

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
COLES COUNTY, ILLINOIS**

ROGER W. HURLBERT, d/b/a. )  
SAGE INFORMATION SERVICES )  
Plaintiff, )  
 )  
-vs- )  
 )  
COLES COUNTY, OFFICE OF THE COLES )  
COUNTY SUPERVISOR OF ASSESSMENTS, )  
and OFFICE OF THE COLES COUNTY )  
FREEDOM OF INFORMATION OFFICER, )  
 )  
Defendants. )

Case No. 2022MR53

**COMPLAINT**

Now come Plaintiff, Roger W. Hurlbert, d/b/a Sage Information Services, and for his Complaint against Coles County, the Office of the Coles County Supervisor of Assessments and the Office of the Coles County Freedom of Information Officer (collectively, “Defendants”) states as follows:

1. Plaintiff Roger Hurlbert is President and Owner of Sage Information Services.
2. Coles County is a county within the State of Illinois.
3. The Office of the Coles County Supervisor of Assessments assesses the real property of Coles County, Illinois and the Office of the Coles County Freedom of Information Officer is the designated official for those functions.
4. Defendants are subject to the Illinois Freedom of Information Act (“the Act”) and are “public bodies” as defined by the Act. 5 ILCS 140/2(a).
5. Assessment officials in each county are required to undertake various official acts under the Property Tax Code, including the appraising of properties, which results in the creation of public records.

6. Such creations are deemed public documents according to the various Property Tax Code provisions, including Sec. 9-45, and are subject to the Illinois Freedom of Information Act Sec. 140/2(c). *See* 35 ILCS 200/9-45.
7. On November 15, 2021, Plaintiff made a request to the Office of the Supervisor of Assessments Defendant for these records pursuant to the Act. (Exhibit A).
8. Plaintiff requested an electronic copy of the most recent real property assessment record file covering all parcels in Coles County. *Id.*
9. Plaintiff had, on August 24, 2020, received a copy of the county's real property assessment file as it existed on that date. The file was in an industry standard format and was easily assimilated into Plaintiff's data library. In his November 15, 2021 request he asked for the same data elements as were then current.
10. On January 5, 2022, Plaintiff received an email reply from Denise Shores, identifying herself as the Coles County Supervisor of Assessments, who said the requested data file would incur a fee of \$800.00 "to have Dev Net change the format of the information." (Exhibit B).
11. Dev Net is a software supplier to numerous Illinois assessment offices. Based on information and belief its services include providing its client counties with various software copy routines for their use in meeting FOIA requests such as those made by Plaintiff.
12. The data file Plaintiff received from Defendant's office on August 24, 2020, was sent without charge. Plaintiff has received data files identical in its elements and in electronic format from numerous Illinois counties. Most were sent free of charge; a few for the statutory maximum of \$100.00. These files included parcel or account number, ownerships,

mailing addresses, valuations, exemptions, sales data, building characteristics, and other items.

13. On August 20, 2022, after becoming aware that Coles County had a designated county-wide Freedom of Information Officer, Plaintiff lodged an identical request with her. Included was an example of a data export summary from Washington County, another Dev Net customer. Plaintiff has received no reply from the FOIA Officer, even after sending a follow-up letter on September 24, 2022. (Exhibit C).
14. Plaintiff notes on Dev Net's website that they provide technical support to its clients without additional charge; presumably such would include instructing its clients on how to transmit a data file to a FOIA requestor. (Exhibit D.)

WHEREFORE, Plaintiff prays that this Court enter an Order:

- A. Holding that Defendants violated FOIA by withholding the requested records;
- B. Compelling the release of the records requested by Plaintiff as contemplated by the FOIA;
- C. Enjoining Defendants from imposing a fee beyond the statutory cap provided by 5 ILCS 140/6;
- D. Awarding attorneys' fees, costs and civil penalties in Plaintiff's favor and against the Defendants; and
- E. For such other relief as the Court deems appropriate.

ROGER W. HURLBERT, d/b/a.  
SAGE INFORMATION SERVICES.,  
Plaintiff.

By: /s/ Donald M. Craven

Donald M. Craven (#6180492)

Joseph A. Craven (#6340231)

**Craven & Craven, P.C.**

1005 North Seventh Street

Springfield, IL 62702

Telephone (217) 544-1777

E-Mail: [don@cravenlawoffice.com](mailto:don@cravenlawoffice.com)  
[jcraven@cravenlawoffice.com](mailto:jcraven@cravenlawoffice.com)  
[maralee@cravenlawoffice.com](mailto:maralee@cravenlawoffice.com)

Re: FOIA

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From: Sage (sage1@pacbell.net)  
To: MBabbs@co.coles.il.us  
Date: Monday, November 15, 2021 at 01:44 PM CST

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Hello, Michelle...

When time permits, we'd appreciate your sending us a current file. What you furnished previously (below) worked out marvelously.

Thanks so much!

=Roger.

*=Roger W. Hurlbert, President  
Sage Information Services  
Riverwood Office Park  
136 Riverwood Drive  
Jefferson City, MO 65109  
  
(573) 632 2300*

On Monday, August 24, 2020, 10:33:01 AM CDT, Michelle Babbs - Coles Co Supv of Assessments Office <mbabbs@co.coles.il.us> wrote:

Attached is the information you requested.

Have a nice day,

Michelle  
Coles County Supervisor of Assessments Office  
Coles County Courthouse  
651 Jackson Ave Rm 133  
Charleston IL 61920  
Ph: 217-348-0508/ Fax: 217-348-7363





2019 ColesDataExport.xlsx  
5.9MB

data

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From: Denise Shores - Coles Co Supv of Assessments Office (dshores@co.coles.il.us)

To: sage1@pacbell.net

Date: Wednesday, January 5, 2022 at 08:55 AM CST

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I received the foia for Coles County Data. We do charge a fee of \$800.00 as we have to have DevNet change the format of all of the information.

Denise Shores, C.C.A.O., C.I.A.O.

Coles County Supervisor of Assessments





**SAGE INFORMATION SERVICES**

Riverwood Office Park  
136 Riverwood Drive  
Jefferson City, MO 65109  
573-632-2300  
sage1@pacbell.net



August 20, 2022

Ms. Lisa McMichaels  
Freedom of Information Officer  
Coles County  
651 Jackson Ave., Room 326  
Charleston, IL 61920

Dear Ms. McMichaels:

This is a request for public records, and it is respectfully made pursuant to the Illinois Freedom of Information Act.

Our request is for a copy, on CD or similar electronic media, of the current real property assessment record file for your entire jurisdiction. An e-mail transmission would be acceptable also. A database format capable of being sorted and manipulated (fixed length file, spreadsheet, etc.) is requested.

We note that your county uses DevNet software for its assessment functions. That system provides for various routines to export a data file. An example is attached.

We are aware that many assessors have posted much of the data to websites. While that service is very valuable for those wishing data on particular parcels, one at a time, it does not lend itself to such research applications as searching for properties of particular characteristics in particular areas, for example, nor is it possible to amalgamate statistics.

Your assistance with this request is appreciated.

Sincerely,

Roger W. Hurlbert  
President





2019 data export (7).TXT

Parcel Number	Property Class	Township Code	Township Name	Tax Code				
Gross Acreage	Non Farm Land	Non Farm Building	Farm Homesite	Farm Land				
Farm Dwelling	Farm Building	Mineral Owner Occupied Exemption		1977 Value				
Senior Citizen Exemption		Home Improvement Exemption	HIE Year					
Owner Name 1	Owner Name 2	Address	Address 2	City/State	Zip Code			
Site Address 1	Site Address 2	Legal Description 1	Legal Description 2					
Legal Description 3	Legal Description 4	Sale Exist Y/N	Grantee	Sale Date				
Document Number	Net Sale Price	Senior Assmnt Freeze	Veterans Exemption	Land				
Use Code	Parcel Status	Subdivision Number	Home Owner Exemption Flag					
Senior Citizen Flag	Senior Assessment Flag	Lending Code	Billing Name					
Billing Address 1	Billing Address 2	Billing City	Billing State					
Billing Zip Code	Disabeled Veteran Exemption	Disabeled Veteran Exemption						
Flag	Fraternal Freeze Exemption	Fraternal Freeze Exemption Flag	Special Ownr					
Occupied Exemption	Special Ownr Occupied Exemption Flag	Historic Freeze						
Exemption	Historic Freeze Exemption Flag	Ntrl Disaster Exemption Ntrl						
Disaster Exemption Flag	Returning Veteran Exemption	Returning Veteran Exemption						
Flag	Veteran Freeze Exemption	Veteran Freeze Exemption Flag	Disabled					
Person Exemption	Disabled Person Exemption Flag							
011413100002	0021	01	ASHLEY TOWNSHIP	01001	40.00	0	0	0
4538	0	0	0	0				NEWCOMB,
DENVER W		228 N EAST ST		BETHELOH		451060000		
	S13 T2S R1W NE NW.			Y		NEWCOMB FARMS LP,		
122010	716 686 124650					N	N	N
NEW	NEWCOMB FARMS LP - C/D	28311 HAWAII RD		ASHLEY IL		628080000		
	N	N	N	N		N		
N	N	N	N					
011413100004	0021	01	ASHLEY TOWNSHIP	01001	20.00	0	0	0
2576	0	0	0	0				MCCLENDON,
GALE LINN (SISSON)		2110 NW 57TH CT		OCALAFL		344820000		
	S13 T2S R1W W 1/2 NW NW			Y		SISSON,GALE LINN		
050696	456 467 0					N	N	N
	MCCLENDON, GALE LINN (SISSON)	2110 NW 57TH CT		OCALA		FL		
344820000		N	N	N		N		
N	N	N	N					
011413100005	0021	01	ASHLEY TOWNSHIP	01001	20.00	0	0	0
2575	0	0	0	0				MCCLENDON,
GALE LINN (SISSON)		2110 NW 57TH CT		OCALAFL		344820000		
	S13 T2S R1W E 1/2 NW NW.			Y		SISSON,GALE		
LINN	050696 456 467 0					N	N	
N	MCCLENDON, GALE LINN (SISSON)	2110 NW 57TH CT		OCALA		FL		
344820000		N	N	N		N		
N	N	N	N					
011413100006	0021	01	ASHLEY TOWNSHIP	01001	40.00	0	0	0
1905	0	0	0	0				DRAEGE,
KEVIN						S13 T2S R1W N 1/2 S		
1/2 NW		Y	DRAEGE,KEVIN	102794	436 507 0			
		N	N	N		DRAEGE, CARMEN-N/L		
PO BOX 352	475 W MAIN ST	ASHLEY	IL	628080000		N		



**SAGE INFORMATION SERVICES**

Riverwood Office Park  
136 Riverwood Drive  
Jefferson City, MO 65109  
573-632-2300  
sage1@pacbell.net



September 24, 2022

Ms. Lisa McMichaels  
Freedom of Information Officer  
Coles County  
651 Jackson Ave., Room 326  
Charleston, IL 61920

Dear Ms. McMichaels:

Recently, we lodged an Illinois Freedom of Information request, but sadly no response has been received.

We assure you of our keen interest in receiving these public records and hope to be hearing from you very shortly.

Sincerely,

Roger W. Hurlbert  
President

7015 3010 0000 8322 6389

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL® RECEIPT</b>	
<i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
Charleston, IL 61920	
Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.60
Total Postage and Fees	\$4.60
Sent To	FREEDOM OF INFORMATION OFFICER
Street and Apt. No., or PO Box No.	651 JACKSON ST
City, State, ZIP+4®	CHARLESTON IL 61920
PS Form 3800, April 2015 PSN 7530-02-000-9047	
See Reverse for Instructions	

OFFICIAL US MAIL  
JEFFERSON CITY, MO 65101  
SEP 23 2022  
0817

# USPS® Item Delivered, Left with Individual 70153010000083226389

From: auto-reply@usps.com (auto-reply@usps.com)

To: sage1@pacbell.net

Date: Tuesday, September 27, 2022 at 01:21 PM CDT



Hello **Roger Hurlbert**,

Your item was delivered to an individual at the address at 1:16 pm on September 27, 2022 in CHARLESTON, IL 61920.

Tracking Number:  
**70153010000083226389**

**Delivered, Left with Individual**



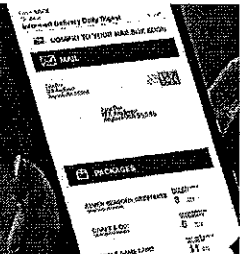
**Tracking & Delivery Options**

**My Account**

**Get Tracking Updates in a Daily Email**

Our Informed Delivery® feature sends you a daily email with mail and packages arriving soon. Tracking numbers are automatically included so you don't have to manually track your deliveries.

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Expected delivery date and time is subject to change, but if it does we'll send you an email update. Delivery options not



## Implementation Services

Conversion



Implementation



Customization



Training



Support



Providing knowledgeable and competent technical support to our clients is a key philosophy of DEVNET. Each individual that comprises our technical support staff is a subject matter expert in the ongoing, day-to-day support features of the DEVNET Edge™ solutions.

Our toll-free client support number provides direct access to our expert technical resources, helping you to maximize the benefits of your DEVNET investment. Technical support is available during normal business hours, Monday through Friday from 8am to 5pm Central Time.

DEVNET offers ongoing and unlimited support at no additional costs. Continuous advancement to products means ongoing support and training. We will walk our clients through the implementation process and continue to be readily available to meet their needs.

# DEVNET

PRODUCTS	SERVICES	SUPPORT	ABOUT	CONTACT
Edge	Hardware Sales & Support	Entering a Ticket	Choose Devnet	<b>Corporate</b>
CAMA & Assessment	Tax Bill/Notice	Implementation	Devnet History	<b>Headquarters</b>
Administration	Printing & Mailing	Services	Approved	2254 Oakland
Billing & Collection	Sketching,	Email	Partner Network	Drive Sycamore,
Permitting & Zoning	DatEntry & Scanning		Our Successes	IL 60178
			Careers	Ph: (815) 899-
			News	6850
				<b>Tennessee</b>