

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
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WHITE LAKE TOWNSHIP

7525 Highland Road • White Lake, Michigan 48383-2900 • (248) 698-3300 • www.whitelaketwp.com

August 18, 2026

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

RE: Appeal to July 1, 2026, Deposit Request RE Fees to Complete FOIA Request Dated June 25, 2026

Dear Mr. Parker,

The White Lake Township Board has reviewed your written fee appeal received by this office on August 17, 2026, considered one business day later when received by email. 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:

1. **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.
2. **Lowest Paid Capable Employee:** 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 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.

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3. **Regarding 2.5 Hour Search Estimate Not Being Supported:** The estimated time to prepare the Township's response is reasonable under the statute and for the tasks necessary to properly answer the FOIA request. Moreover, neither the statute nor legal precedent indicates the proposed time to complete the response is improper. Additionally, the purported estimate is only an estimate. The cost may be higher or lower once the actual work has been completed. If the amount of time differs once the work is completed, you would be notified of the change in the request for the 2nd half of the deposit.

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 \$88.62 which is half of the total fee as previously requested.

Sincerely,

Rik Kowall,
Township Supervisor

Patricia Pergament

From: Ernie Silver Night Properties <silvernighpropertiesllc@hotmail.com>
Sent: Sunday, August 16, 2026 4:22 PM
To: Township FOIA; Anthony Noble
Subject: Subject: APPEAL — Excessive FOIA Fee/Deposit — June 25, 2026 FOIA Request — \$177.25 Estimate / \$88.62 Deposit

Caution: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subject: APPEAL — Excessive FOIA Fee/Deposit — June 25, 2026 FOIA Request — \$177.25 Estimate / \$88.62 Deposit

Ms. Pergament and White Lake Township Board:

This is a formal **APPEAL** under MCL 15.240a of the \$177.25 estimated FOIA fee and corresponding \$88.62 deposit imposed on my June 25, 2026 FOIA request.

I request that the fee and deposit be reversed or reduced for the following reasons:

1. Failure to specifically establish unreasonably high costs — MCL 15.234(3).

Search, examination, and review labor may be charged only when failure to charge would result in unreasonably high costs because of the nature of the particular request. The public body must specifically identify the nature of those unreasonably high costs.

The fee determination does not identify particular facts establishing why this request creates costs beyond the Township's normal FOIA-processing burden. A general statement that Township resources must be used to search, gather, and examine records does not establish the particularized statutory basis for charging search labor.

2. Lowest-paid capable employee requirement — MCL 15.234.

The estimate charges 2.5 hours at \$70.90 per hour. FOIA limits allowable labor charges to the hourly wage of the lowest-paid employee capable of performing the particular work.

The estimate does not establish the employee classification used for this search, the basis for determining that employee was the lowest-paid employee capable of performing the work, or why the requested records could not be searched by a lower-paid capable employee.

3. The 2.5-hour search estimate has not been adequately supported.

The estimate does not identify the systems searched, custodians involved, volume of records anticipated, specific search steps required, or other facts sufficient to verify that 2.5 hours of chargeable search labor is reasonably necessary.

I therefore request that the Township Board:

1. Waive the \$177.25 estimated fee and \$88.62 deposit; or
2. Alternatively, reduce the fee to the amount actually permitted by MCL 15.234 and issue a corrected detailed itemization stating the specific factual and statutory basis for any remaining charge.

This appeal is also intended as an **appeal of the deposit amount under MCL 15.234(14)**. The June 25, 2026 FOIA request should therefore remain active while this fee appeal is pending.

Please include this appeal in the complete administrative record and provide it to the Township Board for determination under MCL 15.240a.

Please confirm receipt.

Ernest G. Parker