

CASE TITLE: United States v. McClain, et al.
CASE NUMBER: 20 CR 812
Activity: In-person conversation between Fidel Marquez and Michael McClain
DATE: February 7, 2019
Time: 12:51 p.m.

SPEAKERS: McCLAIN = Michael McClain
MARQUEZ = Fidel Marquez

* * * *

(CLIP 1 BEGIN)

1 McCLAIN: So I prepared this for Madigan, all the things I'm
2 responsible for-
3
4 MARQUEZ: That you're responsible for? Okay.
5
6 McCLAIN: -when I retired.
7
8 MARQUEZ: (Laughs.)
9
10 McCLAIN I handed it to him. He started reading it, and he says,
11 uh, "I don't think you're done yet." (Laughs). He gave
12 it back to me.
13
14 MARQUEZ: That's funny.
15
16 McCLAIN: He wouldn't take it. (Laughs.)
17
18 MARQUEZ: Is that like tendering your resignation, but it gets,
19 uh, denied? It gets rejected?
20
21 McCLAIN: Yeah.

(CLIP 1 END)



(CLIP 2 BEGIN)

24 MARQUEZ: Ah, so you were asking about Joe. He's, well that's
25 why, you know, I, I, I'm, I don't always know what Joe's
26 thinking, where's he's coming from. I talked, try talk
27 to him. You know, originally, we were going to talk
28 about our, our dinner with Joe.
29
30 McCLAIN: Right.
31
32 MARQUEZ: I think we're still trying to nail down that date. I
33 don't know what you, how you wanna think about the
34 dinner. What we wanna say to Joe because I, I can't
35 give you any insight. I, I really can't.
36
37 McCLAIN: Mhmm.
38
39 MARQUEZ: I met with Hooker not that long ago. We'll get back to
40 that. Uh, but, um, the ah contract with Jay Doherty is
41 under the CEO's budget. I never had to touch it.
42
43 McCLAIN: Mmhuh.
44
45 MARQUEZ: Now, someone needs to talk to Joe about it. I don't
46 know how, you Joe is, I don't know how he is gonna react.
47
48 McCLAIN: I don't either.
49
50 MARQUEZ: And, um, here's what, I don't know, did John tell you
51 he and I talked about it?
52
53 McCLAIN: Mmhuh.
54
55 MARQUEZ: Okay. So John, he, he suggested that I have a write-up
56 for each of Jay's subcontractors. Nice, uh, Zalewski,
57 and um, Olivo. And have 'em write up what they do. I
58 don't know what they do. I don't know if I can tell Joe
59 what they do. And, you know, Joe's gotta approve it. I,
60 he's gotta approve it. He's gonna wanna know what's
61 (unintelligible).
62
63 McCLAIN: Has Joe asked for you to do something in writing?
64
65 MARQUEZ: This is what John suggested.
66
67 McCLAIN: Yeah.
68
69 MARQUEZ: I haven't met with Joe on it.
70

71 McCLAIN: Okay, that's what I thought.
72
73 MARQUEZ: I have not met with Joe on it, but I know Jay is hot to
74 trot. Um, his assistant called in last week, I said
75 we're working on it. Uh, so, they're hot to trot on it,
76 Mike. But, sooner or later, Joe's gotta, "Hey Joe, by
77 the way here's this contract under your budget, here's
78 what it is." And he's gonna ask questions, I just don't
79 know how he will react. 'Cause I could see him saying
80 "What? No, we're, money's better spent doing something
81 else." Hiring Liz Brown, I don't know. Um, that's the,
82 uh, I just don't know how he'll react to that.
83
84 McCLAIN: Right. I don't either. And he could just as easily
85 require something in writing, but, um, I would say to
86 you don't put anything in writing.
87
88 MARQUEZ: Okay, because tha, that was John's suggestion, alright,
89 but my, my dilemma is I gotta go in to Joe and say,
90 "Here's, this is under your budget, here's Jay's
91 contract." He's gonna say, "How much is this for? What's
92 all included?"
93
94 (McCLAIN speaks to server.)
95
96 MARQUEZ: What's, what are we paying Jay for?
97
98 McCLAIN: So, um, they're all, you know, former Ward committeemen
99 and Aldermen. Zalewski, former Alderman Olivo, and, uh,
100 this either was number one, two, or three depending on
101 the, the year, his best, uh, precinct worker. He
102 actually trains other precinct workers, so-
103
104 MARQUEZ: Meaning, mean Nice?
105
106 McCLAIN: Nice.
107
108 MARQUEZ: Okay.
109
110 McCLAIN: So, he's um, so it's a, it's a favor and it's uh,
111 Doherty's contract, so Doherty's the one that has to,
112 has to prove that if the IRS ever comes in and says,
113 "Who are these guys and what do they do?"
114
115 MARQUEZ: Right.
116
117 McCLAIN: Doherty's gotta prove it.
118
119 MARQUEZ: Right.

120
121 McCLAIN: The company doesn't have to.
122
123 MARQUEZ: Right, but, I, I, I understand that, but Joe is going
124 to, and legitimately so, I think it's a legitimate
125 question-
126
127 McCLAIN: It is yeah.
128
129 MARQUEZ: -it's a legitimate question Joe's gonna ask, "What are
130 we paying Doherty for?"
131
132 McCLAIN: Well, on, on Doherty's, for Doherty's sake, he does work
133 for us.
134
135 MARQUEZ: Right, but I'm just talking 'cause, 'cause, 'cause,
136 'cause-
137
138 McCLAIN: You're talking about the three con-, about the-
139
140 MARQUEZ: Well, if you look at, if you look at the contract, it's
141 Jay Doherty and Associates.
142
143 McCLAIN: Right.
144
145 MARQUEZ: And I forget the amount, Mike, but it's a monthly amount-
146
147 McCLAIN: Right.
148
149 MARQUEZ: -equal to a yearly amount, and it's a pretty hefty
150 amount.
151
152 McCLAIN: (Counting) One hundred and sixty-eight grand just for
153 the subs.
154
155 MARQUEZ: Okay, and then-
156
157 McCLAIN: Just the subs.
158
159 MARQUEZ: -and then whatever, and then what Jay's is.
160
161 McCLAIN: I don't know what Jay's is-
162
163 MARQUEZ: Yeah, I can't remember, I don't, I don't know the numbers
164 off-hand.
165
166 McCLAIN: I've never asked him, but probably ten grand a month at
167 least.
168

169 MARQUEZ: Yeah, I don't remember off-hand.
170
171 McCLAIN: That's two-six, two eighty-eight, if it's ten grand a
172 month.
173
174 MARQUEZ: And he goes, "What?"
175
176 McCLAIN: Do you, do you want me to talk to Joe?
177
178 MARQUEZ: Um, I mean, you can, but this is like company process
179 business, Mike.
180
181 McCLAIN: Right.
182
183 MARQUEZ: And it kind of seems out of-
184
185 McCLAIN: Inappropriate?
186
187 MARQUEZ: -inappropriate. Just trying to figure out the best way
188 to approach him, to do that-
189
190 McCLAIN: Well-
191
192 MARQUEZ: -because his reaction, quite frank, I don't know how
193 he'll react, I just don't think he'll react well. It's
194 just the way Joe is.
195
196 McCLAIN: If that, if that hour he's got his ex-prosecutor hat
197 on, he's gonna say we can't do this. Right?-
198
199 MARQUEZ: That's right, that's a possibility. And, and in his
200 conversations with his staff, he brings that up often.
201 Former prosecutor, former prosecutor, former
202 prosecutor.
203
204 McCLAIN: I thought about this-
205
206 MARQUEZ: Okay.
207
208 McCLAIN: -It's very possible that that's what his reaction is
209 going to be, and, um, then I think you have to have, or
210 at least I'd ask, I'd ask you to recommend that before
211 you do anything, uh, can McClain and you have a sit-
212 down?
213
214 MARQUEZ: Okay.
215
216 McCLAIN: As a back-up.
217

218 MARQUEZ: Okay.
219
220 McCLAIN: And, and, and you could say, look I didn't think it was
221 appropriate for McClain to-
222
223 MARQUEZ: I don't even-
224
225 McCLAIN: -talk to you about this-
226
227 MARQUEZ: I don't even wanna bring that up.
228
229 McCLAIN: You're welcome to.
230
231 MARQUEZ: Eh. Well, Joe is funny about conversations you and I
232 might have that he's not aware of.
233
234 McCLAIN: Funny like?
235
236 MARQUEZ: And, and, and Joe will probably believe that somehow
237 we're plotting against him.
238
239 McCLAIN: Oh, he probably thinks that all the time any-
240
241 MARQUEZ: Well, that's what I mean. I mean this will give him
242 another nail in the coffin. So that's why, that's why I
243 don't wanna do that. So, recommend nothing in writing.
244
245 McCLAIN: I think all that can do is hurt ya'. There's no way you
246 could, except for giving your bi, biography of the
247 three-
248
249 (Simultaneous conversation.)
250
251 McCLAIN: -um, except for maybe giving him a biography of each of
252 the three. But I certainly wouldn't do the work product
253 'cause you don't supervise that.
254
255 MARQUEZ: I don't.
256
257 McCLAIN: Or monitor that, that's Jay's-
258
259 MARQUEZ: Right.
260
261 McCLAIN: -Jay's. And you know what I would say to Joe is, "Jay's
262 been really good to us at City Hall, and he does that,
263 um-"
264
265 MARQUEZ: City Club?
266

267 McCLAIN: "-City Club. And so it's um, and he, uh, I'd say that
268 almost every speech I've been around he quotes ComEd,
269 sooner or later he sneaks it in."
270
271 MARQUEZ: Right. Shamelessly.
272
273 McCLAIN: Yeah, shamelessly. So, there's a lot of benefit with
274 this-
275
276 MARQUEZ: Yeah.
277
278 McCLAIN: -guy.
279
280 MARQUEZ: Yeah, yeah.
281
282 McCLAIN: In my opinion.
283
284 MARQUEZ: So, then what do you think about, alright I'll, I'll
285 try that with Joe, here's this, here's what's going on.
286
287 McCLAIN: You don't know what Joe Dominguez will show up that day,
288 that's the problem.
289
290 MARQUEZ: I know.
291
292 McCLAIN: You know better than I do.
293
294 MARQUEZ: I know. I never know. And I don't have a litmus test
295 to find out.
296
297 McCLAIN: Right.
298
299 MARQUEZ: It's like, mmm, I better come back tomorrow.
300
301 McCLAIN: So, I could see him saying, "We can't do this."
302
303 MARQUEZ: Yep.
304
305 McCLAIN: Okay. "I mean, Fidel, we can't do this. Anne may have
306 done that, but I don't feel good about this. Um, it,
307 it, it looks raw to me." I could, I could see him-
308
309 MARQUEZ: Yeah.
310
311 McCLAIN: -or I could hear him say, "That's fine." I, I-
312
313 MARQUEZ: I don't think he'll get to "fine" right away.
314

315 McCLAIN: No.
316
317 MARQUEZ: But-
318
319 (Simultaneous conversation.)
320
321 McCLAIN: I'm, I'm-
322
323 MARQUEZ: -it's, it's weird, when he approves this Liz Brown
324 thing. Just shocked me, pissed me off. Pissed me off at
325 Liz, she's so dumb.
326
327 McCLAIN: So this is the way it happened. Liz met with Carrigan,
328 and asked him to put in a good word to Dominguez, or
329 get her the contract, probably. And, uh, Carrigan just
330 went direct. And, which is why he thinks that garnered
331 some favor with Carrigan. It doesn't get us one more
332 ounce of help.
333
334 MARQUEZ: Well, maybe once Carrigan gets at the commission.
335 Maybe.
336
337 McCLAIN: Maybe, maybe.
338
339 MARQUEZ: I said, "Maybe."
340
341 McCLAIN: Yeah.
342
343 MARQUEZ: But, I don't know what Joe thinks.
344
345 McCLAIN: Yeah. (Coughs). But, so, him hiring Liz Brown for
346 Carrigan is no different than these three guys being on
347 contract.
348
349 (CLIP 2 END)