

**THE FOURTH CIRCUIT
SHELBY COUNTY, ILLINOIS**

Edgar County Watchdogs, Inc.,

Plaintiff,

v.

**Shelby County, Illinois, and Shelby County
Dive Team,**

Defendant.

Case No.: 2024CH4

Judge:

Complaint

Plaintiff Edgar County Watchdogs, Inc. (“Plaintiff”), files his Complaint against Defendants Shelby County and the Shelby County Dive Team (the “Dive Team”, together “Defendants”) to force its compliance with Illinois’ Freedom of Information Act (“FOIA”), as codified at 5 ILCS § 140/1, *at seq.*, and produce the demanded records. Plaintiff alleges the following based on personal knowledge stemming from their acts and experiences, an investigation conducted by their attorneys, and upon information and belief. Accordingly, Plaintiff alleges as follows:

The Parties, Jurisdiction, and Venue

1. The Plaintiff, Edgar County Watchdogs, Inc. is an Illinois not-for-profit corporation licensed and registered to do business in Illinois.
2. Defendant, Shelby County, Illinois is a public body, as defined by FOIA’s Section 2(a)
3. Defendant, Shelby County Dive Team is a water rescue and recovery department established pursuant to the Illinois Water Rescue Act, as codified at 50 ILCS 755/1, *et seq.*, and

authorized by Shelby County Board Resolution and under the oversight of Shelby County Boards's Public Safety Committee.

4. The Defendant, Shelby County Dive Team, is a public body, as defined by FOIA's Section 2(a), located in Shelby County, Illinois.

5. Jurisdiction is proper in this Court because Plaintiff is an Illinois corporation doing business in Illinois and Defendants are Public Bodies under FOIA subject to the jurisdiction of the same.

6. Venue is proper based on 735 ILCS §§ 5/2-101, 103, which, *inter alia*, requires suit be brought in the county in which the transaction or some part of the transaction occurred or the cause of action arose; and 5 ILCS § 140/11, which provides, *inter alia*, that a lawsuit to enforce a demand for documents under FOIA may be brought in the county where the public body is located.

Illinois' Freedom of Information Act

7. Illinois' FOIA statute declares that it is "the public policy of the State of Illinois that all persons¹ are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act." 5 ILCS § 140/1.

8. The Illinois Legislature continues to recognize that "such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest." *Id.*, at § 140/1.

¹. "Person[s]' means any individual, corporation, partnership, firm, organization or association, acting individually or as a group." 5 ILCS § 140/2(b)

9. “Restrains on access to information, to the extent permitted by this Act, are limited exceptions to the principle that the people of this State have a right to full disclosure of information relating to the decisions, policies, procedures, rules, standards, and other aspects of government activity that affect the conduct of government and the lives of any or all of the people. ... This Act shall be construed to require disclosure of requested information as expediently and efficiently as possible and adherence to the deadlines established in this Act. Id., at § 140/1.

10. “All records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt.” Id., at § 140/1.2.

11. In furtherance of the Illinois’ Legislatures above goals unless otherwise exempt, public bodies must comply with requests for public documents and information. Id., at §§ 140/1.2, 140/3.

12. Once a request is received, “[e]ach public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request[.]” Id., at § 140/3(d). Such time to respond may be extended for an additional five (5) business days based on good causes. Id., at § 140/3(e).

13. “[A] [d]enial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after [a requests] receipt shall be considered a denial of the request.” Id., at § 140/3(d).

14. Moreover, FOIA outlines a number of requirements for a public body and its FOIA Officer to adhere to once it receives a request for a public record. Such requirements

include: (1) noting date the request was received; (2) computing the response deadline; (3) creating and maintaining an electronic or paper record of the request until the request is complied with or denied; and (4) creating a file for the retention of the request, response, and all communications concerning the same. 5 ILCS § 140/3.5(a).

15. FOIA also states that if a request is denied, the public body must, *inter alia*, “notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial.” Id., at § 140/9(a).

16. To enforce the public’s right to access public information, FOIA provides a private right of action whereby: “[a]ny person denied access to inspect or copy any public record by a public body may file suit for injunctive or declaratory relief.” Id., at § 140/11(a).

17. “If a person seeking the right to inspect or receive a copy of a public record prevails in a proceeding under this Section, the court shall award such person reasonable attorney’s fees and costs.” Id., at § 140/11(i).

18. Moreover, “[i]f the court determines that a public body willfully and intentionally failed to comply with this Act, or otherwise acted in bad faith, the court shall also impose upon the public body a civil penalty of not less than \$2,500 nor more than \$5,000 for each occurrence.” Id., at § 140/11(j).

Plaintiff Specific Allegations

19. Plaintiff submitted its FOIA request on April 25, 2024.

20. The April 25, 2024 Request sought:

1. A copy all receipts for funds donated to the dive team and not turned in to the County Treasure in the last three years.
2. Any documents that would reflect cash on hand in the building being used by the dive team in the last three years.

3. A copy of all receipts for purchases made with funds in the control of the dive team or any designated person rather than the county treasurer in the last three years.

Thursday, April 25, 2024 E-Mail (the “April 25 Request”), attached hereto as Exhibit A.

21. Under Section 3(d) of FOIA, Defendants were obligated to validly respond to the April 25 Request by or before May 2, 2024.

22. On May 1, 2024, the Commander of the Shelby County Dive Team, Austin Pritchard (“Commander”) responded:

Kirk,

The Shelby County Board formed the Shelby County Dive Team in July of 2023, I was appointed to commander on April 11, 2024, therefore I have no records responsive to your request.

Any future requests for information should be submitted to “shelbydive@shelbycounty-il.com” and NOT my personal email, thank you.

Best regards,
Austin Pritchard
Commander, Shelby County Dive Team

May 1, 2024 E-mail (the “May 1 Response”), attached hereto as Exhibit B.

23. Commander’s May 1 Response was insufficient under FOIA because it failed to produce demanded documents, failed to seek an extension, and failed to issue a written denial as required by FOIA’s Section 9(a).

24. Following Commander’s May 1, 2024 Response, Plaintiff forwarded the same to the Shelby County State’s Attorney stating: “This is an improper foia response by Austin Prichard.” May 1, 2024 E-mail sent 10:55 PM, attached hereto as Group Exhibit C.

25. Thereafter, the Shelby County State’s Attorney sent an e-mail to Commander admonishing him and informing him that, *inter alia*, his May 1 Response to Plaintiff’s April 25

Request “fails to comply with Illinois Law” and informed him of his obligations under FOIA.
May 1, 2024 E-mail sent 11:11 PM, attached hereto as Group Exhibit C.

26. Almost instantly thereafter, the Shelby County State’s Attorney received an automated e-mail from the Dive Teams e-mail address, shelbydive@shelbycounty-il.gov, stating that the “Shelby County Dive Team is currently not available. Please check back for updates!”
May 1, 2024 E-mail received 11:12 PM, attached hereto as Group Exhibit C.

27. Later that same night the Shelby County State’s Attorney sent another e-mail to Commander, this time at his personal e-mail address, shelbycountydiveteam@gmail.com, and informed him that the Dive Team’s official e-mail address “returns an inactive e-mail address[;]” that his personal e-mail address was subject to FOIA; that he should “[j]ust give [Plaintiff] the records he seeks.” And insisting that the request be complied with by Monday, May 6, 2024.
May 1, 2024 E-mail sent 11:17 PM, attached hereto as Group Exhibit C.

28. Neither Commander nor the Dive Team ever followed up on the Shelby County State’s Attorney’s May 1, 2024 E-mail sent 11:17 PM.

29. Neither Commander nor the Dive Team ever validly respond to the April 25 Request either by producing the demanded documents, seeking an extension, or issue a written denial as required by FOIA’s Section 9(a).

30. Neither Commander nor the Dive Team ever sent a response, extension, denial, or other communication regarding the April 25 Request after Commander’s May 1 Response.

31. Moreover, upon information and belief, Commander nor the Dive Team have failed to satisfy their other obligations under FOIA, as articulated in Section 3.5(a), for the April 25 Request.

32. Commander's decision to respond with a non-responsive auto-mailer to the State's Attorney makes a mockery of the requirements of FOIA, for a transparent government. These counts follow.

Count I
Failure to Produce Demanded Records

33. Plaintiff incorporates the above paragraphs by reference as if fully set forth herein.

34. Defendants Shelby County and the Shelby County Dive Team are public bodies under Section 2(a) of FOIA.

35. The records requested by Plaintiff in the April 25 Request, are non-exempt public records and are subject to FOIA's inspection requirements.

36. FOIA requires Defendants to respond to a records request within five (5) days of receipt or request an additional five (5) days to respond.

37. Defendants failed to either respond to Plaintiff's April 25 Request or request additional time to respond to the same within the statutorily prescribed time period, in violation of FOIA's Section 3(d).

38. Defendants violated FOIA when it failed to produce the requested records within the statutory time period or any time thereafter; and otherwise failed to respond to Plaintiff's Request.

Count II
Willful and Intentional Violation of FOIA

39. Plaintiff incorporates the above paragraphs by reference as if fully set forth herein.

40. Defendants Shelby County and Shelby County Dive Team are public bodies under Section 2(a) of FOIA.

41. The records requested by Plaintiff's April 25 Request are non-exempt public records and are subject to FOIA's inspection requirements.

42. Upon information and belief, Defendants failed to satisfy any of FOIA's attendant requirements, including: (1) computing the response deadline; (2) creating and maintaining an electronic or paper record of the request until the request is complied with or denied; or (3) creating a file for the retention of the request, response, and all communications concerning the same, in violation of FOIA's Section 3.5(a).

43. Defendants Shelby County and Shelby County Dive Team willfully, intentionally, and in bad faith failed to comply with four (4) separate requirements of FOIA.

Prayer for Relief

Wherefore, Plaintiff Edgar County Watchdogs, Inc., respectfully requests that the Court find:

a. According to 5 ILCS § 140/11(h), this case be afforded precedence on the Court's docket, except for cases which the Court considers to be of greater import, and assign this matter for hearings and trial at the earliest convenience and otherwise expedited these proceedings;

b. Find that Defendants Shelby County and the Shelby County Dive Team have violated FOIA's Section 3(d) by failing to timely respond to Plaintiff's Request;

c. Find that Defendants Shelby County and the Shelby County Dive Team have violated FOIA's Section 3.5(a) by failing to:

- i. compute its response deadline;
- ii. create or maintain an electronic or paper record of the Request until the request is complied with or denied; and
- iii. create a file for the retention of the request, response, and all communications concerning the same;

d. Order Defendants Shelby County and the Shelby County Dive Team to produce all requested records, documents, and information;

e. Enjoin Defendants Shelby County and the Shelby County Dive Team from withholding non-exempt public records under FOIA;

f. Order Defendants Shelby County and the Shelby County Dive Team to pay civil penalties of not less than \$2,500 nor more than \$5,000 for each of the above violations of FOIA, pursuant to 5 ILCS § 140/1(j);

g. Award Plaintiff reasonable attorney's fees and costs, pursuant to 5 ILCS § 140/1(i); and

h. Grant any and all further relief that this Court deems just and proper.

Dated: May 16, 2024

Respectfully Submitted:

By: /s/ Edward "Coach" Weinhaus

Edward "Coach" Weinhaus, Esq.
Cook County #64450 / ARDC #6333901
Adam Florek - ARDC No: 6320615
LegalSolved, LLC, FOIASolved division
11500 Olive Blvd.
Suite 133
Saint Louis, Missouri 63141-7126
Tele: (314) 580-9580
E-mail: eaweinhaus@gmail.com
E-mail: aflorek@florekllc.com

EXHIBIT A

Adam Florek

From: Kirk Allen <Kirk@illinoisleaks.com>
Sent: Thursday, April 25, 2024 12:29 PM
To: shelbycountydiveteam@gmail.com
Subject: FOIA Request

In accordance with the Freedom of Information Act of Illinois, I am requesting the following public records.

- 1. A copy all receipts for funds donated to the dive team and not turned in to the County Treasure in the last three years.
- 2. Any documents that would reflect cash on hand in the building being used by the dive team in the last three years.
- 3. A copy of all receipts for purchases made with funds in the control of the dive team or any designated person rather than the county treasurer in the last three years.
-
- I qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests or commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees).

I request expedited processing on the basis of an urgency to inform the citizens and taxpayers of Illinois about their government's activities. If any element of this request is denied in whole or in part, I ask that you justify all withholdings individually by reference to specific exemptions of the Act. Please provide all responsive information to me electronically.

I request a rolling production of records, such that the public body furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the below address. If you have any questions please do not hesitate to contact me. Rolling production is not to be perceived as an agreement to extend the time frame for compliance under FOIA.

If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

The purpose of the request is to access and disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

As outlined in FOIA, documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I am requesting the records be provided in electronic format if that is the method in which they are stored. If they are in paper form and the copier can convert them to electronic format I would appreciate receiving them electronically.

Thanks,

Kirk Allen

Edgar County Watchdogs

PO Box 593

Kansas, IL 61933

EXHIBIT B

Adam Florek

From: Shelby County Dive Team <shelbydive@shelbycounty-il.com>
Sent: Wednesday, May 1, 2024 10:41 PM
To: Kirk Allen
Subject: Re: FOIA Request

Kirk,

The Shelby County Board formed the Shelby County Dive Team in July of 2023, I was appointed to commander on April 11, 2024, therefore I have no records responsive to your request.

Any future requests for information should be submitted to "shelbydive@shelbycounty-il.com" and NOT my personal email, thank you.

Best regards,
Austin Pritchard
Commander, Shelby County Dive Team

On May 1, 2024, at 9:31 PM, Austin Pritchard <shelbycountydiveteam@gmail.com> wrote:

Caution! This message was sent from outside your organization.

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>
Subject: FOIA Request
Date: April 25, 2024 at 11:29:24 AM CDT
To: "shelbycountydiveteam@gmail.com"
<shelbycountydiveteam@gmail.com>

In accordance with the Freedom of Information Act of Illinois, I am requesting the following public records.

- 1. A copy all receipts for funds donated to the dive team and not turned in to the County Treasure in the last three years.
- 2. Any documents that would reflect cash on hand in the building being used by the dive team in the last three years.
- 3. A copy of all receipts for purchases made with funds in the control of the dive team or any designated person rather than the county treasurer in the last three years.
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Thanks,

Kirk Allen

Edgar County Watchdogs

PO Box 593

Kansas, IL 61933

EXHIBIT C

Adam Florek

From: Kirk Allen <Kirk@illinoisleaks.com>
Sent: Wednesday, May 1, 2024 10:55 PM
To: States Attorney
Subject: Fwd: FOIA Request

This is an improper foia response by Austin Prichard.

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Shelby County Dive Team <shelbydive@shelbycounty-il.com>
Sent: Wednesday, May 1, 2024 9:41:19 PM
To: Kirk Allen <Kirk@illinoisleaks.com>
Subject: Re: FOIA Request

Kirk,

The Shelby County Board formed the Shelby County Dive Team in July of 2023, I was appointed to commander on April 11, 2024, therefore I have no records responsive to your request.

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- I qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests or commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). I request expedited processing on the basis of an urgency to inform the citizens and taxpayers of Illinois about their government's activities. If any element of this request is denied in whole or in part, I ask that you justify all withholdings individually by reference to specific exemptions of the Act. Please provide all responsive information to me electronically.

I request a rolling production of records, such that the public body furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the below address. If you have any questions please do not hesitate to contact me. Rolling production is not to be perceived as an agreement to extend the time frame for compliance under FOIA.

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Thanks,

Kirk Allen

Edgar County Watchdogs

PO Box 593

Kansas, IL 61933

Adam Florek

From: Shelby County States Attorney - Robert Hanlon <statesattorney@shelbycounty-il.gov>
Sent: Wednesday, May 1, 2024 11:11 PM
To: shelbydive@shelbycounty-il.com
Cc: Kirk Allen; 'Shelby County Treasurer - Erica Firnhaber'
Subject: RE: FOIA Request

Mr. Pritchard:

Your response to Mr. Allen's FOIA request fails to comply with Illinois Law. You must make a search of all records of the Dive Team, that includes documents that could have been created before the date cited in your e-mail to Mr. Allen.

Your response fails to identify any applicable FOIA exemptions and other items mandated by Statute. I am aware that you filed a police report concerning records that are applicable to Mr. Allen's request. Therefore, you are to produce those documents that are responsive to his inquiry as opposed to being cute. If not produced within the next five Business days I will undertake action required by my oath.

I am also aware that Dive Team funds were laundered into a separate entity and I have made a demand upon that entity to return to the county those funds. Because I am aware that a crime was committed concerning the concealing of funds and theft of Government property, I will be alerting the federal authorities because there has been what I can see clear violations of the following federal statutes in that you or someone on behalf of the Shelby County Dive Team collected money and deposited that money into an account of an entity with a different identity. All money of the County must be deposited in the name of the county and managed by the Treasurer. My deadline is fast approaching for the return of those funds.

You should be aware that accepting for deposit a check payable to the dive team and depositing it into another entity's account is likely in violation of the Patriot Act and a host of Federal Banking laws as well as the anti-money laundering statutes. The potential applicable statutes that could expose you to include many of the following (emphasis on the highlighted statute):

18 USC 1956(a)(1)(A)(i): - intent to promote the carrying on of specified unlawful activity;
§ 1956(a)(1)(A)(ii): intent to engage in tax evasion or tax fraud;

§ 1956(a)(1)(B)(i): knowledge that the transaction was designed to conceal or disguise the nature, location, source, ownership or control of proceeds of the specified unlawful activity; or

§ 1956(a)(1)(B)(ii): knowledge that the transaction was designed to avoid a transaction reporting requirement under State or Federal law [e.g., in violation of 31 U.S.C. §§ 5313 (Currency Transaction Reports) or 5316 (Currency and Monetary Instruments Reports), or 26 U.S.C. § 60501 (Internal Revenue Service Form 8300)].

See USDOJ Criminal Resource Manual (CRM).

The Freedom of Information Act does not allow a government actor to hide documents or records. Your refusal to produce documents may be criminal.

Shelby County State's Attorney

Robert T. Hanlon
301 E. Main St
Shelbyville, IL. 62565
(217) 774-5511
(217) 273-5291
statesattorney@shelbycounty-il.gov

From: Kirk Allen <Kirk@illinoisleaks.com>
Sent: Wednesday, May 1, 2024 9:55 PM
To: States Attorney <statesattorney@shelbycounty-il.gov>
Subject: Fwd: FOIA Request

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Thanks,

Kirk Allen

Edgar County Watchdogs

PO Box 593

Kansas, IL 61933

Adam Florek

From: Shelby County States Attorney - Robert Hanlon <statesattorney@shelbycounty-il.gov>
Sent: Wednesday, May 1, 2024 11:22 PM
To: Kirk Allen
Subject: FW: Dive Team Unavailable

Shelby County State's Attorney

Robert T. Hanlon

301 E. Main St

Shelbyville, IL. 62565

(217) 774-5511

(217) 273-5291

statesattorney@shelbycounty-il.gov

From: Shelby Dive <shelbydive@shelbycounty-il.gov>
Sent: Wednesday, May 1, 2024 10:12 PM
To: Shelby County States Attorney - Robert Hanlon <statesattorney@shelbycounty-il.gov>
Subject: Dive Team Unavailable

Shelby County Dive Team is currently not available.

Please check back for updates!

Adam Florek

From: Shelby County States Attorney - Robert Hanlon <statesattorney@shelbycounty-il.gov>
Sent: Wednesday, May 1, 2024 11:17 PM
To: shelbycountydiveteam@gmail.com
Cc: Kirk Allen; 'Shelby County Treasurer - Erica Firnhaber'
Subject: FW: FOIA Request

Mr. Pritchard:

Please see the communication below. Additionally, your request to use only the e-mail address at the county cannot be complied with as it returns an inactive e-mail address. Please read the message below. Finally, what you call your private e-mail account is subject to FOIA. Mr. Allen is fully aware of the nuances of the law on this point. So the attempt to distinguish between the two is an inapposite position. Just give him the records he seeks. I am demanding you respond fully by Monday, or I will undertake action at that time.

Shelby County State's Attorney

Robert T. Hanlon

301 E. Main St

Shelbyville, IL. 62565

(217) 774-5511

(217) 273-5291

statesattorney@shelbycounty-il.gov

From: Shelby County States Attorney - Robert Hanlon
Sent: Wednesday, May 1, 2024 10:11 PM
To: 'shelbydive@shelbycounty-il.com' <shelbydive@shelbycounty-il.com>
Cc: "'Kirk Allen" <Kirk@illinoisleaks.com>' <Kirk@illinoisleaks.com>; 'Shelby County Treasurer - Erica Firnhaber' <shcotre@shelbycounty-il.gov>
Subject: RE: FOIA Request

Mr. Pritchard:

Your response to Mr. Allen's FOIA request fails to comply with Illinois Law. You must make a search of all records of the Dive Team, that includes documents that could have been created before the date cited in your e-mail to Mr. Allen.

Your response fails to identify any applicable FOIA exemptions and other items mandated by Statute. I am aware that you filed a police report concerning records that are applicable to Mr. Allen's request. Therefore, you are to produce those documents that are responsive to his inquiry as opposed to being cute. If not produced within the next five Business days I will undertake action required by my oath.

I am also aware that Dive Team funds were laundered into a separate entity and I have made a demand upon that entity to return to the county those funds. Because I am aware that a crime was committed concerning the concealing of funds and theft of Government property, I will be alerting the federal authorities because there has been what I can see clear violations of the following federal statutes in that you or someone on behalf of the Shelby County Dive Team collected money and deposited that money into an account of an entity with a different

identity. All money of the County must be deposited in the name of the county and managed by the Treasurer. My deadline is fast approaching for the return of those funds.

You should be aware that accepting for deposit a check payable to the dive team and depositing it into another entity's account is likely in violation of the Patriot Act and a host of Federal Banking laws as well as the anti-money laundering statutes. The potential applicable statutes that could expose you to include many of the following (emphasis on the highlighted statute):

18 USC 1956(a)(1)(A)(i): - intent to promote the carrying on of specified unlawful activity;
§ 1956(a)(1)(A)(ii): intent to engage in tax evasion or tax fraud;

§ 1956(a)(1)(B)(i): knowledge that the transaction was designed to conceal or disguise the nature, location, source, ownership or control of proceeds of the specified unlawful activity; or

§ 1956(a)(1)(B)(ii): knowledge that the transaction was designed to avoid a transaction reporting requirement under State or Federal law [e.g., in violation of 31 U.S.C. §§ 5313 (Currency Transaction Reports) or 5316 (Currency and Monetary Instruments Reports), or 26 U.S.C. § 60501 (Internal Revenue Service Form 8300)].

See USDOJ Criminal Resource Manual (CRM).

The Freedom of Information Act does not allow a government actor to hide documents or records. Your refusal to produce documents may be criminal.

Shelby County State's Attorney

Robert T. Hanlon

301 E. Main St

Shelbyville, IL. 62565

(217) 774-5511

(217) 273-5291

statesattorney@shelbycounty-il.gov

From: Kirk Allen <Kirk@illinoisleaks.com>

Sent: Wednesday, May 1, 2024 9:55 PM

To: States Attorney <statesattorney@shelbycounty-il.gov>

Subject: Fwd: FOIA Request

Caution! This message was sent from outside your organization.

This is an improper foia response by Austin Prichard.

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

From: Shelby County Dive Team <shelbydive@shelbycounty-il.com>

Sent: Wednesday, May 1, 2024 9:41:19 PM

To: Kirk Allen <Kirk@illinoisleaks.com>

Subject: Re: FOIA Request

Kirk,

The Shelby County Board formed the Shelby County Dive Team in July of 2023, I was appointed to commander on April 11, 2024, therefore I have no records responsive to your request.

Any future requests for information should be submitted to “ shelbydive@shelbycounty-il.com ” and NOT my personal email, thank you.

Best regards,
Austin Pritchard
Commander, Shelby County Dive Team

On May 1, 2024, at 9:31 PM, Austin Pritchard < shelbycountydiveteam@gmail.com >
wrote:

Caution! This message was sent from outside your organization.

Begin forwarded message:

From: Kirk Allen <Kirk@illinoisleaks.com>

Subject: FOIA Request

Date: April 25, 2024 at 11:29:24 AM CDT

To: "shelbycountydiveteam@gmail.com"
<shelbycountydiveteam@gmail.com>

In accordance with the Freedom of Information Act of Illinois, I am requesting the following public records.

- 1. A copy all receipts for funds donated to the dive team and not turned in to the County Treasure in the last three years.
- 2. Any documents that would reflect cash on hand in the building being used by the dive team in the last three years.
- 3. A copy of all receipts for purchases made with funds in the control of the dive team or any designated person rather than the county treasurer in the last three years.
-
- I qualify as both media and non-profit under the definitions in Section 2 (c-10) ("Commercial purpose"), Section 2 (f) ("News media"), Section 2 (g) ("Recurrent requester"), and Section 2 (h) ("Voluminous request") of the Freedom of

Information Act, for the purposes of being exempt to the provisions of Section 3.1 (Requests or commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). I request expedited processing on the basis of an urgency to inform the citizens and taxpayers of Illinois about their government's activities. If any element of this request is denied in whole or in part, I ask that you justify all withholdings individually by reference to specific exemptions of the Act. Please provide all responsive information to me electronically.

I request a rolling production of records, such that the public body furnishes records to my attention as soon as they are identified, preferably electronically, but as needed then to my attention, at the below address. If you have any questions please do not hesitate to contact me. Rolling production is not to be perceived as an agreement to extend the time frame for compliance under FOIA.

If you are not the FOIA officer responsible for any part of this request you are required by law to forward it to the appropriate FOIA officer.

The purpose of the request is to access and disseminate information regarding the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

As outlined in FOIA, documents shall be furnished without charge or at a reduced charge, as determined by the public body, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I am requesting the records be provided in electronic format if that is the method in which they are stored. If they are in paper form and the copier can convert them to electronic format I would appreciate receiving them electronically.

Thanks,
Kirk Allen
Edgar County Watchdogs
PO Box 593
Kansas, IL 61933