

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT
EDGAR COUNTY, PARIS, ILLINOIS

FILED

OCT 30 2013

Kirk Allen

Plaintiff

vs

Illinois State Health & Family Services

Case No: 13 MR 74

and

Julie Hamos, acting in her Official capacity
as Director of Health & Family Services

Defendants

Karen D. Halloran
Circuit Clerk, 5th Judicial Circuit Edgar County

COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF

NOW COMES THE PLAINTIFF, Mr. Kirk Allen, *pro se*, and prays this Court render a declaratory judgment and grant an injunctive relief under the Freedom of Information Act ("FOIA"), 5 ILCS 140/1, *et seq.* For this complaint states as follows.

1. Plaintiff – Kirk Allen, is an Illinois resident, and resides in the County of Edgar.
2. Defendants are the Illinois State Health & Family Services, a public body as that term is defined by 5 ILCS 140/2(a), and Julie Hamos, in her official capacity as the Director of Health & Family Services.

3. This court has jurisdiction as outlined in the Illinois Freedom of Information Act - 5 ILCS 140/11(b)

4. On September 27, 2013, Plaintiff served a FOIA request on Defendant office of Illinois Health & Family Services, seeking copies of public records that included, among others:

1. *Copy of the Resume's for the 13 people working on the MMIS project.*
2. *Names of the 13 people working on the MMIS project.*
3. *Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.*
4. *Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.*
5. *Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.*

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit A.

5. On October 3, 2013, Defendant responded by e-mail requesting additional clarification to Plaintiff's request.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit B.

6. On October 3, 2013, Plaintiff responded to Defendant's request for additional clarification as requested by Defendant.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit C

7. On October 7, 2013, Defendant provided a partial response to Plaintiff 's request for records and invoked an additional 5days to respond to items #3-5 of the original request.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit D.

8. On October 15, 2013, Defendants responded citing no records for item #3 of the Plaintiffs' request and a request for an extension of time to October 22, 2013 in order to provide the remaining requested documentation for items #4 and #5 of the original request.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit E.

9. On October 15, 2013, Plaintiff responded to Defendant with a written agreement to extend the timeline for a response for records to October 22, 2013.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit F

10. On October 15, 2013, Plaintiff requested clarification regarding Defendant's response (exhibit E) and indications that CMS actually did the search for requested records.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit G.

11. On October 16, 2013, Plaintiff requested a copy of the request Defendant sent to Central Management Services (CMS) and their response to that request.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit H.

12. On October 16, 2013, Defendant responded with the requested information outlined in Plaintiff Exhibit H.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit I.

13. On October 17, 2013, Plaintiff revised its request as it pertained to item #3 of the original FOIA request outlined in Exhibit A.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit J.

14. On October 17, 2013, Defendant responded with confirmation of the revised request for item #3 of the original FOIA request outlined in Exhibit A.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit K.

15. On October 23, 2013, Defendants responded with the remaining items subject to the agreed extension of October 22, 2013, which were items #4 and #5 of the original FOIA request outlined in Exhibit A.

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit L.

16. Section 2(c) of the FOIA [5 ILCS 140/2(c)] defines "Public records" as:

"Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

17. Section 2.5 of the FOIA [5 ILCS 140/2.5] provides that:

“All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public”.

18. Pursuant to Section 7(2) of the Act [5 ILCS 140/7(2)]:

“A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this Act, shall be considered a public record of the public body, for purposes of this Act”.

19. Section 11(a) of the Act [5 ILCS 140/11(a)] provides that:

“Any person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.”

20. Pursuant to Section 11(h) of the Act [5 ILCS 140/11(h)], Plaintiff requests that these proceedings take precedence on the docket over all other causes, except those cases the court considers to be of greater importance, and be assigned a hearing and trial at the earliest practicable date and expedited in every way.

COUNT ONE

(Violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*)

21. Plaintiff reaffirms paragraphs 1-20 as though fully restated herein.

22. Plaintiff is being denied his legal right to inspect public records by Defendants failure to produce the records requested on September 27, 2013. See Exhibit A.

23. Plaintiff has no adequate remedy at law.

COUNT TWO

(Violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*)

24. Plaintiff reaffirms paragraphs 1-20 as though fully restated herein.

25. Defendant improperly denied the request in Count One of this Complaint by their failure to follow 5 ILCS 140/3 and 5 ILCS140/9.

26. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays this Court:

A. Declare Defendants to be in violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*; and

B. Enjoin the Defendants from continuing to withhold access to any and all non-exempt public records responsive to Plaintiff's FOIA requests and further enjoin Defendants to provide copies of any and all records responsive to Plaintiff's FOIA requests without further delay; and

C. Enjoin the Defendants to prepare, forthwith, an affidavit declaring that they will provide complete access to Plaintiff and further declaring that any and all non-exempt public records responsive to the request will be made available to Plaintiff; and

D. Order Defendants to prepare, forthwith, an affidavit identifying with specificity any and all public records responsive to Plaintiff's FOIA requests that are claimed to be subject to legal exemption from disclosure and further identifying with specificity the reason(s) for any such claim of exemption; and

E. Declare Defendants acted willfully, intentionally, and in bad faith in failing to properly deny and in failing to provide responsive documents to Plaintiff's FOIA requests; and

F. Order Defendants to pay a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence, as outlined in 5 ILCS 140/11(j) as the Court finds just and equitable; and

G. Award Plaintiff reasonable fees, and all costs/fees incurred in filing this suit as the Court finds just and equitable.

Dated: October 30, 2013

Respectfully submitted,



Kirk Allen, *pro se*
3894 Coach Road
Kansas, IL 61933
Tel: (217) 508-0564
Plaintiff

Signed and sworn before me
This ____ day of October, 2013

CERTIFICATE OF SERVICE

Kirk Allen, Plaintiff, hereby certifies that they caused a copy of Plaintiff's Complaint to be served upon the following parties via hand delivery or by U.S. Mail, with proper postage prepaid on October 30, 2013:



Kirk Allen, *pro se*
3894 Coach Road
Kansas, IL 61933
Tel: (217) 508-0564
Plaintiff

Illinois Health & Family Services
Prescott Bloom Building
201 South Grand Avenue, East
Springfield, Illinois 62763

Julie Hamos, Director
Illinois Health & Family Services
Prescott Bloom Building
201 South Grand Avenue, East
Springfield, Illinois 62763

Exhibit
A

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Friday, September 27, 2013 4:20 PM
To: HFS.FOIA@illinois.gov
Subject: FOIA

In accordance with the Freedom Information Act of Illinois I am requesting the following.

1. Copy of the Resume's for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

(5 ILCS 160/3) (from Ch. 116, par. 43.6)

Sec. 3. Records as property of State.

(a) All records created or received by or under the authority of or coming into the custody, control, or possession of public officials of this State in the course of their public duties are the property of the State. These records may not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person shall have the right of access to any public records, unless access to the records is otherwise limited or prohibited by law.

This request is a non-commercial request. I am requesting electronic copies. In the event papers copies must be provided I am requesting the fees be waived as outlined in the FOI Act as this is a request for public information that is to be shared publicly.

If a waiver of fees is not give then I do request an estimate of the cost be provided prior to filling the FOIA request.

If you have any questions please let me know.

Kirk Allen
PO Box 593
Kansas, IL 61933

Exhibit

B

Kirk Allen

From: Mehta, Kiran <Kiran.Mehta@Illinois.gov>
Sent: Thursday, October 03, 2013 8:34 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

We have contacted the Department of Central Management Services to fulfill items 3-5 of your recent FOIA request. CMS needs more information to proceed.

Please provide the following:

1. A domain name for Huffington Post
2. Specific names of employees in the Procurement Office (other than Matt Brown)

Once we receive this information, we can proceed with the request.

Thank you,
Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit

C

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Thursday, October 03, 2013 9:08 AM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

1. <http://www.huffingtonpost.com/chicago/>
2. Matt Brown is the only name I have at this time.

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Thursday, October 03, 2013 8:34 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

We have contacted the Department of Central Management Services to fulfill items 3-5 of your recent FOIA request. CMS needs more information to proceed.

Please provide the following:

1. A domain name for Huffington Post
2. Specific names of employees in the Procurement Office (other than Matt Brown)

Once we receive this information, we can proceed with the request.

Thank you,
Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit

0

Kirk Allen

From: Hughes, Marilyn <Marilyn.Hughes@Illinois.gov>
Sent: Monday, October 07, 2013 1:48 PM
To: Kirk Allen
Cc: Lee, Kyong; Mehta, Kiran; Sarmiento, Esly; Robinson, Elaine
Subject: FOIA 13-1208 Allen
Attachments: 13-1208 Allen Response.pdf; Ann_M_Lattig_Redacted.pdf; Bertha Wallace.pdf; Carole Luttrell.pdf; DawnGreenJordan.pdf; Ernie Rodriguez.pdf; Janice Olsen_Redacted.pdf; John Kennedy.pdf; John_Albsmeyer_Redacted.pdf; Lenna DeGroot.pdf; Loren Iglarsh.pdf; Nabil Darwish_Redacted.pdf; Vicki L Clapp.pdf; Wendy Blackwood.pdf

Mr. Allen,

Please see the attached documents in response to your FOIA request.

Thanks.

Marilyn



ILLINOIS DEPARTMENT OF
Healthcare and
Family Services

Pat Quinn, Governor
Julie Hamos, Director

201 South Grand Avenue East
Springfield, Illinois 62763-0002

Telephone: (217) 782-1233
TTY: (800) 526-5812

October 7, 2013

Kirk Allen
Edgar County Watchdogs
PO Box 593
Kansas, IL 61933
kirk@edgarcountywatchdogs.com

Re: FOIA #13-1208

Dear Mr. Allen:

Thank you for writing to the Illinois Department of Healthcare and Family Services with your request for information pursuant to the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq.

The FOIA Office received your FOIA request on September 30, 2013 for the following information:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

Department responses are as follows:

1. Responsive documents are attached with some redactions. Portions of your request have been redacted pursuant to Section 7(1)(b) of FOIA which exempts from release certain "private information". "Private information" includes in part, social security numbers, biometric identifiers, home addresses and personal telephone numbers pursuant to Section 2(C-5) of FOIA.
2. Wendy Blackwood, Ernie Rodriguez, Loren Iglarsh, Ann Lattig, Janice Olsen, Nabil Darwish, Bertha Wallace, John Kennedy, Vicki Clapp, Carole Luttrell, John Albsmeyer, Dawn Jordan, Lenna DeGroot.
- 3-5. Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to a portion of your request by 5 business days for the following reason:

E-mail: hfswebmaster@illinois.gov

Internet: <http://www.hfs.illinois.gov/>

There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

The Department will respond to items 3-5 of your request by October 15, 2013.

You have the right to have the denial of your request reviewed by the Public Access Counselor (PAC). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of your denial by filing a lawsuit in the State circuit court (5 ILCS 140/11).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,

//S//

Kiran Mehta
Freedom of Information Officer

KM:mlh
Attachments

Exhibit

E

Kirk Allen

From: Mehta, Kiran <Kiran.Mehta@Illinois.gov>
Sent: Tuesday, October 15, 2013 11:38 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

On September 30, 2013, you asked for the following:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

HFS responded to items 1 and 2 of your request on October 7, 2013 and extended the time to respond to items 3-5 by five business days. The Department of Central Management Services (CMS) performed the search for items 3-5. For item number 3, there are no documents responsive to your request. We received emails for items 4-5 of your request late last week and would like additional time to respond so that the FOIA officers can review the emails to determine whether any FOIA exemptions apply. We can respond to items 4-5 of your request by Tuesday, October 22, 2013. Please let me know if that is acceptable to you.

Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@Illinois.gov
www.hfs.illinois.gov

Exhibit

F

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Tuesday, October 15, 2013 4:38 PM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

I agree to extend the time for your response to my FOIA to October 22nd, 2013 @ 12 Noon Central Time.

Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Tuesday, October 15, 2013 2:06 PM
To: Kirk Allen
Cc: Lee, Kyong
Subject: RE: FOIA 13-1208

We have less than 50. With our other duties, we think a week will be enough time to review each email and make determinations regarding any applicable FOIA exemptions, and possible redactions, if necessary.

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Tuesday, October 15, 2013 1:24 PM
To: Mehta, Kiran
Subject: RE: FOIA 13-1208

How many e-mails are we talking about?

Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Tuesday, October 15, 2013 11:38 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

On September 30, 2013, you asked for the following:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.

4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

HFS responded to items 1 and 2 of your request on October 7, 2013 and extended the time to respond to items 3-5 by five business days. The Department of Central Management Services (CMS) performed the search for items 3-5. For item number 3, there are no documents responsive to your request. We received emails for items 4-5 of your request late last week and would like additional time to respond so that the FOIA officers can review the emails to determine whether any FOIA exemptions apply. We can respond to items 4-5 of your request by Tuesday, October 22, 2013. Please let me know if that is acceptable to you.

Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit

G

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Tuesday, October 15, 2013 7:21 PM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

In regards to item #3, you stated that CMS performed the search and that there are no documents responsive to item #3.

I did not ask CMS for that information so not sure why it was punted to them. I would appreciate any clarification you can provide on that.

Has HFS performed the search?

Thanks
Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Tuesday, October 15, 2013 11:38 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

On September 30, 2013, you asked for the following:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

HFS responded to items 1 and 2 of your request on October 7, 2013 and extended the time to respond to items 3-5 by five business days. The Department of Central Management Services (CMS) performed the search for items 3-5. For item number 3, there are no documents responsive to your request. We received emails for items 4-5 of your request late last week and would like additional time to respond so that the FOIA officers can review the emails to determine whether any FOIA exemptions apply. We can respond to items 4-5 of your request by Tuesday, October 22, 2013. Please let me know if that is acceptable to you.

Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355

Exhibit

H

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Wednesday, October 16, 2013 9:34 AM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

Could you provide me with the official request you sent to CMS and their response to that request?

Thanks
Kirk Allen

From: Mehta, Kiran [mailto:Kiran.Mehta@Illinois.gov]
Sent: Wednesday, October 16, 2013 8:38 AM
To: Kirk Allen
Cc: Lee, Kyong
Subject: RE: FOIA 13-1208

HFS did not perform the search because HFS does not have the ability to search email accounts for all employees. So when we receive a request asking for emails to or from all HFS employees, we make an official request to CMS to perform the search and CMS sends us the emails to review.

Let me know if you have any other questions.

Kiran

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

From: Kirk Allen [mailto:kirk@edgarcountywatchdogs.com]
Sent: Tuesday, October 15, 2013 7:21 PM
To: Mehta, Kiran
Subject: RE: FOIA 13-1208

In regards to item #3, you stated that CMS performed the search and that there are no documents responsive to item #3.

I did not ask CMS for that information so not sure why it was punted to them. I would appreciate any clarification you can provide on that.

Has HFS performed the search?

Thanks
Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Tuesday, October 15, 2013 11:38 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

On September 30, 2013, you asked for the following:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

HFS responded to items 1 and 2 of your request on October 7, 2013 and extended the time to respond to items 3-5 by five business days. The Department of Central Management Services (CMS) performed the search for items 3-5. For item number 3, there are no documents responsive to your request. We received emails for items 4-5 of your request late last week and would like additional time to respond so that the FOIA officers can review the emails to determine whether any FOIA exemptions apply. We can respond to items 4-5 of your request by Tuesday, October 22, 2013. Please let me know if that is acceptable to you.

Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit

I

Kirk Allen

From: Mehta, Kiran <Kiran.Mehta@Illinois.gov>
Sent: Wednesday, October 16, 2013 1:21 PM
To: Kirk Allen
Cc: Lee, Kyong
Subject: RE: FOIA 13-1208
Attachments: FW_ ESI 1736 HFS FOIA.pdf; FW_ FOIA DMC# 13-1208.pdf; RE_ ESI 1736.pdf

Mr. Allen,

Attached are the following emails:

An email from myself to Carl Conner, in our Office of Information Services, who is an authorized requester to CMS for these types of requests;

An email thread containing a response from CMS regarding clarifying your request; and

An email thread containing a response from CMS with the results of the search.

Let me know if you have any questions.

Kiran

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Wednesday, October 16, 2013 9:34 AM
To: Mehta, Kiran
Subject: RE: FOIA 13-1208

Could you provide me with the official request you sent to CMS and their response to that request?

Thanks
Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Wednesday, October 16, 2013 8:38 AM
To: Kirk Allen
Cc: Lee, Kyong
Subject: RE: FOIA 13-1208

HFS did not perform the search because HFS does not have the ability to search email accounts for all employees. So when we receive a request asking for emails to or from all HFS employees, we make an official request to CMS to perform the search and CMS sends us the emails to review.

Let me know if you have any other questions.

Kiran

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Tuesday, October 15, 2013 7:21 PM
To: Mehta, Kiran
Subject: RE: FOIA 13-1208

In regards to item #3, you stated that CMS performed the search and that there are no documents responsive to item #3.

I did not ask CMS for that information so not sure why it was punted to them. I would appreciate any clarification you can provide on that.

Has HFS performed the search?

Thanks
Kirk Allen

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Tuesday, October 15, 2013 11:38 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

On September 30, 2013, you asked for the following:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

HFS responded to items 1 and 2 of your request on October 7, 2013 and extended the time to respond to items 3-5 by five business days. The Department of Central Management Services (CMS) performed the search for items 3-5. For item number 3, there are no documents responsive to your request. We received emails for items 4-5 of your request late last week and would like additional time to respond so that the FOIA officers can review the emails to determine whether any FOIA exemptions apply. We can respond to items 4-5 of your request by Tuesday, October 22, 2013. Please let me know if that is acceptable to you.

Kiran Mehta

Kiran Mehra
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehra@illinois.gov
www.fts.illinois.gov

HFS Director's Mail Control Correspondence Control Form

Entry Number:
13 - 1208

Gov Mail Control:
N/A

Correspondent:
Kirk Allen

Corresp. Date:
9/27/2013

Company:
Edgar County Watchdogs

Date Received: 9/30/2013
Due Date: 10/7/2013

Assigned To:
DEPOOTER/JAKUBEK (F)

1st Reassignment:

2nd Reassignment:

Subject:
FOIA - Requesting information pertaining to the MMIS project.

Action To Be Taken:

- | | |
|---|---|
| <input type="checkbox"/> Prepare response for Director's signature | <input type="checkbox"/> Please prepare DRAFT response to be signed by Governor's staff (see attached instructions) |
| <input type="checkbox"/> Prepare response over your own signature; include copy for Director's files | <input type="checkbox"/> Internet E-mail Correspondence - prepare response over your own signature, send response via Internet E-mail FROM YOUR OFFICE; include copy for Director's files |
| <input type="checkbox"/> Please handle; if response prepared, include copy for Director's files | <input type="checkbox"/> Internet E-mail Correspondence - prepare response for Director's signature, send response via E-mail through routine Director's signature channels |
| <input type="checkbox"/> For your information | <input type="checkbox"/> OTHER: |
| <input type="checkbox"/> Please route through Legislation | |
| <input checked="" type="checkbox"/> Please prepare information and forward to Spfld. Office of General Counsel for response | |

Comments:
Priority!!! Control delivered electronically to DePooter / Jakubek and all cc's.

Information Copies To:

Hughes	K. Lee	Mehta	Claffey
Schober			

Hughes, Marilyn

From: Kirk Allen [kirk@edgarcountywatchdogs.com]
Sent: Friday, September 27, 2013 4:20 PM
To: HFS.Foia
Subject: FOIA

In accordance with the Freedom Information Act of Illinois I am requesting the following.

1. Copy of the Resume's for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

(5 ILCS 160/3) (from Ch. 116, par. 43.6)

Sec. 3. Records as property of State.

(a) All records created or received by or under the authority of or coming into the custody, control, or possession of public officials of this State in the course of their public duties are the property of the State. These records may not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person shall have the right of access to any public records, unless access to the records is otherwise limited or prohibited by law.

This request is a non-commercial request. I am requesting electronic copies. In the event papers copies must be provided I am requesting the fees be waived as outlined in the FOI Act as this is a request for public information that is to be shared publicly.

If a waiver of fees is not give then I do request an estimate of the cost be provided prior to filling the FOIA request.

If you have any questions please let me know.

Kirk Allen
PO Box 593
Kansas, IL 61933

RECEIVED

SEP 30 2013

H.F.S.
GENERAL COUNSEL
SPRINGFIELD

SEP 29 2013
H. F. S.
DIRECTOR
SPRINGFIELD

RECEIVED

Contract to Defeat / Jankovsk
cc: Schmitt

Exhibit
J

Kirk Allen

From: Kirk Allen <kirk@edgarcountywatchdogs.com>
Sent: Thursday, October 17, 2013 11:31 AM
To: Mehta, Kiran (Kiran.Mehta@Illinois.gov)
Subject: FW: FOIA 13-1208

Can you please revise my request as it pertains to the e-mails sent or received to the Huffingtonpost?

The domain name should have been www.huffingtonpost.com

Thanks
Kirk Allen

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Thursday, October 03, 2013 9:08 AM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

1. <http://www.huffingtonpost.com/chicago/>
2. Matt Brown is the only name I have at this time.

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Thursday, October 03, 2013 8:34 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

We have contacted the Department of Central Management Services to fulfill items 3-5 of your recent FOIA request. CMS needs more information to proceed.

Please provide the following:

1. A domain name for Huffington Post
2. Specific names of employees in the Procurement Office (other than Matt Brown)

Once we receive this information, we can proceed with the request.

Thank you,
Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3356
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit
K

Kirk Allen

From: Mehta, Kiran <Kiran.Mehta@Illinois.gov>
Sent: Thursday, October 17, 2013 11:33 AM
To: Kirk Allen
Cc: Lee, Kyong
Subject: RE: FOIA 13-1208

CMS searched for all emails ending with @huffingtonpost.com. Is that what you want? It's contained in one of the emails I sent to you yesterday.

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Thursday, October 17, 2013 11:31 AM
To: Mehta, Kiran
Subject: FW: FOIA 13-1208

Can you please revise my request as it pertains to the e-mails sent or received to the Huffingtonpost?

The domain name should have been www.huffingtonpost.com

Thanks
Kirk Allen

From: Kirk Allen [<mailto:kirk@edgarcountywatchdogs.com>]
Sent: Thursday, October 03, 2013 9:08 AM
To: 'Mehta, Kiran'
Subject: RE: FOIA 13-1208

1. <http://www.huffingtonpost.com/chicago/>
2. Matt Brown is the only name I have at this time.

From: Mehta, Kiran [<mailto:Kiran.Mehta@Illinois.gov>]
Sent: Thursday, October 03, 2013 8:34 AM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Lee, Kyong; Hughes, Marilyn; Sarmiento, Esly
Subject: FOIA 13-1208

Mr. Allen,

We have contacted the Department of Central Management Services to fulfill items 3-5 of your recent FOIA request. CMS needs more information to proceed.

Please provide the following:

1. A domain name for Huffington Post
2. Specific names of employees in the Procurement Office (other than Matt Brown)

Once we receive this information, we can proceed with the request.

Thank you,
Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

Exhibit

L

Kirk Allen

From: Mehta, Kiran <Kiran.Mehta@Illinois.gov>
Sent: Wednesday, October 23, 2013 3:56 PM
To: Kirk Allen (kirk@edgarcountywatchdogs.com)
Cc: Hughes, Marilyn; Robinson, Elaine; Lee, Kyong; Sarmiento, Esly
Subject: FOIA 13-1208
Attachments: FOIA 13-1208 Allen responses 4 and 5.pdf; 13-1208 Allen Response to questions 4 and 5.pdf

Mr. Allen,

Please see the attached documents in response to your FOIA request.

Thanks,
Kiran Mehta
Freedom of Information Act Officer

Kiran Mehta
Assistant General Counsel
Healthcare and Family Services
ph: 312-793-3873
fax: 312-793-3355
kiran.mehta@illinois.gov
www.hfs.illinois.gov

201 South Grand Avenue East
Springfield, Illinois 62763-0002

Telephone: (217) 782-1233
TTY: (800) 526-5812

October 23, 2013

Kirk Allen
Edgar County Watchdogs
PO Box 593
Kansas, IL 61933
kirk@edgarcountywatchdogs.com

Re: FOIA #13-1208

Dear Mr. Allen:

Thank you for writing to the Illinois Department of Healthcare and Family Services with your request for information pursuant to the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 et seq.

The FOIA Office received your FOIA request on September 30, 2013 for the following information:

1. Copy of the Resumes for the 13 people working on the MMIS project.
2. Names of the 13 people working on the MMIS project.
3. Copy of all emails sent from any HFS employee and/or executive to the Huffington Post in the last two weeks.
4. Copy of all e-mails sent by any HFS employee and/or executive to Matt Brown, Chief Procurement Officer, or any other employee from the Procurement office in the last 12 months.
5. Copy of all e-mails received by any HFS employee and/or executive from Matt Brown, Chief Procurement Officer, or any other employee from the Procurement Office in the last 12 months.

The Department responded to items 1 and 2 of your request on October 7, 2013.

The Department responded to item 3 of your request on October 15, 2013.

On October 3, 2013, you narrowed your request for items 4 and 5 to include only emails between HFS employees and Matt Brown, rather than emails between HFS employees and any employee from the Procurement office.

The Department is not capable of performing a search of all employees' email accounts, so Department staff made a request to the Department of Central Management Services (CMS) to perform the search. CMS provided HFS staff with 245 electronic communications. Attached are the responsive results from that search – emails between HFS employees and Matt Brown. Most of the documents provided by CMS were not responsive to your request, and are therefore not included. Non-responsive communications include: outlook calendar appointment notices and emails that were not between Matt Brown and HFS employees (i.e., some emails were from IDOC, DNR, ISP or OHIT employees, to name a few, or other employees from the EEC. HFS staff are unclear why these emails were produced from CMS' search).

E-mail: hfswebmaster@illinois.gov

Internet: <http://www.hfs.illinois.gov/>

Some responsive emails have been withheld pursuant to Section 7(1)(f) of FOIA as they as "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated." The emails that are being withheld contain opinions and expressions regarding formulating policies and/or decisions, and are therefore exempt from disclosure.

Section 7(1)(f) provides in pertinent part:

(1) When a request is made to inspect or copy a public record that contains information that is exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the public body may elect to redact the information that is exempt. The public body shall make the remaining information available for inspection and copying. Subject to this requirement, the following shall be exempt from inspection and copying:

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions 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.

You have the right to have the denied portions of your request reviewed by the Public Access Counselor (PAC). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of the denied portions of your request by filing a lawsuit in the State circuit court (5 ILCS 140/11).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter (5 ILCS 140/9.5(a)). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

Sincerely,

//S//

Kiran Mehta
Freedom of Information Act Officer

KM:mlh
Attachments

E-mail: hfswebmaster@illinois.gov

Internet: <http://www.hfs.illinois.gov/>