

Attorneys:

Thomas A. Klug⁺
Jeffrey D. Klug
Alexandra Tolzman

⁺ Also Licensed in Florida
⁺ L.L.M. Taxation
^{*} Of Counsel



KLUG LAW FIRM
TRUSTED & EXPERIENCED

Attorneys at Law
www.kluglawfirm.com

2222 W. Grand River Ave.
Okemos, MI 48864
Phone: 517-349-5584
Fax: 517-349-5588
Email: klf@klugtaxlawfirm.com

June 11, 2026

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

RE: LHC'S Denial of [REDACTED]'s appeal.

[REDACTED],

As you are aware, my office represents the Lansing Housing Commission ("LHC"). This letter is being sent on behalf of LHC, which includes on behalf of its executive director, Doug Fleming.

LHC has denied your appeal for 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. As stated in previous letters stated by emails, your FOIA Request which was sent on April 27, 2026 is granted. If you would like to continue with your FOIA Request, then you need to pay a good faith deposit of \$403.80, which is half of the good faith estimated cost to obtain the documents you have requested detailed as follows:

Searching	\$80.76
Locating	\$80.76
Examining	\$282.66
Redaction/Review	\$282.66
Duplication	\$40.38
Emailing	\$40.38
Total	\$807.60.

It will most likely take LHC an additional week to two weeks to gather the documents requested once you have paid the \$403.80 deposit.

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.

Pursuant to MCL 15.240(1)(b), you have the right to commence a civil action within 180 days from today's date.

Sincerely,
Klug Law Firm

/s/ Jeff Klug

Cc: Lansing Housing Commission