

October 27, 2006 Friday

Madigan: Release subpoenas ;
Governor's spokeswoman says they'll stay secret

BYLINE: BRUCE RUSHTON STAFF WRITER

SECTION: NEWS; Pg. 1

LENGTH: 806 words

Subpoenas are public records.

That's what attorney general Lisa Madigan said to Gov. Rod Blagojevich Thursday in telling the governor's office that subpoenas received by his administration must be disclosed under the state Freedom of Information Act.

"There's no magical meaning to subpoenas when it comes to the FOIA," said Terry Mutchler, Madigan's public-records expert.

Mutchler drafted a letter to the governor's lawyer telling him that federal subpoenas must be released to a government watchdog group in Chicago.

"It's clear from the letter that, as the lawyer for the state of Illinois, the attorney general is advising the governor that failure to provide these (subpoenas) is a failure to comply with the law."

A Blagojevich spokeswoman said via e-mail Thursday evening that the records will remain secret.

"We didn't request an opinion on this topic, but we appreciate the attorney general office's advisory input," wrote Abby Ottenhoff, Blagojevich spokeswoman. "The subpoenas issued by their own office state that they should not be released, so we'll continue to comply with that original expectation and the request of the U.S. attorney to keep all matters that are related to federal investigations confidential."

Cara Smith, Madigan spokeswoman, said there isn't much room for argument.

"We took our time and did a very thorough analysis," Smith said. "At the end of the day, this is a very straightforward issue."

Madigan's office acted after the Better Government Association requested the subpoenas in July. The governor, who is under federal investigation on several fronts, including questionable hiring practices, refused.

Public disclosure of the subpoenas could provide more details about the investigations.

Blagojevich is not required to follow Madigan's directions, as he would be if the ruling came from a judge. But Madigan's office said Blagojevich should pay attention to an opinion from the state's top legal officer.

"What I can say is, after the governor responds to this issue, we will consider all options available under the FOIA," Smith said.

In answering the association's request, the governor's office said it could neither confirm nor deny the existence of subpoenas. But if the governor did have such documents, his lawyer told the association, the Freedom of Information Act includes a provision that bars the release of information specifically prohibited from disclosure under state or federal law.

That's wrong, wrote Mutchler, who noted that the governor's office never cited a state or federal statute that says subpoenas are secret.

Although the governor has said grand jury proceedings are confidential, Mutchler said, federal courts have declared that those rules don't apply to witnesses or others who aren't jurors or who don't work in the courtroom. The rule actually is aimed at lawyers, stenographers, jurors and others with direct roles in the operations of the grand jury, Mutchler wrote.

Mutchler also dismissed claims by the governor that the subpoenas are preliminary drafts, notes or memos that are exempt from disclosure under a section of the law intended to protect work products that aren't final. Similarly, she rejected the governor's contention that subpoenas are "communications between a public body and an attorney," a section of the FOIA usually reserved for protecting attorney-client privilege.

"Federal grand jury subpoenas issued to the Office of the Governor or any State agencies under the Governor's control are not communications between those entities and an attorney representing them," Mutchler wrote.

Federal prosecutors have delivered at least three subpoenas seeking information about hiring practices in the Department of Corrections, the Department of Children and Family Services and the Department of Transportation.

U.S. Attorney Patrick Fitzgerald is also investigating allegations that Blagojevich associates pressured private-equity firms into making payouts in order to get business with the Teachers Retirement System. So far, two people have pleaded guilty in that investigation and another two, including one of Blagojevich's top fundraisers, have been charged.

Thursday marked the second occasion in as many days that Madigan has told the governor that documents he's tried to keep secret are a matter of public record.

On Wednesday, the attorney general said lists of unsuccessful job applicants requested by the media are public documents that need to be disclosed. The Associated Press requested those records to help determine whether the governor has hired politically connected people instead of veterans and others who are supposed to be given preference under state law.

A Blagojevich aide said earlier that the governor will not disclose the hiring lists sought by AP, although future lists will be available to the public.

www.chicagotribune.com/news/local/chi-blagojevich-subpoenas-30-dec30,0,7022938.story

chicagotribune.com

Probe of Rod Blagojevich targeted state hiring going back to January 2003

Latest news: Rod Blagojevich expected to name Roland Burris to Obama senate seat

By John Chase and Ray Long

Tribune reporters

December 30, 2008

Federal grand jury subpoenas released Monday by Gov. Rod Blagojevich's administration after a long court fight show that a widespread-corruption investigation of state hiring extended even to decisions made before the Democratic governor took office in January 2003.

The Tribune first reported in 2005 that prosecutors were examining possible criminal wrongdoing involving state hiring, and U.S. Atty. Patrick Fitzgerald confirmed a probe into allegations of "endemic hiring fraud" in a 2006 letter to the attorney general.

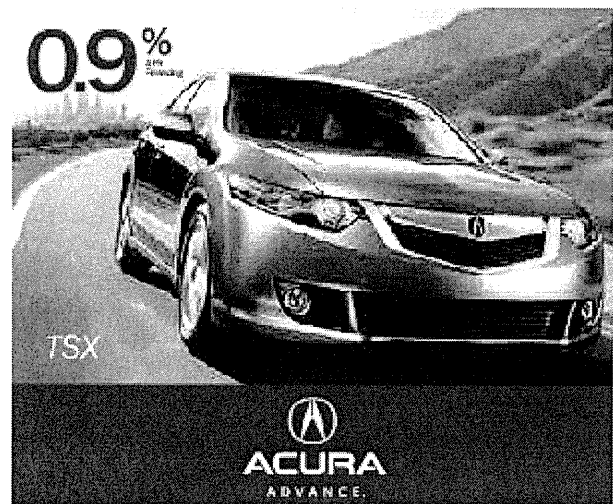
Now four subpoenas from 2006, made public as the result of a lawsuit the administration lost, shed a little more light on what federal authorities were examining.

The 17 pages of documents show federal investigators sought all personnel records from the governor's office dating to Jan. 1, 2003, as well as computer records or other backup materials from the governor's office and more than a dozen state agencies that report to the governor. The subpoenas, written between May and July of 2006, also sought detailed personnel information about 14 people, many of whom were state employees involved in hiring.

Although Blagojevich didn't take office until Jan. 13, 2003, his transition team was already making hiring decisions by the first of that year.

The Tribune reported in June 2006 about some of the information sought in one of the subpoenas. At the time, the governor's top lawyer, William Quinlan, issued a sweeping order obtained by the newspaper that directed state agency directors to compile lists of everyone who worked in their personnel offices since 2003 and to inventory their computer records.

The release of the subpoenas follows Blagojevich's Dec. 9 arrest on corruption charges that included allegedly trying to sell the U.S. Senate seat of President-elect Barack Obama. Blagojevich has denied wrongdoing and refused to resign, but a state House committee is currently weighing his impeachment.



No charges have been filed related to hiring allegations.

The release of the documents is the result of a long court battle waged over a state Freedom of Information Act request filed by the non-profit Better Government Association, which sued two years ago when the administration refused to hand over the subpoenas.

An Appellate Court last month ruled in favor of the BGA.

"This is a victory for citizens and the concept of transparency," BGA Executive Director Jay Stewart said in a statement. "By releasing the subpoenas, the governor has finally acknowledged that the Illinois Freedom of Information Act applies to him and his office and that he can't simply hide a criminal investigation from the public or pretend it doesn't exist."

The BGA sought federal subpoenas issued during the first six months of 2006 in its case before the Appellate Court.

It has since filed a Freedom of Information request for all federal subpoenas to his administration since he took office in 2003.

jchase@tribune.com

rlong@tribune.com

Copyright © 2008, [Chicago Tribune](#)

For Immediate Release
Jan 19, 2007

Contact: Press Office
202-646-5188

Judicial Watch Files Lawsuit to Obtain Documents Related to Federal Investigations Involving Illinois Governor Rod Blagojevich

Freedom of Information Act Lawsuit Seeks Grand Jury Subpoenas Issued
to Governor's Office, State Agencies

(Washington, DC) Judicial Watch, the public interest group that investigates and prosecutes government corruption, announced today that it has filed an open records lawsuit against the office of Governor Rod Blagojevich (D-IL), who is under federal investigation on several fronts, including corrupt hiring practices. Judicial Watch's lawsuit, filed on January 16, 2007 in the Cook County, Illinois Circuit Court, specifically seeks, among other documents, any and all grand jury subpoenas received by the Governor's office or any state agencies under the Governor's control. The subpoenas reportedly were issued by U.S. Attorney Patrick Fitzgerald's office.

Governor Blagojevich's office refuses to release the subpoenas, claiming they are exempt from public disclosure. In a letter to Judicial Watch dated December 7, 2006, Allison Benway, Legal Counsel for Governor Blagojevich stated, "This Office cannot confirm or deny the existence of the documents requested, and even if this Office were to have documents responsive to your request, such documents would be exempt from release..."

However, according to an October 26, 2006 letter obtained by Judicial Watch from Illinois State Attorney General Lisa Madigan, the grand jury subpoenas are documents subject to public disclosure. "Based upon the information with which we have been furnished, the exceptions to the disclosure requirements of the [Freedom of Information] Act cited by the Governor's office do not authorize the withholding of subpoenas. Without legal support, the Office of the Governor and the agencies under his control cannot withhold Federal grand jury subpoenas in their possession and must release these documents pursuant to a FOIA request."

"There is an air of lawlessness in how the Governor Blagojevich is handling this document request. He ought to listen to the advice of the state's top legal officer and release these documents," stated Judicial Watch President Tom Fitton. "The citizens of Illinois have a right to know the full details related to alleged corruption in the Governor's office."

Judicial Watch filed its original Freedom of Information Act request on November

27, 2006. Following a December 7 denial of the request from the Governor's office, Judicial Watch filed an administrative appeal on December 18, 2006. After receiving no response to its appeal, Judicial Watch filed its lawsuit on January 16, 2007.

###

Click [here](#) to read a copy of Judicial Watch's lawsuit and related documents.

© Copyright 1997-2004, Judicial Watch, Inc.

Chicago Tribune

January 21, 2005, Friday

Mail-order pharmacy takes state fight to court

BYLINE: By Ray Long

LENGTH: 769 words

The mail-order pharmacy that handles prescriptions for most state employees went to court Thursday to stop the state from releasing to the public the full terms of a contract worth hundreds of millions of dollars a year.

Its action came amid an investigation by the attorney general into whether Caremark Inc. sold drugs to patients that had been returned by other customers.

Caremark, one of the nation's largest pharmaceutical mail-order companies, has filed in Cook County Circuit Court for a temporary restraining order and an injunction to block state Comptroller Dan Hynes from releasing the full contract.

The Chicago Tribune and state Republican senators had asked for the Caremark contract and filed Freedom of Information Act requests with the comptroller. Hynes and his predecessors in the comptroller's office have routinely released copies of all information in state contracts upon request.

But Caremark's lawsuit maintains the firm wants only portions of the contract to be released, saying full disclosure would reveal pricing, proprietary information and critical trade secrets.

Caremark receives more than \$ 200 million a year from the state.

A hearing is scheduled for Monday, and the Tribune plans to intervene, arguing that public business should be made public.

"I think the contract should be public because it involves money that has paid for drugs for state employees," said James O'Shea, the Tribune's managing editor. "It should be open and available to the newspaper and its readers."

Aides to Hynes and Atty. Gen. Lisa Madigan, who is representing Hynes, also maintained the entire contract should be released.

"It appears that Caremark has not taken into consideration that it is doing business with a public entity," said state Sen. Peter Roskam of Wheaton, the GOP spokesman on the Senate Executive Committee. "Those arguments are fine in private contractual relationships. But the cloak of secrecy comes off when you're talking about public funds expended for a public purpose."

Gov. Rod Blagojevich's Department of Central Management Services turned down a previous FOIA request by Roskam and state Sen. Dale Righter (R-Mattoon).

In that denial, the agency wrote: "Caremark has not consented to disclosure of its proprietary trade secrets."

Caremark, in its court filing, argued that such proprietary information is exempt from disclosure under the Freedom of Information Act.

The Tribune revealed Sunday that Madigan's office has launched an investigation to see if Caremark routinely and illegally sold drugs to Illinois customers that had been returned by other customers.

Such resales are prohibited in most states, including Illinois, because the medicine may have been damaged, exposed to extreme heat or tampered with.

The Tribune sought a copy of the Caremark contract this month while researching Madigan's new investigation.

The Senate Republicans had previously sought a copy of the entire contract because they believed the details would help determine whether the state received a good deal for taxpayers.

The Blagojevich administration, in a quest to cut costs, has sought to steer state employees away from buying drugs for chronic conditions at brick-and-mortar pharmacies and toward Caremark's mail-order service.

The governor's attempt to prod more workers to use Caremark was going on last year even though Madigan's office had joined an earlier multistate inquiry into the company's pricing practices on contracts with state governments. That investigation is ongoing.

Madigan's new investigation, sealed from public view because it is part of a state whistle-blower case, is examining whether Caremark resold medications returned by patients to the company's drug distribution facilities in Florida, Texas and suburban Mt. Prospect.

The Tribune obtained a copy of a subpoena Madigan's office issued this month that seeks documents and depositions from the Chicago attorney representing plaintiffs in a different whistle-blower case in Florida, in which Caremark is accused of reselling drugs that had been dispensed to consumers and then returned.

In court, attorneys for Caremark have denied the allegations. Officials also have said the company no longer restocks any medications but believes its former policies complied with the laws in various states, including Illinois.

The company's contract with the state is set to expire later this year, and the state is taking bids.

To see more of the Chicago Tribune, or to subscribe to the newspaper, go to <http://www.chicagotribune.com>.

Copley News Service

February 4, 2005 Friday

Judge rules Caremark contract should be public

BYLINE: Mary Massingale Copley News Service

SECTION: ILLINOIS SPOTLIGHT; CAR CARE & BUYING

LENGTH: 612 words

DATELINE: SPRINGFIELD

A Cook County judge on Friday rejected an attempt by a prescription-drug provider to prohibit Illinois Comptroller Dan Hynes from releasing details of its contract with the state.

Judge Mary Anne Mason denied Caremark's motion for a temporary restraining order and preliminary injunction. However, Mason also stayed enforcement of the judgment and consequential release of the contract until 5 p.m. Monday.

Caremark attorneys could appeal the decision, but company spokesman Gerard Carney could not comment on that possibility.

"We're disappointed by the court's decision," Carney said. "We filed this lawsuit for strictly competitive reasons and to protect the proprietary information in the contract."

However, Mason wrote in her order that "the information at issue is not a trade secret or otherwise protected."

Hynes declared victory over the Nashville, Tenn.-based company that provides prescription drugs to nearly 225,000 state workers, retirees and dependents enrolled in four health plans.

"I'm glad the judge agreed with our office that the public has a right to know how their money is being spent," Hynes said in a written statement. "State contracts are public information, and we will always fight to keep it that way."

Copley Illinois Newspapers, however, obtained some of the contract documents containing the information Caremark sought to withhold, and first reported the details last month. The prescription-drug provider is reimbursing retail pharmacies that participate in its 90-day maintenance-medication option at rates considered to be up to 9 percent less than what pharmacists pay for the drugs. Multiple sources have said - and officials with the Illinois Department of Central Management Services have confirmed - that the contract calls for the state to pay Caremark a \$6 fee for every 90-day prescription filled at a retail pharmacy, rather than through Caremark's mail-order division. CMS officials estimate those administrative costs will total \$750,000 to \$1.5 million from Oct. 1 to the end of the fiscal year on June 30.

The contract also forces retail pharmacists to get a diagnosis from the prescribing physician in order to fill the 90-day prescription, raising privacy concerns.

Caremark sought to bar release of the contract after state Sens. Dale Righter, R-Mattoon, and Peter Roskam, R-Wheaton, in November filed a Freedom of Information Act request for a copy of the contract with the Illinois Department of Central Management Services, the agency that negotiated the contract. After their FOIA request was denied, they then sought a copy from the comptroller's office, which keeps copies of all state contracts. Caremark then went to court to get the restraining order against the comptroller's office.

The state's current contract with Caremark - reportedly worth \$200 million - began in July 2002 but has been amended several times. The latest amendment agreed upon last fall included retail pharmacies in the company's 90-day mail-order option. However, the lack of transparency in the amendment prompted CMS

officials to cancel the entire contract at the end of this fiscal year and begin a new bidding process. The winner of the new contract has yet to be announced.

Caremark has come under scrutiny in other states, and Illinois is leading a 19-state investigation into its consumer protection and business practices. Additionally, Illinois Attorney General Lisa Madigan is reportedly investigating Caremark for selling prescription drugs that have been returned by other customers.

--

Mary Massingale can be reached at (217) 782-6882 or [mary.massingale\(at\)sj-r.com](mailto:mary.massingale(at)sj-r.com).

Copyright 2005 Copley News Service

03/11/07

Sunshine Week 2007

Governor increasingly closing door on public-records access

By JOHN O'CONNOR
AP Political Writer

SPRINGFIELD, Ill. (AP) -- Gov. Rod Blagojevich took office promising a new era of open government. He talked about weekly press briefings and a budget-making process that would be open to the public.

Instead, his administration has clamped down on sharing public information. It refuses to release government documents. It has defied the attorney general's legal opinions and punished people suspected of cooperating with reporters.

For example:

-- Phone numbers that state employees dial on taxpayer-financed phones are off-limits to the public because releasing them would violate the Illinois Constitution, according to Blagojevich's Department of Transportation.

-- After a prison psychologist in Dixon was held hostage for 25 hours and allegedly raped by a convicted sex offender, the Corrections Department withheld information on staffing levels that day and inmate assaults at the prison.

-- The State Police won't release the arrest report on a Corrections Department chaplain who was pulled over for drunk driving in a state-owned car, saying it would be an "invasion of privacy."

-- The Department of Central Management Services won't disclose the names of applicants for state jobs that wound up going to politically connected candidates, even though its own rules explicitly state that such lists are public record.

In denying requests under the Illinois Freedom of Information Act, the administration has sometimes changed its explanations and cited out-of-state court rulings that the attorney general says don't apply here. It even has suggested the law raises constitutional questions.

One Blagojevich agency clamped down after information about state contracts and audits was released to the public. Letters written by then-Secretary of Transportation Timothy Martin show that two employees were disciplined with transfers to new jobs because officials suspected they had tipped off The Associated Press about specific documents to request.

Many states have tightened public access to documents in recent years out of concern over terrorism, identity theft, medical privacy and other issues. A nationwide review by The Associated Press found that states have passed more than 600 laws restricting access since Sept. 11, 2001.

But in Illinois, the Blagojevich administration's restrictions began roughly around the same time it was disclosed that federal prosecutors were investigating hiring practices and a campaign-contribution kickback scheme at a state pension system.

Blagojevich spokeswoman Abby Ottenhoff denied anything has changed.

"We are carefully trying to balance the need for transparency and openness with laws that require protection of private information," Ottenhoff said.

Those outside the administration, however, see it differently.

Attorney General Lisa Madigan's office has clashed with the governor's office over the release of documents. Her expert on public information issues has repeatedly advised the administration to release information, only to have the administration refuse.

Sauk Valley Newspapers has written about its dispute with the Corrections Department after the hostage-taking and assault last spring. The Illinois Press Association's list of the 10 worst instances of government secrecy last year included three decisions by Blagojevich agencies.

And the Better Government Association and another watchdog group have filed lawsuits

because the administration refuses to release subpoenas it has received from the federal government. The administration says its legal experts have concluded that it would be improper to release the subpoenas.

The public's right to know, "includes the good stuff and the bad stuff," BGA Executive Director Jay Stewart said. "We're just trying to hold (Blagojevich) up to his own standards, his self-reported standards of excellence."

One of the most sweeping explanations for withholding documents came from Transportation officials, who said releasing lists of phone numbers called by six employees on state-issued telephones would violate the Constitution's separation-of-powers clause. Disclosing the records could lead reporters to question the people who received calls, "severely limiting the ability of executive branch employees to communicate with candor," the denial explained.

Attorney General Madigan's chief of staff, Ann Spillane, said IDOT is misinterpreting the law.

"If the separation of powers argument were true, the entire FOIA statute would be unconstitutional as applied to the executive branch because it would be a direction by the Legislature to the executive branch to disclose documents," Spillane said.

She also questions the decision by the Department of Central Management Services to withhold lists of applicants for state jobs. The agency's own administrative code states that such "eligibility lists" are public record.

CMS released one list in December 2005, but turned down later requests. It justified the refusals by citing an out-of-state court ruling on the federal FOIA law.

CMS spokesman Justin DeJong said the agency changed its mind about the job lists based on "additional legal review" -- not because they might show who competed for jobs that were awarded to the son-in-law of a congressman and the son of a major Blagojevich campaign donor.

Similarly, Transportation officials released employee time-off documents in late 2005 but denied a subsequent request for the documents, which former transportation secretary Martin said contain the reasons employees take sick or vacation time, which can be personal. Martin did not explain why his agency didn't simply black out any personal information, as allowed under the FOIA law.

On the Net:

-- Illinois Freedom of Information Act: <http://tinyurl.com/297oex>



sj-r.com

The State Journal-Register • Springfield, IL • The Oldest Newspaper In Illinois

Blagojevich, Jones face FOIA suits

By ADRIANA COLINDRES

STATE JOURNAL-REGISTER

Posted Aug 01, 2008 @ 12:58 AM

Last update Aug 01, 2008 @ 07:15 AM

Gov. Rod Blagojevich and Illinois Senate President Emil Jones are violating the state's Freedom of Information Act by refusing to divulge information about pork-barrel spending, according to two lawsuits filed Thursday in Sangamon County.

[Blagojevich suit](#) | [Jones suit](#)

Washington, D.C.,-based Judicial Watch says it wants Blagojevich and Jones to release details about how more than \$2 billion in lump-sum member-initiative funds are being spent.

State budgets in Illinois sometimes include so-called "lump sums" - or "pork" - for certain types of projects that benefit lawmakers' districts.

But budget documents don't always spell out the individual projects or exactly how much money is being spent on each.

Paul Orfanedes, Judicial Watch's litigation director, said at a Capitol news conference Thursday that his organization has filed FOIA requests with the governor's office and Jones' office to get information about member-initiative spending.

Those efforts proved fruitless. The governor's office never responded, and Jones' office said any such records would belong to the individual legislator, Orfanedes said.

Joe Calomino, director of Americans for Prosperity-Illinois, joined Orfanedes at the news conference and said that his group has worked with Judicial Watch in filing FOIA requests.

AFPI's chairman and senior adviser is multimillionaire Ron Gidwitz, a onetime GOP candidate for Illinois governor.

Calomino said that no lawsuit was filed against the Illinois House because that chamber has provided information as requested about member-initiative spending.

Jones spokeswoman Cindy Davidsmeyer said Senate lawyers are reviewing the lawsuit against the Chicago Democrat, which they just received. She had no further comment.

Blagojevich spokesman Brian Williamsen said the governor's office has not yet seen the suit.

Judicial Watch describes itself as a nonprofit, educational organization that promotes accountability in government by using "open records" laws to obtain and distribute public documents. It frequently sues to try to get information.

About six years ago, Judicial Watch went to court to get access to records of a task force, led by Vice President Dick Cheney, that drafted the Bush administration's energy policy. An appeals court eventually said the vice president didn't have to disclose what advice his task force received from executives or others associated with the energy industry.

Judicial Watch also filed several lawsuits against President Bill Clinton's administration when he was in office.

Adriana Colindres can be reached at 782-6292.

Copyright © 2009 [GateHouse Media, Inc.](#) Some Rights Reserved.

Original content available for non-commercial use under a [Creative Commons](#) license, [except where noted](#).


<http://www.sj-r.com/archive/x469171050/Blagojevich-Jones-keeping-pork-spending-secrets-lawsuit-claims>




sj-r.com

The State Journal-Register • Springfield, IL • The Oldest Newspaper In Illinois

Share:

 [E-mail](#)

 [Print](#)

 [Comment](#)

 [Digg](#)

 [del.icio.us](#)

 [Back](#)  [Home](#)

Job lists were secret, now released by Blagojevich

By JOHN O'CONNOR

THE ASSOCIATED PRESS

Posted Jul 10, 2008 @ 11:42 PM

Gov. Rod Blagojevich's office has repeatedly refused to disclose the names of people seeking state jobs, citing privacy concerns. But attempting to shame a legislative critic as lawmakers prepared for more state budget work, his staff freely distributed that very information.

Blagojevich aides last week released a [2003 memo from Rep. Jack Franks](#) recommending a dozen people — including his wife, father and brother — for state jobs or commission appointments. Its release came just hours after the Woodstock Democrat said the House should begin impeachment proceedings against the governor.

A day later, in [a letter under governor's office letterhead](#) obtained by The Associated Press, Blagojevich deputy chief of staff Victor Roberson accused Franks of "fraudulent behavior" and trying to "misuse power" by seeking jobs for family and friends.

With the salutation "Dear building trades member," the letter, apparently sent to labor unions, included a news article about the memo the administration released and attacked Franks for failing to support Blagojevich's \$34 billion statewide construction plan.

The memo's release is an abrupt flip for Blagojevich. The Associated Press has submitted at least three requests since 2006 seeking lists of state job candidates from his office. Each has been denied

under exemptions in the state Freedom of Information Act, including an exception for releasing records that would “constitute a clearly unwarranted invasion of personal privacy.”

Who got jobs — and who recommended them — has been a theme of investigations into the Democratic administration’s hiring procedures being conducted by Blagojevich’s office, as well as federal prosecutors. The administration has acknowledged that tens of thousands of referrals came in from lawmakers and others in its early days.

One of the AP’s FOIA requests, in March 2007, was for all job candidate recommendations the governor’s office received and who made the referrals.

That request was denied, but the information sought mirrors what the administration disclosed in releasing the Franks memo. The 12 names on the document were publicized after Franks suggested the House should begin an impeachment investigation because of corruption investigations surrounding the administration.

Franks said the administration should now release the names of all job candidates, saying it has disposed of its privacy argument.

“Everybody,” Franks said. “They can’t hide behind it now.”

Franks filed his own FOIA request this week seeking recommended job candidates’ names and call logs in and out of the governor’s office.

In releasing the memo, Blagojevich spokesman Lucio Guerrero accused Franks of hypocrisy for raising the impeachment specter after “playing the politics of insider baseball.”

Guerrero did not respond to the AP’s requests to explain why the administration had changed its mind about job candidates’ privacy or to comment on Roberson’s letter. Roberson did not return a phone call seeking comment.

Attorney General Lisa Madigan’s office, which created a position of public access counselor to provide training on open-records laws and mediate disputes, declined comment on the disclosure of the Franks memo.

Franks suggested Roberson’s letter was an illegal use of state time and resources for political purposes and is considering a complaint to the executive inspector general.

Roberson’s letter called Franks’ candidate recommendations in February 2003, just a month after Blagojevich took office, “unsolicited.” But Franks said the governor’s office asked him for

recommendations because, after 27 years of Republican control, the administration was looking for people it could trust.

When the AP reported in 2006 that the son of Rep. Dan Reitz had been hired outside typical channels to lobby for a state agency, the Steeleville Democrat said the governor's office had called him for recommendations, and he suggested his son.

Of Franks' referrals, Franks said three got jobs or were appointed to commissions. His father was named to an unpaid post on the Illinois Courts Commission. His wife and brother were not among the successful candidates.

Copyright © 2009 [GateHouse Media, Inc.](#) Some Rights Reserved.

Original content available for non-commercial use under a [Creative Commons](#) license, [except where noted](#).

<http://www.sj-r.com/archive/x1743992116/Job-lists-were-secret-now-released-by-Blagojevich?view=print>



sj-r.com

The State Journal-Register • Springfield, IL • The Oldest Newspaper In Illinois

Gov. defies taxpayers on health program

By JOHN O'CONNOR

THE ASSOCIATED PRESS

Posted Oct 22, 2008 @ 11:22 PM

Last update Oct 23, 2008 @ 05:00 AM

First, Gov. Rod Blagojevich gave out state-subsidized health care without permission.

Now, he won't tell taxpayers how many people are participating, how much tax money has been spent, or even which state account he's using to keep funds for the program.

The Department of Healthcare and Family Services' rejection of The Associated Press' request under the Illinois Freedom of Information Act amplifies the mystery surrounding Blagojevich's FamilyCare program and the administration's reputation for secrecy after promising open government.

It comes 3 1/2 weeks after a state appellate court ruling questioned whether the records even exist. The ruling upheld a lower-court order last spring that Blagojevich dismantle the program he didn't have authority to expand.

Barring a Blagojevich victory on appeal to the Supreme Court, the information will be crucial as HFS tries to unravel what it's created.

The AP requested, among other things, the number of those signed up, the total amount of income-based premiums paid by participants — who might lose coverage after the court rulings — and the total spent.

“It should be readily available there for our staffs and the general public. Most other states actually give out (numbers of) enrollees by county,” said Rep. Frank Mautino, D-Spring Valley, chairman of the House Insurance Committee and co-chairman of the Legislative Audit Commission. “I can't

understand a denial of what should be public information.”

HFS rejected the request under exceptions in state freedom of information law for releasing information that could jeopardize an administrative enforcement hearing or data related to insurance “claims, loss or risk management information.”

Releasing the number of participants by county, the denial letter said, would violate federal and state laws against disclosure of “individually identifiable health information.”

HFS didn’t explain what administrative enforcement hearing is under way or how the other exemptions apply.

HFS Director Barry Maram has not returned calls from the AP, and his public information officer has failed to answer questions in e-mails and phone calls.

Lucio Guerrero, spokesman for the Democratic governor, did not return a call seeking comment.

Senate Insurance Committee chairman William Haine, an Alton Democrat, said Blagojevich is hurting himself because the data might help him convince the Democratic-controlled General Assembly to do what he wanted in the first place.

Blagojevich sought universal health care last year, but legislators said no. Then he focused on increasing eligibility for state-subsidized FamilyCare to an income level of \$83,000 for a family of four. A bipartisan legislative rules-making body said no — twice. Secretary of State Jesse White also said no.

Blagojevich proceeded anyway, claiming executive authority. Two prominent businessmen and a Chicago lawyer sued.

Now, Cook County Circuit Judge James Epstein has ordered HFS to explain how it’s going to disassemble the program, despite a possible Blagojevich appeal.

The administration hotly disputed the appellate court’s claim in September that the administration can’t identify participants, contact them, monitor payments or say where premium payments are and how much remains. HFS spokeswoman Annie Thompson said at the time HFS lawyers simply did not have the information on hand when Epstein requested it at an April hearing.

But none has been disseminated since.

Copyright © 2009 [GateHouse Media, Inc.](#) Some Rights Reserved.

Original content available for non-commercial use under a [Creative Commons](#) license, [except where noted](#).

<http://www.sj-r.com/archive/x270976399/Blagojevich-wont-reveal-health-program-data>

Chicago Sun Times

April 14, 2008 Monday
Final Edition

Gov refuses access to records on pardons he granted

BYLINE: Dave Mckinney, The Chicago Sun-Times

SECTION: NEWS; Pg. 12

LENGTH: 425 words

DATELINE: SPRINGFIELD

In an abrupt shift, Gov. Blagojevich 's administration won't open the books on dozens of pardons he has granted since taking office.

Executive clemency files maintained by the Prisoner Review Board typically show police reports, court records and letters of recommendation -- all accessible from the agency in the past.

But after criticism over two of his pardons last month, Blagojevich's administration rejected a Freedom of Information Act request from the Chicago Sun-Times seeking access to records tied to his 69 pardons and commutations.

'IT'S REALLY TROUBLING'

"Release of the information you seek would constitute an unwarranted invasion of personal privacy. Clemency files are confidential," wrote Kenneth Tupy, general counsel for the Prisoner Review Board.

The rejection, which the Sun-Times has appealed, did not state whose privacy would be invaded.

Blagojevich faced criticism for pardoning Chicagoan Chandra Gill from a felony battery conviction shortly before a private school she heads was mistakenly given a \$1 million grant by the administration. It was intended to help rebuild fire-ravaged Pilgrim Baptist Church.

The governor also was criticized for granting a pardon that expunged the felony of a former employee in his office, Sharon Latiker, convicted in 1992 of stealing \$17,000 from the city treasurer's office while she worked there.

Latiker's pardon came shortly before she launched unsuccessful bids to unseat House Majority Leader Barbara Flynn Currie, a top lieutenant to Blagojevich's chief legislative nemesis, House Speaker Michael Madigan.

In 2003, Blagojevich's administration allowed access to most of what was contained in executive clemency files at the Prisoner Review Board.

When former Gov. George Ryan cleared Death Row, the board also allowed reporters access to clemency files on the 167 inmates whose death sentences were undone.

Blagojevich spokeswoman Abby Ottenhoff declined to answer questions about the policy shift, saying the decision was the Prisoner Review Board's. Blagojevich appoints members to the board.

Tupy declined further comment on a decision First Amendment advocates ridiculed.

"When you look at this from 35,000 feet, it's really troubling," said Charles Davis, executive director of the National Freedom of Information Coalition. "We'll set up a system where we release convicted persons from

jail or forgive them from their crimes later, and we'll do it in a process that's exempt from scrutiny. That could just be rife with corruption. It's a favor-creating machine."

Comment at suntimes.com.

The Associated Press State & Local Wire

June 3, 2008 Tuesday 10:35 PM GMT

Gov won't back up claims his budget-support search succeeded

BYLINE: By JOHN O'CONNOR, AP Political Writer

SECTION: STATE AND REGIONAL

LENGTH: 771 words

DATELINE: SPRINGFIELD III.

Gov. Rod Blagojevich's administration claims hundreds of advocates favor his state budget ideas. But it's releasing just four responses it received to a taxpayer-funded effort aimed at building broad support for his plan.

The four endorsement forms, titled "I Support Governor Blagojevich's Plan to Jump-Start the Economy and Protect Illinois Families," were released by the Department of Human Services in response to an Associated Press request under the Freedom of Information Act.

Other state agencies, including the governor's office, cited privacy concerns for withholding documents in response to the AP's request, refusing to even acknowledge contacting anyone for support or receiving completed endorsement forms.

But when asked whether Blagojevich was disappointed with just four responses, spokeswoman Abby Ottenhoff said the administration received 1,500 signed forms supporting the governor's economic stimulus ideas, including a \$34 billion construction plan. She did not provide any documentation to support the claim.

Ottenhoff said the forms weren't made public because the people filling them out did not give permission to release them. But state law requires public documents that contain private information be released with the confidential data blacked out, which was done on three of the four forms released by DHS.

The AP reported in April that Blagojevich, who frequently has used tax money to advance his agenda, had mobilized state agencies to build support for his budget plan, including a \$300-per-child family tax credit and one-time 20 percent business-tax cut, expanded health care access financed by a \$417 million employer payroll tax, and the construction plan.

None of those ideas is included in the blueprint the General Assembly approved Saturday and sent to Blagojevich. The budget year begins July 1.

The AP sent public-records requests in April to a dozen offices for lists of who was contacted for support, letters or e-mails sent to them, and responses. Blagojevich's office's response was typical: it produced only publicity flyers, but no record of which individuals or organizations received them.

The office said it withheld "certain documents" under the privacy exception and another that exempts documents considered "preliminary," but didn't say which documents.

In its search for budget assistance, the administration targeted not-for-profit groups and other organizations it works with including those that get taxpayer-funded grants.

Ottenhoff said at the time the effort merely shared information, no strings attached.

But lobbyists and government watchdogs feared agencies that rely on state money would feel pressured to get behind the governor, particularly while a federal jury was hearing testimony in an influence-peddling trial in Chicago involving Blagojevich fundraiser Antoin "Tony" Rezko.

The jury continues to deliberate money-laundering and bribery charges against Rezko, accused of trying to milk campaign contributions and kickbacks from companies seeking state business or regulatory approval. Blagojevich has not been charged with wrongdoing.

Three of the four forms DHS released had identifying information blacked out. The other came from a program supervisor at Lawndale Christian Health Center in Chicago, which provides medical care to low-income residents. Lawndale received \$7.5 million in state funding this year, records show.

The supervisor, who did not return a call seeking comment, had indicated in a "Here is how I can help" box on the form that her name could be released to the media as a supporter. Other options in the box were speaking at a news conference, writing letters to legislators or newspaper editors, distributing information to a newsletter or volunteering at a publicity event.

Other agencies had curious responses to the public-records requests.

The Illinois Department of Transportation, which coordinates state building, said it had no documents even though the publicity materials had included information about the construction plan. That was only after first telling the AP its request regarding "the governor's budget proposals" could not be answered because, in part, the inquiry didn't specify what "type of budget" it meant.

Two other key agencies the Departments of Commerce and Economic Opportunity and Healthcare and Family Services also said the AP's April 17 question was "overly broad" under the law. Neither has responded to more specific inquiries.

The Public Health Department ignored AP requests for public records.

EDITOR'S NOTE: John O'Connor has covered Illinois government and politics for The Associated Press since 1998.

April 26, 2007 Thursday

Certain FOIA requests to governor fruitless

BYLINE: BRUCE RUSHTON STAFF WRITER

SECTION: NEWS; Pg. 1

LENGTH: 844 words

Gov. Rod Blagojevich likes secrecy.

During the past year, the governor has rejected at least five requests for records ranging from efficiency studies to subpoenas.

Twice, the state attorney general has said the governor is breaking the law. Twice, the governor has ignored the opinion of the state's top law enforcement official.

* In June, the governor refused to release a \$25,000 study on changes to the state motor-vehicle fleet that purportedly saved taxpayers more than \$8 million. Although Blagojevich trumpeted the conclusions in the report, he claimed it was a work in progress and therefore exempt from disclosure when reporters asked to see it.

* In July, Republican lawmakers asked for documents showing how more than \$850 million in the state budget will be spent. The governor has rejected their Freedom of Information Act requests.

* The governor's office has rejected FOIA requests for documents listing unsuccessful job applicants and their qualifications. The documents could shed light on whether veterans were passed over in favor of politically connected job applicants.

* Blagojevich has refused to release federal subpoenas that could show just how seriously his office is under scrutiny by federal investigators said to be probing questionable hiring practices.

* The governor says a study prepared for his office by an investment bank shows the state would reap a windfall by selling or leasing the state lottery to private interests, but he has rejected at least one FOIA request for the report. He claims it contains proprietary information.

Attorney General Lisa Madigan has said the governor is breaking the law by withholding subpoenas and hiring records, but her opinion doesn't count. Under state law, the only recourse is suing the governor, which can cost thousands of dollars.

"We shouldn't have to go this route," says state Sen. Christine Radogno, R-Lemont, whose request last summer for information on the state budget remains unfulfilled.

Radogno said her experience has convinced her that change is needed. Unless a citizen can afford a lawyer, she observes, there's no way to force public officials to release public records.

"Which means the law doesn't really work," Radogno said. "I think revisiting the law would be a great idea."

Radogno learned firsthand just how easy it is to keep secrets when she and state Rep. Ron Stephens, R-Highland, asked Blagojevich for documents clarifying how more than \$850 million in the state budget will be spent. The lawmakers also asked for paperwork related to borrowing plans.

The lawmakers wanted to know about things like a \$7.4 million appropriation for grants to local government. Or maybe the money will go to non-profit organizations, or perhaps educational facilities. The line item

mentions all these possibilities. Whoever gets the money appears to have a blank check, given that the budget says it can be used for "costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction ... vehicles ... economic development programs, educational and training programs, social service programs."

The Freedom of Information Act requires a response within seven days, but nearly a month passed with no response from Blagojevich. Only after Radogno sent a follow-up letter did she get an answer from the governor's lawyer - who refused to provide a list of projects or documents on borrowing.

In refusing to release the information, the governor's office cited an exception to the law that allows officials to withhold paperwork expressing opinions or policies that aren't final. The same exception also applies to General Assembly records used to prepare legislative documents.

Even if these exceptions could be used, secrecy isn't required. Rather, public officials can exercise the exceptions if they choose, according to courts that have rejected arguments that the law mandates secrecy.

"Obviously, government officials can still hide information," Radogno said. "We're not talking about matters of national security when we're talking about local and state government. I think the environment here in Illinois may encourage some changes to the law."

In California, Gov. George Deukmejian sparked a revolt by refusing to release his appointment calendar in the late 1980s. After a court sided with the governor, public officials started withholding records with increasing frequency, with backing from the courts. No more, said lawmakers, who unanimously asked voters in 2004 to amend the state constitution to prevent court-sanctioned secrecy. The measure passed by an 83-percent margin.

No one's banking on that kind of commitment to open records in Illinois, where Blagojevich has so far suffered no repercussions for refusing to release information. The Better Government Association and Judicial Watch have filed lawsuits against Blagojevich to get subpoenas.

Don Craven, attorney for the BGA, estimated it will be several months before the case is decided.

"The wheels of justice grind slowly," he said.

The Pantagraph (Bloomington, Illinois)

July 01, 2006 Saturday

Proof of \$5.3 million savings isn't being released

SECTION: OPINION; Pg. A6

LENGTH: 327 words

We're glad to hear the state says it has saved more than \$5.3 million by reducing its fleet of cars over the past two fiscal years. But the public has yet to see the proof. And the governor's office won't release the study that supposedly caused this savings.

There are reasons to be skeptical of the savings reported by reducing the state's fleet of 13,000 vehicles by 1,600:

- The study was started three years ago by Maximus Inc., a Virginia-based firm that has contributed \$25,500 to Gov. Rod Blagojevich's campaign fund and has contracts with a dozen state agencies.
- The same firm has received a one-year, \$60,000, no-bid extension of a contract to provide customized, proprietary software that tracks maintenance of state vehicles.
- The governor's office wouldn't release the study even after Lee News Service filed a Freedom of Information Act request for the report. The state claims the study is in draft form, so it's exempt from open records laws. We don't care if it's a draft, we'd just like to see how the savings was figured. The governor should welcome such verification.
- Major savings reported earlier by combining various administrative functions within the governor's Central Management Services office were inflated, according to the Auditor General's Office.
- Job-creation figures used by the state have been inflated.
- The claimed vehicle savings was released as the state prepares for its first major replacement of up to 500 state police cars since Blagojevich took office. The cost is about \$8 million.

From what we've seen, replacement of some state police cars are long overdue. So, the public deserves some assurance that this secretive program is saving money and that it is being used as a fiscally responsible guide to replace vehicles.

State denies records requests on prison attack

Corrections officials

stymie efforts to find

out how it happened

BY JIM BUTTS

SVS REPORTER

jbutts@svnmail.com

Dixon Correctional Center employees complained publicly in April about understaffing at the prison, faulty equipment and blind spots in hallways.

They wanted to counter campaign-season claims by Gov. Rod Blagojevich's administration that Illinois prisons were getting safer while budget cuts caused staffing levels to fall. Most of all, they warned that a serious incident like an escape or a killing was inevitable if staffing levels remained low.

One month later, their concerns became reality.

On May 11, shortly before 12:45 p.m., John R. Spires, a convicted rapist serving a 240-year sentence, grabbed a female prison psychologist in the prison's psychiatric wing. According to court records, Spires dragged the woman to a storage closet where he barricaded himself, threatening to harm her with an improvised metal blade.

During the 25-hour standoff that ensued, police and prosecutors contend Spires raped his hostage before she was eventually freed. He was charged with forcible detention, armed violence, aggravated kidnapping and two counts of aggravated sexual assault.

In addition to following the case through the court system, Sauk Valley Newspapers has been trying to determine how this incident happened, and why the warnings of prison guards a month earlier were not heeded.

Working through the process outlined by the Illinois Freedom of Information Act, this newspaper has repeatedly requested information from the Illinois Department of Corrections about the incident - how it happened, what contributed to it and how it may be prevented in the future - as well as general information about the security situation at Dixon Correctional Center, which employs more than 500 area men and women.

In response, the IDOC has either denied the requests or given out "as little information as possible," said SVN Publisher Trevis Mayfield.

"The response is disappointing. It is ridiculous that the Department of Corrections thinks the

taxpayers don't deserve to know what's going on inside that fence," Mayfield said. "Ultimately it boils down to accountability. Government should be accountable to the taxpayers."

On Aug. 31, the paper filed its first Freedom of Information request, asking for the number of staff on duty the days of the hostage situation, why the man accused in the incident was apparently allowed to walk freely in the prison, and the overall number of assaults on staff by inmates.

On Sept. 25, the state denied SVN's request for specific information about Spires, the 51-year-old inmate convicted more than 20 years ago of four rapes in Cook County, who was reportedly allowed to work as a janitor prior to the hostage situation.

The IDOC denied the request because he is the subject of an ongoing investigation. Also, much of Spires' personal information is confidential and protected from Freedom of Information Act requests, the IDOC said.

Mayfield said the public deserves to know why a convicted rapist was "walking freely in that prison."

The initial information request also asked for details about staffing conditions the days of the hostage situation. Specifically, SVN had requested information on how many staffers were working, their hours and where they were posted from May 11 through May 13.

IDOC Spokesman Derek Schnapp said releasing the information would pose a security risk.

"We're puzzled by how releasing information on the number of staff on duty during an incident that already has happened could pose any type of present or future security risk," said SVN's Executive Editor Robert Berczuk. "By using phrases like 'security risk,' the state merely is hiding behind bogeyman language instead of providing us relevant information the public has a right to know."

The paper filed a second Freedom of Information request on Oct. 30, seeking the total number and details on all inmate-on-staff assaults at the Dixon Correctional Center during the last 10 years. It also requested a list of all Freedom of Information requests related to the Dixon Correction Center that the IDOC has received during the same time period.

Inmate-on-staff assault statistics have been highly debated between government officials and the American Federation of State County and Municipal Employees, the union which represents prison workers. Blagojevich has pointed to the numbers as proof Illinois prisons are getting safer, even as the number of staff falls. Union officials say the falling assault statistics aren't accurate.

The IDOC's response to the second request gave only a yearly number of assaults - an average of about 25 assaults annually the past 10 years and an average of about 22 assaults on staff over the past five years. The state also provided a list of each Freedom of Information request it has received, but no details on the requests other than the person requesting the information and whether the request was fulfilled or denied.

The IDOC has yet to respond to SVN's request for details of each assault at the prison.

On Dec. 1, the paper filed an appeal of the second request, specifically citing how the partial response by the state was not sufficient. No written response from the IDOC has been received by the paper, as required by the act; however, Brian Fairchild at the IDOC's Freedom of Information office told the SVN reporter who made the request that it has been sent to Schnapp, the department's spokesman.

When Schnapp was contacted, he said he was surprised the request was sent to him, and that it could be "quite a research project."

Schnapp gave no time period for when the request may, if ever, be fulfilled.

"It seems to me that they are taking the approach that if they are drag it out long enough, we will forget and go away," Mayfield said. "That won't be the case. We know our obligation as a steward of the community. We will continue to press the issue."

What is the Freedom of Information Act?

Illinois' Freedom of Information Act is intended to open the government to all citizens by guaranteeing access to governmental records in whatever form they are maintained. The Act maintains a clear preference for access to public documents while still protecting legitimate governmental interests and the privacy rights of individual citizens.

The principal mandate of the Act provides that "(e)ach public body shall make available to any person for inspection or copying all public records." The remainder of the Act implements this requirement.

Source: Illinois Attorney General's office

For more information about the act, and how it works, log on to: www.illinoisattorneygeneral.gov/government/foia_illinois.html

Reach Jim Butts at 625-3600, 284-2222 or (800) 798-4085, ext. 570.

EMBARGOED UNTIL 4 p.m. Sept. 21, 2006
September 21, 2006

Contact: David Porter
217-241-1300

IPA honors top access offenders with “Worst Awards”

SPRINGFIELD — The Illinois Press Association today identified the worst offenders in the state when it comes to the Illinois Open Meetings Act and the Illinois Freedom of Information Act.

News reports throughout the year show that the governor’s office has a tendency to make claims without releasing supporting documentation. While those stories make statewide news, many of the worst offenses were local issues including the Niantic Village Board, which liked to schedule after-meeting meetings at Uncle Monkey’s and other drinking establishments.

IPA Board Member Larry Green, president/publisher of Pioneer Press newspapers and chairman of the IPA’s government relations committee said the “Worst Awards” were created to underscore the importance of compliance with the two laws.

“Despite increased vigilance by our organization, the Attorney General’s office and other watchdog groups, the abuses of these two access laws continues to escalate,” Green said. “These ‘awards’ identify the worst offenders each year. We hope that this will help to curtail future abuses.”

While only 10 violators in each category were identified, there are hundreds of examples throughout the state, said Doug Ray, president and CEO of the Daily Herald in Arlington Heights and president of the IPA. “Despite all the work that this organization (the IPA) does to combat abuses of both the OMA and FOIA, the problem continues to spiral out of control,” Ray said.

Dave Bennett, executive director of the IPA, announced the awards as part of the association’s annual news-editorial convention. The IPA has worked to help educate people about these acts, but the violations don’t seem to be decreasing, he said. “Perhaps these awards will bring enough notoriety and embarrassment to the violators that it will help to stem the tide of this dangerous trend,” he said.

P. Carter Newton, publisher of The Galena Gazette and president-elect of the IPA, noted that as a private association, the IPA doesn’t have the authority to hold violators accountable. “But at least we can identify the abusers,” he said. “These awards call attention to the most serious violations that occur each year in a way that represents a form of reprimand to the violators.”

The 2006 top 10 lists will be available for download on the IPA's Web site at www.illinoispress.org.

The IPA is the largest state newspaper association in the United States with more than 600 daily and weekly newspaper members.

Freedom of Information Worsty honorees

1. Trust me

Governor Rod Blagojevich claims the state has saved \$5.3 million by reducing its fleet of cars, according to the study. But the governor isn't releasing the study. Newspapers have pointed out that the Virginia-based firm that did the study contributed \$25,000 to the governor's campaign and has a \$60,000 no-bid extension on a state contract. They also have pointed out that previous savings were inflated, according to the Auditor General's office and that the "savings" preceded an \$8 million expense for police cars.

2. A "hire" power

After the governor's office was criticized for its hiring practices, veterans organizations requested information regarding eligibility lists so they could see if veterans or minorities were skipped over. The governor's office has withheld the information citing non-specific "privacy laws."

3. Problem? What problem?

Harvey city officials hit on a unique way to hide its fiscal problems. Don't do the paperwork. When local newspapers couldn't get financial information from the city, they found that required paperwork hadn't been filed with the state. When the *Daily Southtown* in Chicago finally received payroll records, only two weeks worth of the three years requested were delivered.

4. Shhhh!

A Des Plaines alderman was accused of sexual harassment by a former city employee, but the lawsuit was dropped following a secret settlement. The Journal & Topics Newspapers sought details of the settlement through the FOIA. "Elected officials ... need to step up to the plate and represent the interest of those they serve. Stop hiding behind a veil of secrecy," an editorial in *The Niles Journal* pleaded.

5. Those pesky reporters

In East St. Louis, School District 189 balked at disclosing the salary of its new superintendent. "I'm not comfortable disclosing salary," a spokesman said. "That's up to her to do." Actually, the *Belleville News-Democrat* pointed out, it's the law.

6. Freedom of information law is black and white

When a Benton attorney asked the city of Springfield for documents relative to the ratio of minority employees hired by the city, his request was denied on the belief that

he wanted to use the information in a pending lawsuit. He represents black employees of the city and was involved with three discrimination lawsuits, according to *The State Journal-Register*, Springfield.

A circuit court upheld the denial although the attorney said he did not want the information for his lawsuits and that a federal judge already ruled that the information could not be used in the pending lawsuits. The 4th District Appellate overturned the circuit court decision and said that the city cannot deny information to one person that it would be required to release to someone else.

7. University seeks to shield personnel contracts

The *Anna Gazette-Democrat* and *The Southern Illinoisan*, Carbondale, were denied access to employment contracts of SIUC President Glenn Poshard and four other university employees. In denying the request, the university cited an “invasion of privacy” exemption. The attorney representing the newspapers said that the state constitution requires disclosure of any contract that requires public funding.

8. Whose line-item is it, anyway?

State Representative Ron Stephens and State Senator Christine Radgno were forced to file a freedom of information request in an attempt to identify \$500 million in unidentified money from the 2006 state budget. Most of the money that Stephens and Radgno wanted to know about was listed in the budget as being for grants and loans to the Department of Commerce and Economic Opportunity....but the budget did not specify the purposes of the grants and loans.

Stephens and Radgno stated that they did not want unspecified monies to be used by the Governor’s administration in a “political way”. The Governor announced a week earlier that he was directing \$5 million in the state budget to stem-cell research. The money came from a budget line item for “medical programs”.

9. Prison study under lock and key

State Senator John O. Jones filed a FOI request for a copy of a highly publicized prison staffing study. The Illinois Department of Corrections had ignored each of Jones’s earlier requests for a copy of the \$440, 000 study. In denying the request, the Department of Corrections admitted that it was “revising” or “adding to” the original report as submitted by the Harvey M. Rose Accountancy Corp.

10. The cancer keeps growing

When the *Southern Illinoisan* in Carbondale wanted to know whether neuroblastoma, a malignant, cancerous tumor that affects mostly infants and young children, was occurring in clusters, they sought geographic information about the disease from the Illinois Department of Public Health. That was in 1997.

The Southern Illinoisan prevailed in its lawsuit compelling the release of that information, but it took nearly nine years. The IDPH told the newspaper that it was trying to protect patient confidentiality, but the Southern Illinoisan said it never had any intention of disclosing the identities of anyone.

Open Meetings

1. Monkey business

The Niantic village president wanted to stop monkey business after board meetings. According to the *Decatur Herald & Review*, the village president informed the Macon County State's Attorney Office that some members of the village board routinely head to local taverns such as Uncle Monkey's or Christine's after regularly scheduled meetings.

A March 2006 meeting notice announced that some members of the board "may go Christine's or Uncle Monkey's after a regularly scheduled meeting and that village business may be discussed during the purely social gathering."

Board members believed that by notifying everyone of a possible "meeting after the meeting", they had complied with the open meetings law. In recent notices, they had even included an agenda of sorts, with agenda items that included photos of recent vacations.

2. Open and shut case

The Daily Chronicle in DeKalb said that its City Council tried to take care of Open Meetings requirements by simply opening the door during a closed session, taking a vote, and then closing the door again. A review of the meetings minutes validated the claim, which was criticized by Terry Mutchler, public access counselor with the Attorney General's office. "Opening a door doesn't automatically open a meeting," she said.

3. I hate it when that happens

Gov. Rod Blagojevich's hate crimes commission attempted to meet without the press to provide a "safe environment" where commissioners could "air their opinions and have a constructive discussion," according to the *Chicago Sun-Times*. The media would be given an agreed-upon press release following the meeting. Attorney General Lisa Madigan said such a meeting would be illegal.

4. Closed encounters of the worst kind

In August, the *Wednesday Journal* reported that, "The more we cover Triton College, the more concerns we have." Minutes from the past 22 monthly public meetings of the Triton College Board of Trustees revealed no reporting of any of the closed door meetings. In addition, the board had not recorded any roll call votes required for going into closed session.

5. The state of delusion

The DeKalb City Council makes the list again. It scheduled a "state of the city" meeting and invited 175 people, but not the public. *The Daily Chronicle* reported that the mayor said the meeting is about "things that we've accomplished ... It's really not an official meeting." He added that there was no room for the public to attend.

6. Step closer to the mic, please

The Daily Journal, Kankakee, reported that the City Council attempted to ban taping of council and committee meetings. The effort was ditched after Terry Mutchler,

public access counselor, informed the city that it could not prevent the taping of a public meeting.

7. Crowd control

According to a Caledonia resident the Village of Caledonia deviated from the established practice of holding village board meetings in the garage of Caledonia Fire Station by moving a March 2006 meeting to a smaller office space next to the fire station.

The move came on an evening when the village was to discuss a controversial proposed subdivision development. When asked by the *Belvidere Republican* if maybe the board didn't realize they would have a big crowd the concerned citizen replied that the president of the village board felt like she needed the sheriff to be there. "You can't say you had no idea (there would be a big crowd) when you thought to have a deputy stand behind you the entire meeting."

8. Who's on first?

The News-Democrat, Bellville, reported in March, that the Stookey Township trustees may have violated state law by voting secretly to approve purchases totaling nearly \$3 million in property for a future park.

Some township leaders said purchases were discussed in closed session, and then meetings were moved to open session for votes on purchases. Others said they did not realize votes in open session are necessary. Still others are unsure of the status of the sessions in which votes were taken.

9. Acting secretly in public

District 181 School Board members in Clarendon Hills and Hinsdale came out of closed session and voted on "approval of all certified items and classified items ...". According to the *Clarendon Hills Doings*, the board president said that's the way business has always been done, with no public acknowledgement of what the board was voting on.

10. A meeting is a meeting is a meeting

The Villa Park president created a committee to review the village's budget and to make recommendations, but failed to post the meetings and said that they were closed to the media. She told the *Lombard Spectator* that the committee was a "blue ribbon committee" and that the meetings were a "retreat."

When questioned about the legality of closing a committee meeting to the public, the village board president stated that the committee would go public, "when the recommendations come out," but no sooner. To add insult to injury the village board president proclaimed to the newspaper that the new budget review process would not be open to the press or the public in the future.

Chicago Sun Times

May 28, 2006 Sunday
Final Edition

GOP leaders: Show us the lottery math: Gov won't release study that lease or sale could yield \$10 billion

BYLINE: Dave McKinney, The Chicago Sun-Times

SECTION: NEWS; Pg. A03

LENGTH: 396 words

DATELINE: SPRINGFIELD

SPRINGFIELD -- Top Republican leaders are calling on Gov. Blagojevich to release an investment banking firm's study to show how it concluded the state could reap \$10 billion by selling or leasing the lottery.

"We believe it is imperative that the Legislature and the public have an understanding of the basis and assumptions for the \$10 billion projection," said Senate Minority Leader Frank Watson (R-Greenville) and House Minority Leader Tom Cross (R-Oswego) in a letter sent to the governor on Friday.

Goldman Sachs crunched the underlying numbers Blagojevich used last week to propose putting the lottery into private hands and channel all of the proceeds into education spending.

The governor's proposal arose as part of a deal he brokered to get state Sen. James Meeks to drop his potential third-party gubernatorial bid this fall and has drawn skepticism over its math.

If re-elected, Blagojevich would earmark \$4 billion from the lottery's sale or lease for schools during his next term. The remaining \$6 billion would go into an annuity that would generate \$650 million annually until 2024, replacing the state's yearly lottery take, according to the plan.

A spokeswoman for Blagojevich's budget office said the administration does not intend to release the Goldman Sachs report, noting it is "proprietary," in "draft" form and not subject to the state Freedom of Information Act.

"Releasing their work would be the equivalent of releasing a road map to bidders on how to bid less, and that doesn't make sense," said Becky Carroll, a spokeswoman for the state Office of Management and Budget.

Carroll said Watson and Cross' request for the Goldman Sachs report, which was done at no cost to the state, is a "diversionary tactic."

"Watson and Cross ought to stop complaining about everything and start coming up with their own ideas for education if they don't like this one, or admit they don't care about education," Carroll said.

A Watson aide condemned the administration for circling the wagons in the face of questions.

"Unfortunately, that's the governor's stock answer when anyone ever questions a plan," Watson spokeswoman Patty Schuh said. "The taxpayers of Illinois deserve to know how they arrived at a \$10 billion figure.

"Are they admitting they don't have a plan, and schoolchildren are just supposed to go with a lick and a promise?" Schuh said.

dmckinney@suntimes.com