



12 South Center Street  
Bensenville, IL 60106

Office 630.350.3404  
Fax 630.350.3438  
[www.bensenville.il.us](http://www.bensenville.il.us)

**VILLAGE BOARD**

April 26, 2019

**President**  
Frank DeSimone

**Board of Trustees**  
Lisa Cammena  
Anni Frenz  
Agnieszka "Annie" Jaworska  
McLane Lomas  
Nicholas Pancola Jr.  
Armando Perez

**Village Clerk**  
Nancy Quinn

**Village Manager**  
Evan K. Summers

**Mr. James Brill**  
White Pines Civic Association

**Re:** April 25, 2019 FOIA Request

Dear Mr. Brill:

I am pleased to help you with your April 25, 2019 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on April 25, 2019. You requested copies of the items indicated below:

*"Any FOIA requests sent by the Village of Bensenville to Bensenville Fire Protection District #1, any responses received and any documents regarding actions taken in the event of a nonresponse by BFPD#1."*

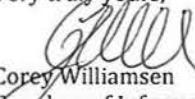
After a search of Village files, the following information was found responsive to your request:

- 1) Letter from the Office of the Attorney General Dated April 19, 2019. (10 pgs.)

These are all the records found responsive to your request.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,

  
Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

April 19, 2019

Mr. Pete Zalewski  
Secretary, Bensenville Fire Protection District #1  
4N521 Briar Lane  
Bensenville, Illinois 60106

RE: FOIA Request for Review – 2019 PAC 57601  
Requester: Mr. Evan K. Summers, Village Manager, Village of Bensenville  
Date of FOIA request: March 25, 2019

Dear Mr. Zalewski:

The Public Access Bureau has received a Request for Review under section 9.5(a) of the Freedom of Information Act (FOIA)<sup>1</sup> alleging that Bensenville Fire Protection District #1 (District) has not responded to the FOIA request listed above. Copies of Mr. Summers's FOIA request and his Request for Review by this office are attached.

As required by section 9.5(c) of FOIA,<sup>2</sup> please advise this office within seven (7) business days whether you have received and responded to this FOIA request. If you have received the request from the requester but have not yet responded, please respond to the requester and provide a copy of your response to this office. A proper response under section 3(d) of FOIA<sup>3</sup> may resolve this matter. To the extent that the request is denied, however, the requester may file a new Request for Review challenging that denial.

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<sup>1</sup>5 ILCS 140/9.5(a) (West 2016).

<sup>2</sup>5 ILCS 140/9.5(c) (West 2016).

<sup>3</sup>Section 3(d) of FOIA (5 ILCS 140/3(d) (West 2016)) requires a public body to "promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section."

Mr. Pete Zalewski  
April 19, 2019  
Page 2

Please contact me at (312) 814-8413 or jjones@atg.state.il.us if you have questions or would like to discuss this matter. Thank you.

Very truly yours,



JOSHUA JONES  
Deputy Bureau Chief  
Public Access Bureau

Attachment

cc: *Via electronic mail*  
Mr. Evan K. Summers  
Village Manager  
Village of Bensenville  
12 South Center Street  
Bensenville, Illinois 60106  
esummers@bensenville.il.us

#57601

Sanchez, Lidia

Initial docs

**From:** Evan Summers <ESummers@bensenville.il.us>  
**Sent:** Monday, April 8, 2019 11:41 AM  
**To:** Public Access  
**Cc:** Corey Williamsen; Mary Ribando  
**Subject:** FOIA Request for Review – Bensenville Fire Protection District  
**Attachments:** 2019.04.08 FOIA Request for Review - BFPD1 Lack of Response.pdf

Ms. Pratt,

On March 25, 2019 I submitted the attached FOIA request to Mr. Pete Zalewski in his capacity as Secretary of the Bensenville Fire Protection District 1. A copy of the "Contact Us" webpage indicating Mr. Zalewski's position with the Bensenville Fire Protection District 1 is attached.

The purpose of the FOIA request was to obtain information on expenditures pursuant to 5 ILCS 140/2.5 Records of Funds:

- *Sec. 2.5. Records of funds. All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public. (Source: P.A. 96-542, eff. 1-1-10.)*

The FOIA request was delivered to Mr. Zalewski on March 26<sup>th</sup> and signed for as indicated on the attached USPS Return Receipt.

Section 5 ILCS 140/3 of FOIA provides:

- *(d) Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection*

As of today, 10 days after the delivery of the FOIA request, no response or request for extension from the Bensenville Fire Protection District has been obtained. As such, the defacto denial of this request appears to be improper and we implore the Attorney General's Office to review this request and subsequent denial.

Respectfully submitted,

eks

Evan K. Summers  
Village Manager



12 South Center Street, Bensenville, IL 60106  
P: 630.350.3420 F: 630.350.1105



125 Center St.  
Bensenville, IL 60106

Office: 630.766.8200  
Fax: 630.594.1105

[www.bensenvilleil.us](http://www.bensenvilleil.us)

**VILLAGE BOARD**

**President**  
Frank DeSmette

**Board of Trustees**  
Rosa Campona  
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Agneska "Anne" Jaworska  
McLane Lerner  
Nicholas Panticola Jr.  
Armando Perez

**Village Clerk**  
Nancy Dunn

**Village Manager**  
Evan K. Summers

**Date:** April 8, 2019

**To:** Sarah Pratt  
Public Access Counselor Office of the Attorney General  
500 S. 2nd Street  
Springfield, Illinois 62701

**Re:** FOIA Request for Review – Bensenville Fire Protection District 1

Ms. Pratt,

On March 25, 2019 I submitted the attached FOIA request to Mr. Pete Zalewski in his capacity as Secretary of the Bensenville Fire-Protection District 1. A copy of the "Contact Us" webpage indicating Mr. Zalewski's position with the Bensenville Fire Protection District 1 is attached.

The purpose of the FOIA request was to obtain information on expenditures pursuant to 5 ILCS 140/2.5 Records of Funds:

- *Sec. 2.5. Records of funds. All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public. (Source: P.A. 96-542, eff. 1-1-10.)*

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Respectfully,

A handwritten signature in black ink, appearing to read "Evan K. Summers".

Evan K. Summers  
Village Manager



12 South Center Street  
Bensenville, IL 60106

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Fax: 630.350.3438  
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**VILLAGE BOARD**

March 25, 2019

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Frank DeSmette

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Rosa Campana  
Ain Fraz  
Agnieszka "Annie" Jaworska  
McLure Lomaz  
Nicholas Pancola Jr.  
Amanda Perez

**Village Clerk**  
Nancy Flynn

**Village Manager**  
Evan K. Summers

**Bensenville Fire Protection District No. 1**

Pete Zalewski  
4N521 Briar Lane  
Bensenville, IL 60106

**Re: Village of Bensenville FOIA Request**

**Dear Bensenville Fire Protection District No. 1:**

This is a request for information under the Illinois Freedom of Information Act ("FOIA"), 5 ILCS 140. I am requesting a copy of the following documents:

1. All Bensenville Fire Protection District No. 1 expenditures for the following years: 2016, 2017 and 2018.

Pursuant to Section 6 of FOIA, please provide a copy of the information requested in electronic PDF format to: [ESummers@bensenville.il.us](mailto:ESummers@bensenville.il.us)

This request is not made for commercial purposes.

Do not hesitate to contact me at 630-766-8200, if you have any questions or concerns in connection with this FOIA request.

Sincerely,

Evan K. Summers  
Village Manager  
Village of Bensenville

## **Bensenville Fire Protection Dist. #1**

Providing Fire Protection and Ambulance Service to the Unincorporated Areas between Bensenville and Elmhurst, IL.

### **Contact Us**

#### **Bensenville Fire Department, District #1 – Contact Us**

**President:**

Thomas J. Torcasso

**Secretary:**

Pete Zalewski

4N521 Briar Lane

Bensenville, IL 60106

**Treasurer:**

George Jeffries

317 Wood St.

Bensenville, IL 60106

Bensenville Fire Department, District #1 – Contact Us

# USPS Tracking®

[FAQs > \(https://www.usps.com/faqs/uspstracking-faqs.htm\)](https://www.usps.com/faqs/uspstracking-faqs.htm)[Track Another Package +](#)**Tracking Number:** 70180680000186112465[Remove X](#)**Expected Delivery on****TUESDAY****26** MARCH  
2019  by8:00pm  **Delivered**

March 26, 2019 at 1:07 pm  
Delivered, Left with Individual  
BENSENVILLE, IL 60106

[Get Updates ▾](#)

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**Text & Email Updates** 

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**Tracking History** 

March 26, 2019, 1:07 pm  
Delivered, Left with Individual  
BENSENVILLE, IL 60106

Your item was delivered to an individual at the address at 1:07 pm on March 26, 2019 in BENSENVILLE, IL 60106.

March 26, 2019, 8:08 am  
Out for Delivery  
BENSENVILLE, IL 60106

March 26, 2019, 7:58 am  
Sorting Complete  
BENSENVILLE, IL 60106

March 26, 2019, 3:16 am  
Arrived at Unit  
BENSENVILLE, IL 60106

March 25, 2019, 12:28 pm  
USPS in possession of item  
BENSENVILLE, IL 60106

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**Product Information**

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[See Less ▲](#)

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**/entreg**

\*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed in automated equipment.

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Bensenville Fire Protection Dist #1  
Pete Zalewski  
4N521 Briar LN.  
Bensenville, IL 60106



9590 9402 2854 7069 6658 31

*Article Number Transfer from service label*  
7018 0680 0001 8611 2465

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature



Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Mail Restricted Delivery	
<input type="checkbox"/> N/A	

Domestic Return Receipt