



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 28, 2011

Ms. Katherine Wendland  
Glen Ellyn Park District  
185 Spring Avenue  
Glen Ellyn, Illinois 60137

RE: FOIA Preauthorization Request – 2011 PAC 14998

Dear Ms. Wendland:

We have received and reviewed the written notice from the Glen Ellyn Park District of its intention to deny disclosure of certain information requested by Mr. Christopher Placek 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. Mr. Placek requested: 1) copies of consultant reports related to roof problems at the Ackerman Sports & Fitness Center; 2) copies of inspection reports related to the roof at the Ackerman Sports & Fitness Center; 3) documents showing the costs of consultant reports and related fees regarding roof problems at the Ackerman Sports & Fitness Center; and 4) documents showing legal fees related to roof problems at the Ackerman Sports & Fitness Center. The Park District seeks to withhold records in the first two categories under section 7(1)(f).

Section 7(1)(f) of FOIA exempts from disclosure, "[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."

**DETERMINATION**

The Park District's use of the exemption in section 7(1)(f) to withhold copies of consultant reports and inspection reports related to roof problems at the Ackerman Sports & Fitness Center is **approved**. The Park District has represented that it is currently deliberating about its options concerning how to remediate the problems with the roof, and the documents at

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issue will be used in evaluating the Park District's options and determining the best alternatives to employ in resolving the roof problems. Accordingly, these documents are predecisional materials that are exempt from disclosure under section 7(1)(f). *See Harwood v. McDonough*, 344 Ill. App. 3d 242, 248 (1st Dist. 2003).

If you have any questions, please contact me at 312-814-2770. This correspondence shall serve to close the matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of John Schmidt.

JOHN SCHMIDT  
Senior Assistant Attorney General  
Public Access Bureau

14998 pre-auth al 71f prelim draft mun

cc: Mr. Christopher Placek  
*Daily Herald*  
4300 Commerce Plaza  
Lisle, Illinois 60532