

COOK COUNTY SHERIFF'S MERIT BOARD

THOMAS J. DART, Sheriff of Cook County,)
)
Petitioner,)
) Docket No. 1988
vs.)
)
NICK KAVROULAKIS,)
)
Respondent.)
)

DECISION

This matter coming on to be heard pursuant to notice before Patrick Brady, Board Member, on November 8, 2018, and the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction

Nick Kavroulakis, hereinafter Respondent, Respondent was appointed to a Deputy Sheriff on October 30, 1995. Respondent's position involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Commissioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836

6. Sheriff's Exhibit 1 was the OPR file regarding this case. (R. 10)
7. She reviewed the surveillance video from inside the Macy's store that she received from the Orland Park Police Department which depicted the Respondent inside the Sunglass Hut area of Macy's picking up a pair of sunglasses and placing them under a jacket draped over his arm and walking out of the store. (R. 11)
8. Exhibit 2 is the video which was played at the hearing. (R. 12)
9. Investigator ██████████ recognized the video as the surveillance video of Macy's that she had previously reviewed. (R. 12)
10. She identified the Respondent both on the video and on the room at that day. (R. 13)
11. She reviewed numerous angles of the incident. (R. 14)
12. The videos shows the Respondent moving his jacket around over his left arm and then he places his right hand into his back pocket. (R. 16)
13. At no point in the video does it show the Respondent stop and pay for the sunglasses. (R. 16)
14. Interviews with the employees of the Sunglass Hut reveal that the Respondent never paid for the sunglasses. (R. 16, 17)
15. Her interviews with the Sunglass Hut employees reveal that their inventory was off for that day and they were not noticed of any purchase of those sunglasses. (R. 17)
16. The video was viewed with the Respondent during his interview with OPR and he identified himself on the video and acknowledged who he was. (R. 17)
17. She performed two interviews with the Respondent. The first was in December 2015. (R. 17)

18. Respondent was sent all the proper paperwork and given all the proper notices.

(R. 18)

19. Sheriff's Exhibit 3 was entered without objection are the notices and rights

provided to the Respondent. (R. 18)

20. The audio part of the interview was played in the hearing. (R. 20)

21. Investigator [REDACTED] confirms that the audio played was truly and accurately a

depiction of what took place during the interview in December 2015. (R. 20)

22. During the interview, the Respondent stated that the charges were dropped

because of lack of evidence in the first interview and so that was further investigated and

the second interview took place. (R. 20 21)

23. After the first interview, she went to the Bridgeview Courthouse and pulled the

criminal case file to see if the witnesses were in court and she contacted those and learned

that the Respondent had reached a settlement agreement with the store for \$400

restitution in an agreement that the criminal charges would be dropped. (R. 21)

24. Upon learning this information the investigator had the Respondent in for a

second interview. (R. 21)

25. Proper notifications and administrative proceeding rights were again provided to

the Respondent for his second interview in February 2016. (R. 22)

26. The second interview audio was played during the hearing. (R. 23)

27. Respondent was shown the money order that was provided to the Sunglass Hut

and the Respondent stated that his lawyer probably filled this out. (R. 24)

28. The Respondent admitted that he had paid \$400 in return for the sunglasses for

the case to be dismissed. (R. 25)

29. Investigator [REDACTED] reviewed the Respondent's disciplinary record as part of her investigation. (R. 25)
30. Investigator [REDACTED] came to the conclusion in findings that there was sufficient evidence to prove that the Respondent committed the act of retail theft, he violated the Conduct policy and the Internal Investigations policy when he portrayed conduct unbecoming of an officer of the Cook County Sheriff's Office as well as then he was untruthful to her during the interview regarding his violations of federal, state or local laws. (R. 27)
31. The Sheriff's policies at issue were marked as Exhibits 8, 9, and 10 and included the Internal Investigations policy, Article X of the Merit Board. (R. 28)
32. Exhibits 1 through 10 were entered into evidence. (R. 29)
33. There was an understanding that after reviewing all of the records and talking with the Sunglasses Hut employees that the matter was resolved pursuant to a settlement between the Respondent and the Sunglass Hut and was not dismissed for any lack of evidence. (R. 36, 37)
34. Respondent never provided the investigator from OPR any documentation that he had actually purchased the sunglasses prior to his arrest. (R. 37)

CONCLUSION AND FINDINGS

The evidence presented at the Merit Board Hearing, primarily via a store video tape, and the testimony of the Cook County Sheriff's Office of Professional Review ("OPR") investigator [REDACTED] conclusively established that the RESPONDENT violated the provisions cited in the Petitioner's complaint. The unchallenged evidence presented at the hearing proved that on March 21, 2015, the RESPONDENT concealed a pair of sunglasses under his jacket which was property of the Sunglass Hut in the Macy's Department Store in Orland Park, Illinois. The evidence at the Hearing also established that the inventory count revealed a pair of sunglasses were missing in from the location where the RESPONDENT was observed concealing

sunglasses in his jacket. When asked, the RESPONDENT could not provide any evidence that he lawfully purchased the sunglasses. Moreover, the RESPONDENT admitted the theft when he agreed to pay restitution of \$400 in exchange for his dismissal of his pending retail theft case

The evidence presented at the hearing also conclusively established that when interviewed by OPR the RESPONDENT lied when he told investigators that his Retail Theft charge had been dismissed because of insufficient evidence. Clearly his statement to OPR was an attempt to mislead the investigator as it defies logic to believe that a sworn Peace Officer would think that his case was dismissed for lack of evidence when in fact he admitted to paying \$400 in restitution. The only reasonable conclusion that can be drawn from the RESPONDENT'S statements to OPR is that he lied in an effort to save his employment with the Cook County Sheriff's Office.

RESPONDENT'S counsel chose to present no evidence at the hearing in support of his client. His claims that the video should not have been admitted at the hearing reflect a lack of understanding of the applicable Rules of Evidence more than any legitimate defense of his client's actions. The lack of merit of his arguments is underscored by the fact his client identified himself as the person in the video.

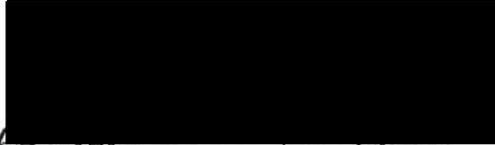
His arguments that the RESPONDENT was somehow unaware of the restitution or in the alternative that RESPONDENT'S criminal counsel made the payment without the RESPONDENT'S knowledge is utterly without merit and not supported by any evidence produced at the Hearing as the only person who could shed light on that theory of defense would be RESPONDENT'S criminal counsel whom RESPONDENT'S counsel chose not to call as a witness.

Wherefore it is the Ruling of the Cook County Merit Board that the RESPONDENT be separated effective February 8, 2017.

Nick Kavrolakis
Correctional Officer
Docket #1988



James P. Nally, Chairman



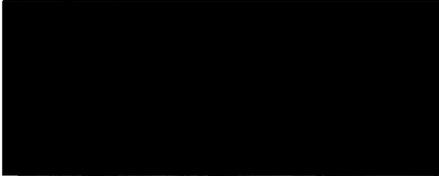
Byron Brazier, Vice-Chairman



John Dalicandro, Secretary



Kim R. Widup, Board Member



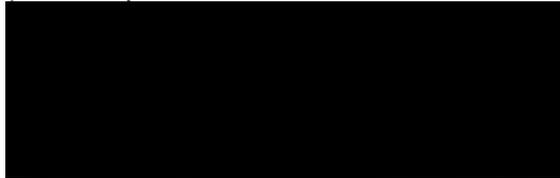
Vincent T. Winters, Board Member



Juan L. Baltierres, Board Member



Patrick Brady, Board Member



Gray Mateo - Harris, Board Member

Date March 8, 2019