

**MINUTES OF THE EXECUTIVE SESSION OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ORLAND PARK HELD
ON MAY 20, 2019, AT THE VILLAGE HALL,
AS PART OF A REGULAR MEETING HELD ON MAY 20, 2019**

The roll was called at 8:38 PM.

Present: President Keith Pekau
Village Clerk John C. Mehalek
Trustee Kathleen M. Fenton
Trustee James V. Dodge
Trustee Daniel T. Calandriello
Trustee William R. Healy
Trustee Cynthia Nelson Katsenes
Trustee Michael R. Milani
Interim Village Manager Tom Dubelbeis
Interim Assistant Village Manager Joe Mitchell
Village Attorney E. Kenneth Friker
Human Resources Director Stephana Przybylski
Attorney [REDACTED]
Attorney [REDACTED]

Approval of Minutes

**Pending Litigation Against, Affecting or on Behalf of The Village or When Found by
The Board that Such Action is Probable or Imminent**

Setting a Price for Sale or lease of Village Property

**Collective Negotiating Matters Between The Village and its Employees, or their
Representatives, or Deliberations Concerning Salary Schedules for One or More Classes
of Employees**

Investigation

Jones Day

VERBATIM MINUTES
OF THIS SECTION ONLY

Interim Village Manager Dubelbeis – On the first day as Interim Village Manager about 7 hours into it, [REDACTED] bought up – I’m going to pass these out and I’m going to want them back – she brought up a report from Jones Day (John you only have 8 copies here you’re going to have to look on with someone so pass those around) and we were surprised, didn’t know what they were for.

Mayor Pekau – So you got a report or you got invoices?

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VERBATIM MINUTES (cont.)

Interim Village Manager Dubelbeis – We got invoices. This is how it started. We got invoices from Jones Day. We were trying to ask where they come from, only to find out it was for an internal investigation that was authorized by the Village Manager Joe La Margo into (there it is) the areas covered.

Well, First of all, Joe exercised an engagement letter on January 2nd the areas covered in the preliminary draft report basically were to investigate 2012 bidding for the Emerald Ash Bore (ERA) bidding process, irregularities, and bid rigging, and contract irregularities.

Added to it was later on the Horton insurance for potential conflict of interest between an Elected Official and the insurance company. An inappropriate introduction of a new owner of GroundsKeeper to the Public Works staff - by the former owner. And another potential conflict of interest with the sale of the business to the new owner of GroundsKeeper.

As we reviewed it internally and reviewed some of the correspondence we got from Jones Day they completed the initial report. So in here you've got the engagement letter, you've got the invoices, and you've got the preliminary report from Jones Day. After the preliminary report they had sent another attachment recommending Phase II to continue with the investigation and a recommendation for Phase II would have been an additional \$78,000.00.

So we contacted Jones Day, we asked them about what the relationship is with the Village Manager and what was authorized and that's how we got a copy of the signed engagement letter and then we asked them to provide us various correspondence they had with the Village Manager, which they did, which are not in here because I'm not really sure at this point in time (Non-Audible word) what we're doing. And then Joe Mitchell and I kinda went through the scope, the preliminary draft report several times, we did ask Chief McCarthy to come in and kinda weight in and give us his observations.

It was very clear that any internal investigation we did was not going to be conducted by, formally, by our Police, so I asked Joe to do an investigation. The primary purpose of his investigation was to look into the allegations of bid rigging and inappropriate contract playing. He did that. He has written a report. I'm still kinda digesting it. Once I'm comfortable with it I'll make it available to all of you. And basically the conclusion is for the bid rigging and everything, absolutely nothing found that indicates there was any bid rigging or any unusual influence on getting contracts by the Elected Officials company.

The other three issues really kinda go along the lines of integrity, I guess, more than anything else. The owner of the company, the owner who sold this company brought the new owner around to Public Works and introduced them around. Based on interviews with people in Public Works they never felt any pressure in terms of having to hire these people.

The Elected Official was very clear that it was a potential conflict of interest if he ever voted on anything that GroundsKeeper, the new owner, would get as contracts from the Village and we didn't think there was a conflict there.

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VERBATIM MINUTES (cont.)

The second was with Horton Insurance. There's a lot of reference in here, it really comes down to he said, she said. The bottom line is this, the Horton Insurance contract was put out to bid and Horton won the bid. So we didn't really see any conflict there at all.

The third one was in regard to the actually sale of the business from the previous owner to the new owner. As I read through this I had advised the Elected Official that he might want to take that contact, provided it to an attorney and get an opinion as to whether or not there's a conflict of interest. Klein, Thorpe and Jenkins, I believe, is in the process now of reviewing that and I expect that in the near future the Elected Official will get an, get an opinion as to whether or not there is a potential conflict of interest. If there is, what it is, and what he needs to do to avoid it.

Mayor Pekau – Can I jump in here?

Interim Village Manager Dubelbeis – Huh?

Mayor Pekau – Can I jump in here?

Interim Village Manager Dubelbeis – Yes

Mayor Pekau – To be clear, I stated to Klein Thorpe, that I do have a conflict of interest, there is no question about that. The real question is does the Village have a conflict with letting any things because of my role? (Could not hear comment - because of someone moving speaker – Non-Audible)

Interim Village Manager Dubelbeis – Joe is there anything, so far that I have over looked or something you'd like to add too?

Interim Assistant Village Manager Mitchell – I'm a 25 year veteran to this organization. I call balls and strikes. I don't play politics. I did my investigation it was thorough, it was comprehensive about an allegation 6 years ago about a Village Official who allegedly structured three bids, three bids to gain favor on contracts less than \$5,000.

I have reviewed 158 invoices. Several contracts. I interviewed the individual who made the allegation. Who came forward was not the person who made the allegation but rather a union representative from Public Works.

I interviewed both at lunch. No evidence what-so-ever was provided to me other than the allegations something that occurred six years prior; that's my investigation. Zero evidence.

Interim Village Manager Dubelbeis – So in regards to this report, that portion of the investigation, in my mind is over. As you review that if you think we may be overlooking something or perhaps we should dig deeper, I will bow to your direction. I'd like it to be the consensus of the Board if we're going to take further actions.

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Now, there are some other issues, that, my main goal is to protect the integrity of the Village. And the whole investigation, well here's some of the questions that I've asked Klein Thorpe to look into and give us a documented, their opinion supported by documentation.

Total amount of the invoices is over \$40,000. I believe the Village Manager has the authority up to \$20,000 at that point-in-time he needs to get Board approval. Now I have an email that references three investigations and indeed there were three separate and distinct investigations, \$40,000 would cover them.

So, I'm asking Klein, Thorpe and Jenkins does the Village Manager have the authority to authorize this investigation in first place, I don't know.

I want their opinion, if there is any, in this particular instance, was the Village Manager authorized to spend more than \$20,000, because clearly we have invoices for over \$40,000.

Jones Day provided the services, there is no question in my mind that, you know, they need to be paid. We can take that action after this report on executive session.

If in your opinion the Orland Park Village Manager does not have the authority to authorize the investigation that generated the attached report, is the action criminal?

If in your opinion the action the Orland Park Village Manager is criminal what action/actions would you advise the Village of Orland Park to take?

If indeed it is criminal, I've also asked them to look into the separation agreement to see if indeed is any of the conditions of that were violated.

Clearly, I didn't sign on for this and I'm asking hard questions right now. I'm hoping the answers come back that Joe probably made a mistake and probably needs a stern talking to.

In my opinion, but I am not a lawyer; he didn't think he broke any laws. I think he might have used bad judgement. I think when the opinions come back for Klein Thorpe and Jenkins; I'm hoping that is what the findings are.

I don't know what the finding are going to be and the one thing I asked Klein Thorpe was to let me know if this report is going to generate more than \$20,000 worth of services so that I can come back to you and get the approval to go forward and retain their services to answer those questions. So, that's it in a nut shell.

Trustee Healy – Before we consider paying this bill, is there anything we want from these people. Do we want some more evidence; I mean more documentation of any type or anything, I mean. Now's the time to get it before you pay the bill.

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VERBATIM MINUTES (cont.)

Mayor Pekau – I have a lot more to say than about the bill. But as far as the bill goes these guys are, you know, they're attorneys in the State of Illinois, they may have some knowledge; they should have some knowledge about Joe's authority to spend money, and the State Statute, I believe, is like \$25,000, if I recall when we went through the \$20,000 thing, so he exceeded that.

So I want to know why did they go forth with just a Village Managers opinion. This ties into the report as a whole, which is I would want to ask Klein Thorpe, I don't believe the Village Manager has the authority to investigate any Elected Official. I don't believe he has that authority.

Village Attorney Ken Friker – We'll give you an opinion on that. There's some

Mayor Pekau – So I just, I think we need to know that answer to that. Certainly all three of you said you had nothing, you knew nothing about the investigation, so I'm going to take you at your word on that, that you knew nothing about it.

Trustee Fenton – I mean I knew about the Public Works part, that there was a question, but I didn't know this, all of this. I've never seen this.

Trustee Katsenes – That he hired a law firm? Did anybody know that he hired a law firm?

Trustees Dodge & Katsenes – Talking over each other (Non-Audible)

Trustee Dodge – He's got the authority up to \$20,000, so did he do this in pieces?

Interim Village Manager Dubelbeis – I don't know

Mayor Pekau – Not what I just looked at, it was not in pieces, it was one report.

Interim Village Manager Dubelbeis – We have some, we have some documents.

Trustee Fenton – Two bills were \$36,000.

Trustee Healy – There is one engagement letter.

Interim Village Manager Dubelbeis – We have some documentation from the attorney. We have no documentation from Joe to the attorney.

Trustee Dodge – Well you guys got work to do, so.

Interim Village Manager Dubelbeis – There may be more documentation we can get from the attorneys, I'll pursue that. They know that

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VERBATIM MINUTES (cont.)

Trustee Dodge – So this is the sum total of their work product?

Interim Assistant Village Manager Mitchell – That is correct.

Trustee Calandriello – Do we ask, I mean,

Trustee Dodge & Interim Assistant Village Manager Mitchell – Spoke at the same time in the background while Trustee Calandriello was speaking (Non-Audible)

Trustee Calandriello – I have two questions and I don't know the answers, first of all, do we want, are we putting Ken and his peers in a bad situation because in the end of it all we pay Ken's firm a lot of money. Do we need an outside to, I don't want to put pressure on them to do the right answer, whatever, this Board wants. Do we have to, this sounds funny, get another attorney to tie everything up and get the opinions.

And then B - I mean, we do now have an attorney, Jones Day, which is a great law firm, saying that they viewed this before the review. Do we want to go the next step, so this closes a chapter and clears it or, you know, get to the end of it? Those questions I don't know the answers to, because it says at the end of the report that they recommend further investigation.

Interim Village Manager Dubelbeis – In regards to the bid rigging and the contracts, I don't think we need to pursue that anymore. I think that's put to bed.

The other issues that really comes down to more conflict of interest than anything else and some of it's a he said, she said. I suppose we can go interview people at Horton and staff to find out exactly what happened, but I don't know how complete that would be and it's going to cost us time and money to do it.

The Public Works allegations were the new owner was brought in, it's very clear in the report that nobody felt any pressure. They kinda felt it was business as usually. It's not unusual for prior owner to bring in new owner of a business in and introduce him around and kinda transition the client, so to speak.

And the fourth allegation, which, I believe the Elected Official, is in the process of getting an opinion. So if you want to continue along these lines, we can do it, but it costs a ton of money, and I don't think the answer is going to be any different.

Trustee Katsenes – Here's the thing, maybe because I'm new, I don't get it. Like under whose authority would Joe be able to do that? Maybe I'm relating too much like a Fire Chief roll but. Under whose authority would Joe be able to independently go and start investigating you or me or you or anybody else? I mean, how does, how does it go from thinking about it to doing it? Doesn't he need somebody that like say its ok? I don't know?

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VERBATIM MINUTES (cont.)

Trustee Fenton – You’d have to ask that gentlemen.

Several people were talking all at once – Non-Audible

Interim Village Manager Dubelbeis – We’re going to get that, we’re going to get that whether or not he had the authority. That’s my take on it.

Mayor Pekau – There’s the leak

Interim Village Manager Dubelbeis – Pardon me

Mayor Pekau – Now I know where the leaked emails came from, it came from this report. So not only did he go into this investigation, then he leaked the information out. And sorry I’m a little bit angry.

Interim Village Manager Dubelbeis – What Keith is referring to is during one of the Board meetings, Trustee Carroll was making reference to an email from the Board floor and I don’t remember

Mayor Pekau – It was a Glen Horton email.

Interim Village Manager Dubelbeis – Glen Horton email and you know, as we went through the documentation that we got from this report that email came from this report but somehow was disclosed to Trustee Carroll. We have not truly; I would say that the investigation is on-going, because we are going to have to find out what the paper trail is of that email. That’s something that we can and will do internally. And when we’re, when we’re comfortable that we’ve got the results and we can document and support the results then we will report back to you on that as well.

Alright, getting back, I’m authorized to spend up to \$20,000 without really telling you what I’m doing, but as a curtsey I will. In my mind, I think Joe may have been authorized to do something along these lines, if it was an employee. It’s really a fuzzy line when it comes to an Elected Official. Don’t know, I haven’t been involved with anything like this. But clearly he was authorized to spend up to \$20,000. I think the cost got away from him. I don’t think he realized that it had gone beyond his spending limit, but I’m guessing, and the truth of the matter is – he exceeded his spending limit and is there any other condition regarding this report that he could do that.

Mayor Pekau – Were you ever briefed on this, by him?

Interim Village Manager Dubelbeis – No

Mayor Pekau – You were briefed on everything and you weren’t briefed on this?

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VERBATIM MINUTES (cont.)

Interim Village Manager Dubelbeis – No

Mayor Pekau – So, this report was not going to see the light of day, except for the fact that you saw the invoice.

Interim Village Manager Dubelbeis – I can't say that for a fact. There was a lot going on

Mayor Pekau – That's a reasonable assumption, I understand that's not a fact, but it's, it is a conclusion that within the realm of possibility.

Interim Village Manager Dubelbeis – It's certainly within the realm of possibility, but I could not

Mayor Pekau – If this was a \$15,000 invoice, for example, it wouldn't have come up to your desk.

Interim Village Manager Dubelbeis – If this was a \$15,000 invoice then we probably wouldn't be aware that this happened.

Interim Assistant Village Manager Mitchell – Can I speak freely for a second? I disagree with that because quite a few people were interviewed during this process, so word is going to come back to us at some point addressing the concerns. Ok, cause that's what happens.

Secondly, I agree with Dan Calandriello that the fact that I think Klein, Thorpe & Jenkins is a conflict because they may at some point have to render decision if the severance package is in jeopardy. I think an outside firm has to look at this and provide independent opinion and then provide to Klein, Thorpe & Jenkins, that's just my opinion based on my experience.

Trustee Healy – Can I just

Mayor Pekau – I'm sorry

Trustee Healy – It's personal

Mayor Pekau – This is pretty, yea pretty personal. I mean I'm reading the insurance company and this is just flat out not true. So, so the person making the complaint hiring the attorney and the only witness is used to try and hang me. No due process. No interview with me. To say I'm just a bit pissed-off is putting it mildly and yes, this needs to be investigated.

Interim Village Manager Dubelbeis – So would you prefer that I have Klein Thorpe stand down and retain another firm to answer the questions that I read to you earlier, is that your direction?

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VERBATIM MINUTES (cont.)

Mayor Pekau – I think I would follow Deputy Chief Mitchell's advice on this; he's done a lot investigations. But I think we have to know, I mean if he violated the law then if that violates his separation agreement, that's his problem - he's a grown man. He didn't get the approval of the Board and if he didn't have your three votes, even if he had the other three he didn't have enough to get it done.

Trustee Dodge – We never voted on this.

Mayor Pekau – That's what I'm saying.

Trustee Healy – Ken, he wouldn't have brought this to you guys first? Somehow he ended up downtown at this company.

Village Attorney Friker – No, we didn't hear about this until after.

Trustee Katsenes – You knew nothing about this?

Interim Village Manager Dubelbeis – I believe Dennis Walsh may have reviewed the engagement letter. But when you read the engagement letter it's a little ambiguous and I don't think it was providing any other detail, in terms of what the investigation or what this was authorizing.

Village Attorney Friker – I think that was after the fact.

Interim Village Manager Dubelbeis – After the fact.

Village Attorney Friker – Yes

Interim Village Manager Dubelbeis – Ok

Village Attorney Friker – We received it. We weren't asked to comment, Dennis wasn't either.

Trustee Katsenes – Joe, you had said earlier about you had talked to people, were you also involved in this investigation?

Interim Assistant Village Manager Mitchell – Absolutely not. The first time I heard about it was when Annmarie walked in his office, my first day on the job, and I was thinking what the heck did I get myself involved in. So,

Trustee Katsenes – So you didn't know anything about it, but

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VERBATIM MINUTES (cont.)

Interim Assistant Village Manager Mitchell – No I had no idea, but I was, I was just trying to find the Interim Village Manager to conduct an investigation, he is my boss
I have to follow his

Trustee Katsenes – Understood

Interim Assistant Village Manager Mitchell – So that's what I did, I conducted my investigation. With his direction.

Trustee Katsenes – After you knew this, after you knew this existed, independently.

Interim Assistant Village Manager Mitchell - Yea, I mean I had no idea; I was completely in the dark until he brought it to my attention. So, at that point he instructed me to look into one of the allegations because it was incomplete, inconclusive, so he asked me to review it, so I did, at his direction. Does that make sense?

Trustee Katsenes – Yes it does. But he never contacted Joe La Margo or the Police Department, Chief McCarthy that you are aware of?

Interim Assistant Village Manager Mitchell – I am not aware of anything. I had meetings with Joe La Margo, he briefed me on things that were going on, but this never came up, he never discussed this at all, so I was blind-sided.

Trustee Healy – We don't know if this was an isolated incidence too over the last

Interim Assistant Village Manager Mitchell - Mr. Healy, I have no idea, I'll be honest with you, I just following the directions of the Interim Village Manager.

Several people were speaking - Non-Audible

Trustee Katsenes – But this could have been bundled in 4 - 10's and you would never know.

Trustee Dodge – And Joe you said no evidence, right?

Interim Assistant Village Manager Mitchell - There was zero evidence for the structured bidding for \$25.00 or less. This again came from a Union Representative having a conversation with a Public Works employee at lunch one day. They discussed this potential Ethic ordinance back in January of 2019. This Union Representative brought it to the attention of Joe La Margo, who then summoned this Public Works employee to his office. At which point he asked him to bring any and all evidence that he had of this allegation. He produced none, he just said that back in around 2012 when he was an employee there, there were several low bids where GroundsKeeper was \$25.00 less than the lowest bidder, not the close bidder, and they made a joke about GroundsKeeper got the bid again. On three awarded contracts, that was it. No evidence, I conducted a very thorough

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VERBATIM MINUTES (cont.)

Trustee Dodge –Literally a he said, she said.

Interim Assistant Village Manager Mitchell - He said, she said, and I conducted a very thorough analysis of all emails with this

Mayor Pekau – Sorry – But so a union member went to a union official with this or maybe the union official dragged it out during the election campaign that the union was backing their opponents and their running attacks on me personally?

Interim Assistant Village Manager Mitchell – I’m not going to make any assumptions about that sir, but obviously you’re a bright individual, so you can put the pieces together there. But anyways, so he came in here, he provided zero evidence of such. This particular employee at Public Works did say that the EAB program was on the up and up; there were no issues what-so-ever the way GroundsKeeper had won that bid. But never-the-less they did conduct an investigation on both matters and a report dictates that

Trustee Dodge – So rumor?

Interim Assistant Village Manager Mitchell - It’s rumor sir, based on that allegation.

Trustee Dodge – That’s why I’m asking.

Mayor Pekau – I was going to say and the other thing as I recall the items that you say showed up in two mailers from Paul O’Grady. Same information, almost point, by point, by point.

Trustee Fenton – Don’t look at me.

Trustee Katsenes – What’s the leak?

Mayor Pekau – What’s the leak? I don’t think it’s real hard to figure out.

Interim Village Manager Dubelbeis – Ok so, regarding my action is

Several people speaking - Non-Audible

Trustee Healy – I’m sorry – Is official misconduct criminal?

Interim Assistant Village Manager Mitchell - Official misconduct is in fact criminal but is this official misconduct that an individual conducts an investigation based on allegations that come forth? That’s up to an attorney to decide. Is it misappropriation of funds? I don’t know. Is it the intent to gain favor on that? Again that’s entirely up to another firm to decide. But is there any criminal charges with him? No, even if he (forgive me) even if he committed these acts, the statute of limitations is three years.

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VERBATIM MINUTES (cont.)

Trustee Dodge – And no evidence.

Interim Assistant Village Manager Mitchell – But even if we found evidence, I couldn't charge the Village Official because it's past three years.

The statute of limitations on this particular bid rigging is three years.

If I knew about this in 2015, you know, there's potential for arrest. Afterwards, if he came in and walked in today, and said Joe, I did everything they said, there is nothing I could do. Make scene?

Trustee Fenton – I have a question based on something you just said

Interim Assistant Village Manager Mitchell – Sure

Trustee Fenton – Because you seem to be connecting the dots or whatever. So he, I don't want to assume anything because it makes an ass out of everybody but; so from what I'm understanding is he pursued this investigation based on the individuals from Public Works coming to him with the rumors/allegations whatever.

Interim Assistant Village Manager Mitchell – That is correct. Based on that one particular situation involving structuring bids less than \$25.00.

Trustee Fenton – Ok, so

Interim Assistant Village Manager Mitchell – That particular one and the EAB one too.

Trustee Fenton – So he was pursuing, what he was told by staff, not knowing what the outcome was going be.

Interim Assistant Village Manager Mitchell – I can only make that assumption, but based on what I have seen so far, they brought it to him and he conducted the investigation.

President Pekau – His complaint certainly didn't come from them.

Something was said while Interim Village Manager Dubelbeis was speaking - Non-Audible

Interim Village Manager Dubelbeis – Two items were added after the initial investigation started. The one was the Horton Insurance in regard to the contract there was discussion about being sole source or good.

Trustee Fenton – That was on the Board floor.

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VERBATIM MINUTES (cont.)

Mayor Pekau – No, that wasn't on the Board floor.

Trustee Fenton – Yea, it was.

Mayor Pekau – He gave it to the Finance Committee, Joe did. Joe said it, it was a he said, she said. It was said on the Board floor by Mike Carroll but it came from Joe La Margo.

Joe La Margo made this allegation to investigate apparently in 2019 from something that happened in February, 2018? Wouldn't it have been important enough to investigate then?

Plus, plus the conversation that we had that he says in here is absolutely bull shit. I can tell you that right now.

Joe La Margo actually asked me if we should go no bid, because of all the work Horton had been doing to save money. And I said Joe, I can see where you're going with this, but I have to recuse myself, so ask the Board.

Trustee Fenton – Right, I remember that.

Mayor Pekau – That's exactly how that conversation went.

Interim Village Manager Dubelbeis – The second item that was added after the fact was the potential conflict of interest regarding the actual sale between Keith and the new owner of GroundsKeeper.

So those were added after the fact and I can only assume that it added more expense to it.

I think what happened is, you know, he lost track of what the expenses are.

So, my take away from this is I'm going to ask Klein Thorpe to stand down and we'll find another attorney to do an independent investigation.

Trustee Dodge – Of the independent investigation.

Mayor Pekau – Of the investigation.

Trustee Dodge - Which we've already had a cop basically saying no evidence.

People talking all together - Non-Audible

Interim Assistant Village Manager Mitchell – If may

People talking all together - Non-Audible

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VERBATIM MINUTES (cont.)

Trustee Dodge – Just to make sure I got the story right.

Interim Assistant Village Manager Mitchell – It's not the Independent Investigation, please review my report, I addressed about the recommendations, in the bottom of the report, in my report. That is direction. But it's to investigate the actions of the individual who launched the investigation. Not the independent investigation itself.

Someone said - So it's new investigation

Interim Assistant Village Manager Mitchell – It's pertaining to if Joe La Margo was his actions were in fact in violation of State Statute or Village Ordinance.

Trustee Katsenes – If somebody conducts a confidential report, that nobody doesn't know about, but then the information in the report is leaked to other sources, but yet the people paying the report didn't even know about it, meaning the Trustees.

Someone said – Right, there was confidential information that could have only been getting

Interim Village Manager Dubelbeis – We are going to start looking into that in terms of what the paper trail is. How the paper got to Trustee Carroll.

Trustee Dodge – Because all of our Village communication I email are FOIA-able.

Mayor Pekau – There FOIA-able, but. So my email is FOIAed. So exactly, it wasn't FOIAed someone took it off the server.

I have by law, the Mayor is the only one that has the right to all information including work product. I could go grab someone's computer (I wouldn't do that) unless there was something really criminal that we were trying to uncover, but I would certainly talk to the attorney's first.

I've had this discussion with [REDACTED], because I was concerned about emails leaking out of the Village that weren't FOIAed. And he said no one has made this request, and if anyone made this request, none of us down here would do it because it's illegal.

So that was his comment at that time and he said even if you came and made the request and you have access to the records, I would say no, let's go talk to the attorney, and that was [REDACTED]. [REDACTED] wasn't afraid of his position.

Somebody else may be, oh this is an official investigation and you need to give me this, and so they give him the information. We know, I know when that email was taken off because I have a copy of what Mike Carroll gave. So I know when it came off the server. It came off the server February 19th. I had already given that to Tom to ask him to look into as a

Interim Village Manager Dubelbeis – As an investigation.

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VERBATIM MINUTES (cont.)

Mayor Pekau – Something to look into, how did this get into some hands and then all of a sudden now we have a report.

Trustee Dodge – Joe is that what you looked at?

Interim Assistant Village Manager Mitchell – My charter was simply looking at structured \$25.00 or less, structured bids, exactly \$25.00 less than the lowest next bidder and the recommendations. I didn't go any further than that.

Trustee Dodge – It was just that narrow?

Interim Assistant Village Manager Mitchell – Just that narrow.

Trustee Dodge – No evidence.

Interim Assistant Village Manager Mitchell – No evidence what-so-ever.

Trustee Dodge – Ok

Interim Village Manager Dubelbeis – However, now I'm going to start trying to finding out what the paper trail is for that email that really seemed to come from this investigation. And, if it came from this investigation and it got to Mike Carroll, which it seems what happened, what's the paper trail. So we're going to start looking into that.

And we're going to start looking into, well at your direction, we should be looking into the actions of the Village Manager, whether or not it was authorized, whether or not he had the authority to do it, whether or not he exceeded his spending limit.

Mayor Pekau – Could I make a request?

Interim Village Manager Dubelbeis – Sure

Mayor Pekau – Because there is a couple of, in scanning this, there is a couple of opened ended items. They say that you should interview Village Official. Well, I'd like to be interviewed regarding the Horton. I'd like to be interviewed regarding the introduction to the guy who owns the business. Just because I don't want any holes on record. This is going to become FOIA-able and then someone is going to say, well

Trustee Dodge – Well, speaking of that, I don't want a copy, so when you guys done with your paper.

Interim Village Manager Dubelbeis – There all coming back to me.

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Trustee Dodge – I will come in and give it a proper reading at the Village Hall with a witness in the room.

Mayor Pekau – I would like to be interviewed and then I would like to follow-up based on our interview with the people you think I should follow-up with. It shouldn't take very long. My request - personally.

Trustee Healy – Tom, I got a question. How did this make to the approved payable's list? Someone approved it.

Interim Village Manager Dubelbeis – That's on me. They provided the service.

Trustee Dodge – Which is my question? They did the work.

Interim Village Manager Dubelbeis – They did the work, they provided the service. In my mind I thought they should get paid. In retrospect, I wish I had withheld it; I made a mistake that should have never been on the Board tonight.

Trustee Healy – There was no purchase order or anything like that generated?

Interim Village Manager Dubelbeis – Not that I am aware of. This was authorized by the engagement letter.

Trustee Calandriello – Keith, do you want Joe to interview, so it's the same people?

Mayor Pekau – No, they asked us to follow-up and he's been following up. I don't way to spend \$900.00 an hour.

Trustee Calandriello – I got you.

Mayor Pekau – I'm comfortable with, I mean Joe Mitchells done the follow-up on all the open items so far. I'm comfortable with him doing the interview.

Trustee Calandriello – Are you comfortable with the Deputy Chief interviewing the Mayor?

Interim Village Manager Dubelbeis – I'll determine whether or not

Interim Assistant Village Manager Mitchell – I'll take direction from the Interim Village Manager.

Interim Village Manager Dubelbeis – Joe and I will talk about it because it's more than just talking to Official A. Then if that's the direction it's probably something we should do. But if we are going to talk to Official A, there might one or two other people who we'd want to talk to as well because if we talk to Official A, we got Official's A's word.

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I trust Official A, but to really have a good idea of what's going on we need more than Official A. We need to talk to other people that were involved. It might be staff, and probably, maybe one staff member, maybe someone from Horton. So if we are going to go down path, I'm not an investigator by nature, so I will talk to my Interim Assistant Village Manager who is and he'll advise me on the best way to go about it and that's what we will do.

Is that the direction we're getting?

Mayor Pekau – I just don't want to spend damn money.

Trustee Katsenes – Yea.

Trustee Fenton – Well you have a \$36,353.50 bill to approve tonight.

Mayor Pekau – I still want to know how they – As a law firm as big as them, how they don't know he exceeded his authority?

Trustee Dodge – I don't mind holding off till maybe these guys give more clarity.

Everyone was talking Non-Audible

Trustee Healy – That's a Billion Dollar law firm; they're not going to miss a lunch over this. They'll be fine for another couple of weeks.

Trustee Dodge – If we were pretty damn good about paying our bills quickly, I don't have a problem with these guys, poking at them to say, ok talk to us. How'd we get to \$30,000? I don't have a problem with that, after hearing this discussion, I don't have a problem with delaying. I was just trying to stay on our normal policy, where we don't fart around sitting on cash, hurting businesses.

Mayor Pekau – And I do think the outside investigation of the conduct of this investigation needs to be done quickly, because there's separation agreement payments being made right now. And we will need to stop those if this comes back with any criminal act.

Interim Village Manager Dubelbeis – Ok, so let me make sure I understand the direction.

We are going to interview Keith, perhaps one or two Village staff people, perhaps one or two people from Horton.

We are going to look into the paper trail of how this email got to Trustee Carroll.

We're going to retain, we're going to ask Klein, Thorpe and Jenkins to stand down.

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We're going to appoint an independent attorney to review what I had asked Klein Thorpe to do.

Interim Village Manager Dubelbeis - Is that my direction?

Trustee Dodge – Fine with me

Trustee Fenton – Fine

Trustee Dodge – Gota get answers

Trustee Katsenes – Sounds like what we talked about.

Interim Village Manager Dubelbeis - Did I miss anything Joe?

Trustee Healy – Can we come in and read the document's at our leisure?

Interim Village Manager Dubelbeis – Yes, Joe and I will each have one and when you come in to read them, if you don't mind us doing other work while you're reading them. We just don't want them leaving our possession, so to speak.

Mayor Pekau – My other questions, none of us are protected by executive session or closed session.

I always thought their reason was to protect the public, now I'm feeling it's to protect me. But these things, you can't have a Robert Muller investigation without at least saying we're having a Robert Muller investigation going on. At least we don't have to say what it is, but there's an investigation going on. Am I not correct on that - that executives - that Elected Officials are not covered by closed session?

Village Attorney Friker – Well, I don't know what you mean by covered.

Mayor Pekau – I mean we can't talk about that because we are not employees.

Trustee Katsenes – But workman's comp they are.

Mayor Pekau – Do you see what I'm saying.

Village Attorney Friker – In closed session, there's nothing that prevents any of us, any person from

Mayor Pekau – I mean right now the discussion is about Village Manager La Margo's conduct so we can have that discussion. My point is the recording itself it's FOIA-able.

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VERBATIM MINUTES (cont.)

Village Attorney Friker – [REDACTED]

Mayor Pekau – Is this going to get FOIAed after tonight after the investigation was on the AP.

Trustee Dodge – There is a barrier there, right.

Interim Village Manager Dubelbeis – It's an on-going investigation.

Trustee Dodge – They can't FOIA, they won't get it through FOIA.

Village Attorney Friker – [REDACTED].

Interim Village Manager Dubelbeis – It's an on-g[REDACTED] [REDACTED].

Village Attorney Friker – [REDACTED]

Trustee Healy – Are they waiting for us?

Mayor Pekau - Maybe

Interim Village Manager Dubelbeis – Well, I really caution you, at this point in time - there is no evidence of any wrong doing by Joe. Everything that we talk about is speculation. I'm sure we have all our own feeling on this, but until we get something back concrete, there is no evidence of any wrong doing. So let's just kinda put that out of our mind for now and let's do our due diligence and see where things fall.

Adjourn Executive Session – 10:10 PM

Trustee Dodge moved, seconded by Trustee Calandriello to adjourn the meeting.

On a roll call vote, Trustees Dodge, Calandriello, Fenton, Healy, Katsenes, Milani and President Pekau voted aye. No negative votes. Whereupon President Pekau declared the motion carried and the meeting adjourned.

APPROVED: June 17, 2019

/s/ John C. Mehalek

John C. Mehalek, Village Clerk