Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Beth Wickwire
Chief Assistant Prosecutor
Deputy Civil Counsel
Lauren Mattson
Assistant Prosecutor

MEMO

DATE: December 31, 2025

TO: Delta County Board of Commissioners; Emily DeSalvo, Delta County Administrator

FROM: Lauren Wickman, Delta County Prosecuting Attorney

RE: Appeal of FOIA Request 25-278

Below please find information related to the Appeal of Freedom of Information Act ("FOIA") [redacted] "Requester") on December 19, 2025, and was received by the Board on at the regularly scheduled meeting on January 6, 2026.

Please note I am providing this information in my capacity as Prosecuting Attorney and not as Civil Counsel; therefore, this Memorandum is not subject to the Attorney-Client Privilege.

A. ORIGINAL REQUEST

The original request was received November 26, 2025, and an extension was filed on December 3, 2025. The Request generally sought all records from the Prosecutor's Office that documented, tracked, summarized, or reported plea bargaining practices from January 1, 2022 to the present. The Requester went on to outline several specific categories of information requested. *Attachment A*.

B. RESPONSE TO REQUESTER

A response was sent to the Requester on December 18, 2025, granting in part the request, and denying the request only when records do not exist or where exempt material would be required to separated from non-exempt materials, consistent with MCL 15.243. *Attachment B*.

C. APPEAL

The Requester submitted an Appeal on December 19, 2025, specifically requesting the reversal of the denial. *Attachment C*. The Requester goes on to state several grounds for "argument".

1. The Fee is Reasonable based on the documentation that exists.

As explained in several other FOIA Appeals made by this same requester, the Prosecutor's Office had a change in case management system in June 2024. This new system does track new information that the old system did not track. The new system also has functions that our office has not used as they have been determined to be inefficient for our practice. This determination was made prior to, and in no way in response to these FOIA Requests.

In particular, the old system did not track or document what the plea negotiation process, nor whether the case was resolved by plea or other mechanism. That was traditionally done through email communication, and would be most squarely documented on records created by the Courts upon acceptance of the plea. These individual forms are the only records that would provide response to the Requester's FOIA Request.

The new system does have a function related to plea documentation; however, it was determined not to be an efficient use of our office's times and has never been used. Rather, the plea negotiation process is documented on forms consistent with the State Court Administrators' Office (provided in template form to the Requester in response to FOIA Request 25-278) and emailed to the defense counsel in each case. Further communication related to the plea resolution may be documented in emails, or may be done in person. Either way, if a case is ultimately resolved by plea, the Court generated form details all necessary information related to the plea details for that particular case. The Requester argues that this is a self-imposed "burden" that should not be passed on to the public. However, it is my staunch belief that the efficient use of my time, and my staff's time is more appropriate for the public. Our office does not have the time, nor would it be an efficient use of tax-payer dollars to have information entered multiple times, when the results are already documented within a Court generated form.

As such, in order to locate the Court generated forms that would be responsive to the Requester's Request, a review of each individual file must be conducted. This would take a substantial amount of time on the part of Prosecutor's Office staff. An estimated 1,000 files would be subject to review for each year, totaling 4,000 files. The location of the individual files, and then the individual responsive records would take substantial amount of time, as estimated. Finally, the separation of exempt from non-exempt information would be required in each case. To calculate

the time, a known case was used to determine the approximate time for each step, resulting in the time estimates detailed in the fee itemization form. This was not random or arbitrary.

As detailed previously, we are not required to create or compile information in response to a request. In this instance, the responsive records will take substantial time for the staff to locate and separate, creating a burden on the County and tax payer. The fee was estimated based on real world examples, and calculated based on the lowest salaried employee's wage.

2. Compilation is NOT required per MCL 15.233(4).

MCL 15.233(4) states in plain language: "this act does not require a public body to create a new public record, except as required in section 11, and to the extent required by this act for the furnishing of copies, or edited copies pursuant to section 14(1), of an already existing public record."

Case law further supports that FOIA "only gives a right of access to records in existence". Walloon Lake Water Sys, Inc v Melrose Twp, 163 Mich App 726, 731; 415 NW2d 292 (1987). If a document does not exist, the public body's only responsibility is to respond to the request and to inform the requesting party of the document's status. Key v Twp of Paw, 254 Mich App 508, 511; 657 NW2d 546 (2002). See also Ellison v Dep't of State, 320 Mich App 169, 177; 906 NW2d 221 (2017), lv den, 501 Mich 953.

As explained in an Appeal of a substantially similar FOIA Request, specifically Appeal of FOIA Request 25-136, the Requester once again is seeking compilations of information that do not already exist.[1] *Attachment D.* The information does exist, and has been made available to the Requester. To require our office to compile the information or create a new record would be in direct conflict with Michigan FOIA Law and would be burden on the County as a whole.

3. Requester Argues Public Policy that has no basis for this Appeal and no legal basis for this Board to require of the elected Prosecuting Attorney.

Requester final attempts to argue his belief on public policy "violations" based on information that our office is not properly handling, in his opinion. Many of his points in "Relief Requested" are improper for this FOIA Appeal, and additionally fall well outside the scope of what this Board can mandate for my office.

[1] The Board of Commissioner's upheld the Denial of this Appeal on August 18, 2025.

D. CONCLUSION

In summary, this Requester's Appeal is entirely off base and without any legal merit.

In regards to what the actual FOIA Request and subsequent Appeal allows, the Response to The Response to FOIA Request #25-278 was accurate and appropriate and complied with the requirements of FOIA. FOIA does not require a public body to: (a) make a compilation, summary, or report of information or (b) create a new public record. MCL 15.233(4) and (5). See also Walloon Lake Water Sys, supra; Key, supra; Ellison, supra. Rather, FOIA requires that the Requester is granted access to the records that would allow him to create his own statistical compilation. That was legally and appropriately done.

As such, I am respectfully requesting that this Board issue a written notice to Requester upholding the disclosure denial and fee estimate related to FOIA Request #25-278.

Moreover, the "policy" requests sought by this Requester are entirely inappropriate for this Board to direct or dictate, in addition to be well outside the scope of FOIA or FOIA Appeal. Out of respect for the Commissioners, as well as the People of Delta County, I can assure you that no constitutional violations are occurring, and no arbitrary plea bargaining is being conducted, despite what this Requester slanderously alleges.

Sincerely,

Lauren M. Wickman
Prosecuting Attorney, Delta County

ATTACHMENT A

#25-278

[redacted]

From : IPFone and TelNet <noreply@notify.telnetfax.com>

Tue, Nov 25, 2025 06:02 PM

1 attachment

Sender : noreply@notify.telnetfax.com

[redacted]

To : adminfax@deltacountymi.gov

External images are not displayed. Display images below

Logo

YOU HAVE RECEIVED A FAX!

You've received a fax!

To	+1 906-789-5197
[redacted]	
Pages received	4
Receive time	11.25.2025 06:01:58 PM -05:00

View additional details inside the Fax portal

Login to secure portal

Logo

Contact Us

inbound_20251125110158O_519abd40c0db7431106436695afd0000.pdf
97 KB

I. Request for Records Under the Michigan Freedom of Information Act

Pursuant to the Michigan Freedom of Information Act ("FOIA"), MCL 15.231 et seq., I hereby request copies of **all records** your office maintains that document, track, summarize, or report **plea bargaining practices** from **January 1, 2022, to the present**, including but not limited to:

II. Records Requested

A. Plea Offer Data & Tracking

1. Any databases, spreadsheets, logs, reports, dashboards, or summaries that track:
    - Number of cases in which plea offers were made;
    - Number of cases resolved by plea;
    - Number of cases that proceeded to trial;
    - Acceptance or rejection rates of plea offers.
2. Any export, report, or data field from the office's case-management system (e.g., **Prosecutor by Karpel**, **JustWare**, **Tyler**, **in-house system**) containing:
    - Plea offer details;
    - Charges pre-offer and charges post-offer;
    - Sentencing ranges or recommendations offered during plea negotiations;
    - Final plea outcome (accepted/rejected/withdrawn).

Note on System Migration Delays

The Prosecutor's Office has stated that the transition to a new case-management system has hindered retrieval of responsive data. Because this transition has been ongoing for more than **six months**, I request:

- All data exports, backups, or legacy-system extractions created before, during, or after the migration;
- All documentation reflecting the status of the migration, including what data has not yet been imported and why;
- Any record indicating that plea-bargaining, Brady/Giglio, or case-tracking fields were rendered inaccessible during the migration.

Under FOIA, the public body must produce *existing* records regardless of internal software changes. A six-month inability to access constitutional-obligation records (Brady, Giglio, plea offers, trials vs. pleas) is itself a matter of high public concern.

B. Sentencing Ranges, Offers, and Policies

3. Any formal or informal policies, manuals, SOPs, memoranda, checklists, or training materials describing:
    - Standardized plea offers;
    - Sentencing ranges typically offered for specific offenses;
    - Guidelines for when plea offers may be enhanced, reduced, or withdrawn;
    - Policies relating to mandatory minimum offers.
4. Any templates or form letters used to communicate plea offers or plea withdrawal notices to defendants or defense counsel.

C. Internal Analytics & Performance Metrics

5. Any internal performance metrics, productivity summaries, or KPI reports that reference:
    - Rates of plea resolutions;
    - Prosecutor performance tied to plea bargaining;

- Trial-to-plea ratios;
- Timeliness or efficiency of plea bargaining.

6. Any statistical reports submitted to external agencies (e.g., **Michigan Prosecuting Attorneys Coordinating Council**, **Department of Technology, Management & Budget**, or grant-reporting entities) referencing plea bargaining activity.

III. Format of Production

I request that all records be produced **in their native electronic format**, including Excel, CSV, or database exports when available. PDF is acceptable for documents that do not exist in a structured digital form.

Pursuant to MCL 15.233(1), **a public body may not create a new record**, but must provide existing data in the format it is maintained.

IV. Fee Waiver Request

I request a **full waiver of fees** under MCL 15.234(1), because this request is made **in the public interest**, is **noncommercial**, and is intended to promote transparency regarding criminal justice practices affecting the public at large.

If fees are assessed, please provide an **itemized written estimate** before processing as required by MCL 15.234(4).

V. Segregability

If any portion of the requested material is withheld, please provide the **specific statutory exemption** and release all reasonably segregable portions, as required under MCL 15.244.

CERTIFICATION

I certify that I am requesting these records as a member of the public and that I will use them exclusively for non-commercial purposes related to research, education, and public interest.

CONTACT INFORMATION

I understand that you will respond within 5 business days as required by law.

Respectfully submitted,

[redacted]

Date: November 25th, 2025

CERTIFICATE OF SERVICE

I hereby certify that on November 25th, 2025, I served a copy to:

Delta County Prosecutor's Office
FOIA Coordinator
Emily Delsavo
edesalvo@deltacountymi.org
310 Ludington Street, Suite 237
Escanaba, MI 49829

ATTACHMENT B

Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Beth Wickwire
Chief Assistant Prosecutor
Deputy Civil Counsel
Lauren Mattson
Assistant Prosecutor

December 18, 2025

[redacted]

Re: FOIA Request #25-278

[redacted]

I acknowledge receipt of your Freedom of Information Act requests dated November 25, 2025 received by the Delta County Prosecutor's Office on November 26, 2025. An extension was filed on December 3, 2025 by the Public Body.

Your Request is as follows:

I. Request for Records Under the Michigan Freedom of Information Act

Pursuant to Michigan Freedom of Information Act ("FOIA"), MCL 15.231 et seq., I copies of **all records** your office maintains that document, track, summarize or report **plea bargaining practices** from **January 1, 2022, to the present**, including but not limited to:

II. Records Requested

A. Plea Offer Data & Tracking

1. Any databases, spreadsheets, logs, reports, dashboards, or summaries that track:

   - Number of cases in which plea offers were made;
   - Number of cases resolved by plea;
   - Number of cases that proceed to trial;
   - Acceptance or rejection rates of plea offers.

2. Any export, report or data filed from the office's case-management system (e.g, **Prosecutor by Karpel, JustWare, Tyler, in-house system**) containing:

   - Plea offer details;
   - Charges pre-offer and charges post-offer
   - Sentencing ranges or recommendations offered during plea negotiations;
   - Final plea outcome (accepted/rejected/withdrawn)

310 LUDINGTON STREET, SUITE 237 ESCANABA MI 49829
(906)789-5115

Note on System Migration Delays

The Prosecutor's Office has stated that the transition to a new case-management system has hindered retrieval of responsive data. Because this transition has been going on for more than six months, I request:

- All data exports, backups, or legacy-system extractions created before, during or after the migration;
- All documentation reflecting the status of the migration, including what data has not yet been imported and why;
- Any record indicating that plea-bargaining, Brady/Giglio, or case-tracking fields were rendered inaccessible during the migration.

Under FOIA, the public body must produce *existing* records regardless of internal software changes. A six-month inability to access constitutional-obligation records (Brady, Giglio, plea offers, trials vs. pleas) is itself a matter of high public concern.

B. Sentencing Ranges, Offers, and Policies

3. Any formal or informal policies, manuals, SOPs, memoranda, checklist, or training materials describing:
    - Standardized plea offers;
    - Sentencing ranges typically offered for specific offenses;
    - Guidelines for when plea offers may be enhanced, reduced or withdrawn;
    - Policies relating to mandatory minimum offers.
4. Any template or form letters used to communicate plea offers or plea withdrawal notices to defendant or defense counsel.

C. Internal Analytics & Performance Metrics

5. Any internal performance metrics, productivity summaries, or KPI reports that reference:
    - Rates of plea resolutions;
    - Prosecutor performance tied to plea bargaining;
    - Trial-to-plea ratios;
    - Timeliness or efficiency of plea bargaining.
6. Any statistical reports submitted to external agencies (e.g. **Michigan Prosecuting Attorneys Coordinating Council, Department of Technology, Management & Budget,** or grant-reporting entities) referencing plea bargaining activity.

In response to your request:

Your request in the paragraph (A)(1), is **GRANTED IN PART, DENIED IN PART.**

Specifically, as to your requests for the "number of cases in which plea offers were made" from "January 1, 2022, to the present"[1]:

> No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "number in cases in which plea offers were made" for that period, or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."
>
> While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that lists the "number of cases in which plea offers were made" from "January 1, 2022, to the present", the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).
>
> > In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [2]
> >
> > Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization but include the significant time and cost for searching for and locating the records. Any documents that would be

[1] This request is substantially similar to the request you made, documented in FOIA Request 25-94, with a slightly broader time frame. Additionally, this request is substantially similar to the request you made, documented in FOIA Request 25-136, with a broader time frame. The Delta County Board of Commissioners addressed FOIA Request 25-136 on Appeal, and upheld the denial.

[2] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically, as to your requests for the "number of cases resolved by plea" from "January 1, 2022, to the present"[3]:

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "number in cases resolved by plea" for that period, or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that lists the "number of cases resolved by plea" from "January 1, 2022, to the present", the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [4]

[3] This request is substantially similar to the request you made, documented in FOIA Request 25-94, with a slightly broader time frame. Additionally, this request is substantially similar to the request you made, documented in FOIA Request 25-136, with a broader time frame. The Delta County Board of Commissioners addressed FOIA Request 25-136 on Appeal, and upheld the denial.

[4] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[5] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically as to your request for the "[n]umber of cases that proceed to trial" from "January 1, 2022, to the present," is **GRANTED** following a review of the internal calendar of the Prosecutor's Office. The number of trials includes any jury trials in District, Circuit or Probate Court, any Abuse/Neglect Proceedings categorized as trials, or any entries of pleas *as charged* on the day of trial. In response, please find the following information:

	2022	**2023**	**2024**	**2025[6]**
District Court	1	6	5	6
Probate Court	10	9	3	3
Circuit Court	7	4	4	4

Specifically, as your request for the "acceptance or rejection rates of plea offers" from "January 1, 2022, to the present,"

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the "acceptance or rejection rates of plea offers" January 1, 2022, to the present", or any time period. That is not a statistic that is tracked within this Office, nor to the undersigned's knowledge, has that ever been tracked. Pursuant to MCL 15.233(4) and (5) the public body is neither

[5] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1 (page 3), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

[6] Trials through December 18, 2025

required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "databases, spreadsheets, logs, reports, dashboards, or summaries that track" exists that documents the "acceptance or rejection rates of plea offers" January 1, 2022, to the present" the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

> In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [7]
>
> Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[8] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).
>
> Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take

[7] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[8] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1 and 2 (page 3, 5), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Your request in the paragraph (A)(2), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for **"**Any export, report or data filed from the office's case-management system" related to "plea offer details" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data.

Prior to the transition to ProsecutorbyKarpel, the in-house case tracking system did not document plea offer details in anyway. That information was not transitioned from one system to the other, because it simply did not exist. Moreover, plea detail information is not entered directly into ProsectuorbyKarpel. (i.e. the information is NOT entered at this time by Prosecutor's Office staff into a data field). At this time, the documentation related to the plea offer details is only contained in the correspondence or plea offer forms sent to defense counsel directly. As such, and pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no export, report, or data related to "plea offer details" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [9]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to

[9] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[10] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Specifically, your request for **"**Any export, report or data filed from the office's case-management system" related to "charges pre-offer and post-offer" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data. Moreover, plea detail information is not entered directly into ProsectuorbyKarpel. (i.e. the information is NOT entered at this time by Prosecutor's Office staff into a data field). At this time, the documentation related to the plea offer details is only contained in the correspondence or plea offer forms sent to defense counsel directly. As such, and pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no export, report, or data related to "charges pre-offer and post-offer" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents,

[10] In locating the responsive documents related to the request documented previously documented in this response, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [11]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[12] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

As detailed above, the in-house case tracking system did not track this information as it relates to a plea offer. There was no way to input that information. In ProsecutorbyKarpel, the information pre-offer and post-offer is only documented after a plea has been entered, and does NOT contain all the terms and conditions of the plea agreement.

Specifically, your request for "Any export, report or data filed from the office's case-management system" related to "sentencing ranges or recommendations offered during plea negotiations" January 1, 2022, to the present," does not exist in the form of an export, report, or data.

"Sentencing ranges ore recommendations" are not included in negotiation of every plea resolution. Moreover, neither the previous in-house case tracking system, nor ProsecutorbyKarpel tracks that information through the entry of data directly into the system (i.e. the information is NOT

[11] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[12] In locating the responsive documents related to the request documented in Paragraph II(A) bullet point 1, 2, and 4 (page 3, 5, 6), the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

entered at this time by Prosecutor's Office staff into a data field). Any such information would be included either on the plea offer form, or in the correspondence with the defense attorney directly. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "export, report, or data" related to "sentencing ranges or recommendations offered during plea negotiations" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [13]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[14] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated

[13] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.
[14] In locating the responsive documents related to the request documented in earlier in this Responsive memo, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Final plea outcome (accepted/rejected/withdrawn)

Specifically, your request for "Any export, report or data filed from the office's case-management system" related to "final plea outcome (accepted/rejected/withdrawn)" from "January 1, 2022, to the present," does not exist in the form of an export, report, or data.

This is not a statistic that the Prosecutor's Office has documented or tracked. As such, no existing exports, reports, or data exists related to final plea outcomes. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

While no "export, report, or data" related to "final plea outcome (accepted/rejected/withdrawn)" from January 1, 2022, to the present exists, the underlying data of the plea offer correspondence does exist within the possession of the Prosecutor's Office. As such, the underlying data that would allow for the number to be derived is available and in the possession of the Prosecutor's Office. As such, your request is **GRANTED IN PART, DENIED IN PART**. The denial relates to the separation of exempt information from non-exempt information that would be determined after the location and review of the responsive materials, pursuant to MCL 15.234(1).

In **GRANTING** your request, the Prosecutor's Office would be required to locate plea offer documentation in all files that were open or authorized from January 1, 2022 to the present. This is an estimated 1,000 case per year, resulting in a total review of 4,000 files. After locating the documents, a review of the documents themselves will be required to separate exempt information from non-exempt information. The location process would take an estimated 10 minutes per case, and the separation process would take an estimated 4 minutes per case. [15]

Due to the breadth of the request and number of cases that would be required to be reviewed, the public body has determined that failing to charge for the costs of the search, examination, review, and deletion and separation of exempt from nonexempt information would result in

[15] Please note, that this estimate applies to this FOIA Request, but that should payment be made on the estimate related to FOIA Request 25-277, the documents in this request would be captured in that review, making this estimate moot. This would only apply in the instance that the fee estimate was paid related to Request 25-277.

unreasonably high costs to the County beyond those typically incurred in responding to FOIA requests. Such costs are specifically outlined in the attached FOIA Fee Itemization[16] but include the significant time and cost for searching for and locating the records. Any documents that would be produced would be further subject to review to separate exempt materials from non-exempt materials pursuant to MCL 15.243(1).

Because the estimated fee in this case is great than fifty dollars ($50.00), the public body requires a deposit of fifty percent (50%) of the estimated fee to be paid before providing the responsive documents. The total estimate can be found on the attached fee itemization form. Half of the amount is the required deposit. The public body estimates it will take approximately 180 days from receipt of the deposit to provide you with the responsible, nonexempt public records.

Your requests under the title "Note on System Migration Delays" are **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ll data exports, backups, or legacy-system extractions created before, during or after the migration" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.[17]

Specifically, your request "[a]ll documentation reflecting the status of the migration, including what data has not yet been imported and why" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

While no records exist, it can be stated that the data transition or migration was completed in June 2024. The issue is not with the data being migrated, but with the information from one system not matching with all data fields or areas in the new system. Moreover, there are more data fields available in ProsecutorbyKarpel than in the previous case management system. As such, information that can now be documented in ProsecutorbyKarpel could not be in the old system. There are still mistakes and issues being found with the migrated information on nearly a weekly basis due to the age of the case at issue and what information was originally inputted into the old system.

[16] In locating the responsive documents related to the request documented in earlier in this Responsive memo, the responsive documents related to this request would be captured as well. As such only one Fee Itemization Form is being produced.

[17] Please note this was confirmed with the IT Department.

Specifically, your request for "[a]ny record indicating that plea-bargaining, Brady/Giglio, or case-tracking fields were rendered inaccessible during the migration" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

While no records exist, it can be stated, that the old case tracking system did not have data fields related to the tracking of plea-bargaining or Brady/Giglio. This information was never inputted into that system, so there was no information to migrate to ProsecutorbyKarpel.

Of further interest, as you note in your request, *existing records* are required to be provided. All statistical information, data exports, etc have been provided to you, when they have existed at the time of your request. Pursuant to MCL 15.233(4) and (5) the public body is neither required to "make a compilation, summary or report of information" no required to "create a new public record."

Finally, as described and provided in previous FOIA Requests, the Brady/Giglio documentation has been provided to yourself, as well as defense attorneys when constitutionally required. There are NO "constitutional-obligation" records that our office is required to either generate, compile, summarize, or submit to anyone related to plea offers or trials vs. pleas.

Your request in the paragraph (B), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for any "[a]ny formal or informal policies, manuals, SOPs, memoranda, checklist, or training materials describing: standardized plea offers" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

This is an identical request to that of FOIA Request 25-178, at which time it described to you that no such polices, manuals SOPs, memoranda, checklist, or training materials describing standardized plea offers. This was previously Appealed to the Delta County Board and the denial was upheld.

Specifically, your request for any "[a]ny formal or informal policies, manuals, SOPs, memoranda, checklist, or training materials describing: Sentencing ranges typically offered for specific offenses" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for any "guidelines for when plea offers may be enhanced, reduced or withdrawn" is **DENIED** as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

> While no record documents the practice, it is standard for cases that a preliminary examination to be conducted to have the existing plea offer be withdrawn. That same plea offer may be made again at a later date, a new plea offer may be made, or no plea offer may be made depending on the circumstances.

Specifically, your request for any "policies relating to mandatory minimum offers" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, as to your request in the paragraph (B)(2), "[a]ny template or form letters used to communicate plea offers or plea withdrawal notices to defendant or defense counsel is **GRANTED.** In granting your request, please find the following responsive records:

> SCAO Form MCL 414
> "People's Notification of Revocation of Plea Offer" Template

Your request documented in paragraph (C), is **GRANTED IN PART, DENIED IN PART.**

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: rates of plea resolutions" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Prosecutor performance tied to plea bargaining" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Trial-to-plea ratios" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and

to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny internal performance metrics, productivity summaries, or KPI reports that reference: Timeliness or efficiency of plea bargaining" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

Specifically, your request for "[a]ny statistical reports submitted to external agencies (e.g. Michigan Prosecuting Attorneys Coordinating Council, Department of Technology, Management & Budget, or grant-reporting entities) referencing plea bargaining activity" is **DENIED** is as the records do not exist. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public records requested do not exist within the records of the public body under the name nor any other name reasonably known to the public body.

No such record currently exists "[a]ny databases, spreadsheets, logs, reports, dashboards, or summaries that track" the

If you disagree with this decision, you may submit an appeal to the chairperson of the Delta County Board of Commissioners, or seek judicial review in the Delta County Circuit Court. If you prevail in Circuit Court, you may be entitled to receive attorney fees, costs, and disbursements as well as actual or compensatory damages, and punitive damages of $1,000.00.

I have also included the website utilized to find Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms as well as the FOIA Appeal Form.

If you have any questions or concerns, please contact me.

Best Regards,

Lauren M. Wickman
Chief Prosecuting Attorney

Emily Desalvo
FOIA Coordinator

County: Keep original and provide copy of both sides, along with Public Summary, to requestor at no charge.

Delta County
310 Ludington Street, Escanaba, MI 49829
Phone: 906-789-5100

Denial Form

Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 25-278 Date Received: 11/26/2025
Date of This Notice: 12/18/2025
(Please Print or Type)

Check if received via: ☐ Email ☑ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

[redacted]	
Firm/Organization	Fax
Street [redacted]	Email [redacted]
Ci [redacted] State CO	Zip [redacted]

Request for: ☑ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☑ Email to address above
☐ Deliver on digital media provided by the County: _____

Record(s) You Requested: *(Listed here or see attached copy of original request)* See attached copy of original request.

☐ **All** **OR** ☑ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Emily Desalvo at 906-789-5100

Reason for Denial:

☐ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection _____*(insert number)*, because: _____

☑ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the County A certificate that the public record does not exist under the name given is attached. If you believe this recorddoes exist, provide a description that will enable us to locate the record: _____

☑ 3. **Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection (1)(a) *(insert number)*, because: includes information is of a personal nature where public disclosure of the information would clearly constitute an unwarranted invasion of an individual's privacy, to include but not limited to: d

A brief description of the information that had to be separated or deleted: defendant names, victim or witness names, addresses, dates of births, telephone numbers, etc

any determination of the exact exemptions would be conducted after payment of the fee estimate and would include further explanation of the redactions made

Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the County Board of Commissioners or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure.If, after judicial review, the court determines that the County has not complied with MCL 15.235 in making this denial and orders disclosure of allor a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240.
(See back of this form for additional information on your rights.)

Signature of FOIA Coordinator: [signature] **Date:** 12-12-2025

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 or appeal for hearing, trial, or argument; attorneys' 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 a request.

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

(3) A board 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 board 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 in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of 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 of $1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of $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 as part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

1. Labor Cost to Locate:

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the County because of the nature of the request in this particular instance, specifically:** reviewing approximately 1000 cases/year (4 YEARS requested) to locate files/cases meeting criteria described.

Approximately 10 minutes per file

The County will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: $_____ **Charge per ¼ hour: $**_____

OR

Hourly Wage with Fringe Benefit Cost: $24.82
Multiply the hourly wage by the percentage multiplier: _____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate. **Charge per ¼ hour: $**6.20

[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].

☐ Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate the fringe benefit cost)*

To figure the number of increments, take the *number of minutes:* 40000, *divide by 15 -minute increments, and round down. Enter below:*

Number of increments

x 2666.66 =

1. Labor Cost

$ 16533.33

2. Labor Cost for Copying / Duplication

This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

This shall not be more than the hourly wage of the County's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments as set by the County Board of Commissioners** *(for example: 15-minutes or more)*; all partial time increments must be rounded down. *If the number of minutes is less than one increment, there is no charge.*

Hourly Wage Charged: $_____ **Charge per ¼ hour: $**_____

OR

Hourly Wage with Fringe Benefit Cost: $_____
Multiply the hourly wage by the percentage multiplier: _____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate.

Charge per ¼ hour: $_____

[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].

☐ Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate the fringe benefit cost)*

To figure the number of increments, take the *number of minutes:* ____, *divide by 15 -minute increments, and round down. Enter below:*

Number of increments

x _____ =

2. Labor Cost

$_____

3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a County employee. If contracted, use No. 3b instead).

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically: information of a personal nature that could clearly consitiute a violation of an individual's privacy (MCL 15.243(1)(a)). Will appear on all documents located. Approximately 4 minutes per file

This is the cost of labor of a **County employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **County's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: $_____ **Charge per ¼ hour: $**_____

OR

Hourly Wage with Fringe Benefit Cost: $24.82
Multiply the hourly wage by the percentage multiplier: ____%
(*up to 50% of the hourly wage*) and add to the hourly wage for a total per hour rate. **Charge per ¼ hour: $**6.20

[For records already available on the County's website that Requestor has requested in a paper or non-paper digital medium, greater than the 50% limitation, not to exceed the actual costs may be used to calculate Fringe Benefit Costs to be added to the hourly wage].

☐ Overtime rate charged as stipulated by Requestor *(overtime is not used to calculate the fringe benefit cost)*

To figure the number of increments, take the *number of minutes:* 16000, *divide by 15 -minute increments, and round down. Enter below:*

Number of increments

x 1066.66 =

3a. Labor Cost

$6613.33

3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):

(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)

The County will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

This fee is being charged because failure to do so will result in unreasonably high costs to the County that are excessive and beyond the normal or usual amount for those services compared to the County's usual FOIA requests, because of the nature of the request in this particular instance, specifically:_____

_____

_____

As this County does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of _____ (*currently $8.15*).

Name of contracted person or firm: _____

These costs will be estimated and charged in **15-minute time increments** ***(must be 15-minutes or more)***; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Cost Charged: $_____ **Charge per increment: $**_____

To figure the number of increments, take the *number of minutes:* ____, *divide by 15 -minute increments, and round down to:* ___ *increments. Enter below:*

Number of increments

x _____ =

3b. Labor Cost

$_____

4. Copying / Duplication Cost:

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (*for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection*).

No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:

- **Letter** (8 ½ x 11-inch, single and double-sided): _____ **cents per sheet**
- **Legal** (8 ½ x 14-inch, single and double-sided): _____ **cents per sheet**

No more than the actual cost of a sheet of paper for other paper sizes:

- **Other paper sizes** (single and double-sided): _____ **cents / dollars per sheet**

Actual and most reasonably economical cost of non-paper physical digital media:

- ***Circle applicable:*** Disc / Tape / Drive / Other Digital Medium **Cost per Item:** _____

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed** 10 cents per sheet of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. The County **must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

Number of Sheets:

x _____ =

x _____ =

x _____ =

No. of Items:

x _____ =

Costs:

$_____

$_____

$_____

$_____

4. Total Copy Cost

$_____

5. Mailing Cost:

The County will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The County ***may*** charge for the least expensive form of postal delivery confirmation.
- The County ***cannot*** charge more for expedited shipping or insurance unless specifically requested by the requestor.*

Actual Cost of Envelope or Packaging: $_____

Actual Cost of Postage: $_____ per stamp

$_____ per pound

$_____ per package

Actual Cost (least expensive) Postal Delivery Confirmation: $_____

***Expedited Shipping or Insurance as Requested:** $_____

☐ * Requestor has requested expedited shipping or insurance

Number of Envelopes or Packages:	Costs:
x _____ =	$_____
x _____ =	$_____
x _____ =	$_____
x _____ =	$_____
x _____ =	$_____
x _____ =	$_____
	5. Total Mailing Cost
	$_____

Subtotal Fees Before Waivers, Discounts or Deposits:

Estimated Time Frame to Provide Records:

180 _____ (*days or date*)

The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve the County from any of the other requirements of this act.

☑ Cost estimate
☐ Bill

1. Labor Cost to Locate:	$16533.33
2. Labor Cost for Copying:	$0
3a. Labor Cost to Redact:	$6613.33
3b. Contract Labor Cost to Redact:	$0
4. Copying/Duplication Cost:	$0
5. Mailing Cost:	$0
Subtotal Fees:	$23146.66

Waiver: Public Interest

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the County determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

☐ **All fees are waived** OR ☐ **All fees are reduced by:** _____%

Subtotal Fees After Waiver: $_____

Discount: Indigence A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by an individual who is entitled to information under this act and who: **1)** Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR** **2)** If not receiving public assistance, stating facts showing inability to pay the cost because of indigence. If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if **ANY** of the following apply: (i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year, **OR** (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration. ☐ **Eligible for Indigence Discount**	**Subtotal Fees After Discount (subtract $20):**	$_____
Discount: Nonprofit Organization A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first $20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements: (i) Is made directly on behalf of the organization or its clients. (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931. (iii) Is accompanied by documentation of its designation by the state, if requested by the County. ☐ **Eligible for Nonprofit Discount**	**Subtotal Fees After Discount (subtract $20):**	$_____
Deposit: Good Faith The County may require a good-faith deposit before providing the public records to the Requestor **if the entire fee estimate or charge authorized under this section exceeds $50.00**, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. **Percent of Deposit:** 50 %	**Date Paid:** _____	**Deposit Amount Required:** $ 11573.33

Deposit: <u>Increased Deposit Due to Previous FOIA Fees Not Paid In Full</u> After the County has granted and fulfilled a written request from an individual under this Act, if the County has not been paid in full the total amount of fees for the copies of public records that the County made available to the individual as a result of that written request, **the County may require an increased estimated fee deposit of up to 100% of the estimated fee <u>before it begins a full public record search</u> for any subsequent written request from that individual** if **ALL** of the following apply: (a) The final fee for the prior written request was not more than 105% of the estimated fee. (b) The public records made available contained the information being sought in the prior written request and are still in the County's possession. (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request. (d) Ninety (90) days have passed since the County notified the individual in writing that the public records were available for pickup or mailing. (e) The individual is unable to show proof of prior payment to the County. (f) The County calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit. The County **can no longer require an increased estimated fee deposit** from an individual if **ANY** of the following apply: (a) The individual is able to show proof of prior payment in full to the County, **OR** (b) The County is subsequently paid in full for the applicable prior written request, **OR** (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the County.	**Date Paid:** _____	**Percent Deposit Required:** _____% **Deposit Required:** $_____
14. <u>Late Response Labor Costs Reduction</u> If the County does not respond to a written request in a timely manner as required under MCL 15.235(2), the County **must** do the following: (a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day the County exceeds the time permitted for a response to the request, **with a maximum 50% reduction**.	**Number of Days Over Required Response Time:** _____ **Multiply by 5%** **= Total Percent Reduction:** _____	**Total Labor Costs** $_____ **Minus Reduction** $_____ **= Reduced Total Labor Costs** $_____
15. <u>Balance Due</u> (Deduct amount on Line 14 from amount on Line 13c)	**Date Paid**_____	**Total Balance Due:** $_____

The Public Summary of the County's FOIA Procedures and Guidelines is available free of charge from:
Website: deltacountymi.org Email: foia@deltacountymi.org
Phone: 906-789-5100 Address: 310 Ludington St., Escanaba, MI 49829

Request Will Be Processed, But <u>Balance Must Be Paid Before</u> Copies May Be Picked Up, Delivered or Mailed

(Form created by MTA, MAMA and CS&T, PC, May 2015)

County: Keep original and provide copy of both sides, along with Public Summary, to Requestor at no charge.

Delta County
310 Ludington St., Escanaba, MI 49829
Phone: 906-789-5100

Notice to Extend Response Time for FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, *et seq.*

Request No.: 25-278 **Date Received:** 11/26/25
Date of This Notice: 12-4-25
(Please Print or Type)

Check if received via: ☐ Email ☒ Fax ☐ Other Electronic Method
Date delivered to junk/spam folder: _____
Date discovered in junk/spam folder: _____

[redacted]

Request for: ☒ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis
Delivery Method: ☐ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☒ Email to address above
☐ Deliver on digital media provided by the County: _____

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

We are extending the date to respond to your FOIA request for no more than 10 business days, until 12/18/25 (*month, day, year*).
Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact Emily DeSalvo at 906-789-5100

Estimated Time Frame to Provide Records: 12/18/2025 (*days or date*)
The time frame estimate is nonbinding upon the County, but the County is providing the estimate in good faith. Providing an estimated time frame does not relieve a public body from any of the other requirements of this act.

Reason for Extension:

☒ **1.** The County needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the County must:

☐ **2.** The County needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from the County office. Specifically, the County must coordinate documents from the following locations:

☐ **3.** Other (describe): _____

Signature of FOIA Coordinator: [signature] **Date:** 12-4-2025

(Form created by MTA, MAMA and CS&T, PC, May 2015)