

Dear Mr. Preston and Mr. McGee:

Thank you for your cooperation in this matter. On October 25, 2023, I spoke to Mr. McGee, Cannabis Counsel for the Department, who stated that the Department maintains that the "Violation Description" entries on the redacted Fine Log are exempt from disclosure pursuant to section 1300.600(f) of Title 8 of the Illinois Administrative Code (8 Ill. Admin. Code § 1300.600(f) (2023)).

For context, Mr. McGee explained that when the Department determines that a licensee has violated a law or regulation, it may resolve the matter by issuing a Consent to Administrative Supervision Order. Section 1300.600(f) provides that "[t]he records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department except as mandated by law." The Department asserts that because the violations are directly related to the resulting Consent to Administrative Supervision Order, they qualify as "records regarding an investigation and a Consent to Administrative Supervision Order" and may not be released.

I have relayed this information to Mr. Preston via telephone. He indicated that he agreed that the violation descriptions are "regarding" the Consent to Administrative Supervision Order.

It appears that this matter is resolved. If either of you have concerns or would like to add or clarify anything, please let me know.

One final note – Mr. Preston asked me if the PAC has issued any determinations interpreting section 1300.600(f) of Title 8 of the Illinois Administrative Code. My search of our database indicates that we have not issued any determinations interpreting this regulation.