

2016 NCAA TOURNAMENT PAIRINGS 6 PAGES OF COVERAGE IN SPORTS, SECTION B

IT'S MADNESS!

SPARTANS WIN BIG TEN, JUST MISS NO. 1 SEED
WOLVERINES SLIP IN WITH PLAY-IN GAME
BRACKET, ROSTERS, ANALYSIS AND MORE, SECTION B

MIDWEST
2:45 p.m. Friday, St. Louis
NO. 2 MICHIGAN STATE VS. NO. 15 MIDDLE TENNESSEE

EAST, FIRST FOUR
9:10 p.m. Wednesday, Dayton
NO. 11 MICHIGAN VS. NO. 11 TULSA

ON GUARD FOR 184 YEARS

Detroit Free Press

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'A REAL CHANCE NOW'

Russian boy's recovery involves mother's love, Royal Oak doctors



SALWAN GEORGES/DETROIT FREE PRESS

Elena Chubanyuk kisses her son, Denis, 5, during a checkup at Beaumont Hospital in Royal Oak on Feb. 3. Denis is being treated for Apert Syndrome. The congenital disorder caused his skull plates to fuse too early, while his brain was still growing rapidly. "I am just thankful," she said of his treatment.

By **Katrase Stafford**
Detroit Free Press

Denis Chubanyuk's face lit up as he peeked around his mother, wiggled his fingers and waved at a pediatric surgeon as they sat in an examination room at Beaumont Hospital in Royal Oak.

For any other 5-year-old, waving or wig-

gling a finger would be unremarkable. But for Denis, it was an extraordinary piece of a dramatic journey and transformation he's undergone since he began treatment for a rare condition nearly four years ago at Beaumont Children's Hospital.

In spring 2012, Denis, along with his mother, Elena Chubanyuk, took a leap of

faith and traveled more than 4,800 miles from Russia to Royal Oak seeking care for his complex craniofacial condition, Apert Syndrome. The congenital disorder caused his skull plates to fuse too early, while his brain was still growing rapidly. The condition causes severe distortions of the head and face, as well as webbing of the

See **HOSPITAL**, Page 8A

Flint water e-mails written to stay secret

Experts: Officials used phrases in bid to avoid FOIA disclosure

By **Paul Egan**
Detroit Free Press

LANSING — In mid-October, as the massive scope of the Flint drinking water scandal and public health crisis was beginning to sink in, Michigan Department of Environmental Quality engineer Adam Rosenthal wrote an e-mail to two of his then supervisors in the department's drinking water section.

The contents of the e-mail were purely factual: A Flint resident's name and address, along with two lead readings for water samples taken from faucets at the home.

But typed just beneath the message were the words: "Preliminary and Deliberative not subject to FOIA."

The Rosenthal e-mail is just one of thousands the administration of Gov. Rick Snyder has made public related to the lead contamination of Flint's drinking water after calls from the public, elected officials, advocates for open government and the media for information as to who knew what about the public health crisis and when, and what was done in response. Thousands of others have been released voluntarily by the governor, whose office is not subject to FOIA, Page 8A

Metro

SOGGY FUN IN CORKTOWN



Rain doesn't stop St. Pat's Day parade

A wet afternoon didn't sway hundreds of diehards donned in green from filling the streets of Detroit's Corktown neighborhood Sunday for the annual St. Patrick's Day Parade. Marching bands, floats, clowns and more kept the crowds entertained. **4A**

65 49
High Low

SPLISH SPLASH
Rain today, later in the week
FORECAST, 2A

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From Poland to prison: Plymouth parents decry teen's plight

They fear for her life after plea in assault case

By **Robert Allen**
Detroit Free Press



Rokšana Sikorski

Tucked on a cul-de-sac in a quiet Plymouth-area neighborhood, the two-story brick home looks like the American dream.

And that's what Laurene and Jeff Sikorski envisioned for three Polish children they adopted from a rough life more than a decade ago. But at the end of this month, one of the children, a now 16-year-old girl, is likely headed to prison for up to 20 years.

"She would have been better off in Poland," said Lau-

rene Sikorski, 56. "We thought we would give her things that she would never have been able to get in Poland."

The parents say Rokšana Sikorski, at 15, was targeted on Facebook, seduced and molested by then 23-year-old Michael Rivera in late July 2014. He was charged with having sex with a minor. But he wasn't arrested in time.

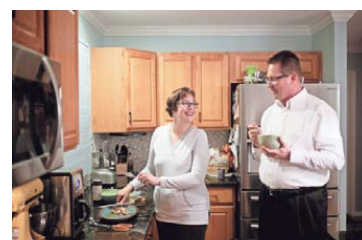
About 2 a.m. Oct. 17, 2014, the girl walked into her younger brother's bedroom, put a

hand over his mouth and deeply sliced his throat with a fish knife in what prosecutors called a "truly haunting" plan to kill all four family members. Inside the home that night, she'd been receiving anonymous cell phone messages using the Kik app, with instructions on how to kill her family, including an anatomical image for guidance.

The boy survived the attack and none of the other family members was injured.

Authorities said it appeared that Rokšana and Rivera were planning to run away together.

When the girl, identified as a child victim in the sexual as-



SALWAN GEORGES/DETROIT FREE PRESS

Laurene Sikorski and Jeff Sikorski at home on March 1. They say they don't understand why daughter Rokšana, who has a history of mental problems but not violence against others, should be tried as an adult.

See **CRIME**, Page 5A

COVER STORIES

HOSPITAL: Boy from Russia 'has a real chance now'

FROM PAGE 1A

hands and feet. "I just want to give a heartfelt thank you to the staff," Elena Chubanyuk said via a translator, while placing her hand over her heart during her son's exam at Beaumont last month. "Because of the doctors, he looks normal and he has a real chance now."

Dr. Kongkrit Chaiyasate — a plastic surgeon who specializes in reconstruction, microsurgery and craniofacial and pediatric plastic surgery — said Denis faced an uncertain future.



Dr. Kongkrit Chaiyasate

Increased intracranial pressure due to the brain not having room in the skull and upper airway problems, could have potentially caused life-threatening complications for Denis.

But now, he has a fighting chance at living a life comparable to other children his age.

"The surgery saved his life," Chaiyasate said. "We always treat our patients like our own child, so I'm always grateful to see what I did to him actually transformed him to being closer to his peers. I feel good about it."

The journey

While Elena Chubanyuk was pregnant with Denis, doctors in her family's small hometown near Penza, Russia — about 400 miles southeast of Moscow — assured her the baby was fine. The doctors claimed a handful of ultrasounds showed Denis was healthy and there were no complications.

So she and her husband were shocked when Denis was born.

His head and face were severely misshapen.

His toes and fingers were fused, making his hands resemble mittens. His eyes bulged and because of a sunken middle face, he could only take staggered breaths through his mouth. "When he was born it was a big shock," she said through a translator. "I could see from the doctors' faces right away. They showed me the baby and said, 'This is your child' and took him straight to intensive care."

According to Elena Chubanyuk, doctors suggested that she leave Denis behind at the hospital because they doubted she would be able to handle his care.

Instead, she refused to leave her child in the hands of strangers and began seeking answers.

"I told them I will not leave him," she said.

People who lived in the small town were often cruel and would sometimes throw rocks at the family and taunt



Dr. Kongkrit Chaiyasate, a pediatric plastic surgeon at Beaumont Hospital in Royal Oak, examines Denis Chubanyuk, 5, as his mother, Elena Chubanyuk, watches on Feb. 3. Denis is being treated for a rare condition that caused his eyes to bulge, and his head and face to appear misshapen.



There's no cure for Apert Syndrome, Chaiyasate said, but it can be managed through a series of surgeries as a child grows.

Denis because he looked different, his mother said. And despite her search, which extended to Moscow, the family was unable to find any doctors who knew how to treat his condition.

The first few months at home were heart-wrenching and scary for the family. Elena and her husband, along with their two older sons, did their best to care for Denis in his fragile state. When breathing became a struggle for him, his mother improvised and created a device — a small tube with a hole in it to keep his airway open at night — to help him breathe.

"It was very hard," she recalled.

Denis wasn't diagnosed with Apert Syndrome until he was 1, when doctors told the family they would likely not be able to receive treatment in their Russian village. They were advised to take him to Moscow, but the family couldn't afford the expensive and risky treatment. The fam-

ily was told that only one clinic in Russia had experience treating children with Apert Syndrome.

Just when the family began to fear the worst, a glimmer of hope arose when they decided to seek treatment outside of Russia.

A handful of volunteers in Russia gain access to care in U.S. hospitals connected the Chubanyuk family with Chaiyasate, and the Jan Jackson Craniofacial and Cleft Palate Clinic in Royal Oak accepted the family's request to help Denis.

Through a variety of crowdfunding sites and organizations such as the Russian charity group Drop of Life, about \$100,000 was raised to help cover Denis' initial surgery in 2012. The family is continuing to raise money through a YouCaring online fund-raiser, Life-saving surgery for Denis Chubanyuk, to pay for future surgeries.

"Helping people, it's what I

like to do," Chaiyasate said. "It's life-changing. It's a privilege to be able to do this."

Treatment begins

There's no cure for Apert Syndrome, Chaiyasate said, but it can be managed through a series of surgeries as a child grows from infancy through his teens, to prevent permanent cognitive dysfunction.

According to the National Institutes of Health Genetics Home Reference, there are conflicting reports on just how many children are affected by the syndrome, but the organization believes between 1 in 65,000 to 1 in 88,000 newborns are impacted. The syndrome is caused by a gene mutation, according to Chaiyasate.

Denis and his mother arrived in the U.S. in the spring of 2012 when he was 18 months old. Before meeting Chaiyasate and his team, the pair was set up with a host family who lives in Commerce Township. Alex Rostanets said his son-in-law, Dr. William Thompson, who is a Beaumont physician, suggested he host the family while they were in the U.S. for treatment.

Rostanets and his daughter, Olga Thompson, said their family helps provide housing, transportation and translation services.

"It takes time and sometimes it's not easy," Rostanets said. "We are happy with this result. Absolutely. We can see he will get a normal life."

Extensive assessments and examinations happened rapidly after their arrival, and on July 3, Chaiyasate and his medical team performed their first surgery on Denis, a monoblock osteotomy advanced procedure, which lasted

"Helping people, it's what I like to do. It's a privilege to be able to do this."

DR. KONGKRIT CHAIYASATE, a plastic surgeon who specializes in reconstruction, microsurgery and craniofacial and pediatric plastic surgery

nearly 11 hours according to the family.

Chaiyasate said during the surgery, Denis' skull cavity was expanded to allow his brain to grow, his eye sockets were repositioned to allow the eyelids to close to prevent damage and his upper jaw was repositioned to allow him to breathe better.

"We accomplished three goals in one surgery," he said. "We made room for his brain, wanted his eyes to be protected and we advanced the mid-face so he could breathe through the nose... You can't just move (the skull) forward, so we put a frame on his head, with a wire connecting to the skull and the face."

Although Denis had to stay in the intensive care unit for 23 days, the surgery was a success.

In a second procedure toward the end of August 2012, surgeon Jeffrey Fishman performed a hand reconstruction surgery that separated Denis' fused fingers and toes.

And after a long recovery at Beaumont, Denis and his mother finally went home to Russia for three years after being away from their family — her husband and two older

YOU CAN HELP

To donate to the Chubanyuk family, go to www.youcaring.com/savedennislife.

sons — for so long.

"It was very hard on her being away from them," Olga Thompson said. "But they Skyped each other every day. That's the only way they made it through."

During the three years he was at home, Denis spent time healing while the family raised money for his next round of surgeries.

Thompson said the reaction in Denis' hometown was mixed on his return after the surgery, "but her family has been very supportive."

"So that helps," she said.

Denis and his mother returned to Michigan in the fall of 2015 for a second round of procedures. His head was shaped better, but his midface was still smaller compared to his peers, Chaiyasate recalled. The family was only able to raise about half of what was needed for the second round of surgeries — \$41,000 — but Beaumont performed the procedure anyway.

In mid-November, Chaiyasate and his team focused on the middle of Denis' face in an effort to move it forward and make it more proportional to allow him to speak clearer and breathe better through his nose. He spent several weeks in the hospital again and was discharged Jan. 17. He then eagerly opened Christmas presents at the Rostanets' family home.

Fishman performed another procedure to further separate Denis' fingers this February and Chaiyasate removed his head frame. Denis and Elena will go home in a few months.

Rostanets and his family have been amazed at Denis' growth since he first came to the U.S.

"He can do everything," Rostanets said. "He hikes around, plays games on the computer, on the PlayStation, does puzzles. We were surprised when they came the second time. He does everything like our grandkids."

Olga Thompson said she's struck by the way Elena Chubanyuk has stayed by her son's side — even when she was told to give up on him. "Elena's case is such a unique one and she's such an outstanding mom and she's been working so hard," Thompson said. "Her husband works two jobs. She works. She has two other boys — one in college and other goes to emergency services school — but she said she won't give up on him."

While language has been a barrier in communication at times, Elena Chubanyuk said there's one thing she has no trouble expressing: Her heartfelt gratitude. "I am just thankful," Elena Chubanyuk said, watching Chaiyasate interact with Denis. "So thankful."

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FOIA: State officials sought to avoid disclosure of water crisis e-mails

FROM PAGE 1A

ject to Michigan's Freedom of Information Act, or FOIA.

Besides answers to some questions, a review of the e-mails also revealed a potentially troubling trend: Many of the e-mails display what appears to be an active effort by state employees to avoid disclosure of public records under FOIA.

"There's a culture in state government that's filtered down to employees that says,

"That's just FOIA; this is how you get around it," said Jane Briggs-Bunting, president of the Michigan Coalition for Open Government, which promotes government transparency year-round, but especially during Sunshine Week, which begins today.

The "not subject to FOIA" label was not unique to the Rosenthal e-mail.

Michigan's FOIA law includes an exemption for rec-

ords that are notes between and within government agencies that are advisory in nature, don't deal with purely factual matters, and are preliminary to an agency's final determination of a policy or action.

Many draft reports are withheld from disclosure based upon what is sometimes called the "preliminary and deliberative" exemption. But even when it meets the other criteria, the exemption is only supposed to be applied when the public interest in encouraging frank discussions among government officials clearly outweighs the public interest in disclosure.

The e-mails released related to the Flint crisis show that although in some cases a draft document was being discussed, some DEQ and Department of Health and Human Services employees appeared to include "preliminary and delib-

erative" and "not subject to FOIA" as standard subject headings on e-mails, regardless of the contents of the messages.

Also popular as a subject heading: "Attorney Client Privilege. Not subject to FOIA."

That was the heading former DEQ Director Dan Wyant used on Oct. 13 when he sent a Flint water plan "action update" by e-mail to six officials in the governor's office: Allison Scott, Dennis McClure, Jarrod Agen, Beth Emmitt Morgan Bedan and Sarah Dickinson.

Again, Michigan's FOIA law exempts from public disclosure records that are subject to attorney-client privilege. Problem is, neither Wyant nor any of the recipients is an attorney and — not surprisingly — the e-mail contained no legal advice.

Labeling an e-mail as "not

subject to FOIA" doesn't make it so, which is demonstrated by the fact dozens of Flint water e-mails that were marked up that way have seen the light of day.

But Briggs-Bunting and other advocates of open government said the e-mails are disappointing because of what they demonstrate about many state employees' attitudes about the public's right to access government records. Also, such labels may be enough to pause or satisfy a state FOIA coordinator who decides which e-mails will be released.

"They definitely learned the code words," said Melanie McElroy, executive director of Common Cause in Michigan. Exempt from FOIA in the governor's office, "this administration prefers to operate in secret, and that has unfortunately spread to other departments as well."

Snyder Chief of Staff Agen said the governor is examining possible changes to the execu-

tive office FOIA exemption.

More generally, "we want to clear up confusion over what does fall under FOIA and what doesn't," said Agen, who said he thinks some of the labeling may display a lack of understanding of how FOIA works.

The governor, Agen said, wants to improve transparency while also preserving the ability for officials to speak frankly when deliberating and formulating policy without having to fear whatever they say will be made public.

Michigan is one of only two states in which both the governor's office and the Legislature are exempt from FOIA.

The Flint crisis demonstrates one of the reasons that needs to change, McElroy said. "I really think that passing FOIA reforms that remove the executive exemption could help keep crises from happening in the future," she said.

Contact Paul Egan: 517-372-8660 or pegan@freepress.com. Follow him on Twitter @paulegan4.

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