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A P P E A R A N C E S

MR. BARRY MUELLER, Chairman  
MR. STEVE BORKOWSKI, Commissioner  
MR. ROBERT DART, Commissioner  
CHIEF LUIS TIGERA, Police Chief

LANER MUCHIN  
BY: MS. JILL P. O'BRIEN  
515 North State Street  
Suite 2800  
Chicago, Illinois 60654  
(312) 467-9800,  
jobrien@lanermuchin.com

                  Appeared on behalf of the Village of  
Niles;

KLEIN, THORPE & JENKINS, LTD  
BY: MR. MICHAEL T. JURUSIK  
20 North Wacker Drive  
Suite 1660  
Chicago, Illinois 60606  
(312) 984-6400,  
mtjurusik@ktjlaw.com

                  Appeared on behalf of Board of Fire and  
Police Commissioners;

1                   CHAIRMAN MUELLER: Okay. So I'd  
2 like to call this meeting to order at 7:03. We  
3 had a posted agenda, but there's been some  
4 developments that we'll discuss after we call  
5 roll.

6                   Okay. So I'd like to call roll.  
7 For the Commissioners, Steve Borkowski?

8                   COMMISSIONER BORKOWSKI: Here.

9                   CHAIRMAN MUELLER: Robert Dart?

10                  COMMISSIONER DART: Here.

11                  CHAIRMAN MUELLER: Barry Mueller I'm  
12 the chair. And --

13                  MR. JURUSIK: Michael Jurusik, Board  
14 of Fire and Police Commission counsel.

15                  MS. O'BRIEN: And I'm Jill O'Brien,  
16 attorney for the Village.

17                  CHIEF TIGERA: Luis Tigera, chief of  
18 police.

19                  CHAIRMAN MUELLER: And we have no  
20 public attendees.

21                  MR. JURUSIK: Yeah. Just call for  
22 public comment.

23                  CHAIRMAN MUELLER: Is there any  
24 public comment?

1 MR. JURUSIK: Seeing no one in the  
2 audience, also just on behalf of the Board we  
3 received no e-mails or any communications from  
4 anybody who submitted requests for public comment  
5 or comments relative to this -- this matter here  
6 tonight.

7 CHAIRMAN MUELLER: So now in terms  
8 of the special development, would you like me  
9 to --

10 MR. JURUSIK: Just hit the --

11 CHAIRMAN MUELLER: We don't --

12 MR. JURUSIK: Just acknowledge that.

13 CHAIRMAN MUELLER: We don't have any  
14 minutes to approve.

15 MR. JURUSIK: Right.

16 CHAIRMAN MUELLER: And we don't have  
17 any unfinished business. So new business, would  
18 you like me to read these?

19 MR. JURUSIK: Yeah, why don't ya.

20 CHAIRMAN MUELLER: Okay. So in the  
21 matter of the Chief of Police Luis Tigera as the  
22 complainant and Nicholas Beyer, the respondent,  
23 and it's BFPC 2021-01. This is an order  
24 acknowledging the Village acceptance of

1 resignation and decision not to move forward with  
2 the disciplinary hearing on the complaint filed by  
3 the Village of Niles Police Chief Luis Tigera to  
4 terminate respondent Sergeant Nicholas Beyer.

5           This matter becoming -- this  
6 matter coming to be heard before the Board of the  
7 Fire and Police Commissioners of the Village of  
8 Niles, the Board, on July 6th, 2021, at 7:00 at  
9 the Training Room in the Village of Niles Police  
10 Department located at 7000 West Touhy Avenue,  
11 Niles, Illinois 60714, on Complainant Chief of  
12 Police Luis Tigera's complaint (the "complaint" or  
13 "charges") filed against Niles Police Sergeant  
14 Nicholas Beyer ("Beyer" or "respondent")  
15 requesting that the Board make a determination  
16 that there is probable cause to move forward with  
17 the disciplinary hearing on the charges filed  
18 against Beyer for certain alleged misconduct and  
19 that the hearing be commenced and conducted on  
20 behalf of those charges.

21           Beyer has been represented by  
22 legal counsel and who have been provided with  
23 adequate notice and after all parties have had an  
24 opportunity to be heard the Board, being fully

1 advised in the premises and having jurisdiction of  
2 the subject matter, issues the following order.

3 Background. On June 18th, 2021,  
4 Complainant Police Chief Luis Tigera filed a  
5 document entitled Complaint with the Board and  
6 legal counsel for Police Sergeant Nicholas Beyer,  
7 Attorney Scott P. Moran of the Law Offices of  
8 Thomas W. Duda. The complaint requests that the  
9 Board make a determination that there is probable  
10 cause to move forward with the disciplinary  
11 hearing on the charges filed against Beyer for  
12 certain alleged misconduct and that a hearing be  
13 conducted on those charges.

14 For relief, the complainant --  
15 the complaint seeks the termination and discharge  
16 of Beyer for cause for certain alleged misconduct  
17 and also requests that Beyer be suspended without  
18 pay during the pendency of the hearing.

19 The complaint was filed with the  
20 Board and served by personal delivery on Beyer and  
21 also served on legal counsel for Beyer by United  
22 States Mail and electronic mail.

23 Two. On July 2nd, 2021,  
24 Attorney Moran filed an appearance with the Board

1 on behalf of Beyer as well as two procedural  
2 motions, a Motion in Opposition to Suspend  
3 Respondent Without Pay and Respondent's Motion in  
4 Support to Conduct Hearing in Closed Session.

5 Three. On July 6th, 2021,  
6 Attorney Moran, counsel for Beyer, filed a  
7 resignation letter dated July 6th, 2021, executed  
8 by Beyer which stated it was effective immediately  
9 upon receipt by the Village and served the  
10 resignation letter on both the attorney for the  
11 complainant and the Board attorney Michael Jurusik  
12 by e-mail dated July 6th, 2021, and sent at 3:42  
13 p.m.

14 Four. On July 6th, 2021, Jill  
15 O'Brien, counsel for the Village and complainant,  
16 acknowledged the Village's receipt of the  
17 resignation letter and acceptance of the  
18 resignation of Beyer from the Niles Police  
19 Department in an e-mail communication with  
20 Attorney Moran and Board Counsel Jurusik.

21 Five. On July 6th, 2021, the  
22 Board, at a special meeting, received and reviewed  
23 the resignation letter and Attorney O'Brien  
24 confirmed and acknowledges the Village's receipt

1 of the resignation letter and acceptance of the  
2 resignation of Beyer from the Niles Police  
3 Department in an e-mail communication with  
4 Attorney Moran and Board Counsel Jurusik.

5 It is the order of the Board  
6 that Beyer has resigned from the Niles Police  
7 Department effective immediately and, therefore,  
8 the Board will not move forward with the hearing  
9 on the charges to determine the validity of  
10 ascertations of misconduct set forth in the  
11 complaint.

12 A motion to approve this  
13 order -- I'm looking for a motion to approve this  
14 order. So I'm looking for a motion and a second.

15 COMMISSIONER DART: So moved.

16 COMMISSIONER BORKOWSKI: Second.

17 CHAIRMAN MUELLER: Okay. So the  
18 motion is Robert Dart and the second is Steve  
19 Borkowski.

20 MR. JURUSIK: And if we can just  
21 make an amendment -- a friendly amendment to the  
22 motion.

23 Paragraph 5 we're just going to  
24 amend Paragraph 5 of the order to reflect that --



1 and we'll let the chief speak. Chief, could you  
2 acknowledge on behalf of the Village that you, in  
3 fact, have also received the resignation letter  
4 and that you have accepted it on behalf of the  
5 Village and it is effective immediately per its  
6 terms?

7 CHIEF TIGERA: Absolutely. On  
8 behalf of the Village and the police department, I  
9 accept Sergeant Beyer's resignation letter  
10 effective immediately.

11 MR. JURUSIK: Okay. I'll make that  
12 edit. This -- this is a draft order. I will do  
13 some cleanup work on it, but you'll be approving  
14 the substance and the content as amended with this  
15 motion that's pending.

16 CHAIRMAN MUELLER: Okay. So we have  
17 a motion and a second. I'm going to take the roll  
18 call. Commissioner Borkowski?

19 COMMISSIONER BORKOWSKI: Yes.

20 CHAIRMAN MUELLER: Commissioner  
21 Dart?

22 COMMISSIONER DART: Yes.

23 CHAIRMAN MUELLER: And Chairman  
24 Mueller, yes.

1 MR. JURUSIK: We're really done.  
2 Now -- now, you can just go to a motion to adjourn  
3 and --

4 MS. O'BRIEN: Can I just ask --

5 MR. JURUSIK: Oh, sure.

6 MS. O'BRIEN: -- one question off  
7 the record for a second?

8 MR. JURUSIK: Sure.

9 (Whereupon, a discussion was had  
10 off the record.)

11 MS. O'BRIEN: We have a court  
12 reporter here. So we're trying to make sure that  
13 that's all clear for the record, Scott, and I  
14 don't want to put words in your mouth, but I also  
15 want to make sure since the motion was pending.

16 MR. MORAN: So I was under the  
17 impression there wasn't going to be a hearing  
18 tonight. That's why I didn't appear. I wasn't  
19 trying to be disrespectful to the Commission. So  
20 if I missed something here, I apologize.

21 MS. O'BRIEN: I was -- I was only  
22 asking about the motion. Are you withdrawing the  
23 motion?

24 MR. MORAN: Yes.

1 MS. O'BRIEN: So the motion would be  
2 the one about the two motions you filed on Friday?

3 MR. MORAN: Yes.

4 MS. O'BRIEN: Okay. So do you  
5 also -- as his attorney, can you confirm he has  
6 the capacity to voluntarily resign as he did  
7 today?

8 MR. MORAN: He does, yes.

9 MS. O'BRIEN: Okay. Because we  
10 haven't seen any medical. I don't want there to  
11 be a dispute down the road. I'm not trying to  
12 sandbag you.

13 MR. MORAN: No, he has the mental  
14 capacity in order to resign.

15 MS. O'BRIEN: Okay.

16 MR. JURUSIK: Based on those  
17 comments which have been taken down on the record,  
18 I think the Board can move forward and dispose of  
19 this matter as -- as we have talked about.

20 MS. O'BRIEN: Thanks for taking the  
21 call, Scott.

22 MR. JURUSIK: Thank you, Scott.

23 MR. MORAN: All right. Thank you.

24 MS. O'BRIEN: Bye.

1 MR. JURUSIK: Okay.

2 CHAIRMAN MUELLER: So do we need a  
3 motion or are we all set?

4 MR. JURUSIK: Now, we just do a  
5 motion to adjourn and you're -- you're done.

6 CHAIRMAN MUELLER: I'm looking for a  
7 motion to adjourn.

8 MR. JURUSIK: Unless do you want  
9 them to do -- to acknowledge -- I mean, it's on  
10 the record. I don't think we have to acknowledge  
11 anything. I think we just do a motion to adjourn  
12 and we're done.

13 COMMISSIONER BORKOWSKI: So moved.

14 COMMISSIONER DART: Second.

15 CHAIRMAN MUELLER: I'll take the  
16 roll call at 7:16. Commissioner Borkowski?

17 COMMISSIONER BORKOWSKI: Yes.

18 CHAIRMAN MUELLER: Commissioner  
19 Dart?

20 COMMISSIONER DART: Yes.

21 CHAIRMAN MUELLER: And Chairman  
22 Mueller, yes. The meeting is adjourned.

23

24

1 BEFORE THE BOARD OF FIRE AND POLICE COMMISSIONERS  
2 VILLAGE OF NILES, ILLINOIS

3 I, Steven Brickey, Certified Shorthand  
4 Reporter, do hereby certify that I reported in  
5 shorthand the proceedings had at the trial  
6 aforesaid, and that the foregoing is a true,  
7 complete and correct transcript of the proceedings  
8 of said trial as appears from my stenographic  
9 notes so taken and transcribed under my personal  
10 direction.

11 Witness my official signature in and for  
12 Cook County, Illinois, on this \_\_\_\_\_ day of  
13 \_\_\_\_\_, A.D., 2021.

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STEVEN BRICKEY, CSR, RMR, CRR  
8 West Monroe Street  
Suite 2007  
Chicago, Illinois 60603  
Phone: (312) 419-9292  
CSR No. 084-004675

<p style="text-align: center;"><b>A</b></p> <p><b>A.D</b> 13:13  <b>Absolutely</b> 9:7  <b>accept</b> 9:9  <b>acceptance</b> 4:24              7:17 8:1  <b>accepted</b> 9:4  <b>acknowledge</b> 4:12              9:2 12:9,10  <b>acknowledged</b> 7:16  <b>acknowledges</b> 7:24  <b>acknowledging</b>              4:24  <b>adequate</b> 5:23  <b>adjourn</b> 10:2 12:5              12:7,11  <b>adjourned</b> 12:22  <b>advised</b> 6:1  <b>aforesaid</b> 13:6  <b>agenda</b> 3:3  <b>alleged</b> 5:18 6:12              6:16  <b>amend</b> 8:24  <b>amended</b> 9:14  <b>amendment</b> 8:21              8:21  <b>anybody</b> 4:4  <b>apologize</b> 10:20  <b>appear</b> 10:18  <b>appearance</b> 6:24  <b>Appeared</b> 2:8,14  <b>appears</b> 13:8  <b>approve</b> 4:14 8:12              8:13  <b>approving</b> 9:13  <b>ascertations</b> 8:10  <b>asking</b> 10:22  <b>attendees</b> 3:20  <b>attorney</b> 3:16 6:7              6:24 7:6,10,11,20              7:23 8:4 11:5  <b>audience</b> 4:2  <b>Avenue</b> 1:11 5:10</p> 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