HOUSE CALENDAR

97th General Assembly
State of Illinois
Wednesday, August 15, 2012

151st Legislative Day
9:30 O'clock AM

Compiled By
Timothy D. Mapes
Clerk of the House

Next House Bill No. 6213
Next House Joint Resolution No. 97
Next House Resolution No. 1194
Next House Joint Resolution Constitutional Amendment No. 51

A -- amended
Number of amendments adopted in parentheses.
Appropriation bills in boldface type.

Assistive Listening Devices & Braille materials
Available in Room 402A, Capitol Building

Senate Bills--Second Reading

A-S.B. 3168 -- **(Currie)** Link --- AN ACT concerning public employees. **(CA 1)** (FA 2-Ref Com) **Short Debate (Read A Second Time)**

Consideration Postponed

A-H.B. 30 -- Lang - Saviano - Williams - Gabel - Dunkin --- AN ACT concerning alternative treatment for serious diseases causing chronic pain and debilitating conditions. **(CA 1) (FA 2,3,4) Standard Debate** (Correctional Note Filed - HA 2) (Judicial Note Filed - HA 2) (Pension Note Filed - HA 2) (State Debt Impact Note Filed - HA 2)

Concurrence

H.B. 4110 -- Verschoore - Beiser - Morthland - Moffitt - DeLuca **(Jacobs)** --- AN ACT concerning revenue. **(SA 1,2)** (Mtn to Concur SA 1,2) **(MTN TO NONCONCUR SA 1,2)**

Order of Resolutions

H.R. 1191 -- Currie - Rose --- Expels Rep. Derrick Smith from the House of Representatives of the 97th General Assembly. Adopts the charge and specifications filed by the House Special Investigating Committee, and the report and recommendations filed by the House Select Committee on Discipline. Finds a sufficient basis for the immediate expulsion of Rep. Smith. States the voting and procedural requirements provided for expulsion of a Member under House Rules. (Rules RBA)

Report of Select Committee on Discipline

GENERAL ASSEMBLY

STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

SELECT COMMITTEE ON DISCIPLINE OF THE NINETY-SEVENTH GENERAL ASSEMBLY

Chair
Rep. Barbara Flynn Currie

Minority Spokesman
Rep. Chapin Rose

Members
Rep. Edward J. Acevedo
Rep. Michael G. Connelly
Rep. Kimberly du Buclet
Rep. Greg Harris
Rep. Renée Kosel
Rep. Camille Y. Lilly
Rep. Sidney H. Mathias
Rep. Chris Nybo
Rep. Al Riley
Rep. Joe Sosnowski

FINAL REPORT
OF THE
SELECT COMMITTEE ON DISCIPLINE

I. BACKGROUND

A. ARREST OF REPRESENTATIVE DERRICK SMITH

On March 13, 2012, Respondent, State Representative Derrick Smith ("Respondent"), was arrested by federal agents on the charge of violating 18 U.S.C. § 666(a)(1)(B), namely a charge that Respondent accepted a cash bribe in exchange for recommending a daycare center for an Early Childhood Construction Grant to the Illinois Capital Development Board. Attached to the application for arrest warrant were a Criminal Complaint and the Affidavit of Special Agent Bryan M. Butler of the Federal Bureau of Investigation (the "Butler Affidavit"). The Butler Affidavit contained numerous factual allegations supporting the ultimate charge that Rep. Smith violated 18 U.S. C. § 666(a)(1)(B). (A copy of the Criminal Complaint and Butler Affidavit was admitted into the Record for limited purposes as Select Committee Exhibit 7.)

B. THE HOUSE SPECIAL INVESTIGATING COMMITTEE

On March 21, 2012, pursuant to Rule 91 of the Rules of the Illinois House of Representatives for the 97th General Assembly, five members of the House filed a petition containing suggested charges against Respondent that outlined the allegations contained in the federal prosecution. Pursuant to House Rule 91, this petition triggered the creation of the House Special Investigating Committee (the "House SIC") to investigate the allegations and recommend whether reasonable grounds existed to bring a charge against Respondent. The House SIC held hearings on March 27, April 26, and May 10, 2012. (Transcripts from the House SIC hearings were entered into the Record, without objection, as Select Committee Group Exhibit 4.) In a Report filed on June 6, 2012, the House SIC unanimously voted to prefer a charge against Respondent, to wit:

> Representative Derrick Smith abused the power of his office by participating in a scheme to obtain a personal benefit in exchange for his official acts.

(A copy of the House SIC Report was entered into the Record as Select Committee Exhibit 1; *see* p. 6 of that Exhibit.) The House SIC also outlined the following Specifications supporting this Charge:

> 1. Representative Smith, in his official capacity as a State Representative, has an obligation to faithfully discharge his duties in the best interests of the people of the State of Illinois and not for his own personal benefit;

> 2. During the time period beginning on or about December, 2011 through March, 2012, Representative Smith agreed that, in exchange for a cash bribe, he would provide an official letter of support for a daycare's Early Childhood Construction Grant to the Illinois Capital Development Board;
>
> 3. On or about March 1, 2012, Representative Smith did, in fact, sign this official letter of support in his official capacity as a State Representative and planned or intended for that letter to be submitted to the Illinois Capital Development Board;
>
> 4. On or about March 10, 2012, Representative Smith did, in fact, receive a cash bribe in exchange for providing this official letter of support;
>
> 5. Accepting a cash bribe in exchange for an official act, or even plotting or attempting to do so, constitutes a breach of Representative Smith's obligation as a public official to faithfully discharge his duties in the best interests of the people of the State of Illinois and warrants disciplinary action by the House of Representatives.

(*Id*.)

Pursuant to Rule 93, the House SIC also appointed House Managers to prosecute the claims against Respondent at the next stage of the proceedings. These Managers were State Representatives James Durkin and Lou Lang (the "House Managers"). (*Id*.)

II. PRELIMINARY PROCEEDINGS BEFORE THE SELECT COMMITTEE ON DISCIPLINE

Following the suggestion of charges brought by the House SIC against Respondent, this Select Committee on Discipline (the "Committee") was created pursuant to House Rule 94. Consistent with that Rule, this Committee consists of twelve Members, six appointed by the Speaker of the House and six by the House Minority Leader. The Speaker appointed Representative Barbara Flynn Currie to be Chairperson of the Committee. The Minority Leader appointed State Representative Chapin Rose to be Minority Spokesman.

Following the first hearing of the Committee, the Chairperson filed Procedural Rules with the House Clerk, pursuant to her authority under House Rule 10(c). These Procedural Rules

set forth the framework for the proceedings, including the procedures for the Final Hearing and the disclosures of evidence by both the Respondent and House Managers.[1]

A. PROCEDURAL RULE 9 AND THE FEDERAL PROTECTIVE ORDER

The original investigating committee in this matter, the House SIC, adopted a position that it would not seek or hear any evidence that, in the opinion of the U.S. Attorney for the Northern District of Illinois, would compromise the U.S. Attorney's ongoing federal investigation of Respondent or others. The House SIC then engaged in written correspondence with the U.S. Attorney, asking him whether he would disclose any relevant evidence in his possession and whether he would consider any independent inquiry by the House SIC to constitute an interference with his ongoing federal investigation. The U.S. Attorney responded that he would not disclose any evidence in his possession to the House SIC, and that he would consider any independent investigation by the House SIC to be an interference with his ongoing investigation of the Respondent and others.[2] As a result, the House SIC did not seek to subpoena any witnesses or compel any information from any external sources.

The House SIC's policy of deference to the U.S. Attorney's office while conducting a legislative investigation was nothing new. It was squarely in line with an identical policy undertaken by the House committee that investigated Governor Rod Blagojevich in 2008-09.[3] Moreover, that identical policy was also adopted by the Illinois Senate during the Impeachment Trial of Governor Blagojevich in 2009.[4]

At its initial hearing on June 27, 2012, this Committee unanimously adopted the same policy, namely that it would not request or entertain any evidence if the United States Attorney for the Northern District of Illinois indicated that such evidence could compromise the U.S. Attorney's ongoing investigation of Respondent or any related investigation. This policy was also formally adopted in Rule 9 of the Procedural Rules for this Committee.

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[1] An online link to the Procedural Rules, and to all other documents pertaining to this Committee, is located at http://www.ilga.gov/house/committees/Reports.asp?CommitteeID=1173&GA=97.

[2] This correspondence was contained in Exhibits 6 and 7 of the House SIC Record, which can be located at http://www.ilga.gov/house/committees/Reports.asp?CommitteeID=1169&GA=97.

[3] *See* Final Report of the Special Investigative Committee, 95th General Assembly, pp. 1-2, located at http://www.ilga.gov/house/committees/95Documents/Final%20Report%20of%20the%20Special%20Investigative%20Committee.pdf.

[4] *See* Rule 15(f) of the Illinois Senate Impeachment Rules, 95th General Assembly, located at http://www.ilga.gov/legislation/96/SR/PDF/09600SR0006.pdf.

The wishes of the U.S. Attorney were not the only consideration stemming from the federal litigation; there was also the matter of a protective order entered by the federal judge hearing the criminal prosecution against Rep. Smith. On June 14, 2012, the United States District Court for the Northern District of Illinois, the Honorable Sharon Johnson Coleman presiding, entered a protective order (the "Federal Protective Order") that, among other things, barred Respondent from using the evidence disclosed by the United States for any purpose other than the defense of the criminal charge in federal court. (A copy of this Federal Protective Order has been entered into the Record as Select Committee Exhibit 2.) The Federal Protective Order was sought by the U.S. Attorney over the objection of the defendant, Representative Smith. The United States asserted several justifications for preserving the confidentiality of its evidence, most notably that public disclosure of the evidence would compromise the U.S. Attorney's ongoing investigation of Respondent and other individuals and could jeopardize the safety of confidential sources.[5]

B. THE SCHEDULING ORDER AND RESPONDENT'S MOTION FOR CONTINUANCE

On June 29, 2012, the Chairperson entered a Scheduling Order that set dates for the disclosure of evidence among the parties and a date of July 19, 2012 for the Final Hearing in this matter.[6] Pursuant to the Scheduling Order and in accordance with Procedural Rule 6, the parties were required to disclose a list of exhibits, the exhibits themselves, and a witness list no later than July 6, 2012. The parties then had until July 13, 2012 to object to each other's disclosures, with an opportunity for a response to any objections to be filed by July 16, 2012.

On July 6, 2012, in addition to disclosing certain evidence, Respondent moved for a continuance of the Final Hearing date to a date no earlier than thirty days after July 19, 2012. Respondent argued that he should have the opportunity to move Judge Coleman for a modification of the Federal Protective Order so that he could use certain evidence, currently covered by that protective order, in the Final Hearing before this Committee.[7]

In an Opinion and Order dated July 11, 2012, the Chairperson denied Respondent's Motion, given that the U.S. Attorney steadfastly maintained that any modification of the Federal

[5] The Reply of the United States in support of its Motion for Protective Order in *U.S.A. v. Smith* was made an exhibit to the Chair's Opinion and Order of July 11, 2012, denying Respondent's motion for a continuance. That Opinion and Order is contained online at the link referenced in footnote 1. The U.S. Attorney's full reasoning for seeking the Protective Order is contained in that Reply brief.

[6] A copy of the Scheduling Order can be located at the link referenced in footnote 1.

[7] A copy of Respondent's Motion to Extend Scheduling Order is located at the link referenced in footnote 1.

Protective Order would jeopardize his ongoing investigation of Respondent and others. Thus, the Chairperson reasoned, in accordance with Procedural Rule 9, the Committee would not entertain any such evidence even if Respondent were to persuade Judge Coleman to release it. Accordingly, there was no sense in delaying the Final Hearing for litigation in federal court that, regardless of its outcome, would not change the Committee's view on the evidence Respondent wished to proffer.[8]

It is worth noting that Respondent sought a modification of the Federal Protective Order in advance of this Committee's Final Hearing, anyway. It is a matter of public record that, on July 18, 2012, Judge Coleman denied Respondent's request for certain evidence to be released from the Federal Protective Order for Respondent's use at the Final Hearing. (*See also* Transcript of Proceedings, Final Hearing, July 19, 2012 ("Tr.") at p. 22 (counsel for Respondent noted that Judge Coleman denied his request to modify the Federal Protective Order).)[9]

Accordingly, even had this Committee granted Respondent's continuance, Respondent would not have introduced any additional evidence. Judge Coleman's denial of Respondent's attempt to re-open the Federal Protective Order would have foreclosed the use of such evidence.

C. DISCLOSURES OF EVIDENCE AND OBJECTIONS THERETO

1. *The House Managers' Evidence*

The House Managers timely disclosed seventeen (17) exhibits for potential use at the Final Hearing. In his written response, Respondent did not object to sixteen of those exhibits. Respondent objected only to House Manager's Proposed Exhibit 15, a certified copy of the Criminal Complaint and the Butler Affidavit. Respondent objected to "[l]ack of foundation" for this document. The House Managers timely filed a written Response, and Respondent filed a Reply brief.[10]

Because House Rule 95(c) provides that, at the Final Hearing, "[t]he rules of evidence applicable to criminal proceedings shall apply except as may be waived by the managers or

[8] A copy of this Opinion and Order can be located at the link referenced in footnote 1.

[9] A copy of the Transcript of Proceedings for the Final Hearing can be located at the link referenced in footnote 1. Throughout this Report, references to the Transcript of Proceedings will be denoted as "Tr." followed by the applicable page number of the transcript.

[10] The House Managers' proposed Exhibits, Respondent's Objections, and the briefing on this subject can be located at the link referenced in footnote 1.

respondent, as may be appropriate," the Chairperson's consideration of the sole objection by Respondent was governed by the rules of evidence in Illinois.

The Chairperson issued an oral ruling prior to the commencement of the Final Hearing. The Chairperson sustained the objection in part and denied it in part. The Chairperson agreed with Respondent that neither the Criminal Complaint nor the Butler Affidavit could be considered for the truth of the matters asserted therein. (Tr. 5.) The Chairperson ruled, however, that this Exhibit could be considered solely in the context of the Committee taking official notice—the Committee's equivalent of judicial notice—that serious public charges had been leveled against Respondent, a sitting state legislator, before a federal magistrate judge in the U.S. District Court for the Northern District of Illinois, and only for that limited purpose. (Tr. 5-6.) This ruling was consistent with Illinois Rule of Evidence 201, concerning judicial notice.

The Chairperson also noted in her oral ruling, however, that lengthy portions of the Butler Affidavit were discussed during the May 10, 2012 hearing of the House SIC, the transcript of which the House Managers proposed to enter into evidence *without objection* by Respondent, and that such passages were not affected by the Chairperson's ruling on the objection to House Managers' Proposed Exhibit 15. (Tr. 6.) And even after the Chairperson specifically stated that her ruling did *not* affect the admissibility of those portions of the Butler Affidavit discussed at the May 10 House SIC hearing, Respondent's counsel continued to stipulate to the admissibility of that May 10 transcript, reiterating that he had "[n]o objection" to its admission into evidence as part of Select Committee Group Exhibit 4. (Tr. 24.)[11]

The rules of waiver before this Committee were made abundantly clear to the parties. First, House Rule 95(c) expressly provides that the application of the Illinois rules of evidence in the Final Hearing may be waived by the appropriate party. Second, the Committee's Procedural Rule 7 warned the parties that "[o]bjections not made in writing by the deadline set by the

[11] Respondent's counsel made it clear that he understood that the evidence presented and arguments made at the three House SIC hearings—which would include quoted portions of the Butler Affidavit—were "part of the record" before this Committee, given his stipulation to the House Managers' proffered evidence of the three transcripts in Group Exhibit 4. In fact, Respondent, the House Managers, and the Chairperson all agreed that due to this stipulation, in effect the entirety of the proceedings and evidence before the House SIC were incorporated into the Record before this Committee. (Tr. 37 (arguing that his proffer of an April 10, 2012 letter from the U.S. Attorney, though not disclosed in advance of the Final Hearing, could be referenced because it was introduced before the House SIC and was, therefore, "part of the record" in this proceeding); Tr. 37-38 (Chair ruled that, because the parties stipulated to the admission of the House SIC transcripts, the evidence presented therein was incorporated into the Select Committee's Record in total); Tr. 38 (House Manager Durkin withdrew objection to admission of April 10, 2012 letter once it was confirmed that the letter had been introduced before the House SIC).)

Chairperson [here, July 13] shall be deemed waived." Finally, in the Scheduling Order setting the date of July 13 for the raising of objections to the opposing parties' evidence, the Chairperson specifically reminded the parties to comply with Procedural Rule 7. (*See* Scheduling Order, ¶ 2.)

In both his written response to the House Managers' evidence he filed on July 13, 2012, and in his oral comments at the Final Hearing, Respondent's counsel did not object to the admissibility of lengthy portions of the Butler Affidavit discussed at the May 10, 2012 hearing of the House SIC. Thus, Respondent waived any objection to the admissibility of those portions of the Butler Affidavit that were discussed at that May 10 hearing. Accordingly, those portions of the Butler Affidavit were admissible for any purpose, including the truth of the matters asserted therein.

2. *Respondent's Evidence*

In his July 6, 2012 filing, Respondent proffered two witnesses and generally identified categories of evidence he wished to present. First, Respondent identified as potential witnesses (i) FBI Special Agent Bryan Butler and (ii) the cooperating source in the criminal investigation, whose identity is not publicly known but who is identified in the Butler Affidavit as "CS-1." Respondent also requested that the Committee issue subpoenas to these two individuals.[12]

The Chairperson denied the request for subpoenas for two reasons. First, this Committee is not an "investigative" committee and was not delegated subpoena power by the House of Representatives. (*Compare* House Rule 23 (granting subpoena power to standing and special committees and committees of the whole).) Second and more to the point, even if subpoena power had existed, the Chairperson would not compel the testimony of either of these witnesses pursuant to Procedural Rule 9—because, in the opinion of the U.S. Attorney prosecuting Respondent in federal court, the testimony of these individuals would interfere with his ongoing investigation of Respondent and others. (Tr. 7 (statement of committee counsel on behalf of the Chairperson).) To reiterate, at its initial hearing, this Committee had unanimously adopted the policy that it would not seek or hear any evidence over the objection of the U.S. Attorney, a policy embodied in Procedural Rule 9.

[12] Respondent's proposed witnesses and exhibits, and the House Managers' response thereto, can be located at the link referenced in footnote 1.

Respondent's counsel argued that it was premature to assume that the U.S. Attorney would object to these subpoenas at the time of the hearing (July 19) simply because he had previously raised an objection. (*Id.*) But in Exhibit A to the Chairperson's Opinion and Order of July 11, 2012, the U.S. Attorney had reiterated to the Committee, in an email dated July 9, that he would oppose any attempt to modify the Federal Protective Order, primarily on the grounds of "witness safety" and protecting his ongoing investigation of Respondent and others. And if there were any reason to believe that the U.S. Attorney might have changed his position over the next ten days, one need only consider that on July 18, 2012—the day before the Final Hearing—the U.S. Attorney's office was in court objecting to Respondent's attempt to modify the Federal Protective Order for the purpose of releasing the full criminal background of the cooperating source, CS-1, as well his history of cooperating with the FBI. (Tr. 22.)

If the U.S. Attorney, just one day earlier, was not willing to agree to a modification of the Federal Protective Order simply for these limited purposes concerning the personal history of CS-1, it is unfathomable that he would suddenly reverse course and agree to allow CS-1 to appear in person to submit to full direct and cross-examination—particularly when one of his reasons for keeping this witness confidential was the witness's safety. It is equally unlikely that the U.S. Attorney would change his longstanding position and agree to submit the principal case agent, Special Agent Butler, for full direct and cross-examination before this Committee.

For all of these reasons, even if this Committee had possessed subpoena power, the Chairperson would not have issued the subpoenas Respondent requested.

Beyond the request for witnesses, on July 6, 2012, Respondent also identified general categories of evidence that he might use during the Final Hearing. These included:

"1. Reports Provided by CS-1;

2. Affidavit Executed by Bryan M. Butler on or around March 12, 2012;

3. Information Relating to the Employment History of CS-1 by the FBI;

4. The Criminal Background of CS-1."

Respondent did not enclose copies of any exhibits relating to these categories, though he was required to do so under Procedural Rule 6(a) ("[t]he Exhibits themselves shall be provided simultaneously with the written disclosure …."). In response to a question raised by the Committee's counsel by email, Respondent's counsel later explained that the evidence referenced in his points number 1, 3, and 4 above were covered by the Federal Protective Order

and would not be disclosed unless he was granted permission to disclose it by Judge Coleman.[13] As has been discussed, Judge Coleman subsequently denied Respondent's request to publicly disclose these details concerning CS-1.

At the Final Hearing, Respondent attempted to introduce into evidence a letter dated April 10, 2012, in which the U.S. Attorney's office admitted that the criminal background of CS-1 had been misrepresented in the Butler Affidavit and that, in fact, CS-1 had a more extensive criminal background. Respondent had not previously identified this exhibit specifically, notwithstanding the clear dictates of Procedural Rule 6(c) that he do so, including turning over a copy of that exhibit in advance. However, Respondent correctly observed that, in light of Respondent's stipulation to the admission of the three House SIC transcripts as Group Exhibit 4, the entirety of the proceedings and evidence before the House SIC had become "part of the record" before this Committee. (Tr. 37.) The Chairperson agreed, and the House Manager, once confirming that the April 10 letter from the U.S. Attorney had, in fact, been introduced into the Record before the House SIC, withdrew his objection to that letter. (Tr. 37-38.)[14] The April 10 letter was ultimately admitted into the Record as Select Committee Exhibit 8.[15]

III. EVIDENCE AND ARGUMENT AT THE FINAL HEARING

The House Managers placed a number of exhibits into evidence without objection from Respondent. The first was the oath of office taken by Respondent when he was sworn into office, for the purpose of demonstrating that Respondent was aware of his duty to "faithfully discharge the duties of the office of Representative in the General Assembly for the 10th Representative District of the State of Illinois to the best of [his] ability." (Tr. 13 (House Managers' Opening Statement); *see also* Tr. 23-24 (offering Oath into evidence).) The House Managers introduced into evidence a certification that Respondent had completed his ethics training required by state law. (Tr. 25.) The House Managers introduced into evidence certified copies of House Journals noting the presence of Respondent in the State capital during sessions

[13] Copies of this email correspondence between Committee Counsel and Respondent's Counsel, including by "cc" the House Managers, is located at the link referenced in footnote 1.

[14] *See* footnote 11 for a more detailed discussion of the conversation in which Respondent, the House Managers, and the Chairperson concurred that all evidence introduced at the House SIC was incorporated into the Record before this Committee.

[15] The April 10 letter presumably suffered from the same evidentiary problems as the Butler Affidavit, including lack of foundation and possibly hearsay. But like the Butler Affidavit—at a minimum those portions quoted at the May 10 hearing of the House SIC—the parties stipulated to its admission and waived any objection under House Rule 95(c).

of the House of Representatives on the following dates in 2012: February 12 and 28; and March 1, 6, 8, and 9. (Tr. 25.)

A. GROUP EXHIBIT 4 AND THE BUTLER AFFIDAVIT

In addition, the House Managers introduced, without objection from Respondent, the transcripts of proceedings from hearings of the House SIC on March 27, April 26, and May 10, 2012 as Select Committee Group Exhibit 4. (Tr. 24.) In their July 6, pre-hearing disclosure of these transcripts, the House Managers stated that they were introducing these transcripts to "detail the record of the House proceedings against Rep. Smith, including the procedures followed and the *evidence presented*."[16] In their July 6 disclosure, the House Managers also provided a copy of this May 10 transcript to Respondent, as required by Procedural Rule 6(a)—in addition to the fact that a copy of that May 10 transcript had been online on the General Assembly website, under the House SIC's link, since mid-May.[17]

Having had the opportunity to review the House Managers' July 6 disclosure, Respondent, in his July 13 response to that disclosure, answered that he had "[n]o objection" to these transcripts being admitted into evidence for the reasons given by the House Managers. Respondent's counsel also reiterated at the Final Hearing that he had no objection to this evidence. (Tr. 24.)

This detail is important because, as referenced above, the May 10 transcript of the House SIC hearing contained a lengthy discussion between committee counsel and Respondent's counsel concerning specific portions of the Butler Affidavit, cited specifically and quoted verbatim. The House Managers offered this transcript into evidence to detail the "evidence presented" against Respondent, and Respondent did not object. Thus, while Respondent certainly might have lodged objections as to hearsay, foundation, and possibly other objections, Respondent did not do so. Because Respondent waived the application of the rules of evidence under House Rule 95(c), this portion of the Butler Affidavit could be considered for its truth.

Moreover, because Respondent's counsel agreed that the entirety of the record before the House SIC had been incorporated into the Record before this Committee (Tr. 37; *see also* footnote 11, *supra*), it would appear that the *entire* Butler Affidavit was admitted into the Record

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[16] *See* House Managers' Proposed Exhibit List at ¶ 3 (emphasis supplied), located at http://www.ilga.gov/house/committees/97documents/HSCD/House%20Managers'%20Proposed%20Exhibit%20List.pdf.

[17] *See* http://www.ilga.gov/house/committees/Reports.asp?CommitteeID=1169&GA=97.

before this Committee without objection.[18] However, out of an abundance of caution, the Members of this Committee choose only to consider those portions of the Butler Affidavit that were specifically quoted and discussed between the Committee and Respondent's counsel during the May 10, 2012 House SIC hearing and introduced as Group Exhibit 4, to which Respondent raised no objection at any time.

These portions of the Butler Affidavit included paragraph 16, in which Special Agent Butler swore under oath that Respondent "agreed to and did write a letter of support for Daycare Owner's purported ECCG [Early Childhood Construction Grant] application in exchange for a $7,000 bribe." (Select Committee Group Exh. 4, Tr. 5/10/12, at p. 22.) This sworn testimony goes directly to the Charge presented to this Committee, that Respondent "abused the power of his office by participating in a scheme to obtain a personal benefit in exchange for his official acts." This sworn statement from Special Agent Butler, alone, if believed to be credible, could support a finding of fault against Respondent in this matter.

But the portions of the Butler Affidavit quoted in the May 10 House SIC hearing went far beyond that general allegation. Portions of the Affidavit were quoted in which Agent Butler swore under oath that multiple conversations occurred between Respondent and the cooperating source regarding the scheme to exchange a letter of support for a cash bribe; that Respondent signed that letter of support; and that Respondent accepted the $7,000 in cash.

Specifically, Agent Butler testified under oath to a conversation that was allegedly recorded on January 24, 2012 between Respondent and the cooperating source, CS-1. In that conversation, Agent Butler swore that the following conversation took place:

> "CS-1 told Smith that Daycare was planning some 'renovations' and 'modifications.' CS-1 told Smith that Daycare Owner was looking for a 'capital …' and Smith finished CS-1's sentence with 'improvement.' CS-1 said, 'Yeah. That's what they tryin' to do. You know … you think you might be able to handle it?' Smith responded, 'We can go talk to her [Daycare Owner], but be sure and talk to, uh, [Alderman A].' Later in the meeting, Smith said, "I try to, I try to help … [Unintelligible] … I know what you're saying.' CS-1 said, 'The broad [Daycare Owner] is gonna give …' Smith interrupted and said, 'I got you, mother fucker. I told your ass, I got you.' CS-1 said, 'Look, look. The broad is gonna give seven [$7,000], with no problem.' Smith responded, 'Okay.'"

[18] The Butler Affidavit was entered into the Record before the House SIC as Exhibit 3. *See* http://www.ilga.gov/house/committees/Reports.asp?CommitteeID=1169&GA=97.

(*Id*. at 44-45 (quoting ¶ 17 of Butler Affidavit).) This sworn testimony from Agent Butler, if accepted as credible, reveals the hatching of a plot whereby Respondent would assist a daycare owner with a capital improvement in exchange for $7,000.

Agent Butler also swore that a conversation took place on February 11, 2012, between CS-1 and Respondent, which was recorded by CS-1, and during which CS-1 and Respondent "discussed the amount Daycare Owner was willing to pay" for the letter of support. (*Id*. at 49 (quoting ¶ 24 of Butler Affidavit).) Agent Butler swore that the following exchange was recorded:

> "Smith: What's she [Daycare Owner] doin'?
>
> CS-1: They gonna try to get that buildin'. Knock that wall out.
>
> Smith: No, I mean …
>
> CS-1: Expand her shit …
>
> Smith: What she gonna do?
>
> CS-1: For the money? Okay. What you want man? It's a letter. What you want? Tell me what to do?
>
> Smith: You said …
>
> CS-1: I'll see if I can get it done.
>
> Smith: You already said a number now. I'm just tryin' to see if you remember what you said.
>
> CS-1: I know exactly what I said. Okay, she, she's talkin' about getting' us $7,000 man.
>
> Smith: All right.
>
> CS-1: All right … That's what you want? That's what you get. That's what you want? You got to tell me man, so I know what to do.
>
> Smith: You already said what you said, I ain't sayin' nothin'.
>
> CS-1: Okay, that's good …
>
> Smith: [Unintelligible] said what you said.

CS-1: We rock and roll. Get the letter, I get that chop [money].

Smith: I'll give her a letter of support. But she gotta say who, to who."

(*Id*. at 49-50 (quoting ¶ 24 of Butler Affidavit).) Agent Butler testified to another recorded conversation between Respondent and CS-1 on March 4, 2012, in which the following exchange occurred:

> "During the call, Smith and CS-1 again discussed the form of payment and CS-1 suggested that Smith ask for 'cash.' Smith responded, 'Yeah.' CS-1 said, 'Ain't no strings attached.' Smith responded, 'Yeah, but … what did they agree to, seven stacks?' CS-1 said, 'Yeah.'"

(*Id*. at 54 (quoting ¶ 44 of Butler Affidavit).) If Agent Butler's sworn testimony is to be believed, these conversations on February 11 and March 4, 2012 indicate a continuing discussion between Respondent and CS-1 in which Respondent affirmed that he would accept $7,000 in exchange for writing a letter of support for a daycare owner.

Agent Butler also swore under oath that, in accordance with the alleged agreement to write a letter of support for a capital grant in exchange for $7,000 in cash, Respondent did his part: "Ultimately, Smith agreed to write an official letter of support for Daycare Owner's purported ECCG grant application. Smith provided the official letter of support on March 2, 2012." (*Id*. at 24 (quoting ¶ 16 of Butler Affidavit.) Special Agent Butler swore that the contents of that letter of support were as follows: "As a State Representative for the West Humboldt Park neighborhood, I support [Daycare Owner's purported organization] in their application for a $50,000 Early Childhood Construction Grant from the Illinois Capital Development Board." (*Id*. at 28 (quoting ¶ 39 of the Butler Affidavit).)

Agent Butler swore under oath that, in a recorded conversation on March 10, 2012, Respondent and CS-1 agreed to meet for the purpose of transferring the $7,000 in cash from CS-1 to Respondent:

> "During the call, CS-1 asked Smith if he could meet between 2:30 and 3:00 p.m. Smith told CS-1 to call him and Smith would give CS-1 his location. Smith asked, 'You got it? You got it?' CS-1 answered, 'I got you. Don't worry about it.'"

(*Id*. at 55 (quoting ¶ 48 of Butler Affidavit).)

Finally, Agent Butler swore under oath that, again on March 10, 2012, at approximately 2:56 pm, CS-1 met with Respondent in Respondent's vehicle and the following conversation was recorded:

> "During the meeting, CS-1 stated, 'You thought I was bullshitting didn't you?' (CS-1 and Smith laugh.) CS-1 then stated (while counting the money), 'One. Two. Three. Four. Five. Damn, stuck together. Six. Seven. (Unintelligible.) Talk to you later.' Smith then asked, 'You don't want me to give you yours now?'"

(*Id*. (quoting ¶ 50 of Butler Affidavit).)

If Special Agent Butler's sworn testimony is determined to be credible, his testimony quoted above demonstrates that Respondent agreed to a plot to obtain $7,000 in cash in exchange for writing a letter of support for a capital grant to a state agency; that Respondent did, in fact, undertake the official act of writing that letter of support and intended for it to be sent to the Illinois Capital Development Board; and that Respondent received the promised $7,000 in cash for doing so. In other words, if Special Agent Butler's sworn testimony is accepted as credible, Respondent agreed to an illegal and unethical plot to sell an official act for cash, he did his part in the illegal plot, and he received his illegal reward.

The remaining question is whether Agent Butler's sworn testimony in his Affidavit—that is, the portion of that Affidavit that was quoted in the May 10 House SIC hearing, which is the only portion of the Affidavit that could be considered for its truth—is worthy of credibility. It is tempting to say, as would Respondent's counsel, that this is only an Affidavit. But it is also true that this is no ordinary Affidavit. The portions of the Butler Affidavit entered into evidence in Group Exhibit 4 are not Agent Butler's subjective observations; they are not an agent's personal opinion that, for example, an individual was acting suspiciously or that he observed contraband in plain sight. Almost every one of the quoted portions of the Affidavit above is, itself, a quote—a quote of *Respondent's words*, caught on tape, recorded by the FBI.

In determining whether these portions of the Affidavit should be accepted as credible, the Members of the Committee do not have to check their common sense at the door. It is hard to believe that Agent Butler would entirely invent the existence of these recorded conversations, given that he (and the federal prosecutors with whom he works) surely understand that if he was lying about the existence of these recorded conversations, the federal prosecution against Respondent would probably collapse, and Agent Butler likely would be in jeopardy of losing his

job and even facing a criminal charge of perjury. It is equally hard to believe that Agent Butler would not take care in accurately quoting these recorded conversations, for the same reason—surely he and his colleagues understand that swearing to the contents of these recordings under penalty of perjury is no small matter, and that the defense in the criminal case (led by Respondent's counsel in this proceeding, an able and zealous advocate) would pore over each recording, word-for-word, to see if Agent Butler accurately quoted them. Special Agent Butler undoubtedly would understand that if he entirely fabricated these conversations or materially misquoted them, his career as an FBI agent—and a free man—would be short-lived. The likelihood that Agent Butler's account of these recorded conversations is correct far outweighs the likelihood that it is false. Thus, the Committee finds these portions of the Butler Affidavit quoted in Group Exhibit 4 to be sufficiently reliable to support the Charge leveled against Respondent in this matter.

Respondent argues that Agent Butler should not be believed because, as the U.S. Attorney's office admitted in the April 10 letter entered into the Record as Select Committee Exhibit 8, there were inaccuracies in the Affidavit's description of the criminal history of CS-1. This is a point in Respondent's favor, but is it enough to cast doubt on the portions of the Affidavit quoted above? While it is certainly not commendable that CS-1's history was inaccurately disclosed, again, it is hard to imagine that this mistake renders all of the recorded statements made by Respondent, quoted above and sworn to by Agent Butler before a federal magistrate judge, false. Moreover, the fact that the U.S. Attorney's office took affirmative steps to correct the record after noting this discrepancy speaks to the credibility of the Affidavit overall; that office was certainly willing to own up to a factual mistake when it found one but identified no others.

In a related argument, Respondent suggests that CS-1's criminal history renders him unreliable or at least suspect. Whether that may be true, the potency of the sworn testimony of Agent Butler, detailed above and contained in Group Exhibit 4, lies not in the words or deeds of CS-1 but in the words and deeds of *Respondent*. No matter how unreliable CS-1 may be, Respondent's own words on those recorded conversations are damning by themselves.

Respondent also makes the point that, even if these portions of the Butler Affidavit are considered to be credible, many conversations between CS-1 and Respondent were not detailed in the Butler Affidavit, suggesting that only one version of the story appeared in that Affidavit

and that, perhaps, Agent Butler and the team of federal agents and prosecutors omitted other conversations that would have placed Respondent in a different, more favorable light. It is true that not all of the conversations between CS-1 and Respondent were described in the Affidavit. Moreover, insofar as Group Exhibit 4 is concerned, the Committee will consider only those conversations quoted above, which are only a small subset of the Affidavit in its entirety. Thus, there is no doubt that only certain conversations are available for the Committee's review. But again, these portions of the Butler Affidavit that the Committee *did* review, which we have determined to be sufficiently credible, show that Respondent (i) engaged in multiple discussions with an undercover operative about selling an official act for $7,000; (ii) committed that official act; and (iii) collected the $7,000. Is that not enough for the Committee to find that Respondent breached his oath of office, betrayed the public trust, and violated his duty of honest service to his constituents and the people of the State of Illinois?

We believe that it is. The portion of the Butler Affidavit that the Committee could consider for its truth, contained in Group Exhibit 4, is sufficiently credible and substantial for a Member to conclude that Respondent is at fault on the Charge, namely, that Respondent "abused the power of his office by participating in a scheme to obtain a personal benefit in exchange for his official acts." This evidence, not contradicted in any meaningful way by Respondent, is sufficient to sustain a finding of fault against Respondent.

B. THE HOUSE MANAGERS' OFFER OF PROOF AND RESPONDENT'S SILENCE

While the evidence outlined above is sufficient, by itself, to support the Charge against Respondent, the House Managers further called Respondent to testify as a witness. (Tr. 28.) Respondent did not testify under oath at the Final Hearing or even appear. (*Id*.) The House Managers, in accordance with Procedural Rule 11, made an offer of proof as to questions they would have asked Respondent had he submitted to testimony under oath.[19] These questions were freestanding questions, not specifically tied to any external source of information, though the House Manager obviously used the Butler Affidavit as his good-faith basis for the questions. While this Report will not detail all of the proffered questions, they included the following:

- "Representative Smith, didn't you and the cooperating source discuss a daycare operator in your district that was in need of a State grant and that you would help the daycare operator on condition that you would receive a campaign contribution for $5,000? And $7,000 if they were legitimate?" (Tr. 30.)

[19] Respondent did not object to the House Managers' offer of proof.

• Referring to a conversation on February 10, 2012, between Respondent and CS-1: "Representative Smith, did you say the following: 'I will write the letter?' And, Representative Smith, you also asked, 'What's she going to do?' You also said to the cooperating source, 'You already said a number. Now I'm trying to see if you remember what you said.' Cooperating source responded, 'I know exactly what I said. Okay. She's talking about $7,000.' You, Representative Smith, responded, 'All right.'" (Tr. 31.)

• "And also on … March 4, isn't it true that the cooperating source told you that the money would come from petty cash fund from the daycare center? And you also told the cooperating source that payment would be split $50,000 to me, Derrick Smith—$5,000 to Derrick Smith and $2,000 to the cooperating source?" (Tr. 34.)

• "Also on March 4th, did you also say to the cooperating source that you'd be back from Springfield the next day because, quote, unquote, 'Shit, I can't let you hold the money long. I may have to kill your ass,' laughing." (*Id*.)

• "March 10th, 2012, 3:00 p.m., Representative Smith, didn't you meet with the cooperating source, listen to the cooperating source count out the money, 'One, two, three, four, five—damn, stuck together—6 and 7? I would like for you to explain what that means." (Tr. 35.)

• "Did you accept the cash? Did you also tell the cooperating source that 'You don't want me to give you yours now,' and also say to the cooperating source, 'I'm going to get your (inaudible).'" (*Id*.)

• "Did you accept $7,000 of United States currency from a purported daycare center for your official assistance in securing a grant?" (*Id*.)

• "Did you ever reject the offers by the cooperating source? Did you ever stop and say, 'This is wrong?' Did you ever retreat?" (Tr. 35-36.)

• "I would next ask him whether or not he reported this bribe to any law enforcement official." (Tr. 36.)

It is important to emphasize that, while Manager Durkin clearly used the Butler Affidavit as his good-faith basis for these questions, the Committee only considered the Butler Affidavit for its truth in a limited manner (pursuant to an oral order by the Chairperson, only those portions of the Affidavit quoted in Group Exhibit 4 and stipulated as admissible by Respondent). Regardless of the source for the questions, Respondent was asked, point-blank, whether he accepted $7,000 in exchange for writing an official letter of support for a daycare center, and whether he engaged in multiple conversations with an undercover informant where this plot was conceived and executed—and he declined to answer these serious questions. More importantly,

Respondent did not deny any of the sworn testimony in the Butler Affidavit that was admitted into evidence for its truth, without objection, in the May 10 hearing of the House SIC as part of Group Exhibit 4.

Much was made at the Final Hearing about the drawing of an "adverse inference" from Respondent's refusal to testify. It is true that, if Respondent were an ordinary citizen in a civil lawsuit conducted within the Judicial Branch, the finder of fact would be entitled to draw an adverse inference from his refusal to testify and deny the charges against him, even if criminal charges were pending over the same subject matter and he feared that his answers in the civil proceeding could jeopardize his criminal case.[20] Likewise, if Respondent were facing an administrative disciplinary proceeding within the Executive Branch, the fact-finder could draw an adverse inference if he refused to testify, even with criminal charges pending on the same subject.[21]

We believe that the Members of this Committee, in their individual discretion, are equally entitled to draw an adverse inference from Respondent's refusal to testify.[22] We interpret House Rule 95(c) as permitting us to do so. Certainly, Respondent's counsel never claimed that we could not; while he argued that Members of this Committee should choose not to

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[20] *See People v. Hauer*, 365 Ill.App.3d 682, 687-690 (2nd Dist. 2006) (adverse inference could be drawn from defendant's refusal to testify at a civil proceeding, even though criminal charges were pending regarding the same conduct); *Jacksonville Savings Bank v. Kovack*, 326 Ill. App. 3d 1131, 1135 (4th Dist. 2002) ("Not only is it permissible to conduct a civil proceeding at the same time as a related criminal proceeding, even if that necessitates invocation of the Fifth Amendment privilege, but it is even permissible for the trier of fact to draw adverse inferences from the invocation of the Fifth Amendment in a civil proceeding'") (quoting *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 326 (9th Cir.1995)).

[21] *Giampa v. Civil Serv. Comm'n*, 89 Ill. App. 3d 606, 613 (1st Dist. 1980) (adverse inference may be drawn despite existence of pending criminal charges and despite fact that defendant would lose his State employment; "there is nothing inherently repugnant to due process in requiring plaintiff to choose between giving testimony at the [administrative proceeding] and keeping silent, even though testimony at the hearing may damage his criminal case").

[22] The legislature's right to draw an adverse inference has been typically discussed in the context of a legislative hearing similar to this one, that of an impeachment proceeding. *See Office of Governor v. Select Comm. of Inquiry*, 858 A.2d 709, 714 n.6 (Conn. 2004) (in context of gubernatorial impeachment before Connecticut House of Representatives, distinguishing between compelled testimony and governor's "legal obligation to testify," such that, while governor could not be imprisoned or cited for contempt for refusing to testify, the House could draw an adverse inference from his refusal to testify). "[T]he impeachment power necessarily implies a [legislative] power to inquire about [Executive] wrongdoing, as well as a corresponding obligation on the part of the [Executive] to respond to such inquiries." *Id.* at 738; *accord* F. Bowman III & S. Sepinuck, "High Crimes & Misdemeanors: Defining the Constitutional Limits on Presidential Impeachment," 72 S. Cal. L. Rev. 1517, 1539 n.111 (1999) (Congress may draw adverse inference from President's refusal to testify at impeachment hearing); M. Gerhardt, "The Constitutional Limits to Impeachment and its Alternatives," 68 Tex. L. Rev. 1, 93 (1989).

draw an adverse inference from Respondent's refusal to testify, he *conceded* that the Committee Members had the authority to do so in their individual discretion.[23]

In our opinion, however, the more salient question is not whether Members should draw what is technically considered an adverse inference—that is, to infer that the reason Respondent did not deny these charges is because they are true. We prefer, instead, to view this issue more broadly, consistent with the purposes of this proceeding. The Members of this Committee are State Representatives, representing the constituents of our individual districts but, in a broader sense, also representing every citizen of this State. The purpose of this disciplinary process is not to punish a fellow Member but to protect our State citizenry from improper conduct by our Members and to preserve the public's faith in the institution of the House of Representatives. Yes, our principal task in this proceeding is to determine whether credible evidence exists against a Member to warrant discipline. But we must, at all times, also be cognizant of whom we are representing, and that is the citizens of this State, the people who sent us to Springfield.

When Respondent—a State Representative himself, with the same obligations to the people of this State—refuses to take this opportunity to deny the charges against him under oath, the public loses faith in that Member and in the institution as a whole. True, there may be a countervailing reason for Respondent's silence—his counsel argued that he did not want to jeopardize his position in the pending criminal prosecution—but should the *public* have to suffer as a result of his decision? Is the public well-served by a State Representative facing serious criminal charges, and with credible evidence against him in this proceeding, who refuses to reassure the public, under oath, that he is someone they can trust?

And this is especially true in the context of the particular Charge here. The evidence against Respondent speaks to misconduct that cuts to the very essence of honest representation. The evidence against Respondent is that he placed his personal gain over those of his constituents, that he took official acts not because they were in the best interests of the people, but because he could obtain a cash bribe for doing so. In the face of this credible and serious evidence, the public is entitled to hear more from Respondent than his attorney saying that winning his criminal case is more important than keeping his job in the legislature.

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[23] *See* Tr. 91 (stating that "just because you have the right to do it doesn't make it the right thing to do"); Tr. 92 (noting that the Committee members "certainly are able to draw an adverse inference from [Respondent's] failure to appear today"); Tr. 115 (noting Respondent's dilemma in that he could either "come and speak to you and jeopardize his Fifth Amendment rights, or not come and then run the risk of people drawing negative inferences").

Viewed in this context, it would defy all logic to suggest that the Members of this Committee, on behalf of the people, should not demand more from Respondent than his mere silence. This is not an adverse inference; this is not assuming, from Respondent's silence, that the evidence against him is more likely to be true. This is part of the duty of each State Representative—including the twelve on this Committee—to preserve the public's confidence in the integrity of State government. Respondent was given an opportunity to preserve that confidence, and he declined. To suggest that the Members of this Committee cannot take that fact into account, as a separate and independent basis in addition to the already-sufficient evidence against Respondent outlined previously, would be to ignore each Member's greater role in this process.

For the reasons stated above, the Committee unanimously adopts a finding of fault against Respondent as to the Charge and as to each and every Specification supporting that charge.

IV. RECOMMENDED PENALTY

Having found Respondent at fault on the sole charge before this Committee, the Committee must recommend discipline. Under House Rule 96(e), the recommendations available to the Committee include no discipline; reprimand; censure; or expulsion. By a record vote of 11 to 1, the Committee adopted the recommended penalty of expulsion at the Final Hearing.

The eleven Members recommending expulsion do not make that recommendation lightly. It is clearly the harshest sanction, and one that has not been invoked for over a century. But the Charge against Respondent is as serious a charge as could be leveled against a sitting state legislator. There are any number of very serious criminal offenses that, however grave they may be, do not implicate the core functions of a state legislator.

But, as stated above, bribery is different. It is hard to imagine a more serious breach of a legislator's oath than taking a cash bribe to perform an official act. A corrupt legislator—one who does not act for the public good but rather to line his own pockets—is a threat to the integrity of the General Assembly and a threat to the people of this State. Wherever the line may be drawn between acts that warrant expulsion and those that do not, exchanging official acts for personal enrichment comfortably falls on the side warranting expulsion. Once this Committee has determined that there is competent evidence to find Respondent at fault for this Charge—

which it has done unanimously—it is impossible to turn a blind eye and merely rebuke Respondent in a Resolution but allow him to continue to serve in office. It is with great sadness that the majority of the Committee concludes that the only acceptable punishment to recommend to the House is expulsion.

V. CONCLUSION AND RECOMMENDATION

For all of the reasons stated herein, the Committee unanimously adopts a FINDING OF FAULT against Respondent, State Representative Derrick Smith, on the Charge and on each Specification supporting that Charge, as preferred by the House Special Investigating Committee.

Representative Barbara Flynn Currie

Representative Chapin Rose

Representative Edward J. Acevedo

Representative Michael G. Connelly

Representative Kimberly du Buclet

Representative Greg Harris

Representative Renée Kosel

Representative Camille Y. Lilly

Representative Sidney H. Mathias

Representative Chris Nybo

Representative Al Riley

Representative Joe Sosnowski

For all of the reasons stated herein, the Committee, by a vote of 11 to 1, adopts a RECOMMENDED PENALTY OF EXPULSION from the House of Representatives as appropriate discipline against Respondent, State Representative Derrick Smith.

Representative Barbara Flynn Currie

Representative Chapin Rose

Representative Edward J. Acevedo

Representative Michael G. Connelly

Representative Kimberly du Buclet

Representative Greg Harris

Representative Renée Kosel

Representative Camille Y. Lilly

Representative Sidney H. Mathias

Representative Chris Nybo

(voting no)

Representative Al Riley

Representative Joe Sosnowski

House Committee Hearings

Thursday, August 16, 2012

Environmental Health Committee -- 1:00PM -- #2, Piatt Co Farm Bureau, Monticello, IL -- SUBJECT MATTER: HB 6153 (EPA Hazardous Waste Siting)

Friday, August 17, 2012

Personnel and Pensions Committee -- 9:30AM -- Room 114, Capitol Building, Springfield, IL -- SB: 3168 HFA 2.

Thursday, August 23, 2012

Small Business Empowerment & Workforce Development Committee -- 9:30AM -- C-600, 6th Floor, Michael A. Bilandic Building, Chicago, IL -- SUBJECT MATTER: On the following House Bills 5723 and 1210.

Monday, September 24, 2012

Judiciary I - Civil Law Committee DATE CHANGE -- 11:00AM -- C-600, 6th Floor, Michael A. Bilandic Building, Chicago, IL -- SUBJECT MATTER: Hearing on HB 3636.

Number of Bills on Calendar

Senate Bills--Second Reading	1
Consideration Postponed	1
Concurrence	1
Order of Resolutions	1
Total	4

CALENDAR CODES

CA	Committee Amendment*
FA	Floor Amendment*
T	Tabled
W	Withdrawn
NG	Ruled Not Germane
RO	Ruled Out of Order
Ref Com	Referred to Committee
Ref Ru	Referred to Rules
RBA	Recommends Be Adopted
RBNA	Recommends Be Not Adopted
DNA	Do Not Adopt
MTN-TBL	Motion to Table
DE	Deadline Extended

***Adopted Amendments in Bold**

--- N O T E S ---