

**IN THE CIRCUIT COURT OF COOK COUNTY
OF THE STATE OF ILLINOIS**

RICHARD P. CARO, A STATE OF ILLINOIS)	
TAXPAYER ON BEHALF OF AND FOR THE)	
BENEFIT OF THE TAXPAYERS OF THE)	CASE NO. 07 CH 24192
STATE OF ILLINOIS,)	
)	HON. Kathleen Mary Pantle, Circuit Judge
Plaintiff,)	
)	
-against-)	
)	
HON. ROD R. BLAGOJEVICH,)	
GOVERNOR OF THE STATE OF)	
ILLINOIS, ET AL.,)	
)	
Defendants.)	
)	

**SUPPLEMENT TO
PETITIONER’S REPLY TO DEFENDANTS’
OPPOSITION TO MOTION FOR RECONSIDERATION**

I

INADEQUATE PUBLIC NOTICE

On November 15, 2007, the Board of Comprehensive Health Insurance held a Public Meeting, the first since its August 28, 2007 Public Meeting. Prior to the convening of the Meeting,

- (a) the Board did not publish on its website the Agenda for the Meeting and
- (b) it also failed to announce the Room Number for the Meeting at the J.R.

Thompson State of Illinois Center, 100 West Randolph Street, in Chicago. The website stated that this information would be provided, but it wasn’t.

When I arrived at this State Office Building, there was nothing posted on the ground floor stating where the meeting would be held. Also no one was at the Public Information Desk. So I looked at the building’s office directory by the elevators and saw that “Insurance” was on the 9th Floor. When I arrived on the 9th Floor, the guard had a list of the public meetings being held that day on the 9th Floor, but the Board’s Meeting was not on the list. I was then directed to the

receptionist desk and upon inquiry, one of the women receptionists checked her list but the Board's Meeting was not on her list either. I suggested that she call the secretary for Insurance Director Michael McRaith, who is also the CHIP Board's Chairman. She did and then informed me that the Meeting would be held in Room 9-036.

Though the Meeting was held pursuant to the State's Open Meeting Policy and the Illinois APA, the above described lack of information is clearly inconsistent with, if not contrary to, that Policy and the APA's public notice requirements. How could an ordinary member of the Public wishing to attend the Meeting have found what topics were to be considered at the Meeting or exactly where in that gigantic office building the Meeting would be held? The hurdles to be overcome were not insignificant. The Board does not maintain an office in that building and some research on the Chairman would have to be done to find out that he is also the Director of State's Insurance Department.

II

THE CHAIRMAN BARRED ANY DISCUSSION OF THE BRIDGE PROGRAM

When Chairman McRaith opened the Board's Meeting he stated that the Meeting would not address the All Kids Bridge Program and that another Board Meeting would be held on November 28, 2007, on that Program. He then suggested that, accordingly, there would be no need for me to stay for the Meeting. I stayed.

During the meeting, after the Board approved the Minutes of the August 28, 2007 Meeting, with one minor change. I then requested that I be provided a copy of the minutes and was told that a copy would be available on its website.

At the end of the Meeting, when the Chairman asked if there were any questions or new business, I responded and first asked that in light of the November 19, 2007 court hearing, I be provided a copy of the Minutes by email if the Minutes were not posted by the close of business on Friday, November 16, 2007. I was assured that they would be and that if there was any delay, I would be emailed a copy.

I then asked if I could be provided a copy in advance of any documents that would be presented for the Board's consideration on November 28, 2007. I made this request because, with one exception, no copies of the Agenda for the November 15 Meeting or the documents that were

being discussed were available for any one other than the Board Members and the Board's staff. (The exception was this: a copy of a tri-fold brochure was given to me by Board Counsel Bob Wagner who took it back when the discussion of that document ended.) In response to my request I was told that I would be provided a copy of the documents, less any confidential and privileged information, a limitation suggested by Mr. Wagner.

I then asked if, in accordance with the Chairman's August 30, 2007 public statements, the Board's staff had proceeded to develop the All Kids Bridge Program. The Chairman stated that he would not discuss anything about the All Kids Bridge Program prior to the November 28, 2007 Meeting and declined to answer my question. I wasn't asking for any specifics. I just wanted to know in general terms whether the Board's staff had been working on developing and putting into place the All Kids Bridge Program as the Chairman, himself, had stated that they were doing, as I interpreted his statements, during the August 30, 2007 Press Conference. I believe my question was proper and appropriate and should have been answered. If at the August 28, 2007 Meeting, a matter as significant as the All Kids Bridge Program could be raised as a new matter and one not listed on the published Agenda, and discussed, why could I not be told that the All Kids Bridge Program was being developed and readied to be put into effect, that the Chairman's reported public statements on August 30, 2007, were truthful and accurate?

I then suggested that any interested Board Member read the papers that have been filed in this case which I posted on my web site, www.rpcjd.com, on the Blagojevich Page. I made that suggestion because one Board Member wanted the August 28, 2007 Minutes to reflect that he had left the Meeting after a certain matter was discussed. He was thus not present at the end of the meeting when the All Kids Bridge Program was raised, discussed and voted upon. My impression was that the Constitutional and other legal issues respecting the validity of what actions were being taken in connection with the All Kids Bridge Program had not been presented to the Board Members to consider and that they needed to know and consider if they were proceeding in violation of the Constitution and law. The Board Members are entitled to know that **before** its staff takes any action to develop and/or put in place a new program that may require prior legislative authorization.

A Legislator's staff assistant, whose name I did not hear and who was attending the Meeting by video in the Board's Springfield Office, proposed to ask some questions about the All Kids Bridge Program but Chairman McRaith cut him off stating again that he would not entertain any questions about the All Kids Bridge Program. Then Senator Bill Bradley, who is a Board Member, and was participating in the Meeting by telephone, wanted to ask some questions about the All Kids Bridge Program. Chairman McRaith again refused to allow any questions about the All Kids Bridge Program, but in doing so twice stated that "the substance of the Bridge Program" would be presented at November 28, 2007 Board Meeting. I take that statement as an admission by the Chairman that the Board has since August 28, 2007, been developing and is working on the development of the All Kids Bridge Program. Whether those statements are sufficiently "official" is a matter for the Court to decide.

III

THE NOVEMBER 28 MEETING

What should also be noted is that as of November 15, 2007, the Board's website did not list the November 28, 2007 Meeting as one that has been scheduled. The Meeting it listed as next following that of November 15, 2007 is a Meeting set for December 13, 2007. Thus the decision not to discuss the All Kids Bridge Program at the November 15, 2007 Board Meeting and instead to have it brought up a newly scheduled Meeting evidences that the decision to do so was a last minute decision and one made with these proceedings in mind.

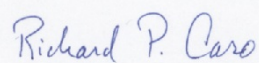
CONCLUSION

The decision not to discuss or answer any questions about the All Kids Bridge Program prevented the disclosure of any additional "official facts" prior to the November 19th hearing. That the Court should know what the Board has been doing since August 28, 2007, in connection with the All Kids Bridge Program is both in the public interest and consistent with the public purpose underlying a taxpayer action. By November 28, 2007, there will be three months of expenditures on that Program. While the specifics of the Program may be withheld at this time, the general nature of what is being done should not be kept a secret. That is simply not

consistent with open and honest government and disrespectful of the Court and these proceedings. The Chairman and the Board's staff are charged and obligated to act and proceed in the public interest only, consistent with the Constitution and law.

I, accordingly, request that if the Court believes that the reconsideration application as it applies to the CHIP Board is insufficient at this time that this proceeding be continued to a date after November 28, 2007, and that the Court direct that it be provided with all the documents that the Board's staff will present to the Board Members at the November 28, 2007 Meeting, and, if after reviewing these materials, the Court finds that a representative of the Board should appear before the Court and an evidentiary hearing held, that an order to that effect be issued.

Dated: November 15, 2007

A handwritten signature in blue ink that reads "Richard P. Caro". The signature is written in a cursive style and is contained within a light blue rectangular box.

Richard P. Caro, Petitioner-Plaintiff *Pro Se*
111 Groveland Avenue
Riverside, IL 60546-2628
708-447-0721
Fax 708-447-0757
rpc@rpcjd.com