



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

June 17, 2010

Mr. John Costello
FOIA Officer
Office of the Illinois Attorney General
500 S. Second Street
Springfield, Illinois 62706

RE: FOIA Pre-Authorization Request – 2010 PAC 7902

Dear Mr. Costello:

We have received and reviewed the written notice from the Office of the Illinois Attorney General (OAG) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on May 24, 2010 Donald Craven submitted a FOIA request to the OAG seeking copies of the following documents:

1. Copy of the investigative file which lead to the June 30, 2009 agreement reached between the Office of the Illinois Attorney General and Ticketmaster (TicketsNow) including, but not limited to:
 - a. Complaints received by the Illinois Attorney General regarding Ticketmaster/TicketsNow;
 - b. Correspondence and communications transmitted by the Illinois Attorney General to Ticketmaster/TicketsNow regarding said complaints;
 - c. Copy of any response(s) received by the Illinois Attorney General from Ticketmaster/TicketsNow or its' representatives/counsel relating to the Illinois Attorney General's investigation as referened in the press release;
 - d. Copies of any interrogatories, subpoenas issue or like requests for information sent from Illinois Attorney General to Ticketmaster/Tickets Now;
 - e. Copies of responses provided and records produced to the Illinois Attorney General from Ticketmaster/Tickets Now or their representative/counsel;
 - f. Copy of any formal demand or complaint issued by Illinois Attorney General to Ticketmaster/Tickets Now;
 - g. Copy of any written agreement, settlement and/or pledge (as referenced in attached) between Illinois Attorney General from Ticketmaster/Tickets Now;

- h. Copy of any documents relating to meetings(s) between Illinois Attorney General and Ticketmaster/TicketsNow through representative or counsel since 2007; and
 - i. Copy of any documents relating to the Attorney General's monitoring of Ticketmaster/TicketsNow compliance with it's obligations under the Illinois Ticket Sale & Resale Act and settlement agreement subsequent to June 30, 2009.
2. Copy of any written communication or correspondence between Illinois Attorney General and Ticketmaster/TicketsNow through representative or counsel subsequent to June 30, 2009

On June 10, 2010, the OAG sent a letter to Mr. Craven explaining that his request was being granted in part and denied in part. On June 10, 2010, the OAG submitted a pre-authorization letter to our Office, asserting that the items requested in 1(h) and 1(i) should be withheld pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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).

In its letter to our Office, the OAG stated that the documents contain opinions by staff members as part of an effort to formulate policy and decide a course of action and fall within the scope of Section 7(1)(f). The OAG has supplied us with a representative sample of the documents that it seeks to withhold under Section 7(1)(f).

Determinations

The OAG's request for approval of its decision to withhold these documents pursuant to Section 7(1)(f) is approved.

With regard to Item 1(h) of Mr. Craven's request, the OAG has provided us with a memorandum prepared in advance of a meeting with Ticketmaster, the proposed agenda of that meeting and the handwritten notes of an OAG staff member taken during that meeting. This information is preliminary in nature and includes the expression of opinions about the meetings between the OAG and Ticketmaster/Tickets Now and an effort to formulate a course of action in this matter.

With regard to Item 1(i) of Mr. Craven's request, the OAG has supplied our Office with 16 pages of handwritten notes by an OAG staff member in regard to a February 24, 2009 United States Senate Subcommittee Hearing on the merger between Ticketmaster and Live Nation. These notes reflect internal research and express opinions by the OAG staff about the hearing and about the possible course of action.

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140 7(1)(f).

Based on these facts, the OAG has met its burden and may assert the exemption under Section 7(1)(f) for records in which opinions are expressed or policies or actions are formulated.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Assistant Public Access Counselor

cc: Don Craven
Counselors at Law
1005 North Seventh Street
Springfield, Illinois 62702