

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT – CHANCERY DIVISION

[REDACTED])
)
 PLAINTIFF,)
)
 V.) CASE NO. 2022CH11347
)
 VILLAGE OF DOLTON,)
)
 DEFENDANT.)

COMPLAINT

NOW COMES Plaintiff, [REDACTED] by her attorney, ROBERT T. HANLON of the LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., and brings this suit for the violation of the Illinois Freedom of Information Act ("FOIA"). 5 ILCS 140/1, et seq. and in support of her Complaint against the Village of Dolton, herein 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, 5 ILCS 140/1, et seq. (hereinafter "FOIA"). In this case Defendant has simply ignored Plaintiff's FOIA requests pursuant to a policy of non-compliance
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 information relating to the decisions, policies, procedures, rules. standards and other aspects of governmental activity that affect the conduct of government and the lives of people. See 5 ILCS 140/ 1.

3. All public records 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. See 5 ILCS 140/3.

4. Under F.O.I.A. Section II (h): "except as to causes the court considers to be of greater importance, proceedings arising under FOIA shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way."

PARTIES

5. Plaintiff, [REDACTED], is the FOIA requester in this case.

6. Defendant, VILLAGE OF DOLTON, is a public body located in Cook County, Illinois.

RELEVANT FACTS TO THE F.O.I.A. COMPLAINT

7. Section 3.5(a) of the Illinois Freedom of Information Act ("Act") mandates the following:

Upon receiving a request for a public record, the Freedom of Information officer shall:

- (1) Note the date the public body receives the written request;
- (2) Compute the day on which the period for response will expire;
- (3) Maintain an electronic or paper copy of a written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications. See 5ILCS 140/3.5(a).

8. Upon information and belief for each of Plaintiffs' FOIA requests, Defendant failed to comply with section 3.5(a) of the Act in that Defendant: 1) did not upon receiving Plaintiff's request for a public record, note the date the public body received the written request; 2) did not compute the day on which the period for a response will expire; 3) did not make a

notation of the date the response was due on the FOIA request; and 4) did not create a file for the retention of the original request, a copy of the response, a record of the written communications with the requester.

9. The Act in 5 ILCS 140/3 (d) provides in pertinent part as follows:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. ... A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

See 5 ILCS 140/3 (d).

10. Plaintiff submitted FOIA requests via e-mail to Defendant's FOIA officer on October 16, 2022. See Group Exhibit A with each of the FOIA requests submitted to the Village of Dolton.

11. Each FOIA request that is the subject of this Complaint was not complied with or denied within five (5) days from the date of each of the requests.

12. As of the date of the filing of this Complaint, Defendant, VILLAGE OF DOLTON, has not complied with any of Plaintiff's FOIA requests nor has the VILLAGE OF DOLTON provided a written denial.

13. Defendant failed to provide a written denial of Plaintiff's FOIA requests.

14. The failure of Defendant, VILLAGE OF DOLTON, to deny or provide the information to each FOIA request within five days was a violation of the Act and constituted a denial of the FOIA request under 5 ILCS 140/3 (d).

15. The Illinois Freedom of Information Act (5 ILCS 140/9) provides the following with respect to each denial:

Sec. 9. (a) Each public body denying a request for public records shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by a public body shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under Section 11 of this Act.

16. For each denial associated with each request, the Public Body (Village of Dolton) failed to comply with section 9(a) of the Act because the Public Body (Village of Dolton) did not notify Plaintiff in writing of: A) the decision to deny the request; B) the reasons for the denial; C) the detailed factual basis for the application of any exemption claimed; D) the names and titles or positions of each person responsible for the denial; E) the Village of Dolton did not inform Plaintiff of a right to review by the Public Access Counselor; and F) the Village of Dolton did not inform Plaintiff of a right to Judicial Review.

17. Defendant's failure to notify Plaintiff of the denial in writing constitutes a violation of the Act for each of Plaintiff's requests set forth herein in this Complaint as exhibited in Group Exhibit A.

18. Defendant's failure to provide Plaintiff with reasons for the denial constitutes a separate violation for each FOIA request that was not answered in five (5) business days.

19. Defendant's failure includes a detailed factual basis for the application of any exemption claimed and constitutes a separate violation of the ACT for each FOIA request that is referenced herein in this Complaint.

20. Defendant's failure to identify the person responsible for the denial of the FOIA requests constitutes a separate violation of the ACT for each FOIA request that is referenced herein in this Complaint.

21. Defendant's failure to inform Plaintiff of the right to review by the Public Access Counselor constitutes a separate violation of the ACT for each FOIA request that is referenced herein in this Complaint.

22. Defendant's failure to inform Plaintiff of the right to judicial review constitutes a separate violation of the ACT for each FOIA request that is referenced herein in this Complaint.

23. Defendant failed to comply or deny in writing to the FOIA requests shown in Group Exhibit A, let alone within the five-day statutory deadline.

24. As of the date of filing, Defendant failed to comply with each of Plaintiff's FOIA requests.

25. Upon information and belief, Defendant's Mayor, TIFFANY HENYARD, adopted a policy to deny requests for information from the Public and TIFFANY HENYARD adopted that policy to willfully prevent disclosure of information to requestors seeking information from the VILLAGE OF DOLTON.

26. Defendant's Mayor, TIFFANY HENYARD, willfully withheld documents from the Village of Dolton's FOIA Officer, ALISON KEY.

27. Upon information and belief, Defendant's Mayor, TIFFANY HENYARD, as the chief officer of the Village of Dolton, had the power to hire and fire Defendant's employees. Defendant's Mayor, TIFFANY HENYARD, made it clear to the Village's employees that responding to FOIA requests would result in their loss of employment.

28. Defendant's violations of FOIA are summarized in the chart below:

FOIA #	Request Date	Five Business days	Complaint Filing Date	3.5(a)(1)	3.5(a)(2)	3.5(a)(3)	3.5(a)(4)	3 (d) - 5 days	9(a)	
1	10/18/2022	10/25/2022	11/18/2022	1	1	1	1	1	6	
2	10/18/2022	10/25/2022	11/18/2022	1	1	1	1	1	6	
3	10/18/2022	10/25/2022	11/18/2022	1	1	1	1	1	6	
4	10/18/2022	10/25/2022	11/18/2022	1	1	1	1	1	6	
5	10/18/2022	10/25/2022	11/18/2022	1	1	1	1	1	6	
			Total	5	5	5	5	5	30	<u>55</u>

WHEREFORE, Plaintiff, [REDACTED], prays that this Honorable Court grant the following relief in her favor and against Defendant, Village of Dolton:

- A) In accordance with FOIA Section 11(1), afford this case precedence on the court's docket except as to causes the court considers to be of greater importance, and assign this case for hearing and trial at the earliest practicable date and expedite this case in every way;
- B) Declare that Defendant, VILLAGE OF DOLTON, violated FOIA for each of the violations associated with Plaintiff's requests;
- C) Order Defendant, VILLAGE OF DOLTON, to produce the requested records requested in Plaintiff's FOIA requests;
- D) Enjoin Defendant, VILLAGE OF DOLTON, from withholding non-exempt public records under FOIA associated with any other requests by Plaintiff, [REDACTED];
- E) Order Defendant, VILLAGE OF DOLTON, to pay civil penalties as provided under FOIA subsection 11(j), including a minimum of \$2,500 for each and every FOIA violation set forth herein to be paid to Plaintiff, [REDACTED], based

on Defendant's willful withholding of records or other bad faith in failing to respond to the respective FOIA requests;

- F) Award Plaintiff, [REDACTED], her reasonable attorneys' fees and costs and tax same against Defendant, VILLAGE OF DOLTON;
- G) Award Defendant, [REDACTED], such other and further relief as this Court considers just and equitable.

DATED: November 18, 2022

RESPECTFULLY SUBMITTED,

[REDACTED], Plaintiff

By: /s/ Robert T. Hanlon
Robert T. Hanlon, Attorney for Plaintiff

Robert T. Hanlon, ARDC No. 6286331
Law Offices of Robert T. Hanlon & Assoc., P.C.
131 East Calhoun Street
Woodstock, IL 60098
(815) 206-2200; (815) 206-1684 (Fax)
robert@robhanlonlaw.com

GROUP EXHIBIT A

10/18/22

Village of Dolton
Attention Alison Key, Village Clerk/FOIA Officer
14122 Martin Luther King Jr. Drive,
Dolton, IL 60419

Re: Request for Information – Senior lunch program

In accordance with the Freedom of Information Act of Illinois (“FOIA”), I am requesting the following public records.

- A) All records related to the use of public monies expended by the village of Dolton for Senior Services senior lunches

The scope of this request is to include but not limited to check requests, check images, ordinances approving the expenditure of public monies associated with the aforementioned programs, vendors paid, and any other document related to the above programs.

Please provide all responsive information to me electronically at [REDACTED]om.

If you have any questions, please do not hesitate to contact me.

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.

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. I am requesting any fees be waived as there is no posted FOIA fee schedule.

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,

[REDACTED]

10/18/22

Village of Dolton
Attention Alison Key, Village Clerk/FOIA Officer
14122 Martin Luther King Jr. Drive,
Dolton, IL 60419

Re: Request for Information – Payments made to any entity owned by Keith Freeman

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

A: All records related to any payment made by the Village of Dolton to any entity owned in whole or in part by Keith Freeman (Village of Dolton's Village Administrator).

If you have any questions, please do not hesitate to contact me at [REDACTED]m.

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.

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. I am requesting any fees be waived as there is no posted FOIA fee schedule.

Please provide all responsive information to me electronically at [REDACTED]om.

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,

[REDACTED]

10/18/22

Village of Dolton
Attention Alison Key, Village Clerk/FOIA Officer
14122 Martin Luther King Jr. Drive,
Dolton, IL 60419

Re: Request for Information – Tiffany Henyard Compensation

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

A: All records related to payment made by the village of Dolton to Tiffany Henyard (Village of Dolton's Mayor) including but not limited to ordinances approving of the Mayor's compensation, check requests for any payment to Tiffany Henyard, cancelled checks.

If you have any questions, please do not hesitate to contact me.

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.

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. I am requesting any fees be waived as there is no posted FOIA fee schedule.

Please provide all responsive information to me electronically at [REDACTED]@[REDACTED].com.

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,

[REDACTED]

10/18/22

Village of Dolton
Attention Alison Key, Village Clerk/FOIA Officer
14122 Martin Luther King Jr. Drive,
Dolton, IL 60419

Re: Request for Information – Keith Freeman Compensation

In accordance with the Freedom of Information Act of Illinois (“FOIA”), I am requesting the following public records.

A: All records related to payment made by the Village of Dolton to Keith Freeman (Village of Dolton’s Administrator) including but not limited to ordinances approving of Keith Freeman’s compensation, check requests for any payment to Keith Freeman, cancelled checks payable to Keith Freeman.

If you have any questions, please do not hesitate to contact me.

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.

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. I am requesting any fees be waived as there is no posted FOIA fee schedule.

Please provide all responsive information to me electronically at [REDACTED]m.

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,

[REDACTED]

10/18/22

Village of Dolton
Attention Alison Key, Village Clerk/FOIA Officer
14122 Martin Luther King Jr. Drive,
Dolton, IL 60419

Re: Request for Information – Checkbook Register

In accordance with the Freedom of Information Act of Illinois (“FOIA”), I am requesting the village of Dolton’s Checkbook register or any statement of accounts that shows the payee associated with any payment by the Village of Dolton..

If you have any questions, please do not hesitate to contact me at [REDACTED]m.

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.

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. I am requesting any fees be waived as there is no posted FOIA fee schedule.

Please provide all responsive information to me electronically at [REDACTED]m.

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,

[REDACTED]