

CITY OF SPRINGDALE
COUNCIL INVESTIGATIVE COMMITTEE MEETING
TRANSCRIPT OF PROCEEDINGS

Date: June 21, 2018
Time: Commencing at 7:00 p.m.
Place: City of Springdale
Council Chambers
11700 Springfield Pike
Cincinnati, Ohio 45246
Present: Meghan Sullivan-Wisecup,
CIC Committee Chairperson
Jeffrey Anderson,
CIC Committee Member
Susan M. Gee, RMR, CRR
Court Reporter

1 CHAIRPERSON SULLIVAN-WISECUP: We will
2 call the meeting to order of the CIC, and please
3 stand for the Pledge.

4 (Pledge of Allegiance recited.)

5 CHAIRPERSON SULLIVAN-WISECUP: Do roll
6 call. Jeffrey here?

7 MR. ANDERSON: Here.

8 CHAIRPERSON SULLIVAN-WISECUP: I am here.
9 Both Jeff Anderson and Megan Sullivan-Wisecup
10 are present.

11 We will go over and approve the minutes
12 from our special meeting on June 6th. Were
13 there any corrections that you saw?

14 MR. ANDERSON: I'm just checking. I know
15 he sent a set of corrections. Were these
16 included?

17 CHAIRPERSON SULLIVAN-WISECUP: She said
18 that she had included the corrections when she
19 sent me the email today. She asked if I had any
20 additional, and I said not that I've seen.

21 MR. ANDERSON: Let me just check.

22 CHAIRPERSON SULLIVAN-WISECUP:
23 Absolutely.

24 MR. ANDERSON: Motion to adopt.

25 CHAIRPERSON SULLIVAN-WISECUP: Second.

1 All in favor?

2 MR. ANDERSON: Aye.

3 CHAIRPERSON SULLIVAN-WISECUP: Opposed?

4 Okay.

5 Moving on to the June 7th 2018 CIC
6 meeting minutes. There will be corrections.

7 MR. ANDERSON: Move to adopt.

8 CHAIRPERSON SULLIVAN-WISECUP: Second.

9 All in favor?

10 MR. ANDERSON: Aye.

11 CHAIRPERSON SULLIVAN-WISECUP: Opposed?

12 Okay. Both are accepted.

13 MR. ANDERSON: If I can ask one question
14 about the minutes. We had talked about having
15 them published. Have we gotten anywhere with
16 that or is that a follow-up I should take?

17 CHAIRPERSON SULLIVAN-WISECUP: As far as
18 I understood, because we only had the one
19 minutes so far that have been adopted, those
20 were not posted yet? I didn't check, so I
21 didn't know. I haven't checked today, so I
22 didn't know if they were posted or not.

23 MR. ANDERSON: I know in the June 6th
24 meeting, we talked about looking into publishing
25 them alongside the council meeting on one page.

1 I didn't see them.

2 CHAIRPERSON SULLIVAN-WISECUP: I didn't
3 see them the other day. I didn't check today,
4 so did you want me to call about that tomorrow?

5 MR. ANDERSON: If you like, I'd be happy
6 to check with administration and follow up.

7 CHAIRPERSON SULLIVAN-WISECUP: That would
8 be fine. Go ahead and check on that tomorrow
9 and follow up on that.

10 MR. ANDERSON: I'll do that, and I'll let
11 you know where they're posted.

12 CHAIRPERSON SULLIVAN-WISECUP: Perfect.
13 Thank you so much.

14 Going on to old business, do we have any
15 old business you wanted to discuss?

16 MR. ANDERSON: That was the old business
17 I had.

18 CHAIRPERSON SULLIVAN-WISECUP: Okay.
19 This is the only old business you had. Do you
20 have any additional old business?

21 MR. ANDERSON: We'll cover it with
22 council in new business?

23 CHAIRPERSON SULLIVAN-WISECUP: Yes.

24 MR. ANDERSON: Okay. Thank you.

25 CHAIRPERSON SULLIVAN-WISECUP: Moving on

1 from old business. Moving to new business.

2 Legal counsel, I did a very broad agenda
3 because there's a lot of different things to
4 cover on this, and we're going to try to go
5 through this as thoroughly but still keep in
6 mind that we don't want to be here until
7 midnight, if possible.

8 Last night at the council meeting, the
9 council had voted to retain Alan Abes from
10 Dinsmore, and so that is, at this point, that is
11 our legal counsel we currently have. We did
12 receive today a letter from him that outlined
13 the contract we signed, and there were several
14 different terms on here, and there were some
15 terms that we had questions about when looking
16 them over. But as it was, it was, like I said,
17 it was passed last night by city council, and
18 now, we're going to be here to tell a little bit
19 more about Alan and the process of how we got
20 there.

21 There were several different attorneys
22 that were called in and interviewed. Prior to
23 calling, there was one that was made aware of
24 that someone had retained so they couldn't. It
25 would be conflict of interest, so I did not

1 interview that one.

2 And then I called, prior to our last
3 meeting, I called three attorneys that were sent
4 to us, and I called the remaining ones that sent
5 in something back in 2014 for an RFP that we had
6 sent out. I called the remainder of those.

7 Of those, all those that I called, three
8 were willing to get interviewed, and then, after
9 interviewing them, Alan sent in his proposal
10 right away. And then I was waiting on another
11 proposal, and he sent in at the last minute that
12 he -- one of the attorneys didn't want to be
13 considered because he thought it would be a
14 conflict of interest.

15 And then the other attorney that I
16 interviewed, he was wanting to charge a very
17 large amount of money, and he was working as a
18 team with five other people, so the hourly rate
19 seemed lower at the time, but then, when he had
20 spoken to me, he said they all work as a team.
21 And I said, so when I'm looking at this, I'm
22 looking at five billable hours for every hour
23 that you work because you work as a team? And
24 he said yes.

25 So that was not feasible, and he said

1 that it could be a lengthy process with a lot of
2 investigation, and there was a lot involved with
3 what he wanted to do that was not in line with
4 what we were wanting them to do. And Alan, he
5 was the best candidate for the job. He came
6 with a great reputation.

7 I do want to clear something up. Last
8 night, at council, I gave incorrect information,
9 because I did not have my notes in front of me,
10 as to the references. I spoke to the mayor of
11 Fairfax, Carson Shelton, and he said that Alan
12 was one of the best solicitors. He's a great
13 solicitor, and he recommends him a hundred
14 percent.

15 Jenny Kaminer, she was the assistant
16 village administrator, and I called her on the
17 voice mail. She had called me back and said
18 that she highly recommended him, that those were
19 the recommendations that I got from them.

20 So I felt very confident, after being
21 with him, interviewing him. Just to go over
22 what I had done in the interview, the first
23 thing I did was I went over the things that were
24 the scope of work to advise on legal issues
25 related to scope and meeting conduct, review

1 drafts of witness questions and responses, draft
2 committee subpoenas, advise on responses to
3 subpoenas, court orders and requests for
4 information from third parties, attendance of
5 board committee members for scheduled, regular
6 and special meetings, assist Springdale law
7 office to vet lawsuits, administrative claims
8 and other claims related to committee conduct
9 and then to conduct litigation as necessary.

10 And so he understood up front that this
11 was what was expected and this is what the
12 committee wanted from him, and he seemed to be
13 right in line with that.

14 The questions that I asked was -- I
15 started out with what was his experience in
16 municipal law. He has 25 years experience in
17 municipal law. I asked him level of experience
18 with executive session in particular, and he
19 said that as the village solicitor for the City
20 of Fairfax, that he's included in all the
21 executive sessions there. They have never had
22 an executive session breach before, so he didn't
23 have the experience as far as breaches were
24 concerned, but no one I interviewed had any
25 experience in that.

1 He did speak on that he was representing
2 the Norwood schools when the superintendent had
3 embezzled money, and he supported the -- he was
4 the counsel for the school board, and he did
5 extensive investigation and follow-through with
6 a report on that as well. And then his cost.
7 He had sent us the cost in his proposal.

8 I went over the scope of our committee,
9 and he understood exactly what our scope was,
10 which was to investigate a claim of breach in
11 executive session from May 17th, 2017.

12 Interview each person present at the May 17th,
13 2017, executive session and compile an
14 accounting of the meeting in lieu of the
15 original accounting as public record, to prepare
16 a summary of findings and recommendations to be
17 delivered at the Springdale City Council and to
18 support the actions and requests from the review
19 of findings from the full Springdale City
20 Council as requested, possibly including, but
21 not limited to, the creation of censure
22 documents, creation of ordinance, council
23 resolutions, referral for continuing
24 professional education, referral to update city
25 council rules, referral to the state bar

1 association or referral to the county
2 prosecutor. Those were all things that were
3 agreed upon in our first CIC meeting.

4 And he was again in line with these. He
5 understood the scope of what we were talking
6 about, and he said that he would discuss with us
7 how we would proceed with what we were wanting
8 to do to make sure that everything was legal,
9 defendable, and I did mention to him that we
10 wanted it to be as open as possible.

11 He had a couple concerns about when
12 questioning someone, having somebody else who is
13 under investigation also hearing that testimony,
14 and he said that he would be glad to explain
15 that when he does come in, if he was hired and
16 things like that. So it was a very positive and
17 thorough discussion where I felt like he
18 understood what this committee was.

19 He understood what we expected of him and
20 what he could expect of us, and I felt extremely
21 comfortable recommending him. Just last night,
22 during city council, when we had gone over
23 things, we had agreed that we wanted -- we both
24 do want to be very open about this. We want
25 everyone to understand the process and how the

1 decision came about, and that is how the
2 decision came about.

3 MR. ANDERSON: Let me play back a couple
4 of minutes, make sure I understood the process
5 that we went through. We had made a number of
6 commitments in our last meeting about how we
7 would conduct the search, and from what I
8 understand, the process we followed was we
9 contacted all of the attorneys that we
10 identified in that meeting, and then we narrowed
11 it down to three that were even willing or we
12 felt were fit enough to do an interview. And we
13 used the RFP scope that the committee had agreed
14 on in the prior meeting for that interview.

15 CHAIRPERSON SULLIVAN-WISECUP: Yes.

16 MR. ANDERSON: And then we received two
17 proposals. Alan's was the best fit, based off
18 of experience, feel and cost, total cost will be
19 expected, the services to be. He then checked
20 the references and came back very favorably.

21 CHAIRPERSON SULLIVAN-WISECUP: Yes.

22 MR. ANDERSON: We then reviewed with
23 council last night those findings, had some
24 additional discussion, so we kind of worked
25 through that that we did, and then, last night,

1 we had an ordinance passed that enabled us to
2 retain that counsel, that this committee, the
3 committee members had agreed. And the record
4 last night had us both affirming the appointment
5 of Alan to that position.

6 And then that ordinance, though, and the
7 actual start for Alan is subject to engagement
8 terms that we have received from Dinsmore today,
9 that we can review today with the intention of
10 having Alan here for meetings going forward, and
11 presumably, before that, have an opportunity
12 with him to make sure we've got our procedures
13 down and anything we need to prepare for the
14 next meeting.

15 CHAIRPERSON SULLIVAN-WISECUP:

16 Absolutely.

17 MR. ANDERSON: Did I capture that
18 correctly?

19 CHAIRPERSON SULLIVAN-WISECUP: That is
20 perfect.

21 MR. ANDERSON: Okay. I just wanted to
22 make sure.

23 CHAIRPERSON SULLIVAN-WISECUP: We're
24 good.

25 MR. ANDERSON: It was important last time

1 that we made a number of commitments on how we
2 would do that, and it is important to me that we
3 state what we did and that we could fulfill
4 those commitments. I feel that we did, so I
5 appreciate the work that went into it. I know
6 it was done by you in those calls, which was
7 great, so I'm good on that unless there's
8 anything else.

9 CHAIRPERSON SULLIVAN-WISECUP: We're good
10 on that.

11 MR. ANDERSON: Did you want to go over
12 the engagement letter now?

13 CHAIRPERSON SULLIVAN-WISECUP: Did you
14 want to go over that now?

15 MR. ANDERSON: We can. So how do you
16 want to do that? I know I received a letter
17 from Mr. Parham. I certainly appreciated the
18 way that he passed it along and indicated in his
19 email to us of sharing this packet of
20 information, that it was certainly to this
21 committee's discretion how we reviewed this, and
22 I appreciate the way he did that and sent it
23 ahead of time for us to review it. I did have
24 an opportunity to read it, and in general, I
25 don't -- I don't feel we need to read all the

1 sessions.

2 CHAIRPERSON SULLIVAN-WISECUP: I agree.

3 MR. ANDERSON: It is a public document,
4 so anyone that's interested in reviewing it can
5 request it from the City. It is a legal set of
6 terms and conditions about how the attorney's
7 office will be retained, expectations, fee
8 schedules, that sort of information. It's very
9 similar to what I had seen before, and I expect
10 it's very similar to what we have with other
11 counsel.

12 For those -- I believe we actually used
13 Dinsmore & Shohl as our bond counsel as well.

14 CHAIRPERSON SULLIVAN-WISECUP: Yes.

15 MR. ANDERSON: So this is not a new firm
16 to the City. This practice area is new, though.

17 CHAIRPERSON SULLIVAN-WISECUP: Yes.

18 MR. ANDERSON: We don't have any existing
19 relationships with any administration or council
20 members --

21 CHAIRPERSON SULLIVAN-WISECUP: That's
22 correct.

23 MR. ANDERSON: -- to this outside of the
24 fact that Dinsmore & Shohl is our bond counsel
25 for the City.

1 CHAIRPERSON SULLIVAN-WISECUP: That's
2 correct. He didn't know any council members or
3 administration going in this.

4 MR. ANDERSON: And he didn't express any
5 concern about conflict.

6 CHAIRPERSON SULLIVAN-WISECUP: No. I
7 specifically asked about that, and he said there
8 was none.

9 MR. ANDERSON: So there was some feedback
10 that Derrick had provided. Maybe we should,
11 unless there are specific items that you want to
12 address, maybe we review what Derrick had
13 suggested and decide if we should send those
14 back. I'd like to be able to leave today's
15 meeting with a yes or no to sign the engagement
16 letter.

17 CHAIRPERSON SULLIVAN-WISECUP:
18 Absolutely. That was my intention. I think we
19 should go over these points, because when I went
20 looking over everything else, I didn't see
21 anything else that jumped out at me other than
22 what Derrick sent.

23 I'm going to be honest. Derrick said
24 his -- he said to read this, and after we read
25 this, and I'll be honest, I read this first

1 because I wanted a point of reference, but I did
2 read over the statement of engagement terms.
3 And, overall, like I said, I didn't see anything
4 that jumped out at me other than the things that
5 were expressed. And some of these I was more
6 concerned about than others as far as ones that
7 Derrick had expressed, but I didn't see anything
8 else that was a problem or something that we
9 weren't expecting in the first place.

10 Was there anything in addition to what
11 Derrick had included that you saw? You look at
12 contracts more than I do.

13 MR. ANDERSON: Yeah. I was trying to pay
14 particular attention to the subcontracted
15 clauses, which are listed in Section -- I think
16 it's 3. No, it's not. It was around payment
17 terms where we're paying directly
18 subcontractors. They listed that they -- firm
19 litigation, reserve the right to decide -- it's
20 in Section 7 is what I'm looking at, "Costs and
21 Litigation Expenses." They said that, "To aid
22 in the preparation and presentation of the
23 clients' case, it may be necessary to hire
24 expert witnesses, consultants and/or
25 investigators. The firm will select any expert

1 witnesses, consultants or investigators to be
2 hired after consultation with clients."

3 I'm glad that that last section is in
4 there. My one question that I think we should
5 send back is who is the ultimate decider in that
6 regard. I would expect that we would defer back
7 to our counsel for that, but I would, since we
8 are responsible for paying any subcontractors
9 and we're ultimately accountable for the work
10 that the committee is doing, I feel like we
11 should have more than consultation on
12 subcontractors. That was something that was
13 actually called out in the RFP document as well.
14 So that was one issue that I hope we can address
15 quickly with them.

16 I don't expect that they would go against
17 the consultation advice, but contracts are best
18 to figure worst case situations instead of best
19 case.

20 CHAIRPERSON SULLIVAN-WISECUP:
21 Absolutely.

22 MR. ANDERSON: So that was one issue.
23 The other item I was looking at focused on
24 termination. There's quite a bit. And then
25 there's three sections about how the client or

1 the firm, how we can separate the engagement.

2 I just want to make sure that you're
3 comfortable with it as well, since we haven't
4 worked with Dinsmore & Shohl outside of bond
5 counsel. It's my understanding by reading this
6 that we can stop work at our discretion, and
7 then they would bill us whatever was open. Is
8 that how you read it as well?

9 CHAIRPERSON SULLIVAN-WISECUP: That's how
10 I read it. And there was the -- that same --
11 while we're in termination, that was one of the
12 points that Derrick had brought up was that
13 there was language that indicates that if
14 Dinsmore wishes to retain copies of documents
15 that are being returned to the City after the
16 contract is terminated, he'll make copies and
17 the City will pay for it, and that was something
18 that I needed to be addressed, but I also didn't
19 think of that as correct. I don't know.

20 Like I said, that was one of the major
21 ones I was concerned about, but I did -- I was
22 reading it through that. I also was not
23 understanding why we would pay for anything they
24 would keep.

25 MR. ANDERSON: And I agree with that. I

1 agree with that Point 12, that Derrick brought
2 up about termination, I believe we should push
3 that back and have them pay for their own
4 charges for copies they want to retain. That
5 was the only -- the points I had in addition to
6 Derrick's. Did you want to go through the
7 earlier ones or did you want me to --

8 CHAIRPERSON SULLIVAN-WISECUP: Yeah, we
9 can go through these. "Legal Fees," it's under
10 this section. It's Section 6. It says that the
11 time of each attorney who may work on a project
12 may be billed at a different hourly rate. Each
13 attorney's rate depends on his experience and
14 skill and the type of work required by the
15 project, depending on the complexity of the
16 issues involved. Paralegals and clerks also
17 have hourly rates.

18 What Derrick had brought up was that
19 we've already been quoted an hourly rate for
20 Alan and, also, if it is an associate, and so he
21 wanted -- he felt it would be best if we
22 would -- to clarify the maximum.

23 MR. ANDERSON: Without additional
24 approval?

25 CHAIRPERSON SULLIVAN-WISECUP: Right.

1 MR. ANDERSON: I agree. I think that
2 should be put back with that.

3 CHAIRPERSON SULLIVAN-WISECUP: That one
4 was a very huge thing that I agreed with. That
5 was a minor point, that was a major point
6 hearing. So we're in agreement on that?

7 MR. ANDERSON: Yes.

8 CHAIRPERSON SULLIVAN-WISECUP: Okay.
9 "Costs and Litigation Expenses," Section 7, and
10 you had gone over some stuff, too. Again, what
11 costs they anticipate may be necessary to do the
12 work. Travel charges indicate he is charging
13 for mileage. You know, this is assuming he's
14 going to fly somewhere. These are basic
15 questions.

16 MR. ANDERSON: On that one, the language
17 I usually prefer in these contracts is that the
18 consultant, or contractor in this case, uses the
19 time and expense and travel policy of the City,
20 which would include any of the approvals that
21 would be necessary and reimbursements that would
22 be customary and reasonable for our employees.

23 So my feedback on that is to request it
24 to be within our policy. I don't think that's
25 unusual. I'm not stuck on that because I think

1 this is a short duration, and I think it'll all
2 be happening here. And we have the -- he
3 understands it. I think it's fair to ask the
4 question about anticipated travel.

5 CHAIRPERSON SULLIVAN-WISECUP: Sure.

6 MR. ANDERSON: And I would ask to use our
7 policy. If they push back on that, I'm not sure
8 that that's something that I'd be stuck on.

9 CHAIRPERSON SULLIVAN-WISECUP: Okay.
10 Okay. Then there was "Payment Terms," which is
11 Section 8. It says, "We may have performed
12 certain legal charges and incurred charges
13 before you sign the engagement letter. If so,
14 we will bill for these services and charges."

15 And I do think that is fair that we would
16 ask him to identify and explain why we're
17 charged for anything. I don't think there
18 should be anything that we're charged, because
19 he hasn't performed anything yet.

20 MR. ANDERSON: So, to be clear, he did
21 attend a meeting last night. Was that at our
22 request or our invitation? Was there any
23 expectation set that his attendance at the
24 meeting would be reimbursed if he was engaged?

25 CHAIRPERSON SULLIVAN-WISECUP: I never

1 said anything to him about reimbursement or
2 money at all. I said that I was going to be
3 recommending him to council, and if he wanted to
4 be here for me to introduce him, that'd be
5 great, you know, if he was able to come, and he
6 came. There was no understanding of any kind of
7 payment.

8 MR. ANDERSON: And I agree we should ask
9 the question before signing, so there's not a
10 surprise. I'd hate to start off on the wrong
11 foot with a bill for services we weren't
12 expecting. I also wouldn't expect to pay for an
13 introductory, even though it was a three-hour
14 meeting. I think it was good for him to hear
15 the discussion. He certainly would benefit from
16 it, starting up the relationship, but I wouldn't
17 expect to be billed for it.

18 CHAIRPERSON SULLIVAN-WISECUP: I agree.

19 And we went over the termination. So all
20 of the points that Derrick had brought up, I
21 will send back, and then I will also include
22 who's the decider for the consultant. And how
23 do you want me to word that when I send that to
24 him?

25 MR. ANDERSON: Yeah. I would actually

1 suggest a suggestion of change of language, not
2 a question who would be it. I would request
3 that we update that to have language to the
4 effect of the City of Springdale reserves the
5 right to approve any subcontractors, paralegals,
6 the list that we have. I think I used similar
7 language in the RFP that we reviewed.

8 CHAIRPERSON SULLIVAN-WISECUP: Yeah.

9 MR. ANDERSON: I think that statement, we
10 should request that statement be added, and if
11 there's challenges with that, we can certainly
12 figure out a way to work through it.

13 CHAIRPERSON SULLIVAN-WISECUP:
14 Absolutely.

15 MR. ANDERSON: Just so I'm clear on that,
16 the next step, so we went through these five
17 things. The subapproval we just talked about
18 with approvals, the legal fees being inserted in
19 Section 6, the question about costs in Section 7
20 from Derrick's note, payment terms for prior
21 services and then the termination question for
22 copies and expense related to termination. So
23 you're offering to take those points back,
24 respond to Derrick. And have any been made or
25 are you going to --

1 CHAIRPERSON SULLIVAN-WISECUP: I'm going
2 to contact Derrick and see what he feels is best
3 on that because I don't know if he is going to
4 be that person that does that or if that's
5 supposed to come directly from us. But if
6 Derrick will do it, I will let you know, and
7 he'll take care of it. If not, I can write it
8 up. Is that okay?

9 MR. ANDERSON: I just want to make sure.
10 There could be a missed expectation on that
11 communication. I guess my preference would be
12 if we're just going to respond to that email
13 thread, since it will be public record anyway,
14 maybe just copy me on it.

15 CHAIRPERSON SULLIVAN-WISECUP:
16 Absolutely.

17 MR. ANDERSON: And I find that if you
18 want to ask Derrick to do it, that's fine. If
19 we're asking to do it in lieu of him, that's
20 fine. I just want to know which way you think
21 would be better.

22 CHAIRPERSON SULLIVAN-WISECUP: When I
23 send out the email to Derrick tomorrow, I will
24 just do the reply for all of us for both that
25 and the original one, and that way, we'll be in

1 the whole entire thing and get his input on if
2 he's going to send it or if he wants us to send
3 it. And if he wants us to send it, go ahead and
4 add it, and I'll send something to Alan.

5 MR. ANDERSON: I'd be fine if he wants to
6 come out in the middle of that, I'm fine with
7 that, too. I think Alan had reached out to him,
8 I believe he said, out of an abundance of
9 caution. Since the engagement letter wasn't set
10 up yet, he didn't want to have outside
11 communication. I'm fine with either of those,
12 either him being the front, you being the direct
13 contact with him copied or if he just wants to
14 interact with us directly. I'm fine with any of
15 those. So there's a wide freedom of getting
16 this --

17 CHAIRPERSON SULLIVAN-WISECUP: As long as
18 all of us are on here, we're good.

19 MR. ANDERSON: I'd probably get through
20 contract language. I would really like Alan to
21 be available to us before our next meeting, so
22 whatever you want to do that.

23 CHAIRPERSON SULLIVAN-WISECUP:
24 Absolutely. We'll work on that tomorrow.

25 MR. ANDERSON: All right. Great.

1 CHAIRPERSON SULLIVAN-WISECUP: And then
2 we can move on to the discussion of committee
3 procedures. I guess we kind of covered part of
4 it. We're there with what our next steps are.

5 Just to keep everything out in the open,
6 I know that you had discussed something with me
7 about wanting to discuss who would be questioned
8 and the types of questioning we would be
9 submitting. We can go over that now, and that
10 would be something that we can bring up to Alan
11 once that we get with him.

12 MR. ANDERSON: I know that was a thank
13 you for that. That came up in the discussions
14 yesterday during the council meeting. We were
15 kind of discussing how can we keep moving
16 forward because it feels to some that we haven't
17 made enough progress.

18 I personally feel like we've done a lot
19 as a two-person committee with all the
20 requirements around notification and open
21 meeting, so it's very difficult to have
22 discussions like this that ordinarily we just
23 have them inside, but the nature of this
24 business meeting, since it's a meeting.

25 So what I was offering the other day was

1 a way to make progress on some of the items if
2 we weren't able to get Alan or counsel quickly
3 enough, and that was around identifying
4 questions or a list of people that we know
5 should be interviewed. I feel like since it
6 seems like we will be able to get good guidance
7 from Alan before our next meeting, that I'm fine
8 with working through a strategy for those steps
9 after we receive that legal counsel. It sounds
10 like there's some ideas that he has on how we
11 can do that more effectively. I'm also happy to
12 start putting this together.

13 CHAIRPERSON SULLIVAN-WISECUP: Okay.

14 MR. ANDERSON: Either way I think is
15 fine. The point of the time was if there's a
16 promise we can make, let's make it. If we feel
17 like we can wait until we talk to Alan, I'm fine
18 with that.

19 CHAIRPERSON SULLIVAN-WISECUP: I did have
20 a thought the other night when I was thinking,
21 because I know we have different people who go
22 back into an executive session, depending on
23 what is being discussed, and I do want to know
24 exactly who was back there at the time. It's
25 just sometimes Christine goes back. Sometimes

1 she doesn't.

2 I wanted to know exactly who was back
3 there so that we have the list of people who
4 were in the executive session because we've
5 already identified that those people were going
6 to be asked to give their account of what had
7 happened. So we just need to get the, I guess,
8 the minutes from that meeting and see who all
9 was there and make sure that all those people
10 went back or if some people did not go back.
11 Does that make sense?

12 MR. ANDERSON: It does. I think we can
13 actually go back to recording as well, not just
14 the minutes but the CTV recording. I know the
15 cameras were all through that, so we can
16 certainly do that, too.

17 CHAIRPERSON SULLIVAN-WISECUP: That is
18 not a problem.

19 MR. ANDERSON: I'm happy to -- I'd be
20 happy to review the minutes in advance of the
21 meeting with Alan.

22 CHAIRPERSON SULLIVAN-WISECUP: Go for it.

23 MR. ANDERSON: And watch that, if you'd
24 like.

25 CHAIRPERSON SULLIVAN-WISECUP: Yes.

1 That'd be great if you watch that one and to see
2 who went back, because, like I said, I do want
3 to start with -- I don't want to call anybody
4 who wasn't back there just on the assumption
5 that they were because they sometimes go back or
6 are usually there.

7 MR. ANDERSON: So I'll take that up
8 before our meeting with Alan or the next meeting
9 to come up with an initial list of participants
10 that we believe who were in the executive
11 session in question. And then should that list
12 also include people that were brought up in
13 council meetings that's been a party to it or
14 are we starting with just a list of people who
15 were there?

16 CHAIRPERSON SULLIVAN-WISECUP: Are you
17 referring to the person who they feel had made
18 statements, like had made statements that
19 indicated? Yes.

20 MR. ANDERSON: Well, Holly indicated a
21 resident spoke to her. I didn't know if you
22 wanted to start with -- we have a couple. One
23 was to create a record.

24 CHAIRPERSON SULLIVAN-WISECUP: Right.

25 MR. ANDERSON: And that would certainly

1 be the people that were in the meeting, so this
2 participant list would be great start for that.

3 CHAIRPERSON SULLIVAN-WISECUP: Right.

4 MR. ANDERSON: So I'm going to definitely
5 do that ahead of the next meeting.

6 It sounds like we should also come up
7 with a second list of people that we believe
8 should be considered.

9 CHAIRPERSON SULLIVAN-WISECUP: Some
10 additional questions, yes.

11 MR. ANDERSON: I think that that list,
12 though, we both should come to that meeting with
13 a list. I think it would be interesting because
14 we run into circles. We both had conversations
15 in the council meeting in the public. If
16 there's any other information out there that we
17 can use to get to the truth of it as best as we
18 can, I'd be interested in that list.

19 So I would ask that you also do a list of
20 anyone else that you think, anyone else that you
21 think would be relevant that we should talk to
22 just so when we meet with Alan, we can give him
23 an idea of the number of people and the types of
24 people, so we can start.

25 The reality is the next date scheduled

1 for us will be scheduled because these are not
2 all City employees or elected officials, and the
3 more notice we can give them, I think, the
4 better. So I'd like to get ahead of that
5 scheduling soon.

6 CHAIRPERSON SULLIVAN-WISECUP: And I do
7 want to make a point is that I think it's
8 important to question people that may be
9 involved or may have information on what's
10 involved, but I personally do not want to turn
11 it into a witch hunt. I know that you and I
12 have -- I believe that we've been on the same
13 page all along.

14 So I just want to say, just for the
15 record, because I know a lot of people will say
16 you're questioning a bunch of residents. That's
17 not my intention is to question a bunch of
18 people. I don't want a witch hunt. I just want
19 who might have information and then the elected
20 officials and the people who are back there. I
21 don't think that either one of us really wants
22 to --

23 MR. ANDERSON: So maybe we should agree
24 on a guiding principle in that regard in terms
25 of how we determine that list to avoid even the

1 appearance of -- not a witch hunt but casting
2 the net too wide.

3 CHAIRPERSON SULLIVAN-WISECUP: Yes, yes.

4 MR. ANDERSON: Because Springdale is
5 still a small town in a tiny community, so a lot
6 of people hear or think they hear things.

7 CHAIRPERSON SULLIVAN-WISECUP: Yes.

8 MR. ANDERSON: I would suggest that this
9 initial list that we talked about is completely
10 appropriate. Anyone that was in the executive
11 session is in scope for the discussion we're
12 having.

13 I would then say -- I would propose this
14 guiding principle for any additional people
15 should have been named publicly by a firsthand
16 account of that. By that, I mean, in open
17 session, a council person, stated name, that, I
18 think, makes it appropriate to ask that
19 resident, ask that resident to help us get to
20 the truth of this.

21 I also want to be clear, this is an
22 initial list. After we hear the testimony,
23 there may be additional people that are then
24 named.

25 CHAIRPERSON SULLIVAN-WISECUP: Yes.

1 MR. ANDERSON: I think that's when people
2 get added for questioning. I think it should
3 always be as a result of testimony that's
4 occurred, not that person must have said
5 something. How else could it have gotten to
6 that person? I think those people should --
7 that's not okay.

8 CHAIRPERSON SULLIVAN-WISECUP: I agree.
9 I have a list of one. So it will be a short
10 list of one.

11 MR. ANDERSON: Great.

12 CHAIRPERSON SULLIVAN-WISECUP: So that
13 will be something that we will discuss and
14 review with Alan. It will come with our list,
15 and that will help us move forward, and then
16 we'll come with a list of questions like we had
17 identified through our original scope, and then,
18 obviously, we'll ask for his input on further
19 information and figure out how that process is
20 going to work.

21 MR. ANDERSON: That sounds like great
22 stuff. I think it's probably too early to talk
23 about the results on it. We talked about
24 deliverables. I'd still like to leave that
25 open-ended until we talk to Alan. We know the

1 recommendation of a document, there will be at
2 least a record of sorts, but other than that, I
3 think it's still too early to do anything other
4 than what we talked about. Is there anything
5 else you think we can do to get ahead of the
6 schedule?

7 CHAIRPERSON SULLIVAN-WISECUP: No. I
8 think that, honestly, I think we're actually
9 getting back to where our original schedule was.
10 I think that once that we can hammer out some of
11 the details of this contract and go with that,
12 and once we have Alan onboard and ready to go,
13 that this will hopefully -- I don't want to say
14 pick up and go fast because I want to be
15 thorough, but I think that it will start to
16 progress to where the general public will go,
17 oh, it is progressing in a forward manner, and
18 that's important. That is all that I have on
19 the discussion of committee procedures. Did you
20 have anything else that you wanted to go over on
21 that?

22 MR. ANDERSON: Just one other. I think
23 we've both been following this as a rule, just
24 as a ground rule for our committee, is that we
25 agree that we would not have -- we're city

1 council, and city council used to be on the CIC,
2 so there's opportunity for us to talk, and we
3 need to talk with other council people in
4 meetings and outside of meetings related to City
5 business. We agreed that in none of those
6 situations would we discuss CIC business full
7 stop.

8 CHAIRPERSON SULLIVAN-WISECUP: Yes.

9 MR. ANDERSON: Short of answering factual
10 questions of schedule or next steps, but all of
11 the other conversation that we agree we would
12 not participate in those conversations. I think
13 that council people expect that, but I want to
14 make sure that we're both in inviolate
15 agreement, that if those topics come up, just
16 because people talk, that we will steer away
17 from those. And it's not that we don't want to
18 talk about it. We oftentimes have questions
19 about what is the best way to do this. We're
20 going to have to rely on each other for those
21 questions.

22 CHAIRPERSON SULLIVAN-WISECUP: That's
23 perfect. Great. Okay.

24 Do we have any communications? Go to the
25 microphone. Please state your name and address.

1 MS. WEBSTER: Okay. Lavonne Webster,
2 12142 Peak Drive, Springdale, Ohio. I just want
3 to inform you, I don't believe they keep
4 attendance when they go into executive session.

5 CHAIRPERSON SULLIVAN-WISECUP: He said
6 that he was going to look on the -- you know how
7 when they go back, it's still filming on the
8 ICRC, so he was going to see how it was.

9 MS. WEBSTER: You can't see that.

10 MS. MATHENY: You've got to get the
11 information from the administration. You've got
12 to watch the meeting and tell if Christine went
13 back there.

14 MR. ANDERSON: Thank you. Yes, that was
15 just an additional thing where we're going to
16 try and double-check. We're going to rely on
17 who we believe was back there as our initial
18 list.

19 MS. WEBSTER: Well, I think, you know, a
20 lot of times, Chabey just doesn't go and
21 Christine doesn't go. But most of the other --
22 you know, like Jeff Forbes always goes, Derrick
23 and Amanda and, of course, elected officials.

24 MR. ANDERSON: Okay.

25 MS. WEBSTER: But I'm not sure. They

1 don't keep minutes for that.

2 MR. ANDERSON: They do not keep minutes
3 nor attendance back there. It would not be more
4 than the people who were at dais or in the
5 audience to begin with. So that will be our
6 opening. But, yes, your point is well taken.
7 There are no minutes that I'm aware of that we
8 would be able to refer to.

9 MS. WEBSTER: Okay. I just didn't want
10 you to think that.

11 Who's gonna do the questioning? Somebody
12 was talking about this last night after the
13 meeting. One of the council members was asking.

14 CHAIRPERSON SULLIVAN-WISECUP: That is
15 still going to be, once we meet with Alan and
16 we're going to get the procedures, what we were
17 just saying about the procedures with the
18 attorney, we're going to sit down with him and
19 discuss that.

20 MS. WEBSTER: Okay.

21 CHAIRPERSON SULLIVAN-WISECUP: Because we
22 want to make sure that everything we do we've
23 always said was above bar and make sure it's
24 defendable and, if need be, and everything like
25 that, we want to keep open what we can't keep

1 open, and if it can't be open, we want to make
2 sure that that's not. But we want to follow the
3 rules, you know, as close as we can to make sure
4 that we're keeping the integrity of the
5 investigation as good as possible.

6 MS. WEBSTER: This councilperson was just
7 asking me, and I said I don't know.

8 MR. ANDERSON: I think it would be -- I
9 think I'll be interested to hear our counsel's
10 recommendation on that.

11 I do feel strongly, as I mentioned in the
12 meeting last night, that even though we're
13 retaining counsel, this is still the CIC. We
14 are the members of the committee, and we'll make
15 the recommendation.

16 I think Miss Sullivan-Wisecup mentioned
17 that one of the attorneys -- I'm not sure if it
18 was Alan or not -- suggested that they actually
19 ask the questions because they're more
20 experienced in that regard, and that got me
21 thinking about it. I don't feel like asking the
22 questions necessarily means that I've abdicated
23 responsibility for investigating. It also might
24 feel less confrontational if a third party asked
25 the questions because these are peers.

1 So I'm thinking through that as much as
2 we want to take ownership of it. I'm thinking
3 that might be useful. I also see that there
4 might be benefit in having written questions
5 ahead of time, too, because this isn't -- this
6 isn't CSI. This isn't Law and Order. We're
7 trying to work through it.

8 You know, the fact that we talk about
9 subpoenas, that's when necessary, right, and
10 it's helping to understand this is important.
11 My guess is that most of the people that were
12 in, are going to be on this witness list, are
13 waiting anxiously for their opportunity to
14 answer these questions and won't need a lot of
15 coaxing and won't be looking to play word games.

16 So I'm hopeful that we'll get to it
17 quickly. I hope that we can go to council for
18 some of that, but I'm not afraid to talk
19 about --

20 MS. WEBSTER: An enviable task.

21 CHAIRPERSON SULLIVAN-WISECUP: When I was
22 meeting with the attorneys, when I was going
23 through all the attorneys' heads, that's what we
24 usually -- that's us. We do the investigative
25 part, and I honestly, because of what we did

1 before, I really had to put a whole lot of
2 thought into it. So I was listening to what
3 they were saying, and it did make -- it made
4 sense, and it was all the things that you had
5 just said, and it was -- they said your peers
6 for the questions, your peers, and that can turn
7 into something different, and it was a comfort
8 level of having that third party.

9 It is something that I was not thinking
10 about at first, but it was definitely something
11 that made me think, and that would be discussed
12 with Alan when we're going to do whatever -- not
13 whatever he suggests. We're going to listen to
14 his suggestions, and we're going to do what
15 everybody feels best for the whole entire thing.

16 We don't want anybody to be uncomfortable
17 or feel confrontational about this. The word
18 "investigatorial" is a strong word. It's a very
19 hard word to say, and I don't think that we want
20 to be confrontational in any way. We just want
21 to --

22 MS. WEBSTER: Do what you're assigned to
23 do?

24 CHAIRPERSON SULLIVAN-WISECUP: Yeah, we
25 do.

1 MS. WEBSTER: Thank you.

2 CHAIRPERSON SULLIVAN-WISECUP: Anyone
3 else? Second call. Third and final call.
4 I close and bring this meeting to an end.

5 MR. ANDERSON: Move to adjourn.

6 CHAIRPERSON SULLIVAN-WISECUP: Second.
7 Thank you.

8 - - -

9 PROCEEDINGS CONCLUDED AT 7:41 P.M.

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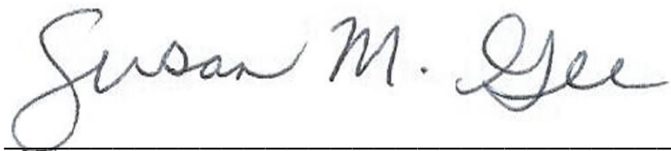
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C E R T I F I C A T E

I, Susan M. Gee, RMR, CRR, the undersigned, a court reporter for the State of Ohio, do hereby certify that at the time and place stated herein, I recorded in stenotypy and thereafter had transcribed into typewriting under my supervision the foregoing pages, and that the foregoing is a true, complete and accurate report of my said stenotype notes.



Susan M, Gee, RMR, CRR

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