

# Effingham County Board canceled special meeting –

Effingham Co. ([ECWd](#)) –

Effingham County has been going through legal turmoil as it relates to the ambulance operations within the county for the last several years. As the legal posturing appears to be nearing a resolution, our tip line has been burning up with allegations of secret meetings and back door deals.

We chose to attend yesterday's Special Meeting of the County Board because we confirmed certain posting requirements were not complied with. We already addressed a similar violation a few months ago and were assured it was just an oversight. Now we wonder if it is a pattern.

The County Board held an emergency meeting several months ago and failed to comply with the [County Code pertaining to special meetings](#) by failing to have the meeting notice published in the local paper. After raising the question, I received this response from the County Chairman, Jim Niemann:

*I am familiar with the County Code and have been through numerous open meetings act training sessions provided by the Attorney General's office. We also have a reference guide compiled by the United Council of Counties of Illinois that we refer to. None of these trainings mention the requirements you listed, however after researching the issue, I find that you are referencing 55 ILCS 5/2-1002, put into effect January 1, 1990. I see this as being a potential conflict with the open meetings act which I believe was ratified in '96. I believe more recent laws taking priority in cases of conflict over the earlier one. All that being said, I will have the issue addressed by our attorney's for clarification.*

I responded with the following language from the Open Meetings Act which takes the position that the OMA did not take a priority over requirements in the County Code.

*(5 ILCS 120/2.04) (from Ch. 102, par. 42.04)*

*Sec. 2.04. The notice requirements of this Act **are in addition to, and not in substitution of, any other notice required by law.** (Source: Laws 1967, p. 1960.)*

I was told, as seen above, that he would have the issue addressed by their attorney for clarification, which would be the State's Attorney.

Fast forward to yesterday's meeting where I asked a simple question.

Considering this meeting was not published in the paper as required by the county code and no Public Notice on the website, is this a legal meeting? You can see the question and the several minutes of confusion the question created starting at the 5:25 mark of the video either at [this link](#) or viewed below.

I raised the question because they were planning on taking action on a contract that could possibly be ruled invalid if such action was taken during an illegal meeting.

The response is very interesting. For starters, two attorneys had to leave the room for close to 10 minutes to review the Open Meetings Act, to then return and make a point of saying although they disagree with my interpretation of the law, they recommended the meeting be rescheduled.

A review of the video reflects I made no interpretation. I simply asked the question: Is this a legal meeting? The question was based on the facts presented below.

***You be the judge!***

Does holding a meeting where they failed to publish the notice

of a special meeting in the local paper, as required by the County Code, constitute an illegal meeting?

*(55 ILCS 5/2-1002) (from Ch. 34, par. 2-1002)*

*Sec. 2-1002. Special meetings. Special meetings of the board shall be held only when requested by at least one-third of the members of the board, or when requested by the chairman of the board in counties where such chairman is elected by the voters of the county, which request shall be in writing, addressed to the clerk of the board, and specifying the time and place of such meeting, upon reception of which the clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the board. **The clerk shall also cause notice of such meeting to be published in some newspaper printed in the county, if any there be.** In case a vacancy arises in the office of clerk, because of death or other reason, then the request shall be addressed to the circuit clerk who shall perform the duties of the clerk pursuant to this Section.*

*(Source: P.A. 86-962.)*

Does holding a meeting where they failed to publish the public notice on their website, as required by the Open Meetings Act, constitute an illegal meeting?

*5 ILCS 120/2.02(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. **In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body.***

Although the attorneys took the position they disagreed with our interpretation, even though we never gave one, they suggested rescheduling the meeting. They claimed to have erred on the side of caution by rescheduling the meeting,

however, my confusion lies with the claim by the State's Attorney that the county has done it's best to get notice out, when in fact they once again ignored the mandatory newspaper publication requirement found in the Counties Code. If their best is to **not** be able to provide the newspaper with a purchase order to publish the notice as required, then their best is clearly not good enough.

They have rescheduled this meeting for June 2, 2017, at 10:00 am.



---

## [Citizen Watchdog Training – May 6 – Effingham](#)

EFFINGHAM, IL. ([ECWd](#)) –



As citizens, we don't just have the right to expect local governments spend our tax dollars legally and transparently—we have the responsibility to hold them accountable when they don't. But how can you keep your local government honest?

[Join Americans for Prosperity Foundation](#) and the Edgar County Watchdogs, Saturday, May 6th to learn how to use the tools at our disposal to make a difference. Hear from the two founders of the Edgar

County Watchdogs, who have used publicly-available information and the state's Open Meetings and Freedom of Information Laws to expose waste, fraud, abuse, and corruption in their hometowns and across the state.

**Citizen Watchdog Training**

Saturday, May 6th, 8am-12pm

Thelma Keller Convention Center-Washington Room

1202 N. Keller Dr.

Effingham, IL 62401

Thanks to the efforts of these men, more than 240 elected officials and bureaucrats in Illinois have resigned or been removed. [Come](#) meet other concerned citizens and learn where to look, what to look for, and what questions to ask. [RSVP today](#) to save your seat!

For Freedom,

Andrew Nelms  
State Director  
Americans for Prosperity – IL



# Effingham County violates FOIA – State's Attorney now involved

Effingham Co. [\(ECWd\)](#) –

In light of the ambulance contract the county recently entered into, and the public outcry over concerns on how that process was handled, we filed a Freedom of Information Act request.

My request was sent March 30th, 2017, and we have had zero response from the county until today and only because we got the State's Attorney involved. The following is what was requested.

- *A copy of written request addressed to the clerk of the board for a special meeting of the county board that reflects one-third of the members of the board making said request for a special meeting as required by law for the last three special meetings held by the County Board.*
- *A copy of written notice to each member of the board informing them a special meeting has been called by one-third of the members of the board for the last three special meetings held by the County Board.*
- *A copy of the notice of such meeting published in the newspaper as required by law for the last three special meetings held by the County Board.*
- *A copy of the recording (audio/video) of the last special meeting where the Ambulance Settlement agreement was acted on.*
- *A copy of the settlement agreement voted on by the board.*
- *A copy of the agenda for the special meeting where the Ambulance settlement agreement was acted on.*

- *A copy of e-mail addresses for all County elected officials.*

Considering it appeared our request was being ignored, as it is well past due the statutory time frame, we reached out to State's Attorney Brian Kibler. Shortly after contacting his office we received the following notification from his office.

*Kirk, I just spoke with the County Clerk, Kerry Hirtzel, and he informed me that you would be receiving an email regarding your FOIA request. If you have any other questions, please let me know.*

**CORRECTION/UPDATE:** I appreciate the response, however, we believe it is fair to ask, is the State's Attorney going to exercise his power to hold them accountable and prosecute the FOIA violation **as Official Misconduct** or will he ultimately end up defending them in what is a clear violation of our law pertaining to access of public records?

We have reason to believe the response is going to expose other laws being violated and we will report on that once they provide the requested information.



---

**U.S. District Attorney  
announces Southern Illinois**

# Public Corruption Task Force

=

*(Pay attention Clark County...Effingham County...you are in this district)*

FOR IMMEDIATE RELEASE

Monday, April 10, 2017

## **Southern Illinois Public Corruption Task Force Introduces New Tipline**

On Monday, April 10, 2017, Donald S. Boyce, United States Attorney for the Southern District of Illinois, and Brendan F. Kelly, State's Attorney for St. Clair County, Illinois, announce the introduction of the **Southern Illinois Public Corruption Task Force Tip Line: 618-589-7353**. There will also be a billboard campaign in connection with the Tip Line.

Anyone with information concerning public corruption occurring within the 38 counties that make up the Southern District of Illinois is encouraged to call the Tip Line. Agents from the FBI, IRS Criminal Investigations, and Illinois State Police will professionally and swiftly investigate any information provided. It is only by citizens alerting law enforcement to public corruption that law enforcement can continue to investigate and prosecute those officials who have betrayed their oaths and the public trust by choosing to make public service into self-service.





Click to  
enlarge

St. Clair County State’s Attorney Brendan Kelly said, “Over the past five years, we have greatly increased prosecution of public corruption. With trust in our public institutions at an all-time low, we must do everything we can to protect it from those who would violate it.”

U.S. Attorney Boyce said, “Concerned citizens are the government’s biggest asset when it comes to exposing people who are abusing the public’s trust and misusing taxpayer money to line their own pockets. This initiative is designed to solicit the public’s help in identifying and targeting public corruption.”

[USA0 – Illinois, Southern](#)

Updated April 10, 2017

---

## [Effingham Park District eliminates perks for Park Commissioners –](#)

EFFINGHAM, IL. (ECWd) –

After we [wrote an article](#) (which was part of a larger project

dealing with park districts across the state of Illinois) dealing with unauthorized memberships, discounts, and other freebies typically given to park commissioners, their families, and former commissioners and families – the Effingham Park District took steps to eliminate those perks.

The Effingham Park District eliminated a park policy compensating commissioners, which had been in place for more than 27 years. There are no longer any perks, discounts, or free use of park facilities or programs for their park commissioners, former commissioners, or their family members.

The district also rewrote their public comment policy to bring it in line with current Open Meetings Act rulings on public comment during meetings. Instead of requiring a weeks' notice in advance of the meeting, their new policy only requires notification prior to the meeting and can be found [at this link](#).

The park district also corrected their policy on “fee structures” and access to park programs – making it simply a first-come-first-served policy.

We can only hope other local public bodies in Illinois will learn from the Effingham Park District and the [DeKalb Planning and Zoning Commission](#) – where they realized a problem existed and chose to fix the problem instead of fighting against the public.

It is not hard, and it is what we have continually written – just fix the problem, follow the law, and you have nothing to worry about.

The updated Effingham Park District policies can be found here: [part 1](#) and [part 2](#). We urge you to check their website in the future for further updates.

---

# Election Board Lottery Determined Ballot Order For 2016 Primary Election –

Springfield, IL. (ECWd) –

The Illinois State Board of Elections held the lottery on December 9, 2015, to determine ballot placement in the upcoming election.

Ballot order for the **102nd** Illinois State Representative District is

1. Brad Halbbrook
2. Randy Peterson
3. Jim Acklin

Ballot order for the **110th** Illinois State Representative District (without ballot due to filing dates):

1. Reggie Phillips
2. Jonathan Kaye



---

## Effingham School Board violates Oath , Constitution, School Code, School Policy –

Effingham, IL. (ECWd) –

It has come to our attention that the Board of Trustees of the Effingham School District were given free items (compensation) that the general public are not given, free of charge.

We see this in almost every case where the legislature has explicitly stated elected officials work without compensation. Library Trustees think they can eat steak dinners, take gold jewelry “for their service” and waive late fees “because they are trustees”, park district commissioners think they can get free boat passes, campsites, and lifetime free membership for themselves and their families, community college trustees who think it’s OK to drink it up and eat 5-star french meals “because they are trustees”, and now local school districts who think they can get free meals after board meetings and receive free season passes to their district’s sporting events.

Each and every one of those examples above are violations of the Constitution, the School/Park/Library/etc state laws, yet it is still happening. Why? Because citizens allow it to continue and because prosecutors look the other way.

In August of 2015, the elected school board members received free **Season Passes to sporting events**. Meanwhile, the parents of these student athletes must pay full price to see their children play. This is illegal and should be prosecuted if the school board members do not immediately return their season passes AND repay the district the entry fee for any event where they have used those passes in the past.

The Board also gets a **“free” meal** after most board meetings. It’s not really free, you, the taxpayer, are paying for it and it is not authorized.

#### **Oath of Office violation:**

Their Oath of Office includes language such as ***“I shall respect taxpayer interests by serving as a faithful protector of the School District’s assets.”***

Somehow I don’t think free season passes to sporting events are effectively and faithfully protecting school district assets, and as such they have violated their oath of office.

#### **Constitutional violation:**

Article VIII, Section 1(a) and (b) explain the use of public funds, property, and credit:

(a) Public funds, property or credit shall be used only for public purposes.

(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

What is the public purpose of free season passes to board members – especially when the receipt of compensation is forbidden by law?

**School Code violation:**

The Illinois School Code says that school board members “***shall serve without compensation.***”

Compensation is anything received, no matter what form and no matter who from, based on their position as school board members.

**School Policy violation:**

Effingham School Board Policy 2:125 specifically states that “**No School Board members may receive compensation for their services**, except that a Board member serving as the Board Secretary may be paid an amount up to the statutory limit if the Board so provides.”

**Update for clarification:**

*I have talked to other school superintendents and the general thought was that the school board should show its support for the athletic events, and they are there as representatives of the voters, so that is why they get in without paying.*

*Another thought was that “it is under the dollar amount listed in the Gift Ban” portion of the Illinois Public Officer Prohibit Activities Act.*

*Both thoughts above should not apply – there is no provision in the school code, and it is not the board’s duty, to attend athletic events as representatives of the voters. Additionally, the gift ban only applies to prohibited sources, and then you would still have to revert back to the school code which states they shall work without compensation.*



---

## Schools Prohibited from Requiring Student Passwords to Social Media –

Springfield, IL. (ECWd) –

Received this tip in an email blast on a recent change to the “*Right to Privacy in the School Setting Act*” from the legal firm of Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP...

Take note Effingham School District, and all the others that decided to take advantage of students last year... additionally, I would suggest all parents and students change their passwords to make sure the schools do not maintain access they may already have.

## Access to Student Social Media Accounts Curtailed

[September 10, 2015](#)

Recent amendments to the *Right to Privacy in the School Setting Act* restrict access by schools to student social media accounts. Initially the Act gave schools the right to request

or require a student to provide social media account passwords or other related account information when the school had reasonable cause to believe the account contained evidence of a disciplinary violation. Schools were required to provide notice to parents of this right. Our article regarding the then-new law can be found [here](#).

The recent amendments to the Act restrict this right. [Public Act 99-0460](#), which became effective on August 25, 2015, *prohibits* schools from requesting or requiring students to provide passwords or other account information for their social media accounts in any circumstance. Now, schools only may require a student “to cooperate in an investigation” if there is specific information about activity on the student’s social media account that violates a school disciplinary rule or policy. As part of the school’s investigation, a student may be required to “share the content that is reported in order to make a factual determination,” but the school no longer can request or require disclosure of passwords. [Continue reading...](#)

Hodges Loizzi \_\_\_\_\_  
Eisenhammer Rodick & Kohn LLP

---

## [Effingham Mayor Bloemker says Open Meetings Act is dysfunctional](#)

Effingham, IL. (ECWd) –

According to the Effingham Daily News, Effingham, Illinois’ new Mayor, Jeff Bloemker stated that he thinks the Open



Meetings Act is “dysfunctional because it inhibits the free exchange of ideas.”

Wow, maybe he should resign now.

He thinks the Mayor is no different than a CEO of a private company. Mayor, you are wrong, there is a big difference between public and private.

He must remember that Effingham is a public body, and as such, must comply with rules that private companies don't see, such as discussing public business at a public meeting, in a public building, with a notice and agenda published at least 48 hours prior to the meeting.

Read the Effingham Daily News article [here](#).



---

## [Effingham Park District violates state law, compensates Commissioners –](#)

Effingham, IL. (ECWd) –

While reviewing the Effingham Park District's policies, I came

across a policy that shows compensation for Park District Commissioners, even though the Illinois Park District Code specifically states that commissioners shall act without compensation.

In short, this district codified its theft of funds and services in an attempt at making it legal.

### **Compensation to Commissioners**

In Policy 6016 (and 6017), Board Member and Staff Use Of Facilities, the following is compensation given to commissioners in violation of law:

- Use of Park District facilities without charge.*
- Waiver of, or reduced charge of, certain activities that would normally require a fee.*
- Lifetime Pass to all former board members and one guest to all Park District related functions – along with a recognition at the first meeting of each calendar year.*

See pages 9 and 10 of the Policy ([here](#)).

What is it with Park Districts that think they can just ignore established law and do as they please without any repercussions?

I suggest the district immediately rescind ALL compensation given to current or past commissioners and their families/guests – and demand repayment of everything already received.

### **Improper rules for addressing the Board**

I am not sure if the rules for addressing the board that are posted on their website are meant to further restrict their approved, published, and established rules, or if they are simply there to try and keep people from addressing the board.

There are several problems listed – if the statement is intended for the public comment session of a meeting. First, there is no such thing as a “feasible suggestion” during public comment, and, second, it states they must make a request to the Director at least a week prior – when the Director has absolutely no say in what happens during meetings, and finally, the reason for addressing the Board must be stipulated at the time of the request – when this is not a requirement in the Open Meetings Act.

[Website:](#) *“The EPD Regular Board Meeting will be held at 6:30 p.m. on the first Wednesday of every month. The meeting site is the Administrative Office of the Park District at 1906 South Fourth Street Road. The public is invited to attend any meeting. Anyone with a feasible suggestion may request an opportunity to speak with the Board. This request must be made to the Executive Director at least one week before the meeting. The reason for addressing the Board must be stipulated at the time of the request.”*

If the above statement is not meant for the public comment session, I suggest the Board state that on their website.

### **Improper Access/Fee Structure**

The Park District Code specifically authorizes a park district to charge a different fee to “non-residents” of the district. This does not mean the district can develop its own interpretation of the definition of a non-resident. A non-resident is simply someone that does not reside within the district’s boundaries.

[Section 9002](#) of the Effingham Park District Policy Manual lays out some improper access/fee structures:

In paragraph 1, the district classifies in-district tax paying residents as a special class (leaving renters out in the cold), non-residents who own property in the district as a special class, non-residents who reside in Effingham Unit 40

school district (and pay school taxes) as a special class (meaning renters are left out in the cold). The same hold true for paragraph 2.

Nothing in the Park District Code authorized these classifications, and since we live in a Dillon's Rule state, the district only has the power given to it by the legislature – nothing more. This gives the appearance that some people are given preferential, special treatment above others when the only authorized special treatment is between residents and non-residents.

The problem lies with the entitlement mentality and individuals that think they are special and deserving of a special status. The bottom line is this: You are either resident of the district or you are not a resident of the district. Paying property taxes to the district, or paying property taxes to a school district have no relevance on whether you are a resident of the park district.



---

**Finally – Constitutional**

# Rights Restored!

US Supreme Court ([ECWd](#)) –

In a unanimous ruling our 4th Amendment Rights have been upheld!

**The Court ruled that the police need warrants to search the cellphones of people they arrest.**

This is sure to lay a hefty blow to the recent Illinois Law, [“Right to Privacy in the School Setting Act”](#), that we just argued last week in the Effingham School District #40 as a law that tramples our Constitutional Rights.

For those that are not aware of the recent Illinois Law, it gave School Administrators police powers to seize a student’s private password and other information so that they may access the social media accounts if they believe the student has violated a school policy or disciplinary rule. Their basis for such police action is on reasonable cause.

## **Reasonable based on whose definition?**

During the Effingham School Board meeting there was not a single board member that could define what probable cause even meant as it relates to our 4th Amendment Constitutional Rights. It was a pleasant surprise to see so many parents show up to that meeting with several expressing their concern of the newly exposed law that makes no mention of even a search warrant being needed. We urged they not enforce the law without serious constitution legal direction as on its face most lawyers we have spoken with agreed it was a badly written bill and will lead to legal problems for schools.

The Illinois law simply left it up to the uneducated to make a legal determination without any requirement to even contact the police, let alone the courts, prior to seizing private

information. Sadly, people on that board were stupid enough to defend the new law and their policy that was recently implemented.

I suspect the law makers in Springfield will be scrambling to change the poor thought out bill that was disguised by its name, as it did **NOTHING** to ensure students have a right to privacy in the school setting! It did just the opposite and the ruling out of the Supreme Court this week is sure to send a message across the bow of many police agencies and school districts who routinely violate people's rights as it relates to accessing their phones.

[\(Link to Courts Decision\)](#)

---

## Lake Land College Employee Terminated, Charged With Theft –

MATTOON, IL. ([ECWd](#)) –

This is a common situation that we discover time and time again in nearly every public body we look at.

We saw this in:

- DeWitt County Probation Office ([here](#)),
- Arcola Township ([here](#)),
- Edgar County Housing Authority ([here](#)),
- Edgar County ETSB,

- Ford-Iroquois Public Health Department,
- Effingham County Public Health Department,
- East Central Illinois Mass Transit District ([here](#)),
- Paris City Council ([here](#)),
- and even with the Mayor of Paris ([here](#)) and ([here](#)).

**ALL of them constitutional violations and felonious actions left unprosecuted.**

What makes this particular incident unusual is that apparently the LLC Trustees informed the Coles County State's Attorney, who is actually pressing charges. Go figure..that is what appears to be uncommon in this case.

Without further comment, here is the article from the jg-tc.com website:

[JG-TC](#): Officials announced Friday that a Lake Land College employee who was dismissed Thursday was arrested for allegedly using a college credit card for personal purchases.

Tammy Boeser was arrested on suspicion of theft, according to a news release that the college and the Coles County State's Attorney's Office issued jointly.

Boeser is charged with making personal purchases with a college credit card over roughly a four-year period, State's Attorney Brian Bower said Friday. He said the charge alleges the theft of at least \$10,000 but the investigation is continuing and an exact amount hasn't been determined.

The release also said the college has made changes to its purchasing and credit card procedures.

Continue reading at [jg-tc.com](#) ...(click here)

---

# The Erosion of Children's Rights!

Illinois Schools ([ECWd](#)) –

Each year we have a laundry list of new laws that go into effect, and more often than not the general public knows little about them for numerous reasons, but with some of those laws I think they tell the public very little because they know there will be serious push-back.

That was the case at last night's District 40 School District meeting in Effingham. Parents shared their concern over a new addition to the school policy manual based on a new law that was passed and put into effect January 1st of 2014. ([Click here for new school policy -page 18 &19](#)). It's my understanding that push-back lead to this policy being tabled for a future meeting, as interest and concern was substantial! My hats off to the citizens who attended and spoke out against this new law.

Your child's "**private**" social network account is now subject to search and seizure if the school believes he has reasonable cause that it contains evidence that would prove the child violated a school policy or rule.

**Yes, the schools now have the right under this new law to require your child give up the ID & Password to their private social networking information.**

(105 ILCS 75/15)

Sec. 15. Notification. An elementary or secondary school must provide notification to the student and his or her parent or guardian that the elementary or secondary school may request or require a student to provide a password or other related account information in order to gain access to the student's account or profile on a social networking website if the elementary or secondary school has reasonable cause to



*believe that the student's account on a social networking website contains evidence that the student has violated a school disciplinary rule or policy.* The notification must be published in the elementary or secondary school's disciplinary rules, policies, or handbook or communicated by similar means. ([Clicking here takes you to the State Statute](#))

Just two days ago I wrote an article ([Click here for that article](#)) outlining our 4th Amendment and how some law enforcement still don't get that they are supposedly trained to actually protect our rights, and now we expect our schools to make decision pertaining to our children's 4th amendment rights?

Before we look at "reasonable cause", which is the language in the bill lets look first at the 4th amendment and what it says.

***"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."***

Ultimately, these words endeavor to protect two fundamental liberty interests – the right to privacy and freedom ([Cornell Law](#)).

"The prohibition on unreasonable searches and seizures particularly affects the work of law enforcement personnel by restricting the actions that they may take in performing a *criminal investigation*; however, *the ban also disallows unreasonable searches and seizures in the civil litigation context*. Law enforcement may only conduct a search if *individualized suspicion motivates the search.* The [Fourth Amendment](#) prohibits generalized searches, unless extraordinary circumstances place the general public in danger."

## **Individualized suspicion!**

In order to avoid illegally searching or seizing the property of a suspect, law enforcement personnel typically obtain search warrants. To obtain a search warrant, law enforcement **must show probable cause, must support the showing by oath or affirmation, and must describe in particularity the place they will search and the items they will seize. A judge can find probable cause only by examining the totality of the circumstances.**

Our rights are sacred as long as we know them and demand accountability to them. When we have adults that get hoodwinked by police on those rights does anyone think a child is going to have the knowledge or even the courage to stand up and say no when it comes to that search and seizure?

This new law has now allowed the schools to make the determination of what is reasonable cause and personally I think that is a slippery slope that will in fact lead to the erosion of not only our rights but the rights of our children. The reason I feel this matter is of such grave concern is we are now seeing a policy initiated in schools that lays a foundation that each and every student will learn and that education appears to be yet another form of indoctrination.

In this case they are indoctrinating our children that the school has the right to access their private information if "they" "think" they have a reasonable cause to do so. Its a form of intimidation in my opinion. A child who grows up thinking that their teachers have those kind of rights should be a concern to all of us because our future is our children and if they have their 4th amendment rights diminished with laws like this it will clearly have a negative impact on our future when it comes to upholding those rights as adults.

I say diminished because when you read the law it "does not"

say that they must notify the parents or guardian *prior* to seizing your child's password to gain access to their private information. It simply says that they must notify the parent and or guardian that they may request that information or even require it if they deem it reasonable and the last sentence in that section makes it clear that the notification pertains to the policy, not the ACT of seizing that information.

**The notification must be published in the elementary or secondary school's disciplinary rules, policies, or handbook or communicated by similar means.**

Is anyone else concerned that the schools may now require your child to turn over private information without any input from the parent or even without the parents knowledge? Do you allow your child to be questioned and investigated by law enforcement without a parent present?

**Most concerning in this new law is the last section!**

**(105 ILCS 75/20)**

**Sec. 20. Penalty. A post-secondary school or an agent of a post-secondary school who violates this Act is guilty of a petty offense.**

Why no penalty to the elementary or secondary schools who violate the Act? Is this yet another law with no penalty to those who violate it? Sadly they claim a post -secondary school or agent of a post secondary school who violates this act is guilty of a petty offense.

**Petty offense?**

If that secondary school seizes the private information without reasonable cause that constitutes a violation of the persons 4th amendment right!

**Are they seriously now diminishing our 4th amendment right to a Petty Offense?**

I believe the school boards need to take a hard look at what

is being pushed down their throats by the legislature. The law requires them to notify the parents and students ***of*** this law however the enforcement appears to be left up to the schools. May I suggest they never enforce this policy except for matters directly effecting the safety of our children and only with clear and convincing evidence that such a concern is valid.

**Want to know which of your legislature voted for this?**

**[Click Here for House Votes](#)**

**[Click Here for Senate Votes](#)**

**My hats off to State Representatives Brad Halbrook and Adam Brown, who voted NO in our district on this bill. I wish I could say the same for Dale Righter and Chapin Rose but I can not because they voted yes.**

People wake up! Your rights are being eroded!

---

**[Effingham Co. Sheriff justifies giving away public property!](#)**

EFFINGHAM CO. ([ECWd](#)) –

What happens to a society that allows law enforcement to break the laws, while at the same time they are the ones arresting others for breaking the law? Disrespect for starters, but more importantly, it whittles away what little public trust people have in our law enforcement.

Where do you suppose Sheriff Monnet got the idea that it was OK to give away public property just because a deputy retires? I know after attending a fair share of retirement gatherings in the Military there was not a single time that we used the backs of the taxpayer to give away appreciation gifts in the form of public property, but that's exactly what Monnet has done.....and admitted to it!

As you can see in [this FOIA response](#), the Sheriff thinks that it's OK to give away a weapon by calling it "retirement of a duty weapon." The fact that he gave it to a retiring deputy raises even more concern. Considering there is in fact a statute that states deputies can't participate in any sales of the Sheriff, I guess he "deemed" it ok since it was not a sale. Sadly for him the law doesn't work that way.

Dillon's rule, a topic we have covered at length for the last couple years, clearly states that if the law is silent you can't do it! It's not any different than those in Washington only having the powers granted to them by our constitution. Sheriff Monnet, you only have the powers granted to you by law, and as you pointed out, the law doesn't allow for the giving away of public property!

**"I'm not aware to the best of my knowledge of any State of Illinois Statutes that specifically allows or prohibits the retirement of a duty weapon and presenting it to a retiring Officer"**

For starters Sheriff, we didn't ask for the statute that prohibits the act of giving guns away at retirement. We asked for the statute that allows giving guns way at retirement and note we didn't call it "retirement of a duty weapon". Since there is no statute for the "retirement" of a duty weapon one must wonder what other public property has been "retired" and given away? Who determines who gets the public property paid for by the tax payers? Is the recipient of that gun any more entitled to it than the common citizen down the street?

What is so sad with this whole matter is the fact that the top law enforcement officer in the county clearly didn't research the matter, because if he had he would have known, as he now points out, there is no statute that allows his actions and I suspect he now knows it. Instead of making it right the path of justification has now been taken which only makes matters worse in light of all the other wrongdoing coming to light under his watch, of which some of it was covered [here](#), [here](#) and [here](#).

Using this Sheriff's logic why not give away the police cars, computers, and any other public property? It's simple; any person with any common sense knows public property is anything purchased with public funds and when that property is considered *surplus* it can be sold! Purchased guns are no different.

**It's high time the State's Attorneys start doing their job and charging public officials with Official Misconduct and removing them from office! If law enforcement is allowed to freely break the law then where does it end?**

**In closing, Sheriff Monnet, did the tax payers pay for a "retired weapon" from the City of Effingham when you retired from there?**

---

## **Sheriffs – Laws don't apply to them?**

COLES-EDGAR-EFFINGHAM –

The overwhelming consistency we see with County Sheriffs, is the disregard for the law when it gets applied to

themselves. This is part one of what will become quite a series of exposing unlawful acts by those in charge of not only enforcing our laws, but actually took an oath to uphold our laws, which also apply to them!

This limited coverage will relate to Effingham County Sheriff John Monet, Former Edgar County Sheriff Tim Crippes, and Coles County Sheriff Darrel Cox, who happens to be running for higher office.....**for now!**

The pattern of behavior appears to fall into 5 basic categories, of which some of those would be felonies if ever prosecuted by the State's Attorney's Office, which we all know is lacking in possessing any testicular fortitude in most counties.

- **Official Misconduct**
- **Conflicts of Interest**
- **Illegal weapons transactions**
  - **Incompetence**
  - **Mismanagement**

Official Misconduct and Conflicts of Interest are pretty simple to understand and all public officials are subject to compliance with those laws, however, due to the close political nature of our local officials, few are ever held accountable and especially a County Sheriff.

Coles County Sheriff Darrel Cox used his Gunsmith business, Darrel Cox Gunsmithing, and then turned invoices in for payment for work done on guns within his control as Sheriff ([transaction history](#)). That is a prohibited act by statute and is Official Misconduct because his actions constitute a clear conflict of interest as outlined by law! Couple that with selling confiscated weapons, and we have ourselves yet another Fast & Furious, except now it's Coles County style!  
**Lots more to come!**

Effingham County Sheriff John Monet gave public property

away, which costs the taxpayers! Many consider the act of giving public property away to be theft. Sheriff Monet thinks it's OK to give a gun away to a deputy who retired([proof](#)). Why not give him his squad car? A Sheriff is not permitted to give away public property, let alone keep the money from sales of public property. Those funds are required to be turned over to the county treasurer, however, by all indications from documents we have in hand, such did not happen with the sale of a police car until after questions got raised about the missing funds! **Lots more to come!**

Former Edgar County Sheriff Tim Crippes used his own vehicle repair facility to work on vehicles in his control at the Sheriff's Office. That is a prohibited act by statute and is Official Misconduct because his actions constituted a clear conflict of interest. Couple that with his gun-running and it's clear, he should have been charged with Official Misconduct! (**Previous Tim Crippes articles: [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#)**).

### **Incompetence & Mismanagement**

Coles County Sheriff budget – Worst year in office we have identified, **\$133,000.00 over budget!** Most [interesting comments](#) as they relate to his budget? (Sheriff Darell Cox was informed that federally mandated military deployment pay has been *miscalculated* over the past few years in the amount of \$197,090.00.) ***That would be a \$197,000.00 oops!***

Effingham County Sheriff Budget – Worst year identified so far **\$78,865.00 over budget**. Most [interesting comment from the auditors](#)? (The Sheriff's department opened a bank account in the County's name without the Treasurer's knowledge. In addition, the Treasurer and County Clerk were not authorized signers on the account. The Sheriff's Department *misunderstood* that the awards are county money and should be reported in the county's financial statements).



I wonder if this is related to the approximate **\$170,000.00** of confiscated drug money in a secret fund and spent without proper oversight?

**Does anyone believe that an elected official doesn't understand that he has to report all revenues to the treasurer of the county?**

Former Edgar County Sheriff Tim Crippes – Worst budget year – **\$157,351.00** Over Budget. How much of that over budget expenditures went into his own pocket through work being done in his own business garage?

How bad is it? This is just a taste of what is yet to come out as it relates to Sheriffs in this article.

- **Sexual Harassment (confirmed court records)**
- **Illegal gun sales (supported by public records)**
- **Lying under oath (confirmed with court records)**
- **Failure to follow county policy (supported by public records)**
- **Failure to follow FOP Contract (supported by public records)**

---

## **Effingham County Board Votes to Audit Sheriff's Department**

**—**

EFFINGHAM, IL (ECWd) –

PRESS RELEASE, December 26, 2013. Due to recent events and concerns, the Effingham County Board has elected to hire the “West and Company” accounting firm to engage in agreed upon

procedures for a “specific” audit of the Effingham County Sheriff’s Office.

The Board’s items of concern, include, but are not limited to, the following:

- the amount of county funds spent on a high band radio system instead of the STARCOM 21 system;
- alleged discrepancies in procedures at the sheriff’s office;
- instances of alleged misconduct in the administration of the sheriff’s office.

The Board believes it is in the best interest of the people of Effingham County, and the operations of the county, to conduct this special audit to determine, among other things, exactly which items of property the sheriff’s office currently has in inventory – relative to items purchased and liquidated by the office during the past three fiscal years.

Because West and Company conduct’s the county’s normal audit and has contractually agreed to an hourly rate, along with its familiarity with the county’s finances and banking practices, the firm is well-suited to conduct this audit. The audit will focus on specific issues and items of property originally valued in an amount greater than \$500. The outcome of the audit will be reviewed by the County Board and the Effingham County State’s Attorney’s Office.

---

**Effingham County Sheriff on**

# his way out???

EFFINGHAM CO. ([ECWd](#)) –

For months now we have been receiving credible tips relating to things going on in the Effingham County Sheriff's office, and by all indications, that place is not much different than what we had here in Edgar County with our former Sheriff, Tim Crippes. Many may recall our story on the illegal gun sales, which can be found in [this article](#).

We have submitted a few FOIA's pertaining to weapons seized and in the control of the Effingham County Sheriff John Monnet, and we suspect the response to be telling at best. Specifically we asked the following.

1. Copy of all records of gun/firearm sales/transfers within the past 5 years – this includes confiscated, forfeited, and/or firearms that were owned and used by the county, the sheriff department or its employees and/or deputies.
2. Copy of the Sheriff Department evidence locker log(s) indicating guns/weapons/firearms confiscated, logged in, and/or out in the past 5 years.
3. Copy of all records of gun/firearm sales/transfers within the past 2 years

The reason the response will be telling, is it appears from history with other agencies they think they can respond with claims of no sales when in fact we already know there have been. It becomes a two edge sword because if they are caught lying on the FOIA it's a compounded problem for them, as it relates to Official Misconduct. Any predictions on how the Effingham County Sheriff will respond to these requests?

As is customary with our work, we welcome any and all information people are willing to provide regarding this public office because it is **We The People** that ensure accountability from our government.

We are at the early stages of our investigation but we do know that as recently as yesterday a formal [request for the Sheriff's resignation](#) has taken place. That request outlines some very damaging issues surrounding the Sheriff and his office and is supported by a [detailed timeline](#) of work by 911 board member Ted Heath, however that is just the tip of the iceberg of information we currently have.

Has the Fox been running the hen house? It makes you wonder, especially when the Sheriff's Chief Deputy up and resigns after a few FOIA's are submitted. Apparently Chief Deputy John Loy submitted his resignation a few months ago, effective sometime this month and did so because the requests for information were "giving him chest pains". We know all about Chief Deputies. Here locally in Edgar County, the former Chief Deputy that should have been charged with Official Misconduct was allowed to retire with his pension.

What happens with corrupt deputies that are not prosecuted for their crimes? They come back and run for Sheriff because they now know they can get away with the crimes they commit. Chief Deputies **KNOW** where the skeletons are located, as well as all the guns!

Effingham County however may have some larger issues here, because we not only have a Chief Deputy who resigned from what appears to be demands for accountability, but we also have a recent fire and suicide of a local Gun Dealer just prior to that resignation.

Steve Habing, owner of Habings Guns, had been briefly detained by Effingham police in early August during an interview with Bureau of Alcohol Tobacco and Firearm agents at the police station according to this [local story](#). A few days later Effingham County Coroner Duane Guffy reported that he responded to a call at the request of the County Sheriff's Office and pronounced Steven Habing dead at the scene.

I don't know about the rest of our readers but when you add up a laundry list of FOIA's asking for information that leads to chest pains, an apparent suicide by a Gun Dealer that was briefly detained during an interview with ATF, and then a Chief Deputy that resigns and now a clear exposure of inappropriate spending by the Sheriff coupled with a resignation request you have to admit something stinks.

As always, we ask that the good citizens of Effingham County stand up and take action! This is your call to action! If you know anything pertaining to any of these issues feel free to contact us though our tip line, and a special thanks to those who have already provided so much supporting information on these matters!

Effingham County Coroner Duane Guffey would only say he responded to a call in a rural part of the county at the request of the Effingham County Sheriff's Office. Steven Habing was pronounced dead at the scene. – See more at: <http://www.effinghamdailynews.com/local/x125816067/Authorities-investigating-mans-death#sthash.S9ZkceF3.dpuf>

John Monnet

John Monnet

---

## **[West Twp, Effingham County, IDOT Confirms Misuse of Funds](#)**

—

EFFINGHAM, IL. ([ECWd](#)) –

In an update to [our article](#) on more free driveways in West Township, Effingham County, the Illinois Department of

Transportation has issued its final report. This is similar to the report issued in Edgar County that included [confirmation that Chris Patrick and others](#) were involved in the same type of actions.

It confirms that Motor Fuel Tax Funds were used to provide free, or reduced price, work to private property owners. These property owners were: Darrell Runge and Jason Runge and the work was performed on August 6, 2012.

The report states the following:

- County and Township Officials were unaware they could not use public funds in this manner

- West Township Motor Fuel Tax Funds were not use in accordance with law

- The amount billed to the property owners (after the complaint was filed) did not include the actual cost including materials, overhead, equipment costs, etc

- The funds that were recovered were not deposited back into the MFT account.

In addition to this, since IDOT is not in the position to determine if other laws were not followed, I will add that this is a violation of Article VIII of the Illinois Constitution and can be used as a predicate offense to charge a person with official misconduct. Although this is unlikely to happen, it still needed to be said.

Read the report [here](#).

[Download \(PDF, 127KB\)](#)

---

# Effingham Board of Health Terminates Administrator...

EFFINGHAM, IL. ([ECWd](#)) –

In separate votes of the Effingham Board of Health on Oct 7, 2013, two important items were voted on.,

1. Vote to accept the resignation of Administrator Kim Esker, effective October 27, 2013, failed.
2. Vote to immediately terminate the employment of Administrator Kim Esker, effective immediately, passed.

Below is the Press Release from the Effingham Board of Health.

=====

## **PRESS RELEASE**

**To: All Media**

**Contact: Jeff Bloemker, 217-347-7179 ext 1016**

**Date: 7 October 2013**

**Re: Effingham County Health Department**

### **Leadership Change At County Health Department**

Dot Behrns, president of the Effingham County Board of Health, announced today that Effingham Public Health Administrator, Kim Esker, is no longer employed by the Effingham County Health Department.

“We want to thank Kim for her years of service to the health department as well as to the citizens of Effingham County,” stated Behrns. “An interim management team has been installed

at the health department and an executive search will start immediately. We want to assure the public that no health department services will be affected by this change.”

Esker was installed as the Effingham County Public Health Administrator in August of 2000.

=====

Here is the audio portion of the resignation and termination votes:

<http://edgarcountywatchdogs.com/wp-content/uploads/2013/10/ResignTerminateVotes.mp3>

---

## Effingham County Public Health Department – ECPHD –

EFFINGHAM CO. ([ECWd](#)) –

Below is the audio from the Effingham County Board of Health meeting held on September 23, 2013.

During that meeting there was considerable discussion among the board members and citizens in reference to the reduction of hours with certain employees. One in particular was to be cut to 28 hours per week – 2 hour short of what is needed to obtain health and prescription coverage leaving her with potentially having to pay out more for medicine in a month than she would make working her job. She has been working for the ECPHD for more than 20 years if I remember correctly.

There was also discussion in reference to relatives and



friends being hired instead of using county assets, the process used to determine which department reduced hours for workers, a survey the county board implemented with the health department employees, and other items.

The complete meeting is in [the audio](#) except for the executive session.

<http://edgarcountywatchdogs.com/wp-content/uploads/2013/10/ECP-HD-9-236-2013-Complete.wav>





---

## More Free Driveways – West Township – Effingham County

EFFINGHAM CO. ([ECWd](#)) –

From all appearances, free driveways are “how we’ve always done it”! Our thanks to a tip from a concerned citizen, this issue has finally had some light shown on it in Effingham County!

The good citizens of West Township in Effingham County had to foot the bill for private drives being oil and chipped on the public dime. How nice of them to pay their taxes so their neighbors could get these free driveways.

If you have been reading our website for awhile, you might remember the same issues being reported from Edgar County ([Here](#), [Here](#), and the 2 coats Chris Patrick received from Symmes Township). Those investigations by IDOT have been ongoing since June of 2012 and are in the final draft of the official findings stage. The final report should be out to the public in a month or two.

Back to West Township in Effingham County – and probably in most other townships in the state:

Two known private drives had work performed on the public dime, using public equipment and personnel:

**Jason xxxxx**  
**xxxx E. xxxth Ave**  
**Mason, IL 62443**

and

**Michael xxxxx**  
**xxxx E. xxxth Ave**  
**Mason, IL 62443**

(Exact name and address withheld for the time being)

Township personnel have stated that they cannot produce a copy of any invoices, nor the checks for payments on these drives. But don't worry, by the time IDOT finishes with this, they will have to pay not only for the material, but for the labor and equipment usage as well.

During the February 11, 2013 meeting it was learned there were two private drives that were oiled in 2012 that the Township had not received payment for (makes me wonder how many driveways they did that did pay for the material) – payment or not it is a violation of the law and an improper use of public funds, personnel, and equipment.

At the time (Feb 11) , the Road Commissioner gave a “dog ate the home work story” of his computer crashed and almost could not remember how much the bill was for the oiling of two private driveways. He said maybe \$3000.00.

At the March 11, 2013 meeting the Township supervisor, Scott Beal, was asked if he had the check (checks) for the two private driveways that were oiled in 2012. His answer: **NO**.

The Effingham County Highway Department did the oiling and West Township trucks were used for the rock (chat).

We have since learned there are other private driveways that

were oiled in previous years, but not sure if the Township received payment.

More updates as information becomes available.

**More Free Driveways**

**This time in West Township – Effingham County**



**Effingham County  
Engineer/Highway**