

Patricia Pergament

From: Ernie Silver Night Properties <silvernighpropertiesllc@hotmail.com>
Sent: Tuesday, August 4, 2026 12:28 AM
To: Township FOIA; Anthony Noble; Patricia Pergament
Subject: APPEAL — \$106.35 Fee Estimate for July 30, 2026 Special Township Board Meeting Records
Attachments: 20260803193223861.pdf

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Dear Clerk Noble, Township Board, and Ms. Pergament:

This correspondence specifically constitutes an APPEAL under MCL 15.240a of the \$106.35 fee estimate dated August 3, 2026, concerning my July 31, 2026 FOIA request for records of the July 30, 2026 Special Township Board Meeting.

Please transmit this appeal to the head of the public body and distribute it to every Township Board member for determination.

I request reversal or substantial reduction of the fee for the following reasons:

1. The itemization does not specifically identify the nature of the allegedly unreasonably high costs. It states only that Township resources must be used to search, gather, and examine records.
2. The same \$70.90 hourly rate is used for both searching and electronic duplication without identifying the separate employee classifications or establishing that the same employee is the lowest-paid employee capable of performing each distinct task.
3. The estimate charges 30 minutes, or \$35.45, for duplication and publication but does not identify the records being duplicated, the method of production, or the tasks requiring 30 minutes.
4. Several requested records—including the meeting notice, agenda, Board packet, recording, attendance information, motions, votes, and minutes—should be centrally maintained or readily identifiable.
5. The estimate contains no redaction charge and estimates only one hour for searching and examination, indicating that the request can be processed without the unexplained additional duplication charge or with a materially reduced charge.

I request a revised itemization that:

- Separately identifies each task;
- Identifies the employee classification and hourly rate used for each task;
- Explains why that employee is the lowest-paid employee capable of performing it;
- Explains the basis for the one-hour search estimate;

- Explains the basis for the 30-minute duplication estimate; and
- Removes charges for records that are already publicly accessible or can be transmitted electronically with minimal labor.

As an accommodation intended to reduce costs, I am willing to accept staged production. The first production should include:

1. Every version of the July 30 special-meeting notice and records showing when and where it was posted;
2. Website or content-management-system publication and revision history;
3. The final agenda, Board packet, and supplemental materials;
4. The complete audio or video recording;
5. Attendance, quorum, motions, seconds, votes, and roll-call records;
6. Proposed minutes, draft minutes, Clerk notes, and any written decision or resolution;
7. Any motion and roll-call vote concerning a closed session; and
8. Livestream or remote-access records.

This proposed staging does not withdraw the remaining portions of my request or reduce the scope of the preservation notice. The remaining responsive records must continue to be preserved pending production or further agreement.

Please issue a written decision on this fee appeal and a corrected itemization. Please do not treat the request as abandoned while this appeal is pending.

This appeal does not amend, replace, resubmit, or restart the original request and does not waive any objection, deadline, claim, or remedy.

Please acknowledge receipt and confirm distribution to the head of the public body and the Township Board.

Sincerely,

Ernest G. Parker
 9620 Cooley Lake Road
 White Lake, Michigan 48386
silvernightpropertiesllc@hotmail.com

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer



Trustees
Scott Ruggles
Steve Anderson
Andrea C. Voorheis
Liz Fessler Smith

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August 18, 2026

Mr. Ernest Parker
9620 Cooley Lake Road
White Lake, MI 48386
E-mail: Silvernightpropertiesllc@hotmail.com

RE: Appeal to August 3, 2026, Deposit Request RE Fees to Complete FOIA Request Dated July 31, 2026, RE: July 30, 2026, Special Township Board Meeting Records

Dear Mr. Parker,

The White Lake Township Board has reviewed your written fee appeal received by this office on August 4, 2026. Under Section 10a of the Michigan Freedom of Information Act (FOIA), MCL 15.240a, the Township is issuing this formal written determination.

After a comprehensive review of your appeal, the original public records request, and the Detailed Cost Itemization Form, the Township has determined to **deny your appeal and uphold the original fee estimate of \$106.35.**

The Township's specific response and statutory justification addressing each point raised in your appeal are detailed below:

- Regarding the Nature of Costs:** The Township's original itemization properly identifies that Township resources must be utilized to search, gather, and examine the records. Under MCL 15.234(1) and (3), a public body is permitted to charge labor costs for these activities when a failure to do so would result in unreasonably high costs to the Township. The broad nature of your request encompasses multiple formats and categories of records, requiring the Township to incur high labor costs that deviate from routine, nominal operations. As noted in the deposit letter, this is an estimate of cost. The fee may be higher or lower once the work is completed. If lower, the Township would adjust the final cost for the second half of the deposit upon notifying you that the records are available.
- Regarding Employee Classification and Hourly Rates:** The uniform hourly labor rate of \$70.90 complies with MCL 15.234(3). The Township Deputy Supervisor is the lowest-paid employee capable of searching for, retrieving, examining, and digitally duplicating these specific records. This single classification

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performs all required tasks because the records are interwoven with sensitive, statutory, and potentially non-public data that requires administrative expertise to identify and separate.

3. **Regarding Duplication and Publication Details:** The 30-minute charge (\$35.45) directly reflects the time required for the lowest-paid capable employee (the Deputy Supervisor) to extract and securely transfer what is likely to be a large digital file(s). This is a labor task separate from the search process and is explicitly permitted under MCL 15.234(1)(b).
4. **Regarding Readily Identifiable Records:** Although the Township maintains central public records, your request seeks a comprehensive compilation across various distinct categories (including recordings. Additionally, some information (i.e. minutes, synopsis) may not be available for several days after a meeting. Consolidating these separate, individual files into a single, compliant disclosure package requires discrete administrative labor that cannot be performed instantaneously.
5. **Regarding Redaction and Duplication Overlap:** The absence of a redaction charge does not invalidate the distinct labor required for search and duplication. Search and examination labor ensures the correct records are located, while duplication labor covers the physical or electronic compilation and rendering of those files into the final requested format. These are independent steps under the Act, and both were estimated accurately.

Certification of Compliance

Pursuant to MCL 15.240a(2), the Township hereby certifies that the labor charges and fees outlined in the original Detailed Cost Itemization Form comply with the statutory requirements of MCL 15.234, do not exceed the amount permitted under the Act, and accurately reflect the actual hourly rate of the lowest-paid employee capable of performing the tasks.

Notice to Seek Judicial Review

Pursuant to Section 10a of the FOIA, MCL 15.240a, you have the right to commence a civil action in the circuit court to appeal the Township's decision regarding this matter.

The Township will resume processing your public records request immediately upon receipt of the required deposit of \$53.17 which is half of the total fee as previously requested.

Sincerely,

Rik Kowall,
Township Supervisor