

STATE BOARD OF ELECTIONS
Special Meeting
Tuesday, July 10, 2018

MINUTES

PRESENT:

William J. Cadigan, Chairman
John R. Keith, Vice Chairman
Andrew K. Carruthers, Member
Ian K. Linnabary, Member
William M. McGuffage, Member
Katherine S. O'Brien, Member
Charles W. Scholz, Member
Casandra B. Watson, Member

ALSO PRESENT:

Steven S. Sandvoss, Executive Director
Bernadette Matthews, Asst. Executive Dir.
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 9:05 a.m. via videoconference with the Springfield office. Seven Members were present in Chicago and Member Scholz was present in Springfield.

Chairman Cadigan opened the meeting by leading everyone in the pledge of allegiance.

Chairman Cadigan stated that the purpose of the special board meeting was to conduct a hearing pursuant to an Order from the 4th District Appellate Court in the matter of *Cooke v. Committee for Frank J. Mautino*, 16CD093. He explained that usually these hearings are conducted by a hearing officer, but the board also has authority under the Election Code and agency rules to conduct hearings on these types of matters. Chairman Cadigan previously consulted with Vice Chairman Keith and they determined it would be most efficient that this hearing be conducted before the full board.

Jeffrey Schwab was present on behalf of the complainant, David W. Cooke and Anthony Jacobs was present representing the respondent, Frank J. Mautino. The both acknowledged that there was no new evidence in the matter and the record was set. Chairman Cadigan said the Court directed the board to take action on two issues. The first was to amend a May 18, 2017, order to show that the respondent committee violated Sections 9-7 and 9-11 of the Election Code. General Counsel Menzel prepared an Order and previously provided a copy to Chairman Cadigan and Vice Chairman Keith. Vice Chairman Keith then moved to formally adopt the Order as circulated by Mr. Menzel. Member Carruthers seconded the motion, which passed by roll call vote of 8-0.

Chairman Cadigan said that the second action the Court directed the board to take was to address and issue rulings on the merits of Mr. Cooke's complaint that the respondent committee violated Sections 9-8.10(a)(2) relating to the fair market value for services, and Section 9-8.10(a)(9) regarding reimbursement for automobile expenses. He also noted that the board members were given complete copies of the record as well as the audio of the Appellate Court's oral argument.

Mr. Schwab began by reviewing the procedural background and offered his comments and arguments in support of the allegations as outlined in his brief. He then asked the board to impose a find equal to the amounts spent at Happy's Super Service Station plus the amount spend at the

bank for a total of \$384,137.19. Mr. Jacob also reviewed his brief explaining the expenditures made by the committee and why they were not in violation of the Election Code. He then asked that the board not impose a civil penalty because the committee has been dissolved for quite some time.

Lengthy discussion ensued amongst the board, and Mr. Schwab and Mr. Jacob responded to inquiries from the board.

As to Section 9-8.10(a)(9), Member Carruthers moved to find that the complainant has met its burden of proof by the preponderance of the evidence and that the Committee to Elect Frank Mautino violated Section 8.10(a)(9) by making expenditures for the maintenance and repair and gas of motor vehicles that were neither owned nor leased by the committee, and that should the motion pass, the board deliberate as to the amount of the fine. Member Linnabary seconded the motion, which failed by roll call vote of 4-4. Vice Chairman Keith and Members McGuffage, Scholz and Watson voted in the negative. Each member then stated their reasoning in support of their vote.

As to Section 9-8.10(a)(2), Member Carruthers moved to find that the complainant has met its burden of proof by a preponderance of the evidence and that the Committee for Frank Mautino violated Section 8.10(a)(2) by making expenditures clearly in excess of fair market value for the goods and services received by the committee, by making expenditures for gas and repairs for personal vehicles rather than reimbursing them on the mileage rate, and by withdrawing funds from the bank in whole dollar amounts that were purportedly used for campaign expenses without returning any cash. And that should the motion pass, the board deliberate as to the amount of the fine. Member Linnabary seconded the motion, which failed by roll call vote of 4-4. Vice Chairman Keith and Members McGuffage, Scholz and Watson voted in the negative. Each member then stated their reasoning in support of their vote.

With there being no further business before the Board, Vice Chairman Keith moved to adjourn and reconvene at 11:00 a.m. for the regular board meeting. The meeting adjourned at 10:45 a.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director