

COUNTY OF KANE

**DEVELOPMENT & COMMUNITY
SERVICES DEPARTMENT**
Mark D. VanKerkhoff, AIA, Director
Building Officer
Zoning Enforcing Officer



County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Phone: (630) 232-3480
Fax: (630) 232-3411
Website: www.co.kane.il.us

Memorandum

January 4, 2016

To: Andrew Kolb, attorney for the Petitioner
From: Mark VanKerkhoff
Re: Issues and witnesses for January 19, 2016, Public Hearing

Per the verbal agreement made at the public hearing on December 15, 2015, the Petitioner should be prepared to cover the below listed issues and have the below listed persons on hand to give testimony. Orders to Compel to Appear signed by the Chairman of the Zoning Board of Appeals will be executed in the next few days. Please confirm the attendance of the following persons as well as the below issues.

Persons Compelled to Appear

- Mr. Steven Marco, Principal, Maxxam Partners, LLC
- Michael S. MaRous, MaRous & Company
- Dr. Peter J. Poletti, Jr., Poletti & Associates
- William Woodward – KLOA – Kenig, Lindgren, O’Hare, Aboona, Inc.
- Hart Passman, Holland & Knight - Petitioner’s expert lawyer to discuss reasonable accommodation

Issues

- Operations
 - Staffing
 - Treatment levels
 - Jobs created (list of positions plus compensation)
 - License procedures – schedule
 - Accreditation procedures – schedule
 - Drugs on site / security / administration
 - Proximity to hospital / response time/ # calls at similar facilities
 - Commitment to operations plan as a stipulation if approved
 - Ability of County to verify

- Security
 - Staffing
 - Security plan
 - Security procedures
 - Commitment to security plan as a stipulation if approved
- Property Values
 - Property valuations
 - Confirm they are “apples to apples” facilities and rural locations
- Traffic projections
- Petitioner’s expert lawyer to discuss reasonable accommodation

BEFORE THE KANE COUNTY ZONING BOARD

In Re: MAXXAM PARTNERS, LLC)
Petition for Special Use in the F Farming District)
For a private-pay alcoholism and substance abuse) Petition No. 4364
Treatment facility at 41W400 Silver Glen Road,)
Section 3, Campton Township (08-03-100-009) and)
Section 34, Plato Township (05-34-300-032 &)
05-34-400-025)

MOTION TO WITHDRAW EXPERT AND CORRECT RECORD

Applicant, MAXXAM PARTNERS, LLC (the “**Applicant**”) by and through its attorneys F. Keith Brown, Esq. and Andrew E. Kolb, Esq. Of Counsel for Meyers & Flowers, LLC and for its Motion to Withdraw Expert and Correct Record, states as follows:

1. The Kane County Zoning Board of Appeals has issued an Order to Compel the Appearance of Hart Passman, Esq. of the law firm of Holland & Knight, LLP (the “**Order to Compel**”, a true and correct copy of which is incorporated herein as Exhibit A attached hereto) for the presumed purpose of providing testimony regarding the application of the Fair Housing Act to the Petition of the Applicant for a Special Use.
2. Mr. Hart Passman and the law firm of Holland & Knight, LLP should not have been listed as a “Witness” for the Applicant but instead represents the Applicant as an attorney of record in the instant proceedings before the Zoning Board of Appeals.
3. Mr. Hart Passman and the law firm of Holland & Knight, LLP asserts attorney-client privilege as an attorney of record for the Applicant but of course will remain willing to answer questions in his capacity as co-counsel for the Applicant in this pending matter. Mr. Passman was never intended to be a fact witness and his law firm’s memorandum is legal in nature as opposed to factual.

4. The role of Mr. Hart Passman, Esq. and the law firm of Holland & Knight, LLP should be clarified and amended to be that of co-counsel of record for the Applicant subject to the evidentiary standards governing attorney-client communications.

WHEREFORE, Applicant MAXXAM PARTNERS, LLC, respectfully requests that the Zoning Board of Appeals of Kane County allow Applicant to correct the record by withdrawing attorney Hart Passman, Esq. as an “Expert Witness” and instead list Hart Passman, Esq. as an attorney of record for the Applicant.

Respectfully Submitted

MAXXAM PARTNERS, LLC

By: _____
Meyers & Flowers, LLC

F. Keith Brown, Esq., Of Counsel
Andrew E. Kolb, Esq., Of Counsel
Meyers & Flowers, LLC
3 North Second Street, Third Floor
Saint Charles, Illinois 60174
630-232-6333

BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

In Re: MAXXAM PARTNERS, LLC'S Petition)
for Special Use in the F Farming District for a)
private-pay alcoholism and substance abuse)
treatment facility at 41W400 Silver Glen Road,)
Section 3, Campton Township (08-03-100-009))
and Section 34, Plato Township (05-34-300-032)
& 05-34-400-025))

Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. Steven Marco, Principal
Maxxam Partners, LLC
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

YOU ARE HEREBY SUMMONED AND COMMANDED, PURSUANT TO 55 ILCS 5/5-12010, TO APPEAR BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS AT THE:

**KANE COUNTY BRANCH COURT
530 South Randall Road
St. Charles, Illinois 60174**

On **January 19, 2016 at 7:00 p.m.** to testify in the above captioned proceeding now pending before the Kane County Zoning Board of Appeals.

**YOUR FAILURE TO COMPLY WITH THIS ORDER MAY
SUBJECT YOU TO JUDICIAL ENFORCEMENT PROCEEDINGS.**

WITNESS:

1-7-16 (Date)

Joseph White
Joseph White, Chairman
Kane County Board of Appeals

BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS

In Re: MAXXAM PARTNERS, LLC'S Petition)
for Special Use in the F Farming District for a)
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treatment facility at 41W400 Silver Glen Road,)
Section 3, Campton Township (08-03-100-009))
and Section 34, Plato Township (05-34-300-032)
& 05-34-400-025))

Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. Hart Passman
Holland & Knight
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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& 05-34-400-025))

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ORDER TO COMPEL APPEARANCE

TO: Mr. Hart Passman
Holland & Knight
131 South Dearborn Street, 30th floor
Chicago, Illinois 60603

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and Section 34, Plato Township (05-34-300-032)
& 05-34-400-025))

Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. William Woodward
KLOA – Kenig, Lindgren, O’Hare, Aboona, Inc.
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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& 05-34-400-025))

Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. William Woodward
KLOA – Kenig, Lindgren, O’Hare, Aboona, Inc.
9575 West Higgins Road, Suite 400
Rosemont, Illinois 60018

YOU ARE HEREBY SUMMONED AND COMMANDED, PURSUANT TO 55 ILCS 5/5-12010, TO APPEAR BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS AT THE:

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Section 3, Campton Township (08-03-100-009))
and Section 34, Plato Township (05-34-300-032)
& 05-34-400-025))

ORDER TO COMPEL APPEARANCE

TO: Dr. Peter J. Poletti, Jr.
Poletti & Associates, Inc.
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Dr. Peter J. Poletti, Jr.
Poletti & Associates, Inc.
302 W. Clay Street, Suite 100
Collinsville, Illinois 62234

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. Michael S. MaRous
MaRous & Company
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Mr. Michael S. MaRous
MaRous & Company
300 South Northwest Highway
Suite 204
Park Ridge, Illinois 60068

YOU ARE HEREBY SUMMONED AND COMMANDED, PURSUANT TO 55
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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Ryan Bailey from Murer Consultants Inc.
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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WITNESS:

1-13-16 (Date)

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Kane County Board of Appeals

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Monica Hon from Murer Consultants Inc.
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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TO: Chris Lannert, The Lannert Group
C/O Andrew E. Kolb, Esq.
Of Counsel
Meyers & Flowers, LLC
3 N. Second St. Suite 300
Saint Charles, IL 60174

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Ryan Bailey
Murer Consultants Inc.
19065 Hickory Creek Drive
Suite 115
Mokena, IL 60448

YOU ARE HEREBY SUMMONED AND COMMANDED, PURSUANT TO 55 ILCS 5/5-12010, TO APPEAR BEFORE THE KANE COUNTY ZONING BOARD OF APPEALS AT THE:

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Petition No. 4364

ORDER TO COMPEL APPEARANCE

TO: Monica Hon
Murer Consultants Inc.
19065 Hickory Creek Drive
Suite 115
Mokena, IL 60448

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TO: Chris Lannert
The Lannert Group
215 Fulton Street
Geneva, IL 60134

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