January 9, 2014

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 Attorney General Fees

Dear Mr. Harcz, Jr.:

This email is in response to your December 13, 2013, email request for information, received by this office on December 14, 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 January 9, 2014, as permitted under Section 5(2)(d) of the FOIA.

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

“8140 ATTORNEY GENERAL FEES $184,086.59 - Anyway can you break out the line item above and for what these expenditures went to?”

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

FOIA Response – P.J. Harcz, Jr.

January 9, 2014

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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 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: Invoice & Email Request for Information

cc: Edward F. Rodgers II

Sue Luzenski

 Mike Pemble

Katie Belknap

 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: December 14, 2013

TYPE OF REQUEST: Email

REQUEST PARTIALLY DENIED: No

EXEMPT INFORMATION WITHHELD/REDACTED: To be determined

EXTENDED RESPONSE NOTICE ISSUED: Yes to January 9, 2014

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:

“8140 ATTORNEY GENERAL FEES $184,086.59 - Anyway can you break out the line item above and for what these expenditures went to?”

INVOICE CALCULATIONS

LABOR

 Locating and Duplicating Cost:

Number of Hours: 4 hrs. x Hourly Rate: $31.06 = Amount: $124.24

 Examining and Extracting Cost:

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

TOTAL LABOR: $161.74

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: $161.74

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

INVOICE TOTAL: $161.74

DEPOSIT\* $80.87

TO BE PAID\*: $80.87

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:** Friday, December 13, 2013 12:13 AM
**To:** Rodgers, Edward (LARA)
**Cc:** Zimmer, Mike (LARA); Mike Pemble BSBP Dep. Dir.; Ellis, Sharon (DTMB); nfbmi-talk@nfbnet.org; commissioner-hudson@outlook.com; Joe Sibley MCBVI Pres.; Marianne Dunn; BSBPcommissioners; Elmer Cerano MPAS; Christyne.Cavataio@ed.gov; Sally Conway USDOJ; OCR Cleveland Office; valarie Barnum Yarger MISILC; BRIAN SABOURIN; MARK CODY; Laura Hall; Scott Heinzman ADAPT; Leigh Campbell-Earl; Norm DeLisle
**Subject:** open question due process ag bsbp

December 13 2013 Attorney General QuesstionsPaul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

Joeharcz@comcast.net

To: (Mich) Bureau of Services for Blind Persons

Edward Rodgers II BSBP Director

Michael Pemble BSBP Deputy Director

And others BSBP

All via conventional e-mail

Dear All,

I am amused by the following item from the BSBP expense report which by the by you and your flunkies in state government, including the so-called FOIA officials of LARA,  alternately in the public record wished to make me pay for and/or said didn’t exist with ersatz and illegal and other abuses of the Michigan Freedom of Information Act let alone the discriminatory abuses of the Americans with Disabilities Act of 1990 and let alone the rights under Section 504 of the very Rehabilitation Act that funds your entity in the first place:

“8140 ATTORNEY GENERAL FEES $184,086.59

“

Now this expenditure seems really high to me and I would like it broken down. Now did some of these fees for example relate to the AG’s offices denials of substantial due process rights for BEP operators in the MAHS or other dispute resolution process? Or did some of them go to ways for circumventing the ADA and Section 504 in the abuse of the FOIA process? Or did some of this funding simply act as a transfer to the A.G.’s office or what for its role in rewriting rules long established for the Business Enterprise Program?

Or are these extradinary fees used to insulate the BSBP at taxpayer’s expense its known liabilities for past actions?

Regardless, I am not a lawyer unlike you Mr. Rodgers and I don’t have state sponsored law clerks like you do at my behests, though I wonder what   on earth a Director of an agency for the blind would need or even want a law clerk is beyond me as you are not acting as a law firm or lawyer are you in this capacity?

Anyway I’m sort of wondering out loud here and bare with me ok, but it kind of looks like you are using funds meant for the rehabilitation of the blind of Michigan to fund the Michigan Attorney General’s Office to actually circumvent that directed mission and goal. Please correct me if you will if this assertion is inaccurate or wrong.

Oh yes by the way I got this data and line item from a non-disabled, and sighted State Representative in fully accessible format and for free in the interest of transparency and yet again in demonstrable fashion you and others in LARA have illegally and capriciously and in discriminatory fashion have either told me this information didn’t exist in the first place or that I had to pay a very large fee for it even though it didn’t exist.

Hmm…Sounds discriminatory and obstructionists and in violation of several laws to me. But what the heck I’m only an average blind guy and not a superb liar  (lawyer) like yourself and those above you right?

Anyway can you break out the line item above and for what these expenditures went to?

Say you know as a sort of humorous aside I love the law and silly me thinks this state and our Democratic-Republic is based upon a simple principle that the rule of law should be above the rule of men. And, silly me I think that blind folks including little old me and indeed all others with disabilities should have equal protection and due process under law. And, silly me I think that people engaging the rehabilitation system in Michigan with disabilities should have total access to it and that, indeed access alone is a civil right.

Well silly me I want some answers to this one silly question which citizens pay for sirs.

Of course by now I request all responses to this inquiry be made in accessible format without any surcharge including the one you build in to ersatz FOIA responses be made by simple e-mail as plain text enclosures as an accommodation to my blindness.

I’d thank you in advance for a prompt and compliant response to this request but given a pattern and practice of malicious, intentinal and documented violations of my civil rights in the past it is bloodywell hard to do so.

Sincerely,

Paul Joseph Harcz, Jr.

P.S. Sorry for misspellings and that sort of thing but I’m having difficulties with my computer and assistive technology and unlike self-annointed and priveledged public servants like you I don’t have secretaries, federally funded law clerks, or all of the rescources of the state of Michigan to do these humble things. It’s kind of an undue hardship upon my humble person to even have to request this sort of stuff from your highness.

Cc: SC, DOJ

Cc: MPAS

Cc: Commission for Blind Persons

Cc: NFB MI

Cc: RSA

Cc: MCRS

Cc: CAP

Cc: Sharon Ellis MI ADA Coordinator

Cc: several