



MICHIGAN FREEDOM OF INFORMATION ACT
NOTICE OF RIGHT TO APPEAL - EXCESSIVE FOIA FEES

If you believe that the fee charged by Kent County to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the **Chair of the Kent County Board of Commissioners** by filing a written appeal for a fee reduction. The Appeal must be sent to the

Stan Stek, Chair
Board of Commissioners' Office
Kent County Administration Building, 3rd Floor,
300 Monroe Ave NW
Grand Rapids, Michigan 49503

The appeal letter must specifically state the word **“appeal”** and identify how the required fee exceeds the amount permitted.

Within 10 business days after receiving the appeal, the Chair of the Kent County Board of Commissioners will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Chair of the Kent County Board of Commissioners will respond to the written appeal.

Within 45 days after receiving notice of the Chair, Kent County Board of Commissioner's determination of the fee appeal, you may commence a civil action in the 17th Circuit Court for a fee reduction.

If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the County acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

Please read below for the full text of the relevant section of the FOIA law to know your right to appeal an excessive FOIA processing fee.