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6/6/2024 2:02 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2024CH04190
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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

JEFFREY DEVRIES)
)
 Plaintiff,)
)
 v.)
)
 VILLAGE OF DOLTON, an Illinois Municipal)
 Corporation; TIFFANY HENYARD; VILLAGE)
 OF DOLTON BOARD OF FIRE & POLICE)
 COMMISSIONERS; DEVONTE STEWART;)
 LEWIS LACEY,)
)
 Defendant.)
 _____)

Case No. 2024 CH 04190
Calendar

FIRST AMENDED COMPLAINT

NOW COMES the Plaintiff, JEFFREY DEVRIES, by and through his attorneys, Griffin Williams McMahon & Walsh, LLP, and complains of the VILLAGE OF DOLTON, TIFFANY HENYARD, VILLAGE OF DOLTON BOARD OF FIRE AND POLICE COMMISSIONERS, DEVONTE STEWART, and LEWIS LACEY, and in support thereof complains as follows:

JURISDICTION AND VENUE

1. Plaintiff Jeffrey Devries (“Devries”) is, and at all times complained of was, a resident of the State of Indiana, County of Lake.
2. Defendant Village of Dolton (“the Village”) is, and at all times complained of was, an Illinois municipal corporation located in Dolton, Illinois.
3. Defendant Tiffany Henyard (“Henyard”) is, and all times complained of was, a resident of the State of Illinois, County of Cook.

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4. Defendant Village of Dolton Board of Fire & Police Commissioners (“BFPC”) is, and at all times complained of was, a division of the Village located in Dolton, Illinois. The BFPC is named to confer jurisdiction over the board.

5. Defendant DeVonte Stewart (“Stewart”) is, and all times complained of was, a resident of the State of Illinois, County of Cook. Stewart is named to confer jurisdiction over him as a commissioner on the BFPC.

6. Defendant Lewis Lacey (“Lacey”) is, and all times complained of was, a resident of the State of Illinois, County of Cook.

7. Jurisdiction is proper where the Village, the Board, Henyard, Stewart, and Lacey all reside and the events giving rise to this claim occurred within the State of Illinois, County of Cook.

8. Venue is proper where all events complained of occurred within the State of Illinois, County of Cook.

THE PARTIES

9. Devries is, and at all times complained of was, an employee of the Village of Dolton as defined and codified in 740 ILCS § 174/5 and a duly appointed peace officer.

10. The Village is, and at all times complained of was, an Illinois municipal corporation and Devries’ employer as defined and codified in 740 ILCS § 174/5.

11. Henyard is, and at all times complained of was, the mayor of the Village of Dolton and Devries’ employer as defined and codified in 740 ILCS § 174/5. She is sued in her individual capacity.

12. The BFPC is a division of the Village and an Illinois administrative agency.

13. Stewart is, and at all times complained of was, an employee of the Village of Dolton and the Chaiman of the BFPC.

14. Lacey is, and at all times complained of was, an employee of the Village of Dolton, Devries employer as defined and codified in 740 ILCS § 174/5, and a duly appointed peace officer. Lacey is sued in his individual capacity.

STATEMENT OF FACTS

15. The Village is a home rule unit of local government. The power and authority of the BFPC to act is derived from Division 2.1 Board of Fire and Police Commissioners,” Illinois Compiled Statutes, Chapter 65, Section 5/1, *et seq.*

16. The Board of Fire and Police Commissioners’ Rule and Regulations (“Rules and Regs”) apply to the governance, control, and administration of original appointments, promotions, and hearings for members of the Fire Department and Police Department of the Village of Dolton.

17. The BFPC is required to be constituted of three commissioners including a Chairperson, Vice Chairperson, and a Secretary. Three commissioners constitute a quorum for the Board to conduct business.

18. The Rules of Procedure are found in the Rules and Regs. Where not otherwise provided for in the Rules and Regs, Roberts Rules of Order provides the requisite procedures.

19. Chapter III (A)(1) of the Rules and Regs provides that the Board of Fire and Police Commissioners (“BFPC”) “shall call examinations to fill vacancies...” In October 2023, there were six vacancies at the rank of police sergeant.

20. Chapter III (A)(7) of the Rules and Regs provides that gradings of examinations “shall be final and conclusive and not subject to review...”

21. Chapter III (C)(2) of the Rules and Regs provides that applicants must receive a minimum of 70 for listing on the “Eligibility Register,” or “Final Eligibility List.”

22. Chapter III (C) of the Rules and Regs contains the rules for promotional testing and provides “...all promotions shall be made from the three having the highest rating.”

23. In early October 2023, Devries filed an anonymous complaint with the Illinois Law Enforcement Training and Standards Board after learning that a fellow officer was writing parking tickets without probable cause to boost revenue for the Village.

24. On November 2, 2023, Stewart posted a “Final Eligibility List” for promotion to the rank of sergeant of police. Exhibit 1. Devries ranked first on the list with a score of 72.9%. Marissa Curry was second with a score of 70.5%, followed by Vincent Nunez at 65.44%, Terry Young at 64.82% and Michael Gilhooly with 64.68%.

25. The list included “Chief/Merit” points in calculating eligibility. Devries received two merit points, or 40% of the total possible. Curry received five merit points, Nunez received five merit points, Young received 5 merit points, and Gilhooly received 4 merit points.

26. The list was not created pursuant to a publicly held meeting of the BFPC nor was it voted on by a quorum of commissioners of the BFPC. The list was simply created by Stewart without lawful authority.

27. Stewart was the only member of the BFPC to sign the Final Eligibility List and, upon information and belief, the only commissioner appointed to the BFPC at that time. Stewart posted the list in the police department.

28. Nunez, Young and Gilhooly did not receive scores above 70, did not pass the examination process pursuant to Chapter III (C) (2) of the Rules and Regs, and should not have been included on the Final Eligibility List.

29. On November 6, 2023, Devries sent an email to Stewart explaining that the Final Eligibility List appeared to include individuals who did not qualify to appear on the list and that it violated the law to include those individuals on the list. Stewart did not respond and Commander Eric Price ordered Devries not to contact Stewart.

30. If the Village or Henyard desire to promote someone to the rank of sergeant of police, the Village's Board of Trustees must vote to approve such promotions.

31. The Illinois Open Meetings Act ("OMA") requires that an item of business such as voting to promote individuals to the rank of sergeant be posted on an agenda at least 48 hours in advance of the meeting where the vote of the Board of Trustees would occur.

32. On January 2, 2024, the Village and Henyard promoted Curry, Nunez, Young, and Gilhooly to the rank of sergeant of police during a meeting of the Village's Board of Trustees without lawful authority to do so.

33. The promotions of Curry, Nunez, Young, and Gilhooly were not placed on the meeting agenda for the January 2, 2024, meeting. At the time, there were still six vacancies at the rank of sergeant.

34. The Village's Board of Trustees did not vote to approve the promotions and was not given an opportunity to vote to approve the promotions from the Final Eligibility list as the law requires. Henyard simply issued an oath of office to Curry, Nunez, Young, and Gilhooly without a vote and without reference to the November 2, 2023, Final Eligibility List.

35. On January 8, 2024, Stewart and the BFPC put out a "Revised Police Sergeants Promotional List." Exhibit 2. The BFPC did not hold a meeting between January 2, 2024, and January 8, 2024, and the revised promotional list did not result from a vote of the BFPC.

36. The revised promotional list included “Chief/Merit” points. Curry, Nunez, Gilhooly and Young all received 100 out of a possible 100 merit points and Devries received 55 merit points, for 55% of the total.

37. The revised final scores were Curry (90.5%), Nunez (84.44%), Gilhooly (83.88%), Young (83.82%) and Devries (83.58%), even though Devries’ percentage of merit points allegedly increased from 40% to 55% between the November 2, 2023, Final Eligibility List and the January 8, 2024, Final Eligibility List.

38. On or near January 30, 2024, Devries was served with a Notice of Formal Interrogation (“the Notice”). The Notice advised that Devries would be subject to a disciplinary interrogation on February 8, 2024.

39. The Notice guaranteed “[a]dmissions made during the interrogation may not be used as evidence of misconduct or as a basis for charges seeking suspension, removal, or discharge.”

40. On February 8, 2024, Devries appeared at the interrogation, which was conducted by Dolton Inspector Sylvester Baker (“Inspector Baker”).

41. Devries was asked the following questions:

- a. “Did you have any conversation with Trustee Belcher regarding the Sergeant’s Promotion List?”
- b. “Have you met with Trustee Belcher on any other occasion?”
- c. “Did you submit a complaint against the Dolton Police Department to the Illinois Law Enforcement Training Standards Board (ILETSB)?”

42. Devries answered in the affirmative that he had filed an anonymous complaint with the ILETSB.

43. On February 28, 2024, Inspector Baker notified Devries that allegations against him were “sustained,” and a recommendation would be forwarded to Chief Lacey for approval.

44. On March 15, 2024, the Village and Chief Lacey suspended Devries for five days for making the complaint to the ILETSB. Chief Lacey is the only sworn officer with the authority to discipline sworn officers.

45. Commander Guess memorialized the reason for the suspension in a “Personnel Incident Report”: “Det. Devries, J. #91, filed an anonymous complaint with the Illinois Law Enforcement Training and Standards Board (ILETSB). In his complaint, he described what he believed to be illegal parking citations issued by another member of the Dolton P.D. Det. Devries...chose to share this with an outside agency. For that, P.O. Devries is being issued this Negative Incident Report...” Exhibit 3.

46. The suspension was an act of retaliation by the Village and Chief Lacey in response to Devries filing a complaint with the ILETSB and questioning the Final Eligibility List.

COUNT I – MANDAMUS AGAINST THE VILLAGE OF DOLTON

47. Plaintiff repeats, realleges, and incorporates by reference the allegations of paragraphs one through forty-six as if fully set forth herein.

48. Devries has a clear right to promotion to the rank of sergeant of police.

49. The Village has a non-discretionary duty when it determines to promote police officers to promote only officers that qualify for promotion pursuant to the Rules and Regs and state statutes.

50. The BFPC has a non-discretionary duty when it determines to promote police officers to promote only officers that qualify for promotion pursuant to the Rules and Regs and state statutes.

51. Stewart has a non-discretionary duty to only place an officer on a Final Eligibility List if the officer qualifies for promotion pursuant to the Rules and Regs and state statutes.

52. The Village has a non-discretionary duty when it determines to promote police officers to promote qualified candidates from the top three positions on a valid promotional eligibility list and to vote on such promotion.

53. The Village and Henyard promoted Nunez, Gilhooly and Young to the rank of sergeant when it knew none of them passed the eligibility testing process and that Devries passed the eligibility testing process.

54. The Village and Henyard promoted Curry, Nunez, Gilhooly and Young to rank of sergeant without a vote of the Board of Trustees and in lieu of Devries, who scored highest on the Final Eligibility List.

55. The Village's duties to vote on promotions and to promote only qualified individuals is ministerial and does not involve the exercise of discretion.

56. Henyard promoted Curry, Nunez, Gilhooly and Young without lawful authority and in lieu of Devries who qualified for promotion.

WHEREFORE, Plaintiff JEFFREY DEVRIES prays that this Honorable Court issue a writ of mandamus compelling the VILLAGE OF DOLTON, TIFFANY HENYARD, the VILLAGE OF DOLTON BOARD OF FIRE AND POLICE COMMISSIONERS and DEVONTE STEWART to promote Plaintiff with back pay, or, in the alternative, to vote on promoting individuals to the rank of sergeant of police from the November 2, 2023, Final

Eligibility List, award attorney fees and costs to Plaintiff, and for any other relief this court deems proper.

COUNT II – VIOLATION OF THE ILLINOIS WHISTLEBLOWER ACT

57. Plaintiff repeats, re-alleges and incorporates by reference paragraphs one through forty-six as if fully set forth herein.

58. Devries is, and at all times complained of was, an employee of the Village of Dolton as defined and codified in 740 ILCS § 174/5.

59. The Village of Dolton is, and at all times complained of was, Devries' employer as defined and codified in 740 ILCS § 174/5.

60. Lacey is, and at all times complained of was, Devries' employer as defined and codified in 740 ILCS § 174/5.

61. As codified in the Illinois Whistleblower Act, “[a]n employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.”

62. Devries' whistleblower complaints disclosed information to the ILETSB. Devries had reasonable cause to believe that the complaints disclosed a violation of a State or federal law, a rule or regulation.

63. The Village and Chief Lacey retaliated against Devries for his whistleblowing activities by suspending him without pay.

64. As a direct and proximate cause of the aforementioned retaliatory conduct, Devries suffered lost wages, lost pension benefits, reputational harm, and emotional distress.

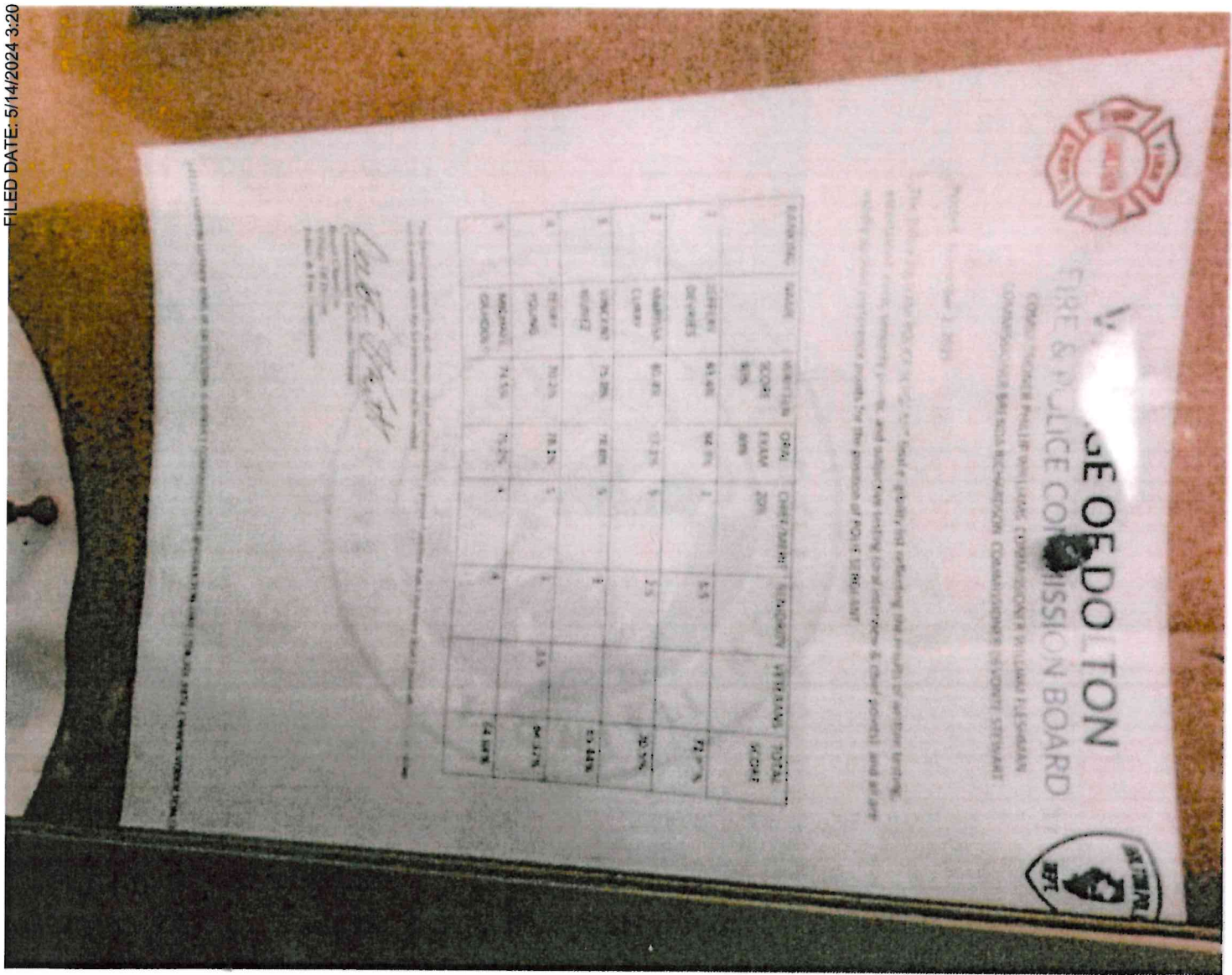
WHEREFORE, Plaintiff JEFFREY DEVRIES prays that this Honorable Court render judgment in his favor and against Defendants VILLAGE OF DOLTON and CHIEF LEWIS LACEY for compensatory damages in an amount in excess of \$5,000.00, litigations costs, attorney's fees and for any other pecuniary relief this court deems proper.

Respectfully submitted,

GRIFFIN WILLIAMS
MCMAHON & WALSH, LLP

By: /s/ Patrick J. Walsh
Patrick J. Walsh, Esq.

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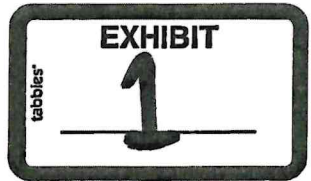


VILLAGE OF DOLTON
FIRE & POLICE COMMISSION BOARD
 BOARD MEMBER ELECTION COMMISSIONER WILLIAM HELMANN
 COMMISSIONER MATTHEW BUCHHEIM COMMISSIONER ROBERT STEWART



CANDIDATE	WRESTLING SCORE	CRUISE SCORE	COURT REPORT	SPEECH	INTERVIEW	TOTAL SCORE	RANK
CHRISTOPHER DEWITT	61.00	62.00	1	1	1	191.00	1
CHRISTOPHER CLARK	61.00	57.00	5	5	2.5	166.50	2
CHRISTOPHER DEWITT	71.00	78.00	5	5	2	227.00	3
CHRISTOPHER DEWITT	70.00	78.00	5	5	3.5	221.50	4
CHRISTOPHER DEWITT	71.00	72.00	5	5	4	219.00	5

William Helmmann
 Commissioner



VILLAGE OF DOLTON FIRE & POLICE COMMISSION BOARD



COMMISSIONER PHILLIP WILLIAMS COMMISSIONER WILLIAM FLESHMAN
COMMISSIONER BRENDA RICHARDSON COMMISSIONER DEVONTE STEWART

January 8, 2024

REVISED POLICE SERGEANTS PROMOTIONAL LIST

Following is the revised/amended POLICE SERGEANT final promotional list reflecting the results of written testing, seniority points, and objective testing (oral interview & chief/merit points) and all validly applied seniority and veterans/military preference points for the position POLICE SERGEANT. Written score 40% of raw score, Oral score 40% of raw score, and Chief/Merit score 20% raw score. Seniority one half (1/2) point per year maximum twenty (20) years. Military credit of 7/10 of a point for each (6) months or fraction thereof of military or naval service, not exceeding thirty (30) months (maximum 3.5 points). This list has been amended from the November 6, 2023 posted list due to calculation and prior misinterpretation of the Rules of the Board of Fire and Police Commissioners. This final promotional list shall remain in effect and unaltered for a period of not less than 2 nor more than 3 years after the date of the initial posting, unless depleted, when this list expires it shall be voided.

RANKING	NAME	WRITTEN SCORE 40%	ORAL EXAM 40%	CHIEF/MERIT 20%	SENIORITY	VETERANS	TOTAL SCORE
1	MARISSA CURRY	80.4% (RAW) $80.4 \times 0.40 =$ 33.16 (FINAL SCORE)	87.1% (RAW) $87.1 \times 0.40 =$ 34.84 (FINAL SCORE)	100 (RAW) $100 \times 0.20 =$ 20 (FINAL SCORE)	5 (RAW) $5 \times 0.5 =$ 2.5 (FINAL SCORE)		90.5%
2	VINCENT NUNEZ	75.0% (RAW) $75.0 \times 0.40 =$ 30 (FINAL SCORE)	78.6% (RAW) $78.6 \times 0.40 =$ 31.44 (FINAL SCORE)	100 (RAW) $100 \times 0.20 =$ 20 (FINAL SCORE)	6 (RAW) $6 \times 0.5 =$ 3 (FINAL SCORE)		84.44%
3	MICHAEL GANODLY	74.5% (RAW) $74.5 \times 0.40 =$ 29.8 (FINAL SCORE)	75.2% (RAW) $75.2 \times 0.40 =$ 30.08 (FINAL SCORE)	100 (RAW) $100 \times 0.20 =$ 20 (FINAL SCORE)	8 (RAW) $8 \times 0.5 =$ 4 (FINAL SCORE)		83.88%
4	TERRY YOUNG	70.2% (RAW) $70.2 \times 0.40 =$ 28.08 (FINAL SCORE)	78.1% (RAW) $78.1 \times 0.40 =$ 31.24 (FINAL SCORE)	100 (RAW) $100 \times 0.20 =$ 20 (FINAL SCORE)	2 (RAW) $2 \times 0.5 =$ 1 (FINAL SCORE)	3.5	83.82%
5	JEFFREY DEVRIES	83.4% (RAW) $83.4 \times 0.40 =$ 33.36 (FINAL SCORE)	84.3% (RAW) $84.3 \times 0.40 =$ 33.72 (FINAL SCORE)	55 (RAW) $55 \times 0.20 =$ 11 (FINAL SCORE)	11 (RAW) $11 \times 0.5 =$ 5.5 (FINAL SCORE)		83.58%

Commissioner Devonte Stewart
Village Of Dolton Fire & Police Commission Board Chairman



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DOLTON POLICE DEPARTMENT
Personnel Incident Report

Name: Det. DEVRIES, J. #91

Nature of Incident: Positive
 Negative

Assignment: Investigations

Supervisor: Cmdr PRICE, E. #7

Report Date: 15MAR24

Description of Incident or Action:

In Summary: During the month of October 2023, Det. Devries, J. #91 filed an anonymous complaint with the Illinois Law Enforcement Training and Standards Board (ILETSB). In his complaint, he described what he believed to be illegal parking citations issued by another member of the Dolton PD. Det. Devries, instead of speaking with that officers supervisor, chose to share this with an outside agency. For that, P.O. Devries is being issued this Negative Incident Report for the following violations: Policy #321 Standards of Conduct / 321.5.2 (g) Any other failure to abide by the standards of ethical conduct. 321.5.8 (i) Any act on- or off-duty that brings discredit to this department. 321.5.9 (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

Date, Time and Place of Occurrence:

The Month of October 2023

Supervisor reporting Incident: Cmdr GUESS, D. #5

Manner in which notified:

Inspector BAKER, S. #3

Action taken or recommendation:

Five Days Suspension W/O Pay

Does this Incident warrant further action above the Watch or Division Command ?

Yes No

If yes, recommendation:

Division Commander sign-off: 

Concur Disagree

If disagree, explain:

Date report completed: _____


Distribute one to each of the following: Employee

Shift / Watch Commander

Division Commander for routing to Chief

I have received a copy of this Incident Report:

3/24/2024
Date

 121
Employee signature Star #



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