



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 Records Reflecting the Contents of Calls Between Monica Palmer and William Hartmann and Specified Persons or Entities Since November 3, 2020¹

Dear Mr. Evers:

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

Records reflecting the contents of any calls between (a) Chairperson Monica Palmer or Board Member William Hartmann, and (b) President Trump, members of the Trump campaign, or any White House officials . . . including email communications preceding or following the call, or notes memorializing the call . . . 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 does not identify specific persons with whom the requested communications took place, it is denied for failing to describe the record sufficiently to enable the County to locate it. MCL 15.233(1).

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 email address or a Wayne County cell phone. Therefore, after a diligent search, we have determined and certify that those 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
cc: FOIA Coordinator



Department of Corporation Counsel