

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

CHARLES STODDEN,	)	
	)	
Plaintiff.	)	
	)	
	)	Case No. 21-MR-70
	)	
v.	)	
	)	
COLES COUNTY BOARD and	)	
ROBERT D. BECKER	)	
	)	
Defendants.	)	

**MOTION FOR SUMMARY JUDGMENT**

COMES NOW Plaintiff, Charles Stodden, by and through his attorneys, Thomas DeVore and the Silver Lake Group, Ltd, and for his Motion for Summary Judgment against the Defendants, Coles County Board and Robert D. Becker, hereby states as follows.

**LEGAL STANDARD FOR MOTION TO SUMMARY JUDGMENT**

1. Summary judgment is proper where the pleadings, depositions and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law; however, it should be granted “only when the party's right to it is clear and free from doubt.” *Wysocki v. Bedrosian* (1984), 124 Ill.App.3d 158, 164, 79 Ill.Dec. 564, 463 N.E.2d 1339.
2. The function of the summary judgment procedure is to determine the existence or absence of triable issues of fact, not to try them. *Winnetka Bank v. Mandas* (1990), 202 Ill.App.3d 373, 387, 147 Ill.Dec. 621, 559 N.E.2d 961.

3. Inferences may only be drawn from undisputed facts, and, if fair-minded persons may draw differing inferences from these undisputed facts, this presents a material issue to be tried. *Wysocki*, 124 Ill.App.3d at 164, 79 Ill.Dec. 564, 463 N.E.2d 1339.

#### **LEGAL STANDARD FOR FINDING CONTRACT WITH BECKER VOID**

4. The Coles County Supervisor of Assessments is a public office created by Illinois law. (See 35 ILCS 200/Art. 3 *et seq.*)
5. The duties of the Coles County Supervisor of Assessments are prescribed by Illinois law. *Id.*
6. County boards can exercise only such powers as are expressly given by law or such as arise by necessary implication from the powers granted or are indispensable to carry into effect the object and purpose of their creation. *Ashton v. Cook*, 384 Ill. 287, 51 N.E.2d 161(1943)
7. The law is well settled that when the constitution or the laws of the State create an office, prescribe the duties of its incumbent and fix his compensation, no other person or board, except by action of the legislature, has the authority to contract with private individuals to expend public funds for the purpose of performing the duties which were imposed upon such officer. *Id.*
8. Any contracts of employment under such circumstances are ultra vires and void. *Id.*

#### **UNDISPUTED FACTS**

##### **A. Deposition of Stanley Edward Metzger**

9. Mr. Metzger served on the Coles County Board from 2008 until 2022. (See Metzger Transcript Page 7, Lines 3-10)

10. Around 2015, the idea of actually performing commercial appraisals got rolling in Coles County. (See Metzger Transcript Page 7, Lines 12-21)
11. Mayors of cities within Coles County discussed with Metzger that commercial reassessments needed to be brought current in Coles County. (See Metzger Transcript Page 7, Lines 1-24)
12. The Office and Rules Committee oversees the Coles County Supervisor of Assessments Department. (See Metzger Transcript Page 13, Lines 13-14)
13. As chairman of the Coles County Board at the time, Metzger was an ex officio voting member of the Office and Rules Committee. (See Metzger Transcript Pages 13-14, Lines 21-4)
14. The Office and Rules Committee recommended to Coles County Board to perform a county wide commercial reassessment over a four-year period. (See Metzger Transcript Page 14-15, Lines 20-11)
15. On or about May 04, 2015, the Office and Rules Committee reviewed the bids submitted by two bid seekers desiring to perform the commercial reassessments for Coles County. (See Metzger Transcript Page 19, Lines 7-21) (See V1 Exhibit 8 being the Office and Rules Committee minutes)
16. On or about May 04, 2015, the Office and Rules Committee considered the bid of Tyler Tech for professional services for commercial appraisals. (See Metzger Transcript Page 21-22, Lines 5-13) (See V1 Exhibit 7 which is the bid of Tyler Tech)
17. On or about May 04, 2015, the Office and Rules Committee considered the bid of Robert Becker for professional services for commercial appraisals. (See Metzger Transcript Page 23, Lines 13-18) (See V1 Exhibit 6 which is the bid of Robert Becker)

18. Robert Becker's written bid and Tyler Tech's written bid were both proposals for professional services for reassessment. (See Metzger Transcript Page 24, Lines 1-5)
19. On or about May 04, 2015, the Office and Rules Committee decided to move forward with Robert Becker's proposed for services. (See Metzger Transcript Page 24, Lines 6-10)
20. Metzger wrote to at the time Senator Phillips advising that Coles County had just entered into a contract with an independent appraiser. (See Metzger Transcript Page 27, Lines 10-23) (See V2 Exhibit C which is the letter to Senator Righter)

**b. Deposition of Karen Biddle**

21. Ms. Biddle was the Coles County Supervisor of Assessments until she quit around November 2018. (See Biddle Transcript Page 6, Lines 2-4)
22. Ms. Biddle was the appointed Supervisor. (See Biddle Transcript Page 6, Lines 8-10)
23. She had worked in the Assessment office of Coles County since 1980. (See Biddle Transcript Page 7, Lines 6-8)
24. In 2018, Ms. Biddle left her position as the Supervisor given the Coles County Board was not going to reappoint her to another four-year term. (See Biddle Transcript Page 8, Lines 4-7)
25. Prior to 2015, the Coles County Supervisor of Assessment had not completed a county-wide revaluation of commercial property since the 1980's. (See Biddle Transcript Page 10, Lines 10, and Page 11, Lines 20-24)
26. The lack of current valuations of commercial property caused the taxing districts to approach the Coles County Board. (See Biddle Transcript Page 12, Lines 3-11)

27. As a result, the Coles County Board approached Ms. Biddle about the commercial properties not having been reassessed. (See Biddle Transcript Page 12, Lines 12-16)
28. Ms. Biddle, as the Coles County Supervisor of Assessments advised the Coles County Board she did not have the necessary staff to perform the commercial reassessments. (See Biddle Transcript Page 12, Lines 17-20)
29. Ms. Biddle did not have the experienced staff necessary to perform the commercial valuations. (See Biddle Transcript Page 13, Lines 1-2)
30. A decision was made by the Office and Rules Committee which has oversight over the Assessor's Office to seek proposals from private commercial appraisers. (See Biddle Transcript Page 16, Lines 11-21)
31. Anyone who wanted to submit a proposal for doing the commercial reassessment was to submit the proposal to Elaine with the Coles County Board. (See Biddle Transcript Pages 21-22, Lines 24-1)
32. Ms. Biddle testified that Elaine from the Coles County Board would have set up the process for the submitting of proposals. (See Biddle Transcript Page 22, Lines 2-4)
33. Ms. Biddle did not set up the process of the submission of proposals to Elaine of the Coles County Board. (See Biddle Transcript Page 22, Lines 10-11)
34. Anyone interested in submitting a proposal to do the commercial reassessments was not directly communicating with Ms. Biddle as the Supervisor of Assessments. (See Biddle Transcript Page 23, Lines 10-14)
35. After proposals were submitted, then the Office and Rules Committee was going to consider each submitted proposal. (See Biddle Transcript Page 23, Lines 20-24)

36. While Ms. Biddle intended to perform the commercial assessments she was not able to get that done. (See Biddle Transcript Page 26, Lines 6-12)
37. As a result, the Office and Rules Committee which oversaw her office told her they were going to start seeking proposals to get this work done. (See Biddle Transcript Page 26, Lines 13-16)
38. The Office and Rules Committee told Ms. Biddle they were going to do this and she went along with it. (See Biddle Transcript Page 26, Lines 19-24)
39. Ms. Biddle did talk to Tyler Tech about submitting a proposal to do the commercial assessments. (See Biddle Transcript Page 27, Lines 9-22)
40. Ms. Biddle did not reach out to Mr. Becker about submitting a proposal. (See Biddle Transcript Page 28, Lines 20-21)
41. Ms. Biddle did not even talk to Mr. Becker before he submitted his proposal. (See Biddle Transcript Pages 28-29, Lines 22-5)
42. Office hours at the assessment office were 8:30 A.M. to 4:30 P.M. (See Biddle Transcript Page 29, Lines 6-9)
43. Every employee was required to follow these office hours. (See Biddle Transcript Page 30, Lines 10-15)
44. Ms. Biddle had hired all of her employees. (See Biddle Transcript Page 30, Lines 16-19)
45. Employees would drop off resumes and Ms. Biddle would interview them. (See Biddle Transcript Page 32, Lines 2-8)

46. Ms. Biddle did not need the approval of the Coles County Board to hire her employees as her staff of four employees was in her budget. (See Biddle Transcript Page 32, Lines 12-20)
47. Ms. Biddle did not need the approval of the Coles County Office and Rules Committee to hire her employees as her staff of four employees was in her budget. (See Biddle Transcript Page 34, Lines 6-8)
48. When Mr. Becker decided he needed to be paid more money for additional services, he did not discuss this with Mr. Biddle but with the Coles County Office and Rules Committee. (See Biddle Transcript Page 37, Lines 8-13)
49. Ms. Biddle never had a conversation with Mr. Becker in regard to him ever being hired by her as a deputy assessor. (See Biddle Transcript Page 43-44, Lines 21-3)
50. Ms. Biddle acknowledged in an e-mail that Mr. Becker was an independent fee appraiser. (See Biddle Transcript Page 45, Lines 6-9). (See Biddle E-mail V2 Exhibit 3 attached to John Kraft affidavit)
51. Ms. Biddle acknowledged in an e-mail that Mr. Becker's working documents were a part of his personal business record and did not belong to her office. (See Biddle Transcript Page 47, Lines 18-22)
52. Ms. Biddle acknowledged in an e-mail that Mr. Becker's work product were his personal trade secrets. (See Biddle Transcript Page 49, Lines 1-15) ). (See Biddle E-mail V2 Exhibit 4 attached to Rob Perry affidavit)
53. Ms. Biddle stated that she talked to Mr. Becker about his work product and he refused to provide it to her as he proclaimed it to be trade secrets and his personal information. (See Biddle Transcript Page 49, Lines 16-20)

54. Ms. Biddle admits had the Office and Rules Committee forwarded the bid of Tyler Tech to the Coles County Board that this entity would have been engaged to do the work(See Biddle Transcript Page 59, Lines 4-18)
55. Ms. Biddle admits it was the Office and Rules Committee that considered the bids from Tyler Tech and Mr. Becker and made the decision to forward Mr. Becker's bid to the Coles County Board. (See Biddle Transcript Page 61, Lines 6-10)
56. Ms. Biddle did not ask the Office and Rules Committee to hire Mr. Becker as a deputy assessor. (See Biddle Transcript Page 63 Lines 14-20)
57. If the Office and Rules Committee would have chosen Tyler Tech's bid, Ms. Biddle would not have proclaimed this legal entity was somehow her employee. (See Biddle Transcript Page 64, Lines 6-12)
58. Ms. Biddle admits she approached Mr. Becker in late 2017 or early 2018 advising him that he needed to be paid as a W-2 Employee versus a 1099 independent contractor. (See Biddle Transcript Page 67, Lines 3-8)
59. Ms. Biddle acknowledges it was possibly due to the citizens of Coles County raising the issue in regard to the status of Mr. Becker working for the county. (See Biddle Transcript Page 67, Lines 16-19)
60. Ms. Biddle acknowledged the Coles County Board accepted the proposal of Mr. Becker. (See Biddle Transcript Page 81, Lines 5-10)
61. Neither the Coles County Board or the Office and Rules Committee ever asked Ms. Biddle her opinion about Tyler Tech or Mr. Becker before choosing Mr. Becker. (See Biddle Transcript Page 81, Lines 13-22)



62. Ms. Biddle assumed the Office and Rules Committee and the Coles County Board had authority over her and she let them make the decision to hire Mr. Becker. (See Biddle Transcript Page 82, Lines 1-9)
63. Ms. Biddle admits she had no involvement in the vetting or acceptance of any proposal for commercial appraisals. (See Biddle Transcript Pages 82-83, Lines 20-1)
64. Ms. Biddle admits she didn't participate at all before the Coles County Board made its decision. (See Biddle Transcript Page 83, Lines 6-10)
65. Ms. Biddle admits that her budget was increased by the amount to pay Mr. Becker as an industrial appraisal line item and not an employee salary line item. (See Biddle Transcript Page 93, Lines 5-15)
66. Ms. Biddle admits the decision to hire Mr. Becker was the Coles County Board. (See Biddle Transcript Page 96, Lines 1-9)
67. Ms. Biddle admits she signed the affidavit which is a part of the case because she was asked to without talking to anyone and she "felt" it was true. (See Biddle Transcript Pages 97-98, Lines 23-7)
68. Ms. Biddle admits that Mr. Becker never turned over his work product to her office. (See Biddle Transcript Pages 100-101, Lines 16-6)

**c. Deposition of Brandon Bell**

69. At all times relevant, Mr. Bell was a member, and at times the Chairman, of the Coles County Office and Rules Committee. (See Bell Transcript Pages 6, Lines 18-22)
70. Mr. Bell testified that the Office and Rules Committee believed commercial reassessments needed to be completed as taxing bodies were inquiring. (See Bell Transcript Pages 7, Lines 8-13)

71. There was a decision made to seek proposals for commercial reassessments. (See Bell Transcript Pages 7, Lines 17-19)
72. The Coles County Board and the Office and Rules Committee made the decision. (See Bell Transcript Pages 8, Lines 1-19)
73. Mr. Bell knew that Ms. Biddle, as the County Assessor had fail to do her job and complete the commercial reassessments. (See Bell Transcript Pages 10, Lines 14-21)
74. Mr. Bell stated it was the Office and Rules Committee's decision to seek out a third party to do the commercial reassessments. (See Bell Transcript Pages 11, Lines 5-8)
75. Mr. Bell stated it was the Office and Rules Committee asked Mr. Kelly Lockhart, and not Karen Biddle the Assessor, to make contacts and seek proposals. (See Bell Transcript Pages 12, Lines 4-21)
76. Mr. Bell understood that Mr. Robert Becker's proposal was submitted to the Office and Rules Committee due to Mr. Kelly Lockhart soliciting his proposal as requested by the Office and Rules Committee. (See Bell Transcript Pages 13, Lines 3-15)
77. Mr. Bell stated that if in fact Ms. Biddle, as the Supervisor of Assessments, was desiring to hired an employee, she did not need to seek the approval of the Office and Rules Committee. (See Bell Transcript Pages 14, Lines 10-17)
78. At the May 04, 2015 meeting of the Office and Rules Committee, they considered both proposals, being Tyler Tech and Robert Becker. (See Bell Transcript Pages 15, Lines 20-24)
79. The Office and Rules Committee chose Robert Becker's proposal as it was \$400,000.00 cheaper. (See Bell Transcript Pages 16, Lines 6-12)

80. Mr. Bell stated that the exercise of vetting and considering these proposals would not have been necessary if the Assessor, Ms. Biddle, was hiring an employee. (See Bell Transcript Pages 16, Lines 13-18)
81. Mr. Bell stated this whole exercise was for the purpose of vetting and considering these two proposals for commercial reassessment from two companies that were offering to do this work on behalf of the county. (See Bell Transcript Pages 16-17, Lines 19-2)
82. Mr. Bell stated that Ms. Biddle as the Assessor never approached Office and Rules Committee about hiring Mr. Becker and needing to increase her budget. (See Bell Transcript Pages 20, Lines 5-20)
83. Mr. Bell testified clearly that it was the Office an Rules Committee who solicited proposals for commercial reassessment and eventually adopted and accepted the proposal from Robert Becker for further consideration by the Coles County Board. (See Bell Transcript Pages 20-21, Lines 20-2)

**d. Deposition of Kelly Lockhart**

84. Mr. Lockhart was at all times relevant the executive director of Coles County Regional Planning. (See Lockhart Transcript Pages 6-7, Lines 23-5)
85. In his position, he works with municipalities quite often. (See Lockhart Transcript Pages 8, Lines 2-4)
86. During 2015, the municipalities were calling Mr. Lockhart about commercial reassessments. (See Lockhart Transcript Pages 11, Lines 20-24)
87. The municipalities were asking Mr. Lockhart about commercial reassessments being completed, because they hadn't been done in a while, they were concerned about their tax base. (See Lockhart Transcript Pages 12, Lines 1-16)

88. Mr. Lockhart testified he played no role in the assessment process yet the municipalities were contacting him for political reasons. (See Lockhart Transcript Pages 12, Lines 17-22)
89. Mr. Lockhart reached out to both Tyler Tech and Robert Becker about an estimate of how much it would cost. (See Lockhart Transcript Pages 13, Lines 13-22)
90. Mr. Lockhart testified it was the Office and Rules Committee who asked him to solicit estimates of the cost for commercial reassessment. (See Lockhart Transcript Pages 14, Lines 2-16)
91. Mr. Lockhart testified it was not Ms. Biddle, the current Supervisor of Assessment, who was asked to reach out and seek estimates. (See Lockhart Transcript Pages 14, Lines 20-22)

**e. Deposition of Robert Becker**

92. Mr. Robert Becker holds a designation as a commercial appraiser. (See Becker Transcript Pages 6, Lines 13-18)
93. Mr. Becker holds a license to appraise real estate in Illinois. (See Becker Transcript Pages 7, Lines 1-3)
94. At all times relevant Mr. Becker was an independent contractor performing appraisals for Corrie Appraisal when he was hired by the Coles County Board. (See Becker Transcript Pages 9, Lines 15-17)
95. Mr. Becker testified that he was in fact approached by Kelly Lockhart from Coles County Regional Planning about the Coles County valuations. (See Becker Transcript Pages 18, Lines 17-10)

96. It was Mr. Becker's understanding that lawsuits may have been threatened against Coles County by local taxing bodies if the commercial assessments weren't revisited. (See Becker Transcript Pages 21, Lines 1-13)
97. Mr. Becker testified that Ms. Biddle, as the Assessor, confided in him that she didn't have the knowledge to perform these commercial appraisals. (See Becker Transcript Pages 22-23, Lines 21-5)
98. Mr. Becker understood that he was submitting a bid to engage in mass appraisal work for the county. (See Becker Transcript Pages 24, Lines 7-11)
99. Mr. Becker stated that he was to begin working on the project sometime in 2015 before his first quarterly installment was paid in January 2016. (See Becker Transcript Pages 26, Lines 3-22)
100. Mr. Becker had no set hours to be in the office. (See Becker Transcript Pages 27, Lines 4-5)
101. Mr. Becker understood that other companies would be submitting bids as well as him. (See Becker Transcript Pages 29-30, Lines 3)
102. Mr. Becker testified that it was Kelly Lockhart, and not Karen Biddle, who seemed to be coordinating these efforts. (See Becker Transcript Pages 31, Lines 14-19)
103. Mr. Becker submitted a 1099 request form to Coles County. (See Becker Transcript Pages 5, Lines 7-33) (See V1 Exhibit 9)
104. Mr. Becker received a 1099 for the value paid for his services in 2016. (See Becker Transcript Pages 37, Lines 22-24) (See V1 Exhibit 10)
105. Mr. Becker received a 1099 for the value paid for his services for 2017. (See Becker Transcript Pages 39, Lines 12-14) (See V1 Exhibit 11)

106. Mr. Becker was aware that sometime prior to 2018 there were citizens of Coles County raising the issue of his status as an independent contractor versus employee. (See Becker Transcript Pages 40, Lines 11-18)
107. Mr. Becker testified that as a result of those concerns being raised by the citizens, a decision was made to convert him to a W-2 Employee versus a 1099. (See Becker Transcript Pages 40, Lines 19-23)
108. Mr. Becker testified it was relayed to him by Ms. Biddle at the direction of the states attorneys office. (See Becker Transcript Pages 41, Lines 2-6)
109. Mr. Becker negotiated for additional compensation for his services beyond the initial agreement of \$115,000.00 in that the Board of Review needed his services too. (See Becker Transcript Pages 41-42, Lines 16-24)
110. Mr. Becker testified he negotiated his additional compensation with the Chairman of the Board of Review. (See Becker Transcript Pages 43, Lines 3-7)
111. Mr. Becker testified that he demanded an hourly rate for any Board of Review work. (See Becker Transcript Pages 44, Lines 5-9)
112. This hourly rate for additional work for the Board of Review was \$100 per hour. (See Becker Transcript Pages 55, Lines 9-15)
113. Mr. Becker testified he was never fired or quit in Coles County. (See Becker Transcript Pages 47, Lines 9-12)
114. Eventually Mr. Becker just quit showing up in Coles County as he had completed the scope of services he was engaged to do in his 2015 bid. (See Becker Transcript Pages 47, Lines 13-16)

115. During 2016 and 2017, Mr. Becker submitted vendor invoices for his services. (See Becker Transcript Pages 49, Lines 5-7) (See V1 Exhibit, Document 13)
116. It was only in 2018 after citizens raised concerns, did Mr. Becker transfer to being paid like a W-2 employee. (See Becker Transcript Pages 51, Lines 11-16)
117. It was not up until the time that Mr. Becker had started doing his work that Ms. Biddle brought up the issue that he needed to sign something relating to deputy assessor. (See Becker Transcript Pages 57-58, Lines 23-3)
118. But prior to that time, there was never any information about that. (See Becker Transcript Pages 58, Lines 4-6)
119. Mr. Becker testified that it wasn't until June 01, 2016 when he went in the office that Ms. Biddle presented him with the oath document to sign. (See Becker Transcript Pages 59, Lines 1-14)
120. Mr. Becker did not appreciate at the time why he was being asked to sign this document other than Ms. Biddle told him that anyone working in her office had to sign it. (See Becker Transcript Pages 59, Lines 15-18)
121. Prior to being asked to sign this oath document, Mr. Becker never had any discussions with anyone about being a deputy assessor. (See Becker Transcript Pages 59, Lines 20-23)
122. When Mr. Becker submitted his bid back in 2015, he had no expectation that he was being asked to be a deputy assessor in the same vain as other staff of the Assessor's Office. (See Becker Transcript Pages 61, Lines 1-6)
123. Mr. Becker, in referring to his bid submitted to the county, refers to it as the contract. (See Becker Transcript Pages 68, Lines 11-19)

124. And once Mr. Becker completed the terms of the contract, he just quit going to Coles County and doing any work. (See Becker Transcript Pages 68, Lines 20-23)

125. Mr. Becker admitted that prior to the citizens of Coles County questioning his hiring, the distinction between independent contractor and employee never crossed his mind. (See Becker Transcript Pages 79, Lines 6-9)

### **ARGUMENT**

126. The law is well settled that a public body such as the Coles county board cannot contract with private individuals to expend public funds for this private individual to perform the duties of a public officer which have been prescribed to the public office by law.

127. More specific to this case, the law is clear the county board could not hire Robert Becker directly as a private contractor to perform the assessor's public duties.

128. The legislature prescribes no such authority to the county board rendering the agreement between the Coles county board and Robert Becker void.

129. While the county assessor could have sought to increase her budget, sought authorization to hire Robert Becker as an employee within the assessor's office once the budget so allowed, and brought Robert Becker on staff as a deputy assessor, such was not the actions of the county assessor.

130. At this stage of the proceedings, the Plaintiff in this case is not seeking the Defendant Robert Becker to disgorge any funds as the Plaintiff is only seeking a declaration from this Court that the contract was void due to the Coles County Board exceeding its statutory authority. .



131. While the Defendants understand the law doesn't allow the Coles County Board to invade the statutory office of the Assessor, they desperately try and point out that no written contract exists between the Coles County Board and Robert Becker and as such no direct hire was made by them.
132. The facts adduced by the witnesses will clearly prove to the Court that Robert Becker was in fact hired directly by the Coles County Board, based upon the recommendation of the Coles County Office and Rules Committee, and the County Supervisor of Assessments merely acquiesced because she needed the help because she admitted she was unable to perform the tasks.
133. The Coles County Supervisor of Assessments department is obligated by law for appraising commercial and residential real estate in Coles County for the purpose of preparing a tax assessment.
134. The Coles County Supervisor of Assessment's department is part of the budget prepared and approved by The Board and paid by tax dollars allocated specifically for the same.
135. On or about May 04, 2015, the Coles County Offices/Rules Committee considered two bids from vendors in regard to the performance of commercial appraisals.
136. These bids were the result of initial solicitation made by Mr. Kelly Lockhart of the Coles County Office of Regional Planning.
137. Mr. Lockhart was tasked with this by the Office and Rules Committee of the Coles County Board.
138. On May 04, 2015, the Coles County Offices/Rules Committee considered a bid from Tyler Tech as well as a bid from Robert Becker.

139. On May 04, 2015, the Coles County Offices/Rules Committee decided to move forward with the bid of Robert Becker and voted to recommend his bid to the Coles County Board.
140. On or about May 12, 2015, Defendant, The Coles County Board, considered the recommendation from the Coles County Offices and Rules Committee and voted to approve the bid from Robert Becker to perform commercial appraisal services on behalf of Coles County in return for monetary compensation.
141. The acceptance of the bid from Robert Becker clearly satisfied basic contract principles of offer, acceptance, and consideration.
142. Any suggestion by the Defendants that no agreement was reached between them is spurious at best.
143. The unilateral hiring of Robert Becker as an independent appraiser to perform commercial appraisals was found necessary by the Coles County Board, for it was well known the Coles County Supervisor of Assessments had failed to perform this duty on behalf of the taxpayers for many years.
144. Ms. Biddle even acknowledged she lacked the skillset to do so.
145. For two years Robert Becker submitted invoices as a vendor and was paid as an independent contractor receiving a 1099 for 2016 and 2017.
146. The best the Defendant, Coles County Board, can muster is Robert Becker took an oath of office some six months after he began his work.
147. Mr. Becker testified clearly he had no real appreciation as to why this document was placed in front of him to sign other than anyone who worked in the assessors office needed to sign one.

148. He testified that at no time had any one inquired of him to be hired as a deputy assessor along the same lines as the other four employees within the assessor's office.
149. Mr. Becker even negotiated additional compensation for himself, in the tune of \$100 per hour, for work he was asked to perform outside the scope of services in the bid he submitted, that he refers to as a contract once it was accepted by the Coles County Board.
150. The evidence in this case is overwhelming clear the Coles County Board exceeded its statutory authority by directly hiring Robert Becker to perform the statutory duties of the Coles County Supervisor of Assessments.
151. While the Coles County Supervisor of Assessments could have sought the necessary budgetary and hiring approval of Robert Becker as an employee of her offices she failed to do so.
152. Ms. Biddle's affidavit submitted in this case should be looked upon with suspicion by this Court.
153. While Ms. Biddle swears under oath she hired Mr. Becker as a deputy assessor, that position being posited by her only comes up after this lawsuit was filed.
154. During Mr. Becker's four-year term of service, Ms. Biddle refers to Mr. Becker's work product as trade secrets.
155. During Mr. Becker's four-year term of service, Ms. Biddle refers to Mr. Becker as an independent fee appraiser.
156. During his four-year term of service, Ms. Biddle acknowledged in an e-mail that Mr. Becker's working documents were a part of his personal business record and did not belong to her office.

157. However, with all of that, Ms. Biddle submitted a sworn document to this Court and proclaims she hired Mr. Becker as an employee.
158. Such a suggestion by Ms. Biddle defies any bounds of reason and reeks of impropriety.
159. The Office and Rules Committee and/or the Coles County Board never talked to Ms. Biddle about the two bids submitted by the third-parties, nor did they discuss with her about choosing Mr. Becker.
160. Mr. Becker's proposal was a bid submitted to the Board and not a request to be hired as an employee of deputy assessor.
161. Ms. Biddle never sought a budget increase to bring on more employees.
162. Ms. Biddle made it clear she did not need authority to hire an employee and if she needed additional employees she would a change in her budget, something which she never did in this instance.
163. While the County Board has the authority to increase the budget of its departments at their request to procure services for the taxpayers, that is not remotely the same thing as engaging in direct hiring practices for departments under its supervision.
164. Illinois law is clear that the Coles County Board exceeded its statutory authority in making a direct hire of Mr. Becker to perform the statutory duties of Ms. Biddle for which the taxpayers were already paying for.
165. The *Ashton Court* made it clear that a board cannot contract with a private individual to expend public funds for the purpose of performing the duties which were imposed on the office.

166. That is exactly what the Coles County Board did in this case and for this reason the contract between the Coles County Board and Robert Becker as a legal matter was void.

167. Any suggestion by Defendants that the oath of office signed six months after the fact, or that no formal written contract existed between the Coles County Board and Robert Becker is meritless.

WHEREFORE, the Plaintiffs seeks an order of summary judgment from this Court declaring the Coles County Board direct hiring of Robert Becker as a private contractor to perform the statutory duties of the Coles County Supervisor of Assessments was ultra vires and as such void, awarding Plaintiff his costs incurred in this matter as may be allowed by law; granting such other and further relief as is just and proper.

Respectfully submitted,

By: /s/ Thomas Devore  
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Telephone - 618-664-9439  
tom@silverlakelaw.com

**CERTIFICATE OF FILING AND SERVICE**

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF BOND        )

The undersigned hereby certifies, pursuant to the provisions of 735 ILCS 5/1-109, and the penalties therein provided, that a copy of the foregoing instrument was served upon each of the parties hereinafter set forth by e-mail, on October 27, 2023:

Mr. Brian Smith  
Attorney for Defendants  
[bsmith@heyloyster.com](mailto:bsmith@heyloyster.com)

/s/ Thomas G. DeVore  
Thomas G. DeVore

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IN THE CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
COLES COUNTY

CHARLES STODDEN, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 2021-MR-70  
 )  
COLES COUNTY BOARD and )  
ROBERT D. BECKER, )  
 )  
Defendants. )

DISCOVERY DEPOSITION OF STANLEY EDWARD METZGER  
taken on behalf of Plaintiff  
on March 22, 2023

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Collinsville, IL

SPRINGER REPORTING

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IN THE CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
COLES COUNTY

CHARLES STODDEN, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 2021-MR-70  
 )  
COLES COUNTY BOARD and )  
ROBERT D. BECKER, )  
 )  
Defendants. )

APPEARANCES:

For Plaintiff: Silver Lake Group, Ltd.  
By Mr. Thomas DeVore  
118 N. Second Street  
Greenville, IL 62246

For Defendants: Heyl Royster  
By Mr. Brian M. Smith  
301 Neil Street  
Suite 505  
Champaign, IL 61820

IT IS HEREBY STIPULATED AND AGREED, by  
and between counsel for the Plaintiff and counsel  
for the Defendants, that the deposition of STANLEY  
EDWARD METZGER may be taken for discovery  
purposes, pursuant to and in accordance with the  
provisions of the Illinois Civil Practice Act and  
Supreme Court Rules pertaining to such  
depositions, by and on behalf of the Plaintiff, on

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1 March 22, 2023, via Zoom, before Connie S.  
2 Lopinot, a Certified Shorthand Reporter; that the  
3 issuance of notice is waived, and that this  
4 deposition may be taken with the same force and  
5 effect as if all statutory requirements had been  
6 complied with.

7 IT IS FURTHER STIPULATED AND AGREED that  
8 any and all objections to all or any part of this  
9 deposition are hereby reserved and may be raised  
10 on the trial of this cause, and that the signature  
11 of the deponent is not waived.

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1 STANLEY EDWARD METZGER, of lawful age,  
2 being produced, sworn and examined on behalf of  
3 the Plaintiff, testified and deposed as follows:

4 CROSS-EXAMINATION

5 BY MR. DEVORE:

6 Q. Mr. Metzger, my name is Tom DeVore. I  
7 am the attorney for the plaintiff in this matter.

8 Have you ever given a deposition before, sir?

9 A. No. This case? No.

10 Q. In any case, sir?

11 A. No, sir.

12 Q. The ground rules are pretty simple. I  
13 will try to speak slowly, ask clear questions. If  
14 you could let me finish the answer -- finish the  
15 question before you answer so she can take it down  
16 clearly. We typically like to answer questions

17 that we know are coming before they are finished.  
18 It is normal in communications. The same as I  
19 could likely ask the next question before your  
20 answer is done. It is a human issue. She has a  
21 hard time taking it down. We will do the best we  
22 can not to talk over each other. Answer the  
23 question "Yes" or "No" instead of shaking your  
24 head or saying "Uh-huh" or "Huh-uh." We talk

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1 that way colloquially, but we have to make sure  
2 she gets it down. If you don't understand a  
3 question, you can ask me to repeat it. If you are  
4 not sure about something and you need to talk to  
5 your lawyer, you can ask to speak to him briefly  
6 and come back. Do you have any questions before  
7 we start?

8 A. No, sir.

9 Q. I will remind you you are under oath.

10 State your full name, please.

11 A. Stanley Edward Metzger.

12 Q. Mr. Metzger, where do you reside?

13 A. Charleston, Illinois.

14 Q. How long have you lived in Charleston?

15 A. My entire life; 55 years.

16 Q. What do you do for a living?

17 A. Farming.

18 Q. Been a farmer your whole life?

19 A. Yes, sir.

20 Q. What about political positions, what

21 type of political positions have you held?

22 A. I have been elected to the Coles County  
23 Board.

24 Q. That is the only political position you

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1 held, as a county board member?

2 A. Yes.

3 Q. How long did you hold that position?

4 A. For 14 years.

5 Q. Do you recall when you started,  
6 approximately, and when you ended your political  
7 career?

8 A. 2008 election I was elected, and I  
9 served through the last election that ended about  
10 December 4th or 5th, 2022.

11 Q. You chose not to run again?

12 A. Correct.

13 Q. Besides your lawyer, prior to today did  
14 you discuss this matter with anyone?

15 A. No, sir.

16 Q. Okay. Have you talked to anyone about  
17 this matter in general since the lawsuit was filed  
18 that you can recall?

19 A. Well, yes, other board members.

20 Q. Did you talk to Ms. Childress?

21 A. I don't believe I talked to her about  
22 this, no.

23 Q. Have you talked to current board members  
24 about the case?

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1 A. We have had a lot of turnover in the  
2 county as far as board members. Likely, no. I  
3 don't believe I have had conversations with  
4 current board members. Past board members likely.

5 Q. Okay. We will come back to that. Why  
6 did you choose not to run again after the end of  
7 this election cycle?

8 A. Like I said, I had been on the board for  
9 14 years, and in 2020 I had double bypass surgery  
10 so I decided that I was ready to focus on other  
11 things rather than being on county board.

12 Q. That is fair. Let's go back now. I  
13 will try to get to the crux of this as quick as I  
14 can, sir. Sometime around 2014 or 2015 did the  
15 county board and the committees -- did the issue  
16 of assessment practices in Coles County start  
17 becoming a conversation?

18 A. Yes. The idea of doing the commercial  
19 reassessment had been brought up many times during  
20 my term on the board. In about January of 2015  
21 the idea of actually completing it got rolling.

22 Q. Okay. Again, I don't know if you have  
23 had the benefit of reading Ms. Childress'  
24 deposition testimony, I am assuming not. If you

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1 have, that is fine. She was referring to and  
2 discussing some of the taxing bodies of Coles  
3 County were raising issues about the assessment  
4 values of commercial properties; do you remember  
5 that being the case?

6 **A.** Yes. I was reached out to by the -- he  
7 is deceased now -- former mayor, Larry Reynolds.  
8 Larry Reynolds is who first approached me with the  
9 idea of actually getting this to happen.

10 **Q.** Getting a reassessment of the commercial  
11 properties?

12 **A.** Correct.

13 **Q.** Was it your understanding from talking  
14 to people that it had been quite some time since  
15 there had been a full re-evaluation of the  
16 commercial property in the county?

17 **A.** Yes.

18 **Q.** Was at this time fair for -- these  
19 taxing bodies, such as the mayor, did they believe  
20 there was significant under evaluation of these  
21 types of properties?

22 **A.** I don't know what their motivation was  
23 or what their position on the values were. Just  
24 it needed to be brought up to a current and

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1 accurate-as-possible assessment.

2 **Q.** You are familiar with how real estate  
3 taxation works, I guess, from your 14 years of  
4 experience on the county board?

5 **A.** I am aware that it takes the entire  
6 county working together to get it done.

7 **Q.** You understand the procedural process of  
8 how assessments are done and how evaluations  
9 impact how much can be leveled in taxes; do you  
10 understand that?

11 **A.** I am aware of it. I am not an assessor  
12 or trained in that field, so I don't know that I  
13 understand it.

14 **Q.** Do you know what a rate cap limit is?

15 **A.** Like PTELL?

16 **Q.** Do you know that rate caps -- how much  
17 you can levy as a taxing body to be limited by the  
18 aggregate assessed values on a property in the  
19 district?

20 **A.** I am not aware of it as you phrased it.  
21 What I am aware of is the equalized assessed  
22 evaluation, the EAV, and what the total assessed  
23 value of the county is, and how much tax revenue  
24 that can allow.

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1 **Q.** Correct. So taxing bodies, such as the  
2 mayor, are sensitive to that, because if that  
3 aggregate tax value increases, you generally  
4 understand that that means taxing bodies, if they  
5 want to, then can increase their taxation amount,  
6 correct?

7 **MR. SMITH:** Objection; calls for  
8 speculation. You can answer.

9 **Q.** (By Mr. DeVore) I am talking  
10 procedural?

11 **MR. SMITH:** You are asking about what  
12 the the mayor believes. Go ahead.

13 **MR. DEVORE:** Okay. Let me strike that.

14 **Q.** (By Mr. DeVore) I don't care about the  
15 mayor. The taxing body in general, based upon  
16 what you just said, is it your understanding that  
17 if the aggregate assessed value of a taxing  
18 district increases, that a taxing body could  
19 increase their levy based upon that aggregate  
20 value increase, if they wanted?

21 **A.** I don't believe I understand it in that  
22 way. What I was made aware of was the EAV, the  
23 levy is a set amount and the money will always  
24 be filled -- the levy will always be filled. So

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1 when you have your county accurately and currently  
2 assessed -- or as accurate as possible -- you have  
3 people who are due to pay that tax paying their  
4 share.

5 **Q.** Okay. About January, you said, in 2015  
6 you said the conversation began talking about  
7 commercial reassessment; is that fair?

8 **A.** I believe so, yes.

9 **Q.** Now, also around that time, isn't it  
10 true that the county made the decision to pass a  
11 resolution that turned the county into four  
12 assessment districts versus being one  
13 countywide reassessment; isn't that true?

14 **A.** That plan is allowed by Illinois law and  
15 was approved by the Illinois Department of  
16 Revenue --

17 **Q.** I understand that. I am just asking  
18 you if you did it--

19 **A.** -- and the county implemented that plan.

20 **Q.** You implemented that plan about the same  
21 time that this commercial reassessment was being  
22 discussed; is that fair?

23 **A.** Yes.

24 **Q.** Whose idea was it to switch from a

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1 countywide reassessment to going to four  
 2 distracts? Who brought that idea up; do you  
 3 recall?  
 4 **A.** I don't recall.  
 5 **Q.** Okay. If you don't recall who brought  
 6 it up, who on the county board or in the  
 7 assessor's office were trying to make sure that  
 8 that happened, thought it was a good idea? Did  
 9 you think it was a good idea?  
 10 **A.** I don't know. I don't know the answer  
 11 to who actually brought it forward. I can't  
 12 answer that.  
 13 **Q.** Do you recall who was promoting it?  
 14 **A.** Well, it would have gone through the  
 15 Office and Rules Committee. The Office and Rules  
 16 Committee oversees the supervisor assessment. I  
 17 hate to speculate. I am not going to speculate.  
 18 It would have likely gone through the Office and  
 19 Rules Committee, who is over the supervisor of  
 20 assessment.  
 21 **Q.** You were the chairman of that committee  
 22 at the time?  
 23 **A.** No, sir, I was not. I was chairman of  
 24 the board. I sat ex officio on Office and Rules

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1 Committee.  
 2 **Q.** Were you a voting member of the Office  
 3 and Rules Committee?  
 4 **A.** As ex officio I was.  
 5 **Q.** Who was the chairman of that committee?  
 6 Was it Mr. Bell? If you don't recall, that is  
 7 fine?  
 8 **A.** I don't recall.  
 9 **Q.** Do you recall if Ms. Childress thought  
 10 that breaking the district up or the county up to  
 11 four districts was a good idea?  
 12 **A.** I think it was presented as a good idea,  
 13 because it fit our budgeting allocations to be  
 14 able to spread the cost over four years rather  
 15 than one.  
 16 **Q.** The cost of?  
 17 **A.** Reassessment.  
 18 **Q.** Commercial reassessment?  
 19 **A.** Correct.  
 20 **Q.** Okay. I understand that. So once --  
 21 the decision to engage and do a commercial  
 22 reassessment of every property was made by the  
 23 county board or it was recommended by the Office  
 24 and Rules? How did that happen for that decision

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1 to be made?  
 2 **A.** It would have come through the Office  
 3 and Rules Committee and likely -- and finance,  
 4 because finance would have to allocate the  
 5 budgeting for that. Then, it would have gone to  
 6 the county board.  
 7 **Q.** Okay. So ultimately the county board  
 8 would have made the decision "We are going to  
 9 invest in a commercial reassessment countywide";  
 10 is that fair?  
 11 **A.** Yes. We implemented the plan as was  
 12 approved by the Illinois Department of Revenue.  
 13 **Q.** I understand. The Illinois Department  
 14 of Revenue --  
 15 **A.** I am sorry. I implemented and funded the  
 16 plan.  
 17 **Q.** Let me back up. The decision to break  
 18 your county into reassessment districts, that is  
 19 for a broader purpose than just commercial  
 20 properties, is it not?  
 21 **A.** I don't know the answer to that  
 22 question.  
 23 **Q.** Okay. Did you understand that when you  
 24 broke your county up to reassessment districts,

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1 that you would only do one district each year?  
 2 You understood that much?  
 3 **A.** Yes.  
 4 **Q.** Did you understand that that would  
 5 happen not just for commercial properties, but  
 6 also residential properties?  
 7 **A.** It is my understanding that residential  
 8 properties have always been done in the four-year  
 9 plan.  
 10 **Q.** That is another conversation that we  
 11 don't need to open up, Mr. Metzger. I understand  
 12 what you are saying. Now, so in the beginning of  
 13 2015 would it be fair to say it was your  
 14 understanding that commercial properties were  
 15 going to be reassessed, and they were going to be  
 16 done a certain area per year for the next four  
 17 years; is that correct?  
 18 **A.** Yes.  
 19 **Q.** Okay. Now, your assessor's office,  
 20 which would have been Ms. Childress, did you --  
 21 either in private or through your Rules Committee  
 22 or county board meeting, was there conversation  
 23 with her about her office doing all of these  
 24 reassessments, we are going to call 25 percent a

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1 year for four years?

2 A. Yes.

3 Q. Did you have that conversation with her  
4 personally?

5 A. In committee, yes. Not personally; in  
6 committee.

7 Q. In Office and Rules Committee?

8 A. Are you asking me personally? The  
9 Office and Rules Committee would have had that  
10 discussion with Ms. Childress.

11 Q. Would you have been there on those; do  
12 you recall?

13 A. I attended ex officio many of them, yes.

14 Q. Do you remember in conversations or in  
15 those committee meetings where Ms. Childress  
16 expressed that her office didn't have the  
17 resources or capability of doing that?

18 A. Not directly, no.

19 Q. We are going to get to some documents  
20 that we have in a second, sir. You know who  
21 Robert Becker is, I am assuming.

22 A. Yes, sir.

23 Q. Do you have a personal relationship with  
24 Robert Becker besides the work he did for the

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1 county?

2 A. I call him Bob. Bob and I have become  
3 friends over the years, yes.

4 Q. How long have you known Bob?

5 A. I first met him with the -- when the  
6 commercial reassessment started.

7 Q. So no prior relationship prior that?

8 A. I did not have any prior relationship to  
9 that.

10 Q. This has been about eight years ago now.

11 Is it fair to say you have a personal relationship  
12 with Bob beyond the work you did for the county?

13 A. Yes. We both like barbecue.

14 Q. Okay. I do too. How about Tyler  
15 Technologies? Do you know Tyler Technologies?

16 A. I am familiar with the name in that they  
17 submitted a plan to do this as well.

18 Q. Okay. Do you know who made the decision  
19 to seek bids or proposals from anyone to do this  
20 commercial reassessment?

21 A. I don't know. I don't know  
22 specifically, no.

23 Q. Would the Office and Rules Committee  
24 have made that decision, based on your

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1 understanding of the county government?

2 A. The Office and Rules Committee oversees  
3 the supervisor of assessment. I would be  
4 speculating if I said how it happened. The  
5 supervisor of assessment should have sought those  
6 capable of doing the job.

7 MR. DEVORE: Okay. I have marked,  
8 Counselor, Exhibit 3. It is the Office and Rules  
9 Committee minutes from May 4, 2015.

10 MR. SMITH: Give me a moment. I pulled  
11 up the ones you e-mailed and tried to find the  
12 paper copies from the prior thing. I want to make  
13 sure I am looking at the same thing.

14 MR. DEVORE: It was Number 8.

15 MR. SMITH: That is what I have got. He  
16 has it. Okay.

17 Q. (By Mr. DeVore) Take a look at this,  
18 sir. Let me know when you are ready.

19 A. I am ready.

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. Do you recall this meeting that was had  
23 on this particular day?

24 A. Well, I was there but, as you state, it

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1 is nearly eight years ago. I don't have specific  
2 recollection of it.

3 Q. Could you go ahead and read under "Old  
4 Business" where it says "The members reviewed."  
5 Read that paragraph to refresh the best of your  
6 ability?

7 A. I have read it.

8 Q. Okay. These minutes say that the  
9 members reviewed the proposal. When it says, "The  
10 members," would that have included you?

11 A. Yes, as ex officio.

12 Q. Correct. "Reviewed proposals from Tyler  
13 Tech for \$517,000.

14 MR. DEVORE: Counsel, that would be  
15 marked as Plaintiff's Exhibit 2.

16 MR. SMITH: Bear with me here.

17 MR. DEVORE: No problem.

18 MR. SMITH: Which one are we looking at?

19 MR. DEVORE: Number 2, Tyler Tech dated  
20 April 24, 2015.

21 MR. SMITH: I have that marked as  
22 Plaintiff's 7. I think it is the same thing.

23 MR. DEVORE: It is the exact same thing.  
24 I was going to use those old numbers. It would

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1 not be in any particular order. I should have  
2 chose the other way.

3 MR. SMITH: Okay.

4 A. I read it.

5 Q. (By Mr. DeVore) Do you recognize this  
6 document?

7 A. I am certain I looked at it in that  
8 committee meeting.

9 Q. Okay. It talks about in the committee  
10 meeting a commercial appraisal from Tyler Tech of  
11 \$517,782. Do you see that on the minutes?

12 A. Yes.

13 Q. On the actual exhibit from Tyler Tech  
14 where it proposes \$517,782; do you see that?

15 A. Yes.

16 Q. Is it fair to say Exhibit 2 you are  
17 looking at is the proposal from Tyler Tech that  
18 was being discussed on May 4, 2015?

19 A. Yes.

20 Q. Do you see where the Tyler Tech Company  
21 is out of in the top right-hand corner?

22 A. Ohio.

23 Q. Under the topic, right under  
24 Ms. Childress' name, do you see where it says what

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1 this purports to be where it has "RE:"?

2 A. Professional services for commercial and  
3 industrial reassessment.

4 Q. Was that your understanding that Tyler  
5 Technologies -- if you also look down, Tyler  
6 Technologies in this letter says it is an  
7 incorporated entity. Do you see that?

8 A. Yes.

9 Q. They were submitting a quote for  
10 professional services for reassessment. Is that  
11 your understanding of what they were submitting  
12 that quote for?

13 A. Yes.

14 Q. Now, in the minutes, sir, this says that  
15 Mr. Daily moved to forward the proposal from Bob  
16 Becker in the amount of \$115,000.

17 MR. DEVORE: That would be, Counsel,  
18 Number 4, it looks like I put on this one.

19 MR. SMITH: Are you looking at what was  
20 Plaintiff's Exhibit 5?

21 MR. DEVORE: I thought it was 6. There  
22 were two, there was the initial one and the  
23 revised one.

24 MR. SMITH: Right.

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1 MR. DEVORE: I am not going to talk  
2 about the initial one. It doesn't change  
3 anything.

4 MR. SMITH: You want to look at the  
5 revised one?

6 MR. DEVORE: Yes, sir.

7 A. You want me to read this entirely or is  
8 there a specific area you would like me to focus  
9 on?

10 Q. No. Just familiarize yourself with it.

11 That is all I am asking, sir.

12 A. Okay.

13 Q. Do you recognize this, sir?

14 A. It was likely at that May 4, 2015,  
15 County Board Committee meeting.

16 Q. It is a \$115,000 proposal from  
17 Mr. Becker; is that fair?

18 A. Yes.

19 Q. Okay. Do you see right below his name  
20 where it says, "County Board"?

21 A. Yes.

22 Q. First sentence reads, "Consider his bid  
23 for reassessment of commercial and industrial  
24 properties in Coles County." This document from

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1 Mr. Becker, do you see that as being just as was  
2 Tyler Tech, he was submitting a proposal for  
3 professional services for reassessment? Was  
4 Mr. Becker doing the same thing?

5 A. Yes.

6 Q. Based upon the minutes of the May 4,  
7 meeting, it was the decision of Office and Rules  
8 to forward not the Tyler Tech proposal for  
9 services but Mr. Becker's; is that fair?

10 A. Yes, that is fair.

11 Q. Okay.

12 MR. DEVORE: Counsel, I don't think I  
13 sent this. If you have it handy, I would  
14 appreciate it. We can mark it as Number 7. Do  
15 you have the minutes from the board meeting? If  
16 not, I can find them real quick. It seems like  
17 you have them all up right there.

18 MR. SMITH: Give me a moment. Are you  
19 looking for the May 12, 2015, board meeting?

20 MR. DEVORE: Yes, sir.

21 MR. SMITH: Yes, I have a copy attached  
22 to the complaint.

23 MR. DEVORE: Okay. We can call it  
24 Exhibit 7 for what we are doing now. Let me know

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1 when you are ready.  
 2 A. I am ready.  
 3 Q. (By Mr. DeVore) Do you recognize these  
 4 minutes?  
 5 A. Yes.  
 6 Q. You have it in front of you there. I  
 7 think it is the second page. Isn't it true on  
 8 this date, which was eight days later after Office  
 9 and Rules, that the county board approved the  
 10 proposal for professional services for  
 11 reassessment of Mr. Becker for the \$115,000?  
 12 MR. SMITH: Objection to the form.  
 13 Document speaks for itself. Go ahead.  
 14 A. That appears to be what the minutes  
 15 show, yes.  
 16 Q. Okay. So is it your understanding, as  
 17 you sit here, that the county board authorized  
 18 this proposal to have Mr. Becker do these  
 19 commercial reassessments?  
 20 A. The county board approved this plan that  
 21 was brought to it by the Office and Rules. We  
 22 approved the plan and the funding of that plan.  
 23 Q. Understood. Thank you. No further  
 24 questions on that document. If we could now go

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1 to, Mr. Metzger, Exhibit Number 5.  
 2 MR. DEVORE: Brian, it is a letter to  
 3 Senator Righter.  
 4 MR. SMITH: Okay. I have that as  
 5 Plaintiff's 19 from before.  
 6 Q. (By Mr. DeVore) Okay. Let me know when  
 7 you are ready.  
 8 A. I am ready.  
 9 Q. Do you recognize this letter, sir, that  
 10 you sent to Senator Righter?  
 11 A. Yes.  
 12 Q. You, in fact, sent that to him?  
 13 A. Yes.  
 14 Q. If we go to the bottom of that where you  
 15 were asking the senator on potential legislation,  
 16 was that the purpose of the letter asking him to  
 17 consider legislation regarding how assessment  
 18 practices were done?  
 19 A. Yes.  
 20 Q. If I go back up to the first paragraph,  
 21 second sentence, you were expressing to the  
 22 senator that it had been -- according to your  
 23 belief at that time, it had been almost 16 years  
 24 since there had been any commercial or industrial

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1 reassessments in Coles County?  
 2 A. That was my understanding, yes.  
 3 Q. You expressed, according to your letter  
 4 to Senator Righter, that Coles County had just  
 5 recently, which I guess would have been May 12,  
 6 2015, entered into a contract with an independent  
 7 appraiser. Would that have been Mr. Becker?  
 8 A. Yes.  
 9 Q. Also, there is another letter --  
 10 MR. DEVORE: This is my last pretty much  
 11 question, Brian.  
 12 Q. -- sent to State Representative  
 13 Phillips?  
 14 MR. SMITH: I believe this was Exhibit C  
 15 to the complaint.  
 16 MR. DEVORE: Okay.  
 17 Q. (By Mr. DeVore) Do you see that,  
 18 Mr. Metzger?  
 19 A. Yes.  
 20 Q. It appears to be an exact replica of the  
 21 letter that you sent to Senator Righter just to  
 22 the state representative?  
 23 A. Correct.  
 24 Q. Did you, in fact, send this letter?

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1 A. Yes.  
 2 Q. Also asking him to consider legislation?  
 3 A. Yes.  
 4 Q. Also advising him that Coles County had  
 5 recently entered into a contract with Mr. Becker  
 6 to do professional services for reassessment,  
 7 fair?  
 8 A. Fair.  
 9 MR. DEVORE: I have no further  
 10 questions, Counsel.  
 11 MR. SMITH: I have a couple follow-up.  
 12 CROSS-EXAMINATION  
 13 BY MR. SMITH:  
 14 Q. Mr. Metzger, you were just asked some  
 15 questions about a letter that you wrote to  
 16 Representative Phillips and Senator Righter. I  
 17 want to ask you a couple follow-up questions about  
 18 that. Here the first sentence says, "Coles County  
 19 recently entered into a contract with an  
 20 independent appraiser to update the assessment  
 21 evaluations of commercial, investor, and  
 22 multi-unit properties." Is it accurate to say  
 23 that Coles County did not, in fact, enter into a  
 24 contract with Mr. Becker?

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1 MR. DEVORE: Objection; calls for a  
 2 legal conclusion.  
 3 Q. (By Mr. Smith) Are you aware of any  
 4 written contract between Coles County and  
 5 Mr. Becker?  
 6 A. No, I am not.  
 7 Q. Did you, on behalf of the county board,  
 8 sign any contract with Mr. Becker?  
 9 A. No, I did not.  
 10 Q. Are you aware of whether Mr. Becker, in  
 11 the performance of his duties with assessments,  
 12 that he was deputized by the supervisor of  
 13 assessments?  
 14 A. Yes, he was.  
 15 MR. SMITH: I have no further questions.  
 16 MR. DEVORE: Nothing.  
 17 MR. SMITH: We will reserve.  
 18 DEPOSITION ADJOURNED:

SPRINGER REPORTING

1 STATE OF \_\_\_\_\_ )  
 ) SS  
 2 COUNTY OF \_\_\_\_\_ )  
 3  
 4 I, STANLEY EDWARD METZGER, do hereby  
 5 state that the foregoing statements are true and  
 6 correct to the best of my knowledge and belief.  
 7  
 8  
 9  
 10  
 11 \_\_\_\_\_  
 12 STANLEY EDWARD METZGER  
 13  
 14  
 15  
 16  
 17  
 18 Subscribed and sworn to before me this  
 19 \_\_\_\_\_ day of \_\_\_\_\_, 2023.  
 20  
 21  
 22 \_\_\_\_\_  
 23 NOTARY PUBLIC  
 24  
 My commission expires:

SPRINGER REPORTING

DEPOSITION CORRECTION SHEET

1 In re: CHARLES STODDEN v. COLES COUNTY BOARD and  
 2 ROBERT D. BECKER  
 3  
 4 Upon reading the deposition and before subscribing  
 thereto, the deponent indicated the following  
 changes should be made:  
 5 Page Line Should read:  
 Reason assigned for change:  
 6  
 7 Page Line Should read:  
 Reason assigned for change:  
 8  
 9 Page Line Should read:  
 Reason assigned for change:  
 10  
 11 Page Line Should read:  
 Reason assigned for change:  
 12  
 13 Page Line Should read:  
 Reason assigned for change:  
 14  
 15 Page Line Should read:  
 Reason assigned for change:  
 16  
 17 Page Line Should read:  
 Reason assigned for change:  
 18  
 19 Page Line Should read:  
 Reason assigned for change:  
 20  
 21 Page Line Should read:  
 Reason assigned for change:  
 22

SIGNATURE OF DEPONENT

SPRINGER REPORTING

1 STATE OF ILLINOIS )  
 )  
 2 COUNTY OF ST. CLAIR )  
 3  
 4 I, CONNIE S. LOPINOT, Lic. No.  
 084-001441, a Notary Public, in and for the County  
 5 of St. Clair, State of Illinois, DO HEREBY CERTIFY  
 6 that pursuant to agreement between counsel there  
 7 appeared before me on March 22, 2023, STANLEY  
 8 EDWARD METZGER, who was first duly sworn by me to  
 9 testify to the whole truth of his knowledge  
 10 touching upon the matter in controversy aforesaid  
 11 so far as he should be interrogated concerning the  
 12 same; that he was examined and his examination was  
 13 taken down in shorthand by me and afterwards  
 14 transcribed under my direction by computer  
 15 transcription, and signed by the deponent, his  
 16 signature having been not waived by agreement of  
 17 counsel, and said deposition is herewith returned.  
 18 IN WITNESS WHEREOF, I have hereunto set  
 19 my hand and affixed my notarial seal on this 23rd  
 20 day of March, 2023.  
 21  
 22 \_\_\_\_\_  
 Notary Public

SPRINGER REPORTING

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

CHARLES STODDEN, )  
 )  
Plaintiff )  
 )  
 ) Case No. 2021-MR-70  
- vs - )  
 )  
COLES COUNTY BOARD and )  
ROBERT D. BECKER, )  
 )  
Defendants. )

DEPOSITION OF KAREN BIDDLE  
February 8th, 2023

Erika L. Kessler, CSR, RPR  
CSR #084-004812

M A N I N F I O R C O U R T R E P O R T I N G

Certified Shorthand Reporters  
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S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and between the parties that the deposition of KAREN BIDDLE may be taken for purposes of discovery pursuant to and in accordance with the provisions of the Illinois Code of Civil Procedure and Supreme Court Rules pertaining to such depositions by and on behalf of the Plaintiff on February 8th, 2023, at the Mattoon Public Library, 1600 Charleston Avenue, Mattoon, Illinois 61938, before ERIKA L. KESSLER, a Notary Public in and for the County of Crawford and State of Illinois; that the issuance of notice is not waived and that this deposition may be taken with the same force and effect as if all statutory requirements had been complied with.

IT IS FURTHER STIPULATED AND AGREED that all objections to all or any part of this deposition are hereby reserved and may be raised on trial of this cause and that the signature of deponent is not waived; and it is expressly stipulated that the deposition may be used in place of calling the reporter to testify at the time of trial.

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A P P E A R A N C E S

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On behalf of the Plaintiff

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On behalf of the Defendants

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1

2 (Witness duly sworn.)

3

4 KAREN BIDDLE,

5 called as a witness herein, was examined and testified

6 as follows:

7

8 THE WITNESS: I do.

9 EXAMINATION

10 BY MR. DEVORE:

11 Q. Ms. Biddle -- it's Biddle, correct?

12 A. Yes.

13 Q. Ms. Biddle, my name's Tom Devore. I'm the  
14 attorney for Mr. Stodden in this matter. I wanted to  
15 ask you some questions about your time as the assessor  
16 for Coles County as you're probably aware.

17 Have you ever given your deposition before?

18 A. No.

19 Q. Okay. You'll find it to be pretty  
20 nonconfrontational, I believe. It's my style. The  
21 format is, I'll ask the questions slowly as clearly as I  
22 can. Let me finish, even though you'll likely know the  
23 answer you want to give before I finish. That's how we  
24 as people communicate. I'll do the same to you, let you

1 answer before I give you the next question. If you  
2 don't understand the question, ask me to repeat it. If  
3 you need time to think about it, if you want to review  
4 the document, you need to talk to your attorney, that's  
5 fine. And if you don't have any questions, I'll go  
6 ahead and get started.

7 A. Go ahead.

8 Q. Just remind you, you are under oath. Okay?

9 A. Uh-huh.

10 Q. Give me your full name, please.

11 A. Karen Lynn Biddle.

12 Q. Ms. Biddle, where do you reside?

13 A. 20899 East County Road 400 North in Charleston.

14 Q. How long have you lived there?

15 A. About three years.

16 Q. Did you -- prior to that residence, did you live  
17 somewhere else in Coles County?

18 A. I did.

19 Q. Okay. So how long have you lived in Coles  
20 County?

21 A. Since 1980.

22 Q. Long time?

23 A. Yes.

24 Q. Okay. Are you currently employed?

1 A. No.

2 Q. Now, you quit being the assessor in Coles County  
3 in approximately when?

4 A. Would've been November of 2018.

5 Q. Okay. Okay. And have you worked in any capacity  
6 since that employment ended?

7 A. No.

8 Q. Okay. And you were the assessor for Coles County  
9 by appointment?

10 A. Yes.

11 Q. Starting when?

12 A. I was interim supervisor of assessments in -- I  
13 believe from late-August of 2014 through -- was it  
14 September 15th, maybe, of '14.

15 Q. Okay. And then you got appointed for a four-year  
16 term, then, after that?

17 A. Yes.

18 Q. So when you were interim, did you work in the  
19 assessor's office prior to that interim appointment?

20 A. Yes, I did.

21 Q. You were a deputy assessor --

22 A. Uh-huh.

23 Q. -- at that time? Is that a yes?

24 A. Yes.

1 Q. We'll do that too. We'll also go uh-huh and  
2 uh-uh.

3 A. I wasn't going to do that.

4 Q. You'll always do it; so will I.

5 A. Yeah.

6 Q. How long were you a deputy assessor prior to  
7 getting the interim appointment?

8 A. I started work there in 1980.

9 Q. In the assessor's office?

10 A. Yes.

11 Q. And during your time there, I'm assuming for 1980  
12 to 2014, you went and got your training to become --

13 A. I did. Yes.

14 Q. Give me the training that you have. Is it some  
15 kind of International Association of Assessors or  
16 something?

17 A. Yes. Working for CIAO, took courses from the  
18 Illinois Department of Revenue and also from the  
19 Illinois Property Assessment Institute. I do not have  
20 my transcript, but there were several hundred hours of  
21 it. And I took that yearly from -- oh, probably late  
22 '80s right up until I retired. Usually two classes a  
23 year, seminar, and an exam course.

24 Q. So it's needless to say in 20 -- 34 years of time

1 in the assessor's office that you understand the good,  
2 bad, and the ugly about the assessment process?

3 A. Yes, I did.

4 Q. Okay. When you left in November of '18, was that  
5 driven in part or at all by the county board's not being  
6 interested in appointing you?

7 A. Yes.

8 Q. Was Mr. Metzger still the chairman at that time?

9 A. Yes.

10 Q. Was your working relationship with him hostile --  
11 not hostile, that's a bad choice of words. Was there  
12 friction?

13 A. No.

14 Q. No? Okay. Was there friction with other members  
15 of the county board?

16 A. Describe friction.

17 Q. Well, they didn't want to reappoint you. Maybe  
18 I'll just hit it that direction. Why didn't they want  
19 to reappoint you?

20 A. I do not know.

21 Q. Okay. Now, let's go back to 2015.

22 A. Okay.

23 Q. There was a decision made by the county board to  
24 divide the county up into assessment districts?

1 A. Yes.

2 Q. Do you recall that?

3 A. Yes.

4 Q. Was that decision made at your request?

5 A. Yes.

6 Q. And just so we have a little basis of foundation  
7 here, when you break a county into assessment districts,  
8 you then have the ability to reassess properties  
9 district at a time annually instead of doing all four in  
10 -- all -- the whole county in one year, correct?

11 A. Yes, that's correct.

12 Q. You could spread your resources across a smaller  
13 area?

14 A. Uh-huh. Yes.

15 Q. That's why you wanted to do that, correct?

16 A. Yes, it is.

17 Q. Okay. Prior to you -- did you work to facilitate  
18 getting that done with the county board?

19 A. I did. Not at great length. There's paperwork  
20 that needs to be done to do that, and you also are  
21 working with the Illinois Department of Revenue.

22 Q. I understand. Prior to that decision being made,  
23 was there conversation happening by the school district  
24 -- school districts, City of Charleston, etc., wanting

1 to push the issue of getting assessments, commercial or  
2 otherwise, done in some total fashion or in some bigger  
3 scale?

4 A. Yes. The commercials.

5 Q. Tell me about that. What -- what was that  
6 conversation going on in the community that was  
7 facilitating this -- this going on?

8 A. I don't know if I can recall word-for-word.

9 Q. That's -- give me the best you got.

10 A. I do recall the City of Mattoon and the City of  
11 Charleston were both very interested in having those  
12 assessments updated. The last update had been in the  
13 late '80s by a company called Saber who came in and did  
14 a complete county revaluation, and then the commercials  
15 were not done regularly or as a group until -- oh, for  
16 many years. I think it was either 16 or 18 years. They  
17 were done piecemeal, I would say, in that we picked up  
18 new construction and demolition, but did not actually do  
19 them as a group.

20 Q. And -- and when I ask you these questions just so  
21 you're aware, I have a lot of experience in assessment  
22 issues.

23 A. Uh-huh.

24 Q. And I understand the complexity of dealing with

1 that with the resources that you have.

2 A. Okay.

3 Q. All right? So when I ask questions, I'm not  
4 being critical.

5 A. Okay.

6 Q. But would it be fair to say that up until 2015,  
7 absent Saber or some other company coming in, that Coles  
8 County was not doing a county-wide reassess valuation on  
9 a quadrennial cycle?

10 A. Residential, but not usually commercial.

11 Q. And when you were doing residential, would you do  
12 it all on a one-year basis or would you break it apart  
13 and do it the best of your resources?

14 A. We did it the best of our resources up until we  
15 went to quads and relied heavily on our township  
16 assessors to turn in work to us.

17 Q. Okay. That's post-'15. I'm still '15 and prior  
18 I'm dealing with. We'll get to --

19 A. Well, that was pre- and post-'15.

20 Q. But up until 2015 when this conversation was  
21 going on absent Saber or some other company, there had  
22 not been a complete revaluation of all of the commercial  
23 properties --

24 A. No.



1 Q. -- in Coles County, to your knowledge?

2 A. No.

3 Q. And this is starting to cause -- let's use the  
4 word conversation, among the taxing districts; is that  
5 fair?

6 A. Yes, that would be fair.

7 Q. Is that fair?

8 A. That's fair.

9 Q. And would it be fair to say that it caught the  
10 attention of the county board?

11 A. Yes.

12 Q. Did the county board approach you, either an  
13 individual or as a body, the chairman, etc., going what  
14 do we have to do to get all the commercial properties  
15 reassessed in Coles County?

16 A. Yes.

17 Q. Did you express to them that, with the staff that  
18 you had, with the other obligations you have, that your  
19 office couldn't do that?

20 A. Yes.

21 Q. But that's not uncommon, is it, for you to say  
22 that?

23 A. No.

24 Q. There's other counties that say it, too, right?

1 A. Some employment turnover, as well. I didn't have  
2 the experienced employees that we had previously.

3 Q. Okay. But it was clear to Mr. Metzger, whoever  
4 else on the board, you couldn't get that done; is that  
5 fair?

6 A. That's fair.

7 Q. Now, at the time -- and I'm here -- I'm still  
8 prior to Mr. Becker -- how many employees did you have  
9 in your office?

10 A. Four or five, aside from myself. Five.

11 Q. Can you give me those names, best of your  
12 ability?

13 A. Andrew Milliman.

14 Q. You can give me first names. I'm good with that.

15 A. Andrew, Michelle, Shannon, Donya. I lost it.

16 Q. That's close enough.

17 A. Okay.

18 Q. Did any of those -- Andrew, Michelle, Shannon, or  
19 Donya, did they have any certifications similar to you  
20 when it comes to assessments?

21 A. Andrew was working on it. The rest of them were  
22 taking classes, but they were not anywhere near  
23 finishing the course hours they needed for a CIAAO.  
24 Andrew was still working on his CIO when I left.

1 Q. Now, merely -- so merely in their positions that  
2 they were in --

3 A. Uh-huh.

4 Q. -- were all of them considered deputy assessors?

5 A. Yes.

6 Q. Is it -- is it, in fact, the case that anyone  
7 that works in your office has to take that oath because  
8 of the job that you're working at in your office?

9 A. Yes. And it is a Department of Revenue  
10 requirement, as well. They want updated oaths of office  
11 every year.

12 Q. Okay.

13 A. If I recall right.

14 Q. Were any of these people considered  
15 administrative only? They didn't really work in the  
16 assessment practices?

17 A. No. I would say they were all involved in the  
18 assessment practice, but there were different things  
19 that they each worked on --

20 Q. Okay.

21 A. -- within that system.

22 Q. The -- so the -- the decision to break the county  
23 up into assessment districts, was that -- was that  
24 decision made in conjunction with the decision to then

1 get someone from the outside to do revaluation of  
2 commercial property?

3 A. I would say yes.

4 Q. And when those -- that decision that was made to  
5 break it up into assessment districts, did you -- did  
6 you meet with members of the county board about  
7 accomplishing that task?

8 A. Only in committee meeting.

9 Q. Okay. Which committee would that have been?  
10 Executive committee?

11 A. Was it building and grounds? I'm going to go  
12 with building and grounds.

13 Q. It was a committee meeting?

14 A. It was a committee meeting.

15 Q. Now --

16 A. The one that oversaw my office.

17 Q. Okay. And so did you -- in that committee  
18 meeting or with any of those members around that same  
19 time say, look, you're going to have to find someone  
20 from the outside to do this?

21 A. It was discussed. I do not recall who brought it  
22 up first, but, again, that would've probably been in a  
23 committee meeting. I'm trying to remember when Mr.  
24 Becker started coming in to talk to me. I'm sorry. I

1 can't really recall.

2 Q. That's okay. At some point in time, was there a  
3 decision made to seek bids from commercial appraisers?

4 A. No. I don't believe they did the bid process at  
5 all. I did make a couple of informal phone calls. One  
6 was to --

7 Q. I can get to those questions, ma'am. But when I  
8 say the bid process, I'm not talking about publication.  
9 And you're familiar with that process, right?

10 A. Yes.

11 Q. I'm just talking about, was there a decision made  
12 to seek commercial appraisers to it make a proposal to  
13 do this work?

14 A. Yes.

15 Q. Who made that decision?

16 A. I would say it was probably my committee.

17 Q. The building -- and let's just use building and  
18 grounds committee -- the committee that oversaw your  
19 office?

20 A. Yes. Yes. I would say that was their request,  
21 and I -- I made phone calls.

22 Q. I understand. So to the best of your  
23 recollection, this committee -- and, again, if I -- I do  
24 not want to put words in your mouth -- but this

1 committee would've desired their -- to seek proposals  
2 for people or companies or whatever?

3 A. Not that I'm aware of. I -- I don't believe they  
4 ever asked me that. I informally told them, I believe,  
5 what I had found out in my phone calls.

6 Tyler Tech was one of them, but I -- there was no  
7 -- nothing in writing say I was going to go out and  
8 request proposals or anything like that.

9 Q. Did they ask you to do that?

10 A. No. I don't remember doing that. No.

11 Q. But this committee that we're talking about --

12 A. Uh-huh.

13 Q. -- there was conversation about breaking the  
14 county into assessment districts?

15 A. Yes.

16 Q. And there was conversations about getting someone  
17 to do these commercial appraisals?

18 A. Yes.

19 Q. Okay. And did someone from the committee or --  
20 or you together -- how was it decided that, we're going  
21 to go find somebody? How did that come to be?

22 A. I don't remember -- I don't recall any particular  
23 conversation. It may have happened. It would probably  
24 have been in a committee meeting.

1 Q. Okay. One second.

2 Q. Would it have been -- would it have been that the  
3 rules committee that oversaw?

4 A. Offices and rules. Thank you.

5 Q. Okay. So offices and rules oversaw your  
6 department?

7 A. Yes.

8 Q. Okay. And these meetings that we've been talking  
9 about happened with office and rules?

10 A. Monthly.

11 Q. Monthly. Okay.

12 A. Uh-huh.

13 Q. The -- I don't have these in any particular  
14 order. Let me ask you this: Do you know someone named  
15 Kelly Lockhart?

16 A. Yes.

17 Q. Did you work with Kelly when you were in office?

18 A. I did talk to him some -- sometimes.

19 Q. Did you and Kelly talk about finding people to  
20 submit bids for this type of work on commercial  
21 appraisals?

22 A. I don't know if it was submitting bids, but I did  
23 talk to him about that.

24 Q. Submit proposals. How does that sound? Do you

1 like that language better?

2 A. That sounds better.

3 Q. Okay. We can use -- stay away from bid.

4 A. Okay.

5 Q. Because you and I understand bidding requires  
6 certain notification of the public.

7 A. Yes. And we did not do that.

8 Q. I understand. Seeking proposals. You talked to  
9 Kelly about that?

10 A. Yeah. A little bit. I'm afraid I don't recall  
11 much about the conversations.

12 Q. Was Kelly going to help with that?

13 A. He might have made some recommendations.

14 Q. Okay. I'm going to -- what number are we on?  
15 I'll start with a new -- 22, I think?

16 MR. SMITH: You're right.

17 MR. DEVORE: 22.

18

19 (Plaintiff's Exhibit No. 22 was marked  
20 for identification.)

21

22 BY MR. DEVORE:

23 Q. They're coming this way, ma'am.

24 A. Oh.



1 Q. Okay. Do you recognize this e-mail strand?

2 A. Not specifically, but --

3 Q. Read it and refresh your recollection, please.

4 A. -- it clarifies. Okay. Okay.

5 Q. Let me know when you're ready.

6 A. Okay.

7 Q. So if you go to the very bottom, it's City of  
8 Charleston Comptroller to you on March 30th. Do you  
9 know who was the City of Charleston Comptroller at the  
10 time? Do you remember the name?

11 A. Heather.

12 Q. Heather's her first name?

13 A. Yes. I apologize. I don't remember.

14 Q. That's okay.

15 A. I don't recall her last name.

16 Q. That's okay, ma'am. Here it is. Heather --

17 A. Kuykendall.

18 Q. Look at the next page.

19 A. Okay. Heather Kuykendall.

20 Q. Do you see that?

21 A. There we go.

22 Q. Now, it looks like she was asking you for a  
23 request proposal for this commercial assessment service,  
24 correct?

1 A. Yeah.

2 Q. What she was asking?

3 A. Yes.

4 Q. And your response to her looks like the next day  
5 at 10:00 in the morning. You see her response there?

6 A. Yes.

7 Q. So you acknowledged to Kelly -- you -- you  
8 checked with Kelly Lockhart --

9 A. Uh-huh.

10 Q. -- and it was your understanding that there was  
11 no RFP because this was professional services?

12 A. Yes. I recall that now.

13 Q. Is it your understanding that, if you're seeking  
14 professional services agreement with someone, you don't  
15 have to bid it out? Is that your understanding?

16 A. I don't, know but, I think, in that particular  
17 case, they did not.

18 Q. Okay. Okay. And so all that was necessary, you  
19 say, was to submit their proposal to Elaine; is that  
20 right?

21 A. Yes.

22 Q. So anyone that was interested in doing this  
23 commercial re-assessment needed to submit a proposal to  
24 Elaine from the -- to the county board?

1 A. Apparently, yes.

2 Q. Now, that process that got set up for submitting  
3 those proposals, who set that process up?

4 A. I would say Elaine.

5 Q. Okay. Someone set up the process that, if you  
6 want to submit a proposal, send to Elaine --

7 A. Uh-huh

8 Q. -- correct?

9 A. Uh-huh.

10 Q. And was it you? You didn't set that up?

11 A. No, I did not.

12 Q. Okay. And it looks like shortly thereafter, very  
13 timely, and a minute later, Heather responded back to  
14 you. Is there time to submit a proposal? And then you  
15 responded back 11 minutes later. Do you see that?

16 A. There's -- oh. I just saw something about a no  
17 cutoff date. Oh. That's up there. Okay. Yeah. I  
18 checked with Kelly first.

19 Q. So -- so you see is -- did you, in fact, write  
20 that response on March 31st, 10:20?

21 A. Yes.

22 Q. Okay. So in that response, you talk about the  
23 rules committee's going to meet on April 6th and that  
24 they were going to discuss those proposals. Is that

1 your -- is that what was going to happen?

2 A. Yes.

3 Q. Okay. And then you also suggested to Heather  
4 that whoever is interested, they can check with Elaine  
5 about submitting a proposal to see if it's too late.  
6 Correct?

7 A. Uh-huh.

8 Q. Is that a yes?

9 A. Yes.

10 Q. So anyone that was interested in this job --  
11 whatever we want to call this job, this work -- they  
12 were not directly communicating with you to submit a  
13 proposal, correct?

14 A. No.

15 Q. They were going to submit something to Elaine,  
16 correct?

17 A. Uh-huh.

18 Q. Is that a yes?

19 A. That -- yes. I'm sorry.

20 Q. That's okay, dear. And then after that was  
21 submitted to Elaine, then your rules committee was going  
22 to consider anything -- any proposals they were to  
23 receive; is that fair?

24 A. Yes.

1 Q. Okay. Thank you. I'm going in weird order. I  
2 apologize. But it's -- the question with you is not --

3 A. Quite all right.

4 Q. -- as smooth as it was with Mr. Becker. Here's  
5 number 23.

6

7 (Plaintiff's Exhibit No. 23 was marked  
8 for identification.)

9

10 BY MR. DEVORE:

11 Q. Just take -- and -- and your name's not on this.  
12 I just want you to take a look at this correspondence  
13 here. I'm going to ask you what you know about it.

14 A. All right.

15 Q. Okay. Who's Cory Sanders?

16 A. Cory Sanders was a county board member at that  
17 time, and he was on my committee.

18 Q. The rules committee?

19 A. Offices and rules.

20 Q. Okay.

21 A. Uh-huh.

22 Q. And so Cory was, again, in this e-mail talking to  
23 Kelly Lockhart, correct?

24 A. Yes.

1 Q. Okay. And so Cory -- again, I'm just looking at  
2 it here -- talking about following up with the bid from  
3 Tyler Tech?

4 A. Uh-huh.

5 Q. Was the rules -- to your knowledge, was the rules  
6 committee members and Kelly Lockhart negotiate -- or not  
7 negotiate, but communicating with these persons who had  
8 submitted these proposals outside of your knowledge?

9 A. Apparently, he was. I didn't question it because  
10 of his position in regional planning.

11 Q. The -- in the last sentence here where it talks  
12 about, we -- we should allow them to come, I'm assuming  
13 they mean Tyler Tech --

14 A. Yes.

15 Q. -- to the office and rules committee meeting on  
16 the 4th so they could question them the same way we did  
17 Bob. Did Bob Becker meet with your office and rules  
18 committee to discuss this proposal?

19 A. I don't recall being present for that meeting.  
20 That's not saying it didn't happen, but it wouldn't  
21 surprise me if they had met, seeing as they oversaw our  
22 office.

23 Q. Let me -- and I -- and there will be times where  
24 I'll just ask you pointblank questions just to try to

1 cut to it.

2           The -- did the office and rules committee make  
3 the decision that they were going to hire an outside  
4 person to do this work regardless of whether you wanted  
5 it or not?

6           A. I don't believe I would phrase it that way  
7 because I intended to do that project when I was hired.  
8 I went into that -- well, hired -- when I was appointed  
9 supervisor of assessment, I went into that job wanting  
10 to get that done. The offices and rules committee's  
11 involvement in it, I -- it didn't -- didn't occur to me  
12 to question it. They oversaw my office.

13          Q. So -- so did they just tell you, we're going to  
14 start seeking proposals from people to come do this  
15 work?

16          A. Yes.

17          Q. Thank you.

18          A. I was good with that.

19          Q. Okay. I understand. I just wanted to make it  
20 clear that they told you that that's what they were  
21 going to do, correct?

22          A. Okay.

23          Q. And you went along with it; is that fair?

24          A. Yes. Yes.

1 Q. Okay.

2 A. Needed to be done.

3 Q. I understand that.

4 Now, there was some conversation with Mr. Becker  
5 because -- you're aware that two proposals came in  
6 eventually, one from Tyler Tech and one for Mr. Becker,  
7 correct?

8 A. Yes. That's right.

9 Q. Now, did you actually reach out to Tyler  
10 Technologies yourself and ask them to submit something?

11 A. I did talk to him on the phone, yes.

12 Q. And give me the overview to the best of your --  
13 what -- how did that go? You said, I'm Karen -- was it  
14 Childress at the time or --

15 A. '15, no. It would be Biddle.

16 Q. Okay. I'm Karen Biddle. I'm the assessor from  
17 Coles. Give me what you recall.

18 A. I asked them what they thought it would cost the  
19 county to do a commercial industrial evaluation. They,  
20 at that point, asked me what our parcel count was. I  
21 don't recall very many details about that property, but  
22 -- or about that phone call, I should say. I'm sorry.

23 Q. That's okay. Do you recall telling them they  
24 would need to submit a proposal to Elaine?



1 A. I -- yes. I would have asked them to submit  
2 something to Elaine. They may have -- might have given  
3 me some sort of a verbal thing, but, yes, that they  
4 would need to submit that to Elaine.

5 Q. So Elaine, like -- was she an administrator for  
6 the county?

7 A. She was the county board administrator.

8 Q. So she would've been the one that administered  
9 information for the committee as well as the board; is  
10 that fair?

11 A. Yes. Yes.

12 Q. Okay. Now, my understanding was -- and correct  
13 me -- that Mr. Becker was initially contacted by Kelly  
14 Lockhart. Do you understand that to be the case?

15 A. Yes, I guess.

16 MR. SMITH: Don't guess.

17 BY MR. DEVORE:

18 Q. Yeah. Don't guess.

19 A. Sorry.

20 Q. Did you initially reach out to Mr. Becker?

21 A. No, I did not.

22 Q. Okay. Do you recall if you ever talked to Mr.  
23 Becker prior to him submitting a proposal to do  
24 commercial appraisals for the county?

1       A. I don't recall the dates or the sequence. I did  
2 talk to him a couple of times, whether it was before or  
3 after the proposal, I don't know.

4       Q. Okay.

5       A. I think it -- I -- I think it was after, because  
6 I remember he would come in to question me about what  
7 would be expected of him, I guess, as an employee of my  
8 office. We couldn't do much more than just chat at that  
9 point. We were still in the middle of that changeover  
10 from one CAMA system to the other.

11      Q. What do you mean what would be expected?

12      A. His duties as an employee.

13      Q. Such as? Do you remember any questions? Office  
14 hours? Things of that nature?

15      A. Office hours, would he need room in our office.  
16 We had arranged for that.

17      Q. He used the county board office, correct? Board  
18 of review?

19      A. Yes.

20      Q. Did he have office hours where he had to be at  
21 your office at a certain time and leave at a certain  
22 time?

23      A. When you do property checks, field checks, you  
24 have to do a visual on all these properties you -- it

1 makes it difficult to keep specific, set hours in the  
2 office. He did come in early frequently. If he was out  
3 and working in the field, which he did a lot of that, he  
4 had to have -- do property checks on all of those  
5 things, there would be days he did not come in.

6 Q. What were -- what are the office hours -- what  
7 were your office hours for your office at the assessor's  
8 office when you were there?

9 A. 8:30 to 4:30.

10 Q. And Andrew, Michelle, Shannon, and Donya --

11 A. Yeah.

12 Q. -- worked 8:30 to 4:30?

13 A. Yes.

14 Q. They had office hours, correct?

15 A. Yes, they did.

16 Q. Did you hire Andrew, Michelle, Shannon, or Donya  
17 when you were the interim or current assessor? Did you  
18 actually hire any of them?

19 A. Yes. Actually, I think I hired all of them.

20 Q. And tell me how that worked. Did -- would you --  
21 how would you make it known that you were looking to  
22 hire someone for your office? How did that -- did you  
23 post something? Did you run an ad in the paper? How  
24 did you say Office of the Supervisor of Assessments is

1 looking for someone?

2 A. Trying to think of the name of the thing. We did  
3 an online employee search. I want to say Ideal. I  
4 don't think that's right. Resumes were submitted  
5 through that -- through that application. Word-of-mouth  
6 worked -- was pretty much involved in this because  
7 they -- all three of them came from the Charleston  
8 School District.

9 Q. So when you say word of -- would they, then -- if  
10 they didn't submit through this electronic system, would  
11 they come into your office and drop it off?

12 A. Yes. Come in and drop off a resume, and they  
13 were friends. We hired -- I don't recall if it was  
14 Shannon or Michelle first.

15 Q. That's fine. Did they submit an application for  
16 employment form that the county uses?

17 A. We just took resumes.

18 Q. But if you wanted to go any further, did they  
19 have to fill out any employment forms or an application  
20 listing all of their information and references and  
21 things of that nature?

22 A. I don't recall exactly.

23 Q. So if someone made it past the resume application  
24 process, what was the next step?

1 A. Call them in for an interview.

2 Q. Who would call them in for an interview?

3 A. I would.

4 Q. Okay. And so you called them in for an interview  
5 and you liked them?

6 A. Yes.

7 Q. What was the next step?

8 A. Next step would be to finish my interviews.

9 Anybody else who wanted to come in and then call them to  
10 tell them they had gotten the job.

11 Q. You go to the county board with this hire, you're  
12 going to hire this person in this position --

13 A. No.

14 Q. -- with this salary?

15 A. I had -- I didn't have to have county board  
16 authorization to replace an employee who had left, only  
17 to add an employee that was not in my budget line item.

18 Q. So were all four of your employees there, they  
19 were in your budget already?

20 A. Yes.

21 Q. Okay.

22 A. Like I said, we had some turnover.

23 Q. Would it be fair to say that Mr. Becker was not  
24 one that was in that budget?

1 A. No. They had to create a line item for that. I  
2 did not have that in my budget.

3 Q. You didn't have the cost in your budget, correct?

4 A. Correct.

5 Q. You didn't have an employee position, an initial  
6 employee position, as well?

7 A. No. The county had not had -- our office, I  
8 should say, had not had field people and commercial  
9 appraisal people in many years.

10 Q. You would negotiate an hourly wage for those  
11 persons, Michelle, Andrew, Shannon, Donya?

12 A. Wasn't much negotiation. I had -- what I had in  
13 the budget, that's what I offered them.

14 Q. You would -- you would -- you had a budget that  
15 would pay X dollars an hour, and you would tell them,  
16 this is what the job pays?

17 A. Yes.

18 Q. Take it or leave it?

19 A. Pretty much.

20 Q. Pretty much, right?

21 A. Yes.

22 Q. If they accepted that with you --

23 A. Uh-huh.

24 Q. -- then they were hired?

1 A. Yes.

2 Q. Okay.

3 A. Well, and we made it clear that there was  
4 schooling that they would need to attend, but, yes,  
5 that's pretty much procedure.

6 Q. You didn't have to go to the office and rules  
7 committee?

8 A. No.

9 Q. You didn't have to go to the county board?

10 A. No.

11 Q. You didn't have to do any of that?

12 A. No.

13 Q. Okay.

14 A. Not that I recall, no.

15 Q. Now, again, I'm going to jump around a little  
16 bit. Mr. Becker eventually was doing a scope of work  
17 that we'll get to. And for that scope of work, he was  
18 going to be paid \$115,000 over four years, correct?

19 A. Yes.

20 Q. During this period of time when he was doing this  
21 work, did it come to be that the board of review needed  
22 him to do additional things beyond what his proposal  
23 covered?

24 A. Yes. They requested that he be present for

1 commercial and industrial appeals received since he had  
2 done the work on them.

3 Q. Okay. And did Mr. Becker then negotiate with the  
4 chairman and/or the board of review about what he would  
5 want paid for that?

6 A. I believe he ended up discussing that with the  
7 county board committee.

8 Q. Mr. Becker?

9 A. Yes. Mr. Becker discussed that with the offices  
10 and rules committee because it meant allowing for more  
11 money in my budget -- and I'm getting into some hazy  
12 territory as far as memory here.

13 Q. That's okay. Give us the best you can remember.

14 A. But, yes. That had to be run past a committee  
15 because it involved budget change. That was the best I  
16 can recall.

17 Q. It was beyond your decision-making ability; is  
18 that fair?

19 A. Yeah. If it exceeds my budget allotted, then it  
20 exceeds my authority.

21 Q. Okay. And so, eventually, is it your  
22 understanding that there was a decision made to pay him  
23 \$100 an hour for that work?

24 A. I wouldn't swear to the amount per hour, but,



1 yes. It -- the -- ultimately, he was paid -- wait a  
2 minute.

3 Q. If you don't know the amount, that's fine. Do  
4 you understand that he -- there was an agreement made to  
5 pay him additional monies per hour for that work?

6 A. Well, I remember there was discussion of whether  
7 that would have been part of his duty as an employee. I  
8 don't recall how that played out. A -- I apologize.

9 Q. He worked -- if I'm sitting here accepting, at  
10 least for conversation, that he was your employee, why  
11 were you not making these decisions?

12 A. Well, again, it came into budget. He had to go  
13 to them. I'm -- I don't recall the exact details.

14 Q. You didn't go to them and ask them for additional  
15 line items in the budget --

16 A. No.

17 Q. -- for paying --

18 A. No.

19 Q. -- correct? If you wanted to pay Andrew,  
20 Michelle, Shannon, or Donya more per hour than they were  
21 being paid and you needed to increase your budget, you  
22 would've went to the rules committee asking for that,  
23 correct?

24 A. I base -- I usually submitted that with my

1 end-of-year budget request for the following year. I  
2 asked for a percent or two. They either granted it or  
3 they didn't.

4 Q. If you have a budget line item that you thought  
5 might run over in a particular year that you were in,  
6 you had to go to them --

7 A. Then I would.

8 Q. Right. Okay. But this -- this additional monies  
9 that Mr. Becker was looking for, you didn't have any  
10 part of that conversation, correct?

11 A. I don't recall being involved in that very much,  
12 but I believe he -- I won't say I believe anything. I  
13 don't recall. I do not recall.

14 Q. Andrew, Michelle, Shannon, and Donya from 8:30 to  
15 4:30 --

16 A. Yes.

17 Q. -- performed the tasks that you needed them to  
18 perform, correct?

19 A. Right.

20 Q. For the money that you agreed to pay them when  
21 you hired them, correct?

22 A. Yes. Correct.

23 Q. But Mr. Becker was in a position to negotiate  
24 additional monies for himself with --

1 A. And I don't know that he did that.

2 Q. You were excluded from that whole conversation?

3 A. I'd have to say yes.

4 Q. But would it be your testimony here today that he  
5 was an employee for you in the same fashion that Andrew,  
6 Michelle, Shannon, and Donya were?

7 A. Yes. He was my employee. I talked to him. I  
8 interviewed him. He worked for me. I swore him in like  
9 I did all the others. But there were some things, like  
10 that request for money, that I didn't have in my budget.  
11 Yeah. It went up to the county board.

12 Q. How many of your employees -- Andrew, Michelle,  
13 Shannon, and Donya -- submitted a proposal to Elaine to  
14 be vetted by the office and rules committee to then be  
15 approved by the county board? How many of them?

16 A. None of them.

17 Q. Okay. So in that vein, they're not the same as  
18 Mr. Becker, correct?

19 A. No.

20 Q. Do Andrew, Michelle, Shannon, and Donya, did they  
21 ever get a 1099 for the work that they did?

22 A. No.

23 Q. Andrew, Michelle, Shannon, and Donya, do they  
24 have time sheets and time cards they had to fill out?

1 A. No time sheets except for overtime. They don't  
2 get paid for their overtime. They -- they receive comp  
3 time.

4 Q. Okay. So they all got comp time?

5 A. Yes.

6 Q. They got -- they get vacation?

7 A. Yes.

8 Q. Sick time?

9 A. Yes.

10 Q. They -- retirement?

11 A. Yes.

12 Q. IMLF is it called?

13 A. IMRF.

14 Q. IMRF. And would it be fair to say that Mr.  
15 Becker was offered none of those?

16 A. If I understood him right, he couldn't be on IMRF  
17 because he had been a municipal employee prior to  
18 working for us, and I know I can't get another job  
19 without risking something happening with my retirement,  
20 so --

21 Q. Did he get comp time?

22 A. No.

23 Q. Did he get offered the insurance of the county?

24 A. I do not know the answer to that. That would not

1 be my office.

2 Q. Whose office would it be?

3 A. The treasurer's office.

4 Q. Plaintiff's No. 1 is in there someplace if you  
5 could find them. I don't know that they're in order.

6 A. Plaintiff's Exhibit 1.

7 Q. Do you see that document? Take a quick look and  
8 let me know when you're ready.

9 A. Yes.

10 Q. Mr. Becker testified that he began working on the  
11 tasks that were required in his proposal sometime  
12 between the fall of '15 and the spring of '16. Do you  
13 have any better recollection of when he actually started  
14 working on tasks relative to his proposal?

15 A. No, I don't. We were still in the middle of that  
16 changeover. I don't recall exactly when he started  
17 working in office on our computers.

18 Q. What I'm interested in is when he actually  
19 started doing work that was covered under his proposal,  
20 whether he was in the office or not.

21 A. I do not recall.

22 Q. Do you recall he started billing the county on or  
23 about January, 2016?

24 A. That would sound about right.

1 Q. Do you believe that prior -- strike that.

2 This document was signed June 1st, 2016?

3 A. (Nodding).

4 Q. According to -- do you see that?

5 A. Uh-huh.

6 Q. Is that a yes?

7 A. That's a yes.

8 Q. Is it your understanding that sometime prior to  
9 June, 2016, Mr. Becker was doing work that was covered  
10 under his proposal?

11 A. Yes.

12 Q. So would it be fair to say, then, that he was  
13 doing work on behalf of the county prior to having  
14 signed this oath; is that fair?

15 A. That's fair.

16 Q. Okay.

17 A. I guess.

18 Q. So on or about June 16th, you asked Mr. Becker to  
19 sign this document, correct?

20 A. Yes.

21 Q. Why did you ask him to sign that document?

22 A. I'm going to say it was probably an oversight on  
23 my part. That would've been just about the time we got  
24 our request for the state to provide new or updated oath

1 of office for our employees. I'm afraid that's about  
2 all I recall about that.

3 Q. Prior to the time that Mr. Becker would've signed  
4 this document, did you have any conversations with him  
5 from the time he submitted his bid to the time he signed  
6 this document about him being delineated in any fashion  
7 as a deputy assessor?

8 MR. SMITH: Object to the form, using  
9 the term proposal.

10 MR. DEVORE: Okay.

11 THE WITNESS: Repeat that question,  
12 please.

13 BY MR. DEVORE:

14 Q. Okay. So if I set this time frame, Mr. Becker  
15 submitted a bid for a proposal, correct?

16 A. Yes.

17 Q. Submitted that to Elaine, to the best of your  
18 recollection?

19 A. Yes.

20 Q. You can't recall whether you ever talked to him  
21 prior to submitting the bid, correct?

22 A. I think I talked to him, maybe, prior to  
23 submitting the bid.

24 Q. Okay.

1 A. You're asking me to remember stuff that happened  
2 six years ago.

3 Q. Seven?

4 A. I'm sorry.

5 Q. Seven, actually. The -- his bid was eventually  
6 accepted -- strike that.

7 His bid was eventually sent from the rules  
8 committee to the county board, correct?

9 A. Yes.

10 Q. County board accepted his bid, correct?

11 A. Yes.

12 Q. Sometime after --

13 A. I need a break.

14 MR. SMITH: Want to take a five-minute  
15 break?

16

17 (A recess was taken 2:12 p.m. to 2:18  
18 p.m.)

19

20 BY MR. DEVORE:

21 Q. Back to Plaintiff's No. 1, ma'am. We were  
22 talking about leading up to Mr. Becker being asked by  
23 you to sign this oath. What I'm asking you is, at any  
24 point in time prior to him being requested to sign this,



1 did you have any conversation with him that he was being  
2 hired by you to be one of his (sic) deputy assessors?

3 A. No.

4 Q. If we could go to No. 3, please, ma'am.

5 This page, it's an affidavit. What I'm  
6 particularly interested in asking you about, ma'am, is  
7 on the third page. Take a moment and review that and  
8 let me know when you're ready.

9 A. Okay.

10 Q. Do you remember this e-mail? Does this look  
11 familiar at all to you?

12 A. It does.

13 Q. Okay. Mr. Kraft, do you know who John Kraft is?

14 A. Yes, I am.

15 Q. From Edgar County Watchdogs?

16 A. Yes.

17 Q. And this was an e-mail that you had sent to Mr.  
18 Kraft and you had copied Mr. Becker and Elaine from the  
19 county board, correct?

20 A. Yes.

21 Q. I'm interested in the first sentence to start off  
22 here where you were advising Mr. Kraft that Mattoon  
23 Township -- and I'm assuming Mattoon Township was in  
24 assessment district one, I'm guessing?

1 A. Yes.

2 Q. Okay. So this would've been right after those  
3 new evaluations came out on commercial properties in  
4 assessments district one, correct?

5 A. Yes.

6 Q. And these were done by licensed independent fee  
7 appraiser hired by Coles County. Were you referring to  
8 Mr. Becker in that comment?

9 A. Yes. I must have been.

10 Q. Okay.

11 A. I can't say I worded everything --

12 Q. So couple of things. I'm going to break that  
13 apart. In this communication, you were asserting to Mr.  
14 Kraft that Mr. Becker was hired by Coles County,  
15 correct?

16 A. Yes.

17 Q. And would that have been -- hired by Coles  
18 County, does that mean that Mr. Becker submitted a bid  
19 to the rules committee and then furthered it to the  
20 board and the board approved it? Is that what it means,  
21 hired by Coles County?

22 A. No. He was my employee.

23 Q. If he was your -- go ahead. I'm sorry. I  
24 thought you were done.

1           If he was your employee -- and, again, I don't  
2 want to use words inappropriately. You said he was an  
3 independent fee appraiser. Can you reconcile that  
4 statement with your terminology of employee?

5           A. Well, hired by Coles County would mean hired by  
6 me in this case is, I think, what I was trying to say.

7           Q. Ma'am, your previous testimony was, is the office  
8 and rules committee said they were going to seek out an  
9 appraiser and that you went along with it, correct?

10          A. Yes.

11          Q. Okay. So -- and, again, I'm not trying to  
12 confuse you. I'm not trying to mess you up. I'm just  
13 looking for an understanding. When you said independent  
14 fee appraiser hired by Coles County, was, in fact, Mr.  
15 Becker an independent appraiser?

16          A. Well, prior to being hired by us, yes, I'd say  
17 that was -- that was my intention there.

18          Q. So when you say the records you're requesting  
19 were done by Mr. Becker and a part of his personal  
20 business records -- so what records was Mr. Kraft asking  
21 for?

22          A. I guess I'd have to see his e-mail, but Bob  
23 had -- I know he had things that were part of his  
24 records. And since they were mostly sales studies, I'm

1 assuming he referred back to that in the process of  
2 doing this appraisal. He didn't -- I --

3 Q. Go ahead.

4 A. I doubt if he put together all new spreadsheets  
5 just for this if he already had that information. Does  
6 that make sense?

7 Q. Well, Mr. Becker did testify about sales study  
8 that he did as part of the scope of services.

9 A. Yeah. You would have to.

10 Q. But he was doing that work based upon his  
11 proposal, correct, for Mattoon Township?

12 A. I don't know that.

13 Q. Did he work for you?

14 A. Yes.

15 Q. What was he doing?

16 A. I wasn't looking over his shoulder the entire  
17 time, no.

18 Q. Was the work that he was creating, was it  
19 something that belonged to your office?

20 A. At that point, I would say no. But he did  
21 provide us with something when asked. I didn't ask  
22 prior to that. We got quite a few requests for --

23 Q. Ma'am, I'm sorry. I'm struggling to understand.  
24 If you're going to testify under oath that he was an

1 employee of your office, how do I reconcile with that  
2 that the records that he was creating as a part of that  
3 work --

4 A. Uh-huh.

5 Q. -- didn't belong to your office and not available  
6 to you? Can you help me understand that, please?

7 A. I would if I could understand it myself. I don't  
8 know what I was thinking however many years ago when I  
9 said that. No. I don't know what else to tell you.  
10 Sorry.

11 Q. Okay. Let's move onto another one, please.  
12 Let's go to No. 4. Again, I'm interested in the third  
13 page, which is an e-mail from you to Elaine. Read that  
14 last paragraph.

15 A. Okay.

16 Q. Are you ready? Are you ready, ma'am?

17 A. Yes.

18 Q. Okay. At the very bottom, it looks like Elaine,  
19 who was the administrator of the Coles County Board, was  
20 asking you for calculations and computations that Mr.  
21 Becker prepared as a part of his contracting work; do  
22 you see that?

23 A. Yeah. I'm having a little trouble reading it,  
24 but, yes.

1 Q. Okay. And she's asking for the variables used,  
2 etc. She was asking -- the administrator of the board  
3 was asking you for that information, correct?

4 A. Yes.

5 Q. Okay. And your response -- would it be fair to  
6 say that you said, I can't -- I don't have access and I  
7 can't provide it because Bob's preparatory work is not  
8 available to my office because it involves trade  
9 secrets. Is that fair?

10 A. Yes.

11 Q. Can you explain that?

12 A. No.

13 Q. So did you believe that Bob's work was his own,  
14 personal trade secrets?

15 A. Yes, I did.

16 Q. Did you talk to Bob about getting some of this  
17 information and he said, I'm not going to provide it to  
18 you because it's trade secrets and it's my personal  
19 information?

20 A. Yes.

21 Q. Okay.

22 A. I did have to talk to him a little bit.

23 Q. And he refused? I want to make sure -- and,  
24 again -- and everything I'm asking, just so we're clear,

1 ma'am, it's nothing to do with you. It's just you used  
2 to be the assessor. So I'm just trying to understand.

3 And so I want to make sure the record's clear  
4 that you, in fact, asked for some of this information  
5 from Mr. Becker, and his response to you was, in some  
6 fashion, that it's proprietary for me, it's trade  
7 secrets, and it's not available to your office, correct?

8 A. Initially, yes. The --

9 Q. Go ahead.

10 A. Now, does that include the Marshall Swift tables?  
11 Because I did not have any authority to give that out.  
12 That's licensed.

13 Q. Understand that. But the things that Elaine was  
14 asking you for in Exhibit 4, he refused to give to you,  
15 correct?

16 A. Yes.

17 Q. Okay.

18 A. Initially.

19 Q. And he told you that it was proprietary to him in  
20 trade secrets; did he use that language?

21 A. I don't recall.

22 Q. But you used that information, correct?

23 A. I'm remembering spreadsheets.

24 Q. I'm saying you used the language "trade secrets"?

1 A. Did I? I -- I don't recall.

2 Q. Go back to the e-mail, if you could, at the end  
3 of the second paragraph that you sent to Elaine.

4 A. Okay. You're talking about the trade secrets  
5 paragraph?

6 Q. Yes, ma'am.

7 A. Okay. I don't remember the conversation. I do  
8 not recall that. I'm -- I'm sorry. Is he -- he might  
9 have said that to me, yeah. I wouldn't have made this  
10 up.

11 Q. I wouldn't think you would. You're -- I would  
12 never suggest that. Again, we can just come back to it  
13 and -- and summarize it.

14 A. What haven't I -- what have I not answered?

15 Q. I just want to make sure again because I don't  
16 want the record to reflect there was information here  
17 that Bob was not wanting to give to your office,  
18 correct?

19 A. No, he did not initially. And, again, I did not  
20 remember his exact wording whether he said trade  
21 secrets, what he called it. I do remember he was  
22 reluctant to give that to us --

23 Q. Okay.

24 A. -- and eventually he provided us with



1 spreadsheets with information about the properties he  
2 had finished. If you put one in front of me now, I  
3 probably wouldn't recognize it. I apologize.

4 Q. Did Andrew, Michelle, Shannon, or Donya ever tell  
5 you that they had information that they were doing as a  
6 part of their duties for you that they wouldn't turn  
7 over?

8 A. No.

9 Q. Probably would've gotten fired if they did that  
10 to you; is that fair?

11 A. No. I wasn't the firing type.

12 Q. They wouldn't have said no; is that fair?

13 A. That's fair. I adored my employees.

14 Q. Did Mr. Becker report to the office and rules  
15 committee?

16 A. Not in my meetings he didn't, no.

17 Q. Let's go to Plaintiff's No. 5 and Plaintiff's  
18 No. 6. Let me know when you're ready.

19 A. Okay.

20 Q. Do you recognize those documents? Let the record  
21 reflect that the witness is spending some amount of time  
22 reviewing these documents for a minute or so to  
23 determine whether she recognizes them or not.

24 A. Oh.

1 Q. No, it's okay. Go ahead. Take your time.

2 A. Yes. I -- it's been a long time since I've seen  
3 it, but I think I recognize this, yes.

4 Q. Okay. Before I ask about these questions, does  
5 Coles County have an employee handbook?

6 A. Yes. Personnel policy manual.

7 Q. Yes. Do you have your people, when they come to  
8 work for you, sign and acknowledge that they got a copy  
9 of that employee manual?

10 A. I don't know about the sign and acknowledge, but  
11 we did give them a personal employee -- personnel -- the  
12 manual. Yes.

13 Q. You don't know if there's a signature requirement  
14 at the end?

15 A. I -- I don't recall that, no.

16 Q. Do you recall ever giving one to Mr. Becker?

17 A. You know, I don't -- I don't recall.

18 Q. Okay.

19 A. That doesn't mean I didn't. I just don't recall.

20 Q. You do recall giving one to Andrew, Michelle,  
21 Shannon, and Donya?

22 A. Yes.

23 Q. Okay. Plaintiff's No. 5, you -- you -- do you  
24 recognize that document now?

1 A. Yes.

2 Q. That appears to be the proposal for Mr. Becker?

3 A. Yes.

4 Q. Who was it addressed to? Who did he address the

5 -- the --

6 A. County board.

7 Q. County board. Doesn't address it to you; is that

8 fair?

9 A. Yes.

10 Q. Now there --

11 A. Right.

12 Q. Thank you. There is a -- he is proposing to do

13 certain services within in this document, correct?

14 A. Uh-huh.

15 Q. Is that a yes?

16 A. Yes.

17 Q. Who communicated to Mr. Becker -- and eventually

18 we'll get to Tyler Tech -- on what that scope was going

19 to look like exactly, what was being asked of them?

20 A. In regards to parcel count?

21 Q. No. Not the parcel count. That's ministerial.

22 I'm talking about what they were going to be asked to

23 do.

24 A. I'm afraid I don't understand what -- I -- it was

1 understood what he was asked to do. It was going to be  
2 to revalue all of our commercial and industrial  
3 properties.

4 Q. Who communicated that to you?

5 A. Well, not me. I don't know it depends on who he  
6 spoke with first.

7 Q. Okay.

8 A. I don't know that.

9 Q. Understood. And then Mr. Becker starts it off,  
10 please consider this bid for reassessment. Is that  
11 fair?

12 A. Yes.

13 Q. Do you -- anywhere in this document can you find  
14 where he was saying, please consider my application for  
15 employment as deputy assessor of Coles County?

16 A. I did not see that, no.

17 Q. Now, if we move on to No. 6 briefly, I'm going to  
18 point out to the -- at the end of this. Go to the end.  
19 You see where it talks about his \$115,000 that he's  
20 asking to be compensated?

21 A. Yes.

22 Q. It breaks it into quarterly payments. Do you see  
23 that?

24 A. Yes.

1 Q. Who -- do you know -- have any idea who asked him  
2 to put that definition in there of that payment  
3 structure?

4 A. Well, I would say probably the treasurer's office  
5 would've had final say on that. I don't know that for  
6 sure.

7 A. I do not know who set that up, but that would've  
8 been outside my jurisdiction, so to speak. That would  
9 have been the treasurer's office.

10 Q. So his compensation in how he might be paid that  
11 monthly, annually, etc., would not have been something  
12 you negotiated with him?

13 A. No.

14 Q. Let's now take a look at No. 7.

15 A. Okay.

16 Q. Before I move on to No. 7, Mr. Becker's proposal  
17 or bid, as he called it, when's the -- do you recall the  
18 first time you ever saw that?

19 A. No, I do not.

20 Q. Okay. Let's go to No. 7. Take a look. Let me  
21 know when you're ready.

22 A. Okay. Okay.

23 Q. You ready?

24 A. Yes.

1 Q. Now, I believe you've already testified that you  
2 actually reached out to Tyler Technologies yourself?

3 A. Yes, I did.

4 Q. Tyler Technologies is a business, correct?

5 A. Yes.

6 Q. Okay. And it looks like this bid was submitted  
7 to you by Troy Fryman an account executive, correct?

8 A. Yes.

9 Q. Now, do you recall if you got this directly or if  
10 it went to Elaine?

11 A. I think I got this directly.

12 Q. Okay. And would it be fair to say that this bid  
13 that you received -- actually, it's a price quote that  
14 he calls it, correct?

15 A. Uh-huh. Yes.

16 Q. Was in response to potentially doing all the  
17 commercial and industrial reassessments over the  
18 four-year period of time?

19 A. Correct.

20 Q. Is that correct?

21 A. Yes.

22 Q. Okay.

23 Q. Do you know why -- we'll get to this a little  
24 bit -- but do you know why Tyler Technologies was not

1 the one chosen and Mr. Becker was? Any idea?

2 A. I recall a problem with what sort of CAMA  
3 system -- which one of the two CAMA systems he would be  
4 working with, but I don't remember details real well. I  
5 don't -- it would've been either ProVal or DEVNET that  
6 they did not want to work with.

7 Q. Tyler Tech didn't want to work with?

8 A. Right. Right.

9 Q. Their pricing was a little different, too, right?

10 A. Little bit.

11 Q. Yeah.

12 A. They -- Vanguard. That's the third company.

13 Yeah. Yes. That's -- that's correct.

14 Q. Okay. And so eventually, Mr. Becker and Tyler  
15 Techs went to committee, correct, the rules committee?

16 A. I don't know about Tyler Technologies. We had  
17 one that didn't show up.

18 Q. Okay. You had a third bid besides Tyler Tech and  
19 Becker?

20 A. Vanguard was the other company, and their price  
21 was way higher, I'm wanting to say five or six hundred  
22 thousand dollars to do the whole -- whole county. We  
23 didn't even consider them.

24 Q. But eventually, these bids -- and we'll get to

1 that in a second -- they went to the rules committee,  
2 right?

3 A. Yes.

4 Q. And let me ask you this: If Tyler Technologies  
5 would've been chosen to do this reassessment work --

6 A. Uh-huh.

7 Q. Hypothetical.

8 A. Hypothetically.

9 Q. Who was -- who would've then been working for  
10 you?

11 A. Tyler Technology, if they'd been hired, I guess.  
12 Is that what you're asking?

13 Q. Yeah. They weren't chosen; we can agree, right?

14 A. Agreed.

15 Q. If they would've been chosen, Tyler Technologies  
16 would've been engaged to do this work on your behalf,  
17 correct?

18 A. Correct.

19 Q. Let's move on to No. 8. Take a look and let me  
20 know when you're ready.

21 Q. You ready?

22 A. Yes. Yes.

23 Q. Do you remember this meeting?

24 A. Yes, I guess so.



1 Q. You were present, correct?

2 A. Yes.

3 Q. And at this meeting, you read where it talks  
4 about old business; do you see that?

5 A. Yes.

6 Q. Paul Daily, do you know Mr. Daily?

7 A. Yes, I do.

8 Q. Okay. And then you also have Mr. Metzger. Do  
9 you know Mr. Metzger?

10 A. Yes, I do.

11 Q. So they were considering the proposal from Tyler  
12 Tech and from Becker; is that correct?

13 A. That's correct.

14 Q. Do you recall that?

15 A. Yes.

16 Q. Okay. And while you were present, what  
17 involvement did you have in those discussions?

18 A. Very little that I can -- I don't recall if I  
19 said anything. I typically didn't say much unless they  
20 questioned me directly.

21 Q. But it says after much discussion, Mr. Daily then  
22 moved. Do you remember what the context of those  
23 discussions were about?

24 A. I'm sorry. I don't.

1 Q. That's fine. I wouldn't expect you would. I was  
2 just asking.

3 But it says, Mr. Daily moved forward the proposal  
4 from Becker. Do you see that?

5 A. Yes.

6 Q. Is it your understanding, then, that the office  
7 and rules committee made a decision to push Mr. Becker's  
8 proposal forward for consideration by the board and not  
9 Tyler Tech; was that your understanding?

10 A. That's what it looks like. Yes.

11 Q. If they were would made the decision to go  
12 forward with Tyler Tech instead of Becker, is that --  
13 could they have done that?

14 MR. SMITH: Objection. Calls for a  
15 legal conclusion and a hypothetical. Improper  
16 hypothetical. Go ahead.

17 THE WITNESS: I assume so, yes.

18 BY MR. DEVORE:

19 Q. Let me make sure I understand. Let me rephrase  
20 the question. They were considering two proposals?

21 A. Yes.

22 Q. They could've chosen either one of them, to your  
23 knowledge?

24 A. To my knowledge, yes.

1 Q. Were you there present at that meeting trying to  
2 get them to pursue one over the other?

3 A. No. I was waiting for their decision.

4 Q. Okay. So it would be that Mr. Becker being  
5 considered by the board was not based upon your  
6 decision; it was based on the decision of this  
7 committee, correct?

8 A. I would say so, yes. Their approval.

9 Q. Their approval of one or the other?

10 A. Their approval of one or the other, the approval  
11 of the amount of money paid.

12 Q. At this meeting on May 4th, you were not there  
13 asking for them to consider and hire Mr. Becker as a  
14 deputy assessor to be your employee, were you?

15 A. I was waiting for their decision.

16 Q. Yes or no? Were you asking the committee, on  
17 this day, to make the decision of allowing you to hire  
18 Mr. Becker as an employee as a deputy assessor for your  
19 office?

20 MR. SMITH: Objection to the form. Go  
21 ahead.

22 THE WITNESS: I'd say yes.

23 BY MR. DEVORE:

24 Q. You were?

1 A. Waiting for them for their approval.

2 Q. Approval for what? I'm sorry. I've got to get a  
3 little picky with you here.

4 A. Approval to either hire Bob Becker or Tyler  
5 Technology.

6 Q. Tyler Technologies is a company, correct?

7 A. Correct.

8 Q. It's not an individual?

9 A. No.

10 Q. They could've chosen either one?

11 A. They could have. Yes.

12 Q. You would've worked with either one?

13 A. I would have.

14 Q. So you were not there on that day insisting to  
15 them that you pick Bob Becker to move forward to be an  
16 employee of mine, correct? You were not doing that?

17 A. No. I tended to defer to the county board's  
18 decision. Sounds kind of dumb, but I did not put myself  
19 forward very much. I was a county department head  
20 newbie.

21 Q. I'm only interested in the county board, not you,  
22 ma'am.

23 A. Oh, okay. Trying to remember that.

24 Q. If -- if Tyler Tech would've been the one chosen

1 by them and the county board, they would've been doing  
2 the work, correct?

3 A. Correct.

4 Q. Okay. And we -- and again, your attorney's going  
5 to object, and that's okay.

6 We wouldn't be sitting here talking about whether  
7 Tyler Technologies was your employee or not, would we?

8 MR. SMITH: Objection to the form.

9 THE WITNESS: No.

10 BY MR. DEVORE:

11 Q. The answer is no, right?

12 A. No.

13 Q. No. 9, let me try to push through these, ma'am.  
14 Let me know when you're ready. Okay.

15 Do you recognize this? Have you ever seen it?

16 A. No. That did not come out of my office.

17 Q. Okay.

18 Q. Do you know what it is?

19 A. A W-2, isn't it?

20 Q. It's a W-9.

21 A. W-9. Okay.

22 Q. It's for independent contractors and 1099  
23 persons. I don't want to put words in your mouth.

24 A. Yes. Yes. Not familiar with this.

1 Q. Okay. Were you aware that Mr. Becker, when he  
2 initially began his engagement, would be paid as a 1099?

3 A. No.

4 Q. You didn't have any knowledge of that at all?

5 A. No.

6 Q. You weren't involved in those conversations at  
7 all?

8 A. Strictly in the realm of the Coles County  
9 Treasurer's Office.

10 Q. That's fine. So just so it's clear for you, how  
11 he was getting paid as an independent contractor or an  
12 employee was not something you were conversing with  
13 anybody about back during this time frame?

14 A. No.

15 Q. Okay. That's fine. I can respect that.

16 Let's go to No. 10. Do you recognize this at  
17 all?

18 A. No. I wouldn't have seen this.

19 Q. Do you know what a 1099 is?

20 A. Yes.

21 Q. Okay. And do you see Mr. Becker's name on that?

22 A. Yes.

23 Q. Do you see \$28,750?

24 A. Yes.

1 Q. If I propose to you that 7,187.50, which was the  
2 quarterly payments of Mr. Becker, times four is  
3 28,750 --

4 A. Uh-huh.

5 Q. Okay.

6 A. Yes.

7 Q. Did you understand that that was how he was going  
8 to be paid, at least in the amount?

9 A. Yes.

10 Q. Okay.

11 A. Yes. Yes.

12 Q. All right. Let's go -- let's jump to -- is that  
13 number --

14 MR. SMITH: 11.

15 THE WITNESS: 11.

16 BY MR. DEVORE:

17 Q. 11. Let's skip that one. Let's go to No. 12.  
18 Do you see that?

19 A. Yes.

20 Q. Does it appear to be a -- a W-2 for 2018?

21 A. Yes.

22 Q. Okay. Now, when I ask this question, I want to  
23 make sure we're clear here. If you had a conversation  
24 with the state's attorney about something, I don't want

1 to know about it. I don't want the details.

2 A. Okay.

3 Q. Mr. Becker's testimony was late '17, early '18.  
4 You came to him and said he had to start being paid as a  
5 W-2 person instead of 1099; is that true? Did you have  
6 that conversation with Mr. Becker?

7 A. Yes. I don't have any firm memory of it, but  
8 yes.

9 Q. Without talking about any attorney-client  
10 conversations, do you recall why that decision was made?

11 A. No. No, I do not.

12 Q. But you do acknowledge that sometime around the  
13 beginning of January '18 he started getting paid as a  
14 W-2ed employee versus a 1099?

15 A. Yes.

16 Q. Do you believe that had anything to do with the  
17 ruckus that citizens in the county were making about his  
18 status working for the county?

19 A. I don't know. Possibly.

20 Q. Let's go to -- keep flipping. Let's go to  
21 No. 14. Do you recognize these documents?

22 A. Yes.

23 Q. Can you tell us what you believe these are?

24 A. That was, I guess, his version of a time sheet or



1 a claim. I had to submit something with my claims for  
2 payment to him.

3 Q. Was he submitting these to you or to Elaine at  
4 the county board? Do you know?

5 A. Obviously, to me because it's stamped with a  
6 supervisor of assessments.

7 Q. Okay.

8 Q. So Mr. -- Mr. Becker was submitting a quarterly  
9 invoice to you consistent with his bid; is that fair?

10 A. That's fair.

11 Q. And then you would request this get paid by the  
12 county?

13 A. Yes.

14 Q. Do Andrew, Michelle, Shannon, or Donya submit  
15 anything like this to you?

16 A. No.

17 Q. Okay. Let's go on to number -- was it 15?

18 MR. SMITH: Yeah.

19 BY MR. DEVORE:

20 Q. Do you recognize these?

21 A. Recognize the Coles County paycheck.

22 Q. Is it a paycheck, ma'am?

23 A. Yes.

24 Q. Do you see any taxes withheld?

1 A. I don't know. That's where mine would've been up  
2 here.

3 Q. Your employees were on direct deposit or were  
4 they on direct deposit at the time?

5 A. Yes. Direct deposit and, I believe -- I don't  
6 remember when that was initiated, but that was a  
7 requirement of the treasurer's office on new employees  
8 after a certain date.

9 Q. So during the time frame we're talking about,  
10 would Andrew, Michelle, Shannon, and Donya been on  
11 direct deposit?

12 A. Yes.

13 Q. But vendors don't get put on direct deposit,  
14 correct?

15 A. That I don't know.

16 Q. These checks to Mr. Becker, if, in fact, he  
17 would've been an employee at this point in time, by any  
18 definition, he would've received direct deposit,  
19 correct?

20 A. Yes. I guess that's fair.

21 Q. Okay. Let's move on to the next one. 16. Let's  
22 go to No. -- let's go to number one, two, number three.

23 A. Employee --

24 Q. Yeah. It's Mr. Becker. Do you see him at the

1 top?

2 A. Yes. Employee check inquiry.

3 Q. Okay. About halfway down, do you see where it  
4 says category?

5 A. Yes.

6 Q. See where it says HRS3 --

7 A. Yes.

8 Q. -- 38.45?

9 A. Yes.

10 Q. And now we're -- and this is post-January 2018,  
11 where Mr. Becker was being paid like your other persons.

12 A. Okay.

13 Q. Did you enter the time in for your people or did  
14 somebody else enter their time into a system?

15 A. Somebody else would have done that.

16 Q. Where would they get the time from?

17 A. From me. I did not actually submit a claim for  
18 them. That was done in the treasurer's office. I  
19 received time sheets where they kept track of -- for  
20 time, comp time, sick time, and -- but they just  
21 received the same paycheck.

22 Q. They would receive the same paycheck. Let me  
23 back up a minute. So prior to January of '18, Mr.  
24 Becker would submit one of those invoices and you would

1 present a claim to the treasurer like any other vendor,  
2 correct?

3 A. Yes. With that line item.

4 Q. But after January of 2018, he started getting  
5 paid differently -- similar in nature to getting an  
6 employee check like others, correct?

7 A. Correct.

8 Q. And so this document that we're looking at here  
9 for the period ending in February of 28 is what I'm  
10 talking -- February 28th of '18 is what I'm talking to  
11 you about.

12 A. Okay.

13 Q. And where it says, hours 38.5, \$3,850 -- do you  
14 see that?

15 A. Uh-huh.

16 Q. Do you see that's a separate --

17 A. Yes.

18 Q. That's the separate line item than one hour at  
19 13 -- and I'll get to hours in a second -- one hour  
20 1306.82

21 A. Yes.

22 Q. Now, as to the 38.5 hours that he got paid \$3,850  
23 at a hundred dollars a hour would be the calculation,  
24 would it be your understanding that was for the work he

1 was doing with the board of review?

2 A. Yes. I would guess so, yes.

3 Q. And he negotiated that rate with someone other  
4 than you, correct?

5 A. That's correct.

6 Q. Okay. Now, the -- where it says one at 1306.82?

7 A. Uh-huh.

8 Q. I'm guessing that all of your employees who are  
9 -- you were paid -- strike that.

10 You were paid bimonthly, correct?

11 A. Yes.

12 Q. Twice a month?

13 A. Twice a month.

14 Q. And so your employees would get paid -- they were  
15 probably hourly employees that got a fixed amount,  
16 unless they worked overtime, they would get additional  
17 time; is that correct?

18 A. I didn't have any hourly employees, so I can't  
19 really answer that.

20 Q. They were salaried?

21 A. Salaried.

22 Q. Okay. Salaried but subject to potential  
23 overtime; is that fair?

24 A. They didn't pay overtime either.

1 Q. Didn't pay overtime either. Okay. That makes it  
2 easier for me. So Mr. Becker's \$1306.82, do you see  
3 that?

4 A. Yes.

5 Q. Where did that number come from?

6 A. I don't know.

7 Q. That's not an amount that he negotiated with you?

8 A. Not to my knowledge. Not to my memory.

9 Q. Now, if I were -- and I'm going to do this with  
10 you. We can -- we agree that Mr. Becker's bid, as he  
11 called it, was 7,187.50 per quarter, correct?

12 A. Yes.

13 Q. So if I take \$7,187.50 times four, that's  
14 \$28,750. Do you see that?

15 A. Yes.

16 Q. So if I take the \$1,306.82 that he was paid on a  
17 bimonthly basis, correct?

18 A. I guess.

19 Q. Twice a month? You were -- you were there for 34  
20 years, correct?

21 A. 37 actually.

22 Q. 37. So you were paid bimonthly --

23 A. I was.

24 Q. -- twice a month?

1 A. Yes. And my office was.

2 Q. So that's 24 pay periods per year, correct?

3 A. Yes.

4 Q. So if I take his amount of 1306.82 times 24,  
5 that's \$31,363.68, okay?

6 A. Okay.

7 Q. My question to you is, where did that 31,363.68  
8 come from for his compensation?

9 A. I do not know. I don't remember anything like  
10 that. Oh. Wait a minute. Time sheets. I remember  
11 getting time sheets from him. I'm sorry. I'm afraid  
12 that's not going to help you much. I don't remember.

13 Q. If you don't know, you don't know.

14 A. I don't know.

15 Q. So if we can at least take 1303.60 -- 1306.82  
16 times 24 pay periods, we have that amount, correct?

17 A. Yes.

18 Q. Okay. And based upon your 37 years, many of them  
19 in running that office you're aware that there's 2080  
20 hours per year for 52 work weeks?

21 A. I assume so. Yeah. I was only in charge for  
22 about four years, so --

23 Q. That comes out to about \$15 an hour. Did you  
24 negotiate a rate with Mr. Becker for an hourly amount?

1 A. No.

2 Q. So would it be fair to say that when there was  
3 this decision made -- strike that.

4 The decision made to convert him to a W-2 versus  
5 1099, would it be fair to say that that was not your  
6 decision?

7 A. I didn't get involved in anything like that.  
8 That was the treasurer's office business.

9 Q. And so when that decision was made, there was  
10 another decision made to compute that \$1,306.82 per week  
11 or bimonthly. That had nothing to do with you, too,  
12 correct?

13 MR. SMITH: Objection. Assumes facts  
14 not in evidence. You can answer.

15 THE WITNESS: I --

16 BY MR. DEVORE:

17 Q. Can we admit that he was being paid 1306.82  
18 bimonthly?

19 A. Oh, yes. It's right in front of me.

20 Q. Can we -- can we acknowledge that you have no  
21 idea where that number came from?

22 A. I certainly don't remember. No.

23 Q. However much money Andrew, Michelle, Shannon, and  
24 Donya were being paid, you would've had specific



1 knowledge of those amounts, correct?

2 A. Yes.

3 Q. Let's go to No. 17.

4 I'm interested in down where it says Elaine,

5 Karen indicated you need --

6 A. Okay.

7 Q. You ready?

8 A. I'm ready.

9 Q. So this is Mr. Becker responding to Elaine about  
10 needing some class information, Karen indicated you  
11 need. So did you talk to Mr. Becker about these  
12 classes?

13 A. Yes.

14 Q. Did -- did Elaine ask you to talk to Mr. Becker  
15 about that?

16 A. I don't think so.

17 Q. Now, the -- the conversation that you had with --  
18 with Mr. Becker, do you recall what was the substance of  
19 this conversation about these classes?

20 A. I believe that they were going to be some things  
21 required. He had so many -- so much education already  
22 for that MAI, but there were classes he needed to take  
23 from either IPAAI or Department of Revenue or both. I  
24 can recall that. I believe he took an online course.

1 Q. But when you said Karen indicated you need  
2 support for my competency, there's a suggestion that you  
3 were just passing along to Mr. Becker at Elaine's  
4 request. Is that what was going on?

5 MR. SMITH: Do you understand his  
6 question?

7 THE WITNESS: Yeah. I need to hear it  
8 again, I guess, because --

9 BY MR. DEVORE:

10 Q. Yeah, I'm just reading. Karen indicated you need  
11 to support for my competency in regard to my contract.  
12 When I read that, it -- it appears to me that you had  
13 passed along to Bob that Elaine's looking for something.

14 A. Yes.

15 Q. That's how I read that.

16 A. That's how I read it, too.

17 Q. Okay. So what I'm asking is, did, in fact,  
18 Elaine reach out to you, said, hey, I need this stuff?

19 A. Yeah. Probably by e-mails. She usually  
20 communicated by e-mail.

21 Q. So just so I'm clear here, I want to -- you  
22 weren't looking for this information from Mr. Becker.  
23 Elaine was looking for it for some reason?

24 A. Probably. Yeah. Probably a FOIA request, wasn't

1 it?

2 Q. Could've been.

3 A. I get a lot of those.

4 Q. So when he says, in regard to my contract, what  
5 do you believe he's talking about?

6 A. I don't know if there was a contract. I don't  
7 remember seeing it.

8 Q. Do you think he's talking about his bid proposal?

9 MR. SMITH: Objection. Calls for  
10 speculation.

11 THE WITNESS: Might have been.

12 BY MR. DEVORE:

13 Q. Are you aware of anything in writing between Mr.  
14 Becker and the county or you or anyone besides the bid  
15 proposal?

16 A. I never saw anything in addition to the bid  
17 proposal.

18 Q. Never saw a resume either, correct? Never  
19 submitted one to you?

20 A. I can't say that. I don't recall.

21 Q. I think we can skip No. 18. Let's go to No. 19.  
22 Let me know when you're ready.

23 Have you ever seen this before today?

24 A. I couldn't remember seeing it, yes. Kind of.

1 Q. Did you ever talk to Mr. Metzger about it?

2 A. No. No, I did not.

3 Q. First sentence, Coles County recently entered  
4 into a contract with an independent appraiser to update  
5 assessments. Is he referring to Mr. Becker?

6 MR. SMITH: Objection. Calls for  
7 speculation. She didn't draft the letter.

8 THE WITNESS: I don't think that line is  
9 correct.

10 BY MR. DEVORE:

11 Q. I didn't ask that question.

12 A. Huh?

13 Q. I didn't ask that question.

14 A. Tell me again what the question is, I guess.

15 Q. Who -- who -- or on or about December of '16, was  
16 there anyone doing valuation services on commercial  
17 properties in Coles County besides Bob Becker?

18 A. No.

19 Q. He was the only one, correct?

20 A. Yeah. To my knowledge.

21 Q. Did you do any assessments on the commercial  
22 properties in the Mattoon Township during 2016?

23 A. I might have.

24 Q. And I did look at his work before it went into

1 the computer, but --

2 Q. Was he doing all of the field work and the  
3 compilation for the commercial properties and assessment  
4 district one during that year?

5 A. He might have done one for the township assessor.  
6 I don't really recall but it's a huge jurisdiction.

7 Q. Besides the attorney that's sitting here, have  
8 you talked to anyone about this case that works for the  
9 county since it was filed?

10 A. No.

11 Q. Nobody?

12 A. (Shaking head).

13 Q. Didn't talk to Mr. Metzger?

14 A. No. I haven't talked to any of them since I  
15 left.

16 Q. Didn't leave on good terms?

17 A. I didn't feel like I was fairly treated. Let's  
18 just leave it at that.

19 Q. I understand. Let's go to No. 21. Let me know  
20 when you're ready.

21 A. Okay.

22 Q. You ready?

23 A. Yes.

24 Q. Do you recognize these board minutes?

1 A. Yes.

2 Q. Okay. If I flip to the second page on that, do  
3 you see where it says commercial appraisal?

4 A. Yes.

5 Q. Is that your understanding that on May 12th,  
6 2015, this is when the county board accepted the  
7 proposal, bid, whatever you want to call it of Mr.  
8 Becker?

9 A. I would assume so. It doesn't really line that  
10 out here, but yes.

11 Q. You recall if you were present at that meeting?

12 A. No, I don't.

13 Q. Do you recall if any of the county board members  
14 contacted you prior to that vote asking you any  
15 questions about --

16 A. None that I recall.

17 Q. How about prior to the rules committee  
18 recommending Mr. Becker to the county board and not  
19 Tyler Tech or Vanguard? Did they discuss with you the  
20 various proposals and the qualifications of those  
21 proposing? Did you have any of those conversations?

22 A. Not that I recall.

23 Q. Ma'am -- and, again, I'm being -- again, I'm  
24 trying to just get to the bottom of this. Would it be

1 fair to say that the office of rules committee and the  
2 board made a decision to go hire someone to do these  
3 appraisals and you were pretty much left out of that  
4 conversation or that process?

5 MR. SMITH: Objection to the form.

6 THE WITNESS: I wouldn't say left out.  
7 Again, I -- I assumed that they had authority over me,  
8 my office, and everything that was done by it at the  
9 time, and, yeah, I would've let them make that decision.

10 BY MR. DEVORE:

11 Q. What involvement -- and again -- I what -- what  
12 involvement did you have besides calling Tyler Tech and  
13 asking them if they wanted to submit something?

14 A. Oversee the values, oversee the project in my  
15 office once everything was decided.

16 Q. Prior to him starting work at all -- I'm talking  
17 at the time that they authorized his proposal be  
18 accepted?

19 A. Uh-huh.

20 Q. From the -- what involvement did the county board  
21 or the office and rules committee have you in at all in  
22 the vetting of these -- or these proposals and  
23 acceptance? What specific involvement did you have, if  
24 any?

1 A. I'm not remembering much aside from their asking  
2 me to make some phone calls. I don't remember much.

3 Q. So you made the phone call to Tyler Tech, we  
4 established, right?

5 A. Uh-huh.

6 Q. Beyond that, did you specifically participate in  
7 the evaluation of these proposals with the rules  
8 committee or the county board before they made their  
9 decision? Specifically, were you involved?

10 A. I'd have to say no.

11 Q. So the decision to engage Mr. Becker to do  
12 anything for the county was not yours, correct?

13 A. Well, I agreed that I would like to have him  
14 hired. I didn't question that much. I -- I wanted to  
15 work with him.

16 Q. When did you specifically tell anyone on the  
17 rules committee or on the county board that you allow,  
18 are okay with, in any fashion, assented to that  
19 specifically?

20 A. I don't remember. I do not remember that far  
21 back all those details. I didn't question it much  
22 because I was okay with it.

23 Q. You were okay with them picking anyone, correct?

24 A. Yes. I was happy for the help.



1 Q. Okay.

2 A. I had an office full of brand new employees with  
3 no experience in CAMA systems or appraisal, and I needed  
4 the help. Otherwise, it was me doing all of it.

5 Q. Did you --

6 A. Overwhelming.

7 Q. Did you ever submit or propose to the county that  
8 you could do that task of that revaluation of  
9 assessments district one without somebody from the  
10 outside?

11 A. No.

12 Q. Did they ask you if you could do it without  
13 somebody from the outside?

14 A. I think -- if they did, I must have told them the  
15 same thing I just told you. I don't have the staff for  
16 it and that is more than I can take on and finish in any  
17 reasonable amount of time.

18 Q. Okay. Let's go to No. 20 if you don't mind. Do  
19 you recognize this document?

20 A. Yes, I do.

21 Q. Is that your signature on April 4th of 2021?

22 A. Yes.

23 Q. Do you know who prepared this document?

24 A. I don't know if it comes out of the state's

1 attorney's office. I believe I went into that office to  
2 sign this.

3 Q. On or about April 4th?

4 A. Yes.

5 Q. Okay. Without giving any details, did you talk  
6 to anyone about what is in here before you signed it?

7 A. I was called by an employee of the office and  
8 asked to come in and sign this affidavit.

9 Q. Was it -- was it not the state's attorney?

10 A. Personally, no.

11 Q. Okay. Then who was it?

12 A. Rhonda Parker.

13 Q. Do you know who Rhonda Parker is?

14 A. She is a paralegal in that office.

15 Q. Okay.

16 A. At the time, I believe it was still Ryan Bower.

17 Q. And when you were called and requested to come in  
18 and sign it, had you seen it prior to that time?

19 A. No.

20 Q. When you went in to sign the document, did you  
21 only see Rhonda?

22 A. Yes.

23 Q. Did you read it before you signed it?

24 A. Yes. Yes.

1 Q. Did you ask anyone to give you any professional  
2 advice before you signed it?

3 A. No, I did not.

4 Q. So -- okay. Having said that, let's go through  
5 this for a second.

6 Q. No. 2, in your capacity as supervisor of  
7 assessments, you received approval from the Coles County  
8 board for funds to compensate Robert Becker. Do you see  
9 that?

10 A. Yes.

11 Q. What is it exactly that you -- not whoever  
12 drafted it is -- what are you stating there?

13 A. That the county board approved funds for Robert  
14 Becker.

15 Q. Did you specifically, yourself, go to the county  
16 board and say, I'm hiring someone, I need money in my  
17 account to be able to fund it?

18 A. Yes. I did say that.

19 Q. Tell me when that happened.

20 A. Oh, gosh. Would've been prior to all of this  
21 starting.

22 Q. All of what starting, ma'am?

23 A. All of this, the -- the suits, the lawsuits, the  
24 project, anything. I remember being asked in a

1 committee meeting, probably would've been in 2014, if I  
2 needed help, and I said, yes, but that I did not have  
3 money in my budget to pay for anything like that.

4 Q. And, again, I'm going to pick at this affidavit  
5 because I know you didn't write it. But when this says  
6 approval to her funds to compensate Becker, when is it  
7 that you first knew that Mr. Becker would be the one to  
8 do this work?

9 A. That would have to have been after the decision  
10 was made to not use Vanguard or Tyler Tech.

11 Q. Okay. The county board authorized this on, what,  
12 May of 2015, correct?

13 A. Correct.

14 Q. Okay. So it was only then that you knew that Mr.  
15 Becker would be doing this for the price he proposed,  
16 correct?

17 A. For sure. Yes.

18 Q. So when this says that you received approval from  
19 the board for funds to compensate Mr. Becker, any funds  
20 -- or appropriated by the board would've been after  
21 their decision to actually utilize his services,  
22 correct?

23 A. Yes.

24 Q. So my -- my question is is they already decided

1 to hire him and then you went and asked them for money  
2 after the fact?

3 MR. SMITH: Objection. Mischaracterizes  
4 her testimony and what's in the affidavit. She's told  
5 you what paragraph two means.

6 MR. DEVORE: No, she hasn't told me,  
7 Counselor. Thank you. I can ask the questions.

8 MR. SMITH: You have already.

9 MR. DEVORE: No, I haven't. I -- I  
10 don't understand the question -- or I don't understand  
11 the affidavit because -- when did you ask for funds to  
12 compensate Mr. Becker? I don't know when that was.

13 MR. SMITH: It doesn't say that she  
14 asked.

15 BY MR. DEVORE:

16 Q. I received approval. Does that mean that you  
17 asked for those funds? Is that what that means?

18 A. What I asked them would be -- was, I don't have  
19 money in my budget to pay for it. How do I get the  
20 money to pay for it? And, again, you're asking me to  
21 remember exact words from a long time ago, and I just --

22 Q. So can we at least clarify that you asked for  
23 money to pay for it after they had chosen him?

24 MR. SMITH: No. Counsel, you're

1 mischaracterizing her testimony. She talked about a  
2 2014 committee meeting.

3 MR. DEVORE: 2014 has nothing to do with  
4 this.

5 BY MR. DEVORE:

6 Q. I want to -- the money that was allocated to your  
7 fund to pay Mr. Becker --

8 A. Uh-huh.

9 Q. -- when were those funds allocated to your  
10 account?

11 A. God, I don't remember that. You -- you're asking  
12 me to remember something that happened such a long time  
13 ago. I don't remember the dates on that.

14 Q. Did you receive funds for Mr. Becker's services  
15 before the board decided to engage Mr. Becker?

16 A. I was told that the funds would be available when  
17 we discussed hiring.

18 Q. Hiring any particular --

19 A. Any -- I guess any particular -- the amount  
20 wasn't discussed at that time. That's one -- must have  
21 been I had to go make the phone calls, get some idea of  
22 how much it might cost.

23 Q. Do you recall if your budget was amended after  
24 this decision was made to engage Mr. Becker?

1 A. No. I don't recall that.

2 Q. Okay.

3 A. I don't remember that sequence.

4 Q. Now, you have your own particular fund, correct?

5 A. Yes. I had several different line items. Is  
6 that what you're asking me?

7 Q. Yeah. You had his particular fund, correct?

8 A. Yes.

9 Q. Okay. I'm going to hand you what I've marked as  
10 -- and do you recall what your fund was called? It  
11 wasn't the general fund. You had your specific fund,  
12 correct?

13 A. Yeah. Assessment office.

14 Q. Okay. So let's go to number -- counsel?

15 MR. SMITH: 24.

16 MR. DEVORE: 24.

17

18 (Plaintiff's Exhibit No. 24 was marked  
19 for identification.)

20

21 BY MR. DEVORE:

22 Q. Let me know when you're ready.

23 A. Okay. I'm ready as I'm ever going to be.

24 Q. Okay. If you -- if you can look at any of these

1 we want. Let's look at 2016, which is the second page.

2 Do you see on there where it says industrial appraisal?

3 A. Yes. That's when they increased that.

4 Q. Okay. And isn't that, in fact, where the budget  
5 line item was for Mr. -- paid for Mr. Becker's services?

6 A. Yes.

7 Q. Okay. That's not your fund, is it ma'am?

8 A. Industrial appraisal?

9 Q. Industrial appraisal that we're looking at that  
10 you just acknowledged where he was being paid, I'm  
11 saying that's not your fund, correct? This is the  
12 county general fund, ma'am. Look at the top left. See  
13 where it says county general fund?

14 A. Oh, county general fund. And then below that,  
15 expenditure supervisor to assessment. It was specific  
16 to my office.

17 Q. Specific to your office. Okay. There you go.  
18 So within the general fund, they created a line item in  
19 your budget for that?

20 A. Yes.

21 Q. Is that fair?

22 A. Yes. Every office had one, I assume.

23 Q. So let's -- now I understand. Let's go back to  
24 the first page. This is where I was going with this.



1 You see where the first -- it looks like the budget in  
2 2015 was 12,000?

3 A. Yes.

4 Q. If we go to 2016, they bumped it up to 40,000,  
5 which was a \$28,000 increase, correct?

6 A. Yes. Uh-huh.

7 Q. So that \$28,000 increase would've covered Mr.  
8 Becker's --

9 A. Yes.

10 Q. -- cost, right? But whether that was done before  
11 or after Mr. Becker was hired, you wouldn't know?

12 A. The question is whether I'd remember it. But,  
13 yes, I would've probably had known it was -- I don't  
14 know what to tell you here. What are you asking?

15 Q. When was your -- when are your budgets typically  
16 approved?

17 A. November of the previous year.

18 Q. So November -- so November -- so in November of  
19 '15, correct?

20 A. Yes.

21 Q. Mr. Becker had already been hired, correct?

22 A. Yes.

23 Q. Okay. So in November of '15, your 2016 budget  
24 was increased by 28,000, correct?

1 A. Yes.

2 Q. Got it. And so they would've increased that by  
3 an amount almost what Mr. Becker was being paid?

4 A. Yes.

5 Q. And my point to you is, is that they increased  
6 the industrial appraisal line item in your budget,  
7 correct?

8 A. That's correct.

9 Q. They didn't increase your salary as a line item,  
10 did they?

11 A. No, they did not.

12 Q. And your salaries line item is where your  
13 employees like Andrew, Michelle, Shannon, and Donya are  
14 at, correct?

15 A. Yes.

16 Q. Okay. I know I had a point to that document. I  
17 finally got to it at the end.

18 MR. SMITH: I wasn't sure where you were  
19 going.

20 MR. DEVORE: Now you know where I was  
21 going.

22 MR. SMITH: Yeah, that's fine.

23 BY MR. DEVORE:

24 Q. Okay. Let's go back to your affidavit, when it

1 says, this affiant appointed Bob Becker as deputy  
2 assessor. Do you see that one, number 3?

3 A. Yes.

4 Q. Tell me -- tell me exactly when you appointed Mr.  
5 Becker as a deputy assessor; when did that happen?

6 A. It was some months before he actually started  
7 working in our office on our CAMA system because the  
8 CAMA system was not ready.

9 Q. So your testimony is -- strike that.

10 He signed an oath of office in June 1st of 2016  
11 in your presence, correct?

12 A. Yes.

13 Q. And your testimony is that sometime before that  
14 date, you appointed him actually as a deputy assessor?

15 A. No. No. I -- I chose him, hired him to do this  
16 job would have been probably in '14. Again, I cannot  
17 remember the exact dates. When he was able to actually  
18 start work in the CAMA system, that wasn't until several  
19 months later at least. I do not recall the exact length  
20 of time. My office was out there entering what needed  
21 to be entered into that computer to get that CAMA system  
22 up and running. These sketches -- at the risk of boring  
23 you all to death -- the sketches and all of the property  
24 attributes had to be entered before you could go in and

1 actually value that property in DEVNET CAMA. They did  
2 the commercial and industrial properties first. Then he  
3 was able to come into our office and start working on  
4 that computer and revaluing each property.

5 Q. Okay. Let's break that apart. You said in 2014  
6 you chose him?

7 A. I don't know anything anymore.

8 Q. I hate to go back.

9 A. '15.

10 Q. I hate to rehash this, but you're --

11 A. Well, hash away. My memory is shot.

12 Q. So it was 2015; is that correct?

13 A. Yes. I apologize.

14 Q. That's okay. What do you mean you chose him?  
15 Tell me exactly how you chose him. You just said this  
16 for the first time.

17 A. Well, okay. That was probably poorly-worded. He  
18 came in to see me several times about doing the job,  
19 asked general questions about how it would be done. I  
20 believe I even demonstrated on our old CAMA system how  
21 many problems we were having with it, which was to help  
22 him understand why we were waiting for DEVNET to be  
23 done. What else did we talk about?

24 Q. And that's okay. You don't have to rehash that,

1 but you're conflicting with prior testimony where you  
2 said that the county board and the rules committee chose  
3 him over Tyler Tech, correct?

4 A. Well, yeah. Okay. I see where you're going with  
5 that, and I'm -- I'm sorry.

6 Q. That's okay. I just want to make the record  
7 correct that you didn't choose him, correct?

8 A. He was my preferred for cost. But, no, the final  
9 decision was with the county board.

10 Q. Okay. That's fine.

11 A. I did interview him a couple of times, so --

12 Q. Understand. So when you said you appointed him  
13 as deputy assessor -- getting back to our question --  
14 what does that mean?

15 A. Just basically what you would call an employee  
16 only in our office, you become a deputy assessor, as you  
17 know. Then the oath of office is administered. They  
18 get the books such.

19 Q. What books?

20 A. Well, the personnel policy manual and there's  
21 a --

22 Q. But you've testified you have no recollection of  
23 Mr. Becker going through any of that, correct? Besides  
24 signing the oath of office?

1 A. Not really.

2 Q. Okay.

3 A. Not individually, no.

4 Q. Okay.

5 A. I'm sorry. I'm not helping much here.

6 Q. So when you -- if you were talking about Andrew  
7 Michelle, Shannon, and Donya being appointed by you,  
8 there's a whole formal process you're talking about you  
9 just explained to me, correct?

10 A. Yes and no. I usually refer to it as hiring.

11 Q. Okay. Hiring a deputy assessor?

12 A. (Nodding).

13 Q. No contractual documents were signed. What do  
14 you mean by that?

15 A. I never saw a contract.

16 Q. All right. So you never saw one. That's a fair  
17 statement, right?

18 A. Right.

19 Q. Did you have any knowledge that none were ever  
20 signed by anyone? Did you know that when you signed  
21 this?

22 A. No.

23 Q. Would it be fair to say that you signed this  
24 because you were asked to without really appreciating

1 that question?

2 A. Well, I'm look -- looking it over. I thought it  
3 was true. What I -- I don't just sign documents  
4 willy-nilly. I felt like this was true.

5 Q. Without the benefit of talking to counsel. You  
6 didn't talk to anybody?

7 A. No. I didn't talk to anybody.

8 Q. Now, Mr. Becker signed his official oath in your  
9 presence on June 1st. We all agree that happened,  
10 correct?

11 A. Yes.

12 Q. That's good. Robert Becker worked as a deputy  
13 assessor under my direction and control. What did you  
14 mean by that?

15 A. Well, I thought of myself as his boss.

16 Q. Could you fire him if you wanted to? Just say,  
17 you're out of here. Leave.

18 A. Never crossed my mind. He was hired to do that  
19 job and it needed to be done.

20 Q. How about Andrew, Michelle, Shannon, or Donya, if  
21 you didn't think they were working out, you bring them  
22 in, sit in your office and say, it's not working out, be  
23 your last day?

24 A. Yeah. I'm glad I didn't have to face that one.

1 Q. Would it be fair to say that you could not have  
2 done that with Mr. Becker?

3 A. I think I could have. I'm not saying I likely  
4 would have, but near as I could tell he was doing a good  
5 job. I was going over his work. We did work together  
6 on a little bit of that. They're very beginning  
7 property class codes and things like that. He wouldn't  
8 have a lot of knowledge of coming in. That kind of  
9 thing. But as a commercial appraiser, he was way above  
10 my knowledge. So in that respect, yeah. I probably  
11 would not have willingly fired him. Whatever else  
12 anybody thinks, the work I did, I did for the Coles  
13 County taxpayers.

14 Q. Wouldn't doubt that at all, ma'am. Never crossed  
15 my mind anything different. Certainly that's not the  
16 case.

17 MR. DEVORE: If I could have a moment.

18 MR. SMITH: Sure.

19

20 (Off the record.)

21

22 BY MR. DEVORE:

23 Q. Just the last couple of questions. You testified  
24 earlier that at one point, you had asked Mr. Becker to



1 provide you some information that he wouldn't give to  
2 you. Do you recall that?

3 A. I do.

4 Q. And I thought you might have suggested that he  
5 did turn it over, or did he not?

6 A. He eventually turned over spreadsheets showing  
7 some of his values and property attributes, if I recall.  
8 I can't really remember all the columns there, but they  
9 were good-size things that were a pain in the butt to  
10 copy.

11 Q. The -- but are -- is there information that he or  
12 you know, work product -- you understand the word when I  
13 use the word work product from an assessment  
14 perspective?

15 A. Not those words, no.

16 Q. Work product means that when you're valuing  
17 properties, you do maybe comparable analysis --

18 A. Okay.

19 Q. -- or you -- you know, that type of work.

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. That's a yes. I'm sorry.

23 Q. So that type of work product, like as an  
24 assessor. You understand what I mean?

1 A. Yes.

2 Q. As we sit here today, to your knowledge or at  
3 least when you were there, did Mr. Becker turn all of  
4 that information over to your office that he had created  
5 in his processes?

6 A. No. Trying to think if he had a file for  
7 worksheets. There might have been some worksheet files,  
8 what we call worksheet. But I'm just not remembering  
9 details there.

10 Q. Now, when he -- he would come, he negotiated this  
11 work where he was coming to appeals at the county board  
12 or the board of review, correct?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. That's a yes.

16 Q. So he was actually coming there to defend the  
17 valuations that he had worked with that eventually you  
18 put into the system that people's properties were valued  
19 at?

20 A. I would say yes, on occasion. We would start out  
21 with explaining where the values came from, or he did,  
22 rather.

23 Q. That's very specific. He was doing that,  
24 correct?

1 A. Yes.

2 Q. So when he was coming -- so was he actually  
3 coming to hearings with the board of review?

4 A. Yes.

5 Q. Okay. Now, were you always present at those as  
6 the assessor?

7 A. Yes.

8 Q. Would he bring information with him that he was  
9 using to support those calculations and providing --

10 A. Yes.

11 Q. -- that analysis --

12 A. Yes.

13 Q. -- to the board?

14 A. Yes.

15 Q. And was that information, that work product or  
16 that data or analysis, was that stuff that he had  
17 himself? That wasn't something in your file for those  
18 properties?

19 A. I believe so. I've been trying to think if he  
20 kept -- maintained a worksheet file in the office. I'm  
21 not really remembering real well.

22 Q. The worksheet files of how you got to an  
23 analysis, correct?

24 A. Yes.

1 Q. So you weren't sure, as you sit here, whether or  
2 not those were ever maintained in your office or  
3 ultimately provided to your office or for all of the  
4 properties?

5 A. I just don't recall. A lot of that stuff came  
6 out of -- I know we used Marshall and Swift cost  
7 manuals.

8 Q. Yes, ma'am. I'm familiar.

9 A. Okay. That's not something that we can just hand  
10 out willy-nilly, because it's a licensed thing and I  
11 don't know if that's -- I think he was.

12 Q. Those worksheet files that we're kind of  
13 referring to in general?

14 A. Uh-huh.

15 Q. Was that the type of information that, at some  
16 point, he was not wanting to turn over to you?

17 A. Oh, no. Not those.

18 Q. What was the stuff he didn't want to give you?

19 A. I'm not real sure. We were asking him  
20 specifically for something that we could show customers  
21 at the counter when they came in because they wanted to  
22 see the work. Be we were getting FOIA? For those for  
23 something. And what we got was the spreadsheet, which  
24 we didn't hand those out. We got requests for those

1 CAMA tables and we couldn't do that.

2 Q. That's a separate conversation, I understand?

3 A. Yes. It -- when I say worksheet, if he was -- it  
4 would be notes from out in the field, I believe. And  
5 again, I'm just not --

6 Q. And you have those notes for the stuff that you  
7 do like the residential properties and house --

8 A. Oh, yes.

9 Q. You have all those notes, right?

10 A. We have reams of worksheets, drawer after drawer  
11 full, and we have to keep them stored for a while. But,  
12 yeah, we have that on a hard copy, mostly what was  
13 turned in by the township assessors.

14 Q. And that supporting documentation is how you  
15 defended appeals, correct?

16 A. Yes.

17 Q. But at least at the time that you were there  
18 trying to defend these appeals, all on these commercial  
19 properties, that work record was not in your office,  
20 correct?

21 A. There wasn't a -- no. Nothing available to us  
22 and I remember discussing this thing with the board of  
23 reviews saying we -- we don't know what to tell these  
24 people because we don't have the stuff in front of us.

1 Q. So as a way to try to deal with that, Mr. Becker  
2 negotiated an amount of compensation with the committee  
3 or the board to get paid to provide that product and  
4 service, correct?

5 MR. SMITH: Objection. Calls for  
6 speculation.

7 THE WITNESS: Well, the board of review  
8 did actually want him to be there. I know they  
9 discussed that with him, but I don't recall the --  
10 what's the word I'm looking for -- the actual  
11 conversations, what was talked about, only that they  
12 really, really needed some support there because we were  
13 just -- you know, we didn't have anything to tell him.

14 Q. You were in the dark, right?

15 A. Yeah.

16 Q. If it -- it was a residential property appeal,  
17 you're sitting there as the assessor with all of that  
18 information --

19 A. We --

20 Q. -- and you're defending, right?

21 A. We'd have all of that stuff in their file before  
22 it ever went to --

23 Q. Okay. And then these commercial appeals --  
24 again, my language, not yours -- and you were in the

1 dark. And so the board of review wanted him there?

2 A. Yes.

3 MR. DEVORE: I don't have any other  
4 questions.

5 MR. SMITH: Okay.

6 EXAMINATION

7 BY MR. SMITH:

8 Q. Take a look at Exhibit 20 here for a second  
9 again. Paragraph four says, no contractual documents  
10 were signed. To your knowledge, were there -- did you  
11 ever sign a document with Mr. Becker for a contract?

12 A. No.

13 Q. And you talked a little bit about direct deposits  
14 and how people were paid.

15 A. Uh-huh.

16 Q. Are those decisions made by the treasurer's  
17 office?

18 A. Yes, they are.

19 MR. SMITH: That's all I have.

20 We'll reserve.

21

22 (The deposition was concluded at 3:48

23 p.m.)

24

1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF CRAWFORD )

3

4 I, ERIKA L. KESSLER, a Notary Public in and  
5 for the County of Crawford and State of Illinois, DO  
6 HEREBY CERTIFY that there appeared before me on the 8th  
7 day of February, 2023, KAREN BIDDLE, who was first duly  
8 sworn by me to testify to the whole truth of her  
9 knowledge touching upon the matter in controversy  
10 aforesaid so far as she should be interrogated  
11 concerning the same; that she was examined and her  
12 examination taken down in shorthand by me and afterwards  
13 transcribed electronically upon the computer, and said  
14 deposition is herewith returned.

15 IN WITNESS THEREOF, I have unto set my hand  
16 and affixed my Notarial Seal this 28th day of February,  
17 2023.

18

19

20

21

22 \_\_\_\_\_  
 Erika L. Kessler  
 Notary Public - SCR. RPR

23

24



1 STODDEN v COLES CO BOARD, ET AL.

2 I, the undersigned, KAREN BIDDLE, do  
3 hereby certify that I have read the foregoing deposition,  
4 taken February 8, 2023, and that to the best of my  
5 knowledge said deposition is true and accurate (with  
6 the exceptions of the following corrections listed  
7 below, and reasons for same):

8 Page Line Change and Reason

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Signature

**STATE OF ILLINOIS  
FIFTH JUDICIAL CIRCUIT  
COLES COUNTY, ILLINOIS**

CHARLES STODDEN,	)	
	)	
Plaintiff.	)	
vs.	)	Case No. 2021-MR-70
	)	
COLES COUNTY BOARD and	)	
ROBERT D. BECKER	)	
	)	
Defendants.	)	

**NOTICE OF TAKING DISCOVERY DEPOSITION**

To: Mr. Brandon Bell  
c/o Mr. Brian Smith  
Attorney for the Defendants  
301 N. Neil Street, Suite 505  
Champaign, Illinois 61820

DATE AND TIME: Thursday, April 13, 2023 at 1:00 p.m.

WITNESS TO BE DEPOSED: Brandon Bell

LOCATION: Coles County Courthouse  
County Board Room  
651 Jackson Ave  
Charleston, IL 61920

YOU AND EACH OF YOU WILL HEREBY TAKE NOTICE that on **April 13, 2023**, the attorneys for the Plaintiff will take the discovery deposition of the Defendant, **Brandon Bell**, in the County Board Room of the Coles County Courthouse, 651 Jackson Ave, Charleston, Illinois. The said deposition will be taken oral interrogatories before Springer Court Reporting Service, Certified Shorthand Reporter, and Notary Public, or any other officer authorized by the law to take depositions in like cases, at which time and place the said Brandon Bell is requested to appear for said deposition.

REPORTER: Springer Court Reporting Service

**PLEASE TAKE NOTICE**, that the above-stated date, hour and place, we shall cause the deposition of the witness above-stated, to be taken upon oral examination pursuant to Rules of Civil Procedure Rule 206, before a suitable notary public, at which time any party or their attorney may appear and cross-examine if they see fit.

Dated this 27th , day of February 2023.

/s/Thomas G. DeVore

Thomas G. DeVore

IL Bar No. 06305737

silver lake group, ltd.

118 North Second Street

Greenville, Illinois 62246

Telephone 618.664.9439

3

## PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of all parties to the above cause via electronic mail and certified mail to Ms. Biddle , on December 16<sup>th</sup> , 2022 to the following addresses:

Brian Smith  
Attorney at Law  
[urbeck@heyloyster.com](mailto:urbeck@heyloyster.com)

Springer Reporting Service  
Court Reporter  
[Joyspringer1@gmail.com](mailto:Joyspringer1@gmail.com)

/s/Thomas G. Devore

**STATE OF ILLINOIS  
FIFTH JUDICIAL CIRCUIT  
COLES COUNTY, ILLINOIS**

CHARLES STODDEN,	)	
	)	
Plaintiff.	)	
vs.	)	Case No. 2021-MR-70
	)	
COLES COUNTY BOARD and	)	
ROBERT D. BECKER	)	
	)	
Defendants.	)	

**NOTICE OF TAKING DISCOVERY DEPOSITION**

To: Mr. Kelly Lockhart  
c/o Mr. Brian Smith  
Attorney for the Defendants  
301 N. Neil Street, Suite 505  
Champaign, Illinois 61820

DATE AND TIME: Thursday, April 13, 2023 at 2:30 p.m.

WITNESS TO BE DEPOSED: Kelly Lockhart

LOCATION: Coles County Courthouse  
County Board Room  
651 Jackson Ave  
Charleston, IL 61920

YOU AND EACH OF YOU WILL HEREBY TAKE NOTICE that on **April 13, 2023**, the attorneys for the Plaintiff will take the discovery deposition of the Defendant, **Kelly Lockhart**, in the County Board Room of the Coles County Courthouse, 651 Jackson Ave, Charleston, Illinois. The said deposition will be taken oral interrogatories before Springer Court Reporting Service, Certified Shorthand Reporter, and Notary Public, or any other officer authorized by the law to take depositions in like cases, at which time and place the said Kelly Lockhart is requested to appear for said deposition.

REPORTER: Springer Court Reporting Service

**PLEASE TAKE NOTICE**, that the above-stated date, hour and place, we shall cause the deposition of the witness above-stated, to be taken upon oral examination pursuant to Rules of Civil Procedure Rule 206, before a suitable notary public, at which time any party or their attorney may appear and cross-examine if they see fit.

Dated this 27th , day of February 2023.

/s/Thomas G. DeVore  
Thomas G. DeVore  
IL Bar No. 06305737  
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118 North Second Street  
Greenville, Illinois 62246  
Telephone 618.664.9439

## PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record of all parties to the above cause via electronic mail and certified mail to Ms. Biddle , on December 16<sup>th</sup> , 2022 to the following addresses:

Brian Smith  
Attorney at Law  
[urbecf@heyloyster.com](mailto:urbecf@heyloyster.com)

Springer Reporting Service  
Court Reporter  
[Joyspringer1@gmail.com](mailto:Joyspringer1@gmail.com)

/s/Thomas G. Devore

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

CHARLES STODDEN, )  
 )  
Plaintiff )  
 )  
 ) Case No. 2021-MR-70  
- vs - )  
 )  
COLES COUNTY BOARD and )  
ROBERT D. BECKER, )  
 )  
Defendants. )

DEPOSITION OF ROBERT BECKER  
February 8th, 2023

Erika L. Kessler, CSR, RPR  
CSR #084-004812

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1                                   A P P E A R A N C E S

2                                   MR. THOMAS DEVORE  
 Attorney at Law  
 3                                   118 North 2nd Street  
 Greenville, Illinois 62246  
 4                                   On behalf of the Plaintiff

5                                   MR. BRIAN M. SMITH  
 HEYL, ROYSTER, VOELKER, & ALLEN, P.C.  
 6                                   301 North Neil Street, Suite 105  
 Champaign, Illinois 61820  
 7                                   On behalf of the Defendants

8                                   I N D E X

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12

13                                   E X H I B I T S

14		MARKED	ADMITTED
15	Plaintiff's Exhibit No. 5		20
16	Plaintiff's Exhibit No. 6		26
	Plaintiff's Exhibit No. 7		30
17	Plaintiff's Exhibit No. 8		31
	Plaintiff's Exhibit No. 9		33
18	Plaintiff's Exhibit No. 10		38
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19	Plaintiff's Exhibit No. 12		40
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23	Plaintiff's Exhibit No. 20		81
	Plaintiff's Exhibit No. 21		83

24

1 (Witness duly sworn.)

2

3 ROBERT BECKER,

4 called as a witness herein, was examined and testified

5 as follows:

6 THE WITNESS: I do.

7 THE REPORTER: Thank you.

8 EXAMINATION

9 BY MR. DEVORE:

10 Q. Sir, my name's Tom Devore. I'm Charlie's  
11 attorney representing him in this matter. I'm going to  
12 ask you some questions about some work you've done for  
13 Coles County. Have you ever given your deposition  
14 before, sir?

15 A. Not in this format. No.

16 Q. Okay. So I'll ask the questions. I'll try to  
17 ask them as clearly as possible. If you don't  
18 understand, you can ask me to repeat it. If you have  
19 any other concerns and you need to talk to your lawyer,  
20 you can to discuss with him.

21 Give me a chance to finish the question before I  
22 -- before you respond, and I'll likewise give you time  
23 to finish the answer before we ask the next one. As  
24 people talk, we talk over each other a lot because it's

1 how normal people do it, but she can only take down one  
2 conversation at a time?

3 A. Sure.

4 Q. So if we talk over each other, your attorney will  
5 make sure to let us know that because it's easier to see  
6 that when you're not in the conversation sometimes.

7 A. Sure.

8 Q. So having said that, I'll remind you, you are  
9 under oath, and so you're aware of that, the questions  
10 have to be the truth to the best of your ability. Okay?

11 A. Okay.

12 Q. Can you state your full name, please?

13 A. Robert David Becker.

14 Q. Mr. Becker, where do you reside?

15 A. 1238 County Road 1000 East, Trilla, Illinois  
16 62469.

17 Q. Trilla is in Coles County?

18 A. Cumberland County.

19 Q. Cumberland County?

20 A. Yeah.

21 Q. And how long have you lived there in Cumberland  
22 County or at that address?

23 A. I think about eight, eight and a half years.  
24 Something like that.

1 Q. And where were you at before that?

2 A. 420 Wabash Avenue in Mattoon, Illinois, 61938.

3 Q. And Mattoon is in Coles County?

4 A. It is, yes.

5 Q. Okay. Do you have a -- beyond high school, do  
6 you have any formal education?

7 A. I have a bachelor's degree from Eastern Illinois  
8 University.

9 Q. In what discipline?

10 A. Finance. Science, finance.

11 Q. When did you get that degree?

12 A. 2004.

13 Q. Any other educational background besides your BA  
14 in finance?

15 A. No formal -- no masters or anything, but I do  
16 have an MAI designation from the Appraisal Institute,  
17 which is generally regarded as the highest commercial  
18 appraisal achievement within the appraisal district.

19 Q. MAI you said?

20 A. Yes.

21 Q. What's that acronym stand for? Do you know?

22 A. They dropped it. It's just MAI now. It's  
23 widely-known. It used to stand for a member of the  
24 appraisal institute.

1 Q. And when you say appraisal, do you have a -- a  
2 license to appraise property in the State of Illinois?

3 A. I do.

4 Q. Commercial and residential, I guess?

5 A. Yeah. It's a -- it's a certificate actually. A  
6 license is actually viewed as a lower form of appraisal,  
7 the ability to appraise. Illinois doesn't actually go  
8 by license and certificates. They just use the  
9 certificate.

10 Q. Okay. And how long have you had that  
11 certification?

12 A. I don't remember when I got my certification. I  
13 started working in the appraisal industry whenever I was  
14 a junior at Eastern; so 2003 is whenever I started in  
15 the appraisal industry, I guess.

16 Q. I mean, can you actually appraise real estate,  
17 commercial or otherwise, unsupervised without a  
18 certification?

19 A. No. So you -- so the certification process, you  
20 have to work under somebody for I think -- they keep  
21 changing it all the time. I think it's 3500 hours now  
22 to get a certified general license, which is what I  
23 have, which allows you to appraise any property type  
24 essentially.

1 Q. When did you get your certified general?

2 A. I don't recall the actual date.

3 Q. Approximately. 10, 15 years?

4 A. I would say a little more than 10 years ago, I  
5 would guess.

6 Q. Okay. So 10 years would be 2012. Sometime  
7 around that time frame; is that fair?

8 A. Roughly, yeah.

9 Q. Okay. Are you currently employed?

10 A. I'm owner of my own company, RD Becker Valuation,  
11 sole proprietorship.

12 Q. RD Becker?

13 A. Uh-huh.

14 Q. Evaluation?

15 A. Just Valuation.

16 Q. Valuation?

17 A. Uh-huh. LLC.

18 Q. It is an LLC?

19 A. Yes.

20 Q. Okay. Are you the only member?

21 A. Yes.

22 Q. Is that an Illinois Limited Liability Company?

23 A. It is, yeah.

24 Q. And when did you organize RD Becker Valuation,

1 LLC?

2 A. 2018 or '19, somewhere in there.

3 Q. Now, you know, eventually, we're going to get to  
4 some work you did for Coles County. Do you recall if  
5 this LLC was organized after that work was completed or  
6 during?

7 A. It was after.

8 Q. So RD Becker Valuation LLC was not in existence  
9 when you were doing some type of work for Coles County  
10 on these valuations; is that fair?

11 A. Yes, that's true.

12 Q. So prior to RD Becker Valuation, LLC, did you  
13 just do valuation just in your own name as an  
14 individual?

15 A. I was an independent contractor for Corrie  
16 Appraisal and Consulting.

17 Q. Corrie Appraisal?

18 A. Yes. C-o-r-r-i-e Appraisal and Consulting.

19 Q. And who owns Corrie Appraisal and Consulting?

20 A. Dan Corrie.

21 Q. Okay. So when did you start working for Corrie  
22 Appraisal and Consulting?

23 A. Sometime in 2003.

24 Q. Before you became a certified general?



1 A. Yes.

2 Q. So did you -- and -- and you're right. Those  
3 rules have changed over time. But when you did your --  
4 it's called apprentice work -- were you doing it under  
5 Dan Corrie?

6 A. I was.

7 Q. And when you got your certified general, were you  
8 still working with Corrie Appraisal and Consulting?

9 A. I was.

10 Q. And when did you quit working for Corrie  
11 Appraisal and Consulting as an independent contractor?

12 A. I believe 2018.

13 Q. So, again, you're aware we're going to get to the  
14 work that you did for Coles County that started sometime  
15 in 2015. At that time, were you working for Corrie  
16 Appraisal and Consulting as an independent contractor?

17 A. I was.

18 Q. Did you do any other valuation appraisal work for  
19 anyone other than Dan Corrie's business and/or Coles  
20 County during that time, around 2015?

21 A. No. Just the two.

22 Q. And then you said sometime around 2018, you quit  
23 doing independent contract work for Corrie?

24 A. Uh-huh.

1 Q. Is that a yes?

2 A. Yes.

3 Q. Why did you quit doing work with him?

4 A. Differences of direction of the business.

5 Originally, when I started working for him, we had  
6 discussed possible partnership. When I re-approached it  
7 at this point, he wasn't ready to move on with the  
8 partnership. So I, you know, said I would like to seek  
9 other avenues and he said okay. So it was all a  
10 amicable split, so --

11 Q. Okay. Now, let me go back here for a second.

12 When you said about in 2003, you started working with  
13 Corrie Appraisal, that would've been while you were  
14 getting your finance degree still even?

15 A. Correct. Yeah. I was -- I actually started as  
16 an internship with him for a real -- real estate class  
17 that I was taking at Eastern. And then after the  
18 internship concluded, I just basically stayed around  
19 with him and continued to work with him.

20 Q. So after you got your finance degree and you were  
21 then doing that -- that internship, it's -- was it  
22 during that time that you had come to believe that maybe  
23 doing appraisal work might be something you wanted to  
24 do?

1       A. Yeah. It was actually prior to even doing the  
2 internship. It was probably, I guess, going into the  
3 second semester of my junior year, so I guess that  
4 would've been early 2013, somewhere in there.

5       Q. 2013?

6       A. Or 2003. Yeah. Sorry.

7       Q. Okay. That's all right. And so -- so when you  
8 started -- you got done with your internship and you  
9 started working for Corrie, during this whole period of  
10 time, you were considered an independent contractor?

11      A. I was. Yes.

12      Q. So at no point in time working for Corrie  
13 Appraisal were you a W-2ed employee?

14      A. No.

15      Q. During that time with Corrie Appraisal, did you  
16 work any -- and, again, don't go to Coles County yet.  
17 Did you work for anybody else as an independent  
18 contractor? Leave Coles County out of it.

19      A. Not --

20      Q. Any other people?

21      A. Not independent, no.

22      Q. Besides Coles County and Corrie Appraisals, did  
23 you work for anyone else as a W-2ed employees?

24      A. I worked at Staples for a -- for a period of

1 time.

2 Q. Staples, like that sells --

3 A. Office --

4 Q. Office --

5 A. Yeah.

6 Q. When did you do that, sir?

7 A. I started, I'm guessing, '99 or 2000, and I

8 worked through 2004, 2005 sometime.

9 Q. Okay. So you did some work at Staples while you  
10 were still in college?

11 A. Yes.

12 Q. And did you stay there some brief amount of time  
13 after college?

14 A. I did. Yeah.

15 Q. Would it be fair to say, once you started doing  
16 more with Corrie Appraisals, that you left Staples?

17 A. Yes.

18 Q. So after you left Staples and you were an  
19 independent contractor for Corrie -- leave Coles County  
20 out of it yet -- anyone else that you did independent  
21 work and/or W-2 work?

22 A. No.

23 Q. Leaving Coles County out of it -- strike that.

24 So you left -- you left Corrie, you said, around

1 2018?

2 A. That's what I believe, yeah.

3 Q. Was -- was the project -- I'm going to call it  
4 for now -- that you were doing for Coles County, was it  
5 still ongoing when you left Corrie or had it completed?

6 A. Yeah. I think we had -- I think we completed in  
7 2019 for the Coles County project.

8 Q. So it would be fair to say you were still working  
9 on the Coles County project when you left Corrie  
10 Appraisals?

11 A. Yes.

12 Q. Okay.

13 A. Or -- or winding it down, I mean, still, yeah.

14 Q. Did Dan Corrie or his business have any -- did  
15 they do any of the work that you were doing for Coles  
16 County? Did they participate?

17 A. No.

18 Q. Was that a point of contention for Dan Corrie?

19 A. I guess so, yeah. Yes.

20 Q. Did you have a conversation with Mr. Corrie about  
21 you taking this job on and his business not being  
22 involved in it?

23 A. Yes.

24 Q. Tell me -- tell me about that.

1       A. Initially, he was a little upset that I didn't  
2 include him in -- in the project. He thought that, you  
3 know, because it was valuation-related then he should've  
4 been or the company or something should've been  
5 involved. And I said, well, you know, they -- the  
6 county approached me because they're -- they need an  
7 individual, not a company, necessarily, which was my  
8 understanding at the time and that, you know, they  
9 didn't want any, you know, local company names involved  
10 with it in case there was issues down the road.

11       Q. Political?

12       A. Yeah.

13       Q. So -- so Corrie Appraisals is -- where are they  
14 from? Where are they located?

15       A. Charleston.

16       Q. Charleston. Okay. So they do valuation  
17 services, but they were here from Coles County?

18       A. Yes.

19       Q. And you individually, while you might have been  
20 working for Corrie, you would've been then a resident of  
21 Cumberland County?

22       A. Yes.

23       Q. And I'm getting a little ahead of myself, but did  
24 you ever talk to anyone in Coles County government about

1 the fact that you were not a resident of Coles County so  
2 you would be seen as an outsider and not as a insider?

3 A. That never came up.

4 Q. Okay. Did you have that conversation with Mr.  
5 Corrie about that being the case?

6 A. No. Not -- not residency.

7 Q. But you said something about he was a local  
8 company.

9 A. Yeah. And I'm saying, like, not just local to,  
10 like, Charleston or Cumberland County, like, you know  
11 Central Illinois area.

12 Q. Do you know who Tyler Tech is?

13 A. I've heard of them. Yes.

14 Q. You ever had any dealings with them?

15 A. Not directly. No.

16 Q. Prior to this project with Coles County, had you  
17 ever, when you were with Corrie Appraisals, done any  
18 other valuation work that didn't involve Corrie?

19 A. Not that I recall.

20 Q. So explain to me how that would then work when  
21 you were working for Corrie, when -- when there would be  
22 valuation work that people would -- would people call  
23 you directly and ask for valuation -- leave Coles County  
24 out of it -- or they would call the office or how did

1 that work get facilitated?

2 A. Mostly through the office.

3 Q. Through the office of Corrie?

4 A. Yes.

5 Q. And then a job would come in and you would be  
6 assigned that job; is that fair?

7 A. Yes.

8 Q. And your compensation as an independent  
9 contractor, was it a flat rate or was it based on how  
10 much work you did? How was that determined?

11 A. It was a percentage of the fee.

12 Q. Percentage of the appraisal fee?

13 A. Yeah.

14 Q. Okay. How much? What percent?

15 A. I don't remember at that time. It ranged through  
16 the whole time working there, from 50 percent to 90  
17 percent.

18 Q. Okay.

19 A. Based on, you know, different certifications that  
20 I got, designations that I got, that kind of thing.

21 Q. Okay. Would it -- do you believe that your  
22 ultimate, -- when you left Corrie, were you asked to  
23 leave or did you leave on your own?

24 A. I left on my own. I had pretty much set a date



1 that said, you know, if we can't figure out this  
2 partnership, then I'm going to, you know, seek other  
3 options.

4 Q. Okay. Who was the -- now let's move on here and  
5 talk about Coles County a little bit. Who was the first  
6 person -- strike that.

7 How did you come to learn that Coles County was  
8 looking to do some valuations?

9 A. I was approached by Kelly Lockhart with Regional  
10 Planning.

11 Q. Okay. Tell me about when she contacted you, to  
12 the best of your recollection.

13 A. I don't really recall at all.

14 Q. How -- how did she contact you?

15 A. It was a phone call, I believe. He had called.

16 Q. Cell phone? Office phone with Corrie? How does  
17 that work?

18 A. I don't recall.

19 Q. You don't recall?

20 A. No. Kelly had my cell phone from -- I use -- I  
21 was on the city council for a few years, Mattoon, and so  
22 we had dealt with regional planning that way. So he  
23 certainly did have my cell phone, but I -- I couldn't  
24 tell you for sure if it was cell phone or office number.

1 Q. Okay. So you -- you've helped me with that. So  
2 Kelly Lockhart works for Regional Planning?

3 A. Yes.

4 Q. Not the Assessor's Office of Coles County?

5 A. Yes.

6 Q. And what did Kelly -- when did that conversation,  
7 to best of your recollection, that first one, what  
8 happened? What was talked about?

9 A. Basically wanted to know if I would be interested  
10 in working with the assessor's office to do a  
11 revaluation for the county and that -- said that it  
12 hadn't been done for a number of years and they were  
13 soliciting, you know, bids or looking for individuals or  
14 whatever to -- you know, to do the -- do the work,  
15 basically.

16 Q. Okay. One second, sir. I've got a pile of  
17 documents here.

18

19 (Plaintiff's Exhibit No. 5 was marked for  
20 identification.)

21

22 BY MR. DEVORE:

23 Q. Take a look at that and let me know when you're  
24 ready, sir.

1 A. Okay. Okay.

2 Q. Do you recognize this document?

3 A. I do.

4 Q. Did you prepare this document?

5 A. I did.

6 Q. Okay. Is this a document that was prepared --  
7 would it be fair to say that eventually culminated from  
8 that initial phone conversation that you had with Kelly  
9 Lockhart prior to March 30th, 2015?

10 A. Yes.

11 Q. Now, it says in the second sentence that, in  
12 determining the scope of this assignment, I met with  
13 Kelly Lockhart and Ms. Karen Childress; do you see that?

14 A. Yes.

15 Q. Do you understand Karen Childress to now be Karen  
16 Biddle?

17 A. Yes.

18 Q. Now, prior to you submitting this bid -- I'll get  
19 to the conversation that you had with Ms. Lockhart and  
20 Ms. Childress -- you said that you were aware there had  
21 not been a commercial reassessment in Coles County for  
22 quite some time?

23 A. Yes.

24 Q. And do you know whether or not that -- was there

1 -- was the -- did they -- any of them express to you  
2 that the county board or members of the Charleston City  
3 Council or anyone was pushing the assessor's office to  
4 revalue commercial property? Was there any conversation  
5 about that?

6 A. Yes. I'm not sure when I found the information  
7 out though, whether it was beforehand or after I got  
8 involved with it. But I did come to find out that the  
9 school district and the City of Charleston -- Charleston  
10 School District and the City of Charleston had got  
11 together with the Board of Review, and I believe the  
12 county board, and -- and essentially threatened lawsuits  
13 if they didn't get it reassessed.

14 Q. Correct. Okay. So did anyone during this  
15 time -- and there again, when I'm saying time, let's  
16 talk about from the time you first got contacted to the  
17 time you submitted a bid.

18 A. Okay.

19 Q. The -- so you -- you were generally aware that  
20 there were some conversation going on by these taxing  
21 entities that this stuff needed to be assessed; is that  
22 fair?

23 A. Yeah.

24 Q. Did Ms. Biddle ever express to you in these

1 meetings at that time that she didn't have the resources  
2 to do this type of work?

3 A. Yes.

4 Q. Did she express to you that there was a -- any  
5 point of the contention between her and the county board  
6 in that regard?

7 A. No. Not that I knew of.

8 Q. Okay. So do you recall how many times you met  
9 with Ms. Lockhart and Ms. Childress?

10 A. I believe just the one day -- the one time before  
11 submitting this.

12 Q. So if I understand, would it be that Kelly  
13 Lockhart reached out to you, there was a conversation,  
14 and then would there have been one meeting with Kelly  
15 and Ms. Biddle before you submitted this bid, you think?

16 A. Yeah. I -- I'm guessing -- I -- I believe it was  
17 on the same day, and it was -- you know, I went up to  
18 Kelly's office, talked with Kelly -- hey, what's going  
19 on? And then went down and talked to Karen before --  
20 before leaving.

21 Q. Do you remember what you and Karen talked about  
22 briefly?

23 A. Just about the process, and she said whenever the  
24 county board hired her, she explained to them that she

1 didn't necessarily have the knowledge to do this, you  
2 know, this large of a scope of reassessments on the  
3 commercial properties, and that they said -- the county  
4 board essentially said that she could get help to get it  
5 done. So --

6 Q. Now, this project that we're getting ready to  
7 talk about, have you done it since this Coles County  
8 project? Have you done it for any other counties?

9 A. Not on this scale, no.

10 Q. Have you done any type of reevaluation for any  
11 county?

12 A. I had --

13 Q. This scale or otherwise?

14 A. I've done individual appraisal work for some  
15 other counties. Not mass appraisal work though.

16 Q. When you say for other counties, who -- who  
17 would've engaged you to do that on behalf of the county?

18 A. Trying to think of the county. So I've done some  
19 -- some work with Quincy, which was Adams County.

20 Q. Uh-huh.

21 A. And there's another county over there. I cannot  
22 remember the name of it.

23 Q. That's fine.

24 A. But I -- I did -- I just did an individual

1 appraisal for them.

2 Q. So if I go to the next line, which is the third  
3 sentence of the first paragraph, it says you submitted  
4 this bid contingent upon the county approving the switch  
5 to DEVNET; is that right?

6 A. Yes.

7 Q. Okay. So would it be fair that, when you  
8 submitted this document, you understood you were  
9 submitting a bid to engage in mass appraisal work for  
10 the county; is that fair?

11 A. Yes.

12 Q. And then if I go to the last sentence, it was --  
13 you were submitting this bid for \$115,000, correct?

14 A. Yes.

15 Q. Do you see anywhere in your bid proposal to where  
16 you -- strike that.

17 Did you ever submit a resume to them that you can  
18 recall?

19 A. I don't recall.

20 Q. Did you ever submit an application for employment  
21 that you recall?

22 A. No, I did not.

23 Q. And then I'll hand you what we'll mark as  
24 Plaintiff's 6.

1

2 (Plaintiff's Exhibit No. 6 was marked  
3 for identification.)

4 BY MR. DEVORE:

5 Q. Let me know when you're ready, sir.

6 A. Okay.

7 Q. Do you recognize this document?

8 A. I do.

9 Q. Okay. Is this a revised bid that you submitted  
10 sometime subsequent to the first one that we just looked  
11 at, Plaintiff's 5?

12 A. Yes.

13 Q. The -- and I'm not asking you to compare them  
14 identically. Maybe you know off the top of your head  
15 the differences. But one of the differences I saw was  
16 in the last paragraph where it breaks your \$115,000 bid  
17 into quarterly payments. Is that fair?

18 A. Yes.

19 Q. Okay. Then it talks about your -- it says your  
20 commission -- I'm assuming you mean by you undertaking  
21 whatever your responsibilities are -- would begin August  
22 of '15; is that correct?

23 A. Yes.

24 Q. So did you, in fact, start working on this



1 project in -- around August of 2015?

2 A. I don't remember. It seems like it was delayed.

3 Q. Would it be fair to say you started before  
4 January of '16?

5 A. Again, I don't recall. I started -- I believe I  
6 started -- and again, my -- I guess my years may be  
7 messed up here. It may have -- it may have been July of  
8 '15, but it was like -- it was June, July. Somewhere in  
9 there, but I don't remember if it was 2015 or 2016.

10 Q. Okay. But then at least your proposal said that  
11 you would start sometime in the summer of '15. Do  
12 you -- I mean, is that not a typo that it was supposed  
13 to be August of '16 or was there some understanding you  
14 would start before January of 2016, whether you actually  
15 did or not?

16 A. There -- I think I believe that there was  
17 understanding, yes. But I believe that there was a -- a  
18 delay in the software.

19 Q. So there -- but there was an expectation that you  
20 would start working on this quite some time before your  
21 first quarterly installment become due; is that fair?

22 A. Yes.

23 Q. And what type of work would that have been that  
24 you would've started on about -- you know, when you

1 first started working, what would that work entail?

2 A. Just preliminary data gathering, compiling sales,  
3 you know, land sales, building sales, whatever.

4 Q. What were your hours?

5 A. I didn't have any specific hours.

6 Q. Okay.

7 A. It was --

8 Q. Did you have an office?

9 A. I did.

10 Q. In the Coles County building?

11 A. Yes.

12 Q. Okay. Was it shared with someone or was it your  
13 own?

14 A. It was shared with the Board of Review, but the  
15 Board of Review wasn't in session while I was there.

16 Q. So you used the Board of Review's room; is that  
17 fair?

18 A. Yes.

19 Q. But you had no set hours?

20 A. No.

21 Q. Prior to -- now, this bid also says March 30th,  
22 2015, the revised bid, we'll call it, Plaintiff's 6.  
23 Did you submit that on the same day?

24 A. No. I'm sure that was just a typographical

1 error.

2 Q. That's fine. Didn't change the date. Do you  
3 have any idea how far into the future it was from the  
4 initial one?

5 A. No. Not at this one right now.

6 Q. Okay. Prior to -- I mean, besides talking to Ms.  
7 Lockhart and then -- now, when you met with Ms.  
8 Childress, you said you -- strike that.

9 Your testimony was you talked to Ms. Lockhart --  
10 Mr. Lockhart, and then you went down and talked to Ms.  
11 Biddle?

12 A. Yes.

13 Q. How long did you talk to Ms. Biddle as you were  
14 there; do you recall?

15 A. No. I don't recall.

16 Q. Did you ever talk to any county board members  
17 prior to submitting this bid?

18 A. Not that I recall. No.

19 Q. Talk to anyone from the Rules Committee of the  
20 Coles County Board prior to submitting the bid?

21 A. No.

22 Q. I'm going to hand you what I've marked as -- let  
23 me see here. I'm going to mark this as --

24 MR. DEVORE: Are we on 7?

1 MR. SMITH: Yes.

2 MR. DEVORE: Plaintiff's 7.

3

4 (Plaintiff's Exhibit No. 7 was marked  
5 for identification.)

6

7 BY MR. DEVORE:

8 Q. If you'll look at that, sir. Let me know when  
9 your ready.

10 A. Okay.

11 Q. You ever seen this document before today?

12 A. I have.

13 Q. When?

14 A. Sometime in the process.

15 Q. What process?

16 A. From the time that I had submitted my bid until,  
17 you know, the reassessment was done. I would say that  
18 at the beginning of the -- you know, sometime between me  
19 submitting my bid and the county board, you know. They  
20 had a meeting, rules committee meeting to discuss which  
21 direction everything should go.

22 Q. So you -- that's okay, sir. We'll get to the  
23 Coles County Rules Committee meeting in a second.

24 Was it your understanding when you submitted your

1 bid that you knew other companies would be submitting  
2 one, as well?

3 A. Yes.

4 Q. Did anyone ever share this bid with you prior to  
5 you submitting your bid?

6 A. No. It was after the -- after I submitted the  
7 bid.

8 Q. Their bid was quite a bit higher than yours,  
9 wasn't it?

10 A. It was. There was definite different scope of  
11 work.

12 Q. All right. Let's move on from that one to No. 8.

13

14 (Plaintiff's No. 8 was marked for  
15 identification.)

16

17 THE WITNESS: Okay.

18 BY MR. DEVORE:

19 Q. Have you ever seen this prior to today?

20 A. I don't believe so.

21 Q. Okay. This is a document I'm going to talk --  
22 ask you about for a second. This is, again for what  
23 it's worth, is the rules committee meeting from May 4th,  
24 2015. Did you actually attend the Coles County Board

1 Rules Committee meeting on May 4th 2015?

2 A. No. I don't believe so.

3 Q. You never appeared in front of the rules  
4 committee regarding your proposal that you had  
5 submitted?

6 A. No. Not -- not regarding the proposal, no.

7 Q. Were you aware that your bid was going to be  
8 reviewed and considered by the Coles County Rules  
9 Committee?

10 A. I wasn't really sure of the process at that  
11 point. After I submitted everything, then Kelly and  
12 Karen were kind of, like, well, we'll let you know, and  
13 so --

14 Q. So -- so who did you deal with primarily, Kelly  
15 or Karen?

16 A. It was both. I think Kelly -- it seemed like to  
17 me that Kelly was coordinating -- coordinating, you  
18 know, getting the proposals for Karen was what it seemed  
19 like.

20 Q. Okay. So I just want to make sure, again, I  
21 understand clearly that -- that as for any rules  
22 committee meetings, around May of 2015, you never  
23 appeared and discussed any of your proposal with them?

24 A. Not that I recall, no.

1 Q. Okay. Did you go to the Coles County Board  
2 meeting at all when they were considering your proposal?

3 A. I -- I don't believe so, no.

4 Q. You don't remember or you didn't go?

5 MR. SMITH: He said he doesn't believe  
6 so.

7 THE WITNESS: I don't believe I did.

8 BY MR. SMITH:

9 Q. Okay. Going to hand you what we're going to mark  
10 as Plaintiff's 9.

11

12 (Plaintiff's Exhibit No. 9 was marked  
13 for identification.)

14

15 THE WITNESS: Okay.

16 BY MR. DEVORE:

17 Q. Do you recognize this document?

18 A. I do.

19 Q. Is that your signature?

20 A. It is. Yes.

21 Q. Is that date January 24th, 2015? Look --

22 A. Looks like November 24th, 2015.

23 Q. That's your writing?

24 A. Yes.

1 Q. And I don't see your social security number on  
2 this one. It looks like maybe it was redacted out; is  
3 that fair?

4 A. Yes.

5 Q. Did you, in fact, submit this form to Coles  
6 County on or about November of 2015?

7 A. Yeah. I filled it out in the treasurer's office.

8 Q. So would it be fair to say that you were an  
9 independent contractor?

10 MR. SMITH: Objection. Calls for legal  
11 conclusion. You can go ahead and answer.

12 THE WITNESS: I have no idea.

13 BY MR. DEVORE:

14 Q. You have no idea?

15 A. I have no idea.

16 Q. Sir, you just sat here and testified 15 minutes  
17 ago that you were an independent contractor for Corrie  
18 Appraisals, right?

19 A. Yes.

20 Q. Okay. So did you have a -- did you submit a form  
21 similar to this to Corrie Appraisals?

22 A. I'm -- I'm assuming I did at some point, yes.

23 Q. Do you know what a 1099 is?

24 A. Yes.



1 Q. You get a 1099 from Corrie Appraisals?

2 A. Yes.

3 Q. Okay. And we're going to get to that. Didn't  
4 you, in fact, get 1099s from Coles County?

5 A. I did.

6 Q. Okay. So based upon that, if I ask you again,  
7 did you consider yourself an independent contractor when  
8 you submitted this form? Do you have an answer?

9 MR. SMITH: Same objection.

10 THE WITNESS: I don't because the --  
11 because my understanding is that it's based on -- so  
12 based on the work that you do. So as a 1099 -- as we  
13 talked with the appraisal side of it is a certain  
14 appraisal would come in. Dan would get the appraisal,  
15 assign it to me. I would do the work. I would get a  
16 percentage of the pay, and I would go about my business,  
17 but how I did that appraisal was solely at my  
18 discretion.

19 In the supervisor's office, I always worked  
20 under the direction of Karen. And so by having a direct  
21 boss there, I would consider that more of an employee.

22 BY MR. DEVORE:

23 Q. Really? Besides your lawyer sitting next to you,  
24 who have you had that conversation with that you just

1 gave me that explanation?

2 A. I have not had that conversation with anybody.

3 Q. At any time in the past since all of this case  
4 started or this work product started in January of 2016  
5 or prior, did you and Karen Biddle have any conversation  
6 similar in nature to what you just explained to me on  
7 why you believed you weren't an independent contractor?

8 A. Me and Karen have not had a conversation like  
9 that.

10 Q. Have you had that conversation with anybody  
11 besides your lawyer?

12 A. No.

13 Q. If you thought you were an employee, sir, why did  
14 you fill out a form asking to be considered -- get a  
15 1099?

16 A. After I -- after I had met with Karen, I'm  
17 guessing on November 24th, 2015, we were talking about,  
18 okay, how's this going to work? Where's my office going  
19 to be? Getting everything set up, you know. Hey, when  
20 -- when do you want to see the books? Do you want to  
21 just see it when I get it all done or do you want to see  
22 it periodically? We worked through that information.  
23 She says, I need you to go over to the treasurer's  
24 office and get signed up so that I can pay you through

1 payroll. So I go over to the treasurer's office. I  
2 said, here I am. They said, we don't know how to handle  
3 you because this is a -- a temporary job, basically.  
4 It's a four-year -- four-year deal, but you're not  
5 subject to any, you know, payroll or benefits or  
6 anything like that, and so we need to 1099 you because  
7 we don't want to -- it was something to do with the  
8 unions and the benefits and the union filed a grievance,  
9 and that was --

10 Q. Who did you have this conversation with?

11 A. Tina -- and I don't know her last name. It was  
12 in the treasurer's office -- and George Edwards, which  
13 was the treasurer, is the ones that decided that that --  
14 this is the way we were going to do it.

15 Q. Tina and George?

16 A. Yeah. George Edwards. I don't know Tina's last  
17 name.

18 Q. If I go back to your proposal, pick now  
19 Plaintiff's 6. Your bid --

20 A. Yeah.

21 Q. You familiar with that document?

22 A. Uh-huh.

23 Q. Does anywhere in that document -- does it present  
24 that you're asking to be hired as an employee?

1 A. Does not.

2 Q. Okay. You were submitting a bid, correct?

3 A. I was.

4 Q. Have you submitted these types of bids for other  
5 work?

6 A. No. That was the first time.

7 Q. Does that document anywhere say or what you're  
8 asking for your salary to be?

9 A. It just says what I'm asking for the job to get  
10 complete.

11 Q. You had no work hours, correct?

12 A. No, I did not.

13 Q. I'm going to hand you what I'm going to mark as  
14 Plaintiff's 10.

15

16 (Plaintiff's Exhibit No. 10 was marked  
17 for identification.)

18

19 BY MR. DEVORE:

20 Q. Do you recognize this document?

21 A. Yes.

22 Q. Is this, in fact, a 1099 that you got from Coles  
23 County for 2016?

24 A. Yes, it is.

1 Q. Would it be fair to say that you got a similar  
2 1099 document from Corrie?

3 A. Most likely, yes.

4 Q. Okay. You were an independent contractor  
5 according to your testimony from Corrie, correct?

6 A. I was, yes.

7 Q. Did you have scheduled work hours or specific  
8 work hours with Corrie?

9 A. No.

10 Q. You would do appraisals for them as they  
11 requested you to do them?

12 A. Yes.

13 Q. You got paid a commission?

14 A. Yes.

15 Q. You had no work hours with Coles County, correct?

16 MR. SMITH: Asked and answered, like,  
17 three times.

18 BY MR. DEVORE:

19 Q. Okay. Answer it again.

20 A. No. I did not record any hours.

21 Q. You just did appraisals that they asked you to do  
22 similar to what was in your scope of services, correct?

23 A. I did assessments. Yes.

24 Q. Based upon valuations?

1 A. Yes.

2 Q. I'm going to hand you what's been marked as  
3 Plaintiff's 11.

4

5 (Plaintiff's Exhibit No. 11 was marked  
6 for identification.)

7

8 THE WITNESS: Okay.

9 BY MR. DEVORE:

10 Q. Do you recognize this document?

11 A. Yes.

12 Q. Is this the 1099 you received from Coles County,  
13 2017?

14 A. I believe so.

15 Q. Got a similar one from Corrie in 2017?

16 A. Yes.

17 Q. Okay. Plaintiff's 12.

18

19 (Plaintiff's Exhibit No. 12 was marked  
20 for identification.)

21

22 THE WITNESS: Okay.

23 MR. SMITH: Before we go too far here, I  
24 just want to point out copy two --

1 MR. DEVORE: Oh.

2 MR. SMITH: -- doesn't have the  
3 redaction on the SSN.

4 MR. DEVORE: Yeah, good point. Scratch  
5 that out on the one that's going to be in the record.  
6 Good catch, counselor.

7 BY MR. DEVORE:

8 Q. Before I ask -- do you recognize this document,  
9 sir?

10 A. Yes.

11 Q. Before I ask you questions about this document,  
12 would it be fair to say that, prior to 2018, that you  
13 became aware that there were members of the community of  
14 Coles County raising issues about your status as an  
15 employee versus an independent contractor?

16 A. Yes.

17 Q. You were well aware, correct?

18 A. Yes.

19 Q. Would it be fair to say that, as a result of  
20 those concerns being raised, there was a decision made  
21 by someone to quit giving you a 1099 and to start  
22 issuing you a W-2?

23 A. Yes.

24 Q. Did you have that conversation with anyone at the

1 county?

2 A. Not -- not about how it came about. They just  
3 said, we need you to go fill out the W-2 paperwork in  
4 the treasurer's office.

5 Q. Who said -- who is we?

6 A. Karen relayed it to me but I believe it came from  
7 the state's attorney's office.

8 Q. Okay. Do you have -- I'll get to it in a second  
9 and maybe we have to look at a pay stub, but you can --  
10 now let's make the record clear here.

11 The -- the -- the value that you were receiving  
12 for this bid was not the only compensation you were  
13 receiving from the county, correct?

14 A. I don't know what other compensation there  
15 would've been.

16 Q. Did -- did you get paid some work for doing,  
17 like, Board of Review work or things of that nature?

18 A. Oh, yes.

19 Q. Can you explain how that -- give us the overview  
20 of how that worked. I just want to make sure the  
21 record's clear here.

22 A. Yeah. So my understanding -- so after we did the  
23 -- the reassessment, then the Board of Review said,  
24 well, we need help figuring out what all of this stuff



1 is. You know, so we -- so I worked with them a little  
2 bit and said, okay, here's basically how I came up with  
3 my numbers. Well, then they were wanting more detail as  
4 far as going through evidence submitted, to see if it  
5 was, you know, reasonable evidence or not. And I said,  
6 well, that wasn't -- that wasn't part of the scope of me  
7 doing the -- you know, the reassessment is -- the  
8 reassessment was just coming up with the values, so --

9 Q. And -- and I thank you for that. So -- and,  
10 again, I want -- your lawyer may not be aware of some of  
11 this either.

12 So the \$115,000 was for the scope of services in  
13 this agreement, correct?

14 A. Yes.

15 Q. Then this other work where they were probably  
16 defending taxpayer objections in the Board of Review; is  
17 that fair?

18 A. Not defending, just reviewing.

19 Q. But they -- they needed additional analysis or  
20 work from you on some of those efforts; is that fair?

21 A. Yes.

22 Q. And was there a separate agreement that you made  
23 on how much you wanted compensated for that time?

24 A. Just verbally.

1 Q. How much?

2 A. I don't even remember now.

3 Q. So you came to a verbal agreement with who on  
4 what that re-numeration might look like?

5 A. I believe it was the chairman of the Board of  
6 Review.

7 Q. Do you remember his name?

8 A. I believe at the time it was Jerry Herman.

9 Q. Jerry Herman?

10 A. Yeah.

11 Q. So there would've been a conversation with Jerry  
12 that you would want paid so much for participating in  
13 those efforts; is that fair?

14 A. The conversation, I believe, was with the entire  
15 board, but he ultimately made the decision.

16 Q. You had that conversation with the whole Board of  
17 Review?

18 A. Yeah.

19 Q. And so -- so the value that -- that you were  
20 getting and the \$115,000 was then at some point  
21 increased by an agreement with the Board of Review for  
22 the time you spent on those efforts?

23 A. Yes.

24 Q. Did Karen Biddle have anything to do with those

1 conversations?

2 A. I don't know. She was in the room, but I don't  
3 know, ultimately, who -- you know, who made the final  
4 decision to -- to allow it or not allow it.

5 Q. Well, your testimony was just that ultimately the  
6 chairman made that decision. I want to make sure the  
7 record's clear. The chairman made that decision after  
8 you talked to the Board of Review?

9 A. Well, I -- so I guess I don't know who really  
10 made the decision. I was presented. I said, hey, it  
11 would be an hourly rate for Board of Review work. And  
12 then the next meeting we had, they said, yeah, it's  
13 approved.

14 Q. Who's they?

15 A. The Board of Review said that.

16 Q. Okay. So I want this record to be clear that  
17 that agreement that you made regarding that amount that  
18 you would need for hourly was not made and decided by  
19 Karen Biddle.

20 A. I don't know. Again, after I left, Karen  
21 could've discussed it with the board. It could've been  
22 the board decisions. I have no idea.

23 Q. Did Karen Biddle ever say to you directly, I  
24 agree to this additional monies paid to you, and I

1 approve it. Did she ever say that to you?

2 A. No.

3 Q. Okay. Thank you.

4 One second, sir.

5 A. Sure.

6 Q. I got to make sure to write that note to ask Ms.  
7 Biddle.

8 So if we go back -- if we could go just briefly,  
9 please, sir, to 12. You see there -- would it be fair  
10 to say that your total compensation from the county in  
11 2018 was \$41,895.88?

12 A. Yes.

13 Q. Would it be fair to say that the prior year on  
14 your 1099, it was 28,750?

15 A. Yes.

16 Q. And the 28,750 is actually four quarterly  
17 installments of 7,187.50, which was the amount in your  
18 bid, correct?

19 A. I believe so. Yes.

20 Q. So would it also be fair to say that the  
21 difference between 41,895.88 and 28,750 would've been  
22 for the monies you earned for doing this other work that  
23 we just discussed?

24 A. Yes.

1 Q. Okay. I'm going to hand you what we're going to  
2 mark as 13.

3

4 (Plaintiff's Exhibit No. 13 was marked  
5 for identification.)

6

7 BY MR. DEVORE:

8 Q. Whenever you're ready, Mr. Becker.

9 A. I'm ready.

10 Q. You recognize this document?

11 A. Yes.

12 Q. Is this your W-2 for 2019?

13 A. It is.

14 Q. Do you recall how many of the 7,187.50 payments  
15 were left to be made to you in 2015?

16 A. I do not.

17 Q. Because I think we've already determined that  
18 28,000 -- 28,750 would've been four of those  
19 installments, and this 1099 is less than that; is that  
20 fair?

21 A. Yes.

22 Q. Did the project that you worked on for them, did  
23 it end after 2019?

24 A. Yes.

1 Q. And how did it -- how did it end? Give me the  
2 explanation of how -- how it came to wrap up.

3 A. We published values, I believe, on 2019 or in --  
4 sorry -- October, I believe. And then, at some point,  
5 they -- the county board decided that they were going to  
6 repost Karen's job. Karen decided not to reapply for  
7 the job, and then I pretty much just quit going in the  
8 office and they got a new assessor, so --

9 Q. Did you ever get fired?

10 A. I don't believe so. No.

11 Q. You just quit showing up?

12 A. Yes.

13 Q. Because the -- would it be you quit showing up  
14 because it was your understanding that the scope of  
15 services in your bid from 2015 had been completed?

16 A. Yes.

17 Q. No exit interview by anyone from the county board  
18 or from the county government?

19 A. No. I mean, I talked with Karen, but no official  
20 -- nothing official, you know.

21 Q. Did you ever meet with the chairman of the county  
22 board, Stan Metzger, during those times?

23 A. I did, yes.

24 Q. What did he want to talk about?

1       A. Mostly had questions about the process. As you  
2 noted, there's a group of concerned taxpayers that were  
3 coming to county board meetings at that point. So most  
4 of the conversations were, you know, hey, they're --  
5 they're saying this -- you know, what -- what do you  
6 have to say rebuttal-wise to this information, you know.  
7 And so we were providing information to him data-wise.

8       Q. "We", who's "we"?

9       A. The office. Me. Karen.

10      Q. How many people worked in the assessor's office  
11 besides Karen?

12      A. So I believe four at the time.

13      Q. Do you remember their names?

14      A. Donya, Michelle. I can't remember the other two  
15 right offhand.

16      Q. Okay. So you -- four besides Karen, you believe?

17      A. Yeah. There was four up front, me, and then  
18 Karen.

19      Q. Okay. I'm going to hand you what's been marked  
20 as 14.

21

22                               (Plaintiff's Exhibit No. 14 was marked  
23                               for identification.)

24

1 THE WITNESS: Okay.

2 BY MR. DEVORE:

3 Q. Do you recognize these documents, sir?

4 A. Yes.

5 Q. Are these invoices that you were submitting to  
6 Coles County for January of '16, it looks like, through  
7 the end of '17.

8 A. Yeah. I sent them to Karen during that time.

9 Q. Were they addressed to Karen?

10 A. In the e-mail they were, yes.

11 Q. Who were they addressed to, sir?

12 A. These were addressed to Coles County, Illinois,  
13 651 Jackson Avenue, Charleston, Illinois.

14 Q. Addressed to the County of Coles, correct?

15 A. Yes.

16 Q. Now, I believe you testified that, at least at  
17 one point in time, you did some W-2 work for Staples,  
18 correct, as an employee?

19 A. Yes.

20 Q. Did you submit invoices for work when you did  
21 that?

22 A. I did not.

23 Q. Hand you what we've marked as --

24 MR. DEVORE: Do you remember what



1 number, counselor?

2 MR. SMITH: 15.

3 MR. DEVORE: 15?

4 MR. SMITH: Yes.

5 MR. DEVORE: 15.

6

7 (Plaintiff's Exhibit No. 15 was marked  
8 for identification.)

9

10 THE WITNESS: Okay.

11 BY MR. DEVORE:

12 Q. Do you recognize these?

13 A. Yes.

14 Q. Were these payments that you received from Coles  
15 County paying the invoices that you had submitted during  
16 2016 and '17?

17 A. Yes.

18 Q. Would it be fair to say that these aren't payroll  
19 checks? Is that fair, sir?

20 A. I don't know the difference. I would guess not.  
21 I'm assuming a payroll check would have the deductions  
22 on them, but I don't remember what the --

23 Q. Tax deductions?

24 A. Yeah.

1 Q. Now, let's go to 16.

2

3 (Plaintiff's Exhibit No. 16 was marked  
4 for identification.)

5

6 THE WITNESS: Okay.

7 BY MR. DEVORE:

8 Q. Do you recognize any of these, sir?

9 A. I don't recognize these printouts, but I'm  
10 assuming that they're payments that were made.

11 Q. You testified prior that sometime around the  
12 beginning of 2018 that Ms. Biddle had communicated to  
13 you, based upon whatever the state's attorney had said,  
14 that you needed to start getting paid as W-2ed employee;  
15 is that fair?

16 A. Yes.

17 Q. And after that time between January of 2018 until  
18 you completed your work, did you get paid as a W-2ed  
19 employee?

20 A. I did.

21 Q. Okay. I'm going to flip to this group document.  
22 Flip to the second page.

23 A. Okay.

24 Q. See where it says check date, 2-15-2018? Do you

1 see that date at the top?

2 A. Yes.

3 Q. Is it, in fact, the case that -- that Coles  
4 County pays their employees bimonthly, twice a month?

5 A. I guess so. I don't remember.

6 Q. Don't remember. Okay.

7 A. It appears that way on here.

8 Q. Do you see the amount, \$1,508.62?

9 A. Yes.

10 Q. Do you know where that number came from?

11 A. I do not.

12 Q. Did you negotiate that amount as a salary?

13 A. I don't recall.

14 Q. Let's flip to the next page there, which would be  
15 the third page, that has a date of 2-28-18. Let me know  
16 when you're ready with that.

17 A. Okay.

18 Q. If you look down to the categories, it says  
19 categories, it says HRS3 and then salary 3. Do you see  
20 that?

21 A. Yes.

22 Q. Do you see where under there at H, hours, 38.5  
23 hours, 38.5 hours at \$3,850; do you see that?

24 A. Yes.

1 Q. Is the rate that you negotiated to do the work  
2 beyond your initial scope, was it \$100 an hour? Isn't  
3 that, in fact, what you had negotiated?

4 A. Sounds correct, but, again, I don't recall.

5 Q. And then where it says salary 3, number 1 is  
6 \$1,306.82; do you see that?

7 A. Yes.

8 Q. Before on the prior pay period of February 15th,  
9 it was \$1,506.82; do you see that?

10 A. Yes.

11 Q. Do you know why that changed?

12 A. I do not.

13 Q. Do you have any idea where the \$1,306.82 comes  
14 from?

15 A. Not right offhand, no.

16 Q. Now, your -- your bid that you submitted said  
17 \$7,187.50 a quarter, correct?

18 A. I believe so, yes.

19 Q. Did you ever do any calculations yourself to try  
20 to determine whether this bimonthly \$1,306.82 was  
21 compensating you in any equivalent fashion to the  
22 7,187.50 per quarter?

23 A. Not -- not as the -- not as time went by. I just  
24 calculated all at the -- at the end, I believe, to make

1 sure it was all correct.

2 Q. Did anyone ever communicate to you, that works  
3 for Coles County, that they had done that calculation  
4 and the amount they were going to pay you bimonthly was  
5 the same?

6 A. Not that I recall.

7 Q. Now, if we take -- again, do you have -- if you  
8 have to look at these documents because you tell me you  
9 don't recall that, in fact, you were getting paid two  
10 times a month, or do you recognize that you were getting  
11 paid two times a month?

12 A. Yes. I was getting paid two times a month.

13 Q. Okay. And so if you accept for me that \$1,306.82  
14 times 26 pay periods -- would you agree there's 26 pay  
15 periods? Or 24, I'm sorry. \$1,306.82 times 24 pay  
16 periods is \$31,363.68.

17 A. Okay.

18 Q. Your attorney's doing the math, too, so --

19 A. Okay.

20 Q. All right. That is more than 7,187.50 a quarter  
21 for four quarters, is it not?

22 A. Yeah.

23 Q. Do you know why -- do you understand -- have any  
24 knowledge of how that came to be, that your monthly or

1 your bimonthly amount for the year was more than what  
2 your bid was? Do you know why?

3 A. I do not.

4 Q. Did you have any conversations with anybody that  
5 they were going to then increase that number to cover  
6 some tax burden that you weren't expecting to have to  
7 pay?

8 A. Not that I recall, no.

9 Q. But we have established that, at least on the one  
10 that we're looking at for number three, page number  
11 three, where it's got the 38.5 hours at a hundred  
12 dollars an hour, that was for the additional  
13 compensation that you negotiated with the Board of  
14 Review, correct?

15 A. Yes.

16 Q. Throw that baby to the side.

17 A. Would it be possible to use the restroom?

18 Q. Take a five-minute break?

19 A. Sure. Thanks.

20

21 (A recess was taken from 12:35 p.m. to  
22 12:37 p.m.)

23

24 BY MR. DEVORE:

1 Q. You were aware that on or about May 12th of 2015  
2 Coles County Board accepted your bid --

3 A. Yeah.

4 Q. -- for doing this appraisal, correct?

5 A. Yep. Yes.

6 Q. Do you have any knowledge that Karen Biddle ever  
7 went to the Coles County board asking to hire a deputy  
8 assessor as a new employee of the county?

9 A. I don't.

10 Q. At any time prior to you submitting your bid  
11 and/or on May 15th of the Coles County Board  
12 acknowledging your bid, did anyone ever express to you  
13 that they were looking to hire the new deputy assessor  
14 as an employee of the county?

15 A. Just the meeting I had with Kelly and Karen.  
16 When I met with Karen, she just said, I need help  
17 getting this commercial industrial reassessment done.

18 Q. No, I understand that.

19 A. Okay.

20 Q. She needed your help, right?

21 A. Yeah.

22 Q. But, specifically, did any of them express to  
23 you, we're looking to bring on a deputy assessor? Did  
24 they ever bring those words specifically to you -- with

1 you in that meeting?

2 A. Not up 'till that point, no.

3 Q. Okay. Do you recall the first time when anyone  
4 from Coles County -- Karen, Kelly, board chairman,  
5 anyone -- ever use it the words to you, deputy assessor?

6 A. It was when -- I started -- again, I don't  
7 remember the exact time, but I started going -- when I  
8 finally started going into the office, Karen said, hey,  
9 I need you to sign this deputy, you know, assessor  
10 thing. And, again, then we talked about, okay, at what  
11 point do you want to see the work product? You know, do  
12 you want to -- to see it in progress? Do you want to  
13 see it at the end of it? You know, how -- how is that  
14 going to work out? And at that point, she says, no,  
15 just get it all done, submit it to me, and then I'll  
16 make any reviews or recommendations at that point.

17 Q. Okay. That's fair. And just so we're clear, Mr.  
18 Becker, the questions that I'm asking you is not  
19 suggesting any impropriety on your behalf.

20 A. Sure.

21 Q. I'm just trying to understand what happened.

22 A. Yeah.

23 Q. So at some point in time after you had started  
24 doing your work or about the time you started, Karen



1 brought up the issue of needing you to sign something  
2 relating to deputy assessor?

3 A. Yeah.

4 Q. But prior to that, there was never any  
5 information about that; is that fair?

6 A. No.

7 Q. I'm going to hand you Plaintiff's 17.

8 MR. SMITH: I think that's 1. You can  
9 have two of them in there. I think this was already  
10 marked as Exhibit No. 1.

11 MR. DEVORE: Oh. That's a good point.  
12 We used a document while ago, I think. Plaintiff's 1.  
13 Do you have it? I have a copy.

14 BY MR. DEVORE:

15 Q. Take a look at that, Mr. Becker. Let me know  
16 when you're ready.

17 A. Okay.

18 Q. Are you ready?

19 A. Yes.

20 Q. Oh, sorry. You're saying, okay, let me look at  
21 it. I apologize.

22 A. Yes.

23 Q. You recognize this, sir?

24 A. Yep.

1 Q. When was the first time that you were ever  
2 presented with this document?

3 A. Like I said, it was -- I don't remember the exact  
4 date. It was whenever I started going in the office.

5 Q. You see where it says June 1st, 2016, that Ms.  
6 Biddle notarized this document?

7 A. First day of June. Yeah.

8 Q. So it'd be fair to say this is your signature on  
9 the document?

10 A. Yes.

11 Q. Would it be fair -- do you believe that maybe  
12 that was the day that she had presented this document to  
13 you to sign?

14 A. That would -- that would coincide, yeah.

15 Q. Did you have any appreciation at the time on why  
16 she was asking you to sign this document?

17 A. No. She just said anybody working in her office  
18 had to sign the -- sign the oath, so --

19 Q. Okay. And that's -- that's a fair -- I  
20 appreciate that answer.

21 So would it be fair to say that, when you signed  
22 this document, that you had no understanding that you  
23 were actually being engaged to be a deputy assessor for  
24 the county?

1       A. My -- my understanding was that basically just  
2 meant that I worked underneath her.

3       Q. Okay. For formality reasons?

4       A. Yeah. Well, and for the assessment process, you  
5 know, because, like I said, she had to -- she had to  
6 review all the work that I did, so --

7       Q. Of course. But would it be fair to say that you  
8 didn't -- you gave me a couple of names before of -- of  
9 Donya and Michelle?

10      A. Yeah.

11      Q. People that actually were there?

12      A. Yeah.

13      Q. Had hours, etc., you didn't see yourself  
14 similarly situated to them; isn't that fair?

15      A. I mean, I was doing the same work that they were  
16 doing. They were, you know helping me out, so --

17      Q. Do you think they negotiated \$100-an-hour rates  
18 for work beyond the scope of their bid?

19      A. No. Probably not.

20      Q. Okay. But prior to -- I think the record --  
21 prior to you being asked to sign this, you never had any  
22 discussions about being a deputy assessor or what that  
23 might look like; is that --

24      A. No.

1 Q. Okay. When you submitted your bid back in 2015,  
2 you weren't -- you had no expectation that you were  
3 being asked to be a deputy assessor similar in nature to  
4 what Donya or Michelle or any of the rest of them might  
5 be. Is that fair?

6 A. Yeah. Deputy-wise, yes.

7 Q. Okay. Let's go to Plaintiff's No. 3 if we could.  
8 I'm going to ask Mr. Becker to review Plaintiff's 3 and  
9 then -- you can set them over by him. He can probably  
10 get to them quicker, too. He probably shuffles papers  
11 all the time.

12 Grab Plaintiff's 3, Mr. Becker. Let's talk about  
13 that.

14 A. There's two. Maybe I can't do it faster. There  
15 we go. Okay.

16 Q. The first two pages won't mean a whole lot to  
17 you. Go to page three and read the e-mail, and I'll lay  
18 it out for you. This is an e-mail between Ms. Biddle  
19 and Mr. John Kraft from Edgar County Watchdogs. You may  
20 know who he is.

21 A. Yes.

22 Q. Read through the substance of that and let me  
23 know when you're ready.

24 A. Okay.

1 Q. You ever seen this e-mail before today?

2 A. I have.

3 Q. When?

4 A. A week or so ago.

5 Q. Who showed it to you?

6 A. My attorney.

7 Q. Okay. And let's not talk about that anymore.

8 Do you see -- you were, in fact, copied on that  
9 e-mail; is that correct?

10 A. Yes.

11 Q. Do you remember getting it back during that time?

12 A. I don't remember, but --

13 Q. Okay. So you were copied though, correct?

14 A. Yes.

15 Q. Now, the records that they're talking about, do  
16 you know what records that they were talking about in  
17 here that Mr. Kraft was asking from Ms. Biddle?

18 A. She references the Excel file.

19 Q. Do you know what Excel file she's referencing?

20 A. Yes. There was a -- well, from Mattoon Township  
21 there was, I believe, two -- three different files.  
22 There was one that contained all the multi-family  
23 properties in the township, one that contained all the  
24 commercial properties within the township, and one that

1 had all the industrial properties.

2 Q. And was this -- was this information that you had  
3 compiled as part of your scope of work?

4 A. The Excel was, yes.

5 Q. Okay. Do you still have those?

6 A. Yes, I do.

7 Q. Okay. Were those ever turned over to the county?

8 A. Yes, they were.

9 Q. When? Do you recall?

10 A. So the -- probably October, November of 2016.

11 Q. So when the first sentence there where Ms. -- Ms.  
12 Biddle states that the work is done by an independent  
13 fee appraiser hired by Coles County, is she referring to  
14 you?

15 A. Yes.

16 Q. And then she also proclaims that that information  
17 was part of your personal business records. Do you see  
18 that?

19 A. Yes.

20 Q. Do you agree with that proposition, that they  
21 were part of your personal business records?

22 A. No.

23 Q. Okay. Let's go to No. 4 if you could, sir.

24 A. Okay.

1 Q. Would it be fair to say you've seen this e-mail  
2 in the last week, too, because you might have talked to  
3 your attorney? And I don't want to know what you talked  
4 about.

5 A. I don't recall on this one.

6 MR. SMITH: I think he wants to know  
7 about -- talked to you about the last page.

8 THE WITNESS: Oh. Sorry. Okay.

9 BY MR. DEVORE:

10 Q. You ready, sir?

11 A. Yes.

12 Q. Okay. So I'm going to start here where you see  
13 where Elaine -- you know who Elaine is, I presume?

14 A. Yes.

15 Q. Okay. And Karen. Where it talks about how  
16 Karen's proclaiming that she has access to spreadsheets  
17 showing the basic information for each parcel. Is that  
18 the spreadsheets you were talking about before?

19 A. Yes.

20 Q. And then she -- she says, I can't access those  
21 tables. What tables is she referring to; do you know?

22 A. I believe everything she refers to in there is  
23 everything within the DEVNET CAMA system.

24 Q. And then in the last sentence in that paragraph,

1 Bob and I have discussed this a few times. Is she  
2 talking about you?

3 A. Yes.

4 Q. Okay. And it says, since we've had some requests  
5 for his work, Bob's preparatory work is not available to  
6 my office.

7 So did you and Karen actually talk about certain  
8 work that you would've done in your scope of services  
9 that was not available to her office? What's she  
10 talking about?

11 A. Basically, at the time, there was requests for  
12 a -- basically, a data dump of the CAMA system, and  
13 DEVNET said, we don't have to provide that. It's not  
14 subject to FOIA. Here's the -- here's the number to our  
15 attorney if you want to go that route. And so me and  
16 Karen had talked about -- she's like, they're wanting  
17 this data, and I said, Karen, there's -- there's no way  
18 that I can get it out of DEVNET software. You need to  
19 talk to DEVNET. And then, again, DEVNET refused to  
20 provide any access to it. So --

21 Q. So the last sentence of the second paragraph  
22 there where it says, I've explained to him -- and she's  
23 talking about the requester of this information -- that  
24 Bob's work involves trade secrets that don't come under



1 FOIA. Do you see that?

2 A. Yes.

3 Q. What trade secrets of yours is she talking about?

4 A. I'm not sure.

5 Q. Okay. This is a new one. What number are we on  
6 now? 17.

7

8 (Plaintiff's Exhibit No. 17 was marked  
9 for identification.)

10

11 THE WITNESS: Okay.

12 BY MR. DEVORE:

13 Q. Are you ready, sir?

14 A. Yes.

15 Q. I'm more interested -- most interested in the --  
16 starting at the bottom two-thirds of page one. This is  
17 an e-mail from you to Elaine, and you copied Carol --  
18 Karen on March 29th, 2017. Do you recognize it?

19 A. Yes.

20 Q. This is an e-mail you, in fact, sent to Karen --  
21 or to Elaine?

22 A. Yes.

23 Q. And the first sentence is, Karen indicated you  
24 need support for my competency in regard to my contract.

1 Did you have a conversation with Karen about some  
2 classes that you were supposed to take?

3 A. I don't think it was with -- so in the original  
4 bid, I had discussed taking two IAAO classes to support  
5 because everything that I had done up to that point was  
6 individual appraisal --

7 Q. Uh-huh.

8 A. -- work and so the two classes were supposed to  
9 supplement for mass appraisal.

10 Q. I understand.

11 A. And so that's -- it says contract, but it was all  
12 -- it refers back to the bid.

13 Q. Okay. We haven't gotten to that part yet, sir.

14 A. Okay.

15 Q. I'm saying that Karen indicated you need support.  
16 So did Karen communicate to you that Elaine was looking  
17 for these particular class certifications?

18 A. I -- I think it was -- yeah. I think she said  
19 that --

20 Q. Who's "she"?

21 A. Karen had said that Elaine needed me to forward  
22 her the -- the support, basically.

23 Q. Okay. So Karen -- so Elaine was making a request  
24 of you through Karen that she needed this information?

1 A. That's my understanding, yes.

2 Q. Okay. In what capacity was Elaine asking? Was  
3 she a member of the county board at that time?

4 A. My understanding is she got a FOIA request for  
5 the support based on the original bid that I'd  
6 submitted.

7 Q. And then the second sentence says, the contract  
8 states I would complete two classes offered by the IAAO,  
9 correct?

10 A. Yes.

11 Q. So would it be fair to say that in this e-mail  
12 correspondence, you were referring to your bid that was  
13 accepted by the county board as a contract; is that what  
14 you wrote?

15 A. It was -- yeah. It was stated to the bid that --  
16 within the bid I had said that. Yes.

17 Q. So you referred to it as a contract; is that  
18 fair?

19 A. I did. Yes.

20 Q. And based on prior testimony, once you completed  
21 the terms of that, you just quit going to the Coles  
22 County building and doing any work, correct?

23 A. Yes.

24 Q. There's 18.

1

2

(Plaintiff's Exhibit No. 18 was marked  
for identification.)

4

5

THE WITNESS: Okay.

6

BY MR. DEVORE:

7

8

9

Q. Obviously, the bottom part of the first page, do  
you recognize that e-mail that you sent to Karen Biddle,  
sir?

10

A. Yes.

11

12

13

14

15

16

17

Q. Did -- as a result of the prior exhibit we were  
looking at around March of 2017, had you taken those  
classes yet, based upon the e-mail that you sent back in  
March where you referred to your agreement as a  
contract? That was March 29th. Did you take those  
classes after that e-mail or had you already taken them?

18

19

20

Q. Okay. But this is April 18th, 2017, where you  
were providing to Karen these certificates of completion  
for the classes you took. Is that fair?

21

A. Yes.

22

23

Q. Because those were two classes that you had  
agreed to take in your bid, correct?

24

A. Yes.

1 Q. The -- when did you first come to learn that  
2 there were citizens in Coles County that were raising  
3 issues about the manner of which you were brought forth  
4 to do this work?

5 A. Sometime after the publication and the first  
6 township, so I would guess sometime fourth quarter of  
7 2016.

8 Q. So you were aware that, prior to you being  
9 engaged, that the county passed a resolution dividing  
10 the county up into assessment districts, correct?

11 A. Yes, sir.

12 Q. And you were working on, I guess, those townships  
13 that were in assessment district one at the time?

14 A. Yes.

15 Q. And was -- did you, in fact, work -- to the best  
16 of your ability, were you able to revalue every  
17 commercial property in assessment district one?

18 A. Yes.

19 Q. Did you play --- did you have any involvement in  
20 reassessing the residential property in assessment  
21 district one during that time frame?

22 A. I did not.

23 Q. Do you know who might have been working on that,  
24 if any?

1 A. I don't know.

2 Q. And when would that publication have come out?

3 A. I believe -- it was fall of 2016, I believe, so  
4 it would've been somewhere around October, I think.

5 Q. Before -- before January of '17?

6 A. Yes.

7 Q. And so after that first publication came out, I'm  
8 assuming what happened, as a result of your reassessment  
9 calculations for the commercial properties in assessment  
10 district one, that a lot of properties' assessed values,  
11 based upon fair market value analysis, increased,  
12 correct?

13 A. Yes.

14 Q. Okay. Which would result in, at least for that  
15 one year, the burden of the taxes could shift to those  
16 properties until you catch up the other years for  
17 commercial properties in the subsequent cycles, correct?

18 MR. SMITH: Objection to the form.

19 BY MR. DEVORE:

20 Q. I think -- he's a professional. I think he might  
21 know what I meant.

22 A. Yeah. If you do a reassessment on district one,  
23 then it would shift the burden to district two, three,  
24 and four until that -- until you get to the subsequent

1 time, but, I mean, that's kind of how the process works.

2 Q. I agree with you. Again, I'm not trying to trick  
3 you.

4 A. Yeah.

5 Q. But when you break a county up into assessment  
6 districts, and you start right out the gate reassessing  
7 assessment district one to fair market value --

8 A. Uh-huh.

9 Q. -- right, which is what you did?

10 A. Yes.

11 Q. And your understanding was there hadn't been a  
12 reassessment for up to 20 years?

13 A. Possibly.

14 Q. Correct?

15 A. Yeah.

16 Q. So your work seemingly probably caused some  
17 valuations in assessment district one to increase for  
18 commercial properties, correct?

19 A. Some increase.

20 Q. Some went down?

21 A. Some decrease.

22 Q. Assessment districts two, three, and four  
23 wouldn't feel those impacts until you got to them in the  
24 subsequent years, correct?

1 A. Correct.

2 Q. That's why you had a four-year project, correct?

3 A. Yes.

4 Q. Each assessment district, each year, one of them  
5 each time?

6 A. Yes.

7 Q. Okay. And so after you published the first  
8 assessment district cycle change, a lot of taxpayers  
9 started noticing these changes in their assessments,  
10 correct?

11 A. Yeah. Some taxpayers. I don't know if a lot,  
12 but --

13 Q. Some.

14 A. -- taxpayers.

15 Q. Would it be fair to say, when that happened,  
16 though, then there started to be individuals in the  
17 community looking at the manner of which you were hired?

18 A. Yes.

19 Q. People were looking at you as the guy that was  
20 causing some of their taxes to go up, correct?

21 A. Yeah. Absolutely.

22 Q. Did you feel like a scapegoat kind of sometimes?

23 A. Always.

24 Q. I understand. So I -- and, again, I'm doing this



1 for a purpose just to show that, as a result, then all  
2 of a sudden, how did this guy come to be doing the  
3 assessments in the county, correct?

4 A. Yes.

5 Q. Did you and Karen have that conversation sometime  
6 late '16, early '17?

7 A. What conversation?

8 Q. About people were raising the issues of -- of how  
9 you got hired, your bid process, etc. Did that start --  
10 you and her talk about that?

11 A. I don't think we ever really discussed it.

12 Q. Okay. But there was a discussion sometime the  
13 beginning of '18 of, hey, we need to start paying you as  
14 a W-2ed employee, correct?

15 A. Yeah. Again, that was outside the office of --  
16 outside the assessment office, I think, that that  
17 directive was made.

18 Q. Understand. I get it. The e-mails that we just  
19 talked about a few minutes ago, they were 2017, correct?

20 A. I believe so. Yeah.

21 Q. The one you're looking at there?

22 A. Yes.

23 Q. And if I go back to -- if I go back to No. 4  
24 where they're -- where they're asking -- and I'm looking

1 at Elaine and Karen talking -- where citizens were  
2 asking for this data. I want to admit, again, I have to  
3 ask this one more time just for our record to be clear,  
4 because Ms. Biddle and I are getting ready to have a  
5 conversation.

6           Was there a specific conversation between you and  
7 Karen Biddle about these requests from the public to  
8 where you refused to give Karen Biddle anything because  
9 it was work product of yours as an independent appraiser  
10 or any kind of trade secrets that you said I can't give  
11 you that because that's mine and it's proprietary. Did  
12 that conversation happen?

13                   MR. SMITH: Objection. Mischaracterizes  
14 the e-mail. You can answer best you can.

15                   THE WITNESS: I never refused to give  
16 the Excel sheets, no.

17 BY MR. DEVORE:

18           Q. Did you refuse to give any type of your work  
19 product to Karen from the work that you did under your  
20 bid?

21           A. No.

22           Q. So any work product that you did as a result of  
23 these -- this bid proposal, all of the work product, all  
24 of the calculations, that has all been tendered over to

1 the county?

2 A. Yes. And the only -- the only reason that I  
3 started the Excel sheet to begin with is because the  
4 CAMA system wasn't fully functional at the time. So it  
5 was one of those time-crunch issues where we had to get  
6 the Excel going. So once the Excel got going,  
7 everything was put into the CAMA system, and that's  
8 where I think the big issue here comes about was --

9 Q. I'm listening.

10 A. -- DEVNET refused to unlock or data dump or  
11 whatever, anything, and that was, you know, beyond our  
12 control.

13 Q. Okay.

14

15 (Plaintiff's Exhibit No. 19 was marked  
16 for identification.)

17

18 BY MR. DEVORE:

19 Q. Let me know when you're ready, Mr. Becker.

20 A. Okay.

21 Q. Have you ever seen this before?

22 A. I don't believe so.

23 Q. Okay. Now, you -- you testified that sometime  
24 you had talked to Stan Metzger; is that fair?

1 A. Yes.

2 Q. And help me if I'm wrong. You believe -- you  
3 said you talked to Mr. Metzger sometime after people in  
4 the community started raising the questions; is that  
5 right?

6 A. Yes.

7 Q. Would that have been subsequent to your first  
8 publication in the fall of 2016?

9 A. Yes.

10 Q. Okay. You see the date of this is December of  
11 '16?

12 A. Yes.

13 Q. Now, if Mr. Metzger, writing this to Senator  
14 Righter, do you know who Senator Righter is?

15 A. I do.

16 Q. Do you have a personal relationship with him?

17 A. No.

18 Q. Mr. Metzger refers to you that they entered into  
19 a contract with you as an independent fee appraiser. Do  
20 you see that?

21 A. I do.

22 Q. Do you have any idea why Mr. Metzger would've  
23 characterized your relationship with the county as that?

24 A. No idea.

1 Q. Did you ever talk to Mr. Metzger about your  
2 employment with the county?

3 A. Not -- I don't -- not until it became an issue  
4 raised by, you know, the citizens. Not up until that  
5 point.

6 Q. Do you recall when you and Mr. Metzger might have  
7 talked about that?

8 A. I don't recall.

9 Q. What was the -- when you just said after it was  
10 raised as an issue. So would it be fair to say that you  
11 and Mr. Metzger had conversation about the topic of  
12 being a contractor, an independent contractor?

13 A. Yes, we did.

14 Q. And what did Mr. Metzger say to you in that  
15 regard?

16 A. He just said, basically, that they're raising  
17 these issues, and he says, I'm not an attorney. I don't  
18 know, you know, what you are. And I said, well, I'm not  
19 either. So I -- we're in the same boat.

20 Q. I like that.

21 A. So --

22 Q. That's an honest answer, sir. I appreciate that.

23 So would it be fair to say that when you and Mr.  
24 Metzger were having this conversation that -- strike

1 that.

2           So these -- this issue of independent contractor  
3 versus employee came up at some time by members of the  
4 community, right?

5       A. Yeah.

6       Q. Would it be fair to say that, prior to those  
7 members of the community raising those issues, it didn't  
8 cross your mind at all to even think about that?

9       A. That would be correct.

10      Q. Would it be fair to say, when you and Mr. Metzger  
11 sat down and talked about it, that neither one of you  
12 really appreciated the nuances of independent contract  
13 employee?

14      A. That's correct.

15      Q. Last one, I promise.

16                   MR. SMITH: I was going to say last time  
17 we said that --

18                   MR. DEVORE: I did. I forgot about --

19                   MR. SMITH: Famous last words.

20                   MR. DEVORE: Famous last words.

21                   MR. SMITH: That's like me telling the  
22 judge I'll be brief.

23                   MR. DEVORE: I don't even tell them that  
24 anymore because, when I walk in, they know I'm anything

1 but brief. I don't even -- judge will even tell me now,  
2 don't even lie, Tom, we know you're not going to --

3

4 (Plaintiff's No. 20 were marked for  
5 identification.)

6

7 BY MR. DEVORE:

8 Q. Let me know when you're ready, sir.

9 A. Okay.

10 Q. You ever seen this before today?

11 A. No, I don't believe so.

12 Q. Okay. You see number three where the affiant  
13 appointed Robert Becker as deputy assessor?

14 A. Yes.

15 Q. Do you remember the oath of office that we're  
16 talking about? We talked about it in quite detail that  
17 you signed?

18 A. Yes.

19 Q. And in that, you signed an oath of office to  
20 follow the constitution, etc., as deputy assessor?

21 A. Yes.

22 Q. And your testimony was that, beyond that  
23 document, the issue of deputy assessor never came up  
24 with Karen Biddle; is that fair?

1 A. Yes.

2 Q. So when Karen Biddle says she appointed you as  
3 deputy assessor, would your only knowledge of anything  
4 in regard to that statement be that oath of office you  
5 signed in June?

6 A. Yes. My understanding was that everybody was a  
7 deputy in the office.

8 Q. Just to be able to perform any work?

9 A. Yes.

10 Q. And when -- number four where Ms. Biddle says no  
11 contractual documents were signed, be fair to say that  
12 from your perspective, any document that you ever  
13 presented and -- was signed was your bid; is that fair?

14 A. My bid was never signed.

15 Q. By you?

16 A. Oh. By me, yes.

17 Q. Yes.

18 A. Yeah.

19 Q. And to your knowledge, the county board accepted  
20 that bid in May of 2015?

21 A. Yeah. I don't know when it was.

22 Q. All right. Let's do No. 21, then.

23 A. Okay.

24



1                   (Plaintiff's Exhibit No. 21 was marked  
2                   for identification.)

3

4                   THE WITNESS: Okay.

5 BY MR. DEVORE:

6       Q. See on the second page where it says, commercial  
7 appraisal on May 12th, 2015?

8       A. Yes.

9       Q. Is it your understanding that a commercial  
10 appraisal that they were moving and voting on was your  
11 bid that you had submitted?

12      A. Yes.

13                  MR. DEVORE: No further questions. I am  
14 done.

15                  MR. SMITH: I just have a couple of  
16 quick ones to follow up.

17 EXAMINATION

18 BY MR. SMITH:

19      Q. You were asked about your bid and the bid talking  
20 about working -- starting work in 2015. And if I recall  
21 your testimony correctly, you said you weren't sure  
22 exactly when you started --

23      A. Yes.

24      Q. -- the work because there was some delay with

1 some software?

2 A. Yes.

3 Q. What was the software that was being delayed?

4 A. It's the DEVNET CAMA system.

5 Q. Okay. That's the one that wouldn't allow the  
6 data dump?

7 A. Yes.

8 Q. Okay. And if you look at Exhibit No. 1, your  
9 oath of office --

10 A. Okay.

11 Q. Sure. Same thing. I believe we established that  
12 this was signed on June 1st, 2016; is that right?

13 A. Yes.

14 Q. Does that reflect around the time that you  
15 started work on this project?

16 A. Yeah. That -- again, that's when I started  
17 coming in the office.

18 Q. Okay. And before you were coming in the office,  
19 were you doing any substantive work elsewhere?

20 A. I did some preliminary work on my personal  
21 laptop, and it was the Excel spreadsheets that we talked  
22 about.

23 Q. And that was waiting for the -- the DEVNET to get  
24 set up and running, right?

1 A. Yes.

2 Q. Okay.

3 MR. SMITH: I don't have anything else.

4 FURTHER EXAMINATION

5 BY MR. DEVORE:

6 Q. Just a quick -- and I'm glad my colleague pointed  
7 that out. You actually submitted your first invoice on  
8 or about January, 2016, correct?

9 A. I believe so. Yes.

10 Q. And so even though you hadn't come to the office  
11 as you said, you were working on the scope of work  
12 that's in your bid, you were working on before you came  
13 in, correct?

14 A. Yes.

15 Q. Okay. And so would it be fair to say that you  
16 were doing work underneath your bid requirements before  
17 the oath of office was signed in June of 2016?

18 A. Yes.

19 MR. DEVORE: Nothing else.

20 MR. SMITH: We'll reserve.

21

22 (The deposition was concluded at 1:15

23 p.m.)

24

1 STATE OF ILLINOIS )  
 ) SS  
2 COUNTY OF CRAWFORD )

3

4 I, ERIKA L. KESSLER, a Notary Public in and  
5 for the County of Crawford and State of Illinois, DO  
6 HEREBY CERTIFY that there appeared before me on the 8th  
7 day of February, 2023, ROBERT BECKER, who was first duly  
8 sworn by me to testify to the whole truth of his  
9 knowledge touching upon the matter in controversy  
10 aforesaid so far as he should be interrogated concerning  
11 the same; that he was examined and his examination taken  
12 down in shorthand by me and afterwards transcribed  
13 electronically upon the computer, and said deposition is  
14 herewith returned.

15 IN WITNESS THEREOF, I have unto set my hand  
16 and affixed my Notarial Seal this 25th day of February,  
17 2023.

18

19

20

21

22

\_\_\_\_\_  
Erika L. Kessler  
Notary Public - SCR. RPR

23

24

1                   STODDEN v COLES CO BOARD, ET AL.

2                   I, the undersigned, ROBERT BECKER, do  
3 hereby certify that I have read the foregoing deposition,  
4 taken February 17, 2023, and that to the best of my  
5 knowledge said deposition is true and accurate (with  
6 the exceptions of the following corrections listed  
7 below, and reasons for same):

8                   Page    Line    Change and Reason

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Date

-----  
Signature

1st submitted bid

3/30/2015

•••

Robert D Becker  
1238 CR 1000 E  
Trilla, IL 62469

County Board,

Please consider this bid for the reassessment of commercial and industrial properties located in Coles County. In determining the scope of this assignment, I met with Mr. Kelly Lockhart and Ms. Karen Childress. I submit this bid contingent upon the County Board approving a switch in software vendors to DEVNET's Computer Assisted Mass Appraisal (CAMA) software. The current system does not contain advanced valuation functions featured in DEVNET; significantly more time is required to develop modeling techniques, ratio studies, and regression analysis in Proval.

The purpose of this reassessment is to as accurately as possible develop an opinion of value for the 2,466 commercial parcels and 90 industrial parcels located within the county. Additional time is required over typical a reassessment due to gaps in data, which prevent a reliable model from being developed. It is my understanding the township assessors and the supervisor of assessment staff will assist in the collection of this additional data.

No data currently exists to support current assessed values of commercial and industrial properties. Development of a model, based on generally accepted mass appraisal techniques, is the basis for supportable values. This model will be the property of the county; it will support future commercial valuations with a credibility not currently used.

My experience has been limited to single property analysis. I have eleven years of appraisal experience in commercial, industrial, multi-family and residential. Coles County is the primary source of my experience. To ensure competency in mass appraisal development I will attended two classes offered by the International Association of Assessing Officers (IAAO) and read the Fundamentals of Mass Appraisal. I believe this to be sufficient to adapt single property



• • •

appraisal methodology to mass appraisal. A complete list of experience and education is available upon request.

It is my understanding this will be a part time assignment as data comes available from the township assessors. First priority would be on Mattoon and Lafayette Township; the township assessors have verified the data already. Laying the ground work for the valuation models will require a significant ramp up period. Once established these models will be applied to the county as a whole. Once the transition to DEVNET's CAMA software is complete the modeling can begin.

I currently own two properties which will be the subject of this reassessment. I have talked with Ms. Childress and she will provide the reassessment on them. Information obtained from previous appraisal assignments with respect to individual properties characteristics is confidential and will not be provided for this reassessment. Data gathered on market conditions, factors affecting the market or other general information will be used to help to increase the accuracy of the model.

I propose to develop a credible valuation model using generally accepted mass appraisal techniques and my experience working in the Coles County area. This service can be provided for the amount of one hundred fifteen thousand dollars (\$115,000).

Respectfully,



Robert D Becker

Robert D Becker • 2

(Exhibit # 7) Revised Bid

3/30/2015

\*\*\*

Robert D Becker  
1238 CR 1000 E  
Trilla, IL 62469

County Board,

Please consider this bid for the reassessment of commercial and industrial properties located in Coles County. In determining the scope of this assignment, I met with Mr. Kelly Lockhart and Ms. Karen Childress. I submit this bid contingent upon the County Board approving a switch in software vendors to DEVNET's Computer Assisted Mass Appraisal (CAMA) software. The current system does not contain advanced valuation functions featured in DEVNET; significantly more time is required to develop modeling techniques, ratio studies, and regression analysis in Proval.

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\* \* \*

appraisal methodology to mass appraisal. A complete list of experience and education is available upon request.

It is my understanding this will be a part time assignment as data comes available from the township assessors. First priority would be on Mattoon and Lafayette Township; the township assessors have verified the data already. Laying the ground work for the valuation models will require a significant ramp up period. Once established these models will be applied to the county as a whole. Once the transition to DEVNET's CAMA software is complete the modeling can begin.

I currently own two properties which will be the subject of this reassessment. I have talked with Ms. Childress and she will provide the reassessment on them. Information obtained from previous appraisal assignments with respect to individual properties characteristics is confidential and will not be provided for this reassessment. Data gathered on market conditions, factors affecting the market or other general information will be used to help to increase the accuracy of the model.

I propose to develop a credible valuation model using generally accepted mass appraisal techniques and my experience working in the Coles County area. This service can be provided for the amount of one hundred fifteen thousand dollars (\$115,000). Quarterly payments shall be dispersed in the amount of \$7,187.50. Payments will begin January 1<sup>st</sup>, 2016 for sixteen consecutive quarters. My commission will begin August 2015 (contingent upon a fully functioning DEVNET's CAMA software) and ending no later than December 31, 2019. Time frame is based on the schedule set forth by the county board's redistricting.

Respectfully,



Robert D Becker



4100 Miller-Valentine Court  
Moraine, Ohio 45439

D: 800.600.2581  
F: 937.278.3711

[www.tylertech.com](http://www.tylertech.com)

April 24, 2015

Ms. Karen Childress  
Coles County Supervisor of Assessments  
651 Jackson Avenue, Room 133  
Charleston, IL 61920

**Re: Professional Services for Commercial & Industrial Reassessment**

Dear Ms. Childress:

On behalf of Tyler Technologies, Inc., Appraisal & Tax Division, I would like to submit this Price Quote to provide assistance for the Commercial and Industrial Reassessment.

A professional appraiser will be provided for interior commercial and industrial data collection and final valuation review. In addition, our professional appraiser will re-check the neighborhood delineations; land pricing update, field inspection of the sale properties, data entry and appeal support. Per the County's request, the following Districts are broken out as follows:

1. District #1: 976 commercials/32 industrials improved parcels - \$173,228 Fee - \$171.85 per parcel
2. District #2: 966 commercial/24 industrial improved parcels - \$169,876 Fee - \$171.59 per parcel
3. District #3: 332 commercial/35 industrial improved parcels - \$102,231 Fee - \$278.56 per parcel
4. District #4: 196 commercial/9 industrial improved parcels - \$72,447 Fee - \$353.40 per parcel

The total fee is \$517,782 which is \$201.47 price per parcel. The Company shall bill every four (4) weeks.

Karen, thank you in advance for this opportunity to be of assistance to your office staff and you.

Sincerely,

A handwritten signature in black ink that reads "Troy Fryman".

Troy Fryman  
Senior Account Executive



# COLES COUNTY BOARD

COUNTY BOARD OFFICE  
3RD FLOOR - COUNTY COURTHOUSE  
651 JACKSON, ROOM 326  
CHARLESTON, ILLINOIS 61920

(217) 348-0595  
Fax: (217) 348-7355

Email: [countyboard@co.coles.il.us](mailto:countyboard@co.coles.il.us)

Stan Metzger  
Chairman

Mark Degler  
Chairman Pro Tem

## COUNTY OFFICES/RULES COMMITTEE

May 4, 2015

The County Offices/Rules Committee was called to order at 4:30 p.m. with the following members present: Brandon Bell, Paul Daily, Marc Weber, Dan Lawrence and Cory Sanders, Chairman, presiding. Stan Metzger, County Board Chairman, attended as ex officio member.

Also attending were: Kelly Lockhart, RPDC; Karen Childress, Supervisor of Assessments; John Reardon, Board of Review; and Elaine Karpus-Komada, Administrative Assistant.

### Old Business:

1. Mr. Daily moved to remove the proposals for commercial appraisal from the table. The motion was seconded by Mr. Metzger. MOTION CARRIED: AYES: Unanimous (6)  
NAYES: None (0)

The members reviewed the proposal for commercial appraisals from Tyler Tech in the amount of \$517,782. After much discussion, Mr. Daily moved to forward the proposal from Bob Becker in the amount of \$115,000 for commercial appraisals to the County Board for consideration, seconded by Mr. Weber. MOTION CARRIED: AYES: Unanimous (5)  
NAYES: None (0)  
ABSTAIN: Sanders (1)

### New Business:

1. The members were presented with a resolution for an extension of time for the Circuit Clerk's audit. Mr. Bell moved to forward this resolution to the County Board for approval. The motion was seconded by Mr. Metzger. MOTION CARRIED: AYES: Unanimous (6)  
NAYES: None (0)

2. Brian Bower, State's Attorney, will be presenting an Ordinance re: Animals on County Property and Towing Ordinance to the members. The members tabled this Ordinance until the next meeting for review.

### Miscellaneous Business:

None

The meeting adjourned at 4:40 p.m. on a motion by Mr. Daily and a second by Mr. Weber.

Jan Eads  
Nancy Purdy

Mike Zuhone  
Paul Daily

Brandon Bell  
Dan Lawrence

Cory Sanders  
Ron Osborne

Brian Marvin  
Marc Weber





Group EXHIBIT D

9595  VOID  CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. <b>(217) 348-0511 Coles County 651 Jackson Ave., Room 124 Charleston, IL 61920</b>		1 Rents \$	OMB No. 1545-0115 <b>2016</b>	Miscellaneous Income
		2 Royalties \$	Form 1099-MISC	
PAYER'S federal identification number <b>37-6000640</b>	RECIPIENT'S identification number —	3 Other income \$	4 Federal income tax withheld \$	Copy A For Internal Revenue Service Center  File with Form 1096.  For Privacy Act and Paperwork Reduction Act Notice, see the 2016 General Instructions for Certain Information Returns.
RECIPIENT'S name <b>Robert D. Becker</b>		5 Fishing boat proceeds \$	6 Medical and health care payments \$	
Street address (including apt. no.) _____		7 Nonemployee compensation <b>28,750.00</b>	8 Substitute payments in lieu of dividends or interest \$	
City or town, state or province, country, and ZIP or foreign postal code _____		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$	
Account number (see instructions)	FATCA filing requirement <input type="checkbox"/>	2nd TIN not <input type="checkbox"/>	13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. \$	18 State income \$

Form 1099-MISC Cat. No. 14425J www.irs.gov/form1099misc Department of the Treasury - Internal Revenue Service  
Do Not Cut or Separate Forms on This Page — Do Not Cut or Separate Forms on This Page

PENDING 800-631-6898  
**PLAINTIFF'S EXHIBIT**  
10

9595  VOID  CORRECTED

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		1 Rents \$	OMB No. 1545-0115 <b>2016</b>	Miscellaneous Income
		2 Royalties \$	Form 1099-MISC	
PAYER'S federal identification number	RECIPIENT'S identification number	3 Other income \$	4 Federal income tax withheld \$	Copy A For Internal Revenue Service Center  File with Form 1096.  For Privacy Act and Paperwork Reduction Act Notice, see the 2016 General Instructions for Certain Information Returns.
RECIPIENT'S name		5 Fishing boat proceeds \$	6 Medical and health care payments \$	
Street address (including apt. no.)		7 Nonemployee compensation	8 Substitute payments in lieu of dividends or interest \$	
City or town, state or province, country, and ZIP or foreign postal code		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$	
Account number (see instructions)	FATCA filing requirement <input type="checkbox"/>	2nd TIN not <input type="checkbox"/>	13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. \$	18 State income \$

Form 1099-MISC Cat. No. 14425J

9595

VOID  CORRECTED

PAYER'S name, street address, city or town, state or province, county, ZIP or foreign postal code, and telephone no.

Coles County IL  
651 Jackson Ave. Room 124

Charleston, IL 61920

RECIPIENT'S identification number

37-6000640

RECIPIENT'S name  
ROBERT D BECKER

Street address (including apt. no.)

City or town, state or province, country, and ZIP or foreign postal code

Account number (see instructions)

FATCA filing requirement

2nd TIN no.

15a Section 409A deferrals \$

15b Section 409A income \$

OMB No. 1545-0115

2017

Form 1099-MISC

4 Federal income tax withheld \$ 0.00

5 Medical and health care payments

6 State and local income tax payments

7 Nonemployee compensation \$ 0.00

8 Substitute payments in lieu of dividends or interest \$ 0.00

9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale

10 Crop insurance proceeds \$ 28750.00

11

12

13 Excess golden parachute payments \$ 0.00

14 Gross proceeds paid to an attorney \$ 0.00

15 State tax withheld \$ 0.00

16 State/Payer's state no. \$

17 State income \$

18 State income \$

Miscellaneous income

Copy A For Internal Revenue Service Center

File with Form 1099.

For Privacy Act and Paperwork Reduction Act Notice, see the 2017 General Instructions for Certain Information Returns.

Form 1099-MISC Department of the Treasury - Internal Revenue Service 38-2099803

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OFF MAILING



Copy B—To Be Filed With Employee's FEDERAL Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp. 41895.88	2 Federal income tax withheld 2616.90	
b Employer ID number (EIN) 37-6000640	3 Social security wages 41895.88	4 Social security tax withheld 2597.49	
	5 Medicare wages and tips 41895.88	6 Medicare tax withheld 607.51	
c Employer's name, address, and ZIP code Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number 1			
e Employee's name, address, and ZIP code ROBERT D BECKER			Suff.
7 Social security tips		8 Allocated tips	9 Verification code
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	41895.88	1783.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2018 Dept. of the Treasury -- IRS  
This information is being furnished to the Internal Revenue Service. www.irs.gov/efile

Copy 2—To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp. 41895.88	2 Federal income tax withheld 2616.90	
b Employer ID number (EIN) 37-6000640	3 Social security wages 41895.88	4 Social security tax withheld 2597.49	
	5 Medicare wages and tips 41895.88	6 Medicare tax withheld 607.51	
c Employer's name, address, and ZIP code Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number 2			
e Employee's name, address, and ZIP code ROBERT D BECKER			Suff.
7 Social security tips		8 Allocated tips	9 Verification code
10 Dependent care benefits	11 Nonqualified plans	12a Code	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	41895.88	1783.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2018

PLAINTIFF'S  
 EXHIBIT  
 12  
 PENCAD 800-631-6888

Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp. 41895.88	2 Federal income tax withheld 2616.90	
b Employer ID number (EIN) 37-6000640	3 Social security wages 41895.88	4 Social security tax withheld 2597.49	
	5 Medicare wages and tips 41895.88	6 Medicare tax withheld 607.51	
c Employer's name, address, and ZIP code Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number 3			
e Employee's name, address, and ZIP code ROBERT D BECKER			Suff.
7 Social security tips		8 Allocated tips	9 Verification code
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	41895.88	1783.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Copy 2—To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp. 41895.88	2 Federal income tax withheld 2616.90	
b Employer ID number (EIN) 37-6000640	3 Social security wages 41895.88	4 Social security tax withheld 2597.49	
	5 Medicare wages and tips 41895.88	6 Medicare tax withheld 607.51	
c Employer's name, address, and ZIP code Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number 4			
e Employee's name, address, and ZIP code ROBERT D BECKER			Suff.
7 Social security tips		8 Allocated tips	9 Verification code
10 Dependent care benefits	11 Nonqualified plans	12a Code	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	41895.88	1783.61	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Copy 3--To Be Filed With Employee's FEDERAL Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp.	2 Federal income tax withheld	
	26354.24	398.86	
	social security wages	4 Social security tax withheld	
b Employer ID number (EIN)	26354.24	1633.94	
376000640	5 Medicare wages and tips	6 Medicare tax withheld	
	26354.24	382.14	
c Employer's name, address, and ZIP code			
Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number			
1			
e Employee's name, address, and ZIP code Suff.			
ROBERT D BECKER			
7			
9			
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	26354.24	995.15	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2019 Dept. of the Treasury - IRS  
This information is being furnished to the Internal Revenue Service. www.irs.gov/efile

Copy 2--To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp.	2 Federal income tax withheld	
	26354.24	398.86	
	social security wages	4 Social security tax withheld	
b Employer ID number (EIN)	26354.24	1633.94	
376000640	5 Medicare wages and tips	6 Medicare tax withheld	
	26354.24	382.14	
c Employer's name, address, and ZIP code			
Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number			
2			
e Employee's name, address, and ZIP code Suff.			
ROBERT D BECKER			
7			
9			
10 Dependent care benefits	11 Nonqualified plans	12a Code	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	26354.24	995.15	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2019 Dept. of the Treasury - IRS

PENGAD 800-631-6899  
**PLAINTIFF'S EXHIBIT**  
13

Copy C--For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)		41-0852411 OMB No. 1545-0008	
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	26354.24	398.86	
	3 Social security wages	4 Social security tax withheld	
b Employer ID number (EIN)	26354.24	1633.94	
376000640	5 Medicare wages and tips	6 Medicare tax withheld	
	26354.24	382.14	
c Employer's name, address, and ZIP code			
Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number			
3			
e Employee's name, address, and ZIP code Suff.			
ROBERT D BECKER			
7			
9			
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	26354.24	995.15	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2019 Dept. of the Treasury - IRS

Copy 2--To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no.	1 Wages, tips, other comp.	2 Federal income tax withheld	
	26354.24	398.86	
	social security wages	4 Social security tax withheld	
b Employer ID number (EIN)	26354.24	1633.94	
376000640	5 Medicare wages and tips	6 Medicare tax withheld	
	26354.24	382.14	
c Employer's name, address, and ZIP code			
Coles County IL 651 Jackson Ave. Room 124 Charleston, IL 61920			
d Control number			
4			
e Employee's name, address, and ZIP code Suff.			
ROBERT D BECKER			
7			
9			
10 Dependent care benefits	11 Nonqualified plans	12a Code	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
IL 08-1974500	26354.24	995.15	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement 2019 Dept. of the Treasury - IRS



# INVOICE

Robert Becker

DATE: JANUARY 12, 2018

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION	LINE TOTAL
1	8th Quarterly Payment of 16 for Commercial Reassessment	\$7,187.50
	TOTAL	\$7,187.50

RECEIVED

JAN 12 2018

COLES COUNTY  
SUPERVISOR OF ASSESSMENTS



# INVOICE

**Robert Becker**

DATE: OCTOBER 24, 2017

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION	LINE TOTAL
1	7th Quarterly Payment of 16 for Commercial Reassessment.	\$7,187.50
	TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**

**RECEIVED**

OCT 24 2017

COLES COUNTY  
SUPERVISOR OF ASSESSMENTS

INVOICE

COPY

Robert Becker

DATE: JULY 3, 2017

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION		LINE TOTAL
1	6th Quarterly Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
THANK YOU FOR YOUR BUSINESS!

001-7055-015-000

# INVOICE

**Robert Becker**

INVOICE # 117  
DATE: APRIL 12, 2017

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION		LINE TOTAL
1	6th Quarterly Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**

001-7055-015-000

# INVOICE

Robert Becker

INVOICE # 117  
DATE: JANUARY 29, 2017

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION		LINE TOTAL
1	5th Quarterly Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**

1-7055-015-000

# INVOICE

Robert Becker

INVOICE # 1216  
DATE: DECEMBER 16, 2016

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION		LINE TOTAL
1	4th Quarterly Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**



7055-015-000

# INVOICE

**Robert Becker**

INVOICE # 316  
DATE: MARCH 31, 2016

1238 CR 1000 E Trilla, IL 62449  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

JOB			
County Reassessment			

QTY	DESCRIPTION		LINE TOTAL
1	2nd Quarterly Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**

**RECEIVED**  
APR 01 2016

COLES COUNTY  
SUPERVISOR OF ASSESSMENTS



# INVOICE

**Robert Becker**

INVOICE # 116  
DATE: JANUARY 11, 2016

1238 CR 1000 E Trilla, IL 62449 -  
Phone (217) 317-5404  
bobbck@gmail.com

TO County Board - Coles County Illinois  
651 Jackson Avenue  
Charleston, IL 61920  
(217) 348-0595

	JOB	PAYMENT TERMS	
	County Reassessment	Due on receipt	

QTY	DESCRIPTION		LINE TOTAL
1	1 <sup>st</sup> Quarter Payment of 16 for Commercial Reassessment		\$7,187.50
		TOTAL	\$7,187.50

Make all checks payable to Robert Becker  
**THANK YOU FOR YOUR BUSINESS!**

- HomePage
- Open...
- Inquiry
- Display Invoices
- Display Vendor
- FO Forms
- 1099 Forms
- Maintenance
- Class
- Distributions Tables
- Locations
- Obligation References
- Vendor Data Base
- Printed Invoices
- Print Inactive Vendors
- Setup
- Payroll/Personnel
- Report Manager

Accounts Payable

Vendor: 1505

Vendor Name by Number

Vendor	Name
1478	BASS MOLLETT PUBLISHERS
1485	BATTERY MART
1540	BATTERY SPECIALISTS
1641	BATTERY SPECIALISTS
1659	BATTERY ZONE
1701	BAVER HEALTHCARE LLC
1702	CLINT BAYS
1703	BAVHONT DECALS
1753	B49 TROPHIES
1760	B & L TREE SERVICE
1800	BLUE CROSS BLIN
1875	BEADNYS COUNTI
1880	BENEFIT PLANNIN
1896	BASIL BEADLES
1897	BEAN BREAK LLC
1900	EDWARD BEASLEY
1903	BRAD BEASLEY

Vendor: 1505

Vendor	Address	Demurr	Activity Summary
Vendor	Vendor Data Base	Activity	Activity

Obligation	Description	Start Date	Period	Status	Amount	Check
16301	INVT116 1ST QTR COMM REASSESSMENT	02/29/16	01/25/16	Recon	\$7,167.50	9428
17136	INVT316 2ND QTRLY PAYMENT	04/30/16	04/11/16	Recon	\$7,167.50	9529
17466	3RD QTR COMMERCIAL REASSESSMENT	10/31/16	09/26/16	Recon	\$7,167.50	9727
17678	4TH QTRLY PAYMENT OF 16	01/31/17	11/30/16	Recon	\$7,167.50	9854
17790	INV117 5TH QTRLY PAYM	02/28/17	02/15/17	Recon	\$7,167.50	9916

Cancel 17-5

Open Windows

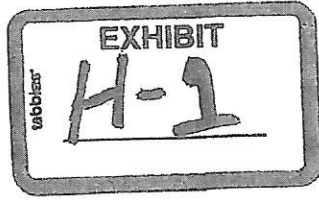
Accounts Payable HomePage

094259

COUNTY OF COLES

14179-100011-13 01/25/2016

Obligation Description	Account	OFF/DEPT	Amount
169821 INV#116-1ST QTR COMM REASSESSM A001-7055-015-000 ASSESS			7,187.50
*** Total ***			7,187.50



COUNTY OF COLES  
CHARLESTON, IL 61920

First Mid-Illinois Bank & Trust  
Charleston, IL 61920  
70-207  
711

14179-100011-13

THIS DOCUMENT IS PRINTED ON RECYCLED PAPER. THE PRICE OF THIS DOCUMENT INCLUDES A FUNDING FEE TO THE COUNTY OF COLES. VOID AFTER 90 DAYS. 094259

DATE 01/25/2016 AMOUNT \*\*\*\*\*7,187.50

\*\* Seven Thousand One Hundred Eighty Seven Dollars and 50 Cents \*\*

2 SIGNATURES REQUIRED

PAY TO THE ORDER OF

ROBERT D BECKER

IL

County Treasurer

FEB 29 2016

County Clerk

094259 071102078



PENGAD 800-631-6988

REPRODUCTION OF THIS CHECK ON CHEMICAL RESISTANT PAPER IS PROHIBITED. THE BACK OF THIS CHECK CONTAINS A WATER EVIDENT CHEMICAL WASH AWAY WARNING BOX.

4340-6533 4/18/16 1208

VOID AFTER 90 DAYS

095350



COUNTY OF COLES  
CHARLESTON, IL 61920

FirstMid Illinois Bank & Trust  
Charleston, IL 61920

70-207  
711

14312-101082-10

DATE 04/11/2016 AMOUNT \*\*\*\*\*7,187.50

\*\* Seven Thousand One Hundred Eighty Seven Dollars and 50 Cents \*\*

PAY TO THE ORDER OF ROBERT D BECKER

2 SIGNATURES REQUIRED.

Handwritten signatures of Kay G. Edwards (County Treasurer) and Sue Pennells (County Clerk)



⑆095350⑆ ⑆072202076⑆

ENDORSE HERE  
First Mid Illinois Bank  
Wells Fargo Bank  
credit the account of the following named bank  
checks payable to Wells Fargo Advisors / Co. L.  
at the time of endorsement, quarter 1  
1st Quarter 2016

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
RESERVED FOR FINANCIAL INSTITUTION USE

**3** The security features listed below, outlined in industry guidelines, are designed to help you identify genuine FirstMid Illinois Bank checks. These features are:
- Security Features:
 - Intaglio Ribbed: The raised ribbed pattern on the front of the check.
 - Chemical Resistant: The check is made of a special paper that resists fading and staining.
 - Microprint: The words 'FIRSTMID ILLINOIS BANK' are printed in tiny characters around the perimeter of the check.
 - Watermark: A watermark of the FirstMid Illinois Bank logo is visible when held up to the light.
 - Color Shift Ink: The numbers on the front of the check change color when viewed from different angles.
 - Security Thread: A security thread is embedded in the paper of the check.
 - UV Features: The check has ultraviolet (UV) features that are only visible under a UV light.
 - Hologram: A hologram is located on the front of the check.
 - Microprint: The words 'FIRSTMID ILLINOIS BANK' are printed in tiny characters around the perimeter of the check.
 - Watermark: A watermark of the FirstMid Illinois Bank logo is visible when held up to the light.
 - Color Shift Ink: The numbers on the front of the check change color when viewed from different angles.
 - Security Thread: A security thread is embedded in the paper of the check.
 - UV Features: The check has ultraviolet (UV) features that are only visible under a UV light.
 - Hologram: A hologram is located on the front of the check.

EXHIBIT  
H-2

DOCUMENT IS PRINTED ON FRONT. READ THE DATE ON THE BACK OF THIS DOCUMENT TO DETERMINE WHEN IT WAS PRINTED. CHEMICAL WASH WARNING: FOR



COUNTY OF COLES  
CHARLESTON, IL 61920

10/5/16 2:22 pm RS  
4940-6533

First Mid-Illinois Bank & Trust  
Charleston, IL 61920

70-207  
71.1

VOID AFTER 90 DAYS

097277

14610-103001-45.

DATE 09/26/2016 AMOUNT \*\*\*\*\*7,187.50

\*\* Seven Thousand One Hundred Eighty Seven Dollars and 50 Cents \*\*

PAY  
TO THE  
ORDER  
OF

ROBERT D BECKER

2 SIGNATURES REQUIRED

*Robert D. Becker*  
*Michael J. Gennell*  
County Treasurer  
County Clerk



⑈097277⑈ ⑈071102076⑈

ENDORSE HERE  
First Citizens Bank  
Deposit Only - 50000001955  
Wells Fargo Bank  
credit the account of the  
charities payable to Wells  
Fargo Advisors / FCILC  
DO NOT WRITE, STAMP  
OR SIGN BELOW THIS LINE  
\*RESERVED FOR FINANCIAL INSTITUTION USE\*

**The security features (see below, except industry guidelines) include:**  
• **Security Features:**  
• **Intuitive Fibers:** ...  
• **Chemical Protection:** ...  
• **Heat Sensitive Ion:** ...  
• **Went's Bond:** ...  
• **Microprint:** ...  
• **Directional Buckle:** ...  
• **Chemical Wash Yarning:** ...  
• **Colorful Background:** ...  
• **Product design:** is a verification ...

EXHIBIT  
H-3

DOCUMENT IS PRINTED ON CHEMICALLY RESISTIVE PAPER. THE BACK OF THIS DOCUMENT NUMBER A TRADER EVIDENT CHEMICAL ANALYSIS 1592

1-10-17 & 1208

VOID AFTER 90 DAYS

098654



COUNTY OF COLES  
CHARLESTON, IL 61920

4940-6533

First Mid-Illinois Bank & Trust  
Charleston, IL 61920

70-207  
711

14790-104352-5

DATE 11/30/2016 AMOUNT \*\*\*\*\*7,187.50

\*\* Seven Thousand One Hundred Eighty Seven Dollars and 50 Cents \*\*

PAY-  
TO THE  
ORDER  
OF ROBERT D BECKER

IL

2 SIGNATURES REQUIRED.

*Steph G. Edwards*  
County Treasurer  
*Steve Bennett*  
County Clerk



⑈098654⑈ ⑆20711020764⑆

**The security features list:**

- Infrared Fibers
- Chemical Protection
- Heat Sensitive Icon
- Warning Band
- Microprint
- Digital Dimensional Backer
- Chemical Wash Warning Bar
- Colored Background

© 2006 design is a certification of



**Printed features:**

- Infrared fibers
- Chemical protection
- Heat sensitive icon
- Warning band
- Microprint
- Digital dimension
- Chemical wash warning bar
- Colored background

**Other features:**

- Infrared fibers
- Chemical protection
- Heat sensitive icon
- Warning band
- Microprint
- Digital dimension
- Chemical wash warning bar
- Colored background

**ENDORSE HERE**

Wells Fargo Clearing & Deposits, LLC #90797  
Wells Fargo Bank  
Wells Fargo Bank  
Wells Fargo Bank  
Wells Fargo Bank

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE  
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EXHIBIT  
H-4



DOCUMENT IS VOID UNLESS YOU HEAR THE VOICE OF THE BANK OF THE SECURED CREDITOR. VOID AFTER 90 DAYS

5/1/17 2:07pm 1633

100131



COUNTY OF COLES  
CHARLESTON, IL 61920

First Mid Illinois Bank & Trust  
Charleston, IL 61920

70-207  
711

14976-105819-8

DATE 04/24/2017 AMOUNT \*\*\*\*\*7,187.50

\*\* Seven Thousand One Hundred Eighty Seven Dollars and 50 Cents \*\*

PAY TO THE ORDER OF

ROBERT D BECKER

1940-6533

2 SIGNATURES REQUIRED

*Robert D. Becker*  
County Treasurer  
*[Signature]*  
County Clerk



100131 6071102076

ENDORSE HERE  
Wells Fargo Clearing  
Deposits Only -  
Vails Falls  
Credit Card Payment  
Check Payment  
Absence of Wells  
Fargo Logo  
RESERVE BANK

Wells Fargo Bank  
60000001935  
Wellington  
New York  
10008  
WELLS FARGO BANK  
NEW YORK, NY 10008

DO NOT SIGN BELOW THIS LINE  
OR SIGN IN THESE AREAS

**Security Features**

**Intaglio Plate**

- Intaglio embossed features that show up in yellow when held to the light
- Microprint - fine lines that appear as a wavy pattern
- Fiber - strands of fiber embedded in the paper
- Security Thread - a wavy thread that runs through the paper
- Watermark - a faint image of a person or object that is visible when held to the light
- Hologram - a colorful, multi-colored image that changes as the angle of view changes
- Microprint - fine lines that appear as a wavy pattern
- Fiber - strands of fiber embedded in the paper
- Security Thread - a wavy thread that runs through the paper
- Watermark - a faint image of a person or object that is visible when held to the light
- Hologram - a colorful, multi-colored image that changes as the angle of view changes

**Colorful Bookmark**

• A colorful bookmark that is attached to the bottom of the note

• A watermark that is visible when held to the light

• A security thread that runs through the paper

• A fiber that is embedded in the paper

• A microprint that appears as a wavy pattern

• An intaglio embossed feature that shows up in yellow when held to the light

• A watermark that is visible when held to the light

• A security thread that runs through the paper

• A fiber that is embedded in the paper

• A microprint that appears as a wavy pattern

• An intaglio embossed feature that shows up in yellow when held to the light

EXHIBIT  
H-6



7/3/17 11:40am 10mW

FIRST MID IL CHARLESTON

Coles County

651 Jackson Ave, Room 124

Charleston, IL 61820

Check Date

7/24/2017

Check Number

101188

\$7,187.50

PAY: Seven Thousand One Hundred Eighty Seven Dollars and Fifty-Cents

TO ROBERT D BECKER  
THE ORDER OF

4940-6533

*Robert D Becker*  
*Carol Ferguson*

⑈000101188⑈ ⑆071602076⑆

Security features included. Details on back.

LSR501T4

\* FEDERAL RESERVE B

- The security features listed below, as well as those listed below, are not listed, created or altered.
- Security Features:
  - Paper:
    - Starch
    - Acid-free
  - Chemical Protection:
    - Starch
    - Calcium
  - Security Screen:
    - Absence of ultraviolet light
    - Small
    - Visible
    - Artificial
  - Chemical Watermark:
    - Visible
    - The text
    - The text
  - Fluorescent Fibers
  - Colored Parallax
  - Coin Bead

FD OF GOVERNORS REG. CO

- The security features listed below, as well as those listed below, are not listed, created or altered.
- Security Features:
  - Paper:
    - Starch
    - Acid-free
  - Chemical Protection:
    - Starch
    - Calcium
  - Security Screen:
    - Absence of ultraviolet light
    - Small
    - Visible
    - Artificial
  - Chemical Watermark:
    - Visible
    - The text
    - The text
  - Fluorescent Fibers
  - Colored Parallax
  - Coin Bead

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

Wells Fargo Bank

ENDORSE HERE:  
Wells Fargo Bank  
Deposit  
Credit the account  
checks payable to  
absence of  
By Wells Fargo Bank

Wells Fargo Bank  
605000001355  
Fargo Bank  
of the William Hamm payee  
Fargo Address/MFC-SILC  
document guaranteed  
Clearing Services, LLC





Exhibit B

State of Illinois)  
County of Coles)

### OFFICIAL OATH

I, Robert Becker, do solemnly swear, that I will support the Constitution of the United States and the Constitution of the State of Illinois; and that I will faithfully discharge all the duties of the position of Deputy Assessor of Coles County, Illinois to the best of my ability.

  
Robert Becker

Signed and sworn to before me this 1<sup>st</sup> day of June, 2016:

KAREN L. BIDDLE  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES JULY 28, 2019

  
Notary Public





**COPY**

5. Replacing Ms. Karen Biddle after 2018 as Coles Supervisor of Assessments is Ms. Denise Shores.
6. Robert Becker was hired directly by the Board as an independent appraiser to provide commercial real property reassessment services for Coles County.

**FACTUAL BASIS**

7. The Coles County Supervisor of Assessments department is obligated by law for appraising commercial and residential real estate in Coles County for the purpose of preparing a tax assessment.
8. The Coles County Supervisor of Assessment's department is part of the budget prepared and approved by The Board and paid by tax dollars allocated specifically for the same.
9. Any and all taxpayers in Coles County, including Plaintiff, are financially responsible for funding the Coles County Supervisor of Assessments department.
10. On or about May 04, 2015, the Coles County Offices/Rules Committee considered two bids from vendors in regard to the performance of commercial appraisals.
11. On May 04, 2015, the Coles County Offices/Rules Committee considered a bid from Tyler Tech as well as a bid from Robert Becker. (See attached Exhibit A)
12. On May 04, 2015, the Coles County Offices/Rules Committee decided to move forward with the bid of Robert Becker and voted to recommend his bid to The Board. (See committee minutes and vote of May 04, 2015 within Exhibit A)
13. On or about May 12, 2015, Defendant, The Board, considered the recommendation from the Coles County Offices/Rules Committee and voted to approve the bid from

**COPY**

Defendant Becker to perform commercial appraisal services on behalf of Coles County in return for monetary compensation. (See attached Exhibit B)

14. The hiring of Defendant Becker as an independent appraiser to perform commercial appraisals was found necessary by The Board, for it was the opinion of the Board the Coles County Supervisor of Assessments had failed to perform this duty on behalf of the taxpayers for many years. (See Exhibit C)
15. Defendant Becker invoiced The Board directly for said services and has been paid monies from the public treasury.
16. Defendant Becker was compensated as an independent contractor for his commercial appraisal services.
17. The Plaintiff, as a taxpayer in Coles County, was required to replenish the funds paid to Defendant Becker.
18. On or about May 08, 2012, by resolution, ("Compensation Resolution") the Coles County Board set the compensation of the county board members. (See Exhibit D)
19. The Compensation Resolution fixed compensation at \$4,800 annual for board members with an extra \$1,200 annually for the chairman.
20. The Compensation Resolution is for the period 2012-2022.
21. The Compensation Resolution did not provide for any other compensation for county board members.
22. At present, Coles County Board Members Darrell Cox, Stan Metzger, Rick Shook are receiving more compensation annually than is provided in the Compensation Resolution.

23. Coles County Board Members Darrell Cox, Stan Metzger, Rick Shook each receive an additional \$6,600 in compensation annually to reimburse them for a portion of their health insurance costs.
24. The Plaintiff, as a taxpayer in Coles County, is required to replenish the funds paid to board members Darrell Cox, Stan Metzger, Rick Shook which are in excess of the amounts provided in the Compensation Resolution.

***COUNT I***  
**COMPLAINT FOR DECLARATORY JUDGMENT**  
**BECKER'S CONTRACT WITH COLES COUNTY**  
**BOARD IS ULTRA VIRES**

25. Plaintiff incorporates the allegations set forth in paragraphs 1-17.
26. On or about May 12, 2015, The Board considered the bid recommended to them from the Offices/Rules Committee and then voted to accept the bid from Becker to perform assessment services for Coles County.
27. The Coles County Supervisor of Assessments is a public office created by Illinois law.  
(See 35 ILCS 200/Art. 3 *et seq.*)
28. The duties of the Coles County Supervisor of Assessments are prescribed by Illinois law. *Id.*
29. The salary of the Coles County Supervisor of Assessments is set by Illinois law. *Id.*
30. The Board is prohibited by Illinois law from contracting directly with a private individual to perform the prescribed duties of the Coles County Supervisor of Assessments.
31. There is no statutory exception which allowed for the outsourcing of the assessment function directly to a private party.

**COPY**

32. The Board, by contracting the assessment function to Becker, a private individual, illegally outsourced the duties of a public office.
33. The agreement between The Board and Defendant Becker was ultra vires.
34. The funds paid to Becker had to be replenished in the public treasury by Plaintiff.
35. An actual controversy exists between the parties regarding the authority of the Defendants to enter into an agreement using taxpayer money where such contract was ultra vires.
36. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

WHEREFORE, Plaintiffs respectfully request that this court enter an order:

- A) Declaring that Defendant Coles County Board had no authority to contract directly with Becker to perform the assessment function of the County government;
- B) Declaring the contract between Defendant Coles County Board and Defendant Becker ultra vires;
- C) Awarding Plaintiff his costs incurred in this matter as may be allowed by law;
- D) Granting such other and further relief as is just and proper.

***COUNT II***  
***COMPLAINT FOR DECLARATORY JUDGMENT***  
***COUNTY BOARD MEMBERS COMPENSATION***  
***EXCEEDS ENABLING RESOLUTION***

37. Plaintiffs incorporates the allegations set forth in paragraphs 18-24.
38. Members of The Board shall receive such compensation as is fixed by the county board.  
(See 55 ILCS 5/4-10001)
39. On May 08, 2012, the Coles County Board fixed the compensation of county board members via the Compensation Resolution.



**COPY**

40. Pursuant to the Compensation Resolution, each county board member is to be compensated \$4,800 annually with an additional \$1,200 being paid to the board chairman.
41. Coles County Board Members Darrell Cox, Stan Metzger, Rick Shook are each being compensated \$11,400 annually which is more than is allowed under the Compensation Resolution.
42. The additional compensation is being received by Coles County Board Member Darrell Cox in that county taxpayer funds are being paid in the amount of \$550.00 per month to contribute to board member Cox health insurance premiums.
43. The additional compensation is being received by Coles County Board Member Stan Metzger in that county taxpayer funds are being paid in the amount of \$550.00 per month to contribute to board member Metzger health insurance premiums.
44. The additional compensation is being received by Coles County Board Member Rick Shook in that county taxpayer funds are being paid in the amount of \$550.00 per month to contribute to board member Shook health insurance premiums.
45. These additional funds being paid to these three board members has to be replenished in the public treasury by Plaintiff.
46. An actual controversy exists between the parties regarding the authority of The Board to compensate board members in excess of the Compensation Resolution.
47. An immediate and definitive determination is necessary to clarify the rights and interests of the parties.

WHEREFORE, Plaintiffs respectfully request that this court enter an order:

**COPY**

- A) Declaring that Coles County Board Members shall be compensated in amounts only as authorized under the Compensation Resolution passed May 08, 2012;
- B) Declaring payments to Coles County Board Members to defray their health insurance premiums is compensation;
- C) Declaring any payments of compensation in excess of amounts authorized by the Compensation Resolution unlawful;
- D) Awarding Plaintiffs their costs incurred in this matter as may be allowed by law;
- E) Granting such other and further relief as is just and proper.

Respectfully submitted,

By: /s/ Thomas Devore  
Thomas G. DeVore  
IL Bar Reg. No. 6305737  
118 N. 2nd St.  
Greenville, IL 62246  
Telephone - 618-664-9439  
tom@silverlakelaw.com

**COPY**  
**COPY**

**EXHIBIT**  
tabbies  
    A    

# COLES COUNTY BOARD

COUNTY BOARD OFFICE  
3RD FLOOR - COUNTY COURTHOUSE  
561 JACKSON, ROOM 326  
CHARLESTON, ILLINOIS 61820

(217) 848-0595  
Fax: (217) 848-7835  
Email: [countyboard@ccn.coles.il.us](mailto:countyboard@ccn.coles.il.us)

Stan Metzger  
Chairman

Mark Degler  
Chairman Pro Tem

## COUNTY OFFICES/RULES COMMITTEE May 4, 2013

The County Offices/Rules Committee was called to order at 4:30 p.m. with the following members present: Brandon Bell, Paul Daily, Maro Weber, Dan Lawrence and Cory Sanders, Chairman, presiding. Stan Metzger, County Board Chairman, attended as ex officio member.

Also attending were: Kelly Lockhart, RPDC; Karen Childress, Supervisor of Assessments; John Reardon, Board of Review; and Elaine Karpus-Komada, Administrative Assistant.

### Old Business:

1. Mr. Daily moved to remove the proposals for commercial appraisal from the table. The motion was seconded by Mr. Metzger. **MOTION CARRIED: AYES: Unanimous (6)**

The members reviewed the proposal for commercial appraisals from Tyler Tech in the amount of \$17,782. After much discussion, Mr. Daily moved to forward the proposal from Bob Becker in the amount of \$15,080 for commercial appraisals to the County Board for consideration, seconded by Mr. Weber. **MOTION CARRIED: AYES: Unanimous (5)**

**NAYES: None (0)**  
**ABSTAIN: Sanders (1)**

### New Business:

1. The members were presented with a resolution for an extension of time for the Circuit Clerk's audit. Mr. Bell moved to forward this resolution to the County Board for approval. The motion was seconded by Mr. Metzger. **MOTION CARRIED: AYES: Unanimous (6)**

**NAYES: None (0)**

2. Brian Bower, State's Attorney, will be presenting an Ordinance re: Animals on County Property and Towing Ordinance to the members. The members tabled this Ordinance until the next meeting for review.

### Miscellaneous Business:

None

The meeting adjourned at 4:40 p.m. on a motion by Mr. Daily and a second by Mr. Weber.

Jan Ellis  
Mark Parry

Mike Zukoski  
Paul Daily

Brandon Bell  
Dan Lawrence

Cory Sanders  
Ben Osborne

Brian Martin  
Maro Weber

**COPY**



4100 Miller-Valentine Court  
Moraine, Ohio 45439

D: 800.800.2581  
F: 937.278.3711

[www.tyler-tech.com](http://www.tyler-tech.com)

April 24, 2015

Ms. Karen Childress  
Coles County Supervisor of Assessments  
651 Jackson Avenue, Room 133  
Charleston, IL 61920

**Re: Professional Services for Commercial & Industrial Reassessment**

Dear Ms. Childress:

On behalf of Tyler Technologies, Inc., Appraisal & Tax Division, I would like to submit this Price Quote to provide assistance for the Commercial and Industrial Reassessment.

A professional appraiser will be provided for interior commercial and industrial data collection and final valuation review. In addition, our professional appraiser will re-check the neighborhood delineations; land pricing update, field inspection of the sale properties, data entry and appeal support. Per the County's request, the following Districts are broken out as follows:

1. District #1: 976 commercials/32 industrials improved parcels - \$173,228 Fee - \$171.85 per parcel
2. District #2: 966 commercial/24 Industrial improved parcels - \$169,876 Fee - \$171.59 per parcel
3. District #3: 332 commercial/35 industrial improved parcels - \$102,231 Fee - \$278.56 per parcel
4. District #4: 196 commercial/9 Industrial improved parcels - \$72,447 Fee - \$353.40 per parcel

The total fee is \$517,782 which is \$201.47 price per parcel. The Company shall bill every four (4) weeks.

Karen, thank you in advance for this opportunity to be of assistance to your office staff and you.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Fryman".

Troy Fryman  
Senior Account Executive

**COPY**

3/30/2015

• • •

Robert D Becker  
1238 CR 1000 E  
Trilla, IL 62469

**County Board,**

Please consider this bid for the reassessment of commercial and industrial properties located in Coles County. In determining the scope of this assignment, I met with Mr. Kelly Lockhart and Ms. Karen Childress. I submit this bid contingent upon the County Board approving a switch in software vendors to DEVNET's Computer Assisted Mass Appraisal (CAMA) software. The current system does not contain advanced valuation functions featured in DEVNET; significantly more time is required to develop modeling techniques, ratio studies, and regression analysis in Proval.

The purpose of this reassessment is to as accurately as possible develop an opinion of value for the 2,466 commercial parcels and 90 industrial parcels located within the county. Additional time is required over typical a reassessment due to gaps in data, which prevent a reliable model from being developed. It is my understanding the township assessors and the supervisor of assessment staff will assist in the collection of this additional data.

No data currently exists to support current assessed values of commercial and industrial properties. Development of a model, based on generally accepted mass appraisal techniques, is the basis for supportable values. This model will be the property of the county; it will support future commercial valuations with a credibility not currently used.

My experience has been limited to single property analysis. I have eleven years of appraisal experience in commercial, industrial, multi-family and residential. Coles County is the primary source of my experience. To ensure competency in mass appraisal development I will attended two classes offered by the International Association of Assessing Officers (IAAO) and read the Fundamentals of Mass Appraisal. I believe this to be sufficient to adapt single property

**COPY**

• • •

appraisal methodology to mass appraisal. A complete list of experience and education is available upon request.

It is my understanding this will be a part time assignment as data comes available from the township assessors. First priority would be on Mattoon and Lafayette Township; the township assessors have verified the data already. Laying the ground work for the valuation models will require a significant ramp up period. Once established these models will be applied to the county as a whole. Once the transition to DEVNET's CAMA software is complete the modeling can begin.

I currently own two properties which will be the subject of this reassessment. I have talked with Ms. Childress and she will provide the reassessment on them. Information obtained from previous appraisal assignments with respect to individual properties characteristics is confidential and will not be provided for this reassessment. Data gathered on market conditions, factors affecting the market or other general information will be used to help to increase the accuracy of the model.

I propose to develop a credible valuation model using generally accepted mass appraisal techniques and my experience working in the Coles County area. This service can be provided for the amount of one hundred fifteen thousand dollars (\$115,000). Quarterly payments shall be dispersed in the amount of \$7,187.50. Payments will begin January 1<sup>st</sup>, 2016 for sixteen consecutive quarters. My commission will begin August 2015 (contingent upon a fully functioning DEVNET's CAMA software) and ending no later than December 31, 2019. Time frame is based on the schedule set forth by the county board's redistricting.

Respectfully,



Robert D Becker

**COPY**  
**COPY**

EXHIBIT  
B

**COLES COUNTY BOARD**  
Regular Meeting  
May 12, 2015

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present Brandon Bell, Paul Daily, Mark Degler, Dan Lawrence, Brian Marvin, Ron Osborne, Cory Sanders, Marc Weber, and Mike Zuhone with Chairman Stan Metzger presiding. Absent were members Jan Eads and Nancy Purdy.

Following the Pledge to the Flag, the Invocation was given by Mike Zuhone.

Motion was made by Zuhone, seconded by Daily to approve the April 14, 2015 County Board minutes.

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)

**APPOINTMENTS TO THE SEVEN HICKORY/MORGAN FIRE DISTRICT**

Appointments were made by Metzger to appoint the following to the Seven Hickory/Morgan Fire District with the consent of the Coles County Board.

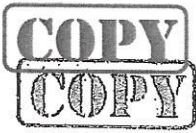
John Long until May 2, 2016  
John Austin until May 4, 2015  
Robert Hudson until May 8, 2017

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)

**APPOINTMENT TO THE LINCOLN FIRE DISTRICT**

Appointment was made by Metzger to appoint Joe Patrick to the Lincoln Fire Protection District until May 2016, with the consent of the Coles County Board.

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)



### RESOLUTION SURPLUS PROPERTY DISPOSAL POLICY

(For a copy of the resolution see page 2852)

Upon motion by Degler, seconded by Marvin.

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)

### PROPOSAL RE: COMMERCIAL APPRAISAL

(For a copy of the resolution see pages 2853 - 2854)

Upon motion by Weber, seconded by Marvin

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Weber, Zuhone (9)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)  
ABSTAINED: Sanders (1)

### RES: EXTENSION OF TIME FOR CIRCUIT CLERK'S AUDIT

(For a copy of the resolution see page 2855)

Upon motion by Sanders, seconded by Weber

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)

### INTERGOVERNMENTAL AGREEMENT WITH LAKELAND

Motion was made by Daily to remove the agreement from the table, seconded by Sanders

AYES: Bell, Daily, Degler, Lawrence, Marvin, Metzger,  
Osborne, Sanders, Weber, Zuhone (10)  
NAYS: None (0)  
ABSENT: Eads, Purdy (2)

Motion was made by Daily to pass the amended agreement, seconded by Lawrence

(For a copy of the agreement see pages 2856 - 2857)



**COPY**

3/30/2015

• • •

Robert D Becker  
1238 CR 1000 E  
Trilla, IL 62469

**County Board,**

Please consider this bid for the reassessment of commercial and industrial properties located in Coles County. In determining the scope of this assignment, I met with Mr. Kelly Lockhart and Ms. Karen Childress. I submit this bid contingent upon the County Board approving a switch in software vendors to DEVNET's Computer Assisted Mass Appraisal (CAMA) software. The current system does not contain advanced valuation functions featured in DEVNET; significantly more time is required to develop modeling techniques, ratio studies, and regression analysis in Proval.

The purpose of this reassessment is to as accurately as possible develop an opinion of value for the 2,466 commercial parcels and 90 industrial parcels located within the county. Additional time is required over typical a reassessment due to gaps in data, which prevent a reliable model from being developed. It is my understanding the township assessors and the supervisor of assessment staff will assist in the collection of this additional data.

No data currently exists to support current assessed values of commercial and industrial properties. Development of a model, based on generally accepted mass appraisal techniques, is the basis for supportable values. This model will be the property of the county; it will support future commercial valuations with a credibility not currently used.

My experience has been limited to single property analysis. I have eleven years of appraisal experience in commercial, industrial, multi-family and residential. Coles County is the primary source of my experience. To ensure competency in mass appraisal development I will attended two classes offered by the International Association of Assessing Officers (IAAO) and read the Fundamentals of Mass Appraisal. I believe this to be sufficient to adapt single property

**COPY**

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appraisal methodology to mass appraisal. A complete list of experience and education is available upon request.

It is my understanding this will be a part time assignment as data comes available from the township assessors. First priority would be on Mattoon and Lafayette Township; the township assessors have verified the data already. Laying the ground work for the valuation models will require a significant ramp up period. Once established these models will be applied to the county as a whole. Once the transition to DEVNET's CAMA software is complete the modeling can begin.

I currently own two properties which will be the subject of this reassessment. I have talked with Ms. Childress and she will provide the reassessment on them. Information obtained from previous appraisal assignments with respect to individual properties characteristics is confidential and will not be provided for this reassessment. Data gathered on market conditions, factors affecting the market or other general information will be used to help to increase the accuracy of the model.

I propose to develop a credible valuation model using generally accepted mass appraisal techniques and my experience working in the Coles County area. This service can be provided for the amount of one hundred fifteen thousand dollars (\$115,000).

Respectfully,



Robert D Becker

Robert D Becker • 2

**COPY**

# COLES COUNTY BOARD

COUNTY BOARD OFFICE  
3RD FLOOR - COUNTY COURTHOUSE  
651 JACKSON, ROOM 326  
CHARLESTON, ILLINOIS 61920

(217) 348-0595  
Fax: (217) 348-7355  
Email: [countyboard@co.coles.il.us](mailto:countyboard@co.coles.il.us)

Stan Metzger  
Chairman

Mark Degler  
Vice Chairman

December 20, 2016

State Representative Reggie Phillips  
811 W. Lincoln  
Charleston, IL 61920

Dear Representative Phillips,

~~(Coles County recently entered into a contract with an independent appraiser to update the assessment evaluations of commercial, industrial and multi-unit properties. This process has not been conducted in Coles County for the past sixteen years and needed to be updated.~~

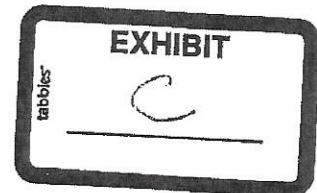
After consulting with the Illinois Department of Revenue, it was decided that the county would be divided into four assessment districts, effective 2016, which is allowed by State law. New values were mailed and published in the newspaper, as required by State law, to property owners in Mattoon township which was the first district reassessed.

A publication from the Illinois Department of Revenue titled, The Illinois Property Tax Cycle, a general guide to the local property tax cycle, states on pages 16 and 17 "All assessment levels must be uniform." It gives this example - "Assessment level is not uniform within the county - One township in a county is assessed at an average level of 20 percent of full value and another at 40 percent. Both townships are in the same school district. Property owners in the township assess at the higher level would, on average, pay twice as much as owners of similar properties in the other township." The fact that the Illinois Department of Revenue allowed us to divide into four assessment districts is in direct opposition to what is required by the Illinois Department of Revenue.

The County Board consulted legal counsel and the Illinois Department of Review to try to hold up these assessments until the entire county was reassessed. There is not a provision in State law that allows the County to do that. We are asking that you research and introduce legislation to change this law to make assessments uniform throughout the county.

Sincerely,

Stan Metzger  
Chairman  
Coles County Board



Jan Kads  
Nancy Purdy

Mike Zubone  
Paul Dally

Brandon Bell  
Rick Sheal

Cory Sanders

Brian Marvin

**COPY**

State of Illinois )  
County of Coles )

RESOLUTION RE: COUNTY OFFICERS SALARY

WHEREAS, the Coles County Board is required pursuant to P. A. 89-0405 to fix the salaries of various Coles County Officials 180 days before the term of office begins; and

WHEREAS, this salary will be included in the appropriation of the Coles County Budget.

NOW, THEREFORE BE IT RESOLVED that the Coles County Board set the annual salary for the County Officials as follows:

County Board Members  
2012 - 2022 \$ 4,800 annual salary

BE IT FURTHER RESOLVED that the Coles County Board set the annual salary for the County Board Chairman, in addition to the above stated annual salary, as follows:

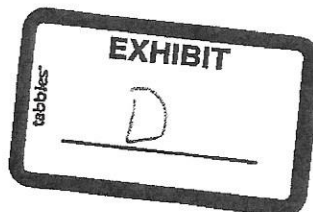
County Board Chairman  
2012 - 2022 \$ 1,200 annual salary

DATED this 11<sup>th</sup> day of Feb, 2012.

ATTEST:

[Signature] Clerk

Minutes for May 8<sup>th</sup>, 2012



5-8-2012



CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure the undersigned certifies that the statements set forth in this Affidavit are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

  
JOHN KRAFT

Thomas G. DeVore  
IL Bar Reg. No. 6305737  
Silver Lake Group, Ltd.  
Attorneys for Plaintiff  
118 N. 2nd St.  
Greenville, IL 62246  
Telephone - 618-664-9439  
tom@silverlakelaw.com

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From: Karen Biddle - Coles Co Supv of Assessments Office [mailto:KBiddle@co.coles.il.us]  
Sent: Friday, February 03, 2017 9:55 AM  
To: John Kraft <john@illinoisleaks.com>  
Cc: 'Robert Becker' <hobbck@gmail.com>; Elaine Komada - Coles Co Board <ekomada@co.coles.il.us>  
Subject: FOIA Request

Mr. Kraft,

As you know, the recent commercial/industrial property revaluation done for Mattoon Township was done by a licensed, independent fee appraiser hired by Coles County. The records you are requesting were done by Mr. Becker, and are a part of his personal business records. Coles County is not in possession of this study, or any of Mr. Becker's other work. I am therefore unable to provide this information to you.

I have a summary listing of Mattoon commercial/industrial values, in Excel format, that has been made available to me for public distribution. Please let me know if you would be interested in receiving that information.

Karen Biddle

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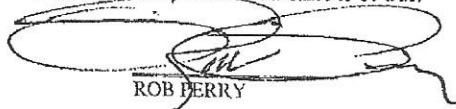
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CERTIFICATION

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ROB PERRY

Thomas G. DeVore  
IL Bar Reg. No. 6305737  
Silver Lake Group, Ltd.  
Attorneys for Plaintiff  
118 N. 2nd St.  
Greenville, IL 62246  
Telephone - 618-664-9439  
tom@silverlakelaw.com

Message Content

http://www.mh.com/colco/colco.net was mail:redacted...

Delete Prev Next Reply/All Forward/Inline Open Inbox 213 of 213 Go to ! Move | Copy | Print

Date: Wed Feb 8 20:57:09 EST 2017  
From: "Robb Perry" <r\_perry48@consolidated.net> Add To Address Book  
Subject: Fw: FOIA request  
To: <bodyleub@consolidated.net>

----- Original Message -----  
From: Elaine Komada - Coles Co Board  
To: Robb Perry (r\_perry48@consolidated.net)  
Sent: Wednesday, February 08, 2017 1:20 PM  
Subject: FW: FOIA request

Here you go.

Elaine Karpus-Komada  
Administrative Assistant  
Coles County Board  
(217) 348-0595  
ekomada@co.coles.il.us

From: Karen Biddle - Coles Co Supv of Assessments Office  
Sent: Wednesday, February 08, 2017 11:20 AM  
To: Elaine Komada - Coles Co Board <ekomada@co.coles.il.us>  
Subject: RE: FOIA request

Elaine,

In this office I only have that spreadsheet Bob provided showing basic information for each parcel. It's the one I gave to the County Board, and I already sent that to Robb Perry in December. The new assessed values were generated using the Marshall and Swift tables built in to the CAMA system. I can't access those tables, and have use only through the license we pay Devnet \$7,820.00 annually for. Bob and I have discussed this a few times already, since we've had some requests for his work. Bob's preparatory work's not available in my office.

I forwarded a similar FOIA request up to Brian Bower last Friday, so he may have already done some research on this. I explained to him that Bob's work involved "trade secrets" that didn't come under FOIA.

Karen

From: Elaine Komada - Coles Co Board  
Sent: Wednesday, February 08, 2017 10:23 AM  
To: Karen Biddle - Coles Co Supv of Assessments Office <KBiddle@co.coles.il.us>  
Subject: FW: FOIA request

See below. Can you provide me with the calculation and computations and all factors used in the re-assessment opinion that Bob Pepler furnished the county for his preparatory work. This should include all variables used and comparisons in his opinion. I can get everything else. Thanks.

Elaine Karpus-Komada  
Administrative Assistant  
Coles County Board  
(217) 348-0595  
ekomada@co.coles.il.us

From: Robb Perry (mailto:r\_perry48@consolidated.net)