
From: dave@electdaveschmidt.com on behalf of Dave Schmidt [dave@parkridgemayor.com]
Sent: Tuesday, November 03, 2009 11:21 AM
To: supporters@electdaveschmidt.com
Subject: Ethics violation

In the coming days, you may hear much about what happened at the City Council meeting last night. As I previously wrote to you, the City Council deliberated whether to prosecute former mayor Frimark for an alleged ethics violation. I want to explain to you the reason for my vote.

As a threshold matter, it remains my opinion that Mr. Frimark violated our ethics ordinance. I am not alone. The City Attorney's report also found probable cause for a violation. There is no question that Mr. Frimark learned the City was to be insured and would help pay the premiums for a policy he sold to the Mid-America, the Uptown developer's management company. As the City Attorney reported, our ethics ordinance is clear that he was not permitted to serve as an agent in that transaction. Yet he went ahead anyway instead of stepping aside once he learned of the City's involvement.

The purpose of the discussion last night was not to decide whether Frimark had violated the ordinance. Rather, the issue was whether to pursue prosecution for that alleged violation. Just prior to the meeting last night, I confirmed that Mid-America had cancelled the Frimark policy. Frimark will take nothing from the transaction. Although I am of the opinion that Frimark violated the ordinance and knew or should have known that he was violating the ordinance, I believe that the public admonishment of Frimark and the fact that he will not profit from the transaction was punishment enough under these particular circumstances. In my heart I did not believe that prosecution would further the purposes of the ethics ordinance.

Some of my supporters are understandably upset that I did not vote for prosecution. They believe that Frimark was vindicated by the vote and that I enabled it to occur. I do not believe that to be the case. However, I acknowledge there is a difference of opinion on that issue, and I also acknowledge that I may have overlooked reasons why it was important for me to vote for prosecution as a matter of principle even if Frimark did not profit from his alleged transgression.

I can and must be able to take criticism. If you believe I made a mistake, please feel free to share your thoughts with me.