

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

EDGAR COUNTY WATCHDOGS,)
)
Plaintiff,)
)
v.)
)
THE OFFICE OF THE ILLINOIS)
ATTORNEY GENERAL,)
)
Defendant.)

2022CH01504

COMPLAINT

NOW COMES Plaintiff, EDGAR COUNTY WATCHDOGS by the undersigned attorneys, Loevy & Loevy, and brings this Freedom of Information Act (FOIA) suit to force THE OFFICE OF THE ILLINOIS ATTORNEY GENERAL (“AG’S OFFICE”) to comply with FOIA. AG’S OFFICE has made an improper blanket assertion of FOIA’s exemption for interference with pending law enforcement investigations over records that pertain to the Illinois State Police’s investigation into the former Shelby County Sheriff regarding the sale of confiscated guns and other issues. In support of the Complaint, Plaintiff states as follows:

INTRODUCTION

1. Pursuant to the fundamental philosophy of the American constitutional form of government, it is the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of the Illinois Freedom of Information Act (“FOIA”). 5 ILCS 140/1.

2. Restraints on access to information, to the extent permitted by FOIA, are limited exceptions to the principle that the people of this state have a right to full disclosure of

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information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of the people. 5 ILCS 140/1.

3. Under FOIA Section 1.2, “[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” 5 ILCS 140/1.2.

PARTIES

4. Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”) is a non-profit news media organization located in Paris, Illinois.

5. Defendant THE OFFICE OF THE ILLINOIS ATTORNEY GENERAL (“AG’S OFFICE”) is a statewide agency, located in Cook County among others, and a public body under FOIA.

DECEMBER 6, 2021 FOIA REQUEST

6. On December 6, 2021, ECW submitted a FOIA request to AG’S OFFICE for a “[c]opy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff’s Office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation, I am seeking all the records provided by the ISP as a result of their investigation.” Ex. 1.

7. On December 13, 2021, AG’S OFFICE acknowledged receipt of the request and sought an extension of five business days and assigned reference number 2021 FOIA 068840 to the matter. Ex. 2.

8. On December 20, 2021, AG'S OFFICE stated that it is "still searching for records responsive" to the request and sought another extension of five business days. Ex. 3.

9. On December 27, 2021, AG'S OFFICE stated that it has "located" records responsive to the request, but it is "still reviewing the records." AG'S OFFICE sought an extension until January 10, 2022, to "provide the next response." Ex. 4.

10. On January 10, 2022, AG'S OFFICE stated that it is "still reviewing the responsive records" and sought another extension until January 18, 2022, to provide "the next response." Ex. 5.

11. On January 18, 2022, AG'S OFFICE stated that it is "still reviewing the responsive records" and sought an extension until January 24, 2022, to "provide the next response." Ex. 6.

12. On January 19, 2022, ECW agreed to an extension until January 21.¹ Ex. 7.

13. Completely disregarding ECW's January 19, 2022 email, AG'S OFFICE sought another extension on January 24, 2022, and requested that ECW permit AG'S OFFICE until January 31, 2022, to provide "the next response." Ex. 8.

14. On January 25, 2022, ECW denied AG'S OFFICE's extension. Ex. 9.

On January 31, 2022, AG'S OFFICE denied the request in its entirety by citing Section 7(1)(d)(i) of FOIA. Ex. 10.

15. Section 7(1)(d)(i) states:

Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but *only to the extent that disclosure would:*

¹ ECW mistakenly stated that it would grant an extension until January 21, 2021, but it meant to indicate January 21, 2022.

(i) interfere with *pending or actually and reasonably contemplated law enforcement proceedings* conducted by any law enforcement or correctional agency that is the recipient of the request.

5 ILCS 140/7(1)(d)(i). (Emphasis added).

16. In violation of Section 9(a) of FOIA, AG'S OFFICE has not provided a "detailed factual basis for the application of any exemption claimed." 5 ILCS 140/9(a).

17. AG'S OFFICE provided only a vague claim indicating records responsive to the request "contain information related to the legal issues under consideration by this office and other government agencies." Ex. 10.

18. "Legal issues under consideration" is not a "pending or actually and reasonably contemplated law enforcement proceeding."

19. AG'S OFFICE has not demonstrated that there is a "pending or actually and reasonably contemplated law enforcement proceeding" by AG'S OFFICE.

20. Further, even if there is a pending or actually and reasonably contemplated law enforcement proceeding, which AG'S OFFICE failed to show, AG'S OFFICE has not shown how the disclosure of the requested records *would* "interfere with pending or actually reasonably contemplated law enforcement proceedings conducted by" the "law enforcement agency that is the recipient of the request." 5 ILCS 140/7(1)(d)(i).

21. Instead, AG'S OFFICE generally claimed that releasing such information "would interfere with this office's ability to fully assess all legal issues and pursue the appropriate courses of action." Ex. 10.

22. AG'S OFFICE has failed to demonstrate that the records responsive to the request are exempt under FOIA.

23. The requested records are not exempt under FOIA.

24. As of the date of this filing, AG’S OFFICE has not complied with FOIA and has produced no records responsive to the request.

**COUNT I – DECEMBER 6, 2021 FOIA REQUEST,
FAILURE TO PRODUCE RECORDS**

25. The above paragraphs are incorporated by reference.

26. AG’S OFFICE is a public body under FOIA.

27. The records sought in the FOIA requests are non-exempt public records of AG’S OFFICE.

28. AG’S OFFICE violated FOIA by failing to produce records responsive to the request.

**COUNT II – DECEMBER 6, 2021 FOIA REQUEST,
FAILURE TO PERFORM AN ADEQUATE SEARCH**

29. The above paragraphs are incorporated by reference.

30. AG’S OFFICE is a public body under FOIA.

31. AG’S OFFICE bears the burden of proving beyond material doubt that it performed an adequate search for records responsive to the requests.

32. AG’S OFFICE has failed to come forward with sufficient evidence to carry this burden.

33. AG’S OFFICE has violated FOIA by failing to adequately search for records responsive to the requests.

**COUNT III – DECEMBER 6, 2021 FOIA REQUEST,
WILLFUL AND INTENTIONAL VIOLATION OF FOIA**

34. The above paragraphs are incorporated by reference.

35. AG’S OFFICE is a public body under FOIA.

36. The records sought in the FOIA request are non-exempt public records of AG'S OFFICE.

37. During the time period of December 6, 2021, to present, AG'S OFFICE was aware that the mere "consideration of legal issues" does not meet the standard of "pending or actually and reasonably contemplated law enforcement proceedings" outlined in Section 7(1)(d)(i) of FOIA.

38. During the time period of December 6, 2021, to present, AG'S OFFICE was also aware that it must conduct its analysis of Section 7(1)(d)(i) on a document-by-document basis.

39. AG'S OFFICE did not conduct a document-by-document analysis before denying ECW's FOIA request.

40. Because there was no good-faith basis for AG'S OFFICE to assert that the records are exempt under 7(1)(d)(i), AG'S OFFICE willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

WHEREFORE, ECW asks that the Court:

- i. declare that AG'S OFFICE violated FOIA;
- ii. order AG'S OFFICE to conduct an adequate search for the records responsive to the request;
- iii. order AG'S OFFICE to produce records responsive to the request;
- iv. enjoin AG'S OFFICE from withholding non-exempt public records under FOIA;
- v. order AG'S OFFICE to pay civil penalties;
- ix. award Plaintiff reasonable attorneys' fees and costs; and
- x. award such other relief the court considers appropriate.

DATED: February 23, 2022

RESPECTFULLY SUBMITTED,

/s/ Shelley Geiszler

Attorneys for Plaintiff
EDGAR COUNTY WATCHDOGS,

Matthew Topic
Josh Loevy
Merrick Wayne
Shelley Geiszler
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor
Chicago, IL 60607
312-243-5900
foia@loevy.com
Atty. No. 41295

FW: FOIA Request

From: Kirk Allen
Sent: Monday, December 6, 2021 9:24 AM
To: 'FOIAofficer@ilag.gov' <FOIAofficer@ilag.gov>
Subject: FOIA Request

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

1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

I qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests or commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).

I request expedited processing on the basis of urgency to inform the citizens and taxpayers of Illinois about their government's activities. If any element of this request is denied in whole or in part, I ask that you justify all withholdings individually by reference to specific exemptions of the Act. Please provide all responsive information to me electronically.

I request a rolling production of records, such that the public body furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the below address. If you have any questions please do not hesitate to contact me. Rolling production is not to be perceived as an agreement to extend the time frame for compliance under FOIA.

Exhibit 1

If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

The purpose of the request is to access and disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

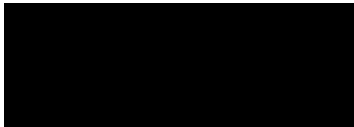
As outlined in FOIA, documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I am requesting the records be provided in electronic format if that is the method in which they are stored. If they are in paper form and the copier can convert them to electronic format I would appreciate receiving them electronically.

Thanks,

Kirk Allen

Edgar County Watchdogs



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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 13, 2021

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

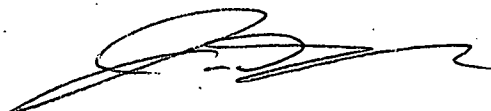
1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

Please be advised that we are extending the time within which to respond to your request by five business days, as allowed by section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because:

Kirk Allen
December 13, 2021
Page 2

(iv) the requested records have not been located in the course of routine search and additional efforts are being made to locate them[.]

Very truly yours,



JAMES M. GALE
Assistant Attorney General

JMG:ga

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 20, 2021

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them.

Kirk Allen
December 20, 2021
Page 2

Please be advised that this office is still searching for records responsive to your request. As a result, we require additional time to respond to your FOIA request. We request that you permit us until December 27, 2021, to provide the next response. If this is not acceptable, please contact me.

Very truly yours,



JAMES M. GALE
Assistant Attorney General

JMG:ga

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 27, 2021

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

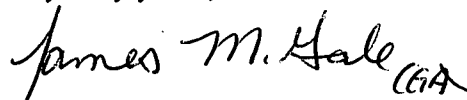
1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them. We further extended the time to respond to December 27, 2021, in a letter this office sent to you on December 20, 2021.

Kirk Allen
December 27, 2021
Page 2

Please be advised that this office has now located records responsive to your request. However, we are still reviewing the records responsive to your request to determine if they may be released with appropriate redactions. As a result, we require additional time to respond to your FOIA request. We request that you permit us until January 10, 2022, to provide the next response. If this is not acceptable, please contact me.

Very truly yours,



JAMES M. GALE
Assistant Attorney General

JMG:ga

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 10, 2022

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them. We further extended the time to respond to January 10, 2022, in letters this office sent to you on December 20, 2021, and December 27, 2021.

Kirk Allen
January 10, 2022
Page 2

Please be advised that we are still reviewing the responsive records. As a result, we require additional time to respond to your FOIA request. We request that you permit us until January 18, 2022, to provide the next response. If this is not acceptable, please contact me.

Very truly yours,



ELIZABETH J. PTACEK
Assistant Attorney General
FOIA Officer

JMG:EJP:ga

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 18, 2022

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

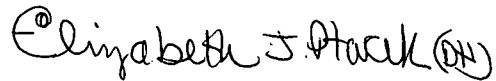
1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them. We further extended the time to respond to January 18, 2022, in letters this office sent to you on December 20, 2021, December 27, 2021 and January 10, 2022.

Kirk Allen
January 18, 2022
Page 2

Please be advised that we are still reviewing the responsive records. As a result, we require additional time to respond to your FOIA request. We request that you permit us until January 24, 2022, to provide the next response. If this is not acceptable, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth J. Ptacek" followed by a circled "DH" in the bottom right corner.

ELIZABETH J. PTACEK
Assistant Attorney General
FOIA Officer

JMG:EJP:ga:dh

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General

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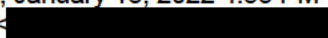
FW: Freedom of Information Act Request 2021 FOIA 68840

From: Kirk Allen
Sent: Wednesday, January 19, 2022 12:27 PM
To: FOIAofficer <FOIAofficer@ilag.gov>
Cc: Thompson, Annie <Patricia.Thompson@ilag.gov>; Joseph, Tori <Tori.Joseph@ilag.gov>
Subject: RE: Freedom of Information Act Request 2021 FOIA 68840

I will agree to an extension date of January 21, 2021.

Thanks

Kirk Allen

From: Angulo, Guadalupe <Guadalupe.Angulo@ilag.gov> **On Behalf Of** FOIAofficer
Sent: Tuesday, January 18, 2022 4:53 PM
To: Kirk Allen <

Cc: Thompson, Annie <Patricia.Thompson@ilag.gov>; Joseph, Tori <Tori.Joseph@ilag.gov>
Subject: Freedom of Information Act Request 2021 FOIA 68840

Dear Mr. Allen:

Attached please find a letter pertaining to your FOIA request.

Guadalupe Angulo

Administrative Secretary – FOIA

Office of the Illinois Attorney General Kwame Raoul

E-MAIL CONFIDENTIALITY NOTICE: This electronic mail message, including any attachments, is for the intended recipient(s) only. This e-mail and any attachments might contain information that is confidential, legally privileged or otherwise protected or exempt from disclosure under applicable law. If you are not a named recipient, or if you are named but believe that you received this e-mail in error, please notify the sender immediately by telephone or return e-mail and promptly delete his e-mail and any attachments and copies thereof from your system. If you are not the intended recipient, please be aware that any copying, distribution, dissemination, disclosure or other use of this e-mail and any attachments is unauthorized and prohibited. Your receipt of this message is not intended to waive any applicable privilege or claim of confidentiality, and any prohibited or unauthorized disclosure is not binding on the sender or the Office of the Illinois Attorney General. Thank you for your cooperation.

----- Forwarded message -----

From: FOIAofficer <FOIAofficer@ilag.gov>

To: Kirk Allen [REDACTED]

Cc: "Thompson, Annie" <Patricia.Thompson@ilag.gov>, "Joseph, Tori" <Tori.Joseph@ilag.gov>

Bcc:

Date: Tue, 18 Jan 2022 22:53:09 +0000

Subject: Freedom of Information Act Request 2021 FOIA 68840

Dear Mr. Allen:

Attached please find a letter pertaining to your FOIA request.

Guadalupe Angulo

Administrative Secretary – FOIA

Office of the Illinois Attorney General Kwame Raoul

E-MAIL CONFIDENTIALITY NOTICE: This electronic mail message, including any attachments, is for the intended recipient(s) only. This e-mail and any attachments might contain information that is confidential, legally privileged or otherwise protected or exempt from disclosure under applicable law. If you are not a named recipient, or if you are named but believe that you received this e-mail in error, please notify the sender immediately by telephone or return e-mail and promptly delete his e-mail and any attachments and copies thereof from your system. If you are not the intended recipient, please be aware that any copying, distribution, dissemination, disclosure or other use of this e-mail and any attachments is unauthorized and prohibited. Your receipt of this message is not intended

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to waive any applicable privilege or claim of confidentiality, and any prohibited or unauthorized disclosure is not binding on the sender or the Office of the Illinois Attorney General. Thank you for your cooperation.

2 attachments



68840 1.18.22 Additional Extension Letter.pdf

62K

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OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 24, 2022

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

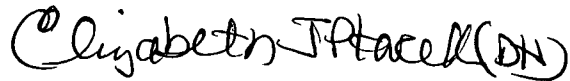
On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them. We further extended the time to respond to January 24, 2022, in letters this office sent to you on December 20, 2021, December 27, 2021, January 10, 2022, and January 18, 2022.



Kirk Allen
January 24, 2022
Page 2

Please be advised that we are still reviewing the responsive records. As a result, we require additional time to respond to your FOIA request. We request that you permit us until January 31, 2022, to provide the next response. If this is not acceptable, please contact me.

Very truly yours,

A handwritten signature in black ink that reads "Elizabeth J. Ptacek (DN)". The signature is written in a cursive style.

ELIZABETH J. PTACEK
Assistant Attorney General
FOIA Officer

JMG:EJP:ga

cc: Annie Thompson, Senior Press Secretary
Office of the Illinois Attorney General

Tori Joseph, Deputy Press Secretary
Office of the Illinois Attorney General

Fwd: Freedom of Information Act Request 2021 FOIA 68840

Kirk Allen [REDACTED]
To: FOIAofficer <FOIAofficer@ilag.gov>

Tue, Jan 25, 2022 at 8:44 AM

I do not agree to this extension.

Please provide the records today.

Thank you

Kirk Allen

[Quoted text hidden]



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

January 31, 2022

VIA ELECTRONIC MAIL
Mr. Kirk Allen
Edgar County Watchdogs

RE: Freedom of Information Act Request
2021 FOIA 068840

Dear Mr. Allen:

Thank you for writing to the Office of the Illinois Attorney General with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2020)).

In an e-mail received on December 6, 2021, you requested the following:

1. Copy of all reports, documents, audio/video recordings provided to the Attorney General by the Illinois State Police regarding the criminal investigation of the former Shelby County Sheriff's office involving illegal gun sales and payroll fraud. This matter was turned over to the AG for a charging decision over a year ago and considering there has been no further action taken nor any ongoing investigation I am seeking all the records provided by the ISP as a result of their investigation.

On December 13, 2021, we extended the time to respond to your request by five business days pursuant to section 3(e)(iv) of FOIA (5 ILCS 140/3(e)(iv) (West 2020)) because the requested records had not been located in the course of routine search and additional efforts were being made to locate them. We further extended the time to respond to January 31, 2022, in letters this office sent to you on December 20, 2021, December 27, 2021, January 10, 2022, January 18, 2022, and January 24, 2022.

Exhibit 10

Mr. Kirk Allen
January 31, 2022
Page 2

Your request is denied pursuant to section 7(1)(d)(i) of FOIA. 5 ILCS 140/7(1)(d)(i) (West 2020). Section 7(1)(d)(i) exempts from disclosure "[r]ecords in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement * * * agency [created] for law enforcement purposes * * * to the extent that disclosure would unavoidably * * * interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement * * * agency that is the recipient of the request." The records contain information related to the legal issues under consideration by this office and other government agencies. To release such information while the investigation is pending would interfere with this office's ability to fully assess all legal issues and pursue the appropriate courses of action.

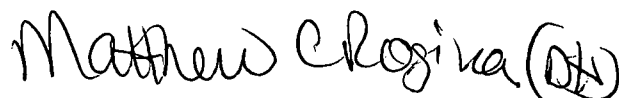
You have a right to have the denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a) (West 2020). You may file your request for review with the PAC by writing to:

Leah Bartelt
Acting Public Access Counselor
Office of the Illinois Attorney General
500 South 2nd Street
Springfield, Illinois 62701
Fax: (217) 782-1396
Public.access@ilag.gov

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) (West 2020). Please note that you must include a copy of your original FOIA request and of this denial letter when filing a request for review with the PAC.

You also have the right to judicial review of your denial by filing suit in the appropriate Illinois court. 5 ILCS 140/11 (West 2020). If you should have any questions, please contact me at (312) 814-3180.

Very truly yours,



MATTHEW C. ROGINA
Assistant Attorney General
FOIA Officer

MCR:ga:lk

FILED DATE: 2/23/2022 10:20 AM 2022CH01504