



MEETING MINUTES

BOARD OF ETHICS

Tuesday, April 18, 2017

7:00 p.m.

Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2402

Members Present: Mark Sheldon, Kelda Harris-Harty, Jennifer Billingsley, Karena Bierman and Vincent Thomas.

Members Absent: None

Staff Present: Michelle Masoncup, Staff Attorney

Presiding Member: Mark Sheldon, Committee Chair

DECLARATION OF QUORUM

Chairman, M. Sheldon declared that the Board had a quorum, with all members present and called the meeting to order at 7:03 p.m. M. Sheldon reported that the Board had three pending complaints under the Code of Ethics to review at the meeting and requested staff attorney overview of the complaints received.

(A) Review Code of Ethics Complaint filed by Madelyn Ducre 17-BOE-001: M. Masoncup provided a report that the City's Law Department received an Ethics Violation Complaint from the Complainant, Madelyn Ducre on March 13, 2017. The respondents to the complaint are Alderman Delores Holmes and Alderman Elect Robin Rue. The Complaint was distributed to the entire Board for review prior to the meeting.

(B) Review of Code of Ethics Complaint filed by Betty Ester 17-BOE-001: M. Masoncup summarized the second complaint filed by Betty Ester on March 15, 2017. The respondents to the complaint are Alderman Delores Holmes, Alderman Peter Braithwaite, Alderman Eleanor Revelle, Mayor Elizabeth Tisdahl, and Alderman Elect Robin Rue. The Complaint was distributed to the entire Board for review prior to the meeting.

(C) Review of Code of Ethics Complaint filed by Misty Witenberg 17-BOE-002: M. Masoncup summarized the second complaint filed by Betty Ester on March 23, 2017. The respondent to the complaint is Alderman Delores Holmes. The Complaint was distributed to the entire Board for review prior to the meeting.

M. Masoncup reported that the Board scheduled the first two complaints to be reviewed at the next regularly scheduled Board of Ethics meeting on March 21, 2017. The Board did not have a quorum and had to reschedule the hearing to the next regular meeting, April 18, 2017.

Madelyn Ducre 17-BOE-001:

M. Ducre addressed the Board and outlined her process to file the complaint. M. Sheldon requested that she explain her allegations of violations of the Code of Ethics. She relayed that she filed the complaint because she wanted Betty Ester's complaint to be answered.

Betty Ester 17-BOE-001

B. Ester reviewed the five allegations contained in her complaint with the Board. First, she relayed that she alleges it is improper for current elected officials to endorse candidates. Second, she stated that she believes it was improper for Alderman Holmes to use City email to endorse a candidate. Third, B. Ester complains that Robin Rue cannot serve on the Compensation Committee if she plans to run for alderman. Fourth, B. Ester said that she believes it's a violation of the Code of Ethics for Robin Rue, as a member of the MWEBE Committee to present a grant funding request to a different City committee, Economic Development Committee, as a contractor and subsequently an employee of Sunshine Enterprises in 2015 and 2016. Lastly, B. Ester explained to the Board that she alleges a complaint that a business owned by Robin Rue, Signature Construction Services, cannot receive NSP funding if the company was involuntary dissolved by the Secretary of State at the time of funding. M. Sheldon asked for clarification that she was questioning both the endorsement of a candidate by an elected official and an endorsement done by email as separate allegations of violations of the Code of Ethics.

Alderman Holmes addressed both the Ducre and Ester complaints. She stated that the City changed from an Outlook email system to Gmail email system in January 2017 and was having a difficult with the transition. She contacted the City's IT Department for help retrieving email addresses of people on her contact list for an endorsement of 5th Ward candidate, Robin Rue. She wanted to send it to a list of e-mail addresses for persons that subscribe to her e-newsletter.

Alderman Elect Robin Rue stated that her office is located at 1900 Asbury and is not owned by the City. She stated that she is a member of the MWEBE committee; it doesn't make recommendations for CDBG funding. She was hired in 2015 as a contractor for Sunshine Enterprises and hired on full-time in 2016 as a program manager. As program manager she does not have the authority to execute contracts or negotiate contracts. Lastly, she told the Board that Signature Construction Service completed the work to rehab residential homes through the NSP grant funding program in 2013 and sold the company in 2014.

Alderman Revelle said that her endorsement of Robin Rue was not done with City email or any other City resources. Alderman Braithwaite said that he did not use City email or any other City resources to make the endorsement of Robin Rue.

Misty Witenberg 17-BOE-002

Misty told the Board that she emailed Alderman Holmes and Mayor Tisdahl her concerns with campaign activities. She said that wanted to privately sort out the issue and found out that her emails to Alderman Holmes were forwarded to an individual that she believes is a campaign manager for another candidate for alderman in the 5th Ward. She submitted a Freedom of Information Act request to receive copies of the emails attached to her complaint.

Alderman Holmes spoke about her initial contact with M. Witenberg in early December. She answered questions that M. Witenberg had about the position as alderman. Alderman Holmes indicated that she was concerned about M. Witenberg's statements about "race wars" in the community. She said that she accidentally forwarded the email onto the co-chair of a neighborhood group called "West Evanston Strategic Team", Jan Alexander. She stated that she would have done so intentionally because of her involvement in WEST, but this was not intentional act. She also forwarded the email onto Dar Francellno, the Mayor's Administrative Assistant for her to print her a copy.

M. Sheldon adjourned the Board to executive session pursuant to 5 Illinois Compiled Statutes ("ILCS") 120/2a, to discuss agenda items regarding ethics complaints, pursuant to the exceptions of the Open Meetings Act, 5 ILCS 120/2(c)(11), (c)(15).

The Board re-convened into Open Session and K. Bierman read the Board's findings which will be circulated in a separate report, findings were as follows:

1. Madelyn Ducre's complaint raises the same Code of Ethics issues raised by Betty Ester's complaint, therefore the complaints will be decided together.
2. Elected officials are permitted to endorse a candidate for office. Therefore, the allegations made by B. Ester and M. Ducre against Mayor Tisdahl, Alderman Holmes, Alderman Braithwaite, and Alderman Revelle for providing endorsements to candidates are found to be without merit and not a violation of the Code of Ethics.
3. Distributing endorsements via City email is a violation of the Code of Ethics, which will be covered by an advisory opinion to be reviewed and approved at the next meeting and covered at upcoming staff training to the City Council.
4. B. Ester and M. Ducre's allegations against Robin Rue's service on the City Compensation Committee which voted to give aldermen raises is not a violation of the Code of Ethics.
5. B. Ester and M. Ducre's allegations that Robin Rue's company, Signature Construction Service's involvement with the NSP program is not a violation of the Code of Ethics as alleged.
6. The Board took two remaining allegations under advisement and will deliberate further at its next meeting. The first issue is the potential conflict of interest between Sunshine Enterprises and Robin Rue raised by B. Ester and M. Ducre. The second matter that the Board took under advisement is the complaint filed by Misty Witenberg alleging improper forwarding of emails sent to Alderman Delores Holmes by Witenberg.

The Board called for a Special Meeting to be held on May 2, 2017 at 6:30 p.m. to reconvene on the remaining issues before the Board and to review draft advisory opinions.

ADJOURNMENT

Upon motion and second, the meeting was adjourned at 9:53 p.m..