

the resolution/statement was meaningless, because what I did was completely legal. Which leads to the other question I had for you which you did not answer: whether the mayor's statement carries any legal effect. Reading between the lines of your explanation, am I correct the answer is absolutely none? If so, then the only way it can be portrayed is as a political statement. Please confirm that is the case.

-----Original Message-----

From: Everette M. Hill [mailto:EMHill@KTJNET.com]

Sent: Monday, March 10, 2008 11:35 AM

To: Schmidt, David F.

Cc: hfrimark@parkridge.us; frankwsol@juno.com; docboc7957@ameritech.net; jallegetti@sbcglobal.net; richd@crosstechinc.com; bibandrobort@comcast.net; carey407@comcast.net; jmaller@parkridge.us; jjohnson@pioneerlocal.com; news-pr@journal-topics.info

Subject: RE: Condemnation

Dave, Here's the way this happened. Shortly after the release of information to the press, I was approached, separately, by 2 or 3 aldermen. They wanted to take action against you for what they considered an outrageous action on your part. I informed that here wasn't much they could do outside of some sort of action condemning you for the release of information. I was later approached by the Mayor who asked me to draft a resolution condemning, in the strongest possible terms, the release of the information. He stated that he believed such a resolution was the will of the majority of the aldermen. I drafted such a resolution and, I believe, informed you that I had done so. I sent it to the Mayor who asked that I make some changes to it. I did so. I didn't hear much about the resolution for a week or so. The Mayor then saw me at city hall and asked if he and the other aldermen actually had the authority to take any action. I went over my understanding of the law with him. At that point, he said that he would rather that the action be a statement to be read by himself, the Mayor, without naming you, personally. He wanted it to be the condemnation of an act, not the condemnation of a person. He asked that I change the document to reflect that. I did so. As you know, he then read it into the record at the 3/3 meeting. He stated that certain aldermen and the city clerk had approved (I don't recall his exact words describing how they had approved it) the statement. At the meeting, you asked that I look into whether or not there had been any violations of the IOMA in his securing their approval. Immediately after the meeting, I asked the Mayor if could speak to him about how he had secured the approval of the other elected officials. He stated that he had given the statement to each of the other elected officials with a note asking that they call him at certain time to discuss the statement. He stated that at no time did he discuss the statement with more than one official at a time. He stated that to the best of his recollection he did not discuss the comments of any one official with any other official. He stated that his intention in speaking to them individually was to find who would or would not support his statement. I think that at some point during my conversation with the Mayor, Ald. Bach walked in. I don't believe Ald. Bach addressed the issue of the statement. I believe that I spoke with Ald. Wsol after I had spoken with the Mayor on Monday night, but I don't believe that I asked him to confirm whether or not he had spoken to the Mayor about the statement. Other than that, I have not spoken to any other elected officials about the statement which was read by the Mayor. If indeed, the Mayor talked to the Aldermen individually, I don't believe a violation of IOMA took place. With respect to the attachment of names to the statement without a vote; I don't see any violation there either. Each other elected official could have spoken up and voiced their objection to having his or her name attached to it. It appears to me, absent the Mayor speaking to more than one of them at a time, there was no violation of the law. If you want me to speak to each of the elected officials to whom the Mayor spoke to see if each agrees about how these events occurred, I will. But I didn't think that was necessary. Let me know if you think I should go any further with this. Buzz

From: Schmidt, David F. [mailto:dschmidt@cmn-law.com]

Sent: Sat 3/8/2008 7:04 PM

To: Schmidt, David F.; Everette M. Hill

Cc: hfrimark@parkridge.us; frankwsol@juno.com; docboc7957@ameritech.net; jallegetti@sbcglobal.net; richd@crosstechinc.com; bibandrobort@comcast.net; carey407@comcast.net; jmaller@parkridge.us; jjohnson@pioneerlocal.com; news-pr@journal-topics.info

Subject: RE: Condemnation

There is something I forgot to tell you which might aid you in your investigation a

EXHIBIT

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