

**BOARD OF FINANCE  
SPECIAL MEETING  
The Metropolitan District  
555 Main Street, Hartford  
Thursday, January 18, 2024**

**PRESENT:** Commissioners Andrew Adil, Allen Hoffman, Pasquale J. Salemi and District Chairman Donald Currey; Citizen Members Drew Iacovazzi, Linda Russo and Awet Tsegai (7)

**REMOTE ATTENDANCE:** Citizen Member Linda King-Corbin (1)

**ABSENT:** (0)

**ALSO PRESENT:** Commissioner John Avedisian  
Commissioner William DiBella  
Commissioner Alvin Taylor  
Commissioner John Gale  
Commissioner Joan Gentile (Remote Attendance)  
Commissioner Byron Lester (Remote Attendance)  
Commissioner Jacqueline Mandyck (Remote Attendance)  
Scott W. Jellison, Chief Executive Officer  
Christopher Stone, District Counsel  
John S. Mirtle, District Clerk  
Steve Bonafonte, Assistant District Counsel  
Kelly Shane, Chief Administrative Officer  
Chris Levesque, Chief Operating Officer (Remote Attendance)  
Robert Barron, Chief Financial Officer  
Robert Schwarm, Director of Information Services (Remote Attendance)  
Thomas Tyler, Director of Facilities (Remote Attendance)  
Dylan Pecego, IT Consultant (Remote Attendance)  
Victoria Escoriza, Executive Assistant  
Julie Price, Executive Assistant

**CALL TO ORDER**

District Chairman Donald Currey called the meeting to order at 5:01 PM

## **Board of Finance WebEx Recording 1.18.2024**

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[background conversation]

**0:00:27.7 Donald Currey:** Good evening, everyone. Call the meeting to order at 5:00 PM First Order of Business, please silence your phones. And the first item on the agenda is the election of Chairman, and I will recognize Commissioner Adil for a nomination.

**0:00:44.1 Andrew Adil:** Thank you, Mr. Chairman. I'd like to move the nomination of Buddy Salemi as Chairman. He's a longtime member of this committee, and Chairman of it, and has guided us for many years on a very smooth path, and I recommend that we continue to honor him as Chair. Thank you.

**0:01:01.1 Donald Currey:** Is there a second?

**0:01:03.5 Allen Hoffman:** Second.

**0:01:04.5 Donald Currey:** Are there any other nominations?

**0:01:06.0 Andrew Adil:** I move the nominations be closed.

**0:01:10.7 Donald Currey:** I'll move. All in favor of electing Commissioner Salemi as Chairman of the Board of Finance, please say aye.

**0:01:16.1 Drew Iacovazzi:** Aye.

**0:01:16.7 Speaker 4:** Aye.

**0:01:17.4 Linda Russo:** Aye.

**0:01:18.0 Speaker 6:** Aye.

**0:01:18.1 Donald Currey:** Opposed? Motion carries. Congratulations, Buddy.

**0:01:22.6 Pasquale J. Salemi:** Thank you.

**0:01:23.2 Linda King-Corbin:** Congratulations.

**0:01:31.8 Scott Jellison:** Yeah, congratulations, Buddy.

**0:01:32.0 Pasquale J. Salemi:** Thank you.

**0:01:34.6 Pasquale J. Salemi:** So thank you to everyone, and appreciate the endorsement from Commissioner Adil, and votes from all of you. Thank you very much. Okay. The next item on the agenda is the election of a Vice Chair. Is there, are there any nominations for Vice Chair?

**0:01:58.3 Pasquale J. Salemi:** I would like to the privilege of the Chair to nominate our Vice Chair Allen Hoffman. Allen's been the Vice Chair with me now for, I think it's 14 years. I don't know, 12

years or 14 years. I think it's back past 2014, John, so, on the website, so it's at least that long. And certainly served this committee well, so well.

**0:02:29.6 Allen Hoffman:** Thank you.

**0:02:32.1 Pasquale J. Salemi:** All right. Is there a second to that nomination?

**0:02:33.6 Donald Currey:** Second that.

**0:02:35.2 Pasquale J. Salemi:** Are there any other nominations? Any other nominations for Vice Chair? Hearing none, I'll close the nominations and ask all in favor of Allen Hoffman as Vice Chair signify by saying aye.

**0:02:53.0 Speaker 2:** Aye. **0:02:53.3**

**Speaker 2:** Aye.

**0:02:53.6 Linda King-Corbin:** Aye.

**0:02:53.9 Pasquale J. Salemi:** Thank you. Congratulations, Allen.

**0:02:56.1 Allen Hoffman:** Thank you, sir.

**0:03:00.8 Pasquale J. Salemi:** Certainly appreciate having you as a Vice Chair.

**0:03:05.2 Allen Hoffman:** It's been a pleasure.

**0:03:10.3 Pasquale J. Salemi:** I believe the next item on the agenda is public comments relative to agenda items. Are there any public comments relative to agenda items? Any public comments relative to agenda items? Hearing none, we'll move on to item number five, approval of the minutes of December 4th. Is there a motion to accept the minutes of December 4th?

**0:03:40.3 Allen Hoffman:** So move.

**0:03:42.2 Speaker 4:** Second.

**0:03:42.6 Pasquale J. Salemi:** Motion has been made and seconded. Are there any additions, deletions, corrections? Hearing none, all in favor of accepting the minutes as submitted signify by saying aye.

**0:03:53.1 Drew Iacovazzi:** Aye.

**0:03:54.1 Speaker 4:** Aye.

**0:03:55.1 Speaker 6:** Aye.

**0:03:55.8 Pasquale J. Salemi:** Thank you. Before we move on to item number 6, I'd ask, I'm privileged to chair to make a following statement. As I said, before item number 6 of the agenda is called, I asked this board consider that my request described in that agenda item was made of the district board

actually in November of last year. And I asked to acknowledge without objection that the referral by majority vote of the board places before the board of finance, which I serve as chair. Although Robert's rules of order allows that a chair of a committee or a board is free to speak and debate, make motions and vote in all cases, and certainly I would have and will have all those rights before the district board. I ask this board to consider the following in order for the chair to preside with impartiality and provide for orderly procedure during which it's my intention to place my request for indemnification and reimbursement of attorney's fees as stated before the board of finance as directed by the district board and to participate in any discussion on the issue. I intend to ask the board to allow for our vice chair, Allen Hoffman, without objection and with his acceptance to preside over this matter, item number 6, until such time as it is disposed of by vote of the board of finance. But before I ask that, I have to inform the board that in a conversation last week with our district clerk regarding the possible executive session, he informed me that there is an opinion or in his opinion, there's a request for executive session for the purpose of attorney-client privilege and to be provided with attorney client work product might create a procedural issue. And I'll ask the clerk to repeat what he informed me of for the board regarding the possible executive session as stated in the original agenda item.

**0:05:56.3 John Mirtle:** Yeah, this is John Mirtle. When drafting the agenda, I spoke with commissioner Salemi. He had indicated that he wanted it marked as possible executive session. And I asked him what the the basis for that executive session would be. Obviously the standard is a public open meeting and there's specific statutory exceptions that allow executive session. Chairman Salemi indicated that it was attorney-client privilege. And I asked him whether that was privilege of the district or did he mean his privilege with his private attorney Sullivan? And he indicated he was referring to attorney Sullivan. And so I, told them I did some research and I told them, I don't believe that to be a statutory basis for executive session. I think if you were to go into executive session on that basis, it, the logic kind of becomes circular because it's privileged communications or work product. And the second that was disclosed to any members of the committee that eviscerates that privilege. And I wasn't able to find any FY cases, on a private attorney privilege to be a basis. So I informed the chairman of that.

**0:07:01.6 Pasquale J. Salemi:** No. Thank you, John. So notwithstanding any opinion to the contrary, I'll move forward as intended to make my presentation an open session withholding documents that were identified as 30 client privilege and summarize in the tenses of documents if I have to. Verbally. I'll note for the record that although my presentation is somewhat inhibited by that, I certainly, can go forward with it. I think I can present enough for the... For this board to be able to make a decision. I now ask the board to allow for our vice chair Allen Hoffman without objection and with his acceptance preside over this matter until such time as it disposed of by vote of the Board of Finance. And ask the chair to call item number 6 at this time. You want, you can move up here.

**0:07:50.9 Allen Hoffman:** No, that's fine.

**0:07:52.1 Pasquale J. Salemi:** And I'm gonna ask that attorney Sullivan, be able to move up here, sit up somewhere a little closer. He is in the back here, so, if we can get him to get a seat up here or something. Is that okay with the board? It's not gonna need him for, part of the presentation.

**0:08:13.1 Pasquale J. Salemi:** Allen, why don't you move here and I'll sit here.

**0:08:22.0 Allen Hoffman:** Okay. I get it.

**0:08:24.6 Pasquale J. Salemi:** Very good. So Andy's gonna make a motion if you want me call the items.

**0:08:35.1 Allen Hoffman:** Sure.

**0:08:36.0 Andrew Adil:** Recognize.

**0:08:48.3 Allen Hoffman:** Okay, so we're on item number 6. Chairman?

**0:08:53.8 Allen Hoffman:** Yes, sir. Commissioner Adil.

**0:08:56.1 Andrew Adil:** Thank you. Mr. Chairman. I'd like to, move the referral from the district board Ray, regarding requesting Commissioner Salemi for identification, reimbursement of private attorney fees. Forward please.

**0:09:13.3 Allen Hoffman:** All in favor.

**0:09:14.2 Speaker 2:** Aye.

**0:09:15.2 Allen Hoffman:** You need to vote?

**0:09:19.4 Speaker 2:** Yes, sir.

**0:09:20.4 Allen Hoffman:** Okay. Very good.

**0:09:24.6 Pasquale J. Salemi:** Thank you, Mr. Chair. First of all, thank you all for being here for this meeting and for being present either online or here. I appreciate your attention to this matter, particularly since it's of great importance to me personally. And to other commissioners who might one day conclude that they require legal counsel and representation as an MDC Commissioner as well. On April 19th of this year. Commissioner Currey and Lewis, both members of the IAC wrote the commissioners and I got that letter and, it talks about the due process and documentation and stuff. And it was one of the reasons that I thought that, I needed some help. As, I think you know I'm not an attorney and I thought at that point I did need some help, that was after the report was issued. So I'm not gonna be asking this body or any of you individually to determine whether the charges brought against me by the IAC were accurate. I already know for myself and think that I can prove that they were inaccurate and without merit. And if afforded the procedural due process, I wouldn't be before you tonight. I wouldn't ask you the members that I serve with on this board to hear this matter if I wasn't absolutely certain of that. And believe it's important to the integrity of the district to be addressed.

**0:10:56.6 Pasquale J. Salemi:** I'm also not asking you to determine whether any party to the investigation or anyone involved in its conduct or proceedings is guilty of violations of our charter or was acted with the intent to deprive me of my rights as a commissioner in this matter or any other not asking for that either. I am asking you to determine whether any parties in the investigation, I'm sorry, since the district board has referred this matter here, I'm asking that you determine that the services of professional counsel in a particular of Attorney Sullivan. By the way, this is, attorney,

Sullivan and he'll speak when I, after I'm finished introducing this they were necessary and remain appropriate and with the understanding that district counsel could not and did not provide for my defense or counsel due to an acknowledged conflict and to support my defense against the charge brought against me, with Attorney Sullivan's presentation after with those services and fees for those services he has provided, I'm asking that you consider that the services are responsive to the charge and the fees are reasonable to recommend them as such to the district board.

**0:12:14.2 Pasquale J. Salemi:** On May 22nd, 2023, I engaged attorney Jamie Sullivan of the firm of Logan Vance Sullivan and Kores the counsel and represent me regarding the MDC internal audits. Committee's charge that I had acted in violation of the district charter as advanced in its investigation report relating to San Sandler and Marrow invoices. The report is dated April 4th, 2023, prepared by attorneys Patrick McHale, Jennifer L. Dixon of Kainen, Escalera & McHale. I spent virtually all my personal time between the submission of the report on April 4th and May 22nd, working on my response and speaking with three attorneys, in including Jamie Sullivan regarding my belief that my rights, under Connecticut FOI provisions and other the charter may not have been provided for or not supported by the procedures, and that my request for a necessary documentation associated with the report had been somewhat inhibited by the fact that the investigation was conducted by a law firm and attorneys. And I cannot provide for my defense without professional counsel.

**0:13:26.8 Pasquale J. Salemi:** So, at this point, I'd like to introduce attorney Sullivan and he can talk about the services that he provided and the rest, Jamie, please.

**0:13:39.4 Pasquale J. Salemi:** Thank you for allowing me to have attorney Sullivan.

**0:13:42.0 Jamie Sullivan:** Good night, board members and commissioners. My name is Jamie Sullivan and I've been practicing law for a little over 30 years. And I've in the past represented individuals who are public officials. So I've made somewhat of a specialization in that area.

[overlapping conversation]

**0:14:08.7 Jamie Sullivan:** I'm sorry.

**0:14:10.1 Pasquale J. Salemi:** Yeah, the microphone. That's the microphone here, sorry Jamie.

**0:14:13.5 Jamie Sullivan:** So, sorry. Before being engaged by Commissioner Salemi, I didn't know him. I never met him. I never heard of him. But he was referred to me by a lawyer that I know well. And so I was engaged by Commissioner Salemi to assist him and I think it's appropriate that he hired an attorney like me who has a specialization in this area because the conclusions that were reached in the McHale report were conclusions by a lawyer and they were legal conclusions. And, but I mean, Commissioner Salemi is not a lawyer and I think he needed help not only to address the legal analysis that was employed in that report, but to address to have assistance in getting information that he was unable to get on his own. And so I assisted him in really undoing a log jam that he had confronted in terms of getting information and documents. And so once he hired me, we were able to get the information and documents that he needed to assist in his defense. The work that I've done and I pride myself on doing as little as I can for my clients because I'm sensitive to the needs, the financial needs of clients and others. I assisted him in analyzing the report and getting the information. Commissioner Salemi forwarded me minutes and other information as by way of

background.

**0:15:51.1 Jamie Sullivan:** We often spoke on the phone and by way of email and text and ultimately I guided him through the process in terms of mounting a defense to the charge that he violated the charter. And so that's primarily the scope of my representation, what I've done on his behalf. And I'm here to answer any questions if you have them. Thank you.

**0:16:23.1 Drew Iacovazzi:** Can I ask a couple of questions?

**0:16:26.5 Allen Hoffman:** Please.

**0:16:27.7 Drew Iacovazzi:** First question I have is.

**0:16:29.6 Allen Hoffman:** Commissioner, just say your name first.

**0:16:31.9 Drew Iacovazzi:** Commissioner Iacovazzi.

**0:16:33.2 Allen Hoffman:** Thank you.

**0:16:33.7 Drew Iacovazzi:** Is Chairman Salemi recusing from a vote on this or required to or.

**0:16:43.0 Allen Hoffman:** You want to direct that to the attorney.

**0:16:44.6 Drew Iacovazzi:** Either or I guess I'm not sure or through the board or to or I'm not sure.

**0:16:50.9 Allen Hoffman:** I think...

**0:16:50.9 Pasquale J. Salemi:** Excuse me John, I think you could ask the district clerk if he believes that I have to recuse myself. We'll see what he says.

**0:16:58.9 Christopher Stone:** Well, we're just on district council. I think a referral to our ethics code is probably appropriate. I don't know whether it's B6D John or.

**0:17:12.3 John Mirtle:** B6D.

**0:17:13.2 Christopher Stone:** B6D, once, can you pop it up on your computer.

**0:17:16.5 Christopher Stone:** I would preface before John reads that the to your point issues like whether one has a personal conflict and is compelled to recuse him or herself are just that are are personal to the individual and they have to make the decision at least initially as to whether they have a conflict and whether they should or should not act on a particular matter. We've gone a little farther than that in our code of ethics, and I'll have John with that introduction, read that section.

**0:18:01.2 John Mirtle:** Yes, sir, I'm just going to try to throw it up on the WebEx as well. People can see it and it should be on the screens. And it should be on the screens. Okay bylaw, B6D. Title disclosure of interest, no officer, commissioner, citizen member or employee shall engage in or participate in any business or transaction, including outside employment with the private business or pursue an interest directly or indirectly. Which is incompatible with the proper discharge of his or



her official responsibilities in the public interest, or which would tend to impair his or her independent judgment or action in the performance of official responsibilities. If any officer, commissioner, citizen member or employee has a personal interest, or a member of his or her immediate family has a financial or personal interest in any matter coming before, or which has been before the district board or any of its bureaus commissions or committees. Or if there's any matter, the consummation of which is incompatible with the proper discharge of official duties. Such officer, commissioner, citizen member or employee shall so advise such body. If such officer, commissioner, citizen member or employee. Is a member of such body, he or she shall refrain from voting upon or otherwise participating in the consideration of such matter. Or any determination and connection there with by such body and shall not be present at any executive session of such body at which such matter is considered.

**0:19:39.0 John Mirtle:** Notwithstanding The prohibition in subsection A, such officer commissioner, or citizen member, or employee may vote or otherwise participate in a matter if it involves a determination of general policy and the interest is shared with a substantial segment of the population of the municipality provided in the case of a commissioner, said, commissioner shall not preside over any meeting or hearing involving such matter. And then the bylaw continues onto the conflict of interest disclosure forms. That's the relevant part though.

**0:20:11.9 Christopher Stone:** So that's our code of ethics. That's the section that, and I haven't looked at it whether there's others that apply here, but that's certainly the section that applies more or less on point as to your question. And I guess I'd like to hear from Commissioner Salemi's counsel on whether they feel that based upon that section that he should not, that Commissioner Salemi should not participate in the vote. I think that was the question on the vote in this matter.

**0:20:42.8 Pasquale Salemi:** Well, I would only say, and I'll let Jamie answer that this. I didn't hear, your question wasn't about a conflict of interest. Your question was about whether or not I can vote on or I intended to vote on this matter. So, and I think that what we heard is that I could vote and so you know, but I don't know. I'd like to ask Jamie to refer on that. And, and you know I don't want anybody to I just wanna make sure that your question gets answered. Okay. I don't have to I mean I'll let Jamie answer it, but you asked the question and I think the answer is that I can vote on it, but I'll let Jamie go ahead and answer.

**0:21:28.4 Jamie Sullivan:** I mean, I'm well versed in codes of ethics and came up with a code of ethics for the City of New Britain. And, on this point, I really think it's up to Commissioner Salemi to determine whether or not he feels that he can vote on it or not. I really can't examine his conscience for him.

**0:21:48.9 Allen Hoffman:** Okay.

**0:21:51.0 Jamie Sullivan:** If he feels this is appropriate. I think it's appropriate.

**0:21:56.6 Pasquale Salemi:** I will only say that you know I'd like to hear from if there are any other questions or anything from other commissioners or board members. That's all.

**0:22:06.0 Allen Hoffman:** Yeah. Attorney Stone.

**0:22:06.9 Christopher Stone:** Yeah. Thank you, Mr. Chairman. Thank you for recognizing me,

Chris Stone District Counsel. I don't, I'm not sure that what John read, what the clerk read indicated that you could vote. There was, I'm sorry, I shouldn't speak. Indicated that Commissioner Salemi could vote. I think there are circumstances that he outlined in that section where he could vote a matter of general public concern to, and I forget the exact language, but as to items of a, or issues of a personal nature, my understanding is that we go beyond our code of ethics goes beyond the standard as expressed that I expressed, and as Attorney Sullivan expressed that it's personal to the individual, and he or she should decide based on in their conscience whether they should participate or not. We then go that step further and within our bylaws state specifically, that in certain circumstances has outlined in the bylaw that they should not participate. You don't have to agree with the way that's, I'm interpreting it or that John is interpreting it, but that appears to be, it is what our code of ethics says. So based upon that, if you still feel that you should participate in the vote on this particular participation on this discussion and vote on this item, then.

**0:23:29.5 Pasquale Salemi:** I certainly didn't... I don't intend to have this hearing be about whether or not I can vote.

**0:23:33.9 Christopher Stone:** No, I understand. I was trying to answer the question. I don't know when the question.

**0:23:39.0 Pasquale Salemi:** I mean, I understand, and I appreciate the question I mean I thought the question was more aligned to and I looked at the charter that, you know, that I can't vote for anything where I would receive any financial benefit for myself. And I don't see that as the case. I mean, we're talking about paying the, Attorney bills because he's provided counsel. Because I couldn't use counsel here at the district, which I understand. I mean I understand why that happened and that's really the case. So there's no financial benefit directly to me. I'm just, we're talking about, I'm not talking about anything coming to me. I'm talking about paying the bills of the Attorney to represent me. If someone feels that that is actually a financial benefit to me I would recuse myself from voting on this. I'm not gonna recuse myself from speaking on it. I have to make this presentation.

**0:24:35.8 Christopher Stone:** We need you to participate. Yeah. There's no question about that. So I think if I might miss chairman through you, please. Thank you. District counsel if when you. As I read your request, you request reimbursement, which to me means, and you may not have meant it this way, that you've paid Attorney Sullivan already and wanna be reimbursed for that expense. Is that correct?

**0:25:00.5 Pasquale Salemi:** That's accurate.

**0:25:00.8 Christopher Stone:** Okay. So then the question becomes, is that a financial benefit to the commissioner or not? The reimbursement of his expense for Attorney Sullivan. And that's.

**0:25:13.7 Pasquale Salemi:** I also asked him...

**0:25:14.9 Christopher Stone:** Didn't they decide really initially, but, ultimately it's tough.

**0:25:17.5 Andrew Adil:** Well, I mean I had to pay him [laughter] I mean, I'd say that he's a great guy, but he is not a volunteer, and I don't think any of the Attorneys that I know are volunteers. This is all I'm gonna say. But I would say that we also asked about indemnification, which is more about,

and I'll let Jamie explain this better. But with I use that only 'cause it's the statutory language. But that has to do with any future work that he may have to do for me, in representing me. If this the... Moves on to some other form or something where it's gonna be adjudicated. This obviously has to go back to district board. What the Board of Finance and I mentioned it before and I'll read it again. The resolution that I think forward is that it's a recommendation by the Board of Finance that, you've received the presentation from me that the services that, Jamie provided were reasonable with respect to the charges made against me. And, I'll let him explain the rest of that. If you have any questions, he can explain the rest of that. So, that being said, I'd like to turn it back over to him if there's any questions for him regarding that. So you wanna explain the indemnification?

**0:26:43.1 Allen Hoffman:** Hey, one second. Commissioner Adil actually,

Andrew Adil: I'm probably asking the question regarding what Attorney Sullivan's gonna say, but I just wanted to know a little bit more about, Attorney Sullivan's viewpoint of why it was necessary to engage him in the first place?

**0:27:01.6 Jamie Sullivan:** I think it was necessary because, commissioner Salemi was faced with a legal analysis by a lawyer, Patrick McCabe and the other lawyers in his office. And, he is a lay person. He doesn't have any legal training to address those legal analyses. And so he needed the assistance of me. In addition, as I mentioned, he came up on a log jam in terms of getting information. So I had to assist him in getting information by way of filing actual FOIA claims with the Freedom of Information Commission. I don't think he could have done that without him, without legal assistance.

**0:27:50.3 Andrew Adil:** Thank you.

**0:27:55.2 Allen Hoffman:** Yes, sir.

**0:27:56.7 Drew Iacovazzi:** Commissioner Iacovazzi, can I direct a question to, Salemi or Attorney Sullivan. So, I'm, curious if there's an estimate for total expense incurred so far.

**0:28:07.3 Pasquale Salemi:** Well, again, I'd ask, Attorney Sullivan to respond to that, but I would say that, the rates, it's an hourly rate that gets done for something like this. There was no guarantee of a lump sum or anything that it was just a, hourly rates. Hourly rates to respond to the issues that we had to deal with. And I thought they were reasonable. But I'll let, attorney Sullivan, respond to that.

**0:28:41.4 Jamie Sullivan:** I don't have an exact figure, but I think it's approximately \$15,000. And that is from services rendered from May until today's date.

**0:28:53.6 Allen Hoffman:** Commissioner Russo.

**0:29:00.1 Linda Russo:** Thank you. Attorney Sullivan, is that based on an hourly rate?

**0:29:05.9 Jamie Sullivan:** It is.

**0:29:06.4 Linda Russo:** And what's your hourly rate?

**0:29:07.8 Jamie Sullivan:** \$350 an hour.

**0:29:09.8 Linda Russo:** Do you have a copy of the bill that we could see?

**0:29:14.1 Jamie Sullivan:** I have a copy of bills that can be disclosed, but I'm happy to disclose the bills, but I'm worried that they may reveal some attorney client privilege. But I've brought in the bills with me, and I'm happy to share them if it doesn't open up, any kind of attorney-client privilege.

**0:29:40.5 Linda Russo:** Well, after this evening, has your relationship with Attorney Salemi concluded, or do you anticipate more charges will be more billable charges will be forthcoming?

**0:29:55.3 Jamie Sullivan:** I would hope that he needs me as little as possible and that we could draw this matter to a close very quickly and inexpensively as well. But I can't guarantee what's going to happen because I don't know what the reaction of others is going to be. I know that Commissioner Salemi has used me sparingly. He's done a lot of the groundwork himself. He's prepared a lot of the documents himself. I've been more of just there to guide him inexpensive way and with as little input from me as possible. But when he needed input from a lawyer on in a specialized area, I gave it to him.

**0:30:46.2 Jamie Sullivan:** People often feel that, they can act as their own lawyer. And when lawyers do that, we call those lawyers, their clients are fools. Because, the legal profession, despite what some perceive is very specialized and technical, and some think that they can wing it on their own. And I think to Commissioner Salemi's, credit he realized his limitations and reached out to somebody like me.

**0:31:19.6 Linda Russo:** So the bill we're looking at, you're saying, is 15,000?

**0:31:23.8 Jamie Sullivan:** Approximately.

**0:31:25.7 Linda Russo:** Well, more, less. What does that mean?

**0:31:31.6 Jamie Sullivan:** There are sometimes that I've not captured recently, but, it's approximately 15,000.

**0:31:39.4 Linda Russo:** Okay.

**0:31:39.7 Andrew Adil:** I would like to answer part of your question too, Linda, is that, the expectation is that the referral came here and that this board will make a recommendation to the district board. So I have to go back to the district board with the same, I think essentially the same presentation. So, that may be as far as it goes, because at that point, I think I can complete my response to the report and submit it to the district board. And if it ends there, then my services of, Attorney Salemi will end with it.

**0:32:16.2 Linda Russo:** Well, maybe this is a question for Attorney Stone. Is there, or someone else, is there a ceiling as to how much we would reimburse for, if there's a conflict between you representing a commissioner, Attorney Stone? Is there a ceiling as to how much in outside legal fees could be reimbursed?

**0:32:40.1 Christopher Stone:** No.

**0:32:41.1 Linda Russo:** No.

**0:32:42.9 Christopher Stone:** Christopher district counsel, no.

**0:32:44.7 Linda Russo:** No. Okay.

**0:32:47.5 Christopher Stone:** There's an initial question. And that is the authority of this board or the full board to actually reimburse or identify for private council. We haven't decided that, we don't expect this board to decide that tonight. And I don't think there was any. There was a referral to board of finance and I could be wrong on this, but it's working off my recollection. It wasn't a specific task assigned to this board. By the full board, it was a straight referral. Now, as we can imagine, you're the board of finance, right? So, generally referrals to the board of finance involve money. Involve the expenditure of money, the appropriation of money, where would you find it? Within the budget, et cetera. So that's... And oftentimes the border bureau that controls the money also controls the policy, right?

**0:33:49.4 Speaker 2:** Right.

**0:33:50.8 Christopher Stone:** 'Cause if you don't fund something, then you're really. Establishing perhaps indirectly, perhaps purposely, policy. So I think it'd be an unfair for this board, given its role and the finances to be asked to conclude, make that initial leap and I don't mean that in a or step.

**0:34:19.5 Linda Russo:** Sure.

**0:34:20.4 Christopher Stone:** Probably better of determining whether or not the full board has the authority to do what commissioner Salemi and attorney Sullivan are asking them to do, I don't think it's fair to this board and I wouldn't expect this board to make that determination. We have not been formally asked to prepare an opinion, but we're in the process of preparing an opinion anyway, because it's something that's of importance to the board. Certainly it's important. Important to commissioner Salemi. And so we're gonna do that. I think for these purposes. I recognize that there may be some information within the billing that involve attorney client communications and privileges. And... But I also have the... We have a process so, in order for us to even consider. Rather body consider a payment, we need the bills. So, but there's a way to get around that, right? You can redact whatever you think is attorney client privileged so that you're not either waving it or more importantly disclosing it. That's an exercise that may take some time, but we're here, so that's one way to address that.

**0:35:33.3 Christopher Stone:** But I think in order for them to, whether it's here or at the full board to consider payment, it can't be no offense, but it can't be around \$15,000. I think your point... Well, is it more or less? It's got to be... You're gonna have to, whenever that day comes, if it's night or some other day, it's gonna come down to, what amount are you appropriating or allocating towards this expense period? And it's not gonna be around \$15,000. So... And then going forward, you really have no idea. I know that there's a. The statute that I think commissioner Salemi is referring to is the indemnity for municipal officers statute and we're looking into that. That's part of our analysis. But that's an unknown number 'cause a commitment to indemnify does not have a cap on it. Obviously, assuming that the service is rendered towards that, or that indemnified person, a reason that's the

standard, right? So if you wanna think of a cap, it's a reasonable standard. But I think you... Mr Salemi is here to answer questions that anyone might have. He's brought attorney Sullivan has paid for attorney Sullivan to be here, to answer questions you might have, I don't wanna monopolize this discussion. But so I think back to you, Mr. Chairman, if anyone else has any questions, we can deal with those and then. Decide what to do going forward.

**0:37:14.4 Allen Hoffman:** We do. We have commissioner Mandyck on the phone. Attending this meeting commissioner Mandyck...

**0:37:21.5 Jacqueline Mandyck:** Thank you very much. Commissioner Hoffman. This is commissioner Mandyck. I am not a member of the finance committee, but just have a few simple questions that I'm hoping somebody can go ahead and answer. With the way the resolution is written. Does this... Does passage of the resolution mean that the finance committee would support the indemnification of commissioner Salemi?

**0:37:49.3 Pasquale Salemi:** The resolution isn't written.

**0:37:50.9 Christopher Stone:** I was gonna say, I, if I might, Mr. Chairman, I don't and again, I just kind of move it along. We don't have a resolution right now. So, we have a request that outlines a request for reimbursement but there's no formal resolution before this body addressing that issue. So...

**0:38:12.6 Allen Hoffman:** Further question, commissioner Mandyck.

**0:38:15.4 Jacqueline Mandyck:** Yes. Yes. Thank you so much. I just have 2 or 3 more just simple questions and maybe our general counsel can help us out with this. Has something like... Have we ever seen something like this before? Where a commissioner has hired a personal attorney and then after the fact saw reimbursement and received reimbursement for those expenses?

**0:38:44.0 Christopher Stone:** I don't know. But I'll... I've... If I might Preston District Council, not to my recollection as, the more time I spend here the recollection of what happened 30 years ago becomes blurry or, and blurrier. Sometimes what happened last week is blurry, but not to my recollection has a request for private counsel been paid and paid. There are situations and it's within the statute where if an official is, and it's happened, is as a commissioner is sued by an employee on a discrimination claim, or some reason the chair of the district is named in a condemnation suit, whatever it might be. But if they're in district business, if it's... If they're need to defense, then if we were to have a conflict. Then we would hire outside counsel to defend the commissioner on that claim. That's the indemnity statute that I believe.

**0:39:49.8 Pasquale J. Salemi::** If I may please, Mr. Chairman...

[overlapping conversation]

**0:39:54.8 Christopher Stone:** Salemi was referring to.

**0:39:54.9 Allen Hoffman:** Commissioner Salemi.

**0:39:56.4 Pasquale J. Salemi:** Yeah, thank you. Not asking this board in particular, not asking this board to respond to the statute. What I'm asking for is and I can... And we'll ask the district board

well to consider that I needed counsel to represent me and that the services provided by that council are appropriate and responsive to the charges against me. And that the fees associated with it are reasonable. I think the district board can do that without being compelled by a statute. And I think we can certainly ask for that and that's what I'm here.

**0:40:46.5 Christopher Stone:** No, you've asked for it.

**0:40:46.6 Pasquale J. Salemi:** I'm not asking. I'm not here... It's not court and so I'm not here to... I think if you had any other questions about that. I'd let Attorney Sullivan answer him. But I think the... This board has the ability to recommend that you heard a case and you said, yeah it makes sense to us. That's basically what the recommendation is gonna say. And the board gets to hear it and says, okay, we have the authority to authorize the district council to hire council or pay a council for certain services. So at that point I think that it's, the district board can make the decision on whether to actually do that. And well, this board can only recommend to the district board that, that seems appropriate.

**0:41:39.0 Pasquale J. Salemi:** I dunno if you got anything to say about the indemnification, anything. But that's the way that I saw it. I only use that word because it was, it's perspective that, we know how much services already provided. And response, and it got me a long way. Now, all it's gotta do now is get me in front of the board to basically to ask the board to reimburse the costs for Attorney Sullivan. This is not about the actual report or my response to it, or the charges didn't report. There's no way that I'm asking anybody here to adjudicate any of that. I said that before or to accuse anybody else of anything else myself. So I'm just asking that this board to consider it.

**0:42:29.6 Pasquale J. Salemi:** So I would say that a resolution would sound something like what I said before is basically that, the Board of Finance recommends the district board that, attorney that, Commissioner Salemi avail themselves of attorney services because... They couldn't be represented by district counsel. So I got my own attorney to do that. And that he represented me by counseling me. And that the services he provided were responsive to the charges and that the fees associated with those services are reasonable. That's basically, I don't know if I can write that on the spot. I'm not, but that would be close to what I'm asking for resolution. So, and I'm certainly willing to answer any other questions or have an attorney Sullivan answer any questions. But I think I wanted to characterize what we're trying to do or what I'm asking you to do.

**0:43:33.6 Allen Hoffman:** Commissioner Mandyck, you still have the floor.

**0:43:37.0 Jacqueline Mandyck:** Thank you very much, Mr. Chairman. I'm done.

**0:43:42.3 Allen Hoffman:** Further questions along those lines or other, so...

**0:43:48.5 Awet Tsegai:** Chairman?

**0:43:49.2 Allen Hoffman:** Yes.

**0:43:51.0 Awet Tsegai:** Thank you, Mr. Chairman. Just clarification... Oh, commissioner.

[overlapping conversation]

[overlapping conversation]

**0:43:56.0 Awet Tsegai:** Question, just clarifying what the charges were. I don't recall. I know I'm fairly new, so I might have overlooked it or not remember what happened, but if you could memory.

**0:44:05.9 Christopher Stone:** Yeah, sure.

**0:44:06.0 Allen Hoffman:** Please. Terry Stone.

**0:44:07.7 Christopher Stone:** Thank you, Mr. Chairman. Preston District Council the independent investigator's report, the author of the court came to certain conclusions. And, as to Commissioner Salemi, and I'm sure and I don't mean this facetious, he'll, correct me if I'm wrong, but the investigator made a finding that commissioner Salemi authorized the expenditures of district funds for the work of an attorney without proper, without being authorized to do so.

**0:44:51.3 Pasquale J. Salemi:** I don't, excuse me. I... That... Now we're gonna get into the report. That is not what the charge was.

**0:44:57.0 Christopher Stone:** You're, and you're...

**0:45:01.4 Pasquale J. Salemi:** That's not...

**0:45:01.8 Christopher Stone:** I have the floor.

**0:45:02.3 Allen Hoffman:** Commissioner Salemi, please.

[overlapping conversation]

**0:45:03.5 Pasquale J. Salemi:** I didn't ask to have that...

**0:45:03.8 Christopher Stone:** Lemme just finish. But he does have that report.

[overlapping conversation]

**0:45:07.5 Christopher Stone:** I was asked the question. I will pull up the report and we'll read the report.

**0:45:11.6 Allen Hoffman:** Thank you.

**0:45:12.3 Christopher Stone:** That's fine.

**0:45:13.2 Christopher Stone:** If I misstated, I apologize. It wasn't intentional. I'm just trying to... It's the real, excuse me. The real issue is there's a report, it was passed on, it was submitted to the audit committee, regardless of what the findings were. Or it was then moved from the audit committee who had... It was close to unanimous vote, who had the charge of doing this investigation went from the audit committee to the district board in terms of charging commissioner



Salemi with anything. Nothing was charged. The board acknowledged receipt of the report, took no action on the report, other than to accept the prospective recommendations of the independent investigator in terms of processes within the district. Made no findings, didn't confirm, affirm any of the conclusions reached by special counsel, independent counsel at all. And I think that was the May, 2023 meeting. It was the recommendations were voted on and accepted unanimously, I believe. And that at least in some people's mind ended the issue. And I get why we're here. But for that was it. John, do you have the report? Can you call the report up?

**0:46:58.1 John Mirtle:** I can.

**0:47:00.0 Christopher Stone:** And I don't necessarily want to get into what was charged. I was asked the question if I got it wrong, I wanna get it right. That's all.

**0:47:05.7 Jamie Sullivan:** I may be heard. I think...

**0:47:08.7 Christopher Stone:** Yes, sir. Go through the chair.

**0:47:10.6 Jamie Sullivan:** I'm sorry. Through the chair.

**0:47:13.4 Allen Hoffman:** Yep. By all means, attorney Sullivan.

**0:47:14.2 Jamie Sullivan:** Common substances is that Commissioner Salemi violated a provision of the charter.

**0:47:27.8 Pasquale J. Salemi:** You, is that charge? Yeah, well...

**0:47:27.9 Attorney Sullivan:** It's a single charge.

**0:47:28.5 Pasquale J. Salemi:** Don't say anything about authorizing funds or anything. That, I think that was, that's kind of misleading. What it says is that I continued to work with somebody and I was never told not to. In fact, if we're gonna adjudicate this whole thing here, we're gonna, it's gonna get a big mess. I didn't ask for this. I asked you to consider the reasonable services of an attorney, reasonable fees, and to help me defend myself against the charge that was made.

**0:47:55.8 Christopher Stone:** I just thought you accept that your counsel's representation. That's fine. I, whatever. I stand corrected. I added too much to, that's, I just wanna make sure the question's answered. So take Attorney Sullivan's answer, not mine.

**0:48:11.7 Pasquale J. Salemi:** And basically he said that I violated the charter provision for the Board of Finance. Right. So. If that's... We don't need to, like I said, I don't need to adjudicate that. I already can. I'm not asking you to do that here. And it has no bearing on whether or not I need an attorney to help me. So...

**0:48:33.1 Christopher Stone:** I was just answering a question.

**0:48:35.1 Awet Tsegai:** Mr. Chairman, while John's looking for the report, can I just ask another question?

**0:48:39.5 Allen Hoffman:** Yes. Commissioner Tsegai.

**0:48:41.3 Awet Tsegai:** Thank you. I'm just curious, I'm not an attorney and nor do I work with attorneys to know what the fees are ballpark. So is this an average rate that we are... The attorney will be paid for? Is this more, the high end is more the low end, medium end of the pay rate of the hourly rate? Is that the going rate generally?

**0:49:08.6 Christopher Stone:** Well, you're not gonna ask attorney Sullivan that question, right?

**0:49:09.9 Allen Hoffman:** Attorney Stone will answer that.

**0:49:10.0 Jamie Sullivan:** Well I'll add that. The commissioner to the chair. I may...

**0:49:16.5 Allen Hoffman:** You wanna go first? Yes. Or, you don't have to. That is not a reasonable fee.

**0:49:20.3 Christopher Stone:** Hourly rate. Okay.

**0:49:23.5 Allen Hoffman:** Is that okay?

**0:49:24.4 Attorney Sullivan:** That's fine.

**0:49:25.4 Allen Hoffman:** Thank you. Further questions?

**0:49:38.1 John Avedisian:** I guess I have chairman. Pardon me?

**0:49:41.3 Allen Hoffman:** Yes, please.

**0:49:44.5 John Avedisian:** I'm out the committee, but I do have a couple questions.

**0:49:46.9 Allen Hoffman:** Commissioner Avedisian.

**0:49:48.2 John Avedisian:** Oh, commissioner Avedisian. I'm sorry. Because it's obviously, it's gonna be brought up at the board. So I have a question by me for commissioner Mandyck and a report and very simple. Yeah, commissioner, when you came up with the, your final report, were there any fines that were gonna be put against anybody for what happened.

**0:50:15.8 Jacqueline Mandyck:** Through you? Mr. Chair?

**0:50:20.6 Allen Hoffman:** Commissioner Mandyck.

**0:50:22.2 Jacqueline Mandyck:** Thank you very much Commissioner Chair.

**0:50:22.3 John Avedisian:** You get the question.

**0:50:23.5 Jacqueline Mandyck:** Mr. Chair. Commissioner Mandyck. There were no... No. Commissioner. I would, there.

**0:50:29.8 John Avedisian:** Okay. Were there any recommendations or removal from chairmanship?

**0:50:37.4 Jacqueline Mandyck:** No, there were not.

**0:50:41.4 John Avedisian:** Any recommendation for removal from the commission?

**0:50:45.5 Jacqueline Mandyck:** No, there were not.

**0:50:49.5 John Avedisian:** Okay.

**0:50:50.0 John Avedisian:** All right. Thank you. Oh, go ahead...

[overlapping conversation]

**0:50:56.4 Allen Hoffman:** Commissioner Salemi.

**0:50:57.0 Pasquale J. Salemi:** No, thank you. No, I'm not, I'm just saying, I think I presented in my statement the reason why, and I also as, there was a statement sent out that was sent to, Chairman Donald back in November, and that statement was actually sent to you too. It's in part of the minutes, and it basically says that I'm... I could take it out and read it. I don't wanna, I don't wanna spend any more time doing that. But basically said that I was concerned about my reputation as a commissioner, that I've been charged with a violation after over 30 years of serving the MDC and that it was personally damaging to me. And that's all I said, and it didn't mean to... That doesn't mean that I'm looking at, to do anything other than clear my name by getting an opportunity to prove that it wasn't true.

**0:52:04.0 Pasquale J. Salemi:** That's basically all I'm trying to do. And I would suggest if there aren't any more questions that a resolution, that, the resolution that I would suggest would be that the Board of Finance recommends to the district board that as I said before, that the Commissioner Salemi has hired an attorney to represent him. The district council's office couldn't represent him in this case. And that the services he provided were in response to the defense against the charges. And that the fees associated with are reasonable. That's my suggestion for a resolution.

**0:52:54.3 Allen Hoffman:** Anything further, Attorney Sullivan on that?

**0:52:56.9 Allen Hoffman:** Not okay.

**0:52:58.6 Allen Hoffman:** Yes, commissioner Russo.

**0:53:03.7 Linda Russo:** The only problem with your resolution, commissioner Salemi is sitting here tonight. I can't state that those fees were reasonable. If I don't know what they were for line by line. I don't know. I... As Attorney Stone indicated you can submit the bill, you can redact it, send portions of it to... So for the attorney-client privilege issue, but I think as far as I could go is that we have... We move a resolution to refer this matter to the district board for further consideration. I would feel very uncomfortable saying they're reasonable fees when I don't know that. I have no way of knowing that.

**0:54:06.0 Pasquale J. Salemi:** I understand what you're saying. Commissioner Russo. I'll note that I did ask for possible executive session and I did say that we could have provided Attorney-client work product in that... I'm gonna leave the rest of that up to Attorney Sullivan. And if that's gonna help I'm, and there's some way that we could do it. I'll let him explain it if we can.

**0:54:33.7 Linda Russo:** And just to follow up, if I may, so I have an understanding of it attorney Stone, you could not represent Commissioner Salemi because it was a deemed to be a conflict of interest in my... That's a very broad statement, but it's...

**0:54:48.7 Christopher Stone:** I've been asked to, if I might...

[overlapping conversation]

**0:54:53.1 Christopher Stone:** I've been asked at least, on at least one occasion, I can remember to have my office represent a commissioner on a personal matter that involved the NDC involved the NDC, but it would... That particular commissioner. And I was asked to intercede on that commissioner's behalf as district counsel and take certain action on behalf of that commissioner as district counsel on a matter that related to, didn't involve district business, but involves that commissioner's interaction with the public on some issues and some statements that were made about that commissioner and... Oh, wait, just recommending...

**0:55:54.0 Allen Hoffman:** Commissioner Russo.

**0:55:54.1 Christopher Stone:** And I, no, I didn't finish.

[overlapping conversation]

**0:56:00.9 Christopher Stone:** And I did not represent that commissioner and could not represent that commissioner. It was personal to the commissioner. So that's the only example that I can give you.

**0:56:13.7 Pasquale J. Salemi:** Mr. Chair if I may.

**0:56:16.5 Christopher Stone:** I will tell you that while it's been laid out as to what one of the options that you can do, you're bringing up potentially another option, which would be to almost refer this back to the board for A full of consideration. And not only of the bills, which you'll have time to redact whatever attorney-client privilege information you think is in there that needs to be redacted. I think in... Hopefully questions that are out there, we can finish our opinion from my office. We haven't been in deference to the commissioner here, commissioner Salemi and his counsel. We didn't finish that. 'Cause we didn't know exactly what we're dealing with here, both, not in terms of amount, but in terms of what the underlying ask was. So that being said there's other options. And whether it's accepting it, moving to endorse the proposed resolution, not endorse it, or the middle ground would be to defer back to the commission for a more thorough analysis.

**0:57:31.7 Allen Hoffman:** Commissioner [0:57:32.5] \_\_\_\_ ...

[overlapping conversation]

**0:57:32.6 Pasquale J. Salemi:** Mr. Chairman, first of all I wanna make sure there's an understanding here. I didn't say that I had an attorney because I had a conflict. I said I had to get an attorney because the council's office was inflicted. I, the counsel was involved in the investigation, so they were... I'm not questioning.

**0:57:55.4 Linda Russo:** I understand that.

**0:57:55.5 Pasquale J. Salemi:** I'm not saying that was right or wrong. I'm not saying anything about that.

**0:57:56.6 Linda Russo:** I understood that.

**0:57:57.9 Pasquale J. Salemi:** All I'm saying is that he had a conflict with it and couldn't represent me, certainly not in the manner that Attorney Sullivan has, so that was my thing. But I will say that if it's important and I guess that it is, I thought it was in the beginning.

**0:58:20.2 Pasquale J. Salemi:** But because of the attorney-client work part thing, I'm willing to say that we'll, if it's the wish of this board that we can table this and we can get a redacted version of it and present it to this if we want to table it. For now, we can present it to the commissioners, we have a meeting scheduled to, for next week, for the 24th. If we can add that as an agenda item without a lot more issues, I think that Attorney Sullivan's willing to provide a redacted version that will take out any of the protected attorney-client stuff and you will see all the fees and the services provided. And I would only say that they certainly seemed reasonable to me and I wasn't about to spend any money that they didn't have to, I can tell you that, so.

**0:59:17.9 Linda Russo:** Yeah, sure, sure. Yes.

**0:59:25.0 Allen Hoffman:** Does that answer your question? Once you...

**0:59:30.9 Linda Russo:** I just have one follow-up.

**0:59:31.0 Allen Hoffman:** Please, oh please.

**0:59:31.1 Linda Russo:** Attorney Stone, and you're in the process of writing a brief on the issue that would be available to us as well.

**0:59:40.6 Christopher Stone:** I'm not writing it.

[overlapping conversation]

**0:59:44.2 Linda Russo:** No, it's kinda finished?

**0:59:49.8 Christopher Stone:** It'll be in the Office of District Counsel, but I, understanding that what might come up here tonight, I decided to defer that opinion to other lawyers in my office, but it'll be opinion of my office.

**0:59:57.8 Linda Russo:** Okay. And when do you anticipate that will be available?

**1:00:03.2 Christopher Stone:** Well, I'm going to take what I've learned tonight, speak to the authors of the draft and have that incorporated into the draft and we'll probably have it... I have a conference on, although I'm not writing it, but I have to review it, I have a conference next week, but I think that they could probably get the revised final draft for me when I get back and we'll have it next Wednesday, next meeting is next Wednesday, right?

**1:00:31.3 Pasquale J. Salemi:** I believe so, yeah.

**1:00:32.5 Christopher Stone:** We'll have it Wednesday?

**1:00:34.4 Pasquale J. Salemi:** I mean, we can do that or we can get the redacted version to them and you can send that to the district board with the referral back to the district board and I'll make the presentation there, whatever's this, board decides to do is okay with me, it's obviously important. And like I said, I thought it was important because I wanted to be able to say that they were reasonable fees. And I think you're right, in order for you to understand them that way, need to see them, but we knew from the beginning that this was going to be an issue and can't get handled in the executive session that we'll do the redaction and we'll get back to them and we'll have to do it this way.

**1:00:35.0 Pasquale J. Salemi:** I think if I have to get attorney Sullivan back for another meeting of the board of finance. And, as long as that's the only issue I would say it's okay. If we're going to open up more issues, then I'm going to have to get them back again. But if that's the only issue that we're going to have is I can present it to this board and they can make the recommendation. But I think at that point the discussion is the rest of the questions and discussion was over and this is all we're looking for is the redacted version of this for you to see that happy to provide that at the next meeting. And then you can make your recommendation then. I think you understand what I'm saying, I don't want to open up this entire presentation again and have the same questions answered again or new questions. So with that understanding, I'm willing to, if someone wants to make that motion to table it, until we can get the redacted version to you, and then we'll reopen the issue on next week and you'll have the fees so you can see whether or not they're reasonable.

**1:02:36.2 Allen Hoffman:** Mr. Chairman Currey, you had your hand up.

**1:02:36.7 Donald Currey:** Thank you, Mr. Chairman, Commissioner Currey. Looking at two options and first my numbers say that's about 43 billable hours. Is that correct? To get to \$15,000 give or take, which I will add is a lot less hours that I've spent in my first six days as chair of this board. So thank you, Bill. But can we have two options on how long attorney through you, Mr. Chair, attorney Sullivan, how long would it take you to go into my office and redact the documents you have? Is that possible?

**1:03:12.4 Jamie Sullivan:** I think I'd have to, it would take some time. I think it's something that I gotta give some thought. I've got to talk to commissioner Salemi, so I don't think I could do it tonight.

**1:03:20.8 Donald Currey:** Alright. And then the other option would be going into executive session where we understand we're bound by confidentiality and commissioner Russo, who has raised the question is also an attorney and most definitely understands executive sessions. Those that would like to question, would it be possible to determine in executive session if those hours are

reasonable, those billing hours?

**1:03:48.7 Christopher Stone:** Just then attorney Stone, thank you. Chris Stone district council on that last point, we've already made a determination that there's no exemption within the FOY Statute that would allow you to go into executive session, so that's not an option.

**1:04:10.1 Donald Currey:** Are you Mr. Chair? Not even just to determine if the hours are billable or reasonable.

**1:04:12.1 Christopher Stone:** It's not about, it's not about, it's not about what you're actually going to, you have to go into executive session for reasons stated within the F. O. Y. Statute. Nowhere within the FOY. Statute is an exemption relating to review of bills or, the possible implication of an attorney client privilege between someone who the MDC. Is not a party to that. And it's not, you don't have a privilege to wait.

**1:04:43.0 Donald Currey:** Well, then for you, Mr. Chairman, the two choices are we could act tonight and just refer it for consideration by the board, or we could have a second meeting where we could look at redacted numbers and then make a determination whether this board wants to refer on for consideration or refer on recommendation, so I'll leave that up to you.

**1:05:10.8 Allen Hoffman:** Oh, I'm sorry. Commissioner Adil.

**1:05:16.3 Andrew Adil:** I think I'd like to make a motion to table and move it to the meeting on the 24th when get the redacted billing at that point.

**1:05:22.6 Linda Russo:** Seconded.

**1:05:22.6 Allen Hoffman:** If I may, just respond to that, it seems like we just postpone what we may or may not do tonight. So it doesn't really get us down in the field. It just.

**1:05:41.2 Andrew Adil:** Well, it would address commissioner Russo's concerns.

**1:05:47.2 Allen Hoffman:** Yes, I, got that. However, if we decide that a simple referral back to the board, to the full board, I believe that's the case that says we took no action and we refer as a referral, not a recommendation, but a referral back to action that we expect the full board to take.

**1:06:12.1 Allen Hoffman:** Go ahead, Chairman Currey, Mr. Currey.

**1:06:15.8 Donald Currey:** Mr. Currey. Would it be... We put give consideration to not tabling, but to recessing until, say, the 24th earlier than this regularly scheduled meeting, and then go back into meeting off of a recess without doing anything else.

[overlapping conversation]

**1:06:50.1 Pasquale J. Salemi:** How do you actually do that is certainly the will of this board. I did say that I think we were willing to take the documents, and I think Jamie's right. I think that we have to kind of go through it. We're not going to change the dollar amounts or the but there are some information that's associated with it that needs to be redacted. I would say that if that's the

only issue that we don't have that for this board to see, that we will provide that. And if we do it through a recess or tabling, it doesn't matter.

**1:07:25.3 Pasquale J. Salemi:** I just said, but I did say that I don't expect that we have to open this entire presentation up again. I've been asked to provide the services and the fees associated with them. We can certainly do that with an opportunity to redact what we think is attorney client privilege, and we'll be happy to do that if that's what the wish of this board is. I don't even know that there's any question beyond that.

**1:07:56.4 Pasquale J. Salemi:** The questions have all been asked. I don't know if there's any question beyond that. The question on the floor is can we see the bills? And we're saying, yes, we can, but we need to redact some attorney client privilege. So, in order to answer that question we need some time to do this and we'll do it. But that's the circumstance under which if it's going to be recessed or tabled, that's the circumstance which, and I think it's the same reason why we need to redact this because we're not trying to put on a case about the report or any of that. We haven't tried to do that.

**1:08:38.5 Pasquale J. Salemi:** I said from the beginning that I'm not even, we're not even asking that you consider that anything that there was anything that needs to be adjudicated with respect to this. All we're asking is that you look at the services that were provided. You consider that the district council's office, and it was the entire office, not just council stone. The entire office was prohibited from representing me as a commissioner and I had to seek council asking for the board to consider paying for that council. And that's what I came here with, because the board referred it here.

**1:09:25.4 Pasquale J. Salemi:** I asked for that of the board. So with respect to that if there's some way to move this as a table or recess, it's okay with with me. And I think with attorney Sullivan, as long as the issue is the redacted version of this, his built, which we will provide.

**1:09:48.9 Awet Tsegai:** Mr. Chairman, questions.

**1:09:56.1 Allen Hoffman:** Mr. Tsegai.

**1:09:56.2 Awet Tsegai:** Yes, sir, Mr. Tsegai. I guess, commissioner Salemi or to his attorney. Will you think that'd be done by the next meeting, 24th?

**1:10:06.3 Jamie Sullivan:** Yes.

**1:10:07.9 Awet Tsegai:** Okay, and as for question for attorney stone. I will this will your opinion be finished as well by the following by the next meeting schedules.

**1:10:18.7 Christopher Stone:** Sure. Yes. And I just don't know I had one thing and I wanted to add something...

**1:10:23.1 Awet Tsegai:** I have one more follow up question.

**1:10:24.7 Christopher Stone:** Sure, I'm sorry. Yes.



**1:10:25.7 Awet Tsegai:** More follow up question. I just noticed my calendar. There is a personnel and pension insurance committee meeting at 4:00 o'clock, so I don't know if that's supposed to be. Running shorter than the schedule, but it's running up until 5:30. Or I'm not sure if you can then meet before we are to recess this meeting before the next meeting. So if we would decide tonight before our next meeting.

**1:10:48.8 John Mirtle:** I can address the final point. This is John Mirtle this excuse me this year for the regular meetings for. PPI finance and water beer, PPW rather than an hour, we're doing an hour and a half for the 1st meeting. So PPI is 4:00-5:30 finances scheduled for 5:30.

**1:11:04.5 Jamie Sullivan:** Chair of Finance.

**1:11:04.6 Allen Hoffman:** Yes, attorney Stone.

**1:11:05.9 Jamie Sullivan:** The request that commissioner Salimi is asking is not for indemnification. He's asking that this board and the greater district reimbursed him for the fees that are have been incurred. We're not basing it on a statutory analysis. So I'm not sure how whether attorney stones analysis is going to be germane because we're conceding and it's not based on the statute. But that it's based on what the board can do to reimburse one of its commissioners for needing an attorney to face a charge that was leveled against that commissioner.

**1:11:51.7 Allen Hoffman:** Are we good with that? Statement attorney Stone, do you wanted to...

[pause]

**1:12:00.9 Christopher Stone:** Yeah, fine I thought that there was a request for. We are identification for fees going forward. Is there, I didn't see it in the...

**1:12:22.3 Pasquale J. Salemi:** Well, that's not something and that was meant for it was sent to the district board. I said that in the beginning. That was referred here. I didn't refer to the board that I sent that to the district board because the district board could consider.

**1:12:39.2 Pasquale J. Salemi:** If it went forward considered like further indemnify me against [1:12:42.9] \_\_\_\_ I didn't... This board can't make that decision, if the board of finance can't indemnify me and the district board I wasn't asking that it be we respond to the statute I was asking the board to do that.

**1:12:58.9 Christopher Stone:** Through you Mr. Chair.

**1:13:00.5 Allen Hoffman:** Attorney Stone and to the clerk.

**1:13:01.5 Christopher Stone:** And I'll try to be clear. That's where I got this whole thought of indemnification. That's what implicated the statute, there is a statute on indemnification. If you're not asking for indemnification so be it but it wasn't anything I raised, it was raised by the proponent of the resolution. So that being said, to an indifference to the board of finance, either we're gonna get redacted billings or we're not. And to condition getting redacted billings on making sure that you can't talk about anything else is unfair you may have asked all your questions and that's fine but to condition a table and postponement or recess whatever it might be on so long as you don't talk

about anything else I think is inappropriate. And I would suggest that, again there may be nothing more but state that upfront I don't think is right.

**1:14:00.8 Allen Hoffman:** Chairman Currey.

**1:14:03.5 Donald Currey:** Thank you Mr. Chairman. A question for attorney Stone. If we were to move to recess, right now and reconvene at 5:30, would we begin that meeting with Mr. Hoffman sitting as acting chair?

**1:14:25.2 Christopher Stone:** Yes. If you're recessing this meeting this special meeting and you're going to reconvene or reassemble this meeting whenever next wednesday, at a time certain he's the chair now he'd be the chair at that meeting as well.

**1:14:46.4 John Mirtle:** If I could Mr. Chairman this is John Myrtle, the meeting on the 24th is a regular meeting.

**1:14:54.7 Christopher Stone:** No I understand that they would have two meetings on the 24th. They would have the regular meeting and then they reconvene reassemble for the analysis.

**1:15:01.1 Donald Currey:** We would have the special meeting and then reconvene and have the regular meeting.

**1:15:07.7 Christopher Stone:** Either way.

**1:15:08.8 Pasquale J. Salemi:** With respect to commissioner Hoffman I did ask that he act as chair until it's voted on by the board so as long as it's still an active special meeting and recess this meeting's recess to another time, so that he still acts as a chair until the vote on that adjudicates the issue.

**1:15:31.7 Donald Currey:** Mr Chair.

**1:15:32.5 Allen Hoffman:** Yes sir.

**1:15:33.4 Donald Currey:** I'm only suggesting recessing because one, either we recess and reconvene or we add it to a regular agenda meeting the timeline is going to be the same. In fact if we add it's going to be longer because we're gonna have to recreate everything we did tonight to get where we are right now. So I think it would be much cleaner to recess and reconvene at 5:30 first and then move on to the regular meeting afterwards.

**1:16:03.0 John Mirtle:** This is John Myrtle.

**1:16:05.1 Allen Hoffman:** Go ahead.

**1:16:06.1 John Mirtle:** I think the only potential problem with the regular meeting is scheduled for 5:30 so...

**1:16:09.7 Donald Currey:** So we have ample time to reschedule.

**1:16:13.7 John Mirtle:** True, yeah.

**1:16:16.5 Allen Hoffman:** So if I can just make a comment or two and by all means raise your hands if you want to be recognized for the response. It seems to me that this body cannot do much more than refer back to the full board unless I'm mistaken and correct me if I'm doing that. We can refer which we can do I believe immediately without a recess. And I'm not suggesting that the recess might be a bad idea it might be a good idea but, if we refer to the full board, the full board determines fiscal policy.

**1:17:11.5 Allen Hoffman:** The finance committee only facilitates the expending of those funds that may or may not be approved for appropriation through the finance committee. And so we're still going to go back to the full board if I see it clearly. At which point the full board can determine 15,000 100,000 2,000, it doesn't make any difference but we can only move that by our approval through the finance department in a way that we determine with their approval because they have to do the mechanics.

**1:18:16.4 Allen Hoffman:** So we really can't do much in terms of making this decision it seems to me, and if someone wants to respond to that, correct that, restate it by all means. Please.

**1:18:32.6 Pasquale J. Salemi:** I would Mr. Chair. I would only say that you and I and other other members here got through years worth of board of finance meetings and so what you described is essentially that like each year.

**1:18:49.3 Pasquale J. Salemi:** The staff of the Metropolitan District Commission proposes a budget to us. We review it, and then we recommend the budget to the district board. And or we might make a change. We might recommend a change, but that doesn't mean the district board has to accept it, whatever. So, yeah, you described it. I think you described it well. And that's what we're asking here, that this board just recommended to the district board that what we put before you, made sense. And, that's pretty much what we've been asking. So, I don't know where you're going with that, Ellen, but I just wanna confirm that you, I think you had the right idea with it.

**1:19:34.5 Allen Hoffman:** So well, only to clarify what our charge at this moment is and what we can actually do in terms of our official charge. So that's the only reason I said what I said. Go ahead. Commissioner Currey, Mr. Chairman.

**1:19:52.2 Donald Currey:** And certainly thank you, Mr. Chairman, commissioner Currey, certainly, whatever commissioner, so let me believes is okay, either version. My only concern will be that when we reach at the district board level, and I'm not going to speak for Commissioner Russo, but the very same question I anticipate being asked are the billings reasonable? And if we can't determine that in committee, we're going to have to go through that at the district board level. So it's one place or the other.

**1:20:29.2 Allen Hoffman:** Yes. Commissioner.

**1:20:29.9 Drew Iacovazzi:** So if by sending it back to the board, does that, for lack of a better word, imply that the Board of Finance approves that or not necessarily. Okay.

**1:20:41.0 Allen Hoffman:** Again, commissioner DiBella, excuse me.

**1:20:43.0 William DiBella:** I think this issue, there's issues have been raised about the legitimacy of the billing, and probably would do that would be raised at the board level anyway, I would assume also. But I think that the simplest situation here is the only one that can resolve this issue one way or the other is the board, the general board of the Metropolitan District Commission. They can say yes, they can say yes to the amount or no. And the jurisdiction of this committee is really only fact finding and not, determining yes or no. Right. So I would think that this, the motion to refer could be of one considered to the board. And if the committee votes no, commissioner Salemi would also have the right to go to the board in general as a commissioner and request that the chairman, to put it on the board agenda and bring it up at a special board meeting. And in the event that didn't happen, I think it's what three commissioners can request a special meeting of the board to consider it anyway. So it in my opinion, it should be referred to the board. The committee should refer to. I don't have a vote on it, but the committee should refer the issue to the board that, which basically Commissioner Salemi is asking.

**1:22:20.3 Linda Russo:** What.

**1:22:22.3 Allen Hoffman:** Commissioners Russo.

**1:22:24.2 Linda Russo:** Russo. Thank you. Well, just a general referral to the board, if I understand you correctly, the Board of Finance isn't going to make the decision whether the fees are reasonable. That's up to the district board, whether the request itself to reimburse for private council was reasonable. That's within the purview of the district board. This committee doesn't have the authority to do that. So I agree. Mr. Chairman, I think we should just make a very general motion to refer the matter to the district board for consideration, not make a comment that the fees are reasonable, that the representation was necessary. That's not what we're here for this evening, if I'm correct.

**1:23:20.7 Linda King-Corbin:** I agree.

**1:23:23.4 Allen Hoffman:** Would you like to state that as a motion or not yet?

**1:23:30.4 Linda Russo:** Excuse me. I should have written it down. Yeah. That, I move that the request or what is the request specifically? I move that the request for reimbursement for legal fees submitted by Commissioner Salemi be referred to the district council for review and approval.

**1:23:58.2 Christopher Stone:** District board.

**1:24:00.4 Linda Russo:** I'm sorry, district board, I'm sorry.

**1:24:02.4 Donald Currey:** You can't get away from [1:24:03.8] \_\_\_\_.

**1:24:04.2 Linda Russo:** Right, right.

**1:24:05.2 Pasquale J. Salemi:** Two different spellings.

**1:24:08.9 Andrew Adil:** I'll second that.

**1:24:10.6 Allen Hoffman:** Second. Mr. Adil, commissioner Adil, so we have the motion on the floor. We have a second. All in favor.

**1:24:20.6 Donald Currey:** Mr. Chair?

**1:24:22.8 Allen Hoffman:** I'm sorry.

**1:24:22.9 Donald Currey:** If I may...

**1:24:24.2 Allen Hoffman:** Yes, please.

**1:24:24.2 Donald Currey:** If I could suggest to Commissioner Salemi and Attorney Sullivan that they might want to be prepared at the district board meeting with redacted copies.

**1:24:34.1 Jamie Sullivan:** That's what I was expecting through the Chairman.

**1:24:38.2 Allen Hoffman:** Very good. Again, all in favor of the motion that has been put forward. Say aye.

**1:24:46.0 Awet Tsegai:** Aye.

**1:24:48.5 Donald Currey:** Aye.

**1:24:48.8 Linda King-Corbin:** Aye.

**1:24:50.7 Allen Hoffman:** Any opposition? Any Nay. None, thank you, it's unanimous, I think unless anyone has a further comment, what we're here for is finished, okay.

**1:25:12.6 Pasquale J. Salemi:** Yeah the issue is voted on, so, I think the next item on the agenda is...

**1:25:27.3 John Mirtle:** General Public Comment.

**1:25:29.3 Allen Hoffman:** Yes.

**1:25:29.3 Allen Hoffman:** And would there be any general public comments? Would there be any general public comments? Hearing none. We'll move on to commissioner requests for further agenda, future agenda items, now's the time for that. And seeing none, hearing none, we'll move on to adjourn.

**1:25:50.9 Andrew Adil:** Motion to adjourn.

**1:25:53.4 Allen Hoffman:** Thank you.

**1:26:00.2 Speaker 6:** Thank you.

[overlapping conversation]

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