November 26, 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 Port Huron Vending Route and Additional Contracts

Dear Mr. Harcz, Jr.:

This email is in response to your November 19, 2013, email request for information, received by this office on November 20, 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*.

You have requested information that you describe as per your email which is attached.

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 December 10, 2013, for your request.

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 December 10, 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.

FOIA Response – P.J. Harcz, Jr.

November 26, 2013

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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

Constance Zanger

James Hull

Elsie Duell

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

**To:** [Rodgers, Edward (LARA)](mailto:rodgerse@michigan.gov)

**Cc:** [zimmerm@michigan.gov](mailto:zimmerm@michigan.gov) ; [Constance Zanger MCB BEP](mailto:zangerc@michigan.gov) ; [bsbpcommissioners@michigan.gov](mailto:bsbpcommissioners@michigan.gov) ; [nfbmi-talk@nfbnet.org](mailto:nfbmi-talk@nfbnet.org) ; [James Chaney EOC](mailto:resolutioncomm@sbcglobal.net)

**Sent:** Tuesday, November 19, 2013 8:16 AM

**Subject:** questions about port huron vending and more

Nov. 19 2013 Questions About Port Huron Vending Route

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI  48458

810-516-5262

[joeharcz@comcast.net](mailto:joeharcz@comcast.net)

To: Edward F. Rodgers II, Director

Bureau of Services for Blind Persons

(via e-mail)

Constance Zanger, BEP/BSBP

Dear Mr. Rodgers and Ms. Zanger,

I bring your attention today to the following segment of the  July 13 Commission for Blind Persons meeting transcript:

“  
Zanger: The Port Huron vnding route we also -- the

2        operator resigned on very short notice.    The facility was

3        terribly degraded.   It was very dirty, the equipment was in

4        disrepair, and there was no inventory.

5                        MR. RODGERS:   And as I recall, Constance, in

6        order to get somebody in Port Huron we had agreed to a limited

7        contract, correct?

8                        MS. ZANGER:   We did indeed.

9                        MR. RODGERS:   We had to negotiate a contract.

10        The Commission should be aware of that.    And we couldn't just

11        say to somebody, we want you to do this, but we're going to

12        do, you know, like a 30 day lease or a 10 day lease or we're

13        liable to yank you out as soon as we get somebody.     I mean no

14        business is going to want to go in there and help us out under

15        those kind of unreasonable terms.    So we did have to negotiate

16        a contract, and that contract is still running, Constance, is

17        that correct?

18                        MS. ZANGER:   That's correct.   And that entity

19        came into that facility, repaired all the machines, brought

20        them back into service, cleaned them, and stocked them at

21        their own expense.   There was no expense to the Bureau of

22        Services for Blind Persons for that.

“

Now, first of all I am writing to request the contract you reference above with this commercial entity which is not run by blind, or even disabled individuals. Of course, I’m requesting it in known accessible format as I am blind and can’t read it anymore than a blind Business Enterprise Operator can read a print document like this. But, I’m certain you sent this contract to the private concern in a format they could understand. Isn’t that correct?

In addition to my request for the contract I wish to know if this temporary operator has followed all of the BEP rules as are required. In that vein I wish to know the gross revenues, net, set aside and sales taxes paid by this entity since it took over this vending route. (I think the Michigan Auditor General and the Michigan Department of Treasury would be interested in that information as well.) Once I receive this information I would be happy to send it to them at no charge to the agency.

Finally I am requesting any contracts of this type with any blind temporary operator since October  1, 2012 to the present. I’m certain that you all treat blind temporary operators on equal terms as you do sighted temporary operators given the primary purpose of the BEP program.

Thank you as always for your prompt and full disclosure about these matters and your model transparency concerning how you “Shepard” public funds for the advancement of blind persons in Michigan.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: BSBP Commissioners

Cc: EOC

Cc: NFB MI

Cc: several