



VILLAGE OF MERRIONETTE PARK

11720 South Kedzie Avenue
Merrionette Park, Illinois 60803
708-396-3183 • FAX 708-396-3890
www.merrionettepark.org

November 13, 2019
VIA Email
[REDACTED]

Re: Freedom of Information Act Requests

Dear Sir or Madam,

Thank you for writing to the Village of Merrionette ("Village") with your request for information pursuant to the Illinois Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.* ("FOIA")

On October 29, 2019, you submitted a FOIA request asking for the following documents:

1. A copy of any and all email communication between former police officer Michelle Cipriani [REDACTED] and Merrionette Park police commander Anthony Benigno's personal email accounts [REDACTED] and [REDACTED]. More specifically a request for Anthony Benigno to act in his official capacity and contact Deputy Chief Salvador Rodriguez from the village of Forest View between the dates of November 1st 2018 and August 31st 2019. The contact is in reference to a pre-employment background check for former police officer Michelle Cipriani.
2. A copy of any and all email communication and attachments between Salvador Rodriguez (email domain @forestview-il.org) and Merrionette Park police commander Anthony Benigno's personal email accounts [REDACTED] and [REDACTED]. More specifically between the dates of November 1st 2018 and August 31st 2019. The contact is in reference to a pre-employment background check for former police officer Michelle Cipriani.
3. A copy of any and all email (personal or village issued) or written communication to any member of the Merrionette Park police department or municipal employee received from a police department representative of the village of Forest View (email domain @forestview-il.org) between the dates of November 1st 2018 and October 28, 2019. The communication being requested is in regard to a request to review the personnel file of former police officer Michelle Cipriani.
4. A copy of the executed Forest View release forms titled "BACKGROUND INVESTIGATION GENERAL RELEASE FORM" provided by the Village of Forest View and signed by former police officer Michelle Cipriani on August 8th, 2019 and on any other date prior to August 8th 2019. The release forms may have all data redacted except the full names of public employees, date of signature and date of receipt if available.

On November 5, 2019, the Village sent you a five extension letter to today's date. Pursuant to FOIA, today's date is the proper response date as the Village was closed for Monday, 11/11/2019, Veteran's Day and did not conduct any business.

Your request is granted in part and denied in part. Request Number 4 is granted. *See, Bates, 1*. In regard to Request Numbers 1 and 2, a search of Anthony Benigno's personal and Village issued emails has determined that there are no responsive emails. The Village is releasing text messages that are responsive to Request Number 1. *See, Bates, 2 – 14*. The Village is releasing the records that are responsive to the request to you at no charge. The responsive documents are subject to the following FOIA exemptions:

1. **7(1)(b):** Personal telephone numbers, state identification numbers, driver's license numbers, social security numbers, medical information, signatures, personal financial information, license plate numbers, insurance policy information, VIN numbers, and home addresses. Section 7(1)(b) exempts from inspection and copying "private information, unless disclosure is required by another provision of [FOIA], a State or federal law or a court order." 5 ILCS 140/7(1)(b).
1. **7(1)(c):** Personal information such as family members and relationships, insurance coverage information, tax information, personal bank information and accounts, vacation or sick leave, employment application information not related to job duties. 5 ILCS 140/7(1)(c) *See e.g., State Journal-Register v. Univ. of Illinois Springfield*, 2013 IL App (4th) 120881, ¶ 38, 994 N.E.2d 705, 715. *See*: 26 U.S. Code § 6103. The degree of invasion of personal privacy is substantial and the public interest in disclosure is slight.
2. **7(1)(f):** 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. 5 ILCS 140/7(1)(f).

Regarding Request Number 3, we are notifying you that your request is unduly burdensome. The Village would need check the official and private emails of the 8 elected officials, 103 current employees and numerous former employees for any reference to the a personal file or Michelle Cipriani for a 12-month period. For the Village to review this enormous number of documents and data to determine if the requested search terms are included in the body of an email would unduly burden the operations of the Village. As such, the Village, in accordance with FOIA, is extending you the opportunity to confer in an attempt to reduce this unduly burdensome request to manageable proportions.

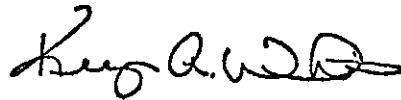
You have the right to have the City's denial of your FOIA request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General:

Public Access Counselor
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706
Phone: (877) 299-3642

You also have the right to seek judicial review of the denial under Section 11 of the Illinois Freedom of Information Act.

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. 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kevin A. Walsh", written over a horizontal line.

Village of Merrionette Park
Freedom of Information Officer



GARY WISEMAN JR.
Chief of Police
EMERGENCY: 911
Business: 708.788.2119
Fax: 708.788.2110
gwiseman@forestview.il.gov

BACKGROUND INVESTIGATION GENERAL RELEASE FORM

In connection with my application for employment (including contract for service) with Village of Forest View, I understand that investigative inquiries are to be made on myself including consumer credit, criminal convictions, motor vehicle, and other reports. These reports will include information as to my character, work habits, performance and experience along with reasons for termination of past employment from previous employers. I understand that the Village of Forest View will be requesting information from various federal, state, and other agencies that maintain records concerning my past activities relating to my driving, credit, criminal, civil, education, and other experiences. I recognize further that the Village of Forest View may conduct a periodic background investigation during the course of my employment exclusive of a consumer credit report in connection with any workplace investigation.

I authorize without reservation any party or agency contacted by the Village of Forest View to furnish the above mentioned information.

I understand to aid in the proper identification of my file or records, the following personal identifiers, as well as other information, is necessary. This information is being sought for the sole purpose of performing a lawful background check in connection with the employment process.

(Please print legibly)

Print Name:

Michelle Capriani

Social Security Number

Date of Birth:

Current Address:

City:

State:

IL

Zip Code +4:

60453

Former Address:

City:

State:

IL

Zip Code +4:

60455

Applicant:

Today's Date:

08 AUG 2009

10:46

Phone

LTE



Michelle >

Sun, Dec 30, 9:39 AM

Good morning

I hope the holidays were good to you

I wanted to give you heads up I interviewed for a job with Forest View Police. I was hired and they wi

Il probably be doing my background. I will still be at Willow as well. I would be putting your name down considering your new Chief doesn't know me.

Absolutely

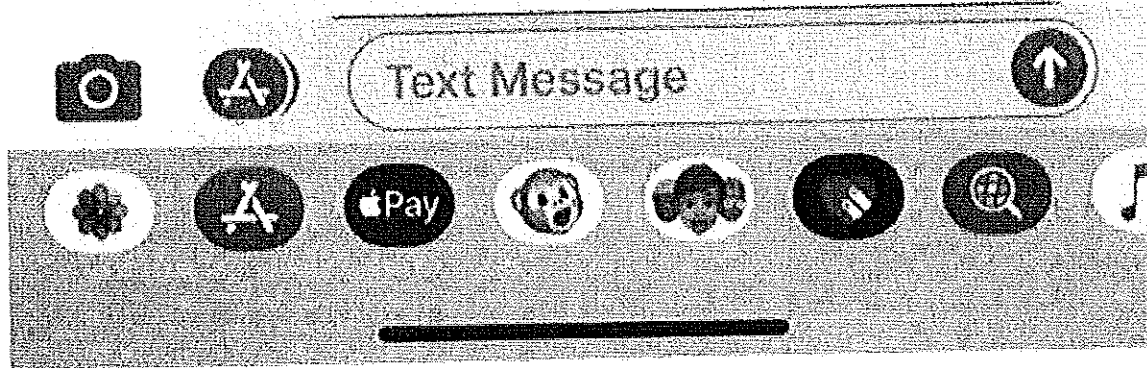
What's at Forest View Police full time

Well there is a possibility Willow changed their requirements to Associates degree so I am out even though

0002

they love me and i have had great
success the

re they haven't changed
requirements to associates or
experience...lol

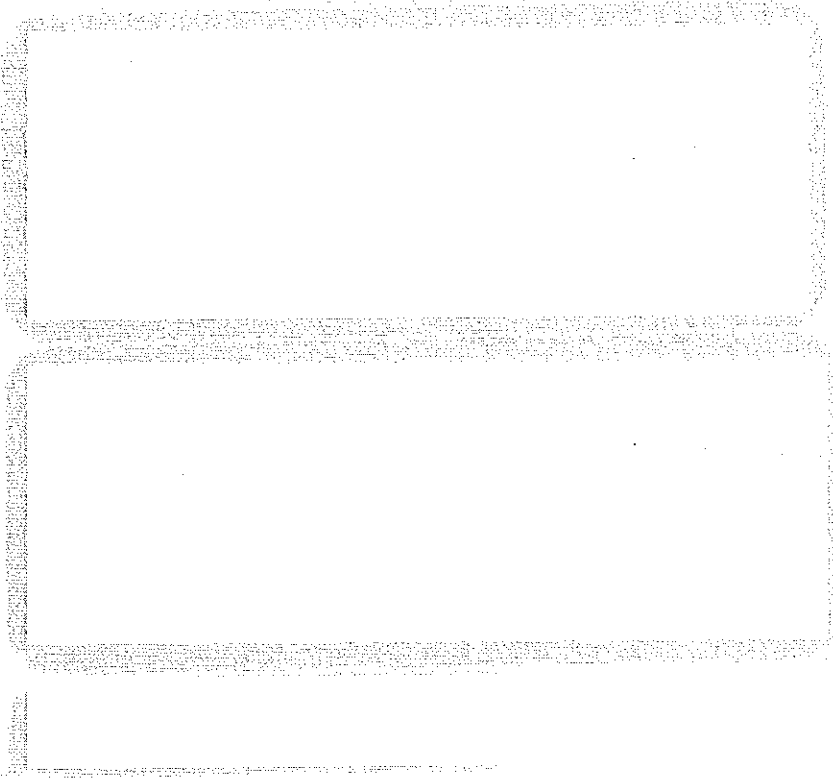


10:46
Phone

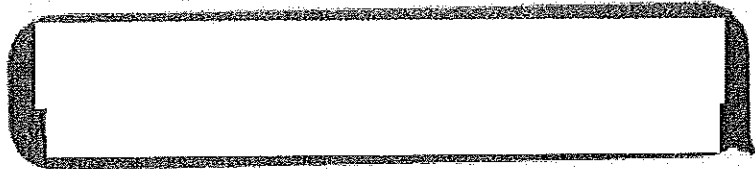


Michelle >

That's good how's the family and
your son



Sun, Dec 30, 12:18 PM



Sun, Dec 30, 2:33 PM

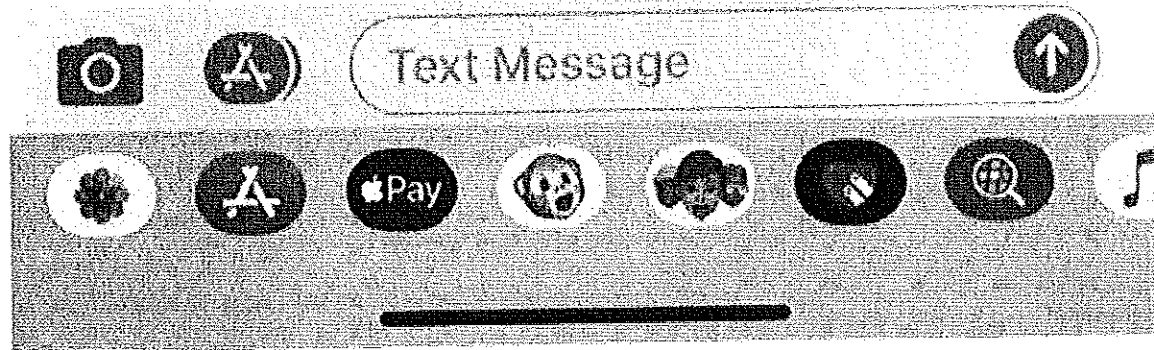
Thank you 😊

0004

How is your family doing?

Ok

Isn't scary.....lol



10:47

Phone

LTE



Michelle >

Yes it's crazy

Sat, Jan 12, 4:55 PM

Michelle I never got a call from Forest View Police and if I did, I did not get it. Have him call my cell

Okay I will look to see what number I gave

They have hired me

Another buddy that works there Vouched for me so maybe that's all they needed

0006

Ok good

Wed, Aug 7, 5:22 PM

1/2 Hello Anthony
Congrats on your promotion.
I just wanted to know when you

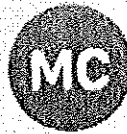


Text Message



1:33

LTE



Michelle >

Sat, Jan 12, 4:55 PM

Michelle I never got a call from Forest View Police and if I did , I did not get it . Have him call my cell

Okay I will look to see what number I gave

They have hired me

Another buddy that works there Vouched for me so maybe that's all they needed

Ok good

Wed, Aug 7, 5:22 PM

1/2 Hello Anthony
Congrats on your promotion.

0008

I just wanted to know when you
will be in next???? My DC at Forest
View

Wants to come and talk and see
my file

2/2 .

I finally have an opportunity for full
time. I advised you have new
bosses but that you worked with
me and would know my work

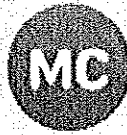


Text Message



1:33 ↗

LTE 





Michelle >

2/2 .

I finally have an opportunity for full time. I advised you have new bosses but that you worked with me and would know my back ground

Thu, Aug 8, 12:04 PM

Hello Michelle how are
congratulations on your in full time
job . 

 if he
wants to talk to me I am working
Saturday morning and Sunday
morning 6 till noon

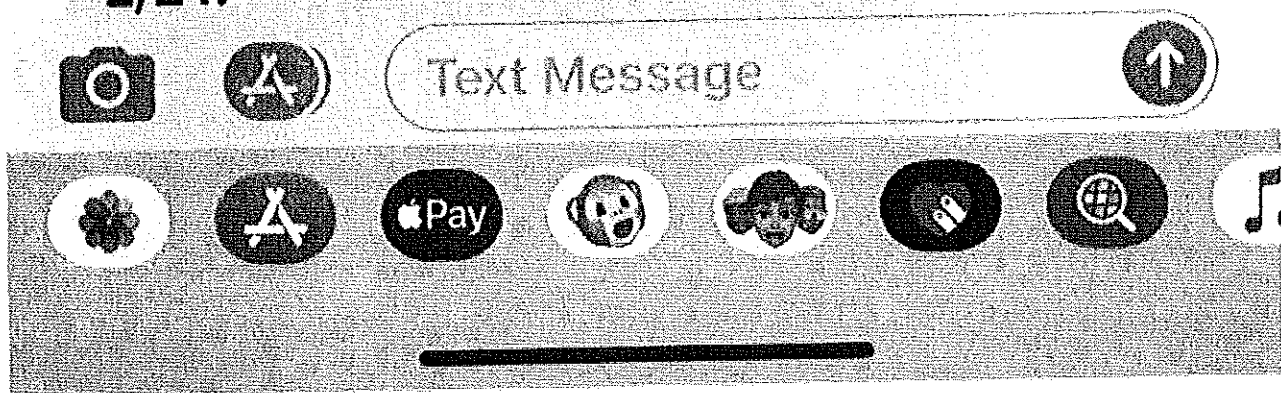
Great thank you I will let him

know. 😊

1/2 Hello again...lol

So my Deputy Chief will not be able to see you on the weekend he wanted to know if you would write a reference letter about my character

2/2 r.



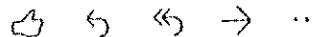
⏪ Reply all ✓ 🗑 Delete 🚫 Junk 🚫 Block ...



AB

ANTHONY BENIGNO

Wed 10/30/2019 1:35 PM
John Palcu ✓



1:34



Michelle >

2/2 r.

If you had the time to do that his email is

SalvadorRodriguez@forestview-il.org

This process hasn't been easy and I know this is last minute. I appreciate your time very much!

Please let me know if you cannot because he will ask me

Let me work on that this weekend!



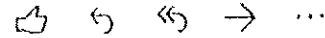
Sun, Aug 11, 1:05 PM

⏮ Reply all ⏭ Delete ⏹ Junk Block ...



AB

ANTHONY BENIGNO [REDACTED]



Wed 10/30/2019 1:35 PM
John Palcu ✓

1:35 ↗



Michelle >

Let me work on that this weekend



Sun, Aug 11, 1:05 PM



Oh they didnt give it to you

I understand my file

No



Text Message



Sent from my iPhone