



STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES  
LANSING

RICK SNYDER  
GOVERNOR

R. KEVIN CLINTON  
DIRECTOR

June 5, 2013

Martha E. Levandowski  
CPAN  
216 N. Chestnut Street  
Lansing, MI 48933

Re: Freedom of Information Act (FOIA) Request 15011

Dear Ms. Levandowski:

The Department of Insurance and Financial Services (DIFS) is in receipt of your correspondence dated May 21, 2013, requesting information regarding the Michigan Catastrophic Claims Association (MCCA).

I am the person designated by the Director of the DIFS to approve or deny FOIA requests under the Michigan Freedom of Information Act, MCL 15.231 et seq. Your request is approved, in part, and denied, in part.

Enclosed please find a copy of information DIFS Senior Deputy Director Teri Morante provided to Representative Pete Lund, Chair of the House Committee on Insurance, relating to how the MCCA annual premium is determined. Also, the following links will provide you with copies of the MCCA Audit report and Actuarial Opinion:

Audit Report - [MCCA > Financial Reports > Independent Auditor Reports](#),

Actuarial Report-

[http://www.michigan.gov/documents/lara/2010\\_MCCA\\_Actuarial\\_Opinion\\_363594\\_7.pdf?20130530112756](http://www.michigan.gov/documents/lara/2010_MCCA_Actuarial_Opinion_363594_7.pdf?20130530112756)

I must deny items 1, 4, and 5 of your request because that information does not exist within DIFS.

I must deny items 2(a-h), 3 and 6 of your request pursuant to Section 13(1)(d) of the FOIA, MCL 15.243(1)(d) and Section 134(4) of the Michigan Insurance Code (Code), MCL 500.134(4). Section 13(1)(d) exempts records specifically described and exempted from disclosure by statute:

(1) A public body may exempt from disclosure as a public record under this act any of the following:

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(d) Records or information specifically described and exempted from disclosure by statute.

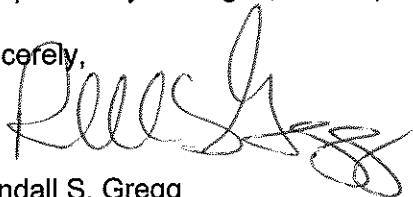
Section 134(4) of the Code, provides:

(4) A record of an association or facility shall be exempted from disclosure pursuant to section 13 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.243 of the Michigan Compiled Laws.

The MCCA is defined as an "association or facility" in Section 134(6) of the Code.

Under the FOIA (MCL 15.240), you may submit a written appeal regarding the denial of any portion of your FOIA request to R. Kevin Clinton, Director, Michigan Department of Insurance and Financial Services, Ottawa Building, 3rd Floor, P.O. Box 30220, Lansing, Michigan 48909. Your appeal must include the word "appeal" and state the reason or reasons for reversal of the denial(s). You may also seek judicial review in circuit court within 180 days after the Department's notice of final determination. If you prevail in such action, the court shall award reasonable attorney fees, costs, and disbursements. If the court finds the Department's action(s) to be arbitrary and capricious, the court shall, in addition to any actual or compensatory damages, award punitive damages in the amount of \$500.00.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall S. Gregg", written over a light blue horizontal line.

Randall S. Gregg  
FOIA Coordinator