Delta County Prosecutor's Office

Lauren M. Wickman
Prosecuting Attorney
Civil Counsel
Lauren Mattson
Assistant Prosecutor

February 17, 2026

[redacted]

Re: FOIA Request #20-35

[redacted]

I acknowledge receipt of your Freedom of Information Act request dated February 9, 2026, and received by the Delta County Prosecutor's Office on February 10, 2026. The request we received is as follows:

> **Request for Aggregate Criminal Case Statistics**
>
> Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I request disclosure of the following:
>
> **Request Record:**
> - Total number of deferred prosecution agreements.
>
> Aggregate numerical data only.
>
> If no such calculation is maintained, please indicate no responsive record exists. This request does not require creation of a new record.

On February 9, 2026, a clarification was provided to Delta County Administration, which stated:

> I sent in two FOIA requests but realized I didn't put the dates that I am requesting. If I need to send a new one, please advise, if not the dates requested are from 2022-2025.

In reviewing the request, in particular the use of "deferred prosecution agreements", it should be noted that "deferred prosecution agreements" is not typically used under the traditional definition in the Delta County Prosecutor's Office. A "deferred prosecution agreement" would traditionally delay or defer the actual prosecution of the individual. It is believed that the request is meant to reflect cases that involved a Deferred or Delayed Sentence agreement, which are outlined and defined by several statutory provisions (MCL 771.1, MCL 769.4a, MCL 333.7411, and/or MCL 762.11). This request is not interpreted to include cases where the Court unilaterally places the individual on a deferred or delayed sentence, as the Court has discretion to do under MCL 333.7411, MCL 762.11, or MCL 771.1. Should any of these assumptions be incorrect, please provide clarification and this will be reviewed.

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

Your request is **GRANTED IN PART, DENIED IN PART.**

A review of the records in the possession and maintained by the Delta County Prosecutor's Office reveals no record that currently documents an "aggregate" or a "total number". A record or document stating the "total number of deferred prosecution agreements" would require the creation of a new record. As such, the request for an existing record that documents the "total number of deferred prosecution agreements" is **DENIED**. The undersigned hereby certifies that, after a search for records and to the best of the undersigned's knowledge and belief, the public record requested, and described above, does not exist within the records of the public body under the name nor any other name reasonably known to the public body.

In **GRANTING** your request, the underlying data exists to allow for the calculation of the "aggregate" or "total number" as requested. However, your request for "aggregate numerical total" could be provided in the form of the underlying information that would allow for your own compiling of the "aggregate numerical total" you have requested. Given the breadth of your request and the number of records (review of approximately 1,100 files per year (2022. 2023, 2024, 2025)) which must be searched for and reviewed to respond to such a request, 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.

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

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.: 26-33 Date Received: 02/10/2026
Date of This Notice: 02/17/2026
(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: _____

Nam[redacted]	Ph[redacted]
Firm/Organization	Fax
Stre[redacted]	[redacted]ail.com
City	

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 the 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), (1)(b)(iii) *(insert number)*, because: Information of a personal nature that would constitute a clearly unwarranted invasion of privacy

A brief description of the information that had to be separated or deleted: Names/address of defendants, witnesses, victims, etc dates of birth, other identifying information

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:** 2-16-2026

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

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 Appeal Form

FOIA Appeal Form—To Appeal a Denial of Records

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

Request No.: 26-33 Date Received: _____
Date of This Notice: _____
(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: _____

Name		Phone
Firm/Organization		Fax
Street		Email
City	State	Zip

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)* _____

Reason(s) for Appeal:

The appeal must identify the reason(s) for reversing the denial. You may use this form or attach additional sheets:

_____

Requestor's Signature: _____ **Date:** _____

County Response:

The County must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-business day extension.

County Extension: We are extending the date to respond to your FOIA denial appeal for no more than 10 business days, until_____ (*month, day, year*). Only one extension may be taken per FOIA appeal.
Unusual circumstances warranting extension: _____

If you have any questions regarding this extension, contact: _____

County Determination:

☐ Denial Reversed ☐ Denial Upheld ☐ Denial Reversed in Part and Upheld in Part
The following previously denied records will be released: _____

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 tocommence 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: **Date:**

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.

Freedom of Information Act (FOIA) Written Policies, Guidelines, and Forms

To review all policies, guidelines, and forms related to FOIA, please visit Delta County's website at: www.deltacountymi.gov/foia

Upon request, a mailed copy of the polices, guidelines, and/or forms will be provided. Please contact the Delta County Administration Office at 906-789-5100 or by mail at:

Delta County Administration Office
310 Ludington Street, Suite 222
Escanaba, Michigan, 49829

#26-33

Fax received from 13602005103

From : IPFone <noreply@notify.ipfone.com>
Sender : noreply@notify.ipfone.com
Subject : Fax received from 13602005103
To : adminfax@deltacountymi.gov

Mon, Feb 09, 2026 01:16 PM
1 attachment

External images are not displayed. Display images below

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Logo

YOU HAVE RECEIVED A FAX!

You've received a fax!

To	+1 906-789-5197
Sender CSID	17194108052
Pages received	1
Receive time	2.9.2026 01:16:12 PM -05:00

View additional details inside the Fax portal

Login to secure porta

Logo

Contact Us

inbound_202602090616120_619c439e7fc075301025000cf9950000.pdf
20 KB

FREEDOM OF INFORMATION ACT REQUEST
Michigan Freedom of Information Act, MCL 15.231 et seq.

To: Delta County Prosecutor's Office

Date: February 9, 2026

Requester:
[redacted]

Request for Aggregate Criminal Case Statistics

Pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., I request disclosure of the following:

Requested Record:
• Total number of deferred prosecution agreements entered.

Aggregate numerical data only.

If no such calculation is maintained, please indicate that no responsive record exists. This request does not require creation of a new record.

Fees

I request a waiver of all fees pursuant to MCL 15.234. If any fee is anticipated, please provide a detailed written fee estimate prior to processing.

Response Time

Please respond within five (5) business days as required by MCL 15.235(2).

Respectfully,

[redacted]

Zimbra **tracy@deltacountymi.org**

Fwd: Two FOIAs sent

From : Emily A. DeSalvo <edesalvo@deltacountymi.org> Mon, Feb 09, 2026 01:22 PM

1 attachment

Subject : Fwd: Two FOIAs sent

To : Tracy Lantagne <tracy@deltacountymi.org>, Lauren Wickman <lwickman@deltacountymi.org>, Paige Tardiff <ptardiff@deltacountymi.org>

The email below is the clarification of the date range for the two FOIA's we just received today by way of fax. Tracy has not yet assigned a number. They just came in. Thank you.

Emily DeSalvo
Delta County Administrator

From [redacted]gmail.com>
To: Emily <edesalvo@deltacountymi.org>
Date: Monday, 9 February 2026 1:19 PM EST
Subject: Two FOIAs sent

Hello,

I sent in two FOIA requests but realized I didn't put the dates that I am requesting. If I need to send a new one, please advise, if not the dates requested are from 2022-2025

Regards,
[redacted]

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

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

Detailed Cost Itemization

Freedom of Information Act Request Detailed Cost Itemization

Date: 02/17/2026 Prepared for **Request No.:** 26-33 Date Request Received: 02/10/2026

The following costs are being charged / estimated in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the County's FOIA Policies and Guidelines. If the County is seeking a 50% deposit prior to providing the public records sought, the estimate is itemized on this form, lines 1-5 below.

If all or a portion of the requested information is available on the County's website, the County is required to tell you it is available on the website and, where practicable, include a specific webpage address where the information is available. In this case

- ☑ None
- ☐ Some
- ☐ All

of the requested material can be found at the following webpage(s):

_____,

_____,

_____,

If the webpage is all the information you need, it is provided without charge. If, however, you still wish to receive a copy of material from the webpage, please let us know. The FOIA charges will apply if the County is required to produce copies of material from the webpage.

☐ **Requestor has stipulated that some / all of the requested records that are <u>already available on the County's website</u> but requests they be provided in a paper or non-paper physical digital medium and acknowledges that providing the records in that format shall be subject to the County's normal charges outlined below.**

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 1100 cases/year (4 YEARS requested) to locate files/cases meeting criteria described.

Approximately 3 minutes per file to locate the necessary documents within each 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:* 13200, *divide by 15 -minute increments, and round down. Enter below:*

Number of increments

x 880 =

1. Labor Cost

$5,456

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 relevant to request Approximately 2 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:* 8800, *divide by 15 -minute increments, and round down. Enter below:*

Number of increments

x 586.66 =

3a. Labor Cost

$3,637.33

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:

270 _____ *(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:	$5,456.00
2. Labor Cost for Copying:	$0
3a. Labor Cost to Redact:	$3,637.33
3b. Contract Labor Cost to Redact:	$0
4. Copying/Duplication Cost:	$0
5. Mailing Cost:	$0
Subtotal Fees:	$9093.33

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:** $4,546.66

Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full

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 before it begins a full public record search 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. Late Response Labor Costs Reduction

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. Balance Due (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 Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed

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