



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

ANITA ALVAREZ
STATE'S ATTORNEY

PAUL A. CASTIGLIONE
EXECUTIVE ASSISTANT STATE'S ATTORNEY
FOR POLICY

WRITER'S E-MAIL ADDRESS:
PAUL.CASTIGLIONE@COOKCOUNTYIL.GOV

69 West Washington St.
Suite 3200
CHICAGO, ILLINOIS 60602

WRITER'S DIRECT LINE:
(312) 603-1840

WRITER'S DIRECT FAX:
(312) 603-2655

July 8, 2014

VIA E-MAIL

Mr. Kirk Allen
@illinoisleaks.com

Re: FOIA request dated 7/7/14

Dear Mr. Allen:

I have received your e-mail of July 7, 2014 regarding my response to your FOIA request of July 7, 2014. You state that "you have not asked for a list of the Assistant States Attorney's [but rather the] salary set for any Assistant States' Attorneys assigned to represent the ETSB (911 Board) and/or Joint Dispatch Board." You further state that "if [we] have an ASA that is assigned to represent the ETSB, regardless of what other duties they have, then I am simply asking for the Salary of that assigned ASA. That is not requesting a list."

As I stated in my FOIS response yesterday, the Cook County State's Attorney's Office (the "CCSAO") does not have any documents listing the ASAs assigned to matters involving the ETSB and, thus, we have no documents regarding salaries of those. Your request does, in effect, ask the CCSAO to create a document containing names and salaries of ASAs handling ETSB matters. FOIA does not require a public body to create a document in response to a FOIA request, *see Workman v. Illinois State Board of Education*, 229 Ill. App. 3d 459, 463 (2nd Dist. 1992); 2011 PAC 18793 (April 27, 2012) and *Heinrich v. White*, 2012 IL App (2d) 110564, ¶10, 975 N.E.2d 726 (2nd Dist. 2012), and I decline to do so.

You also stated that:

In an effort to narrow the request, what I am looking for is to determine if John Kelly is an appointed assistant state's attorney that represents the ETSB and if so what his salary is. This person has claimed to have been appointed to that position however I have not been able to establish any confirmation of that.

Mr. Kirk Allen

July 8, 2014

Page 2

I can inform you that the CCSAO does not employ an Assistant State's Attorney named John Kelly. In addition, we have no documents to show that: (a) a court has appointed a John Kelly as a Special State's Attorney or (b) that the CCSAO has retained a John Kelly as a Special Assistant State's Attorney.

I trust that this answers your questions about the CCSAO and John Kelly.

Sincerely,

Paul A. Castiglione
Executive Assistant State's Attorney
for Policy
69 West Washington St.
Suite 3200
Chicago, Illinois 60602
(312) 603-1840