

## Elias, Abigail

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**From:** Alexa, Jennifer  
**Sent:** Monday, June 03, 2013 10:22 AM  
**To:** Elias, Abigail; Frost, Christopher  
**Subject:** RE: FOIA request

We have not received this request as of today.

Jennifer

---

**From:** Elias, Abigail  
**Sent:** Friday, May 31, 2013 12:02 PM  
**To:** Frost, Christopher; Alexa, Jennifer  
**Subject:** FW: FOIA request

FYI – I gather from the municipal attorney listserv that the state is being blanketed with this request (villages, townships and cities).


I am guessing this MIGHT be a test by the Free Press of whether local government units promptly and accurately respond to FOIA requests and do so without charging exorbitant fees – which the Free Press or press association will then use as evidence to support changes to FOIA that are pending in the legislature and to counter arguments by the Michigan Municipal League (for which I testified) and Michigan Township Association against the bills.

So – if Ann Arbor has received this, let's be sure we respond accurately and promptly as we always do – but with some extra sensitivity that there MIGHT be an additional ulterior motive herein case we want to double check anything.

Abigail Elias, Chief Assistant City Attorney | City of Ann Arbor, Michigan | <mailto:aelias@a2gov.org> | Telephone numbers: Office: (734) 794-6170 ext. 41888 | Direct: (734) 794-6188 | Internal extension: 41888 | Fax: (734) 994-4954 | Cell: (734) 320-7953 | address: 301 E. Huron Street, Ann Arbor, MI 48104 | mail address: P.O. Box 8647, Ann Arbor, MI 48107-8647.

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*A mind once expanded by a new idea never returns to its original dimensions. OLIVER WENDELL HOLMES*

 Please consider the environment before printing this e-mail.

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**From:** [mama@mail-list.com](mailto:mama@mail-list.com) [<mailto:mama@mail-list.com>] **On Behalf Of** Catherine Mullhaupt (catherine at michigantownships.org)  
**Sent:** Friday, May 31, 2013 10:19 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** RE: FOIA request

FYI. I've attached a copy of the request that we've seen.

Catherine A. Mullhaupt  
Director of Member Information Services  
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(517) 321-6467 Fax: (517) 321-8908  
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**From:** [mama@mail-list.com](mailto:mama@mail-list.com) [<mailto:mama@mail-list.com>] **On Behalf Of** Jaynie Hoerauf  
**Sent:** Friday, May 31, 2013 10:04 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** RE: FOIA request

Hi,

City Managers' list-serv says that it is wide-spread. I have had one inquiry from a township locally.

Jaynie

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**Sent:** Friday, May 31, 2013 9:06 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
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**From:** mama@mail-list.com on behalf of Robinson Clyde (robinsonc at kalamazoocity.org) [mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 9:11 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

Yes. Kalamazoo has received such a request regarding our city manager.

---

**From:** mama@mail-list.com [mailto:mama@mail-list.com] **On Behalf Of** Catherine Mullhaupt  
**Sent:** Friday, May 31, 2013 9:06 AM  
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**Sent:** Friday, May 31, 2013 9:53 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

Thanks, everyone. I assumed it was a "blanket" request, but I wanted to get a feel for the scope.

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**From:** mama@mail-list.com [mailto:mama@mail-list.com] **On Behalf Of** Carol Rosati  
**Sent:** Friday, May 31, 2013 9:40 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

Green Oak Charter Township received one for its Supervisor

---

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**Attachments:** FOIA Detroit Free Press.pdf

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www.freep.com

# Detroit Free Press

615 W. LAFAYETTE, DETROIT, MICHIGAN 48226

Jim Schaefer  
Staff Writer  
313-223-4542  
jschaefer@freepress.com

RECEIVED MAY 30 2013

May 24, 2013

Freedom of Information Act Officer  
Portage Charter Township  
47240 Green Acres Road  
Houghton, MI 49931

Re: Freedom of Information Act Request

Dear FOIA Coordinator:

This is a request under the state Freedom of Information Act. I am seeking access to – and the right to copy – documents related to your community's Supervisor:

I am requesting this individual's annual salary, his/her most recent performance evaluation, all emails sent/received on government-provided email accounts by this person on Nov. 7, 2012, and copies of all expense reports to justify this person's office-related expenses in 2012.

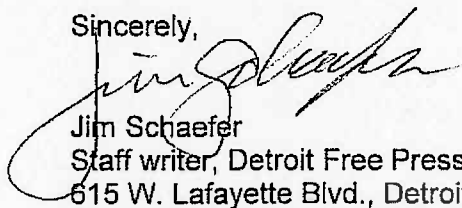
As a reporter for the Detroit Free Press, Michigan's most widely read newspaper, I am gathering information with the intent of informing the public about the workings of government.

For that reason, I am requesting a waiver of all fees as allowed by law. The information I seek is in the public interest because it will contribute significantly to the public's understanding of the activities of the government and is not primarily in my commercial interest. Release of this information, therefore, will provide insight into governmental functions. If you decide against a waiver, please inform me before fulfilling the request so that I can approve the charges in advance.

To help eliminate delays in fulfilling this request, please contact me **by EMAIL ONLY** at [jschaefer@freepress.com](mailto:jschaefer@freepress.com) if you have questions regarding my request.

Thanks for your help and consideration. I look forward to receiving a response from you in the regular mail within the timeframe required by law.

Sincerely,



Jim Schaefer  
Staff writer, Detroit Free Press  
615 W. Lafayette Blvd., Detroit, MI 48226  
jschaefer@freepress.com



## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Richard M. Wilson Jr (rmw at gwsh.com) [mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 10:46 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

The requests extend as far north as Manistee. I have one charter township, so far, that has received it.

## Gockerman Wilson Saylor & Hesslin

A Mika Meyers Beckett & Jones Law Firm

**Richard M. Wilson, Jr.**  
**Gockerman Wilson Saylor & Hesslin**  
**A Mika Meyers Beckett & Jones Law Firm**  
414 Water Street  
Manistee, MI 49660  
Tel: 231-723-8333  
Fax: 231-723-3888  
[mmbjlaw.com](http://mmbjlaw.com)

E-mail: [rwilson@mmbjlaw.com](mailto:rwilson@mmbjlaw.com)  
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Director of Member Information Services  
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(517) 321-6467 Fax: (517) 321-8908  
Email: [catherine@michigantownships.org](mailto:catherine@michigantownships.org)  
Twitter: @Mltownships

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<http://cgi.mail-list.com/u?ln=mama&nm=aelias%40a2gov.org>

## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Catherine Mullhaupt (catherine at michigantownships.org) [mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 11:20 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

Yup. We're hearing from every part of the state.

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**From:** mama@mail-list.com [mailto:mama@mail-list.com] **On Behalf Of** Dean and Pope  
**Sent:** Friday, May 31, 2013 10:51 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

There are requests in the far western end of the U.P. as well.

Dean & Pope, P.C.  
Woodlands Professional Building  
204 N. Harrison Street  
Ironwood, MI 49938  
Phone: (906) 932-4010  
Fax: (906) 932-1508  
Email: [deanandpope@sbcglobal.net](mailto:deanandpope@sbcglobal.net)

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Manistee, MI 49660  
Tel: 231-723-8333  
Fax: 231-723-3888  
[mmbjlaw.com](http://mmbjlaw.com)

E-mail: [rwilson@mmbjlaw.com](mailto:rwilson@mmbjlaw.com)  
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<http://cgi.mail-list.com/u?ln=mama&nm=aelias%40a2gov.org>

## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Elias Abigail (AElias at a2gov.org)  
[mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 11:56 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

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Abigail Elias, Chief Assistant City Attorney | City of Ann Arbor, Michigan | <mailto:aelias@a2gov.org> | Telephone numbers: Office: (734) 794-6170 ext. 41888 | Direct: (734) 794-6188 | Internal extension: 41888 | Fax: (734) 994-4954 | Cell: (734) 320-7953 | address: 301 E. Huron Street, Ann Arbor, MI 48104 | mail address: P.O. Box 8647, Ann Arbor, MI 48107-8647.

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*A mind once expanded by a new idea never returns to its original dimensions. OLIVER WENDELL HOLMES*

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**From:** mama@mail-list.com on behalf of Andrews Clark (candrews at orlaw.com)  
[mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 12:42 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

I also recall that back in the 1980's, a Detroit News reporter who had the Metro Detroit local beat did a series of articles on how much municipalities were paying their city attorneys and law firms representing them for representation. There has also been some recent articles about how much superintendents of public school systems are being paid. That would be what I would think that the reporter may be gathering the information for.

### **O'REILLY RANCILIO P.C.** ATTORNEYS AT LAW

#### Clark A. Andrews

Direct: 586-997-6456      Sterling Town Center  
[candrews@orlaw.com](mailto:candrews@orlaw.com)      12900 Hall Road, Suite 350  
Main: 586-726-1000      Sterling Heights, MI 48313  
Fax: 586-726-1560      [www.orlaw.com](http://www.orlaw.com)

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**Sent:** Friday, May 31, 2013 10:19 AM

**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)

**Subject:** RE: FOIA request

FYI. I've attached a copy of the request that we've seen.

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Michigan Townships Association  
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Email: [catherine@michigantownships.org](mailto:catherine@michigantownships.org)  
Twitter: @Mltownships

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<http://cgi.mail-list.com/u?ln=mama&nm=aelias%40a2gov.org>

## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Susan M.Bisio (sbisio at waynecounty.com) [mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 12:42 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

See also: <http://www.michigancapitolconfidential.com/18676>

Susan Bisio  
Wayne County, Michigan

---

**From:** mama@mail-list.com [mailto:mama@mail-list.com] **On Behalf Of** Elias Abigail  
**Sent:** Friday, May 31, 2013 11:56 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

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## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Ed Plato (EPlato at platolawfirm.com)  
[mama@listserv.mml.org]  
**Sent:** Friday, May 31, 2013 12:59 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: FOIA request

Abby, I think your assumption and suspicion is very accurate. All municipal attorneys should make sure that this particular FOIA request is carefully and accurately handled.

<http://www.freep.com/apps/pbcs.dll/article?AID=2013305210100>

**Edward D. Plato**  
**Attorney at Law**  
The Plato Law Firm  
30500 Northwestern Hwy, Suite 425  
Farmington Hills, MI 48334  
Phone: 248- 855-6650  
eplato@platolawfirm.com  
www.platolawfirm.com

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## Elias, Abigail

---

**From:** mama@mail-list.com on behalf of Bill Mathewson (wmathewson at mml.org)  
[mama@listserv.mml.org]  
**Sent:** Tuesday, June 04, 2013 11:22 AM  
**To:** mama@listserv.mml.org  
**Subject:** Blanket FOIA requests -- another part of the story

Re the blanket FOIA request last week, a MAMA member informed a colleague of mine at the League that it is a research project by a reporter at the Free Press designed to determine how fast municipalities respond to a FOIA request. *Apparently* the reporter assured the MAMA member that if they just request the 10 day extension, they will receive letters saying "never mind."

William C. Mathewson  
General Counsel  
Ph: (734) 669-6305 Fax: (734) 662-8083  
1675 Green Road, Ann Arbor MI 48105  
[www.mml.org](http://www.mml.org)



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## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Richard Figura (rfigura at figuralaw.com)  
[mama@listserv.mml.org]  
**Sent:** Tuesday, June 04, 2013 11:49 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Blanket FOIA requests -- another part of the story

Will the research project then conclude that public bodies routinely delay responding to requests by always claiming 10 day extensions even when they are not necessary?

*Richard J. Figura  
Attorney, mediator and arbitrator  
Richard J. Figura, PC*

*Working for a better community through law.*

*Of counsel to Simen, Figura & Parker, PLC, Flint, Michigan*

---

**From:** mama@mail-list.com [mailto:mama@mail-list.com] **On Behalf Of** Bill Mathewson (wmathewson at mml.org)  
**Sent:** Tuesday, June 04, 2013 11:22 AM  
**To:** mama@listserv.mml.org  
**Subject:** Blanket FOIA requests -- another part of the story

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## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Peter Letzmann (peter at letzmann.com)  
[mama@listserv.mml.org]  
**Sent:** Tuesday, June 04, 2013 12:07 PM  
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## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Catherine Mullhaupt (catherine at michigantownships.org) [mama@listserv.mml.org]  
**Sent:** Tuesday, June 04, 2013 12:40 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Blanket FOIA requests -- another part of the story

Actually, they just have to specify the reason(s). It isn't limited to specific reasons. The Act used to require "unusual circumstances," but that was removed in the 1996 amendment.

"(2) Unless otherwise agreed to in writing by the person making the request, a public body shall respond to a request for a public record within 5 business days after the public body receives the request by doing 1 of the following:

- (a) Granting the request.
- (b) Issuing a written notice to the requesting person denying the request.
- (c) Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- (d) Issuing a notice extending for not more than 10 business days the period during which the public body shall respond to the request. A public body shall not issue more than 1 notice of extension for a particular request."

\*\*\*

"(6) If a public body issues a notice extending the period for a response to the request, the notice shall specify the reasons for the extension and the date by which the public body will do 1 of the following:

- (a) Grant the request.
- (b) Issue a written notice to the requesting person denying the request.
- (c) Grant the request in part and issue a written notice to the requesting person denying the request in part."

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## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Richard Figura (rfigura at figuralaw.com) [mama@listserv.mml.org]  
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**To:** mama@listserv.mml.org  
**Subject:** RE: Blanket FOIA requests -- another part of the story

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**From:** mama@mail-list.com on behalf of Catherine Mullhaupt (catherine at michigantownships.org) [mama@listserv.mml.org]  
**Sent:** Tuesday, June 04, 2013 2:56 PM  
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**Subject:** RE: Blanket FOIA requests -- another part of the story

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**From:** mama@mail-list.com on behalf of Fisher Mike (MFisher at ci.livonia.mi.us)  
[mama@listserv.mml.org]  
**Sent:** Wednesday, June 05, 2013 9:41 AM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Blanket FOIA requests -- another part of the story

Herschel Fink, on behalf of the Free Press, told the House Oversight Committee yesterday that FOIA is broken because too many public bodies ignore its spirit. The two most serious problems, in his mind, are delays in response and abusive labor charges. So it stands to reason that the research project is looking for one or both of these as municipalities respond to these requests.

Michael E. Fisher  
Assistant City Attorney  
City of Livonia

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[peter@letzmann.com](mailto:peter@letzmann.com)  
[www.letzmann.com](http://www.letzmann.com)

On 6/4/13 11:21 AM, "MAMA List Serve" <[MAMA@LISTSERV.MML.ORG](mailto:MAMA@LISTSERV.MML.ORG)> wrote:

**Re the blanket FOIA request last week, a MAMA member informed a colleague of mine at the League that it is a research project by a reporter at the Free Press designed to determine how fast municipalities respond to a FOIA request. Apparently the reporter assured the MAMA member that if they just request the 10 day extension, they will receive letters saying "never mind."**

William C. Mathewson  
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<<https://twitter.com/#%21/BillMathewson1>>



<<https://www.facebook.com/MMLeague>>

<<http://www.economicsofplace.com/>>

ECONOMICS  
OF PLACE

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*<http://cgi.mail-list.com/u?ln=mama&nm=aelias%40a2gov.org>*

## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Fisher Mike (MFisher at ci.livonia.mi.us)  
[mama@listserv.mml.org]  
**Sent:** Monday, June 10, 2013 12:04 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Detroit Free Press foia request

Part of H. Fink's diatribe at the House Oversight Committee hearing last week was about public bodies refusing to grant the fee waiver when media requests would obviously benefit the public and their right to know. I'm not sure how that cuts, though. Either response will probably add fuel to his fire.

Michael E. Fisher  
Assistant City Attorney  
City of Livonia

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**From:** Kristin Kolb [<mailto:mama@listserv.mml.org>]  
**Sent:** Monday, June 10, 2013 11:53 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** RE: Detroit Free Press foia request

Canton Township received one as well for the Supervisor. I am not so inclined to waive the fees, but the Clerk usually makes the call on that.

Kristin Bricker Kolb  
Corporation Counsel  
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**From:** Robinson Clyde [<mailto:mama@listserv.mml.org>]  
**Sent:** Monday, June 10, 2013 11:53 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** RE: Detroit Free Press foia request

Kalamazoo did not waive fees, (we very rarely do) but did offer a couple of ways to reduce the cost of copying and postage.

---

**From:** [mama@mail-list.com](mailto:mama@mail-list.com) [<mailto:mama@mail-list.com>] **On Behalf Of** John M.Barr (jbarr at barrlawfirm.com)  
**Sent:** Monday, June 10, 2013 11:42 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** Detroit Free Press foia request

The city of Ypsilanti just got one of the Free Press emails about the city manager, asking for the same information as the other foia requests to other cities mentioned on this listserv. It looks like the Free Press is

working its way down the state. I am thinking about waiving fees "in the public interest." What are others doing?

John

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## Elias, Abigail

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**From:** mama@mail-list.com on behalf of Fisher Mike (MFisher at ci.livonia.mi.us)  
[mama@listserv.mml.org]  
**Sent:** Monday, June 10, 2013 3:29 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Detroit Free Press foia request

Mr. Fink actually proposed that FOIA be amended to *presume* that any media request is in the public interest. I guess I could live with that if the request costs \$20.00 to answer. But if it costs \$2,000? People who've never answered a FOIA request doubt that it could ever really cost that much, but we know differently . . . .

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**From:** Robinson Clyde [mailto:mama@listserv.mml.org]  
**Sent:** Monday, June 10, 2013 3:14 PM  
**To:** mama@listserv.mml.org  
**Subject:** RE: Detroit Free Press foia request

Catherine's observations are on point. That is the rationale I follow as the FOIA Coordinator in determining whether to waive fees. The Free Press request did not seem to meet the "public interest" test.

Of course I found it interesting that in one of the contributions to this discussion thread that one of the complaints is that there aren't more "waivers" granted by public bodies when there is an "obvious" public interest. Merely requesting information as part of the research for a future newspaper article, does not seem to me to be "obviously in the public interest." Add to the fact that the "public" can be rather amorphous, and I don't see a good case being made for a waiver in this circumstance.

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**From:** [mama@mail-list.com](mailto:mama@mail-list.com) [mailto:mama@mail-list.com] **On Behalf Of** Catherine Mullhaupt  
**Sent:** Monday, June 10, 2013 2:44 PM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** RE: Detroit Free Press foia request

I would suggest that waiving fees based on the person asking—as opposed to the public's interest in the availability of the specific document--raises the potential for discrimination (as in not waiving fees based on the person asking).

A public body could determine that it is in the public's interest to make a draft master plan or zoning ordinance, or other document that might otherwise be burdensome for the public to obtain if they had to pay the FOIA fees, available for free because it furthers a public interest in review and input. Or making copies of the minutes free to encourage public interaction and awareness, for example. So we generally discuss the option to waive fees from the perspective of the public's interest in the availability of the document/information, not the ability for some requestors to get it free when others do not.

Catherine A. Mullhaupt  
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Michigan Townships Association  
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**From:** [mama@mail-list.com](mailto:mama@mail-list.com) [<mailto:mama@mail-list.com>] **On Behalf Of** John M.Barr  
**Sent:** Monday, June 10, 2013 11:42 AM  
**To:** [mama@listserv.mml.org](mailto:mama@listserv.mml.org)  
**Subject:** Detroit Free Press foia request

The city of Ypsilanti just got one of the Free Press emails about the city manager, asking for the same information as the other foia requests to other cities mentioned on this listserv. It looks like the Free Press is working its way down the state. I am thinking about waiving fees "in the public interest." What are others doing?

John

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