

July 14<sup>th</sup> executive session meeting minutes.

Below is a summary of the executive session for the Board of Review held on July 14. Due to the emergency nature of the meeting, technical limitations, and one of the participants being unable to join via micro soft teams a verbatim record does not exist. Below is being submitted as a factual representation of the meeting.

Attending:

Todd Thielmann

William O'Shields

Timnetra Burruss

Roland Lara

James Thompson

Commissioner Larry Rogers

Commissioner Michael Cabonargi

Commissioner Tammy Wendt

Commissioner Rogers asked Commissioner Wendt the purpose of the emergency meeting and the need for an executive session.

Commissioner Wendt stated that there were serious allegations and a federal investigation into the Board. She wants to follow the ASA suggestions regarding employment issues

Commissioner Wendt asked if any corrective action had taken place.

Commissioner Rogers asked Commissioner Wendt if she had taken any corrective action.

Commissioner Wendt did not answer

Commissioner Cabonargi asked Amy Crawford the Assistant States Attorney present how she can help.

Amy Crawford responded she can help in civil matters with the Board of Review but with a federal investigation, her office lacks the expertise to advise. She suggested outside counsel could be appropriate.

Commissioner Wendt asked if an employee's computer was taken away. She was concerned about civil litigation from the employee. She inquired if a computer was seized why was she not consulted.

Commissioner Rogers asked Commissioner Wendt What she thought should be done. He did not get a response.

Commissioner Cabonargi asked commissioner Wendt what she was doing about the situation.

Commissioner Wendt responded with a question to Rogers and Cabonargi asking if an employee has been fired.

Commissioner Roger responded he does not work for her and does not appreciate her questioning of him and the board. He suggested going through proper channels and submitting questions to the secretary in writing, an emergency meeting and executive session is unnecessary.

Commissioner Wendt expressed her displeasure at writing a letter to the secretary and suggested the Open meetings act was being violated.

Commissioner Rogers asked if Commissioner Wendt was in violation of the BOR Ethics Code. She refused to answer.

Commissioner Wendt then asked the Secretary if he had seized a computer. The secretary asked the Board if it was appropriate to participate in the executive session. The Secretary did not receive an answer.

Commissioner Rogers stated that computers were taken to a secure location.

Commissioner Wendt asked who the computers were taken from.

Commissioner Cabonargi stated they had heard a name from the reporter of the story about a BOR employee. The allegations were serious. They did what was in the best interest of the BOR by confiscating the computers, shutting down the email, and placing the employee on administrative leave. The employee in question is not allowed on BOR property. In an abundance of caution, these actions were taken. He also stated no subpoenas or requests for Documents were received by the BOR.

Commissioner Wendt stated the information provided by Commissioner Cabonargi was what she asked. She then addressed ASA Crawford if she had an opinion.

ASA Crawford said she had no opinions on the specific actions, but a litigation hold seemed appropriate for the situation.

Commissioner Wendt asked ASA Crawford if she advised the Board to retain a criminal attorney.

Commissioner Rogers stated he did not need a criminal attorney and asked Commissioner Wendt if she felt she needed one.

ASA Crawford answer the BOR did not need a criminal attorney.

Commissioner Wendt asked ASA Crawford if the BOR should retain an outside investigator.

ASA Crawford answered this was a policy question and not a legal question, she could not answer it.

Commissioner Wendt asked Commissioners Rogers and Cabonargi if they wanted to engage an outside investigator.

Cabonargi stated he was concerned about interference with the federal investigation, but the BOR needed to find out if there are other bad actors.

Commissioner Wendt stated she was not consulted about the previous action.

Commissioner Cabonargi asked if she has any problems with the actions.

Commissioner Wendt said she needed to know the action of the BOR before they happen. She hears about the actions from staff.

Commissioner Cabonargi asked what more or different action she would have taken. No Response.

commissioner Cabonargi asked ASA Crawford if the BOR were Wrong. Did not receive an answer

Commissioner Wendt stated she did not know to submit her questions in writing.

Commissioner moved to end the discussion

Rogers seconded.

Voice Vote Carried

Commissioner Cabonargi made a motion to adjure

Commissioner Rogers Seconded

Vote and motion carried

End of meeting.