

**MINUTES OF THE SPECIAL MEETING OF  
THE BOARD OF FIRE AND POLICE COMMISSIONERS OF  
THE CITY OF NORTH CHICAGO**

April 28, 2016

Held at the City of North Chicago Police Annex,  
1801 Sheridan Road, North Chicago, Illinois

1. Chairwoman Dicker called the meeting to order at 9:00 A.M.
2. Roll call identified the following Commissioners present:  
Chairwoman Velma Dicker  
Secretary Vanderbilt Blanchard  
Commissioner Shawna Huley  
  
Other persons present included:  
Attorney Joseph Miller of the law firm of Ottosen-Britz, Ltd.  
Attorney Brian O'Connor of the law firm of Ottosen-Britz, Ltd.  
Carl Sturt, Officer, North Chicago Police Department  
Steven Roberts, Officer, North Chicago Police Department  
Luis Rivera, Officer, North Chicago Police Department  
Richard Wilson, Deputy Chief, North Chicago Police Department
3. Chairwoman Dicker opened the meeting for Public Comment. None was offered.
4. Approval of minutes.
  - a. The minutes from open session of the April 7, 2016 Board of Fire and Police Commissioners were reviewed. Chairwoman Dicker made the motion to approve the minutes as presented, seconded by Secretary Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Motion and minutes approved.
  - b. The minutes from closed session of the March 3, 2016 Board of Fire and Police Commissioners were reviewed. Chairwoman Dicker made the motion to approve the minutes as presented and retain them as confidential, seconded by Secretary Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Motion and minutes approved.
5. Old Business.
  - a. Discussion/possible action on invoices for Commission services. No invoices were presented for consideration or payment.
  - b. Discussion/possible action on access to and security of Commissioners' mail & correspondence.
    - i. Commissioners discussed actions which occurred suggesting unauthorized access to Commissioners' mail, in particular in regards to actions in response to candidate medical evaluations the disclosure of which is strictly limited by Federal law and regulation (HIPAA and Protected Health Information, PHI) but which nonetheless seems to be occurring when Commissioners' mail is sent to City Hall.
    - ii. The Commissioners recounted several instances where action had seemingly been taken by City persons and staff on candidate medical evaluations before the Commissioners had even had the opportunity to first review the medical evaluation reports.

- iii. Attorneys Miller and O'Connor briefly reviewed the significant problems that could arise should claims be filed against the City for unauthorized access to candidate PHI, and explained the Commissioners needed to take action to properly secure access to reports and documents sent to it. One suggestion to improve document security and access was for the Commissioners to secure a Post Office box at the North Chicago Post Office.
    - iv. Chairwoman Dicker made the motion to approve securing a Post Office box at the North Chicago Post Office for the Commissioners, seconded by Secretary Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Motion and minutes approved.
- 6. New Business.
  - a. Review/discussion/possible action on appointment of full-time police officers. Tabled until after Closed Session deliberation of candidate pre-employment check results.
  - b. Review/discussion/possible action on appointment of full-time firefighters. Tabled until after Closed Session deliberation of candidate pre-employment check results.
  - c. Review/discussion/possible action regarding promotional examination for the rank of sergeant for the North Chicago Police Department. Tabled until after Closed Session deliberation of written exam test results and oral interview components scheduled for May 4th.
  - d. Review/discussion/possible action regarding promotional examination for the rank of lieutenant for the North Chicago Fire Department. Tabled until after Closed Session deliberation of written exam, and notice for the written exam, scheduled for May 23rd and oral interview and assessment center components scheduled for June 9th and 10th.
  - e. Discussion/possible action on process for appointment of full-time firefighters. No action taken.
- 7. Closed Session. Chairwoman Dicker requested closed session for a discussion concerning the appointment, employment of specific persons for the City of North Chicago [exception 2(c)(1)], collective negotiating matters between the City and firefighters [exception 2(c)(2)], and imminent litigation is probable or imminent against the City and Commissioners [exception 2(c)(11)]. At 9:13 A.M., motion by Chairwoman Dicker, second by Secretary Blanchard, to enter closed session at 9:30 A.M. to discuss the items noted above per the Open Meetings Act. There being no discussion, a roll call vote: 3 Yes, 0 No. Motion to enter closed session carried.
- 8. Chairwoman Dicker recalled open session to order at 11:02 A.M.
- 9. Action on items from closed session
  - a. Motion by Chairwoman Dicker, seconded by Secretary Blanchard, regarding the appointment of full-time firefighter Candidate #13 (Eddie Arias) noting that he had passed his Background Check and was authorized to proceed with final pre-employment (medical) check. There being no further discussion, a roll call vote: 3 Yes, 0 No. Motion carried.
  - b. Motion by Secretary Blanchard, seconded by Chairwoman Dicker, authorizing the Police Department to begin Background Checks on full-time police officer Candidates #24 (Michael Gacke), #25 (Matthew Decowski), and #26 (Peter Theoharis). There being no further discussion, a roll call vote: 3 Yes, 0 No. Motion carried.

- c. Motion by Secretary Blanchard, seconded by Chairwoman Dicker, regarding the appointment of full-time police officer Candidate #11 (Patel) noting that he had passed his Background Check and was authorized to proceed with final pre-employment (medical, psychological, polygraph) checks. There being no further discussion, a roll call vote: 3 Yes, 0 No. Motion carried.
  - d. Unanimous consensus of the Commissioners expressing concern in the strongest terms that (1) the medical examination results of a candidate for appointment had become known to City staff even before the Commissioners first review of the results, (2) no City staff member could offer an explanation how staff could gain access to the medical records without Commissioners' authorization, and (3) that the candidate was seemingly informed by unknown person or persons of the results from the unauthorized access to the of the medical examination report allowing the candidate the opportunity to consult with personal physician without Commissioners' being aware and certainly without Commissioners' approval.
  - e. Unanimous consensus of the Commissioners regarding the appointment of full-time police officer Candidate #13 (Semple) to defer decision on medical examination report pending review of follow-up vision tests which the Commissioners authorized.
  - f. Unanimous consensus of the Commissioners directing the attorneys to prepare a list for review and posting of the results of the written examination test results as part of the examination process for the rank of sergeant for the North Chicago Police Department.
10. Adjournment. There being no further business for the Commission, a motion was made by by Chairwoman Dicker, seconded by Secretary Blanchard, to adjourn at 11:07 A.M. A voice call vote was taken with the following results: 3 Yes, 0 No. Motion to adjourn carried.

Respectfully submitted,

Brian O'Connor  
One of the Commission's Attorneys

Approved by the Commissioners on June 8, 2016.

Velma Dicker  
Velma Dicker  
Chair, Board of Fire and Police Commissioners  
City of North Chicago

ATTEST:

Vanderbilt Blanchard Jr.  
Vanderbilt Blanchard  
Secretary, Board of Fire and Police Commissioners  
City of North Chicago