January 27, 2015

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 New Horizons Rehabilitation Services

Dear Mr. Harcz, Jr.:

This email is in response to your January 1, 2015, email request for information, received by this office on January 2, 2015, of which an extension was taken to January 23, 2015. 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 (also included below) as:

“What were the New Horizons expenditures for during this FY and is BSBP Area Supervisor Gwen McNeal still on their Board of directors?”

Your request is partially granted and partially denied. The purpose of the FOIA is to provide the public with access to existing, nonexempt public records of public bodies. It is not the purpose of the FOIA to permit persons to secure, from a public body, answers to questions that incidentally may be reduced to writing as the term is defined under section 2(h) of the FOIA, although if the public body possesses records containing the information or part of the information, the public body is obligated to provide the records.

Your request for New Horizons expenditures to date in FY15, is granted as to existing nonexempt documents pertaining to your request. We estimate that the time to

FOIA Response – P.J. Harcz, Jr.

January 27, 2015

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process this request is 8 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 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.

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 $133.92 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 start the processing of your request. Once the process is complete, we will request payment for the additional amount of the actual cost of the request. When we receive this payment, we will send the information either to you via email or to you in the U.S. Mail on a USB flash drive (depending on the amount of material responsive to your request).

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.

FOIA Response – P.J. Harcz, Jr.

January 27, 2015

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In regards to the portion of your request asking “is BSBP Area Supervisor Gwen McNeal still on their Board of directors?” Your request is partially granted and partially denied. To the best of my knowledge, information or belief, the only record that exists pertinent to your request is an email dated January 9, 2015, from Gwen McNeal to Director Edward R. Rodgers II, of which I was copied and received subsequent to your request for information. This email is included below and provided free of charge in a spirit of cooperation. Also, in her voicemail message to me, Ms. McNeal reiterated that she is “still on the board through 2016 and does not vote on anything that concerns BSBP and that the board does not go to the day to day operations of New Horizons Rehabilitation Services”.

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 Mike Zimmer, Director, Michigan Department of Licensing and Regulatory Affairs, Attention: Kevin Elsenheimer, Chief Deputy Director, 4th Floor, P.O. Box 30004, Lansing, MI 48909. Your appeal must include the word “appeal” and state the reason(s) for reversal of any disclosure denial(s); or (2) you may file an action in an appropriate Michigan court within 180 days after the Department’s notice of final determination denying your request. 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, in addition to any actual or compensatory damages, award you punitive damages in the amount of $500.00.

Sincerely,

Carla Miller Haynes, FOIA Coordinator

Bureau of Services for Blind Persons

Attachments - 2: Email Request for Information & Email of 1-9-15

cc: Edward F. Rodgers II

Sue Luzenski

Mike Pemble

Katie Belknap

Leamon Jones

Diamalyn Gaston

Gwen McNeal

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: January 2, 2014

TYPE OF REQUEST: Email

REQUEST PARTIALLY DENIED: Yes

EXEMPT INFORMATION WITHHELD/REDACTED: To be determined

EXTENDED RESPONSE NOTICE ISSUED: Yes, to January 23, 2015

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:

“What were the New Horizons expenditures for during this FY and is BSBP Area Supervisor Gwen McNeal still on their Board of directors?”

INVOICE CALCULATIONS

LABOR

Locating and Duplicating Cost:

Number of Hours: 7 hrs. x Hourly Rate: $33.48 = Amount: $234.36

Examining and Extracting Cost:

Number of Hours: 1 hr. x Hourly Rate: $33.48 = Amount: $33.48

TOTAL LABOR: $267.84

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: $267.84

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

INVOICE TOTAL: $267.84

DEPOSIT\* $133.92

BALANCE YET TO BE PAID\*: $133.92

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

Sent: Thursday, January 1, 2015 9:50:45 AM (UTC-05:00) Eastern Time (US & Canada)

To: Rodgers, Edward (LARA)

Cc: Mike Pemble BSBP Dep. Dir.; Christyne.Cavataio@ed.gov; Marlene Malloy MCRS Dir.; BRIAN SABOURIN; Larry Posont NFBMI Pres.; Gary Gaynor; commissioner-hudson@outlook.com; BSBPcommissioners; Zimmer, Mike (LARA)

Subject: new horizons new year questions

January 1 2015 to Rodgers New Horizons

Paul Joseph Harcz, Jr.

joeharcz@comcast.net

To:

Ed Rodgers, BSBP

Via e-mail

Dear Sir,

Simple questions here? What were the New Horizons expenditures for during this FY and is BSBP Area Supervisor Gwen McNeal still on their Board of directors?

Happy New Year.

Paul Joseph Harcz, Jr.

Cc: RSA

Cc: MCRS

Cc: BSBP Commission

Cc: several

Source:

http://media.state.mi.us/MiTransparency/Vendor/Warrants?y=2015&v=NEW%20HORIZONS%20REHABILITATION%20SERVICES&a=641&g=Contractual%20Services%20Supplies%20and%20Materials&Column=WarrantDate&Direction=Descending

Payments to NEW HORIZONS REHABILITATION SERVICES by LICENSING AND REGULATORY AFFAIRS for fiscal year 2015

Table with 4 columns and 4 rows

Agency Name

Category Description

Warrant Date

Payments Total

LICENSING AND REGULATORY AFFAIRS

Contractual Services Supplies and Materials

12/19/2014

$6,918.00

LICENSING AND REGULATORY AFFAIRS

Contractual Services Supplies and Materials

12/8/2014

$6,918.00

LICENSING AND REGULATORY AFFAIRS

Contractual Services Supplies and Materials

12/2/2014

$1,334.00

From: McNeal, Gwen (LARA)

Sent: Friday, January 09, 2015 2:28 PM

To: Rodgers, Edward (LARA)

Cc: Haynes, Carla (LARA)

Subject: New Horizons

Hi Ed . Happy New Year. I’ve left a voicemail message for Carla that yes , I am still on the Board . The nature of my involvement has not changed. I still have no control or voice of over their day to day operations and I still distance myself from any counselor decisions that may entail the utilization of their services.

Hope that helps,

Gwendolyn McNeal

East Region Manager

Bureau of Services for Blind Persons

313-456-1655