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FOIA 25-94 — Board of Commissioners appeal decision

Delta County Board of Commissioners · letter dated June 27, 2025 · partial denial upheld

Request number: 25-94
Date: June 27, 2025
From: John Malnar, Chair, Delta County Board of Commissioners
Subject: determination of the appeal from the denial of FOIA 25-94

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

June 27, 2025

REDACTED
REDACTED

Re: FOIA # 25-94

Dear REDACTED,

This letter is a response to your appeal of the partial denial of your Freedom of Information Act (FOIA) request #25-94. Your request was initially denied in part because the response excluded records that the Delta County FOIA Coordinator determined were deemed to not exist.

Your appeal was received at a regularly scheduled meeting of the Delta County Board of Commissioners on June 17, 2025. The Board determined to uphold the partial disclosure denial. Specifically to uphold denial of items 2, 3 and 4 as they do not exist and specifically uphold denial of item 1 for 2024 and 2025 as they do not exist. Item 1 was provided for years 2021, 2022, and 2023. However, the Board also supported the offer made by the Prosecutor to provide 2024 and 2025 records in the future. The Prosecutor has not yet, but intends to produce the 2024 and 2025 records requested and will provide those to you when they are completed.

Sincerely,

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

Delta County is an equal opportunity provider and employer.

What the letter establishes, and what it does not. It is the only document in this record that separates the four items of the request. It confirms that item 1 — the count of criminal cases filed — was produced for 2021, 2022 and 2023, and that the 2024 and 2025 portions were withheld as records that do not exist. It confirms that items 2, 3 and 4 — trial outcomes, the felony/misdemeanor breakdown, and internal performance reports — were withheld in full on the same ground. It does not describe the search that was conducted, does not identify any exemption under MCL 15.243, and does not set a date by which the promised 2024 and 2025 records would be produced. It records no vote count and cites no agenda item. The Board's acceptance of a promise to produce records later is not a determination that the records exist today; the letter says the Prosecutor “has not yet” produced them.