

TO: Illinois Attorney General Opinions Bureau

January 17, 2025

RE: Shelby County State's Attorney's request for opinion on County Board Member also serving as County Dive Team Commander

It has come to our attention that the Shelby County State's Attorney has requested an opinion on whether there is an impermissible conflict with a Shelby County Board member also serving as the Shelby County Dive Team Commander.

Here is additional general information that might be of interest prior to issuing an opinion:

- Austin Prichard was appointed by the Shelby County Board as Shelby County Dive Team Commander (Department Head) in April 2024
- Austin Prichard was elected to and took office as a Shelby County Board Member on December 3, 2024
- Austin Prichard was also appointed as member of the County Board Budget, Audit, and Legislative Committee – there is currently a “draft” forensic audit of the dive team which this committee and county board have not discussed yet. Prichard is in the position as a County Board Member on this Committee to review and recommend approval of a forensic audit of his position as Department Head and Dive Team Commander which may be critical of his spending and record-keeping
- December 5, 2024, during a Shelby County Public Safety Committee meeting, Austin Prichard, acting in his capacity as Dive Team Commander, was present and advocated for approximately 36 minutes for public funds being spent on the dive team. See Shelby County committee video at approximately the 1:20:42 mark here: <https://www.youtube.com/live/WtAURgXQKrA?si=7S07PTTTSPLo380j>
- The bids for a new truck and other items for the Dive Team indicated that Austin Prichard was the point of contact, as the dive team commander
- December 12, 2024, Austin Prichard, in his capacity as Shelby County Board member voted “present” on the questions of the purchase of equipment for the dive team, of which Prichard is also the appointed Department Head and Commander. See Shelby County board video at the 38:20 mark where the Motions are read and discussed, and at approximately the 41:31 mark where the roll-call vote was taken and Prichard voted “present”: <https://www.youtube.com/live/IJwUKF45cLI?si=mn4c1gDYUko6mMLY>
- December 19, 2024, Austin Prichard voted in his capacity as county board member to approve the tax levy, which included funds for the Dive Team, of which he is also the department head. See the vote at approximately the 1:04:23 mark in the Shelby County Special Board Meeting video: [December 19, 2024 Shelby County Special Board Meeting](#)

According to the resolution establishing the Shelby County Dive Team:

- County Board approves the Dive Team policies and procedures
- Dive Team Commander is appointed by the County Board

- County Board can suspend the Dive Team Commander and will determine the direction and outcome of any suspensions of the Dive Team Commander
- Dive Team Commander helps establish the policies and procedures of the Dive Team, then the County Board votes on those policies and procedures
- County Board, or through its Public Safety Committee (committees are not statutorily permitted to act on behalf of the entire board), approves a proposed annual training schedule and any changes for the Dive Team as presented by the Dive Team Commander
- County Board may vote to suspend the operations of the Dive Team
- Included a pay provision that each member of the Dive Team “will” receive - \$20 per callout and \$10 per training exercise
- Dive Team Commander submits the Dive Team budget to the County Board
- All of the above items will place Austin Prichard, in his capacity as County Board Member, in the position to be called upon to vote on issues concerning his other position as Department Head and Dive Team Commander – **where he cannot possibly represent both entities with undivided loyalty to both**

Thanks for your prompt attention to these matters,

John Kraft

Director, Edgar County Watchdogs, Inc.

