



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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September 11, 2026

Via electronic mail
Mr. Edgar Pal
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Via electronic mail
Mr. Benjamin L. Schuster
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RE: OMA Request for Review – 2026 PAC 94128

Dear Mr. Pal and Mr. Schuster:

This determination is issued pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2024)).

BACKGROUND

On May 1, 2026, Mr. Edgar Pal submitted a Request for Review to the Public Access Bureau alleging that the Village of Skokie (Village) Board of Trustees (Board) violated OMA at its March 2, 2026, meeting by discussing an ethics complaint in closed session pursuant to section 2(c)(4) of OMA¹ without following the requirements of that exception.² Specifically,

¹5 ILCS 120/2(c)(4) (West 2025 Supp.).

²Mr. Pal noted that the Board also cited section 2(c)(1) of OMA (5 ILCS 120/2(c)(1) (West 2025 Supp.)) as a basis for entering closed session. However, he only sought a review of whether the discussion concerning the ethics complaint was permissible under section 2(c)(4).

he alleged that the Board failed to satisfy the requirement to issue a written decision setting forth its determinative reasoning after discussing the complaint in closed session.

On May 22, 2026, this office forwarded a copy of the Request for Review to the Board and asked it to provide this office with copies of its March 2, 2026, meeting agenda, minutes, and verbatim recording of the closed session, together with a written response to Mr. Pal's OMA allegations. On June 2, 2026, this office received the requested materials, including a complete response for this office's confidential review and a redacted version for this office to forward to Mr. Pal.³ On June 8, 2026, this office forwarded a copy of the non-confidential response to Mr. Pal; he replied on June 25, 2026.

DETERMINATION

The intent of OMA is "to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly." 5 ILCS 120/1 (West 2024). Accordingly, OMA requires that all meetings of a public body remain open to the public unless the public body properly invokes an exception in section 2(c) of OMA. 5 ILCS 120/2(a), (c) (West 2025 Supp.). The section 2(c) exceptions are to be "strictly construed, extending only to subjects clearly within their scope." 5 ILCS 120/2(b) (West 2025 Supp.).

Section 2(c)(4) of OMA provides that a public body may hold a closed session to consider "[e]vidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a **written decision setting forth its determinative reasoning.**" (Emphasis added.) This provision "creates an exception to the normal rule of openness by allowing quasi-adjudicative agencies which have held a formal evidentiary hearing to meet in closed session only to deliberate on the evidence — not to issue decisions." *Howe v. Retirement Board of the Firemen's Annuity & Benefit Fund*, 2013 IL App (1st) 122446, ¶ 28. The exception "allows the agency to do so only if it actually later issues a written decision explaining its reasoning." *Howe*, 2013 IL App (1st) 122446, ¶ 28; *see also Calibraro v. Board of Trustees*, 367 Ill. App. 3d 259, 262 (2006) (the intent of section 2(c)(4) is to permit deliberations by a quasi-adjudicative body in closed session following an evidentiary hearing).

In his Request for Review, Mr. Pal stated that the Board entered closed session at its March 2, 2026, meeting to discuss the Skokie Ethics Commission's (Ethics Commission) findings and recommendations concerning an ethics complaint against a former trustee. He

³See 5 ILCS 120/3.5(c) (West 2024) ("The Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review.").

stated that the Board later voted at an April 20, 2026, meeting to reject the Ethics Commission's recommendation to impose a fine. Mr. Pal contended, in relevant part:

However, the Board failed to issue a "written decision setting forth its determinative reasoning", despite having previously discussed the matter in closed session pursuant to section 2(c)(4). Although the Ethics Commission issued its own decision, I contend that the Board was separately required to prepare a written decision as well. The requirements of section 2(c)(4) apply to each public body that decides to conduct its quasi-adjudicative responsibilities in closed session.^[4]

Mr. Pal highlighted a portion of the Board's April 20, 2026, meeting minutes documenting that a motion to reject the recommended fine passed by a majority vote. He contended that the April 20, 2026, meeting minutes were insufficient to meet the requirement in section 2(c)(4) that a public body prepare a written decision explaining its determinative reasoning.

As an initial matter, the parties do not dispute whether the Board constitutes a "quasi-adjudicative body" for purposes of OMA. Therefore, this office does not address whether the Board qualifies as one under section 2(d) of OMA.⁵ This office's review is limited to whether the Board met the condition in section 2(c)(4) that "the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning."

In its answer to this office, the Board stated that the closed session at issue stemmed from a complaint alleging that a then-trustee had violated the Village's ethics ordinance contained in section 2-386 of the Skokie Village Code (Village Code), specifically that he had "improperly used Village resources at meetings to campaign for political office while on compensated time[.]"⁶ The Board stated that the Ethics Commission conducted a hearing on the complaint on April 2, 2025, and subsequently adopted a "Findings of Fact, Decision and Recommendation to Skokie Board" on February 11, 2026.⁷ In that adopted decision, the Ethics

⁴Letter from Edgar Pal to Leah Bartelt, Public Access Counselor, Office of the Attorney General (May 1, 2026).

⁵Section 2(d) of OMA (5 ILCS 120/2(d) (West 2024)) defines a "quasi-adjudicative body" as "an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges."

⁶Letter from Benjamin L. Schuster, Elrod Friedman, LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Counselor (June 2, 2026), at [2].

⁷Letter from Benjamin L. Schuster, Elrod Friedman, LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Counselor (June 2, 2026), at [2].

Commission concluded that the then-trustee violated the ethics ordinance on three separate occasions and recommended a fine of \$1 for each of the violations. Section 2-386 of the Village Code required the Board to "take action on any recommendation made by the Commission."⁸

The Board's non-confidential response did not deny that the Ethics Commission's recommendation was discussed in closed session at the March 2, 2026, meeting pursuant to section 2(c)(4), but the Board disputed Mr. Pal's claim that it did not prepare a written decision setting forth its determinative reasoning for rejecting the recommendation. In particular, the Board disputed Mr. Pal's claim that its April 20, 2026, meeting minutes, which were approved on May 4, 2026, did not satisfy the written decision requirement in section 2(c)(4). The Board asserted that "[t]here was no indication whether a majority of the Village Board supported one side over another[]"⁹ at the time of the March 2, 2026, meeting and that:

It was not until the April 20th meeting in open session that the Village Board reached a consensus and made a determination as to how to rule on the ethics matter. At which point, the determination was memorialized in writing in the minutes of the April 20th meeting in a manner that sets forth the Village Board's reasoning.^[10]

The Board argued that the section 2(c)(4) exception "does not set forth the specific elements, form, or detail for such decision, or provide that the written decision must be a separate document than the Minutes[,]" and that the adequacy of the Board's explanation for not approving the recommendation is a political issue that is not governed by OMA.¹¹

In reply to that answer, Mr. Pal maintained that the meeting minutes do not explain the Board's determinative reasoning. He acknowledged that section 2(c)(4) does not specify a form for the written decision but argued that it "is not flexible as to substance: it requires a written decision that sets forth the body's 'determinative reasoning.' Whatever form that takes, it must actually explain why the public body reached the decision it did."¹²

⁸Skokie Village Code § 2-386(h)(1)(f) (added June 7, 2004).

⁹Letter from Benjamin L. Schuster, Elrod Friedman, LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Counselor (June 2, 2026), at [6].

¹⁰Letter from Benjamin L. Schuster, Elrod Friedman, LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Counselor (June 2, 2026), at [6].

¹¹Letter from Benjamin L. Schuster, Elrod Friedman, LLP, to Teresa Lim, Deputy Bureau Chief, Public Access Counselor (June 2, 2026), at [6].

¹²Letter from Edgar Pal to Teresa Lim, Deputy Bureau Chief, Public Access Bureau (June 25, 2026).

The Board responded by reiterating that the minutes documented its reasoning for its rejection of the recommendation: "The Board expressly explained in the minutes that they supported Mr. Johnson because of his prior advocacy work, had questions about the Ethic Commission's process, and had concerns about the Ethics Commission's structure. These were the reasons for the Village Board's decision and set forth in the minutes."¹³ The Board further asserted that "[t]he discussion by the Board of their reasoning was short because their reasons were simple and there was consensus on the decision[,]"¹⁴ and that it did not have a more detailed explanation to provide. The Board contended: "Any additional reasons would not have accurately captured the reasons set forth at the meeting."¹⁵

Having reviewed the information submitted by the parties, the Board did not demonstrate that it prepared a "written decision setting forth its determinative reasoning" in connection with its use of the section 2(c)(4) exception to discuss the Ethics Commission's recommendation in closed session at the March 2, 2026, meeting. The Board's April 20, 2026, meeting minutes state, in relevant part:

Trustee Pure Slovin asked about administrative review, and Corporation Counsel Elrod explained it is record-based court review without new testimony. * * * Trustee Pure Slovin confirmed that rejecting the recommendation would pertain only to the penalty, not the Commission's findings, which Elrod confirmed.

Kimberly Polka spoke in support of James Johnson, described prior advocacy work, and stated opposition to the Ethics Commission's recommendation.

Lauren Grodnicki supported prior reform efforts, questioned the Ethics Commission process, and opposed the recommendation.

Emi Yamauchi supported rejection of the recommendation and raised concerns about the Ethics Commission's structure and process.

¹³E-mail from Benjamin L. Schuster, Elrod Friedman, LLP, to [Teresa Lim] (July 20, 2026).

¹⁴E-mail from Benjamin L. Schuster, Elrod Friedman, LLP, to [Teresa Lim] (July 20, 2026).

¹⁵E-mail from Benjamin L. Schuster, Elrod Friedman, LLP, to [Teresa Lim] (July 20, 2026).

Trustee Iverson said he would reject the recommended
fine.^[16]

The Board did not identify or indicate in the minutes that this description was intended to constitute the Board's written decision for purposes of complying with section 2(c)(4), and it is not apparent to this office that the Board prepared the description with that intent. Although OMA does not specify the form or elements of the written decision, members of the public could have reasonably interpreted this portion of the minutes to simply comply with OMA's requirements for keeping minutes, which include the requirement that a public body provide "a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken." 5 ILCS 120/2.06(a)(3) (West 2024).

Even if a public body could satisfy section 2(c)(4) by incorporating its "written decision setting forth its determinative reasoning" into its meeting minutes, the Board failed to do so. The minutes reflect that the Board's final decision was not unanimous—four trustees voted "Ay" and two trustees voted "Nay" on the recommended fines.¹⁷ The minutes of the meeting indicate that one Board member posed a question about the impact of rejecting the recommendation, and another Board member indicated that he would reject the recommendation without any explanation of his reasoning. The other comments in the minutes which the Board characterized as its determinative reasoning—the trustee's prior advocacy work, questions about the Ethic Commission's process, and concerns about the Ethics Commission's structure—were made by members of the public during the public comment period that preceded the Board's vote to reject the recommendation.¹⁸ They are not attributable to members of the Board, and the minutes do not indicate that the Board adopted those comments as its determinative reasoning.

To the extent that the minutes somehow could be construed to imply that the Board did adopt the public comments excerpted above, they are too vague to satisfy section 2(c)(4). Although the Board asserts that it does not have any other reasoning to provide for its decision beyond those remarks, a member of the public reading the minutes could not have reasonably discerned the Board's determinative reasoning without further explanation from the Board. The verbatim recording of the closed session does not reflect that the Board reached a tentative consensus concerning the Ethics Commission's recommendation, but the Board did substantively discuss whether or not to adopt it. Such deliberations pertain to the Board's determinative reasoning for rejecting the recommendation. Accordingly, this office concludes

¹⁶Village of Skokie, Meeting, April 20, 2026, Minutes 13991.

¹⁷Village of Skokie, Meeting, April 20, 2026, Minutes 13991.

¹⁸Village of Skokie, *April 20, 2026 Village Board Meeting*, YouTube (April 20, 2026), <https://www.youtube.com/watch?v=S64O7pCoq9E>.

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that the Board violated OMA by failing to prepare and make publicly available a "written decision setting forth its determinative reasoning[]" on the ethics complaint.

To remedy this violation, this office requests that the Board prepare a written decision that explains the reasoning for the Board's final decision to reject the Ethics Commission's recommendation. The written decision should include some determinative reasoning for why some members voted against the recommendation and some voted for the recommendation.

The Public Access Counselor has determined that resolution of this matter does not require the issuance of a binding opinion. This letter closes this matter. If you have any questions, please contact me at the Chicago address listed on the first page of this letter.

Very truly yours,



TERESA LIM
Deputy Bureau Chief
Public Access Bureau

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