

March 18, 2016

**VIA E-MAIL**

Mr. Daniel Hamilton  
Brown, Hay & Stephens, LLP  
Email: [dhamilton@bhslaw.com](mailto:dhamilton@bhslaw.com)

RE: 16-FOIA-058 Davidoff Communications 6/1/2015 – 6/30/2015

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 March 4, 2016, 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 on or a date between June 1, 2015 and June 30, 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**”). Your Request is granted in part and denied in part.

**II. Responsive Documents**

In response to your Request, Metra is providing you all communications and documents between Davidoff Communications and Metra personnel between June 1 – June 30, 2015 (“**Responsive Documents**”).

**III. Partial Denial**

While FOIA requires public bodies to provide access to public records generally, FOIA also authorizes units of government to withhold certain information. Therefore, Attorney Thomas Stuebner has determined that the following portions of the Responsive Documents are exempt from disclosure under certain provisions of FOIA:

1. Certain portions of emails and documents contained within the Responsive Documents, express recommendations or opinions which have been redacted under Section 7(1)(f) of FOIA. Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes,

recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated ...[.]” 5 ILCS 140/7(1)(f). As such, Attorney Thomas Stuebner has determined that the aforementioned portions of emails and documents are properly redacted under Section 7(1)(f) of FOIA.

#### **IV. Denial**

Of the 285 documents reviewed, 38 pages are specifically marked as “Draft” or contain opinions or actions and are being withheld in their entirety under Section 7(1)(f) of FOIA. Section 7(1)(f) exempts from disclosure any “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated . . . [.]” 5 ILCS 140/7(1)(f). Accordingly, Attorney Thomas Stuebner has determined that the aforementioned pages are draft documents and are exempt from disclosure under Section 7(1)(f).

#### **V. Right of Review**

You have the right to have the partial 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](mailto: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 partial denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this partial denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your partial 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](mailto:FOIA@metrarr.com)

Attachment