

December 11, 2015

VIA E-MAIL

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

RE: 15-FOIA-243 Davidoff Communications - 3/11/15 – 3/15/15

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 November 16, 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 on or a date between March 11, 2015 and March 15, 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.

We contacted you on November 20, 2015, advising that we had compiled emails and documents for the time period requested, resulting in 564 total pages. We asked if you would be willing to extend the due date of your request to December 11, 2015, in order to process your Request as Metra was closed on November 26 and 27. You responded that same day, agreeing to the new response due date of December 11.

II. Responsive Documents

In response to your Request, Metra is providing you all communications and documents between Davidoff Communications and Metra personnel between March 11 and March 14 (“**Responsive Documents**”).

After performing a diligent search of our records, we have been unable to locate any Responsive Documents for Sunday, March 15.

You may access the Responsive Document via Metra's file transfer protocol ("FTP") site. Direct your browser to <https://ftp.metrarr.com/>. The user name is: **foia24** and the case sensitive password is: **b62376FJ**. Access to this FTP site will expire December 23, 2015. *If you require additional time to download these documents, please let us know prior to the expiration date.*

III. Denial

Attorney Thomas Stuebner has determined that of the 564 documents reviewed, 221 pages 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, the aforementioned pages are draft documents exempt under Section 7(1)(f).

IV. 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 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