

Patricia Pergament

From: Ernie Silver Night Properties <silvernighpropertiesllc@hotmail.com>
Sent: Tuesday, August 4, 2026 12:20 AM
To: Township FOIA; Anthony Noble; Patricia Pergament
Subject: APPEAL — August 3, 2026 No-Record Denial Concerning Claimed FOIA Extension
Attachments: 20260731123430644.pdf; 20260803162321266.pdf

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

This correspondence specifically constitutes an APPEAL of White Lake Township's August 3, 2026 disclosure denial concerning the claimed ten-business-day extension of my July 10, 2026 FOIA request.

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

The Township's July 31, 2026 response states that the Township extended the response period by ten business days and therefore timely responded on July 31.

However, the Township's August 3, 2026 determination states that no records were found for:

1. The exact written extension notice;
2. The date and time it was issued;
3. The address or destination to which it was sent;
4. The method of transmission; or
5. Any transmission, delivery, rejection, or returned-message information.

The August 3 determination further certifies that the requested records do not exist under the name provided or another name reasonably known to the Township.

These two official determinations are materially inconsistent. If no extension notice or transmission record exists, the existing public record does not support the July 31 statement that a written ten-business-day extension was issued.

I request that the denial be reversed to the extent responsive records exist and that the Township direct a renewed, documented search of all locations reasonably likely to contain them, including:

- The FOIA Coordinator's email, Sent Items, deleted mail, drafts, attachments, and scanned documents;
- The shared Township FOIA mailbox;
- FOIA tracking systems, calendars, logs, and case files;

- Township email-server or transmission records;
- Delivery-failure, rejection, quarantine, or returned-message records; and
- Internal communications concerning preparation, approval, issuance, or attempted transmission of the extension.

Please issue a supplemental written determination stating what offices, custodians, systems, mailboxes, and date ranges were searched.

If no separate written extension notice was prepared or transmitted during the original response period, please formally confirm that fact and correct the administrative record accordingly.

Please preserve the July 31 response, the August 3 denial, all related metadata, and all records concerning the claimed extension.

This appeal does not amend, replace, resubmit, or restart my July 10, 2026 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

WHITE LAKE TOWNSHIP

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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 Dated - August 4, 2026, RE: No-Record Denial Concerning FOIA Extension

Dear Mr. Parker,

The White Lake Township Board has reviewed your FOIA appeal dated August 4, 2026, in which you challenge the administrative consistency of the Township's prior communications regarding a 10-business-day extension notice.

Pursuant to Section 10 of the Michigan Freedom of Information Act, MCL 15.240, the Township hereby issues this official determination to resolve your appeal, correct the administrative record, and clarify the processing timeline of your July 10, 2026, request.

1. Administrative Correction of the Record

Your appeal incorrectly identifies a material inconsistency in the Township's prior correspondence dated July 31, 2026, regarding a 10-business day extension.

The Township formally confirms that **no separate written extension notice was ever prepared, issued, or transmitted** during the original statutory response window. However, in the Township's July 31, 2026, deposit letter, the Township noted correctly that it used 10 additional business days to respond; and that response was the July 31, 2026, notice of deposit required.

The Township's July 31, 2026, deposit request letter said, "The Township needed additional time to review and respond to your request. As a result, pursuant to section 5 of the FOIA, the Township extended the time to respond by ten (10) business days. The Township has met the requirement to respond to your request on or before July 31, 2026." At no time did the Township indicate that it sent a separate extension letter.

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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2. Timeliness and Statutory Compliance

The Township maintains that its response to your July 10, 2026, request was timely under MCL 15.235. Instead of an extension, the Township timely issued a **Written Request for a Good-Faith Deposit** on July 31, 2026. Under Michigan FOIA, a public body is permitted to require a deposit before processing a request if the fee estimate exceeds \$50.00. The issuance of this deposit request paused the statutory clock and constitutes a timely, valid initial response under the Act.

3. Final Appeal Determination

Because the records you are appealing (the extension notice and its transmission logs, etc.) do not exist, a renewed search would yield no results. Therefore, your request to renew the search is denied because the Township cannot search for or produce a notice that was never created.

The Township certifies pursuant to MCL 15.235(5)(b) that any document that was not provided to you in our response dated August 3, 2026, means that those records do not exist.

If you are dissatisfied with this determination, you have the right to seek judicial review in the Oakland County Circuit Court under MCL 15.240.

As requested, the Township has preserved all correspondence from July 31 and August 3, as part of the official FOIA file.

The Township will proceed with your July 10, 2026, request upon receipt of the good-faith deposit requested on July 31, 2026.

Sincerely,

Rik Kowall,
Township Supervisor