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December 18, 2014

WRITER'S DIRECT LINE

John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

Re: Your Freedom of Information Request to the Village of Rosemont

Dear Mr. Kraft:

This firm serves as the attorneys for the Village of Rosemont. This letter is being written on behalf of the Village of Rosemont in response to your request under the Illinois Freedom of Information Act ("FOIA") that was received by the Village of Rosemont on December 5, 2014. The Village responded to other portions of that FOIA request by letter dated December 11, 2014, and extended the time for responding to the remainder of that request (FOIA Request No. 1) for an additional five (5) working days.

In your FOIA Request No. 1 you requested copies of "all expenditures of public funds, property, or credit in relation to the Garth Brooks concert recently held in Rosemont this past September", including "all perks and rebates". This will respond to that request.

There are no records showing any expenditures of public funds of the Village for "perks" in connection with the Garth Brooks concert series.

Enclosed please find invoices showing all expenditures of public funds by the Village of Rosemont in connection with the Garth Brooks concert series at the Allstate Arena in September, 2014. This does not include an invoice for rebates which is being withheld as discussed below.

Your request for public records showing rebates in connection with the Garth Brooks concert series is denied for the following reasons. Information regarding rebates paid by the Village of Rosemont in connection with the Garth Brooks concert series is exempt under Section 7(1)(g) of the Illinois Freedom of Information Act ("FOIA") as trade secret financial information of the Allstate Arena, the disclosure of which would cause competitive or financial harm to the Allstate Arena. This financial information qualifies as a trade secret under Illinois Trade Secret Act (765 ILCS 1065/2) because it is (1) financial data, (2) that is sufficiently secret to derive economic value from

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its disclosure or use, and (3) because the Village makes reasonable efforts to maintain the secrecy of the information.

In addition, pursuant to Village of Rosemont Ordinance No. 2014-11-12 the requested rebate information is confidential financial or proprietary information of the Village of Rosemont which is exempt from disclosure. Ordinance No. 2014-11-12 was enacted pursuant to the Village's home rule authority under Article VII, Section 6(a) of the Illinois Constitution. The operation of the Allstate Arena, and the protection of the Allstate Arena from the competitive harm that would result from disclosure of confidential financial and proprietary information of the Arena as defined in the ordinance, including the requested rebate information, pertains to the government and affairs of the Village of Rosemont and is therefore within the constitutional home rule power of the Village under Article VII, Section 6(a). Because the Illinois Freedom of Information Act does not expressly limit or deny the authority of home rule units pursuant to paragraphs (g), (h), (i), (j) or (k) of Article VII, Section 6, the Village has the power to act concurrently with the State to limit the disclosure of confidential financial and proprietary information that would cause competitive harm to the Allstate Arena. This is confirmed by 5 ILCS 70/7 which states as follows:

No law enacted after January 12, 1977, denies or limits any power or function of a home rule unit, pursuant to paragraphs (g), (h), (i), (j), or (k) of section 6 of Article VII of the Illinois Constitution, unless there is specific language limiting or denying the power or function and the language specifically sets forth in what manner and to what extent it is a limitation on or denial of the power or function of a home rule unit.

To the extent that your FOIA request is being denied, the person responsible for the denial is Peter Coblentz who is one of the Village's attorneys.

To the extent that your FOIA request is being denied, you have the right to have the denial reviewed by the Public Access Counselor at the office of the Illinois Attorney General. The Public Access Counselor's address and telephone number are as follows:

Public Access Counselor
Office of the Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706
Phone: 312.814.5526
Fax: 217.782.1396
E-mail: publicaccess@atg.state.il.us

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Any request for review by the Public Access Counselor must be filed no later than sixty (60) days after the date of the denial of your FOIA request. You also have the right to seek judicial review of the denial of your FOIA request pursuant to Section 11 of the Freedom of Information Act.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter Coblentz', with a long horizontal line extending to the right.

Peter Coblentz

PDC:bb
Enclosure
cc: (w/enclosures)
Debbie Drehobl