November 27, 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 BEP Capitol Location (Gross Revenue, Setaside Fees, State Sales Tax Paid

Dear Mr. Harcz, Jr.:

This email is in response to your November 14, 2013, email request for information, received by this office on November 15, 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 follows:

“How much gross revenue has this “Capitol” site generated since June? How much in set asides have been paid in to the program? And how much in state sales tax has been paid to the Michigan Department of Treasury?

On the latter point it would be quite ironic if in deed this federally funded program, based right in our Capitol which passed PA 260 to begin with, by the way, didn’t pay its state sales taxes.

Oh and again the question of just how much in federal/state dollars have been expended in capital improvements by the agency was a simple one that should be able to be readily generated by System Seven, in accordance with the Michigan Auditor General’s report, has been turned in to another abuse of the Michigan FOIA by your office.”

FOIA Response – P.J. Harcz, Jr.

November 27, 2013

Page 2 of 2

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, 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, the public body is not required to answer that question.

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 portion of your request concerning the gross revenue, set aside fees and the state sales tax, 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 5 hours at an estimated cost of $163.25. 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.

Regarding the denied portion of your requests concerning the amount expended in capital improvements for this facility, this is a duplicate request. On November 7, 2013, you were sent an email granting certain

information pertaining to this request and were invoiced for the processing cost. To date, we have not received the requested deposit.

FOIA Response – P.J. Harcz

November 27, 2013

Page 3 of 3

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

Constance Zanger

James Hull

 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:

“How much gross revenue has this “Capitol” site generated since June? How much in set asides have been paid in to the program? And how much in state sales tax has been paid to the Michigan Department of Treasury?

On the latter point it would be quite ironic if in deed this federally funded program, based right in our Capitol which passed PA 260 to begin with, by the way, didn’t pay its state sales taxes.

Oh and again the question of just how much in federal/state dollars have been expended in capital improvements by the agency was a simple one that should be able to be readily generated by System Seven, in accordance with the Michigan Auditor General’s report, has been turned in to another abuse of the Michigan FOIA by your office.”

INVOICE CALCULATIONS

LABOR

--Searching for and duplication of records

 General Office Asst. 5 @31.37/hr. (including benefits) X 4 hrs. =$125.48

--Examining and separating exempt information

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

TOTAL LABOR: $163.25

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: $163.25

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

INVOICE TOTAL: $163.25

DEPOSIT\* $81.62

BALANCE TO BE PAID\*: $81.63

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

**To:** Rodgers, Edward (LARA)

**Cc:** zimmerm@michigan.gov ; Steve Arwood LARA Dep ; nfbmi-talk@nfbnet.org ; bsbpcommissioners@michigan.gov ; Christyne.Cavataio@ed.gov ; James Chaney EOC

**Sent:** Thursday, November 14, 2013 7:53 AM

**Subject:** simple questions about capitol bep

November 14 2013 Revenues Set Asides and Sales Tax inquiry

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

810-516-5262

joeharcz@comcast.net

Edward Rodgers II, Director

Bureau of Services for Blind Persons (BSBP)

(via e-mail)

Dear Mr. Rrodgers,

I am writing you today to ask a few simple questions about the business enterprise location in the Michigan State Capitol.

Since the BSBP stripped the blind license operator of that location in roughly May of this year it has continued to operate first under the aegis of a sighted civil servant, namely Promotional agent Josh Hoskins and sighted student assistants during the summer. Then it continued to operate again with basically the agency (BSBP) running this mandated facility to the present.

My questions are simple here. They are:

How much gross revenue has this “Capitol” site generated since June? How much in set asides have been paid in to the program? And how much in state sales tax has been paid to the Michigan Department of Treasury?

On the latter point it would be quite ironic if in deed this federally funded program, based right in our Capitol which passed PA 260 to begin with, by the way, didn’t pay its state sales taxes.

Oh and again the question of just how much in federal/state dollars have been expended in capital improvements by the agency was a simple one that should be able to be readily generated by System Seven, in accordance with the Michigan Auditor General’s report, has been turned in to another abuse of the Michigan FOIA by your office.

Can’t you answer simple questions about dollars and cents in a simple and straight forward, common sense manner?

Sir, again, this information does not belong to you. It belongs to the citizens of the State of Michigan.

You also know how to send it to this advocate who is blind too.

Warmly,

Paul Joseph Harcz, Jr.

Cc: several legislators

Cc: several media

Cc: NFB MI

Cc: Commission for Blind Persons

Cc: Auditor General, State of Michigan

Cc: RSA

Cc: Zimmer, Arwood LARA DSA

Cc: EOC