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May 30, 2017

Hassan M. Ahmad
The HMA Law Firm
7926 Jones Branch Dr. Suite 600
McLean, VA 22102
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Dear Mr. Ahmad:

RE: Appeal of FOIA final determination, University File AHM 0633-16.

I am writing in response to your email dated May 16, 2017 which was received in the President's Office on May 16, 2017 appealing the response dated May 8, 2017 by Ms. Patricia Sellinger, the University's Freedom of Information Coordinator, to your Freedom of Information Act (FOIA) inquiry referenced above.

After careful review and consideration, your appeal is denied for the reasons stated in Ms. Sellinger's May 8 response, which will not be repeated herein. These Bentley Library records emanating from a private source are restricted and are not available to the university community or the public at this time by a valid charitable gift agreement with a donor. As such, they are not public records subject to disclosure under the FOIA and the University does not currently have the right to disseminate them. Further, disclosure of these records in contravention of the gift agreement would not only violate the terms by which a private citizen donated his property to the University, but would constitute an unwarranted invasion of the donor's privacy and, potentially, that of unrelated and unknowing third parties. Moreover, violating the terms of the gift agreement in this manner would undermine the University's ability to fully achieve its educational mission, insofar as preserving the history of the state of Michigan is one important aspect of its academic mission and is directly related to the willingness of others (e.g., legislators and judges) to donate their papers to the Bentley Library. Potential donors with key historical documents will be chilled by the University's failure to observe the limits expressly placed upon such gifts.

Please note that within 180 days from the date of the letter from the Freedom of Information Act Coordinator denying your request, you have the right to seek judicial review in the circuit court to try to compel disclosure. If you seek judicial review in the Michigan circuit court and prevail, you will be awarded reasonable attorney's fees, costs and disbursements incurred in maintaining the action. If you prevail in part, you may still be awarded complete or partial reimbursement for those expenses. In addition to actual and compensatory damages, you will be awarded punitive damages in the amount of \$500 if the court finds that the University was arbitrary and capricious in its denial.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Liz Barry', is written over the typed name and title.

Liz Barry
Special Counsel to the President