

Sheriff of Cook County)

vs.)

Deputy Sheriff)
Angela Pecoraro)
Star # 11042)

Docket No. 2072

DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters on December 10th, 2019, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Angela Pecoraro, hereinafter Respondent, was appointed a Deputy Sheriff on February 25, 2002. Respondent's position as a Deputy Sheriff involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Giel v. Commissioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on September 8, 2017 and an amended complaint was filed on January 26, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative

Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on September 8, 2017 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on September 8, 2017 and an amended complaint on January 26, 2018. The Sheriff is requesting termination.

On February 25, 2002, Respondent was appointed a Deputy Sheriff. Respondent was assigned to the Criminal Courts Building at 2650 South California, Chicago, Il, with the Cook County Sheriff's Court Services Division.

The Sheriff called [REDACTED] who is employed with the Cook County Sheriff's Payroll Department Office of Professional Review and is the Payroll Supervisor. (R.14). [REDACTED] testified that deputy sheriff's during the years 2015-2016 would sign in and out on original timesheets and that those sheets would be forwarded to the payroll department (R. 16). Payroll would review those sheets and pay the employees appropriately. [REDACTED] testified to a number of Sheriff's exhibits that were Criminal Court time sheets for the dates that Respondent signed in for 6:00 am but was shown on the camera to have come in late as well as exhibits where the Respondent received overtime. (R. 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36). There were 6 dates in which the Respondent came in late and signed in for 6:00am; on 10-18-15 she was 9 minutes late, on 10-25-18 she was one hour and fifteen minutes late, on 5-1-16 she was one hour and fifteen minutes late, on 5-22-16 she was forty minutes late, on 6-5-16 she was fourteen minutes late and on 6-12-16 she was forty four minutes late (Tr.120, 12, 127).

The Sheriff called former sergeant [REDACTED], who testified that in 2015 and 2016 he worked in the Cook County Sheriff's Police Special Services Section investigating allegations of misconduct by employees (R. 58). [REDACTED] testified that during his time as an investigator he had to investigate Respondent and that he worked with Inspector [REDACTED] regarding the allegations. (R 60). [REDACTED] testified that he reviewed videos that showed when the Respondent came into and left work on at least 40 different days (R. 62). Respondent admitted that on the 6 occasions listed in the complaint the video shows her coming in late. (R. 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73).

On cross examination [REDACTED] testified that he reviewed video for Saturday and Sundays at the Criminal Courts Building. (Tr. 81-90). The six dates in question were on Sundays.

The Sheriff called Inspector [REDACTED], who testified that he assisted Sgt. [REDACTED] with his investigation. (R. 102). [REDACTED] testified about his job duties and the protocol for interviewing officers. (R. 102, 103).

Respondent Angela Pecoraro (De Young) testified that she has been employed with the Cook County Sheriff's Office since 2002 as a deputy sheriff and testified to her job duties. (R. 114, 115). She admitted that she signed in at 6:00 am for the 6 dates in question and that on three of the dates she received overtime. (R. 120, 121, 122, 136). Respondent also testified that prior to 2015, the deputies worked the "bridge" on Sundays. The bridge is the lower part of the Criminal Courts Building where the Chicago Police Department would drop off detainees who were to appear at bond court. The deputies would search them, number them, do paperwork, sit with them until court started and then take them to court. (Tr. 115-116). Respondent testified that sometime between 2013-2014, when she was still on maternity leave or had just returned, the "bridge" duties were turned over to corrections. (Tr. 116-118). Bond court did not begin until approximately noon on Sundays and that the public was not allowed to enter until just before noon. (Tr. 119). Respondent testified that in 2015 and 2016 she was assigned lockup on Sundays, which meant that at 7:30am, she would have to escort inmates up and down the elevator and do related pretrial service work. This work ended around 8:00am. (Tr 117, 118). Respondent testified that between 6:00 am until 7:30 am and from 8:00 am until approximately noon she had no assigned duties. (Tr. 117, 118).

Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent violated the Court Services Department General Order No.3101.2 I, II, IV, VII; Cook County Court Services Department Lexipol Policy Manual., Policy No.321.1, 321.2, 321.3, 321.4, 321.5, 321.5.5 and Policy No.1007.1, 1007.1.1, and 1007.4; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

Order:

Wherefore, based on the foregoing, it is hereby ordered that Respondent Angela Pecoraro be suspended from the Cook County Sheriff's Office effective September 8, 2017 for 7 days.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIM R. WIDUP, Board Member
JUAN L. BALTIERRES, Board Member
KIMBERLY PATE GODDEN, Board Member
ELENI P. SIANIS, Board Member



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SHERIFF'S MERIT BOARD
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Angela Pecoraro
Deputy Sheriff
Docket No. 11042

This Final Order is adopted and entered by a majority of the Members of the Merit Board:

John J. Dalicandro, Byron Brazier, Vincent T. Winters, Kim R. Widup, Juan L. Baltierres, and Eleni P. Sianis.

Not Present: Kimberly Pate Godden

DISSENT

The following Members of the Merit Board dissent from the Findings and Decision of the majority of the Board.

[NONE]

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF MARCH, 2020.