

**City of Frankfort, Michigan  
Freedom of Information Act Notice of Denial**

City of Frankfort FOIA Coordinator  
412 Main St., P.O. Box 351  
Frankfort, MI 49635  
Phone (231) 352-7117 Fax (231) 352-7100

**Request For:**

- Copy
- Certified copy
- Record inspection
- Subscription to Record Issued on Regular Basis

**Delivery Method Upon Payment of Balance Due:**

- Pick up records in person
- Mail to address below

**Requestor Information:**

Name	Phone	
Firm/Organization	Fax	
Street	Email	
City	State	Zip Code

**Date of FOIA Request:** \_\_\_\_\_

**Record(s) Requested:**


**Please take notice that**

- all**
- part**

**of your request for public records has been denied by the City of Frankfort.**

**Reason for Denial:**

**The following information is exempt from disclosure under Section \_\_\_\_\_ of FOIA:**


**The above-described information is exempt from disclosure because:**


**The following information does not exist under the name provided in your request or by another name reasonably known to the township:**


**A certificate that the public record does not exist under the name given is enclosed.**

**The following portions of the requested information had to be redacted, separated, or deleted from the information otherwise being provided to you because it is exempt under Section \_\_\_\_\_ of FOIA:**


**The above-described information is exempt from disclosure because:**


**If you have any questions regarding this denial, contact the City of Frankfort FOIA Coordinator at the address and telephone number provided above.**

### **Notice of Requestor's Right to Seek Judicial Review**

If you receive written notice that your request was denied in whole or in part, you may, at your option, either 1) submit to the FOIA Coordinator a written appeal that specifically states the word "appeal" and identifies the reason(s) you believe the denial should be reversed; or 2) file a civil action in the Benzie County Circuit Court, within 180 days after The City's final determination to deny your request, to compel the City of Frankfort's disclosure of the withheld public records. If, after judicial review, the Circuit Court determines that the City has not complied with the FOIA and orders disclosure of all or a portion of a public record, you may be awarded attorney's fees and damages as provided by Section 10 of the FOIA. An excerpt of the FOIA, containing the provisions that pertain your rights to appeal this denial, is provided below.

Signature of FOIA Coordinator

Date

### **MICHIGAN FREEDOM OF INFORMATION ACT (EXCERPT)**

#### **Section 10 MCL 15.240**

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or

commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.