



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 30, 2011

VIA ELECTRONIC MAIL

Mr. David N. Jenkins
investigations@illinoisstatehouse.com

RE: Freedom of Information Act Request
2011 FOIA 017845

Dear Mr. Jenkins:

Thank you for writing to Illinois Attorney General Lisa Madigan with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2010)).

In a letter received on December 21, 2011, you submitted two requests for records.

(1) A copy of public records related to "[a]ll Illinois public officials, past or present, indicted by the Attorney General's Office since 2002."

RESPONSE: Your request is granted and the responsive record is enclosed.

(2) A copy of public records related to "[a]ll Illinois public officials, past or present, indicted by the Attorney General's Office."

RESPONSE: We have determined that producing a list of all Illinois public officials, past or present, indicted by the Attorney General's Office would be unduly burdensome under section 3(g) of the FOIA (5 ILCS 140/3(g) (West 2010)). Your request covers every criminal indictment handled by this office since Illinois was admitted to the union as a State in 1818. Because you have designated no time period in your request, staff would have to go through every monthly report prior to 2002 by hand and every criminal case file prior to the creation of monthly reports to determine which records are responsive, and then review and redact information from all responsive records in order to protect against the release of exempt information. *See* 5 ILCS 140/7(1)(b) (West 2010), as amended by Public Acts 97-333, effective August 12, 2011; 97-385, effective August 15, 2011; 97-452, effective August 19, 2011.

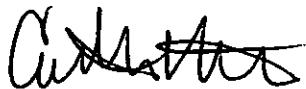
David N. Jenkins
December 30, 2011
Page 2

Responding to FOIA requests is a primary duty of the Office of the Illinois Attorney General. The time required to respond to a FOIA request must be balanced against the time necessary to meet the rest of the office's obligations, however. In this case, the burden on this office to review, redact, and produce responsive records would be very large due to the volume of material involved, the complexity of identifying exempt information within the files, and staffing limitations. Further, the public interest involved in this case is outweighed by the burden on this office. "A request that is overly broad and requires the public body to locate, review, redact and arrange for inspection a vast quantity of material that is largely unnecessary to the [requestor's] purpose constitutes an undue burden." *National Ass'n of Criminal Defense Lawyers v. Chicago Police Dept.*, 399 Ill. App. 3d 1, 17 (2010), citing *American Federal of Government Employees, Local 2782 v. United States Department of Commerce*, 907 F. 2d 203, 208-09 (D.C. Cir. 1990). Our records include information on all criminal cases handled by this office, not just cases related to public officials.

Accordingly, we request that you narrow the scope of your request to bring it within manageable proportions pursuant to section 3(g) of the FOIA. 5 ILCS 140/3(g) (West 2010). Suggestions for narrowing your request include requesting information regarding indictments within a specific time frame, or indictments related to specific individuals or offenses.

If you should have any questions, please contact me at (217) 782-9090.

Very truly yours,


CAITLIN Q. KNUTTE
FOIA Officer

CQK:lk

Enclosures

<u>Name</u>	<u>Position</u>	<u>County</u>	<u>Charge</u>	<u>Disposition</u>
Mario Mareno	Cook County Commissioner	Cook	DUI	Case Dismissed 2002
Jerry Finney	Assistant Public Defender	Macon	Reckless Driving	Found Guilty 2004
Aaron Linke	Probation Officer	Whiteside	Possession Controlled Substance	Found Guilty 2004
Chester Morris	Police Chief Maple Park	Kane	Gambling	Not Guilty 2005
John Edwards	Assistant State's Attorney	Cook	Possession Controlled Substance	Pled Guilty 2006
Mark Delaney	Village President Maple Park	Kane	Gambling	Pled Guilty 2006
Joseph Boomer	Sheriff Deputy	Winnebago	Reckless Homicide	Not Guilty 2009
Mark Heinrichs,	Clerk of	Iroquois	Theft, Forgery, Official Misconduct	Found Guilty 2009.
Sheila McGinnis	Judge	Cook	DUI	Plea of Guilty 2010
Richard Schmidt	Police Officer Chicago	Cook	Aggravated	Not Guilty 2010
Jeff Terronez	State's Attorney	Rock Island	Providing Alcohol To a Minor	Plea of Guilty 2011
Patricia Bailey	State Representative	Cook	Forgery Perjury	Found Guilty
David Hall	Judge	Lake	DUI Resisting Arrest	Pending
Henry Hams	Assistant Public Defender	Cook	Aggravated Battery	Pending