



COOK COUNTY BOARD OF ETHICS

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May 9, 2016

VIA E-MAIL

The Honorable Peter Silvestri
Cook County Commissioner, 9th District
Chairperson of the Cook County Finance Subcommittee on Litigation
cookcty9@aol.com

RE: Proposed Settlements for May 10, 2016 Litigation Subcommittee Meeting

Commissioner Silvestri:

I was advised by Assistant State's Attorneys Thomas Cargie and William Ragen of two proposed settlements for the May 10, 2016 Litigation Subcommittee Meeting. I am writing to report what I have found based on the information provided:

Opposing counsel in the matter of *Brown v. Dunlap*, Case No. 14C3581 (N.D. Ill.), is Matthew I. Farmer, Robin B. Potter, Alenna K. Bolin and Patrick J. Cowlin of Robin Potter & Associates, P.C. I have confirmed that Farmer, Potter, Bolin and Cowlin are not current County officers or employees. I have confirmed that the County has not made a significant payment (*i.e.* a payment over \$10,000) in the last four years to Farmer, Potter, Bolin or Cowlin, individually, or to the law firm of Robin Potter & Associates, P.C. I have also confirmed that none of the foregoing is a significant donor (*i.e.* a campaign contribution of over \$750) to any County official. I spoke with the County's counsel in this matter, Assistant State's Attorney Thomas Cargie, and was advised that he was unaware of any ethical red flags raised by this litigation or settlement.

Opposing counsel in the matter of *Isabel Marcial v. County of Cook, et al.*, Case No. 13L4196 (Cir. Ct. Cook Co.) is Anthony J. Peraica of Anthony J. Peraica & Associates, Ltd. I have confirmed that Peraica is not a current County officer or employee. Peraica formerly served as a member of the Cook County Board of Commissioners from 2003 until 2010. The Ethics Ordinance prohibits former County officials from representing parties in litigation involving the County if the former County official personally and substantially participated in the proceeding during his or her term of office. *See* County Code, § 2-580(a). Here, however, the *Marcial* litigation was not filed in the Circuit Court of Cook County until April 24, 2013, and arises from facts that allegedly occurred between January 23, 2013, and January 25, 2013. On the basis of these facts, it does not appear that Peraica participated personally and substantially as a County official in matters that occurred approximately three years after the expiration of his term of office.

I have confirmed that the County has not made a significant payment (*i.e.* a payment over \$10,000) to Peraica in the last four years. My research, however, does indicate that the County paid Anthony J. Peraica & Associates, Ltd. \$6,097.26 on or about April 11, 2014, and \$10,000 on or about September 15, 2014. The first payment was made in connection with a \$40,000.00 litigation settlement approved by the Finance Committee on April 9, 2014, in *Michael Bingham v. Office of the Chief Judge of Cook County*, 12C6621 (N.D. Ill.). The second payment was made in connection with a \$25,000.00 litigation settlement

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approved by the Finance Committee on September 10, 2014, in *Frank Coconate v. Cook County*, 13C4151 (N.D. Ill.). Attorneys from Anthony J. Peraica & Associates, Ltd. represented the settling plaintiffs in both matters. The law firm does not appear to be doing or to have done business with the County in any other respect as a County vendor in the last four years. The State's Attorney's Office confirmed that Anthony J. Peraica & Associates, Ltd. has not been designated as a special state's attorney in any matter.¹

Further, Peraica and a campaign committee he controlled at the time – Citizens for Peraica – made significant campaign contributions (*i.e.* more than \$750) to the Cook County Republican Party. Specifically, Peraica and Citizens for Peraica contributed approximately \$3,517 to the Cook County Republican Party in six separate donations from August 2007 to May 2010. Cook County Commissioner Sean Morrison currently serves as the Chairman and Treasurer of Cook County Republican Party, however, Commissioner Morrison did not hold these positions at the time of Peraica's or Citizens for Peraica's contributions.

Finally, I spoke with the County's counsel in the *Marcial* matter, Assistant State's Attorney William Ragen, and was advised that he was unaware of any other ethical red flags raised by this litigation or settlement.

I will be present at the Cook County Finance Subcommittee on Litigation, but please feel free to contact me at any time if I can be of any assistance in advance.

Sincerely,



Ranjit Hakim
Executive Director

cc: Diane Viverito (diane.viverito@cookcountyil.gov)
Donald Pechous (donald.pechous@cookcountyil.gov)
William Ragen (william.ragen@cookcountyil.gov)
Thomas Cargie (thomas.cargie@cookcountyil.gov)

¹ Although Anthony J. Peraica & Associates, Ltd. has not represented the County as counsel, Peraica and his law firm do represent a co-defendant in a currently pending matter in which the County (and more than 20 other parties have been named as defendants). *See Payne v. County of Cook, et. al*, 2015C3154 (N.D. Ill.). Peraica represents an individual probation officer. Anthony J. Peraica & Associates, Ltd. does not appear to receive compensation from the County for this representation.