



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

December 3, 2010

Village of Wilmette  
c/o Jeffrey M. Stein  
Raysa & Zimmerman, LLC  
22 South Washington Ave.  
Park Ridge, Illinois 60068

RE: FOIA Preauthorization Request No. 2010 PAC-10851

Dear Mr. Stein:

The Office of the Public Access Counselor has received and reviewed the written notice from the Village of Wilmette of its intention to deny in part the request for documents submitted by [REDACTED] based on Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(f). Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated."

[REDACTED] had requested documents relating to a stop work order placed on her residence on November 12, 2010 allegedly because of a contractor's actions. The Village proposes to release 10 pages of documents. It asserts that a three-page memorandum is exempt from disclosure under Section 7(1)(f).

After reviewing the documents, we have concluded that the Village has failed to meet its burden of showing by clear and convincing evidence that the three-page memorandum is exempt from disclosure. 5 ILCS 140/1.2. The Section 7(1)(f) exemption applies to predecisional materials that a public body uses in its deliberative processes. *Harwood v. McDonough*, 344 Ill. App. 3d 242, 247 (1<sup>st</sup> Dist. 2003). The memorandum that the Village wishes to withhold is not a predecisional document. Rather, it was drafted after the stop work order was issued, and it explains the incidents which led to the order. Accordingly, the Village has failed to show that the memorandum is exempt from disclosure under Section 7(1)(f). The Village's request for preauthorization to assert an exemption under Section 7(1)(f) is therefore denied.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence