

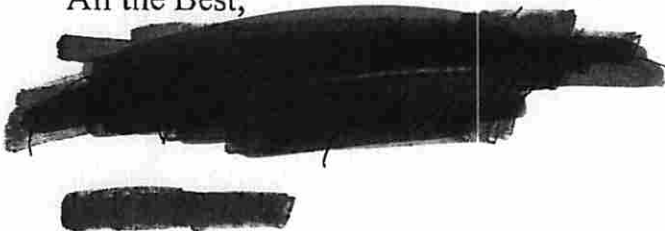
May 1, 2019

Village of Orland Park  
14700 Ravinia Avenue  
Orland Park, IL 60462

Attn. Mayor: Keith Pekau

After serving on the Economic Development Advisory Board for several years under Mayor Owens, Mayor McLaughlin, and now yourself I regretfully will be resigning. Please accept this letter as a notice of my resignation as Chairman on the Economic Development Advisory Board effective immediately. Due to the Ordinance No: 5395 Ethical Standards of Conduct I will no longer be able to serve on the board. I am licensed by the Securities and Exchange Commission and adhere to the rules and regulations set forth by FINRA. Any accusation, claim, or allegation against me can be detrimental to not only my licenses but my career. Furthermore, I cannot disclose financial and business related information due to confidentiality regulations set in place by and enforced by the SEC and FINRA. Thank you for the opportunity to serve as Chairman on the board.

All the Best,

A large black rectangular redaction covers the signature and name of the sender. Below it, a smaller black rectangular redaction covers a line of text, likely a phone number or email address.



April 15, 2019

Mr. Keith Pekau  
Mayor, Village of Orland Park  
14700 Ravinia Avenue  
Orland Park, IL 60462

Dear Mayor Pekau:

It has been a pleasure to serve as a member of the Economic Development Advisory Board (EDAB) in the Village of Orland Park.

My current plans will be to tender my resignation from this commission predicated upon the new ethics ordinance (ordinance no 5395) becoming effective. My belief is that the ordinance, as presented on April 1<sup>st</sup>, 2019, is a document that is lengthy, confusing, political and redundant.

I agree an ordinance of this nature or guidelines should be adopted for employees and village officials. What we have seen in the current form is outdated and intrusive thereby giving too much power to the village manager and the village attorney who is a contractor to the village. We need new fresh ideas, practices and a set of guidelines not a long outdated ethics ordinance filled with legalize that common people cannot comprehend.

Corporations have mission and vision statements plus a code of conduct based on their core values to guide behavior. In its current form this ordinance will impede good and respectable people of integrity from seeking offices or commissions to contribute to the village. The village should adopt a simple set of rules or expectations for employees and all village officials. It need to be concise and clear to anyone who reads it.

Please note that If Ordinance No. 5395 is rescinded, I would withdraw my resignation. Additionally, I would be more than happy to work with you, the board and the village manager participating on a special task force to create a replacement ethics ordinance. I believe that that based on my experience in the corporate sector I can provide additional input in creation of a value-based replacement ordinance.

Sincerely,



## Keith Pekau

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**From:** [REDACTED]  
**Sent:** Tuesday, April 16, 2019 1:28 PM  
**To:** Keith Pekau  
**Subject:** Ordinance 5395

Mayor Pekau:

If the Village of Orland Park passes Ordinance 5395 and the Ethical Standards of Conduct remain in place as written, I will resign my position as commissioner of the Economic Development Advisory Board.

I am not against ethics commitments in general. I currently sit on the boards of two regional real estate organizations, my firm, a scholarship board and a charity, as well as past committees with District 230 and the Village of Orland Park; all have/had ethics commitments/statements. It's important that transparency exists, and that potential conflicts of interest are identified. That said, it's the responsibility of the organization to not put an undue burden on its members (particularly its volunteer members), and not create any financial exposure. In my opinion, this ordinance does both. Below are two examples within your ordinance that create this exposure for me:

*E8 – Each person subject to the provisions of this section shall annually submit to the Village Clerk, a signed statement providing information on any financial or economic interests which said person, or his or her minor children has with the Village of any business entity partially or totally within the corporate limits of the Village or doing business with the Village.*

First, how am I to know who does business with the Village? Are you going to provide me with a list on an annual basis, and update it every time you contemplate doing business with a company for the first time, so that I am not in violation of this ordinance? Second, I am a commercial real estate broker, and I have contact with hundreds (if not thousands) of companies on an annual basis. Some of the companies are looking to relocate to the south suburbs in general, and Orland Park in particular (I have relocated five clients to Orland Park in my career – Martin Implement, American Technical Publishers, Robert James Sales, The Linden Group, and Mobility 101). Am I supposed to list all clients that are considering moving to Orland Park? When is that company considered a client (and therefore establishing a financial interest)? This list will be public record; therefore any of my competitors will potentially have access to my client list? Unacceptable.

*E13(f) – Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.*

I assume one of my primary duties as a Commissioner of the Economic Development Advisory Board is to promote businesses (and vacant buildings) within Orland Park. What happens when one of my clients prefers a building in Tinley Park over a building in Orland Park? I have a fiduciary responsibility to act in my clients' interest; will this put me in violation of the ordinance? What happens when the owner of the Orland Park building is upset that my client didn't choose their building? Does that owner have the ability to file a complaint against me, which I must defend? The attorney I would likely choose to defend me has a rate of \$900/hour; I certainly hope he could complete the defense in less than 100 minutes, otherwise I could be out a substantial sum!

In summary, I am glad to declare any potential conflict of interest in advance of any work I may perform. My reputation is critical to my success as a broker, and I would never do anything to jeopardize that. I also assume that the State of Illinois has an ethics statement, and that is likely adequate to cover my involvement with the Village. However, I will not sign Ordinance 5395 as written, as it creates an undue burden on me. If this will be a requirement, I will have no choice but to step down as a Commissioner.

could be considered to 'adversely affect the confidence in the integrity of the village'. Under what condition would this section of the ordinance be considered validly violated that does not include a conviction of a crime?

3. **Section E-13-e** uses the language of 'policy' over 'ordinance' or 'law'. This is curious. While I am not an attorney, I understand that a policy is a document which outlines what the government is going to do or not do. It is not, however, a law by itself. Does this ordinance intend to make policies actionable as though they were ordinances? Are all policies officially voted upon by the village in the same manner as ordinances?

4. **Section E-13-h** – what is the legal standard here for “good morals”? I have read that our attorney believes this is common place for courts, but what this ordinance calls for is the expenditure of village money in the *investigation* of all complaints regardless of what a judge would rule on this. I hesitate to sign anything that blurs the line between morality and legality. For example, many within the village might consider gambling within the village to be immoral – will we entertain multiple investigations of trustees that voted for that ordinance? This clause leans towards statism – the village should not be in the position of determining social policy through threat of investigation. Given the past behavior of some trustees on the board, this appears to be a loophole through which a complaint would cause the accused to pay for legal representation even though previously the complaint might otherwise have died in a prosecutor's office.

5. **Section I-A** – Under what criteria is an attorney deemed to be independent? In its current state, it appears that the village attorney would have sole discretion over the list. Why is this list not confirmed through vote by the board?

6. **Section I-A** – Is the village prepared to handle legal warfare via activism under this section? If a politically motivated group decides to file multiple unfounded complaints, will the village continue the process of independent (and costly) investigations in each example? Will complaints under this ordinance be subject to Illinois statute 740 ILCS 175 which prohibits frivolous actions? In effect, this ordinance is establishing a village special prosecutors office albeit under a different name. Who will monitor and review the actions of these attorneys just as prosecutors are? Where is the oversight?

7. **Section L** – The village expects commissioners to waive away their ability to recover full attorney fees as subject to *judicial decision* under 740 ILCS 175 by transferring that authority to the Village Board? I do not recognize the Village Attorney as an authority over what is to be considered a reasonable attorney fee and will not sign the right to defend against frivolous torts by pre-emptively limiting my damages. Why should the village board be protected in a way prosecutors or other civil litigants are not?

8. **Section L** - This section also cleverly does not assert that the \$1,500 cap is per charge. If multiple citizens file complaints, this could be read to mean that the defendant may only reclaim up to \$1,500 total across all complaints.

It was chilling to hear a trustee say, “what do you have to hide?” as a defense of the ordinance during a village board meeting. This is a rationale employed by fascist and authoritarian regimes. Privacy is not about hiding information – it is about protecting information. The Founding Fathers considered the 4<sup>th</sup> Amendment well due to many violations from the British use of “general warrants” to go after political enemies. This ordinance asks for the information up front with the intent of applying a general warrant style investigation after the fact. This is borderline Orwellian as the burden of proof now has shifted significantly. The complainant doesn't need to provide proof and the independent counsel has access to information he would never have received without a court order. Secondly, I would remind the trustee that privacy is a fundamental right as confirmed many times over by the Supreme Court of the United States. One does not need to prove the necessity of fundamental rights to anyone, least of all an elected official.

When I volunteered to be a commissioner, it was with the full intent of lending my time and talent to the improvement of the village. Again, I would accept responsibility in disclosing conflicts of interest as they arise and in accordance with Illinois law, but the passive disclosure in this ordinance over reaches and violates my right to privacy.

I will not comply with the disclosure in its current form. Should that mean my resignation from the commission, so be it.

## Keith Pekau

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**From:** [REDACTED]  
**Sent:** Sunday, April 14, 2019 9:17 PM  
**To:** Keith Pekau  
**Subject:** Ethics Ordinance - Intent to resign as commissioner if not amended or repealed

Mayor Pekau,

With a heavy heart, I must inform you that if Ordinance 5395 under file 2019-0077 regarding the "Ethical Standards of Conduct" remains in place, I will resign my position as commissioner and chairman of the Technology Commission.

I understand and appreciate the need to protect the village from officials who would act improperly towards their own personal gain or otherwise fail to disclose conflicts of interest. However, I am troubled with aspects of this ordinance which deviate from the standard set by either the state of Illinois or Cook County.

I was hopeful that the committee responsible for this ordinance would have heard the concerns that many of us had regarding the specific language. However, we clearly went unheeded.

The specific concerns I have with the disclosure form are:

1. Overlooking the spelling error (far instead of for) and misplaced commas, I can only read question #1 of the disclosure as a requirement to disclose both my and my wife's salary and employment. The question in no way specifies that this is for work performed for the village or would otherwise indicate a conflict of interest.

Taking out the items in the lists that would not apply to me, it would read as:

*"During the reporting period, were you an employee or did you serve in any advisory capacity for any business from which you received or derived income?"*

Seeing as how I am employed, I do not see how this would not be answered in the affirmative. The village is not entitled to my financial information in passive disclosure and subject to FOIA requests from the public. While the IRS acknowledges privacy on this information, it seems that the village would prefer I waive my privacy in favor of announcing my income to any interested citizen. In fact, this disclosure seems to outreach the language used in Ordinance 5395 itself which specifically limits the disclosure to interests with the village or with business entities doing business with the village (section E-8).

2. Question #3 on the disclosure form is also vague enough to match the issues I have with Question #1. As a consultant who occasionally works from home, I believe I would have to answer "yes" to this question despite the fact that my work has nothing to do with village interests. Again, I am being asked passively to disclose information about my professional life without regard to whether there is a real conflict of interest.
3. Question #4 is just as bad. Again, without care for whether there is a conflict of interest, the village is asking for information about private investments. Clearly the author of this disclosure seeks to have officials provide evidence to their innocence rather than rely on proper due process. The clause "whether or not the entity did business with the Village" demonstrates this intent clearly. Again, if I have investments that are outside of a conflict of interest with the village, the village (and citizens filing FOIA) have no right to this private information.

As for the ordinance itself, I have the following concerns:

1. **Section E-10-b** underscores my concern that all personal financial information will be made available to any citizen of the Village. I say again, this information is regularly protected by the IRS and not subject to FOIA. The village is asking me to waive away privacy rights I have as a United States citizen because I have selected to volunteer my time as a commissioner.
2. **Section E-13-a** suggests that one can be found in violation of this ordinance while not actually being guilty of any crime. Given today's political climate, it is a regular occurrence for citizens to find offense in disagreements over policy that









Mr. Pekau, and Board of Trustees  
Mayor  
Village of Orland Park commissions  
14700 Ravinia Ave  
Orland Park, IL 60462

Dear Mr. Pekau, and Board of Trustees:

I am hereby resigning from my role as a commissioner on the Park and Rec Board   
 I have enjoyed volunteering my time acting as an advisor to the Village of Orland Park. My resignation is being put forth in response to the recent passing of Ethics Ordinance No:5395. While not entirely opposed to the ordinance passed, I fundamentally disagree with some of the provisions stated in the ordinance. I would be happy to continue to provide my volunteer service to the Village of Orland Park, if Ethics Ordinance No: 5395 is either fully rescinded or amended. I disagree with Sections E7, E8, and E9. Until these provisions are amended, I cannot offer my service to the Village of Orland Park.

My last day serving on the Village of Orland Park commissions will be May 13, 2019.

Sincerely,





Mayor Keith Pekau

Village of Orland Park

Re: New Ethics Ordinance

Mayor Pekau,

As you are aware, I volunteered for and was appointed a Commissioner on the Civic Center Commission. I did so, as a way to give back to my community which I have lived in for almost 40 years. I view the Civic Center as a Conference Center and as you know, I spent 25 years providing executive management of a 12000 square foot Conference Center. Since my retirement, I have also volunteered to serve on several other public Boards as well as other non-profit Boards. I am bound by an Ethics ordinance or Ethics policy for each of those organizations.

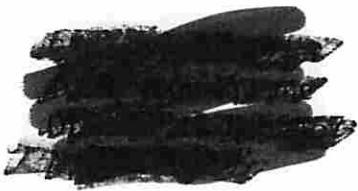
I am deeply troubled by the new Ethics ordinance passed by the Village of Orland Park. I find sections of the Ordinance to be very vague and others to be unnecessarily complex to comply with for someone like myself. The cost and time for me to provide certain information required of me in the ordinance far exceeds my commitment to serve as a Commissioner.

If in fact, this ordinance, as currently written, is not amended to be a more realistic Ethics ordinance, I will need to resign my position as a Commissioner on the Civic Center Commission.

Respectfully,







Honorable Keith Pekau  
Mayor  
Village of Orland Park  
14700 Ravinia Avenue  
Orland Park, IL 60462

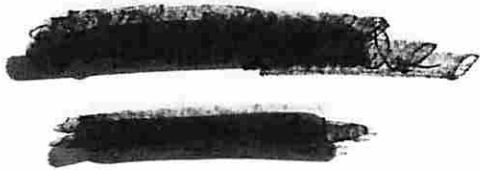
Re: Orland Park Plan Commission

Dear Mayor Pekau:

Recently the Village Board passed an ethics ordinance. I believe that elected and appointed village officials should not be allowed to make decisions affecting the residents of Orland Park when they have a conflict of interest. However I also believe that the ordinance that was enacted goes beyond what is reasonable and appropriate and is a violation of civil rights and the right to privacy.

I am not willing to have all of my personal financial information available to village employees and anyone who files a freedom of information request. Accordingly I hereby resign as a member of the Orland Park Plan Commission effective upon your acceptance of this resignation.

Very Truly Yours,



[REDACTED]

April 23, 2019

Mayor Keith Pekau  
Village of Orland Park  
14700 Ravinia Avenue  
Orland Park, IL 60462

Mayor Pekau:

This letter serves as notice of my resignation from my appointed commissioner position of  
Trustee of the Orland Park Police Pension Fund.

I have enjoyed serving my community and hope to find some other way to volunteer my time in  
the future for the betterment of the Village.

Sincerely,

[REDACTED]

Sent: Monday, April 15, 2019 11:47 AM

To: Keith Pekau <kpekau@groundskpr.com>

Subject: Ethics Ordinance and Civic Center Commission

Hi, Mayor Keith:

I was made aware of and have now read in detail the recent ethics ordinance passed by the trustees of the Village of Orland Park.

While I philosophically agree in principal with the reasons for such an ordinance, this one appears to place significant financial risk to any member of any committee, even for those like mine which is as a unpaid volunteer. I cannot permit myself as a resident and business owner within the Village to be at risk of having to defend myself at my own legal expense for any allegation, founded or not, which is brought by any party at any time perceived to be related to our committee role.

Although I have regularly filed my county ethics disclosure, and have no known conflicts, my 12 year residency and 23 years of business interest in this village would suggest I am both a person of good standing and who can contribute value through my unpaid time and personal commitment.

There has to be a better way to eliminate the political undercurrents of distrust and ill purpose. We should find ways to welcome professional service for those who want to give back to their community, and offer opportunity to do so without added legal costs and financial risks to themselves, their families, or their businesses and employees.

Until such time as a better, less onerous ordinance can be delivered by our Village Board, I believe the new ethics ordinance places too much emphasis on process, legal costs, and penalties that I can personally allow or put my business interests at risk for.

As such, following this Wednesday's scheduled meeting of the Civic Center committee, I ask you and the Village Board to please accept my resignation from this committee. I do greatly appreciate the opportunity given to contribute and am hopeful this ordinance can be addressed in a better manner.

With warm regards,

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May 2, 2019

Dear Mr. Pekau,

Please accept this letter as formal notification that I am resigning from my position as Planning Commissioner with the Village of Orland Park, Effective May 16, 2019.

I have really enjoyed being on a wonderful committee. However; I feel with the New Village Ordinance #5395 it's the ethical standard of conduct that will put me in a disadvantage with all my Business Holdings specifically; Paragraph 9.

Sincerely,

A large, solid black rectangular redaction covers the signature area of the letter.

## Keith Pekau

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**From:** Michael Mikitka <mjmikitka@sbcglobal.net>  
**Sent:** Friday, May 3, 2019 11:48 AM  
**To:** Keith Pekau  
**Subject:** Intent to Resign - EDAB Commission

May 3, 2019

Mayor Keith Pekau  
Village President  
Village of Orland Park

RE: Ordinance #5395 / Ordinance Amending Title 1 Chapter 8 of the Orland Park Village Code  
(Ethical Standards of Conduct)

Dear Mr. Mayor –

Upon review of the recently passed “Ethical Standards of Conduct” ordinance, I regret to inform you that it is my intent to resign from the Economic Development Advisory Board.

While I very much want to support the growth and development of Orland Park, I find the guidelines outlined in the recently passed amendment, to be imperious and overreaching. I would go so far as to say; the existing ordinance discourages our residents from serving in volunteer roles necessary to support Village initiatives.

I have appreciated the opportunity to serve our Village and to get to know our local business leaders. It is my sincere hope the Village’s Trustees rescind this amendment.

Sincerely,

Michael Mikitka  
Orland Park Resident & EDAB Commissioner

P. 708.273.0126

[Redacted]

Orland Park, IL 60467

May 3, 2019

Village of Orland Park Mayor & Trustees  
Attn: Mayor Pekau

RE: LETTER OF RESIGNATION

Dear Mayor & Village of Orland Park Trustees:

Please accept this formal letter of resignation from my position of Village of Orland Park Parks & Recreation Advisory Board effective immediately.

After careful consideration I made the decision to resign after reading Ethics Ordinance 232. It is an invasion of my privacy for a position that I volunteer my time for. Working with the people involved on the advisory board has been a great experience. I have tried to give back some of my time to help improve our programs for future generations and I am grateful to have been a part of this organization.

Sincerely,

[Redacted Signature]

  
Orland Park, IL 60467

May 3, 2019

Village of Orland Park Mayor & Trustees  
Attn: Mayor Pekau

Re: LETTER OF RESIGNATION

Dear Mayor & Village of Orland Park Trustees:

Please accept this formal letter of resignation from my position of Village of Orland Park Parks & Recreation Advisory Board effective immediately.

After careful consideration I made the decision to resign after reading Ethics Ordinance 5395. It is an invasion of my privacy for a position that I volunteer my time for. Working with the people involved on the advisory board has been a great experience. I have tried to give back some of my time to help improve our programs for future generations and I am grateful to have been a part of this organization.

Sincerely,





## Keith Pekau

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**From:** [REDACTED]  
**Sent:** Friday, May 3, 2019 11:48 AM  
**To:** Keith Pekau  
**Subject:** Intent to Resign - EDAB Commission

May 3, 2019

Mayor Keith Pekau  
Village President  
Village of Orland Park

RE: Ordinance #5395 / Ordinance Amending Title 1 Chapter 8 of the Orland Park Village Code (Ethical Standards of Conduct)

Dear Mr. Mayor –

Upon review of the recently passed “Ethical Standards of Conduct” ordinance, I regret to inform you that it is my intent to resign from the Economic Development Advisory Board.

While I very much want to support the growth and development of Orland Park, I find the guidelines outlined in the recently passed amendment, to be imperious and overreaching. I would go so far as to say; the existing ordinance discourages our residents from serving in volunteer roles necessary to support Village initiatives.

I have appreciated the opportunity to serve our Village and to get to know our local business leaders. It is my sincere hope the Village’s Trustees rescind this amendment.

Sincerely,

[REDACTED]  
Orland Park Resident & EDAB Commissioner  
[REDACTED]

## Keith Pekau

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**From:** [REDACTED]  
**Sent:** Monday, May 6, 2019 9:54 AM  
**To:** Keith Pekau  
**Cc:** Jennifer Peterson  
**Subject:** Commission Resignations regarding Ethics Ordinance

Keith:

I value the opportunity that I have been given over the past decade to serve on Village Advisory Boards and help our community grow. However, after studying the new Ethical Standards of Conduct Ordinance I have to reconsider my position. It appears that it places members of Boards, Committees and Commissions in a difficult position. This is especially true if you own a business, property or do business within our Village of Orland Park. I don't think that it is anyone's intention that is currently serving on one of these boards that a liability should be placed on them for performing duties for the Village. These are appointed positions and we are volunteering to serve our community. To be put in Harm's Way for serving the community is not what any of us have signed up for. Our community is very important but our families must come first.

I find this Ordinance to be Duplicative, Overly Restrictive and an example of Government Overreach. It has caused me to rethink my position with the Village Commissions. While I value the opportunity to serve I feel that I must let you know that I am offering you my resignation at this time. It is with a heavy heart as I have always been proud of serving our wonderful Community. I want to Thank You and the Village for all that you have done for me. It has not gone unnoticed. Thank you and have a great week.

**Jennifer Peterson**

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**From:** [REDACTED]  
**Sent:** Sunday, May 5, 2019 11:27 AM  
**To:** Keith Pekau; Mayor - Village of Orland Park  
**Subject:** Letter of Resignation

Village President/Mayor of Orland Park,

I regretfully submit this letter of resignation from my position on the Technology Commission in response to the newly enacted Ethics Ordinance.

As a Commission member, I am not an elected official and receive no compensation for my involvement. I serve by appointment by the Village President/Board of Trustees and voluntarily contribute my time and expertise to my community as a private citizen. I represent only one opinion on a panel of seven members; the Commission serves only to advise, and neither I nor the Commission have any authority or voting power to enact legislation.

With my limited and restricted advisory role, I believe this Ordinance places an undue disclosure burden and threat of liability. This Ordinance is an egregious example of government overreach; a violation of my civil rights, and an intrusion into my private life, my liberty and my freedom. Not only am I being asked to disclose my or my family's business interests, investments, etc., but I am also asked to name those entities thus violating their rights to confidentiality and privacy as well.

Moving forward, my concern is this Ordinance will act as a deterrent from having honest, responsible and talented citizens of Orland Park from participating as future Commission members. I recommend the Ethics Ordinance in its present form undergo significant amendment or a full repeal.

Respectfully Submitted,

[REDACTED]

## Keith Pekau

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**From:** [REDACTED]  
**Sent:** Monday, May 6, 2019 7:40 AM  
**To:** Mayor - Village of Orland Park  
**Subject:** Ethics Ordinance and Intent to Resign as Commissioner

Mayor Pekau,

With regret, I must inform you that because of the recent enactment of Ordinance 5395 "Ethical Standards of Conduct", I will resign my position as Commissioner of the Technology Commission.

This ordinance is one example of government overreaching into the personal lives of ordinary citizens.

As a long-time proud and happy resident of Orland Park, a businessperson with over 42 years of ethical business dealings throughout the Midwest, a Registered Professional Engineer in the State of Illinois and above all else, a solid respectable family man, I will not comply with the ordinance. My reasons for this serious decision are many and I would be happy to discuss them further anytime.

Sincerely,

[REDACTED]  
Orland Park Technology Commission