



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 10, 2011

Ms. Susan Ragsdale  
FOIA Officer  
Village of Lake Zurich  
70 E. Main Street  
Lake Zurich, IL 60047

RE: FOIA Pre-Authorization Request - 2011 PAC 14295

Dear Ms. Ragsdale:

We have received and reviewed the written notice from the Village of Lake Zurich of its intention to deny the disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

On May 13, 2011, Mr. Mark Daniel of the Daniel Law Office submitted a FOIA request for multiple records, including:

2. [R]ecords of all drawings, plans, applications, permit requests, zoning applications, zoning actions, ordinances, resolutions, citations, notices of violation, police records, liquor applications, liquor citations, public disturbance or other police reports, correspondence and notes pertaining to Beelow's Steakhouse.
3. [R]ecords of all engineering plans, drawings, cross-sections, condemnation documents, opinions, easements, right-of-way agreements, ordinances, resolutions, budgets, transfers of funds, correspondence and notes pertaining specifically to Beelow's Steakhouse's present improvement project of providing live

Ms. Susan Ragsdale  
June 10, 2011  
Page 2

entertainment and outdoor seating requiring the conditional use permit laid out in Ordinance No. 2011-05-775.

12. [R]ecords pertaining to any communications between any Village official (elected or appointed), any Village employee or any Village agent, on one hand, and the owner or any representative of the owner of Beelow's Steakhouse.

17. [R]ecords consisting of agenda, notices, minutes, ordinances, resolutions, motions and notes of any zoning, building code or planning decisions or recommendations related to Beelow's Steakhouse or the zoning district in which Beelow's Steakhouse is located.

In its written notice, the Village asserts that some of the documents responsive to these parts of Mr. Daniel's FOIA request are records in which opinions are expressed and policies or actions were formulated. Therefore, the Village argues that these records are exempt from disclosure under section 7(1)(f) of FOIA.

#### DETERMINATION

The Village's use of the exemption in section 7(1)(f) is **approved**. After reviewing the information provided, this office has determined that the withheld records are documents in which opinions were expressed and policies or actions were formulated. Further, the Village asserts that these documents have not been publicly cited by the head of the public body. Accordingly, the Village has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA and may issue a partial denial letter and release the remaining documents, if it has not already done so.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

Ms. Susan Ragsdale

June 10, 2011

Page 3

cc: Mr. Mark Daniel  
Daniel Law Office, P.C.  
138 West Vallette St., Suite 3  
Elmhurst, IL 60126

Mr. Carlos Arevalo  
Zukowski, Rogers, Flood & McArdle  
50 Virginia St.  
Crystal Lake, IL 60014