

MINUTES
BOARD OF GOVERNORS
March 24, 2010
State's Attorneys Appellate Prosecutor
725 South Second
Springfield, Illinois 62704

Chairman Haida called the meeting to order at 11:05 a.m. at the Office of the State's Attorneys Appellate Prosecutor, Springfield, Illinois.

ROLL CALL

Board Members Present:

Robert Haida, Chairman
Joseph E. Birkett, Vice-Chairman (Present via teleconference)
John Schmidt, Secretary
Anita Alvarez by Walt Hehner
John Barsanti
Justin Hood
Sheldon Sobol
Kevin Lyons
Michael J. Waller
Thomas J. Brown (Present via teleconference)

Board Members Absent:

None

Staff:

Patrick Delfino, Director
Hettie Willoughby, Recording Secretary
Terry Mertel, Deputy Director, Third District
Robert Biderman, Deputy Director, Fourth District
Stephen Norris, Deputy Director, Fifth District
Jack Knuppel, Chief Labor Counsel
Matt Jones, Associate Director/Administration
Gloria Mundy, Chief Fiscal Officer

Guests:

Michael Valentine, State's Attorney, Edwards County
Jamie Boyd, State's Attorney, Kankakee County (Present via teleconference)
William Mudge, State's Attorney, Madison County (Present via teleconference)

Michael Stroh, State's Attorney, Woodford County (Present via teleconference)
Allan Lolie, Shelby County State's Attorney, President of ISAA (Present via teleconference)

Chairman Haida welcomed the Board Members, Agency personnel, and guests to the quarterly meeting of the Board of Governors. He then requested Secretary Schmidt to call the roll and noted the presence of a quorum.

Chairman Haida stated he would entertain a motion and second to approve the minutes of the previous Board meeting of December 9, 2009.

MOTION TO APPROVE THE MINUTES OF THE DECEMBER 9, 2009, BOARD MEETING MADE BY BOARD MEMBER WALLER AND SECONDED BY BOARD MEMBER SOBOL. MOTION CARRIED BY UNANIMOUS ROLL CALL VOTE.

Chairman's Remarks

Chairman Haida thanked the Board Members, Agency personnel, and guests for attending. He then requested that Director Delfino present his Executive Summary.

Executive Summary

Director Delfino reported that the Agency was in sound fiscal condition and discussed the material contained in the booklet's fiscal section on an item-by-item basis. He thanked Chief Fiscal Officer Gloria Mundy for her valuable assistance.

He further reported on the details of the Agency's FY2011 budget request. He stated he had testified before the Appropriations Committee of both the House and the Senate and that the Agency will face a possible 16-18% budgetary decrease for FY 2011.

He stated that the Agency was in full compliance with the new FOIA protocol. He said he had appointed Associate Director Matt Jones as the primary FOIA officer and Chuck Zalar as the secondary FOIA officer. Both will complete the required ethics training within the required time period.

Director Delfino next detailed the status of new office space in the Second District and explained the goals and objectives of the Agency's Minority Intern Program.

He also stated that he had appointed Associate Director Matt Jones to coordinate the Agency's sexual harassment training. He further stated that the Agency had expanded its Westlaw resources to assist all Agency legal personnel.

Activity Report

Chairman Haida asked Director Delfino to briefly review the Agency's activity report.

Director Delfino reported that the brief production was on target and that the case inventory was very manageable. He expressed appreciation to all Deputy Directors for their outstanding work.

He also discussed the Special Prosecution Unit's cases emphasizing the full activity and time accountability for all Special Prosecution attorneys.

He reviewed the activities of the Labor Unit and the Tax Objection Unit and stressed that both units continue to provide quality and timely service to State's Attorneys.

Director Delfino also reviewed the Agency's Continuing Legal Education Program and thanked Matt Jones for his outstanding work in developing the expanded training format. He discussed the need for amending the Agency's enabling legislation and asked Matt Jones to explain the specific amendatory provisions in the newly proposed bill.

Matt Jones stated that the bill would clearly designate the Agency as a judicial agency; change the elected member terms to two years; increase time lines for elections; eliminate investigators; and prohibit private practice for all full-time legal personnel.

He further stated the bill would likely pass and be effective when signed.

Federal Grants

Chairman Haida asked Director Delfino to next report on the Agency's federal grant programs.

Director Delfino first reported on the Local Drug Prosecution Grant. There was a general discussion on the criteria for selecting participating counties and on the forfeiture statistics.

Board member Lyons inquired why the forfeiture statistics did not seem to reconcile with the counties with the highest number of drug arrests.

Board member Waller explained that frequently the forfeitures go federal and this would be reflected by lower forfeiture returns.

Chairman Haida stressed the importance of meeting with the new U.S. Attorney in the Southern District of Illinois to discuss the federal/state forfeiture issues particularly in St. Clair and Madison counties. He further stated that the relationship with the federal authorities can vary with the location and population of the respective counties.

Board member Hood stated he was getting full federal cooperation for forfeiture cases particularly in meth cases.

Director Delfino next reported on the Systemic Sentencing Grant and stated that the case production was on schedule. He said he fully expected the grant to be renewed by the Criminal Justice Information Authority next September.

Chairman Haida next asked Director Delfino to report on the Arrest Grant.

Director Delfino stated that the grant would terminate in August, but available funds would permit a six month extension. He further stated that the grant could be renewed for another two-year term. He also said that both the extension and grant renewal were decisions that should be made by the Board.

There was a general discussion on both the proposed grant extensions and grant renewal requests.

Board Member Lyons expressed strong concerns regarding the Arrest Grant's lack of accomplishments and stressed that the grant clearly was not producing the results necessary to justify its expenditures.

Chairman Haida and Board Members Barsanti, Lyons, Sobol, and Waller questioned specific grant provisions focusing on the training programs and on the projected usefulness of a grant monitor.

There was a consensus that a delay in deciding on the grant extension and renewal would not result in providing the Board with any additional, meaningful information.

MOTION THAT THE AGENCY SERVE IN ITS CAPACITY AS GRANT MONITOR THROUGH AUGUST, 2010, AND DECLINED THEREAFTER UNLESS BETWEEN NOW AND AUGUST, THE APPLICANTS RE-APPROACH THE BOARD AND MAKE THEIR CASE, MADE BY BOARD MEMBER LYONS AND SECONDED BY WALTER HEHNER FOR BOARD MEMBER ALVAREZ. MOTION CARRIED BY UNANIMOUS VOICE VOTE.

Chairman Haida next requested Director Delfino to present the proposed contractual briefwriter and the other contractual proposals.

There was a brief discussion on the listed contractual briefwriter after which Chairman Haida recognized Board Member Lyons.

MOTION TO APPROVE ALL CONTRACTUAL PERSONS LISTED BELOW "CONTRACTUAL OTHER" IN REPORT BOOK MADE BY BOARD MEMBER LYONS AND SECONDED BY BOARD MEMBER WALLER. MOTION CARRIED BY UNANIMOUS VOICE VOTE.

The proposed contractual briefwriter was not included in this motion and was therefore not approved.

Chairman Haida next recognized Board Member Sobol who led a general discussion on the Agency's Uniform Complaint Book. He stated that the Agency should explore the matter of former employee Don Hays offering a similar publication to State's Attorneys and law enforcement for a fee.

Chairman Haida requested that Director Delfino send a letter to all State's Attorneys specifying that Don Hays no longer has any connection with the Agency and that the Agency will be offering a new

updated Uniform Complaint Book at no cost.

Board Member Waller suggested that Director Delfino should obtain an opinion from a law firm with a strong intellectual property division as to the legal rights of the Agency in this matter. There was a brief discussion, and the Board agreed.

Director Delfino said he would comply with this request.

Chairman Haida stated he would entertain a motion to adjourn.

MOTION TO ADJOURN THE MARCH 24, 2010, BOARD MEETING MADE BY BOARD MEMBER WALLER AND SECONDED BY BOARD MEMBER HOOD. MOTION CARRIED BY UNANIMOUS VOICE VOTE.

Meeting adjourned at 12:10 P.M.

RESPECTFULLY SUBMITTED for the future approval by the Board of Governors.

**JOHN SCHMIDT
SECRETARY**

**PATRICK DELFINO
DIRECTOR**

HETTIE WILLOUGHBY
RECORDING SECRETARY

ROBERT HAIDA
CHAIRMAN