

**MINUTES OF THE OPEN SESSION OF THE SPECIAL MEETING OF
THE ETHICS COMMISSION OF THE ROCHESTER PUBLIC LIBRARY DISTRICT**

Date and Time: March 15, 2025, 10:00 a.m.

Location: Rochester Public Library Community Room, located at 1 Community Drive, Rochester, Illinois

Meeting Called to Order: 10:00 a.m. by Commissioner McWard

Commissioners Present: David Hicks, Monroe McWard, Maggie Patterson

Visitors: Brian Costin, Deputy State Director, Americans For Prosperity -Illinois ("AFPI")
Janet McAllister, Rochester Public Library Director
Robert J. Tepatti, Rochester Public Library District Trustee
Kimberly Kurtenbach, Rochester Public Library District Trustee

Approve Minutes of Last Meeting:

- A. Motion made by Commissioner McWard to approve the Minutes of the Open Session of 1/27/25 Special Meeting. Motion Seconded by Commissioner Hicks. Minutes of the Open Session of 1/27/25 Special Meeting approved by unanimous vote.
- B. Motion made by Commissioner McWard to approve the Minutes of the Closed Session of 1/27/25 Special Meeting. Motion Seconded by Commissioner Patterson. Minutes of the Closed Session of 1/27/25 Special Meeting approved by unanimous vote.

Floor Opened For Public Comment:

- a. Brian Costin of Americans For Prosperity - Illinois: He received the Amended Notice of 3/15/25 Special Meeting a few days ago. The Amended Notice does not comply with the Open Meetings Act. The Amended Notice fails to identify each individual who is to be interviewed during the closed session of the Special Meeting. The Amended Notice initially indicates that the Ethics Commission will conduct its deliberations in closed session but subsequently indicates the Ethics Commission will conduct deliberations in open session. Proceeding with the Special Meeting would violate the Open

Meetings Act due to ambiguity in the Amended Notice. Requests that he be allowed to attend and participate in the Commission's deliberations.

- b. Commission legal counsel: Costin is correct in that there is a typographical error in the Notice of Special Meeting.
- c. Commissioner McWard: He is inclined to adjourn the Special Meeting in light of issues raised by Costin and possibility of litigation.
- d. Costin: The Amended Notice suggests that some of the individuals named in AFP-I's Formal Ethics Complaint have already been interviewed. Concerned about witnesses testifying in the presence of other witnesses and the Commission not separately considering each individual allegation made against each individual named in AFP-I's Ethics Complaint.
- e. Commission legal counsel: No individuals have been interviewed. The purpose of this Special Meeting is to allow the Commission to interview all of the individuals named in the Ethics Complaint who fall within the Ethics Commission's jurisdiction. Each individual is to be interviewed by the Ethics Commission privately with no other witnesses present. Interviews and deliberations will be conducted in closed session pursuant to 5 ILCS 120/2(c) 1 and 5 ILCS 120/2(c)(4)
- f. Costin: Thanked counsel for clarification. If an investigation into the Ethics Complaint is beyond the Ethics Commission's expertise, the Ethics Commission could refer the matter to the State's Attorney or Illinois State Police Governmental Corruption Unit for investigation.
- g. Commission legal counsel: Would Costin be willing to answer a few questions? On December 5, 2024, AFP-I issued a press release stating it had called upon the Sangamon County State's Attorney to open an investigation into the matters raised by AFPI's Ethics Complaint. Has AFP-I asked the State's Attorney to open an investigation? What response did AFP-I receive from the State's Attorney?
- h. Costin: AFP-I asked the Sangamon County State's Attorney to investigate the matters raised in the AFP-I Ethics Complaint as indicated in the December 5, 2024 press release. In response, AFP-I received a letter from the Office of the Sangamon County State's Attorney saying, "We will look into it." In the intervening months, AFP-I has received no further response from

the State's Attorney. AFP-I has also asked the Illinois State Police Governmental Corruption Unit to open an investigation into the matters raised by the AFP-I Ethics Complaint. Costin declined to state the nature of the response AFP-I received from the State Police.

- i. Commission legal counsel: Costin has repeatedly stated to the Ethics Commission that this was one of the most widespread cases of misconduct he has seen. In light of his representations, would Costin provide specifics as to his experience in addressing cases of improper electioneering.
- j. Costin: Reviewed his background in investigations into governmental corruption under the Rauner administration, noting he had won an award as a "Top Watch Dog". Some of Costin's work for which he received his "Top Watch Dog" award involved improper electioneering.
- k. Costin: During its deliberations, the Commission cannot employ a "shotgun approach" when addressing the allegations in the Ethics Complaint and, instead, must separately consider each allegation made against each individual named in the Ethics Complaint. The Ethics Commission must conduct its deliberations publicly, in open session.
- l. Commission legal counsel: The Ethics Commission intends to interview each person named in the Ethic's Complaint in closed session. After receiving testimony, the Ethics Commission, as a "quasi-adjudicative body", may conduct its deliberations in closed session. During its deliberations, the Ethics Commission will first make "findings of fact" with respect to each factual allegation against each individual named in the Ethics Complaint. During this step, the Ethic's Commission will decide whether an individual committed the act they are accused of committing in each specific allegation. After the Ethics Commission completed its findings of fact, it will make "conclusions of law" in which the Ethics Commission will decide whether a proven act violated the Rochester Public Library District's Ethics Ordinance. If the Ethics Commission finds that an individual has violated the Ethics Ordinance, it will then decide what recommendations it should make, such as referral to the State's Attorney's Office, disciplinary actions or some other remedial action. Finally, the Ethics Commission would prepare a report setting forth its findings of fact, conclusions of law, recommendations and deliberative reasoning and make the same available to the public as required by 5 ILCS 120/2(c)(4).

- m. Costin: Counsel's explanation of the process to be utilized by the Commission satisfied his concerns. Ultimately, the Attorney General's office would determine whether the Notice of the 3/15/2025 Special Meeting met the requirements of the Open Meetings Act.
- n. Janet McAllister, Rochester Public Library Director: McAllister has obtained advice from Ancel Glink law firm. Ancel Glink advised McAllister that Costin has been acting as a "prosecutor" rather than as a participant and, thus, he should not be present during the Ethics Commission's deliberation. McAllister states that Costin has filed other suits alleging violations of the Open Meetings Act and they were dismissed. The allegations made against McAllister have harmed her reputation as a library administrator.
- o. Bob Tepatti, Rochester Public Library District Trustee: Tepatti does not want Costin involved in the Ethics Commission's deliberations. The individuals named in the Ethics Complaint have privacy rights. The Ethics Commission needs to enact by-laws limiting public comment to 5 minutes per speaker and 25 minutes total.
- p. Kimberly Kurtenbach, Rochester Public Library District Trustee: Asked Ethics Commission to proceed with the portion of the Special Meeting where the Ethics Commission would question trustees and employees named in the Ethics Complaint.

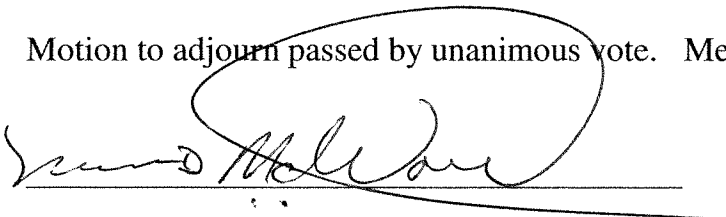
Floor Closed for Public Comment.

Adjournment:

Motion made by Commissioner McWard to adjourn the Special Meeting due to potential litigation. Motion seconded by Commissioner Hicks.

Commissioner Patterson. Concerned about proceeding with the Special meeting will open the possibility of additional litigation from AFP-I.

Motion to adjourn passed by unanimous vote. Meeting adjourned at 10:50 a.m.

A handwritten signature in dark ink, appearing to read "David McWard", is written over a horizontal line.A handwritten signature in dark ink, appearing to read "Maggie Patterson", is written.