

* GERALD H. ACKER
** BARRY J. GOODMAN
TIM SULOLLI
KEVIN Z. KOMAR
LARRY R. MAITLAND II
BRADLEY M. PERI
MARK BREWER
JORDAN B. ACKER
JOHNNY A. HAMOOD
CHARLES W. WOJNO
EBONEY R. HUGHES

October 30, 2014

Nick Lyon, Director
Michigan Department of
Community Health
320 S. Walnut Street
Lansing, MI 48933

David Behen, Director
Michigan Department of
Technology, Management and Budget
320 S. Walnut Street
Lansing, MI 48933

*ALSO ADMITTED IN DC
**ALSO ADMITTED IN FLORIDA
www.goodmanackerc.com

Re: Destruction of Public Records

Dear Directors Lyon and Behen,

We are legal counsel to Progress Michigan and write to advise you that the Department of Community Health has destroyed public records in violation of Michigan law and record retention policy. We demand that every effort be made to retrieve these records, and that any destruction of public records within state government cease immediately.

On August 21, 2014 an official of Progress Michigan submitted this FOIA request to the Department of Community Health (DCH):

Pursuant to Michigan Freedom of Information Act § 15.231 et seq., I am requesting an opportunity to obtain copies of public records of e-mail conversations between Governor Snyder and Director James Haveman as well as e-mail conversations between Chief of Staff Dennis Muchmore and Director James Haveman. This includes e-mails from both their state-issued, and private email accounts.

On September 25, 2014 the request was denied as follows:

Your request is denied.

After a search for records, to the best of the Department's knowledge, information, and belief, the Department does not possess records under the description you provided or by other names reasonably known to the Department.

On October 16, 2014 that denial was appealed by my law firm.

Today, I received a call from Kurt Krause, Director of the Bureau of Legal Affairs at DCH, advising that the requested emails had been deleted upon Director Haveman's retirement.

As this sequence of events reveals, not only were public records illegally destroyed but my client was lied to about their existence and their destruction was hidden from my client until today.

Please promptly advise how DCH and DTMB will rectify this illegal destruction of public records and ensure that it does not occur again.

Very truly yours,

GOODMAN ACKER, P.C.



Mark Brewer

CC: Col. Kriste Etue, Director
Michigan State Police

Kurt Krause, Director
Department of Community Health
Bureau of Legal Affairs

Lonnie Scott, Executive Director
Progress Michigan

Hugh Madden
215 S. Washington Square, Suite 100
Lansing, MI 48933

August 21, 2014

Ms. Christine Dingee, FOIA Coordinator
Michigan Department of Community Health
210 Townsend
Lansing, MI 48913

Pursuant to Michigan Freedom of Information Act § 15.231 et seq., I am requesting an opportunity to obtain copies of public records of e-mail conversations between Governor Snyder and Director James Haveman as well as e-mail conversations between Chief of Staff Dennis Muchmore and Director James Haveman. This includes e-mail from both their state-issued, and private email accounts.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$50.00. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. Michiganders deserve to know if this is happening in their state.

If you deny any or this entire request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

Hugh Madden

(734) 250-2070

September 25, 2014

Hugh Madden
215 S. Washington Square, Suite 100
Lansing, MI 48933
hugh@progressmichigan.org

RE: FOIA 2014-451 Madden

Dear Mr. Madden:

This notice is issued in response to your August 21, 2014 dated request (copy attached), sent by e-mail and received by the Michigan Department of Community Health (Department) on September 19, 2014, requesting information falling under the Freedom of Information Act (FOIA), MCL 15.231 *et seq.*

Your request is denied.

After a search for records, to the best of the Department's knowledge, information, and belief, the Department does not possess records under the description you provided or by other names reasonably known to the Department.

As for the denial, the Department is obligated to inform you that under section 10 of the FOIA, MCL 15.240 you may do the following:

1) Appeal this decision in writing to Kurt E. Krause, Director of the Bureau of Legal Affairs for the Department of Community Health, Capitol View Building, 201 Townsend Street, Lansing, MI 48913. The writing must specifically state the word "appeal" and must identify the reason or reasons you believe the denial should be reversed. The Department must respond to your appeal within ten days of its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days. 2) File an action in the appropriate court within 180 days after the date of the final determination to deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, disbursements, and possible damages.

Sincerely,

/s/ Christine S. Dingee

Christine S. Dingee, FOIA Coordinator
Michigan Department of Community Health
Office of Legal Affairs & FOIA
Att.

October 16, 2014

Kurt Krause
Director of Bureau of Legal Affairs
Department of Community Health
201 Townsend Street
Lansing, MI 48913

* GERALD H. ACKER
** BARRY J. GOODMAN
TIM SULOLLI
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* ALSO ADMITTED IN DC
** ALSO ADMITTED IN FLORIDA

www.goodmanacker.com

Re: Appeal of FOIA decision

Dear Director Krause,

We are legal counsel to Progress Michigan and this is an appeal of the attached final determination dated September 25, 2014 denying a FOIA request by Progress Michigan.

APPEAL

Facts

On August 21, 2014 an official of Progress Michigan submitted this FOIA request to your Department:

Pursuant to Michigan Freedom of Information Act § 15.231 et seq., I am requesting an opportunity to obtain copies of public records of e-mail conversations between Governor Snyder and Director James Haveman as well as e-mail conversations between Chief of Staff Dennis Muchmore and Director James Haveman. This includes e-mails from both their state-issued, and private email accounts.

On September 25, 2014 the request was denied as follows:

Your request is denied.

After a search for records, to the best of the Department's knowledge, information, and belief, the Department does not possess records under the description you provided or by other names reasonably known to the Department.

Argument

This denial not only violates the FOIA, but would be found by a court to be “arbitrary and capricious” as well, leading to punitive damages under MCL 15.240(7), as well as an award of attorneys fees and costs under MCL 15.240(6).

Despite the denial, records such as those requested do exist.

Progress Michigan has submitted FOIA requests to several departments. In response to those requests, records have been disclosed which clearly indicate that there have been numerous emails between Muchmore and Haveman. Thirteen (13) such emails are attached as examples.

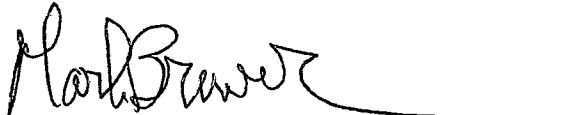
Plainly, there has been email between Muchmore and Haveman, despite the Department’s denial of their existence.

Conclusion

For all these reasons, you should reverse the decisions of the FOIA Coordinator and grant the request.

Very truly yours,

GOODMAN ACKER, P.C.



Mark Brewer

CC: Lonnie Scott, Progress Michigan
Hugh Madden, Progress Michigan

Burton, Diane (LARA)

From: Muchmore, Dennis (GOV)
Sent: Monday, August 04, 2014 12:49 PM
To: Allan, Jon (DEQ); Barnes, Jeff (DMVA); Behen, David (DTMB); Bowen, Scott (MSL); Bowerman, Maria (MDOT); Burton, Diane (LARA); Carefoot, Karen (MDE); Christophel, Janice (DHS); Clinton, Kevin (TREASURY); Clover Adams, Jamie (MDA); Corrigan, Maura (DHS); Creagh, Keith (DNR); Crockett, Tracy (MSHDA); Deloney, Andrew (LARA); 'Diane Edwards'; Doyle, Maureen (Treasury); Etue, Kriste (MSP); Evans, Amiee (MEDC); Flanagan, Mike (MDE); Flood, Ann (DIFS); General Gregory J. Vadnais (gregory.j.vadnais.mil@mail.mil); Gregory, Robin (DTMB); Grijalva, Nancy (DCH); Haveman, James (DCH); Heyns, Daniel (MDOC); Isaacs, Carol (AG); Klotz, Josephine (MSP); 'Mason, Dace (DMVA)'; McClelland, Janet (MCSC); McDermott, Cristina (MSL); Finney, Michael (MEDC); Miller, Kim (DMVA); Minix, Connie (DTMB); Quackenbush, John (LARA); Roberts, John (DTMB); Sanford, Shawn (MDCR); Schmidt, Karen (DTMB); Sederburg, Kari (DCH); Senyko, Mike (MDOS); Shook, Kari (DEQ); Simon, Sandy C. (MDOC); Smith, Brenda (MDA); Steudle, Kirk (MDOT); Teszlewicz, Barbara (AG); Thelen, Mary Beth (DEQ); Tkaczyk, Judy (DNR); Wesaw, Matthew (MDCR); Winters, Jan (DTMB); Woosley, Scott (MSHDA); Wyant, Dan (DEQ)
Cc: Agen, Jarrod (GOV); Wurfel, Sara (GOV); Clement, Elizabeth (GOV); Arwood, Steve (LARA); Zimmer, Mike (LARA)
Subject: Leadership Changes
Attachments: 140804_ArwoodMEDC (revised).docx

On behalf of Gov. Snyder, I am pleased to share with you a couple of important personnel updates regarding the Cabinet.

Effective today, Michigan Department of Licensing & Regulatory Affairs Director **Steve Arwood will become chief operating officer (COO) at MEDC**, working with President & CEO Mike Finney and his team as they work to accelerate Michigan's comeback and spur business development, talent and entrepreneurship initiatives. He will replace Steve Hilfinger, who as you know left earlier this summer to return to the private sector. Steve Arwood brings a strong record of leadership, vision and accomplishment that will round out and complement MEDC's essential work.

LARA's chief deputy, Mike Zimmer, will take over as acting director at LARA. Mike's been a stalwart leader and I am confident he will continue demonstrating the outstanding progress that economic development can make when aligned with a sound, sensible regulatory strategy.

Please see the attached news release for additional details. We expect it to go out early this afternoon.

Please join me in congratulating both Steve and Mike on their new roles. I know they will appreciate your full support as they take on these important and challenging duties.

Best regards,

DM

Wendy Wisniewski

Executive Assistant to Dennis Muchmore,
Beth Clement and Greg Tedder
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

Burton, Diane (LARA)

From: Muchmore, Dennis (GOV)
Sent: Friday, July 25, 2014 2:46 PM
To: Allan, Jon (DEQ); Arwood, Steve (LARA); Barnes, Jeff (DMVA); Behen, David (DTMB); Bowen, Scott (MSL); Bowerman, Maria (MDOT); Burton, Diane (LARA); Carefoot, Karen (MDE); Christophel, Janice (DHS); Clinton, Kevin (TREASURY); Clover Adams, Jamie (MDA); Corrigan, Maura (DHS); Creagh, Keith (DNR); Crockett, Tracy (MSHDA); Deloney, Andrew (LARA); Diane Edwards; Doyle, Maureen (Treasury); Etue, Kriste (MSP); Evans, Amiee (MEDC); Flanagan, Mike (MDE); Flood, Ann (DIFS); General Gregory J. Vadnais (gregory.j.vadnais.mil@mail.mil); Gregory, Robin (DTMB); Grijalva, Nancy (DCH); Haveman, James (DCH); Heyns, Daniel (MDOC); Isaacs, Carol (AG); Klotz, Josephine (MSP); Mason, Dace (DMVA); McClelland, Janet (MCSC); McDermott, Cristina (MSL); Finney, Michael (MEDC); Miller, Kim (DMVA); Minix, Connie (DTMB); Quackenbush, John (LARA); Roberts, John (DTMB); Sanford, Shawn (MDCR); Schmidt, Karen (DTMB); Sederburg, Kari (DCH); Senyko, Mike (MDOS); Shook, Kari (DEQ); Simon, Sandy C. (MDOC); Smith, Brenda (MDA); Steudle, Kirk (MDOT); Teszlewicz, Barbara (AG); Thelen, Mary Beth (DEQ); Tkaczyk, Judy (DNR); Wesaw, Matthew (MDCR); Winters, Jan (DTMB); Woosley, Scott (MSHDA); Wyant, Dan (DEQ)
Cc: Weiss, Kurt (DTMB); Silfven, Ken (GOV); Brun, Jeremy (DTMB); Muchmore, Dennis (GOV)
Subject: Employee Directory

As part of our commitment to transparency and the customer service friendly atmosphere we need to ensure that our customers, the public, has access to the state government they expect and deserve.

One of the most basic ways to achieve this is by making state employee contact information easily accessible. While the state maintains a helpful tool on the front page of Michigan.gov that provides employees' office phone numbers and emails, much of the information is missing or inaccurate.

At the direction of the Executive Office, the Department of Management, Technology and Budget is updating this directory so that correct information is listed for every state employee. DTMB needs the assistance of your respective agencies and soon will send instructions on how to complete this task. I am asking that you assign an employee to this project and provide the name of that employee to Jeremy Brun at BrunJ@Michigan.gov by August 1 so that DTMB can complete their updates by the end of August.

Thank you in advance for your prompt attention to this request, and for your commitment to bringing excellence and greater transparency to our state government.

Wendy Wisniewski

Executive Assistant to Dennis Muchmore,
Beth Clement and Greg Tedder
Executive Office of Governor Rick Snyder
George W. Romney Building, 2nd Floor
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909
(517) 241-5601
WisniewskiW@michigan.gov

Burton, Diane (LARA)

From: Muchmore, Dennis (GOV)
Sent: Wednesday, July 16, 2014 3:32 PM
To: Allan, Jon (DEQ); Arwood, Steve (LARA); Barnes, Jeff (DMVA); Behen, David (DTMB); Bowen, Scott (MSL); Bowerman, Maria (MDOT); Burton, Diane (LARA); Carefoot, Karen (MDE); Christophel, Janice (DHS); Clinton, Kevin (TREASURY); Clover Adams, Jamie (MDA); Corrigan, Maura (DHS); Creagh, Keith (DNR); Crockett, Tracy (MSHDA); Deloney, Andrew (LARA); 'Diane Edwards'; Doyle, Maureen (Treasury); Etue, Kriste (MSP); Evans, Amiee (MEDC); Flanagan, Mike (MDE); Flood, Ann (DIFS); General Gregory J. Vadnais (gregory.j.vadnais.mil@mail.mil); Gregory, Robin (DTMB); Grijalva, Nancy (DCH); Haveman, James (DCH); Heyns, Daniel (MDOC); Isaacs, Carol (AG); Klotz, Josephine (MSP); 'Mason, Dace (DMVA)'; McClelland, Janet (MCSC); McDermott, Cristina (MSL); Finney, Michael (MEDC); Miller, Kim (DMVA); Minix, Connie (DTMB); Quackenbush, John (LARA); Roberts, John (DTMB); Sanford, Shawn (MDCR); Schmidt, Karen (DTMB); Sederburg, Kari (DCH); Senyko, Mike (MDOS); Shook, Kari (DEQ); Simon, Sandy C. (MDOC); Smith, Brenda (MDA); Steudle, Kirk (MDOT); Teszlewicz, Barbara (AG); Thelen, Mary Beth (DEQ); Tkaczyk, Judy (DNR); Wesaw, Matthew (MDCR); Winters, Jan (DTMB); Woosley, Scott (MSHDA); Wyant, Dan (DEQ)
Subject: Dave Nyberg

I am pleased to inform you that David Nyberg, Director of the Governor's Northern Michigan Office, will expand his responsibilities to assume the position of Tribal Liaison and Associate Legal Counsel. David will continue to be the Governor's point person for northern Michigan issues and be based in our Executive Office in Marquette. He will additionally be coordinating our Tribal response team in state government relating to agreements, cultural activities and working closely with Michael Gadola, Legal Counsel to the Governor, on tribal sovereignty and gaming compact issues.

As Director of Governor Rick Snyder's Northern Michigan Office, Dave helps to provide customer service solutions to Michiganders in the U.P. and Northern Lower Peninsula and advises the Governor on matters especially relevant to Northern Michigan.

Prior to serving in the Snyder Administration, Dave founded 3rd Coast Strategies, LLC to provide advocacy, public policy and community relations solutions to several natural resource industry clients in the Upper Great Lakes region. He has also worked as the Legislative Affairs Manager for the nation's largest state-based conservation organization, Michigan United Conservation Clubs. In additional public service roles, Dave served as a legislative assistant to former Speaker of the House Craig DeRoche and as a press secretary in the Michigan Legislature. He earned a Juris Doctor from the Michigan State University College of Law and Bachelor of Arts in Political Science/Pre-Law from Michigan State University. Dave is a member of the State Bar of Michigan, Marquette County Bar Association, Economic Club of Marquette County, the Fred Waara Chapter of Trout Unlimited, Michigan United Conservation Clubs, Escanaba River Association, U.P. Whitetails Association, Noquemanon Skijor Club, Noquemanon Trail Network, and serves on the Board of Directors for 40 Below Young Professionals of Marquette County.

Dave lives in Skandia, Michigan with his wife Tracy, daughter Hazel, and canine kids, Thule and Koppar.

Please join me in congratulating Dave on his new role in the Executive Office. Thank you.

Dennis C. Muchmore
Chief of Staff
Governor Rick Snyder, Michigan

Burton, Diane (LARA)

From: Muchmore, Dennis (GOV)
Sent: Tuesday, July 01, 2014 8:09 AM
To: Allan, Jon (DEQ); Arwood, Steve (LARA); Barnes, Jeff (DMVA); Behen, David (DTMB); Bowen, Scott (MSL); Bowerman, Maria (MDOT); Burton, Diane (LARA); Carefoot, Karen (MDE); Christophel, Janice (DHS); Clinton, Kevin (TREASURY); Clover Adams, Jamie (MDA); Corrigan, Maura (DHS); Creagh, Keith (DNR); Crockett, Tracy (MSHDA); Deloney, Andrew (LARA); 'Diane Edwards'; Doyle, Maureen (Treasury); Etue, Kriste (MSP); Evans, Amiee (MEDC); Flanagan, Mike (MDE); Flood, Ann (DIFS); General Gregory J. Vadnais (gregory.j.vadnais.mil@mail.mil); Gregory, Robin (DTMB); Grijalva, Nancy (DCH); Haveman, James (DCH); Heyns, Daniel (MDOC); Isaacs, Carol (AG); Klotz, Josephine (MSP); 'Mason, Dace (DMVA)'; McClelland, Janet (MCSC); McDermott, Cristina (MSL); Finney, Michael (MEDC); Miller, Kim (DMVA); Minix, Connie (DTMB); Nixon, John (DTMB); Quackenbush, John (LARA); Sanford, Shawn (MDCR); Schmidt, Karen (DTMB); Sederburg, Kari (DCH); Senyko, Mike (MDOS); Shook, Kari (DEQ); Simon, Sandy C. (MDOC); Smith, Brenda (MDA); Steudle, Kirk (MDOT); Teszlewicz, Barbara (AG); Thelen, Mary Beth (DEQ); Tkaczyk, Judy (DNR); Wesaw, Matthew (MDCR); Winters, Jan (DTMB); Woosley, Scott (MSHDA); Wyant, Dan (DEQ)
Subject: FW: All things must end...

It is with profound disappointment that I forward this note from my pal Bill Rustem.

From: Rustem, William (GOV)
Sent: Monday, June 30, 2014 1:36 PM
To: Executive Office All
Subject: All things must end...

All things must end someday.

I want to let each of you know that I have filed for retirement from service to the State of Michigan, effective July 25, 2014. This decision is driven by a couple things.

I have now spent 14 years in a governor's office. That is fourteen years of limited vacations, restless sleep, and constantly being on call. That is enough. My original intent was to be here in the Governor's office for three years. By the end of July, my current tenure will reach more than three and one-half years.

But most importantly, I learned earlier this year that I have a family member who is facing a very serious illness. I need this summer and fall to spend some time with him.

I will miss the camaraderie of this office and the day-to-day challenge of finding innovative solutions to seemingly intractable problems. I will miss the daily contact with very good people who are working hard to build a better Michigan. And, I will miss

being part of the important process of governance in a democracy, an experience that is both honorable and irreplaceable.

Nevertheless, I am fully at peace with my decision to retire.

I have often said that there are two ways to win elections: one is to be a divider; the other is to be a uniter. I am proud that I worked for two governors who understand that what separates us is not nearly as important as what brings us together.

I will leave knowing the State of Michigan is in good hands. I have always believed that true leadership is not measured by press release, or speech, or bill signing. Rather, it is measured by the legacy one leaves behind; it is the policy changes that matter not so much to us, but to our children and theirs. Both Governors Milliken and Snyder wear that mantle of true leadership.

Thanks to each of you for sharing in the panic and the stress as well as the elation of accomplishment over these years. And thanks for caring as much about our grandchildren (most of who are not yet born) as you do about yourselves.

-Bill