



Community High School District 115
Lake Forest Elementary School District 67



January 9, 2017

Ms. Nancy Thorner
Nancycello1@comcast.net

Re: District 115 Response to FOIA Request

Ms. Thorner,

I am responding to your request under the Illinois Freedom of Information Act ("FOIA") dated and received December 13, 2016 and extended through December 27th.

Please see bolded responses pertaining to your request for:

1. Documents (including emails or other electronic media) authored by or received by Michael Simeck from any person, which describe or discuss
1. The reason(s) for taking the business trip;
2. Itineraries for the business trip;
3. Post-business trip memoranda purporting to summarize or describe the business trip.

Your request for documents authored by or received by Michael Simeck is unduly burdensome under Section 3(g) of the FOIA. 5 ILCS 140/3(g). The search for responsive records was done using key words such as seminar, workshop, business trip, and professional development. There were over 8,500 emails containing those keywords and each would need to be examined to determine responsiveness. This would take vast amounts of man hours to accomplish.

1. Documents (including emails or other electronic media) showing or listing which persons went on each of the business trips. By this I mean summary documents. To obviate the alleged "overwhelming" burden, at this time, you do not need to produce records showing individual travel tickets or hotel accommodations. ***Please see the attached General Ledger pages showing professional development/meetings expenditure summary. Also, the following link from the district website (<http://www.lakeforestschoos.org/district-departments/business-office/lf115-district-financial-information/index.aspx>) will provide you with monthly procurement card purchases. The same information can be found in the Board Packet posted each month on the Board of Education tab on the district website.***

2. Documents (including emails or other electronic media) showing the total cost of each of the business trips. These may be summary documents and need not at this time include individual airline ticket receipts, individual receipts for lunch, etc. ***Please see attachment referenced above.***

I trust this response satisfies your request. To the extent you interpret this response as a denial of your request, you have the right to have the denial reviewed by the Public Access Counselor

(PAC) at the Office of the Illinois Attorney General. 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: 877-299-3642, E-mail: publicaccess@atg.state.il.us, Phone: 877-299-3642. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of the denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original request for documents and the 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 State circuit court. 5 ILCS 140/11.

Sincerely,

A handwritten signature in black ink that reads "BTjardes". The signature is written in a cursive, slightly slanted style.

Brittany Tjardes
FOIA Officer

BT/kh

CC: Board of Education

From: Nancy Thorner [mailto:nancycello1@comcast.net]

Sent: Wednesday, January 4, 2017 11:04 AM

To: Brittany Tjardes <btjardes@lfschools.net>

Cc: Michael Simeck <msimeck@lfschools.net>; Jennifer Hermes <jhermes@lfschools.net>

Subject: Re: Thorner FREEDOM OF INFORMATION ACT REQUEST dated December 13, 2016
January 4, 2017

Brittany Tjardes, FOIA Officer

Lake Forest High School District 115, L

Re: Thorner FREEDOM OF INFORMATION ACT REQUEST dated December 13, 2016

Dear Ms. Tjardes:

I have received your response dated December 27, 2016 on behalf of both above-referenced school districts. You stated you produced all documents responsive to requests 1 and 2 and attached them to your response. You refused to provide documents regarding my third request, repeated below:

3. By way of explanation, this third request pertains to "business trips" taken by anyone employed by Lake Forest High School District 115 either as an employee or independent contractor. Please send any and all receipts for plane tickets, meals, lodging and all other expenditures for trips by Michael Simeck and/or anyone salaried at District 115 or paid as an independent contractor by District 115, which were trips paid for, either in whole or in part, by either District 115 or District 67 for years 2012, through Dec 10, 2016. Please also send documents regarding the purposes for which the trips were taken, the itineraries, pre- and post-trip memos, write-ups or summaries of trips, notes or memos regarding any conferences, and conference hand-outs by and between District 115 and/or District 67 personnel regarding those trips. This request specifically excludes trips taken by LFHS sports teams while traveling for LFHS sanctioned sports events.

Citing section 3(g) of the Act, you stated this request was "unduly burdensome", "overly broad in scope" and "disruptive to the operations of [both] School District[s]". You stated there were "thousands of documents, if not more, that would qualify under this request" and that complying with the request would "take vast amounts of man hours [sic] to accomplish". Due to this "burden" you stated the burden to comply was "extensive, overwhelming and not warranted."

You did invite me to narrow the scope of the request to what you deem "manageable proportions" but stated that even if I did narrow the scope of the request, you were not waiving your right to raise other "FOIA objections" thereafter.

My reply is, as follows:

Your response does not comply with the Illinois Freedom of Information Act in several particulars which I will not elucidate here, but it is clear you did not have a lawyer review your response. I expressly do not waive any illegal non-compliance on your part in attempting to obtain information to which I am expressly entitled under the Act.

However, in order to facilitate this process and without waiving any objections to your response or my right to obtain full compliance with my initial request, I am "narrowing" the request at this time:

Please produce the following, for the years 2012 through 2016, inclusive regarding "business trips" as described in my paragraph 3, above (in my initial request):

1. Documents (including emails or other electronic media) authored by or received by Michael Simeck from any person, which describe or discuss

1. The reason(s) for taking the business trip;

2. Itineraries for the business trip;

3. Post-business trip memoranda purporting to summarize or describe the business trip.

1. Documents (including emails or other electronic media) showing or listing which persons went on each of the business trips. By this I mean summary documents. To obviate the alleged "overwhelming" burden, at this time, you do not need to produce records showing individual travel tickets or hotel accommodations.

2. Documents (including emails or other electronic media) showing the total cost of each of the business trips. These may be summary documents and need not at this time include individual airline ticket receipts, individual receipts for lunch, etc.

I expressly reserve my right to request additional documents and assert all my rights regardless of what you produce pursuant to this "narrower" request.

In order that this may be resolved without recourse to further action, either with the Attorney General or in the Circuit Court, please indicate which record system or systems you searched in order to comply with this request.

In conclusion, by way of explanation only, and not to limit your document production, I am trying to obtain information in years 2012-2016 inclusive regarding trips (1) paid for, in whole or in part, by District 115 and 67 and (2) taken by District 115 and District 67 salaried personnel or persons employed by either District as independent contractors, (3) the purposes for the business trips, (4) the names of the persons who went on the business trips (4) the costs of those trips and (5) the written summaries of those trips authored by District 115 or 67 personnel or their paid agents.

There are “thousands of documents, if not more” you write, giving evidence of four years’ of business trips taken on the taxpayers’ dime. Is this a shocking admission of profligate spending for which “thousands, if not more” spending documentation has been generated? Or is it an admission that substantive work was produced and documented as a result of those apparently numerous trips?

Either way, taxpayers and District residents have a right to this information and the fruits. Your wholesale refusal to release any documents and the manner in which you have initially responded to this request is not only violative of the Act, but evidence of bad faith. It also brings to mind the question: “What are you hiding?”

I await your timely reply.

Thank you,

Nancy Thorner, District 115 resident

Nancycello1@comcast.net

331 East Blodgett Avenue