

**Subject: Memorandum 11/5/2019**

Ray:

I would just say that for the last year, I have supported you in your position as Piatt Co Board Chairman. Over the past several months, I have repeatedly defended your leadership to people connected within our county government structure. Several months ago, you came to my office for help with the emergency discharge process of 3 long term ETSB board members. We have helped you and supported you but not without negative consequences to my office as a result.

My office continued to support your mission regarding the EMA Department. I will remind you that in June and July of 2019, you came to my office for help with EMA when two members of the EMA Committee (Renee Fruendt, Dale Lattz) voted no on the purchase of a used vehicle for EMA. You wanted Elizabeth and me to find a way to "make it work." We gave you suggestions on what you could do legally in order to purchase a used vehicle after you and Randy Shumard had identified serious liability risks posed by the old vehicle. We also gave you suggestions on what you could do legally given the county's financial situation. According to you, Fruendt and Lattz agreed that the old vehicle was unsafe and that Mike was doing a good job as the EMA director. Fruendt and Lattz further stated that the county had no money to purchase a used vehicle that was reliable and the treasurer stated that the county could not afford to have an emergency. Lattz advised you that my office should forfeit an ASA for the cost EMA vehicle. One month later, you and Lattz approved a 3% raise for the circuit clerk's office despite the poor financial condition of the county. There is debate about whether Lattz and Fruendt resigned from the EMA committee or whether you removed them from the committee, but either way, you informed my office that the EMA committee would remain a committee of one, just you as the county board chairman.

Shortly thereafter, you returned to my office for additional help with increasing the EMA credit card limit. You expressed concern that emergency water could not be purchased on short order with the current credit card limit. You also expressed your displeasure with the way Jennifer Harper would not summarily increase the credit card limit on your word alone. When you asked our office for help, we helped you and the credit card limit was able to be increased. In order for the county to qualify for the reduced GSA federal contract pricing for goods and materials, those goods and materials must be purchased with a credit card at the county level.

For the past year you have constantly advocated for EMA, and on July 23, 2019, you specifically stated to us that "it would be a great loss to allow this board to run off a director as qualified as Mike" "He shared with me that he is looking for our help and

guidance” and “If it weren't for the support he gets from the 3 of us, I really think he'd have left by now.” In addition, you pointed out to us how much Mike Holmes has brought to the county, above and beyond his immediate role as EMA director, including piatt.gov and FirstNet, for which he received no additional compensation. You stated to us that other employees and board members should “NOT be judging Mike because of how he dresses or interacts with them or whatever” and that “no other department head is treated that way, and that's what makes me upset about all of this”. On July 25, 2019, you compared Mike Holmes to Gary Cooper’s role in the movie High Noon, even sending me a movie clip of the scene where the hero is betrayed by everyone.

The last communication I received from you was on October 30, 2019. This communication included a list of alleged job performance issues, that were then presented for the first time, supporting why you thought Mike Holmes should not receive the salary he has requested (again, putting my office squarely in the middle of the EMA budget situation). Ironically, this came after you asked Mike Holmes to drive you in the EMA truck on a personal errand to Champaign after Mike had already been quizzed about his fuel expenses during the public meeting that morning (to which Mike Holmes chose to ignore). You specifically stated that you wanted “answers to important questions”. You also expressed your displeasure with Mike Holmes notifying IEMA about potential problems with the Piatt Co EMA department. I informed you that I was aware of existing documentation that could provide answers to those questions and asked that you contact Mike Holmes directly. You did not contact Mike Holmes directly, so I arranged a meeting in my office the following afternoon for you, Mike Holmes, Randy Shumard, and myself to facilitate communication so you could get the important answers you were desperately seeking. Rather than collecting the information and discussing further potential budget cuts during the meeting, as you were directed to do so by the board, you walked out of the meeting and refused to return.

As recently as September 23, 2019, you stated that Mike “was in a very down mood” that “he’s been mistreated” that “if his budget is cut, then he has a legitimate complaint” and that “Jennifer is bullying him and her actions would not be tolerated anywhere else”. You also asked whether you should meet with Jennifer, Debbie, Dale and Renee to tell them to stop treating him like a “2<sup>nd</sup> class employee.” You also requested that we provide EMA education to the rest of the county board, hence all of the emails. You thanked us for helping you with the EMA department.

For the past several months, my office has spent considerable amounts of time researching the law, collecting information from IEMA, and drafting legal memoranda to assist you on your mission to support Piatt Co EMA. This work has not come without significant criticism to my office from other departments and other county board members, during public meetings with media present. My office represents all

of the departments and if another department head needs help or fears their department will be eliminated or not properly supported, we will step in to assist in just the same way as we have done here. Piatt County has no HR Department and no Ethics Committee and, therefore, personnel issues have defaulted to my office and we have spent a lot of time has been spent working on HR related concerns for the EMA department.

You have acted against my legal advice during the past week. We have consulted with outside legal counsel because of your actions. Your actions have now placed the county at risk for litigation under the whistleblower statute, for workplace bullying and harassment violations, for grievances that will go to court for resolution, and OMA violations that will involve joint and several liability for the county board members. By refusing to discuss work performance issues with your employee, and by simply advising that EMA will be cut in the salary and operations budgets, you have violated the request of the county board that you have a discussion with Mike Holmes to assist in the decision-making process.

I don't know if there is a reason for your 180 degree turn around concerning your support for the EMA department. In fact, given the amount of time you have spent securing resources for the department and attending meetings and trainings pertaining to EMA, the decisions of the past week are shocking. For the past eight weeks, you have continuously texted me for backup, support, advice, and reassurance during this budget process, but recently you have chosen to ignore my text messages to you concerning these serious HR related matters. Whether you have changed your mind as a result of political or personal pressures, or whether you never supported EMA in the first place, you have caused the Piatt County State's Attorney's Office to devote a great deal of time in trying to assist you in reconciling issues with your board.

The reason the State's Attorney's Office is involved in this matter is because my office provides legal advice to all department heads when they ask for it, because Piatt County has no HR department, and because Ray Spencer has requested that my office be involved every step of the way. One of the primary job responsibilities of the EMA director is to protect the county from law suits in the event of a disaster, therefore, the State's Attorney's Office is involved. If the members of the County Board follow the legal advice of the State's Attorney's Office, they are individually immune from personal liability if a law suit results at a later time. If the members of the County Board fail to follow the legal advice of the State's Attorney's Office, they will not be individually immune from personal liability if a law suit results at a later time. At this point, literally, the fate of the EMA and the consequences are all on you.

**Dana Rhoades**  
**Piatt County State's Attorney**