

## **STRICT PENALTIES ARE VOID FOR COVID-19 VIOLATIONS!**

Thanks to a court challenge by the Association Builders and Contractors of Michigan and DJ's Landscape Management of Grand Rapids, a judge has ruled Michigan Governor Gretchen Whitmer's COVID-19 business penalties were excessive and thus are null and void. In her May 22 order, Whitmer stated that failure of businesses to follow specific COVID-19 prevention measures would trigger the General Duty Clause of the MIOSHA statute. This would mean that any violation of the protocols specified in the order would constitute a felony punishable by fines at least \$5,000 up to \$70,000 and up to three years in prison.

On June 4, however, Court of Claims Judge Christopher Murray ruled that the two laws on which Whitmer had based her executive order state that any violation is considered a misdemeanor, punishable by up to 90 days in jail and a \$500 fine. Wrote Murray:

The incorporation of MIOSHA's felony charges and increased fines for a violation of the executive order was plainly outside the Governor's authority.

Patrick Wright, director of the Mackinac Center Legal Foundation, which brought the suit on behalf of the above plaintiffs, praised the ruling, saying the court "rebuked the governor for seeking to make her own law, to dramatically increase potential penalties and to enforce it through an agency she directly controls."

The other requirements of the May 22 order, however, remain in effect- at least for the time being.