

From: smbisio@gmail.com <smbisio@gmail.com>
Sent: Monday, June 14, 2021 11:59 PM
To: speaglej@villageofclarkston.org
Subject: FOIA request

Dear FOIA Coordinator:

Please provide me with copies of:

1. All invoices submitted to Clarkston from Howard & Howard and/or Mark Peyser, including but not limited to the document described publicly as the "March invoice." I do not need copies of invoices that were included in a final council packet and posted on the Clarkston website; I'm interested in invoices that were not publicly disclosed in a final council packet and posted on the Clarkston website.
2. All voided checks that were originally made payable to Howard & Howard and/or Mark Peyser.
3. The Michigan Rules of Professional Conduct (MRPC 1.8(f)) require that a lawyer obtain consent from the client before accepting compensation from someone other than the client for a representation. Please provide a copy of all documents that demonstrate that Clarkston provided consent to Howard & Howard and/or Mark Peyser to receive an estimated \$10,000 payment for legal services from a source other than Clarkston from December 2020 to present, including but not limited to the Michigan Municipal League Liability and Property Pool (MMLLPP).
4. All documents that discuss any payment arrangements concerning Clarkston's legal services bills from Howard & Howard and/or Mark Peyser from December 2020 to present. I do not require a copy of the original engagement contract that was publicly posted as part of the council packet.
5. All documents that discuss any payment arrangements with any third party concerning payment of Clarkston's legal services bills to Howard & Howard and/or Mark Peyser from December 2020 to present, including but not limited to the MMLLPP.
6. All communications with, including, or relating to the MMLLPP and a request that the recent approximately \$10,000 additional legal services payment to Mark Peyser and/or Howard & Howard be kept secret or confidential.

7. All communications with, including, or relating to the MMLLPP and the statement published in the city manager's report for inclusion in the June 14, 2021 city council packet under the heading "Response Regarding Donation."
8. A copy of the two reservation of rights letters sent by the MMLLPP to Clarkston and/or City Attorney Thomas J. Ryan (or Thomas J. Ryan P.C.) concerning the Susan Bisio v City of the Village of Clarkston lawsuit. Based on statements made at city council meetings, the first letter was sent shortly after the lawsuit was filed (in the December 2015/January 2016 timeframe), and the second letter was sent on or around June 2020.
9. All documents that reference the websites known as "Clarkston Sunshine" or "Clarkston Secrets" from January 2020 to present.

"Clarkston" refers to the City of the Village of Clarkston. This request seeks copies of all responsive Clarkston records, regardless of their location.

The words "document," "documents," or "communications" should be construed in their broadest form, including but not limited to emails concerning Clarkston matters sent to or from personal or city email accounts, hard copies of correspondence, and text messages sent to or from personal and/or Clarkston cell phones using SMS or any other similar messaging service. In the event that responsive records were created or received using SMS or any other similar messaging service, providing screenshots of responsive records in printed or image form will be sufficient.

The record request should be read to include all records in the possession of any Clarkston charter officer, elected official, employee, and/or the Office of the City Attorney.

Should Clarkston claim that any portion of a responsive document is exempt, I expect that you will segregate the exempt from the nonexempt material and provide the specific statutory exemption that you claim applies to each redaction. I ask that you keep any record that you withhold under a claim of exemption for at least 180 days from your final response in the event that I need to seek a judicial determination regarding the sufficiency of your response.

Though my most recent request for copies of recordings of city council meetings was not fulfilled until well beyond the statutory timeframes, I expect that Clarkston will strictly comply with the statutory timeframes for this request.

If any part of my request is unclear, please let me know and I will restate the request.

I prefer that all records be sent electronically to this email address.

Your kind attention to this matter is appreciated.

Sincerely,

Susan Bisio
P.O. Box 1303
Clarkston, MI 48347