

From: John Kraft
Sent: Wednesday, February 15, 2017 10:46 AM
To: 'dan.schuering@schueringlaw.com' <dan.schuering@schueringlaw.com>
Subject: Carlinville 1-16-2017 FOIA Request

Mr. Schuering,

You have absolutely no basis to claim my FOIA request is a commercial request.

There is no provision in FOIA for you or anyone else to declare that this is a commercial request – your only recourse, should you believe it is, would be to press charges against me for violating the FOIA after finding out that I violated it (which I won't because this is not a commercial request).

The City of Carlinville has violated the 5-day mandatory response time for this request [5 ILCS 140/3(d)], and it is my belief that you are attempting to claim “commercial request” to somehow try and avoid that violation. It will not work.

As I stated in the original request, it is not a commercial request, and I am “media” and “non-profit” as that is defined within the Freedom Of Information Act, Section 2(f), and by its very definition in 2(C-10), media and non-profit are exempt from being declared as “commercial request”.

Accordingly, I will not be paying any “estimate” prior to, or after, receiving the requested records [5 ILCS 140/3(d)]:

“...A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies.. .”

You have also automatically waived any claim the records requested are “unduly burdensome” [5 ILCS 140/3(d)] thru the city's failure to respond within the requisite period to respond.

Even if, for the sake of argument, that it was a commercial request (and it is not a commercial request), the city also violated the 21-day mandated response time for that purpose – please note that Section 3-1 says “21 days” while Section 3(d) states “5 business days” which should tell you the 21 days is calendar days, not business days, and should have been responded to no later than the 6th day of February.

I do not grant any extensions for the time to provide the requested records. They are already late and I would appreciate an expedited response by providing those requested records.

Electronic communications requested.

Thanks, John Kraft