

A Closer Look at

THE LAW



CUNNINGHAM
DALMAN PC
ATTORNEYS AT LAW

E-Newsletter
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CONTENTS

**Are You Ready...? The
New Smoking Ban 2**

**Turning The Tables on
Stalkers 3**

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Disclaimer: This newsletter is for general information only and covers only broad legal concepts. In no way is this newsletter intended as formal legal advice. If you have further questions regarding a legal matter, please consult a licensed attorney.

Cunningham Dalman, P.C. is a full service law firm located in Holland, as well as in Douglas, Michigan. Our attorneys possess skill and experience in a broad spectrum of areas of practice, and have proudly served the lakeshore community for over 100 years.

Are You Ready...?

By: [P. Haans Mulder](#)
Attorney at Law

All employers and virtually all commercial property owners in Ottawa County should know that a new regulation went into effect on January 1. The regulation bans smoking in the workplace and other related areas (among other places that are only relevant to governmental entities). While it applies most directly to individuals (who smoke in these areas), it places the compliance burden primarily on employers and most commercial property owners.

As an employer, you need to adopt a non-smoking policy that includes, at a minimum, particular language from the regulation. You also are required to communicate this policy to existing employees, as well as ones you hire in the future. The regulation also prohibits employers from discharging, refusing to hire, and retaliating against an employee, applicant for employment, or customer who desires to be in a smoke-free environment.

Obligations of a commercial property owner also apply to an employer who leases property for

its business. If you fall into one or both of these categories, you have a number of responsibilities. First, you have to keep the building entrances, windows, and ventilation systems free of smoke. You are also required to post non-smoking signs in entrance areas. Finally, you are responsible to clear entrance areas of smoking trash receptacles.

As either an employer or commercial property owner, you do not want to be unprepared. The first violation is a warning. However, the penalty steps up fairly significantly for other violations in a one year time period. The second violation is \$100.00. The third violation is \$500.00 and \$1,000.00 for any subsequent violations.

Find out all of your obligations under this new regulation and how to avoid being unprepared.

Turning the Tables on Stalkers

By: [Kenneth B. Breese](#)
Attorney at Law

Has anyone in your family ever been stalked? Stalking is repeated harassment which makes a person feel frightened, threatened, intimidated or harassed, and is becoming more common in our society. Examples of this include the ex-boyfriend who “shows up” coincidentally wherever your sister or daughter, happen to be, or the former girlfriend who leaves strange “mementos” on your son’s doorstep or at his workplace.

Even if there is not enough evidence to convince the police or prosecutor to take action, a victim of stalking may sue his or her stalker under Michigan law. Because it is so

difficult to measure damages in these kinds of cases – damages often simply being emotional or psychological in nature – a victim may seek special damages which are not often recoverable called “exemplary damages”. In addition, the victim may recover attorney fees and the costs of an action.

You or your loved one should no longer feel frustrated by the “system” because you and they are empowered to stop a stalker in his or her tracks and recover damages.