

# EMEAC applauds ruling on DNR changes

Democrats and environmental groups including the Birmingham-based East Michigan Environmental Action Council were ecstatic that a judge declared unconstitutional Gov. John Engler's reorganization of the state Department of Natural Resources.

Engler will ask the Court of Appeals to reverse the decision of Ingham Circuit Judge Peter Houk. His executive order abolishing 19

boards and commissions within the DNR and giving more authority to the DNR director was due to take effect Feb. 15.

"We'll see how this goes on appeal," said Elizabeth Harris, executive director of EMEAC. "But I would not want to be the attorney going to court against language as strong as Judge Houk's."

EMEAC joined four other groups in praising Houk "for a decision that

recognizes fundamental rights of private citizens to know what their government is doing and to have their voices heard by decision makers."

They added, "By ramming his anti-environment executive orders down the throats of the public, the governor left us no choice" but to sue.

other lawmakers: "For the second time, Gov. Engler has been turned away by the courts in his attempt to usurp the powers and responsibilities of the Legislature. Not only does the executive order violate the constitution, it shuts the public out of environmental policy in Michigan."

Michigan United Conservation Clubs filed a third suit. Houk ruled all had standing to sue and consolidated the cases.

commissions whose function is to hold public hearings. The Water Resources Commission and Air Pollution Control Commission are but two examples of where citizens can express concerns over individual and policy decision." But the judge found "no violation of Open Meetings, Freedom of Information and Revised Judiciary Acts."

"The constitution 'doesn't expressly authorize the governor to create new departments,'" Engler's order "does violence in the extreme" to the separation of legislative and executive powers.

"The governor may not designate the chairperson of the Natural Resources Commission," the Legislature empowered the commission to elect its own officers.

"The governor may not abolish

gate power to persons not authorized by statute to exercise it." Engler's order allowed the DNR director to delegate power to issue permits.

Engler's order allowed aggrieved persons to "seek direct review" by the Natural Resources Commission. "While this is seemingly benign, it has not been authorized by the constitution or the Legislature, and potentially creates an entirely new level of bureaucracy for business to negotiate with government."

"The order has budgetary implications for the department and for the courts, which should be decided in the Legislature, not the executive branch."

Staff writers Tim Richard and Judith Berne contributed to this report.

## Appeals court sends Diamond Mortgage head back to prison

Convicted mortgage scam artist, Irvin Greenberg may find himself back in prison rather than in a Pontiac half-way house after a state Court of Appeals decision.

Attorney General Frank Kelley praised the appellate ruling, reviewing an Oakland Circuit Court decision ordering the Department of Corrections to transfer Greenberg to a halfway house.

In November, 1990, Kelley prosecuted the Corrections Department transfer plan. When Greenberg returned to circuit court to challenge the authority of the attorney general, Oakland Circuit Judge Harry Howard declared the attorney general

should not have objected. The Court of Appeals reversed, saying the circuit court had no jurisdiction to intervene in prison decisions.

"In his role as the president of A.J. Ohio and chairman of the board of Diamond Mortgage, both Bloomfield Hills firms, Greenberg was convicted of fraud in connection with the loss of over \$47 million by more than 1,600 Michigan citizens," Kelley said. "These people are still suffering from Greenberg's crimes."

Greenberg was sentenced in 1988 to seven years, eight months to 10 years by then-Judge Norman Lippitt before a courtroom packed with victims of the scam.

"WE'RE VERY ELATED," Harris said. "We're saying there needs to be some changes (in the DNR). We did not want to go to court, but the governor's office left us no choice."

"What the judge has stated addresses the concerns of environmental groups and reaches the right result."

Said House Speaker Lewis Dodak, D-Birch Run, a plaintiff with four

HOUK'S 12-PAGE opinion said the governor lacked constitutional authority to create a new DNR, to reassign responsibilities and to remove public hearings functions from water and air pollution boards.

Houk's answers to key legal points:

"The governor may not abolish

### DON'T PAINT YOUR RADIATORS

**Easy to Install**  
No need to remove radiators from walls. Simply remove the top cover and install the Arasco Radiator Enclosure. No painting, no sanding, no mess.

**Easy to Remove**  
Simply remove the top cover and the radiator is back in place. No damage to walls or radiators.

**Protects Radiators**  
Keeps radiators clean and free of dust. Prevents rust and corrosion.

**Keeps Radiators Warm**  
Enclosures are made of aluminum, which is a good conductor of heat. Keeps radiators warm and efficient.

**Keeps Radiators Safe**  
Enclosures are made of fire-resistant material. Keeps radiators safe from fire.


**Keeps Radiators Quiet**  
Enclosures are made of sound-absorbing material. Keeps radiators quiet.

**Keeps Radiators Clean**  
Enclosures are made of easy-to-clean material. Keeps radiators clean.

**Keeps Radiators Safe**  
Enclosures are made of fire-resistant material. Keeps radiators safe from fire.

**Keeps Radiators Quiet**  
Enclosures are made of sound-absorbing material. Keeps radiators quiet.

**Keeps Radiators Clean**  
Enclosures are made of easy-to-clean material. Keeps radiators clean.



**arsco**  
Manufacturing Co.

14880 W. 14th St., #2, Dearborn, MI 48124  
1-800-543-7040

### GET YOUR DECK BEFORE SPRING

#### LEISURE DECK™




**Behind Every Great Home Is a Great Deck**

Call Today for Your **FREE** In-Home Design Consultation & Estimate at **No Obligation**

**SAVE 10%**

Call 24 Hours  
**1-800-359-DECK (3325)**

CONVENIENT CREDIT PLANS AVAILABLE

No Payments Until Spring to Qualified Purchasers

**100% American Made**

All Work Backed by Written Warranty

Top Quality Materials Installed by Professionals

## 27th ANNUAL SPA & POOL SALE

STARTS FEBRUARY 14th

**30%-50% OFF**

SINCE 1965

**POOLS**

398-4577  
2750 W. 12 Mile  
Berkley, MI 48007

739-5333  
48270 Van Dyke  
Utica, MI 48180

939-3131

### Dittrich's Fur Exchange

Did you ever wish your Fur was from Ditttrich? It can be with a

**Double Trade-In Allowance**

On Any Fur

Now through Saturday

The very best time of the year to receive the highest allowance on your old fur.

*Dittrich*  
Since 1928



You're invited to experience the Academy Advantage



## OPEN HOUSE

2-4 pm, SUNDAY, FEBRUARY 9, 1992

Everyone is Welcome.

The Academy of the Sacred Heart is an independent, Catholic college-preparatory day school for girls in preschool through grade 12 and for boys in preschool through grade 4. Established in 1851, the Academy is a self-supporting, nonprofit organization and one of the oldest continuing independent schools in Michigan.

- 10-1 Student Center
- Preschool for 3 year old children
- Foreign Language K-12
- ESL Program (English as a Second Language)
- National Art Exhibit Participation
- Science Overnights for Grades 3 and 4
- Developmental 12-18-18-18 curriculum
- International Student Exchange
- 44 Acre Campus with Nature Center
- Transportation and Financial Aid Available

### ACADEMY OF THE SACRED HEART

1250 Kensington Road  
Bloomfield Hills, MI 48304  
E. of Woodward between Long Lake and Wattles  
(313) 646-8900

140 YEARS OF EDUCATIONAL EXCELLENCE IN MICHIGAN

## 84th Annual Shrine Circus

UP TO **30% OFF**

DNR State Fairgrounds • 8 Mile & Woodward • Detroit

MAIL ORDERS ONLY! ORDER NOW!

Time	Day	Performance	Reg. Price	Your Price
7:30 PM	Friday, March 20, 1992	Ringside (Rows 1-9)	\$7.00	\$4.95
Evening	Friday, March 27, 1992	Reserved (Rows 10-18)	\$6.00	\$4.25
		Ringside Ends (Rows 1-9)	\$4.75	\$3.25
9:30 A.M.	Saturday, March 14, 1992	Ringside (Rows 1-9)	\$7.00	\$4.95
Morning	Saturday, March 21, 1992	Reserved (Rows 10-18)	\$6.00	\$4.25
	Saturday, March 28, 1992	Ringside Ends (Rows 1-9)	\$4.75	\$3.25
5:30 P.M.	Sunday, March 15, 1992	Ringside (Rows 1-9)	\$7.00	\$4.95
Evening	Sunday, March 22, 1992	Reserved (Rows 10-18)	\$6.00	\$4.25
		Ringside Ends (Rows 1-9)	\$4.75	\$3.25
7:30 P.M.	Wednesday, March 18, 1992	Ringside (Rows 1-9)	\$6.00	\$4.25
Evening	Thursday, March 19, 1992	Reserved (Rows 10-18)	\$5.00	\$3.50
	Wednesday, March 25, 1992	Ringside Ends (Rows 1-9)	\$4.75	\$3.25
1:30 P.M.	Sunday, March 15, 1992	Ringside (Rows 1-9)	\$7.00	\$4.95
Afternoon	Saturday, March 21, 1992	Reserved (Rows 10-18)	\$6.00	\$4.25
	Sunday, March 29, 1992	Ringside Ends (Rows 1-9)	\$4.75	\$3.25

Make your check or money order payable to: METROGROUP, INC.  
Mail to: METROGROUP, INC. • P.O. Box 3241 • Farmington Hills, Michigan 48333

Tickets by RETURN MAIL only \$2.00 service fee per order!

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Select Alternate Date (Please) \_\_\_\_\_ at \_\_\_\_\_ Price Range Desired \_\_\_\_\_ plus \$2.00 Service Fee per Order

Select Alternate Date (Please) \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

TOTAL ENCLOSED \_\_\_\_\_

**THESE BARGAIN PRICES BROUGHT TO YOU BY:**

**Harmony House**



**Observer & Eccentric**

NEWSPAPERS



**WJR**

The Leader



**METROGROUP**



**SOUTHWEST AIRLINES**



**PEPSI**



24 Hour Circus Ticket Information HOTLINE (313) 353-9777