

FILED  
1/17/2023 11:56 AM  
RIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2023CH00450  
Calendar, 6  
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

EDGAR COUNTY WATCHDOGS, )  
)  
Plaintiff, )  
)  
v. )  
)  
THORNTON TOWNSHIP, )  
)  
Defendant. )

2023CH00450

**COMPLAINT**

NOW COMES Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”), by the undersigned attorneys Loevy & Loevy, and brings this suit to force Defendant THORNTON TOWNSHIP to produce records relating to the use of public funds, specifically the Township Supervisor’s credit card uses from a three-week period and the Township’s credit card statements from October and November 2022. In violation of FOIA, THORNTON TOWNSHIP has failed to conduct an adequate search for the requested records and failed to produce the requested records. In support of its Complaint, ECW 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 information relating to the decisions, policies, procedures, rules, standards, and other aspects of

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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.

4. Under FOIA Section 2.5, “[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.” 5 ILCS 140/2.5.

### **PARTIES**

5. Plaintiff EDGAR COUNTY WATCHDOGS (“ECW”) is the FOIA requester in this case. ECW is a non-profit organization comprised of investigative reporters whose purpose is to foster accountability, truth, and transparency in local governing bodies.

6. Defendant THORNTON TOWNSHIP is a public body located in Cook County, Illinois.

### **DECEMBER 12, 2022 FIRST FOIA REQUEST**

7. On December 12, 2022, ECW submitted a FOIA request to THORNTON TOWNSHIP for a copy of “receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard’s card(s) (the card(s) used by her or under her direction) from November 15 through November 20, 2022” and from “October 1 and October 17, 2022.”

8. A true and correct copy of the FOIA Request is attached as Exhibit 1.

9. On December 22, 2022, THORNTON TOWNSHIP sought an extension of five business days.

10. A true and correct copy of the Extension Letter is attached as Exhibit 2.

11. On December 27, 2022, THORNTON TOWNSHIP denied the request in its entirety stating, “no records responsive to the request could be located in the Township’s possession.”

12. A true and correct copy of the Notice of Denial is attached as Exhibit 3.

13. Upon information and belief, Supervisor Henyard used the Township-issued credit card at least once during the time period specified in ECW’s December 12, 2022 FOIA request.

14. When a credit card is used, a receipt is typically generated and furnished to the user of the card.

15. Upon information and belief, THORNTON TOWNSHIP did not ask Supervisor Henyard to search for responsive records in her possession.

16. As of the date of this filing, in violation of FOIA, THORNTON TOWNSHIP has not conducted an adequate search for records responsive to the request.

17. As of the date of this filing, THORNTON TOWNSHIP has not produced any records responsive to the request and has not complied with FOIA.

**DECEMBER 12, 2022 SECOND FOIA REQUEST**

18. On December 12, 2022, ECW submitted a FOIA request to THORNTON TOWNSHIP for a copy of the “October 2022 and November 2022 credit card statements.”

19. A true and correct copy of the FOIA Request is attached as Exhibit 4.

20. On December 22, 2022, THORNTON TOWNSHIP sought an extension of five business days and stated it would “appropriately reply” on or before December 27, 2022.

21. A true and correct copy of the Extension Letter is attached as Exhibit 5.

22. On January 6, 2023, ECW followed up with THORNTON TOWNSHIP and asked for a status update for the request.

23. A true and correct copy of the email correspondence is attached as Exhibit 6.

24. THORNTON TOWNSHIP has not sought, and ECW has not agreed to, any further extensions.

25. As of the date of this filing, THORNTON TOWNSHIP has not responded to ECW's inquiry regarding the status of the overdue request.

26. As of the date of this filing, THORNTON TOWNSHIP has neither produced records nor issued a denial letter, in violation of FOIA.

27. As of the date of the filing, THORNTON TOWNSHIP has not complied with FOIA.

**COUNT I – DECEMBER 12, 2022 FIRST FOIA REQUEST,  
THORNTON TOWNSHIP'S FOIA VIOLATION**

28. The above paragraphs are incorporated by reference.

29. THORNTON TOWNSHIP is a public body under FOIA.

30. The records sought in the FOIA request are non-exempt public records of THORNTON TOWNSHIP.

31. THORNTON TOWNSHIP bears the burden of proving beyond material doubt that it performed an adequate search for records responsive to the request.

32. THORNTON TOWNSHIP has failed to come forward with sufficient evidence to carry this burden.

33. THORNTON TOWNSHIP has failed to adequately search for records responsive to the request.

34. THORNTON TOWNSHIP violated FOIA by failing to produce records responsive to the request.

35. THORNTON TOWNSHIP willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

**COUNT II – DECEMBER 12, 2022 SECOND FOIA REQUEST,  
THORNTON TOWNSHIP’S FOIA VIOLATION**

36. The above paragraphs are incorporated by reference.

37. THORNTON TOWNSHIP is a public body under FOIA.

38. The records sought in the FOIA request are non-exempt public records of THORNTON TOWNSHIP.

39. THORNTON TOWNSHIP bears the burden of proving beyond material doubt that it performed an adequate search for records responsive to the request.

40. THORNTON TOWNSHIP has failed to come forward with sufficient evidence to carry this burden.

41. THORNTON TOWNSHIP has failed to adequately search for records responsive to the request.

42. THORNTON TOWNSHIP violated FOIA by failing to produce records responsive to the request.

43. THORNTON TOWNSHIP willfully and intentionally, or otherwise in bad faith failed to comply with FOIA.

**WHEREFORE**, ECW asks the Court to:

- i. declare that THORNTON TOWNSHIP has violated FOIA;
- ii. order THORNTON TOWNSHIP to conduct an adequate search for the requested records;
- iii. order THORNTON TOWNSHIP to produce all non-exempt requested records;

- iv. enjoin THORNTON TOWNSHIP from withholding non-exempt public records under FOIA;
- v. order THORNTON TOWNSHIP to pay civil penalties;
- vi. award Plaintiff reasonable attorneys' fees and costs; and
- vii. award such other relief the Court considers appropriate.

Dated: January 17, 2023

RESPECTFULLY SUBMITTED,  
/s/ Merrick J. Wayne

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

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## FOIA Request (Thornton Township) - 12-12-2022

1 message

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John Kraft <john [REDACTED]>

Mon, Dec 12, 2022 at 7:24 AM

To: FOIA <Foia@thorntontwp.com>, "kfreeman@thorntontwp.com" <kfreeman@thorntontwp.com>

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act I am requesting the following.

If you are not the FOIA officer, you are required to immediately forward this request to the appropriate FOIA officer as required by statute [5 ILCS 140/3(c)].

- 1. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard's card(s) (the card(s) used by her or under her direction) from November 15 through November 20, 2022.**
- 2. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard's card(s) (the card(s) used by her or under her direction) from October 1 and Oct 17, 2022.**

**Please keep in mind that the Illinois Constitution Article VIII Section 1, the Freedom of Information Act Section 2.5, and the Local Records Act Section 3a specifically state that the requested records are subject to release to and inspection by the public.**

**Thanks in advance.**

**Electronic copies are requested.**

**This is not a commercial request.**

*I, and the organizations I represent (Edgar County Watchdogs, Inc, and American Watchdogs, Inc), qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), and the principal purpose of the request is to access and disseminate information concerning news and current or passing events, or for articles of opinion or features of interest to the public.; Section 2 (f) ("News media") as an Investigative Reporter for the Edgar County Watchdogs, an online news site, and am engaged in making news reels and other motion picture for public viewing, and as a news service to provide news and data to news organization(s) and nonprofits; 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 for commercial purposes); Section 3.2 (Recurrent requesters);*

Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).

*This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of this public body and will be used to inform citizens of the actions of their public officials and employees, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this 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 gaining a personal or commercial benefit.*

Thanks,

John Kraft

Edgar County Watchdogs, Inc.



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JOYCE M. WASHINGTON  
*Trustee*

GERALD "JERRY" JONES  
*Trustee*

CHRISTOPHER D. GONZALEZ  
*Trustee*

DARLENE GRAY EVERETT  
*Trustee*



LORETTA C. WELLS  
*Clerk*

CASSANDRA W. ELSTON  
*Assessor C.I.A.O.*

GEARY "PEPE" DEPUE  
*Highway Commissioner*

TIFFANY A. HENYARD  
*Supervisor*

December 22, 2022

**Via Electronic Mail**

To: John Kraft  
john [REDACTED]

Dear Mr. Kraft:

Thornton Township (the "Township") received your Freedom of Information Act ("FOIA" or the "Act") request on or about December 12, 2022. In your request, you asked for the following:

- “1. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard’s card(s) (the card(s) used by her or under her direction) from November 15 through November 20, 2022.
2. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard’s card(s) (the card(s) used by her or under her direction) from October 1 and Oct 17, 2022.”

Pursuant to Section 3(e) of the Act (5 ILCS 140/3(e)), the time for the Township to respond to a FOIA request may be extended for an additional five (5) business days from the original due date for any of the following reasons:

- The request requires the collection of a substantial number of specified records. 5 ILCS 140/3(e)(ii).
- The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions. 5 ILCS 140/3(e)(v).
- The request for records cannot be complied with by the public body within the time limits prescribed by Section 3(d) of the Act without unduly burdening or interfering with the operations of the public body. 5 ILCS 140/3(e)(vi).

On or before December 27, 2022, the Township will appropriately reply to your Freedom of Information Act request. Your patience is appreciated while our department handles your request.

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You have the right to request that the Public Access Counselor review this response by submitting a request for review to Public Access Counselor, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62706 or (312) 814-5526, or by filing suit in accordance with Section 11 of the Freedom of Information Act.

Please contact me if you have any questions.

Sincerely,

Freedom of Information Act Officer  
Thornton Township

JOYCE M. WASHINGTON  
*Trustee*

GERALD "JERRY" JONES  
*Trustee*

CHRISTOPHER D. GONZALEZ  
*Trustee*

DARLENE GRAY EVERETT  
*Trustee*



TIFFANY A. HENYARD  
*Supervisor*

LORETTA C. WELLS  
*Clerk*

CASSANDRA W. ELSTON  
*Assessor C.I.A.O.*

GEARY "PEPE" DEPUE  
*Highway Commissioner*

December 27, 2022

**Via Electronic Mail**

To: John Kraft  
john [REDACTED]

Dear Mr. Kraft:

Thornton Township (the "Township") received your Freedom of Information Act ("FOIA" or the "Act") request on or about December 12, 2022. The Township extended the response time by five (5) business days pursuant to Section 3(e) of the Act. *See* 5 ILCS 140/3(e). In your request, you asked for the following:

1. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard's card(s) (the card(s) used by her or under her direction) from November 15 through November 20, 2022.
2. Copy of receipts/invoices for every credit card purchase made by, or using, Supervisor Tiffany Henyard's card(s) (the card(s) used by her or under her direction) from October 1 and Oct 17, 2022."

The Township conducted an extensive search for the records; however, no records responsive to the request could be located in the Township's possession.

You have the right to request that the Public Access Counselor review this response by submitting a request for review to Public Access Counselor, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62706 or (312) 814-5526, or by filing suit in accordance with Section 11 of the Freedom of Information Act.

Please contact me if you have any questions.

Sincerely,

Freedom of Information Act Officer  
Thornton Township

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## FOIA Request (Thornton Township) #2 - 12-12-2022

1 message

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John Kraft <john [REDACTED]>

Mon, Dec 12, 2022 at 7:28 AM

To: FOIA <Foia@thorntontwp.com>, "kfreeman@thorntontwp.com" <kfreeman@thorntontwp.com>

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act I am requesting the following.

If you are not the FOIA officer, you are required to immediately forward this request to the appropriate FOIA officer as required by statute [5 ILCS 140/3(c)].

1. **Copy of the October 2022 and November 2022 credit card statements (every page).**

**Please keep in mind that the Illinois Constitution Article VIII Section 1, the Freedom of Information Act Section 2.5, and the Local Records Act Section 3a specifically state that the requested records are subject to release to and inspection by the public.**

**Thanks in advance.**

**Electronic copies are requested.**

**This is not a commercial request.**

*I, and the organizations I represent (Edgar County Watchdogs, Inc, and American Watchdogs, Inc), qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), and the principal purpose of the request is to access and disseminate information concerning news and current or passing events, or for articles of opinion or features of interest to the public.; Section 2 (f) ("News media") as an Investigative Reporter for the Edgar County Watchdogs, an online news site, and am engaged in making news reels and other motion picture for public viewing, and as a news service to provide news and data to news organization(s) and nonprofits; 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 for commercial purposes); Section 3.2 (Recurrent requesters); Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).*

*This is also a request for fee waiver, should any fees be imposed, as this information bears on the*

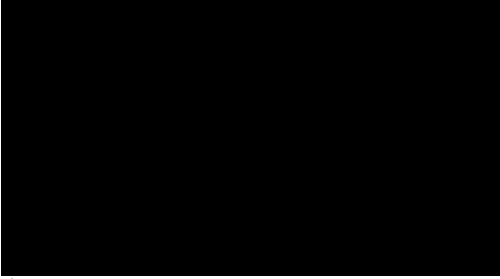
**Exhibit 4**

*public business of this public body and will be used to inform citizens of the actions of their public officials and employees, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this 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 gaining a personal or commercial benefit.*

Thanks,

John Kraft

Edgar County Watchdogs, Inc.



JOYCE M. WASHINGTON  
*Trustee*

GERALD "JERRY" JONES  
*Trustee*

CHRISTOPHER D. GONZALEZ  
*Trustee*

DARLENE GRAY EVERETT  
*Trustee*



TIFFANY A. HENYARD  
*Supervisor*

LORETTA C. WELLS  
*Clerk*

CASSANDRA W. ELSTON  
*Assessor C.I.A.O.*

GEARY "PEPE" DEPUE  
*Highway Commissioner*

December 22, 2022

**Via Electronic Mail**

To: John Kraft  
john [REDACTED]

Dear Mr. Kraft:

Thornton Township (the "Township") received your Freedom of Information Act ("FOIA" or the "Act") request on or about December 12, 2022. In your request, you asked for the following:

"1. Copy of the October 2022 and November 2022 credit card statements (every page)."

Pursuant to Section 3(e) of the Act (5 ILCS 140/3(e)), the time for the Township to respond to a FOIA request may be extended for an additional five (5) business days from the original due date for any of the following reasons:

- The request requires the collection of a substantial number of specified records. 5 ILCS 140/3(e)(ii).
- The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 of this Act or should be revealed only with appropriate deletions. 5 ILCS 140/3(e)(v).
- The request for records cannot be complied with by the public body within the time limits prescribed by Section 3(d) of the Act without unduly burdening or interfering with the operations of the public body. 5 ILCS 140/3(e)(vi).

On or before December 27, 2022, the Township will appropriately reply to your Freedom of Information Act request. Your patience is appreciated while our department handles your request.

You have the right to request that the Public Access Counselor review this response by submitting a request for review to Public Access Counselor, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62706 or (312) 814-5526, or by filing suit in accordance with Section 11 of the Freedom of Information Act.

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Please contact me if you have any questions.

Sincerely,

Freedom of Information Act Officer  
Thornton Township

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

From: John Kraft <john[REDACTED]>  
To: FOIA <Foia@thorntontwp.com>, "kfreeman@thorntontwp.com" <kfreeman@thorntontwp.com>  
Cc:  
Bcc:  
Date: Fri, 6 Jan 2023 15:04:07 +0000  
Subject: RE: FOIA Request (Thornton Township) #2 - 12-12-2022

Dec 27, 2022 has come and gone.

You promised to provide the records by Dec 27, 2022.

Where are they?

John Kraft

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**From:** FOIA <[Foia@thorntontwp.com](mailto:Foia@thorntontwp.com)>  
**Sent:** Thursday, December 22, 2022 12:25 PM  
**To:** John Kraft <john[REDACTED]>  
**Subject:** RE: FOIA Request (Thornton Township) #2 - 12-12-2022

Please see attached.



**From:** John Kraft <john[REDACTED]>  
**Sent:** Monday, December 12, 2022 7:29 AM  
**To:** FOIA <Foia@thorntontwp.com>; Keith Freeman <kfreeman@thorntontwp.com>  
**Subject:** FOIA Request (Thornton Township) #2 - 12-12-2022

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act I am requesting the following.

If you are not the FOIA officer, you are required to immediately forward this request to the appropriate FOIA officer as required by statute [5 ILCS 140/3(c)].

**1. Copy of the October 2022 and November 2022 credit card statements (every page).**

**Please keep in mind that the Illinois Constitution Article VIII Section 1, the Freedom of Information Act Section 2.5, and the Local Records Act Section 3a specifically state that the requested records are subject to release to and inspection by the public.**

**Thanks in advance.**

**Electronic copies are requested.**

**This is not a commercial request.**

*I, and the organizations I represent (Edgar County Watchdogs, Inc, and American Watchdogs, Inc), qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), and the principal purpose of the request is to access and disseminate information concerning news and current or passing events, or for articles of opinion or features of interest to the public.; Section 2 (f) ("News media") as an Investigative Reporter for the Edgar County Watchdogs, an online news site, and am engaged in making news reels and other motion picture for public viewing, and as a news service to provide news and data to news organization(s) and nonprofits; 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 for commercial purposes); Section 3.2 (Recurrent requesters); Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).*

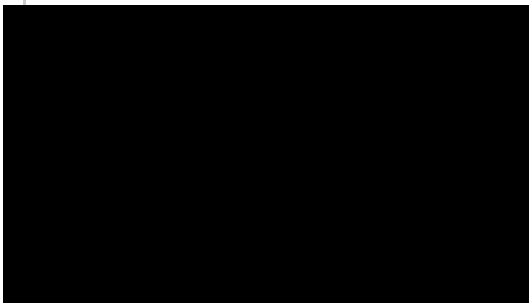
*This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of this public body and will be used to inform citizens of the actions of their public officials and employees, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this 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 gaining a personal or commercial benefit.*

Thanks,

John Kraft

Edgar County Watchdogs, Inc.



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