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Iroquois County States Attorney's Office

James A. Devine
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April 17, 2013

Doug Corbett
Ford-Iroquois Public Health Department
114 North Third Street
Watseka, Illinois 60970

Re: Legal counsel of Ford Iroquois Public Health Department

Dear Mr. Corbett:

I think it is important to clear an ambiguity of who is the legal advisor to the Ford Iroquois Public Health Department.

Pursuant to statute (55 ILCS 5/3-9005), the State's Attorney is under duty to represent and advise all county officers. In an Illinois Attorney General's Opinion dated February 14, 1991 (File No. 91-008), it was stated that a county health department created by virtue of a county board action is a department of the county that created it, and not a separate unit of local or state government. Because the Ford Iroquois Public Health Department is a department of the counties of Ford and Iroquois created by ordinances of each respective county, officers and members of the board of health are county officers whom the State's Attorney has a duty to advise.

The aforesaid Attorney General's Opinion further stated that, absent specific enabling legislation, the county health fund may not be used to pay for legal services provided by attorneys other than the State's Attorney. Contracts to pay outside attorneys are without authority and void unless done pursuant to an enabling statute. Enclosed is a copy of the opinion of File No. 91-008.

On January 1, 2012 an enabling statute (55 ILCS 5/5-2013 (C)) went into effect allowing a board of health of a multi-county health department to hire outside counsel. This law allows boards to hire attorneys to represent and advise the department concerning matters that are not within the exclusive jurisdiction of the State's Attorney of one of the counties that created the department.

Local Watseka attorney Ron Boyer purports to represent the Ford Iroquois Public Health Department. He stated in a letter to Mary Bucarro of the Illinois Attorney General's Office dated April 12, 2013 that he has been representing the Ford Iroquois Public Health Department for several months. I have not seen any Public Health board records showing the hiring of Mr. Boyer which the statute requires. Furthermore, it appears from Public Health records made available to me that Mr. Boyer has been paid with public health funds for years prior to the enabling statute which allows such outside attorney hiring.

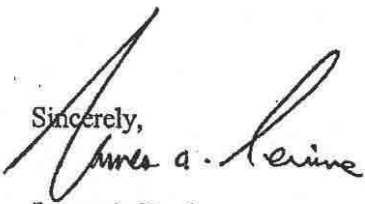
On March 29, 2013, I specifically allowed Mr. Boyer to represent the Ford Iroquois Public Health Department as a special State's Attorney in the recent lawsuits filed by Kirk Allen and John Kraft (Iroquois County case numbers 2013 MR 22 and 2013 MR 23). As of the writing of this letter,

Mr. Boyer has not responded or filed an answer to those pending lawsuits. I therefore rescind my offer allowing Mr. Boyer to act as special State's Attorney in these lawsuits by notifying him with a copy of this letter. Mr. Boyer does not represent the Ford Iroquois Public Health Department in these lawsuits.

My office will represent the Ford Iroquois Public Health Department in Iroquois County case numbers 2013 MR 22 and 23. I urge you to contact me as soon as possible so a timely answer to these lawsuits can be filed and defended.

I look forward to hearing from you soon.

Sincerely,



James A. Devine
State's Attorney

Enclosures
JAD/cm
c.c Ron Boyer
Matt Fitton
Rod Copas