Secretary of State Jocelyn Benson

Attn: Michael J. Brady

Legal Services Administration

Michigan Department of State

P.O. Box 30204

Lansing, MI 48918

November 19, 2024

SUBJECT: APPEAL regarding November 8, 2024 FOIA Request

Dear Mr. Brady,

Pursuant to the guidelines provided in the Michigan FOIA Handbook, I am formally appealing to the Michigan Department of State (MDOS) regarding excessive fees cited in response to my November 8, 2024 FOIA request for communications pertinent to a reported DailyCastBallot “glitch”. The department provided an itemization of fees that yielded a total estimate of $5,313.66.

In support of my assertion regarding excessive fees, please note that per statute the department is obligated to only charge “necessary” fees and use the “lowest paid” resources needed to respond to the request.

The response of the MI DOS FOIA division violates these requirements as follows:

* Two different pay rates cited to execute same activities
  + Labor costs to search, locate and examine ($35.70 and $97.18)
  + Labor costs for review and separation of exempt from non-exempt material ($48.28 and $97.18)
* Charges for services not required
  + Non-paper physical media ($6.00)
  + Duplication and publication ($0.10)
  + Labor costs to duplicate or publish ($856.80)
  + Mailing (9.90)

If we are to assume that the “Quantity” estimates and labor rates provided are accurate, then the estimate amounts should be adjusted as follows to comply with statute:

|  |  |  |  |
| --- | --- | --- | --- |
| Description | Quantity | Unit Cost | Amount |
| Labor costs to search, locate, and examine | 5 | $35.70 | $178.50 |
| Labor costs for review and separation of exempt from non-exempt material | 68 | $48.28 | $3,283.04 |
| SUBTOTAL |  |  | $3,461.54 |
| DEPOSIT |  |  | $1,730.77 |

In this light, please provide a revised Detailed Itemization of Fees pertinent to my November 8, 2024 to the address below or via email to [patrick@migrassrootsalliance.org](mailto:patrick@migrassrootsalliance.org).

Thank you for your prompt attention to this matter.

Regards,

Patrick J. Colbeck

President

MI Grassroots Alliance

47841 Royal Pointe Drive

Canton, MI 48187

Attachments:

* November 8, 2024 FOIA Request by Patrick Colbeck
* November 19, 2024 FOIA Response by Sherri Hines