April 14, 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 L. Wilson & L. Elster, Affirmative Action Plan and RSA Reports

Dear Mr. Harcz, Jr.:

This email is in response to your March 25, 2014, email request for information, received by this office on March 26, 2014, of which an extension was taken to April 11, 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 also is included below.

“Regardless I’m requesting the federal funds expended for the hiring of Ms. Lindsay Wilson and Ms. Lauren Elster you have expended for their jobs sir and just what V.R. tasks they do on behalf of V.R. of the blind in Michigan.

Moreover, I am requesting your (BSBps/LARAs) affirmative action plan under Section 503 as required by the above referenced, legal and regulatory requirements.

Also, I am requesting in accessible format and also to be posted forthwith to the BSBP web site all financial and other reports that are required to be sent to RSA. That includes in part all RSA 15 reports, all RSA (CSR 911) reports, and all reports relative to the implementation of the State Plan including all standards and indicators.”

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In regards to your request for information regarding Ms. Lindsay Wilson and Ms. Lauren Elster, your request is partially granted and partially denied. As to the granted portion, the job specifications and pay range for the State of Michigan Student Assistant classification is available online at [www.michigan.gov/mdcs](http://www.michigan.gov/mdcs), then Job Specifications/Pay, Student Assistant. I have also attached a copy of the LARA General Policy, Student Assistant Program. In regards to the denied portion of your request, under the FOIA, MCL 15.233, Section 3(5), does not require a public body to create a new record. To the best of my knowledge, information or belief, we do not have documents in our possession responsive to your request.

In regards to your request for information regarding “your (BSBps/LARAs) affirmative action plan under Section 503 as required by the above referenced, legal and regulatory requirements”, your request is granted as to documents pertaining to this request. I have attached the LARA General Policy, Equal Employment Opportunity.

In regards to your request for “all financial and other reports that are required to be sent to RSA. That includes in part all RSA 15 reports, all RSA (CSR 911) reports, and all reports relative to the implementation of the State Plan including all standards and indicators”, these reports are available on the web at [www.rsa.ed.gov/](http://www.rsa.ed.gov/), then select Michigan, then Reports and More RSA Programs (note that depending on which fiscal year you are searching for, the report may be either under Michigan Licensing and Regulatory Affairs (MLRA) or Michigan Commission for the Blind).

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

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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: Tuesday, March 25, 2014 12:28 PM

To: Rodgers, Edward (LARA)

Cc: Elmer Cerano MPAS; MARK MCWILLIAMS MPAS; Christyne.Cavataio@ed.gov

Subject: Fw: section 503 and more

I've not recieved even a response to this request for information let alone the information which is a violation of the ADA and Section 504 of theRehabilitation Act in and of itself.

Sincerely,

Paul Joseph Harcz, Jr.

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

From: joe harcz Comcast

To: Ed Rodgers BSBP Dir.

Cc: nfbmi-talk@nfbnet.org ; Zimmer, Mike (LARA) ; Steve Arwood LARA Dep ;

Christyne.Cavataio@ed.gov ; Marlene Malloy MCRS Dir. ; valarie Barnum Yarger MISILC ; BRIAN SABOURIN ; Elmer Cerano MPAS ; MARK CODY ; MARK MCWILLIAMS MPAS ; Sally Conway USDOJ

Sent: Tuesday, March 11, 2014 2:44 PM

Subject: section 503 and more

March 11 2014 to Rodgers vis a vis Section 503 and More

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

joeharcz@comcast.net

810-516-5262

To:

Edward Rodgers,. LARA, Bureau of Services to Blind Persons (BSBP)

Via e-mail….

Sir,

Let me point your attention to the following requirement for affirmative action in the hiring of people with disabilities under Section 503 of the Rehabilitation Act of 1973 as amended:

“From Title I (VR) regulations....

individuals with disabilities.

The State plan must assure that the State agency takes affirmative

action to employ and advance in employment qualified individuals with

disabilities covered under and on the same terms and conditions as

stated in section 503 of the Act.

(Authority: Section 101(a)(6)(B) of the Act; 29 U.S.C. 721(a)(6)(B))

“

Let me also note for the record that you and BSBP have not followed this in the hiring, of people who are blind or otherwise disabled in its own practices sir. To wit: you and your minions in LARA have hired dozens upon dozens of “student assistants” and others since you took over BSBP and not one. I repeat not one is a person with significant disabilities let alone others hired for various projects that are not V.R. related like those non-disabled, non-blind law clerks you’ve hired with federal V.R. funds to do Lord knows what?

Regardless I’m requesting the federal funds expended for the hiring of Ms. Lindsay Wilson and Ms. Lauren Elster you have expended for their jobs sir and just what V.R. tasks they do on behalf of V.R. of the blind in Michigan.

Moreover, I am requesting your (BSBps/LARAs) affirmative action plan under Section 503 as required by the above referenced, legal and regulatory requirements.

In short you sir are running a V.R. entity to employ the blind and you must have under Federal law (again citation above) the affirmative action requirements for doing so within your own entity.

Furthermore I’m requesting this information in accessible format pursuant to obligations under Section 504, the ADA and other federal civil rights laws in my most accessible format and without surcharge, and without you continually abusing state law (FOIA) to exact a surcharge or illegally and in demonstrable discriminatory fashion otherwise, obfuscate obligations under the ruse of the FOIA. Sir, these documents and information requested are already required to be made public, for free and in accessible format to me and thee and the proverbial man behind the tree. I simply again request that all requested information is posted to LARA’s/BSBP’s web site and sent to me as either plain text/and/or Word attachments to my e-mail adress as you know…Or better all of the above….

These are clearly federalism issues. But state laws or their abuse never trump federal law and most especially in federally funded programs for people with disabilities which wouldn’t exist without the laws or the funding to begin with.

You and the legal obfuscators and abusers within this state can obfuscate and in Orwellian fashion abuse all you wish. But if you don’t remit accessible documents related to these activities there will be a legal reckoning.

Better to remit them now than to face Section 1983 actions including those against you personally for your documented civil rights abuses with knoledge and forethought don’t you think?

Also, I am requesting in accessable format and also to be posted forthwith to the BSBP web site all financial and other reports that are required to be sent to RSA. That includes in part all RSA 15 reports, all RSA (CSR 911) reports, and all reports relative to the implementation of the State Plan including all standards and indicators.

Do it sir. Now, if not yesterday.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: RSA

Cc: MCRS

Cc: NFB MI

Cc: several media

Cc: State Rep. Pam Faris

Cc: DSA J. Michael Zimmer, Steve Arwood

Cc: Sharon Ellis, State of Michigan ADA Compliance Officer?