



January 18, 2018

SENT VIA EMAIL

Alice Dreger

Re: Freedom of Information Act Request (18-04)
Request Denied

Dear Alice:

On January 8, 2018, the City of East Lansing received your Freedom of Information Act request for *“Any and all responses received by the City of East Lansing or its representatives from the Chief Counsel’s office of the HUD Detroit Field Office on the matter of the “Abbot Road Sidewalk Construction” as referred to in the attached, whether the response(s) be informal or formal, intermediate or final, etc.”*

Your request is denied as the City is not in possession of records that respond to these elements of your request. MCL 15.233(5) of Michigan Freedom of Information Act ***does not require a public body to create a new public record.***

Since your request has been denied in whole or in part, we must inform you that you have the right to do either of the following:

A. Submit to the City Manager of the City of East Lansing a written appeal that specifically states the word “appeal” and identifies the reason or reasons for the reversal of disclosure denial; or

B. Seek judicial review of this denial in the circuit court under Section 10 of the Michigan Freedom of Information Act, MCL15.240, a copy of which is enclosed.

If the court determines that the records which you seek are not exempt from disclosure, it shall order the public body to produce the record. The circuit court for the county in which the complainant resides or has his/her principal place of business, or the circuit court for the county in which the public record, or an office of the public body is located, has jurisdiction.

If you seek judicial review and prevail in whole or in part, the court may award you reasonable attorney’s fees, costs, disbursements, other actual, or compensatory, or punitive.

A copy of MCL 15.240(1) is enclosed to further explain your right to appeal and the procedures thereunder.

If you have any questions, you may contact me at 319-6914.

Sincerely,

Teresa A. Brazee

Teresa A. Brazee
Deputy City Clerk

>>> Alice Dreger 1/19/2018 4:35 PM >>>

Dear Jennifer,

I believe the denial to my request as attached is a misrepresentation, as it claims there are no records to provide in response to my request. I am not yet appealing this decision as I am giving the City another chance to answer my request appropriately. I would appreciate if you would do so now.

Thanks for your assistance.

Alice

On Jan 22, 2018, at 9:53 AM, Jennifer Shuster <jshuster@cityofeastlansing.com> wrote:

Ms. Dreger,

Thank you for contacting me regarding your specific FOIA request that was denied on Thursday, January 18, 2018.

Please know that there are no documents to provide to you that are not under attorney-client privileged communication.

Please feel free to contact me if I may be of additional assistance.

Jennifer Shuster, CERA
City Clerk/FOIA Coordinator

City of East Lansing
410 Abbot Road - Room 100
East Lansing, MI 48823
phone: 517-319-6881