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VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS

IN THE MATTER OF:)	
AUSTIN PANTRY,)	No. 2017-09
Respondent.)	

REPORT OF PROCEEDINGS had in the above-entitled matter before Hearing Officer Cara Pavlicek, Village Manager for the Village of Oak Park, commencing at the Village of Oak Park Village Hall, 123 West Madison Street, Suite 124, Oak Park, Illinois on the 14th day of September, 2017, at 1:00 p.m. upon the hearing of the above-entitled cause.

1 **APPEARANCES:**

2 THE VILLAGE OF OAK PARK
3 MR. PAUL L. STEPHANIDES and
4 MS. RASHEDA JACKSON
5 123 West Madison Street
6 Oak Park, Illinois 60302
7 708.358.5660
8 pstephanides@oak-park.us
9 rjackson@oak-park.us

10 On behalf of the Village of Oak Park;

11 FRANKEL & COHEN
12 MR. SCOTT J. FRANKEL
13 53 West Jackson Blvd., Suite 1615
14 Chicago, Illinois 60604
15 312.759.9600
16 sframkel@frankelandcohen.com

17 On behalf of the Respondent.

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I N D E X

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WITNESSES:

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3

(VILLAGE)

4

LORETTA DALY
OFFICER KRISTEN COOK

7

9 19

5

(RESPONDENT)

6

ALI ELSAFFAR
AZZAM MOHAMMAD
MAHER HAW
TAMELL JACKSON

29 35

36 47 52

56 59

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EXHIBITS:

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ADMITTED

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Village Hearing A

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Village Hearing B

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Village Exhibit 1

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Village Exhibit 2

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Village Exhibit 3

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Village Exhibit 4

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Village Exhibit 5

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Village Exhibit 6

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Austin Pantry 1

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Austin Pantry 2

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Austin Pantry 3

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1 THE HEARING OFFICER: We're going to go ahead
2 and get started.

3 Good afternoon, it's 1:00 o'clock on
4 Thursday, September 14, 2017. This matter comes before
5 me on the Order of Closure and Notice of Formal Hearing
6 brought against Austin Pantry located at One Chicago
7 Avenue pursuant to Section 8-1-14(A) of the Oak Park
8 Village Code to determine whether the licensee's
9 business license should be suspended or revoked on the
10 charges set forth in the Notice. Concerning the
11 unlawful delivery of heroin from the licensed premises,
12 the matter was originally set for hearing on
13 September 7th and it was continued to today's date
14 pursuant to my order and at the request of the licensee.
15 The license is currently suspended on an emergency basis
16 and the business was ordered closed on August 31st,
17 2017.

18 My name is Cara Pavlicek, I am the Village
19 Manager for the Village of Oak Park, and I am charged
20 pursuant to the Village Code to hear this matter.

21 We do have a court reporter here to take
22 down everyone's testimony and transcribe what was said
23 today.

24 Also present is Village Attorney Paul

1 Stephanides; Assistant Village Attorney Rasheda Jackson;
2 Police Chief Anthony Ambrose; Police Officer Kristen
3 Cook; Business Services Division Manager Loretta Daly.
4 And we are in Room 124 at the Oak Park Village Hall.

5 First we will proceed with the case against
6 the Licensee. The Licensee will have the opportunity to
7 cross-examine any Village witnesses. The Licensee will
8 then have an opportunity to present any evidence it
9 wishes to present to refute the charges in the Notice
10 and will be subject to cross-examination.

11 After all witnesses have testified, we will
12 hear closing arguments for either side or both sides.

13 And at the end of the hearing, we will
14 announce that the record is closed and a written
15 decision will be issued pursuant to the Village Code.

16 At this point, I want to accept into the
17 record the Order of Closure Notice of Formal Hearing,
18 which I think the Village Attorney is going to show you,
19 and we will make that per the record as hearing Exhibit
20 A. Also accept into the record the Order dated
21 September 7th that continued this hearing to today's
22 date and call that Exhibit B. And you have already
23 passed that over.

24 Can we also have all the additional -- or

1 everyone in the room identify themselves for the record?
2 Should we start this way or go around?

3 MR. STEPHANIDES: Sure.

4 Paul Stephanides, I am Village Attorney for
5 the Village of Oak Park.

6 MS. JACKSON: Rasheda Jackson, Assistant Village
7 Attorney for Oak Park.

8 OFFICER COOK: Officer Kristen Cook, Oak Park.

9 CHIEF AMBROSE: Anthony Ambrose, Police Chief
10 with the Village of Oak Park.

11 MR. COLEMAN: My name is Lee Coleman, I live at
12 212 North Scoville Avenue here in Oak Park. I am here
13 as a friend of Sam's.

14 MR. MOHAMMAD: Sam Mohammad, owner of the store.

15 MR. HAW: Maher Haw, M-A-H-E-R, last name Haw,
16 H-A-W, part of the owners.

17 MR. ELSAFFAR: Ali ElSaffar, A-L-I,
18 E-L-S-A-F-F-A-R, I am the owner of the building.

19 MR. FRANKEL: I am Scott Frankel, F-R-A-N-K-E-L.
20 I am representing Austin Pantry.

21 THE HEARING OFFICER: Sir.

22 MR. JACKSON: Tameil Jackson, T-A-M-E-L-L,
23 employee of Austin Pantry.

24 MS. DALY: Loretta Daly, Business Services

1 Manager for the Village of Oak Park.

2 THE HEARING OFFICER: Just to confirm, has the
3 Respondent received the Order of Closure and Notice of
4 Formal Hearing?

5 MR. FRANKEL: Yes.

6 THE HEARING OFFICER: I am going to turn it over
7 now to the Village Attorney to do the Village's case and
8 I believe we will swear in witnesses as they are called
9 to testify.

10 MR. STEPHANIDES: Thank you. I would call
11 Loretta Daly.

12 (Witness sworn.)

13 LORETTA DALY,
14 having first been duly sworn, was examined and testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. STEPHANIDES

18 Q Ms. Daly, please state your name for the record,
19 spell your last name, please?

20 A Loretta Daly, D-A-L-Y.

21 Q By whom are you employed?

22 A Village of Oak Park.

23 Q What is your job title?

24 A Business Services Manager.

1 Q What are your duties and responsibilities as
2 Business Services Manager?

3 A I manage and oversee all of the licensee
4 activity for the business community as well as business
5 communications.

6 Q Thank you.

7 Is a business license required for a
8 convenience store establishment in the Village of Oak
9 Park?

10 A Yes, it is.

11 Q Was a business license issued to an
12 establishment named Austin Pantry?

13 A Yes, it was.

14 Q I show you what's been marked as Village Exhibit
15 No. 1, do you recognize that document?

16 A I do.

17 Q What is it?

18 A It is the business license for Austin Pantry
19 located at 1 Chicago Avenue.

20 Q When was that license issued?

21 A It was issued on June 12th, 2017.

22 Q When does it expire?

23 A On March 21st, 2018.

24 Q Is that business license a record that's kept in

1 the normal course of business of the Village of Oak
2 Park?

3 A Yes, it is.

4 Q Thank you.

5 I move to admit Exhibit No. 1 into
6 evidence.

7 I have nothing further for this witness.

8 MR. FRANKEL: No objection to that, and I don't
9 have any questions.

10 THE HEARING OFFICER: All right. Thanks.

11 MR. STEPHANIDES: Next the Village would call
12 Officer Kristen Cook.

13 (Witness sworn.)

14 OFFICER KRISTEN COOK,
15 having first been duly sworn, was examined and testified
16 as follows:

17 DIRECT EXAMINATION

18 BY MR. STEPHANIDES

19 Q Please state your name for the record.

20 A Officer Kristen Cook, C-0-0-K.

21 Q By whom are you employed?

22 A Village of Oak Park.

23 Q What is your job title?

24 A Police officer.

1 Q As a police officer, what are your general
2 duties and responsibilities?

3 A I'm assigned to patrol.

4 Q What exactly does that mean, patrol?

5 A Respond to calls, investigate claims.

6 Q Including investigating complaints?

7 A Complaints.

8 Q As part of your duties, did you participate in
9 an investigation regarding a convenience store
10 establishment named Austin Pantry located at 1 Chicago
11 Avenue in the Village?

12 A Yes.

13 Q When did that investigation take place?

14 A Approximately June of 2017 to August 2017.

15 Q And what was your role in the investigation?

16 A I was one of the case investigators.

17 Q And why was the investigation started?

18 A There were complaints that 1 Chicago was selling
19 drugs out of the store.

20 Q Can you describe in general the nature of the
21 investigation?

22 A It was an undercover operation using an
23 undercover police officer.

24 Q Did you execute a search warrant on the

1 establishment?

2 A Yes.

3 Q When did that take place?

4 A August 30th of 2017.

5 Q What did you find as a result of the search
6 warrant and execution?

7 A Heroin, drug paraphernalia, ammunition,
8 fireworks.

9 Q What drug paraphernalia did you find?

10 A There were two glass tubes behind the counter,
11 both identical, both commonly used to ingest controlled
12 substances.

13 Q What ammunition did you find?

14 A I believe it was .38-caliber. I don't recall
15 the brand.

16 Q And as far as the narcotics, what did you find?

17 A Heroin.

18 Q And in what quantity?

19 A Approximately 41 bags on the store employee's
20 pocket and then I believe it was nine bags in his
21 wallet.

22 Q Did you make any arrests as a result of your
23 investigation?

24 A Yes.

1 Q Who did you arrest?

2 A The store employee, Edgar Lucas.

3 Q Describe the store employee, what did he do
4 there, Mr. Lucas?

5 A Manager.

6 Q In summary then, what were the reasons for the
7 arrest of Mr. Lucas?

8 A During our investigation, he was selling heroin
9 to our undercover police officer.

10 Q And the sale of heroin, for which you arrested
11 Mr. Lucas, did that all occur at 1 Chicago Avenue at the
12 business known as Austin Pantry?

13 A Yes.

14 Q Did you prepare an arrest report?

15 A I did.

16 Q Showing you what's been marked as Village
17 Exhibit No. 2, do you recognize that document?

18 A I do.

19 Q What is it?

20 A It is my arrest report for Edgar Lucas.

21 Q Just in general, what does it reflect?

22 A Overall his charges on that day.

23 Q Is that arrest report kept in the regular course
24 of the business of the Oak Park Police Department?

1 A Yes.

2 MR. STEPHANIDES: I move to admit Village
3 Exhibit No. 2.

4 MR. FRANKEL: I would object on the grounds it
5 contains hearsay.

6 MR. STEPHANIDES: My response to that is that
7 the strict Rules of Evidence do not apply in an
8 administrative hearing as you know, and this is as such
9 a hearing. So I would respectfully disagree with your
10 objection.

11 MR. FRANKEL: Okay.

12 THE HEARING OFFICER: Yeah, the report will be
13 admitted.

14 BY MR. STEPHANIDES:

15 Q Officer Cook, did you have an opportunity to
16 speak with one of the business owners of Austin Pantry
17 on the day of Mr. Lucas's arrest?

18 A I did.

19 Q That was August 30, 2017?

20 A Correct.

21 Q Where did that conversation occur?

22 A Outside right in front of 1 Chicago.

23 Q Approximately what time?

24 A After the search warrant was executed. I don't

1 recall.

2 Q Who else was present during that conversation?

3 A I do not recall.

4 Q You and the business owner were there?

5 A Yeah.

6 Q Do you see the business owner here today whom
7 you spoke with?

8 A Yes.

9 Q Can you point him out for the record?

10 A I spoke with Mike.

11 Q Just for the record, that's which gentleman?

12 A Blue shirt, gray pants.

13 Q Thank you.

14 What did the business owner say to you at
15 that time?

16 A He was just inquiring what was going on. I told
17 him, and he related that we might find one or two bags
18 just because Junior, which is Edgar Lucas's nickname,
19 has a problem.

20 Q As you stated, Edgar Lucas is the manager of
21 Austin Pantry?

22 A Correct.

23 Q Did the business owners of Austin Pantry ever
24 notify the Oak Park Police Department of Mr. Lucas's

1 drug problem that you described in your conversation
2 with the manager prior to Mr. Lucas's arrest on
3 August 30, 2017, to the best of your knowledge?

4 A Not to my knowledge.

5 Q Did you prepare any supplementary reports
6 regarding the arrest?

7 A I did.

8 Q Showing you what's been marked as Village
9 Exhibits Nos. 3 and 4, do you recognize those documents?

10 A I do.

11 Q What are they?

12 A They are supplement reports to undercover drug
13 buys. No. 3 is just documenting that we made a
14 narcotics purchase with an undercover officer. And No.
15 4 is that we made a drug transaction/purchase with an
16 undercover officer. We also used the Link card to
17 purchase one bag of heroin from Edgar Lucas.

18 Q What is a Link card?

19 A A Link card is a government-issued card. I
20 believe you are only supposed to buy food and household
21 items.

22 Q Government issued by the State of Illinois?

23 A Yes.

24 Q And did you prepare supplementary reports that

1 are marked as Exhibits 3 and 4?

2 A I did.

3 Q And are those reports kept in the regular course
4 of business of the Oak Park Police Department?

5 A They are.

6 MR. STEPHANIDES: I move to admit Village
7 Exhibits 3 and 4.

8 MR. FRANKEL: I will just make the same
9 objection.

10 MR. STEPHANIDES: I'll note the same response.

11 THE HEARING OFFICER: I'll admit the reports.
12 Thank you.

13 BY MR. STEPHANIDES:

14 Q The undercover officers, they purchased
15 narcotics from Mr. Lucas on July 11th, August 7th,
16 August 17th and August 29th of 2017; is that correct?

17 A Correct.

18 Q And the bags that they purchased containing, I
19 believe it was a white powdery substance?

20 A Correct.

21 Q Were those field tested on those dates -- let me
22 go through the dates again, July 11th, August 7th,
23 August 17th, August 29th all in 2017?

24 A They were field tested.

1 Q Who conducted those tests?

2 A Oak Park and Chicago police officers.

3 Q What were the results of those tests?

4 A They all field tested positive for heroin.

5 Q Pursuant to the arrest, the field test,
6 everything you described here, were criminal complaints
7 filed against Mr. Lucas?

8 A They were.

9 Q Showing you what's been marked as Group Exhibit
10 No. 5, do you recognize those documents in that group
11 exhibit? Take a look.

12 A Yes.

13 Q What are they?

14 A They are criminal felony complaints against
15 Edgar Lucas.

16 Q How many are there?

17 A Seventeen.

18 Q Were they all filed as a result of the arrest of
19 Mr. Lucas on August 30th, 2017?

20 A Yes.

21 Q Are they all currently pending in the Circuit
22 Court of Cook County, Illinois?

23 A Yes.

24 MR. STEPHANIDES: I move to admit Village Group

1 Exhibit No. 5.

2 MR. FRANKEL: No objection.

3 THE HEARING OFFICER: Okay, admitted.

4 BY MR. STEPHANIDES:

5 Q Officer Cook, showing you what's been marked as
6 Village Exhibit No. 6, do you recognize that document?

7 A I do.

8 Q What is it?

9 A It is a Sam's Club Sam's Business card. It
10 has -- on the back, it says Austin Pantry, Inc., with
11 I'm assuming an ID number, it says Edgar Lucas, and
12 there is a picture next to that.

13 Q How did you go about obtaining that?

14 A When we arrested Edgar Lucas, it was in his
15 wallet.

16 Q Did you actually take a photo of the membership
17 card?

18 A I made a photocopy.

19 Q That is what that document is?

20 A Yes.

21 MR. STEPHANIDES: I move to admit Village
22 Exhibit 6, photo identification card from Sam's Club for
23 Mr. Lucas.

24 MR. FRANKEL: No objection.

1 THE HEARING OFFICER: Admitted.

2 MR. STEPHANIDES: I have no further questions of
3 the Officer.

4 CROSS EXAMINATION

5 BY MR. FRANKEL

6 Q Officer Cook, how long have you been an Oak Park
7 police officer?

8 A Thirteen years.

9 Q Have you always been a patrol officer?

10 A I worked with the street crimes unit for
11 approximately four years.

12 Q Okay. And back in June, did you personally
13 receive a complaint regarding the Austin Pantry?

14 A Yes.

15 Q A citizen approached and complained --

16 A From another officer.

17 Q Pardon me?

18 A From another officer. I received a complaint
19 from an officer.

20 Q I got you.

21 Was the officer a patrol officer?

22 A A resident beat officer.

23 Q And what's your understanding of how that
24 officer received that complaint?

1 A A citizen.

2 Q And approximately when was that complaint
3 received?

4 A I don't know that.

5 Q And were they complaining about -- do you know
6 anything else about the complaint other than what you
7 just testified to that there was drugs being sold?

8 A I know nothing else.

9 Q Okay. So did you ever personally talk to the
10 person who complained?

11 A No.

12 Q Do you know the identity of the person who
13 complained?

14 A No.

15 Q So based on that, the Oak Park police formulated
16 a plan to make some undercover purchases?

17 A Correct.

18 Q Was the plan formulated in the station?

19 A Yes.

20 Q And how many officers were involved in that?

21 A Multiple. I couldn't give a head count. More
22 than one.

23 Q More than one.

24 So there was a buy officer that was acting

1 in an undercover capacity, correct?

2 A Yes.

3 Q And there was someone conducting or more than
4 one officer conducting some kind of surveillance?

5 A Correct.

6 Q And then were there other officers who were also
7 providing some kind of security in addition to that?

8 A Correct.

9 Q So a number of officers?

10 A A good amount, yeah.

11 Q And so did you determine when you were going to
12 make these purchases, in the morning or in the
13 afternoon, anything like that?

14 A I don't understand the question.

15 Q Were there purchases made in the morning?

16 A Some of them.

17 Q And was a decision made to purchase them from
18 this individual who was arrested, Edgar Lucas?

19 A Yes.

20 Q Did you participate in any undercover purchases?

21 A No.

22 Q Did anybody sell drugs out of Austin Pantry
23 other than Edgar Lucas?

24 A Yes.

1 Q And who was that?

2 A Marcus Harrington.

3 Q Who is Marcus Harrington?

4 A Just another guy. I don't understand --

5 Q Was he an employee of the store, do you know?

6 A Not that I know.

7 Q He was in the store when the purchase was made?

8 A Which purchase?

9 Q Okay. So you said -- undercover buy was made by
10 Marcus Harrington related to the undercover Pantry?

11 A Correct.

12 Q You don't know if Marcus Harrington was an
13 employee of the store?

14 A Right.

15 Q Do you know if he was an employee of another
16 store?

17 A Later on in the investigation we believe he got
18 a job.

19 Q Where was he working?

20 A The Boost Mobile.

21 Q So your understanding at the time of that
22 purchase he wasn't working at Austin Pantry?

23 A Not that -- we didn't know. We just didn't
24 know.

1 Q When these purchases were made, was there ever
2 anybody in the store other than Edgar Lucas or Marcus
3 Harrington?

4 A Sometimes, yes.

5 Q Customers?

6 A I believe.

7 Q You didn't see anybody in this room in the store
8 at the time the drug purchases were made? I'm
9 specifically talking about the owners of the store, of
10 course.

11 A Me not being in the store when the purchases
12 were made, I would say I don't know.

13 Q Okay. But were you helping to conduct
14 surveillance?

15 A Right.

16 Q You didn't see the two gentlemen who were the
17 owners of the Austin Pantry enter or exit the store
18 during the time you were conducting surveillance,
19 correct?

20 A I didn't personally.

21 Q You did not personally?

22 A No.

23 Q You don't know what others may or may not have
24 said?

1 A Correct.

2 Q You told us that Edgar Lucas was the manager of
3 the store?

4 A An employee, manager.

5 Q You don't know if he was the manager of the
6 store?

7 A Yeah.

8 Q You know he worked there?

9 A Oh, yeah.

10 Q As a result of the purchases of drugs from Edgar
11 Lucas, the Oak Park police were able to obtain a search
12 warrant, correct?

13 A Correct.

14 Q Did you participate in getting the search
15 warrant?

16 A Yes.

17 Q And did you participate in conducting a search
18 of the store?

19 A Yes.

20 Q And what time was it -- what day was it when you
21 searched the store?

22 A August 30th, 2017.

23 Q Was it -- do you remember what time it was?

24 A I believe 12:09. If I could refer back to

1 my --

2 Q Sure.

3 A Yes, 12:09.

4 Q And how many officers participated in that
5 search?

6 A Oh, the search?

7 Q Yeah.

8 A I don't recall exactly.

9 Q Okay. So you testified that while the search
10 was going on, Mike Haw arrived at the store; is that
11 correct?

12 A Correct.

13 Q You identified Mr. Haw as the gentleman wearing
14 the blue shirt today?

15 A Yes.

16 Q You told us that he said, "You might find a bag
17 on Mr. Lucas because he has a problem"? I'm
18 paraphrasing.

19 A Yes.

20 Q In your report, you also said that when you
21 spoke to Mr. Haw, he told you that no one sells drugs
22 out of 1 West Chicago; is that correct?

23 A Correct.

24 Q And it's your understanding that was his

1 understanding at the time that no one sold drugs out of
2 the store?

3 MR. STEPHANIDES: So I have an objection. She
4 doesn't know what Mr. Haw understood at the time; just
5 what he said.

6 MR. FRANKEL: I'm asking what her understanding
7 of what he said is.

8 THE HEARING OFFICER: You could ask her that
9 question. She can answer.

10 THE WITNESS: Could you re-ask it?

11 BY MR. FRANKEL:

12 Q Do you believe that he understood that no one
13 was selling drugs at the store when you talked with him?

14 A If he was being honest.

15 Q You have no reason to believe he was not being
16 honest at that time?

17 A Oh, no.

18 Q Now, you said that there were seventeen criminal
19 complaints filed?

20 A Correct.

21 Q But there weren't seventeen separate deliveries;
22 correct?

23 A Correct.

24 Q Some of these complaints are charging the same

1 act in different ways, correct?

2 A Correct.

3 Q And how many actual deliveries did you say there
4 were?

5 A Can I look at --

6 Q Yeah.

7 A Five completed deliveries.

8 Q Okay. And those were either due to Edgar Lucas
9 or Marcus Harrington, correct?

10 A These are just Edgar Lucas.

11 Q Just Edgar Lucas.

12 You told us that when you searched the
13 store, you found a bullet, a .30 caliber bullet?

14 A I didn't find it. It was found by one of the
15 search officers. It was a box of bullets.

16 Q A box of ammunition?

17 A Yes.

18 Q Where was that located?

19 A Behind the counter on one of the shelves.

20 Q You said you found 41 bags of what looked like
21 heroin; is that right?

22 A Correct, field tested.

23 Q You also -- but you told us that you found
24 heroin in the store and in the employee's pocket,

1 correct?

2 A No.

3 Q No?

4 A In his pocket.

5 Q All 41 bags were in his pocket?

6 A Correct.

7 Q He had 9 bags in his wallet, correct?

8 A Correct.

9 Q So Edgar Lucas had 50 bags on his person?

10 A Correct.

11 MR. FRANKEL: Nothing further.

12 THE HEARING OFFICER: Okay.

13 MR. STEPHANIDES: Nothing further for the
14 Officer.

15 THE HEARING OFFICER: Do you have additional
16 witnesses?

17 MR. STEPHANIDES: No.

18 THE HEARING OFFICER: You have no further
19 witnesses?

20 MR. STEPHANIDES: No.

21 THE HEARING OFFICER: Do you have witnesses to
22 call?

23 MR. FRANKEL: Yes, yes. We have three
24 witnesses.

1 THE HEARING OFFICER: Okay.

2 MR. FRANKEL: We're going to call --

3 MR. STEPHANIDES: Just for the record, based
4 upon their witnesses, I reserve calling anybody in
5 rebuttal.

6 MR. FRANKEL: Sure.

7 First we call Mr. ElSaffar.

8 (Witness sworn.)

9 ALI ELSAFFAR,

10 having first been duly sworn, was examined and testified
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. FRANKEL

14 Q Would you state your name and spell your last
15 name for the record?

16 A My name is Ali ElSaffar, E-L-S-A-F-F-A-R.

17 Q And where do you live?

18 A I live at 142 North Austin in Oak Park.

19 Q How long have you lived there?

20 A 1999 is when I moved in.

21 Q And are you related in some way to the Austin
22 Pantry store?

23 A I own the building where Austin Pantry rents.

24 Q How long have you owned that building?

1 improve the building, to help my family that owned it at
2 the time and to help the community. And so when Sam
3 came around as another potential customer, I thought he
4 was a much better fit because my view of Sam was that --
5 what's actually happened is he's hired -- some of the
6 tenants of the building have worked for Sam. Some of my
7 tenants in the building have also bought stuff from Sam,
8 and he provides, I think, a pretty good service for the
9 community. I'll say one of the things I have noticed
10 about Sam over the years is he's got a real relationship
11 with his customers, banter jokes, kids have grown up --
12 he's been there for so long now, eighteen years now, he
13 knew kids when they were little, now they are grown up,
14 they come back. He's very generous. If somebody
15 doesn't have money, he will sometimes allow them to, if
16 they need milk or diapers or something like that, take
17 it and pay him back later or something like that. It's
18 been, I think, a good store for the community, and for,
19 you know, for my goal for the building, which was to
20 improve the community.

21 Q And back then, did you enter into a store lease?
22 I'm going to show you what I have marked as Austin
23 Pantry No. 3.

24 A Yes, I did. This is a copy of the lease that I

1 signed with him back in 1999.

2 Q The lease spells out responsibilities of the
3 store owners to abide by the law?

4 A Yes, lessee will not permit any unlawful or
5 amoral practice.

6 Q You visited the store from time to time,
7 correct?

8 A More than from time to time. I mean, I live a
9 mile a way from the building, less than that. So over
10 the years, over eighteen years, I have gone there a lot
11 of times.

12 Q You have never seen any illegal activity?

13 A No. I have seen the banter and the jokes
14 among -- but not illegal activity, no.

15 Q You have never seen specifically drug dealing
16 out of the store?

17 A No, no.

18 THE HEARING OFFICER: Are you asking to admit
19 the lease as an exhibit?

20 MR. FRANKEL: Yes, I will admit the lease as an
21 exhibit.

22 MR. STEPHANIDES: That's fine. No objection.

23 THE HEARING OFFICER: It will be admitted. Is
24 that 7 or do we get new numbers?

1 MR. STEPHANIDES: They will get new numbers.

2 MR. FRANKEL: I called it -- I miscounted. I
3 called it Austin Pantry 3.

4 THE HEARING OFFICER: I'm going to actually have
5 the Court Reporter keep everything for me at this point
6 in time so we can give it back to her. Thank you.

7 BY MR. FRANKEL:

8 Q And who are the two owners of the store from
9 your understanding?

10 A My understanding, I deal with Sam. I have known
11 Mike. Mike actually lives in the building right now. I
12 don't exactly know -- Sam always pays the rent, so he's
13 the one I always deal with mostly. Mike lives in the
14 apartment directly next door to the store at --

15 MR. HAW: 734 North Austin.

16 THE WITNESS: 734 North Austin. I usually
17 looked at Sam as the owner, but I understand they have
18 some joint ownership agreement.

19 BY MR. FRANKEL:

20 Q Is it your understanding that Sam and Mike, did
21 they start out working in the store full time?

22 A I think so. I think they both are in neighbors
23 in Ramallah, Palestine where they grew up and came to
24 the United States at some point, and they have been

1 together since Sam has been running the store since
2 1999.

3 Q Do you understand that now they will leave the
4 running of the store to other employees?

5 A You know about, I don't know, four or five years
6 ago, Sam was having some financial difficulties, and so
7 I think he started working -- both of them actually
8 started working in a truck driving business. They still
9 go to the store, but not nearly as often. I think they
10 are there on the weekends or something like that, but
11 not seven days a week like it used to be.

12 Q Okay. Just one final follow-up question: Is
13 there anything that you would want to add about your
14 relationship with Sam and Mike as tenants over the
15 years?

16 A Well, I think they are good people. I don't
17 think they would -- I think that they have -- in fact, I
18 know they have cooperated with the Village of Oak Park;
19 they have cooperated with the Oak Park Police Department
20 on a number of occasions. I think that, you know, there
21 have been crime sprees that they helped stop through
22 their help and their testimony, so this idea that
23 somehow they are complicit in the unfortunate
24 circumstances of Mr. Lucas I just think is not true.

1 MR. FRANKEL: Okay. That's all I have.

2 THE HEARING OFFICER: Do you have any questions?

3 CROSS EXAMINATION

4 BY MR. STEPHANIDES

5 Q Mr. ElSaffar, you testified that you did not see
6 drug dealing coming from the building. What I want to
7 ask you, were you aware of drug dealing emanating from
8 the building, your building that you run as Austin
9 Pantry?

10 A No. I mean, the first time I heard about this
11 was on August, I think, 30th when Sam called me to tell
12 me that there had been this search and there had been an
13 arrest.

14 Q So prior to August 30th you were not aware of
15 any drug dealing emanating from the Austin Pantry?

16 A I wasn't aware -- I mean, I wouldn't tolerate
17 it. This is not only a violation of the lease. It is
18 contrary to the reason I bought the building and why I
19 rent to these people. So, no, that's not acceptable.

20 MR. STEPHANIDES: I have nothing further.

21 THE HEARING OFFICER: Can I just ask a question?

22 MR. STEPHANIDES: Yes.

23 THE HEARING OFFICER: Have you been in the store
24 when Mr. Lucas was working?

1 THE WITNESS: Yeah.

2 THE HEARING OFFICER: When was about the last
3 time you were in the store when Mr. Lucas was working?

4 THE WITNESS: Obviously before this. Not long
5 before. We had a recent Village inspection. We had to
6 clean out the basement, and, you know, he was involved
7 in helping clean out the basement, and we were talking
8 about a second round of it sometime -- I don't know,
9 maybe a week or two before this happened.

10 THE HEARING OFFICER: Okay. And is Mr. Lucas a
11 tenant in the building as well or is it just Mike you
12 referenced?

13 THE WITNESS: Just Mike. Mr. Lucas does not
14 live there; never has.

15 THE HEARING OFFICER: Okay. Okay. All right.
16 Do you have another witness?

17 MR. FRANKEL: Yes. Sam Mohammad.

18 (Witness sworn.)

19 AZZAM MOHAMMAD,
20 having first been duly sworn, was examined and testified
21 as follows:

22 DIRECT EXAMINATION

23 BY MR. FRANKEL

24 Q Can you state your name and spell your last

1 name?

2 A My name is Sam Mohammad. Actually my name is
3 Azzam, A-Z-Z-A-M, Mohammed, M-O-H-A-M-M-A-D.

4 BY MR. FRANKEL:

5 Q You can put your hand down.

6 Are you one of the owners of Austin Pantry?

7 A Yes, sir.

8 Q And how long -- who do you own that with?

9 A My brother. Not my brother. Mike.

10 Q He is your spiritual brother?

11 A It's milk brother. May I explain that? When
12 the war happened, my mom and his mom, so we fat from
13 same milk. That's why we became brothers.

14 Q Okay. Now at the Austin Pantry, how long have
15 you owned that store?

16 A Almost eighteen years.

17 Q And what do you sell at that store? Describe it
18 for us.

19 A Everything. Milk, bread, eggs, cigarettes,
20 cereals.

21 Q And who are your customers mostly?

22 A The neighborhood.

23 Q From Oak Park or Chicago?

24 A From Oak Park and Chicago.

1 Q And do you know the neighborhood well?

2 A I know everybody.

3 Q Do you have a good relationship with the police?

4 A Yes, I have.

5 Q If you knew that drug dealing was happening in
6 the store, would you tell the police?

7 A Of course.

8 Q Did you know that drug dealing was happening
9 inside of your store?

10 A No, I don't.

11 Q Did you know that Mr. Lucas sold drugs to an
12 undercover police officer before he was arrested?

13 A No.

14 Q Now, did you start out working at the store
15 full-time?

16 A Yeah.

17 Q And have you more recently gotten a second job?

18 A Probably like three years ago I have some
19 financial problems, a lot of money, so I had to do
20 something like get to the trucking business and start
21 working. I have statement, how much money we making it,
22 and, you know, I had to do something else for the time
23 being. I love the store. I love working in the store.
24 I love the people. Even my wife told me, "You are a

1 public guy. How you going to do trucking?" I said,
2 "For time being, I am going to do it, you know."

3 Q Did truck driving take you out of the store?

4 A Yeah, it take me out of state every day.

5 Q Made it difficult for you to supervise?

6 A In the weekends I would be there.

7 Q On the weekends?

8 A On the weekends.

9 Q Was your store inspected from time to time?

10 A Yeah, all the time, every year.

11 Q Did you cooperate with the inspectors?

12 A Oh, yeah.

13 Q Has anybody ever been arrested in the store
14 prior to this, Mr. Lucas, being arrested?

15 A Maybe few people. When the guy robbed the
16 store, we got him arrested.

17 Q Arrested for doing something is illegal, like
18 drug dealing?

19 A No.

20 THE HEARING OFFICER: How else would he get
21 arrested? Let's try that again.

22 THE WITNESS: Maybe a fight outside of the
23 store.

24 MR. FRANKEL: Robbery is illegal, that's true.

1 Q What I meant was has anybody conducted illegal
2 activity out of your store?

3 A Oh, no, I don't tolerate that, no. I don't deal
4 with the devil.

5 Q Now, you alluded to the fact that the store was
6 robbed one time, correct?

7 A Yeah.

8 Q What happened then?

9 A They robbed Mike that time, put the gun in his
10 head and told him to blow him away and Mike beg for his
11 life. And the guy who robbed the store, he robbed
12 everybody; 711, Ace Hardware, that's everybody, you
13 know, cannot notify that guy. When he robbed the store,
14 we got the guy, we know where he is.

15 Q How did you get the guy?

16 A Because I am there for a long time, I asked
17 persons, they told me he's in that spot. I contact Oak
18 Park police. Oak Park police was in a minute there,
19 they got the guy arrested, the guy got charged, and I
20 think they give him twelve years or something.

21 Q You helped the police find the guy and he was
22 convicted; is that right?

23 A Of course. I helped police too in Chicago when
24 the cops got killed in Division, you know. I know this

1 is a target. I helped Chicago police to help catch the
2 guy who killed the police.

3 Q I meant to ask you, as your job as a truck
4 driver, are you required to take random drug tests?

5 A Of course.

6 Q You never had any problem?

7 A No, I don't got no problem with that.

8 Q At the store do you sell cigarettes?

9 A Yes, sir.

10 Q Are there rules selling cigarettes to minors?

11 A Used to be 18, now you have to be 21 and older.

12 Q Has there ever been any problem selling
13 cigarettes to minors; have you ever been cited for that?

14 A The police come all the time, they come do you
15 have ID, you buy; you don't have ID, you can't buy.

16 Q You never had any trouble with that?

17 A No.

18 Q I want to ask you about the day that the store
19 was closed. Do you remember where you were when -- how
20 you found out the store was closed?

21 A I was in Anderson, Indiana, by Indianapolis,
22 Indiana.

23 Q Did you receive a call from your business
24 partner, Mike?

1 A Yeah.

2 Q What did he tell you?

3 A No, no, not from Mike. A customer called me.
4 He say it looked like the store got robbed or something
5 or somebody got hurt. So I called Mike because Mike
6 been injured in a truck a week ago, and I told him to go
7 to the store, I think somebody been hurt, all the police
8 is there.

9 Q Then you found out that the police --

10 A When Mike go there, he say -- he called me, he
11 say, "I don't know, I knock on the door," and he see an
12 officer there, Gail, "You know her." I said, "Yeah, she
13 is the one that let me in. She's not telling me what's
14 going on. She's not letting me in." Then TJ came and
15 called me on the phone, and he said, "Oh, she let TJ in
16 and she is not letting me in." That's all.

17 Q Were you surprised when they told you that
18 Mr. Lucas was selling drugs outside of the store?

19 A I was shocked. Hard to believe.

20 Q And what was your impression of him as an
21 employee?

22 A I can't explain it. I can't. It's hard to
23 believe. I trust the guy. That's all.

24 Q And do you feel like he violated your trust?

1 A Yes, sir.

2 Q And if the store is closed, what will that mean
3 to you personally and financially?

4 A It's a lot financially, and I feel the store is
5 my second home. Even my wife say that to me, "Your
6 second wife," you know. It's more than business to me.

7 Q If the Village allows the store to re-open, what
8 steps will you take to make sure this doesn't happen
9 again?

10 A I'll make sure. Technology is high right now.
11 I will put the cameras in and out of the store. I'll
12 put high cameras, very expensive one. One police could
13 watch them, I could watch them from far away. I would
14 make sure this time I wouldn't be fooled.

15 Q Have you already investigated in those kinds of
16 services?

17 A Yes, sir.

18 Q Now, you brought with you some work records, I'm
19 not going to ask you all about what's in here, but do
20 the work records show that you were actually working on
21 most of the days that the Oak Park police were
22 conducting undercover purchases in the store?

23 A Yes, sir.

24 Q And showing you the records, are these the

1 records -- are those -- reliable, accurate condition,
2 those are your work records?

3 A You want me to look for something in here?

4 Q No, I want you to attest those are your work
5 records.

6 A Yeah, those are my work records.

7 THE HEARING OFFICER: Could we have those into
8 evidence?

9 MR. STEPHANIDES: Do you have any copies?

10 CHIEF AMBROSE: I've got them.

11 THE HEARING OFFICER: Can we take that one?

12 MR. FRANKEL: I don't want to take up your time.
13 The dates are on there right now.

14 THE HEARING OFFICER: You are going to write
15 what exhibit number it is and we will give it to the
16 Court Reporter.

17 MR. FRANKEL: I called it Austin Pantry 1.

18 I don't have any further questions of this
19 witness.

20 THE HEARING OFFICER: We are going to take a 30
21 second break.

22 (There was a brief interruption.)

23 MR. FRANKEL: I just want to clarify -- I can
24 re-do the numbers if you want.

1 THE HEARING OFFICER: So this is entered as an
2 exhibit and the Court Reporter will get it straight on
3 the numbers.

4 MR. FRANKEL: So I'm entering the driver work
5 records for Azzam Mohammad and Maher Haw.

6 THE HEARING OFFICER: For Sam.

7 MR. FRANKEL: Sam. They are also -- they drive
8 together, and so both of them -- both of their names
9 appear on this work record.

10 THE HEARING OFFICER: All right.

11 BY MR. FRANKEL:

12 Q So Sam, if you could just take a look real
13 quickly, you were driving -- does that work record show
14 that you were driving a truck on July 11th?

15 A July 11th?

16 Q You were on a trip on July 11th, it should be
17 highlighted?

18 A Yep. Okay, July 11th we was in DesMoines, Iowa.

19 Q If you would page further down to August 7th.
20 Let me ask you a question, does the record show you were
21 on a trip driving your truck on August 7th?

22 A Yes.

23 Q And can you page down to August 22nd?

24 A 22nd, yeah.

1 Q You were on a trip driving your truck on that
2 date too?

3 A Yes, sir.

4 Q And August 29th, could you page down to that
5 date?

6 A Yes, sir.

7 Q And does your truck driving record show you were
8 on a trip on August 29th?

9 A Yes, sir.

10 Q And finally on August 30th, can you page down to
11 August 30th?

12 A Yes.

13 Q Were you on a trip on that day too?

14 A Yes, sir.

15 Q Were you always -- were you driving with
16 Mr. Maher on those days?

17 A No, these days -- not all of them. Some of
18 them -- he got hurt last week. That week here, in the
19 29th and 30th, he was hurt.

20 Q And he was at home; is that right?

21 A Yeah, he was -- in the 24th, he got injured
22 falling from the truck. We was in Plover, Wisconsin.

23 Q What kind of truck do you drive?

24 A We drive 18 and 22 wheelers, 18 wheelers and 22

1 wheelers.

2 Q And you are carrying big loads?

3 A We carry very heavy loads.

4 Q They are long trips?

5 A Yeah, long trips. Our product is double
6 containers, two beds, refrigerator, everything, it's
7 meant for that.

8 MR. FRANKEL: I have nothing further.

9 THE HEARING OFFICER: Okay. Do you have
10 questions?

11 MR. STEPHANIDES: Okay.

12 CROSS EXAMINATION

13 BY MR. STEPHANIDES

14 Q Mr. Mohammad, a few questions for you, I'm Paul
15 Stephanides, Village Attorney for Oak Park.

16 July 11th --

17 A Yes, sir.

18 Q -- you testified you were on a trip?

19 A Yes, sir.

20 Q Was that with -- we will call him Mike. Was
21 that with Mike?

22 A Yeah.

23 Q So on July 11th, who manages your store on that
24 date?

1 A Well, it's no manage. Employees.

2 Q Who runs the store?

3 A Junior and TJ. Junior open in the morning, then
4 he leave; TJ come in the afternoon.

5 Q Who is Junior?

6 A What's his name, Lucas.

7 Q Mr. Lucas?

8 A Mr. Lucas.

9 Q Mr. Lucas manages the store in your absence; is
10 that correct?

11 A Yeah, in the morning. He's actually not a
12 manager. Employee.

13 Q Runs the store?

14 A Yeah, in the morning.

15 Q In the morning. August 7th, you were on a trip;
16 is that correct?

17 A Yeah.

18 Q Who with? With Mike?

19 A Yeah.

20 Q Who runs the store on August 7th?

21 A Lucas and TJ.

22 Q August 22nd, who runs the store? You were on a
23 trip on that date, correct?

24 A Yeah.

1 Q Who runs the store on that date in your absence?

2 A Junior.

3 Q Mr. Lucas?

4 A Lucas.

5 Q August 29th?

6 A And Mr. Tamell.

7 Q And he's here today?

8 A Yeah.

9 Q So they run the store at different times. So
10 you have Mr. Lucas running the store in the morning and
11 then the other gentleman --

12 A TJ.

13 Q TJ in the afternoon, what have you?

14 A Yes.

15 Q So August 29th you were on a trip?

16 A Yeah.

17 Q Does Mr. Lucas run the store again?

18 A Yes, sir.

19 Q On August 30th you were on a trip, correct?

20 A Yes, sir.

21 Q Who runs the store?

22 A Mr. Lucas.

23 Q So you are turning over the entire operation of
24 your store to Mr. Lucas on these dates that you are

1 absent, correct?

2 A Yes, sir.

3 Q You let him manage the store alone, correct?

4 A No, sir.

5 Q Who else is with him?

6 A Junior in the morning -- technically the one who
7 run more than Junior is TJ. Just the problem with TJ,
8 he go to dialysis in the morning, so three days a week,
9 other than that, he's always there. He's the one that
10 manages the bills, write the bills and pay the bills is
11 TJ. Junior worked there. I know Junior for a long
12 time. I know the man for a long time.

13 Q How long has he worked for you?

14 A Before he worked for me, I know him. I know his
15 mom, she worked for the State.

16 Q My question is how long did he work for you?

17 A Like six, seven years. Starting off he used to
18 be clean up and then blah, blah, blah.

19 Q He runs the register?

20 A He worked on the register, yeah. I trusted the
21 man. He's a veteran. The country trusted him, so I
22 trust him. He used to do good stuff. He talked good.

23 Q Did you know he had a drug problem?

24 A I actually suspected he have a problem. He

1 never show he have a problem. I saw he's a veteran. He
2 have a problem.

3 Q Did you ever notify the authorities of his drug
4 problem?

5 A No.

6 Q Did you ever notify the Oak Park Police
7 Department of Mr. Lucas's drug problem?

8 A No.

9 Q Or any drug dealing coming out of your store?

10 A No drug dealing, I would not tolerate that. I
11 would not let this happen.

12 Q But you knew he had a drug problem?

13 A I knew he have a problem.

14 Q Did you ever see drugs on his person? Did you
15 ever see him carrying drugs?

16 A No, never.

17 Q Why was ammunition in your store?

18 A You know what, really, I don't know why these
19 bullets there. Where's the gun? It's bullets. I don't
20 know.

21 Q Did you ever see drugs in your store?

22 A No, sir.

23 Q The gentleman described by the police officer,
24 Officer Cook, as Mr. Harrington, do you know who that

1 is?

2 A This is the guy who worked across the street,
3 Boost Mobile.

4 Q Did he ever work for you?

5 A No, never. He's a kid. I remember him growing
6 up.

7 MR. STEPHANIDES: No further questions.

8 REDIRECT EXAMINATION

9 BY MR. FRANKEL

10 Q You knew Mr. Lucas for a long time?

11 A Yes, sir.

12 Q At some point did you know that he had gone into
13 rehab and cleaned himself up from any kind of drug
14 problem?

15 A Well, three months ago he have a heart attack.
16 He went to the hospital. His son took him to West
17 Suburban Hospital, he spent three days, four days he
18 came out, he quit smoking, he quit drinking coffee, he
19 quit drinking Coke. He didn't eat nothing no more, and
20 he said he want to live to see his grandchildren. I
21 told him I respect that. He even quit drinking coffee.
22 We are coffee drinkers.

23 Q Do you believe he had actually cleaned himself
24 up?

1 A I believe it because he quit drinking coffee, he
2 quit smoking.

3 Q Did it come as a complete surprise and shock to
4 you to learn that he was dealing drugs out of your
5 store?

6 A That is very shocking to me.

7 Q And that he was -- may have been doing drugs
8 again in the store?

9 A You know, I really don't know how to answer
10 that. It's shocking, the whole thing to me.

11 Q You would have definitely called the police if
12 you had seen any illegal activity in the store?

13 A If I saw illegal activity, I will fire him, and
14 then I would tell the police in case the police think
15 something going on, I would tell them one, two, three.

16 Q Right.

17 MR. FRANKEL: I have nothing further.

18 THE HEARING OFFICER: Sam, Officer Cook
19 testified that one of the drug purchases was with a Link
20 card. How is the accounting handled of the sales in
21 your store and who does the paperwork to turn into the
22 State for use of that? Do you do the paperwork? Who
23 does the books?

24 THE WITNESS: TJ do the books at night, he write

1 how much we sell and stuff like that, blah, blah, blah,
2 you know what I mean?

3 THE HEARING OFFICER: Who turns it in and makes
4 the payments to the State? Does TJ have control of your
5 checkbook?

6 THE WITNESS: End of the month it go to the
7 bookkeepers.

8 THE HEARING OFFICER: Do you review that?

9 THE WITNESS: Yeah. The purchases of the Link
10 is not that much. That's why, you know, it's like two,
11 three thousand dollars a month.

12 THE HEARING OFFICER: My question isn't when is
13 it. What involvement do you have with the Link card
14 turning over the information to the State? Is it
15 something you see weekly, something you see daily as far
16 as if TJ is doing the books every night?

17 THE WITNESS: I do the books every day. So we
18 see at the end of the day the Link will give us, like,
19 \$100, \$200, \$150.

20 THE HEARING OFFICER: So you see it on a daily
21 basis?

22 THE WITNESS: No, the book, I look at the book,
23 that's all.

24 THE HEARING OFFICER: Right, right.

1 THE WITNESS: Just numbers, that's all I see.

2 THE HEARING OFFICER: Every day you look at the
3 books?

4 THE WITNESS: No, I'm not there every day,
5 that's why.

6 THE HEARING OFFICER: I thought I heard you say
7 you look at it every day. How often do you look at it
8 in the last year?

9 THE WITNESS: I look at the book. So TJ give me
10 a phone call.

11 THE HEARING OFFICER: Okay.

12 THE WITNESS: He text me the numbers. If you
13 want to look at them, I got all the texts here.

14 THE HEARING OFFICER: I don't need to see your
15 texts.

16 THE WITNESS: All the texts, he give me the
17 business, how much business is done, how much. TJ text
18 me every day.

19 THE HEARING OFFICER: That's where you said you
20 look at it every day?

21 THE WITNESS: I look at the phone, and that's
22 it, you know.

23 THE HEARING OFFICER: Okay, thank you.

24 All right. Do you have another witness?

1 MR. FRANKEL: Yes, I do.

2 THE HEARING OFFICER: Okay.

3 (Witness sworn.)

4 MAHER HAW,

5 having first been duly sworn, was examined and testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. FRANKEL

9 Q Can you state your name and spell your last
10 name?

11 A Last name H-A-W, Haw; first name Maher.

12 Q And you are part owner of the Austin Pantry?

13 A Yes, sir.

14 Q And who also owns that store?

15 A Me and Sam and Alaa Mousa.

16 Q So how long have you worked at that store, been
17 a part owner of that store?

18 A Over eight years, nine years, ten years.

19 Q Do you have another job now besides --

20 A Yeah, I'm a truck driver.

21 Q When did you start being a truck driver?

22 A Two years ago.

23 Q Prior to that, did you spend all the time in the
24 store that it was open?

1 A Yes, sir.

2 Q And during that time, did you ever see any
3 illegal activity in the store?

4 A No, sir.

5 Q Did you ever see any drug dealing?

6 A No, sir.

7 Q Did you ever see any misuse of Link cards?

8 A No, sir.

9 Q Okay. And now about two years ago you started
10 working as a truck driver. Do you have to take random
11 drug tests?

12 A All the time.

13 Q Have you ever had any positive --

14 A No, sir.

15 Q How long have you known Mr. Lucas?

16 A About four or five years.

17 Q You know him by the name Junior; is that right?

18 A Yes.

19 Q And were you involved in hiring him to help
20 around the store?

21 A Yeah, at that time because, you know, he was
22 from the neighborhood, we looked out for him, gave him a
23 job, clean up in the front. Then we start trust him.

24 Q First he started out cleaning up in the store?

1 A Yes, sir.

2 Q You say you started trusting him and giving him
3 more responsibility?

4 A Yes.

5 Q Would you have given him more responsibility if
6 you thought he was abusing drugs?

7 A No.

8 Q Would you have given him more responsibility if
9 you thought he was selling drugs out of the store?

10 A No.

11 Q Did you ever see drugs in the store?

12 A No.

13 Q Okay. Now, do you have a good -- do you have a
14 good relationship with the Oak Park Police Department?

15 A Yes, sir.

16 Q And do you -- when the police come around, do
17 you cooperate with them?

18 A Yes, sir.

19 Q Is there sometimes a problem of young men
20 hanging out in front of the store?

21 A Call the police.

22 Q Do you call the police?

23 A Yes, sir.

24 Q Did you ever talk to those young men and ask

1 them to do something?

2 A Sometimes I ask them nicely to leave. If they
3 are not, they start getting angry or something.

4 Q Is the store -- would you consider the store a
5 community gathering spot?

6 A No.

7 Q No. But do people come in and socialize in the
8 store?

9 A To shop, buy the food.

10 Q What would it mean, do you think to the
11 neighborhood if the store were closed if the Village
12 would not let the store open up again?

13 A It's bad. It's really bad. People get used to
14 the store, been there for eighteen years. We got good
15 customers.

16 Q Were you surprised to find out that Junior was
17 arrested by the Oak Park police?

18 A I was shocked.

19 MR. FRANKEL: I don't have anything further.

20 CROSS EXAMINATION

21 BY MR. STEPHANIDES

22 Q Mr. -- is it Haw?

23 A Haw.

24 Q This was previously entered into evidence. This

1 is Village Exhibit No. 6. Do you recognize that?

2 A The one in the bottom. The one on the top, no.
3 Because that's Sam Club, Business Club, but this, I
4 heard it from my brother, he was telling me about it,
5 but I never seen this one. This is the relation of the
6 Sam's club.

7 Q Somebody authorized Mr. Lucas to have a Sam's
8 Club card?

9 A Yes, so I didn't know. He told me about it, but
10 I didn't know --

11 Q What did he tell you?

12 A He told me that they start buying some groceries
13 from Sam's Club.

14 Q And Mr. Lucas was authorized to do that?

15 A Yes, because he was the one to do the shopping.

16 Q Mr. Lucas would run the store in your absence,
17 is Sam's absence?

18 A Lucas would come in the morning and TJ comes
19 afternoon.

20 Q What hours in the morning?

21 A From -- sometimes they open, like, 8:00, 8:30
22 until 12:00 o'clock. Actually TJ take my son to college
23 because I ain't got no time to do it, he take my son to
24 college. Then he come straight to the store.

1 Q So you entrusted Mr. Lucas with the operation of
2 the store in your absence and Sam's absence?

3 A Yes, sir.

4 Q And you told the police officer at the scene on
5 August 30th you knew Mr. Lucas had a drug problem; is
6 that right?

7 A I was suspecting that.

8 Q How long did you suspect it?

9 A Since when he went to the hospital.

10 Q When was that?

11 A Three months, four months ago when he had the
12 heart attack.

13 Q Did you ever notify --

14 A I didn't know nothing, but I heard.

15 Q Did you ever notify the authorities, the Oak
16 Park Police Department that Mr. Lucas had a drug
17 problem?

18 A No.

19 Q Why not?

20 A I felt like, you know, that's his personal. I'm
21 not going to tell other people about personal.

22 Q How did you know he had a drug problem? What
23 was it about him?

24 A Because he was smoking too much cigarettes,

1 drink too much coffee, drink too much soda, and he quit
2 all the stuff at one time, and I asked him, "Why are you
3 doing that?" He said, "Because, I mean, I don't want to
4 lose my life." He said, "I quit a lot of things." So I
5 figured out he was doing too much.

6 Q Did you ever see him with bloodshot glassy eyes?

7 A No, not really, no.

8 Q What was it about him that you noticed about his
9 person that told you he had a drug problem?

10 A Because he do everything too much, you know,
11 like, when he drink coffee, he drank it like crazy; when
12 he smoked, he smoked like crazy.

13 Q Despite the fact that you knew he had a drug
14 problem, you entrusted him with the operation of the
15 store, correct?

16 A I never seen him.

17 Q Seen him do what?

18 A Do any drugs.

19 Q Did you ever see drugs on his person?

20 A No. I just, like, think that something is not
21 right about him.

22 Q But you knew he had a problem?

23 A When he went to the hospital.

24 MR. STEPHANIDES: Okay. Nothing further.

1 MR. FRANKEL: I don't have anything further.

2 THE HEARING OFFICER: I just have one question:
3 You talked about that if the store is closed that you
4 feel it's very detrimental to the neighborhood?

5 THE WITNESS: Yes, ma'am.

6 THE HEARING OFFICER: But if heroin is being
7 sold in the neighborhood, what impact, in your opinion,
8 does it have on the neighborhood?

9 THE WITNESS: That's not good. That's not good
10 at all.

11 THE HEARING OFFICER: All right. Thank you.

12 MR. FRANKEL: We have one last witness, Tame'll
13 Jackson. Why don't you switch seats with him.

14 (Witness sworn.)

15 TAMELL JACKSON,
16 having first been duly sworn, was examined and testified
17 as follows:

18 DIRECT EXAMINATION

19 BY MR. FRANKEL

20 Q Will you state your name and spell your last
21 name?

22 A Tame'll Jackson, common spelling, J-A-C-K-S-O-N.

23 Q Are you employed at the Austin Pantry?

24 A I am.

1 Q How long have you worked there?

2 A About four years.

3 Q And what are your responsibilities there?

4 A Cashiering, bookkeeping, warehouse shopping.

5 Q Okay. And what are the hours that you are

6 actually present at the store?

7 A That varies. I am a dialysis patient.

8 Tuesdays, Thursdays, Saturdays I am not there until 3:00

9 p.m. in the afternoon. Sunday, Monday, Wednesday and

10 Friday I usually get there around between 11:00 a.m. and

11 12:00.

12 Q Okay. And do you know a person named Marcus

13 Harrington?

14 A I know of him. I know he was the guy that

15 worked at the Boost Mobile across the store.

16 Q He works at Boost Mobile across the street?

17 A Yes, sir.

18 Q Did he come and buy things in the store from

19 time to time?

20 A Yeah, he was a customer.

21 Q But he was not employed by Austin Pantry?

22 A No.

23 Q He never worked at Austin Pantry?

24 A No.

1 Q Did you ever see him sell drugs in Austin
2 Pantry?

3 A No, sir.

4 Q Do you know a guy named Edgar Lucas, Jr.?

5 A Yeah.

6 Q And who was that?

7 A Coworker.

8 Q Did you know him by the name of Junior.

9 A I did.

10 Q How long had you known Edgar Lucas, Jr.?

11 A I have known Junior since 2011.

12 Q And when you first met him, was he working at
13 Austin Pantry?

14 A Yeah.

15 Q What was his -- what were his responsibilities
16 then?

17 A When I first met him, he was stock and cleaning.

18 Q Okay. Eventually did he start to help out, have
19 more responsibility?

20 A Yeah.

21 Q Did you consider yourself to be a manager of
22 junior or supervising junior at all?

23 A My responsibilities were more than his. I had
24 more of the paperwork aspect of the business so, yeah, I

1 would consider myself to be over him.

2 Q Did you ever see any -- junior with drugs ever?

3 A No.

4 Q Did you ever see him engage in what could be a
5 drug transaction with anybody else?

6 A No, sir.

7 Q What would you have done if you had seen him
8 with drugs?

9 A I would have immediately notified Sam.

10 Q What would you have done if you seen him sell
11 drugs?

12 A I would have called the police.

13 Q So would you -- how would you describe the role
14 of the store in the community where it's located?

15 A Well, from my aspect of it, that store, even
16 before I was an employee at Austin Pantry, I can go to
17 Sam if I didn't have money, he would let me get things
18 on credit, and I would return and him pay him later.
19 And it's the same thing with now, with me working there,
20 if someone is short or don't have any food to eat, I
21 will let them get the credit and let them pay me later.

22 Q What are your instructions from Sam about
23 letting people have free food?

24 A He usually says yes, but there are some of the

1 customers who, you know, won't do it, but he still say,
2 "Let him have it. It's food. Feed the hungry."

3 Q Would you say that the residents in the Oak Park
4 and Chicago, Austin neighborhoods value the store?

5 A Oh, yeah, they rely on it big time.

6 MR. FRANKEL: I want to mark this exhibit as 2,
7 the only one that's out of order, I'm going to mark this
8 as Austin Pantry 2.

9 Q Could you look at that and tell us what it is?

10 A This a petition to have the store -- signatures
11 from people in the community to have the store re-open.

12 Q And how did you get that petition?

13 A I went to the landlord and had him fill it up
14 for me.

15 Q He printed out a blank petition?

16 A Yes.

17 Q Then did you circulate it around the
18 neighborhood?

19 A Oh, my God, countless hours of getting
20 signatures for this.

21 Q How many signature are there?

22 A 60, 67, I think it was. 65.

23 Q And when people were signing that petition, did
24 they make comments to you about Austin Pantry?

1 A Yeah, they was questioning when was the store
2 going to re-open, what happened, so forth and so on.

3 Q Did you get a sense of how they felt about the
4 store?

5 A Oh, yeah, they need the store. It's a necessity
6 in the community. There's really no other place for
7 them to go, especially the elderly people who probably
8 have to go to Pete's or Jewel's, which is not in that
9 close vicinity of the store.

10 Q After this incident, do you understand your full
11 responsibility to work with the police to make sure that
12 drugs are not being sold in that store?

13 A Yes, sir.

14 Q And what will you do if you ever see anybody
15 with drugs in the store selling drugs?

16 A Immediately call the police, immediately.

17 MR. FRANKEL: I don't have any further
18 questions.

19 THE HEARING OFFICER: Are we admitting this
20 petition into evidence?

21 MR. FRANKEL: Yes, I would like to admit that
22 into evidence, please.

23 THE HEARING OFFICER: All right.

24 MR. STEPHANIDES: No objection. What number?

1 MR. FRANKEL: Austin Pantry 2.

2 CROSS EXAMINATION

3 BY MR. STEPHANIDES

4 Q First a few questions about the petition. You
5 testified you circulated it into the neighborhood of the
6 store?

7 A Yes, sir.

8 Q You took it door to door?

9 A I sat in the laundromat, I went to a couple of
10 barber shops and circulated it in the neighborhood.

11 Q Were the people that signed the petition aware
12 that Austin Pantry and Mr. Lucas were under
13 investigation for heroin dealing at the time that they
14 signed the petition?

15 A Some of them.

16 Q Yet they still signed the petition?

17 A Yeah.

18 Q How were they aware?

19 A I guess hearsay throughout the neighborhood.

20 Q If they weren't aware, did you tell them?

21 A No.

22 Q You testified that you supervised Mr. Lucas; is
23 that correct?

24 A Yes, sir.

1 Q Were you aware that Mr. Lucas was conducting
2 transactions with a Link card?

3 A No, sir.

4 Q For drugs?

5 A No, sir.

6 Q How were those Link card entries -- would you
7 view those link cards entires?

8 A I'm not allowed to view them. I am only at the
9 end of the night when I sign off, I only get the
10 printout of the tally through the whole day.

11 Q Why weren't you allowed to review them?

12 A Most of them wasn't -- they wasn't visible, you
13 know.

14 Q Was anybody reviewing them?

15 A You mean, each transaction?

16 Q Each Link card transaction.

17 A No.

18 Q So Austin Pantry didn't know what was being
19 bought with a Link card?

20 A No, no, I'm not saying that. I'm saying that
21 each transaction, there's a customer copy and there's
22 what is called a retail copy.

23 Q Yes.

24 A I never seen the retail copies. I only seen the

1 printout from the end of the night.

2 Q So on that printout you weren't aware of what
3 the Link card transactions were for?

4 A No. Only my transactions, my transactions, but
5 as far as what was transactions before I got there, I
6 never seen those.

7 Q So you weren't supervising Mr. Lucas's Link card
8 transactions?

9 A If I wasn't there, how could I supervise him?

10 Q Because you were reviewing the transactions at
11 the end of the day, but you didn't review them?

12 A Not reviewing the transactions; reviewing the
13 tally for the entire day.

14 Q I get it.

15 No further questions.

16 THE HEARING OFFICER: Do you have anything?

17 MR. FRANKEL: I don't have anything.

18 THE HEARING OFFICER: I have two quick
19 questions: Do you know the dates that you circulated
20 the petition?

21 THE WITNESS: Yes, ma'am. I started this past
22 Sunday.

23 THE HEARING OFFICER: Okay. So that would have
24 been what, the 10th of September?

1 THE WITNESS: The 10th, the 11th, I didn't do
2 any on the 12th, and yesterday, the 13th.

3 THE HEARING OFFICER: Okay. Thanks. My other
4 question was did you see the ammunition that was stored
5 in the store?

6 THE WITNESS: No, ma'am. This is first time I'm
7 hearing of it today.

8 THE HEARING OFFICER: Thank you.

9 MR. FRANKEL: Nothing further.

10 THE HEARING OFFICER: Do you have any -- you
11 said you reserve the right --

12 MR. STEPHANIDES: If we could take a five
13 minutes recess, I'll confer with --

14 THE HEARING OFFICER: So we will go off the
15 record until 2:25 and then we will reconvene. Folks are
16 welcome to stay here in the room, but the court reporter
17 won't be here transcribing.

18 (There was a brief recess.)

19 THE HEARING OFFICER: 2:25, we are back on the
20 record. We have closing arguments, I believe.

21 MR. STEPHANIDES: Nothing in rebuttal.

22 THE HEARING OFFICER: Nothing in rebuttal.

23 Do you have a closing argument and
24 then Mr. Frankel.

1 MR. STEPHANIDES: I'll go first.

2 MR. FRANKEL: Sure.

3 MR. STEPHANIDES: So there's an Order of Closure
4 of Business, Suspension of Business License and Setting
5 of Hearing that's been entered into the record here as
6 Exhibit Hearing A. This lays out basically the
7 Village's case against the business, Austin Pantry. And
8 what has happened here today is the Village has proved
9 each and every element that's set forth in this Notice.

10 The Notice provides that there were 17
11 charges regarding the unlawful delivery of a controlled
12 substance, and that substance being heroin in this case.
13 There is a Section of the Village Code that cites 16-1-1
14 that defines a nuisance. Subsection A: "A nuisance is
15 defined as a business that shall annoy, injure or
16 endanger the safety or health of the public." That has
17 been proven without a doubt here. The endangerment to
18 the public is there was heroin dealing going on at this
19 business on several occasions pursuant to the testimony
20 of Officer Cook and at the very least, we have a
21 negligent business owner who turned over the business to
22 Mr. Lucas, a person that they knew, both store owners
23 that testified here today, had a drug problem. Both
24 admitted to that.

1 We also have a section of the Illinois
2 Controlled Substance Act that's cited in the Notice that
3 provides that it is a violation of that Act to knowingly
4 grant, permit or make a building available for the use
5 or purpose of unlawfully delivering a controlled
6 substance other than methamphetamine. We have a
7 building being made available here for the delivery of
8 heroin by these business owners because they turned over
9 that business to Mr. Lucas who was dealing heroin on
10 multiple occasions on multiple dates pursuant to the
11 testimony of Officer Cook. The Village has proved its
12 case and this business should be closed on a permanent
13 basis, and that should be a revocation of the business
14 license.

15 Thank you.

16 MR. FRANKEL: This business should not be
17 closed. We are talking about a considerable effort by
18 the Oak Park police to conduct an undercover drug
19 operation at that store. This operation and the dealing
20 we are talking about took place over two months. And
21 this store has been opened for eighteen years, and you
22 have heard testimony from a responsible landlord,
23 responsible owners and responsible employee who have all
24 told you that they had no idea, this came as a shock to

1 them that there was drug dealing happening outside of
2 that store.

3 The 406.1 of the Illinois Controlled
4 Substance Act says that any person who controls any
5 building and who performs the following act commits the
6 offense of permitting unlawful use of a building, "who
7 knowingly grants, permits or makes the building
8 available." I think that knowingly is critical and
9 should be applied in even the nuisance statute because
10 of the unfairness that would accrue if every time there
11 was an offense that was comitted by an employee of a
12 business, that business could shut down. I think that
13 you would have reason to shut down any business at any
14 time. I think over the course of eighteen years,
15 there's going to be some kind of problem or mistake.

16 What the Village has to rely on is that the
17 responsible landlords and responsible business owners
18 take corrective action when permitted to to make sure
19 that it doesn't happen again.

20 You have also heard that the store is
21 really an integral part of this community, that it's a
22 neighborhood center. It's more than just people
23 shopping. I think people come there when they are in
24 desperate straits and get cereal and milk and whatever

1 on credit or never have to pay. It's where people talk
2 to each other and build bonds. It's important for the
3 community on both sides of Austin.

4 The owners have helped the Chicago police
5 and have good relationship with the police. In the past
6 there was an armed robbery that because the owners were
7 so close to the neighborhood, they would generally have
8 information about a suspect, and that suspect was
9 arrested and actually convicted for that armed robbery.

10 There was also an unfortunate and terrible
11 incident of an off-duty police officer shot across the
12 street, and I think Sam alluded to the fact that they
13 generated information about that incident that helped
14 solve that terrible crime and someone that was arrested
15 charged with that terrible crime. That's because these
16 people have -- they are connected to this neighborhood.
17 They have to walk a very careful situation in this
18 neighborhood because it is, especially, it can be a
19 dangerous neighborhood for them, and they have to have a
20 good relationship with the community, a good
21 relationship with the police. It's not an easy job and
22 it doesn't pay that well. It doesn't pay that well, and
23 they had to get separate jobs driving trucks which took
24 them out of the store unfortunately and allowed

1 Mr. Lucas to do what he did when no one was around and
2 no one was watching.

3 But I think you heard from Mr. Jackson that
4 he's a responsible employee and that the store -- and
5 also from Sam that if the store were to re-open that
6 they would take specific steps to make sure that this
7 didn't happen again.

8 For those reasons, we would ask the store
9 be allowed to re-open and give it a chance to operate
10 properly. They did for eighteen years until these
11 unfortunate two months, and they can do it again for
12 another eighteen years. We would ask respectfully that
13 they be allowed to re-open.

14 THE HEARING OFFICER: So this will conclude all
15 of the testimony, but before we go off the record, just
16 a couple of housekeeping items: One, it will take us a
17 couple of days. I really want to reflect upon the
18 comments I have heard here today. I want the
19 opportunity to review all of the exhibits that have been
20 submitted. I do know that under the continuation that
21 was granted on September 7th, we said we would make
22 every effort to make a decision and issue that in
23 writing by tomorrow, Friday, but worst case scenario, it
24 could take us through Monday because I would rather take

1 the extra few days and make a thoughtful decision than
2 to rush this and do something quickly.

3 I do just want to say -- and I don't mean
4 this to be a lecture -- but I think this is an
5 incredibly sad situation on all sides. I am incredibly
6 bothered that because of what the Village of Oak Park
7 has consistently tried to do, especially to have a
8 strong Austin so that we can be good neighbors with the
9 City of Chicago in a community, the Austin community,
10 that is, I think, very at high risk because of the
11 poverty and the crime and the gun violence and the
12 drugs, I am incredibly saddened that any business in
13 Oak Park has contributed to the delivery of drugs to
14 residents of Oak Park and residents of Chicago. So that
15 is incredibly wrong.

16 I also think it really has irreparably
17 damaged what you have tried to do for a number of years
18 as a business owner. It does fly in the face.
19 Certainly the attorneys have different impressions of
20 what the statute and the public nuisance means. But at
21 the end of the day, this was incredibly wrong and it was
22 incredibly irresponsible on everybody's part. And Oak
23 Park isn't going to tolerate any part of the community
24 that looks the other way when heroin is sold. It's just

1 wrong. We can't do it.

2 If anybody has paid attention to what the
3 Governor in Illinois has been saying about the opioid
4 crisis and what this is doing in our communities, it's
5 really sad.

6 I'll sort of leave my little lecture on the
7 side. We will look at the facts and pay attention to
8 the Code.

9 And with that we are closed at 2:32. Thank
10 you very much. I appreciate everybody's time today.

11 (Which were all the proceedings
12 had in the above-entitled
13 cause.)

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1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3 ANNA LEONARD, being first duly sworn, on
4 oath says that she is a Certified Shorthand Reporter
5 doing business in the State of Illinois;

6 That she reported in shorthand the
7 proceedings had at the foregoing hearing;

8 And that the foregoing is a true and
9 correct transcript of her shorthand notes so taken as
10 aforesaid and contains all the proceedings had at the
11 said hearing.

12 
13 ANNA LEONARD, CSR

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<p>\$100 [1] - 54:19 \$150 [1] - 54:19 \$200 [1] - 54:19 1 [11] - 3:12, 15; 8:15, 19; 9:5; 10:10, 18; 12:11; 13:22; 25:22; 44:17 10th [2] - 71:24; 72:1 11:00 [1] - 64:10 11th [9] - 16:15, 22; 45:14-16, 18; 47:16, 23; 72:1 12 [1] - 3:12 123 [2] - 1:10; 2:3 124 [2] - 1:11; 5:4 12:00 [2] - 60:22; 64:11 12:09 [2] - 24:24; 25:3 12th [2] - 8:21; 72:2 13 [1] - 3:12 13th [1] - 72:2 14 [1] - 4:4 142 [1] - 29:18 14th [1] - 1:11 15 [2] - 3:13 16 [2] - 3:13 16-1-1 [1] - 73:13 1615 [1] - 2:8 17 [2] - 3:14; 73:10 17th [2] - 16:16, 23 18 [6] - 3:14; 41:11; 46:24 19 [1] - 3:4 1988 [1] - 30:9 1996 [2] - 30:1, 5 1999 [3] - 29:20; 32:1; 34:2 1:00 [2] - 1:12; 4:3 2 [7] - 3:12, 16; 12:17; 13:3; 67:6, 8; 69:1 2011 [1] - 65:11 2017 [13] - 1:12; 4:4, 17; 8:21; 10:14; 11:4; 13:19; 15:3; 16:16, 23; 17:19; 24:22 2017-09 [1] - 1:4 2018 [1] - 8:23 21 [2] - 30:1; 41:11 212 [1] - 6:12 21st [1] - 8:23 22 [2] - 46:24 22nd [3] - 45:23; 48:22 24th [1] - 46:21 29 [1] - 3:6 29th [7] - 16:16, 23; 46:4, 8, 19; 49:5, 15 2:25 [2] - 72:15, 19 2:32 [1] - 79:9 3 [8] - 3:13, 16; 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