



City of Lansing

OFFICE OF THE CITY ATTORNEY

JAMES D. SMIERTKA, CITY ATTORNEY

September 19, 2019

Michele Ramon
Michele.ramon@gmail.com

Sent Via Email

RE: Freedom of Information Act ("FOIA") Request
20-084 – Foster Farm Profile

Dear Ms. Ramon:

In response to your Freedom of Information Act request referenced above, received by this office on August 26, 2019, your request is denied.

Your request for the time and date and user ID used to change the contact name for the Foster Farm profile is denied as no such record exist. This letter serves as a certificate that the requested documents do not exist under the name provided by you or another name reasonably known to the City. MCL 15.235(5)(b).

To the extent your request includes a request to Andi Crawford to change the Foster Farm profile on or about April 14, 2019 your request is denied as no such records exist. This letter serves as a certificate that the requested documents do not exist under the name provided by you or another name reasonably known to the City. MCL 15.235(5)(b).

Your request for the IP address that created the Foster Farm profile in 2018 is denied as this is not a request for a public record. Under MCL 15.233(1) a requestor must "describe[] a public record sufficiently to enable the public body to find the public record . . ." Please note that your request for an IP address is not a "writing prepared, owned, used, in the possession of, or retained" by the City of Lansing in the "performance of an official function, from the time it is created." MCL 15.232.

Please be advised that the City has adopted Procedures and Guidelines and a Written Public Summary, both of which are available on the City's website at:

<https://www.lansingmi.gov/DocumentCenter/Home/View/618>

<https://www.lansingmi.gov/DocumentCenter/Home/View/415>

Appeal of denial of records. You are entitled under the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the President of City Council or to commence an action in the Circuit Court within 180 days after the City's final determination to deny a request, to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record.

Appeal of excessive fee. You are entitled under the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the President of City Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the President of City Council. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount.

If you have any further questions, please contact me at my office.

Sincerely,



Amanda O'Boyle
Office of the City Attorney

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