

WARREN C. EVANS
County Executive

December 1, 2020

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, D.C. 20005
records@americanoversight.org

***Re: FOIA Request Dated 11/19/20 Seeking Copies of Text Messages
Between Monica Palmer or William Hartmann and Specifically
Named Persons¹***

Dear Mr. Evers:

Wayne County received the following request for records by email on November 19, 2020:

All text message chains/conversations, or message chains/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.), between (a) Chairperson Monica Palmer or Board Member William Hartmann, and [specifically named persons] . . . from November 3, 2020, through the date the search is conducted.

This letter is from the Department of Technology only. Your request was also forwarded to the Wayne County Clerk for review.

¹ The legally required posting of the "Wayne County Freedom of Information Act Procedures & Guidelines," as well as the "Wayne County Summary of FOIA Procedures & Guidelines," are available for viewing under the "Public Records" section of the County's website at the following web address: <http://www.waynecounty.com/county/foia.htm>

To the extent that your request seeks information that was not “prepared, owned, used, in the possession of, or retained by a public body *in the performance of [the] official function*” of a member of the Wayne County Board of Canvassers, it is denied because the requested records are not public records as defined by MCL 15.232(i).

Neither Monica Palmer nor William Hartmann have been provided with a Wayne County cell phone or access to any Wayne County social media account. Therefore, after a diligent search, we have determined and certify that the requested records do not exist within the Wayne County Department of Technology.

You have the right to do either of the following with regard to the denial of your request:

Submit a written appeal to the County Executive, which specifically states the word “appeal” and states the reason or reasons the denial should be reversed.

OR

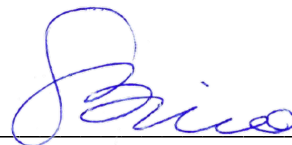
Commence an action in the circuit court to compel disclosure. Should you prevail, you will be entitled to have reasonable attorneys’ fees, costs and disbursements assessed against the County by the court. If you or the County prevails in part, the court may, in its discretion, award you all or an appropriate portion of reasonable attorneys’ fees, costs, and disbursements. If the court determines that the County has been arbitrary and capricious in its denial, you will also be entitled to punitive damages in the amount of \$1,000.00.

Sincerely,

Denial approved:



FOIA Officer
Dept. of Information Technology



Department of Corporation Counsel

cc: FOIA Coordinator