



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

MIKE ZIMMER
DIRECTOR

March 6, 2015

Mr. Michael LaFaive
Mackinac Center for Public Policy
140 W. Main St., PO Box 568
Midland, MI 48640-0568

Dear Mr. LaFaive:

This written notice is a supplemental response to your request dated November 11, 2014 and received by electronic mail on November 13, 2014 (copy attached).

In its written notice dated November 20, 2014, the Michigan Liquor Control Commission granted that request. Responding to that request would result in an unreasonably high cost to the Commission in this particular instance because Commission employees would be taken away from pending work to process the request and expend additional time to complete regularly assigned tasks. Therefore, as permitted under section 4 of the FOIA, MCL 15.234, the Commission charged a fee to recoup the estimated costs of responding to the request.

Upon review of the written notice and examination of the fee charged, the Commission has determined that it correctly applied the FOIA Policies, Procedures, and Guidelines of the Department of Licensing and Regulatory Affairs (LARA), including LARA's Processing Cost Guidelines for the current fiscal year. Although the Commission's fee was appropriately calculated under Departmental policy, in the spirit of cooperation, the Commission is exercising its discretion under section 4 of the FOIA to waive part of the fee in this instance. This particular fee waiver does not establish a precedent regarding any future FOIA requests from your agency, any other agency, or any individual.

The fee charged in the Commission's written notice of November 20, 2014 included \$50.22 for the cost of an estimated 1.5 hours of labor at an hourly rate \$33.48. Please be informed that this hourly rate includes a base salary in the amount of \$18.60, as well as the cost of fringe benefits. The Attorney General has opined that a public body may include the cost of fringe benefits paid to employees in the calculation of labor costs. OAG No. 7017, p. 27, May 13, 1999. Therefore, the Commission maintains this portion of its fee.

The fee also included a \$0.25 per page cost for the search, retrieval, and review of responsive records to separate exempt from non-exempt material. Although the per-page amount charged is in line with what other public bodies in the State government charge and this fee is consistent with LARA's Departmental policies, the Commission is voluntarily waiving this portion of its fee since no actual printing of the documents occurred.

Section 4(2) of the FOIA, MCL 15.234(2), provides that a public body may require a deposit of one-half of the estimated FOIA processing fee. Please submit your payment per the enclosed invoice. Upon receipt of the deposit of \$26.11, the Commission will complete the processing of your request.

You will be notified of the balance due, along with the statutory basis for any exemptions and your statutory remedial rights, if applicable. Copies of the nonexempt records will be mailed to you upon receipt of the balance.

Sincerely,

A handwritten signature in cursive script that reads "Jill Odell".

Jill Odell
FOIA Coordinator



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ACTING DIRECTOR

FREEDOM OF INFORMATION ACT (FOIA) INVOICE

REQUESTOR'S NAME AND ADDRESS	
TO: Micheal LaFaive Mackinac Center for Public Policy 140 W. Main St., PO Box 568 Midland, MI 48640-0568 RE: Alcohol Pricing in Michigan	Invoice Number: 1351 Account Number: 4066 Date: March 6, 2015 Due Date: ESTIMATE
INVOICE CALCULATION	AMOUNT
LABOR: Locating & Duplicating No. of Hours: <u>1.50</u> X Hourly Rate <u>33.48</u> Reviewing & Extracting No. of Hours: <u>0.00</u> X Hourly Rate <u>0.00</u> Other No. of Hours: <u>0.00</u> X Hourly Rate <u>0.00</u>	\$ 50.22
POSTAGE:	\$ 0.00
DUPLICATING: No. of Pages: <u>0</u> X \$ <u>.25</u> per page	\$ 0.00
OTHER COSTS: Describe (e.g. Overtime, cost of audio tapes etc.)	\$ 0.00
	TOTAL \$ 50.22
PLEASE NOTE THAT IF A DEPOSIT IS REQUESTED, THE INDICATED AMOUNT IS AN ESTIMATE OF THE COST OF COMPLYING WITH YOUR REQUEST. THE ACTUAL COST MAY VARY FROM THIS AMOUNT.	DEPOSIT \$ 0.00
Pay By: <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa <input type="checkbox"/> Check	BALANCE DUE* \$ 50.22
Credit Card Number: _____ Exp. Date: _____	
Complete Address of Cardholder: _____ _____ _____	
Signature: _____ Contact Phone # _____	

Please make check or money order payable to the State of Michigan

Fax completed form to (517) 373-4202 OR

Send check or money order & copy of remittance to: Michigan Liquor Control Commission
Licensing Division
PO Box 30005
Lansing, MI 48909