

Iroquois County State's Attorney – Get your head in the game –

Iroquois Co. ([ECWd](#)) –

Iroquois County State's Attorney Jim Devine appears to have once again stepped off into areas he apparently knows little about and gave legal advice that puts his client, the County Board, into a position of violating the law.

Before we dive into what we consider the most recent failure, a short review may help people better understand why we believe it is in fact time for this man to resign from public service...or take on public corruption, and help fix problems in the county.

In 2013 we started investigating and writing dozens of articles exposing wrongdoing by public officials of the Ford-Iroquois Department of Public Health (FIDPH). During our investigation, we identified grant fraud, procurement law violations, conflicts of interest and much more. We contacted State's Attorney Jim Devine and arranged a meeting with him in the Law Library at the University of Illinois. During that meeting, he specifically confirmed grant fraud and verbalized "*that's grant fraud*" as he reviewed grant records that had people's names as employees who were, in fact, no longer employees. ***Jim Devine did nothing!***

A forensic audit of the FIDPH also found numerous acts by public officials that violated numerous laws. The forensic report can be read at [this link](#). ***Jim Devine did nothing!***

We provided evidence of collusion with a private company and public officials of FIDPH regarding solar panels purchased in violation of the law and wrote about it in [this article](#). ***Jim***

Devine did nothing!

We [exposed the illegal use of funds](#) by the FIDPH Director who wrote a check to fund [a private corporation he formed](#) and was running it out of a the FIDPH public office. Our exposure led to the return of the funds. ***[Jim Devine did nothing!](#)***

We exposed massive manipulation of grant money that ended up in the hands of a contractor who just happened to be married to the grant administrator and wrote about that [here](#) and [here](#).

The pattern of practice was clear and violations of law were clear to anyone willing to read. ***[Jim Devine did nothing!](#)***

We exposed [violations of law by the ETSB and County](#) as it relates to billing for dispatch services. We know they know it's not legal to send out such bills, but justify continuing to do so because they are out of money. ***[Jim Devine did nothing!](#)***

The [Paxton Record reported](#) on additional violations of law in which a forensic audit of the computers pointed to theft of services. ***[Devine did nothing!](#)***

For more exposure to the long history of illegal actions by public officials in Iroquois County, you can simply pick from the list at [this link](#). ***To date, Jim Devine has not prosecuted a single public official involved in these violations of law.***

On a good note, he recently gave advice that the 911 coordinator's alleged contract never existed from day 1, and that she is and always has been an at-will employee. That much we know to be true, however, so is the power to terminate an at-will employee.

So what happened that we officially call for his resignation? As if his refusal to prosecute a single bad actor outlined in dozens of articles filled with evidence is not enough, it's clear he needs to go when he can't even give sound legal advice on something as basic as the Open Meetings Act and

needs legal help to figure out who is charge of firing the ETSB director, which I suspect he knows would take years to actually get a response and would provide cover for the 911 Director.

During last night's Emergency Telephone System Board meeting, eight members of the County Board attended. When the ETSB went into closed session, all eight members present, with advice and consent of the State's Attorney, joined the ETSB members in closed session. Had they sat silent, there would have been no problem. But of course, with Larry Hasbargen present you know that won't happen. Turns out these 8 County Board members participated in the discussion of personnel. Such a discussion by a majority of a quorum constitutes a public meeting of that public body, as in the County Board.

*Section 1.02 of OMA (5 ILCS 120/1.02 (West 2012)) defines a "meeting" as: **Any gathering**, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, **of a majority of a quorum of the members of a public body held for the purpose of discussing public business** or, for a 5-member public body, a quorum of members of a public body held for the purpose of discussing public business.*

This meeting of a majority of a quorum (of the County Board) in closed session was not posted with a notice or agenda 48hrs in advance and based on [prior rulings by the Attorney General PAC office](#) on matters almost identical in nature, we are confident their determination will be that the Iroquois County Board held an illegal meeting and met in closed session without proper authority. What is sad in this case, they did it with the advice and consent of the Iroquois County State's Attorney. In this case, they exceeded the majority of a quorum, which is six members of the County Board, by having eight members present. The two county board members who sit

on the ETSB do not count towards the majority quorum number according to the AG PAC office as they were part of the ETSB for this closed session.

Not convinced this guy has no business giving legal advice to the county?

The Times Republic [ran a headline today](#) of “ETSB seeking more legal advice”. I am all for more legal advice as what has been given so far is off the charts wrong. As we understand it, now Devine is not sure who has the legal authority to fire the 911 Director.

Please, we beg the people of Iroquois County to read the Powers and Duties assigned to the ETSB and tell us who has the authority over employees of the ETSB system?

“The powers and duties of the board shall be defined by ordinance of the municipality or county”

You can read the ordinance the ETSB is bound by at [this link](#) and find the applicable highlighted section.

- *Hiring, on a **temporary basis**, any staff necessary for the implementation or upgrade of the system.*

So by the County ordinance, the ETSB restricted their staff necessary for the implementation or upgrade of the system to a temporary basis. Considering the 911 Director is anything but temporary, it's clear their own ordinance is not being followed.

Considering it is the ETSB with the power to hire, there is an implied power to fire those that they hire. It's not rocket science.

Reading [the law](#), which applies to the ETSB and the situation at hand, it is clear who is in charge of the 911 Director.

- *Hiring any staff necessary for the implementation or*

upgrade of the system.

The ETSB absolutely has the power to terminate employees working for them, which in this case their 911 Director and every dispatcher she hired.

What Iroquois County is facing is years of total disregard for the law by the State's Attorney as it relates to public officials and the power they have or don't have. He has acknowledged he is a criminal prosecutor and is not up on all this "other stuff". May we suggest you either get your head in the game or resign as your unwillingness to learn all this "other stuff" is a major contributor to the malfeasance that is infecting your county.

For all of those that think a full-time person is needed in the form of a Director over 911, realize this system, once in place, operates quite efficiently. It's not too much different than hiring a person to "temporarily" install your home office computer. Once it's up and running, they are no longer needed and when it breaks, you call the manufacturer of the equipment you're using for repairs. Any dispatcher can make such a call. We contend, based on our research, the authorization to hire staff limited it to the specific action of implementing or upgrading the system.

Once it's implemented, there is no need for a babysitter. Need an upgrade? Hire accordingly, upgrade, and they are done! The legislature realized this when they wrote the law. Sadly, County officials continue to ignore the law.

We will update on the Attorney General PAC complaint we filed on the alleged Open Meetings Act violation as it moves through the process.

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