

**smbisio@gmail.com**

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**From:** bisiolaw@gmail.com  
**Sent:** Thursday, February 2, 2023 12:37 PM  
**To:** DeLorgeK@villageofclarkston.org  
**Cc:** smbisio@gmail.com  
**Subject:** Susan Bisio FOIA requests  
**Attachments:** Letter to FOIA coordinator.pdf

Dear Ms. DeLorge:

Please see the attached letter.

Richard Bisio  
Law Office of Richard D. Bisio  
P.O. Box 1303  
Clarkston, MI 48347  
313 402-8306

LAW OFFICE OF  
RICHARD D. BISIO

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February 2, 2023

**By Email**

Ms. Karen DeLorge  
City Clerk and FOIA Coordinator  
City of the Village of Clarkston  
375 Depot Rd  
Clarkston, MI 48346

Re: Susan Bisio Freedom of Information Act Requests

Dear Ms. DeLorge:

This firm represents Susan Bisio regarding the three Freedom of Information Act (FOIA) requests she made to the city by emails dated January 19, 2023 (one request), and January 23, 2023 (two requests). You responded by email to each of those requests with the statement "FOIA REQUEST RECEIVED 01/23/2023." You also sent an untimely response to the January 23 request regarding removal of trees at 29 Buffalo.

Please be advised that FOIA provides that a public body receives an emailed FOIA request "1 business day after the electronic transmission is made." MCL 15.235(1). Thus the date of receipt of the January 19 request was January 20. And the date of receipt of the January 23 requests was January 24. These are the dates that start the time running for the city to respond. MCL 15.235(2) (public body must respond "within 5 business days after the public body receives the request"). A timely response must grant, deny, grant/deny, or extend time to respond to the request (and state the reason an extension is required). MCL 15.235(2). The fact that city offices are closed on Fridays does not extend the time for the city to respond. 2005 OAG 7172 (March 17, 2005) ("business days" under FOIA include weekdays regardless of whether the public body is open for public business).

The city's response to the January 19 request was due on January 27. The city's responses to the January 23 requests were due on January 31. Since the city did not timely respond, that constitutes denial of the requests. MCL 15.235(3).

Although the city sent a purported response to one of the January 23 requests on February 1, the records provided with the untimely response do not address the request, which was directed to tree removal that occurred *on January 10, 2023, on the private property at 29 Buffalo*. The nonresponsive records you provided address tree removal that occurred in 2022 on city property adjacent to 29 Buffalo. If the city had no responsive records regarding the January 10 tree removal (including no records regarding Historic District Commission review), then a timely denial stating that would have sufficed. As it stands now, there is no way to determine from the city's untimely response whether such records exist.

I hope that court action will not be necessary and that the city will promptly respond to the substance of the 29 Buffalo request and promptly respond to the other two requests. Should court action be necessary to compel responses, the city will be liable for the fees and costs of the action. MCL 15.240(6). Ms. Bisio expects the city to fully comply with the statute.

Sincerely,  
LAW OFFICE OF RICHARD D. BISIO

A handwritten signature in black ink, appearing to read "Richard Bisio", written in a cursive style.

Richard Bisio