November 26, 2013

Mr. Paul Joseph Harcz, Jr.

E-mail: joeharcz@comcast.net

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

RE: Request for Information on “I Can Connect”

Dear Mr. Harcz, Jr.:

This email is in response to your October 25, 2013, email request for information, received by this office on October 28, 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 as described in your email as:

“Could you simply give me two aggregate numbers since you assumed the Director’s position of BSBP relative to the “I Can Connect” (Deaf-Blind program funded by the FCC?

The first very simple question is: how many (just a simple number please) Deaf-Blind clients have been served by BSBP through this program?

And two: Please give me an aggregate dollar amount of money expended for acquisition and training for these clients.”

Please be informed that the purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. It is not the purpose of the FOIA to permit persons to secure, from a public body,

Letter – P.J. Harcz, Jr.

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answers to questions that incidentally may be reduced to a writing as that term is defined under section 2(h) of the FOIA. If a person submits a

request for information in the form of a question, and the public body possesses records containing the information, the public body is obligated to provide the records even though the records were not specifically described in the request.

So, pursuant to MCL 15.234, Section 4(3) and MCL 15.235, Section 5(2)(c) of the state’s FOIA, your request is partially granted and partially denied as to existing, nonexempt public records within LARA responsive to your requests/questions.

Regarding the granted portions of your requests, MCL 15.234, Section 4(3) of the FOIA, provides that a public body may charge certain processing costs related to complying with FOIA requests, including labor for public record searches; records examination, review, the deletion and separation of any exempt from nonexempt material; any duplication or publication; and any mailing costs. The labor costs are based on the hourly wages, including benefits, of the lowest paid LARA employee(s) capable of performing tasks necessary to comply with a FOIA request. To process these particular requests, the lowest paid capable employee(s) must be drawn away from their respective duties and assignments for an estimated minimum of 7 hours at an estimated cost of $257.36. Due to the aforementioned reasons and published policies and procedures, LARA has determined that failure to charge a fee, in this particular instance, will result in unreasonably high costs to LARA.

Please note that nothing within the federal American with Disabilities Act

(ADA), Section 504 of the federal 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, certain FOIA requested material be produced in an accessible format without charge,

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neither statute/regulation preclude a public body from charging certain

other processing costs under the state’s FOIA. Therefore, 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 provide to you.

The estimated cost calculations regarding these particular requests are:

--Searching for and duplication of records

 General Office Asst. 5 @31.37/hr. (including benefits) X 7 hrs. =$219.59

--Examining and separating exempt information

 Secretary 7 @ 37.77/hr. (including benefits) X 1 hrs= $37.77

-Other – to be determined depending on the amount of information

Total estimated processing cost = $257.36

To begin the processing of your request, LARA requires a deposit of 50% of the estimated costs which is $128.68. Please see attached invoice for further information regarding this.

Upon receipt of the deposit of $128.68, as instructed, LARA/BSBP will notify you of any balance due LARA/BSBP, or owed to you before any responsive records are forwarded/transmitted. If no balance is owed, LARA/BSBP will complete the processing of your FOIA request; inform you of any claimed exemptions and/or disclosure denials; and inform you of your statutory remedial rights.

Sincerely,

Carla Miller Haynes, FOIA Coordinator

Bureau of Services for Blind Persons

cc: Edward F. Rodgers II, Sue Luzenski

Mike Pemble, Katie Belknap

Leamon Jones, Cindy Caldwell

 Elsie Duell

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 25, 2013

TYPE OF REQUEST: Email

REQUEST PARTIALLY DENIED: To be determined

EXEMPT INFORMATION WITHHELD/REDACTED: To be determined

EXTENDED RESPONSE NOTICE ISSUED: No

REQUESTED INFORMATION WILL BE: Emailed/Invoiced For Payment

ACCOUNT CODE: Index: 36200 PCA: 11343

LARA 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:

““Could you simply give me two aggregate numbers since you assumed the Director’s position of BSBP relative to the “I Can Connect” (Deaf-Blind program funded by the FCC?

The first very simple question is: how many (just a simple number please) Deaf-Blind clients have been served by BSBP through this program?

And two: Please give me an aggregate dollar amount of money expended for acquisition and training for these clients.”

INVOICE CALCULATIONS

LABOR

--Searching for and duplication of records

 General Office Asst. 5 @31.37/hr. (including benefits) X 7 hrs. =$219.59

--Examining and separating exempt information

 Secretary 7 @ 37.77/hr. (including benefits) X 1 hrs. = $37.77

TOTAL LABOR: $257.36

POSTAGE (estimate): $

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

OTHER (overtime, audio tapes, discs, photos, security, etc.): $0 (to be determined based on the amount of information)

SUBTOTAL: $257.36

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

INVOICE TOTAL: $257.36

DEPOSIT\* $128.68

BALANCE TO BE PAID\*: $128.68

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: Tuesday, November 26, 2013 10:43 AM

To: Rodgers, Edward (LARA)

Cc: nfbmi-talk@nfbnet.org; BSBPcommissioners

Subject: Fw: simple questions more on can connect

Still no response Mr. Rodgers....

----- Original Message -----

From: joe harcz Comcast

To: Rodgers, Edward (LARA)

Cc: nfbmi-talk@nfbnet.org ; bsbpcommissioners@michigan.gov ; Elmer Cerano MPAS ; BRIAN SABOURIN

Sent: Monday, November 18, 2013 9:08 AM

Subject: Fw: simple questions more on can connect

Never responded to request for basic information...

----- Original Message -----

From: joe harcz Comcast

To: Rodgers, Edward (LARA)

Cc: nfbmi-talk@nfbnet.org ; bsbpcommissioners@michigan.gov

Sent: Friday, October 25, 2013 4:35 PM

Subject: simple questions more on can connect

October 25 2013 to Rodgers More Simple Questions

Paul Joseph Harcz, Jr.

Joeharcz@comcast.net

Edward Rodgers, BSBP Director

(Via e-mail)

Dear Mr. Rodgers,

Could you simply answer a few basic questions here without making it a silly FOIA request or other obfuscations?

Could you simply give me two aggregate numbers since you assumed the Director’s position of BSBP relative to the “I Can Connect” (Deaf-Blind program funded by the FCC?

The first very simple question is: how many (just a simple number please) Deaf-Blind clients have been served by BSBP through this program?

And two: Please give me an aggregate dollar amount of money expended for acquisition and training for these clients.

Please don’t give me a stall or dodge and please don’t give me something off the top of your head.

But, please, please, pretty please simply answer these simple questions.

I really wish to know.

Sincerely,

Paul Joseph Harcz, Jr.