



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 30, 2011

Ms. Denise Rogowski  
Freedom of Information Officer  
Village of Wheeling  
2 Community Blvd.  
Wheeling, IL 60090

Re: FOIA Pre-Authorization Request – 2011 PAC 15038

Dear Ms. Rogowski:

We have received and reviewed the written notice from the Village of Wheeling of its intention to deny disclosure of certain information under 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). The Village is seeking to withhold a fire investigation report.

On June 17, 2011, Mr. Joe Mazzone of Mazzone Investigation Service submitted a FOIA request to the Village for the fire report, investigation report, and photographs of the scene of a fire that occurred on May 19, 2011, at 573-575 Custer.

In its written notice, the Village asserts that the fire investigation report should be withheld under section 7(1)(f) of FOIA. 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." 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

On June 29, 2011, we were informed in a telephone conversation with the fire chief that the fire investigation report includes the investigator's handwritten notes and observations regarding the scene of the fire. The Village has provided the requester with the final fire report, which includes its conclusions based on the fire investigation report.

Ms. Denise Rogowski  
June 30, 2011  
Page 2

### DETERMINATION

The Village's use of the section 7(1)(f) exemption with regard to the fire investigation report is approved. Based on the information provided, this office has determined that the record is a pre-decisional document containing notes and opinions. Further, the Village has indicated that this document has 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.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Very truly yours,

  
REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

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cc: Mr. Joe Mazzone  
8150 W. 111<sup>th</sup> Street  
Suite 10  
Palos Hills, IL 60465