November 13, 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 Expenses for Edward Rodgers II for Attendance at the NFB MI Convention

Dear Mr. Harcz, Jr.:

This email is in response to your October 23, 2013, email request for information, received by this office on October 24, 2013. Please be advised that the Bureau of Services for Blind Persons (BSBP) is processing this request under the state’s Freedom of Information Act (FOIA), MCL 15.231 *et seq*. An extension was taken to November 14, 2013.

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

“I am writing you today to send me the “group billing” for lodging and other expenses (including personnel) for your attendance at the recent NFB MI State convention.

I also wish to know who was the driver of the state car used for this important convention.”

Your request is partially granted and partially denied as to existing, nonexempt documents pertaining to your request.

As to the granted portion of your request, regarding information on “lodging and other expenses for attendance at the recent NFB MI State convention”,

FOIA Response – P.J. Harcz, Jr.

November 13, 2013

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we estimate that the time to process this request is 2 hours. Section 4(1) of the FOIA, MCL 15.234(1), provides that a public body may charge a fee for public record search, including the mailing costs, the cost of duplication or publication including labor, the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information.

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.

In order to complete the processing of your request, and based on the hourly wages and benefits of the lowest paid Department employee capable of performing the necessary tasks to process your request, we are requesting a payment of $62.12 in order to begin the processing of this request. An invoice is attached that outlines the costs.

Once payment is received, we will process your request. Once the process is complete, we may request payment for an additional amount if the actual cost of the request exceeds $62.12. Once we receive total payment, we will send the information either to you via email or to you in the U.S. Mail on a USB flash drive (depending on the amount of material responsive to your request).

As to the denied portion of your request, regarding information on “the driver of the state car used for this important convention”, to the best of my information, knowledge or belief, no such document exists that contains this information.

FOIA Response – P.J. Harcz, Jr.

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Under MCL 15.240 of the FOIA you may (1) submit a written appeal regarding the denial of any portion of your FOIA request to Mr. Steve Arwood, Director, Michigan Department of Licensing and Regulatory Affairs: Attention, Mike Zimmer, Chief Deputy Director, Ottawa Building, 4th Floor, P.O. Box 30004, Lansing, MI 48909. Your appeal notice must include the word “appeal” and state the reason(s) for reversal of the denial(s); or (2) you may seek judicial review in circuit court within 180 days of the Department’s final determination. If you prevail in such action, the court may award reasonable attorney fees, costs, and disbursements. If the court finds the Department’s actions to be arbitrary and capricious, the court, in addition to any actual or compensatory damages, shall award punitive damages in the amount of $500.00.

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

Elsie Duell

Rob Essenberg

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF SERVICES FOR BLIND PERSONS

FREEDOM OF INFORMATION ACT INVOICE

NAME AND ADDRESS OF REQUESTER:

Mr. Paul Joseph Harcz, Jr.

E-mail: joeharcz@comcast.net

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

REQUEST RECEIVED: October 24, 2013

TYPE OF REQUEST: Email

REQUEST PARTIALLY DENIED: Yes

EXEMPT INFORMATION WITHHELD/REDACTED: To be determined

EXTENDED RESPONSE NOTICE ISSUED: Yes to November 14, 2013

REQUESTED INFORMATION WILL BE: Emailed/Invoiced For Payment

ACCOUNT CODE: Index: 36200 PCA: 11343

DLARA CONTACT: Melvin Farmer, Central FOIA Coordinator

(517) 373-0194, Ottawa Building, 4th Floor, 611 W. Ottawa, Lansing, MI 48909

The FOIA provides that the department may charge a fee to comply with requests for public records. The processing fee is composed of hourly wages and benefit costs of the lowest paid employee(s) capable of processing the request; the duplication of records at assessed costs per page; mailing costs; and other related special costs. Prior to searching and copying requested records, the department may request full payment or 50% of the estimated costs exceeding $50.00 with the balance required before mailing the records. Assessed costs are related to your request for:

“I am writing you today to send me the “group billing” for lodging and other expenses (including personnel) for your attendance at the recent NFB MI State convention.

I also wish to know who was the driver of the state car used for this important convention.”

INVOICE CALCULATIONS

LABOR

 Locating and Duplicating Cost:

Number of Hours: 1.5 hrs. x Hourly Rate: $31.06 = Amount: $46.59

 Examining and Extracting Cost:

 Number of Hours: .5 hrs. x Hourly Rate: $31.06 = Amount: $15.53

TOTAL LABOR: $62.12

POSTAGE (estimate): To be determined based on the amount of information

DUPLICATING: Number of Pages (0) times Copying Rate of $0

OTHER (overtime, audio tapes, discs, photos, security, etc.): $0

SUBTOTAL: $62.12

Less waived indigency fee under FOIA Act MCL 15.234 Section 4(1)

INVOICE TOTAL: $62.12

DEPOSIT\* $0

TO BE PAID\*: $62.12

Make check or money order payable to: STATE OF MICHIGAN

Remit to: Department of Licensing and Regulatory Affairs

Office Services Mailroom

7150 Harris Drive, PO Box 30015

Lansing, MI 48909

RETURN ORIGINAL COPY OF THIS INVOICE WITH YOUR PAYMENT

\*Please note that if a deposit is requested, the indicated amount is an estimate of the cost of complying with your request. The actual cost may vary somewhat from this amount.

From: joe harcz Comcast [mailto:joeharcz@comcast.net]

Sent: Wednesday, October 23, 2013 10:49 AM

To: Rodgers, Edward (LARA)

Cc: nfbmi-talk@nfbnet.org

Subject: group billing request nfb mi convention

October 23 2013 to Rodgers Group Billing NFB MI Convention

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

joeharcz@comcast.net

810-516-5262

To: Edward Rodgers, Director BSBP

Dear Sir,

I am writing you today to send me the “group billing” for lodging and other expenses (including personnel) for your attendance at the recent NFB MI State convention.

I also wish to know who was the driver of the state car used for this important convention.

You may send this to me in accessible format which by now you are quite aware of.

Thank you, by the way for attending and for your responsive and enlighten comments to all.

Sincerely,

Paul Joseph Harcz, Jr.

-Ninety-nine Percent of lawyers give the other one percent a bad name…Steven Wright

Cc: NFB MI