



# Veteran Assistance Commission of Will County

Erik W. Papineau – Superintendent

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## Special Executive Board Meeting

26 Apr, 2022

2400 Glenwood Ave, Suite  
110  
Joliet IL 60435

5PM

- A. Call meeting to order: 5:15PM
  - B. Pledge of Allegiance
  - C. Opening Prayer: Chaplain Singlar
- Roll Call of Attendees: Janet Blue

VAC Commission		
Attendee Name	Title	Status
Jack Picciolo	President	Present
Nicholas Barry	Vice President	resigned
Denise Williams	Secretary	Late
Amanda Koch	Sgt-At-Arms	Excused
Jim Singler	Chaplain	Present
Janet Blue	Member	Present
Steve Benicke	Member	Present
Tom Mlynek	Member	Present
Vic Martinka	Past Chairman	Present
John Kestle	Past Chairman	Absent
John York	Past Chairman	Absent
Wayne Horne	Past Chairman	Absent
Lisa McGlasson	Judge Advocate	Absent

Introduction of guests and first-time attendees:

Kathy Pleasant – Deputy Auditor

Duffy Blackburn – County Auditor

Also in attendance

Chris Wise – State’s Attorney’s office

Erik Papineau – Interim Superintendent

New Business

1. Update from Auditor

**Duffy** – we were requested by previous Superintendent due to FOIA Requests and questions about improprieties. Usually, offices in transition receive audit. Counsel (State’s Attorney’s office) is first counseled by our office to discuss our authority with the agency of government. Since VAC has a different makeup with its Illinois statute, we do not have direct oversight. Typically, we only audit each bill to be paid based on budget. We would like to go forward with the audit, but it would require a motion by the board to conduct an audit. Audit is responsibility of the board, not the management. When audit is conducted, the board is the client. It is not the management or director of the agencies. The request from the previous Superintendent was a request for a financial audit. This would include bank, cash, assets, revenues, and expenditures. The VAC’s Book of record is the Auditor’s ERP (accounting information system). We already have access to this information and can see deposits and vouchers. For the purposes of an audit, we would be happy to fulfill that objective for the board if a motion is made. Service through Auditor would be free. They can offer insight and recommendations on how to better control and achieve VAC’s objectives.

**Janet Blue** – What is a normal timeframe to complete an audit like this?

**Duffy** – could be done within three weeks. The first week would be discussions with the board and management: what they believe is relevant. We would then form the audit plan based on those discussions. Remaining time will be to substantiate financial activities. We could then come up with a discussion of findings and if there are any action steps. These will be taken to the board and the board’s appropriate response would be discussed. A follow up would be set to ensure steps are being taken.

**Jack Piocciolo** – Right now, Kristi requesting the audit does not start the audit? You need a motion from the board.

**Duffy** – As the Auditor understands, there is a discussion that must be had with Mary Tatro regarding the IGA that is currently pending.

**Chris Wise** – We are working on that. I am hoping it will be presented to the County Board at the next meeting. It states the county will provide Auditing services as requested.

**Duffy** – outside auditors would be able to come in and do very cursory work. They will come in for maybe 15 minutes, then you wouldn’t hear anything more from them. If the Auditor comes in, it will be more in depth to make sure we know what the VAC believes is important.

**Duffy** - as far as the elephant in the room, the board was somewhat informed about the allegations we received. On January 4<sup>th</sup> of this year (2022), we were alerted via a third party anonymous hotline. We received one from anonymous source questioning expenditure of \$495,000 for strategic marketing campaign. We don’t have oversight over this. As far as our fraud response, we first want to alert everyone at a table that is owning response (VAC Board). Auditor contacted States attorney and discussed what we could look into and confirmed that we couldn’t look into the issue any further. I did make a call to Amanda Koch because I am familiar with her as a county board member. Kathy sent a message to her to let her know what the allegations were (fraud tip). We did not request a formal introduction. Usually we try to figure out how this will go because fraud can take many different forms. We are here now to make sure you are aware of the allegations. (presented document from BKD auditing firm containing hotline tip).

**Chris Wise** acknowledged that he had not seen it.

**Kathy** – You should have seen it because on the 24<sup>th</sup> of January, I sent an email with the attachment to Amanda. (presented email correspondence). I contacted Mary Tatro who stated there was nothing we could do. Email to Amanda Koch followed because I did not have Chairman Jack Picciolo’s contact information and did not want to ask the office since the allegation was against the office. Later on (March 10), someone instructed me to send the email to Jack Picciolo. There were some responses back and forth regarding timing. Once again, confirmed that we have no jurisdiction over the VAC.

**Janet** – Can we get copies of that?

**Erik Papineau** – I will make copies for you

**Kathy** –I have the emails and that's really all I have because the stuff that sits behind my research and I am also able to respond to the anonymous submitter anonymously through this portal that we have with this BKD I can actually send a message and say thank you for you know your concern, here's what I am doing and I have done that. I can't print that because it's in my portal and the only people that I have access to the phone myself, Duffy, investigators, and state attorney, so that's attached behind there somewhere I don't know how to get it. I attempted to try to print it out, but I think it's in there right now

**Janet Blue** – thank you.

**Erik Papineau** - I have definitely seen this verbiage this before, that's familiar

**Kathy** - It is anonymous... (explains process of anonymous submission and response)

**Duffy** - and just through our advice from BKD in the States Attorney, when fraud allegations are brought, it is kind of a very ...for the Navy veterans in the room your sort of at sea. You don't know how to handle it because there are names that are implicated and discussed and you don't know who is needing the information and when so in these investigations it is a sort of a slow moving and sort of balanced approach that we try to take to a board, so just because it's not being shown to you know right when it happened it usually does take a few a few you know...

**Kathy** - we try to verify but some of them are kind of crazy that come through, “my neighbors car is very loud,” “my ordinance says that...” we have tons of those that come through. We always look at all of them to make sure that it's something we can do and then move forward From there.

**Chris Wise** - So you need a motion? Does it have to be tonight?

**Duffy** - No, you can bring it up at the next Meeting.

**Jim Singlar** - Do you foresee the necessity for board members to get a lawyer?

**Duffy** - As far as from our audit work, I don't believe you need any other Council, I believe Chris could provide. I believe other board do have their own attorneys. I think it would be best to make that decision if we do come in and have a longer discussion and then the kinds of questions that we would pose and what you would answer. We could probably just submit all the questions and questionnaires so you could read the questions for not putting it you on the spot. That would probably be best. We'll forward it on to Chris and make sure everyone knows any questions we're asking, would be then reviewed by attorneys before anything is being discussed. The other is that we have no requirement to proceed with an audit. This can be put off indefinitely. Just because Kristi wanted a clean bill of health on her leaving or exiting, doesn't

mean that we have to fulfill that wish at all. You as board members can just say we want to get our bearings and then we'll proceed. I would most likely recommend that at this point. We love to audit, so we'll come in and we'll audit every paper clip you have in here, but we'll leave that to you. Thank you

**Erik** - Anybody else?

**Jack** - So right now, we're presuming at the next scheduled meeting, we will discuss following through with the Audit

**Chris** – Right. I think that makes sense on the next agenda

**Tom Mlynek** - That IGA that we've been talking about, has that been approved? Because I thought at one time, we were told that if we needed any representation it would come from the state attorney's office.

**Chris** – That's by statute now.

**Erik** – The IGA is going to basically open our employees up to a lot of county resource that we don't currently have if you guys are all set...

**Kathy** - did you want me to take one roll cart at all is there some misconceptions about why that it was taken away from you guys? So Duffy and I were in a discussion about getting going out for bid for possibly a new purchasing card provider currently we use BMO Harris but it's been a long time so we want to see what's out there. This happened to come in through the exact same time that we were having this discussion and when I was talking with Mary Tatro on the phone and we were discussing how we have no jurisdiction and we were talking about different things that popped in my head about the use of the purchasing cards and the purchasing card agreement or cards.

**Duffy** - These are credit card that would be in your hands to make eligible purchases from county law allowed. it's convenient.

**Kathy** - but part of our agreement with BMO Harris is in order for us to have no fraud liability and we do have fraud on our cards all the time especially around holidays, we have to be able to, if we decided it was fraudulent, maintain control over the employee enough to be able to fire them. That's the only way we're protected from fraud, so when Mary and I were talking about this we're, like we, can't fire anybody at the VAC, so I said if I can't fire them or you or HR whomever, they can't have cards because then that negates our contract with BMO Harris. So it was really an immediate thing. This is the reason immediately these cards will not be allowed, because we don't have any jurisdiction over you, so we can't have this because if not you're not part of it. That is why they were pulled. There was no malicious intent or anything like that. It was purely the fact that it would negate our agreement with BMO Harris. We have 200 cards so I really don't want to negate the agreement with BMO Harris.

**Janet** – Was it a new rule that came or did you just notice it?

**Duffy** - It was the review of the new contract. We looked at our old contract before we went out to our RFP, we were going to review our contracts. We knew about it, but I think we were just taking a little bit more ownership of saying maybe we do not have any jurisdiction, but you're right, yes, we didn't. It was an improvement on what we were doing.

**Chris Wise** - One of the provisions of the proposed IGA is that.

**Kathy** - it's easy to regain them. I'll just light him back up and then you guys can use them again, but I turned them off immediately. It didn't really cause a problem as far as you guys running your office and doing your purchasing and helping out the Vets. That had nothing to do with it. The purchasing card is everything is the same, again we don't have jurisdiction but generally speaking, in any other office of the county, the rules are all the same for any purchases in the county. The only thing that the purchasing card does is it differs in the way that we pay it so it's a credit card, immediate. There's no purchase order process or no entry in the system there's no going... the controls are all there because they still have to have signatures, they still come to our office, we still review absolutely everything and then if we have questions, we ask. I'm also told, again you don't have to answer it you can say no, sorry. The other thing I wanted to bring to your attention is you guys can give us whatever you want out of your meeting for us to review as part of that document so even in the future if you approve some \$40 million new building or whatever we have that backup as backup it's your approval that makes that a good charge.

**Tom** - so you could be liable if there was something wrong

**Kathy** – you would be liable.

**Duffy** - the purpose of the IGA to say, if there was fraud that was committed by a purchase by purchase card buying employee, you would take yes you know effective action

**Chris** – it binds this board, our Commission, to follow the terms of the credit card agreement which is required. It's just the same as everyone else. It's just going to be.

**Chris** – the firing would be done by us.

**Kathy** - right yeah firing would be done by whoever else is in charge in that instance, but they have to be or else the county would be paying... (example of inappropriate spending)

**Erik** - thank you for coming out. (to board) I wanted you to understand exactly what's going on.

2. Appointment and election process notification to fill Executive Board Member Vacancy
  - a. Discussion

**Janet** - I have a comment on that. First of all, on the agenda I don't think it is correct. I think that the vacancy should have been that Nicholas Barry resigned.

**Erik** - You're correct, there was a lot of confusion because Plainfield American Legion elected new delegates which you were representing. I wasn't sure if you were...

**Tom** - Delegates don't have direct voting rights

**Erik** – But as an elected official, I you maintain your seat even though Plainfield brought in new delegates

**Tom** - OK

**Erik** - and the issue has been resolved.

**Tom** – Does my commander know about it?

**Vic Martinka** – What we did was John York was the delegate for the 40 & 8. We put John as an alternate because as a past chair, he's automatically a delegate anyway and move Tom from Plainfield to the 40 & 8<sup>th</sup> in will county

**Jack** – The point is, he's an elected board member. It doesn't do anything with their delegates, he stays in office.

**Erik** – yeah, he's still in office. he's still a member of the executive board.

**Jack** – There’s another question on one of our bylaws here that needs clearing up

**Chris** - Is that until the end of the term?

**Jack** – Yeah

**Erik** - If you weren't a delegate, I'm not exactly sure how that would play out because then you wouldn't be able to return to the board if you're no longer a delegate, but we got that sorted out. Coincidentally, right after I sent these out, we got the email from Nicholas Berry stating that he was resigning his post as vice president. We still have to discuss the replacement of vacancy which I've got the bylaws right here to show how, if that's necessary. Basically, Jack can appoint someone, then in 30 days, it has to go before the board to approve that appointment. There’s a couple of different ways to do it. Jack you could appoint someone at anytime, or at the next meeting, we let everybody know that we're looking to fill the vacancy and anybody interested can contact you (Jack) or me and I'll get it to you. Then you could make your selection and announce it at the next meeting. 30 days later, we do the vote with the general board.

**Chris Wise** but it has to be at a regularly scheduled meeting that's later than 30 days after the appointment

**Erik** – Right

**Janet Blue** – Do we need to replace someone right now. Can we not wait until the next election which is in October?

**Chris** – We have got plenty of things on our plate right now.

**Erik** - Is it a requirement to that the board be filled?

**Christ** – I don’t think it’s a requirement. Vacancies in any office shall be filled by members of the commission. That doesn’t say it’s a requirement. It doesn’t talk about any timeframe.

**Tom** – Normally if you were absent, the Vice President would take it, right?

**Jack** – Right

**Erik** – For the immediate meeting, but not as a permanent position. We’re talking about filling a vacancy.

**Tom** – Right. I’m just saying in case he’s absent.

**Chris** – When is our next election? Every two years? So this coming October we have an election.

**Erik** – Yes

**Jack** – I think we have enough going with everything else that this is something we can wait for. There is no need to have a vice president right away. I say we just wait until October. That’s it for the regular meeting. I need a motion to go into closed executive session.

#### **Motion - to go into executive session**

**Motion made: Janet Blue**

**Chris** – the OMA requires that we say, for the litigation part, why we believe litigation is probable or imminent.

**Janet Blue** – a probable lawsuit

**Chris** - We have to state it on the record. What is it that leads us to believe that we might get sued

**Erik** – The multiple FOIA’s that came through are pretty indicative of potential lawsuit that is to come. That is why litigation is listed as executive closed session.

**Motion seconded made Vic Martinka**

**Chris** - I believe it needs to be a roll call vote:

Jack Picciolo	Yes
Jim Singlar	Yes
Janet Blue	Yes
Steve Benicke	Yes
Tom Mlynek	Yes
Vik Martinka	Yes

**Jack –the motion passed**

**Erik** – I am going to stop the recording and start a new one as the executive closed session

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Closed executive session per:

1. 5ILCS120/2 Sec2(c)1 Personnel
    - a. Discussion
  2. 5ILCS120/2 Sec2(c)11 Litigation
    - a. Discussion
- 

**Chris** - We have a few matters that have resulted from the executive closed session

**Motion:**– I’d like to make a motion that we hire O’Grady to head this investigation as our legal representative to have this investigation as our litigation team or as our legal representative to give us a completely unbiased investigation at a rate of up to \$300 per hour

**Motion made – Denise Williams**

**Motion seconded by – Janet Blue**

Voice Vote

**Jack – All in favor? (Unanimous aye) All opposed? Motion carries**

**Motion – I’d like to make a second motion coming out of the closed session on the matter of personnel. Specifically the compensation for the interim superintendent, Erik Papineau, that compensation is retroactive to the date of assumption at \$90,000 per year**

**Motion made – Denise Williams**

**Motion seconded - Steve Benicke**

Voice Vote

**Jack All in Favor? (Unanimous aye) All opposed... Motion Carries**

**Jack** - We’re not going to do one for the audit. We’re just going to wait

**Steve** – Do we think there is a correlation between the two? The anonymous going to the BKD?

**Chris** – I think there’s no question about that. I think that will come out in the investigation.

**Janet** – What to you mean correlation

**Chris** – That it's the same person. You look at the letter and it's the same.

**Erik** - Verbatim. I've never seen this, but I've seen those words.

**Denise** – And when was this received?

**Erik** – Jan 4<sup>th</sup>

**Denise** – do we have any other business? Then our next meeting is May 10 at 6. Two weeks from now at the Plainfield Legion.

**Motion to adjourn**

**Motion Made – Denise Williams**

**Steve** – I'd like to make a suggestion regarding our meeting coming up. We had 3 or 4 people facing the audience. I think it'd be better to face the audience.

**Denise** – we can ask the Plainfield Legion to set our tables up in a horseshoe.

Denise discusses location of future meetings reaching out to other posts to host, specifically outlier posts so that they do not feel alienated by their distance from Joliet.

Chris wise reiterates that the moving meetings would be for the quarterly general board meeting

**Denise** – there is a motion on the floor to close the meeting

**Motion seconded – Janet Blue**

**Jack All in favor (Unanimous aye) Motion carries**

**VAC Board Meeting**

**5/10/2022 @ 5PM**

**Plainfield American Legion: 24741 Renwick Rd, Plainfield, IL 60544**