

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL L. SHAKMAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case Number: 69 C 2145
v.	)	
	)	Magistrate Judge Schenkier
COOK COUNTY RECORDER OF	)	
DEEDS, et al.,	)	
	)	
Defendants.	)	

**EIGHTH REPORT OF THE SHAKMAN COMPLIANCE ADMINISTRATOR  
FOR THE COOK COUNTY RECORDER OF DEEDS**

Cardelle B. Spangler, *Shakman* Compliance Administrator for the Cook County Recorder of Deeds, by and through her attorney, Matthew D. Pryor, pursuant to Art. III.C. of the Supplemental Relief Order for the Cook County Recorder of Deeds, submits this Eighth Report as follows:

**I. Introduction**

On December 17, 2012, Cardelle B. Spangler, the Recorder Compliance Administrator (“RCA”)<sup>1</sup>, filed her Seventh Report to the Court (“Seventh Report”). In addition to discussing the last few months of the Moore Administration, the Seventh Report covered actions in the first few weeks of the administration of the new Cook County Recorder of Deeds, Karen A. Yarbrough, and her efforts in bringing the Office of the Cook County Recorder of Deeds (“Recorder’s Office” or “Office”) to Substantial

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<sup>1</sup> “RCA” hereinafter shall refer to the Recorder Compliance Administrator and/or her staff.

Compliance with the Supplemental Relief Order (“SRO”).<sup>2</sup> In the two months since that Seventh Report, the RCA monitored Employment Actions by the Yarbrough Administration and continued negotiating the Recorder Employment Plan. The RCA submits this Eighth Report to update the Court on the first two and a half months of the Yarbrough Administration’s initial efforts to comply with the SRO.

## **II. Progress on Substantial Compliance**

From the RCA’s first meeting with Recorder Yarbrough, the RCA has explained the importance of the Recorder’s Office following established employment policies and procedures and providing the RCA with Deliberative Notice of the same. *See* Seventh Report at 10. The RCA also explained her concerns that Recorder Yarbrough’s predecessor made virtually no effort to direct his office’s compliance with the SRO. *Id.* Recorder Yarbrough explained to the RCA the importance she would place on *Shakman* compliance. The RCA encouraged the Recorder to meet with Judge Schenkier as well as Plaintiffs’ Counsel to develop a greater understanding both of the history of the *Shakman* case and what the Judge’s and Plaintiffs’ expectations were for SRO compliance.<sup>3</sup> The RCA noted in her Seventh Report her appreciation of Recorder Yarbrough’s “eagerness” to meet with the RCA. *Id.*

Shortly after the RCA filed her Seventh Report, the Recorder asked the RCA to have a one-on-one meeting with her. During that meeting, the RCA again reiterated her

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<sup>2</sup> “Recorder” hereinafter shall refer to the Cook County Recorder of Deeds, Karen Yarbrough, and/or her staff.

<sup>3</sup> As of the writing of this report, the Recorder herself had not yet met with either Judge Schenkier or Class Counsel.

expectations of Recorder Yarbrough with respect to SRO compliance. While Recorder Yarbrough appeared receptive during that meeting, events over the ensuing two months have raised questions concerning this administration's commitment to achieve compliance with the SRO.<sup>4</sup>

The Recorder has, thus far, failed to clearly and consistently commit to complying with the SRO. While the RCA understands the urgency the Recorder might feel to reshape the Office she was recently elected to, this urgency does not excuse using the problematic ad hoc decision-making of the prior administration. Further, the RCA has serious concerns with the Chief Deputy Recorder's resistance to the RCA as explained further below. It is not enough for the Recorder to want to reach the end result of Substantial Compliance; the Recorder also must be willing to make the necessary changes to the culture of political patronage within the office in order to achieve that result. The RCA hopes the Recorder will provide such direction and efforts on a more consistent basis in the coming months.

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<sup>4</sup> A few weeks after this meeting, the RCA grew concerned about certain Employment Actions at the Recorder's Office, *see infra* at 4-5, 10-11. She emailed the Recorder on January 16, 2013 and asked her to consider setting up regular bi-weekly meetings between the RCA herself and the Recorder herself. The Recorder has not responded to that request.

A. Monitoring Findings<sup>5</sup>

As set forth below, the RCA's monitoring efforts focused on the areas of termination, hiring, and discipline. On January 9, 2013, the RCA emailed the Chief Deputy Recorder and asked if he would agree to set up weekly meetings with the RCA Counsel, RCA Monitor, and certain senior Recorder staff to discuss ongoing Employment Actions and the Recorder's efforts to comply with the SRO. The RCA noted that such meetings were helpful with the former Chief Deputy Recorder. After some delay, the Chief Deputy Recorder ultimately agreed to a standing bi-weekly meeting – the first of which took place on February 15, 2013. The RCA hopes these meetings continue regularly so that issues such as the ones described below may be addressed and ameliorated promptly.

1. *Terminations*

Concourse Manager. In her Interim Report to the Court (filed on November 2, 2012 (hereinafter the "Interim Report")), the RCA reported various meetings and correspondence between former Chief Deputy Recorder, Darlena Williams-Burnett, and then-Candidate Karen Yarbrough and William Velazquez. *See generally* Interim Report. According to Ms. Williams-Burnett, Candidate Yarbrough and Mr. Velazquez placed certain pressure on Ms. Williams-Burnett to remove a then active posting for an

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<sup>5</sup> The RCA is charged with continually and actively monitoring the Recorder's compliance with the SRO and progress towards substantial compliance. SRO Art. III.C and III.D. Active monitoring includes notification of, and an opportunity to be present for, each step in the life cycle of an Employment Action, from the initial thought processes and communications of supervisors/managers contemplating the action through the final outcome. Second Report at 4. The RCA's staff is tasked with monitoring the observed proceedings, writing an internal report on the same, and sharing that report with the RCA and her counsel. The RCA would like to make clear that in her monitoring capacity she is not in a position to direct the Recorder or her staff on how to proceed, enforce, or issue discipline and her staff is not to intervene in the process. The RCA is and always has been open to discussing with the Recorder intended Employment Actions prior to their occurrence to provide guidance on *Shakman*-related concerns.

Administrative Assistant V position and discussed frustration with the Moore Administration's recent filling of the Concourse Manager position. As Ms. Williams-Burnett explained to the RCA in an email quoted in the RCA's Interim Report, "...[t]his posting, as well as the Concourse Manager position has the attention of the incoming Recorder, and she had indicated her 'disappointment with me, in filling a high level management position.'" *Id.* at 4. Ms. Williams-Burnett also expressed concern that she did not "want to subject a new employee to . . . the animosity [sic] they could face while a new administration takes over with the mind set the person should have never been hired." *Id.*

On Friday, February 15, 2013, the Recorder terminated the employee who filled that Concourse Manager position. The RCA is deeply troubled by the lack of process that resulted in this termination and the contrasting rationale provided by the Recorder's Office to explain the basis for termination.

Union Employee. On January 4, 2013, the RCA monitored the termination of a union employee for a major infraction – Providing False Information (on his application for hire). Under the personnel rules currently in effect, "Major" infractions can result in immediate termination after notice and a disciplinary hearing as provided by the Collective Bargaining Agreement. While the RCA was provided notice of and monitored the pre-disciplinary hearing, she was not given the opportunity to monitor the Deliberative Process that resulted in the decision to terminate this employee. Failure to provide notice of the Deliberative Process, the monitoring of which helps the RCA to determine if any improper motives or processes are fueling the decision making process, was a chronic issue under the prior administration. The RCA urges this administration to

embrace transparency, which is necessary to build the trust required to move toward Substantial Compliance.

Special Assistant to the Recorder. On February 21, 2013, the RCA received notice from the Recorder's Labor Counsel that the Recorder's Special Assistant to the Recorder – Government Affairs - a Shakman Exempt position held by Richella Goeloe-Jackson – resigned effective that same day. No explanation was provided.

2. *Chief Deputy Recorder*

On January 8, 2013, Chief Deputy Recorder, Mr. Velazquez, called the RCA to monitor to a conversation between Mr. Velazquez; the Deputy Recorder, William Drobitsch; the Director of Human Resources/Shakman Liaison, Felix Babatunde; and the Concourse Manager. The RCA's Deputy monitored the conversation by phone. During the conversation, Mr. Velazquez informed the Concourse Manager of his decision to extend the Concourse Manager's probationary period an additional 60 days.<sup>6</sup> According to multiple witnesses at the meeting, when Mr. Velazquez hung up the phone at the end of the meeting, Mr. Velazquez "thrust his middle finger at the phone" and muttered "fuck you" at the phone. Such behavior in front of other employees, while unprofessional on its own, calls into serious question the Recorder's stated desire to work with the RCA to achieve substantial compliance.

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<sup>6</sup> The following day, when, in an email, the RCA questioned the Chief Deputy Recorder on what policy he relied on in extending the Concourse Manager's probationary period, the Chief Deputy Recorder stated in a responsive email that, "[y]ou are correct that there is no written policy in place to include (or exclude) extending probationary period" but that he "relied on past practice" in the office to "guide" him in his decision. The Chief Deputy Recorder then included an email from the Director of Human Resources intended to explain the office's "past practice" on this issue wherein the Director of Human Resources admitted there was no written policy or even documented past practice, but stated that some 10 years ago, an employee's probation was once extended. This is precisely the type of ad-hoc decision making that, if it continues, will pose a significant hurdle to this Office's progression to substantial compliance.

### 3. *Hiring*

Since the RCA's Seventh Report, the Recorder has filled two positions – both of which were *Shakman* Exempt. The Recorder hired William Drobitsch as Deputy Recorder and John Mirkovic as the Special Assistant to the Recorder – Civil Affairs. The RCA reviewed both of these individuals' applications and confirmed they met the Minimum Qualifications<sup>7</sup> of their respective positions. The RCA then trained both of these employees on the SRO as well as their obligations to report political contacts.

While no other positions were filled or posted since the Seventh Report, the Recorder alerted the RCA of her intent to hire three Executive Assistants and post for a currently vacant Director position. The Recorder intends to fill the Director of Compliance position as well as two of the Executive Assistant positions using the General Hiring Process in the proposed Employment Plan. The third Executive Assistant position will be filled using the Executive Assistant Hiring Process in the proposed Employment Plan.<sup>8</sup> The Recorder's Office presented the RCA with proposed job descriptions for all four of these positions and the RCA ultimately approved final versions of the same. Because the Recorder included a Minimum Qualification on the Executive Assistant Job Descriptions that concerned typing speed, the RCA notified the Recorder of the need to get approval from the RCA of the typing test prior to scheduling

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<sup>7</sup> In her Seventh Report, the RCA noted that Recorder Yarbrough originally intended to fill this second Deputy Recorder position on her first day in office but was unable to because the intended hire did not meet the Minimum Qualifications for the position. The Recorder subsequently petitioned Class Counsel and the RCA to amend the Minimum Qualifications for this position and was granted this request.

<sup>8</sup> The RCA notes that while there is a specific Executive Assistant Hiring Process in the draft Employment Plan, the Recorder has opted to use the less discretionary General Hiring Process to fill two of her Executive Assistant positions.

any such test with a candidate. Unfortunately, on February 20, 2013, the RCA was notified that the Executive Assistant for the Chief Deputy Recorder was scheduled to take her typing test the following morning – despite the Recorder neither discussing nor obtaining the RCA’s approval for the typing test. After the RCA voiced objection, the Recorder ultimately postponed conducting the typing test until the RCA could review and approve of the test and be provided with appropriate notice to be able to monitor its implementation.

#### 4. *Discipline*

Since the RCA’s last report, the RCA has had the opportunity to monitor numerous pre-disciplinary hearings for union employees that resulted in the issuance of counseling, suspension, and even termination.<sup>9</sup> The Recorder has, with a few exceptions, consistently provided the RCA with notice of the Deliberative Process for these disciplinary actions. As discussed below, the Recorder’s Labor Counsel is in the process of developing a disciplinary policy. *See infra* at 11-12. However, until the disciplinary policy is approved by the RCA and employees are provided notice on the same, the RCA expects that the disciplinary policies of the prior administration will continue to be followed.

Disciplinary Policies. On January 30, 2013, the RCA monitored a pre-disciplinary hearing regarding the poor work performance of a union employee. This employee had two prior infractions for poor work performance and had already received

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<sup>9</sup> Since the RCA’s last report Ms. Pederson has continued to oversee pre-disciplinary hearings for non-supervisory employees. The RCA has not monitored any pre-disciplinary hearings for supervisory employees and is still unsure whether there will be two distinct Disciplinary Hearing Officers for supervisory and non-supervisory employees going forward.

both a verbal and written reprimand. Under existing personnel rules, this union employee should have been issued a one-day suspension but instead received a two-day suspension. The RCA met with members of the Yarbrough Administration on February 1, 2013 and expressed her concern that the Recorder had implemented the proposed disciplinary policy prior to final approval by the RCA and Class Counsel as well as providing proper notice to Recorder employees. The Recorder's Labor Counsel initially responded that she did not believe the Recorder was obligated to follow the prior administration's policies. The RCA strenuously disagreed and expressed her expectation that the current administration would adhere to existing personnel policies until such time as the Recorder drafts, obtains approval on, trains employees on and implements new policies. Recorder employees must have clear guidance on this administration's expectations, to the extent they differ from the last's, so that it is evident to them and the RCA that they are not being subjected to one-off, inconsistent practices, which allow for unlawful political reasons or factors to enter into decision making processes.

Union Grievances. The union's grievance procedure steps and time limits are outlined in the current Collective Bargaining Agreement ("CBA") between the Recorder's Office and SEIU Local 73. While the CBA states that within 10 business days of filing, the Immediate Supervisor must meet with the employee to discuss the grievance, CBA § 11.4 & app. B at Art. VI.A.3, no such meetings ever took place under the Moore Administration. The CBA also states that the Recorder's Designee shall then meet with the employee within 10 calendar days after receiving the Step 2 grievance, *id.* app. B at Art. VI.B.2, but this option was rarely exercised. The RCA has now monitored both a First Step and Second Step meeting for one union employee's grievance and the

equivalent of a third step meeting for two others. The RCA would like to commend the Recorder and her staff for their strict adherence to the outlined grievance procedures.

Overall, the RCA has observed a positive change in the way pre-disciplinary hearings and grievances are conducted. The RCA does appreciate the professionalism exhibited by Labor Counsel in these hearings and hopes for continued improvement in the Recorder providing notice of the Deliberative Process.

#### *5. Promotions*

On January 11, 2013, the Recorder's Labor Counsel informed the RCA that she intended to meet with two non-union employees. When the RCA monitored the meeting, the RCA was surprised to learn that the Recorder had decided to give merit pay increases to both of these employees. The RCA had not been provided the opportunity to monitor any Deliberative Process that led to these pay increases and was not told under what policy the Recorder relied on to provide these pay increases. On January 16, 2012, the RCA noted her concern in correspondence to the Recorder but never received a response explaining why the RCA was not provided prior notice of the Deliberative Process leading to these pay increases or the basis upon which they were granted.

#### *6. Cross-Training*

In January 2013, the RCA monitored the Deliberative Process concerning the Recorder's decision to cross-train two employees – one of which was a supervisor – for a period of six months due to work performance issues. The RCA appreciates the Recorder keeping the RCA informed of the Deliberative Process on these Employment Actions.

*7. Other Employment Action*

On January 3, 2013, the Deputy Recorder met with an employee in the Recorder's Human Resources Department and informed the employee that he wanted to replace all of her job duties (that she had conducted since 2004) with an entirely new set of duties unrelated to her prior duties. After the meeting, the Deputy Recorder emailed the RCA about the meeting and noted that the above employee's former duties would largely be taken over by a single employee in the Human Resources Department. The RCA responded by emailing the Chief Deputy Recorder noting both the RCA's concerns about not being provided prior notice of the above meeting and the RCA's belief that a complete overhaul of the employee's duties constitutes a significant Employment Action that was not consistent with any existing Recorder policy.

After two requests by the RCA to meet to discuss the above, on February 1, 2013, the RCA met with certain senior Recorder staff to express her concerns. The RCA explained that prior to making any such sweeping changes in an employee's duties, the Recorder needed to have a policy in place explaining such a process and that the RCA and Class Counsel would need to approve of said policy. The Recorder's senior employees ultimately affirmed their understanding of such a need; however, the RCA has not received any such proposed policy nor has the employee at issue been returned to her former position.

*B. Political Activities*

In her Seventh Report, the RCA discussed her disappointment with former Recorder Moore's handling of an investigation into allegations that "a union steward had

witnessed a politically-connected employee distributing political flyers<sup>10</sup> to other Recorder employees at the Recorder's downtown office location." Seventh Report at 6-7. The RCA referred that matter to the OIIG and notified the Chief Deputy Recorder of the same. The Recorder's Office investigated the matter and, after the employee admitted to "probably" circulating the materials while at work because he worked for the candidates named on the flyer, ultimately issued the employee a Verbal Reprimand for violating certain Office policies and County ordinances.

Since the filing of the Seventh Report, the OIIG issued its findings and recommendations related to the above issue. The IG ultimately concluded that he could not recommend additional discipline for the above violation because the Recorder's Office had already issued discipline on the same (although the IG noted that a more severe penalty was warranted by the conduct). Separate from the politicking issue, the IG recommended a minimum suspension of 20 days on account of the employee making "false statements" to the OIIG during its investigation. The OIIG issued its findings and recommendations on February 6, 2013 and asked Recorder Yarbrough to respond to the same within 30 days. The RCA will closely monitor the Recorder's response and will report on the same in her Ninth Report to the Court.

*C. Supervisor Unionization*

In her last two reports, the RCA has noted the "uncertainty surrounding the employment procedures that newly unionized supervisors were subject to given that they

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<sup>10</sup> The Director of Personnel forwarded a copy of the flyer to the RCA. The flyer advertised a political fundraiser in support of Congressman Danny K. Davis, then-Cook County Recorder of Deeds Democratic Candidate and Illinois State Representative Karen Yarbrough, and Illinois Representative, La Shawn K. Ford

now shared the same collective bargaining agreement as their subordinates.” Seventh Report at 7; Sixth Report at 6-7. The RCA understands that the current Recorder administration is aware of this confusing issue but has so far it remains unresolved.

*D. Employment Plan and the Director of Compliance*

As mentioned in her Seventh Report, on September 12, 2012, the RCA circulated a copy of the draft Employment Plan to Class Counsel for review.<sup>11</sup> Seventh Report at 14. On December 7, 2012, during Recorder Yarbrough’s first week in office, the RCA circulated a revised draft Plan to Recorder Yarbrough and her senior staff. Over the ensuing several weeks, the parties and the RCA negotiated various changes to the draft language and reached agreement on all but one issue – the Director of Compliance.<sup>12</sup>

In several prior Reports to the Court, the RCA explained the importance she attaches to making the Director of Compliance position as independent as possible. *See, e.g.*, Seventh Report at 14-15. On February 8, 2013, Robert T. Shannon of Hinshaw & Culbertson LLP, filed with this Court a “Petition for Appointment of Special State’s Attorneys” on behalf of Recorder Yarbrough (the “Petition”). In his Petition, Mr. Shannon stated that “[t]he Office of the State’s Attorney’s interest in this matter already has impacted recommendations to the Recorder’s Office with respect to the reporting mechanism for the compliance officer to be hired under the anticipated employment

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<sup>11</sup> The RCA also noted in her Seventh Report concern about a lack of transparency in a shared services agreement between the Recorder’s Office and Cook County. Seventh Report at 7-8. Since the Seventh Report, the parties and the RCA agreed to additional language in the draft Employment Plan that would transparency in any future shared services agreement made by the Recorder’s Office.

<sup>12</sup> While earlier RCA Reports to the Court identified this position as the “Compliance Officer,” the most recent version of the Recorder Employment Plan adopted the title “Director of Compliance”.

plan.” Petition at 3. The RCA emailed the State’s Attorney’s Office the next business day informing them that the RCA would temporarily suspend further negotiations of the Employment Plan until Mr. Shannon’s petition was ruled upon by this Court.

On February 20, 2013, after an in camera hearing, Mr. Shannon voluntarily withdrew his Petition. The RCA is awaiting formal notice from the Recorder concerning with whom the RCA should discuss the Employment Plan and looks forward to finalizing the same in the near future.

*E. Supplemental Policies and Procedures*

In addition to an Employment Plan that covers, inter alia, the Recorder’s hiring practices, the SRO also requires the Recorder to negotiate new policies and procedures “including, but not limited to. . . promotion, transfer, assignment of overtime, discipline and discharge.”<sup>13</sup> SRO at II.C. While the prior administration never negotiated new policies for these employment practices, it had a Personnel Policy and Procedures Manual, Collective Bargaining Agreement, various all-office memoranda, and other practices (some of which were memorialized in prior RCA Reports to the Court) explaining how that administration handled non-hiring employment actions.

Last month, the RCA grew concerned that the current Recorder was not following the employment policies of the prior administration even though no new policies had been approved by the RCA and Class Counsel. *See supra* at 9. On several occasions, the RCA has clearly explained to the current administration that, not only does

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<sup>13</sup> Several additional employment policies that require new negotiated written policies include: compensatory time, cross-training, demotion, flex time, layoff/recall, performance reviews, reclassification, and training. These policies are the same the RCA discussed with Recorder Moore’s administration and first reported on the same in the RCA’s Second Report to the Report (“Second Report”). *See* Second Report at 9 (filed on April 15, 2011).

the current administration have the burden of learning and following the employment policies of the former administration, should the current administration wish to change any of those policies, it had to propose any such change to the RCA and Class Counsel for approval and, once approved, provide notice to all employees of the change.

In an attempt to encourage the Recorder to take ownership of the need to adopt revised supplemental employment policies, the RCA asked the Recorder to provide draft policies and that the RCA and Class Counsel would then work with the Recorder to reach final language. The only non-hiring employment policy that the Recorder's Office has begun revising is for discipline.<sup>14</sup> On December 19, 2012, the Recorder's Labor Counsel provided the RCA with part of a draft disciplinary policy for the RCA to review. Unfortunately, before an agreement had been reached on a new disciplinary policy, the Recorder issued a memorandum on January 3, 2013 to all Division Heads and Supervisors announcing various substantive "changes to the Disciplinary Action Policy". The RCA has since spoken with Labor Counsel about her concerns of this premature implementation and has received assurance that the new policy will not be implemented until an agreement is reached with the RCA on the same.

The RCA has also asked the Recorder for her policy on overtime and compensatory time on several occasions (including an email to the Chief Deputy Recorder on January 9, 2013) due to a concern that the current administration was not adhering to the policy of the former administration but had not proposed a new policy to the RCA nor put employees on notice of any changes to the former policy. The RCA has

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<sup>14</sup> The RCA met with certain senior Recorder employees concerning a policy for Training and anticipates receiving a draft of the same in the near future.

not received any response to her requests.

*F. Automated Online Application Tracking System*

Since her Seventh Report, the RCA met with Cook County's Director of Human Resources Information Systems ("HRIS"), Barbara Pryor, as well as several of the Recorder's senior employees, concerning the County's efforts to bring the Recorder's Office onto the County's Applicant Tracking and Application Systems ("ATAS") provider. Ms. Pryor invited the Recorder to designate a lead employee who would attend a multi-day conference on ATAS with members from other County offices who already use ATAS. While the County extended the date by which it believes the Recorder's Office will be fully operational on ATAS – from March 2013 until May 2013 – progress is clearly occurring. Given how critical a successful ATAS is for Substantial Compliance, the RCA encourages the Recorder to assign the appropriate personnel and resources to ensure her Office understands and successfully implements ATAS.

*G. Political Contact Log and No Political Consideration Certification*

In her Seventh Report, the RCA discussed her training of the Political Contact Log ("PCL") reporting requirements to the newly hired Exempt employees and noted that she had received two PCLs from the Recorder's Office. Seventh Report at 16. The RCA has not received a single additional PCL since her Seventh Report and believes additional training will be required to reinforce the Recorder's need to follow PCL reporting requirements. The RCA also anticipates that the Recorder will amend all relevant employment forms with No Political Consideration Certifications to, in part, remind her employees that political reasons or factors may not be taken into account for any non-Exempt Employment Action.

#### *H. Post-SRO Complaints*

Since the RCA's Seventh Report, the OIIG did not receive any newly filed Post-SRO Complaints – leaving the total number of Post-SRO complaints filed at four. Also since the Seventh Report, the OIIG did not sustain the allegations raised by two Post-SRO Complainants; the RCA reviewed the same. The OIIG currently has no pending Post-SRO investigations.

### **III. Conclusion**

Recently, this Court entered an Agreed Order finding the Cook County Forest Preserve District (the “District”) in Substantial Compliance with the District’s Supplemental Relief Order; consequently, the District was dismissed from the *Shakman* case. In the Substantial Compliance hearing, the Court discussed, *inter alia*, the efforts that the District made to reach Substantial Compliance. The Court stated that, prior to President Preckwinkle’s election and subsequent one-on-one meeting with Judge Schenkier to discuss what was required for Substantial Compliance, “the District had not shown a top-down commitment to change and its representatives were too often treating Jan [Carlson, the District Compliance Administrator] and his people as the enemy instead of people with whom they should work cooperatively to reach a common goal.” Transcript of Proceedings at 21, *Shakman, et al. v. The Democratic Organization of Cook County, et al.*, 69 C. 2145 (Feb. 4, 2013). The Court further stated that, “it is hard to truly make meaningful change unless the people at the top are committed to it and show that commitment not just by what they say, but also by what they do.” *Id.* at 20.

The RCA hopes that the Recorder and her staff take these insights by the Court,

and the RCA's concerns as stated in this Report, seriously and that the "top-down commitment to change" begins today.

Respectfully submitted,

Cardelle B. Spangler  
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