

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LAWRENCE H. GRESS,	)	
	)	
Plaintiff,	)	
	)	Case No.: 17 CV 8067
v.	)	
	)	Judge: Hon. Martha M. Pacold
REGIONAL TRANSPORTATION AUTHORITY, an	)	
Illinois Municipal Corporation; PACE SUBURBAN	)	Magistrate Judge: Hon. Sidney
BUS SERVICE, A DIVISION OF THE REGIONAL	)	I. Schenkier
TRANSPORTATION AUTHORITY, an Illinois	)	
Municipal Corporation; SUSAN RUSHING,	)	
Individually; ROCKY DONAHUE, Individually;	)	
LINDA SWEDLUND, Individually; JANIKA	)	
MILLER, Individually; THOMAS J. (T.J.) ROSS,	)	
Individually; MARTIN SANDOVAL II Individually;	)	
and SENATOR MARTIN SANDOVAL, Individually;	)	
and Unknown and Unnamed Defendants,	)	
	)	
Defendants.	)	
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**SECOND AMENDED COMPLAINT**

Now comes the Plaintiff, Lawrence H. Gress (“Gress”), by and through his attorneys, KENT MAYNARD & ASSOCIATES LLC, and for his Second Amended Complaint against the Defendants, states as follows:

**NATURE OF THE ACTION**

This action seeks relief for damages caused by unlawful discrimination and organized, long-term, and habitual criminal activity involving violations of federal and state law, corrupt practices in hiring, public corruption, and white-collar crime, all of which were orchestrated by Illinois State Senator Martin Sandoval (“Sen. Sandoval” or “Sandoval”).

Sen. Sandoval is the kingpin at the center of the wide-ranging and longstanding criminal conspiracy alleged herein (“the Sandoval Racketeering Conspiracy”), which conspiracy extended

its tentacles into various public and private enterprises that would benefit from Sen. Sandoval's corrupt assistance or suffer from his displeasure, which public and private enterprises were therefore anxious to curry favor with Sen. Sandoval, even if that meant breaking the law.

As alleged below, included among the enterprises corruptly infiltrated by Sen. Sandoval are at least two of the Service Boards of the Regional Transportation Authority ("RTA"), including the Pace Suburban Bus Company ("PACE") and the Chicago Transit Authority ("CTA"); The Illinois State Toll Highway Authority; ComEd and its parent company Exelon; and the Red-Light Camera provider, SafeSpeed LLC ("Safespeed," and collectively with RTA, PACE, CTA, ComEd, and Exelon "the RICO Enterprises"). Sen. Sandoval first came to power as a result of public corruption and patronage hiring and continued to exploit those and other corrupt practices as his wide-ranging racketeering conspiracy grew. The various RICO Enterprises have ascertainable structures separate and apart from the pattern of racketeering activity in which the Sandoval Conspirators were engaged, and are separate and distinct from the Sandoval Conspirators. Plaintiff seeks relief for damages that he suffered after applying for employment at PACE, one branch of the wide ranging Sandoval Racketeering Conspiracy alleged herein.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 42 U.S.C. § 2000(e)-2; 42 U.S.C. § 1981 (b); 29 U.S.C. § 621, *et. seq.*; 28 U.S.C. § 1331 and, as to Count VIII, 18 U.S.C. § 1964.
2. Jurisdiction of this Court over is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345.

3. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, 42 U.S.C. § 2000e-5(f)(1), (3), and pursuant to Section 402 of the Civil Rights Act of 1991, 42 U.S.C. § 1981.

4. Venue is proper in this Court under 28 U.S.C. § 1391 and, as to Count VIII, 18 U.S.C. § 1965(a) because the unlawful practices alleged herein were committed within the jurisdiction of the United States District Court for the Eastern District of Illinois and 28 U.S.C. § 1391 because the RICO Defendants are subject to personal jurisdiction in this judicial district and reside in this district.

### **PARTIES**

5. Plaintiff, a non-Hispanic natural person, is a citizen of the United States, a resident of Downers Grove, Illinois, and older than 40.

6. As such, Plaintiff is protected by the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(b) and by 18 United States Code, Sections 1341, 1346, and 2.

7. The RTA is a unit of local government that serves as the financial and oversight body for CTA, Metra, and PACE.

8. As an operating division of RTA, PACE professes that “[t]he purpose of PACE is to provide a well-coordinated, safe, economical, and efficient system of public transportation [by operating or contracting with third parties to operate bus routes] . . . [in] the Northeastern area of Illinois, consisting of Cook, DuPage, Kane, Lake, McHenry, and Will Counties.”

9. The headquarters of PACE is located at 550 West Algonquin Road, Arlington Heights, Illinois.

10. Office-holders of RTA and PACE are public officials because their offices were created by legislation or a municipality or other body with authority conferred by the legislature; the office was delegated a portion of the powers of a government body, and legislative authority or law defined, either directly or indirectly, the powers conferred and the duties to be discharged by the office.

11. At all times relevant hereto, Defendants RTA and PACE have been engaged in an industry affecting commerce under Sections 701 (b), (g), and (h) of Title VII, 42 U.S.C., and have been doing business in the State of Illinois.

12. Section 701 of Title VII defines “commerce” as “trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.”

13. RTA and PACE do business in the State of Illinois within an industry affecting commerce as defined in Section 701 of Title VII . . . .”

14. At all times relevant hereto, PACE has continuously had at least 15 employees and, as such, is an “employer” as that term is defined under the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e(b), and has continuously had at least 20 employees within the contemplation of the ADEA, 29 U.S.C. § 630(b).

15. RTA and PACE oversee and operate programs and activities that receive federal financial assistance and are themselves programs or activities that receive federal financial assistance, including assistance within the contemplation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(d) *et. seq.*

16. As such, RTA is subject to requirements described in the U.S. Office of

Management and Budget Circular A-133, Compliance Supplement that apply to each of its major federal programs.

17. Compliance with the requirements of laws, regulations, contracts, and grants applicable to each of RTA's major federal programs is the responsibility of RTA's management and subject to regular audits conducted by independent third-party auditors.

18. In the past, RTA has received a variety of federal grants and awards, such as a Pass-Through Illinois Department of Transportation grants; Transit Planning and Research grants; Technical Assistance grants; and Metropolitan Planning grants.

19. The services provided by RTA and the Service Boards, including PACE, to their intended beneficiaries are degraded by corrupt or discriminatory hiring practices because such practices lead, among other things, to the engagement of unqualified or poorly qualified employees to the exclusion of better qualified employees.

20. Defendant Miller was, at all times pertinent hereto, employed by PACE as a "Human Resources Specialist."

21. In her capacity as a Human Resources Specialist at PACE, in 2016, as one discrete instance in the ongoing pattern of unlawful practices promoted by the Sandoval Racketeering Conspiracy, Miller knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which she intentionally discriminated against Gress because of his age and race, and also discriminated against him because he was not the son of Sen. Sandoval, who had been secretly and unlawfully pre-selected as the "winner" of the posted job opening, Posting 523.

22. Defendant Rushing was, at all times pertinent hereto, employed by PACE as a Manager of Community Relations, and in that capacity reported to Rocky Donahue ("Donahue"),

who was then PACE's Deputy Executive Director of External Relations.

23. In her capacity as PACE's Manager of Community Relations, in 2016, as one discrete instance in the ongoing pattern of unlawful practices promoted by the Sandoval Racketeering Conspiracy, Rushing knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which she intentionally discriminated against Gress because of his age and race, and also discriminated against him because he was not the son of Sen. Sandoval, who had been secretly and unlawfully pre-selected as the "winner" of the posted job opening, Posting 523.

24. Defendant Donahue was, at all times pertinent hereto, employed by PACE as its Deputy Executive Director of External Relations with responsibility for "government affairs" and reporting to PACE's Executive Director, T.J. Ross.

25. In his capacity as Deputy Executive Director of External Relations of PACE in 2016, Donahue was recruited by Sen. Sandoval to manage the ongoing pattern of unlawful practices promoted by the Sandoval Racketeering Conspiracy in one branch of that Conspiracy.

26. As such, as a member of the PACE branch of the Sandoval Racketeering Conspiracy, Donahue knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which he intentionally discriminated against Gress because he was not the son of Sen. Sandoval, who had been secretly and unlawfully pre-selected as the "winner" of the posted job opening, Posting 523.

27. Defendant Swedlund was, at all times pertinent hereto, employed by PACE as an executive administrative assistant to Donahue.

28. In her capacity as an executive administrative assistant to Donahue, in 2016, as one discrete instance in the ongoing pattern of unlawful practices promoted by the Sandoval

Racketeering Conspiracy, Swedlund knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which she intentionally discriminated against Gress because of his age and race, and also discriminated against him because he was not the son of Sen. Sandoval, who had been secretly and unlawfully pre-selected as the “winner” of the posted job opening, Posting 523.

29. Defendant Ross was, at all times pertinent hereto, employed by PACE as its Executive Director.

30. In his capacity as the Executive Director of PACE, in 2016, as one discrete instance in the ongoing pattern of unlawful practices promoted by the Sandoval Racketeering Conspiracy, Ross knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which he intentionally discriminated against Gress because of his age and race, and also discriminated against him because he was not the son of Sen. Sandoval who had been pre-selected as the “winner” of the posted job opening, Posting 523.

31. Defendant Martin Sandoval II (“Marty”) is the son of Sen. Sandoval and was, in 2016, a recent college graduate with a bachelor’s degree in psychology and one of the least qualified of 80 applicants for a position as a Community Relations Representative at PACE.

32. In 2016, Marty knowingly and intentionally participated in and aided and abetted a corrupt and unlawful hiring process in which he and his father induced PACE intentionally to discriminate against Gress because of his age and race, and also discriminate against him because he was not pre-selected by Sen. Sandoval and the other RICO Conspirators as the “winner” of Posting 523, regardless of merit or qualifications.

33. In his capacity as Deputy Executive Director of External Relations of PACE, with responsibility for government affairs, Donahue, at all times pertinent hereto and no later than

2012 had established a pattern of frequent, personal contact with Sen. Sandoval and other legislators in the General Assembly in Springfield and had personally met with Sen. Sandoval and Marty in Sen. Sandoval's office in Springfield in or around December 2012, around the time Marty graduated from college.

34. As early as then, Sen. Sandoval anticipated that one day he might be asking Donahue to confer unlawful benefits on Marty, at Sen. Sandoval's request.

### **ADMINISTRATIVE PROCEDURES**

35. More than thirty days before the institution of this lawsuit, Gress filed a charge with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII and ADEA by Defendant PACE.

36. Specifically, on November 3, 2016, Gress filed a Charge of Discrimination with the EEOC alleging violations of Title VII and ADEA by Defendant PACE and requesting that such Charge be filed both with the EEOC and the Illinois Department of Human Rights. *See* Exhibit 1.

37. On August 15, 2017, the EEOC issued to Plaintiff a Notice of Right to Sue within 90 Days. *See* Exhibit 2.

### **ALLEGATIONS OF FACT**

#### **A. History and Structure of PACE**

38. The RTA was created in 1974 by the passage of the Regional Transportation Authority Act, 70 ILCS 3615/1.01 *et. seq.* ("the RTA Act") and the passage of a referendum contemplated by that Act.

39. The RTA was initially established and empowered with taxing powers related to



sales to provide financial support through grants to the CTA and regional suburban mass transit districts and to purchase service agreements with private bus and rail operators.

40. In 1983, the RTA Act was amended to create two new “Service Boards” (in addition to the already-existing CTA) to serve as two additional operating divisions for regional commuter rail (Metra), and suburban bus service (PACE), respectively.

41. PACE is governed by a 13 member Board of Directors comprised of current and former suburban mayors and the Commissioner of the Mayor’s Office for People with Disabilities for the City of Chicago.

42. At all times pertinent hereto, PACE has been among the 30 largest mass transit agencies in the United States.

43. Managed out of its headquarters in Arlington Heights, Illinois, PACE provides complementary paratransit service in the Six-County Area, including Chicago.

44. Approximately 8.3 million people live in the PACE service area, which covers approximately 3,450 square miles.

45. PACE is and was at all times pertinent hereto a recipient of funding assistance from the Federal Transit Administration of the U.S. Department of Transportation, and is therefore subject to conditions associated with the receipt and use of federal funds, including 49 U.S.C. Section 5332, FTA Circular 4704.1 and 49 CFR Part 27.

**B. Origins of the Sandoval Racketeering Conspiracy**

46. After he was first sworn in as a State Senator in 2003, Sandoval immediately began serving as a member of the Environment & Energy Committee and continued thereafter to serve on that Committee or its successor, the Energy and Public Utilities Committee.

47. As such, Sen. Sandoval wielded substantial oversight authority over ComEd, the electric power monopoly that serves 11,411 square miles in Northern Illinois, stretching from the Wisconsin border to as far south as Pontiac, and from the Indiana border to the Mississippi River.

48. In the exercise of his authority over ComEd and its publicly-traded parent company, Exelon, Sen. Sandoval had the discretion to support or oppose rate hikes and bailouts for ComEd.

49. In January 2009, Sen. Sandoval became Chairman of the Senate Transportation Committee.

50. As such, Sen. Sandoval had special authority to exercise substantial power over The Illinois State Toll Highway Authority, the RTA, and RTA's three Service Boards.

51. In the exercise of that authority, Sen. Sandoval had the discretion to support or oppose initiatives sought by The Illinois State Toll Highway Authority.

52. In the exercise of that authority, Sen. Sandoval also had the discretion to support or oppose rate hikes sought by RTA and its Service Boards.

53. RTA and the Service Boards provide transit services in an area comprised of Cook, DuPage, Kane, Lake, McHenry, and Will counties ("the Six-County Area").

54. In January 2009, Sen. Sandoval became Chairman of the Senate Transportation Subcommittee on Red Light Cameras.

55. As Chairman of the Transportation Subcommittee on Red Light Cameras, Sen. Sandoval had substantial power over entities in the business of providing, with the approval of IDOT and various host municipalities, "Red-Light Cameras" in the state of Illinois, such as Safespeed, LLC.

56. By virtue of his status as a state Senator, Sandoval also had the power each year to grant to up to eight students living in his legislative district tuition waivers to state universities.

57. Sen. Sandoval was entrusted with the foregoing and more legislative powers subject to an oath that he use those powers altruistically, to further the best interests of the citizens of the state of Illinois.

58. That did not occur.

59. During his tenure in Springfield, Sen. Sandoval was most often associated with the phrase, "*What's in it for me?*"

60. Sen. Sandoval used his power as a public official to line his own pockets by infiltrating and corrupting both public and private enterprises subject to his power and selling secret and unlawful indulgences to the highest bidder.

61. Sen. Sandoval's wide-ranging and persistent racketeering scheme, in which he monetized legislative actions for his own person benefit and the benefit of his family, is not surprising, if one believes, as at least one commentator has said, that the Democratic Party in Illinois is "a criminal organization masquerading as a political party."

62. The damages sought herein were caused by corrupt hiring practices in one branch of the Sandoval Racketeering Conspiracy, which branch was established by Sandoval and others at PACE Suburban Bus Company.

**C. Sandoval's Rise to Power from Corrupt Hiring Practices**

63. Sandoval came to power in Illinois with assistance from the Hispanic Democratic Organization (“HDO”), a patronage organization created by Victor Reyes (“Reyes”), and Al Sanchez (“Sanchez”) to help Richard M. Daley win his first mayoral election in 1989.

64. In January 2003, with HDO’s help, Sandoval was one of four recently-elected democratic Latino Senators sworn into office for the 93rd Illinois General Assembly.

65. As Sandoval was working to maximize – and monetize -- his power and influence in the General Assembly, a Federal investigation uncovered, in 2006, evidence that HDO had infiltrated and corrupted hiring practices at City Hall in order to fulfill promises that HDO would steer city jobs and promotions to active members of HDO.

66. HDO had amassed a huge roster of campaign workers by promising them preferential treatment for jobs and promotions in the Daley administration if Daley were elected.

67. Al Sanchez, Commissioner of Chicago’s Streets and Sanitation Department, was convicted of running an elaborate racketeering scheme to favor HDO members in City hiring and promotions.

68. The Assistant U.S. Attorney who prosecuted Sanchez said the case against Sanchez was about “lying and cheating to steal city jobs” and that “Sanchez [had] rigged the [hiring] process for the people he knew [instead of] finding the best person.”

69. Sanchez protested that the City’s pro-HDO hiring practices were a matter of common knowledge at the highest levels of City Hall, but Sanchez was eventually convicted of mail fraud and sentenced to a term of imprisonment.

70. Sandoval steadfastly supported HDO and Sanchez against accusations of public corruption and argued that the federal investigation of HDO and prosecution of Sanchez was motivated by racial prejudice.

71. Thereafter, Sandoval followed Sanchez's example by doing as Sanchez had done – inducing members of the various RICO Enterprises to act a “bag men” by gifting employment to politically connected persons – some of them in Sandoval's own family -- regardless of merit.

72. Unlike Sanchez, Reyes, who was appointed as one of Daley's top aids after Daley won the 1989 election, was never charged with any wrongdoing and eventually left public employment to form the law firm of Reyes Kurson.

73. Through Reyes Kurson and his lobbying firm, The Roosevelt Group, Reyes has made \$962,452 in campaign contributions to 303 separate campaign committees since 2005, including \$41,261 to Sandoval.

74. Reyes Kurson holds itself out as “Chicago's top minority-certified law firm” on a website that proclaims, “[o]ur connections give you access to key decision makers.”

75. One client that employed Reyes' connections for access to key decision-makers was SafeSpeed.

76. According to the politically-connected founder of SafeSpeed, Reyes introduced SafeSpeed to Sandoval.

77. SafeSpeed turned to Sandoval to give SafeSpeed a “leg up” in the fiercely competitive market to place Red-Light Cameras in the suburban corridor southwest of Chicago.

**D. Sandoval Monetizes the Tuition-Waiver Racket**

78. Pursuant to a program dating back to 1905, each of the General Assembly's senators and representatives is empowered each year to issue tuition waivers for public universities in Illinois for up to eight students residing in their districts.

79. A legislative change in 1997 required the public disclosure of names and addresses of tuition-waiver recipients and also empowered schools to revoke waivers or expel students who used phony addresses to create the appearance that they were resident in the donor's legislative district.

80. In 1998, John T. Hooker, a veteran lobbyist for ComEd, was promoted to serve as ComEd's Chief Lobbyist and Corporate Vice President.

81. As such, Hooker was responsible for lobbying the General Assembly on behalf of ComEd, including especially the House Public Utilities Committee, chaired by Representative Shirley M. Jones, a Chicago Democrat ("Jones"), and the House Committee on Electric Utility Deregulation, of which Jones was a member.

82. In 1998, Jones, granted to Hooker's stepson a waiver of the tuition he would have otherwise paid to Southern Illinois University, where he was a student.

83. At the time Jones granted the tuition waiver to Hooker's stepson, Jones had received, since 1995, at least \$3,100 in political donations from ComEd.

84. This was just the latest in a long line of legislative scholarships granted to Hooker dependents that reportedly saved the ComEd executive \$21,000 in tuition payments.

85. Hooker apologized to co-workers at ComEd for breaking the utility's ethics policy that prohibits actions that might "create an appearance of impropriety," but a ComEd spokesman said that Hooker's lapse was "inadvertent" and did not require discipline.

86. A few years later, in 2003, Jones retired from the General Assembly and accepted a position as a “lobbyist” with ComEd, where she was paid a salary for the next 10 years.

87. At that time, the *Chicago Tribune* reported that the Hooker-related scholarships, like nearly 2,000 others reviewed by the Tribune, “vividly highlight[ed] how legislators routinely shower dozens of state-sanctioned gifts worth thousands of dollars apiece on the offspring of political cronies, insiders, and campaign donors.”

88. Jones also gave tuition waivers to the son and nephew of former state Sen. John D’Arco, who was convicted of taking and giving bribes, after D’Arco made a \$15,000 campaign donation to Jones.

89. Sandoval emulated Hooker’s example in respect of tuition waivers.

90. In 2011, the Illinois State Board of Education asked the FBI to investigate suspicious circumstances surrounding Sandoval’s award of tuition waivers to five students.

91. All of the five students claimed, in applications signed by Sandoval, to live in Sandoval’s district, as required by law.

92. However, all of the five unrelated students claimed to live at the same address, the home of a Sandoval crony.

93. Sandoval told the *Chicago Sun-Times* that he could not explain why the five students had all listed the same residential address in their scholarship applications.

94. Sandoval said he had fired two employees over the incident and blamed the Board of Education for not spotting the problem before Sandoval had signed and tendered each of the applications to that Board.

**E. Sandoval Monetizes the Red-Light Camera Racket**

95. One authority describes Red-Light Cameras as follows:

A [Red-Light Camera] is a type of traffic enforcement camera that captures [an] image of [a] vehicle that has entered an intersection in spite of the traffic signal indicating red . . . . By automatically photographing vehicles that run red lights, the photo is evidence that assists authorities in their enforcement of traffic laws. . . . . Typically, a law enforcement official will review the photographic evidence and determine whether a violation occurred. A citation is then usually mailed to the owner of the vehicle found to be in violation of the law. . . . . There is debate and ongoing research about the use of red light cameras. Authorities cite public safety as the primary reason that the cameras are installed, while opponents contend their use is more for financial gain.

96. At least one authority has reported that the *primum mobile* in the placement of Red-Light Cameras is greed, not enhanced public safety:

. . . regardless of where they're installed, red-light cameras lack clear-cut safety benefits. A 2018 study from Case Western Reserve University found red-light cameras likely do not increase traffic safety. Researchers looked at traffic accident data from Houston, which operated its red-light camera program from 2006 to 2010, and found that while T-bone collisions did indeed decrease during that time, non-angle collisions, such as rear-end crashes, actually increased. Moreover, rather than reducing traffic accidents, the study found that red-light enforcement cameras may have increased accidents overall. A similar study by the [Chicago] *Tribune* in 2014 found the same results: rear-end crashes were up 22%. In some cases, the number of crashes at an intersection increased after the camera was installed.

97. Not surprisingly, suppliers of Red-Light Cameras often seem anxious to characterize themselves as altruistic champions of public safety instead of opportunistic profiteers, seeking to monetize the nuisance-value of 100-dollar computer-generated traffic tickets.

98. A newspaper article dated May 30, 2017, quoted SafeSpeed spokeswoman Yvonne Davila, who was then on the payroll at Chicago State University, as stating that SafeSpeed COO Chris Lai had “misspoken” when he said a serious traffic accident involving



Zollar's mother-in-law had occurred in 2007 and prompted Zollar to found SafeSpeed out of an altruistic concern for public safety.

99. Davila clarified that, in fact, the accident referred to by Lai had occurred in 2011, years after SafeSpeed was founded.

100. Minutes of a meeting of the Board Of Trustees of the Village of Alsip on June 4, 2016, memorialize a pitch by Zollar and Omar Maani of SafeSpeed to provide Red-Light Cameras to that Village, thus:

Representative [sic] from Safespeed to make a presentation to the Village of Board regarding Red Light Cameras and Safespeed's request to provide service to the Village of Alsip, as the current provider's contract expired 6/1/16. Omar Maani and Nikki Zollar are the partners of Safespeed. Safespeed provides automated enforcement for traffic safety programs referred to red light running cameras. Ms. Zollar explained an occurrence that had happened personally and the reasons to begin such a program. The company has been in Chicago since 2007 and is the only US wholly owned company located in Chicago. They service over 30 communities to include Justice, Summit, Matteson, Evergreen Park, and Oak Lawn, just to name a few. They use infrared technologies and further explained the benefits of the company. Fees are collected when tickets are paid. Trustee [John] Ryan noted other towns using their services to include Berwyn, Burbank, Chicago Heights, Country Club Hills, Crestwood, Dolton, Hometown, and Tinley Park.

101. On information and belief, the "occurrence that had happened personally and the reasons to begin such a program" referred to above, is an accident that occurred in 2011, four years after SafeSpeed was founded.

102. On November 25, 2019, Alsip Trustee John Ryan announced that the Village of Alsip was ending its relationship with SafeSpeed.

103. Recently, Zollar stated that Omar Maani Zollar appears to be cooperating with the federal investigation into the Sandoval Racketeering Conspiracy; that Maani "ha[d] run amok in

some way; and that SafeSpeed was “trying to find out what [it] need[s] to do to distance [itself] from [Maani].”

104. Zollar further stated that “We did not know what [Omar Maani’s] other businesses are . . . we can only do business the way we do business.”

105. SafeSpeed spokeswoman Davila has stated that Omar Maani worked for Triad as a college student and that because of his relationship to his father, Khaled Maani and his status “as a productive member of Triad, [Omar Maani] was included in the development of SafeSpeed.”

106. In any event, suppliers of Red-Light Cameras have generally incentivized municipalities to permit them to install Red-Light Cameras not with promises of enhanced safety but rather by offering to split the collected proceeds of any tickets issued with the host municipality.

107. While the terms of contracts between Red-Light Camera suppliers and host municipalities are subject to case-by-case negotiation, generally, the host municipality receives about 60% of the collected fines, leaving 40% for the supplier.

108. On information and belief, a Red-Light Camera in a busy intersection can generate very substantial cash flow, sometimes millions of dollars per annum.

109. In 2003, a boom in Red-Light Cameras was just beginning in Chicago as Chicago first embraced Red-Light Cameras with the establishment of its Digital Automated Red Light Enforcement Program.

110. There was as yet no enabling legislation for Red-Light Cameras in the Illinois Vehicle Code; that did not come until 2006.

111. The Chicago Program's initial goal was to install Cameras at two busy intersections: Peterson and Western and 55th and Western.

112. To that end, a Committee was formed to identify a suitable supplier of Red-Light Cameras for Chicago.

113. Understandably, the competition to get the first toehold in Chicago's market for Red-Light Cameras was fierce.

114. Beginning in 2003, and for about eight years thereafter, John Bills, Chicago's Assistant Transportation Commissioner, served on the Committee evaluating vendors to provide Red-Light Cameras for the city's Digital Automated Red Light Enforcement Program.

115. With Bills' support, the committee recommended awarding Chicago's first Red-Light Camera contract to Redflex Traffic Systems of Phoenix, Arizona.

116. Over the next eight years, Bills used his influence as a City transportation official to expand Redflex's network of Red-Light Cameras in Chicago.

117. During Bills' tenure, Chicago's installed Red-Light Camera system grew to become the largest in the nation, mostly by installing Redflex Cameras.

118. By the end of 2015, Chicago's Red-Light Cameras had collected more than \$600 million in fines.

119. However, Redflex did not become Chicago's leading provider of Red-Light Cameras in the years from 2003 through 2011 through merit.

120. According to a Department of Justice press release,

. . . the CEO of Redflex Traffic Systems Inc., Karen Finley . . . funnel[led] cash and other financial benefits to the city official, John Bills, and his friend, Martin O'Malley, in exchange for improper assistance in awarding city red-light camera contracts to Redflex. The benefits included golf trips, hotels and meals, as well as

hiring O'Malley as a highly compensated contractor for Redflex, some of which compensation was passed on to Bills.

121. In return for orchestrating Committee votes, leaking inside information to Redflex executives, and undermining bids from competing Red-Light Camera suppliers, Redflex CEO Finley rewarded Bills with cash payments of up to \$2,000 for each of the 384 cameras Redflex contracted to install in the City, envelopes stuffed with cash, and personal benefits, including meals, golf outings, rental cars, airline tickets, hotel rooms, and other blandishments.

122. Federal prosecutors pegged the total bribes paid to Bills at more than \$2 million.

123. Some of the bribes were given to Bills directly, while hundreds of thousands of dollars in cash was funneled to Bills through Bills' friend Martin O'Malley, whom Redflex hired to facilitate the payoffs.

124. Eventually, Bills was convicted of 20 counts of bribery, conspiracy, and fraud and sentenced to a ten-year term of imprisonment.

125. O'Malley, 75, was convicted of conveying envelopes stuffed full of thousands of dollars in cash from Redflex to Bills and sentenced to six months in prison.

126. Finley was convicted of conspiracy to commit bribery and sentenced to a 30-month term of imprisonment.

127. As Chicago was creating the largest network of Red-Light Cameras of any city in the nation, the General Assembly passed Illinois State Law, HB 4835 effective May 2006, permitting the use of Red-Light Cameras and making the registered owner (or lessee) of a vehicle liable for any automated traffic law violations recorded by Red-Light Cameras.

128. This led to a Red-Light Camera land rush into municipalities southwest of the City, including municipalities in Sandoval's 11<sup>th</sup> Senate District, such as Bedford Park, Burbank, Cicero, Forest View, Lyons, McCook, Stickney, Summit, and Riverside.

129. As Red-Light Cameras spread in municipalities outside Chicago, Sen. Sandoval seized the opportunity to help companies place Red-Light Cameras in the choicest Red-Light Camera locations in his District, so long as they were willing to "play ball" with him.

130. In 2007, as Redflex was bribing Bills to consolidate Redflex's hold on Chicago, Zollar, Chris Lai, Khaled "Cliff" Maani, and Khaled Maani's son, Omar Maani, founded SafeSpeed to cash in on the trend, especially in the relatively untouched suburbs southwest of Chicago.

131. By the time SafeSpeed was being launched, Zollar, Lai, and Khaled Maani were already partners in Chicago-based Triad Consulting Services, Inc. ("Triad"), an MWBE-certified entity incorporated in 1994 that contracts to provide janitorial services to, among others, the City of Chicago.

132. According to Zollar, Omar Maani brought the idea of getting into the Red-Light Camera business to Zollar's attention at a time when Triad was looking to pivot into a new business.

133. As such, the individuals and entities once affiliated or related to SafeSpeed include Triad; Zollar; Omar Maani; and The Maani Group, Inc., a corporation controlled by Omar Maani that was dissolved in 2014.

134. In the course of managing Triad's competition for public-sector contracts, Triad's managers had learned the utility of cultivating close relationships with public officials in a position to help steer public-sector business to Triad.

135. Because of Triad's dependence on political connections, the logical choice to lead Triad as its President and Chief Executive Officer was Zollar, a politically connected lawyer with longstanding ties to both Chicago Democrats and state GOP officials.

136. From 1987-1990 Zollar had served as Chairwoman and Secretary of the Chicago Board of Election Commissioners.

137. Zollar also served as Director of the Illinois Department of Professional Regulation in the administration of Illinois Governor Jim Edgar.

138. By 2007, Zollar was not only a prominent and politically-connected lawyer and entrepreneur in her own right but had also been married for 24 years to a prominent Chicago attorney and senior ComEd executive.

139. Zollar's husband had left a prestigious law firm in 2002 to join ComEd, where he variously served as *General Counsel* and *Executive Vice President of Finance and Legal* before moving to Exelon, where he has served as Senior Executive Vice President and Chief Strategy Officer since 2012.

140. After founding SafeSpeed, Zollar took a page from the Triad playbook to cultivate close relationships with public officials in a position to steer business to SafeSpeed, especially contracts for the most lucrative camera locations.

141. SafeSpeed beat its competition to obtain contracts in River Forest, North Riverside, and Berwyn for cameras along a particularly lucrative four-mile stretch of Harlem Avenue southwest of Chicago.

142. Reportedly, SafeSpeed cameras along that four-mile stretch issued more than \$26 million in tickets in the three years from 2014 through 2016, suggesting a potential gross take for SafeSpeed of as much as \$10.4 million.

143. The cornerstone of SafeSpeed's strategy to gain a competitive edge in the fiercely competitive and largely fungible market for Red-Light Cameras was to hire public officials (such as mayors and police chiefs) to moonlight as undisclosed "sales agents" for SafeSpeed.

144. To incentive SafeSpeed's undisclosed sales agents, they were promised a percentage (generally about 3.5%) of the fines generated by the SafeSpeed cameras they "sold," payable monthly in arrears.

145. In addition, SafeSpeed was always vigilant for opportunities to curry favor with public officials in a position to help SafeSpeed expand its base of installed Red-Light Cameras.

146. Among the many public officials and "sales agents" incentivized by SafeSpeed to influence official actions are Sen. Sandoval (after Victor Reyes introduced SafeSpeed to Sandoval), and Oakbrook Terrace mayor Tony Ragucci, after SafeSpeed targeted a very busy intersection in Oakbrook Terrace as a potentially very lucrative location for a Red-Light Camera.

147. In 2012, Ragucci began to request that SafeSpeed Red-Light Cameras be installed at the intersection of Illinois 83 and 22nd Street ("the Intersection") after SafeSpeed became one of Ragucci's most generous campaign contributors.

148. Thereafter, Ragucci made multiple requests to IDOT for approval of SafeSpeed Red-Light Cameras at the Intersection, which requests were rejected.

149. In March 2012, IDOT completed road-widening and other improvements at the Intersection to improve traffic safety.

150. In February 2013, Oakbrook Terrace and SafeSpeed tendered to IDOT a renewed application for installation of a SafeSpeed Red-Light Camera at the Intersection.

151. Safespeed represented that even after IDOT's road-widening and other improvements, the Intersection remained unreasonably dangerous.

152. On April 5, 2013, IDOT rejected the Oakbrook Terrace/SafeSpeed application on grounds that it was too early to determine whether the recently-completed road widening and other improvements at the Intersection would reduce crashes enough to moot the perceived need for Red-Light Cameras.

153. IDOT advised Oakbrook Terrace/Safespeed to renew the application in 2015 if, by then, there were evidence that traffic accidents had not dropped.

154. This turn of events may have triggered a recollection of how Redflex had come to dominate the placement of Red-Light Cameras in Chicago.

155. In any event, on August 2, 2013, Zollar and Maani induced Triad to make a campaign contribution to Sen. Sandoval for \$2,000.

156. On Oct. 14, 2013, Safespeed made a campaign contribution to Sen. Sandoval for \$1,000.

157. On Sept. 25, 2014, Triad contributed another \$1,500 to Sen. Sandoval.

158. On June 24, 2015, Triad donated another \$2,000 to Sen. Sandoval, and The Maani Group Inc. concurrently made a donation to Sen. Sandoval, for \$1,000.

159. On Sept. 24, 2015, Omar Maani made a personal donation to Sen. Sandoval, for \$5,000.

160. On Nov. 18, 2015, Oakbrook Terrace/Safespeed submitted to IDOT a renewed application for cameras at the Intersection.

161. On March 3, 2016, and again on March 16, 2016, IDOT found that SafeSpeed's application did not justify the installation of Red-Light Cameras at the Intersection.



162. However, on May 20, 2016, IDOT did a sudden about-face, approving the application to install SafeSpeed Cameras -- after Sen. Sandoval personally intervened on SafeSpeed's behalf.

163. By then, it was clear that Red-Light Cameras and the substantial streams of cash they generated were a hotbed of public corruption.

164. In January 2017, the Board of Trustees of the neighboring Village of Oak Brook reacted to the installation of SafeSpeed cameras at the Intersection by adopting an Ordinance banning the installation of Red-Light Cameras in Oak Brook on grounds that

contractors promoting red light cameras throughout Illinois and the United States have sought to corrupt local law enforcement by turning it into a moneymaker for political leaders, who in turn have signed contracts granting substantial profits to red light contractors, who in turn have paid contributions to political decision makers, all to the detriment of the safety and financial condition of drivers and the commercial vitality of any area afflicted with red light cameras.

165. On January 24, 2017, the Village of Oak Brook engaged lawyer Frank Avila to file an action seeking to enjoin the installation of SafeSpeed Red-Light Cameras at the Intersection.

166. Avila described the lawsuit as

. . . a law suit on behalf of the Village of Oak Brook against the City of Oak Brook Terrace, [Tony Ragucci,] The Mayor of the City of Oak Brook Terrace [], the Trustees of Oak Brook Terrace [], Triad Consulting Services Inc., Nikki Zollar (The CEO of Triad Consulting Services Inc., and the President of SafeSpeed LLC) [], SafeSpeed LLC, and the Illinois Department of Transportation (IDOT).

This is a civil action for declaratory, injunctive and other appropriate relief challenging the decisions of the Defendant Illinois Department of Transportation (IDOT) to allow, and Defendant City of Oak Brook Terrace to cause, the installation and operation of red light cameras for an automated traffic law enforcement system at 2 corners of the intersection of Illinois 83 and 22nd Street.

....

IDOT did not follow proper procedures and there was political pressures by elected officials including a State Senator that is not even in DuPage County and is/was part of the infamous Hispanic Democratic Organization. Elected officials made calls on behalf of a private company that has given donations to at least 1 of these elected officials. They called IDOT on behalf of SafeSpeed and IDOT did a 24 hour traffic study instead of another year of data as they said they needed.

There is no safety issue and a study done by the Oak Brook Police Department clearly concludes that accidents and violations at this intersection are actually down. This has nothing to do with safety but is all about revenue for the government of Oak Brook Terrace and harming businesses in Oak Brook and Oak Brook Terrace, resents of Oak Brook and Oak Brook Terrace and all the hundreds of thousands of visitors who visit Oak Brook and Oak Brook Terrace to dine, shop, go to the cinema and otherwise enjoy this area.

Red Light Cameras have even caused accidents in some areas based on studies-- especially rear end collisions.

Schaumburg had Red Light Cameras by their Woodfield Mall and the businesses lost customers and the government lost revenue and Schaumburg removed the Red Light Cameras.

Red Light Cameras are bad for the entire region and Oak Brook is an economic engine for the region. Red Light Cameras are bad public policy and there is politics and money that we are concerned about and thus this should be halted at least until we can get some questions answered and we believe it should be halted permanently and reversed.

We are filing suit on behalf of the Village of Oak Brook tomorrow. It is a great honor to serve them as their Attorney and Counselor.

I hope this is the 1st Domino that stops all Red Light Cameras in Illinois.

167. In January 2017, Oak Brook's official Village Attorney was Stewart Diamond, a senior partner of the firm Ancel Glink.

168. Oak Brook asked Diamond and Ancel Glink to take the laboring oar in prosecuting the lawsuit against Oakbrook Terrace.

169. This put Ancel Glink in an awkward position, inasmuch as it was best known as a firm specializing in municipal law, not litigation, and represented many of the villages and

municipalities in West Cook County that were clamoring to cash in on the boom in Red-Light Cameras.

170. Ancel Glink was a member, along with SafeSpeed, in Westcook.org, a regional council of governments serving the communities of west suburban Cook County, and, more recently, is the law firm that was engaged in late 2019 to defend public corruption charges against all but one of the Defendants in this civil RICO action.

171. In any event, on January 25, 2017, Ancel Glink filed in the Circuit Court of DuPage County *Village of Oak Brook v. Tony Ragucci, Mayor of the City of Oakbrook Terrace, et al.*, Case 2017MR000118 (“the Complaint”).

172. In a concurrently-issued press release, Oak Brook expressed its belief that “political pressure from several State Senators caused IDOT to improperly change its view.”

173. In addition to the village of Oakbrook Terrace and its Mayor, Tony Ragucci, the Complaint named as defendants IDOT; various Oakbrook Terrace elected officials; SafeSpeed; Zollar, and Triad.

174. The Lawsuit sought injunctive relief to halt the installation and operation of red-light cameras at the Intersection.

175. The suit alleged Oakbrook Terrace officials voted to install Red-Light Cameras in the Intersection “unfairly and irrationally based not upon a serious traffic problem or a significant number of accidents but rather efforts by the Defendant City of Oakbrook Terrace to increase its revenue” and that the SafeSpeed cameras continued “an unnecessary tax and . . . an improper and unconscionable use of public funds.”

176. Thereafter, notwithstanding evidence of public corruption, and over objections from Frank Avila and various Oak Brook Village Trustees, the lawsuit was abandoned, and Oak Brook's effort to stop the installation of SafeSpeed cameras at the Intersection failed.

177. In 2019, Oakbrook Terrace collected \$5.4 million in Red-Light Camera fines, of which nearly \$2.2 million was paid to SafeSpeed.

178. In late 2019, the FBI seized \$60,000 in cash when they raided Tony Ragucci's home and seized \$51,000 in cash from a safe in the home of Jeffrey Tobolski, another mayor in a southwestern suburb with SafeSpeed Cameras.

179. On January 6, 2020, Illinois Comptroller Susana Mendoza announced that her agency would no longer help Illinois municipalities collect outstanding fines from Red-Light Cameras because "[t]he comptroller's office isn't going to be in the business" of helping "a program that's broken and morally corrupt."

180. Mendoza encouraged any municipality with Red-Light Cameras to think about whether they should keep them.

181. "They should revisit their programs entirely," Mendoza said. "I don't think it's good public policy and I think it's time it ends."

182. Mendoza said it was clear to her that Red-Light Cameras are about squeezing money out of motorists, not about safety.

183. On January 1, 2020, Red-Light Cameras at two Oak Lawn intersections went dark after the village chose not to renew its contract with SafeSpeed.

**F. History of Crony Hiring at RTA And its Service Boards**

184. The three RTA Service Boards, CTA, Metra, and PACE, necessarily compete for

regional transportation subsidies that often only partially fund shortfalls.

185. As a result of the scarcity of resources and concomitant rivalry among the Service Boards, each of the Service Boards seeks independently to monitor legislation that might affect its financial interests and to curry favor with influential lawmakers, generally through unregistered lobbyists working in departments devoted to “governmental affairs.”

186. Unregistered “government affairs” lobbyists for the Service Boards are under intense pressure to ensure that the General Assembly takes actions that are favorable to the Service Boards and RTA.

187. As a result, there is a long and sad history of unlawful patronage hiring at RTA and its three Service Boards.

188. In 2012 an anonymous group of “Concerned Employees” triggered an independent inquiry of the RTA when they complained that then RTA Executive Director Joseph Costello had unlawfully hired an unqualified and incompetent Chief of Staff (Jordan Matyas) solely because Matyas was the son-in-law of Michael Madigan, the speaker of the Illinois House of Representatives and longest-serving leader of any state or federal legislative body in the history of the United States, having held the position for all but two years since 1983.

189. The anonymous complaint alleged that “. . . politics and a dysfunctional executive director [(Costello)] have created the environment where someone [(Jordan Matyas, the son-in-law of Speaker Madigan)] with no management experience, no transit experience and barely any work experience at all becomes Chief of Staff with an accompanying pay increase while other dedicated, qualified employees are passed over, pushed out or given motivation to leave.”

190. In April 2013, Alex Clifford, then the Executive Director and Chief Executive Officer of the RTA’s Metra service board, sent a memorandum to the Metra Board of Directors

alleging that two Metra directors, Chairman of the Board Brad O'Halloran and Director Larry Huggins, had sought improperly to pressure Clifford into applying political factors to employment decisions and that O'Halloran had expressed concern that Clifford's refusal to accede to political hiring pressures from members of the General Assembly, including Speaker Madigan, had jeopardized funding for the RTA and all of its three operating divisions.

191. Clifford's memorandum alleged that O'Halloran and Huggins had said that Clifford must be ousted from his position as Executive Director and Chief Executive Officer of Metra for not complying with Speaker Madigan's requests to make politically-motivated employment decisions and that such noncompliance would result in a loss of future funding from the General Assembly.

192. In August 2013, after the Clifford patronage scandal broke, hard on the heels of the Matyas scandal at RTA, Governor Pat Quinn issued an Executive Order directing that a blue-ribbon Task Force be created to create a report as to as to "how the Northeastern Illinois Transit Agencies can . . . repair the damage done to the public trust . . . ."

193. A blue-ribbon Task Force was formed and issued its written Report on March 31, 2014.

194. The 21-page Report mentions "patronage" 48 times, *passim*, including the following (emphasis supplied):

[i]n recent years . . . one scandal after another has plagued the transit agencies. Reports emerged of patronage, financial impropriety, hidden conflicts of interest, and inappropriate influence over contracts. These ethical failures, along with deep concerns for the future of our transit system prompted Governor Quinn to appoint this Task Force.

\* \* \*

. . . , we need to be aware that **the transit agencies transit system operates in a**

**state and region in which political hiring and patronage have long been conducted by persons in positions of power.** . . . . . we cannot make great plans for northeastern Illinois transportation if we do not address the handicap patronage places on the transit agencies and transit boards and agencies. In particular, we cannot recommend any effort to seek additional funding for transit needs without addressing the need to regain the public trust.

\* \* \*

**[p]atronage has been a longstanding (and bipartisan) reality in Illinois.** . . . . The pervasiveness of patronage in Illinois was evidenced by lists that became public in the series of prosecutions of former Governor George Ryan and his associates. Over a period of eight years, the Ryan administration parceled out jobs and state contracts to amass influence. When catalogued at trial, the list of favors dispensed by the Ryan administration was 555 pages long. . . . endemic patronage led to a lawsuit against a number of entities . . . that resulted in [the Shakman Decree] prohibiting patronage in government hiring in more than 40 state and citywide offices . . . . . The pervasiveness of patronage in Chicago was made plain in the federal criminal prosecution of city of Chicago officials for honest services fraud in the case known as *United States v. Sorich*. . . . . In that case as well, a “clout” list relating to patronage hiring became public. **Reports of patronage continue to the present.**

195. The Report also summarized the findings of prior commissions and panels that had previously found systemic and unlawful patronage, stating that (emphasis supplied):

In 2004, the Office of the Executive Inspector General for Illinois compiled a report showing that employees aligned with Governor Blagojevich’s Office of Intergovernmental Affairs were controlling hiring in “complete and utter contempt for the law.”

\* \* \*

In January 2009, the Special Investigative Committee of the Illinois House of Representatives identified state offices that directed patronage efforts to provide jobs to political allies and donors of former Governor Blagojevich.

\* \* \*

In early 2009, Governor Quinn appointed a blue ribbon panel called the “Illinois Reform Commission” which was charged with looking into meaningful ethics reform for the State of Illinois. The Commission issued a “100-Day Report” on April 28, 2009. That report spoke of “**widespread abuse involving patronage hiring, manipulation of the personnel system, and the need for improvement in ethics training.**” In addressing these issues, that Commission proposed

reforms noting that **‘[t]he dispiriting effect on employee morale, and the deleterious consequences for the People of Illinois, cannot be [overstated].** To be meaningful, legislative solutions must be accompanied by a corresponding change in attitudes.” Early in the report, the Commission asked: “What will Illinois’ response to this current crisis of integrity be? Our nation is watching.”

\* \* \*

This Task Force was created by Governor Quinn in response to the outcry that followed the departure of the former Chief Executive Officer of Metra, Alex Clifford, and the settlement agreement offered to him by Metra to terminate his employment contract. Mr. Clifford **claimed that he was fired in response to his refusal to engage in patronage hiring on behalf of elected officials or approve of deviations from Metra’s contracting process.** In particular, in a now publicly available April 2013 memorandum, Mr. Clifford claimed that there was undue influence by the Speaker of the Illinois House of Representatives and two Metra directors on hiring and promotion decisions within the agency.

\* \* \*

In addition, since the time that this Task Force was appointed, some further historical information has come to light regarding Metra patronage hiring. In particular, **we were advised by Metra that there were historical materials dating from roughly 1983 until 1991 which reflected patronage hiring at Metra. The files included 3 boxes of index cards, holding more than 800 three by five inch cards, relating to persons who were referred for jobs, promotions, or raises by various public officials or persons influential with political parties.** While there is nothing inherently improper (much less illegal) about a person recommending someone else for a job or promotion, **there is something systemically wrong when such references on behalf of politically connected individuals seem to dominate and control the process to the detriment of better qualified candidates.** And these referrals and hiring and promotion decisions need to be viewed in light of the law generally prohibiting political hires for the transportation agencies involved. A fair reading of these concededly dated materials shows that a large number of people made references, while a smaller number of people made multiple references on behalf of multiple people. When candidates were recommended by politically connected people, those candidates were at times hired or promoted or provided raises and at times not. But **in a number of cases it appears that recommendations from particular officials carried greater weight and caused candidates to obtain jobs, raises or promotions.**

\* \* \*

. . . the current Speaker of the Illinois House of Representatives . . . allegedly sponsored patronage hiring in 2012 leading to the creation of this Task Force. The



records, fairly read, show that **in some cases he did not recommend people to be hired – he in effect decided they were hired.**

\* \* \*

One of the points made by the transit agencies other than Metra is that it is not their conduct which has occasioned the work of this Task Force. There is some merit to that observation. **But we would be remiss if we were blithely to assume that patronage issues are confined to Metra.**

\* \* \*

. . . in late February 2011, at a time when the press was reporting that there were rumors that [ ] Speaker [Madigan] might have been seeking to abolish the RTA and an amendment to a Senate bill sought to remove the RTA Chairman, the Speaker's son-in-law was hired as the RTA's chief lobbyist with a salary of \$130,000 per year. **The RTA denied that the hiring had anything to do with the familial connection to the Speaker. According to a press report in *Crain's Chicago Business*: "We wouldn't call it a peace offering," the [RTA] spokeswoman said. "We'd call it the hiring of a person for a posted vacancy who we have determined is very highly qualified."**

\* \* \*

**The harm that is caused by patronage is insidious but severe.** It is appropriate for high ranking policy positions to be given to persons who share a common approach with elected officials. But for other positions, **hiring based upon political considerations is corrosive to good government. First, it deprives honest, ordinary citizens of a fair chance at employment or promotion that can affect their ability to provide for their families. It also is demoralizing to a workforce to learn that merit takes a back seat to other considerations.** It fosters a work force tilted towards one political ideology or another. And it **creates an environment where it is easier for both corruption and mismanagement to flourish.** One other aspect of corruption that is little discussed is the unfair taint of suspicion that it casts on the ethics and qualifications of those employees not hired due to political influence. Indeed, there is a risk that persons hired due to political influence may be well qualified and work diligently and honestly but have their performance judged by how they were hired. In short, **there is every reason to believe that patronage costs taxpayers in terms of honesty and efficiency, and undermines public confidence. And, not to put too fine a point on it: patronage hiring for non-policy positions, as a general matter, is illegal under the relevant statutes.**

196. To fight the scourge of illegal patronage, the Report recommended, among other things, "[t]he implementation of a firewall prohibiting communications between elected officials

. . . and the transit agencies regarding matters of hiring, promotion, or raises for individuals.”

197. The recommended “firewall” has never been implemented.

198. However, RTA, Metra, and PACE are subject to a statute that prohibits politically-motivated hiring, in pertinent part, thus:

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment **nor shall there be discrimination based upon political reasons or factors.** The [RTA/Metra/Suburban Bus Board] **shall establish regulations to insure** [sic] that its discharges shall not be arbitrary and **that hiring and promotion are based on merit.** . . . . The [RTA/Metra/Suburban Bus Board] shall file an affirmative action program for employment by it with the Department of Human Rights to ensure that applicants are employed and that employees are treated during employment, without regard to unlawful discrimination.

*See* 70 ILCS 3615/2.14 (RTA); 70 ILCS 3615/3B.05 (Metra); 70 ILCS 3615/3A.04 (PACE).

199. The forgoing statutory prohibition against hiring based on political reasons or factors became effective January 1, 2015.

200. However, to this day, PACE’s official anti-discrimination policy statement omits any mention of the statutory prohibition against discriminatory hiring based on political reasons or factors, years after RTA’s employment of Speaker Madigan’s son-in-law was all but universally perceived as a bribe to induce Speaker Madigan not to act on threats to abolish the RTA and removed its Executive Director.

201. It is against this cynical, lengthy, and degrading history of deeply entrenched and persistently corrupt hiring practices that the PACE branch of the Sandoval Racketeering Conspiracy must be viewed.

**G. Corrupt Hiring at The Illinois State Toll Highway Authority, ComEd, PACE, and CTA**

**1. A ComEd Job for Angie Sandoval, 2012**

202. Efforts by ComEd and its parent company Exelon (collectively “ComEd”) to curry favor in the General Assembly and with Speaker Madigan began in earnest after 2003, the year the General Assembly had rejected a rate hike that John Rowe, then CEO of Exelon, said was critically needed to complete the acquisition of troubled downstate utility Illinois Power.

203. It was then no secret that Madigan was conspicuously withholding his support for ComEd’s efforts.

204. Disappointed, ComEd intensified its efforts to increase its influence in the General Assembly and to improve its relationship with Madigan, in order to ensure favorable treatment of proposed rate hikes and bailouts related to two nuclear power plants located in Clinton and the Quad Cities.

205. Sandoval and other legislators in Springfield made it clear that if ComEd wanted the General Assembly to support rate hikes, ComEd would have to start “playing ball” with Madigan and other key legislators, including Sandoval.

206. Thereafter, political contributions to Sandoval and other influential legislators attributable to ComEd steadily increased as Exelon hired an army of politically-connected “lobbyists” to curry favor and act as bagmen for secret payments.

207. In 2011, ComEd’s efforts first bore substantial fruit.

208. In 2011, the General Assembly effectively pushed aside the usual case-by-case regulatory hurdles for rate increases and pre-approved future rate hikes subject to a predetermined schedule.

209. In addition, the General Assembly gave its blessing to a \$2 billion ratepayer-financed bailout of struggling nuclear power plants.

210. After 2011, ComEd continued “playing ball” with Sandoval, among others, by making politically-motivated hires.

211. One of the politically-connected hires by ComEd made in exchange for favorable government actions in the General Assembly occurred in 2012.

212. In 2012, Angie Sandoval (“Angie”), one of Sandoval’s three children, was in need of a job.

213. Sandoval, whose own rise to power had been fueled by corrupt hiring, made ComEd an offer that it could not refuse: Hire Angie.

214. ComEd was only too happy to oblige.

215. In 2012, during Anna Pramaggiore’s tenure as ComEd CEO, Angie went to work at ComEd, where she remains employed to the present day.

## **2. A Job for Kevin Donahue at Illinois Tollway, 2012**

216. In 2011, Kevin Donahue, the son of Rocky Donahue, graduated from Vincennes University with a Bachelor of Science degree in Homeland Security and Public Safety.

217. About a year after Kevin was unable to find a job in Homeland Security and Public Safety, his father asked Sandoval to find Kevin a job in the public sector.

218. In October 2012, Kevin was hired at the Illinois Toll Highway Authority as a “Community Relations Coordinator.”

219. To this present day, Kevin remains employed by the Illinois Tollway, where he now serves as its Manager of Governmental Initiatives, Policy, and Planning.

220. In that position, Kevin monitors and tracks all legislation that impacts the Illinois Tollway and serves as the agency's lead contact with members of the General Assembly.

221. Of course, one of the members of the General Assembly lobbied by Kevin is Sandoval, the official who got Kevin his job.

**3. A Job for Marty Sandoval at PACE, 2016**

222. On March 18, 2016, PACE published Job Posting 523 ("Posting 523") internally at PACE.

223. Donahue understood at that time that by orchestrating an elaborate charade to gift Posting 523 to Marty, he was repaying Sandoval for getting Donahue's son Kevin a job at the Illinois Toll Highway Authority in 2012.

224. Posting 523 sought a "Community Relations Representative" to report to Defendant Rushing in her capacity as PACE's Manager of Community Relations and work out of PACE's Arlington Heights headquarters.

225. Posting 523 stated that "PACE [would] select the candidate who possesses the best qualifications in accordance with standard hiring procedures."

226. As such, Rushing's role in the standard hiring procedures involved her review of the submissions PACE received for Posting 523 and her participation, with Miller, in all of the interviews of the candidates whom Rushing deemed worthy of being called in for interviews.

227. After interviewing a hand-picked subset of the candidates for Posting 523, it was incumbent on Rushing to make a recommendation as to which one of the candidates was best qualified and should be hired.

228. Pursuant to PACE's standard hiring procedures, Rushing was required to set forth her ultimate recommendation in a "Justification for Hire" that she would tender to Donahue for

his signature.

229. The Justification for Hire would also require a sign-off from Marion Roglich, PACE's head of Human Resources, and Ross, in his capacity as PACE's Executive Director.

230. Posting 523 provided the following "Summary Job Description" for the desired Community Relations Representative:

Develops and maintains positive relationships within an assigned territory. Acts as liaison for PACE with External stake holders [sic] including communities, businesses, local elected officials, staff and community organizations to market PACE services, foster good will [sic] and convey information on PACE initiatives. Executes local outreach campaigns for promotion of PACE related programs and services. Works closely with PACE staff. Conducts or represents agency at formal or informal hearings. Knowledge of complex activities and operations of local government. Assess and implement programs as it pertains to geographic territory. Negotiate very complex and sensitive issues. Effectively advocate the PACE agenda. Manage and direct numerous and various complex issues simultaneously. Develop effective advocacy networks and build effective coalitions. Performs other duties of similar nature and level as assigned.

231. Posting 523 recited the following Qualifications for the Community Relations Representative:

Bachelor's degree in Business Administration, Political Science, Public Administration or related field. Minimum two years of experience in government affairs. Equivalent combination of education and experience sufficient to successfully perform the essential duties such as those listed above. Transit or government related [sic] experience is desirable. Excellent verbal and written communication skills. Experience in tracking and managing multiple projects, writing, research and community relations. Intermediate to advanced MS Windows applications is required. Strong customer service skills are essential and frequent travel, early morning, evening and weekend hours may be required. Fluency in Spanish desirable, but not required.

232. Posting 523 stated that the Community Relations Representative would have a Pay Grade of E4 and a Pay Range of \$56,043-\$99,337.

233. On March 25, 2016, Posting 523 was published on PACE's website, and thereafter online applications began rolling in, as they were filled out by applicants and

automatically forwarded by email to Miller.

234. On April 2, 2016, an applicant named Connor Fitzpatrick filled out an online application for Posting 523 and emailed a copy of his resume to an employee in PACE's Human Resources Department, who forwarded the resume to Miller.

235. Fitzpatrick's submission stated that he had a Bachelor of Arts in Public Policy and Public Administration from Michigan State University and was fluent in both German and Spanish (having studied it for 12 years and lived in Spain) and had work experience as a public relations associate, an aid in the Colorado Senate and Michigan House of Representatives, and a research associate at the Institute for Public Policy and Social Research.

236. During business hours on April 4, 2016, Miller forwarded the application from Fitzpatrick along with a handful of other online applications for Posting 523 to Rushing, with a copy to Swedlund.

237. In addition, Miller's email forwarded online applications from:

Clint Sabin, which indicated that Sabin had a bachelor's degree in Public Relations and a Master of Public Administration and had previously worked in government affairs at the RTA, where he was paid a salary of \$92,000 per annum and reported to Steve Schlickman, RTA's Executive Director;

Elizabeth Norden, who reportedly had a bachelor's degree in political science and government experience working at the Illinois Department of Natural Resources, the Illinois Toll Highway Authority, the Office of the Illinois Attorney General, and the Office of the Illinois Lieutenant Governor, at salaries as high as \$99,000 per annum; and

Seville Spearman, who reportedly had a bachelor's degree in sociology and a master's degree in public administration, and work experience in transportation planning

for Northern Illinois University.

238. On information and belief, Swedlund, who was copied on Miller's email to Rushing, advised Donahue that Miller had begun forwarding applications for Posting 523 to Rushing, and the applications did not include an application from Marty, the pre-selected applicant.

239. By then, Donahue had advised all of the other RICO Conspirators that, at Sandoval's direction, Marty had been pre-selected as the successful candidate for Posting 523 as an unmerited tribute to Sandoval.

240. When Donahue realized that applications had begun to arrive at PACE, Donahue contacted Sandoval and told him to encourage Marty to tender an online application as soon as possible, and to send his resume to Donahue at Donahue's personal email address, an address that Sandoval knew and had used before.

241. Not coincidentally, after 10 pm on April 4, 2016, Marty filed out an online application for Posting 523 on PACE's website and also emailed a copy of his resume to Donahue at what must have been Donahue's personal email address, inasmuch as no email from Marty to Donahue on PACE's official servers was produced in discovery.

242. On April 4, 2016, Donahue received Marty's resume at his personal email address, and on April 5, 2016, Donahue forwarded the resume to Swedlund, who, in turn, used her official PACE email to forward the resume to Miller, on April 6, 2016.

243. Marty's online application and resume reported that Marty had recently received a bachelor's degree in psychology and was working on a master's degree in social work, with work experience limited to a string of part-time jobs, some of which lasted no more than a month.



244. On April 13, 2016, Miller forwarded to Rushing a résumé from another applicant, Sean Arden.

245. Arden's résumé showed that he had a Bachelor's degree in Political Science and a Master's Degree in Public Administration and had work experience as a paralegal and intern at Hanover Township and the Village of Skokie.

246. On April 15, 2016, Miller forwarded to Rushing by means of a single email 32 online applications for Posting 523 as well as the resume that Arden had emailed to PACE and the emailed submission of Connor Fitzpatrick.

247. Thereafter, only Arden was called in for an interview from the group of highly-qualified applicants that included Fitzpatrick, Sabin, Norden, Spearman, and Arden.

248. Rushing chose not to interview all highly qualified applicants because Rushing, along with Donahue, Swedlund, Miller, Marty, and Sandoval, knew that any interviews of any applicants other than Marty would be a sham whose sole purpose was to camouflage the fact that the "winner" of Posting 523 had been pre-selected.

249. On April 15, 2016, Miller forwarded to Swedlund, Donahue's executive assistant, by means of a separate, single-purpose email, the online application Marty had filled out on the PACE website on April 4, 2016; the subject line read simply "Job Application from Web Site."

250. Nothing in the over 500 pages of documents produced by PACE in discovery says a single word about the fact that one of the applicants for Posting 523 was the son of an influential state senator who held substantial power over PACE and the RTA, nor is there any recognition of the heightened need to avoid an appearance of impropriety or expressly to certify that the final selection had not been motivated by an unlawful political purpose.

251. On April 29, 2016, Rushing and Miller conducted the first interviews for Posting

523.

252. On that day, they interviewed three applicants: two PACE incumbents, Fischer and Lawson, who lacked the minimum qualifications set forth in Posting 523, and one highly-qualified applicant, Sean Arden.

253. On May 3, 2016, Rushing and Miller interviewed three Hispanic-surnamed candidates (Hernandez, Ortiz, and Sandoval) for Posting 523.

254. Hernandez' résumé stated that he had a Bachelor's degree in political science with a minor (and fluency) in Spanish, and work experience in various private-sector non-transit related firms.

255. Ortiz' résumé stated that he had a Bachelor's degree in Communications and an MBA, but no discernible experience in government affairs.

256. As stated, Sandoval's résumé stated that he had a Bachelor's degree in psychology and was working on a master's degree in social work, and had, during college and graduate school, held a string of part-time jobs, most recently in a hospital.

257. Significantly, it appears that Marty's description of his "work experience" at Saint Anthony's Hospital is a slightly modified cut-and-paste of the Summary Job Description in Posting 523.

258. By way of one example, the Summary Job Description says, "Develops and maintains positive relationships within an assigned territory. Acts as liaison for PACE with External stake holders including communities, businesses, local elected officials, staff and community organizations to market PACE services, foster good will and convey information on PACE initiatives."

259. Marty's description of his experience at Saint Anthony's says "Acts as a liaison in

maintaining and building strong relationships and collaborations with key community stakeholders and elected officials as well as hospital management, physicians, and associates.”

260. Even so, Marty was one of seven candidates that Rushing chose from a field of 80 for an interview.

261. The interview notes taken by Miller in all of the interviews that she attended are almost entirely illegible (even to Miller herself) and substantively undecipherable.

262. Nothing in the interview notes taken by Miller and Rushing purports to score or rank the candidates in any discernible fashion, let alone a fashion that is quantitative and comparative.

263. On May 11, 2016, another highly-qualified candidate, Joshua Steinberg, was subjected to a sham interview by Rushing and Miller.

264. Steinberg’s résumé showed a Bachelor’s degree in Public Affairs and Spanish (with fluency) and a long history of government experience.

265. During Steinberg’s sham interview, neither Rushing nor Miller was in a position to assess Steinberg’s claimed Spanish-language fluency because neither Rushing nor Miller has any knowledge of Spanish.

266. But a good faith, comparative appraisal of Steinberg, or any other candidate for Posting 523, was not necessary or within the contemplation of Donahue and the RICO Conspirators because Donahue had already made a decision corruptly to hire Marty and enlisted the RICO Conspirators to execute the predicate acts alleged herein to achieve that objective by managing the affairs of the RICO Conspiracy.

267. As before, the interview notes of the interview of Steinberg, to the extent they are legible, do not purport quantitatively or comparatively to assess Steinberg relative to any other

candidate.

268. Like Arden, Steinberg was not called back for a second interview for reasons that are not clear from the record, notwithstanding his substantial qualifications and experience.

269. Later, Rushing testified that Steinberg did not express an interest in transit, notwithstanding the fact that he applied for Posting 523 and appeared at PACE's offices for an interview.

270. Rushing testified that, by contrast, the successful candidate (Marty) had demonstrated an interest in transit by riding on a bus from time to time.

271. After the interview of Steinberg on May 11, 2016, a total of seven candidates out of a universe of 80 had been interviewed by Rushing and Miller in April and May 2016, including the two PACE incumbents, Arden, Hernandez, Steinberg, Ortiz, and Sandoval.

272. However, only Ortiz and Sandoval were called back for second interviews.

273. The two call-back interviews of Ortiz and Sandoval were conducted on May 16, 2016, by Rushing and Miller, with an appearance, for the first time, by Donahue.

274. Rushing recalled that Donahue was present for the entirety of both of the call-back interviews.

275. By contrast, Donahue testified that he did not attend the interviews and that the candidates were merely taken to his office and introduced to him.

276. On or around May 17, 2016, Kirk Dillard, a Republican who became chairman of the RTA Board of Directors in June 2014, and was familiar with Gress, called Donahue to inquire about Gress' application and to recommend that Gress be given serious consideration for Posting 523.

277. The next day, at 2:53 pm on May 17, 2016, Miller, at the behest of Swedlund and

Donahue, asked Marsha Borek in PACE's HR Department whether Lawrence Gress had submitted an application for Posting 523.

278. Borek searched only among the online applications submitted through PACE's website and answered (incorrectly) in the negative.

279. That same day, May 17, 2016, at 5:48 pm, while Dillard's inquiry about Gress was still pending, Rushing hurriedly prepared and tendered to Donahue, a one-page "Justification to Hire" identifying Marty as the most highly qualified of all candidates (many of whom were highly qualified but never interviewed) and recommending that Marty be hired for Posting 523.

280. It was the intention of Donahue, Swedlund, Rushing, and the other RICO Conspirators to act quickly to offer Posting 523 to Marty, and to tell Dillard that his inquiry about Gress was moot because the position had already been offered and accepted by someone else.

281. The Justification for Hire had signature blocks for Donahue, Marion Roglich, PACE's head of Human Resources, and Thomas J. Ross, the Executive Director of PACE.

282. Remarkably, neither Roglich nor Ross had any personal involvement in the process to fill Posting 523 until their signatures were required on the one-page Justification for Hire.

283. The next morning, on Wednesday, May 18, 2016, at 8:29 am, Donahue responded as follows to Rushing's email of the prior evening: "This is approved. I will be in Friday to sign the original but you can start the process now if you want. Thanks, Rocky."

284. On information and belief, on May 18, 2016, Donahue was anxious quickly to approve the Justification for Hire because he wanted to moot Dillard's inquiry and deliver in person to Sandoval the good news about the happy coincidence that Marty had bested 79 other

applicants -- many of whom appeared on paper to be vastly better qualified than Marty.

285. By approximately 11:00 am on May 18, 2016, just hours after Donahue had approved the hiring of Marty, Miller found the resume that Gress had faxed to PACE in April as his application for Posting 523 and forwarded it to Swedlund, who shared it with Donahue.

286. Donahue decided that the best course was quickly to conclude the hiring of the pre-selected candidate so that Dillard's inquiry would not result in any disappointing news for Sandoval.

287. Thereafter, Miller telephoned Marty to tell him what he by then had already heard from his father, Sandoval, namely, that Marty had beaten out 79 other candidates, including former high-ranking employees of RTA such as Clint Sabin, to win Posting 523.

288. On May 31, 2016, Miller sent Rushing an email stating that "Martin has accepted the position, however he is [un]able to start on June 27, 2016."

289. Marty's acceptance of Posting 523 did not moot concerns about the status of Gress's application for that position.

290. Donahue, Swedlund, Rushing, Miller and the other RICO Conspirators decided that Rushing and Miller would conduct a sham interview of Gress, in order to mollify Dillard and hide any appearance of corruption or favoritism in the hiring process.

291. On June 9, 2019, Rushing sent an email to Miller asking her to schedule an interview with Gress, subject to her availability.

292. On or around June 13, 2016, by means of a letter of even date, Miller, at the behest of the other RICO Conspirators, used the United States mail to tender a conditional written offer of employment to Marty, knowing that the conditional offer was the result of a bogus review and interview process.

293. Also, on June 13, 2016, Miller proposed to Rushing, in an email, some possible dates and times for a sham interview of Gress.

294. Miller and Rushing and the other RICO Conspirators knew it was important to avoid any mention of Marty's parentage and "go through the motions" of a non-corrupt interview process by conducting sham interviews so as to hide the fact that Marty had been pre-selected.

295. It was also important to interview Gress to create a false appearance that all highly qualified applicants had been interviewed, especially one recommended by the RTA Chairman.

296. On June 14, 2016, Rushing suggested an interview of Gress the following day at 11 am.

297. Gress appeared on June 15, 2016, at PACE for an interview with Rushing and Miller.

298. At no time before the commencement of this civil action did Gress have any reason to think that he had spent time and money to appear for a sham interview -- a sham because it was for a position that was no longer available.

299. Indeed, Gress never imagined that public officials, entrusted with taxpayer dollars, would stoop to using citizens as unwitting pawns in order to stage a scene to hide their own misconduct.

300. PACE had received Gress' submission long before Rushing tendered the Justification for Hire to Donahue and before Posting 523 had been orally offered to and accepted by Marty.

301. As stated, on June 15, 2016, Rushing and Miller conducted the sham interview of Gress for the Community Relations Representative position.

302. During the interview, neither Rushing nor Miller attempted to assess Gress' Spanish-language fluency, and neither appeared to be in a position to do that because neither had any knowledge of Spanish.

303. During the interview, Gress confirmed that which was set forth in his résumé, namely, that he had previously worked for PACE and RTA in the Six-County Area as a marketer, manager and outreach coordinator, and that he had established a nationally-recognized record of success in those roles, and that Rushing could confirm that by speaking to RTA and PACE professionals and consulting their own books and records.

304. Gress felt that the interview had confirmed he was an ideal and uniquely qualified candidate for the Community Relations Representative position.

305. However, as a former employee and agent of PACE and RTA and a citizen of the State of Illinois, Gress was aware of the long history of corrupt, politically-motivated hiring at the RTA and its Service Boards.

306. Gress knew, for example, about the 2012 scandal when RTA Executive Director Joseph Costello hired an unqualified and incompetent Chief of Staff (Jordan Matyas) solely because Matyas was the son-in-law of Speaker Madigan and notwithstanding his utter lack of qualifications or pertinent experience.

307. Gress also knew about the allegations of unlawful pressure to make patronage hires in the April 2013 memo from Alex Clifford, and that Clifford's memorandum alleged that two Metra board members had said that Clifford must be ousted from his position for not acceding to Speaker Madigan's requests for politically-motivated employment actions because that would result in a loss of future funding from the General Assembly.

308. Gress also knew about the March 2014 Task Force Report that had documented a



longstanding and deeply entrenched culture of patronage hiring at RTA and its Service Boards.

309. Notwithstanding the patronage-riddled past of RTA and its operating divisions, Gress hoped that after years of scandal and loss of public trust, RTA and PACE had redoubled efforts to curtail unlawful hiring practices, such as hiring based on racial discrimination, age discrimination, political patronage, cronyism, and political pressures, and that such efforts would permit his merit and superior qualifications to carry the day.

310. However, Gress soon began to suspect that, as in the past, PACE's hiring practices might be influenced by "pay to play" politics in Springfield, where low-stress sinecures were gifted to inexperienced candidates in order to curry favor with politicians yielding control over PACE.

311. On July 19, 2016, having heard nothing from PACE, Gress sent an email to Rushing inquiring about the status of his application.

312. On July 28, 2016, Miller used the United States mail to tender to Gress a letter that she knew was a sham, intended to create the false impression that Gress had been considered for Posting 523, but passed over in favor of a more highly qualified candidate.

313. Shortly thereafter, Gress received from PACE a letter dated July 28, 2016, signed by Miller, stating as follows:

Dear Mr. Gress,

Thank you for taking the time to interview with PACE Suburban Bus for the Community Relations Representative position at our PACE Headquarters. It was a pleasure meeting you.

Your work background was certainly of interest to us and warranted careful consideration. The decision was a difficult one, but we have concluded that another candidate is best suited to our specific requirements at this time.

Once again, thank you very much for your time and interest in PACE. Best wishes to you in all of your future endeavors.

314. The letter to Gress was a lie.

315. After Marty was pre-selected for Posting 523, Gress' background was a matter of complete indifference to Donahue and the RICO Conspirators and was given no consideration, inasmuch as the decision to hire Marty was an easy one, given who his father was.

316. The letter was truthful to the extent it said that hiring Marty as a bribe to Sen. Sandoval for favorable treatment was perceived by Donahue and the RICO Conspirators as better suited to PACE's specific requirements than hiring a better-qualified candidate who could actually do the job.

317. Gress, himself a former HR professional with many years of experience in that field, was shocked by Miller's letter and sent a reply dated August 1, 2016, in which he threatened to investigate whether PACE had in fact selected another candidate who possessed superior qualifications, in accordance with PACE's standard hiring procedures.

318. PACE did not respond to Gress' letter.

319. Thereafter, Gress learned that the successful candidate for the Community Relations Representative position, known as "Marty," was a young, 20-something Hispanic male who had recently (in December 2012) graduated from Northeastern Illinois University with a Bachelor's degree in Psychology (not political science) and was enrolled at the University of Illinois, pursuing a master's degree in social work, which he expected to pursue while employed at PACE.

320. Gress also learned that Marty's résumé claimed:

-- no prior experience marketing or doing business on behalf of PACE or RTA (or anyone else) in the Six-County Area;

-- experience in the spring of 2012, while Marty was still enrolled in college,

“[c]onduct[ing] an observational study at the Chicago Children’s museum to study the correlation between crowdedness [sic] in the exhibits and the visitors’ engagement”;

-- post-college experience during one month, January 2013 (the month after he graduated from college), as a “facilitator trainer” for the “ACT program”;<sup>1</sup>

-- experience in another month (October 2013) as a “Certified Application Counselor,” which apparently meant that Marty assisted citizens in applying for insurance under the Affordable Care Act;

-- experience as a part-time employee at Saint Anthony Hospital from 2012 (when he was enrolled in college) through the time of his 2016 application for the Community Relations Representative position as a “Community Resource Educator,” where he “provid[ed] services to clients [sic] based on client needs,” and as a “Community Relations Network Specialist,” maintaining and building relationships with unspecified community “stakeholders” and elected officials (presumably Sen. Sandoval) as well as hospital management, physicians, and associates; and

-- employment from 2008 through 2012 (while Marty was reportedly still enrolled in either high school or college) by the Pilsen Wellness Center, Inc., as a Quality Assurance Analyst, Corporate Compliance Assistant, and Assistant to the President.

321. In sum, Gress found that the successful candidate had: no transit or government-

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<sup>1</sup> The resume described the ACT program as “a national research-based initiative designed to educate families to create safe, nurturing, healthy environments that protect children and youth from violence and its consequences; in that one-month capacity, the successful candidate educate[d] families on basic information on child development, risk factors for violence and its consequences, protective factors and skills for effective parenting, such as anger management, peaceful conflict resolution, discipline, and media violence education, and about participating in the community’s efforts on prevention.”

related experience; no Bachelor's degree in Political Science; less than two years of experience in government affairs if he had any at all; no experience developing and maintaining relationships between PACE and stakeholders of PACE in the Six-County Area; and no experience as a senior marketing officer, general manager, or sales director for any transit-based entity.

322. As stated, on April 28, 2016, Gress saw Posting 523 and concluded that his qualifications were a close match for the Qualifications of the Community Relations Representative sought by PACE.

323. Thinking he was an ideal candidate for Posting 523, on April 28, 2016, Gress faxed his résumé to PACE.

324. Gress' resume reported that he had previously worked for the RTA from 1993 through 2005.

325. From 1993 through 1998, Gress was the human resources generalist manager for RTA.

326. In that capacity, Gress was responsible for a full range of human-resource general manager duties and developed an intimate familiarity with the RTA and its three Service Boards, including PACE, and their professionals and transit-related missions in the Six-County Area.

327. In 1998, Gress was promoted into the newly-created role of Manager of the RTA Transit Benefit program.

328. By all accounts, Gress was remarkably successful in the new role.

329. As such, Gress had been recognized and promoted for his work at RTA before he left RTA on good terms when he was recruited to work for various contractors of RTA and PACE.

330. Posting 523 sought a Community Relations Representative with a Bachelor's degree in Political Science or related field.

331. As reflected in his résumé, Gress had received a Bachelor's degree in Political Science from St. Ambrose University in Davenport, Iowa.

332. Posting 523 sought a minimum of two years of experience in government affairs and also stated that “[t]ransit *or* government related experience [was] desirable.” (Emphasis supplied.)

333. By the time Gress applied for Posting 523, he had in excess of 20 years of transit experience and dealing with governmental entities in the Six-County Area in respect of the Transit Benefit Program.

334. Gress had been personally responsible for developing and maintaining positive relationships between PACE and various stakeholders in the Six-County Area, where the Community Relations Representative would be expected to work.

335. As reflected in his résumé, from 2012 through 2015, Gress had marketed VENTRA-linked computerized human resource benefit programs to corporate executives in the Six-County Area on behalf of a contractor to PACE and CTA.

336. Similarly, from 2005 through 2008, Gress was the Director of Sales and Marketing of Human Resource Benefits for ACCOR Corporate Services pursuant to a contract between ACCOR and the RTA.

337. In that capacity, Gress successfully marketed RTA Transit Check, a “Qualified Transportation Fringe” benefits program allowed under Section 132(f) of the Internal Revenue Code to senior human resource corporate executives throughout the Six-County Area, adding over 300 new corporate clients and increasing program participation to over \$65 million in

annual sales with the participation of over 7,000 corporate customers.

338. In marketing this tax-advantaged commuter benefits program, Gress spoke on behalf of PACE, in addition to RTA's other operating divisions, and traveled throughout the Six-County Area marketing the new employer-provided benefit program, in tandem with a third-party contractor that provided back-end fulfillment support services.

339. As a human resources generalist manager for the RTA, Gress called on human resources contemporaries throughout the Six-County Area.

340. Thus, by the spring of 2016, Gress had experience i) in both transit and government-related endeavors of RTA and PACE in the Six-County Area; ii) acting on behalf of, or working for both RTA and PACE in the Six-County Area; iii) in tracking and managing multiple projects for RTA and PACE in the Six-County Area; and iv) in writing, research, and community relations on behalf of RTA and PACE in the Six-County Area.

341. At the time he applied for Posting 523, Gress also had a demonstrated record of success as a marketer and strong customer service skills.

342. In his previous engagements involving RTA, PACE, and the Qualified Transportation Fringe and Ventra program, Gress had traveled frequently and worked early morning, evening, and weekend hours.

343. Admittedly, Gress was not fluent in Spanish, but Posting 523 said that was desirable, but not required, and the previous incumbent (Mary Robb) had retired from the Community Relations Representative position after receiving consistently positive reviews -- without ever having fluency in Spanish.

344. In addition, by the time of his faxed application for the CRR position, Gress was already a nationally recognized transit expert who had already established a track record of

making lasting contributions to community relations for the transit benefit fare-paying program on behalf of RTA, CTA, Metra, and PACE.

345. As stated in his résumé, Gress helped establish RTA's transit benefit program in the 1990s and was recognized for his work on behalf of the RTA by the American Public Transportation Association, the national industry association (APTA).

346. In recognition of his successful career, in 1997, the APTA invited Gress to address its National Convention.

347. By the time of his application for the Community Relations Representative position, Gress had also been recognized by the RTA for the quality of his work.

348. Gress co-chaired an industry committee that investigated obstacles to the implementation of the transit benefit program and helped re-design and streamline the "RTA Transit Check" in the process.

349. During his career at the RTA, Gress collaborated with a Senior Vice President of the CTA, John Flynn, on the rollout of the "Chicago Card" electronic transit payment program.

350. When Flynn left the CTA to work for the outside contractor providing back-end services related to the VENTRA program, Flynn recruited Gress to assist with the rollout of those products on behalf of CTA, Metra, and PACE.

351. When RTA fare collection became a public-private partnership, Gress worked with community and business groups throughout the region to speed acceptance of the new cost-cutting fare collection program.

352. Gress' work was of such consistently high quality that he assisted private vendors who had community relations as their top priority, all the while relating to RTA and CTA on their behalf.

353. Moreover, to the extent that PACE had any doubt about Gress' prior qualifications and experience, as adumbrated in Gress' résumé, it could have easily consulted the books and records of RTA, which reflected in detail Gress' long and successful career promoting transit-related agendas of RTA in the Six-County Area.

354. In addition, PACE could have easily consulted senior managers at RTA and its Chairman, Kirk Dillard, who had recommended Gress and knew him to be a top-notch professional.

355. To be sure, Marty, unlike Gress, claimed that he was fluent in Spanish, but Posting 523 said that was desirable, but not required, and the previous incumbent in the job (Mary Robb) was uniformly deemed successful without any proficiency in Spanish.

356. To all outward appearances, Gress, a Caucasian seasoned professional with years of highly pertinent and successful experience, had been passed over in favor of a young and inexperienced Hispanic recent college graduate with a degree in Psychology and a string of temporary short-term, part-time jobs while in college and graduate school.

357. Moreover, it appeared that PACE could not articulate a legitimate, nondiscriminatory reason for refusing to hire Gress for the Community Relations Representative position.

358. Gress filed a charge of race and age discrimination with the EEOC and the Illinois Department of Human Rights, alleging he had been denied employment because of his protected status as to race and age; that charge was assigned docket number 440-2017-00581.

359. PACE, through its employees Rushing, Donahue, Miller, and Ross, discriminated against Gress, a seasoned professional, based on his age and race in order to hire a young Hispanic candidate.



360. It would appear that PACE may have also discriminated against Gress for not being the politically-connected son of a State Senator who exercises oversight over PACE and the RTA.

361. However, neither age nor race nor inherited political clout has any principled bearing on Gress or Marty's qualifications *vel non* for the Community Relations Representative position.

362. In addition, Gress noted with dismay that Donahue had participated in the final interview of Sandoval.

363. Gress viewed this as an ominous portent because he knew that Donahue had a long-established reputation as a "fixer" for political patronage requests from members of the General Assembly, beginning in his days as a Director of Governmental Affairs for PACE.

364. Even after Donahue had been promoted to PACE's Deputy Executive Director of External Relations, the governmental affairs section continued to report directly to him.

365. PACE cannot articulate any principled basis for its professed belief that Sandoval is minimally qualified for the Community Relations Representative position, let alone better qualified than Gress.

366. PACE's inability to articulate a legitimate, nondiscriminatory reason for refusing to hire Gress for the Community Relations Representative position was confirmed on December 12, 2016, when PACE submitted its Position Statement in EEOC Charge No. 440-2017-00581.

367. In its Position Statement, PACE asserts that the decision to not hire Gress was made without regard to age, race, *or any other illicit factor*, without expressly mentioning the political factors proscribed by Section 3A.05 of the RTA Act, 70 ILCS 3615/3A.05.

368. In its Position Paper, PACE contends, conclusorily, that Gress was denied

employment because Gress' experience, interview performance, and salary expectations "compared unfavorably" to the experience, interview performance, and salary expectations of Marty.

369. This cannot be true.

370. The salary range for the Community Relations Representative position was set forth in Posting 523; Gress never expressed any salary expectation outside that range.

371. PACE attempts to justify its hiring of Sandoval by stating that Marty speaks Spanish.

372. However, even if Marty's "interview performance" included an assessment of his fluency in the Spanish language as it relates to conducting business, this is of no moment because the vacancy that Marty was being interviewed to fill had been created by the retirement of an incumbent (Mary Robb), who received positive performance reviews during her incumbency, and did not speak Spanish.

373. In any event, PACE's purported focus on Sandoval's professed ability to speak Spanish conflicts with Posting 523, which states that Spanish language fluency was "desirable," but not an essential qualification for the Community Relations Representative position.

374. PACE attempts to justify its hiring of Sandoval by stating that before accepting a job application from Gress and interviewing him, PACE had already extended an offer of employment to Sandoval.

375. The notion that Gress was not hired because at the time PACE interviewed Gress, PACE had already extended an offer to Sandoval is ludicrous on its face, inasmuch as it suggests that after recognizing Gress' résumé as among the "most worthy" it had received, PACE delayed interviewing Gress until after the Community Relations Representative position had been filled,

and then, without telling anyone, let alone Gress, only interviewed Gress for the already-filled position as a “courtesy.”

376. Whatever it may be, delaying the interview of an obviously meritorious candidate and then deliberately wasting his time by inviting him to interview for an already-filled position is not a “courtesy.”

377. In light of the foregoing facts, PACE’s justifications for favoring the son of Sen. Sandoval, Chairman of the Senate Transit Committee, over Gress are clearly pretextual and obviously intended to camouflage PACE’s discrimination based on race and age and/or the political factors prohibited by Section 3A.05 of the RTA Act, 70 ILCS 3615/3A.05 and the honest services fraud act, 18 U.S.C. § 1346.

378. If PACE indeed focused on Spanish language fluency in this instance, it did so only as a dog-whistle marker for Marty’s Hispanic background, not as the deciding factor in his selection.

379. PACE cannot credibly claim that the ability to speak Spanish is so essential to success in the Community Relations Representative position that an unqualified Spanish speaker was preferable to a highly qualified English-only (read: White) transportation expert, with 20 years of intimate familiarity with PACE, its services, territory, and fares, as evidenced by the fact that Mary Robb, the previous incumbent in that position, had by all accounts done a commendable job without any fluency in Spanish.

380. PACE has practiced the invidious discrimination prohibited by federal and state laws and regulations, by disguising it with an opaque and senseless hiring process followed by ludicrous and pretextual explanations.

381. At all times pertinent hereto, Section 2-102(A) of the Illinois Human Rights Act

has stated that it “[i]t is a civil rights violation . . . for any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination.” 775 ILCS 5/1 - 102(A).

382. At all times pertinent hereto, Section 1-103(Q) of the Illinois Human Rights Act has defined “[u]nlawful discrimination” as “discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap or unfavorable discharge from military service as those terms are defined in this Section.” 775 ILCS 5/1-103(Q).

383. Section 3A.05 of the Regional Transportation Authority Act, 70 ILCS 3615/1.01, et seq., provides that “[n]o unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Suburban Bus Board shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.” 70 ILCS 3615/3A.05.

384. The foregoing facts demonstrate that the only possible motivation behind PACE’s refusal to hire Gress in deference to a vastly less-qualified applicant is unlawful discrimination.

#### **4. Jobs for Maryte Sandoval and Jennifer Sandoval at the CTA, 2018**

385. Sandoval’s disguised unilateral placement of his son in a job at PACE during 2016 was not the only instance of subverting the business processes of an Operating Board to serve the Sandoval Racketeering Conspiracy.

386. During 2018, months after Gress had filed a complaint blowing the whistle on the corrupt hire of Sandoval’s son at PACE in the previous year, Sandoval corruptly induced the CTA to hire three politically connected persons, two of them members of his own family.

387. In June 2018, in its capacity as one node in the Sandoval Racketeering Conspiracy, CTA corruptly hired Sandoval's college-aged daughter, Jennifer, as a \$13-an-hour college intern, and his future daughter-in-law, Maryte Castillo Zavala, as a full-time employee.

388. Maryte is now married to Marty.

389. Maryte remains employed by the CTA and is now making \$56,593 a year.

#### **5. A CTA Job for the Fiancé, 2018**

390. From May 2016 through December 2016, a young law student enrolled at the Loyola University School of Law, worked as a legal intern at SafeSpeed in Chicago.

391. The Student received his JD from Loyola in 2017.

392. Like the Student, the daughter of Nikki Zollar received her JD in 2017 and promptly took as a job working as its SafeSpeed's general counsel, reporting to her mother.

393. By the end of 2017, the Student and Zollar's daughter were engaged to be married on September 1, 2018.

394. However, the Fiancé had yet to find a law-related job in Chicago.

395. SafeSpeed reached out to Sandoval for help, and Sandoval made an offer to the various RTA and Service Boards that could not be refused: Find a law-related position for the Fiancé.

396. In February 2018, the Fiancé was hired as an Associate Attorney at CTA, where he remains employed to this day.

#### **6. A Job for Yvonne Davila At Chicago State**

397. While it might be tempting to view CTA's crony hire of the Fiancé as a mere coincidence or isolated incident, there is ample evidence that members of the Sandoval Racketeering Conspiracy were steeped in a culture of patronage and corrupt hiring.

398. On August 30, 2013, Governor Pat Quinn appointed Zollar to a 5-year term as a trustee of Chicago State University.

399. In April 2017, a posting on a faculty blog at Chicago State accused Zollar of “willfully subverting the University’s integrity by ensuring that ‘friends and associates’ get jobs which are often created out of thin air just for them.”

400. This was a reference to an alleged 2014 “crony hire” of SafeSpeed spokeswoman Yvonne Davila to provide “Crisis Communication Consulting Services” to Chicago State and later to act as an “Assistant to the Provost” at an abnormally high salary.

401. The entry in the faculty blog at Chicago State stated:

Nikki Zollar is . . . an “entrepreneur” who has no objection to using Chicago State as an employment agency for her “friends and associates.” . . . . Nikki Zollar and the Provost worked to install [(Yvonne Davila)] one of Zollar’s “friends and associates” in a nicely compensated administrative job in the Provost’s office. Obviously, Zollar’s patronage and the Provost’s complicity insured that the position and its incumbent (despite the “temporary” status) survived the April 2016 staff cuts. The job duties are murky and it seems unclear just exactly what Zollar’s person actually does, although there is no evidence of any kind of “crisis communication” or of press releases from the “crisis communicator” pertaining to Chicago State’s various crises. The “crisis communicator” serves as a “spokeswoman” for one of Zollar’s “clouted companies,” a position that suggests she may actually be employed by Safespeed. . . . Zollar’s role in insuring the continued employment of her crony hire demonstrates her contempt for Chicago State as an educational institution. This is not the place to stash your “friends and associates.” . . . Ms. Zollar, your performance as a Trustee has been shameful. For the good of the institution, please resign immediately.

402. Zollar resigned from the Chicago State board in 2017, a year before her term was scheduled to expire.

403. This was not Davila’s first brush with negative publicity.

404. In 2012, the Chicago *Sun Times* reported that Davila had failed to disclose, in a Chapter 7 bankruptcy filing, income that Davila had earned from a six-figure salary as a press advisor to the Cook County Circuit Court Clerk.

**7. A Seat on the Illinois Tollway Board for Cesar Santoy, 2019**

405. Cesar Santoy is an architect and Alderman in Berwyn and a participant in and member of Sandoval's Racketeering Conspiracy.

406. In February 2019, Sandoval procured Santoy's nomination to the board of the tollway board.

407. Santoy appears to have had no experience that might even remotely qualify him for that position.

408. On October 11, 2019, when Santoy's name was revealed in the unredacted Search Warrant for Sandoval's offices, Santoy resigned from the tollway board at Governor Pritzker's request.

**SANDOVAL'S CRIMINAL ENTERPRISE IS EXPOSED**

409. In May 2019, the FBI executed a search warrant at the home of Mike McClain, a longtime confidant of Speaker Madigan and once known as ComEd's most influential contract lobbyist and key political strategist.

410. McClain retired in 2016 after orchestrating the passage of bailout legislation to bailout two nuclear plants.

411. The FBI agents also executed a search warrant at the home of former Chicago Alderman Michael R. Zalewski.

412. The federal agents were reportedly seeking evidence of attempts to induce ComEd to hire Zalewski as a lobbyist for ComEd.

413. Chicago Public Radio station WBEZ reported that federal officials were investigating whether ComEd hired “multiple politically-connected employees and consultants in exchange for favorable government actions, including electricity rate increases.”

414. The suspicious ComEd hires, generally characterized as “lobbyists,” did “little or no work,” and had, in some cases, ties to Madigan, WBEZ reported.

415. On July 12, 2019, Exelon announced that it had been served with a grand jury subpoena for “information concerning [Exelon and ComEd’s] lobbying activities” in Illinois.

416. On September 19, 2019, Sandoval posted a tweet stating, “Today, I was honored to receive the Illinois Public Transportation Association Legislator of the Year Award for my work in passing the Rebuild Illinois Capitol Package, which will—in part—fund desperately needed maintenance programs for public trans.”

417. Accompanying the tweet is a photograph:





418. Depicted in the photograph are, from left to right, Rocky Donahue, Executive Director of PACE; Richard Kwasneski, Chairman of the Board of PACE; Sandoval; Rep. Luis Arroyo; and Unknown.

419. Not long before this photograph was taken, Donahue, Kwasneski, and PACE had overseen the disbursement of thousands of dollars in public monies to settle a whistleblower action in the Circuit Court of Cook County charging that PACE had discriminated against the whistleblower, a manager in the purchasing department at PACE, because of her race, national origin, and gender, and then fired her in retaliation for exposing corruption in PACE's procurement practices.<sup>2</sup>

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<sup>2</sup> *Susan Jung Lundy v. PACE, et al.*, Circuit Court of Cook County; Case No. 2015-L-006747.

420. Not long after the photograph was taken, both Sandoval and Arroyo were forced to resign from the General Assembly in disgrace, Arroyo, for allegedly attempting to bribe Terry Link, another state Senator.

421. One of the first signs of the impending firestorm came on September 23, 2019, when ComEd announced that Fidel Marquez, Jr., ComEd's Senior Vice President of Governmental and External Affairs ("Marquez"), was "retiring after 39 years of service."

422. Then, on September 24, 2019, the FBI executed a Search Warrant on Sandoval's offices in the General Assembly, in Cicero, and in his home, carting off multiple computers and boxes of documents.

423. The Search Warrant sought items relating to various entities and persons as "[e]vidence and instrumentalities concerning violation of various sections of Title 18 of the United States Code, as follows:

Section 371, Conspiracy to Defraud the United States;

Section 666, Theft or bribery concerning programs receiving Federal funds;

Section 1341, Mail Fraud;

Section 1343, Wire Fraud;

Section 1346, Honest Services Fraud;

Section, 1349, Conspiracy; and

Section 1951, Interference with commerce by threats or violence.

424. The only copy of the Search Warrant publicly available around the time of the Sandoval raids was heavily redacted to obscure the identity of the persons and entities of interest named therein.

425. On September 26, 2019, the FBI raided the village halls of three southwest suburbs, McCook, Lyons, and Summit, all of which had contracted for SafeSpeed Red-Light Cameras.

426. On September 30, 2019, the Illinois Secretary of State suspended Marquez's credentials to lobby on behalf of ComEd.

427. On October 4, 2019, Exelon filed an 8K reporting that Marquez, the registered chairman of ComEd's political action committee, had retired from his position as ComEd's Senior Vice President of Governmental and External Affairs effective October 2, 2019.

428. On October 4, 2019, ComEd and Exelon received a second grand jury subpoena from the U.S. Attorney's Office for the Northern District of Illinois.

429. The second subpoena required the production of records of any communications with various individuals and entities, including Sandoval.

430. In a Report on Form 8-K filed on October 9, 2019, Exelon reported

As previously disclosed, Exelon Corporation and Commonwealth Edison Company (the "Companies") received [in July 2019] a grand jury subpoena from the U.S. Attorney's Office for the Northern District of Illinois, which required production of information concerning lobbying activities in the State of Illinois. On October 4, 2019, the Companies received a second grand jury subpoena from the U.S. Attorney's Office for the Northern District of Illinois that requires production of records of any communications with certain individuals and entities, including Illinois State Senator Martin Sandoval.

431. On October 11, 2019, the Illinois Senate released an unredacted copy of the Search Warrant served on Sandoval's offices on September 24, 2019.

432. The unredacted Search Warrant revealed that the items to be seized from Sandoval's offices related to various individuals, including the following individuals (and any business or partner related to any of those individuals), all of whom are members of the Sandoval

Racketeering Conspiracy:

- A. **Patrick Doherty.** Patrick Doherty is the chief of staff for Jeff Tobolski, a Cook County Commissioner and the Village President of McCook. Doherty worked as an undisclosed sales representative for SafeSpeed. Doherty has said that in that capacity, he receives a “small percentage” from “every ticket that’s paid” in certain communities that use SafeSpeed’s Red-Light Cameras, thanks in part to his efforts.
- B. **Bill Helm.** Bill Helm was a City of Chicago deputy aviation commissioner, overseeing airfield maintenance at O’Hare Airport at a salary of \$125,000 a year from 2014 until he resigned in August 2019. Helm is reportedly a “political ally of Tobolski.” While on the City payroll, Helm was also “moonlighting” as an undisclosed sales representative for SafeSpeed. As such, Helm helped SafeSpeed contract with Matteson and Glendale Heights for the installation of Red-Light Cameras and was compensated for assisting SafeSpeed to install Red-Light Cameras in Matteson and Glendale Heights by receiving a share of the fines collected for red-light tickets issued there, pursuant to contracts with SafeSpeed. Reportedly, a 9/10/2019 email from SafeSpeed to Helm indicates that for July 2019, SafeSpeed owed Helm \$4,156, calculated as 3.5% of \$118,766 in “SafeSpeed fees” received that month from Matteson. The “fees” represent SafeSpeed’s share of the fines collected from red-light tickets issued with SafeSpeed equipment. Helm was interviewed on September 26, 2019, by federal agents who seized his cell phone. Helm violated City requirements that he disclose his “secondary employment” with SafeSpeed to the City and report his

outside income from SafeSpeed to the Chicago Board of Ethics.

- C. **Sebastian Jachymiak.** Sebastian Jachymiak owns a towing company and Technicraft Collision Repair. Technicraft has contributed over \$100,000 to various political candidates, including multiple contributions to Tobolski, Christopher Getty of Lyons, Sandoval, Antonio Munoz, and Louis Presta, Mayor of Crestwood, Ill.
- D. **Cesar Santoy.** Cesar Santoy is an architect and Alderman in Berwyn. In February 2019, Santoy was named to the state tollway board. On October 11, 2019, when his name was revealed in the unredacted Search Warrant, Santoy resigned from the tollway board at Pritzker's request.
- E. **Jeff Tobolski.** Jeff Tobolski has been the village president of McCook, since 2007, and has been a Cook County Commissioner since 2010. The McCook village hall was raided by the FBI on September 26, 2019, two days after the Sandoval Raids. The FBI raided an office in Tobolski's home around that time and reportedly seized more than \$51,000.00 in cash from a safe located there. Tobolski reportedly has been regularly seen in the company of Omar Maani, a principal and owner of SafeSpeed.
- F. **SafeSpeed Official A and SafeSpeed Official B.** SafeSpeed Officials" include, among others, Nikki Zollar, Chris Lai, Khalid Maani, and Omar Maani.

433. In addition, the Search Warrant sought items in Sandoval's offices related to the following businesses and individuals, and/or any issue supported by any of those businesses or individuals, including but not limited to Red-Light Cameras, and "HB" (House Bill) 173.

434. House Bill 173 was filed in the House by Republican Representative David McSweeney in January 2015. Its purpose was to outlaw Red-Light Cameras by repealing the Section of the Illinois Vehicle Code enabling the use of automated traffic law enforcement systems. HB 173 passed the House overwhelmingly but died in the Senate in 2017 after it came under the control of the Sandoval-led Senate Transportation Committee.

435. On October 11, 2019, the day the unredacted Search Warrant was released, Sandoval resigned as chairman of the Senate Transportation Committee.

436. Four days later, on October 15, 2019, Exelon filed an 8K reporting that “[o]n October 15, 2019, Anne Pramaggiore, Senior Executive Vice President of, Exelon and Chief Executive Officer, Exelon Utilities, announced her decision to retire from her positions and the board of Commonwealth Edison, effective immediately.”

437. Pramaggiore had served as CEO of ComEd from 2009 until 2018, as ComEd was expanding its use of “lobbying” as a means of ensuring ComEd’s profitability in a highly regulated environment, and was widely perceived as having been successful in that role.

438. In recognition of her success in using lobbying to ensure ComEd’s profitability, Pramaggiore was promoted, in 2018, to serve as the CEO of all of Exelon’s regulated electricity distribution companies, including those located in Chicago, Philadelphia, Baltimore and Washington, D.C.

439. At the time Pramaggiore was promoted to CEO of ComEd (2009), ComEd also gave John Hooker, then its then chief lobbyist, the new title of Executive Vice President for Legislative and External Affairs.

440. On October 18, 2019, Fletcher, O'Brien, Kasper & Nottage, a firm headed by lobbyist and lawyer Mike Kasper, reported to the Secretary of State that John Hooker had ceased working as a registered ComEd lobbyist through Kasper's firm.

441. Under Pramaggiore's supervision, ComEd had curried favor with lawmakers by creating a network of "lobbyists."

442. As early as July 2019, federal agents were investigating payments by five former and current ComEd "lobbyists" to Kevin Quinn, once a "political operative" of Speaker Madigan and the brother of Marty Quinn, Madigan's handpicked 13th Ward alderman.

443. It appeared that ComEd's money was being funneled surreptitiously to Kevin Quinn at Madigan's behest because Kevin had fallen on hard times after a sexual harassment scandal cost him his job.

444. On November 1, 2019, Representative Luis Arroyo, a Chicago Democrat charged by federal officials with bribery, resigned from office.

445. On November 27, 2019, Sandoval resigned his position as a State Senator, effective January 1, 2020.

446. On December 5, 2019, the influential City Club of Chicago announced that veteran ComEd lobbyist Jay Doherty had resigned as the organization's president, a month after Doherty had parted ways with ComEd.

**COUNT I**  
**VIOLATION OF TITLE VII**  
**(AGAINST PACE AND RTA)**

447. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 446 of this Complaint.

448. Plaintiff brings this Count I pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e *et. seq.*, as amended by the Civil Rights Act of 1991.

449. As alleged, Plaintiff has filed this Complaint after the timely filing of a Charge of Discrimination based on his age and race (Caucasian) with the Equal Employment Opportunity Commission, a true and correct copy of which is attached hereto as Exhibit 1.

450. The actions of the managers of PACE alleged herein are inconsistent with good faith efforts to comply with Title VII.

451. Plaintiff has filed this cause pursuant to a Right to Sue Letter issued by the Equal Employment Opportunity Commission within the statutory time requirements, a true and correct copy of which is attached hereto as Exhibit 2.

452. Plaintiff, at all times pertinent hereto, was a person older than 40 protected by the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(b).

453. Gress was indisputably and clearly qualified for the Community Relations Representative position, and vastly better qualified than the younger Hispanic candidate who was awarded the position, supposedly for his superior “community outreach,” “interview demeanor,” and fluency in Spanish.

454. As such, Gress was subject to an adverse employment action, inasmuch as he was refused employment based on his race and age even though he was obviously better qualified than the successful candidate.

455. By hiring Sandoval, PACE gave disparate treatment to Sandoval, an inferior candidate outside of Gress’ protected class.

456. PACE, at all times pertinent hereto, operated and did business within the venue



and jurisdiction of this judicial circuit and is an employer as defined by 42 U.S.C. 2000e(b) and employed more than fifteen individuals as defined by 42 U.S.C. 2000e(b).

457. In direct violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et. seq.*, PACE engaged in the discriminatory acts alleged herein and described in the attached Charge of Discrimination attached hereto as Exhibit 1 and incorporated herein by reference.

458. As a result of Defendant's discriminatory conduct, as aforesaid, Plaintiff has suffered an injury to his career as well as emotional pain, suffering, inconvenience, mental anguish, professional embarrassment, and loss of enjoyment of life, and other non-pecuniary losses for which he is entitled to compensatory damages pursuant to 42 U.S.C. 1981a.

459. Defendants' racially discriminatory conduct, as aforesaid, was done with malice and/or reckless indifference to Plaintiff's civil rights. Plaintiff is therefore entitled to punitive damages pursuant to 42 U.S.C. Sec. 1981a.

WHEREFORE, plaintiff prays as follows:

- A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;
- B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;
- C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;

- D. for an award of punitive damages in an amount to be determined at the time of trial;
- E. for attorney's fees and costs of this suit, including expert witness fees;
- F. for attorney's fees and costs of this suit, including expert witness fees; and
- G. for such other relief as is just and equitable.

**COUNT II**  
**VIOLATION OF TITLE VI**  
**(AGAINST PACE AND RTA)**

~~460. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 134 of this Complaint.~~

~~461. Section 601 of Title VI, codified at 42 U.S.C. § 2000d, states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."~~

~~462. At all times pertinent hereto, PACE and RTA have been recipients of federal financial assistance, the primary objective of which is to provide employment.~~

~~463. In addition, the racially discriminatory employment practices alleged herein and in the Charge of Discrimination are subject to Title VI because those practices negatively affect the delivery of PACE services to their ultimate beneficiaries.~~

~~464. As such, PACE and RTA are prohibited from intentionally subjecting any person to discrimination based on race, or excluding any person from participation in PACE or RTA activities on grounds of race.~~

~~465. As alleged above, PACE and RTA intentionally subjected Plaintiff to~~

~~discrimination based on race and excluded him from employment because of his race by favoring a demonstrably unqualified and inexperienced candidate over Gress.~~

~~466. In denying Gress employment, PACE and RTA, acting through Defendants Rushing, Donahue, Miller and Ross, took a tangible employment decision that inflicted direct economic harm on Gress and required an official act of the enterprise; was documented in official company records; was subject to review by higher level supervisors; and required the formal approval of the enterprise and use of its internal processes.~~

~~WHEREFORE, plaintiff prays as follows:~~

- ~~A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;~~
- ~~D. for attorney's fees and costs of this suit, including expert witness fees;~~
- ~~E. for pre-judgment interest in an amount to be determined at the time of trial; and~~
- ~~F. for such other relief as is just and equitable.~~

**COUNT III**  
**ADEA VIOLATION**  
**(AGAINST PACE AND RTA)**

467. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1

through 446 of this Complaint.

468. Plaintiff has filed this Count III pursuant to the requirements of Section 14(b) of the ADEA, 29 U.S.C. § 633(b), and the requirements of the EEOC.

469. Plaintiff, at all times pertinent hereto, was a resident within the venue and jurisdiction of this judicial district and was within the protected age group (over the age of 40) as provided by the ADEA.

470. At all times pertinent hereto, Defendant operated and did business within the venue and jurisdiction of this judicial district.

471. Plaintiff was denied employment by Defendants in June 2016 because of Plaintiff's age.

472. In direct violation of the ADEA, Defendants, both directly and by and through their agents and employees, willfully engaged in the discriminatory acts described in the Charge of Discrimination alleged above.

473. As a result of Defendant's discriminatory conduct, as aforesaid, Plaintiff has been damaged in his career and has otherwise suffered monetary damage.

WHEREFORE, plaintiff prays as follows:

- A. for an award of back pay from June 2016, through the present, including lost wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;
- B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;

- C. for attorney's fees and costs of this suit, including expert witness fees;
- D. for pre-judgment interest in an amount to be determined at the time of trial; and
- E. for such other relief as is just and equitable.

**COUNT IV**  
**VIOLATION OF 42 U.S.C. § 1981 INTENTIONAL RACIAL**  
**DISCRIMINATION**  
**(AGAINST ALL DEFENDANTS EXCEPT THE SANDOVALS)**

474. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 446 of this Complaint.

475. Section 1981 prohibits intentional race discrimination that inhibits the right "to make and enforce contracts." 42 U.S.C. § 1981(a).

476. As alleged above, all Defendants, including Defendants PACE, Donahue, Miller, Ross, Rushing, and Swedlund, intentionally engaged in racially discriminatory practices while acting under color of law and thereby inhibited Gress' right to enter into an employment contract with PACE.

477. Defendants PACE, Donahue, Miller, Ross, Rushing, and Swedlund caused PACE to discriminate against Gress and to refuse to enter into an employment contract with Gress because of his race.

WHEREFORE, plaintiff prays as follows:

- A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;
- B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe

benefits;

- C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life (“hedonic damages”) and other non-pecuniary damages;
- D. for an award of punitive damages in an amount to be determined at the time of trial;
- E. for attorney’s fees and costs of this suit, including expert witness fees;
- F. for pre-judgment interest in an amount to be determined at the time of trial; and
- G. for such other relief as is just and equitable.

~~COUNT Va~~  
~~VIOLATION OF 42 U.S.C. § 1983 – CONSPIRACY~~  
~~(AGAINST ALL DEFENDANTS EXCEPT PACE AND RTA)~~

~~478. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 134 of this Complaint.~~

~~479. This Count pleads a claim that is like or reasonably related to the EEOC Charge and can be reasonably expected to grow out of an investigation of the EEOC charges.~~

~~480. Defendants knowingly, impliedly and expressly conspired and agreed to violate Plaintiff’s constitutional right to be subject to hiring decisions based on his merit and qualifications and free from discrimination based on age, race, or perceived political connections and cronyism.~~

~~481. In furtherance of this conspiracy, Defendants committed overt and unlawful acts in concert and under color of law to interfere with Plaintiff’s application for the CRR position by~~

~~secretly undermining his application in order to hire a demonstrably inferior candidate.~~

~~482. The Executive Director of PACE is a final policymaker who authorized, directed, induced or ratified the actions of Defendants.~~

~~483. As a direct and proximate result of such violations, Plaintiff has suffered actual damages.~~

~~484. Defendants' actions were undertaken with malice, willfulness and reckless indifference to Plaintiff's rights.~~

~~485. Defendants' actions are willful, wanton, malicious, reckless and support punitive damages.~~

~~WHEREFORE, plaintiff prays as follows:~~

~~A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~

~~B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~

~~C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;~~

~~D. for an award of punitive damages in an amount to be determined at the time of trial;~~

~~E. for attorney's fees and costs of this suit, including expert witness fees;~~

~~F. for pre judgment interest in an amount to be determined at the time of trial; and~~

~~G. for such other relief as is just and equitable.~~

~~**COUNT Vb**  
**VIOLATION OF RTA ACT SECTION 2.14**  
**(AGAINST ALL DEFENDANTS EXCEPT PACE AND RTA)**~~

~~486. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 134 of this Complaint.~~

~~487. This Count pleads a claim that is like or reasonably related to the EEOC Charge and can be reasonably expected to grow out of an investigation of the EEOC charges.~~

~~488. Section 2.14 of the RTA Act expressly prohibits discrimination based upon political reasons or factors: “No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors.”~~

~~489. RTA is required to comply with Section 2.14 and the principles enunciated by the United States Supreme Court in *Rutan v. Republican Party of Illinois*, 497 U.S. 62 (1990), such that non-exempt hiring, promotion, transfer and other employment-related decisions may not be based upon political affiliation or support.~~

~~490. However, by contrast to *Rutan*, which permits employment decisions based upon political factors for certain “exempt” employees, Section 2.14 states categorically that there shall be no discrimination based upon political reasons or factors in employment decisions, without distinction between any class or type of employees.~~

~~491. The prohibitions against political factors in section 2.14 apply to the appointment of *all* employees, including the Executive Director.~~

~~492. Notwithstanding Section 2.14’s clear prohibition against hiring motivated by~~



~~discrimination based on race and age or patronage, cronyism or nepotism the Defendants intentionally chose, *inter se*, to disregard that prohibition.~~

~~493. The Executive Director of PACE is a final policymaker who authorized, directed, induced or ratified the actions of Defendants.~~

~~494. As a direct and proximate result of such violations, Plaintiff has suffered actual damages.~~

~~495. Defendants' actions were undertaken with malice, willfulness and reckless indifference to Plaintiff's rights.~~

~~496. Defendants' actions are willful, wanton, malicious, reckless and support punitive damages.~~

~~WHEREFORE, plaintiff prays as follows:~~

- ~~A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;~~
- ~~D. for an award of punitive damages in an amount to be determined at the time of trial;~~
- ~~E. for attorney's fees and costs of this suit, including expert witness fees;~~
- ~~F. for pre judgment interest in an amount to be determined at the time of~~

~~trial; and~~

~~G. for such other relief as is just and equitable.~~

~~**COUNT VI**~~  
~~**INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC**~~  
~~**ADVANTAGE**~~  
~~**(AGAINST ALL DEFENDANTS EXCEPT PACE AND RTA)**~~

~~497. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 134 of this Complaint.~~

~~498. Gress had a reasonable expectation of entering into a valid business relationship with the RTA and its operating division, PACE because his qualifications were nearly a mirror-image of the qualifications set forth in the Posting.~~

~~499. Defendants PACE, Rushing, Donahue, Miller and Ross had knowledge of the Plaintiff's reasonable expectation.~~

~~500. Purposeful interference by Defendants PACE, Rushing, Donahue, Miller and Ross prevented Plaintiff's reasonable expectation from ripening into a valid business relationship.~~

~~501. Defendants' purposeful interference was both intentional and improper and included actions that violated Title VI and Section 2.14.~~

~~502. Defendants' actions were motivated by self interest to advance the interests of Defendants by permitting them to curry favor with Senator Martin Sandoval and thereby safeguard funding and privileges enjoyed by RTA and PACE.~~

~~503. Defendants' actions interfered with Plaintiff's civil rights and the fundamental right of a citizen to expect that public entities and federally funded entities will obey the law and refrain from engaging in discrimination based on age, race or political connections.~~

~~504. Defendants' actions were direct and illegal as Defendants took direct actions against Plaintiff knowing that such actions were forbidden by law including by the Regional Transportation Authority Employment Policy and constituted Official Misconduct under the Illinois Criminal Code, 720 ILCS 5/33-3.~~

~~505. As a direct and proximate result of the Defendants' Official Misconduct and criminal misconduct, Plaintiff has suffered actual damages.~~

~~506. Defendants' actions were unjustified and undertaken with malice, willfulness and reckless indifference to the rights of others.~~

~~WHEREFORE, plaintiff prays as follows:~~

- ~~A. for an award of back pay from June 2016, through the present, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~B. for an award of front pay in an amount to be determined by this Court, including wages, pension benefits, insurance benefits, accrued sick leave and other fringe benefits;~~
- ~~C. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;~~
- ~~D. for an award of punitive damages in an amount to be determined at the time of trial;~~
- ~~E. for attorney's fees and costs of this suit, including expert witness fees;~~
- ~~F. for pre-judgment interest in an amount to be determined at the time of trial; and~~
- ~~G. for such other relief as is just and equitable.~~

**COUNT VII**  
**ILLINOIS CIVIL CONSPIRACY**  
**(ALL DEFENDANTS EXCEPT PACE AND RTA)**

~~507. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 134 of this Complaint.~~

~~508. Defendants PACE, Rushing, Donahue, Miller and Ross knowingly and impliedly and expressly conspired and agreed for the purpose of accomplishing an unlawful purpose by unlawful means by concerted action to circumvent Section 2.14 and violate Plaintiff's civil rights, to engage in tortuous and criminal actions including intentional interference with economic advantage and to engage in racial and age discrimination as well as politically-motivated patronage, cronyism, and nepotism.~~

~~509. In furtherance of this agreement and as a means thereof, Defendants committed overt tortuous or unlawful acts.~~

~~510. As a direct and proximate result of such conspiracy, Plaintiff has suffered actual damages.~~

~~511. Defendants' actions were unjustified and undertaken with malice, willfulness and reckless indifference to the rights of others.~~

~~512. Defendants' actions were willful, wanton, malicious and deserving of punitive damages.~~

~~A. WHEREFORE, plaintiff prays as follows:~~

~~B. for an award of compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life and other non-pecuniary damages;~~

~~C. for an award of punitive damages in an amount to be determined at the time of~~

~~trial;~~

~~D. for attorney's fees and costs of this suit, including expert witness fees;~~

~~E. for pre-judgment interest in an amount to be determined at the time of trial; and~~

~~F. for such other relief as is just and equitable.~~

**COUNT VIII**  
**VIOLATION OF 18 U.S.C. § 1962(C) – RACKETEER**  
**INFLUENCED CRIMINAL ORGANIZATION (RICO) ACT**  
**(AGAINST DEFENDANTS ROCKY DONAHUE, JANIKA MILLER,**  
**THOMAS J. (T.J.) ROSS, SUSAN RUSHING, MARTIN SANDOVAL II,**  
**SENATOR MARTIN SANDOVAL, AND LINDA SWEDLUND)**

513. Plaintiff repeats and realleges each of the allegations set forth in paragraphs 1 through 446 of this Complaint.

514. This claim arises under 18 U.S.C. § 1962(c), which provides in relevant part:

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity . . . .

515. At all relevant times, Defendant Senator Martin Sandoval, Rocky Donahue, and their co-conspirators alleged above (“the Sandoval Conspirators”) were “persons” within the meaning of 18 U.S.C. §1961(3), because they were “capable of holding a legal or beneficial interest in property.”

516. The Sandoval Conspirators corruptly infiltrated the Illinois General Assembly; RTA, and its Service Boards; ComEd and Exelon; SafeSpeed; and various municipalities in his 11<sup>th</sup> District and participated in those enterprises' affairs through a pattern of racketeering activity, as defined by 18 U.S.C. § 1961(5), consisting of numerous and repeated uses of the mails and interstate wire communications to execute a scheme to defraud in violation of 18 U.S.C. § 1962(c).

517. The Sandoval Racketeering Conspiracy was created and used as a tool to carry out the Scheme and pattern of racketeering activity.

518. The Sandoval Conspirators committed or aided and abetted the commission of at least two acts of racketeering activity, including, inter alia, indictable violations of 18 U.S.C. §§ 1341 and 1343, within the past ten years.

519. The multiple acts of racketeering activity that the Sandoval Conspirators committed and/or conspired to commit, or aided and abetted in the commission of, were related to each other, pose a threat of continued racketeering activity, and therefore constitute a “pattern of racketeering activity.”

520. The predicate acts of racketeering within the meaning of 18 U.S.C. §1961(1) include, but are not limited to:

a) **Mail Fraud:** Defendant Sandoval and the other Sandoval Conspirators violated 18 U.S.C. § 1341, by sending or receiving, or causing to be sent or received, materials via U.S. mail or commercial interstate carriers for the purpose of executing the various Schemes, which amount to a material scheme to defraud and obtain money on false pretenses, misrepresentations, promises, and/or omissions; and

b) **Wire Fraud:** Defendant Sandoval and the other Sandoval Conspirators violated 18 U.S.C. § 1343, by transmitting and receiving, or causing to be transmitted or received, materials by wire for the purpose of executing the Scheme, which amounts to a material scheme to defraud and obtain money on false pretenses, misrepresentations, promises, and/or omissions. The materials transmitted and/or received include but are not limited to emails and telephone communications promoting the Scheme;

c) **Official misconduct:** Defendant Sandoval and the other Sandoval Conspirators

violated the Illinois Criminal Code, 720 ILCSA 5/33-3, which defines Official Misconduct as follows:

(a) A public officer or employee . . . commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:

(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

(2) Knowingly performs an act which he knows he is forbidden by law to perform; or

(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(4) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.

\* \* \*

(c) A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his or her office or employment or position as a special government agent. In addition, he or she commits a Class 3 felony.

720 ILCS 5/33-3(a), (c).

d) **Honest Services Fraud:** At all times pertinent hereto, the “honest services fraud” statute, found at 18 U.S.C. § 1346, has been an adjunct to the general federal fraud statutes that prohibit mail fraud, wire fraud, and other types of fraud, including 18 U.S.C. § 1341, and has provided, in its entirety, that “[f]or the purposes of this [Chapter 18 of the United States Code], the term ‘scheme or artifice to defraud’ includes a scheme or artifice to deprive another of the intangible right of honest services.” 18 U.S.C. § 1346. In interpreting the honest services fraud statute, the United States Supreme Court has found that it has “always been ‘as plain as a pikestaff that’ bribes and kickbacks constitute honest services fraud,” including bribes and kickbacks paid to public officials for favorable treatment.

521. The Sandoval Conspirators knowingly and intentionally made the alleged misrepresentations, acts of concealment, and failures to disclose and either knew or recklessly disregarded that these were material misrepresentations and omissions.

522. The Sandoval Conspirators obtained money and property and deprived Plaintiff of money and property as a result of these violations.

523. As alleged herein, Plaintiff and countless other citizens have been injured in their business and property by reason of the alleged violations of 18 U.S.C. § 1962, including the opportunity costs and indignity associated with being used as a prop to camouflage fraudulent hiring practices, increased electricity rates procured through fraud, and traffic tickets issued by Red-Light Cameras installed through fraud and public corruption.

524. But for Defendants' violations of 18 U.S.C. § 1962, Plaintiff and other citizens would not have incurred these losses.

525. Pursuant to 18 U.S.C. § 1964(c), Plaintiff is entitled to bring this action and to recover their treble damages, the costs of bringing this suit and reasonable attorneys' fees.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Gress request entry of an Order:

- A. for an award of compensatory, statutory and consequential damages;
- B. for an award of trebled punitive damages in an amount to be determined at the time of trial;
- C. for equitable monetary relief, including restitution and disgorgement of all ill-gotten gains, and the imposition of a constructive trust upon, or otherwise restricting the proceeds of Defendants' ill-gotten gains, to ensure an effective



remedy;

- D. for attorney's fees and costs of this suit, including expert witness fees;
- E. for an Order enjoining Defendants from continuing to conceal material information from the public, and commit unlawful and unfair business acts and practices;
- F. for pre-judgment interest in an amount to be determined at the time of trial; and
- G. for such other relief as is just and equitable.

Respectfully submitted this 15th day of January 2020,

LAWRENCE H. GRESS,

By:



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Kent Maynard, Jr.  
One of his Attorneys

Kent Maynard, Jr.  
KENT MAYNARD & ASSOCIATES LLC  
53 West Jackson Boulevard, Suite 1240  
Chicago, Illinois 60604-3632  
312/423-6586  
312/878-1553 (FAX)  
[service@kentmaynard.com](mailto:service@kentmaynard.com)

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully Submitted,

LAWRENCE H. GRESS,

By:

A handwritten signature in blue ink, appearing to be 'K Maynard, Jr.', written over a horizontal line.

---

Kent Maynard, Jr.  
One of his Attorneys

# EXHIBIT 1

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

FEHA  
 EEOC

CHARGE NUMBER  
 440-2017-00581

ILLINOIS DEPARTMENT OF HUMAN RIGHTS and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)  
 Lawrence Gress

HOME TELEPHONE (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE  
 c/o Goldman & Ehrlich, 20 S. Clark St, Ste 500, Chicago, IL 60603

DATE OF BIRTH  
 11-25-50

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code)  
 Pace Suburban Bus 15+ 847-364-8130

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY  
 550 W. Algonquin Rd, Arlington Heights, IL 60005 Cook

NAME TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS CITY, STATE AND ZIP CODE COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate boxes)

RACE  COLOR  SEX  RELIGION  AGE  
 RETALIATION  NATIONAL ORIGIN  DISABILITY  OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/EPA) LATEST (ALL)  
 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

\*\*\* SEE ATTACHED \*\*\*

**RECEIVED EEOC**  
 NOV 03 2016  
 CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)  
 I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.  
 Date 11/1/2016 Charging Party (Signature)

SIGNATURE OF COMPLAINANT  
 SHANITA STEVENS  
 NOTARY PUBLIC - State of Illinois  
 My Commission Expires May 8, 2018

## CHARGE OF DISCRIMINATION

*Lawrence Gress and Pace Suburban Bus*

The Particulars Are:

I. A. ISSUES/BASIS

1. Failure to hire because of Age (over 40).

B. PRIMA FACIE ALLEGATIONS

1. In or about June 2016, the Complainant applied for a position with the respondent as a Community Relations Representative.
2. In or about July 2016, the Complainant was interviewed for the position.
3. On July 28, 2016, the Respondent issued correspondence to the Complainant notifying him that he had not been chosen for the position.
4. The Complainant is highly qualified for the position having worked in human resources at the Regional Transportation Authority for over 10 years and then with various RTA contractors.
5. The respondent selected a much younger individual with far less experience for the position.

II. A. ISSUES/BASIS

1. Failure to hire because of race (white)

B. PRIMA FACIE ALLEGATIONS

1. In or about June 2016, the Complainant applied for a position with the respondent as a Community Relations Representative.
2. In or about July 2016, the Complainant was interviewed for the position.
3. On July 28, 2016, the Respondent issued correspondence to the Complainant notifying him that he had not been chosen for the position.
4. The Complainant is highly qualified for the position having worked in human resources at the Regional Transportation Authority for over 10 years and then with various RTA contractors.

5. The respondent indicated after the selection that it was looking for someone who spoke Spanish. That requirement was not on the position posting and no one even asked the Complainant if he spoke Spanish.
6. The person selected for the position (Hispanic) is far less qualified for the position than the Complainant.

# EXHIBIT 2



U.S. Department of Justice  
Civil Rights Division  
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL  
7003 0500 0002 5072 4337

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4701  
Washington, DC 20530

August 15, 2017

Mr. Lawrence Gress  
c/o John C. Goldman, Esquire  
Law Offices of Goldman & Ehrlich  
20 S. Clark Street  
Suite 500  
Chicago, IL 60603

Re: EEOC Charge Against Pace Suburban Bus  
No. 440201700581

Dear Mr. Gress:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

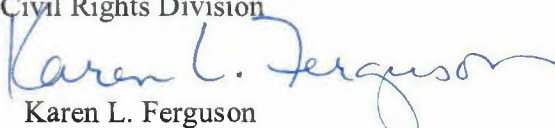
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division

by   
Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Chicago District Office, EEOC  
Pace Suburban Bus



EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lawrence Gress
C/O Goldman & Ehrlich
20 South Clark Street, Suite 500
Chicago, IL 60603

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

Table with 3 columns: EEOC Charge No., EEOC Representative, Telephone No.
440-2017-00581, Lucia Garcia, Investigator, (312) 869-8175

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Handwritten signature of Julianne Bowman

Julianne Bowman,
District Director

AUG 15 2017

(Date Mailed)

Enclosures(s)

cc: Nancy Carroll-zimmer
General Counsel
PACE
550 West Algonquin Road
Arlington Heights, IL 60005

Jonathan C. Goldman, Esq.
LAW OFFICES OF GOLDMAN & EHRLICH, CHTD.
20 South Clark Street
Suite 500
Chicago, IL 60603