



Clerk VBH <clerk@barringtonhills-il.gov>

VBH BOT FYI Legal

1 message

Robert Kosin <rkosin@barringtonhills-il.gov>
To: Dolores Trandel <clerk@barringtonhills-il.gov>
Cc: Sarah Kenney <skenney@barringtonhills-il.gov>

Fri, Jan 28, 2011 at 8:26 AM

Lawsuit for Harlem Township records nears its end
By Kevin Haas
RRSTAR.COM
Posted Jan 28, 2011 @ 12:09 AM

PHOTO PROVIDED.Doug Aurand

ROCKFORD — A Winnebago County Board member's two-year legal battle to obtain records from Harlem Township inched closer to a resolution Thursday as final arguments were heard in circuit court.

Judge Lisa Fabiano is scheduled to make her ruling March 22. County Board member Kay Mullins filed the lawsuit in March 2009 against Harlem Township Supervisor Doug Aurand and the township for access to thousands of records she requested through the Freedom of Information Act.

"The Freedom of Information Act is important. Governments need to be transparent," said Mullins, who has represented herself throughout the case. "If it was important two years ago, it's still important today. The particular records may not be so important, if they're dated, but the fact that government needs to be transparent and open is still as relevant today as it was when" the lawsuit was filed.

Mullins' husband, Bob Mullins, is a township trustee.

The township has given Kay Mullins most of the records she's asked for, but officials object to the release of certain documents, including personnel files for Julie Aurand, Doug Aurand's wife, who works part-time as a janitor and supervises the township's workfare program.

The township also has called the Freedom of Information Act requests by Mullins unduly burdensome and argues that some of the records she requested simply are not on file at the township.

"We've given all the records we've got. I provided the case law authority that says we don't have to produce any records that we don't have," said John Nelson, who represents the township.

Nelson argued Thursday that personnel records are exempt from FOIA laws and provided Fabiano with case law to support his position.

Mullins sought W-2 statements for township employees, personnel files, payroll documents, invoices, dinner bills and bank statements, among other documents. The township has spent about \$7,000 fighting Mullins' lawsuit.

"The township has spent a great deal of time and money keeping me away from these records," Mullins said.

One of the documents Mullins requested was for payments made to township Trustee Don Gasparini Jr. for his service as township park director. Gasparini worked as park director for an annual salary of \$500 before he was elected trustee. A township official testified she could not find documentation of the payment in the township's files.

"There were some records missing that concerned me," Mullins said. "In order to make payment, they had to exist. The payment was made, and now they don't exist."

Township officials say they have nothing to hide and that the records Mullins requested are "insignificant." Nelson said Doug Aurand's testimony Thursday is a sign of his willingness to be transparent. Nelson asked only a few questions to the talkative Aurand, who detailed several facets of township government while on the stand.

"If Doug Aurand was any more transparent he'd be naked," Nelson said. "This is just a grudge match litigated by Mrs. Mullins at taxpayer expense."

Staff writer Kevin Haas can be reached at khaas@rrstar.com or 815-987-1354.

Copyright 2011 Rockford Register Star. Some rights reserved
