

# UNIVERSITY OF ILLINOIS

URBANA-CHAMPAIGN • CHICAGO • SPRINGFIELD

September 22, 2015

Kevin Carmody



Re: FOIA 15-751

Dear Mr. Carmody:

I write to respond to your Freedom of Information request of September 8, in which you requested:

"I hereby re-request all items in FOIA 14-720, including but not limited to **all** May 17 2011 Rhonda Perry - Michael Leroy communications. I further request **any and all** ex parte communications between Rhonda Perry and Michael Leroy from the appointment of Leroy as Hearing Officer thru the final employment decision by Elyne Cole. I further request **any and all** private email communications from Michael Leroy with University employees, and not already disclosed to Kevin Carmody, regarding Kevin Carmody of the matter of Kevin Carmody. Again, I must inform you that any claim of attorney-client privilege or work product privilege has been abandoned by the written communications and statements by both Leroy and Perry in the context of their employment responsibilities. You can't claim to be an independent and unbiased Hearing Officer and insist that all communications be shared with all parties and then engage in deceit and still maintain your "Attorney/Client & Work Product" privilege and protection."

Information responsive to your request is available and attached. These are public documents numbering 48 pages.

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

- 140/7(1)(a) that exempts from disclosure "Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing adopted under federal or State law." This includes information that is required to remain confidential under state law, including, without limitation, the Illinois Rules of Professional Conduct.
- 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 home addresses, personal email addresses

Office for University Relations

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- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes personal family information.
- 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.
- 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.

Finally, some transmittal information was redacted as it is not responsive to your request. These redactions are in grey rather than black.

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](mailto: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