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UIS, Kelly FOIA cases yet to be ruled on

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THE STATE JOURNAL-REGISTER

Posted May 22, 2010 @ 11:45 PM

Last update May 23, 2010 @ 07:00 AM

Nearly six months after receiving them, the state attorney general's office still hasn't ruled on Freedom of Information Act cases referred for rulings under the state's revamped records law.

One case involves the autopsy report for Christopher Kelly, a former fundraiser for Rod Blagojevich. Kelly committed suicide last September, and The Chicago Sun-Times requested the autopsy report on the first day the state's revised records law took effect in January. The Chicago Tribune and The State Journal-Register have also requested the report.

In Sangamon County, The State Journal-Register in January asked for documents showing what conduct led to the resignation of coaches at the University of Illinois Springfield last year. Coaches for the women's softball and golf teams resigned after conduct involving students that was deemed inappropriate, but university officials have refused to release any details. The university referred the request for documents to the attorney general Jan. 19, but Madigan's office has made no ruling.

Cook County authorities had always withheld autopsy reports if families requested they remain confidential, and that's what Kelly's family requested, said Richard Velazquez, special counsel to the president of the Cook County Board. Under the new law, however, documents cannot be withheld on privacy grounds without approval from the state attorney general's office.

Velazquez said he immediately referred the request to the attorney general's office and spoke with Cara Smith, the attorney general's public access counselor, about the case on Jan. 7. There has been no ruling.

Smith said her office is "very, very close" to making a decision in the Kelly case and also "close" to issuing a ruling in the UIS matter.

"We are doing a tremendous amount of research to make sure we're making the right decision," Smith said. "We've had to do national surveys in states in terms of how other states answer these issues. These aren't easy. We are doing, I think, a very good job of being thorough and complete in our research."

But Andy Shaw, executive director of the Better Government Association, said five months is too long to wait.

"I give them low grades for efficiency if they're making people wait four or five or six months," Shaw said. "Anything more than 60 days sounds like foot-dragging. Unless they're woefully understaffed, there's no excuse for that amount of delay."

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