

COOK COUNTY SHERIFF S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket 2085**
Joseph Belmares III)
Correctional Officer)
Star # 14575)
)

DECISION

This matter coming on to be heard pursuant to notice before Byron T. Brazier, Board Member, on March 14, 2019 Board finds as follows:

Jurisdiction

Joseph Belmares III, hereinafter referred to as the Respondent, was appointed a Cook County Correctional Officer on November 18, 1993. Respondent’s position as a Correctional Officer 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 Gietl 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.”)).

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The original Complaint in this matter was filed with the Merit Board's administrative staff on January 16, 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 commencing the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Background:

On November 15, 1993, Joseph Belmares was appointed a Correctional Officer and was assigned to the Eternal Operations of the Cook County Sheriff's Department located at 3026 S. California. On July 9, 2016, the Respondent was assigned to the Department of Receiving, Trust and Classification located at 2700 S California, Chicago, Illinois. And on January 19, 2017 the Sheriff filed an original complaint seeking respondent's termination from the CCSO.

As a summary of the original complaint, it alleges that Joseph Belmares had been driving on a suspended license plate and that he had been in a two year intimate relationship with a convicted felon with ties to the [REDACTED].

Findings of Fact:

[REDACTED]

[REDACTED], Director with the Cook County Sheriff's Department, Office of Professional Review has served in this position since 2016. [REDACTED] oversees the OPR Criminal Confidential Unit. The County hired [REDACTED] in 1998. Tr. 14.

[REDACTED] came to be aware of the issues concerning the Respondent through the Chicago Police Department officer [REDACTED] who called her about CPD detectives working on a homicide investigation that involved a license plate connected to a vehicle registered to Officer Belmares. Tr. 16-17.

[REDACTED] testified that the contact from CPD led her to perform an "internal inquiry" and access information about Belmares through "I-Clear" and LEADS. Tr. 18. The State of Illinois

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suspended Officer Belmares' driver's license in August 2014. Tr. 19. The Sheriff dedeputized Officer Belmares on July 20, 2016. Tr. 91. The dedeputization was due to his suspended license. Tr. 27. Officer Belmares became aware of his license's suspension in approximately September 2015. Tr. 88. A mailed letter from the Secretary of State's office notified Belmares. Id. The suspension was the result of an insurance issue related to a 2010 car accident. Tr. 88-89. 6.

She further testified that the department also conducted phone check which required pulling recent paperwork which Respondent had filled out, Respondent's personnel records, as well as yearly emergency contact information, and they put that information into the Securus phone system to pull all incoming and outgoing phone calls. (R. 19). The Respondent's phone numbers had been contacted by numerous inmates, specifically he was contacted by [REDACTED] and [REDACTED] and those phone calls were reviewed and analyzed. (R. 20). The one call of interest was from [REDACTED] who called Respondent's cell phone and the call was about 10 minutes and, in the conversation,, Ms. [REDACTED] asked Respondent if he was coming to bond her out and he stated he did not have the money to do so. One of the reasons he did not have the money was because of the clothes and shoes being bought that she wanted to buy and that he spent \$1,500 getting a Cadillac out of impoundment because of her. (R. 20, 21). During the phone call, [REDACTED] asked the Respondent to ask his mother for the money and in the phone call you can hear the Respondent talk to another person who responded "we are on our way to come get you" and that the Respondent said he cannot go in to get her, but his mother has to do it. (R. 21). The money paid for the release of [REDACTED] was from [REDACTED] who paid the bond and the house location on the bond slip was the Respondent's address. (R. 21).

The Director also ran [REDACTED] through the LEADS and IClear system and found out that she was a documented member of the [REDACTED]. She was a convicted felon and she had been convicted of crimes such as theft, criminal trespass, state supported land and vehicular hijacking. (R. 22). The arrest for which she was bonded out was a domestic battery that occurred at an address on [REDACTED] which at one point she had shared with Respondent. (R. 22)

[REDACTED] also testified that the Respondent was driving a county vehicle with a suspended license. (R. 26) It was clear from her investigation that what the Respondent was doing was against the law, he needed to report that he should not be driving, and it is against policy to drive a department vehicle with a suspended license. (R. 27). Respondent never made a documented report to anyone at the Sheriff's Office that his license was suspended. (R. 40). Respondent admits that he was supposed to inform his supervisor in writing as well as OPR, but he says he just told his sergeant. (R. 40)

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Officer Belmares testified that he became aware of his license's suspension in approximately September 2015. Tr. 88. A mailed letter from the Secretary of State's office notified Belmares. Id. The suspension was the result of an insurance issue related to a 2010 car accident. Tr. 88-89.

In September 2015, Officer Belmares worked in external operations and his position required that he occasionally drive one of the Sheriff's vans. Tr. 88. Upon knowledge that his license was suspended, Belmares immediately notified Sgt. [REDACTED], his commanding officer. Tr. 89. Sgt. [REDACTED] told Officer Belmares to be careful and "take care of it." Tr. 89. The Sheriff never interviewed Sgt. [REDACTED] during the course of its investigation because he had retired and was not available.

Respondent further admitted that he owned the Nissan Maxima vehicle which was the subject of the Chicago Police Department investigation into the homicide and the separate aggravated battery incident. (R. 33, 34). He further admitted that he was aware of an accident that occurred on May 28th and that the accident involved his girlfriend [REDACTED] driving the vehicle. (R. 34).

Even though [REDACTED] claims that [REDACTED] had gang-related tattoos on her face and chest and testified that authorities listed gang-related tattoos on I-Clear. Tr. 79-80. Ofc., the Respondent testifies that he was unaware that [REDACTED] spent time in state prison or had any gang affiliations. Tr. 114.

Respondent admitted that he was dating [REDACTED] and that he had been in a relationship with her for at least two years. (R. 36). Respondent admitted that he rented an apartment with [REDACTED] on [REDACTED] and he signed a lease with her. That he bought a Cadillac Escalade for her which was the one she was sitting on in the Facebook exhibits. (R. 36). Respondent admitted that the photographs that show [REDACTED] sitting on the Cadillac was the car that he paid for. (R. 36). Respondent also admitted to asking his mother to bail [REDACTED] out because he knew it would be a conflict of interest if he did. (R. 37)

Conclusion

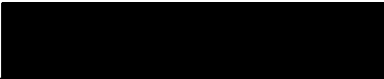
Whether the Respondent knew, or should have known, having been in a two year intimate relationship that [REDACTED] had been convicted of multiple felonies and was a member of the [REDACTED]. Whether it was appropriate to arrange bail for his girlfriend through a surrogate, and whether he followed appropriate protocol to inform the Department of his driver's license suspension. And whether Joseph Belmares violated the Rules of the Sheriff's Department, specifically, CCDOC general order 3.8 III A-4, B-18, D-6, and G. And Sheriff's Order 11.2.20.0, IV A-1, B-1,2,3,4a,4b, D-9b, H-2, 3 and the Cook County Sheriff's Department's Merit Board Rules and Regulations Article X Paragraph B-3

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The Board finds by the preponderance of the evidence and the direct testimony of the respondent that Joseph Belmares should have known that his girlfriend of two years was an ex-felon and operated as a [REDACTED] participant. That through the audio recording, he requested and made arrangements for a surrogate to place bond on for her release. And that he did not provide a written explanation for the loss of his driver's license to the Department of Corrections.

Order: The Merit Board finds that the Respondent acted irresponsibly and did violate Sheriff's Order written above and the Cook County Sheriff's Merit Board Rules and Regulations Article X, Paragraph B and should be terminated from the Department of Corrections effective January 16, 2018.

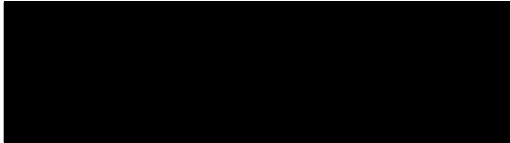
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James P. Nally, Chairman



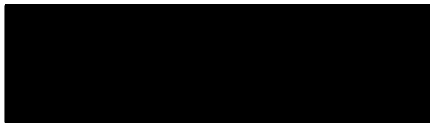
Kim R. Widup, Board Member



Byron Brazier, Vice-Chairman



Juan L. Baltierres, Board Member



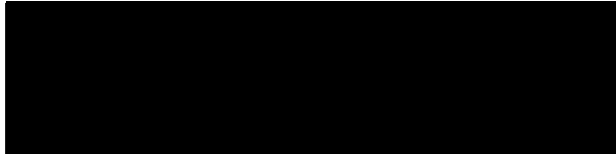
John J. Dalicandro, Secretary



Kimberly Pate Godden, Board Member



Vincent T. Winters, Board Member



Monica M. Torres-Linares, Board Member

Date September 20, 2019