



CARLOS ALVARADO LAW PC
P.O. Box 474 - 202 S Harrison Street
Ludington MI 49431
Tel 231 425 4444 Fax 231 425 4445
carlos@carlosalvaradolaw.com
www.carlosalvaradolaw.com

February 24, 2017

Mr. Tom Rotta
137 E. Dowland St.
Ludington, Michigan 49431

RE: Response to Freedom of Information Act ("FOIA") Request No. 326 Received Via E-Mail on February 16, 2017.

Dear Mr. Rotta:

Your recent request for public record(s) under the Michigan Freedom of Information Act ("FOIA"), MCL §15.231 et seq., as amended, is hereby:

- Granted, requested record(s) available. Please remit \$0.00 to cover costs (see e-mail).
- Granted, however the cost of responding to your request is estimated to exceed \$50.00, therefore a deposit of \$ 1,239.50 (1/2 estimated cost) will be required. Upon receipt of your deposit, the City will compile the requested record(s).
- Granted, your name will be placed on a subscription list for future issuances of the requested record(s) disseminated on a regular basis. This subscription shall be valid for six (6) months and shall be renewable only upon written request each six (6) months.
- Denied, requested records(s) exempt from disclosure for the following reason(s):
 - A public record does not exist under the name given or by another name reasonably known by the FOIA Coordinator.
 - Requested record(s) are of a personal nature and the disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.
 - Requested records are investigative records compiled for law enforcement purposes and disclosure would interfere with law enforcement proceedings, deprive a person of the right to a fair trial or impartial administrative adjudication, constitute an unwarranted invasion of personal privacy or disclose the identity of a confidential source or disclose confidential information furnished by a confidential source.
 - Records or information specifically described and exempted from disclosure by statute.

- Requested record(s) would prevent the body from complying with Section 444 of subpart 4 of part C of the General Education Provisions Act, 20 USC 1232g.
- Requested record(s) are trade secrets or commercial or financial information voluntarily provided to an agency for developing governmental policy.
- Requested record(s) are subject to the attorney-client privilege.
- Requested record(s) are subject to the physician-patient, psychologist-patient, minister, priest, or Christian Science practitioner privilege, or other privilege recognized by statute or court rule.
- Requested record(s) are a bid or proposal to enter into a contract or agreement prior to the time established for submission or public opening.
- Requested record(s) are appraisals of real property to be acquired prior to an agreement for purchase, or less than three (3) years after the appraisal date.
- Requested record(s) are medical, counseling, or psychological facts or evaluations which would disclose an individual's identity.
- Requested record(s) are communications and notes within a public body or between public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to a final determination of policy or action.
- Requested record(s) are law enforcement communication codes, or plans for deployment that if disclosed would prejudice the public body's ability to protect the public safety and the public interest in disclosure does not outweigh the public interest in nondisclosure in this particular instance.
- Requested record(s) are testing data for determining whether bidder's products meet specifications.
- Requested records are public records of a law enforcement agency, the release of which would do any of the following: (i) identify or provide a means of identifying an informant; (ii) identify or provide means to identify an undercover officer, agent or plain clothes officer; (iii) disclose the personal address or telephone number of active or retired law enforcement personnel or a special skill they may have; (iv) disclose the name, address or phone number of family members, relatives, children or parents of active or retired law enforcement personnel; (v) disclose operational instructions; (vi) reveal the contents of staff manuals provided to law enforcement personnel; (vii) endanger the life or safety of law enforcement personnel or their family members or those who furnish information to law enforcement agencies; (viii) identify or provide means of identifying a person as a law enforcement officer, agent or informant; (ix) disclose personnel records; or (x) identify or provide means to identifying residences that law enforcement personnel are requested to check in the absence of the owners or tenants; and the public interest in nondisclosure outweighs the public interest in disclosure in this particular instance.
- Requested record(s) are records of security measures.
- Requested record(s) are information relating to a civil action in which the requesting party and the public body are parties.
- Requested record(s) would disclose the social security number of an individual.

Granted in part, denied in part, see above for explanation, record(s) enclosed.

- Due to unusual circumstances, as stated below, we are extending the period to respond to your request by ten (10) business days.
- The need to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to a single request.
- The need to collect the requested public records from numerous field offices, facilities, or other establishments which are located apart from the particular office receiving or processing the request.

If your request for record(s) is denied, you may submit a written appeal, specifically stating "appeal" and stating the reasons for appeal, to the Ludington City Council, or seek judicial review under Section 10 of the Act within 180 days after the public body's final determination. Within ten (10) days of receiving a request for an appeal, the City Council shall a) reverse the denial; b) issue a written notice upholding the denial; c) reverse in part and uphold in part by written notice; or d) issue a notice extending by ten (10) business days the time to decide the appeal. The City Council is considered to have received your appeal at its first regularly scheduled meeting following the submission of the appeal in writing.

If after judicial review, the Circuit Court determines that the City of Ludington has not complied fully with the disclosure requirements, the Court shall award reasonable attorneys' fees, costs, and disbursements. If the Court determines that the City of Ludington has arbitrarily and capriciously violated the Act, the Court shall award punitive damages in the amount of \$500.00.

The Freedom of Information Act, being 1976 PA 442 (MCL 15.231 to 15.246) ("FOIA") mandates disclosure of most public records. To fulfill this mandate, the City has established Procedures and Guidelines for handling FOIA requests to ensure that members of the public receive full and complete information requested regarding the affairs of government, while not unduly burdening City government. Please be advised that a copy of these Procedures and Guidelines and a Summary of these Procedures and Guidelines is available at the City of Ludington office and is also posted on the City's website at: <http://www.ludington.mi.us/DocumentCenter/View/382>; and, <http://www.ludington.mi.us/DocumentCenter/View/383>

A copy of this request will be kept on file for no less than one (1) year.



Carlos Alvarado
FOIA Coordinator for City of Ludington