

5-28-2014

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Recommended Citation

unknown, "Klein, Thorpe, & Jenkins: Orland Park Public Library Fight – Part 6 -" (2014). *Orland Park Public Library (Illinois)*, 2013. Paper 219.

http://dc.uwm.edu/orland_park_library_challenge/219

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May 28, 2014 · 4 Comments



ORLAND PARK, IL. ([ECWd](#)) -

#2. Approving restrictions to Public Comment that are unreasonable and not allowed under the OMA.

Dennis G. Walsh was the attorney present on February 12th, 2014 when the OPPL-BoT voted during the illegal meeting to pass new restrictions on public comment that are not reasonable.

Some of these were:

- giving preference to residents of Orland Park to speak before people who are non-residents (which is expressly forbidden by the OMA);
- requiring people wishing to speak to give their full addresses (also not allowed by the OMA as it is a form of intimidation designed to be a chilling effect on speakers during Public Comment);
- banning people from speaking about the same subject more than once in Public Comment (also not a reasonable restriction);
- and forbidding the public from using electrical outlets during Board meetings (not allowed under the OMA either).

How could a competent attorney allow this Board to even consider passing restrictions such as these that clearly violate the OMA? You are reminded that the OPPL-BoT has paid almost \$100,000 at this point for this sort of legal advice from the firm of Klein, Thorpe, & Jenkins.

#1. Not advising this public board that it digs itself deeper and deeper into a crisis of its own making week after week, month after month.

Shouldn't the Board's attorneys at some point say to the OPPL-BoT that they have a professional duty to inform them that the strategy they've been running is folly, and that month after month they just get themselves in more trouble with the Attorney General's office and the public?

For instance, at this point in the end of May 2014, the PAC has now issued two letters of determination stating that the OPPL-BoT violated the Open Meetings Act in both January and February of this year. Yet, at the first Board Meeting after these determinations came down, Board President Nancy Wendt Healy made no apology for the Board's lawbreaking and instead read off a statement prepared (or at least approved) by Klein, Thorp, & Jenkins in which Healy defiantly said on 5/19/14 that the PAC's opinions are non-binding and are more or less just suggestions.

This seems to indicate that the OPPL-BoT does not take the OMA seriously and has no intention of following the law going forward. Separate complaints pertaining to OMA violations that occurred during the 3/17/14, 4/21/14, and 5/19/14 OPPL-BoT meetings are awaiting determinations from the PAC...in addition to ten or more Requests for Review (that we know of) which are being investigated for the OPPL-BoT's ongoing FOIA violations.

This defiance is not normal behavior for a Board. Most public bodies are horrified when they are found to have violated the law and take immediate steps to ensure that they never commit those violations again. The OPPL-BoT in contrast seems to look for new ways to violate the law month after month, with their attorneys at Klein, Thorpe, & Jenkins egging them on...and why not? It's only your money they are spending on this "legal" advice.

Why is this happening?

The simple answer seems to be: **money**. Let's consider the possibility that Klein, Thorpe, & Jenkins sees the OPPL-BoT as a limitless gold mine of legal fees. The more times the Board violates the OMA, the higher the legal fees to Klein, Thorpe, & Jenkins will be for attorneys like Friker, Walsh, and Fessler as they complete all the paperwork and file the OPPL-BoT's weak excuses for their lawbreaking. It appears that KTJ may be advising this Board that there are never any real consequences for violating the OMA, despite the OMA carrying with it a Class-C misdemeanor for a Board's violations of the law. If KTJ is confident that the state's attorney will never prosecute OMA violations, then the attorneys at this firm could reasonably believe they have uncovered a treasure trove of never-ending legal fees: 1) just keep encouraging the Board to break the law, 2) assure the Board there is no real consequence for breaking the law, and 3) watch the money roll in as the Board requires outrageous billable hours to handle the ensuing mess.

What a racket!

And the question begs: is Klein, Thorpe, & Jenkins the only law firm in our state engaged in this money making scheme that profits off OMA violations or is this kind of thing happening wherever public bodies flagrantly and unapologetically violate the law?