


## CITY COUNCIL AGENDA ITEM

Date: May 31, 2024 

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney

Subject: Scott Stoglin, John Milliron, Peter Dungjen & Joel Barthlow v. City of Troy

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Attached please find a lawsuit filed by retired volunteer firefighters Scott Stoglin, John Milliron, Peter Dungjen, and Joel Barthlow against the City of Troy. This case was filed by their attorneys, Ren Nushaj and Carrah Crofton-Wloszek, in the Oakland County Circuit Court and assigned to Judge Martha D. Anderson.

The complaint alleges that the City violated the Freedom of Information Act in responding to their individual document requests, which they submitted on February 15, 2024. The City timely responded to the Freedom of Information Requests on March 11, 2024, providing some documents but also claiming exemptions and/or the non-existence of requested documents. Plaintiff is seeking an order compelling the City to produce any and all communications or directives or rulings or agreements between the City and the IRS concerning the Volunteer Firefighters Incentive Plan/ Irrevocable Trust; and also any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/ Irrevocable Trust. The Complaint seeks injunctive and declaratory relief, as well as a reimbursement of Plaintiff's attorney fees, and any other relief the Court deems appropriate.

The proposed resolution authorizes our departmental representation of the City's interests. Please let me know if you have any questions or concerns.

FILED Received for Filing Oakland County Clerk 5/13/2024 12:00 PM

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 6th Oakland JUDICIAL CIRCUIT COUNTY	<b>SUMMONS</b>	<b>CASE NO.</b> 2024-207391-CZ JUDGE MARTHA D.
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Court address 1200 N. Telegraph Rd., Pontiac, MI 48341  
ANDERSON Court telephone no. 248-858-0344

Plaintiff's name, address, and telephone no. SCOTT STOGLIN, JOHN MILLIRON, PETER DUNGJEN, and JOEL BARTHLOW
Plaintiff's attorney, bar no., address, and telephone no. REN NUSHAJ (P72986) CARRAH CROFTON-WLOSZEK (P73119) Attorneys for Plaintiff 5960 Livernois Rd. Troy, MI 48098 Phone: (248) 649-1000

v

Defendant's name, address, and telephone no. CITY OF TROY 500 W. Big Beaver Rd. Troy, MI 48084 Phone: (248) 524-3320
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MO, MAY 20 '24 AM 8:11

This case has been designated as an eFiling case, for more information please visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 5/13/2024	Expiration date* 08/12/2024	Court clerk Lisa Brown
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

This case has been designated as an eFiling case, for more information please visit [www.oakgov.com/efiling](http://www.oakgov.com/efiling).

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SCOTT STOGLIN, JOHN MILLIRON,  
PETER DUNGJEN, and JOEL BARTHLOW,

Plaintiffs,

2024-207391-CZ

JUDGE MARTHA D. ANDERSON  
NOV 20 '24 AM 9:11

v.

Hon:  
Case No.

CITY OF TROY,

A Municipal Corporation,

\_\_\_\_\_  
REN NUSHAJ (P72986)  
CARRAH CROFTON-WLOSZEK (P73119)  
Attorneys for Plaintiff  
5960 Livernois Rd.  
Troy, MI 48098  
Tel. (248) 649-1000

LORI GRIGG BLUHM  
Attorney for Defendant  
500 W. Big Beaver Rd.  
Troy, MI 48084  
Tel. (248) 524-3320  
\_\_\_\_\_

**COMPLAINT**

NOW COMES, the Plaintiffs, Mr. SCOTT TOGLIN, JOHN MILLIRON, PETER DUNGJEN, and JOEL BARTHLOW for their complaint against The City of Troy (hereinafter referred to as "the City"), and state as follows:

FILED Received for Filing Oakland County Clerk 5/13/2024 12:00 PM



1. This is an action to enforce the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq.
2. Plaintiffs are all individuals residing in the City of Troy, Oakland County, Michigan.
3. It is appropriate for Plaintiffs to file this complaint jointly under MCR 2.206(A)(1) as their claims arise out of the same series of transactions giving rise to common questions of law or fact and joining the Plaintiffs will promote the convenient administration of justice and will not prejudice the Defendant.
4. Defendant, City of Troy, is a Municipal Corporation, located in and doing business in the City of Troy, Oakland County, Michigan.
5. The City is a “public body” as defined by FOIA. MCL 15.232(h). The public records maintained by the City are subject to disclosure under the provisions of FOIA.
6. Jurisdiction is proper in this court pursuant to MCL 15.240(1), because the Plaintiff has requested under FOIA that the City disclose certain documents in its possession, and the City has made a final determination to deny that request.
7. Venue is proper in this court pursuant to MCL 15.240(4), because the City has its principal place of business in Oakland County; the Plaintiffs reside in Oakland County; and at all times all actions giving rise to this complaint occurred in Oakland County.

**Freedom of Information Act (Seeking Compelled Disclosure of Public Records,  
Declaratory Relief, and Attorney Fees)**

8. The Plaintiffs incorporate by reference the allegations contained in paragraphs 1–7.
9. On or about February 15, 2024, Plaintiffs each sent a FOIA Request to the City, attached as Exhibit - A. The FOIA request sought certain information the City of Troy has concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust for which Plaintiffs were a beneficiary.

10. On or about March 11, 2024, the City denied part of Plaintiffs' FOIA request. A written denial is attached as Exhibit - B.

11. As required by MCL 15.235(5)(a), the City's written denial included its explanations for refusing to produce the requested documents. With respect to the documents sought the City stated:

"Part of your request for records has been denied." Offering as Reason for Denial:

1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection\_\_\_\_ (insert number) because: MCL 15.243 (a), (d), (e), (g), (m), (w), (z)."

12. The Plaintiffs sought in their FOIA:

- a. 'Any and all communications between the IRS and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'
- b. 'Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the IRS concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'
- c. 'Any and all agreements signed between the IRS and the City of Troy and/or any of its departments, employees, or representatives from the IRS concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'
- d. 'Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary and any and all calculations made in relation to the Volunteer Firefighters Incentive

Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.'

13. The City's explanations are insufficient, as a matter of law, to justify nondisclosure of important public records pertaining to the above referenced records of the City particularly given that the city council and administration have relied on the records they now seek to shield in taking action against the interests of the Plaintiffs in terminating the VFIP and liquidating its trust.
14. One document produced by Defendant, attached as Exhibit -C, is a receipt for a payment and states it is "IRS TEGE EP Closing Agreement Payment". However, Defendant did not produce any requested IRS agreements among other requested items.
15. Defendant has relied on the thin veil of 'IRS ordered us to do it' statement in liquidating said VFIP plan and Trust and though the document's existence is acknowledged in what the city provided to Plaintiffs; no such document was produced. The Plaintiffs, and the public it serves, will be irreparably injured, absent immediate and full disclosure of the information on this matter of public concern.
16. The Plaintiffs have no adequate remedy at law to redress the injury they will sustain if they do not receive immediate and full disclosure of the information requested from the City of Troy.

WHEREFORE, Plaintiffs, respectfully requests the court to:

1. Issue an order compelling disclosure of the following public records:
  - a. 'Any and all communications between the IRS and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'

- b. 'Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the IRS concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'
  - c. 'Any and all agreements signed between the IRS and the City of Troy and/or any of its departments, employees, or representatives from the IRS concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.'
  - d. 'Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary and any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.'
- 2. Declare the nondisclosure of the requested documents violative of FOIA.
  - 3. Award Plaintiffs their actual and reasonable attorney fees, as required by MCL 15.240(6).
  - 4. Award such other relief as the court deems appropriate.

Respectfully submitted:

/s/ Ren Nushaj  
REN NUSHAJ (P72986)  
CARRAH CROFTON-WLOSZEK (P73119)  
Attorneys for Plaintiff  
5960 Livernois Rd.  
Troy, MI 48098  
Tel. (248) 649-1000

Dated: May 9, 2024





# EXHIBIT – A



February 15, 2024

FOIA Coordinator  
City of Troy  
500 W Big Beaver Rd.  
Troy, MI 48084  
[Clerks@troymi.gov](mailto:Clerks@troymi.gov)

RE: FOIA for Personal Records

Subject of Request: Scott Stoglin

Address: 805 De Etta Dr.  
Troy, MI 48085

Phone: (248) 321-1629

Email: [sstoglin@sbcglobal.net](mailto:sstoglin@sbcglobal.net)

Dear Clerk:

I am requesting a copy of records related to my employment pursuant to the FOIA, MCL 15.231et. seq. Please send a copy of the following:

1. Any and all communications between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
2. Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the Internal Revenue Service (IRS) concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
3. Any and all agreements signed between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning

the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.

4. Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust, or any plan for which I am a beneficiary, and any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.

Please send all records to me at my residential address or via email:

Scott Stoglin  
805 De Etta Dr.  
Troy, MI 48085

sstoglin@sbcglobal.net

Thank you,

  
\_\_\_\_\_  
Scott Stoglin

Date: 2-15-2024





February 15, 2024.

FOIA Coordinator  
City of Troy  
500 W Big Beaver Rd.  
Troy, MI 48084  
[Clerks@troymi.gov](mailto:Clerks@troymi.gov)

RE: FOIA for Personnel Records

Subject of Request: John Milliron

Address: 271 W Hurst Dr.  
Troy, MI 48098

Contact Information: Phone: (248) 931-0379  
Email: [silverback29@duck.com](mailto:silverback29@duck.com)

Dear Clerk:

I am requesting a copy of records related to my employment pursuant to the FOIA, MCL 15.231et. seq. Please send a copy of the following:

1. Any and all communications between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
2. Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the Internal Revenue Service (IRS) concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
3. Any and all agreements signed between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning

the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.

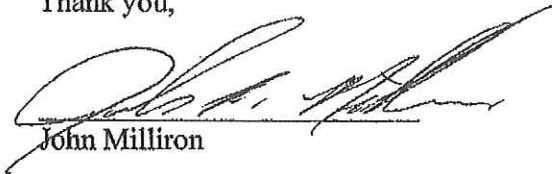
4. Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust, or any plan for which I am a beneficiary, and any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.

Please send all records to me at my residential address or via email:

John Milliron  
271 W Hurst Dr.  
Troy, MI 48098

silverback29@duck.com

Thank you,



John Milliron

Date: 07/15/04

February 15, 2024

FOIA Coordinator  
City of Troy  
500 W Big Beaver Rd.  
Troy, MI 48084  
[Clerks@troymi.gov](mailto:Clerks@troymi.gov)

RE: FOIA for Personnel Records

Subject of Request: Joel Barthlow

Address: 6381 Houghten Dr.  
Troy, MI 48098

Contact Information: Phone: (248) 840-9453  
Email: [j.barthlow@sbcglobal.net](mailto:j.barthlow@sbcglobal.net)

Dear Clerk:

I am requesting a copy of records related to my employment pursuant to the FOIA, MCL 15.231et. seq. Please send a copy of the following:

1. Any and all communications between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
2. Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the Internal Revenue Service (IRS) concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
3. Any and all agreements signed between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning



the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.

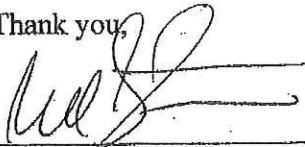
4. Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust, or any plan for which I am a beneficiary, and any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.

Please send all records to me at my residential address or via email:

Joel Barthlow  
6381 Houghten Dr.  
Troy, MI 48098

j.barthlow@sbcglobal.net

Thank you,



Joel Barthlow

Date: 2-15-24

February 15, 2024

FOIA Coordinator  
City of Troy  
500 W Big Beaver Rd.  
Troy, MI 48084  
[Clerks@troymi.gov](mailto:Clerks@troymi.gov)

RE: Request for Personnel Records

Subject of Request: Peter Dungjen

Address: 6004 Elmoor Dr.  
Troy, MI 48098

Phone: (248) 933-2175

Email: [dungjenpa@gmail.com](mailto:dungjenpa@gmail.com)

Dear Clerk:

I am requesting a copy of records related to my employment pursuant to the FOIA, MCL 15.231et. seq. Please send a copy of the following:

1. Any and all communications between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
2. Any and all directives or rulings received by the City of Troy and/or any of its departments, employees, or representatives from the Internal Revenue Service (IRS) concerning the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.
3. Any and all agreements signed between the Internal Revenue Service (IRS) and the City of Troy and/or any of its departments, employees, or representatives concerning

the Volunteer Firefighters Incentive Plan/Irrevocable Trust or any plan for which I am a beneficiary.

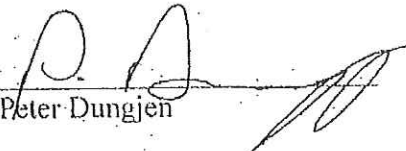
4. Any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust, or any plan for which I am a beneficiary, and any and all calculations made in relation to the Volunteer Firefighters Incentive Plan/Irrevocable Trust liquidation and/or which led to disbursements or payments to me.

Please send all records to me at my residential address:

Peter Dungjen  
6004 Elmoor Dr.  
Troy, MI 48098

dungjenpa@gmail.com

Thank you,

  
Peter Dungjen

Date: 2/20/24





# **EXHIBIT – B**

City: Keep original and  
provide copy of both sides to  
requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Denial Form

Public Summary available at: <http://troymt.gov/Government/Departments/CityClerk>

### Notice of Denial of FOIA Request

Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Request No.: 2024-108

Date Received: 2/21/2024

Check if received via: ☒ Email ☐ Fax

Date delivered to junk/spam folder: \_\_\_\_\_

Date discovered in junk/spam folder: \_\_\_\_\_

(Please Print or Type)

Name John Milliron		Phone 248-931-0379
Firm/Organization		Fax
Street 271 W Hurst Dr	Email silverback29@duck.com	
City Troy	State MI	Zip 48098

Request for: ☒ Copy ☐ Certified copy ☐ Record inspection ☐ Subscription to record issued on regular basis

Delivery Method: ☐ Will pick up ☐ Mail to address above ☒ Email to address above ☐ Deliver on cd provided by the City

Record(s) You Requested: (Listed here or see attached copy of original request) RE: See attached

☐ All or ☒ Part of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact City Clerk's Office at 248-524-3317

#### Reason for Denial:

☒ 1. Exempt from Disclosure: This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: MCL 15.243 (a), (d), (e), (g), (m), (w), (z)

☐ 2. Record Does Not Exist: This item does not exist under the name provided in your request or by another name reasonably known to the City. If you believe this record does exist, provide a description that will enable us to locate the record:

☒ 3. Redaction: A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection 15.243(1)(a) (insert number), because: Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy

A brief description of the information that had to be separated or deleted:

#### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Manager or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:

M. Allen Dickson

Date:

March 11, 2024



## FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

15:240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.  
Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977; -- Am., 1978, Act 329, Imd. Eff. July 11, 1978; -- Am., 1996, Act 563, Eff. Mar. 31, 1997; -- Am., 2014, Act 563, Eff. July 1, 2015

# EXHIBIT – C



**Lori G Bluhm**

From: notification@pay.gov  
Sent: Tuesday, November 21, 2023 4:30 PM  
To: Lori G Bluhm  
Subject: Pay.gov Payment Confirmation: IRS TEGE EP Closing Agreement Payment

You don't often get email from notification@pay.gov. [Learn why this is important](#)

**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.



An official email of the United States government

**Pay.gov**

Your payment has been submitted to Pay.gov and the details are below. If you have any questions regarding this payment, please contact Judith Bailey at 513-975-6069 or [Judith.m.bailey@irs.gov](mailto:Judith.m.bailey@irs.gov).

Application Name: IRS TEGE EP Closing Agreement Payment  
Pay.gov Tracking ID: 27914MCF  
Agency Tracking ID: 76556711089  
Transaction Type: Sale  
Transaction Date: 11/21/2023 04:30:06 PM EST  
Account Holder Name: Lori Grigg Bluhm  
Transaction Amount: \$1,000.00  
Card Type: MasterCard  
Card Number: \*\*\*\*\*

*G/L acct #  
101.266. 962  
OK - Y.B.*

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.



Pay.gov is a program of the U.S. Department of the Treasury, Bureau of the Fiscal Service