



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

### President

Frank DeSimone

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Armando Perez

### Village Clerk

Nancy Buann

### Village Manager

Evan K. Summers

February 26, 2024

Mr. Christopher McCullough  
829 Brentwood Drive  
Bensenville, Illinois 60106

Re: Freedom of Information Act Request  
Received February 12, 2024

Dear Mr. McCullough:

I am pleased to help you with your Freedom of Information Act ("FOIA") request dated February 11, 2024. Your FOIA request was received by the Village of Bensenville on February 12, 2024. You requested copies of the items indicated below:

"1. Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Old Republic Surety Company regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024."

2. "Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Watt, Tinder, Hoffer, and Fitzgerald, LLP regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024."

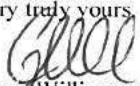
Your FOIA request is hereby granted in part and denied in part as follows. The attached responsive record is being provided to you at no charge. A portion of the record reflecting communications between a Village official and one of the Village's attorneys has been withheld as exempt from disclosure under Section 7(1)(m) of FOIA, which exempts from inspection and copying "communications between the Village and its attorneys that would not be subject to discovery in litigation." 5 ILCS 140/7(1)(m).

You have the right to have the partial denial of your FOIA request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 5 ILCS 140/9.S(a). You may file your Request for Review with the PAC by writing to:

Ms. Leah Bartelt  
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)

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

Very truly yours,

  
Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville



**BENSENVILLE**  
VILLAGE CLERK'S OFFICE

# VILLAGE OF BENSENVILLE FREEDOM OF INFORMATION ACT REQUEST FORM

**TO:** COREY WILLIAMSEN

*Freedom of Information Officer*

*Village of Bensenville*

*12 S. Center Street*

*Bensenville, IL 60106*

**FROM:**

Name Chris McCullough

Address 829 Brentwood Drive

Bensenville, IL 60106

Phone [REDACTED]

E-Mail [REDACTED]

15237

**TITLES OR DESCRIPTION OF RECORDS REQUESTED** (Please Include Date of Birth and Case Number for Police Records):

Please see attached.

☐

THIS REQUEST IS FOR A COMMERCIAL PURPOSE (You must state whether your request is for a commercial purpose. A request is for a "commercial purpose" if all or any part of the information will be used in any form for sale, resale, or solicitation or advertisement for sales or services. Failure to disclose whether a request is for a commercial purpose is a prosecutable violation of FOIA.)

Would like your request delivered via:

☒

E-Mail

☐

U.S. Mail

☐

Pick-Up\*

\*Pick-Up is available by appointment at Village Hall Monday thru Friday; between 8:00 a.m. – 5:00 p.m.

I understand that any payment need be received before any documents are copied and/or mailed.

February 11, 2024

Date

Chris McCullough  
Signature

All FOIA responses are posted on the Village's website. Name and address of the requestor will be made public.

The first fifty (50) pages of the request are free. The fee charge is fifteen (15) cents after the first fifty (50) pages.

Unless otherwise notified, your request for public records will be compiled within five (5) working days.

Unless otherwise notified, any request for commercial purposes will be compiled within twenty-one (21) days working days.

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COREY WILLIAMSEN, FREEDOM OF INFORMATION OFFICER

Telephone: (630) 350-3404 Facsimile: (630) 350-3438

E-mail Address: FOIArequest@bensenville.il.us

\*\*\*For Freedom of Information Officer Use Only\*\*\*

2/12/24  
Date Request  
Received

2/19/24  
Date Response  
Due

2/26/24  
Date Extended  
Response Due

\$0-  
Total Charges

2/26/24  
Date Documents  
Copied or Inspected

Received by Employee: \_\_\_\_\_

1. Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Old Republic Surety Company regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024.
2. Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Watt, Tinder, Hoffar, and Fitzgerald, LLP regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024.



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Armando Perez

**Village Clerk**

Nancy Quinn

**Village Manager**

Evan K. Summers

February 19, 2024

Mr. Christopher McCullough  
829 Brentwood Drive  
Bensenville, Illinois 60106

Re: Freedom of Information Act Request  
Received February 12, 2024

Dear Mr. McCullough:

I am pleased to help you with your February 11, 2024 Freedom of Information Act ("FOIA"). Your request was received by the Village of Bensenville on February 12, 2024. You requested copies of the items indicated below:

*"1. Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Old Republic Surety Company regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024.*

*2. Any and all communication between Evan Summers, Frank DeSimone, and Joe Montana of Montana and Welch, LLC. with Watt, Tinder, Hoffar, and Fitzgerald, LLP regarding settlement as a result of the abandonment of work for the Senior Center buildout project at Village Hall by Empire Construction between May 1, 2023 through February 11, 2024."*

The Village needs to consult with the Village Attorney to determine whether any of the records you have requested are exempt from disclosure under Section 7 of the FOIA or should be revealed only with appropriate deletions. Therefore, pursuant to Section 3(e)(v) of FOIA, 5 ILCS 140/3(e)(v), the Village is extending the time it has to respond to your request by an additional five (5) business days. The Village will respond to your request on or before February 26, 2024.

Please let me know if you have any questions.

Very truly yours,

Corey Williamsen  
Freedom of Information Officer  
Village of Bensenville

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**From:** Evan Summers <[ESummers@bensenville.il.us](mailto:ESummers@bensenville.il.us)>

**Sent:** Monday, November 27, 2023 9:39 AM

**To:** Joseph Montana <[jmontana@montanawelch.com](mailto:jmontana@montanawelch.com)>

**Cc:** Mary Ribando <[MRibando@bensenville.il.us](mailto:MRibando@bensenville.il.us)>; Joseph Caracci <[JCaracci@bensenville.il.us](mailto:JCaracci@bensenville.il.us)>; Frank DeSimone <[FDeSimone@bensenville.il.us](mailto:FDeSimone@bensenville.il.us)>; Lauren Rankins - Watt, Tieder, Hoffar & Fitzgerald, LLP ([lrankins@watttieder.com](mailto:lrankins@watttieder.com)) <[lrankins@watttieder.com](mailto:lrankins@watttieder.com)>; Corey Williamsen <[CWilliamsen@bensenville.il.us](mailto:CWilliamsen@bensenville.il.us)>; John E. Sebastian - Watt, Tieder, Hoffar & Fitzgerald, LLP ([jsebastian@watttieder.com](mailto:jsebastian@watttieder.com)) <[jsebastian@watttieder.com](mailto:jsebastian@watttieder.com)>

**Subject:** FW: Claim #68489, Empire Construction Co.

**Importance:** High

Village Attorney Montana,

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED] Lauren's contact information is below. Please let me know if you have any questions.

eks

**Evan K. Summers**  
Village Manager



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