

From: [Shelby County States Attorney - Robert Hanlon](#)
To: shelbydive@shelbycounty-il.com
Cc: [Kirk Allen; "Shelby County Treasurer - Erica Firnhaber"](#)
Subject: RE: FOIA Request
Date: Wednesday, May 1, 2024 10:12:10 PM

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. § 6050I (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

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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 Prritchard <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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- 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