



November/ December 2012

Issue: 8

## Welcome to Hogwash!

Welcome to the latest issue of Hogwash!

If you have a minute to [email us](#), we'd love to hear from you with your feedback on what you'd like to see in Hogwash.

## What is a Whistleblower and What is Whistleblower Protection?

The election is now over and we know who will be at the helm of our governments - both state and federal - for the immediate future.

Regardless of your political affiliation, all of us wish to prevent or take action against corruption in our government, combat the

misuse of taxpayer funds and ensure that companies are complying with safety and workplace regulations of our state and nation.

Michigan's Whistleblower Protection Act, MCL 15.361 et seq., is designed to give protection or recourse, to an employee who reports, to an authority or regulator, a company's violation of safety or workplace regulations. A company may not...

...discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected



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### Reflections and Humor

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With the robo calls coming to an abrupt halt on November 7 and our mailboxes now empty of political propaganda, here's a reflection on the recent elections from one of the founding fathers.

*" Democracy is two wolves and a lamb voting on what to have for lunch.*

violation of a law or regulation.

If the company takes retaliatory action against the reporting employee, such as firing him or her, the employee may have a civil action against the employer, and claims for reinstatement, back wages, full reinstatement of fringe benefits and seniority rights, actual damages, court costs and reasonable attorney and witness fees. A violating employer may also be subject to civil fines. Even a "failure to promote" may be actionable, in the right case, if the employer's promotion denial can be linked, either causally or, inferentially by time, to an employee's protected reporting activity.

The Michigan law is aimed at protecting the public by protecting an employee who takes action to protect the public. A federal statute, the False Claims Act, is aimed at protecting the public taxpayer, by giving protection or recourse to someone who reports another's false statement in connection with payments made by the government. Under that Act, a person or company can be liable, under the Act, if he or it "..

... knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim." 31 U.S.C. §3729(a)(2)(2009).

So, if a federal contractor's request for payment includes statements or assurances that the company has complied, for instance, with all "prevailing wage" regulations, and the company has not, in fact, complied, the company could be responsible for treble (three times) damages, court costs, and attorney fees.

## It sometimes almost seems to be embarrassing to be a lawyer

Much has been said about how we as a society are substantially different for other societies. The focus appears to be upon our concepts of freedom of speech and freedom of religion -- key rights that are not available in many other countries.



Ironically though, one freedom that can give even the most ardent believer in our constitutionally guaranteed freedoms to step back and take a second look is the increasingly popular freedom to sue.

More and more it seems that matters which many - perhaps most - of us think are ridiculous are being argued in the courts. In a recent [article](#), seven current law suits are discussed that many may consider frivolous. Here are a couple of examples.

*Liberty is a well-armed  
lamb contesting the  
vote"*Benjamin Franklin

### A Bit of Humor

In the spirit of the holidays let's take time for a quick laugh. Here are a few of Phil's favorites...

*This girl said she  
recognized me from the  
vegetarian club, but I'd  
never met herbivore.*

and...

*I used to think I was  
indecisive, but now I'm not  
so sure.*

If you have a joke or a pun you'd like to share with our newsletter audience, please email it to [info@rosigardner.com](mailto:info@rosigardner.com)



1. A class action suit contending that Macy violated Federal Trade Commission rules by advertising as "fine gold" jewelry made of sterling silver coated in gold alloy. When \$129.00 earrings became tarnished, the customer felt deceived and took the matter to court.

Question: with current gold prices through the roof -- recently as high as \$1700+ per ounce, who would truly believe that "fine gold" earrings would priced at \$129.00?

2. Big Bird is now at the center of a legal battle. An online retailer offered a risque Halloween costume consisting of a short yellow dress, thigh-high stockings and Big Bird feet that could be worn with a licensed Big Bird headband. The folks at Sesame Street are upset with efforts to sell an "obvious imitation".

Each of us, both individual and corporate, has a right to file suit when we think that we are being wronged by the actions of another. When we do, the exercise of that right, and the ultimate determination, by both courts and juries, of the legitimacy of the claims involved in those suits may have long term impacts upon our ever developing common law.

Sitting on the sidelines we, both lawyers and non-lawyers, may consider the issues as not worthy of judicial consideration and as a waste of time and resources. Despite that, we should reject the idea, "frivolous" lawsuits should not be allowed and that government should prevent the filing of such suits.

Rather, we should withhold judgment until the system sorts out the legitimacy of the claims, if only because, at some time in the future, we, or any of us, may have a claim that we consider to be justified, despite what others may say or think.

**Bare-faced lie?**  
**Bald-faced lie?**  
**Bold-faced lie?**



Which term is correct? More and more in general reporting and conversation we hear the term "bold-faced lie". But is that correct or is it "bald-faced" or "bare-faced?"

A quick look around the World Wide Web uncovered some possible explanations, including;

- Bald is pronounced as bold in the West Midlands of England. That pronunciation may have crossed to ocean and become part of the idiom in the U.S.

- The term bald-faced may come from the 18th and 19th century when businessmen wore beards in an effort to mask their expressions when making business deals. Anyone with a hairless - "bald" - face, was less able to lie without showing guilt on his face.
- Bald-faced is definitely traceable to use in the US in the 1800s, bare-faced is used more often in Great Britain and Canada and can be traced back to as early as the 1700s.
- The use of the term "bold-faced" has become more common in the last five years.

So how do you describe an easily recognized lie? Send us a note and we'll publish your responses in a future issue.

## When Giving Thanks Remember Those Displaced by Hurricane Sandy

The lives of hundreds of thousands of people on the east coast of the United States remain disrupted by both Hurricane Sandy and the nor'easter that followed



As we get ready to publish this newsletter there are still many in the northeastern United States who are trying to restore their lives, especially those individuals whose homes were so severely damaged that they can't have the electricity turned back on or whose homes are unlivable or unrepairable.

The American Red Cross has deployed nearly 6,000 relief workers to help out along the coastal United States, from North Carolina to Rhode Island. If, in the spirit of the holidays, you'd like to help with their relief efforts the American Red Cross makes it easy for you to [donate online.](#)

## Holidays in November and December

It's The Holiday Season!

With Thanksgiving just past us, Hanukkah starting on December 8 and Christmas just under a month away there's lots to celebrate in November and December.

But the traditional holidays aren't the only times to commemorate. In December we'll have a full month in which to celebrate ties. That's right, December is National Tie Month which, given the number of holiday ties that will be gifted in any year seems wholly appropriate.



How plain looking would a dress shirt be without a bit of color to liven it up? Ties have been worn since the 17th century when fashion mavens of that era created the tie based on the Croatian cravat - neck scarves sported by the military. These early cravats were made of a variety of materials, with the finest materials gracing the necks of the higher ranking officers.

Since then the tie has become a requisite accessory for fashionable men. Yes, ties change over the years - in the 60s and 70s they were wide enough to skate on, bow ties go in and out of fashion, materials change as do colors and patterns, but even in today's casual dress environment ties don't go out of fashion.

Ties are also the classic Christmas and Father's Day gifts. So, November is a great time to beat the rush and buy or get started making a great holiday ties for your loved ones. You'll help kick start the economy and if you shop now you'll get the best selection.

## Karen's At Home Cookin'

I was a very picky eater as a child. Now that I have matured and expanded my culinary palate, I like to bring some variety to the table during the holidays.

I know that every family has their own rituals and certain ways of preparing foods holiday meals, so needless to say I have developed the reputation for bringing the "weird" food (code for healthy) to the annual holiday celebration. And let's say that I've sometimes received a less than enthusiastic response. For instance, I started making homemade cranberry sauce with REAL cranberries, but no one touched it because cranberry sauce only tastes "right" from the can. Mashed red potatoes with garlic and the skins on? My brother won't even eat mashed potatoes if they have lumps.



As you might guess, my family members aren't shy about expressing their opinions, so I've learned a couple of important rules:

- If you're making a turkey for either Thanksgiving or Christmas, don't mess with the stuffing (I put shrimp in one year, another big mistake)!! It's a traditional meal.
- Keep the wine flowing.

Meanwhile, in the spirit of adding some variety to our holiday meals, here are a couple recipes I've



developed that have gotten a good response from my loved ones. They make great additions to any holiday table:

**Quinoa & wild rice with dried cranberries and pecans.** Cook one-half quinoa and one-half wild rice as directed. Add some toasted pecans & dried cranberries, drizzle with some good olive oil and orange juice. Top with/crumbled goat cheese and tarragon. This is a dish that's good served at room temperature.

**Shredded carrots and fresh apple salad.** Shred 3-4 carrots and two large Granny Smith apple, then cover with dressing. I love this dressing on a fruit salad. Mix together one-half cup of greek yogurt, the juice of one lime and two tablespoons of maple syrup. Add some dried currants and coconut if you want extra flavor (anything but jello). Adjust the dressing to your desired consistency and taste - mayo or sour cream works too.

**Poached Salmon on a bed of pearl couscous:**

Use just enough water to cover the salmon. Add some Old Bay spice and lime juice. Turn off the heat when it reaches a boil and cover for 10-15 minutes. Check it for flakiness.

Cook pearl couscous as directed on package then taupe with a sauce made of honey, dijon mustard, sour cream, capers, dill and a little olive oil and vinegar (play with it to your taste and use what you have on hand).

Plating: Use a large round plate. Put the salmon in the middle, surrounded by the couscous (add salt and pepper to taste). Decorate with green olives and thin slices of limes in a circle on top of the couscous. Drizzle the sauce over the entire plate. Add fresh dill or parsley to garnish and make it look pretty. Serve with your favorite crackers.

\*\* If I travel to visit relatives during the holidays, it is expected that I bring Traverse City wine (no complaints there!). My favorite to bring is Chateau Grand Traverse Cranberry Riesling or Chateau Chantel Sparkling Cherry.

## End of the Year Special Offer

Many of us make New Year's resolutions to get our affairs in order and finish those important projects we've been putting off doing for way too long.

At Rosi & Gardner we'd like to offer you an incentive to get started early on those resolutions. From now until December 31, 2012 when you come in for estate planning you'll get 15% off your bill. So why not give us a call today.

Schedule that appointment before December 31, 2012 and get a head start on those New Year's resolutions. You'll be glad you did and your loved ones will appreciate your thoughtfulness.

Be sure to mention this special newsletter offer when you call us at [231-709-4895](tel:231-709-4895).

Offer Expires: December 31st 2012

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Philip R. Rosi

A handwritten signature in dark ink, reading "Philip R. Rosi". The signature is fluid and cursive, with the first name being the most prominent.

[Email Philip](#)

Gary Allen Gardner

A handwritten signature in dark ink, reading "Gary Allen Gardner". The signature is cursive and somewhat stylized, with the first name being the most prominent.

[Email Gary](#)

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