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FOIA 25-180 — Board of Commissioners appeal decision

Delta County Board of Commissioners · letter dated September 3, 2025 · denial upheld

Request number: 25-180
Date: September 3, 2025
From: John Malnar, Chair, Delta County Board of Commissioners
Subject: determination of the appeal from the denial of FOIA 25-180

The letter

Transcribed in full from the released copy. The recipient's name and address are redacted. No wording has been added or removed.

DELTA COUNTY BOARD OF COMMISSIONERS
Administration Office, 310 Ludington St., Escanaba, Michigan 49829
Phone: 906-789-5100 · Fax: 906-789-5197

September 3, 2025

REDACTED
REDACTED

Re: FOIA # 25-180

Dear REDACTED,

This letter is a response to your appeal of the denial of your Freedom of Information Act (FOIA) request #25-180. Your request was initially denied because the response excluded records that the Delta County FOIA Coordinator determined were deemed to not exist or was already provided.

Your appeal was received at a regularly scheduled meeting of the Delta County Board of Commissioners on August 18, 2025. The Board determined to uphold the disclosure denial at the regular meeting on September 2, 2025.

Sincerely,

[signature]
John Malnar, Chair
Delta County Board of Commissioners

Delta County is an equal opportunity provider and employer.

What the letter does not address. The office's own Notice of Denial for this request checked two mutually inconsistent boxes: that the records are exempt under MCL 15.243, and that the records do not exist. The Board's letter adopts a third formulation — that the records were "deemed to not exist or was already provided" — without saying which applies to which part of the request, and without identifying what was supposedly already provided. It does not mention the certificate of nonexistence, the exemption box, or the bench-trial and jury-trial breakdown that was asked for. It records no vote count and cites no agenda item.