

Lindsay N. Dangel

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May 10, 2024

Steve Harry  
VIA EMAIL: [stevenharry@gmail.com](mailto:stevenharry@gmail.com)

**RE: FOIA Request to Capital Area District Library**

Dear Mr. Harry:

CADL received your FOIA request dated May 6, 2024 for “the document that shows the calculation of [Scott Duimstra’s] pension” and “the employee handbook for each employee group.”

As to your first request, CADL does not have a public record responsive to this request and therefore your request is denied pursuant to MCL 15.233(5). In further answer, Mr. Duimstra is not yet eligible to collect a pension and CADL does not keep a document with any other information responsive to your request. FOIA does not require CADL to create a new public record. As to your second request, enclosed please find the employee manuals you requested in electronic format. If you require a paper copy, please let me know and I can calculate the expense for the copies.

Please be advised that, pursuant to MCL 15.235(5), CADL is required to advise you that under MCL 15.240 if a public body makes a final determination to deny all or part of a request under the Freedom of Information Act, the requesting person has the right to do either of the following:

- (1) Submit to the head of the public body (in this case, Jenny Marr) a written appeal that specifically states the word “appeal” and identifies the reason or reasons for reversal of the disclosure denial, or
- (2) Seek judicial review of the denial under MCL 15.240.

If you seek judicial review under MCL 15.240 and the court determines that the public records are not exempt from disclosure, the court shall order the public body to cease withholding or to produce the public record withheld. The circuit court for the county in which the complainant resides or has his principal place of business, or the circuit court for the county in which the public record is located is the proper venue in which to bring the action. The court shall consider the case de novo, and the burden is on the public body to sustain its denial. If a person asserting the right to obtain the public record prevails in the action, the court shall award reasonable attorney fees, costs, and disbursements. If the person prevails in part, the court may in its discretion award reasonable attorney fees, costs, and disbursements or an appropriate portion therefore. If the court determines that the public body has arbitrarily and capriciously violated the FOIA, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$1,000 to the person seeking the public records.

If you have questions about this response, please feel free to contact me in writing or by telephone during normal business hours. Thank you.

Sincerely,  
**MURPHY & SPAGNUOLO, P.C.**

A handwritten signature in blue ink, appearing to read 'LND', with a stylized flourish at the end.

Lindsay N. Dangi

LND/drd