

## **Minutes of the Justice Committee**

The Justice Committee of the McLean County Board met on Tuesday, February 5, 2019 at 4:30 p.m. in Room 400 of the Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman George Gordon Members Susan Schafer, Carlo Robustelli, Randall Martin, Jim Soeldner, Josh Barnett and George Wendt via remote attendance

Members Absent: None

Other County Board Members Present Members Scott Murphy, Elizabeth Johnston, Logan Smith and Shayna Watchinski

Staff Present: Mr. Bill Wasson, County Administrator, Mr. Trevor Sierra, Assistant State's Attorney - Civil Division; Mr. Eric Schmitt, Administrative Services Director and Ms. Julie Morlock, Recording Secretary

Department Heads/  
Elected Officials Present: Kathy Yoder, Coroner; Cassy Taylor, Court Services; Jon Sandage, Sheriff; Mr. Don Everhart, Circuit Clerk; Mr. Jason Tabb, Juvenile Detention Center, Ms. Carla Barnes, Public Defender, Mr. Don Knapp, State's Attorney, Ms. Molly Evans, Children's Advocacy Center

Others Present:

Chairman Gordon called the meeting to order and declared a quorum.

Chairman Gordon presented the minutes of the December 18, 2018 special meetings and the January 2, 2019 regular meeting for approval.

Motion by Martin/Soeldner to approve the minutes from the December 18, 2018 special meeting and January 2, 2019 regular meeting minutes.  
Motion Carried.

Chairman Gordon confirmed there had been a request by a member of the public to speak before the Committee. He invited Ms. Amy Endicott to the table and indicated she would have 5 minutes to present to the Committee. Ms. Endicott indicated she had sent information to County Board members regarding a complaint against McLean County State's Attorney and Judicial offices. She stated she wanted to review the complaint and begin a conversation about how to provide oversight and accountability to these offices and ensure that we are not enabling corruption within McLean County.

Ms. Endicott provided the following history. Mr. Mark Messman served as an assistant state's attorney on a child support case and was responsible for providing an arrearage report, which was to help determine a final purge amount the defendant owed to the

petitioner. He requested the petitioner verify the accuracy of the report while under oath knowing that he had not provided the petitioner with the report in advance and did not explain the report. Petitioner requested additional time to review the report, however, over the course of the next nine months, Mark Messman refused to cooperate on the case and answer basic questions on the report to either the petitioner or the petitioner's attorney. Mark Messman had submitted a court order with several errors on it that needed to be corrected and was refusing to cooperate to make the corrections. Petitioner then contacted the State's Attorney at the time, Jason Chambers, to help assist in the matter. Jason Chambers never replied to the petitioner, however based on documents secured through FOIA it was discovered that Jason Chambers had followed up with Mark Messman who provide false information to Jason Chambers. Another 6 months went by and the petitioner secured another attorney to make progress on the case and incurred thousands of dollars. Afterward Petitioner followed up again with Jason Chambers inquiring how to submit a complaint regarding Mark Messman's behavior. He provide information regarding the ARDC or to submit the complaint to him. The Petitioner did both, the ARDC replied that they could not do anything until a court first found Mark Messman of wrongdoing. Jason Chambers did not thoroughly investigate the complaint. The Petitioner submitted over 55 pages of detailed documentation highlighting Mr. Messman's errors and documentation showing he was willfully not cooperating on the case to provide information related to the reports he was responsible for representing. This involved such items as the statements in court that he felt he should not have to assist because he felt that he was being asked to redo his homework. On October court document stating that Mark Messman is to help verify the accuracy of the support reports. Then an email from John Huckster (sp) stating that Mark Messman has provided no assistance in the past with this issue and does not believe we can expect any such assistance in the future which is contrary to the email secured in the FOIA where Mr. Messman told Mr. Chambers that he was happy to discuss it with her attorney and have already done so more than once. I will continue to try to work with her attorney to try to reach an understanding. Based on the information provided in this complaint as well as the detailed documentation provided to former State's Attorney Jason Chambers, that can be made available, I am requesting a full investigation into the State's Attorney and judicial offices. I am requesting the termination and disbarment of Jason Chambers, Mark Messman and Judge Matt Fitton for their roles in this case. She paused for questions and discussion.

Mr. Gordon confirmed with legal counsel that questions were not allowed by County Board Rules. He stated that this is a public comment period and asked if she had anything further to add. Ms. Endicott said that she was only given 5 minutes and this has been 2 and ½ years of her life. She said she is looking for guidance from the Board and to have the Board address the situation as she feels it is a major concern for our community and our County. Mr. Gordon stated that she had been advised by him that the jurisdiction of the Justice Committee does not extend to where she would like for it to go. Ms. Endicott asked him to clarify what he meant by jurisdiction. Mr. Gordon stated actions that might be taken in regards to her complaint. Ms. Endicott asked what record he was basing that on. Mr. Gordon stated that under state law elected countywide officials have full operational control over their offices. Ms. Endicott asked where that could be found. Mr. Gordon stated he was not an attorney and was not sure. Ms. Endicott indicated that she has heard what they can't do, but asked for source as to what they can do. Mr. Gordon said it is state law. He stated that we are bound to follow what the State says we must do, we may

exercise authority that the State says we can. Ms. Endicott interrupted and indicated that the State recommended she come before the McLean County Board to address this situation. She indicated that both the Attorney General and the Investigator General's office referred her here. She said that based on the County's by-laws that are on the McLean County website (E-Code360.com) referencing 13413670 specifically "Justice Committee shall have the following specific functions and responsibilities. To serve as the oversight committee for the Sheriff, Circuit Clerk, Circuit Court, Coroner, Court Services, State's Attorney, Public Defender, Jury Committee, and the Sheriff's Merit Commission." She stated that says they do have oversight of the States Attorney's office. Mr. Gordon stated that was true but the extent of the oversight it limited by the fact that elsewhere in state statute the authority is granted to elected countywide officials in all 102 counties to exercise full operational control over their offices. Ms. Endicott asked him to identify that that source record. Mr. Gordon stated that he is not an attorney and did not have the answer off hand. Ms. Endicott stated that the problem that keeps coming, which is the problem she wanted to raise awareness to, is that no matter where you go everyone is more than happy to point fingers at someone else to hold this office accountable. She stated that there is a major problem happening right now in the State's Attorney and judicial offices and someone somewhere needs to hold them accountable. Mr. Gordon said that if they were in a position to do so, then they would carry this forward, but they are not legally in a position to do so. Ms. Endicott asked what they could do to help provide a solution to the situation. Mr. Gordon stated not much. Ms. Endicott indicated that was not satisfactory. Mr. Gordon stated that he empathized with her position, he stated that the Committee had heard her and they had reviewed the concerns. Ms. Endicott interrupted and stated that if the State of Illinois is saying to bring this before the McLean County Board and now you are pushing back saying that the State has to address it, there seems to be a loop of corruption happening. Mr. Gordon stated that he did not understand why the Attorney General and Inspector General advised her of that because they frankly should have known the same limitations that we understand exist. Ms. Endicott interrupted asking how the State's Attorney's office could be held accountable. Mr. Gordon stated that he is not in a position to answer that because he did not know. She stated that was the problem, because no one knows and that needs to be addressed. Mr. Gordon stated that it might be a matter of state authority. Ms. Endicott "ridiculous, this is beyond ridiculous at this point." Mr. Gordon stated that it may or may not be but the fact is that you have brought it to our attention, we have heard concern and appreciate where you have been and where you are. Ms. Endicott asked him if he was fine that this was happening in the State's Attorney office. Mr. Gordon stated that it is not a matter of how we feel about it, but is a matter of what we can and cannot do about it. Ms. Endicott "so you are allowing it." Mr. Gordon stated "because we cannot do anything to prevent it." We do not have control of internal operations of any elected countywide official office, State's Attorney, Circuit Clerk, Coroner, Sheriff. Ms. Endicott interrupted "and yet the Committee shall have following specific functions and responsibility to serve as the oversight committee for all of those agencies that you just mentioned." Mr. Gordon stated that the oversight function is a matter of receiving information, asking questions on matters that they can make some difference in. Ms. Endicott indicated that they could make a huge difference in this matter. Mr. Gordon stated that oversight does not extend to personnel matters and that this is a matter of state statute and has been that way ever since he had been on the County Board. Mr. Gordon stated that from her standpoint and hearing what she has said, he said that he personally wished it was otherwise, but it is not and leaves the Committee in a

helpless positions. He stated that even if they were inclined to pursue the matter, they do not have authority to pursue the matter, even if she was advised to bring it to them. Ms. Endicott asked them to clarify that the legal authority is based on state statute, which they cannot provide. Mr. Gordon stated it is from 55 ILCS 5/5-1. Ms. Endicott asked them to read the statute to her. Mr. Gordon stated that he had the citation and not the language. Ms. Endicott stated this is a simple matter and if there is a statute that clearly states you do not have authority that is all she is asking for. Mr. Gordon indicated he had provided her with the statute citation. Ms. Endicott asked them to look it up. Mr. Gordon stated he was not sure that fell within the public comment period. Ms. Endicott stated that it could be done in 30 seconds and be done here. She stated that she was looking for people who actually want to make a difference. Mr. Gordon indicated that Mr. Sierra was looking up the statute. Ms. Endicott thanked them. Mr. Gordon provided the specific citation of 55 ILCS 5/3-9006 and read the citation: Internal operations of office; simultaneous county board tenure. A. internal operations of the office. The State's Attorney shall control the internal operations of his or her office and procure the necessary equipment, materials and services to perform the duties of that office. Ms. Endicott asked them to confirm that they can order their own office equipment and materials. Mr. Gordon confirmed. Ms. Endicott asked about oversight of complaints submitted against employees. Mr. Gordon stated that they control that also. Ms. Endicott stated that it does not state that. Mr. Gordon stated not in this section and he was not sure of where that section is. Ms. Endicott indicated that she was asking for that section. Mr. Gordon stated legal counsel had advised him there are court cases that have established case law and attorney general opinions that support that case law. Ms. Endicott asked them to confirm there was nothing in the citation. Mr. Gordon stated that he could not say one way or the other. He stated that this is consistent with the provisional authority for full operational control not only in the State's Attorney office but also in any elected official's office. Ms. Endicott stated that what she was hearing is there is not a citation that specifically calls out that they do have authority to oversee their employees in these types of situations; two now it is being based some sort of random case law that probably no one has access to; and three there is no checks or balances on the State's Attorney's office of McLean County and there does not seem to be much worry about that. Mr. Gordon stated not that they have found and secondly he stated that they lacked the time to do the research in this setting. Ms. Endicott indicated that she understood that and was inviting the committee to a conversation because it is about identifying a problem that we have and how can we address and find a solution. She stated that if this is happening to her in this extremely simple situation then can only imagine what is happening on a greater scale. Mr. Gordon said that this is a meeting and not a public hearing. She said that she is not saying it is a public hearing, just bringing information forward so there is an awareness. Mr. Gordon stated that they wanted and now have the information, but at this point it is time to draw the conversation to a close because we are hearing one side of the question but we have no way of gathering information for the other side as that would be a matter for a hearing. To proceed further would be to prejudice any hearing that comes along later. Ms. Endicott stated that she is asking two things; that there be a full investigation of the States Attorney's office and the judicial offices and secondly that this type of thing be prevented in the future that the Mclean County website information have information updated so that the community and the constituents have easy accessibility to complaint procedure including forms and instructions. Mr. Gordon stated that it was duly noted, but could not guarantee a response as it is not in their control. Mr. Gordon said that they have heard her and done what they

can do. Ms. Endicott indicated that she would like to know where it goes from here. Mr. Gordon said he would try to get her the information. Ms. Endicott indicated that the community would want to know as well.

Ms. Carla Barnes, Public Defender presented her monthly reports. She noted that attorney time has been freed up as her office no longer handles the mental health cases as those are now handled by the guardian office of the State of Illinois. She also thanked the Committee for the contract attorneys as they free up time for her attorneys to work on bigger cases. Chairman Gordon asked if there were any questions; hearing none, he thanked Ms. Barnes.

Mr. Jon Sandage, McLean County Sheriff presented for action a request to approve an ICJIA Grant and related documents – Community Law Enforcement Deflection Program. Mr. Sandage thanked Ms. Malott and Mr. Sierra for their work on this grant. He stated that this grant would enable them to get word out to the public about the Heroin abuse response team, which is part of the safe passage program. Mr. Soeldner asked if this was a multi-year grant and if not then plans to continue programming. Mr. Sandage indicated this is a one-year grant and the main part is to advertise availability of services. He further indicated that the work will be done with existing personnel.

Motion by Schafer/Soeldner to recommend approval of an ICJIA Grant and related documents – Community Law Enforcement Deflection Program.

Motion Carried. Chair Voted

Mr. Sandage his monthly reports. Mr. Robustelli asked about the progress of the safe passage program. Mr. Sandage indicated they are not seeing response to the program, which is why they are glad to receive grant funds to help with public awareness. Chairman Gordon asked if there were any further comments or questions; hearing none, he thanked Mr. Sandage.

Ms. Molly Evans, Director, Children's Advocacy Center presented for action a request to approve a Contract for Services between DeWitt County Community Mental Health Board and McLean County (Children's Advocacy Center). Ms. Evans indicated that this is a renewal grant that helps pay for rent and utilities in the satellite office in Clinton. Mr. Soeldner asked for clarification of location. Mr. Gordon asked about exhibit referenced. Ms. Evans went over exhibit and said she would get a copy for Board packet.

Motion by Robustelli/Barnett to recommend approval of a Contract for Services between DeWitt County Community Mental Health Board and McLean County (Children's Advocacy Center).

Motion Carried.

Ms. Evans presented for action a request to approve a Lease Agreement between HOPE Pregnancy Center of Livingston County and McLean County. Ms. Evans explained they have been in same location for several years and this is a renewal.

Motion by Martin/Barnett to recommend approval of a Lease Agreement between HOPE Pregnancy Center of Livingston County and McLean County.  
Motion Carried.

Ms. Evans presented her monthly statistical reports to the Committee. Chairman Gordon asked if there were any questions, hearing none, he thanked her.

Ms. Kathy Yoder, McLean County Coroner presented her monthly report and updated an annual report number. Chairman Gordon asked if the Committee had any questions for Ms. Yoder, hearing none, he thanked her.

Mr. Don Knapp, State's Attorney presented his monthly report and updated a number on his Asset Forfeiture report. Mr. Soeldner asked about average per year on asset forfeiture amounts. Mr. Knapp indicated it has been decreasing because of a change in the law, but said on average it is between \$60,000 to \$100,000 per year. He said that because it is an unknown amount it is not included in the annual budget, but is used for training and equipment. Chairman Gordon asked the Committee if there were any questions or comments; hearing none, he thanked them.

Ms. Cassy Taylor, Director, Court Services presented her monthly reports. Ms. Schafer asked about Veterans Court numbers and if the program has been well received. Ms. Taylor indicated they have hired all staff, and they now have 14 individuals in the program. She stated capacity is 40 and 20 of those would come from McLean County. She indicated they hope to have a graduate in the next few months and would let the Committee know of that event. Mr. Robustelli asked about probation supervision numbers. Ms. Taylor indicated numbers are a little high and that they are working on staffing and would probably bring changes in stats to the Committee in the future. Mr. Gordon asked for the definition of dispositional detention for the juvenile detention center. Ms. Taylor provided definition. Chairman Gordon asked if the Committee had any further questions for Ms. Taylor; hearing none, he thanked her.

Mr. Don Everhart, McLean County Circuit Clerk presented for action a request to approve a Professional Services Agreement between HOV Services, Inc. and Exela Technologies, Inc. Company and McLean County. Mr. Everhart stated this is to microfilm documents as required by the Courts. Mr. Barnett asked about difference in this contract and approval last month. Mr. Everhart indicated last month was the approval of a device that will read and print to paper and pdf the microfilm records and this is the conversion of paper documents to microfilm.

Motion Robustelli/Martin to approve a Professional Services Agreement between HOV Services, Inc. and Exela Technologies, Inc. Company and McLean County.  
Motion Carried

Mr. Everhart presented his monthly reports. Chairman Gordon asked if there were any additional questions for Mr. Everhart, hearing none; he thanked him.

Mr. Bill Wasson, County Administrator first thanked Mr. Everhart, his staff for their extra work this last week as the extreme cold temperatures caused water issues, and staff was brought in to deal with files and water damage. Mr. Wasson let the Committee know there were some files scheduled for destruction that would not need to be restored, microfilmed and then destroyed. Mr. Wasson presented his monthly report on recent employment activities. Chairman Gordon asked if there were any questions for Mr. Wasson; hearing none, he thanked him.

Chairman Gordon asked if there was other business to come before the Committee. Mr. Robustelli indicated that it would be helpful to him and possibly to other new members of the Board to have a written legal opinion of jurisdiction. He stated that he was not asking for this because he had a question, as he understands the Committee does not have jurisdiction over county wide elected officials, but we have new elected members and believe we could provide clear definition of our oversight and jurisdiction, such as oversight of budget but not of operational matters. Discussion about how the request could be made and submitted to Staff and it was determined that request would have to come from the Committee. Mr. Soeldner asked for clarification that this would be a legal opinion just on elected offices under the purview of the Justice Committee. Ms. Schafer indicated that she did not feel a written legal opinion was necessary, but maybe need to clarify in our rules what the jurisdiction of the Committee is. Mr. Barnett agreed that having this would be helpful and would agree with Ms. Schafer that it should be clarified in our rules. Ms. Schafer asked about taking action on this request. Mr. Sierra confirmed that the public body could take action on this request. Mr. Martin asked them to clarify that we are looking for what the Committee's jurisdiction such as what we can and cannot do. Mr. Robustelli stated that he wanted clarification on relationship of this county policymaking body and county wide elected officials based on state law and county ordinance. Mr. Gordon also pointed out that the terms oversight, purview and jurisdiction can differ. Mr. Wendt asked who looks into criminal activity or wrongdoing in the elected officials offices. Mr. Wasson confirmed that it is law enforcement agencies. Mr. Wendt asked about no criminal activities. Mr. Wasson indicated that he felt that is what the Committee was asking for today. Ms. Schafer asked for the difference between legal opinion and a request for information. Mr. Sierra went over the difference. Mr. Wasson stated that they would provide a written document with the request for Chairman Gordon's signature and then will provide a copy of that to the State's Attorney and the Executive Committee.

Motion by Robustelli/Barnett to request a written legal opinion of jurisdiction of the Justice Committee for elected offices under the purview of the Justice Committee.

Motion Carried. Chair voted yes. Member Schafer voted no.

Chairman Gordon presented the Justice Committee with bills for review and approval as transmitted by the County Auditor with a prepaid total of \$775,772.23.

Motion Robustelli/Martin to approve the Justice Committee bills as transmitted by the County Auditor with a prepaid total of \$775,772.23.

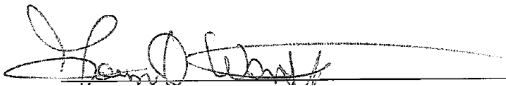
Motion Carried.

**MCLEAN COUNTY BOARD COMMITTEE REPORT**  
AS OF 1/31/2019  
EXPENDITURE SUMMARY BY FUND

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**Justice Committee**

| <b>FUND</b> | <b>FUND TITLE</b>         | <b>PENDING TOTAL</b> | <b>PREPAID TOTAL</b> | <b>FUND TOTAL</b> |
|-------------|---------------------------|----------------------|----------------------|-------------------|
| 0001        | GENERAL FUND              |                      | \$310,312.46         | \$310,312.46      |
| 0129        | CHILDREN'S ADVOCACY CNTR  |                      | \$14,161.67          | \$14,161.67       |
| 0138        | CIRCUIT CLK/OPER & ADMIN  |                      | \$6,755.81           | \$6,755.81        |
| 0141        | COURT SECURITY            |                      | \$3,659.87           | \$3,659.87        |
| 0142        | COURT DOCUMENT STORAGE    |                      | \$2,727.78           | \$2,727.78        |
| 0143        | CHILD SUPPORT COLLECTION  |                      | \$509.34             | \$509.34          |
| 0146        | ADULT PROBATION SERVICES  |                      | \$15,927.88          | \$15,927.88       |
| 0152        | ASSET FORFEITURE-SAO      |                      | \$19,665.45          | \$19,665.45       |
| 0155        | ASSET FORFEITURE-SHERIFF  |                      | \$910.00             | \$910.00          |
| 0156        | IDPA IV-D PROJECT         |                      | \$19,862.81          | \$19,862.81       |
| 0450        | ETSB SURCHARGE FUND/E-011 |                      | \$324,970.25         | \$324,970.25      |
| 0452        | METRO COMMUNICATIONS CTR  |                      | \$54,617.48          | \$54,617.48       |
| 0506        | LAW LIBRARY               |                      | \$1,691.43           | \$1,691.43        |
|             |                           |                      | <hr/>                |                   |
|             |                           |                      | \$775,772.23         | \$775,772.23      |



Chairman Gordon asked if there was any other business or communication for the Justice Committee; hearing none, he adjourned at 5:36 p.m.

Respectfully submitted,

*Julie A. Morlock*

Julie Morlock  
Recording Secretary