

UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

November 14, 2014

Kevin Carmody



Re: FOIA 14-720

Dear Mr. Carmody:

I am responding to your request dated October 31, under the Illinois Freedom of Information Act in which you request:

"A. Complete copy of a communication from Michael H. Leroy to Elyne G. Cole where Leroy expresses private thought about the matter of Kevin Carmody. (For your convenience in locating this document I have included the approximate text of the desired communication below.)

B. Complete copies of any and all ex parte communications to and from Michael H. Leroy regarding Kevin Carmody or the matter of Kevin Carmody. (For your convenience in locating the requested documents, below I provide a May 17 2011 communication from Michael Leroy referencing ex parte communications with Rhonda Perry, Steve Veazie, and Shig Yasugna. I seek any and all private communications and unsolicited contacts had by Michael H. Leroy regarding Kevin Carmody or the matter of Kevin Carmody, and not previously provided to or known by Kevin Carmody.)"

Information responsive to your request is available and attached. These are public documents numbering 5 pages. The university has taken the term "ex parte" communications to mean any communications where you or your counsel at the time were neither the author nor a recipient of a communication.

Portions of these documents have been redacted pursuant to the following section(s) of the Act:

- 140/7(1)(b) that exempts from disclosure "Private information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." This includes personal email addresses.
- 140/7 (f) exempts "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." The responsive documents contain preliminary discussions and expressions of opinion regarding possible policies and actions of the University.

Office for University Relations

Urbana • 108 Henry Administration Building • MC 370 • 506 South Wright Street • Urbana, IL 61801 • (217) 333-6400 • Fax (217) 333-5733
Chicago • 414 Administrative Office Building • MC 971 • 1737 West Polk Street • Chicago, IL 60612-7228 • (312) 996-3772 • Fax (312) 996-1836

- 140/7(1)(m) exempts “communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.” A portion of your request includes communication between a public body and an attorney representing the public body for the purpose of obtaining legal advice and would not be subject to discovery in litigation.

Should you wish to inspect or receive a physical copy of these documents, please call Melanie Kuehn at the phone number below and she will provide you with all necessary details.

You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer