

REQUEST UNDER THE ILLINOIS FREEDOM OF INFORMATION ACT

August 18, 2014

HFS FOIA Officer
Illinois Department of Healthcare and Family Services
201 S. Grand Ave. E., 3rd floor
Springfield, Illinois 62763

Fee benefit requested
Fee waiver requested
Expedited processing requested

RE: Survey / Report created by CSG

Dear FOIA Officer:

Pursuant to the Illinois Freedom of Information Act¹ and your implementing regulations, and conscious of, e.g., *Roulette v. Department of Central Mgmt. Servs.*, 141 Ill. App. 3d 394, 400, 490 N.E. 2d 60, 64, 95 Ill. Dec. 587, 591 (1st Dist. 1986) and *Carrigan v. Harkrader*, 146 Ill. App. 3d 535, 496 N.E. 2d 1213, 100 Ill. Dec. 148 (3rd Dist. 1986, please consider this request for certain records.

I personally request within 5 business days² copies of all reports and contract deliverables by CSG in 2013 and 2014 including the deliverable versions that were not considered final or complete by the state administrators.³

Background

CSG was contracted by multiple agencies to work on a joint effort to survey the culture at state agencies. **This survey results were delivered to Eppie Dietz and Stephen DePooter.** Over the past year HFS has been elusive in their responses to other FOIA requests for this survey stating that HFS “refused the survey” which is illogical because it was delivered via email from a CSG project director according to CSG sources. Or another story is that the Stephen DePooter refused the survey twice because it contained findings that he did not agree with.

¹ 5 ILCS 140/1 to 11

² 5 ILCS 140/3(d)

³ The following information will be found on network drives, personal computers, laptops, cellular phones,

Symantec Enterprise Vault and the Microsoft Exchange Server. CMS possesses the capability to search the email boxes of not only the desktop computers, but also the vaulted items and backup tapes.

Considering CSG was to conduct an independent survey without political influence it would be highly unethical to ask CSG to change the survey or its results. The public has a right to know if the survey was changed, altered, requested to be changed and if federal funding was given to Illinois based on the falsification of the survey results.

I have personally seen the survey while under the employment of Healthcare and Family Services and understood the survey to show items such as the lack of trust of senior managers, waste of taxpayer money and serious issues in program implementation, overall showing a failed program with over 1/2 a billion dollars at stake.

I have already obtained via the Comptroller and your control officer the payment vouchers showing that CSG was already paid for the deliverables and have received correspondence from CSG stating that if they were to respond or give copies of the versions they had delivered to Mr. DePooter that HFS had threatened a lawsuit. This is perplexing as the taxpayers own the survey and responses and how the law requires transparency.

Exemptions

If any element of this request is denied in whole or part, I ask that you justify all withholdings by reference to specific exemptions of the Act and providing a detailed explanation of the exemption beyond citing the exemption number.⁶ HFS also is required to release all reasonably segregable portions in records containing exempt material.

First, I suspect that HFS will try and claim that these materials are subject to exemption as pre-decisional and draft materials. The altered report HFS deemed as final has already been accepted therefore none of the materials can still be claimed as pre-decisional and draft and surveys are not formulating opinions as they only report fact based evidence.

Second, HFS was the receiver of the documents regardless of who was ultimately responsible for paying the bill, therefore the burden is on HFS for responding to this request and cannot be shifted to another agency as the agency claimed in other FOIA responses.

Third, HFS may be in the midst of conducting a probe by its own Internal Affairs Bureau based on recent inquiries of Eppie Dietz by the FBI into the acts of Stephen DePooter, CNSI employees and Julie Hamos, but that is not an exemption as IA is not a law enforcement entity with powers of criminal prosecution.

Fourth, HFS employs individuals whom are attorneys, but their job duties are not listed to provide legal advice and have no open cases in which they represent HFS. A claim of attorney client privilege cannot be used to deny this request.

⁶ See Attorney General Public Access Counselor file #23318 and the corresponding case law

Certification

I certify that my statement is true and correct to the best of my knowledge and belief.

Production Format

I request CMS provide responsive information in electronic format, and delivered electronically. Please provide all responsive information to me electronically.

Costs and Fees

I understand that I am only required to pay for the actual cost of producing responsive records. I also request you consider waiving any applicable fees. Release of the information is in the public interest because it will contribute significantly to public understanding of government operations and activities. This information will be used to inform the public.

This request should be processed free from conflict of interest.

In the event that HFS asserts it requires time beyond the statutory deadline to produce a substantial volume of records, we request a rolling production of records, such that HFS furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the address below.

If you have any questions please do not hesitate to contact me. Thank you for your assistance.

Sincerely,



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