

HENRY S. WOLOSON

ATTORNEY AND COUNSELOR AT LAW

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December 30, 2008

Mr. Michael Kenyon, Village Manager
The Village of Grosse Pointe Shores
795 Lake Shore Road
Grosse Pointe Shores, MI 48236

Re: Freedom of Information Act Request

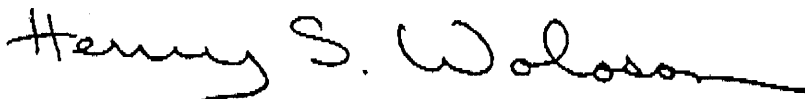
Dear Mr. Kenyon:

My name is Henry S. Woloson and I am with Reform Michigan Government, an organization which, in addition to promoting a part-time State legislature, reviews the compensation and benefit programs of elected officials. Some of our members in your community have asked me to request the following information under the Michigan Freedom of Information Act. To confirm the authenticity and source of the information, please provide the requested data on Village of Grosse Pointe Shores stationary.

1. What was the total compensation (reported on filed W-2's) for each year in 2006 and 2007 and the year-to-date figure for 2008 paid to each of the following employees: 1) Michael Kenyon 2) James Cooke 3) Brett Smith and 4) Angela Kenyon?
2. For each of the four employees listed in question #1, for 2006, 2007 and 2008, please provide a breakdown of how much of the compensation was salary and how much was attributable to other sources which I would like specified by type (sick pay, etc.).
3. Based on the compensation paid year to date and projected to be included in 2008, what will be the estimated amount that each of the following employees: 1) Michael Kenyon 2) James Cooke 3) Brett Smith and 4) Angela Kenyon will receive every year following normal retirement from Village of Grosse Pointe Shores retirement plans and pension funds held for their benefit.

I understand that there may be a cost for providing the above information. Please let me know of any charges that need to be paid and I will send a check promptly.

Sincerely,



Henry S. Woloson, Attorney

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PLC
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January 7, 2009

Mr. Henry S. Woloson
7608 Dixie Highway, Suite 100
Clarkston, MI 48346

Re: FOIA Request to Village of Grosse Pointe Shores

Dear Mr. Woloson:

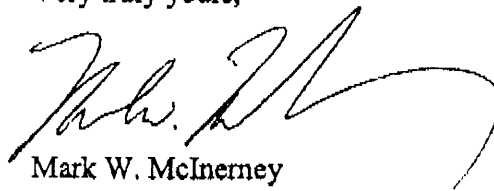
I am Corporation Counsel of the Village of Grosse Pointe Shores, and have been asked to provide this initial response to your recent FOIA request.

On Monday, January 5, 2009, the Village received your letter dated December 30, 2008, requesting information about compensation and pension benefits of various Village employees for several years. Pursuant to MCL §15.235(2)(d) and (6), the Village notifies you that it is extending its time for responding to your request by 10 business days (in addition to the 5 days to respond provided by MCL §15.235(2)). This extension is necessitated by the nature of your request and the need to search a number of documents stretching over several years in order to obtain all (or as much as can be located) of the information you request.

Accordingly, not later than January 26, 2009 (*i.e.*, 15 business days after receipt of your letter), the Village will either 1) grant your request; 2) issue a written notice to you denying your request; or 3) grant your request in part and issue a written notice to you denying your request in part.

Should you have any questions, please contact me.

Very truly yours,



Mark W. McInerney

ms

cc: Mr. Michael Kenyon (via email)
Mr. Brian P. Vick (via email)

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January 26, 2009

Mr. Henry S. Woloson
7608 Dixie Highway, Suite 100
Clarkston, MI 48346

Re: FOIA Request to Village of Grosse Pointe Shores

Dear Mr. Woloson:

As you know from my letter of January 7, 2009, I am Corporation Counsel of the Village of Grosse Pointe Shores. I have been asked to provide this response to your recent FOIA request.

Your first request was for the following:

1. What was the total compensation (reported on filed W-2's) for each year in 2006 and 2007 and the year-to-date figure for 2008 paid to each of the following employees: 1) Michael Kenyon; 2) James Cooke; 3) Brett Smith; and 4) Angela Kenyon?

Section 3 of Michigan's Freedom of Information Act, MCL §15.233, requires a public body, upon receipt of "a written request that describes a public record sufficiently to enable the public body to find the public record," to produce copies of the public record to the requesting party. A "public record" is defined as "a writing prepared, owned, used, in the possession of or retained by a public body in the performance of an official function." MCL §15.232(e). A public body's obligation is limited to producing existing public records or documents. FOIA "does not require a public body to make a compilation, summary, or report of information," MCL §15.233(4), or to "create a new public record." MCL §15.233(5).

Your first request does not seek production of a specific document (although it refers to such a document that it does not request). Rather, it seeks "a compilation, summary or report of information" and/or the creation of "a new public record," neither of which the Village is obligated to prepare or provide.

Your second request was as follows:

2. For each of the four employees listed in question #1, for 2006, 2007 and 2008 please provide a breakdown of how much of the compensation was salary

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and how much was attributable to other sources which I would like specified by type (sick pay, etc.).

Again, this request seeks not a particular document or documents, but rather "a compilation, summary or report of information" and/or the creation of "a new public record," which the Village is not obligated to prepare or provide. The Village does not have an existing document that contains this information.

Your third request was as follows:

3. Based on the compensation paid year to date and projected to be included in 2008, what will be the estimated amount that each of the following employees: 1) Michael Kenyon; 2) James Cooke; 3) Brett Smith; and 4) Angela Kenyon will receive every year following normal retirement from Village of Grosse Pointe Shores retirement plans and pension funds held for their benefit.

Again, this request seeks not a particular document or documents, but rather "a compilation, summary or report of information," which the Village is not obligated to prepare or provide. The Village does not have an existing document that contains this information.

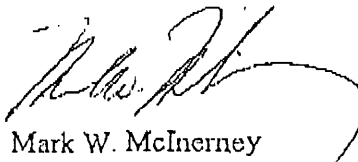
In the event this letter is deemed by you to be a denial of your request, pursuant to Section 5(4)(d) of FOIA (MCL §15.235(4)(d)) I am required to advise you as follows:

1. You may do either of the following:
 - a. Submit to the head of the Village (the Village President) a written appeal that specifically contains the word "appeal" and identifies the reason or reasons you believe any disclosure denial should be reversed.
 - b. Seek judicial review of the denial under Section 10 of FOIA.

2. You are also notified of the right to receive attorneys' fees and damages as provided in Section 10 of FOIA if, after judicial review, the circuit court determines that the Village has not complied with Section 5 of FOIA, and orders disclosure of all or a portion of a public record.

Should you have any questions, please contact me.

Very truly yours,



Mark W. McInerney

ms