

BEFORE THE RIVERSIDE
POLICE PENSION BOARD

IN THE DETERMINATION)
OF DISABILITY:)
)
)
JOHN CAIRO,)
)
Applicant.)

REPORT OF PROCEEDINGS had and testimony
taken at the hearing of the above-entitled
matter before the Riverside Police Pension
Board, at 31 Riverside Road, Riverside,
Illinois, on the 1st day of March, A.D. 2022, at
the hour of 10:00 a.m.

BOARD MEMBERS PRESENT:

- MR. JEFF MILLER, President;
- MR. MIKE PANEK, Trustee;
- MR. WILLIAM GUTSCHICK, Trustee;
- MR. ANDREW SITKIEWICZ, Trustee; and
- MS. GEORGINE POULOS, Trustee.

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2

1 ALSO PRESENT:

2 MR. THOMAS RADJA, Attorney for
Board;

3

4 MR. DAVID MARTAY, Attorney for
Applicant;

5 MR. DAVID PETRICH, Attorney for
Applicant;

6

7 MR. JOHN CAIRO, Applicant.

8 PRESIDENT MILLER: I think we're ready
9 to get started. Sorry about the delay.

10 All right. This is the special
11 hearing of the Riverside Police Pension Fund.
12 It is a disability hearing for Sergeant John
13 Cairo. The date is March 1st, 2022. It's
14 10:10 a.m.

15 I'll take a roll call of board
16 members present.

17 Secretary Panek, Mike Panek?

18 MR. PANEK: Present.

19 PRESIDENT MILLER: Trustee Georgine
20 Poulos?

21 MS. POULOS: Present.

22 PRESIDENT MILLER: Trustee Andy

4

1 MR. PETRICH: David Petrich for
2 Mr. Cairo as well.

3 MR. RADJA: Are you in receipt of the
4 notice of hearing and are you prepared to
5 proceed today?

6 MR. MARTAY: Yes and yes.

7 MR. RADJA: Because this is a public
8 hearing, we do have to take public comment.
9 Does any one of the member of the
10 public wish to comment?

11 (No response.)

12 There being none, the first board
13 of business, I would ask the board to appoint me
14 as hearing officer with respect to these
15 proceedings. What that means is I will rule on
16 any legal objections or legal matters and make
17 sure the hearing runs in an orderly fashion.

18 If someone wants to make that
19 motion and second and then do a roll call vote,
20 please.

21 MS. POULOS: I so move.

22 MR. GUTSCHICK: I'll second it.

3

1 Sitkiewicz?

2 MR. SITKIEWICZ: Present.

3 PRESIDENT MILLER: Trustee William
4 Gutschick?

5 MR. GUTSCHICK: Present.

6 PRESIDENT MILLER: President Jeff
7 Miller, present.

8 We have all five board members in
9 attendance and we have a quorum established.

10 As pointed out, I'll turn the
11 meeting over to the board attorney, Tom Radja.

12 MR. RADJA: Very good. As the
13 president of the board indicated, this is a
14 proceeding for the disability hearing for John
15 Cairo, the applicant in this case. This hearing
16 will be conducted pursuant to Article 3 of the
17 Illinois Pension Code to address the application
18 as has been filed by Mr. Cairo.

19 Can the applicant's counsel
20 identify themselves for the record, please.

21 MR. MARTAY: David Martay for
22 Mr. Cairo.

5

1 PRESIDENT MILLER: There's been a
2 motion and second. Roll call vote.

3 Trustee Panek?

4 MR. PANEK: Aye.

5 PRESIDENT MILLER: Trustee Poulos?

6 MS. POULOS: Aye.

7 PRESIDENT MILLER: Trustee Sitkiewicz?

8 MR. SITKIEWICZ: Aye.

9 PRESIDENT MILLER: Trustee Gutschick?

10 MR. GUTSCHICK: Aye.

11 PRESIDENT MILLER: President Miller,
12 aye.

13 MR. RADJA: The procedures to be
14 utilized will be as follows: The applicant can
15 make an opening statement prior to presenting
16 any evidence. The applicant may then present
17 any evidence in support of his claim. The
18 pension board of trustees and/or its counsel may
19 ask any questions of the applicant or any other
20 witnesses that are presented before this board.

21 The board may also introduce any
22 additional evidence in addition to the plethora

1 of documents that have already been marked and
2 presented -- provided to all parties. Once all
3 of the evidence has been introduced and the
4 parties have rested, the Board will render a
5 decision with respect to this matter. We'll
6 give the applicant's attorney the option of
7 either making a closing argument or submitting a
8 post-hearing brief, whatever your preference is,
9 and we'll get to that at the conclusion of the
10 evidence that's presented.

10 12 59AM

11 The Board will issue a written
12 decision, which will become the final and
13 appealable decision with respect to the
14 application that's being presented today.

15 The formal rules of evidence do not
16 apply to this hearing; however, the rules of
17 fundamental fairness do. Are there any
18 questions regarding the procedures that we
19 utilize?

10 13 21AM

20 MR. PETRICH: No, sir.

21 MR. RADJA: There being none, a couple
22 of preliminary matters. As I indicated, the

1 Pension Board has identified 11 exhibits
2 totaling, approximately, 1,947 pages. Those
3 have been presented to both the Board, as well
4 as the applicant and his counsel, prior to
5 today's proceeding.

6 Are there any objection from the
7 applicant to Board Exhibits 1 through 11?

8 MR. MARTAY: No objection.

9 (Board Exhibit Nos. 1 through
10 11 marked and admitted into
11 evidence.)

10 13 47AM

12 MR. RADJA: There being none, those
13 documents will be admitted into the
14 administrative record without any further
15 authentication or foundation. Prior to today's
16 proceedings, the applicant has also provided to
17 the Board five separate documents. If I'm
18 correct, they all are different IME reports of
19 Dr. Goldberg.

10 14 10AM

20 Do you wish to introduce those as
21 exhibits here today?

22 MR. MARTAY: Yes. Dr. Goldberg was the

1 Section 12 independent medical evaluator hired
2 by the workers' compensation insurance carrier
3 for the village. We ask to introduce all of the
4 reports from the workers' compensation carrier
5 expert.

6 MR. RADJA: Very good. Those will also
7 be admitted into the administrative record
8 without any further authentication or
9 foundation.

10 14 34AM

10 (Applicant Exhibit Nos. 1
11 through 5 marked and admitted
12 into evidence.)

13 MR. MARTAY: One further comment about
14 the reports from Dr. Salehi. Are you putting
15 them in?

16 MR. RADJA: You can make a record if
17 you want to. That's fine.

10 14 49AM

18 MR. MARTAY: The records we received
19 from Dr. Salehi, it looks like the last three or
20 four examinations were not contained in the
21 records from Dr. Salehi. Although, as I told
22 Mr. Radja, the records are contained in the

1 records that the Board received from the
2 workers' compensation insurance carrier. Just
3 for clarification, the four reports are missing
4 from Dr. Salehi's subpoena request but they are
5 contained in the records from the workers'
6 compensation insurance carrier.

7 MR. RADJA: Very good. Why they are
8 not in Dr. Salehi's medical records, I'm not
9 quite sure. We did issue a subpoena, and all of
10 the documents that we received pursuant to that
11 subpoena were included but, as counsel
12 indicated, the records that were identified as
13 missing are contained in the subpoena that was
14 issued for the workers' compensation records.
15 So the good news is, Board, you have, I think,
16 any and all documents that were available with
17 respect to the treatment records.

10 15 18AM

18 So having said that, there's one
19 other preliminary matter; and that is, Counsel,
20 in your client's disability application, he's
21 asking for a line of duty disability pension.

10 15 45AM

22 Would you like the Board to consider a non-duty

10

1 disability in the alternative and not
 2 prejudicial to his line of duty disability
 3 claim? What that means is if, for whatever
 4 reason, the Board doesn't grant a line of duty
 5 disability, they can still consider granting a
 6 non-duty and, in the alternative, a
 7 non-prejudicial, pending appeal rights, that you
 8 would have with respect to the line of duty.
 9 MR. MARTAY: We're not going to make
 10 that request, actually.
 11 MR. RADJA: You're not. Okay. I
 12 always ask it.
 13 MR. MARTAY: I understand.
 14 MR. RADJA: Any other preliminary
 15 matters from the Applicant?
 16 MR. MARTAY: No.
 17 MR. RADJA: Would you like to make an
 18 opening statement?
 19 OPENING STATEMENT ON BEHALF OF THE APPLICANT
 20 MR. MARTAY: Just very briefly. We are
 21 here today to request a line of duty disability
 22 from the Board. He was involved in an accident

11

1 on October 22, 2019, when he was T-boned by a
 2 drunk driver. He was on-call at the time. He
 3 eventually underwent -- The records will show he
 4 eventually underwent surgery, ended up having a
 5 lumbar fusion. We plan to also show, as a
 6 result of the lumbar fusion, he ended up with
 7 permanent work restrictions, which are confirmed
 8 by the functional capacity evaluation he
 9 underwent with Athletico. We also plan to show
 10 pursuant to five different doctors, that being
 11 the treating doctor Dr. Salehi; the workers'
 12 compensation carrier's insurance doctor,
 13 Dr. Goldberg; as well as all three doctors hired
 14 by this Board, they all opine that Mr. Cairo is
 15 unable to return as a full-time unrestricted
 16 police officer for the Village of Riverside;
 17 therefore, we are asking this Board to find that
 18 he's entitled to a line of duty disability
 19 pension.
 20 MR. RADJA: Very good. Thank you.
 21 Would you like to call your first
 22 witness?

12

1 MR. MARTAY: Sure. We call John Cairo.
 2 (Witness sworn.)
 3 WHEREUPON:
 4 JOHN CAIRO,
 5 called as a witness herein, having been first
 6 duly sworn, was examined and testified as
 7 follows:
 8 DIRECT EXAMINATION
 9 BY MR. MARTAY:
 10 Q. Can you state your name and spell your
 11 last name for the record, please.
 12 A. **John Cairo, C-a-i-r-o.**
 13 Q. What's your home address, Mr. Cairo?
 14 A. **284 Fairbank.**
 15 Q. Mr. Cairo, you have already made an
 16 application for line of duty disability pension
 17 with the village, correct?
 18 A. **Correct.**
 19 Q. Your date of appointment, per that
 20 application, was October 5, 2003; that's
 21 correct?
 22 A. **Correct.**

13

1 Q. We're here today mostly to discuss an
 2 accident you sustained on October 22, 2019,
 3 correct?
 4 A. **Correct.**
 5 Q. What was your rank on October 22,
 6 2019?
 7 A. **I was a patrol sergeant.**
 8 Q. Can you just briefly, for the record,
 9 put on what your job duties were as a patrol
 10 sergeant for the village?
 11 A. **At the time it was supervising the**
 12 **shift, I was the juvenile coordinator at the**
 13 **time, I was a traffic coordinator at the time, I**
 14 **was still doing some FTO stuff. I was one of**
 15 **the department trainers for different --**
 16 **different aspects of training.**
 17 Q. How long have you been a sergeant
 18 before the accident occurred?
 19 A. **Since 2017.**
 20 Q. Now, again, we're here today regarding
 21 an accident you sustained on October 22, 2019.
 22 On that day, do you recall there was an

1 emergency situation; is that correct?

2 **A. I heard the emergency situation going**
3 **on in Brookfield.**

4 **Q.** Can you describe what happened on that
5 date?

6 **A. Originally, it came out as an armed**
7 **robbery at a liquor store that had previously**
8 **had a homicide during an armed robbery. I**
9 **started responding to the area and dispatched**
10 **the officer I was working with to the area as**
11 **well.**

12 **Q.** Do you know who that officer was?

13 **A. Mahanna.**

14 **MR. RADJA:** I'm sorry. Can you spell
15 the officer's last name?

16 **THE WITNESS:** M-a-h-a-n-n-a.

17 **BY MR. MARTAY:**

18 **Q.** As you were in the process of
19 responding to this emergency situation, what
20 occurred?

21 **A. I believe I notified the dispatcher on**
22 **the side band 18 that I was responding. I**

1 **called the officer on 18 as well, which are our**
2 **side band -- Brookfield was utilizing the main**
3 **band -- so I wouldn't interfere with their**
4 **communication, and I responded to First Avenue.**
5 **Then they said that they may have fled north.**
6 **There was some communication that said they were**
7 **fleeing north.**

8 **So I started heading to the area of**
9 **First Avenue and Woodside and started going down**
10 **Washington, figuring if they went north, I would**
11 **be able to locate a vehicle in the area. I had**
12 **previous information as well that -- eventually**
13 **it came out it was an ATM theft and that Maywood**
14 **had dealt with the same -- or similar to the one**
15 **that occurred in Brookfield, and that they had**
16 **shot at the police.**

17 **Q.** Were your lights and sirens on at the
18 time?

19 **A. No.**

20 **Q.** Why not?

21 **A. I'm searching for a felony suspect.**
22 **I'm not going to turn my lights and sirens on.**

1 **Q.** While you're in the process of
2 searching for the felony suspect, what happened?

3 **A. I was coming through the intersection**
4 **at Washington, and I think it was Prairie on the**
5 **cross section. And as I was coming through the**
6 **intersection, I was struck by David Franco**
7 **(phonetic).**

8 **Q.** Who is that?

9 **A. He's the other driver of Unit 1 from**
10 **the accident.**

11 **Q.** Which side of the your patrol car did
12 he hit?

13 **A. The passenger's side.**

14 **Q.** What happened to you when he made
15 impact with the patrol car?

16 **A. I felt pain in my neck and my lower**
17 **back. Just like most accidents, the pain was --**
18 **I guess, it hurt, but it was manageable at the**
19 **time. Then my car came to a stop and I exited**
20 **the vehicle.**

21 **Q.** What happened to the guy who hit you?

22 **A. What happened? He was placed under**

1 **arrest for DUI.**

2 **Q.** Was an ambulance called to the scene?

3 **A. I believe an ambulance was called. I**
4 **refused treatment.**

5 **Q.** Did you go to the emergency room that
6 day?

7 **A. Not that day. I believe it was the**
8 **next day I went and saw my primary care doctor.**

9 **Q.** Before you saw a doctor, did you
10 report this or fill out an accident report?

11 **A. Yes. I contacted Lieutenant Lara at**
12 **the time and let him know about the accident.**
13 **Because I was involved in the accident, I didn't**
14 **handle any of the documentation. I believe**
15 **Officer Mahanna -- No.**

16 **Brookfield handled the actual**
17 **accident report and DUI arrest. Officer Mahanna**
18 **did subsequent reports and I did a report based**
19 **off of the incident.**

20 **Q.** You said you went and saw your primary
21 care physician the day after the accident,
22 correct?

1 **A. I believe it was the day after.**
 2 **Q.** Your primary care physician prescribed
 3 some pain meds for you and prescribed physical
 4 therapy, correction?
 5 **A. Correct.**
 6 **Q.** He also ended up prescribing X-rays of
 7 your cervical spine and low back, correct?
 8 **A. Right.**
 9 **Q.** The X-rays were taken on November 1,
 10 2019, so about ten days after the accident,
 11 correct?
 12 **A. Correct.**
 13 **Q.** Then your doctor also prescribed an
 14 MRI of your cervical spine and your lumbar
 15 spine. Those were also -- Those were done on
 16 the same day, on November 13, 2019, correct?
 17 **A. Correct.**
 18 **Q.** You were then referred to Dr. Sean
 19 Salehi, who is on orthopedic back surgeon, who
 20 you initially saw on November 11, 2019; is that
 21 correct?
 22 **A. Correct.**

10 22 47AM

10 23 05AM

1 correct?
 2 **A. Correct.**
 3 **Q.** At the request of the workers'
 4 compensation insurance carrier for the village,
 5 they sent you for an evaluation with Dr. Edward
 6 Goldberg, who is at Midwest Orthopedics at Rush,
 7 correct?
 8 **A. Correct.**
 9 **Q.** Dr. Goldberg basically said he
 10 recommended or agreed with the treatment plan
 11 laid out by Dr. Salehi, correct?
 12 **A. Correct.**
 13 **Q.** You reported back to the pain
 14 specialist on January 15, 2020, said that your
 15 neck pain had decreased but you were still
 16 having low back pain, correct?
 17 **A. Correct.**
 18 **Q.** You had a second epidural injection
 19 into your low back on January 24, 2020, correct?
 20 **A. Correct.**
 21 **Q.** You returned to the pain specialist on
 22 February 12, 2020, and they were still

10 24 19AM

10 24 41AM

1 **Q.** When you saw Dr. Salehi, he initially
 2 prescribed physical therapy for your low back
 3 and your neck, correct?
 4 **A. Correct.**
 5 **Q.** You saw Dr. Salehi next on
 6 November 25, 2019. So we're now about a month
 7 after the accident. He prescribed physical
 8 therapy and he also thought you were a candidate
 9 for epidural steroid injections, correct?
 10 **A. Correct.**
 11 **Q.** On November 27, 2019, you reported to
 12 the Midwest Pain and Anesthesia complaining of
 13 low back pain, as well as neck pain, correct?
 14 **A. Correct.**
 15 **Q.** You had your initial low back epidural
 16 steroid injection performed with Midwest Pain
 17 and Anesthesia on December 18, 2019, so about
 18 two months after the accident, correct?
 19 **A. I believe so, yes.**
 20 **Q.** Then you had a cervical epidural
 21 steroid injection, so a shot into your neck,
 22 done at the same place on January 7, 2020,

10 23 30AM

10 23 54AM

1 prescribing additional injections, correct?
 2 **A. Correct.**
 3 **Q.** You went back and saw Dr. Salehi, your
 4 spine surgeon, on February 25, 2020. He
 5 recommended you continue physical therapy but
 6 you also, at that evaluation, had an initial
 7 discussion with him about having a fusion done
 8 on your low back, correct?
 9 **A. Correct.**
 10 **Q.** You had another injection, this time
 11 into your neck, done with the pain specialist on
 12 February 28, 2020, correct?
 13 **A. Correct.**
 14 **Q.** You returned to the pain specialist on
 15 March 11, 2020, recommended additional physical
 16 therapy, which you told him your low back pain
 17 was getting worse but your neck was doing better
 18 at that point, correct?
 19 **A. Correct.**
 20 **Q.** April 7, 2020, you had a telehealth
 21 visit, kind of at the peak of COVID, I guess, at
 22 that time with Dr. Salehi. You told Dr. Salehi

10 25 06AM

10 25 35AM

1 your neck pain was improving. He recommended
 2 you continue pain meds. But at that point it
 3 was decided that, due to persistent low back
 4 pain, you were going to undergo a lumbar fusion
 5 surgery, correct?

6 **A. Correct.**

7 **Q.** Dr. Salehi, also, at that point
 8 thought you could return to light-duty desk work
 9 only, correct?

10 **A. Correct.**

11 **Q.** Subsequent to your doctor prescribing
 12 lumbar fusion surgery, the workers' compensation
 13 insurance carrier sent you back for another
 14 evaluation with Dr. Goldberg and you saw him on
 15 May 27, 2020, correct?

16 **A. Correct.**

17 **Q.** You told Dr. Goldberg your neck pain
 18 was basically resolved but you reviewed with him
 19 the recommendation for the L-4 -- I'm sorry --

20 L5-S1 fusion that had been recommended by

21 Dr. Salehi, correct?

22 **A. Correct.**

1 **Q.** Dr. Goldberg, again, the workers'
 2 compensation insurance carrier's doctor, thought
 3 you were a good candidate for the lumbar fusion,
 4 correct?

5 **A. Correct.**

6 **Q.** Dr. Salehi did surgery on June 17,
 7 2020. You had an L5-S1, so low back fusion, put
 8 an interbody cage, put in a bone matrix, and
 9 also put in pentacle screws for the fixation of
 10 the cage, correct?

11 **A. Correct.**

12 **Q.** Is that still in place today?

13 **A. Yes.**

14 **Q.** Dr. Salehi, two weeks postop, he
 15 recommended additional pain meds and took you
 16 off work, correct?

17 **A. Correct.**

18 **Q.** You had a follow-up evaluation with
 19 Dr. Salehi in August 2020, and you saw him again
 20 on September 4, 2020; he was still prescribing

21 you physical therapy now for your low back,
 22 correct?

1 **A. Correct.**

2 **Q.** As of September 2020, he released you
 3 to go back to work, desk work only, for four
 4 hours a day, correct?

5 **A. Correct.**

6 **Q.** You saw Dr. Salehi again on
 7 October 20, 2020. At that point he released you
 8 to work but no lifting over 35 pounds, correct?

9 **A. Correct.**

10 **Q.** Your next evaluation with Dr. Salehi
 11 was on December 9, 2020. He released you to go
 12 back to work with restrictions as to lifting,
 13 pushing, pulling. You told him you were
 14 developing some neck pain while in physical
 15 therapy and you also developed some numbness
 16 going down to your right leg, correct?

17 **A. Correct.**

18 **Q.** He prescribed ongoing medications for
 19 you, kept you on light-duty desk work only,
 20 correct?

21 **A. Correct.**

22 **Q.** You saw Dr. Salehi the next month,

1 January 13, 2021. You told him your low back
 2 pain had returned, you were having some numbness
 3 going down to your right hand, and he
 4 recommended an updated cervical or neck MRI,
 5 correct?

6 **A. Correct.**

7 **Q.** You had a cervical MRI done on
 8 January 21, 2021, which showed you had some disc
 9 height loss, which was collapsing of the discs
 10 in your neck, correct?

11 **A. Correct.**

12 **Q.** The workers' compensation insurance
 13 carrier sent you back to Dr. Goldberg for
 14 another evaluation. This one was done on
 15 February 3, 2021. And at that evaluation
 16 Dr. Goldberg recommended you complete work
 17 conditioning and thought you would be at maximum
 18 medical improvement and be able to return to
 19 work on a part-time basis, correct?

20 **A. Correct.**

21 **Q.** You saw Dr. Salehi on March 10, 2021,
 22 at which point Dr. Salehi provided you with a

- 1 permanent medium work restriction, correct?
- 2 **A. Correct.**
- 3 **Q.** You were also prescribed a functional
- 4 capacity evaluation, correct?
- 5 **A. Correct.**
- 6 **Q.** You had a functional capacity
- 7 evaluation done at Athletico on March 22, 2021,
- 8 correct?
- 9 **A. Correct.**
- 10 **Q.** That functional capacity evaluation
- 11 takes about four hours, correct?
- 12 **A. Correct.**
- 13 **Q.** They place you through a battery of
- 14 tests?
- 15 **A. Correct.**
- 16 **Q.** And then they generated a report that
- 17 said you gave a consistent effort and showed you
- 18 cannot perform the physical capabilities, you
- 19 cannot tolerate all relevant job functions of a
- 20 police officer, correct?
- 21 **A. Correct.**
- 22 **Q.** The tests also showed you can only

- 1 lift up to 25 pounds, correct?
- 2 **A. Correct.**
- 3 **Q.** You saw Dr. Salehi for a follow-up on
- 4 April 6, 2021, and he provided to you with
- 5 permanent work restrictions pursuant to the
- 6 results of the functional capacity evaluation,
- 7 correct?
- 8 **A. Correct.**
- 9 **Q.** You saw Dr. Goldberg again. This is
- 10 the fourth evaluation with the insurance
- 11 company's doctor. Dr. Goldberg also said that
- 12 you were at maximum medical improvement, that
- 13 you had plateaued, and he put you back to work
- 14 but only pursuant to the restrictions laid out
- 15 in the functional capacity evaluation, correct?
- 16 **A. Correct.**
- 17 **Q.** In addition to those doctors, the
- 18 Board also sent you for three evaluations,
- 19 correct?
- 20 **A. Correct.**
- 21 **Q.** You saw Dr. Huddleston,
- 22 H-u-d-d-l-e-s-t-o-n, you saw Dr. Lami, L-a-m-i,

- 1 you saw Dr. Peters, P-e-t-e-r-s, correct?
- 2 **A. Correct.**
- 3 **Q.** When you saw Dr. Huddleston, Dr. Lami,
- 4 or Dr. Peters, did they ask you for a history of
- 5 what occurred?
- 6 **A. Yes.**
- 7 **Q.** Did you go through your medical
- 8 history with each of these doctors?
- 9 **A. Yes.**
- 10 **Q.** These doctors performed a physical
- 11 examination?
- 12 **A. Yes.**
- 13 **Q.** At the current time, John, do you have
- 14 any formal medical care scheduled with any of
- 15 your doctors, including Dr. Salehi?
- 16 **A. No.**
- 17 **Q.** As you sit here today, do you still
- 18 have pain?
- 19 **A. Yes.**
- 20 **Q.** How often do you notice the pain?
- 21 **A. Daily.**
- 22 **Q.** Where do you notice the pain, in

- 1 particular, specifically?
- 2 **A. My lower back. My right leg I still**
- 3 **have numbness down to my big toe. My big toe,**
- 4 **as I explained to the three doctors in December,**
- 5 **I have some feeling coming back in my big toe.**
- 6 **Most of it goes from my lower back to the**
- 7 **outside of my right leg and then down to my toe.**
- 8 **My neck --**
- 9 **Q.** Hold on. Sorry. How often do you
- 10 notice the numbness in your leg? Is that --
- 11 **A. Daily. Every day.**
- 12 **As far as my neck is concerned, I**
- 13 **have pain, headaches, I feel like there's almost**
- 14 **like -- it's not, like, constant pain but, like,**
- 15 **a fogginess since the accident through the back**
- 16 **of my neck, and most of it from the lower part**
- 17 **of my neck to the right side and up through the**
- 18 **back of my head. Then, you know, if I overexert**
- 19 **myself, I guess, I'll have pain up through the**
- 20 **back of my head. Some days it's bad. Some days**
- 21 **it's not bad. It just kind of depends on what**
- 22 **I'm doing.**

1 Q. Are you still taking any medications?
 2 A. I take ibuprofen and Extra Strength
 3 Tylenol. And in order to make it so I don't
 4 have to take, you know, ibuprofen daily because
 5 it's not good for you -- it raises your blood
 6 pressure -- I started taking apple cider
 7 vinegar, just sort of a natural form of
 8 anti-inflammatory.

10:37 45AM

9 Q. How often are you taking the
 10 ibuprofen?
 11 A. It depends. If I know I'm going to be
 12 doing something that's going to be -- either
 13 standing or sitting or, you know, something I'll
 14 be doing for a long duration of time, I'll take
 15 it before because I know what the pain is going
 16 to be like. That's dependent.

10:33 13AM

17 The Tylenol is the same. If I'm
 18 having pain right now, I'll take the Tylenol
 19 most of the time. If it's something I have to
 20 prepare for, I'll take the ibuprofen beforehand.

21 Q. Other than the medications, are you
 22 doing anything else when you notice the pain?

1 A. When I sleep is where it's the worst,
 2 I would say. I wake up, I don't know, three or
 3 four times a night. Every time I twist --
 4 That's where the twisting hurts, I guess, is
 5 mostly when I'm sleeping.

10:33 47AM

6 Q. Twisting your low back?
 7 A. Yes. You know, if I turn my legs
 8 first while I'm sleeping, I'll wake up. A lot
 9 of times it's just a sharp pain that will jolt
 10 me and I'll kind of wake up from it. Then my
 11 neck I feel not so much when I'm sleeping. Then
 12 again if I'm -- If I stand for a long, long time
 13 without sitting down, standing up, kind of going
 14 back and forth, I'll feel the pain in my lower
 15 back.

10:34 24AM

16 Q. Are there any activities that you do
 17 throughout just regular life that bring on pain?
 18 A. If I have to lift something from the
 19 floor up, that hurts. Again, if I keep my legs
 20 straight and kind of bend forward and lift
 21 something up off of the ground. And, mostly, I
 22 found that if I have my hands close and I have

1 to push something up, I'll get into my lower
 2 neck where it will start to hurt. You know, the
 3 difference being if I extend my arms out and
 4 lift from here, you're using your shoulders or
 5 your back primarily. If I put my hands closer,
 6 you're using neck muscles. I avoid anything
 7 where I have to lift above my head where my
 8 hands are close together. If I can widen my --
 9 I guess, widen my grip or whatever, if I can do
 10 something to adjust, I can.

10:34 57AM

11 Q. The functional capacity -- The
 12 functional capacity evaluation said you had a
 13 35-pound lifting restriction. Is that kind of
 14 your pain threshold is up to 35 pounds?

10:35 27AM

15 A. I would say, yeah, it's in that area.
 16 Q. As you sit here today -- You served,
 17 what, 16 years before this accident occurred.
 18 As you sit here today, do you think you're
 19 capable of returning to work as a full-time
 20 police officer?

21 A. No.
 22 Q. Why not?

1 A. I think I would struggle in an
 2 altercation with somebody. I think it would
 3 be -- I would feel a significant amount of pain,
 4 whether it be in my back, my neck, or both. You
 5 know, situations where I might have to back
 6 somebody up or, you know, remove somebody from a
 7 situation that might be dangerous, you know,
 8 somebody got hurt or somebody got shot and I had
 9 to move them, I would struggle to do so, I
 10 believe.

10:35 58AM

11 Q. Regarding your work, you did return to
 12 work here for a while with the village as a
 13 light-duty desk worker, correct?

14 A. Correct.

15 Q. How long did they accommodate you for?

16 A. It was quite a few months. I believe
 17 it was February through right up until I had
 18 surgery, so it was, like, February to almost
 19 June. June 15 might have been my last day, I
 20 think.

10:36 24AM

21 Q. So you haven't worked for the village
 22 since June of 2020?

- 1 **A. No.**
 2 **Q.** Have you collected benefits since
 3 June 2020?
 4 **A. Yes.**
 5 **Q.** From workers' compensation?
 6 **A. Nothing else besides -- I mean,**
 7 **strictly from workers' comp.**
 8 **Q.** You didn't collect any other outside
 9 benefits?
 10 **A. No.**
 11 **Q.** Any other long-term disability?
 12 **A. No.**
 13 **Q.** Short-term disability?
 14 **A. No.**
 15 **Q.** While I know it's not part of the
 16 hearing today, it's your intention to apply for
 17 PSEBA benefits, assuming this Board grants your
 18 line of duty disability pension, correct?
 19 **A. Correct.**
 20 **MR. MARTAY:** I have nothing further.
 21 **MR. RADJA:** If it's okay with the
 22 Members of the Board, I have follow-up

10:35:43AM

10:37:02AM

- 1 **Q.** What's your current status with the
 2 department, if you know?
 3 **A. I don't know.**
 4 **Q.** Are you on payroll? Are you being
 5 paid by the department in any capacity?
 6 **A. No.**
 7 **Q.** Have you exhausted any time you may
 8 have had on the books, like, sick time, vacation
 9 time, comp time?
 10 **A. I'm not aware if I am -- I was**
 11 **informed that I did exhaust whatever time that I**
 12 **did have.**
 13 **Q.** The last day that you worked in any
 14 capacity for the police department was when?
 15 **A. June of 2020 -- 2020 -- It was, what,**
 16 **2020?**
 17 **MR. MARTAY:** Surgery was June 17th, so
 18 I think he worked up until the surgery.
 19 **BY MR. RADJA:**
 20 **Q.** So since the surgery, you haven't
 21 performed either light duty --
 22 **A. No.**

10:38:12AM

10:38:40AM

- 1 questions. And if any of the trustees have
 2 questions, you can certainly can ask those once
 3 I'm done, if that works.
 4 **CROSS-EXAMINATION**
 5 **BY MR. RADJA:**
 6 **Q.** Good morning, Officer. Officer Cairo,
 7 my name is Tom Radja. I represent the Board.
 8 Counsel did an excellent job of going through
 9 your medical history, so I'm going to do my best
 10 not to ask you stuff you have already answered.
 11 Just some follow-up questions I have for the
 12 record.
 13 **You're currently age 41?**
 14 **A. Correct.**
 15 **Q.** Do you have any children that are
 16 dependent on you?
 17 **A. I have two.**
 18 **Q.** Can you tell us their names and ages?
 19 **A. Patrick Cairo, he's six, and Joseph**
 20 **Cairo, he's three.**
 21 **Q.** You're married?
 22 **A. Yes.**

10:37:24AM

10:37:40AM

- 1 **Q.** If the Board were to award you
 2 benefits today -- and this may be a question for
 3 your counsel -- are you asking it to be
 4 effective June 16th of 2020, the day you left
 5 the payroll?
 6 **MR. MARTAY:** Yes.
 7 **BY MR. RADJA:**
 8 **Q.** Did the municipality provide you PED
 9 benefits?
 10 **A. Yes.**
 11 **Q.** So you received 100 percent of your
 12 salary from the date of injury?
 13 **A. Yes.**
 14 **Q.** Have you filed a workers' compensation
 15 claim regarding the October incident?
 16 **A. Yes.**
 17 **Q.** What's the status of that? Has there
 18 been a settlement, are you going go to trial,
 19 or --
 20 **MR. MARTAY:** It's still pending. It
 21 has not settled.
 22

10:38:04AM

10:38:26AM

1 BY MR. RADJA:

2 Q. You understand that the Board could
3 potentially receive an offset, depending on how
4 that settlement or trial goes, so we would
5 retain jurisdiction over your case for that
6 event?

7 A. **Absolutely.**

8 Q. Are you represented by the same
9 attorneys representing you here today?

10 A. **Yes.**

11 MR. MARTAY: Yes.

12 BY MR. RADJA:

13 Q. Are TTD benefits ongoing?

14 MR. MARTAY: You haven't received a
15 check from workers' comp lately, have you?

16 THE WITNESS: No.

17 BY MR. RADJA:

18 Q. When was the last check you received
19 TTD benefits?

20 A. **I can't remember if it was**

21 **January 21st or 27th.**

22 Q. Of this year?

1 A. **Yes.**

2 Q. As you sit here today, you're not
3 receiving any income?

4 A. **I started working part-time at Triton**
5 **College.**

6 Q. What do you do at Triton College?

7 A. **Criminal justice instructor adjunct.**

8 Q. I'm sorry?

9 A. **Adjunct criminal justice instructor.**

10 Q. I assume that position doesn't involve

11 any physical work?

12 A. **I have the opportunity to stand, sit.**
13 **You know, I try to adjust between the two. They**
14 **have, you know, given me the leeway to -- I**
15 **don't have to be in one position. I can move**
16 **around. And I do have the opportunity to sit**
17 **down. I can teach the entire class, if I wanted**
18 **to, sitting down. So, yeah, I'm not receiving**
19 **any benefits from them. Classes aren't**
20 **guaranteed. So it's kind of sporadic. You**
21 **know, if it's open, you'll get something. If**
22 **not, you know ...**

1 Q. You said it's a part-time position?

2 A. **Yes.**

3 Q. Any other employment?

4 A. **Nothing now, no.**

5 Q. Did the municipality dispute your
6 entitlement to TTD benefits?

7 A. **No.**

8 Q. Did they dispute your entitlement to
9 PEDAs benefits?

10 A. **No.**

11 Q. Do you know, does the Riverside Police
12 Department Municipality have a permanent
13 light-duty assignment available?

14 A. **I don't believe so, no.**

15 Q. Switching gears to the injury date.

16 On October 22 of 2019, was that -- were you out
17 on a dispatch call at that time?

18 A. **Dispatched call, no. It was**
19 **dispatched to Brookfield, but they were calling**

20 **for assistance from other jurisdictions in the**

21 **area.**

22 Q. And that's what you were responding

1 to?

2 A. **Yes.**

3 Q. You mentioned there was one other
4 officer on shift with you pursuing that call as
5 well?

6 A. **Correct.**

7 Q. That was Mahanna; is that right?

8 A. **Correct.**

9 Q. When you were struck by the other
10 vehicle, do you know if Officer Mahanna
11 responded to the scene?

12 A. **He did.**

13 Q. Was there any other Riverside police
14 personnel on the scene?

15 A. **No. It was just the two of us**
16 **working.**

17 Q. As part of the records, it looks like
18 there was -- Irma prepared, looks like, a
19 nonworkers' compensation accident report form.
20 That's in the record at Page 1155 and 1156. In
21 the comments it says you refused medical
22 treatment, but sore in your neck, shoulder, and

1 lower back.

2 Why did you refuse medical
3 treatment at that time?

4 **A. There was only two of us working at**
5 **any -- at the time the accident occurred, at**
6 **1:30 in the morning. I didn't feel the pain at**
7 **the time. Like I said, it was manageable at the**
8 **time right after the accident, which is common**
9 **in car accidents. There's times you won't feel**
10 **pain for one or two days. At the time I thought**
11 **it was manageable, and I didn't want to have**
12 **somebody else come in at 2:00 in the morning. I**
13 **thought I could get through the shift.**

14 Q. Did you finish your shift?

15 A. **I did.**

16 Q. What time did your shift end?

17 A. **6:30 in the morning.**

18 Q. That would be the next day?

19 A. **Same day.**

20 Q. Oh, same day. Gotcha.

21 You indicated you got treatment the

22 next day with your primary care physician?

1 **A. I believe it was that day or the day**
2 **after. I can't remember. I think it was that**
3 **day that I either contacted him or I went to go**
4 **see him.**

5 Q. Who is your primary care physician?

6 A. **Osorio.**

7 Q. The driver that struck you, did he go
8 away in an ambulance?

9 A. **No. He was taken into custody.**

10 Q. Did he sustain any injuries, do you
11 know?

12 A. **No, I don't think so.**

13 Q. Do you know what the result of his
14 arrest was, the disposition today?

15 A. **He was arrested for DUI. I believe**
16 **they also recovered some cannabis on scene as**
17 **well. I believe he admitted to smoking or**
18 **something at some point. They transported him**
19 **to the Brookfield Police Department.**

20 Q. Do you know if that case has gone to
21 trial?

22 A. **I don't know whether it has or not.**

1 Q. Have you had to testify?

2 A. **I have not had to testify yet.**

3 Q. Since the date of the incident, you
4 have not returned to a full-duty capacity?

5 A. **No.**

6 Q. Prior to October 22nd, 2019, had you
7 had any treatment for your low back or neck
8 pain?

9 A. **For minor -- What I thought at the**
10 **time was probably significant pain. But**
11 **compared to what I have gone through, it's**
12 **nothing compared to what I experienced after the**
13 **accident. I did have where I was prescribed**
14 **medication, I think, on one occasion -- one or**
15 **maybe two occasions for lower back pain.**

16 Q. When was that?

17 A. **I can't remember offhand.**

18 Q. Five years ago? Ten years ago?

19 A. **It was quite a while ago. Again, I**
20 **can't -- I would have to say it was probably**
21 **about five years ago.**

22 Q. Was it a physician that prescribed you

1 medication?

2 A. **Yes. I believe it was at my former**
3 **doctor's office.**

4 Q. Who is that?

5 A. **I can't remember his name offhand. It**
6 **was through Riverside Family Practice.**

7 Q. Had you had any injuries to your
8 back -- lower back or neck, prior to October
9 of 2019?

10 A. **Nothing formal, no.**

11 Q. When you say "nothing formal," what do
12 you mean?

13 A. **When you wear 30 pounds of gear every**
14 **day between the vest, duty belt, you know, when**
15 **you get involved in a physical altercation or**
16 **something with somebody, you feel physical pain**
17 **quite a bit. You'll have soreness. You'll have**
18 **other issues. Nothing where I have had surgery**
19 **previously for it. Nothing where I had any kind**
20 **of treatment like I experienced after this**
21 **accident.**

22 Q. You're talking like normal aches and

1 pains? Or has it been like -- I guess, let me
2 ask it this way: Was there anything off duty,
3 like, playing softball --

4 **A. No.**

5 **Q.** -- where you injured your back or
6 neck?

7 **A. No. No.**

8 **Q.** Then between the accident on
9 October 22 of 2019, up until your surgery, did
10 you have any other injuries, other than the one
11 you described to the Board today?

12 **A. No.**

13 **Q.** Has any physician indicated to you
14 that you could return to work in a full and
15 unrestricted capacity?

16 **A. Dr. Lami -- Not in a full capacity. I
17 think Dr. Lami stated in one of his reports I
18 could return as a police officer but I have to
19 avoid apprehension situations.**

20 **Q.** I would assume that apprehending
21 suspects is a key function of your job as a
22 police officer?

10 48 00AM

10 50 33AM

10 48 32AM

10 50 58AM

1 **will start to hurt more. I can't answer that --**
2 **you know, that one is always worse than the**
3 **other because, like I said, something changes**
4 **daily.**

5 **Q.** Has either your treating physician or
6 your surgeon indicated to you there's anything
7 you could do to improve your lower back or neck?

8 **A. Stretches that I do, some exercises,**
9 **you know, that I was doing during that physical**
10 **therapy, and I think that that's probably the**
11 **reason why I'm in the condition I'm in now,**
12 **being able to actually function a little bit**
13 **more normally because of the fact that I did**
14 **complete all of that during physical therapy and**
15 **I have tried to stay -- you know, stay with it.**

16 **Q.** Do you currently perform at-home
17 exercises or things of that nature?

18 **A. Yes.**

19 **Q.** What type of stuff do you do?

20 **A. Again, stretching, mostly body weight**
21 **exercises, leg lifts, the twisting. If I'm**
22 **sitting watching TV or something, I'll try to**

1 **A. Correct.**

2 **Q.** I think, in response to your counsel
3 asking about being under a physician's care at
4 the time, you said no; is that fair to say?

5 **A. Right now, no, I'm not under the care**
6 **of any physician.**

7 **Q.** The only medication you take is, as
8 you previously described, ibuprofen, Tylenol,
9 and apple cider --

10 **A. Correct.**

11 **Q.** Do you feel like the -- If it wasn't
12 for the lower back and you just had the neck
13 injury, would you be able to work, do you think?

14 **A. I don't know. To be honest, again, it**
15 **changes daily, depending on what I'm doing. So**
16 **I mean -- I couldn't answer that.**

17 **Q.** Does one part of the body hurt more to
18 use? Is the neck more painful? Lower back more
19 painful?

20 **A. I would say my lower back the majority**
21 **of the time, but there are days again where, you**
22 **know, if I overdo, you know, anything, my neck**

10 49 00AM

10 51 32AM

10 49 47AM

10 51 57AM

1 **stretch my neck a little bit here and there,**
2 **legs and whatever. I mean, it just depends.**

3 **Q.** Has your surgeon and physical
4 therapist recommended you continue to do that
5 kind of stuff?

6 **A. Yeah. I mean, they said it will help.**
7 **Even in speaking with -- I think it was**
8 **Huddleston, he said even like lightweight**
9 **lifting, whatever could help as well.**

10 **Q.** You understand if the Board were to
11 grant your disability here today, that you would
12 be required to submit annually to an examination
13 on behalf of the Board?

14 **A. Yes.**

15 **MR. RADJA:** That's all the questions.
16 Do any members of the Board have any questions
17 of the applicant?

18 **MS. POULOS:** I have a clarification.
19 You used two terms. You said TTE --

20 **MR. RADJA:** TTD means temporary total
21 disability. It's an acronym used by workers'
22 compensation.

1 MS. POULOS: Oh, that's by workers'
2 comp. Okay. Then you said something about was
3 it PE- --

4 MR. RADJA: PEDA, Public Employee
5 Disability Act.

6 MS. POULOS: Okay. Thank you.

7 MR. RADJA: Any trustees have any
8 questions of the applicant?

9 MR. GUTSCHICK: No, sir.

10 PRESIDENT MILLER: I have one quick
11 question.

12 The disability, you're looking to
13 have it started on --

14 MR. MARTAY: The disability begins on
15 the day before his surgery. I think he was up
16 until then, so June of 2020.

17 PRESIDENT MILLER: Okay.

18 MR. MARTAY: Obviously, it's subject to
19 any credit the village is entitled to, but he
20 hasn't been able to work since that day.

21 MR. RADJA: Any follow-up questions?

22 MR. MARTAY: Just a couple quick

1 questions.

2 REDIRECT EXAMINATION

3 BY MR. MARTAY:

4 Q. Counsel asked you whether you were
5 aware of any permanent light-duty positions
6 available at the police department. Have you
7 received a job offer from the village offering
8 any permanent light-duty job with the police
9 department?

10 A. **No. No.**

11 Q. Counsel also said you didn't go by
12 ambulance and you finished your shift on the day
13 of the accident?

14 A. **Correct.**

15 Q. Were you experiencing pain throughout
16 the shift?

17 A. **Yes.**

18 Q. Has that pain ever gone away since the
19 date of the accident, wholly?

20 A. **No.**

21 MR. MARTAY: Nothing further.

22

1 RE-CROSS-EXAMINATION

2 BY MR. RADJA:

3 Q. How was your light duty terminated?

4 A. **I had surgery and I was just informed
5 that there was no light-duty assignments
6 available, and that was pretty much it.**

7 Q. The village never offered you anything
8 after your surgery?

9 A. **After my surgery, no.**

10 MR. RADJA: Any follow-up, Counsel?

11 MR. MARTAY: Nothing.

12 MR. RADJA: Any members of the Board
13 have anything?

14 MS. POULOS: One question.

15 MR. RADJA: Sure.

16 MS. POULOS: At the time of the
17 accident, you said the offender was taken into
18 custody. By whom?

19 THE WITNESS: By the Brookfield Police
20 Department.

21 MS. POULOS: Okay.

22 THE WITNESS: He was a bartender at a

1 bar. I believe he had been drinking and smoking
2 marijuana, and was taken into custody, based off
3 the DUI, for those two things.

4 MR. RADJA: There's no other questions.
5 Counsel, do you have any other witnesses you
6 care to call?

7 MR. MARTAY: Nothing for the applicant.

8 MR. RADJA: You rest?

9 MR. MARTAY: Yes.

10 MR. RADJA: All right. Members of the
11 Board, this is an opportunity if there's any
12 witnesses or documents you think that we need
13 prior to concluding this case, now would be the
14 time. I'm not suggesting there is some witness
15 you should hear from or documents you need. I
16 think we have, certainly, all of the documents.

17 I just throw that out there if you
18 think there's someone you need to hear from,
19 that you have an opportunity to do so. If
20 not -- I'm not hearing anything from any of the
21 trustees. If not, then, Counsel, you want to
22 make a closing argument?

1 MR. MARTAY: Sure. Very quickly.
 2 MR. RADJA: A member of the public has
 3 a question.
 4 MS. FRANCES: It's more of a statement.
 5 With regard to Sergeant Cairo, when he went out,
 6 he was still getting paid by the village up
 7 until -- I need the finance record to have the
 8 exact date, but if we're going retro to the date
 9 to payout benefits if the pension board
 10 approves, then, I guess, the question therein
 11 lies what should the village be eligible for
 12 getting credits back. Because we have paid for
 13 80 percent of health insurance, we have paid out
 14 also not only the TTD and the PEDDA, but when the
 15 PEDDA ran out, per the union contract, we were
 16 able to backfill. So he was made whole for a
 17 significant amount of time.
 18 So clarification on that as part of
 19 whatever order is entered would be helpful from
 20 an administrative standpoint.
 21 MR. RADJA: What the Board will do is
 22 issue a written decision with respect to

10 56 31AM

10 56 04AM

1 Mr. Cairo's line of duty disability. The law
 2 says he's entitled to receive his line of duty
 3 disability pension if he can prove he's
 4 physically or mentally disabled from performing
 5 service to the police department, as long as he
 6 was on duty at the time of his accident. I
 7 think we have shown that on October 22, 2019,
 8 Mr. Cairo suffered a career-ending injury as a
 9 result of the accident he sustained while in
 10 pursuit of a felon. He required lumbar surgery
 11 fusion. He still has hardware in place today.
 12 He completed a functional capacity
 13 evaluation, which is an objective test to
 14 determine what he's capable of doing. The
 15 results of the functional capacity evaluation
 16 showed he can only lift up to 35 pounds
 17 occasionally but basically has a 25 pounds
 18 permanent lifting restriction. He has now seen
 19 five different orthopedic surgeons, who have all
 20 opined the same thing. Dr. Salehi; the
 21 insurance company's doctor, Dr. Goldberg; as
 22 well as your three doctors -- Dr. Huddleston,

10 57 34AM

10 56 05AM

1 whatever conclusion they come to today.
 2 Generally speaking, if the Board were to reward
 3 benefits, what they do is it would be on a date
 4 removed from payroll, so it's something we would
 5 certainly coordinate with the municipality on to
 6 determine when --
 7 MR. PETRICH: Is that strictly payroll
 8 or is that taking into account other benefit
 9 dates?

10 56 36AM

10 MR. RADJA: So if the applicant
 11 received TTD benefits or PEDDA, that's considered
 12 part of the payroll. That's why we word it as
 13 such, on the date removed from payroll. We will
 14 confirm with the municipality if the
 15 June 2019 -- June 2020 date is the final date he
 16 was on payroll, we would confirm that before
 17 making any final payments.

18 We left off with if you want to
 19 make a closing statement.

10 57 05AM

CLOSING ARGUMENT ON BEHALF OF THE APPLICANT

20 MR. MARTAY: Sure. I'll be very brief.
 21 We're here today to ask for

1 Dr. Lami and Dr. Peters -- they have all
 2 stated -- all opined that as a result of his
 3 lumbar fusion surgery he is unable to return to
 4 work as a full-time police officer for the
 5 village.

6 Based upon that, we would request
 7 the Board award him his line of duty disability
 8 pension today.

9 MR. RADJA: Thank you very much.

10 56 31AM

10 Members of the Board, at this time
 11 you have a couple of options. One is you can
 12 entertain a motion with respect to the
 13 application without any further deliberation,
 14 you have the ability to take the matter under
 15 advisement and issue a decision at a later, and
 16 you also have the ability to adjourn into
 17 executive session to deliberate over the
 18 testimony you've heard and the evidence
 19 presented, pursuant to 2 C 4, which is an
 20 exception to the Open Meetings Act. There's no
 21 right or wrong answer. It's whatever your
 22 pleasure is.

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1 PRESIDENT MILLER: I'd like to go to
 2 executive session.
 3 MR. RADJA: If you'd like to go into
 4 executive session, I need a motion, a second,
 5 and a roll call.
 6 PRESIDENT MILLER: I'll make a motion
 7 to adjourn into executive second.
 8 MR. SITKIEWICZ: I second.
 9 PRESIDENT MILLER: I have a second.
 10 Roll call vote.
 11 Trustee Panek?
 12 MR. PANEK: Aye.
 13 PRESIDENT MILLER: Trustee Poulos?
 14 MS. POULOS: Aye.
 15 PRESIDENT MILLER: Trustee Sitkiewicz?
 16 MR. SITKIEWICZ: Aye.
 17 PRESIDENT MILLER: Trustee Gutschick?
 18 MR. GUTSCHICK: Aye.
 19 PRESIDENT MILLER: President Miller,
 20 aye.
 21 MR. RADJA: The motion carries. The
 22 Board will adjourn in executive session. No

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1 MR. GUTSCHICK: Aye.
 2 PRESIDENT MILLER: President Miller,
 3 aye.
 4 MR. RADJA: We're back in open session.
 5 The Board deliberated over the evidence and
 6 testimony presented. No decision was rendered
 7 in executive session; however, the Board did
 8 come to a consensus. I think they are prepared
 9 to entertain a motion with regards to this
 10 application at this time.
 11 Would any member of the Board like
 12 to make a motion?
 13 PRESIDENT MILLER: I make a motion to
 14 grant a line of duty disability pension to John
 15 Cairo.
 16 Do I have a second?
 17 MR. SITKIEWICZ: I second.
 18 PRESIDENT MILLER: The motion and a
 19 second by Trustee Sitkiewicz.
 20 Roll call vote.
 21 Trustee Poulos?
 22 MS. POULOS: Aye.

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1 decision will be made in executive session if
 2 the Board comes to a consensus, reconvene in
 3 open session, and potentially do a vote at that
 4 time.
 5 We'll go off the record.
 6 (WHEREUPON, the Board went in
 7 Executive Session, which is
 8 contained in a separate
 9 transcript.)
 10 PRESIDENT MILLER: I make a motion to
 11 resume open session of the meeting. I need a
 12 second.
 13 MS. POULOS: I'll second.
 14 PRESIDENT MILLER: Motion is seconded.
 15 Roll call vote.
 16 Trustee Poulos?
 17 MS. POULOS: Aye.
 18 PRESIDENT MILLER: Trustee Sitkiewicz?
 19 MR. SITKIEWICZ: Aye.
 20 PRESIDENT MILLER: Trustee Panek?
 21 MR. PANEK: Aye.
 22 PRESIDENT MILLER: Trustee Gutschick?

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1 PRESIDENT MILLER: Trustee Sitkiewicz?
 2 MR. SITKIEWICZ: Aye.
 3 PRESIDENT MILLER: Trustee Panek?
 4 MR. PANEK: Aye.
 5 PRESIDENT MILLER: Trustee Gutschick?
 6 MR. GUTSCHICK: Aye.
 7 PRESIDENT MILLER: President Miller,
 8 aye.
 9 Motion passed by roll call vote.
 10 MR. RADJA: Congratulations, Officer.
 11 The Board has granted you a duty disability. As
 12 I indicated, the Board will prepare a written
 13 decision with respect to its decision here
 14 today, and that will become the final and
 15 appealable decision of the Board. Any questions
 16 from the applicant or his counsel before we
 17 conclude?
 18 MR. MARTAY: Not from counsel.
 19 THE WITNESS: No.
 20 MR. PETRICH: Thank you for your time
 21 and attention. Thank you very much.
 22 MR. RADJA: We appreciate that. One

1 last order of business. If the Board can order
2 a copy of the transcript so that we can prepare
3 the written decision. Since it's spending
4 money, we need a motion on that.

5 PRESIDENT MILLER: Make a motion to
6 order a copy of the transcript for the purposes
7 the written decision. There's a motion.

8 Do I have a second?

9 MR. GUTSCHICK: I'll second.

10 PRESIDENT MILLER: Motion and second.

11 Roll call vote.

12 Trustee Poulos?

13 MS. POULOS: Aye.

14 PRESIDENT MILLER: Trustee Sitkiewicz?

15 MR. SITKIEWICZ: Aye.

16 PRESIDENT MILLER: Trustee Panek?

17 MR. PANEK: Aye.

18 PRESIDENT MILLER: Trustee Gutschick?

19 MR. GUTSCHICK: Aye.

20 PRESIDENT MILLER: President Miller, aye.

21 Motion passed.

22 MR. RADJA: If there's no other

STATE OF ILLINOIS)
) ss:
COUNTY OF DU PAGE)

I, KRISTI LANDOLINA, Certified
Shorthand Reporter, Registered Professional
Reporter and Notary Public in and for the County
DuPage, State of Illinois, do hereby certify
that previous to the commencement of the
examination and testimony of the various
witnesses herein, they were duly sworn by me to
testify the truth in relation to the matters
pertaining hereto; that the testimony given by
said witnesses was reduced to writing by means
of shorthand and thereafter transcribed into
typewritten form; and that the foregoing is a
true, correct and complete transcript of my
shorthand notes so taken aforesaid.

IN TESTIMONY WHEREOF I have
hereunto set my hand and affixed my electronic
signature this 14th day of March, A.D. 2022.

/s/ Kristi Landolina
KRISTI LANDOLINA, CSR, RPR
C.S.R. No. 84-4611

1 business, the Board can entertain a motion to
2 adjourn.

3 MR. GUTSCHICK: I'll make the motion to
4 adjourn.

5 MS. POULOS: I'll second.

6 PRESIDENT MILLER: Motion to adjourn
7 and second.

8 Roll call vote.

9 Trustee Poulos?

10 MS. POULOS: Aye.

11 PRESIDENT MILLER: Trustee Sitkiewicz?

12 MR. SITKIEWICZ: Aye.

13 PRESIDENT MILLER: Trustee Panek?

14 MR. PANEK: Aye.

15 PRESIDENT MILLER: Trustee Gutschick?

16 MR. GUTSCHICK: Aye.

17 PRESIDENT MILLER: President Miller, aye.

18 Meeting adjourned at 11:19 a.m.

19 (WHICH, were all of the
20 proceedings had, evidence

21 offered or received in the

22 above entitled cause.)