March 7, 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 BSBP Commission Information

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*. of which on February 21, 2014, an extension was taken to March 10, 2014, on the portion of your request for information regarding the BSBP Commission/Advisory Board.

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

In my previous response to you on February 21, 2014, I indicated that the available BSBP Commission for Blind Persons Transcripts/Minutes and Agendas are available on our website at [www.michigan.gov](http://www.michigan.gov). As of this writing, all approved transcripts/minutes and agendas are available on this website. Also, 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. Do you still wish to request this information as a FOIA request?

FOIA Response – P.J. Harcz, Jr.

March 7, 2014

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In regards to your request for “each and every scrap of paper sent to the commissioners”, an extension was taken and your request is partially granted and partially denied. In my February 21, 2014, response, you received two reports presented at the BSBP Commission/Advisory Meeting of February 7, 2014, for no charge. The actual cost of producing these reports was $7.84 ($31.37- the hourly wage plus fringe benefits of the Department’s lowest paid employee capable of processing this request times ¼ of an hour = $7.84). As this amount is below the Department threshold of $25.00 for charging costs involved in complying with a FOIA request, this fee was waived.

Your request for any other information that you described as “each and every scrap of paper sent to the commissioners”, is denied under the FOIA MCL 15.233, Section 3(1) as it is not described sufficiently enough to enable us to identify the requested material.

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 FOIA

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

cc: Edward F. Rodgers II, Sue Luzenski, Mike Pemble, Katie Belknap

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