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Attorney General continues investigation of library's Feb. 12 special meeting

Bill Jones
The Orland Park Prairie

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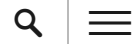
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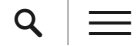
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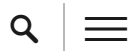
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Bill Jones, Editor

5:05 pm CDT March 24, 2014

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
Despite the Orland Park Public Library Board of Trustees' successful vote to ratify and confirm the action taken at its Feb. 12 special meeting, the issues of that meeting may not have been laid to rest just yet, at least in the eyes of the Illinois Attorney General's Office.

The Attorney General's Public Access Counselor's Office received a formal Request for Review Thursday, Feb. 13, signed by Megan Fox, alleging that on Feb. 12, the board held "an illegal special session meeting on a legal holiday without proper notice to the public," seeking "an investigation, opinion, nullification of the decisions made at this meeting and pursuit of criminal charges against the board members ..." according to a document provided by Illinois Attorney General Communications Director Natalie Bauer.

To support her claims, Fox provided the Attorney General with documents showing both the Circuit Court of Cook County and Secretary of State recognize Lincoln's Birthday (Feb. 12) as a legal holiday, as well as documenting that it is considered a legal holiday for banks in the State of Illinois.

She further notes in the documents that the board did not post the special meeting on its events calendar or Facebook page. She also stated that she thinks the board did these things to "conceal the meeting" and prevent public comment on important issues.

And while the complaint may have come from one individual and constitutes one of many complaints regularly received by the office — Bauer said the PAC office received "over 3,400" requests for investigations alleging violations of Freedom of Information Act and Open Meetings Act last year — Assistant Attorney General Tola Sobitan issued a letter Monday, March 24, to Library Director Mary Weimar and Board President Nancy Healy noting the request and that the office determined "further inquiry is warranted."

Sobitan asked the board or its representative to write a detailed response to the allegations. My Account > Log out >   

The board's attorney — Dennis Walsh of Klein, Thorpe and Jenkins Ltd. — replied to Sobitan in writing Friday, March 14.

He argued the General Assembly has not fixed Feb. 12 as a legal holiday specifically when it comes to the Open Meetings Act, noting Lincoln's Birthday is not one of the 10 legal holidays designated by Congress. He further notes that the legislature's "holidays" are not the same under every statute and have been altered based on intent. He also noted that library board had "long determined" a list of holidays for its employees, which has not included Lincoln's Birthday.

Walsh also wrote that the agenda for the meeting was sent to local newspapers — with an attachment of a fax sent to the SouthtownStar — posted in a locked bulletin board inside the library and on the library's website on Feb. 7, meeting the criteria for 48 hours notice of the Feb. 12 meeting.




Walsh last addresses the public comment allegation, citing a passage from the Illinois OMA that states "Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." Walsh contended that there is no further guidance. He said the board allows public comment at every regular monthly meeting but has no requirement to allow the public audience "the opportunity to speak" at a special meeting. He added that Fox and others have addressed the policy issues at prior meetings and in writing.

But in the eyes of the Attorney General, the case is not yet closed, as the investigation was ongoing as of Friday, March 21. And there is no clear end in sight.

"There is no set timetable," according to Bauer. "We will review thoroughly and analyze the facts in conjunction with the State's transparency laws to assess whether a violation occurred."

If one or more occurred, there are potential penalties on both the civil and criminal sides of the coin. According to the State's laws,

"In a civil lawsuit for a violation of OMA, a court may take a number of actions, including (1) ordering a public body to conduct an open meeting, (2) granting an injunction

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against future violations by the public body, (3) ordering the public body to make available to the public the minutes of a closed meeting, (4) declaring null and void any final action taken at a closed meeting in violation of OMA, or (5) awarding any other relief that the court deems appropriate. The court also may require the public body to pay the attorney's fees and costs of the person who filed the civil lawsuit alleging the OMA violation.

“Under the law, a State’s Attorney may bring a criminal action for a violation of the Open Meetings Act. A violation of OMA is a Class C misdemeanor, which is punishable by up to 30 days in jail and a fine of up to \$1,000.”

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March 24, 2014 - 10:59pm

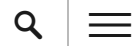
Hey Bill, how come you didn't disclose that the library only notified you about this illegal meeting on Feb 11 and not the 7th like they claim. I have the email. Should I publish it? Or should you run a correction and disclosure here that they did not notify you on the 7th as they claim (and you allow them to get away with)?

reply

March 26, 2014 - 5:26pm

Are you talking about Megan Fox the actress? When does she find the time to write complaints about the Orland Park Public Library from Hollywood? Is Meryl Streep or Claire Danes involved in this too? What about Zac Efron and Channing Tatum? Are they helping Megan Fox?

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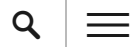
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