PUBLIC NOTICE OF A MEETING
Board of Ethics
Wednesday, September 2, 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 September 2, 2020, at https://forms.gle/bR849LuDxanapbiHA.

Join Zoom Meeting
https://zoom.us/j/96543037182?pwd=N29hUFNqZytwQUdVQkd5SDRVUTA3dz09
Meeting ID: 965 4303 7182
Passcode: 031955
One tap mobile
+13126266799,,96543037182#,,,,,0#,031955# US (Chicago)
+13017158592,,96543037182#,,,,,0#,031955# US (Germantown)

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. August 5, 2020 (open session)
   b. April 18, 2017 (closed session)
   c. November 21, 2017 (closed session)
   d. May 19, 2019 (closed session)
   e. June 18, 2019 (closed session)
   f. September 17, 2019 (closed session)

5. PUBLIC COMMENT
6. OLD BUSINESS
   a. Ethics Complaint 19-BOE-007 (Complainants Witenberg and Clerk Reid against Respondent Mayor Hagerty)

7. EXECUTIVE SESSION
   a. Consideration of Executive Session Minutes pursuant to 5 ILCS 120/2(c)(21)
   b. Consideration of Ethics Complaint 19-BOE-007 pursuant to 5 ILCS 120/2(c)(4) and (15)

8. NEW BUSINESS
   a. Semi-Annual Review of Executive Session Minutes as Mandated by § 2.06 of the Open Meetings Act

9. ADJOURNMENT

The next BOE meeting will be October 14, 2020, at 7:00 pm. Additional information will be provided on that meeting agenda.

Order & Agenda Items are subject to change. Information about Board of Ethics (BOE) is available at: https://www.cityofevanston.org/government/agendas-minutes/board-of-ethics

The City is committed to ensuring accessibility for all citizens; If an accommodation is needed to participate in this meeting, please contact this Department 48 hours in advance so that arrangements can be made for the accommodation if possible.

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES  
BOARD OF ETHICS  
Wednesday, August 5, 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 7:09 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 Chipman moved to appoint VonHoff as Acting Chair, and Member Calder 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 telephone 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 July 1, 2020**: The Board considered the minutes from the July 1, 2020 meeting. No member had any comments. Member Chipman moved to approve the minutes from the open session, and Member Calder 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 asked if anyone had signed up for public comment and Attorney Wysocki reported that no one had signed up. Acting Chair VonHoff encouraged members of the public to participate in public comment as it was a good way to interact with the Board.

6. **Old Business:**

   a. **Ethics Complaint 19-BOE-006 brought by Complainant Daniel Coyne against Alderman Rainey.** Acting Chair VonHoff asked if both parties were present. Both parties answered yes. Acting Chair VonHoff asked if any Board member wished to go into executive session to discuss the proposed written findings and order which were circulated to the Board before the meeting. No member moved to go into executive session. Acting Chair orally summarized the proposed written findings and order and asked for a motion to approve the proposed findings. Member Chipman moved to approve the proposed written findings and order. Member Calder seconded.

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

   b. **Ethics Complaints #19-BOE-007 brought by Complainants Misty Witenberg and City Clerk Devon Reid against Mayor Hagerty.** Acting Chair VonHoff asked if all parties were present. Complainant Witenberg did not respond. Complainant Reid responded that he was present. Attorney Richard Boykin announced that he was present on behalf of Mayor Hagerty, who was not present. Acting Chair VonHoff acknowledged that the Board received a written motion from Mr. Boykin for a 30-day extension of time. Mr. Boykin stated that he had just been retained and wanted time to review the allegations and prepare for the hearing. Acting Chair VonHoff asked if the Complainants had any objections. Complainant Reid stated that he had no objection but wanted additional time for the presentations at the hearing. Complainant Misty Witenberg did not respond.

      Member Calder moved to grant the Complainants 45 minutes total for their presentation of evidence and argument and 10 minutes rebuttal, and to grant Respondent 45 minutes for his presentation of evidence and argument at the hearing. Member Chipman seconded the motion.

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

Member Calder moved to continue the hearing until September 2, 2020, and Member Chipman seconded the motion.

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

Complainant Reid requested clarification on when materials and documentary and other evidence needed to be submitted to the Board’s attorney. Attorney Wysocki informed the parties that the Board needed the materials 7 days before the hearing on September 2, 2020, and that once submitted, the materials will be placed on the Board’s website so that they can be accessed by the parties and public. Attorney Wysocki instructed the parties to note where the proposed exhibits needed redactions before public disclosure. Complainant Reid inquired whether the Board had subpoena powers for witnesses, and Attorney Wysocki explained the Ethics Code allows the Board to compel witnesses to appear but that it is not invoked unless the witness refuses to appear and the Board believes the testimony is relevant and necessary to its decision.

Complainant Reid moved to reconsider the July 1, 2020 jurisdictional findings of the Board. He argued that the Ethics Code only required the Respondent Masoncup to be a City employee at the time of the alleged misconduct and that her subsequent separation from the City does not impact jurisdiction. Attorney Wysocki asked Complainant Reid what he was seeking as a remedy against Masoncup. He declined to answer that question but argued that it was irrelevant to jurisdiction. Complainant Reid also argued that the Board should not have considered the fact that Masoncup was no longer employed by the City because it was beyond the “four-corners of the complaint.” Attorney Wysocki reminded Complainant Reid that under the Ethics Code, this Board has more relaxed rules of procedure and evidence than a court of law. Complainant Reid asked what his remedy is to appeal the jurisdictional finding. Attorney Wysocki explained that she could not advise Complainant Reid as she is not his attorney but that he should carefully review the Ethics Code for guidance on administrative review procedures.

Member Chipman moved to take the question of reconsidering the July 1, 2020 jurisdictional findings under advisement, to be discussed at the next Board meeting. No one seconded the motion.

Member Calder asked Complainant Reid what he expected the Board to do in the event of a finding against Masoncup. Complainant Reid stated that the Board has the authority to issue fines and to make a determination that the Ethics Codes was violated or not.
Acting Chair VonHoff inquired whether any Board member wished to reconsider the jurisdictional findings from July 1, 2020. No one moved to reconsider the previous findings and the Complainant’s motion to reconsider was constructively denied.

7. **New Business.** None.

8. **Adjournment:** Member Chipman moved to adjourn with the next meeting to be September 2, 2020, and Member Calder seconded.

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

The meeting was adjourned at 8:20 PM.