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June 11, 2026

[REDACTED]
5525 Curtice Rd.
Mason, MI 48854
Sent via email only:
[REDACTED]

**RE: LHC'S Response to [REDACTED]'s FOIA Request
LHC LIHTC Partnership Agreements; CAHP, Cinnaire, Lapka, Continental
Management, and KMG Prestige Contracts; Board Recusal Records, 2018-
2026 (PHA MI058)**

[REDACTED],
As you are aware, my office represents the Lansing Housing Commission ("LHC"). This letter is being sent on behalf of LHC, which includes its FOIA Coordinator, Kim Shirey.

You submitted a FOIA Request titled LHC LIHTC Partnership Agreements; CAHP, Cinnaire, Lapka, Continental Management, and KMG Prestige Contracts; Board Recusal Records, 2018-2026 (PHA MI058) (Attachment A).

Your FOIA Request is granted in part and denied in part. To the extent any records requested are exempt pursuant to MCL 14.243, such request is denied. In addition, 24 CFR section 982.158 (Program Accounts and Records) provides that LHC shall keep such records for at least three years. To the extent that LHC has such records going back three years, LHC will provide the same.

LHC denies any record requests in violation of the Privacy Act, (5 U.S.C. 522a), and 24 CFR section 5.212 as such documents are exempt pursuant to MCL 15.243(1)(a). LHC denies any records sought in violation of MCL 15.243(1)(d), (f), (g), (m), (u), and (w). LHC denies any requests for attorney-client privileged documents.

In addition, any document request for which: (1) LHC is not in the possession of; (2) is not a party to; or (3) is not an LHC document is denied as LHC cannot obtain the same. LHC can only provide the documents it is a party to, therefore, LHC cannot provide documents for numerous entities listed in your FOIA request, which includes but is not limited to the following:

- a. Watermark Management Group, LLC; and
- b. CAHP;

All other requests are hereby granted.

Pertaining to LHC's good faith estimate in complying with your request, the total time would be 28.5 hours at \$20.19 per hour, for a total amount of \$572.42, broken down as follows:

a. Searching	\$241.67
b. Locating	\$86.31
c. Examining	\$28.77
d. Redaction/Review	\$172.62
e. Duplication	\$23.02
f. Emailing	\$23.02
g. Total	\$572.42

In order for LHC to begin this FOIA Request, LHC requires a deposit of half of the good faith estimate, which amount is \$287.71.

Once all the documents are gathered, you will also be charged the costs for each copy at \$0.10 per copy.

1. Requested Fee Waiver is Denied.

LHC determined that it is not in the public interest as it does not consider that your request to be primarily benefiting the general public. In addition, from reading your reasoning for your requested public fee waiver, if LHC were to grant your public fee waiver for the reasons you stated, LHC would then have to grant everyone who has submitted a FOIA a public fee waiver. Your request for a public fee waiver is extremely broad, and LHC cannot determine how the general public will be benefitted from your search. Your request pertains to a very broad request pertinent to you. As such, LHC will not grant you a fee waiver.

Neither Michigan FOIA or LHC's FOIA Procedures requires a fee waiver merely because the requested records concern governmental activities or matters of public interest. The fee-waiver determination is discretionary.

MCL 15.234(2) provides that a public record search or copies may be furnished without charge if the public body determines that a waiver is in the public interest, with disclosure primarily benefiting the general public.

The statute is discretionary, not mandatory. When adopting the statute, the legislature used the terms "may" and "if the public body determines," indicating that a requester is not automatically entitled to a fee waiver simply because records involve public funds, public officials, or governmental operations.

Your are arguing that your records request concern public expenditures, compensation, contracts, and housing programs, disclosure necessarily benefits the public and therefore the fees must be waived. That interpretation is inconsistent with both the statute and LHC's Procedures. Nearly every FOIA request to a public body concerns governmental operations to some degree. If that fact alone required a waiver, the legislature's detailed fee provisions would be largely rendered meaningless and the discretionary waiver language would functionally become mandatory.

Your request is extremely broad, voluminous, excessive and time consuming.

It will most likely take LHC an additional two to three weeks to gather the documents requested once you have paid the \$287.71 deposit, coupled with all of your other FOIA Requests submitted.

2. Hourly rate is pursuant to MCL 15.234(1)(a) which provides:

Sec 4. (1)(a). That portion of labor costs directly associated with the necessary searching for, locating, and examining of public records in conjunction with receiving and fulfilling a granted written request. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in the particular instance regardless of whether that person is available or who actually performs the labor. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down.

Sec 4(1)(b). That portion of labor costs, including necessary review, if any, directly associated with the separating and deleting of exempt information from nonexempt information as provided in section 14. For services performed by an employee of the public body, the public body shall not charge more than the hourly wage of its lowest-paid employee capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14, regardless of whether that person is available or who actually performs the labor. If a public body does not employ a person capable of separating and deleting exempt information from nonexempt information in the particular instance as provided in section 14 as determined by the public body's FOIA coordinator on a case-by-case basis, it may treat necessary contracted labor costs used for the separating and deleting of exempt information from nonexempt information in the same manner as employee labor costs when calculating charges under this subdivision if it clearly notes the name of the contracted person or firm on the detailed itemization described under subsection (4). Total labor costs calculated under this subdivision for contracted labor costs must not exceed an amount equal to 6 times the state minimum hourly wage rate determined under section 4 of the improved workforce opportunity wage act, 2018 PA 337, MCL 408.934. Labor costs under this subdivision shall be estimated and charged in increments of 15 minutes or more, with all partial time increments rounded down. A public body shall not charge for labor directly associated with redaction under section 14 if it knows or has reason to know that it previously redacted the public record in question and the redacted version is still in the public body's possession.

Sec 4(1)(e) The cost of labor directly associated with duplication or publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on nonpaper physical media or through the internet or other electronic means as stipulated by the requestor. The public body shall not charge more than the hourly wage of its lowest-paid employee capable of necessary duplication or publication in the particular instance, regardless of whether that person is available or who actually performs the labor. Labor costs

under this subdivision may be estimated and charged in time increments of the public body's choosing; however, all partial time increments shall be rounded down.

Hourly Rate is \$20.19 per hour, unless requested documents require authorized personnel with access to obtain the same, then the lowest hourly rate for such person will apply, which is \$50 an hour.

3. Copy Costs of \$0.10 per page pursuant to MCL 15.234(1)(d)

Therefore, this is LHC's written notice denying your FOIA Requests pursuant to MCL 15.235(2)(b). Pursuant to MCL 15.235(5)(a), the basis for FHC's denial of your FOIA Request seeks exempt documents pursuant to MCL 15.243 (1)(a) as such documents sought are personal in nature.

Since your request was denied LHC must inform you that you have the right to do either of the following:

- A. Submit to the Executive Director of FHC (Douglas Fleming) a written appeal that specifically states the word "Appeal" and identifies the reason or reasons for the reversal of disclosure denial which can be sent:

Lansing Housing Commission
Attn: Douglas Fleming
419 Cherry St.
Lansing, MI 48933

Or

- B. Seek judicial review of this denial in the Circuit Court under Sec 10 of the Freedom of Information Act (MCL 15.240).

Pursuant to MCL 15.235(5)(e), you have the right to receive attorneys' fees and damages as provided in section 10 if, after judicial review, the court determines that the public body has not complied with this section and orders disclosure of all or a portion of a public record.

My office, on behalf of LHC is more than willing to discuss your FOIA Request with you, which would be beneficial as I am sure your request can be more narrowly focused, which would reduce the costs. I can be reached via email at jeffklug@kluglawmi.com, or 517-349-5584.

Sincerely,
Klug Law Firm

/s/ Jeff Klug

Cc: Lansing Housing Commission