

ILLINOIS STATE POLICE
CASE INITIATION AND ACTION

SUMMARY

CASE INITIATION:

Case Number 20-39100800055	Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)	CAD Number		
Keyword PUBLIC INTEGRITY CASE	Other Keyword			
Report Purpose CLOSED - SANGAMON COUNTY SA DECLINED PROSECUTION - DECLINATION LETTER ATTACHED				
Case Agency ISP ZONE 4 INVESTIGATIONS - SPRINGFIELD	Case Agent COLBROOK, ALEXANDER	ID Number 6621	Zone/Office ISPZ4SP	
Date of Incident 06/01/2020	Day of Incident MONDAY	Time of Incident 07:40	Reported Date 06/01/2020	Crime Victim Notified Of Opening <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Initiated By ISP <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Requesting Agency		Requesting Officer	
Complaint By Public <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Complaint Last Name	Complaint First Name	Complaint Middle Name	Complaint Phone Number
Character of Case FIRE DEPARTMENT, OFFICIAL MISCONDUCT				
Crime Code 6001 - FIRE DEPARTMENT				
Crime Code 3920 - OFFICIAL MISCONDUCT				

LOCATION

Location Description ROCHESTER FIRE DEPARTMENT			
Latitude		Longitude	
Address 700 EAST MAIN STREET			
City ROCHESTER	State IL	Zip Code 62563	County SANGAMON

NARRATIVE

On Thursday, May 28, 2020, I, Special Agent Alex Colbrook #6621 was requested to investigate Rochester Fire Protection District Chief John E. Archer (M/) for a violation of the Fire Protection District Act and Official Misconduct. Rochester Fire Protection District Board Trustee Martin R. Fairchild (M/) requested the investigation.

INDIVIDUAL 1

Type SUSPECT	Last Name ARCHER
First Name JOHN	Middle Name E
AKA/Maiden	
Sex MALE	Race [REDACTED]
DOB [REDACTED]	SSN [REDACTED]
Street [REDACTED]	City [REDACTED]
State [REDACTED]	Zip Code [REDACTED]
CASE ACTION	
Case Action Date 8/11/2020	Case Action Narrative PENDING - CASE SUBMITTED TO SANGAMON COUNTY SA FOR REVIEW
CASE ACTION	
Case Action Date 9/22/2020	Case Action Narrative CLOSED - SANGAMON COUNTY SA DECLINED PROSECUTION - DECLINATION LETTER ATTACHED
EVIDENCE HELD	
Evidence Being Held <input type="checkbox"/> Yes <input type="checkbox"/> No	Narrative



DANIEL K. WRIGHT
SANGAMON COUNTY
STATE'S ATTORNEY

Room 402, County Complex
200 South Ninth Street
Springfield, IL 62701

Telephone: 217/753-6690
Facsimile: 217/535-3179

September 22, 2020

Illinois State Police
c/o Agent Alex Colbrook
via electronic mail to Alexander.Colbrook@illinois.gov

Re: Case No. 20-3910080055

Agent Colbrook:

Thank you for your final report on the above-referenced investigation received September 15, 2020. My office has completed review of the investigation and determined there is insufficient evidence to prove a criminal offense beyond a reasonable doubt. Accordingly, we will not file a criminal charge at this time based upon the reports submitted and reviewed.

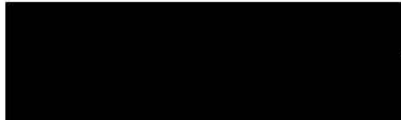
The relevant provision of the Illinois Fire Protection District Act ("FPDA") does not specify a mental state necessary to establish criminal liability for any violation. 70 ILCS 705/4. In cases related to statutes which impose felony liability, but do not specify a requisite mental state, the Illinois Supreme Court has required proof beyond a reasonable doubt that the alleged violation was undertaken with "criminal knowledge, in other words, knowledge plus criminal purpose." *See People v. Tolliver*, 147 Ill.2d 397, 403 (1992); *People v. Wright*, 194 Ill.2d 1, 28-29 (2000). Put another way, absent evidence of theft, an intent to defraud or deprive an owner of property by means of deception, or other criminal purpose, the State could not likely sustain a criminal charge under the facts reflected in the investigation submitted to my office. *See e.g., Tolliver*, 147 Ill.2d at 403. While there are no Illinois Appellate or Supreme Court decisions interpreting this issue in the context of the FPDA, the absence of a specified mental state or express statutory language creating an absolute liability offense is common between the FPDA and other statutes specifically addressed in the above cases. A Court would likely apply the same analysis and require a showing of "knowledge plus criminal purpose" in a case arising from the conduct documented in the above-referenced investigation.

The Illinois State Police investigation concluded that the alleged conduct did not appear to have been "undertaken with any criminal purpose, intended to defraud or intended to exercise unauthorized control over property..." This conclusion would preclude a successful criminal

prosecution for violation of the Illinois Fire Protection District Act under the foregoing Illinois Supreme Court decisions.

I am grateful for your diligent efforts to complete this investigation in the midst of operational limitations associated with the Covid-19 pandemic. Please do not hesitate to contact me should you have any questions.

Sincerely,

A large black rectangular redaction box covering the signature of Daniel K. Wright.

Daniel K. Wright
Sangamon County State's Attorney

OFFICER			
Agent COLBROOK, ALEXANDER	ID Number 6621	Zone/Office ISPZ4SP	Agent Date 06/01/2020
Supervisor WESTON E		ID Number 6111	
Final Approval Given by Supervisor WESTON, ERIC #6111			Supervisor Date 09/22/2020
SupervisorsNotes			

ILLINOIS STATE POLICE INVESTIGATIVE REPORT

Case Number 20-39100800055		Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)			Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle	
Report Purpose TO DOCUMENT THE INTERVIEW OF JOHN ARCHER				Report Date 07/13/2020		
Activity Date 07/08/2020						
Lead Number	Drug Buys	Arrest Warrants	Search Warrants	Overhear Admin	Overhear Warrant	
Reporting Agent COLBROOK, ALEXANDER				D Number 6621	Zone/Office ISPZ4SP	
Case Agent COLBROOK, ALEXANDER				Case Agent ID Number 6621	Case Agent Zone/Office ISPZ4SP	
NARRATIVE						

On Wednesday, July 08, 2020 at 9:58 am., Special Agent Zach Colbrook #6622 and I, Special Agent Alex Colbrook #6621 interviewed John E. Archer (M [REDACTED]) in a conference room at the Illinois State Police Central Headquarters. I had previously made contact with Archer via phone and he agreed to come in and speak with us. Archer agreed to do an audio recorded interview. I advised Archer he could leave at any time. The following is a not verbatim summary of the interview.

- Archer has worked for the Rochester Fire Protection District for the past 9 years.
- Archer was appointed to Chief in May of 2018.
- He was the Assistant Chief at the Pawnee fire department prior to working at Rochester.
- He was also the Deputy Chief for the Sangamon County Rescue Squad for 17 years.
- Archer owns the company, AEC fire and rescue.
- AEC has been around since 1941.
- Archer has owned AEC since 1991.
- Archer's father, John L. Archer, owned the company prior to 1991.
- AEC consists of 14 full time employees and 6 or 7 part time sales representatives throughout the state of Illinois.
- Archer believes Rochester Fire Protection District has been doing business with AEC for approximately 40 years.
- Archer has 75% stock in AEC and his son, John M. Archer has 25% stock in AEC.
- When Archer took over as the Fire Chief in Rochester there was no change in the business done with AEC.
- Shortly after taking over as Chief, Archer separated himself from purchasing decisions by putting Captain Kirk Polley and Captain Matt Sunderland in charge of purchasing equipment.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Archer advised all the board members and members of the district would vouch for his integrity.
- The board had no issue with the spending between the fire district and AEC until a trustee (Marty Fairchild) brought it up recently.
- When the issue was brought up the board went to James Sinclair, the attorney for the fire protection district.
- In March 2020, Sinclair reviewed all the spending and dollar amounts for the past two years.
- Sinclair recommended they say it was an oversight and stop business with AEC moving forward.
- Captain Polley and Captain Sunderland are responsible for getting competitive pricing.
- Anything purchases over \$20,000 they are required to get bids.
- For smaller purchases the captains typically call around to a few places to find a good price.
- Archer would tell the captains if there was a need for the department to purchase an item.
- The captains would then shop around to find the item.
- The captains do not exclusively make purchases at AEC.
 - For example, they have made purchases at the fire store in Pennsylvania.
- They do use AEC frequently because they are the best and only local option for most fire equipment.
- There are no other local fire equipment stores.
- The nearest fire equipment stores are in Peoria, St. Louis and Chicago.
- Archer is not aware that anyone objected to him being appointed chief.
- Throughout the process of being appointed chief nobody told him he should not be chief because it was a conflict of interest with him owning AEC.
- Archer is aware of the Fire Protection District Act but is not aware of the financial thresholds dealing with conflicts of interest.
- I explained to Archer, according to the Fire Protection District Act, the department should not have a contract of over \$1,000 and should not exceed \$2,000 per fiscal year.
- Archer guaranteed that they had exceeded this amount.
- He believes the department has spent \$25,000 with AEC since 2018.
- No one had mentioned this was in violation of the Fire Protection District Act until Trustee Martin Fairchild brought it up in a board meeting a few months ago.
- There has been a lot of conflict with Fairchild everywhere he has gone.
- Archer doesn't know if Fairchild has a personal problem with him.

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Fairchild feels left out of the projects sometimes.
- Fairchild and his wife try to create conflict at every board meeting.
- Fairchild's wife had to be removed from a board meeting recently.
- Fairchild has never spoke to Archer about these allegations outside of a meeting.
- The district recently bought a fire truck from a different vendor.
- Fairchild thought they bought it illegally, but the attorney reviewed the purchase and said everything was legal.
- Fairchild reached out to the Edgar County watchdogs and invited them to board meetings.
- Board meetings became a circus after this.
- The board reviews the fire protection district's invoices every month at the meeting.
- The secretary, Denise Garceau, turns the invoices into the board.
- The board signs off on the invoices and then sends them back to Denise.
- Archer does not see every invoice before they go to Denise.
- Archer doesn't review the spending on a monthly basis because some months nothing is purchased.
- Denise typically shows him an invoice if it is large and she doesn't know what it is for.
- The board allows them to spend up to \$5,000 without approval.
- The board treasurer reads a monthly report on spending to the board but it does not break down how much is spent with each company.
- Archer does not believe anyone on the board knew Archer was in violation of the Fire Protection District Act prior to March 2020 because no one on the board ever brought it up to him.
- Archer can not think of a time a purchase did not get approved by the board because they always have a justification for the spending.
- Besides the purchase of the new fire truck, Martin Fairchild has not disputed any purchases.
- Archer collects a Salary of approximately \$1,255 per week.
- He does not make a commission on sales.
- AEC has provided tons of no cost services to the department.
- Martin Fairchild has signed off on the invoices for years prior to Archers appointment to chief and since Archer became chief.
- Archer believes Fairchild has an agenda because Fairchild was not asked to be on the committee to purchase a new firetruck.

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Archer believes Fairchild feels insulted that the board is not valuing his input.
- Archer stated the prices AEC is selling equipment to the Rochester Fire Protection District are better than prices they could get anywhere else.
- They have always given fair prices and there is no price gouging.
- When the Captains would call AEC for a price, they were not directly dealing with Archer the would get the price from whichever salesman was at the showroom.
- Previous fire chiefs did not put their captains in charge of spending.
 - This was something Archer did to avoid a conflict of interest.
- AEC deals with all 21 fire departments in Sangamon County on various levels.
- Archer guarantees there is no one else on the board that shares Fairchild's viewpoint on this situation.
- There are several area fire departments that spend more money with AEC than Rochester.
- Rochester spends in the lower 25% compared to other local fire departments.
- The Rochester Fire Protection District is going to have to spend a lot more money now that they are not doing business with AEC.

The interview ended at 10:41 pm. An audio CD with the recording of the interview is attached to the case file in a 1-A exhibit envelope.

INDIVIDUAL					
Last Name ARCHER		First Name JOHN		Middle Name E	
AKA/Maiden					
Sex MALE	Race [REDACTED]		DOB [REDACTED]	SSN [REDACTED]	
Drivers License Number		Home Telephone		Cell Telephone [REDACTED]	
Street [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	How Long	Personal History <input type="checkbox"/>

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ILLINOIS STATE POLICE
INVESTIGATIVE REPORT

Case Number 20-39100800055	Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)	Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle
Report Purpose TO DOCUMENT THE INTERVIEW OF WILLIAM RIGGS		Report Date 07/15/2020
Lead Number	Drug Buys	Arrest Warrants
Search Warrants		Overhear Admin
Overhear Warrant		
Reporting Agent COLBROOK, ALEXANDER		D Number 6621
Zone/Office ISPZ4SP		
Case Agent COLBROOK, ALEXANDER		Case Agent ID Number 6621
Case Agent Zone/Office ISPZ4SP		
NARRATIVE		

On Wednesday, July 08, 2020 at 12:58 pm., Special Agent Zach Colbrook #6621 and I, Special Agent Alex Colbrook #6621 interviewed William G. Riggs ([REDACTED]) in a conference room at the Illinois State Police Central Headquarters. Riggs agreed to do an audio recorded interview. The following is a not verbatim summary of the interview.

- Riggs has been the president of the board of trustees for the Rochester Fire Protection District for the past three years.
- The other board members are Dennis Leonard, John Fox, Marty Fairchild and Gary McBride.
- Riggs has always known that Rochester Fire Chief John Archer was involved with AEC fire equipment company.
- Riggs believes all board members knew that John Archer was the owner of AEC when Archer was appointed to Fire Chief in March of 2018.
- No one brought up that there would be a conflict of interest if Archer was appointed chief.
- Marty Fairchild did not want the Archer to become chief.
- Fairchild made personal contact with all of the other candidates besides Archer to try and help them out with the interview process.
- Riggs didn't know why Fairchild didn't want Archer to be chief.
- There was a verbal vote to approve Archer as chief.
- Riggs thought everyone voted in favor of Archer.
- At the following board meeting, Fairchild advised he voted against the appointment of Archer.
- Riggs did not recall Fairchild bringing up a conflict of interest at the time Archer was approved.
- The first time Fairchild brought up the conflict of interest was at the board meeting on March 11, 2020.

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Fairchild said he would not vote to approve anymore invoices until this was corrected.
- The purchases for the fire department are mostly made through the two captains.
- Big purchases go through the board.
- The captains get competitive bids before making purchases.
- This process started when Archer became chief.
- The board reviews the invoices from the fire department every month.
- To Riggs' knowledge no one brought up a concern about the fire department's spending with AEC prior to the March 2020 meeting.
- There were never any spending items with AEC that came up for vote that Fairchild voted against.
- Riggs cannot think of any spending that has been denied.
 - Sometimes they will ask the department to go back and get more bids.
 - They typically get three bids
- The captains do not buy items exclusively through AEC.
- AEC has loaned them equipment and provided outstanding service.
- Most of the everyday equipment is from AEC.
- AEC usually has the best price.
- The new firetruck was purchased through a third-party organization.
- The board members were not involved in selecting the firetruck
- The captains formed a committee with members of the fire department.
 - There were no board members on the committee
- Fairchild did not want to buy a firetruck at all.
- Fairchild wanted an off-road vehicle for combine fires.
- Fairchild is a farmer and this would benefit him.
- Riggs was familiar with the Fire Protection District Act but did not know the wording for the certain dollar amounts until recently.
- No one ever brought up that they were over the \$2,000 yearly limit with AEC.
- All board members have been through a 12-hour training that covers the Fire Protection District Act.
- Riggs never felt like it was a conflict of interest that Archer owned AEC.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Riggs felt it was a benefit for the department that he owned AEC.
- Riggs does not think spending with AEC went up after Archer took over as chief.
- Riggs does not think any unnecessary purchases have been made.
- Riggs thinks AEC has the best prices that they could get.
- Riggs does not suspect anyone is getting a kick back from AEC.
- Attorney James Sinclair made Riggs aware that they had been violating the Fire Protection District Act.
- At the May 13, 2020 meeting, Riggs advised the board that they would not be making purchases with AEC moving forward.

The interview ended at 1:28 pm. A CD with an audio recording of the interview is attached to the case file in an exhibit 1-A envelope.

INDIVIDUAL					
Last Name RIGGS		First Name WILLIAM		Middle Name G	
AKA/Maiden					
Sex MALE	Race [REDACTED]		DOB [REDACTED]	SSN [REDACTED]	
Drivers License Number		Home Telephone		Cell Telephone [REDACTED]	
Street [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	How Long	Personal History <input type="checkbox"/>

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ILLINOIS STATE POLICE INVESTIGATIVE REPORT

Case Number 20-39100800055		Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)				Report Type <input type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle	
Report Purpose CASE INITIATION					Report Date 07/16/2020		Activity Date 07/20/2020
Lead Number	Drug Buys	Arrest Warrants	Search Warrants	Overhear Admin		Overhear Warrant	
Reporting Agent COLBROOK, ALEXANDER				D Number 6621		Zone/Office ISPZ4SP	
Case Agent COLBROOK, ALEXANDER				Case Agent ID Number 6621		Case Agent Zone/Office ISPZ4SP	
NARRATIVE							

In May of 2020, Martin R. Fairchild (M [REDACTED]) a trustee on the Rochester Fire Protection District Board, approached the Illinois State Police and requested we investigate Rochester Fire Protection District Chief John Archer for a violation of the Fire Protection District Act.

Fairchild provided me with a criminal complaint showing that Chief John Archer violated the conflict of interest section of the Fire Protection District Act. Fairchild provided me with Archer's statement of economic interest showing that Archer is the owner of AEC Fire & Safety Company. Fairchild provided me with invoices from purchases the Rochester Fire Protection District made with AEC. The invoices show purchases exceeding the \$1,200 contract limit and totals exceeding the \$2,000 yearly limit. All emails and attachment sent to me by Fairchild are attached to this report. Exhibit 3 (invoices) was placed on a DVD and attached to the case file in a 1-A exhibit envelope due to its size.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.



Statement of Economic Interests

Filed with the Sangamon County Clerk
www.sangamoncountyclerk.com
(217) 753-6705

ARCHER, JOHN

Filing Date: 3/8/2019 3:31:25 PM

Your Agency

Code	Agency	Title
16	ROCHESTER FIRE PROTECTION DISTRICT	CHIEF

Your Answers

1. List the name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of \$5,000.00 fair market value or from which dividends in excess of \$1,200.00 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand in a financial institution, nor any debt instrument shall be listed.

ANSWER: **Business Entity:** Business **Business Name:** A.E.C. FIRE & SAFETY **Instrument of Ownership:** Sole Proprietorship **Position Of Management:** President **Unit of Government:** ROCHESTER FIRE PROTECTION DISTRICT

2. List the name, address and type of practice of any professional organization in which the person making the statement was an office, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of \$1,200.00 was derived during the preceding year.

ANSWER: N/A

3. List the nature of professional services rendered (other than to the unit or units of local government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding \$5,000.00 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement. ("Professional services" means services rendered in the practice of law, accounting, engineering, medicine, architecture, dentistry, or clinical psychology.)

ANSWER: N/A

4. List the identity (including the address or legal description of real estate) of any capital asset from which a gain of \$5,000.00 or more was realized during the preceding calendar year.

ANSWER: N/A

5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of \$5,000.00 fair market value at the time of filing or if income or dividends in excess of \$1,200.00 were received by the person filing from the entity during the preceding calendar year.

ANSWER: N/A

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

6. List the name of any entity doing business with a unit of local government in relation to which the person is required to file from which income in excess of \$1,200.00 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

ANSWER: **Name of Entity:** A.E.C. FIRE & SAFETY **Unit of Government:** ROCHESTER FIRE PROTECTION DISTRICT **Title:** PRESIDENT

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

ANSWER: N/A

8. List the names of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500.00, was received during the preceding calendar year.

ANSWER: N/A

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

[Services](#) [Publications/Forms](#) [Departments](#) [News](#) [Contact](#)



Office of the Secretary of State Jesse White

CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number	50015602
Entity Name	A.E.C. FIRE - SAFETY & SECURITY, INCORPORATED
Status	ACTIVE

Entity Information	
Entity Type	CORPORATION
Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	Friday, 28 April 1972
State	ILLINOIS
Duration Date	PERPETUAL

Agent Information	
Name	JOHN E ARCHER
Address	[REDACTED]

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Change Date	Wednesday, 13 November 1996

Annual Report	
Filing Date	00/00/0000
For Year	2020

Officers	
President Name & Address	JOHN E ARCHER 3003 STANTON SPRINGFIELD 62703
Secretary Name & Address	DEBORAH ARCHER SAME

Assumed Name	
INACTIVE	DRESCH BEVERAGES, INC.

Old Corp Name	
02/24/1992	A.E.C. FIRE EQUIPMENT, INC.

[Return to Search](#)

(One Certificate per Transaction)

[File Annual Report](#)

[Adopting Assumed Name](#)

[Articles of Amendment Effecting A Name Change](#)

[Change of Registered Agent and/or Registered Office](#)

This information was printed from www.cyberdriveillinois.com, the official website of the Illinois Secretary of State's Office.

Thu Mar 12 2020

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Rochester Fire Protection District

700 East Main Street, Rochester, Illinois

Special Meeting Minutes

May 16, 2018

000397

I. Call to order

President Riggs called to order the special meeting of the Rochester Fire Protection District at 6:00 p.m. on May 16, 2018 at the Rochester Firehouse.

II. Roll call

Trustee Fox conducted a roll call. The following persons were present: President Riggs, Trustee Fairchild, Trustee Fox, Trustee Cravens and Trustee Leonard. Also present was Deputy Chief John Archer and four members of the public.

III. Closed Session

Trustee Fox made a motion to go into Executive Session 5 ILCS120/2 c1. Second by Trustee Cravens. Unanimously approved.

IX. Return from Closed Session

The special meeting opened at 6:42 pm. Trustee Fox took roll call: Trustee Leonard, Trustee Fox, Trustee Fairchild, Trustee Cravens and President Riggs were present.

Trustee Cravens made a motion to appoint John Archer as Chief of the Rochester Fire Protection District at a salary of \$27,300.00 effective immediately, second by Trustee Fox. Unanimously approved.

X. Public Comment

A citizen questioned the Boards' appointment of our new Fire Chief making reference to the quality of the resumes that were submitted for the position. When questioned as to how she had access to the confidential materials, the citizen inquired "would there be a problem" and replied that she "did not know" how she had obtained the information and would not confirm or deny that she had indeed read the materials.

As a point of clarification, it should be noted that the appointment was unanimous with ALL Trustees voting in favor.

XI. Upcoming Meeting

The next scheduled meeting of the board is Wednesday June 13, 2018.

XII. Adjournment

Motion to adjourn by Trustee Leonard second by Trustee Cravens. Unanimously approved.

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ATTACHMENTS

Attachment Description
Fairchild emails.pdf



Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild - [REDACTED]
Sent: Thursday, June 25, 2020 8:11 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: Pawnee FPD FOIA Request
Attachments: PFPD - FOIA Response to Allen 6.16.20.pdf; ATT00001.htm

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: June 16, 2020 at 6:02:34 PM CDT
To: Marty Fairchild <marty.fairchild@yahoo.com>
Cc: John Kraft <john@illinoisleaks.com>
Subject: FW: Pawnee FPD FOIA Request

Marty,
Please forward these invoices to the ISP for their investigation.

This is yet more proof that Archer provides services to departments he is on in violation of the law.

Kirk

From: David Livingstone <dlivingstone@ssalaw.com>
Sent: Tuesday, June 16, 2020 3:04 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: RE: Pawnee FPD FOIA Request

Mr. Allen,

Please see the attached.

Thank you,

David

STOBBS, SINCLAIR & LIVINGSTONE, LTD.
500 Bond Street
Alton, IL 62002
P: 618-465-6978
F: 618-465-7022

2

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

From: David Livingstone
Sent: Wednesday, June 10, 2020 1:36 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Cc: Josh Burday <joshb@loevy.com>
Subject: RE: Pawnee FPD FOIA Request

Thank you, Mr. Allen. I will be in touch soon.

David

STOBBS, SINCLAIR & LIVINGSTONE, LTD.
500 Bond Street
Alton, IL 62002
P: 618-465-6978
F: 618-465-7022

From: Kirk Allen [<mailto:Kirk@illinoisleaks.com>]
Sent: Wednesday, June 10, 2020 1:32 PM
To: David Livingstone <dlivingstone@sslalaw.com>
Cc: Josh Burday <joshb@loevy.com>
Subject: RE: Pawnee FPD FOIA Request

Mr. Livingstone,
Thank you so much for this communication.

I have no problem with the extension of time provided the result is obtaining the requested records.

Thanks
Kirk Allen

From: David Livingstone <dlivingstone@sslalaw.com>
Sent: Wednesday, June 10, 2020 1:29 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: Pawnee FPD FOIA Request

Mr. Allen,

Our office represents the Pawnee Fire Protection District. The District recently contacted us about your FOIA request seeking AEC invoices between approximately 2001 and 2011. I believe the request was for copies of those invoices during the period of time a Mr. John Archer was a member of the District. Please correct me if I am wrong on that.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

The District spent a considerable amount of time looking through boxes and it believes it has found the records you are looking for. I understand they are working to make sure all of the invoices have been found, and they are working on digitizing them for easy transmission.

I have urged the District to make this project a top priority, and they are diligently working on it. While I do not anticipate it will take as long, would you be agreeable to a brief 5 business day extension to allow them to compile these old records, send them to me, and for me to submit a response to you? If that will work, I will ensure a response comes to you no later than June 17, 2020.

Please advise. I look forward to hearing from you.

Thank you,

David Livingstone

STOBBS, SINCLAIR & LIVINGSTONE, LTD.

500 Bond Street
Alton, IL 62002
P: 618-465-6978
F: 618-465-7022

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild <[REDACTED]>
Sent: Thursday, June 25, 2020 7:48 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: June 10, 2020 Board of Trustees Meeting

Sent from Marty's iPad

Begin forwarded message:

From: Bill Riggs <[REDACTED]>
Date: June 14, 2020 at 2:50:32 PM CDT
To: nemo.leonard@gmail.com, John Fox <[REDACTED]>, John Archer <[REDACTED]>
<john.archer@rochesterfirerescue.org>, Gary McBride <[REDACTED]>
<[REDACTED]>
Cc: Jim Sinclair <jsinclair@sslaw.com>, Denise Garceau <[REDACTED]>
Subject: June 10, 2020 Board of Trustees Meeting

Gentlemen, as you are aware our June meeting was recessed due to a lack of a quorum, thanks to mother nature taking out the internet and electricity for parts of Rochester. My initial thought was to reschedule the meeting to the following week, however looking at the calendar and the extremely light agenda I feel it is better use of our time to recess the meeting right to the next regular meeting, July 8, 2020. My hope is that the governor will move us into a better situation for gathering as Sangamon County continues to have relatively good results with the COVID 19 pandemic.

Happy Flag Day

Thank you,

Bill Riggs, President

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:47 PM
To: Colbrook, Alexander
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: SEI filed by Chief Archer
Attachments: 2020 Archer SEI.pdf; ATT00001.htm

Sent from Marty's iPad

Begin forwarded message:

From: kallen@1ststriketech.com
Date: June 13, 2020 at 9:36:50 AM CDT
To: Marty Fairchild <marty.fairchild@yahoo.com>
Cc: John Kraft <john@illinoisleaks.com>
Subject: SEI filed by Chief Archer

You need to forward this document to the ISP investigators as it is yet another piece of evidence for the criminal investigation.



Virus-free. www.avg.com

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:47 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: Pawnee FPD FOIA Request

E

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: June 10, 2020 at 1:31:47 PM CDT
To: David Livingstone <dlivingstone@sslalaw.com>
Cc: Josh Burday <joshb@loevy.com>
Subject: Pawnee FPD FOIA Request

Mr. Livingstone,
Thank you so much for this communication.

I have no problem with the extension of time provided the result is obtaining the requested records.

Thanks
Kirk Allen

From: David Livingstone <dlivingstone@sslalaw.com>
Sent: Wednesday, June 10, 2020 1:29 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: Pawnee FPD FOIA Request

Mr. Allen,

Our office represents the Pawnee Fire Protection District. The District recently contacted us about your FOIA request seeking AEC invoices between approximately 2001 and 2011. I believe the request was for copies of those invoices during the period of time a Mr. John Archer was a member of the District. Please correct me if I am wrong on that.

The District spent a considerable amount of time looking through boxes and it believes it has found the records you are looking for. I understand they are working to make sure all of the invoices have been found, and they are working on digitizing them for easy transmission.

7

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

I have urged the District to make this project a top priority, and they are diligently working on it. While I do not anticipate it will take as long, would you be agreeable to a brief 5 business day extension to allow them to compile these old records, send them to me, and for me to submit a response to you? If that will work, I will ensure a response comes to you no later than June 17, 2020.

Please advise. I look forward to hearing from you.

Thank you,

David Livingstone

STOBBS, SINCLAIR & LIVINGSTONE, LTD.

500 Bond Street
Alton, IL 62002
P: 618-465-6978
F: 618-465-7022

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild <[REDACTED]>
Sent: Thursday, June 25, 2020 7:45 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - Fwd: [External] Fwd: AEC Invoices

Sent from Marty's iPad

Begin forwarded message:

From: "Weston, Eric" <Eric.Weston@illinois.gov>
Date: May 12, 2020 at 12:09:01 PM CDT
To: Marty Fairchild <[REDACTED]>
Subject: [External] Fwd: AEC Invoices

Marty,

I have saved a copy pdf file with the additional invoices. If you come across anything else of importance, please send it directly to me. The email address of ISP.District09.Media is for the Public Information Officers when they are communicating with the media.

The criminal investigation is still currently pending. The primary focus of my unit is violent crime cases until we resume normal operations after COVID-19 restrictions are lessened. I will have an agent assigned to this case and they will be reaching out to you in the near future for additional information.

Thanks

Acting Master Sergeant Eric Weston
Zone 4 Investigations - Springfield
Division of Criminal Investigations
Illinois State Police
Work Cell 309/252-2171

From: Marty Fairchild <[REDACTED]>
Sent: Monday, May 11, 2020 11:24 PM
To: Weston, Eric <Eric.Weston@illinois.gov>
Cc: Marty Fairchild <[REDACTED]>
Subject: [External] Fwd: AEC Invoices

Hello Eric,

Thought I would touch bases with you since more information was brought to my attention and definitely shows a pattern of behavior.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Thanks,
Marty Fairchild

Sent from my iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: May 11, 2020 at 11:14:16 PM CDT
To: ISP.District09.Media@illinois.gov
Cc: Marty Fairchild [REDACTED]
Subject: Fwd: AEC Invoices

More information to add to the criminal complaint against the Rochester Fire Protection District is as follows in the "pdf file". Other information was already sent to you on March 24, 2020. I was wondering what the status is of the criminal complaint that was sent to you and also to Eric Weston on March 25, 2020, please.

Thank you,
Marty Fairchild
Rochester FPD Trustee
8227 Buckhart Road
Rochester, Illinois 62563
(217)498-9557
[REDACTED]

Sent from my iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: May 11, 2020 at 7:07:48 PM CDT
To: "marty.fairchild@yahoo.com" [REDACTED]
"john@illinoisleaks.com" <john@illinoisleaks.com>
Cc: "joshb@loevy.com" <joshb@loevy.com>
Subject: FW: AEC Invoices
Reply-To: Kirk Allen <Kirk@illinoisleaks.com>

From: pfpdjenkins@pawneefire.org <pfpdjenkins@pawneefire.org>
Sent: Monday, May 11, 2020 6:50 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: AEC Invoices

Attached is a printout of all AEC invoices for the time John Archer was a member of the Pawnee Fire Dept.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

State of Illinois - CONFIDENTIALITY NOTICE: The information contained in this communication is confidential, may be attorney-client privileged or attorney work product, may constitute inside information or internal deliberative staff communication, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy this communication and all copies thereof, including all attachments. Receipt by an unintended recipient does not waive attorney-client privilege, attorney work product privilege, or any other exemption from disclosure.

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:43 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: Rochester FPD video

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild <[REDACTED]>
Date: March 27, 2020 at 8:31:25 AM CDT
To: Randy Baldrige [REDACTED]
Subject: Rochester FPD video

Begin forwarded message:

From: Marty Fairchild <[REDACTED]>
Date: March 26, 2020 at 10:29:51 PM CDT
Subject: Rochester FPD video

Edgar County Watch Dogs' Video of the RFPD's March 11, 2020, Fire Board Meeting.

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: March 26, 2020 at 11:49:39 AM CDT
To: Marty Fairchild [REDACTED]
Subject: Rochester FPD video

I would send the investigator our video linked below.

<https://youtu.be/bSaI87bkyXA>

12

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:41 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {{LEGACY ADDRESS USED}} - [External] Fwd: APRIL BOARD MEETING CANCELLATION

Sent from Marty's iPad

Begin forwarded message:

From: Dennis Leonard [REDACTED]
Date: March 25, 2020 at 10:51:16 AM CDT
To: Bill Riggs [REDACTED], Dennis Leonard [REDACTED], John Fox [REDACTED], Gary McBride [REDACTED], Marty Fairchild [REDACTED], John Archer <john.archer@rochesterfirerescue.org>, Denise Garceau [REDACTED]
Subject: APRIL BOARD MEETING CANCELLATION

Board Members & Chief,

Due to the COVID-19 VIRUS concerns...after consulting with our attorney and President Riggs we are cancelling our April 8, 2020 meeting and will reconvene at the May 13, 2020 meeting. Since we were unable to post notice in this weeks Rochester Times newspaper prior to their deadline and after consulting with our attorney we have posted the cancellation notice on the department's internet and in the foyer. We will also have a board member stationed in the foyer on the date and time of the meeting should anyone happen to miss the notice.

Thank you,

Dennis Leonard

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:41 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: Educate the Investigator!

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: March 21, 2020 at 12:44:51 PM CDT
To: Marty Fairchild [REDACTED]
Cc: John Kraft <john@illinoisleaks.com>
Subject: Educate the Investigator!

The common law defines "contract" broadly, as "an agreement which creates an obligation." (17 C.J.S. *Contracts* § 1(a) (1963).)

A placing of an order and receiving product creates an obligation to pay, thus those transactions with AEC are in fact contracts!

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:39 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: AEC Purchases

Sent from Marty's iPad

Begin forwarded message:

From: Dennis Leonard [REDACTED]
Date: March 20, 2020 at 11:07:37 AM CDT
To: Bill Riggs [REDACTED], Marty Fairchild [REDACTED], John Archer
<john.archer@rochesterfirerescue.org>, John Fox [REDACTED], Gary McBride
[REDACTED], Denise Garceau <[REDACTED]>, Dennis Leonard
[REDACTED]
Subject: AEC Purchases

Please be advised, on March 18, 2020, I asked our attorney, Mr. Sinclair to review our department's past practice with purchasing items from AEC. Mr. Sinclair stated he will review and make a determination, but in the interim, I instructed Chief Archer to advise our members to suspend future orders with AEC pending Mr. Sinclair's decision.

If you have any questions please direct them to my attention.

Thank you,

Dennis Leonard

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:38 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: ({LEGACY ADDRESS USED}) - [External] Fwd: Rochester Monthly Fire Board Meeting VIDEO

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild <[REDACTED]>
Date: March 19, 2020 at 9:21:40 AM CDT
To: Mary Alice Rexroat [REDACTED]
Subject: Rochester Monthly Fire Board Meeting VIDEO

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: March 19, 2020 at 9:08:07 AM CDT
To: bob judd [REDACTED]
Subject: Rochester's March 2020 Fire Board Meeting VIDEO

From: bob judd [REDACTED]
Date: March 18, 2020 at 6:22:45 PM CDT
To: Marty Fairchild [REDACTED]
Subject: Rochester's March 2020 Fire Board Meeting VIDEO

Sound not the greatest because the Board members do not talk loud enough..
Here Tiz;
https://www.youtube.com/watch?v=Hvo0tza-N5E&t=37s&fbclid=IwAR1x0DFrIxmYovsb5MHHTvvjTrcTkN0LanLWfYEpJ7WzDuPI5xvSUdo4_4

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:36 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: [Sangamon County] Confirmation for Submission

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: March 11, 2020 at 10:01:29 PM CDT
To: Carolyn Fairchild [REDACTED]
Subject: [Sangamon County] Confirmation for Submission

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: March 11, 2020 at 9:42:33 AM CDT
To: Kirk Allen <Kirk@illinoisleaks.com>
Cc: Marty Fairchild [REDACTED]
Subject: [Sangamon County] Confirmation for Submission

Good morning Kirk,

Ask and you shall receive—

(2016)-2017—Totals
\$9,161.65

(2017)-2018—Totals
\$12,705.39

2019—2020—Totals
\$19,299.96

So, the GRAND TOTAL.....\$41,167.00.....approximately in three years!!!

I can not swear in court that this is 100% accurate. After I got the hang of how David Livingstone sent the FOIAs for A.E.C. invoices (some were scrambled up) this is how it ended up.

Let me know if you need ANYTHING else.....later.....D.

Sent from Marty's/Diana's iPad

18

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: March 10, 2020 at 11:49:09 PM CDT
To: "marty.fairchild@yahoo.com" <[REDACTED]>
Subject: RE: [Sangamon County] Confirmation for Submission
Reply-To: Kirk Allen <Kirk@illinoisleaks.com>

If you could do me a HUGE favor I would appreciate it.

I need to TOTAL dollar figure that has been paid to AEC fire equipment. This would be based off the FOIA response we got. I just got home and have to be in Shelbyville in the Morning and don't have time to total those up but I need it for the meeting.

If you can get me a figure I would greatly appreciate it.

See you at 5.

Thanks
Kirk

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:35 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {{LEGACY ADDRESS USED}} - [External] Fwd: Video recording

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: February 15, 2020 at 8:25:28 PM CST
To: [REDACTED]
Subject: Video recording

Sent from Marty's iPad

Begin forwarded message:

From: bob judd [REDACTED]
Date: February 15, 2020 at 8:54:13 AM CST
To: Marty Fairchild [REDACTED]
Subject: Re: Video recording

Marty/Diana

I converted Darlene's video of the Fire Board meeting over to my Chatham / Citizens Microphone Youtube account.. I am sending the Youtube Video so you can watch it .. Also: I have {just} sent Kirk of the Edgar County Watchdogs this video as he requested..

You can also send the Youtube video to anyone's E-Mail you wish to.
If the link does not work, let me know please..

<https://www.youtube.com/watch?v=Zi9jANjS2rs&t=27s&fbclid=IwAR3GpNBfkNCri2siRUTaP6lnPUtcleYYj0aNgjBGwAqoJdc8aSwLpKCaAh8>

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:33 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: FOIA Request

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: February 14, 2020 at 10:24:34 AM CST
To: "[REDACTED]"

Subject: FOIA Request

In accordance with the Freedom of Information Act of Illinois, I am requesting the following public records.

1. 1. A copy of the bid publication for the Fire Truck purchase recently approved by the board.
2. 2. A copy of the Specifications for the Fire Truck recently approved for purchase.
3. 3. A copy of any agreements signed relating to the purchase of the recently approved Fire Truck purchase.
4. 4. A copy of the agreement the Fire Protection District entered into with any purchasing cooperative or purchasing group in the last 2 years.
5. 3. A copy of all invoices from A.E.C. Fire Equipment for the last three years.
6. 4. A copy of all payments made to A.E.C. Fire Equipment for the last three years.
7. 5. A copy of all invoices for legal services in the last three years.
8. 6. A copy of all subpoenas received by the Fire Protection District, trustees, and Personnel in the last 12 months.
9. 7. A copy of the minutes and agenda for the meeting which the Board of Trustees approved the hiring of the current Fire Chief.
10. 8. A copy of the minutes and agenda for the meeting that set the compensation for the current Fire Chief.
11. 9. A copy of any employment contract/agreement the Fire Protection District has with the current Fire Chief.
- 12.
- 13.
14. I qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).

21

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

I request expedited processing on the basis of an urgency to inform the citizens and taxpayers of Illinois about their government's activities. If any element of this request is denied in whole or in part, I ask that you justify all withholdings individually by reference to specific exemptions of the Act. Please provide all responsive information to me electronically.

I request a rolling production of records, such that the public body furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the below address. If you have any questions please do not hesitate to contact me. Rolling production is not to be perceived as an agreement to extend the time frame for compliance under FOIA.

If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

The purpose of the request is to access and disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

As outlined in FOIA, documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I am requesting the records be provided in electronic format if that is the method in which they are stored. If they are in paper form and the copier can convert them to electronic format I would appreciate receiving them electronically.

Thanks,

Kirk Allen

Edgar County Watchdogs

PO Box 593

Kansas, IL 61933

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild - [REDACTED]
Sent: Thursday, June 25, 2020 7:32 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: Game Changer
Attachments: Chief SEI.pdf; ATT00001.htm

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: February 12, 2020 at 11:41:28 AM CST
To: Marty Fairchild [REDACTED]
Cc: John Kraft <john@illinoisleaks.com>
Subject: Game Changer

GAME CHANGER!

Chief has ADMITTED he has OWNERHSIP interest!

Approved By Weston, Eric #6111
--

Disclaimer: This document contains nei her recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:31 PM
To: Colbrook, Alexander
Subject: {{LEGACY ADDRESS USED}} - [External] Fwd: Rochester Fire Protection District Board of Trustees: NEW TRUCK PURCHASE

Sent from Marty's iPad

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Date: February 9, 2020 at 12:05:37 PM CST
To: Marty Fairchild [REDACTED] John Kraft <john@illinoisleaks.com>
Subject: RE: Rochester Fire Protection District Board of Trustees: NEW TRUCK PURCHASE

They have a problem as I read this.

The attorney cites section 11k of the Fire Protection District act as the justification for not putting it out for bid. I believe he is wrong for several reasons.

The exemption he points to:

Fire Protection District Act:

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=872&ChapterID=15>

(c) In addition to contracts entered into under the **Governmental Joint Purchasing Act**, a board of trustees may enter into contracts *for supplies, materials, or work* involving an expenditure in excess of \$20,000 through participation in a joint governmental or nongovernmental purchasing program that requires as part of its selection procedure a competitive solicitation and procurement process.

(Source: P.A. 101-139, eff. 7-26-19.)

They are given permission to enter contracts for supplies, materials, or work through participating in a Joint Government or nongovernmental purchasing program. A fire Truck is not supplies, materials, or work.

They have LIMITED power granted under the Government Joint purchasing act.

Government JOINT purchasing act :

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=537&ChapterID=7>

(30 ILCS 525/2) (from Ch. 85, par. 1602)

Sec. 2. Joint purchasing authority.

(a) Any governmental unit, except a governmental unit subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, may purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

solicitation as provided in Section 4, except as otherwise provided in this Act. The provisions of any other acts under which a governmental unit operates which refer to purchases and procedures in connection therewith shall be superseded by the provisions of this Act when the governmental units are exercising the joint powers created by this Act.

They have the power to purchase personal property, which a fire truck is, HOWEVER, it requires it to be a JOINT purchase with one or more other governmental units. That is NOT what happened as I understand it.

I believe they violated the law by making a purchase of real property without bidding. There purchase was NOT a JOINT purchases.

I need a LOT more details.

If the Chief or Trustee is the one connected to this purchase they have even more problems.
(70 ILCS 705/4) (from Ch. 127 1/2, par. 24)

Sec. 4. Trustees; **conflict of interest**; violations.

(a) A board of trustees consisting of 3 members for the government and control of the affairs and business of a fire protection district incorporated under this Act shall be created in the following manner:

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the board of trustees of that township shall appoint the trustees for the district but no township official who is eligible to vote on the appointment shall be eligible for such appointment.

(2) If the district is wholly contained within a municipality, the governing body of the municipality shall appoint the trustees for the district.

(3) If the district is wholly contained within a single county but does not lie wholly within a single township or a single municipality, the trustees for the district shall be appointed by the presiding officer of the county board with the advice and consent of the county board; except that in counties with a population in excess of 3,000,000, 2 trustees for the district shall be appointed by the board of trustees of the township that has the greatest population within the district as determined by the last preceding federal census. That board of trustees shall also appoint the remaining trustee if no other township comprises at least 10% of the population of the district. If only one other township comprises at least 10% of the population of the district, then the board of trustees of that district shall appoint the remaining trustee. If 2 or more other townships each comprise at least 10% of the population of the district, then the boards of trustees of those townships shall jointly appoint the remaining trustee. No township official who is eligible to vote on the appointment shall be eligible for the appointment.

(4) If the district is located in more than one county, the number of trustees who are residents of a county shall be in proportion, as nearly as practicable, to the number of residents of the district who reside in that county in relation to the total population of the district.

(A) In counties with a population of 3,000,000 or more, the trustees shall be appointed as provided in paragraphs (1), (2), and (3) of subsection (a) of this Section. For purposes of this item (A) and in item (B), "district" means that portion of the total fire protection district lying within a county with a population in excess of 3,000,000.

(B) In counties with a population of less than 3,000,000, the trustees for the district shall be appointed by the presiding officer of the county board with the advice and consent of the county board.

Upon the expiration of the term of a trustee who is in office on October 1, 1975, the successor shall be a resident of whichever county is entitled to such representation in order to bring about the proportional representation required herein, and he shall be appointed by the county board of that county, or in the case of a home rule county as defined by Article VII, Section 6 of the

Approved By
Weston, Eric #6111

Constitution of 1970, the chief executive officer of that county, with the advice and consent of the county board.

Thereafter, each trustee shall be succeeded by a resident of the same county who shall be appointed by the same appointing authority; however, the provisions of the preceding paragraph shall apply to the appointment of the successor to each trustee who is in office at the time of the publication of each decennial Federal census of population.

Within 60 days after the adoption of this Act as provided in Section 1, or within 60 days after the adoption of an ordinance pursuant to subsection (c) of Section 4.01, the appropriate appointing authority shall appoint 3 trustees who are electors in the district, not more than one of whom shall be from any one city or village or incorporated town in a district unless such city or village or incorporated town has more than 50% of the population in the district according to last preceding Federal census. Such trustees shall hold their offices thenceforward and for one, 2 and 3 years from the first Monday of May next after their appointment and until their successors have been selected and qualified and thereafter, unless the district has determined to elect trustees as provided in Section 4a, on or before the second Monday in April of each year the appointing authority shall appoint one trustee whose term shall be for 3 years commencing on the first Monday in May next after they are respectively appointed. The length of term of the first trustees shall be determined by lot at their first meeting.

Each trustee shall, before entering on the duties of his office, enter into bond with security to be approved by the appointing authority in such sum as the authority may determine.

A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from day to day. No trustee or employee of such district shall be directly or indirectly interested financially in any contract work or business or the sale of any article, the expense, price or consideration of which is paid by the district; nor in the purchase of any real estate or other property, belonging to the district, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the district. Nothing in this Section prohibits the appointment or selection of any person or trustee or employee whose only interest in the district is as an owner of real estate in such fire protection district or of contributing to the payment of taxes levied by the district. The trustees shall have the power to provide and adopt a corporate seal for the district.

(b) However, any trustee may provide materials, merchandise, property, services or labor, if:

- A. the contract is with a person, firm, partnership, association, corporation or cooperative association in which such interested trustee has less than a 7 1/2% share in the ownership; and
- B. such interested trustee publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and
- C. such interested trustee abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum; and
- D. such contract is approved by a majority vote of those trustees presently holding office; and
- E. the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds \$1500, but the contract may be awarded without bidding if the amount is less than \$1500; and
- F. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$25,000.

(c) In addition to the above exemption, any trustee or employee may provide materials, merchandise, property, services or labor if:

- A. the award of the contract is approved by a majority vote of the board of trustees of the fire protection district provided that any such interested member shall abstain from voting; and
 - B. the amount of the contract does not exceed \$1000;
- and

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

C. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$2000; and

D. such interested member publicly discloses the

nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

E. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(d) A contract for the procurement of public utility services by a district with a public utility company is not barred by this Section by one or more members of the board of trustees being an officer or employee of the public utility company or holding an ownership interest if no more than 7 1/2% in the public utility company, or holding an ownership interest of any size if the fire protection district has a population of less than 7,500 and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the board of trustees having such an interest shall be deemed not to have a prohibited interest under this Section.

(e) Any officer or employee who violates this Section is guilty of a Class 4 felony and in addition thereto any office held by such person so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(f) Nothing contained in this Section, including the restrictions set forth in subsections (b), (c) and (d), shall preclude a contract of deposit of monies, loans or other financial services by a fire protection district with a local bank or local savings and loan association, regardless of whether a member or members of the board of trustees of the fire protection district are interested in such bank or savings and loan association as an officer or employee or as a holder of less than 7 1/2% of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. Such interested member or members of the board of trustees must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the board of trustees of the fire protection district.

(g) Beginning on the effective date of this amendatory Act of 1990 and ending 3 years after the effective date of this amendatory Act of 1990, in the case of a fire protection district board of trustees in a county with a population of more than 400,000 but less than 450,000, according to the 1980 general census, created under subsection (a), paragraph (3) of this Section a petition for the redress of a trustee, charging the trustee with palpable omission of duty or nonfeasance in office, signed by not less than 5% of the electors of the district may be presented to the township supervisor or the presiding officer of the county board, as appropriate. Upon receipt of the petition, the township supervisor or presiding officer of the county board, as appropriate, shall preside over a hearing on the matter of the requested redress. The hearing shall be held not less than 14 nor more than 30 days after receipt of the petition. In the case of a fire protection district trustee appointed by the presiding officer of the county board, the presiding officer shall appoint at least 4 but not more than 8 members of the county board, a majority of whom shall reside in a county board district in which the fire protection district is wholly or partially located, to serve as the hearing panel. In the case of a fire protection district trustee appointed by the board of town trustees, the township supervisor and 2 other town trustees appointed by the supervisor shall serve as the hearing panel. Within 30 days after the hearing, the panel shall issue a statement of

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

its findings concerning the charges against the trustee, based upon the evidence presented at the hearing, and may make to the fire protection district any recommendations deemed appropriate.

(h) Any elected or appointed trustee of a fire protection district shall be entitled to absent himself or herself from any services or employment in which the trustee is then engaged or employed on the day and time of a meeting of the board of trustees of the fire protection district for the period of time during which the meeting is held and during any necessary time required to travel to and from the meeting. Any trustee availing himself or herself of this provision shall not be penalized in any manner by his or her employer as a result of an absence authorized by this subsection; however, the employer shall not be required to compensate the trustee for the time during which the trustee is absent. No employer shall refuse to grant to a trustee of a fire protection district the privilege granted by this subsection, nor shall any employer penalize or otherwise discriminate against any trustee who avails himself or herself of the provisions of this subsection, except as otherwise provided herein. No employer may directly or indirectly violate the provisions of this subsection. A "meeting" for purposes of this subsection shall have the same meaning as that provided under Section 1.02 of the Open Meetings Act.

(i) Under either of the following circumstances, a trustee may hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the fire protection district:

(1) If the trustee is appointed by the governing body of the fire protection district to represent the interests of the district on a not-for-profit corporation's board, then the trustee may actively vote on matters involving either that board or the fire protection district, at any time, so long as the membership on the not-for-profit board is not a paid position, except that the trustee may be reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.

(2) If the trustee is not appointed to the board of a not-for-profit corporation by the governing body of the fire protection district, then the trustee may continue to serve; however, the trustee shall abstain from voting on any proposition before the governing body of the fire protection district directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the governing body of the fire protection district.

(Source: P.A. 95-866, eff. 1-1-09; 96-1039, eff. 7-14-10.)

From: John Kraft <john@illinoisleaks.com>
Sent: Saturday, February 8, 2020 9:05 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: Rochester Fire Protection District Board of Trustees: NEW TRUCK PURCHASE

From: Marty Fairchild [REDACTED]
Sent: Sunday, January 12, 2020 1:38 PM
To: John Kraft <john@illinoisleaks.com>
Cc: [REDACTED]
Subject: Fwd: NEW TRUCK PURCHASE

John, hot off the press. The last email Marty was waiting on from Jim Sinclair, Rochester Fire Department's lawyer. Jim now is Cc: the last two emails to President Bill Riggs and Trustee Dennis Leonard. In the past when Marty had questions and would email Jim Sinclair, there were no Cc: to the rest of the Board. Again, Marty has not emailed Jim Sinclair that much in the past. My opinion, maybe he should have!?!?

28

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Diana

Sent from Marty's/Diana's iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslaw.com>
Date: January 12, 2020 at 1:20:16 PM CST
To: Marty Fairchild <[REDACTED]>
Cc: Bill Riggs <[REDACTED]> Dennis Leonard <[REDACTED]>
Subject: RE: NEW TRUCK PURCHASE

Marty:

I cannot tell you if anything was published regarding the purchase of the truck, however, under the amendment made to Section 11k to allow procurement by districts through a joint purchasing program, a notice would not be required.

The purpose of the notice in Section 11k is to disseminate the solicitation for competitive bids to potential vendors. It is not for the purpose of notifying the public that the district is making a procurement. In using a joint purchasing program, the competitive solicitation process occurs through the operation of the program in obtaining competitive proposals from multiple vendors which are then made available to purchasers.

Notification to the public of how the district authorizes the expenditure of public monies occurs by the adoption, filing, and publication of the budget annually. The budget includes the appropriation which is the authorization and notification.

Thanks.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law

29

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

-----Original Message-----

From: Marty Fairchild [REDACTED]
Sent: Friday, January 10, 2020 3:58 PM
To: James Sinclair <jsinclair@sslalaw.com>
Cc: [REDACTED]
Subject: NEW TRUCK PURCHASE

Hello Jim,

Was there a bid notice for the new truck purchase published in the Rochester Times?

I do not recall seeing one. I did see the bid proposals for the defibrillator but not for the truck. Did I miss it? If I missed it what issue would it have been in?

Does the HGAC procurement service remove that requirement? If so, how are the taxpayers supposed to be informed of an outlay of such a large amount of their monies?

Sincerely,
Trustee Marty Fairchild

Sent from Marty's iPad

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild <[REDACTED]>
Sent: Thursday, June 25, 2020 7:30 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: LEGALITY OF PURCHASE

Sent from Marty's iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslalaw.com>
Date: January 13, 2020 at 9:40:28 AM CST
To: Marty Fairchild <[REDACTED]>
Cc: Bill Riggs <[REDACTED]> Dennis Leonard <[REDACTED]>
Subject: RE: LEGALITY OF PURCHASE

Marty:

I see that I missed replying to this email. From the information supplied to me, I believe the purchase could legally be accomplished in the manner it was carried out at the meeting in question.

Thanks.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

From: Marty Fairchild <[REDACTED]>
Sent: Friday, January 10, 2020 9:47 AM
To: James Sinclair <jsinclair@sslalaw.com>
Cc: [REDACTED]
Subject: Fwd: LEGALITY OF PURCHASE

Just being clear of the last sentence. The legality of voting to buy the new fire truck in the manner it was done.

31

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Thank you,
Trustee Marty Fairchild

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild <[REDACTED]>
Date: January 10, 2020 at 8:16:43 AM CST
To: jsinclair@sslaw.com
Cc: [REDACTED]
Subject: LEGALITY OF PURCHASE

Good morning Jim,

At the January meeting this past Wednesday evening, four Board members were present. Bill Riggs was absent. The purchase of the new fire truck was voted upon with the vote going 3-1. Three members in favor and my vote was a NO.

The agenda did not state that the purchase of the new fire truck was going to happen. All it stated was under Old Business: 2. Update from fire truck work group.

All the agenda ever states on a regular monthly schedule under New Business is:

1. Approval/authorization of purchases.....Board.
- This is a stationary agenda item for all our Board meetings.

I was under the impression that this being put on the agenda on a regular basis, during our meetings, was for the possibility of purchases UNDER \$20,000.00.

I am again questioning the legality of this or is it being done in a "gray area" for our Board?

Thank you,
Trustee Marty Fairchild

Sent from Marty's iPad

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:28 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {(LEGACY ADDRESS USED)} - [External] Fwd: NEW TRUCK PURCHASE

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: January 12, 2020 at 1:38:22 PM CST
To: john@illinoisleaks.com
Cc: [REDACTED]
Subject: Fwd: NEW TRUCK PURCHASE

John, hot off the press. The last email Marty was waiting on from Jim Sinclair, Rochester Fire Department's lawyer. Jim now is Cc: the last two emails to President Bill Riggs and Trustee Dennis Leonard. In the past when Marty had questions and would email Jim Sinclair, there were no Cc: to the rest of the Board. Again, Marty has not emailed Jim Sinclair that much in the past. My opinion, maybe he should have!?!?

Diana

Sent from Marty's/Diana's iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslalaw.com>
Date: January 12, 2020 at 1:20:16 PM CST
To: Marty Fairchild [REDACTED]
Cc: Bill Riggs [REDACTED] Dennis Leonard [REDACTED]
Subject: RE: NEW TRUCK PURCHASE

Marty:

I cannot tell you if anything was published regarding the purchase of the truck, however, under the amendment made to Section 11k to allow procurement by districts through a joint purchasing program, a notice would not be required.

The purpose of the notice in Section 11k is to disseminate the solicitation for competitive bids to potential vendors. It is not for the purpose of notifying the public that the district is making a procurement. In using a joint purchasing program, the competitive solicitation process occurs through the operation of the program in obtaining competitive proposals from multiple vendors which are then made available to purchasers.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Notification to the public of how the district authorizes the expenditure of public monies occurs by the adoption, filing, and publication of the budget annually. The budget includes the appropriation which is the authorization and notification.

Thanks.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

-----Original Message-----

From: Marty Fairchild [REDACTED]
Sent: Friday, January 10, 2020 3:58 PM
To: James Sinclair <jsinclair@sslalaw.com>
Cc: [REDACTED]
Subject: NEW TRUCK PURCHASE

Hello Jim,

Was there a bid notice for the new truck purchase published in the Rochester Times?

I do not recall seeing one. I did see the bid proposals for the defibrillator but not for the truck. Did I miss it? If I missed it what issue would it have been in?

Does the HGAC procurement service remove that requirement? If so, how are the taxpayers supposed to be informed of an outlay of such a large amount of their monies?

Sincerely,
Trustee Marty Fairchild

Sent from Marty's iPad

34

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 7:26 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: ((LEGACY ADDRESS USED)) - [External] Fwd: Truck Purchase Issues

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild [REDACTED]
Date: December 30, 2019 at 9:55:17 PM CST
To: jsinclair@sslaw.com
Cc: [REDACTED]
Subject: Fwd: Truck Purchase Issues

CONFIRMATION OF YOUR LATEST EMAIL.....Trustee Marty Fairchild

Sent from my iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslaw.com>
Date: December 30, 2019 at 2:03:09 PM CST
To: Marty Fairchild [REDACTED]
Subject: RE: Truck Purchase Issues

Thanks.

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

35

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

-----Original Message-----

From: Marty Fairchild [REDACTED]
Sent: Monday, December 30, 2019 9:00 AM
To: James Sinclair <jsinclair@sslalaw.com>
Cc: [REDACTED]
Subject: Truck Purchase Issues

Good morning Jim,

Thank you for your prompt reply.

For your information, there has been no official vote to approve or deny the truck purchase. The FULL BOARD has not been informed of all the procedures/decisions on this subject. However, there was a sales representative from the truck company at the December Board meeting. From his demeanor and the fact that he had detailed blueprints of the truck, he was under the impression that the Board was ready to sign on the dotted line that evening.

The concerns and recommendations that I outlined at the November Board meeting were repeated again at the December Board meeting. Therefore, no vote was taken to accept or reject the truck purchase.

Bill Riggs is currently on vacation for the next two months and Dennis Leonard is the President/Pro-tem in his absence. I do not anticipate any movement regarding the truck "issues" until his return.

Thank you again,
Trustee Marty Fairchild

Sent from Marty's iPad

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild - [REDACTED]
Sent: Thursday, June 25, 2020 7:25 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: {[LEGACY ADDRESS USED]} - [External] Fwd: CONFLICT of INTEREST

Sent from Marty's iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslalaw.com>
Date: December 30, 2019 at 7:41:36 AM CST
To: Marty Fairchild - [REDACTED]
Subject: RE: CONFLICT of INTEREST

Marty:

I expect that the reason it did not come up is that the question became moot when a brand other than that offered by AEC was selected. Bill's concern, rightly, was that a purchase through AEC could be contrary to Section 4 of the Fire Protection District Act or if using HGAC for the purchase would obviate that issue. I simply outlined the limitations of Section 4, and suggested that if a purchase was made through AEC directly or via a purchasing group, it would be the chief's responsibility to show that Section 4 would not be violated.

I also pointed out that the public "optics" of a purchase from AEC could be an issue even if there were no problem under Section 4.

The following is my email to Bill on the question before the decision was made to purchase the Sutphen vehicle:

"Bill:

I believe the legal test would be governed by Section 4 of the Illinois Fire Protection District Act (70 ILCS 705/4) and it would be whether the Chief (who would be considered an employee of the District for purposes of Section 4) would be "directly or indirectly interested financially in...the sale of any article, the expense, price or consideration of which is paid by the district" in the purchase of the Ferrara truck through the purchasing program. That is something which, in turn, would depend on how the particular purchasing program the district uses is structured between the manufacturers in the program and their dealers in a particular area. If, when a program purchase is made by a buyer, the dealer who serves the buyer's geographic area receives no part of the purchase price (directly or indirectly) and only the manufacturer is paid and receives the full benefit of the transaction with the dealer taking nothing, the purchase might not be prohibited by Section 4. But if there is any financial benefit at all which goes back to the dealer (even though the sale was made via the program), Section 4 would prohibit it. It would be the Chief's responsibility to show, to the satisfaction of the District, that Section 4 is not violated. For its part, the Board would want to have clear proof that there is no violation of Section 4 by the transaction. (A violation, by the way, is a Class 4 Felony and would also result in a forfeiture of the Chief's position.)

37

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Beyond the legal issues noted above, however, the District does need to consider the "optics" of a purchase of a truck brand for which the Chief's company serves as a dealer. Even if Section 4 is not violated, social media may make this look like an inappropriate transaction in which the District favored the Chief and no matter what is said to refute this, the damage will be done. In today's world, these kinds of transactions, even if legal, can create significant problems.

Let me know if you need or want more on this at this time.

Jim"

Thanks.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

-----Original Message-----

From: Marty Fairchild <[REDACTED]>
Sent: Saturday, December 28, 2019 2:03 PM
To: James Sinclair <jsinclair@sslalaw.com>
Cc: [REDACTED]
Subject: CONFLICT of INTEREST

Dear Jim,

In reviewing the bills at the December Fire Board Meeting, I noticed that you had emailed the Board President, Bill Riggs, regarding a possible "conflict of interest" regarding the Fire Chief's full time job selling Fire Trucks/Equipment to RFPD.

Bill Riggs has made no attempt to my knowledge to share this email with me or any of the other Board members. Would it be possible for you to send this email to me and the other Board members?

I have always had this concern with the Fire Chief's full time job since we have hired him. My concerns are no secret to the other Board members.

38

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Sincerely,
Trustee Marty Fairchild

Sent from Marty's iPad

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild <[REDACTED]>
Sent: Tuesday, June 23, 2020 10:11 AM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: [External] Fwd: Rochester Fire Board

Let me know if this is the right exhibit number, if not I or my wife will be right on it looking for it in our archive files. We also have hard copies of all the exhibits that we can send through the "snail mail" if necessary.

Sent from Marty's iPad

Begin forwarded message:

From: Marty Fairchild <[REDACTED]>
Date: March 16, 2020 at 5:19:25 PM CDT
To: Kirk Allen <Kirk@illinoisleaks.com>
Cc: Marty Fairchild <[REDACTED]>
Subject: Rochester Fire Board

To Whom It May Concern,

At the May 16, 2018, Special Meeting of the Rochester Fire Board, John Archer was appointed Fire Chief of the Rochester Fire Department. A simple voice vote was employed whereby a simultaneous affirmative response was given by four of five Board members. I gave no response and was NOT given the opportunity to give a no vote.

In the Executive Session that preceded the Open Session, the Board had a frank discussion about the several candidates interviewed for the position of Chief. My concerns for John Archer revolved around his position as President of A.E.C. Fire and Equipment Company and that there would be a serious conflict of interest should he be appointed as the Fire Chief. None of the other Board members shared my concerns.

John Fox and Dennis Leonard told me that I was off base and that my thinking was flawed. John Fox's comment: "How dare you talk about John that way. And furthermore, John would never put himself, his company or the Fire District in that position."

At the June 13, 2018, regular monthly meeting of the Rochester Fire Board, I took the opportunity to correct the Special Meeting Minutes of May 16, 2018. A copy of those minutes are attached.

After John Archer was appointed Chief, he and his company began conducting business with the District. To my knowledge, John Archer has completed and filed at least two Statements of Economic Interest with the County Clerk. Because of that and pressure from the other Board members assuring me that all was good, I continued on with the business of the District with the feeling of John Archer as the Chief just did not feel right.

After talking with the Edgar County Watchdogs, I reviewed the Fire Protection District Act and found that there is indeed the distinct possibility of a conflict with Chief John Archer and the District.

At the February 12, 2020, monthly Fire Board meeting, I asked Chief Archer to clarify his A.E.C.

1

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Company's relationship with the District. Chief Archer's reply is in the video of the February Board meeting.

At the March 11, 2020, monthly Fire Board meeting, I informed President Pro-tem Dennis Leonard and Secretary John Fox that after a review of the Fire Protection District Act, I felt that there was the possibility of a criminal act within the District and that it should be investigated. I would also reference the March 11, 2020 meeting video.

Respectfully,
Trustee Martin Fairchild
Rochester Fire Protection District

Sent from Marty's iPad

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Marty Fairchild [REDACTED]
Sent: Thursday, June 25, 2020 8:37 PM
To: Colbrook, Alexander
Cc: Marty Fairchild
Subject: [External] Update

Hello again,

I thought I would use this other email of yours for a more personalized email.

Just got done sending quite a group of emails that hopefully you can/will find helpful!?

They were sent to the — colbroa@isp.state.il.us — email address.

What was your twin brother's name again? I have a twin brother also who is 5 minutes older than I and we look nothing alike!?

Kirk Allen, of the Edgar County Watchdogs, called and told us to mention to you that they have NOT done anything or mentioned any information either on this RFPD impending case. Only to their people and us. They were waiting to see what your investigation could/would uncover!?!? After all, we (the community also) have been dealing with "egomaniacs" for the last 10 years plus. It needs to cease!!!!!!

It was very pleasant meeting we thought and glad to meet you both. Please let us know if there is ANYTHING that we can do to help simplify information, etc., etc., etc.

Thank you again,
Marty/Diana Fairchild

8227 Buckhart Road
Rochester, IL 62573

[REDACTED] — Landline (no texting)
[REDACTED] — Cell phone (no texting)
[REDACTED] — Cell phone (no texting)

[REDACTED] — email address

Sent from Marty's/Diana's iPad

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Criminal Complaint

Suspect: Rochester Fire Protection District Fire Chief John Archer

- John Archer has been an employee of the Rochester Fire District since approximately 2011.
- John Archer is an owner in A.E.C. Fire Equipment company. (See exhibit 1, Archer Statement of Economic Interests) Archer confirms, under penalty of perjury, he is the President of a Sole Proprietor company and has a financial ownership interest.
- John Archer is the named agent of record for A.E.C. Fire Equipment Company (See Exhibit 2 – Secretary of State corporate record)
- A.E.C Fire Equipment company has issued invoices to the Rochester FPD for many years, of which the last three years appears to total over \$40,000.00 in billing. (See Exhibit 3 – invoices)
- John Archer was appointed as Fire Chief May 16, 2018. (See Exhibit 4)
- A written background summary is being provided (See Exhibit 5)

Fire Protection District Act

- (70 ILCS 705/4) (from Ch. 127 1/2, par. 24)
Sec. 4. Trustees; **conflict of interest; violations**

(c) In addition to the above exemption, any trustee or employee may provide materials, merchandise, property, services or labor if:

A. the award of the contract is approved by a majority vote of the board of trustees of the fire protection district provided that any such interested member shall abstain from voting; and

B. the amount of the contract does not exceed \$1000;

and

C. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed \$2000; and

D. such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

E. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(e) Any officer or employee who violates this Section is guilty of a Class 4 felony and in addition thereto any office held by such person so convicted shall become vacant and shall be so declared as part of the judgment of the court.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Invoices reflect numerous billings that exceed \$1000.00 and clearly the aggregate of such billing far exceeds the allowable limit of \$2,000.00

All indications point to John Archer violating the conflict of interest provisions found in the Fire Protection District Act and such a violation is considered to be a class 4 felony.

Based on the clearly established probable cause, I am filing this as a **fomal criminal complaint** and pray the appropriate authorities investigate this matter and forward their findings to the State's Attorney to make a charging decision.

Marty Fairchild

Date

Notary signature

Approved By Weston, Eric #6111
--

Disclaimer: This document contains nei her recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ILLINOIS STATE POLICE
INVESTIGATIVE REPORT

Case Number 20-39100800055	Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)	Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle
Report Purpose TO DOCUMENT THE INTERVIEW OF MATT SUNDERLAND		Report Date 07/23/2020
		Activity Date 07/21/2020
Lead Number	Drug Buys	Arrest Warrants
Reporting Agent COLBROOK, ALEXANDER		D Number 6621
		Zone/Office ISPZ4SP
Case Agent COLBROOK, ALEXANDER		Case Agent ID Number 6621
		Case Agent Zone/Office ISPZ4SP
NARRATIVE		

On Tuesday, July 21, 2020 at 8:57 am., Special Agent Zach Colbrook #6622 and I Special Agent Alex Colbrook #6621 interviewed Matthew J. Sunderland () in a conference room at the Illinois State Police Central Headquarters. Sunderland agreed to do an audio recorded interview. the following is a not verbatim summary of the interview.

- Sunderland works full time for the Illinois Department of Transportation and has been with them for 21 years.
- Sunderland has also been a volunteer with the Rochester Fire Protection District for the past 10 years.
- Sunderland receives a \$5,000 dollar per year salary because he is a captain with the fire department.
- He also gets a stipend for each call that he responds too.
- He has been a captain since early 2018.
- Sunderland works on the personnel side.
 - He does paper work for new members.
 - He does member evaluations.
 - He oversees the junior fire fighter program.
 - He files the run sheets and does weekly rig checks.
- When Chief Archer was named chief, he approached Sunderland and told him that he needed purchases to for the department to go through someone else due to a potential conflict of interest.
- Chief Archer put Matt Sunderland and Kirk Polley in charge of most purchases.
- Sunderland mostly purchased small amounts of 2 cycle and 4 cycle fuel from AEC.
- He would also purchase gloves for new members from AEC.
- AEC is the only local fire equipment dealer so it was most practical to call them for small purchases.

Approved By
Weston, Eric #6111

Disclaimer: This document contains nei her recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Most purchases he made were under \$100.
- They buy a full set of gear that costs thousands of dollars maybe three times a year.
- Sunderland would also ask other members to research products and prices online.
- If AEC was cheaper they would go with them.
- They did not keep quotes they had found from other companies. It was mostly just comparing other prices online.
- Sunderland didn't compare prices when buying the fuel because AEC had it locally and it was something they needed right away.
- The fuel is for small equipment like chainsaws.
- Sunderland doesn't know if there is another vendor who has this fuel locally.
- When Sunderland took over making purchases the department had been dealing with AEC for years.
- It made sense for Sunderland to continue to purchase from AEC because that is what past chiefs had done.
- Sunderland did not think there would be any issues if he mad purchases with AEC.
- Sunderland has not bought anything outside of AEC but he knows there are chainsaws and vent saws that were purchased from other companies.
- Sunderland is in charge of the supply cabinet and would make purchases when he thought it was needed.
- If he grabbed the last can of fuel he would call AEC and ask for five more 2 cycle fuel cans.
- Sunderland would occasionally ask fellow member Chance Torchia to research products and prices
- Chief Archer has never told Sunderland that he has to purchase anything through AEC
- Chief Archer has never offered Sunderland money or any sort of kickback to make purchases with AEC.
- After the department makes purchases the invoices go to Denise Garceau, the secretary.
- Board Trustee Marty Fairchild brought up in a board meeting that a crime had been committed.
- Marty said that it was illegal to be making purchases with AEC because a conflict of interest.
- Either President Bill Riggs or board member Dennis Leonard replied they would have the Attorney look into it but they did not believe a crime had been committed.
- The lawyer told the board that he didn't think they were knowingly doing something wrong but, it was wrong and they should no longer make purchases with AEC.

Approved By
Weston, Eric #6111

Disclaimer: This document contains nei her recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Marty and his wife come to every board meeting looking for a fight.
- Marty is trying to tear the department apart.
- Sunderland doesn't know Marty's ultimate goal.
- There are no other board members that share Marty's views.
- Marty was upset because the department wanted to buy a new fire engine and he wanted to buy an off-road vehicle.
- Sunderland thinks he has been in charge of less than \$1,000 in purchasing since John Archer became chief.
- When making purchases with AEC Sunderland would typically just ask John Archer or another member, Brady Reim, to pick up some fuel.
- Brady also works for AEC.
- John or Brady typically would just bring it to the next training or drop it off after work.
- John is a great guy and would never do anything to jeopardize his business or the department.

The interview ended at 9:15 am. A CD with the audio recording of the interview is attached to the case file in an exhibit 1-A envelope.

INDIVIDUAL					
Last Name SUNDERLAND		First Name MATTHEW		Middle Name J	
AKA/Maiden					
Sex MALE	Race [REDACTED]		DOB [REDACTED]	SSN	
Drivers License Number		Home Telephone		Cell Telephone [REDACTED]	
Street [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	How Long	Personal History <input type="checkbox"/>

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ILLINOIS STATE POLICE INVESTIGATIVE REPORT

Case Number 20-39100800055		Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)			Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle	
Report Purpose TO DOCUMENT THE INTERVIEW OF KIRK POLLEY				Report Date 08/03/2020		
Activity Date 07/21/2020						
Lead Number	Drug Buys	Arrest Warrants	Search Warrants	Overhear Admin	Overhear Warrant	
Reporting Agent COLBROOK, ALEXANDER				D Number 6621	Zone/Office ISPZ4SP	
Case Agent COLBROOK, ALEXANDER				Case Agent ID Number 6621	Case Agent Zone/Office ISPZ4SP	
NARRATIVE						

On Tuesday, July 21, 2020 at 9:38 am., Special Agent Zach Colbrook #6622 and I, Special Agent Alex Colbrook #6621 interviewed Kirk A. Polley (M [REDACTED]) in a conference room in the Illinois State Police Central Headquarters. Polley agreed to do an audio recorded interview. The following is a not verbatim summary of the interview.

- Polley has worked for Sangamon County 9-1-1 since 2006.
- Polley has been a member of the Rochester Fire Protection District since 2011.
- Polley has been a captain since 2018.
- Polley and Matt Sunderland are the captains and are the highest officers under Chief Archer.
- Polley coordinates trainings and personnel matters.
- When items need to be purchased, they typically see which member wants to “pick up the ball and roll with it.”
- If Polley or Sunderland notice something is getting low they will order it or ask someone to go pick it up.
- **If there is a big purchase they ask the chief for permission before buying it.**
- For smaller items they just go out and buy it.
- Chief Archer doesn’t tell them where they have to make the purchases at.
- He just wants them to find good products.
- Chief Archer owns AEC Fire Equipment store.
- For example, they recently had to purchase an exhaust fan.
- They got a price from AEC but also researched prices from other companies.
- AEC had the lowest price so that is where they purchased the fan.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- Sometimes they purchase from AEC and sometimes they do not.
- Polley is known as the tightwad on the department and is always looking for the best price.
- Sometimes Polley will just call John Archer or another member that works at AEC and tell them to pick up something small like a pair of gloves.
- AEC is the local Fire Equipment store and he doesn't want to wait for certain items to be shipped.
- AEC is the same local supplier that the department has been going through forever.
- Polley also searches online for products.
- Many of the items are purchased on Amazon.
- Everything they purchase has a receipt that goes to the secretary and everything is purchased with a credit card.
- Chief Archer has never told Polley that he had to buy an item through AEC.
- Chief Archer has never offered Polley money or any sort of kick back for buying something through AEC.
- Polley has worked for three chiefs now.
- The previous two chiefs also made purchases at AEC.
- There has been no increase in business with AEC since Archer took over as chief.
- The department does not spend money on unnecessary items.
- No one besides Trustee Martin Fairchild has had a problem with the department making purchases at AEC.
- Everyone on the board was aware of the spending with AEC and was aware that John Archer owned AEC.
- The board reviews the spending every month.
- Polley always assumed they were in compliance with whatever laws were in place.
- The attorney for the fire department advised them to stop making purchases at AEC.
- They have not had to purchase any fire-specific equipment since the decision was made.

The interview ended at 9:56 am. A CD containing an audio recording of the interview is attached to the case in an exhibit 1-A envelope.

INDIVIDUAL

Last Name

First Name

Middle Name

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

POLLEY		KIRK		A	
AKA/Maiden					
Sex MALE	Race		DOB	SSN	
Drivers License Number		Home Telephone		Cell Telephone	
Street					
City		State	Zip Code	How Long	Personal History

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

**ILLINOIS STATE POLICE
INVESTIGATIVE REPORT**

Case Number 20-39100800055	Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)	Report Type <input type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle
Report Purpose TO DOCUMENT FORWARDED EMAILS/SUMMARY		Report Date 09/14/2020
		Activity Date 09/14/2020
Lead Number	Drug Buys	Arrest Warrants
Reporting Agent COLBROOK, ALEXANDER		D Number 6621
		Zone/Office ISPZ4SP
Case Agent COLBROOK, ALEXANDER		Case Agent ID Number 6621
		Case Agent Zone/Office ISPZ4SP
NARRATIVE		

The purpose of this report is to document the emails that I, Special Agent Alex Colbrook #6621 forwarded to Sangamon County State's Attorney Dan Wright and to summarize my findings. The emails that I forwarded are attached to this report.

After gathering all the information for this case it did not appear John Archer's actions were undertaken with any criminal purpose, intended to de-fraud or intended to exercise unauthorized control over property of the the Rochester Fire Protection District.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Colbrook, Alexander

From: Colbrook, Alexander
Sent: Friday, September 11, 2020 11:13 AM
To: Dan Wright
Subject: FW: May 13, 2020 Fire Board Minutes
Attachments: Procurement_Question_Ltr 3.26.2020.pdf

Sir,

I am forwarding an email from Kirk Allen from the Edgar County Watchdogs. This contains a letter from the attorney for the Fire Protection District that indicates he had warned them about this in two separate emails in 2018 and 2019.

Thanks,

S/A Alex Colbrook #6621
Illinois State Police
Department of Criminal Investigations
Zone 4 Springfield/Violent Crimes
801 South 7th St. Suite 103-S
Springfield, IL 62703
Fax: 217-524-5550
Cell: 217-206-0449

From: Kirk Allen <Kirk@illinoisleaks.com>
Sent: Friday, September 11, 2020 10:20 AM
To: Colbrook, Alexander <Alexander.Colbrook@illinois.gov>
Cc: [REDACTED]
Subject: [External] FW: May 13, 2020 Fire Board Minutes

Office Colbrook,

Attached you will find supporting evidence that a letter was sent to we believe Trustee Leanord of the Rochester Fire Protection District.

It is CLEAR, the attorney has advised them of the law that forbids the actions that have been taking place by the Fire Chief. The letter confirms the attorney laid out the concerns in an email in May of 2018, then again in November of 2019.

They knew this was not legal and allowed it to continue.

Chief Archer was doing this same thing with the Pawnee Fire Protection District and according to our source, they got rid of him because of it.

We have been sitting on all the records and not written anything as to avoid interfering with your investigation but now that they have written in their May minutes that the action was stopped, we need to expose this.

Can you disclose if the investigation has concluded or if there has been a charging decision from the State's Attorney?

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Again, we do not want to publish information that may jeopardize the potential questioning of a witness or suspect but understand at some point we need to let the public know what has been going on for years with their tax dollars.

If you have any questions or would like to speak please give me a call.

Thanks
Kirk Allen, Director
Edgar County Watchdogs Inc.
217 508 0564

From: Marty Fairchild <[REDACTED]>
Sent: Friday, September 11, 2020 9:45 AM
To: John Kraft <john@illinoisleaks.com>
Cc: Kirk Allen <Kirk@illinoisleaks.com>
Subject: Fwd: May 13, 2020 Fire Board Minutes

The date of March 30, 2020, of the letter is interesting in correlation of 6 weeks later the May 2020 minutes!?!?

We know that the RFPD Board has probably NOT been honest with Jim Sinclair or did Jim Sinclair's Secretary type the wrong date!?

We believe Dennis Leonard's email to the Board was sent in April. Going to check on that again right now.

Sent from Marty's/Diana's iPad

Begin forwarded message:

From: James Sinclair <jsinclair@sslalaw.com>
Date: September 11, 2020 at 8:41:55 AM CDT
To: Marty Fairchild <[REDACTED]>
Subject: RE: May 13, 2020 Fire Board Minutes

Marty: I believe the letter you requested is attached. Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately.

This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

email: jsinclair@sslalaw.com

-----Original Message-----

From: Marty Fairchild <[REDACTED]>
Sent: Thursday, September 10, 2020 5:28 PM
To: James Sinclair <jsinclair@sslalaw.com>
Subject: May 13, 2020 Fire Board Minutes

Hello Jim,

Could you please send me via email of the letter referenced in the May 13, 2020, Fire Board Minutes, Section VII. Old Business Purchasing Restrictions of A.E.C., of your recommendation to the Rochester Fire Protection District on how to proceed with further business of the A.E.C. Fire Equipment Company.

The RFPD Minutes have been printed in today's Rochester Times.

Thank you,
Trustee Martin Fairchild

Sent from Marty's iPad

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

STOBBS, SINCLAIR & LIVINGSTONE, LTD.
Attorneys and Counselors at Law

JAMES S. SINCLAIR
DAVID K. LIVINGSTONE

500 Bond Street
Alton, IL 62002-6122
618-465-6978
618-465-7022 (Facsimile)
jsinclair@sslalaw.com
dlivingstone@sslalaw.com

March 30, 2020

Rochester Fire Protection District
700 E Main St.
Rochester, IL 62563

Re: Procurement Question

Dear Trustees:

This letter follows Mr. Leonard's request that we review transactions between the District and A.E.C. Fire Safety Security, a vendor of the District, since May 2018. This corresponds to the tenure of Chief Archer, who we understand to be a principal of A.E.C., with the District.

As we have previously advised, Section 4 of the Illinois Fire Protection District Act (70 ILCS 705/4) as well as the Public Officers Prohibited Activities Act (50 ILCS 105) place very stringent limitations on any transaction between the district and an employee (or trustee) of the District. I have laid this out in previous emails in May 2018 and November 2019. The basic rule under Section 4 is that "no trustee or employee of such District shall be directly or indirectly interested financially in any contract work or business or the sale of any article, the expense, price or consideration of which is paid by the District;" This is the general rule. For an employee of the District there is an exception to the general rule in Section 4(c) which provides that:

(c) in addition to the above exception, any trustee or employee may provide materials, merchandise, property, services or labor if:

A. the award of the contract is approved by a majority vote of the Board of Trustees of the Fire Protection District provided that any such interested member shall abstain from voting; and

B. the amount of the contract does not exceed \$1,000; and

C. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association partnership, corporation, or cooperative association in the same fiscal year to exceed \$2,000; and

D. such interested member publicly discloses the nature and extent of his

1

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

interest prior to or during deliberations concerning the proposed award of the contract;
and

E. such interested member abstains from voting on the award of the contract,
though he shall be considered present for purposes of establishing a quorum.

Based on review of the invoices from May 2018, it appears that the District has made purchases from A.E.C. which total \$25,279.37. It also appears that all but three of these purchases were below the \$1,000.00 per transaction limitation contained in section 4(c), and, except as to those three purchases, the transactions would be within the allowable limit. However, the combined total of the invoices exceeds the allowable \$2,000.00 per fiscal year limitation of section 4(c) C. This means that the purchases in the period from May 2018 would not be in compliance with the statute.

The statute does not contain any sort of additional exception. Because there is the potential of criminal penalties associated with the failure to comply with the provisions of Section 4 concerning transactions within the scope of the statute, it is important to maintain compliance with the statute.

Accordingly, it would be our recommendation that the District discontinue making any purchases from A.E.C. Fire Safety Security at this time and going forward except to the extent that such purchases fall clearly within the allowable exception of Section 4(c).

I will be happy to discuss this matter further with the Board at a meeting at any mutually agreeable time. If, in the meantime, there are any questions, please contact me.

Sincerely,

STOBBS, SINCLAIR & LIVINGSTONE, LTD.

BY:

James S. Sinclair

JSS:kdK

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Fr Rochester

James Sinclair

From: James Sinclair
Sent: Tuesday, November 5, 2019 5:02 PM
To: Bill Riggs
Subject: RE: Interlocal Contract for Cooperative Purchasing

Bill:

I believe the legal test would be governed by Section 4 of the Illinois Fire Protection District Act (70 ILCS 705/4) and it would be whether the Chief (who would be considered an employee of the District for purposes of Section 4) would be "directly or indirectly interested financially in...the sale of any article, the expense, price or consideration of which is paid by the district" in the purchase of the Ferrara truck through the purchasing program. That is something which, in turn, would depend on how the particular purchasing program the district uses is structured between the manufacturers in the program and their dealers in a particular area. If, when a program purchase is made by a buyer, the dealer who serves the buyer's geographic area receives no part of the purchase price (directly or indirectly) and only the manufacturer is paid and receives the full benefit of the transaction with the dealer taking nothing, the purchase might not be prohibited by Section 4. But if there is any financial benefit at all which goes back to the dealer (even though the sale was made via the program), Section 4 would prohibit it. It would be the Chief's responsibility to show, to the satisfaction of the District, that Section 4 is not violated. For its part, the Board would want to have clear proof that there is no violation of Section 4 by the transaction. (A violation, by the way, is a Class 4 Felony and would also result in a forfeiture of the Chief's position.)

Beyond the legal issues noted above, however, the District does need to consider the "optics" of a purchase of a truck brand for which the Chief's company serves as a dealer. Even if Section 4 is not violated, social media may make this look like an inappropriate transaction in which the District favored the Chief and no matter what is said to refute this, the damage will be done. In today's world, these kinds of transactions, even if legal, can create significant problems.

Let me know if you need or want more on this at this time.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately. This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

From: Bill Riggs [REDACTED]
Sent: Tuesday, November 5, 2019 12:23 PM
To: James Sinclair <jsinclair@sslalaw.com>
Subject: Fwd: Interlocal Contract for Cooperative Purchasing

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

Per your request, here is the HGAC contract to be reviewed. It then needs signed, scanned and sent to HGAC.

Matt

----- Forwarded Message -----

From: "noreply@h-gac.com" <noreply@h-gac.com>
To: [REDACTED]
Cc: "cpcontractfax@h-gac.com" <cpcontractfax@h-gac.com>;
"mvs@h-gac.com" <mvs@h-gac.com>
Sent: Thursday, October 17, 2019, 05:53:54 PM CDT
Subject: Interlocal Contract for Cooperative Purchasing

Thank you for completing the Interlocal Contract for Cooperative Purchasing.

Attached you will find a PDF file that you will need to save/print.

Secure a signature by the individual identified as your agency's Authorized Official to contractually bind your entity.

Scan and email a copy of the contract to H-GAC at cpcontractfax@h-gac.com, or fax it to 713-993-2424. The contract may also be mailed to H-GAC Cooperative Purchasing Program, PO Box 22777, Houston, TX 77227-2777.

Once received, H-GAC will execute the contract and return a copy to you electronically.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- The district has the obligation to pay for an apparatus ordered through HGAC even though the district might decide to cancel its participation in HGAC after an order has been placed.

Let me know if you have any questions on the foregoing or the document you sent.

Thanks.

Jim

PLEASE CONFIRM YOUR RECEIPT OF THIS E-MAIL. THANK YOU.

You are notified that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because I understand that you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let our office know immediately. This message, including attachments, is from the law firm of Stobbs, Sinclair & Livingstone, Ltd. This message contains information that may be confidential and protected by the attorney-client or attorney work privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at (618) 465-6978. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

James S. Sinclair, Stobbs, Sinclair & Livingstone, Ltd., Attorneys and Counselors at Law
500 Bond St., Alton, IL 62002-6122, Tel#(618) 465-6978; Fax# (618) 465-7022
email: jsinclair@sslalaw.com

From: Bill <[REDACTED]>
Sent: Friday, October 18, 2019 5:23 PM
To: James Sinclair <jsinclair@sslalaw.com>
Subject: Fwd: Interlocal Contract for Cooperative Purchasing

Good afternoon Jim. Attached you will see emails from one of our captains, Matt, and the chief, John Archer, along with the documents from the group purchasing agency. I'll await your thoughts before proceeding.

Bill

Sent from my iPad

Begin forwarded message:

From: John Archer <john.archer@rochesterfirerescue.org>
Date: October 18, 2019 at 5:51:10 AM CDT
To: Bill <[REDACTED]>
Subject: Fwd: Fw: Interlocal Contract for Cooperative Purchasing

Bill:
Here is the email and document from Matt Sunderland, regarding the HGAC purchasing group.
Let me know if you have questions.
Thanks
John

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

James S. Sinclair

*F. Rochester
gen file*

From: James S. Sinclair
Sent: Thursday, May 17, 2018 8:47 AM
To: 'Bill Riggs'
Subject: RE: June meeting

Bill:

Thanks.

You are correct that great care will have to be taken to avoid violation of Section 4 of the Fire Protection District Act. I trust that everyone is aware that John's company will effectively be precluded from doing any business with the district. The exceptions to this rule are extremely limited and great care must be taken not to violate the prohibition. If there are any questions about this, let me know.

Glad to hear that you are picking up some help.

Jim

-----Original Message-----

From: Bill Riggs [mailto:]
Sent: Wednesday, May 16, 2018 10:59 PM
To: James S. Sinclair
Subject: June meeting

Good morning Jim. We just completed our interview/selection process for a new fire chief. John Archer, our Deputy Chief was selected from a total of four applicants.

John is 1/2 owner of a related business, AEC fire safety equipment so we'll need to be very careful with purchasing.

As for our June meeting, we do not feel your visit is necessary at this time. The idea of paying members for shift coverage seems to be abated for now. We have recently discovered a new resource, firefighters from other communities working in Rochester Public Works, willing and interested in answering calls.

Thank you for your assistance.

Bill

Sent from my iPhone

Approved By
Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

ILLINOIS STATE POLICE
INVESTIGATIVE REPORT

Case Number 20-39100800055	Case Title JOHN ARCHER (FIRE PROTECTION DISTRICT ACT)	Report Type <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Location <input type="checkbox"/> Vehicle
Report Purpose TO DOCUMENT THE INTERVIEW OF MARTIN FAIRCHILD		Report Date 06/29/2020
		Activity Date 06/25/2020
Lead Number	Drug Buys	Arrest Warrants
Reporting Agent COLBROOK, ALEXANDER		D Number 6621
		Zone/Office ISPZ4SP
Case Agent COLBROOK, ALEXANDER		Case Agent ID Number 6621
		Case Agent Zone/Office ISPZ4SP
NARRATIVE		

On Thursday, June 25, 2020 at 1:00 pm., Special Agent Zach Colbrook #6622 and I, Special Agent Alex Colbrook #6621, interviewed Martin R. Fairchild (M [REDACTED] at his residence at [REDACTED] [REDACTED]. Martin's wife, Diana S. Fairchild (F [REDACTED] was also present for the interview. The following is a not verbatim summary of the interview.

- Martin is a trustee on the Rochester Fire Protection District Board.
- The board consists of the following members:
 - President - Bill Riggs
 - Secretary - John Fox
 - Treasurer - Gary McBride
 - Trustee - Dennis Leonard
 - Trustee - Martin Fairchild
- John Archer is the Chief of the Rochester Fire Protection District.
- John has been with the Rochester Fire Protection District since 2011.
- John was appointed Chief in May of 2018.
- Chief Archer has been the owner and president of A.E.C Fire Equipment Company during the same time period.
- A.E.C sells equipment to local fire departments.
- Martin opposed John's appointment to Chief because of the conflict of interest he would have doing business with the company that he owned.
- Board members John Fox and Dennis Leonard assured Martin that John Archer would never put the Fire district in that position.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

- As chief, John was allowed to spend up to \$1200 without the board's approval.
- Anything over \$1200 would need to be approved by the board before purchasing.
- The board reviewed Chief Archer's spending every month.
- Under the Fire Protection District Act (70 ILCS 705/4) (from Ch. 127 1/2, par. 24) Chief Archer would only be allowed to make a sale of less than \$1,000 with A.E.C.
 - According to the invoices there are several instances where the contract is over \$1,000
- Chief Archer would also be limited \$2,000 per fiscal year.
 - Fairchild believes Archer has done over \$40,000 worth of business with A.E.C since becoming chief in 2018.
- Martin knew Chief Archer was conducting too much business with A.E.C. from the beginning but let it go.
- The entire board knew Chief Archer was violating the Fire Protection District Act but did not tell him to stop.
- Martin even approved some of the purchases because he thought they were things that the fire department really needed.
- Martin decided to come forward with these allegations because he was left out of the process of buying a new fire truck.
- The board formed a committee to purchase a new fire truck.
- Martin was upset because he was not part of the committee and he has a lot of experience with the fire protection district.
- Martin voted against the purchase of the new firetruck but it passed anyway.
- The truck was not purchased through A.E.C but Martin believes Chief Archer will outfit the truck with \$50,000 - \$70,000 worth of equipment from A.E.C.
- Martin contacted the Edgar County Watchdogs for help.
- During the February 2020 board meeting a member of the Edgar County Watchdogs asked Chief Archer if he was personally benefitting from his dealings with A.E.C and the Fire Protection District.
 - Chief Archer replied that he was not personally benefitting.
- The board never told Chief Archer "no" when it came to making purchases.
- Marty claims that he does not have any personal issues with Chief Archer and has known him for a long time.

The interview ended at approximately 1:40 pm.

Approved By Weston, Eric #6111
--

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.

INDIVIDUAL

Last Name FAIRCHILD		First Name MARTIN		Middle Name R	
AKA/Maiden					
Sex MALE	Race [REDACTED]		DOB [REDACTED]	SSN	
Drivers License Number		Home Telephone [REDACTED]		Cell Telephone	
Street [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	How Long	Personal History <input type="checkbox"/>

INDIVIDUAL

Last Name FAIRCHILD		First Name DIANA		Middle Name S	
AKA/Maiden					
Sex FEMALE	Race [REDACTED]		DOB [REDACTED]	SSN	
Drivers License Number		Home Telephone [REDACTED]		Cell Telephone	
Street [REDACTED]					
City [REDACTED]		State [REDACTED]	Zip Code [REDACTED]	How Long	Personal History <input type="checkbox"/>

Approved By

Weston, Eric #6111

Disclaimer: This document contains neither recommendations nor conclusions of the Illinois State Police. It and its contents are not to be disseminated outside of your agency.