

# Graduation 2015



SPECIAL GRADUATION SECTION INSIDE • HATS OFF TO GRADS — SEE INSIGHT, PAGE 1C

# The County Press

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## DOCTOR FACES CHARGES

### Case against Ataya mounting

BY PHIL FOLEY  
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**LAPEER** — A Flushing doctor, with offices in Lapeer, Davison and Flint, remains held at the Lapeer County Jail on a \$5 million bond after being arrested Tuesday on his way to work on charges that he was responsible for the drug overdose deaths of three Lapeer men in 2012.

Dr. Hatem Ataya, 47, is due back in court at 9 a.m. Friday in front of 71A District Court Judge Laura Cheger Barnard

for a probable cause hearing.

Lapeer Police Dept. Officer A.J. Wetzel and a DEA agent took Ataya into custody as he was getting gas Tuesday morning on his way to work at a gas station on M-15 near Lapeer Road in Davison. Det./Sgt. Craig Gormley said he was "cooperative."

The doctor, who's been under investigation for nearly three years, was taken before Deputy Magistrate Michael Delling in Lapeer where he was arraigned on three



Photo by Phil Foley

Lapeer County prosecutor Tim Turkelson examines the Ataya files.

ATAYA on page 12A

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## Lt. McLain retires after 40 years



Photo courtesy Lapeer County Sheriff's Dept.

Margaret McLain, 93, congratulates her son, Lt. James McLain, at his retirement party May 29 at the Lapeer County Sheriff's Dept. McLain wrapped up his 40-year career with the department as its road patrol lieutenant.

BY PHIL FOLEY  
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**LAPEER** — Jim McLain moved to Lapeer from Traverse City in the seventh grade and by the time he graduated from Lapeer High School in 1971 all he wanted to do was be a cop.

On May 29 McLain wrapped up a 40-year career with the Lapeer County Sheriff's Dept. as the road patrol lieutenant, surrounded by family — including his 93-year-old mother, Margaret — and friends.

McLain said when he entered the Flint Police Academy in 1971 with Bob Rapson, who would go on to become Lapeer County's undersheriff, he had no idea his career would take him this far.

As McLain left his office for the last time, newly minted Lt. Andy Engster, who's been with the department since 1990, took over as road patrol supervisor.

McLain said he's been thinking about retiring since October. "Everything just worked out," he said.

McLain said he met a couple of Flint City Police officers after enrolling at Mott Community College. At their suggestion he entered the police academy; a year later he was a police service officer pounding a beat in Flint.

In 1974 he became a reserve officer with both the Lapeer Police Dept. and the Lapeer County Sheriff's Dept. A year later a CETA (Comprehensive Employment and Training Act) grant created an opening at the sheriff's department and McLain has called it home ever since.

McLain worked his way up the ranks, get-

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How to get around the roundabout.

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• Soybean Festival starts Thursday in Brown City.

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## Youth poultry competition will continue at fair with a minor change — no birds

BY PHIL FOLEY  
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**LAPEER COUNTY** — For Lapeer County-area youth who planned on showing poultry at the 133rd edition of the Eastern Michigan State Fair, there will still be a fair, it just won't quite be the same.

On Monday, Michigan Dept. of Agriculture and Rural Development's State Veterinarian Dr. James Averill announced that due to the threat of avian flu viruses all poultry exhibitions will be canceled for the year.

The Lapeer County Agricultural Society's fair board on Wednesday approved new rules to allow area youth

involved in poultry to still have a fair experience.

Fair manager Ian Kempf said last year between 4-H and Future Farmers of America members roughly 250 birds, chickens, ducks and geese (mainly) were on display in a tent they share with the

POULTRY on page 7A



Photo by Phil Foley

Fair Board member, Ray Swain argues for setting weights for birds auctioned at this year's Eastern Michigan State Fair. The board decided to wait to see what MSU Extension does in light of the ban on displaying live birds.



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# 4-H camp takes step back in time

**OREGON TWP.** — Lapeer County 4-H is stepping back into the 14th century this afternoon (Sunday, June 7) as it holds an open house for its "Renaissance Festival" program this summer at Camp Lael.

From 2-4 p.m. parents and

kids will have a chance to look at camp, located at 2062 Ferns Rd., meet camp staff and counselors and ask any questions they may have.

Cloverbud Day Camp for kids who have completed grades K-1 as of July 1 will run July 13-14. Camp Lael's

Overnight Camp for kids who have completed grades 2-6 as of July 1 will run July 15-18.

Each year, Jean Kreiner, 4-H program aide/camp director, said the camp has a different theme.

Keiner said Renaissance Festival Camp will give young-

sters the opportunity to learn about the era through crafts, science, playing games and interacting with Renaissance actors. They'll also have the chance to explore nature, swim and participate in a host of other activities.

Kids do not need to be in

4-H to attend camp. For more information or to register your child, call Kreiner at 810-667-0343.

Campers will be accepted on a first-come, first-served basis and the deadline for registration is June 26.

## MCLAIN from page 1A

ting promoted to sergeant in 1978 and lieutenant in 2004. "When an opportunity opened up, I went for it," he said.

During his first year with the department McLain qualified as a sharpshooter, shooting a 90 percent in the Michigan Law Enforcement Officers Training Council program.

In 1983 he qualified as an advanced open water diver and a year later he was certified as an advanced ice diver.

While many police officers go their entire career without ever drawing their weapon on the job, McLain ended up getting shot at twice.

The first time a pair of gunmen held up a liquor store in Genesee County in June 1994 and fled east into Lapeer County after shooting at police in Genesee County. McLain said the robbers shot at his car as they sped down I-69. He returned fire and they ended up in a field. McLain said the suspects ran into the underbrush and were caught by other deputies the next day.

At McLain's retirement party Sheriff Ron Kalanquin praised him for his "bravery and persistence."

In 2003 McLain was sent north of Lapeer on M-24 after reports of some-

one shooting at passing motorists with a deer rifle. He recalled one round hit his patrol car as he drove past the shooter's home and a second went through the passenger side of his windshield when he turned around.

McLain said he envied deputies who never have to unholster their weapon.

McLain said bringing a missing children's program to Lapeer County was his proudest accomplishment with the department. "It worked out really well," he said.

McLain said he's looking forward to spending time with his grandchildren, doing a little woodworking and taking his wife on a cruise.

His replacement has been with the department 25 years. Engster grew up in Skidway Lake, near West Branch, and got his start in law enforcement in Ogemaw County.

Engster said he didn't know where Lapeer County was until he got laid off in Ogemaw County during a budget crunch there and he answered an ad for deputies here.

He recalled the first couple of days he was put on night shift. "I just rode up and down M-24 because I knew I'd get lost and never find my way back if I got off the road," he commented.

# Housing repair money available for local governments, non-profits

**WASHINGTON** — The USDA Rural Development's Housing Preservation Grant program is seeking applications for grants to make housing repairs for low- and very-low-income rural residents Agriculture Secretary Tom Vilsack announced Thursday.

"These grants help rural homeowners and rental housing owners repair and improve their properties," Vilsack said. "Funds may be used to resolve health or safety issues, make accessibility

modifications for people with disabilities, or make energy-efficiency improvements to reduce greenhouse gas emissions and lower utility costs."

Eligible applicants for Housing Preservation Grants include town or county governments, public agencies, federally recognized Indian Tribes, and non-profit and faith-based organizations. USDA does not provide funding directly to homeowners under this program.

For additional eligibil-

ity information, contact USDA Rural Development Multi-Family Housing in Michigan at 517-324-5194 or see page 28943 of the May 20, 2015 Federal Register.

USDA is making up to \$3.3 million in grants available in Fiscal Year 2015. Pre-applications are due by 5 p.m. Eastern Time on July 6.

Last year, USDA provided Housing Preservation Grants for 107 projects in 46 states and the Commonwealth of Puerto Rico.

## ATAYA from page 1A

counts of delivery of a controlled substance causing death and three counts of delivery and manufacture of less than 50 grams of methadone.

Methadone is an opioid used as a pain reliever and as part of drug addiction detoxification and maintenance programs.

Lapeer Police Dept. investigators said Robert J. Holmes, then 41; John S. Wilson, then 51, and Roger W. Kerr, then 47, all died of methadone overdoses while under Ataya's care in 2012.

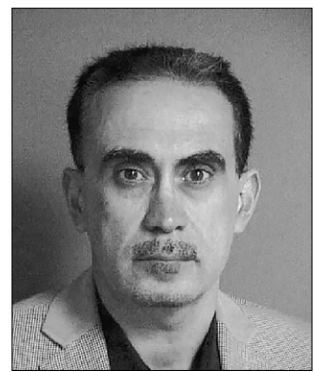
Gormley said Ataya came to his attention after he noticed three people had died in a seven-month span, all from the same drug prescribed by the same doctor. Lapeer County Prosecutor Tim Turkelson noted that two women in Ataya's care also died of drug overdoses the following year.

Turkelson said a Lapeer County woman, identified as Amanda, died Feb. 20, 2013, followed by a woman identified as Jessica May 18, 2013 in Genesee County. Turkelson said he didn't file charges in these deaths because one victim died in Genesee County and he couldn't prove her prescription was written in Lapeer County and the Lapeer County woman had multiple drugs in her system at the time of her death.

Turkelson said bond was set at \$5 million for Ataya "because of the substantial cash assets that the defendant has." He noted investigators found nearly \$100,000 in cash at his home, adding Ataya has substantial property holdings that could be leveraged to gain additional funds. That, and the fact that he could be sentenced to life in prison, if convicted for any of the three fatalities, Turkelson said, "increases the chance of leaving the jurisdiction."

Drug cases involving physicians are particularly difficult for law enforcement and prosecutors. According to *criminaldefenseattorney.com*, "a doctor or health care provider can be guilty of a crime by writing prescriptions that are either not medically necessary or for an amount of drugs greater than a person actually needs," defense attorneys argue their clients "had medically valid reasons for writing prescriptions, or no reason to suspect that they were filling an invalid prescription."

Holmes died Jan. 5, 2012, followed by Wilson Jan. 22 and Kerr July 21.



**Dr. Hatem Ataya**

Gormley said because all three men were Lapeer residents, the reports of their drug overdose deaths crossed his desk.

Gormley said paramedics were able to save a 32-year-old Lapeer woman who overdosed on methadone Aug. 13, 2012 and he met DEA agents "a couple of days later." Investigators didn't execute a search warrant at Ataya's office until March 26, 2013.

James Burdick, a Bloomfield Hills attorney, represented Ataya in front of the state Board of Medicine's Disciplinary Subcommittee last month on the same matter.

The subcommittee, he said, cited Ataya with negligence and fined him \$3,500 on May 20 for what Burdick characterized as "bad record keeping."

In the subcommittee's administrative complaint against Ataya, the three dead men were referred to by initials and in each case he was accused of having records that were "basically illegible."

Noting that other physicians have been fined as much as \$50,000 by the same body, Burdick said the \$3,500 fine was about "they least they could do."

Burdick said, "It's not like we won something. They (the state Attorney General's Office) offered and we accepted."

"There are a lot of people. There are a lot of records. There are a lot of facts," Gormley said.

Turkelson said Ataya's pattern of prescribing methadone was "in a manner that is not medically appropriate." Given that three people died, he called the fine levied against Ataya "outrageous."

Burdick, who said he will not be handling Ataya's criminal defense, countered that since five DEA agents were involved in the investigation, if there had been a strong case federal charges would be filed. He suggested agents don't like to be told 'no,' and they keep looking until they find someone who says yes.

Burdick called Ataya "a fine man," adding "everything he told me was true."

Cheri Pfeiffer, executive secretary of Lapeer County's FAN (Families Against Narcotics) chapter, however, said he's "very well known in the community as a doctor you can go to and he will prescribe anything." Her first response to his arrest was "Awesome."

Pfeiffer maintains he's one of two or three doctors in Lapeer County who "create monsters."

Turkelson said the dead men had "numerous physical complaints that did not justify the methadone prescriptions based on our expert's opinion." According to Turkelson, Ataya's methadone prescription rate was in the "top four or five percent in the state." He said it's a "very dangerous drug" because it has a "very long half-life" and its effects are slow to be felt, giving it a high potential for an accidental overdose.

Ataya's criminal case isn't his only legal problem at the moment.

He's also being sued for malpractice in Genesee County by Detroit lawyer Brian McKeen of McKeen & Associates. McKeen represents Scott Holifield.

McKeen claims Ataya prescribed steroid therapy without informed consent for Holifield, who had a history of diverticulitis and IBS. According to McKeen, steroids caused a perforated duodenal ulcer and his client required emergency surgery and additional procedures over the course of the next few months.

Holifield, McKeen said, lost most of his intestine and colon and has a permanent ileostomy bag.

"Patients go to doctors trusting that they will use their education, training, and experience to determine if they need a medication and if so which medications are safe for them to use. Sadly, the facts of our case versus Dr. Ataya — and those of the three cases where he has been indicted — suggested that he has violated the most basic and fundamental rule of medicine: 'first do no harm.' We hope that the doctor will be made to accept responsibility both criminally and civilly for the deaths and injuries he has caused," McKeen said.

Ataya earned his medical degree at the University of Damascus (Syria) in 1992. He completed his residency at Robert Packer Hospital in Sayre, Penn. and a fellowship at the Indiana University Medical Center.

He's affiliated with Hurley Medical Center and McLaren-Flint.



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