



Village of Round Lake

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www.eroundlake.com

September 15, 2022

Kenneth J. Ashman
2801 Orange Brace Road
Riverwoods, IL 60015
KAshman@ashman.law

Re: FOIA Request

Dear Mr. Ashman,

Thank you for writing to the Village of Round Lake (“Village”) with your request for information pursuant to the Illinois Freedom of Information Act (“FOIA” or the “Act”), 5 ILCS 140/1 et seq. This letter serves as the Village’s response to your FOIA request dated August 24, 2022, in which you requested the following:

1. All Documents and Communications related to the Property, including but not limited to those to/from the Mayor, any individual Board member, or any other official of the Village of Round Lake.
2. All Documents and Communications explaining the circumstances under which the Village of Round Lake came to consider the Property as Village-owned and to list the Property for sale for \$150,000.
3. All Documents and Communications related to Powell, including but not limited to those to/from the Mayor, any individual Board member, or any other official of the Village of Round Lake.

Additionally, you defined the “Property” to mean “that real property located at 0 Nippersink Road, Round Lake, Illinois (PIN 0629218015).” And defined “Powell” to mean “Daniel Powell and all entities in which he has an ownership and/or managerial interest, including but not limited to those acting on behalf of or as an agent of Powell, such as his or his entities’ counsel.”

The Village recently appointed a new clerk to fill a vacancy and she also serves as the designated FOIA officer. Normally the Village receives its FOIA requests on the form provided by the Village to help organize and keep track of the FOIAs received. We acknowledge that any written request for documents to the Village shall be treated as a request under FOIA, however the new clerk did not realize this until it was brought to her attention. She is now being educated that FOIAs can come in a variety of formats.

The Village recognizes you have requested the documents in anticipation for the September 19, 2022 meeting and the Village wants to comply by providing the records requested by your timeline of September 15th. However, a couple of your requests are vague, and the Village is not sure what records to search for, or for what period of time.

1. As to your request for 1: Are you requesting documents from a specific time frame? Additionally, are you requesting documents relating to the Property as they relate to a specific matter?
2. As to your request for 2: The current website lists available property through the economic development page: [Round Lake Economic Development](#). The document center under Exhibit F is old and the header to the document center area should be "All Available Commercial Property." The list is a combination of both Village owned and privately held property. Seven (7) of the properties are not Village owned and three (3) are, along with the Village owned parcels combined. As far as the list price of \$150,000, because it is not Village owned property, the Village did not arrive at the amount. The realtor for that property submitted a listing from the MLS (the document attached) for the website.
3. As to your request for 3: Are you looking for documents pertaining to a certain property or specific matter regarding Powell? Additionally, are you requesting documents from a specific time frame?

Pursuant to Section 3(e) of FOIA, the parties "may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the public body agree to extend the period for compliance, a failure by the public body to comply with any previous deadlines shall not be treated as a denial of the request for the records." 5 ILCS 140/3(e).

The Village respectfully asks for an extension of time and invites you to clarify your original request by limiting it to a period of time or focusing on a particular subject. This discussion could help the Village is getting you the requested documents before the meeting on September 19, 2022.

Sincerely,



Village of Round Lake
Village Administrator