

Mark Robert Isaf
State's Attorney

statt@edgarcounty-il.gov

EDGAR COUNTY STATE'S ATTORNEY

Edgar County Courthouse
115 W. Court St., Room S
Paris, IL. 61944-1787

Phone: 217/466-7456

Kyle P. Hutson
Assistant State's Attorney

khutson@edgarcounty-il.gov

Fax: 217/466-7454

June 26, 2012

Mr. Thomas McGuire
Thomas F. McGuire and Associates
Long Grove Executive House
4180 RFD Route 83
Suite 206
Long Grove, Illinois 60047

Re: Edgar County Sheriff

Dear Mr. McGuire:

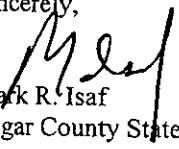
It has come to my attention that you received Edgar County funds to compensate your legal services requested by the Edgar County Sheriff. As you may recall, we met at Edgar County's north annex building to discuss Sheriff's Motley's desire for you to represent his interest in the grievance proceedings filed by former Deputy Hopper and current Deputy Burgin. The long and short of the meeting was that Sheriff Motley's request was denied.

Subsequent to that interaction, I was advised by Sheriff Motley that he was consulting with his own attorney and that I should communicate further legal matters to your attention. I advised Sheriff Motley that I would not be discussing legal matters nor sharing personnel information with outside counsel but that I could not control who he consulted with.

It came to my attention at the May Edgar County Board meeting that an invoice for legal services was submitted by you to Sheriff Motley for payment and that he authorized same. Copy of said check is attached to this letter. I requested from Sheriff Motley his authority upon which he relied to independently hire legal counsel and to compensate legal counsel with public funds. I have not received a response from Sheriff Motley.

I believe that you are aware that an elected official cannot independently hire his own attorney nor compensate that attorney with public funds. These acts would be considered *ultra vires*. The County Board does not have power to do so either. Therefore, you have received funds from the Edgar County Treasurer that neither the Sheriff nor the County Board was authorized to pay to you. I am requesting that you return the funds to the Edgar County Treasurer. Failure to do so within 14 days from the date of this letter will indicate to me your preference to litigate the legal status of your representation of the Edgar County Sheriff and the Edgar County Sheriff's authority to compensate independently hired counsel with public funds.

Sincerely,


Mark R. Isaf
Edgar County State's Attorney

MRI/ab

THOMAS F. MCGUIRE AND ASSOCIATES, LTD.

ATTORNEYS AT LAW
LONG GROVE EXECUTIVE HOUSE
4180 RFD, ROUTE 83, SUITE 206
LONG GROVE, ILLINOIS 60047-9582
TELEPHONE: 847-634-1727
FACSIMILE: 847-634-4785

July 3, 2012

Mark R. Isaf-Edgar County State's Attorney
Edgar County Courthouse
115 W. Court St., Room S
Paris, Illinois 61944

Re: Your One (1) Page Letter To Me Dated June 26, 2012 (copy attached)

Dear Mr. State's Attorney,

Thank you for your attached June 26, 2012 letter to me.

Neither I nor the Sheriff wish to further complicate the PROPER resolution as to the currently pending and undetermined Arbitration Hearing as to former Deputy Hopper, and Burgin, who is currently employed as a Deputy of the Sheriff. Sufficient to say (at this point) that I was AMAZED that you selected an Attorney from the Office of the State's Attorneys Appellate Prosecutor to represent simultaneously the Sheriff and the County Board when the Sheriff and County Board have competing interests, but yet by the terms of 5 ILCS 5/315(o) are Co/joint Employers of the employees of the Sheriff's Office. Such is so in that, but for the County Board causing the appointment of Burgin and Hopper as Deputies of the Sheriff in violation of the Sheriff's Merit System Law and authorizing monies to pay Hopper and Burgin even though they were appointed in violation of the Sheriff's Merit System Law, there would be no dispute.

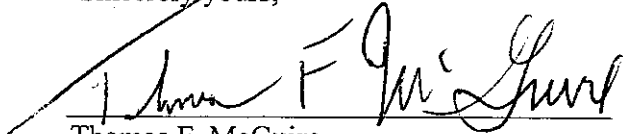
At the arbitration, the Sheriff intends to SUBPOENA the present members of the Sheriff's Merit Commission as well as those Commission members who were in Office when Hopper and Burgin were appointed/functioning as Deputies, and possibly the current members of the Merit Commission. The Sheriff intends to call you and your predecessor in Office, as well as present and former County Board members, as witnesses for him during the arbitration; all of such having previously been made known to you by me. With all of such, I fail to see how your agent (i.e., the State's Attorneys Appellate Prosecutor) can simultaneously represent the County Board and the Sheriff.

Having handled these types of cases over 36 years, and having represented law enforcement executives (without a Village Attorney or State's Attorney objecting to such), I say again that I am AMAZED by your actions.

Be that as stated above, I have sent my check in the amount of \$2,562.50 to the Treasurer of Mercer County so as to not inflame the volatile situation in which we both find ourselves.

By doing so I do not concede that the Sheriff or I have done wrong. By your omissions and commissions you have caused me to conclude you may well allege that the Sheriff has violated one or more criminal statutes. The dispute between you and the Sheriff shall be presented in the near future to the Circuit Court for appropriate action-both as to the presently pending arbitration, and negotiations for a successor Labor agreement.

Sincerely yours,


Thomas F. McGuire

P.S. If you would like to meet with me in Paris I will be most willing to accommodate you-at no expense to you, the County Board or the Sheriff. Let me know if you desire such a meeting!

Thomas F. McGuire
Attorney at Law
Thomas F. McGuire and Associates, LTD.
Long Grove Executive House
4180 RFD, Route 83, Suite 206
Long Grove, IL 60047-9582
Phone: 847/634-1727 Fax: 847/634-4785

Attachment

cc: Sheriff Ed Motley
Edgar County Sheriff's Office
228 North Central
Paris, Illinois 61944

Edgar County Clerk & Recorder
115 W. Court Street – Room J
Paris, Illinois 61944

Donald G. Wiseman
Treasurer-Edgar County Illinois
Courthouse Annex
111 N. Central Avenue
Paris, Illinois 61944

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LONG GROVE EXECUTIVE HOUSE
4180 RFD, ROUTE 83, SUITE 206
LONG GROVE, ILLINOIS 60047-9582
TELEPHONE: 847-634-1727
FACSIMILE: 847-634-4785

July 3, 2012

Donald G. Wiseman
Treasurer-Edgar County Illinois
Courthouse Annex
111 N. Central Avenue
Paris, Illinois 61944

Dear Treasurer:

Enclosed please find a copy of my July 3, 2012 letter to the Edgar County State's Attorney along with my Office check made out to your Office.

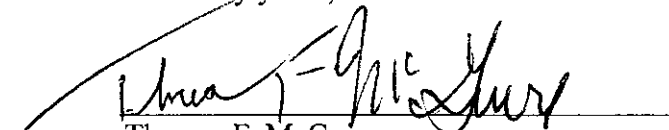
By reading the attached one (1) Page June 26, 2012 letter from the State's Attorney to me, I trust that you will accept my Check # 15476 in the amount of \$2,562.50 dated July 2, 2012.

Should you have questions or wish additional information please let me know.

Thank you in advance for your attention to this matter.

I am,

Sincerely yours,


Thomas F. McGuire

Thomas F. McGuire
Attorney at Law
Thomas F. McGuire and Associates, LTD.
Long Grove Executive House
4180 RFD, Route 83, Suite 206
Long Grove, IL 60047-9582
Phone: 847/634-1727 Fax: 847/634-4785

Attachments

cc: Mark R. Isaf-Edgar County State's Attorney
Edgar County Courthouse
115 W. Court St., Room S
Paris, Illinois 61944

Sheriff Ed Motley
Edgar County Sheriff's Office
228 North Central
Paris, Illinois 61944

Edgar County Clerk & Recorder
115 W. Court Street – Room J
Paris, Illinois 61944

THOMAS F. MCGUIRE & ASSOCIATES, LTD.
 LONG GROVE EXECUTIVE HOUSE
 4180 RFD, STE. 206 PH. 847-634-1727
 LONG GROVE, IL 60047

70-2189-719
 15476

REMITTANCE ADVICE
 CONFIRMING VISITORS
 BETWEEN THE STATES
 ATTORNEY GENERAL'S P.M.
 SERVICE - TO VARY TO DETERMINE

PAY TO THE ORDER OF
 TWO THOUSAND FIVE HUNDRED SIXTY TWO DOLLARS AND FIFTY CENTS DOLLARS
 12/18/87 TREASURER - EDGAR COUNTY
 SEC 11010

CHECK AMOUNT

\$ 2,562.50

Thomas F. McGuire

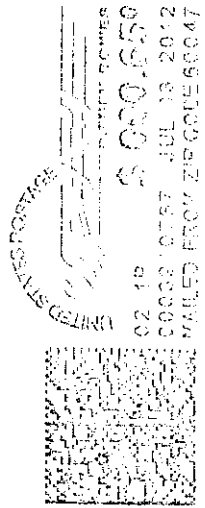
PNC BANK

⑆00015476⑆ ⑆0⑆

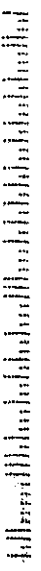
THOMAS F. MCGUIRE & ASSOCIATES, LTD.
 Attorneys At Law
 Long Grove Executive House
 4180 RFD Suite 206
 Route 85
 Long Grove, IL 60047-9582

Don will look for

Donald G. Wiseman
 Treasurer-Eggar County Illinois
 Courthouse Annex
 111 N. Central Avenue
 Paris, Illinois 61944



61944X1750



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DONALD G. WISEMAN, TREASURER
OF EDGAR COUNTY
ACCOUNTS PAYABLE CLEARING FUND
Paris, Illinois 61944
PAY BY ORDER OF COUNTY BOARD



101-107 West Wood Street
P.O. Box 400
Paris, Illinois 61944
70-262-711

CHECK NO. 062904

Check #	Date	Amount
62904	5/09/2012	2,562.50

Pay Exactly:

**** TWO THOUSAND FIVE HUNDRED SIXTY TWO DOLLARS AND 50/100 **

PAY TO THE ORDER OF
THOMAS MCGUIRE & ASSOCIATES, LTD
4180 RFD, ROUTE 83, SUITE 205
LONG GROVE IL 60047

VOID IF NOT CASHED IN 90 DAYS

651112 779 84 6/25/12
Donald G. Wiseman

⑈062904⑈ ⑆071102827⑆

CHECK CROSS-REFERENCE REPORT

Edgar County, Illinois
Operator : PKD

Check No. Check Amount Check Date Vendor No Vendor Name

Bank Account ECB 01	ED CO GENERAL CK/ACH PROCESS			
62904	2,562.50	05/09/2012	6373	THOMAS MCGUIRE & ASSOCIATES, LTD
	Invoice:041212			
	100	032-6016.000		
				2,562.50
				ED CO GENERAL CK/ACH PROCESS Bank Total
				2,562.50
				Grand Total
				2,562.50