

Appellate Court Decision – Kraft v. Arcola Twp –

SPRINGFIELD, IL. (ECWd) –

The decisions in Kraft v. Arcola Township, in which four cases were appealed out of Douglas County Circuit Court, were decided on March 17, 2016.

The short answer is that the circuit court decisions were upheld and it was not a precedent-setting case.

You can read the decision below.

To me, this had absolutely nothing to do with whether or not I submitted a request for public records or whether or not Arcola Township actually provided the records pursuant to the FOIA request. I know I submitted the request and I know they did not provide the requested records.

The loss, in the end, was all about the procedural process in the court system, and not so much about whether FOIA was violated or complied with.

It does not mean Arcola Township was right in their actions, it means they spent a lot of money keeping public records from the public, and succeeded for now.

I will continue seeking those records improperly denied.

[Download \(PDF, 75KB\)](#)



[Kraft v. Arcola Township Oral Arguments Audio –](#)

SPRINGFIELD, IL. (ECWd) –

Oral Arguments were heard this morning at 10:00 a.m. on four cases appealed out of Douglas County Circuit Court.

All four cases dealt with the Freedom of Information Act, and Kraft's assertion that Arcola Township violated the act.

Listen to the arguments below:

http://www.illinoiscourts.gov/AppellateCourt/Audio/2016/4th/030916_4-15-0028.mp3

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Please consider a donation to the Edgar County Watchdogs.

[wp_eStore_donate id=1]

Appellate Court Oral Arguments rescheduled for John Kraft v. Arcola Twp. –

ARCOLA TOWNSHIP, IL. (ECWd) –

Edited to correct date...

The Appellate Court Fourth Judicial District has rescheduled John Kraft v. Arcola Township on its calendar for Oral Argument on **March 9, 2016, at 10:00 a.m. in Springfield, IL.**

These are the cases coming out of Douglas County Circuit Court and appealed by John Kraft.

They are Illinois Freedom Of Information Act cases.

See page 4 (below).

[Download \(PDF, 114KB\)](#)



Appellate Court Oral

Arguments set for John Kraft v. Arcola Twp. –

Arcola, IL. (ECWd) –

UPDATE: December 3, 2015 @ 1835

Hearings and arguments were postponed due to an emergency within the Appellate District Court.

Will update when rescheduled..

The Appellate Court Fourth Judicial District has set John Kraft v. Arcola Township on its calendar for Oral Argument on December 2, 2015, at 9:00 a.m. in Springfield, IL.

These are the cases coming out of Douglas County Circuit Court and appealed by John Kraft.

They are Illinois Freedom Of Information Act cases.

[Download \(PDF, 110KB\)](#)



Arcola Township's \$11,273.85 in legal bills –

ARCOLA, IL. ([ECWd](#)) –

This was forwarded to me from Bloomington, Illinois and is Arcola Township's response to copies of all legal invoices for 2013 and 2014.

Here is what I found:

Total amount invoiced was \$11,273.85

The overwhelming majority was for fighting against Freedom of Information Act requests.

Residents of Arcola Township should call their township officials and tell them they appreciate their efforts at keeping public records secret – but rest assured, it won't last forever.

The really sad part of this is that the Township could have simply provided what was requested, and provided it to the person that requested it. Simple moves like that could have saved the Township over \$10,000.00.

But what do they do instead? They lie to Chapin Rose ([HERE](#)), lie to Judge Lincoln ([HERE](#)), lie to Judge Broch ([HERE](#)), then they continue to fight it in court, and they also help push a failed attempt at changing the FOIA law, to somehow try and make FOIA requesters pay for the public records by adding a "voluminous requester" provision in it...and even though the legislature passed the amendment to FOIA, it failed because the same people exempted under "recurrent requester" are likewise exempted under "voluminous requester" – which happens to be us and other news media organizations.

That amendment put the screws to you, the typical citizen

requesting public records, and you will pay dearly for them if you ask for too many.

[Download \(PDF, 405KB\)](#)

[Arcola Township Supervisor lies to Sen. Chapin Rose and Rep. Adam Brown –](#)

ARCOLA, IL. ([ECWd](#)) –

That's right, Mr. John G. (Corky) Clark sent a letter to Illinois State Senator Chapin Rose and Illinois State Representative Adam Brown in which he proceeded to fabricate, misstate, exaggerate, or what we would simply call: LIE.

He starts out complaining about the “great hardship” dealing with us while failing to mention their refusal to provide public records when requested.

He stated that Kirk Allen and I had sent 40-plus FOIA requests (as of the date of the letter), which is another lie. I guess if their attorney can lie to a Judge ([article here](#)), Corky Clark figured he could just make the number bigger and lie to Chapin Rose and Adam Brown.

He then tries to tie our FOIA requesting with some TIF extension that we were not even aware of, let alone attempting to help extend, since the example of TIF expenditures provided in our own local town of Paris, Illinois is enough to sour anyone on the prospect of TIF districts. So, lie number 3 in his attempt at connecting us with some “local group” promoting

TIF.

Next he states the Township had to hire an attorney, even though the attorney lied to a different Judge claiming to be an employee already ([article here](#)). They didn't hire an attorney, they already had one on a contractual basis (meaning not an employee).

Clark also states they do their "level best" to comply with FOIA requests and no matter what they send we are not satisfied. This is laughable at best, since they are still covering up their theft of public credit. I suggest they actually send the public records asked for, and to quit attempting to re-phrase a request for records as a question, then denying it based on being a question. Oh, and he forgets this attorney has stated that "[transparency is a ridiculous word](#)" when referencing FOIA and public records.

Then he shows his absolute ignorance of the law when he claims it is simply a scheme by us to make money. Mr. Clark, there is no money to be made in suing for public records and we would be happy if you would simply provide the records requested.

For the record, one of our first articles ([here](#)) on Arcola Township shows how the Township Secretary used the Township credit card to purchase fuel on a four state Harley-Davidson cruise, on a holiday weekend – which is felony misapplication of public funds and a Constitutional violation ([Article VIII, Section 1\(a\)](#)). Theft is a better name for it.

In a future article, I will show all of the invoices from Mark Petty to the township so everyone can see just how much money this township has spent since early in 2013 trying to avoid producing public records...and it is not over yet.

[Download \(PDF, 90KB\)](#)

Arcola Twp FOIA cases and Appellate Appeals –

ARCOLA, IL. ([ECWd](#)) –

Last week Mr. Mark Petty, attorney for the Township of Arcola, submitted a statement to the Arcola newspaper regarding FOIA cases and their appeal.

He claims that the appeal was dismissed, which is technically correct, however, he failed to mention that it was only one of the four cases and was dismissed solely because the township had filed a motion for attorney fees in the case which meant the Circuit Court decision was not yet a final appealable decision. That hearing was held on March 5, 2015, ruled and is now a final appealable decision. I was sanctioned \$441.00 for improper service of subpoena.

That case, 2013_MR-53 will once again be appealed to the Appellate Court.

The article implies that all four cases were rejected, which is not the case. There are still three other cases (2014-MR-16, 17, and 20) for appeal at the Appellate Court – all related to the Freedom Of Information Act. This will once again make the fourth case.

Arcola Township Attorney Mark Petty caught lying to Judge Lincoln in Douglas County Court –

Arcola, IL. ([ECWd](#)) –

Once again, the Arcola Township attorney has lied to the Court during a Hearing. This time it was to Judge Lincoln prior to his retirement.

On May 6, 2014, during one of the FOIA suit hearings on Kraft v Arcola Township, case no: 2014-MR-53, Petty was trying to explain why the Township cannot follow the law in relation to the Freedom of Information Act, and he stated as fact that ***“This gentleman sent 30 requests to Arcola Township.”*** It appeared that Judge Lincoln was a little surprised by this statement and asked ***“How many?!”***, and Petty repeated that lie by restating ***“Thirty.”***

This “exchange of ideas” is found on page 45 of the official transcript (below).

Knowing that to be a lie, later that day I counted the FOIA requests I had sent to Arcola Township since my very first one around April of 2013 – – and the total was 18 requests in a 13 month time-frame – FAR short of the 30 requests that Petty lied to the Court about.

To top that off, just in case I missed some here or there when counting, Kirk Allen requested a copy of every FOIA request I had sent to Arcola Township (just the request – not the responsive documents). Their answer? ***“We have no documents responsive to that question!”***

So, not only did Petty lie to the Judge during the hearing, Arcola Township lied when they responded to Kirk's FOIA request – because we know that have a copy of at least the one I was in court about, even if they threw all the others in the trash.

This appears to be a pattern of behavior with Petty. He is taking advantage of his situation, artificially enhancing his representation, and running the risk of impeachment or otherwise being found not credible.

Previous article on his “not so truthful” ways:
<http://edgarcountywatchdogs.com/2015/01/attorney-mark-petty-lied-to-judge-broch-in-douglas-county-court/>

[Download \(PDF, 170KB\)](#)

[Attorney Mark Petty lied to Judge Broch in Douglas County Court –](#)

Douglas, Co. IL. ([ECWd](#)) –

During the December 16, 2014 hearings on FOIA cases against Arcola Township, I was making the argument that Mr. Petty was not authorized by law to respond to a FOIA requester since he was not an “*employee or officer*” of the Township of Arcola. One requirement in the Freedom of Information Act, is that the FOIA Officers for a public body must be an “*employee or officer*” of that public body [[5 ILCS 140/3.5\(a\)](#)]. Additionally, the FOIA officer is the person that has to respond to the requester.

After my presentation to the Court, Mr. Petty stated to the Judge that he was an employee of the Township and had been an employee for more than 15 years, see page 10, line 10 of the below transcript. Judge Broch believed his lie and found that he was an employee of the Township, see page 12 line 19, without any further proof other than his statement.

What Petty is, is a contracted service provider, providing legal services to the Township.

Just to show that Petty must not understand FOIA, I challenged a different public body's attorney when he initially made similar claims in reference to FOIA requests. His answer was the correct answer, and stated:

Mr. Kraft,

...Because I am an outside attorney, not a village employee or officer, I am not authorized to receive FOIA requests on behalf of the Village. That's why my name was not shown on the list of FOIA officers.

xxxxxxxxxxx

So there are some honest ones out there, just not the one from Arcola...

[Download \(PDF, 110KB\)](#)

[Notice of Appeal Filed in Arcola Township FOIA Suits –](#)

ARCOLA, IL. ([ECWd](#)) –

A Notice of Appeal to the Appellate Court has been filed in the four FOIA suits that were decided in Douglas County on

December 16, 2014 ([that article here](#)).

On January 14, 2015, our attorney file a Notice of Appeal (circuit court [docket here](#)) requesting *“that all orders be reversed that were entered on the complaints arising under the Freedom of Information Act, 5 ILCS 140/1, et seq., each entitled Complaint for Declaratory Judgment and Injunctive Relief and that the causes be remanded for further proceedings consistent with rulings by the Appellate Court.”*

We are currently waiting further instructions and docketing by the Appellate Court.

[Download \(PDF, 14KB\)](#)

[Attorney Mark T. Petty lies in letter to the press –](#)

Arcola, IL. (ECWd) –

In a letter sent to some members of the press, in what appears to be an attempt at gloating about their recent “win” in Circuit Court, Arcola Township’s attorney, Mr. Mark T. Petty of Petty Law Office, failed to tell the truth.

According to the Paris Beacon News, Mr. Petty stated that *“the trial judge made a decision on each count at the close of the plaintiff’s case holding that the plaintiff had failed to furnish adequate evidence that the Township had acted*

inappropriately". That statement could not be more wrong.

The decision was that the judge determined that I did not provide evidence that I had ever submitted a FOIA request to the Township. I believe it to be an inappropriate decision and not based on established precedent. The Illinois Supreme Court, way back in 1945 (and again in 1988), stated that there is no higher evidence of truth, than a defendant's admission of a specific fact alleged in a complaint.

That is what happened in three of these cases, I alleged in one of the allegations in each case that I submitted a FOIA request to the township, the township affirmed my allegation in their answer to the complaint. Unfortunately, this judge did not see it that way.

Undisputed truths need not be argued, nor additional proof given, and can be used in trial. These cases did not evolve to the point where arguments on the actions of Arcola Township were heard, let alone any arguments that they acted inappropriately. All four of these cases will be appealed to the Appellate Court and I am confident I will prevail in the end. I simply ask that the Beacon News report on it when the Appellate Court rules on it.

I published an article on these Court decisions the day after they happened, [you can read it here](#).

There are still three more cases against Arcola Township that have yet to be heard, and like I have said before – they sure are spending tons of money to keep public records hidden from the public.



[Arcola Twp FOIA Suit Updates](#) [– 12-16-2014 –](#)

DOUGLAS CO. ([ECWd](#)) –

A temporary blow was dealt to Plaintiff Kraft in Douglas County Circuit Court yesterday with the FOIA lawsuits against Arcola Township.

In a Directed Verdict in 2013-MR-53, the Court ruled in favor of Arcola Township, claiming that Plaintiff had failed to establish evidence.

In a Directed Verdict for 2014-MR-16, 17, and 20, the Court ruled in favor of Arcola Township, claiming Kraft had failed to establish evidence that he had ever even submitted a FOIA request to the township.

Plaintiff is considering a Motion to Reconsider, or in the alternative, an Appeal of the verdict.

Much more information will be provided when a decision is made.

There are still three more unresolved FOIA suits pending: 2014-MR-33, 34, and 56.

Seventh FOIA Suit Filed Against Arcola Township –

ARCOLA, IL. ([ECWd](#)) –

Once again, failure to follow the Freedom of Information Act, failure to provide responsive public records to the person requesting the records.

This is the 7th FOIA civil suit against Arcola Township.

You can read it below, but the main problem is that Arcola Township thinks they can do as they please, the law be damned.

Enjoy, and if you are an Arcola Township taxpayer, remember, **YOU** are paying for this with your property taxes.

This is a prime example for the need of criminal penalties for violations.

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[Download \(PDF, 794KB\)](#)

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[Update on the Six Arcola Township FOIA lawsuits...](#)

ARCOLA, IL. ([ECWd](#)) –

Since December is almost upon us, and the Hearing/Trial date is on December 16, 2014 for case numbers: **2013-MR-53**, and **2014-MR-16, 17, and 20**, I thought I would provide an update on how things have been progressing so far. ([click here for all Arcola Township articles](#))

As you may remember, these were all consolidated and can be viewed [here](#) on [judici.com](#). There has been a Motion for Protective Order filed in relation to production of documents requested by Defendant.

A [Motion of Summary Judgment](#) was filed by me in **2014-MR-16** – [Arcola replied](#) to it – [I responded to](#) Arcola's reply.

In case number **2014-MR-34**, ([click here for complaint](#)) I have filed a [Motion to Disqualify](#) (with memorandum in support) defendant's attorney, and also filed a [Motion for Protective Order](#) in response to defendant's [request for production](#) of documents. Additionally, defendant filed an answer to the

complaint, and I filed a [response to their answer](#). There is no hearing date set yet, by I am trying to get it scheduled on December 16 also.

In case number [2014-MR-33](#), there have been several documents filed: [complaint](#), [defendant answer to complaint](#), defendant's request for production of documents, and plaintiff response to defendant answer. No hearing date scheduled at this time.

We still believe we will prevail against Arcola Township's attempts at keeping public records from the public. When these cases are finished we will calculate the actual cost to Arcola Township residents and make sure they are fully aware of how their money has been spent.



[**Arcola Twp FOIA suit update – 9-26-2014...**](#)

DOUGLAS CO., IL. ([ECWd](#)) –

On Friday, September 26, 2014 there was a hearing for all motions on five of the six Freedom of Information Act civil suits against Arcola Township.

Here is a quick run-down on the results of the hearing:

2014-MR-33 – Motion for additional time to answer granted

2014-MR-16 – Additional time granted to defendant to answer Plaintiff Motion for Summary Judgment 21 days to answer plus 21 days to respond

2013-MR-53 – Pl Meet and Confer Conference stricken – Def Motion for Sanctions denied (non-compliance reserved for ruling) – Def Motion to Compel Production denied – Def demand for document production partially denied and partially granted (must produce within 28 days) – Def Motion to Quash subpoenas granted and Sanctions against use of material obtained granted and he reserved a ruling on the Cost to prepare document on the subpoenas. Judge gave them 15 days to prepare a written summary of costs

2014-MR-16, 17, 20, and 2013-MR-53 Set for Hearing on all matters (trial) for **December 16, 2014**

2014-MR-34 – Motion to consolidate not considered this date

[Arcola Township fighting 6th FOIA lawsuit –](#)

ARCOLA, IL. ([ECWd](#)) –

Yet again, and hopefully the last time, Arcola Township has had another Freedom of Information Act civil suit filed against them for their alleged failure to comply with the FOIA. This makes this the 6th active civil suit under FOIA against Arcola Township.

Case Number: **2014-MR-34** was filed a little after 11:30 this morning and can be followed online ([here](#)).

There is really nothing more I can say that I haven't already said on the requirement to provide public records when requested. Everybody knows that already, no sense in beating a dead horse.

Read the other Arcola Township articles ([here](#)) or the suit below:

[Download \(PDF, 5.43MB\)](#)

[Arcola Township sued for 5th time – Seeking Access to Public Records –](#)

ARCOLA, IL. ([ECWd](#)) –

As I wrote in this previous article ([here](#)), Arcola Township has been sued for the 5th time for alleged violations of the Freedom of Information Act.

The FOIA is such a simple public Act that I find it hard to believe public bodies can keep violating it without knowing what they are doing.

The case number from Douglas County is: **2014-MR-33** and can be viewed online ([here](#)).

The Complaint (unstamped) is below:

[Arcola Township facing 5th FOIA Lawsuit –](#)

ARCOLA, IL. ([ECWd](#)) –

In another of the many recent alleged violations of the Freedom Of Information Act, Arcola Township is facing its fifth civil suit for their failure to provide public records when requested.

This one is particularly special because it shows the arrogance of the township officials when it comes to complying with the law.

Kirk Allen, after attending the hearing on FOIA suit 2013-MR-53 and observing the township attorney, Mr. Mark T. Petty, inform the judge **twice**, in open court, that Kraft had filed 30 FOIA requests within a year, decided to verify that statement that everyone in the courtroom knew was an out-right lie.

Allen sent a request to Arcola Township for a copy of all the FOIA requests received (just the requests, not the responsive documents) in that time-frame and the answer was returned that there were no documents response to that question!

This is how Arcola Township has been answering requests for public records, by claiming everything is a question, and that they don't have to answer questions. But that's fine, their childish ways are coming at the expense of the taxpayers that put them in office.

Remember this at the next election, the township is purposely

refusing to answer FOIA requests and willfully creating massive legal fees, all with your money. They will try to claim we ask for public records, but all they need to do is provide the requested records when asked and follow the law. Instead, you will pay more in legal bills this year than Deanna makes working in both the township and the fire department.

Let that sink in for awhile...then read this article again, and read these articles ([here](#)).

The original FOIA request and the answer to the request:

[Download \(PDF, 1.21MB\)](#)

[Arcola Twp FOIA suits update](#)

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ARCOLA, IL. ([ECWd](#)) –

There are currently four separate Freedom Of Information Act civil suits against Arcola Township. In the oldest suit, 2013-MR-53, the Court dismissed Arcola Township's motion for dismissal and ordered further pleading within 21 days ([article](#)

[here](#)). This further pleading came in the form of a Motion to Consolidate the four cases into one, claiming it would save time, money, speed up the process..

I filed an Objection to the Motion to Consolidate for case nos: 2014-MR-16, 2014-MR-17, and 2014-MR-20 explaining that these three cases were *pro se* and I did not want to slow progress on the earliest case. My attorney has, or soon will, file the Objection for the earliest case.

A Hearing is scheduled to hear the Motion to Consolidate, and my Objection, on **August 11, at 10:30 a.m. in the Douglas County Courthouse.**

[Download \(PDF, 3.12MB\)](#)

Update on AG Investigation into Arcola Township 2013-PAC-25511 –

ARCOLA, IL. ([ECWd](#)) –

This is an update on this request for review ([here](#)) (2013 PAC 25511) and I believe it is the only remaining FOIA request for review with Arcola Township left with the Attorney General's Public Access Counselor. I have closed the other ones out in order to file civil suits in Douglas County Court (13-Mr-53, 14-MR-16, 14-MR-17, and 14-Mr-20).

There will be another civil suit filed Monday morning, June

16, 2014, for their alleged failure to answer yet another simple request for public records dating back to June 1, 2014.

In January of this year, the PAC asked Mr. Petty to respond again to the allegations that Arcola Township failed to provide the public records requested, and I had a chance to respond to his response.

Both are below:

Attorney General's Second Round of Questions – AND – Petty's response to the AG:

[Download \(PDF, 325KB\)](#)

My response to Petty's response:

Read my claim on vacation days carefully in order to grasp its full meaning...

From: John Kraft [mailto:john@heirloomvideography.net]

Sent: Sunday, February 02, 2014 11:40 PM

To: 'Hartman, Matthew'

Subject: re: 2013 PAC 25511 (Arcola Township)

February 2, 2014

Mr. Matt Hartman

Assistant Attorney General

Public Access Bureau

500 South Second Street

Springfield, Illinois 62706

Re: FOIA Request for Review – 2013 PAC 25511

Mr. Hartman,

I am writing this in response to Mr. Petty's letter dated

January 17, 2014 and forwarded to my on January 27, 2014.

Section 2(c) of the FOIA [5 ILCS 140/2(c)] defines "Public records" as:

"Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

Section 2.5 of the FOIA [5 ILCS 140/2.5] provides that: "All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public."

Section 3(a) of the FOIA [5 ILCS 140/3(a)] states in part: "a public body may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Act".

Section 7 (2) states "A public record that is not in the possession of a public body but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the public body, and that directly relates to the governmental function and is not otherwise exempt under this act, shall be considered a public record of the public body for the purposes of this act". The requested records; a) Meet the definition of "public records" as defined in Section 2 (c) of the Act, and, b) The requested records are "records of funds" generally, and in particular relate to the use of public funds as explained in Section 2.5 of the Act.

For the purposes of the credit card receipts:

Credit card receipts are public records as defined in the Act, They are also records relating to the use of public funds. If the Township chose not to keep copies of the receipts, the can simply go to the credit card company and get copies from them. Additionally, the Township, by its failure to obtain the records from third parties, has granted those third parties the exclusive right to access and disseminate public records. Since they have produced no "Applications for Authority to Dispose of Local Records" or "Record Disposal Certificates" for these particular public records, they must have chosen to allow the credit card companies to store these records on behalf of the Township.

The Attorney General has recently determined, in 2011 PAC 17699, that public records not kept in the possession of a public body, but with a 3rd party (cell phone company) were considered public records of the public body, and directed the public body to contact the cell phone company and obtain those requested records.

For the purposes of the vacation days:

As far as the vacation days only being verbal approval, I will state the mental records fall under the definition of Public Records as "*having been used by*" and "*in the possession of*" and "*under the control of*" a public body since Section 2(c) specifically states "regardless of the physical form or characteristics". They are also records pertaining to the use of public funds.

Section 6 of the Act states that: "*When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in*

which it is maintained by the public body, or in paper format at the option of the requester."

Now, since the records cannot be produced in an electronic format, and they obviously cannot be produced in the format in which they are maintained by the public body, I am hereby exercising my option, according to Section 6 of the Act, that the requested public records be produced in paper format.

Attorney General Opinion 12-014 addressed the issue of putting records in a different format and determined it would not be considered "creation of a new record". I am not requesting records they don't normally keep; I am simply asking they be provided in a paper format.

For the purposes of the last paragraph of his letter:

Whether or not I filed a lawsuit to enforce my right to access public records, for FOIA denials not related to this request for review, is immaterial. However, I will note what Mr. Petty failed to note, and that is the first lawsuit was dismissed only because the paperwork was served improperly, not because of any defect in the pleadings.

Thanks for your consideration,

John Kraft

Letter Ruling on the Denied Motion to Dismiss –

ARCOLA, IL. ([ECWd](#)) –

This is an update to this article ([click here](#)) and you will be able to read the Letter on file in this case that denied the motion for involuntary dismissal.

Plaintiff – Kraft v. Defendant Arcola Township

This is a summary of my opinion on what the Letter Ruling stated, you can read the actual ruling at the end of this article.

Defendant filed Motion for Involuntary Dismissal, here is the letter ruling on that motion:

1. Defendant argued that Kraft did not have standing because the FOIA requests were on behalf of the Edgar County Watchdogs, Inc. – Letter ruled that Kraft requested FOIA in his own name and set the address of Edgar County Watchdogs as place to receive response.
2. Defendant argued there was only one FOIA request instead of two. Letter ruled this was not a matter barring claim (complaint).
3. Amount of payment for FOIA production questioned. Letter ruled it not an issue or cannot be determined at the pleading stage.
4. Defendant argued there was no genuine issue as to material fact. Letter ruled this should not be raised in this motion, but instead during a Motion for Summary Judgment.
5. Defendant filed several affidavits claiming complete compliance. Letter ruled that, on their face (responsive

documents), there were multiple pages in length, but not all pages were furnished and the affidavits do not account for the absence of the additional pages, and that Defendant's failure to furnish the same is not in compliance with the Freedom Of Information Act.

6. Other items questioned that were not germane to this motion, but could be issues raised under Motion to Dismiss in another paragraph of the civil code.

[Download \(PDF, 1.55MB\)](#)

[William Coombe has Arcola Township fighting 4th FOIA Suit –](#)

ARCOLA, IL. ([ECWd](#)) –

Arcola Township is now facing its 4th lawsuit for alleged violations of the Illinois Freedom Of Information Act.

UPDATE: Summons was served on June 3, 2014.

Douglas County case number: [2014-MR-20](#).

That's right – the FOURTH lawsuit in the past 8 months.

William Coombe, the Arcola Township Clerk, and the entire Arcola Township Board of Trustees must be pretty proud of themselves for letting their attorney, Mark Petty continue making money off the backs of the township taxpayers.

Something as simple as copying a few pieces of paper and

sticking them in the mail is way too difficult for them to be bothered with.

So now we have lawsuit number 4. Number 5 will follow shortly if the Township does not pull their head out and comply with the law.

This is a classic example of the need for FOIA reform that forces public officials to be held personally liable when they lose FOIA suits. That is the only way to stop the bleeding of public funds simply because an individual doesn't feel the need to follow the law.

Here are the steps to comply with the law:

1. Receive request for public records.
2. Copy request – put in a file, collect records.
3. Send responsive documents to person requesting records.
4. Done.

Simple, isn't it?

Copy of the lawsuit is below:

[Download \(PDF, 529KB\)](#)



Motion to Dismiss Denied re: Kraft v. Arcola Township – 2013-MR-53 –

ARCOLA, IL. ([ECWd](#)) –

On May 29, 2014, the Court filed a letter ruling on Arcola Township's Motion to Dismiss.

The Judge removed the cause from advisement, examined all pleadings, files and records, and reviewed argument of counsel.

He Denied Arcola Township's Motion to Dismiss and gave them 21 days to answer or further plead on the Complaint.

This is good news as it brings this case one step closer to completion.

Below is a "copy and paste" from the case on [judici.com](#) ([CLICK HERE](#)):

Letter Ruling on file. Cause removed from advisement on Defendant's Section 2-619(9) to dismiss. Pleadings examined, files and records reviewed arguments of counsel considered. Finding by the court that affirmative matter avoiding the legal effect of or defeating the claim raised by Plaintiff does not exist in the present cause to bar the claim asserted against Defendant. By reason thereof, Defendant's Section 2-619(9) Motion to Dismiss is denied. Defendant ruled to answer or otherwise further plead to Plaintiff's Complaint within 21 days of this date.

Public records for this motion:

Defendant Motion for Involuntary Dismissal ([HERE](#))

Plaintiff response to Motion to Dismiss ([HERE](#)) (written by me and filed prior to obtaining an attorney)

[Arcola Township Defending a 3rd FOIA Lawsuit – 2014-MR-17](#)

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ARCOLA, IL. ([ECWd](#)) –

UPDATE: 5-23-2014 Summons was served.

Arcola Township, under the leadership of William Coombe and others, is facing a THIRD Freedom Of Information Act civil suit in Douglas County. Suit number 2014-MR-17 ([HERE](#)).

In this suit, I allege the township denied a FOIA request sent to them on April 25, 2014. They have never answered the request for records, and subsequently that non-answer constitutes a denial of a FOIA request in accordance with the Illinois Freedom Of Information Act.

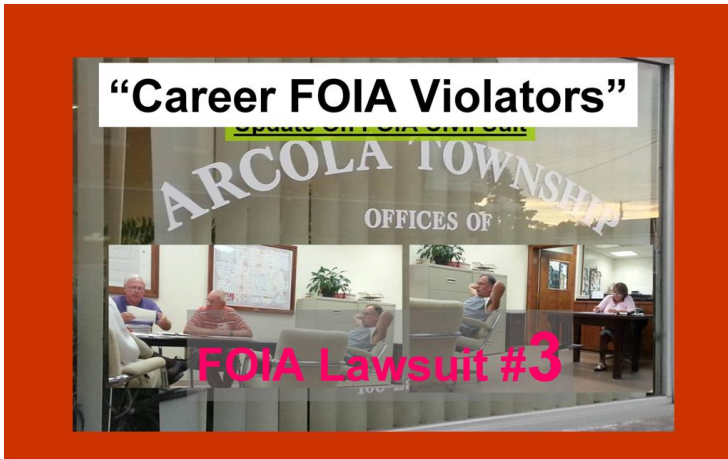
Two previous FOIA suits (2013-MR-53 and 2014-MR-16) are still ongoing at this time.

This is simply another chapter in the effort to get Arcola Township to provide public records when requested to do so. It is the law, and they have been violating this law for well over a year as of the writing of this article. This township has certainly been the most secretive, obstructing public body I have ever come across – but I do not give up and they will be forced to comply with the law. I find it hard to believe

the taxpayers in this township are condoning this, and I urge each and every one of you to contact your township trustees, clerk, and supervisor and tell them how you feel about the way your tax money is being spent.

A copy of the suit can be viewed below.

[Download \(PDF, 5.92MB\)](#)



[Arcola Twp facing another FOIA Civil Suit – 2014-MR-16](#)

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ARCOLA, IL. ([ECWd](#)) –

UPDATE: 5-22-2014 Summons served.

Arcola Township, under the leadership of William Coombe and others, is facing another Freedom Of Information Act civil

suit in Douglas County. Suit number 2014-MR-16 ([HERE](#)).

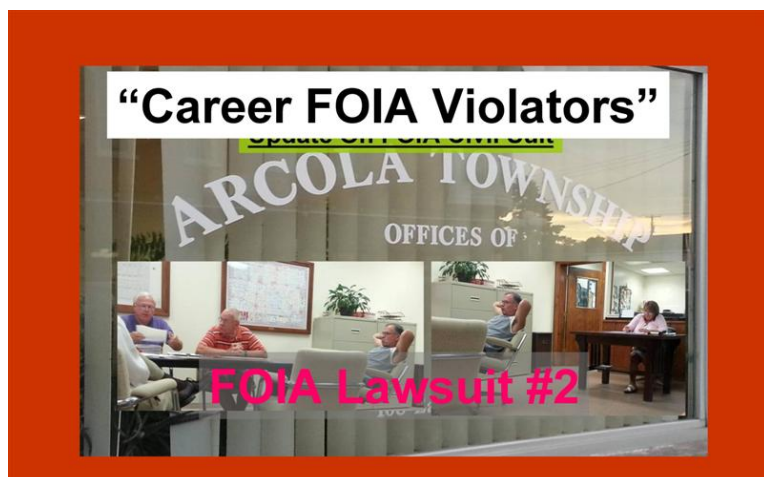
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This is simply another chapter in the effort to get Arcola Township to provide public records when requested to do so. It is the law, and they have been violating this law for well over a year as of the writing of this article. This township has certainly been the most secretive, obstructing public body I have ever come across – but I do not give up and they will be forced to comply with the law. I find it hard to believe the taxpayers in this township are condoning this, and I urge each and every one of you to contact your township trustees, clerk, and supervisor and tell them how you feel about the way your tax money is being spent.

A copy of the suit can be viewed below.

[Download \(PDF, 4.66MB\)](#)



[Arcola Township Denies Public Records for the 4th time in 6 Weeks –](#)

ARCOLA, IL. ([ECWd](#)) –

In yet another disgusting display of public mockery of the Freedom Of Information Act and of the Public Access Counselor's Office, the Township of Arcola has determined they don't need to respond to Freedom Of Information Act ("FOIA") requests from the public.

The Illinois Attorney General has failed to act on the previous denials, so why wouldn't the township keep denying them. There has been absolutely no recourse for citizens trying to gain their right to access public records of this particular public body.

The residents of Arcola Township need to contact their trustees and township clerk and tell them this is unacceptable. The denials from last year have costs the township residents an estimate of over \$12,000 so far (that's TWELVE THOUSAND DOLLARS), trying to keep credit card statements from the public. That lawsuit is not finished yet, so the price tag keeps climbing. I estimate by the time it is over, the Trustees and William Coombe will have cost the taxpayers well over \$15,000 – just to have to produce the records anyway. That is the law.

This latest batch of denials will probably result in the filing of four separate FOIA civil suits against the Township. If they go the same way the current suit is going, the price tag will certainly exceed \$75,000 by the end of this year. All on your backs, because the Township officials know they are spending your money, not theirs.

I know, they will try to blame the requesters, but the law is on the side of producing the requested public records. It's not a hard thing to do unless you are trying to hide wrongdoing.

Ultimately you, the taxpayer, are paying the price for your elected official's flagrant violations of the law.

The most recent FOIA request for review was sent to the Illinois Attorney General's Public Access Counselor this morning and can be viewed below.

[Download \(PDF, 77KB\)](#)



[William Coombe – Career FOIA Violator – Arcola Township –](#)

ARCOLA, IL. ([ECWd](#)) –

The Arcola Township Clerk, Mr. William Coombe, has decided to take it upon himself to violate the Illinois Freedom Of Information Act "FOIA" on behalf of the people of the Township of Arcola. You should all be proud of him – he tries really hard to keep secrets.

On May 6, 2014, Mr. Kirk Allen served a FOIA request on the Township of Arcola seeking copies of all FOIA requests sent to the township since January of 2013.

Mr. Coombe, being the brilliant person he is, took it upon himself to determine that asking for copies of something was really asking a "question" – and he even emphasized that word in the denial with an exclamation mark! Maybe he thought an exclamation mark would make it more believable?

Mr. Coombe please read the Freedom Of Information Act, and read it enough times to where you will understand it. I certainly hope you did not get any advice from your attorney when you denied that request. If you did, it is incompetence at the highest level. Unless, of course, you are assisting him in covering for the statements he made in open court to the Judge – TWICE.

Anyway, one of the very first things you must do when you receive a FOIA request is to make a copy of it and put it in a file where copies of all FOIA requests go. That is mandatory. Mr. Allen knows you have at least 30 FOIA requests in that time period because he was in the courtroom when your attorney, Mark Petty, stated so...twice...to the Judge...in open Court.

This is a repeated common action of the Township of Arcola in a feeble attempt at keeping from releasing PUBLIC records. You are a disgrace, please resign.

As always, supporting documents are below – click on them to make them bigger.



F0IA Request



F0IA Denial



Another Arcola Township F0IA Denial Investigation by the AG –

ARCOLA, IL. ([ECWd](#)) –

The Illinois Attorney General's Public Access Counselor has determined that further inquiry is warranted in the Request for Review I submitted when they did not respond to a Freedom Of Information Act request that I made on April 25, 2014. This

information came in a letter dated May 7, 2014 and addressed to William, Bill, Coombes, the Arcola Township Clerk.

They did not respond, now the Township is spending more of your hard-earned money paying Attorney Mark Petty to respond to the Attorney General.

Case Number: **2014 PAC 29232** is the number assigned to this request.

Previous article on this request for public records [HERE](#).

There is still another open request from last June that has yet to receive a determination form the Attorney General.

There is also an ongoing FOIA civil suit still yet to be determined.

Don't forget to thank your Township Trustees for their wise expenditures of your money!

[Download \(PDF, 1.3MB\)](#)

Attorney General Investigating Arcola Township's FOIA Denial –

ARCOLA, IL. ([ECWd](#)) –

In a letter dated May 7, 2014 and addressed to William, Bill, Coombes, Arcola Township Clerk, the Illinois Attorney General's Public Access Counselor has determined that further inquiry is warranted in the Request for Review I submitted

when they did not respond to a Freedom Of Information Act request that I made on April 12, 2014.

They did not respond, now the Township is spending more of your hard-earned money paying Attorney Mark Petty to respond to the Attorney General.

Case Number: **2014 PAC 29096** is the number assigned to this request.

Previous article on this request for public records [HERE](#).

There is still another open request from last June that has yet to receive a determination form the Attorney General.

There is also an ongoing FOIA civil suit still yet to be determined.

Don't forget to thank your Township Trustees for their wise expenditures of your money!

[Download \(PDF, 2.86MB\)](#)

[Arcola Township FOIA Suit Update 5-6-2014 –](#)

DOUGLAS CO. ([ECWd](#)) –

Since it is public record to anyone who wants a copy, I figured I would upload the Complaint, Arcola Township's Motion for involuntary dismissal, and my response to their motion to dismiss.

The case number is 13-MR-53 in Douglas County.

This should give you a good idea of what the arguments were on May 6. We are currently still waiting on disposition of the motion to dismiss.

Starting at the top is my response to the Twp motion for dismissal, then the Twp motion to dismiss (there were two affidavits, but I did not upload them – if you want them, leave a comment), then a copy of my complaint.

I will not make any comments on these until after the case is finished.

[Download \(PDF, 5.6MB\)](#)

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[Download \(PDF, 12.4MB\)](#)

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[Download \(PDF, 18.11MB\)](#)

