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October 11, 2024

Julia Rietz  
Champaign County States Attorney  
101 E Main St, Second Floor  
Urbana, IL 61802

#### ADMINISTRATIVE DEMAND FOR APPOINTMENT OF A SPECIAL PROSECUTOR

Ms. Rietz-

I'm writing in my capacity as a taxpayer and resident of Champaign County. Attached to this message are two documents, one is a memo from Michelle Jett, the Director of Administration for the Champaign County Executive dated 10/7/24 and the other is an invoice for the related expenditure on 9/30/24. What these documents show is that the Office of the County Executive authorized campaign expenditures in support of the public safety sales tax in an amount exceeding \$10,000 (though the memo and invoice have very different dollar amounts) and that the Director of Administration is aware of the County Purchasing Policy (available here: <https://www.co.champaign.il.us/Policies/purchasing%20policy.pdf>) and chose to "waive" it as it was "time sensitive". The relevant part of the purchasing policy is here (Part III(B)(1)):

*"For purchases totaling \$10,000.01-\$30,0000 the department in working with the Administrative Services Department, shall exercise due diligence to obtain a minimum of three written quotes, and may use a Request for Proposal (RFP) for services, if appropriate. The Purchase Requisition must include documentation of all quotes obtained and/or memos documenting due diligence."*

Again, it's clear that Ms. Jett is aware of this policy as she references the "time sensitive" need to waive it. It's hard to see how the upcoming election is a surprise as it happens every first Thursday in November in even numbered years. As the expression goes: "A failure to plan on your part does not constitute an emergency on mine".

While I'm sure it is disconcerting that the polling numbers of the public safety sales tax hike are crashing and burning, albeit at a slower rate than the credibility of Champaign County Government, that doesn't constitute an emergency as defined in Part IV ("... classified as those purchases, which ensure public health and safety, protect public property, and to limit County liability.")

There were no written statements or determinations with this memo, just a little hand-waive to self-absolve legal requirements. That brings us to the present request... the need to appoint a special prosecutor.

I believe there is predication for an investigation into potential criminal liability for this act under the Illinois Criminal Code, specifically the offense of Official Misconduct, a class 3 felony. From the relevant statute (emphasis added):

(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)  
Sec. 33-3. Official misconduct.

(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:

(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

**(2) Knowingly performs an act which he knows he is forbidden by law to perform; or**

(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(4) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.

It is clear Ms. Jett is aware of the requirements of the County Purchasing Policy and simply chose to ignore it under an entirely self-serving but not allowable rationale. As it has been clear through repeated public comments, the activities of the County Executive in promoting the public safety sales tax has been reviewed and/or approved by your office, you are clearly not in a position to investigate this matter as it would be at least an appearance if not an actual conflict of interest.

Please let me know your intent on such an appointment by 5:00pm on October 15, 2024 so I can arrange appropriate legal action if you decline.

Sincerely,



John Bambenek

Cc:  
Champaign County Executive  
Champaign County Board  
Champaign County Auditor  
Illinois Attorney General – Public Integrity Bureau