



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 5, 2013

Via electronic and U.S. mail
Mr. John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944
john@heirloomvideography.net

RE: FOIA Request for Review – 2013 PAC 25611

Dear Mr. Kraft:

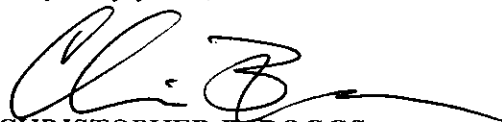
The Public Access Counselor received your Request for Review on August 8, 2013, asserting that Arcola Township (Township) had not responded to your July 30, 2013, Freedom of Information Act (FOIA) request. In the enclosed August 28, 2013, letter to our office, Mr. Mark Petty, attorney for the Township, indicates that a response to your request was sent on August 14, 2013.¹ Specifically, Mr. Petty indicates that the Township prepared its response to your request within the timeline required by FOIA, although it was not immediately produced because of an internal miscommunication. Even so, this office strongly reminds the Township of its obligations pursuant to section 3(d) of FOIA (5 ILCS 140/3(d) (West 2012)), which provides that "[e]ach public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section."

Because the Township has now responded to your request, we conclude that no further action is warranted. This correspondence shall serve to close this matter. Under section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2012)), a Request for Review may be filed with the Attorney General's Public Access Counselor "[n]ot later than 60 days after the date of the final denial[]" of the FOIA request by the public body. If you believe that the Township's response constitutes a denial of your request, you are entitled to request a review by this office within 60 days of the response. If you have questions, please contact me at the Springfield address listed below.

¹Letter from Mark Petty, Petty Law Office, P.C., to Christopher R. Boggs, Assistant Attorney General, Public Access Bureau (August 28, 2013).

Mr. John Kraft
September 5, 2013
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. R. Boggs', with a long horizontal flourish extending to the right.

CHRISTOPHER R. BOGGS
Assistant Attorney General
Public Access Bureau

Enclosure

25611 f m pb resp mun

cc: Mr. Mark Petty
Petty Law Office, P.C.
111 East Main Street
P.O. Box 128
Arcola, Illinois 61910

PETTY LAW OFFICE, P.C.

MARK T. PETTY

ANDREW L. PETTY

August 28, 2013

Mr. Christopher Boggs
Assistant Attorney General
Public Access Bureau
500 South Second Street
Springfield, IL 62706

RECEIVED
ATTORNEY GENERAL

AUG 30 2013

FOIA/OMA

25611
CB

Re: My Client - Arcola Township
FOIA Request for Review - 2013 PAC 25611

Dear Sir:

In reply to your letter of August 20, the Freedom of Information request was received and my client prepared a response within the statutory period. Unfortunately, through a mis-communication, they brought it over to my office and it was laid on my desk. I thought they had delivered it and they thought I was going to deliver it. It went out on the 14th of August. Previously your office had received a complaint from Mr. Kraft which was handled by attorney Matt Hartman in your office. In preparing the response to Mr. Hartman's letter, I discovered this mis-communication and went ahead and sent the reply on to Mr. Kraft. I presume that he has already received it.

Just for your information, Mr. Kraft and the township are involved in litigation about FOIA requests and I previously sent you copies of my reply to Mr. Hartman so that the Attorney General will know all the facts about Mr. Kraft, who has sent us numerous requests which my view is are tantamount to harassment and some of which are not even covered by the Freedom of Information Act because they are in the nature of interrogatories rather than requests for public documents. In spite of that, we have expended large amounts of township time and money replying to Mr. Kraft.

I would like to comment about the fourth violation of the request. As I indicated before, we are involved in litigation and have sent you a copy of the Complaint that was filed in this

Mr. Christopher Boggs
August 28, 2013
Page 2

case. Arcola Township is a small township with approximately 3,301 residents. We have one employee to handle all this stuff and she is also part time with the fire district. Mr. Kraft's suggestion that this is the fourth denial is inaccurate. In fact, we have vigorously defended the lawsuit which speaks for itself. I sent a copy of the whole thing to Mr. Hartman.

Thank you very much for your attention to this matter.

Very truly yours,


Mark T. Petty

MTP/lr

Encs.

p.c. Deana Shields