PUBLIC NOTICE OF A MEETING
Board of Ethics
Wednesday, August 5, 2020
7:00 p.m.

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, the BOE members and City staff will be participating in this meeting remotely. Due to public health concerns, residents will not be able to provide public comments in-person at the meeting. Those wishing to make public comments may submit written comments in advance or provide public comments by phone or video during the meeting. Persons wishing to submit written comments or make public comment during the meeting must sign up by 6:30 PM on August 5, 2020, at https://forms.gle/nz41Dz816S63mqXk8.

Join Zoom Meeting
https://zoom.us/j/97466165608?pwd=c3Y5Mm9MdzISeHVvQmxvR2wrSXdPUT09

Meeting ID: 974 6616 5608
Passcode: 645872

One tap mobile: +13126266799,,97466165608#,,,,0#,,645872# US (Chicago)

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. DESIGNATION OF ACTING CHAIR

3. SUSPENSION OF THE RULES: Member participation electronically or by telephone.

4. APPROVAL OF MEETING MINUTES
   a. July 1, 2020 (open and executive sessions)

5. PUBLIC COMMENT

6. OLD BUSINESS
   a. Findings and Order on Ethics Complaint 19-BOE-006 (Complainant Daniel Coyne)
   b. Ethics Complaints 19-BOE-007 & 8 (Complainants Misty Witenberg and Devon Reid)

7. EXECUTIVE SESSION pursuant to 5 ILCS 120/2(c)(4) and (15)
a. Findings and Order on Ethics Complaint 19-BOE-006 (Complainant Daniel Coyne)
b. Ethics Complaints 19-BOE-007 & 8 (Complainants Misty Witenberg and Devon Reid)

8. NEW BUSINESS

9. ADJOURNMENT

The next BOE meeting will be September 2, 2020. Additional information will be provided on that meeting agenda.
July 28, 2020

Attorney Yordana Wysocki  
Hervas, Condon & Bersani, P.C.  
333 Pierce Road, Suite 195  
Itasca, Illinois 60143  

VIA EMAIL: ywysocki@hcbattorneys.com

RE: Evanston Board of Ethics Case 19-BOE-007

Dear Attorney Wysocki:

Our firm has been retained to represent Mayor Stephen Hagerty in the Evanston Board of Ethics case cited above. It is our intention to mount a vigorous defense to the allegations asserted in the complaint. It is my understanding that this case is scheduled to be heard August 5, 2020. On behalf of my client, I am officially requesting an extension of 30 days from the August 5th date originally set to hear the case.

The reasons for the extension are I was just retained today, and I will need to meet with my client to prepare our case. Additionally, Mayor Hagerty has been busy fighting the COVID-19 pandemic and running the city of Evanston.

Thank you in advance for your assistance in granting an extension from the Board of Ethics. Please do not hesitate to contact me if you have any questions. We look forward to working with you and the Board of Ethics.

Sincerely,

Richard Boykin

CC: Mayor Stephen Hagerty
MEETING MINUTES
BOARD OF ETHICS
Wednesday, July 1, 2020 at 7:00 p.m.
via Zoom Meeting

Members Present: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Members Absent: None
Others Present: Yordana Wysocki, Counsel for the Board of Ethics
Presiding Member: Carrie VonHoff, Acting Chair

1. **Call to Order/Declaration of Quorum**: The meeting was called to order at 7:03 PM. Carrie VonHoff declared that the Board had a quorum, with 3 of 3 members present and called the meeting to order.

2. **Designation of the Acting Chair**: Member VonHoff volunteered to act as chair of the meeting. Member Calder moved to appoint VonHoff as Acting Chair, and Member Chipman seconded.

   Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
   Nays: None
   Abstain: None
   Motion Approved.

3. **Suspension of the meeting rules to allow for remote attendance**: Acting Chair VonHoff explained that due to COVID-19 the meeting was being conducted remotely via zoom and asked for a suspension of the rules to allow for remote attendance. Member Calder moved to approve the minutes, and Member Chipman seconded.

   Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
   Nays: None
   Abstain: None
   Motion Approved.

4. **Approval of Meeting Minutes from March 3, 2020**: The Board considered the minutes from the March 3, 2020 meeting. No member had any comments. Member Calder moved to approve the minutes from the open session, and Member Chipman seconded.

   Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
   Nays: None
   Abstain: None
   Motion Approved.

   Member Calder moved to approve the minutes from the closed session, and Member Chipman seconded.

   Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Nays: None
Abstain: None
Motion Approved.

5. **Public Comment:** Acting Chair VonHoff announced that there was one member of the public who submitted written comment and signed up to speak during public comment, Ms. Beth Stare. Acting Chair VonHoff acknowledged the Board's receipt of Ms. Stare's written comment and announced that Ms. Stare would be given 3 minutes to speak. Ms. Stare encouraged the aldermen to stand with the park district to support anti-racist actions of the park district. Ms. Stare further stated that Alderman Rainey made inappropriate comments on October 14, 2019.

6. **Old business:**

   a. **Hearing on Ethics Complaint 19-BOE-006 brought by Complainant Daniel Coyne against Alderman Rainey.** Acting Chair VonHoff asked if both parties were present and ready to be heard. Both parties answered, yes. Acting Chair VonHoff explained that the Complainant would be given 30 minutes to present his case, the Respondent would be given 30 minutes to respond and the Complainant would be given 10 minutes to rebut. Questions concerning the process were discussed before the Complainant began.

   Complainant Coyne presented his case, including documentary evidence, video evidence, and the testimony of two witnesses: Ald. Rainey and Carmyia Bady. He argued that Ald. Rainey's comments on the video speak for themselves and that the issue before this Board was whether Ald. Rainey campaigned during City time.

   In her response, Ald. Rainey argued that the complaint before the Board concerned whether she had campaigned during a City Council meeting, not about any comments made before the Ridgeville Park District Commission. She submitted documentary evidence. Ald. Rainey said her comments were in response to Coyne's attack at the City Council meetings and distinguished her comments from other incidents where the ethics code was violated.

   After some discussion with the parties, all exhibits presented by the parties were accepted by the Board without objection.

   Complainant Coyne rebutted, arguing that Ald. Rainey's words were campaigning on election issues and intentional. He argued that the City needed to be clear on ethics rules by holding Ald. Rainey accountable.

7. **Executive Session:** Acting Chair VonHoff asked for a motion to go into executive session to consider the evidence and testimony taken during the hearing on Ethics Complaint #19-BOE-006 and the Board's jurisdiction on Ethics Complaints #19-BOE-007 and 008, pursuant to the Open Meetings Act:
(1) Section 2(C)(4) to consider evidence presented in open hearing to a quasi-adjudicative body provided the body prepares and makes available for public inspection a written decision, and,

(2) alternatively, Section 2(C)(15) to consider professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body’s field of competence.

Member Chipman so moved, and Member Calder seconded the motion.

Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Nays: None
Abstain: None
Motion Approved.

The Board went into executive session at 8:40 PM.
The Board came out of executive session at 9:07 PM.

**Continuation of Old Business:** Acting Chair VonHoff presented the proposed jurisdiction findings and order on Ethics Complaints #19-BOE-007 and 008. Member Chipman moved to adopt the written findings. Calder seconded the motion.

Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Nays: None
Abstain: None
Motion Approved.

Member Chipman moved to take the question of 19-BOE-006 under advisement with a written opinion to be discussed at the next Board meeting. Member Calder seconded the motion.

Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Nays: None
Abstain: None
Motion Approved.

8. **New Business.** None.

9. **Adjournment:** Member Chipman moved to adjourn with the next meeting to be August 5, 2020, and Member Calder seconded.

Ayes: Carrie VonHoff, Suzanne Calder, and Clark Chipman
Nays: None
Abstain: None

The meeting was adjourned at 9:25 PM.