



RISK MANAGEMENT

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October 27, 2011

Mr. Wm. Douglas Winters
McLAIN & WINTERS
Attorneys at Law
61 N. Huron
Ypsilanti, MI 48197

Re: FOIA Request of October 19, 2011

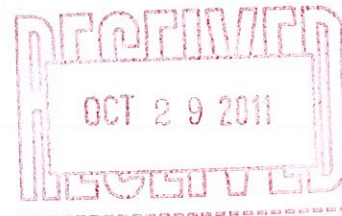
Dear Mr. Winters:

This communication is in response to your Freedom of Information Act request dated October 19, 2011. In your request, you ask for a copy of the surveillance video in the format that it was received. The video being requested pertains to the portable flash drive that was copied by Ypsilanti Township employee Jeff Allen and provided to Special Investigator Brian Miller on March 11, 2011.

The County denies your request. The video in the possession of Washtenaw County is a video excerpt created for the purpose of an internal investigation. You state in your letter "It is my understanding that this investigation was led by Washtenaw County Special Investigator Brian Miller who during the course of his investigation met with Ypsilanti Township's Residential Services Director Jeff Allen." (emphasis added). Since the video in our possession was created for an internal investigation this record is exempt from disclosure pursuant to MCL 15.243(1)(d) and (1)(s)(ix). Please let me know if you would like me to provide an affidavit in this regard.

If you disagree with this decision, you may submit a written appeal specifically stating "appeal" and stating the reasons for appeal, to the County Administrator or seek judicial review under Section 10 of the Act within 180 days after the County's final determination. Within ten (10) days of receiving a request for an appeal, the County Administrator shall (a) reverse the denial; (b) issue a written notice upholding the denial; (c) reverse in part and uphold in part by written notice; or (d) issue a notice extending by ten (10) business days the time to decide the appeal.


If after judicial review, the Circuit Court determines that the County has not fully complied with the disclosure requirements, the Court shall award reasonable attorneys' fees, costs and disbursements. If the Court determines that the County has arbitrarily and capriciously violated the Act, it will also award punitive damages of \$500.00.



Page Two (2)
October 27, 2011

A copy of this request will be kept on file for no less than one (1) year.

Sincerely,



Judy Kramer, Risk Management
Coordinator/FOIA Coordinator