



HGSUW News & Views

Hasselberg Grebe Snodgrass
Urban & Wentworth
Attorneys and Counselors

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DAVID WIEST CONTINUES OUR FIRM'S TRADITION OF SERVING THE COMMUNITY

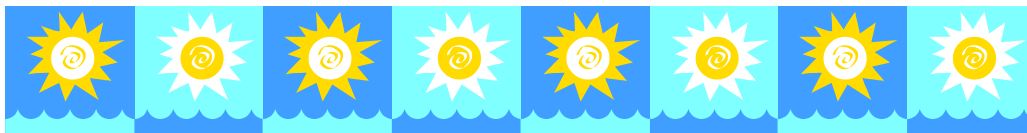


David B. Wiest recently joined two boards for local charitable organizations. First, David has joined the Illinois Central College Education Foundation Board. The ICC Education Foundation is the charitable arm of Illinois Central College, where it manages an endowment, raises funds for buildings and programs, grants scholarships to students, and owns and runs on-campus housing at the college. On the Foundation Board, David chairs the governance committee and the planned giving committee.

In addition to his new role on the ICC Education Foundation, David was selected to chair the Emerging Philanthropists. The Emerging Philanthropists is a fund within the Community Foundation of Central Illinois and is run by young professionals. Each year the Emerging Philanthropists grant \$5,000 to support innovative local charitable programs. As chair, David looks forward to helping grow the Emerging Philanthropists endowment and also introducing philanthropy to young professionals in the Peoria area.

In June, David will end his term as chair of the Young Lawyers Committee of the Peoria County Bar Association. As chair, David oversaw all of the YLC's activities, which include numerous charitable efforts and the annual Law Day Reception. This year, the YLC hosted Illinois Supreme Court Chief Justice Karmeier as the keynote speaker for the Reception. David will continue his service on the Peoria County Bar Association Board of Directors by chairing the Substantive Law Committee.

Our law firm has a long history of service, and we are proud of our efforts in the community.



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Hasselberg Grebe Snodgrass Urban & Wentworth
Attorneys and Counselors
401 Main Street, Suite 1400
Peoria, IL 61602-1258
Phone: 309/637-1400
Fax: 309/637-1500
Website: www.hgsuw.com



SCHOOL'S OUT...FOR SUMMER

As the school year comes to an end, kids start thinking about what they're going to do all summer. Some will play baseball, some will sleep in, and some will even try their hand in the workforce. While a first summer job will be a great experience for any kid, parents should be aware of the legal rights of minors in the workforce. In general, child labor is governed by the provisions of the Fair Labor Standards Act of 1938 (FLSA), which include minimum age requirements, hours limitations, and compensation standards.

Children may be employed by employers covered by the FLSA in certain occupations as early as the age of 14. However, workers this young are subject to hours limitations and must work outside the school day. By the age of 16, children can work in any occupation without limitations on the hours they can work but cannot be employed in jobs deemed to be hazardous. All occupation restrictions are then lifted at the age of 18.

Under the FLSA, all covered minors must be paid the statutory minimum wage except under certain circumstances contrary to widespread proliferation of the "unpaid internship." Internships may be unpaid if the position meets certain requirements that are difficult to meet in the private sector. However, employers may receive exemptions from statutory minimum wages for full-time students upon application to the Department of Labor. And, as with a worker of any age covered by the FLSA, employers are only obligated to pay a minimum wage of \$2.13 per hour to minors employed in "tipped" occupations, such as waitressing, as long as the total amount of tips plus the base wage amounts the statutory minimum wage.

Our firm is well-versed in the provisions of the FLSA when applied to workers of any age. If you have an employment issue you would like to discuss, contact Charles J. Urban at (309) 637-1400.



NURSING HOMES – A GROWING CONCERN FOR AN AGING POPULATION

With an aging population, nursing home care is becoming more prevalent throughout the nation. And it's not cheap. Nursing homes are a business and want to be paid. Consequently, when you or a loved one is entering into nursing home care, you need to be informed about your rights and options.

There are a variety of methods to pay for nursing home care. Some individuals are able to use their own income and assets. Others that have planned ahead may be able to cover the rising costs of nursing home care through long term care insurance. However, the unfortunate reality is that eventually many seniors will need additional financial assistance, usually Medicare or Medicaid. While these social programs provide significant benefits to those eligible, there are pitfalls as well. For instance, Medicare will only pay for certain types of levels of care for limited periods of time.

Medicaid has its own set of issues, specifically regarding eligibility. In order to apply for Medicaid, an individual must have available resources of less than \$2,000.00. However, Medicaid eligibility also takes into consideration a 5-year look back period. Essentially, if any disqualified transfers, which includes gifts of almost any amount or transfers of assets for less than fair market value, were made within that time period, applicants will be penalized and their eligibility will be delayed. As such, if Medicaid may be a reality sometime in the future, careful planning may be necessary.

However, many times, nursing home administrators are not very forthcoming with important information regarding financial issues, such as Medicaid eligibility, so a careful review of the contract prior to admission is always warranted to protect you, and your loved ones interests.

Our law firm has a thriving Estate Planning practice that also involves advising our clients on various issues as they or their loved ones age. If you have any questions about Elder Law or Estate Planning, contact James R. Grebe, David B. Wiest or Kyle M. Tompkins at (309) 637-1400.



PEORIA CURFEW STILL IN EFFECT FOR MINORS

The arrival of summer means warm weather, outdoor activities with family and friends, and summer vacation for many local students. With summer fast approaching, parents and individuals under the age of 17 should remember the City of Peoria curfew ordinance as they plan to enjoy summer activities in Central Illinois. Although the curfew is in effect all year, it is especially important to keep in mind during the active summer months.

The City of Peoria curfew applies to individuals under the age of 17. For individuals under the age of 13, curfew begins at 9:00 p.m. and ends at 6:00 a.m. the following day. For persons at least 13 years of age, but not yet 17, curfew begins at 11:00 p.m. on weeknights and 12:01 a.m. on Saturday and Sunday, ending at 6:00 a.m. the following day regardless of the day of the week. During curfew, it is unlawful for an individual under the age of 17 to be present at or upon any public assembly, building, business, street, highway, or other public place

However, individuals under the age of 17 may be exempt from the curfew ordinance if they are: (1) accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age; (2) accompanied by an adult at least 21 years of age approved by the child's parent, guardian, or custodian; or (3) Participating in, going to, or returning from: (a) employment authorized by law, (b) a school recreational activity, (c) a religious event, (d) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage, (e) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article I, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both, or (f) an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.

Unless one of the aforementioned exemptions applies, violating the curfew restrictions could result in an ordinance ticket and fine. It is also important to remember the curfew ordinance aims to protect the health and welfare of minors and limit potential criminal activity.

As such, please remember the City of Peoria curfew as you enjoy summer.

If you have any questions regarding criminal issues, please contact Boyd O. Roberts III at (309) 637-1400.

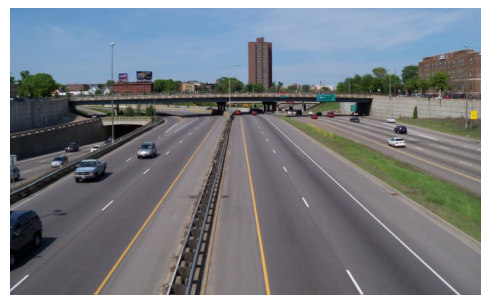
IMPROPER USE OF THE LEFT LANE CAN LEAD TO TRAFFIC TICKETS

One of the top frustrations of drivers is the improper use of the left hand passing lane. It can also cause dangerous traffic congestion, and is illegal in Illinois. Therefore, the Illinois State Police have recently announced their intent to step up enforcement of this traffic law.

Under Section 11-701 of the Illinois Vehicle Code, a vehicle may only be driven in the left lane of an interstate highway or fully controlled access freeway when passing another vehicle. Exceptions to this law do exist, including when no other vehicle is directly behind the vehicle in the left lane, traffic conditions and congestion make driving in the right lane impractical, weather conditions or other hazards make driving in the left lane necessary, other laws require the changing of lanes, the left lane must be used to exit or to access I-Pass, or when driving in the left lane is necessary to comply with an official traffic control device. Certain emergency, maintenance, and construction vehicles are also exempted from the law.

It should be noted that there is not an exception to the law based upon the speed the vehicle is traveling. Traveling at, or above, the speed limit does not protect a driver from being cited for improper use of the left lane. A driver could receive citations for both speeding and improper use of the left lane at the same time.

If you have any questions regarding any traffic or criminal issues, please contact Boyd O. Roberts III at (309) 637-1400.





COMMUNITY SPOTLIGHT - NEIGHBORHOOD HOUSE

Our firm is a proud supporter of Neighborhood House, a non-profit organization located on the south side of Peoria that serves over 1,100 people per day, across Peoria and Tazewell Counties. The mission of the organization is to alleviate poverty at its root, through an array of programs that provide critical short-term relief to diverse communities, while facilitating long-term recovery. For over 120 years, Neighborhood House has tirelessly worked to accomplish this mission throughout the Peoria area by providing essential services to meet the ever-growing needs of our community.

Through its diverse programming, Neighborhood House directly provides provisional and long-term benefits to individuals and families who often need those services the most. Neighborhood House has delivered millions of meals to qualifying elderly citizens in Peoria and Tazewell Counties through its Meals on Wheels program, which has a 96% success rate of keeping seniors independent in their homes. Meals on wheels recipients are also able to better care for their pets, as Neighborhood House offers pet food through the Critter Meals on Wheels program. In addition to nutrition, the Meals on Wheels program provides social contact, security, educational materials, if necessary.

Neighborhood House also offers summer and after-school feeding programs, childcare services, and educational programs. Children in the Preschool for All program have shown a substantial increase in pre-math, pre-literacy, and social emotional skills, testing at 59-72% and 87-97% respectively. Additionally, Neighborhood House's workforce development services and financial literacy resources bridge the age gap in programs and provide a long-term benefit for the community.

On August 25, 2017, Neighborhood House will be hosting its annual Saddle Up fundraiser at Par-A-Dice Hotel & Casino. The event will feature dinner, entertainment, whiskey tasting, and fantastic live and silent auctions. Community support is vital for Neighborhood House to continue serving the Peoria area, so mark your calendar for this fun-filled evening.

For additional information regarding Neighborhood House and the Saddle Up fundraiser, please visit www.nhpeoria.org or call (309) 674-1131. Our associate, Kevin Day, is on the Neighborhood House Board of Directors.



PRIMITIVE SCAMS IN MODERN TRANSACTIONS

Recent activity shows that even when dealing in new school transactions, people still need to be conscious of old school issues. The City of Peoria Police Department has warned of thefts taking place during transactions beginning on Craigslist. A purported buyer has been setting up meetings with those who have posted items for sale on the website. At the meeting the purported buyer asks to look at the item, and then simply runs away with it. The Police have reminded the community that the visitors' parking lot and lobby of its headquarters are available to be used for completing online transactions.



ESTATE PLANNING - REAL ESTATE ISSUES

Estate planning can be as simple or as complex as you want and your situation requires. However, one aspect is usually consistent: the desire to keep your property out of probate (the court process for administering an estate after death). There are various ways to avoid probate depending on the type of assets you own. Your house may be a significant asset, and possibly your largest single asset, so it is important to direct what happens to your real estate upon your death.

Dealing with real estate in an estate plan is unique in some respects and has been addressed by the Illinois General Assembly on several occasions to help individuals avoid the hassle of probate. As such, individuals must take care to follow the appropriate steps in effectuating their estate plan, especially when real estate is involved.

In 2016, the Illinois General Assembly enacted a new law that governs the transfer of real estate into a living trust. Under the new law, in order to effectuate the transfer of real estate into a trust, the owner/grantor must execute and record a deed in trust. Other tools that may be utilized to transfer real estate upon death outside of probate include a Transfer on Death Instrument (TODI), which was authorized by the General Assembly in 2012. A TODI also involves executing and recording an instrument transferring the property to a loved one but the transfer will not be effective until someone passes away. Land trusts, which are unique to some extent in Illinois, are also utilized often to help individuals avoid the costs and headache of the court system, at least for real estate.

For guidance in how to properly plan for the transfer of real estate or other assets, contact our experienced estate planning attorneys James R. Grebe, David B. Wiest, or Kyle M. Tompkins at (309) 637-1400.

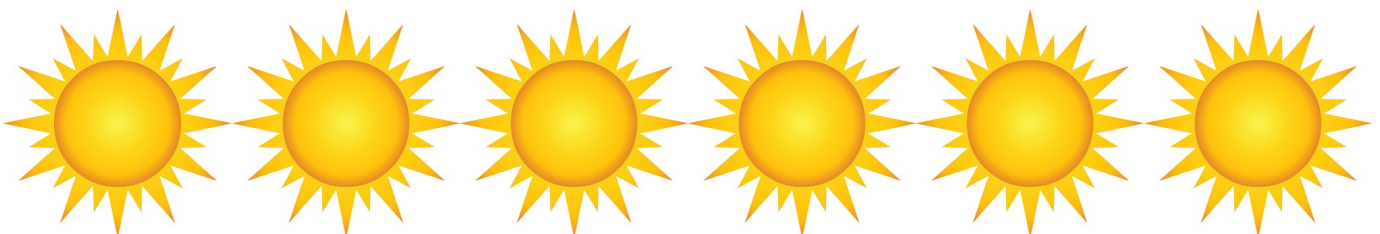
CHANGES COMING FOR LIMITED LIABILITY COMPANIES

On July 1, 2017, amendments to the Limited Liability Company Act will go into effect. The Amended Limited Liability Company Act ("Amended Act") includes various technical changes to aspects of operating a limited liability company ("LLC") but largely focuses on changes to the rights and duties of members. A member of an LLC is typically an owner, somewhat similar to a shareholder of a corporation. One of the most significant changes under the Amended Act is to expand the definition of an Operating Agreement to specifically include oral agreements between members.

Consequently, if an Operating Agreement is not written pen to paper, a series of oral agreements concerning management responsibilities and other aspects of the operation of the LLC will now be binding on the members rather than being subject to default rules. The Amended Act also now allows members to restrict or even eliminate members' fiduciary duties owed to the LLC to some extent and go so far as to allow for the alteration of the standard of care owed by members to the LLC.

Additionally, under the prior statutory scheme, each member of an LLC had apparent authority to act and bind the business. However, under the Amended Act, only those members of member-managed LLC's designated with manager responsibilities in the Operating Agreement will have the authority to bind the LLC. If no Operating Agreement is in place, each member is deemed to have an equal share of management authority. Although not a complete protection against a non-manager member acting above his authority, these changes will help to alleviate some confusion when members are dealing with third parties.

If you are interested in forming an LLC or have questions about an existing entity, contact our experienced corporate attorneys James R. Grebe, David L. Wentworth II, or William P. Streeter at (309) 637-1400.





The Attorneys of our Firm:

**Michael R. Hasselberg
James R. Grebe
Kenneth M. Snodgrass, Jr.
Charles J. Urban
David L. Wentworth II
William P. Streeter
Boyd O. Roberts III
David B. Wiest
John G. Dundas
Kevin D. Day
Kyle M. Tompkins
J. Logan Block
Michael R. Toren
Joe Y. Pishghadamian**

**Raymond C. Williams, Retired
Sandra J. Birdsall, Retired**

401 Main Street, Suite 1400
Peoria, IL 61602-1258

Telephone: (309) 637-1400
Fax: (309) 637-1500

**Find us on the web
at: www.hgsuw.com**

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