

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LISA M. EASI,)	
)	
Plaintiff,)	
)	Civil Action
v.)	No. 08 CV 7024
)	
RICHARD A. RANDALL, not)	
individually but as Kendall)	
County Sheriff, and TERRY)	
TICHAVA,)	
)	
Defendants.)	

The deposition of PHILLIP J. SMITH, taken before JANET L. ERICKSON, CSR, within and for the State of Illinois, pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, at 19 South LaSalle Street, Suite 600, Chicago, Illinois 60603, commencing at 9:08 a.m. on December 10, 2009.

1 Q What about touching a woman's buttocks?
 2 A If it was --
 3 MS. WHITE: Same objection.
 4 THE WITNESS: If it was unwanted and
 5 unwarranted, yes, sir.
 6 BY MR. LEVENFELD:
 7 Q What about touching a woman's crotch?
 8 MS. WHITE: Same objection.
 9 THE WITNESS: Same answer, unwanted and
 10 unwarranted, yes, sir.
 11 BY MR. LEVENFELD:
 12 Q Now, as part of the command staff, you're
 13 responsible for enforcing these rules and
 14 regulations, correct?
 15 A Yes, sir.
 16 Q And you're in the third tier of management
 17 at the sheriff's office?
 18 MS. WHITE: Objection, foundation.
 19 THE WITNESS: I believe it's the second
 20 tier. I have just first line supervisors below me,
 21 so...
 22 BY MR. LEVENFELD:
 23 Q It's the sheriff, the chief deputy, and then
 24 you and Commander Koster?

1 MR. LEVENFELD: Off the record.
 2 (Discussion had off the record.)
 3 BY MR. LEVENFELD:
 4 Q Do you conduct or participate in
 5 disciplinary procedures?
 6 A Yes, sir.
 7 Q So if there's a disciplinary hearing, you're
 8 part of the command staff that participates?
 9 A Depending on what division it's in, yes,
 10 sir.
 11 Q Were you involved in the disciplinary
 12 hearings involving Lisa Easi?
 13 A No, sir.
 14 Q Were you involved in any of the disciplinary
 15 matters involving Lisa Easi?
 16 A No, sir.
 17 Q Did you ever tell Lisa that you had a
 18 problem with self-entitlement?
 19 MS. WHITE: Objection, form and foundation.
 20 THE WITNESS: No, sir.
 21 BY MR. LEVENFELD:
 22 Q Did you ever feel that the chief had a sense
 23 of self-entitlement?
 24 A No, sir.

1 A And Commander Jennings, yes, sir.
 2 Q And Commander Jennings?
 3 A Yes, sir.
 4 Q So you're saying that's the second or the
 5 third?
 6 A I'm sorry. From the top down to third, yes,
 7 sir. I was talking from the bottom up.
 8 Q So from the top down --
 9 A We're the third, yes, sir.
 10 Q And from the --
 11 A Bottom up, we're the second, yes. We have
 12 one first line supervisor above us.
 13 Q So it would be the deputies --
 14 A First line supervisor, sergeant.
 15 Q And then you and Commander Koster, then the
 16 chief and then the sheriff?
 17 A Yes, sir.
 18 Q So you're right in the middle?
 19 A Yes, sir.
 20 Q You're middle management?
 21 A Yes, sir.
 22 Q You're like the jelly in a jelly doughnut,
 23 correct?
 24 MS. WHITE: Object to form.

1 Q Did the chief ever instruct you to put a bar
 2 tab on your county credit card?
 3 A Yes, sir, he did.
 4 Q And did you, in fact, put that on your
 5 personal credit card?
 6 A Yes, sir.
 7 Q And what was the reason for that?
 8 A I didn't think a bar tab was warranted to be
 9 put on my county credit card.
 10 Q And did that cause you problems with your
 11 wife?
 12 MS. WHITE: Objection, form and foundation.
 13 THE WITNESS: She had questioned why I did
 14 it, yes, sir.
 15 BY MR. LEVENFELD:
 16 Q And you explained it to her and she
 17 understood?
 18 A Yes, sir.
 19 Q How many times did this happen?
 20 A Just once.
 21 MS. WHITE: Objection to foundation.
 22 BY MR. LEVENFELD:
 23 Q Do you recall when that was?
 24 A I don't recall when, no, sir.

1 Q Do you recall where? .
 2 A Somewhere in Tinley Park maybe.
 3 Q Did you ever observe the chief putting a bar
 4 tab on his county credit card?
 5 A No, sir.
 6 MS. WHITE: Objection, form.
 7 BY MR. LEVENFELD:
 8 Q Who was present?
 9 MS. WHITE: Objection, form, foundation.
 10 Are you talking about the time in
 11 Tinley Park?
 12 MR. LEVENFELD: That's the time we're
 13 talking about.
 14 MS. WHITE: Then you can --
 15 THE WITNESS: The time in Tinley Park was
 16 myself, Chief Terry Tichava, Kate Rasmussen and her
 17 husband [REDACTED].
 18 BY MR. LEVENFELD:
 19 Q Was this a sheriff's office function?
 20 A No, sir. Actually, I believe it was
 21 directly after a chiefs and police conference.
 22 Q But the conference was over?
 23 A Yes, I believe so.
 24 Q And the business was over?

1 A Yes, sir.
 2 Q So you weren't discussing county business --
 3 A No, sir.
 4 Q -- or sheriff's office business?
 5 A We might have.
 6 MS. WHITE: Objection, foundation, form.
 7 THE WITNESS: We may have. I mean, it was
 8 during -- I don't know if the conference was over.
 9 It was during a conference, but we may have. I don't
 10 recall.
 11 BY MR. LEVENFELD:
 12 Q But there wasn't enough that you felt that
 13 it was warranted to be put on the county credit card,
 14 correct?
 15 MS. WHITE: Objection, form and foundation.
 16 THE WITNESS: At that time, no, sir, I did
 17 not.
 18 BY MR. LEVENFELD:
 19 Q Was that before you left for Iraq?
 20 A Yes, sir.
 21 Q So Kate didn't work at the sheriff's office,
 22 did she, at that time?
 23 A No, sir.
 24 Q And her husband didn't work at the sheriff's

1 office?
 2 A No, sir.
 3 Q And it was just the four of you there?
 4 A Myself and the undersheriff, yes, sir, Kate
 5 and [REDACTED], yes, sir.
 6 Q When you refer to the undersheriff, you're
 7 talking about Chief --
 8 A Terry Tichava, chief deputy, yes.
 9 Q His title is chief deputy?
 10 A Slash undersheriff, yes, sir.
 11 Q Is he elected, or he's appointed by the
 12 sheriff?
 13 A He's appointed, sir.
 14 Q So Kate and [REDACTED] wouldn't have been involved
 15 in any sheriff's office business at that time,
 16 correct?
 17 MS. WHITE: Objection to form.
 18 MR. LEVENFELD: And foundation. Thank you.
 19 THE WITNESS: I'm not sure why they were
 20 there, sir. I couldn't tell you.
 21 BY MR. LEVENFELD:
 22 Q Did you ever report to the sheriff the fact
 23 that the chief wanted to put that bar tab on the
 24 county credit card?

1 A No, sir.
 2 Q Did the chief ever tell you that he had a
 3 sexual relationship with Lisa?
 4 A No, sir.
 5 Q Do you know where the Blackberry Country
 6 Club is, the golf club?
 7 A Blackberry Oaks Country Club? It's a golf
 8 course?
 9 Q Yes.
 10 A Yes, sir.
 11 Q And have you been there before?
 12 A Yes, sir.
 13 Q Do you recall an incident between the chief
 14 and Lisa where the chief was making inappropriate
 15 comments and gestures to Lisa?
 16 MS. WHITE: Objection, form, foundation.
 17 THE WITNESS: No, sir.
 18 BY MR. LEVENFELD:
 19 Q Did you ever intervene in a conversation
 20 between Lisa and the chief?
 21 A Probably several hundreds times. I don't
 22 know how many conversations we've had.
 23 Q When he was making inappropriate comments to
 24 her.

1 A No, probably not, no.
 2 Q It was not regular practice?
 3 A No.
 4 Q But it did happen?
 5 A Yes.
 6 Q Did you ever hear any member of the command
 7 staff ask Lisa to rate the candidates on their
 8 appearance?
 9 A No.
 10 Q Is that something you would recall if you
 11 heard a member of the command staff ask Lisa to rate
 12 a candidate on their appearance?
 13 A Yes.
 14 Q Did you ever hear any member of the command
 15 staff ask her if she was performing her own
 16 interviews outside based on their appearance?
 17 A No.
 18 Q Is that something that you would recall?
 19 A I believe so, yes.
 20 Q Did you yourself ever ask her to rate
 21 candidates on their appearance?
 22 A No.

23 Q You testified you provided -- Mr. Levenfeld
 24 asked you about an instance where you were out

1 following a conference with the chief, and alcohol
 2 was bought on a credit card, correct?
 3 Do you recall that testimony?
 4 A Alcohol was not bought on a company credit
 5 card, no.
 6 Q Right, you know, where alcohol was paid for
 7 with your credit card?
 8 A Yes, ma'am.
 9 Q Do you recall that testimony?
 10 A Yes, ma'am.
 11 Q Can you tell me -- do you recall what
 12 conference that was?
 13 A It was a chiefs of police conference,
 14 probably 2001, '2 or '3 -- probably 2001.
 15 Q And at that time, did you know the policy
 16 for paying for food or drinks bought with the Kendall
 17 County Sheriff's Office credit card?
 18 A I had a little understanding of it. But,
 19 no, I wasn't that familiar with it.
 20 Q And you said that you weren't comfortable
 21 with using the card that day; is that correct?
 22 A That is correct. I didn't --
 23 Q Why were you uncomfortable with that?
 24 A Because I didn't understand exactly what our

1 per diem rate was, whether or not -- I don't know
 2 what the chief deputy was thinking, if he thought he
 3 -- if he had a per diem or he had a function or he
 4 was authorized to spend that money. I just didn't
 5 feel that I was authorized to put that on my card. I
 6 just didn't feel that way. I didn't feel it was
 7 right, so...
 8 Q Did you ask the chief if that would have
 9 been improper?
 10 A Never even talked about it. I don't think
 11 he ever knew I used my card.
 12 Q Did you at that time know what the policies
 13 were specific to the chief for using his card for
 14 that?
 15 A No, ma'am.
 16 Q Do you know if the chief had a per diem at
 17 the time?
 18 A No, ma'am.
 19 Q Do you know if the chief ever discussed that
 20 with the sheriff in any way?
 21 A No, ma'am.
 22 Q And even currently when you use your Kendall
 23 County Sheriff's Office credit card, are you able to
 24 use that when you go out for meals?

1 A Yes, ma'am.
 2 Q And are you able to put alcohol bought
 3 during those meals on that credit card?
 4 A I believe our current revised policy as of
 5 this year is, no, we are not but previously, yes, we
 6 were.
 7 Q Did you ever help plan any FOP Christmas
 8 parties?
 9 A Early on. I don't believe I was ever a part
 10 of the process or that committee. But I did offer my
 11 home up to them once, so I did -- I guess if you want
 12 to call that planning, yes, I did.
 13 Q What year was that?
 14 A That might have been 2004, 2003. I don't
 15 recall. It could have been -- it might have even
 16 been 2006 or '7. I believe it was early -- it was
 17 probably before I left for Iraq.
 18 Q Did you ever send out any invitations for
 19 FOP Christmas parties?
 20 A It wasn't for an FOP Christmas party.
 21 However, it was for my house, and I did say that the
 22 FOP was contributing a keg of beer for that party.
 23 So if you want to call that an FOP party, you can,
 24 but it wasn't. It was at my private residence.