

JAMES W. GLASGOW

STATE'S ATTORNEY OF WILL COUNTY

57 N. OTTAWA STREET JOLIET, ILLINOIS 60432

TELEPHONE: 815-727-8453

WWW.WILLCOUNTYSAO.COM

July 27, 2022

Jen Solum
Assistant Superintendent
Will County Veteran's Assistance Commission
2400 Glenwood Ave. – Ste 110
Joliet, IL 60435

Re: Legal Representation

Dear Superintendent Solum:

As you undoubtedly are aware, State's Attorney James Glasgow has long been an ardent supporter of veterans and over the years has furthered the cause of veterans in multiple ways. In 2008, he used forfeiture funds to purchase an ADA accessible van to guarantee transport for our veterans from Joliet to Hines VA Hospital. Several years later he again used forfeiture funds and in cooperation with Terry D'Arcy and the VAC to purchase a second smaller transport van. In 2012, he petitioned the court to establish the Will County Veterans and Servicemembers Court, which petition the court granted and subsequently the Will County Veterans and Servicemembers Court was established. This past year he has worked diligently with the Will County Board to plan a permanent rent-free space for the VAC at the former Silver Cross building on Copperfield Ave., in Joliet and created the "Valentines for Vets" program to provide messages of appreciation to veterans throughout the county.

Another initiative and one specifically relevant to the reason for this letter, State's Attorney Glasgow recognized the need for VACs to have access to competent legal counsel for routine questions without incurring additional expenditures at taxpayer's expense for outside counsel. Seeing that need, State's Attorney Glasgow personally drafted legislation and worked with local legislators, as well as, VAC Superintendents across the State, to amend the Military Veterans Assistance Act, (330

ILCS 45/1 et seq.). Hearing the concerns of the various VAC Superintendents, State's Attorney Glasgow crafted the legislation to limit the scope of representation a State's Attorney could provide and require the superintendent to request legal assistance and the State's Attorney must consent to render an opinion. It must be voluntary for both parties. Due to State's Attorney Glasgow's tireless efforts, the General Assembly passed an amendment to the Act effective July 9, 2021, to allow the Superintendent of a VAC to, "in conformance with subsection (f) of Section 3-9005 of the Counties Code, request legal assistance from the State's Attorney serving the county in which the Veterans Assistance Commission is located." On December 8, 2021 the State's Attorney met with the now former Superintendent Kristi McNichol, who presented a request that the Will County State's Attorney provide representation to the Will County Veteran's Assistance Commission and then on December 14, 2021 at a "VAC Executive Commission Meeting," State's Attorney Glasgow, Chief Deputy Grey, a U.S. Army veteran, Civil Division Chief Tatroe and ASA Wise, a Navy veteran, attended to introduce themselves and agreed to provide the limited legal assistance to the VAC, provided for under the statute, subsection (f) of Section 3-9005 of the Counties Code, which states:

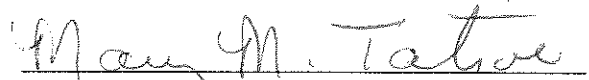
In a county with less than 2,000,000 inhabitants, and only upon receipt of a written request by the superintendent of the county Veterans Assistance Commission for the county in which the State's Attorney is located, the State's Attorney shall have the discretionary authority to render an opinion, without fee or reward, upon any question of law relating to a matter in which the county Veterans Assistance Commission may be concerned. The State's Attorney shall have the discretion to grant or decline such a request.

At the December 14, 2021, meeting, the now former Superintendent McNichol generally referenced that there were previous incidents and issues where legal assistance would have been helpful and that going forward working with the State's Attorney would provide an economical avenue for the VAC to obtain legal assistance, and that specifically legal assistance would be needed to properly manage the increase in grants post-COVID. In addition, State's Attorney Glasgow cited the need for legal guidance for Freedom of Information Act requests. ASA Chris Wise was introduced as the primary contact. At no time during any of these discussions was there disclosure of the full extent of issues presented to date, nor did the former Superintendent McNichol ever disclose to the State's Attorney's Office that she planned to resign her position, which was done with no notice or plan of transition in place.

At that time and at the request of the former Superintendent McNichol, ASA Chris Wise was assigned to attend VAC meetings with the intent that he would offer routine guidance related to the Open Meetings Act. However, it has become abundantly clear that the VAC needs significantly more legal assistance than was represented in either our discussions with the now former Superintendent McNichol, in the meeting on December 8, 2021 or in the meeting of December 14, 2021. Since that time, a variety of questions regarding the Executive Board, membership on both the Commission and the Executive Board, issues with the by-laws and the general conduct of business have arisen. These issues which clearly pre-date our agreement with the VAC, also far exceed the authority granted under subsection (f) of Section 3-9005 that "only upon written request...the State's Attorney shall have the discretionary authority to render an opinion...upon any question of law..." Furthermore, the State's Attorney's Office does not have the time, staff or resources to address the myriad issues now facing the VAC.

As such, going forward the State's Attorney's Office, in conformance with subsection (f) of Section 3-9005 of the Counties Code, respectfully declines to attend any further meetings of the Will County Veterans Assistance Commission, at this time. In the future, the State's Attorney's Office will require the Superintendent to submit a written request for opinion for each legal issue and the State's Attorney will accept or decline such request in conformance with subsection (f) of Section 3-9005 of the Counties Code. If the VAC so desires, it also has the option to request funding from the County Board to retain the services of a private attorney to address these pre-existing issues, that were not previously disclosed to the State's Attorney's Office.

Very Truly Yours,



Mary M. Tatroe
Civil Division Chief