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 Expenditures for the Anderson Building (formerly known as “The State Plate”

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 on this request to November 14, 2013, as permitted under Section 5(2)(d) of the FOIA.

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

“….I am wondering just how much in improvements, maintenance and other capital costs from BSBP accounts have been plowed in to this facility… The, second question is: When in the heck is this location going to be put on the bidline in accordence with PA 260 and promulgated rules?”

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 improvements, maintenance and other capital costs from BSBP which have

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been plowed in to this facility (Anderson Building), we estimate that the time to process this request is 3.5 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 deposit of $54.35 in order to begin the processing of this request. An invoice is attached that outlines the costs.

Once payment is received for the deposit, we will begin the processing of your request. Once the process is complete, we will request payment for the additional amount of the actual cost of the request. When we receive this 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 “when… is this location going to be put on the bidline in accordance with PA 260

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and promulgated rules?”, to the best of my knowledge, information or belief no such document exists that pertains to this information.

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

Constance Zanger

Rob Essenberg

James Hull

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 wondering just how much in improvements, maintenance and other capital costs from BSBP accounts have been plowed in to this facility… The, second question is: When in the heck is this location going to be put on the bidline in accordence with PA 260 and promulgated rules?”

INVOICE CALCULATIONS

LABOR

Locating and Duplicating Cost:

Number of Hours: 3 hrs. x Hourly Rate: $31.06 = Amount: $93.18

Examining and Extracting Cost:

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

TOTAL LABOR: $108.71

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: $108.71

DEPOSIT\* $53.35

TO BE PAID\*: $53.36

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 8:00 AM

To: Rodgers, Edward (LARA)

Cc: Zimmer, Mike (LARA); Christyne.Cavataio@ed.gov; BRIAN SABOURIN; Marlene Malloy; nfbmi-

talk@nfbnet.org

Subject: simple questions state plate?

October 23 2013 Questions About Anderson Building State Plate

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

joeharcz@comcast.net

810-516-5262

Re: Simple Questions?

To: Edward Rodgers, Director

Bureau of Services for Blind Persons

S. Michael Zimmer, Deputy Director LARA and BSBP DSA

(Via E-mail)

Dear Sirs,

I have two very simple questions concerning accountability of this agency and regarding the PA 260 mandated BEP facility in the Anderson Building known as “The State Plate”.

First, since this location was closed and not put on the “bid line” for operators in December of 2011 I am wondering just how much in improvements, maintenance and other capital costs from BSBP accounts have been plowed in to this facility which again hasn’t had a blind operator for now close to two years in it and hasn’t even served one cup of coffee? This should be easy enough for an agency to discern a dollar ammount as I’m assured by the agency that it has met the requirements in these regards relative to the Auditor General’s report of November 2012. All I wish for is a total expended here. You know it is less than you require of operators themselves and you, again shouldn’t have any trouble producing a figure here.

The, second question is: When in the heck is this location going to be put on the bidline in accordence with PA 260 and promulgated rules?

These are simple questions of public servants and stewards of copious federal and state funds who have promoted increased effecincies, better management, and more transparency than the prior regime, or at least state as much to the public. So I simply expect a straight forward and accessible, written answer.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: NFB MI

Cc: BSBP “Commissioners”

Cc: MCRC

Cc: CAP

Cc: RSA

Cc: several media and legislators