October 25, 2013

Mr. Paul Joseph Harcz, Jr.

E-mail: joeharcz@comcast.net

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

Re: FOIA Response to Request for Information on Applicants and Interviewees for BADP Director Position

Dear Mr. Harcz, Jr.:

This email is in response to your October 20, 2013, email request for information, received by this office on October 21, 2013. Please be advised that the Bureau of Services for Blind Persons is processing this request under the state’s Freedom of Information Act (FOIA), MCL 15.231 *et seq*.

You have requested information as described in your email as (which is also below):

“…Regardless I am writing you today for a complete list of all applicants for that position (just their simple names), and the names of those interviewed for that Level 19 position.” Note: An additional email stating: “Another correction is the Essenberg actually was hired as a Level 17 employee to run BADP…”

In order to determine the extent of the research time, the size and number of records of nonexempt information within BSBP responsive to your request, a search must be undertaken. For this reason, it is necessary to extend the time for response, as permitted by Section 5(2)(d) of the FOIA, through November 8, 2013.

FOIA Response – P.J. Harcz, Jr.

October 25, 2013

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If it is determined that there is a cost involved in the processing of this request, you will be sent an email which will include an invoice outlining that cost (before or no later than November 8, 2013). This email may either request a deposit (if the cost is over $50.00) or request payment of the total cost if the amount is under $50.00.

Please note that nothing within the federal American with Disabilities Act (ADA ), Section 504 of the Rehabilitation Act of 1973 (RA), as amended, or the state’s FOIA (MCL 15.231 et seq.) requires a public body to process FOIA requests free of charge. Further, while the ADA and Section 504 of the RA may mandate that, upon request, material be produced in an accessible format without charge, neither the ADA or Section 504 of the RA preclude a public body from charging costs under the state’s FOIA. Thusly, please note that no labor fee charges have been, or will be, assessed to convert existing, nonexempt public records responsive to your requests into an accessible format to forward to you.

Sincerely,

Carla Miller Haynes, FOIA Coordinator

Bureau of Services for Blind Persons

Attachment: Email Request for Information

cc: Edward F. Rodgers II

Sue Luzenski

Mike Pemble

Katie Belknap

Rob Essenberg

Elsie Duell

From: joe harcz Comcast <joeharcz@comcast.net>

Sent: Thursday, October 24, 2013 1:58 PM

To: Rodgers, Edward (LARA)

Cc: Haynes, Carla (LARA); BSBPcommissioners; nfbmi-talk@nfbnet.org;

Elmer Cerano (E-mail); BRIAN SABOURIN; Christyne.Cavataio@ed.gov

Subject: minor corrections to request

October 24 2013 Minor Corrections

All,

After listening to the NFB MI convention I must correct the attached request for Ed Rodgers said not only once but twice that there were 200 applicants for "Essenberger" (BADP Director meant clearly to run the Tim Hortons franchise by the way) position. Moreover he said 57 were blind.

But, in listening to the recording of the last “commission” meeting he said there were 150 applicants for this job.

Another correction is the Essenberg actually was hired as a Level 17 employee to run BADP though he is paid $104,000 as if he was higher according to one of the very few records released to me by this scofflaw agency in a timely and accessible manner.

And if Mr. Rodgers does not like being called a "scofflaw" which I have copiously documented he is then I suggest he cease and desists from violating the following:

-Several Provisions of The Rehabilitation Act (including those in Title I and Title V)

-The Americans with Disabilities Act of 1990, Title II (several counts)

-The Michigan Open Meetings Act (several counts)

-The Michigan Freedom of Information Act (several counts)

-PA 260 and Promulgated Rules of the BEP Program (several counts)

-The Michigan Persons with Disabilities Civil Rights Act (several counts)

(Just the short list, again very documented).

Sincerely,

Paul Joseph Harcz, Jr.

Attached Original for Reference:

October 20 2013 to Rodgers on BADP Applicants

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

810-5160-5262

Joeharcz@comcast.net

To:

Edward Rodgers, Director

Bureau of Services to Blind Persons (BSBP

Dear Mr. Rodgers,

I was interested to hear several of your comments at the meeting of the national Federation of the Blind of MI yesterday. One was that approximately 100 people applied for the position of the Business Assistance Development Program Director. I also was stunned to hear you say that 57 of the applicants were blind people. And I was stunned to hear you say that there were ten or twelve people interviewed for this $104,000 position now headed by Mr. Robert “Essenberger”.

Regardless I am writing you today for a complete list of all applicants for that position (just their simple names), and the names of those interviewed for that Level 19 position. Not that I doubt what you say, but am pretty fastidious about these things from public employees.

As a blind person you know I cannot read print, so I simply request this simple list as an e-mail correspondence.

Frankly, you had some pretty good recall of the numbers and all that so you probably could write out this list in a matter of minutes off the top of your head.

You seemed to be very confident about your recollections of that issue and others.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: NFB MI

Cc: BSBP Commissioners

Cc: Mike Zimmer, LARA

Cc: RSA

Cc: several