

REQUEST THAT A PLAN COMMISSION MEMBER BE RECUSED FROM DELIBERATIONS, COMMENT OR VOTE ON AN APPLICATION OF TEXT AMENDMENT.

This request accompanies the Application for Text Amendment (“Application”) submitted by Oak Park homeowners, including residents that live near and around Rush Oak Park Hospital (“Applicants”).

Applicants request that Iris Sims, a member of the Plan Commission, recuse herself from participating in any deliberations, comment or vote on the Application. In the event Ms. Sims refuses to recuse herself, Applicants request the Village Board and/or the Ethics Committee act pursuant to Article 2-25-2 of the Village Conflict of Interest and Ethics Ordinance and direct that Iris Sims be recused from participating in any deliberations, comment or vote on the Application. In support, Applicants state:

The Application seeks to amend Article 6.3 of the Zoning Ordinance to conform and make uniform the building heights measurements for Rush Oak Park Hospital with the measurements for West Suburban Hospital. The Application also requests modest increases in setbacks which impact Rush Oak Park Hospital.

Iris Sims is currently a member of the Plan Commission for the Village of Oak Park. Applicants are informed and believe she is married to Everett Ward, a Board member of Rush Oak Park Hospital. Mr. Ward publishes his status as a Board member as part of his Resume on his law firm’s website. The Applicants submit that law firms publish attorney resumes as part of the firm’s effort to market its legal services to current and prospective clients; therefore, the resumes highlight aspects of the attorney’s professional and civic activities that will attract and impress clientele. A copy of Mr. Ward’s resume is attached in support of this Request.

The Village of Oak Park publishes Rules of Procedure for Plan Commission Hearings (“Rules”). Section 1.2 provides “Any Commission member who has a proprietary interest, *or other conflict of interest*, in any matter before the Commission shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration. (Rules of Procedure, Section 1.2 emphasis added). The Rules clearly contemplate conflicts beyond those resulting from an economic interest.

Similarly, the Village Code’s Code of Conduct and Ethics makes it clear that conflicts requiring recusal go beyond economic interests.

Article 2-25-1 of the Conflict of Interest and Ethics Ordinance expressly states that:

It is the policy of the Village that its employees and elected and appointed officers should, in all cases, exercise their judgment and perform their duties for the sole benefit of the citizens of the Village. To this end all such persons should avoid accepting or retaining any economic benefits or opportunities which could impair or present an actual threat to the exercise of independent judgment. *It is further the policy of the Village that all appearances of impropriety shall be avoided.* The Board of Trustees hereby determines that a policy setting forth ethical principles and regulations applicable to

public officials and employees is in the best interests of the Village and will contribute to the public confidence in the integrity, ability and performance of said persons.

Article 2-25-9 CONFLICTS OF INTEREST AND STANDARDS OF CONDUCT states:

C. Prohibition Against Interests Which Are Incompatible With Official Duties

No . . . appointed officer . . . shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of [her] official duties in the public interest or which may tend to impair [her] independence of judgment or action in the performance of [her] official duties. For purposes of this Section, personal interest shall include the financial interest of the spouse . . . of the . . . appointed officer.

Although Mr. Ward's membership on the ROPH Board of Trustees may be unpaid, Mr. Ward benefits from his status as a board member in that he is able to list it as one of his civic activities on his firm's resumes page. At the very least, there is a clear appearance of impropriety in Ms. Sims participating in proceedings that directly involve a business for which her husband serves as a Board member. Ms. Sims should recuse herself from these proceedings.

In the event Ms. Sims fails to recuse herself, the Board should direct that she be recused.

Article 2-25-2 of the Conflict of Interest and Ethics Ordinance provides in pertinent part:

2-25-2; ETHICS COMMITTEE OF THE VILLAGE BOARD:

- A. Creation; Terms: There shall be created an Ethics Committee of the Village Board which shall have the duties and powers, unless otherwise provided, to hear complaints and rule upon the appropriate disposition of the ethics ordinance. The Committee shall consist of the Village President and all of the Village's Trustees then holding office....
- B. Duties: The Ethics Committee shall enforce the provisions of this article, including prosecuting and hearing complaints on violations of this article by elected or appointed officers and employees...

In the event Ms. Sims does not recuse herself, the Village Board, serving as the Ethics Committee, should hear this matter and direct that Ms. Sims be recused.

Respectfully Submitted,

Applicants for Text Amendment

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Everett S. Ward represents corporate, commercial, and not-for-profit clients in the acquisition, disposition, financing, and leasing of commercial, industrial, and residential real property, including hotels, industrial properties, mixed-use properties, manufactured housing developments, multifamily developments, senior living facilities, farmland properties, office buildings, and shopping centers. He also represents clients in the formation and financing of real estate joint ventures on both stabilized assets and development projects.

During the COVID-19 pandemic, Everett has been using his extensive loan workout and amendment experience to help both lenders and borrowers succeed at this time.

His experience includes:

- Representation of an S&P 500 real estate investment trust (REIT) that is one of the largest publicly traded owners, operators, and developers of multifamily housing in the United States.
- Representation of a major life insurance company in the sale of a Class A office building in the Chicago, Illinois CBD for a sale price in excess of \$250 million.
- Representation of a syndicate of major life insurance companies in a \$480 million multistate loan transaction secured by parking garage facilities.
- Representation of pension and governmental plan sponsors and plan advisors on a variety of real estate financing transactions.
- Representation of owners of senior housing facilities (including independent living, assisted living and memory care) in construction loan and



Everett S. Ward

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term loan financing transactions on properties located throughout the United States.

- Team leader for firm attorneys that serve as Midwest Regional Counsel for a major life insurance company on mortgage loan and loan sale transactions ranging in size from \$3 million to in excess of \$1 billion.
- Representation of entities in the purchase and sale of farmland in the Midwestern United States.
- Representation of a joint venture in the acquisition of a portfolio of multifamily housing assets located in the southeastern United States for a purchase price in excess of \$130 million.
- Representation of a university as ground lessor in a ground lease/real estate development transaction.
- Representation of the seller of a portfolio of mortgage loans for in excess of \$900 million.

Legal Services

- Real Estate
 - › Acquisitions and Dispositions
 - › Real Estate Finance
 - › Real Estate Investment Trusts (REITs)
- Banking & Financial Institutions
 - › Finance

Education and Honors

- Northwestern University, Kellogg School of Management, Certificate, Quarles & Brady Leadership Program (2016)
- Harvard Law School (J.D., 1986)
 - › Board of Student Advisors (Member, 1984–1986)
- Princeton University (A.B., 1983)
 - › The Princeton Club of Washington, D.C. Scholarship
(Recipient, 1979–1983)

Bar Admissions

- Illinois

Court Admissions

- U.S. District Court, Northern District of Illinois, 1986

Professional and Civic Activities

- American Bar Association, Real Property, Trust and Estate Law Section, member
- American College of Real Estate Lawyers (ACREL), fellow
- American College of Mortgage Attorneys (ACMA), fellow; board of regents, 2021-present
- Economic Club of Chicago, member
- The Field Museum of Chicago, member; board of trustees, 2009–present
- Rush Oak Park Hospital, board member, 2019-present
- State of Illinois Real Estate Administration and Disciplinary Board, member 2016-2022
- Oak Park Economic Development Corporation (formerly known as the Oak Park Development Corporation), board member, member of the executive committee: 2013–2018
- Lambda Alpha International, Ely Chapter, 2010-2018, member
- Thresholds, board president, 2000–2002; member; board of directors, 1996–2008
- Practising Law Institute (PLI) Chicago Real Estate Financing Program, co-chair, 2013-2017
- American Bar Association's Standing Committee on Continuing Legal Education, member, 2014-2017
- American Bar Association's Real Property, Trust and Estates Section, former vice chair; Real Estate Investment Trust Committee , former chair

Professional Recognition

- Most Influential Minority Lawyer in Chicago by *Crain's Chicago Business*, 2017
- Illinois Leading Lawyer - *Law Bulletin Media*, Real Estate: Commercial & Finance, 2008–present
- AV Preeminent® Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability
- *Illinois Super Lawyers*®, Real Estate, 2006–present
- Who's Who In Black Chicago, Chicago's Counselors at Law – 2006, 2007, 2010

- Named a 2015 Business Leader of Color by Chicago United
- *The Best Lawyers in America*[®], Real Estate, 2021, 2022