



Elissa McDaniels  
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March 11, 2020

Mr. Steven R. Harry  
3125 Tecumseh River Rd.  
Lansing, MMI 48906

*sent via email to stevenrharry@gmail.com*

Re: Freedom of Information Act Request #4721

Dear Mr. Harry:

The Lansing Board of Water & Light (BWL) is writing in response to your Freedom of Information Act (FOIA) request transmitted via electronic mail, dated March 3, 2020 and therefore, pursuant to MCL 15.235(1), deemed received March 4, 2020, (one business day after the electronic transmission). You requested the following information:

***“[f]or all BWL employees who were employed during the 2019 calendar year:***

- Name***
- Position***
- Department***
- Hire date***
- Termination date***
- Salary/hourly rate***
- Total earnings for 2019***
- Regular earnings***
- Overtime earnings***
- Any other available components of total earnings other than regular and overtime***

***I asked that the information be provided in a digital file.”***

Your request is denied because your request asks for a report in a specific format that does not exist. Furthermore, pursuant to MCL 15.233 (4), FOIA does not require a public body to make a report of information. <sup>1</sup>Pursuant to MCL 15.235(5)(b), this response constitutes a certification that the public record(s) requested do not exist.

Under the FOIA, if a request for a public record is denied for any reason, the public body must provide written notice of denial and include a full explanation of the requesting person’s right to:

- 1) submit to the head of the public body a written appeal that specifically states the word “appeal” and identifies the reason or reasons for reversal of the disclosure denial,

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<sup>1</sup> *Hartzell v. Mayville Community School Dist.*, 183 Mich. App. 782



- 2) seek judicial review in circuit court within 180 days of the denial of the request under Section 10 of the FOIA,
- 3) receive attorneys' fees and damages as provided in Section 10 of the FOIA if, after judicial review, the circuit court determines that the public body has not complied with Section 5 of the FOIA and orders disclosure of all or a portion of the public record,
- 4) receive \$1000 in punitive damages if the court determines under Section 10 of the FOIA that the public body acted arbitrarily or capriciously in refusing to provide a public record.

This letter also serves as that written notice. A copy of this request will be kept on file for no less than one (1) year.

In accordance with MCL 15.234(4) please find the BWL's FOIA Procedures and Guidelines and the Written Public Summary of FOIA Procedures and Guidelines on the BWLs website at <http://www.lbw.com/About-the-BWL/FOIA-Requests/>.

Sincerely,



Elissa McDaniels

Assistant FOIA Coordinator

