

APPEAL

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President of Agency's Board of Education
Kalamazoo Regional Educational Service Agency (KRESA)
1819 East Milham Ave
Portage, MI 49002

Subject: Freedom of Information Act Appeal for Unreasonable Fees

Dear President of Agency's Board of Education

I am writing to formally appeal the fees assessed by KRESA in response to my recent Freedom of Information Act (FOIA) request dated November 22, 2024. The fees quoted appear to be excessive and unreasonable, contrary to the provisions of Michigan's Freedom of Information Act (MCL 15.231 et seq.).

The FOIA cost estimate provided by KRESA totals **\$360.00**, which I believe violates MCL 15.234(1) and (3) due to the following concerns:

1. Excessive Labor Charges

Michigan FOIA allows for labor costs only for the "necessary copying, searching for, locating, and examining of public records" and mandates that such charges reflect the hourly wage of the lowest-paid employee capable of performing the tasks (MCL 15.234(3)(a)). However, the estimate provided appears to use rates far above what is reasonable or necessary. I request clarification on whether the calculation adheres to these statutory requirements.

2. Improper Cost Allocation for Redaction

MCL 15.234(3)(d) allows for redaction costs but limits them to labor directly associated with separating exempt from nonexempt information. If KRESA intends to charge for this labor, it must demonstrate that such tasks cannot be performed by lower-paid employees.

3. Charging for Services That Are Statutorily Prohibited

I have concerns that certain fees, such as the lowest hourly wage at KRESA is **\$80 per hour and 12 fifteen minutes at \$30 per increment**, may not comply with FOIA provisions and Michigan Attorney General opinions regarding the scope of permissible fees.