



MILFORD POLICE DEPARTMENT

Request Number: _____

Date Received: _____

Fee Appeal Form

1100 ATLANTIC ST, MILFORD MI 48381 • PHONE (248) 684-1815 • FAX (248) 685-0543

FOIA APPEAL FORM - TO APPEAL AN EXCESS FEE

MICHIGAN FREEDOM OF INFORMATION ACT, PUBLIC ACT 442 OF 1976, MCL 15.231, ET SEQ

Request No (for records use): _____ Date Received (for records use): _____

Name of Individual Making Request:	Date submitting request:
StreetAddress:	City:
State/Zip:	Phone Number:
Firm/Organization:	Entity Representing if applicable:
Claim/File/Reference Number, if applicable:	Email:

Request for: Copy Certified Copy Record Inspection + Subscription to record issues on regular basis

Delivery Method: Will Pick Up Will make own copies onsite Mail to address above

Record(s) You Requested (Listed here or see attached copy of original request)

Reason(s) for Appeal:

The appeal must identify the reason(s) for denial. You may use this form or attach additional sheets:

Requestor's Signature: _____ Date: _____

Milford Police Department/Village Response:

The Milford Police Department (Village of Milford) must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

Village Extension: We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until _____ (month/day/year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension:

If you have any questions regarding this extension, Contact:

Milford Police Department/Village Determination:

Fee Waived Fee Reduced Fee Upheld

Written basis for Milford Police Department/Village Determination:

Notice of Requestors right to seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the Village's written Procedures and Guidelines to the Village Council or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the Village Council. If a civil action is commenced in court, the Village is not obligated to complete processing the request until the court resolves the fee dispute. If the court determines that the Village required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount.

Signature of FOIA Coordinator: _____ Date: _____

FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15.240. Amended options by requesting person; appeal; actions; by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action of appeal for hearing, trial, or argument; attorney's fees, costs, and disbursements; assessment of award; damages.

Sec 10.

(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 the request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do one 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 one notice of extension for a particular written appeal.

(3) A Council 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 Council 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 controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of the 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 or \$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 of its public function.