

From: John Kraft
Sent: Thursday, January 23, 2020 1:17 PM
To: Austin Pritchard <shelbycountydiveteam@gmail.com>
Cc: Kirk Allen <kirk@illinoisleaks.com>
Subject: RE: Dive Team info

From the Illinois State Bar Associations' website:

Use of County Property to Recover Private Property for a Fee

It would be a violation of the constitutional limitation on the use of public property for a county dive team to engage in the routine business of the recovery of private property for hire. However, when there is a public purpose to be served, the dive team is not constitutionally prohibited from incidentally benefitting a private interest by the recovery of private property. The county board has no statutory or constitutional authority to charge a fee for the recovery of lost items.

<https://www.isba.org/committees/governmentlawyers/newsletter/2006/06/attorneygeneralissuesopinions>

I have FOIA'd the AG for this Opinion.

Thanks,

John Kraft

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