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IN REPLY REFER TO FILE NO.

December 8, 2015

Mr. Carl J. LaMonica  
2824 N. 75<sup>th</sup> Court  
Elmwood Park, Illinois 60707  
cjlam@comcast.net

EP-1

**Re: Freedom of Information Act Request**

Dear Mr. LaMonica:

On December 1, 2015, the Village of Elmwood Park received your Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"As provided under the Freedom of Information Act, I request copies of all reports and written transcript of the 911 call regarding Mark Nuring's call to have police come to his 2825 75th Court house approx. 12:30 or 12:45 PM, and then to my house to investigate his complaint against me. It was written up possibly by Commander Kmiecik. Also (Officer Oggerino?) had witnessed the testimony of both me and Mr. Nuring."

Your FOIA request is granted in part and denied in part. Please be advised that there are no 911 calls or pictures responsive to your FOIA request. Enclosed please find the records responsive to your FOIA request. However, please be advised that certain information in the records responsive to your FOIA request has been determined to be exempt from disclosure under FOIA. Accordingly, such information has been redacted from the records being provided.

Section 7(1)(b) of FOIA provides that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5). Consequently, a home address has been redacted from the records being provided.

**STORINO, RAMELLO & DURKIN**

Mr. Carl J. LaMonica  
December 8, 2015  
Page 2

Section 7(1)(d)(iv) of FOIA provides that, “[r]ecords in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes” are exempt from disclosure, “but only to the extent that disclosure would: ... unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies.” Consequently, information that would reveal the identity of persons who have filed complaints with or who have provided information to the Village of Elmwood Park Police Department has been redacted from the records being provided.

The person responsible for the decision to deny a portion of your FOIA request is the Village of Elmwood Park Freedom of Information Officer, Gina Pesko. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General’s Office. You can file your Request for Review with the Public Access Counselor by writing to:


Sarah Pratt  
Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> 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 Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the Village of Elmwood Park Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN  
Attorneys for the Village of Elmwood Park

  
Erin C. Tinaglia

Enclosures

# INCIDENT/INVESTIGATION REPORT

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Agency Name <i>Elmwood Park Police Department</i>
ORI <i>IL0163100</i>

Case# <i>15-10084</i>
Date / Time Reported <i>11/30/2015 12:46 Mon</i>
Last Known Secure <i>11/30/2015 12:46 Mon</i>
At Found <i>11/30/2015 12:46 Mon</i>

Location of Incident <i>2825 75th Ct, Elmwood Park IL 60707-</i>	Premise Type	Zone/Tract <i>E1</i>
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#	Crime Incident(s)	(Com)	Weapon / Tools	Activity
#1			Entry      Exit      Security	
#2	Crime Incident	( )	Weapon / Tools	Activity
			Entry      Exit      Security	
#3	Crime Incident	( )	Weapon / Tools	Activity
			Entry      Exit      Security	

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# of Victims <i>0</i>	Type:	Injury:							
VI	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address							Home Phone	
	Employer Name/Address					Business Phone	Mobile Phone		
VYR	Make	Model	Style	Color	Lic/Lis	VIN			

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CODES: V= Victim (Denote V2, V3) O= Owner (if other than victim) R= Reporting Person (if other than victim)									
Type:		Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address							Home Phone	
	Employer Name/Address					Business Phone	Mobile Phone		
Type:		Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status	
	Home Address							Home Phone	
	Employer Name/Address					Business Phone	Mobile Phone		

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1 = None · 2 = Burned · 3 = Counterfeit / Forged · 4 = Damaged / Vandalized · 5 = Recovered · 6 = Seized · 7 = Stolen · 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)									
VI #	Code	Status From To	Value	OJ	QTY	Property Description	Make/Model	Serial Number	

Officer/ID#	<i>OGGERINO, A. (PATL, PAT) (EP9273)</i>	Supervisor	<i>(0)</i>
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Status	Complainant Signature	Case Status	Case Disposition:	Page 1
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# INCIDENT/INVESTIGATION REPORT

By: BP8418, jgeschke 12/01/2015 11:38

Elmwood Park Police Department

Page 2

Case# 15-10084

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers  
KMIECIK, M. (EP1312), KMIECIK, M. (EP1312), KMIECIK, M. (EP1312)

Suspect Hate / Bias Motivated:

Page 2

NARRATIVE

REPORTING OFFICER NARRATIVE

Elmwood Park Police Department

OCA
15-10084
Date / Time Reported
Mon 11/30/15 12:46

Victim

Offense

NEIGHBOR DISPUTE

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

I responded to a neighbor dispute at 2825 75 Ct. with Commander Kmiecik. On arrival we spoke with a person identified as [REDACTED] of said address. [REDACTED] related in summary he was walking his dog southbound in front of 2827 75 Ct. [REDACTED] advised a subject identified as [REDACTED] was mowing the front lawn at 2827 75 Ct. [REDACTED] related he knows [REDACTED]. [REDACTED] advised [REDACTED] moved his lawnmower in an aggressive manner at his dog causing [REDACTED] to be threatened for his dog's safety. [REDACTED] advised his dog was not struck and no conversation was exchanged between parties.

I spoke with [REDACTED] who was outside his residence at [REDACTED]. Commander Kmiecik was also present. [REDACTED] related he bent over to greet the dog and he did not push the lawnmower at [REDACTED] dog and no words were exchanged. There was not a witness at the scene. No further incident, both parties went inside their residences.

Draft Only