



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

January 26, 2011

Ms. Stacey White  
FOIA Officer  
Metropolitan Pier and Exposition Authority  
[mpea-foia@mpea.com](mailto:mpea-foia@mpea.com)

RE: FOIA Pre-Authorization Request 2010-PAC 7326

Dear Ms. White:

We have received and reviewed the written notice from the Metropolitan Pier and Exposition Authority 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 140/11 *et seq.*, as amended.

Specifically, on May 4, 2010 Lars Negstad, on behalf of Unite Here Local 1, submitted a FOIA request to MPEA seeking a copy of the "Sole Source Contract for Consulting" together with the consultant's report produced by William Caruso and Associates.

On May 11, 2010, MPEA sought our Office's approval to withhold a draft of the Caruso consultant report pursuant to Section 7(d)(f) of FOIA, (5 ILCS 140/7(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." This Office initiated further inquiry into the matter on May 20, 2010 and requested a copy of the document.

**Determinations**

MPEA's request for approval of its decision to withhold the draft of the Caruso consultant report pursuant to Section 7(1)(f) is approved.

The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1<sup>st</sup> Dist. 1987).

Upon review of this document, we find that it is a draft that had not been finalized at the time of Mr. Negstad's request. 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 this analysis, the MPEA has met its initial burden under Section 7(1)(f) and may withhold the document in question.

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

Sincerely,

Amalia Rioja  
Acting Public Access Counselor

By: 

Matthew C. Rogina  
Assistant Public Access Counselor

cc: Mr. Lars Negstad  
LNegstad@unitehere1.org

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