

SCARIANO, HIMES AND PETRARCA
ATTORNEYS AT LAW • CHARTERED

JOHN E. FESTER
Ext. 239
jfester@edlawyer.com

TWO PRUDENTIAL PLAZA, SUITE 3100
180 NORTH STETSON
CHICAGO, ILLINOIS 60601-6702
312-565-3100 . 800-820-3101
FACSIMILE 312-565-0000
WWWEDLAWYER.COM

October 18, 2012

Ms. Sara Gadola Gallagher, Esq.
Assistant Attorney General
100 W. Randolph St.
Chicago, IL 60601

Re: OMA Request for Review 2012 PAC 21560

Dear Ms. Gadola Gallagher:

I am writing in response to your request for information regarding a complaint received by your office from Mr. Eugene Broyls, Sr. Mr. Broyls' complaint makes mostly vague allegations that the District 227 Board of Education, or certain members thereof, operate in violation of the Illinois Open Meetings Act. While it is difficult to respond to much of Mr. Broyls' complaint because it provides no specific examples, we wish to provide you with an overview of the Board's procedures, along with materials that may assist you in reviewing this latest complaint. Your files should contain similar complaints claiming the District violated the Act, usually filed ahead of an election period, as well as findings by your office that the Board did not violate the Act.

The District 227 Board of Education in all ways complies with the Act and its requirements. For example, the District posts timely agendas, provides proper notice of meetings, allows ample public comment at each meeting, keeps required minutes, and even videotapes all of the Board's open meetings. Much of what Mr. Broyls appears to raise in his letter are rehashed complaints previously raised by Board members David Morgan and Cheryl Coleman. The Morgan/Coleman complaints presented to the Center for Open Government earlier this year resulted in the letter from Natalie Brower Potts that was enclosed with Mr. Broyls' complaint. What Mr. Broyls failed to provide you is a copy of the response from our firm asking Ms. Brower Potts for specific examples of the alleged wrongful behavior. I have enclosed our response for your review. Ms. Brower Potts never responded to our correspondence.

Regarding Mr. Broyls' claim that Board members do not seem to have time to review matters brought before the Board, each Board member receives the exact same packet of information several days before each Board meeting. Once the information is provided, it is up to each Board member to review it and become familiar with the information provided. If a Board member does not review the information and the Board member then appears confused during the meeting, someone in the audience assuming the worst about the District could conclude that the Board member must not have received advance information about the topic under discussion. However, that conclusion would be wrong and if you would like to view sample Board packets that contain the information sent to all Board members, we will happily provide you with the same.

The remainder of Mr. Broyls' complaint appears to be aimed at the "Board Agreements" that he claims violate various "parliamentary and constitutional rights". Without knowing what these rights are supposed to be, it is difficult to provide a response. However, as requested, a copy of the "Board Agreements" document is enclosed for your review. These agreements have been developed by the Board in cooperation with consultants from the Illinois Association of School Boards, in an attempt to produce more healthy working relationship among the Board members, and between the Board and the Superintendent. I am absolutely at a loss to understand how abiding by the "Board Agreements" would violate the Act. Perhaps Mr. Broyls can elaborate and this will allow us to provide a response.

In order to provide you an opportunity to view what really takes place at a District 227 Board meeting, we are enclosing a DVD of the Board's June 21, 2011 meeting (the one Mr. Broyls' likens to a "fascist concentration camp") as well as of the September 18, 2012 Board meeting. Finally we are also including the Board agenda from the September 18 meeting, as well as the minutes from that meeting. You may share any of these materials with Mr. Broyls, along with an unredacted copy of this response, as none of these materials are confidential and are easily viewed by any citizen. If you would like to view copies of videos of other Board meetings, please do not hesitate to contact me and we will have copies sent for your review.

If we can be of further assistance in your review, please do not hesitate to contact me.

Very truly yours,

SCARIANO, HIMES AND PETRARCA, CHTD.



JOHN E. FESTER

JEF/emm

cc: Betty Owens, Board President
Dr. Donna Simpson Leak, Superintendent