



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

July 28, 2026

**PUBLIC ACCESS OPINION 26-008**  
**(Requests for Review 2026 PAC 94082; 94083)**

FREEDOM OF INFORMATION ACT:  
Duty to Respond to FOIA Requests

Mr. Matthew Kilbane  
801 Bend Boulevard, Apartment 103  
East Moline, Illinois 61244

The Honorable Laura Green  
Village Clerk  
Village of Sherrard  
517 3rd Street  
Sherrard, Illinois 61281

Dear Mr. Kilbane and Ms. Green:

This binding opinion is issued by the Attorney General pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2025 Supp.)). For the reasons discussed below, this office concludes that the Village of Sherrard (Village) violated section 3(d) of FOIA (5 ILCS 140/3(d) (West 2025 Supp.)) by failing to comply with, deny in writing in whole or in part, or otherwise appropriately respond to two FOIA requests submitted by Mr. Matthew Kilbane.

**BACKGROUND**

On April 20, 2026, Mr. Kilbane e-mailed a FOIA request to the Village seeking copies of "all **Agendas** and **Meeting Minutes** for **all meetings** the village has held between

500 South 2nd Street  
Springfield, Illinois 62701  
(217) 782-1090 • Fax: (217) 782-7046

115 South LaSalle Street  
Chicago, Illinois 60603  
(312) 814-3000 • Fax: (312) 814-3806

1745 Innovation Drive, Suite C  
Carbondale, Illinois 62903  
(618) 529-6400 • Fax: (618) 529-6416

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**January 1, 2026 to April 19, 2026.**<sup>1</sup> (Emphasis in original.) Approximately ten minutes later, Mr. Kilbane e-mailed a second FOIA request to the Village seeking records concerning mold remediation at the Village Hall and asked whether "critical physical documents" had "been relocated to a safe location, or are they still in the village hall subjected to possible irrevocable damage? And if so, why have those documents not been moved and when will they be moved?"<sup>2</sup>

On April 30, 2026, Mr. Kilbane submitted two Requests for Review to the Public Access Counselor alleging that the Village had failed to respond to his April 20, 2026, FOIA requests.<sup>3</sup>

On May 21, 2026, the Public Access Bureau e-mailed<sup>4</sup> copies of the Requests for Review to the Village Mayor and Village Clerk, together with a letter asking whether the Village had responded to Mr. Kilbane's FOIA requests.<sup>5</sup> The May 21, 2026, letter also requested that if the Village had not responded to Mr. Kilbane, it do so and provide copies of its responses to this office.<sup>6</sup> The Village did not respond to the inquiry letter.

On June 11, 2026, the Public Access Bureau sent additional copies of the Requests for Review to the Village via both e-mail<sup>7</sup> and United States Postal Mail and again asked the Village to respond to the May 21, 2026, inquiry letter.<sup>8</sup> The letter advised the Village

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<sup>1</sup>E-mail from Matthew Kilbane to [Laura Green, Village Clerk, Village of Sherrard] and [Shawn Wyant, Mayor, Village of Sherrard] (April 20, 2026).

<sup>2</sup>E-mail from Matthew Kilbane to [Laura Green, Village Clerk, Village of Sherrard] and [Shawn Wyant, Mayor, Village of Sherrard] (April 20, 2026).

<sup>3</sup>E-mails from Matthew Kilbane to Public Access [Bureau, Office of the Attorney General] (April 30, 2026).

<sup>4</sup>E-mail from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General, to Mayor@Sherrardillinois.org; clerk@sherrardillinois.org (May 21, 2026).

<sup>5</sup>Letter from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Illinois Attorney General, to The Honorable Shawn Wyant, Mayor, Village of Sherrard, and The Honorable Laura Green, Clerk, Village of Sherrard (May 21, 2026), at [1].

<sup>6</sup>Letter from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General, to The Honorable Shawn Wyant, Mayor, Village of Sherrard, and The Honorable Laura Green, Clerk, Village of Sherrard (May 21, 2026), at [1-2].

<sup>7</sup>E-mail from Christopher R. Boggs, AAG, Deputy Public Access Counselor, Public Access Bureau, Office of the Illinois Attorney General, to Mayor@Sherrardillinois.org; clerk@sherrardillinois.org (June 11, 2026).

<sup>8</sup>Letter from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General, to The Honorable Shawn Wyant, Mayor, Village of Sherrard, and The Honorable Laura Green, Clerk, Village of Sherrard (June 11, 2026), at [1].

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that if it did not promptly respond to the request, this office may be compelled to conclude that the Village had not complied with the requirements of FOIA.<sup>9</sup>

On June 25, 2026, this office extended the time in which to issue a binding opinion by 30 business days, to August 11, 2026, pursuant to section 9.5(f) of FOIA.<sup>10</sup>

On June 29, 2026, Mr. Kilbane e-mailed this office stating that the Village still had not responded to his FOIA requests.<sup>11</sup>

As of the date of the issuance of this binding opinion, this office has not received any response from the Village, nor has it received any indication that the Village has responded to Mr. Kilbane's April 20, 2026, FOIA requests.

### ANALYSIS

"It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with [FOIA]." 5 ILCS 140/1 (West 2024). Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2024)), "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2025 Supp.)) provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act." Section 3(d) of FOIA further provides:

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 (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to

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<sup>9</sup>Letter from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General, to The Honorable Shawn Wyant, Mayor, Village of Sherrard, and The Honorable Laura Green, Clerk, Village of Sherrard (June 11, 2026), at [1].

<sup>10</sup>Letter from Christopher R. Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General, to The Honorable Shawn Wyant, Mayor, Village of Sherrard, and The Honorable Laura Green, Clerk, Village of Sherrard (June 25, 2026).

<sup>11</sup>E-mail from Matthew [Kilbane] to Chris [Boggs, Deputy Public Access Counselor, Public Access Bureau, Office of the Attorney General] (June 29, 2026).

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respond to a request received may not treat the request as unduly burdensome under subsection (g).

Section 3(e) of FOIA (5 ILCS 140/3(e) (West 2025 Supp.)) permits a public body to extend its response time by no more than five business days for any of seven enumerated reasons. Any additional extension requires a written agreement between the requester and the public body. 5 ILCS 140/3(e) (West 2025 Supp.)).

It is undisputed that the Village did not respond to Mr. Kilbane's April 20, 2026, FOIA requests within five business days after their receipt by either complying with his requests, extending the time for the Village's responses pursuant to section 3(e) of FOIA, or denying the requests in writing in whole or in part. The Village's failure to comply with the requisite response procedures violated section 3(d) of FOIA.

### **FINDINGS AND CONCLUSIONS**

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On April 20, 2026, Mr. Matthew Kilbane submitted two FOIA requests to the Village seeking copies of meeting agendas and minutes and various records concerning mold remediation at the Village Hall. One of the requests also asked questions concerning the location of certain records and their possible relocation.

2) On April 30, 2026, Mr. Kilbane submitted two Requests for Review to the Public Access Counselor alleging that the Village had failed to respond to his April 20, 2026, FOIA requests. Mr. Kilbane's Requests for Review were timely filed and otherwise comply with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2025 Supp.)).

3) On May 21, 2026, the Public Access Bureau forwarded copies of the Requests for Review to the Village along with a letter asking whether the Village had responded to Mr. Kilbane's FOIA requests. The Village did not respond.

4) On June 11, 2026, the Public Access Bureau sent additional copies of the Requests for Review and a second letter to the Village, via e-mail and United States Postal Mail, asking the Village to promptly respond to this office's request for further information. The Village did not respond.

5) On June 25, 2026, this office extended the time in which to issue a binding opinion by 30 business days, to August 11, 2026, pursuant to section 9.5(f) of FOIA. Therefore, the Attorney General may properly issue a binding opinion with respect to these matters.

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6) On June 29, 2026, Mr. Kilbane sent an e-mail to this office stating that the Village still had not responded to his FOIA requests.

7) As of the date of the issuance of this binding opinion, this office has received no information indicating that the Village has responded to Mr. Kilbane's April 20, 2026, FOIA requests.

Therefore, it is the opinion of the Attorney General that the Village has violated section 3(d) of FOIA by failing, within the statutory time period for responding to Mr. Kilbane's April 20, 2026, requests, to provide copies of the requested records or to deny the requests in writing in whole or in part. Accordingly, the Village is hereby directed to take immediate and appropriate action to comply with this opinion by providing Mr. Kilbane with copies of all records responsive to his April 20, 2026, FOIA requests, subject only to permissible redactions, if any, under section 7 of FOIA (5 ILCS 140/7 (West 2025 Supp.)).<sup>12</sup> If the Village determines that any portion of the responsive records is exempt from disclosure under section 7, it is directed to issue a written denial that fully complies with the requirements of section 9(a) of FOIA (5 ILCS 140/9(a) (West 2024)).<sup>13</sup>

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2024). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Mr. Matthew Kilbane as defendants. *See* 5 ILCS 140/11.5 (West 2024).

Sincerely,

KWAME RAOUL  
ATTORNEY GENERAL

By:



R. Douglas Rees  
Chief Deputy Attorney General

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<sup>12</sup>Because the Village did not comply with the statutory requirements for responding to Mr. Kilbane's FOIA requests, the Village is precluded from treating the requests as unduly burdensome or imposing copying fees for the responsive records. 5 ILCS 140/3(d) (West 2025 Supp.)).

<sup>13</sup>To the extent that Mr. Kilbane's request asked questions concerning the location of Village documents and any plans to relocate Village documents, FOIA does not require the Village to answer those questions. *Kenyon v. Garrels*, 184 Ill. App. 3d 28, 32 (1989) ("The Act does not compel the agency to provide answers to questions posed by the inquirer.").

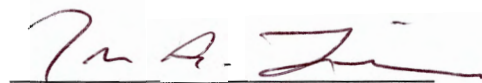
**CERTIFICATE OF SERVICE**

Teresa Lim, Deputy Bureau Chief, Public Access Bureau, hereby certifies that she has served a copy of the foregoing Binding Opinion (Public Access Opinion 26-008) upon:

Mr. Matthew Kilbane  
801 Bend Boulevard, Apartment 103  
East Moline, Illinois 61244  
Matthewkilbane17@gmail.com

The Honorable Laura Green  
Village Clerk  
Village of Sherrard  
517 3rd Street  
Sherrard, Illinois 61281  
clerk@Sherrardillinois.org

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on July 28, 2026.



Teresa Lim  
Deputy Bureau Chief

Teresa Lim  
Deputy Bureau Chief  
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