December 10, 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 Other 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*. An extension was taken on this request to December 10, 2013, as permitted under Section 5(2)(d) of the FOIA.

You have requested information as described in your email which is included below.

Your request is granted as to existing, nonexempt documents pertaining to your request. We estimate that the time to process this request is 6 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

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December 10, 2013

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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 FOIA

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 $96.40 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 notify you of any additional payment due (if any) for the actual cost of the request. When we receive this payment, we will send the information either to you via email or in the U.S. Mail on a USB flash drive (depending on the amount of material responsive to your request).

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

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: November 20, 2013

TYPE OF REQUEST: Email

REQUEST PARTIALLY DENIED: No

EXEMPT INFORMATION WITHHELD/REDACTED: To be determined

EXTENDED RESPONSE NOTICE ISSUED: Yes to December 10, 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:

“See email included below”

INVOICE CALCULATIONS

LABOR

Locating and Duplicating Cost:

Number of Hours: 5 hrs. x Hourly Rate: $31.06 = Amount: $155.30

Examining and Extracting Cost:

Number of Hours: 1 hrs. x Hourly Rate: $37.50 = Amount: $37.50

TOTAL LABOR: $

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: $192.80

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

INVOICE TOTAL: $192.80

DEPOSIT\* $96.40

TO BE PAID\*: $96.40

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 10:41 AM

To: nfbmi-talk@nfbnet.org

Cc: Rodgers, Edward (LARA); BSBPcommissioners

Subject: Fw: questions about port huron vending and more

Still no response Mr. Rodgers

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

From: joe harcz Comcast

To: Rodgers, Edward (LARA)

Cc: zimmerm@michigan.gov ; Constance Zanger MCB BEP ; bsbpcommissioners@michigan.gov ;

nfbmi-talk@nfbnet.org ; James Chaney EOC

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

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