

STATE OF MICHIGAN DEPARTMENT OF  
ATTORNEY GENERAL

P.O. BOX 30212 LANSING, MICHIGAN 48909

**DANA NESSEL**  
ATTORNEY GENERAL

May 5, 2020

Tribal Chairperson Kenneth Meshigaud  
Hannahville Indian Community N14911  
Hannahville B1 Rd. Wilson, MI 49896-9728

**VIA EMAIL ONLY:** tyderyien@hannahville.org

***Re: Plans to reopen the Island Resort and Casino (Executive Order of the Governor 2020-70)***

Dear Tribal Chairperson Meshigaud:

We are writing regarding the Hannahville Indian Community's (HIC's) announcement that it will be reopening the Island Resort and Casino (IRC) in phases beginning on May 6, 2020. We know that the State of Michigan is not alone in its desire to protect people during the novel corona virus (COVID-19) pandemic. Michigan's tribal governments have worked diligently to protect tribal citizens, their larger communities, and their employees. All of Michigan's tribes have made the very difficult decision to stop certain governmental services and to close tribal enterprises, which severely affects tribal revenue.

In the interest of protecting the public's health and safety, we ask that the HIC reconsider its timeline and implement a reopening schedule for the IRC that parallels the State's reopening schedule. The significant sacrifices the Tribe has already made could be completely undone by prematurely returning to normal operations, even with some modifications. We are also concerned that the reopening of the casino may create a situation where people will violate the executive orders issued by Governor Whitmer to address COVID-19, which has threatened Michigan in ways few could have predicted a few months ago.

On March 10, 2020, Governor Whitmer first issued Executive Order 2020-4 declaring a state

of emergency across the State of Michigan under sec. 1, art. 5 of the Michigan Constitution of 1963, the Emergency Management Act, MCL 30.401, *et seq.*, and the Emergency Powers of the Governor Act of 1945, MCL 10.31, *et seq.* That declaration was renewed and expanded on April 1, 2020 under Executive

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Order 2020-33. On April 30, 2020, the Governor issued Executive Order 2020-67 stating that the “state of emergency remains declared across the State of Michigan.”

Pursuant to those authorities, the Governor has issued a series of executive orders limiting the operation of many businesses and requiring people to generally stay in their home or residence, with certain exceptions. Most recently, she issued Executive Order 2020-70, which continues to prohibit any person or entity from operating a business or conducting operations that require workers to leave their homes or places of residence, except to the extent those workers are necessary to sustain or protect life, to conduct basic minimum operations, or work in a business that falls into an exempt category. The Order is to be “construed broadly to prohibit in-person work that is not necessary to sustain or protect life.” See EO 2020-70, ¶1. The Order also requires “all individuals currently living within the State of Michigan . . . to stay at home or at their place of residence,” unless an exception in the Order applies.

On April 2, 2020, the Director of the Department of Health and Human Services issued an Emergency Order under the Public Health Code, MCL 333.2253, declaring an epidemic and approving steps to control the epidemic. Those steps include authorizing law enforcement to investigate potential violations of the Governor’s executive orders addressing the pandemic and coordinating with public health officials. The Director has further issued Emergency Rules to address the pandemic, imposing a penalty for violating the Executive Orders of up to \$1,000 per violation or per day the violation continues.

These orders and rules continue in effect and apply to non-Indians, Indians who reside inside of the Tribe’s Indian country but are not enrolled members of the Tribe, and enrolled tribal citizens in Michigan outside of the Tribe’s Indian country. As is true in other areas of the State, the failure to comply with the executive orders exposes individuals to potential civil and criminal penalties. If any these individuals are employees or customers of your reopened operations, they may be subjected to those penalties. With that in mind, we ask that you limit your operations to assist your citizens, employees, patrons, and the public in complying with the executive orders by staying home and not exposing themselves and others to the novel coronavirus.

With five confirmed cases of COVID-19 in Menominee County and thirteen confirmed cases in

neighboring Delta County, we are very concerned that reopening the casino and resuming those operations during the timeline proposed by HIC presents a significant health risk to the public at large. That risk cannot and will not be confined to the Tribe's Indian country and its enrolled members under its own jurisdiction.

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The Governor has posted "Guidance for Business" on the State's website ([www.michigan.gov/coronavirus](http://www.michigan.gov/coronavirus)) to assist businesses in determining if their on-site operations are "necessary to sustain or protect life," and may also be helpful for you to consider. This page also has a Frequently Asked Questions (FAQ) section to address specific questions of interpretation related to the executive orders issued by the Governor. These FAQs can be viewed by clicking "Executive Orders, Directives & FAQs" on the black panel on the left side of the page. ([https://www.michigan.gov/coronavirus/0,9753,7-406-98178\\_98455-522631--,00.html](https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-522631--,00.html))

Accordingly, in cooperation with the Menominee County Prosecutor, we request that you take immediate action to ensure that you are acting to protect the public health.

We appreciate your prompt attention to this matter.

Sincerely,

*/s/ Christina Grossi*

Christina M. Grossi Chief of  
Operations Department of Attorney  
General

Jeffrey T. Rogg Prosecuting Attorney Menominee County cc via email:

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