February 21, 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 BSBP Commission Transcripts/Minutes, Agendas, & Other Records sent to the Commission and the Consumer Satisfaction Survey

Dear Mr. Harcz, Jr.:

This email is in response to your February 13, 2014, email request for information, received by this office on February 14, 2014. 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 which is included below.

In regards to your request for:

1. BSBP Commission for Blind Persons Transcripts/Minutes, Agendas and Other Information Sent: You previously requested the transcripts/minutes on August 9, 2013, and on October 21, 2013, and of which you received a response to each on August 29, 2013, and November 13, 2013, respectively, granting the information and requesting payment for these records. We have not received your payment to date.

Please note that all of the meeting transcripts/minutes and agendas are

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posted on our website at [www.michigan.gov/bsbp](http://www.michigan.gov/bsbp). To access the agendas, choose Commission for Blind Persons, then under Meeting Agendas, choose 2014 Agendas. To access the transcripts/minutes, using the same website, choose Commission for Blind Persons, Transcripts, 2013 Transcripts, then by meeting date. As of this writing, all approved transcripts/minutes are available on this website.

2. Documents, Reports, etc. sent to the BSBP Commission for Blind Persons: I have attached to this response, two reports presented at the February 7, 2014, meeting. As to other documents per your request which you describe as “each and every scrap of paper sent to the commissioners and all information sent to BSBP Commissioners” a search must be undertaken. For this reason, it is necessary to extend the time for this part of your response, as permitted by Section 5(2)(d) of the FOIA, through March 7, 2014.

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 March 7, 2014). 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.

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.

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3. BSBP Consumer Satisfaction Survey – This survey is not completed and your request is denied based on the FOIA MCL 15.243, Exemptions from disclosure, Section 13(1)(m) which states: “A public body may exempt from disclosure as a public record under this act any of the following: Communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and preliminary to final agency determination of policy or action.” We believe that releasing this information prior to the completion of the survey will discourage open and frank communication of the parties involved.

Under the provisions of MCL 15.240, Section 10(1) of the state’s FOIA, you may (1) submit a written appeal regarding the disclosure denial of any portion of your FOIA request to Steve Arwood, Director, Michigan Department of Licensing and Regulatory Affairs, Attention: Michael Zimmer, Chief Deputy Director, P.O. Box 30004, Lansing, MI 48909. Your appeal must include the word “appeal” and identify the reason(s) for reversal of any disclosure denials; or (2) you may file an action in an appropriate court within 180 days after this notice. If you prevail in court action, the court may award you reasonable attorney fees, costs, and disbursements. If the court finds the Department’s actions to be arbitrary and capricious, the court shall award you, in addition to any actual or compensatory damages, punitive damages in the amount of $500.00.”

Sincerely,

Carla Miller Haynes, FOIA Coordinator

Bureau of Services for Blind Persons

Attachment: Email Request for Information, Attachment to Email – 2 Reports

cc: Edward F. Rodgers II, Sue Luzenski

 Mike Pemble, Katie Belknap

Leamon Jones, Diamalyn Gaston

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

Sent: Thursday, February 13, 2014 7:27 AM

To: Rodgers, Edward (LARA)

Cc: Luzenski, Sue (LARA); Mike Pemble BSBP Dep. Dir.; Zimmer, Mike (LARA); Elmer Cerano MPAS;

BRIAN SABOURIN; MARK CODY; Marlene Malloy MCRS Dir.; BSBPcommissioners; Sally Conway USDOJ

Subject: reiterated requests ada/504 compliance and complaint!

February 13 2014 More Requests for Access Info

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris, MI 48458

810-516-5262

joeharcz@comcast.net

Re: Continued ADA, 504 Violations and Discrimination

CENTRAL ADMINISTRATIVE OFFICE

Bureau of Services for Blind Persons

201 N. Washington, 2nd Floor

P.O. Box 30652

Lansing, MI 48909

Phone (voice): (517) 373-2062

Fax: (517) 335-5140

TTY (517) 373-4025

Toll-Free Numbers:

1-800-292-4200 (voice, answered in Lansing)

1-800-323-2535 (voice, answered in Escanaba)

TTY 888-864-1212

(Request via e-mail)

Edward Rodgers, II Director

Mike Pemble, Deputy Director

Sue Luzenski, Admin. Ass.

All,

I am writing you today to re-iterate requests for public information in accessible format related to the activities of the BSBP, in accordance with my known civil rights under the Americans with Disabilities Act of 1990, Title II, relevant sections of the Rehabilitation Act of 1973 (which creates and funds BSBP, by the way), and the Michigan Persons with Disabilities Civil Rights Act.

I’ve repeatedly requested timely delivery in accessible format, and in deed affirmative action (re: Tyler v. Manhattan) , in delivering information related to public meetings of the BSBP “Commission”. That includes all minutes/transcripts, agendas, and each and every scrap of paper sent to the commissioners for these are public records, readily available in accessible format, and yet I’ve not even received the past three meeting minutes eeven after numerous requests. Moreover no agenda of the last meeting was sent to anyone and it wasn’t even posted to BSBP’s web site. Now, you Mr. Rodgers and others have been informed in writing, with regulatory citations and case law relative to your requirements to make all meetings of BSBP accessible, including information therein, without surcharge or delay. Yet, you haven’t even responded to several requests for information which is a violation of my civil rights. And since you have been informed copiously of these requirements you act deliberately in suborning my civil rights as a State actor and thus violate knowingly 42USC1983.

Now, sir I repeat my request for all information sent to the BSBP Commissioners immediately including aforementioned minutes, but also including any reports, etc.

I am making these requests of course as a blind citizen. You may send these requested documents as either plain text attachments or enclosures to my e-mail address listed above.

Failure to respond and to remit again displays malicious, knowing and intentional violations of known civil rights and is actionable under the ADA, 504 and 1983.

Access to information related to BSBP is a fundamental civil right, indeed access for all people with disabilities to all VR programs is a civil right. These rights were established under Section 504 of the Rehabilitation Act more than forty years ago. They were again reestablished under Title II of the ADA now almost 24 years ago. I think this is enough time for your agency to come in to compliance. I will no longer wait however for my civil rights.

By the way I’m still awaiting the accessable copy of the consumer satisfaction survey that Mr. Pemble outright lied about during the December 2013 MCRS meeting. I’ve requested that as you know and still have not received it.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: Mich. Protection and Advocacy Svs.

Cc: BSBP Commissioners

Cc: RSA

Cc: U.S. Dept. of Justice, Disabilities Rights Section

Cc: MM, MCRS

Cc: BS, MCRS, CAP

Cc: M. Zimmer, DSA/LARA