

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF BARBER EXAMINERS

In the Matters of

KARL W. MANKE

Barber

License No. 17-01-009405

Complaint No. 17-20-001179

KARL MANKE MAIN ST BARBER & BEAUTY SHOP

Barbershop

License No. 17-02-055705

Complaint No. 17-20-001181

ORDER OF SUMMARY SUSPENSION

A formal complaint has been issued against Respondents under the Occupational Code, MCL 339.101 *et seq.*, the associated administrative rules, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*

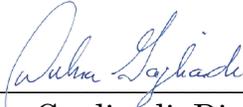
After consideration of the documentation filed in this case, including the Affidavit of Sean Haskin, the Department concludes that the public health, safety, or welfare requires emergency action, as allowed by section 505 of the Occupational Code and section 92 of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondents' barber and barbershop licenses in the state of Michigan shall be summarily suspended commencing on the date this order is served.

Under Mich Admin Code, R 792.10702, Respondents have the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing by email to LARA-BPL-RegulationSection@michigan.gov, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909. If unable to submit a petition by email, Respondents may submit by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division at the address above.

Questions concerning the order of summary suspension may be directed to (517) 335-7569. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

By 

Debra Gagliardi, Director
Bureau of Professional Licensing

Dated: May 12, 2020

LF: 2020-0289282-A/Manke, Karl (Owosso barber)/Order - of Summary Suspension – 2020-05-12

and the Department alleging violations of the Occupational Code, MCL 339.101 *et seq.* and the associated administrative rules.

3. In the course of my duties, I reviewed reports and other documents and substantiated the following:

- A. Respondent Manke is operating his barbershop contrary to Executive Order 2020-69, which ordered the closure of facilities offering non-essential personal care services, including hair and similar personal care services, due to the COVID-19 emergency.
- B. Respondent Manke is facing two misdemeanor charges for violating local health department regulations and the executive order.
- C. The Director of the Michigan Department of Health and Human Services issued an Imminent Danger and Abatement Order, ordering Respondent Manke to cease operating his barbershop immediately because:

“The conditions and practices outlined above could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.”

- D. On May 12, 2020, I observed that Respondent Manke’s barbershop appears to be operating.

4. Respondents’ conduct referenced above constitutes violations of the Occupational Code as set forth in the Formal Complaint.

5. Respondents’ conduct referenced above justifies summary suspension of the barber and barbershop licenses under section 505 of the Code, MCL 339.505.

Further, Affiant saith not.



Sean Haskin, Regulation Agent
Investigations and Inspections Division
Michigan Department of Licensing and
Regulatory Affairs, Bureau of Professional
Licensing

Subscribed and sworn to before me by Sean Haskin
on the 12th day of May 2020.



Candace Black, Notary public
State of Michigan, County of Ingham
My commission expires: 12/16/2021

CANDACE BLACK
NOTARY PUBLIC, STATE OF MI
COUNTY OF INGHAM
MY COMMISSION EXPIRES Dec 16, 2021
ACTING IN COUNTY OF *Ingham*

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF BARBER EXAMINERS

In the Matters of

KARL W. MANKE

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Complaint No. 17-20-001181

FORMAL COMPLAINT

Attorney General Dana Nessel, through Assistant Attorney General

M. Catherine Waskiewicz, on behalf of Complainant Department of Licensing and Regulatory Affairs (“LARA”), Bureau of Professional Licensing, files this Formal Complaint against Respondents Karl W. Manke and Karl Manke Main St Barber & Beauty Shop, alleging upon information and belief as follows:

1. The Board of Barber Examiners is an administrative agency established under Article 11 of the Occupational Code, MCL 339.1101 *et seq.*
2. Respondent Manke is currently licensed as a barber and Respondent Karl Manke Main St Barber & Beauty Shop is currently licensed as a barbershop pursuant to the Code.
3. Section 604(e) of the Code subjects a licensee to sanction for committing an act of gross negligence in practicing an occupation.

4. Section 604(h) of the Code subjects a licensee to sanction for violating any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

5. Section 1118(d) of the Code subjects a licensee to sanction for willfully violating the health and safety rules of any political subdivision.

6. Mich Admin Code, R 339.6031(1)(g) provides:

(1) All premises used by a licensee must be maintained in a clean, safe, and sanitary condition. The premises must be free from all of the following:

(g) Other sources of contamination or potential causes of health or safety hazards or nuisances.

7. Mich Admin Code, R 339.6031(6) provides that “[l]icensed premises must be in compliance with all regulations of the political subdivision in which they are located and with state and federal building codes, health regulations, and fire safety regulations.”

8. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

9. Section 505 of the Code permits the summary suspension of a license to practice an occupation where an imminent threat to the public health, safety, and welfare exists.

FACTUAL ALLEGATIONS

10. On March 10, 2020, Governor Whitmer issued Executive Order 2020-4, declaring a state of emergency due to the outbreak of COVID-19¹ in Michigan.

11. On March 22, 2020, Governor Whitmer issued Executive Order 2020-20, which closed facilities offering non-essential personal care services, including hair and similar personal care services.

12. On April 13, 2020, Governor Whitmer issued Executive Order 2020-43, which superseded Executive Order 2020-20 and extended the closure of such facilities.

13. Most recently, on April 30, 2020, Governor Whitmer issued Executive Order 2020-69, which superseded Executive Order 2020-43 and extended the closure of such facilities until May 28, 2020 at 11:59 p.m. Thus, Respondent Manke is not permitted to operate his barbershop under Executive Order 2020-69. The Executive Order is attached as **Exhibit A**.

14. On May 4, 2020, LARA and the Owosso Police Department began receiving complaints that Respondent Manke was operating his barbershop.

15. On the same date, Respondent Manke admitted to the Owosso Police Department that he is aware he is violating the executive order but will stay open. The Owosso Police Department sent Respondent Manke a letter from the City of

¹ The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

Owosso and the County Health Department advising him of the violation. The letter is attached as **Exhibit B**.

16. On May 6, 2020, Owosso police officers visited the barbershop and observed numerous people inside. The police served Respondent Manke with a citation, charging him with two misdemeanors for violating MCL 333.2443 (health department violation of local health department order) and MCL 30.405 (executive orders violation) and one civil infraction for violating MCL 333.2262. The citation is attached as **Exhibit C** and register of actions is attached as **Exhibit D**.

17. On May 8, 2020, the Director of the Michigan Department of Health and Human Services (DHHS) issued an Imminent Danger and Abatement Order, requiring Respondent Manke to comply with Executive Order 2020-69 and close his barbershop. The DHHS Order states the Director's reasonable belief that "the conditions at Karl Manke's Barbershop pose an imminent danger to the health or lives of individuals in this state" and that "Karl Manke's Barbershop is creating a nuisance, unsanitary condition, and may potentially cause illness." The DHHS Order is attached as **Exhibit E**.

18. On May 11, 2020, the Attorney General's office on behalf of DHHS filed an emergency motion for temporary restraining order and complaint in support of the motion against Respondent Manke in the 35th Judicial Circuit Court for Shiawassee County.

19. According to news reports,² Respondent Manke reopened his barbershop on May 4, 2020 and plans to continue operating. The barbershop has attracted customers from Ann Arbor, Detroit, Jackson, and Saginaw, which the DHHS Order states has the potential to spread COVID-19 around the state by bringing people from different households in close proximity to one another. Photos show some customers not wearing masks while inside the barbershop.

20. On May 12, 2020, a Bureau investigator observed numerous individuals (some did not have masks) entering and exiting the barbershop and sitting in close proximity to each other inside. The parking spaces surrounding the barbershop were occupied.

COUNT I

21. Respondents' conduct as described above constitutes committing an act of gross negligence, in violation of section 604(e) of the Code.

COUNT II

22. Respondents' conduct as described above constitutes willfully violating the health and safety rules of any political subdivision, in violation of section 1118(d) of the Code.

² <https://www.mlive.com/news/flint/2020/05/owosso-barber-confirms-he-was-ticketed-by-police-for-opening-shop.html>

<https://www.mlive.com/news/flint/2020/05/owosso-barber-says-shop-will-stay-open-until-jesus-walks-in-or-they-arrest-me.html>

<https://www.wilx.com/content/news/Owosso-570229051.html>

<https://www.detroitnews.com/story/news/local/michigan/2020/05/09/state-orders-owosso-barber-close-but-hes-still-job/3102353001/>

COUNT III

23. Respondents' conduct as described above constitutes a failure to operate a premises that is free from other sources of contamination or potential causes of health or safety hazards or nuisances, contrary to Mich Admin Code, R 339.6031(1)(g), in violation of section 604(h) of the Code.

COUNT IV

24. Respondents' conduct as described above constitutes a failure to operate a licensed premises in compliance with all regulations of the political subdivision in which it is located and with state health regulations, contrary to Mich Admin Code, R 339.6031(6), in violation of section 604(h) of the Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* and the Occupational Code, MCL 339.101 *et seq.* to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

Any written response shall be submitted by email to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, to LARA-BPL-RegulationSection@michigan.gov, with a copy mailed to the undersigned assistant attorney general. If unable to submit a response by email, Respondents

may submit by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909, with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

DANA NESSEL
Attorney General

/s/ M. Catherine Waskiewicz
M. Catherine Waskiewicz (P73340)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
(517) 335-7569
(517) 241-1997 – Facsimile

Dated: May 12, 2020

LF: 2020-0289282-A/Manke, Karl (Owosso barber)/Formal Complaint – 2020-05-12

Exhibit A



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-69

Temporary restrictions on the use of places of public accommodation

Rescission of Executive Order 2020-43

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of

emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to impose limited and temporary restrictions on the use of places of public accommodation.

Executive Order 2020-20 imposed such restrictions, which were then supplemented by the restrictions on in-person work, travel, and gatherings imposed by Executive Order 2020-42. Executive Orders 2020-20 and 2020-42 were then replaced by Executive Orders 2020-43 and 2020-59, respectively. Because these restrictions on places of public accommodation remain reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, this order extends their duration to May 28, 2020. With this order, Executive Order 2020-43 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing until May 28, 2020 at 11:59 pm, the following places of public accommodation are closed to ingress, egress, use, and occupancy by members of the public:
 - (a) Restaurants, food courts, cafes, coffeehouses, and other places of public accommodation offering food or beverage for on-premises consumption;
 - (b) Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;
 - (c) Hookah bars, cigar bars, and vaping lounges offering their products for on-premises consumption;
 - (d) Theaters, cinemas, and indoor and outdoor performance venues;
 - (e) Libraries and museums;
 - (f) Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, and facilities offering non-essential personal care services;
 - (g) Casinos licensed by the Michigan Gaming Control Board, racetracks licensed by the Michigan Gaming Control Board, and Millionaire Parties licensed by the Michigan Gaming Control Board; and
 - (h) Places of public amusement not otherwise listed above.

Places of public accommodation subject to this section are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and must use precautions in doing so to mitigate the

potential transmission of COVID-19, including social distancing. In offering food or beverage, a place of public accommodation subject to this section may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

This section does not prohibit an employee, contractor, vendor, or supplier of a place of public accommodation from entering, exiting, using, or occupying that place of public accommodation in their professional capacity.

2. The restrictions imposed by this order do not apply to any of the following:
 - (a) Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the place of public accommodation subject to the requirements of section 1;
 - (b) Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;
 - (c) Crisis shelters or similar institutions; and
 - (d) Food courts inside the secured zones of airports.
3. For purposes of this order:
 - (a) “Non-essential personal care services” includes but is not limited to hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that require individuals to be within six feet of each other. This does not include services necessary for medical treatment as determined by a licensed medical provider.
 - (b) “Place of public accommodation” means a business, or an educational, refreshment, entertainment, or recreation facility, or an institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of private clubs, including country clubs, golf clubs, boating or yachting clubs, sports or athletic clubs, and dining clubs.
 - (c) “Place of public amusement” means a place of public accommodation that offers indoor services or facilities, or outdoor services or facilities involving close contact of persons, for amusement or other recreational or entertainment purposes. A place of public amusement includes an amusement park, arcade, bingo hall, bowling alley, indoor climbing facility, skating rink, trampoline park, and other similar recreational or entertainment facilities.
4. The director of the Department of Health and Human Services, the Michigan Liquor Control Commission, and the executive director of the Michigan Gaming Control

Board must issue orders and directives and take other actions pursuant to law as necessary to implement this order.

5. This order does not alter any of the obligations under law of an employer affected by this order to its employees or to the employees of another employer.
6. The restrictions and requirements imposed by this order supplement, and must not be construed to diminish or relax in any way, the restrictions and requirements imposed by Executive Order 2020-59 or any executive order that may follow from it.
7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
8. Executive Order 2020-43 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 30, 2020

Time: 9:27 pm



GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

Exhibit B



WARNING

POSSIBLE VIOLATION OF
GOVERNOR'S EXECUTIVE ORDER 2020-69

Please be advised that the Owosso Public Safety Department has received a complaint that your business may be open and operating contrary to Governor's Executive Order 2020-69. The Attorney General has directed that all such complaints are to be investigated by local law enforcement.

Please review the Governor's Executive Order and determine if your business is deemed "essential" under that order. Anyone seeking interpretation of an executive order should first review those orders and the Frequently Asked Questions listed on the state's website devoted to COVID-19, www.michigan.gov/coronavirus. Should you choose to close voluntarily; no further action will be taken. If you believe that you are operating in compliance with the order, you are requested to provide any information you wish to be considered. If it appears that your continued operation may be in violation of the order, a report will be forwarded to the Shiawassee County Prosecutor and/or the Michigan Attorney General's Office for review and possible action.

You should be aware that consistent with MCL 10.33 and MCL 30.405(3) that a willful violation of Executive Order 2020-69 is a criminal misdemeanor punishable by 90 days in jail and/or a \$500.00 fine.

The City of Owosso and the Shiawassee County Health Department are committed to protecting the health and welfare of our community. We are committed to "Stay Home, Stay Safe" order issued by the Governor's office.

These are confusing times for all of us, but we all need to do our part to halt and control the spread of the COVID-19 virus. We all need to do our part to help protect our families, our friends, and our community.

Thank you for your understanding and cooperation.

Kevin Lenkart
Owosso Public Safety Chief
989-725-0580
kevin.lenkart@ci.owosso.mi.us

Casey Elliott
Director of Environmental Health
989-743-2390
celliot@shiawasseechd.net

Exhibit C

**State of Michigan
Uniform Law Citation**

Ticket No. **№ 073412** Victim Involved

US DOT # _____ Incident No. **2064500556** Dept. No. **645**

The People of: the State of Michigan
 Township City Village County

Local Use/Arrest No. _____ Detection Device _____

OF: **OWOSSO** BAC _____ 1 of 1

THE UNDERSIGNED SAYS THAT ON: Month **05** Day **05** Year **20** At approximately **10:20** A.M. P.M. Date of Birth _____

State **MI** Oper./Chauff. CDL Driver License Number _____ SSN (last 4 digits) _____

Race _____ Sex **M** Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer **Barber**

Name (First, Middle, Last) **Karl William Maake**

Street _____

City **Owosso** State **MI** Zip Code **48867**

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of Local Ordinance State Law Administrative Rule

UPON **421 W Main St.**

AT OR NEAR _____

WITHIN CITY VILLAGE TOWNSHIP OF **OWOSSO**

COUNTY OF **SHIAWASSEE** DID THE FOLLOWING

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Warn <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.	①
	333.2443	Violation of 333.2443	
<input checked="" type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Warn <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.	②
	30.405	Violation of 30.405	
<input checked="" type="checkbox"/> Misd <input type="checkbox"/> Fel	<input type="checkbox"/> Warn <input type="checkbox"/> Fug <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.	③
	333.2262	Violation of 333.2262	

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) _____

Key for Type: CA = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive
 Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks: **Appear 06/23/20 at 08:30 w/ Judge Clarkson**

CHECK IF APPROPRIATE Damage to Property Local Court Bond \$ _____
 Vehicle Impounded Injury License Posted in Lieu of Bond
 Traffic Crash Death Appearance Certificate
 Person in Active Military Service Yes No None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before **JUNE 23, 2020 at 08:30 w/ Judge Clarkson**

Hearing Date (if applicable) on _____ Contact Court
 Juvenile Traffic Misd. (Court will Notify) Formal Hearing Required. (Court will Notify)

In the **66TH DISTRICT** Court of **SHIAWASSEE**

Court Address & Phone Number **110 E. MACK STREET
CORUNNA, MI 48817
(989) 743-2395**

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
 I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable _____ Month **05** Day **06** Year **2020**

Officer's Name (printed) **S. H. De...** Officer's ID No. **10**

Agency ORI **MI-7864500** Agency Name **OWOSSO POLICE DEPT.**

UC-01a (rev. 6/05) **COURT COPY 1**



Ticket No. **№ 073412**
Name _____
Case No. _____

Exhibit D

66TH DISTRICT COURT
 110 E Mack Street
 Corunna, MI 48817



Register of Action

[Enter New Search](#)

**Shiawassee County 66th District Court ROA
 Details**

STATE OF MICHIGAN	CASE NO: 20-ST0337 D01 SM
66TH JUDICIAL DISTRICT	REGISTER OF ACTIONS
ORI780025J	STATUS: PEND
PIN: 2064500556	

JUDGE OF RECORD:

JUDGE:

STATE OF MICHIGAN v

MANKE/KARL/WILLIAM

OWOSSO MI 48867

CTN: [REDACTED]

TCN:

SID:

ENTRY DATE: 05/08/20

OFFENSE DATE: 05/04/20

ARREST DATE:

VEHICLE TYPE:

VPN:

DOB: [REDACTED] SEX: M RACE: W

DL:

VEH YR:

VEH MAKE:

VIN:

PAPER PLATE:

OFFICER: LENKART/KEVIN CHIEF

DEPT: CITY OF OWOSSO

PROSECUTOR: KOERNER, SCOTT A.,

P-60295

VICTIM/DESC:

CNT: 01 C/M/F: M 3332443

PACC#333.2443

HEALTH DEPARTMENT VIOLATION OF LOCAL HEALTH DEPT ORDER

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS:

DISPOSITION DATE:

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

Exhibit E



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

IMMINENT DANGER AND ABATEMENT ORDER

The People of the State of Michigan have recognized that “[t]he public health and welfare of the people of the state are . . . matters of primary public concern.” 1963 Const, art 4, § 51. In keeping with this pronouncement, the Legislature tasked the Michigan Department of Health and Human Services (the “Department” or “MDHHS”) with, among other things, the duty to prevent and control the spread of disease. MCL 333.2221(1); 333.2226(d). The Department must “continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including prevention and control of diseases” and “make investigations and inquiries as to . . . the causes, prevention, and control of . . . sources of illness.” MCL 333.2221(1).

To allow MDHHS to execute this duty, the Legislature delegated all “powers necessary or appropriate to perform the duties and exercise the powers given by law to the department” that are not otherwise prohibited. MCL 333.2221(2)(g). The Department has authority to order the immediate correction of conditions posing an imminent danger to the health or lives of individuals in this state. MCL 333.2251.

And, since it has the authority to exercise any power vested in local health officers under MCL 333.2437, the Department may also issue an order to “avoid, correct, or remove, at the owner’s expense, a building or condition which violates health laws or which the . . . director reasonably believes to be a nuisance, unsanitary condition, or cause of illness.” MCL 333.2455(1).

The facts giving rise to the issuance of this imminent danger and abatement order are as follows:

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4 declaring a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33. And in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, the Governor issued Executive Order 2020-33 on April 1, 2020.

This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

As of May 7, 2020, there were 45,646 cases of COVID-19 diagnosed in Michigan and 4,343 reported deaths. Many of these cases and deaths are the result of extensive community spread.

Social distancing measures, including isolation of persons affected by COVID-19, are essential to control the epidemic. Social distancing is the primary tool available to slow the spread of COVID-19 and reduce the loss of life.

On March 22, 2020, Governor Whitmer issued Executive Order 2020-20 re: Temporary restrictions on the use of places of public accommodation. Executive Order 2020-43 and later Executive Order 2020-69 rescinded and replaced Executive Order 2020-20. Section One of Executive Order 2020-69 states:

“Effective immediately and continuing until May 28, 2020 at 11:59 pm, the following places of public accommodation are closed to ingress, egress, use, and occupancy by members of the public . . . (f) . . . facilities offering non-essential personal care services.”

Non-essential personal care services “includes but is not limited to hair, nail, tanning, massage, traditional spa, tattoo, body art, and piercing services, and similar personal care services that require individuals to be within six feet of each other.” EO 2020-69 § 3.a.

Pursuant to EO 2020-69, barbershops are places of public accommodation providing non-essential personal care services that require individuals to be within six feet of one another. As a result, Karl Manke's Barbershop is not permitted to operate under the EO 2020-69, which remains in effect until May 28, 2020 at 11:59 p.m.

On May 4, 2020, Karl Manke's Barbershop opened to the public in violation of Executive Order 2020-69. According to various news reports, Karl Manke's Barbershop has been open to the public twelve plus hours each day since May 4th. On May 4, 2020, Owosso Police Department contacted Mr. Manke and delivered a warning notice to Karl Manke's Barbershop that it was operating in violation of EO 2020-69. On May 6, 2020, Owosso Police Department issued two citations. Also on May 6th, a misdemeanor complaint was authorized. A hearing is set in the 66th District Court for June 23, 2020. Despite these citations, Karl Manke's Barbershop remains open to the public in violation of Executive Order 2020-69. Karl Manke has indicated that he has no intention of closing his barbershop to the public.¹

Operation of Karl Manke's Barbershop brings persons from different households into close proximity to one another, increasing the risk that COVID-19 will be transferred from person to person. It has been well established that COVID-19 can be spread by persons who are asymptomatic.

¹ <https://www.mlive.com/news/flint/2020/05/owosso-barber-confirms-he-was-ticketed-by-police-for-opening-shop.html>;
<https://www.mlive.com/news/flint/2020/05/owosso-barber-says-shop-will-stay-open-until-jesus-walks-in-or-they-arrest-me.html>

The shop has received visits from Ann Arbor, Saginaw, Detroit, Jackson, and other areas.² Travel to and from the barbershop has the potential to spread COVID-19 around the State of Michigan.

MCL 333.2251(1) states that:

Upon a determination that an imminent danger to the health or lives of individuals exists in this state, the director immediately shall inform the individuals affected by the imminent danger and issue an order that shall be delivered to a person authorized to avoid, correct, or remove the imminent danger or be posted at or near the imminent danger. The order shall incorporate the director's findings and require immediate action necessary to avoid, correct, or remove the imminent danger. The order may specify action to be taken or prohibit the presence of individuals in locations or under conditions where the imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove the imminent danger.

MCL 333.2455(1) states that:

A local health department or the department may issue an order to avoid, correct, or remove, at the owner's expense, a building or condition which violates health laws or which the local health officer or director reasonably believes to be a nuisance, unsanitary condition, or cause of illness.

² <https://www.wilx.com/content/news/Owosso-570229051.html>

The conditions and practices outlined above could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.

On these grounds, I reasonably believe the conditions at Karl Manke's Barbershop pose an imminent danger to the health or lives of individuals in this state. Further, I reasonably believe that Karl Manke's Barbershop is creating a nuisance, unsanitary condition, and may potentially cause illness. Acting on this reasonable belief, I, under the authority granted by sections 2251 and 2455 of the Public Health Code, order Karl Manke's Barbershop to immediately comply with the Governor's Executive Order 2020-69, which requires all facilities providing non-essential personal care services to remain closed through May 28, 2020, and order Karl Manke's Barbershop to immediately close to the public.

THIS ORDER IS EFFECTIVE IMMEDIATELY.



Robert Gordon, Director
Michigan Department of Health and Human Services

May 8, 2020

Date