

October 14, 2015

VIA E-MAIL

Mr. Daniel L. Hamilton
Brown, Hay & Stephens, LLP
Email: dhamilton@bhslaw.com

RE: 15-FOIA-202 Davidoff Communications - March 2015

Dear Mr. Hamilton:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* (“FOIA”).

I. Background

On September 30, 2015, we received your request for copies of any and all communications, recommendations, and documents related to work performed by the firm Davidoff Communications on behalf of or in any way related to Metra, dated or occurring in March of 2015. This request shall include but not be limited to:

(1) Any and all communications by and between Davidoff Communications (or any intermediary acting on or behalf of Davidoff Communications) and Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members), and

(2) Any and all recommendations and/or documents provided by or to Davidoff Communications by or to any Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members (or any intermediary acting on or behalf of Davidoff Communications, Metra staff, Metra Officials, Metra Officers, Agents of Metra, Metra Board Members)

(“Request”).

In an email we sent to you on October 7, 2015, we referenced our earlier, September 17 email whereby we advised that there were over 1,320 pages of material for the month of March. To pull and review each document would be disruptive to the day-to-day operations of our department, which would inhibit our ability to process other FOIA requests. We indicated that we were willing to work with you in order to give you the information you were seeking and asked if you would inform us the purpose of your request, so that we could provide you with the requested information. Alternatively, we asked if you would narrow down the scope of your request to a specific day within the requested month and we would work to provide you with that material. To date, we have not received a response from you. Accordingly, your Request is denied.

II. Denial

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the

complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” The Request as written would require that we pull and review over 1,320 pages of material for the month of March. This process would severely interfere with the day-to-day operations of our department and our ability to fulfill other FOIA requests if required to take on this process. Since you did not reply to our email requesting that you narrow down the scope of your Request, it has been determined by Attorney Thomas Stuebner that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

You may resubmit your Request by narrowing down the scope of your Request to a specific topic or day within the requested month or more specific category of emails.

III. Right of Review

You have the right to have the denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

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

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Kathleen E. Haton
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642