1. **Quorum**: Chairwoman Billingsley declared that the Board had a quorum, with 4 of 5 members present and called the meeting to order.

2. **Public Comment**: The Board opened up the meeting for public comment. Art Newman, Lori Keenan, Carolyn Murray, and Bob Cruz provided public comment.

4. **Minutes**: Board member Thomas moved to accept the meeting minutes of August 21, 2018 as proposed and Board member Gustafson seconded. Motion passed with a unanimous vote. Board member Thomas moved to accept the meeting minutes of September 25, 2018 as proposed and Board member Gustafson seconded. Motion passed with a unanimous vote.

5. **Old Business**: Chair Billingsley stated that the next portion of the meeting relates to the jurisdictional hearing for Complaint 18-BOE-002 filed by Nancy Sreenan against Alderman Rainey and Complaint 18-BOE-003 filed by Lori Keenan and Clare Kelly against Alderman Rainey.

Chair Billingsley asked the Board whether they wanted to hear counsel's arguments related to jurisdiction. Chair Billingsley asked Deputy Attorney Treto whether the Code speaks to the Board's authority to hear jurisdictional arguments and Attorney Treto indicated that the Code was silent with that regard.

Board member Thomas moved to allow counsel to speak about jurisdiction and Board member Gustafson seconded. Motion passed with a unanimous vote.

Counsel for Ald. Rainey, Art Newman, objected to counsel's participation in the jurisdictional determination.
Jurisdictional Hearing on Complaint 18-BOE-002
Chair Billingsley asked whether anyone wanted to speak as to jurisdictional issues. After no response, attorney Art Newman asked to speak about jurisdiction. Newman proceeded to argue that communications sent to a public official is inherently public and that there is nothing in the Code that prevents an elected official from forwarding an email to another individual and asked the Board to find that there is no jurisdiction. Nancy Sreenan asked to speak in response to Art Newman’s comments. Chair Billingsley allowed her to speak. Sreenan argued that Ald. Rainey violated provisions of the Code of Ethics related to impartiality.

Chair Billingsley moved to enter into executive session to consider jurisdiction. Board member Thomas seconded. Motion passes with unanimous vote. The Board enters into executive session pursuant to the Open Meetings Act.

The Board members exit executive session and return to open session. Board member Thomas makes a motion stating that the Board of Ethics has jurisdiction in Complaint 18-BOE-002 and Board member Gustafson seconds. Motion passes with unanimous vote.

Jurisdictional Hearing on Complaint 18-BOE-003
Board member Thomas makes a motion to hear argument related to jurisdiction in Complaint 18-BOE-003 and Board member Gustafson seconds. Motion passes with a unanimous vote.

Chair Billingsley asked whether anyone wanted to speak as to jurisdictional issues. Chair Billingsley allows Complainant counsel to go first and then Respondent’s counsel to follow. Attorney Jeff Smith indicates that he is representing Clare Kelly and proceeded to make an argument that the Code permits the Board to have jurisdiction not only with the City Code, but also with Illinois state statute. Smith asks the Board to consider hearing arguments related to state statute. Attorney Aneesh Parikh indicates that he represents complainants and reiterates that the Board has authority to review state statute. Parikh encourages Board to look at substance of what is alleged. Attorney Newman counter argues that the Board does not have authority to review state statute. Newman then proceeds to give examples of what does and does not constitute a conflict of interest during an elected official’s compensated time. Newman also stated that advocating for a constituent is not representing a private interest.

Chair Billingsley moved to enter into executive session to consider jurisdiction. Board member Ellul seconded. Motion passes with unanimous vote. The Board enters into executive session pursuant to the Open Meetings Act.

The Board members exit executive session and return to open session. Board member Thomas makes a motion stating that the Board of Ethics has jurisdiction in Complaint 18-BOE-002, specifically that the Board has jurisdiction over: (1) Prohibited Activity: Volunteer Fundraising and Organizing on Behalf of
Interests of Private Individuals under City Code 1-10-5; (2) Prohibited Activity: Use of Property or Resources of the City in Connection with Any Prohibited Political Activity under City Code Section 1-10-5; (3) Representing Private Interests Before City Bodies or Courts under City Code Section 1-10-4(C)(3)(b)(3); (4) Abuse of Power under City Code Section 1-10-4(C)(3)(b)(2); and (5) Impartiality under City Code Section 1-10-4(C)(1) and that the Board does not have jurisdiction over (1) Prohibited Activity: Volunteer Fundraising and Organizing on Behalf of Interests of Private Individuals under 50 ILCS 105/3; and (2) Intimidation by a Public Official under 720 ILCS 5/12-6. Board member Ellul seconds. Motion passes with unanimous vote.

The Board proceeded to discuss the scheduling of the next meeting to have the hearings for 18-BOE-003 and 18-BOE-004. Attorney Newman requested that the next hearing be scheduled thirty days after October 16, 2018 as he is unable to be present due to a previously scheduled trial. Attorney Parikh indicated that the hearing should be scheduled within thirty days of receipt of complaint and that Complainants are willing to work with Respondent for a short delay. Attorney Newman responded by stating that he needs thirty days to respond. Chair Billingsley provided a summary of the timeline of the complaints. Member Thomas made a motion to set the hearings for 18-BOE-003 and 18-BOE-004 on October 25, 2018 and was seconded by Board member Ellul. Motion passes with a unanimous vote.

Chair Billingsley directed Deputy Attorney Treto to provide C. Shawn Jones with the approved meeting minutes.

4. **Adjournment**: Upon motion by Board member Thomas and second by Board member Gustafson, the meeting was adjourned with all voting in favor.