

**SUGAR GROVE FIRE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONER'S MEETING
OPEN MINUTES**

DATE: May 25, 2011
TIME: 6:00 pm
PLACE: Sugar Grove Fire Station

Commissioners: Richard Sander, President
Ross Scimeca, Secretary
John Pilkington, Commissioner

Called to order at 6:08 pm

Roll Call – all commissioners present

Also present: Attorney Shawn Flaherty, Attorney Jim Knippen, Fire Chief Marty Kunkel, Attorney Thomas Radja, Firefighter Jeff Noss, various audience members

Flaherty -pursuant to agreement of the parties, we are here for the disciplinary hearing and prehearing matters of Firefighter/Paramedic Jeffrey Noss based on charges brought by Fire Chief Martin Kunkel before the Commission. There's a pending motion before this Board filed by Respondent Noss to continue the hearing.

Radja – Expressed reasoning for a continuance to prepare for defense, or to stay this matter until the resolution of the criminal case (more time to prepare an adequate defense...to ensure that documents or evidence may not come before this Commission that could be used against him in the criminal proceedings in an adverse way).

Knippen – Expressed reasoning why the hearing should proceed tonight (anything that occurs in this proceeding cannot be used in the criminal proceeding to his prejudice) and asked the Commission to let it commence.

Radja – Responded by stating the Commission is subject to a Freedom of Information Act request. It is open to the public. There is a potential that it could jeopardize or prejudice Firefighter Noss's criminal proceeding if it were to proceed tonight. I haven't had an opportunity go through all the records at this point... when I received the documents I've had approximately five days...so I haven't had an opportunity to try to prepare for this case with Firefighter Noss.

Flaherty – Summation - Recommend to the Commission to rule under my authority provided by the Commission that a continuance will be granted based on the representations by Mr. Noss and his attorney, number one, that they unequivocally waive any jurisdictional arguments with regard to the 30-day rule set by statute for the initiation of public safety officer hearings, and number two, that Mr. Noss agrees to waive any pay from today's date through the next date set for hearing, whatever date we initiate the hearing.

Knippen – thought that representation was completion of the hearing.

Radja – Yes, the waiver would be until the conclusion of the hearing by the Commission.

Flaherty – Let the record reflect that the motion to continue by agreement of the parties will be granted. The hearing will be continued to July 7th at 6:00 p.m. at Fire Station One, Sugar Grove, Illinois.

It was motioned by Sander and seconded by Scimeca to:

‘Adjourn the meeting at 6:55.’

Motion Carried.

Respectfully submitted,



Ross Scimeca