

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Please give me something good to write about...
Date: Wednesday, February 26, 2025 9:27:00 PM

Chairman,

You can see from the answer to the below FOIA request, related to the farm lease, that Shelby County failed to comply with the Public Officer Prohibited Activities Act, Section 3.1, which states:

(50 ILCS 105/3.1) (from Ch. 102, par. 3.1)

Sec. 3.1. Before any contract relating to the ownership or use of real property is entered into by and between the State or any local governmental unit or any agency of either the identity of every owner and beneficiary having any interest, real or personal, in such property, and every member, shareholder, limited partner, or general partner entitled to receive more than 7 1/2% of the total distributable income of any limited liability company, corporation, or limited partnership having any interest, real or personal, in such property must be disclosed. The disclosure shall be in writing and shall be subscribed by a member, owner, authorized trustee, corporate official, general partner, or managing agent, or his or her authorized attorney, under oath. However, if the interest, stock, or shares in a limited liability company, corporation, or general partnership is publicly traded and there is no readily known individual having greater than a 7 1/2% interest, then a statement to that effect, subscribed to under oath by a member, officer of the corporation, general partner, or managing agent, or his or her authorized attorney, shall fulfill the disclosure statement requirement of this Section. As a condition of contracts entered into on or after the effective date of this amendatory Act of 1995, the beneficiaries of a lease shall furnish the trustee of a trust subject to disclosure under this Section with a binding non-revocable letter of direction authorizing the trustee to provide the State with an up-to-date disclosure whenever requested by the State. The letter of direction shall be binding on beneficiaries' heirs, successors, and assigns during the term of the contract. This Section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of real property thereby.

For any entity that is wholly or partially owned by another entity, the names of the owners of the wholly or partially owning entity shall be disclosed under this Section, as well as the names of the owners of the wholly or partially owned entity.

(Source: P.A. 91-361, eff. 7-29-99.)

Please let me know how the county board will rectify this issue so that the leaseholder will swear under oath as to the name of every person who will have any interest in the real estate (farm) lease. IE: Will the board require the leaseholder to subscribe under oath as the law requires? Will the board ignore these requirements?

I will publish an article no later than Thursday, February 27, 2025, at 5 pm on this issue and include whether or not the county will attempt to fix what they should have already done.

The city of Naperville, Illinois has a disclosure online that you could probably change a few words in and use it for these situations: <https://www.naperville.il.us/globalassets/media/projects/ted-business-group/city-land-for-sale/disclosure-of-interest-in-property-50-ilcs-105.pdf>

Vermilion County has a more in-depth version of a disclosure online where they leased real estate to another public body: <https://www.vercounty.org/wp-content/uploads/2023/01/Lease-for-Legislative-District-Office-Space-Paul-Faraci.pdf>

Kane County also has one online, for when they lease out a floor of the county government building under an Intergovernmental Agreement to the court system:
<https://www.kanecountyil.gov/Contracts/2013/Administration/Notice%20to%20Lessor%20of%20Lessee%20Intention%20to%20Renew%20Lease%20Agreement%20Arbitration%201%2028%202013.pdf>

Thanks,
John Kraft
Edgar County Watchdogs

From: Shelby County Clerk - Jessica Fox <shcoclerk@shelbycounty-il.gov>
Sent: Wednesday, February 26, 2025 11:55 AM
To: John Kraft <john@illinoisleaks.com>; shcboardchair@shelbycounty-il.gov
Cc: Kirk Allen <Kirk@illinoisleaks.com>; Shelby County States Attorney - Ruth Woolery <statesattorney@shelbycounty-il.gov>
Subject: RE: FOIA Request (Shelby County) - 2-22-2025

This office has no records responsive to your request.

You have the right to have the denial of any portion of your request reviewed by the Public Access Counselor (PAC) at the office of the Attorney General pursuant to 5 ILCS 140/9.5(a). You can file your request for Review with the PAC by writing to: Public Access Counselor, Office of the Attorney General, 500 South 2nd Street, Springfield, IL 62706, FAX: 217-782-1396: email: publicaccess@atg.state.il.us. If you choose to file a Request for Review with the PAC you must do so within 60 calendar days of the date of the denial letter. (5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request to review with the PAC. You also have the right to seek judicial review of your denial by filing a lawsuit in the State Circuit Court pursuant to 5 ILCS 140/11.

Jessica Fox

Shelby County Clerk/Recorder
301 E. Main St. PO Box 230
Shelbyville, IL 62565
217-774-4421

shcoclerk@shelbycounty-il.gov

From: John Kraft <john@illinoisleaks.com>
Sent: Saturday, February 22, 2025 12:17 PM
To: shcoclerk@shelbycounty-il.gov; shcboardchair@shelbycounty-il.gov
Cc: Kirk Allen <Kirk@illinoisleaks.com>
Subject: FOIA Request (Shelby County) - 2-22-2025

On behalf of the Edgar County Watchdogs, Inc., and in accordance with the Freedom of Information Act, I am requesting the following.

If you are not the FOIA officer, please forward to the FOIA officer as required by statute.

Electronic copies requested.

- **Copy of the written disclosure, subscribed and under oath, by the alleged winner(s) of the bid for the lease of the Shelby County farm properties. See 50 ILCS 105/3.1**

Electronic copies are requested.

This is not a commercial request.

This is also a request for fee waiver, should any fees be imposed, as this information bears on the public business of the local and state governments in Illinois and will be used to inform citizens of the actions of their public officials, of their rights and responsibilities, of news and current or passing events, and for articles of opinion or features of interest to the public. The principal purpose of this 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 gaining a personal or commercial benefit

I, and the organizations I represent, 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 for commercial purposes), Section 3.2 (Recurrent requesters), Section 3.6 (Voluminous requests), and Section 6 (Authority to charge fees). Additionally, I, and the organizations I represent, qualify as "news media" under the Illinois Vehicle Code, Section 1-148.5.

Thanks,
John Kraft
Edgar County Watchdogs, Inc.

