



## Office of the Kane County State's Attorney

**JAMIE L. MOSSER**

**STATE'S ATTORNEY**

### **FORMER KANE CIRCUIT CLERK TOM HARTWELL INDICTED FOR MISUSING PUBLIC FUNDS WHILE IN OFFICE**

**LOCAL BUSINESSMAN ROBERT GUTIERREZ ALSO INDICTED IN SCHEME**

April 26, 2023

*RE: **Thomas M. Hartwell**: Age 63 (d.o.b. 12-28-1959), of Gingerwood Lane, Elgin, Illinois. Case No. 2023CF840, and **Robert Gutierrez**: Age 73 (d.o.b. 3-26-1950), of Crabapple Lane, St. Charles, Illinois. Case No. 2023CF842.*

Kane County State's Attorney Jamie L. Mosser and Illinois State Police Director Brendan F. Kelly announce that a Kane County grand jury has indicted **Thomas M. Hartwell** for the offenses of:

- Theft by deception > \$100,000, Class 1 felony
- Official misconduct, Class 3 felony, 7 counts
- Wire fraud, Class 3 felony, 6 counts
- Money laundering, Class 3 felony
- Government employee misapplying funds, Class 3 felony
- Income tax fraud, Class 4 felony, 3 counts

The grand jury indicted **Robert Gutierrez** for the offenses of:

- Theft by deception > \$100,000, Class 1 felony
- Theft by deception \$10,000 > \$100,000, Class 2 felony, 6 counts
- Providing kickbacks, Class 3 felony, 2 counts

In January 2021, State's Attorney Mosser notified the Illinois State Police's Special Investigations Unit about what appeared to be misappropriated county funds by Hartwell. ISP, in conjunction with the Illinois Department of Revenue, launched a two-year in-depth investigation.

State's Attorney Mosser alleges that, between December 2018 and November 2020, Hartwell, acting in his official capacity as the Circuit Court Clerk for Kane County, Illinois, misappropriated Kane County funds in the amount of \$119,575. In addition, Hartwell is alleged to have received \$15,000 in kickbacks from Gutierrez.

She further alleges that Hartwell, on multiple occasions, misappropriated Kane County funds to Gutierrez Productions, Inc., and Dar Illuminations, LLC. Gutierrez is the president of both businesses. The investigation revealed that Hartwell spent the county money to promote a May 2020 event billed as a PPE/care package giveaway, but actually was a political event for which county funds should not have been approved.

In addition, Hartwell failed to report income on his 2018, 2019 and 2020 income taxes, and provided false information about his income in those years to his accountant.

After the indictments on Tuesday, April 25, 2023, a judge signed a warrant for the arrest of both men and set their bail at \$20,000 each, with 10 percent (\$2,000) to apply for bond. Authorities took both men into custody this morning at their homes, and both appeared today in Kane County bond court.

Judge Salvatore LoPiccolo released both men from custody on their promise to appear in court, and set the next court appearance for each for May 26, 2023, at 9 a.m. in Courtroom 319 at the Kane County Judicial Center.

As conditions of bond, each man was ordered to surrender his passport and the men were ordered to have no contact with one another.

**State’s Attorney Mosser said:**

“My thanks to Illinois State Police Director Brendan Kelly, ISP’s Special Investigations Unit and the Illinois Department of Revenue for their work on this investigation.”

**Illinois State Police Director Kelly said:**

“The Illinois State Police Special Investigations Unit is dedicated to seeking out those who betray the public trust. This arrest is the result of a coordinated interagency investigation and we will continue to work with our partners in law enforcement and the justice system to pursue cases of misconduct and corruption.”

The charges against Hartwell and Gutierrez are not proof of guilt. Hartwell and Gutierrez are presumed innocent and are entitled to a fair trial in which it is the state’s burden to prove their guilt beyond a reasonable doubt.