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FILED

APR 12 2016

**LOIS A. DURBIN
CIRCUIT CLERK**

BRADLEY L. SWEENEY,
Plaintiff,

v.

CITY OF DECATUR, and TIM GLEASON,
City Manager,
Defendants.

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS

No. 2016-L-18

FILED

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CIRCUIT CLERK**

ADDITIONAL FACTUAL MATERIALS

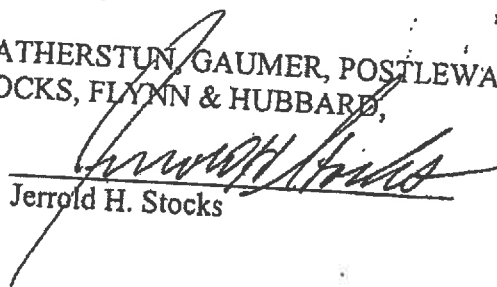
Now come the Defendants, City of Decatur and Tim Gleason, by their attorneys,
Featherstun, Gaumer, Postlewait, Stocks, Flynn & Hubbard, and state:

1. Plaintiff has filed excerpts of the Discovery Deposition of Timothy Allen Gleason. The attached Additional Factual Materials comprise the entirety of the Timothy Allen Gleason Deposition, with Exhibits, to assure a complete record.

CITY OF DECATUR, and
TIM GLEASON, City Manager,
Defendants,

FEATHERSTUN, GAUMER, POSTLEWAIT,
STOCKS, FLYNN & HUBBARD,

By:


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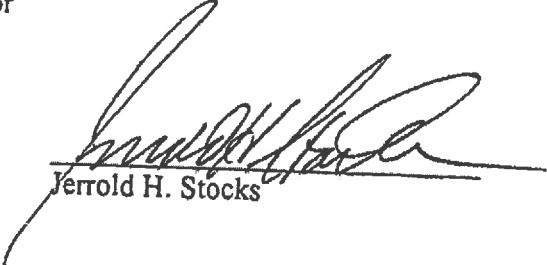
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is to be delivered, via hand delivery, in open court this date, addressed to the following in the manner set forth:

*Plaintiff's attorney already has a copy.

Via Hand Delivery

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BRADLEY L. SWEENEY,

vs.

CITY OF DECATUR and TIM
GLEASON, CITY MANAGER,

of

* * * * *

(217) 428-0946

APPEARANCES:

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Decatur, IL 62523
(217) 429-4296

BY: MR. JON D. ROBINSON
Attorney at Law
Representing the Plaintiff;

FEATHERSTUN, GAUMER, POSTLEWAIT, STOCKS, FLYNN &
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BY: MR. JERROLD H. STOCKS and
MR. EDWARD F. FLYNN
Attorneys at Law
Representing the Defendants.

CITY OF DECATUR
One Gary K. Anderson Plaza
Decatur, IL 62523
(217) 424-2807

BY: MR. JOHN T. ROBINSON
Assistant Corporation Counsel
Representing the Defendants.

Also Present:

Mr. Bradley L. Sweeney, Plaintiff

I N D E X

WITNESS

PAGE

TIMOTHY ALLEN GLEASON

By Mr. Jon D. Robinson -----

E X H I B I T S

MARKED

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Plaintiff's 3	-----	130
Plaintiff's 4	-----	130
Plaintiff's 5	-----	130
Plaintiff's 5A	-----	130

1 (Whereupon the following proceedings were
2 duly had.)

3 (Witness sworn.)

4 TIMOTHY ALLEN GLEASON

5 called as a deponent herein at the instance of the
6 Plaintiff, having been first duly sworn, was examined
7 and testified as follows:

8 EXAMINATION

9 BY MR. JON D. ROBINSON:

10 Q Please state your full name for the record.

11 A Timothy Allen Gleason spelled -- Allen is
12 A-l-l-e-n, Gleason is G-l-e-a-s-o-n.

13 Q What's your address?

14 A It is -- I just drew a blank on the numbers,
15 but it's [REDACTED] and I
16 really did just draw a blank. Let me look at my
17 driver's license.

18 [REDACTED]
19 Sorry about that.

20 Q That's okay. My name is Jon D. Robinson. I'm
21 here to take your statement regarding the Brad Sweeney
22 case. You're aware of that?

23 A Yes.

24 Q Now, I represent Brad, and as a matter of

1 housekeeping, let me just say that I'll be asking
2 questions, and hopefully, I'll make them understandable.
3 If I don't, if you don't understand the question, I'd
4 ask you to interrupt me or to just ask me and I'll try
5 to rephrase it, okay?

6 A Understood.

7 Q And I will expect and understand that you have
8 understood the questions if you make an answer.

9 Is that understood and agreeable with you?

10 A Understood.

11 Q Okay. Um, what is your business, trade, or
12 occupation?

13 A City Manager for the City of Decatur.

14 Q When did you start in that job?

15 A March 23rd, 2015.

16 Q We asked that you produce -- we asked through
17 your attorneys that you produce certain documents for
18 this deposition, and you have produced, or at least
19 we've been given, a couple of documents. One is labeled
20 "Gleason Application," and another one is "Gleason
21 Personnel File."

22 Do you see those?

23 A Yes, I do.

24 Q Did you produce those for us here today?

1 A Yes, I did.

2 MR. JON D. ROBINSON: I'm going to ask the court
3 reporter to mark the application 1 and the personnel
4 file as Number 2, please.

5 (Plaintiff's Exhibits 1 and 2 were marked
6 for identification.)

7 Q Now, just for housekeeping purposes, I'm going
8 to ask you to identify what has now been marked as
9 Exhibit Number 1 for this deposition. Can you tell me
10 what that is?

11 A Um, cover sheet says "Gleason Application,
12 Exhibit 1."

13 Q In your own words, what is this document?

14 A This is the entire packet that was requested
15 at the time that I applied for the position.

16 Q And "the position" being the City Manager for
17 the City of Decatur?

18 A Yes.

19 Q At any time subsequent to this but before you
20 were hired by the City of Decatur, did you submit any
21 other documents?

22 A No.

23 Q Okay. Does this include your curriculum vitae
24 or resume?

1 A Yes, it does.

2 Q Is it up to date?

3 A At that point, at the time of the application,
4 yes.

5 Q Okay. Do you have a more current one?

6 A No, sir.

7 Q Okay. Next I'll show you what's been marked
8 Exhibit 2 for this deposition and ask if you would take
9 a look at that and identify just generally what that --
10 what that is?

11 A The cover sheet says "Gleason Personnel File,
12 Exhibit Number 2." And without going through the entire
13 packet, I'm going to assume that this is what I provided
14 out of my City of Decatur personnel file.

15 Q And you provided those, I guess, first to your
16 counsel, Mr. Stocks, Mr. Flynn?

17 A Yes, I did.

18 Q Now, regarding both Exhibits 1 and 2, um,
19 these are the documents that you produced today,
20 correct? I mean, that you -- that you asked your
21 counsel to produce; is that true?

22 A Yes.

23 Q And you're -- as to Exhibit 2, is that a
24 complete personnel file that comes from the records of

1 the city?

2 A Yes.

3 Q And it's current today? To date?

4 A Yes.

5 Q Okay. Have you had a -- an employee review in
6 your capacity as City Manager for the City of Decatur?

7 A No, I have not.

8 Q Is it overdue in terms of your contract or the
9 city ordinances, or do you know?

10 A I do not know.

11 Q Okay. Um, after you submitted your
12 application to the City of Decatur, what happened next
13 in terms of the employment, your employment process?

14 A Starting at the beginning, um, would have been
15 January of 2015, I was aware that City of Decatur had a
16 posting, an advertisement, for the city manager
17 position. I didn't apply. The recruiter with GovHR
18 actually reached out to me after the recruitment had
19 ended and asked if I would consider applying, and I, in
20 fact, did.

21 Q Do you remember the name of the recruiter?

22 A The, um, recruiter that represented GovHR is a
23 woman named Joellen Earl.

24 Q What happened after that contact?

1 A I submitted the application that I believe is
2 Exhibit 1 and waited and found that I had been a
3 finalist and was selected to do a Skype interview with
4 Ms. Joellen Earl.

5 Q Did that interview take place?

6 A Yes, it did.

7 Q On or about what date?

8 A I'm going to say early February 2015.

9 Q Okay. Um, what was the result after that, or
10 the ensuing events, I guess?

11 A I was invited to an interview with the full
12 council, with Mayor McElroy and the council at that
13 time.

14 Q About when did that happen?

15 A I'm going to say mid February, 2015.

16 Q And were all the council members there at that
17 time for your interview?

18 A Yes, sir.

19 Q And along with Mayor McElroy?

20 A Yes, sir.

21 Q Okay. How long did the interview take?
22 About?

23 A The total time frame, the first was an
24 orientation that had been set up, and I toured the

1 community for about an hour and 15, hour and 30 minutes
2 with the chamber, Chamber of Commerce Executive Director
3 Mirinda Rothrock, and I did not know her prior to that,
4 but that was the first step in the interview that
5 morning. Then upon my return from that, I had the
6 interview with Mayor McElroy and the full council.

7 Q Okay. Did they have your application that you
8 had submitted to this -- I'll call a headhunter. It's
9 actually GovHR USA. Did they have your --

10 A I do not know that answer.

11 Q Okay. Um, I do not see that your application
12 is a part of Exhibit 2, your personnel file.

13 Have you looked at Exhibit 2 documents?

14 A Not in detail.

15 Q Um, so I guess we don't know whether the --
16 your application was ever submitted in written form to
17 the City of Decatur?

18 A I do not know that answer.

19 Q Okay. Is -- is Exhibit 1 accurate in all
20 respects, this being your application, the answers to
21 your questions includes a letter that you wrote
22 January 25, 2015? Is it all accurate?

23 A Yes, sir, it is.

24 Q Okay. All right. When did you first learn

1 that you were selected as City Manager for Decatur?

2 A It was within a couple of days of the
3 interview with Mayor McElroy and the full council.

4 Q When you applied to the City of Decatur for
5 manager's position, did you know what type of city
6 government Decatur had?

7 A Yes, sir, I did.

8 Q Would you describe that?

9 A City manager form of government where the
10 mayoral -- mayor appoints with council approval.

11 Q And generally speaking, what's your
12 understanding of how that form of city government works
13 in the State of Illinois day to day?

14 A That the day-to-day operations fall entirely
15 to the city manager.

16 Q Did you, prior to beginning your work as City
17 Manager for Decatur in early 2015, review the Decatur
18 City Code?

19 A There were portions of the Decatur City Code
20 that were provided to me.

21 Q Which portions?

22 A The ones that pertain specifically to the city
23 manager and some senior staff nonrepresented benefits
24 that were offered to that group of employees.

1 Q Did you review, for example, the chapter of
2 the city -- Decatur City Code which covers the Decatur
3 Police Department?

4 A No, I did not.

5 Q Okay. Did you review the chapter that
6 pertains to your job as city manager?

7 A Can I ask a clarifying question?

8 Q Sure.

9 A At what point in time are you asking if I
10 reviewed the police department portion of the city code?

11 Q Okay. I -- that's a fair comment. I was
12 asking if you had reviewed it before you started your
13 work, so that is still my question.

14 Did you review the city police department
15 chapter of the city code prior to starting work as city
16 manager?

17 A No, sir.

18 Q I'm assuming from your comment that you
19 reviewed it afterwards?

20 A Yes, sir, on all departments that report to
21 me.

22 Q When did you first comprehensively review the
23 city code including the part that pertains to the city
24 police department?

1 A I would -- I'm going to -- it would have been
2 just prior to my first day on the job, which would have
3 been March 23rd of 2015, or very soon after.

4 Q So I assume you -- you didn't have any
5 questions about it, or did you have any questions about
6 exactly how your job would be handled and what your
7 duties and responsibilities were?

8 A If I understand the question correctly, those
9 conversations prior to my -- my first day on the job on
10 March 23rd, I did have those with Mayor Mike McElroy,
11 just with some of the -- just what some of the
12 expectations of me would be.

13 Q Have you ever asked for an interpretation from
14 either Mayor McElroy or the current mayor, Moore-Wolfe,
15 as to what your duties were as city manager depending --
16 based on the code itself?

17 A No, sir.

18 Q Okay. Have you ever asked the corporate
19 counsel, Wendy Morthland, or Mr. Robinson, for example,
20 to interpret your duties?

21 A No, sir.

22 Q Okay. You have -- and I'm skipping around a
23 bit here, I realize that -- but you've prepared, or your
24 counsel have prepared, an affidavit for your filing in

1 this case.

2 Do you recall that?

3 A Yes, sir.

4 Q Um, the affidavit isn't dated, but I believe
5 it was filed in court, doesn't even have a file stamp on
6 it, but it was filed with a response apparently on
7 February 25, 2016. I don't expect you to know that
8 date, but can we agree that that's the date of the
9 affidavit if it's not otherwise dated?

10 A I assume that's accurate.

11 Q You did sign this?

12 A (Nodding.)

13 Q Is that right?

14 A Yes, sir.

15 Q And you verified that it was true? I've got a
16 copy of it here in front of me?

17 A Yes, sir.

18 Q Um, you attached to that certain portions of
19 the city code, did you not?

20 A Yes, sir.

21 Q And among other things, you attached Chapter
22 13 of the Decatur City Code which pertains to the police
23 department and the, um, police chief; is that true?

24 A Yes, that is part of the file.

1 Q That's part of your affidavit?

2 A Yes.

3 Q Okay. As I read this, um, city code, it says
4 the following: "The police chief --

5 MR. FLYNN: John, excuse me. Where are you?

6 MR. JON D. ROBINSON: Page 1 of Chapter 13,
7 Attachment 3 to his affidavit.

8 Q I'm going to read the Paragraph 3 which says,
9 and I quote:

10 "The police chief shall be the director
11 of the police department and shall be the
12 appointing officer of the occupants of all
13 classified positions assigned to said
14 department and may make reasonable rules,
15 regulations, and directives not in conflict
16 with law or ordinance to govern and administer
17 the activities and carry out the duties and
18 responsibilities thereof, subject to the
19 direction and control of the city manager," close
20 quote.

21 Did I read that properly?

22 A That portion number three? Yes.

23 Q Okay. What do you understand the meaning of
24 the words at the end of this quote, which are, "subject

1 to the direction and control of the city manager"?

2 A Say that one more time, please?

3 Q What do you understand the meaning of the
4 words "subject to the direction and control of the city
5 manager" in the context of this provision?

6 A My response would be that that is consistent
7 with the city manager form of government that City of
8 Decatur has, that the day-to-day operations fall
9 ultimately to the city manager.

10 Q And so do you understand that any rules and
11 regulations that would be made by the police chief, um,
12 including, perhaps, general orders, would be subject to
13 your direction, control as city manager?

14 A Yes. Ultimately, it would be.

15 Q And that's because of what it says in this
16 city code?

17 A I agree.

18 Q Do you know how you were selected as the
19 manager for City of Decatur?

20 A No, sir, I do not.

21 Q In your application, which is Exhibit -- or at
22 least a part of Exhibit 1, and this is the paperwork
23 that you submitted to the -- and I'll call it the
24 headhunter, the GovHR people, um, you were asked if you

1 had been a party to a lawsuit personally or
2 professionally in the last seven years. You identified
3 a United States District Court case involving Jackson
4 v. -- I can't say that, can't pronounce it, Godinez, or
5 something, et al., G-o-d-i-n-e-z.

6 What was that about?

7 A That occurred -- and it's pronounced Godinez,
8 and he was the Director of the Department of Corrections
9 for the State of Illinois. When I served as CEO of
10 Illinois Correctional Industries, which is a position
11 that's a direct report to Director Godinez, or any
12 director, for that matter, I ran a program called
13 Correctional Industries. Inmate Jackson was an inmate
14 in Canton, Illinois, which is a 24/7 bakery operation
15 that falls under the Correctional Industries Program,
16 and while cleaning a machine, he took a sponge -- it was
17 a bandsaw, is the best way to describe it, but it is a
18 bun slicer, and he took a sponge, as I was told, and
19 wrapped it around the blade and then thought the
20 quickest way to clean the blade, which in total is
21 probably about six foot, turn the machine on --

22 Q So it's a workers' comp-type thing, or an
23 injury thing?

24 A -- and he severed completely three fingers.

1 Q Were you ever asked if you were involved in
2 any other litigation beyond, um, seven years? Were you
3 ever asked that by the City of Decatur either verbally
4 or in writing?

5 A No, sir.

6 Q Okay. Have you been involved in any other
7 litigation in your adult life other than this Godinez
8 case?

9 A Yes, sir.

10 Q Could you tell us about that?

11 MR. FLYNN: John, what's the relevance of that?

12 MR. JON D. ROBINSON: Well, the relevance is many
13 facettted and including potential for impeachment. So,
14 this is a discovery deposition, and then I -- I have a
15 right to ask that; I think I have a right to insist that
16 he answer.

17 MR. STOCKS: If it's under Rule 201(k), if there
18 was some showing of relevance that is not nonremote and
19 that it relates to the issues in the case, um, would be
20 required and not knowing while we may disclose the fact
21 of litigation, but the content might be more problematic
22 if it's not relevant to the case. I don't see -- I
23 mean, his application is not at issue, it's the
24 employment of Mr. Sweeney that's the issue in the case.

1 MR. JON D. ROBINSON: His application may be in
2 issue, counsel, if it involves impeachment.

3 MR. STOCKS: Collateral, and wouldn't be relevant
4 to the case.

5 MR. JON D. ROBINSON: That is your argument. You
6 can argue all you want. And if you're instructing not
7 to answer, then do that, and we will take it up with the
8 Court later.

9 MR. STOCKS: Your question is of an unlimited time
10 frame. Are you suggesting litigation more than seven
11 years ago?

12 MR. JON D. ROBINSON: My question was: Has he ever
13 been involved in litigation since he became an adult
14 other than what's mentioned in the Godinez matter.

15 MR. STOCKS: As stated, I would instruct him not to
16 answer.

17 MR. JON D. ROBINSON: Okay. We don't need to
18 reserve the right to go to the Court and ask for an
19 order, but we -- I will state that. We will go to the
20 Court and ask for an order requiring him to, um, provide
21 that information.

22 MR. STOCKS: And I would just add for 201(k)
23 purposes if we had a reasonable time frame, we might
24 respond to it differently.

1 BY MR. JON D. ROBINSON:

2 Q How old are you, Mr. Gleason?

3 A Fifty-one.

4 Q When did you become an adult?

5 A Age 18.

6 Q Do you have a memory of things that have
7 happened to you since you were 18 including litigation
8 that you were involved with?

9 A Yes, sir.

10 Q Okay. What is your health history?

11 A Um, generally good health. Um, on a couple
12 medications to control couple of ailments.

13 Q Are you on any medication that would alter
14 your thinking or make it impossible or unlikely that you
15 could understand my questions and answer them
16 truthfully?

17 A No, sir.

18 Q What medications are you taking?

19 A Right now, I'm taking amoxicillin, a 500
20 milligram, for a head cold that I've got. The ongoing
21 medications that I take are to control diabetes and
22 cholesterol.

23 Q Have you had any -- ever had any mental health
24 counseling?

1 A No, sir.

2 Q Have you ever taken any medication for
3 psychological or psychotropic issues?

4 A No, sir.

5 Q Okay. You own a home in Decatur?

6 A Yes, sir.

7 Q When did you purchase it?

8 A Would have been September of 2015, and I now
9 recall the address.

10 Q Good. From whom did you purchase the home?

11 A Carl Brinkoetter served as our real estate
12 agent.

13 Q Who did you buy it from? Who owned it?

14 A The family that owned it was Pat McElroy and
15 his wife, and I do not recall her name.

16 Q Is that mare Tim McElroy's brother?

17 A No. It's Mayor McElroy's brother.

18 Q Or Mike McElroy's brother?

19 A Yes, sir.

20 Q Okay. So you bought it from the mayor's
21 brother?

22 A Yes, sir.

23 Q And that was how many months after you started
24 working as city manager?

1 A Six months.

2 Q Do you still live there?

3 A Yes, sir.

4 Q At some point after you moved in, did you ask
5 the local head of the post office to move your mailbox?

6 A No. I asked permission to move my mailbox.

7 Q Did you let them know that you were the city
8 manager and you expected it to be done?

9 A Not once did I mention my position with the
10 city.

11 Q Okay. Who are the city council members when
12 you were hired?

13 A It would have been now Mayor Julie
14 Moore-Wolfe, Pat Laegeler, Larry Foster,, Dana Ray,
15 Dr. Dana Ray, Pat McDaniel, and was that five or six
16 that I just named?

17 MR. JOHN T. ROBINSON: Dawson.

18 A I'm sorry. Jerry Dawson.

19 Q We discussed earlier Chapter 13 of the city
20 code regarding the police department and your ultimate
21 direction and control over the police department. Is it
22 your understanding that the Mayor and/or the City
23 Council of Decatur has a right to review your hiring and
24 firing of department heads?

1 A I would ask that you ask that one more time,
2 please.

3 Q Does -- let me rephrase it slightly, but it's
4 the same question.

5 Does the Mayor of Decatur or the City Council
6 of Decatur have the right to review your actions in
7 hiring and/or firing city department heads?

8 A No, sir.

9 Q Did you have an obligation to make performance
10 reviews annually of the department heads, including the
11 police chief?

12 A Yes, sir.

13 Q What time of year was that done, if there was
14 a specific time of year?

15 A By policy, the performance evaluation is to be
16 completed by October of each year with an evaluation
17 period ending September 30th.

18 Q Did you make performance reviews for the
19 department heads in Decatur in -- by the deadline?

20 A No, I did not.

21 Q Did you ever make a formal performance review
22 of Brad Sweeney as Chief of Police?

23 A Brad is the only department head that did not
24 receive a performance evaluation.

1 Q And so would it be true that there were --
2 there is no performance review or evaluation of him for
3 the year 2015?

4 A No, sir.

5 Q Okay.

6 MR. STOCKS: Clarity. No, sir, there is none, or
7 no, sir, you're negating his statement?

8 A No, there is none.

9 And if I might elaborate on the question, with
10 me starting on March 23rd of 2015, given the policy
11 evaluation period of September 30th, that would have
12 given me a six-month period to evaluate the department
13 heads. I chose to take a nine-month period through the
14 end of calendar year 2015, took the tail end of
15 January 2016 and early February 2016 to complete and
16 administer evaluations. He gave me more time as a new
17 city manager to evaluate my senior team.

18 Q But the fact remains that there is no
19 evaluation of Brad Sweeney as police chief in his
20 personnel file, correct?

21 A That is correct.

22 Q Okay. I notice that you admitted that on or
23 about May 7 of 2015, you did travel in a police car with
24 a police on-duty driver to the St. Louis airport; is

1 that correct?

2 A Yes, sir.

3 Q And was that for the purpose of your catching
4 a plane at the St. Louis airport to head out for a
5 family vacation?

6 A The only thing that I would change in my
7 response is it was not necessarily a vacation, it was to
8 attend an event. My son serves in the United States
9 Army.

10 Q Do you recall being interviewed by Brian
11 Byers, one of the local radio hosts here in Decatur,
12 regarding your use of the car and the driver to go on
13 May 7th? Do you recall an interview?

14 A Yes.

15 Q Do you recall telling Brian Byers that it was
16 for a, I think, family vacation, or a vacation?

17 A No, I do not.

18 Q Okay. Whatever you said is whatever you said.
19 Would you agree with that?

20 A Yes, sir.

21 Q Did you -- do you think that if you said that
22 that that was wrong?

23 A Do you mind if I clarify my original --

24 Q Just --

1 A Or add to --

2 Q Just -- if you'd just answer the question.

3 Do you think that that was wrong, or if you
4 said that, is that right, or are you changing your
5 response now?

6 MR. STOCKS: Objection. Argumentative.

7 Go ahead and answer, Tim.

8 A Answer the question that I didn't completely
9 understand or add the information that I felt was
10 relevant to one of my previous answers?

11 Q Let me clarify. What is it about my question
12 that you didn't understand?

13 A The one that you just asked.

14 Q Okay. Let me start over again.

15 If you told Brian Byers in a radio interview
16 regarding the May 7 trip in the city police car, if you
17 told him it was for a vacation, are you now recanting
18 that and saying that's not correct, or are you saying
19 yes, that's what it was for?

20 A Whatever I would have said on the Brian Byers
21 Show obviously is accurate.

22 The additional information that I was going to
23 share from a previous question is, in fact, I did take
24 vacation days. The issue that I took was to simply call

1 this a vacation, like I was getting away to relax, I
2 didn't feel was entirely representative of what the
3 event was, so I think it is accurate for me to say that
4 I took vacation days to attend an event that involved my
5 son who's in the United States Army.

6 Q Let's talk about that event involving your son
7 who's in the United States Army.

8 When -- well, first of all, what was the
9 event?

10 A It was -- he is a linguist in the army, and he
11 was completing his training at the Defense Language
12 Institute in Monterey, California. He was a participant
13 in an event that occurs every year called the
14 International Day. It was not, in fact, graduation, as
15 I believe has been reported, or I've seen in documents,
16 he was a participant in this event, International Day.

17 Q What was the -- what was the date of the
18 participation that you went out to take part in?

19 A I believe it was May 8th if, in fact, that was
20 a Friday, but that was the day of the event.

21 Q What was the location, again, of the event?

22 A At the Defense Language Institute, the
23 Presidio of Monterey.

24 Q And that's in California?

1 A Yes, sir.

2 Q Okay. So you were traveling on -- or wanted
3 to travel on May the 7th, 2015 for that event, correct?

4 A Yes, sir.

5 Q And when did you begin to make your plans for
6 that travel?

7 A The --

8 Q How long before?

9 A The original plans?

10 Q Yes.

11 A I'm going to estimate January of 2015.

12 Q What did you do to begin your preparation for
13 that travel? Did you contact the travel agent, did you
14 go online to get flights? What?

15 A I went online and booked my own flights. Was
16 traveling with a long-time friend of mine as well,
17 booked his flight as well.

18 Q I was going to ask you, who went to this event
19 besides you, if anyone?

20 A Myself and a friend of mine.

21 Q Okay. And who was that?

22 A His name is Andrew Lockwood, L-o-c-k-w-o-o-d.

23 Q Now, is this son a, um, a child of a prior
24 marriage that you had?

1 A Yes.

2 Q Okay. And how old is he?

3 A Um, Jacob is 23.

4 Q Okay. So --

5 A I am sorry. Jacob is 22.

6 Q Okay.

7 A Will be 23 this September.

8 Q So you're -- we're now back in January of

9 2015, and you're making an -- online arrangements.

10 Did you succeed in getting a flight?

11 A Yes, sir.

12 Q Where -- where did the flight originate?

13 A The, um, route was the Peoria airport in
14 Illinois out to San Jose, California, and then the
15 return flight was San Jose, California back to Peoria,
16 Illinois.

17 Q As I understand it, at some point later,
18 perhaps from your affidavit, I'm remembering, in April
19 of 2015, you learned that you were expected to be at a
20 city breakfast; is that correct?

21 A Yes.

22 Q When did you first learn that you were going
23 to be expected to be at this -- I guess it's the State
24 of the City Breakfast?

1 A Prior to my employment, I let Mayor McElroy
2 know that I had this scheduled, and I also offered to
3 cancel it, because I knew that I had accepted this
4 position and within the first two months I was
5 requesting vacation.

6 Q Okay.

7 A Mayor McElroy told me do not change a thing,
8 this is about family.

9 Q When did he tell you that?

10 A That would have been prior to me starting on
11 March 23rd of 2015.

12 Q So you knew way back then, and were you
13 already considering the planning for this trip?

14 A I was already considering cancelling the trip
15 because I knew within the first six weeks as city
16 manager it may not be acceptable to my new boss.

17 Q Okay. Um, so at some point, you knew that,
18 um, apparently, Mayor McElroy wanted you to be
19 introduced at least at this seven-to-8:30 event on May
20 the 7th at the Decatur Civic Center, correct?

21 A Yes, sir.

22 Q And that gave you pause to think that you
23 needed to reschedule your flights, as I understand your
24 affidavit?

1 A Yes, sir.

2 Q And so what did you do, then, to rework or
3 reschedule your flights?

4 A What I did was went online, I'm going to say
5 mid April of 2015, to see if there were possible
6 alternative flights that might still work where I could
7 attend the event instead of cancelling the entire event.

8 Q Okay. So what were the alternative plans that
9 you came up with online when you rebooked?

10 A What I felt was the best alternative. And
11 keep in mind, I was traveling originally with a friend
12 who was going to keep the same flights out of Peoria
13 into San Jose. I found a flight out of St. Louis that
14 would be arriving in San Jose within a couple of hours
15 after he arrived, which was the original flights, change
16 the car rental into his name so that he could pick up
17 the vehicle since he would have a couple of hours of
18 downtime, and then ideally, assuming that everything was
19 on time, I was going to be there within a couple of
20 hours after, and then really, the trip would not have
21 skipped a beat, if you will.

22 Q Could you have scheduled a later flight on
23 May 7 that would have gotten you in California in time
24 to attend your son's event on the next day?

1 A You're asking me if there was one out of
2 Peoria?

3 Q Or St. Louis. Or -- yes. Yeah, I guess,
4 let's start with Peoria first, yes.

5 A And I wanted that clarification because I'm
6 not sure.

7 Q Did you not check?

8 A I did. I just do not recall.

9 Q Okay. So it's possible that there was a -- a
10 later flight that you could have taken, um, out of
11 Peoria that would have gotten you into California before
12 your son's event on May 8?

13 MR. STOCKS: Objection. Speculation.

14 Q You can answer.

15 A Possibly. And I will answer it this way, and
16 it might get to where you're leading with your
17 questions. When I found the flight out of St. Louis, it
18 worked out the best taking into consideration Andrew
19 Lockwood, my friend that I was traveling with.

20 Q . Where were you living at the time of May 7?

21 A I was still residing in Washington, Illinois.

22 Q Okay. Um, what airline were you going to take
23 out of Peoria to go to California, and where was it
24 going to land again?

1 A I'm not sure what the airline was, um, but
2 when he changed my ticket, it was the same airline, and
3 it was going to arrive in San Jose, California, which is
4 about an hour and 15 minutes north of Monterey, which is
5 where the ultimate destination was.

6 Q Does Monterey have an airport?

7 A It does have a small airport.

8 Q So both before, when you were flying out of
9 Peoria, and when you later were flying out of St. Louis,
10 you ultimately flew into north of Monterey; is that
11 correct?

12 A Yes, sir.

13 Q Did you have stops along either of these
14 flights, either the Peoria flight originally or the St.
15 Louis flight later?

16 A The Peoria flight did have a stop. My flight
17 St. Louis to San Jose, I do not -- I think it was a
18 direct flight to San Jose from St. Louis.

19 Q Your affidavit says that, um, that you used
20 the city police vehicle, and an on-duty, um, officer
21 drove you to St. Louis on May 7 so that you could meet
22 your flight.

23 Do you recall that statement?

24 A Yes, sir.

1 Q Okay. Um, do you recall asking someone to
2 provide you with a car, a police car, or a police
3 vehicle of some kind and a driver for that purpose?

4 A I recall being directed by Mayor McElroy --

5 Q That wasn't my question. My question was:
6 Did you ask someone to provide you with a police vehicle
7 and a police driver?

8 A At the direction of Mayor McElroy, yes, I did.

9 Q Who did you ask?

10 A Would have been Brad Sweeney.

11 Q When did you ask him?

12 A I'm not sure exactly what the date was.

13 Q Was it before May 7th?

14 A Yes, sir, it was.

15 Q What did you -- what do you recall about the
16 conversation, that conversation?

17 A Brad was very eager to accommodate.

18 Q Did you tell him that you wanted a car and a
19 driver from his department at the civic center on the
20 morning of May 7 to take you to the airport in St.
21 Louis?

22 A Can you ask the question one more time?

23 MR. JON D. ROBINSON: I'll let her read it back.

24

1 (The court reporter read back the last
2 question.)

3 A I'm not sure that that's entirely accurate,
4 but the arrangements that I had made with Brad was to
5 have a squad car drive me to the airport.

6 Q Well, what do you recall, then, about how this
7 came about?

8 A (No response.)

9 Q If my question wasn't accurate and you didn't
10 request the car and the police driver prior to May 7,
11 then what did happen that -- that ended up with that
12 scenario where you had a car and a driver waiting for
13 you?

14 A I think the way that I took the previous
15 question, and maybe I'm wrong, was that you were asking
16 me if I told Brad to have a squad car waiting for me
17 outside of the civic center. I did not say it that way.

18 Q How did you say it?

19 A In a discussion with Brad at the direction of
20 Mayor McElroy, the arrangements were to be made. I
21 assumed that Brad had a vehicle on the ready at the
22 civic center, but it was not conveyed in the way that
23 you suggested, or were asking me, that, um, it was me
24 giving every detail of what was going to occur. It did

1 not happen that way.

2 Q Are you claiming that Mayor McElroy told Brad
3 Gleason that he should have a car waiting for you on
4 May 7?

5 MR. FLYNN: Brad Sweeney.

6 Q Excuse me. That McElroy told Brad Sweeney
7 that he was to have a car made available to you on
8 May 7th?

9 A That conversation could have occurred, but I
10 am the one that also had a conversation with Brad
11 Sweeney.

12 Q You don't know that Mayor McElroy ever asked
13 or directed Brad Sweeney as police chief to have a car
14 for you, do you?

15 A I do not, no.

16 Q But you do know that you asked him to have a
17 car available?

18 A At the direction of Mayor McElroy, yes.

19 Q Now, you keep saying that. You keep saying
20 that it's at the direction of Mayor McElroy. I am
21 assuming you're claiming that Mayor McElroy told you
22 something about having the car; is that right?

23 A I'm not claiming, I'm telling you that's what
24 Mayor McElroy told me to do.

1 Q And my characterization is that that's what
2 you're saying happened?

3 A Correct.

4 Q That's why I said you're claiming that, right?

5 MR. STOCKS: Actually, you said assuming that,
6 but . . .

7 Q All right. So tell me about what was said and
8 where and when in this alleged conversation that you had
9 with Mayor McElroy.

10 A The conversation that I had with Mayor McElroy
11 would have occurred mid April of 2015 prior to me
12 changing the flight when it became -- when I became
13 aware that that weekend was going to conflict with the
14 state of the city --

15 Q Where did it happen?

16 A -- event.

17 Q Where --

18 A It would have been the city hall on the third
19 floor.

20 Q And whose office, if in an office?

21 A I don't recall whose office.

22 Q Who was present?

23 A It would have been Mayor McElroy and I.

24 Q Anyone else?

1 A I do not believe so.

2 Q Okay. Um, you say this happened in an office
3 on the third floor of the civic center sometime in mid
4 April, which would have been about three or four weeks
5 ahead of the May 7th event?

6 A Correct.

7 Q Okay. So was it your -- apparently, it was
8 your opinion that that gave you permission to use the
9 city resources, including, in this case, a police car
10 and a driver?

11 A In fact, what happened, I offered to cancel my
12 trip, because I --

13 Q Wasn't my question, Mr. Gleason.

14 MR. STOCKS: Object. For -- you interrupted his
15 answer when you asked what happened in that discussion,
16 and you interrupted the narrative that he was giving, so
17 if we're going to interrupt these answers and break it
18 apart, you've already asked him, and he's trying to
19 finish the question that's asked.

20 MR. JON D. ROBINSON: Could you read back my
21 question, please?

22 (The court reporter read back the
23 question on Page 38, Line 7.)

24 A Yes.

1 Q Okay. Is there some reference in this Decatur
2 City Code or the state law that gives a mayor the right
3 to allow another public employee to use, um, government
4 resources, including a vehicle and a driver, for travel
5 that is for a family vacation or a family personal trip?

6 MR. STOCKS: Objection. Assumes disputed facts,
7 and complete hypothetical. Requires legal conclusions.

8 Q You can answer.

9 Is there something in, that you know of, in
10 the city code or in the state law that would allow a
11 mayor to do that?

12 MR. STOCKS: Same objections.

13 Q I'm asking you for your knowledge. Are you
14 aware of anything personally?

15 A And I wanted to make sure that I should
16 answer, which is why I looked at my attorney.

17 MR. STOCKS: Subject to the objections, respond.

18 A And in this scenario where I was attending a
19 city event, the answer is yes, it does allow for that.

20 Q What -- what specific provision of either the
21 city code or the state law allows for that, in your
22 opinion?

23 A One that I am very aware of is a portion of my
24 employment agreement that, um, I shall attend city

1 events, and that's exactly what Mayor McElroy asked me
2 to do.

3 Q Did Mayor McElroy ask you if you could make
4 other alternative arrangements to get to California for
5 your son's event without having to go through St. Louis
6 and using city vehicles and city personnel for this
7 trip?

8 A Did not -- if I understand the question, no.

9 Q Did you ever consider that maybe you -- it
10 would be better to -- to make alternative arrangements
11 if you could get there ahead of time without using a --
12 city personnel and city resources?

13 A I didn't take that consideration about the
14 city resources, but I thought about cancelling the trip
15 entirely, and Mayor McElroy told me under no uncertain
16 terms shall I, family comes first.

17 Q If you had not -- if Mayor McElroy supposedly
18 hadn't told you that you should take a city police car
19 and a driver to the airport for your trip on May 7,
20 would you have done it on your own?

21 MR. STOCKS: Objection. Speculation.

22 You can answer.

23 A I know my answer was when I made this
24 change --

1 Q The question is very specific.

2 A Ask it again, please.

3 (The court reporter read back the
4 question on Page 40, Line 17.)

5 A Thank you.

6 That was the plan. I was going to do it on my
7 own.

8 Q And you -- so you -- so that I understand your
9 answer, are you saying you would have asked Police Chief
10 Sweeney for a police car and a driver for May 7, or you
11 would have done it some other way on your own dime, as
12 it were?

13 A Thanks for clarifying that. I had planned on
14 driving myself after I attended the first portion of the
15 state of the city event.

16 Q Okay. Are you aware of any provision that
17 would have allowed you as a city manager to have
18 overruled police department rules not to take a squad
19 car outside the City of Decatur for personal use?

20 A Ask that again, please.

21 (The court reporter read back the last
22 question.)

23 MR. FLYNN: I'm going to object to the form of the
24 question. What rules are you referring to, Jon?

1 MR. JON D. ROBINSON: Read that again.

2 (The court reporter read back the last
3 question.)

4 MR. JON D. ROBINSON: That would, Ed, that would
5 include any state laws, any local ordinances, any
6 internal police department rules, regulations, general
7 orders. Any provisions.

8 MR. FLYNN: You're assuming that those rules exist.

9 MR. JON D. ROBINSON: I'm just asking him if he's
10 aware of any. I don't know that they do.

11 MR. FLYNN: I don't think that was your question.

12 MR. STOCKS: The question assumes that rules exist
13 that would forbid it and asking whether there are other
14 unknown rules that would trump the prohibition, so it
15 assumes legal conclusions and assumes disputed
16 contentions as well.

17 BY MR. JON D. ROBINSON:

18 Q You can answer.

19 A No.

20 Q You are obviously aware of the most recent
21 version of the rule prohibiting taking Decatur police
22 cars outside the city, I assume that's General Order
23 15-25. There was an earlier one from the year 2011.

24 Are you familiar with those rules?

1 A No, sir, I'am not.

2 Q Are you familiar with the affidavit filed in
3 this case by Jim Getz?

4 A Yes.

5 Q Have you read it?

6 A No, I have not.

7 Q Are you -- so you have not read his affidavit
8 at all?

9 A No, sir. |

10 Q What -- what about it are you familiar? You
11 said you were familiar with it.

12 A I was familiar that it had been filed.

13 Q Okay. Did you ever, before today, review any
14 of the police department general orders that deal with
15 the use of police vehicles?

16 A No, sir.

17 Q And you're stating for the record here under
18 oath that you've never before right now reviewed the
19 affidavit of Jim Getz or the attachments to his
20 affidavit?

21 A Correct.

22 Q And to be specific about that affidavit, it's
23 the one that was filed I think earlier this week, um, in
24 this case so that we're talking about the same one.

1 You have never seen an affidavit, I take it,
2 by Jim Gleason -- or by Jim Getz on anything?

3 A I have it, and I have not reviewed it.

4 Q Okay. You do have it, though?

5 A Yes, sir, I do.

6 Q When did you get it?

7 A Earlier this week.

8 Q Okay. I may have asked you this, and if I
9 did, I apologize for the redundance, but is everything
10 in your affidavit absolutely true and correct to the
11 best of your knowledge?

12 A Yes, sir, it is.

13 Q Okay. And I take it that you stand by
14 everything -- if I were to ask you specific questions
15 about the affidavit in terms of your claim, for example,
16 that Brad Sweeney didn't ever object to you using the
17 car, your answers would be the same as and consistent
18 with your affidavit?

19 A Okay.

20 Q And you realize you were under oath, in
21 effect, or when you verified the affidavit, just as you
22 are today?

23 A Yes, sir.

24 Q Okay. Now, as I understand it from your CV

1 and your resume, your work history includes service as a
2 police officer in Pekin, Illinois; is that correct?

3 A Yes, sir.

4 Q How long and -- were you a police officer
5 there?

6 A In Pekin?

7 Q Yes.

8 A Twenty-one years.

9 Q Did you reach a command officer position?

10 A Yes, sir.

11 Q And what was that position?

12 A The rank of lieutenant.

13 Q When did you -- um, when did you leave the
14 Pekin Police Department?

15 A January of 2010.

16 Q As a lieutenant command officer in the Pekin
17 Department, did they have rules and regulations perhaps
18 similar to what you'd expect to see here in the Decatur
19 Police Department?

20 MR. FLYNN: In regards to?

21 MR. JON D. ROBINSON: In regards to anything.

22 A I would assume, yes.

23 Q Did you have a chance to review those Pekin
24 Police Department rules and regulations as a command

1 officer?

2 A And wrote a fair number, yes.

3 Q Have you ever reviewed the rules and
4 regulations of the Decatur Police Department before
5 right now?

6 A No, I have not.

7 Q So I -- that -- that would tell me that you --
8 um, you're not familiar with them. You couldn't be if
9 you haven't reviewed them; is that right?

10 A Yes, sir.

11 Q Okay. I also understand that you have in your
12 past, and, in fact, perhaps now, served on an Illinois
13 Board of Ethics and Standards for Law Enforcement; is
14 that true?

15 A It's a governor's appointment, and it's
16 actually called the Illinois Law Enforcement Training
17 and Standards Board, and I currently serve and have
18 served since 2013.

19 Q And that was a governor's appointment?

20 A Yes, sir.

21 Q Governor Quinn?

22 A Yes, sir.

23 Q And what exactly in your own terms would be a
24 good summary of what this board is and does?

1 A Um, the board governs all law enforcement and
2 corrections operations in the State of Illinois.

3 Q Specifically, is it involved with ethics and
4 standards for law enforcement?

5 A That is a portion of it, yes.

6 Q What -- what portion -- what -- what does
7 the -- this board do having to do with ethics and
8 standards of law enforcement bodies?

9 A In the three years that I have served, I'm not
10 sure that there are any specifics that have come before
11 the board, but I know that that is a component that the
12 board would govern.

13 Q Did you have to read up on anything or study
14 any materials about ethics or standards for law
15 enforcement to be on the board?

16 A No, sir.

17 Q Have you ever?

18 A No, sir.

19 Q Are you familiar with any of the official
20 misconduct laws of the State of Illinois that have to do
21 with public officers, governmental officers using public
22 property and/or personnel for personal use?

23 A Yes, sir.

24 Q I've used the term "official misconduct." Is

1 that something you're familiar with?

2 A Yes, sir.

3 Q Did you study that in connection with this
4 board that you've been on?

5 A In connection with the Law Enforcement and
6 Training Standards Board?

7 Q Yes.

8 A No.

9 Q What caused you to know about the official
10 misconduct rules and statutes?

11 A My career in law enforcement.

12 Q Is there anything about your career as a city
13 manager here and in what, the City of Washington,
14 Illinois that -- that would cause you to know about
15 official misconduct rules?

16 A Ask the question one more time.

17 (The court reporter read back the last
18 question.)

19 A Yes.

20 Q What would that be?

21 A The first state police investigation, um, here
22 involved potential alleged official misconduct against
23 two of the deputy chiefs with the police department.

24 Q Was that the first time you would have had

1 occasion to consider the State of Illinois laws or even
2 local rules regarding ethics or official misconduct?

3 A I apologize, but ask the question one more
4 time.

5 (The court reporter read back the last
6 question.)

7 MR. FLYNN: Do you mean as a city manager, or in
8 his law enforcement career, or both?

9 MR. JON D. ROBINSON: In his life.

10 A Prior to this occasion, the first state police
11 investigation?

12 MR. JON D. ROBINSON: Read the question again.

13 Try to listen, if you can, and we'll go
14 forward.

15 (The court reporter read back the last
16 question.)

17 A No.

18 Q What would the first time have been?

19 A I don't recall the very first time, but
20 throughout my career in law enforcement and as a city
21 manager, there have been occasions prior to this.

22 Q Do you recall any of the circumstances?

23 A Yes, I do.

24 Q Could you tell us about those?

1 A They're personnel matters.

2 Q Were they here in Decatur, or elsewhere?

3 A They were elsewhere.

4 Q So it would be generally true that you know
5 and are familiar with the laws and rules, at least the
6 State of Illinois laws, and perhaps some local
7 ordinances and rules, that have to do with ethics and
8 official misconduct?

9 A Yes, sir.

10 Q Okay. Why did you leave the police -- the
11 Pekin Police job?

12 A Do you want the long or short answer?

13 Q I just want the true answer.

14 A Worked for Mayor Dave Tebben. He reached out
15 to me early on in my law enforcement career. I was very
16 active in things outside of the police department. I
17 served on the Pekin Police Pension board, I served on an
18 insurance and benefits board, and he cornered me in the
19 hallway one day and said I look at things differently.
20 Also was on the collective bargaining team. He
21 suggested that I consider city management and then asked
22 me to consider pursuing my master's degree. It really
23 started at that moment.

24 Q So you decided because of that conversation to

1 drop out or to retire?

2 A It really did start with Mayor Dave Tebben.

3 Q So subsequent to that, you resigned or retired
4 from the Pekin Police Department?

5 A Yeah. After 21 years of service, I retired.

6 Q Now, I see from your -- at least the online CV
7 here that in addition to serving as City Administrator
8 for the City of Washington, Illinois that you were a
9 part of DCEO; is that correct?

10 A It's a state agency.

11 Q I didn't ask that. I just asked is that
12 correct.

13 A That is correct.

14 Q Let me go back.

15 You were a city administrator. The question
16 that I have: Is that like being a city manager in this
17 context in Decatur?

18 A Yes, it is, with lesser duties.

19 Q Did you -- well, for example, as a city
20 administrator, how were your duties different or less
21 than they are here in Decatur?

22 A The only significant difference is the mayor
23 in the City of Washington held the appointment of the
24 city administrator and the police chief.

1 Q Okay. Um, I guess in that context, the city
2 mayor in Washington, and maybe the council, also, had
3 the right to review decisions of your -- that you made
4 as a city manager -- or city administrator? No?

5 A I don't believe that's accurate.

6 Q Okay. Now, let's go back to the DCEO. You
7 were going to tell me what that is.

8 A It's a state agency, and it stands for the
9 Department of Commerce and Economic Opportunity.

10 Q It says on this online paper that I'm looking
11 at in my folder that --

12 MR. FLYNN: Jon, can I have some clarification?
13 What online document are you referring to?

14 MR. JON D. ROBINSON: It's LinkedIn, it looks like.
15 Something that's available online to any of us.

16 MR. FLYNN: So it's a LinkedIn C.V. you're a
17 talking about?

18 MR. JON D. ROBINSON: Yeah.

19 BY MR. JON D. ROBINSON:

20 Q I'm assuming this is the same information
21 that's in your Exhibits 1 and 2.

22 Would that be correct?

23 A I wouldn't assume that.

24 Q All right. Well, let me tell what you it says

1 here. Says here at DCEO from 2009 'til 2012, three
2 years; is that correct?

3 A I was with the State of Illinois for nearly
4 three years.

5 Q Okay. So, um, was it from 2009 to 2012?

6 A It was January of 2010 to November of 2012.

7 Q Were you with -- did that cover the entire
8 time you were with this DCEO group?

9 A Actually was at three different positions
10 within the state in that nearly three-year period.

11 Q Tell us what those were, please.

12 A The very beginning was Central Management
13 Services for --

14 Q What was your job there?

15 A Just a senior advisor waiting to be placed
16 permanently in a different agency, and nearly
17 two-and-a-half years was spent as the CEO of Illinois
18 Correctional Industries, which is part of the Department
19 of Corrections, and then the remaining three or four
20 months was at -- as a Deputy Director of Human Resources
21 and Management Operations with the Department of
22 Commerce and Economic Opportunity.

23 Q Why did you leave DCEO, ultimately?

24 A The reason that I left the state is because I

1 was going to pursue city manager opportunities and began
2 applying for city manager positions.

3 Q There was an audit of the DCEO in 2012. Have
4 you ever looked at that?

5 This was mentioned that you were -- this audit
6 document that I have mentions that you were the Chief
7 Executive Officer of Correctional Industries during the
8 audit period. Um, have you ever seen that document?

9 MR. FLYNN: Can we have some foundation? Audit
10 conducted by who? What dates? Things of that nature.

11 Q Can you answer my question or do you need more
12 information?

13 A If you would, please, ask again.

14 Q Yeah, I'll be glad to. Let me just take it
15 out of here and show it to you.

16 Have you ever seen that before?

17 A Yes, sir.

18 Q You're looking at a copy that I just gave to
19 you and your counsel, correct?

20 A Yes, sir.

21 Q When did you first see this?

22 A I believe during the audit and on its
23 completion.

24 Q How would you characterize the findings of

1 this audit? Favorable, unfavorable, average?

2 A Very favorable.

3 Q In what regard? Point to something in there
4 that you would say is favorable.

5 A In context to what the audits have been
6 previously prior to my arrival.

7 Q Can I have that back, please?

8 So I take it that this audit result in this
9 document has nothing to do with your leaving the State
10 of Illinois or the DCEO?

11 A Correct.

12 Q As the city administrator of Washington and
13 now the city manager of Decatur, how many department
14 heads have you terminated?

15 A Two.

16 Q Who are they?

17 A One is Brad Sweeney, and the other, it's a
18 personnel matter.

19 Q Was that in Washington?

20 A Yes.

21 Q And was that one of the department heads that
22 you had authority as the city administrator in
23 Washington to terminate?

24 A Yes, sir.

1 Q Okay. When you terminated Brad Sweeney as
2 police chief in Decatur, did you know that he had just
3 attended the FBI academy?

4 A Yes, sir.

5 Q Did you know that he had tied for a top in his
6 class at the FBI academy?

7 A No, sir.

8 Q Do you ever talk to Chief Police Sweeney about
9 his experience prior to termination?

10 A Briefly.

11 Q Now, we talked a little bit earlier about the
12 Decatur City Code, and I know that you claim you've now
13 read most of it, I guess; is that true?

14 A The entire city code? No.

15 Q Okay. Um, just to clarify, I think you said
16 you'd read the one -- at least the chapters that pertain
17 to your job as city manager, and also, Mr. Sweeney's job
18 and the police department; is that true?

19 A Correct.

20 Q Okay. Is it your personal interpretation in
21 your capacity as city manager or as an individual that
22 based on the city code that you can terminate any
23 department head, including the police chief, with -- for
24 any cause or no cause at all?

1 A Yes, sir.

2 Q Okay. Do you understand, though, that there
3 are circumstances where a termination can be wrongful,
4 even within that context?

5 MR. FLYNN: I'm going to object. That calls for a
6 legal conclusion.

7 Q You can answer.

8 A No, sir.

9 Q In your opinion, does a City of Decatur
10 department head have a right to speak out against the
11 city manager or a city manager's actions?

12 A I welcome that, and yes.

13 Q Okay. Chapter 10 of the city code regarding
14 your job as the city manager, or any city manager, for
15 that matter here, talks about, um, enforcing ordinances
16 and the laws.

17 Do you recall that?

18 A Yes.

19 Q There's a portion of it that says that the
20 city manager has the right to write rules and
21 regulations and that type thing.

22 Are you familiar with that part?

23 A Yes.

24 Q Have you -- have you, um, written any rules or

1 regulations or ordinances or things for the staff or the
2 departments in the City of Decatur since you've been
3 here?

4 A Yes, sir.

5 Q Can you point to a document where they would
6 reside?

7 A The, um, Master Policy and Procedure Manual.

8 Q Let me ask you specifically about the city
9 police department here in Decatur. Did you -- have you
10 written anything in terms of rules, regulations, general
11 orders that have to deal -- that have to do with the
12 City of Decatur Police Department?

13 A I'm not sure.

14 Q Where would you go to find out if you had?

15 A I would go to the city clerk.

16 Q And what would those, if you recall, be
17 categorized under, or called, generally? Rules?
18 Ordinances? Regulations? Policies?

19 A Correct. Yes.

20 Q Any one, or all?

21 A I think all.

22 Q Okay. And so any citizen like me could go to
23 the city clerk and presumably find out what those were?

24 A Correct.

1 Q Okay. We talked earlier about the -- your use
2 of the police car and the driver in May. Specifically,
3 May 7 of 2015.

4 Did you ever reimburse the city for any value
5 of that transportation and driving?

6 A No, sir.

7 Q Now, I understand that you, um, you've worked
8 or you've had family that's worked within the Illinois
9 State Police; is that correct?

10 A Yes, sir.

11 Q Can you tell me who in your family has worked
12 or has had contacts with the Illinois State Police?

13 A Who has worked for the Illinois State Police
14 is my father.

15 Q And what's his name?

16 A Robert. Robert Burns Gleason, Jr.

17 Q What was his position?

18 A He was a sergeant.

19 Q And is he still working for them?

20 A No, sir.

21 Q When did he last work for them?

22 A December of 1995.

23 Q How long did he work there?

24 A Twenty-eight years.

1 Q And what was the location out of which he
2 worked generally?

3 A The majority of his career was District 8,
4 which is the Peoria area.

5 Q Do you personally have contacts now within the
6 Illinois State Police?

7 A Yes.

8 Q Who are they?

9 A The -- just people in my working career with
10 the City of Pekin that I know. Had one individual that
11 I went to the police academy with that became a state
12 trooper that I still have contact with on occasion.

13 Q Do you have contacts that -- within state
14 government in Springfield, or wherever, that -- where
15 you would have the ability to call for a state
16 investigation or a state police investigation?

17 MR. FLYNN: I'm sorry. Can you clarify that
18 question, Jon?

19 MR. JON D. ROBINSON: She can read it back.

20 (The court reporter read back the last
21 question.)

22 MR. FLYNN: Go ahead.

23 A Yes. I've done that on two occasions.

24 Q Who do you know that can allow you to

1 personally call out for a state police investigation?

2 A On the Law Enforcement Training and Standards
3 Board, I serve with the director of the agency.

4 Q Who is that?

5 A Um, he's a former -- he's a retired Chicago
6 police officer, command officer, and I apologize, but I
7 don't recall his name.

8 Q But who -- whatever his name is, and we can
9 look that up later, he still is the director, or the
10 former director?

11 A He is the director.

12 Q Of?

13 A The Illinois State Police.

14 Q Okay. Um, and he is on this board, this
15 statewide board that you're still on?

16 A Yes, sir.

17 Q And did you contact him and request -- I think
18 you said two investigations?

19 A Yes. And more accurately, Mr. Robinson, I
20 called the director's office is where I had started. I
21 did not speak to the Director of the Illinois State
22 Police on either occasion.

23 Q What is -- I'm sorry. What is the normal, um,
24 path for requesting a state police investigation of

1 anything or anyone?

2 MR. STOCKS: Objection. Assumes that there is a
3 normal path.

4 Answer if you know.

5 A That's exactly what I was thinking.

6 I just reached out to the director's office --

7 Q Okay.

8 A -- and, um --

9 Q Okay. Moving forward, we know, then, that you
10 had requested an investigation of the Decatur police
11 lieutenants that you mentioned or alluded to earlier.
12 Was that one of these two investigations that you asked
13 for?

14 A Deputy chiefs.

15 Q Deputy chiefs. I'm sorry.

16 A Yes. That is one.

17 Q And that one was done in early this year; is
18 that correct?

19 A Yes, sir.

20 Q Okay. And that has been completed, to your
21 knowledge?

22 A Yes, sir.

23 Q Have you seen any written reports on that?

24 A Yes, sir.

1 Q Okay. Um, what was the other one?

2 A The other one is the eavesdropping and
3 official misconduct of Brad Sweeney.

4 Q When did you -- when did you request that?

5 A That would have been early February of 2016.

6 Q Do you remember the date?

7 A No, I do not.

8 Q Would there be a record of it in the state
9 police archives somewhere, or administrative --

10 A I would imagine.

11 Q And how did you start that investigation?

12 A The same approach, Director's Office with the
13 State Police and reached out by phone.

14 Q Was that before or after Mr. Sweeney was
15 terminated on February 4 of 2016?

16 A That was right after. He was terminated on
17 February 4 of 2016.

18 Q Was it days or weeks after?

19 A It would have been days.

20 Q Have any feeling for how many days?

21 A Within a couple.

22 Q Has that investigation been completed, if you
23 know?

24 A I have heard that it is. I have not seen any

1 documents.

2 Q Have you talked to anyone about the results?

3 A Other than my counsel, no.

4 Q And I'm not sure I understand that question
5 [sic] "other than by counsel."

6 What do you mean by that?

7 A Just saying simply that I did -- I was not
8 aware if the investigation had been completed.

9 Q My question prior to that was: Have you
10 talked to anyone about that investigation, and your
11 answer, as I recall it, was, "Other than by counsel,
12 no"?

13 A Would you mind -- would you mind if that's
14 read back?

15 Q No, not at all.

16 A Because I want to make sure I answered
17 accurately.

18 (A discussion was held off the record.)

19 Q Let me ask the question again.

20 I asked you earlier if you had talked to
21 anyone about this second investigation that had to do
22 with Brad Sweeney, and you said, "Other than by counsel,
23 no," and initially you had, just off the record, said
24 that you had; is that correct?

1 A And to clarify, Mr. Robinson, yes, I have.

2 Q Okay. Who have you talked to and when?

3 A Jim Getz serving as the interim police chief.

4 It was information that we had received once we obtained
5 the weather radio device that was purchased by Brad.

6 There was a download that was conducted within the
7 Decatur Police Department, and once it was determined
8 that there, in fact, were potential victims, that's when
9 I directed the download to stop and it was turned over
10 because I -- I knew that we had a criminal matter and
11 turned it back over to the state police.

12 Q Who -- what did -- did Jim Getz say anything
13 about whose idea it was to have a camera and why?

14 A What I was told is it was Brad Sweeney's idea,
15 and it came as a result of the first state police -- it
16 came after the first state police investigation started.
17 Mid-January 2016, I believe.

18 Q Do you consider that you have the same right,
19 as city manager, to fire Jim Getz from the police
20 department and as interim police chief as you did Brad
21 Sweeney?

22 A As a deputy police chief?

23 Q Well, he's the interim now, isn't he?

24 A But his new position on the department is

1 deputy police chief.

2 Q You can fire him regardless of his position,
3 right?

4 A Understood.

5 Q And that's your position, right?

6 A Before I would reach into a second tier of
7 that organization, I would confirm that I, in fact, did
8 have that right, and the answer right now would be I am
9 unsure if I had that ability to fire Deputy Chief Jim
10 Getz.

11 Q How would you confirm whether you had this
12 alleged authority as city manager?

13 A I'd research on my own, and I would go to
14 corporate counsel.

15 Q Okay.

16 MR. JON D. ROBINSON: You want to take a little bit
17 of a break? Is that right?

18 MR. STOCKS: Fine.

19 (A recess was taken.)

20 BY MR. JON D. ROBINSON:

21 Q When we took the break, we were talking about
22 state police investigation.

23 Do you recall the general conversation?

24 A Yes, sir.

1 Q We were talking about two investigations that
2 you had asked for through your contacts, and, um, I had
3 not asked you what you understood were the results, and
4 I'm speaking of the first one that you requested, which
5 I think you said you thought had been completed
6 regarding the two deputy chiefs?

7 A Yes, sir. In fact --

8 Q What do you understand is the result of that?

9 A I believe I said I actually have a copy. I've
10 a reviewed it and understand that the allegations
11 against the two deputy chiefs of official misconduct
12 were unfounded.

13 Q Okay. And then we talked about, a little bit,
14 about the second one, which had to do with Brad Sweeney
15 and a camera that was in his office, I think.

16 Do you recall that?

17 A Yes, sir.

18 Q Now, when you said you've talked to some
19 folks, do you know what the result of that investigation
20 is?

21 A No, I do not.

22 Q Have you talked to any one of the
23 investigators or any other person in the state police
24 organization about that?

1 A After making the initial phone call?

2 Q Yes.

3 A The answer is no.

4 Q Okay. So do you know what the status of that
5 is at this point?

6 A I believe it's been turned over to Jay Scott,
7 but I have not talked to Jay Scott about that, the
8 state's attorney.

9 Q Do you know anyone who has talked to him about
10 that?

11 A No, sir.

12 Q Okay. Are you aware whether there's been any
13 investigation by the state police or anyone else
14 concerning the use of the squad car and the city police
15 driver on May 7, 2015 when you were taken to the St.
16 Louis airport for your trip?

17 A No, sir.

18 Q I take it, then, you haven't asked for that to
19 be investigated?

20 A No. It would have to be a criminal act.

21 Q What would have to be a criminal act?

22 A The events that occurred on May 7th.

23 Q Well, who has determined that it wasn't a
24 criminal act or official misconduct of some kind?

1 A I guess it would be at the time Police Chief
2 Brad Sweeney who raised no objection. The first I
3 learned that he cited an objection was after his
4 termination, and it was an article in the Herald &
5 Review.

6 Q My question was: Who has determined that no
7 criminal act was involved, and I say -- you said, "I
8 guess I have."

9 Is that true?

10 MR. STOCKS: Objection. His answer will stand. He
11 also said and Brad Sweeney.

12 A And Mr. Robinson, I would include Mayor Mike
13 McElroy in that as well.

14 Q Did he -- what pronouncement do you have from
15 him that said it was not a criminal act, if you know,
16 one way or the other?

17 A And you're talking about Mayor Mike McElroy?

18 Q Just because you just brought him up, yes.

19 A It's my understanding that in order for me as
20 the new city manager to attend the most important event
21 for the city, which is the state of the city, this was
22 considered to be, and I'm sure you're going to beat me
23 up on my wordage, an extension of my duties, something
24 that was done to ensure the fact that the new city

1 manager was at the state of the city event.

2 I, in my law enforcement career with the City
3 of Pekin, have picked up many people from the Peoria
4 airport. Mr. Sweeney has had rides to airport -- the
5 airport before when he was attending the FBI academy.
6 These are, in my consideration, an extension of the
7 duties that we hold.

8 Q So when Brad Sweeney was going to the FBI
9 academy as it says in the general orders of the Decatur
10 Police Department for training or meetings, you -- you
11 align that and equate that with your personal trip to
12 California for your family purpose?

13 MR. STOCKS: Objection. Argumentative.

14 Q Is that true?

15 MR. STOCKS: Argumentative and complete
16 hypothetical, misstatement of his prior testimony.

17 Q You can answer.

18 A I believe it's very similar circumstances.

19 Q So your personal benefit and your family trip
20 equates with the FBI academy, or a city meeting
21 somewhere out of town; is that true?

22 MR. STOCKS: Objection. Argumentative. Do not
23 answer that.

24 MR. JON D. ROBINSON: Are you instructing him not

1 to answer?

2 MR. STOCKS: Yeah, because it's an utterly improper
3 question. Argument, pure --

4 MR. JON D. ROBINSON: Thank you, Judge.

5 MR. STOCKS: Well, I will terminate if you want to
6 go down this path.

7 MR. JON D. ROBINSON: Just be nice.

8 MR. STOCKS: John, you know that's argumentative.
9 If you don't after 50 years of practice of law, I think
10 you would learn something.

11 MR. JON D. ROBINSON: I'm not that old.

12 MR. STOCKS: That surprises me.

13 MR. JON D. ROBINSON: You really should be nice.
14 You should be nicer. It won't get you anywhere, I can
15 tell you that.

16 BY MR. JON D. ROBINSON:

17 Q Let's turn to your affidavit, Mr. Gleason.
18 Specifically to, first off, the Paragraph 4 of your
19 affidavit, Page 2 of 7.

20 Do you see it?

21 A Yes, sir.

22 Q It says that on February 2nd, 2016, you were
23 conducting a weekly senior staff meeting including all
24 the department heads. It also says that the meeting was

1 to review the goals of the city council and discuss with
2 the city council.

3 What were those goals, in your own words?

4 A On February 1st was a regular council meeting,
5 and it was a goals-setting session, the initial steps in
6 identifying what the goals were for the city, so we had
7 step one complete.

8 Q What were they?

9 A There were several.

10 Q That's all I'm asking is what, in your own
11 words, were the goals?

12 A I do not know all of the goals that were set
13 forth.

14 Q Okay. Well, let me go on to the next
15 sentence. Be the third sentence. Said, "During the
16 senior staff meeting, Mr. Sweeney did not focus on the
17 city council goals but chose to bring up a subject that
18 had already been discussed between him and me."

19 What was that subject?

20 A It was the dispatch center.

21 Q What -- what about the dispatch center? What
22 is that topic?

23 A Well, the dispatch center was not a goal of
24 the city council --

1 Q I --

2 A -- if that's your question.

3 Q What -- what -- tell us generally so that a
4 judge or anyone off the street would know what you're
5 talking about when the topic was what was discussed
6 between you or the, quote, dispatch center. What is
7 that?

8 A It's the, um, Emergency Communications Center
9 that dispatches emergency response calls for the City of
10 Decatur, Macon County, and several other smaller
11 entities.

12 Q So what had he said about that, or what did
13 you and him discuss about the dispatch center that
14 you're referring to here in this affidavit?

15 A The most recent conversation --

16 Q No, what had already been discussed? Your
17 affidavit says, "This subject had already been discussed
18 between him and me." So what had already been discussed
19 about that?

20 MR. STOCKS: He was starting to answer the
21 question, and you interrupted him, which you've done
22 several times. Let him answer the question.

23 MR. JON D. ROBINSON: I think I have.

24 MR. STOCKS: And he started to say my "most

1 recent." That would have meant already discussed, and
2 he was about to give the answer, and you interrupted him
3 right in the middle of his answer.

4 MR. JON D. ROBINSON: I'm going to object to your
5 testifying on behalf of Mr. Gleason. That tactic is as
6 old as the books.

7 MR. STOCKS: Jon, you interrupted his answer as he
8 was giving it, and then you sat there and say well, you
9 haven't answered my question.

10 Let him answer the question.

11 Q Let me rephrase my question.

12 My question asked you what was already
13 discussed between him and you about the dispatch center
14 that you're referring to in this affidavit.

15 A At the time, the most recent conversation was
16 about a pending retirement of the communications s
17 manager, and then also, the possibility of expanding
18 consolidating services, which is a trend within the
19 State of Illinois that I'm very familiar with.

20 Q Okay. And so you're saying, if I understand
21 this affidavit, and you can correct me if I'm wrong, but
22 I think what you're saying here when you write rather,
23 you're referring to Sweeney, I think, that he chose to
24 bring up a subject that had already been discussed with

1 me, and that, you're saying now, was the dispatch
2 center, and decisions had already been made by me and
3 clearly communicated.

4 What were those decisions?

5 A A couple of weeks prior, this would have been
6 mid to late January of 2016, and again, this was just
7 one of several conversations over the year that I've
8 been in this position about the communication center
9 with Brad, he came in initially and he wanted to let me
10 know that the woman that was in charge of the
11 communications center was retiring in the very near
12 future. He wanted to -- he had several ideas on how to
13 replace that position. The one that he liked the most
14 was adding to the overall strength of the police
15 department and adding a position of lieutenant. That
16 was not an option, because we were in a hiring freeze
17 that I pledged to the city council given our financial
18 situation. Other ideas that he had were what I felt
19 were, you know, ideas to consider, but at the end of the
20 day, I felt it was a manipulation of the pledge that I
21 had made to the city council that we were in a hiring
22 freeze.

23 Q What did he say on May [sic] the 2nd that you
24 claim was already discussed between you and him

1 personally?

2 A February 2nd of 2016?

3 Q February 2nd of 2016, yes.

4 A And the answer was, this was a closed matter.

5 The alternative that we were going to approach --

6 Q No, that's -- what -- my question -- I hate to
7 interrupt you, but you're -- my question is: What did
8 Sweeney say you claim on February 2nd, 2016 in this --
9 this meeting that you claim had already been
10 communicated and that you didn't like?

11 A (No response.)

12 Q What did he say, then, at that meeting that
13 you -- that you are claiming, and it's clearly in your
14 affidavit --

15 A I understand.

16 Q So what is it?

17 A I just want to answer this accurately. He
18 brought up a topic that had already been decided, and I
19 know that that's what your question is.

20 Q What did he say about it?

21 A And that's where I'm going next.

22 Q Okay. I'm waiting.

23 MR. FLYNN: Jon, just let him finish.

24 A That Lieutenant Brandel was going to have to

1 serve double duty in the interim. Relocation of the
2 communications center was not an option, and there were
3 reasons for that, and one was a relationship with Macon
4 County.

5 Two, a consolidation effort was also on the
6 table at this time. It was done. We were going to
7 proceed as we had been. The managerial component of the
8 communications center was going to have to be double
9 duty of Lieutenant Brandel, which is who Brad Sweeney
10 selected was going to serve his investigations duty and
11 then also serve as the manager of the communications
12 center.

13 Q Did -- what did he say about that raising
14 taxes or adding taxes, the motor fuel tax, on
15 February 2nd?

16 A That never occurred prior to his -- that
17 never -- I have never had a conversation with Brad
18 Sweeney as he states in the retaliatory discharge claims
19 that he's made.

20 Q Back to your affidavit, Page 2, Paragraph 4,
21 you say, quote, "Mr. Sweeney's behavior at this staff
22 meeting was inappropriate, rude, disrespectful, and
23 insubordinate and appeared to be done in an effort to
24 undermine my decision and embarrass me."

1 My first question is: What was it that was
2 inappropriate, rude, disrespectful, and insubordinate
3 and appeared to be done in order to undermine your
4 decision in your -- in your -- as you claim or as you
5 allege here?

6 A Again, there was a conversation that had
7 occurred previously. I had made a decision. It was
8 over. He was at the tail end of everybody that was in
9 that room, department heads that had been summarizing
10 what they had heard the night before in the goal-setting
11 session with the counsel. It was not in context with
12 what everybody was talking about, economic development,
13 um, financial issues that the city has. It had nothing
14 to do with that at all.

15 Q How was it inappropriate, rude, disrespectful,
16 insubordinate, and appeared to be in an effort to
17 undermine you?

18 A I'm not trying to answer a question with a
19 question, but when a boss tells a subordinate staff
20 member that this matter is closed, it does not come up
21 again, especially in a setting where we are having a
22 staff meeting and the topic of discussion is clearly not
23 related to that.

24 Q In response to, um, whatever it was that

1 Mr. Sweeney said in that meeting, you asked him to leave
2 the meeting at that point immediately, did you not?

3 A I told him to leave the meeting.

4 Q Okay. Did you tell him to go to your office
5 and wait?

6 A Yes, I did.

7 Q And about what time was that? What time of
8 day?

9 A I would estimate midmorning. Ten o'clock in
10 the morning.

11 Q When was this meeting over, about, the meeting
12 that you continued on with?

13 A I excused myself after about five or ten
14 minutes along with Assistant City Manager Jerry Bauer,
15 and then I went down to my office where Brad Sweeney was
16 waiting.

17 Q Who was -- did you see Brad Sweeney at that
18 time, which has been sometime between 10 and 11 o'clock,
19 I guess, on the 2nd of February?

20 A Correct. He was setting at my desk -- at my
21 conference table in my office.

22 Q Is that where you expected him to be?

23 A Yes.

24 Q And did you close the door and go in with

1 Bauer and sit down and talk?

2 A Yes, I did.

3 Q What was said at that meeting?

4 A I was upset, I was frustrated, and asked him
5 to explain why he brought that up and how he felt that
6 that was relevant to the discussion in the staff
7 meeting.

8 Q What did he say?

9 A I don't know a direct quote, but you can tell
10 that he was upset as well, continued being belligerent
11 and disrespectful, and, um --

12 Q What did he say that was belligerent or
13 disrespectful, in your opinion?

14 A I don't have exact quotes in front of me,
15 but --

16 Q Do you have them anywhere?

17 A No, sir, I don't.

18 Q Is there a recording of that?

19 A No, sir, there is not.

20 Q Do you have notes of any such conversation?

21 A No. I did not take notes during that
22 conversation.

23 Q Why did you suggest that, as you say in your
24 affidavit, you concluded the meeting, um, in your

1 office, or in your conference room, and then asked him
2 to come back at 4 o'clock on February 2nd?

3 A Because the conversation between he and I was
4 going nowhere. I thought that there might be an
5 opportunity for us to take a little bit of time,
6 reconvene in the afternoon, and it might be a more
7 productive meeting.

8 Q Was this the first time that you'd had
9 disagreement with Mr. Sweeney about anything or him in
10 any fashion?

11 A No.

12 Q What other prior times do you claim there were
13 disagreements that you had with him?

14 A Well, I don't claim, but, I mean, there was
15 corrective measures taken on a couple of prior
16 occasions.

17 Q What were they, and when?

18 MR. FLYNN: Jon, would you please let him finish?
19 Even the court reporter can't keep up with you.

20 Q What were they and when?

21 A Would have been -- I believe it was before
22 Mayor Mike McElroy passed away, so it would have been
23 prior to July 17th of 2015. The city, the police
24 department, according to Brad, was setting up a team

1 with the NAACP, Janelle Norman, and I know it's
2 N-o-r-m-a-n, but I'm not sure about Janelle, and in a
3 panel discussion with a minority African-American group
4 in the community, Caring Black Men, there was a panel
5 discussion just days prior to the announcement to the
6 community, the press conference, and I said Mr. Jeff
7 Wilkins is his name, I believe with Caring Black Men, I
8 made the assumption that he was going to be at this
9 event. In fact, found that he didn't know about it at
10 all, and the whole purpose of this was to try to build a
11 relationship with the African-American community, and
12 then, also, the police department. Great effort, but I
13 did not realize until meeting with -- I'm sorry, it's
14 Jeffrey Perkins. I said Wilkins. It's Jeffrey Perkins
15 with the Caring Black Men -- until that panel discussion
16 that there was other members, prominent members, of the
17 African-American community that were going to be absent
18 from this kickoff. I directed Brad to reach out, make
19 sure that others were involved in this, and he, in fact,
20 did so.

21 Since then, I found out that this was not an
22 initiative of Brad's, as he told me then, but, in fact,
23 an initiative on the part of the NAACP, that they're the
24 ones that had actually reached out and tried to make

1 this happen.

2 Q So what does that -- did you criticize him for
3 that?

4 A No. I -- I learned this after the fact.

5 Q When did you learn this?

6 A Um, it would have been after his termination.

7 Q Okay. So it had nothing to do with his
8 termination?

9 A No, sir.

10 Q And what was the other time that you said you,
11 prior to February the 2nd of 2016, had some issue with
12 what he did?

13 A When I say "issue," this did not -- and I
14 think I said this and I'll say it again -- did not rise
15 to the level of discipline, but another area, and it
16 was, it was substantial, is prior to my arrival,
17 negotiations with the police union began about a month
18 prior to me arriving, so that would begin roughly
19 February of 2015 or early March of 2015, and one of the
20 issues that Brad was wanting to discuss in a union
21 setting in negotiations was one of the relationships on
22 this shift and wanted that in a union contract. It was
23 one that once I learned about it felt that we had no
24 chance of winning. While I also agree that it's very

1 much an issue that needs to be considered within a
2 police department, it's not something that is going to
3 be successfully negotiated, and I do believe that it set
4 the tone, and setting the tone with the police union was
5 part of that.

6 Those are the two circumstances that I was
7 alluding to.

8 Q Does that have anything to do with a later
9 statement in your affidavit that he -- about a mediator?

10 A It's related, but separate. It's -- it's -- I
11 mean, the mediator is here for the police negotiations,
12 but that's a completely separate matter.

13 Q Was it the same negotiations?

14 A Yes. That's what I was trying to say. Yes,
15 it is.

16 Q All right. So, um, just so that -- while
17 we're on the subject that you just brought up about the
18 negotiations, what are the details that you -- that
19 supposedly upset you about the mediator that you talked
20 to Brad about?

21 A The union negotiations had not gone well. I
22 was not present in that meeting. Several people were
23 upset with Brad's conduct in that meeting. The -- as I
24 recall, as I was told, because I was not in that

1 meeting, he was very critical of the federal mediator,
2 and as the federal mediator walked into the office, he
3 continued with a very derogatory comment towards the
4 federal mediator. The gentleman's name was Jerry Meehan
5 out of Peoria, M-e-e-h-a-n, and then it continued where
6 there were other derogatory comments that were said
7 about Mr. Meehan.

8 And then also, Mr. Meehan has a tendency to
9 speak very softly. Another thing that the members in
10 the room that took offense to or thought was completely
11 inappropriate was a comment that Brad made at the end of
12 the table for the mediator to speak up, but it was
13 directed to a person that was setting at the side of the
14 table when he could have, in fact, communicated directly
15 to Mr. Meehan.

16 Q Were you --

17 A So just the overall conduct.

18 Q Were you city manager when this mediation that
19 you're talking about happened?

20 A Yes.

21 Q And who was at the meeting that reported to
22 you that they thought that Brad Sweeney's comments were,
23 um, improper or somehow wrong?

24 A Um, would have been Brad, I believe all three ;

1 deputy chiefs were present, um, Corporate Counsel John
2 Robinson, and Assistant City Manager Jerry Bauer.

3 Q Who specifically among those people told you
4 that in their opinion that Brad Sweeney made some
5 improper statement or statements?

6 A All of the individuals that I just mentioned.

7 Q Well, when did that happen? When did you hear
8 this?

9 A It would have been the last couple of days of
10 January 2016 or the first couple of days of
11 February 2016, but prior to Brad's termination.

12 Q When did you first talk to Brad about anything
13 about this?

14 A The first time that I said anything to Brad
15 about this would have been in a phone conversation on
16 the afternoon of February 3rd.

17 Q Okay. And what was said about this during
18 that phone call?

19 A In very general terms, I mentioned several
20 issues that I had had in this phone conversation which
21 led to the 10 a.m. February 4th meeting.

22 Q Okay. Did you meet with Brad Sweeney on -- at
23 any time on the 3rd of February, 2016 face to face?

24 A I do not believe so, and as I recall,

1 Mr. Robinson, it was a very busy day for me, and Brad
2 and I connected after I believe his third attempt to
3 connect with me, and it was by phone that afternoon on
4 February 3rd. Wendy Morthland, corporate counsel for
5 the city, was present during that phone conversation as
6 well.

7 Q Was it a conference call or did you have
8 Mr. Sweeney on a speakerphone?

9 A It was on speakerphone.

10 Q Okay. Did you tell him that there were other
11 people present for the call?

12 A I believe so, 'cause that's definitely my
13 tendency. I'll communicate on speakerphone quite often,
14 even when I'm the only person in the room, I will make
15 sure that the other party is aware that I'm on
16 speakerphone and that I'm alone.

17 Q Did you -- do you recall specifically telling
18 Mr. Sweeney that someone else was in the room for the
19 call?

20 A I believe so, but I am not sure.

21 Q Okay. Um, was that the only time that you
22 talked with Brad Sweeney on February the 3rd, 2016 was
23 on the phone late in the afternoon, I think you said?

24 A I believe so.

1 Q Okay. Did you call him or did he call you?

2 A I believe he called me, and again, as I
3 recall, it was after the third attempt that Brad had
4 made to try to get ahold of me that day.

5 Q Now, that leads me into your Paragraph 5 of
6 your affidavit, which is a short paragraph, and says,
7 "On February 3, 2016, in the presence of a witness,
8 Mr. Sweeney offered three -- on three separate occasions
9 to resign. There was no witness present to any kind of
10 a meeting."

11 This Paragraph 5 suggests that you met with
12 Mr. Sweeney in the presence of another witness, but you
13 really didn't meet with him that day, did you?

14 MR. FLYNN: Jon, I disagree with your summary of
15 Paragraph 5. That doesn't indicate it was a personal,
16 face-to-face meeting, it's just --

17 MR. JON D. ROBINSON: Counsel, if that's not an
18 objection, I'm going to -- the question is: Did you --

19 MR. FLYNN: It's an objection. You
20 mischaracterized Paragraph 5.

21 MR. JON D. ROBINSON: Paragraph 5 stands on its
22 own. It says what it says.

23 Q It says, "February 3, 2016, in the presence of
24 a witness, Mr. Sweeney offered on three separate

1 occasions to resign."

2 Did I read that correctly?

3 A Yes, sir.

4 Q Is that your statement in your affidavit under
5 oath?

6 A It is my signed affidavit.

7 Q Okay. Now, my question was: We already know
8 you didn't meet with him, so you must be talking about
9 the phone call sometime late in the afternoon on
10 February the 3rd.

11 Would that be true?

12 A I would not believe that I met with Brad on
13 February 3rd as I stated previously. Number 5 in my
14 affidavit is a conversation that I referred to as a
15 phone conversation that happened in the afternoon on
16 February 3rd.

17 Q And the so-called witness to that conversation
18 is whom?

19 A Is Wendy Morthland, corporate counsel for the
20 city.

21 Q Did you ask her to be present before you
22 called Mr. Sweeney that afternoon?

23 MR. FLYNN: I'm going to object. He's already
24 testified and explained to you that Mr. Sweeney called

1 him. You've misstated the facts.

2 Q Was -- when Mr. Sweeney called you, if that's
3 your testimony, on the afternoon of February 3rd, 2016,
4 was Wendy Morthland in your office when he called you?

5 A Yes, sir.

6 Q Okay. Now, you claim that Mr. Sweeney offered
7 on three separate occasions on February 3rd to resign.

8 Could you tell me about that? What did he
9 say, according to you?

10 A He offered to resign on three separate
11 occasions on February 3rd in that phone conversation.

12 Q What did you say to him?

13 A I did not say that I would accept it. What I
14 said, in fact, at the end of the conversation was let's
15 meet tomorrow at 10 a.m., and you bring whatever you
16 feel is appropriate for the meeting.

17 Q Okay. So did you meet at your office on
18 February the 4th, the next day?

19 A Yes, sir.

20 Q Okay. And tell me about what happened at that
21 meeting that you recall.

22 A At that meeting, um, I did cite -- I walked
23 through several instances that I wanted no comment,
24 necessarily, out of Brad Sweeney, but I wanted to make

1 him aware of the issues that I had. Um, and then at the
2 end of me walking through that, I did ask Brad if he was
3 still offering to submit his letter of resignation.

4 Q And what did he say?

5 A He said no.

6 And the only reason that I asked if he would
7 be willing -- if he was still willing is because of
8 the -- the three, um, offers the day prior on the phone
9 conversation.

10 Q Without marking this next piece of paper that
11 I'm going to hand you as an exhibit, I can, but, um, I
12 will represent to you that this is Exhibit 4 to
13 Mr. Sweeney's complaint, and I am referring to -- all --
14 I characterize it as apparently your letter as city
15 manager terminating Mr. Sweeney as -- from the
16 department.

17 A Yes, sir.

18 Q Is this true?

19 A Yes, sir.

20 Q Did you sign -- is this a copy of your
21 signature and a copy of the letter?

22 A Yes, sir.

23 Q Okay. And it says, "Effective immediately,
24 your employment with the City of Decatur is terminated."

1 Correct?

2 A Yes, sir.

3 Q Now --

4 MR. FLYNN: You're not going to tender that as an
5 exhibit to this deposition?

6 MR. JON D. ROBINSON: Um, I don't -- I can. I
7 don't see any reason to. We've already had his
8 admission of it. It's just another piece of paper. I
9 don't think anybody's denying that.

10 BY MR. JON D. ROBINSON:

11 Q Okay. Curiosity has me ask you, um, whether
12 there were other alternatives in a complete and total
13 termination of Mr. Sweeney from all employment as
14 opposed to some other kind of, if you felt it was
15 necessary, some other kind of, um, action, employment
16 action?

17 A Given the circumstances that I had outlined
18 earlier in that very same meeting in my talking points,
19 no.

20 Q Okay.

21 A The only reason that I offered, um, the
22 ability for him to resign is because the day prior, he
23 had offered that three separate occasions.

24 Q Did you ever provide Mr. Sweeney, or have you

1 ever to date, any of the so-called talking points in
2 writing?

3 A No, sir.

4 Q Were you talking from notes or from some
5 document that you had present with you on February the
6 4th?

7 A I was. I had prepared a very general talking
8 point sheet for me to work from, I wanted to make sure
9 that I communicated everything that I felt was relevant.
10 Obviously, very important situation, and I used that for
11 my benefit.

12 Q Which one of -- which ones, if any, of those
13 talking points had you discussed with Mr. Sweeney before
14 February the 4th?

15 A There were some that had been communicated in
16 the phone call the day before that we've talked about in
17 the afternoon of February 3rd, but not all of them.

18 Q Do you recall which ones you alleged had been
19 talked about on the phone call on February the 3rd?

20 A One of the ones that I felt was the most
21 significant was, um, a lie in regards to a fabricated
22 meeting with Mr. Howard Buffet that he said Mr. Buffet
23 had reached out to him and it was a meeting about the
24 communications center, and he admitted that it was a

1 lie. That was one of them that I had talked to him
2 about.

3 Q Before we leave that, um, what was supposedly
4 the -- you called -- you characterized it as a lie.
5 What was it that you claim was a lie about Mr. Buffet or
6 meeting with Mr. Buffet?

7 A I'll preface this by saying that this is not
8 going to be a short answer.

9 Early December of 2015, I had a roughly
10 two-hour meeting with Sheriff Tom Schneider of Macon
11 County and Mr. Howard Buffet. The conversation
12 primarily was about possibly relocating the Police
13 Training Institute that's currently located on the
14 Champaign-Urbana University of Illinois campus and
15 would, in fact, be -- possibly be a satellite location
16 in Decatur. Mr. Buffet was going to fund this effort.

17 I had an interest in this, obviously, as
18 almost -- primarily as the opportunities that I've
19 brought the City of Decatur as the city manager, but
20 there also was a component of this that the Law
21 Enforcement Training and Standards Board would have
22 involvement, and I also serve on that board as well.

23 Um, this conversation, this meeting early
24 December of 2015 was, again, primarily about that. Then

1 at the end of the meeting, Mr. Buffet, might have been
2 Sheriff Schneider, both of them had comments related to
3 possibly consolidating the police and fire, the
4 emergency services communication center that we've
5 talked about previously but currently is -- belongs to
6 the City of Decatur. They're our employees. And they
7 said that there was some collared counties, rural
8 counties that were interested, but the caveat was that
9 it had been run by Macon County, and they asked me what
10 I thought about that, and my thoughts that I shared,
11 again, was not aware that this was going to be a part of
12 the meeting, I commented that I would not be opposed to
13 a consolidation, because the efficiency of it just made
14 sense, and it's an effort, it's a trend that we see in
15 the State of Illinois. The one thing that I did say is
16 I wanted to maintain -- if even with this consolidation,
17 the City of Decatur, through police and fire, let's say,
18 as an example, we still generated 50 percent of the call
19 load, I wanted to maintain on an executive board
20 50 percent representation. You know, I felt that it
21 should be representative. That's definitely something
22 that Mr. Buffet and Sheriff Schneider didn't agree with,
23 but it was a good conversation that ended. It would
24 have been a follow-up meeting related to the

1 possibilities with the police training institution, and
2 I don't know the exact date, but I believe it was
3 January -- I'm not sure of the exact date, but I believe
4 it was the first half of January of 2016 where that
5 effort was going to be -- there was a follow-up meeting
6 related to the police academy. I was unable to attend
7 because I was sick, but it was on a Friday afternoon,
8 and there was no way for them to move that, because for
9 the next week, several weeks, Mr. Buffet was going to be
10 out of town, and I believe he was going to be in the
11 State of Arizona. So, it was with that information that
12 I knew that Mr. Buffet was not going to be in town.

13 That very next week, I believe, again,
14 somewhere around mid-January of 2016, Brad had reached
15 out to me and Assistant City Manager Jerry Bauer to talk
16 about the retirement of the dispatch manager, which is a
17 conversation that we've had previously, and at the end
18 of that conversation, he said oh, by the way, Howard
19 Buffet has reached out to me. He wants -- he's called
20 for a meeting to discuss the communication center, and
21 Brad felt that he was going to purchase and build a new
22 communications center for the City of Decatur. I
23 thought that that was extremely unlikely, but I didn't
24 know, so I reached out to Sheriff Tom Schneider to

1 confirm that this, in fact, was something that
2 Mr. Howard Buffet had done. I did not say anything of
3 this to Brad at the time and did not have any
4 conversation about this until that afternoon phone call
5 on February 3rd. Sheriff Schneider reached out to
6 Mr. Buffet, who, in fact, was out of town, and said that
7 that was not accurate at all, and he said, interestingly
8 enough, Brad had unexpectedly requested a meeting with
9 Sheriff Tom Schneider.

10 I know that was a long answer, but I felt that
11 that was relevant for it to be accurate.

12 Q Who said that Brad Sweeney had requested a
13 meeting with Tom Schneider about this?

14 A Sheriff Tom Schneider.

15 Q Said that?

16 A Brad Sweeney said that Howard Buffet had
17 reached out to him.

18 Q Okay.

19 A I wanted to confirm, because it was possible.
20 I thought it unlikely, but I thought it was possible, so
21 in that confirmation with Sheriff Thomas Schneider, the
22 initial phone call, Tom said that is absolutely untrue,
23 but let me check with Mr. Buffet.

24 When Tom called me back to say in fact it was

1 confirmed that that was untrue, he said in between Brad
2 had reached out to himself -- had reached out to Sheriff
3 Schneider and Tom was telling me, which is Sheriff
4 Schneider's first name, Tom had reached out, Tom had
5 said that Brad had reached out to him and that they were
6 going to meet.

7 Q Okay. And previously, you're saying that Brad
8 Sweeney had told you that Buffet had reached out to him?

9 A Yes. And the Assistant City Manager Jerry
10 Bauer was present in that conversation as well.

11 Q Getting back to your affidavit and your
12 meeting, the termination meeting, I'll call it, of
13 February the 4th, you, I think, say somewhere in here
14 that there was another person present.

15 Who was present?

16 MR. FLYNN: Can we have some foundation? What
17 meeting are you talking about?

18 MR. JON D. ROBINSON: February 4th meeting.
19 There's only one.

20 A Understood.

21 Q Who was present?

22 MR. FLYNN: Go ahead.

23 A The only other person that was present was
24 Wendy Morthland, corporate counsel for the city.

1 Q So if I understand it, on 10 o'clock -- at the
2 10 o'clock meeting, um, at -- was it at your office?

3 A Yes, sir.

4 Q And it started at 10 o'clock, about?

5 A Yes, sir.

6 Q And when would you say it would have ended,
7 about?

8 A It was probably 20- or a 30-minute meeting.

9 Q During that meeting present were yourself,
10 Brad Sweeney, and Wendy Morthland, corporation counsel?

11 A Yes, sir.

12 Q And was she present for the entire meeting?

13 A Yes, sir.

14 Q Did she take notes, if you know?

15 A I believe she did.

16 Q Um, did you ask her to be present or did
17 someone else?

18 A Yes, I definitely asked her to be present.

19 Q Okay. Um --

20 A Mr. Robinson, as a point of clarification, I
21 know for a fact that Wendy took notes.

22 Q Okay. Paragraph 8 of your affidavit -- you
23 have a copy of it in front of you, I think -- talks
24 about Brad Sweeney's claim that he opposed the -- your

1 proposed motor fuel tax, um, and you -- your affidavit
2 says he didn't ever communicate that to you, any
3 opposition to that tax to you prior to your terminating
4 him.

5 Do you see that?

6 A Yes, sir, I do.

7 Q Okay. Um, you go on to say in your affidavit
8 that you were unaware that he opposed that motor fuel
9 tax until sometime after I guess a Herald & Review
10 reporter on February 10th, 2016.

11 Due see that?

12 A Yes, sir, I do.

13 Q What reporter are you talking about?

14 A I don't have a clue. It was an article -- I
15 don't have a clue what reporter, but it was a Herald &
16 Review article that I believe, as indicated in the
17 affidavit, was on February 10th of 2016.

18 Q Okay. So it was actually, you learned it from
19 reading an article, not directly from talking to a
20 reporter?

21 A There was never a conversation with Brad
22 Sweeney or a reporter.

23 Q Okay. Um, Paragraph 9, then, getting back to
24 your Paragraph 9 of your affidavit, talks again about

1 the May 7th travel to St. Louis that we've discussed;
2 would you agree?

3 MR. FLYNN: What's the question?

4 MR. JON D. ROBINSON: You want to read it back?

5 (The court reporter read back the last
6 question.)

7 A Yes. I -- I was ready to say yes. I thought
8 there was more to your question. You paused when you
9 were looking down at your notes. I was waiting for you
10 to be done.

11 Q Do you claim that you couldn't have attended
12 the, um, State of the City Meeting at this civic center
13 on May 7, 2015 unless you could use a city vehicle and a
14 city driver to get you to the airport?

15 A No.

16 Q You're -- I guess we know from earlier
17 questions you're not -- you're not sure you could have
18 maybe taken another flight even out of Peoria; isn't
19 that true? You just don't know the answer to that?

20 A I think a more accurate answer, if you will
21 allow me, is I know I was going to be at the State of
22 the City Address for Mayor Mike McElroy. I do not know
23 if there are other flights, but I would imagine that
24 there are that I could have taken.

1 Q Okay.

2 A But also, when I found that flight that I, in
3 fact, took, it was the one that worked best for my
4 friend, Andrew Lockwood, that was waiting for me at the
5 San Jose airport. That's not to say that he could not
6 have gone. I could have flown into Monterey, but I
7 found a flight that I thought worked best. Also, I was
8 driving myself to the St. Louis airport, and I knew upon
9 my return to Peoria, I was going to have to figure out
10 how to get my car in St. Louis, and I wasn't worried
11 about it, because I wanted to be at the State of the
12 City Address as the new city manager, and more
13 importantly, for Mayor Mike McElroy.

14 Q Well, let me understand this. Was there
15 something about -- you knew about the son's event with
16 the military and your trip for months before May 7th,
17 correct?

18 A Yes.

19 Q And you started planning for this back in
20 January online with flights, correct?

21 A Yes.

22 Q And you could have -- when you rearranged the
23 Peoria flight, you could have -- you could have not only
24 departed from St. Louis, but you could have arrived back

1 there in St. Louis, could you not?

2 A That is correct, and the reason that I did not
3 do it that way is I was at least going to be able to fly
4 back under the original itinerary with my friend, Andrew
5 Lockwood.

6 Q So this was to accommodate you and your
7 friend, Andrew Lockwood, primarily?

8 A By not changing the return flight?

9 Q Yes.

10 A The answer is yes.

11 Q Now, I have -- the State of the City Breakfast
12 started at 7 a.m., and it lasted, according, at least,
13 to the Internet announcement, from 7 a.m. to 8:30 a.m.
14 on May 7, 2015.

15 Is that your recollection?

16 A I don't know, because I had left after a
17 certain portion, I believe around 7:45.

18 Q That was going to be one of my next questions
19 is when -- what did you -- what portion of this did you
20 stay for and why did you leave early?

21 A Obviously, this is my first state of the city,
22 but I understand that it's an opportunity for the mayor,
23 council members, high level staff to present to the
24 community what's occurred in the previous year and some

1 of the goals, objectives, good things that are coming in
2 the coming year, so there is a panel discussion where we
3 are up in front of everybody that's in attendance for
4 the breakfast. At the point that that ended is when I
5 left, is when I had planned to leave and drive myself to
6 the St. Louis airport.

7 Q And you think that was about 7:45?

8 A Yes, sir.

9 Q Okay. Did you make a presentation, a formal
10 presentation at that State of the City Breakfast
11 Meeting?

12 A I was a part of the formal presentation from
13 the city.

14 Q Did you have prepared notes, and did you make
15 a statement or a speech?

16 A No, I did not. It was a question-answer
17 situation where Brian Byers, the local radio host, is
18 the one that was asking different panel members
19 questions, so I just simply responded to the unknown
20 question.

21 Q Were you introduced -- was this an opportunity
22 for you to be introduced as the new city manager?

23 A Yes, sir.

24 Q Um, since -- how long had you been city

1 manager officially as of that May 7?

2 A Not long. About -- it would have been six
3 weeks, which is another reason it was so important, it
4 was an introduction of me to the community.

5 Q And you couldn't have really properly given
6 much of a report on what had happened in the City of
7 Decatur for the prior 12 months because you had only
8 been there for a few weeks; isn't that true?

9 A In fact --

10 Q Is that true or not?

11 A Well --

12 MR. STOCKS: Compound and argumentative, but --
13 whether he could give a report or not, but go ahead and
14 answer, Tim.

15 A Yeah. I think an accurate response to that is
16 if that would have been the expectation of me, even in a
17 six-week period as the new city manager, I would have
18 prepared for that, it's just that that was not the
19 expectation. In fact, there was slight deviation from
20 traditional state of the cities where the EEC, the
21 Economic Development Council of Decatur and Macon
22 County, was rolling out a marketing effort of city
23 limits, and that became really the focus of the state of
24 the city.

1 Q Did you make an actual report for the prior --
2 for the time prior to that of your becoming the city
3 manager?

4 A No. That was not part of the questions Brian
5 Byers asked me.

6 Q Did Brian Byers ask you to be present for the
7 state of the city, or someone else?

8 A No. Brian Byers wouldn't have asked me.

9 Q Who did?

10 A Mayor McElroy asked me to attend.

11 Q Did anyone else ask you to attend?

12 A No. Not -- not that I recall.

13 Q What did you understand in advance of the --
14 of the breakfast meeting on May 7 was to be your role?

15 A To sit up there as one of the panelists and
16 respond to questions. Again, I think that this was a
17 nontraditional state of the city, and there was really
18 nothing to prepare for. We were responding to questions
19 from Mr. Byers, and really, the focus that morning
20 before breakfast was the city limit was campaigning to
21 be shared with the community.

22 Q Okay. And so you left at 7:45, and you left
23 in a Decatur police vehicle driven by, it now appears,
24 Interim Chief Jim Getz; is that true?

1 A Yes, it is.

2 Q Okay.

3 A Ended up being the last person that was
4 available. Originally, it was going to be Brad, but
5 this was his first state of the city as the police
6 chief, and attending the full event allowed him to
7 mingle with members of the community.

8 Then Cody Moore, the deputy chief, was to be
9 the driver, and he had something that day, and it ended
10 up being Deputy Chief Getz, and I wasn't aware of that
11 until, you know --

12 Q How did you learn all of this?

13 A From Brad Sweeney.

14 Q When did you -- when do you allege you learned
15 this and who was present?

16 A I don't know who might have been present. I
17 believe it would have been a conversation directly
18 between Brad or I. I don't recall if it was by phone or
19 if it was in person, but there came a point in time, you
20 know, either the night before, I'm assuming, but
21 definitely the morning of the state of the city that I
22 knew that Jim Getz, deputy chief, was the one that was
23 driving me to the St. Louis airport.

24 Q Did you have more than one conversation with

1 Brad Sweeney about having a car and a driver from the
2 police department available on May 7 for your use?

3 A I'm not sure how many, but I would imagine
4 that it was more than one just talking about who was
5 taking me, you know, what the mayor had directed me to
6 request, and maybe some logistical conversations, but I
7 don't recall how many there would have been.

8 Q Do you -- do you recall that you called one or
9 more times to confirm that there would be a police car
10 and a driver?

11 A That's possible, but I do not know that for
12 sure.

13 Q Do you recall when you arrived in St. Louis at
14 this airport on May 7th?

15 A Yes, sir.

16 Q When?

17 A Um, mid to late morning.

18 Q Well, you left at 7:45. What time would it
19 have been, your best recollection?

20 A Of arriving at the St. Louis airport?

21 Q Yes.

22 A Best recollection would be late morning, that
23 morning of May 7th.

24 Q When was your flight to take off?

1 A I do not recall, but -- I do not recall the
2 exact time, but I believe that it was early afternoon
3 May 7th, or right around noon, because I didn't have
4 much time to -- I didn't have much time to get in and
5 get through security.

6 Q And what was the airline that you took?

7 A Like I said before, I don't recall.

8 Q Do you have records on your computer that will
9 show?

10 A Yes, I do.

11 Q And that would show not only, um, when you
12 took off but when you were scheduled and where you were
13 scheduled to arrive in California?

14 A Yes, sir.

15 Q I may have asked this. I apologize if I did.
16 Were there stops along the way or was this a direct
17 flight?

18 A You did ask that, and I do not believe that
19 there was any stops in between St. Louis and San Jose.

20 Q Okay. I'd like to focus a little bit here on
21 your Paragraph 12 and their subparts. These are, um,
22 the points that you allege you spoke to, or that you're
23 stating in your affidavit that you spoke to Brad Sweeney
24 about on the morning at the -- on the morning of

1 February 4th when you terminated him just prior to
2 giving him the letter that we've identified, um, here
3 today.

4 Is Paragraph 12, does that contain the
5 comments that you say you talked to him about?

6 A It contains some of them, yes.

7 Q Now, again, we talked a little bit about this,
8 but since we have the paragraph actually in front of us,
9 which -- and there's Paragraph 12(a) through 12(g). Do
10 you see that?

11 A Yes, sir, I do.

12 Q Which one of these -- which of these topics,
13 we'll call 'em, these topics A through G, had you -- do
14 you claim you talked to him about the -- for the first
15 time the prior day?

16 A In the prior day being the phone conversation?

17 Q February 3rd, yes.

18 A And if you don't mind, I'm going to take a
19 minute to look through them.

20 Q Absolutely.

21 (Pause.)

22 A And I've just read Subsection A, and that is a
23 conversation that Brad and I had several times prior to
24 February 3rd or February 4th, and that's the events

1 related to the first state police investigation.

2 Q Okay. This is something, before you leave
3 that, you learned you -- you claim here you learned
4 about this issue with the deputy chiefs in January -- I
5 think you said January 13, 2016?

6 A Yes, sir.

7 Q Okay. Go ahead.

8 A In Subsection B, obviously, the affidavit
9 spells out the answer there, and the first time that I
10 did discuss this was that afternoon on February 3rd and
11 then again the morning of February 4th.

12 Q Before we leave that, um, 12(b) topic, I'll
13 call it, have we discussed everything you want to tell
14 me that you think is important about this alleged
15 untruthful communication by Mr. Sweeney?

16 A I have, and I appreciate you allowing me the
17 opportunity. I realize that was a rather lengthy
18 response previously.

19 Q Now, that's something you talked with him
20 about first on February the 3rd, according to this?

21 A With Brad, yes.

22 Q Yeah. Okay. Go ahead.

23 A Subsection C. I don't recall the exact date,
24 Mr. Robinson, but it would have been late January of

1 2016. There was a brief E-mail exchange about the
2 contractor being Tica Heating and Cooling. That did
3 happen prior to the February 4th dismissal but was.
4 again -- it was discussed and commented to on February
5 the 4th.

6 Q Let me ask about that. More efficient to do
7 that, I think, at this point.

8 This issue in 12(c) that you've identified now
9 as the subject contractor being Tica. Um, was that
10 observation that you've put in your affidavit
11 communicated to Mr. Sweeney before February the 4th?

12 A Yes, sir.

13 Q And when do you recall that was done?

14 A There would have been an E-mail exchange
15 between Brad and I, and also, Wendy Morthland was
16 originally a part of this E-mail thread related to the
17 use of Tica as a heating and cooling contractor for some
18 repairs that were needed at the police department.

19 Q In effect, what was the communication? I
20 mean, what was the dissatisfaction or criticism of
21 Mr. Sweeney as police chief about this?

22 A In this one is not as long of a -- excuse me,
23 a response, but I'm going to say in Fall of 2015,
24 Mr. Tony Romano, a pillar in the community, he and I had

1 been meeting, and he actually told me, made me aware
2 that there might be a history between Brad and an
3 individual, and I don't recall his name, but it was
4 truly an individual with Tica Heating and Cooling, that
5 there might be problems, and I said, "can you tell me
6 more?" And Mr. Romano said that there had been
7 something that had occurred on the home front, on Brad's
8 home front, with this individual years prior, and it
9 might still be an issue even after all that time with
10 the relationship that Tica has with the police
11 department.

12 The reason Tony Romano prefers to use Tica is
13 he's got a relationship with -- it might be some
14 warranty work, I'm not sure -- but there's a
15 relationship that ultimately costs us, the city, and
16 Mr. Romano, less money to use Tica.

17 Then this kicked up, could have been December
18 of '15, but it was definitely January of '16 where Brad
19 was refusing to allow Tica to do repair work in the
20 police department for the city, city work, and it was an
21 E-mail exchange that Wendy Morthland, corporate counsel,
22 made me aware of.

23 Then I had a very brief E-mail exchange with
24 Brad related to this wanting to make sure that this was

1 not a personal animosity towards a prior incident that I
2 did not have the details to but it happened on the home
3 front versus the relationship that Tica, Mr. Romano, has
4 with the city.

5 Q Let me -- let me try to clarify a couple of
6 things.

7 At the time this December 2015 Tica work that
8 you just described happened, who was responsible for
9 selecting and paying for the repair work that -- that
10 Tica or some other contractor like Tica would be doing?

11 A I'm not sure, Mr. Robinson. I'm not sure if
12 that's -- because we've got a lease agreement, a lease
13 arrangement for that property with Mr. Romano, but
14 obviously, the chief would have a say in this, but I
15 don't know what the lease agreement lays out. We
16 obviously have that document and then the E-mail
17 exchange that Wendy Morthland was involved in and that I
18 had with Brad could obviously provide those to you.

19 Q If, in fact, the police department or the City
20 of Decatur had the obligation to pay for those, that
21 work, um, and if the Tica Company had a history of not
22 doing satisfactory work according to the police
23 administrator, the police chief, in this case, are you
24 saying that because Tony Romano wanted to use Tica that

1 the City of Decatur and the police department should
2 have used it regardless of what their performance were?

3 A I'm not sure what the -- again, what the lease
4 agreement outlines, but in a scenario such as that,
5 given the prominence that Tony Romano and even at Tica
6 Heating and Cooling, if there, in fact, were issues with
7 the repairs out of Tica, I would hope that I would not
8 have to ask one of my department heads to explain that
9 to me so as city manager, I could respond to those calls
10 if, in fact, I would ever receive a call, and I think
11 it's safe to assume that it would be likely that a
12 Romano or a Tica would reach out to the city and
13 inquire.

14 Q Let me -- it sounds to me like -- that you
15 had, Mr. Gleason, an expectation that all of your
16 department heads, including Mr. Sweeney as police chief,
17 would tell you everything about everything that was
18 happening in their department such that some people
19 might characterize it as micromanaging. Am I missing
20 something, or did you expect the police chief to talk to
21 you about all of these kinds of things?

22 MR. FLYNN: Just so -- my objection. That doesn't
23 remotely resemble what Mr. Gleason's testified to, but
24 subject to that.

1 A And I was going to say respectfully, you
2 missed quite a -- you missed quite a bit, because I
3 think --

4 Q What did I miss?

5 MR. FLYNN: Would you please let him answer the
6 question, Jon? We've been through this.

7 MR. JON D. ROBINSON: We have been through that,
8 Ed. That's so kind of you to bring up.

9 MR. FLYNN: And you said play nice. Practice what
10 you preach.

11 MR. JON D. ROBINSON: Okay.

12 A I tried to explain in a previous response.
13 When you talk about a person, a developer, like the
14 Romano family, long-established family, very prominent
15 family, Tica Heating and Cooling sounds like they have
16 been around for a long time, and you're talking about
17 relationships with the city. This is the owner of a
18 building that city occupies. I think that there is a
19 higher degree and not an unrealistic expectation that a
20 city manager should know if potentially there is an
21 issue out of a department head, so in no way I think you
22 can take from that response that I'm a micromanager or
23 expect that every little thing one of my department
24 heads needs to report to me.

1 Q Are you saying --

2 A In fact --

3 Q Go ahead.

4 A -- I pride myself in being a very hands-off
5 manager and allowing the department heads to do their
6 job.

7 Q Are you suggesting that Tica or Romano deserve
8 some special consideration and treatment by the City of
9 Decatur?

10 A I think when we're talking about a developer
11 or a business in this community, I think that that
12 answer applies to all.

13 Q And so if we are talking about another HVAC
14 contractor besides in -- in this community besides Tica,
15 they would have a right to equal consideration, wouldn't
16 they?

17 A When you're talking about a very clear
18 attachment to a property owner that I have a lease
19 agreement with, the answer is yes.

20 Q But if the city had, and the police department
21 had, bad experience with Tica and they had the
22 responsibility to do the repair, are you suggesting that
23 the -- that Tica should be used even if they weren't
24 doing a good job?

1 A One, I do not know what was required out of
2 the lease agreement. Secondly, if there was that
3 ability for the department head, Brad Sweeney, in this
4 case, to make that decision, I do have the expectation
5 that I should be aware of that for the reason that I
6 shared previously.

7 Q Okay. Let's go ahead down to -- I think
8 you're now down to 12(d)?

9 A Yes. And that was one, Mr. Robinson, I'm not
10 sure if I made that recollection -- if I had that
11 conversation on February 3rd but definitely did on the
12 morning of February 4th --

13 Q This is 12(d), and --

14 A -- related to Jerry Meehan, the federal
15 mediator.

16 Q Your claim here is that in 12(d) that he --
17 that Mr. Sweeney was, quote, "rude and disrespectful to
18 the federal mediator at the mediation session." And
19 we've talked about that, correct?

20 A We have. And all the -- the individuals that
21 were present, there were a couple of them that actually
22 made the comment that if it continued, they were going
23 to stop the meeting. It had gotten to that point that
24 it caused concern for a couple of people present.

1 Q And you have just said that you first talked
2 to Mr. Sweeney about this either on the evening by phone
3 of February 3rd or on the morning of his termination on
4 February the 4th, correct?

5 A And that is correct, because it a occurred,
6 you know, again. I don't know the exact date, but it
7 occurred in a short, very short period prior to the
8 termination date on February 4th.

9 Q Let's go to 12(e).

10 A Are you ready for me?

11 Q Yes. Uh-huh.

12 MR. FLYNN: What's the question?

13 Q The question is standing question. Basically,
14 he's going through --

15 MR. FLYNN: That's fine.

16 A Understood.

17 12(e) is one that I would have been made aware
18 of on February 3rd, and I believe that was a Wednesday.
19 I don't think it was the day before on February 2nd, but
20 there was a request to purchase two vehicles from Miles
21 Chevrolet that I was made aware of by Gregg Zientara,
22 the financial treasurer for the city. He's aware of the
23 protocol, the city council, the ordinance or resolution
24 that governs using this fund that the city has, and he

1 wanted to make sure that I had been made aware of this,
2 because he did not see my approving this expenditure, so
3 I reached out to Brad, and there is an E-mail
4 exchange -- and again, that can be provided if you don't
5 have that -- where it became very clear that the
6 protocol had not, in fact, been followed, and the
7 protocol established again by ordinance or resolution is
8 that the request is made from the police chief to the
9 city manager, and then the city manager will get
10 approval from the mayor and one other council member.
11 You know, the mayor's decision on who that additional
12 council member is.

13 Q Where is this written? I mean, I'm -- can you
14 tell me where this protocol is actually written out?

15 A It's in an ordinance or resolution, and I can
16 provide that to you.

17 Q Okay. If you would, I'll make the request
18 now, if we can get that.

19 So your testimony is you believe that that
20 established protocol requires the police chief to
21 request -- make a direct contact with you, a city
22 manager, first; is that true?

23 A That is true. In -- in -- and this goes back
24 to some of the comments or questions and answers that

1 I've had in the past. You know, you can't assume that
2 things are the same regardless of law enforcement, but
3 it is customary, and I realize you're not in law
4 enforcement, but this is a very secretive fund, there is
5 a lot of responsibility, and that's why the rules are
6 clearly outlined, because you could have very
7 high-dollar expenditures that are not going to follow
8 the traditional approval route, so that's why these
9 things are established, just to protect the integrity of
10 this fund.

11 Q So you may have said this earlier, but in
12 fact, I recall that you testified that 12(e) was first
13 raised -- either it was raised on the 3rd in the phone
14 call or was it first raised on the 4th?

15 A It would have -- it would have first been
16 raised not -- it would have been absent that
17 February 3rd phone conversation that afternoon. That
18 actually would have been discussed back and forth in an
19 E-mail thread that I was involved in with Brad on
20 February 3rd.

21 Q He will -- we'll get the E-mails?

22 A And if it was revisited on the afternoon of
23 February 3rd, I'm not sure of, but I know that it was
24 another item that was addressed on February 4th.

1 Q Is it your testimony that the E-mails
2 discussed a criticism of Mr. Sweeney because, as you
3 alleged, he didn't follow the established procedure?

4 A Yes, sir.

5 Q Okay. Um, 12(f) is the next bullet point.

6 A Yes, sir.

7 Q Take a look at that. Let me know when you
8 first brought this up, and then I'll ask you.

9 A This one -- this one was most concerning to
10 me, and this would have occurred the last couple of days
11 of January, and if I recall, Mr. Robinson, it was an
12 evening or a late afternoon E-mail from Brad to me, and
13 again, there's an E-mail thread, you know, back and
14 forth between he and I that if you don't have it, we can
15 provide it, but it was a Friday afternoon, and Brad sent
16 me an E-mail and said that he had learned that Officer
17 Andy Wittmer had been following his 11-year-old daughter
18 on an Instagram account and that he was going to order,
19 in his official capacity as police chief, was going to
20 order Andy Wittmer to account for the reason that he's
21 following his daughter and felt, and it's in the E-mail,
22 that Andy Wittmer is tied also to the first state police
23 investigation, so there's a history here, and Brad felt
24 that this was Andy Wittmer's attempt to follow, continue

1 to harass, and I believe the, um, the language that Brad
2 used, like, an unjustified investigation, it was a
3 continuance of that through the Instagram account of his
4 11-year-old daughter.

5 I purposely waited until the next morning, a
6 Saturday morning late January, to respond, and I
7 responded by E-mail and simply said if you feel,
8 trusting his judgment, if you feel that there is, in
9 fact, a threat that you've got Officer Andy Wittmer
10 following your 11-year-old daughter, then I'm going to
11 trust his judgment, but absent that, this is a social
12 media, and the real remedy here is blocking or having
13 your 11-year-old daughter not have an Instagram account,
14 but I also said it was a weekend, and I meant this
15 sincerely, it was a weekend that was just gorgeous, and
16 in late January of this year, and I told him enjoy the
17 gorgeous weekend, because there was a number of things
18 that were going on, and it was obvious that it was --
19 that it was affecting Brad.

20 Q How did you first learn about this, um,
21 Wittmer following Mr. Sweeney's 11-year-old daughter's
22 Instagram.

23 A It was -- it was Brad's E-mail to me.

24 Q He brought it out to you?

1 A Yes.

2 Q Do you know why he mentioned this to you?

3 A I think he was wanting my permission to allow
4 him as chief of police to ask -- well, to order Officer
5 Andy Wittmer to account. There also is a component
6 within the E-mail, Brad talks about, you know, wanting
7 to make sure that this did not interfere with the
8 criminal investigation and/or the subsequent internal
9 investigation that I had ordered done by both assistant
10 city managers after the completion of the first state
11 police investigation.

12 Q I missed --

13 A I think I said that right.

14 Q I missed that. You -- I think you just
15 brought up something that I apparently missed earlier or
16 you hadn't said.

17 You asked for some internal investigation by
18 assistant city managers?

19 A Yes, but -- but the reason that that was
20 relevant, because it was in Brad's E-mail. Brad was
21 aware that at the conclusion of the criminal
22 investigation by the state police, I was going to order
23 an internal investigation and a possible policy
24 violation within the police department separate to the

1 criminal investigation, and one was not going to start
2 until the completion of the other, and that's what Brad
3 was referring to.

4 Q Did you have -- did you order that internal
5 investigation by I think you said two assistant city
6 managers?

7 A I have -- it is, um, it -- yes. Assistant
8 City Manager Jerry Bauer, Assistant City Manager Billy
9 Tyus. I pulled this investigation, which, you know, if
10 not for the individuals involved in this criminal
11 investigation could have been handled within the
12 department. It did not rise to the level that I was
13 going to ask an outside law enforcement agency to
14 conduct an internal investigation into possible
15 violations of my policy, so I asked Assistant City
16 Managers Bauer and Tyus to conduct this.

17 This was yet another example of Brad being
18 upset that this was taken outside of the police
19 department. In fact, a prior meeting, I had Deputy
20 Chief Dickerson and Lieutenant Brandel ask for a meeting
21 after a state police sort of follow-up meeting related
22 to this investigation, asked to meet with me and in my
23 office, and both Deputy Chief Dickerson and Lieutenant
24 Brandel, knowing that I was going to order an internal

1 investigation, were extremely upset, were extremely
2 concerned that the integrity of the internal
3 investigation could not be conducted within the police
4 department, and the reason for that was Brad Sweeney,
5 you know, would interfere with the internal
6 investigation.

7 So with that, I called Brad. Brandel and
8 Dickerson were still in my office, I know, for -- I
9 announced that they were both in my office, and then
10 Brad actually had Deputy Chief Cody Moore in his office,
11 so all acknowledged that the five of us, total, were
12 aware that the other were listening, but it was Deputy
13 Chief Cody Moore and Brad that were on the phone, I
14 believe, in his office at the police department, and
15 it's at that point that I made the announcement, and
16 this would have been prior, just prior, to the E-mail
17 thread that I -- that started this whole conversation
18 with Andy Wittmer that I was going to conduct an
19 internal investigation at the completion of the criminal
20 investigation. I'd made the decision that it was not
21 going to be conducted within the police department. I
22 had not made the decision on who was going to conduct
23 the investigation yet, so I did not say that, and then I
24 actually, out of, you know, the concerns that Deputy

1 Chief Dickerson and Lieutenant Brandel had, I made a
2 purpose at the end of the conversation to ask and expect
3 a response, do all of you understand that you are not to
4 talk about this at all? Because Brad was indirectly
5 involved in investigation number one, Cody Moore was
6 directly involved in investigation number one, and I
7 wanted absolutely no conversation back and forth,
8 because at the end of the day on all of these, the
9 protection of the city, the integrity of the
10 investigation, was of utmost importance.

11 Brandel and Dickerson, who were in my
12 presence, immediately replied that they understood and
13 agreed. Cody Moore was the next person on the phone.
14 There was a slight pause. Eventually, Brad Sweeney
15 acknowledged what my expectation was.

16 Q So did you have an internal investigation or
17 not?

18 A Yes, sir, I did, and --

19 Q What was the result?

20 A And there were several recommendations. I can
21 supply that to you as well if -- if you like.

22 Q Well, I'm asking now what your -- I would like
23 those, but I would like to hear what your verbal
24 characterization of the result was.

1 A Do you mind, Mr. Robinson, if I ask my
2 counsel, um, a question related to the internal
3 investigation? Because I'm not quite sure, and I would
4 like to ask their opinion even though I have alluded to
5 that, because that's something that can be shared since
6 it is an internal investigation.

7 Q Well, let me ask you, before we decide that,
8 what was being investigated?

9 A I had two deputy chiefs that were being
10 investigated for an official misconduct and a state
11 police investigation. There also was a component, not
12 on the criminal side but on the internal side, that
13 there might be violations against the police chief,
14 because at the time of what kicked all of this off was
15 an alleged April 12th, 2015 shoplifting that involved
16 Brad's wife and in the subsequent arrival of two deputy
17 chiefs on scene and their involvement in this. You
18 know, afterwards, um, right after, and again, I'm
19 talking about April of 2015, you have two deputy chiefs
20 that told, according to them, Brad Sweeney you have to
21 make the city manager aware of this. According to them,
22 the acknowledgment out of Brad was that he was going to
23 make me aware of this, so the reason I bring that up is
24 it was very much a component of the internal

1 investigation. What are the existing policies, was
2 there a violation, and even though it was not a part of
3 the criminal investigation, it very much was a part of
4 the internal investigation.

5 Q So --

6 A And then also, we had -- and I apologize, but
7 also, a component that ties into the Andy Wittmer E-mail
8 is -- and because Andy Wittmer is someone who
9 potentially was conducting an investigation unlawfully,
10 was potentially holding evidence related to that
11 original April 12th, 2015 incident that was relevant,
12 more, you know, in addition to the criminal, but also
13 was relevant in my internal investigation.

14 Q So we're back to the original question, and
15 you -- if you want to talk to them, that's fine with me.
16 The question is: What -- how -- what is your
17 characterization of the result of the internal
18 investigation that Tyus and the other assistant manager
19 did?

20 MR. FLYNN: Jon, why don't we do this? Let's take
21 a short break, let us talk to Tim. Frankly, I think
22 your three hours are minutes away from being up.

23 MR. JON D. ROBINSON: Well, we took a break, too.

24 MR. FLYNN: No, I understand it. I'm giving you

1 credit for the break as well, but let us take a break,
2 talk to Tim for a minute, and I think I have a proposal
3 that will make everybody happy.

4 MR. JON D. ROBINSON: That's fine.

5 (A recess was taken.)

6 (Plaintiff's Exhibits 3, 4, 5, and 5A
7 were marked for identification.)

8 BY MR. JON D. ROBINSON:

9 Q Let's do the housekeeping first, and then I've
10 got a few questions to finish.

11 You have copies here. I'm going to hand you
12 what is now marked either Gleason Deposition Exhibit 3,
13 or just Exhibit 3, and ask you if you would just in the
14 record identify what that document is, purports to be?

15 A Yes, sir. These were my talking points during
16 the termination meeting with Brad on February 4th.

17 Q 2016?

18 A Yes, sir.

19 Q Okay. I'm going to hand you what has been
20 marked as Deposition Exhibit Number 4 for your
21 deposition.

22 Would you identify generally what this is in
23 your own words?

24 A Yes, sir. This is the complete criminal

1 investigation of the first investigation, the Illinois
2 State Police conducted.

3 Q And this is the one that was, although the
4 first page says "Brigid M. Sweeney," it was actually
5 directed at the two deputy chiefs, Moore and Getz?

6 A Correct. My concern was the allegation of
7 official misconduct against the two deputy chiefs.

8 Q Okay. Now, let's go on, then, to Exhibit 5,
9 and this is Exhibit 5 to your deposition.

10 Can you identify that document, please?

11 A Yes, sir. This is the administrative review
12 that I directed Assistant City Managers Tyus and Bauer
13 to complete related to the state police criminal
14 investigation number one.

15 Q And -- okay. And, um, that contains records
16 of their interviews and a lot of other pages of
17 documentation, correct?

18 A Yes, sir.

19 Q Is it complete as far as you know?

20 A Yes, sir.

21 Q Next, we have Exhibit -- oh, you've got 5A.
22 You've marked 5A on there. That's fine.

23 What, in your own words, is that document?

24 A This was a document that it is related to the

1 administrative review conducted by the two assistant
2 city managers, but it's separate, and if you'll notice,
3 this was after Brad was terminated, and I felt that
4 there was an opportunity, with him being separated from
5 the police department, to reach back out to Deputy Chief
6 Dickerson, who was not directly involved in this, an
7 opportunity for him to review that administrative review
8 and share his comments related to it.

9 Q What was the point of doing this when you
10 already had a state police report and an internal
11 report?

12 A Just an opportunity. I knew that Deputy Chief
13 Dickerson did that I'm sure among other officers, but he
14 did that for the police department. He no longer had
15 the, I guess, fear or concern of the interference with
16 Brad Sweeney and thought that it was an opportunity to
17 have an internal person review that.

18 Q Would that be something akin to fear that a
19 superior officer might take retribution or take action
20 adverse if you say anything, if the subordinate says or
21 reports something?

22 A That's exactly what Lieutenant Brandel and
23 Deputy Chief Dickerson were concerned about in a
24 previous answer.

1 Q Were you concerned about that as well?

2 A Their concern was compelling, which is what
3 prompted the phone call to Brad Sweeney, and again Cody
4 Moore, Deputy Chief, was in the office, and that's why I
5 concluded that meeting by making sure that everybody
6 understood very clearly what my direction was.

7 Q Um, okay. Now, um, I want to go back to your
8 affidavit for a minute. We were at the end of -- close
9 to the end of it. We stopped at -- I'll call it Bullet
10 Point Paragraph 12(g), and that has to do with your
11 claim that commencing January 21, 2016, Mr. Sweeney
12 allegedly exhibited increased insubordinate behavior,
13 and just, I would also observe in this question that
14 your Paragraph 11 that we really haven't talked about
15 yet of your affidavit also mentions that you were
16 displeased with Mr. Sweeney, you claim, because you
17 thought he was insubordinate beginning January 21, the
18 same day.

19 I would like -- my question is: Would you be
20 more specific as to what you claim was insubordinate
21 behavior beginning January 21st at a meeting on that
22 day?

23 A The reason January 21st is significant is up
24 to that point, from the time that the state police

1 investigation, the first one, was requested by me up
2 until January 21st, Brad must have become aware that
3 there was an ongoing investigation being conducted by
4 the state police, because I had said nothing. Again,
5 the integrity of the process, protection to the city was
6 of utmost importance to me, number one. Brad reaches
7 out to me, requests to meet. It was a phone call or a
8 text message. I believe it was a phone call, and wanted
9 to meet. Brad comes in and shares the details of the
10 April 12th, 2015 incident, gave me his version of that,
11 and also was unhappy that he was, one, not aware that
12 this was going on; and two, that he had no say in the
13 police investigation; and three, the police
14 investigation was not being conducted by the Decatur
15 Police Department.

16 Q Okay. So that's what you -- if I understand
17 your answer, it's -- is it that you then think that's
18 the motivation for what you claim is a change in his
19 personality toward you or his attitude toward you, or am
20 I missing that? Is that -- is that a correct summary,
21 or something like that?

22 A If I may attempt to clarify the question, as I
23 am understanding it --

24 Q Okay.

1 A -- and then you tell me if I'm accurate or
2 not, is: Do I feel that the state police investigation,
3 number one, that on January 21st led up to the dismissal
4 on February 4th? I'm asking.

5 Q No, that's not -- no.

6 A I wanted to make sure.

7 Q Let me under -- let me try to be more clear.
8 It wasn't a good question, probably.

9 Your Paragraphs 11 and 12(g) both claim that
10 commencing January 21, 2016, Mr. Sweeney exhibited
11 increased insubordinate behavior, and I'm looking at
12 12(g) now, and that's the exact language. Paragraph 11
13 also says something similar to that.

14 My question is: Tell me specifically what it
15 is that started January 21st that you claim to be
16 increased insubordinate behavior --

17 A I understand.

18 Q -- by Mr. Sweeney?

19 A Understand.

20 I think the January 21st conversation where
21 Brad had become aware of state police investigation,
22 number one, and reaches out to me. He was upset, he was
23 frustrated, he wanted to have control of this and did
24 not like the fact that he was not aware of this being

1 conducted, and indirectly, it involved him, and my
2 explanation to him was again, the integrity of the
3 process. At the end of the day I want to protect the
4 city. Number two, I want to protect him and his
5 position, wanted to protect the police department. That
6 did not satisfy him, and he commented to that.

7 So that begins on January 21st, and then
8 throughout that time, there were a handful of meetings
9 where body language -- you know, you develop -- it had
10 been 11 months at this point that, you know, you get to
11 know the people that you're working with, and you're
12 going to probably ask me to describe the body language.
13 It was -- um, it was very rigid. You could tell he was
14 upset. And that's nonverbal.

15 Verbally, in several of these meetings, he
16 would voice his displeasure that the investigation was
17 conducted. He would repeatedly say, "I am a good
18 person," and I would, on several occasions, try to calm
19 him and say, "Brad, this is not an investigation about
20 you," and then I would go through on repeated occasions
21 explaining why I did it the way -- and I feel that there
22 was no other choice, to do it the way that I did, again,
23 with the protection of the city being first and
24 foremost.

1 There were also instances where I had other
2 employees would tell me that I should be concerned.

3 "What is going on with Brad?" "Why is he so upset?"

4 So there were a number of examples like that
5 in this period January 21st up until February 3rd, 2016.

6 Q Was your -- um, how was your -- how would you
7 describe your relationship with Brad Sweeney as police
8 chief prior to February -- excuse me, January 21, 2016?
9 You had known him, you've said, since you started as
10 city manager.

11 A I mean, in general terms, you know, I cited a
12 couple of issues that caused me some concern, but in
13 general terms, adequate.

14 Q Um, when did you first -- when do you recall
15 you first met face to face with Brad Sweeney ever in
16 your life?

17 A It probably was my very first day on the job,
18 March 23rd, 2015, and no later than a reception -- I
19 believe Brad was there on my day one, but for sure no
20 later than a reception that was held for me at the civic
21 center at city hall on Wednesday evening, March 25th
22 where he and his wife were present.

23 Q And would those have been more or less social
24 introductory meetings?

1 A With all department heads, yes, sir.

2 Q With all?

3 A Yes, sir.

4 Q Okay. When would you have first met with him
5 as a matter of course in nothing but business about city
6 police department, City of Decatur, whatnot?

7 A That was set up by me where allotted for about
8 a two-hour conversation, possibly three hours, with each
9 of my department heads individually within the first
10 month.

11 Q You started on March 23, 2015?

12 A Yes.

13 Q So your testimony is it would have occurred
14 within by April the 23rd or something like that of 2015?

15 A Yes, sir.

16 Q What -- we've talked about the January 21st,
17 and you -- your deposition -- your affidavit in
18 Paragraphs 11 and 12(g) infer that this was an
19 increasing thing.

20 Can you describe any other meetings or that
21 where you, as you've alleged, you refer to it in one
22 place as insubordinate behavior at meetings?

23 A One that stands out is one that had occurred,
24 and the date would have been a late January of 2016 date

1 where the state police came and were wrapping up their
2 criminal investigation, number one, and just sort of
3 gave a debrief, as I would describe it. Present was
4 Lieutenant Brandel, Deputy Chief Dickerson, and I
5 shared some of the concerns, because that was one where
6 they came to my office knowing that we were
7 transitioning into administrative review.

8 After that concluded, I believe, to the best
9 of my recollection, that that is the day that I
10 requested that Brad and the three deputy chiefs, all of
11 'em, come over to my office, and I was going to set them
12 down. Could not share the intimate details of the
13 investigation, number one, but I wanted to share with
14 them and give them a sense of relief, you know, for the
15 lack of a better way to describe this, because I knew
16 that I had two deputy chiefs that their integrity was at
17 question, and while I could not go into the details of
18 it, it was an opportunity for me to speak to the chief
19 and four deputy chiefs, and the reason that I would be
20 interested in Deputy Chief Dickerson being there is
21 because he is another part of the senior staff, and the
22 reason that I asked for Brad to be there is because some
23 of the behaviors that I have described, maybe not as
24 well enough as you would like me to, I felt that he

1 should be involved in this as well.

2 I have this meeting in my office. It's me and
3 the three deputy chiefs, and I am explaining that this
4 thing is nearly complete. Lot of questions from all
5 members, were wanting to know a little bit more, and I
6 said that I could not respond further and that I would
7 not, and Brad asked me if there were going to be
8 charges, when's he going to see the report, a number of
9 things, and I offered this up to everybody in the room
10 as if in the initial request for the state police to
11 investigate, if I had serious concerns about the
12 effectiveness of any of the senior staff at the police
13 department, I would have placed them on administrative
14 leave pending the outcome of the criminal investigation.
15 I use that as an answer trying to offer that up to Brad
16 and the other three deputy chiefs as a way for the city
17 manager, without going into detail, because I couldn't,
18 as a way to make them feel better.

19 It did not satisfy Brad, and there was a point
20 in the conversation where he is just questioning the
21 decision, did not understand why I had done this, and
22 these were repeated questions from January 21st up to
23 this meeting date, and I can get the exact date at a
24 later time, because the request to meet was an E-mail,

1 I'm almost positive. I was concerned that my response
2 to Brad would potentially embarrass him in front of
3 three deputy chiefs, so I said Brad, do you want me to
4 excuse the three deputy chiefs, and he said no. So in,
5 you know, in maybe a firmer tone, I was saying what
6 don't you understand that I have an official misconduct
7 allegation against two of my deputy chiefs, two of your
8 deputy chiefs, and we're talking about an allegation
9 that also involves your wife? What do you not
10 understand about calling an outside law enforcement
11 agency to conduct this investigation, the integrity of
12 it? You know, something that I've said probably too
13 many times, but it was first and foremost was protecting
14 the city, protecting the police department, protecting
15 those men in the positions, the high-level positions
16 that they had. He just didn't understand it. And, um,
17 that was yet another example.

18 And then the staff meeting on February 2nd.
19 You know, the -- you know, the -- you know, the
20 retaliatory claim on his part about the local motor fuel
21 tax in my mind makes absolutely -- it's untrue, first
22 off, and it makes absolutely no sense whatsoever because
23 the night before, there are four of myself and elected
24 officials, his elected officials that say that local

1 motor fuel tax is a priority of theirs, so I do not
2 understand that claim, either, and it was completely out
3 of the context of what the staff meeting was on the
4 morning of February 2nd.

5 And then there also were instances where --
6 and Mr. Robinson, I'm going to go back to the meeting
7 that I had just alluded to with with the three deputy
8 chiefs where I asked to excuse them. I get done saying
9 this in front of them, the comments that I had just made
10 where I said that I said it in a more firm voice. Right
11 away, uninitiated, that prompted Jim Getz to speak up
12 and say Tim, I totally understand. I appreciate you
13 handling this matter in this way. Cody Moore, Deputy
14 Chief Cody Moore, excuse me, Deputy Chief Cody Moore had
15 a very similar response to Jim Getz, but then also added
16 to that that, you know, but -- said all that similar to
17 Jim Getz but said, but it really bothers me that my
18 integrity is at question. It hurts. And I go, I get
19 it, guys. I understand. But in this career, you know,
20 you're going to have these allegations. You know, in a
21 20-plus year career, these allegation are going to
22 occur, and we're never going to walk away from them
23 entirely clean, and we have to accept that.

24 Q As I understand your testimony, you ordered

1 now two investigations because of your concern that
2 there were questions that should be investigated by an
3 outside entity because there were questions about
4 whether public officials had acted improperly.

5 Would that be true?

6 A Yes, sir. The -- the first one --

7 Q I understand what they were, but I'm just
8 asking you to answer my question.

9 Is that true?

10 A Yes, sir.

11 Q My question, then, is: If that is the case,
12 why have you not ordered an investigation? You seem to
13 be able to get an Illinois State Police investigation
14 with a phone call. Why have you not ordered an
15 independent outside investigation of the issue about
16 using the police car on May 7 and the driver when that
17 is a question that -- that's in the community and it
18 reflects on the city?

19 A Two responses. One, if there was no merit to
20 either investigation, whether the alleged official
21 misconduct against the two deputy chiefs, and then
22 number two, the eavesdropping violation and official
23 misconduct against Brad Sweeney, state police wouldn't
24 have investigated 'em. I'm just a caller to the state

1 police. It just so happens that I called the director's
2 office, and they directed me to a person that called me
3 back. I have no special relationship, if that's, in
4 fact, your insinuation.

5 Number two, the reason that I have not ordered
6 an investigation into the trip to St. Louis on May 7th
7 is because it wasn't a criminal offense.

8 Q In your view. We've already been through
9 that. You've just judged that in your view, it is not a
10 criminal offense, and it's not official misconduct;
11 isn't that true?

12 A You asked me for my opinion; I've responded.

13 Q Okay. That's fine.

14 And no one else has concluded that officially
15 or after an investigation; isn't that true? As of now?

16 A No. And I think you throw Mayor McElroy into
17 that consideration, I think there were other council
18 members, there were other senior staff members. No one
19 raised concerns.

20 Q Are you trying to say that a mayor of a city
21 has the right to, um, overrule criminal statutes or
22 ordinances of the city --

23 A No.

24 Q -- if he wants to?

1 MR. FLYNN: Wait, Jon. I'm going to object. Your
2 question presumes that what Mr. Gleason has done was an
3 illegal act, and not only does Mr. Gleason believe that
4 what he did was not an illegal act, I agree with him.

5 MR. JON D. ROBINSON: I object to your testimony,
6 Mr. Flynn, and I appreciate --

7 MR. FLYNN: Fine. Ask a question, then.

8 MR. JON D. ROBINSON: -- what you're trying to do,
9 but it's in the record as it is now. We'll take that up
10 later.

11 MR. FLYNN: Perfect.

12 Q Do you, because of the city code that you've
13 now read, and in particular, Chapter 13 that deals with
14 the police department and the police chief, do you
15 consider yourself, because you have direction and
16 control, ultimately, with the department, do you
17 consider yourself as manager in Decatur to be actually a
18 part of the department?

19 MR. FLYNN: I'm going to object to the form of the
20 question. That's not what his testimony's been, and
21 that's not what the city code says.

22 Q Do you consider? That is the question to you,
23 personally.

24 A Would you mind asking it one more time?

1 (The court reporter read back the
2 question on Page 145, Line 12.)

3 A My role within the community, Mr. Robinson, is
4 I'm the city manager. All employees, all department
5 heads, all departments report to me. I am no more a
6 part directly of the police department than I am
7 directly a part of the public works department, but
8 those departments ultimately through the department head
9 report to me.

10 Q Now, you know at least by now, whether you've
11 read them all or not, that there are certain department
12 rules in the City of Decatur Police Department; isn't
13 that true?

14 A Yes, sir.

15 Q And one of those -- one of those is in Getz'
16 affidavit, which you may or may not have read as of now,
17 but it deals with removing police vehicles outside the
18 city.

19 Do you recall us discussing that earlier?

20 A Yes, and I still have not read his affidavit.

21 Q Do you believe that as city manager and as one
22 who under the terms of the city code is vested with
23 direction and control of the police department that you
24 can overrule these internal general orders like the one

1 which prohibits taking the police car outside the city
2 limits for personal use?

3 MR. STOCKS: Objection to the extent it assumes
4 that there is a code that prohibits that. Legal
5 conclusion.

6 You may respond.

7 A I would not abuse my authority.

8 Q I don't know whether you're saying, by that
9 answer, that you don't think that you can overrule that
10 as city manager or that you do but you wouldn't abuse it
11 somehow.

12 What are you saying?

13 MR. FLYNN: I think he's answered the question.
14 Are you asking him I haven't abused my authority and
15 what that means?

16 MR. JON D. ROBINSON: I'm asking him to explain his
17 answer, Mr. Flynn.

18 A I believe in my position as city manager, if
19 you're asking me do I have the ability to make a
20 decision that might be contrary to the rules and
21 regulations or policies of the individual departments
22 that I'm responsible for, I believe the answer would be
23 yes.

24 Q Okay.

1 A But I also believe that there's an
2 accountability and there has to be a justification for
3 that.

4 Q Have you had discussions with Fire Chief Jim
5 Abbott where you'd requested that he resign or retire
6 recently?

7 A No.

8 Q Have you had discussions with anybody about
9 terminating Jim Abbott as the police -- or as the fire
10 chief?

11 MR. STOCKS: Objection. Relevance. That would be
12 a personnel matter. How is that germane to this case?

13 Q Another department head, isn't he?

14 A Yes, he is.

15 Q Okay. Have you ever been accused of abusing
16 minor children?

17 MR. STOCKS: Objection. That is utterly abuse of
18 the witness. It would have no relevance to this case.

19 Is there a good-faith basis for that question?

20 MR. JON D. ROBINSON: Yes.

21 MR. STOCKS: State it.

22 MR. JON D. ROBINSON: I --

23 MR. STOCKS: Because I'll pursue a sanction for
24 that question.

1 Do you have a good-faith basis for it?

2 MR. JON D. ROBINSON: Yes, I do. The question is
3 the credibility of Mr. Gleason.

4 MR. STOCKS: Do you have a good-faith basis for
5 that question?

6 MR. JON D. ROBINSON: Yeah.

7 BY MR. JON D. ROBINSON:

8 Q Well, let me ask you: Has anybody ever
9 advised you that you need anger management training or
10 counseling?

11 MR. FLYNN: Same objection, Jon. That's not within
12 the four corners of this complaint. Nothing is about
13 that relevant to what the matter is.

14 MR. JON D. ROBINSON: This is a discovery
15 deposition, gentlemen. I can ask anything that's even
16 remotely relevant to either the terms of the complaint,
17 your position, Manager Gleason's credibility or lack of
18 it, his prior criminal history. I can ask all those
19 questions.

20 MR. STOCKS: That question's not a criminal history
21 question. If you want to ask him if he's ever been
22 convicted of a crime of dishonesty or felony, you can,
23 under Illinois Supreme Court Rule 201 and 206(e),
24 Illinois Supreme Court. You cannot go into an area of

1 inquiry that's not germane to the facts drawn by the
2 issues raised in the pleadings, and under 201(k), if we
3 believe that is far exceeding the scope of what is
4 germane or relevant, we can ask you what, or articulate
5 how the answer to that question will lead to the
6 discovery of admissible evidence on the issues drawn in
7 this case. Or are we looking at a Rule 137 violation
8 for an improper purpose so we can get something into a
9 transcript and do a character assassination? Is that
10 what this is about where we have an improper set of
11 conduct? Let alone all the other violations that would
12 be. You know well what you're doing.

13 MR. JON D. ROBINSON: I do know what I'm doing, and
14 I know that my question is proper and appropriate. It
15 doesn't matter, because we have subpoena power, and
16 we'll deal with that then. Obviously, this is very
17 sensitive to Mr. Gleason, because if the answer were no,
18 he would answer the question, and you guys wouldn't be
19 upset about it.

20 MR. STOCKS: You know that you can no more ask a
21 question "do you beat your wife," which is exactly what
22 you just asked him, as the -- the same type of inquiry,
23 and you know there's not a judge anywhere in the country
24 where you get by with asking that question without

1 having a good-faith basis for it, and that's what we're
2 asking.

3 MR. JON D. ROBINSON: That isn't true, first of
4 all, counsel, and I'm not going to debate or tilt
5 windmills with you or Mr. Flynn. You're trying to do
6 the best you can to keep him from something, to answer
7 these questions, and I understand that.

8 MR. STOCKS: Well, for the record, somebody may
9 read this, I don't think you understand that, so you're
10 patronizing remark is not well taken.

11 BY MR. JON D. ROBINSON:

12 Q Have you ever been the subject of a criminal
13 investigation?

14 MR. FLYNN: In regards to what?

15 MR. JON D. ROBINSON: In regards to any criminal
16 investigation in regards to any crime.

17 MR. STOCKS: How is that relevant to this
18 litigation if it's not --

19 MR. JON D. ROBINSON: It's credibility of
20 Mr. Gleason, who is a party to this.

21 MR. STOCKS: What past bad allegation of wrongdoing
22 would not be the least bit admissible. Do we have a
23 conviction, or do we have a crime of dishonesty or a
24 felony?

1 MR. JON D. ROBINSON: I don't know. We haven't
2 asked that question.

3 MR. STOCKS: Why don't you ask that, because if
4 it's no, then all the rest of this is not gonna be
5 relevant nor could it lead to admissible evidence.

6 MR. JON D. ROBINSON: I have a right to find out
7 about other facts. The question is a preliminary.

8 BY MR. JON D. ROBINSON:

9 Q Have you ever been subject to a criminal
10 investigation before?

11 MR. STOCKS: Overly broad scope. How long a period
12 of time are you inquiring? How do we know this could
13 not be remote or the least bit relevant?

14 Q Well, you can start by saying when you've
15 been -- you were subject to at what times, and you can
16 argue that. Let's say.

17 MR. STOCKS: When is a criminal investigation ever
18 going to be admissible?

19 Q Let's -- let's start within the last ten
20 years, have you ever been subject to a criminal
21 investigation?

22 MR. FLYNN: We reached an agreement before we
23 resumed, Jon, and we didn't recite it into the record,
24 so I'll recite it now.

1 You had approached your three-hour limit. We
2 provided for you Exhibits 3, 4, 5, and 5A, and then you
3 took 15 minutes to review it, and then we gave you
4 another 30 minutes of testimony which we have exceeded
5 now, so I think this deposition's over with unless
6 you've got a germane question that's going to lead to
7 relevant evidence in the next couple of minutes.
8 Otherwise, this deposition's concluded.

9 MR. JON D. ROBINSON: I have asked relevant
10 questions, Mr. Flynn, and I have others, but if you're
11 calling the deposition, you'll call the deposition.

12 MR. FLYNN: That's the agreement.

13 MR. JON D. ROBINSON: Is that what you're doing?

14 MR. FLYNN: That's the agreement we reached. You
15 agreed with me that --

16 MR. JON D. ROBINSON: We did not agree with me what
17 relevant questions that were or what my relevant
18 questions would be.

19 MR. FLYNN: We agreed to a time limit. Are you
20 disputing the fact that you've exceeded your half hour?

21 MR. JON D. ROBINSON: I don't know when we started
22 back. It's probably close to it. If you're calling --

23 MR. FLYNN: If --

24 THE COURT REPORTER: I'm sorry. One at a time.

SIGNATURE AND ERRATA SHEET

I, TIMOTHY ALLEN GLEASON, have read the foregoing testimony, given by me, taken on April 7, 2016, at Decatur, Illinois, in the case of BRADLEY L. SWEENEY, PLAINTIFF, VERSUS CITY OF DECATUR AND TIM GLEASON, CITY MANAGER, DEFENDANTS, Macon County Case #2016-L-18, and have made any and all necessary corrections below:

Page No./Line No.

Reason for change:

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Signature of Deponent

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20____.

Notary Public