



CITY OF GLADSTONE, MICHIGAN

CITY HALL, 1100 DELTA AVENUE

GLADSTONE, MI 49837

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www.gladstonemi.gov

"Year Round Playground"

March 17, 2025

VIA ELECTRONIC MAIL: GKOVALAINEN@GMAIL.COM

Mr. Gary Kovalainen
1108 Lake Shore Drive
Gladstone, MI. 49837

Re: FOIA Request 2025-07

Mr. Kovalainen,

The City of Gladstone (the "City") is writing in response to your Freedom of Information Act ("FOIA") request transmitted via electronic mail, dated March 7, 2025, and therefore, pursuant to MCL 15.235(1), deemed received on March 10, 2025 (one business day after the electronic transmission).

Your request was for the records identified as follows:

FOIA Request

To: City Clerk Kim Berry, City of Gladstone (kberry@gladstonemi.gov)

CC: City Manager Eric Buckman (ebuckman@gladstonemi.gov), Mayor Joe Thompson (jthompson@gladstonemi.gov), Assessor Janice Frizzell (jfrizzell@gladstonemi.org)

Date: March 7, 2025

Dear Ms. Berry,

I am submitting this formal request under the Michigan Freedom of Information Act (MCL 15.231 et seq.) to address the public disclosure of my personal identifying information (PII) in the City of Gladstone's Board of Review (BOR) minutes online.

These minutes (e.g., 2020-2024) include my name (Gary Kovala), address (1108 Lake Shore Dr.), and disabled veteran tax exemption status, posing privacy risks. I request:

1. Redaction of my name, address, and disability tax status from all online BOR minutes (2020-2024), as permitted under MCL 15.243(1)(a).
2. A written explanation of the legal basis for publishing this PII.

I have requested this since August 2024, including on October 21, 2024, but no action has been taken. Please respond within 5 business days per MCL 15.235, or provide notice of an extension. Contact me at gkovalainen@gmail.com



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 The City of Gladstone is an equal opportunity employer and provider.

Sincerely,
Gary Kovala

1. Your request is hereby denied as your request does not identify any records you are requesting, rather you are requesting that public records be altered, which the Freedom of Information Act does not provide for such action.
2. Your request is further denied per MCL15.233 Sec.3(4) the act does not require a public body to make a compilation, summary, or report of information.

Under the FOIA, if a request for a public record is denied for any reason, the public body must provide written notice of denial and include a full explanation of the requesting person's right to:

- 1) submit to the City of Gladstone Commission (by filing with the office of the City of Gladstone Manager) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial,
- 2) seek judicial review in circuit court within 180 days of the denial of the request under Section 10 of the FOIA,
- 3) receive attorneys' fees and damages as provided in Section 10 of the FOIA if, after judicial review, the circuit court determines that the public body has not complied with Section 5 of the FOIA and orders disclosure of all or a portion of the public record,
- 4) receive \$1,000 in punitive damages if the court determines under Section 10 of the FOIA that the public body acted arbitrarily or capriciously by refusal or delay in disclosing or providing a public record. In addition, 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.

Within ten (10) business days after receiving a request for an appeal, the City of Gladstone Commission shall a) reverse the denial; b) issue a written notice upholding the denial; c) reverse the denial in part and issue a written notice upholding the denial in part; d) issue a notice extending by not more than ten (10) business days the time to decide the appeal. This letter also serves as the written notice of your rights under FOIA.

The City's FOIA Procedures and Guidelines and Public Written Summary are maintained on its website and may be accessed at: <https://www.gladstonemi.gov/media/2776>

A copy of this request will be kept on file for no less than one (1) year. Should you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Kimberly Berry
FOIA Coordinator