



RECEIVED MAY 27 2022

Office of the Superintendent
Dr. Jeffrey Leslie
jleslie@nbas.org

May 24, 2022

Jarrett Skorup
Mackinac Center Legal Foundation
140 West Main Street
Midland, Michigan 48640
Skorup@mackinac.org

Re: FOIA Appeal to New Buffalo Area Schools' Board of Education

Dear Mr. Skorup:

On May 10, 2022, you submitted a FOIA appeal to Superintendent Jeffrey Leslie. Your appeal challenged a disclosure denial that was based upon FOIA's privacy exemption. Your appeal was considered received on May 23, 2022, and the Board acknowledged receipt of the appeal at its regular board meeting that evening.

The District's FOIA Procedures and Guidelines, consistent with state law, permit the Board of Education to consider appeals of FOIA request denials. After careful review of your appeal, the Board of Education voted to partially grant your appeal. Enclosed find records responsive to your request. Home addresses have been redacted because public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy pursuant to Section 13(1)(a) of the FOIA. See, MCL 15.243(1)(a); *Mich Fed'n of Teachers v Univ of Mich*, 481 Mich 657, 660 (2008). Information that, if disclosed, would violate the Family Educational Rights and Privacy Act (FERPA) has also been redacted or removed pursuant to Section 13(2) of the FOIA, MCL 15.243(2).

The District has elected not to charge a fee to respond to your request. Additionally, the District's FOIA Procedures and Guidelines are available at:

<https://drive.google.com/file/d/0B20CpRRiSVGenozSnd0anNOVzN1NzZZeTFrQ3pNZIUxZGRr/view?resourcekey=0-7yVFoZeouTySDSFmlllg-A>.

Because this constitutes a partial denial of your request, your appeal rights are enclosed. If you disagree with the outcome of this appeal, you may seek judicial review of the nondisclosure by commencing an action in circuit court within 180 days. See MCL 15.240(1)(b). Further, if after judicial review, the circuit court determines that that Board of Education has not complied with FOIA and orders disclosure of all or a portion of a public record, you may be entitled to receive attorneys' fees and damages as provided in Section 10 of FOIA. See MCL 15.240(4)-(7).

Sincerely,

A handwritten signature in black ink that reads "Devinnie Wysocki".

Devinnie Wysocki
FOIA Coordinator
New Buffalo Area Schools

RIGHT TO APPEAL DISCLOSURE DENIAL
AND RECOVER ATTORNEYS FEES AND COSTS

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

- (1) Submit to the "head of the public body" (via the District Board President) a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial; or
- (2) Commence an action in the circuit court to compel the public body's disclosure of the public records.

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 section 10 of the FOIA, 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 that kept or maintained the public record as part of its public function.

If the circuit court determines in an action commenced under section 10 of the FOIA that the public body has arbitrarily and capriciously violated this act, or acted in bad faith, by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages to the person seeking the right to inspect or receive a copy of a public record and a civil fine. The damages and civil fine 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.

Monday August 9th; 6:55 pm: while attending Football practice at River Valley

I received a phone call from Tina Brewster regarding [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Asked who my superior was, I gave him Matt Johnson's name. After which he said he would be talking to him, and hung up the phone. I proceeded to explain the situation to Matt during football practice, and was told Matt would have a conversation with him.

Andy Perales ATC



Office of the Superintendent

Dr. Jeffrey Leslie

jleslie@nbas.org

August 20, 2021

Mr. John Humphrey

Dear Mr. Humphrey:

Because of the recent events, you are directed to no longer enter New Buffalo Area School District property at any time, for any reason, without prior written authorization from the Superintendent. This includes all the School District buildings, Board offices and athletic fields. You may not attend any School District function. Your recent conduct is being construed as to be threatening and intrusive upon the rights of others and will no longer be tolerated.

You are, however, permitted to be on school property without prior authorization *only* for the limited purposes of attending a public meeting of the Board of Education or to participate in an election conducted on school property.

If it is necessary for you to make any contact with the School District, you are directed to do so exclusively with the Superintendent's office. In the event that you fail to comply, and enter School District property without such authorization, you will be considered an unlawful trespasser and subject to any and all criminal and civil liabilities arising therefrom. We are requesting that you turn in your school issued keys to Chief of Police, Richard Killips.

Very truly yours,

A handwritten signature in black ink that reads "Jeffrey M. Leslie".

Dr. Jeff Leslie
Superintendent

cc: Chief of Police
Prosecutor's Office
Building Principals



SMIETANKA LAW GROUP
Attorneys & Counselors

P.O. Box 336, Grandville, MI 49468

September 7, 2021

Dr. Jeff Leslie
Superintendent of Schools
New Buffalo Area Schools
1112 E. Clay Street
P.O. Box 380
New Buffalo, MI 49117

Re: John Humphrey

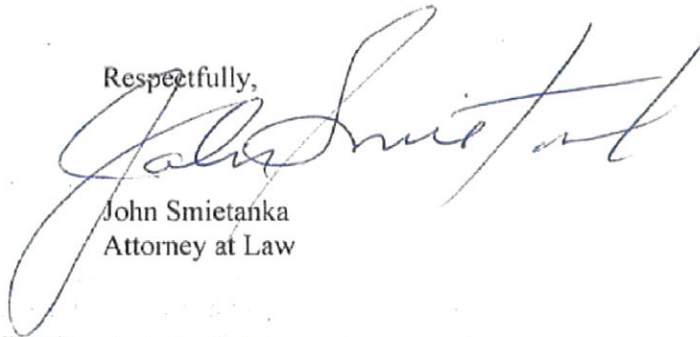
Dear Dr. Leslie:

I am representing John Humphrey in the matter of a letter of yours dated August 20, 2021. That letter told him that he was barred from entering on the premises of "New Buffalo Area School District Property at any time, for any reason, without prior written authorization from the Superintendent." The purported reason was "recent conduct" which is, "being construed as threatening and intrusive upon the rights of others, and will no longer be tolerated."

Rather than move this matter in directions that would be expensive and time-consuming for all, I would like to meet with you to see if there is some common ground that we can reach which will meet your needs and his and his family's as well. Your letter seems to prohibit him from coming to any event or meeting [REDACTED] and other normal interactions at or near a New Buffalo Area School District building. I am sure that the scope of the language used in the letter is far beyond what is either necessary or was intended to assure a proper level of propriety and communication between John and your personnel.

I will be contacting your office to work out an appropriate time convenient with you. I would appreciate your extending this courtesy to me.

Respectfully,



John Smietanka
Attorney at Law

JAS:jmr

CC: Berrien County Prosecutor
New Buffalo Chief of Police
Chuck Heit

On Monday Aug. 9 at about 6:40 pm John Humphrey entered the gym and was very upset. [REDACTED]

[REDACTED] When John came in, I was on the phone with Andy so I let John talk to him and he was very rude and after John got off the phone with Andy he looked at me and said this was F***ing Bullsh** and that [REDACTED]

[REDACTED]

He didn't want to hear it, just continued to be loud and upset.

[REDACTED]

As he was leaving, he said he was going to contact Dr. Leslie and Mr. Johnson.

Tina Brewster



Office of the Superintendent

Dr. Jeffrey Leslie

jleslie@nbas.org

October 25, 2021

Mr. John Humphrey
[REDACTED]

Dear Mr. Humphrey:

This letter grants permission for you to [REDACTED] at New Buffalo Area Schools. Let's meet on or after Wednesday, February 9, 2022, to discuss your return to inside our facilities.

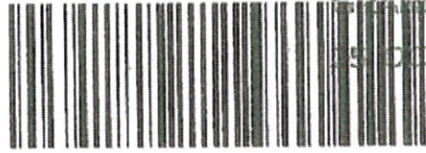
Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeff M. Leslie".

Dr. Jeff Leslie
Superintendent

CERTIFIED MAIL®

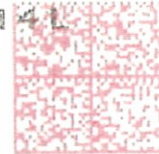
BUFFALO AREA SCHOOLS
OF THE SUPERINTENDENT
2 EAST CLAY STREET
BUFFALO, MI 49117



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GRAND RAPIDS MI 493

OCT 20 2021 PM 4:11



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MAILED FROM ZIP CODE 491

UNC

Mr. John Humphrey



10/27/21

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UNC BC: 49117154012 *2285-04761-25-4
49117>1540

wd: apology

ne age

ia BREWSTER <brewstertina@sbcglobal.net>
: Jeff Leslie <jleslie@nbas.org>

Thu, Aug 19, 2021 at 8:00 /

vatt aid you might want to ee thi

Sent from my iPhone

Begin forwarded me age

From: John Humphrey <jhumphrey@cityofnewbuffalo.org>
Date: August 17, 2021 at 3:44:44 PM EDT
To: Tina Brewster <brewstertina@sbcglobal.net>
Subject apology

Tina

I looked for you over at the School, but couldn't find you or you aren't working today

I wanted to sincerely apologize for my outburst last week..

It was a lot of things that all came to ahead at the same time, much of it had little

To do with [REDACTED] or the school. While I still think waiver system or similar should be in place

For legacy families in situations like that, I understand Matts position.

Matt and I spoke and we are good,

Please know it had absolutely nothing to do with you or anything you did.

So I hope you can forgive my outburst...

Thanks

John Humphrey

Mayor

City of New Buffalo

(773) 406-9897

jhumphrey@cityofnewbuffalo.org