

VILLAGE OF OAK LAWN BOARD OF TRUSTEES

OAK LAWN, ILLINOIS

IN RE THE MATTER OF)
)
)
VILLAGE HOSPITALITY, INC.)
401 Columbus Drive)
Oak Lawn, IL)

TRANSCRIPT OF PROCEEDINGS had in the

above entitled cause on the 21st day of May, 2008, at
4:00 p.m.

BEFORE THE VILLAGE OF OAK LAWN BOARD OF TRUSTEES

REPORTED BY: Lori L. Thielmann, C.S.R.,

Certificate No. 84-004597

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1 PRESENT (Continued):
2 LAW OFFICE OF JEFF TOMCZAK, P.C., by
3 MR. DAN RIPPY
4 116 North Chicago Street, Suite 500
5 Joliet, IL 60432
6 815-723-4400
7 Attorney for Appellants.

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11 Members of the Public.
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1 APPEARANCES:

2 MR. DAVE HEILMANN, President
3 MS. JANE M. QUINLAN, Village Clerk
4 MR. JERRY HURCKUS, Village Trustee
5 MR. ALEX G. OLEJNICZAK, Village Trustee
6 MR. ROBERT J. STREIT, Village Trustee
7 MS. CAROL R. QUINLAN, Village Trustee
8 MR. THOMAS E. PHELAN, Village Trustee
9 ALSO PRESENT:
10 TRESSLER, SODERSTROM, MALONEY & PRIESS, LLP, by
11 MR. JEFFREY M. ALPERIN
12 305 West Briarcliff Road
13 Bolingbrook, IL 60440
14 630-759-0800
15 Attorney for Village of Oak Lawn;
16
17 LAW OFFICE OF KEVIN P. CUNNINGHAM, by
18 MR. KEVIN P. CUNNINGHAM
19 4001 West 95th Street, Second Floor
20 Oak Lawn, IL 60453
21 708-359-8500
22 Village Prosecutor;
23
24

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04:02 1 MR. HEILMANN: Good afternoon. This is the
04:02 2 special meeting of the Village Board present Board of
04:02 3 Trustees for May 21, 2008. Please take roll.
4 MS. J. QUINLAN: President Heilmann.
04:02 5 MR. HEILMANN: Yes.
6 MS. J. QUINLAN: Trustee Rosenbaum.
7 (No response.)
8 Trustee Streit.
9 (No response.)
10 Trustee Hurckus.
11 MR. HURCKUS: Here.
12 MS. J. QUINLAN: Trustee Quinlan.
04:02 13 MS. C. QUINLAN: Here.
14 MS. J. QUINLAN: Trustee Olejniczak.
15 MR. OLEJNICZAK: Here.
16 MS. J. QUINLAN: Trustee Phelan.
17 MR. PHELAN: Here.
04:02 18 MS. J. QUINLAN: We have a quorum.
04:02 19 MR. HEILMANN: We are here this afternoon on
04:02 20 a notice of appeal by Village Hospitality, Inc.
04:02 21 regarding a denial of an application for a business
04:02 22 license for this year and I'll ask the attorney --
04:02 23 correct me if I'm wrong -- this is not a revocation
04:02 24 hearing. This is a hearing on an appeal of the

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04:02 1 request for a new business license.
 04:02 2 MR. ALPERIN: That's correct.
 04:02 3 MR. HEILMANN: I've been advised that there
 04:02 4 are a couple of preliminary motions that we need to
 04:03 5 act upon. Are there?
 04:03 6 MR. RIPPY: Yes, sir, there are, your Honor.
 04:03 7 MR. HEILMANN: Dave is fine.
 04:03 8 MR. RIPPY: Yes, at this time, I do have two
 04:03 9 preliminary motions: One would be a motion in limine
 04:03 10 which actually would be directed at the attorney.
 04:03 11 These are both legal arguments, technically not
 04:03 12 factual arguments.
 04:03 13 MR. ALPERIN: All I can give are the
 04:03 14 recommendations to the Board. But why don't we
 04:03 15 proceed. If Mayor Heilmann is okay with this, why
 04:03 16 don't we proceed just as if it was a motion you would
 04:03 17 file in a court with an argument, a response
 04:03 18 argument. Then we can perhaps discuss things. I can
 04:03 19 make a recommendation. The Board can decide which
 04:03 20 way they want to go on the motions. That's what I
 04:03 21 would recommend.
 04:03 22 MR. HEILMANN: Do you want to present the
 04:03 23 motions to us, please.
 04:03 24 MR. RIPPY: Certainly. Just one second.

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04:04 1 Ladies and Gentlemen of the Board, my
 04:04 2 first motion would be a motion to substitute or bar
 04:04 3 hearing officers essentially and that would be two
 04:04 4 members of the Board from hearing this matter.
 04:04 5 The basis for that motion is that --
 04:04 6 President, with all due respect -- you are actually
 04:04 7 one of them and Trustee Olejniczak is the other.
 04:04 8 The purpose of this hearing is that the
 04:04 9 Board look at this with an open mind fairly without
 04:04 10 any predetermined notions on this case on our appeal.
 04:04 11 Trustee Olejniczak has made numerous statements prior
 04:04 12 to this hearing as to his already formed opinion on
 04:04 13 this matter. In fact, he was the -- one of the
 04:04 14 driving forces in bringing about this denial in the
 04:04 15 initial revocation hearing of my clients.
 04:04 16 MR. HEILMANN: Do you have a written motion
 04:04 17 for us?
 04:04 18 MR. RIPPY: I do.
 04:05 19 MR. HEILMANN: Do you have more copies for
 04:05 20 the rest of the Board?
 04:05 21 MR. RIPPY: I do not. We can get them.
 04:05 22 MR. CUNNINGHAM: Want me to have some of the
 04:05 23 staff make copies?
 04:05 24 MR. HEILMANN: Might be easier for the

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04:05 1 Board -- I'm sorry to interrupt you.
 04:05 2 MR. RIPPY: That's all right. I apologize.
 04:05 3 I only made the one set because I only expected the
 04:05 4 attorney to make the ruling on that.
 04:05 5 MR. HEILMANN: Go ahead.
 04:05 6 MR. RIPPY: Trustee Olejniczak was the
 04:05 7 driving force behind this action. He's already
 04:05 8 formed an opinion as late as April 22 at a board
 04:05 9 meeting from the Village of Oak Lawn Trustees, made a
 04:05 10 statement regarding the fact that this case was
 04:05 11 already proven, that everybody knows what's going on.
 04:05 12 He knows what's going on prior to any evidence or any
 04:05 13 facts ever being presented in this cause.
 04:05 14 Based on that, I don't believe and I
 04:05 15 think in his own admission, he can not be fair in
 04:05 16 this cause and I'd ask that he be recused from
 04:06 17 hearing it.
 04:06 18 As for yourself, Mr. President, I did
 04:06 19 issue a foyer request to the Village. You also were
 04:06 20 a driving force in this cause. You received evidence
 04:06 21 that's going to be presented by the Village prior to
 04:06 22 the brief presentation in an ex parte manner. You
 04:06 23 had multiple conversations with Mr. Cunningham and in
 04:06 24 fact appointed Mr. Cunningham as the prosecutor and

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04:06 1 had a relationship with him.
 04:06 2 In this process -- and I want to be very
 04:06 3 clear for the record -- by no means do I think
 04:06 4 anything on the Board is going on on anybody's
 04:06 5 behalf, but I do believe in order for this to be a
 04:06 6 fair and impartial hearing, the fact that you
 04:06 7 appointed a prosecutor, that you spoke with the
 04:06 8 prosecutor, that you gave direction to the prosecutor
 04:06 9 in going forward in this case, I do believe you
 04:06 10 should be recused from then judging it as well.
 04:06 11 My second motion would be a motion in
 04:06 12 limine --
 04:06 13 MR. ALPERIN: Let's just deal with one at a
 04:06 14 time.
 04:06 15 MR. HEILMANN: Thank you. Kevin?
 04:06 16 MR. CUNNINGHAM: From March 1 of last year
 04:07 17 until I was requested to look into this, I only had
 04:07 18 the simple duties as the prosecutor of handling the
 04:07 19 traffic matters that are assigned to the Bridgeview
 04:07 20 courthouse. And I was asked to do the additional
 04:07 21 duties by you to look into this. That is the only
 04:07 22 conversation that I can recall having had and there
 04:07 23 have been no others other than to take that request
 04:07 24 to the Village Manager and begin to work forward on

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04:07 1 an investigation which ultimately led to a set of
 04:07 2 charges to the D-Lux Motel.
 04:07 3 We are not even here this evening with
 04:07 4 regard to the D-Lux Motel. We're here this evening
 04:07 5 with regard to the children of the D-Lux Motel who
 04:07 6 have formulated a new corporation and have asked the
 04:07 7 Village to give a license to that new corporation.
 04:07 8 So it's really -- in effect, it's two separate
 04:07 9 things, number one.
 04:07 10 Number two, nothing untoward or
 04:08 11 inappropriate had occurred other than simply asking
 04:08 12 me to take on an additional set of responsibilities
 04:08 13 than what I had already been assigned to do as a
 04:08 14 prosecutor. So to suggest that that is somehow an
 04:08 15 inappropriate ex parte communication is wrong based
 04:08 16 on that alone and also based upon the fact that at
 04:08 17 the time that that request came out, I don't know who
 04:08 18 else it would come from if not the trustees or the
 04:08 19 president to begin an investigation and go above and
 04:08 20 beyond duties that I'm already appointed to do,
 04:08 21 number one.
 04:08 22 And number two, at the time it can't be
 04:08 23 inappropriate ex parte communication because there is
 04:08 24 no action pending. So it's not as if I'm speaking

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04:08 1 outside the presence of a defendant or a respondent
 04:08 2 inappropriately.
 04:08 3 So just simply because you asked me to
 04:08 4 look into this is not a cause that would suggest that
 04:08 5 you have formulated opinion and the mere fact also
 04:08 6 that this Board saw fit to grant a temporary license
 04:08 7 while this case was put together and organized by way
 04:08 8 of discovery and scheduled, I think also suggests
 04:08 9 that the motion is misplaced.
 04:09 10 I can't respond to the allegations with
 04:09 11 respect to Trustee Olejniczak. I wasn't present for
 04:09 12 any of them and they're only put forth this evening
 04:09 13 in a very conclusory fashion.
 04:09 14 MR. ALPERIN: Mayor Heilmann, may I address
 04:09 15 the motions?
 04:09 16 MR. HEILMANN: Yes, Jeff.
 04:09 17 MR. ALPERIN: First off, let me point out
 04:09 18 that it is the Village President that does appoint
 04:09 19 counsel, so I'm not concerned about that point. I'm
 04:09 20 making a recommendation to the Board. The Board will
 04:09 21 then make a vote on the motion that's pending.
 04:09 22 But let me ask: I think it's important
 04:09 23 for the record to find out in order to guide my
 04:09 24 recommendation to the panel, I need to put on the

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04:09 1 record a couple answers to a couple simple questions.
 04:09 2 Mayor Heilmann, do you believe and I
 04:09 3 think this is the crux of the motion here, do you
 04:09 4 believe that you could be fair, unbiased and
 04:09 5 impartial in this proceeding that we're having here
 04:10 6 today?
 04:10 7 MR. HEILMANN: Yes.
 04:10 8 MR. ALPERIN: And Trustee Olejniczak, do you
 04:10 9 believe that you can be fair, unbiased and impartial
 04:10 10 with respect to the proceedings here today?
 04:10 11 MR. OLEJNICZAK: Yes.
 04:10 12 MR. ALPERIN: Given those responses, it would
 04:10 13 be my recommendation of this panel that the motion be
 04:10 14 denied. You can go ahead and vote on this motion any
 04:10 15 way you see fit, but that's my recommendation.
 04:10 16 MR. HEILMANN: Is the proper method then to
 04:10 17 have the clerk call the roll in order to get the yes
 04:10 18 or no on the motion?
 04:10 19 MR. ALPERIN: Yes.
 04:10 20 MR. HEILMANN: Please call the roll.
 04:10 21 MR. HURCKUS: Can we divide those motions?
 04:10 22 Is that possible?
 04:10 23 MR. ALPERIN: Yeah, we're just having the
 04:10 24 first one up. The first motion.

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04:10 1 MR. HEILMANN: Okay. Why don't we first take
 04:10 2 the -- do you have any objection to that?
 04:10 3 MR. RIPPY: No, I do not.
 04:10 4 MR. HEILMANN: Why don't you take the first
 04:10 5 as to whether or not the Village President should be
 04:10 6 barred from voting on the hearing. Please take the
 04:10 7 roll.
 04:10 8 MS. J. QUINLAN: Trustee Rosenbaum is not
 04:10 9 here. Trustee Streit.
 04:10 10 MR. STREIT: No.
 04:10 11 MS. J. QUINLAN: Trustee Hurckus.
 04:10 12 MR. HURCKUS: No.
 04:10 13 MS. J. QUINLAN: Trustee Quinlan.
 04:10 14 MS. C. QUINLAN: No.
 04:10 15 MS. J. QUINLAN: Trustee Olejniczak.
 04:10 16 MR. OLEJNICZAK: No.
 04:10 17 MS. J. QUINLAN: Trustee Phelan.
 04:10 18 MR. PHELAN: No.
 04:11 19 MS. J. QUINLAN: Motion passed.
 04:11 20 MR. HEILMANN: As to the other portion of
 04:11 21 this motion in limine or motion to substitute or bar
 04:11 22 hearing officers, as to Trustee Olejniczak, please
 04:11 23 take the roll.
 04:11 24 MS. J. QUINLAN: Trustee Streit.

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1 MR. STREIT: No.
 2 MS. J. QUINLAN: Trustee Hurckus.
 3 MR. HURCKUS: Yes.
 4 MS. J. QUINLAN: Trustee Quinlan.
 5 MS. C. QUINLAN: No.
 6 MS. J. QUINLAN: Trustee Olejniczak.
 7 MR. OLEJNICZAK: Abstain.
 8 MS. J. QUINLAN: Trustee Phelan.
 04:13 9 MR. PHELAN: No.
 04:13 10 MR. HEILMANN: Can you present your second
 04:13 11 motion.

04:13 12 MR. RIPPY: Certainly. My second motion is a
 04:13 13 motion in limine which would prevent -- there is an
 04:13 14 incident that is alleged in two parts. One part is
 04:13 15 that there was a violation of a fire ordinance within
 04:13 16 the Village of Oak Lawn.

04:13 17 The second portion of that is an
 04:13 18 incident, a criminal incident, that occurred after
 04:13 19 that as a part of that allegation. My motion in
 04:13 20 limine is to bar any mention or any discussion of
 04:13 21 what that criminal incident was or the facts of that
 04:13 22 incident in any conclusory manner unless the Village
 04:13 23 is going to in fact present either eye witnesses,
 04:13 24 occurrence witnesses, or the victim in this cause.

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04:13 1 occurred at about 5:00 in the morning and at some
 04:13 2 time around 9:00 or 10:00 in the morning, people who
 04:13 3 checking out in the hotel in the parking lot, made a
 04:13 4 call to 9-1-1 to a frantic 14-year-old -- from a
 04:13 5 frantic 14-year-old girl who had claimed that she had
 04:13 6 been sexually assaulted in the same room in question
 04:13 7 earlier that morning.

04:13 8 Officers investigated spoke -- officers
 04:14 9 investigated on the scene -- beat officers spoke with
 04:14 10 this youngster. She repeated that same allegation,
 04:14 11 she had indicated that there were multiple people in
 04:14 12 the room, that those multiple people did in fact
 04:14 13 commit acts of sexual assault on her.

04:14 14 She was treated at the hospital and a
 04:14 15 follow-up investigation occurred from a detective who
 04:14 16 will be called today who got -- spent more time with
 04:14 17 this person. She was less frantic at that time and
 04:14 18 this person went on to identify all of the
 04:14 19 individuals in that room.

04:14 20 I think it's appropriate that the Board
 04:14 21 hear that evidence because to deny the Village the
 04:14 22 opportunity to present all of the facts really puts a
 04:14 23 much different spin on the simple act of knocking on
 04:14 24 the door and looking the other way. You need to know

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04:13 1 So essentially what I am asking is that
 04:13 2 any hearsay testimony regarding that incident or in
 04:13 3 fact any incident be barred. I do have a case,
 04:13 4 hearsay testimony while -- technical rules of
 04:13 5 evidence bar technical and maybe not necessarily
 04:13 6 ignore but are not as important in a hearing such as
 04:13 7 this. Hearsay is a fundamental right and I will
 04:13 8 present that to the attorney.

04:13 9 MR. ALPERIN: Thank you, Counsel.

04:13 10 MR. HEILMANN: Did you want to respond?

04:13 11 MR. CUNNINGHAM: Yes, please. You might need
 04:13 12 to get a little bit more facts in order to make your
 04:13 13 decision on this motion. But essentially what he's
 04:13 14 talking about is an incident that occurred in late
 04:13 15 October of '07 where we're going to allege that
 04:13 16 Edward Sircher, Junior was aware that there were
 04:13 17 multiple people in a room where we feel the fire code
 04:13 18 load -- the occupancy load -- would be no greater
 04:13 19 than two.

04:13 20 That he confronted that room and did no
 04:13 21 action to stop the party or break up the party or
 04:13 22 anything other than to ask the individuals in the
 04:13 23 room to simply keep the noise down.

04:13 24 That later on -- that that would have

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04:14 1 what kind of activity is going on and what kind of
 04:14 2 activity is being -- what they're looking the other
 04:14 3 way on.

04:14 4 And so I think it would be -- it's
 04:14 5 tremendously detrimental to not have those facts
 04:15 6 before the Board.

04:15 7 MR. RIPPY: If I may briefly respond to that?

04:15 8 MR. HEILMANN: Sure.

04:15 9 MR. RIPPY: The fact of the matter is I don't
 04:15 10 believe there's going to be any evidence or even any
 04:15 11 inference that this specific act was witnessed and
 04:15 12 looked the other way by my clients, number one.

04:15 13 Number two, it should be made well aware
 04:15 14 to the Board that the victim in this case -- and I
 04:15 15 will just come out and say it -- this is a criminal
 04:15 16 sexual assault victim who was approximately 14 years
 04:15 17 of age.

04:15 18 The Board -- the police department has
 04:15 19 already violated Illinois statute by giving out these
 04:15 20 reports identifying this victim to the Village
 04:15 21 Manager and the Village Prosecution and possibly
 04:15 22 trustees. And I'd be happy to cite the statute on
 04:15 23 this.

04:15 24 Specifically in Illinois under the Crime

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04:15 1 Witness Victim Act, it is illegal for anybody, any
04:15 2 police department, county clerk, or state's
04:15 3 attorney's office to present a report or any
04:15 4 identifiers of a crime victim who's under the age of
04:15 5 18 to anybody other than judges, psychiatrists,
04:15 6 psychologists, or state's attorneys.

04:16 7 MR. HEILMANN: Are you representing the
04:16 8 victim in the challenge to the police department's
04:16 9 handling of this --

04:16 10 MR. RIPPY: No, I'm not. I do want the
04:16 11 Village -- what's that?

04:16 12 MR. HEILMANN: And I'm sorry --

04:16 13 MR. RIPPY: I am not at this time, no.

04:16 14 MR. HEILMANN: You're not here as her
04:16 15 attorney.

04:16 16 MR. RIPPY: No, I'm not. But I do think we
04:16 17 need to be really clear if the Village is going to go
04:16 18 forward on this, there is a violation of law that
04:16 19 they need to be aware of. And I just want that --
04:16 20 for everybody's edification.

04:16 21 MR. HEILMANN: Are you talking about
04:16 22 identification?

04:16 23 MR. RIPPY: Edification. Excuse me.

04:16 24 MR. HEILMANN: No, I said, are you talking
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04:16 1 about identification of the minor?

04:16 2 MR. RIPPY: Yeah, this has already occurred.
04:16 3 I mean these facts, these identifications have
04:16 4 already been dissenting. The act has already
04:16 5 occurred

04:16 6 MR. HEILMANN: But the hearing today, there's
04:16 7 been no discussion of identification of a minor. And
04:16 8 you said if we go forward today, that there's
04:16 9 violation of the law or at least --

04:16 10 MR. RIPPY: At least a furtherance of the
04:16 11 violation of law that already occurred.

04:16 12 MR. HEILMANN: Without the identification of
04:16 13 the minor's name.

04:16 14 MR. RIPPY: But the problem is, Mr.
04:16 15 President, it's already out there. It's already
04:16 16 occurred. So at this point it's -- you're already
04:16 17 half pregnant I guess. Anything further is already a
04:16 18 further violation of Illinois statute.

04:16 19 MR. ALPERIN: Want me to step in here?

04:16 20 MR. HEILMANN: Please advise.

04:16 21 MR. ALPERIN: As I understand it, this motion
04:16 22 is based on two grounds: One hearsay, one that this
04:16 23 evidence is prejudicial. I didn't see anything in
04:16 24 the motion with respect to the allegations just

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04:17 1 raised by counsel.

04:17 2 But given the fact that we've heard from
04:17 3 the attorney for the Village that there will be an
04:17 4 officer who will testify to that, I think that will
04:17 5 alleviate some of the hearsay concerns.

04:17 6 It would be my recommendation -- not only
04:17 7 that, I'm assuming there's a business record
04:17 8 exception that might be in play if there are such
04:17 9 documents, police reports that might back it up.

04:17 10 I'm unfamiliar with the -- whether the
04:17 11 names of the victims have been disclosed and I will
04:17 12 assume that we are going to comply with Illinois law
04:18 13 with that respect, with respect to this panel here
04:18 14 today.

04:18 15 The second thing is with respect to
04:18 16 whether it's prejudicial or not, the evidentiary
04:18 17 standards here are relaxed. This is an
04:18 18 administrative proceeding. This is not a court of
04:18 19 law. I believe that this Board could and should
04:18 20 consider this evidence or consider the allegations of
04:18 21 sexual assault for what it's worth and the Board can
04:18 22 make it's own determination as to how much weight to
04:18 23 put behind that proof.

04:18 24 So that's my recommendation to the Board.
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04:18 1 Again, the Board can make its decision and vote any
04:18 2 way it wants, but that's my recommendation with
04:18 3 respect to this particular motion.

04:18 4 MR. PHELAN: Can I ask a question? Both from
04:18 5 my understanding and administrative end, after we
04:18 6 started, based on what I'm hearing, establish why
04:18 7 we're here and what we're being asked to judge.
04:18 8 Because I thought I heard -- is a new license
04:18 9 granted, a revocation of old business that doesn't
04:18 10 exist any more?

04:18 11 MR. HEILMANN: Today's hearing is on the
04:18 12 application by Village Inn Hospitality, Inc. for a
04:19 13 new business license. Is anyone under a different
04:19 14 understanding?

04:19 15 MS. J. QUINLAN: No.

04:19 16 MR. HEILMANN: So much of what we were
04:19 17 talking -- the reason it's confusing is because of
04:19 18 much of what we've been talking about relates to a
04:19 19 prior owner; right?

04:19 20 MR. ALPERIN: Correct.

04:19 21 MR. HEILMANN: We --

04:19 22 MR. HURCKUS: So if it relates to a prior
04:19 23 owner, why are we even bringing it up?

04:19 24 MR. HEILMANN: That's a good question.

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04:18 1 Because it was being brought up because it's a motion
 04:19 2 to bar or it's a motion in limine to address this.
 04:19 3 MR. HURCKUS: And if I'm understanding the
 04:19 4 question from Tom and yourself is that we should
 04:19 5 really not be concerned about what happened in the
 04:19 6 past, all we're looking at is a new license from this
 04:19 7 new business at this present time as we go forward.
 04:19 8 MR. ALPERIN: If I can interject myself, I
 04:19 9 think what we should do -- I think you're right.
 04:19 10 What we're dealing with here is the new license going
 04:19 11 forward, but I think we should give the Village
 04:19 12 Manager and the attorney opportunity to make their
 04:20 13 case or not make their case as the case may be.
 04:20 14 So I think we -- I think we're getting a
 04:20 15 little ahead of ourselves here but that's my two
 04:20 16 cents worth.
 04:20 17 MS. C. QUINLAN: Can I ask one other
 04:20 18 question?
 04:20 19 MR. HEILMANN: Sure.
 04:20 20 MS. C. QUINLAN: I'm assuming that you do
 04:20 21 have documents so it's not hearsay. There is a
 04:20 22 signed police report, I assume by the victim as well.
 04:20 23 MR. CUNNINGHAM: I do. I have birth
 04:20 24 certificates to support the dates of birth in

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04:20 1 contention. I have at all times where a pleading
 04:20 2 became necessary identified the minors as they do in
 04:20 3 court by their initials only. I've instructed all my
 04:20 4 officers that if during their testimony it becomes
 04:20 5 necessary to make a statement in regard to
 04:20 6 identification that they are to do that in that
 04:20 7 fashion.
 04:20 8 I have not redacted the birth
 04:20 9 certificates so that I can show them to counsel in
 04:20 10 their completed state so he can be confident in their
 04:20 11 authenticity. But I would ask if we got to that
 04:21 12 point that they would then become a part of this
 04:21 13 record, that they be redacted down to the initials so
 04:21 14 that we can continue to protect the minor's interest.
 04:21 15 And that was how I intended to handle the situation.
 04:21 16 MR. HEILMANN: Please call the roll on the
 04:21 17 second motion.
 04:21 18 MS. J. QUINLAN: The motion to preclude
 04:21 19 prosecutor from presenting any testimony regarding an
 04:21 20 alleged sexual assault that may have occurred at the
 04:21 21 D-Lux.
 04:21 22 Trustee Streit.
 04:21 23 MR. STREIT: No.
 04:21 24 MS. J. QUINLAN: Trustee Hurckus.

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04:21 1 MR. HURCKUS: No.
 04:21 2 MS. J. QUINLAN: Trustee Quinlan.
 04:21 3 MS. C. QUINLAN: No.
 04:21 4 MS. J. QUINLAN: Trustee Olejniczak.
 04:21 5 MR. OLEJNICZAK: No.
 04:21 6 MS. J. QUINLAN: Trustee Phelan.
 04:21 7 MR. PHELAN: No.
 04:22 8 MS. J. QUINLAN: 5-0.
 04:22 9 MR. HEILMANN: Okay. Moving on. I would --
 04:22 10 we are in a more relaxed forum and so while we want
 04:22 11 to conform with the proper rules of evidence, the --
 04:22 12 I will ask, you know, if -- to be cordial to each
 04:22 13 other in how we present things here and I'm sure the
 04:22 14 Board will try to accommodate everyone's interest so
 04:22 15 that we go about this the right way. We're not in a
 04:22 16 court of law but we try to do the best we can. So is
 04:22 17 there an opening briefly that you want to make each
 04:22 18 of you?
 04:22 19 MR. RIPPY: If I could just clarify a point
 04:22 20 on this.
 04:22 21 MR. HEILMANN: Sure.
 04:22 22 MR. RIPPY: My understanding these matters in
 04:22 23 administrative hearings is if I do have objections, I
 04:22 24 mean, there still are certain rules of evidence that

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04:22 1 do apply. I would like to know whether the attorney
 04:22 2 would serve -- whether you're going to rule on them
 04:22 3 or whether you're going to make recommendations to
 04:22 4 the Board. How is that going to work?
 04:22 5 MR. ALPERIN: This particular hearing is run
 04:22 6 by the Village President. He is obviously allowed to
 04:23 7 consult with the attorney and have any evidentiary
 04:23 8 objections that arise. So if there are objections to
 04:23 9 show --
 04:23 10 MR. RIPPY: I would be making to Mr.
 04:23 11 President.
 04:23 12 MR. ALPERIN: -- to Mr. Heilmann and he can
 04:23 13 then consult with the attorney or I can interject
 04:23 14 myself as need be.
 04:23 15 MR. RIPPY: Thank you.
 04:23 16 MR. HEILMANN: Thanks. This is not a public
 04:23 17 hearing for discussion. If you want to ask
 04:23 18 questions to clarify that issue, that's fine. But
 04:23 19 this is not a -- this is a hearing like a little
 04:23 20 trial that's going on.
 04:23 21 MS. HARRIS: So I can not ask a question.
 04:23 22 MR. HEILMANN: Is it about whether or not you
 04:23 23 can -- go ahead and ask your question.
 04:23 24 MS. HARRIS: Yes, my question is -- I'm Kay

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1 Harris and I live in the neighborhood of the Envoy
04:23 2 Motel. And I just want to know who the new owners
04:23 3 are going to be? Who is selling and who is it going
04:23 4 to?

04:23 5 MR. HEILMANN: We'll address all that, sure.
04:23 6 That's a good question and I apologize. It's just
04:23 7 out of the respect for the parties.

04:23 8 MS. HARRIS: No, I understand. I was just
04:23 9 curious what the change of hands are.

04:24 10 MR. HEILMANN: I'm sure the whole Board is.

04:24 11 MS. HARRIS: Okay.

04:24 12 MR. HEILMANN: Did you want -- both of you
04:24 13 want to do a brief open?

04:24 14 MR. CUNNINGHAM: I probably should. It will
04:24 15 answer that question and clarify all those issues and
04:24 16 get us focused.

17 OPENING STATEMENT

04:24 18 MR. CUNNINGHAM: Just by way of background,
04:24 19 we had filed back in late February a petition to
04:24 20 revoke the then current business license of the D-Lux
04:24 21 Motel. That was owned by Edward and Michaelyn
04:24 22 Sircher. That case was in fact pending before the
04:24 23 Board and unresolved.

04:24 24 While that was pending and unresolved,

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04:24 1 the parents, Michaelyn and Edward -- I'll call him
04:24 2 senior, because I do believe we have a junior --
04:24 3 Michaelyn and Edward Senior sold the property to
04:24 4 Edward Junior and -- is it James Dahl?

04:24 5 MR. DAHL: Yeah.

04:24 6 MR. CUNNINGHAM: Who I believe are the sons
04:24 7 of the former owners. So before we resolved the
04:24 8 first petition, the property was then transferred to
04:25 9 these individuals who sought a business license under
04:25 10 the name of Village Hospitality Inns, Incorporated.
04:25 11 And so that's how we come to have Village Hospitality
04:25 12 Inns, Incorporated before the Board. They are in
04:25 13 fact the children of the previous owners.

04:25 14 The original petition to revoke that
04:25 15 business license is unresolved as of yet, may be moot
04:25 16 because that license expired at the end of April and
04:25 17 there was no effort to renew that license. The only
04:25 18 effort to then continue on with the business at that
04:25 19 location was by the sons having bought the property
04:25 20 in -- sometime in March with a mortgage from the
04:25 21 parents recorded April the 9th or April the 8th.

04:25 22 So they put their application in for a
04:25 23 new business license towards the end of January which
04:26 24 was prior to the petition being filed against their

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04:26 1 parents and then in -- like I said in March, they
04:26 2 sold -- the parents sold the company -- the land to
04:26 3 these children.

04:26 4 Then when that sale had occurred,
04:26 5 Mr. Deetjen then changed the focus of the previous
04:26 6 investigation which was against the parents to an
04:26 7 investigation as to whether or not it would be
04:26 8 appropriate for these children to then go forward
04:26 9 with a new business license and that was denied.
04:26 10 That letter was sent out April the 5th and their
04:26 11 appeal followed that. This is the hearing on their
04:26 12 appeal. That would be the procedural background.

04:26 13 Factually what we cited to in our reasons
04:26 14 for denial was, number one, this business that we
04:26 15 talked about in the motion in limine. It occurred
04:26 16 back in October under a time when the parents owned
04:26 17 the property as the D-Lux Motel. But the conduct in
04:27 18 question was done by Edward Sircher, Junior who is
04:27 19 one of the applicants on the new business license.

04:27 20 We also cited to the numerous and ongoing
04:27 21 criminal activity there. We cited to the fact that
04:27 22 that this -- that there's been a tenant for maybe as
04:27 23 long as 1994 who has been living at the property.
04:27 24 Your Village Code for a motel only allows a 30-day

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04:27 1 tenancy.
04:27 2 The issue that had arisen itself from the
04:27 3 October of '07 incident stemmed from his inaction
04:27 4 with regard to the room being well beyond the fire
04:27 5 occupancy load. While all that was pending in March,
04:27 6 there was an arrest by one of our officers. His
04:27 7 investigation led him to another room and at a time
04:27 8 where we would have inspected to get a little bit
04:27 9 more, if not full compliance, there was another room
04:28 10 that had two individuals who had just left it and
04:28 11 when the officer had finished arresting those
04:28 12 individuals, his investigation led him back to the
04:28 13 room where they just left and they're three other
04:28 14 individuals in that room. Again a fire load of two
04:28 15 with five obviously prior to the arrest and when the
04:28 16 arrest had occurred, three.

04:28 17 So it's an ongoing problem. It is in our
04:28 18 opinion just a flagrant disregard that is going on
04:28 19 for the village ordinances and the very casual
04:28 20 attitude towards self-enforcing those ordinances that
04:28 21 has brought us to feel that it's appropriate that
04:28 22 this request for a new license be denied.

04:28 23 MR. HEILMANN: Thank you.

04:28 24 MR. RIPPY: Thank you. Briefly I will go

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1 through the time line as well.

2 OPENING STATEMENT

04 29 3 MR. RIPPY: Ladies and Gentlemen, what
04 29 4 occurred here is that, yes, this motel is owned by
04 29 5 Mr. Dahl and Mr. Sircher's parents. That in January
04 29 6 31 of this year, they did make an application to this
04 29 7 Village Board for their second business license in
04 29 8 the village. They've already been granted one. They
04 29 9 own another business within the Village. The Village
04 29 10 felt fit to allow them to own a separate business,
04 29 11 Sport Clips, that's located here in Oak Lawn.

04 29 12 At that time they did in fact make an
04 29 13 application to purchase the D-Lux Motel. There are
04 29 14 in fact -- there may have been problems between the
04 29 15 Village and the D-Lux Motel in the past that wasn't
04 29 16 under their ownership. They weren't the owners.
04 29 17 They weren't the principals. They weren't the policy
04 29 18 makers at that time.

04 29 19 At no time from the date they filed their
04 29 20 application for a new business license on January 31
04 29 21 until sometime I believe in April when Mr. Deetjen
04 29 22 denied them did anybody in the Village come out and
04 29 23 visit them to discuss their plans for the motel, what
04 29 24 their policy would be, how they intended to operate

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04 30 1 the motel, or anything in that fashion.

04 30 2 The issue here is whether or not Mr.
04 30 3 Sircher and Mr. Dahl are appropriate owners of a
04 30 4 business in this Village. It's a pretty simple
04 30 5 answer. You've already stated once that they are.
04 30 6 You've granted them licenses. The issue here is
04 30 7 whether or not they are the proper moral fiber to
04 30 8 operate a business in this Village and you've already
04 30 9 said, yes, they are.

04 30 10 The fact of the matter is even in his
04 30 11 letter denying their second business license, the
04 30 12 Village Manager at the bottom in the last sentence
04 30 13 states, If there is something else you would like to
04 30 14 do with this business, if you would like to develop
04 30 15 it or do another business, I'll be happy to work with
04 30 16 you.

04 30 17 The issue here isn't whether or not
04 30 18 they re deserving of a business license. I think
04 30 19 they are. The issue is whether or not the Village
04 30 20 wants to allow them to operate a motel and I'm not
04 30 21 sure if the Village has the ability without looking
04 30 22 at how they're going to operate it, without at least
04 30 23 discussing their policies and how they're going to
04 30 24 operate it with the changes that they would plan to

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04:30 1 make to the hotel and other things to tell them no.
04:31 2 That's what we have here.

04:31 3 As far as occupancy loads on the fire
04:31 4 code that they knowingly violated that, that they
04:31 5 turned a blind eye, I don't think that the Village is
04:31 6 going to be able to prove that they did. What
04:31 7 occurred here is you have the International Fire Code
04:31 8 which is so complicated that I don't think your
04:31 9 average person could figure it out, Ladies and
04:31 10 Gentlemen. So much so that the fire inspector came
04:31 11 out and measured the room and made the determination
04:31 12 today, this afternoon, and I think the evidence will
04:31 13 show that as to what that occupancy load would be.

04:31 14 Now this is months after they were denied
04:31 15 a business license. This is months after any
04:31 16 complaint was made as far as the fire code. They
04:31 17 have always had a policy in their motel that there
04:31 18 would be a two-person per room occupancy limit and
04:31 19 that was their own rule.

04:31 20 The fact of the matter is these are two
04:31 21 gentlemen who intend to be very vigilant with the
04:32 22 operation of that motel. And it makes good business
04:32 23 sense for them. They don't want a motel that can't
04:32 24 get business because it's seedy. They want to be

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04:32 1 able to make money. That's what this comes down to.

04:32 2 And they want to -- these are 30 year --
04:32 3 this family has owned this business for 30 years in
04:32 4 this village. Both of these gentlemen have grown up
04:32 5 here. Mr. Sircher lives here now. He raises his
04:32 6 family here. The fact of the matter is they do care
04:32 7 about the Village of Oak Lawn. They've gone to
04:32 8 school here. They've lived here their entire lives.

04:32 9 I do believe that they are deserving of a
04:32 10 business license to operate this and I would ask that
04:32 11 you reverse Mr. Deetjen's decision.

04:32 12 MR. HEILMANN: Thank you. Witnesses to call.

04:32 13 MR. CUNNINGHAM: I'll call Larry Deetjen
14 first.

15 MR. HEILMANN: Okay.
16 (WHEREUPON, the witness was
17 duly sworn.)

18 LARRY DEETJEN,
19 called as a witness herein, having been first duly
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

04:33 22 BY MR. CUNNINGHAM:

04:33 23 Q. Mr. Deetjen, will you state your name and
04:33 24 spell your last name for the benefit of the court

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1 reporter

2 **A. Larry Deetjen. Last name is spelled**

04 33 3 **D-e-e-t-j-e-n.**

04 33 4 **Q.** Mr. Deetjen, by whom are you employed?

04 33 5 **A. By the Village of Oak Lawn, Illinois.**

04 33 6 **Q.** What's your capacity with the Village of

04 33 7 Oak Lawn?

04 33 8 **A. Village Manager.**

04 33 9 **Q.** In your capacity as the Village Manager

04 33 10 of Oak Lawn, did you receive an application from

04 33 11 Village Hospitality Inn, Incorporated for an

04 33 12 application for a business license?

04 33 13 **A. Yes, I did.**

04 33 14 **Q.** And will you tell us when about you

04 33 15 received that application?

04 33 16 **A. On or about late January of 2008.**

04 34 17 **Q.** And at that time, did you act upon it

04 34 18 when it first arrived?

04 34 19 **A. No, I did not.**

04 34 20 **Q.** And what was occurring that caused you to

04 34 21 not act upon that license when it first arrived?

04 34 22 **A. I'd been made aware of certain activity,**

04 34 23 **alleged activity, that was criminal in nature and**

04 34 24 **inconsistent with the values of this community.**

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04 34 1 **Q.** And you're referring to the eventual

04 34 2 petition to revoke -- which followed to the D-Lux

04 34 3 Motel; is that correct?

04 34 4 **A. That's correct.**

04 34 5 **Q.** What do you understand the relationship

04 34 6 to be between the D-Lux Motel and the applicants

04 34 7 under Village Hospitality Inn, Incorporated?

04 34 8 **A. It's my understanding that the applicant**

04 34 9 **is related to the current licensees and that they**

04 34 10 **have had involvement in the management and in the**

04 34 11 **direct operation of the facilities.**

04 34 12 MR. RIPPY: We're going to object to that

04 35 13 speculation unless he can lay a foundation.

04 35 14 MR. ALPERIN: Given the evidentiary standards

04 35 15 are loose and I say we allow it. You're allowed to

04 35 16 cross examine obviously but that would be my

04 35 17 recommendation.

04 35 18 MR. HEILMANN: It's overruled.

04 35 19 BY MR. CUNNINGHAM:

04 35 20 **Q.** At some point in time did you receive

04 35 21 information from Mr. Rippy, Counsel -- from Mr. Rippy

04 35 22 that in fact relative to the financing on the

04 35 23 transaction from the son's purchase from the parents?

04 35 24 **A. Yes, that's correct.**

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04:35 1 **Q.** What did he represent to you and when did

04:35 2 that occur?

04:35 3 **A. In a meeting in my office on or about**

04:35 4 **March 19, Mr. Rippy in your presence, my presence**

04:35 5 **indicated that the financing --**

04:35 6 MR. RIPPY: Objection.

04:35 7 BY THE WITNESS:

04:35 8 **A. -- not going through.**

04:35 9 MR. RIPPY: Hearsay.

04:36 10 MR. HEILMANN: What's the basis for your

04:36 11 objection?

04:36 12 MR. RIPPY: Hearsay.

04:36 13 MR. ALPERIN: I would overrule that

04:36 14 objection.

04:36 15 MR. HEILMANN: Overruled.

04:36 16 BY MR. CUNNINGHAM:

04:36 17 **Q.** And did representations like that cause

04:36 18 you to further not act upon the application?

04:36 19 **A. Yes, sir.**

04:36 20 MR. PHELAN: Can you go back to his answer

04:36 21 that the financing didn't go through?

04:36 22 MR. CUNNINGHAM: That was the representation.

04:36 23 MR. HEILMANN: Continue.

04:36 24

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04:36 1 BY MR. CUNNINGHAM:

04:36 2 **Q.** That conversation occurred March the

04:36 3 19th; is that correct?

04:36 4 **A. Yes.**

04:36 5 **Q.** What if anything occurred on March the

04:36 6 20th?

04:36 7 **A. It was brought to my attention that**

04:36 8 **financing had gone through and the property had been**

04:36 9 **transferred to the two sons.**

04:36 10 **Q.** And how did you come to learn this

04:36 11 information, sir?

04:36 12 **A. There's a requirement to secure real**

04:36 13 **estate transfer stamps and the specifics of that**

04:36 14 **transaction are outlined when the applicant pays a**

04:36 15 **fee and it indicated that there had been a**

04:37 16 **transaction of sale of the property.**

04:37 17 **Q.** And what was the sale price of that

04:37 18 property?

04:37 19 **A. \$2,500,000.**

04:37 20 **Q.** And when were those stamps -- were those

04:37 21 stamps purchased from the Village?

04:37 22 **A. That is correct.**

04:37 23 **Q.** And on what day were they purchased?

04:37 24 **A. Excuse me?**

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04:37 1 Q. On what day, sir, were they purchased?
 04:37 2 A. **I believe it was March 20.**
 04:37 3 Q. After you had learned that in fact there
 04:37 4 was going to be a transaction from the parents to the
 04:37 5 sons, what did you do next?
 04:37 6 A. **Well, I believe I contacted you,**
 04:37 7 **Counselor.**
 04:37 8 Q. But in terms of what did you do next with
 04:37 9 respect to the application that had been on file?
 04:37 10 A. **I did not process the application.**
 04:37 11 Q. And what happened next, sir, with respect
 04:37 12 to that application?
 04:37 13 A. **I took action to file a denial of their**
 04:38 14 **business license.**
 15 (WHEREUPON, a certain
 16 document was marked
 17 Village Exhibit A for
 18 identification.)
 19 BY MR. CUNNINGHAM:
 04:38 20 Q. I'm going to approach you and we'll call
 04:38 21 this Village Exhibit A. Would you take a look at
 04:38 22 this document and tell us what you recognize it to
 04:38 23 be?
 04:38 24 A. **Yes, the document is my written**
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04:38 1 **communication to Mr. Sircher and Mr. Dahl that I was**
 04:38 2 **denying their business license application and it**
 04:38 3 **stated the reasons why I was denying it.**
 04:38 4 Q. Okay. Obviously the document speaks for
 04:38 5 itself but can you give us a highlighted version of
 04:38 6 what you relied upon for the denial, sir.
 04:39 7 A. **In summary, I was denying it -- I**
 04:39 8 **included that Mr. Sircher's conduct had indicated**
 04:39 9 **complete ignoring of the occupancy load and**
 04:39 10 **incidences of disturbance at the premises and that**
 04:39 11 **a -- those actions basically contributed to an**
 04:39 12 **atmosphere of criminality and malfeasance at the**
 04:39 13 **premises.**
 04:39 14 Q. And so you denied him an application for
 04:39 15 the business of the motel; is that correct?
 04:39 16 A. **That is correct.**
 04:39 17 Q. Is there indication that you made in that
 04:39 18 letter that you are willing to work with him with
 04:39 19 regard to another business enterprise at that
 04:39 20 location?
 04:39 21 A. **I would do that to any business person.**
 04:39 22 MR. CUNNINGHAM: I'm going to tender over to
 04:39 23 Mr. Deetjen at this time -- I only have the one copy
 04:40 24 but I would seek to admit this to the Board.
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04:40 1 MR. ALPERIN: Did you also want to see about
 04:40 2 the application itself that was filed by the
 04:40 3 applicants?
 04:40 4 MR. CUNNINGHAM: Yes, I can do that.
 04:40 5 MR. ALPERIN: And I take it you want to move
 04:40 6 that into evidence as well.
 04:40 7 MR. CUNNINGHAM: Yeah, I believe I have a
 04:40 8 copy of that as well.
 04:40 9 MR. RIPPY: I'm going to object at this time.
 04:40 10 MR. ALPERIN: Objection is noted but go ahead
 04:40 11 and lay the foundation of that document, Counsel.
 04:40 12 MR. RIPPY: At this point just for a
 04:40 13 clarification, are we reopening proofs? Is he asking
 04:40 14 to reopen his testimony? I believe he's already
 04:40 15 tendered the witness.
 04:40 16 MR. ALPERIN: Are you asking to reopen --
 04:40 17 MR. CUNNINGHAM: If he's going to take the
 04:40 18 position application -- I mean --
 04:40 19 MR. HEILMANN: Are you saying they didn't
 04:40 20 apply for a business license?
 04:40 21 MR. RIPPY: Mr. Heilmann, I do have an issue
 04:40 22 with the attorney then telling -- perhaps he should
 04:40 23 also move that into evidence. It's his case. With
 04:41 24 all due respect, your Honor, and I'll always refer to
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04:41 1 you as your Honor.
 04:41 2 But at this point if he's going to move
 04:41 3 forward, he needs to do it on his own. If he wants
 04:41 4 to move something into evidence, he can move it. If
 04:41 5 he chooses not to or he forgets to, that's on
 04:41 6 Mr. Cunningham.
 04:41 7 MR. ALPERIN: Let me ask you this: Is there
 04:41 8 a stipulation -- can we enter a stipulation with
 04:41 9 respect to the application that was filed by your
 04:41 10 clients, a letter of denial that was issued by Mr.
 04:41 11 Deetjen -- can we enter a stipulation with respect to
 04:41 12 those?
 04:41 13 MR. RIPPY: I will stipulate to that.
 04:41 14 MR. ALPERIN: So those are now into evidence?
 04:41 15 MR. RIPPY: Correct.
 04:41 16 MR. ALPERIN: Fair enough.
 04:41 17 (WHEREUPON, said documents,
 04:41 18 previously marked Village
 04:41 19 Exhibits A and B for
 04:41 20 identification were
 04:41 21 admitted into evidence.)
 04:41 22 MR. RIPPY: My other -- is I would also ask
 04:41 23 to renew my objections as to the hearsay between any
 04:41 24 conversation that Mr. Deetjen had with me based on
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04:41 1 this. Not only is it based on hearsay, I can't
 04:41 2 present my own testimony. I can't put myself on the
 04:41 3 stand in this matter to rebuke anything that he said
 04:41 4 regarding a conversation we had together. At that
 04:41 5 point, you're putting me at a tremendous --
 04:41 6 MR. CUNNINGHAM: If I could, I only intended
 04:41 7 to offer that evidence so you could see a time line
 04:42 8 for when the application was filed and when and why
 04:42 9 the next steps of action were taken upon it. It is
 04:42 10 nothing brought forth to bring counsel into the
 04:42 11 matter.
 04:42 12 MR. HEILMANN: Because of the relaxed
 04:42 13 standards and his representation is not for the jury
 04:42 14 to assert therein, I think it's fair. Do you want
 04:42 15 to -- you stipulated that so there's no need for
 04:42 16 Kevin to actually make a motion for introduction into
 04:42 17 evidence of those documents; right?
 04:42 18 MR. ALPERIN: Correct. I believe there was a
 04:42 19 stipulation.
 04:42 20 MR. CUNNINGHAM: Maybe just to keep the
 04:42 21 exhibits in order, I should call this B though and
 04:42 22 the first one A?
 04:42 23 MR. ALPERIN: That's fine. That's good.
 04:42 24 MR. HEILMANN: The application is B?

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04:43 1 MR. CUNNINGHAM: Yes.
 04:43 2 MR. HEILMANN: Did you want to cross examine
 04:43 3 Mr. Deetjen?
 04:43 4 MR. RIPPY: I'm sorry?
 04:43 5 MR. HEILMANN: Did you want to cross examine
 04:43 6 Mr. Deetjen?
 04:43 7 CROSS EXAMINATION
 04:43 8 BY MR. RIPPY:
 04:43 9 Q. Good evening, Mr. Deetjen, how are you?
 04:43 10 A. Very fine, thank you.
 04:43 11 Q. Good. Now I'm going to call your
 04:43 12 attention to -- prior to 2007 before there was any
 04:43 13 movement to revoke the business license at D-Lux
 04:43 14 Motel, you made a trip out there; is that correct?
 04:43 15 Did you and an inspector go out the premises and
 04:43 16 inspect them?
 04:43 17 A. That is correct.
 04:43 18 Q. Did you have a conversation with my
 04:43 19 client, Edward Sircher?
 04:43 20 A. We had a telephone conversation, yes.
 04:43 21 Q. And did you discuss possible development
 04:43 22 of that land?
 04:43 23 A. We had a discussion, that's correct.
 04:43 24 Q. And did you discuss -- is it correct to

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04:43 1 say that you discussed possible development of the
 04:43 2 land?
 04:43 3 A. Yes, that's fair.
 04:43 4 Q. And is it fair to say you also discussed
 04:43 5 possibly bringing in a franchise motel into that
 04:43 6 area?
 04:43 7 A. No.
 04:43 8 Q. You never had that conversation?
 04:43 9 A. No, the conversation concerned the
 04:43 10 alternatives that Mr. Sircher would explore to
 04:43 11 upgrade the facility.
 04:43 12 Q. And was that one of the alternatives?
 04:43 13 A. Yes.
 04:43 14 Q. So franchising with a national chain was
 04:44 15 one of the alternatives?
 04:44 16 A. Discussion was to talk about the
 04:44 17 standards that would comply with the codes of the
 04:44 18 Village.
 04:44 19 Q. Okay. And did you ever say you would
 04:44 20 love to see a national flag above the property?
 04:44 21 A. I indicated to Mr. Sircher that in my
 04:44 22 opinion that if they were franchising and they were
 04:44 23 following the set of standards that were contemporary
 04:44 24 with the codes in the United States that that in my

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04:44 1 opinion would result in elimination of many of the
 04:44 2 activities that were violating the code.
 04:44 3 Q. Okay. And just so we're clear, this
 04:44 4 happened in 2007; correct?
 04:44 5 A. Yes, sir.
 04:44 6 Q. And that was at the time you had this
 04:44 7 conversation with Mr. Sircher regarding what his
 04:44 8 parents may do at that time? He wasn't an owner?
 04:44 9 A. I'm sorry?
 04:44 10 Q. You had that conversation with my client
 04:44 11 regarding what his parents might do with the
 04:44 12 property?
 04:44 13 A. I don't recall.
 04:44 14 Q. Okay. But it's possible?
 04:44 15 A. Sure.
 04:44 16 Q. Okay. And at the point in which you and
 04:45 17 I had the conversation -- I'll strike that.
 04:45 18 Now two and a half million dollars was
 04:45 19 the purchase price for that property?
 04:45 20 A. As I understand it, yes, sir.
 04:45 21 Q. And how much money in tax stamps was
 04:45 22 spent?
 04:45 23 A. 12,500.
 04:45 24 Q. Now are you familiar with the -- is it

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04:45 1 your testimony here today that you would grant them a
04:45 2 business license to operate a business other than a
04:45 3 motel?

04:45 4 **A. No.**

04:45 5 **Q.** So you would -- it's your feeling that
04:45 6 they don't deserve any business license in Oak Lawn?

04:45 7 **A. I haven't had an opportunity to look at**
04:45 8 **that question.**

04:45 9 **Q.** Your issue with the D-Lux Motel is the
04:45 10 way the D-Lux Motel was run prior to March of 2008;
04:45 11 correct?

04:45 12 **A. Are you asking me that question as of**
04:45 13 **today?**

04:45 14 **Q.** Yes. Prior to today, that's fine.

04:45 15 **A. Up to and including today.**

04:45 16 **Q.** Okay. Under the ownership of Michaelyn
04:45 17 and Edward Sircher, Senior?

04:45 18 **A. Whoever's responsible for managing,**
04:45 19 **operating the facility.**

04:45 20 **Q.** Well, that would be the owner; correct?

04:45 21 **A. I'm not sure. I don't know if the owner**
04:45 22 **has a contractual relationship with the management**
04:45 23 **operation or the owners themselves are responsible.**
04:45 24 **I'm just not aware of that.**

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04:46 1 **Q.** Okay. So you're not aware of whether
04:46 2 these guys make any policy decisions regarding the
04:46 3 D-Lux; is that what you're admitting?

04:46 4 **A. I cannot -- I cannot confirm whether they**
04:46 5 **have policy responsibility or execution of that**
04:46 6 **operation.**

04:46 7 **Q.** And you weren't aware of that when you
04:46 8 denied this license in March?

04:46 9 **A. No more than I am today.**

04:46 10 **Q.** Okay. So when you say that you made your
04:46 11 decision to deny the license based on how the hotel
04:46 12 was run, you're just admitting now that you have no
04:46 13 idea whether they have any policy making decisions,
04:46 14 whether they make any decisions regarding that motel
04:46 15 in any way or how they would run that motel; is that
04:46 16 correct?

04:46 17 **A. I don't have any document that answers**
04:46 18 **that, no, sir.**

04:46 19 **Q.** Okay. So you have no proof whatever that
04:46 20 my two clients, Mr. Dahl or Mr. Sircher, in any way
04:46 21 have created the problems that exist at that motel in
04:46 22 your view or the Village's view?

04:46 23 **A. No, that's not correct.**

04:46 24 **Q.** You don't have a specific document, is

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04:47 1 that you're saying?

04:47 2 **A. I don't have an ownership management**
04:47 3 **document but I do have the records of activities that**
04:47 4 **occur there which would be police reports.**

04:47 5 **Q.** Okay. And aside from one specific
04:47 6 incident how often do my clients show up in those
04:47 7 police reports? And I'm talking my clients, I'm not
04:47 8 talking the D-Lux Motel.

04:47 9 **A. I'm sorry, sir?**

04:48 10 **Q.** I'm talking my client, Mr. Sircher or Mr.
04:48 11 Dahl.

04:48 12 **A. Several times.**

04:48 13 **Q.** Can you recall the specific reports?

04:48 14 **A. Specifically the one that's been outlined**
04:48 15 **in my communication for rationale for denial.**

04:48 16 **Q.** Okay. Any others?

04:48 17 **A. I can't recall.**

04:48 18 **Q.** Okay.

04:48 19 MR. RIPPY: If I might have a moment.

04:48 20 MR. PHELAN: While you take a moment, can I
04:48 21 ask a question? And again I hear this is a relaxed
04:48 22 atmosphere. Are we to wait with questions that we
04:48 23 might have while this is happening? Are we going to
04:48 24 have a chance to direct -- or I don't want to

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04:48 1 interrupt anybody's lines of inquiry or anything. I
04:48 2 don't know if it would be helpful or hurtful to
04:48 3 anybody if we had a question if I could ask. Is
04:48 4 there a procedure we need to follow?

04:48 5 MR. HEILMANN: I don't know that that would
04:48 6 be prohibited. I think that we should refrain from
04:49 7 interrupting questioning of a witness just for the
04:49 8 pattern that they may be trying to make a point and
04:49 9 that would be proper. But I would say between
04:49 10 witnesses, fire away.

04:49 11 MR. RIPPY: I have no objection to that
04:49 12 provided I would have an opportunity to follow up
04:49 13 based on any questions from the Board.

04:49 14 MR. HEILMANN: Yeah, yeah. When we're done
04:49 15 with Mr. Deetjen, if anybody has any questions or
04:49 16 anything -- do you guys care?

04:49 17 MR. RIPPY: I do not have an objection.

04:49 18 MR. HEILMANN: It might hasten things a
04:49 19 little more, too.

04:49 20 MR. CUNNINGHAM: Oh, yeah.

04:49 21 MR. HEILMANN: I know we tend to follow the
04:49 22 rules because we do this as a career, but if we can
04:49 23 get to the point quicker that way, that'd be great.
04:49 24 You have more questions, right, for Mr. Deetjen?

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04:49 1 MR. RIPPY: I do if I just might have a
 04:49 2 moment.
 04:49 3 MR. HURCKUS: Mr. Chairman, while they're
 04:49 4 doing that. We've -- and I've sat here for 10 years
 04:49 5 or a little longer, have you ever had this kind of
 04:49 6 perception, ever had this kind of a hearing before?
 04:49 7 I'm not exactly sure what our role is. I mean,
 04:49 8 you're abstaining and you're solidifying his concerns
 04:49 9 on the legal issues. None of us are attorneys. You
 04:50 10 happen to be an attorney and we have legal counsel.
 04:50 11 My concern becomes is how do I know what
 04:50 12 to take in and what not to take in. I can sit here
 04:50 13 and make a determination of what I think is right and
 04:50 14 what is wrong, but we don't know what's legal and
 04:50 15 what is not legal.
 04:50 16 MR. HEILMANN: If I understand, the advice
 04:50 17 I'm given is if he makes -- that the Village
 04:50 18 President runs the hearing, makes the ruling on the
 04:50 19 objections which is I don't think any different than
 04:50 20 like civil services used to run. Same thing on
 04:50 21 advice of counsel. They would do it the same type of
 04:50 22 way. It's an administrative hearing but the Board as
 04:50 23 a whole makes a determination after all of the
 04:50 24 evidence on this appeal to us.

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04:50 1 MR. HURCKUS: Okay. I've heard abstain.
 04:50 2 I've heard you continue. And I understand you know
 04:50 3 the proceedings of court. I don't think the rest of
 04:50 4 us have had that opportunity to do so. I mean, I hope
 04:50 5 you understand my concern.
 04:50 6 MR. ALPERIN: Once both sides have made their
 04:50 7 presentations, then the Board has the opportunity to
 04:51 8 consider whether to appeal or not -- excuse me --
 04:51 9 whether to affirm or --
 04:51 10 MR. HURCKUS: I was looking at the
 04:51 11 proceedings as a whole. That's all.
 04:51 12 MR. HEILMANN: And so you know as far as
 04:51 13 ruling on objections in what we had said to them is
 04:51 14 based upon advice of counsel. It's best to, you
 04:51 15 know, to be -- better to let it in at this point if
 04:51 16 we can just in fairness to both and I would say the
 04:51 17 same thing to both of you, because of the relaxed
 04:51 18 atmosphere. I'm sorry. Do you want to pick up?
 04:51 19 MR. RIPPY: Thank you.
 04:51 20 BY MR. RIPPY:
 04:51 21 Q. Now Mr. Deetjen, I'm going to call your
 04:51 22 attention to July 10 of 2007. Do you approximately
 04:52 23 recall that date?
 04:52 24 A. July 10, 2007?

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04:52 1 Q. Yes.
 04:52 2 A. No. If you're asking me specifically
 04:52 3 July 10, 2007, do I recall --
 04:52 4 Q. Do you recall that time period, how about
 04:52 5 that?
 04:52 6 A. I recall the time period, yes.
 04:52 7 Q. Were you Village Manager at that time?
 04:52 8 A. No, I was not.
 04:52 9 Q. I'm going to call your attention to
 04:52 10 December of last year. After you made this
 04:52 11 conversation -- had the conversation with Mr. Sircher
 04:52 12 regarding possibly franchising or redeveloping the
 04:52 13 property, at that point did you have a conversation
 04:52 14 with the village inspectors?
 04:52 15 A. First of all, the conversation was very,
 04:52 16 very brief. It was by telephone. I've never
 04:52 17 formally been introduced to the gentleman. And did I
 04:52 18 have discussion with inspectors? Yes, I had
 04:52 19 discussions with inspectors almost on a daily basis.
 04:53 20 Q. And did you instruct the inspectors from
 04:53 21 the Village of Oak Lawn, including health inspectors,
 04:53 22 fire inspectors, building inspectors to go out and
 04:53 23 inspect the motel?
 04:53 24 A. I instruct our inspectors to inspect a

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04:53 1 lot of properties.
 04:53 2 Q. I'm only asking you specifically about
 04:53 3 the D-Lux Motel.
 04:53 4 A. Yes, that is correct.
 04:53 5 Q. And that occurred in February?
 04:53 6 A. I don't recall the date.
 04:53 7 Q. It did occur?
 04:53 8 A. Yes, it did.
 04:53 9 Q. And there was a list of violations?
 04:53 10 A. Yes, sir.
 04:53 11 Q. And did a reinspection occur
 04:53 12 approximately in March?
 04:53 13 A. I believe, yes, there was the inspection.
 04:53 14 Q. At that point was it indicated to you
 04:53 15 that all of those violations had been --
 04:53 16 A. No, not all the violations had --
 04:53 17 Q. Excuse me. That all the violations
 04:53 18 weather permitted had been corrected?
 04:53 19 A. That is correct.
 04:53 20 Q. And that those that hadn't been corrected
 04:53 21 were due to weather conditions, they were outside
 04:53 22 repairs?
 04:53 23 A. I believe that's the case.
 04:53 24 Q. Okay.

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04:54 1 MR. RIPPY: If I could just have one more
 04:54 2 second.
 04:54 3 BY MR. RIPPY:
 04:54 4 Q. You stated that you denied this business
 04:54 5 application to Mr. Sircher and Mr. Dahl in March?
 04:54 6 A. **I believe it was April 4.**
 04:54 7 Q. April 4 was the date that you made --
 04:54 8 that's -- okay. April 4 was the date that you denied
 04:54 9 the application?
 04:54 10 A. **April 4, 2008.**
 04:54 11 Q. And the application was made in January
 04:54 12 of '07?
 04:54 13 A. **On or about that date, sir.**
 04:54 14 Q. Do you ever have -- you stated you've
 04:54 15 never met my client; correct?
 04:54 16 A. **I don't believe I've met him.**
 04:54 17 Q. Okay. Have you ever had a telephone
 04:54 18 conversation other than the one you stated you had
 04:54 19 with him roughly in December?
 04:54 20 A. **Not that I recall.**
 04:54 21 Q. So at the time that they made the
 04:54 22 business application and the time you denied the
 04:54 23 business application, you had never had any
 04:54 24 discussions with them regarding their operation of

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04:55 1 the motel?
 04:55 2 A. **No further discussions other than the one**
 04:55 3 **telephone call that took place in the fall of 2007.**
 04:55 4 Q. Prior to their ownership application?
 04:55 5 A. **I believe that would be the case, yes.**
 04:55 6 Q. Okay. So at no time did you ever
 04:55 7 approach them asking them what plans they had, what
 04:55 8 policies they would put in place, or what intention
 04:55 9 they had for that motel?
 04:55 10 A. **No, they did not approach me.**
 04:55 11 Q. Did you approach them?
 04:55 12 A. **No, I did not.**
 04:55 13 Q. Okay. As Village Manager it would be
 04:55 14 your duty for you to go out and inspect businesses
 04:55 15 and if somebody did make an application to make an
 04:55 16 investigation as to what their intent with the
 04:55 17 business would be, wouldn't it?
 04:55 18 A. **No.**
 04:55 19 Q. That's not part of your job?
 04:55 20 A. **Not a requirement. And it would be**
 04:55 21 **unlikely that I would be making an inspection.**
 04:55 22 Q. I'm not talking about inspection. You
 04:55 23 review business license applications, is that
 04:55 24 correct. for the Village?

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04:55 1 A. **No, that's not a direct responsibility.**
 04:55 2 **I oversee that function.**
 04:56 3 Q. Okay. So you're the overseer of business
 04:56 4 applications?
 04:56 5 A. **Yes, that's correct.**
 04:56 6 Q. Did anybody in this case make a
 04:56 7 recommendation to you to deny the license? Any of
 04:56 8 your employees who had actually handled that?
 04:56 9 A. **I think there was a fairly good**
 04:56 10 **understanding of the Village Administration why that**
 04:56 11 **it was an area of significant problems.**
 04:56 12 Q. Okay. The prior motel was? The motel as
 04:56 13 it was at that point?
 04:56 14 A. **The existing motel as of today.**
 04:56 15 Q. But that again is not under the ownership
 04:56 16 of these gentlemen; correct?
 04:56 17 A. **If I may, ownership and management and**
 04:56 18 **operation are distinct functions. My concern is the**
 04:56 19 **operation and the management of the function, not the**
 04:56 20 **ownership per se given the activity that was**
 04:56 21 **occurring.**
 04:56 22 Q. Okay. So is it fair to say you had
 04:56 23 already -- you had already in your mind made up what
 04:57 24 the operation and management these gentlemen would be

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04:57 1 when they made that application?
 04:57 2 A. **I had significant concerns, yes.**
 04:57 3 Q. Without ever having had a conversation
 04:57 4 with them?
 04:57 5 A. **No, I had one conversation with --**
 04:57 6 Q. No, I'm talking about during the
 04:57 7 application process. I'll clarify.
 04:57 8 A. **That's correct.**
 04:57 9 Q. Okay. Thank you.
 04:57 10 MR. RIPPY: If I might just have one second.
 04:58 11 BY MR. RIPPY:
 04:58 12 Q. This December conversation that you had
 04:58 13 with my client, did you pass on a message to his
 04:59 14 father regarding the development in the sale of the
 04:59 15 property?
 04:59 16 A. **Sir, I didn't hear the first statement.**
 04:59 17 **You were sitting down. What --**
 04:59 18 Q. I'm sorry. Excuse me, Mr. Deetjen. I
 04:59 19 said when you had this December conversation with my
 04:59 20 client over the telephone, did you call him at the
 04:59 21 motel?
 04:59 22 A. **First of all, I don't recall when the**
 04:59 23 **conversation was but if my memory serves me correct,**
 04:59 24 **the call was from Mr. Sircher to me.**

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14:59 1 Q. But when you went out there, did you
 14:59 2 leave your card to have him call you?
 14:59 3 A. I don't believe I left the card but, yes,
 14:59 4 I went there.
 14:59 5 Q. Did you leave a note to have somebody
 14:59 6 call you?
 14:59 7 A. Yes.
 14:59 8 Q. And you did the same thing in the Miami
 14:59 9 Hotel as well; right?
 14:59 10 A. I've been to the Miami Hotel as well,
 14:59 11 yes, sir.
 14:59 12 Q. And you left them a card on the same date
 14:59 13 to contact you?
 14:59 14 A. No, I think I left a note.
 14:59 15 Q. And Mr. Sircher called you back?
 14:59 16 A. Yes, he did.
 14:59 17 Q. And that's when he and you had the
 14:59 18 conversation regarding the development and the
 14:59 19 direction of the motel?
 14:59 20 A. To the best of my memory, yes.
 15:00 21 Q. And did he indicate to you that his
 15:00 22 father was the owner of the motel?
 15:00 23 A. I don't recall.
 15:00 24 Q. And do you recall whether or not he

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15:00 1 indicated to you that any decisions regarding the
 15:00 2 motel would have to go through his father?
 15:00 3 A. I don't recall.
 15:00 4 MR. RIPPY: Nothing further at this time.
 15:00 5 MR. HEILMANN: Next witness. Does anybody
 15:00 6 have a question?
 15:00 7 MR. PHELAN: I have a question. And I know
 15:00 8 we keep hitting this issue and I don't know if I can
 15:00 9 ask the guys directly or ask you and you but --
 15:00 10 MR. HEILMANN: I'm sorry. I will allow you
 15:00 11 redirect in a second. Do you want to do that first?
 15:00 12 MR. CUNNINGHAM: I think what I'm going to
 15:00 13 ask might actually address what may be --
 15:00 14 MR. HEILMANN: Tom, I'm sorry. I apologize
 15:00 15 to you.
 15:00 16 REDIRECT EXAMINATION
 15:00 17 BY MR. CUNNINGHAM:
 15:00 18 Q. What I wanted to ask was after there was
 15:00 19 a sale from the parents to the sons in March,
 15:00 20 obviously Edward and James are the new owners, is
 15:00 21 this the first time that they've surfaced to be in
 15:00 22 connection with the motel?
 15:00 23 A. No, sir.
 15:00 24 Q. Had they surfaced in the past

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05:00 1 specifically Edward as the night manager?
 05:01 2 A. That's correct.
 05:01 3 Q. Have you seen police reports that date
 05:01 4 back years where he is identified as the night
 05:01 5 manager?
 05:01 6 A. Years -- I don't recall on the years.
 05:01 7 Q. But you have seen him identified as the
 05:01 8 night manager in the past?
 05:01 9 A. Yes.
 05:01 10 Q. So he has a position with the company
 05:01 11 prior to the sale where he becomes the owner?
 05:01 12 A. It's my understanding.
 05:01 13 Q. In fact your predecessor had a meeting
 05:01 14 with the D-Lux Motel to discuss the conditions of
 05:01 15 the motel; is that correct?
 05:01 16 A. That's correct.
 05:01 17 MR. RIPPY: I'm going to object to that
 05:01 18 unless there's foundation laid.
 05:01 19 MR. ALPERIN: I also didn't hear the
 05:01 20 question.
 05:01 21 MR. HEILMANN: He asked whether or not his
 05:01 22 predecessor had a meeting with Mr. Sircher to discuss
 05:01 23 the condition of the hotel or situation at the hotel.
 05:01 24 MR. ALPERIN: I guess my recommendation would

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05:01 1 be to see if counsel can rephrase the question.
 05:01 2 MR. HEILMANN: Go ahead. Sustained.
 05:01 3 MR. CUNNINGHAM: I think to move it along, I
 05:02 4 can get that evidence in through somebody else who
 05:02 5 was and that will be faster.
 05:02 6 MR. HEILMANN: Anything else on redirect?
 05:02 7 MR. CUNNINGHAM: No sir.
 05:02 8 MR. HEILMANN: Trustee Phelan?
 05:02 9 MR. PHELAN: I would just like it if Ed and
 05:02 10 Jim could again given the informality or somewhat
 05:02 11 informal -- just kind of state who are you and where
 05:02 12 you live and what you do for a living.
 05:02 13 MR. HEILMANN: Do you have an objection to
 05:02 14 that, Counsel?
 05:02 15 MR. RIPPY: You know, I don't and I
 05:02 16 apologize. We probably should have done that prior
 05:02 17 to the hearing beginning and have everybody introduce
 05:02 18 themselves. My name is Daniel Rippy. I represent
 05:02 19 Edward Sircher and James Dahl.
 05:02 20 MR. SIRCHER: My name is Edward Sircher,
 05:02 21 Junior. I live at 10820 South LeClaire in Oak Lawn.
 05:02 22 I own -- my brother and I own Sport Clips Haircuts at
 05:02 23 10549 South Cicero and the D-Lux Motel at 4811
 05:02 24 Columbus Drive. Anything else?

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1 MR. PHELAN: Yeah, to the extent what you co
 2 for a living. You can own something and that's
 05:03 3 not -- what do you do for your job on a daily basis
 4 on a nightly basis if I understand.
 5 MR. SIRCHER: I'm a business owner. I do all
 6 the things that a business owner does. Deal with the
 05:03 7 employees, payroll, supplies.
 05:03 8 MR. PHELAN: At both companies?
 05:03 9 MR. SIRCHER: Yes.
 10 MR. PHELAN: By the way, your Sport Clips is
 11 a great operation.
 12 MR. DAHL: Trustee Phelan, except for the
 05:03 13 fact that we don't cut hair, we do everything. We
 05:03 14 rent rooms, we clean rooms, we do maintenance, we do
 05:03 15 payroll, we do bills, we do everything. So other
 05:03 16 than -- as a living what we do is we work our asses
 05:03 17 off.
 05:03 18 MR. PHELAN: At both the hotel and the Sport
 19 Clips?
 20 MR. DAHL: Yes, sir.
 21 MR. PHELAN: Separately in entities
 22 obviously.
 05:03 23 MR. SIRCHER: Right. I guess you could
 05:03 24 probably say that I'm primarily more involved with
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1 Sport Clips than Jim is.
 05:03 2 MR. DAHL: And I'm primarily more involved
 05:03 3 with the motel than Eddie is.
 05:03 4 MR. PHELAN: And this is even prior to the
 05:03 5 sale that we keep hearing about whenever that took
 05:03 6 place. Did all this working your ass off happen
 7 since January 1 or --
 8 MR. DAHL: Oh, no, no. We've been doing
 05:03 9 it -- we've been in the motel business for 30 years.
 05:04 10 We've been in the Sport Clips business for three.
 05:04 11 MR. PHELAN: So really on a substantial
 05:04 12 ownership, management -- because this is where I
 05:04 13 was -- first I'm understanding who does what, why,
 05:04 14 and when. The issue if you're asking for a new
 05:04 15 license is are you new people?
 16 MR. DAHL: Yes.
 05:04 17 MR. PHELAN: You'd like us to believe you are
 05:04 18 but I just heard you say you've been doing it for 30
 19 years.
 05:04 20 MR. DAHL: No, I've been in the motel
 21 business for 30 years. Our family's been in it for
 22 30 years, but we don't make the policy. You know,
 05:04 23 our parents own the motel and for any --
 05:04 24 MR. RIPPY: At this point, I'm going --
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05:04 1 MR. PHELAN: If I'm correct, I just heard him
 05:04 2 say we do everything except cut hair.
 3 MR. SIRCHER: We -- at the motel, our
 05:04 4 capacity was to enforce the policy of -- prior to the
 05:04 5 sale was to enforce the policies of our parents the
 05:04 6 way they wanted the business run.
 05:04 7 MR. DAHL: And that's true.
 05:04 8 MR. SIRCHER: It is not the way we plan to
 05:04 9 run it, but it's what we were asked to do by -- they
 05:04 10 are our parents, yes, they were -- they are. But
 05:04 11 they were our employers. I did what I was told and I
 05:04 12 ran it how I was told to run it.
 13 MR. DAHL: Anybody who's been involved in
 05:05 14 family business will be able to -- to tell you what
 05:05 15 we have -- we've done. We did the work. You know,
 05:05 16 we did things but we didn't set the policy, we didn't
 05:05 17 set the -- you know, what was going to happen. But
 05:05 18 what we did and that was my question or my answer to
 05:05 19 you was we worked. You know, we do maintenance. We
 05:05 20 do things -- I never said we made policy. And we
 05:05 21 don't.
 05:05 22 MR. PHALEN: Again I don't know what making
 05:05 23 policy is at the hotel other than people come and
 05:05 24 pay, they stay, they leave. And a final question
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05:05 1 would be are your mom and dad or were your mom and
 05:05 2 dad active in the management of the hotel up until
 05:05 3 any period of time --
 05:05 4 MR. SIRCHER: In policy citing, 100 percent.
 05:05 5 MR. DAHL: Up until today.
 6 MR. PHELAN: I mean active in the management
 7 of the hotel.
 05:05 8 MR. DAHL: Up to today. They -- our step-
 05:05 9 father, his dad, you know, was still on the property
 05:05 10 today.
 05:05 11 MR. SIRCHER: If you manage a Taco Bell,
 12 there's a set of rules that you're going to follow
 13 that Taco Bell says you have to -- when I managed the
 05:05 14 motel, there was a set of rules that I had to follow
 05:05 15 that were put forth. They're not -- should I be -- I
 05:06 16 mean, I'm --
 05:06 17 MR. RIPPY: If I may clarify it. Up until
 05:06 18 March when you purchased the property, were you --
 05:06 19 did you receive paychecks from your parents?
 05:06 20 MR. SIRCHER: Yes.
 05:06 21 MR. RIPPY: You were employed by them, they
 05:06 22 paid taxes on you as employees?
 05:06 23 MR. SIRCHER: Correct.
 05:06 24 MR. RIPPY: You did not have any say in the
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05:06 1 policy and setting the rates, setting the rules of
 05:06 2 the motel?
 05:06 3 MR. SIRCHER: None.
 05:06 4 MR. RIPPY: Does that answer your question,
 05:06 5 trustee?
 05:06 6 MR. PHELAN: So there is a policy -- is it
 05:06 7 something you are going by that we can look at to see
 05:06 8 that you may now disagree with some written policy
 05:06 9 that you're going to definitely move forward?
 05:06 10 MR. SIRCHER: There is several changes that
 05:06 11 we're going to make to the property.
 05:06 12 MR. PHELAN: No, is there -- you keep
 05:06 13 referencing a policy that your parent's had that you
 05:06 14 adhere to strictly that -- presuming now -- so is
 05:06 15 there a written document of a policy that we can look
 05:06 16 at that says here's the policy of the D-Lux Motel
 05:06 17 that we are not going to follow any more? Is there
 05:06 18 something like that?
 05:06 19 MR. RIPPY: We don't have a written specific
 05:06 20 policy Trustee, no, because we were never asked for
 05:06 21 one. That was always our contention that we would
 05:06 22 have done that. We would have worked with the
 05:06 23 trustees. We would have worked with the Board. We
 05:06 24 would have come up with the specific policies and
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05:07 1 changes. And we would have laid them out.
 05:07 2 That is the meeting I had with
 05:07 3 Mr. Deetjen and without having my clients there, I
 05:07 4 wanted to kind of lay that out that there would be
 05:07 5 very specific and very drastic changes made to the
 05:07 6 motel, yes. But as far as mailing them out a paper,
 05:07 7 no, I didn't do it because I --
 05:07 8 MR. PHELAN: No, I'm not saying --
 05:07 9 MR. RIPPY: Made fairly clear to me early
 05:07 10 on.
 05:07 11 MR. HEILMANN: I've been advised we'll go
 05:07 12 through this more through the process and you guys
 05:07 13 can get this information out. But I think that
 05:07 14 raises questions that you can answer.
 05:07 15 MR. OLEJNICZAK: Mr. Chairman?
 05:07 16 MR. HEILMANN: Yes.
 05:07 17 MR. OLEJNICZAK: Mr. Dahl didn't tell us what
 05:07 18 his address is.
 05:07 19 MR. DAHL: I'm 10927 Pembroke Court,
 05:07 20 Frankfort, Illinois 60453 -- 23. Sorry.
 05:07 21 MR. HEILMANN: Any further questions for
 05:07 22 Mr. Deetjen?
 05:07 23 MR. CUNNINGHAM: No.
 05:07 24 MR. HEILMANN: Mr. Deetjen, you can step
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05:07 1 down. Who's the next witness?
 05:07 2 MR. CUNNINGHAM: I'm going to call Officer
 05:07 3 Brian Williams.
 05:07 4 (WHEREUPON, the witness was
 05:07 5 duly sworn.)
 05:07 6 BRIAN WILLIAMS,
 05:07 7 called as a witness herein, having been first duly
 05:07 8 sworn, was examined and testified as follows:
 05:08 9 DIRECT EXAMINATION
 05:08 10 BY MR. CUNNINGHAM:
 05:08 11 Q. Officer Williams, will you state your
 05:08 12 name, your star, please, and what is your unit of
 05:08 13 assignment?
 05:08 14 A. Officer Williams, Star No. 336 with Oak
 05:08 15 Lawn Police Department, Patrol Division.
 05:08 16 Q. Let me direct your attention back,
 05:08 17 Officer Williams, to October the 21st of 2007, about
 05:08 18 9:30-ish in the morning. Were you working for patrol
 05:08 19 for the Village of Oak Lawn on that date and time?
 05:08 20 A. I was.
 05:08 21 Q. Will you tell us what if any kind of call
 05:08 22 you responded to on that date and time?
 05:08 23 A. I was dispatched to a sexual assault.
 05:08 24 Q. Can you tell us what was the nature of
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05:08 1 the dispatch?
 05:08 2 A. There was a young female there who came
 05:09 3 out of a room at the D-Lux Motel and approached two
 05:09 4 other patrons of the motel stating that she had been
 05:09 5 raped.
 05:09 6 Q. And those patrons of the motel, were they
 05:09 7 the individuals that made the call that you
 05:09 8 ultimately responded to?
 05:09 9 A. That is correct.
 05:09 10 Q. When you arrived on the scene of the
 05:09 11 motel, can you describe for us what you saw as you
 05:09 12 pulled up initially?
 05:09 13 A. I pulled up, I saw a vehicle there with
 05:09 14 three people sitting in it. The rear driver's side
 05:09 15 door of the vehicle was open and there was a female
 05:09 16 there sitting with her legs out of the car sitting in
 05:09 17 the back seat. She was hysterical crying. And
 05:09 18 that's pretty much what I saw when I arrived.
 05:09 19 Q. Do you now know that individual's name?
 05:09 20 A. I do.
 05:09 21 Q. Okay. Let's just refer to her as --
 05:10 22 don't refer to her name, please. Can we just refer
 05:10 23 to her as a minor?
 05:10 24 A. Yes.
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05:11 1 Q. Was she in fact a minor?
 05:11 2 A. Yes, she was.
 05:11 3 MR. RIPPY: I'm going to object to that
 05:11 4 unless there's foundation laid.
 05:11 5 MR. HEILMANN: Do you disagree that it was a
 05:11 6 minor? Didn't I hear that --
 05:11 7 MR. RIPPY: I'm trying to make a record here,
 05:11 8 President. So that's all I'm asking to do. I would
 05:11 9 ask that he lay proper foundation as to these --
 05:11 10 MR. HEILMANN: That's fine --
 05:11 11 MR. RIPPY: So that the record is perfected
 05:11 12 and needs to go to the next level. That's all.
 05:11 13 I'm trying to make a record.
 05:11 14 MR. HEILMANN: I appreciate that. I also
 05:11 15 know that -- I thought that you had said yourself
 05:11 16 earlier that that was one of the bases for your
 05:11 17 objections earlier and now you're objecting to him --
 05:11 18 his characterization --
 05:11 19 MR. RIPPY: I'm not disagreeing with it but
 05:11 20 now we're talking about evidentiary issues again.
 05:11 21 All I'm trying to do is make a record.
 05:11 22 MR. HEILMANN: Fair enough.
 05:11 23 MR. ALPERIN: I would say given the
 05:11 24 evidentiary standard, you're going to be welcome to

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05:12 1 cross examine if she is not a minor, if that's your
 05:12 2 decision. For these purposes I would overrule the
 05:12 3 objection.
 05:12 4 MR. HEILMANN: Objection overruled.
 05:12 5 BY MR. CUNNINGHAM:
 05:12 6 Q. When you approached this minor, were you
 05:12 7 working alone or were you with anyone?
 05:12 8 A. I was with another officer.
 05:12 9 Q. And who is that, sir?
 05:12 10 A. Officer Soth.
 05:12 11 Q. And other than Officer Soth and the two
 05:12 12 other patrons that you had mentioned and this minor,
 05:12 13 was there anyone else present at that time?
 05:12 14 A. Not that I can recall.
 05:12 15 Q. Can you describe for us what you did next
 05:12 16 with respect to this minor?
 05:12 17 A. I approached the minor to begin trying to
 05:12 18 get information from her as to what had occurred.
 05:12 19 Q. Let's not get into specific acts, but if
 05:12 20 you can tell us in a general sense what did she
 05:12 21 allege occurred and did she allege a place where it
 05:12 22 occurred?
 05:12 23 A. She alleged that she had been raped and
 05:12 24 she said it was in Room No. --

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05:11 1 MR. RIPPY: Objection. Based on hearsay.
 05:11 2 MR. ALPERIN: Again, given the evidentiary
 05:12 3 standards --
 05:12 4 MR. RIPPY: If I might argue this case again,
 05:12 5 I understand it's relaxed and I understand that the
 05:12 6 technical rules that are definitely relaxed but based
 05:12 7 on the case that I did present to you, your Honor,
 05:12 8 hearsay is a fundamental right. We have a
 05:12 9 fundamental right to confront and cross examine
 05:12 10 witnesses. And allowing all of this testimony to
 05:12 11 come in without bringing anybody in other than
 05:12 12 statements that an officer heard denies us that
 05:12 13 right.
 05:12 14 MR. ALPERIN: Your objection is noted.
 05:12 15 You're more than welcome to cross examine this
 05:12 16 witness all you may see fit.
 05:12 17 MR. HURCKUS: May I ask a question?
 05:12 18 MR. HEILMANN: Sure.
 05:12 19 MR. HURCKUS: Is the person who allegedly
 05:12 20 raped, was he charged and convicted? Is that already
 05:12 21 in a court?
 05:12 22 MR. ALPERIN: I don't know what the evidence
 05:12 23 will show.
 05:12 24 MR. CUNNINGHAM: I know my witnesses will

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05:12 1 have the answer to that so I can answer it to you now
 05:12 2 or you can just wait to hear it from the witnesses.
 05:12 3 Whatever you want.
 05:12 4 MR. HURCKUS: Because I think that's
 05:12 5 important.
 05:12 6 MR. CUNNINGHAM: It will come with the next
 05:12 7 witness.
 05:12 8 MR. HEILMANN: Objection is overruled. Do
 05:13 9 you have a disagreement about what is contained on
 05:13 10 the police report itself?
 05:13 11 MR. RIPPY: I don't know. I wasn't there.
 05:13 12 That's the issue. I don't know. No, I don't object
 05:13 13 to what is on the police report, but I do object as
 05:13 14 to the basis for that statement. These are hearsay
 05:13 15 statements. Offer for the truth of the matter
 05:13 16 asserted. That's the basis for my objection.
 05:13 17 MR. HEILMANN: Okay. Thanks. Proceed.
 05:13 18 BY MR. CUNNINGHAM:
 05:13 19 Q. I think I asked you last what did you do
 05:13 20 next with this minor?
 05:13 21 A. I began talking to her trying to get
 05:13 22 information from her.
 05:13 23 Q. And you had indicated she had alleged a
 05:13 24 sexual assault?

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05:14 1 **A That is correct.**
 05:14 2 **Q.** Did she give you a location where it had
 05:14 3 occurred and a time frame when it had occurred?
 05:14 4 **A She said it occurred in a Room No. 12 of**
 05:14 5 **the D-Lux Motel and she said it had occurred**
 05:14 6 **throughout the early morning hours until when she**
 05:14 7 **came out of the room.**
 05:14 8 **Q** When she came out the room?
 05:14 9 **A. Yeah.**
 05:14 10 **Q.** When you had this discussion with her,
 05:14 11 did she ever make any statements to you with respect
 05:14 12 to how many other people were in the room at that
 05:14 13 time?
 05:14 14 **A Yes.**
 05:14 15 **Q.** What did she tell you?
 05:14 16 **A. She stated that there was six to seven**
 05:14 17 **people in the room.**
 05:14 18 MR. RIPPY: Again, I'm going object and I
 05:14 19 don't know if you want me to just make a running
 05:14 20 objection as to hearsay. I do feel I need to protect
 05:14 21 my record and I apologize. I'm not trying to
 05:14 22 interrupt Mr. Cunningham or throw him off, but the
 05:14 23 fact of the matter is if I don't make these
 05:14 24 objections, I'm essentially waiving them at the next

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05:14 1 step if it goes to that.
 05:14 2 MR. ALPERIN: I understand.
 05:14 3 MR. RIPPY: So I apologize but again I am
 05:14 4 going to object to the hearsay.
 05:14 5 MR. ALPERIN: This was also subject of your
 05:14 6 motion if I understand correctly.
 05:14 7 MR. RIPPY: Correct and I would object to it
 05:14 8 as a basis of my motion as well.
 05:14 9 MR. ALPERIN: I recommend you overrule the
 05:14 10 objection
 05:14 11 MR. HEILMANN: Okay. Overruled.
 05:14 12 BY MR. CUNNINGHAM:
 05:14 13 **Q.** You had indicated, Officer, that she had
 05:14 14 told you that there were a certain number of
 05:14 15 individuals in the room; is that correct?
 05:14 16 **A. Yes.**
 05:14 17 **Q.** Was she able to break down those
 05:14 18 individuals in terms of identification in terms of
 05:14 19 males and females?
 05:14 20 **A. Yes.**
 05:14 21 **Q.** And was she able to provide you with some
 05:14 22 names?
 05:14 23 **A. Yes, she was.**
 05:14 24 **Q.** Now you were a beat officer; is that

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05:15 1 correct?
 05:15 2 **A. That is correct.**
 05:15 3 **Q.** With a case of this type of nature, what
 05:15 4 are your duties to do for a case of this nature?
 05:15 5 **A. My duties are to -- if I'm one of the**
 05:15 6 **first officers on scene, I am to report the facts as**
 05:15 7 **I see them on my arrival. I also get in contact with**
 05:15 8 **supervisors and detectives and evidence technicians**
 05:15 9 **to aid in the documentation of what had occurred.**
 05:15 10 **Q.** After you took some preliminary
 05:15 11 statements from this minor, what did you do next with
 05:15 12 respect to her?
 05:15 13 **A. With respect to her, she was then taken**
 05:15 14 **to Christ Hospital by ambulance.**
 05:15 15 **Q.** And did you do any other steps with
 05:16 16 respect to your investigation there on the scene of
 05:16 17 the D-Lux?
 05:16 18 **A. Yes, I did.**
 05:16 19 **Q.** What did you do next?
 05:16 20 **A. I also talked to Edward Sircher.**
 05:16 21 **Q.** Can you identify Edward Sircher in this
 05:16 22 room?
 05:16 23 **A. Yes, he's wearing the blue shirt at the**
 05:16 24 **table.**

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05:16 1 MR. CUNNINGHAM: The record should reflect --
 05:16 2 MR. RIPPY: We stipulate.
 05:16 3 BY MR. CUNNINGHAM:
 05:16 4 **Q.** Where did you have a conversation with
 05:16 5 Edward Sircher?
 05:16 6 **A. It was in the parking lot at the D-Lux.**
 05:16 7 **Q.** What was that conversation regarding?
 05:16 8 **A. It was regarding the events that occurred**
 05:16 9 **that morning.**
 05:16 10 **Q.** Did you make inquiries of him as to who
 05:16 11 rented the room and when and what he knew about that?
 05:16 12 **A. Yes, I did.**
 05:16 13 **Q.** What did Mr. Sircher tell you had
 05:16 14 occurred with respect to the rental of that room, No.
 05:16 15 12?
 05:16 16 **A. He stated that the room had been rented**
 05:16 17 **out approximately 0330 to 0400 hours that morning and**
 05:16 18 **to one person, which he gave us a registration card**
 05:17 19 **for. He also stated that about 0500 hours that**
 05:17 20 **morning he heard laughter and giggling coming from**
 05:17 21 **Room No. 12 and that he could see the light coming**
 05:17 22 **from that room because the door was open.**
 05:17 23 **Q.** Did he state that he did anything when he
 05:17 24 heard this noise coming from the room?

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05:17 1 **A. Yes, he did.**
 05:17 2 **Q.** What did he state that he did?
 05:17 3 **A. He said he went to a room where he talked**
 05:17 4 **to a female from the room, asked them to keep it**
 05:17 5 **down. He said that he could tell there was more than**
 05:17 6 **two people in the room and also that was a violation**
 05:17 7 **of the policy because there are not supposed to be**
 05:17 8 **more than two people in the room.**

05:17 9 He asked them to keep it down. The
 05:17 10 female stated that she would and she closed the door
 05:17 11 and he had walked away.

05:17 12 **Q.** Was there, to your knowledge, any report
 05:17 13 made to the Oak Lawn Fire Department or the Oak Lawn
 05:17 14 Police Department to ask for aid in this situation
 05:17 15 with the room?

05:17 16 **A. I do not recall.**

05:18 17 **Q.** Did Mr. Sircher tell you that he did
 05:18 18 anything else other than ask the people in the room
 05:18 19 to please keep the noise down?

05:18 20 **A. No, did he not.**

05:18 21 **Q.** And based on the statements that the
 05:18 22 minor had given you, how many people were estimated
 05:18 23 in the room at that time?

05:18 24 **A. Approximately six to seven people.**

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05:18 1 **Q.** After you got this information, you
 05:18 2 turned the matter over to your detective division; is
 05:18 3 that correct?

05:18 4 **A. That is correct.**

05:18 5 **Q.** And the detective who then did the
 05:18 6 follow-up work with respect to this case is Officer
 05:18 7 Brian Duffy; is that correct?

05:18 8 **A. That is correct.**

05:18 9 **Q.** Did you gather any further information
 05:18 10 other than what you just testified to with respect to
 05:18 11 this case?

05:18 12 **A. No, I did not.**

05:18 13 MR. CUNNINGHAM: I'm going to tender him over
 05:18 14 at this time, Judge.

05:18 15 MR. HEILMANN: Cross?

05:18 16 MR. RIPPY: Thank you.

CROSS EXAMINATION

05:18 18 BY MR. RIPPY:

05:18 19 **Q.** Officer, was there any indication that
 05:18 20 any outcry was made to my client when he went to the
 05:18 21 room?

05:18 22 **A. He didn't state that to me.**

05:18 23 **Q.** Did the victim state that she had made an
 05:18 24 outcry to anybody prior to 9:00?

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05:19 1 **A. When I got there, the victim was**
 05:19 2 **hysterical. It was hard for me to get any**
 05:19 3 **information from her.**

05:19 4 **Q.** Okay. Was there any indication that --
 05:19 5 now when you spoke to my client, isn't it in fact
 05:19 6 true that he told that he believed there were three
 05:19 7 people in the room?

05:19 8 **A. I do not recall that.**

05:19 9 **Q.** It's possible though?

05:19 10 **A. Not that I recall.**

05:19 11 **Q.** Okay. Now was the female -- was there
 05:19 12 any indication whether the female at the door that
 05:19 13 met with my client was the victim in that matter?

05:19 14 **A. That I do not know.**

05:19 15 **Q.** So there is no determination as to
 05:19 16 whether or not the victim in this cause was in fact
 05:19 17 the person that spoke with my client?

05:19 18 **A. I do not know.**

05:19 19 **Q.** Okay. Was there any indication by you
 05:19 20 that at the time that my client had made contact with
 05:20 21 the room that there was any reason for him to know
 05:20 22 that anything illegal or untoward was going on in
 05:20 23 that room?

05:20 24 **A. I do not know. I just know what he told**

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05:20 1 **me.**

05:20 2 **Q.** Did you have any other indication to
 05:20 3 believe otherwise to not believe what he told you?

05:20 4 **A. I was just gathering facts at the time so**
 05:20 5 **what he said is what I knew.**

05:20 6 **Q.** Okay. Did you have any opinion?

05:20 7 **A. My job is not opinion. My job is to**
 05:20 8 **record the facts.**

05:20 9 **Q.** Well, in fact your job -- you do form
 05:20 10 opinions on a daily basis; correct? I mean, you have
 05:20 11 the ability to make an arrest; correct?

05:20 12 **A. That is correct.**

05:20 13 **Q.** That is part of your job performance; is
 05:20 14 that correct?

05:20 15 **A. That is correct.**

05:20 16 **Q.** You do that probably on a daily basis?

05:20 17 **A. I would try to.**

05:20 18 **Q.** And that's based on your opinions; right?

05:20 19 **A. No, that's based on the facts of the**
 05:20 20 **case.**

05:20 21 **Q.** That's based -- okay. Officer, any
 05:21 22 reason for you to cite my client on that day for any
 05:21 23 illegal activity or anything that you may have
 05:21 24 thought he -- or facts dictated that he had done?

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05:21 1 **A. My job at the time I arrived on scene was**
05:21 2 **to take care of the alleged sex assault that had**
05:21 3 **occurred. I was not looking at anything else at the**
05:21 4 **time. My primary concern was the sex assault.**

05:21 5 Q. Investigating it; correct?

05:21 6 A. That's correct.

05:21 7 Q. Did your investigation turn out any
05:21 8 reason to cite my client for anything on that day?

05:21 9 A. **As I told you earlier, my only concern at**
05:21 10 **that point in time was a sex assault.**

05:21 11 Q. Okay. At that time. But at some point,
05:21 12 though, your concern turned to other things. At any
05:21 13 point did you ever cite my client for any wrongdoing
05:21 14 on that day?

05:21 15 A. **No, I didn't. At that time, like I said,**
05:21 16 **I was with the sex assault. That was my concern.**
05:21 17 **After the sex assault, everything was turned over to**
05:21 18 **the detectives.**

05:21 19 Q. Okay. Was my client cooperative with
05:21 20 you?

05:21 21 A. **Yes, he was.**

05:21 22 Q. Okay. At any point in time during your
05:21 23 investigation, did he ever stonewall or not work with
05:21 24 you in any way, shape, or form?

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05:21 1 A. **No, he did not.**

05:21 2 Q. Did you recall his demeanor at that time?
05:21 3 Was he upset about the occurrence?

05:21 4 A. **That I do not recall.**

05:21 5 Q. Okay. So it's possible?

05:21 6 A. **It is, yes.**

05:21 7 MR. RIPPY: Nothing further.

05:21 8 MR. HEILMANN: Redirect?

05:21 9 MR. CUNNINGHAM: Just one question.

REDIRECT EXAMINATION

05:21 11 BY MR. CUNNINGHAM:

05:21 12 Q. In viewing this minor, is there anything
05:21 13 about her that would have made her appear to look as
05:21 14 if she were an adult?

05:21 15 A. **When I arrived on scene, she appeared to**
05:21 16 **be a young female in her early to mid teens.**

05:21 17 MR. CUNNINGHAM: Nothing further on that.

05:21 18 MR. HEILMANN: Next witness.

05:21 19 MR. CUNNINGHAM: Thank you.

05:21 20 MR. ALPERIN: I'm going to interject myself
05:21 21 here. Counsel, is there any problem with a

05:21 22 stipulation with respect to the police report of that
05:21 23 occurrence being submitted under seal as evidence?

05:21 24 The reason I say under seal is because of the minor's

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05:22 1 name.

05:22 2 MR. RIPPY: And I would still object to that
05:23 3 at this time unless -- I believe the testimony should
05:23 4 come out through the witnesses, not their report.

05:23 5 MR. ALPERIN: I understand. How about the
05:23 6 notice of appeal?

05:23 7 MR. RIPPY: Our notice of appeal?

05:23 8 MR. ALPERIN: Yeah.

05:23 9 MR. RIPPY: I have no objection to that.

05:23 10 MR. ALPERIN: Is that okay with --

05:23 11 MR. CUNNINGHAM: Yes, sir, that's fine.

05:23 12 MR. ALPERIN: So the notice of appeal has
05:23 13 been stipulated into evidence. Go ahead.

(WHEREUPON, the witness was
duly sworn.)

BRIAN DUFFY,

called as a witness herein, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

Q. Sir, will you state your name please and
your unit of assignment and your star?

A. **My name is Detective Brian Duffy. My**
star number is 228. I'm a detective with

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investigations.

Q. Okay. Detective Duffy, were you assigned
to handle the sexual assault that was alleged to have
occurred October the 21st in Room 12 of the D-Lux
Motel?

A. **That's correct.**

Q. And just for specificity, October 21,
2007; correct?

A. **That's correct.**

Q. In that regard, did you have a
conversation with a minor who identified herself as
the victim in that matter?

A. **I did.**

Q. We're going to refrain from using her
name, sir, so if we can just continue to refer to her
as the minor who identified herself as the victim, if
that's acceptable. In speaking with her, sir, where
did that conversation occur?

A. **I spoke to her first at Christ Hospital.**

Q. And when you spoke with her, was she able
to have calmed herself down from her earlier
condition with Officer Williams?

A. **Yes, she had.**

Q. In that then condition, were you able to

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05:24 1 ascertain her name and her age?
 05:24 2 **A. Yes.**
 05:24 3 **Q.** And you have recorded her name and her
 05:24 4 age, sir, in your police report with respect to this
 05:24 5 matter; is that correct?
 05:24 6 **A. Yes.**
 05:24 7 **Q.** Officer, in conversing with the minor who
 05:25 8 identified herself as the victim, did you have a
 05:25 9 conversation with her with respect to what happened,
 05:25 10 when it happened, and who else might have been
 05:25 11 present at the time?
 05:25 12 **A. Yes, I did.**
 05:25 13 **Q.** Can you tell us -- and we don't want to
 05:25 14 get into the specific alleged sex acts -- but did she
 05:25 15 identify a perpetrator or perpetrators?
 05:25 16 **A. Yes, she did.**
 05:25 17 **Q.** How many people did she identify as
 05:25 18 perpetrators?
 05:25 19 **A. She identified four males.**
 05:25 20 **Q.** The perpetrators in the incident?
 05:25 21 **A. Yes.**
 05:25 22 **Q.** Did she state where the acts would have
 05:25 23 occurred?
 05:25 24 **A. Yes, she did.**

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05:25 1 **Q.** Where did she state the acts occurred?
 05:25 2 **A. In Room 12 of the D-Lux Budget Motel.**
 05:25 3 **Q.** And did she give you a --
 05:25 4 MR. RIPPY: I'm going to object as to
 05:25 5 hearsay. Ruling on hearsay evidence.
 05:25 6 MR. ALPERIN: Again I'll recommend overruling
 05:25 7 that objection.
 05:25 8 MR. HEILMANN: Overruled.
 05:25 9 BY MR. CUNNINGHAM:
 05:25 10 **Q.** Did she give you a time frame for this?
 05:25 11 **A. After 3:00 or 4:00 in the morning --**
 05:25 12 **between 4:00 in the morning until 8:30 in the**
 05:25 13 **morning.**
 05:25 14 **Q.** And, sir, in identifying her -- the
 05:25 15 perpetrators, was she able to give you names and were
 05:25 16 you able to then identify these individuals?
 05:25 17 **A. Yes, I did.**
 05:25 18 **Q.** They're all adults, so we can use their
 05:25 19 names?
 05:25 20 **A. Yes.**
 05:25 21 **Q.** Are there any active prosecutions with
 05:25 22 respect to those four identified perpetrators?
 05:25 23 **A. Yes, there is.**
 05:25 24 **Q.** Okay. Can you tell us their names and

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05:26 1 the status quo, if you know, of those prosecutions?
 05:26 2 **A. I was in court today. There's Tariq**
 05:26 3 **Mohammed is in custody at Cook County Jail. He's I**
 05:26 4 **believe 21 or 22 years old. Oscar Torres is 26 years**
 05:26 5 **old and Luis Villa is 28 years old and another person**
 05:26 6 **who is a fugitive, Jose Rosario, I believe is 18**
 05:26 7 **years old.**
 05:26 8 **Q.** Are those four individuals that you just
 05:27 9 named, do you know who was the individual who rented
 05:27 10 the room?
 05:27 11 **A. Yes, I do. Tariq Mohammed.**
 05:27 12 **Q.** And did you have conversations with
 05:27 13 respect to Tariq Mohammed and this case?
 05:27 14 **A. Yes, I did.**
 05:27 15 **Q.** Did you have conversations with any other
 05:27 16 individuals who were alleged to have been in the
 05:27 17 room, sir?
 05:27 18 **A. I did.**
 05:27 19 **Q.** Okay. With respect to those who would be
 05:27 20 an adult, can you identify them by name and with
 05:27 21 respect to anybody who would be a minor, identify
 05:27 22 them just as a minor?
 05:27 23 **A. I spoke with Erica Mercado. She is an**
 05:27 24 **18-year-old female. She was in the room. And the**

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05:27 1 **two juveniles. I spoke with the victim and her**
 05:27 2 **friend, A. V., who was also 14 years old.**
 05:27 3 **Q.** So with respect to the individuals in the
 05:27 4 room, you've named and aged the males and then we
 05:27 5 have an 18-year-old female and two 14-year-old
 05:28 6 females; is that correct?
 05:28 7 **A. That's correct.**
 05:28 8 **Q.** And one of those 14-year-old females
 05:28 9 identifies herself as a victim of sexual assault?
 05:28 10 **A. That's correct.**
 05:28 11 **Q.** Officer, in the course of speaking with
 05:28 12 the 18-year-old female, did you have a conversation
 05:28 13 with her with respect to what if any interaction she
 05:28 14 would have had with the night clerk or the motel
 05:28 15 manager, Mr. Edward Sircher?
 05:28 16 **A. Yes, I did.**
 05:28 17 **Q.** And can you tell us what she related to
 05:28 18 you about her interaction with Mr. Edward Sircher on
 05:28 19 those early morning hours?
 05:28 20 **A. She indicated that she was the female**
 05:28 21 **that opened the door when Mr. Sircher came down to**
 05:28 22 **tell the room to quiet down.**
 05:28 23 MR. RIPPY: I'm going to object again as to
 05:28 24 hearsay.

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05:28 1 MR. ALPERIN: And again I would recommend
05:28 2 overruling the objection and I assume this is also
05:28 3 contained in the police report, Counsel.

05:29 4 MR. CUNNINGHAM: Yes, sir.

05:29 5 MR. HEILMANN: Mr. Sircher -- is overruled.

05:29 6 BY MR. CUNNINGHAM:

05:29 7 Q. What did she indicate was the amount of
05:29 8 people in the room at the time Mr. Sircher made
05:29 9 contact with her at the room?

05:29 10 A. **Seven.**

05:29 11 Q. What do you understand the fire code and
05:29 12 load capacity to be for Room 12?

05:29 13 A. **I believe it's only two.**

05:29 14 MR. RIPPY: Objection as to foundation.

05:29 15 MR. ALPERIN: Can you follow up on that,
05:29 16 Counsel?

05:29 17 BY MR. CUNNINGHAM:

05:29 18 Q. How many years have you been a police
05:29 19 officer with the Village of Oak Lawn?

05:29 20 A. **Twenty-five.**

05:29 21 Q. How many times have you had contact with
05:29 22 the D-Lux Motel in those 25 years?

05:29 23 A. **I can't count.**

05:29 24 Q. Okay. Have you found yourself in those
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05:29 1 countless occasions to have found your way into the
05:29 2 rooms of the D-Lux Motel?

05:29 3 A. **Yes, I have.**

05:29 4 Q. Are they large rooms?

05:29 5 A. **No, they are not.**

05:29 6 Q. Would you describe them as very small
05:29 7 rooms?

05:29 8 A. **It's a bed and a washroom.**

05:29 9 Q. And is that what you use as your basis of
05:29 10 25 years of experience to determine what the load
05:29 11 capacity is for that room?

05:29 12 A. **Yes, sir.**

05:30 13 MR. RIPPY: Objection. If that's the basis,
05:30 14 then I don't believe he's laid a proper foundation as
05:30 15 to what the occupancy load under the International
05:30 16 Fire Code would be other than his opinion as a police
05:30 17 officer, not a firefighter, to lay a foundation for
05:30 18 an occupancy load and a fire code as to those
05:30 19 specific rooms.

05:30 20 MR. HEILMANN: Are you disputing the
05:30 21 occupancy load?

05:30 22 MR. RIPPY: Yes.

05:30 23 MR. HEILMANN: So you're saying it's not two.

05:30 24 MR. RIPPY: I don't know --

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05:30 1 MR. HEILMANN: Are you putting on evidence
05:30 2 today that says it's not two, that they're allowed to
05:30 3 have more than two?

05:30 4 MR. RIPPY: No, but I plan on showing to -- I
05:30 5 don't believe it's my duty -- I don't believe I have
05:30 6 a duty at this point to put on any evidence if I so
05:30 7 choose not to.

05:30 8 MR. HEILMANN: I appreciate that. I'm just
05:30 9 wondering if you're disagreeing that it's two?

05:30 10 MR. RIPPY: I am. I guess I need a point of
05:30 11 clarification here. Whether I disagree with
05:31 12 something or not I don't believe alleviates the

05:31 13 Village's duty to prove a fact. So whether or not I
05:31 14 intend at some point to put on evidence that the

05:31 15 load -- my own witness says is not two people. I
05:31 16 don't believe it alleviates a foundational basis for
05:31 17 what that load might be. I mean I --

05:31 18 MR. HEILMANN: Well, under a relaxed standard
05:31 19 of evidence or standard of proof in terms of

05:31 20 evidentiary rules, my understanding is and I'll let
05:31 21 counsel correct me is that if you're making

05:31 22 objections on evidence that you in fact do not even
05:31 23 disagree with coming and being heard by the Board,

05:31 24 then certainly I would be more inclined to say, let
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05:31 1 it in versus something that you say, no, I make an
05:31 2 objection because I don't believe that ever should be
05:31 3 coming into evidence and be considered by the body
05:31 4 making the decision. So that certainly --

05:31 5 MR. RIPPY: I certainly understand that.

05:31 6 Anything I object to, I think it's safe to say I
05:31 7 disagree with coming in.

05:31 8 MR. HEILMANN: Of course. Fair enough.

05:31 9 MR. ALPERIN: Just for this objection, I
05:32 10 think the objection really goes to the weight of the
05:32 11 evidence that's being testified to by the witness.

05:32 12 You're going to have the opportunity to cross examine
05:32 13 the witness if you so choose as to whether or not he

05:32 14 has knowledge of the fire code or not. With that
05:32 15 being in mind along with the relaxed evidentiary
05:32 16 standards, I'd overrule the objections.

05:32 17 MR. HEILMANN: Okay. I follow counsel's
05:32 18 advice. Overruled.

05:32 19 MR. CUNNINGHAM: I'm not exactly sure where
05:32 20 we were but I think we were --

05:32 21 MR. RIPPY: I wouldn't object if you wanted
05:32 22 to have the court reporter read back your question.

05:32 23 MR. CUNNINGHAM: Let's backtrack back to
05:32 24 where we were.

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05:32 1 BY MR. CUNNINGHAM:
 05:32 2 Q. Officer, you had I think identified that
 05:32 3 the 18-year-old female had stated that there were
 05:32 4 seven people in the room when she had her contact
 05:32 5 with Mr. Sircher; is that correct?
 05:32 6 A. **That's correct.**
 05:32 7 Q. Did she indicate what she was doing just
 05:32 8 prior to having had made contact with Mr. Sircher?
 05:32 9 A. **I believe that she was out front smoking**
 05:32 10 **a cigarette and talking to another one of the members**
 05:32 11 **of the party.**
 05:32 12 Q. And where did Mr. Sircher come from if
 05:32 13 you know?
 05:32 14 A. **I believe from the main office.**
 05:32 15 Q. And did she indicate what the nature of
 05:32 16 her conversation was with Mr. Sircher at that time?
 05:32 17 A. **He said, I need you guys to keep it down.**
 05:32 18 **I know there's more than two people in there.**
 05:32 19 Q. And at that time your understanding of
 05:32 20 the occupancy of the room is two 14-year-old females,
 05:32 21 one 18-year-old female and then the four perpetrators
 05:32 22 that you have identified --
 05:32 23 A. **That's correct.**
 05:32 24 Q. -- is that correct? With respect to,
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05:33 1 the minor who was identified as a witness, did
 05:33 2 you have a conversation with her as well?
 05:33 3 A. **I did.**
 05:33 4 Q. Did she confirm for you the same amount
 05:33 5 of people in the room as did the minor who identified
 05:33 6 herself as the victim and the 18-year-old girl?
 05:33 7 A. **Yes, she did.**
 05:33 8 Q. And that number was seven from that
 05:33 9 witness as well?
 05:33 10 A. **That's right.**
 05:33 11 Q. Other than those three witnesses who
 05:34 12 stated that there were seven people in the room when
 05:34 13 Mr. Sircher made his contact with the room, did you
 05:34 14 speak with any of those four male perpetrators?
 05:34 15 A. **Just Tariq Mohammed.**
 05:34 16 Q. At the time that you spoke with Tariq
 05:34 17 Mohammed, what had occurred with the other three
 05:34 18 individuals?
 05:34 19 A. **They had left the room.**
 05:34 20 Q. And Tariq Mohammed, where was he when you
 05:34 21 were assigned this matter?
 05:34 22 A. **Well, we went and picked up Tariq**
 05:34 23 **Mohammed.**
 05:34 24 Q. And you used the address that was
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05:34 1 provided by way of the card that he filled out
 05:34 2 renting the room?
 05:34 3 A. **That's correct, that's correct.**
 05:34 4 Q. With respect to Tariq Mohammed, did he
 05:34 5 make admissions as to his involvement in the sexual
 05:34 6 assault?
 05:34 7 A. **Yes, he did.**
 05:34 8 Q. Did he make admissions as to the
 05:34 9 involvement of the other three individuals in the
 05:34 10 alleged sexual assault?
 05:34 11 A. **Yes, he did.**
 05:34 12 Q. Ultimately when you concluded your
 05:34 13 investigation of Tariq Mohammed, was he then charged
 05:34 14 by the Cook County State's Attorney?
 05:34 15 A. **Yes, he was.**
 05:34 16 Q. This would have occurred on October the
 05:35 17 21st of 2007; is that correct?
 05:35 18 A. **I believe that we picked him up on the**
 05:35 19 **following day on the 22nd. I'm not certain of that**
 05:35 20 **but I believe it was the 22nd.**
 05:35 21 Q. And he's remained in custody since that
 05:35 22 day; is that correct?
 05:35 23 A. **That's correct.**
 05:35 24 Q. His case is still pending, alive and
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05:35 1 active in Cook County; is that correct?
 05:35 2 A. **Yes, it is.**
 05:35 3 MR. CUNNINGHAM: I notice -- I'm sorry to
 05:35 4 stop -- but we're missing Trustee Hurckus. Should I
 05:35 5 continue or take a pause?
 05:35 6 MR. HEILMANN: He has another obligation and
 05:35 7 so advised me he would have to depart.
 05:35 8 MR. CUNNINGHAM: Okay. So I should continue.
 05:35 9 MR. HEILMANN: Please continue.
 05:35 10 BY MR. CUNNINGHAM:
 05:35 11 Q. Officer, after Tariq Mohammed was
 05:35 12 charged, did you do anything with respect to those
 05:35 13 other three individuals who you had not yet made
 05:35 14 arrest or contacted?
 05:35 15 A. **I filed reports and I filed with the**
 05:35 16 **State's Attorney and I got three warrants -- a**
 05:35 17 **warrant for each of them.**
 05:35 18 Q. Now you identified yourself as having
 05:35 19 been in court today with two of those guys in
 05:35 20 custody, so those two can you state their names again
 05:36 21 for the record?
 05:36 22 A. **Yes, Luis Villa -- they're no longer in**
 05:36 23 **custody, they've bonded out.**
 05:36 24 Q. Okay. How long --
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05:36 1 **A. And Oscar Torres. I'm sorry.**
 05:36 2 **Q.** So they were fugitives for a period of
 05:36 3 time and then arrested and now on bond; is that
 05:36 4 correct?
 05:36 5 **A. That's correct.**
 05:36 6 **Q.** And one individual is still a fugitive;
 05:36 7 is that correct?
 05:36 8 **A. Yes.**
 05:36 9 **Q.** Which individual is that?
 05:36 10 **A. That's Jose Rosario.**
 05:36 11 **Q.** Now all of your attention is focused upon
 05:36 12 the prosecution and putting an investigation together
 05:36 13 of the sexual assault; is that correct?
 05:36 14 **A. That's correct.**
 05:36 15 **Q.** No one involved in this case spent time
 05:36 16 from this matter to investigate the motel; is that
 05:36 17 correct?
 05:36 18 **A. No.**
 05:36 19 **Q.** The statements that were made by
 05:36 20 Mr. Sircher to Officer Williams, that's the extent of
 05:36 21 the police interaction with regard to that statement;
 05:36 22 is that correct?
 05:36 23 **A. That's correct.**
 05:36 24 **Q.** And you simply confirmed that you did in
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05:36 1 fact make this contact with the room in the early
 05:36 2 morning hours. This was confirmed through the
 05:36 3 offenders and the other witnesses; is that correct?
 05:36 4 **A. That's right.**
 05:36 5 **Q.** Did Tariq Mohammed also confirm that
 05:36 6 Mr. Sircher made contact with the room?
 05:36 7 **A. I don't recall if he did or not.**
 05:36 8 **Q.** Do you know, sir, whether or not sexual
 05:36 9 assaults occurred in that room after Mr. Sircher made
 05:36 10 contact with the room but did not break up the party?
 05:36 11 **A. Yes.**
 05:36 12 MR. RIPPY: Objection as to foundation.
 05:36 13 MR. ALPERIN: I missed the question. Can you
 05:36 14 read it back?
 05:36 15 MR. HEILMANN: Can you read the testimony?
 05:36 16 (WHEREUPON, the record was
 05:36 17 read by the reporter.)
 05:36 18 MR. ALPERIN: You know, I think perhaps that
 05:36 19 counsel should try to rephrase that question.
 05:36 20 MR. HEILMANN: The objection is foundation?
 05:36 21 MR. RIPPY: That's correct.
 05:36 22 MR. HEILMANN: Okay. Sustained. Do you want
 05:36 23 to try to rephrase that?
 05:36 24 MR. CUNNINGHAM: Yes, sir.
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05:38 1 BY MR. CUNNINGHAM:
 05:38 2 **Q.** If your conversations with the victim --
 05:38 3 with the minor who identified herself as a victim,
 05:38 4 did she give an indication to you as to whether or
 05:38 5 not she was sexually assaulted any time after
 05:38 6 Mr. Sircher made his contact with the room?
 05:38 7 **A. Yes.**
 05:38 8 **Q.** Was she able to do that by identifying a
 05:38 9 perpetrator and an act?
 05:38 10 **A. Yes.**
 05:38 11 MR. RIPPY: And at this point, I'll object to
 05:38 12 hearsay.
 05:38 13 MR. ALPERIN: And I'll recommend overruling
 05:38 14 that objection.
 05:38 15 MR. HEILMANN: Overruled.
 05:38 16 MR. CUNNINGHAM: I'm just going to take a
 05:38 17 moment.
 05:38 18 MR. HEILMANN: Sure. That's all right.
 05:38 19 BY MR. CUNNINGHAM:
 05:40 20 **Q.** Officer, I'm going to show you these two
 05:40 21 birth certificates from David Orr's office asking if
 05:40 22 you could identify -- let me just call them -- I
 05:40 23 think we're on C and D. I'll call this one here C
 05:40 24 and this one here D.
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1 (WHEREUPON, certain
 2 documents were marked
 3 Exhibit C and Exhibit D
 05:40 4 for identification.)
 05:40 5 MR. ALPERIN: Just for the record, can I
 05:40 6 clarify that the notice of appeal that was filed for
 05:40 7 the appeal to this tribunal is going to be E? That
 05:40 8 we stipulated to; correct?
 05:40 9 MR. RIPPY: I'm sorry --
 05:40 10 MR. ALPERIN: The notice of appeal that you
 05:40 11 guys filed.
 05:40 12 MR. RIPPY: Yes, I will stipulate to the
 05:40 13 notice of appeal.
 05:41 14 MR. ALPERIN: And that will be E.
 15 (WHEREUPON, a certain
 16 document was marked
 17 Exhibit E for
 18 identification.)
 05:41 19 MR. ALPERIN: Sorry, Counsel.
 05:41 20 BY MR. CUNNINGHAM:
 05:41 21 **Q.** These are the birth certificates of the
 05:41 22 minor, so I don't want you to identify by name. But
 05:41 23 if you could tell us after having reviewed Exhibit
 05:41 24 No. C, is that the name and the birth date, sir, of
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05:41 1 the woman who identified herself as the witness, the
 05:42 2 minor witness?
 05:43 3 **A. That's correct.**
 05:44 4 **Q.** And then D, sir, is that name and birth
 05:45 5 date consistent with the woman who identified herself
 05:46 6 as the victim?
 05:47 7 **A. That's correct.**
 05:48 8 MR. RIPPY: I will object to both of these
 05:49 9 based on hearsay and based on no foundation
 05:50 10 whatsoever being laid for those documents.
 05:51 11 MR. ALPERIN: Just looking at the document
 05:52 12 and indicating if the name is the same, I don't see a
 05:53 13 problem with that.
 05:54 14 MR. RIPPY: I believe there was an indication
 05:55 15 that they're birth certificates. I need to object to
 05:56 16 that at this point unless there's a foundation to lay
 05:57 17 that they're official certificates kept by the
 05:58 18 recorder.
 05:59 19 MR. ALPERIN: Birth certificates are public
 06:00 20 documents as well, so let's just move on.
 06:01 21 MR. HEILMANN: Overruled. I do want
 06:02 22 to ask -- since the police officers are testifying as
 06:03 23 to information contained in a police report, it is
 06:04 24 kept as a business record, if you're objecting to the

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06:05 1 police report because to my knowledge that's what
 06:06 2 most of his testimony -- are you objecting to the
 06:07 3 information contained on the police report?
 06:08 4 MR. RIPPY: Yes.
 06:09 5 MR. HEILMANN: Let's take five minutes and
 06:10 6 resume and I'll talk to the rest of the Board about
 06:11 7 everyone's time, where we stand. Okay.
 06:12 8 (WHEREUPON, a recess was
 06:13 9 had.)
 06:14 10 MR. HEILMANN: Okay. Let's resume.
 06:15 11 MR. CUNNINGHAM: Thank you. I think we left
 06:16 12 off with the officer having identified C and D and
 06:17 13 then I would just finish up with him identifying his
 06:18 14 incident report.
 06:19 15 BY MR. CUNNINGHAM:
 06:20 16 **Q.** I'd ask you to just take a look through
 06:21 17 that, Officer, and tell us if you identify the case
 06:22 18 report before you --
 06:23 19 MR. CUNNINGHAM: And E was the appeal; is
 06:24 20 that right?
 06:25 21 MR. ALPERIN: E was the notice of appeal, so
 06:26 22 this would be F.
 06:27 23 MR. CUNNINGHAM: Thank you.
 06:28 24 (WHEREUPON, a certain

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05:52 1 document was marked
 05:53 2 Exhibit F for
 05:54 3 identification.)
 05:55 4 BY THE WITNESS:
 05:56 5 **A. This is Officer Brian Williams' report**
 05:57 6 **right here.**
 05:58 7 BY MR. CUNNINGHAM:
 05:59 8 **Q.** And did you rely on that, sir, in
 06:00 9 conducting your investigation?
 06:01 10 **A. I did.**
 06:02 11 **Q.** Is your investigation then a reference
 06:03 12 to -- a supplemental to Officer Brian Williams'
 06:04 13 report?
 06:05 14 **A. That's correct.**
 06:06 15 **Q.** And does Exhibit F continue on to your
 06:07 16 supplemental report?
 06:08 17 **A. Yes, this is mine. I may have done two**
 06:09 18 **or three supplementals on this one. This is one.**
 06:10 19 **Q.** Is it fair to say that all those
 06:11 20 supplementals are all referenced under the same case
 06:12 21 number?
 06:13 22 **A. That's correct.**
 06:14 23 **Q.** Can you read that case number, sir, for
 06:15 24 us into the record.

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05:52 1 **A. Case number is 07-35665.**
 05:53 2 **Q.** And that is your Oak Lawn case number;
 05:54 3 correct?
 05:55 4 **A. That's correct.**
 05:56 5 **Q.** And that's not to be confused with the
 05:57 6 prosecution numbers for these defendants?
 05:58 7 **A. No.**
 05:59 8 **Q.** Does that truly and accurately reflect
 06:00 9 summaries of the statements and identifying
 06:01 10 information of the witnesses and the defendants in
 06:02 11 the case?
 06:03 12 **A. Yes, sir, it does.**
 06:04 13 MR. CUNNINGHAM: I'm going to tender over the
 06:05 14 witness at this time.
 06:06 15 MR. HEILMANN: Okay.
 06:07 16 MR. RIPPY: And I believe I've already done
 06:08 17 it for the record, but I just want to renew if I
 06:09 18 haven't my objection to the entry of those exhibits.
 06:10 19 MR. ALPERIN: C, D, and F? You didn't make a
 06:11 20 motion to enter C, D and F into evidence; is that
 06:12 21 right?
 06:13 22 MR. CUNNINGHAM: I had intended to do that at
 06:14 23 the close of his cross examination.
 06:15 24 MR. ALPERIN: I understand. Why don't we --

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05:51 1 MR. HEILMANN: Want to just do it now?
 05:51 2 MR. CUNNINGHAM: Let's do it now. What I had
 05:52 3 originally intended to do was to ask to redact on the
 05:53 4 birth certificates. But if they're going to be
 05:54 5 received under some kind of seal, then I would just
 05:55 6 ask that these that do contain that sensitive
 05:56 7 information that they do then be received under the
 05:57 8 seal, however the Board wants to treat that -- the
 05:58 9 nature of that evidence.
 05:59 10 MR. HEILMANN: We can receive these under
 06:00 11 seal?
 06:01 12 MR. ALPERIN: Correct. Did you want to hear
 06:02 13 the objection from counsel?
 06:03 14 MR. HEILMANN: I think he just said it. But
 06:04 15 do you want to say it again?
 06:05 16 MR. RIPPY: Under seal I would object and I
 06:06 17 would object based on the fact that we're talking
 06:07 18 about the reports being under seal and not redacted;
 06:08 19 correct? Is that what you're referring to?
 06:09 20 MR. CUNNINGHAM: I don't know what the nature
 06:10 21 of your objection is.
 06:11 22 MR. RIPPY: Well, I'm asking you are you
 06:12 23 going to redact the reports before you turn them over
 06:13 24 to the Board --

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06:14 1 MR. CUNNINGHAM: What I had originally
 06:15 2 indicated is that when -- my intent was to redact
 06:16 3 them so that I could protect the minors. There was
 06:17 4 an indication I think earlier with respect to
 06:18 5 receiving that type of information under seal. I'll
 06:19 6 do whatever everybody agrees is most appropriate. We
 06:20 7 can redact it and protect their identities in that
 06:21 8 way or it can be received under the seal.
 06:22 9 MR. RIPPY: Do whatever you want. I object.
 06:23 10 I'm just going to inform the Board that State law
 06:24 11 requires that you in fact redact it.
 06:25 12 MR. ALPERIN: Let's redact them on the basis
 06:26 13 that we want to be as safe as possible and not reject
 06:27 14 and make sure we comply with State law. But if you
 06:28 15 could redact the victim's name and the minor's name?
 06:29 16 MR. CUNNINGHAM: I'll do that and I've shown
 06:30 17 them to counsel here in their whole state and I'll
 06:31 18 show it to him before they go in in a redacted state.
 06:32 19 MR. ALPERIN: Fair enough. With that said,
 06:33 20 C, D and F would be accepted into evidence over
 06:34 21 objection.
 06:35 22 MR. HEILMANN: C, D and F are accepted.
 06:36 23 (WHEREUPON, certain
 06:37 24 documents marked Exhibit

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05:51 1 C, Exhibit D and Exhibit F
 05:52 2 were admitted into
 05:53 3 evidence.)
 05:54 4 MR. PHELAN: And if I might ask, I'm still
 05:55 5 just a little confused about the nature of what we're
 05:56 6 doing here. I know we're not trying (inaudible), but
 05:57 7 it seems like we are. If I understand it we have one
 05:58 8 person who's admitted to this is in the Cook County
 05:59 9 Jail and there is a minor and I -- with all due
 06:00 10 respect to the lawyership of -- nuances -- and if
 06:01 11 we're going to -- we're being asked to grant you a
 06:02 12 license and if it's going -- and I also understand
 06:03 13 this is probably done in advance of what could happen
 06:04 14 later -- all this seemingly coming together is just
 06:05 15 confusing me on what our goal is here today: Either
 06:06 16 to grant a license or not.
 06:07 17 And if we're going to tear apart this one
 06:08 18 incident that was terrible that the victim and the
 06:09 19 perpetrator seemingly have agreed that happened I'm
 06:10 20 not quite sure I understand what we're trying to
 06:11 21 accomplish with all this -- and I don't know if
 06:12 22 that's an appropriate question for an attorney or for
 06:13 23 our attorney or anybody else.
 06:14 24 MR. HEILMANN: Probably our attorney.

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05:56 1 MR. ALPERIN: At this point, I think we
 05:57 2 should wait and see what other evidence the
 05:58 3 prosecution has. I mean, you take whatever evidence
 05:59 4 you hear and then you go back in deliberations and
 06:00 5 consider all the evidence that you hear. So, you
 06:01 6 know, you've definitely heard testimony with respect
 06:02 7 to the one incident and, you know, we'll see what
 06:03 8 else is presented.
 06:04 9 MR. HEILMANN: I think it's a -- that's part
 06:05 10 of the administrative review process for appeal is
 06:06 11 that someone is given a notice and the opportunity to
 06:07 12 be heard on the issues confronting them when there's
 06:08 13 and appeal and public denial of a license. So that
 06:09 14 we go through these formalities.
 06:10 15 MR. ALPERIN: Correct.
 06:11 16 MR. HEILMANN: Counsel?
 06:12 17 MR. RIPPY: Thank you.
 06:13 18 CROSS EXAMINATION
 06:14 19 BY MR. RIPPY:
 06:15 20 Q. Detective Duffy, you stated that Erica
 06:16 21 Mercado, 18 years of age was the person that made
 06:17 22 contact with Mr. Sircher?
 06:18 23 A. No, Mr. Sircher made contact with her.
 06:19 24 Q. He made contact with her?

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05:57 1 A Yes.

05:57 2 Q And you stated she was outside the room

05:57 3 smoking a cigarette at the time?

05:57 4 A She was outside the room at one point.

05:57 5 But I recall that she had opened the door, that he

05:57 6 was knocking at the door for a second or two before

05:57 7 somebody decided well, we'll open the door and it was

05:57 8 Erica Mercado.

05:57 9 Q Is wasn't a minor?

05:57 10 A She's 18 years old.

05:57 11 Q It wasn't either one of the minors that

05:57 12 were mentioned in this incident?

05:57 13 A No.

05:57 14 Q And there's no indication at any point

05:57 15 that Mr. Sircher made contact with anybody in that

05:57 16 room other than Erica Mercado is there?

05:57 17 A That's right. Well, the person who

05:57 18 rented the room.

05:57 19 Q And Tariq Mohammed; correct?

05:57 20 A There was another person behind him --

05:58 21 behind Erica Mercado, but I don't know who that was.

05:58 22 It was a male.

05:58 23 Q So it's possible that was Tariq Mohammed?

05:58 24 A Yes, it could be.

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05:58 1 Q So again just to clarify, there's no

05:58 2 indication that my client had any knowledge of any

05:58 3 minors in that room at any time?

05:58 4 A No, as far as I know.

05:58 5 Q And just so it's clear, there was no

05:58 6 indication that any sexual assault had occurred prior

05:58 7 to that point that he made contact?

05:58 8 A I can't say that. I don't know exactly

05:58 9 what the --

05:58 10 Q Is it your testimony that they occurred

05:58 11 afterward?

05:58 12 A There was one afterward.

05:58 13 Q Is there any indication that there were

05:58 14 any before?

05:58 15 A There were four sexual assaults.

05:58 16 Q Based on -- and do you have any specific

05:58 17 knowledge that they occurred prior to him having

05:58 18 contact with them?

05:58 19 A I don't know the time frame exactly. You

05:58 20 know, when one happened, where they weren't keeping a

05:59 21 clock of it and when the next one happened and when

05:59 22 the following one happened. But I do know that the

05:59 23 one involving Tariq Mohammed did happen after

05:59 24 Mr. Sircher's contact with Erica Mercado at the door.

LT REPORTING, INC.

05:59 1 Q Is there any indication whatsoever that

05:59 2 any outcry was made to Mr. Sircher?

05:59 3 A No.

05:59 4 Q Was there any indication that any outcry

05:59 5 was made prior to 9:00 that day?

05:59 6 A No.

05:59 7 Q Was there any indication that anybody

05:59 8 attempted to make an outcry, that he knew something

05:59 9 was going on but he failed to act?

05:59 10 A No.

05:59 11 Q Now you stated, sir, that it's your

05:59 12 belief that that room -- the occupancy load is two

05:59 13 people; correct?

05:59 14 A Yes.

05:59 15 Q What is the International Fire Code

05:59 16 standard for room occupancy load?

05:59 17 A I'm a police officer, sir. I don't know

05:59 18 that.

05:59 19 Q So you have no idea what the occupancy

05:59 20 load is of that room; is that correct?

05:59 21 A No.

05:59 22 Q So when you said two prior when

05:59 23 Mr. Cunningham asked you, you really don't know?

05:59 24 A I just -- I know what would fit

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05:59 1 comfortably in that room.

06:00 2 Q Okay. But that has no basis. That's

06:00 3 your opinion as to comfortability, no basis

06:00 4 whatsoever for the fire code; correct?

06:00 5 A No.

06:00 6 Q Okay. Now you stated that at the time of

06:00 7 the assault, you were only focused on the assault and

06:00 8 there was no reason at that time to investigate the

06:00 9 motel. That was in October of 2007; correct?

06:00 10 A Yes.

06:00 11 Q Okay. When was that case closed or at

06:00 12 least warrants issued and arrests made, if you

06:00 13 recall?

06:00 14 A Two arrests were made in March. There's

06:00 15 one gentleman who's still a fugitive.

06:00 16 Q How about Mr. Mohammed?

06:00 17 A He was arrested the following day I

06:00 18 believe.

06:00 19 Q Okay. And when -- were the warrants

06:00 20 issued the following day as well for at that time the

06:00 21 other three?

06:00 22 A I think so.

06:00 23 Q And so at that time, do you consider the

06:00 24 case closed?

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06:01 1 A. No.

06:01 2 Q. As far as your investigation and

06:01 3 involvement -- once their arrested --

06:01 4 A. **I'm still involved. I was involved in**

06:01 5 **court today with it.**

06:01 6 Q. I'm referring to your investigation.

06:01 7 A. **Okay. My --**

06:01 8 Q. That's my point. You had turned it over

06:01 9 to the State's Attorney office?

06:01 10 A. **Well, I turned it over to the State's**

06:01 11 **Attorney's office, but they were original warrants,**

06:01 12 **so the three individuals had to be processed at our**

06:01 13 **station. So when they were picked up, they had them**

06:01 14 **brought in and I had to attempt to speak to them --**

06:01 15 **speak to them if they wouldn't speak with me.**

06:01 16 Q. Okay. Fair enough. So from

06:01 17 approximately August until this date, has there been

06:01 18 any further investigation as to any implicit

06:01 19 involvement of Mr. Sircher or any member of the D-Lux

06:01 20 Motel as to complacency, accountability, or anything

06:01 21 else that they failed to act at that time?

06:01 22 A. **From August?**

06:01 23 Q. From the time of the arrests.

06:01 24 A. **Can you repeat that?**

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06:02 1 A. **I spoke with him on scene the day that he**

06:02 2 **provided me with the card with Tariq Mohammed's name.**

06:02 3 Q. Did you have any trouble whatsoever

06:02 4 getting that information?

06:02 5 A. **No.**

06:02 6 Q. Was he anything but completely compliant

06:02 7 with that?

06:02 8 A. **Very compliant.**

06:02 9 Q. And did he in fact cooperate with any

06:02 10 investigative questions or tasks that you asked of

06:02 11 him?

06:02 12 A. **Sure, yes.**

06:03 13 Q. Now just so we're clear, this isn't the

06:03 14 only sexual assault that's ever occurred in Oak Lawn;

06:03 15 correct?

06:03 16 A. **No, it's not.**

06:03 17 MR. RIPPY: I'll tender the witness at this

06:03 18 time.

06:03 19 MR. HEILMANN: Redirect?

06:03 20 MR. CUNNINGHAM: No, that's it.

06:03 21 MR. HEILMANN: Next witness. Thank you.

06:03 22 (WHEREUPON, the witness was

06:03 23 duly sworn.)

06:03 24

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06:01 1 Q. Excuse me. From the time of Tariq

06:01 2 Mohammed's arrest and the warrants being issued for

06:01 3 the others?

06:01 4 A. **Could you repeat the question, sir. I'm**

06:01 5 **sorry. You crossed me up with August.**

06:01 6 Q. Sure. I apologize. From the time that

06:01 7 you closed the investigation and turned it over to

06:02 8 the State's Attorney's office, save for your original

06:02 9 warrants, was there any further investigation by you

06:02 10 or anybody else into this incident and the

06:02 11 involvement of Mr. Sircher?

06:02 12 A. **No, no.**

06:02 13 Q. Was there any indication that they had

06:02 14 any involvement as to either accountability or

06:02 15 complicity that they didn't act or failed to act

06:02 16 --

06:02 17 A. **Are you talking about Mr. Sircher?**

06:02 18 Q. Correct.

06:02 19 A. **No.**

06:02 20 Q. Any other member -- employee of the D-Lux

06:02 21 Motel?

06:02 22 A. **No.**

06:02 23 Q. Did you ever have a conversation with Mr.

06:02 24 Sircher regarding this?

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1 STEVEN ROCKEY,

2 called as a witness herein, having been first duly

3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CUNNINGHAM:

06:03 6 Q. Lieutenant Rockey, correct?

06:03 7 A. **Yes.**

06:03 8 Q. Can you state your name, your rank, and

06:03 9 your star, please, sir.

06:03 10 A. **First name is Steven. Last name Rockey,**

06:03 11 **R-o-c-k-e-y. Lieutenant, Oak Lawn Fire Department.**

06:04 12 Q. How long, sir, have you been employed by

06:04 13 the Oak Lawn Fire Department?

06:04 14 A. **Little over 18 years.**

06:04 15 Q. And do you have some familiarity with the

06:04 16 fire code in Oak Lawn?

06:04 17 A. **Yes, I do.**

06:04 18 Q. And have you come to be somewhat familiar

06:04 19 with that during your 18 years of practicing as a

06:04 20 firefighter?

06:04 21 A. **Yes, I have.**

06:04 22 Q. Do you have any familiarity with what is

06:04 23 the occupancy load for rooms of certain sizes?

06:04 24 A. **Yes, I do.**

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06:04 1 Q. And did I ask you to go out and take
 06:04 2 specific measurements of Room 12 at the D-Lux Motel?
 06:04 3 A. **Did you specifically?**
 06:04 4 Q. Did a request come that you take specific
 06:04 5 measurements of Room 12?
 06:04 6 A. **Yes.**
 06:04 7 Q. And in fact did you do that for us today?
 06:04 8 A. **Yes, I did.**
 06:04 9 Q. Do you know based on those measurements
 06:04 10 what's the square footage of Room 12 in the D-Lux
 06:04 11 Motel?
 06:04 12 A. **I have some notes over there. Is that**
 06:04 13 **okay if I take a look at those? The answer to that**
 06:05 14 **question is approximately 330 square feet I believe.**
 06:05 15 MR. RIPPY: I just ask that he lay the
 06:05 16 foundation.
 06:05 17 MR. CUNNINGHAM: I think I have to call this
 06:05 18 G. don't I? Is this G?
 06:05 19 MR. ALPERIN: Yes.
 06:06 20 (WHEREUPON, a certain
 06:06 21 document was marked
 06:06 22 Exhibit G for
 06:06 23 identification.)
 06:06 24

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06:06 1 BY MR. CUNNINGHAM:
 06:06 2 Q. Officer, I'm going to show you Exhibit G.
 06:06 3 Would that aid you in your testimony with respect to
 06:06 4 the size and the fire code with respect to occupancy
 06:06 5 in that room?
 06:06 6 A. **Yes, it would.**
 06:06 7 Q. In fact you did go out and measure up
 06:06 8 Room 12 for us; is that correct?
 06:06 9 A. **Yes, Room 12. That's correct.**
 06:06 10 Q. And Exhibit G there, would you describe
 06:06 11 that then as a diagram then of the room?
 06:06 12 A. **Yes.**
 06:06 13 Q. And in it you include the bed, the
 06:06 14 bathroom and -
 06:06 15 A. **Yes, I did.**
 06:06 16 Q. What's the measurement, sir, of this size
 06:06 17 room?
 06:06 18 A. **It's approximately 24 feet, 3 inches long**
 06:06 19 **and 13 feet, 6 inches wide.**
 06:06 20 Q. And for the people who are not math
 06:06 21 majors, what does that calculate out to in terms of
 06:06 22 square feet?
 06:06 23 A. **Approximately 330 square feet -- actually**
 06:06 24 **330.48 square feet.**

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06:06 1 Q. Now with respect to the occupancy load
 06:06 2 for the Oak Lawn Fire Code, what is the square
 06:06 3 footage per person for a motel room, sir?
 06:06 4 A. **Well, the occupancy load is actually**
 06:06 5 **taken out of the International Building Code and the**
 06:06 6 **International Fire Code 2003. It classifies this**
 06:06 7 **structure as an R1 which is a hotel or motel**
 06:06 8 **transient nature and it sets our occupancy at 200**
 06:06 9 **square foot per occupant.**
 06:06 10 Q. And this was 300 and what feet?
 06:06 11 A. **330 approximately.**
 06:06 12 Q. What does that calculate out?
 06:06 13 A. **That calculates out to about 1.65**
 06:06 14 **occupants per room. We round up in a case like this**
 06:06 15 **which would give us two occupants per this room.**
 06:06 16 Q. And that's the maximum load for Room 12;
 06:06 17 is that correct?
 06:06 18 A. **Yes.**
 06:06 19 Q. And your measurements are based upon the
 06:07 20 room being empty; is that correct?
 06:07 21 A. **Yes, it's what we would call a vanilla**
 06:07 22 **box. We don't take into consideration walls. We go**
 06:07 23 **inside drywall, lengthwise, widthwise.**
 06:07 24 Q. So that would be then the most liberal

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06:07 1 square footage for the owner then of the unit; is
 06:07 2 that correct?
 06:07 3 A. **Yes.**
 06:07 4 Q. And your opinion then of the occupancy
 06:07 5 load for that room is no greater than two persons?
 06:07 6 A. **No greater than two.**
 06:07 7 Q. And obviously, sir, would a room occupied
 06:07 8 by seven people exceed the code?
 06:07 9 A. **Yes, it would.**
 06:07 10 Q. And does that also in itself create an
 06:07 11 unsafe condition?
 06:07 12 A. **Yes, it does.**
 06:07 13 MR. CUNNINGHAM: I'm going to tender over
 06:07 14 this witness.
 06:07 15 MR. HEILMANN: Cross.
 06:07 16 MR. RIPPY: Thank you, briefly.
 06:07 17 CROSS EXAMINATION
 06:07 18 BY MR. RIPPY:
 06:07 19 Q. You stated that you went out and measured
 06:07 20 the room and made this -- regarding this opinion
 06:07 21 today; correct?
 06:07 22 A. **Yes.**
 06:07 23 Q. You've never been out to the D-Lux Motel
 06:07 24 prior to this?

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06:07 1 **A. I did not say that. I have been out**
 06:08 2 **there.**
 06:09 3 **Q.** I'm sorry. I apologize. You've never
 06:08 4 been out for this purpose prior to this day?
 06:09 5 **A. No.**
 06:09 6 **Q.** And what was the prior purpose that you
 06:09 7 had been out to the D-Lux Motel?
 06:09 8 **A. To attempt to set up a time to do an**
 06:09 9 **inspection on the building.**
 06:09 10 **Q.** Did you in fact perform an inspection?
 06:09 11 **A. I did not.**
 06:09 12 **Q.** Are you aware of any inspection that may
 06:09 13 have occurred?
 06:09 14 **A. I know that we've inspected the building**
 06:09 15 **before. I couldn't give you a time or date of when**
 06:09 16 **it's been inspected.**
 06:09 17 **Q.** Fair enough. Now the International
 06:09 18 Building Code, as far as occupancy -- there's a
 06:09 19 specific occupancy table; is that correct?
 06:09 20 **A. Yes, there is.**
 06:09 21 **Q.** There's actually a fairly drawn out
 06:09 22 formula as to those tables; is that correct?
 06:09 23 **A. Are you talking about occupancy load or**
 06:09 24 **occupancy?**

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06:09 1 **Q.** Occupancy loads.
 06:09 2 **A. It's not -- it's not a lengthy process to**
 06:09 3 **figure out. It spells out exactly what the occupancy**
 06:09 4 **load for a residential unit should be.**
 06:09 5 **Q.** And motels are treated differently than
 06:09 6 say restaurants --
 06:09 7 **A. Absolutely.**
 06:09 8 **Q.** -- and stores?
 06:09 9 **A. They have a different occupancy, yes.**
 06:09 10 **Q.** And cinder block buildings are treated
 06:09 11 differently than wood?
 06:09 12 **A. Per square foot?**
 06:09 13 **Q.** Correct.
 06:09 14 **A. No.**
 06:09 15 **Q.** Okay. How about entrances and exits? Is
 06:09 16 there a difference between somebody who has say an
 06:09 17 open hallway and somebody who say has a closed
 06:09 18 hallway?
 06:09 19 **A. Yes.**
 06:09 20 **Q.** And how do those play in?
 06:09 21 **A. It would -- that would take into**
 06:09 22 **consideration -- occupancy would be taken into**
 06:09 23 **consideration if the entrance to this unit dumped**
 06:09 24 **into a corridor, a common corridor, where now you**

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06:09 1 **have 16 rooms attached to it with one door at the**
 06:09 2 **end. You may have to move out 100 people as opposed**
 06:09 3 **to a room such as this where -- it empties right out**
 06:10 4 **into a common area. Or I should say an exterior**
 06:10 5 **entrance and exit.**
 06:10 6 **Q.** All right. Now at the time that you made
 06:10 7 this inspection in your prior trip, did you ever see
 06:10 8 any occupancy limits or postings from the Oak Lawn
 06:10 9 Fire Department --
 06:10 10 **A. You know what? I did not.**
 06:10 11 **Q.** -- at this location?
 06:10 12 **A. I did not.**
 06:10 13 **Q.** Was there ever any indication or
 06:10 14 discussions with Mr. Sircher specifically as to what
 06:10 15 the occupancy load or limit based on the Oak Lawn
 06:10 16 Fire Code would be at any time prior to this to your
 06:10 17 knowledge if you know?
 06:10 18 **A. No, not by myself.**
 06:10 19 **Q.** Okay. And you're not aware of anybody
 06:10 20 else either?
 06:10 21 **A. No, I'm not.**
 06:10 22 **Q.** Now --
 06:10 23 **MR. RIPPY:** If I could just have a second.
 06:11 24 **I'll tender the witness. Nothing further.**

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06:11 1 **MR. CUNNINGHAM:** Nothing further.
 06:11 2 **MR. HEILMANN:** Next witness. Thank you.
 06:11 3 **MR. CUNNINGHAM:** I'll call Officer Culhane.
 06:11 4 (WHEREUPON, the witness was
 06:11 5 duly sworn.)
 06:11 6 **OFFICER CULHANE,**
 06:11 7 **called as a witness herein, having been first duly**
 06:11 8 **sworn, was examined and testified as follows:**
 06:11 9 **DIRECT EXAMINATION**
 06:11 10 **BY MR. CUNNINGHAM:**
 06:11 11 **Q.** Officer Culhane, will you state your
 06:11 12 name, your star, please.
 06:11 13 **A. Officer Culhane, C-u-l-h-a-n-e, Star 309,**
 06:11 14 **Oak Lawn Police Department, Patrol Division.**
 06:11 15 **Q.** I'm going to direct your attention to
 06:11 16 March the 7, 2008 about 1400 hours. Do you recall
 06:11 17 that date and time, sir?
 06:11 18 **A. Yes, I do.**
 06:11 19 **Q.** Did you happen to make an arrest at the
 06:11 20 location of D-Lux Motel on that date and time?
 06:12 21 **A. Yes, I did.**
 06:12 22 **Q.** Can you describe for us what kind of
 06:12 23 arrest you made on that date and time?
 06:12 24 **A. The arrest was for an investigation of**

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06:12 1 possession of a stolen motor vehicle which they were
06:12 2 subsequently charged with criminal trespass of a
06:12 3 motor vehicle.

06:12 4 Q. Can you real briefly tell us what you saw
06:12 5 and what led you to this?

06:12 6 A. I was patrolling an area of the D-Lux
06:12 7 Motel when I drove through the parking lot. I saw a
06:12 8 vehicle. It was a minivan that was parked blocking
06:12 9 other cars so it wasn't parked in a normal position.
06:12 10 I ran the plate on the car and it came back as
06:12 11 stolen.

06:12 12 Q. And did you then wait to see if anybody
06:12 13 came out to occupy the vehicle?

06:12 14 A. Yes, I did. I parked across the street
06:12 15 and alerted another officer who came to back me up
06:12 16 and we waited to see if the occupants of the vehicle
06:12 17 would return.

06:12 18 Q. Did in fact occupants return to that
06:12 19 vehicle?

06:12 20 A. Yes, they did.

06:12 21 Q. Did you make an arrest of those
06:12 22 occupants?

06:12 23 A. Yes, I did.

06:12 24 Q. After speaking with them, did your

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06:13 1 investigation then lead you up to a room they had
06:13 2 rented at the D-Lux?

06:13 3 A. Yes, it did.

06:13 4 Q. Do you recall what room that was, sir?

06:13 5 A. No, I don't recall the room number.

06:13 6 Q. Would reviewing your report refresh your
06:13 7 recollection?

06:13 8 A. Yes, it would.

06:13 9 MR. CUNNINGHAM: Am I on G?

06:13 10 MR. ALPERIN: It's H, Counsel.

06:13 11 MR. CUNNINGHAM: Thank you.

(WHEREUPON, a certain
document was marked
Exhibit H for
identification.)

06:13 16 BY THE WITNESS:

06:13 17 A. It was Room No. 10.

06:13 18 BY MR. CUNNINGHAM:

06:13 19 Q. When you had arrested the two individuals
06:13 20 in that stolen vehicle, did they indicate to you that
06:13 21 they had just come from Room 10?

06:13 22 A. Yes, they did.

06:13 23 Q. And you went up to Room 10 --

06:13 24 MR. RIPPY: Objection.

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06:13 1 MR. CUNNINGHAM: I'm just trying to move this
06:13 2 along.

06:13 3 MR. RIPPY: And I'm just trying to protect my
06:13 4 record. Again I apologize. I'm not trying to create
06:13 5 any problems but I have to pose these objections.

06:13 6 MR. ALPERIN: Overrule.

06:13 7 MR. HEILMANN: Overruled.

06:13 8 BY MR. CUNNINGHAM:

06:13 9 Q. The investigation then led you to Room 10
06:13 10 based on having a conversation with the arrestees; is
06:13 11 that correct?

06:14 12 A. That's correct.

06:14 13 Q. When you went up to Room 10, did you find
06:14 14 it to be occupied?

06:14 15 A. Yes, it was.

06:14 16 Q. How many individuals was that occupied at
06:14 17 that time?

06:14 18 A. It was a female adult and two younger
06:14 19 children.

06:14 20 Q. And did you find anything else in the
06:14 21 room other than three people?

06:14 22 A. There was a bag of Cannibis on the night
06:14 23 stand.

06:14 24 Q. All right. Now you did not do any

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06:14 1 charges with respect to the motel for the three
06:14 2 people in that room; is that correct?

06:14 3 A. No, I did not.

06:14 4 Q. But you did note it, sir, in your report,
06:14 5 didn't you?

06:14 6 A. Yes, I did.

06:14 7 Q. And if you would read your report number,
06:14 8 sir, into the record if you don't mind.

06:14 9 A. Report number is 08-7167.

06:14 10 Q. And that report is an accurate summary,
06:14 11 sir, of statements given to you and your
06:14 12 investigation of that night; is that correct?

06:14 13 A. Yes, it is.

06:14 14 MR. CUNNINGHAM: I'm going to tender over
06:14 15 this witness.

06:14 16 MR. HEILMANN: Cross.

06:14 17 MR. RIPPY: Thank you.

CROSS EXAMINATION

06:14 18 BY MR. RIPPY:

06:14 19 Q. You say you didn't make any arrests in
06:14 20 that room?

06:14 21 A. I'm sorry. I didn't hear you.

06:14 22 Q. You didn't make any arrests of anybody in
06:15 23 that room?

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06:11 1 **A. That was in the room, no.**
 06:12 2 **Q.** Including -- you didn't make any drug
 06:13 3 arrests?
 06:14 4 **A. Actually one of the occupants of the van**
 06:15 5 **had admitted that the Cannabis was his so he was**
 06:16 6 **charged with it.**
 06:17 7 **Q.** But there was nobody in the room.
 06:18 8 Somebody else admitted from outside the room --
 06:19 9 admitted to possession, excuse me, of possessing the
 06:20 10 Cannabis?
 06:21 11 **A. Correct.**
 06:22 12 **Q.** Now you stated that the room was
 06:23 13 occupied?
 06:24 14 **A. Yes, it was.**
 06:25 15 **Q.** And how many people did you state
 06:26 16 occupied that room?
 06:27 17 **A. When I went to the door of the room and**
 06:28 18 **the door was open, there was three people inside that**
 06:29 19 **room.**
 06:30 20 **Q.** Now what's the square footage of that
 06:31 21 room?
 06:32 22 **A. I have no idea.**
 06:33 23 **Q.** Did you ever see Room 12?
 06:34 24 **A. I don't recall if I have. I don't know.**

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06:35 1 **Q.** So you can't testify here today that Room
 06:36 2 10 and Room 12 are the same layouts; correct?
 06:37 3 **A. No, I can not.**
 06:38 4 **Q.** And you just admitted that you have no
 06:39 5 idea of what the square footage of Room 10 is?
 06:40 6 **A. That's correct.**
 06:41 7 MR. RIPPY: Okay. I have nothing further.
 06:42 8 MR. HEILMANN: Redirect.
 06:43 9 MR. CUNNINGHAM: No.
 06:44 10 MR. ALPERIN: Did you want to move Exhibit H
 06:45 11 into evidence, Counsel?
 06:46 12 MR. CUNNINGHAM: Yes.
 06:47 13 MR. ALPERIN: Any objection.
 06:48 14 MR. RIPPY: I would show that over my
 06:49 15 objection
 06:50 16 MR. HEILMANN: It's admitted.
 06:51 17 (WHEREUPON, said document,
 06:52 18 previously marked Exhibit
 06:53 19 H for identification was
 06:54 20 admitted into evidence.)
 06:55 21 MR. CUNNINGHAM: I'm going to call the chief.
 06:56 22 (WHEREUPON, the witness was
 06:57 23 duly sworn.)
 06:58 24

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06:59 1 WILLIAM VILLANOVA,
 07:00 2 called as a witness herein, having been first duly
 07:01 3 sworn, was examined and testified as follows:
 07:02 4 DIRECT EXAMINATION
 07:03 5 BY MR. CUNNINGHAM:
 07:04 6 **Q.** Chief Villanova, will you state your name
 07:05 7 and spell your last name, sir, for the benefit of our
 07:06 8 court reporter.
 07:07 9 **A. William Villanova, V-i-l-l-a-n-o-v-a.**
 07:08 10 **Q.** How long have you been the chief of the
 07:09 11 Village of Oak Lawn?
 07:10 12 **A. Almost two years. In active capacity**
 07:11 13 **about two and a half.**
 07:12 14 **Q.** Are you familiar with the premises
 07:13 15 commonly known as the D-Lux Motel?
 07:14 16 **A. Yes, I am.**
 07:15 17 **Q.** Have you had a chance, sir, to review
 07:16 18 incident reports that have come out of the D-Lux
 07:17 19 Motel from a period of time of January of '05 through
 07:18 20 December of '07?
 07:19 21 **A. Yes.**
 07:20 22 **Q.** Can you summarize for us in that time
 07:21 23 frame how many incidents -- I think you call them
 07:22 24 calls for services. How many calls for service for

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07:23 1 the police went to the D-Lux during that time frame?
 07:24 2 **A. About 190.**
 07:25 3 **Q.** Okay. Of those 190, do you have a record
 07:26 4 of --
 07:27 5 MR. RIPPY: I'm going to object at this
 07:28 6 point. If he's going to refer to his notes there, I
 07:29 7 don't believe that's appropriate. I think if he
 07:30 8 doesn't understand -- if he doesn't remember the
 07:31 9 numbers which I certainly understand, there's a
 07:32 10 proper way to go about that. But as far as sitting
 07:33 11 with his notes in front of him.
 07:34 12 MR. CUNNINGHAM: For the record, I showed
 07:35 13 these to counsel ahead of time and told him that
 07:36 14 there'd be almost no way anybody could remember all
 07:37 15 the statistical notes. I shared and he has a copy of
 07:38 16 what the chief has in front of him and it's designed
 07:39 17 simply to refresh his recollection.
 07:40 18 MR. RIPPY: I'm not objecting to that at all.
 07:41 19 I'm not objecting to the notes but I am objecting to
 07:42 20 allowing him to read off them as he goes. There's a
 07:43 21 proper foundation and there's a proper way to go
 07:44 22 about refreshing your memory and sitting there with a
 07:45 23 piece of paper in front of you is not the way to go
 07:46 24 about it.

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06:15 1 I'm not questioning -- and I understand
 06:16 2 that -- but the fact of the matter is you ask
 06:16 3 somebody if your memory is exhausted. I mean it's
 06:16 4 basic law school stuff. You ask them if their memory
 06:17 5 is exhausted, if there's anything that would refresh
 06:18 6 their memory and then you can give him the piece of
 06:18 7 paper and then he can refresh his memory. But the
 06:18 8 fact of the matter is he's sitting there with notes
 06:18 9 in front of him and I'm going to lay an objection to
 06:18 10 that.

06:19 11 MR. ALPERIN: Counsel, why don't you ask
 06:19 12 her.

06:19 13 MR. CUNNINGHAM: That's fine.

06:19 14 MR. HEILMANN: Overruled. Excuse me. Did
 06:19 15 you ask him if he wanted to --

06:19 16 MR. ALPERIN: Go ahead and lay the foundation
 06:19 17 if you would.

06:19 18 MR. HEILMANN: I misunderstood. So the
 06:19 19 objection is sustained.

06:19 20 BY MR. CUNNINGHAM:

06:19 21 Q. Officer, is there any way that you can
 06:19 22 recount the number of calls for service that were
 06:19 23 coming in during that time frame?

06:19 24 A. Yes, sir.

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06:19 1 Q. How would you be able to recall this?

06:19 2 A. My notes.

06:19 3 Q. Did you make notes with respect to the
 06:19 4 calls that came in for the D-Lux?

06:19 5 A. Yes, the D-Lux and actually it's for the
 06:19 6 four hotels in Oak Lawn.

06:19 7 Q. So are you able with your notes then to
 06:19 8 make comparisons of the calls that come in from the
 06:19 9 D-Lux and say the Miami?

06:19 10 A. Yes.

06:19 11 Q. And do your notes -- will they help you
 06:19 12 refresh your recollection as to what specific calls
 06:19 13 came in for what specific types of services and in
 06:19 14 fact how many calls would have come in?

06:19 15 A. Correct.

06:19 16 MR. CUNNINGHAM: I'd ask that the witness be
 06:19 17 allowed to use his notes to refresh his recollection
 06:19 18 as to these calls.

06:19 19 MR. HEILMANN: Go ahead.

06:19 20 MR. RIPPY: I'll object to that. Obviously
 06:19 21 it's up to the Court, but I just want my objection to
 06:19 22 be noted.

06:19 23 MR. ALPERIN: Should we mark it as Exhibit I.
 06:19 24

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1 (WHEREUPON, a certain
 2 document was marked
 3 Exhibit I for
 4 identification.)

06:19 5 MR. HEILMANN: The objection is overruled.

06:19 6 MR. RIPPY: Thank you, sir.

06:19 7 BY MR. CUNNINGHAM:

06:19 8 Q. Officer, how many calls for service came
 06:19 9 in for that time frame and again it was January '05
 06:19 10 to December of '07. How many calls for services came
 06:20 11 in to or with respect to the D-Lux?

06:20 12 A. About 190.

06:20 13 Q. Of those 190, is there a way to
 06:20 14 differentiate between citizen calls and calls for
 06:20 15 help and calls that would have come from management
 06:20 16 or people in the D-Lux?

06:20 17 A. Yes.

06:20 18 Q. How many of those 190 calls were calls
 06:20 19 that were made by the people who run or manage the
 06:20 20 D-Lux asking for police help?

06:20 21 A. Approximately 31.

06:20 22 Q. Thirty-one out of the 190?

06:20 23 A. Yes.

06:20 24 Q. How does that relate to the same

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06:20 1 statistics that would have come out of say the Miami?

06:20 2 A. The Miami had about 188 calls in the same
 06:20 3 period.

06:20 4 Q. And how many times would the people who
 06:20 5 owned or managed the Miami have called and asked for
 06:20 6 the help from the Oak Lawn Police Department?

06:20 7 A. Eighty-two.

06:20 8 Q. So the difference between the two is 82
 06:20 9 to --

06:20 10 A. Thirty-one.

06:20 11 Q. Thirty-one? About two and a half times
 06:20 12 more frequently at the Miami; is that correct?

06:21 13 A. Correct.

06:21 14 MR. PHELAN: I'm sorry. Can you just clarify
 06:21 15 something. What's the difference between a call for
 06:21 16 service and a call for -- what's the distinguishing
 06:21 17 element there?

06:21 18 BY THE WITNESS:

06:21 19 A. We can track any of our calls in
 06:21 20 different -- there's several different ways of
 06:21 21 tracking them. The easiest way for us to be able to
 06:21 22 compare one against the other is to compare calls for
 06:21 23 service. In other words, how the call is dispatched
 06:21 24 to the police officer. And that's what we are

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06:21 1 **comparing here is how the calls were dispatched to**
 06:21 2 **the police officer and investigation made during that**
 06:21 3 **time change what that call for service was. But this**
 06:21 4 **is the best way for us to compare how we started**
 06:21 5 **doing whatever we were doing with that particular**
 06:21 6 **call for service.**

06:21 7 MR. PHELAN: So the 80 -- the thing you just
 06:21 8 wrote down, what's the distinguishing factor between
 06:21 9 the two of those? I know what the implication is,
 06:21 10 that the Miami is doing something more than the
 06:21 11 D-Lux. What is it that they're doing more?

06:22 12 BY THE WITNESS:

06:22 13 **A. They're calling. They are the**
 06:22 14 **complainant, yes.**

06:22 15 MR. PHELAN: Versus somebody on the premise
 06:22 16 calling.

06:22 17 BY THE WITNESS:

06:22 18 **A. Or a neighbor or --**

06:22 19 MR. PHELAN: So a neighbor can make a call
 06:22 20 and that's a call for service?

06:22 21 BY THE WITNESS:

06:22 22 **A. Correct.**

06:22 23 BY MR. CUNNINGHAM:

06:22 24 **Q. So after you ran a comparison then**

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06:22 1 between the Miami and the D-Lux, you're showing a
 06:22 2 difference from 82 calls out of -- out -- I'm sorry.
 06:22 3 82 was over what?

06:22 4 **A. 188.**

06:22 5 **Q. 188. Thank you. And the 31 was over**
 06:22 6 **190, was it?**

06:22 7 **A. 194.**

06:22 8 **Q. In general when the Miami calls for help,**
 06:22 9 **do they ever make calls to ask you to break up room**
 06:22 10 **occupancies of greater than two in their motel?**

06:22 11 **A. It's possible, yes.**

06:22 12 **Q. Did you receive those kinds of calls from**
 06:22 13 **the D-Lux?**

06:22 14 **A. I'm not aware of any.**

06:23 15 **Q. So in your review of this three-year time**
 06:23 16 **frame, you can't recall any times that the D-Lux**
 06:23 17 **asked you for help to break up -- you meaning the**
 06:23 18 **department -- to break up a party in excess of two in**
 06:23 19 **a room?**

06:23 20 **A. I can't say that. I'd have to review**
 06:23 21 **each and every one of them and I haven't done that.**

06:23 22 **Q. At either rate, the Miami calls at a much**
 06:23 23 **greater rate than does the D-Lux?**

06:23 24 **A. Yes.**

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06:23 1 **Q. Do you feel that that has contributed to**
 06:23 2 **some of the problems that go on at the D-Lux?**

06:23 3 **A. Right.**

06:23 4 **Q. Can you describe for us in a general**
 06:23 5 **sense what are the kinds of calls, what kind of**
 06:23 6 **criminality is going on at the D-Lux?**

06:23 7 **A. Well, we've had three sexual assaults**
 06:23 8 **that have been reported. There's been 16 domestic**
 06:23 9 **incidences, 20 disorderly conducts, 22 suspicious**
 06:23 10 **persons, 18 suspicious autos. We've had five sex**
 06:24 11 **offenders registered at that address, disturbances**
 06:24 12 **with noise and stuff like that. We had two attempted**
 06:24 13 **suicides, seven drug cases. Vehicle thefts or**
 06:24 14 **recoveries, we've had eight of those. Warrant**
 06:24 15 **services, we've had seven of those and there's a**
 06:24 16 **number of other incidences.**

06:24 17 **Q. Do you feel that that location, you know,**
 06:24 18 **causes a drain or a great deal of police attention**
 06:24 19 **because of all of this criminality?**

06:24 20 **A. Yes, it does.**

06:24 21 MR. CUNNINGHAM: May I have a moment?

06:24 22 MR. HEILMANN: Yes.

06:24 23 MR. CUNNINGHAM: I'm going to tender over the
 06:24 24 chief at this time.

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06:24 1 MR. HEILMANN: Okay. Cross.

06:24 2 MR. RIPPY: Thank you.

06:24 3 CROSS EXAMINATION.

06:24 4 BY MR. RIPPY:

06:24 5 **Q. Chief, may I see your notes there. Thank**
 06:25 6 **you, sir. Now you stated that Mr. Cunningham asked**
 06:25 7 **you specifically as to how many calls that the Miami**
 06:25 8 **made regarding overloaded occupancy. And you said**
 06:25 9 **it's possible that they call them that. You don't**
 06:25 10 **know that specifically; correct?**

06:25 11 **A. No, I don't.**

06:25 12 **Q. You have no idea? You haven't reviewed**
 06:25 13 **anything?**

06:25 14 **A. No.**

06:25 15 **Q. And you have no idea whether or not the**
 06:25 16 **D-Lux Motel has done any of those as well?**

06:25 17 **A. No.**

06:25 18 **Q. Okay. As to the five sex offenders you**
 06:25 19 **mentioned, are they still registered at that motel?**

06:25 20 **A. I don't believe so, no.**

06:25 21 **Q. And as of what date did they cease being**
 06:25 22 **registered there?**

06:25 23 **A. That I don't know.**

06:25 24 **Q. Was it more than three months ago? Do**

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06:25 1 you have an idea?
 06:26 2 **A. I would think so, yes.**
 06:26 3 **Q.** Do you recall when you were specifically
 06:26 4 made aware of sex offenders being -- registering
 06:26 5 there?
 06:26 6 **A. No. No, I know that because of the**
 06:27 7 **figures of what I did when I made these up. I was**
 06:26 8 **never specifically made aware of sex offenders living**
 06:26 9 **there.**
 06:26 10 **Q.** So this comes from reports --
 06:26 11 **A. Correct.**
 06:26 12 **Q.** -- that you reviewed in tallying numbers?
 06:26 13 **A. Correct.**
 06:26 14 **Q.** Now as to all these numbers that you
 06:26 15 stated, these are all arrests, correct, or at least
 06:26 16 calls?
 06:26 17 **A. Calls, correct.**
 06:26 18 **Q.** Not necessarily arrests?
 06:26 19 **A. Correct.**
 06:26 20 **Q.** So somebody might get called out for an
 06:26 21 armed robbery and at the point which an officer from
 06:26 22 your department gets there, they might determine that
 06:26 23 that didn't in fact occur, that there wasn't anything
 06:26 24 alleged sufficient for them to make an arrest; is

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06:25 1 that correct?
 06:26 2 **A. That's correct.**
 06:26 3 **Q.** So out of these numbers that you stated,
 06:26 4 can you tell us how many actually led to arrests as
 06:26 5 you sit here today?
 06:26 6 **A. No, at this point, no.**
 06:26 7 **Q.** Okay. And how many arrests as you sit
 06:26 8 here today have occurred in the last three months?
 06:26 9 **A. I don't have those numbers.**
 06:26 10 **Q.** Do you have any idea?
 06:26 11 **A. No.**
 06:26 12 **Q.** Did you ever -- were you ever asked to
 06:27 13 tally those numbers?
 06:27 14 **A. No.**
 06:27 15 **Q.** Were you ever asked by Mr. Deetjen for
 06:27 16 those numbers?
 06:27 17 **A. Not that I recall.**
 06:27 18 **Q.** And were you ever asked by Mr. Deetjen
 06:27 19 about those numbers approximately around March, so no
 06:27 20 would be your answer; is that correct?
 06:27 21 **A. No.**
 06:27 22 **Q.** Okay. Were you ever asked by Mr. Deetjen
 06:27 23 your opinion as to what was going on at the motel
 06:27 24 between say December and March regarding his decision

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06:27 1 to grant the business license to Mr. Sircher and
 06:27 2 Mr. Dahl?
 06:27 3 **A. I had no knowledge of the business**
 06:27 4 **license information.**
 06:27 5 **Q.** Okay. Were you ever asked to do an
 06:27 6 investigation on Mr. Sircher or Mr. Dahl regarding
 06:27 7 any activity that they may have been personally
 06:27 8 involved in at that motel?
 06:27 9 **A. No.**
 06:27 10 **MR. RIPPY:** If I might have a second.
 06:27 11 **BY MR. RIPPY:**
 06:27 12 **Q.** How many arrests or calls -- what was the
 06:27 13 number for the D-Lux? 194?
 06:27 14 **A. D-Lux was 194.**
 06:28 15 **Q.** Miami was?
 06:28 16 **A. 188.**
 06:28 17 **Q.** What was the Hilton?
 06:28 18 **A. I'd have to tally the Hilton. I don't**
 06:28 19 **know. They're all pretty close in nature.**
 06:28 20 **Q.** They're all right about the same.
 06:28 21 **A. Correct.**
 06:28 22 **Q.** Would it be fair to say they're within
 06:28 23 probably 10 to 15 of each other?
 06:28 24 **A. I don't know if it's that close but**

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06:28 1 **they're fairly close.**
 06:28 2 **Q.** And have you ever received any orders
 06:28 3 from any members of the Board of Trustees or the
 06:28 4 Village Manager to step up enforcement or patrol
 06:28 5 around the area of the D-Lux Motel?
 06:28 6 **A. No.**
 06:28 7 **Q.** Never once?
 06:28 8 **A. No.**
 06:28 9 **Q.** Never -- any activity whatsoever on
 06:28 10 Columbus Avenue regarding your department or
 06:28 11 regarding a concentrated effort of policing?
 06:28 12 **A. We concentrate our effort where there are**
 06:28 13 **issues and we concentrate our efforts at many --**
 06:28 14 **several of the hotels. The Miami and the D-Lux**
 06:28 15 **basically get most of our attention.**
 06:28 16 **Q.** Both the Miami and the D-Lux Motel?
 06:29 17 **A. Correct.**
 06:29 18 **Q.** Even though everybody's got about the
 06:29 19 same amount of numbers?
 06:29 20 **A. Pretty close, yes. Well, the Gateway is**
 06:29 21 **much lower than the other three. There's four hotels**
 06:29 22 **in Oak Lawn.**
 06:29 23 **Q.** And the Gateway is the lowest?
 06:29 24 **A. Yes.**

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06:29 1 Q. But you were aware that there was a
 06:29 2 prostitution sting that occurred at the Gateway --
 06:29 3 was that last year?
 06:29 4 A. Yes.
 06:29 5 Q. And that was by the Will County -- excuse
 06:29 6 me -- Wrong county -- Cook County Sheriff's police?
 06:29 7 A. Yes.
 06:29 8 Q. And at one point, did you believe that
 06:29 9 that was at the D-Lux?
 06:29 10 A. Yes.
 06:29 11 Q. And at one point did you indicate to the
 06:29 12 Board or to Mr. Deetjen that that was at the D-Lux?
 06:29 13 A. Yes.
 06:29 14 Q. And you later corrected yourself and
 06:29 15 stated no that that actually didn't occur here, that
 06:29 16 occurred at the Gateway?
 06:29 17 A. Correct.
 06:29 18 Q. Did that cause you to do any stepped up
 06:29 19 enforcement at the Gateway?
 06:29 20 A. No, it continued the same thing that we
 06:29 21 had been doing.
 06:29 22 Q. Okay.
 06:29 23 A. There hasn't been any targeted increase
 06:30 24 at the Gateway.

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06:30 1 Q. Now you stated that you never -- that
 06:30 2 you've never done a special detail or given any
 06:30 3 special attention around the D-Lux Motel?
 06:30 4 A. We give special attention around the
 06:30 5 hotel when we get complaints. But nothing directed
 06:30 6 by the Board or the Manager.
 06:30 7 Q. How about you to your officers? Do you
 06:30 8 tell them to specifically go to that area?
 06:30 9 A. There have been times, yes.
 06:30 10 Q. Okay. And do you recall when those times
 06:30 11 were?
 06:30 12 A. Most of the times have been when I've
 06:30 13 received complaints from the residents in the area.
 06:30 14 Q. You don't recall specific dates?
 06:30 15 A. No.
 06:30 16 Q. Do you recall any in the last three
 06:30 17 months?
 06:30 18 A. No.
 06:30 19 MR. RIPPY: Nothing further. I tender the
 06:30 20 witness.

REDIRECT EXAMINATION

BY MR. CUNNINGHAM:

06:30 23 Q. You've been asked a lot of questions to
 06:30 24 differentiate between the last three months. That's

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06:31 1 because these gentlemen have held themselves out to
 06:31 2 be new owners in that time frame. Are you familiar
 06:31 3 with them prior to the last three months?
 06:31 4 A. Yes.
 06:31 5 Q. Did you have a meeting in December of '06
 06:31 6 with respect to conditions at the D-Lux?
 06:31 7 A. Yes.
 06:31 8 Q. That was with respect to -- or that was
 06:31 9 with the then acting Village Manager, whose name is
 06:31 10 Ed Folliard?
 06:31 11 A. Yes.
 06:31 12 Q. Yourself and these two gentlemen, along
 06:31 13 with Michaelyn Sircher, the president; is that
 06:31 14 correct?
 06:31 15 A. Yes.
 06:31 16 Q. And the purpose of that meeting was to
 06:31 17 talk about what?
 06:31 18 A. Some of the conditions and the incidents
 06:31 19 that were happening at the hotel.
 06:31 20 Q. Can we just call that criminality in a
 06:31 21 general sense?
 06:32 22 A. You could.
 06:32 23 MR. RIPPY: I'm going to object to that term
 06:32 24 unless there's a more specific explanation of that.

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06:32 1 MR. ALPERIN: I'd overrule that.
 06:32 2 MR. HEILMANN: Overruled.
 06:32 3 BY MR. CUNNINGHAM:
 06:32 4 Q. Following that meeting, did you expect
 06:32 5 there be any changes that would have occurred over
 06:32 6 there? Were there any representations made that
 06:32 7 there would be changes?
 06:32 8 A. I don't recall the exact results of it.
 06:32 9 They did talk about we were going to try and work
 06:32 10 together. I know I had made some --
 06:32 11 Q. Do you feel -- have you reviewed the
 06:32 12 statements that Mr. Sircher made relative to his
 06:32 13 conduct on October 21st, the morning of the sexual
 06:32 14 assault?
 06:32 15 A. I wasn't aware of it until I heard it
 06:32 16 here.
 06:32 17 Q. Do you feel that his conduct that night
 06:32 18 was in the spirit of cooperation that resulted from
 06:32 19 that meeting in December of '06?
 06:32 20 A. I would say that if you were concerned
 06:33 21 about the type of clientele that you were having in
 06:33 22 your business and the fact that there were more
 06:33 23 people in the room than what the law would require
 06:33 24 and the fact that they were loud enough to bring it

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06:31 1 to his attention probably being heard by the
06:31 2 neighbors or could have been heard by the neighbors,
06:32 3 I would have hoped that he would have taken better
06:33 4 action than he did.

06:33 5 Q. And just with respect to these
06:33 6 comparisons on the hotels. How does the D-Lux and
06:33 7 the Miami compare with respect to the amount of rooms
06:33 8 they have?

06:33 9 A. You know, I'm not sure. I know the Miami
06:33 10 has 61, but I'm not sure how many rooms the D-Lux
06:33 11 has.

06:33 12 Q. Okay. It's on their application. So 61
06:33 13 rooms versus what the D-Lux has on their application?

06:33 14 MR. HEILMANN: What is --

06:33 15 BY MR. CUNNINGHAM:

06:33 16 Q. Sixty-one rooms at the Miami; is that
06:33 17 correct?

06:33 18 A. Sixty-one rooms.

06:33 19 MR. SIRCHER: Fifty-eight.

06:33 20 BY MR. CUNNINGHAM:

06:33 21 Q. Sixty-one versus 58; correct?

06:33 22 A. Yes.

06:33 23 Q. So they're similar in size?

06:33 24 A. Yes.

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06:34 1 Q. Are they similar in location?

06:34 2 A. Yes.

06:34 3 Q. How do those two motels then relate to
06:34 4 the Hilton in terms of size?

06:34 5 A. They're both much smaller. And the
06:34 6 Hilton also has a banquet facility, has a restaurant,
06:34 7 has a bar. These two hotels you're talking about do
06:34 8 not have the same thing.

06:34 9 Q. So in terms of comparing apples to apples
06:34 10 with respect to the hotels and motels in town, a good
06:34 11 comparison is between the D-Lux and the Miami; is
06:34 12 that correct?

06:34 13 A. Right.

06:34 14 Q. And not so much throwing in the Hilton
06:34 15 and the Gateway because of their great size
06:34 16 difference?

06:34 17 A. Yes.

06:34 18 Q. The Hilton as you said is much larger?

06:34 19 A. Much larger.

06:34 20 Q. And the Gateway is much smaller; is that
06:34 21 correct?

06:34 22 A. Correct.

06:34 23 MR. CUNNINGHAM: I'm going to end with that.

06:34 24 MR. HEILMANN: Can I just ask -- I don't know

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06:34 1 what your notes are. The sexual assaults that you
06:34 2 have.

06:34 3 BY THE WITNESS:

06:34 4 A. Yes.

06:34 5 MR. HEILMANN: How many do you have since
06:34 6 2005?

06:34 7 BY THE WITNESS:

06:34 8 A. Three.

06:35 9 MR. HEILMANN: And the Hilton has how many?

06:35 10 BY THE WITNESS:

06:35 11 A. Zero. The Gateway had one and the Miami
06:35 12 had zero.

06:35 13 MR. HEILMANN: Thanks. Next witness.

06:35 14 MR. RIPPY: Actually if I could just follow

06:35 15 that up.

06:35 16 MR. HEILMANN: Sure, of course.

06:35 17 RE-CROSS EXAMINATION

06:35 18 BY MR. RIPPY:

06:35 19 Q. You stated that these are calls; correct?

06:35 20 A. Calls for service, correct.

06:35 21 Q. How many of those three were founded?

06:35 22 A. That I'm not sure.

06:35 23 Q. How many of that one was founded?

06:35 24 A. I'm not sure.

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06:35 1 Q. So you have no indication whether those
06:35 2 were actually founded calls. Those were just calls
06:35 3 for service.

06:35 4 A. Correct.

06:35 5 MR. PHELAN: I'm sorry. What's the term
06:35 6 you're using? Founded?

06:35 7 MR. RIPPY: Whether an arrest was made.
06:35 8 Whether somebody was charged with it or whether it
06:35 9 was just somebody who called.

06:35 10 BY THE WITNESS:

06:35 11 A. If I could define founded to me?

06:35 12 MR. RIPPY: Sure, go ahead.

06:35 13 BY THE WITNESS:

06:35 14 A. That would be if we responded to a call
06:35 15 for service, in this case a sexual assault, where
06:35 16 during our investigation we determine that there was
06:35 17 a basis for that type of complaint. There had been
06:36 18 times when we've gone like on a robbery call and you
06:36 19 get there and it's really a theft, you know. So it
06:36 20 may have come in as a robbery, but it ends up being a
06:36 21 theft. You've got two different things.

06:36 22 So to answer his question, founded
06:36 23 sometimes can be different. It can be a different
06:36 24 answer than what it was initially assigned out as.

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06:36 1 MR. PHELAN: And you were asking him whether
 06:36 2 those --
 06:36 3 BY THE WITNESS
 06:36 4 **A. Are founded and that I don't know.**
 06:36 5 MR. RIPPY: Okay.
 06:36 6 MR. PHELAN: Of any of them? Just because
 06:36 7 they're on there, they came in as a call, we don't
 06:36 8 know what the outcome of the actual --
 06:36 9 BY THE WITNESS:
 06:36 10 **A. Correct.**
 06:36 11 MR. HEILMANN: Anything further?
 06:36 12 MR. OLEJNICZAK: Can I ask the chief just one
 06:36 13 question Chief, you've been a police officer in the
 06:36 14 Village of Oak Lawn for how many years?
 06:36 15 THE WITNESS: Thirty-one.
 06:36 16 MR. STREIT: Chief, how long have you been a
 06:36 17 police officer in the Village of Oak Lawn?
 06:36 18 THE WITNESS: Thirty-one years.
 06:36 19 MR. HEILMANN: Anything else?
 06:36 20 MR. CUNNINGHAM: Not from the chief.
 06:36 21 MR. HEILMANN: Next witness.
 06:36 22 (WHEREUPON, the witness was
 06:36 23 duly sworn.)
 06:36 24

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06:37 1 ROGER PAWLOWSKI,
 06:37 2 called as a witness herein, having been first duly
 06:37 3 sworn, was examined and testified as follows:
 06:37 4 DIRECT EXAMINATION
 06:37 5 BY MR. CUNNINGHAM:
 06:37 6 Q. Sir, will you state your name, your star
 06:37 7 and your unit of assignment, please.
 06:37 8 **A. Roger Pawlowski, P-a-w-l-o-w-s-k-i, 514.**
 06:37 9 **I am the Division Chief, Oak Lawn Police Department.**
 06:37 10 Q. Officer, I'm going to direct your
 06:37 11 attention to what I'll call Exhibit J.
 06:37 12 (WHEREUPON, a certain
 06:37 13 document was marked
 06:37 14 Exhibit J for
 06:37 15 identification.)
 06:37 16 MR. CUNNINGHAM: And show this to counsel.
 06:37 17 BY MR. CUNNINGHAM:
 06:37 18 Q. Would you take a look at this and tell us
 06:38 19 if you recognize what that is, sir.
 06:38 20 **A. I do.**
 06:38 21 Q. What do you recognize that to be?
 06:38 22 **A. I'm sorry?**
 06:38 23 Q. What do you recognize that to be?
 06:38 24 **A. It's a letter -- a results report I sent**

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06:38 1 **to the Village Manager. It's an inspection of the**
 06:38 2 **D-Lux Motel.**
 06:38 3 Q. This in fact is a reinspection of the
 06:38 4 D-Lux Motel; is that correct?
 06:38 5 **A. That's correct.**
 06:38 6 Q. And with respect to that reinspection,
 06:38 7 will you tell us like who goes out and what's that
 06:38 8 all about?
 06:38 9 **A. People that go out are representative of**
 06:38 10 **the Buildings Department, the Health Department and**
 06:38 11 **the Police Department and the Fire Department and I**
 06:38 12 **go with as the coordinator of it.**
 06:38 13 Q. Okay. And then you submit a report to
 06:38 14 the Village Manager?
 06:38 15 **A. Correct. I compile the individual**
 06:38 16 **reports and submit one report to the Village Manager.**
 06:38 17 Q. And J -- and this is a summary of your
 06:38 18 report; is that correct?
 06:38 19 **A. Correct.**
 06:38 20 Q. With respect to the area I've referred to
 06:38 21 as police, will you tell us what the report indicates
 06:38 22 and what you know about that?
 06:38 23 **A. The report indicates the results**
 06:38 24 **Investigator Zilos reported to me after the**

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06:38 1 **reinspection.**
 06:39 2 Q. And what in fact did he report to you
 06:39 3 with respect to his police reinspection?
 06:39 4 **A. He reported that he had took a look at**
 06:39 5 **all the vehicles located at the D-Lux at the day of**
 06:39 6 **our reinspection and he found one vehicle that was**
 06:39 7 **registered to that address, 4811 Columbus.**
 06:39 8 MR. RIPPY: Objection. It's a standing
 06:39 9 hearsay objection.
 06:39 10 MR. ALPERIN: I'd recommend overruling that
 06:39 11 objection on the previous grounds.
 06:39 12 MR. HEILMANN: Overruled.
 06:39 13 BY MR. CUNNINGHAM:
 06:39 14 Q. Did you in fact run the plates to see
 06:39 15 where the vehicle was registered out of?
 06:39 16 **A. I can only assume he did because he told**
 06:39 17 **me it registered to a Columbus Drive.**
 06:39 18 Q. And you made that in your report with
 06:39 19 respect to the license plate number, the vehicle, and
 06:39 20 then by doing that search you know the purported
 06:39 21 owner of the vehicle; is that correct?
 06:39 22 **A. That's correct.**
 06:39 23 Q. And all that information comes when you
 06:39 24 guys radio in a plate to the dispatchers at the

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06:35 1 department?

06:39 2 **A. That's true, but you don't generally have**

06:39 3 **to because most of our units have a computer in the**

06:39 4 **car and he was able to do that himself without**

06:40 5 **calling in.**

06:40 6 **Q.** And the plates then -- also there's an

06:40 7 indication to you of a driver's license number

06:40 8 assigned to the registered owner; is that correct?

06:40 9 **A. Often there is, yes.**

06:40 10 **Q.** Okay. And in this case there is in fact

06:40 11 a reference to -- the report has a driver's license

06:40 12 number connected to it; is that correct?

06:40 13 **A. That's correct.**

06:40 14 **Q.** And I'm going to show you then K, Exhibit

06:40 15 K?

06:40 16 MR. ALPERIN: Yes.

06:40 17 (WHEREUPON, a certain

06:40 18 document was marked

06:40 19 Exhibit K for

06:40 20 identification.)

06:40 21 BY MR. CUNNINGHAM:

06:40 22 **Q.** Can you tell us for identification

06:40 23 purposes what is K?

06:40 24 **A. It is a driver's abstract from the**
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06:40 1 **Secretary of State's office of the State of Illinois.**

06:40 2 **Q.** And who is that in the name of?

06:40 3 **A. Harold E. Davis.**

06:40 4 MR. RIPPY: I'm going to object again to

06:40 5 hearsay and the basis -- or the foundation for that

06:40 6 abstract.

06:40 7 MR. ALPERIN: I would recommend overruling.

06:40 8 MR. HEILMANN: Overruled.

06:40 9 BY MR. CUNNINGHAM:

06:40 10 **Q.** That driving abstract comes back to a

06:40 11 driver named Harold Davis; is that correct?

06:40 12 MR. RIPPY: Just so I can make that clear, is

06:40 13 that on my hearsay objection -- I would also object

06:40 14 to the foundation of that abstract.

06:40 15 MR. ALPERIN: I understand. Objection is

06:40 16 noted.

06:40 17 MR. HEILMANN: Overruled on the foundation

06:40 18 basis.

06:40 19 BY MR. CUNNINGHAM:

06:40 20 **Q.** Harold Davis is the driver; correct, sir?

06:40 21 **A. The owner of the driver's license listed**

06:40 22 **there is Harold Davis, correct.**

06:40 23 **Q.** And what did he tell the Secretary of

06:40 24 State was his address?
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06:41 1 **A. 4811 Columbus Drive in Oak Lawn.**

06:41 2 MR. RIPPY: Objection. Hearsay.

06:41 3 MR. HEILMANN: Overruled.

06:41 4 BY MR. CUNNINGHAM:

06:41 5 **Q.** And the plates are registered to a

06:41 6 specific unit number at that same address; is that

06:41 7 correct?

06:41 8 **A. That's correct.**

06:41 9 **Q.** And what specific unit number is that?

06:41 10 **A. Unit 41.**

06:41 11 MR. CUNNINGHAM: And I'm going to tender over

06:41 12 this witness at this time.

06:41 13 MR. HEILMANN: Cross.

06:41 14 MR. RIPPY: Thank you.

06:41 15 **CROSS EXAMINATION**

06:41 16 BY MR. RIPPY:

06:41 17 **Q.** How long has he lived there?

06:41 18 **A. I can answer that based on an answer I**

06:41 19 **heard --**

06:41 20 **Q.** No, I want to know what you know

06:41 21 specifically, not what somebody else has told you.

06:41 22 The investigation you've done. How long has he lived

06:41 23 there?

06:41 24 **A. Personally I do not know firsthand, no.**
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06:41 1 **Q.** And you have no idea whether or not he

06:41 2 registered this address the day after he may have

06:41 3 checked into the motel; correct?

06:41 4 **A. I do not know.**

06:41 5 **Q.** You have no idea whether or not he may

06:42 6 have registered his vehicle to the motel the day

06:42 7 after he checked in; is that correct?

06:42 8 **A. I currently do not know. You can tell**

06:42 9 **from a vehicle license plate when they registered,**

06:42 10 **but once a year you can tell when in the last year he**

06:42 11 **reregistered it, but the original date of register**

06:42 12 **you can not tell.**

06:42 13 **Q.** When did he reregister?

06:42 14 **A. Without that information in front of me,**

06:42 15 **I couldn't tell you.**

06:42 16 **Q.** Can you tell from this?

06:42 17 **A. That's a driver's license abstract.**

06:42 18 **Q.** And you can't tell from his license

06:42 19 abstract when he changed his address with the

06:42 20 Secretary of State; correct?

06:42 21 **A. No, I can't.**

06:42 22 **Q.** Did you make contact with Mr. Davis?

06:42 23 **A. I did not.**

06:42 24 **Q.** So at this point what we have is we have
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06:41 1 a guy whose license and his vehicle are registered to
 06:42 2 the motel but there's no indication or evidence
 06:43 3 whether he lives there -- what you specifically know;
 06:44 4 is that correct?
 06:45 5 **A. No, that is correct.**
 06:46 6 **Q.** Now I'm going to show you this report,
 06:47 7 this reinspection report. It also indicates that --
 06:48 8 I'm sorry. What's the date of that report? Let's
 06:49 9 start off with that?
 06:50 10 **A. 24 March 2008.**
 06:51 11 **Q.** And did it indicate whether or not the
 06:52 12 certain changes, policy changes, have been made as
 06:53 13 far as renters at the motel?
 06:54 14 **A. It did.**
 06:55 15 **Q.** What does it indicate?
 06:56 16 **A. It indicates that the owner's son --**
 06:57 17 **Q.** No, no. I'm sorry. Prior to that.
 06:58 18 Generally any --
 06:59 19 **A. The owner's son had stated --**
 07:00 20 **Q.** No. The last two sentences.
 07:01 21 **A. That the owner's son told Investigator**
 07:02 22 **Zilos --**
 07:03 23 **Q.** The last two --
 07:04 24 MR. CUNNINGHAM: Your Honor, I'm going to

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07:05 1 object and just ask the witness be allowed to answer
 07:06 2 the question.
 07:07 3 MR. RIPPY: I have a specific question for
 07:08 4 him that I'm trying to clarify which I'd ask be
 07:09 5 allowed to do that. I want to ask him about a
 07:10 6 specific portion. You know what? Go ahead. No --
 07:11 7 BY MR. RIPPY:
 07:12 8 **Q.** Is there an indication of whether or
 07:13 9 not --
 07:14 10 MR. HEILMANN: I believe the objection is
 07:15 11 overruled and are you withdrawing the question?
 07:16 12 MR. RIPPY: I'll withdraw the question.
 07:17 13 BY MR. RIPPY:
 07:18 14 **Q.** Is there an indication on this report
 07:19 15 whether or not weekly renters are being moved out of
 07:20 16 the motel?
 07:21 17 **A. There is.**
 07:22 18 **Q.** Okay. And is there an indication as to
 07:23 19 whether or not the motel is now in compliance with
 07:24 20 the other inspectors?
 07:25 21 **A. The other inspectors reported relative**
 07:26 22 **compliance with their earlier citations.**
 07:27 23 **Q.** Okay. Fire, full compliance; correct?
 07:28 24 **A. Correct.**

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06:44 1 **Q.** Health, full compliance?
 06:44 2 **A. I believe so.**
 06:44 3 **Q.** Building, partial?
 06:44 4 **A. Partial compliance.**
 06:44 5 **Q.** And the noncompliance was based on
 06:44 6 weather-related issues?
 06:44 7 **A. That's correct.**
 06:44 8 **Q.** Such as painting and concrete?
 06:44 9 **A. Correct.**
 06:44 10 **Q.** And at the time I believe it was the 24th
 06:44 11 of March when this reinspection occurred?
 06:44 12 **A. No, sir. I believe it was the 3rd of**
 06:44 13 **March.**
 06:44 14 **Q.** Oh, the 3rd. So do you recall the
 06:44 15 weather?
 06:44 16 **A. It was just beginning to warm up from the**
 06:44 17 **winter, correct.**
 06:44 18 **Q.** So we hadn't gotten out of the thaw yet,
 06:44 19 fair to say?
 06:44 20 **A. I can't remember but the weather -- it**
 06:45 21 **was early in the spring.**
 06:45 22 MR. RIPPY: Nothing further.
 06:45 23 MR. HEILMANN: Redirect.
 06:45 24

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1 REDIRECT EXAMINATION
 2 BY MR. CUNNINGHAM:
 06:45 3 **Q.** Does the driving abstract indicate when
 06:45 4 it was issued, sir?
 06:45 5 **A. Yes.**
 06:45 6 **Q.** What's the date that that driving
 06:45 7 abstract was issued showing 4811 Columbus?
 06:45 8 **A. It's not the date of the abstract. The**
 06:45 9 **date that the license was issued -- at least issued**
 06:45 10 **or reissued on 6/18 of '07.**
 06:45 11 **Q.** And the report Officer Zilos had a
 06:45 12 conversation with respect to how long that guy has
 06:45 13 been living at the property; is that correct?
 06:45 14 **A. That's correct.**
 06:45 15 **Q.** And how long was it suggested that he's
 06:45 16 been living there?
 06:45 17 MR. RIPPY: Objection as to foundation.
 06:45 18 There's no indication who he had the conversation
 06:45 19 with or where the conversation came from.
 06:45 20 MR. ALPERIN: Objection is noted for the
 06:45 21 record, but I recommend overruling.
 06:45 22 MR. RIPPY: I'll also lay a hearsay
 06:46 23 objection.
 06:46 24 MR. HEILMANN: Overruled on hearsay and

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06:46 1 foundation
 06:46 2 BY MR. CUNNINGHAM:
 06:46 3 **Q.** How long has he been living there?
 06:46 4 **A** **Since May of 1994.**
 06:46 5 **Q.** And the Village Code allows for 30 days
 06:46 6 at the maximum for a motel stay; is that correct?
 06:46 7 **A.** **Correct.**
 06:46 8 MR. RIPPY: I do have one question based on
 06:46 9 that if that's all right with the Board.
 06:46 10 MR. ALPERIN: Sure.
 06:46 11 **RE-CROSS EXAMINATION**
 06:46 12 BY MR. RIPPY:
 06:46 13 **Q.** What specifically does the Village Code
 06:46 14 say regarding that?
 06:46 15 **A.** **Word for word, I couldn't read it to**
 06:46 16 **you -- couldn't recite it to you.**
 06:46 17 **Q.** Okay. Give me a generality.
 06:46 18 **A.** **In general that rooms are not allowed to**
 06:46 19 **be rented for extended periods of time.**
 06:46 20 **Q.** And what is an extended period of time
 06:46 21 defined as?
 06:46 22 **A.** **I believe it to be -- I'm not positive.**
 06:46 23 **I can't say for sure.**
 06:46 24 **Q.** Okay. All right. And does it say --
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06:47 1 MR. RIPPY: Nothing further.
 06:47 2 MR. ALPERIN: Counsel --
 06:47 3 MR. CUNNINGHAM: Move to have J and K entered
 06:47 4 into evidence.
 06:47 5 MR. RIPPY: Just renew my objections.
 06:47 6 MR. HEILMANN: Allowed.
 06:47 7 MR. ALPERIN: So J and K are in.
 06:47 8 (WHEREUPON, said documents,
 06:47 9 previously marked Exhibit
 06:47 10 J and Exhibit K for
 06:47 11 identification were
 06:47 12 admitted into evidence.)
 06:47 13 MR. HEILMANN: The objection is not
 06:47 14 allowed -- the documents are allowed into evidence.
 06:47 15 You understood that?
 06:47 16 MR. RIPPY: I did. Thank you.
 06:47 17 MR. STREIT: May I ask a couple quick
 06:47 18 questions of Roger?
 06:47 19 BY THE WITNESS:
 06:47 20 **A.** **Certainly.**
 06:47 21 MR. STREIT: Roger, how long have you been a
 06:47 22 police officer in the Village of Oak Lawn?
 06:47 23 BY THE WITNESS:
 06:47 24 **A.** **21 years.**
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06:47 1 MR. STREIT: 21 years. And as long as you
 06:47 2 have been an officer, could you tell us what types of
 06:47 3 crimes that you're familiar with that have been
 06:47 4 reported at the D-Lux Budget Motel?
 06:47 5 BY THE WITNESS:
 06:47 6 **A.** **Certainly in my history responding to**
 06:47 7 **calls, I can recall disturbances, stolen motor**
 06:47 8 **vehicle calls, drug calls, an occasional sexual**
 06:47 9 **assault type of call. Those are being the type of**
 06:48 10 **calls that are at this location.**
 06:48 11 MR. STREIT: And does any motel in the
 06:48 12 Village of Oak Lawn stand out in your mind as being a
 06:48 13 place considered to be a -- where it would be the
 06:48 14 most routine or the common place to have criminal
 06:48 15 activity reports?
 06:48 16 BY THE WITNESS:
 06:48 17 **A.** **I would say of all the hotels in town**
 06:48 18 **that the D-Lux would be the one to come to my mind**
 06:48 19 **that needed to be watched the closest.**
 06:48 20 MR. STREIT: Thank you.
 06:48 21 MR. HEILMANN: Any more witnesses?
 06:48 22 MR. CUNNINGHAM: Police Officer Culhane --
 06:48 23 MR. RIPPY: Actually, I have a couple of
 06:48 24 questions to follow up on that.
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06:48 1 MR. HEILMANN: Following up on the Board
 06:48 2 member's question?
 06:48 3 MR. RIPPY: Yes.
 06:48 4 MR. HEILMANN: Sure.
 06:48 5 BY MR. RIPPY:
 06:48 6 **Q.** You said you've been a police officer for
 06:48 7 21 years?
 06:48 8 **A.** **Correct.**
 06:48 9 **Q.** And what's your role now, sir?
 06:48 10 **A.** **I'm a Division Chief -- Administrative**
 06:48 11 **Division Chief.**
 06:48 12 **Q.** Are you on the street?
 06:48 13 **A.** **Right now, no, I'm not.**
 06:48 14 **Q.** Okay. And when you stated the various
 06:48 15 types of calls that were related to the D-Lux Motel,
 06:48 16 how long ago did those occur? Give me dates if you
 06:48 17 can or even generalities.
 06:48 18 **A.** **I cannot give you dates. I can say that**
 06:48 19 **I was patrolling the streets from 1987 to 1999 and it**
 06:48 20 **would be in those times when I would have personally**
 06:48 21 **responded to this location.**
 06:48 22 **Q.** Okay. So we're talking about a 12-year
 06:48 23 period -- 11 years ago -- ending 11 years ago; is
 06:48 24 that correct?
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06:45 1 **A. Correct.**
 06:45 2 **Q.** Okay. Now when you stated the D-Lux
 06:49 3 Motel stands out in your mind -- you heard Chief
 06:49 4 Villanova testify as to the numbers; is that
 06:49 5 correct -- to the arrests -- calls?
 06:49 6 **A. I'm sorry?**
 06:49 7 **Q.** Did you hear Chief Villanova -- and you
 06:49 8 heard him also state that the numbers were fairly
 06:49 9 close with all four hotels in Oak Lawn?
 06:49 10 **A. I heard that.**
 06:49 11 **Q.** Okay. Now, sir, based on --
 06:50 12 MR. RIPPY: Nothing further.
 06:50 13 MR. HEILMANN: Next witness.
 06:50 14 MR. CUNNINGHAM: Officer Culhane on a quick
 06:50 15 recall
 06:50 16 MR. HEILMANN: State your name again.
 06:50 17 **REDIRECT EXAMINATION**
 06:50 18 **BY THE WITNESS:**
 06:50 19 **A. Officer Culhane, C-u-l-h-a-n-e, Star 309,**
 06:50 20 **Oak Lawn Police Department.**
 06:50 21 **BY MR. CUNNINGHAM:**
 06:50 22 **Q.** Officer, you were previously sworn in and
 06:50 23 testified earlier this evening. With respect to the
 06:50 24 three alleged sexual assault cases out of the D-Lux,
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06:50 1 do you have personal knowledge about whether or not
 06:50 2 one of them was -- at least one of them was founded?
 06:50 3 **A. Yes, I do.**
 06:50 4 **Q.** And how is that?
 06:50 5 **A. I was the officer that investigated it**
 06:50 6 **and followed it all the way through and eventually**
 06:50 7 **charged the offender.**
 06:50 8 **Q.** And was the offender ultimately convicted
 06:50 9 on that case?
 06:50 10 **A. Yes, he was.**
 06:50 11 **Q.** Do you recall whether or not the victim
 06:50 12 there was of a consenting age or a minor?
 06:50 13 **A. She was of consenting age.**
 06:50 14 MR. CUNNINGHAM: Okay. I don't have anything
 06:50 15 further on that.
 06:50 16 MR. HEILMANN: Cross.
 06:50 17 **RECROSS EXAMINATION**
 06:50 18 **BY MR. RIPPY:**
 06:50 19 **Q.** How long ago did that occur?
 06:50 20 **A. October 2006.**
 06:50 21 MR. RIPPY: Okay.
 06:50 22 MR. HEILMANN: Any further witnesses?
 06:50 23 MR. CUNNINGHAM: Edward Sircher.
 06:50 24
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06:51 1 (WHEREUPON, the witness was
 06:51 2 duly sworn.)
 06:51 3 **EDWARD SIRCHER,**
 06:51 4 called as a witness herein, having been first duly
 06:51 5 sworn, was examined and testified as follows:
 06:51 6 **DIRECT EXAMINATION**
 06:51 7 **BY MR. CUNNINGHAM:**
 06:52 8 **Q.** Mr. Sircher, you're obviously the son
 06:52 9 then of Michaelyn and Edward Sircher, Senior;
 06:52 10 correct?
 06:52 11 **A. I am.**
 06:52 12 **Q.** And you have formulated this corporation
 06:52 13 called Village Hospitality Inn, Incorporated?
 06:52 14 **A. Village Inn Hospitality, Inc.**
 06:52 15 **Q.** And when did you formulate that
 06:52 16 corporation?
 06:52 17 **A. I couldn't give you an exact date.**
 06:52 18 **Q.** How about an exact month?
 06:52 19 **A. I mean, if you could -- I don't know the**
 06:53 20 **exact date that it was. It was handled by attorneys**
 06:53 21 **and things like that. I couldn't tell you the exact**
 06:53 22 **date that we became a corporation. I could not.**
 06:53 23 **Q.** But you filed it in about January of
 06:53 24 2008; correct?
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06:53 1 **A. I would say it's around there, yeah.**
 06:53 2 **Q.** And ultimately you were aware that a
 06:53 3 petition to revoke the business license of your
 06:53 4 mother and father -- or we'll just call them the
 06:53 5 D-Lux Motel -- that was filed in late February;
 06:53 6 correct?
 06:53 7 **A. The first letter that was addressed to my**
 06:53 8 **mom? Is that what you're asking?**
 06:53 9 **Q.** Yes.
 06:53 10 **A. I believe the date has February 18 on it.**
 06:53 11 **Q.** So about middle to late February you
 06:53 12 became aware that the Village had a petition to
 06:53 13 revoke that business license; correct?
 06:53 14 **A. Yes, yes.**
 06:53 15 **Q.** And some of the things that were alleged
 06:53 16 in there were what occurred back in October of '07
 06:53 17 when you were the night manager when that sexual
 06:53 18 assault occurred; correct?
 06:53 19 **A. Yes, that was in the letter.**
 06:54 20 **Q.** Now you did make contact with that room
 06:54 21 in those early morning hours, didn't you?
 06:54 22 **A. I did.**
 06:54 23 **Q.** And you were the night manager at that
 06:54 24 time; correct?
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06:54 1 **A. I was.**
 06:54 2 **Q. How many people were in that room when**
 06:54 3 **you made contact?**
 06:54 4 **A. I want to be very, very clear about this,**
 06:54 5 **because I told every officer that I could find that**
 06:54 6 **next morning that the most I saw was three. I never**
 06:54 7 **said more than two. My exact words -- and I don't**
 06:54 8 **know where the clarification got confused -- was that**
 06:54 9 **I saw -- the most I saw was three. It could have**
 06:54 10 **possibly only been two.**
 06:54 11 **Q. Well, why did you tell the officer that**
 06:54 12 **you told the people, You have to keep it quiet. I**
 06:54 13 **know there's more than two of you in here?**
 06:54 14 **A. Because I saw one gentleman and one girl**
 06:54 15 **and they were not the person that rented the room.**
 06:54 16 **Q. Okay. Why then didn't you take on the**
 06:54 17 **responsibility then when you were at the door of**
 06:54 18 **peeking your head in to see what in fact was going on**
 06:54 19 **and confirm your suspicions that there were more than**
 06:54 20 **two people in the room?**
 06:54 21 **A. I can't barge into people's rooms. I**
 06:55 22 **asked the girl to keep it down, that I was aware that**
 06:55 23 **there could have been three people in the room.**
 06:55 24 **Q. Well, if you felt that you were limited**

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06:55 1 **in your ability then to do that, you don't seem to**
 06:55 2 **contest tonight, would you, that the police have that**
 06:55 3 **same limitation?**
 06:55 4 **A. I'm not sure I understand the question.**
 06:55 5 **Q. You could have called the police,**
 06:55 6 **correct, to help you out?**
 06:55 7 **A. There was nothing to indicate that the**
 06:55 8 **police were required. There was -- no one said that**
 06:55 9 **there was any problems. There was no -- and this is**
 06:55 10 **the other thing is that the door was cracked open and**
 06:55 11 **that's how I was allowed to hear the voices. I doubt**
 06:55 12 **I would have heard the giggling and the laughing had**
 06:55 13 **the door not been open. It was already open. It was**
 06:55 14 **cracked open about this much I would say. The**
 06:55 15 **girl -- and I knocked on the door and the girl met me**
 06:55 16 **at the door and assured me that everything was fine**
 06:55 17 **and she -- and that they were going to quiet down.**
 06:55 18 **Q. The statement that you gave the officer**
 06:55 19 **was that you heard noise and that you walked down and**
 06:55 20 **the door was open and you responded to that noise?**
 06:55 21 **A. Cracked open. I was very specific about**
 06:55 22 **how I could not see into the room. He asked that**
 06:55 23 **specifically and I said I could not.**
 06:55 24 **Q. And you specifically did not try to see**

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06:56 1 **in the room but you did tell them that you knew there**
 06:56 2 **were more than two people in that room; correct?**
 06:56 3 **A. I said that I believe that there could be**
 06:56 4 **three people in the room because the two people I saw**
 06:56 5 **were not the one that rented it.**
 06:56 6 **Q. But you know that your rooms only hold**
 06:56 7 **two?**
 06:56 8 **A. I know that we have a house rule that**
 06:56 9 **says our rooms only hold two.**
 06:56 10 **Q. Why didn't you follow your house rule**
 06:56 11 **then?**
 06:56 12 **A. Because it was 5:30 in the morning. I**
 06:56 13 **asked them if they could please quiet down --**
 06:56 14 **Q. Do the laws change at different hours of**
 06:56 15 **the day?**
 06:56 16 **A. These aren't laws. These are our rules.**
 06:56 17 **Q. Do your rules change at different hours**
 06:56 18 **of the day?**
 06:56 19 **A. No, typically they do not. But in this**
 06:56 20 **particular situation, I -- everything seemed like it**
 06:56 21 **was fine. They agreed to quiet down and for the rest**
 06:56 22 **of my shift I never heard another peep from the room.**
 06:56 23 **Q. Obviously everything wasn't fine;**
 06:56 24 **correct?**

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06:56 1 **A. From what I understand obviously it was**
 06:56 2 **not.**
 06:56 3 **Q. You know that now?**
 06:56 4 **A. I do. I want to make it also clear**
 06:56 5 **that --**
 06:56 6 **Q. Do you accept now that that room only has**
 06:56 7 **an occupancy load of only two persons?**
 06:56 8 **A. No, I do not.**
 06:56 9 **Q. Well, you're now a motel owner having**
 06:56 10 **bought the place from your parents; correct?**
 06:56 11 **A. I am.**
 06:56 12 **Q. You intend to rent rooms for a living?**
 06:57 13 **A. That's what you do in the motel business.**
 06:57 14 **Q. Well, how do you rent rooms without**
 06:57 15 **knowing how many people can go in it?**
 06:57 16 **A. Because I was never told by the Village**
 06:57 17 **of Oak Lawn what our occupancy rate was. And**
 06:57 18 **apparently they didn't know until today either.**
 06:57 19 **Q. No, they just measured today.**
 06:57 20 **A. Okay. But that's after they filed a**
 06:57 21 **report saying that I violated the occupancy. Why did**
 06:57 22 **they need to go out and measure if they already said**
 06:57 23 **I violated it.**
 06:57 24 **Q. Why do you think that there is this**

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06:57 1 policy for two?

06:57 2 **A. Why?**

06:57 3 **Q.** Yes. Where does that come from?

06:57 4 **A. It comes from us.**

06:57 5 **Q.** Is it for safety purposes?

06:57 6 **A. It's because it's our policy.**

06:57 7 **Q.** But you chose not to follow it?

06:57 8 **A. In this particular instance, I assessed**

06:57 9 **the situation -- there was nothing going on. They**

06:57 10 **were not being loud. I never heard from them again**

06:57 11 **and I allowed them to stay the rest of the morning.**

06:57 12 **It was 5:30 in the morning. They were due out**

06:57 13 **shortly. You have the registration card.**

06:57 14 **Q.** How was it that seven people were able to

06:57 15 get in and out of that room without you ever seeing?

06:57 16 **A. To be quite honest with you, I never saw**

06:57 17 **any more people enter the room than the person who**

06:57 18 **rented it, when he rented the room.**

06:57 19 **Q.** How does that happen?

06:57 20 **A. How does what happen?**

06:57 21 **Q.** The amount of people can get in and out

06:57 22 of the room without you --

06:57 23 **A. It's a busy job. I can't be everywhere**

06:57 24 **at once. Perhaps they snuck into the room. I can't**

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06:58 1 **tell you when they did or if they did or if they were**

06:58 2 **in there because I didn't see.**

06:58 3 **Q.** Do you contest the evidence that's been

06:58 4 offered that maybe these people weren't in there and

06:58 5 some of this is fabricated?

06:58 6 **A. No, I'm not accusing anybody of lying.**

06:58 7 **What I'm saying is that --**

06:58 8 **Q.** Hold on. Do you accept the fact that

06:58 9 there were seven people in that room?

06:58 10 **A. I accept the fact that the police say**

06:58 11 **there was.**

06:58 12 **Q.** And that's at the time that you're

06:58 13 knocking at the door and you're responding to noise

06:58 14 coming from that room; correct?

06:58 15 **A. I'm not sure what you're asking me.**

06:58 16 **Q.** The evidence is that there were seven

06:58 17 people in the room when you knocked on the door --

06:58 18 **A. And there was no indication of that -- if**

06:58 19 **you're asking me a question was there any indication**

06:58 20 **that there was seven people in the room, no, there**

06:58 21 **was not.**

06:58 22 **Q.** You had stated before that it's your

06:58 23 intent to change things drastically and that the

06:58 24 things of the past will always be present. You had

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06:59 1 to obey your parents and their policies; correct?

06:59 2 **A. What specific -- what are you referring**

06:59 3 **to specifically?**

06:59 4 **Q.** What you said from the table earlier --

06:59 5 **A. What policy are you referring to?**

06:59 6 **Q.** Let's get to the policies. But did you

06:59 7 not state earlier that it's your big intent to change

06:59 8 things but that you had to follow your parents'

06:59 9 policies before. Didn't you tell us that starting

06:59 10 off tonight?

06:59 11 **A. I had to follow the guidelines of the way**

06:59 12 **they ran the place.**

06:59 13 **Q.** Well, if you had followed those

06:59 14 guidelines which just so happen to be the exact same

06:59 15 thing as the occupancy load, even though you don't

06:59 16 really appreciate the occupancy load --

06:59 17 **MR. RIPPY:** Objection. I'm going to ask that

06:59 18 he not badger the witness.

06:59 19 **MR. ALPERIN:** I recommend overrule.

06:59 20 **MR. HEILMANN:** Overruled. Go ahead.

06:59 21 **BY MR. CUNNINGHAM:**

06:59 22 **Q.** If you had followed the policy, you do

06:59 23 appreciate that at least one sexual assault on a

06:59 24 minor would not have occurred, do you appreciate

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06:59 1 that?

06:59 2 **A. If I had followed the policy --**

06:59 3 **Q.** If you had followed the policy and broke

07:00 4 up the party, do you appreciate that a sexual assault

07:00 5 on a minor would not have occurred?

07:00 6 **A. I don't know what -- are you saying that**

07:00 7 **I'm responsible?**

07:00 8 **Q.** Civilly you may be. Do you appreciate

07:00 9 that?

07:00 10 **THE WITNESS:** Dave, do I just answer or --

07:00 11 **MR. RIPPY:** Just answer.

07:00 12 **BY THE WITNESS:**

07:00 13 **A. If what is said in the police report and**

07:00 14 **everything occurred, I feel terrible about the**

07:00 15 **situation. But if there was any indication that**

07:00 16 **anything was wrong there, I would not only have**

07:00 17 **called the police but entered the room myself.**

07:00 18 **BY MR. CUNNINGHAM:**

07:00 19 **Q.** You said that you were limited. You

07:00 20 can't enter the room. But nothing limits you from

07:00 21 knocking on the door as the ultimate owner and the

07:00 22 guy who has responsibility --

07:00 23 **A. I was not the owner at the time. I was**

07:00 24 **the night manager.**

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07:02 1 Q. So you're the manager then. Don't you
 07:02 2 feel you have a responsibility, if you have a
 07:02 3 suspicion as you've indicated that maybe there's more
 07:02 4 people in the room that you should simply knock on
 07:02 5 the door and ascertain that?
 07:02 6 A. There was no indication when I was met by
 07:02 7 the girl at the door that there was more people in
 07:02 8 the room. There was no indication that there were
 07:02 9 six or seven people in there.
 07:02 10 Q. At a minimum you told the police officers
 07:02 11 that there was at least three?
 07:02 12 A. I told them I knew of three. I take that
 07:02 13 back. Not that I knew of three. That I saw two
 07:02 14 other than the one who rented the room.
 07:02 15 Q. So your suspicions are that there may be
 07:02 16 at least three in the room; correct?
 07:02 17 A. Yes.
 07:02 18 Q. Don't you feel any responsibility for
 07:02 19 following up on the own policies that are set into
 07:02 20 place at that time?
 07:02 21 A. First of all, at that particular time
 07:02 22 when it was under my parents' ownership, they had
 07:02 23 rooms in there with two beds so it was not a strict
 07:02 24 and hard policy of two people per room.

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07:03 1 Q. Was there two beds in that room that
 07:03 2 night?
 07:03 3 A. No, there was not.
 07:03 4 Q. Okay. So again I keep asking you the
 07:03 5 same question. Would you answer it. Don't you feel
 07:03 6 that you had a responsibility to follow up on your
 07:03 7 suspicions?
 07:03 8 A. I feel that I acted appropriately for the
 07:03 9 conditions as known to me.
 07:03 10 Q. Okay. Now we're not talking about
 07:03 11 criminally responsible. But do you appreciate that
 07:03 12 your inaction --
 07:03 13 MR. RIPPY: Objection. I'm going to object
 07:03 14 to that. He's asking him to admit to civil liability
 07:03 15 on the stand. I have a full objection to that.
 07:03 16 MR. HEILMANN: I haven't heard a full
 07:03 17 question. It seems like we interrupted his question.
 07:03 18 MR. RIPPY: I apologize --
 07:03 19 MR. HEILMANN: Overruled. I don't know what
 07:03 20 his question is.
 07:03 21 BY MR. CUNNINGHAM:
 07:03 22 Q. Do you appreciate that your inaction
 07:03 23 could in fact expose you to civil liability?
 07:03 24 MR. RIPPY: Now I interpose my objection.

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07:02 1 MR. HEILMANN: Your objection is based on
 07:02 2 what?
 07:02 3 MR. RIPPY: I don't believe it's relevant to
 07:02 4 this case.
 07:02 5 MR. HEILMANN: On relevance?
 07:02 6 MR. RIPPY: Correct.
 07:02 7 MR. HEILMANN: Oh, okay. Overruled.
 07:02 8 BY THE WITNESS:
 07:02 9 A. Can you repeat it. I'm sorry.
 07:02 10 BY MR. CUNNINGHAM:
 07:02 11 Q. Do you appreciate that your inaction
 07:02 12 could possibly have you exposed to civil liability
 07:02 13 for what happened in that room?
 07:02 14 A. I don't know that it does or it doesn't.
 07:02 15 Q. Okay. At the time of this reinspection
 07:02 16 that had occurred in March, there was an indication
 07:02 17 that Mr. Harold Davis has his car registered to the
 07:02 18 place. Do you know Harold?
 07:02 19 A. I do.
 07:02 20 Q. How long has Harold lived at the D-Lux?
 07:03 21 A. To the best of my knowledge, he moved in
 07:03 22 '94.
 07:03 23 Q. Okay. How long have you been working
 07:03 24 there?

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07:03 1 A. On and off my whole life. There's been
 07:03 2 times college and other things where I haven't been
 07:03 3 there but on and off my whole life.
 07:03 4 Q. Are you familiar with any of the Village
 07:03 5 codes with respect to length of occupancy for a
 07:03 6 motel?
 07:03 7 A. We were never informed of them, that we
 07:03 8 were violating them or that that was the rule.
 07:03 9 Q. Okay. Is this a matter where you got to
 07:03 10 get caught or do you do any policing for yourself?
 07:03 11 A. First of all, I'd like to say that my
 07:03 12 brother and I since we've taken ownership no longer
 07:03 13 rent rooms out on a long-term basis. We don't rent
 07:03 14 them by the week which is what my parents did which
 07:03 15 resulted in people staying there for longer than 30
 07:03 16 days. We no longer do that.
 07:03 17 Q. Let's talk a little bit about four-hour
 07:03 18 nap. What kind of clientele is drawn in by your
 07:03 19 four-hour nap?
 07:03 20 A. What do you mean by that?
 07:03 21 Q. Is there prostitution going on in the
 07:03 22 place?
 07:03 23 A. No.
 07:03 24 Q. You never have any prostitution at the

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07:04 1 D-Lux Motel?

07:04 2 **A. As far as I know, I have read an article**

07:04 3 **where you accused us of prostitution. There was one**

07:04 4 **case and that happened at the Gateway.**

07:04 5 **Q.** I'm asking you, 30 years plus experience,

07:04 6 are you telling us that there's no prostitution going

07:04 7 on at the D-Lux?

07:04 8 **A. To my knowledge, no. And apparently to**

07:04 9 **yours either because you couldn't come up with one.**

07:04 10 **Q.** Okay. So are you telling us that if we

07:04 11 come up with a prostitution case that then there is

07:04 12 prostitution. But if we don't, there's not?

07:04 13 **A. I would think you'd have to prove it**

07:04 14 **before you can say it.**

07:04 15 **Q.** Because you don't want to make an

07:04 16 admission to it?

07:04 17 **A. I know of no prostitution going on at our**

07:04 18 **hotel -- motel.**

07:04 19 **Q.** Do you ever follow up with like when the

07:04 20 police come on and take one of your guests away in

07:04 21 handcuffs to find out, gee what was going on?

07:04 22 **A. No, but we did request that -- when we**

07:04 23 **met with the chief in December of '06 that we did**

07:04 24 **have a stronger relationship and find out what**

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07:04 1 **resulted in it and we were never contacted.**

07:04 2 **Q.** Was that an effort on your behalf to be a

07:04 3 little bit more cooperative with them?

07:04 4 **A. I've never been anything but 100 percent**

07:04 5 **cooperative with this police force and this Village.**

07:04 6 **Q.** When we compare the statistics for

07:04 7 self-help requests, you guys fall drastically short

07:04 8 statistically then your counterparts in the Miami?

07:04 9 **A. Okay.**

07:04 10 **Q.** Do you agree with that?

07:04 11 **A. You're asking me if I agree with your**

07:04 12 **numbers?**

07:04 13 **Q.** Let's put it a different way. Do you

07:04 14 have a resistance to calling the police and asking

07:04 15 for help?

07:04 16 **A. No. If a crime is witnessed, the police**

07:04 17 **are called.**

07:04 18 **Q.** Did you ever make a statement in an

07:04 19 e-mail that you sent out to all these Board members

07:04 20 that you don't trust the police and you don't call

07:04 21 the police?

07:04 22 **A. No, no.**

07:04 23 **Q.** You didn't?

07:04 24 **A. Can I please speak for a second and**

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07:05 1 **answer you.**

07:05 2 **Q.** I just asked if you made that statement

07:05 3 in an e-mail to the Trustees.

07:05 4 **A. We stated that at a certain point in time**

07:05 5 **it became obvious by police behavior that -- police**

07:05 6 **behavior at our business that, yes, a sense of**

07:05 7 **mistrust did start to develop.**

07:05 8 **Q.** So you're telling us that you want to be

07:06 9 a business owner in the Village of Oak Lawn but

07:06 10 you're distrustful of the very services that will be

07:06 11 provided to serve and protect your business?

07:06 12 **A. Of certain police officers, yes.**

07:06 13 **Q.** So how do you propose that we're going to

07:06 14 work that out if it were to be seen fit to give you a

07:06 15 license?

07:06 16 **A. I wouldn't know because no Board member,**

07:06 17 **Village Manager or any other representative of this**

07:06 18 **thing has attempted to work with us, has asked us**

07:06 19 **about the changes we were going to make, which by the**

07:06 20 **way we have offered on numerous occasions.**

07:06 21 **MR. HEILMANN:** Can I -- I'm sorry. You've

07:06 22 offered the Board numerous occasions to meet

07:06 23 regarding the new ownership? I wasn't aware of that.

07:06 24

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07:06 1 BY THE WITNESS:

07:06 2 **A. We sent an e-mail, the same e-mail that**

07:06 3 **he's speaking about right now, out to everyone and**

07:06 4 **saying that none of you guys have ever been out**

07:06 5 **there. As far as I know, Mr. Olejniczak and**

07:06 6 **Mr. Deetjen made a visit when neither my brother or I**

07:06 7 **were present and to be honest I don't know if it was**

07:07 8 **at a time when my parents owned it or after we had**

07:07 9 **taken ownership.**

07:07 10 **But Mr. Phelan said it himself. He's**

07:07 11 **never met us.**

07:07 12 **MR. HEILMANN:** I'm just saying, you said

07:07 13 something about repeated efforts to the Board. But I

07:07 14 thought that you just switched owners recently.

07:07 15 BY THE WITNESS:

07:07 16 **A. In my parents' capacity when we met with**

07:07 17 **the chief, Mr. Olejniczak and Mr. Folliard in**

07:07 18 **December of 2006, we said then that we'll be willing**

07:07 19 **to do whatever -- work with you in any way, shape, or**

07:07 20 **form we can. My mom still owned it at the time.**

07:07 21 **MR. HEILMANN:** Were you at that meeting?

07:07 22 BY THE WITNESS:

07:07 23 **A. I was. I was there. My brother was**

07:07 24 **there, myself, and my mom.**

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07:07 1 MR. HEILMANN: And that was because of
 07:08 2 complaints about what was going on in the hotel?
 07:09 3 BY THE WITNESS:
 07:10 4 A. **From what I understand it was the issue**
 07:11 5 **then is there were too many complaints, that they**
 07:12 6 **thought the number was high. That was in December of**
 07:13 7 **2006 and you could -- my brother and the chief**
 07:14 8 **corresponded for a period of time after that -- a**
 07:15 9 **period of time which Trustee Olejniczak referred to**
 07:16 10 **and said it was a relative period of peace.**

07:17 11 I hope if I didn't answer your question,
 07:18 12 you can ask me again.

07:19 13 MR. HEILMANN: I didn't know that -- I hadn't
 07:20 14 heard anything -- I'm sorry. Please proceed.

07:21 15 BY MR. CUNNINGHAM:

07:22 16 Q. Do you agree that there is a high degree
 07:23 17 of criminality going on at the D-Lux?

07:24 18 A. **I would say that your chief just said**
 07:25 19 **that it's pretty similar to the other hotels.**

07:26 20 Q. Okay. Well, then why if there's the same
 07:27 21 amount of criminality going on is your self-reporting
 07:28 22 so much lower than say for instance the Miami's?

07:29 23 A. **I really don't know -- you know what I**
 07:30 24 **mean? I don't even know what that -- what you mean**

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07:31 1 **by that accusation.**

07:32 2 Q. Okay. When was the last time you
 07:33 3 yourself called --

07:34 4 A. **If a crime is witnessed on our property,**
 07:35 5 **the police are called.**

07:36 6 Q. By who?

07:37 7 A. **It might be the desk clerk.**

07:38 8 Q. When was the last time you called?

07:39 9 A. **That I called the police?**

07:40 10 Q. Yeah.

07:41 11 A. **It's not an exact -- I don't have an**
 07:42 12 **exact date.**

07:43 13 Q. Did you do it in 2008?

07:44 14 A. **I believe I did.**

07:45 15 Q. When?

07:46 16 A. **You have the police records. You can**
 07:47 17 **look it up. I called the police. They came by. A**
 07:48 18 **door had been kicked in. They asked me if I wanted**
 07:49 19 **to press charges. I said, No. If they could just**
 07:50 20 **make sure the people leave the property that I would**
 07:51 21 **be satisfied with that. They actually went on to say**
 07:52 22 **you should press charges. It's going to be**
 07:53 23 **expensive, things like that.**

07:54 24 Q. Other than that one, when was the next to

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07:09 1 last time?

07:09 2 A. **I don't know. You would know better than**
 07:09 3 **I would in your records.**

07:09 4 Q. No, I think that if you make the call,
 07:10 5 you would know better --

07:10 6 A. **I have called -- I have called the police**
 07:10 7 **several times in my time working there.**

07:10 8 Q. What month would have been the second to
 07:10 9 last call over the one you just described?

07:10 10 A. **I don't know, sir.**

07:10 11 Q. Would it have been in 2008 and or 2007?

07:10 12 A. **It may have been in 2008.**

07:10 13 Q. Did you make any phone calls in 2007, the
 07:10 14 night of that sexual assault?

07:10 15 A. **I mean -- phone calls --**

07:10 16 Q. With respect to that room and that
 07:10 17 incident?

07:10 18 A. **Did I make the phone calls?**

07:10 19 Q. Yes.

07:10 20 A. **No.**

07:10 21 Q. Is the extent of your exchange simply
 07:10 22 asking them to keep it down?

07:10 23 A. **No, the extent of our exchange is that**
 07:10 24 **I -- the girl met me at the door. I didn't hear any**

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07:10 1 **loud noise. I didn't think there was any danger. I**
 07:10 2 **was not reached out to. Nobody told me they were in**
 07:10 3 **danger.**

07:10 4 Q. I respect that. But did you tell them
 07:10 5 that you knew that they had to keep it down because
 07:10 6 you knew there was probably more than two people in
 07:10 7 the room?

07:10 8 A. **I told them that I knew there was at**
 07:10 9 **least three. But nothing indicated there was more**
 07:10 10 **than and I didn't even know if there was three**
 07:10 11 **because I based that decision on the fact that I saw**
 07:10 12 **two people and the person who rented the room was not**
 07:10 13 **one of them.**

07:10 14 Q. Why would you not clear it out knowing
 07:10 15 that you had a policy and maybe even the occupancy
 07:10 16 load is being exceeded there? Why did you not do
 07:10 17 anything?

07:10 18 A. **First off, I don't have any knowledge of**
 07:10 19 **what the Oak Lawn Fire Code occupancy is. I didn't**
 07:10 20 **know if three exceeded it or it didn't.**

07:10 21 Q. Are you just trying to tell us all then
 07:10 22 that it's just this big coincidence that the
 07:10 23 occupancy load just happens to be the same as this
 07:10 24 policy that was at the hotel?

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07:13 1 **A. I know that several firefighters have**
 07:13 2 **been out to our property since then asking if the**
 07:13 3 **Village has any signage up indicating occupancy.**
 07:13 4 **Q.** I mean, this is your family business.
 07:13 5 I'm having a hard time understanding how you don't
 07:13 6 know what the occupancy load is. Are you telling us
 07:13 7 that for 30-plus years the rooms are just rented
 07:13 8 willy-nilly to whatever kind of crowd would go in or
 07:13 9 do you have any respect to occupancy load and tell
 07:13 10 people there's too many for one room?
 07:13 11 **A. Because everywhere else I go, every other**
 07:13 12 **business I go in the Village of Oak Lawn, every other**
 07:13 13 **hotel I go to has a sign posted by the government**
 07:13 14 **saying what occupancy load sign is.**
 07:13 15 **Q.** When was the time you would have called
 07:13 16 and asked for yours?
 07:13 17 **A. You're asking why didn't I call?**
 07:13 18 **Q.** You're telling us you don't have one.
 07:13 19 **A. You know, I didn't say -- I said I didn't**
 07:13 20 **know what the Village's occupancy was. I knew what**
 07:13 21 **our rule was.**
 07:13 22 **Q.** Which you decided not to follow any way.
 07:13 23 Let's talk a little bit about how you came to become
 07:13 24 the owner. This transfer occurred when there was a

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07:13 1 petition pending to remove the current license;
 07:13 2 correct?
 07:13 3 **A. We have a document that we had drawn up**
 07:13 4 **three years ago with a letter of intent for our**
 07:13 5 **parents to sell us this property.**
 07:13 6 **Q.** And so for three years there's been no
 07:13 7 action on that and then this petition to take away
 07:13 8 that current license occurred and then you guys took
 07:13 9 action on that document?
 07:13 10 **A. No, the reason the document was not**
 07:13 11 **executed was that because my parents were waiting to**
 07:13 12 **turn 65 years old so they could get Medicare and --**
 07:13 13 **they wouldn't be able to afford their medical**
 07:13 14 **expenses without being eligible.**
 07:13 15 **Q.** And you guys purchase -- \$2.5 million was
 07:13 16 the purchase price?
 07:13 17 **A. Yes.**
 07:13 18 **Q.** For the two of you; correct? Your
 07:13 19 parents hold the mortgage on that; correct?
 07:13 20 **A. I mean, yeah, they do.**
 07:13 21 **Q.** To what dollar amount?
 07:13 22 **A. I don't -- I mean, like, is this -- what**
 07:13 23 **does -- what does my banking situation have to do**
 07:13 24 **with you issuing me a business license? Tell me**

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07:13 1 **that.**
 07:13 2 **MR. CUNNINGHAM:** Can you instruct the witness
 07:13 3 to answer the question.
 07:13 4 **MR. HEILMANN:** Please answer the question.
 07:13 5 **BY THE WITNESS:**
 07:13 6 **A. Okay. Can you repeat it, please.**
 07:13 7 **BY MR. CUNNINGHAM:**
 07:13 8 **Q.** Yeah, what's the mortgage amount?
 07:13 9 **A. It's \$2.5 million. The sale alone.**
 07:13 10 **Q.** So no money traded hands for you guys to
 07:13 11 become the owners?
 07:13 12 **A. No, it's like a contract, I guess.**
 07:13 13 **Q.** So it's 100 percent financed by your
 07:13 14 mother and father?
 07:13 15 **A. Yeah, if that's how you would phrase it.**
 07:13 16 **I don't know the financial terms of it.**
 07:13 17 **Q.** I'm sorry if -- let me just ask you this
 07:13 18 again. Do you agree -- what's your opinion of the
 07:13 19 criminality going on at the place? Do you think that
 07:13 20 there's too much?
 07:13 21 **MR. RIPPY:** I'm going to object to that. At
 07:13 22 this point it's asked and answered.
 07:13 23 **MR. ALPERIN:** Repeat the last question, Ms.
 07:13 24 Court Reporter.

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07:13 1 **MR. HEILMANN:** Overruled.
 07:13 2 **BY MR. CUNNINGHAM:**
 07:13 3 **Q.** Do you think that there's too much
 07:13 4 criminality going on at the D-Lux?
 07:13 5 **A. From what I've heard today, it's very**
 07:13 6 **similar --**
 07:13 7 **MR. RIPPY:** It's the third time we've
 07:13 8 answered this question.
 07:13 9 **BY MR. CUNNINGHAM:**
 07:13 10 **Q.** What if they're in the wrong. Does that
 07:13 11 make you equally even wrong?
 07:13 12 **A. I would say that, you know, we don't**
 07:13 13 **condone or are proud of any crime that occurs at our**
 07:13 14 **property. But since you feel the need to -- the**
 07:13 15 **Village feels the need to attack our business, we are**
 07:13 16 **similar -- we are right in line with the other motels**
 07:13 17 **and that comes from your chief.**
 07:13 18 **Q.** If nothing is wrong then, why do you need
 07:13 19 to institute all these new policies?
 07:13 20 **A. Because I'm a different businessman with**
 07:13 21 **different ideas.**
 07:13 22 **Q.** What are they designed to address? What
 07:13 23 sort of things are they designed to address?
 07:13 24 **A. Number one, we don't do long-term**

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07:14 1 rentals.

07:14 2 Q. Okay.

07:14 3 A. **I'm getting new signage, signage that is**
07:14 4 **up to Village code. I realize that the sign my**
07:14 5 **father has had for the last 30 years is not up to**
07:14 6 **code. As far as -- from what I've been told. We're**
07:14 7 **going to put new signage that meets the Village code.**

07:14 8 Q. And can you describe for us what kind of
07:14 9 clientele is -- what's your garden variety client who
07:14 10 comes in and rents a room on a four-hour basis?

07:14 11 A. **It's varying clientele. It probably**
07:14 12 **varies as much as the amount of people who walk into**
07:14 13 **a restaurant. It probably varies that much.**

07:14 14 Q. And it's your contention that you are
07:14 15 aware of absolutely no prostitution that goes on in
07:14 16 conjunction with the four hours?

07:14 17 A. **No.**

07:14 18 Q. Okay.

07:14 19 MR. CUNNINGHAM: I'm going to tender him
07:14 20 over.

07:14 21 CROSS EXAMINATION

07:14 22 BY MR. RIPPY

07:14 23 Q. Ed, let's start off with this mortgage --

07:14 24 MR. ALPERIN: Counsel, before you begin, let
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07:14 1 me just let you know that this is going to be both
07:14 2 your case in chief and your proper redirect if you
07:14 3 wish of the witness just because we're running short
07:14 4 on time. I just want to let you know that so you're
07:14 5 not going to ask him questions directed solely to
07:14 6 what has been put forth so far and recall him again.

07:14 7 MR. RIPPY: I appreciate that. Thank you.

07:14 8 BY MR. RIPPY

07:14 9 Q. You're paying interest on that note; is
07:14 10 that correct?

07:14 11 A. **We are.**

07:14 12 Q. And have you made payments since the
07:14 13 purchase went through?

07:14 14 A. **We have.**

07:14 15 Q. And how many payments?

07:14 16 A. **One so far I think, one to two.**

07:14 17 Q. And what's your monthly note?

07:14 18 A. **I believe it's 16,000 a month.**

07:14 19 Q. And what's your rate of interest?

07:14 20 THE WITNESS: Jim?

07:14 21 MR. DAHL: Now you're asking questions --

07:14 22 BY THE WITNESS:

07:14 23 A. **I can't speak with entire accuracy but I**
07:14 24 **believe it's 2.8 percent.**

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07:16 1 BY MR. RIPPY:

07:16 2 Q. So you purchased this -- you have a
07:16 3 mortgage agreement with your parents in which you're
07:16 4 paying them interest on that amount and you're paying
07:16 5 them monthly payments; correct?

07:16 6 A. **We are.**

07:16 7 Q. And you also bought -- I believe it was
07:16 8 \$12,500 roughly of tax stamps from the Village --

07:16 9 A. **We did.**

07:17 10 Q. -- in order for that transfer to go
07:17 11 through?

07:17 12 A. **We did.**

07:17 13 Q. And you stated that this originally
07:17 14 occurred approximately three years ago you had
07:17 15 basically a contract of intent with your parents and
07:17 16 at some point that they would sell you the motel when
07:17 17 they became of age?

07:17 18 A. **Yes.**

07:17 19 Q. And by that I mean of age to collect
07:17 20 Medicare and retirement?

07:17 21 A. **They would be coming into some**
07:17 22 **supplemental income and would be able to afford their**
07:17 23 **medical coverage without owning the motel.**

07:17 24 Q. And when did that occur?

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07:17 1 A. **When did we sign that agreement?**

07:17 2 Q. When did they become of age?

07:17 3 A. **My dad is 66 now and my mom just turned**
07:17 4 **65 in October. October 31, Halloween.**

07:17 5 Q. So this year?

07:17 6 A. **Yes, October 31, 2007.**

07:17 7 Q. Now as to criminality that's occurred,
07:17 8 are you -- have you ever been specifically aware of
07:17 9 any incidents that have occurred at the motel that
07:18 10 you did not report?

07:18 11 A. **No, if I see something going on wrong,**
07:18 12 **the police are called.**

07:18 13 Q. Okay. Now regarding the types of clients
07:18 14 that you receive, do you receive firefighters and
07:18 15 police officers from different municipalities at your
07:18 16 motel?

07:18 17 A. **We do.**

07:18 18 Q. You receive working people?

07:18 19 A. **We do.**

07:18 20 Q. Professionals?

07:18 21 A. **We do.**

07:18 22 Q. Have you ever witnessed any prostitution
07:18 23 going on or anything you believe to be prostitution
07:18 24 going on at your motel?

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07:14 1 **A. I have not.**
 07:15 2 **Q.** Now I'm going to refer you to this
 07:16 3 incident that occurred in October. Did you have any
 07:18 4 idea that anything illegal or illicit was going on in
 07:20 5 that motel at the time you knocked?
 07:22 6 **A. No. There was no indication that**
 07:24 7 **anything was wrong and I've resented the fact that**
 07:26 8 **I've been painted in that light.**
 07:28 9 **Q.** Had you been aware of anything going on
 07:30 10 with a minor child, what would you have done?
 07:32 11 **A. Had I seen a minor? Well, first of all,**
 07:34 12 **the police would have been called, but I probably**
 07:36 13 **would have fully entered the room had I saw someone**
 07:38 14 **that I knew to be under age.**
 07:40 15 **Q.** Had you ever witnessed anybody being
 07:42 16 sexually assaulted, what would you have done?
 07:44 17 **A. Physically tried to stop it and called**
 07:46 18 **the police.**
 07:48 19 **Q.** Okay. Now as far as the policy decisions
 07:50 20 that you were discussing with at length with
 07:52 21 Mr. Cunningham, you stated that there were specific
 07:54 22 policy changes that you intended to enforce; is that
 07:56 23 correct?
 07:58 24 **A. Yes, there are.**

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07:59 1 **Q.** And are those based on your ideas for the
 08:01 2 business and your ideas on how to run a successful
 08:03 3 business; is that correct?
 08:05 4 **A. Yes, I have a different business**
 08:07 5 **philosophy than my parents.**
 08:09 6 **Q.** And those are based on you being able to
 08:11 7 make money; is that correct?
 08:13 8 **A. All business is based on making money.**
 08:15 9 **Q.** And is it in your opinion that if your
 08:17 10 establishment is painted as a criminal enterprise, it
 08:19 11 will be fiscally sound and successful?
 08:21 12 **A. If the way we're being painted were true,**
 08:23 13 **we would have been out of business a long time ago.**
 08:25 14 **There's no benefit to allowing things that we're**
 08:27 15 **being accused of to go on. It would result in**
 08:29 16 **bankruptcy.**
 08:31 17 **Q.** Now did you send me to have a meeting
 08:33 18 with Mr. Deetjen and Mr. Cunningham regarding
 08:35 19 possible outcomes of this -- well, this is prior to
 08:37 20 your denial, but possible outcomes of ways you could
 08:39 21 work with the Village and change your motel?
 08:41 22 **A. I've communicated to you and anyone else**
 08:43 23 **who will listen that we will work with the Village in**
 08:45 24 **any way. I have not spoken with Mr. Deetjen since**

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07:20 1 **the phone call. I don't remember the date exactly.**
 07:20 2 **When he suggested getting a national flag, I told him**
 07:20 3 **that it wasn't my decision, that my parents owned the**
 07:20 4 **property. I've not spoken with him since that I can**
 07:20 5 **recall.**
 07:20 6 **Q.** Did he ever discuss that with you again
 07:21 7 after you made your application -- you and Jim --
 07:21 8 regarding ownership?
 07:21 9 **A. I have never heard from him. I don't**
 07:21 10 **know if you would consider the paragraph in bold at**
 07:21 11 **the bottom of the letter from him denying our**
 07:21 12 **application for the license, it says something along**
 07:21 13 **the lines, We'd be willing to work with you. Other**
 07:21 14 **than that, no, I've have no contact with him.**
 07:21 15 **Q.** Okay. Now you've previously applied for
 07:21 16 a business license in the Village of Oak Lawn,
 07:21 17 haven't you?
 07:21 18 **A. I have.**
 07:21 19 **Q.** When was that, do you recall?
 07:21 20 **A. The first one would have been -- we**
 07:21 21 **opened in August 2005, so I imagine I'm on my third**
 07:21 22 **or fourth one.**
 07:21 23 **Q.** Third or fourth business license?
 07:21 24 **A. Yeah, because they're yearly.**

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07:21 1 **Q.** I'm sorry. I'm talking about an original
 07:21 2 license, not a renewal.
 07:21 3 **A. No, an original -- it would have been --**
 07:21 4 **we opened in August of '05, Sport Clips. I don't**
 07:21 5 **know exactly how far prior in advance to that I**
 07:21 6 **applied.**
 07:21 7 **Q.** Did you have any problems with Mr. --
 07:21 8 with the Village at that point receiving a license?
 07:21 9 **A. No, I sent in the letter and I got a**
 07:22 10 **license in the mail.**
 07:22 11 **Q.** Okay. Nobody interviewed you, nobody
 07:22 12 sent the police out to investigate you, nothing like
 07:22 13 that?
 07:22 14 **A. No.**
 07:22 15 **Q.** Has anything substantially changed
 07:22 16 regarding your character or anything you've done in
 07:22 17 between that time and now?
 07:22 18 **A. I hope I became a better person with**
 07:22 19 **time.**
 07:22 20 **Q.** Okay. Sir, how many other business do
 07:22 21 you own throughout the state?
 07:22 22 **A. Including the motel?**
 07:22 23 **Q.** Yes.
 07:22 24 **A. We have three. We own a Sport Clips in**

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07:22 1 **Mokena, a Sport Clips in Oak Lawn, the motel here in**
07:22 2 **Oak Lawn and we also serve as building managers for**
07:22 3 **the property at 106th and Cicero which contains**
07:22 4 **Panera Bread and Washington Mutual in addition to our**
07:22 5 **Sport Clips. We're the building managers there.**

07:22 6 **Q.** And did you have to apply for a business
07:22 7 license in Mokena?

07:22 8 **A. We did.**

07:22 9 **Q.** And when did that occur?

07:22 10 **A. We opened in December of '06, so I would**
07:22 11 **imagine I applied 30 to 60 days before that.**

07:22 12 **Q.** Any problems at that point in receiving a
07:22 13 license from the Village of Mokena?

07:22 14 **A. No.**

07:22 15 **Q.** Have you had any problems with that
07:22 16 business?

07:22 17 **A. No.**

07:22 18 **Q.** Now I'm just going to ask you this,
07:22 19 Jim -- or Ed -- excuse me. Is it your intention to
07:22 20 operate a motel at that location forever?

07:22 21 **A. No.**

07:22 22 **Q.** At some point you and Jim have further
07:22 23 plans for that property; is that correct?

07:22 24 **A. That's correct.**

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07:23 1 **Q.** And it's something you would like to work
07:23 2 on once you get your financial situation with the
07:23 3 mortgage in check?

07:23 4 **A. We're in no position both financially and**
07:23 5 **the state of the economy to do that right now.**

07:23 6 **Q.** Okay. But ultimately that is your end
07:23 7 goal?

07:23 8 **A. Absolutely.**

07:23 9 **Q.** And at that point it's something you
07:23 10 would be willing to work on the Village with to
07:23 11 develop that property; correct?

07:23 12 **A. I had always hoped to.**

07:23 13 MR. RIPPY: Nothing further.

07:23 14 MR. CUNNINGHAM: Just a couple and then we're
07:23 15 done.

REDIRECT EXAMINATION

07:23 17 BY MR. CUNNINGHAM:

07:23 18 **Q.** Would you consider running the motel
07:23 19 without four-hour naps?

07:24 20 **A. I have a business partner and I'd have to**
07:24 21 **look at the financials of it before I could answer**
07:24 22 **with any accuracy.**

07:24 23 **Q.** Do you think -- you think that business
07:24 24 would survive without four-hour naps?

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07:24 1 **A. I think I can make any business survive.**

07:24 2 **Q.** So you can do it without four-hour naps?

07:24 3 **A. The fact that I may be able to doesn't**
07:24 4 **mean that I'm going to say here today that I'm not**
07:24 5 **going to, we're not going to offer that rate.**

07:24 6 **Q.** And basically the profits that you guys
07:24 7 are making out of the motel now, they go towards your
07:24 8 parents in repayment of the loan they gave you to
07:24 9 buy; correct?

07:24 10 **A. Yes.**

07:24 11 **Q.** Do you know whether or not -- if it were
07:24 12 to be seen fit that you guys had not received the
07:24 13 license, would your parents then look to take back
07:24 14 over the motel?

07:24 15 **A. Well, if we didn't receive a license or**
07:24 16 **we weren't able to operate the business, we would**
07:24 17 **default on the loan and they would take possession**
07:24 18 **back.**

07:24 19 **Q.** Okay. And in fact if business were to
07:25 20 fall off and you were not able to make those
07:25 21 payments, we'd be looking at a similar revision back
07:25 22 to your parents; is that correct?

07:25 23 **A. Something I don't like to think about but**
07:25 24 **if I can't make the payments, I don't get the**

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07:25 1 **building.**

07:25 2 MR. CUNNINGHAM: Nothing further.

07:25 3 MR. PHELAN: Can I just ask a quick question?

07:25 4 MR. HEILMANN: Yes.

07:25 5 MR. PHELAN: Do you know the breakdown of the
07:25 6 business, kind of like the four-hour nap versus the
07:25 7 overnight stay? Have you guys looked at that at all?
07:25 8 BY THE WITNESS:

07:25 9 **A. Off the top of my head, I couldn't give**
07:25 10 **you percentages of what amount of money comes from**
07:25 11 **this or comes from that. We rent quite a bit -- I**
07:25 12 **could tell you that it's a part of our business.**
07:25 13 **It's a significant part.**

07:25 14 MR. HEILMANN: Can I --

07:25 15 MR. STREIT: I just have a few questions if I
07:25 16 could. Ed, are you aware of any drug use at the
07:25 17 motel?

07:25 18 BY THE WITNESS:

07:25 19 **A. Like do I know when -- that there are**
07:25 20 **drugs being done? I mean, there's been incidences**
07:25 21 **through the years where, yeah, the police have said**
07:26 22 **that themselves. But we don't knowingly allow**
07:26 23 **anything illegal to happen.**

07:26 24 MR. STREIT: And, Ed, the office is -- how

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07:26 1 far away from Room No. 12 would you say it is?
 07:26 2 BY THE WITNESS:
 07:26 3 **A. It's pretty much -- footage I don't know**
 07:26 4 **exactly what it would be. It's across the parking**
 07:26 5 **lot. You know, I don't know if that answers your**
 07:26 6 **question. If you'd like to take a look at it, you**
 07:26 7 **know, I could --**
 07:26 8 MR. STREIT: Do you have a clear line of
 07:26 9 sight from the office to Room 12?
 07:26 10 BY THE WITNESS:
 07:26 11 **A. No, you never have a clear line of sight**
 07:26 12 **because of the way the parking lot works out. People**
 07:26 13 **park in front of the doors. We make rounds routinely**
 07:26 14 **and that's when you will notice an open door or**
 07:26 15 **something along those lines.**
 07:26 16 MR. STREIT: When you serve in a capacity of
 07:26 17 say night manager?
 07:26 18 BY THE WITNESS:
 07:26 19 **A. Yes, sir.**
 07:26 20 MR. STREIT: Would you say that you were
 07:26 21 responsible for the operation of the motel during
 07:26 22 that period of time?
 07:26 23 BY THE WITNESS:
 07:26 24 **A. Was I responsible for the operation of**

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07:27 1 **the motel? Yeah, I'm not sure exactly what --**
 07:27 2 MR. STREIT: You said that you didn't set
 07:27 3 policy but you certainly --
 07:27 4 BY THE WITNESS:
 07:27 5 **A. That's correct sir.**
 07:27 6 MR. STREIT: But you did make -- you
 07:27 7 certainly were responsible for --
 07:27 8 BY THE WITNESS:
 07:27 9 **A. I did the best I could to make sure that**
 07:27 10 **it ran properly and ensure the safety of our guests.**
 07:27 11 MR. STREIT: But you did say you didn't set
 07:27 12 policy. Did you ever go to your parents and tell
 07:27 13 them you know what, I'm concerned about potential
 07:27 14 criminal activity here. We should -- you should
 07:27 15 address it in terms of policy?
 07:27 16 BY THE WITNESS:
 07:27 17 **A. I made suggestions not based on**
 07:27 18 **criminality. I've never been a supporter of the**
 07:27 19 **weekly rates, the long-term rentals. I've always**
 07:27 20 **asked them to eliminate that portion of the business.**
 07:27 21 MR. STREIT: And just two more things. You
 07:27 22 said tonight that you do not accept the occupancy
 07:27 23 load of two; correct?
 07:27 24

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07:28 1 BY THE WITNESS:
 07:28 2 **A. Right.**
 07:28 3 MR. STREIT: You said that now but you heard
 07:28 4 an Oak Lawn police officer who happens to be a
 07:28 5 battalion chief here in the Village state that the
 07:28 6 occupancy load is two.
 07:28 7 BY THE WITNESS:
 07:28 8 **A. I'm sorry. You mean the fireman that**
 07:28 9 **spoke?**
 07:28 10 MR. STREIT: That's correct. He stated that
 07:28 11 it's two. Now but you don't accept it, is that -- I
 07:28 12 just want to clarify that.
 07:28 13 BY THE WITNESS:
 07:28 14 **A. It's not that I don't accept it. I know**
 07:28 15 **that gentleman. He actually has been to our Sport**
 07:28 16 **Clips. I don't doubt that he hasn't done his due**
 07:28 17 **diligence. My only doubts stem from the fact that**
 07:28 18 **this Village accused us of violating the occupancy**
 07:28 19 **load when they in fact from what I can gather from**
 07:28 20 **the Foliard e-mails you didn't even know what the**
 07:28 21 **occupancy load was. That's why I do have -- I do**
 07:28 22 **reserve some doubt because you accused us of**
 07:28 23 **violating the occupancy load when you yourselves**
 07:28 24 **didn't know what it was.**

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07:28 1 MR. STREIT: And just one final point. For
 07:28 2 clarification, you said that -- maybe even the court
 07:29 3 reporter can clarify for me -- I think what you said
 07:29 4 is that you have mistrust of the Oak Lawn Police
 07:29 5 Department; is that an accurate statement?
 07:29 6 BY THE WITNESS:
 07:29 7 **A. Over a certain period of time -- just**
 07:29 8 **recently, I want to make it clear that I think the**
 07:29 9 **Oak Lawn police officers do a fine job. I live here.**
 07:29 10 **I live in St. Linus and in my life here I've never**
 07:29 11 **felt in danger or anything like that. But certain**
 07:29 12 **behaviors that have -- certain instances that have**
 07:29 13 **occurred at the motel in recent times -- in recent**
 07:29 14 **times -- there is a certain amount of fear that**
 07:29 15 **arises from behaviors over there.**
 07:29 16 MR. STREIT: Could you equate mistrust with
 07:29 17 respect? If you don't trust them, you don't respect
 07:29 18 them?
 07:29 19 BY THE WITNESS:
 07:29 20 **A. I think I'd like to clarify, sir, is I'm**
 07:29 21 **not speaking about the entire department. I'm**
 07:29 22 **speaking about a couple different guys who on certain**
 07:29 23 **indications and if you look in the records, a**
 07:29 24 **complaint was filed by both my mother and a couple**

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07:30 1 **different guests and I think that would help clarify**
07:30 2 **where my feelings come from.**

07:30 3 We had an Oak Lawn police officer tell my
07:30 4 mother a ways back and a report was filed that they
07:30 5 can't wait till they turn this place into a parking
07:30 6 lot. So when a police officer tells my mother that
07:30 7 they're going to throw us out on the street and take
07:30 8 away our business, yeah, it creates a mistrust.

07:30 9 MR. STREIT: I have nothing further.

07:30 10 MR. HEILMANN: I ask that we waive a closing
07:30 11 so you know.

07:30 12 MR. RIPPY: That's fine. I would like to
07:30 13 follow up on that a little bit. It will be very
07:30 14 brief, I promise.

07:30 15 MR. HEILMANN: Please.

07:30 16 MR. RIPPY: Not a problem.

07:30 17 BY MR. RIPPY:

07:30 18 **Q.** If it was established today and it was
07:30 19 established that two was the occupancy load, would
07:30 20 you follow that code of the Village?

07:30 21 **A. Absolutely.**

07:30 22 **Q.** Okay. And you stated that your mistrust
07:30 23 of the Police Department wasn't department wide?

07:30 24 **A. No, not at all. I know several Oak Lawn**
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07:31 1 **police officers who are fine men.**

07:31 2 **Q.** That was limited to a couple of
07:31 3 individuals on that department?

07:31 4 **A. Mainly the man who told me that he was**
07:31 5 **going to turn our business into a parking lot and put**
07:31 6 **my family on the street. Yes, I mistrust that man.**

07:31 7 **Q.** And was it your intent as the new owner
07:31 8 of the motel if you were granted this license to work
07:31 9 very closely with Chief Villanova to ensure that
07:31 10 criminality was either ended or ceased at your
07:31 11 establishment?

07:31 12 **A. I would cooperate as I always have 100**
07:31 13 **percent.**

07:31 14 **Q.** As well as with the Fire Department?

07:31 15 **A. Of course.**

07:31 16 MR. RIPPY: Nothing further.

07:31 17 MS. C. QUINLAN: Just a super quick question.

07:31 18 I have never been in a hotel or motel room where --
07:31 19 and maybe, Larry, you can tell me this -- where it
07:31 20 doesn't tell you what the occupancy number is right
07:31 21 on the door. And so whose responsibility is it to
07:31 22 make sure that those rooms have those numbers? How
07:31 23 do you even open up a business without that being
07:31 24 determined?

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07:32 1 MR. DEETJEN: It's the responsibility of the
07:32 2 motel to have that.

07:32 3 MS. C. QUINLAN: Okay. Because they wouldn't
07:32 4 be able to -- you can't -- I don't understand how you
07:32 5 could even open your doors until that number is
07:32 6 determined in each room?

07:32 7 BY THE WITNESS:

07:32 8 **A. And, ma'am, I would just like to clarify**
07:32 9 **that in our office it is -- it couldn't be any more**
07:32 10 **visible that only two people are allowed in a room in**
07:32 11 **our office.**

07:32 12 MS. C. QUINLAN: I was just misunderstanding
07:32 13 why there was this big debate about it. Two is two.

07:32 14 BY THE WITNESS:

07:32 15 **A. If the Village would like to come out and**
07:32 16 **nail signs on every door that say there's only two**
07:32 17 **people allowed, we have no objection to that.**

07:32 18 MR. DEETJEN: If I could a little bit
07:32 19 further, Trustee Quinlan. Today if they were to
07:32 20 apply for a permit by code, they could not operate.

07:32 21 MS. C. QUINLAN: So that wasn't the case 30
07:32 22 years ago?

07:32 23 MR. DEETJEN: Absolutely not.

07:32 24 MS. C. QUINLAN: Okay. All right. Then that
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07:32 1 makes a little bit more sense.

07:32 2 MR. HEILMANN: If I may ask that we entertain
07:32 3 a motion to an executive session. Thank you. There
07:32 4 are no more witnesses?

07:33 5 MR. CUNNINGHAM: No, I rest.

07:33 6 MR. HEILMANN: I'm going to -- Ed -- that was
07:33 7 his case as well. So there's no motions, additional
07:33 8 motions, are there?

07:33 9 MR. CUNNINGHAM: I have to make these
07:33 10 redactions.

07:33 11 MR. HEILMANN: Okay.

07:33 12 MR. CUNNINGHAM: And then give you originals
07:33 13 on the exhibits.

07:33 14 MR. HEILMANN: All right. And I'll talk to
07:33 15 counsel regarding our deliberation and executive
07:33 16 session and getting those documents from you.

07:33 17 MR. CUNNINGHAM: Okay.

07:33 18 MR. ALPERIN: Counsel, do you have any
07:33 19 objection if we get the redacted exhibits to the
07:33 20 court reporter tomorrow?

07:33 21 MR. RIPPY: No, other than them being
07:33 22 entered. Obviously you're going to enter them. It
07:33 23 should be a part of the record.

07:33 24 MR. ALPERIN: I understand.

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1 MR. HEILMANN: Can I have a motion to
 2 executive session?
 3 MR. PHELAN: So moved.
 4 MR. HEILMANN: Is there a second?
 5 MS. C. QUINLAN: Second.
 6 MR. HEILMANN: Proffered by Trustee Phelan,
 7 seconded by Trustee Quinlan. If you could please
 8 excuse us as quickly as possible, I would appreciate
 9 that
 10 (WHEREUPON, the hearing was
 11 adjourned.)
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1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF COOK)
 4 I, Lori L. Thielmann, CSR No. 84-004597,
 5 do hereby certify that I reported in shorthand the
 6 proceedings had at the hearing of the above-entitled
 7 cause, and that the foregoing Report of Proceedings,
 8 Pages 1 through 217, inclusive, is a true, correct,
 9 and complete transcript of my shorthand notes taken
 10 at the time and place aforesaid.
 11 I further certify that I am not counsel
 12 for nor in any way related to any of the parties to
 13 this suit, nor am I in any way, directly or
 14 indirectly, interested in the outcome thereof.
 15 This certification applies only to those
 16 transcripts, original and copies, produced under my
 17 direction and control; and I assume no responsibility
 18 for the accuracy of any copies which are not so
 19 produced.
 20
 21
 22 _____
 23 Certified Shorthand Reporter
 24

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