prohibition, lotteries were subject to criminal penalties by statute, even if conducted by charitable organizations. See MCL 750.372. For example, in a pre-Bingo Act case, *Society of Good Neighbors v Mayor of Detroit*, 324 Mich 22, 25-26; 36 NW2d 308 (1949), the Court stated that the plaintiff in that case, a private charitable organization, could not host bingo games as fundraisers because bingo, just like the "beano," "keno," and "lotto" games condemned in *Welch*, constituted a lottery prohibited by MCL 750.372. By enacting the Bingo Act, the Legislature carved out an exception to the criminal prohibition against lotteries in MCL 750.372 for certain organizations under certain conditions. See MCL 432.119.

The Legislature placed the responsibility of administering the Bingo Act with the Commissioner of the Bureau of State Lottery. MCL 432.112; *Daniels v Bureau of State Lottery*, 98 Mich App 628, 630; 296 NW2d 324 (1980). See also MCL 432.113 (directing the Commissioner to promulgate rules under the Bingo Act concerning activities permitted by the Bingo Act). For example, the Commissioner decides what games organizations may offer as "millionaire party" games. 2000 MR 3, R 432.21406.

In assigning this responsibility for administrative oversight, the Legislature used certain definitions in the Bingo Act that are identical to those used in the Lottery Act. For example, the Bingo Act defines "[b]ureau" as "the bureau of state lottery as created by the . . . lottery act," MCL 432.102(3), and "[c]ommissioner" as the "commissioner of state lottery as defined by section 3 of the . . . lottery act," MCL 432.102(6). The Bingo Act does not define "state lottery." The term "state lottery" is utilized in the Bingo Act solely to identify the state officer responsible for administering the act's provisions. Neither the Bingo Act nor the Lottery Act uses "state lottery" to refer to a lottery operated by an organization pursuant to authority grounded in the provisions of the Bingo Act.

The Bingo Act makes it clear that games conducted pursuant to its terms are neither operated by nor under the exclusive control of the Bureau of State Lottery. For example, the organization conducting the game must bear the cost of prizes, MCL 432.107a(6) and MCL 432.109(b), and must devote the net proceeds of the activity to the organization's lawful purposes, MCL 432.109. Moreover, under certain conditions, the Bingo Act permits senior citizens' groups or homes to conduct bingo without even obtaining a license from the Bureau of State Lottery. MCL 432.105a. Similarly, certain organizations, under specified conditions, may conduct a raffle without obtaining a license. MCL 432.105d.

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[3] The Legislature prohibited the Commissioner from conducting a lottery based on an activity that uses "the mechanical, physical, or mental skills of the participant and that is traditionally regarded as a sporting event." MCL 432.9(2).

[4] A "numeral game" is "the random resale of a series of numeral game tickets [as defined in MCL 432.103a(10)] by a qualified organization under a numeral game license or in conjunction with a licensed millionaire party or large raffle." MCL 432.103a(9).

[5] A "millionaire party" is "an event at which wagers are placed upon games of chance customarily associated with a gambling casino through the use of imitation money or chips." MCL 432.103a(8).

The definition of "state lottery" provided in the Lottery Act comports with the common understanding of "state lottery" at the time the ratifiers voted on Proposal 04-1. Not only had the phrase "state lottery" been used as defined above for many years when the voters considered its use in the proposed amendment to Const 1963, art 4, § 41, the plain language of the term supports the conclusion that "state lottery games" are games operated by the Bureau of State Lottery. When "state" is used as an adjective, as it is in the term "state lottery," the applicable meaning of the term is "[o]wned and operated by a state." *American Heritage College Dictionary, 3rd Edition* (2000). Consequently, the plain meaning of "state lottery" in art 4, § 41 is the lottery owned and operated by the State of Michigan. The term "state lottery games," therefore, does not encompass the games operated by various organizations pursuant to the Bingo Act.

It is my opinion, therefore, that the voter-approval requirement of Const 1963, art 4, § 41 does not apply to games that the Commissioner of the Bureau of State Lottery may authorize pursuant to the authority conferred under the existing provisions of the Traxler-McCauley-Law-Bowman Bingo Act, MCL 432.101 *et seq*.

MIKE COX
*Attorney General*

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**FAMILY LAW: Effect of a properly signed acknowledgment of parentage on custody of the minor child**

**ACKNOWLEDGMENT OF PARENTAGE ACT:**

**CHILD CUSTODY:**

**After a mother and father sign an acknowledgment of parentage concerning a child born out of wedlock, in accordance with the Acknowledgment of Parentage Act, MCL 722.1001 *et seq*, the mother has custody of that child unless otherwise determined by a court or otherwise agreed upon by the parties, in writing. A police agency may rely on a duly executed acknowledgment of parentage as establishing the mother's custody of the minor child, unless presented with a court order or written agreement signed by the parties stating otherwise.**

Opinion No. 7191 March 28, 2006

Mr. David L. Morse
Livingston County Prosecuting Attorney
The Law Center
210 S. Highlander Way
Howell, MI 48843-1989

You have asked if a properly executed affidavit of parentage legally gives the mother of a child born out of wedlock custody of the child named in the affidavit. You have also asked if there is any difference in the legal effect to be accorded a court's custody order and an affidavit of parentage for purposes of police agencies assisting custodial parents in returning children improperly withheld from them.

Under the Acknowledgment of Parentage Act (Act), 1996 PA 305, MCL 722.1001 *et seq*, the paternity of a child born out of wedlock may be established by the signing of an acknowledgment of parentage. Section 3(1) of the Act, MCL 722.1003, provides:

> If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges that child as his child by completing a form that is an acknowledgment of parentage.

The form must be prepared or approved by the State Registrar,[1] MCL 722.1008, and must include the following written notices to the parties:

> (a) The acknowledgment of parentage is a legal, public document.
>
> (b) Completion of the acknowledgment is voluntary.
>
> (c) The mother has custody of the child unless otherwise determined by the court or agreed by the parties in writing.
>
> (d) Either parent may assert a claim in court for parenting time or custody.
>
> (e) The parents have a right to notice and a hearing regarding the adoption of the child.
>
> (f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.
>
> (g) Notice that signing the acknowledgment waives the following:
>
> (i) Blood or genetic tests to determine if the man is the biological father of the child.
>
> (ii) Any right to an attorney, including the prosecuting attorney or an attorney appointed by the court in the case of indigency, to represent either party in a court action to determine if the man is the biological father of the child.
>
> (iii) A trial to determine if the man is the biological father of the child. [MCL 722.1007(a) – (g).]

The completed original acknowledgment of parentage must be filed with the State Registrar. MCL 722.1005(1).[2] In addition to establishing paternity without the necessity for a court order, a properly executed acknowledge of parentage may serve as the basis for court-ordered child support, custody, or parenting time. MCL 722.1004.

Section 6 of the Act, MCL 722.1006, establishes that the mother is presumed to have custody, unless otherwise determined by the court or otherwise agreed upon by the parties in writing:

> After the mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed upon by the parties in writing.

In the context of that statute, "presumed" means taken to be true without further proof, subject, of course, to a court order or written agreement of the parties providing otherwise. In the absence of a statutory definition, the words of a statute are generally given their common meaning, which may be shown by a dictionary.[3]

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[1] The State Registrar is the official within the Department of Community Health who administers, controls, and serves as the custodian of Michigan's system of vital statistics. MCL 333.2813.

[2] A copy of the most recent form approved for purposes of complying with the Acknowledgment of Parentage Act, entitled "Affidavit of Parentage," is attached to this opinion. The form requires the parties to affirm the statements made therein "under penalty of perjury" and to have the completed form notarized. The Acknowledgment of Parentage Act does not affect the validity of an acknowledgment signed before June 1, 1997. MCL 722.1012. After that date, acknowledgments of parentage must conform to the act's requirements.

[3] *Sands Appliance Services, Inc v Wilson*, 463 Mich 231, 240; 615 NW2d 241 (2000), "Where the Legislature has not expressly defined the terms used in a statute, this Court may turn to dictionary definitions 'to aid our goal of construing those terms in accordance with their ordinary and generally accepted meanings.'" [Citation omitted.]

The relevant definition of "presumed" provides: "to suppose to be true without proof, <*presumed* innocent until proved guilty.> *Merriam-Webster's Collegiate Dictionary, 10th Edition* (2001). Thus, unless a court order determines otherwise or the parties agree otherwise in writing, custody is taken as being with the mother.

That point is confirmed by section 7(c) of the Act, MCL 722.1007(c), requiring that the form give notice of that custody assumption:

> The acknowledgment of parentage form shall include at least all of the following written notices to the parties:
>
> * * *
>
> (c) *The mother has custody of the child unless otherwise determined by the court or agreed by the parties in writing*. [Emphasis added.] [4]

Where the language in a statute is clear and unambiguous, the statute must be applied as written. *Roberts v Mecosta County General Hospital*, 466 Mich 57, 63; 642 NW2d 663 (2002).

It is my opinion, therefore, that after a mother and father sign an acknowledgment of parentage concerning a child born out of wedlock, in accordance with the Acknowledgment of Parentage Act, MCL 722.1001 *et seq*, the mother has custody of that child unless otherwise determined by a court or otherwise agreed upon by the parties, in writing. A police agency may rely on a duly executed acknowledgment of parentage as establishing the mother's custody of the minor child, unless presented with a court order or written agreement signed by the parties stating otherwise.

MIKE COX
*Attorney General*

Att.

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[4] This does not preclude a police officer from taking appropriate steps to resolve the issue, if the officer has reason to believe that the acknowledgment of paternity is not authentic or has been falsified. A false affidavit of parentage is invalid and without lawful effect. Aichele v Hodge, 259 Mich App 146, 155-156; 673 NW2d 452 (2003).

Editor's Note: Subsequent to this opinion issuing, the Legislature enacted 2006 PA 105, amending MCL 722.1006, effective April 18, 2006.

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
Vital Records and Health Data Development

DCH-0682w (11/02) By authority of Act 305 of 1996

State File Number

## AFFIDAVIT OF PARENTAGE

(PLEASE PRINT OR TYPE)

We affirm under penalty of perjury that we are the natural parents of:

(First) (Middle) (Last)

who was born in _____ on _____
(Hospital Name, City, County, State) (Date of Birth)

and that we sign this affidavit to establish the paternity for this child. We hereby consent that the name of the natural father may be included on the certificate of birth for the child.

We wish the child's name to be recorded as:

(First) (Middle) (Last)

In signing this form, we understand that:

a) This is a legal public document.
b) Completion of the acknowledgment is voluntary.
c) The mother has custody of the child unless otherwise determined by the court or agreed by the parties in writing.
d) Either parent may assert a claim in court for parenting time or custody.
e) Both parents have a right to notice and a hearing regarding the adoption of the child.
f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.
g) By signing this acknowledgment, we waive the following:
   i) The right to blood or genetic tests to determine if the man is the biological father of the child.
   ii) Any right to a court appointed attorney, including the prosecuting attorney, to represent either party in a court action to determine if the man is the biological father of the child.
   iii) The right to a trial to determine if the man is the biological father of the child.

Further, the mother states that she was not married when this child was born or conceived; or that this child, though born or conceived during a marriage, is not an issue of that marriage as determined by a court of law.

**FATHER**

Name _____
(Father' Name – Printed)

Current Address Name and Street Number

City State Zip Code

Date of Birth _____

State or Country of Birth _____

Social Security Number _____
To the best of my knowledge, the above information is true

(Signature of Father)
Sworn to and subscribed before me this _____ day of _____

2 0 ___ Notary Public in and for _____
County, Michigan

(Notary Public's Signature)

(Notary Public's Name – Printed or Typed)

My commission expires _____

**MOTHER**

Name _____
(Mother's Name – Printed)

Current Address Name and Street Number

City State Zip Code

Date of Birth _____

State or Country of Birth _____

Social Security Number _____
To the best of my knowledge, the above information is true

(Signature of Mother)
Sworn to and subscribed before me this _____ day of _____

2 0 ___ Notary Public in and for _____
County, Michigan

(Notary Public's Signature)

(Notary Public's Name – Printed or Typed)

My commission expires _____

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
Vital Records & Health Data Development Section

## AFFIDAVIT OF PARENTAGE

**Instructions**

This form can be used to establish the parentage of a child and may be used to have information on the father of a child added to the certificate of birth for the child. This affidavit may be completed at the time of the child's birth or at any other time after the birth.

It is intended for use by couples who were not married at the time the child was conceived nor at the time of birth. In instances where the mother was married to someone other than the father when the child was conceived or delivered, a court ruling of her husband's nonpaternity is important in order to first establish that the child is not the husband's child.

**Completion of this affidavit is voluntary.** It indicates the parents wish to acknowledge parentage of a child. The form may be used by parents who were not married when the child was born or when the child was conceived to legally establish their parentage of a child.

Proper completion of the form is very important. Forms that are not properly completed will not be accepted for filing. Among other things, the form must be legible, must be typed or printed in ink, must be signed by both parents, and must be properly notarized. At a minimum, the following items must be provided: the full names of the child, the mother and the father, the data and place of the child's birth, the address of each parent and the birth places of each parent.

There is no fee for filing the affidavit with the Central Paternity Registry. Once filed, copies of the affidavit can be obtained by either parent, by the child or to a guardian or legal representative of a parent or the child. Certified copies of the affidavit are available from the central registry for $15.00 (additional copies are $5.00 each) and can be requested at the time of filing.

**Adding a Father to the Birth Certificate**

**Establishing Paternity at the Hospital** – If this affidavit is completed at the time of birth and provided to hospital staff before the birth certificate is prepared and filed, the birth certificate will be completed to include the father with no need for a separate application or fee. When completed at the time of birth and used as the basis for recording the father on the original certificate of birth, hospital staff must forward the original affidavit, along with the original birth certificate, to the local registrar. The local registrar will forward the affidavit to the Central Paternity Registry for final filing.

**Establishing Paternity After Leaving the Hospital** – Birth certificates are not automatically changed when an affidavit is filed, except when completed in the hospital at the time of the birth and before the birth has been registered. Changes to registered birth records can be requested based upon a properly completed affidavit and an Application to Add a Father on a Michigan Birth Record. If the affidavit is going to be used to add the father's name to a Michigan birth record, the affidavit SHOULD NOT BE MAILED TO THE CENTRAL PATERNITY REGISTRY, but should be mailed with the application to add the father to the address listed on the application. A birth record can be changed to reflect the father listed on the affidavit if no other man is recorded on the record as the child's father. Should a conflict exist, a court determination of paternity may become necessary.

There is a fee for each birth record change, as is noted on the correction application. Applications to correct a birth certificate are available from the office of the county clerk, the State Vital Records office recorded message (517) 335-8656, or can be downloaded from the Michigan Department of Community Health Web site at: www.michigan.gov/mdch

To request a certified copy or to change the birth record, mail the completed Affidavit along with an application to Add a Father to:

VITAL RECORDS CHANGES
P.O. Box 30721
Lansing, Michigan 48909

To file the Affidavit to establish paternity without changing the birth record, mail to:

Central Paternity Registry
Vital Records & Health Data Development Section
Michigan Department of Community Health
P.O. Box 30691
Lansing, Michigan 48909

By authority of Act 305 of 1996
Completion of this Form is Voluntary

DCH-0682 (11/02)
By authority of Act 305 of 1996

# AFFIDAVIT OF PARENTAGE

## INSTRUCTIONS FOR COMPLETION

The Affidavit of Parentage form (MDCH form DCH-0682) is designed to permit establishing the paternity of a child. By using this form, unwed parents can voluntarily and legally establish a child's paternity. When the form is properly completed and filed with the state registrar the child's parentage is established and a permanent record of the acknowledgment created. There is no fee for filing the form, however there is a charge for certified copies of the filed form. An acknowledgment of paternity is also necessary if the father is to be listed on the certificate of birth for the child born to an unmarried couple.

Completing the form is generally quite simple. These instructions are intended to clarify how the items on the form are to be completed and any special considerations of importance in completing the form. It is most important that the form be fully completed and be legibly printed or typed. Black ink is recommended and is required by some courts.

Cross outs or other alterations are not acceptable. Forms that are not properly completed will not be accepted for filing.

**Forward completed affidavits to:**

Central Paternity Registry
Vital Records & Health Data Development Section
Michigan Department of Community Health
P.O. Box 30691
3423 N. Martin Luther King Jr. Blvd.
Lansing, Michigan 48909

## REVISED PROCEDURES

The procedures for filing these affidavits changed on June 1, 1997 when Act 305 of 1996 took effect. This new law, called the Acknowledgment of Parentage Act, shifts the filing of the affidavit from the probate court to the Michigan Department of Community Health. All affidavits that will be filed on and after June 1, 1997 must be sent to the Central Paternity Registry for filing. There are some important points relative to this change that need to be explained.

The historical filings of paternity acknowledgments within the probate court will remain within the court. In attempting to obtain a certified copy of a filed affidavit, it is the date of filing that will determine the location of the acknowledgment and not the date of a child's birth.

The filing of an affidavit of parentage after the birth of the child does not cause the birth certificate of the child to be changed. Application to change a birth certificate is a separate procedure that requires a separate application form and a fee. This procedure is discussed on the reverse of the Affidavit of Parentage form.

The statute requires that the person notarizing the form provide the couple with a copy of the completed affidavit.



RETURN TO TABLE OF CONTENTS RETURN TO INDEX OF OPINIONS

**STATEMENTS TO BE AFFIRMED**

The upper portion of the form contains the statements to which the couple states are true. It is important to under score that each parent is attesting:

- that they are the child's parents,
- that they wish to acknowledge the child's paternity,
- that they wish to have the father listed on the certificate of birth for the child,
- that they consent to the filing of the form with the state registrar,
- that the mother was unwed at the conception and birth of the child or, if married, a court has determined her husband to not be the father,
- that they are stipulating the child's name as they wish it listed on the certificate of birth for the child.

The form lists seven points relative to the acknowledgment being signed that the parents must indicate they understand. These are:

- that the affidavit is a legal public record,
- that completion of the form is voluntary,
- that the mother is presumed to have custody of the child unless a custody has otherwise determined by a court or agreed by the parties in writing,
- that either parent may assert a claim for parenting time or custody,
- that both parents have a right to notice and a hearing regarding the adoption of the child,
- that both parents have the responsibility to support the child and to comply with administrative and court orders for child support,
- that the right to blood testing, the right to an attorney and to a trial to determine the biological father of the child are waived by signing the acknowledgment.

**PROPER COMPLETION OF THE FORM**

It is important to complete the form as fully as possible and to insure the accuracy of the information recorded. Type or print legibly. Black ink is preferred. For items that are unknown, enter "unknown" rather than leave the item blank.

The form requires reporting information about the child within a section that also affirms that the act of signing the form is attesting to the parentage of the identified child. To complete affirmation section, enter:

Name of Child at Birth

It is important to record the name given the child when first born. This will clearly indicate the relation between the child as named when the birth was first recorded and as named following acknowledging parentage. When the form is completed in the hospital and at the time of birth these names are generally the same.

Be sure to enter the full first, middle and last names for the child. If the child is a newborn that is not yet named, enter the last name preceded by baby boy or baby girl.

Place of Birth

The place of birth should be hospital name, city, county and state. If not precisely known, entering the city but not county, county but not city, or perhaps, just the state of birth is acceptable. This item must be completed for the affidavit to be accepted for filing.

Date of Birth

Enter the month, day and the year that the child was born. This item must be completed accurately. It is best to spell the month of birth.

This item must be completed for the affidavit to be acceptable for filing.

Child's Name on the Birth Certificate

List the full name of the child exactly as it is wished to appear on the child's birth certificate. It is important to properly indicate the first name, middle name and the last name so it appears correctly on the birth certificate. If the child will have a surname suffix include this with the last name.

Note: This form may be completed and filed but not used to change the certificate of birth for the child. Once the child's birth is registered with the state, completing and filing this form will not cause the birth record to be changed. Application to change the birth certificate must be made by completing a separate application and submitting it to the Michigan Department of Community Health, Division for Vital Records and Health Statistics. See the reverse side of the Affidavit for more information. This application process is explained within the instructions on the opposite side of the affidavit.

Information on the Parents

This section records key information on each parent. Though the form can be signed and notarized separately by the mother and the father, it is very important to complete the information on each parent before either signs the form.

3

Name

List the full legal names of each parent as the date the affidavit is being completed. It is important to list the first, middle and last name along with any surname suffix.

This information identifies the parents and is also used for listing the father on the birth certificate.

The names of each parent must be completed for the affidavit to be accepted for filing.

Current Address

List the number and street name, city, state and zip code address for each parent.

The information in this section identifies the parents specifically.

Date of Birth

Enter the date of birth for each parent. Supply the month, day and year. It is best to spell the month of birth.

The information further identifies the couple and, in the case of the father, will be used in preparing the certificate of birth for the child, as appropriate.

Place of Birth

Enter the state of birth for each parent. If either parent was not born within the US, enter their country of birth.

These items must be completed for the affidavit to be accepted for filing.

Social Security Number

The Social Security Number of each parent is an identifier field.

Should a parent not have a number enter "none."

For foreign citizens, do not enter an equivalent number from outside the USA.

Signature of Father and Mother

The signature must be properly entered, must be original and must be in ink. Black ink is recommended. The original signature of each parent must be completed for the affidavit to be accepted for filing.

Each parent may sign separately, but each signature must then be independently notarized.

4

**NOTARIZATION SECTION**

This section is critical to the form having legal effectiveness. The purpose of notarization is to comply with the requirements of law relative to establishing paternity. Those requirements are clearly intended to insure the proper identity of each parent and the authenticity of each signature. Errors in notarization will generally necessitate that the Vital Records and Health Data Development Section will refuse to file the form. In such cases, a new affidavit would need to be prepared for filing.

Note that under the Acknowledgment of Parentage Act, the mother and father shall be provided with a copy of the completed acknowledgment at the time of signing. It is important that the person notarizing the form provides these to the couple.

Date Signed

Enter the date as the day, followed by the month and then the year. Entering words for the date rather than numbers is recommended, as in the 20th day of January 1994.

County

List the county within which the notary was appointed.

Notary Signature

A duly authorized and appointed notary public must sign the form. The signature will indicate that they personally witnessed the parent sign the form and that the parent has been identified as the individual listed on the form.

A separate signature is required for each parent.

Commission Expiration

Enter that date that the current commission of the notary expires, as supplied by the Secretary of State's Office. It is, again, best to spell the month.

**FIRST CLASS SCHOOL DISTRICTS: Detroit school board's election of officers**

**REVISED SCHOOL CODE:**

**The school board of the Detroit Public Schools must next elect its president and vice-president in January 2007.**

Opinion No. 7192 March 29, 2006

Honorable Virgil Smith
State Representative
The Capitol
Lansing, MI 48913

You have asked if the school board of the Detroit Public Schools must next elect its board officers in January 2007.

The Revised School Code, MCL 380.1 *et seq*, governs the operation of Michigan schools. Part 6 of the Revised School Code, MCL 380.401-380.485, governs the operation of first-class school districts. A first-class school district is a school district that has a population of at least 100,000 pupils. MCL 380.402. Detroit Public Schools is currently the only such school district in Michigan.

In 1999, the powers of the elected school board of the Detroit Public Schools were suspended and a new governance structure was instituted. MCL 380.373(1). The powers and duties of the elected school board were vested in a chief executive officer who was appointed by a school-reform board. MCL 380.373(4).

In 2004, the Legislature enacted 2004 PA 303, which, among other things, amended Part 6 of the Revised School Code to provide the school electors of the Detroit Public Schools the opportunity to vote to determine the future governance structure of the school district. See MCL 380.410. In November 2004, the electors of the Detroit Public Schools voted to return operation of the school district to a governance structure consisting of an elected 11-member school board.

In accordance with 2004 PA 303, a new school board was elected at the November 2005 general election. See MCL 380.375, MCL 380.403a, MCL 380.411a, MCL 380.412a. The new board took office on January 1, 2006, consistent with the statute. MCL 380.412a(5). The board then elected its president and vice-president.[1]

The Revised School Code, as amended by 2004 PA 303, contains two provisions relating to the election of these board officers. MCL 380.411a(3) states:

> The board of a first class school district shall elect its officers during the month of January of each *odd* numbered year. [Emphasis added.]

MCL 380.416(2) states in pertinent part:

> The board, a majority of which shall constitute a quorum, shall elect its president and vice-president *biennially* from among the members of the board. [Emphasis added.]

Although MCL 380.411a(3) states that the board must elect its officers in January of each odd-numbered year, the board took office in January 2006 – an even-numbered year. Here the board could not elect its officers in January of the odd-numbered year unless the board waited a full year before electing its officers.

[1] The officers of a first-class school district board are a president, vice-president, secretary, and treasurer. The only officers that are elected, however, are the president and vice-president. The secretary and treasurer may not be board members and are appointed, not elected, by the board. MCL 380.416(2).

Michigan courts have held that "the fundamental rules of statutory construction generally preclude construction of a time limit for performance of an official duty as being mandatory, absent language that expressly precludes performance of such duty after the specified time has elapsed. Such statutes are normally construed as being 'directory.'" *People v Yarema*, 208 Mich App 54, 57; 527 NW2d 27 (1994). Therefore, under these circumstances, MCL 380.411a(3) does not prohibit the board from electing its initial officers in an even-numbered year.

When interpreting a statute, the goal is "'to ascertain and give effect to the intent of the Legislature.'" *People v Weeder*, 469 Mich 493, 497; 674 NW2d 372 (2004) (citation omitted). One must apply a reasonable construction that best accomplishes the legislative purpose. *Marquis v Hartford Accident & Indemnity*, 444 Mich 638, 644; 513 NW2d 799 (1994). Where the words of a statute are clear and unambiguous, "the statute speaks for itself" and is not subject to interpretation. *People v McIntire*, 461 Mich 147, 153; 599 NW2d 102 (1999). "'Words in a statute should not be construed in the void, but should be read together to harmonize the meaning, giving effect to the act as a whole.'" *G.C. Timmons & Co v Guardian Alarm Co*, 468 Mich 416, 421; 662 NW2d 710 (2003) (citation omitted).

Here, the intent of the Legislature is clear. A plain reading of the two statutory provisions shows that the Legislature intended that the president and vice-president of the board would serve two-year terms and that the board would vote to elect these officers in every odd-numbered year. But because the school board, under the circumstances presented here, elected its president and vice-president in an even-numbered year, you ask when the board must next elect its officers.

In OAG, 1987-1988, No 6524, p 346 (June 14, 1988), the Attorney General addressed a similar issue. There a statute granted township boards the authority to appoint members of township boards of review. The statute provided that board of review members would serve for two-year terms beginning January 1 of each odd-numbered year. The Attorney General was asked for an opinion concerning when the term of a board of review member would expire if he or she was appointed after January 1 of an odd-numbered year. The Attorney General opined that the board of review member would only hold office from the time the member was appointed until January 1 of the next odd-numbered year, at which time new board of review members would be appointed for a new two-year term. The Attorney General reasoned that regardless of when the board of review member was appointed, his or her term would end, and new members would be appointed, in January of every odd-numbered year.

This same reasoning applies to this situation. The Revised School Code, MCL 380.411a(3) and MCL 380.416(2), provides that the school board of the Detroit Public Schools shall elect its president and vice-president biennially and during the month of January of each odd-numbered year. It follows that the president's and vice-president's term of office is for two years beginning in January of each odd-numbered year. A reasonable construction of the statute requires the board of the Detroit Public Schools to elect its officers during the month of January in the next odd-numbered year, 2007, and that the officers elected in January 2006 serve only until that election. This construction best effectuates the intent of the Legislature in enacting the statute.

It is my opinion, therefore, that the school board of the Detroit Public Schools must next elect its president and vice-president in January 2007.

MIKE COX
*Attorney General*

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**TAXATION: Application of millage reduction fraction to renewed multi-year, voter-approved millages**

**GENERAL PROPERTY TAX ACT:**

**HEADLEE AMENDMENT:**

**CONST 1963, ART 9, § 31:**

**In the case of municipalities seeking authorization to levy "renewed" millages, the millage reduction fraction specified in section 34d of the General Property Tax Act, MCL 211.34d, is calculated on an uninterrupted basis for each succeeding year as if the voter-approved millage it replaces had never expired. Under MCL 211.34d(11), the calculation of the millage reduction fraction does not commence at 1.0 for the first year of the "renewed" millage but with the fraction utilized for the millage levied in the last year of the millage it replaces.**

Opinion No. 7193 March 30, 2006

Honorable Valde Garcia
State Senator
The Capitol
Lansing, MI 48909

Honorable Joe Hune
State Representative
The Capitol
Lansing, MI 48909

Honorable Chris Ward
State Representative
The Capitol
Lansing, MI 48909

You have requested an opinion concerning the application of a millage rollback fraction to a voter-approved millage renewal. You ask:

> Does Section 34d(9) of the General Property Tax Act (MCL 211.34d(9)) require municipalities to effect multiple Headlee tax rollbacks prior to the implementation of a voter-approved millage if the millage is approved two or more years before its first [levy]?

Your request arises out of the following factual context:

> Livingston County partially funds their Emergency Medical Service through property tax revenues. In August 2004, Livingston County put a millage renewal question pertaining to the EMS on the ballot in anticipation of the current millage's expiration in 2005 (the renewal to begin being levied in 2006). Must the millage rate, upon its initial levy in 2006, reflect a rollback for both 2005 and 2006 according to the above referenced statute?

The relevant ballot language provided by the County Treasurer's office recites:

> **EMERGENCY MEDICAL SERVICES/PARAMEDIC OPERATING MILLAGE REAUTHORIZATION**
>
> For the purpose of reauthorizing funding for the operation and capital funds for the Livingston County Emergency Medical Services/Paramedic Program to be provided by Livingston County EMS, at the same millage level previously authorized by the voters in 2000, shall the taxes levied to support the Emergency Medical Services/Paramedic Program be increased at a rate of 0.30 of 1 mill, $0.30 per thousand dollars of taxable value, for a period of five (5) years, 2006 through 2010 inclusive? If approved and levied in full, this millage will raise an estimated $1,993,286.34 in the first taxable year, based upon the projected 2006 County wide taxable value.

Turning to your question, a rollback of multi-year, voter-approved millages is required each year after the approval in which the percentage increase in the taxable value of the affected property exceeds the percentage increase in the General Price Level from the previous year. Each year's maximum authorized millage is to be reduced by not only the millage reduction fraction for that year, but also by the millage reduction fraction for the previous years as well. This reduction is required even if the voter-approved millages are first levied in a year subsequent to the year in which approved. Const 1963, art 9, § 31; MCL 211.34d(9); OAG, 2003-2004, No 7131, p 27 (April 24, 2003). Your question essentially asks how these principles apply in the case of "renewed" millage.

Const 1963, art 9, § 31 is part of the Headlee Amendment adopted by the electorate in 1978. This section provides for what is commonly known as the "Headlee rollback," stating in pertinent part:

> If the assessed valuation of property as finally equalized, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the General Price Level from the previous year, the maximum authorized rate applied thereto in each unit of Local Government shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the General Price Level, as could have been collected at the existing authorized rate on the prior assessed value. [Const 1963, art 9, § 31.]

OAG No 7131 examined this section at length and explained how the "millage reduction fraction" established by the Legislature as the basis for calculating the constitutionally required rollback was to be applied:

> By this measure the voters mandated that the total of taxes assessed against all taxable property within a taxing unit shall not increase from one tax year to the next at a rate exceeding the rate of increase in the General Price Level for the prior year. In any tax year in which the value of all taxable property has, in comparison with the value of the same property for the previous tax year, increased at a rate in excess of the rate of increase in the General Price Level, the Constitution requires a reduction in the *rate* of taxation so that the revenue realized from such property for the current year does not exceed that which was realized from that same property for the prior year by more than the percentage increase in the General Price Level.
>
> This constitutionally mandated rollback of authorized millage rates has been implemented by the Michigan Legislature in accordance with Const 1963, art 9, § 34, through its passage of amendments to the General Property Tax Act, specifically section 34d, MCL 211.34d. They establish the "millage reduction fraction" (MRF) as the basis for calculating a rollback and describe how the MRF shall be applied.
>
> This fraction is calculated by comparing the value of taxable property that existed in the prior tax year with the value of the same property for the current year. It is designed to arrive at a true comparison by eliminating the increases and decreases in value attributed to additions and losses. Thus, the MRF involves the determination of the ratio between:
>
> (a) the value of the property for the previous year, less losses, multiplied by the sum of 1.0 plus the rate of increase in the General Price Level (the numerator of the fraction); and
>
> (b) the value of the property for the current year, less additions (the denominator of the fraction).
>
> The value lost when property or improvements become exempt from taxation, are removed, razed, or otherwise destroyed in the previous year (losses) is subtracted from the numerator, and the value added by new improvements or other enhancements during the current year (additions) is subtracted from the denominator. Simply stated, losses, which are not present in the current year, are subtracted from the prior year and additions, which were not present in the prior

year, are subtracted from the current year. Thus, the values compared are truly "apples to apples." It is the difference in the value of property that is actually present in both years that determines whether a MRF is appropriate, and to what extent.

If the value of such property for the prior year (properly adjusted), multiplied by the sum of 1.0 plus the rate of increase in the General Price Level, is less than the value of the identical property (again, properly adjusted) for the current year, then the value of such property has appreciated at a rate greater than the rate of increase in the General Price Level. To reduce the excessive increase in revenue that would result if the original millage were applied against that increased value, the effective millage (rate of taxation) is multiplied by the determined MRF, a number less than 1, so that the amount of revenue received is properly reduced. [OAG No 7131 at p 28; footnotes omitted.]

Section 34d of the General Property Tax Act (GPTA), MCL 211.34d, addresses your inquiry and warrants quoting in pertinent part at length:

(6) The number of mills permitted to be levied in a tax year is limited as provided in this section pursuant to section 31 of article IX of the state constitution of 1963. A unit of local government shall not levy a tax rate greater than the rate determined by reducing its maximum rate or rates authorized by law or charter by a millage reduction fraction as provided in this section without voter approval.

(7) A millage reduction fraction shall be determined for each year for each local unit of government . . . . For ad valorem property taxes that are levied after December 31, 1994, the numerator of the fraction shall be the product of the difference between the total taxable value for the immediately preceding year minus losses multiplied by the inflation rate and the denominator of the fraction shall be the total taxable value for the current year minus additions. For each year after 1993, a millage reduction fraction shall not exceed 1.

* * *

(9) The millage reduction shall be determined separately for authorized levied millage approved by the voters. The limitation on millage authorized by the voters on or before April 30 of a year shall be calculated beginning with the millage reduction fraction for that year. Millage authorized by the voters after April 30 shall not be subject to a millage reduction until the year following the voter authorization which shall be calculated beginning with the millage reduction fraction for the year following the authorization. The first millage reduction fraction used in calculating the limitation on millage approved by the voters after January 1, 1979 shall not exceed 1.[1]

(10) A millage reduction fraction shall be applied separately to the aggregate maximum millage rate authorized by a charter and to each maximum millage rate authorized by state law for a specific purpose.

(11) A unit of local government may submit to the voters for their approval the levy in that year of a tax rate in excess of the limit set by this section. The ballot question shall ask the voters to approve the levy of a specific number of mills in excess of the limit. The provisions of this section do not allow the levy of a millage rate in excess of the maximum rate authorized by law or charter. *If the authorization to levy millage expires after 1993 and a local governmental unit is asking voters to renew the authorization to levy the millage, the ballot question*

[1] This subsection, MCL 211.34d(9), prior to its amendment by 2005 PA 12 (effective April 28, 2005), specified May 31 as the "cut-off" date rather than April 30. The change is not critical here as the election underlying your request was held after May 31 in 2004.

*shall ask for renewed authorization for the number of expiring mills as reduced by the millage reduction required by this section. If the election occurs before June 1 of a year, the millage reduction is based on the immediately preceding year's millage reduction applicable to that millage. If the election occurs after May 31 of a year, the millage reduction shall be based on that year's millage reduction applicable to that millage had it not expired.*

* * *

(16) Beginning with taxes levied in 1994, the millage reduction required by section 31 of article IX of the state constitution of 1963 shall permanently reduce the maximum rate or rates authorized by law or charter. . . . The reduced maximum authorized rate or rates for 1995 and each year after 1995 shall equal the product of the immediately preceding year's reduced maximum authorized rate or rates multiplied by the current year's millage reduction fraction and shall be adjusted for millage for which authorization has expired and new authorized millage approved by the voters pursuant to subsections (8) to (12). [MCL 211.34d(6), (7), (9) – (11), (16); emphasis added.]

Where the terms of a statute are clear and unambiguous, albeit complicated, they must be applied as written. See *Storey v Meijer, Inc*, 431 Mich 368, 376; 429 NW2d 169 (1988). The italicized text of MCL 211.34d(11) is determinative. For a renewal millage, the millage authorized is subject to a MRF identical to the MRF that would have been applied to the millage which it replaces had it not expired. For the first year of levying the renewed millage, the calculation of the MRF starts not at 1.0 but rather at the MRF of the expiring millage.

The millage about which you inquire was approved in 2004 after May 31.[2] By its passage, the voters authorized levies in 2006 and subsequent years. No levies of the "renewed" millage are to be made until 2006.

For 2006, it is necessary to determine an MRF for the renewed millage. The MRF will be the same MRF as would have been calculated for the expiring millage and applied to it had it not expired. In other words, the calculation process does not start over but rather continues uninterrupted.

Like the situation addressed in OAG No 7131, the factual setting you present calls for a reduction in the rate of authorized taxation whenever the revenue monies to be realized from taxing property (after adjustments for losses and gains) at the voter-approved rate would result in realizing more tax revenue for the year of the levy than would be realized by multiplying the authorized rate of taxation by the taxable value of all property (after adjustment) times the rate of increase of the General Price Level for the preceding year.

It is my opinion, therefore, that in the case of municipalities seeking authorization to levy "renewed" millages, the millage reduction fraction specified in section 34d of the General Property Tax Act, MCL 211.34d, is calculated on an uninterrupted basis for each succeeding year as if the voter-approved millage it replaces had never expired. Under MCL 211.34d(11), the calculation of the millage reduction fraction does not commence at 1.0 for the first year of the "renewed" millage but with the fraction utilized for the millage levied in the last year of the millage it replaces.

MIKE COX
*Attorney General*

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[2] See n 1.

**MUNICIPALITIES: Determining life-cycle costs of pavement used in highway projects**

**DEPARTMENT OF TRANSPORTATION:**

**HIGHWAYS AND ROADS:**

**Under MCL 247.651h(1), the Michigan Department of Transportation is required to design and award certain paving projects "utilizing material having the lowest life-cycle cost." A municipality may not alter the selection of the material to be used on a state highway project by paying the difference between the cost of the material having the lowest life-cycle cost and the more expensive material desired by the municipality.**

Opinion No. 7194 May 16, 2006

Honorable Raymond Basham
State Senator
The Capitol
Lansing, MI

You have asked whether a municipality may select the type of pavement to be used on a state highway project by paying the difference between the cost of the pavement material having the lowest life-cycle cost and the more expensive material desired by the municipality.[1]

Subsection 1h(1) of 1951 PA 51, MCL 247.651h(1), sets out the requirement for the Michigan Department of Transportation (MDOT) to perform a life-cycle cost analysis;[2] it pertains to highway projects for which paving costs exceed $1,000,000 that are funded, at least in part, with state funds:[3]

> The department shall develop and implement a life-cycle cost analysis for each project for which total pavement costs exceed $1,000,000.00 funded in whole, or in part, with state funds. *The department shall design and award paving projects utilizing material having the lowest life-cycle cost*. All pavement design life shall ensure that state funds are utilized as efficiently as possible. [Emphasis added.]

You direct attention to the last sentence of subsection (1) requiring pavement design life to ensure that "state funds" are utilized as efficiently as possible and ask if, by using local funds to pay the extra cost, a different pavement material could be selected for the project.

Your question requires the interpretation and application of the words of the statute. In *Roberts v Mecosta County General Hospital*, 466 Mich 57, 63; 642 NW2d 663 (2002), the Court explained the governing principles of law:

> An anchoring rule of jurisprudence, and the foremost rule of statutory construction, is that courts are to effect the intent of the Legislature. To do so, we begin with an examination of the language of the statute. If the statute's language

[1]It is assumed that the contributions to which you refer are voluntary and in addition to the statutorily required contributions. Under MCL 247.651c, an incorporated city or village is required to contribute toward the cost of certain state trunk line highway projects.

[2]MDOT advises that it has developed formulae for making life-cycle cost analyses, but the details of those formulae need not be addressed in this opinion.

[3]MCL 247.651i sets out a limited exception for up to four demonstration projects each year. Except to emphasize the mandatory nature of the life-cycle cost requirements, the exception is not relevant to your question.

> is clear and unambiguous, then we assume that the Legislature intended its plain meaning and the statute is enforced as written. A necessary corollary of these principles is that a court may read nothing into an unambiguous statute that is not within the manifest intent of the Legislature as derived from the words of the statute itself. [Citations omitted.]

MCL 247.651h(1) states the requirement in plain and unambiguous terms: "The department *shall* design and award paving projects utilizing material having the lowest life-cycle cost." (Emphasis added.) The Legislature's use of the word "shall" makes the requirement mandatory.[4] The language of the statute allows no exception to that requirement. As the Michigan Supreme Court ruled in *Roberts*, "a court may read nothing into an unambiguous statute that is not within the manifest intent of the Legislature as derived from the words of the statute itself." The plain language of the statute must be enforced as written.

In addition, subsection 1h(2), MCL 247.651h(2), addresses what must be included within the life-cycle cost analysis:

> As used in this section, *"life-cycle cost" means the total of the cost of the initial project plus all anticipated costs for subsequent maintenance, repair, or resurfacing over the life of the pavement*. Life-cycle cost shall also compare equivalent designs and shall be based upon Michigan's actual historic project maintenance, repair, and resurfacing schedules and costs as recorded by the pavement management system, *and shall include estimates of user costs throughout the entire pavement life*. [MCL 247.651h(2); emphasis added.]

MCL 247.651h(2) is clear and unambiguous with regard to which costs of the highway project must be included in the life-cycle cost analysis – the "total of the cost of the initial project plus all anticipated costs for subsequent maintenance, repair, or resurfacing over the life of the pavement" including "estimates of user costs throughout the entire pavement life."[5] Even though the Legislature required a life-cycle cost analysis for projects funded only in part with state funds, it required that all of the described costs be included.[6] The statute does not allow the federally or locally funded portion of project costs to be excluded from the life-cycle cost analysis. An offer by a municipality to voluntarily offset a portion of the costs with its own local funds would not alter the requirement to include all of the costs in the life-cycle cost analysis.[7]

The language in subsection 1h(1) that "pavement design life shall ensure that state funds are utilized as efficiently as possible" expresses a purpose to be served by the life-cycle analysis; those words do not negate the express requirement to include all

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[4]See *Roberts*, 466 Mich at 65: "The phrases 'shall' and 'shall not' are unambiguous and denote a mandatory, rather than discretionary action."

[5]Used as a noun, as here, the word "total" means: "a product of addition: SUM . . . an entire quantity: AMOUNT." The word "all" means "the whole number, quantity, or amount: TOTALITY." *Merriam-Webster's Collegiate Dictionary, 11th Edition* (2004).

[6]The cost of a project often includes local funds provided under MCL 247.651c and federal funds. During fiscal year 2005-2006, for example, $1,147,342,100 in federal funds were appropriated for highway construction, planning, and research. See section 101 of 2005 PA 158.

[7]OAG, 1999-2000, No 7051, p 116, 117 (April 5, 2000), observed that the selection of the pavement type is necessarily governed by the life-cycle cost analysis: "Because pavement type depends on the material used, the results of the life-cycle cost analysis are used to select pavement type."

of the costs in that analysis. Where a statute contains a general provision ("ensure that state funds are used as efficiently as possible") and specific provisions ("award paving projects utilizing material having the lowest life-cycle cost" and requiring that all of the described costs be included in the life-cycle cost analysis), the specific provisions control.[8]

It is my opinion, therefore, that under MCL 247.651h(1), the Michigan Department of Transportation is required to design and award certain paving projects "utilizing material having the lowest life-cycle cost." A municipality may not alter the selection of the material to be used on a state highway project by paying the difference between the cost of the material having the lowest life-cycle cost and the more expensive material desired by the municipality.

MIKE COX
*Attorney General*

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[8] *Gebhardt v O'Rourke*, 444 Mich 535, 542-543; 510 NW2d 900 (1994) (citation omitted).

**CONST 1963, ART 9, § 19: Application of the exemption from the prohibition against stock ownership under Const 1963, art 9, § 19.**

**CONSTITUTIONAL LAW:**

**INVESTMENTS:**

**MICHIGAN STRATEGIC FUND:**

**Const 1963, art 9, § 19 allows the State to invest funds held as permanent funds or endowment funds – including, but not limited to, the three funds listed in Ballot Proposal 02-2 – in the stock of a company as provided by law.**

**An act of the Legislature giving a fund the title "permanent fund" is not, by itself, sufficient to qualify the fund for the stock ownership exemption under Const 1963, art 9, § 19. A fund so designated must also possess the substantive characteristics of a "permanent fund" as that term is used in the Constitution.**

**Sections 88e, 88f, 88g, and 88h of 2005 PA 225, MCL 125.2088e – 125.2088h, which require the Michigan Strategic Fund to create and operate various investment programs and create the Jobs for Michigan Investment Fund as a permanent fund, are constitutional under Const 1963, art 9, § 19.**

Opinion No. 7195 July 19, 2006

Honorable Leon Drolet
State Representative
The Capitol
Lansing, MI

Honorable Jack Brandenburg
State Representative
The Capitol
Lansing, MI

You have asked three questions concerning the constitutional prohibition against the State's investments in stock. Your questions may be stated as follows:

1. Does Const 1963, art 9, § 19, allow any permanent fund that was not specifically listed in Proposal 02-2 – the ballot proposal to extend the exemption from the prohibition against stock ownership to other permanent and endowment funds – to invest in stock?

2. Whether a legislative act giving a fund the title "permanent fund" is sufficient to qualify the fund for the stock ownership exemption under Const 1963, art 9, § 19?

3. Whether sections 88e, 88f, 88g, and 88h of 2005 PA 225, which required the Michigan Strategic Fund to create and operate investment programs and created a new permanent fund, the Jobs for Michigan Investment Fund, violate the prohibition against State stock ownership in Const 1963, art 9, § 19?

You first ask whether Const 1963, art 9, § 19 allows any permanent fund to invest in the stock of a company.

Michigan has a long history of prohibiting the State from investing in the stock of companies or corporations. The reason for this prohibition lies in Michigan's experience in engaging in works of internal improvement:

> The legislature, pursuant to grant of authority contained in Article XII, Sec. 3 of the Constitution of 1835, authorized the governor to incur a debt in excess of five million dollars and embarked upon an ambitious program of constructing three railroads and two canals. The intervening financial panic forced the state to sell these projects, some of which were only partially completed, at a great sacrifice, leaving the state with a huge debt. It should be noted that one of the canal projects which commenced at the City of Mount Clemens to extend to the City of

Kalamazoo was later abandoned as impractical and never completed. See this history ably reviewed in *Attorney General, ex rel. Barbour v Pingree*, 120 Mich. 550 (1899). [OAG, 1963-1964, No 4146, p 75, 77 (April 10, 1963).]

After this experience, Michigan's 1850 Constitution prohibited the State from: (a) being a party to internal improvements;[1] (b) issuing evidence of indebtedness;[2] (c) lending the credit of the State;[3] and (d) owning private stock:[4]

> The state shall not subscribe to, or be interested in, the stock of any company, association, or corporation.

The Michigan Constitution of 1908 contained a substantially similar provision.[5] The Michigan Constitution of 1963 revised this language to allow the Legislature to permit public employee retirement funds and endowment funds created for charitable or educational purposes to invest in corporate stock. Before its amendment by Proposal 02-2, Const 1963, art 9, § 19 read:

> The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except that funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law; and endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.

As a result of the change in the Constitution and the enactment of authorizing legislation, an investment fiduciary may now invest not more than 70% of a public employee retirement system's assets in stock. See section 14 of the Public Employee Retirement System Investment Act, 1965 PA 314, MCL 38.1134.

By approving Proposal 02-2 at the August 6, 2002, statewide election, the people revised Const 1963, art 9, § 19 to allow the Legislature to permit funds held as permanent funds or endowment funds in addition to those for charitable or educational purposes to be invested in corporate stock. As amended, Const 1963, art 9, § 19 reads:

> The state shall not subscribe to, nor be interested in the stock of any company, association or corporation, except as follows:
>
> (a) Funds accumulated to provide retirement or pension benefits for public officials and employees may be invested as provided by law.
>
> (b) Endowment funds created for charitable or educational purposes may be invested as provided by law governing the investment of funds held in trust by trustees.
>
> (c) *Funds held as permanent funds* or endowment funds other than those described in subdivision (b) *may be invested as provided by law*.
>
> Except as otherwise provided in this section, other state funds or money may be invested in accounts of a bank, savings and loan association, or credit union organized under the laws of this state or federal law, as provided by law. [Const 1963, art 9, § 19; emphasis added.]

Your questions concern only subdivision (c) of this provision.

This amendment to Const 1963, art 9, § 19 was initiated by the Michigan Legislature. Proposed constitutional amendments agreed to by two-thirds of the members elected to and serving in each house of the Legislature must be submitted

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[1] Const 1850, art 14, § 9.

[2] Const 1850, art 14, § 7.

[3] Const 1850, art 14, § 6.

[4] Const 1850, art 14, § 8.

[5] Const 1908, art 10, § 13.

to the electors at the next general election or special election as directed by the Legislature.[6] Senate Joint Resolution T, 2002 Regular Session, proposed amending sections 19, 35, 36, and 37 of article 9 to the State Constitution. After the Legislature agreed to Senate Joint Resolution T, Proposal 02-2 was placed on the August 6, 2002, statewide ballot. The ballot proposal stated:

PROPOSAL 02-2
A PROPOSAL TO ALLOW CERTAIN PERMANENT AND ENDOWMENT FUNDS TO BE INVESTED AS PROVIDED BY LAW AND INCREASE ALLOWED SPENDING FOR STATE PARKS, LOCAL PARKS, AND OUTDOOR RECREATION

The proposed constitutional amendment would:

- *Allow certain permanent and endowment funds, including Natural Resources Trust Fund, State Parks Endowment Fund and Veterans[']Trust Fund, to be invested as provided by law*, eliminating prior restriction on investing in stocks.
- Increase Natural Resources Trust Fund cap on assets from $400 million to $500 million.
- Allow the Natural Resources Trust Fund to continue to annually expend up to 33 1/3% of Fund royalties or other revenues, up to a new asset cap of $500 million.
- Increase allowed State Parks Endowment Fund spending to include interest and earnings and up to 50% of funds received from Natural Resources Trust Fund.

Should this proposal be adopted?

Yes __

No __

[Emphasis added.]

Your letter questions whether voters may have been confused by that language of the ballot proposal to understand that the only permanent and endowment funds that may be allowed to invest in stocks are the three listed ones, the Natural Resources Trust Fund, State Parks Endowment Fund, and Veterans' Trust Fund. Your question raises issues of constitutional construction.

The primary objective in interpreting a constitutional provision is to determine the text's meaning to the ratifiers, the people, at the time of ratification. *Wayne County v Hathcock*, 471 Mich 445, 468; 684 NW2d 765 (2004). This rule of "common understanding" means:

> "A constitution is made for the people and by the people. The interpretation that should be given it is that which reasonable minds, the great mass of the people themselves, would give it. 'For as the Constitution does not derive its force from the convention which framed, but from the people who ratified it, the intent to be arrived at is that of the people, and it is not to be supposed that they have looked for any dark or abstruse meaning in the words employed, but rather that they have accepted them in the sense most obvious to the common understanding, and ratified the instrument in the belief that that was the sense designed to be conveyed.'" [*Traverse City School Dist v Attorney General*, 384 Mich 390, 405; 185 NW2d 9 (1971), quoting Cooley's Constitutional Limitations 81, emphasis removed.]

If the meaning of an amendment is apparent from the plain language of the text, it is unnecessary to consider its history and purpose and the circumstances in which it was ratified. *County Rd Ass'n of Michigan v Governor*, 474 Mich 11, 17; 705 NW2d 680 (2005).

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[6]Const 1963, art 12, § 1.

Additional principles of law have been developed in cases where the language of a ballot proposal is alleged to have been incomplete or to have created a misimpression about the purpose of the amendment. "Where a ballot proposal contains omissions or defects likely to have misled voters as to its intent and purpose, the remedy is to void the election." *Smith v Scio Twp*, 173 Mich App 381, 389-390; 433 NW2d 855 (1988), citing *Bailey v Muskegon County Bd of Comm'rs*, 122 Mich App 808; 333 NW2d 144 (1983); *Delta College v Saginaw County Bd of Comm'rs*, 395 Mich 562; 236 NW2d 425 (1975); and *West Shore Community College v Manistee County Bd of Comm'rs*, 389 Mich 287, 296; 205 NW2d 441 (1973). But a finding of such a defect is not to be made lightly. In a case in which matters of procedure and the adequacy of ballot language were challenged, *City of Jackson v Revenue Comm'r*, 316 Mich 694, 718; 26 NW2d 569 (1947), the Court stated:

> "[T]he court must necessarily have in mind the universal rule that, whenever a constitutional amendment is attacked as not constitutionally adopted, the question presented is, not whether it is possible to condemn, but whether it is possible to uphold; that every reasonable presumption, both of law and fact, is to be indulged in favor of the legality of the amendment, which will not be overthrown, unless illegality appears beyond a reasonable doubt." [Citations omitted.]

Citing that rule from *City of Jackson*, the Supreme Court observed in *Massey v Sec'y of State*, 457 Mich 410, 420; 579 NW2d 862 (1998), that "arcane or obscure interpretations" are to be avoided in determining whether the voters were misled by the wording of a ballot proposal. If the language of a ballot proposal is not fatally defective, requiring that the election be voided, the meaning of the amendment must be determined from the language of the amendment, not the ballot description:

> It is the actual language of the amendment, and not its ballot description drawn by the State Board of Canvassers, which is the law of the state. The principle that a constitutional amendment must be construed in the light of the intent of the people by whom it was adopted does not justify a construction in accordance with a ballot description at variance with the actual unambiguous amendatory language. If the language of the amendment and that of its ballot description does not convey precisely the same meaning, the discrepancy is not relevant to the construction of the plain language of the amendment itself. [*Bailey*, 122 Mich App at 824.]

Subdivision (c) in Const 1963, art 9, § 19 states that "[f]unds held as permanent funds or endowment funds other than those described in subdivision (b) may be invested as provided by law." This language does not identify the Natural Resources Trust Fund, the State Parks Endowment Fund, or the Veterans' Trust Fund as permanent or endowment funds, nor does it state that they are the only permanent or endowment funds that are exempt from the prohibition against State stock ownership. Before the people approved Proposal 02-2 in 2002, Const 1963, art 9, § 19 stated that endowment funds *created for charitable or educational purposes* were exempt from the prohibition against State stock ownership. When the people approved Proposal 02-2, they expanded this exemption to include permanent funds and endowment funds other than those created for charitable or educational purposes *without limiting the exemption to particular endowment or permanent funds*.

While Proposal 02-2 specifically identified the Natural Resources Trust Fund, the State Parks Endowment Fund, and the Veterans' Trust Fund as funds no longer subject to the prohibition against stock ownership, neither the text of the proposed constitutional amendment nor the language of the ballot proposal limited the amendment to those funds. Proposal 02-2 amended the constitutional sections pertaining to those three funds, Const 1963, art 9, §§ 35, 36[1][7], and 37, but it also

[7]Former § 36, compiled as art 9, § 36[1], was renumbered as art 9, § 35a by Senate Joint Resolution T of 2002.

amended Const 1963, art 9, § 19 to eliminate the prohibition against State ownership of stock for other unspecified permanent or endowment funds.

The language of Proposal 02-2 stated that the proposed constitutional amendment would allow "certain permanent and endowment funds, *including*" the Michigan Natural Resources Trust Fund, the State Parks Endowment Fund, and the Michigan Veterans' Trust Fund to invest as provided by law. (Emphasis added.) The word "including" as used in Proposal 02-2 contemplates the listing of an incomplete set of the permanent or endowment funds that could be invested as provided by law.[8] If Proposal 02-2 was intended to limit the exemption from the prohibition against State stock ownership to only the Michigan Natural Resources Trust Fund, the State Parks Endowment Fund, and the Michigan Veterans' Trust Fund, it would have so stated.

Your letter also notes that, before the people voted on Proposal 02-2, the same Legislature that passed Senate Joint Resolution T, the 2002 Regular Session, enacted[9] six public acts in 2002 to implement the constitutional amendment. These six acts were to take effect only if the voters adopted Proposal 02-2. Three of these six public acts, 2002 PA 52, 2002 PA 53, and 2002 PA 54, permitted the State Treasurer to invest assets of the three permanent and endowment funds named in Proposal 02-2 in the same manner as an investment fiduciary under the Public Employee Retirement System Investment Act, 1965 PA 314. The three other public acts – whose funds were not specifically mentioned in Proposal 02-2 – also authorized the State Treasurer to invest assets of those funds in the same manner as an investment fiduciary under the Public Employee Retirement System Investment Act: 2002 PA 55 amended the Nongame Fish and Wildlife Trust Fund; 2002 PA 56 amended the Game and Fish Protection Trust Fund; and 2002 PA 57 amended the Michigan Civilian Conservation Corps Endowment Fund. While those public acts could not alter the meaning of the amendment,[10] these circumstances surrounding the adoption of Proposal 02-2 support the conclusion that, at the time of ratification, the exemption from the prohibition against stock ownership for other permanent or endowment funds was not meant to be limited to the three permanent and endowment funds named in Proposal 02-2.

It is my opinion, therefore, in answer to your first question, that Const 1963, art 9, § 19 allows the State to invest funds held as permanent funds or endowment funds – including, but not limited to, the three funds listed in the Ballot Proposal 02-2 – in the stock of a company as provided by law.

Your second question is whether a legislative act giving a fund the title "permanent fund" is sufficient to qualify the fund for the stock ownership exemption. Const 1963, art 9, § 19, does not define "permanent fund."

In Michigan, all political power is inherent in the people. Const 1963, art 1, § 1. The legislative power of the State of Michigan is vested in a senate and a house of representatives. Const 1963, art 4, § 1. The Legislature, as the people's public servant, exercises broad and comprehensive power that is subject only to the Constitution of the United States and the restraints and limitations imposed by the people through Michigan's Constitution. *Young v Ann Arbor*, 267 Mich 241, 243; 255 NW 579 (1934). The Legislature can do anything that it is not prohibited from doing by the Michigan or United States Constitutions. *Attorney General ex rel O'Hara v Montgomery*, 275 Mich 504, 538; 267 NW 550 (1936). The function of

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[8] The goal is to determine the "common" understanding of constitutional terms and "consideration of dictionary definitions is appropriate" to make that determination. *Michigan Rd Builders Ass'n v Dep't of Management and Budget*, 197 Mich App 636, 644; 495 NW2d 843 (1992). *Merriam-Webster's Collegiate Dictionary, 11th Edition* (2003) defines "including" as "to take in or comprise as a part of a whole."

[9] The Senate passed the six bills on the same day. All six bills were enrolled on the same day.

[10] *Straus v Governor*, 459 Mich 526, 542; 592 NW2d 53 (1999).

the Michigan Constitution is not to legislate in detail but to generally set limits upon the otherwise plenary powers of the Legislature. *Romano v Auditor General*, 323 Mich 533, 536-537; 35 NW2d 701 (1949).

The Legislature may provide by law for the investment of funds held as a permanent fund or endowment fund and may ascribe a meaning to those terms in doing so. But it may not alter or finally determine the substantive meaning of the constitutional language. See *Sharp v City of Lansing*, 464 Mich 792, 802; 629 NW2d 873 (2001). It is the judiciary, not the Legislature, that is the ultimate interpreter of the words in the constitution. Citing that principle, in *WPW Acquisition Co v City of Troy*, 466 Mich 117, 123-125; 643 NW2d 564 (2002), the Court held that a legislative definition of a constitutional term is unconstitutional if it is "inconsistent with the established meaning of that term at the time it was added to [the] constitutional provision." *House Speaker v Governor*, 443 Mich 560, 592; 506 NW2d 190 (1993), quoted *Pillon v Attorney General*, 345 Mich 536, 547; 77 NW2d 257 (1956), for the proposition that: "'Neither the legislature, nor this Court, has any right to amend or change a provision in the Constitution.'"

The judiciary has not had the opportunity to interpret what "permanent fund" means. Likewise, the Legislature has not provided a definition of the constitutional term "permanent fund" since the time that term was added to art 9, § 19 in 2002. It would, therefore, be premature to express a legal opinion concerning the features necessary to qualify a fund as a permanent fund.

Two sources do, however, provide some guidance in ascertaining the meaning of this term as it appears in art 9, § 19. First, Proposal 02-2 identified at least three funds – the Natural Resources Trust Fund, the State Parks Endowment Fund, and the Veterans' Trust Fund – as falling within the scope of the new provision allowing their investment in stock as provided by law. In addition, at the time the voters were considering Proposal 02-2, the State of Michigan Comprehensive Annual Financial Report for the fiscal year ending September 30, 2001, prepared by the Department of Management and Budget under generally accepted government accounting standards, had been printed and reported that the State of Michigan had five "permanent funds" in 2000-2001: the Michigan Natural Resources Trust Fund; the Michigan State Parks Endowment Fund; the Michigan Civilian Conservation Corps Endowment Fund; the Michigan Veterans' Trust Fund; and the Children's Trust Fund.

A review of these established funds reveals certain common attributes that may serve to characterize a fund as "permanent." These include prescribing the fund's purposes, authorizing the investment and reinvestment of the fund's money only to fulfill those purposes, restricting the amount of money that may be allocated to or accumulate in the fund, preserving the fund's mission by providing that the money in the fund does not lapse back to the State's General Fund at the end of each fiscal year, and mandating a regular accounting of the fund's revenues and expenditures for the Legislature. These substantive characteristics are consistent with how the term "permanent fund" is used in Const 1963, art 9, § 19.

It is my opinion, therefore, in answer to your second question, that an act of the Legislature giving a fund the title "permanent fund" is not, by itself, sufficient to qualify the fund for the stock ownership exemption under Const 1963, art 9, § 19. A fund so designated must also possess the substantive characteristics of a "permanent fund" as that term is used in the Constitution.

The third question you ask is whether sections 88e, 88f, 88g, and 88h of 2005 PA 225, which require the Michigan Strategic Fund to create and operate investment programs and create a new permanent fund, the Jobs for Michigan Investment Fund, violate the prohibition against State stock ownership in Const 1963, art 9, § 19.

The Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2001 *et seq*, creates the Michigan Strategic Fund as a public body corporate and politic. The Michigan Strategic Fund exists to assist business enterprise in obtaining additional sources of financing to aid this State in achieving the goal of long-term economic growth and

full employment, to preserve existing jobs, to create new jobs, and to reduce the cost of business and production. MCL 125.2002. The Michigan Strategic Fund exists within the Michigan Department of Treasury, but it functions independently of the State Treasurer as an autonomous entity. MCL 125.2005(1). The Legislature has conferred broad authority on the Michigan Strategic Fund to carry out its purposes and objectives. *Tiger Stadium Fan Club Inc v Governor*, 217 Mich App 439, 457; 553 NW2d 7 (1996). The purposes, powers, and duties of the Michigan Strategic Fund are vested in and exercised by its Board of Directors. MCL 125.2005(2).

2005 PA 225 amended the Michigan Strategic Fund Act to add a new Chapter 8A to the Act, which includes the sections about which you inquire. Section 88b requires the Michigan Strategic Fund to create and operate programs authorized under the new chapter. MCL 125.2088b. Section 88e requires the Michigan Strategic Fund to create and operate a private equity investment program. MCL 125.2088e. Section 88f requires the Michigan Strategic Fund to create and operate the venture capital investment program. MCL 125.2088f. Section 88g requires the Michigan Strategic Fund to create and operate a mezzanine investment program. MCL 125.2088g. The Legislature has authorized the Michigan Strategic Fund Board to undertake equity investments in discharging these three programs. MCL 125.2088h(7). The Michigan Strategic Fund Board shall exercise the duties of a fiduciary with respect to these investments. See MCL 125.2088c(1).

Section 88h(1) of 2005 PA 225, MCL 125.2088h(1), creates the Jobs for Michigan Investment Fund as a "permanent fund" authorized by Const 1963, art 9, § 19:

> The jobs for Michigan investment fund is created within the fund as a permanent fund authorized by section 19 of article IX of the state constitution of 1963. Money in the investment fund at the close of the fiscal year shall remain in the investment fund and shall not lapse to the general fund.

To carry out the purposes of Chapter 8A of the Michigan Strategic Fund Act, the Legislature appropriated and transferred $400 million for the fiscal year ending September 30, 2006, from the 21st Century Jobs Trust Fund to the Michigan Strategic Fund. Section 88j(2) of 2005 PA 225, MCL 125.2088j(2).

The Legislature established the 21st Century Jobs Trust Fund to receive the net proceeds of the sale of tobacco settlement revenues to the Michigan Tobacco Settlement Finance Authority. MCL 12.257(1). "Tobacco settlement revenues" are monies received by this State that are attributable to the Master Settlement Agreement incorporated into a consent decree and final judgment entered into on December 7, 1998, in *Attorney General ex rel Michigan v Philip Morris Inc*, Ingham County Circuit Court, Docket No. 96-84281 CZ. MCL 12.252(f). The Legislature authorized the State Budget Director, with the approval of the State Administrative Board, to sell tobacco settlement revenues to either the Tobacco Settlement Finance Authority or to other persons if the sale agreement is in the best interest of the State and the net proceeds of the sale do not exceed $400,000,000.00. MCL 129.268(1). Upon the request from the Michigan Strategic Fund Board, the State Treasurer must transfer appropriated funds from the 21st Century Jobs Trust Fund to the Michigan Strategic Fund as necessary for it to disburse money for programs authorized under Chapter 8A of the Michigan Strategic Fund Act. MCL 125.2088j(1).

Money appropriated from the 21st Century Jobs Trust Fund to the Michigan Strategic Fund may be deposited in the Jobs for Michigan Investment Fund. MCL 125.2088h(5)(a). The money deposited in the Jobs for Michigan Investment Fund and its net income may be expended by the Michigan Strategic Fund only for purposes authorized under Chapter 8A of the Michigan Strategic Fund Act, including the private equity investment program, the venture capital investment program, and the mezzanine investment program. MCL 125.2088h(3) and (6). Except for the appropriations described in section 88j(3), the Michigan Strategic Fund Board cannot expend more than 40% of the amounts appropriated from the 21st Century

Jobs Trust Fund for the private equity investment program, the venture capital investment program, and the mezzanine investment program combined. MCL 125.2088b(3)(b). Money in the investment fund at the close of the fiscal year remains in the investment fund and does not lapse to the general fund. MCL 125.2088h(1). In addition to the preexisting requirement that the Michigan Strategic Fund must be annually audited,[11] the Auditor General must conduct and report an annual "financial postaudit" and, every three years, conduct and report a "performance postaudit" of the investment fund. MCL 125.2088n.

Nothing in the Michigan Strategic Fund Act limits the permanency of the Jobs for Michigan Investment Fund. In fact, by their very nature, the fund's investments in early-stage companies will take time to mature, earn financial returns, and secure its mission of a diversified economy, job creation, and increased capital investment for Michigan.

Const 1963, art 9, § 19 allows funds held as permanent funds to be invested in the stock of any company as provided by law. The Legislature created the Jobs for Michigan Investment Fund in 2005 PA 225 as a permanent fund authorized by Const 1963, art 9, § 19 and vested it with the characteristics common to a "permanent fund" consistent with the meaning of that term under the Constitution. Like all laws enacted by the Legislature, 2005 PA 225 is entitled to a presumption of constitutionality. The courts give deference to a deliberate act of the Legislature and have emphasized that every reasonable "intendment must be indulged in favor of the validity of the act." *Council of Organizations & Others for Education About Parochiaid v Governor*, 455 Mich 557, 570; 566 NW2d 208 (1997), quoting *Cady v Detroit*, 289 Mich 499, 505; 286 NW 805 (1939).[12] Only when invalidity appears so clearly as to leave no room for reasonable doubt that it violates some provision of the Constitution will a court refuse to sustain its validity. *Id*. The Jobs for Michigan Investment Fund may, thus, invest in stock as part of the private equity investment program, the venture capital investment program, and the mezzanine investment program.[13]

It is my opinion, therefore, in answer to your third question, that sections 88e, 88f, 88g, and 88h of 2005 PA 225, MCL 125.2088e – 125.2088h, which require the Michigan Strategic Fund to create and operate various investment programs and create the Jobs for Michigan Investment Fund as a permanent fund, are constitutional under Const 1963, art 9, § 19.

MIKE COX
*Attorney General*

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[11] MCL 125.2009.

[12] As explained in *Gora v City of Ferndale*, 456 Mich 704, 720; 576 NW2d 141 (1998):

> One of the reasons underlying this presumption is that persons holding legislative office . . . are duty-bound to act in conformity with their oaths to support the Michigan and federal constitutions, just as are members of the judiciary. *Marbury v Madison*, 5 U.S. (1 Cranch) 137, 179-180, 2 L. Ed. 60 (1803). As Justice Holmes put it, "it must be remembered that legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts." *Missouri, Kansas & Texas R Co v May*, 194 U.S. 267, 270; 24 S. Ct. 638; 48 L. Ed. 971 (1904).

[13] The private equity investment program, the venture capital investment program, and the mezzanine investment program are programs and do not exist as independent permanent funds. Therefore, when the Michigan Strategic Fund Board invests funds from the Jobs for Michigan Investment Fund in these three programs, the Michigan Strategic Fund must own the investments.

**INVESTMENTS: Allowable public investment in flexible repurchase agreements**

**SCHOOL DISTRICTS:**

**REVISED SCHOOL CODE:**

**PUBLIC CORPORATIONS:**

**Flexible repurchase agreements are allowable investments for Michigan school districts under the Revised School Code, 1976 PA 451, and for Michigan "public corporations" under 1943 PA 20, with the approval of their governing bodies and subject to the limitations of those acts.**

Opinion No. 7196 December 27, 2006

Honorable Wayne Kuipers
State Senator
The Capitol
Lansing, MI 48909

You have asked if flexible repurchase agreements are allowable investments for Michigan school districts under the Revised School Code, 1976 PA 451, and for Michigan public corporations under 1943 PA 20.

Section 1223 of the Revised School Code, 1976 PA 451, MCL 380.1223, authorizes local school boards to invest "debt retirement funds, building and site funds, building and site sinking funds, or general funds of the district" in, among other investments, "United States government or federal agency obligation repurchase agreements."

Similarly, section 1 of 1943 PA 20, an act relating to the investment of funds of political subdivisions, authorizes "public corporations"[1] to invest certain of their funds.[2] MCL 129.91. This section provides:

> (1) Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of that public corporation in 1 or more of the following:
>
> (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
>
> * * *
>
> (d) Repurchase agreements consisting of instruments listed in subdivision (a).

Neither the Revised School Code nor 1943 PA 20 defines "repurchase agreement" for purposes of those acts. When interpreting statutes that do not provide their own definitions for a term, "technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning." MCL 8.3a. Moreover, although the terms of one statute are not dispositive in determining the meaning of

[1] MCL 129.91(6)(d) defines a "public corporation" as "a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state."

[2] "Funds" are defined as: "[T]he money of a public corporation, the investment of which is not otherwise subject to a public act of this state or bond authorizing ordinance or resolution of a public corporation that permits investment in fewer than all of the investment options listed in subsection (1) or imposes 1 or more conditions upon an investment in an option listed in subsection (1)." MCL 129.91(6)(b).

another, the terms of one statute may be taken as a factor in determining the interpretation of another statute. *Linton v Arenac County Rd Comm'n*, ___ Mich App ___; ___ NW2d ___; 2006 Mich App LEXIS 3511 (November 28, 2006).

Under the Insurance Code of 1956, MCL 500.100 *et seq*, the term "repurchase agreement" is defined as

> "Repurchase agreement", including a reverse repurchase agreement, means an agreement, including related terms, that provides for the transfer of certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or an agency of the United States against the transfer of funds by the transferee of the certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by the transferee to transfer to the transferor certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than 1 year after the transfers or on demand, against the transfer of funds. [MCL 500.8115a(9)(g).]

In Downes and Goodman, *Dictionary of Finance and Investment Terms* (Woodbury, New York: Barron's Educational Series, Inc, 1985), a "repurchase agreement" is defined as an "agreement between a seller and a buyer, usually of U.S. Government securities, whereby the seller agrees to repurchase the securities at an agreed upon price and, usually, at a stated time." This definition is consistent with that used by the Federal Deposit Insurance Corporation. See "Repurchase Agreements of Depository Institutions with Securities Dealers and Others; Notice of Modification of Policy Statement," 63 Fed Reg 8645 (February 20, 1998), which defines a "repurchase agreement" as "one in which a party that owns securities, acquires funds by selling the specified securities to another party under a simultaneous agreement to repurchase the same securities at a specified price and date."

Thus, a repurchase agreement,[3] as that term is used in the financial/bond industry, is a sale by a bank or dealer of government securities, with a simultaneous agreement to repurchase those same securities on a short-term basis[4] with a fixed interest rate. Repurchase agreements, also called "repos" in the industry, are commonly used to invest the proceeds from the sale of tax-exempt bonds until those funds are needed. They offer the purchaser the safety of being collateralized with governmental securities, and because the purchaser knows the interest rate in advance, it can be assured of its compliance with federal arbitrage calculation[5] requirements that limit earnings on the investment of tax-exempt bond proceeds.

Your request inquires about the type of repurchase agreement recognized in the industry as the "flexible repurchase agreement," also known as a "flex repo." *Instruments of the Money Market*, edited by Timothy Q. Cook and Robert K. Laroche (Federal Reserve Bank of Richmond, 1993), defines a flex repo as:

> [A] term agreement arranged between a dealer and a major customer, typically a corporation, or a municipality or similar authority, in which the customer buys securities from the dealer and may sell some of them back prior to the final maturity date. The funds invested in a flex repo often are intended for use in

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[3] A number of state entities have been granted statutory authority to invest in repurchase agreements, including the State Hospital Finance Authority (MCL 331.42(i)(vi)), the Higher Education Student Loan Authority (MCL 390.1154(h)), and the State of Michigan Retirement Systems (MCL 38.1137(1)(g)).

[4] Repurchase agreements can be structured with terms ranging from any number of days to a typical maximum of one year.

[5] Arbitrage occurs when a bond issuer invests its bond proceeds at an interest rate higher than the overall borrowing yield on its bond issue. As it relates to tax-exempt bonds, arbitrage refers to the investment of proceeds received from the sale of tax-exempt debt in higher-yielding taxable securities subject to applicable limits imposed by the Internal Revenue Code.

> financing construction or similar projects to be completed in phases. When funds are needed for a given phase of the project, the customer sells the required amount of securities back to the dealer. [*Id*., at p 72.]

A flexible repurchase agreement is a short-term investment vehicle designed to meet the special needs of investors, including school districts and public corporations. Like a repurchase agreement, it has a fixed interest rate and a fixed maturity. In addition, flex repos have a liquidity feature that allows a school district or other purchaser to periodically sell some of the securities back to the seller to acquire funds to pay project costs, usually associated with the construction of a school or other public building.

Typically before entering into a repurchase agreement, including a flexible repurchase agreement, the governmental entity, through the bond trustee or another third-party custodian, solicits bids from potential repo providers. A request for bids will typically require that the repo bidder have a specified minimum credit rating. In addition, requests for bids often require that the securities to be delivered have a market value exceeding the value of funds to be delivered, usually 102%, or more. As additional security, the request for bids can require that the repo provider, on a weekly or even daily basis, revalue the securities delivered, and if the price has dropped below the agreed valuation level (for example, 102%), additional securities must be provided.

When 1986 PA 132 amended the Revised School Code to add section 1223(1)(e), MCL 380.1223(1)(e), authorizing school districts to invest in repurchase agreements collateralized by United States government or federal agency obligations, it also amended MCL 380.1223(6) to read as follows:

> Security in the form of collateral, surety bond, or another form may be taken for the deposits or investments of a school district in a bank, savings and loan association, or credit union. However, an investment under section 622(2)(e) or section 1223(1)(e) or in an investment pool that includes instruments eligible for investments under sections 622(2)(e) and 1223(1)(e) *shall be secured by the transfer of title and custody of the obligations to which the repurchase agreements relate* and an undivided interest in those obligations must be pledged to the school district for these agreements. [Emphasis added.]

While the statute requires that title and custody of the securities be transferred, it does not expressly mandate to whom title and custody be transferred. The purpose of the statute is to protect the school district's investment. If title and custody were not transferred, a repurchase agreement provider could collateralize other repos with the same securities without the knowledge of the school district. In that case, if the provider were to default or declare bankruptcy, the school district could be unsecured and its investment significantly diminished or lost entirely. Accordingly, custody and title to the securities should be transferred to the school district or to a bond trustee or third-party custodian in such a manner as to achieve the legislative purpose.

In contrast, 1943 PA 20 does not require that custody and title to securities collateralizing a repurchase agreement be transferred. In order to protect the interests of the investing public corporation, the request for bids and repurchase agreement could require that title and custody of the securities be transferred to the public corporation or to a bond trustee or third party custodian.[6]

Clear and unambiguous statutory language must be enforced as written according to its plain meaning. *Dean v Dep't of Corrections*, 453 Mich 448, 454; 556 NW2d 458 (1996). The Revised School Code clearly authorizes school districts and 1943 PA 20 clearly authorizes public corporations to invest in repurchase agreements, as

[6] The Legislature can amend 1943 PA 20 to mandate similar statutory protection for public corporations.

long as they are collateralized by United States government or federal agency obligations. A flexible repurchase agreement is a type of repurchase agreement.[7]

It is important to emphasize that an officer or manager who invests funds for a public entity has a fiduciary duty to invest those funds knowledgeably, prudently, and always in the best interest of the public entity. Any investment methodology may be subject to manipulation and fraud, in addition to normal market forces. Municipal investors must be cautious, study and understand the markets they utilize, and, most importantly, monitor their investments for total return, security, and soundness.

It is my opinion, therefore, that flexible repurchase agreements are allowable investments for Michigan school districts under the Revised School Code, 1976 PA 451, and for Michigan public corporations under 1943 PA 20, with the approval of their governing bodies and subject to the limitations of those acts.

MIKE COX
*Attorney General*

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[7] Another type of investment agreement similar to a flexible repurchase agreement referred to in your letter is the guaranteed investment contract or GIC. While these terms are sometimes used interchangeably in the investment industry, they are different investment products. GICs typically involve insurance companies as a party.

# DIVISION REPORTS

## EXECUTIVE OFFICE

Carol L. Isaacs
Chief Deputy Attorney General

The Executive Office, headed by the Chief Deputy Attorney General, consists of executive level staff. The Chief Deputy reports directly to the Attorney General as his legal advisor, and she is responsible for the implementation of the Attorney General's goals for the office, including consumer protection, Internet crime cases, child support, child safety, health care quality, senior protection, examining energy costs, protecting the environment, as well as a host of other legal issues facing the State. The Chief Deputy also manages the executive staff and the Bureau Chiefs.

The Executive Office includes five offices: the Office of Legislative and Constituent Affairs, the Office of Policy and External Affairs, the Office of Communications, the Office of Fiscal Management, and the Office of Human Resources.

The Office of Legislative and Constituent Affairs works as the liaison to the Legislature. In addition to working with the Legislature on statutory issues regarding the Department's budget, the Office of Legislative and Constituent Affairs also works with legislators to implement the legislative goals proposed by the Attorney General. The Office of Legislative and Constituent Affairs also reports to the Attorney General regarding constituent issues and concerns conveyed to the Department of Attorney General.

The Office of Policy and External Affairs is responsible for implementing and developing policy on behalf of the Attorney General. The Office of Policy and External Affairs also works as a liaison to various external organizations that compliment the mission of the Department of Attorney General.

The Office of Communications responds to press inquiries and operates as the spokesperson for the Attorney General and the department as a whole. The Office of Communications also handles public speaking requests, prepares speeches for the Attorney General, and prepares informational pamphlets for the department.

The Office of Fiscal Management is responsible for managing the Department of Attorney General's budget, as well as advising the Attorney General on fiscal matters of concern to the department. The Office of Fiscal Management works closely with the Office of Legislative and Constituents Affairs to accurately convey the budgetary needs of the department in order to function and serve the State of Michigan and the citizens of Michigan.

The Office of Human Resources serves the employees of the Department of Attorney General. The Office of Human Resources processes all necessary paperwork regarding hiring employees, employee benefits, employee compensation, as well as various other roles that enable the Department of Attorney General to function properly.

In addition to the aforementioned offices within the Executive Office, there are also staff members responsible for research, coordinating legal issues that concern all divisions, and handling special projects assigned by the Attorney General and Chief Deputy Attorney General.

The Opinions and Municipal Affairs Division also reports directly to the Chief Deputy on all matters pertaining to the Attorney General's duty under MCL 14.32 to render opinions on questions of law submitted to him by the Legislature and state officials.

## Homeland Security

Robert Ianni, Director

Attorney General Mike Cox has received national recognition for his leadership in the area of emergency planning and response. In recent years, his staff has developed training programs on legal issues that would arise during an emergency and has provided a series of lectures on the subject to thousands of first responders and government leaders. In July 2004, he was appointed Chairperson of the National Association of Attorneys General Homeland Security Committee. He has appointed a staff member as his Homeland Security Director to advise him on homeland security legal issues. In December 2004, Attorney General Cox developed and presented, in collaboration with the Michigan Supreme Court, a unique emergency judicial legal exercise for the Michigan judiciary.

Attorney General Cox has developed and distributed hundreds of legal manuals to lawyers and judges throughout the State to help them cope with legal issues that may arise during a public health emergency.

In April 2005, Attorney General Cox hosted and organized a national conference on emergency public health law. There were 75 attorneys from 32 states who assembled in East Lansing, Michigan, in the first of its kind emergency law training conference. Attorney General Cox secured the services of the staff of the Naval Postgraduate School to create and conduct a unique table top exercise to challenge the legal abilities of the attendees. A CD of the presentation power points, an emergency law handbook, and a manual on how to conduct a legal issues table top exercise, both developed by the Michigan Attorney General's office, were distributed to all attendees.

## Appellate Division

Thomas L. Casey, Solicitor General
Eric Restuccia, Division Chief

The Appellate Division was formed by the merger of the Appellate Division and the Criminal Appellate Division in November 2005. The Appellate Division reports to the Chief Deputy Attorney General and performs the following primary functions for the Department of Attorney General: reviews, edits, and approves documents filed in the appellate courts; prepares original briefing and amicus briefs in significant and special cases; coordinates requests from the National Association of Attorneys General (NAAG) for joining amicus filings; responds to habeas corpus petitions in the federal courts filed by state prisoners claiming their federal constitutional rights were violated in their state criminal proceedings; and conducts the criminal appellate work by filing appeals for the People of the State of Michigan in defending felony convictions for the 56 county prosecutors in counties with populations below 75,000 residents.

In supervising the appellate filings for the Department of Attorney General, the Appellate Division consults with Assistant Attorneys General regarding possible appellate issues that may arise, determines whether to appeal orders and judgments, and serves as a resource for all divisions in appeals to state and federal courts of appeal and supreme courts. In its review function, the Appellate Division assures compliance with the court rules, consistency among all the divisions in the substantive positions that are advanced, and the quality of the presentation of legal arguments for the more than 500 appellate briefs filed by the Department of Attorney General each year. The Appellate Division also authored more than 30 original briefs and amicus briefs in significant civil cases in various courts, including the United States Supreme Court, and authored more than 200 briefs annually in criminal appellate cases. In coordinating the NAAG requests, the Appellate Division

reviewed 118 requests and made recommendations to the Attorney General whether to sign an amicus prepared by another state.

In addition to these functions, the Appellate Division serves as counsel for the Michigan Commission on Law Enforcement Standards (MCOLES), which regulates the standards for active duty police officers, and for the Sheriffs Training Council, which oversees the training fund for corrections officers. The Appellate Division also represents the Attorney General on the Criminal Justice Information System Council (CJIS), which regulates the use of the law enforcement information system (LEIN), and represents the Attorney General on the Executive and Legislative Committees for the Prosecuting Attorneys Association of Michigan (PAAM).

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Ct of Appeals | 139 | 138 | 127 | 150 | 105 | 109 | 146 |
| Supreme Ct | 23 | 63 | 63 | 23 | 42 | 48 | 17 |
| **Total** | **162** | **201** | **190** | **173** | **147** | **157** | **163** |
| **US Courts** | | | | | | | |
| District Ct | 623 | 470 | 381 | 712 | 598 | 396 | 914 |
| 6th Circ Ct of App | 277 | 286 | 273 | 290 | 360 | 337 | 313 |
| Supreme Ct | 3 | 10 | 5 | 8 | 5 | 4 | 9 |
| **Total** | **903** | **766** | **659** | **1,010** | **963** | **737** | **1,236** |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Pleadings reviewed | 990 | 742 |
| Consultations with Assistant Attorneys General | 900 | 1,563 |
| Habeas Filings: | | |
| Answers filed in federal district court | 553 | 618 |
| Briefs filed in the Sixth Circuit | 141 | 112 |
| State Criminal Appellate Filings: | | |
| Briefs filed in the Michigan Court of Appeals | 104 | 107 |

## CHILD AND FAMILY SERVICES BUREAU

Wanda M. Stokes
Bureau Chief

The Child & Family Services Bureau includes the following five divisions: Children and Youth Services Division, Child Support Division, Education and Social Services Division, Community Health Division, and Health Care Fraud Division. As stated in the following narratives, these divisions uniquely focus on the Department's goals of protecting Michigan's families, children, and vulnerable adults. The bureau's divisions provide legal representation in civil abuse and neglect cases involving our youth; pursue criminal prosecution of individuals failing to pay court ordered child support; and give legal advice and representation to state agencies and officials to ensure state activities comply with the law in the area of education, health care, and social services. Additionally, the bureau proactively investigates and prosecutes abuse, neglect, and fraud complaints in residential care facilities on behalf of vulnerable adults. Certain divisions also initiate and defend lawsuits at the request of state agencies and offices to enforce public compliance with state law.

The Bureau Chief provides legal and administrative oversight for each division within the bureau. The Bureau Chief establishes operational policy and manages financial resources and staffing within the bureau. Additionally, the Bureau Chief

works closely with the Division Chiefs to ensure the Attorney General's goals and objectives are accomplished. The bureau has a Senior Executive Management Assistant (SEMA) who provides administrative support to the Bureau Chief and works closely with the divisions' support staff regarding policy matters, training, and resources.

## Child Support Division

Norman W. Donker, Division Chief

Attorney General Mike Cox created the Child Support Division in April 2003. It was the nation's first statewide child support enforcement unit. The division serves as a model for other states seeking to recover unpaid child support. The methodology employed by the division once a referral is made is to conduct a financial investigation of the non-custodial parent. The division focuses its enforcement efforts on those parents who have the economic means to pay their child support obligation but refuse to do so. In less than four years of operation, the division has collected over $35.2 million and assisted more than 3,500 children. The division has played a prominent role in an effort to reduce the number of cases in arrearage. During the time the division has been in operation, Michigan leads the nation in reducing the number of cases in arrears. The division is currently comprised of six attorneys, ten investigators, six secretarial staff, a Victim Advocate, two word processors, a departmental technician, a regulatory agent, a departmental supervisor, a paralegal, and three part-time students. The Child Support Division investigates and prosecutes felony non-support cases throughout the State of Michigan. The division also acts as legal counsel for the Office of Child Support's Central Enforcement Unit (CEU) when CEU's efforts to freeze and apply assets of non-payers to child support arrearages are challenged in court. The Child Support Division takes selected cases with important issues relating to child support enforcement to the Michigan appellate courts in an effort to establish the appropriate legal framework to support child support collection and prosecution efforts.

Funding for the Child Support Division is provided, in part, by federal IV-D grant money administered in Michigan by the Department of Human Services, Office of Child Support. The grant monies reimburse the Department of Attorney General for 66% of all division expenses.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 0 | 897 | 84 | 813 | 826 | 192 | 1,447 |
| Circuit Ct | 1,031 | 400 | 191 | 1,240 | 480 | 389 | 1,331 |
| Ct of Appeals | 0 | 0 | 0 | 0 | 3 | 0 | 3 |
| **Total** | **1,031** | **1,297** | **275** | **2,053** | **1,309** | **581** | **2,781** |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Number of investigations | 3,778 | 5,726 |
| Number of warrants issued | 897 | 826 |
| Number of arrests made | 696 | 815 |
| Amount of child support collected | $11,610,834.00 | $13,252,968.27 |
| Number of children helped | 1,092 | 1,223 |
| Number of citizen letters | 463 | 431 |
| Extraditions | 143 | 180 |

## Children and Youth Services Division

Rebekah F. Visconti-Mason, Division Chief

The Children & Youth Services Division provides legal advice and representation to the Department of Human Services in litigation and appellate work involving child abuse and neglect cases in Wayne County.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Circuit Ct | 6,957 | 1,248 | 1,405 | 3,765 | 1,285 | 1,493 | 3,557 |
| Ct of Appeals | 78 | 187 | 148 | 117 | 123 | 176 | 64 |
| Supreme Ct | 0 | 8 | 7 | 1 | 2 | 3 | 0 |
| **Total** | ***7,035** | **1,443** | **1,560** | ****3,883** | **1,410** | **1,672** | **3,621** |

*2004 Pending Caseload reflected the number of children, not cases.
**2005 Pending Caseload reflects actual cases.

**Other Significant Division Activity:**

The Children & Youth Services Division represented the Department of Human Services with regard to 1,822 petitions involving 3,390 children in 2005 and 2,036 petitions involving 3,126 children in 2006. Total trials completed in 2005 were 1,330 with a 98% success rate, and in 2006, 1,569 trials were completed with a 99% success rate. To accomplish the above results, the Children & Youth Services Division attorneys worked 4,896 excess hours in 2005, and 3,682.2 excess hours in 2006.

## Community Health Division

Ronald S. Styka, Division Chief

The Community Health Division provides legal advice and representation to public health programs within the Departments of Community Health and Human Services and the Office of Services to the Aging. It also acts as general counsel to the Department of Community Health and provides legal advice and representation on the public and mental health codes. The division enforces laws through administrative and court actions against nursing homes, hospitals, homes for the aged, substance abuse service providers, emergency medical services, medical waste producers, certain licensed and certified care providers and grocery stores which serve as vendors in nutritional food programs. Also, the division is involved with health planning through representation of the Certificate of Need Program and handles Medicaid reimbursement issues with regard to mental health services. It provides legal services with regard to the collection and preservation of vital statistics and health records and the administration of medical services for crippled children. The division represents the Department of Community Health, its officers, and employees in litigation arising out of the public provision of health services which includes claims of deprivation of constitutional and civil rights, contract actions, and dismissal of employees. Additionally, the division may represent the Department of Community Health in administrative matters before the Department of Civil Service and in administrative hearings to determine the financial liability of recipients of services, as well as in appeals to the courts from these and other administrative decisions. Finally, the division is on call to provide legal services to state agencies that must deal with bioterrorism and other health emergencies.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Municipal Ct | 0 | 1 | 0 | 1 | 0 | 1 | 0 |
| District Ct | 1 | 1 | 0 | 2 | 0 | 2 | 0 |
| Probate Ct | 13 | 8 | 7 | 14 | 4 | 7 | 11 |
| Circuit Ct | 23 | 13 | 17 | 19 | 18 | 16 | 21 |
| Ct of Claims | 0 | 1 | 1 | 0 | 1 | 0 | 1 |
| Ct of Appeals | 3 | 2 | 3 | 2 | 1 | 3 | 0 |
| Supreme Ct | 2 | 1 | 2 | 1 | 0 | 1 | 0 |
| **Total** | **42** | **27** | **30** | **39** | **24** | **30** | **33** |
| **US Courts** | | | | | | | |
| District Ct | 10 | 3 | 1 | 12 | 0 | 9 | 3 |
| 6th Circ Ct of App | 0 | 3 | 0 | 3 | 0 | 0 | 3 |
| **Total** | **10** | **6** | **1** | **15** | **0** | **9** | **6** |
| **Administrative Actions** | 42 | 30 | 31 | 41 | 103 | 91 | 53 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State: | $187,776.00 | $691,297.00 |
| All Judgments/Settlements paid BY State: | $146,000.00 | $0 |

**Other Significant Division Activity:**

The division provides legal expertise to state agencies on the Health Insurance Portability and Accountability Act (HIPAA) through the Attorney General's HIPAA Workgroup. It interacts with the Federal Food and Drug Administration with regard to health care frauds, especially the Michigan Health Fraud Task Force. And, the division spearheads the Attorney General's Health Care Committee which brings together, on a monthly basis, representatives of the Attorney General's divisions that are involved with health care related matters and issues.

The division defends legislation enacted to limit or regulate the provision of abortions in the State. Also, the division participates in, and acts as a resource for, homeland security bioterrorism preparedness exercises and pandemic influenza preparedness exercises.

## Education and Social Services Division

Robert S. Welliver, Assistant in Charge

The Education & Social Services Division represents and acts as legal counsel to the Department of Human Services and the several independent boards and commissions within that agency. The legal services provided arise out of the State's statutory responsibilities for the administration of the various state and/or federal welfare programs, including the cash grant and food assistance programs. The Department of Human Services also administers many programs concerning children and youth services, juvenile delinquency, adoption, adult and children protective services, and disability services. The Education & Social Services Division further represents and acts as legal counsel to the Office of Child and Adult Licensing within the Department of Human Services. The office licenses and regulates child foster care homes and organizations, adoption agencies, day care homes and institutions, and adult foster care homes/facilities.

The Education & Social Services Division also represents and acts as legal counsel for the Department of Community Health for the Medicaid program and other state health payment programs.

Lastly, the Education & Social Services Division represents and acts as legal counsel to the Michigan Department of Education, the State Board of Education, the Superintendent of Public Instruction, the State Tenure Commission, and the Michigan Merit Award Board. The division also represents the Michigan School for the Blind and Deaf, the Department of Treasury in matters relating to the State School Bond Loan Fund, the Department of Career Development in matters relating to community colleges, and the Center for Educational Performance & Information in the Department of Management & Budget. As counsel to these entities, the division provides representation in all litigation and provides ongoing legal advice not only to these agencies but also to the Department of Management & Budget and the Department of State Police regarding school finance and education law issues.

The Education & Social Services Division also responds to numerous opinion and information requests from legislators, public officials, local officials, client agency personnel, and the public.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 26 | 8 | 9 | 25 | 3 | 3 | 25 |
| Probate Ct | 26 | 5 | 9 | 23 | 3 | 2 | 24 |
| Circuit Ct | 446 | 140 | 168 | 418 | 201 | 115 | 504 |
| Ct of Claims | 5 | 0 | 2 | 3 | 1 | 1 | 3 |
| Ct of Appeals | 30 | 10 | 13 | 27 | 13 | 3 | 37 |
| Supreme Ct | 7 | 3 | 3 | 7 | 3 | 2 | 8 |
| **Total** | **540** | **166** | **203** | **503** | **224** | **126** | **601** |
| **US Courts** | | | | | | | |
| District Ct | 27 | 6 | 13 | 20 | 8 | 5 | 23 |
| 6th Circ Ct of App | 7 | 3 | 2 | 8 | 3 | 2 | 9 |
| Supreme Ct | 1 | 0 | 1 | 0 | 1 | 1 | 0 |
| Bankruptcy Ct. | 4 | 0 | 0 | 4 | 0 | 1 | 3 |
| **Total** | **39** | **9** | **16** | **32** | **12** | **9** | **35** |
| **Out-of-State Courts** | | | | | | | |
| State | 8 | 0 | 2 | 6 | 1 | 0 | 7 |
| Federal | 4 | 0 | 2 | 2 | 1 | 0 | 3 |
| **Total** | **12** | **0** | **4** | **8** | **2** | **0** | **10** |
| **Administrative Actions** | 389 | 180 | 132 | 437 | 129 | 124 | 442 |
| **Gen. Assignment** | **24** | **9** | **10** | **23** | **143** | **164** | **2** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $2,626,436.00 | $3,339,915.01 |
| All Judgments/Settlements paid BY State | $17,000.00 | $11,998.38 |

**Other Significant Division Activity:**

The Education & Social Services Division handled a number of significant cases that affected the jurisprudence of the State and/or had the potential of having a major impact on the state budget.

In the education area, the division handled cases involving funding for education under the Headlee Amendment, special education, schools of choice, school boundary changes, alleged discrimination in the administration of the Michigan Merit Award Program and the authority of hearing officers assigned to do special education cases. The division also defended a series of safety laws passed by the Legislature to protect school children. This legislation included criminal

background checks and fingerprinting of teachers and school employees along with a requirement for a comparison of state databases to discover convictions of persons working in the schools. This safety legislation resulted in a major increase in the number of teacher certification hearings held to determine the fitness of teachers to be in the classroom. Lastly, the division gave advice on the transition of the Detroit School District from governance by a school reform board and chief executive officer to a newly elected school board.

In the social services area, the division defended a number of Medicaid class action lawsuits that involved the nursing home bed tax, co-pays for services and drugs, the bidding for medical goods and the recovery of funds from drug manufacturers. The division also collected over $2.58 million in actions against insurance companies and tortfeasors in recovering Medicaid money spent that should have been paid by these responsible entities. The division handled cases that concerned the retention of interest of money collected by the Michigan State Disbursement Unit, a Headlee claim by counties concerning juvenile detention centers, the integration of religion into residential treatment for youth, a United States Department of Justice investigation of the Maxey Training School, and a challenge to the state's child support laws by a father protesting having to pay child support for an unwanted child. The division also handled a large volume of adult foster care and day care licensing cases involving physical and sexual abuse of residents and children.

Finally, the division gave legal advice in both the education and social services areas on how the State could help the victims of Hurricane Katrina to receive welfare, health and educational benefits for those who came to Michigan to temporarily reside and/or attend school.

## Health Care Fraud Division

Wallace T. Hart, Division Chief

The Attorney General's Health Care Fraud Division investigates and prosecutes Medicaid provider fraud and resident care facility resident abuse and neglect. The Health Care Fraud Division is one of 49 federally certified Medicaid Fraud Control Units. It is a self-contained investigation and prosecution division with attorneys, auditors, and investigators on staff. Medicaid fraud investigations and prosecutions can include false billings, unlawful delivery of controlled substances, practicing medicine without a license, kickbacks, and bribery schemes. Abuse and neglect investigations and prosecutions include physical assault, criminal sexual conduct, identity theft, theft of residents' property and funds, and harmful neglect in Michigan resident care facilities. The division also has authority to initiate civil actions for Medicaid overpayments. In conducting its activities, it works closely with other agencies such as the Federal Bureau of Investigation, Drug Enforcement Administration, Department of Justice, Michigan State Police, state regulatory agencies, local law enforcement agencies, and private health insurance companies.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 83 | 65 | 42 | 106 | 63 | 59 | 110 |
| Circuit Ct | 28 | 27 | 32 | 23 | 37 | 28 | 32 |
| Ct of Appeals | 2 | 5 | 1 | 6 | 7 | 7 | 6 |
| Supreme Ct | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| **Total** | **113** | **98** | **76** | **135** | **107** | **94** | **148** |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **US Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Bankruptcy Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| **Total** | **1** | **0** | **0** | **0** | **1** | **0** | **0** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $6,712,576.01 | $46,938,326.67 |
| All Judgments/Settlements paid BY State | $0 | $0 |

| **Other Significant Division Activity:** | |
|---|---|
| Number of Complaints Received | 12,973 |
| Number of arrests | 127 |
| Number of convictions | 74 |

## CONSUMER PROTECTION AND CRIMINAL PROSECUTIONS BUREAU

A. Michael Leffler
Bureau Chief

The Consumer Protection and Criminal Prosecutions Bureau was created in January 2005 and includes five divisions: Alcohol and Gambling Enforcement Division; Consumer Protection Division; Criminal Prosecutions Division; Environment, Natural Resources, and Agriculture Division; and the Tobacco and Special Litigation Division. The bureau's primary civil responsibilities include the protection of consumers and businesses from unscrupulous commercial practices; enforcement and oversight of liquor, lottery, racing, casino, tobacco, and utility law; and the protection of Michigan's natural resources. Criminal prosecutions are brought primarily in areas related to child protection, cold cases, public corruption, casino crimes, tax fraud, and gun-related violence. Attorneys in the bureau practice in virtually all state and federal courts as well as state administrative tribunals. The bureau also serves as house counsel for the Departments of Agriculture, Environmental Quality, and Natural Resources.

### Alcohol and Gambling Enforcement Division

John M. Cahill, Division Chief

The Alcohol and Gambling Enforcement Division was created in 2002. During 2005-2006, it advised and represented the following diverse group of state agencies: Michigan Gaming Control Board, Bureau of State Lottery, Liquor Control Commission, various units of both the Michigan State Police and the Department of Treasury, and the Racing Commissioner. In addition, the division handled criminal prosecutions for casino-related crimes and tax enforcement cases dealing with civil forfeiture actions under the Tobacco Products Tax Act, jeopardy tax assessments, and criminal prosecutions.

The division advises and represents the Michigan Gaming Control Board and the Michigan State Police Gaming Section on matters pertaining to casino gambling authorized under the Michigan Gaming Control and Revenue Act. These activities include legal assistance to Gaming Control Board and State Police investigators conducting background, regulatory, and/or criminal investigations. The division represents the State's interests in Gaming Control Board licensing and disciplinary actions, and drafts opinions and memoranda of law on questions related to casino gambling in Michigan.

The division also acts as primary legal counsel to the Bureau of State Lottery and the Office of the Racing Commissioner. The division advises and represents these state agencies in litigation and other matters involving the licensing and

regulation of gambling activities permitted under the Horse Racing Law of 1995, the Lottery Act, and the Bingo Act.

The division also provides legal advice and representation to the Michigan Liquor Control Commission. The division drafts violation complaints against licensees and represents the Commission at administrative violation and appeal hearings as well as in litigation at all levels of the state and federal courts.

Until July 1, 2005, Division Chief John M. Cahill also served as the State Public Administrator. This responsibility involved the probating of estates with unknown heirs, and guardianship and conservatorship proceedings in which the protected person had no presumptive heirs. The State Public Administrator supervises county public administrators in the administration of decedent estates in the 83 Michigan counties.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2006 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Municipal | 0 | 2 | 0 | 2 | 1 | 3 | 0 |
| District Ct | 201 | 307 | *277 | 231 | 383 | 329 | 285 |
| Probate Ct | 358 | 0 | *358 | 0 | 0 | 0 | 0 |
| Circuit Ct | 89 | 120 | 157 | 52 | 163 | 149 | 66 |
| Ct of Claims | 2 | 0 | *1 | 1 | 0 | 0 | 1 |
| Tribunal | 2 | 0 | 0 | 2 | 0 | 1 | 1 |
| Ct of Appeals | 10 | 6 | 8 | 8 | 5 | 8 | 5 |
| Supreme Ct | 2 | 4 | 1 | 5 | 2 | 4 | 3 |
| **Total** | **664** | **439** | ***802** | **301** | **554** | **494** | **361** |
| **US Courts** | | | | | | | |
| District Ct | 3 | 2 | 0 | 5 | 3 | 4 | 4 |
| 6th Circ Ct of App | 6 | 0 | 3 | 3 | 1 | 3 | 1 |
| Supreme Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| Bankruptcy Ct | 6 | 2 | 0 | 8 | 1 | 1 | 8 |
| **Total** | **16** | **4** | **4** | **16** | **5** | **8** | **13** |

*1 District Court Case, 1 Court of Claims case and 358 Probate Court cases were transferred in July 2005 to the new State Public Administrator in Special Projects – a total of 360 cases.

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Administrative Actions** | 479 | 2,576 | 2,555 | 500 | 2,511 | 2,617 | 394 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| Fees/Fines paid TO State | $1,346,096.00 | $1,334,684.09 |
| Restitution/Forfeitures paid TO State | $345,320.52 | $486,312.51 |
| Liquidated Taxes paid TO State | $1,091,336.85 | $1,211,604.75 |
| Fines/Fees paid BY State | $0 | $910,000.00 |

| **Other Significant Division Activity:** | | |
|---|---|---|
| Financial transactions for the State | $8,034,681,700.00 | $4,847,244,795.00 |

## Consumer Protection Division

Katharyn A. Barron, Division Chief

The principal function of the Consumer Protection Division is investigating and mediating consumer complaints and encouraging compliance with consumer protection and antitrust laws. The division administers or enforces more than 35 state statutes. Under many of these statutes, the Consumer Protection Division has exclusive or primary compliance and enforcement jurisdiction.

By statutory prescription, the division issues licenses to charities and professional fundraisers acting on their behalf, registers charitable trusts, public safety organizations and their fundraisers, and is a necessary party to many probate estates having a residuary devise to a charitable entity. Franchisors must provide the division with notice of their intent to offer or sell franchises. Those offering for sale a "business opportunity" must also provide the division with notice. The division also enforces consumer laws against offerors of product-based pyramid scams. The division educates consumers through speeches, seminars, workshops, coalitions, and task forces.

As of January 1, 2006, the tobacco and special litigation work is no longer handled in the Consumer Protection Division. There is now a separate division entitled *Tobacco & Special Litigation.*

The division also represents the Michigan Retirement Systems in security fraud matters. The Systems invest on behalf of Michigan Public School Employees, State Employees, State Police, and Michigan Judges. In March 2006, the Michigan Retirement Systems was appointed co-lead plaintiff along with Central States and New Mexico in the securities class action lawsuit against HealthSouth Corporation, its former directors and executives, as well as HealthSouth's investment bankers (UBS) and former outside auditors (Ernst and Young), *In re HealthSouth Corporation*, USDC No. CV-03-BE-1502-S, United States District Court for the Northern District of Alabama.

Finally, the division also handles miscellaneous matters at the direction of the Attorney General.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Probate Ct | 107 | 76 | 24 | 159 | 92 | 75 | 176 |
| Circuit Ct + 1 Out-of-State | 16 | 4 | 8 | 12 | 5 | 5 | 12 |
| Ct of Appeals | 3 | 1 | 1 | 3 | 4 | 1 | 6 |
| Supreme Ct | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| **Total** | ***126** | **81** | **33** | ***174** | **103** | **81** | **196** |
| **US Courts** | | | | | | | |
| District Ct | 8 | 3 | 3 | 8 | 1 | 3 | 7 |
| 6th Circ Ct of App | 2 | 0 | 1 | 1 | 1 | 0 | 2 |
| Supreme Ct | 1 | 1 | 1 | 1 | 0 | 1 | 0 |
| Bankruptcy Ct | 2 | 0 | 1 | 1 | 0 | 0 | 1 |
| **Total** | **13** | **4** | **6** | **11** | **2** | **4** | **10** |
| **Administrative Actions** | 10 | 7 | 17 | 0 | 0 | 0 | 0 |

*The pending 2004 totals will not match the 2003-2004 biennial report, and the 2005 pending totals will not be accurate because the tobacco and other special litigation files were moved from Consumer Protection Division to a new Special Litigation and Tobacco Division.

| **Monies Paid To the State and Other Significant Activities:** | **2005** | **2006** |
|---|---|---|
| Consumer complaints | 18,680 | 19,456 |
| Money recovered for consumers | $3,609,736.17 | $6,307,714.99 |
| Civil penalties, investigative, and other costs/income | $1,280,838.79 | $1,760,199.74 |
| Franchise registrations (new & renewal) | 1,302 | 1,372 |
| Business opportunity registrations | 21 | 22 |
| Franchise fees | $325,750.00 | $343,750.00 |
| Antitrust civil penalties, state recoveries and *cy pres* distributions | $4,594,696.06 | $587,788.60 |
| Antitrust recoveries for consumers | $901,603.65 | $0 |
| **Charitable Trust** | | |
| Files opened for determination of applicability of charitable trust and solicitation requirements | 942 | 1,006 |
| Nonprofit corporate dissolutions closed | 217 | 256 |
| Charitable solicitation licenses issued | 4,481 | 5,324 |
| Charitable solicitation professional fundraiser licenses issued | 409 | 222 |
| Public safety registrations issued | 72 | 73 |
| Public safety professional fundraiser registrations issued | 21 | 24 |
| Registered charitable trusts | 9,767 | 10,069 |

## Criminal Division

Thomas C. Cameron, Division Chief

The Criminal Division investigates and prosecutes criminal cases based on the Attorney General's common law and statutory duties as Michigan's chief law enforcement officer and his statutory responsibility to supervise Michigan's 83 prosecuting attorneys. In order to carry out its mission, the Criminal Division employs 14 full-time prosecutors, 7 full-time Special Agent Investigators, and 6 full-time support staff, along with law student support when available.

The Criminal Division is comprised of several units including the Office of Special Investigations (OSI), the Child and Public Protection Unit (CPPU), and the Joshua Project. Investigations and prosecutions for the division involve the full spectrum of criminal offenses, but the OSI's primary focus remains in the area of complex cases, including cold case homicides and prosecuting public corruption of elected officials. The CPPU investigates and prosecutes the exploitation of children over the Internet, including solicitation of children for sexual purposes, using the Internet to disseminate obscene matter to a minor, and crimes involving child pornography. The Joshua Project is a community prosecution initiative created by the Attorney General in response to a 30 percent increase of non-fatal and fatal shootings that occurred in the City of Detroit during the first half of 2004 compared to the previous year. Fully implemented on January 1, 2005, this unit prosecutes gun-related assaults in the City of Detroit's Southwest Police District.

For over 20 years, the Criminal Division has also been active in environmental and welfare fraud prosecutions. The division prosecutes all welfare recipient fraud cases in Wayne County. Most recipient fraud is discovered through wage match programs and is investigated and referred for prosecution by the Michigan Family Independence Agency, Office of Inspector General. For over 15 years, the division has also specialized in the prosecution of environmental crimes across the State of Michigan.

In addition, the Criminal Division manages a domestic violence grant awarded from the Department of Justice, Office on Violence Against Women, administered by the Department of Human Services, which provides the funds to support three attorneys who prosecute domestic violence in nine northern Michigan counties. These counties include: Grand Traverse, Charlevoix, Cheboygan, Leelanau, Otsego, Emmet, Antrim, Kalkaska, and Roscommon.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 114 | 242 | 233 | 123 | 194 | 221 | 96 |
| Circuit Ct | 163 | 222 | 232 | 153 | 457 | 364 | 246 |
| Ct of Appeals | 5 | 3 | 5 | 3 | 1 | 3 | 1 |
| Supreme Ct | 1 | 1 | 2 | 0 | 0 | 0 | 0 |
| **Total** | **283** | **468** | **472** | **279** | **652** | **588** | **343** |
| **US Courts** | | | | | | | |
| District Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| **Total** | **1** | **0** | **1** | **0** | **0** | **0** | **0** |
| **Criminal Investigations** | **101** | **86** | **141** | **46** | **111** | **93** | **64** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State (Welfare Fraud) | $3,894,106.00 | $3,417,164.58 |
| All Judgments/Settlements paid BY State | $0 | $0 |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Citizen correspondence answered | 1068 | 1168 |
| Special prosecutor designations opened | 197 | 250 |
| Welfare fraud diversions opened | 771 | 348 |
| Welfare fraud felonies opened | 241 | 333 |

## Environment, Natural Resources, and Agriculture Division

S. Peter Manning, Division Chief

The Environment, Natural Resources, and Agriculture Division advises and represents the Department of Environmental Quality, Department of Natural Resources, and Department of Agriculture in matters involving environmental regulation, natural resources management, and agricultural programs. The division also advises and represents other state agencies in matters involving Native American treaty issues, and the Department of Labor and Economic Growth in Land Division Act matters. The division also serves as legal counsel to or as the Attorney General's representative on the following commissions or other bodies:

Agriculture Commission
Natural Resources Commission
Great Lakes Commission
Mackinac Island State Park Commission
Michigan State Waterways Commission
Great Lakes Fishery Trust
Natural Resources Damage Assessment Trustee Councils

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Tribal Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| District Ct | 14 | 5 | 18 | 1 | 1 | 0 | 2 |
| Probate Ct | 2 | 0 | 1 | 1 | 2 | 0 | 3 |
| Circuit Ct | 203 | 136 | 143 | 196 | 154 | 132 | 218 |
| Ct of Claims | 5 | 4 | 5 | 4 | 2 | 5 | 1 |
| Ct of Appeals | 22 | 20 | 24 | 18 | 27 | 12 | 33 |
| Supreme Ct | 11 | 7 | 12 | 6 | 7 | 8 | 5 |
| **Total** | **258** | **172** | **204** | **226** | **193** | **157** | **262** |
| **US Courts** | | | | | | | |
| District Ct | 21 | 13 | 11 | 23 | 8 | 11 | 20 |
| 6th Circ Ct of App | 7 | 6 | 4 | 9 | 2 | 3 | 8 |
| Supreme Ct | 2 | 2 | 1 | 3 | 3 | 4 | 2 |
| Bankruptcy Ct | 25 | 6 | 10 | 21 | 2 | 5 | 18 |
| **Total** | **55** | **27** | **26** | **56** | **15** | **23** | **48** |
| **Administrative Actions** | 139 | 41 | 42 | 138 | 41 | 52 | 127 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $15,044,455.28 | $6,276,142.42 |
| All Judgments/Settlements paid BY State | $21,487.43 | $123,139,83 |

| **Other Significant Division Activity:** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Client referrals | 177 | 263 | 266 | 174 | 232 | 254 | 152 |

## Tobacco & Special Litigation Division

Robert Ianni, Division Chief

The Tobacco & Special Litigation Division provides representation to the public at large, and the State of Michigan as a consumer, in utility rate proceedings before the Michigan Public Service Commission and the courts. During 2005-2006, this division appeared in all significant administrative and judicial proceedings involving the rates and services of the State's largest utilities and in proceedings involving several smaller utilities. In addition, the division has the responsibility of representing the consumer interest in utility energy cost recovery proceedings conducted by the Public Service Commission pursuant to 1982 PA 304. The division is lead counsel in disputes involving the national tobacco settlement and for enforcement of the escrow requirement against non-participating tobacco manufacturers in Michigan. The division also handles miscellaneous matters at the direction of the Attorney General.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| Circuit Ct | 6 | 17 | 0 | 23 | 9 | 18 | 14 |
| Ct of Appeals | 10 | 19 | 12 | 17 | 4 | 6 | 15 |
| Supreme Ct | 3 | 0 | 3 | 0 | 3 | 1 | 2 |
| **Total** | **20** | **36** | **15** | **41** | **16** | **26** | **31** |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **US Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Bankruptcy Ct | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| **Total** | **1** | **0** | **0** | **1** | **1** | **1** | **1** |
| **Administrative Actions** | 66 | 26 | 49 | 43 | 31 | 27 | 47 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| Monies paid TO the State (Tobacco) | $277,437,301.16 | $253,835,450.42 |
| Monies paid BY the State | $0 | $0 |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Monies saved utility ratepayers through Attorney General Interventions before the Michigan Public Service Commission | $346,600,000.00 | $222,000,000.00 |

*Effective January 1, 2006, the Tobacco & Special Litigation Division was created and unmerged the records from the Consumer Protection Division.

## ECONOMIC DEVELOPMENT AND OVERSIGHT BUREAU

Deborah Anne Devine
Bureau Chief

The Economic Development and Oversight Bureau provides all the legal services needed by its multifaceted client agencies to carry out their constitutional and statutory mandates. In addition to the defense and prosecution of the State's interests, the bureau's divisions are essential to the efficient operation of the State's legal and financial transactions; the integrity of the State's budget; its economic development; the preservation of the credit rating of the State and its authorities; the maintenance of the solvency and financial soundness of the State's financial institutions and insurers; the procurement of goods and services; real estate transactions; the collection of tax revenues; and the regulation of certain professions, occupations, and services for the protection of the public. It represents a total of 9 state departments and their various agencies and programs, 15 finance authorities, 58 boards and commissions, and the Governor. The bureau also represents the legislative and judicial branches in certain matters.

### Finance Division

Terrence P. Grady, Division Chief

The Finance Division serves as general counsel, as well as transactional and issuers' counsel, on all bond or note issuances by the State or any of its agencies, departments, authorities, or instrumentalities. The division also provides legal services in connection with state surplus funds and state pension fund investments. The division prepares loan, grant, and investment documentation, bond documents, financial assurance documentation, and generally any and all types of documentation necessary or appropriate to the transactional, investment, and borrowing needs of the State.

The authorities served by the Finance Division consist of the Michigan State Housing Development Authority, Michigan Strategic Fund, State Building Authority, Michigan Higher Education Assistance Authority, Michigan Higher Education Student Loan Authority, Michigan Higher Education Facilities Authority, Michigan Municipal Bond Authority, Michigan State Hospital Finance Authority, Michigan Public Educational Facilities Authority, Michigan Broadband Development

Authority, Michigan Tobacco Settlement Finance Authority, Michigan Forest Finance Authority, and the Michigan Land Bank Fast Track Authority.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **US Courts** | | | | | | | |
| Bankruptcy Ct | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| **Total** | **1** | **0** | **1** | **0** | **0** | **0** | **0** |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Financial Transactions: | 491 | 513 |
| Principal Amount: | $10,152,834,983.08 | $9,702,450,945.15 |

## Insurance and Banking Division

E. John Blanchard, Division Chief

The Insurance and Banking Division provides representation and counsel to state departments in matters involving banking, insurance, and securities. The division acts as general counsel to the Office of Financial and Insurance Services (OFIS) of the Department of Labor & Economic Growth. The Insurance & Banking Division works to enforce the Michigan Insurance Code; Patient's Right to Independent Review Act; Blue Cross Act (Nonprofit Health Care Corporation Reform Act); Banking Code of 1999; Mortgage Brokers, Lenders & Servicers Licensing Act; Consumer Financial Services Act; Uniform Securities Act; and numerous other consumer finance-related laws. This includes the regulation of Blue Cross Blue Shield of Michigan, HMOs, state-chartered banks, domestic insurance companies, foreign insurance companies, state-chartered credit unions, consumer finance lenders, insurance agents, securities agents, and broker-dealers.

The Insurance & Banking Division acts as counsel to the Commissioner of OFIS in receivership, rehabilitation, and liquidation proceedings involving insurance companies, health maintenance organizations, banks, and other regulated entities.

The Insurance & Banking Division also provides representation to the Corporation Division of the Bureau of Commercial Services within the Department of Labor & Economic Growth. The division provides services that enable business corporations and nonprofits, limited partnerships, limited liability companies, and limited liability partnerships to be formed, and for foreign entities to obtain a certificate of authority to transact business in the state, as required by Michigan law.

The Insurance and Banking Division provides guidance and assistance in reviewing agency documents and reviews insurance companies' articles of incorporation and amendments to articles of incorporation. The Insurance and Banking Division assists and advises the public in consumer-related matters involving insurance, banking, and securities issues.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| Out-of-State District | 2 | 0 | 2 | 0 | 0 | 0 | 0 |
| Circuit Ct | 35 | 9 | 35 | 9 | 7 | 8 | 8 |
| Ct of Claims | 0 | 1 | 0 | 1 | 0 | 1 | 0 |
| Ct of Appeals | 4 | 3 | 3 | 4 | 3 | 2 | 5 |
| Supreme Ct | 3 | 2 | 3 | 2 | 2 | 2 | 2 |
| **Total** | **45** | **15** | **44** | **16** | **12** | **13** | **15** |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **US Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 3 | 0 | 3 |
| 6th Circ Ct of App | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| Bankruptcy Ct | 0 | 1 | 0 | 1 | 0 | 0 | 1 |
| Supreme Ct | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| **Total** | **1** | **1** | **0** | **2** | **4** | **1** | **5** |
| **Administrative Actions** | **6** | **6** | **4** | **8** | **1** | **5** | **4** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State/Citizens | $12,900,000.00 | $22,378,505.68 |
| All Judgments/Settlements paid BY State | $0 | $0 |

**Other Significant Division Activity:**
Supervision/rehabilitation/liquidation of insurance companies and receiverships
Health Maintenance Organizations
Patient's Right to Independent Review Act
Mortgage Brokers, Lenders & Servicers Licensing Act
Banking Code of 1999
Insurance companies, banks, credit unions
Blue Cross and Blue Shield of Michigan
Multiple employer welfare arrangements
No-Fault automobile insurance
Articles of incorporation
Corporations
Securities regulation

## Licensing and Regulation Division

Howard C. Marderosian, Division Chief

The division represents 52 health and occupational licensing agencies within the Department of Community Health (DCH), Bureau of Health professions; and Department of Labor & Economic Growth (DLEG), Bureau of Commercial Services. Adding to the division's responsibility this year was the Legislature's creation of three new licensing agencies.

The division provides legal services to the DCH, Bureau of Health Professions, and the 21 health regulatory agencies created under the Public Health Code. The responsibilities include providing day-to-day legal advice as well as representing the agencies in administrative proceedings seeking disciplinary sanctions against licensees. Among the health regulatory agencies the Division represents are the Board of Medicine, Board of Osteopathic Medicine & Surgery, and Board of Pharmacy. Many of the disciplinary cases involve healthcare providers who have injured patients, are incompetent, have sexually abused patients, have prescribed excessive amounts of controlled substances, and other similar conduct.

In addition, the division represents the DLEG, Bureau of Commercial Services, and the 31 occupational regulatory licensing agencies created under the Occupational Code. The licensing agencies include residential builders, real estate sales persons, real estate appraisers, and other similar licensing boards. The division represents the bureau in administrative disciplinary proceedings against individuals holding occupational licenses.

The division also represents the DLEG's Construction Lien Fund. This fund was created by the Construction Lien Act to protect the rights of lien claimants to receive payment for labor and materials, and to protect homeowners from paying twice for the same services. During 2006, the division defended 283 civil actions

instituted against the fund. This represents a 60% increase in litigation from 2005. Pending claims against the fund at the end of 2006 doubled from 2005. At the end of 2005, there was $4.9 million in pending claims, and at the end of 2006, this had increased to $9.1 million. During 2006, the division resolved 145 cases with fund payouts of $852,519. The claims against the fund in these cases amounted to $5,776,246. Thus, the division saved the State approximately $4.9 million.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 1 | 2 | 2 | 1 | 1 | 1 | 1 |
| Circuit Ct | 146 | 178 | 178 | 146 | 256 | 190 | 212 |
| Ct of Appeals | 0 | 11 | 7 | 4 | 11 | 8 | 7 |
| Supreme Ct | 1 | 1 | 1 | 1 | 0 | 1 | 0 |
| **Total** | **148** | **192** | **188** | **152** | **268** | **200** | **220** |
| **US Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Bankruptcy Ct | 1 | 1 | 0 | 2 | 2 | 3 | 1 |
| **Total** | **1** | **1** | **0** | **2** | **3** | **4** | **1** |
| **Administrative Actions** | 315 | 523 | 485 | 353 | 408 | 415 | 346 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $0 | $0 |
| All Judgments/Settlements paid BY State | $804,101.48 | $852,519.35 |
| Amount saved State | $4,514,846.00 | $4,923,727.00 |
| Fines assessed against licensed occupations and health professionals | $347,725.00 | $329,630.48 |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Investigative files received | 242 | 187 |
| Investigative files closed | 257 | 197 |
| Memorandum of Advice | 92 | 80 |
| Citizen letters | 382 | 477 |

## Public Service Division

David A. Voges, Division Chief

The Public Service Division provides legal counsel and representation to the Michigan Public Service Commission (MPSC) in the Michigan circuit courts, Court of Appeals, and Supreme Court; and the federal district court, circuit courts (primarily the D.C. Circuit and Sixth Circuit), and Supreme Court. The division also represents both the State of Michigan and the MPSC in proceedings before federal agencies, including the Federal Energy Regulatory Commission, Federal Communications Commission, Federal Highway Administration, and in appeals from these agencies to the federal courts. The Public Service Division also represents the Michigan Public Service Commission staff in administrative proceedings.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Circuit Ct | 4 | 3 | 3 | 4 | 5 | 7 | 2 |
| Ct of Claims | 2 | 1 | 2 | 1 | 2 | 1 | 2 |
| Ct of Appeals | 18 | 35 | 31 | 22 | 22 | 14 | 30 |
| Supreme Ct | 10 | 1 | 9 | 2 | 2 | 4 | 0 |
| **Total** | **34** | **40** | **45** | **29** | **32** | **27** | **34** |
| **US Courts** | | | | | | | |
| District Ct | 6 | 3 | 6 | 3 | 4 | 3 | 4 |
| US Ct of App | 8 | 2 | 1 | 9 | 3 | 6 | 6 |
| Supreme Ct | 3 | 0 | 3 | 0 | 0 | 0 | 0 |
| **Total** | **17** | **5** | **10** | **12** | **7** | **9** | **10** |
| **Administrative Actions** | 178 | 222 | 246 | 154 | 229 | 221 | 162 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $99,700.00 | $240,950.00 |
| All Judgments/Settlements paid BY State | $2,165,299.56 | $0 |

## Revenue and Collections Division

Russell E Prins, Division Chief

The Revenue and Collections Division acts as legal counsel to the Department of Treasury in all matters pertaining to the administration of state taxes and supervision of local taxes. It also represents all state departments in the collection of delinquent accounts throughout the State of Michigan and in all other states of the United States.

The above representation of state interests includes the prosecution and defense of matters in both state and federal courts, as well as the Michigan Tax Tribunal, and involves state taxes for which the state annually receives in excess of $24.3 billion. The division also represents the State Tax Commission which, since the Executive Organization Act of 1965, has acted as a State Board of Equalization of local property tax assessments and as the State Board of Assessors, centrally appraising and taxing railroad, telephone, and telegraph companies. Additionally, the commission administers the statutes that grant tax exemptions for industrial and commercial facilities, water and air pollution control facilities, and energy conservation devices. The total monies raised by local property taxes annually exceed $10 billion.

This division also represents the State Treasurer in actions brought in 13 counties as the foreclosing unit of government for delinquent real property taxes and in defense of claims brought against the State arising from foreclosure actions.

The figures reported below include not only substantive tax cases but also those involved with the collection of delinquent state accounts. The pending cases that involve substantive tax issues represent claims against the State in judicial and administrative proceedings in excess of $528 million. During the biennium, $36,293,946.68 was collected on delinquent accounts. This includes $4,470,313.04 that was collected during the period on prisoner reimbursement accounts. The amount of claims for tax and other delinquencies for which payment is sought by the State of Michigan in judicial or quasi-judicial proceedings currently exceeds $251 million.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 961 | 115 | 696 | 380 | 10 | 258 | 132 |
| Probate Ct | 79 | 29 | 43 | 65 | 38 | 25 | 78 |
| Circuit Ct | 1,037 | 264 | 529 | 772 | 380 | 435 | 717 |
| Ct of Claims | 343 | 81 | 66 | 358 | 103 | 73 | 388 |
| Ct of Appeals | 77 | 41 | 51 | 67 | 28 | 44 | 51 |
| Supreme Ct | 6 | 20 | 11 | 15 | 16 | 11 | 20 |
| **Total** | **2,503** | **550** | **1,396** | **1,657** | **575** | **846** | **1,386** |
| **US Courts** | | | | | | | |
| District Ct | 22 | 15 | 15 | 22 | 12 | 15 | 19 |
| 6th Circ Ct of App | 7 | 3 | 7 | 3 | 1 | 2 | 2 |
| Supreme Ct | 2 | 1 | 2 | 1 | 3 | 0 | 4 |
| Bankruptcy Ct | 4,690 | 2,328 | 2,601 | 4,417 | 1,745 | 1,978 | 4,184 |
| **Total** | **4,721** | **2,347** | **2,625** | **4,443** | **1,761** | **1,995** | **4,209** |
| **Administrative Actions** | 230 | 828 | 304 | 754 | 149 | 86 | 817 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | | |
| Tax and State Agency Accounts | $22,116,806.09 | $9,706,827.55 |
| Prisoner Reimbursement | $2,340,503.70 | $2,129,809.34 |
| **Total** | $24,457,309.79 | $11,836,636.89 |

## State Operations Division

Thomas F. Schimpf, Division Chief

State Operations has the most diverse responsibility of any Attorney General division. State Operations has seven state departments as clients: the Department of Management and Budget; the Department of Information Technology; the Department of State; the Department of History, Arts, and Libraries; the Department of Labor and Economic Growth (for job training and adult education matters); the Department of Natural Resources (for real estate conveyances); and the Department of Military and Veterans' Affairs (for real estate matters).

In addition, we provide legal counsel to: the Michigan Strategic Fund the Strategic Economic Investment and Commercialization Board the Michigan Economic Growth Authority the Michigan Next Energy Authority, the Michigan Education Trust and Michigan Education Savings Program within the Department of Treasury, the Land Bank Fast Track Authority (in cooperation with the Finance and Revenue and Collection Divisions), the Michigan Exposition and Fairgrounds Authority (i.e., the State Fair), the Michigan State Public Safety Communications System within the Department of Information Technology, and the Department of Environmental Quality's Small Business Pollution Prevention Loan Program.

Our Retirement Section provides legal counsel for: the State Employees' Retirement System, the Public Schools Employees' Retirement System, the Judges' Retirement System, the State Police Retirement System, the Legislative Retirement System, and the State Social Security Administrator.

We provide litigation representation for the State Administrative Board, the State Court Administrative Office, and for the clients of the Finance Division, in particular, the Michigan State Housing Development Authority and the Department of Treasury's Bureau of Investments. We also serve as the department's point of contact with the Michigan Economic Development Corporation.

State Operations completed transactions and assignments involved appropriations, state contracts, property acquisitions, conveyances, sales and leases

with a value of $16,136,325,000 during 2005 and 2006. We successfully defended our client agencies in litigation with over $668,473,000 at issue in 2005 and 2006. This number does not, of course, reflect the economic development and goodwill gained by, for example, our successful defense against the lawsuit seeking to block the sale of the former Ypsilanti Forensic Center property to Toyota for the construction of its North American Technical Center.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 2 | 2 | 1 | 3 | 5 | 6 | 2 |
| Circuit Ct | 153 | 126 | 124 | 155 | 83 | 131 | 107 |
| Ct of Claims | 9 | 5 | 3 | 11 | 0 | 5 | 6 |
| Ct of Appeals | 22 | 18 | 14 | 26 | 14 | 12 | 28 |
| Supreme Ct | 13 | 6 | 4 | 15 | 3 | 8 | 10 |
| **Total** | **199** | **157** | **146** | **210** | **105** | **162** | **153** |
| **US Courts** | | | | | | | |
| District Ct | 3 | 7 | 2 | 8 | 3 | 5 | 6 |
| 6th Circ Ct of App | 2 | 1 | 2 | 1 | 0 | 1 | 0 |
| Supreme Ct | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Bankruptcy Ct | 7 | 0 | 4 | 3 | 3 | 3 | 3 |
| **Total** | **12** | **8** | **8** | **12** | **7** | **10** | **9** |
| **Administrative Actions** | | | | | | | |
| Bureau of Retirement Sys. | 82 | 89 | 80 | 91 | 114 | 96 | 109 |
| DLEG | 2 | 0 | 0 | 2 | 11 | 10 | 3 |
| Michigan Tax Tribunal | 2 | 0 | 0 | 2 | 0 | 1 | 1 |
| DMB Office of Budget | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| Histories, Arts, and Lib | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| **Total** | **88** | **89** | **80** | **97** | **125** | **108** | **114** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $0 | $20,000.00 |
| All Judgments/Settlements paid BY State | $0 | $3,885,000.00 |

| **Other Significant Division Activity:** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Lease Reviews | 10 | 90 | 77 | 23 | 127 | 119 | 31 |
| Title Opinions | 13 | 59 | 64 | 8 | 42 | 47 | 3 |

## GOVERNMENTAL AFFAIRS BUREAU

Frank J. Monticello
Bureau Chief

The Bureau of Governmental Affairs was created in January 2003. It oversees and coordinates seven divisions and one section of the Department of Attorney General that primarily engage in the practice of civil law: Civil Rights and Civil Liberties Division; Corrections Division; Driver License Restoration Section; Labor Division; Opinions and Municipal Affairs Division; Public Administration Division; Public Employment, Elections, and Tort Division; and Transportation Division. Attorneys assigned to these divisions practice in a wide range of legal fields and specialties, appearing in all levels of state and federal courts and an array of administrative tribunals. The bureau handles complex civil litigation, a variety of regulatory matters, and provides general legal counsel to nearly all state agencies. Following are the details and statistics for each division.

## Civil Rights and Civil Liberties Division

Ron D. Robinson, Division Chief

The Civil Rights and Civil Liberties Division advises and represents the Michigan Civil Rights Commission (MCRC) and the Michigan Department of Civil Rights (MDCR) and cooperates with other state departments and agencies in addressing civil rights and civil liberties related matters.

The division prepares and files formal charges by the MDCR alleging civil rights violations and represents the MDCR at formal administrative hearings and in appeals taken. In cases which the Attorney General determines present issues of major significance to the jurisprudence of the State and in which the MCRC is not a party, the division represents the MCRC as an intervener or amicus curiae.

The division brings court proceedings to enforce orders issued by the MCRC or the MDCR and seeks injunctive relief in cases of unlawful discrimination in the areas of housing and public accommodation.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Circuit Ct | *9 | 31 | 28 | 12 | 22 | 34 | 0 |
| Ct of Claims | 2 | 0 | 2 | 0 | 0 | 0 | 0 |
| Ct of Appeals | 2 | 3 | 4 | 1 | 3 | 4 | 0 |
| Supreme Ct | 2 | 0 | 2 | 0 | 4 | 0 | 4 |
| **Total** | **15** | **34** | **36** | **13** | **29** | **38** | **4** |
| **US Courts** | | | | | | | |
| District Ct | 1 | 5 | 5 | 1 | 1 | 1 | 1 |
| 6th Circ Ct of App | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Supreme Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| Bankruptcy Ct | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| **Total** | **3** | **5** | **7** | **1** | **2** | **1** | **2** |
| **Administrative Actions** | 2 | 36 | 35 | 3 | 18 | 21 | 0 |
| **Other Significant Division Activity:** | | | | | | | |
| General assignment | **0 | 6 | 3 | 3 | 30 | 25 | 8 |
| Citizen letters | 74 | 168 | 176 | 66 | 230 | 258 | 38 |

*Includes monitor cases that were also in circuit court status on 2004 biennial report.
**Previous records not kept.

## Corrections Division

Leo H. Friedman, Division Chief

The Corrections Division provides legal advice and representation to the Michigan Department of Corrections and the Michigan Parole Board. While the majority of the workload consists of the representation of the Department of Corrections and the Michigan Parole Board and their employees in the federal and state court systems, the division also provides legal advice and consultation regarding employment issues, contracts, etc., as well as interpretation of state and federal constitutions, statutes and rules, agency decisions, policies and procedures. Commencing June 1, 2004, the division assumed the review of all extraditions and interstate rendition requests received by the Governor's Office. Additionally, commencing August 16, 2004, the Corrections Division assumed the review of all petitions to set aside conviction (expungements) filed with the state courts pursuant

to MCL 780.621 *et seq* and the representation of the Michigan State Police (MSP) concerning the litigation of orders for setting aside convictions that the MSP contests.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Municipal Ct | 0 | 2 | 1 | 1 | 0 | 1 | 0 |
| District Ct | 168 | 913 | 630 | 451 | 1,095 | 896 | 650 |
| Probate Ct | 4 | 17 | 11 | 10 | 30 | 6 | 34 |
| Circuit Ct | 566 | 1,601 | 1,186 | 981 | 1,773 | 1,387 | 1,367 |
| Ct of Claims | 12 | 8 | 8 | 12 | 8 | 11 | 9 |
| Ct of Appeals | 55 | 95 | 109 | 41 | 112 | 98 | 55 |
| Supreme Ct | 17 | 31 | 26 | 22 | 35 | 38 | 19 |
| **Total** | **822** | **2,667** | **1,971** | **1,518** | **3,053** | **2,437** | **2,134** |
| **US Courts** | | | | | | | |
| District Ct | 273 | 197 | 182 | 288 | 192 | 223 | 257 |
| 6th Circ Ct of App | 94 | 81 | 91 | 84 | 74 | 104 | 54 |
| Supreme Ct | 2 | 24 | 16 | 10 | 26 | 25 | 11 |
| **Total** | **369** | **302** | **289** | **382** | **292** | **352** | **322** |
| **Administrative Actions** | 4 | 25 | 22 | 7 | 15 | 15 | 7 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $41,015.37 | $11,258.35 |
| All Judgments/Settlements paid BY State | $637,657.81 | $936,390.31 |

## Detroit Office/Driver License Restoration Section

Ron D. Robinson, Division Chief

The Detroit Office provides general administrative supervision to all Detroit-based divisions, sections, and satellite offices. The office also acts as a liaison to local governmental and civil entities in southeastern Michigan. In addition to the above functions, the office provided direct supervision of the Driver License Restoration Section. The Driver License Restoration Section represents the Michigan Secretary of State in driver license restoration matters in Wayne, Oakland, and Washtenaw Counties and handles out-county appeals referred by the Secretary of State.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Circuit Ct | 2,590 | 500 | 360 | 2,730 | 559 | 347 | 2,942 |
| Ct of Appeals | 14 | 5 | 7 | 12 | 4 | 7 | 9 |
| Supreme Ct | 2 | 0 | 0 | 2 | 0 | 1 | 1 |
| **Total** | **2,606** | **505** | **367** | **2,744** | **563** | **355** | **2,952** |

## Labor Division

Ray W. Cardew, Jr., Division Chief

The Labor Division is comprised of three subdivisions/units: Labor, Unemployment, and Workers' Compensation. These units provide legal advice and representation to various agencies and offices in the Department of Labor & Economic Growth on issues that arise under labor-related statutes that the client agencies or offices administer.

The Labor Unit enforces the Payment of Wages and Fringe Benefits Act, 1978 PA 390; the Minimum Wage Law of 1964, 1964 PA 154; the Michigan Occupational Safety and Health Act, 1974 PA 154; and the State Construction Code Act of 1972, 1972 PA 230. The unit also provides advice and representation to the state Civil Service Commission, the Department of Civil Service, and the State Personnel Director with respect to Const 1963, art 11, § 5, the Civil Service rules and regulations, and other civil service matters involving the state classified service. On occasion, the unit represents other state agencies named in a challenge to a Civil Service Commission's decision regarding the employment practices of the named agency.

The Unemployment Unit is counsel to the Unemployment Insurance Agency (UIA) and represents its Office of Trust Fund, Tax & Employer Compliance; and its Office of Benefits Services in all civil actions maintained in state and federal courts. The unit represents the UIA as statutory party to all actions arising under the Michigan Employment Security Act, 1936 PA *Ex Sess*, No 1, as amended. In tax collection and benefit restitution actions, the unit sues to recover delinquent unemployment taxes or improperly received unemployment benefits and defends the agency's proofs of claim filed in federal bankruptcy courts, in probate courts, and in circuit courts.

The Workers' Compensation Unit is counsel to all state departments in matters of the administration of the Workers' Disability Compensation Act of 1969, as amended, and enforces compliance with the WDC Act on behalf of the Workers' Compensation Agency. The unit also represents the state workers' compensation funds created by the Legislature: Compensation Supplement Fund; Medical Benefits Fund; Second Injury Fund; Self-Insurers' Security Fund; and Silicosis, Dust Disease, and Logging Industry Compensation Fund.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 1,220 | 775 | 675 | 1,320 | 619 | 706 | 1,233 |
| Circuit Ct | 362 | 499 | 476 | 385 | 455 | 497 | 343 |
| Ct of Claims | 2 | 0 | 0 | 2 | 1 | 2 | 1 |
| Ct of Appeals | 23 | 38 | 28 | 33 | 40 | 45 | 28 |
| Supreme Ct | 15 | 10 | 15 | 10 | 18 | 18 | 10 |
| **Total** | **1,622** | **1,322** | **1,194** | **1,750** | **1,133** | **1,268** | **1,615** |
| **US Courts** | | | | | | | |
| District Ct | 5 | 0 | 3 | 2 | 3 | 0 | 5 |
| 6th Circ Ct of App | 2 | 1 | 2 | 1 | 2 | 2 | 1 |
| Supreme Ct | 0 | 1 | 1 | 0 | 1 | 1 | 0 |
| Bankruptcy Ct | 192 | 124 | 88 | 228 | 113 | 108 | 233 |
| **Total** | **199** | **126** | **94** | **231** | **119** | **111** | **239** |
| **Administrative Actions** | 1,484 | 1,121 | 1,339 | 1,266 | 774 | 872 | 1,168 |
| **Out-of-State Courts** | 41 | 16 | 12 | 45 | 13 | 7 | 51 |

| **Other Significant Division Activity:** | | | | | | | |
|---|---|---|---|---|---|---|---|
| Citizen Letters | 98 | 266 | 258 | 106 | 339 | 368 | 77 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| Fines/penalties paid TO State (Workers' Comp Administrative Revolving Fund) | $561,491.13 | $607,620.21 |
| Monies paid TO State (Self-Insurers' Security Fund) | $46,146.00 | $0 |
| Actual monies collected by the Labor Unit: | | |
| Wages & Interest | $152,319.74 | $85,865.03 |
| Costs | $1,549.81 | $4,121.67 |
| Civil penalties | $7,453.79 | $15,605.88 |
| **Total** | **$161,323.34** | **$105,592.58** |
| Actual monies collected by the Unemployment Unit: | | |
| Restitution | $504,894.74 | $503,463.54 |
| Contribution | $101,341.55 | $109,362.74 |
| Employer bankruptcy | $2,071,172.77 | $1,017,099.50 |
| **Total** | **$2,677,409.06** | **$1,629,925.78** |

## Opinions and Municipal Affairs Division

Susan I. Leffler, Assistant Attorney General for Law
Division Chief

The Opinions and Municipal Affairs Division is responsible for assigning, coordinating, and reviewing all formal and informal legal opinions prepared on behalf of the Attorney General and for handling special assignments as directed by the Chief Deputy and Attorney General. The Division Chief serves as the Chair of the Attorney General's Opinion Review Board.

The division also provides advice and counsel to all state agencies and officials regarding Michigan's Freedom of Information Act and Open Meetings Act, as well as representing state agencies in lawsuits brought pursuant to these acts. The division provides legal counsel to the Children's Ombudsman and the Auditor General. The division also assists the Attorney General in responding to citizen inquiries.

The division represents the Local Audit and Finance Division of Michigan Department of Treasury. In addition, division attorneys serve as special counsel to the Attorney General on public finance and sit as the designee of the Attorney General on the boards of the State Employees' Retirement System, the Judges' Retirement System, and the Michigan State Police Retirement System.

The division acts as counsel to the Michigan State Boundary Commission, which hears petitions for annexations, incorporations, and consolidations of local units of government. The division also reviews proposed city and village charters, charter amendments, and certain interlocal agreements under the Urban Cooperation Act. MCL 124.501 *et seq*.

**Division Caseload:**

| | **Pending 12/31/04** | **Opened 2005** | **Closed 2005** | **Pending 12/31/05** | **Opened 2006** | **Closed 2006** | **Pending 12/31/06** |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Probate Ct | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Circuit Ct | 12 | 13 | 2 | 23 | 14 | 27 | 10 |
| Ct of Appeals | 2 | 1 | 0 | 3 | 2 | 2 | 3 |
| Supreme Ct | 1 | 2 | 0 | 3 | 2 | 2 | 3 |
| **Total** | **15** | **16** | **2** | **29** | **19** | **31** | **17** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $0 | $3,360 |
| All Judgments/Settlements paid BY State | $0 | $24,104 |

| **Other Significant Division Activity:** | **2005** | **2006** |
|---|---|---|
| Number of opinion requests | 183 | 164 |
| City and village charters | 3 | 2 |
| Charter amendments | 91 | 63 |
| Interlocal agreements | 7 | 3 |
| Processed FOIA requests | 367 | 404 |
| Citizen letters reviewed & edited | 5,684 | 2,195 |
| Citizen responses prepared | 526 | 502 |

## Public Administration Division

Brenda E. Turner, Division Chief

The Public Administration Division involves the probate of estates in which the heirs are unknown, and in guardianship and conservatorship proceedings in which the protected person has no presumptive heirs. The State Public Administrator supervises local county public administrators in the administration of decedent estates in the 83 Michigan counties. Litigation in this area involves determining the validity of questionable wills, determining heirs in estates, resisting fraudulent claims, and ensuring distributions as provide by law. The State Public Administrator also provides certain legal services for the Department of Treasury's Abandoned and Unclaimed Property Division.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| Probate Ct | 358 | 184 | 270 | 272 | 138 | 314 | 96 |
| Circuit Ct | 1 | 1 | 1 | 1 | 0 | 1 | 0 |
| Ct of Claims | 1 | 0 | 0 | 1 | 0 | 0 | 1 |
| **Total** | **360** | **185** | **271** | **274** | **138** | **315** | **97** |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $1,202,050.23 | $1,150,970.17 |
| All Judgments/Settlements paid BY State | $0 | $0 |

## Public Employment, Elections and Tort Division

Patrick J. O'Brien, Division Chief

The Public Employment, Elections, and Tort Division handles nearly all public employment, election, tort, and military affairs litigation filed against the State of Michigan, including a substantial appellate docket that often involves significant constitutional issues. The division advises and represents nearly all branches of state government and state departments and agencies in employment discrimination and personal injury cases, except for those involving prisoners being handled by the Corrections Division and highway negligence cases handled by the Transportation Division.

The division also advises and represents the Office of State Employer with respect to collective bargaining and other employment matters relating to the state classified civil service, the Secretary of State and Board of State Canvassers in all election-related matters, and the Department of Military and Veterans Affairs.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Ct | 22 | 5 | 15 | 12 | 6 | 15 | 3 |
| Probate Ct | 0 | 1 | 0 | 1 | 0 | 1 | 0 |
| Circuit Ct | 116 | 120 | 125 | 111 | 128 | 119 | 120 |
| Ct of Claims | 42 | 20 | 35 | 27 | 16 | 19 | 24 |
| Ct of Appeals | 27 | 23 | 26 | 24 | 30 | 30 | 24 |
| Supreme Ct | 14 | 8 | 12 | 10 | 9 | 12 | 7 |
| Out-of-State | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| **Total** | **221** | **177** | **213** | **185** | **190** | **196** | **179** |
| **US Courts** | | | | | | | |
| District Ct | 73 | 94 | 72 | 95 | 66 | 76 | 85 |
| 6th Circ Ct of App | 15 | 21 | 16 | 20 | 25 | 19 | 26 |
| Out-of-State | 1 | 3 | 3 | 1 | 0 | 1 | 0 |
| **Total** | **89** | **118** | **91** | **116** | **91** | **96** | **111** |
| **Administrative Actions** | 12 | 5 | 10 | 7 | 10 | 3 | 14 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $3,682.25 | $70,740.55 |
| All Judgments/Settlements paid BY State | $4,933.964.16 | $3,609,293.95 |

**Other Significant Division Activity:**

Due to the litigation expertise in the Public Employment, Elections, and Tort Division, the division receives special assignments involving a wide variety of constitutional challenges in state and federal courts. The division has litigated issues involving state employee fingerprinting policies, operation of the state sex offender registry, same sex benefits prohibition, constitutionality of Proposal 2, and the Michigan Civil Rights Initiative, to name a few.

## Transportation Division

Patrick F. Isom, Division Chief

In November 2005, the former Transportation and Highway Negligence Litigation Divisions were consolidated into the successor Transportation Division, organized into three sections: Condemnation Section, Contracts & General Counsel Section, and the Torts & Enforcement Section. The Transportation Division now advises and represents the Michigan Department of Transportation (MDOT), Michigan State Transportation Commission, the Mackinac Bridge Authority, the International Bridge Administration, the Aeronautics Commission, and the Michigan Truck Safety Commission, each of which has constitutional and/or statutory responsibilities in an area of transportation, in all areas of the law and litigation except municipal bonding.

MDOT constructs and maintains state trunk line highways throughout the State and administers a comprehensive transportation program involving travel by watercraft, bus, railroad car, aircraft, rapid transit vehicle, or other means of public conveyance. In addition, MDOT administers numerous funding and grant programs under which municipalities, local transit agencies, and others carry out transportation programs. MDOT's regulatory responsibilities include the areas of highway advertising, driveways, and rail safety. Attorneys in this division represent MDOT and each of its agencies in all lawsuits and administrative proceedings; assist in the development, review, and interpretation of contracts; and advise regarding the interpretation of state and federal laws. The division also represents MDOT in all its

condemnation and tort litigation, combining the work of staff attorneys and support personnel with that of Special Assistant Attorneys General. The areas of litigation range from contract and tort litigation; to employment/discrimination claims; to lawsuits to collect damages from motorists, insurance companies, and others responsible for damage to MDOT property, to appellate litigation in all areas of civil practice.

**Division Caseload:**

| | Pending 12/31/04 | Opened 2005 | Closed 2005 | Pending 12/31/05 | Opened 2006 | Closed 2006 | Pending 12/31/06 |
|---|---|---|---|---|---|---|---|
| **Michigan Courts** | | | | | | | |
| District Court | 56 | 26 | 39 | 43 | 29 | 42 | 30 |
| Circuit Court | 65 | 69 | 40 | 94 | 28 | 37 | 85 |
| Court of Claims | 49 | 24 | 19 | 54 | 27 | 29 | 52 |
| Court of Appeals | 17 | 18 | 9 | 26 | 8 | 20 | 14 |
| Supreme Court | 9 | 6 | 10 | 5 | 9 | 9 | 5 |
| **Total** | **196** | **143** | **117** | **222** | **101** | **137** | **186** |
| **US Courts** | | | | | | | |
| District Court | 2 | 2 | 3 | 1 | 2 | 1 | 2 |
| 6th Circ Ct of Appeals | 1 | 1 | 1 | 1 | 0 | 1 | 0 |
| USSC | 0 | 0 | 0 | 0 | 1 | 1 | 0 |
| Out-of-State | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| **Total** | **3** | **3** | **4** | **2** | **4** | **3** | **3** |
| **Administrative Actions** | 8 | 23 | 16 | 15 | 18 | 25 | 8 |

| **Monies Paid To/By the State:** | **2005** | **2006** |
|---|---|---|
| All Judgments/Settlements paid TO State | $1,079,849.84 | $1,812,379.52 |
| All Judgments/Settlements paid BY State | $1,818,750.00 | $947,776.10 |

**Other Significant Division Activity:**
Contract review:

> **2005:** Approximately 1,705 contracts - 791 construction contracts totaling approximately $1,128,812,780.49; approximately 914 contracts from Real Estate, Maintenance Division, Design, Planning, and Multimodal.
>
> **2006:** Approximately 1,992 contracts - 884 construction contracts totaling approximately $1,484,196,608.00; approximately 1,108 contracts from Real Estate, Maintenance Division, Design, Planning and Multimodal.

The division administers a program to collect compensation from motorists and insurance companies for damages done to guardrails, bridges, and other elements of highway infrastructure. Often this can be done without litigation. In 2005, the amount collected without litigation was $1,098,739.74. In 2006, the amount collected without litigation was $812,142.63.

Additionally, attorneys in the division assist MDOT in recovering compensation, or avoiding MDOT bearing the expense of claims, where others have a contractual responsibility to hold MDOT harmless. For example, contractors and consultants often promise to indemnify MDOT for claims caused by the performance of their work. Insurance is often required to insure MDOT against such claims. When those contractual obligations are not voluntarily kept, attorneys in the division enforce them. In some cases, litigation must be filed; in others, measures short of litigation suffice. For the 2005-2006 period, the amount either collected or paid to injured parties was $3,287,384.00.

## REPORT OF PROSECUTIONS

### Alcohol & Gambling Enforcement Division – Prosecutions 2005 - 2006

PEOPLE v KHLEIF BOULOS ABOU-JOUDEH, Wayne Circuit, 9/15/2005, charged with felony embezzlement at the MotorCity Casino. MSP Incident No. MCC-326-02. Plea Agreement, Defendant pled guilty to attempted embezzlement. Sentenced to 2 years probation and pay $300 in attorney fees and $200 in court costs. The probation department and the casino were to determine the amount of restitution owed the casino.

PEOPLE v NADER IBRAHIMMOHAMED ABUNAB, 36th District Court, 5/4/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-125-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence was delayed for 9 months. During that time, Defendant was to attend Gamblers Anonymous meetings twice a week, complete outpatient treatment for gambling addiction; have no contact with the casinos; and pay $100 in fines, $100 in court costs, $200 in attorney fees, and $35/month probation oversight fees.

PEOPLE v SHELIA KAYE ADAMS, 36th District Court, 5/5/2005, charged with misdemeanor malicious destruction of property at the MGM Grand Casino. MSP Incident No. MGM-71-04. Plea Agreement, Defendant pled guilty to malicious destruction of property less than $200. Sentence delayed for 6 months. During that time, Defendant was to have no contact with the MGM Grand Casino, undergo random drug and alcohol testing, and pay $200 in court costs and $150 in restitution to MGM Grand Casino.

PEOPLE v BALIL YOUSSEF AHMAD, 36th District Court, 3/22/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-148-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, screened for gambling addiction by the Dept. of Community Health, undergo whatever treatment recommended until discharged in writing, attend Gamblers Anonymous meetings at least once a week, and pay $200 in court costs.

PEOPLE v NASIR AHMAD, 8th District Court, 2/14/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-214-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the charge of felony violation of the TPTA was dismissed. Sentenced to pay $4,828 in restitution, a $200 fine, and $40 in court costs.

PEOPLE v ZOYNAL AHMED, Macomb Circuit, 4/6/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT -126-05. Plea Agreement, Defendant pled guilty to felony attempted violation of the TPTA. Sentenced to 18 months probation; a DNA sample was ordered; and pay $60 in state costs, a $60 Crime Victim's fee, court costs of $30/month, supervision fees of $10/month, and restitution of $13,186.

PEOPLE v EUGENE ALEXANDER, 36th District Court, 5/9/2005, charged with misdemeanor attempt to illegally obtain money from a coin box at the Greektown Casino. MSP Incident No. GTC-128-04. Plea Agreement, Defendant pled guilty to attempt to illegally to obtain money from a coin box. Sentenced to 30 days of non-reporting probation and assessed $200 court costs.

PEOPLE v ROSALYN CAROL ALEXANDER, Wayne Circuit, 6/2/2005, charged with felony of a fraudulent attempt to claim a jackpot without having made a wager

at the MGM Grand Casino. MSP Incident No. MGM-112-02. Verdict, Defendant was found guilty of felony fraudulent attempt to claim a jackpot without having made a wager. Sentenced to 142 days in jail, with credit for time served.

PEOPLE v MYRA DALE ALFORD, Wayne Circuit, 4/5/2006, charged with felony larceny in building and misdemeanor larceny under $200 at the MotorCity Casino. MSP Incident No. MCC-31 0-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 6 months probation and pay $150 in court costs, $100 in attorney fees, $45 in state costs, and $60 in supervision fees.

PEOPLE v FAISAL ABDU ALHARBI, Macomb Circuit, 2/7/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act. (TPTA) MSP Incident No. CTT-200-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to no probation; a DNA sample was ordered; and pay a $2,500 fine, a $60 Crime Victim's fee, and $60 in court costs.

PEOPLE v BRYAN AL TOUN, 36th District Court, 10/23/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-67-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 6 months. During that time, Defendant was to have no contact with the casinos; no contact with the criminal justice system, screened for gambling addiction by the Dept. of Community Health; continue treatment with possible added counseling after the screening; and pay a $200 fine and $100 in court costs. The $3,200 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v IBRAHIM ALI AMMAR, 36th District Court, 5/18/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-282-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person with plea taken under advisement for 6 months. During that time, Defendant was to be screened by the Dept. of Community Health for gambling addiction, have no contact with the casinos, and pay $200 in court costs.

PEOPLE v GABRIAL NICOLE ANDERSON, 36th District Court, 5/19/2005, charged with 3 counts of felony illegal use of a financial transaction device and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-146-04. Plea Agreement, Defendant pled guilty to 1 count of misdemeanor larceny. The other 3 remaining felony (illegal use of a financial transaction device) charges were dismissed. Sentenced to 1 year probation; no contact with the Greektown Casino; and pay $100 in court costs, a $50 Crime Victim's fee, and restitution of $111.13.

PEOPLE v THEODIS ANTHONY, Wayne Circuit, 3/17/2006, charged with felony larceny in a building and misdemeanor larceny under $200 at the MotorCity Casino. MSP Incident No. MCC-311-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and pay a fine of $150, state costs of $45, a $50 Crime Victim's fee, $120 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v BAHIR S. ANTON, Oakland Circuit, 2/1/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) -possessing/using a counterfeit stamp. MSP Incident No. CTT-205-05. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. The felony counterfeit tax stamp possession/use charge was dismissed. Sentenced to 1 year probation; credit given for 1 day time served; and pay $120 Crime Victim's fee, $225 in state costs, $300 in court costs, and $50/month in supervision fees.

PEOPLE v HASSAN NAZIN AOUN, 36th District Court, 10/12/2006, charged with misdemeanor trespass by disassociated person at the MGM Grand Casino. MSP Incident No. MGM-188-05. Plea Agreement, Defendant pled guilty to trespass by a

disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening for gambling addiction by the Dept. of Community Health; follow whatever treatment is indicated after the screening; and pay within 6 months a $200 fine, $200 in attorney fees, and $200 in court costs.

PEOPLE v EMAD YOUSIF ARABBO, 36th District Court, 10/13/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-201-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person, and the plea was taken under advisement for 6 months. During that time, Defendant was to be under probation and pay $200 in court costs. The $1,100 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v JOSEPH GERARD ARCORI, 36th District Court, 6/7/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-46-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person, and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screened for gambling addiction by the Dept. of Community Health, undergo whatever treatment is indicated after the screening, and pay $250 in court costs.

PEOPLE v SHARON JOANN ARMSTRONG, 36th District Court, 2/9/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the Greektown Casino and the MGM Grand Casino. MSP Incident Nos. GTC-169-05 and MGM-173-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person on Incident GTC-169-05. In exchange for this plea, the MGM-173-05 incident was dismissed. Sentenced to 1 year probation, attend Gamblers Anonymous meetings once a week, screening for gambling addiction through the Dept. of Community Health with treatment if deemed appropriate, have no contact with the casinos, and pay $30/month in probation oversight fees and $350 in court costs/fines.

PEOPLE v NADEEM ASHRAF, 36th District Court, 6/9/2006, charged with 3 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and the MGM Grand Casino. MSP Incident Nos. MCC-320-05 and MGM-22-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. As part of the plea agreement, the charge in Incident MCC-320-05 was dismissed. Sentenced to 1 year probation, have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health with any treatment indicated, and pay $250 in court costs and a $50 Crime Victim's fee. Of the moneys seized upon arrest, $12,000 was turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v FALAH F. ASMAR, Wayne Circuit, 7/28/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA) (possession of unauthorized tax stamps and cigarettes). MSP Incident No. CTT-275-05. Plea Agreement, Defendant pled guilty to Count 2 for failing to provide proper invoices. In exchange for the plea, Count 1 was dismissed - counterfeit stamp violation of the TPTA. Sentenced to 1 year probation and pay $60 in state court costs, a $60 Crime Victim's fee, $120 in supervision fees, and $600 in court costs.

PEOPLE v THAYER ASSAF, Macomb Circuit, 5/31/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-284-05. Plea Agreement, Defendant pled guilty to an added charge of attempted counterfeit TPTA stamp violation. The original charge of violation of the TPTA for possession of counterfeit stamps was dismissed. Sentenced to 2 years probation; maintain employment at a minimum of 30 hours/week; and pay a $60 Crime Victim's fee, a

$60 state fee, $100/month in court costs, $10/month in probation oversight fees, and a $500 fine.

PEOPLE v BASIM MIKHA ASTIFO, 36th District Court, 12/14/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-66-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, screening for gambling addiction by the Dept. of Community Health with treatment until discharged, attend Gamblers Anonymous meetings at least once a week with proof of having attended, and pay $200 in court costs and $80 in probation oversight fees.

PEOPLE v NORMA JEAN ASTOURIAN, 36th District Court, 9/12/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-153-03. Plea Agreement, Defendant pled guilty to trespass by a disassociated person with the plea was taken under advisement for 1 year. During that year, Defendant was to undergo screening by the Dept. of Community Health for gambling addiction, complete whatever treatment ordered, have no contact with the casinos or the criminal justice system, and pay $200 in court costs.

PEOPLE v FAYE EVELYN ATKINS, Wayne Circuit, 8/3/2005, charged with 2 counts of felony larceny in a building at the MotorCity Casino. MSP Incident No. MCC-67-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny in a building. Sentenced to complete a Gambler's Anonymous program and pay $320 on 8/3/2005.

PEOPLE v ANDY ZIA ATTISHA, 36th District Court, 10/5/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of Other Tobacco Products purchased from the House of Oxford, an unlicensed seller). MSP Incident No. CTT-105-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the felony TPTA violation was dismissed. Sentenced to pay $400 in court costs, $50 in attorney fees, a $50 Crime Victim's fee, and a $20 administrative fee to be paid by 11/5/2006.

PEOPLE v MOHAMMAD KHALIL AWADA, Wayne Circuit, 8/18/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-238-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 1 year probation; 60 hours of community service; submit to a DNA sample; and pay $60 in state court costs, a $60 Crime Victims' fee, $1,350 in supervision fees, and $600 in court costs.

PEOPLE v OVAlS ABDUL AZIZ, Oakland Circuit, 2/10/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-35-04. Plea Agreement, Defendant pled guilty to attempted felony TPTA violation. Sentenced to 18 months probation and pay a $60 Crime Victim's fee, $1,080 in oversight fees, $450 in court costs, and $60 in state costs.

PEOPLE v JEFFREY ANTHONY BAKER II, 36th District Court, 6/30/2005, charged with misdemeanor obtaining money under false pretenses over $200, less than $1,000, at the Greektown Casino. MSP Incident No. GTC-124-03. Plea Agreement, Defendant pled guilty to false pretenses under $200. Sentenced to 6 months non-reporting probation and pay a $100 fine, $200 in court costs, and restitution of $236.95 to the Greektown Casino.

PEOPLE v KEVIN JONATHAN BALDWIN, 36th District Court, 4/26/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-05-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 2 years probation; attend Gamblers Anonymous meetings at least once a week; outpatient treatment for gambling addiction to be set up by the probation department until discharged in writing; and

pay $200 in fines, $200 in court costs, a $50 Crime Victim's fee, and $200 in attorney fees.

PEOPLE v ALAN KEITH BALL, Wayne Circuit, 11/4/2005, charged with felony uttering and publishing and obstructing an officer by disguise at the MGM Grand Casino. MSP Incident No. MGM-60-04. Dismissed - By Court for a 80-day rule violation, without prejudice. Complaint refiled.

PEOPLE v ALAN KEITH BALL, Wayne Circuit, 3/2/2006, recharged with felony uttering and publishing and obstructing an officer by disguise at the MGM Grand Casino. MSP Incident No. MGM-60-04. Plea Agreement, Defendant pled guilty to obstructing an officer by disguise. Sentenced to 6 months to 5 years in jail, and to uttering and publishing for 6 months to 14 years, with 300 days credit for time served.

PEOPLE v DAVID BANKS III, 36th District Court, 3/15/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-149-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year non-reporting probation, ordered to stay out of the Detroit casinos, and pay court costs of $200 within 30 days.

PEOPLE v SUSAN ALITA BANOSKI, Wayne Circuit, 5/16/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-49-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 3 years probation with initial placement at the Sanford House for drug treatment. Costs and fees were waived.

PEOPLE v MOWAFAQ JAJAL BARASH, Wayne Circuit, 7/14/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (possession of unauthorized tax stamps). MSP Incident No. CTT-246-05. Plea Agreement, Defendant pled guilty to 2 counts of misdemeanor TPTA violations. Sentenced to pay fines of $2,500, a Crime Victim's fee of $50, state court costs of $90, and $3,000 in restitution.

PEOPLE v FREDERICK LEVONT BARNES, Wayne Circuit Court, 10/26/2006, charged with felony casino cheating (capping a bet) at the Greektown Casino. MSP Incident No. GTC-175-05. Plea Agreement, Defendant pled guilty to felony gambling activity violation, a/k/a capping at blackjack. In exchange for the plea, a habitual offender-3rd offense notice was dismissed. Sentenced to 2 years probation and pay $60 in state costs, a $60 Crime Victim's fee, $600 in court costs, $400 in attorney fees, and $240 in supervision fees.

PEOPLE v CASSANDRA SALIN BASEMORE, 36th District Court, 9/19/2005, charged with 3 counts of misdemeanor trespass by a disassociated person at the Greektown Casino, MotorCity Casino, and MGM Grand Casino. MSP Incident Nos. GTC-07-05, MCC-46-05, and MGM-57-05. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person and attempted possession of marijuana. In exchange for the plea, the charges in MCC-46-05 and GTC-07-05 were dismissed. Sentenced to 1 year probation; attend gambling addiction counseling twice a week until discharged with proof of attendance; undergo substance abuse evaluation; have no drugs or alcohol during probation; undergo monthly urinalysis; have no contact with the casinos; and pay a $200 fine, $200 in court costs, and $30/month in probation oversight fees. The $55 in cash, $475 in chips, and the $500 voucher seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v MICHAEL PETER BASSAR, Clinton Circuit, 6/15/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) by acquiring, selling, possessing, transporting, or offering for sale 3,000 or more cigarettes without payment of required tax and/or markings, tax stamps, invoice, or license. MSP

Incident No. CTT-153-05. Plea Agreement, Defendant pled guilty to misdemeanor TPTA violation. With the plea, the felony TPTA violation was dismissed. It was agreed there would be no further prosecutions for TPTA violations that occurred during the timeframe of the investigation (2002-04). Sentenced to pay $2,429.19 in restitution, $400 fine, $795 in court costs, $50 Crime Victim's fee, and $45 in state court costs.

PEOPLE v ANNA MARIE BASTONE-GALVIN, 36th District Court, 10/19/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-101-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening for gambling addiction with the Dept. of Community Health; follow whatever treatment is indicated after the screening; and pay a $200 fine, $200 in court costs, and $200 attorney fees

PEOPLE v KASSAN A. BATTAH, Wayne Circuit, 12/16/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-201-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to 1 year of non-reporting probation and pay $50 Crime Victim's fee, $45 state fee, $1,000 fine, $600 court costs, and $500 in attorney fees; in lieu of paying costs/fees may perform 100 hours of community service.

PEOPLE v MIGUEL BAUTISTA-JIMENEZ, Wayne Circuit, 1/19/2005, charged with 2 counts of felony cheating at a gambling game, 2 counts of aiding and abetting, and 2 counts of misdemeanor underage gambling at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-36-04 and MGM-212-04. Plea Agreement, Defendant pled guilty to cheating at a gambling game, or aiding and abetting another to cheat at a gambling game. The remaining counts were dismissed. Sentenced to 6 months in the Wayne County Jail with release upon payment of $2,500 costs.

PEOPLE v ULADISLAO BAUTISTA-JIMENEZ, Wayne Circuit, 1/19/2005, charged with 2 counts of felony cheating at a gambling game, 2 counts of aiding and abetting, and 2 counts of misdemeanor underage gambling at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-36-04 and MGM-212-04. Plea Agreement, Defendant pled guilty to cheating at a gambling game, or aiding and abetting another to cheat at a gambling game. The remaining counts were dismissed. Sentenced to 6 months in the Wayne County Jail with release upon payment of $2,500 costs.

PEOPLE v All RAFIC BAYDOUN, Oakland Circuit, 7/11/2006, charged with felony violation Tobacco Products Tax Act (TPTA) and possession of counterfeit cigarette stamps. MSP Incident No. CTT-306-05. Plea Agreement, Defendant pled guilty to felony TPTA violation. The possession of counterfeit TPTA tax stamps count was dismissed. Sentenced to pay $1,000 fine, $60 state court costs, $60 Crime Victim's fee, and $216 in restitution. Credit given for 1 day served in jail.

PEOPLE v TIMOTHY MICHAEL BEAUCHAMP, 36th District Court, 1/11/2006, charged with 2 counts of felony larceny in a building and misdemeanor larceny less than $200 at the Greektown Casino. MSP Incident No. GTC-66-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to pay $300 in fines and costs.

PEOPLE v GEORGE RALPH BELL, 36th District Court, 5/3/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-13-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction through the Dept. of Community

Health, undergo any treatment indicated after the screening, and pay $100 in court costs.

PEOPLE v JOAN BELL, 36th District Court, 3/16/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-179-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos; attend Gamblers Anonymous meetings at least once a week; screening for gambling addiction by the Dept. of Community Health; undergo whatever treatment is recommended until discharged in writing; and pay a $50 Crime Victim's fee, $30/month in probation oversight fees, $100 in court costs, and $50 in attorney fees.

PEOPLE v TYMEKA RENEE BELLARD, 36th District Court, 3/4/2005, charged with misdemeanor assisting an underage person to gamble and providing alcohol to a minor at the Greektown Casino. MSP Incident No. GTC-219-03. Dismissed - By Court, without prejudice, as Plaintiff's key witness did not appear for the jury trial.

PEOPLE v PAUL BERISHA, 36th District Court, 5/11/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-27-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screened for gambling addiction by the Dept. of Community Health, undergo any treatment indicated after the screening, and pay $200 in court costs. The $1,634 in chips seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v IMAD M. BERRO, Eastpointe Municipal, 3/7/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-94-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $300 fine, $400 in court costs, and a $40 state fee.

PEOPLE v REDA MOHAMED BERRO, Eastpointe Municipal, 3/7/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-94-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $300 fine, $400 in court costs, and a $40 state fee.

PEOPLE v CHERYL LYNNE BERRY, 36th District Court, 11/29/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-138-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screened for gambling addiction through the Dept. of Community Health, undergo any treatment prescribed until discharged by a therapist, and pay $200 in fines/costs and $200 in attorney fees.

PEOPLE v CHOLA MARIA BERTRAM, Wayne Circuit, 3/23/2006, charged with 3 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident Nos. MCC-15-05 and MCC-21-05. Plea Agreement, Defendant pled to all 3 counts of uttering and publishing. Sentenced to 2 years probation; undergo random drug testing; obtain a GED; and to pay $400 in attorney fees, $400 in court costs, $2,800 in restitution to the MotorCity Casino, a $60 Crime Victim's fee, and $60 in state fees.

PEOPLE v IMAD HABIB BEYDOUN, 36th District Court, 3/6/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-221-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, undergo treatment for

gambling addiction until discharged in writing, provide written confirmation that he underwent therapy at Henry Ford Hospital and whether additional treatment was necessary, and pay $200 in attorney fees and $100 in court costs.

PEOPLE v KATHLEEN MARIE BIRDSEYE, 36th District Court, 6/26/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-63-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment is indicated, and pay $300 in fines/costs.

PEOPLE v ANTHONY BITSAXAKIS, 36th District Court, 9/30/2005, charged with 2 counts of larceny in a building at the MGM Grand Casino. MSP Incident No. MGM-76-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny; the felony larceny in a building count was dismissed. Sentenced to pay a $50 Crime Victim's fee and $250 in court costs.

PEOPLE v SAMUEL ANTOINE BLACK, Wayne Circuit, 5/23/2005, charged with felony uttering and publishing of a State Treasury Warrant. MSP Incident No. LOC-18-03. Plea Agreement, Defendant pled guilty to attempt at uttering and publishing on the condition that $492 restitution be paid at the time of sentencing. Sentenced to 2-5 years imprisonment in the Southern Michigan State Prison and pay $325 in attorney fees, $60 Crime Victim's fee, $60 state costs, and $300 in court costs.

PEOPLE v KEITH LAMAR BLACKWELL, 36th District Court, 9/14/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-69-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is recommended after the screening, and pay $200 in court costs and $200 in attorney fees.

PEOPLE v ANGELA BLAKELY, Wayne Circuit Court, 12/19/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-124-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probation; must obtain his GED; and pay $60 in state costs, a $60 Crime Victim's fee, $180 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v BENITA LANELL BOBBITT, Wayne Circuit Court, 9/14/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-65-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probations, no contact with any of the casinos; undergo assessment and treatment for gambling or substance abuse issues; and pay $60 in state costs, $60 Crime Victim's fee, $450 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v MICHAEL BOUTSINAS, 36th District Court, 8/1/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-71-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos or other gambling entities, no contact with the criminal justice system, attend Gamblers Anonymous meetings at least once a week, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment is indicated after the screening, and pay $200 in fines and $200 in court costs.

PEOPLE v TIMOTHY BRIAN BOWDLER, 36th District Court, 12/7/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the MGM Grand Casino and Greektown Casino. MSP Incident Nos. MGM-181-06 and GTC-196-06. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person. In exchange for that plea, Incident GTC-196-06 was dismissed. Sentenced to 1 year probation; no contact with the casinos no contact with the criminal justice system; undergo treatment for gambling addiction until discharged in writing; and pay a $300 fine, $420 in supervision fees, and a $50 Crime Victim's fee.

PEOPLE v HENRY THOMAS BOYER, Wayne Circuit, 6/20/2006, charged with felony larceny in a building and possession of a controlled substance at the MotorCity Casino. MSP Incident No. MCC-324-04. Plea Agreement, Defendant pled guilty to 1 count of larceny in a building and the possession of a controlled substance was dismissed. Sentenced to 2 years probation; no contact with the MotorCity Casino; undergo drug testing and outpatient drug treatment; and pay a $60 state fee, a $60 Crime Victims fee, $240 in probation oversight fees, $600 in court costs, and $600 in attorney fees.

PEOPLE v DONTA DEJUAN BROOKS, Wayne Circuit, 7/13/2005, charged with felony 4 counts of non-sufficient funds (NSF) checks over $500 and 1 count of conspiracy at the MGM Grand Casino. MSP Incident No. MGM-245-04. Plea Agreement, Defendant pled guilty to 2 counts of non-sufficient funds checks over $500 and 1 count of conspiracy. Sentenced to 2 years probation and pay $1,400 in restitution, $400 in attorney fees, $600 in court costs, and supervision fees.

PEOPLE v DONTA DEJUAN BROOKS, Wayne Circuit Court, 9/6/2006, charged with felony non-sufficient funds (NSF) check over $500 at the MGM Grand Casino. MSP Incident No. MGM-247-04. Plea Agreement, Defendant pled guilty to felony non-sufficient funds check over $500. Sentenced to 2 years probation; drug and alcohol testing; possess no drugs or paraphernalia or association with anyone known to be in possession of or using drugs or drug paraphernalia; have no assaultive, aggressive, intimidating or manipulative behavior; possess no guns or weapons; must seek and maintain legitimate and verifiable employment at a minimum of 30 hours/week; attend and complete Adult Ed and/or GED courses; and pay a $60 state fee, a $60 Crime Victim's fee, $240 in court costs, and $400 in attorney fees.

PEOPLE v ANDRION NAIKIA BROWN, Wayne Circuit, 12/5/2005, charged with felony financial transaction device possession without consent, financial transaction device fraud, and state identification card-false certification at the MGM Grand Casino. MSP Incident No. MGM-115-05. Plea Agreement, Defendant pled guilty to possession of a financial transaction device without consent. Sentenced to 18 months probation; maintain 30 hours/week employment; undergo regular drug testing; and pay a $60 Crime Victim's fee, $600 in attorney fees, a $60 state fee, and $180 in supervision fees.

PEOPLE v JERMIKE D. BROWN, 36th District Court, 5/3/2006, charged with misdemeanor gambling by a minor at the MGM Grand Casino. MSP Incident No. MGM-71-05. Plea Agreement, Defendant pled guilty to gambling by a minor and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, obtain a high school diploma or his GED, begin job training, and pay $100 in court costs.

PEOPLE v LEE ALEXANDER BROWN, Wayne Circuit, 2/7/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-96-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 1 year in jail with no credit for time served, must stay out of the casinos for at least 5 years, and pay $600 in attorney fees.

PEOPLE v OMAR DALE BROWN, Wayne Circuit Court, 8/30/2006, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident

No. MCC-55-06. Plea Agreement, Defendant pled guilty to Count 1 of uttering and publishing. In exchange for the plea, Count 2 of uttering and publishing was dismissed. Sentenced to 3 years probation, cannot have a financial transaction device or any personal bank account in his name or held for his benefit; obtain his GED; have verifiable employment for no less than 30 hours/week; and pay $2,600 in restitution, $60 in state costs, a $60 Crime Victim's fee, $150/year in supervision fees, $200/year in court costs, and $600 in attorney fees; in lieu of paying costs/fees, may perform 150 hours of community service. The $500 seized upon arrest was returned to the MotorCity Casino.

PEOPLE v RICHARD BROWN, Wayne Circuit, 5/16/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-278-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 3 years probation with the first year in the Wayne County Jail; no credit was given for time served.

PEOPLE v THOMAS SHERMAN BROWN IV, 36th District Court, 6/20/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-43-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, undergo treatment for gambling addiction at the Maple Grove Gambling Services, and pay $200 in court costs and $200 in attorney fees.

PEOPLE v TYRONE LAMARR BROWN, Wayne Circuit, 7/1/2005, charged with felony larceny in a building and unlawful possession of gambling game key at the Greektown Casino. MSP Incident No. GTC-83-05. Plea Agreement, Defendant pled guilty to larceny in a building. Sentenced to 2 years probation; no fines/costs were assessed.

PEOPLE v YOLANDRA BLONDELL BROWNING, Wayne Circuit Court, 8/22/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-37-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 90 days in the Wayne County Jail with credit for 90 days served.

PEOPLE v AMIRA K. BUHURA, 36th District Court, 3/16/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-179-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation; attend Gambler's Anonymous meetings twice a week; and pay $200 in court costs, and $10/month in oversight fees. The $310 in chips seized upon arrest was turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v JAROD WILLIAM BURGESS, 36th District Court, 11/10/2006, charged with felony cheating at a gambling game and, in the alternative, misdemeanor obtaining money under false pretenses less than $200 at the Greektown Casino. MSP Incident No. GTC-182-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating charge was dismissed. Sentenced to 6 months probation, no contact with the Greektown Casino, and pay $350 in fines/costs and a $50 Crime Victim's fee.

PEOPLE v FLOYD BURKS JR., Wayne Circuit, 6/29/2006, charged with felony uttering and publishing of a State Treasury Warrant. MSP Incident No. LOC-18-03. Plea Agreement, Defendant pled guilty to uttering and publishing for cashing forged Michigan Treasury income tax return checks. Sentenced to 2 years probation and pay $984 in restitution ($492 to the Lucky 4 Party Store and $492 to Pick & Snack), a $60 Crime Victims fee, $120 in state court costs, $250 court costs per year, $120 per year in supervision fees, and $500 in attorney fees.

PEOPLE v DEMETREAS BUTLER, Wayne Circuit Court, 10/5/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-192-05. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 2.5 years probation and pay $600 in court costs, $600 in attorney fees, $240 in supervision fees, $60 in state costs, and a $60 Crime Victim's fee.

PEOPLE v BRIAN EDWARD BYERS, 36th District Court, 3/16/2006, charged with felony false pretenses less than $200 and misdemeanor larceny less than $200 at the MGM Grand Casino. MSP Incident No. MGM-26-05. Plea Agreement, Defendant pled guilty to false pretenses less than $200. In exchange for the plea, the misdemeanor larceny charge was dismissed. Sentenced to serve 15 days in the Wayne County Jail.

PEOPLE v KENYATTA PATRICE CADDELL, Wayne Circuit, 12/21/2005, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-78-05. Dismissed - By Plaintiff, pursuant to a plea agreement, Defendant pled guilty to misdemeanor disorderly conduct and with her cooperation was to provide information assisting in the investigation of the bogus check ring she was involved in.

PEOPLE v REGINA DONIVER CALAMEASE, Wayne Circuit, 2/25/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-130-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation and pay a Crime Victim's fee of $60, supervision fees of $300, and court costs of $200.

PEOPLE v PAUL RICHARD CALLEY, 36th District Court, 5/23/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-181-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and pay a $100 fine and $100 in court costs.

PEOPLE v ROY W. CANDLER, 36th District Court, 7/17/2006, charged with felony money laundering in excess of $10,000 at the MotorCity Casino. MSP Incident No. GIS-31-06. Plea Agreement, Defendant pled guilty to attempted money laundering - 4th degree. With that plea, it was agreed the Defendant would forfeit the $14,300 that was converted from small bills into larger denomination bills at the MotorCity Casino.

PEOPLE v TERRANCE OMAR CANTY, 36th District Court, 5/22/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-280-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and pay $200 in court costs and $200 in attorney fees. Of the moneys seized from upon arrest, $200 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v ROGER SANTE CANZANO, Oakland Circuit, 6/15/2006, charged with 1 count uttering and publishing for forgeries of limousine decals occurring in the Detroit area per the Michigan Department of Transportation, Incident No. 21-577-98. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. With the plea, Defendant was placed on a conditional sentence of 1 year with non-reporting probation as he was on federal probation. Sentenced to pay a $60 Crime Victim's fee, a $60 state court fee, supervision fees of $30/month, and $300 in court costs and given 1 day credit for time served in the Oakland County Jail.

PEOPLE v BETTY ANN CAREY, 36th District Court, 6/8/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-40-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation with the first 6 months reporting, have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health with treatment as indicated from the screening, and pay $200 in fines and $200 in court costs.

PEOPLE v BETTY ANN CAREY, 36th District Court, 5/4/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-205-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with any casinos and pay $200 in court costs.

PEOPLE v SHIRLEY MAE CARR, Alcona Circuit Court, 12/18/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (sales of 3,000 or more untaxed cigarettes for profit), illegal possession of methadone; and possession of a schedule 1-4 drug (codeine, valium &/or dihydrocodeinone). MSP Incident No. CTT-47-06. Plea Agreement, Defendant pled guilty to Count 2 - possession of less than 25 grams of methadone; and Count 1 of violation of the TPTA and Count 3 - possession of analogues (codeine, valium and vicodine) were dismissed. Sentenced to 2 years probation under 7411; must have no possession of any controlled substances (can only use/possess prescription drugs) during that time; complete outpatient/residential drug treatment; her driver's license is suspended for 6 months but is restricted after 30 days; and pay a $60 Crime Victim's fee, $400 in court costs, and restitution of $2,476.

PEOPLE v SHANNON JAMES CASON, 36th District Court, 1/4/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-85-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation to run concurrent with the 5 years Defendant was already on probation for from a plea on attempted embezzlement over $20,000, have no contact with the Detroit casinos, continue attending Gamblers Anonymous meetings, and pay $200 court costs and a $200 fine.

PEOPLE v CONOR CAUGHEY, 36th District Court, 1/4/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-36-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year, non-reporting probation; have no contact with the Detroit casinos; screening for gambling addiction with treatment if recommended; and pay a $200 fine and $200 in court costs.

PEOPLE v RANDY ALLEN CAVALLO, 36th District Court, 2/3/2005, charged with felony larceny in a building and larceny under $200 at the Greektown Casino. MSP Incident No. GTC-159-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny less than $200. With the plea, the larceny in a building charge was dismissed. Sentenced to serve 93 days in Wayne County Jail to run concurrent with another sentence.

PEOPLE v DAVID MOSES CHAHINE, 36th District Court, 10/23/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-69-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 18 months probation; no contact with any casinos in the U.S. or Canada; no contact with the criminal justice system; continue with outpatient treatment for gambling addiction; continue Gamblers Anonymous meetings 3 times/week; and pay a $200 fine, $200 in court costs, and $200 in

attorney fees. The $1,975 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v BALAL MOHAMED CHAMMOUT, 36th District Court, 11/22/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-27-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 6 months probation, screening by the Dept. of Community Health and treatment if necessary, and pay $350 in fines/costs and a $50 Crime Victims fee.

PEOPLE v TONYA LANAE CHATMAN, Wayne Circuit, 2/10/2005, charged with felony attempted embezzlement and non-sufficient funds at the MGM Grand Casino. MSP Incident No. MGM-74-04. Plea Agreement, Defendant pled to attempt at uttering and publishing and a non-sufficient funds check. Sentenced to 2 years probation with the first 90 days in the Wayne County Jail (given 75 days credit for time served); submit to substance abuse testing; maintain 30 hours/week of employment; and pay $60 in state costs, $240 in supervision fees, and $400 in attorney fees.

PEOPLE v EFFIE LOUISE CHEESE, 36th District Court, 12/6/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-187-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening for gambling addiction; follow whatever treatment is recommended after the screening with continuation until discharged in writing; probation would be non-reporting if no treatment was indicated; and pay $300 in costs, a $50 Crime Victim's fee, $75 in attorney fees, and $420 in supervision fees; may perform 42 hours of community service in lieu of paying costs/fees.

PEOPLE v MOHAMAD Ali CHERRI, 36th District Court, 9/20/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-239-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, and pay $200 in court costs.

PEOPLE v ROBERT DION CLARKS, Wayne Circuit, 3/16/2005, charged with felony larceny from a building at the MGM Grand Casino. MSP Incident No. MGM-187-03. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 2 months in jail with immediate release upon payment of $500 court costs.

PEOPLE v DUANE R. CLEMONS, Ingham Circuit, 5/18/2005, charged with 3 counts of felony violation of the Income Tax Act. MSP Incident No. LOC-21-04. Plea Agreement, Defendant pled guilty to 1 count of attempted felony violation of the Income Tax Act. Sentenced to 2 years probation; must work full time; attend Total Health Education (an economic crime group); attend Alcohol Anonymous meetings; serve 1 day in the Ingham County Jail with credit for 1 day served, and pay a $60 Crime Victim's fee, $60 in state costs, $500 in attorney fees, and $240 in supervision fees. Restitution was reserved to the State of Michigan.

PEOPLE v LINDA MARIE CLEMONS, Ingham Circuit, 5/18/2005, charged with 3 counts of felony violation of the Income Tax Act. MSP Incident No. LOC-21-04. Plea Agreement, Defendant pled guilty to 1 count of a felony violation of the Income Tax Act for the tax year 1999 (Count 1). In exchange for the plea, Counts 2 and 3 were dismissed. Sentenced to 5 years probation and pay $60 in court costs, a $60 Crime Victim's fee, $50/month in supervision fees, a fine of $600, and $500 in attorney fees. Restitution was to be determined by the court, and it was ordered that Defendant's tax refunds be surrendered to pay the assessed costs and restitution.

PEOPLE v CHRISTINE COCHRANE, Wayne Circuit, 9/1/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-25-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation and pay $500 in attorney fees.

PEOPLE v EARL RAY COLBERT, Wayne Circuit, 07/07/2006, charged with felony larceny in a building and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-109-05. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement. Sentenced to pay $600 in court costs and restitution of $987.50.

PEOPLE v WILLIAM ROBERT COLE, 36th District Court, 1/7/2005, charged with misdemeanor larceny over $200, less than $1,000, at the Greektown Casino. MSP Incident No. GTC-117-03. Plea Agreement, Defendant pled guilty to larceny over $200, but less than $1,000. Sentenced to 1 year probation; no contact with the Detroit casinos or the victim whom Defendant took tokens from; and pay a $500 fine, $100 in court costs, a $45 state fee, a $50 Crime Victim's Rights fee, and restitution $898 to the victim.

PEOPLE v TIFFANY JEWEL COLEMAN, 36th District Court, 5/2/2005, charged with 3 counts of felony illegal use of a financial transaction device and 1 count of misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-146-04. Plea Agreement, Defendant pled guilty to larceny of $200, but less than $1,000. Sentenced to 6 months probation and pay a $100 fine, $50 court costs, and a $50 Crime Victim's fee.

PEOPLE v JUSTIN SHOTWELL COLLINS, 36th District Court, 5/4/2006, charged with felony larceny in a building and misdemeanor larceny at the MGM Grand Casino. MSP Incident No. MGM-136-05. Plea Agreement, Defendant pled guilty to 1 count of larceny. Sentenced to pay $400 in fines and $50 in court costs; if not paid by 6/5/2006, Defendant would spend 10 days in jail.

PEOPLE v MICHELLE YVETTE COLSTON, Wayne Circuit, 6/15/2006, charged with 4 counts of felony uttering and publishing at the Greektown Casino and the MGM Grand Casino. MSP Incident Nos. GTC-52-05 and MGM-59-05. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to serve 7 months to 14 years with the Michigan Department of Corrections and 4 months to 4 years on her probation violations.

PEOPLE v STACEY DANIEL COOPER, 36th District Court, 11/17/2005, charged with felony pinching a bet and misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-180-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating count was dismissed. Sentence delayed for 93 days. During that time, Defendant was to pay $500 in costs/fees and $50 in restitution to the MotorCity Casino.

PEOPLE v RENNY COTTON, Wayne Circuit, 12/12/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-126-05. Plea Agreement, Defendant pled guilty to uttering and publishing. With the plea, it was agreed not to supplement Defendant as a habitual offender. Sentenced to serve 22 months to 14 years in a Dept. of Corrections facility, which was to run concurrent with his other sentence(s).

PEOPLE v RACQUEL CRAIGHEAD, Wayne Circuit, 7/13/2005, charged with 4 counts of felony illegal use of a financial transaction device and 1 count of receiving and concealing stolen property over $1,000 at the MGM Grand Casino. MSP Incident No. MGM-256-04. Plea Agreement, Defendant pled guilty to 5 counts of felony illegal use of a financial transaction device. Sentenced to 5 years probation and pay $60 in state costs, a $60 Crime Victim's fee, $120/year in supervision fees, $600 in court costs, and $400 in attorneys fees. Restitution was ordered to victim Lerner in the amount of $348.86, victim Brylane Home in the amount of $115.18,

and otherwise as directed upon receipt of receipts from person(s) making claim.

PEOPLE v JOSEPH HARRIS CRAINE, 36th District Court, 3/15/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-167 -04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year, non-reporting probation; pay $200 court costs; and ordered to stay out of the Detroit casinos.

PEOPLE v SCOTT WILLIAM CROSS, 36th District Court, 5/23/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-16-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 6 months probation, have no contact with the casinos, screening for gambling addiction with the Dept. of Community Health, undergo treatment if indicated after the screening, and pay $200 in court costs and a $200 fine.

PEOPLE v VINCENT CROSS, Wayne Circuit, 1/18/2006, charged with a felony of uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-70-01. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 4 months to 5 years confinement with the Michigan Dept. of Corrections with credit for 14 days served.

PEOPLE v TYRISHA SHANTEL CUNNINGHAM, Wayne Circuit, 8/2/2006, charged with felony uttering and publishing of counterfeit traveler's checks and possession of marijuana at the MGM Grand Casino. MSP Incident No. MGM-44-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. In exchange for the plea, the misdemeanor possession of marijuana was dismissed. Sentenced to 18 months, reporting probation; prohibited from gambling at all casinos; given credit for 3 days service in the Wayne County Jail; and pay $100 restitution to the MotorCity Casino, $100 restitution to the Greektown Casino, $60 state costs, a $60 Crime Victim's fee, $600 in court costs, and $400 in attorney fees.

PEOPLE v MICHAEL GLENN CURRIER, 36th District Court, 10/10/2005, charged with felony pinching at blackjack and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-76-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 6 months probation, no contact with the casinos, pay $150 in court costs, and the $100 token seized upon arrest was to be returned to the casino.

PEOPLE v MIROSLAW CZUPRYNSKI, Wayne Circuit Court, 9/21/2006, charged with felony cheating at a gambling game and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-92-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating at a gambling game count was dismissed. Sentenced to pay a $500 fine.

PEOPLE v DAVID ADEL DABISH, 36th District Court, 3/15/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-188-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year, non-reporting probation and $200 court costs.

PEOPLE v EDGAR DANIS-MONTERO, 36th District Court, 11/2/2006, charged with misdemeanor underage gambling at the MotorCity Casino. MSP Incident No. MCC-117-06. Plea Agreement, Defendant pled guilty to underage gambling. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the MotorCity Casino or with any of the other casinos until he turns 21, have no contact with the criminal justice system, and at his review could be imposed a fine up to $500.

PEOPLE v JAMES EDWARD DANNER, Wayne Circuit Court, 10/10/2006, charged

with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-99-06. Plea Agreement, Defendant pled guilty to uttering and publishing. In exchange for the plea, the habitual offender notice was dismissed. Sentenced to 15 months probation; no contact with the casinos; undergo drug and alcohol testing; assessment for substance abuse; undergo whatever treatment for addiction recommended; find and maintain legitimate-verifiable employment at a minimum of 30 hours/week, and pay a $60 state fee, a $60 Crime Victim's fee, $150 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v JEFFREY LIND DARWISH, 36th District Court, 2/7/2005, charged with 2 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and the MGM Grand Casino. MSP Incident Nos. MCC-77-04 and MGM-86-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, the MGM-86-04 incident was dismissed. Sentenced to 12 months, reporting probation; ordered to stay out of the Detroit casinos; attend Gambler's Anonymous; and pay fines/costs of $350, a $50 Crime Victim's fee, and a $30 oversight fee.

PEOPLE v JEFFREY LIND DARWISH, 36th District Court, 8/17/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and MGM-86-06. MSP Incident Nos. MCC-79-06 and MGM-86-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for that plea, Incident No. MGM-86-06 was dismissed. Sentenced to 18 months probation; have no contact with the criminal justice system; no contact with any casino or gaming establishment; screening and treatment as directed for gambling addiction; and pay a $250 fine, $60 in court costs, a $60 Crime Victim's fee, and $35/month in supervision fees.

PEOPLE v PATRICIA ANN DAVENPORT, 36th District Court, 03/27/2006, charged with felony possession of a controlled substance-heroin and controlled substance use at the MotorCity Casino. MSP Incident No. MCC-357-04. Plea Agreement, Defendant pled guilty to misdemeanor drug use and the felony possession of a controlled substance was dismissed in exchange for the guilty plea. Sentenced to 1 year probation, undergo random drug testing, continue attending Narcotics Anonymous, have no contact with the casinos during the probation period, no use of drugs or alcohol, and pay a $100 fine within 90 days.

PEOPLE v DELLA LARUE DAVID, 36th District Court, 1/6/2005, charged with felony larceny in a building and larceny under $200 at the MotorCity Casino. MSP Incident No. MCC-244-04. Plea Agreement, Defendant pled guilty to larceny under $200. Sentenced to pay $100 in fines/costs and a $50 Crime Victims fee.

PEOPLE v CARYN ELAINE DAVIS, Wayne Circuit, 6/15/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-230-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation and pay a $60 Crime Victim's fee, $60 in state costs, $480 in supervision fees, $300 in court costs, and $400 in attorney fees.

PEOPLE v JOHN MCDONALD DELONG III, 36th District Court, 1/18/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-151-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to attend Gamblers Anonymous meetings twice weekly and pay $50 in court costs and a $50 Crime Victim's fee. The winnings of $2,475 seized upon arrest were forfeited to the Michigan Compulsive Gambling Provention Fund.

PEOPLE v THERESA LYNN DEMUYT, 36th District Court, 2/9/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the Greektown Casino and the MGM Grand Casino. MSP Incident Nos. GTC-311-04 and MGM-

14-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, the MGM-14-05 incident was dismissed. Sentence delayed for 1 year. During that year, Defendant was to provide the court with documentation from her gambling addiction counselor that she had been medically discharged from treatment, have no contact with the casinos, and pay $200 in court costs. The $33 in slot tokens seized upon arrest at the Greektown Casino were to be converted to cash/check and turned over to the Michigan Compulsive Gambling Fund, as well as the $2,940 seized upon arrest at MGM Grand Casino.

PEOPLE v ALVIE BENTLEY DENT, Wayne Circuit, 8/17/2006, charged with felony 2 counts of uttering and publishing and conspiracy to utter and publish at the MotorCity Casino. MSP Incident No. MCC-284-04. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. In exchange for the plea, the remaining counts were dismissed. Sentenced to 18 months probation and pay $240 in court costs, a $60 Crime Victim's fee, $20/month in supervision fees, and restitution of $1,750.

PEOPLE v JOE ROMEO DIAZ-CAMPUSANO, Wayne Circuit, 1/19/2005, charged with 2 counts of felony cheating at a gambling game and aiding and abetting; 2 counts of misdemeanor underage gambling at the MotorCity Casino and the MGM Grand Casino. MSP Incident Nos. MCC-36-04 and MGM-212-04. Plea Agreement, Defendant pled guilty to cheating at a gambling game, or aiding and abetting another to cheat at a gambling game. The remaining counts were dismissed. Sentenced to 6 months in the Wayne County Jail with release upon payment of $2,500 costs.

PEOPLE v SHANNON RAE DIETRICH, Wayne Circuit Court, 11/6/2006, charged with felony uttering and publishing and identity theft at the MotorCity Casino. MSP Incident No. MCC-121-06. Plea Agreement, Defendant pled guilty to uttering and publishing and identity theft, and it was agreed not to supplement her as a habitual offender. Sentenced to 2 years probation; undergo JB3 drug treatment in the Scott's program with aftercare at the Genesis House; and pay a $60 Crime Victim's fee, $60 in state costs, $120 yearly in supervision fees, $150 yearly in court costs, and $500 in attorney fees; in lieu of paying costs/fees, may perform 125 hours of community service.

PEOPLE v ANTHONY DEWANE DILDY, 36th District Court, 4/13/2006, charged with 1 count misdemeanor larceny in a building less than $1,000 at the MotorCity Casino. MSP Incident No. MCC-242-01. Plea Agreement, Defendant pled guilty to larceny in a building less than $1,000. Sentenced to 1 year probation; have no contact with the criminal justice system; no contact with the MotorCity Casino; and pay $233 in restitution to the MotorCity Casino, $250 in fines, a $50 Crime Victim's fee, and $30/month in supervision fees.

PEOPLE v YOUNAN S. DINKHA, Wayne Circuit Court, 11/9/2006, charged with felony cheating at a gambling game and misdemeanor larceny at the MGM Grand Casino. MSP Incident No. MGM-120-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the cheating at a gambling game charge was dismissed. Sentenced to pay $225 in restitution (paid at arrest) and 60 days in the Wayne Count Jail with release upon payment of $600 costs.

PEOPLE v MELVIN VERNARD DIXON, Wayne Circuit, 4/10/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-252-04. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. Sentenced to 2 years probation with the first 6 months in the Wayne County Jail; given credit for 83 days of time served.

PEOPLE v PRISCILLA ESTELLE DIXON, Wayne Circuit, 7/24/2006, charged with 1 count of felony uttering and publishing and 1 count of conspiracy to utter and publish at the MotorCity Casino. MSP Incident No. MCC-164-04. Plea Agreement,

Defendant pled guilty to uttering and publishing. With the plea, the conspiracy to utter and publish charge was dismissed. Sentenced to 18 months probation; undergo drug testing; attend an outpatient residency program; obtain work of 30 hours/week; and pay a $60 Crime Victim's fee, $60 in fines, $180 in court costs, and $600 in attorney fees.

PEOPLE v STEPHEN JAMAL DIXON, 36th District Court, 12/14/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-45-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 2 years probation, attend Gamblers Anonymous meetings once a week with proof of attendance, screening for gambling addiction by a certified addiction specialist with proof of treatment, continue in the trade program in which he was currently enrolled and pay a $200 fine and $200 in court costs. The $128 seized upon arrest was to be turned over to the Compulsive Gambling Prevention Fund.

PEOPLE v STEVEN MICHAEL DORAN, Newaygo Circuit Court, 9/5/2006, charged with felony violation of the Tobacco Product Tax Act (TPTA) for internet purchase of 24 cartons of unstamped cigarettes and misdemeanor violation of the TPTA. MSP Incident No. CTT-45-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. With the plea, the felony violation of the TPTA was dismissed. Sentenced to pay a $45 Crime Victim's fee, a $50 state fee, and $2,200 in restitution to the Michigan Dept. of Treasury.

PEOPLE v TIFFANY ANN DOUGHRITY, Wayne Circuit, 3/30/2006, charged with felony uttering and publishing and identity theft at the MGM Grand Casino. MSP Incident No. MGM-10-06. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. With the plea, the identity theft count was dismissed. Sentenced to 90 days of inpatient drug treatment at Quality Behavioral Health Center with the treatment to begin after she completed the sentence she was currently serving in Macomb County; 2 years probation; undergo drug testing with aftercare; stay out of the casinos; and pay $60 in state costs, a $60 Crime Victim's fee, $400 in attorney fees, and $600 in supervision fees.

PEOPLE v FUCHON ANTOINETTE DURDEN, Wayne Circuit, 6/7/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-13-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation; undergo psychiatric evaluation; perform 30 hours/week employment; and pay $600 in court costs, $600 in attorney fees, and $120 in supervision fees; in lieu of paying fees/costs, may perform 20 hours community service.

PEOPLE v DANIEL ARTHUR DUTHLER, Kent Circuit, 2/7/2006, charged with 8 counts of felony Sales and Withholding Tax violations. MSP Incident No. LOC-32-04. Plea Agreement, Defendant pled guilty to felony failure to file income taxes. Sentenced to 60 months probation; perform 250 hours of community service; and pay a $5,000 fine, a $60 Crime Victim's fee, and $1,000 in court costs.

PEOPLE v CHINMOY DUTTA, 36th District Court, 7/26/2005, charged with 3 counts of misdemeanor trespass by a disassociated person at the Greektown Casino, MotorCity Casino, and MGM Grand Casino. MSP Incident Nos. GTC-119-04, MCC-74-05, and MGM-154-04. Plea Agreement, Defendant pled guilty to 2 counts of trespass by a disassociated person. With that plea agreement, Defendant's two other charges of trespass by a disassociated person were dismissed. Sentenced to 2 years probation, attend Gamblers Anonymous meetings 2 times/week, have no contact with casinos, screening by the Dept. of Community Health for gambling addiction, undergo outpatient treatment until medically discharged in writing, and pay a $500 fine and $200 in costs. Probation oversight fees were to be determined.

PEOPLE v MELBA JEAN EATON, 36th District Court, 6/20/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-287-04. Dismissed - By Court, Defendant did not receive notice of the preliminary examination. Complaint refiled.

PEOPLE v PATRICIA YVONNE EDISON, 36th District Court, 12/7/2006, charged with felony use of another's financial transaction device and ID theft at the MotorCity Casino. MSP Incident No. MCC-314-05. Dismissed by Plaintiff, pursuant to an agreement entered on 9/7/2006; this matter was dismissed as Defendant stayed crime free for 90 days.

PEOPLE v KEVIN CHARLES EICHELBERGER, 36th District Court, 9/14/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-52-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment was recommended after the screening, and pay $200 in court costs and $200 in attorney fees. The $4,011 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v KEVIN CHARLES EICHELBERGER, 36th District Court, 11/22/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-90-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with casinos, no contact with the criminal justice system, screening and treatment, if necessary, for gambling addiction with the Dept. of Community Health, and pay $450 in fines/costs.

PEOPLE v ADEL MOHAMAD-WAJIF EL-ZAGHIR, Wayne Circuit, 4/5/2006, charged with felony cheating at a gambling game at the Greektown Casino, MSP Incident No. GTC-04-06, and felony casino cheating and misdemeanor larceny less than $200 at the MGM Grand Casino, MSP Incident No. MGM-154-05. Plea Agreement, Defendant pled guilty to casino cheating. With the plea, Incident MGM-154-05 was dismissed. Sentenced to 1 year probation and pay $50 in state costs, a $60 Crime Victim's fee, $120 in supervision fees, $300 in court costs, and $400 in attorney fees.

PEOPLE v AMMAR G. ELEAS, Washtenaw Circuit Court, 2/7/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (possessing, acquiring, transporting, or selling tobacco products other than cigarettes of $250 or more without payment of required tax and/or without proper markings, tax stamps, invoice, or license) and possession of an unregistered gun. MSP Incident No. CTT-194-04. Plea Agreement, Defendant pled guilty to an added count of misdemeanor violation of the TPTA. In exchange for the plea, the felony TPTA violation and the possession of an unregistered handgun were dismissed. Sentenced to 1 year probation; 30 hours/week employment; and pay $40 in state costs, a $50 Crime Victim's fee, and $560 in court costs.

PEOPLE v MICHAEL DAVID ELLIOTT, Wayne Circuit, 3/11/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-196-03. Plea Agreement, Defendant pled guilty to uttering and publishing with a habitual 4th enhancement. Sentenced to 3 years probation; undergo drug treatment for 3-6 months; and pay a $60 Crime Victim's fee, $240 in supervision fees, $330 in court costs, and $400 in attorney fees.

PEOPLE v JEFFERY SCOTT ELLISON, 36th District Court, 6/15/2006, charged with 4 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino, Greektown Casino, and MGM Grand Casino. MSP Incident Nos. MCC-69-05, GTC-126-05, MGM-179-05, and MGM-96-05. Plea Agreement, Defendant pled

guilty to 1 count of trespass by a disassociated person in Incident MCC-69-05. In exchange for the plea, Incidents MGM-96-05, MGM-179-05 & GTC-126-05 were dismissed. Sentenced to 1 year probation, undergo a gambler's addiction evaluation along with any treatment deemed necessary, attend Gamblers Anonymous meetings twice weekly, and pay $35/month in oversight fees and a $300 fine.

PEOPLE v GERALD ELYAS, 50th District Court, 10/13/2005, charged with 1 count of felony violation of the Tobacco Products Tax Act (TPTA) and 1 count of misdemeanor violation of the TPTA. MSP Incident No. CTT-204-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $500 fine and $250 in court costs.

PEOPLE v MOHAMED KAMEL ELZEIN, 36th District Court, 11/1/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-31-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening by the Dept. of Community Health, follow whatever treatment program is indicated, and pay a $200 fine and $200 in court costs.

PEOPLE v ANTHONY JERMAINE EVANS, Wayne Circuit, 5/11/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-248-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probation; credit given for 1 day of time served; and pay a $60 Crime Victim's fee, $60 in state costs, $720 in supervision fees, $250 in court costs, and $600 in attorney fees.

PEOPLE v MOHAMMED FAKHOURY, 36th District Court, 3/8/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-269-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to be screened by the Dept. of Community Health for gambling addiction, attend Gamblers Anonymous at least once a week, have no contact with any casinos, and pay $200 in costs. The checks seized at the time of arrest were to be returned to the casino.

PEOPLE v NABEEL FAKHOURY, 68th District Court, 3/24/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-99-03. Dismissed - By Court, complaint filed in the wrong district court. Complaint refiled in 67-3 District Court.

PEOPLE v ABDULLA FARAH, 67-1 District Court, 2/22/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-98-03. Dismissed - By Court, Dismissed by the Court as filed in the wrong district court (should have been 67th District). Complaint refiled.

PEOPLE v ABDULLA FARAH, 67 District Court, 5/10/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-98-03. Dismissed - By Court, without prejudice. Complaint refiled.

PEOPLE v ABDULLA FARAH, Genesee Circuit, 11/17/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-98-03. Dismissed - By Court, Defendant filed a motion to quash as a result of the preliminary examination and the court granted the motion.

PEOPLE v JASON C. FARAJ, Wayne Circuit, 6/27/2005, charged with felony larceny in a building and 1 count of larceny over/$1,000, but less than $20,000, at the MGM Grand Casino. MSP Incident No. MGM-230-04. Plea Agreement, Defendant pled guilty to larceny in a building. Sentenced to 18 months probation with the first 3 months in the Wayne County Jail; undergo drug testing; ordered to stay out of the

casinos permanently; and pay $3,825 in restitution, $300 in attorney fees, $180 in supervision fees, a $60 Crime Victim's fee, and $60 in state costs.

PEOPLE v ALEXANDER FARINO JR., 36th District Court, 5/25/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-56-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screened by the Dept. of Community Health for gambling addiction, undergo whatever treatment is indicated after the screening, and pay a $50 fine.

PEOPLE v FARES ALI FAWAZ, Wayne Circuit, 4/13/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT -192-05. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 2 days in the Wayne County Jail, credit given for time served, and pay a $50 fine.

PEOPLE v DALE ALLAN FAWKES, Wayne Circuit, 6/6/2005, charged with felony cheating at a gambling game and use of a computer to commit a crime at the MotorCity Casino. MSP Incident No. MCC-64-05. Plea Agreement, Defendant pled guilty to attempted cheating by using an electronic device/computer. Sentenced to 4 months in the Wayne County Jail, 4 days credit given for time served, and pay a $1,500 fine.

PEOPLE v JACK LEE FELKER, 36th District Court, 3/1/2005, charged with one count of a misdemeanor of illegal gambling activities for knowingly making a wager while under the age of 21 at the MotorCity Casino. Dismissed - By Court, Defendant deceased.

PEOPLE v LIANA ROSE FENCH, 36th District Court, 5/16/2005, charged with felony embezzlement of less than $200 at the Greektown Casino. MSP Incident No. GTC-176-04. Dismissed - By Court. Complaint refiled.

PEOPLE v LIANA ROSE FENCH, 36th District Court, 10/20/2005, recharged with misdemeanor embezzlement of less than $200 at the Greektown Casino. MSP Incident No. GTC-176-04. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the Greektown Casino, pay $200 in court costs, and the $50 seized at the time of arrest was to be turned over to the Greektown Casino as restitution.

PEOPLE v DOUGLAS EUGENE FENTON, 36th District Court, 9/14/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-163-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is recommended after the screening, and pay $200 in court costs.

PEOPLE v MARIAN MARIE FERRETT, Oakland Circuit, 1/14/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-50-03. Plea Agreement, Defendant pled guilty to attempted felony TPTA violation. Sentenced to 1 year probation and pay a $60 Crime Victim's fee, $480 in supervision fees, and $45 in state costs.

PEOPLE v ANTHONY EDWARD FINN, 36th District Court, 10/24/2006, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-193-05. Dismissed by Plaintiff, as witnesses were unable to be located for subpoenas to be issued. Complaint refiled.

PEOPLE v ANTHONY EDWARD FINN, 36th District Court, 10/24/2006, recharged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-200-05. Dismissed by Plaintiff, as witnesses were unable to be located or subpoenaed. Complaint refiled again.

PEOPLE v KELLEN ANTHONY FLETCHER, 36th District Court, 9/22/2005, charged with misdemeanor possession of marijuana at the MGM Grand Casino. MSP Incident No. MGM-191-03. Plea Agreement, Defendant pled guilty to misdemeanor possession of marijuana and the plea was taken under advisement for 6 months. During that time, Defendant was to undergo substance abuse assessment, submit to random drug testing, and pay $200 in court costs.

PEOPLE v JAMES SMITH FOGG, 36th District Court, 7/25/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-283-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system; no contact with any casino; report to probation every other month; participate in a referral to the Dept. of Community Health for screening for gambling addiction; complete necessary treatment until discharged in writing; and pay a $400 fine, a $50 Crime Victim's fee, and $210 in supervision fees.

PEOPLE v SHERRY FAYE FOSTER-POLANDO, 36th District Court, 4/25/2006, charged with misdemeanor trespass by a disassociated person. MSP Incident No. GTC-12-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening by the Dept. of Community Health, undergo whatever recommendations as to treatment until discharged in writing, and pay $350 in fines/costs.

PEOPLE v KELLEY MARIE FRANCEN, Wayne Circuit, 6/5/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-297-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced 1-5 years to be served concurrently with another pending case out of the Wayne County Prosecutor's office of 1-14 years at the Scott Correctional Facility.

PEOPLE v JUAN CARLOS FRANCO-MORALES, 36th District Court, 10/11/2005, charged with misdemeanor underage gambling at the MGM Grand Casino. MSP Incident No. MGM-192-04. Plea Agreement, Defendant pled guilty to misdemeanor underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the Detroit casinos and pay $200 in court costs.

PEOPLE v NEIL N. FRANSO, 17th District Court, 8/12/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) for seizure of Other Tobacco Products without invoices. MSP Incident No. CTT-63-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. With the plea, the felony TPTA charge was dismissed. Sentenced to pay a $300 fine, $300 in court costs, a $50 Crime Victim's fee, and $45 in state costs.

PEOPLE v DEBRA GRACE FRAZIER, Wayne Circuit, 4/20/2006, charged with felony larceny in a building and larceny under $200 at the MGM Grand Casino. MSP Incident No. MGM-213-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 6 months probation; must stay out of the casinos during this period of probation; and pay a $50 Crime Victim's fee, $50 in state costs, $160 in supervision fees, $200 in fines, and $300 in attorney fees.

PEOPLE v TERRANCE ALLEN FRAZIER, Wayne Circuit, 4/21/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No.

MCC-171-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 3 years probation; have employment of 30 hours/week, and pay $60 in state costs, a $60 Crime Victim's fee, $360 in supervision fees, and $500 in attorney fees.

PEOPLE v DONNIE MARIE FREDERICKS, 36th District Court, 3/16/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-08-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 6 months probation and pay a $200 fine, a $50 Crime Victim's fee, and $50 in attorney fees.

PEOPLE v REGINALD FURLOW, 36th District Court, 3/16/2005, charged with felony larceny in a building and larceny under $200 at the Greektown Casino. MSP Incident No. GTC-164-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny under $200. Sentenced to 6 months, reporting probation; ordered to stay out of the Detroit casinos while on probation; and pay a $100 fine, $20 fee, and $45 justice system assessment.

PEOPLE v FERAS EID GAMMOH, 36th District Court, 3/9/2005, charged with 2 counts of misdemeanor trespass by a disassociated person at the MGM Grand Casino and the MotorCity Casino. MSP Incident Nos. MGM-232-04 and MCC-230-03. Plea Agreement, Defendant pled guilty to 1 count of misdemeanor trespass by a disassociated person. With the plea, Incident MCC-230-03 was dismissed. Sentenced to 1 year probation, ordered to stay out of the Detroit casinos, attend Gambler's Anonymous at least once/week, and pay a $100 fine and $200 court costs.

PEOPLE v VIRGINIA ANN GANDY, 36th District Court, 3/3/2005, charged with misdemeanor larceny under $200 at the Greektown Casino. MSP Incident No. GTC-158-04. Plea Agreement, Defendant pled guilty to larceny under $200. Sentence delayed for 6 months. During that time, Defendant was to have no contact with the Greektown Casino and pay supervision fees, a $50 Crime Victim's fee, and $200 in court costs.

PEOPLE v EARNESTINE GARY, Wayne Circuit, 4/4/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-248-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation and pay restitution of $665 for a stolen Coach purse and wallet within 90 days or spend 30 days in jail, $240 in supervision fees and a $60 Crime Victim's fee; in lieu of paying costs/fees, may perform 50 hours community service.

PEOPLE v JAMES BRIAN GEER, 63-1 District Court, 11/9/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA) for seizure of grey market and untaxed cigarettes at the U.S. Postal Service. MSP Incident No. CTT-83-06. Plea Agreement, Defendant pled guilty to Count 2 of felony violation of the TPTA. In exchange for the plea, Count 1 was dismissed. Sentenced to pay a fine of $150.

PEOPLE v WALTER LEWIS GIBSON, 36th District Court, 2/28/2005, charged with misdemeanor malicious destruction of property and disturbing the peace at the MGM Grand Casino. MSP Incident No. MGM-189-04. Plea Agreement, Defendant pled guilty to malicious destruction of property. In exchange for the plea, the disturbing the peace charge was dismissed. Sentenced to pay within 1 year: $500 in restitution to the MGM Grand Casino and $200 in court costs.

PEOPLE v FRAN GJOK GJOKAJ, 36th District Court, 5/18/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-245-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the casinos and pay

$200 in court costs. Defendant's winnings of $1,200 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v MARQUES NOEL GOE, Wayne Circuit Court, 12/5/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-302-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 6 months in the Wayne County Jail with release upon payment of $600 restitution. Thereafter, 1 year probation was ordered to run concurrent with his other probation in Oakland County with payment of $30/month in supervision fees and $200 in court costs.

PEOPLE v AMBER JOY GOODEN, Wayne Circuit, 3/18/2005, charged with 4 counts of felony obtaining money under false pretenses over $1,000, less than $20,000. MSP Incident No. 029-9626 (DB). Plea Agreement, Defendant pled guilty to 1 count of felony obtaining money under false pretenses. Sentenced to 5 years probation; 10 days in jail; and pay $60 in state costs, $825 in court costs, a $60 Crime Victim's fee, $1,200 in supervision fees, and restitution of $95,777.

PEOPLE v TIFFANY GAYLE GOODEN, Wayne Circuit, 5/10/2005, charged with felony embezzlement of $1,000-$20,000 at the Greektown Casino. MSP Incident No. GTC-189-04. Plea Agreement, Defendant pled guilty to attempted embezzlement. Sentenced to 2 years probation and pay $60 in state costs, a $60 Crime Victim's fee, and $1,200 in supervision fees.

PEOPLE v SHEILA JOYCE GRACHAL, 36th District Court, 11/8/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-81-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, undergo treatment for gambling addiction as indicated after the screening, and pay $200 in court costs and a $200 fine.

PEOPLE v ADAM MICHAEL GRAJEWSKI, 36th District Court, 05/03/2006, charged with misdemeanor underage gambling at the MGM Grand Casino. MSP Incident No. MGM-25-06. Plea Agreement, Defendant pled guilty to underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, have no contact with the criminal justice system, remain employed and in college, and pay $100 in court costs.

PEOPLE v WILLIAM HENRY GREER, 36th District Court, 5/20/2005, charged with felony larceny in a building and misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-279-04. Dismissed - By Court, without prejudice.

PEOPLE v ANDREW RICHARD GRIFKA, 36th District Court, 3/15/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-80-03. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, attend Gamblers Anonymous at least once a week, and pay $200 in court costs.

PEOPLE v SIMEON MATTHEW GUNN, 36th District Court, 4/27/2005, charged with misdemeanor larceny less than $200 at the MotorCity Casino. MSP Incident No. MCC-182-03. Dismissed - By Court.

PEOPLE v MOISES GUTIERREZ-ROCHA, 34th District Court, 5/25/2005, charged with felony violation of the Tobacco Products Tax Act for possessing, acquiring, transporting, or selling over 3,000 cigarettes without payment of required tax and/or without proper markings, tax stamps, invoices, and/or license. MSP Incident No. CTT-35-04. Dismissed - By Court, as plaintiff's Custom witness did not appear because subpoena didn't arrive timely due to work station change.

PEOPLE v ANGELIA RENE GUTTER, Wayne Circuit, 10/25/2005, charged with 4 counts of felony casino cheating at a gambling game and 1 count of conspiracy at the MGM Grand Casino. MSP Incident No. MGM-106-04. Plea Agreement, Defendant pled guilty to 2 counts of misdemeanor larceny $200 more, but less than $1,000. In exchange for the plea to these added counts, the other charges were dismissed. Sentenced to 1 year probation; no gambling or contact with the casinos; seek and maintain employment at a minimum of 30 hours/week and provide verification of employment; and pay $712.50 restitution to the MGM Grand Casino, a $60 state fee, a $60 Crime Victim's fee, $330 in court costs, and $400 in attorney fees.

PEOPLE v CLEMENT MIKHA HABBO, Oakland Circuit, 5/23/2006, charged with felony violation of the Tobacco Products Tax Act for possession of counterfeit tobacco tax stamps. MSP Incident No. CTT-308-05. Plea Agreement, Defendant pled guilty to possession of counterfeit tobacco tax stamps. Sentenced to 5 years probation; 270 days in jail with 1 day credit given for time served; and pay a $60 Crime Victim's fee, $60 in state court costs, $1,500 in court costs, $3,600 in supervision fees, and restitution of $167,797 ($158,860 in taxes; $8,937 in interest).

PEOPLE v MUKHLES HADDOW, Macomb Circuit Court, 8/30/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA); for possession of cigarettes with counterfeit stamps. MSP Incident No. CTT-250-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA and in exchange for the plea, Defendant was to cooperate in the prosecution of Co-Defendant Asad Aghos. Sentenced to 1 year, non-reporting probation; and pay $600 in court costs, $100 in supervision fees, and $45 in state costs by 10/15/2006.

PEOPLE v HARLESS HAIRSTON III, Wayne Circuit, 6/27/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-150-04. Plea Agreement, Defendant pled guilty to uttering and publishing. With the plea, it was agreed not to charge Defendant as a habitual offender. Sentenced to 2 years probation; ordered to stay out of the casinos; undergo drug and alcohol testing; attend Alcoholics Anonymous meetings, maintain employment of 30 hours/week, and pay a $60 Crime Victim's fee, $400 in court costs, and $450 in attorney fees; in lieu of fees/costs may perform 60 hours of community service.

PEOPLE v MICHAEL A. HALIME, 36th District Court, 8/1/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the MGM Grand Casino and MotorCity Casino. MSP Incident Nos. MGM-65-06 and MCC-80-06. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person. In exchange for the plea, Incident MCC-80-06 was dismissed. Sentenced to 1 year probation, have no contact with the casinos or gambling entities, no contact with the criminal justice system, attend out-patient treatment for gambling addiction as referred by the probation department, attend Gamblers Anonymous meetings at least once a week, and pay $200 in fines and $200 in court costs. The $3,030 of winnings seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v FLEEMON D. HALL, 36th District Court, 12/28/2006, charged with felony cheating at a gambling game and, in the alternative, misdemeanor obtaining money under false pretenses less than $200 at the MotorCity Casino. MSP Incident No. MCC-156-06. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses. With the plea, Count 1 of cheating at a gambling game was dismissed. Sentenced to 6 months probation and pay $100 in fines/costs and $50 in restitution to the MotorCity Casino.

PEOPLE v RAYMOND DAVID HAMAMA, 36th District Court, 11/6/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-17-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation to run concurrent

with his Oakland County probation, continue treatment with his therapist/counselor until discharged in writing, continue attending Gamblers Anonymous and Alcoholics Anonymous meetings at least once a week, pay a $200 fine and $200 in court costs. The $735 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v WARINA Z. HAMANA, Wayne Circuit, 5/18/2006, charged with felony cheating at a gambling game and alternatively misdemeanor larceny under $200 at the Greektown Casino. MSP Incident No. GTC-45-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny and the felony charge was dismissed in exchange for that plea. Sentenced to pay $500 in fines/court costs within 10 days.

PEOPLE v GAIL DENISE HAMILTON, Wayne Circuit Court, 10/25/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-25-06. Plea Agreement, Defendant pled guilty to uttering and publishing. Defendant also had a violation of parole on an attempted uttering and publishing plea from another case. Sentenced to 4 months to 14 years with the Dept. of Corrections to run concurrent with her probation violation sentence; credit given of 41 days for time served.

PEOPLE v AJUAN LAMONT HAMMOCK, 36th District Court, 6/26/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-301-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment is indicated, and pay $300 in fines/costs.

PEOPLE v ABBAS NASSIM HAMMOUD, 36th District Court, 4/25/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the Greektown Casino and the MGM Grand Casino. MSP Incident Nos. GTC-207-05 and MGM-196-05. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person. In exchange for the plea, Incident MGM-196-05 was dismissed. Sentenced to 1 year probation, no contact with the casinos and criminal justice system, screening for gambling addiction with the Dept. of Community Health, follow recommended treatment until discharged in writing, and pay $300 in fines, $60 in court costs, and $420 in probation fees.

PEOPLE v AHMED SAMI HAMMOUD, 36th District Court, 3/10/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-180-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to attend Gamblers Anonymous at least once a week, have no contact with any casinos, and pay $200 court costs.

PEOPLE v TRACEY ANITA HAMPTON, Wayne Circuit, 1/30/2006, charged with felony larceny in a building and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-106-05. Verdict - Acquittal, Defendant was found not guilty by the Judge at the bench trial.

PEOPLE v NAZZAL SALIM HANNA, 36th District Court, 11/9/2006, charged with felony cheating at a gambling game and larceny less than $200 at the MotorCity Casino. MSP Incident No. MCC-137 -06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating charge was dismissed. Sentenced to 6 months probation; no contact with the MotorCity Casino; and pay $40 in restitution to the MotorCity Casino, a $50 Crime Victim's fee, and $400 in fines/costs within 30 days.

PEOPLE v L. ELIZABETH HARDIN, 36th District Court, 3/22/2006, charged with

misdemeanor trespass by a disassociated person a the Greektown Casino. MSP Incident No. GTC-180-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to be screened for gambling addiction by the Dept. of Community Health, undergo treatment for that addiction if deemed necessary, attend Gamblers Anonymous meetings at lease once a week, and pay a $150 fine.

PEOPLE v DEUNNA RENAE HARDING-CARR, 36th District Court, 7/25/2006, charged with felony non-sufficient fund check and using false ID in commission of misdemeanor at the MGM Grand Casino. MSP Incident No. MGM-42-05. Plea Agreement, Defendant pled guilty to using false ID in commission of a misdemeanor. With the plea, Count I of an insufficient funds check was dismissed. Sentenced to 3 months probation; obtain valid State ID with that information provided to the probation office; perform 8 hours community service; must clear her outstanding traffic warrants; have no other outstanding warrants on her return to court on 10/6/2006; and pay a $100 fine, a $50 Crime Victim's fee, and $105 in supervision fees.

PEOPLE v DARIN ALAN HARGROVE, 36th District Court, 8/11/2005, charged with misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-50-04. Plea Agreement, Defendant pled guilty to larceny less than $1,000. Sentenced to 14 days in jail with credit given for 14 days time served.

PEOPLE v MARSHA HARRIS-MANLEY, 36th District Court, 4/29/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-09-05. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to pay $300 in fines/costs, have no contact with the Detroit casinos, and the money seized upon arrest ($1,250 jackpot + $32.50 in credits) was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v SHEQUITA MONEE HELAL, 68th District Court, 12/6/2006, charged with misdemeanor violation of the Tobacco Products Tax Act (TPTA) for possessing, acquiring, transporting, or selling tobacco products other than cigarettes with wholesale price less than $251.00 without payment of required tax and/or without proper markings, tax stamps, invoices, and/or license. MSP Incident No. CTT-182-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the criminal justice system.

PEOPLE v APRIL LOUISE HENDERSON, 36th District Court, 6/27/2005, charged with misdemeanor larceny under $200 at the MotorCity Casino. MSP Incident No. MCC-89-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny and the plea was taken under advisement for 3 months. During that time, Defendant was to remain out of the MotorCity Casino, and pay $200 in court costs and the $50 bet.

PEOPLE v CORNELIUS TYWANE HENDERSON, Wayne Circuit, 8/21/2006, charged with felony cheating at a gambling game and alternatively misdemeanor false pretenses at the Greektown Casino. MSP Incident No. GTC-29-06. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses. In exchange for the plea, the felony cheating offense was dismissed. Sentenced to 1 year probation, no contact with the Greektown Casino, ordered to take care of $3,000 worth of outstanding traffic warrants, and pay a $300 fine.

PEOPLE v GENATTA BRYANNE HENDERSON, Wayne Circuit, 4/28/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-216-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation, and pay a $60 Crime Victim's

fee, $60 in state costs, $165 in court costs, $120 in supervision fees, and $600 in attorney fees.

PEOPLE v LANONDRIA TARKEISSA HENDERSON, 36th District Court, 7/21/2005, charged with misdemeanor false pretenses $200 to $1,000 at the MotorCity Casino. MSP Incident No. MCC-305-04. Plea Agreement, Defendant pled guilty to false pretenses over $200, but less than $1,000, and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the MotorCity Casino and within 6 months pay $200 in court costs and $204.66 restitution to the MotorCity Casino.

PEOPLE v MAURICE LEE HENDERSON, Wayne Circuit Court, 8/30/2006, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-204-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation and during that time, Defendant was to pay $481.99 in restitution, $60 in state costs, a $60 Crime Victim's fee, $120/year in supervision fees, $200/year in court costs, and $600 in attorney fees. In lieu of paying costs/fees, Defendant may perform 150 hours of community service (does not include the restitution amount). If all the money owed was paid within 30 days, Defendant could be discharged from probation.

PEOPLE v STEVEN GEORGE HERFI, 36th District Court, 5/26/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-242-05. Plea Agreement, Defendant pled guilty to misdemeanor TPTA violation. Sentenced to pay a $500 fine.

PEOPLE v ANTHONY NEAL HICKS, 36th District Court, 9/29/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-128-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 90 days probation, perform 32 hours of community service, and the $1,800 in cash and $1,400 in gaming checks seized at the time of arrest were to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v ROBERT JAMES HIGHTOWER, Wayne Circuit, 3/24/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-304-03. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 1 to 14 years in prison with this time to run concurrent with another sentence; received 28 days credit for time served.

PEOPLE v JEACO JASIRI HILL, 36th District Court, 4/26/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-76-03. Dismissed - By Court, Defendant deceased.

PEOPLE v RYLAND GEORGE HILL, JR., Wayne Circuit, 1/19/2005, charged with felony of attempting to claim money from a gambling game without having made the wager and attempted obtaining money under false pretenses in an amount over $1,000, but less than $20,000, at the MGM Grand Casino. MSP Incident No. MGM-50-04. Plea Agreement, Defendant pled guilty to attempted larceny in a building. Sentenced to 9 months in the Wayne County Jail with credit given for 9 months time served.

PEOPLE v VANESSA JEAN HILL-DUKES, Wayne Circuit, 2/24/2005, charged with 13 counts of felony uttering and publishing at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-169-04, MCC-198-04, and MGM-167-04. Plea Agreement, Defendant pled guilty to 10 counts of uttering and publishing. In exchange for that plea, the remaining 3 counts were dismissed. Sentenced to be incarcerated for 18 months to 14 years

PEOPLE v PHUONG THI HOANG, 36th District Court, 5/5/2005, charged with

felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Court for the insufficient showing of probable cause. Complaint refiled.

PEOPLE v DANA LYNNE HOLLEY, Wayne Circuit, 3/16/2005, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-355-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. In exchange for the plea, the 2nd count of uttering and publishing was dismissed. Sentenced to 18 months probation and ordered to continue taking her medication.

PEOPLE v MARCUS DANIEL HOLT, 36th District Court, 4/5/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-243-05. Dismissed - By Court, at the preliminary examination no witnesses appeared and the court dismissed this case. Complaint refiled.

PEOPLE v TARA HOPKINS, Wayne Circuit Court, 9/29/2006, charged with felony larceny, stealing/retaining without consent of a financial transaction device and conspiracy at the MotorCity Casino; charges amended to 1 count of conducting Criminal Enterprises, 4 counts of felony larceny, 4 counts of identity theft, 1 count of stealing/retaining without consent a financial transaction device, and 1 count of conspiracy. MSP Incident No. MCC-23-06. Plea Agreement, Defendant pled guilty to conspiracy to commit larceny from a person. In exchange for the plea, Counts 1-10 were dismissed. Sentenced to 2 years probation with credit given for 28 days time served. A condition of Defendant's non-reporting probation was that she must comply with all terms and conditions of her Illinois probation which runs 3 years from September 1 and included a 3-month inpatient drug program followed by an outpatient program under strict supervision.

PEOPLE v THOMAS DENNIS HOPPER, Genesee Circuit, 8/14/2006, charged with 3 counts of felony violation of the Income Tax Act. MSP Incident No. LOC-55-02. Plea Agreement, Defendant pled guilty to 1 count of felony violation of the Michigan Income Tax Act (Count 3 for the year 2001). With the plea, it was agreed to dismiss the other 2 counts of felony violation of the Income Tax Act. Sentenced to 47 days jail time; credit given for 47 days of time served; and pay a fine of $5,000, $141,891 in restitution for unpaid taxes, and $1,233.09 in costs for transportation by Transcor. Defendant was not placed on probation as he was in federal custody and would be on federal supervision when released.

PEOPLE v JACOB GRANT HOREN, 36th District Court, 5/24/2005, charged with misdemeanor gambling, or aiding and abetting in gambling, by a minor at the MotorCity Casino. MSP Incident No. MCC-36-05. Plea Agreement, Defendant pled guilty to aiding and abetting underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the MotorCity Casino and pay $200 in court costs.

PEOPLE v PHILLIP RYAN HOREN, 36th District Court, 5/23/2005, charged with misdemeanor gambling, or aiding and abetting in gambling, by a minor at the MotorCity Casino. MSP Incident No. MCC-36-05. Plea Agreement, Defendant pled guilty to underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with casinos or the criminal justice system and pay $200 in court costs.

PEOPLE v MARK WAYNE HOWARD, Kent Circuit, 9/26/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-98-04. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay $300 in court costs, a $60 Crime Victim's fee, and $45 state court costs.

PEOPLE v EMERY HUDSON, Wayne Circuit, 11/9/2005, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-234-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to pay a fine of $2,500, court costs of $600, a $60 Crime Victim's fee, and state costs of $60.

PEOPLE v KELLE WHITE HUNT, Wayne Circuit, 6/23/2005, charged with 1 count of felony uttering and publishing, 1 count of identity theft, 1 count of resisting and obstructing and 1 count of possession of a controlled substance--Xantax at the MotorCity Casino. MSP Incident No. MCC-93-05. Plea Agreement, Defendant pled guilty to uttering and publishing, identity theft, resisting and obstructing arrest, and possession of Xantax. In exchange for the plea, it was agreed not to supplement Defendant as a habitual offender. Sentenced to 6 months in jail and then 3 years probation; Target City with no early release; maintain 30 hours/week of employment, attend Alcoholics Anonymous meetings in 90 days; and pay a $60 Crime Victim's fee, $825 in court costs, $450 in attorney fees, and $240 in state costs.

PEOPLE v ALICIA HUNTER, Wayne Circuit, 1/26/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-206-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation, 6 months in the Wayne County Jail, credit given for time served, and pay a $60 Crime Victim's fee and $60 in court costs.

PEOPLE v MARIO KIM HUNTER, 36th District Court, 3/9/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-102-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to pay a $100 fine, $100 in court costs, and $200 in attorney fees.

PEOPLE v CYNTHIA HA-THI HUONG, Wayne Circuit, 11/18/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Verdict - Jury, Defendant received a guilty verdict on the casino-cheating count. Sentenced to 3 years probation; attend Gambler's Anonymous meetings; pay $60 in state costs, a $60 Crime Victim's fee, $360 in supervision fees, and $600 in court costs. Restitution would be ordered if the casino doesn't receive its money back from the forfeiture action.

PEOPLE v MAJED ASRAHEM ILAYAN, 36th District Court, 2/22/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-363-04. Judgment - Plea Agreement, Defendant pled guilty to trespass by; disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to pay $200 in court costs, have no contact with the casinos, and screened for gambling addiction by the Dept. of Community Health with treatment, if deemed necessary.

PEOPLE v ASDEL-HAKIM OMAR IMRAN, Washtenaw Circuit, 7/28/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-87-04. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. Sentenced to 2 years probation and pay $60 in state court costs, a $60 Crime Victim's fee, $960 in supervision fees ($40/month), and $560 in court costs ($27/month).

PEOPLE v MUFID OMAR IMRAN, Washtenaw Circuit, 6/20/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-87-04. Verdict - Acquittal, Defendant was found not guilty from a bench trial decision.

PEOPLE v CHRISTOPHER MICHAEL INMAN, 75th District Court, 6/3/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-138-04. Plea Agreement, Defendant pled guilty to misdemeanor

violation of the TPTA. Sentenced to pay a fine of $1,200, court costs of $300, and a Crime Victim's fee of $95. Restitution for unpaid TPTA taxes was to be handled through a Dept. of Treasury assessment.

PEOPLE v MICHAEL OLIVER INMAN, 75th District Court, 6/3/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-138-04. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a fine of $2,900, court costs of $300, and a $95 Crime Victim's fee. Restitution for unpaid TPTA taxes was to be handled through a Dept. of Treasury assessment.

PEOPLE v MOUSTAPHA ISMAIL, Wayne Circuit Court, 12/14/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (possession of counterfeit stamps). MSP Incident No. CTT-202-05. Plea Agreement, Defendant pled guilty to attempted felony violation of the TPTA. Sentenced to pay a $500 fine.

PEOPLE v LINDA BEATRICE IVORY-TAYLOR, 36th District Court, 8/17/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-86-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening and treatment if necessary for gambling addiction by the Dept. of Community Health; attend Gambler's Anonymous meetings at least twice week until screening is completed; and pay $250 in fines/costs and $30/month in supervision fees. The $2,592.65 seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v AYAD Y. JABBORI, Oakland Circuit, 8/15/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-196-05. Plea Agreement, Defendant pled guilty to Count 2 - the 5 year felony violation of the TPTA, and in exchange for the plea, Count 1 (1-10 counterfeit violation of the TPTA) was dismissed. Sentenced to 1 year probation; comply with DNA testing; maintain legitimate employment at a minimum of 30 hours/week; have no assaultive or threatening behavior; no possession of a weapon; and pay a $60 Crime Victim's fee, $1,620 in supervision fees ($135/month), $300 in court costs, and $60 in state costs.

PEOPLE v CARLA MICHELLE JACKSON, Wayne Circuit, 6/2/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-79-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 18 months probation and undergo JB3 residential drug treatment.

PEOPLE v KATHERINE JACKSON, 36th District Court, 1/28/2005, charged with misdemeanor larceny less than $100 at the MotorCity Casino. MSP Incident No. MCC-196-03. Plea Agreement, Defendant pled guilty to larceny under $200. Sentenced to 52 days in jail.

PEOPLE v KATHERINE JACKSON, Wayne Circuit, 2/7/2005, charged with 2 counts of felony larceny in a building at the Greektown Casino. MSP Incident No. GTC-60-04. Plea Agreement, Defendant pled guilty to the 2 counts of felony larceny in a building. Sentenced to 2 years probation, but first had to participate in a mental health program. Afterwards, Defendant was to stay out of the casinos and pay $60 in state costs, a $60 Crime Victims fee, $120 in supervision fees, $165 in court costs and $450 in attorney fees; in lieu of paying costs/fees, may perform 75 hours of community service.

PEOPLE v LAWANA TIISHA JACKSON, Wayne Circuit Court, 9/11/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-66-06. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. Sentenced to 2 years probation; perform community services at the

direction of her probation officer; have no contact with the casinos or gamble; maintain legitimate employment at a minimum of 30 hours/week; and pay a $60 state fee, a $60 Crime Victim's fee, $420 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v MARLON DELANTE JACKSON, Wayne Circuit, 10/7/2005, charged with felony uttering and publishing - no account at the Greektown Casino. MSP Incident No. GTC-26-05. Plea Agreement, Defendant pled guilty to 1 count of check - no account and in exchange for the plea, the second count of uttering and publishing was dismissed. Sentenced to 6 months probation; ordered to stay out of the casinos; and pay a $60 Crime Victim's fee, $60 in state costs, $240 in supervision fees, $240 in court costs, and $400 in attorney fees.

PEOPLE v PATRICE RENEE JACKSON, 36th District Court, 5/12/2005, charged with 3 counts of felony illegal use of a financial transaction device and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-146-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the 3 counts of illegal use of a financial transaction device were dismissed. Sentenced to 1 year probation and pay restitution of $309.36 to the Greektown Casino and $200 in court costs.

PEOPLE v MUNIR JAMIL JAJO, 36th District Court, 10/3/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-74-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to be screened for gambling addiction by the Dept. of Community Health, undergo treatment if necessary, have no contact with the casinos, and pay $200 in court costs.

PEOPLE v VICTOR JAJOU, 36th District Court, 11/29/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-133-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with casinos, have no contact with the criminal justice system, screening for gambling addiction through the Dept. of Community Health with any treatment prescribed until discharged by a therapist, and pay $200 in fines/costs and $200 in attorney fees.

STATE OF MICHIGAN, DEPT. OF TREASURY v MICHAEL D. JAMES, Presque Isle Circuit, 11/9/2004, charged with 2 counts of failure to file income tax returns. MSP Incident No. TET-08-00. Plea Agreement, Defendant pled guilty to 2 counts of misdemeanor failure to file income taxes. Sentenced to 3 months probation; file returns for 1998 and 1999 with assessment of penalties and interest by the Michigan Dept. of Treasury; and pay $80 in state costs, $1,000 in court costs, a $500 fine, and a 401-400-655-00 cost of $20.

PEOPLE OF THE STATE OF MICHIGAN v MITCHELL DAVID JAMES, 89th District Court, 11/9/2004, charged with 2 counts of failure to file use tax returns with intent to defraud or evade payment of tax. MSP Incident No. TET-07-00. Plea Agreement, Defendant pled guilty to 2 counts of failure to file use taxes. Sentenced to pay $80 in state costs, $600 in court costs, a $300 fine, and a 401-400-655-00 cost of $20.

PEOPLE v KLAUDIA MARIA JAMISON, 36th District Court, 8/31/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-93-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino, no contact with the criminal justice system, screening through the Dept. of Community Health for

gambling addiction with treatment if necessary, and pay $390 in fines/costs. The $3,432.75 seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v OMAR JAMIL JARBO, Oakland Circuit Court, 9/21/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-121-05. Plea Agreement, Defendant pled guilty to felony violation of the TPTA and Count 1 was dismissed in exchange for the plea. Sentenced to 18 months probation (the first 60 days in the Oakland County Jail) with work release if eligible; must comply with DNA testing; submit to alcohol testing and not use, purchase, or possess alcoholic beverages or enter establishments that dispense alcohol; maintain/seek legitimate employment at a minimum of 30 hours/week; no assaultive or threatening behavior; no use or possession of a firearm or weapon; write an essay of 2,500 words on respecting the law that was due 90 days after sentencing; and pay $450 in court costs, a $50 Crime Victim's fee, $2,430 in supervision fees ($135/month), and a state fee of $45. Restitution was to be determined and settled through the Dept. of Treasury.

PEOPLE v TOM GEORGE JAVARINIS, Wayne Circuit, 7/20/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-206-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 1 year probation; maintain 30 hours/week of employment; and pay $1,011 in restitution on tobacco tax, a $45 state fee, a $50 Crime Victim's fee, $600 court costs, and supervision fees; in lieu of fees and costs may perform 65 hours of community service.

PEOPLE v PAMELA FRANCES JEFFRIES, 36th District Court, 11/20/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-168-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction, evaluated for substance abuse, continue treatments with therapist, and pay $200 in fines/costs.

PEOPLE v TOBI JOI JEMISON, Wayne Circuit, 8/15/2005, charged with felony uttering and publishing and conspiracy to utter and publish at the MotorCity Casino. MSP Incident No. MCC-284-04. Plea Agreement, Defendant pled guilty to conspiracy to utter and publish. Count 1 of uttering and publishing was dismissed. Sentenced to 1 year probation; maintain 30 hours per week of employment; and pay a Crime Victim's fee of $60, $150 in supervision fees, $150 in court costs, $400 in attorney fees, and $60 in state costs; in lieu of paying costs/fees, may perform 100 hours of community service.

PEOPLE v TWANA MICHELE JEMISON, Wayne Circuit, 8/16/2005, charged with felony uttering and publishing and conspiracy to utter and publish at the MotorCity Casino. MSP Incident No. MCC-284-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 18 months probation and pay $500 in restitution, $120 in supervision fees, $600 in attorney fees, $160 in court costs and a $60 Crime Victim's fee. The $825 seized at the time of arrest was to be returned to the casino.

PEOPLE v DAMIAN LAMAR JOHNSON, Wayne Circuit Court, 10/16/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-92-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 3 years probation with the first 4 months in the JB3 treatment program and pay $60 in state court costs, a $60 Crime Victim's fee, $360 in supervision fees, and $400 in attorney fees; in lieu of paying costs/fees, may perform 100 hours of community service.

PEOPLE v DONALD JOHNSON, 36th District Court, 5/23/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-01-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and pay $100 in fines and $100 in court costs.

PEOPLE v GERALDINE FITZGERALD JOHNSON, Wayne Circuit, 3/11/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-175-04. Plea Agreement, Defendant pled guilty to uttering and publishing. In exchange for the plea, it was agreed not to file a habitual offender supplement. Sentenced to 1 year probation and to pay $400 in attorney fees and $200 in court costs.

PEOPLE v PERCY JOHNSON, Wayne Circuit, 4/3/2006, charged with 3 counts of felony larceny, 1 count of conspiracy, and possession of cocaine at the MotorCity Casino. Charges amended to 1 count of conducting Criminal Enterprises, 4 counts of felony larceny, 4 counts of identity theft, 1 count of possession of cocaine, and 1 count of conspiracy. MSP Incident No. MCC-23-06. Plea Agreement, Defendant pled guilty to conspiracy to commit larceny. Sentenced to 3 years probation with the first year in the Wayne County Jail, but may be released upon successful completion of the "Jail Based 3" drug treatment program; given credit for 57 days time served; a term of probation was cooperation and truthful testimony against the other co-defendants involved in this matter; and pay $60 Crime Victim's fee, $60 in state fees, $400 attorney fees, $600 in court costs, and $240 in probation oversight fees.

PEOPLE v TERRELL JUAN JOHNSON, Wayne Circuit, 2/1/2005, charged with 4 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-31-04. Plea Agreement, Defendant pled guilty to 2 counts of uttering and publishing. In exchange for the plea, it was agreed the Plaintiff would not refile the 2 counts dismissed at preliminary examination and the habitual offender notice. Sentenced to be incarcerated for 1 year, to be consecutive to his parole violation sentence(s) on other uttering and publishing cases.

PEOPLE v RENE JOHNSON-LITTLE, 36th District Court, 10/13/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-16-05. Plea Agreement, Defendant pled guilty to trespass by disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to stay out of all the Detroit casinos and pay $200 in court costs.

PEOPLE v CLINTON RASHAD JONES, Wayne Circuit Court, 10/31/2006, charged with 2 counts of felony larceny at the MotorCity Casino. MSP Incident No. MCC-19-06. Plea Agreement, Defendant pled guilty to Count II, larceny (1-20K). With the plea, Count 1 of felony larceny was dismissed. Sentenced to 5 years probation, maintain minimum employment of 30 hours/week, and pay $3,000 in restitution to the MotorCity Casino, a $60 Crime Victim's fee, $600 in supervision fees, and $600 in court costs.

PEOPLE v JANICE MARIE JONES, 36th District Court, 7/28/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-220-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to pay a $50 Crime Victim's Right fee, and a $150 fine. The $3,176 in winnings seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v KEVIS NIKIA JONES, 36th District Court, 4/6/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-216-05. Dismissed - By Court, without prejudice. Complaint refiled.

PEOPLE v KEVIS NIKIA JONES, 36th District Court, 11/27/2006, recharged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-216-05. Dismissed by Plaintiff.

PEOPLE v LATOYA METRICE JONES, 36th District Court, 7/27/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-228-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea taken under advisement for 6 months. During that time, Defendant was to pay $200 in court costs.

PEOPLE v MARJORIE BROWN JONES, 36th District Court, 8/23/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-82-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino, no contact with the criminal justice system, screening by the Dept. of Community Health, complete whatever treatment ordered, and pay a $150 fine and a $50 Crime Victim's fee.

PEOPLE v MICHAEL PATRICK JONES, Wayne Circuit, 5/26/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-250-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation and pay $600 in attorney fees, $600 in court costs, $240 in supervision fees, and a $60 Crime Victims fee.

PEOPLE v MILDRED DEMETRIUS JONES, 36th District Court, 2/27/2006, charged with misdemeanor larceny under $100 at the Greektown Casino. MSP Incident No. GTC-121-05. Plea Agreement, Defendant pled guilty to larceny and the plea was taken under for advisement for 1 year. During that year, Defendant was to pay $200 in court costs and $100 in attorney fees. Defendant was also to relinquish her Michigan Gaming Control Board occupational license.

PEOPLE v ROBERT JONES, Wayne Circuit, 10/11/2005, charged with 3 counts of felony uttering and publishing, 1 count of stealing/retaining without consent a financial transaction device, and 1 count of conspiracy at the MotorCity Casino. MSP Incident No. MCC-141-05. Plea Agreement, Defendant pled guilty to 2 counts of uttering and publishing and 1 count of conspiracy. Sentenced to 1 year probation and pay $1,280 in restitution, $60 in state costs, a $60 Crime Victim's fee, $240 in supervision fees, $120 in fines and court costs, and $400 in attorney fees.

PEOPLE v KHARY STANLEY JUSTICE, 36th District Court, 8/16/2005, charged with felony false pretenses $1,000 or more, but less than $20,000, at the MGM Grand Casino. MSP Incident No. MGM-246-04. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses. Sentenced to 18 months probation; no contact with MGM Grand Casino; no contact with the criminal justice system; maintain enrollment in school at Wayne State University; and pay $4,458 in restitution to MGM Grand Casino, $360 in supervision fees, and a $100 fine.

PEOPLE v ALBERT NORMAN JUSTICK, Lenawee Circuit, 12/21/2005, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT -223-04. Plea Agreement, Defendant pled guilty to one of felony violation of the TPTA. Sentenced to 60 months probation and pay $60 in state costs, a $60 Crime Victim's fee, $12.50/month oversight fee, and $1,347.84 in restitution.

PEOPLE v TAWFIQ HASSAN KADHIN, 36th District Court, 6/6/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-02-05. Plea Agreement, Defendant pled guilty to trespass by a

disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to be screened for addiction by the Dept. of Community Health, undergo whatever treatment was ordered, no contact with the Detroit casinos, no contact with the criminal justice system, pay a $200 fine and $30/month supervision fees.

PEOPLE v KENT GEORGE KAJY, Wayne Circuit Court, 10/25/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of Other Tobacco Products from the House of Oxford, an unlicensed supplier). MSP Incident No. CTT-72-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the felony TPTA violation was dismissed. Sentenced to pay a $500 fine.

PEOPLE v MOHAMAD AHMAD KANAAN, Wayne Circuit, 8/24/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (possession of counterfeit stamped cigarettes). MSP Incident No. CTT-250-05. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. Sentenced to 1 year probation; perform 40 hours of community service; and pay a $60 Crime Victim's fee, supervisory fees of $20/month, court costs of $600, a fine of $1,000, and restitution of $3,000.

PEOPLE v AMIR SALLOMI KANNO, 36th District Court, 7/26/2005, charged with 3 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino, MGM Grand Casino, and the Greektown Casino. MSP Incident Nos. MCC-106-04, MGM-283-04, and GTC-188-04. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person. In exchange for the plea, Defendant's 2 other trespass by disassociated person charges were dismissed. Sentenced to 2 years probation, attend Gambler's Anonymous meetings 3 times/week, no contact with casinos, screening by the Dept. of Community Health and outpatient treatment for gambling addiction until medically discharged in writing, and pay a $500 fine and $200 in court costs with probation oversight fees to be determined by probation. The $325 seized upon arrest was to be turned over to the State of Michigan Compulsive Gambling Prevention Fund.

PEOPLE v RANI HANNA KARCHO, 36th District Court, 11/28/2006, charged with felony cheating at a gambling game and in the alternative misdemeanor obtaining money under false pretenses at the Greektown Casino. MSP Incident No. GTC-119-06. Plea Agreement, Defendant pled guilty to misdemeanor obtaining money under false pretenses. In exchange for the plea, Count 1 was dismissed. Sentenced to 6 months probation and during that time, Defendant was to have no contact with the Greektown Casino, and pay a $50 Crime Victim's fee, $150 in court costs, and a $150 fine.

PEOPLE v THEODORE LOUIS KARWOWICZ JR., 36th District Court, 3/2/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-171-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, attend Gambler's Anonymous meetings, no contact with the casinos, return to therapy for gambling addiction and continue that treatment until discharged by his therapist, and pay a $50 fine. The $1,641 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v MOHAMMED A. KASHAM, Washtenaw Circuit, 7/14/2005, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT -124-04. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. In exchange for the plea, a misdemeanor TPTA charge and a habitual offender supplement were dismissed. Sentenced to 2 years probation; credit given for 2 days time served; perform 25 hours of community service; and pay $60 in state court costs, $40/months in supervision fees, $560 in court costs, and $500 in

attorney fees. Restitution was to be determined within 90 days.

PEOPLE v IMAD NISSAN KASHAT, Oakland Circuit, 10/11/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-204-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 1 year probation; submit to DNA testing; and pay a $60 Crime Victims fee, $70/month in supervision fees, $300 in court costs, and $60 in state court costs. Given 1 day credit for time served.

PEOPLE v THAMIR SHAKIR KASHAT, Wayne Circuit, 5/26/2005, charged with felony capping a bet and misdemeanor larceny under $200 at the Greektown Casino. MSP Incident No. GTC-03-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation; and to pay a $50 Crime Victim's fee, $50 in state costs, $150 in supervision fees, $165 in court costs, and $450 in attorney fees; in lieu of payment of fines/costs, may perform 100 hours of community service.

PEOPLE v IMAD SHAMON KASSAB, 50th District Court, 1/13/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) and misdemeanor receiving and concealing stolen property with a value over $200, but less than $1,000. MSP Incident No. CTT-05-04. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the felony TPTA violation and misdemeanor receiving and concealing charges were dismissed. Sentenced to pay $150 in court costs and a $3,000 fine.

PEOPLE v NAHI MAROGIA KATOULA, 33rd District Court, 11/14/2006, charged with misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of 28 packs of cigarettes with less than 1/2 the stamp attached and 2 cartons with mostly removed Georgia tax stamp). MSP Incident No. CTT-156-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $100 fine, $200 in court costs, and a $40 judgment fee.

PEOPLE v ROBERT KATTULA, Wayne Circuit, 1/6/2006, charged with felony cheating at a gambling game and larceny $200 or more, but less than $1,000, at the MotorCity Casino. MSP Incident No. MCC-167-05. Plea Agreement, Defendant pled guilty to 1 count of misdemeanor larceny. Sentenced to 1 year probation and pay $160 in court costs and $240 in supervision fees.

PEOPLE v ELLA MAE KELLY, A/K/A ELLA MAE BUFFORD, 36th District Court, 10/26/2005, charged with felony larceny $1,000, or more but less than $20,000, at the Greektown Casino. MSP Incident No. GTC-119-03. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement. Sentenced to 2 years probation, have no contact with the Greektown Casino, and pay $1,750 in restitution to the Greektown Casino. Probation may end earlier, if restitution paid before the term of probation was completed.

PEOPLE v RAYMOND WALLACE KELLY, 36th District Court, 10/26/2005, charged with felony embezzlement of $1 ,000 or more, but less than $20,000 at the Greektown Casinio. MSP Incident No. GTC-119-03. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement. Sentenced to 2 years probation, have no contact with the Greektown Casino, and pay $1,750 in restitution to the Greektown Casino. Probation may end earlier if restitution was paid before the term of probation was completed.

PEOPLE v JACQUELINE LAROSS KENNEY-COBB, Wayne Circuit, 7/14/2005, charged with felony uttering no account check at the MGM Grand Casino. MSP Incident No. MGM-218-04. Plea Agreement, Defendant pled guilty to alleged uttering a no account check. Sentenced to 3 months confinement in the Wayne County Jail or pay $600 in court costs.

PEOPLE v DAVID HANNA KERAIKOS, 36th District Court, 8/18/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-71-03. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay $500 in fines and costs within 45 days.

PEOPLE v PENELOPE JEAN KEYS, 36th District Court, 5/9/2006, charged with misdemeanor of permitting a minor to make a wage at the MGM Grand Casino. MSP Incident No. MGM-49-06. Plea Agreement, Defendant pled guilty to permitting a minor to make a wager and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with MGM Grand Casino, and pay $200 in fines/costs.

PEOPLE v NAHLA MIKHAIL KHALIL, 36th District Court, 8/2/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-77-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos or gaming entities, screening for gambling addiction with the Dept. of Community Health, undergo any treatment that is indicated after the screening, and pay a $200 fine and $175 in court costs. Of the moneys seized upon arrest, $360 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v SWAT KHAN, Wayne Circuit, 4/13/2006, charged with felony cheating and misdemeanor obtaining money under false pretenses under $200 at the Greektown Casino. MSP Incident No. GTC-176-05. Plea Agreement, Defendant pled guilt to misdemeanor disorderly person. Sentenced to stay out of the casinos for 9 months and pay a $350 fine and a $60 Crime Victim's fee.

PEOPLE v JIHAD MOHAMAD KHANAFER, Wayne Circuit, 6/22/2006, charged with 3 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-95-05. Plea Agreement, Defendant pled guilty to a felony TPTA violation. With that plea, the possession to counterfeit TPTA stamps charge was dismissed. Sentenced to 6 months in the Wayne County Jail at the Dickerson facility with credit for 1 day served (given 1 week to turn himself in); probation for 18 months; and pay $60 in state court costs, a $60 Crime Victims fee, $30/month in supervision fees, and $600 in court costs ($33/month).

PEOPLE v GABRAIL KHEMORO, 36th District Court, 12/4/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-97-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, screening for gambling addiction by the Dept. of Community Health with treatment as indicated after screening, attend Gamblers Anonymous meetings at least once a week, have no contact with the casinos, no consumption of alcohol, no contact with the criminal justice system, and pay $200 in court costs and a $200 fine.

PEOPLE v GEORGE NEAL KIMINAIA, 36th District Court, 2/15/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. GTC-77-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 6 months probation and pay a $500 fine, a $50 Crime Victim's fee, and $1,515 to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v STEVEN ANTHONY KIZY, 36th District Court, 6/30/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-140-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year reporting probation; attend Gamblers Anonymous meetings twice weekly; and pay a $200 fine, $200 in court costs, and oversight fees.

PEOPLE v SAMER MOHAMED KLAIT, 19th District Court, 10/27/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of Other Tobacco Products without invoices). MSP Incident No. CTT-38-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for that plea, the felony violation of the TPTA count was dismissed. Sentenced to pay a $500 fine or serve 30 days in jail.

PEOPLE v ANWAR NISSAN KODOU, 36th District Court, 9/22/2005, charged with a misdemeanor of 1 count malicious destruction of personal property less than $200 at the MGM Grand Casino. MSP Incident No. MGM-210-00. Plea Agreement, Defendant pled guilty to 1 count of malicious destruction of property less than $200. Sentenced to 20 days in the Wayne County Jail with credit given for 20 days time served.

PEOPLE v LUSH KOLAJ, Wayne Circuit, 4/14/2005 and 10/26/2006, charged with felony uttering and publishing, obtaining money under false pretenses, claiming a prize in a gambling game greater than the amount actually won, and conspiracy to claim a prize in a gambling game greater than the amount actually won at the MotorCity Casino. MSP Incident No. MCC-79-03. Verdict - Jury, Defendant was found guilty of all 7 counts of uttering and publishing, obtaining money under false pretenses, claiming a prize in a gambling game greater than the amount actually won, and conspiracy to claim a prize in a gambling game greater than the amount actually won. Sentenced to 5 years probation and pay $1,500 court costs, $2,000 in restitution, and $2,400 in supervision fees. Defendant filed a motion for an acquittal notwithstanding the verdict or, in the alternative, a new trial; that motion was denied. An appeal was filed with the Court of Appeals on 4/14/2005. On 10/26/2006, the Court of Appeals affirmed conviction on 6 counts but remanded this matter back to the Wayne Circuit for a correction of the order on the 7th Count. On 12/1/2006, the Circuit Court amended the Order of Judgment to show an attempt on the false pretenses count; there was no change in the sentence.

PEOPLE v BERT STEVEN KOVACS, 36th District Court, 5/22/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-209-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening for gambling addiction by the Dept. of Community Health; follow whatever treatment is indicated after the screening; and pay $200 in fines, $200 in court costs, and $200 in attorney fees. Of the moneys seized upon arrest, $2,574 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v CRAIG ALAN KOVARIK, 36th District Court, 6/30/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-212-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person with the plea taken under advisement for 1 year. During that year, Defendant was to stay out of the Detroit casinos; attend Gamblers Anonymous meetings twice weekly; and pay a $200 fine, $200 in court costs, a $30/month oversight fee, and a $10/month drug screening fee.

PEOPLE v SHIRLEY DAE KUHN, 36th District Court, 11/30/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-174-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health with treatment as indicated after the screening, and pay $50 in fines/costs. The $1,248 jackpot that Defendant won was to be turned over to the Michigan Compulsive Gambling Fund.

PEOPLE v JOSEPH JUNIIOR LAMBERT, Wayne Circuit Court, 11/9/2006, charged with felony cheating at a gambling game and, in the alternative. misdemeanor obtaining money under false pretenses at the MotorCity Casino. MSP Incident No. MCC-157 -06. Plea Agreement, Defendant pled guilty to misdemeanor obtaining money under false pretenses. In exchange for the plea, the felony gambling violations charge was dismissed. Sentenced to 1 year probation; participation in the Gamblers Anonymous program; no contact with the casinos; and pay $45 in state costs, a $50 Crime Victims fee, $100 in court costs, and $400 in attorney fees; may perform 100 hours of community service in lieu of paying costs/fees.

PEOPLE v STACY NICHOLS LAMBERT, Wayne Circuit Court, 9/1/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-180-05. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 18 months probation and pay $600 in attorney fees, $600 in court costs, a $60 Crime Victim's fee, and $60 in state costs.

PEOPLE v GARY EUGENE LANE, Wayne Circuit Court, 9/8/2006, charged with felony larceny in a building and misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-212-05. Plea Agreement, Defendant pled guilty to larceny in a building. With the plea, the misdemeanor embezzlement count was dismissed. Sentenced to 1 year probation and pay $200 in attorney fees, $600 in court costs, $480 in supervision fees, and $100 in restitution.

PEOPLE v MARGARET RUTH LARRY, Wayne Circuit, 4/1/2005, charged with felony uttering and publishing and possession of cocaine at the Greektown Casino. MSP Incident No. GTC-145-04. Plea Agreement, Defendant pled guilty to uttering and publishing and with the plea, the drug charge was dismissed. Sentenced to 1 year probation, ordered to stay out of the casinos, and pay $300 in court costs and $240 in supervision fees; attorney fees were to be determined.

PEOPLE v TAM THAHN LE, 36th District Court, 10/17/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-112-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to be screened for gambling addiction by the Dept. of Community Health, undergo treatment if ordered, have no contact with the casinos, no contact with the criminal justice system, and pay a $100 fine and $50 in court costs.

PEOPLE v DERREN RENOLDO LEAK, Wayne Circuit, 4/6/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-172-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation with the first 90 days in the Wayne County Jail (credit for 3 days served) and pay $600 in court costs, a $60 Crime Victim's fee, $240 in supervision fees, and $400 in attorney fees.

PEOPLE v MICHAEL LEE, 36th District Court, 4/25/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. GTC-08-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening by the Dept. of Community Health, undergo whatever recommendations made as to treatment until discharged in writing, and pay $250 in fines/costs.

PEOPLE v JON E. LEFLER, 4th District Court, 11/1/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of unstamped cigarettes at the US Postal Service). MSP Incident No. CTT-112-06. Plea

Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the felony violation of the TPTA count was dismissed. Sentenced to 8 months probation and pay a $500 fine or serve 50 days in jail.

PEOPLE v YOLANDA YVETTE LEMON, 36th District Court, 5/11/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-185-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the casinos and pay $200 in court costs. The $1,300 in checks seized at the time of arrest was to be turned over the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v MARTIN LUTHER LESHER, 10th District Court, 4/12/2006, charged with felony tax violation for making a false statement about the amount paid on a truck upon registration with the Michigan Secretary of State and misdemeanor consumer violation of the Use Tax Act. MSP Incident No. LOC-52-05. Plea Agreement, Defendant pled guilty to failing to comply with the Use Tax Act. With the plea, Count 1 was dismissed. Sentenced to pay a $500 fine, $50 in state court costs, a $45 Crime Victim's fee, and restitution of $1,242 payable to the State of Michigan.

PEOPLE v DAVID WALTER LESTER JR., Wayne Circuit, 3/3/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-34-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 3 years probation; perform 20 hours of community service; maintain 30 hours of employment/week; and attend AA/NA; and pay $450 in supervision fees, a $60 Crime Victim's fee, $500 in attorney fees, and $600 in fines/court costs.

PEOPLE v ROBERT LEWANDOWSKI, Wayne Circuit, 6/3/2005, charged with felony pinching a bet and misdemeanor larceny under $200 at the Greektown Casino. MSP Incident No. GTC-237-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year, non-reporting probation; cannot enter any casino during his probation period; and pay a $60 Crime Victim's fee, $50 in restitution, and $240 in state costs.

PEOPLE v MICHAEL LEWIS, 36th District Court, 7/17/2006, charged with felony money laundering in excess of $10,000 at the MotorCity Casino. MSP Incident No. GIS-31-06. Plea Agreement, Defendant pled guilty to attempted money laundering - 4th degree. With the plea, Defendant was to forfeit the $14,300 that was converted from small bills into larger denomination bills at the MotorCity Casino on 5/12/2006.

PEOPLE v MAO SHUN LI, Wayne Circuit, 10/27/2005, charged with felony casino cheating at a gambling game and misdemeanor larceny less than $200 at the Greektown Casino. MSP Incident No. GTC-78-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 2 days in the Wayne County Jail, credit given for 2 days time served, and the $100 seized at the time of arrest was to be returned to the Greektown Casino as restitution.

PEOPLE v BETTIE JEAN LOFTON, 36th District Court, 8/17/2005, charged with misdemeanor larceny between $200 and $1,000 at the MotorCity Casino. MSP Incident No. MCC-104-05. Plea Agreement, Defendant pled guilty to larceny less than $1,000 and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino, no contact with the criminal justice system, pay $250 in fine/costs and $30/month in supervision fees. The $247 seized upon arrest was to be returned to the MotorCity Casino.

PEOPLE v RICHARD MORRIS LOFTON, 36th District Court, 8/17/2005, charged with misdemeanor larceny between $200 and $1,000 at the MotorCity Casino. MSP Incident No. MCC-104-05. Plea Agreement, Defendant pled guilty to larceny less than $1,000 and the plea was taken under advisement for 1 year. During that year,

Defendant was to have no contact with any casino, no contact with the criminal justice system, pay $250 in fine/costs and $30/month in supervision fees. The $247 seized upon arrest was to be returned to the MotorCity Casino.

PEOPLE v ALEJANDRO LORENZO-DANIS, 36th District Court, 10/9/2006, charged with misdemeanor permitting a minor to gamble at the MotorCity Casino. MSP Incident No. MCC-117-06. Dismissed by Plaintiff.

PEOPLE v RAMONE NEAL LOVING, Wayne Circuit, 11/7/2005, charged with 3 counts of felony uttering and publishing at the MGM Grand Casino and MotorCity Casino. MSP Incident Nos. MGM-20-05 and MCC-284-04. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. In exchange for the plea, the other charges were dismissed. Sentenced to 2 years probation and pay $400 in attorney fees, $1,400 in restitution, and $600 in court costs.

PEOPLE v SHANTELL DEANNA LOVING, Wayne Circuit, 10/21/2005, charged with 2 counts of felony uttering and publishing and conspiracy to utter and publish at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-284-04 and MGM-237-04. Plea Agreement, Defendant pled guilty to 2 counts of attempted uttering and publishing. Sentenced to 2 years probation; ordered to stay out of the casinos during that time; maintain 30 hours/week employment; attend and complete 2 college classes during her probation; and pay $1,000 in restitution, a $60 Crime Victim's fee, $60 in state costs, $330 in court costs, $480 in supervision fees, and $400 in attorney fees.

PEOPLE v TERENCE ANTHONY MACKSON, 36th District Court, 9/8/2005, charged with felony larceny in a building and attempted larceny in a building at the MotorCity Casino. MSP Incident No. MCC-179-04. Plea Agreement, Defendant pled guilty to misdemeanor attempted larceny in a building. In exchange for the plea, the felony larceny in a building was dismissed. Sentenced to 12 days in the Wayne County Jail and given credit for 12 days time served.

PEOPLE v NORMA NICOLE MAGEE, 36th District Court, 5/18/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-20-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the Michigan Gaming Control Board regulated casinos and pay $150 in court costs.

PEOPLE v AHMED ABDULMENHEM MALLAH, 36th District Court, 5/5/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-230-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino, screening for gambling addiction with the Dept. of Community Health, treatment for gambling addiction as indicated after the screening, and pay $200 in court costs.

PEOPLE v DEANA MARIE MALONE, 36th District Court, 11/8/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-102-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, treatment for gambling addiction as indicated after the screening, and pay $200 in court costs and a $200 fine.

PEOPLE v DAMON JEROME MANIGAULT, 36th District Court, 5/25/2006, charged with misdemeanor third-degree retail fraud at the MotorCity Casino. MSP Incident No. MCC-284-05. Plea Agreement, Defendant pled guilty to misdemeanor

third-degree retail fraud. Sentenced to 6 months probation; no contact with the MotorCity Casino; and pay a $100 fine, $200 in court costs, and $200 in attorney fees.

PEOPLE v FRED STEPHO MANSOUR, 36th District Court, 2/28/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-171-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any of the Detroit casinos, screening by the Dept. of Community Health for gambling addiction, complete whatever treatment prescribed, and pay $200 in costs.

PEOPLE v JAY GEORGE MANSOUR, 19th District Court, 11/4/2005, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-235-04. Dismissed - By Court, without prejudice, due to Plaintiff's witness being unable to attend the preliminary examination. Complaint refiled.

PEOPLE v JAY GEORGE MANSOUR, Wayne Circuit Court, 11/17/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-235-04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to pay $60 in state costs, a $60 Crime Victim's fee, and $600 in court costs.

PEOPLE v WISSAM MOUSSA MANSOUR, 36th District Court, 5/18/2006, charged with misdemeanor violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-277-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay $268 in restitution and $250 in fines/costs.

PEOPLE v JENY BASIL MAQI, 36th District Court, 10/10/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-63-06 and MGM-101-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, Incident No. MGM-101-06 was dismissed. Sentenced to 1 year probation, no contact with the casinos and the criminal justice system during that time, screening for gambling addiction by the Dept. of Community Health, treatment as indicated after the screening, and pay a $100 fine and $200 in court costs. Of the moneys seized upon arrest, $2,070 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v SELENA TINA MARCUS, 36th District Court, 5/3/2006, charged with misdemeanor trespass by a disassociated person al the Greektown Casino. MSP Incident No. GTC-38-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction through the Dept. of Community Health, undergo any treatment indicated after the screening or continue with the gambling addiction counseling already attending until discharged in writing and verified by probation, and pay $100 in court costs and $50 in attorney fees.

PEOPLE v JUANITA MARZETTE-SMITH, Wayne Circuit, 1/9/2006, charged with felony larceny in a building and misdemeanor embezzlement at the Greektown Casino. MSP Incident No. GTC-102-05. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement. Sentenced to 6 months probation and pay $150 in court costs and $40 in supervision fees. The $481 seized at the time of arrest was to be returned to the casino.

PEOPLE v ANTHONY EUGENE MASSIE, Wayne Circuit Court, 11/21/2006, charged with felony uttering and publishing and identity theft at the MotorCity Casino. MSP Incident No. MCC-109-06. Plea Agreement, Defendant pled guilty to uttering and publishing. In exchange for the plea, the identity theft charge was

dismissed. Defendant had a previous Wayne County uttering and publishing incident for which he was sentenced on 8/6/2006. Sentenced to 18 months probation to run concurrent with the previous Wayne County uttering and publishing incident and serve 44 days in the Wayne County Jail, with credit given for 44 days time served.

PEOPLE v KELLY MARIE MASTERS, Wayne Circuit, 6/23/2005, charged with 6 counts of felony obtaining money under false pretenses over $1,000, less than $20,000, and 1 count of making a false statement to obtain a financial transaction device at the MGM Grand Casino. MSP Incident No. MGM-09-02. Plea Agreement, Defendant pled guilty to 6 counts of obtaining money under false pretenses. Sentenced to 5 months in jail, 3 years probation, and pay $40,364 in restitution.

PEOPLE v ANDREA DIANE MATTHEWS, 36th District Court, 10/16/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-181-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casino or the criminal justice system, screening for gambling addiction, undergo whatever treatment indicated by the screening, and pay $200 in court costs and $200 in attorney fees, and given 6 months to pay the costs/fees.

PEOPLE v THOMAS WALTER MATYJASIK, D/B/A SMOKERS DISCOUNT OF STERLING HEIGHTS, INC., Macomb Circuit, 6/28/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) - possession of unauthorized tax stamps. MSP Incident No. CTT -276-05. On 5/3/2006, complaint amended adding Count II of felony violation of the TPTA (possession of 3,000 cigarettes without tax stamps or invoices). Plea Agreement, Defendant corporation pled guilty to Count 2. In exchange for that plea, Count 1 was dismissed. Sentenced to pay $880 in court costs, a $500 fine, a $60 Crime Victim's fee, and a state fee of $60.

PEOPLE v NORMAN RICHARD MAURER, 36th District Court, 11/29/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-145-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with casinos, no contact with the criminal justice system, screening for gambling addiction through the Dept. of Community Health, undergo any treatment prescribed until discharged by a therapist, and pay $200 in fines/costs and $200 in attorney fees.

PEOPLE v LUCILLE CHARLENE MCCOLLUM, Wayne Circuit, 5/5/2006, charged with felony larceny in a building and misdemeanor embezzlement, $200 - $1,000, at the MotorCity Casino. MSP Incident No. MCC-238-05. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement. Sentenced to pay $500 in restitution to the MotorCity Casino, $300 in supervision fees, a $40 Crime Victim's fee, and $60 in court costs.

PEOPLE v TORIA ALISE-PRUITT MCGARRAH, Wayne Circuit, 5/23/2005, charged with felony past posting a bet and misdemeanor larceny greater than $200, but less than $1,000, at the Greektown Casino. MSP Incident No. GTC-240-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and pay $300 in court costs, $300 in attorney fees, and $800 in restitution.

PEOPLE v CHARLES DUANE MCGHEE, Wayne Circuit, 5/17/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-93-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 3 years probation and pay $900 in restitution, $600 in court costs, $600 in attorney fees, $360 in supervision fees, and a $60 Crime Victim's fee.

PEOPLE v KATHERINE ANN MCLEOD, Wayne Circuit, 03/07/2006, charged with

felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-57-04. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 10 months to 20 years with the Michigan Dept. of Corrections to run concurrent with another sentence already serving; credit given for 20 days time served.

PEOPLE v LISA BETH MELDRUM, Wayne Circuit, 4/11/2005, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-185-03. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to pay $700 in fines/costs or serve 3 months in jail.

PEOPLE v DONALD EARL MERRITT, Wayne Circuit, 4/3/2006, charged with felony larceny in a building and misdemeanor larceny under $200 at the MotorCity Casino. MSP Incident No. MCC-31 0-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 6 months probation and pay a $50 Crime Victim's fee, $45 in state costs, $75 in court costs, and $500 in attorney fees; may perform 75 hours of community service in lieu of paying costs/fees.

PEOPLE v EMAD G. MESI, Oakland Circuit, 4/6/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA) and receiving and concealing stolen property with a value over $20,000. MSP Incident No. CTT-05-04. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. In exchange for the plea, the misdemeanor receiving and concealing stolen property charge was dismissed and another approved TPTA violation charge in Incident CTT-233-04 would not be prosecuted. Sentenced to 1 year probation; credit given 1 day of time served; and pay $300 court costs, $1,620 in supervision fees ($135/month), $60 Crime Victims fee, and $60 state court costs.

PEOPLE v SAAD MESI, 43rd District Court, 5/19/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-233-04. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $50 fine and court costs of $150.

PEOPLE v AHMAD ASAD MHEISEN, Wayne Circuit Court, 9/1/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA) for possessing 56 cartons of unstamped cigarettes and 38 packs of tape-lifted stamps applied. MSP Incident No. CTT -120-05. Plea Agreement, Defendant pled guilty to 1 count of felony violation of the TPTA. In exchange for the plea, the charge of possession of counterfeit TPTA stamps was dismissed. Sentenced to 18 months probation and pay $60 in state costs, a $60 Crime Victim's fee, $20/month in supervision fees, and $600 in court costs.

PEOPLE v BELAL ASAD MHEISEN, Wayne Circuit Court, 9/1/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA) for possession of 56 cartons of unstamped cigarettes and 38 packs of cigarettes with tape lifted stamps applied. MSP Incident No. CTT -120-05. Plea Agreement, Defendant pled guilty to 1 count of felony violation of the TPTA. In exchange for the plea, the charge of possession of counterfeit TPTA stamps was dismissed. Sentenced to 18 months probation and pay $60 in state costs, a $60 Crime Victim's fee, $20/month in supervision fees, and $600 in court costs.

PEOPLE v MOHAMMED TAHER MIAH, 36th District Court, 8/4/2005, charged with 3 counts of felony illegal use of a financial transaction device and 1 count misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-146-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny and the remaining counts were dismissed. Sentenced to 1 year probation and pay a $500 fine, a $50 Crime Victim's fee, $360 in supervision fees, and $247 in restitution.

PEOPLE v SODRUl MIAH, 36th District Court, 3/10/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-226-04. Plea Agreement, Defendant pled guilty to trespass by a

disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to report for probation, pay $200 court costs, have no contact with any casino, attend Gamblers Anonymous at least once a week, screening for gambling addiction by the Dept. of Community Health, and complete whatever treatment program prescribed.

PEOPLE v MIKE ZOUHAIR MIKHA, Oakland Circuit Court, 9/26/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) and possession of counterfeit stamped cigarettes. MSP Incident No. CTT-20-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $1,500 fine, a $50 Crime Victim's fee, $45 in state costs, and $300 in court costs on date of sentencing.

PEOPLE v ZOUHAIR Y. MIKHA, Oakland Circuit Court, 9/26/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) and possession of counterfeit stamped cigarettes. MSP Incident No. CTT-20-06. Plea Agreement, Defendant pled guilty to felony violation of the TPTA. With the plea, the possession of counterfeit TPTA stamps charge was dismissed. Sentenced to comply with DNA testing and pay a $1,500 fine, $300 in court costs, a $60 Crime Victim's fee, and a $60 state fee on date of sentencing.

PEOPLE v YUCEL MIKIEL 36th District Court, 11/2/2006, charged with felony cheating at a gambling game and in the alternative misdemeanor obtaining money under false pretenses at the Greektown Casino. MSP Incident No. GTC-175-06. Plea Agreement, Defendant- pled guilty to misdemeanor false pretenses. In exchange for the plea, the felony cheating at a gambling game was dismissed. Sentenced to 6 months probation; have no contact with the Greektown Casino; and pay a $200 fine, a $50 Crime Victim's fee, and $35/month in supervision fees.

PEOPLE v DAMON GERARD MILLER, 36th District Court, 9/11/2006, charged with misdemeanor possession of marijuana at the MotorCity Casino. MSP Incident No. MCC-19-05. Plea Agreement, Defendant pled guilty to use of marijuana. He was placed on 7411 status. Sentenced to 1 year of reporting probation, random drug screening, and pay a $100 fine and $200 in court costs.

PEOPLE v WILLIAM VICTOR MILLER, 36th District Court, 8/3/2006, charged with felony cheating at a gambling game and alternatively misdemeanor false pretenses at the Greektown Casino. MSP Incident No. GTC-77-06. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses. In exchange for the plea, the cheating at a gambling game count was dismissed. Sentenced to 6 months probation, have no contact with the Greektown Casino, and pay $150 in fines/costs.

PEOPLE v YVONNE MILLER, 36th District Court, 5/8/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-18-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, undergo treatment as indicated after screening, and pay $300 in costs/fees.

PEOPLE v NAMIR YOUSIF MIO, 36th District Court, 3/16/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-88-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos; attend Gamblers Anonymous meetings at least once a week; screening for gambling addiction by the Dept. of Community Health; treatment as indicated after screening until discharged in writing; pay a $50 Crime Victim's fee, $30/month in probation oversight fees, $100 in court costs, and $100 in attorney fees.

PEOPLE v TRACY LEE MITCHELL, 36th District Court, 11/8/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-123-04. Dismissed by Plaintiff, Defendant deceased.

PEOPLE v TRACY LEE MITCHELL, 36th District Court, 11/8/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-210-04. Dismissed by Plaintiff, Defendant deceased.

PEOPLE v IRVIN MIXON, Wayne Circuit, 3/24/2005, charged with felony larceny in a building and misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-256-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. With the plea, the larceny in a building charge was dismissed. Sentenced to pay $300 in restitution to the patron whose bucket of tokens Defendant had taken.

PEOPLE v MEAKA MONIQUE MOBLEY, 36th District Court, 9/29/2006, charged with felony cheating at a gambling game and misdemeanor larceny less than $200 at the MotorCity Casino. MSP Incident No. MCC-142-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony count of cheating at a gambling game was dismissed. Sentenced to 1 year probation, have no contact with the criminal justice system, no contact with the MotorCity Casino, perform 40 hours of community service in lieu of fines/costs, and pay $25 in restitution to the MotorCity Casino.

PEOPLE v BRYAN LEE MONAGHAN, 36th District Court, 5/9/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-33-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health (DCH), undergo whatever treatment is recommended either by his current therapist or by DCH, and pay $100 in court costs. The $1,247 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v CLAIRNELL MOODY, 36th District Court, 5/8/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-39-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health (DCH), undergo treatment for the addiction as indicated by DCH, and pay $200 in fines/costs.

PEOPLE v PHILLIP NAZAIR MOORADIAN, 36th District Court, 9/6/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-55-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation; have no contact with the casinos and the criminal justice system; screening and treatment by the Dept. of Community Health for gambling addiction or continue the voluntary treatment at Maplegrove with proof of treatment; and pay a $200 fine, a $50 Crime Victim's fee, a $45 state fee, and $30/month in supervision fees.

PEOPLE v DEBORAH ANN MOORE, Wayne Circuit, 9/9/2005, charged with 4 counts of felony uttering and publishing at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-177-04 and MGM-148-04. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing and on Incident MGM-148-04 she pled guilty to 1 count of attempted uttering and publishing. Sentenced to 90 days in jail; credit given for time served; 2 years probation; and pay $185 in restitution, $800 in attorney fees, $600 in court costs, a $60 Crime Victims fee, and $240 in supervision fees.

PEOPLE v DAMIEN RAY MORGAN, Wayne Circuit, 3/31/2006, charged with felony cheating and misdemeanor false pretenses under $200 at the Greektown Casino. MSP Incident No. GTC-199-05. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses less than $200. Sentenced to 30 days in the Wayne County Jail and given credit for time served of 30 days.

PEOPLE v ISAAC LARONE MORGAN, 36th District Court, 7/12/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-239-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment is indicated at the screening, and pay $200 in fines and $200 in costs. The $1,477.50 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v ANDRE DARELL MORRIS, 36th District Court, 10/13/2005, charged with felony illegal use of a financial transaction device and attempted false pretenses $1,000 or more, but less than $20,000, at the MotorCity Casino. MSP Incident No. MCC-340-04. Dismissed - By Plaintiff, without prejudice, as witnesses did not appear at the preliminary examination.

PEOPLE v VINCENT LAMARR MORRIS, Wayne Circuit, 6/2/2006, charged with felony cheating at a gambling game and misdemeanor false pretenses at the Greektown Casino. MSP Incident No. GTC-24-06. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses. Sentenced to 1 year probation; ordered to stay out of the casinos during that time; and pay a $250 fine, a $50 Crime Victim's fee, and a $45 state fee.

PEOPLE v LINDA ANN MORTON, 36th District Court, 10/12/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-14-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos; no contact with the criminal justice system; screening with the Dept. of Community Health for gambling addiction; follow whatever treatment is indicated after the screening; and pay within 6 months $200 in court costs, $200 in attorney fees, and a $200 fine.

PEOPLE v ALLI MOSALLAM, Wayne Circuit Court, 9/21/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of cigarettes and 130 cans of Other Tobacco Products purchased from House of Oxford, an unlicensed seller). MSP Incident No. CTT-64-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Count 1 of felony violation of the TPTA was dismissed. Sentenced to pay a $350 fine.

PEOPLE v JOHN EDWARD MOSED, 41-B District Court, 10/4/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT - 134-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA and the plea was taken under advisement for 1 year. Ordered to pay $500 in court costs.

PEOPLE v IBRAHIM KHALIL MROUEH, 36th District Court, 9/27/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-45-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delayed for 6 months. During that time, Defendant was to be screened for gambling addiction by the Dept. of Community Health, undergo whatever treatment is ordered, have no contact with the casinos, and pay $200 in court costs and a $100 fine.

PEOPLE v RENEH LAURA MSHAHWAR, 36th District Court, 11/27/2006,

charged with felony cheating at a gambling game and, in the alternative, misdemeanor obtaining money under false pretenses at the Greektown Casino. MSP Incident No. GTC-195-06. Dismissed by Court due to a mix-up -- court was told that the witnesses failed to appear, but they were present in the waiting room area and never notified that the case was going to be heard. Complaint refiled.

PEOPLE v HARBHAJAN SINGH MUL TANI, 8th District Court, 3/9/2006, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT -215-05. Dismissed - By Plaintiff, due to providing additional information and Defendant's willingness to cooperate in testifying against a co-defendant.

PEOPLE v ROCHELLE A. MUNSON-GRIFFIN, Wayne Circuit, 5/31/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-202-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 6 months probation, ordered to stay out of the casinos during that time, and pay a $400 fine and $30/month in supervision fees.

PEOPLE v BARRON MURPHY, 36th District Court, 8/19/2004, charged with felony uttering and publishing of a State Treasury Warrant. MSP Incident No. LOC-18-03. Dismissed - By Court, without prejudice. Complaint refiled.

PEOPLE v BARRON MURPHY, 36th District Court, 3/29/2006, charged with felony uttering and publishing of a State Treasury Warrant. MSP Incident No. LOC-18-03. Dismissed - By Court, Plaintiff didn't receive notice of the preliminary examination. Complaint refiled.

PEOPLE v GEORGE RONALD MURPHY, Wayne Circuit, 6/30/2005, charged with felony larceny $1,000 or more, but less than $20,000, at the Greektown Casino. MSP Incident No. GTC-246-04. Verdict - Jury, the jury found Defendant guilty of 1 count of larceny. Sentenced to 36 months probation; have drug assessment and treatment if necessary; and pay $10,160 in restitution, $10/month in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v DENNIS JOHN MURRY, Ionia Circuit, 9/29/2005, charged with felony violation of the Income Tax Act. MSP Incident No. LOC-39-02. Plea Agreement, Defendant pled guilty to a misdemeanor income tax violation. Sentenced to a $100 fine, $100 in court costs, $40 state court costs, and a $60 Crime Victim's fee.

PEOPLE v ANGELA ANISE MYRICK, Wayne Circuit, 5/19/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-106-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation, undergo regular urine drops, and pay $250/year in supervision fees.

PEOPLE v AKRAM GORGIS NAMOU, 36th District Court, 2/22/2005, charged with felony pinching a bet and larceny $200 or more, but less than $1,000, at the MGM Grand Casino. MSP Incident No. MGM-208-04. Plea Agreement, Defendant pled guilty to attempted larceny of between $200 and $1,000, a 6-month misdemeanor. Sentenced to pay a $300 fine, court costs of $45, and $20 in administrative fees.

PEOPLE v KASSEM NASSEREDDINE, Macomb Circuit, 11/9/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT - 197 -04. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 18 months probation; a DNA sample was ordered; and pay court costs of $40/month, supervision fees of $40/month, a Crime Victim's fee of $60, and $60 in state costs.

PEOPLE v SHEILA JEAN NEAL, 36th District Court, 10/13/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP

Incident No. MGM-58-05. Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During this time, Defendant was to pay $200 in court costs and to stay out of the Detroit casinos.

PEOPLE v WESLEY NEAL, JR., Wayne Circuit Court, 11/22/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-315-05. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 18 months to 14 years with the Michigan Dept. of Corrections to run concurrent with the 4 other cases he had pending.

PEOPLE v DRAGO NENADOVICH, Wayne Circuit, 4/11/2006, charged with felony violation of the Michigan Gaming Control Act and misdemeanor attempted larceny by false personation $200-$1,000 at the Greektown Casino. MSP Incident No. GTC-149-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny by false personation. Sentenced to pay a $1,000 fine.

PEOPLE v LYNA NGUYEN NGO, 36th District Court, 3/22/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Plaintiff, without prejudice. Complaint refiled with additional evidence.

PEOPLE v LYNA NGUYEN NGO, 36th District Court, 5/5/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Court, for insufficient showing of probable cause. Complaint refiled.

PEOPLE v XICH VAN NGO, 36th District Court, 3/22/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Plaintiff, without prejudice. Complaint refiled with additional evidence.

PEOPLE v XICH VAN NGO, 36th District Court, 5/5/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Court, for the insufficient showing of probable cause. Complaint refiled.

PEOPLE v NGOC LAN-THI NGUYEN, 36th District Court, 10/5/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-112-06. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment program that was recommended, and pay a $200 fine and $200 in court costs.

PEOPLE v SERENA KHA NGUYEN, 36th District Court, 8/2/2006, charged with misdemeanor minor in a casino. MSP Incident No. MGM-01-06. Plea Agreement, Defendant pled guilty to the minor in a casino charge and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, perform 30 hours community service, and pay $200 in court costs and a $200 fine.

PEOPLE v TAI THI NGUYEN, 36th District Court, 3/22/2005, charged with felony cheating at a casino game, conspiracy to cheat at a casino game, conspiracy to commit larceny over $20,000, and larceny in a building at the MotorCity Casino. MSP Incident No. MCC-294-04. Dismissed - By Plaintiff, without prejudice.

Complaint refiled with additional evidence.

PEOPLE v TAI THI NGUYEN, 36th District Court, 5/5/2005, charged with felony casino cheating, and conspiracy to cheat at a gambling game at the MotorCity Casino. MSP Incident No. MCC-274-04. Dismissed - By Court, for the insufficient showing of probable cause. Complaint refiled.

PEOPLE v BALRAJ NIJHON, 36th District Court, 2/7/2006, charged with 3 counts of misdemeanor trespass by a disassociated person at the Greektown Casino and MotorCity Casino. MSP Incident Nos. GTC-218-04, GTC-60-05, and MCC-142-05. Plea Agreement, Defendant pled guilty to 1 count of trespass by a disassociated person. In exchange for the plea, Incidents GTC-60-05 and MCC-142-05 were dismissed. Sentenced to 6 months, non-reporting probation; attend Gamblers Anonymous meetings once a week; cannot have contact with the casinos; completed and discharged from outpatient counseling for gambling addiction; and pay a $200 fine and $200 in court costs.

PEOPLE v MOHAMMED KAYED ODEH, 36th District Court, 10/19/2005, charged with 2 counts of felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-243-04. Dismissed - By Court; complaint was filed in the wrong district court. Complaint refiled in 18th District Court.

PEOPLE v MICHAEL MCKINLEY ODETTE, 36th District Court, 6/6/2005, charged with 2 counts of misdemeanor false pretenses under $200 at the Greektown Casino and MotorCity Casino. MSP Incident Nos. GTC-256-04 and MCC-369-04. Plea Agreement, Defendant pled guilty to obtaining money under false pretenses less than $200. In exchange for the plea, the other charge in Incident GTC-256-04 was dismissed. Sentenced to 1 year probation; no contact with the Greektown Casino and the MotorCity Casino; and pay a $100 fine, $200 in court costs, $120 in restitution to the MotorCity Casino, and $100 in restitution to the Greektown Casino.

PEOPLE v VIRGINIA ANN ORMANIAN, 36th District Court, 10/11/2005, charged with 2 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and MGM Grand Casino. MSP Incident Nos. MCC-190-04 and MGM-61-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, Incident MCC-190-04 was dismissed. Sentenced to 1 year probation; continue treatment with her therapist showing proof of treatment; attend Gamblers Anonymous meetings at least once a week; and pay a $100 fine, $200 in court costs, and probation oversight fees were to be assessed.

PEOPLE v SERGIO OROZCO-FRANCO, 36th District Court, 10/17/2005, charged with misdemeanor underage gambling at the MGM Grand Casino. MSP Incident No. MGM-192-04. Plea Agreement, Defendant pled guilty to underage gambling and the plea was taken under advisement for 6 months. During that time, Defendant was to have no contact with the MGM Grand Casino, no contact with the criminal justice system and pay $200 in court costs.

PEOPLE v AlMAN R. OTHMAN, Wayne Circuit, 11/3/2005, charged with 3 counts of felony Tobacco Products Tax Act (TPTA) violations. MSP Incident No. CTT - 212-04. Plea Agreement, Defendant pled guilty to 1 count of attempted violation of the TPTA and in exchange for that plea, the remaining charges were dismissed Sentenced to 2 years probation and was to report to jail. Forfeited about $35,000 in tobacco products and a van.

PEOPLE v ARVINDBHAI KAMBOYA PATEL, 36th District Court, 5/4/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-171-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, have no contact with the casinos, screening for gambling addiction by the

Dept. of Community Health, undergo whatever treatment was indicated, and pay a $100 fine.

PEOPLE v CHANDANBEN CHANDULAL PATEL, 36th District Court, 5/9/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-334-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment was recommended after the screening, and pay $200 in court costs. The $3,200 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v CHANDRAKANT VRAJLAL PATEL, 36th District Court, 6/22/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-38-05. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken on advisement for 1 year. During that year, Defendant was to continue having no contact any Detroit casino, screening through the Dept. of Community Health, complete any treatment and/or counseling, provide proof as provided by probation, and perform 90 days community service in lieu of fines/costs.

PEOPLE v RAHUL MAHESH PATEL, Wayne Circuit Court, 12/20/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (seizure of Other Tobacco Products purchased from an unlicensed, out-of-state supplier). MSP Incident No. CTT-29-06. Plea Agreement, Defendant pled guilty to attempted violation of the TPTA. Sentenced to 1 year probation; can't change his address without notifying probation; maintain employment at a minimum of 30 hours/week; and pay a $60 state fee, a $60 Crime Victim's fee, a $500 fine, and $600 in court costs.

PEOPLE v SAMIT RASIKLAL PATEL, Wayne Circuit Court, 11/8/2006, charged with felony cheating at a gambling game and misdemeanor false pretenses under $200 at the Greektown Casino. MSP Incident No. GTC-17-06. Plea Agreement, Defendant pled guilty to misdemeanor false pretenses less than $200. In exchange for the plea, Count 1 was dismissed. Sentenced to 1 year probation; have no contact with the casinos; and pay a $350 fine, a $50 Crime Victim's fee, and $45 in state costs.

PEOPLE v KAVITA LANNELL PATTERSON, Wayne Circuit, 2/22/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-96-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation and pay $250 in court costs, $25/month in supervision fees, and attorney fees.

PEOPLE v DAWN DENISE PAULING, Wayne Circuit Court, 12/15/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-62-06. Plea Agreement, Defendant pled guilty to an amended charge of attempted uttering and publishing. Sentenced to 1 year probation; maintain employment at a minimum of 30 hours/week; and pay a $60 state fee, a $60 Crime Victim's fee, $120 in supervision fees, $175 in court costs, and $400 in attorney fees; may perform 125 hours of community service in lieu of paying costs/fees.

PEOPLE v CORLES MARIE PENN, Wayne Circuit, 1/27/2005, charged with felony larceny in a building and misdemeanor larceny a1 the MotorCity Casino. MSP Incident No. MCC-188-03. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and pay $50/month in restitution, attorney fees of $250, a Crime Victim's fee of $50, a state fee of $45, and court costs of $165; may perform 75 hours of community service in lieu of fees/costs.

PEOPLE v SHENIKA NICOLE PENTECOST, 36th District Court, 11/21/2005, charged with 1 count misdemeanor gambling activities making a bet while under the age of 21, and 1 count of obstructing an officer by disguise at the MotorCity Casino. Plea Agreement, Defendant pled guilty to underage gambling. In exchange for the plea, Count 2 of obstructing an officer by disguise was dismissed. This plea was taken under advisement for 6 months and during that time, Defendant was to have no contact with the MotorCity Casino and enroll in college courses or pay $500 in court costs.

PEOPLE v MICHAEL ANDREW PERRY JR., 36th District Court, 6/15/2005, charged with misdemeanor gambling, or aiding and abetting in gambling, by a minor and disorderly person at the MotorCity Casino. MSP Incident No. MCC-36-05. Plea Agreement, Defendant pled guilty to disorderly person. Sentenced to pay a fine of $250.

PEOPLE v PAMELA JEFFERSON PETTY, Wayne Circuit Court, 12/7/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-295-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation and pay $2,000 in restitution, $60 in state costs, and $250/year in court costs ($30/month).

PEOPLE v SEAN DARREN PITTMAN, 36th District Court, 8/1/2006, charged with misdemeanor malicious destruction of property at the MotorCity Casino. MSP Incident No. MCC-390-01. Plea Agreement, Defendant pled guilty to malicious destruction of property. Sentenced to 1 year probation, no contact with the casinos, participate for 12 weeks in anger management classes, remain on his medications and continue treatment for mental illness, and pay the MotorCity Casino $200 in restitution.

PEOPLE v NIKO PLUMAJ, 36th District Court, 11/21/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-139-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was ordered not to return to any of the Detroit casinos, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment recommend, and pay $400 in fines/costs. Of the moneys seized at the time of arrest, $5,200 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v COREY ALAN POPE, Wayne Circuit Court, 9/14/2006, charged with 2 counts of felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-156-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation; have no contact with the Detroit casinos; and pay a $60 Crime Victim's fee, $60 in state costs, and a $200 supervision fee.

PEOPLE v MICHAEL ANTHONY POSTON, Wayne Circuit Court, 9/14/2006, charged with felony cheating at a gambling game and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-111-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating at a gambling game charge was dismissed. Sentenced to 5 days in jail. Upon payment of a $350 fine, the Defendant could be released from custody.

PEOPLE v ERIC JEROME POWELL, 36th District Court, 1/18/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-64-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, Defendant was to attend Gamblers Anonymous meetings at least once every 2 weeks and pay a $50 Crime Victim's fee.

PEOPLE v TIFFANY GENINE PRICE, 36th District Court, 12/22/2005, charged with 2 counts of felony larceny in a building and 1 count of misdemeanor larceny less than $1,000 at the MotorCity Casino. MSP Incident No. MCC-67-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony count of larceny in a building was dismissed. Sentenced to 4 months, non-reporting probation; attend a suitable class regarding gaming recommended by probation; and pay $340 in restitution and a $200 fine.

PEOPLE v SCHNETHIA AVIS PRITCHARD, Wayne Circuit, 12/20/2005, charged with felony uttering and publishing and illegal use of another's personal identifying information at the MotorCity Casino. MSP Incident No. MCC-345-04. Plea Agreement, Defendant pled guilty to uttering and publishing. With the plea, Count 2 was dismissed. Sentenced to 3 years probation; attend outpatient drug treatment; and pay $60 in state fees, c $60 Crime Victim's fee, $320 in supervision fees, $600 in court costs, and $600 in attorney fees.

PEOPLE v TONY AZIZ PUTRUS, 36th District Court, 5/23/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-268-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and pay $100 in fines and $100 in court costs.

PEOPLE v MAHDY MOHAMMED QASEM, 36th District Court, 03/22/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-109-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation (permitted to report by mail when out of town but can only leave the jurisdiction when traveling for business); have no contact with the casinos; screening for gambling addiction by the Dept. of Community Health; undergo treatment after screening if recommended; resolve all outstanding criminal cases (5 misdemeanor and civil infraction traffic cases); and pay a $200 fine, $200 in court costs, and $500 in attorney fees.

PEOPLE v NAJIB H-M QASEM, Wayne Circuit, 4/8/2005, charged with felony larceny in a building and misdemeanor larceny less than $200 at the MGM Grand Casino. MSP Incident No. MGM-10-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and to pay $200 in court costs; may perform community service in lieu of paying costs.

PEOPLE v UN XUE QING, 36th District Court, 5/18/2006, charged with felony pinching a bet at the MGM Grand Casino. MSP Incident No. MGM-117-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny greater than $200, but less than $1,000. Sentenced to 6 months probation and pay $300 in fines, $100 in court costs, a $50 Crime Victim's Fee, $40 in state assessment fees, and $20 per month supervision fees.

PEOPLE v ELAINE RAMSEY, 36th District Court, 5/22/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-182-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and perform 30 hours of community service in lieu of fines/costs. The $237.50 in casino cheques seized upon arrest were to be converted to cash or check and turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v ERICKA RENEE REED, 36th District Court, 1/4/2006, charged with misdemeanor underage gambling at the Greektown Casino. MSP Incident No. GTC-144-02. Plea Agreement, Defendant pled guilty to underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the Detroit casinos and pay $200 court costs within 2 months.

PEOPLE v LILLIE RUTH REED-BURKE, 36th District Court, 6/28/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-175-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction with the Dept. of Community Health, undergo treatment for gambling addiction as indicated after screening and pay $200 in fines/costs. The $3,450 in winnings seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v VOLTAIRE IDA RICE, Wayne Circuit, 6/23/2006, charged with 2 counts of felony uttering and publishing and 1 count of resisting and obstructing arrest at the Greektown and MGM Grand Casinos. MSP Incident Nos. GTC-56-06 and MGM-58-06. Plea Agreement, Defendant pled guilty to uttering and publishing counterfeit notes. In exchange for the plea, the other charges and a habitual offender notice were dismissed. Sentenced to 3 years probation with the first 90 days to be served in the Wayne County Jail, credit given for 5 days time served, perform 60 hours community service per year, continue drug and gambling addiction counseling, and pay $30 in restitution.

PEOPLE v MIKE RICHMEN, 36th District Court, 3/8/2005, charged with a felony of casino cheating for pinching a bet at the MGM Grand Casino and, in the alternative, misdemeanor larceny over $200, less than $1,000. Dismissed - By Plaintiff, without prejudice.

PEOPLE v ANTOINETTE RISER, Wayne Circuit, 3/8/2005, charged with felony conspiracy to utter and publish a false or fraudulent check and uttering and publishing a false or fraudulent check at the MotorCity Casino. MSP Incident No. MCC-95-03. Dismissed- - By Court, Defendant deceased.

PEOPLE v JOHNNIE LEE ROBERTS, 36th District Court, 12/6/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-366-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 2 years, reporting probation; no contact with the Detroit casinos; no contact with the criminal justice system; screening and treatment if prescribed for gambling addiction through the Dept. of Community Health; and pay $200 in court costs, a $200 fine, and oversight fees were to be determined by probation.

PEOPLE v DEBORAH I. ROBINSON, Wayne Circuit, 4/6/2006, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-343-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation and to pay $800 in restitution to the MotorCity Casino, $60 in state costs, a $60 Crime Victim's fee, $120 in supervision fees, $600 in court costs, and $600 in attorney fees.

PEOPLE v REYMONA MARIA ELEZABETH ROBINSON, Wayne Circuit, 10/25/2005, charged with 4 counts of felony casino cheating at a gambling game and 1 count of conspiracy at the MGM Grand Casino. MSP Incident No. MGM-106-04. Plea Agreement, Defendant pled guilty to 1 count of attempted casino cheating. In exchange for the plea agreement, the remaining counts were dismissed. Sentenced to 1 year probation; no gambling or contact with the casinos; and pay a $60 Crime Victim's fee, a $60 state fee, $120 in supervision fees, $165 in court costs, $400 in

attorney fees, and $712.50 in restitution to the MGM Grand Casino.

PEOPLE v CESAR DANILO ROJAS, 61st District Court, 10/14/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-170-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $745 fine.

PEOPLE v SUMERGIDA R. ROJAS, 61 st District Court, 10/14/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-170-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to pay a $745 fine.

PEOPLE v DEON DERRALL ROLLINS, 36th District Court, 3/15/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-152-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 6 months probation, pay $200 in court costs, attend Gamblers Anonymous meetings at least once a week, clear up his operator's license with the Secretary of State, and stay out of the Detroit casinos.

PEOPLE v PAUL EDWARD ROLLINS, 36th District Court, 1/4/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-54-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, screening for gambling addiction with the Dept. of Community Health with treatment if recommended, and pay $200 in court costs within 2 months.

PEOPLE v TAMARA DARLENE ROLLINS, Wayne Circuit, 7/10/2006, charged with felony uttering and publishing and conspiracy to uttering and publish at the MotorCity Casino. MSP Incident No. MCC-245-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probation; have no contact with the Michigan Gaming Control Board regulated casinos; and pay $60 in state court costs, a $60 Crime Victim's fee, $180 in supervision fees ($10/month), and $300 in attorney fees.

PEOPLE v DARRYL SPENCER ROWELL, Wayne Circuit Court, 8/31/2006, charged with felony uttering and publishing and conspiracy at the MotorCity Casino. MSP Incident No. MCC-233-05. Plea Agreement, Defendant pled guilty to uttering and publishing. In exchange for the plea, the conspiracy count was dismissed. Sentenced to 5 years probation with 365 days in jail and credit given for 105 days time served.

PEOPLE v CALVIN LEE RUFF, Wayne Circuit Court, 10/3/2006, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-223-05. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing. In exchange for the plea, the 2nd count of uttering and publishing was dismissed. Sentenced to 60 days at the Michigan Dept. of Corrections (concurrent with MDOC sentence from an Oakland County case of 18 months to 7 years), pay $331 in restitution as a condition of parole, and the $169 seized upon arrest was to be forfeited to the MotorCity Casino.

PEOPLE v PIERRE DELLVAR RUFFIN, 36th District Court, 3/6/2006, charged with felony uttering and publishing and conspiracy to utter and publish at the MotorCity Casino. MSP Incident No. MCC-245-05. Dismissed - By Plaintiff, without prejudice, as the necessary witness in this matter could not be located and served.

PEOPLE v TERRENCE RUFFIN, 36th District Court, 11/7/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-50-05. Plea Agreement, Defendant pled guilty to trespass by a

disassociated person and the plea was taken under advisement for 6 months. Defendant to pay $200 in court costs.

PEOPLE v DOMINIC PAUL RULE, Ottawa Circuit, 3/13/2006, charged with 2 counts of felony violation of the Income Tax Act. MSP Incident No. LOC-37-04. Plea Agreement, Defendant pled guilty to 1 count of felony income tax violation. The 2nd count for violation of the Income Tax Act was dismissed. Sentenced to pay $1,657 in restitution, $60 in court costs, a $60 Crime Victim's fee, a $1,000 fine, and $456 in attorney fees. If Defendant failed to pay these ordered amounts, he was to be jailed for 90 days.

PEOPLE v HAITHAM NAZEM SAAD, 36th District Court, 9/13/2006, charged with felony cheating at a gambling game and alternatively misdemeanor false pretenses under $200 at the Greektown Casino. MSP Incident No. GTC-60-06. Dismissed - By Plaintiff, case dismissed because the person arrested provided the wrong name and personal information to the MSP at the casino.

PEOPLE v JALIL HANNA SAAD, 36th District Court, 10/19/2006, charged with felony cheating at a gambling game and in the alternative misdemeanor obtaining money under false pretenses less than $200 at the Greektown Casino. MSP Incident No. GTC-154-06. Plea Agreement, Defendant pled guilty to misdemeanor obtaining money under false pretenses less than $200. In exchange for the plea, Count 1 was dismissed. Sentenced to 1 year probation, no contact with Greektown Casino, no contact with the criminal justice system, and to pay $500 in fines and costs.

PEOPLE v REDA ABDUL-MENHEM SALEH, Wayne Circuit Court, 9/8/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-82-05. Plea Agreement, Defendant pled guilty to an attempted felony TPTA violation. Sentenced to 18 months probation and pay $60 in state costs, a $60 Crime Victim's fee, $720 ($40/month) in supervision fees, and $600 in court costs. Restitution was to be handled by a Dept. of Treasury assessment.

PEOPLE v JOANNE SANDERS, Wayne Circuit, 2/10/2006, charged with 4 counts of felony illegal use of a financial transaction device and 1 count of conspiracy at the MGM Grand Casino. MSP Incident No. MGM-238-04. Plea Agreement, Defendant pled guilty to 2 counts of possession of a financial transaction device without consent. Sentenced to 2 years probation and pay a $60 Crime Victim's fee, $240 in supervision fees, and $400 in attorney fees.

PEOPLE v TERRANCE DARNELL SANDERS, 36th District Court, 10/13/2005, charged with 5 counts of felony illegal use of a financial transaction device at the MGM Grand Casino. MSP Incident No. MGM-238-04. Dismissed - By Court, without prejudice.

PEOPLE v EDWARD ELIAS SAVAYA, 36th District Court, 6/27/2006, charged with misdemeanor trespass by a disassociated persor at the MotorCity Casino. MSP Incident No. MCC-54-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the criminal justice system, no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment was indicated, and pay $200 in fines and $200 in costs.

PEOPLE v CAROLANN KISH SCHAFRANEK, 36th District Court, 5/3/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-11-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction through the Dept. of Community Health, undergo any treatment indicated after the screening, and pay

$100 in court costs.

PEOPLE v EUGENE ROBERT SCHULTZ, 36th District Court, 11/1/2005, charged with 2 counts of misdemeanor obtaining money under false pretenses and 1 count of false pretenses at the MotorCity Casino. MSP Incident No. MCC-144-04. Dismissed - By Court as the result of Defendant's payment of restitution to the MotorCity Casino in the amount of $494.85.

PEOPLE v SAMIR SALIM SESI, Chippewa Circuit, 3/15/2006, charged with felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-157-04. Dismissed - By Court, without prejudice.

PEOPLE v RUSSELL GARY SEXTON, Wayne Circuit Court, 10/20/2006, charged with felony cheating at a gambling game and misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-113-06. Plea Agreement, Defendant pled guilty to Count 2 of larceny less than $200. In exchange for the plea, Count 1 was dismissed. Sentenced to pay a fine of $200.

PEOPLE v BAJES M. SHAHEEN, Van Buren Circuit, 6/29/2005, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-99-04. Plea Agreement, Defendant pled guilty to attempted felony TPTA violation. Sentenced to 5 days in jail, credit given of 5 days time served, pay $60 in state court costs, a $60 Crime Victim's fee, and $575 in attorney fees; given until 9/1/2005 to pay the costs/fees or would receive an additional 58 days in jail.

PEOPLE v RYAN P. SHANNON, 36th District Court, 8/10/2005, charged with misdemeanor underage gambling and minor consumption of alcohol at the MGM Grand Casino. MSP Incident No. MGM-230-03. Plea Agreement, Defendant pled guilty to underage gambling and minor consumption of alcohol. Sentenced to 18 months probation; credit given for probation served; and pay a $200 fine, $150 in court costs, and a $50 Crime Victim's fee (dismissal upon payment of the fine, costs, and fee).

PEOPLE v DAVID LYNN SHARPE, 36th District Court, 2/24/2006, charged with 2 counts of felony tampering with a slot machine and 1 count conspiracy at the MGM Grand Casino. MSP Incident No. MGM-172-01. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and pay $1,000 in restitution and $350 in court costs. Upon payment of the restitution and court costs, Defendant would be discharged from probation since he was still on probation in another state for about 3 more years.

PEOPLE v DERHONDA LACHELLE SHIELDS, Wayne Circuit, 8/23/2006, charged with 4 counts of felony uttering and publishing at the MGM Grand Casino and MotorCity Casino. MSP Incident Nos. MGM-69-05 and MCC-85-05. Plea Agreement, Defendant pled guilty to 1 count of uttering and publishing and with the plea, the 3 counts of uttering and publishing in Incident MCC-85-05 were dismissed. Sentenced to 1 year probation; continue employment at a minimum of 30 hours/week, and pay $60 in state fees, a $60 Crime Victims fee, $480 in supervision fees ($40/month), and court costs of $600.

PEOPLE v KAMAL ALI SHUKEIR, Oakland Circuit Court, 11/30/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA) (seizure of 29 cartons of cigarettes with Ohio tobacco stamps & approx. $7,500 worth of Other Tobacco Products without invoices). MSP Incident No. CTT-244-05. Plea Agreement, Defendant pled guilty to 2 counts of misdemeanor violation of the TPTA. In exchange for the plea, the 2 counts of felony violation of the TPTA were dismissed. Sentenced to pay a $900 fine, a $50 Crime Victim's fee, and $80 in state court costs.

PEOPLE v DEANDRE MARQUISE SIMMONS, Wayne Circuit, 10/5/2005,

charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-114-02. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 6 months probation; have no contact with the criminal justice system during that time; and pay a $60 Crime Victim's fee, $180 in court costs, $60 in state fees, and $50/month probation oversight fees. Defendant would be released from probation upon payment of costs/fees.

PEOPLE v JAMES THOMAS SIMPSON, JR., 36th District Court, 4/28/2005, charged with misdemeanor larceny in a building at the MotorCity Casino. MSP Incident No. MCC-202-01. Dismissed - By Court.

PEOPLE v RANIBIR SINGH, 10th District Court, 8/3/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) (other tobacco product possession). A count of misdemeanor violation of the TPTA was added at the preliminary examination on the court record. MSP Incident No. CTT-222-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, the felony violation of the TPTA was dismissed. Sentenced to pay a fine of $100, $245 in court costs, and a $50 Crime Victim's fee.

PEOPLE v WOJCIECH TOMASZ SKIBINSKI, 36th District Court, 11/16/2006, charged with 2 counts of felony uttering and publishing and furnishing false information to a police officer at the MGM Grand Casino. MSP Incident No. MGM-149-06. Dismissed by Plaintiff.

PEOPLE v MONIQUE FRANCOISE SMITH, Wayne Circuit, 2/2/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-78-03. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probation and to pay a $60 state fee, a $60 Crime Victims fee, $180 in supervision fees, and $247.50 in court costs.

PEOPLE v RODERICK FITZGERALD SMITH, 36th District Court, 11/28/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-14 7 -05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year (first 6 months reporting probation). During that time, Defendant was to have no contact with any casino, no contact with the criminal justice system, and screening and treatment if necessary by the Dept. of Community Health for gambling addiction.

PEOPLE v SHAWN BOYD SMITH, Wayne Circuit Court, 8/31/2006, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-58-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 12 months probation and pay $60 in state costs, a $60 Crime Victim's fee, $120 in supervision fees, $200 in court costs, and $500 in attorney fees.

PEOPLE v MIKE HALLAB SOBH, Wayne Circuit, 2/24/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-220-04. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. In exchange for the plea, Count 1 of felony violation of the TPTA was dismissed and it was agreed that 2 other possible incidents (CTT-245-05 and CTT-247-05) would not be pursued. Sentenced to pay a $500 fine.

PEOPLE v ROBBIE NELSON SPENCER, Wayne Circuit, 3/24/2005, charged with 2 counts of felony larceny in a building and misdemeanor larceny less than $200 at the Greektown Casino. MSP Incident Nos. GTC-01-05 and GTC-05-05. Plea Agreement, Defendant pled guilty to 1 count of larceny in a building. In exchange for the plea, Incident GTC-05-05 was dismissed. Sentenced to 2 years probation, 90-120 days in the Jail Base (JB3) program (intensive inpatient drug treatment). Upon release from the JB3 program, Defendant was to attend 90 AA/NA meetings in 90 days; maintain legitimate employment at a minimum of 30 hours/week, complete any

outpatient drug treatment program; have no drugs or alcohol during probation; and pay a $120 state fee, a $60 Crime Victim's fee, $240 in supervision fees, $450 in attorney fees, and $120 court costs; may perform 120 hours of community service in lieu of costs.

PEOPLE v ROBBIE NELSON SPENCER, Wayne Circuit, 10/11/2005, charged with 3 counts of felony larceny in a building and 1count of misdemeanor larceny at the Greektown Casino and MotorCity Casino. MSP Incident Nos. GTC-13-05 and MCC-17-05. Plea Agreement, Defendant pled guilty on both of his cases to misdemeanor larceny and larceny in a building. Sentenced to 3 years probation with the first year in the Wayne County Jail. While in jail, Defendant was to receive in-house drug treatment. Thereafter, ordered to stay out of the casinos and pay $60 in state costs, a $60 Crime Victim's fee, $240 in supervision fees, $240 in fines/costs, and $400 in attorney fees.

PEOPLE v KAREN MAY STAFFORD, 36th District Court, 8/23/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-90-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino, no contact with the criminal justice system, screening by the Dept. of Community Health for gambling addiction, complete whatever treatment if any is ordered, and pay a $150 fine and a $50 Crime Victim's fee. The $4.95 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v LAKEISHA ICY STANTON, Wayne Circuit, 8/15/2006, charged with felony uttering and publishing of counterfeit traveler's checks and possession of marijuana at the MGM Grand Casino. MSP Incident No. MGM-44-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 18 months probation with the first 6 months reporting probation and pay a $60 Crime Victims fee, $180 in supervision fees ($10/month), $450 in court costs, and $400 in attorney fees.

PEOPLE v BILL ANTHONY STEELE, Wayne Circuit, 11/3/2005, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-49-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation; maintain at least 30 hours per week of employment; and pay $60 in state costs, a $60 Crime Victim's fee, $120 in supervision fees/year, $200 in court costs, and $500 in attorney fees.

PEOPLE v SUZANNE RACHELLE STEWART, 36th District Court, 8/17/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-109-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening and treatment if necessary by the Dept. of Community Health for gambling addiction, attend Gambler's Anonymous meetings at least 2 times/week until screened, and pay a $200 fine and a $45 justice fee.

PEOPLE v LARRY THOMAS STRACE, 36th District Court, 3/1/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-51-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement. Sentenced to attend Gambler's Insight and pay a $200 fine and $200 in court costs.

PEOPLE v CHRISTOPHER RYAN STRITT, Wayne Circuit Court, 10/5/2006, charged with felony larceny in a building of $20,000 or more at the MotorCity Casino. MSP Incident No. MCC-200-05. Plea Agreement, Defendant pled guilty to attempted larceny over $20,000. Sentenced to 3 years probation to run concurrent

with his Washtenaw County probation with numerous conditions including not to engage in any gambling activities, and to pay $500 in court costs, $60 in state costs, a $60 Crime Victims fee, and restitution to MotorCity of $1,659.50 (defendant took $36,900, MSP recovered $20,800 from family members & defendant's car was returned for $14,440.50).

PEOPLE v MIN KI SUN, 36th District Court, 11/28/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-156-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation with reporting probation for the first 6 months, screening and treatment if necessary by the Dept. of Community Health for gambling addiction, have no contact with the casinos, and pay $200 in fines and $200 in court costs.

PEOPLE v MARGARET ANN SWANSON, 36th District Court, 8/16/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-92-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino anywhere, no contact with the criminal justice system, screening by the Dept. of Community Health for gambling addiction, any treatment ordered must be completed, continue attending Gambler's Anonymous meetings at least 3 times/week, and pay $250 in court costs and $30/month in supervision fees.

PEOPLE v MARGARET ANN SWANSON, 36th District Court, 9/14/2006, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-61-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, have no contact with the casinos, no contact with the criminal justice system, continue with the current therapy at Maplegrove (once/week), continue with attending Gamblers Anonymous meetings (3 times/week), attend Alcoholics Anonymous (once/week), and pay a $100 fine and $200 costs.

PEOPLE v GWENDOLYN DELORES TANSIL, Wayne Circuit, 9/29/2005, charged with felony larceny in a building and misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-67-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, Count 1 of larceny in a building was dismissed. Sentenced to 1 year probation; no contact with the MotorCity Casino; and pay $200 in restitution, $165 in court costs, a $50 Crime Victim's fee, a $45 state fee, and $400 in court-appointed attorney fees.

PEOPLE v DARRYL TRAMANE TATE, 36th District Court, 8/4/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-47-05. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person and the plea was taken under advisement for 6 months with reporting probation. During that time, Defendant was to undergo screening for gambling addiction with the Dept. of Community Health, complete any treatment recommended, have no contact with the casinos, and pay $200 in court costs.

PEOPLE v YWATANNA SAMONE TAYLOR, 36th District Court, 2/13/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-24-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation; continue treatment for gambling addiction until discharged by her therapist; attend Gamblers Anonymous meetings; and pay a $200 fine, $300 in attorney fees, a $50 Crime Victim's fee, and $360 in probation oversight fees.

PEOPLE v EDWARD WILLIAM TERRELL, Wayne Circuit Court, 9/29/2006,

charged with felony financial transaction device possession and attempted false pretenses over $1,000, but less than $20,000 at the Greektown Casino, and supplemented as a habitual offender. MSP Incident No. GTC-73-06. Plea Agreement, Defendant pled guilty to a 1-year misdemeanor of false pretenses. Sentenced to 12 months probation; ordered to stay out of the casinos; and pay $45 in court costs, a $45 state fee, and $10/month supervision fees.

PEOPLE v SA VON JANICE THOMAS, 36th District Court, 10/12/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-62-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence was delayed for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment is indicated after the screening, and pay a $100 fine and $200 in court costs. Of the moneys seized at the time of arrest, $1,348 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v ROSHA MARIE THOMASON, Wayne Circuit, 8/23/2005, charged with felony uttering and publishing and use of a financial transaction device without consent at the MotorCity Casino. MSP Incident No. MCC-298-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing and attempted use of a financial transaction device without consent. Sentenced to 2 years probation; maintain 30 hours/week employment; and pay $60 in state costs, a $60 Crime Victim's fee, $150/year in supervision fees, and $200 in court costs; in lieu of paying fees/costs, may perform 60 hours of community service.

PEOPLE v ANTHONY BRYCE THOMPSON, 36th District Court, 9/26/2006, charged with misdemeanor underage gambling at the MGM Grand Casino. MSP Incident No. MGM-62-03. Plea Agreement, Defendant pled guilty to underage gambling. Sentenced to 6 months probation and pay $200 in court costs, a $100 fine, and all his outstanding driving tickets.

PEOPLE v DEVON MAURICE THOMPSON, Wayne Circuit Court, 10/18/2006, charged with felony cheating at a gambling game and in the alternative misdemeanor larceny at the Greektown Casino. MSP Incident No. GTC-09-06. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the felony cheating at a gambling game count was dismissed. Sentence delayed sentence and ordered to enroll in a drug treatment program at Woodward Counseling in Flint (Defendant's home) informing the court of the particulars and submit to urine screening; and if clean, the court would impose a 3-month probation. Also, pay $400 in fines/costs, $60 in state court costs, and a $60 Crime Victim's fee.

PEOPLE v TERRY LEE THOMPSON, 36th District Court, 10/6/2005, charged with 1 count of felony larceny in a building and 1 count of misdemeanor larceny at the MotorCity Casino. MSP Incident No. MCC-297-03. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation, perform 30 days community service, and undergo urinalysis testing.

PEOPLE v LINDA LEE THORNE, Wayne Circuit, 5/16/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-317-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation; alcohol and drug testing; maintain 30 hours/week employment or perform 15-20 hours/week of community service; and pay a $60 Crime Victim's fee, $60 in state costs, $120 in supervision fees, $165 in court costs, and $500 in attorney fees; may perform 125 hours of community service in lieu of paying fees/costs.

PEOPLE v LAQUITA MONIQUE THORNTON, Wayne Circuit, 5/24/2006, charged with 2 counts of felony uttering and publishing at the MotorCity Casino. MSP

Incident No. MCC-220-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentence delayed for 1 year. During that year, defendant was to undergo drug and alcohol testing, substance/gambling abuse screening; obtain a GED in 6 months; and pay $1,600 in restitution ($135/month), $60 in state fees, a $60 Crime Victim's fee, $150 in court costs, and $500 in attorney fees; may perform 100 hours of community service in lieu of fines/costs.

PEOPLE v MALICK TOURE, 36th District Court, 3/8/2005, charged with 2 counts of felony of fraudulent possession of a financial transaction device and 1 count of obtaining money under false pretenses at the Greektown Casino. MSP Incident No. GTC-186-02. Dismissed - By Court.

PEOPLE v DING QUANG TRUONG, Wayne Circuit, 4/4/2005, charged with felony pinching a bet and misdemeanor larceny under $200 at the Greektown Casino. MSP Incident No. GTC-252-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation, ordered to stay out of all casinos, and pay $700 in court costs.

PEOPLE v STEPHEN RICHARD TRUSCON, 36th District Court, 12/19/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-140-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation and pay $300 in court costs, $360 in supervision fees, and $120 in lab fees.

PEOPLE v STEPHEN RICHARD TRUSCON, 36th District Court, 6/27/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-364-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. Court costs of $200 was imposed to be paid within a month.

PEOPLE v ANGELO CHRISTOS TSOTSOS, Wayne Circuit, 8/9/2005, charged with felony attempt to falsely claim money from a gambling game without having made the wager at the MotorCity Casino. MSP Incident No. MCC-67-04. Plea Agreement, Defendant pled guilty to attempt to falsely claim money from a gambling game. Sentenced to 1 year probation; perform 60 hours in community service; and pay a $60 Crime Victim's fee, $120 in supervision fees, $600 in court costs, $400 in attorney fees, and a $60 state fee.

PEOPLE v CHARLES MCKINLEY TUCKER, 36th District Court, 3/20/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-80-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, screening for gambling addiction by the Dept. of Community Health, undergo whatever treatment is recommended until discharged in writing, attend Gamblers Anonymous meetings at least once a week, and pay $200 in court costs.

PEOPLE v YASMEN TUCKER, Wayne Circuit, 2/23/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-178-04. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 1 year probation; attend Gamblers Anonymous through the probationary period; and pay a $60 Crime Victims fee, a $60 state fee, $120 in supervision fees, $165 court costs, $450 in attorney fees, and a $165 fine.

PEOPLE v WILMA LATRICE TURNER, Wayne Circuit Court, 11/29/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-241-05. Plea Agreement, Defendant pled guilty to an amended count of attempted uttering and publishing. Sentenced to 1 year probation, 30-90 days in JB3, credit given for 1 day time served, attend Alcoholic Anonymous meetings, and pay a $60 Crime Victim's fee and $60 in state costs.

PEOPLE v MELISSA BARBIE TYSZKOWSKI, 36th District Court, 1/25/2005, charged with misdemeanor underage gambling and underage consumption of alcohol at the MGM Grand Casino. MSP Incident No. MGM-213-02. Plea Agreement, Defendant pled guilty to underage gambling. The court dismissed the underage possession of alcohol charge. Sentenced to non-reporting probation and must obtain a GED.

PEOPLE v MARY ANNE ULICNY, 36th District Court, 10/27/2005, charged with felony larceny in a building and misdemeanor larceny at the MGM Grand Casino. MSP Incident No. MGM-103-05. Plea Agreement, Defendant pled guilty to misdemeanor larceny. In exchange for the plea, the larceny in a building charge was dismissed. Sentence was delayed for 6 months. During that time, Defendant was to have no contact with the MGM Grand Casino and pay a $50 Crime Victim's fee or perform 15 days of community service in lieu of court costs. The $250 seized at the time of arrest was to be returned to Anthony Pertilli, the victim.

PEOPLE v ISSA HASSAN UNIS, Wayne Circuit, 4/21/2006, charged with 2 counts of felony violation of the Tobacco Products Tax Act. MSP Incident No. CTT-81-05. Verdict - Acquittal, at a jury trial, Defendant was found not guilty.

PEOPLE v RITCHIE J. VANDERBILT, 36th District Court, 6/7/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-40-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health with treatment as indicated after screening, and pay $250 in court costs. Since Defendant lived in Ohio, probation was transferred to Cleveland, Ohio.

PEOPLE v WILLIAM LOUIS VAUGHN, 36th District Court, 10/3/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-88-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation, have no contact with the casinos, screening for gambling addiction by the Dept. of Community Health with treatment if necessary, and pay $200 in court costs. The $470 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v STANFORD VEAL, 36th District Court, 4/28/2005, charged with misdemeanor larceny less than $200 at the MotorCity Casino. MSP Incident No. MCC-206-03. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 1 year probation and pay $14 in restitution.

PEOPLE v SANDRA LEE VINE, Wayne Circuit, 9/26/2005, charged with felony larceny $1-$20,000 at the MGM Grand Casino. MSP Incident No. MGM-85-04. Plea Agreement, Defendant pled guilty to attempted larceny. Sentence delayed for 6 months. During that time, Defendant was ordered to stay out of the Detroit casinos and pay state costs of $60, a supervisory fee of $600 ($100/month), court costs of $82.50 ($13.75/month), and a Crime Victims' fee of $60.

PEOPLE v THANG VO, 36th District Court, 12/28/2006, charged with felony gambling violation and misdemeanor attempted larceny by false pretenses less than $200, but less than $1,000, at the MGM Grand Casino. MSP Incident No. MGM-161-06. Plea Agreement, Defendant pled guilty to misdemeanor attempted false pretenses. In exchange for the plea, Count 1 of cheating at a gambling game was dismissed. Sentenced to 6 months probation, have no contact with the MGM Grand Casino, and pay $200 in fines/costs.

PEOPLE v LIONEL MILTON WADE, 36th District Court, 7/14/2006, charged with misdemeanor underage gambling at the MotorCity Casino. MSP Incident No. MCC-10-04. Plea Agreement, Defendant pled guilty to misdemeanor underage gambling.

Sentenced to 1 year probation; have no contact with the MotorCity Casino; and pay a $50 Crime Victim's fee, $40 in state fees, $50 in court costs, a $100 fine, and $75 in attorney fees.

PEOPLE v AHMAD H. WAHAB, 36th District Court, 11/17/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-60-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 6 months. During that time, defendant was to have no contact with any casino and pay $200 in court costs. The $100 in checks seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v DEANDRE LASHAWN WALKER, Wayne Circuit, 6/27/2005, charged with 2 counts of felony illegal use of a financial transaction device, uttering and publishing, and embezzlement less than $1,000 at the Greektown Casino. MSP Incident No. GTC-183-03. Plea Agreement, Defendant pled guilty to misdemeanor larceny. Sentenced to 8 months probation and pay $200 in restitution, $20/month in supervision fees, and $200 in costs/fees.

PEOPLE v ORON LAMAR WALKER, Wayne Circuit Court, 12/12/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-98-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation; must register as a sex offender and show proof of registration; assessment for drug, alcohol, and gambling addiction; follow whatever treatment is deemed necessary after the assessment; have no contact with the casinos, maintain legitimate employment at a minimum of 30 hours/week; and pay a $60 state fee, a $60 Crime Victim's fee, $120/year in supervision fees, $175/year in court costs, and $400 in attorney fees; may perform 125 hours of community service in lieu of paying fees/costs.

PEOPLE v BRANDON MICHAEL WALSH, 36th District Court, 6/9/2006, charged with misdemeanor gaming by a minor at the Greektown Casino. MSP Incident No. GTC-51-06. Charges amended to aiding and abetting underage gambling. Plea Agreement, Defendant pled guilty to aiding and abetting underage gambling and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the Greektown Casino, no contact with the criminal justice system, perform 50 hours of community service, and pay $200 in court costs and $200 in attorney fees.

PEOPLE v SHAUN KELLY WALSH, 36th District Court, 9/13/2006, charged with misdemeanor gaming by a minor and alcohol consumption at the Greektown Casino. MSP Incident No. GTC-51-06. Plea Agreement, Defendant pled guilty to underage gambling. With the plea, the alcohol consumption count was dismissed. Sentenced to 6 months probation and pay $200 in court costs and $200 in attorney fees.

PEOPLE v INGRID WARE, 36th District Court, 4/26/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-48-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to 1 year probation; have no contact with the casinos; and pay $200 in fines, $200 in court costs, a $50 Crime Victim's fee, and $200 in attorney fees. The $3,100 seized upon arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v TERRY MILTON WARE, Wayne Circuit Court, 12/19/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-66-06. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 2 years probation; undergo outpatient drug treatment at Elmhurst; maintain legitimate employment at a minimum of 30 hours/week; perform 150 hours of community service; and pay $60 in state costs, a $60 Crime Victim's fee, $600 in supervision fees, $600 in court costs, and $400 in attorney fees.

PEOPLE v DARRIO MARTELL WARREN, Wayne Circuit, 7/12/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-316-05. Plea Agreement, Defendant pled guilty to attempted uttering and publishing. Sentenced to 3 years probation; attend boot camp; undergo drug testing; perform 15 hours of community service if he does not have a job working a minimum of 30 hours/week; obtain a GED; and pay $600 in court costs, a $60 Crime Victim's fee, $120 in supervision fees, and $400 in attorney fees. His probation on another case was terminated.

PEOPLE v RONALD KEITH WASSENAAR, 58th District Court, 11/22/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA) and misdemeanor miscellaneous violations of the TPTA. MSP Incident No. CTT-81-06. Plea Agreement, Defendant pled guilty to miscellaneous violations of the TPTA. In exchange for the plea, the felony violation of the TPTA was dismissed. Sentenced to pay a fine of $800 and ordered to immediately submit to a urine test as Defendant tested positive for marijuana at his arraignment. If Defendant tested positive to THC, the court was going to impose a jail term of 30 days, with credit given for 1 day time served. The court also had Defendant disclose his marijuana source.

PEOPLE v ROBERT LEE WATERS JR., 36th District Court, 1/11/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-202-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to have no contact with any casinos, attend Gamblers Anonymous at least once a week, and was given 30 days to pay $200 in court costs and $200 in court-appointed attorney fees.

PEOPLE v HAZEL JEAN WEAVER, 36th District Court, 7/13/2005, charged with misdemeanor trespass by a disassociated person at the Greektown Casino. MSP Incident No. GTC-19-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentence delay for 6 months. During that time, Defendant was to attend Gamblers Anonymous meetings once/week; have no contact with the casinos; and pay a $100 fine, $200 in court costs, and a $30 probation oversight fee.

PEOPLE v DANIEL AARON WEDER, Wayne Circuit, 1/10/2006, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-229-03. Plea Agreement, Defendant pled guilty to uttering and publishing and a habitual offender supplement was dismissed. Sentenced to 2 years probation; perform 100 hours of community service; received credit for 2 days time served; and pay $60 in state court costs, $1,200 in oversight fees, $600 in court costs, and a $60 Crime Victim's fee; may perform an additional 75 hours of community service in lieu of paying costs/fees.

PEOPLE v DEJUAN LEE WHITE, 36th District Court, 6/13/2006, charged with 4 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident Nos. MCC-50-05, MCC-55-05, MCC-129-05, and MCC-175-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person on Incident MCC-50-05. In exchange for the plea, Incidents MCC-55-05, MCC-129-05, and MCC-175-05 were dismissed. Sentenced to 6 months probation; attend Gambler Anonymous meetings; and pay a $300 fine, $200 in court costs, $200 in attorney fees, and probation was to determine the monthly oversight fees.

PEOPLE v ERIC WHITE, 36th District Court, 6/30/2005, charged with misdemeanor larceny less than $200 at the MotorCity Casino. MSP Incident No. MCC-19-03. Plea Agreement, Defendant pled guilty to larceny under $200. Sentenced to 6 months reporting probation, warned to stay out of the Detroit casinos, and pay over the term of probation a $100 fine and $200 in court costs.

PEOPLE v LESLIE BERNARD WHITE, 36th District Court, 5/12/2005, charged with felony larceny in a building and larceny less than $200 at the MGM Grand

Casino. MGM-113-04. Plea Agreement, Defendant pled guilty to misdemeanor larceny. With that plea, the felony count of larceny in a building was dismissed. Sentenced to 1 year probation; ordered to stay out of the casinos; and pay a $200 fine, $100 in court costs, a $50 Crime Victim's fee, and $360 in supervision fees.

PEOPLE v HOWARD LARON WILEY, 36th District Court, 7/25/2005, charged with felony false pretenses $200 to $1,000 at the MotorCity Casino. MSP Incident No. MCC-305-04. Plea Agreement, Defendant pled guilty to false pretenses over $200, but less than $1,000, and the plea was taken under advisement for 1 year. During that time, Defendant was to have no contact with the MotorCity Casino and given 60 days to pay $200 in court costs and $102.33 in restitution to the MotorCity Casino.

PEOPLE v PATRICK ALLEN WILEY, 36th District Court, 11/15/2006, charged with 4 counts of misdemeanor trespass by a disassociated person at the MotorCity Casino and the Greektown Casino. MSP Incident Nos. MCC-293-05, GTC-211-05, MCC-323-05, and MCC-34-06. Plea Agreement, Defendant pled guilty to Incident MCC-293-05 and Incident MCC-323-05. In exchange for the plea, Incidents GTC-211-05 and MCC-34-06 were dismissed. Sentenced to 1 year probation, have no contact with the casinos, attend Gamblers Anonymous meetings at least twice a week, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment program is indicated after the screening, provide verification of all medication to the probation department, and pay a $200 fine and $200 in court costs.

PEOPLE v DONALD ANDREW WILLIAMS, 36th District Court, 1/7/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-227-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to pay a $500 fine, $100 in court costs, a $45 state fee, and a $50 Crime Victim's fee.

PEOPLE v DONALD LARUE WILLIAMS, 36th District Court, 7/27/2005, charged with misdemeanor embezzlement of $54.00 at the Greektown Casino. MSP Incident No. GTC-94-01. Dismissed - By Court, without prejudice, Plaintiff's witnesses were not present.

PEOPLE v GLENDALE WILLIAMS, Wayne Circuit, 3/21/2006, charged with felony larceny in a building and misdemeanor embezzlement of less than $200 at the Greektown Casino. MSP Incident No. GTC-150-05. Plea Agreement, Defendant pled guilty to misdemeanor embezzlement under $200. With the plea, the felony larceny in a building count was dismissed. Sentenced to pay a $500 fine.

PEOPLE v JAMES EDWARD WILLIAMS, Wayne Circuit, 3/30/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-127-04. Plea Agreement, Defendant pled guilty to uttering and publishing. With the plea, Plaintiff agreed not to supplement as a habitual offender. Sentenced to 18 months probation and to pay $800 in restitution (paid $750 on 3/30/2006; the remaining $50 balance was to be paid over the first 3 months of probation).

PEOPLE v PAULETTE WILLIAMS, 36th District Court, 1/7/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-227-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. Sentenced to pay $500 in fines, $100 in court costs, a $45 state fee, and a $50 Crime Victim's fee. The $1,800 in winnings seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v SHNEAL RUTH WILLIAMS, 36th District Court, 9/13/2005, charged with 2 counts of felony larceny in a building at the MotorCity Casino. MSP Incident No. MCC-87-05. Dismissed - By Court, without prejudice as MSP was unable to have the property available for the preliminary examination. Complaint refiled.

PEOPLE v BLAKE WILMS, 36th District Court, 9/8/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-251-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to continue outpatient treatment at Maplegrove; continue attending Gambler's Anonymous meetings at least once a week; have no contact with any casino; and pay $200 in fines/costs, a $50 Crime Victim's fee, and a $45 state fee. Of the moneys seized at the time of arrest, $3,349 was to go to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v EBONIE NADIYAH WILSON, Wayne Circuit Court, 10/20/2006, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-271-05. Dismissed by Court, Defendant entered a plea of guilty to attempted uttering and publishing. With the plea, Defendant agreed to cooperate with MSP in identifying the check ring who supplied her.

PEOPLE v JENNETTA KIMBERLY WILSON, 36th District Court, 8/24/2006, charged with felony uttering and publishing at the MGM Grand Casino. MSP Incident No. MGM-267-04. Dismissed - By Court, as Plaintiff was unable to provide subpoenaed witnesses timely notice due to e-mail complications. Complaint refiled.

PEOPLE v LEON GERALD WILSON, Wayne Circuit, 3/2/2005, charged with felony uttering and publishing at the MotorCity Casino. MSP Incident No. MCC-130-04. Plea Agreement, Defendant pled guilty to uttering and publishing. With the plea, the possession of marijuana charge was dismissed. Sentenced to 1 year probation and pay $400 court costs and $600 attorney fees.

PEOPLE v RAYMOND DESHAWN WILSON, Wayne Circuit Court, 10/3/2006, charged with felony uttering and publishing and misdemeanor possession of marijuana at the MGM Grand Casino. MSP Incident No. MGM-64-06. Plea Agreement, Defendant pled guilty to uttering and publishing. Sentenced to 2 years probation; undergo drug testing; obtain a GED or be working a minimum of 30 hours a week; and pay a $60 Crime Victim's fee, $60 in state costs, $120 in supervision fees, $600 in court costs, and $400 in attorney fees; may perform community service to pay costs/fees if not employed.

PEOPLE v VICKIE RENEE WILSON, 36th District Court, 11/29/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-134-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with casinos, no contact with the criminal justice system, continue her ongoing treatment with her therapist for gambling addiction until she is discharged by the therapist, and pay $200 in fines/costs and $200 in attorney fees.

PEOPLE v MICHAEL DEWAYNE WOODSON, 36th District Court, 8/17/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-108-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with any casino; no contact with the criminal justice system; screening and treatment if necessary through the Dept. of Community Health for gambling addiction; attend Gambler's Anonymous meetings at least twice/week until screened; and pay a $200 fine, a $45 justice fee, $25 in attorney fees, and $30/month in supervision fees. The $66 seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v JUDITH LYNN WOZNIAK, Wayne Circuit, 3/21/2006, charged with felony uttering and publishing, aiding and abetting another with intent to defraud,

stolen state personal Identification Card, and unauthorized use of another's financial transaction device at the MotorCity Casino. MSP Incident No. MCC-255-05. Plea Agreement, Defendant pled guilty to use of another's personal ID without permission and with intent to defraud and possession of another's financial transaction device. With the plea, the remaining two counts were dismissed. Sentenced to 2 years probation with 11 months in jail (concurrent with an Oakland County sentence); permanently barred from the Detroit casinos; undergo alcohol and drug testing; and pay $60 in state costs, a $60 Crime Victim's fee, $240 in supervision fees ($10/month), $600 in court costs ($10/month), and $400 in attorney fees ($10/month).

PEOPLE v GUYlA KATRISE WRENS-ARMSTEAD, 36th District Court, 6/14/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-50-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no contact with the casinos, screening by the Dept. of Community Health for gambling addiction with whatever treatment ordered, and pay a $350 fine and $50 in court costs.

PEOPLE v SOZAN DHIA YALDA, 36th District Court, 10/10/2006, charged with 2 counts of misdemeanor trespass by a disassociated person at the MGM Grand Casino and the MotorCity Casino. MSP Incident Nos. MGM-119-06 and MCC-60-06. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, Incident No. MCC-60-06 was dismissed. Sentenced to 1 year probation. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screened for gambling addiction by the Dept. of Community Health, undergo treatment for gambling addiction as indicated after the screening, and pay a $100 fine and $200 court costs.

PEOPLE v KANER YALDO, 17th District Court, 8/12/2006, charged with felony and misdemeanor violation of the Tobacco Products Tax Act (TPTA) (seizure of Other Tobacco Products with no invoices). MSP Incident No. CTT-66-06. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. With the plea, the felony TPTA charge was dismissed. Sentenced to pay a $300 fine, $300 in court costs, a $50 Crime Victim's fee, and $45 in state costs.

PEOPLE v MYUNG HWA YI, 36th District Court, 4/5/2006, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-291-05. Plea Agreement, Defendant pled guilty to trespass by a disassociated person. In exchange for the plea, Incident No. MGM-190-05 was dismissed. Sentenced to 1 year probation; have no contact with casinos or the criminal justice system; screening for gambling addiction by the Dept. of Community Health with treatment if deemed necessary; and pay $100 in court costs, a $50 Crime Victim's fee, and $30/month in probation oversight fees. The $131 in chips and $18,217 seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v RENEE DENISE YOUNG, Wayne Circuit, 6/30/2005, charged with felony uttering and publishing at the Greektown Casino. MSP Incident No. GTC-190-04. Plea Agreement, Defendant pled to attempted uttering and publishing. Sentenced to 2 years probation; obtain a GED; have 30 hours/week employment; undergo Gambler's Anonymous and drug assessments; and pay $60 in state costs, a $60 Crime Victim's fee, $120 in supervision fees, and $600 in attorney fees; may perform 150 hours in community service in lieu of paying fees/costs.

PEOPLE v AOUDISHO DAWOOD YOUSIF, 36th District Court, 4/18/2005, charged with misdemeanor trespass by a disassociated person at the MotorCity Casino. MSP Incident No. MCC-315-04. Plea Agreement, Defendant pled guilty to trespass by a disassociated person and the plea was taken under advisement for 1 year. During that year, Defendant was to have no further contact with the casinos,

attend Gamblers Anonymous at least once/week through the probationary period, and pay $200 court costs. The $30.95 as winnings seized at the time of arrest was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v EDWARD YOUSIF, 36th District Court, 3/9/2005, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-04-04. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person. Sentenced to 1 year, non-reporting probation; ordered to remain out of the Detroit casinos, and pay $200 court costs. Of the moneys seized at the time of arrest, $3,435 was to be turned over to the Michigan Compulsive Gambling Prevention Fund.

PEOPLE v ADEL ODEH ZAHRAN, 16th District Court, 3/14/2006, charged with felony violation of the Tobacco Products Tax Act (TPTA). MSP Incident No. CTT-86-05. Plea Agreement, Defendant pled guilty to misdemeanor violation of the TPTA. Sentenced to 1 year, non-reporting probation with the condition that there would be no further TPTA violations by Defendant and pay a $500 fine, $500 in court costs, $45 in state court costs, and a $50 Crime Victim's fee within 30 days or spend 30 days in jail.

PEOPLE v ODAY MAHMOUD ZEIDIEH, 36th District Court, 10/9/2006, charged with misdemeanor trespass by a disassociated person at the MGM Grand Casino. MSP Incident No. MGM-104-06. Plea Agreement, Defendant pled guilty to misdemeanor trespass by a disassociated person. Sentence delayed for 1 year. During that year, Defendant was to have no contact with the casinos, no contact with the criminal justice system, screening for gambling addiction by the Dept. of Community Health, follow whatever treatment plan is indicated, and pay a $200 fine and $200 in court costs.

**Child Support Enforcement Division - Prosecutions 2005 - 2006**

PEOPLE v ADKINS, WILLIAM ANDREW, Pled Guilty, 01/05/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $31,087.00, Court Cost - Amount: $1,320.00.

PEOPLE v ALMOND, WILLIAM JACK, Pled Guilty, 11/03/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 180, Restitution - Amount: $71,975.49, Extradition Fees - Amount: $1,201.51.

PEOPLE v AUSTIN, JOSEPH JAMES, Pled Guilty, 10/03/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation -Years: 3, Restitution - Amount: $54,789.08, Fine & Cost - Amount: $1,380.00.

PEOPLE v ADKINSON JR, MARVIN D, Dismissed Civil Remedies Available, 07/14/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ADKINSON JR, MARVIN D, Dismissed Civil Remedies Available, 07/14/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ALEXANDER, PATRICIA EILEEN, Pled Guilty, 10/16/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 30, Fine & Cost - Amount: $600.

PEOPLE v ALEXANDER, JOHN C, Dismissed Restitution Made, 05/02/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ALEXANDER, RICHARD DALE, Dismissed Legal Issues, 10/11/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ANDERSON, BRIAN EUGENE, Pled Guilty, 04/17/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $13,915.85, Court Cost - Amount: $120.00.

PEOPLE v ANTHONY, ANTHONY, Pled Guilty, 10/03/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 36, Restitution – Amount: $400.00, Fine & Cost – Amount: $600.00.

PEOPLE v ARIZOLA, JAMES HENRY ALEXANDER, Pled Guilty, 10/18/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 42, Restitution – Amount: $16,888.18, Fine & Cost – Amount: $720.00.

PEOPLE v ARNOLD, JEFFREY SCOTT, Pled Guilty, 10/31/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v ARNOLD, DANNY WENDELL, Dismissed Restitution Made, 10/02/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v AUGUSTA, VASHAWN, Pled Guilty, 10/05/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, Restitution – Amount: $16,428.49, Court Cost – Amount: $3,273.00.

PEOPLE v AUSTIN, STEVEN ROBERT, Pled Guilty, 10/06/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 30, Restitution – Amount: $11,214.30, Other – Amount: $1,020.00.

PEOPLE v AUSTIN, NATHAN ALLEN, Pled Guilty, 09/07/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, County Jail – Days: 53, Days Credit: 53, Restitution – Amount: $60,738.82, Extradition Fees – Amount: $813.01.

PEOPLE v AVERY, JR., TERRY LEE, Pled Guilty, 06/14/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, Restitution – Amount: $43,229.64.

PEOPLE v AVEY, JOHN DESSIE, Dismissed Restitution Made, 05/17/2006, Delta County 47th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v AYERS, ROBERT RAY, Dismissed Civil Remedies Available, 04/19/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v AYYOUB, ANWAR DAKLALLAH, Dismissed Restitution Made, 05/03/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BAKER, ROBERT CHRISTIAN, Dismissed Restitution Made, 01/31/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BARNETT, DENNIS FREDERICK, Pled Lesser, 06/13/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Restitution – Amount: $21,377.60, Months: 60, Fine & Cost – Amount: $260.00.

PEOPLE v BARRETT, VICTOR LAMONT, Dismissed – Agreement, 11/04/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BERGMANN, BRUCE LEE, Dismissed – Agreement, 05/30/2006, Charlevoix County 33rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BIGGS, TRAVIS, Dismissed Legal Issues, 10/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BOLES, DANNY E., Pled Guilty, 05/24/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60, $1,500 p/mo from August 15, 2005, through June 15, 2006, $1,200 p/mo from 7/15/06 through end of probation, Cost & Fees - Amount: $985.00.

PEOPLE v BRATVOGEL, KENNETH CHARLES, Dismissed Restitution Made, 08/11/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BROCK, KENNETH EMIA, Pled Guilty, 10/27/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Defendant paid $22,000; and the case was dismissed per plea agreement.

PEOPLE v BROCKLEY, HAROLD WAYNE, Pled Guilty, 10/23/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation – Months: 60, Restitution – Amount: $71,785.57, Fees & Costs – Amount: $1,719.87.

PEOPLE v BROWN, DEON LARAY, Pled Guilty, 08/16/2005, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution.

PEOPLE v BRUMFIELD, RICHARD ASHLEY, Pled Guilty, 09/11/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 150, Fine & Cost - Amount: $420.00.

PEOPLE v BAILEY, DAVID ROGER, Dismissed Restitution Made, 12/12/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BANKS, STEVEN JAY, Pled Guilty, 06/06/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60 @

$10/month, County Jail – Days: 45, Restitution – Amount: $71,802.60, Fees & Costs – Amount: $720.00.

PEOPLE v BARGAR, KEITH ALLEN, Pled Guilty, 10/04/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentencing Pending.

PEOPLE v BARNES, BRIAN SCOTT, Pled Guilty, 08/25/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 30, Restitution - Amount: $52,211.59.

PEOPLE v BARNES, BRIAN SCOTT, Dismissed, Plea/Conviction on Another Case, 08/25/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation -Years: 5, County Jail - Days: 30, Restitution - Amount: $52,211.59.

PEOPLE v BARRETT II, JEFFERY SCOTT, Dismissed Legal Issues, 01/18/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BARRETT JR, DENNIS RICHARD, Dismissed Legal Issues, 08/19/2006, Presque Isle County 53rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BARTON, SCOTT LANDON, Pled Guilty, 05/30/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Delayed.

PEOPLE v BATEN, WILLIAM DOWELL, Pled Lesser, 05/25/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $10,732.31, Fine & Cost - Amount: $1,825.00.

PEOPLE v BATES, GARY ROMMEL, Dismissed, Plea/Conviction on another Case, 10/04/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BATES, GARY ROMMEL, Dismissed, Plea/Conviction on another Case, 10/04/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BATES, GARY ROMMEL, Dismissed, Plea/Conviction on another Case, 10/04/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BATES, KENNETH ALAN, Dismissed Legal Issues, 08/16/2005, Gratiot County 29th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BAYER, KENNETH ROBERT, Pled Guilty, 09/20/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $62,088, Fine & Cost - Amount: $1,500.00.

PEOPLE v BAZZANI, FREDERICK ANDREW, Pled Guilty, 07/31/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, Restitution - Amount: $18,366.08, Court Cost.

PEOPLE v BAZZETT, RONALD WAYNE, Dismissed Legal Issues, 06/28/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BECKEM, JOHN MAURICE, Dismissed - Agreement, 10/10/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v BELGER, CARL THOMAS, Pled Guilty, 11/14/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 24-48, County Jail - Days Credit: 117, Restitution - Amount: $12,828.50, Other.

PEOPLE v BELLMORE, JOHN PAUL, Pled Guilty, 08/17/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Delayed Sentence.

PEOPLE v BENNETT, TIMOTHY CHARLES, Pled Guilty, 10/13/2005, Calhoun County 37th Circuit Ct – Calhoun, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $13,136.

PEOPLE v BENSON, VICTOR LEROY, Pled Guilty, 09/28/2006, Osceola County 49th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v BENTZ, CARL M, Pled Guilty, 10/10/2006, Wayne County 3rd Circuit Criminal, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v BERNHARDT, BRYAN RAY, Pled Guilty, 09/25/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Days: 86, Days Credit: 86, Restitution - Amount: $24,368.00, Extradition Fees - Amount: $250.00, Court Cost - Amount: $1,620.00.

PEOPLE v BERRY, JEFFREY SCOTT, Pled Guilty, 03/16/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $47,572.98, Court Cost - Amount: $720.00.

PEOPLE v BERRY, JAY CHARLES, Pled Guilty, 12/19/2005, Lapeer County 40th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Days: 180, Days Credit: 30, Restitution - Amount: $1,710.00, Other - Amount: $790.00.

PEOPLE v BINDER, GARY LEE, Dismissed Restitution Made, 06/13/2006, Huron County 52nd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BINGLE, PAUL MICHAEL, Pled Guilty, 08/15/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County - Days: 92, Days Credit: 92, Restitution - Amount: $42,818.47, Court Cost - Amount: $2,200.00.

PEOPLE v BIRDSALL, SHELDON RAY, Pled Guilty, 11/06/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v BISEL, SCOTT DAVID, Pled Guilty, 06/02/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $31,390.30, Other - Amount: $3,720.00.

PEOPLE v BIXLER, WILLIAM EDWARD, Pled Guilty, 11/15/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 90, Days Credit: 81, Restitution - Amount: $47,225.50.

PEOPLE v BLANCHARD, BRENT DEAN, Pled Guilty, 11/30/2006, Branch County 15th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 67, Restitution, Extradition Fees - Amount: $1,311.43, Court Cost - Amount: $120.00.

PEOPLE v BLANKENSHIP, TIMOTHY KEITH, Dismissed Restitution Made, 08/31/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BLOM, ERIK MICHAEL, Dismissed - Agreement, 10/18/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v BOLTON, MICHAEL RUSSELL, Dismissed - Agreement, 05/09/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BONAFEDE, JOSEPH DANIEL, Pled Guilty, 04/25/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $11,628.20, Court Cost - Amount: $220.00.

PEOPLE v BONAFEDE III, JOSEPH DANIEL, Pled Guilty, 04/25/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $31,518.08, Court Cost - Amount: $220.00.

PEOPLE v BONHAM, TIMOTHY DAVID, Dismissed - Reauthorized, 10/28/2005, Branch County 15th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BONNER, ERNEST LUTHER, Dismissed Civil Remedies Available, 12/14/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BOOSO, ROBERT ALAN, Pled Guilty, 12/13/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v BORGELING, ERIC PAUL, Dismissed Restitution Made, 06/30/2005, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BOVEE, MICHAEL DUANE, Pled Lesser, 06/06/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v BOWEN JR, RONNIE GALE, Pled Guilty, 08/18/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 270, Days Credit: 53, Restitution - Amount: $32,888.26.

PEOPLE v BOWERS, JUSTIN MARK, Pled Guilty, 11/13/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v BOWERS, JERRY MICHAEL, Pled Guilty, 06/09/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v BOWMAN, REX D, Dismissed Restitution Made, 10/31/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BRACKNEY, GREGORY L, Dismissed Legal Issues, 06/28/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BRADFORD JR, RAYMOND, Pled Guilty, 06/06/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 60, Jail – Days: 64, Days Credit: 65, Restitution – Amount: $56810.48, Fines & Cost – Amount: $500.00.

PEOPLE v BRADLEY, EILEEN, Dismissed Restitution Made, 11/08/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BRATVOGEL, KENNETH, Dismissed - Agreement, 08/11/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BRECKENRIDGE, DANIEL D, Pled Guilty, 06/29/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 65, Days Credit: 65, Fine & Cost - Amount: $720.00.

PEOPLE v BRECKENRIDGE, DANIEL D, Pled Guilty, 06/29/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 65, Days Credit: 65, Other - Amount: $1,320.00.

PEOPLE v BREELAND, ADAM ROSS, Dismissed Restitution Made, 10/21/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BREWER, ERIC PAUL, Pled Guilty, 07/24/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v BRIODY, JOHN PATRICK, Pled Guilty, 07/28/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 2, Days Credit: 2, Restitution - Amount: $37,433.40, Other - Amount: $1,080.00.

PEOPLE v BRISTOW, DONALD HUNTER, Pled Lesser, 10/03/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $22,066.67, Fine & Cost - Amount: $1,020.00.

PEOPLE v BROWN, MATTHEW JAMES, Pled Lesser, 08/21/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - 5, Fine & Cost - Amount: $720.00.

PEOPLE v BROWN, DONALD EVERETT, Dismissed Restitution Made, 06/16/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v BRUIN, LISA JO, Pled Lesser, 02/22/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 30, Other - Amount: $420.00.

PEOPLE v BUFORD, TERRY ANGELO, Pled Guilty, 11/30/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Sentence Pending.

PEOPLE v BULLOCK III, THEODORE, Pled Guilty, 12/20/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail Days: 120, Days Credit: 57, Restitution - Amount: $26,852.30, Extradition Fees - Amount: $900.88.

PEOPLE v BUNCE, TIMOTHY ALLAN, Dismissed - Agreement, 09/30/2005, Ionia County 8th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v BURKE, NOEL, Pled Guilty, 06/27/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BURKETT, MILTON JAMES, Pled Lesser, 09/15/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Disorderly Person- Non Support, Probation - Years: 2, 002 Restitution - Amount: $26,001.40, Fine & Cost - Amount: $935.00.

PEOPLE v BURTON, JERRY A, Dismissed Restitution Made, 11/14/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v BUTALA, PAUL EDWARD, Pled Guilty, 09/06/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v CALLOWAY, JERRY LOGAN, Pled Guilty, 12/06/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v CARNEY, RAYMOND ROBERT, Pled Guilty, 01/05/2005, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 51, Days Credit: 51, Restitution - Amount: $2,713.86.

PEOPLE v CHERNICKY, RICHARD TIMOTHY, Pled Guilty, 11/09/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 180, Days Credit: 199, Court Cost - Amount: $2,400.00.

PEOPLE v CHRISTIANSON, JOHN ALBERT, Pled Guilty, 02/28/2005, Osceola County 49th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 1, Restitution - Amount: $16,021.

PEOPLE v CLEVELAND, ROBERT HARDY AKA ROBERT, Dismissed Restitution Made, 06/15/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CODY, STEVEN ERNEST, Pled Guilty, 04/11/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60, County Jail – Months: 6, Restitution – Amount: $138,929.11, Fines & Costs – Amount: $720.00.

PEOPLE v COLE, KATHLEEN JO, Pled Guilty, 08/22/2005, Alpena County 26th Circuit Ct – Montmorency, Child Support-Failing to Pay.

PEOPLE v COLEMAN, MARK WEBSTER, Pled Lesser, 01/28/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $40,000.00.

PEOPLE v COLLINS, JR., JIMMIE LEE, Pled Guilty, 06/06/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 5, Days Credit: 1, Restitution - Amount: $22,506.75, Other - Amount: $420.00.

PEOPLE v COMP, JR., DAVID LESLIE, Dismissed Defendant Died, 11/22/2005, Barry County 5th Judicial Circuit Court, Absconding or Forfeiting Bond.

PEOPLE v CORSER, GEORGE PATRICK, Pled Guilty, 10/25/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 90, Days Credit: 70, Restitution - Amount: $149,310.12, Other - Amount: $4,680.00.

PEOPLE v COX, MICHAEL SHAWN, Pled Lesser, 02/02/2005, Oakland County 6th Circuit – Oakland, Habitual Offender-Third Offense Notice, 003 Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 90, Days Credit: 48, Restitution - Amount: $45,478, Other - Amount: $1,920.00.

PEOPLE v CULVAHOUSE, JR., JOHN LLOYD, Dismissed by Court, 11/21/2006, Delta County 47th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v CURTIS, JAMES RAYMOND, Pled Guilty, 01/01/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $52,081, Fine & Cost - Amount: $2,100.00.

PEOPLE v CALLENDER, DAVID WILLIAM, Pled Guilty, 11/28/2006, Wayne County 3rd Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentencing.

PEOPLE v CAMPBELL, DAVID SCOTT, Dismissed Restitution Made, 04/13/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CAMPBELL, BRADLEY VINCENT, Pled Guilty, 12/21/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v CANTER, HASKELL, Pled Guilty, 11/29/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v CAPUTO SR, PAUL THOMAS, Dismissed Restitution Made, 10/27/2006, Cass County 43rd Circuit Ct - Cass County, Child Support-Failing to Pay.

PEOPLE v CARLISLE, DALE FRANCIS, Pled Guilty, 09/25/2006, St. Joseph

County 45th Judicial Circuit Court, Child Support-Failing to Pay, Probation, Restitution - Amount: $18,546.46.

PEOPLE v CARR, ALLEN BERNARD, Dismissed Restitution Made, 04/12/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CARR, ALLEN BERNARD, Dismissed Restitution Made, 04/12/2006, Genesee County 7th Judicial Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v CARR, ALLEN BERNARD, Dismissed Restitution Made, 04/12/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CARR, JEFFERY ALLEN, Pled Lesser, 01/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $14,729.11, Other - Amount: $1,920.00.

PEOPLE v CARSON, RICK EDWARD, Pled Guilty, 10/25/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $15,355.93, Other.

PEOPLE v CARTER, DAVID D., Pled Lesser, 05/24/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation Months: 60, Restitution - Amount: $18,750.00, Fine & Cost - Amount: $960.00.

PEOPLE v CARTER JR, LEONARD BERTRUM, Pled Guilty, 07/11/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v CASTILLO, OCTAVIO, Pled Guilty, 08/21/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Fine & Cost - Amount: $720.00.

PEOPLE v CHADWELL, JEFFERSON GLENDALE, Pled Guilty, 11/07/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $36,456.09, Other - Amount: $720.

PEOPLE v CHAMBERS, MARK JOSEPH, Pled Guilty, 10/20/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 70, Days Credit: 70, Restitution - Amount: $51,467.54, Extradition Fees - Amount: $1,187.98, Court Cost - Amount: $820.00.

PEOPLE v CHAPPELL, CORREY E, Dismissed - Agreement, 10/27/2006, Montmorency County 26th Circuit Ct – Montmorency, Child Support-Failing to Pay.

PEOPLE v CHURCH, STEPHEN RAY, Pled Guilty, 08/28/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v CHILES, RONALD LAYTION, AKA RONALD LAYTON CHILES, Pled Guilty, 10/03/2006, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 6, Restitution, Fine & Cost - Amount: $125.00.

PEOPLE v CLARK, THOMAS TIMOTHY, Dismissed Restitution Made, 07/07/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v COCKE, HELEN CATHERINE, AKA HELEN HILGENDORF, Pled Guilty, 10/23/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $15,337.30.

PEOPLE v COLLINS, BRYAN ALBERT, Dismissed Restitution Made, 10/18/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v COMER, SAM, Dismissed Restitution Made, 08/02/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CONAWAY, WILLIE BOBBY, Pled Lesser, 08/08/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Restitution - Amount: $400.00, Probation - Months: 60, Fine & Costs - Amount: $600.00.

PEOPLE v COOK, ROBERT L, Pled Guilty, 08/03/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $56,929.62, Fines & Costs - Amount: $660.00.

PEOPLE v COOPER SR, MARSHALL CLINTON, Dismissed by Court, 12/28/2005, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v CORREA, LUIS VIDAL, Pled Guilty, 06/28/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $60,300.73, Court Cost - Amount: $2,220.00.

PEOPLE v CRANDALL, SARGENT ANTONIO-BROOKS, Pled Guilty, 03/28/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Fine & Cost - Amount: $1,620.00.

PEOPLE v CRAWFORD, JEFFREY MARK, Pled Guilty, 11/21/2005, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence, Probation - Years: 5, County Jail - Days: 40, Days Credit: 40, Restitution - Amount: $48,624.48, Court Cost - Amount: $120.00.

PEOPLE v CRENSHAW, ERIC LEE, Pled Guilty, 12/16/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $14,223.00, Court Cost - Amount: $2,100.00.

PEOPLE v CRENSHAW, ALLEN, Pled Guilty, 05/30/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $400.00, Fines & Costs – Amount $600.00.

PEOPLE v CRENSHAW, ALLEN, Pled Guilty, 05/30/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay Probation – Months: 60, Restitution – Amount: $400.00, Fines & Costs – Amount $600.00.

PEOPLE v CROMWELL, HEATH D, Pled Guilty, 04/10/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $133,033, Fine & Cost - Amount: $1,727.74.

PEOPLE v CRONKRIGHTJR, CLEM, Pled Guilty, 01/30/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, Years:, County Jail - Days: 120, Days Credit: 99.

PEOPLE v CU, HENRY TUAN, Pled Guilty, 06/01/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Court Cost - Amount: $720.00.

PEOPLE v DASSINGER, TIMOTHY ROBERT, Dismissed, 04/11/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DAY, GREGORY JAMES, Dismissed Restitution Made, 06/05/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DELAGARZA, JOHN RAY, Pled Guilty, 12/01/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Days: 2, Days Credit: 2, Restitution - Amount: $11,085.01.

PEOPLE v DELONG, JOHN KARL, Pled Lesser, 01/27/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $46,062.95, Fine & Cost - Amount: $138.00.

PEOPLE v DUNSON, JEFFREY J., Pled Guilty, 07/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Years: 5, County Jail – 60 days: credit for 47 days, Restitutions – Amount $219,469.66, Fines & Costs – Amount: $1,120.00.

PEOPLE v DURNELL, NELSON EDWARD, Dismissed Restitution Made, 11/09/2005, Wayne County 3rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DAGEN, TONY RAY, Dismissed Restitution Made, 04/10/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DAILEY, TIMOTHY EARL, Pled Guilty, 11/27/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v DANIEL, WILLIE, Pled Guilty, 05/17/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $113,836.84, Fine & Cost - Amount: $2,220.00.

PEOPLE v DAVIS, JAMES ONEIL, Pled Guilty, 08/24/2006, Eaton County 56th Judicial Circuit Court, Disorderly Person- Non Support, Court Cost - Amount: $445.00.

PEOPLE v DAVIS, JACK WOODSON, Pled Guilty, 08/03/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 60, Days Credit: 17, Restitution - Amount: $48,264.5, Extradition Fees - Amount: $675.99.

PEOPLE v DAVIS, CLIFTON GORDON, Pled Guilty, 10/28/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 6, Restitution - Amount: $28,825.51.

PEOPLE v DAVIS, GREGORY KENDALL, Dismissed Legal Issues, 11/18/2005, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DAVIS, RYAN EDWARD, Pled Guilty, 10/31/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $14,443.04, Fine & Cost - Amount: $570.00.

PEOPLE v DAY, CHRISTOPHER SCOTT, Dismissed Restitution Made, 10/04/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DAY, ROGER KENNETH, Pled Guilty, 07/12/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 48, County Jail - Days: 17, Court Cost - Amount: $1,100.00.

PEOPLE v DAYTON, RUSSELL LEE, Pled Guilty, 07/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $60,554.78, Fines & Cost – Amount: $1,100.00.

PEOPLE v DEVOS, ROBERT, Pled Guilty, 10/23/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 30, Days Credit: 9, Restitution - Amount: $11,073.90, Fine & Cost - Amount: $1,920.00.

PEOPLE v DEBARGE, DARRELL, Pled Guilty, 05/30/2006, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Years: 1, Days Credit: 188, Restitution.

PEOPLE v DELANEY JR, JAMES EDWARD, Dismissed - Agreement, 11/02/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v DEMITRY, HANY ESKANDER, Pled Guilty, 10/18/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 78, Days Credit: 78, Restitution - Amount: $59,163, Extradition Fees - Amount: $710.12, Other - Amount: $1,380.00.

PEOPLE v DETTORE, JOSEPH ANTHONY, Pled Guilty, 09/08/2006, Livingston County 44th Judicial Circuit Court, Disorderly Person- Non Support.

PEOPLE v DEVERNEY II, DENNIS DOMMINIC, Pled Guilty, 07/31/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay. Failure to appear at sentencing and bench warrant was authorized.

PEOPLE v DEWINTER, JAMES PATRICK, Pled Guilty, 04/17/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, Fine & Cost - Amount: $720.00.

PEOPLE v DIK, DANIEL HENRY, Pled Lesser, 07/25/2005, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $25,494. 001, Fine & Cost - Amount: $420.00.

PEOPLE v DIXON, ARTHUR LEE, Pled Guilty, 12/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v DOAK, WILLIE DANNY, Pled Guilty, 07/12/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, Fine & Cost - Amount: $120.00.

PEOPLE v DOMENGUEZ JR, JOHN, Dismissed - Agreement, 08/03/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v DOONE, THOMAS, Pled Guilty, 02/13/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 4, Restitution - Amount: $21,346.24, Fine & Cost - Amount: $2,200.00.

PEOPLE v DOUGHERTY, JACK, Pled Guilty, 08/08/2006, Macomb County 16th Judicial Circuit Court, Desertion/Abandonment/Non-Support, Prison - Years: 1-3, Credit - Days: 47 served, Restitution - Amount: $31,302.00, Fines & Costs - Amount: $120.00.

PEOPLE v DOWDY, KENNETH E, Pled Guilty, 09/18/2006, Oceana County 27th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v DOWELL, JONATHAN E., AKA JOHN CLARK, Pled Guilty, 09/12/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, County Jail - Months: 05-05, Probation - Months: 05-05, Restitution - Amount: $400.00, Fines & Costs - Amount: $600.00.

PEOPLE v DUDLEY, TODD DAVID, Pled Guilty, 07/19/2006, Barry County 5th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 6, Days Credit: 37, Probation - Years: 5, Restitution - Amount: $15,292.79, Court Cost - Amount: $1,160.00.

PEOPLE v DUNN, EUGENE R, Dismissed - Agreement, 12/21/2006, Alcona County 23rd Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v DURHAM, THOMAS E, Pled Guilty, 07/25/2006, Ionia County 8th Judicial Circuit Court, Child Support-Failing to Pay, Delay – Months: 12, Fines & Costs – Amount: $500.00.

PEOPLE v DUTCHER, MARK ALLEN, Pled Guilty, 12/20/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v EGRES, DAVID MARK, Pled Lesser, 03/07/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $30,046.00, Other - Amount: $600.00.

PEOPLE v ELVINE, SERLON GERAL, Pled Lesser, 06/10/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $30,525.00.

PEOPLE v EVERETT, WESLEY THOMAS, Pled Guilty, 01/26/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 16-48, Days Credit: 208, Restitution - Amount: $23,935.15.

PEOPLE v EATON, MARK ANDREW, Pled Lesser, 04/18/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $5,555.83, Fine & Cost - Amount: $2,560.00.

PEOPLE v EDGIL JR, JIMMIE WAYNE, Pled Guilty, 06/08/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, delayed sentencing on May 10, 2007.

PEOPLE v ELKOUR, MOHAMMAD ALI, Dismissed Restitution Made, 07/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v ELLIOTT, CY PATRICK, Dismissed Legal Issues, 08/07/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v ELLIS, TERRY LEE, Pled Guilty, 04/26/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v EMBREE, WILLIAM AARON, Dismissed Restitution Made, 04/24/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ENYIOKO, EZE W, Pled Guilty, 10/04/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v EUWING, CHRISTOPHER ALLEN, Pled Guilty, 09/26/2006, Genesee County 7th Judicial Circuit Court, Disorderly Person-Non Support, Court Cost.

PEOPLE v EVANCHUCK, JOSEPH J, Pled Guilty, 03/07/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 90, Restitution - Amount: $30,418.75.

PEOPLE v EVANS, RICHARD, Dismissed Restitution Made, 06/27/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v FENTRESS, MARK ANTHONY, Pled Lesser, 07/29/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $41,036.28.

PEOPLE v FIELDS, AIMEE MARIE, Pled Guilty, 01/24/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, HABITUAL OFFENDER-2ND OFFENSE NOTICE, Probation Years: 2, County Jail - Days: 30, Days Credit: 8, Restitution - Amount: $15,000.00, Fine & Cost - Amount: $360.00.

PEOPLE v FREEMAN, PAUL, Pled Guilty, 03/21/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, 003 Habitual Offender-Third Offense Notice, Probation - Years: 5, Restitution - Amount: $12,602.72, Other - Amount: $873.00.

PEOPLE v FREEMAN, PAUL, Dismissed, Plea/Conviction on Another Case, 03/21/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Habitual Offender-Fourth Offense Notice.

PEOPLE v FAASSE, TIMOTHY GORDON, Dismissed Restitution Made, 09/02/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v FARGO, DONALD LEE, Pled Guilty, 12/06/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months 36, County Jail - Days: 270, credit for 9 days, Fees & Costs - Amount $420.00.

PEOPLE v FEHRENBACH, PAMELA J, Dismissed Legal Issues, 10/06/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v FERRELL, JERRY LEE, Pled Guilty, 05/30/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $30,692.63, Court Cost - Amount: $695.00.

PEOPLE v FIELDER, JAYSON P, Pled Guilty, 08/10/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v FIELDS, TERENCE ANDREW, Pled Guilty, 10/18/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v FITTS, DANIEL ROGER, Pled Guilty, 05/05/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Days: 62, Days Credit: 62, Restitution - Amount: $45,000.00, Fine & Cost - Amount: $1,800.00.

PEOPLE v FITZGERALD, DANNY KEVIN, Pled Guilty, 12/22/2006, Wexford County 28th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v FLOWERS, ALVINO, Pled Guilty, 10/23/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v FLOWERS JR, PHILIP WAYNE, Pled Guilty, 06/12/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 9, credit for 59 days, Restitution - Amount: $34180.56, Fees & Costs - Amount: $1,120.00.

PEOPLE v FOLAND, ALLEN JAMEIL, Pled Guilty, 08/15/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v FOOTE, RYAN RICHARD, Dismissed Restitution Made, 05/05/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v FRAILING, BRYAN, Dismissed Restitution Made, 01/13/2006, Iron County 41st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v FRANK, MICHAEL ALLEN, Dismissed - Agreement, 01/18/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v FREEMOND-MURPHY, WILLIAM CHARLES, Pled Lesser, 08/01/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $500.00.

PEOPLE v FRITSCH, DAVID MICHAEL, Pled Guilty, 12/14/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v FROMAN, CHARLES GENE, Pled Guilty, 10/18/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution.

PEOPLE v FROMAN, CHARLES GENE, Pled Guilty, 10/18/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution.

PEOPLE v FRY, RAYMOND W, Pled Guilty, 08/14/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 120, Days Credit: 78, Restitution - Amount: $52,608.05, Extradition Fees - Amount: $267.71, Court Cost - Amount: $300.00.

PEOPLE v FRYE, RYAN CHRISTOPHER, Pled Lesser, 06/08/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $6,384.00, Fine & Cost - Amount: $1,820.00.

PEOPLE v FULLER, DOUGLAS GLENN, Pled Lesser, 02/14/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $26,287.12, Court Cost - Amount: $1,090.00.

PEOPLE v FULMERHOUSER, THOMAS DALE, Dismissed - Agreement, 11/03/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GALLOWAY, JR., JAMES ELLIS, Pled Lesser, 01/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 90, Days Credit: 59, Restitution - Amount: $21,357.28.

PEOPLE v GARNER, THADDEUS JUAN, Pled Guilty, 05/03/2005, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence - Years: 5, Restitution, Court Cost - Amount: $60.00.

PEOPLE v GENTRY, CHARLES H, Pled Guilty, 05/12/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $8,092.57.

PEOPLE v GIANCANA, DOMINIC JOSEPH, Pled Guilty, 06/15/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3.

PEOPLE v GIBSON, ANTHONY AYRES, Pled Lesser, 07/13/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $12,916.11, Fine & Cost - Amount: $1,820.00.

PEOPLE v GIDLEY, ROBERT KEITH, Dismissed Civil Remedies Available, 09/08/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v GIVEN, LEONARD JOHN, Dismissed Legal Issues, 04/20/2006, Houghton County 12th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GOEBEL, NORMAN LOREN, Dismissed Restitution Made, 03/15/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GOSSETT, MAURICE, Pled Guilty, 11/28/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v GOULD, LARRY E., Dismissed by Court, 01/27/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v GRIFFITH, WILFRED EPTERTON ERSKIN, Dismissed - Agreement, 06/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v GALLOWAY, STEPHEN DEON, Pled Guilty, 01/23/2006, Kent County

17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $20,978, Fine & Cost - Amount: $2,160.00.

PEOPLE v GALVAN, ELISEO ELVIS, Pled Guilty, 05/09/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, County Jail - Days: 54, Days Credit: 54, Restitution - Amount: $27,535.38, Fine & Cost - Amount: $500.00.

PEOPLE v GARBER, HAL KALANI, Dismissed - Agreement, 07/16/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GARDNER, CONRAD RAYMOND, Pled Guilty, 11/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v GARDNER, JOHN, Pled Guilty, 08/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Fine & Cost - Amount: $600.00, Probation - Months: 60.

PEOPLE v GARNER, CARL IRVING, Dismissed Legal Issues, 06/05/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GARRETT, ELAINE JOYCE, Pled Lesser, 04/18/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation -Years: 3, Restitution - Amount: $10,286.24, Court Cost - Amount: $480.00.

PEOPLE v GASPER, CHRISTOPHER, Pled Guilty, 10/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v GATES, KAOTTIS LAMAR, Pled Guilty, 06/20/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $48,530.78, Costs & Fines – Amount: $120.00.

PEOPLE v GAUDIO, ROBERT JOSEPH, Dismissed Restitution Made, 10/11/2006, Charlevoix County 33rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GEIGER JR, LEO, Dismissed - Agreement, 05/20/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GEORGE, CORY THOMAS, Pled Guilty, 08/01/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 4.

PEOPLE v GERACE, RONALD J, Dismissed Restitution Made, 08/15/2006, Ogemaw County 34th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GERMAN, FRED ARTHUR, Dismissed - Agreement, 04/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v GIBBS, BILL LEE, Pled Guilty, 04/14/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 270, Restitution - Amount: $3,099.01.

PEOPLE v GILBERT, JOHN D, Pled Guilty, 07/18/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Fine & Cost - Amount: $600.00, Restitution - Amount: $400.00, Probation - Months: 60.

PEOPLE v GILES AKA BRIAN JILES, BRYAN KEITH AKA BRIAN, Pled Guilty, 12/12/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Month: 60, County Jail – Days: 90, Restitution – Amount: $26,704.97.

PEOPLE v GILLMORE, HARRY JAMES, Dismissed Restitution Made, 11/07/2006, Genesee County 7th Judicial Circuit Court, Desertion/Abandonment/ Non-Support.

PEOPLE v GILLRIE, JASON A, Pled Guilty, 11/17/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, County Jail – Months: 12, credit for 114 days, Restitution – Amount: $34012.99, Fees & Costs – Amount: $1091.33.

PEOPLE v GOBLE, ISSAC SCOTT, Pled Lesser, 11/23/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support, County Jail.

PEOPLE v GOLDSMITH, LEON, Pled Guilty, 09/28/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $18,681.81, Costs & Fees – Amount: $1,320.00.

PEOPLE v GOODRICH, DAVID S, Dismissed Restitution Made, 06/21/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GOODSON, JEROLD CLIFFORD, Pled Lesser, 12/20/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 4, County Jail - Days: 120, Restitution - Amount: $60,010.47, Fine & Cost - Amount: $1,320.00.

PEOPLE v GOULD, MATTHEW, Pled Guilty, 10/26/2006, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, County Jail- Days: 365, credit for 38 days, Restitution – Amount: $31,048.85, Costs & Fees- Amount: $1,314.00.

PEOPLE v GOWENS, VINCENT JERMAINE, Pled Guilty, 11/27/2006, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 80, Days Credit: 80, Restitution - Amount: $65,608.43, Extradition Fees - Amount: $250.00, Court Cost - Amount: $495.00.

PEOPLE v GRANGER, PAUL DANIEL, Dismissed Defendant Died, 08/16/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GRAY, RICHARD TODD, Pled Guilty, 11/29/2005, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 23-48, County Jail -Days: 73, Days Credit: 73, Restitution - Amount: $100,094.00.

PEOPLE v GREEN, RICHARD ERVIN, Dismissed Defendant Died, 11/21/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GROOMES, RICHARD T, Dismissed Restitution Made, 12/21/2006, Bay County 18th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v GUILLOZ, ROBERT, Pled Guilty, 09/12/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Fine & Cost - Amount: $600.00, Restitution - Amount: $400.00.

PEOPLE v GULLEY, CHARLES ALLAN, Pled Guilty, 09/16/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence - Probation -Years: 2, County Jail - Months: 6, Court Cost.

PEOPLE v HAGIST, SCOTT DAVID, Dismissed Restitution Made, 08/18/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HALL JR, THOMAS ALAN AKA THOMAS ALAN HALL II, Pled Guilty, 10/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v HANSEN, WILLIAM ALAN, Pled Guilty, 08/23/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $47,984.48.

PEOPLE v HARRIS, ANTHONY GLENN, Pled Guilty, 07/18/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $41,567.31, Court Cost - Amount: $1,120.00.

PEOPLE v HASSEL, GARY DEWAYNE, Pled Guilty, 01/19/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, County Jail - Days: 121, Restitution - Amount: $11,338.00, Court Cost - Amount: $120.00.

PEOPLE v HAWKINS, JOHNATHAN REMON, Dismissed Restitution Made, 06/20/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HILL, LOPAKA LEE, Pled Guilty, 11/21/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60 @$10/month, County Jail – Months: 5, Restitution - $186,260.93 @ $200/month + current obligation of $870/month, Costs & Fees – Amount: $720.

PEOPLE v HILL, ANTHONY JEROME, Pled Guilty, 01/04/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $24,140.19, Fine & Cost - Amount: $2,370.00.

PEOPLE v HOOK, BRIAN SCOTT, Pled Guilty, 11/03/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $51,600.84, Court Cost - Amount: $1,720.00.

PEOPLE v HORTON, DAVID, Pled Guilty, 06/16/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Restitution – Amount $119,094.70.

PEOPLE v HOUSEHOLDER, JAMES, Pled Guilty, 06/30/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $44,400.00, Fine & Cost - Amount: $1,620.00.

PEOPLE v HOWARD, ANTHONY DOLTANIAN, AKA WILLIAM THOMAS HOWARD, Pled Guilty, 06/06/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v HUDSON, GORDON CORTEZ, Pled Guilty, 03/06/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $28,543.77, Court Cost - Amount: $1,610.00.

PEOPLE v HURLEY, TIMOTHY GERARD, Pled Guilty, 03/16/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $71,897.69, Court Cost - Amount: $120.00.

PEOPLE v HAGLUND, ANDREW PAUL, Pled Guilty, 08/28/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 12, Days Credit: 78, Restitution - Amount: $46,115.45, Fine & Cost - Amount: $720.00.

PEOPLE v HALL JR., IRVIN LEE, Pled Guilty, 08/03/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation -, Months: 60, County Jail - Days: 120, Days Credit: 1.

PEOPLE v HALLER, RICHARD DANIEL, Dismissed - Agreement, 11/08/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HAMILTON, ANTHONY MICHAEL, Pled Guilty, 09/20/2006, Oakland

County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HAMM, JAMES RICHARD, Dismissed - Agreement, 10/10/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HAMPTON, RANDALL EARL, Pled Guilty, 11/17/2005, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 76, Days Credit: 76, Restitution - Amount: $38,708.97, Court Cost - Amount: $2,060.00.

PEOPLE v HANDY, RICHARD WILLIAM, Dismissed - Agreement, 05/03/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HARDY JR, HOUSTON, Pled Guilty, 10/20/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v HARLEY, MELISSA EUGENIA, Pled Guilty, 08/23/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v HARRINGTON, CHRISTINA L, Pled Guilty, 03/29/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $18,203.49, Court Cost - Amount: $695.00.

PEOPLE v HARRIS, RONALD, Pled Guilty, 12/19/2006, Alcona County 23rd Circuit Court, Child Support-Failing to Pay, Restitution – Amount: $21,246.04, Court Costs – Amount: $1,020.00.

PEOPLE v HARRIS, ANTHONY GLENN, Pled Guilty, 07/18/2005, Genesee County 7th Judicial Circuit Court, Absconding or Forfeiting Bond, Probation - Months: 18, Restitution - Amount: $41,567.31, Court Cost - Amount: $60.00.

PEOPLE v HARRIS, ANTHONY GLENN, Pled Guilty, 10/26/2005, Genesee County 7th Judicial Circuit Court, Absconding or Forfeiting Bond, Court Cost - Amount: $72.00.

PEOPLE v HARRIS, ANTHONY GLENN, Dismissed, Plea/Conviction on another Case, 08/18/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HARRIS AKA GRACE BARRY, GRACE RENEE, Pled Guilty, 03/14/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 2, Residential Program - Amount: $5,017.85, Court Cost - Amount: $620.00.

PEOPLE v HARRISON, CARRIE ANN, Dismissed Restitution Made, 09/02/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HART JR, WALTER JAMES, Pled Guilty, 05/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HARTMAN, TONY ALLEN, Pled Guilty, 06/05/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 36, Jail – Days: 75, credit with 66 days, State Costs – Amount: $60, CVF – Amount: $60.00, Attorney Fees – Amount: $237.00, Probation oversight – Amount: $360.00 a year.

PEOPLE v HAVENS, DAVID JOSEPH, Pled Guilty, 12/11/2006, Kent County 17th Judicial Circuit Court, 01 Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HAYES, BRADLEY THOMAS, Pled Guilty, 11/28/2005, Lenawee

County 39th Judicial Circuit Court, 01 Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $64,333, Court Cost - Amount: $1,450.00.

PEOPLE v HEIKKILA, MICHAEL ARNOLD, Dismissed Restitution Made, 06/05/2006, Calhoun County 37th Circuit Ct – Calhoun, Child Support-Failing to Pay.

PEOPLE v HEMORE, COLLEEN B, Dismissed Restitution Made, 11/02/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v HENDERSON, MICHAEL WAYNE, Pled Guilty, 10/18/2006, Midland County 42nd Judicial Circuit Court, Child Support-Failing to Pay, Jail – Days: 151, credit with 151 days, Restitution – Amount: $46,683.09, Crime victim funds – Amount: $60.00, Costs & Fees – Amount: $600.00, Attorney Fees – Amount: $750.00, State Fee – Amount: $60.00.

PEOPLE v HERBST, DONALD MICHAEL, Pled Guilty, 01/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $15,901.29, Court Cost - Amount: $1,120.00.

PEOPLE v HERBST, DONALD MICHAEL, Pled Guilty, 01/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $34,413.50, Court Cost - Amount: $1,120.00.

PEOPLE v HERNANDEZ, GERALD JUNIOR, Pled Guilty, 06/20/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, Fine & Cost - Amount: $1,080.00.

PEOPLE v HESTER, ARTHUR LEE, Dismissed Restitution Made, 06/30/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HICKS, GORDON MICHAEL, Pled Guilty, 09/12/2006, Oakland County 6th Circuit, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v HICKS JR, GILBERT EDWARD, Pled Lesser, 04/26/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v HILL, DANIEL ALLEN, Pled Guilty, 08/28/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 48, County Jail - Days: 18, Days Credit: 18, Restitution - Amount: $58,817.10, Fine & Cost - Amount: $720.00.

PEOPLE v HILL, RONALD S., Pled Guilty, 08/16/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution, Court Cost - Amount: $1,820.00.

PEOPLE v HILL, DAVID WAYNE, Dismissed - Agreement, 10/09/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HOCHSTETLER, GIDEON W, Pled Guilty, 11/07/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months:24, Restitution - Amount: $31,000.00, Fine & Cost - Amount: $720.00.

PEOPLE v HOFF AKA STEPHANIE CREGER, STEPHANIE JO, Pled Guilty, 10/02/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HOFFMAN, PAUL DOUGLAS, Pled Guilty, 12/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $26,884.32, Fine & Cost - Amount: $1,410.00.

PEOPLE v HOFFMAN, PAUL DOUGLAS, Pled Guilty, 12/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $18,428, Fine & Cost - Amount: $1,410.00.

PEOPLE v HOHENDORF, DAVID JAMES, Pled Guilty, 12/19/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HOLAPPA, WESLEY PAUL, Pled Guilty, 11/01/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 30, Restitution - Amount: $16,049, Extradition Fees - Amount: $736.44, Court Cost - Amount: $1,820.00.

PEOPLE v HOLLINGER, JR., ADRIAN, Pled Guilty, 01/18/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 180, Days Credit: 106, Restitution - Amount: $77,232.79, Fine & Cost - Amount: $2,120.00.

PEOPLE v HOLLOMON, CURTIS, Dismissed Restitution Made, 09/29/2006, St. Joseph County 45th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HOLLOWAY, KENNETH EDWARD, Pled Guilty, 10/20/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Days: 60, Days Credit: 7, Restitution - Amount: $26,905.58, Fine & Cost - Amount: $1,680.00.

PEOPLE v HOLM, GRANT ALLEN, Dismissed Defendant Died, 11/29/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HOLMES, MARK EDWARD, Pled Guilty, 02/24/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $28,893.05, Other - Amount: $3,273.00.

PEOPLE v HOOVER, DAVID L, Dismissed Restitution Made, 02/16/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HORTH, SCOTT, Dismissed Restitution Made, 03/06/2006, Lapeer County 40th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HOWELL, LINNEL, Dismissed - Agreement, 12/18/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HUDSON, KEVIN LEE, Pled Lesser, 12/12/2005, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support,002 Restitution - Amount: $10,000.00, Fine & Cost - Amount: $425.00.

PEOPLE v HUIZENGA, CHAD CLINTON, Pled Guilty, 10/26/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v HUMPHRIES, ROGER DEAN, Pled Guilty, 03/15/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 50, Restitution - Amount: $14,703.14.

PEOPLE v HUNT, BRIAN MATTHEW, Dismissed Restitution Made, 06/08/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v HUNTER, ROBERT ARNOLD, Pled Guilty, 12/11/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Prison – Months: 24, Fees & Costs – Amount: $120.00.

PEOPLE v HUTSON SR, DALE JAMES, Pled Guilty, 12/14/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v HUTTO, DENISE DAWN (CEBULSKI), Pled Guilty, 02/15/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 48, Restitution - Amount: $17,234.86 Court Cost - Amount: $690.00.

PEOPLE v HUYNH, TROY LEE, Dismissed Legal Issues, 08/02/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v IRELAND, TERRY LEE, Pled Guilty, 05/17/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Amount : Years: 2, Restitution - Amount: $28,313.05, Other - Amount: $720.00.

PEOPLE v IRMEN, WILLIAM PAUL, Pled Guilty, 12/14/2006, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, County Jail - Amount: Served 90 days in jail suspended, Must be employed and Probation transferred to Ohio, Restitution - Amount: $41,000 @ $600/month, Costs & Fees – Amount: $500.00.

PEOPLE v IMHOFF, JAMES R, Pled Guilty, 02/14/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $16,092.37, Court Cost - Amount: $1,120.00.

PEOPLE v INGRAM, ALPHONSO LEWIS, Pled Guilty, 10/19/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v IVY, EDDIE JAMES, Pled Guilty, 11/02/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, Restitution – Amount: $100,000.

PEOPLE v JACKSON, HERBERT THURSTON, Pled Guilty, 06/06/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 18-72, Restitution - Amount: $22,876.76.

PEOPLE v JACKSON, HERBERT THURSTON, Pled Guilty, 06/06/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 18-72, Restitution - Amount: $22,780.30.

PEOPLE v JACKSON, LAURENCE OLIVER, Pled Guilty, 10/18/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $28,603.19, Fine & Cost - Amount: $720.00.

PEOPLE v JACKSON, LAURENCE OLIVER, Pled Guilty, 10/18/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $28,603.19, Fine & Cost - Amount: $720.00.

PEOPLE v JACKSON, LEON, Pled Guilty, 08/24/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 12, Days Credit: 40, Restitution - Amount: $14,593.70, Fine & Cost - Amount: $720.00.

PEOPLE v JACKSON SR, HOWARD EARL, Dismissed Legal Issues, 03/23/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v JAMERSON, MELVIN LEE, Dismissed - Agreement, 04/12/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v JEFFRIES, QUINTIN DARRYL, Dismissed Legal Issues, 10/11/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v JEMISON, STEVEN, Pled Guilty, 10/04/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Years: 1, Restitution, Fine & Cost - Amount: $400.00.

PEOPLE v JENKINS, DAN DOUGLAS, Dismissed - Reauthorized, 11/30/2005, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v JENKINS, DAN DOUGLAS, Dismissed Restitution Made, 04/10/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v JERGER, GREGORY LYDELL, Pled Guilty, 09/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Failure to Appear: B/W issued.

PEOPLE v JIHAD AL-HAKANI, JIHAD AHMAD HAKKANI AKA, Pled Guilty, 11/28/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $17,298.92, Court Cost - Amount: $120.00.

PEOPLE v JOHNSON, CHARLES P., Pled Guilty, 10/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution, Court Cost - Amount: $1,520.00.

PEOPLE v JOHNSON, FRED G, Dismissed Restitution Made, 08/26/2006, Osceola County 49th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v JOHNSON, EARL, Pled Guilty, 08/21/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v JOHNSON, ROY EDWARD, Pled Guilty, 03/13/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 180, Days Credit: 65, Court Cost - Amount: $10,000.00.

PEOPLE v JONES, GRADIS LEONARD, Pled Guilty, 10/18/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 48, County Jail – Days 14, credit for 14 days, Restitution – Amount: $16,256.33, Fees & Costs – Amount: $800.00.

PEOPLE v JONES, MICHAEL RAYMOND, Pled Guilty, 05/24/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $17,932.90, Fine & Cost - Amount: $2,520.00.

PEOPLE v JONES, LARRY DWAYNE, Dismissed - Agreement, 08/01/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v JORDAN, ANDY LEE, Pled Guilty, 07/21/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 70, Days Credit: 70, Restitution - Amount: $33,323.98.

PEOPLE v JOSLYN, MICHAEL EDWARD, Pled Guilty, 10/25/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, Restitution - Amount: $7,300.00.

PEOPLE v JR AKA JULIE M ANDERTON, BLAINE VINCENT ANDERTON, Dismissed Restitution Made, 06/13/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v JUNIOR, SHAWN SPENCER, Pled Guilty, 08/25/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $47,530.08, Fine & Cost - Amount: $1,290.00.

PEOPLE v KEOUGH, HUGH ESMOND, Pled Guilty, 06/22/2005, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, Community Service - Amount :, Hours: 100, County Jail - Days: 65, Days Credit: 65,

Restitution - Amount: $50,652.50, Extradition Fees - Amount: $287.57, Fine & Cost - Amount: $1,502.00.

PEOPLE v KING, JERRY DWAYNE, Guilty Verdict Jury Trial, 07/21/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $103,393.61, Fine & Cost - Amount: $720.00.

PEOPLE v KUYKENDALL, STEPHEN MICHAEL, Dismissed - Agreement, 02/08/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v KAROLY, JOSHUA PAUL, Pled Guilty, 11/16/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $20,000.00, Fine & Cost - Amount: $1,945.00.

PEOPLE v KENNEDY, DANNY J, Dismissed Restitution Made, 07/19/2006, Alpena County 26th Circuit Court – Alpena, Child Support-Failing to Pay.

PEOPLE v KENYON, HAROLD SHAWN, Pled Guilty, 08/25/2006, Livingston County 44th Judicial Circuit Court, Disorderly Person- Non Support, Probation - Years: 3, County Jail - 6, Court Cost - Amount: $2,220.00.

PEOPLE v KING, ELDON MYLO, Pled Guilty, 07/14/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Fine & Cost - Amount: $720.00.

PEOPLE v KIOURTSIS, TIMOTHY CHARLES, Dismissed Civil Remedies Available, 04/24/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v KIRBY, JAMES KEVIN, Pled Guilty, 11/01/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, Restitution – Amount: $50,178.02, Fees & Costs – Amount: $420.00.

PEOPLE v KITCHEN, RICHARD L, Pled Guilty, 05/25/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, County Jail – Months: 5, credit with 2 days, Probation – Years: 3, Community Service – Hours: 100, Restitution – Amount: $38,898.54.

PEOPLE v KNIGHT, WAYNE MORRIS, Dismissed Restitution Made, 12/09/2005, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v KOEHLDORFER, FRANZ WERNER, Dismissed Restitution Made, 05/11/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v KOLBERG, CHRISTOPHER MICHAEL, Pled Guilty, 11/22/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v KOVALESKI, LARRY DEAN, Dismissed Civil Remedies Available, 12/15/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v KRAMME, SCOTT, Pled Guilty, 10/06/2006, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 97, Days Credit: 97, Restitution - Amount: $29,633.54.

PEOPLE v KRAUS, VINCENT V, Dismissed Restitution Made, 04/26/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v KREMHELMER, JAMES MATHEW, Dismissed Restitution Made, 06/14/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v KUNZE, GREGORY PAUL, Pled Lesser, 10/05/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $24,000.00, Fine & Cost - Amount: $3,120.00.

PEOPLE v KYLE, ANTONWAINE ANTOINIO, Dismissed Restitution Made, 11/20/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v LAGRANT-ROPER, RICHARD TERRY, Pled Guilty, 10/28/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 51, Days Credit: 51, Restitution - Amount: $42,172.66, Extradition Fees - Amount: $236.90, Other - Amount: $720.00.

PEOPLE v LEE, KERRY DAVID, Pled Guilty, 10/17/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Years: 5, Restitution - Amount: $119,203.06, Fine & Cost - Amount: $620.00.

PEOPLE v LEE, A/K/A KLASE, GARY ALLEN, Pled Guilty, 02/02/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 92, Days Credit: 92, Restitution - Amount: $48,798.04, Fine & Cost - Amount: $620.00, Extradition Fees - Amount: $200.00.

PEOPLE v LENNOX, CRAIG ERNEST, Pled Guilty, 06/13/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay, Habitual Offender-2nd Offense Notice.

PEOPLE v LEONARD, TERRANCE D., Pled Guilty, 01/31/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 29, Fine & Cost - Amount: $720.00.

PEOPLE v LILLY, MARIE LOU, Pled Guilty, 11/27/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v LISENBEE, PATRICK LEE, Dismissed - Agreement, 11/27/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LOEFFLER, JOHN PETER, Dismissed Restitution Made, 04/26/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v LONG, JAMES CURTIS, Pled Guilty, 10/26/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, 002 County Jail - Days: 61, Days Credit: 61, Restitution - Amount: $51,345.30, Extradition Fees - Amount: $763.67, Fine & Cost - Amount: $2,520.00.

PEOPLE v LUCAS, JAMES P, Pled Guilty, 11/16/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $52,978.20, Fine & Cost - Amount: $1,320.00.

PEOPLE v LUTTRELL, GARY, Dismissed Restitution Made, 05/09/2005, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LADACH, THOMAS ALLEN, Pled Guilty, 04/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v LAIRD JR, CHARLES HENRY, Pled Guilty, 03/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, 004 Child Support-Failing to Pay, 005 Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v LANCASTER, PAMELA MARIE, Pled Guilty, 05/26/2005, Oakland

County 6th Circuit – Oakland, Absconding or Forfeiting Bond, Probation - Months: 18, County Jail - Months: 6.

PEOPLE v LANDON AKA BILL ELLIS, BILL LEE, Pled Guilty, 09/08/2006, Charlevoix County 33rd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 365, Restitution - Amount: $27,209.39, Fine & Cost - Amount: $120.00.

PEOPLE v LANGSTON, STEVEN DARNELL, Pled Guilty, 11/16/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $21,993.61, Court Cost - Amount: $1,120.00.

PEOPLE v LANIER, JOHN, Pled Guilty, 10/06/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Months: 60, Restitution – Amount: $400.00, Costs & Fines – Amount: $600.00.

PEOPLE v LANNON, MARTIN FRANKLIN, Pled Guilty, 08/28/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 90, Days Credit: 5, Fine & Cost - Amount: $403.00.

PEOPLE v LANOYE, BRUCE, Guilty Verdict Bench Trial, 02/08/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $27,939.00, Fine & Cost - Amount: $3,000.00.

PEOPLE v LARSON, JOHN GERALD, Dismissed Legal Issues, 02/27/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LASLETT, GERALD JOHN, Dismissed - Agreement, 04/18/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v LATELY, JAMES DARRYL, Pled Lesser, 01/10/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $26,146.14, Fine & Cost - Amount: $290.00.

PEOPLE v LAWSON, DANA EUGENE, Pled Lesser, 01/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - 60, Restitution - Amount: $11,246.99, Fine & Cost - Amount: $1,090.00.

PEOPLE v LEE, GARY, Dismissed Legal Issues, 08/31/2006, Alpena County 26th Circuit Court – Alpena, Child Support-Failing to Pay.

PEOPLE v LEET, BARNETT JACOB, Pled Guilty, 06/13/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v LEHIGH, DARWIN JAMES, Pled Guilty, 04/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v LEMM, SHAWN JAMES, Dismissed Restitution Made, 02/28/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LESNIEWSKI AKA JRENEUSZ, IRENEUSZ TOMASZ, Dismissed Restitution Made, 09/07/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LEVERICH, DANIEL W, Dismissed Legal Issues, 06/28/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LINDGREN, CHRISTOPHER ALAN, Pled Guilty, 08/08/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, Community Service - Hours: 24, County Jail - Months: 6, Days Credit: 21, Restitution - Amount: $20,062.57, Extradition Fees - Amount: $1,077.15, Fine & Cost - Amount: $720.00.

PEOPLE v LINTON, AARON, Dismissed Restitution Made, 05/09/2006, Cheboygan County 53th Judicial Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v LISON, ERIC MICHAEL, Pled Guilty, 06/16/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v LITTLE, GREGORY WALTER, Pled Guilty, 09/26/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 48, County Jail - Days: 108, Days Credit: 108, 01 Fine & Cost - Amount: $2,910.00.

PEOPLE v LIVINGSTON JR, MARVIN, Pled Guilty, 05/02/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Fine & Cost - Amount: $520.00.

PEOPLE v LOCKWOOD, IAN ROBERTSON, Pled Guilty, 08/29/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 3, Fees & Costs – Amount: $1,560.00.

PEOPLE v LOMBARDO, DAVID EDWARD, Pled Guilty, 04/26/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, Restitution - Amount: $26,759.25, Extradition Fees - Amount: $1,116.92, Other - Amount: $1,720.00.

PEOPLE v LONG, BRADLEY SCOTT, Pled Guilty, 05/24/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay. Probation - Months: 48, Fine & Cost - Amount: $1,200.00.

PEOPLE v LOOMIS, DAVID LAWRENCE, Pled Guilty, 10/27/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - 92, Months, Days Credit: 92, Fine & Cost - Amount: $1,020.00.

PEOPLE v LORY, SHAWN WAYNE, Pled Guilty, 03/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $28,919.38, Fine & Cost - Amount: $290.00.

PEOPLE v LUGO, CARLO BENJAMIN, Pled Guilty, 09/11/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Amount Years: 5, County Jail - Days: 23, Days Credit: 23 Restitution - Amount: $23,053.34, Fine & Cost - Amount: $2,520.00.

PEOPLE v LUNA, PETER SIMON, Dismissed Restitution Made, 03/03/2006, Bay County 18th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v LUPERCIO, RODRIGO LEONARDO, Pled Guilty, 11/30/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, Restitution - Amount: $21,264.54.

PEOPLE v LUSK, STEVEN LYNN, Pled Guilty, 09/26/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $75,000.00, Extradition Fees - Amount: $487.00.

PEOPLE v MACKERL, VICTOR LAMART, Dismissed Restitution Made, 08/01/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support.

PEOPLE v MADDOX, ROBERT EDWARD, Pled Guilty, 06/30/2005, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 30, Restitution - Amount: $93,316.93, Fine & Costs.

PEOPLE v MANNING, DERRICK LYNN, AKA DERRICK BUMPUS, Pled Guilty, 08/17/2006, Wayne County 3rd Circuit Court Civil Div, Absconding or Forfeiting Bond.

PEOPLE v MARBAUGH, MARTIN JAMES, Pled Guilty, 10/19/2005, St. Joseph County 45th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 2, Days Credit: 511 Court Cost - Amount: $120.00.

PEOPLE v MARSHALL, JR., WILLIAM CHARLES, Pled Guilty, 10/10/2005, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $36,612.93.

PEOPLE v MARTIN, GREGORY JAMES, Pled Guilty, 08/30/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Sentence Pending.

PEOPLE v MARTINEZ, ERIC RAY, Pled Guilty, 07/29/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 5, Restitution - Amount: $32,790.14.

PEOPLE v MARTINEZ, ERIC RAY, Dismissed, Plea/Conviction on Another Case, 07/29/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MASTROMONACO, GIOVANNI ANTONIO, Pled Guilty, 12/20/2005, Roscommon County 34th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, County Jail - Years: 1, Restitution - Amount: $37,394.00.

PEOPLE v MATHENY, GARY DAVID, Pled Guilty, 06/30/2005, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 4, Restitution - Amount: $20,240.04, Court Cost - Amount: $2,140.00.

PEOPLE v MATHIS, VICTOR TERRELL, Pled Guilty, 08/26/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, State Prison - Years: 1-4, Restitution - Amount: $13,400.00, Fine & Cost - Amount: $180.00.

PEOPLE v MAYER, FREDERICK ALBERT, Dismissed Restitution Made, 10/13/2005, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay.

PEOPLE v MCCULLOUGH, RODNEY, AKA RODNIE MCCULLOUGH, Pled Guilty, 12/08/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Days: 87, Days Credit:87, Probation - Years: 5, Court Fees - Amount: 701.15.

PEOPLE v MCDOWELL, DARRELL LYNN, Pled Guilty, 10/27/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v MCGHEE, BRIAN E, Pled Guilty, 09/02/2005, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $33,099.00.

PEOPLE v MCLEMORE, MARLAND EUGENE, Pled Guilty, 10/12/2005, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Months: 60, Restitution - Amount: $109,577.69, Court Cost - Amount: $120.00.

PEOPLE v MEADOWS, DARRIN J., Dismissed Restitution Made, 09/09/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v MEYER, JAMES CRAIG, Pled Guilty, 08/01/2005, Livingston County

44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, County Jail - Days: 54, Days Credit: 54.

PEOPLE v MILLSAP, JOHN DAVID, Pled Guilty, 08/21/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Years: 4, Restitution – Amount: $23,020 @ $300/month + current obligation.

PEOPLE v MISKIEWICZ, DENNIS JOHN, Pled Guilty, 10/27/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 180, Days Credit: 49, Restitution - Amount: $34,059.80, Fine & Cost - Amount: $2,220.00.

PEOPLE v MODZELEWSKI, JR., WILLIAM FRANCIS, Dismissed Legal Issues, 08/11/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v MOREHEAD, FREDERICK CLYDE, Pled Guilty, 08/24/2006, Oakland County 6th Circuit – Oakland, Desertion/Abandonment/Non-Support, Probation - Years: 5, County Jail - Days: 120, Days Credit: 62, Restitution - Amount: $118,557.24, Fine & Cost - Amount: $4,020.00.

PEOPLE v MADDEN, BRYAN P, Pled Guilty, 08/10/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $36,941.08, Fine & Cost - Amount: $1,820.00.

PEOPLE v MADISON JR, JAMES, Dismissed Restitution Made, 12/07/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MAINE, DANIEL NELSON, Dismissed Restitution Made, 08/30/2006, Gratiot County 29th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MAKOHON, MAXIMO, Dismissed Restitution Made, 04/04/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v MALONE, NATHAN ORLANDO, Pled Lesser, 11/29/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $21,324.03, Fine & Cost - Amount: $1,410.00.

PEOPLE v MALSKI, JOSEPH PATRICK, Pled Guilty, 03/22/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, State Prison - Years: 1.5 – 4.

PEOPLE v MARCUM, DOUGLAS J, Dismissed - Agreement, 06/20/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v MARSH, STEVEN JACK, Pled Guilty, 10/27/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Years:, Days Credit: 128, Restitution - Amount: $25,277.05, Extradition Fees - Amount: $1,088.47, Fine & Cost - Amount: $120.00.

PEOPLE v MARTIN, SR, MICHAEL ERIC, Pled Guilty, 07/05/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Delayed Sentence.

PEOPLE v MARTINEZ III, CIPRIANO, Pled Guilty, 12/11/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v MASON, RICKY LEE, Pled Guilty, 02/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 49, Days Credit: 49, Restitution - Amount: $43,070.72, Fine & Cost - Amount: $1,520.00.

PEOPLE v MASTER, DAVID ERIC, Dismissed - Agreement, 08/01/2005, Isabella County 21st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MAYER, GREGORY JOSEPH, Pled Lesser, 07/17/2006, Bay County 18th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person-Non Support.

PEOPLE v MAYS, EDWARD DWAYNE, Pled Guilty, 08/08/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, County Jail - Days: 100-100, Probation - Days: 100-100, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v MCCALL, JOE HARRIS, Dismissed Restitution Made, 06/20/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay.

PEOPLE v MCCALLUM, JACK, Pled Guilty, 03/22/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $38,266.37.

PEOPLE v MCCARTHY, SCOTT CHARLES, Pled Lesser, 05/08/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person-Non Support, Probation - Years: 2.

PEOPLE v MCCARTY JR, RONALD EMERY, Pled Guilty, 10/12/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 39, Days Credit: 39, Restitution - Amount: $44,905.78, Fine & Cost - Amount: $2,220.00.

PEOPLE v MCCASTER, DARRICK HENRY, Dismissed by Court, 06/06/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v MCCOGGLE, GERALD KEITH, Pled Guilty, 07/11/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v MCDONALD, KENNETH LEN, Dismissed Restitution Made, 04/28/2006, St. Joseph County 45th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MCFADDEN, CHESTER, Pled Guilty, 03/15/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 35, Days Credit: 35, Fine & Cost - Amount: $1,370.00.

PEOPLE v MCGILL CARRANZA, AKA MICHAEL S CARRANZA, Dismissed Restitution Made, 08/29/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v MCGREW, RICHARD ANTHONY, Dismissed Restitution Made, 11/23/2005, Cass County 43rd District Court, Child Support-Failing to Pay.

PEOPLE v MCINTYRE, RANDY LEE, Pled Guilty, 04/28/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $39,937.53, Fine & Cost - Amount: $1,620.00.

PEOPLE v MCKENZIE, THOMAS, Dismissed Civil Remedies Available, 02/15/2006, Delta County 47th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MCKINNEY, FREDERICK LEVELLE, Dismissed Restitution Made, 09/28/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v MCKINNEY, LESLIE REGAN, Pled Lesser, 12/06/2005, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Amount Years: 3, Restitution - Amount: $5,921.49, Fine & Cost - Amount: $880.00.

PEOPLE v MCMILLON, DANIEL BRIAN, Pled Guilty, 09/19/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person-Non Support, Disorderly Person- Non Support.

PEOPLE v MCNEIL, RANDY WARREN, Pled Guilty, 10/06/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $19,552.10, Fine & Cost - Amount: $480.00.

PEOPLE v MCPEAK, BRUCE COURTNEY, Pled Guilty, 11/03/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 85, Restitution - Amount: $25,908.88.

PEOPLE v MCPHERSON, ROBERT LYNN, Dismissed Restitution Made, 10/10/2006, Cass County 43rd Circuit Ct - Cass County, Child Support-Failing to Pay.

PEOPLE v MCPHERSON, MICHAEL, Pled Guilty, 08/23/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00.

PEOPLE v MCTAGGART, ROSS EDWARD, Dismissed Restitution Made, 10/27/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v MCCARRICK, EDWARD JAY, Dismissed Legal Issues, 03/03/2006, Shiawassee County 35th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MCLEOD, MARVIN LEO, Dismissed Restitution Made, 03/01/2006, Midland County 42nd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MEAD, TODD ALBERT, Dismissed Legal Issues, 02/27/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MEDLEY, SCOTT BOWEN, Pled Guilty, 09/08/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v MELDMAN, LOUIS WILLIAM, Guilty Verdict Bench Trial, 08/23/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v MELTON, ANDRE DONNELL, Pled Guilty, 10/18/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v MENDIOLA, HUMBERTO GARCIA, Pled Guilty, 04/14/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $17,325.23, Court Cost - Amount: $1,045.00.

PEOPLE v MENDLER, KAREN J, Dismissed Restitution Made, 08/10/2006, Kent County 17th Judicial Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v MEREDITH, KEVIN THOMAS, Pled Guilty, 06/20/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v MEULENBERG, HANS FREDERICK, Pled Guilty, 11/28/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Court Cost - Amount: $200.00.

PEOPLE v MEYER, STEVEN DOUGLAS, Dismissed Restitution Made, 04/13/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MCCORMICK, MICHELLE RENEE, AKA MICHELLE RENEE BROWER, Pled Guilty, 07/24/2006, Calhoun County 37th Circuit Ct – Calhoun, Child Support-Failing to Pay.

PEOPLE v MILLER, JON FREDERICK, Dismissed Restitution Made, 09/11/2006, Arenac County 23rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MILLER, MARK DUANE, Dismissed Civil Remedies Available, 06/05/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MILLER, CARL JEROME, Pled Guilty, 10/17/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $19,349.02, Court Cost - Amount: $1,192.00.

PEOPLE v MILLER, DALE STEVEN, Dismissed - Agreement, 05/22/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v MILLER, REGINALD, Pled Guilty, 05/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v MILLER, WAYLAND LEE, Dismissed Legal Issues, 05/16/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MILLER, CURTIS ALAN, Dismissed - Agreement, 09/30/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MILLER, ANDERSON L, Dismissed Restitution Made, 05/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v MISHKOOR, STEVE SLEEWA, Pled Guilty, 09/27/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Months: 6, Days Credit: 21 Restitution - Amount: $40,403.83, Other - Amount: $1,980.00.

PEOPLE v MITCHELL, RODERICK DEWEY, Pled Lesser, 01/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 60, Days Credit: 25, Restitution - Amount: $18,443.27.

PEOPLE v MITCHELL, DAVID CHAUNCEY, Pled Guilty, 05/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution, Court Cost - Amount: $695.00.

PEOPLE v MITCHELL, DANIEL PAUL, Pled Guilty, 07/20/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $81,018.78, Fine & Cost - Amount: $2,120.00.

PEOPLE v MITCHELL, STEVEN LEONARD, Pled Guilty, 07/21/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 4, Restitution - Amount: $38,037.24, Court Cost - Amount: $1,800.00.

PEOPLE v MONROE, RICARDO, Pled Guilty, 11/29/2005, Wayne County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 90, Restitution - Amount: $34,588.46, Fine & Cost - Amount: $1,820.00.

PEOPLE v MONROE, TERRY ZANE, Dismissed Legal Issues, 05/17/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MONROE JR, EMMETT EUGENE, Pled Guilty, 10/31/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v MONTOYA, CHRIS, Pled Guilty, 06/05/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v MONTREUIL, JOHN STEPHEN, Pled Guilty, 09/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 4, Restitution - Amount: $41,030.37, Fine & Cost - Amount: $1,110.00.

PEOPLE v MOORE, PERNELL IVAN, Dismissed Restitution Made, 08/02/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MOORE SR, RICHARD WAYNE, Dismissed Restitution Made, 05/11/2006, Oceana County 27th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MOREHOUSE, SHAWN, Pled Guilty, 05/04/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail -, Days: 87, Court Cost - Amount: $970.00.

PEOPLE v MORGAN, ANTHONY, Dismissed Restitution Made, 11/09/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v MORRIS, JOSEPH PHILLIP, Pled Guilty, 03/29/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $15,737.04, Fine & Cost - Amount: $1,220.00.

PEOPLE v MORROW, BERTRAM NIGEL, Pled Lesser, 03/22/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 24, Restitution - Amount: $13,666.36.

PEOPLE v MURRAY, JEFFERY GERALD, Pled Guilty, 05/02/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v NASSAR, OMAR KARAM, Dismissed Reauthorized as Felony, 01/27/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v NEVERS, JR, RONALD JAMES, Pled Guilty, 09/30/2005, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $0.00, Other - Amount: $720.00.

PEOPLE v NICKEL, TERRY GENE, Dismissed Restitution Made, 04/14/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v NASSAR, OMAR KARAM, Pled Guilty, 11/08/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/ Non-Support.

PEOPLE v NASSAR, OMAR KARAM, Pled Guilty, 11/08/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/ Non-Support.

PEOPLE v NICHOLS, MARK LESLIE, Pled Guilty, 05/30/2006, Allegan County 48th Judicial Circuit Court, Disorderly Person- Non Support, Probation - Years: 2, Restitution - Amount: $21,712.02, Fine & Cost - Amount: $400.00.

PEOPLE v NICHOLS, MARK LESLIE, Dismissed Legal Issues, 03/24/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v NICHOLSON, ROBERT JEFFREY, Dismissed Restitution Made, 10/19/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v NIEDJELSKI, MICHAEL G, Pled Guilty, 06/16/2006, Oakland County 6th Circuit – Oakland, Desertion/Abandonment/Non-Support, Delayed Sentence.

PEOPLE v NIMS, RYAN DAVID, Pled Guilty, 04/13/2005, Oakland County 6th Circuit – Oakland, Disorderly Person- Non Support, Probation Months: 6, Fine & Cost - Amount: $90.00.

PEOPLE v NINO, JOSE, Pled Guilty, 10/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v NIVISON, ROBERT LANE, Dismissed Restitution Made, 05/13/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v NORRIS, PHILLIP JAMES, Dismissed Restitution Made, 03/13/2006, Schoolcraft County 11th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v NUNEZ, ALFREDO MARTINEZ, Pled Guilty, 06/26/2006, Mecosta County 49th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v NUNNALLY SR, ANTHONY GORDON, Pled Guilty, 11/17/2006, Branch County 15th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v O'BRIEN, THOMAS SHAWN, Pled Lesser, 08/02/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $22,822.00.

PEOPLE v O'SHEA, JR, DONALD J., Dismissed Restitution Made, 11/21/2005, Calhoun County 37th Circuit Ct – Calhoun, Child Support-Failing to Pay.

PEOPLE v ORANGE, RONALD GLENN, Pled Guilty, 10/13/2006, Cass County 43rd Circuit Ct - Cass County, Child Support-Failing to Pay, Habitual Offender-2nd Offense Notice, Probation - Years: 5, County Jail - Days: 90, Days Credit: 86, Restitution - Amount: $59,437.30.

PEOPLE v ORTIZ, ROBERTO, Pled Guilty, 02/09/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Months: 20, Restitution - Amount: $26,559.00.

PEOPLE v OTAGBA, GODDEY ARKESIRI, Pled Guilty, 10/06/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence, Probation - Years: 3, Restitution - Amount: $33,250.36, Fine & Cost - Amount: $1,140.00.

PEOPLE v OCASIO, LUIS ANTONIO, Pled Guilty, 10/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, County Jail - Months: 06-06, Probation - Months: 06-06, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v ODEA, JOHN PATRICK, Dismissed Restitution Made, 09/20/2006, Genesee County 7th Judicial Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v ODEN, PAUL ERIC, Pled Guilty, 05/17/2006, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $14,883.10, Fine & Cost - Amount: $120.00.

PEOPLE v OLDS, ARTHUR LEE, Pled Guilty, 09/05/2006, Charlevoix County 33rd Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 270, Days Credit: 133, Restitution - Amount: $30,432.47, Fine & Cost - Amount: $120.00.

PEOPLE v ORTIZ, DANIEL, Pled Guilty, 02/14/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $33,068.37, Court Cost - Amount: $690.00.

PEOPLE v OSENTOSKI, DARIN R, Pled Guilty, 11/13/2006, Macomb County 16th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 36 @ $40/month, Restitution – Amount: $19,147.21, Fees & Costs – Amount: $1,095.00.

PEOPLE v OSTERHOUT, DAVID, Pled Guilty, 08/24/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $45,560.10, Fine & Cost - Amount: $2,220.00.

PEOPLE v OSTROWSKI, ROBERT, Pled Guilty, 02/07/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail, Court Cost.

PEOPLE v OTERO, BRIANT CARMELO, Dismissed Restitution Made, 01/25/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v OUELLETTE, GREGORY MARK, Pled Guilty, 10/14/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v OYERVIDEZ JR, JOSE, Pled Guilty, 10/25/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v PALMER, RICHARD WESLEY, Pled Guilty, 11/29/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $21,903.26, Court Cost - Amount: $1,835.00.

PEOPLE v PATTERSON, DARRYL ANTHONY, Dismissed - Agreement, 08/29/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v PAVKOVICH, MICHAEL JOHN, Pled Guilty, 11/09/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $28,000.00, Court Cost - Amount: $420.00.

PEOPLE v PEELE, DAVID TODD, Pled Guilty, 12/02/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 9, Days Credit: 260, Restitution - Amount: $46,318.00, Court Cost - Amount: $1,500.00.

PEOPLE v PEMBROOK, KEVIN JOSEPH, Dismissed Restitution Made, 01/20/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v PERKEY, JUSTIN CORNELL, Dismissed - Agreement, 12/06/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v PETERSEN, JEFFREY WAYNE, Pled Lesser, 06/20/2005, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 12, Restitution - Amount: $52,200.00, Fine & Cost - Amount: $940.00.

PEOPLE v PETROVSKY, GARY MICHAEL, Pled Guilty, 04/12/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v PHAIBOUN, CHANH N., Pled Guilty, 05/19/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 140, Days Credit: 104, Restitution - Amount: $56,539.32, Fine & Cost - Amount: $120.00.

PEOPLE v POWELL, DONOVAN ANTHONY, Pled Lesser, 01/01/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Habitual Offender-Fourth Offense Notice, Probation - Months: 60, Restitution - Amount: $12,960.00.

PEOPLE v PURTILL, MARK CHARLES, Pled Guilty, 08/02/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $26,526.00, Court Cost.

PEOPLE v PALMER, MELVIN DWAYNE, Pled Guilty, 09/18/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Amount Years: 5, Restitution - Amount: $53,892.37.

PEOPLE v PALMER, ERIC D, Dismissed Restitution Made, 12/14/2005, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v PALMER, VASSAR, Pled Lesser, 08/29/2006, Saginaw County 10th Judicial Circuit, Disorderly Person-Non Support.

PEOPLE v PALMS, ROBERT HAROLD, Dismissed Restitution Made, 01/11/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v PARKER JR, JOHN JAMES, Pled Guilty, 11/13/2006, Mecosta County 49th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v PARKER JR, RICHARD LEE, Pled Guilty, 09/12/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v PARRISH, CHRISTOPHER E., Pled Guilty, 08/09/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Years:, County Jail - Days: 365, Days Credit: 1, Restitution - Amount: $18,255.00, Court Cost.

PEOPLE v PATTERSON, CRAIG FREDERICK, Pled Guilty, 12/19/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 12, Court Cost - Amount: $795.00.

PEOPLE v PATTERSON, RAYMONE LAMONT, Dismissed Civil Remedies Available, 08/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PATTERSON II, ROBERT JOHN, Pled Guilty, 11/17/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $47,580.83, Court Cost - Amount: $720.00.

PEOPLE v PAVLIN, MICHAEL CHARLES, Pled Guilty, 12/20/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v PENCE, CHRISTOPHER WILLIAM, Pled Guilty, 06/06/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Dismissed.

PEOPLE v PEREZ, JUAN M., Dismissed - Agreement, 02/02/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PERKINS, BARBARA ELLEN, Dismissed Restitution Made, 02/02/2006, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PERRY, CHARLES KENNETH, Pled Guilty, 09/15/2006, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution -Amount: $23,374.12, Fines/Court Cost -Amount: $1,120.

PEOPLE v PETER, ROGER ALLEN, Pled Guilty, 08/24/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $82,817.57, Court Cost - Amount: $1,620.00.

PEOPLE v PETERSON, HANS CHRISTIAN, Pled Guilty, 10/04/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v PETERSON, DEAN VINCENT, Dismissed Restitution Made, 08/04/2006, Schoolcraft County 11th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PETERSON AKA WARREN, PEGGY ADALINE, Dismissed Legal Issues, 03/09/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PETREE JR, JOHNNY RAY, Pled Lesser, 08/04/2006, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PICARDAT, PHILIP JOHN, Dismissed Civil Remedies Available, 05/03/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PICKETT, RYAN MATTHEW, Pled Guilty, 03/09/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v PIGG, RAYMON D, Dismissed Restitution Made, 08/14/2006, Arenac County 23rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PLAGGEMEYER, MICHAEL KENT, Dismissed - Agreement, 09/14/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PLENDER, GERALD JAY, Pled Guilty, 06/06/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 4, Days Credit: 4.

PEOPLE v POMNITZ, EDWIN CHARLES, Pled Guilty, 08/02/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $17,999.33, Court Cost - Amount: $1,845.00.

PEOPLE v PONCE, AURELIO PENA, Pled Guilty, 10/31/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation – 2 Years, Restitution - Amount: $56,188.14, Fine & Cost - Amount: $720.00.

PEOPLE v POPE, DUANE CARLETON, Pled Guilty, 08/02/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, Restitution - Amount: $33,586.17, Fine & Cost - Amount: $1,680.00.

PEOPLE v POWERS, THOMAS JAMES MITCHELL, Pled Guilty, 11/16/2005, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $7,765.14, Court Cost - Amount: $125.00.

PEOPLE v POWERS, SR., RONALD JAY, Dismissed Restitution Made, 09/15/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PRATTS, DAVID MANUEL, Pled Guilty, 08/31/2005, Mecosta County 49th Judicial Circuit Court, Child Support-Failing to Pay. Probation - Months: 18, Restitution - Amount: $32,943.73, Court Cost - Amount: $1,085.00.

PEOPLE v PRECORD, DAVID LOWELL, Pled Guilty, 08/21/2006, Alpena County 26th Circuit Court – Alpena, Child Support-Failing to Pay, Probation - Months: 24, Court Cost - Amount: $820.00.

PEOPLE v PREMO, HEATHER LYN, Dismissed Restitution Made, 03/09/2006, Delta County 47th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v PRICE JR, ROBERT L, Pled Guilty, 10/31/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v PRUITT, TOMMY WAYNE, Pled Guilty, 09/28/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Amount :, Hours: 25, Years: 5, County Jail - Days: 39, Days Credit: 39, Restitution - Amount: $51,259.91.

PEOPLE v PRUITT, LEON MICHAEL, Dismissed - Agreement, 06/20/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v PRYOR, EUGENE, Pled Guilty, 11/07/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $13,265.32, Court Cost.

PEOPLE v PURTILL, MARK CHARLES, Dismissed, Plea/Conviction on Another Case, 06/30/2005, Kent County 17th Judicial Circuit Court, Absconding or Forfeiting Bond.

PEOPLE v QUEEN, MARK ANTHONY, Pled Guilty, 08/25/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Months: 24, Restitution, Court Cost - Amount: $1,820.00.

PEOPLE v QUINCE, JR., LARRY GENE, Pled Guilty, 05/18/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence Years: 3, Restitution - Amount: $16,967.56, Fine & Cost - Amount: $380.00.

PEOPLE v QUINN, DENNIS JAY, Pled Guilty, 11/02/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 162, Days Credit: 162, Restitution - Amount: $36,541.55, Extradition Fees - Amount: $978.59, Other - Amount: $1,620.00.

PEOPLE v QUATTLEBAUM, TINA, Pled Guilty, 11/20/2006, Wexford County 28th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 60, County Jail – Days: 147, credit with 147 days served, Restitution – Amount: $10,773.20, Cost & Fees – Amount: $120.00.

PEOPLE v QUERTERMUS, JOHN FRANK, Dismissed Restitution Made, 08/02/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v RADATZ, RANDY JAMES, Dismissed Restitution Made, 03/14/2006, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v RAYMOND, GARY LANE, Dismissed Restitution Made, 03/07/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Habitual Offender-2nd Offense Notice.

PEOPLE v REED JR, HEZEKIAH, Pled Guilty, 10/04/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $20,000.00, Court Cost.

PEOPLE v REGAN, FRANCIS MICHAEL, Pled Guilty, 04/18/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation, Restitution - Amount: $51,489.53, Court Cost - Amount: $720.00.

PEOPLE v ROBERTS, EARL, Pled Guilty, 11/16/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail- Days: 90, Restitution - Amount: $172,047.00, Extradition Fees - Amount: $1,079.92, Court Cost - Amount: $2,520.00.

PEOPLE v ROBINS, SCOTT, Dismissed Restitution Made, 09/26/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Restitution - Amount: $33,000.00.

PEOPLE v RODGERS, DOUGLAS CLAYTON, Pled Guilty, 05/23/2005, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution, Court Cost - Amount: $920.00.

PEOPLE v ROIG, GEORGE LOUIS, Pled Lesser, 07/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v RUSSELL-KINCAID, TRACI ANN, Pled Guilty, 08/11/2006, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v RABIDOUX II, JAMES ROGER, Pled Guilty, 09/26/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v RAFFIN, MICHAEL ANTHONY, Pled Guilty, 10/04/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v RAMIREZ, JOSE LUIS, Pled Guilty, 08/28/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Days: 90, Fine & Cost - Amount: $65.00.

PEOPLE v RAMME, HAKIM, Pled Guilty, 10/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v RAWES, AKA BELLINGAR, STANLEY EDWARD, Pled Guilty, 08/10/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3.

PEOPLE v RAWLINGS, JAMES EDWARD, Dismissed Restitution Made, 02/21/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v RAYMOND JR, MERRITT, Pled Guilty, 11/03/2006, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v REARDON, TROY GIRARD, Dismissed Restitution Made, 08/03/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v REED, RANDALL J, Pled Guilty, 02/27/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 3, Court Cost - Amount: $2,952.00.

PEOPLE v REED, PATRICK J, Pled Guilty, 08/18/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Months: 18, Restitution - Amount: $24,109.61, Fine & Cost - Amount: $1,290.00.

PEOPLE v REED, ALEXANDER, Pled Guilty, 10/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v REEVES, HOWARD LEROY, Dismissed Restitution Made, 04/18/2006, Alpena County 26th Circuit Court – Alpena, Child Support-Failing to Pay.

PEOPLE v REIBER, THOMAS T, Dismissed Restitution Made, 07/22/2006, Schoolcraft County 11th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v REID, SCOTT M, Dismissed Restitution Made, 06/28/2006, Wexford County 28th Judicial Circuit Court.

PEOPLE v REVERS, JEFFERY TODD, Pled Guilty, 11/01/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $19,781.84, Court Cost - Amount: $920.00.

PEOPLE v REYNOLDS, DAVID EDWARD, Pled Guilty, 08/25/2005, Genesee County 7th Judicial Circuit Court, Disorderly Person- Non Support, Court Cost - Amount: $500.00.

PEOPLE v RHOADES, DENNIS WAYNE, Pled Guilty, 09/25/2006, Montmorency County 26th Circuit Ct – Montmorency, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 94, Restitution - Amount: $36,997.00, Court Cost - Amount: $560.00.

PEOPLE v RICE, LAMARR, Pled Guilty, 07/12/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, County Jail- Days: 90, Days Credit: 39, Restitution -Amount: $29,364.

PEOPLE v RICE, GARY DEE, Dismissed Restitution Made, 08/11/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v RICHARD, HAROLD ROY, Pled Guilty, 01/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, County Jail - Days: 216, Days Credit: 216.

PEOPLE v RICHARDS, DALE ALLEN, Pled Guilty, 11/18/2005, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $29,531.35, Court Cost - Amount: $3,273.00.

PEOPLE v RICHARDSON, DONALD GRANT, Pled Guilty, 07/17/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 180, Days Credit: 59, Restitution - Amount: $148,174.56, Court Cost.

PEOPLE v RICKERSON, JEFFREY ALAN, Pled Guilty, 02/13/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 50, Restitution - Amount: $19,639.61, Court Cost - Amount: $1,060.00.

PEOPLE v RILEY JR, FRANK EUGENE, Pled Guilty, 08/07/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, No appearance at Sentencing, Bench Warrant Issued.

PEOPLE v RIOS, RODOLFO, Pled Guilty, 05/23/2006, Gratiot County 29th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 57, Days Credit: 57, Restitution - Amount: $41,769.87, Fine & Cost - Amount: $4,670.00.

PEOPLE v RIVERA, DAVID MUNOZ, Guilty Verdict Jury Trial, 04/10/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 6, Restitution - Amount: $14,545.00, Court Cost - Amount: $2,460.00.

PEOPLE v ROBERTS, MARK ERIC, Pled Guilty, 11/20/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, Circuit Ct. Jury Trial-Cancelled.

PEOPLE v ROBERTS, BRET LAWRENCE, Pled Guilty, 05/08/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v ROBINSON, JOHN CHARLES, Dismissed Legal Issues, 11/09/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v ROBSON, RAVEN LANCE, Pled Guilty, 01/25/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $27,666.14, Fine & Cost - Amount: $6,440.00.

PEOPLE v ROBSON, RAVEN LANCE, Pled Guilty, 09/27/2006, Oakland County 6th Circuit – Oakland, Absconding or Forfeiting Bond, Probation - Years: 5, Restitution - Amount: $27,666.14, Fine & Cost - Amount: $6,440.00.

PEOPLE v RODEBAUGH, CHARLES ROBERT, Pled Guilty, 02/07/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 3, Days Credit: 3, Restitution - Amount: $29,856.00, Fine & Cost - Amount: $1,320.00.

PEOPLE v RODRIGUEZ JR, JACINTO, Pled Guilty, 05/17/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5.

PEOPLE v ROMERO, ANDY ABEL, Dismissed Restitution Made, 12/01/2006, Oakland County 6th Circuit – Oakland, Disorderly Person-Non Support.

PEOPLE v ROOD, MARK STEVEN, Pled Guilty, 11/04/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 10, Restitution - Amount: $21,961.29, Fine & Cost - Amount: $1,680.00.

PEOPLE v ROSAS-ALMANZA, DANIEL, Pled Guilty, 12/14/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v ROSS JR, JAMES, Pled Guilty, 08/11/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Years: 1, Days Credit: 104.

PEOPLE v ROWAN, MARK ALAN, Pled Lesser, 05/05/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v RULE, RONALD OTTO, Pled Lesser, 06/26/2006, Gladwin County 55th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v RUPLE, JOHN CALVIN, Dismissed Legal Issues, 03/23/2006, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v RYKERT, SHERRI A, Dismissed Legal Issues, 04/04/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SAWA, WALEED E., Pled Guilty, 07/14/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $194,652.96, Court Cost - Amount: $1,545.00.

PEOPLE v SCHOENLEIN, GREG W., Pled Guilty, 09/01/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Habitual Offender-Fourth Offense Notice.

PEOPLE v SCOTT, MICHAEL AARON, Dismissed Legal Issues, 01/10/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay.

PEOPLE v SEBREE, KENNETH HEZEKIAH, Pled Lesser, 08/16/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 90, Days Credit: 79, Restitution - Amount: $99,537.92, Fine & Cost - Amount: $1,920.00.

PEOPLE v SHACKELFORD, AKA TROTTER, LARON RODNEY, Pled Lesser, 07/19/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 14, Restitution - Amount: $10,538.00.

PEOPLE v SHEEHAN, JR., JAMES P., Pled Guilty, 08/26/2005, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $38,884.32, Extradition Fees - Amount: $268.14, Court Cost - Amount: $2,362.00.

PEOPLE v SHORTER, BRYAN LEE, Pled Guilty, 06/07/2005, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Years: 5, Restitution - Amount: $24,160.70, Court Cost - Amount: $900.00.

PEOPLE v SMITH, ERIC, Pled Guilty, 02/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 45, Days Credit: 25, Restitution - Amount: $86,295.00, Court Cost - Amount: $1,120.00.

PEOPLE v SNELGROVE, DIANE JANE, Pled Guilty, 06/02/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Days: 4, Days Credit: 4, Restitution - Amount: $1,567.18.

PEOPLE v SPENCER, MELVIN WILLIAM, Pled Guilty, 08/15/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $128,265.52.

PEOPLE v SPENCER, MELVIN WILLIAM, Dismissed, Plea/Conviction on Another Case, 08/15/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SRUBA, EDWARD JASON, Dismissed Restitution Made, 10/31/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v STANZIONE, FRANK, Dismissed - Agreement, 01/18/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v STEPHENS, JOHNNY, Pled Guilty, 04/20/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support, Probation - Months: 12, Restitution - Amount: $1,000.00, Fine & Cost - Amount: $300.00.

PEOPLE v STEVENS, JAMES ANDREW, Pled Guilty, 08/05/2005, Monroe County 38th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 270, Restitution - Amount: $16,328.55, Court Cost - Amount: $1,700.00.

PEOPLE v STEWART, SR., MAURICE FRANCIS, Pled Guilty, 05/25/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, State Prison - Months: 23-48, Days Credit - 60, Restitution - Amount: $24,423.72, Court Cost - Amount: $25,353.72.

PEOPLE v STILLSON, ROGER LEE, Pled Lesser, 10/24/2005, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 48, Restitution - Amount: $20,259.02, Fine & Cost - Amount: $3,139.40.

PEOPLE v STRAUB, ANTHONY PATRIC, Pled Guilty, 07/22/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $18,000.00, Court Cost - Amount: $1,620.00.

PEOPLE v SALEM, NASSER, Pled Guilty, 10/11/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Delayed Sentence.

PEOPLE v SALTER, DENNIS J., Dismissed Restitution Made, 08/04/2006, Eaton County 56th Judicial Circuit Court.

PEOPLE v SAMPLE, MICHAEL PAUL, Dismissed Restitution Made, 11/29/2005, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v SANDERS, JOHN MORGAN, Pled Guilty, 12/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, State Prison - Months: 18, Restitution.

PEOPLE v SANDERS, ERIC S., Pled Guilty, 07/17/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay, Probation – 36 Months, Supervision Fee: $10/month, Costs and Fees: $120.00.

PEOPLE v SANDERS, LEE JAMES, Pled Guilty, 05/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $25,679.41, Other - Amount: $1,380.00.

PEOPLE v SANDERS, JOHN M, Pled Guilty, 12/06/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, State Prison - Months: 18, Restitution.

PEOPLE v SAUKAS, THOMAS EDWARD, Pled Guilty, 09/27/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5.

PEOPLE v SCHAFFER, ARIC BENSON, Pled Guilty, 12/14/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v SCHONS, KEVIN T., Pled Guilty, 06/22/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v SCHRAMM, TIMOTHY ALLAN, Pled Guilty, 08/07/2006, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v SCHWANDT, CURTIS LYNN, Pled Guilty, 06/22/2006, Mecosta County 49th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v SCOTT, REGGINALD NATHAN, Pled Guilty, 02/17/2006, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 90, Days Credit: 25, Restitution - Amount: $38,512.70, Court Cost - Amount: $120.00.

PEOPLE v SCOTT SIGMAN, AKA STEVEN SCOTT SIGMAN, Dismissed Restitution Made, 08/23/2006, Genesee County 7th Judicial Circuit Court, Desertion/Abandonment/Non-Support.

PEOPLE v SEABROOK, MICHAEL DEAN, Dismissed - Agreement, 02/07/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SEAMON, MARK, Pled Guilty, 06/12/2006, Clinton County 29th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Days: 75, Days Credit:75, Probation - Months: 60, Restitution, Court Cost - Amount: $32,625.24.

PEOPLE v SEAY, MICHAEL ANTHONY, Pled Guilty, 11/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, State Prison - Months: 18, Years: 06.

PEOPLE v SEROKA JR, ROBERT GENE, Dismissed Restitution Made, 12/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v SERR, GEORGE EDWARD, Dismissed Defendant Died, 06/27/2006, Shiawassee County 35th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SEYMOUR, SANDOR ALEXANDER, Dismissed - Agreement, 08/29/2005, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SHALER, BRADLEY EARL, Pled Lesser, 02/22/2006, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 21, Days Credit: 21, Restitution - Amount: $31,872.76, Extradition Fees - Amount: $643.70, Fine & Cost - Amount: $120.00.

PEOPLE v SHARKEY, JOHN SCOTT, Pled Guilty, 06/06/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v SHEK, STEVEN P, Pled Guilty, 02/17/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Months: 6, Restitution - Amount: $47,042.09, Fine & Cost - Amount: $1,320.00.

PEOPLE v SHELDON, LEON ROSS, Dismissed Restitution Made, 05/30/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SHELTON, BRIAN, Pled Guilty, 05/30/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $36,249.26, Fine & Cost - Amount: $1,120.00.

PEOPLE v SHEPHERD, TIMOTHY MARCUS, Pled Guilty, 10/19/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation -Years: 5, Restitution - Amount: $75,607.36, Fine & Cost - Amount: $2,220.00.

PEOPLE v SHIRK, RICHARD PATRICK, Pled Guilty, 11/03/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Failed to Appear at Sentencing, Bench Warrant issued.

PEOPLE v SHOUP, ROBERT DOUGLAS, Pled Guilty, 07/16/2006, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, County Jail - Days: 36, Fine & Cost - Amount: $1,179.00.

PEOPLE v SIEDENSTRANG, JEFFERY SCOTT, Pled Lesser, 05/04/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support, Probation - Months: 24, 003 Restitution - Amount: $5,854.07, 003 Fine & Cost - Amount: $345.00.

PEOPLE v SIGOURNEY, KEITH NORMAN, Pled Guilty, 07/31/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $23,178.27.

PEOPLE v SILVERSTEIN, STEVEN ARTHUR, Pled Guilty, 03/31/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, State Prison - Months: 32 to 48, Restitution - Amount: $73,900.00.

PEOPLE v SIMBOLI, NANCY A., Pled Guilty, 09/26/2005, Ottawa County 20th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Days: 180, Days Credit: 84, Court Cost - Amount: $568.00.

PEOPLE v SIMERSON, DWAIN E, Dismissed Restitution Made, 09/16/2005, Saginaw County 10th Judicial Circuit, Child Support-Failing to Pay.

PEOPLE v SIMMONS, ROBERT ALLEN, Pled Guilty, 09/26/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Years: 1, Days Credit: 33, Probation - Years: 5, Restitution - Amount: $60,941.60, Court Fees - Amount: $120.00.

PEOPLE v SINGH, NARINDER JEET, Pled Guilty, 10/04/2005, Oakland County

6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 93, Days Credit: 178, Restitution - Amount: $111,204.39, Court Cost - Amount: $3,060.00.

PEOPLE v SLAGLE JR, CECIL JACK, Pled Guilty, 09/21/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $25,492.00.

PEOPLE v SLAVENS, BRIAN EVERETT, Dismissed Restitution Made, 01/17/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SMITH, MATTHEW NORTON, Pled Guilty, 04/28/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 90, Days Credit: 44, Restitution - Amount: $17,727.20, Court Cost - Amount: $1,320.00.

PEOPLE v SMITH, REX ALLEN, Dismissed Restitution Made, 04/26/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SMITH, DARIN W, Pled Guilty, 03/28/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, Restitution - Amount: $45,902.35, Court Cost - Amount: $1,000.00.

PEOPLE v SMITH, RICKY, Pled Guilty, 08/23/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v SMITH, DAVID EDWARD, Pled Guilty, 04/12/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 75, Days Credit: 75, Restitution - Amount: $66,679.99, Extradition Fees - Amount: $1,055.75, Court Cost - Amount: $2,070.00.

PEOPLE v SMITH, JAMES LOUIS, Child Support Settlement, 10/03/2005, St. Clair County 31st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SNYDER, TAMMY LOUISE, Dismissed Restitution Made, 02/27/2006, Shiawassee County 35th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SOLOMON, SR, RODRICO, Pled Guilty, 09/28/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $23,251.80, Court Cost.

PEOPLE v SPAHR, EDWARD, Pled Guilty, 06/15/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Delayed Sentence.

PEOPLE v SPERO, PATRICK THOMAS, Pled Lesser, 09/01/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SPOHN, JAMES TY, Pled Guilty, 11/15/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution.

PEOPLE v SPRAGGINS, KIT, Pled Guilty, 08/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, County Jail - Days: 67, Days Credit: 67, Restitution - Amount: $22,249.94, Court Cost - Amount: $780.00.

PEOPLE v STALNAKER, CHRISTOPHER MICHAEL, Pled Guilty, 03/27/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 191, Days Credit: 191, Restitution - Amount: $76,000.00.

PEOPLE v STAMBAUGH JR, ROBERT, Pled Guilty, 08/01/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00.

PEOPLE v STAPLETON, PHILLIP JOHN, Pled Guilty, 03/14/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $27,668.50, Court Cost - Amount: $1,120.00.

PEOPLE v STAPLETON, PHILLIP JOHN, Pled Guilty, 03/14/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $27,668.50, Court Cost - Amount: $1,120.00.

PEOPLE v STARKS, CHRISTOPHER ALAN, Pled Guilty, 11/02/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v STARRETT II, DEWEY, Dismissed - Agreement, 01/04/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v STECKEL, DANIEL LAURENCE, Pled Guilty, 05/10/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $53,137.76, Fine & Cost - Amount: $860.00.

PEOPLE v STEEN, KEITH, Pled Guilty, 04/19/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Community Service, Restitution - Amount: $29,559.99, Court Cost - Amount: $420.00.

PEOPLE v STEIGER, JEFFREY, Pled Guilty, 06/14/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 90, Restitution - Amount: $34,153.43, Court Cost - Amount: $1,520.00.

PEOPLE v STEPHENS, TEDDY LEE, Dismissed - Agreement, 09/27/2006, Calhoun County 37th Circuit Ct – Calhoun, Child Support-Failing to Pay.

PEOPLE v STERLING, JOSEPH, Pled Guilty, 09/18/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 24, County Jail – Days: 60, credit with two days, Pay CS as specified by FOC, Costs & Fines – Amount: $960.00.

PEOPLE v STEVENS, STEVEN MICHAEL, Pled Guilty, 05/03/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $106,590.64, Fine & Cost - Amount: $970.00.

PEOPLE v STEWART, TRAVIS R, Dismissed Legal Issues, 07/20/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v STODDARD, BRUCE DOUGLAS, Dismissed Restitution Made, 12/19/2006, Iosco County 23rd Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v STORER, DELBERT L, Pled Guilty, 08/08/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Fine & Cost - Amount: $600.00.

PEOPLE v STRICKLAND JR, ROGER RAY, Pled Guilty, 11/27/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 180, Days Credit: 49, Restitution - Amount: $57,795.88, Court Cost - Amount: $1,733.00.

PEOPLE v SUER, GORDON GLENN, Pled Lesser, 05/30/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Days: 45-45, County Jail - Days: 45-45, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v SUMMERVILLE, WILLIAM MAURICE, Pled Guilty, 01/17/2006, Osceola County 49th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 1, County Jail - 3, Restitution, Court Cost - Amount: $1,420.00.

PEOPLE v SUNDSVOLD, LON D, Pled Guilty, 04/12/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v SUTFIN, DOUGLAS ALBERT, Dismissed - Agreement, 03/15/2006, Barry County 5th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v SWANSON, MICHAEL TODD, Pled Guilty, 08/08/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v SWIFT, MACARTHUR LEE, Pled Guilty, 10/11/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $16,175.40, Court Cost - Amount: $1,820.00.

PEOPLE v TAHMOUCH, MICHEL, Dismissed Restitution Made, 08/12/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v TEDDERS, ROBERT MICHAEL, Pled Guilty, 05/11/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 15, Restitution, Court Cost - Amount: $120.00.

PEOPLE v TENNEY, JEFFREY CRAIG, Dismissed Restitution Made, 08/14/2006, Mason County 51st Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v THOMPSON, WILLIAM FREDERICK, Dismissed Restitution Made, 11/09/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v TOLBERT, ELIAS T., Dismissed Restitution Made, 03/25/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v TONEY, JAMES NATHANIEL, JR, Dismissed Restitution Made, 12/19/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support.

PEOPLE v TONY YOUNG, ANTONIO BERNARD YOUNG AKA, Dismissed - Agreement, 12/16/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Restitution - Amount: $23,083.20.

PEOPLE v TOVAR, FRANK THOMAS, Pled Guilty, 06/01/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 3, Restitution - Amount: $26,317.31, Court Cost - Amount: $1,380.00.

PEOPLE v TRAN, CHAU THIEN, Pled Guilty, 11/18/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Months: 12, Days Credit: 148.

PEOPLE v TURNER, WILLIAM RICHARD, Pled Guilty, 11/23/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $33,893.00.

PEOPLE v TYUS, EUGENE W, Pled Guilty, 06/22/2005, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $18,839.71, Fine & Cost - Amount: $1,188.00.

PEOPLE v TALBOT, MICHAEL TODD, Dismissed Restitution Made, 09/09/2005, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v TALCOTT, DAVID WAYNE, Dismissed Restitution Made, 08/28/2006,

Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v TALIAFERO, MASCO ELI, Pled Lesser, 06/15/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v TANK, LOUIS CHARLES, Pled Guilty, 01/06/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay Probation - Years: 5, Restitution - Amount: $35,913.18, Court Cost - Amount: $1,060.00.

PEOPLE v TARANTO JR, WALLACE MICHAEL, Pled Guilty, 07/21/2005, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v TAYLOR, JOHN JOSEPH, Pled Guilty, 12/01/2006, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v TAYLOR, LADON, Pled Guilty, 05/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $25,018.23, Court Cost - Amount: $720.00.

PEOPLE v TAYLOR JR, LONNY RAY, Pled Guilty, 06/19/2006, Shiawassee County 35th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v THOMAS, DARNELL, Pled Guilty, 06/27/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation – Years: 5 @ $10/month, County Jail – Months: 11, credit for 180 days, Restitution – Amount: $77,250.00, Fines & Costs – Amount: $11,120.00.

PEOPLE v THOMPSON, DONALD, Pled Guilty, 07/10/2006, Montcalm County 8th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Months: 6, Restitution - Amount: $14,562.22, Fine & Cost - Amount: $420.00.

PEOPLE v THORNBURG, GEORGE M, Pled Guilty, 03/24/2006, Eaton County 56th Judicial Circuit Court, Disorderly Person- Non Support, Court Cost - Amount: $100.00.

PEOPLE v TIGELAAR, DUANE E, Pled Guilty, 01/23/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, State Prison - Years: 1-4, Restitution - Amount: $16,460.93.

PEOPLE v TOMLIN, DAVID MICHAEL, Dismissed Restitution Made, 11/09/2006, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v TORZ, RICHARD ALLEN, Pled Guilty, 06/06/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, State Prison - Months: 6, Restitution - Amount: $47,299.25.

PEOPLE v TOWNSEND, THERON MARQUISE, Pled Guilty, 01/09/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 2, County Jail - Years: 1, Restitution - Amount: $12,361.00, Court Cost - Amount: $1,560.00.

PEOPLE v TRAHAN, BRADLEY DAVID, Pled Guilty, 11/16/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months: 36, Costs & Fines – Amount $12,069.60.

PEOPLE v TRAN, TORRE ALAN, Pled Guilty, 10/06/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v TREAT, RANDY SCOTT, Pled Guilty, 01/20/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Restitution - Amount: $32,327.59, Court Cost.

PEOPLE v TROWBRIDGE, DOUGLAS CHRISTOPHER, Dismissed - Agreement, 11/02/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v TURNER, DANIEL GRANT, Pled Guilty, 11/02/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v TYLER, CHARLES JOHN, Pled Guilty, 11/01/2005, Jackson County 4th Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Days: 180, Days Credit: 65, Restitution - Amount: $42,460.22, Extradition Fees - Amount: $1,700.00, Other - Amount: $60.00.

PEOPLE v UEBERROTH, TRAVIS PAUL, Dismissed Restitution Made, 04/07/2006, Shiawassee County 35th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v URQUHART, CHARLES LAFOSTER, Pled Lesser, 01/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v VANDERJAGT, HENRY RAY, Pled Guilty, 04/06/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Habitual Offender-2nd Offense Notice, Probation - Months: 16-48, Restitution - Amount: $49,165.87.

PEOPLE v VANHUIS, THOMAS JAY, Pled Guilty, 09/23/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, State Prison, Court Cost - Amount: $60.00.

PEOPLE v VISSER, CHRISTOPHER JON, Pled Guilty, 06/01/2005, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation: pay the costs of the delay, $480.00 supervision fee, terms as listed in order.

PEOPLE v VAN KAMPEN, RANDY LEE, Pled Guilty, 01/11/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, Restitution - Amount: $43,347.67, Court Cost - Amount: $720.00.

PEOPLE v VANBUSKIRK, DANIEL LEROY, Pled Guilty, 08/09/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $21,115.69, Fine & Cost - Amount: $2,100.00.

PEOPLE v VASQUEZ, DANIEL VINCENTE, Pled Guilty, 03/08/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v VELA, ALBERT, Pled Guilty, 01/19/2006, Schoolcraft County 11th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 24, County Jail - Months: 12, Days Credit: 54, Restitution - Amount: $45,673.46.

PEOPLE v VELTMAN, DAVID MICHAEL, Pled Guilty, 01/30/2006, Oceana County 27th Judicial Circuit Court, Child Support-Failing to Pay, Probation -Years: 2, County Jail - Days: 90, Days Credit: 75, Restitution - Amount: $23,253.33, Court Cost - Amount: $320.00.

PEOPLE v VERHEY AKA RAYMOND PERRY, RAYMOND DALE, Pled Guilty, 12/21/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, County Jail – Days: 2, credit with 2 days served, Probation – Months: 36, Restitution – Amount: $24,048.09, Cost & Fines - Amount: $570.00.

PEOPLE v VERNIER, LEE ALLAN, Dismissed Restitution Made, 10/25/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v VINCENT, PATRICK STEVEN, Pled Guilty, 11/21/2006, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v VINSON, PHILLIP DAN, Pled Guilty, 08/09/2005, Wexford County 28th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 36, County Jail - Days: 113, Days Credit: 113, Restitution - Amount: $9,831.00.

PEOPLE v VISSER, STEPHEN PAUL, Pled Guilty, 06/12/2006, Genesee County 7th Judicial Circuit Court, Disorderly Person- Non Support, Court Cost - Amount: $500.00.

PEOPLE v VROMAN SR, CHARLES M, Dismissed Restitution Made, 08/15/2006, Ionia County 8th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WALDEN, JAMES KENT, Pled Guilty, 03/21/2005, St. Joseph County 45th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 186, Days Credit: 186.

PEOPLE v WALVATNE, GALEN ERIC, Pled Guilty, 07/26/2005, Genesee County 7th Judicial Circuit Court, Disorderly Person- Non Support, County Jail - Days: 30, Court Cost - Amount: $620.00.

PEOPLE v WATSON, DANIEL H., Pled Lesser, 06/03/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $42,934.15.

PEOPLE v WEEMS, MATTHEW MARK, Pled Guilty, 03/18/2005, Eaton County 56th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Months: 60, County Jail - Days: 120, Days Credit: 87, Restitution - Amount: $17,152.36, Fine & Cost - Amount: $120.00.

PEOPLE v WELCH, ROBERT, Dismissed Restitution Made, 07/26/2006, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WHITE, JOHNNIE LEE, Pled Guilty, 05/24/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 31, Days Credit: 31, Restitution - Amount: $35,374.77, Fine & Cost - Amount: $1,290.00.

PEOPLE v WHITE, DOUGLAS WAYNE, Dismissed Restitution Made, 04/25/2005, Livingston County 44th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WILLIAMS, RICKY ALLEN, Pled Guilty, 10/18/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $86,726.61, Extradition Fees - Amount: $678.80.

PEOPLE v WILLIAMS, RICKY ALLEN, Dismissed, Plea/Conviction on Another Case, 10/18/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WILLIAMS, CHAD ALLEN, Dismissed Restitution Made, 07/11/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WILLIAMS, ADAM TROY, Dismissed by Court, 09/05/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $28,843.72, Fine & Cost - Amount: $920.00.

PEOPLE v WILLIAMS, JR., REGINALD STEVEN, Dismissed Restitution Made, 03/31/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Habitual Offender-2nd Offense Notice.

PEOPLE v WILSON, JACQUEL MONTE, Pled Guilty, 06/15/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Years: 5, County Jail - Days: 2, Court Cost - Amount: $1,320.00.

PEOPLE v WILSON, ROBERT ALEXANDER, Pled Guilty, 09/18/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v WITHERSPOON, JOSEPH ANTHONY, Pled Lesser, 02/17/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $51,252.00, Fine & Cost - Amount: $690.00.

PEOPLE v WOODWORTH, DAVID MICHAEL, Pled Guilty, 08/31/2005, Ingham County 30th Judicial Circuit Court, Child Support-Failing to Pay, Desertion/Abandonment/Non-Support, Probation - Years: 5, County Jail - Days: 92, Days Credit: 92, Restitution - Amount: $43,660.80, Extradition Fees - Amount: $718.81.

PEOPLE v WADSWORTH, NATHAN JOHN, Pled Guilty, 06/12/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $20,996.43, Court Cost - Amount: $1,970.00.

PEOPLE v WALKER, DENNIS MICHAEL, Pled Guilty, 07/12/2005, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, County Jail - Days: 52, Days Credit: 52, Probation - Years: 5, Restitution - Amount: $97,278.10, Fine & Cost - Amount: $9,720.00.

PEOPLE v WALLEY, DAVID LARRY, Pled Guilty, 09/22/2006, Kalamazoo County 9th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v WALLIN, WILLIAM J, Pled Guilty, 11/13/2006, Iosco County 23rd Judicial Circuit Court, Child Support-Failing to Pay, Probation: Months: 24 beginning 12/11/06, Jail: 91 days with 91 days credit, Fine and Costs: - Amount $1,220.00.

PEOPLE v WALSH, THOMAS ALBERT, Pled Guilty, 06/13/2005, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $10,000.00, Extradition Fees - Amount: $524.96.

PEOPLE v WARREN JR, SAMUEL LESLIE, Dismissed Restitution Made, 03/27/2006, Wexford County 28th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WASHINGTON, BOOKER T, Dismissed Legal Issues, 06/14/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v WATKINS, KAMAU T, Pled Guilty, 08/03/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $30,000.00, Court Cost - Amount: $1,820.00.

PEOPLE v WATKINS, TOMMY, Pled Guilty, 12/06/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v WATSON, RAYMOND ARNOLD, Guilty Verdict Bench Trial, 11/01/2006, Lapeer County 40th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WATSON, MARWAN RISHAR, Pled Guilty, 08/24/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $6,000.00, Court Cost - Amount: $1,020.00.

PEOPLE v WATSON, MARWAN RISHAR, Pled Guilty, 08/24/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $6,000.00, Court Cost - Amount: $1,020.00.

PEOPLE v WEAVER, DENNIS RAY, Pled Guilty, 03/20/2006, Allegan County 48th

Judicial Circuit Court, Child Support-Failing to Pay, County Jail - Days: 40, Probation - Years: 5, Restitution - Amount: $38,769.99.

PEOPLE v WEAVER, CHRISTOPHER, Pled Guilty, 11/01/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v WEAVER, CHRISTOPHER M., Pled Guilty, 11/01/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $400.00, Fine & Cost - Amount: $600.00.

PEOPLE v WEBB, RYAN RICHARD, Dismissed Restitution Made, 07/25/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WEBB, RONALD, Dismissed Legal Issues, 07/20/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v WEEKS, BILLY, Pled Guilty, 01/10/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution, Court Cost - Amount: $120.00.

PEOPLE v WELCH AKA ROSA LUGO, ROSA ANGELICA, Pled Guilty, 06/29/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay, Delayed Sentence.

PEOPLE v WEST, MICHAEL BRIAN, Pled Guilty, 08/01/2006, Muskegon County 14th Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v WHITEHEAD, JOHN G, Pled Guilty, 10/16/2006, Wexford County 28th Judicial Circuit Court, Child Support-Failing to Pay, Probation – Months 36, County Jail - Days: 180, Days Credit: 78, Amount: $41,697.69, Costs: $60, Crime Victim Rights Fee: $60, Oversight: $10.

PEOPLE v WILFONG, BRIAN JOHN, Pled Guilty, 03/28/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 36, Years:, Restitution - Amount: $10,073.90, Fine & Cost - Amount: $1,053.00.

PEOPLE v WILLIAMS, TIMOTHY ROSS, Pled Guilty, 10/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 27, Days Credit: 27, Restitution - Amount: $46,828.27, Court Cost - Amount: $1,250.00.

PEOPLE v WILLIAMS, DWAND THEODOIUS, Pled Guilty, 08/25/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Days: 41, Days Credit: 41, Restitution - Amount: $19,199.15, Court Cost - Amount: $2,460.00.

PEOPLE v WILLIAMS, CHAD ALLEN, Dismissed Restitution Made, 11/08/2006, Genesee County 7th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WILLIAMS, MICHAEL ANTHONY, Dismissed - Agreement, 11/17/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

PEOPLE v WILLIAMS, KENNETH LAMONT, Pled Guilty, 10/25/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, Sentence Pending.

PEOPLE v WILLIAMS, TYRONE ANTHONY, Pled Guilty, 08/29/2006, Washtenaw County 22nd Judicial Circuit Court, Child Support-Failing to Pay, County Jail – Years: 1, credit for 73 days.

PEOPLE v WILLIAMS, JEROME, Pled Guilty, 12/21/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $14,211.77, Court Cost - Amount: $1,095.00.

PEOPLE v WILLIAMS, JEROME, Pled Guilty, 12/21/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $13,125.42, Court Cost - Amount: $1,095.00.

PEOPLE v WILLIAMS II, JAMES, Pled Guilty, 10/19/2006, Washtenaw County 22nd Judicial Circuit Court, Desertion/Abandonment/Non-Support, Dismissed: Defendant paid $6,552 to cover all arrearages.

PEOPLE v WINGFIELD, LINILE LORENZO, Pled Guilty, 12/08/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution, Court Cost - Amount: $720.00.

PEOPLE v WINGFIELD, LINILE LORENZO, Dismissed, Plea/Conviction on Another Case, 12/08/2005, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v WOOD, CRAIG ANTHONY, Pled Guilty, 01/03/2006, Kent County 17th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 2, Court Cost - Amount: $720.00.

PEOPLE v WORTHY, KENNETH E, Dismissed - Agreement, 07/21/2006, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay.

PEOPLE v WUNDERLICH, MATTHEW TAGGART, Pled Lesser, 02/27/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support, County Jail - Days: 30, Extradition Fees - Amount: $200.00, Restitution - Amount: $29,861.76.

PEOPLE v YATES, GEORGE MILFORD, Pled Guilty, 10/24/2005, Van Buren County 36th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, Restitution - Amount: $36,265.00, Extradition Fees - Amount: $1,059.60, Other - Amount: $120.00.

PEOPLE v ZAMBECK, JEFFREY MICHAEL, Pled Guilty, 09/21/2005, Wayne County 3rd Circuit Court Civil Div, Child Support-Failing to Pay, Probation - Months: 60, Restitution - Amount: $90,181.11.

PEOPLE v ZAMBRANO, SANTIAGO, Dismissed Restitution Made, 09/06/2005, Newaygo County 27th Judicial Circuit Court, Child Support-Failing to Pay.

PEOPLE v ZINCK, RONALD EUGDEN, Dismissed Restitution Made, 01/03/2006, Berrien County 2nd Circuit Court/Trial Court, Child Support-Failing to Pay.

PEOPLE v ZAMARRIPA, ISRAEL, Pled Guilty, 10/04/2006, Lenawee County 39th Judicial Circuit Court, Child Support-Failing to Pay, Probation - Years: 5, County Jail - Months: 6, Days Credit: 59, Restitution - Amount: $17,568.05.

PEOPLE v ZIGTERMAN, CORY LEE, Pled Lesser, 02/13/2006, Allegan County 48th Judicial Circuit Court, Child Support-Failing to Pay, Disorderly Person- Non Support, Probation - Months: 12, Restitution - Amount: $21,158.26, Fine & Cost - Amount: $300.00.

PEOPLE v ZONER, DEAN DARRYL, Pled Lesser, 01/17/2006, Oakland County 6th Circuit – Oakland, Child Support-Failing to Pay.

**Criminal Division - Prosecutions 2005 - 2006**

PEOPLE, EX REL MIKE COX v 22460 MEADOW WOODS CIRCLE, TAYLOR, MI, ET AL (REID FORFEITURE), Wayne Circuit; civil forfeiture filed in Wayne Circuit for 22460 Meadow Woods Circle, Taylor, Michigan, and 149593 O'Connor, Allen Park, Michigan, in addition to real property. Consent Judgment entered with the court.

PEOPLE v SERAGELDIN AHMED ABDELLATIF, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count computers - Internet - communicating with another to commit crime - child sexually abusive activity, and 5 counts computers - Internet - communicating with another to commit crime - children - distributing obscene matter to a minor. Pled guilty to counts 2, 3, 4, and 5; sentenced to 48-240 months, restitution of $535.75, people costs of $240.00, CV of $60.00, register with Sex Offender Registry; and submit to DNA test.

PEOPLE v WILLIAM ABRAHAM, Oakland Circuit; charged 1 count uttering and publishing and 1 count No Account Check. Pled to 1 count uttering and publishing; sentenced to 4 months and 2 years probation.

PEOPLE v WILLIAM ABRAHAM, Macomb Circuit. Charged with 1 count uttering and publishing and 1 count false pretenses. Pled as charged; sentenced to 9 months, 2 years probation (238 days credit for time served) on count 1. Sentenced to 270 days and 2 years probation for count 2.

PEOPLE v ALEX SANTINO ACOSTSA, Wayne Circuit; 9/28/05; charged with 1 count assault with intent to murder, 1 count felonious assault, and 2 counts felony firearms; assault with intent to murder and 1 count felony firearms dismissed at exam. Found not guilty of felonious assault and 1 count felony firearms via jury trial.

PEOPLE v ALEX SANTINO ACOSTSA, Wayne Circuit; 10/12/05; charged with assault with intent to murder, felony firearms, and assault with intent to do great bodily harm. Found guilty of felony firearms and assault with intent to do great bodily harm. Sentenced to 5-10 years and $720.00 court costs.

PEOPLE v CHONA ADAMS, Wayne Circuit; 10/6/06; charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $4,186.00.

PEOPLE v RONALD EARL AGEE, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $2,550.00.

PEOPLE v JAMES AKSAMIT, Wayne Circuit; charged with 2 counts using a computer to commit a crime - accosting for immoral purposes, and 2 counts using a computer to commit a crime- distributing obscene matter. Sentenced to 5 years probation, 25 days alternative work force, costs and fees.

PEOPLE v ABBAS NASSER AL-OTHMAN, 36th District Court; charged with carjacking; felonious assault; felony firearm. Case dismissed.

PEOPLE v KIM ALBERT, Wayne Circuit; 2/17/05; charged with Welfare Fraud. Plea Agreement; sentenced to 3-years probation, 150 hours community service, costs/fees, and full restitution of $9,665.00.

PEOPLE v LATANYA ALEXANDER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3-years probation, 150 hours community service, costs/fees, and full restitution of $3,196.00.

PEOPLE v SHARON ALEXANDER, Wayne Circuit - charged with welfare fraud. Plea Agreement; sentenced to 3-years probation, 150 hours community service,

costs, fees, and full restitution of $3,815.00.

PEOPLE v SONOVIA ALEXANDER, Wayne Circuit; charged with welfare fraud. 5 years probation. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $26,581.00.

PEOPLE v STEPHEN ALLEGRINA, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count communicating with another to commit child sexually abusive activity, and 1 count disseminating sexually explicit material to a minor; pled guilty to communicating with another to commit child sexually abusive activity per plea agreement. Sentenced to 1 year, and 5 years probation, $60.00 people costs, $1,500.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v CARMEN ALLEN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $1,000.00.

PEOPLE v DAMIN ALLEN, Alcona Circuit; 4/24/06 charged with 2 counts accosting for immoral purposes, 5 counts distributing obscene material to a minor; pled as charged. Sentenced to 18-48 months time (with 162 days credit for time served).

PEOPLE v EVERETT EARL ALLEN III, 54-A District Court; Sex Offender Registry; failure to register; pled to misdemeanor, sentenced to time served.

PEOPLE v KONTRINA ALLEN, Wayne Circuit; 2/17/05 charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,350.00.

PEOPLE v YAKINI ALLEN, Eaton Circuit; on 4/13/06 pled guilty to false pretenses over $20,000. Sentenced to 120 days to be served on weekends, 60 months probation, Economic Crime Program, 150 hours community service in lieu of additional 60 days jail.

PEOPLE v ALI TALEB ALMASSUDI, Wayne Circuit; 9/8/05 charged with 2 counts felonious assault, 1 count felony firearms, and 1 count carrying concealed weapon. Pled guilty to carrying concealed weapon; sentenced to 5 years probation and $600.00 costs.

PEOPLE v JALAL AL-UQDAH, Eaton Circuit; charged with false pretenses $20,000 or more; found guilty on 6/8/06; sentenced to 15 days jail to be served on weekends, 60 months probation, 100 hours of community service in lieu of additional 30 days jail, restitution of $83,168.00, court costs $60.00, and Crime Victims Rights Fund $60.00.

PEOPLE v URSULA AMOS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced on 04/24/06 to 5 years probation, 150 hours community service, costs/fees, and full restitution of $12,251.00.

PEOPLE v DEBORAH LYNN ANDERSON, Wayne Circuit; 8/9/06 charged robbery armed and felony firearm. Verdict - Court – Acquittal.

PEOPLE v SHERESE ANDERSON, Wayne Circuit; 10/6/06 charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation. 150 hours community service, costs, fees, and full restitution of $135,236.00.

PEOPLE v MARK JAY APSEY, Ingham Circuit; charged with 1 count uttering and publishing and 1 count conspiracy to commit uttering and publishing. Sentenced to 4 months (suspending the final 3 months should he make the various payments set forth by the court).

PEOPLE v KENNETH ARQUETTE, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count using the Internet to commit a crime, and 3 counts distributing obscene matter to a minor; pled to guilty to counts 1 and 2; counts 3, 4, and 5 were dismissed. Sentenced to 3-20 years.

PEOPLE v AMANDA ARZOLA, Wayne Circuit; charged with 1 count robbery armed and 1 count felony firearm; found not guilty via jury trial.

PEOPLE v DAVID ARZOLA, Wayne Circuit; 6/15/05 charged with 3 counts armed with intent to murder, 3 counts assault with intent to do great bodily harm, 1 count felonious assault, possession of firearm, and 1 count felony firearm. Found guilty of 1 count assault with intent to do great bodily harm and 1 count felony firearm. Sentenced to 3-10 years and $600.00 court costs.

PEOPLE v FAYE ATWELL, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of 3,292.00.

PEOPLE v JORGE AVILA, Wayne Circuit; 6/30/05 charged with home invasion, possession short barrel shot gun, felonious assault, and felony firearm. Pled *nolo* to home invasion, felonious assault and felony firearm. Sentenced to 36 months to 20 years + 2 years, $250.00 attorney fees, and $600.00 costs.

PEOPLE v ANTHONY BAILEY, Oakland Circuit; charged with 1 count conducting criminal enterprises and 3 counts insurance fraud acts. Pled. Failed to appear for sentencing. Bench warrant issued.

PEOPLE v MARISHEIL BAILEY, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,510.00.

PEOPLE v NANCY BAILEY, Wayne Circuit; charged with welfare fraud on 5/17/06. Plea Agreement. Sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution $33,260.00.

PEOPLE v BOBBIE DOUGLAS BAKER, Wayne Circuit; 1/15/03 charged with 5 counts election law violation improper return, absentee ballot and 3 counts conspiracy of election law violation - improper return of absentee ballot. Judgment/Plea Agreement. Pled to 5 counts absentee ballot-improper return of absentee ballot and 2 counts conspiracy absentee ballot-improper return of absentee ballot; sentenced to 1 year probation.

PEOPLE v CHERYL BANKS, Wayne Circuit; 6/6/06 charged with welfare fraud. Plea Agreement. Sentenced to 50 hours community service, costs, fees, and full restitution of $6,777.00.

PEOPLE v DEMETRIA BANKS, Wayne Circuit; 6/27/06 charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $4,738.00.

PEOPLE v DWAYNE STERLING BANKS, Wayne Circuit; 06/30/05 charged with 1 count attempted robbery, 1 count felonious assault and possession of felony firearm, and 1 count felony firearm. Pled guilty as charged; sentenced to 6-20years, + 2 years and $600.00 costs.

PEOPLE v BARBER BROTHERS WELL DRILLING, Oakland Circuit; charged with improper drilling of four water wells. Pled guilty as charged on 2/21/06; sentenced to pay $250.00 per count per defendant and $1,000.00 restitution.

PEOPLE v BROOKS BARKER, Chippewa Circuit; charged with forgery, conspiracy to commit forgery, uttering and publishing, conspiracy to commit uttering

and publishing, and conspiracy to commit escape-prison. Pled guilty to counts 1-4; sentenced to 5-14 years.

PEOPLE v BRIAN LEE BARNETT, 36th District Court; charged with assault with intent to murder; felony firearm. Case dismissed.

PEOPLE v ADRIAN BARRETT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees and full restitution of $15,476.00.

PEOPLE v CHRISTOPHER BARSKI, Wayne Circuit; charged with firearm possession/felon and felony firearm. Pled guilty as charged; sentenced to enhanced 9 months to 5years (consecutive to second case).

PEOPLE v CHRISTOPHER BARSKI, Wayne Circuit; charged with firearm possession/felon and felony firearm. Pled guilty as charged; sentenced to 9 months to 5years (consecutive to first case).

PEOPLE v TIFFANY BASKIN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,568.00.

PEOPLE v SHAMAUN BEAS, Macomb Circuit; charged with 2 counts child sexually abusive activity, 2 counts computers - Internet - communicating with another to commit crime - child sexually abusive activity, and 4 counts computers - Internet - communicating with another to commit crime - distributing obscene matter. Pled as charged; sentenced to 60 months to 20 years, costs of $480.00, Crime Victims Rights Fund $60.00, and DNA testing.

PEOPLE v MELVIN BEASLEY, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer/Internet to communicate with another to commit a crime. Pled as charged. Charges dismissed due to defendantís death.

PEOPLE v LAMARR BELL, Wayne Circuit; Sex Offender Registry; pled guilty as charged; did not appear for sentencing. Arraigned on the capais on 12/20/06; sentenced to 4 months.

PEOPLE v JOHN HASKELL BELLEW III, Wayne Circuit; charged with assault with intent to do great bodily harm and felony firearm. Found guilty as charged via jury trial. Sentenced to 1-10 years, + 2 years.

PEOPLE v DIANTE LAMAR BENJAMIN, Wayne Circuit; charged with robbery armed, home invasion and felony firearm. Pled *nolo* to robbery armed and home invasion. Sentenced to 51 months, to 15 years.

PEOPLE v DANIEL BENNETT, Ingham Circuit; Sex Offender Registry; pled as charged. Sentenced to 12 months, $60.00 Crime Victims Rights Fund, $60.00 people fees, and $500.00 attorney fees.

PEOPLE v THERESA BIBBS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $6,675.00.

PEOPLE v TAREA BILLINGSLEA, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $5,002.00.

PEOPLE v APRIL BLACK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution $8,172.00.

PEOPLE v SHEILA BLACK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $27,736.00.

PEOPLE v DORIE BLAIR, Kent Circuit; 3/1/04 charged with a high court misdemeanor of 1 count of criminal sexual conduct fourth degree; found not guilty by jury.

PEOPLE v ALICIA BLEDSON, Wayne Circuit; charged with Kidnapping. Verdict -Jury - Acquittal.

PEOPLE v PATRICK LEE BLYTHE, Wayne Circuit; 12/18/05 charged with carrying concealed weapon and receiving/concealing stolen property $1,000 less than $2,000. Pled guilty to carrying concealed weapon. Sentenced to 18 months probation, $300.00 costs, and $60.00 fines.

PEOPLE v CHRISTINA BOMMARITO, Chippewa Circuit; charged with attempted uttering and publishing. Pled; sentenced to 12 months (delayed) probation.

PEOPLE v CAROLYN BONNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $30,342.00.

PEOPLE v MICHAEL JOSEPH BORGNE II, Wayne Circuit; charged with robbery armed and felony firearm. Found guilty as charged. Sentenced to 27 months to 7 years.

PEOPLE v DAVID LEROY BOSS, Osceola Circuit; charged with first degree murder, convicted by a jury of first degree murder; sentenced to life.

PEOPLE v JUANITA BOURQUE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,223.00.

PEOPLE v ALPHONSO BOUTIRE, Jackson Circuit; Sex Offender Registry. Pled as charged; sentenced to 12 months to 8 years.

PEOPLE v DAVID BRALEY, Muskegon Circuit; charged with 1 count using a computer to solicit and 4 counts child sexually abusive activity; pled as charged; sentenced to 3-10 years on 1 count and 5-20 years on other 4 counts.

PEOPLE v ROBERT BRENT, Wayne Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime. Pled guilty to count 2 and dismissed count 1. Sentenced to 15-120 months (credit for 23 days).

PEOPLE v ROLAND BROCKRIEDE, Genesee Circuit; charged with 1 count unauthorized practice, 6 counts prescription forms-manufacture/deliver. Found guilty as charged; sentenced to 32-48 months.

PEOPLE v CORY ROBERT BROOKS, Wayne Circuit; 8/14/06 charged with resisting arrest, felony firearm. 7/28/06 pled guilty; sentenced to 6-10 years.

PEOPLE v DEANGELO DARNELL BROWN, Wayne Circuit; dismissed via plea bargain for *nolo* plea under Case No. 04-11751.

PEOPLE v GRADY BROWN, Wayne Circuit; Sex Offender Registry; pled guilty; sentenced to 2-8 years and $400.00 attorneys fees.

PEOPLE v GRADY BROWN, Wayne Circuit; Sex Offender Registry. Pled guilty; sentenced to 2-8 years to run concurrently with another case for which he is already serving time.

PEOPLE v KATINA BROWN, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,303.00.

PEOPLE v KIESHA BROWN, Wayne Circuit; 6/1/06 charged with welfare fraud. Plea Agreement; sentenced to 2 years probation,150 hours community service, costs, fees, and full restitution of $10,923.00.

PEOPLE v LATANZA BROWN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $7,533.00.

PEOPLE v ROGER W. BROWN, JR, Wayne Circuit; charged with prostitution, drug trafficking and gambling. Sentenced to 2 years probation.

PEOPLE v ROY MICHAEL BROWN, Wayne Circuit; Sex Offender Registry; pled as charged; sentenced to 2 years probation (with the last 6 months in Wayne County Jail if he does not meet the conditions of his probation--registering).

PEOPLE v SAMEEKA BROWN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 community service, costs/fees, and full restitution of $2,331.00.

PEOPLE v SHEILA BROWN, Wayne Circuit; 6/13/06 charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs and fees, and full restitution of $18,564.00.

PEOPLE v TONNA BROWN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,599.00.

PEOPLE v YVONNE BROWN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $3,926.00.

PEOPLE v LASONYA BUCKINES, Wayne Circuit; 7/12/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $13,930.00.

PEOPLE v SARA BUCKNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution.

PEOPLE v THOMAS BUDZINSKI, Wayne Circuit; Sex Offender Registry; pled as charged; sentenced to time served and $750.00 fine.

PEOPLE v TARNISHA BUFORD, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $18,422.00.

PEOPLE v DAVID TURRELL BULLARD, Chippewa Circuit; filed phony homestead property tax forms. Pled guilty to 1 count of forgery, sentenced to 179 days, $60.00 Crime Victims Rights Fund, $175.00 court costs, $175.00 attorney fees, and $120.00 justice fee.

PEOPLE v RONNIE LEE BULLOCK, Genesee Circuit; charged with first degree murder and felony murder; pled to second degree murder; sentenced to 20-30 years.

PEOPLE v CHARLES BYAM, Ingham Circuit; charged with six counts embezzlement; pled guilty per agreement; sentenced to 4-15 years and restitution of $181,000.00.

PEOPLE v RENEE BYRD, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $4,737.00.

PEOPLE v RICARDO RODRIGUEZ CALDERON, Wayne Circuit; 09/22/06 charged with robbery armed, felonious assault, felony firearm, and home invasion 1st degree. Pled guilty to felony firearm and home invasion 1st degree. Sentenced to Holmes Youthful Trainee Act.

PEOPLE v YVONNE CALDWELL, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution $5,596.00.

PEOPLE v MICHAEL DEJUAN CAMPER, Wayne Circuit; 11/09/06 charged with robbery armed and felony firearm. Dismissed by Court/Tribunal.

PEOPLE v TINA MARIE CANFIELD, Wayne Circuit; charged with assault with intent to murder; assault - dismissed, not guilty by jury.

PEOPLE v RAWLEIGH HELEN CANNON, Oakland Circuit; charged with false pretenses. Pled guilty to false pretenses between $200 and $1,000. Sentenced to 1 year probation, restitution of $3728.34, costs of $300.00, $60.00 Crime Victims Rights Fund, and $45.00 state fees.

PEOPLE v MIRENA CANTER, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,850.00.

PEOPLE v SCOTT CARLTON, Ingham Circuit; charged with 2 counts accosting for immoral purposes and 1 count disseminating sexually explicit matter to a minor. Pled guilty to 1 count accosting for immoral purposes and 1 count disseminating sexually explicit matter to a minor; sentenced to 60 months probation, assessed fines and costs, Sex Offender Registry, Sex Offender Registry treatment, no use of Internet, and supervised access to home computer.

PEOPLE v MALITA CAROTHERS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $11,677.00.

PEOPLE v CHARLES CARPENTER, Washtenaw District; charged with false pretenses. Pled to 1 count false pretenses over $200.00 but under $1,000.00. Sentenced to 1 year suspended sentence; 2 years probation, $650.00 fine, and restitution of $20,000.00 or more.

PEOPLE v LORENZO CARR, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation,150 hours community service, costs/fees, and full restitution of $3,230.00.

PEOPLE v SHERENE CARRELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $117,052.00.

PEOPLE v JUAN CARRILLO, Ottawa Circuit; charged with 1 count possession with intent to deliver marijuana. Pled guilty to attempt to deliver/manufacture Marijuana 5-45 kilogram; sentenced to 30 days, $1,000.00 fine, Crime Victims Rights Fund $60.00, other fees $60.00, 24 months probation, and license suspended 6 for months.

PEOPLE v OMAR CARRILLO, Wayne Circuit; charged with assault with intent to robbery armed and felony firearm. Pled guilty as charged. Sentenced to 3-7 years and $600.00 costs.

PEOPLE v SAMUEL CLEVELAND CARTER, Wayne Circuit; Sex Offender Registry; pled guilty as charged; sentenced to 2 years probation and 200 hours community service.

PEOPLE v SHONTAY DENIECE CARTER, Ingham Circuit; charged with 3 counts false pretenses $1,000 or more but less than $20,000. Pled guilty to 1 count. Sentenced to 18 months probation, costs $250.00, restitution $9,093.00 (to be paid to Dept of Human Services), $60.00 Crime Victims Rights Fund, costs $60.00, and attorney fees $250.00.

PEOPLE v MONDICA CHADWICK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 2 years probation, 150 hours community service, costs/fees, and full restitution of $3,352.00.

PEOPLE v CARLTON CHAMBERS, Wayne Circuit; Sex Offender Registry; convicted. Sentenced to 18 months probation, 37 days in jail (credit for time served), costs, and fees. Ordered to register within 10 days.

PEOPLE v PHILIP CHAMPLAIN, Bay Circuit; charged with 10 counts possession of child porn and 1 count using a computer to commit a crime. Pled as charged; sentenced to 6 months, 5 years probation; $500.00 court costs; $500.00 supervision fees, $60.00 Crime Victims Rights Fund; register as sex offender; no contact with minors, no computer or Internet usage or contact; no photographic equipment.

PEOPLE v CHAPPEL MARKET, Wayne Circuit; charged with 1 count racketeering; pled as charged. Defendant turned himself in and was turned over to the Department of Corrections.

PEOPLE v WALTER CHARTRAND, Mecosta Circuit; Sex Offender Registry; pled as charged; sentenced to time served and ordered to pay $502.50 fines and costs.

PEOPLE v JOHNATHON CHASE, Wayne Circuit; charged with 2 counts child sexually abusive material; 1 count criminal sexual conduct, 2nd Degree; and 1 count criminal sexual conduct, 1st Degree. Sentenced to 15-23.5 years on criminal sexual conduct 1st Degree and 120-180 months on criminal sexual conduct 2nd Degree (to run concurrent with last year sentence for possession of child porn; 407 days credit).

PEOPLE v JULIUS ROBERT CHATMAN, Wayne Circuit; charged with assault with intent to murder, armed robbery, felony firearm, and carrying concealed weapon. Plea Agreement, pled *nolo* as charged. Sentenced to 13-40 years, plus 2 years consecutive.

PEOPLE v ANTHONY CHEATOM, JR., Wayne Circuit; 10/26/06 charged with 2 counts assaulting/resisting/obstructing, receiving/concealing stolen property, felony firearm, and habitual 4th. Pled guilty; sentenced to 10 years, 6 months to 16 years.

PEOPLE v CHIQUITA CHEESE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation,150 hours community service, costs/fees, and full restitution of $12,369.00.

PEOPLE v MARQUISHA CHILDRESS, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $24,084.00.

PEOPLE v LURLEAR CISTRUNK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,315.00.

PEOPLE v CRYSTAL CLARK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service; costs, fees, and full restitution of $3,080.00.

PEOPLE v SHANIA CLARKE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $16,800.00.

PEOPLE v SYLVIA CLERK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution $32,407.00.

PEOPLE v LAWRENCE COBB, Oakland Circuit; 4/14/06 charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime; pled as charged; sentenced to 2-20 years.

PEOPLE v LEROME COLBERT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $2,966.00.

PEOPLE v VENETIA COLE, Wayne Circuit; 6/28/05 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $5,196.00.

PEOPLE v ANITA COLEMAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 community service, costs/fees, and full restitution of $26,600.00.

PEOPLE v LATONEIA COLEMAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $11,371.00.

PEOPLE v SUPRENNIA COLEMAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 community service, costs/fees, and full restitution of $26,600.00.

PEOPLE v DUWAN COLFER, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 5 to 20 years plus 2 years consecutive with Case No. 05-251-01.

PEOPLE v DUWAN COLFER, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 3-20 years plus 2 years (consecutive to Case No. 04-11261).

PEOPLE v JAVION MARQUAY COLFER, Wayne Circuit. Pled guilty to robbery armed, assault with intent to murder, and felony firearm. Pursuant to sentence agreement 5-20 years on the armed robbery, plus 2 consecutive on the felony firearm.

PEOPLE v LEEDELL COLLIER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution $29,743.00.

PEOPLE v MAYNARD LAVON COMBS, Ingham Circuit; Sex Offender; pled guilty. Sentenced to 21 months to 6 years (credit 281 days), $60.00 Crime Victims Rights Fund, $60.00 people costs, and $500.00 court costs.

PEOPLE v KELSEY TERRELL COOPERWOOD, Chippewa Circuit; charged with 1 count forgery, 1 count uttering and publishing, 1 count attempting to obstruct public official duties. Plea Agreement; sentenced to up to 14 years for felonies and 2 years for misdemeanor.

PEOPLE v ALTORO JAMES COPLEY, Wayne Circuit; 3/30/05 convicted-found guilty. Sentenced to 63 months to 15 years.

PEOPLE v EVAN COSME, Wayne Circuit; 9/9/05 charged with 2 counts assault

with intent to murder, firearm possession/felon, and felony firearm. Found guilty of possession of firearm/felon and felony firearm. Sentenced to enhanced 1-7.5 years consecutively.

PEOPLE v VALENCIA COSTSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $10,112.00.

PEOPLE v TANYA COTTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $10,731.00.

PEOPLE v WILLIAM and MALONE COX, Oakland Circuit; charged with 1 count conspiracy and 1 count false pretenses. Convicted; sentenced to 1 year and restitution of $200,734.25.

PEOPLE v BRENDA CRAWLEY, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,920.00.

PEOPLE v JASON CROSS, Wayne Circuit; 7/22/05 charged with robbery armed, home invasion and felony firearm. Pled guilty; sentenced to 81 months to 20 years.

PEOPLE v MI-RON CROSSLEY, Wayne Circuit; 7/11/05 charged with 2 counts assault with intent-murder, 2 counts robbery armed, carjacking, and felony firearm. Found not guilty via jury trial.

PEOPLE v DETT CROWELL, Wayne Circuit; 6/27/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $12,032.00.

PEOPLE v MARK ANTHONY CRUZ, Wayne Circuit; 10/25/05, charged with assault with intent-murder, firearm possession/felon, felony firearm 2nd, and felony firearm. Pled guilty to assault with intent-murder and felony firearm 2nd Degree. Sentenced to 3 years, 11months to 25 years + 2 years (to run concurrent with Case No.03-9747-01).

PEOPLE v LINDA CUSTARD, Chippewa Circuit; charged for filing phony homestead property tax forms; pled to Forgery. Sentenced to 89 days, $470.00 fines, $60.00 Crime Victims Rights Fund, $175.00 oversight fee, $175.00 court costs, and $60.00 justice system fee.

PEOPLE v RICHARD CUSTARD, Chippewa Circuit; charged for filing phony homestead property tax forms. Sentenced to 1.5-10 years.

PEOPLE v ADRINA L. DALE, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $9,424.00.

PEOPLE v TECHA DANDRIDGE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $11,296.00.

PEOPLE v CHIEN DANG, Wayne Circuit; 8/28/0 charged with robbery armed and felony firearm. Pled guilty. Sentenced to 45 months to 17 years, 6 months, $900.00 attorney fees, and $600.00 costs.

PEOPLE v LARON DARNELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $7,954.00.

PEOPLE v SHALENE DARNELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years. probation, 150 hours community service, costs/fees, and full restitution of $7,954.00.

PEOPLE v PASCALE DARWISH, Wayne Circuit; 7/25/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $19,415.00.

PEOPLE v ANDRES DAVID, Wayne Circuit; 08/11/05 charged with robbery armed and felony firearm. Pled as charged. Sentenced to 9-20 years.

PEOPLE v ANDRES DAVID, Wayne Circuit; 11/08/05 charged with assault with intent to rob armed, firearm possession/felon, and felony firearm. Found guilty as charged. Sentenced to 81 months-20 years.

PEOPLE v ANDRES DAVID, Wayne Circuit; 01/11/06 charged with robbery armed, firearm possession/felon, and felony firearm. Pled as charged. Sentenced to 9-20 years.

PEOPLE v BLAINE ROBERT DAVIS, Macomb Circuit; charged with 1 count criminal sexual conduct 3rd degree. Pled on 8/30/04 to criminal sexual conduct 4th degree. Sentenced to 60 days and 2 years probation.

PEOPLE v CARLETHA DAVIS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution.

PEOPLE v JANINE DAVIS, Wayne Circuit; 9/28/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours. community service, costs, fees, and full restitution of $43,634.00.

PEOPLE v DEARBORN REFINING COMPANY AND ARAM MOLOIAN, Dearborn District Court; charged with misdemeanor violations of improper storage of hazardous waste. Pled guilty; sentenced to restitution of $5,000.00.

PEOPLE v LISA ANN DEFORGE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced on 04/24/06 to 3 years probation, 150 hours community service, costs/fees, and full restitution of $9,536.00.

PEOPLE v RICARDO DELGADO II, Wayne Circuit; 7/13/06 charged with kidnapping, felon in possession/firearm, felony firearm and habitual 2nd. Convicted of felon in possession/firearm. Sentenced to 1-5 years.

PEOPLE v DENNIS JAMES DELL'EVA, Osceola Circuit; 10/6/06 charged with homicide manslaughter-involuntary and vulnerable adult abuse. Pled to involuntary manslaughter with agreement to dismiss other count. Sentenced to 354 days (credit for 205), 5 years probation, court costs/fines of $1000.00, and Crime Victims Rights Fund of $60.00.

PEOPLE v KENNETH WAYNE DEMERS, Wayne Circuit; 01/13/06 charged with 1 count felon in possession and 1 count felony firearm. Pled guilty as charged. Sentenced to 2 years.

PEOPLE v ALENE SCOTT-DOBB, Wayne Circuit; 7/19/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $15,032.00.

PEOPLE v TIMOTHY LEE DODGE, JR., 67th District Court, Genesee County; charged with conspiracy to deliver cocaine and heroin. Pled; sentenced to 6 months (with 26 days credit), $500.00 attorney fees, $60.00 Crime Victims Rights Fund, $240.00 supervision fee, $60.00 state fee, and to 3 years probation.

PEOPLE v KENNETH SHAUN DODGE, 36th District Court; 9/15/06 charged with assault with intent-murder, felony firearm, and assault with intent to do great bodily harm. Dismissed due to victim being unable to identify defendant.

PEOPLE v LASONYA DODSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs, fees, and full restitution of $5,110.00.

PEOPLE v ANDREW DOOLEY, Wayne Circuit; charged with 4 counts assault with intent-murder, assault with intent to do great bodily harm, and felony firearm. Verdict - Acquittal.

PEOPLE v MICHAEL DOTSON, Wayne Circuit; 11/17/05 charged with firearm possession/felon and felony firearm. Pled guilty to felony firearm. Sentenced to 2 years, consecutive, with parole.

PEOPLE v SHERRY ANNETTE DRAKE, 91st District Court, Chippewa County; charged with uttering and publishing and 1 count false tax return. Pled; sentenced to $60.00 Crime Victims Rights Fund, $120.00 justice fee, $175.00 oversight fee, $175.00 court costs, and $175.00 attorney fees.

PEOPLE v PAULA DRAUGHAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $14,980.00.

PEOPLE v CHARLES E. DRAYER, Wayne Circuit; charged with prostitution, drug trafficking, and gambling. Pled to disorderly person; sentenced to 1 year probation.

PEOPLE v TERRY DUMOUCHELLE, Wayne Circuit; 9/27/06 charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $14,383.00.

PEOPLE v ROBERT DALE DURDEN, Ingham Circuit; sex offender. Pled guilty as charged (2nd habitual offender); sentenced to 5 months (credit for 1 day), 24 months probation, 120 days suspended. Sentences to run concurrently with any other sentences now being served.

PEOPLE v DIONE CAROL DURDEN-ROGERS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,306.00.

PEOPLE v ROBERT LEE DYKES-BEY, Ingham Circuit; sex offender; charged with criminal sexual conduct 3rd degree; pled as charged. Sentenced to 63 days with 63 days credit.

PEOPLE v SCOTT MICHAEL DYKSTRA, Kent Circuit; charged with 4 counts using the Internet to commit a crime; pled guilty to 2 counts and 2 counts were dismissed; sentenced to 20-120 months.

PEOPLE v JAMAL EDISON, Eaton Circuit; pled guilty on 6/8/06 to false pretense $1,000 to $20,000. Sentenced to 15 days to be served on weekends, probation for 60 months, Economic Crimes Program, 100 hours community service in lieu of additional 30 days, restitution of $46,512.00, court costs of $60.00, and Crime Victims Rights Fund $60.00.

PEOPLE v ANTONIO EDWARDS, Wayne Circuit; charged with assault with intent-murder and felony firearm. Dismissed by court due to lack of probable cause.

PEOPLE v GLORIA ESTHER EL-ANNAN, Wayne Circuit; charged with felonious assault, felony firearm, and use of motor vehicle during commission of felony advisory. Found not guilty as charged, but found guilty of aiming pistol at person.

Sentenced to probationary term.

PEOPLE v PEDRO ENCARNACION, Wayne Circuit; 9/19/06 charged with 2 counts resisting arrest; felony firearm. Pled *nolo contendre* to 2 counts resisting arrest. Sentenced to 8 years, 9 months to 30 years.

PEOPLE v TUCKER ESTES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs of $60.00, fees of $200.00, and full restitution of $9,750.00.

PEOPLE v RICHARD JOHN FALCON, Livingston Circuit; sex offender; pled guilty; sentenced to 23 months (40 days credit), $60.00 Crime Victims Rights Fund, and $60.00 costs. Habitual charge dropped.

PEOPLE v DERRICK LEMONT FARMER, Muskegon Circuit; sex offender. Pled guilty to a misdemeanor of failure to comply. Sentenced to 90 days (with credit for 2 days time served), 5 months probation, and $500.00 fines.

PEOPLE v NED FAUTH, Oakland Circuit; charged with 2 counts accosting for immoral purposes, 2 counts distributing obscene matter to a minor, and 1 count using a computer to commit a crime. Pled guilty to 1 count accosting for immoral purposes and 1 count distributing obscene matter to a minor; sentenced to 3-10 years.

PEOPLE v EDWARD DEFORREST FAVORS, 36th District Court, Wayne County; charged with assault with intent to robbery armed; robbery armed; felony/firearm. Dismissed.

PEOPLE v ANDREW FELDE (800 MHZ), Kent Circuit; charged with unauthorized use of radios being programmed onto the Michigan Public Safety Communication System. Pled on 6/7/05; sentenced to 3 years probation.

PEOPLE v PAULETTE FERGERSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $909.00.

PEOPLE v TIANNA FISHER, Wayne Circuit; charged with welfare fraud; pled guilty. Sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $6,462.00.

PEOPLE v BEVERLY FLEMISTER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $1,571.00.

PEOPLE v NATASHA FOREST, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $37,179.00.

PEOPLE v CORTEZ FOUNTAIN, Wayne Circuit; charged with robbery armed, firearm possession/felon, and felony firearm. Pled guilty to robbery armed. Sentenced to 11-25 years.

PEOPLE v DWAYNE FRANKLIN, Wayne Circuit; sex offender; pled guilty and the habitual was dismissed. Sentenced to 1 year probation and $565.00 fees and costs.

PEOPLE v JAMES B. FRASURE, Wayne Circuit; charged with criminal enterprise. Pled; sentenced to 3 years probation and $82,350.00 fees.

PEOPLE v SHELDON FREEDMAN, Monroe County District Court; pled as charged; sentenced to 2 years probation and $14,000.00 costs of storage and disposal of fireworks.

PEOPLE v PAMELA FREEMAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $20,671.00.

PEOPLE v WILIAM FREIGRUBER, Macomb Circuit; charged with 2 counts using the Internet to communicate with another to commit a crime. Pled as charged; sentenced to 3 years probation, 72 days jail, 120 days on a tether, costs, fees, and register as sex offender.

PEOPLE v JERRY FRICK (800 MHZ), 61st District Court, Kent County; unauthorized use of radios being programmed onto the Michigan Public Safety Communication System. Pled to false statement regarding public finances, a misdemeanor.

PEOPLE v CAMELITA FRYE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $35 562.00.

PEOPLE v DERMEKA FULKS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,558.00.

PEOPLE v WANDA FULLER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,866.00.

PEOPLE v ZENOBIA FULTON (AKA ZENOBIA BROADEN), Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation, costs, fees, and full restitution of $8,840.00.

PEOPLE v ELISIO GALVIN, Wayne Circuit; charged with assault with intent to commit murder, firearm possession/felon, carrying concealed weapon, and felony firearm. Guilty as charged. Sentenced to 20-40 years (to run consecutively).

PEOPLE v JASON EMMITT GASTON, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 3-20 years. One of two cases.

PEOPLE v JASON EMMITT GASTON, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 3-20 years. One of two cases.

PEOPLE v JAMES GIBSON, Clinton Circuit; sex offender. Sentenced to 112 days (credit for 112 days), $60.00 costs, $60.00 Crime Victims Rights Fund, DNA testing, and compliance with sex offender registration.

PEOPLE v CATRINA GIBSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $13,385.00.

PEOPLE v TERRANCE DWIGHT GILES, Wayne Circuit; charged with robbery armed, felonious assault, felony firearm, and habitual 4th. Pled guilty to robbery unarmed. Sentenced to 19 months to 15 years (to run consecutive with parole).

PEOPLE v BESSANDER GIVENS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution.

PEOPLE v ETTA GIVHAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $2,230.00.

PEOPLE v LINDA GOLSTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution $1,000.00.

PEOPLE v LINDA GOLSTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $10,002.00.

PEOPLE v DANIEL GONZALEZ, Wayne Circuit; charged with 5 counts felonious assault, 2 counts weapon/discharge in building and felony firearm. Pled *nolo* to 1 count discharge weapon in building and 1 count felony firearm, sentenced to 4 years Holmes Youthful Training Act.

PEOPLE v MIGUEL GONZALEZ, Wayne Circuit; charged with 2 counts assault with intent to commit murder, 2 counts assault with intent to do great bodily harm, robbery armed, and felony firearm. Dismissed by court.

PEOPLE v MIGUEL GONZALEZ, Wayne Circuit; 12/14/05 charged with 2 counts assault with intent to commit murder, robbery armed, and felony firearm. Found guilty of robbery armed and felony firearm. Sentenced to 5-25 years + 2years.

PEOPLE v ROBERT GONZALEZ, Wayne Circuit; charged with robbery armed, 2 counts felonious assault, assault with intent to do great bodily harm, and felony firearm. Pled *nolo* to robbery armed, felonious assault, and felony firearm assault with intent to do great bodily harm - dismissed. Sentenced to 5-20 years.

PEOPLE v GARRETT GOODWIN, 36th District Court, Wayne County; charged with assault with intent to commit murder from a motor vehicle, felony firearm, possession/felon. Case dismissed by court.

PEOPLE v KATRINA GORDON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,422.00.

PEOPLE v LAWRENCE ALPHONSO GRAHAM, Wayne Circuit; charged with resisting arrest, felonious assault, possession/felon, and felony firearm. Pled guilty as charged. Sentenced to 9-20 years, $400.00 attorney fees, and $300.00 costs.

PEOPLE v KENJUAN GRAY, Wayne Circuit; charged with assault with intent to commit murder, weapon discharge/bldg, firearm possession/felon, and felony firearm. Plea Agreement. Sentenced to 6-15years + 2 years.

PEOPLE v DOUGLAS KENNETH GRAYES, Wayne Circuit; charged with 2 counts felonious assault and felony firearm. Sentenced to 2 years, 9 months, $680.00 attorney fees, and $60.00 court costs.

PEOPLE v EDWARD GRECH, Wayne Circuit; charged with 2 counts assault with intent to commit murder and felony firearm. Pled *nolo*. Sentenced to 9-25 years for assault with intent to commit murder counts, 2 years for felony firearm count, $500.00 attorney fees, and $600.00 costs.

PEOPLE v MICHAEL GREEN, Wayne Circuit; sex offender; pled guilty. Sentenced to $250.00 fine, $250.00 attorney fees, and $60.00 Crime Victims Rights Fund.

PEOPLE v TIM GRENANCO, Macomb Circuit; charged with 5 counts possession of child porn and 1 count using the Internet to commit a crime. Jury trial; not guilty-acquitted.

PEOPLE v ATQUINETTA GROSS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 community service, costs/fees, and full restitution of $24,168.00.

PEOPLE v VINSON DURAN GUIDER, Wayne Circuit; charged with felonious assault and felony firearm. Pled *nolo* to felonious assault. Sentenced to 1 year probation, $400.00 attorney fees, and $330.00 costs.

PEOPLE v MARCUS GUPTON, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count computers - Internet - communicating with another to commit crime. Pled guilty. Sentenced to 15 months to 20 years.

PEOPLE v CARL CLIFTON HAIRSTON, Wayne Circuit; charged with 2 counts assault with intent to commit murder, 1 count carrying concealed weapon, 1 count felony firearm, and 1 count assault/resist and obstructing. Pled guilty to felony firearm and assault/resist and obstructing. Dismissed assault with intent to commit murder and carrying concealed weapon. Plea Agreement; sentenced to probation.

PEOPLE v BRIDGETT HALL, Wayne Circuit; charged with welfare fraud; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $6,650.00.

PEOPLE v JANICE HALL, Wayne Circuit; 9/28/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $6,863.00.

PEOPLE v YVONNE HALL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,366.00.

PEOPLE v JOHNNY LEE HAMILTON, Wayne Circuit; charged with criminal enterprise. Charges dismissed.

PEOPLE v RODRICK ANTINEIL HAMILTON, Wayne Circuit; charged with assault with intent to commit murder, robbery armed, and assault with intent to do great bodily harm. Dismissed by court.

PEOPLE v NICHOLAS JAY HANEY, Wayne Circuit; 9/9/05 charged with 2 counts Assault with intent to commit robbery armed. Pled guilty as charged. Sentenced to 3-10 years, and $60.00 Crime Victims Rights Fund.

UNITED STATES OF AMERICA v OWEN C. HANKS, SCOTT E. MCKENZIE, AND WAYNE E. REVEAL, U.S. District Court, Eastern District; federal indictment charging Hanks and Reveal with 1 count conspiracy to launder monetary instruments. Hanks pled conspiracy to launder money; sentenced to 118 months. McKenzie pled conspiracy to launder money; sentenced to 3 years with supervised release. Reveal pled to conspiracy to launder money; sentenced to 17 months.

PEOPLE v BRIAN MCKEITH HARDY, Wayne Circuit; charged with robbery armed, and felony firearm. *Nolo contendre*; sentenced to 3-15 years.

PEOPLE v LASHAWANDA HARLAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $12,168.40.

PEOPLE v ANITA HARLING, Wayne Circuit; charged with welfare fraud. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,907.00.

PEOPLE v AZIA HARRIS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $14,254.00

PEOPLE v BRENT HARRIS, Monroe County Circuit Court; charged with 7 counts child sexually abusive activity, 1 count computers-using to commit a crime, 7 counts

child sexually abusive activity-distributing or promoting, and 1 count computers-using to commit a crime-child sexually abusive activity-distributing or promoting. Found not guilty on all counts.

PEOPLE v EDITH HARRIS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $13,939.00.

PEOPLE v TRACEY HARRIS, Wayne Circuit; charged with welfare fraud. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $15,657.00.

PEOPLE v LASHEA RENEA HAVIS, Wayne Circuit; charged with welfare fraud. Sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $24,201.00.

PEOPLE v LESTER HAWKINS, Wayne Circuit; charged with welfare fraud. Sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $2,555.00.

PEOPLE v TEHISHA HAWKINS, Wayne Circuit; charged with welfare fraud. Sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $27,816.00.

PEOPLE v VALERIE HAYNES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $13,627.00.

PEOPLE v JOY HAYS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $24,720.00.

PEOPLE v MICHAEL HEIDENREICH, Oakland Circuit; charged with 1 count computers-Internet-communicating with another to commit crime accosting for immoral purposes, 1 count computers-Internet-communicating with another to commit crime-distributing obscene matter, and 4 counts child sexually abusive material-possession. Pled guilty; sentenced to 3 years, 10 months probation, costs, and fees.

PEOPLE v CARLOS JOSE HERNANDEZ, Wayne Circuit; charged with carjacking, robbery armed, firearm possession/felon, and felony firearm. Found guilty of firearm possession/felon. Sentenced to 18 months to 5 years, consecutive to Case No 05-7627.

PEOPLE v JESUS HERNANDEZ, Wayne Circuit; charged with assault with intent to commit murder and felony firearm. Pled *nolo* as charged. Sentenced to 2-10 years.

PEOPLE v EMILIO HERNANDEZ-PEREZ, Wayne Circuit; charged with home invasion 1st Degree and felony firearm. Convicted of home invasion 1st Degree. Sentenced to 2 years probation, $1,070.00 attorney fees, $240.00 supervision fee, $600.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v ROOSEVELT MARTIN HESTER, Wayne Circuit; sex offender. Sentenced to 1 year probation, $200.00 court costs, $200.00 supervision fee, $400.00 attorney fees, $60.00 Crime Victims Rights Fund, and $60.00 state costs.

PEOPLE v CHYNETRA HICKMAN, Wayne Circuit; charged with welfare fraud; sentenced to 3 years probation, 150 hours community service, costs, fees, and restitution of $3,501.00.

PEOPLE v THOMAS DALE HIGGS, Wayne Circuit; charged with welfare fraud; sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $3,889.00.

PEOPLE v EDWARD THOMAS HILGRIS, Genesee County Circuit Court; charged with 5 counts accosting for immoral purposes and 5 counts disseminating sexually explicit matter to a minor. Sentenced to 12 months tether, 60 months probation, costs, and fees, no Internet access, register as sex offender, seek sex offender treatment, no contact with minors under the age of 18.

PEOPLE v CHESTER H. HILL, Wayne Circuit; charged with prostitution, drug trafficking, and gambling. Pled to disorderly person; sentenced to 1 year probation.

PEOPLE v MATTINA MARIE HILL, Wayne Circuit; charged with assault with intent to commit murder, robbery armed, assault with intent to do great bodily harm, and felonious assault. Sentenced to 1 year, 6 months probation and $247.00 costs.

PEOPLE v MICHELLE HILL, Wayne Circuit; charged with welfare fraud. Pled; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $63,644.00.

PEOPLE v ROBERT JEFFERY HILL, Wayne Circuit; charged with robbery armed and felony firearm. Found guilty of assault with intent to rob armed. Sentenced to 42 months to 15 years, $400.00 attorney fees, and $600.00 court costs.

PEOPLE v WENDY P. HINDS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $15,322.90.

PEOPLE v ALLEN LEROY HOEKSTRA, Oakland Circuit; pled guilty to 1 count criminal sexual assault/abuse, and 1 count disseminating sexually explicit material to minor. Sentenced to 36 months to 20 years (with 68 days credit) $120.00 state costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v JOSHUA THOMAS HONKANEN, Washtenaw County Circuit Court; charged with 1 count child sexually abusive activity, 1 count communicating with another to commit a crime, and 1 count using the Internet to disseminate sexually explicit matter to a minor. Pled guilty; sentenced to 30-50months.

PEOPLE v JOHN ARTHUR HORTON, Berrien Circuit; sex offender; pled guilty as charged. Sentenced to 2 years probation, costs, and fees of $720.00.

PEOPLE v MELISSA HORTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $25,003.00.

PEOPLE v BRIAN JOSEPH HORVATH, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count using a computer to commit a crime, 1 count disseminating sexually explicit matter to a minor, and 6 counts possession. Pled as charged. Sentenced to 45 months to 20 years, costs, fees, DNA testing, register as a sex offender, and undergo sex offender treatment in prison.

PEOPLE v MARK HOUSTON, Wayne Circuit; charged with assault with intent to commit murder, firearm possession/felon, felonious assault, and felony firearm. Found not guilty.

PEOPLE v J.T. HOWARD III, Wayne Circuit; charged with assault with intent to commit murder and felony firearm. Pled as charged; sentenced to 2-5 years.

PEOPLE v DAVID MATTHEW HOWELL, Ottawa Circuit; sex offender; sentenced to a community placement facility, time served (111 days), and 1 year probation.

PEOPLE v DENISE HUMBERT, Wayne Circuit; charged with welfare fraud. Sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $2,503.00.

PEOPLE v JESSIE HUMBLE, Wayne Circuit; sex offender; pled guilty. Failed to appear at sentencing.

PEOPLE v LATRICE HUNT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $35,700.00.

PEOPLE v LINDA HUNTER, Wayne Circuit; charged with welfare fraud. Plea Agreement, sentenced to 2 years probation, 150 hours community service, costs/fees, and full restitution of $1,659.00.

PEOPLE v DOMINIQUE TEARL HYMAN, Wayne Circuit; charged with assault with intent to commit great bodily harm, felony firearm, assault with intent to murder, and felonious assault. Jury acquitted.

PEOPLE v STEVEN DOUGLAS HYNES, Ottawa Circuit; charged with 2 counts child sexually abusive activity-distributing and 2 counts using a computer to commit a crime. Pled guilty to 1 count child sexually abusive activity and 1 count using a computer to commit. Sentenced to 330 days on count 1 (credit for time served) and 330 days for count 3 (credit for time served), costs of $120.00, and Crime Victims Rights Fund of $60.00.

PEOPLE v ALBERT ISMAIR, Wayne Circuit; charged with 1 count child sexually abusive activity, 1 count using a computer to commit a crime, 5 counts accosting for immoral purposes, and 1 count disseminating sexually explicit matter to a minor. Pled guilty to 5 counts accosting and 1 count disseminating. Sentenced to 19 months, $600.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v ANDREA JACKSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs, fees, and full restitution of $5,033.00.

PEOPLE v ANTHONY BRANDON JACKSON, Wayne Circuit; charged with receiving and concealing stolen property $1,000 less than $2,000 and accessory after the fact. Pled *nolo* to accessory after the fact. Sentenced to 1 year under Holmes Youthful Trainee Act.

PEOPLE v LATISHA JACKSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $9,230.00.

PEOPLE v RAINA JACKSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $3,458.00.

PEOPLE v REBA JACKSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $11,197.00.

PEOPLE v LAKIESHA JOHNSON JARRETT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $5681.50

PEOPLE v ANTHONY JARVIS, Oakland Circuit; sex offender. Pled as charged. Sentenced to 3-20 years, must register as sex offender, and DNA testing.

PEOPLE v TIAISHA JEFFERSON, Wayne Circuit; charged with welfare fraud.

Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $54,735.00.

PEOPLE v KEVIN JEMISON, Wayne Circuit; charged for being armed with a handgun and demanding victim's possessions. *Nolo contendre*; sentenced to 9-25 years plus 2 years.

PEOPLE v STEPHANIE JENKINS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $12,791.00.

PEOPLE v JENISE JONES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,651.00.

PEOPLE v CHRISTOPHER JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $11,362.00.

PEOPLE v DELISA JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs, fees, and full restitution of $7,493.00.

PEOPLE v DENISE JOHNSON, Wayne Circuit; charged with 2 counts embezzlement - agent or trustee $20,000 or more and 2 counts filing taxes, etc. Pled to 1 count embezzlement over $20,000 and 1 count filing a false tax return. Sentenced to 3 years probation and restitution of $147,000.00.

PEOPLE v FARRAH JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced on 09/28/06 to 5 years probation, 150 hours community service, costs, fees, and full restitution of $35,129.00.

PEOPLE v JOSEPH JOHNSON, Oakland Circuit; charged with 2 counts child sexually abusive activity, 2 counts computers - Internet - communicating with another to commit crime-child sexually abusive activity, 5 counts computers Internet - communicating with another to commit crime -distributing obscene matter to a minor. Pled guilty to child sexually abusive activity and using the Internet to communicate with another to commit a crime. Sentenced to 2.5-20 years.

PEOPLE v KIMBERLY JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $8,140.00.

PEOPLE v MAIA ANGELL JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,780.00.

PEOPLE v ROBERTA JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $8,477.00.

PEOPLE v TAQUILLA JOHNSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to pay costs of $60.00, fees of $200.00, 150 hours community service, and full restitution of $8,147.20

PEOPLE v AUNDREA JONES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, costs $60.00, fees $200.00, and full restitution of $9,289.00.

PEOPLE v MARIO JONES, 36th District Court, Wayne County; charged with receiving/concealing stolen property – motor vehicle. Dismissed by court.

PEOPLE v MARY JONES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution.

PEOPLE v TERRANCE DALE JONES, Wayne Circuit; charged with 1 count armed robbery, 3 counts assaulting/resisting/obstructing, 3 counts assault with intent, 1 count assault with a dangerous weapon, 1 count carrying concealed weapon, and 1 count felony firearms. Found guilty of 1 count armed robbery, 3 counts resisting and obstructing, and 1 count felony firearms. Sentenced to 2 years to life.

PEOPLE v KARLETTA KAIGLER, Wayne Circuit; charged with welfare fraud. Plea Agreement, sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $11,461.00.

PEOPLE v KIMBERLY KAIGLER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 community service, costs/fees, and full restitution of $29,516.00.

PEOPLE v ANNA KEATON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution $17,573.00.

PEOPLE v MICHAEL KENNEDY, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count using a computer to commit a crime, and 1 count distributing sexually explicit matter to a minor. Found guilty as charged; sentenced to 30-240 months.

PEOPLE v SHANNON KEYS, Mecosta Circuit; charged with felony murder; assault with intent to rob armed, and conspiracy to rob armed. Convicted of second degree murder, assault with intent to rob armed, and conspiracy to commit unarmed robbery. Sentenced to life.

PEOPLE v KESHA KING, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $12,220.00.

PEOPLE v SONYA MARIE KING, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $2,763.00.

PEOPLE v TYRONE KING, Wayne Circuit; sex offender; pled guilty. Sentenced to 30 days.

PEOPLE v JUDY KIRKLEY, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $11,000.00.

PEOPLE v CLIFFORD ANTHONY KIZNER, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 54-240 months, plus 2 years.

PEOPLE v LESLIE KLUGH, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $15,678.00.

PEOPLE v WAHID KOUIDER, Wayne Circuit; charged with 10 counts possession of child sexually abusive material, and 1 count using a computer to commit a crime. Pled guilty to 2 counts possession and 1 count using a computer to commit a crime. Sentenced to 5 years probation, $600.00 court costs, and $480.00 Crime Victims Rights Fund.

PEOPLE v DELEANA KOWALSKI, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 08/23/06 to 5 years probation, 150 community service, costs, fees, and full restitution of $11,280.

PEOPLE v THOMAS S. KOZAK AND THOMAS R. KOZAK, Bay County District Court; charged with misdemeanor wetlands protection part-unauthorized filling/dredging/draining. Found guilty by jury; sentenced to 2 years probation, $7,080.00 in fines and costs, and restoration of wetland to its original condition.

PEOPLE v ERIC ROBERT KRAUSS, Ingham Circuit; charged with 3 counts taxes-failure to file/false return. Pled guilty to 1 count tax fraud. Ordered to pay $866.80 in full prior to sentencing.

PEOPLE v JASON MICHAEL KRIL, Wayne Circuit; charged with felonious assault, felon in possession/firearm, and habitual 3rd. Pled *nolo* to felonious assault, possession of firearm by felony, and felony firearm. Sentenced to 1 month to 5 years + 2years.

PEOPLE v SI-HYUN KYUNG, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime. Pled as charged. Sentenced to 30-240 months.

PEOPLE v AMY LAKEYSHA, Wayne Circuit; charged with welfare fraud on 5/17/06. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution.

PEOPLE v ARTHUR JAMES LAMORA, Oakland Circuit; charged with 6 counts child sexually abusive material-possession, and 1 count using a computer to commit child sexually abusive material-possession. Pled as charged; sentenced to 2 years probation, with the first 6 months in jail (work release if eligible).

PEOPLE v MATTHEW GLENN LANCE, Wayne Circuit; charged with home invasion-1st, assault with intent to do great bodily harm, firearm possession/felon, felony firearm, felony assault. Pled guilty; sentenced to 36 months to 20 years, $400.00 attorney fees, and $600.00 costs.

PEOPLE v ANDRE LEE LANE, Wayne Circuit; sex offender; sentenced to 2 days.

PEOPLE v KIMBERLY LANGSTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $8,512.00.

PEOPLE v LANZO CONSTRUCTION, Oakland Circuit; charged with 1 count involuntary manslaughter and a "willful" MIOSHA felony. Verdict-not guilty on count 1 and guilty on count 2. Sentenced to 2 years probation and $10,000.00 fine.

PEOPLE v REINALDO LEBRON, Wayne Circuit; charged with assault with intent to murder and felony firearm. Sentenced to 13-30 years.

PEOPLE v ASHAKI LEE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $10,179.00.

PEOPLE v FELICIA LEE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $9,191.00.

PEOPLE v CHERYL LEWIS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, costs $60.00, fees $200.00, and full restitution of $5,876.00.

PEOPLE v JACQUELINE LAKEITA LINEBERGER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution in the amount of $32,725.

PEOPLE v CHRISTOPHER TYRONE LITTLE, Wayne Circuit; charged with assault with intent to commit murder, robbery armed, and assault with intent to do great bodily harm. Dismissed by court.

PEOPLE v JAMES JESSE LLANES, Wayne Circuit; charged with robbery armed, firearm possession/felon, felony firearm, and assault with intent to do great bodily harm. Dismissed by court due to witness failing to appear.

PEOPLE v SHARVINE LOCK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $27,704.00.

PEOPLE v DARRIN LOCKETT, Eaton Circuit; charged with fraud. Judgment/Plea Agreement; sentenced to 30 days, restitution of $30,360.00, $60.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v DAVID LOCKLEAR, Mecosta Circuit; charged with 1 count felony murder. Convicted as charged. Sentenced to life.

PEOPLE v NICOLE LOGAN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $24,722.00.

PEOPLE v RICHARD LONG, Genesee Circuit; charged with 1 count child sexually abusive activity, 1 count computers Internet - communicating with another to commit crime - child sexually abusive activity, and 7 counts distributing obscene matter to a minor. Pled guilty per plea agreement to 1 count child sexually abusive activity. Sentenced to 3 years probation.

PEOPLE v DANERIA LOPEZ, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs, fees, and full restitution o $26,315.37.

PEOPLE v JORGE LOPEZ, Wayne Circuit; charged with assault with intent to commit murder and felony firearm. Found guilty of lesser assault/great bodily harm and felony firearm. Sentenced to 38 months to 10 years + 2 years.

PEOPLE v TRINIDAD LOPEZ, Wayne Circuit; charged with home invasion and felony firearm. Sentenced to 24 months to 20 years, $58.00 attorney fees, $600.00 costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v JOEY LOSINSKI, Branch Circuit; charged with open murder, arson, and dismemberment of a body. Verdict - Acquitted on all charges.

PEOPLE v LOTS 398 AND 399, DIX EUREKA PARK SUBDIVISION AS RECORDED IN LIBER 51, PAGE 33 OF PLATS, WAYNE CNTY RECORDS, MORE COMMONLY KNOWN AS 13723 SYCAMORE, SOUTHGATE, MI; PERSONAL PROPERTY DESCRIBED AS: GOLD COLOR HAND SCALE, OHAUS TRIPLE BEAM SCALE; $18,400 IN U.S. CURRENCY, JGA .22 CALIBER LONG RIFLE, SERIAL NO. 463717; MISC. GUN PARTS FOR COLT HANDGUN (WELLINGTON & ORZECH FORFEITURE), Wayne Circuit; forfeiture complaint. Discharge of Lis Pendens on 5/13/04.

PEOPLE v ENA MARIE LOVETTE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,606.00.

PEOPLE v MICHAEL LEE LUCAS, Wayne Circuit; charged with 1 count child sexually abusive activity, 1 count computers - Internet - communicating with another to commit crime, and 11 counts computers - Internet communicating with another to commit crime. Pled to counts 1 and 2, and counts 3-13 were dropped. Sentenced to 1 year, 18 months on a tether, probation, costs, fees, register as sex offender, sex offender therapy, and no computer or Internet access.

PEOPLE v BRENDA LUMPKIN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $4,739.00.

PEOPLE v FLOYD LYNCH, Wayne Circuit; charged with 1 count forgery and 1 count obstruction of justice. Pled as charged; sentenced to 4 months, 1 year probation, and $300.00 court costs.

PEOPLE VS v NING MA, Washtenaw Circuit; charged with 16 counts unauthorized access to a computer system or network, 5 counts eavesdropping, 1 count unlawful possession of eavesdropping device, and 1 count computers - using to commit a crime. Case declared mistrial and defendant deported.

PEOPLE v GREGORY ANDREW MAERTENS, Wayne Circuit; charged with 6 counts accosting for immoral purposes and 1 count distributing obscene matter to a minor. Pled as charged. Sentenced to 3 years probation and 10 months.

PEOPLE v AFRIKA MAJOR, Wayne Circuit; charged with welfare fraud. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $14,891.51.

PEOPLE v TELISH MALONE, Wayne Circuit; charged with welfare fraud. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $8,814.00.

PEOPLE v TRACEY MAPLE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $13,662.00.

PEOPLE v BILLY RAY MARTIN, Wayne Circuit; charged with criminal enterprise. Sentenced to 3 years probation.

PEOPLE v BOBBY DEAN MARTIN, Wayne Circuit; charged with prostitution, drug trafficking, and gambling. Pled to prostitution, keeping house of prostitution. Sentenced to 2 years probation and $82,350.00 fees.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 2 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrent and consecutive.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 4 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years +2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 2 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 5 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2

years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 3 counts Robbery Armed and Felony Firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 2 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 3 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 5 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 3 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v WILFREDO MARTINEZ, Wayne Circuit; charged with 2 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 10-40 years + 2 years. Sentences to run concurrently and consecutively.

PEOPLE v JAMES ALBERT MATICA, Wayne Circuit; charged with robbery armed, felon in possession/firearm, and felony firearm. Pled *nolo* to robbery armed and felony firearm. Sentenced to 51 months to 20 years + 2 years (to run concurrent w/Case No. 05-3830).

PEOPLE v ANITA MATTHEWS, Eaton Circuit; charged with false pretense $1,000 to $20,000. Pled guilty. Sentenced to 60 months probation, 100 hours community service in lieu of 60 days in jail, and restitution of $47,454.14.

PEOPLE v TOMAS MAURICIO, Wayne Circuit; charged with 1 count armed robbery, 1 count possession of firearms, and 1 count felony firearm. Pled guilty as charged; sentenced to 10-20 years.

PEOPLE v ANTHONY MAYO, Wayne Circuit; sex offender; pled as charged; sentenced to 2 years probation, $240.00 supervisory costs, and $40.00 attorney fees.

PEOPLE v RICKY MCCAIN, Wayne Circuit; sex offender. Defendant did not show; capias.

PEOPLE v ANNA MCCANN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $3,426.00.

PEOPLE v BRADLEY MCCARRICK, Ingham Circuit; charged with 3 counts using a computer to commit a crime. Pled to 2 counts; sentenced to 5 years probation, sex offender treatment, probation conditions, and fees.

PEOPLE v KHRYSTAL MCCLAIN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $14,288.00.

PEOPLE v TERRENCE JUAN MCCLEAREN, Wayne Circuit; charged with robbery armed, firearm possession by felon, and felony firearm. Found not guilty by jury, acquittal.

PEOPLE v TAMISHA MCCLENDON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $13,570.00.

PEOPLE v JOHN RODNEY MCRAE, Bay Circuit; charged with 1st degree murder. Case remanded back to circuit court by Supreme Court. Jury trial; guilty as charged. Sentenced to life. Defendant died shortly after sentencing.

PEOPLE v JUAN JOSE MEDINA, Wayne Circuit; sex offender. Pled guilty; sentenced to 2 years probation and half-way house following probation.

PEOPLE v MONTE FLOYD MELTON, Wayne Circuit; sex offender. Pled guilty; sentenced to 3 years probation, 100 hours community service, $600.00 court costs, $500.00 attorney fees, $60.00 people fees, $60.00 Crime Victims Rights Fund, and $120.00 supervision fees.

PEOPLE v DONALD MILLER, Washtenaw County Circuit Court; charged with 10 counts possession of child sexually abusive material. Pled to 5 counts; sentenced to 3 years probation, no contact with minors, sexual counseling, $60.00 people costs, $800.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v ZEDORA MILLER, Wayne Circuit; charged with 2 counts election law violation - improper return, absentee ballot, 1 count attempting to influence absent voter, 1 count absentee ballot tampering and 1 count conspiracy of election law violation - improper return of absentee ballot. Pled to 2 counts absentee ballot/improper, 1 count conspiracy absentee ballot ballot/improper, and 1 count ballot tampering. Sentenced to 1 year probation.

PEOPLE v LAKEISHA MITCHELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $1,710.00.

PEOPLE v GREGORY GLEN MOCH, Ingham Circuit; charged with 3 counts false pretenses $1,000 or more, but less than $20,000. Sentenced to costs of $500.00, $100.00 fine, restitution of $9,093.00, Crime Victims Rights Fund of $60.00, and people costs of $60.00.

PEOPLE v SONYA MONNICK, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $2,441.00.

PEOPLE v TAMIKA MONROE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $16,722.00.

PEOPLE v NANCY MONTALVO, Wayne Circuit; charged with processing illegal driver's licenses. Pled no contest; sentenced to 3 years probation, 1st year on a tether, and 930 hours of community service.

PEOPLE v VICTOR JUNIOR MONTANEZ, Wayne Circuit; charged with robbery armed, felony firearm, and firearm possession by felon. Pled guilty to robbery armed. Sentenced to 10 years, 6 months to 21 years (to run concurrent with case Wayne Co. Case #05-7624).

PEOPLE v AARON CHRISTOPHER MOORE, Washtenaw Circuit; charged for second probation violation. Sentenced to 2 years probation, outpatient substance abuse treatment, 200 hours community service, no alcohol/drugs, undergo alcohol/drug testing, wear blood alcohol tether for 6 months.

PEOPLE v EDWARD MOORE, Oakland Circuit; sex offender. Pled guilty as charged; sentenced to 2 years probation (first 60 days in jail).

PEOPLE v GLORIA MOORE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $16,494.00.

PEOPLE v HENRY BARRY MOORE, Wayne Circuit; sex offender. Pled as charged; sentenced to 2 years probation, $830.00 costs and fees, and 100 hours community service.

PEOPLE v TERRY WAYNE MOORE, Wayne Circuit; charged with assault with intent to commit murder, felony firearm, and firearm possession/felon. Dismissed by court due to witness failing to appear.

PEOPLE v EMANUEL MORA, Wayne Circuit; charged with assault with intent to commit murder and felony firearm. Verdict-Acquittal.

PEOPLE v DALE MORRIS, Chippewa Circuit; charged with 1 count criminal enterprises-conducting. Plea Agreement; sentenced to 5-20 years, $60.00 Crime Victims Rights Fund, and $60.00 court costs.

PEOPLE v JAMES MORRIS, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using the Internet to commit a crime. Sentenced to 1-20 years, costs, and fees.

PEOPLE v CHERI MOULDEN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $1,198.00.

PEOPLE v JEFFREY MOURO, Wayne Circuit; sex offender; pled as charged. Sentenced to $250.00 fine.

PEOPLE v EDWARD MULAK, Wayne Circuit; charged with 10 counts child sexually abusive material-possession and 1 count using a computer to commit a crime. Pled to count 2; sentenced to 3 years probation, $60.00 Crime Victims Rights Fund, $200.00 costs, $550.00 attorney fees, and $120.00 people fees.

PEOPLE v ANITA MURRAY, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $59,234.70.

PEOPLE v EDDIE MURRAY, Wayne Circuit; sex offender; pled as charged. Sentenced to $500.00 fine and registration.

PEOPLE v STANLEY SCOTT NESEN, Montcalm Circuit; charged with 2 counts criminal sexual conduct 1st degree, and 6 counts criminal sexual conduct 2nd degree. Pled guilty to 1 count criminal sexual conduct 1st degree with person under 13, and 1 count criminal sexual conduct 2nd degree. Sentenced to 3-20 years and $150.00 assessment for forensic lab test.

PEOPLE v EKRA D. NEVES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service; costs, fees, and full restitution of $8,194.16.

PEOPLE v KATHERN NEWBORN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,520.00.

PEOPLE v CHRISTOPHER NEWMAN, Wayne Circuit; 12/11/06 charged with home invasion 1st; felonious assault, felon firearm, firearm possession by felon, and habitual 4th. Dismissed by Court/Tribunal.

PEOPLE v KENDALL NEWMAN, Wayne Circuit; sex offender. Pled as charged.

Defendant did not show up to sentencing; capias issued.

PEOPLE v TONY NEWSOME, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,593.00.

PEOPLE v DEPETRECE NEWSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs/fees, and full restitution of $35,199.00.

PEOPLE v GERALD NICHOLSON, Wayne Circuit; charged with robbery armed, felonious assault, felon in possession/firearm, and felony firearm. Verdict by Court-Acquittal.

PEOPLE v TRACEY NORTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,214.00.

PEOPLE v ALAN ODELL, 54-A District Court, Ingham County; sex offender. *Nolle Pros*, registered.

PEOPLE v MIA OLIVER-EDGERSON, Wayne Circuit; charged with 1 count false pretenses; case dismissed.

PEOPLE v ANGEL OQUENDO-GONZALEZ, Wayne Circuit; 4/6/06 charged with robbery armed and felony firearm. Pled as charged. Sentenced to 42 months to 16 + 2 years (concurrent with Case No. 06-2035-01), and $600.00 costs.

PEOPLE v ANGEL OQUENDO-GONZALEZ, Wayne Circuit; charged with robbery armed and felony firearm. Pled as charged. Sentenced to 42 months to 16 years + 2 years and $600.00 costs.

PEOPLE v MIGUEL OQUENDO-GONZALEZ, 36th District Court, Wayne County; charged with receiving/concealing stolen property. Case dismissed.

PEOPLE v BRANDY MARTISSA OSBORNE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 community service hours, costs/fees, and full restitution of $22,708.00.

PEOPLE v LACRECHA OSTERMAN, Wayne Circuit; 9/28/06 charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation; 150 hours community service, costs, fees, and full restitution of $6,796.00.

PEOPLE v SEONG PARK, Washtenaw Circuit; charged with child sexual abusive activity and computers-Internet-communicating with another to commit crime. Pled to count 2. Sentenced to 21 months to 20 years, $60.00 people fines, $60.00 Crime Victims Rights Fund, $1,280.00 courts costs, and must register as sex offender.

PEOPLE v BELINDA PARKER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $5,546.00.

PEOPLE v MARC ANTHONY PARTRIDGE, Wayne Circuit; 12/14/06 charged with assault with intent to commit murder and felony firearm. Verdict-Jury-Acquittal.

PEOPLE v RAY PATTERSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,400.00.

PEOPLE v CHRISTINA PATTON, Wayne Circuit; 6/29/06 charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community

service, costs, fees, and full restitution of $10,309.00.

PEOPLE v DUJUAN MARKISE PAYNE, Wayne Circuit; 03/22/06 charged with carjacking, robbery armed, kidnapping, and felony firearm. Verdict–Jury-Acquittal.

PEOPLE v TONY BYRON PAYNE, 36th District Court, Wayne County; charged with felonious assault, firearms possession/felon, and felony firearm. Dismissed by Court/Tribunal.

PEOPLE v CARLOS PAZ JR, Wayne Circuit; charged with carjacking, robbery armed, carrying concealed weapon, felony firearm, and commission of felony with a motor vehicle advisory. Pled *nolo* to Carjacking, robbery armed, and felony firearm. Sentenced to 1-10 years, $300.00 attorney fees, $600.00 costs, and $1,250.00 restitution.

PEOPLE v SHAVONNE PENNYMON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $8,644.00.

PEOPLE v CHRISTINA PERKINS, Wayne Circuit; charged with welfare fraud on 08/04/06. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $31,840.00.

PEOPLE v GLORIA PETERSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, costs, fees, and full restitution of $13,348.00.

PEOPLE v MAURICE PETTIFORD, Saginaw Circuit; sex offender. Pled as charged; sentenced to 6 months (107 days credit), fees, and obligation to continue to register.

PEOPLE v MICHAEL PHILLIPS, Oakland Circuit; charged with 1 count child sexually abusive activity, and 1 count computers Internet - communicating with another to commit crime - child sexually abusive activity. Found guilty on all counts; sentenced to 50-240 months, $120.00 court costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v ROSETTA PHILLIPS, Wayne Circuit; charged with welfare fraud on 5/11/06. Plea Agreement; sentenced to 5 years probation, 150 hours community service, cost, fees, and full restitution of $38,795.00.

PEOPLE v TYLETHA PHILLIPS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, costs, fees, and full restitution of $26,970.00.

PEOPLE v PATRICIA POE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $25,519.16.

PEOPLE v ROBERT LATRON POINTER, Wayne Circuit; sex offender. Pled as charged; sentenced to 52 days (time served).

PEOPLE v TRACY POLIDORE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 community service, costs, fees, and full restitution of $41,272.51.

PEOPLE v DANJUAN POWELL, Wayne Circuit; charged with Assault with intent to robbery armed, felonious assault, possession/felon, and felony firearm. Pled *nolo*. Sentenced to 8 years, 6 months to 20 years.

PEOPLE v RUBY POWELL, Wayne Circuit; charged with welfare fraud on 4/12/06.

Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs of $60.00, fees of $200.00, and full restitution of $72.642.00.

PEOPLE v SPARKLE POWELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $14,054.00.

PEOPLE v KEVIN POYLE, 36th District Court, Wayne County; charged with assault with intent to murder, felony firearm. Case dismissed.

PEOPLE v LOUIS PRESSELL, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime. Pled as charged; sentenced to 30-120 months, $120.00 court costs, $60.00 Crime Victims Rights Fund, and obligation to register as sex offender.

PEOPLE v HILL HUNT PRESTON, Wayne Circuit; charged with welfare fraud. Sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $2,296.00.

PEOPLE v KASHAUNDA VENETTE PROPHET, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $32,416.00.

PEOPLE v IRENEUSZ PUZIO (AKA ERIC PUZIO), Wayne Circuit; charged with 1 count conspiracy to deliver 650 grams or more of heroin, 1 count felony firearm, 1 count delivery of controlled substance-heroin, and 1 count possession of controlled substance-ecstasy. Sentenced to 5-20 years for delivery of drugs and 2 years felony firearm.

PEOPLE v GEORGE QUALLS III, Ingham Circuit; sex offender. Sentenced to 60 days (with 60 days credit) and $60.00 Crime Victims Rights Fund. Defendant provided proof of registration in both Michigan and Mississippi.

PEOPLE v ANNETTE QUILES, Wayne Circuit; charged with armed robbery, firearm possession by felon, and felony firearm; pled guilty as charged. Sentenced to 2-5 years, $500.00 attorney fees, and $600.00 court costs.

PEOPLE v PATRICK QUINLAN, Oakland Circuit; charged with 1 count conspiracy to commit securities fraud and 16 counts violation of Blue Sky Laws/fraudulent schemes. Pled guilty to 1 count conspiracy to commit securities fraud and 3 counts security fraud. Sentenced to 1 year (to be served concurrent with a federal sentence), restitution of $83 million. Federal sentence is expected to be 10 years.

PEOPLE v JESSE RAINWATER, Wayne Circuit; charged with assault with intent to commit murder, resisting arrest, felonious assault, possession/felon, felony firearm. Pled *nolo* to felonious assault. Sentenced to 2 years probation.

PEOPLE v DEXTER RANSON-BEY, Wayne Circuit; sex offender. Found not guilty.

PEOPLE v HOWARD RAVEN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,235.00.

PEOPLE v DANIEL CRAIG REEVES, Chippewa Circuit; sex offender; Defendant produced proof of registration. *Nolle pros*; case dismissed.

PEOPLE v SANDRA REHIL, Chippewa Circuit; charged with 1 count uttering and publishing, 1 count attempt to commit uttering and publishing, and 1 count conspiracy to commit escape. Pled to attempted uttering and publishing; sentenced to 6 months probation.

PEOPLE v JAMES REINKE, Isabella Circuit; charged with 7 counts accosting for immoral purposes and 2 counts disseminating sexually explicit matter to a minor. Pled guilty to 1 count accosting and 1 count disseminating. Sentenced to 18-120 months.

PEOPLE v DAVID REPLOGLE, Kent Circuit; charged with 1 count child sexually abusive activity, 4 counts computers-Internet-communicating with another to commit crime - accosting for immoral purposes, and 1 count computers Internet - communicating with another to commit crime - distributing obscene matter to a minor. Pled guilty to 3 counts using a computer to commit a crime and 1 count child sexually abusive activity. Sentenced to 5 years probation with first 3 months on tether, 100 hours community service, counseling throughout probation, forfeiture of computer equipment, no access to Internet, register as sex offender, and fines/costs/oversight fees.

PEOPLE v DOUGLAS RHODES, Wayne Circuit; sex offender; pled as charged. Sentenced to 1 year probation and fined $500.00.

PEOPLE v NICOLA RHODES, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs/fees, and full restitution of $6,542.00.

PEOPLE v JAMES LEE RICE-WHITEHEAD, Wayne Circuit; charged with felonious assault and felony firearm. Pled guilty. Sentenced to 2 years, 2 years probation, $600.00 costs, and $650.00 attorney fees.

PEOPLE v ROGER RITENBURGH, Ingham Circuit; sex offender; found guilty. Sentenced to 2 years probation (credit 4 days), psychological evaluation, no unsupervised contact with persons under 16 years of age, and obligation to register.

PEOPLE v NADINE ROBERTS, Genesee Circuit; charged with attempt insurance-fraudulent acts. Pled; sentenced to 24 months probation, $500.00 court costs, $60.00 minimum costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v DELAINA ROBERTSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $54,235.00.

PEOPLE v KEISHA ROBERTSON, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $20,196.00.

PEOPLE v THOMAS ROBINSON, Cass Circuit; sex offender; pled to misdemeanor. Sentenced to $300.00 fine or 30 days.

PEOPLE v RICARDO ANTONIO RODRIGUEZ, Wayne Circuit; charged with 1 count felony assault, 1 count carrying a concealed weapon, and 1count felony firearm. Pled guilty as charged. Sentenced to 1-5 years plus 2 years (to run concurrent with case #06018802).

PEOPLE v RICARDO ANTONIO RODRIGUEZ, Wayne Circuit; charged with 1 count carjacking, 1 count resisting arrest, and 1 count felony firearm. Pled as charged; sentenced to 9-25 years.

PEOPLE v STEVEN ANGEL RODRIGUEZ, Wayne Circuit; charged with 1 count resisting arrest and 1 count home invasion. Found guilty; sentenced to 27 months to16 years.

PEOPLE v CHRISTOPHER ROGERS, Wayne Circuit; sex offender; found not guilty.

PEOPLE v WANDA LAVERNE ROGERS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,240.00.

PEOPLE v JASON THOMAS ROSS, Wayne Circuit; charged with resisting arrest and felony firearm. Pled guilty; sentenced to 51 months to 30 years + 2 years.

PEOPLE v TORI ROSS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $5,134.00.

PEOPLE v THOMAS RUSSELL, Oakland Circuit; charged with child sexually abusive activity, Internet - crime involving children and distributing obscene material over Internet. Found guilty; sentenced to 45-240 months on counts 1 and 2, 12-48 months on counts 3 and 5, $300.00 costs, $60.00 Crime Victims Rights Fund, obligation to register as sex offender, and DNA/HIV testing.

PEOPLE v RISHA RUTHLEDGE, Wayne Circuit; charged with welfare fraud. Pled guilty; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $5,544.00.

PEOPLE v DENNY RYAN, Monroe Circuit; charged with misconduct in office. Found guilty; sentenced to 6 months, 2 years probation, $500.00 fines, $400.00 costs, $60.00 Crime Victims Rights Fund, and $1,040.00 attorney fees.

PEOPLE v STEVEN SABELL, Oakland Circuit; charged with 1 count child sexually abusive activity and 6 counts using a computer to commit child sexually abusive activity. Pled guilty; sentenced to 24-240 months (concurrent), $60.00 Crime Victims Rights Fund, and $180.00 people costs.

PEOPLE v CLIFFORD ALLEN SABIN, 36th District Court, Wayne County; charged with 2 counts assault with intent to do great bodily harm, resisting arrest, and felony firearm. Dismissed by court.

PEOPLE v CLIFFORD ALLEN SABIN, 36th District Court, Wayne County; charged with assault to do great bodily harm, resisting arrest, and felony firearm. Dismissed by court.

PEOPLE v MASHELLE SAGER/ALTERNATIVE FUELS, 77th District Court, Mecosta County; charged with tires-improper disposal, delivery of scrap tires to an unauthorized site. Trial 1 - found guilty as charged; sentenced to $26,000.00 fine. Trial 2 - pled no contest to all charges; sentenced to fines and costs of $25,200.00. Trial 3-sentenced to 90 days suspended sentence, fines, and costs of $1,535.00.

PEOPLE v ARIENETTA SALDA, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $24,149.00.

PEOPLE v MELISSA SALINAS, Wayne Circuit; charged with felonious assault, felony firearm, and commission of felony with a motor vehicle advisory. Found not guilty via waiver trial.

PEOPLE v CHERENKIA SAMUEL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $26,695.00.

PEOPLE v JUAN SANTANA, Wayne Circuit; charged with assault with intent to murder, firearm possession by felon, and felony firearm. Jury trial; found guilty of assault with intent to do great bodily harm. Sentenced to 4.5 years-15 years, $650.00 attorney fees, $600.00 costs, and $60.00 Crime Victims Rights Fund.

PEOPLE v ERIC SCHLEE, Calhoun Circuit; charged with 2 counts accosting for immoral purposes and 2 counts disseminating sexually explicit matter to a minor. Pled guilty to 1 count accosting and 1 count disseminating; sentenced to 3 years probation, sex offender treatment, fines, and costs.

PEOPLE v KENNETH SCHUMACHER/ALTERNATIVE FUELS, L.C., Mecosta Circuit; charged with transporting scrap tires to destination not authorized. Found guilty by jury; sentenced to 270 days, restitution of $13,193.86.

PEOPLE v CASSANDRA SCOTT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $21,838.00.

PEOPLE v MARTISE SCOTT, Wayne Circuit; sex offender. Pled as charged; sentenced to 3 months or fine of $400.00.

PEOPLE v JEFFREY SHANK, Ingham Circuit; charged with sex offender and habitual offender 2nd. Pled; sentenced to 24 months probation, 180 days (with 90 suspended), and costs.

PEOPLE v JAMES LORAN SHANNON, Wayne Circuit; charged with 1 count resisting arrest and 1 count home invasion 1st. Pled guilty; sentenced 51-85 years.

PEOPLE v SHARON SHAW, Wayne Circuit; charged with welfare fraud. Pled guilty; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $12,959.00.

PEOPLE v KENNETH ALAN SHEALY, Wayne Circuit; charged with resisting arrest, home invasion, felony firearm, and felonious assault, possession by felon. *Nolo contendre*; sentenced to 81 months to 16 years.

PEOPLE v JESSICA SHOEMAKER, Lake Circuit; charged with 1 count embezzlement-public official over $50.00. Pled as charged; sentenced to full restitution and successful probation.

PEOPLE v ARLYNDAWN SIMMONS, Wayne Circuit; charged with 2 counts felonious assault, firearm possession/felon, and felony firearm. Pled *nolo*. Convicted; sentenced to 3 years Holmes Youthful Trainee Act.

PEOPLE v DARRYL SIMMS, Wayne Circuit; sex offender; pled guilty. Sentenced to 60 days.

PEOPLE v TAMEKA SIMPSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $15,927.00.

PEOPLE v DESTINY SIMONE SIMS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $22,180.00.

PEOPLE v MAURICE KEITH SIMS, Wayne Circuit; sex offender; pled as charged; sentenced to 4 months (may be released upon payment of $450.00 cash) and must register as sex offender.

PEOPLE v ANGELA SMITH, Wayne Circuit; charged with 1 count election law violation - improper return, absentee ballot, and 1 count conspiracy of election law violation - improper return of absentee ballot; judgment/plea agreement; pled to 1 count absentee ballot/improper and 1 count conspiracy absentee ballot/improper. Sentenced to 1 year probation.

PEOPLE v ANGELA M. SMITH, Wayne Circuit; charged with welfare fraud. Plea

Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $10,104.00.

PEOPLE v AUSTON M. SMITH, Wayne Circuit; charged with assault with intent to murder, assault with intent to do great bodily harm, felonious assault, and felony firearm. Pled guilty to felony firearm, assault with the intent to do great bodily harm, and possession of firearm by felon. Sentenced to 29months to 10 years.

PEOPLE v CHANTELLE SMITH, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $9,041.00.

PEOPLE v DAVID LEE SMITH, Wayne Circuit; charged with resisting arrest and carrying concealed weapon. Dismissed by court due to insufficient evidence.

PEOPLE v DAVID LEE SMITH, Wayne Circuit; charged with robbery armed, assault with intent to do great bodily harm, firearm possession/felon, and felony firearm. Dismissed by court due to witness failing to appear.

PEOPLE v NICOLE SMITH, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $30,364.00.

PEOPLE v XERONNA SMITH, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $7,176.00.

PEOPLE v YOLANDA SMITH, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $10,088.00.

PEOPLE v TIMMY SOTO, 36th District Court, Wayne County; charged with felony assault. Case dismissed.

PEOPLE v JAMES SOUTHWARD, Washtenaw Circuit; charged with 1 count child sexually abusive activity and 1 count computers - Internet - communicating with another to commit child sexually abusive activity. Found guilty on both counts. Sentenced to 27 months to 20 years on both counts (to run concurrently), $120.00 people costs, $60.00 Crime Victims Rights Fund, and $1,280.00 court costs.

PEOPLE v SHELIA SOWELL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $2,032.00.

PEOPLE v NAOMI SPARKS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years, 150 hours community service, costs, fees, and full restitution of $9,471.00.

PEOPLE v SHARLA SPENCER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $5,284.00.

PEOPLE v RANDALL DWAYNE STAMPER, Jackson Circuit; sex offender. Pled as charged; sentenced to 1 year.

PEOPLE v WILLIAM STAMPER, Wayne Circuit; charged with felonious assault and felony firearm. Pled *nolo* to felony firearm. Sentenced to 2 years and $600.00 costs.

PEOPLE v JOHN TAYLOR STANLEY, Wayne Circuit; charged with assault with intent to murder, felonious assault, possession, resisting/obstructing, attempt disarm

officer, discharging firearm. Jury convicted; sentenced to 28-40 years.

PEOPLE v JODIE STARKS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and restitution of $26,681.50 (full restitution of $53,363.00 to split between sister, Tatia Starks-Wade.

PEOPLE v TATIA STARKS-WADE, Wayne Circuit; charged with welfare fraud. Judgment/Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $26,681.50 (full restitution of $53,363.00 to split between sister, Jodie Starks).

PEOPLE v DIAMOND STERLING JR., Wayne Circuit; charged with assault with intent to rob while armed and felony firearm. Pled as charged; sentenced to 51-85 months + 2 years (consecutive to count 2).

PEOPLE v ARTHUR STEVENS, Wayne Circuit; charged with 2 counts felonious assault, firearm possession/felon, felony firearm, and robbery armed. Pled guilty to robbery armed, firearm possession/felon, and felony firearm. Sentenced to 5-15 years.

PEOPLE v LATOSHA STEVENS, Wayne Circuit; charged with welfare fraud. Judgment/Plea Agreement; sentenced to 2 years probation, 150 hours community service, costs of $60.00, fees of $200.00, and full restitution of $1,383.00.

PEOPLE v EDWARD STEWART, Calhoun Circuit; sex offender. Pled as charged; sentenced to 1 year (credit for 16 days).

PEOPLE v BERNISE STUBBS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $3,597.00.

PEOPLE v SAKTHIVEL SUBBIAH, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime. Convicted by jury; sentenced to 2 years, 6months to 20 years.

PEOPLE v FLORENCE SUTTON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, fees, costs, and full restitution $5,690.00.

PEOPLE v MONTENNA SWAIN, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $5,166.00.

PEOPLE v LAKISHA SWIFT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $1,000.00.

PEOPLE v BRUCE TATUM-EL, Wayne Circuit; sex offender. Pled as charged; sentenced to 1 year probation.

PEOPLE v VANESSA TAYLOR, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $9,144.00.

PEOPLE v FELICIA TERRY, Wayne Circuit; charged with welfare fraud. Plea Agreement. Sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $48,778.00.

PEOPLE v LARRY TESTER/GENISIS AIR, 63-1 District Court, Kent County; charged with falsifying test results. Pled guilty per plea agreement; sentenced to 1

year probation, a published apology in a trade journal, and restitution of $12,890.00.

PEOPLE v LATIA THOMAS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $29,466.00.

PEOPLE v DARRELL THOMPSON, Wayne Circuit; sex offender. Pled as charged; sentenced to 1 year probation.

PEOPLE v ROGER D. THOMPSON, Wayne Circuit; charged with prostitution, drug trafficking, and gambling. Convicted by jury of prostitution - keeping house of. Sentenced to 2 years probation and $82,350.00 fees.

PEOPLE v ANTHONY EUGENE TILLER, Wayne Circuit; charged with robbery armed. *Nolo Contendre*. Sentenced to 11 years, 3 months to 20 years.

PEOPLE v VALERIE R. TINGLE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 150 hours community service, costs, fees, and full restitution of $5,210.00.

PEOPLE v JOHN ALLEN-LEE TOMASON, Wayne Circuit; charged with prostitution, drug trafficking, and gambling. Pled to disorderly person; sentenced to 1 year probation.

PEOPLE v WALTER DERRYL TRAPP, Wayne Circuit; charged with assault with intent to murder, felonious assault, and assault with intent to do great bodily harm. Dismissed by court.

PEOPLE v ELIAS TREVINO, 8th District Court, Kalamazoo County; sex offender. *Nolle Pros*. Warrant issued by other agency for same charges.

PEOPLE v CASSANDRA TUCKER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, costs, fees, and full restitution of $1,983.00.

PEOPLE v STEPHANIE RENEE TUCKER, Wayne Circuit; charged with carjacking, robbery armed, kidnapping, and felony firearm. Convicted of robbery unarmed. Sentenced to 1 year, 3years probation, $600.00 costs, and $1,370.00 attorney fees.

PEOPLE v TYRONE DARNELL TUCKER, Wayne Circuit; charged with robbery armed, felonious assault, and felony firearm. Pled guilty as charged. Sentenced to 36 months to 10 years, $400.00 attorney fees, and $600.00 costs.

PEOPLE v EBONY TURNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $42,090.00.

PEOPLE v MARKITA TURNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $1,885.00.

PEOPLE v MIA L. TURNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $14,206.00.

PEOPLE v RODNEY PERNELL TURNER, Wayne Circuit; charged with assault with intent to murder, resisting arrest, and assault with intent to do great bodily harm. Dismissed by court.

PEOPLE v RONNIE TURNER, Wayne Circuit; Plea Agreement; sentenced to 5

years probation, costs, fees, and full restitution of $5,460.00.

PEOPLE v SHAWNA LYNN TURNER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $7,122.00.

PEOPLE v CHRISTOPHER TWICHELL, Wayne Circuit; charged with 4 counts producing child sexually abusive material. Pled guilty as charged; sentenced to 30-240 months, 270 days probation (credit 62 days), and $60.00 people costs.

PEOPLE v DANIEL TYNAN, Wayne Circuit; charged with 1 count illegal release of hazardous substance. Pled guilty as charged; sentenced to 3 years probation (first 6-8 months confined in an alcohol-controlled substance abuse program), $2,000.00 fines to MDEQ, $550.00 attorney costs, and $495.00 court costs.

PEOPLE v MARK STEVEN UNGER, Benzie Circuit; charged with first degree murder, premeditated. Convicted; sentenced to life, $60.00 people fees, and $60.00 Crime Victims Rights Fund.

PEOPLE v WILLIAM ANTHONY UPSHAW, Wayne Circuit; sex offender; pled as charged; sentenced to 4 months, and $750.00 fine.

PEOPLE v JAVIER MUNOZ VARGAS, 36th District Court, Wayne County; charged with felonious assault and felony/firearm. Case dismissed.

PEOPLE v GLEN VELLNER, Macomb Circuit; charged with 10 counts producing and/or making child sexually abusive material, 6 counts using a computer to accost and solicit a minor, and using a computer to disseminate sexually explicit material to a minor. Pled guilty to 10 counts producing and/or making child sexually abusive material. Sentenced to 100 months to 40 years.

PEOPLE v VITO WILLIAM VENTIMIGLIA, Oakland Circuit; charged with 1 count child sexually abusive activity, 1 count using a computer to commit a crime, and 3 counts disseminating sexually explicit matter to a minor. Pled as charged; sentenced to 60 months to 20 years, $60.00 Crime Victims Rights Fund, $300.00 people costs, must register as sex offender, and must comply with DNA requirements.

PEOPLE v SHAWN VESCOSO, Kalamazoo Circuit; charged with 6 counts child sexually abusive material-distributing, 7 counts child sexually abusive material-possession, 1 count using a computer to commit child sexually abusive-distributing, and 1 count using a computer to commit child sexually abusive material-possession. Found guilty as charged. Sentenced to 5 years probation (last 12 months in jail upon review), costs of $4,893.44, and fees of $2,460.00.

PEOPLE v MARCUS LYNDALE VOGLE, Kent Circuit; sex offender; pled as charged. Sentenced to 12 months probation, court costs of $600.00, and $60.00 Crime Victims Rights Fund.

PEOPLE v KANDRA WALKER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,840.00.

PEOPLE v KIMBERLY WALKER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced 3 years probation, 150 hours community service, and full restitution of $6,514.00.

PEOPLE v LATECIA WALKER, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $69,639.00.

PEOPLE v DENNIS MICHAEL WALLACE, JR, Wayne Circuit; charged with 2 counts using a computer to commit a crime accosting minor for immoral purposes. Pled guilty; sentenced to 3 years probation, obligation to register as sex offender, no computer in home, no access to computers outside of home, sex offender counseling, 10 days alternative work force, and probation costs and fees.

PEOPLE v STEVEN WALLACE, Mecosta Circuit; charged with 3 counts using the Internet to commit a crime. Pled guilty; sentenced to 20-120 months (credit for 252 days), $60.00 Crime Victims Rights Fund, $180.00 costs, attorney fees, and recommendation to register as sex offender.

PEOPLE v KIMBERLY WALTON, Chippewa Circuit; charged with conspiracy to forge, conspiracy to uttering and publishing, conspiracy to escape from prison. Found guilty; sentenced to 9 months and 1 year probation.

PEOPLE v ROBERT MARCELL WALTON, Wayne Circuit; charged with assault with intent to murder, assault with intent to do great bodily harm, firearm possession/felon, and felony firearm. Found guilty of assault with intent to murder and felony firearm. Sentenced to 12-25 years and $600.00 court costs.

PEOPLE v KIRK ANTHONY WARD, Muskegon Circuit; sex offender. Pled guilty; sentenced to time served (51 days).

PEOPLE v ELIAS WASAYA, 1st District Court, Monroe County; charged with illegal use or storage of fireworks and not obtaining a permit for the sale or storage of fireworks. Dismissed after court denied People's motion.

PEOPLE v ANDREW WASHINGTON, Wayne Circuit; sex offender; pled guilty. Sentenced to 1year probation and costs.

PEOPLE v TWINKLE WATKINS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution in the amount of $69,459.

PEOPLE v DIVANA WEBB, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,316.80.

PEOPLE v BLAINE WELMERS, Oakland Circuit; charged with 1 count child sexually abusive activity and 1 count using a computer to commit a crime. Jury acquitted.

PEOPLE v JAMES WERNER (800 MHZ), Kent Circuit; charged with unauthorized use of radios being programmed onto the Michigan Public Safety Communication System. Pled; sentenced to 2 years probation.

PEOPLE v MARLON WESTBROOK, Wayne Circuit; charged with 4 counts assault with intent to murder and 4 counts assault with intent to do great bodily harm. Dismissed by Court/Tribunal due to witness failing to appear.

PEOPLE v TIMOTHY WESTBROOK, Oakland Circuit; charged with 2 counts child sexually abusive activity and 2 counts using a computer to commit a crime. Pled guilty as charged as a habitual 3rd offender. Sentenced to 8-40 years (103 days credit), fees, costs, sex offender registration, and DNA.

PEOPLE v MARK WHITAKER, Oakland Circuit; charged with 1 count child sexually abusive material-production, 1 count child sexually abusive material-possession, 1 count using a computer to commit-production, and 1 count using a computer to commit-possession. Plea Agreement; sentenced to 10 months, $60.00 Crime Victims Rights Fund, $120.00 court fees, HIV testing, and registration as sex offender.

PEOPLE v ALMETA WHITE, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $10,965.00.

PEOPLE v MICHAEL DAVID WHITE, Wayne Circuit; charged with assault with intent to murder and felony firearm. Pled guilty as charged. Convicted; sentenced to 51 months to 10 years plus 2 years.

PEOPLE v DAVON LAMONZ WIGGINS, Wayne Circuit; charged with resisting arrest and carjacking. Convicted by jury; sentenced to 10-20 years.

PEOPLE v CHARLES JAMES WILLIAMS, 36th District Court, Wayne County; charged with resisting arrest, and felony/firearm. Case dismissed.

PEOPLE v CHARLES WILLIAMS III, Wayne Circuit; charged with robbery armed and felony firearm. Pled guilty as charged; sentenced to 5-20 years, $600.00 costs, and $500.00 attorney fees.

PEOPLE v DARNELL WILLIAMS, Wayne Circuit; charged with 2 counts robbery armed and felony firearm. Pled guilty as charged. Sentenced to 51 months to 15 years + 2 years (to run concurrently and consecutively).

PEOPLE v DWAYNE EUGENE WILLIAMS, Jackson Circuit; charged with 1 count racketeering. Found guilty; sentenced to 30-240 months.

PEOPLE v TASIA WILLIAMS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $9,728.00.

PEOPLE v PHYLLIS WILLIS, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $5,564.00.

PEOPLE v KENYA WILSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $9,120.00.

PEOPLE v LASHONDA WILSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $30.914.00.

PEOPLE v LATINA WILSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $3,830.00.

PEOPLE v SEWILLA WILSON, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 5 years probation, 150 hours community service, costs, fees, and full restitution of $26,496.00.

PEOPLE v LATHIETHA WINDHAM, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 2 years probation, 150 hours community service, costs, fees, and full restitution of $3,206.00.

PEOPLE v BRIAN WITHUN, Monroe Circuit; charged with 2 counts computers - Internet - communicating with another to commit crime- children - accosting for immoral purpose. Pled as charged; sentenced to 365 days, 3 years probation, sex offender treatment, must register as sex offender, costs, and fees.

PEOPLE v MICHAEL GORDON WOLOSONOWICH, Mecosta Circuit; charged with 4 counts accosting for immoral purposes. Pled guilty to 2 counts. Sentenced to 36-120 months, $60.00 Crime Victims Rights Fund, $120.00 court costs, and must

register as sex offender.

PEOPLE v BRIDGETT WOODALL, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $6,650.00.

PEOPLE v EDWARDS WOODS, Wayne Circuit; charged with robbery armed and felony firearm. Convicted by jury; sentenced to 27 months to 10 years and $400.00 attorney fees.

PEOPLE v ALISA WOODSON, Wayne Circuit; charged with resisting arrest, assault with intent to resist arrest, and felony firearm. Pled guilty; sentenced to 50 months to 20 years.

PEOPLE v CALEB EDWARD WOODWORTH, Genesee Circuit; charged with possession less than 50 grams cocaine and conspiracy to deliver heroin less than 50 grams. Defendant pled; sentenced to 3 years probation, $60.00 Crime Victims Rights Fund, $60.00 court costs, and $360.00 fines.

PEOPLE v SHAWNTRA WRIGHT, Wayne Circuit; charged with welfare fraud. Plea Agreement; sentenced to 3 years probation, 150 hours community service, costs, fees, and full restitution of $7,222.00.

PEOPLE v WAYNE DOUGLAS WRIGHT, Wayne Circuit; sex offender; pled as charged. Sentenced to time served (27 days) and $200.00 fine.

PEOPLE v STEVEN YAEGER, Monroe Circuit; charged with conspiracy to violate gambling laws and accepting money or valuable thing contingent on uncertain event. Pled; sentenced to $1,000.00 fine/each count, costs of $1,000.00, $40.00 Crime Victims Rights Fund, 2 years probation, and no direct or indirect gambling activity.

PEOPLE v DAVEN YOUNG, Wayne Circuit; charged with assault with intent to do great bodily harm and felony firearm. Found guilty of felony firearm. Sentenced to 2 years.

PEOPLE v NEIL YOUNG, Mecostsa Circuit; charged with 1 count depositing fill material in wetlands and dredging, removing, or permitting the removal of soil or minerals from a wetland without obtaining a permit and 1 count creating, enlarging, or diminishing an inland lake or stream without a permit. Plea Agreement; sentenced to 3 years probation, fine of $21,000.00, and restoration.

PEOPLE v RICHARD ZAKRIN, Wayne Circuit; charged with 5 counts of robbery armed and felony firearm. Pled *nolo*; sentenced to 10.5-20 years and $600.00 costs.

**Environment, Natural Resources, and Agriculture Division - Prosecutions 2005 – 2006***

PEOPLE OF THE STATE OF MICHIGAN v SAMUEL LOUIS CRESWELL, Charlevoix Circuit, 4/29/2005, Case transferred to Circuit Court from 90th District Court proceedings (felony violations). Case involved criminal investigation of Charlevoix Waste Water Treatment Plant and the alleged falsification of monthly operating reports by James Mazur, reported to Superintendent Sam Creswell. Plea Agreement: Defendant pled guilty to count I Natural Resources and Environmental Protection Act (NREPA) violations; count II dismissed. Defendant ordered to pay $60 to Crime Victims Rights Fund; $60 state costs; $550 court costs with first $50 to Victims Restitution Fund; and $5,000 fine, totaling $5,670; and 24 months' probation.

PEOPLE OF THE STATE OF MICHIGAN v JAMES STANLEY MAZUR, Charlevoix Circuit, 4/29/2005, Case transferred to Circuit Court from 90th District Court proceedings (felony violations). Companion case to *People v Samuel Louis Creswell*. Plea Agreement: Defendant pled guilty to count I NREPA violations, count II dismissed. Defendant ordered to pay $800 restitution; $60 to Crime Victims Rights Fund; $60 state costs; $550 court costs with first $50 to Victims Restitution Fund; and $5,000 fine, totaling $6,470; and 24 months' probation.

PEOPLE OF THE STATE OF MICHIGAN v LEONARD MICHAEL KUNCHYNSKI, 95-B District Court, 2/17/2005, Complaint filed in 93-B District Court re Leonard Michael Kunchynski; Alliance Steel Construction, Inc. Suspects contracted to transport and dispose of solid wastes lawfully, but disposed of the solid wastes unlawfully, and accepted payment for the unlawful activity under the pretense the waste was disposed of in a lawful manner. Plea Agreement: Defendant pled guilty to count I (establish a disposal area without a permit); count II dismissed. Assessed $1,110 in fines and costs and 3 months' probation.

PEOPLE OF THE STATE OF MICHIGAN v RICHARD LOUIS PETERSON III, 95-B District Court, 4/4/2005, Complaint filed in 93-B District Court re Richard Louis Peterson III; Alliance Steel Construction, Inc. Suspects contracted to transport and dispose of solid wastes lawfully, but disposed of the solid wastes unlawfully, and accepted payment for the unlawful activity under the pretense the waste was disposed of in a lawful manner. Companion case to *People v Kunchynski*. Plea Agreement: Defendant pled guilty to count I-assessed $1,110 in fines and costs and 3 months' probation.

PEOPLE OF THE STATE OF MICHIGAN v CHARLES ANTHONY LOONSFOOT, Michigan Supreme Court. Defendant-Appellant appealed his conviction entered on 01/15/2003 in the 97th District Court and from the 05/10/2004 decision of the Court of Appeals. Supreme Court remanded to Court of Appeals for consideration as on leave granted. The Court of Appeals action was dismissed on 03/14/2005.

PEOPLE OF THE STATE OF MICHIGAN v JAMES MICHAEL REDMON, Oscoda Circuit, 1/4/2005, Defendant bound over to Circuit Court from 81st District Court for misdemeanor violations of Part 127, Water Supply and Sewer Systems, and felony violations including forgery, uttering and publishing and false pretenses. Suspects were contracted to plug and abandon some water wells. However, they knowingly did not properly plug the wells and then created and submitted false certifications to the County Health Department claiming that they had. Plea Agreement: Defendant pled guilty to six misdemeanor counts (failure to plug water wells). Defendant was sentenced to 90 days in jail for each count (running concurrently), $50,000 in restitution; $1,000 in court costs, totaling $51,000.

PEOPLE OF THE STATE OF MICHIGAN v GENE JAMES WALLINGTON,

Oscoda Circuit, 2/7/2005, Defendant bound over to Circuit Court from 81st District Court for misdemeanor violations of Part 127, Water Supply and Sewer Systems, and felony violations including forgery, uttering and publishing, and false pretenses. Suspects were contracted to plug and abandon some water wells. However, they knowingly did not properly plug the wells and the created and submitted false certifications to the County Health Department claiming that they had. Companion case to *People v Redmond*. Plea Agreement: Defendant pled guilty to one misdemeanor count: failure to plug water well. Defendant paid $23,700 to the Department of Environmental Quality for restitution and $495 in court costs.

PEOPLE OF THE STATE OF MICHIGAN v FRANK GEORGE KITTER, 16th District Court, 6/8/2004, Complaint filed in 16th District Court as part of Operation Slither, a covert investigation into the illegal trade of Michigan reptiles. The U.S. Fish & Wildlife Service, Ohio DNR, and Michigan DNR working cooperatively to investigate reptile dealers. Attorney General assistance required to handle prosecution of the case. Plea Agreement: Defendant pled guilty; $940 in restitution.

PEOPLE OF THE STATE OF MICHIGAN v JEFFERSON RACE, 54-A District Court, 6/8/2004, Complaint filed in 54-A District Court as part of Operation Slither. Plea Agreement: Defendant pled guilty; $940 in restitution.

PEOPLE OF THE STATE OF MICHIGAN v GORDON RENAUD, 23rd District Court, 5/10/2004, Complaint filed in 23rd District Court as part of Operation Slither. Plea Agreement: Defendant pled guilty; $3,470 in fines, costs, and restitution.

PEOPLE OF THE STATE OF MICHIGAN v GORDON RENAUD, 28th District Court, 6/8/2004, Complaint filed in 28th District Court as part of Operation Slither. Order of *Nolle Prosequi* entered; case dismissed. (See also *People v Renaud*, 23rd District Court case.)

PEOPLE OF THE STATE OF MICHIGAN v JOEL ROGGELIN, 23rd District Court, 12/10/2004, Complaint filed in 23rd District Court as part of Operation Slither. Plea Agreement: Defendant pled guilty and was ordered to pay a total of $8,835 in fines, costs, and restitution.

PEOPLE OF THE STATE OF MICHIGAN v TRASH TAXI NORTH, L.L.C; TRASH TAXI, INC; AND CURTIS AGIUS, 41-A District Court, 12/7/04, Complaint filed in 41-A District Court (misdemeanor charges). Trash Taxi, a solid waste transporting business, was alleged to have commingled recycled household waste with solid waste. The company and its owner, Curtis Agius, were picking up recyclables and yard waste and taking waste to sanitary landfill rather than to recycling facility. Plea Agreement: Defendants Trash Taxi, Inc. and Curtis Agius pled guilty and fined a total of $33,336; defendant Trash Taxi North dismissed as part of plea agreement.

PEOPLE OF THE STATE OF MICHIGAN v A.J. VANOYEN, A J. VANOYEN BUILDERS, INC., 52-1 District Court, 1/27/05, Complaint filed in 52-1 District Court regarding improper construction of sewerage system and fraudulent representations to property owners in Hidden Timbers Subdivision, Lyon Township (misdemeanor). Plea Agreement: Defendant pled guilty to counts 1-20 and was fined a total of $4,000: $100 per count and $2,000 in costs.

**Criminal cases involving environmental issues were reassigned to the Criminal Division in June 2005.

**Health Care Fraud Division - Prosecutions 2005 - 2006**

PEOPLE v ERIC ANDRES ANDERSON, Oakland Circuit, 6/20/05 Complaint filed to 1 Count False Medicaid Claims and 1 Count Obtaining a Controlled Substance by Fraud or Forgery. 8/15/2005 bound over to 6th Circuit Court as charged. Judgment - Plea Agreement, 9/22/05 plea entered to 1 Count False Medicaid Claim and 1 Count Obtain Controlled Substance by Fraud. 9/22/05 sentenced to 12 months probation; $300 Costs, $60 Crime Victims Rights Fund.

PEOPLE v EPHRIAM ALLEN ASHLEY, 36th District Court, 3/29/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement, 9/19/06 plea entered to Nursing Home False Information. 9/19/06 sentenced to 6 months probation, $100 fine, $200 costs.

PEOPLE v MARCUS LAFRANCE BAILEY, Wayne Circuit, 5/2/06 Complaint filed in 36th District Court to 1 Count Identity Theft. 5/22/06 bound over to 3rd Circuit Court as charged. Judgment - Plea Agreement, 6/5/06 plea entered to 1 Count Identity Theft. 7/25/06 sentenced to 3 years probation, $600 attorney fees, $60 Crime Victims Rights Fund, $600 court costs, $60 state minimum costs, $600 supervision fee, and $200 restitution.

PEOPLE v FRANK PAUL BONGIORNO, MD, Ingham Circuit, 8/30/02 Complaint filed in 54B District Court to 3 Counts, Vulnerable Adult Abuse, Second Degree; 80 Counts, Falsification of Records; 75 Counts, Receiving Money Under False Pretenses; and 7 Counts, Medicaid False Claims. 11/18/03 bound over to 30th Circuit Court on 2 Counts Vulnerable Adult Abuse, Second Degree; 75 Counts Receiving Money Under False Pretenses; 7 Counts Medicaid False Claims. (One Count Receiving Money Under False Pretenses was *nolle prossed* in 54B District Court. Dismissed - By Plaintiff.) Defendant acquitted by jury of remaining charges. 8/23/05 AG filed Motion/Order of *Nolle Prosequi* dismissing case.

PEOPLE v KRISTIN NICOLE BONNER, 36th District Court, 9/30/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement, 12/15/05 plea entered to 1 Count Filing False Statement. 2/16/06 sentenced to pay $200 fine, $200 costs.

PEOPLE v LATICIA SCHEVETTE BROWN, 60th District Court, 6/20/05 Complaint filed in 60th District Court to 1 Count Patient Abuse. Verdict - Jury, 12/15/05 Trial by jury (guilty). 2/6/06 sentenced to 7 days jail, $200 fines, $300 costs (or 50 days jail).

PEOPLE v WANNETTE BROWN, 36th District Court, 9/30/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement, 12/5/05 plea entered to 1 Count Nursing Home False Statement to Obtain Employment. 2/16/06 sentenced to 1 year probation, $200 costs.

PEOPLE v JONATHON LEE BRZEZINSKI, Antrim Circuit, 7/7/05 Complaint filed in 86th District Court to 3 Counts Embezzlement of a Vulnerable Adult by a Person in a Relationship of Trust over $20,000 and 1 Count over $1,000, but less than $20,000. 9/6/05 bound over to 13th Circuit Court as charged. 10/24/05 Amended Information filed adding 1 Count Attempt Embezzlement of a Vulnerable Adult by a Person in a Relationship of Trust over $20,000. Judgment - Plea Agreement, 10/28/06 plea entered to 1 Count Attempt Embezzlement/Vulnerable Adult Greater Than $1,000. 3/3/06 sentenced to 24 months probation (2 days jail credit), $60 Crime Victims Rights Fund, $60 state costs, $260,000 restitution to Ann Bellows.

PEOPLE v RENA TANAE BURGESS, 36th District Court, 2/21/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement, 6/29/06 plea entered as charged. 6/29/06 sentenced to $100 fine, $200 costs, cannot apply for employment in nursing homes or long-term care facilities, 1

year probation.

PEOPLE v RITA LYNN BURTON, 36th District Court, 9/29/05 Complaint filed in 36th District Court to 1 Count Nursing Home - Abuse of Patient. Plea Agreement, 10/3/06 plea entered to Assault & Battery. 10/3/06 sentenced to $200 fine, $200 costs, $50 Crime Victims Rights Fund.

PEOPLE v TRINA LAVETTE CARR, Wayne Circuit, 5/2/06 Complaint filed in 36th District Court to 1 Count Aiding and Abetting Identity Theft. 5/22/06 bound over to 3rd Circuit Court. Judgment - Plea Agreement, 6/5/06 plea entered to Obtaining Personal Identity. 8/4/06 sentenced to 18 months probation, $600 attorney fees, $600 court costs, $600 restitution, $60 Crime Victims Rights Fund, $60 state minimum costs, $480 supervision fee.

PEOPLE v ANGELA LYNECE CASSADIME, Washtenaw Circuit, 9/27/01 Complaint filed to 1 Count Unauthorized Practice of a Health Profession and 1 Count Uttering and Publishing. 11/29/01 bound over f/14A-1 District Court as charged. Judgment - Plea Agreement, 11/15/04 plea entered to 1 Count Unauthorized Practice of a Health Profession. 1/14/05 sentenced to 2 years probation, $960 Michigan Department of Corrections supervision fee, $1,000 fine, $560 costs, $60 Crime Victims Rights Fund. Defendant permitted to reside out of state (Jersey City, New Jersey).

PEOPLE v ANGELA LYNECE CASSADIME, Court of Appeals, 2/14/05 Defendant filed Delayed Application for Leave to Appeal denial of Circuit Court's decision on Defendant's Motion to Withdraw Plea. Leave to Appeal - Denied, 6/14/05 Court of Appeals denied Defendant's Delayed Application for lack of merit. 10/31/05 Michigan Court of Appeals denied Defendant's Application for Leave to Appeal the Court of Appeal's June 14, 2005 Order because they are not persuaded that the question presented should be reviewed by the Court.

PEOPLE v ALISA LYNNE CHAFFIN, Livingston Circuit, 1/7/05 Complaint filed in 53rd District Court to 1 Count Embezzlement. 1/19/05 bound over to 44th Circuit Court as charged. Judgment - Plea Agreement, 3/4/05 plea entered to 1 Count Embezzlement $1,000-$2,000. 3/31/05 sentenced to 3 months jail (jail time held in abeyance to end of probation - if successful completion, jail time suspended) 24 months probation, $60 Crime Victims Rights Fund, $6,337.20 restitution, $60 state costs, $600 state supervision fees.

PEOPLE v COMPLETE CARE MEDICAL SERVICES, P.C., Ingham Circuit, 9/11/01 Complaint filed 9/11/01 in 54B District Court to 1 Count Criminal Enterprise. 2/20/02 bound over to 30th Circuit Court as charged. *Nolle Pros* - Legal Issues, 3/16/05 AG filed *Nolle Prosequi* due to corporation automatically dissolving on July 15, 2002.

PEOPLE v COMPLETE CARE, INC., Oakland Circuit, 4/26/06 Complaint filed in 46th District Court to 1 Count Embezzlement from a Vulnerable Adult - $20,000 or more. 5/12/06 bound over to 6th Circuit Court as charged. Judgment - Plea Agreement, 7/7/06 plea entered to 1 Count Embezzlement - Vulnerable Adult - $20,000. 9/8/06 sentenced to 5 years probation, $1,500 costs, $600 supervisory fee, $60 Crime Victims Rights Fund, $60 state minimum costs.

PEOPLE v COMPLETE HEARING HEALTH CARE, INC., Ingham Circuit, 9/28/06 Complaint filed in 54-B District Court to 1 Count Attempt Medicaid Fraud. 10/3/06 bound over to 30th Circuit as charged. Plea Agreement, 10/3/06. Plea entered to 1 Count Attempt Medicaid Fraud. 12/12/06 sentenced to $5,000 fine, $60 Crime Victims Rights Fund, $500 costs.

PEOPLE v LISA CAROL CONEY, 10th District, 9/25/05 Complaint filed in 10th District Court to 1 Count Embezzlement - Agent or Trustee $1,000 or more, but less

than $20,000, and 1 Count Abuse of Patient. 10/14/05 Amended Complaint filed adding 1 additional Count of False Pretenses. 12/2/05 Second Amended Complaint filed adding 1 Count False Pretenses Less than $200. Judgment - Plea Agreement, 12/7/05. Plea entered to 1 Count Embezzlement - Agent or Trustee $1,000 or more and 1 Count Nursing Homes - Abuse of a Patient. 12/8/05 Sentenced to 24 months probation, 180 days incarceration (suspended), $50 Crime Victims Rights Fund, $1,290 costs, $4,532.30 restitution.

PEOPLE v CONVENIENT DENTAL CARE CENTER, PC, Ingham Circuit, 3/1/04 Complaint filed in 54-B District Court to 35 Counts Medicaid False Claims. 8/26/04 bound over to 30th Circuit Court as charged. Judgment - Plea Agreement, 5/5/05. Plea entered to 1 Count Medicaid Fraud - False Claim. 6/15/05 sentenced to $1,500 fine, $400 costs, $1,592 Medicaid restitution, $60 Crime Victims Rights Fund, $60 state costs.

PEOPLE v KEISA YVETTE COOPER, Macomb Circuit, 1/18/05 Complaint filed in 41A District Court to 1 Count Patient Abuse. 4/17/06 Attorney General filed Application for Leave to Appeal in the 16th Circuit Court appealing District Court's Order allowing Defendants to introduce at trial investigative reports from Michigan Department of Community Health. Leave to Appeal - Denied, 7/10/06. Defendant's Application for Leave to Appeal denied for reasons stated on the record.

MICHAEL A. COX, EX REL PEOPLE OF THE STATE OF MICHIGAN AND THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH v SPECIALIZED PHARMACY SERVICES, INC., SPS ACQUISITION SUB, LLC, OMNICARE, INC., AND TCPI ACQUISITION CORP., D/B/A SPECIALIZED PHARMACY SERVICES - WEST, OMNICARE PHARMACY SERVICES - GRAND RAPIDS, TOTAL CARE PHARMACY AND TOTAL CARE SERVICES, Ingham Circuit, 8/21/06 Complaint filed in 30th Circuit Court seeking $16.6 million. Settled/Stipulated. 10/5/06 Court dismissed case due to signing and filing of Settlement Agreement and Corporate Integrity Agreement (CIA). 10/10/06 Omnicare paid $42,001,431. Defendant is to pay additional sums: $1 million on 10/10/06 to Attorney General's Cornerstone Foundation and $2 million on 12/15/07, $2 million on 12/15/08, and $2 million on 12/15/09.

MICHAEL A. COX, EX REL PEOPLE OF THE STATE OF MICHIGAN v RHEA A. ZAGERMAN AND ZAGERMAN ENTERPRISE, INC., D/B/A SENIOR VISION CARE, Ingham Circuit, Settled 12/7/04. Settlement agreement entered into by parties. Defendant to pay $160,000 ($70,000 to Medicaid, $54,000 for investigative and prosecution costs, and $36,000 restitution to BCBS). Final payment to be received on 11/15/2010. Pursuant to settlement agreement, criminal case in 54B District Court (No. 03-2493-FY) to be dismissed and a plea entered in 30th Circuit Court (No. 04-001409-FH).

PEOPLE v SEAN CRAYTON, 36th District Court, 9/30/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Verdict - Court - Acquittal. 10/30/06 bench trial. Defendant found not guilty.

PEOPLE v THOMAS JAMES CUDA, D.D.S., Eaton Circuit, 7/12/05 Complaint filed in 56A District Court to 23 Counts Medicaid False Claims. 10/20/05 bound over to 56th Circuit Court on 11 Counts Medicaid False Claims. Verdict - Acquittal, 3/1/06. Acquittal by jury trial.

PEOPLE v STEPHEN CZEKIEL, Ingham Circuit, 5/18/06 Complaint filed in 54B District Court to 2 Counts Medicaid Fraud and 1 Count Embezzlement. 6/7/06 bound over to 30th Circuit Court as charged. Plea Agreement; 10/11/06 plea entered to 1 Count Medicaid Fraud False Claim. Sentenced to 30 days jail, $60 state minimum costs, $60 Crime Victims Rights Fund, and $2,000 court costs.

PEOPLE v ALBERTA LOUISE DAVIS, Wayne Circuit Court, 4/17/06 Complaint

filed in 36th District Court to 1 Count Identity Theft. 5/8/06 bound over to 3rd Circuit Court as charged. Plea Agreement, 8/28/06; plea entered to 1 Count Attempt Obtain Personal Identity. 10/4/06 sentenced to 1 year probation, $60 Crime Victims Rights Fund, $369.82 restitution to Sprint/Nextel.

PEOPLE v SUSAN SAUKKONEN DAYAO, 8th District, 3/29/06 Complaint filed in 8-1 District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement, 9/11/06 Plea entered to 1 Count False Statement to Obtain Employment. 9/11/06 Sentenced to $80 fine, $80 cost, $40 state cost.

PEOPLE v TISO VERDELL DEER, Genesee Circuit, 6/20/05 Complaint filed in 68th District Court to 1 Count Possession of Fraudulent Transaction Device and 5 Counts Illegal Use of a Financial Transaction Device. 7/15/05 bound over to 7th Circuit Court as charged. Judgment - Plea Agreement, 7/25/05 plea entered to 1 Count Possession of Financial Transaction Device. 9/6/05 sentenced to 90 days jail, 12 months probation, $530 restitution to First Premier Bank, $300 court costs, $60 state minimum costs, $60 Crime Victims Rights Fund.

PEOPLE v FELICIA ANN DUNLAP, 52-3 District, 9/27/06 Complaint filed in 52-3 District Court to 1 Count False Statement to Obtain Employment. Plea Agreement, 10/13/06 plea entered to 1 Count False Statement to Obtain Job. 10/13/06 sentenced to 12 months probation, $75 supervision, $184 fine, $276 costs, $40 justice system, $50 Crime Victims Rights Fund.

PEOPLE v EIGHT MILE ROAD DENTAL, P.C., Ingham Circuit, 6/9/04 Complaint filed in 54B District Court to 14 Counts Medicaid False Claims. 1/25/05 bound over to 30th Circuit Court on 11 Counts Medicaid False Claims. Verdict - Court - Convicted, 11/3/06 bench trial. Defendant found guilty. 11/17/06 sentenced to $1,100 fine, $60 Crime Victims Rights Fund, $250 court costs, $660 state costs.

PEOPLE v LAURA LYNN FERRARA, RN, 77th District Court, 2/24/06 Complaint filed in 77th District Court to 1 Count Accessory after the Fact to a Felony. Dismissed by Plaintiff. 8/17/06 Plaintiff filed Motion/Order of *Nolle Prosequi* dismissing case without prejudice.

PEOPLE v DAVID FIREBERG, DDS, Ingham Circuit, 9/27/02 Complaint filed in 54B District Court to 21 Counts Medicaid False Claims. 6/9/03 Amended Complaint filed to 18 Counts Medicaid False Claims. 4/27/04 bound over to 30th Circuit Court on 18 Counts Medicaid False Claims; Dismissed by Court. 1/23/04 Order Granting Defendant's Motion to Quash the Information and to Dismiss the Proceedings filed.

PEOPLE v FIREBERG FAMILY DENTAL, PLLC, Ingham Circuit, 9/27/2002 Complaint filed in 54B District Court to 2 Counts of Medicaid False Claims. 6/9/03 Amended Complaint filed to 1 Count Medicaid False Claims. 4/27/2004 bound over to 30th Circuit Court on 1 Count Medicaid False Claims. Dismissed by Court. 11/23/04 Order Granting Defendant's Motion to Quash the Information and Dismiss Proceedings filed.

PEOPLE v FRIENDS WHO CARE, INC., 54-B District Court, 6/16/05 Complaint filed in 54B District Court to 35 Counts Medicaid False Claims. Dismissed by Court. 2/15/06 case not bound over, dismissed by Judge.

PEOPLE v AMARYLLIS GILBERT, 1st District Court, 9/21/2006, 3/29/06 Complaint filed in 1st District Court to 1 Count False Statement to Obtain Employment. Plea Agreement, 6/13/06 plea entered to False Statement to Obtain Employment. 8/30/06 Sentenced to $150 fine, $200 costs, $50 Crime Victims Rights Fund, and $45 state fee.

PEOPLE v SUSAN LEE GOODELL, RN, Macomb Circuit, 5/19/05 Complaint filed in 41B District Court to 1 Count Possession of a Controlled Substance, 1 Count

Medicaid False Claims, and 1 Count Falsification of Medical Records. 6/28/05 bound over to 16th Circuit Court as charged. Judgment - Plea Agreement. 8/10/06 plea entered to 1 Count Possession Cocaine, 1 Count Medicaid Fraud, and 1 Count Falsification of Medical Records. 3/29/06 sentenced to 12 months probation, $60 Crime Victims Rights Fund, $10 month supervision fee, $180 state mandatory costs, can't work in facility where drugs are dispensed.

PEOPLE v STUART LESTER GORELICK, Ingham Circuit, 11/12/02 Complaint filed in 54B District Court to 16 Counts Medicaid False Claims and 24 Counts Health Care False Claims. 9/30/03 bound over to 30th Circuit Court as charged. 8/18/04 Defendant filed Application for Leave to Appeal with the Court of Appeals, appealing Circuit Court decision on Motion to Quash. Judgment - Plea Agreement, 3/9/05 plea entered to 1 Count Medicaid Fraud and 1 Count Health Care Fraud. 5/18/05 sentenced to 18 months probation, $60 costs, $2,041.80 restitution ($1,459.39 BCBS; $582.41 Medicaid), $60 Crime Victims Rights Fund, $120 state costs, 75 hours community service in lieu of 60 days jail, $900 supervision fee.

PEOPLE v SALAH GOUDA, M.H., District 54/B Macomb, 5/15/2006, 31 Counts Medicaid Fraud; 4 Counts Health Care Fraud. *Nolle Pros* - Legal Issues. 5/15/06 Plaintiff entered *Nolle Prosequi* due to case being too old and witnesses unable to be located.

PEOPLE v JESSE GRIMM, Ingham Circuit, 3/1/04 Complaint filed in 54B District Court to 7 Counts Medicaid False Claims and 3 Counts Practicing Dentistry while Licenses Suspended. 8/26/04 bound over to 30th Circuit Court on 7 Counts Medicaid False Claims. Dismissed by Court 5/5/05.

PEOPLE v KEVIN GRIMM, DDS, Ingham Circuit, 3/1/04 Complaint filed in 54B District Court to 43 Counts Medicaid False Claims. 8/26/04 bound over to 30th Circuit Court as charged. 11/7/05 jury verdict acquittal.

PEOPLE v KEVIN GRIMMM, DDS, PC, Ingham Circuit, 3/1/04 Complaint filed in the 54B District Court to 43 Counts Medicaid False Claims. 8/26/04 bound over to 30th Circuit Court as charged. Dismissed by Court. 11/7/05 jury verdict acquittal.

PEOPLE v MARGARET HAECK, 56-2 District, 9/7/05 Complaint filed in 56-2nd District Court to 1 Count Patient Abuse and 1 Count Medical Records (Recklessly Placing False Information on Charge - Health Care Provider). Judgment - Plea Agreement. 12/1/05, pled to 1 Count Recklessly Placing False Information on a medical chart. 12/1/05 sentenced to $495 in costs and fines; 30 days jail if not paid on time.

PEOPLE v TWANA LOLITA HAGOOD, Wayne Circuit, 4/15/04 Complaint filed in 36th District Court to 1 Count Telecommunication Fraud. 6/23/05 bound over from 36th District Court to 3rd Circuit as charged. Judgment - Plea Agreement. 9/20/05 plea entered to 1 Count Telecommunication Fraud. 10/20/05 sentenced to 3 years probation, $60 Crime Victims Rights Fund, $600 costs, $1,511.37 restitution, $400 attorney fees.

PEOPLE v RODNEY ALLEN HALL, Genesee Circuit, 9/28/04 Complaint filed in 67-1 District Court to 1 Count Embezzlement. 5/10/06 bound over to 7th Circuit Court as charged. Judgment - Plea Agreement. 5/22/06 plea entered to 1 Count Embezzlement - Agent or Trustee $20,000 or more (attempt). 6/20/06 Sentenced to $49,926 restitution to victim, $60 Crime Victims Rights Fund, $300 court costs, $60 state cost, $480 supervision fee to DOC, 180 days jail with credit for 61 and 60 months probation.

PEOPLE v DEBORAH JOE HARRELL, Shiawassee Circuit, 10/25/04 Complaint filed to 2 Counts Possession of Controlled Substance. 11/12/04 bound over to 35th Circuit Court as charged. Judgment - Plea Agreement. 11/19/05 Plea entered to 2

Counts Possession of Controlled Substance less than 25 grams. 3/22/05 sentenced to 24 months probation, $720 Michigan Department of Corrections supervision fee, $120 state costs, $60 Crime Victims Rights Fund, $1,300 court costs, $400 fine, 11 months jail (subject to waiver by court), 100 hours community service.

PEOPLE v ROSE v HART, 54B District Court, 7/14/05 Complaint filed in 54B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000, Dismissed by Plaintiff. 9/29/05 Attorney General filed Motion/Order of *Nolle Prosequi* dismissing case.

PEOPLE v ROSE v HART, 45B District Court, 9/29/05 Complaint filed in 45B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000. Judgment - Plea Agreement. 9/29/05 plea entered to 1 Count False Pretenses $200 or more, but less than $1,000. 9/30/05 sentenced to $1,000 fine, $1,035 costs, $50 CVRA, $150 supervision, 24 months probation. Abide by sanctions of civil case (05882C2).

PEOPLE v H. MARK HILDEBRANDT, M.D., 14A District Court, 3/15/05 Complaint filed to 1 Count Aiding and Abetting the Illegal Use of a Medicaid Title. 3/15/05 Arraigned. Judgment - Plea Agreement. 3/18/05 plea entered to 1 Count Health Prof-Unauthorized Title Use. 3/21/05 sentenced to $4,565.73 Medicaid restitution, $60 fines and costs.

PEOPLE v JASON HOLLADY, M.D., Shiawassee Circuit, 12/1/99 Complaint filed to 6 Counts Obtain Money Under False Pretenses; 1 Count Conspiracy for Fraud Obtain Money Under False Pretenses; 23 Counts False Claims; 1 Count Insurance Fraud; 1 Count Conspiracy to Commit Insurance Fraud. 5/24/00 bound over to 35th Circuit Court from 66th District Court as charged. Judgment - Plea Agreement. 10/23/01 pled to 2 Counts Health Care Fraud False Claims. 1/16/01 sentenced to $5,000 fine; $2,000 costs; $60 Crime Victims Rights Fund; 48 months probation; 9 months jail, work release; $347,463 restitution to Blue Cross/Blue Shield; probationary supervision fee $1,440; 200 hours community service. 6/21/06 Defendant Jason Holladay (in pro per) filed Application for Leave to Appeal in Michigan Court of Appeals regarding his restitution. Case closed due to consolidation by Michigan Court of Appeals with Attorney General No. 199058324C (Durand Clinic, P.C.).

PEOPLE v HORIZON RESIDENTIAL CENTERS, INC., Macomb Circuit, 9/21/05 Complaint filed in 42-2 District Court to 1 Count Embezzlement from Vulnerable Adult - $1,000 or more, but less than $20,000. 9/28/05 bound over to 16th Circuit Court as charged. Judgment - Plea Agreement. 1/19/06 plea entered to 1 Count Embezzlement from a Vulnerable Adult greater than $1,000, but less than $20,000. 2/28/06 sentenced to $20 per month supervisor fee, $50 month court costs, $60 state court costs, and $60 Crime Victims Rights Fund. Defendant Mellon and corporation to pay $139,000 to victims of crime to be paid over 30 months of probation at $3,800 per month, with $25,000 paid at the time of Defendant Mellon's sentencing.

PEOPLE v NANCY ELAINE HUCK, Ingham Circuit, 9/28/06 Complaint filed in 54B District Court to 1 Count Attempt Medicaid Fraud. 10/3/06 bound over to 30th Circuit Court as charged. Plea Agreement. 10/3/06 plea entered to 1 Count Attempt Medicaid fraud. 12/17/06 sentenced to 1 day jail, $60 Crime Victims Rights Fund, $500 court costs, $5,000 fine, $50,000 restitution.

PEOPLE v IMEX MEDICAL EQUIPMENT & SUPPLIES, LLC, 54-B District Court, 7/14/05 Complaint filed in 54B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000, Dismissed by Plaintiff. 9/29/05 Attorney General filed Motion/Order of *Nolle Prosequi* dismissing case.

PEOPLE v IMEX MEDICAL EQUIPMENT & SUPPLIES, LLC, 45B District Court, 9/29/05 Complaint filed in 45B District Court to 1 Count Obtaining Money

Under False Pretenses Less than $1,000. Judgment - Plea Agreement. 9/29/05 plea entered to 1 Count False Pretenses - $200 or more, but less than $1,000. 9/30/05 sentenced to $1,000 fine, $1,035 costs, $50 Crime Victims Rights Fund.

STATE OF MICHIGAN DEPARTMENT OF ATTORNEY GENERAL v LAJUANA ISAAC, U.S. Bankruptcy, Eastern District, 8/9/01 Claim filed for Medicaid Fraud Criminal Restitution ($18,020.00); Order - Not Discharged. 11/30/2002 Order entered by Bankruptcy Court stating Defendant's fraud-based claim was non-dischargeable. However, trustee did not have funds to pay unsecured creditors.

PEOPLE v LAJUANA ISAAC, D.D.S., Ingham Circuit, 7/27/99 Bound over to 30th Circuit Court, as charged; 3 Counts Alter Records and 75 Counts Medicaid Fraud. 10/4/02 Order signed wherein Defendant's guilty plea was withdrawn, setting aside Medicaid Fraud False Claim and Medical Records False Claim; 5 years probation; $15,000 Medicaid restitution; $5,000 investigative costs, Crime Victims Rights Fund $60 payable at $340 month; 30 days jail until restitution paid, then jail time waived. 10/17/06 Plaintiff entered Order dismissing case. Defendant paid $1,000 in investigative costs and agreed not to seek reimbursement of prior paid restitution.

PEOPLE v J & J SLEEP, INC., Ingham Circuit, 4/21/03 Complaint filed to 17 Counts Medicaid False Claims and 14 Counts Health Care False Claim. 6/24/03 bound over to 30th Circuit Court as charged; Verdict - Jury. 5/27/04 jury trial, guilty. 8/25/04 sentenced to $513,536.84 BCBS restitution, $26,063.97 to Michigan Department of Community Health, $500 attorney fees, $60 state costs, $60 Crime Victims Rights Fund, $600 MDOC supervision fee, 60 months probation with last 36 months to be non-reporting. 5/9/06 Court of Appeals affirmed lower court's jury trial convictions.

PEOPLE v JOHNETTA JACOBS, Wayne Circuit, 10/27/04 Complaint filed in 36th District Court to 1 Count ID Theft and 1 Count Telecommunication Fraud. 11/12/04 bound over to 3rd Circuit Court as charged; Judgment - Plea Agreement. 11/19/04 plea entered to 1 Count Identity Theft. 12/15/04 sentenced to 2 years probation, 30 days tether, dismiss Count 2, $3,441.73 restitution to be paid to court, $200 costs.

PEOPLE v CONNIE MARIE JENNINGS, Court of Appeals, 9/28/05 Complaint filed in 1st District Court to 1 Count of Failure to Report Abuse/Mistreatment of Patient. 1/5/2006 Defendant filed an appeal to 38th Circuit Court appealing 1st District Court's order denying their motion to dismiss the misdemeanor complaints on December 22, 2005. 4/27/06 Defendant filed in Michigan Court of Appeals, Application for Leave to Appeal order entered by 38th Circuit Court affirming District Court's decision to deny Defendant's Motion to Dismiss. Leave to Appeal - Denied. 6/22/06 Defendant's Application for Leave to Appeal denied for failure to persuade the Court of the need for immediate appellate review. Motion to Extend time to file a brief in response to application was granted.

PEOPLE v DAVID ROSS JOHNSON, D.D.S., Ingham Circuit, 6/9/04 Complaint filed in 54B District Court to 48 Counts Medicaid False Claims. 1/19/05 bound over to 30th Circuit Court as charged. Verdict - Jury - Convicted. 6/3/06 jury trial. Defendant found guilty on 37 counts Medicaid fraud. 7/26/06 Sentenced to 1 day jail, $2,200 state minimum costs, $60 Crime Victims Rights Fund, $500 county costs, and $893.17 restitution payable to the State of Michigan.

PEOPLE v EARLLETTA JOHNSON, 36th District Court, 9/30/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Dismissed - By Plaintiff. 4/3/06 Complaint dismissed by Attorney General due to plea on AG #2005030871A (36th District Court No. 05-66926) companion case.

PEOPLE v EARLLETTA JOHNSON, 36th District Court, 11/16/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement. 5/3/06 plea entered to 1 Count (Nursing Home) False Information

to Obtain Employment in exchange for dismissal of 1 Count of same in 36th District Court No. 05-66926). 5/3/06 Sentenced to $400 fine and $200 costs, 6 months probation.

PEOPLE v EARLLETTA JOHNSON, Wayne Circuit, 2/21/06 Complaint filed in 36th District Court to 1 Count Uttering and Publishing. 3/6/06 bound over from 36th District Court as charged. Judgment - Plea Agreement. 7/12/06 plea entered to 1 Count Attempt Uttering and Publishing. 8/2/06 sentenced to 1 day jail, dismiss 3rd Circuit Case No. 06-4534, $60 CVRA, $400 attorney fees, $60 state minimum costs.

PEOPLE v EARLLETTA JOHNSON, Wayne Circuit, 3/29/06 Complaint filed in 16th District Court to 1 Count Uttering & Publishing. 4/19/06 bound over from 16th District Court as charged. Dismissed - By Plaintiff. 8/2/06 dismissed per plea agreement in another case (Docket No. 06003578B).

PEOPLE v JAMINE RALPH JONES, 36th District Court, 3/29/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement. 9/25/06 plea entered to Nursing Home False Employment. 9/25/06 Sentenced to 6 months probation, $100 fine, $200 costs, $200 attorney fee.

PEOPLE v AHMAD ALI KANAAN, D.D.S., Ingham Circuit, 6/9/04 Complaint filed in 54B District Court to 14 Counts Medicaid False Claims. 1/19/05 bound over to 30th Circuit Court on 11 Counts Medicaid False Claims. Verdict - Court - Convicted. 11/3/06 bench trial. Defendant found guilty. 11/17/06 sentenced to $1,100 fine, $60 Crime Victims Rights Fund, $250 court costs, $660 state costs, $534.42 restitution to the State of Michigan.

PEOPLE v JACK A. KINGEN, Ingham Circuit, 4/21/03 Complaint filed to 17 Counts Medicaid False Claims and 14 Counts Health Case False Claims. 6/24/03 bound over to 30th Circuit Court as charged; Verdict - jury. 5/27/04 jury verdict, guilty. For judgment of sentence see AG #2003008537B (J&J Sleep). Restitution on J & J Sleep covers both defendants and is not duplicative. 5/9/06 Court of Appeals affirmed lower court's jury trial convictions.

PEOPLE v STEPHEN KIBET LEMISO, 56-2 District Court, 9/26/05 Complaint filed in 56-2 District Court to 1 Count False Pretenses. Judgment - Plea Agreement. 9/26/05 plea entered to 1 Count False Pretenses. 9/26/05 sentenced to $195 costs. 30 days jail if not paid by 3/26/06.

PEOPLE v STACEY MIA LOGAN, 36th District Court, 7/31/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement. 8/24/06 plea entered as charged. 8/24/06 sentenced to $150 costs, $50 CVRA, and 90 days probation.

PEOPLE v ELSIE W. LOVELACE, R.N., 14-A District Court, 3/15/05 Complaint filed to 1 Count Illegal Use of a Medical Title. 3/15/05 Arraignment; Judgment - Plea Agreement. 3/18/05 plea entered to 1 Count Health Professional - Unauthorized Title Use. 3/21/05 sentenced, fines and costs suspended; probation revoked.

PEOPLE v WALTER MARTIN LUCAS, III, DDS, Court of Appeals, 9/10/2002 Complaint filed in 54B District Court to 63 Counts Medicaid Fraud and 11 Counts Medical Records - Intentionally Placing False Information on Chart - Health Care Provider; 12/18/02 Arraignment waived, bound over to 30th Circuit Court as charged. 2/11/05 AG filed Claim of Appeal in Michigan Court of Appeals appealing Order of Circuit Court granting Defendant's Motion to Quash Bind Over and Dismiss the Information. Remanded - With Decision. 8/22/06 Court of Appeals remanded case back to Circuit Court for further proceedings.

PEOPLE v MARK RUSSELL MAJOR, Court of Appeals, 9/28/05 Complaint filed in 1st District Court to 1 Count Failure to Report Abuse/Mistreatment of Patient.

1/5/2006 Defendants filed an appeal to 38th Circuit Court appealing 1st District Court's Order denying their Motion to Dismiss the misdemeanor complaints on December 22, 2005. 4/27/06 Defendant filed in MI Court of Appeals. Application for Leave to Appeal Order entered by 38th Circuit Court affirming District Court's decision to deny Defendant's Motion to Dismiss. Leave to Appeal - Denied. 6/22/06 Defendant's Application for Leave to Appeal denied for failure to persuade the Court of the need for immediate appellate review. Motion to Extend time to file a brief in response to application was granted.

PEOPLE v JONI KAY MCNAIR, 86th District Court, 9/27/06 Complaint filed in 86th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement, 10/20/06 plea entered to 1 Count False Statement to Obtain Employment. 10/20/06 sentenced to $100 fines and $200 costs.

PEOPLE v MARIE JO MELLON, 42-2 District Court, 9/21/05 Complaint filed in 42-2 District Court to 1 Count Embezzlement from Vulnerable Adult less than $200. Judgment - Plea Agreement. 9/21/06 plea entered to 1 Count Misdemeanor Embezzlement. 10/14/05 sentenced to probation, $300 fines, $100 costs, $50 Crime Victims Rights Fund, $40 late fee, and $110 in other costs. Defendant Mellon and corporation (Horizon Residential Centers) to pay $139,000 to victims of crime to be paid over 30 months of probation at $3,800 per month, with $25,000 paid at the time of Defendant Mellon's sentencing.

MICHAEL A. COX EX REL PEOPLE v IRAKLY SHANIDZE, MICHAEL SHANIDZE, ROSE HART AND IMEX MEDICAL EQUIPMENT & SUPPLIES, A MICHIGAN CORPORATION, JOINTLY AND SEVERALLY, Ingham Circuit, 7/14/05 civil complaint filed in 30th Circuit Court for $1,100,000.00 for Medicaid fraud. Dismissed - By Plaintiff, 8/12/05 Settlement Agreement signed. Defendant to pay $1.1 million through 12/10/2013 in installments. 12/6/05 Stipulation and Order dismissing complaint filed December 6, 2005.

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PEOPLE v MICHIGAN SLEEP CONSULTANTS & RESEARCH CENTER, INC., Ingham Circuit, 9/12/2005 Complaint filed in 54B District Court to 1 Count Medicaid False Claims and 1 Count Health Care False Claims. 9/13/2005 bound over to 30th Circuit Court as charged; Remanded - With Decision. 12/29/95 remanded case back to 54B District Court.

PEOPLE v CHRISTINE MARIE MONDRELLA, DON, 77th District Court, 2/24/06 Complaint filed in 77th District Court to 1 Count Nursing Homes - Failure to Report Abuse of a Patient. Dismissed by Plaintiff/Petitioner. 11/7/06 Motion/Order of *Nolle Prosequi* entered dismissing case without prejudice.

PEOPLE v LAWRENCE MORTON, D.D.S., Ingham Circuit, 8/23/04 Complaint filed in 54B District Court to 49 Counts Medicaid False Claims. 11/8/04 bound over to 30th Circuit Court as charged. 11/4/05 Amended Information filed adding 1 Count Attempt Medicaid False Claims. Judgment - Plea Agreement. 11/7/05 plea entered to 1 Count Medicaid Fraud (Attempt) and 1 Count Medicaid Fraud. 12/7/05. (See companion 30th Circuit Court case No. 04-1388-FH for sentencing information, AG #2004017496B.)

PEOPLE v LAWRENCE MORTON, D.D.S., P.C., Ingham Circuit, 8/23/04 Complaint file in 54-B District Court to 49 Counts Medicaid False Claims. 1/8/04

bound over to 30th Circuit Court as charged; Judgment - Plea Agreement. 11/7/05 Plea entered to 1 Count Medicaid Fraud (Attempt) and 1 Count Medicaid Fraud. 12/7/05 sentenced to 12 months probation, $3,355 Medicaid restitution, $800 attorney fees, $120 state costs, $120 Crime Victims Rights Fund, 1 day in jail.

PEOPLE v DAVID NICKERSON, 86th District Court, 11/28/05 Complaint filed in 86th District Court to 1 Count Aiding and Abetting False Pretenses. Dismissed by Plaintiff. 3/2/06 case dismissed due to plea of co-defendant North Shore Holding (AG #2004-12-2842).

PEOPLE v NORTH SHORE HOLDING, 86th District Court, 11/28/05 Complaint filed in 86th District Court to 1 Count Aiding and Abetting False Pretenses. 3/1/06 Amended Complaint filed adding an additional 1 Count of Aiding and Abetting False Pretenses; Judgment - Plea Agreement. 3/2/06 plea entered to 1 Count Aiding and Abetting False Pretenses $200-$1,000. 3/2/06 sentenced to $500 fine, $50 Crime Victims Rights Fund, $45 state minimum costs, $500 court costs, $40,000 restitution paid to victim.

PEOPLE v BRANDI ROSE NOWITZKE, 1st District Court, 3/29/06 Complaint filed in 8-1 District Court to 1 Count False Statement to Obtain Employment. Verdict - Acquittal. 6/13/06 jury trial, not guilty.

PEOPLE v CHESTER BLAKE OAKES, 36th District Court, 5/4/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement. 5/31/06 plea entered to 1 Count Nursing Home False Statement. 5/31/06 Sentenced to 90 days jail to run concurrent with MDOC's felony parole violation case.

PEOPLE v DAVID WAYNE PALKA, 1st District Court, 3/29/06 Complaint filed in 1st District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement. 7/17/06 plea entered to 1 Count False Statement to Obtain Employment. 7/17/06 sentenced to $200 fine, $250 costs, $50 Crime Victims Rights Fund, $45 state fee.

PEOPLE v LAROSEA ROSALENA PARKS, Wayne Circuit, 10/25/04 Complaint filed to 1 Count Embezzlement. 11/15/04 bound over to 3rd Circuit Court as charged; Judgment - Plea Agreement. 1/28/05 plea entered to 1 Count Embezzlement less than $20,000. 2/22/05 sentenced to 3 years probation, $60 Crime Victims Rights Fund, $11,640 restitution payable to court, $60 state costs, $360 MDOC supervision fee.

PEOPLE v QUEEN ESTHER PFEIFFER, Washtenaw Circuit, 5/18/04 Complaint filed in 22nd Circuit Court to 1 Count Fraudulently Obtaining Signature. 6/11/03 bound over as charged. Judgment - Plea Agreement. 3/3/05 plea entered to 1 Count Fraud - Obtaining Signature to Financial Document. 5/12/05 sentenced to $11,919 restitution to GMAC, $60 Crime Victims Rights Fund, $2,400 supervision fee to MDOC, $1,280 costs, 60 months probation, 100 hours community service.

PEOPLE v BALI SURAM REDDY, Court of Appeals, 8/25/05 Received Claim of Appeal appealing 3rd Circuit Court's refusal to set aside conviction. Dismissed by Court. 8/17/05 Opinion issued dismissing Defendant-Appellant's Claim of Appeal for lack of jurisdiction.

PEOPLE v NICOLE RAE ROSEL, Ingham Circuit, 1/31/05 Complaint filed in 54B District Court to 2 Counts Medicaid False Claims. 3/30/05 bound over to 30th Circuit Court as charged. 5/31/05 Amended Information filed adding 2 additional counts of Larceny by False Pretenses. Judgment - Plea Agreement. 6/7/05 plea entered to 2 Counts False Pretenses - $200 or More, but less than $1,000. 7/6/05 sentenced to 18 months probation, $7,467 restitution to Ottawa County, $180 supervision fee to DOC, $60 Crime Victims Rights Fund, $400 costs.

PEOPLE v MUHAMMAD SAEED, M.D., Washtenaw Circuit, 1/19/94 Complaint filed in 14A District Court to 11 Counts Deliver of Prescription; 6 Counts Medicaid False Claims; 4 Counts Health Care Fraud Claims; Judgment - Plea Agreement. 8/23/05 plea entered to 1 Count Medicaid Fraud False Claim. 10/4/05 sentenced to $1,000 fine, $4,000 costs, $60 Crime Victims Rights Fund, 30 days jail suspended if paid on time.

PEOPLE v SANDRA D. SANDERS, 52-1 District Court, 1/13/2005 1 Count Patient Abuse filed 1990 in 52-1 District Court. Dismissed by Plaintiff. 1/13/05 Plaintiff filed Motion/Order of *Nolle Prosequi* due to age of case and witness problems. Case dismissed.

PEOPLE v TAHIRAH HASSEENA SHAKUR, Macomb Circuit, 1/18/05 Complaint filed in 41A District Court to 1 Count Patient Abuse. 4/17/06 Plaintiff filed Application for Leave to Appeal in the 16th Circuit Court appealing District Court's Order allowing Defendants to introduce at trial investigative reports from MDCH; Petition Denied. 7/10/06 Defendant's Application for Leave to Appeal denied for reasons stated on record.

PEOPLE v IRAKLY M. SHANIDZE, 54-B District Court, 7/14/05 Complaint filed in 54B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000, Dismissed by Plaintiff. 9/29/05 Attorney General filed Motion/Order of *Nolle Prosequi* dismissing case.

PEOPLE v IRAKLY M. SHANIDZE, 45-B District Court, 9/29/05 Complaint filed in 45B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000. Judgment - Plea Agreement. 9/29/05 plea entered to 1 Count False Pretenses - $200 or more, but less than $1,000. 9/30/05 sentenced to $1,000 fine, $1,035 costs, $50 CVRA, $150 supervision, 24 months probation. Abide by sanctions of civil case (05882C2).

PEOPLE v MICHAEL I. SHANIDZE, 54-B District Court, 7/14/05 Complaint filed in 54B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000, Dismissed - By Plaintiff. 9/29/05 AG filed Motion/Order of *Nolle Prosequi* dismissing complaint.

PEOPLE v MICHAEL I. SHANIDZE, 45-B District Court, 9/29/05 Complaint filed in 45B District Court to 1 Count Obtaining Money Under False Pretenses Less than $1,000. Judgment - Plea Agreement. 9/29/05 plea entered to 1 Count False Pretenses - $200 or more, but less than $1,000. 9/30/05 sentenced to $1,000 fine, $1,035 costs, $50 Crime Victims Rights Fund, $150 supervision, 24 months probation. Abide by sanctions of civil case (05882C2).

PEOPLE v WILLIE MACK SMITH, 36th District Court, 9/16/03 Complaint filed in 36th District Court to 1 Count Patient Abuse, Judgment - Plea Agreement. 8/9/04 plea entered to 1 Count Neglect and Abuse. 12/9/04 sentenced to 1 year probation, $200 fine, $200 restitution, $50 Crime Victims Rights Fund, $120 supervision fee.

PEOPLE v BETH ANN STILES, Wexford Circuit, 1/31/05 Complaint filed in 84th District Court to 1 Count Uttering and Publishing and 1 Count Habitual. 2/7/05 bound over to 28th Circuit Court to 1 Count Uttering and Publishing. Judgment - Plea Agreement. 2/22/05 plea entered to 1 Count Uttering and Publishing. 4/11/05 sentenced to 46 days jail, $60 Crime Victims Rights Fund, $700 court costs, $200 attorney fees, 18 months probation.

PEOPLE v SHARESSA MARELLA TACKETT, RN, Shiawassee Circuit, 1/5/05 Complaint filed in 66th District Court to 1 Count Possession of a Controlled Substance and 1 Count Medicaid False Claims. 1/18/05 bound over to 35th Circuit Court as charged. Judgment - Plea Agreement. 3/14/05 plea entered to 1 Count Controlled Substance Possession Less than 25 Grams and 1 Count Medicaid False

Claim. 5/6/05 sentenced to 6 months jail, 24 months probation (upon successful completion of probation, Count 1 to be dismissed), 80 hours community service, $60 Crime Victims Rights Fund, $600 fine, $720 supervision fee, $1,200 court costs, $120 state minimum costs.

PEOPLE v CANDI TAYLOR, 8th District Court, 2/21/06 Complaint filed in 8-1 District Court to 1 Count False Statement to Obtain Employment. Verdict - Court. 2/22/06 bench trial held, found guilty of 1 Count False Statement to Obtain Employment. 7/10/06 sentenced to 5 days jail.

PEOPLE v CHARLES ARTHUR TERRY, Wayne Circuit, 3/16/05 Complaint filed in 36th District Court to 2 Counts Medical Records Alter. 6/24/05 bound over to 3rd Circuit Court as charged. Convicted 11/16/05 after bench trial. Defendant was convicted of 2 misdemeanor counts of making a false statement in a medical record. 12/19/05 Defendant was sentenced to one year probation with costs of $415.

PEOPLE v MARGARET MARIE TOWNSEND, Ingham Circuit, 9/12/05 Complaint filed in 54B District Court to 1 Count Medicaid False Claims and 1 Count Health Care False Claims. 9/13/05 bound over to 30th Circuit Court as charged; Remanded with decision. 12/29/05 case remanded back to 54B District Court.

PEOPLE v ROBERTA TRICE, 36th District Court, 9/30/05 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement. 9/26/06 plea entered to 1 count Nursing Home False Employment. 9/26/06 sentenced to 6 months probation, $100 fine, $200 costs.

PEOPLE v GLORIA ANN URRIEGO, 70th District Court, 9/30/05 Complaint filed in 70th District Court to 1 Count False Statement to Obtain Employment. Judgment - Plea Agreement. 12/19/05 plea entered to 1 Count False Statement to Obtain Employment. 12/19/05 sentenced to 10 days jail, $200 costs.

PEOPLE v SONYA LEE VANDEKERKHOF, Antrim Circuit, 11/28/05 Complaint filed in 86th District Court to 1 Count Aiding and Abetting Embezzlement. 1/30/06 bound over to 13th Circuit Court as charged. Dismissed - By Plaintiff. 3/24/06 Motion/Order of *Nolle Prosequi* entered after Defendant made full restitution.

PEOPLE v MASHIKA SHENAY VINSON, Kent Circuit, 8/2/06 Complaint filed in 61st District Court to 2 Counts Identity Theft. 8/4/06 bound over to 17th Circuit Court to 1 Count Identity Theft. Plea Agreement. 8/14/06 plea entered to 1 Count Obtaining Personal ID information without authorization. 10/17/06 sentenced to $600 court costs $60 state minimum costs, $60 Crime Victims Rights Fund, $639 restitution, $180 oversight, 18 months probation, and 100 hours community service.

PEOPLE v JAMES E. WAGNER, 91st District Court, 9/27/05 Complaint filed in 91st District Court to 1 Count of Failure to Report Injury/Neglect. Dismissed - By Court. 3/8/06 bench trial, not guilty.

PEOPLE v WASHINGTON BOULEVARD DENTAL, P.C., Ingham Circuit, 6/9/04 Complaint filed in 54B District Court to 48 Counts Medicaid False Claims. 1/19/05 bound over to 30th Circuit Court on 45 Counts Medicaid False Claims, 6/2/06 jury trial. Defendant found guilty on 37 counts Medicaid Fraud. 7/26/06 sentenced to $2,200 minimum costs, $60 Crime Victims Rights Fund, $3,700 fine, and $500 county costs.

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PEOPLE v DEMETRIA ELAINE WESTRY, 36th District Court, 6/7/06 Complaint filed in 36th District Court to 1 Count False Statement to Obtain Employment. Plea Agreement. 9/26/06 plea entered to Nursing Home False Employment. 9/26/06 sentenced to 6 months probation, $100 fine, and $200 costs.

PEOPLE v TIMOTHY EUGENE WHITEUS, Ingham Circuit, 9/11/01 Complaint filed in 54B District Court to 1 Count Criminal Enterprise; 1 Count Aiding and Abetting the Practice of Medicine without a License. 9/18/02 bound over to 30th Circuit Court as charged; Dismissed by Plaintiff/Petitioner. 10/2/06 Motion/Order of *Nolle Prosequi* filed by Plaintiff to dismiss case without prejudice.

PEOPLE v ZAGERMAN ENTERPRISES, D/B/A SENIOR VISION, Ingham Circuit, 8/14/03 Complaint filed in 54-B District Court to 1 Count Receiving Money Under False Pretenses; 7 Counts Health Care Fraud; 30 Counts Medicaid Fraud. 7/15/04 Amended Complaint filed adding 7 more Medicaid Fraud Counts. 11/17/04 bound over to 30th Circuit Court to 1 Count Receiving Money Under False Pretenses, 7 Counts Health Care Fraud, and 37 Counts Medicaid Fraud; Judgment - Plea Agreement. 12/14/04 plea entered to 1 Count False Pretenses, 1 Count Health Care Fraud and 1 Count Medicaid Fraud with remaining counts to be dismissed. 1/26/05 sentence suspended on corporation due to settlement agreement in civil case (AG #2003016873A).

PEOPLE v RHEA ZAGERMAN, 54-B District Court, 8/14/03 Complaint filed in 54B District Court to 1 Count Receiving Money Under False Pretenses; 7 Counts Health Care Fraud; 30 Counts Medicaid Fraud. 7/15/04 Amended Complaint filed adding 7 more Medicaid Fraud Counts; *Nolle Pros* - Plea/Conviction on another case, 11/4/05 Complaint dismissed per settlement agreement in civil case. See AG #2003016868B.

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*County Road Commissions—Highways and Roads—Authority of county road commissions to require hauling permits*—County road commissions have no independent authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code . . . . . 34

County boards of commissioners do not possess, and therefore may not delegate to county road commissions, authority to require that haul route permits be obtained before trucks carrying construction materials may be operated on county roads so long as the trucks are otherwise in compliance with the Michigan Vehicle Code . . . . . 34

**E.**

**EDUCATION:**

See also SCHOOLS AND SCHOOL DISTRICTS

*Michigan Merit Award Scholarship Act—Administrative Law and Procedure—Scholarships—Eligibility for Michigan Merit Award Scholarships*—Michigan Merit Award Scholarship Act, MCL 390.1451 *et seq*, does not authorize the Michigan Merit Award Board to add a requirement that a student complete 40 hours of voluntary community service in order to qualify for a Michigan Merit Award Scholarship . . . . 38

**F.**

**FAMILY LAW:**

*Acknowledgement of Parentage—Child custody—Effect of a properly signed acknowledgment of parentage on custody of the minor child*—After a mother and father sign an acknowledgment of parentage concerning a child born out of wedlock, in accordance with the Acknowledgment of Parentage Act, MCL 722.1001 *et seq*, the mother has custody of that child unless otherwise determined by a court or otherwise agreed upon by the parties, in writing. A police agency may rely on a duly executed acknowledgment of parentage as establishing the mother's custody of the minor child, unless presented with a court order or written agreement signed by the parties stating otherwise . . . . . 96

**FIREARMS:**

See also CONCEALED WEAPONS

*Firearms—Law enforcement officers*—Meaning of retired police or law enforcement officer in the Concealed Pistol Licensing Act—The terms "retired police officer" or "retired law enforcement officer," as used in the Concealed Pistol Licensing Act, MCL 28.421 *et seq*, mean a certified police or law enforcement officer who retired in good standing from his or her employment as a police or law enforcement officer and who is receiving a retirement benefit . . . . . 59

*Firearms—Michigan Penal Code—Possession and transfer of a machine gun*—A person in Michigan may only possess a machine gun if it was lawfully possessed before May 19, 1986, and is properly registered under federal law. A person in Michigan may only transfer possession of a machine gun if authorized to do so by the federal Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives . . . . . 63

**FREEDOM OF INFORMATION ACT:**

*Computation of time—meaning of "business day" under the Freedom of Information Act (FOIA)*—The five business days within which a public body must respond to a request for a public record under section 5 of the FOIA, MCL 15.235, means five consecutive weekdays, other than Saturdays, Sundays, or legal holidays, and not five consecutive days on which the particular public body receiving the request is open for public business . . . . . 20

H.

**HIGHWAYS AND ROADS:**

See also COUNTIES

*Michigan Department of Transportation—Municipalities—Determining life-cycle costs of pavement used in highway projects*—Under MCL 247.651h(1), the Michigan Department of Transportation is required to design and award certain paving projects "utilizing material having the lowest life-cycle cost." A municipality may not alter the selection of the material to be used on a state highway project by paying the difference between the cost of the material having the lowest life-cycle cost and the more expensive material desired by the municipality . . . . . 112

**I.**

**INCOMPATIBILITY:**

*Incompatible Public Offices Act—Charter Townships—Community Colleges—Public Offices and Public Officers*—The Incompatible Public Offices Act does not prohibit a person from simultaneously serving as a trustee in a charter township and as a member of a board of trustees of a community college district unless these two governmental entities enter into contractual negotiations or a contract or some other situation arises in which the public official holding dual offices cannot advance the interests of both offices simultaneously . . . . . 23

*Incompatible Public Offices Act—County commissioner serving as head of a general law village's public works department—Public Offices and Public Officers—General Law Village Act—Annexation—County*—The Incompatible Public Offices Act does not prohibit a person from

simultaneously serving as a member of the county board of commissioners and the head of a general law village's public works department, when that village's council has submitted an annexation petition to the county board of commissioners for review and approval under MCL 74.6, absent facts demonstrating that the person cannot protect, advance, or promote the interests of both offices simultaneously . . 70

**L.**

**LAW ENFORCEMENT OFFICERS:**

*Law enforcement officers—Firearms*—Meaning of retired police or law enforcement officer in the Concealed Pistol Licensing Act—The terms "retired police officer" or "retired law enforcement officer," as used in the Concealed Pistol Licensing Act, MCL 28.421 *et seq*, mean a certified police or law enforcement officer who retired in good standing from his or her employment as a police or law enforcement officer and who is receiving a retirement benefit . . . . . 59

**LEGAL BIRTH DEFINITION ACT:**

*Physicians and surgeons—Prosecutors*—Application of Legal Birth Definition Act to abortion procedures—The Legal Birth Definition Act, MCL 333.1081 *et seq*, which defines when a person shall be considered born for all purposes under the law, has the effect of banning, with certain exceptions, those dilation and extraction (D & X) abortion procedures that require the killing of a "perinate" as defined in the act. The Legal Birth Definition Act does not have the effect of banning the dilation and evacuation (D & E) abortion procedure . . . . . 26

A physician or physician's agent is immune from criminal, civil, or administrative liability for performing a dilation and extraction (D & X) abortion procedure when, in the "physician's reasonable medical judgment and in compliance with the applicable standard of practice and care," it is necessary to protect the life or health of the mother as set forth in section 3(2) of the Legal Birth Definition Act, MCL 333.1083(2) . . . . 26

Prosecuting attorneys are directed to employ the interpretation of the Legal Birth Definition Act contained in this opinion . . . . . 26

**M.**

**MARRIAGE:**

*Constitutionality of city providing same-sex domestic partnership benefits—Const 1963, art 1, § 25 operates as a limitation on government conduct and therefore applies to state and local governmental entities, including the City of Kalamazoo*—Const 1963, art 1, § 25 prohibits state and local governmental entities from conferring benefits on their employees on the basis of a "domestic partnership" agreement that is characterized by reference to the attributes of a marriage. The City of Kalamazoo's Domestic Partner Benefits Policy is contrary to the mandate of Const 1963, art 1, § 25 . . . . . 9

**MICHIGAN CAMPAIGN FINANCE ACT:**

*Political Action Committees—payroll deduction plans—Civil Service Commission—campaign contributions*—A payroll deduction plan in the state classified civil service under which state personnel and other resources are used to record, collect, and disburse employee contributions to a political action committee would violate section 57 of the Michigan Campaign Finance Act, MCL 169.257, which prohibits the use of public resources to make a political contribution. A labor union's offer to reimburse the State for the expenses involved in administering a payroll deduction plan to facilitate employee contributions to a political action committee would neither obviate the violation nor permit the implementation of an otherwise prohibited plan . . . . . 81

Section 57 of the Michigan Campaign Finance Act, MCL 169.257: (a) is a valid exercise of legislative authority to regulate the use of public resources and to "preserve the purity of elections" under Const 1963, art 2, § 4; (b) does not infringe upon the plenary authority granted the Civil Service Commission under Const 1963, art 11, § 5; and (c) precludes the Civil Service Commission from approving provisions of a collective bargaining agreement that would require the State to administer a payroll deduction plan facilitating state employee contributions to a political action committee . . . . . 81

**MICHIGAN HISTORICAL COMMISSION:**

*Const 1963, art 5, § 3—Public officers and employees—Constitutionality of statute specifying term of office of Michigan Historical Commission*—Const 1963, art 5, § 3 requires that the terms of office of a board or commission created or enlarged after the effective date of the Constitution shall not exceed four years. 2001 PA 66 enlarged the Michigan Historical Commission. As a result, by the self-executing operation of Const 1963, art 5, § 3, the terms of office of the members of the Michigan Historical Commission cannot exceed four years . . . . . 44

Const 1963, art 5, § 3 invalidates only those provisions of 2001 PA 66 that specify a term of office in excess of four years and does not affect the remaining provisions of that act . . . . . 44

**MICHIGAN MERIT AWARD SCHOLARSHIP ACT:**

See EDUCATION

**MICHIGAN STADIA AND CONVENTION ACT:**

See TAXATION

**MICHIGAN STRATEGIC FUND:**

*Investments—Application of the exemption from the prohibition against stock ownership under Const 1963, art 9, § 19*—Const 1963, art 9, § 19 allows the State to invest funds held as permanent funds or endowment funds – including, but not limited to, the three funds listed in Ballot Proposal 02-2 – in the stock of a company as provided by law . . . . . 115

An act of the Legislature giving a fund the title "permanent fund" is not, by itself, sufficient to qualify the fund for the stock ownership exemption under Const 1963, art 9, § 19. A fund so designated must also possess the

substantive characteristics of a "permanent fund" as that term is used in the Constitution . . . . . 115

Sections 88e, 88f, 88g, and 88h of 2005 PA 225, MCL 125.2088e – 125.2088(h), which require the Michigan Strategic Fund to create and operate various investment programs and create the Jobs for Michigan Investment Fund as a permanent fund, are constitutional under Const 1963, art 9, § 19 . . . . . 115

**MICHIGAN VEHICLE CODE:**

*Accident Reporting—Responsibility for preparing accident reports*—Section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer who receives a report of an accident involving a motor vehicle to prepare and forward a report of the accident to the Director of the Department of State Police on prescribed forms, if the accident results in death or injury or if the officer reasonably believes that property was damaged to an apparent extent totaling $1,000 or more . . . . . 6

*Secretary of State—Treaties—Michigan's recognition of foreign operator licenses*—By virtue of the 1943 Convention on the Regulation of Inter-American Automotive Traffic, a resident of Mexico who is at least 18 years of age and possesses a driving license required by the laws of Mexico or issued by any political subdivision of Mexico having legal authority to issue driving licenses is entitled to exercise the same driving privileges in Michigan as were conferred by the issuing authority, without also obtaining a Michigan driver license . . . . . 56

Under MCL 257.302a, the Michigan Secretary of State has exchanged letters with certain foreign countries to confirm reciprocal operator privileges, as identified on the list published on the Michigan Secretary of State's website. Michigan must also extend operating privileges to individuals authorized to drive in the United States by the 1943 Convention on the Regulation of Inter-American Automotive Traffic and the 1949 Convention on Road Traffic entered into between the United States and certain other countries . . . . . 56

**MUNICIPALITIES:**

*General Property Tax Act—Headlee Amendmant—Const 1963, art 9, § 31—Application of millage reduction fraction to renewed multi-year, voter-approved millages*—In the case of municipalities seeking authorization to levy "renewed" millages, the millage reduction fraction specified in section 34d of the General Property Tax Act, MCL 211.34d, is calculated on an uninterrupted basis for each succeeding year as if the voter-approved millage it replaces had never expired. Under MCL 211.34d(11), the calculation of the millage reduction fraction does not commence at 1.0 for the first year of the "renewed" millage but with the fraction utilized for the millage levied in the last year of the millage it replaces . . . . . 108

*Intergovernmental Agreements—Fire Protection—Municipal authority to bill for costs of fire protection services*—A municipal ordinance imposing fees for fire service runs adopted pursuant to MCL 41.806a may only be applied within the territory of that municipality. In order for participating townships acting jointly with a village to impose fees for fire service runs within their respective territories, each must adopt its own authorizing ordinance under MCL 41.806a . . . . . 53

*Municipal authority to regulate placement of political signs on private property—Elections*—Municipalities may not, consistent with the First Amendment to the federal constitution, impose a permit and fee requirement with respect to political signs posted on private property. A municipality may impose reasonable size restrictions with respect to all signs, including political signs, on private property, provided that the regulation preserves the effective exercise of First Amendment rights . . . 74

*Public Officers—Removal from Office—Home Rule City Act—Enforceability of City Charter Provision*—A city charter provision that renders vacant an office held by an elected city officer who also becomes a candidate for another city office does not conflict with the requirements of section 5(d) of the Home Rule City Act, MCL 117.5(d), concerning the shortening of a public official's term of office. That act allows a shortened term where an officer is removed for cause. Running for a second office while serving in the first constitutes such a cause when so specified in the city charter . . . . . 79

**P.**

**POLICE AND FIRE CIVIL SERVICE ACT:**

See CIVIL SERVICE

**PUBLIC CORPORATIONS:**

*Investments—Flexible repurchase agreements—School districts—Revised School Code—Public corporations*—Flexible repurchase agreements are allowable investments for Michigan school districts under the Revised School Code, 1976 PA 451, and for Michigan "public corporations" under 1943 PA 20, with the approval of their governing bodies and subject to the limitations of those acts . . . . . 123

**S.**

**SCHOOLS AND SCHOOL DISTRICTS:**

*Eligibility for state school aid under Postsecondary Enrollment Options Act*—A school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act, provided that the student is enrolled in at least one high school class in at least grade 11 and has achieved the endorsements required under section 3(f) of the act . . . . . 1

*First Class School Districts—Revised School Code—Detroit Public Schools*—The school board of the Detroit Public Schools must next elect its president and vice-president in January 2007 . . . . . 106

*Investments—Flexible repurchase agreements—School districts—Revised School Code—Public corporations*—Flexible repurchase agreements are allowable investments for Michigan school districts under the Revised School Code, 1976 PA 451, and for Michigan "public corporations" under 1943 PA 20, with the approval of their governing bodies and subject to the limitations of those acts . . . . . 123

**STATE LOTTERY:**

*Impact of amendments to Const 1963, art 4, § 41 on Bureau of State Lottery operations*—The voter-approval requirement of Const 1963, art 4, § 41 does not apply to games that the Commissioner of the Bureau of State Lottery may authorize pursuant to the authority conferred under the existing provisions of the Traxler-McCauley-Law-Bowman Bingo Act, MCL 432.101 *et seq* . . . . . 93

**T.**

**TAXATION:**

*General Property Tax Act—Headlee Amendment—Const 1963, art 9, § 31—Application of millage reduction fraction to renewed multi-year, voter-approved millages*—In the case of municipalities seeking authorization to levy "renewed" millages, the millage reduction fraction specified in section 34d of the General Property Tax Act, MCL 211.34d, is calculated on an uninterrupted basis for each succeeding year as if the voter-approved millage it replaces had never expired. Under MCL 211.34d(11), the calculation of the millage reduction fraction does not commence at 1.0 for the first year of the "renewed" millage but with the fraction utilized for the millage levied in the last year of the millage it replaces . . . . . 108

*Taxation of transportation service companies under Michigan Stadia and Convention Act*—Companies that provide limousine, taxi, or bus services are not "engaged in the business of leasing or rental of motor vehicles of which delivery is made" and, accordingly, are not subject to the tax imposed under the Michigan Stadia and Convention Act, MCL 207.751 *et seq* . . . . . 3