June 19, 2014

Mr. Paul Joseph Harcz, Jr.

E-mail: joeharcz@comcast.net

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

Re: FOIA Response to Two Requests for Information on RSA 15 Report

Dear Mr. Harcz, Jr.:

This email is in response to your June 9 & 18, 2014, email requests for information, received by this office on June 10 & 19, 2014, respectively. Please be advised that the Bureau of Services for Blind Persons (BSBP) is processing these requests under the state’s Freedom of Information Act (FOIA), MCL 15.231 *et seq*.

You have requested information as described in your emails (which are also below) as:

“All employees must be documented in the RSA 15. So I'm again requesting those required federal reporting documents and they had better be accurate or then BSBP would be guilty of making false statements and indeed false claimes to an agency of the United States government which does create and fund BSBP to begin with.” And “On several occasions I have requested in writing and verbally all RSA 15 reports conducted by BSBP since its creation (October 1, 2012). Several others including operators have requested similar data and required reports.”

First, in regards to your statement: “All employees must be documented in the RSA 15. So I'm again requesting those required federal reporting documents and they had better be accurate or then BSBP would be guilty of making false statements and indeed false claimes to an agency of the

FOIA Response – P.J. Harcz, Jr.

June 19, 2014

Page 2 of 2

United States government which does create and fund BSBP to begin with”, your request is denied. To the best of my knowledge, information or belief, no documentation exists pertinent to your request. Operators in the Business Enterprise Program (BEP) are not required to provide specific employee information. The Rehabilitation Services Administration (RSA) does not require this information.

Second, in regards to your request regarding a copy of the RSA 15 Report, your request is granted as to existing, nonexempt information responsive to your request. This report is available on-line at <https://rsa.ed.gov/view.cfm?rsaform=RSA-15&state=Michigan&grant=RANDS12PMI>

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

Attachments - 2: Email Requests for Information

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

Constance Zanger, James Hull

From: joe harcz Comcast <joeharcz@comcast.net>

Sent: Monday, June 09, 2014 6:19 PM

To: Haynes, Carla (LARA)

Cc: Rodgers, Edward (LARA); Luzenski, Sue (LARA); Pemble, Mike (LARA);

Belknap, Katie (LARA); Essenberg, Rob (LARA); Zanger, Connie (LARA); Hull,

James (LARA)

Subject: Re: FOIA Response to Request for Information on Anderson Building - Petrilli

All employees must be documented in the RSA 15. So I'm again requesting those required federal reporting documents and they had better be accurate or then BSBP would be guilty of making false statements and indeed false claimes to an agency of the United States government which does create and fund BSBP to begin with.

Sincerely,

Paul Joseph Harcz, Jr.

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

From: Haynes, Carla (LARA)

To: joe harcz Comcast

Cc: Rodgers, Edward (LARA) ; Luzenski, Sue (LARA) ; Pemble, Mike (LARA) ; Belknap, Katie (LARA) ;

Essenberg, Rob (LARA) ; Zanger, Connie (LARA) ; Hull, James (LARA)

Sent: Monday, June 09, 2014 5:12 PM

Subject: FOIA Response to Request for Information on Anderson Building - Petrilli

June 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 Anderson Bldg. -

Petrilli

Dear Mr. Harcz, Jr.:

This email is in response to your May 30, 2014, email request for

information, received by this office on June 2, 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 also

below) as:

“Regardless I am again requesting from you all the temporary operator

agreement for this BEP location with its terms and conditions…..Moreover,

I am again requesting the names, salaries and positions of just who in the

heck is working at “Cora’s Café”. Finally, as Mr. Rodgers himself stated in

a recent press story the he thought, “four of the seven employees were

blind” I wish to have those blind employees identified for the record.”

In regards to your request for the temporary operator agreement for Cora’s

Café, your request is denied. To the best of my knowledge, information or

belief, this documentation does not currently exist pertaining to your

request. When such documentation does exist, we would be able to send

you a copy.

FOIA Response – P.J. Harcz, Jr.

June 6, 2014

Page 2 of 2

In regards to your request for names, salaries and positions of just who is

working at “Cora’s Café”, Ms. Constance Zanger (in her May 30, 2014,

email to you which is attached) indicated that Mr. Robert Essenberg and

Ms. Amanda Newman are Business Assistance and Development

Program (BADP) employees under BSBP and the only staff persons of

which we would have any information on names, salaries and positions.

In regards to your request to identify those employees who are blind, your

request is denied. To the best of my knowledge, information or belief, no

such document exists that is pertinent to your request.

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 FOIA

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

cc: Edward F. Rodgers II, Sue Luzenski

Mike Pemble, Katie Belknap

Rob Essenberg. Constance Zanger, James Hull

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

Sent: Friday, May 30, 2014 9:57 AM

To: Rodgers, Edward (LARA)

Cc: Luzenski, Sue (LARA); Zanger, Connie (LARA); nfbmi-

talk@nfbnet.org; Christyne.Cavataio@ed.gov;

Marlene Malloy MCRS Dir.; BRIAN SABOURIN

Subject: more anderson questions petrilli

May 30 2014 Petrilli Questions

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

810-516-5262

joeharcz@comcast.net

To: Edward Rodgers, Director Mich. Bureau Services to Blind Persons

(Designated State Unit)

Michael Zimmer, LARA, DSA

Dear Mr. Rodgers and Mr. Zimmer,

I am writing today to inquire about the vendor payment to one Cathy Petrilli

from the DTMB web site (note after my signature line for your

convenience). I assume this payment was made for initial stock and

inventory at the new “Cora’s Café) which is supposed to be a mandated

facility for a blind BEP operator under Public Act 260. I assume that Ms.

Petrilli is the so-called temporary operator that Ms. Constance Zanger

alluded to in her rather vague (no names) response to basic information

about this facility sent to me recently.

Regardless I am again requesting from you all the temporary operator

agreement for this BEP location with its terms and conditions.

Moreover, I am compelled to point out that Ms. Petrilli is sighted and has a

history of violating program rules in the past. (Not that that makes a

difference to BSBP as it has done so over and over again along with stark

and chronic violations of the Rehabilitation Act of 1973 and Public Act

260.)

Moreover, I am again requesting the names, salaries and positions of just

who in the heck is working at “Cora’s Café”. Finally, as Mr. Rodgers

himself stated in a recent press story the he thought, “four of the seven

employees were blind” I wish to have those blind employees identified for

the record.

You may simply respond via conventional e-mail to this request.

Thanks as always for your prompt and accessible response, in a timely

manner.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: NFB MI

Cc: RSA

Cc: several state reps

Cc: MCRS

Cc: several media

Cc: MPAS

Cc: BSBP Commissioners

Cc: C. Zanger. BSBP BEP

Cc: EOC

Cc: S. Luzenski, BSBP Admin. Asst.

Attachment:

Source:

http://media.state.mi.us/MiTransparency/Vendor/Warrants?y=2014&v=CA

THY%20PETRILLI

&a=641&g=Contractual%20Services%20Supplies%20and%20Materials&

Column=WarrantDate

&Direction=Descending

Payments to CATHY PETRILLI by LICENSING AND REGULATORY

AFFAIRS for fiscal

year 2014

Table with 4 columns and 2 rows

Agency Name

Category Description

Warrant Date

Payments Total

LICENSING AND REGULATORY AFFAIRS

Contractual Services Supplies and Materials

5/15/2014

$2,250.00

Carla Miller Haynes

LARA Bureau of Services for Blind Persons (BSBP)

201 N. Washington Square, 2nd Floor

P.O. Box 30652

Lansing, MI 48909

Telephone: 517-373-2063 or Toll-Free 1-800-292-4200

Fax: 517-335-5140

www.michigan.gov/bsbp

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

Sent: Wednesday, June 18, 2014 11:19 AM

To: Rodgers, Edward (LARA)

Cc: Mike Pemble BSBP Dep. Dir.; Zanger, Connie (LARA); Luzenski, Sue (LARA); BRIAN SABOURIN;

Marlene Malloy MCRS Dir.; Christyne.Cavataio@ed.gov; BSBPcommissioners; Joe Sibley MCBVI Pres.;

Gary Gaynor; commissioner-hudson@outlook.com; James Chaney EOC; Lamb, Elden (OAG)

Subject: rsa 15 again

June 18 2014 RSA 15 Request Again

Paul Joseph Harcz, Jr.

1365 E. Mt. Morris Rd.

Mt. Morris, MI 48458

joeharcz@comcast.net

810-516-5262

To:

Edward Rodgers, Director

Mich. Bureau Services for Blind Persons

Mike Pemble, Deputy Director

Constance Zanger, BSBP BEP

All,

On several occasions I have requested in writing and verbally all RSA 15 reports conducted by BSBP since its creation (October 1, 2012). Several others including operators have requested similar data and required reports.

Yet, they have not been forthcoming.

This is a gross violation of every principle of accountability.

Now for your convenience in case you don’t know what an RSA 15 is I’ve attached a copy of an old MCB RSA 15 for your convenience.

Now I expect that you remit requested information in a timely and accessible manner. My most effective format is to receive these reports as either Word attachments or plain text enclosures to my e-mail address listed above.

Sincerely,

Paul Joseph Harcz, Jr.

Cc: RSA

Cc: MCRS

Cc: BSBP Commission

Cc: BEP EOC

Cc: NFB MI

Attachment:

Converted from Spreadsheet for convenience:

Table with 7 columns and 241 rows

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Report of Vending Facility Program - Michigan FY 2008

I. Earnings and Employment

II. Vending Facilities and Vendors

A. Facilities on Federal Property

B. Vending Facilities Located on on Federal Property, End of Year

C. Contracts for Operation of Cafeterias and Military Dining Facilities

D. Vendors on Federal Property

E. Facilities on Federal Property

F. Vendors on Public Property

G. Facilities on Private Property

H. Vendors on Private Property

III. Vending Locations under the Interstate Highway Program

IV. Program Expenditures by Source of Funds

V. Distribution and Expenditure of Program Funds from Vending Machine Income and Levied

Set-Aside

VI. Number of Sites Surveyed

VII. Vendor Training

VIII. State and Nominee Agency Personnel

Certification

Page 1 of 3

Report of Vending Facility Program - Michigan FY 2008

I. Earnings and Employment

Description

Total

1. Gross Sales

12,666,393

2. Merchandise Purchases

6,754,020

3. Gross Profit

5,912,373

4. Payroll Expenses

1,641,781

5. Other Operating Expenses

1,139,402

6. Total Expenses

2,781,183

7. Operating Profit

3,131,190

8. Vending Machine and Other Income

328,848

9. Retirement and Other Benefits Paid

756,298

10. Net Proceeds

4,216,336

11. Levied Set Aside Funds

356,971

12. Net Profit to Vendors

3,859,365

13. Fair Minimum Return to Vendors

0

14. Vendors Earnings

3,859,365

15. Vendor Person Years of Employment

83.3

16. Average Vendor Earnings

46,331

17. The Median of Net Vendor Earnings in the State

31,912

18. Number of Other Persons with Visual Disabilities Employed

1

19. Number of Other Persons with Disabilities Employed

9

20. Number of Persons Having No Disability Employed

134

21. Total Number Employed in the Program

144

II. Vending Facilities and Vendors

A. Facilities on Federal Property

Description

Total

1. Number at Beginning of Year

20

2. Number Established during Year

1

3. Number Closed during Year

1

4. Number at End of Year

20

B. Vending Facilities Located on Federal Property, End of Year

Description

Number

Number

1. General Services Administration

5

2. U.S. Postal Service

10

3. Department of Defense

4

a) Military Dining Facility Contracts

1

b) Other DOD Vending Facilities

3

4. Department of Homeland Security

0

5. Health and Human Services

0

6. Vending Routes on Multiple Federal Locations

0

7. All Other Federal Agencies (Identify)

Environmental Protection Agency

1

8. Total

20

System information

The following information is captured by the MIS.

Last updated on

Oct 13 2009 4:55PM

Last updated by

rsamitchells

Completed on

Oct 13 2009 4:52PM

Completed by

rsamitchells

Approved on

Oct 13 2009 4:55PM

Approved by

rsamitchells

Page 2 of 3

Report of Vending Facility Program

II. Vending Facilities and Vendors (continued)

C. Contracts for Operation of Cafeterias and Military Dining Facilities

Agency or Branch of Military Awarding Contract

Name of Military Installation (if applicable)

Beginning Date of Contract

Anticipated Termination of Contract

Gross Sales (Value) of Contract for the Most Recently Completed Option Year

Army

Alpena Combat Readiness Training Center

4/1/2008

3/1/2011

236,491

Page 3 of 3

Report of Vending Facility Program - Michigan FY 2008

II. Vending Facilities and Vendors (continued)

D. VENDORS ON FEDERAL PROPERTY

Category

Total

1. Number at Beginning of Year

20

2. Number Entering during Year

1

3. Number Leaving during Year

1

4. Number at End of Year

20

E. FACILITIES ON PUBLIC PROPERTY (State, County, Municipal)

Category

Total

1. Number at Beginning of Year

63

2. Number Established during Year

1

3. Number Closed during Year

1

4. Number at End of Year

63

F. VENDORS ON PUBLIC PROPERTY (State, County, Municipal)

Category

Total

1. Number at Beginning of Year

63

2. Number Entering during Year

1

3. Number Leaving during Year

1

4. Number at End of Year

63

G. FACILITIES ON PRIVATE PROPERTY

Category

Total

1. Number at Beginning of Year

3

2. Number Established during Year

0

3. Number Closed during Year

0

4. Number at End of Year

3

H. VENDORS ON PRIVATE PROPERTY

Category

Total

1. Number at Beginning of Year

3

2. Number Entering during Year

0

3. Number Leaving during Year

0

4. Number at End of Year

3

III. Vending Locations under the Interstate Highway Program

(Transportation Equity Act for the 21st Century of June 1998)

Category

Total Number

Total Vending Machine Receipts

1. Total Vending Locations

58

n/a

2. Locations Operated by Vendors

58

1,863,803

3. Locations Operated by Third-Party Contractors

0

0

4. Vendors Employed in Highway Program

21

n/a

IV. Program Expenditures by Source of Funds

Category

Total

Vending Machine Income - Federal

Vending Machine Income - Non-Federal

Set-Aside

State Appropriated Fund

Federal Funds

1. Purchase of New Equipment

214,225

0

0

0

45,630

168,595

2. Maintenance of Equipment

353,136

0

0

353,136

0

0

3. Replacement of Equipment

479,678

0

0

0

102,171

377,507

4. Refurbish Facilities

19,015

0

0

0

4,050

14,965

5. Management Services

959,486

0

0

0

201,533

757,953

6. Fair Minimum Return

0

0

0

0

0

n/a

7. Retirement / Pension Programs

756,298

0

0

0

756,298

n/a

8. Health Insurance Programs

0

0

0

0

0

n/a

9. Paid Sick Leave / Vacation

0

0

0

0

0

n/a

10. Initial Stock & Supplies

36,425

n/a

0

n/a

4,240

32,185

11. All Other Expenditures

4,962

n/a

0

n/a

4,962

n/a

12. Total

2,823,225

0

0

353,136

1,118,884

1,351,205

V. Distribution and Expenditure of Program Funds from Vending Machine Income and Levied

Set-Aside

Category

Total

Vending Machine Income - Federal

Vending Machine Income - Non-Federal

Levied Set-Aside

1. Amount on Hand at Beginning of Year

644

0

0

644

2. Funds Added during Year

356,971

0

0

356,971

3. Total Funds Available

357,615

0

0

357,615

4. Funds Distributed to Vendors

0

0

0

n/a

5. Other Funds Expended

353,136

0

0

353,136

6. Total Funds Distributed and Expended (Lines 4+5)

353,136

0

0

353,136

7. Amount at the End of the Year (Line 3 minus Line 6)

4,479

0

0

4,479

VI. Number of Sites Surveyed

Category

Total

Federal Property

Non-Federal Property

1. Total

4

0

4

2. Accepted for Vending Facility Site

3

0

3

3. Not Accepted Due to Infeasibility of Site

0

0

0

4. Not Accepted Due to Lack of Funds by State

0

0

0

5. Denied by Property Management Official

0

0

0

6. Not Accepted Due to Lack of Qualified Vendors

0

0

0

7. Decision Pending

1

0

1

VII. Vendor Training

Category

Number

Total

1. Individuals Provided Initial Training

5

a. Number Licensed and Placed as Vendors

4

b. Number Certified Awaiting Placement as Vendors

1

c. Number Placed as Employees in the Vending Facility Program

0

d. Number Employed in Allied Food Service Occupations

0

2. Total Number of Individuals Who Are Certified and Awaiting Placement as Vendors

3

3. Number of Vendors Provided In-Service Training

77

4. Number of Vendors Provided Upward Mobility Training

0

5. Number of Vendors Participating in National Consumer-Driven Conferences

1

6. Number of Vendors Who Received Certification or Re-Certification in Food Safety through a

Nationally Recognized or State Recognized Program

0

VIII. State and Nominee Agency Personel

A. Agency Personnel

State Agency Personnel

Nominee Agency Personnel

Total

1. Vending Facility Program Budgeted FTE

9

0

9

2. Vending Facility Program Actual FTE

8

0

8

B. Training

State Agency Personnel

Nominee Agency Personnel

Total

1. Number Who Received In-Service Training Related to Blindness, Business Management, or

Aspects of the Randolph-Sheppard Vending Facility Program

8

0

8

2. Number Who Received Training through an External Source Related to Blindness, Business

Management, or Aspects of the Randolph-Sheppard Vending Facility

Program

1

0

1

3. Number Who Participated in National Consumer-Driven Conferences

3

0

3

4. The Number Who Received Certification or Re-Certification in Food Safety Through a

Nationally Recognized or State Recognized Program

0

0

0

Certification

I do hereby certify that, to the best of my knowledge, the information given in this report is

complete and accurate.

Name of Authorized Official

Patrick Cannon

Title

State Director MI Commission for the Blind

Date Certified

12/30/2008

System information

The following information is captured by the MIS.

Last updated on

Oct 13 2009 4:55PM

Last updated by

rsamitchells

Completed on

Oct 13 2009 4:52PM

Completed by

rsamitchells

Approved on

Oct 13 2009 4:55PM

Approved by

rsamitchells

table end