

NO LUCK FOR PISTONS, WHO FALL TO FIFTH IN NBA DRAFT LOTTERY

SPORTS, 1B

ON GUARD FOR 191 YEARS

Detroit Free Press

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Gonzaga center Chet Holmgren is the likely No. 1 pick in the draft.



Mich. court puts 1931 abortion law on hold

As Roe ruling looms, Planned Parenthood wins injunction

Paul Egan and Dave Boucher

Detroit Free Press
USA TODAY NETWORK

LANSING — A Michigan Court of Claims judge on Tuesday issued a preliminary injunction against Michigan's 1931 abortion law, find-

ing Planned Parenthood is likely to prevail in a lawsuit saying the law violates the state constitution.

Judge Elizabeth Gleicher granted the injunction sought by Planned Parenthood of Michigan in a lawsuit brought against the state attorney general.

"As of the date this opinion is issued, it is unknown whether the U.S. Supreme Court will overturn Roe v. Wade," leaving the 1931 state law, which bans abortions except to save the

Inside

Gov. Gretchen Whitmer after the judge's ruling: "Our work is not done," **6A**

life of the mother, the law in Michigan, Gleicher wrote.

The U.S. Supreme Court is expected to rule any day in a Mississippi case that may overturn nearly 50 years of abortion precedent. A leaked

copy of a draft opinion in the case indicated a majority of justices were prepared to overturn Roe, in effect ending the national constitutional right to an abortion and leaving the legality of abortions up to each state.

A Michigan law from 1931 includes two key components: one makes any abortion a felony unless it is done to protect the life of the pregnant person. The second also criminalizes sell-

See **ABORTION LAW**, Page **6A**

FDA clears COVID-19 booster for healthy kids ages 5 to 11

Lauran Neergaard

ASSOCIATED PRESS

U.S. regulators on Tuesday authorized a COVID-19 booster shot for healthy 5- to 11-year-olds, hoping an extra vaccine dose will enhance their protection as infections once again creep upward.

Everyone 12 and older already was supposed to get one booster dose for the best protection against the newest coronavirus variants — and some people, including those 50 and older, can choose a second booster.

The Food and Drug Administration's authorization now opens a third shot to elementary-age kids, too — at least five months after their last dose.

There is one more hurdle: The Centers for Disease Control and Prevention must decide whether to formally recommend the booster for this age group. The CDC's scientific advis-

See **KIDS BOOSTER**, Page **7A**



BUSINESS, 10A

Construction begins on upscale housing project

Lafayette West, with 230 apartments and 88 condos, is scheduled to open in spring 2023.

SCHOOL DISTRICT REVERSES COURSE ON INDEPENDENT REVIEW

Oxford hires firms to investigate shooting



The Oxford Board of Education made several key decisions Tuesday. JUNFU HAN/DFP

Board also agrees to temporary memorial for 4 students who were killed on Nov. 30

Lily Altavena

Detroit Free Press
USA TODAY NETWORK

Oxford Community Schools' board reversed its decision to delay an independent review into events surrounding the Nov. 30 Oxford High shooting after community outcry, and agreed upon firms to conduct it, during a special board meeting Tuesday.

The seven-member school board voted unanimously to hire Varnum, a Grand Rapids-based law firm, and Guidepost Solutions, an independent investigations firm based in New York, to conduct the review. University of Michigan's Board of Regents hired Guidepost to help address the university's response

to sexual assault complaints in 2020, following multiple scandals.

During a special meeting Tuesday night, board members said they heard community members in earlier meetings.

"We can't wait any longer to get an independent understanding of what happened that day," said Tom Donnelly, president of Oxford's board. "And as our community has been telling us from day one, neither can you."

The board had previously decided to delay the review until criminal and civil litigation wrapped up, which could take several years. A group of Oxford parents and Michigan At-

See **OXFORD REVIEW**, Page **13A**



Shawn Windsor

Columnist
Detroit Free Press
USA TODAY NETWORK

Harbaughs' goal: Raise autism awareness

They want other families to get the kind of help they did

Jacob Harbaugh eats the same meal for dinner every evening and has for two years: peanut butter (smooth) on two slices of whole grain bread — and water.

Shortly after, his parents take him upstairs to get ready for bed at precisely 6:30. It's always the same: get into pajamas, right foot first, brush hair, brush teeth.

He wakes at 7:20 a.m., without an alarm clock, though his mother, Brhitney Harbaugh, is convinced her 3-year-old son has one inside him. Routine is security.

Once a week, sometimes twice, she puts Jacob — and his sister Norma; she just turned 2 — in their car and they drive through a car wash. Jacob loves the car wash, the sound of the spray, the whirring bristles, the kaleido-

See **WINDSOR**, Page **7A**



Jacob Harbaugh, 3, plays at his home. Jacob's father, Jay Harbaugh, coaches on the University of Michigan football staff. PROVIDED BY HARBAUGH FAMILY



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Weather

High 61° || Low 55°
Showers. Forecast, **2A**

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MICHIGANBUSINESS



Susan Tompor
Columnist
Detroit Free Press
USA TODAY NETWORK

Formula fraudsters target the desperate

CBD gummies, Amazon calls also among new scams

The watch-out-for-the-latest-hot-scam list keeps growing and now includes baby formula that’s in short supply, CBD gummies and, yes, more Amazon scams.

Many times, the odds of losing money to crooks goes up when we’re under a great deal of stress, panicked about taking care of our families and trying to fix a problem quickly by shopping online.

Shopping online for baby formula could prove to be a bad mix

Mothers are being warned to watch out for potential con artists as families try to cope with the shortage of baby formula.

The extremely limited supply of baby formula on store shelves is likely to drive many parents and caregivers to shop online. But the Better Business Bureau is warning that online shopping scams are quite prevalent for many goods.

Fraudsters can set up fake websites that might impersonate some well-known outfits. Or they may trick consumers with social media posts that claim to be by someone who has extra formula and would be willing to take cash via a cash app.

The BBB did not hear of specific consumer complaints in mid-May but noted that well-publicized shortages can give fraudsters another way to steal money or ID information from consumers.

If you’re tempted by a website or social media post, don’t act quickly simply because you’re on edge.

See **TOMPOR**, Page 11A

Attorney for jobless seeks halt of wage garnishments

Adrienne Roberts
Detroit Free Press
USA TODAY NETWORK

A lawyer speaking on behalf of claimants who were told they were overpaid benefits during the pandemic argued Tuesday that the courts need to intervene and stop Michigan’s Unemployment Insurance Agency from garnishing wages and seizing tax refunds from those claimants.

David Blanchard, who is representing the claimants in a lawsuit against the agency, made the argument at a Michigan Court of Claims hearing Tuesday in Lansing.

Attorneys for the agency, meanwhile, told Court of Claims Judge Brock Swartzle that the UIA has procedures in place that allow the agency to stop collection activities and offer a claimant a refund if it turns out the agency has made an error.

Tuesday’s hearing comes several months after the lawsuit — a class-action — was filed by the group of unemployment insurance claimants who were told they were overpaid benefits and are now having their wages garnished and tax refunds intercepted, among other collection activities.

The lawsuit argues that the agency acted outside the law by determining claimants weren’t eligible for benefits more than a year after benefits were paid. The plaintiffs asked the court to suspend collection activities by issuing a preliminary injunction.

Swartzle heard arguments from Blanchard,

See **GARNISHMENTS**, Page 12A

Construction starts on big upscale housing project



Construction is officially underway Tuesday on Lafayette West, an upscale 318-unit housing development in Detroit’s Lafayette Park. A full 20% of the apartments will be set aside at below-market rents for income-qualified residents. MANDI WRIGHT/ DETROIT FREE PRESS

\$133M development to include EV charging station for every resident

JC Reindl
Detroit Free Press
USA TODAY NETWORK

Construction is officially underway on an upscale 318-unit housing development in Detroit’s Lafayette Park that is one of the larger pandemic-era residential developments in the city to get started.

The \$133 million Lafayette West, 1401 Rivard St. near I-375, will consist of six five-story buildings with a mix of 230 rental apartments and 88 for-purchase condos. It is scheduled to open in spring 2023.

A full 20% of the apartments will be set aside at below-market rents for income-qualified residents, a requirement for the project’s use of development incentives.

The market-rate rents have yet to be announced, although asking prices for the condos will start at \$234,000 for a small one-bedroom, \$399,000 for a large one-bedroom and \$595,000 for a two-bedroom unit, according to the development’s website.

Building amenities will include a swimming pool, fitness center, co-working space and enough electric vehicle charging stations for every resident.

Lafayette West’s owners and developers, Mark Bennett and Norm Pappas, led an outdoor groundbreaking ceremony Tuesday afternoon near the active construction site.

“We have over 100 investors in this project who really want Detroit to be successful,” Pappas said.



A rendering shows the exterior of the apartment homes at Lafayette West. The development will have 230 apartments and 88 condos. PROVIDED BY LAFAYETTE WEST

The project has been in planning stages for some time.

In December 2018, there was an event to mark the start of demolition on the site of a vacant 1950s T-shaped tower, Shapero Hall, to make way for the future apartments and

condos.

That eight-story tower once housed Wayne State University’s pharmacy program. The university sold the empty building for \$2.3 million

See **HOUSING PROJECT**, Page 12A

EV registrations soared 60% in early 2022



Lori and Matthew Brown pick up their Tesla Model S in 2017. Tesla had the most new EV registrations in the first three months of 2022 with 113,882. PROVIDED BY MORGAN BROWN

Tesla leads by large margin, followed by Kia and Ford

Jayne Deerwester
USA TODAY

Electric vehicle owners are keeping DMV employees busy.

Registrations for new EVs soared 60% in the first three months of 2022 even though new car registrations were actually down 18% on the whole, Automotive News and Car and Driver reported, citing Experian data. EVs now account for 4.6% of all passenger vehicles being sold in the U.S.

Tesla vehicles had the most new EV registrations with 113,882, representing 59% of electric cars registered during that period.

Kia came in second with 8,450 based on strong sales of its Niro subcompact. Ford was

third with 7,407 registrations for its Mustang Mach-E, the electric version of its commercial Transit van and the newly released F150 Lightning pickup. Hyundai wasn’t far behind, posting 6,964 registrations for its Ionic 5 and Kona compact crossovers, along with the hatchback version of the Ionic 5.

Because Tesla remains upmarket with starting prices over \$40,000, the two Korean brands are quickly laying claim to the budget EV market. Kia’s Niro sells for half that, and the Kona Electric starts at \$34,000.

It remains to be seen whether the charging station network is ready to meet the growing demand. With sales of EVs expected to double every couple of years, 40 million EVs could be on the road by the end of 2030, says Loren McDonald of EVAdoption, which analyzes EV and charging trends. If enough public chargers aren’t available, that could sour EV buyers.

Contributing: Chris Woodyard

BUSINESS

Argo touts driverless tech operations

ASSOCIATED PRESS

NEW YORK – An autonomous vehicle technology company that partners with Ford and Volkswagen says it has started driverless operations in two of eight cities where it is developing its technology.

Pittsburgh-based Argo AI has pulled drivers from its autonomous cars in Miami and Austin, Texas, though it is still in the testing phase. Its commercial partnerships with Walmart and Lyft still have backup drivers in both cities.

The company is partnering with Lyft to use its autonomous test vehicles for their ride-sharing network in Miami Beach and grocery delivery for Walmart in Miami and Austin.

Argo says it is the first company to go driverless in two American cities, but Argo isn't the first company to go driverless. Waymo, the autonomous vehicle unit of Alphabet, Google's parent company, announced in March that it started carrying employees in electric Jaguar I-Pace SUVs in San Francisco without human backup drivers.

In February, General Motors and its autonomous vehicle subsidiary Cruise posted a signup page for anyone to reserve a free ride, also in San Francisco.

Late last year, a semitruck operated by the San Diego company TuSimple completed an 80-mile route in Arizona, the first successful fully-autonomous run by a class 8 vehicle on open public roads with no human intervention.

At an open house, a portion of a condo is on display Tuesday at Lafayette West. MANDI WRIGHT/DETROIT FREE PRESS



Housing project

Continued from Page 10A

in 2007 to local businessman Dennis Kefallinos, who went on to flip it to Lafayette West's developers in summer 2018 for \$16 million.

Under the original timeline, construction on Lafayette West was to start in 2019.

In an interview Tuesday, Bennett said the development faced several delays, including a late redesign of the parking.

"We felt it was much more amenable to have parking under the building instead of this large, hulking parking deck," he said.

Additionally, arrival of the COVID-19 pandemic in 2020 resulted in extending the timeline further, Bennett said. And during that time, one of the project's early development partners, Novi-based Ginosko Development Co., bowed out.

Speaking at the groundbreaking Tuesday, Detroit Mayor Mike Duggan praised the size of the development and said he believes it will make a great addition to the beautiful Lafayette Park area.

"I always wanted to be the mayor of the city where you had to build housing units hundreds at a time to accommodate the people who wanted to live in your town," Duggan said.

Lafayette West was approved last year for \$17.75 million in local and state-level brownfield tax captures (\$5 million state, \$12.7 million local) over about 30 years. The project also was approved for a 15-year Neighborhood Enterprise Zone tax break.

Bennett and Pappas also are development partners in The Exchange, a 16-story residential tower with 165 apartments and condos that is under construction in Greektown.

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Garnishments

Continued from Page 10A

along with Shannon Husband and Rebecca Smith, who are assistant attorneys general for the State of Michigan and represent the agency.

During the nearly three-hour-long hearing, Blanchard pointed to what happened with Kellie Saunders, one of the plaintiffs. Saunders was told she was overpaid, protested the decision and was waiting on a hearing. An administrative judge said it's beyond a year, and the agency doesn't have authority to change the decision after that time. Therefore, she was eligible for the benefits.

But soon after, she got a bill from the agency for \$6,000 and a notice that her tax returns and wages would be garnished if she didn't start paying the money back.

"There is no harm in putting a pause on the clawing back of money," Blanchard said. "On the other side, the harm is great to the individual subject ... it leads to other effects that can't be remedied by getting back the money later. It leads to people facing eviction and people that can't afford educational supplies for their children."

Swartzle said he will decide on the motion for a preliminary injunction within a few weeks.

Meanwhile, a U.S. Department of Labor-authorized pause on collection activity has expired. In April, the Michigan agency said

it had paused "new" wage garnishments and interceptions of Michigan tax refunds for 398,000 claimants until at least May 7. But before that pause expired, only 55,000 claimants had received waivers who also were told they would get refunds if they had started paying back their overpayment.

Nick Assendelft, a spokesperson for the state unemployment agency, said the UIA will resume collections in certain overpayment cases.

"We continue to work with the U.S. Department of Labor on a potential second pause in collections and await their decision," he said.

The UIA has said it doesn't know how many claimants are still waiting on a waiver and when they can expect to receive one.

Separately, a state audit released Tuesday found the agency didn't limit access to sensitive information for certain workers, in line with findings from a prior audit in March. That audit found the agency failed to conduct proper background checks for temporary workers, giving some people previously convicted of fraud, embezzlement and similar financial crimes access to sensitive information.

This is the third audit the auditor general has completed looking at the agency's handling of a massive influx in jobless claims during the pandemic. The first, released in November, found the agency "wasn't effective" in its implementation of the federal Pandemic Unemployment Assistance program and included four eligibility criteria that were not authorized by the U.S. Department of Labor.

Proposed asphalt mixing site denied in Detroit, again

Lawyer for company: No investigation was made into environmental impact

Dana Afana
Detroit Free Press
USA TODAY NETWORK

Detroit zoning officials rejected a Pontiac-based company's appeal to allow construction of an asphalt mixing facility in northwest Detroit.

The city's Buildings, Safety, Engineering and Environmental Department denied Asphalt Specialists Inc.'s proposal in November to build a 25-acre facility at 12155 Southfield Freeway, an area south of Interstate 96 near Borman Road that is zoned for intensive industrial use. The company's attorney, Lawrence Walker, on Tuesday attempted to overturn the decision but the Board of Zoning Appeals unanimously voted to uphold the decision.

Walker told the board that the Detroit building department and the Industrial Review Committee — an advisory committee to the building department and the board that reviews, recommends and investigates various project components — were to investigate several aspects such as the environmental impacts and reviews of the proposed machinery.

"There are no such reports relative to the Industrial Review Committee and we know that because we asked for them," Walker said. "They failed to make any investigation."

Walker, who requested documentation of the investigation, said that according to a response letter from the building department, city officials did not provide anything in writing. The Industrial Review Committee "only relies on information sent by the client," Walker read from the response letter.

"Well, that's wrong. The Industrial Review Committee is mandatorily required to make an investigation to not only inform you, to inform the city and not just rely on what my client provides to them," Walker said, adding that city officials should have done a deeper evaluation of the project.

However, officials said the project does not fall in line with the city's master plan, which guides projects in the community. City Planner Helen Sharpley said the planning and development department recommended the denial to the building department in November.

"The zoning ordinance allows for a more intensive use than the master plan recommends. The current master plan designation is IL, or light industrial, which includes areas that generally consist of industrial uses of low intensity that have minimal undesirable effects on adjacent residential or commercial land uses," Sharpley said.

Opponents of the project have, in the past, confused what would be a mixing facility with an asphalt plant or manufacturer, which would involve more intense heating operations that would release particles, according to Walker. The proposed facility would have, instead, mixed and stored asphalt to be delivered to work sites.

The project proposal detailed the process: Cold feed bins would be loaded from stockpiles of on-site aggregate and then fed into a drying drum using a conveyor.

The drying drum would have a natural gas burner on one end to dry the aggregate and rotate to mix the components to form the asphalt, according to the proposal. Air from the drum would get exhausted to a baghouse, flowing through filters, where more than 99.9% of particulates would be removed.

Filtered air would then exit "out of a chimney stack more than 50 feet tall" and captured particulates would be recycled back to the drum, according to the proposal. Once mixed, the asphalt would then be sent by conveyor to silos to be stored.

Load-out areas for trucks to receive and ship asphalt would have been beneath the silos. The area would have been "enclosed and ducted" to mitigate scents, the proposal shows.

However, operations such as the gas burner and high truck traffic proximity to residents, particularly with health conditions, were a concern to Nick Schroeck, associate dean at the University of Detroit Mercy and environmental law expert.

"There will be some emissions even though they're going to try to control them with the baghouse. Then there will also be the fugitive emissions when they're loading it on the trucks. They're trying to contain some of that odor but there would be some leakage, some odor and some fugitive emissions that could potentially be harmful," Schroeck said. "Over time, you get higher exposure and that elevates your risk of health consequences."

Dozens opposed the project Tuesday during public comment before the zoning appeals board and urged officials to uphold the city's decision. Former Detroit Police Commissioner Darryl Brown took aim at the company for doing "whatever they want" in the community.

"Join us in saying, 'No to air pollution, no to groundwater contamination, no to noise pollution. ... Save our lungs, save a tree and protect our children,'" Brown said.

Several others cited concerns of pollutants swarming the air. But Walker questioned the evidence of harmful emissions.

"I heard a lot of, 'We don't want because they are polluters.' But where is the evidence of that? There is no evidence. Not one person said we have documented evidence that this is a polluter or will pollute," Walker said. "There are no harmful emissions."

The Board of Zoning Appeals was scheduled to hear ASI's appeal on Feb. 15 but adjourned the meeting after failing to provide proper notice of the hearing's details. Prior to the February meeting, dozens of activists held a news conference urging the board to uphold the city's decision due to environmental concerns, despite the developer promising jobs such as engineers, managers and drivers.

Dana Afana is the Detroit city hall reporter for the Free Press. Contact Dana: dafana@freepress.com or 313-635-3491. Follow her on Twitter: @DanaAfana.

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May you find peace in this time of sorrow.