

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

February 21, 2019

Matthew D. Hardin
Executive Director
Energy Policy Advocates
324 Logtrac Road
Standardsville, VA 22973

Sent by email
matthewdhardin@gmail.com

Dear Mr. Hardin:

This notice responds to your February 12, 2019 emailed letter (copy attached), received by the Department of Attorney General (Department) on February 23, 2019, requesting information, under the Freedom of Information Act (FOIA), MCL 15.231 *et seq*, that you describe, with emphasis omitted, as follows:

[C]opies of the following records, and their accompanying information, including also any attachments. Records responsive to this request will have been dated from January 1, 2019 through the present, inclusive:

- I. all opinions, analyses and/or or determinations concluding that a) your Office has the legal authority to hire or otherwise bring into the Office, under any title whether Special Assistant Attorney General, Special Counsel, or otherwise, an NYU Fellow or otherwise a privately funded attorney; b) a Special Assistant Attorney General/Counsel, or anything else offered or provided by NYU, does or does not constitute an impermissible gift under applicable law, code or regulation; and/or that c) a Special Assistant Attorney General/Counsel, or anything else provided by NYU, does or does not comply with or violate applicable ethics, professional conduct or anti-corruption law, code or regulation; also,
- II. all correspondence i) sent to, from, or copying (whether as cc: or bcc:) a) Eric Restuccia, b) Kelly Rossman-McKinney, and/or c) Mary Beth Seppala that ii) includes, anywhere, "NYU", be it in an email address (e.g., @nyu.edu), Subject field, body of an email or any attachments.

These terms are not case sensitive.

[E]ntire email “threads” containing any information responsive to this request, regardless whether any part of that thread falls outside the cited search parameters.

Your request is granted in part and denied in part.

As to the partial grant, to the best of the Department’s knowledge, information, and belief, the enclosed copied records represent the only records in the Department’s possession that are responsive to that part of Roman numeral II of your request identified as, “all correspondence i) sent to, from, or copying (whether as cc: or bcc:) a) Eric Restuccia [] includes, anywhere, “NYU”, be it in an email address (e.g., @nyu.edu), Subject field, body of an email or any attachments.”

Because the processing of your request took minimal time, there is no fee.

As to the partial denial, after a search for records, to the best of the Department’s knowledge, information, and belief, the Department does not possess records that are responsive to your description of records under Roman numeral I of your request or by another description reasonably known to the Department.

Further as to the partial denial, after a search for records, to the best of the Department’s knowledge, information, and belief, the Department does not possess records that are responsive to that part of Roman numeral II of your request identified as, “ all correspondence i) sent to, from, or copying (whether as cc: or bcc:) [] b) Kelly Rossman-McKinney, and/or c) Mary Beth Seppala that ii) includes, anywhere, “NYU”, be it in an email address (e.g., @nyu.edu), Subject field, body of an email or any attachments” or by another description reasonably known to the Department.

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

1) Appeal this decision in writing to the Attorney General, Department of Attorney General, 525 W. Ottawa, P.O. Box 30754, Lansing, MI 48909. The writing must specifically state the word “appeal” and must identify the reason or reasons you believe the partial denial should be reversed. The head of the Department or her designee must respond to your appeal within 10 business days after its receipt. Under unusual circumstances, the time for response to your appeal may be extended by 10 business days.

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2) Commence an action in the Court of Claims within 180 days after the date of the final determination to partially deny the request. If you prevail in such an action, the court is to award reasonable attorney fees, costs, and disbursements, and possible damages.

The Department's FOIA Procedures and Guidelines can be accessed at www.michigan.gov/foia-ag.

Sincerely,



Christy Wendling-Richards
FOIA Coordinator
Department of Attorney General
517-335-7573

Encs.