



July 16, 2019

**VIA E-MAIL**

Mr. Paul Blonski  
K.B. Electric Services, Inc.  
Email: [bids@kbelectricservices.com](mailto:bids@kbelectricservices.com)

RE: 19-FOIA-158 Projects re Accel Construction Services Group, LLC

Dear Mr. Blonski:

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 June 14, 2019, we received your request for documents and communications related to all past and current contracts [and] projects with Accel Construction Services Group, LLC, including, but not limited to the Cary Metra Station Project and Prairie Crossing Warming Shelter Project. The documents you requested were: 1. All bidding, source selection, contract negotiations, and contracts award by the Metra; 2. All Contractor Licenses / Application and supporting documents; 3. All Subcontractor Licenses / Application and supporting documents; 4. Copies of all Payment Bonds and Performance Bonds; 5. All proposed or actual agreements or arrangements with or communications regarding proposed schedule for completion for the projects and changes to the schedule for the projects; 6. All diaries, logs, punch lists, inspection reports, daily reports, change orders Amendment of Solicitation/Modification of Contract, field directives, acceptance of final contract or other similar documents with respect to the project prepared by the Metra personnel or obtained by Metra personnel from other entities, individuals or agent involved in this project; 7. All draw request and or demands for payment on projects; 8. All Schedule and detail of payments made to all Contractors and or Subcontractors, including but not limited to what amount was paid, when payments were made, to whom payments were addressed, copies of the front and back of checks and any information related to the financial institution which Contractors and Subcontractors used; 9. Copies of all Waivers supplied for projects; 10. Copies of all Certified Payroll records submitted for projects; and 11. The number of records that are being withheld related to the above request, and the specific basis for each such record being withheld. (“**Request**”).

On June 28, 2019, we reached out to you via email to explain that your request for documents and communications related to all past and current contracts [and] projects with Accel Construction Services Group, LLC, is overly broad. We explained that fulfilling it would be disruptive to the day-to-day operations of the various departments tasked with locating the requested records. We also informed you that complying with your Request, as written, would be unduly burdensome, and asked if you would narrow your Request. To date, we have not received a Response from you. Accordingly, your Request is denied.

## **II. Denial**

We are denying your Request as unduly burdensome under 5 ILCS 140/3(g), which states that a public body may deny a request where “compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” Your Request as written is overly broad and would be disruptive to the day-to-day operations of the various departments tasked with locating the requested records. Additionally, our department would need to review any records that may be responsive to your Request, severely interfering with the day-to-day operations of our department; and interfering with our ability to fulfill other FOIA requests, thus making your Request for these records unduly burdensome. Since you did not reply to our email requesting that you narrow the scope of your Request, it has been determined by Attorney Keith Pardonne that your Request falls squarely within the parameters of 5 ILCS 140/3(g).

Please note that you may resubmit your Request by narrowing the scope of your Request.

## **III. Right of Review**

A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose under Section 3.1 of FOIA may file a request for review with the Public Access Counselor (“PAC”) of the Illinois Attorney General’s Office for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose. 5 ILCS 140/9.5(b). You can file your Request for Review with the PAC by writing to:

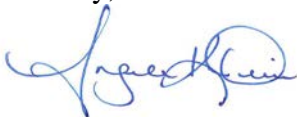
Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

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 we can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Angela K. Ollie  
Freedom of Information Officer  
[foia@metrarr.com](mailto:foia@metrarr.com)  
FOIA Hotline #312-663-3642