

IN THE CIRCUIT COURT OF THE Fifth JUDICIAL CIRCUIT
Edgar COUNTY, ILLINOIS

John Kraft

v.

The County of Edgar
 and

Jimmy Wells, acting in his official
 capacity as FOIA officer of
 Edgar County Airport

NO. 13-MR-30

SUMMONS

To the defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance,
 in the office of the clerk of this court Edgar County Courthouse 115 W. Court St Paris, IL 61444,
 (insert name of building, room number, address, including city)

Illinois, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO
 DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE
 RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other persons to whom it was given for service, with indorsement
 of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed.
 This summons may not be served later than 30 days after its date.

WITNESS _____, 20 ____.

(Seal of court)

 Clerk of court

 Associate Circuit Clerk-Deputy

Name _____
 Attorney for _____
 Address _____
 City _____
 Telephone _____

Date of service: _____, 20 ____.
 (To be inserted by officer on copy left with defendant or other person)

CIRCUIT CLERK KAREN D HALLORAN
JUDICIAL CIRCUIT #05
COUNTY OF EDGAR
COURTHOUSE - 115 W. COURT RM M
PARIS IL 61944-0000
217/466-7447

C A S H R E C E I P T

3/13/2013 8:09:48

Receipt no. 281193
Receipt date 3/13/2013
Reclass date
Case number 2013MR0000030P 001V001

KRAFT, JOHN
VS.
COUNTY OF EDGAR ET AL
KRAFT, JOHN

PRO SE

PRO SE

Payer
Charge
Plea
Comment
Agency
Misc.
Payment type Company check

Check in 1000
Check out 000000000000

Overpayment	.00
Clerk	80.00
Automation	15.00
Law Library	6.00
Judicial Security	25.00
Document Storage	15.00
Total	141.00

Workstation DSP08
User ID TDN
Branch

* DONT FORGET TO SPRING FORWARD MARCH 10TH *

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT
EDGAR COUNTY, PARIS, ILLINOIS

FILED

MAR 13 2013

Karen D. Halloran
Circuit Clerk, 5th Judicial Circuit Edgar County

JOHN KRAFT

Plaintiff

vs

THE COUNTY OF EDGAR

and

JIMMY WELLS, acting in his
Official capacity as FOIA Officer of
EDGAR COUNTY AIRPORT

Defendants.

13-MR-30

COMPLAINT FOR DECLATORY
JUDGMENT AND INJUNCTIVE RELIEF

Now comes Plaintiff, Mr. John Kraft, *pro se*, who prays this Court render a declaratory judgment and grant injunctive relief under the Freedom of Information Act ("FOIA"), 5 ILCS 140/1, *et seq.* For this Complaint states as follows:

1. Plaintiff – John Kraft. The plaintiff is an Illinois resident, and a resident of the County of Edgar.
2. Defendants are the County of Edgar, a public body as that term is defined by 5 ILCS 140/2(a) and Jimmy Wells, in his official capacity as the FOIA Officer of the Edgar County Airport.

3. On February 8, 2013, Plaintiff served a FOIA request on Defendant office of the Edgar County Airport seeking copies of public records as follows:

1. *Rent receipts from Larry Moss for the past 12 months.*

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit A.

4. On February 8, 2013, Plaintiff served a second FOIA request on Defendant office of the Edgar County Airport seeking copies of public records as follows:

1. *Rent receipts, for the past 6 months, from the people storing hay/straw and the hay/straw wagon in the t-hangar on County Airport property.*

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit B.

5. On February 25, 2013, Plaintiff served a FOIA request on Defendant office of the Edgar County Airport seeking copies of public records as follows:

1. *Copy of the check written in April or May of 2011 in the amount of: \$14,101.08*

This check was written off of the Edgar County Airport Committee bank account number 13234825.

Authorized signers on this account were Chris Patrick and Jimmy Wells.

This account was recently closed.

2. *Copy of any invoice and/or receipt for the above referenced check*
3. *Copy of the resolution (or advisory board action) authorizing this payment.*

A true and correct copy of the request is attached hereto and incorporated herein as Exhibit C.

6. On February 27, 2013, Defendant, Jimmy Wells, responded with what I determined to be a denial of the February 25, 2013 FOIA request.

A true and correct copy of the response is attached hereto and incorporated herein as Exhibit D.

7. On March 4, 2013, Defendant Wells responded to part of the February 25, 2013 FOIA request stating that:

"Again as respect to your I have walked in to the bank twice and ask for a copy of the check and there response both times, they have a record of it but they do not have a copy of it. I wish I could get it but I can't"

A true and correct copy of the response is attached hereto and incorporated herein as Exhibit E.

8. On February 28, 2013, Plaintiff attended an open meeting of a committee of the Edgar County Airport Advisory Board. Among those in attendance were County Board members Bruner and Jenness, and Airport Advisory Board Members Payne and Barkley, also in attendance was Jimmy Wells, Airport FOIA Officer. Plaintiff, during public session, advised the committee and Defendant Wells that among other things, the FOIA denial was improper, that the requested records are in fact considered public records of that public body, and that the committee should talk to Defendant Wells and instruct him to fulfill the request.

9. As of March 13, 2013, Defendants have failed to provide Plaintiff with access to any records responsive to his requests. Defendants have failed to properly denied the requests. These failures may be treated as denials of the requests.

Pursuant to Section 9(c) of the Act [5 ILCS 140/9(c)] *"any person making a request for public records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the public body fails to act within the time periods provided in Section 3 of this Act."*

COUNT ONE

(Violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*)

9. Plaintiff reaffirms paragraphs 1-9 as though fully restated herein.

10. Plaintiff has been irreparably harmed by Defendant failure to produce the records requested on February 8, 2013, as Plaintiff is being denied its legal right to inspect public records.

11. Plaintiff has no adequate remedy at law.

COUNT TWO

(Violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*)

12. Plaintiff reaffirms paragraphs 1-9 as though fully restated herein.

13. Plaintiff has been irreparably harmed by Defendant failure to produce the records requested from the second FOIA request on February 8, 2013, as Plaintiff is being denied its legal right to inspect public records.

14. Plaintiff has no adequate remedy at law.

COUNT THREE

(Violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*)

15. Plaintiff reaffirms paragraphs 1-9 as though fully restated herein.

16. Plaintiff has been irreparably harmed by Defendant failure to produce the records requested on February 25, 2013, as Plaintiff is being denied its legal right to inspect public records.

17. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays the Court:

A. Declare Defendants to be in violation of the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq.*; and

B. Enjoin the Defendants from continuing to withhold access to any and all non-exempt public records responsive to Plaintiff's FOIA requests and further enjoin Defendants to provide copies of any and all records responsive to Plaintiff's FOIA requests without further delay; and

C. Enjoin the Defendants to prepare, forthwith, an affidavit declaring that they will provide complete access to Plaintiff and further declaring that any and all non-exempt public records responsive to the request will be made available to Plaintiff; and

D. Order Defendants to prepare, forthwith, an affidavit identifying with specificity any and all public records responsive to Plaintiff's FOIA requests that are claimed to be subject to legal exemption from disclosure and further identifying with specificity the reason(s) for any such claim of exemption; and

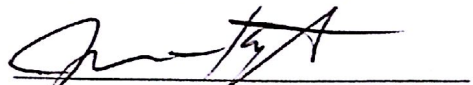
E. Declare Defendants acted willfully, intentionally, and in bad faith in failing to properly deny and in failing to provide responsive documents to Plaintiff's FOIA requests; and

F. Order Defendant to pay a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence, as outlined in 5 ILCS 140/11(j) as the Court finds just and equitable; and

G. Award Plaintiff reasonable attorney's fees, and all costs/fees incurred in filing this suit as the Court finds just and equitable.

Dated: March 13, 2013

Respectfully submitted,



John Kraft, *pro se*
7060 Illinois Highway 1
Paris, Illinois 61944
Tel: (217) 808-2527
Plaintiff

Signed and sworn before me
This 13 day of March, 2013

Karen D. Halloran
(dn)

Exhibit A

Kraft

From: John Kraft [john@heirloomvideography.net]

Sent: Friday, February 08, 2013 12:17 PM

To: 'Jimmy Wells'

Subject: FOIA Request - 2-8-2013

In accordance with the Illinois Freedom Of Information Act, I request the following.

1. Rent receipts from Larry Moss for the past 12 months.

This is not a commercial request.

Electronic copies preferred.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527

Exhibit B

Kraft

From: John Kraft [john@heirloomvideography.net]
Sent: Friday, February 08, 2013 12:48 PM
To: 'Jimmy Wells'
Subject: FOIA Request #2 - 2-8-2013

In accordance with the Illinois Freedom Of Information Act, I request the following.

1. Rent receipts, for the past 6 months, from the people storing hay/straw and the hay/straw wagon in the t-hangar on County Airport property.

This is not a commercial request.

Electronic copies preferred.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527

3/2/2013

Exhibit C**Kraft**

From: John Kraft [john@heirloomvideography.net]

Sent: Monday, February 25, 2013 9:02 PM

To: 'Jimmy Wells'; 'Edgar County Airport'

Subject: FOIA Request 2-25-2013

In accordance with the Illinois Freedom Of Information Act, I request the following:

1. Copy of the check written in April or May of 2011 in the amount of: \$14,101.08

This check was written off of the Edgar County Airport Committee bank account number 13234825.

Authorized signers on this account were Chris Patrick and Jimmy Wells.

This account was recently closed.

2. Copy of any invoice and/or receipt for the above referenced check

3. Copy of the resolution (or advisory board action) authorizing this payment.

If a copy of this check is not in your possession, you are required, pursuant to 5 ILCS 140/7(2) to obtain a copy from the bank.

This is not a commercial request.

Electronic copies requested.

Thanks,
John Kraft

7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527

john@heirloomvideography.net

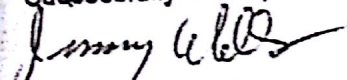
Exhibit I

John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

John Kraft,

I have no information regarding this, I question your request, the money came from a private donor, I am sorry I can't help you.

Successfully Yours,


Jimmy Wells
Airport Manager
15551 Airport Rd.
Paris, IL 61944
Cell 217-251-2304
Fax 800-647-8043
wells@comwares.net

In accordance with the Illinois Freedom Of Information Act, I request the following:

1. Copy of the check written in April or May of 2011 in the amount of: \$14,101.08

This check was written off of the Edgar County Airport Committee bank account number 13234825.

Authorized signers on this account were Chris Patrick and Jimmy Wells.

This account was recently closed.

2. Copy of any invoice and/or receipt for the above referenced check
3. Copy of the resolution (or advisory board action) authorizing this payment.

If a copy of this check is not in your possession, you are required, pursuant to 5 ILCS 140/7(2) to obtain a copy from the bank.

This is not a commercial request.

Electronic copies requested.

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

Exhibit E

March 4, 2013

John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

Again as respect to your FOIA I have walked in to the bank twice and ask for a copy of the check and there response both times, they have a record of it but they do not have a copy of it. I wish I could get it but I can't.

Jimmy Wells
Airport Manager
15551 Airport Rd.
Paris, IL. 61944
Cell 217-251-2304

Mr. Wells,

Your letter, delivered by the USPS, dated March 1, 2013 (in reference to the below FOIA request) is not in compliance with the Illinois Freedom Of Information Act.

There is no provision in the Act for you to require an additional 10 working days to respond to a FOIA request.

I also do not believe this requires "extensive research" - especially in light of the fact that you can respond to Item number 1 by simply walking into the bank and asking them for a copy.

Therefore, I am not agreeing to an additional 10 working days for compliance with this FOIA request..

Thanks,
John Kraft
7060 Illinois Highway 1
Paris, Illinois 61944

217-808-2527
john@heirloomvideography.net