



The City of
LANSING
City Council

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March 29, 2021

Mr. Steven R. Harry
3125 Tecumseh River Rd.
Lansing, MI 48906
517.703.2638
tevenrharry@gmail.com

RE: FOIA Request #21-327 Mr. Harry,

Mr. Harry,

In reviewing your Freedom of Information Act (FOIA) request #21-327, it is my opinion that further appeal is not proper as your appeal has already been heard and denied.

City of Lansing policy on FOIA appeals clearly states that they shall be to the President of City Council. This has been the City's policy for as far back as anyone at the City can remember, and very likely was in place shortly after the Freedom of Information Act was enacted by the State. While I understand you interpret the Act differently, the Act calls for the head of the public body, use of the definite article is not consistent with your request.

Second, under the process, no appeal is entitled to "re-appeal" a denial. Nonetheless, I have checked twice and the report you assert must exist, does not. This does not mean that an inspection did not happen. Indeed, records turned over in response to your request and in response to your appeal (which were not responsive to your actual request but released), as well as records in your possession, seem to show that an inspection did occur. However, the report you seek does not exist in the possession of the City of Lansing.

The appeal process related to FOIA 21-327 with the City of Lansing has been exhausted.

If you choose to pursue this through the Circuit Court and if the Court determines that records have been arbitrarily and capriciously denied or redacted, please be aware there may be actual or compensatory damages, punitive damages (in the amount \$1,000.00), reasonable attorney fees, costs and disbursements.

Sincerely

A handwritten signature in blue ink, appearing to read "Peter Spadafore".

Peter Spadafore
City Council President