



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

Lisa Madigan
ATTORNEY GENERAL

October 18, 2010

Trisha Crowley
Deputy City Attorney
City of Champaign
102 N. Neil Street
Champaign, Illinois 61820

RE: FOIA Request for Review – 2010 PAC 9167

Dear Ms. Crowley:

Thank you for providing the additional information we requested on August 26, 2010 in response to a written notice from the City of Champaign (City) of its intention to deny disclosure of certain documents as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

In a FOIA request submitted to the City on August 3, 2010, Rochelle Funderburg sought the following information:

1. Any and all documents, emails, correspondence or other communication regarding the City of Champaign's liquor violation case regarding Bar Scramble organized by the Irish Illini, as it pertains to all licensees charged by the City of Champaign;
2. Copies of all documents, emails or other communications regarding any violations pertaining to Joe's Brewery from January 23, 2009;
3. Copies of all documents regarding any liquor violations filed against any licensee for the past five years, including stipulations, fines and outcomes; and
4. Copies of all documents, emails or other communications regarding any liquor licensee suspended by the City of Champaign for the past five years.

Determination

Section 7(1)(f) of FOIA exempts from disclosure records that constitute "[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 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).

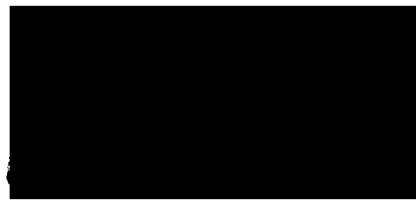
The City's proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specific emails provided to the Public Access Counselor on September 13, 2010 is approved. We have reviewed copies of the responsive emails and have determined that they consist of either opinions and recommendations of city employees relating to potential liquor violations or pre-deliberative communications in which actions were formulated. In addition, the City advised that none of the responsive emails provided have been publically identified by the Mayor. Accordingly, the City has met its initial burden of demonstrating that the specified emails are exempt from disclosure under Section 7(1)(f) of FOIA.

We offer no advice or opinion as to the properness of the denial of disclosure of any other responsive documents under Section 7(1)(f) of FOIA or under another exemption found in FOIA.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



cc: Rochelle Funderburg
Meyer Capel
306 W. Church Street
Champaign, Illinois 61820