In The Matter Of:	)
	)
Rockford Police Chief	)
	)
Chester Epperson	)

AMENDED COMPLAINT

Affidavit in Support of the Uniform Peace Officer Disciplinary Act
50 ILCS 725/3.8(b)

Officer Terrence Peterson, individually and on behalf of the Police Benevolent & Protective Association (hereinafter PBPA), Officer Aurelio DeLaRosa, individually and as Vice President of PBPA, Sergeant Eddie Torrance, individually and as Treasurer of PBPA, Sergeant John Pozzi, individually and as Secretary of PBPA, Detective David J Cone, individually and as Former Secretary of PBPA, Detective Sergeant Kevin Ogden, individually and as Former Board Member of PBPA, Officer Matt Williams, individually and as Board Member of PBPA, Officer Brian Mace, individually and as Board Member of PBPA, Officer Durk Garcia, individually and as Board Member of PBPA, Officer Oda Poole, individually and as Board Member of PBPA, Officer Keehnen Davis, individually and as Board Member of PBPA, Detective Scot Mastroianni, individually and as Former Board Member of PBPA, and Officer (Retired) Micheal Cloyd, individually and as current Retiree Board Member of PBPA, bring this Complaint against Chester Epperson, Chief of Police, for violations of the City of Rockford Police Department's Rules and Regulations as set forth below:

FACTS

Chief's Obstruction During Officers' Welfare Check

1. On October 30, 2013, City of Rockford Police Officers Dreger, Castronovo and Boone were dispatched to a welfare check at 2904 Warwick Way, Rockford, Illinois, regarding a possible battery in progress.

2. The Communications Center informed the officers that a 911 caller indicated that she heard a struggle over the phone while speaking to her son who was at his father's residence.

3. The Communications Center also advised the officers that the mother stated that there was a history of the father battering her son.

4. The officers were further advised by the Communication Center that the phone went dead during the call and dispatcher's return calls were not answered and went to voicemail.

5. The officers arrived at 2904 Warwick Way and noticed that the front door was open and screen door was closed with no lights on in the front room.

6. Due to the circumstances, the officers maintained radio traffic with the Communication Center while attempting to contact the occupants of the residence.

7. The Officers' initial attempts to contact the individuals in the house were unsuccessful, but they noticed someone looking out a window on the north side of the house.

8. After again announcing their presence as members of the Rockford Police Department, an individual later identified as Lloyd Q. Johnston, Jr. (the father), walked toward the front door area from the back of the house.

9. Officer Boone asked Mr. Johnston if they could come in and discuss why they were dispatched to this residence.

10. Mr. Johnston was uncooperative and defiant telling the officers they were not allowed to come into his house.

11. In an attempt to obtain Mr. Johnston's consent to enter the residence, Officer Boone explained to Mr. Johnston that they were required to check on the welfare of his son based on the information they had received, but he would not agree to their entry.

12. The officers further explained they were there in a community caretaking capacity and were required to enter the house to check on his son's well-being whether or not he agreed to their entry.

13. Mr. Johnston told the officers that he knew the law and the officers could not enter his house without a warrant.

14. Mr. Johnston then dialed a number on his cell-phone.

15. The officer heard Mr. Johnston say to the other party to his call, "Hey Chief, this is Lloyd".

16. The officer then heard the other party respond by stating, "Hey Lloyd" (Mr. Johnston's cell-phone was on speaker mode).

17. The officers recognized the voice of that individual to be their commanding officer, Chief of Police, Chester Epperson.

18. Mr. Johnston then told Chief Epperson that the police were trying to come into his house and he did not know why. Mr. Johnston added that Officer Boone said they were going to "kick in my door".

19. Chief Epperson did not ask Mr. Johnston for any further information regarding the facts and circumstances his officers were confronted with at the scene.

20. Chief Epperson did not ask to speak to his officers to gather any of the facts and circumstances they were confronted with at the scene or otherwise seek to communicate with his officers.

21. Despite having no knowledge of the nature of the call and/or particular circumstances confronting his officers, Chief Epperson made no inquiry of his officers to determine why they were dispatched to that location. Nevertheless, he told Mr. Johnston to not allow the officers to enter the house and tell them to leave.

22. Chief Epperson's conduct directly interfered with his officers' execution of their duties and responsibilities at the scene of a welfare check where the well-being of the potential victim had not been determined.

23. Chief Epperson's instruction to Mr. Johnston to not cooperate with Officer Boone's request directly obstructed the officers' ongoing efforts to obtain consent to enter the residence in order to determine the well-being of the potential victim.

24. In addition to interfering with these efforts to obtain consent, Chief Epperson's instruction to Mr. Johnston to not allow entry conflicted with his officers' legal authority and responsibility to enter the residence even if consent could not be obtained because of their overriding responsibility to determine whether the potential victim is safe.

25. Chief Epperson's above stated instruction to Mr. Johnston to refuse the officers' request for entry potentially jeopardized the safety of the purported victim.

26. Chief Epperson's above stated instruction to Mr. Johnston to refuse the officers' request for entry potentially placed Mr. Johnston in a dangerous situation.

27. Chief Epperson's above stated instruction to Mr. Johnston to refuse the officers' request for entry potentially placed the officers in a dangerous situation.

28. After viewing Officer Boone's report related to the incident, Chief Epperson, through internal correspondences, falsely denied advising Lloyd Johnston, Jr. to tell the police officers to "leave". Exhibit A – Boone's Police Report.

29. Chief Epperson then ordered or authorized an investigation into: 1) whether Officer Boone accurately reported that Chief Epperson told Mr. Johnston to tell the officers to "leave" and 2) whether Officer Boone's demeanor and actions at the scene were appropriate.

30. The investigation concluded that, "All of the complaints against Ofc. Boone are unfounded."

31. The investigation found that all of the information in Officer Boone's report was "factual and accurate" noting that it was corroborated by Officers Castronovo and Dreger and Boone's contemporaneous notes of the cell-phone call.

32. The investigation further concluded that Mr. Johnston's complaints regarding Officer Boone's demeanor and actions were unfounded. The investigation found there was "no indication of any hostile, adversarial, or unprofessional actions by Ofc. Boone or any other officer during the welfare check."

Chief's False and Misleading Statements in Related Legal Proceedings

33. Following the filing of the original Complaint in this matter, Chief Epperson filed a lawsuit in the 17th Judicial Circuit Court on June 23, 2014, making various jurisdictional challenges to the Board of Fire and Police Commission's authority to proceed with a disciplinary hearing against him as the Chief of Police. See Exhibit B - Petition/Complaint for the Issuance of an Order of Prohibition and Injunction/Temporary Restraining Order.

34. On July 1, 2014, Chief Epperson also filed a Motion for Temporary Restraining Order (TRO) requesting that the Court order the Board of Fire and Police Commission to refrain from proceeding with the Complaint and related hearing procedures. Exhibit C - Plaintiff's Motion for Temporary Restraining Order (TRO).

35. One of the central issues in the above litigation involved the appointment process related to the appointment of Chief Epperson in April 2006 and its impact on the jurisdiction of the Board of Fire and Police Commission to hear a disciplinary matter regarding the Chief of Police.

36. In Chief Epperson's Motion for TRO, he represented to the Court that the Mayor of the City of Rockford appointed him to the position of Chief of Police. Exhibit C, Par. 3.

37. Chief Epperson's representation to the Court that he was appointed by the Mayor is completely false.

38. Chief Epperson was fully aware of the fact that the Board of Fire and Police Commission appointed him on April 10, 2006. Exhibit D, City Council Journal of Proceedings, Par. 33-34a, Exhibit E – Appointment by Commission.

39. Chief Epperson's false representation to the Court was intended to gain an advantage in his legal proceeding and obstruct the jurisdiction of the Fire and Police Commission.

40. On July 3, 2014, the Circuit Court denied Chief Epperson's Motion for TRO.

41. On July 15, 2014, Chief Epperson filed a Motion to Reconsider the denial of his Motion for TRO before the Court.

42. On July 21, 2014, Chief Epperson submitted a misleading affidavit to the Circuit Court in his continued effort to defeat the Commission's jurisdiction to hear a disciplinary matter against him. Said affidavit was submitted in support of his Motion to Reconsider the Court's denial of his Motion for Temporary Restraining Order. Exhibit F.

43. In his sworn affidavit, Chief Epperson intentionally misled the Court by conspicuously omitting the key fact that the Commission actually appointed him on April 10, 2006. Exhibit F, P. 2.

44. Chief Epperson made this intentionally misleading statement in an effort to persuade the Court to find that the Board of Fire and Police Commission had no authority to hear the Complaint against him and enter injunctive relief stopping the disciplinary hearing process.

45. Chief Epperson's conduct in intentionally misleading the Court regarding a material fact in an attempt to obstruct the jurisdiction of the Fire and Police Commission to hear a complaint against him brings further discredit to the department.

COUNT I

Rockford Police Chief Chester Epperson's above stated conduct violated Section III, Rules of Conduct, (9) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT by incompetently performing his duties as Chief of Police.

COUNT II

Rockford Police Chief Chester Epperson's above stated conduct violated the DUTIES OF MEMBERS OF THE ROCKFORD POLICE DEPARTMENT, SECTION II/B: Commanders and Supervisors, (4) which provides: Commanders and Supervisors shall set a good example for all subordinate officers, providing leadership and guidance in developing loyalty and dedication to the Department.

COUNT III

Rockford Police Chief Chester Epperson's conduct violated Section III, Rules of Conduct (13) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT by deliberately making a false written or oral report when he denied that he told Lloyd Q. Johnston, Jr. to tell the officers to leave his property.

COUNT IV

Rockford Police Chief Chester Epperson's above stated conduct violated Section III, Rules of Conduct (13) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT by deliberately making a false written or oral statement when he filed a pleading with the Court stating that he was appointed by the Mayor when he knew he was appointed by the Board of the Fire and Police Commission on April 10, 2006.

COUNT V

Rockford Police Chief Chester Epperson's above stated conduct violated Section III, Rules of Conduct (13) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT by deliberately making a false written or oral statement when he filed a an affidavit with the Court wherein he intentionally misled the Court regarding who appointed him by conspicuously omitting the fact that he was appointed by that Board on April 10, 2006.

COUNT VI

Rockford Police Chief Chester Epperson's above stated conduct violated Section III, Rules of Conduct (2) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT by engaging in action or conducts which impeded the Department's efforts to achieve its goals, or which brings discredit upon the Department.

COUNT VII

Rockford Police Chief Chester Epperson's above stated conduct violated Section III, Rules of Conduct (49) of the RULES AND REGULATIONS OF THE ROCKFORD POLICE DEPARTMENT: by committing acts or omissions contrary to good order and discipline or constituting a violation of any of the provisions of the Rules and Regulations of the Board of Fire and Police Commissioners, the Rules and Regulations of the Rockford Police Department, the written Orders of the Rockford Police Department.

SUBSCRIBED AND SWORN TO before me this 30TH day of July, 2014.

Affiant

Notary

OFFICIAL SEAL
TRACEY STANNARD
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10/09/2017

Rockford Police Department

420 W State ST
Rockford, IL 61101-1288

Report Date: 10/31/2013
Reported By: 3782 - Boone, D'Evyron

Report No. 13-130724.1

1

Subject: WELFARE CHECK-2904 WARWICK WAY

Case Report Status	A - Approved	Date Entered	10/31/2013 12:04:26 AM	Reporting Officer	3782 - Boone, D'Evyron
		Entered By	3782 - Boone, D'Evyron		
Occurred On (and Between)	10/30/2013 10:05:00 PM	Date Verified	10/31/2013 5:41:37 AM		
		Verified By	0211 - Torrance, Eddie		
		Date Approved	10/31/2013 7:34:31 PM		
Location	2904 WARWICK WAY	Approved By	1175 - Lopez, Christina	Assisted By	1936 - Castronovo, Mark
Jurisdiction	RCPD - Rockford Police Department	Cross Reference			1951 - Dreger, Adam
SubBeat		Disposition	Active		
Area	01	Clearance Reason		On Scene Supervisor	0211 - Torrance, Eddie
		Date of Clearance			
		Reporting Agency	Rockford Police Department		
Call Source	Dispatched from 911	Bureau	Field Services Bureau		
Vehicle Activity					
Vehicle Traveling					
Cross Street					

Other Entity: O1 -- Eboigde, Tonya

Entity Code	O1				
Entity Type	C - Complainant				
Name	Eboigde, Tonya	DOB		Place of Birth	
AKA		Age		SSN	
		Sex		DLN	
		Race		DLN State	
Address		Ethnicity		DLN Country	
CSZ	Syracuse, NY	Ht.		Occupation/Grade	
		Wt.		Employer/School	
Home Phone	315 807-5549	Eye Color		Work Phone	
Pager Number		Hair Color		Employment/School Hours	
Mobile Phone		Facial Hair		Employer Address	
Email Address		Complexion		Employer CSZ	
Attire		Dental Records Available At		Res. County	
				Res. Country	
				Resident Status	

LEADS Entered By	Date Entered	Leads #	Leads Type
Entity Notes			

Other Entity: O2 -- Johnston, Lloyd Quincy III

Entity Code	O2				
Entity Type	OP - Other Person				
Name	Johnston, Lloyd Quincy III	DOB	7/30/1989	Place of Birth	
AKA		Age	24	SSN	
		Sex	M - Male	DLN	
		Race	B - Black	DLN State	
Address	2904 Warwick WAY	Ethnicity	N - Not of Hispanic Origin	DLN Country	
CSZ	ROCKFORD, IL	Ht.	5' 8"	Occupation/Grade	
		Wt.	140	Employer/School	
Home Phone		Eye Color	BRO - Brown	Work Phone	
Pager Number		Hair Color	BLK - Black	Employment/School Hours	
Mobile Phone	319 876-7846	Facial Hair	06 - Mustache Only	Employer Address	
Email Address		Complexion		Employer CSZ	

Exhibit A

Attire	Dental Records Available At	Res. County	WINNEBAGO
		Res. Country	USA - United States of America
		Resident Status	R - Resident

LEADS Entered By	Date Entered	Leads #	Leads Type

Entity Notes

Other Entity: O3 -- JOHNSTON, LLOYD QUINCY Jr.

Entity Code	O3				
Entity Type	OP - Other Person				
Name	JOHNSTON, LLOYD QUINCY Jr.	DOB	6/8/1960	Place of Birth	
AKA		Age	53	SSN	
		Sex	M - Male	DLN	J523-5356-0163
		Race	B - Black	DLN State	IL - Illinois
Address	2904 Warwick WAY	Ethnicity		DLN Country	USA - United States of America
CSZ	ROCKFORD, IL 61101	Ht.	5' 11"	Occupation/Grade	
		Wt.	200	Employer/School	NAACP
Home Phone		Eye Color	BRO - Brown	Work Phone	
Pager Number		Hair Color	BLK - Black	Employment/School Hours	
Mobile Phone		Facial Hair		Employer Address	
Email Address		Complexion		Employer CSZ	
Attire		Dental Records Available At		Res. County	Winnebago
				Res. Country	USA - United States of America
				Resident Status	R - Resident

LEADS Entered By	Date Entered	Leads #	Leads Type

Entity Notes

Offense Detail: 7252 - Check for well-being

Offense Description	7252 - Check for well-being				
IBR Code		Location	20 - Residence/Apartment/Porch/Garage/Yard/Driveway (290)		
IBR Group		Offense Completed?	Yes	No. Prem. Entered	
Crime Against		Hate/Bias	88 - None (No Bias)	Entry Method	
Using	N - Not Applicable	Domestic Violence	No	Type Security	
Criminal Activity				Tools Used	
Weapons/Force					

Report Narrative

On 10/30/2013 about 2205 hours, The Comm. Center dispatched Officers Dreger, Castronovo and me to 2904 Warwick Way in reference to a welfare check. The Comm. Center advised caller, Tonya Eboigde stated she heard a struggle over the phone while speaking with her son Lloyd Q. (Quincy) Johnston III (24yrs old) and then the phone went dead. Eboidge stated there was a history of Quincy's father, Lloyd Q. Johnston Jr. battering her son. Eboidge provided the house phone number (815-639-0134). The Comm. Center advised they called the phone number (815 639-0134) and it went to voice mail.

Upon our arrival, I saw the front door was standing open, but the screen door was closed. The lights in the front room were off. We advised The Comm. Center of the situation and

they held radio traffic as we attempted to make contact with the occupants of 2904 Warwick Way. I knocked on the screen door and I announced, "Rockford Police Department." Officer Castronovo advised he saw someone look out a window on the north side of the house, but no one came to the door. I again announced, "Rockford Police Department" through the screen door. I saw an elder black male, later identified as Lloyd Q. Johnston Jr. emerge from a back room of the home. We advised The Comm. Center to resume radio traffic.

While standing at the front door, I asked Lloyd if we could come in so we could talk about why we were dispatched to his home. Lloyd was very uncooperative and defiant. Lloyd advised we could not come into his house. I explained to Lloyd we were there to check the welfare of his son, Quincy. Lloyd told us, he did not know if Quincy was home, but we were not welcome to come inside. Lloyd asked if Quincy had a warrant. I told Lloyd I did not know. We were there to check to see if Quincy was okay. I explained to Lloyd, "We (the police) were here in the capacity as community caretakers. We could not leave until we check the welfare of his son Quincy and one way or other we would have to enter the house to check on Quincy, even if we had to kick the door in." Lloyd advised he knew the law and we (the police) could not enter his house unless we had a warrant. Due to Lloyd being uncooperative Officer Castronovo requested a supervisor to our location.

Based on the totality of the circumstances:
-sounds of fighting over the phone
-claimed history of physical domestics
-the front door wide open when we arrived
-someone looked out the window and saw us but no one came to the door
-hostility towards police acting in a caretaking manner

I reasonably believed Quincy or any other occupant in the residence could have been injured or need help.

At that time, I saw Lloyd grab his cell phone. Lloyd stood inside of the screen door as he dialed a number. While the cell phone was on speaker, Lloyd said "Hey Chief this is Lloyd." We heard a voice I recognized as Chief Epperson reply, "Hey Lloyd." Lloyd told Chief Epperson, "The police are trying to come into my house and he don't know why. Officer Boone said they were going to kick in my door." Chief Epperson replied, "Don't let them in the house and tell them to leave. He (Chief Epperson) was going to call for a supervisor to come to his house." Lloyd hung up the phone.

Lloyd walked away from the door. A short time later, Lloyd advised he checked on Quincy and he was okay. Lloyd advised Quincy did not want to come to the door to speak with us. I asked Lloyd several times to ask Quincy to walk to the door. That way we do not have to come into his house and we could see and talk to Quincy. Lloyd replied, "No, Quincy was 24yrs old. He could not make Quincy come to the door if he did

not want to."

We stood by outside the doorway, until Sgt. Torrance arrived. Upon Sgt. Torrance arrival, Lloyd's behavior and demeanor changed. Just prior to Sgt. Torrance's arrival, Lloyd walked outside the house and sat on the railing. When Sgt. Torrance arrived Lloyd greeted Sgt. Torrance. Lloyd advised Sgt. Torrance, we were being professional and he did not know why we were at his home and that there was an on going problem of someone calling the police to his house falsely. Sgt. Torrance explained the situation to Lloyd again.

While Sgt. Torrance was speaking with Lloyd outside, I saw a black female standing on the inside of the doorway. I asked her for her name and she refused to provide me her name. Lloyd told her to get Quincy. Quincy walked to the door and he walked outside. Neither Lloyd or Quincy had any visible injuries. Qunicy he seemed nervous and would not make any eye contact with us. Sgt. Torrance explained the situation to Quincy. Quincy advised he was okay and he did not need us. Lloyd shook our hands.

All officers left the address and returned to patrol.

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY

Chester Epperson	)	
	)	
Petitioner/Plaintiff,	)	
	)	
v.	)	Case No: _____
	)	
Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois, and the Police Benevolent and Protective Association, Rockford Unit Six,	)	
	)	
Respondents/Defendants.	)	

PETITION/COMPLAINT FOR THE ISSUANCE OF AN ORDER OF PROHIBITION AND INJUNCTION/TEMPORARY RESTRAINING ORDER

Now comes the Petitioner/Plaintiff Chester Epperson, by Thomas F. McGuire his Attorney in this matter, and for his Petition/Complaint states:

COUNT I
ORDER OF PROHIBITION

1. That at all times mentioned herein Chester Epperson was the Chief of Police of the City of Rockford, Winnebago County, Illinois, a non-Home Rule municipality of the State of Illinois, Police Department.

2. That at all times mentioned herein the Respondent/Defendant Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois (hereinafter referred to as "Board") was an Administrative Agency of the City of Rockford which existed pursuant to the terms of (A) the Board of Fire and Police Commissioners Act found in 65 ILCS 5/10-2.1-1 et. seq. and (B) pursuant to the terms of the Rockford, Illinois Code of Ordinances – Part 1 –

Exhibit B

General Ordinances – Chapter 2 – Administration – Article VII – Boards And Commissions – Division 2. Board Of Fire And Police Commissioners, Section 2-667 entitled "Creation; appointment of members; terms of office" which states:

> "Sec. 2-667. Creation; appointment of members; terms of office.
>
> There is hereby created a board of fire and police commissioners. The mayor of the city, with the consent of the city council, shall appoint a board. The board shall consist of three members, whose terms of office shall be three years and until their respective successors are appointed and have qualified for office. No such appointment, however, shall be made by the mayor within 30 days before the expiration of his term of office. "

3. That at all times mentioned herein the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (hereinafter referred to as "PB&PA") was in existence pursuant to the authority of the Illinois Public Relations Act found in 5 ILCS 315/1 et. seq. which had a Collective Bargaining Agreement (CBA) with the City of Rockford pertaining to all sworn personnel of the City of Rockford Police Department from the rank of Patrol Officer to, and including the rank of Sergeant (hereinafter referred to as "employee") with City of Rockford Police Department Patrol Officer Terrence Peterson as the President of said PB&PA Unit Six – Rockford.

4. That on or about June 11, 2014 the Respondent/Defendant PB&PA Unit Six through its President City of Rockford Police Department Patrol Officer Terrence Peterson did file with the Respondent/Defendant Board of Fire and Police Commissioners a Complaint against Petitioner/Plaintiff presumably seeking disciplinary action against the Petitioner/Plaintiff Chief of Police by the Respondent/Defendant Board of Fire and Police Commissioners

5. That at all times mentioned herein there was in full force and effect as part of the same Code of Ordinances a Section 2-54 entitled "Appointment of city officers" which stated:

"Sec. 2-54. Appointment of city officers.

The mayor shall appoint by and with the advice and consent of the city council all officers whose appointment is not by the laws of this state or the ordinances of this city otherwise provided for, and whenever a vacancy shall happen in any office, which by law or ordinance he is empowered to fill, he shall at the next regular meeting of the city council after the happening of such vacancy, or as soon thereafter as possible, communicate to the city council the name of his appointee to such appointment, the mayor may designate some suitable person to discharge the duties of such office."

Additionally, as part of the same Code of Ordinances there was a Section 2-53 entitled "Supervision of city officers" which states:

"Sec. 2-53. Supervision of city officers.

The mayor shall supervise the conduct of all officers of the city, examine the grounds of all reasonable complaints made against any of them, and cause all their violations of duty and other neglects to be promptly punished or reported to the proper tribunal for correction."

Further, as part of the same Code of Ordinances there was a Section 2-93 entitled "Removal of appointive officers" which stated:

"Sec. 2-93. Removal of appointive officers.

Except where otherwise provided by statute, the mayor may remove any officer appointed by the mayor, on any written charge, whenever the mayor is of the opinion that the interests of the city demand removal. The mayor shall report the reasons for the removal to the city council at a meeting to be held not less than five nor more than ten days after the removal. If the mayor fails or refuses to report to the city council the reasons for the removal, or if the city council by a two-thirds vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath

of office. No officer shall be removed a second time for the same offense. "

Additionally, as part of the same Code of Ordinances there was a Section 2-96 entitled "Mayor to assign duties, determine disputes" which stated:

"Sec. 2-96. Mayor to assign duties, determine disputes.

The mayor shall have the power to assign to any appointed officer any duty that is not assigned by ordinance to some other specified officer, and he shall determine disputes or questions relating to the respective powers or duties of officers after consultation with the corporation counsel."

Further, as part of the same Code of Ordinances there was a Section 13-19 entitled "Department created: composition") which stated:

"Sec. 13-19. Department created; composition.

There is hereby created a police department, an executive branch of the city government. This department shall consist of the chief of police and such number of other members and officers as may be provided by ordinance."

and a Section 13-20 entitled "Office of chief created" which stated:

"Sec. 13-20. Office of chief created.

There is hereby created the office of chief of police, an executive office of the city. The chief of police shall be and have the powers of the city marshal and superintendent of police."

6. That by said Statute and Ordinances the Respondent/Defendant Board did not/does not have jurisdiction/authority as to the Complaint filed with said Board by the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA) through its President City of Rockford Patrol Officer Terrence Peterson.

Wherefore, Petitioner/Plaintiff requests this Honorable Court to:

A. issue an Order to the Respondent/Defendant Board prohibiting said Respondent/Defendant Board to proceed in any way with the presently pending Complaint filed by the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA) through its President Patrol Officer Terence Peterson.

B. that the Petitioner/Plaintiff Chief of Police have such other and further relief as may be fair and equitable.

COUNT II
INJUNCTION/TEMPORARY RESTRAINING ORDER

1-7. Petitioner/Plaintiff adopts by reference Paragraphs 1 through 6 of Count I of this Petition/Complaint as Paragraphs 1 through 6 of this Paragraph 7 of this Count II of this Petition/Complaint.

8. That this Court has Jurisdiction as to this Count II of said Petition/Complaint pursuant to the terms of 5/11-101 entitled "Temporary Restraining Order" and 5/11-102 entitled "Preliminary injunction" of the Civil Practice Act as found in 735 ILCS.

9. That as the result of the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA) through its President City of Rockford Police Department Patrol Officer Terence Peterson filing a Complaint against the Petitioner/Plaintiff with the Respondent/Defendant Board what could well constitute a **mutiny** of the membership of the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA), against the authority of the City of Rockford Chief of Police and the Mayor of the City of Rockford which could well negatively impact on the public perception of the membership of the City of Rockford Police Department with the consequent result of negatively

impacting upon the health, welfare and public safety of the inhabitants of the City of Rockford, Illinois.

Wherefore, Petitioner/Plaintiff requests this Honorable Court:

A. that pursuant of the terms of 5/11-101 et. seq. of the Civil Practice Act as found in 735 ILCS that an Injunction/Temporary Restraining Order be issued against the Respondent/Defendant Board and the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA) through its President City of Rockford Patrol Officer Terrence Peterson prohibiting the Respondent/Defendant Board from in any way continuing its process by which the Respondent/Defendant Board and/or the Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six, (PB&PA) through its President City of Rockford Patrol Officer Terrence Peterson would/may address the aforementioned Complaint filed with the Respondent/Defendant Board by the PB&PA Unit Six.

B. that the Petitioner/Plaintiff Chief of Police have such other and further relief as may be fair and equitable.

RESPECTFULLY SUBMITTED,

Thomas F. McGuire- Attorney for the
Petitioner/Plaintiff Chief of Police

Illinois Attorney No. 1846035
Thomas F. McGuire

Of
Thomas F. McGuire & Assoc.
Long Grove Executive House
4180 RFD Route 83 Suite 206
Long Grove, Illinois 60047
Ph: 847/634-1727
Fax: 847/634-4785

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY

Chester Epperson	)	
	)	
Petitioner/Plaintiff,	)	
	)	
v.	)	Case No: _____
	)	
Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois, and the Police Benevolent and Protective Association, Rockford Unit Six,	)	
	)	
Respondents/Defendants.	)	

State of Illinois)
County of Lake)

AFFIDAVIT

I, Thomas F. McGuire, the Attorney for the Petitioner/Plaintiff Chief of Police state under oath that the contents of this Petition/Complaint are true and accurate to the best of my knowledge and belief.

Thomas F. McGuire

Subscribed and sworn to before me this 20th day of June, 2014.

OFFICIAL SEAL
JOLANTA A. ZINEVICH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES SEP. 26, 2015

Notary Public

My commission expires: Sep. 26, 2015

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY

Chester Epperson	)	
	)	
Petitioner/Plaintiff,	)	
	)	
v.	)	Case No: 2014 CH 609
	)	
Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois, and the Police Benevolent and Protective Association, Rockford Unit Six,	)	
	)	
Respondents/Defendants.	)	

PETITIONER/PLAINTIFF'S
MOTION FOR A TEMPORARY RESTRAINING ORDER (TRO)

Now comes the Petitioner/Plaintiff Chief of Police of the City of Rockford (i.e. Chester Epperson) by Thomas F. McGuire his Attorney in this matter, and for his Motion For A Temporary Restraining Order (TRO) states:

1. By this Motion the Petitioner/Plaintiff Chief seeks to attain a TRO barring the Respondent/Defendant Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois, (hereinafter referred to as "Board") and/or Respondent/Defendant Police Benevolent and Protective Association, Rockford Unit Six (hereinafter referred to as "Union") from proceeding with any action as to the attached (see Attachment #1 to this writing) Complaint filed with the Board of Fire and Police Commissioners by the Police Benevolent and Protective Association, Rockford Unit Six through its President Rockford Police Department Patrol Officer Terrence Peterson seeking a Board Hearing to examine the conduct of the Chief of Police of the City of Rockford.

Exhibit C

2. That this Court has the authority to grant this Motion based on the terms of 5/11-101 (entitled "Temporary restraining order") (hereinafter referred to as "TRO") of 735 Illinois Compiled Statutes.

3. That Petitioner/Plaintiff is the Chief of Police of the City of Rockford (hereinafter referred to as "Chief") having been appointed to such position by the Mayor of the City of Rockford, Illinois.

4. That on or about June 4, 2014 the Union through its President did file with the Board the attached Complaint against the Chief of Police alleging violations by the Chief of Rules of the Rockford Police Department.

5. That the Board has scheduled a Probable Cause Hearing before it for July 21, 2014 as to the Complaint filed with the Board by the Union by its President. Further, the Board has to date issued Subpoenas and issued a Protective Order as to possible evidence both of which it had no lawful authority to do so due to the Board lacking jurisdiction/authority as to disciplinary matters pertaining to the Office of Chief of Police – such being within the exclusive authority of the Mayor of the City of Rockford; see Attachment # 2 to this writing.

6. That included as Count I of the Complaint at hand is a request that this Court issue an Order Prohibiting the Board from proceeding in anyway with a disciplinary Hearing as to the Chief pursuant to the terms of 5/10-2.1-17 of 65 ILCS due to lack of authority/jurisdiction of the Board as to the Chief who is the focus of the Complaint of the Union/President to the Board.

7. That it is well established by law that in seeking a TRO the obligation of the Court in reviewing a Motion For Issuance Of A TRO is to determine if Petitioner/Plaintiff has a possibility of (A) success as to the merits, (B) if irreparable injury would occur if the TRO is

not granted and (C) if there is an inadequate remedy at law; see Murges v. Bowman, 254 Ill. App. 3d 1071, 1081, 627 N.E.2d 330 (1st DIST. 1993).

As To "A" – possibility of success as to the merits:

(a) the **fact** that in 1983 the City of Rockford (hereinafter referred to "City") ceased to be a Home Rule municipality of Illinois negating the authority of the City to place the Office of Chief of Police under the authority of the Board; see Attachment # 3 to this writing being the election results on the referendum election as to whether or not the City should continue to be a Home Rule municipality pursuant to the terms of Section 6 (entitled "Powers of Home Rule Units") of Article VII (entitled "Local Government") of the present Constitution of the State of Illinois.

(b) the **fact** that the second full paragraph of 5/10-2.1-4 of the Board of Fire and Police Commissioners Act found in 65 ILCS entitled "Fire and police departments; Appointment of members; Certificates of appointments" states:

> "If the chief of the fire department or the chief of the police department or both of them are appointed in the manner provided by ordinance, they may be removed or discharged by the appointing authority. In such case the appointing authority shall file with the corporate authorities the reasons for such removal or discharge, which removal or discharge shall not become effective unless confirmed by a majority vote of the corporate authorities."

(c) the **fact** Section 2-93 entitled "Removal of appointive officers" of the Rockford Code of Ordinances (see Attachment # 4 A to this writing) combined with Section 2-96 entitled "Mayor to assign duties, determine discipline" (see Attachment #4 B to this writing) and Section 13-21 entitled "Chief to be head of department" (see Attachment # 5 to this writing; all of such evidence that the Board has no authority over the Chief which would

lawfully allow the Board to conduct a disciplinary Hearing proceedings sought by the Union in their Complaint filed with the Board through its President.

(d) the **fact** that due to the terms of the Collective Bargaining Agreement (CBA) between the Union as to which Terrence Peterson is the President of Unit 6 of the Union and the City (which is in full force and effect as of the date of this writing) contains as CBA Article 8 entitled "Contract Grievance Procedure" (see Attachment # 6 A to this writing) as required by the terms of the Illinois Public Labor Relations Act (IPLRA) 5 ILCS 315/8 see Attachment #6 B to this writing. Since Section 315/2 of the IPLRA entitled "Policy" (see Attachment # 7 A to this writing), and since the Union and/or its President did not file a Grievance as to the content of the presently pending Complaint before the Board which it/they were required to do so by the terms of 315/5 entitled "Act Takes Precedence" the Union and/or its President has waived and/or is estopped from proceeding further with their Complaint to the Board as to the Chief due to not filing a Grievance pursuant to said CBA particularly in that said CBA Article 1 (entitled "City Rights") contains a Section 1.2 entitled "Management Rights" clause (see Attachment #8 A to this writing) which is consisted with the terms of 315/4 entitled "Management Rights" of the IPLRA (see Attachment #8 B to this writing).

Based upon that just mentioned the Board and/or the Union and/or its President have no lawful authority to proceed in any way with the presently pending Complaint against the Chief. Note as of the date of this writing the Board has issued a Protective Order as to evidence and issued Subpoenas for records and the attendance of witnesses at the anticipated preliminary Hearing which by the term of this writing the Board had no authority to issue; see Attachment # 9 and #10 to this writing). Further, the Union by its President has filed a Motion for the Board to hold the City Attorney in contempt for the City Attorney allegedly advising

the Recipients of the aforementioned Subpoenas not to comply with the content of the Board Subpoenas. Yet by the terms of the Board of Fire and Police Commissioners Act as found in 65 ILCS 5/10-2.1-17 has no authority to hold anyone in contempt. (See Attachment # 10 to this writing).

As To "B" – Irreparable Injury:

The term Irreparable Injury does not require that the injury be beyond the possibility of compensation nor must it be very great (Mutual Of Omaha Life Insurance Company v. Executive Plaza Inc. 99 Ill. App. 3d 190, 425 N.E.2d 503 (2nd DIST. 1981) supports such contention). Should this Court not issue a TRO barring the Board and/or Union from proceeding in anyway with the Complaint filed by the Union seeking disciplinary action against the Chief of Police the public perception of a well organized and lawfully functioning Rockford Police Department will be at the least diminished. Such shall at the least lessen the public respect for the Rockford Police Department and its Chief of Police in that the allegations of the Union contained in its Complaint to the Board evidence that the Union members who enforce the law seek not to obey the law that the Office of Chief of Police is not under the jurisdiction/authority of the Board- see DeGrazio v. Civil Service Commission of the City of Chicago, 31 Ill. 2d 482, 488, 202 N.E.2d 522 (1964).

As To "C" – Inadequate Remedy at Law as to the jurisdiction/authority of an Administrative Agency:

The actions of the Board are subject to judicial review pursuant to the terms of the Administrative Review Law (hereinafter referred to as "ARL") (735 ILCS 5/3-101 et. seq.) which was adopted by 5/10-2.1-17 of the Board of Fire and Police Commissioners Act as the legal vehicle by which Rulings of the Board are subject to judicial review. The ARL allows for a judicial review only after a final decision of the Board which terminates any/all proceedings

before the Board; see 5/3-101 being the definition of "Administrative decision" or "decision" of ARL found in 735 ILCS. Such means that all proceedings before the Board are subject to judicial review only after the Board has terminated all proceedings before it; see Office Electronics Inc. v. Forms, Inc. 56 Ill. App. 3d 395, 399, 372 N.E.2d 125, (2nd DIST. 1978) cited for the point that in considering a request for a TRO there is no requirement that the Court must wait until an injury occurs before granting injunctive relief; see Schrader v. Krock and the members of the Lake County Sheriff's Office Merit Commission, 88 Ill. App. 3d 783, 784, 410 N.E.2d 1013 (2nd DIST. 1980).

Wherefore, the Petitioner/Plaintiff Chief requests of this Court:

1. That it immediately issue a Temporary Restraining Order (TRO) without Bond barring the Board of Fire and Police Commissioners and/or the Union from proceeding with any action as to the Complaint filed with the Board by the Union which seeks as to the Chief of Police a Board Hearing to examine the conduct of the Chief of Police of the City of Rockford; such request being unlawful due to the lack of jurisdiction/authority of the Board as to disciplinary action against the Office of Chief of Police.

2. That the Petitioner/Plaintiff Chief have his costs of suit paid by the Respondent/Defendant Union and/or its President.

3. That the Petitioner/Plaintiff Chief have such other and further relief as may be fair and equitable.

RESPECTFULLY SUBMITTED,

Thomas F. McGuire- Attorney for the
Petitioner/Plaintiff Chief of Police

Illinois Attorney No. 1846035
Thomas F. McGuire

Of
Thomas F. McGuire & Assoc.
Long Grove Executive House
4180 RFD Route 83 Suite 206
Long Grove, Illinois 60047
Ph: 847/634-1727
Fax: 847/634-4785

AFFIDAVIT

State of Illinois)
County of Lake)

I, Thomas F. McGuire, the Attorney for the Petitioner/Plaintiff Chief of Police in the case at hand state that the contents of this writing are true and correct to the best of my knowledge and belief.

Thomas F. McGuire

Subscribed and sworn to before me this 1st of July, 2014.

OFFICIAL SEAL
JOLANTA A. ZINEVICH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES SEP. 26, 2015

Notary Public

My Commission Expires: Sep 26, 2015

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY

Chester Epperson Petitioner/Plaintiff, v. Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois, and the Police Benevolent and Protective Association, Rockford Unit Six, Respondents/Defendants.	)	Case No: 2014 CH 609

TO:

(1) 17th Judicial Circuit, County of Winnebago
Attn: Honorable Judge Eugene Doherty
400 West State St.,
Room 109
Rockford, IL 61101

(2) Board of Fire and Police Commissioners of the City of Rockford, Winnebago County, Illinois
Ian K. Linnabary -- Secretary to the City of Rockford Board of Fire and Police Commission
c/o Reno & Zahm Law
2902 McFarland Road
Suite 400
Rockford, IL 61107
ikl@renozahm.com

(3) The Police Benevolent and Protective Association, Rockford Unit Six
Daniel McGrail -- Attorney at Law
321 W. State Street
Suite 602
Rockford, IL 61101
mcgraillaw@sbcglobal.net

NOTICE OF FILING AND PROOF OF SERVICE

Please Take Note that on July 1, 2014 I filed the attached **PETITIONER/PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER (TRO)** with the Clerk of the 17th

Judicial Circuit, County of Winnebago, located at 400 West State St., Rockford, IL 61101, by placing same in a FedEx overnight delivery box.

Additionally, on the same date and in the same manner, I overnighted by FedEx a copy of said **PETITIONER/PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER (TRO)** to the Honorable Judge Eugene Doherty at his address as stated above.

Finally, I e-mailed and I overnighted by FedEx one (1) copy of said **PETITIONER/PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER (TRO)** to Ian K. Linnabary -- Attorney at Law and Daniel McGrail – Attorney at Law at their addresses as stated above.

Thomas F. McGuire
Attorney for Petitioner/Plaintiff in the case at hand

Illinois Attorney # 1846035
Thomas F. McGuire
Long Grove Executive House
4180 RFD Route 83 Suite 206
Long Grove, Illinois 60047
Ph: 847/634-1727
Fax: 847/634-4785

CITY COUNCIL, CITY OF ROCKFORD
JOURNAL OF PROCEEDINGS
APRIL 10, 2006
COUNCIL CONVENED AT 6:14 P.M.

1. The invocation was given by Vaughn Gilmore, Edenezer Baptist Church/ Police Chaplain and the Pledge of Allegiance was led by Page Ana Naccarato.

2. Roll Call:

Mayor Lawrence J. Morrissey

Aldermen: Sosnowski, Mark, Curran, Wasco, Bell, Jacobson, Johnson, Timm, Beach, Holt, Beck, Conness, -12-

Absent: Thompson, McNeely –2-

3. Alderman Mark moved to accept the Journal of Proceedings of April 3, 2006, seconded by Alderman Jacobson.

Alderman Holt made a motion to amend Item #13 to read:

Alderman Jacobson submitted a letter from Laurette Brown, Senior Engineer Technician of the City of Rockford, regarding residential parking problems in the North Port Drive area.

Said motion was seconded by Alderman Mark. MOTION PREVAILED (Ald. Thompson, McNeely absent). The Journal was placed on passage as amended. MOTION PREVAILED (Ald. Thompson, McNeely absent).

PUBLIC PARTICIPATION

4. Shelly Smith spoke opposing the proposed Walmart at Alpine Road and Sandy Hollow Road.

5. Nancy Gdowski spoke opposing the reappropriation of money and employees for road funding.

UNFINISHED BUSINESS

6. Alderman Johnson moved that Mr. John E. Miller, Miller, Crowe Norene, be permitted to address the City Council. Said motion was seconded by Alderman Jacobson. MOTION PREVAILED (Ald. Thompson, McNeely absent).

Mr. Miller reported that bids were received covering $15,000,000 General Obligation Bonds, Series 2006A. There were five bids received. He recommended accepting the bid of A.G. Edwards & Sons, Inc. at par less a discount of $107,904.74 plus accrued interest being at a net interest rate of 4.506898%.

He also reported that bids were received covering $2,500,000 General Obligation Bonds, Series 2006B. There were three bids received. He recommended accepting the bid of

Exhibit D

Absent: Thompson, McNeely –2-

OFFICERS REPORTS

27. Mayor Morrissey thanked Deputy Chief Lindmark, Interim Chief Iasparro and the Police Department for their outstanding efforts monitoring the very peaceful march through the City of Rockford by the Hispanic and other immigrant communities opposing the proposed Federal Legislation that would make illegal immigrants felons. Mayor Morrissey promotes a common sense approach in dealing with this issue and invites continued discussion on the topic.

28. Mayor Morrissey affirmed his continued support of the Procurement Policy, a hearing date will be set in the near future for discussion and encouraged media to discuss and provide awareness to the community on this issue.

29. Mayor Morrissey called attention to the Memorandum from Patrick W. Hayes, Legal Director, outlining current law enforcement and abatement efforts and proposed initiatives to resolve the growing problem of graffiti consuming our City. Mayor Morrissey encouraged the State's Attorney's Office to continue tough prosecution to those individuals arrested for this crime.

30. Mayor Morrissey wished Alderman Frank Beach a Happy Birthday which was yesterday.

31. Mayor Morrissey submitted the appointment of Andrew Langoussis to the Downtown Design Review Committee. LAID OVER.

32. Mayor Morrissey, presented a Proclamation proclaiming the week of April 10, 2006 to be "Rockford Early Learning Project Week" in Rockford, Illinois and urged all citizens to recognize and support the Rockford Early Learning Project's collaborative effort to celebrate and enhance early learning and literacy in the Rockford Community.

33. Mayor Morrissey announced the Police and Fire Commission had appointed Chet Epperson as Rockford's new Police Chief. Mayor Morrissey thanked Interim Chief Dominic Iasparro for his dedication to the Rockford Police Department.

33a. Legal Director, Patrick Hayes, administered the oath of office to newly appointed Chief Chet Epperson.

34. Chief Chet Epperson addressed Mayor Morrissey, City Council and citizens of Rockford offering his dedication to ensure the safety and protection of all law abiding Rockford citizens. He presented a vision of tools designed to effectively enhance the quality of life and reduce crime and looks forward to implementing these crime reduction strategies as his dedication to excellence everywhere in Rockford as Chief of Police.

34a. Mayor Morrissey again thanked all members of the community that were involved in the process of selecting the Chief of Police.

MINUTES OF PROCEEDINGS
BOARD OF FIRE AND POLICE COMMISSIONERS
CITY OF ROCKFORD, ILLINOIS
APRIL 10, 2006

MEETING HELD AT: Public Safety Building, Room A212, 420 West State Street Rockford, Illinois

IN ATTENDANCE: Commissioners Dotson-Williams, Logan and Powers

1. **Call to Order.** The meeting was called to order by Commissioner Powers at 1:30 p.m.

2. **Appointment of Chief of Police.** Pursuant to §2(c)(1) of the Illinois Open Meetings Act, Commissioner Powers moved that the Board hold a closed session meeting for the purpose of the appointment of a Chief of Police of the City of Rockford. Motion seconded by Commissioner Dotson-Williams and approved by unanimous voice vote.

The commissioners returned from closed session. Commissioner Logan moved for the appointment of Chet Epperson as Chief of Police for the City of Rockford. Motion seconded by Commissioner Powers and approved by majority vote, Commissioners Logan and Powers voting in favor and Commissioner Dotson-Williams voting against.

3. **Adjournment.** Commissioner Logan moved that the meeting be adjourned. The motion was seconded by Commissioner Powers and approved by unanimous voice vote.

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Samuel J. Castree, Jr.
Secretary

Exhibit E

AFFIDAVIT

COPY

I, Chet L. Epperson, Jr. having been first placed under oath state:

- On or about November 2005, I learned notice of the application/ testing process from the Board of Fire & Police Commission in a department-wide memo for the position of Rockford Chief of Police.

- On or about November 2005, I learned notice of the application/ testing process from the website of the International Association of Chiefs of Police (IACP) for the position of Rockford Chief of Police.

- On December 22, 2005, I submitted my application via mail to the International Association of Chiefs of Police, 515 North Washington Street, Alexandria, VA.

- On January 26, 2006, I received a call from IACP Representative Joe Blackburn. The call was taken in my private residence. The purpose of the call was a personal phone interview regarding my application.

- Sometime after January 26, 2006, but no later than February 3, 2006, I received an additional call from IACP Representative Brian Barnes. The call was taken in my private residence. The purpose of the call was a personal follow-up interview regarding my application.

- On Friday February 3, 2006, I received a press release from the Board of Fire & Police Commissioners. The press release listed the five finalists for Chief of Police:

    - Gregory J. Anderson, Commander, City of Aurora, Illinois Police Department
    - Chet Epperson, Deputy Chief of Police, City of Rockford, Illinois Police Department
    - Frank J. Kaminski, Chief of Police, City of Evanston, Illinois Police Department
    - Robert Moore, United States Marshall (ret.), Springfield, Illinois
    - Jeffrey L. Patterson, Chief of Police, Boardman Township, Ohio
    - David W. Purdy, Law Enforcement Development Advisor, United Stated Department of State, Dulles, Virginia

- On Wednesday, February 15, 2006, I participated in a Chief of Police Finalist Community Open House at the Northern Illinois University College of Law Zeke Giorgi Legal Clinic, 319 West State Street, Rockford, Illinois. The purpose of the Community Open House was to meet the candidates for Rockford Chief of Police. Chief of Police candidates as stated above, were in attendance.

- On Thursday, February 16, 2006, I participated in an assessment center conducted by the IACP and Board of Fire & Police Commission interview at the Work Place, 4701 East State Street, Rockford, Illinois. The assessment center was conducted by IACP personnel and the Commission did not participate. The interview was conducted by all three Board of Fire & Police Commissioners and the IACP did not participate.

Exhibit F

- On Friday February 25, 2006, I received a morning telephone call while out of the country from former Commission Chairman James Powers. The telephone purpose was to inform me I was not selected as Rockford Chief of Police. Later on February 25, 2006, I became aware David Purdy was selected as Rockford Chief of Police.

- Sometime in late March 2006, I was contacted by the Board of Fire & Police Commission for the purpose of submitting to a background check. I signed a waiver to have the background check conducted and several personal documents were tendered to the background investigator subsequent to my being contacted.

- A few days prior to April 10, 2006, I met with City Administrator James Ryan. Administrator Ryan offered me the position of Rockford Chief of Police. Compensation for the position was discussed at this meeting. The meeting was not attended by any member of the Rockford Board of Fire & Police Commissioners.

- On April 10, 2006, I participated in a Department Press Conference.

- On April 10, 2006, I took my Oath of Office from City Legal Director/ Clerk Patrick Hayes during the City Council.

FURTHER AFFIANT SAYETH NOT.

Chet L. Epperson, Jr.

I, Chet L. Epperson, Jr., state under oath that the contents of this writing are true and complete to the best of my knowledge and belief.

Subscribed and sworn to before me this 21 day of July, 2014.

OFFICIAL SEAL
JUDY A. BELK
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5-9-2017

Judy A. Belk
Notary Public

My Commission Expires: 5-9-2017