



July 23, 2019

VIA E-MAIL

Mr. Kevin McMahan
Dupage County Public Defender's Office
Email: Kevin.McMahan@dupageco.org

RE: 19-FOIA-184 Metra Inquiries

Dear Mr. McMahan:

We are in receipt of your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA").

I. Background

On July 9, 2019, we received your request answers to the following questions: **1)** What was the exact date that Metra was incorporated; and **2)** Why is Metra allowed to permit it's [sic] passengers to drink alcohol on their trains, in light of the fact that 610 ILCS 90/1 prohibits consumption of intoxicating liquor on trains – "610 ILCS 90/1 [Penalty for drinking of intoxicating liquor or being intoxicated] Any person who shall drink any intoxicating liquor, or who shall be intoxicated, in or upon any railroad, smoking car, parlor car, day coach, interurban car or caboose car, in use for the transportation of passengers, or in or about any railroad station or platform, shall be guilty of a Class C misdemeanor" ("**Request**").

The FOIA is intended to provide Requestors with "[a]ll records in the custody or possession of a Public Body... [for] inspection or copying." 5 ILCS 140/1.2. Your Request does not identify any specific public records you wish to inspect or copy. As such, your Request is denied.

II. Denial

Your Request is denied inasmuch as it solicits answers to specific questions as opposed to requesting public records. Section 1.2 of FOIA provides in pertinent part:

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2.

Section 3(a) of FOIA provides:

"Each public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act...

(b)...each public body shall promptly provide, to any person who submits a request, *a copy of any public record* [emphasis added] required to be disclosed by subsection (a) of this Section..." 5 ILCS 140/3(a).

Section 2(c) of FOIA provides in part:

“Public records’ means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.” 5 ILCS 140/2(c)

You have not identified any public record(s) which you wish to inspect or copy. As such, and based on the aforementioned provisions of FOIA, Attorney Keith Pardonnet has determined that denial of your Request is appropriate.

III. Right of Review

You have the right to have the denial of your Request reviewed by the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,



Angela K. Ollie
Freedom of Information Officer
FOIA@metrarr.com
FOIA Hotline #312-663-3642