

October 11, 2017

***SENT VIA ELECTRONIC MAIL***  
**tultalk@hughes.net**

Robert F. Tulloch  
7629 Coon Hill Rd  
Munith, MI 49259

Re: Your Freedom of Information Act Request  
Councilmember Hate Mail  
Received: October 4, 2017

Dear Mr. Tulloch:

The City of Jackson has no documents that are responsive to the above-referenced FOIA request. Accordingly, a Certification of Non-Existence is attached along with your appeal rights.

Sincerely,



Bethany M. Smith  
City Attorney


BMS/dn  
Att.

**CERTIFICATION OF NONEXISTENCE**


I, Bethany M. Smith, FOIA Coordinator for the City of Jackson, certify that to the best of my knowledge, information, and belief, an attempt has been made to locate the below described documents and such does not exist or cannot be located using the description provided:

**Copies of hate mail received by Councilmembers Dancy and Robinson and referred to in an interview on the Bart Hawley Show.**

Dated: 10-11-17

  
Name: Bethany M. Smith  
City Attorney  
FOIA COORDINATOR

Subscribed and sworn to before me  
This 11th day of October, 2017

  
Debra A. Noga  
NOTARY PUBLIC, Hillsdale County, Michigan  
My Commission Expires March 4, 2019  
Acting in Jackson County, Michigan

## City of Jackson, Michigan

### Notice of Appeal Rights Following a Denial of a Freedom of Information Act Request

If the City of Jackson has denied your request for information pursuant to the Freedom of Information Act (FOIA), Section 10 of the Act allows you to take one of the following actions:

1. Submit a written, signed letter to the City Manager that specifically states you are requesting an appeal of the FOIA denial. Your letter must include the word "appeal" and identify the reason(s) you believe the denial should be overturned.
2. Commence an action in circuit court within 180 days after a determination was made to deny your request, to compel disclosure of the records denied to you. If the court determines that the public record is not exempt from disclosure, the Court shall order the City to cease withholding or to produce the portion of the record wrongfully withheld. The circuit court for the county in which you reside, or the Circuit Court for the County of Jackson, shall have jurisdiction to issue the order. The court shall determine the matter *de novo* and the burden is on the City to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching its decision. Failure to comply with an order of the court may be punishable as contempt of court.

If a person asserting the right to inspect or receive a copy of a public record or portion thereof prevails in a court action commenced pursuant to Section 10 of the FOIA, the Court shall award reasonable attorney's fees, costs and disbursements. If the person prevails in part, the court may in its discretion award reasonable attorney's fees, costs, and disbursements or an appropriate portion thereof. The award shall be assessed against the public body liable for the damages under subsection 6 of Section 10 of the Freedom of Information Act.

In an action commenced pursuant to Section 10 of the FOIA, if the court finds that the public body has arbitrarily and capriciously violated the Act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited in the general fund of the state treasury. The court shall award in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of the public record. The damages shall not be assessed against an individual, but shall be assessed against the public body, pursuant to whose public functions the public record was kept or maintained. If the court determines, in an action commenced under Section 10 of the Act, that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence. This civil fine shall be deposited in the general fund of the state treasury.

Questions regarding this notice of your rights may be referred to the Office of the City Attorney, City of Jackson, 161 West Michigan Avenue, Jackson, MI 49201, 517-788-4050.