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Plaintiff Victor Santana, represented by his lead attorney, R. Tamara de Silva, respectfully states his Complaint against the Defendants as follows:

INTRODUCTION

1. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 et. Seq., the Judicial Code, 42 U.S.C. § 1355, 28 U.S.C. §§ 1331 and 1343(a), 18 U.S.C. § 1951 (a) and 2, 18 U.S.C. § 1341, 1343, 1346, 1349 and under the Racketeering Influenced and Corrupt Organizations [“RICO”] Act, 18 U.S.C. § 1961, et. Seq., the First, Fourth, Fifth, Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-4, 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-2.
2. The Plaintiff is seeking damages against the Defendants for depriving Plaintiff while acting under the color of law as elected officials of the Cook County Board of Review, of rights secured by the Constitution and laws of the United States of America.

JURISDICTION AND VENUE

3. This is a civil action arising under 42 U.S.C. § 1983 et. Seq., and 42 U.S.C. § 1985 et Seq., RICO and the First, Fourth, Fifth and Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments.
4. This Court has jurisdiction pursuant to the Judicial Code, 28 U.S.C. §§ 1331 and 1343(a) and under the doctrine of pendent jurisdiction.
5. Venue in this Court is proper pursuant to Judicial Code, 28 U.S.C. § 1391(b) because all defendants reside in this District.

I. **PARTIES**

6. Plaintiff Victor Santana is a United States citizen and a resident of Chicago, Illinois.
7. Cook County is a an Illinois municipality located within the Northern District of Illinois. The Cook County Board of Review (“the Board of Review”) is a government office of Cook County.
8. Defendants Larry R. Rogers, Jr., Joseph Berrios and Brendan F. Houlihan, are Commissioners at the Board of Review, who are sued in their individual capacities for actions they took by virtue of their authority as Commissioners of the Board of Review acting within the scope of their employment and elected office (hereinafter referred to as “Board of Review Defendants” or “Defendants”).
9. Defendant Scott M. Guetzow is Chief Deputy Commissioner of the Board of Review and is sued in his individual capacity for actions he took by virtue of his employment at the Board of Review (one of the Board of Review Defendants).
10. Thomas A. Jaconetty and John P. Sullivan are both First Assistant Commissioners at the Board of Review and are sued in their individual capacities for actions they took by virtue of their employment and office at the Board of Review (hereinafter included in references to the Board of Review Defendants).

II. **FACTUAL ALLEGATIONS**

11. The Board of Review’s offices are located on the sixth floor of the City Hall/County building in Chicago.
12. Plaintiff worked at the Board of Review for approximately ten years as an analyst.
13. Plaintiff learned how properties tax decisions are made at the Board of Review, during his employment at the Board of Review.

14. Plaintiff resigned from his employment at the Board of Review on May 20, 2002.
15. Since May 20, 2002, Plaintiff has worked as a governmental consultant.
16. Since May 20, 2002, the Plaintiff has not appeared on behalf of any taxpayers at any hearing at the Board of Review.
17. Since May 20, 2002, through the present time, the Plaintiff has helped thousands of taxpayers fill out Board of Review complaint forms for reductions in property taxes.
18. Plaintiff's assistance to taxpayers with real estate tax matters has taken place outside the offices of the Board of Review.
19. Non-attorneys routinely assist Cook County residents file for reductions in their real estate taxes. This assistance typically takes place outside the offices of the Board of Review.
20. There are many non-lawyer consultants and businesses that assist Cook County residents file for real estate tax reductions at the Board of Review.
21. Non-lawyer consultants and business routinely tell Cook County property owners how to fill out the Board of Review's complaint forms and initiate the process of filing for lower property taxes at Board of Review.
22. The Defendants have singled out the Plaintiff's behavior in helping taxpayers file for property tax reductions as somehow distinguishable from the exact and identical behavior of other non-lawyer consultants and businesses.
23. On May 4, 2009, the Defendants decided to ban the Plaintiff from the Board of Review without a fair hearing.
24. The Defendants never verbally told the Plaintiff that they had banned him.

25. The Defendants did not provide the Plaintiff with any written notice of the decision they reached on May 4, 2009.
26. The Defendants provided the Plaintiff with no notice to appear before them to discuss their banning of him.
27. The Defendants at no time provided a reason for their decision to ban the Plaintiff. The Defendants did not cite any rule or law that Plaintiff was alleged to have violated.
28. The Defendants announced that the Plaintiff was banned through the news media.
29. The Defendant Commissioners obtain substantial campaign contributions from lawyers and law firms that practice before them at the Board of Review.
30. Upon information and belief, most of the campaign funds of the Defendant Commissioners consist of donations from the lawyers and law firms whose livelihoods depend on the decisions of the three Commissioners and their staff.
31. The Plaintiff never contributed to the campaign of Commissioner Larry Rogers or Commissioner Brendan Houlihan.
32. Upon information and belief, the fact that the Plaintiff did not contribute to the campaigns or political action committees of Commissioner Rogers and Commissioner Houlihan resulted in their having a personal animus towards him.
33. Upon information and belief, the Defendants decided to make a scapegoat out of the Plaintiff by engaging in a campaign of character assassination for the purposes of political gain and the appearance of clean hands.

Beginning of new proposed factual allegations below in paragraphs numbered 34 through 40:

34. The Board of Review Defendants have no consistently applied or set method for the adjudication of tax appeal claims.
35. Typically real estate tax appeal lawyers are paid by a percentage of the tax reductions they are able to secure their clients.
36. The Plaintiff has had a real-estate tax consultancy business for almost nine years wherein he has advised thousands of property owners in Cook County on real estate tax matters.
37. The Board of Review Defendants have established and institutionalized a system of pay for play wherein real estate tax appeal lawyers that contribute to the campaign funds and campaign committees of the Commissioners achieve better results for their clients than non-contributing lawyers and non-contributing taxpayers.
38. Illinois law at 35 ILCS 200/9-145 *et. seq.* (specifically notes 30, 22-35) suggests that the Board of Review use three or four set methods by which to determine whether the assessed taxes on a property should be raised, lowered or kept the same.
39. The Board of Review Defendants employ the campaign contributions of the lawyers, consultants and other parties that practice before them as means by which to adjudicate real estate tax reductions for property owners in Cook County.
40. The Board of Review Defendants segregated real estate property complaints that were suspected to be associated with the Plaintiff.

New proposed factual allegations end here.

COUNT I
FIRST FEDERAL CLAIM FOR RELIEF –FIFTH AND
FOURTEENTH AMENDMENT - DUE PROCESS VIOLATION

41. Plaintiff incorporates and realleges paragraphs 1 through 40 as if fully rewritten herein.

42. The Defendants did not provide the Plaintiff with an opportunity to be heard before taking the decision to ban him and announcing to the world that they had done so.
43. The Defendants at no time provided the Plaintiff with any notice of their actions or accusations involving him.
44. The Defendants did not allege a specific reason or instance of misconduct to explain their banning of the Plaintiff.
45. The Defendants made the Plaintiff's banning a topic at public meetings and public hearings, suggesting that the Plaintiff's honesty and character were questionable.
46. The Defendants' conduct, specifically the Defendants' public statements that their rationale for banning the Plaintiff was a result of the Plaintiff's alleged lack honesty and integrity, stigmatized the Plaintiff.
47. As a result of the fact that the Plaintiff is the only person in Cook County to be banned by the Board of Review, a governmental entity of Cook County, the ability of the Plaintiff to secure consulting work as a governmental consultant in Cook County has been destroyed.
48. The Plaintiff possesses a constitutionally protected liberty interest in his reputation and his ability keep his employment.
49. The Defendants' statements and action deprived the Plaintiff of his liberty without due process of law and violated the Due Process Clause of the Fifth and Fourteenth Amendments.
50. At all relevant times the Defendants were acting under the color of state law.

51. As a direct and proximate result of said acts, Plaintiff has suffered and continues to suffer, emotional and physical injuries, mental trauma, anxiety, stress, pain and suffering, economic and career losses, job loss, the inability to pursue his chosen career and other damages, some of which are permanent.

COUNT II.
SECOND FEDERAL CLAIM - 42 U.S.C. § 1983 –
CONSPIRACY TO DEPRIVE PLAINTIFF OF HIS REPUTATION

52. Plaintiff incorporates and realleges paragraphs 1 through 51 as if fully rewritten herein.

53. Plaintiff possesses a Constitutionally protected liberty interest in his reputation and his ability to maintain and find employment and work in the consulting field as a governmental consultant within the City of Chicago.

54. This liberty interest is protected by the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983 et. Seq.

55. Defendants' knew that the implied assertion of wrongdoing behind the banning of the Plaintiff was unsupported by a lawful reason because the Plaintiff had not actually committed a wrongful act.

56. The Defendants agreed to portray Plaintiff's actions in helping taxpayers fill out complaint forms and answering questions, as wrongful and dishonest, despite the fact that numerous non-lawyers, consultants and businesses engage in the identical behavior.

57. The Defendants and co-conspirators agreed, in furtherance of the conspiracy to publicize and propagate the fact that the Plaintiff was banned because of his actions and lack of integrity, with reckless disregard for the truth or falsity of their message, thus acting in actual malice.

58. At the time the Board of Review Defendants made their stigmatizing statements about the Plaintiff, the Plaintiff had not been charged or accused of any wrongdoing related to the Board of Review by the Office of the Cook County State's Attorney, the Illinois Attorney General or the United States Attorney.
59. The Board of Review Defendants' statements and assertions would be highly offensive to a reasonable person, and the Plaintiff, as a reasonable man, would be justified in the eyes of the community in feeling seriously offended and aggrieved by the publicity.
60. The Board of Review Defendants conspired with unnamed co-conspirators to deprive Plaintiff of his Constitutional rights and did deprive Plaintiff of his Constitutional rights as alleged herein.
61. Said acts of the Board of Review Defendants and unnamed co-conspirators were performed willfully and maliciously unmotivated by any legitimate government interest.
62. Defendants' actions have eviscerated the Plaintiff's reputation and his ability to make a living.
63. Plaintiff's good name, reputation, and integrity have been adversely impacted by the Defendants' conduct, including without limitation their assertion to the media that the Cook County State's Attorney's Office is specifically investigating the Plaintiff.
64. The Board of Review Defendants stigmatized the Plaintiff as undesirable as a municipal or governmental consultant and employee without providing him a meaningful opportunity to clear his name in violation of his rights under the Fourteenth Amendment, the Constitution of the State of Illinois and 42 U.S.C. § 1983 et. Seq.
65. At all relevant times, the Board of Review Defendants were acting under the color of state of law.

66. This defamation has resulted in Plaintiff's loss of contract with a publicly traded company for consulting work worth hundreds of millions dollars to the Plaintiff.
67. This defamation has harmed Plaintiff's present employment at Chicago Title and Trust Company.
68. This defamation has caused the cancellation of lucrative contracts and business opportunities for the Plaintiff.
69. As a direct and proximate result of said acts, Plaintiff has also suffered and continues to suffer, emotional and physical injuries, mental trauma, anxiety, stress, loss of reputation, loss of economic relations, pain and suffering and other damages, some of which are permanent.

COUNT III.
THIRD FEDERAL CLAIM –
FIRST AMENDMENT- FREEDOM OF SPEECH

70. Plaintiff incorporates and realleges paragraphs 1 through 69 as if fully rewritten herein.
71. The First Amendment to the United States Constitution protects a wide spectrum of free speech including the right of a person to speak to another about real estate taxes in Cook County and to petition the government for redress of grievances.
72. The First Amendment also protects the public's right to be informed of the operations of the government including at the county level.
73. Plaintiff has advised thousands of Cook County residents, outside the offices of the Board of Review, on how to apply for reductions in their assessed property values. Outside of the Board of Review, the Plaintiff has helped Cook County taxpayers fill out the Board of Review's complaint forms that are called real estate assessed valuation forms.

74. Non-lawyers routinely assist Cook County residents with filling out real estate assessed valuation forms that are subsequently filed with the Board of Review. An entire cottage industry consisting of non-lawyers exists, whose purpose and business are to help Cook County residents apply for real estate tax reductions at the Board of Review.
75. Plaintiff's advice about how to fill out a real estate assessed valuation form is protected speech under the First Amendment.
76. The Board of Review Defendants improperly targeted the Plaintiff's speech, because of personal animus towards him.
77. In targeting the Plaintiff's speech as distinguished from the identical speech of many others, the Defendants were not acting out of any legitimate governmental interest.
78. At all relevant times, the Defendants were acting under the color of state of law.
79. The Defendants actions are in violation of the First Amendment and caused the Plaintiff irreparable damage to his property interests, profession, prospective earning capacity and emotional well-being. As a direct and proximate result of said acts, Plaintiff has also suffered and continues to suffer, emotional and physical injuries, mental trauma, anxiety, stress, loss of reputation, loss of economic relations, pain and suffering and other damages, some of which are permanent.

COUNT IV
FOURTH FEDERAL CLAIM – FOURTEENTH AMENDMENT –
VIOLATION OF EQUAL PROTECTION CLAUSE

80. Plaintiff incorporates and realleges paragraphs 1 through 79 as if fully rewritten herein.
81. The Defendant's actions against the Plaintiff were irrational, wholly arbitrary and the result of illegitimate animus.

82. In their actions of banning the Plaintiff, singling out the Plaintiff's assistance to taxpayers as wrongful and distinguishable from others' identical conduct, and impugning the Plaintiff's character, the Defendants were motivated by personal and political considerations unrelated to their duties as Commissioners and employees of the Cook County Board of Review. Upon information and belief, no one else was subjected to the similar scrutiny or punishment other than the Plaintiff.

83. At all relevant times, the Defendants were acting under the color of state law.

84. The Defendants violated the Plaintiff's rights under the Fourteenth Amendment to equal protection of the laws.

85. As a direct and proximate result of said acts, Plaintiff has also suffered and continues to suffer, emotional and physical injuries, mental trauma, anxiety, stress, loss of reputation, loss of economic relations, pain and suffering and other damages, some of which are permanent.

Proposed amended RICO count begins below in paragraphs numbered 86 through 118:

COUNT V
FIFTH FEDERAL CLAIM-RICO 1962(c)

86. Plaintiff incorporates and realleges paragraphs 1 through 85 as if fully rewritten herein.

87. Under Title18, United States Code, Section 1962(c) it is "unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise affairs through a pattern of racketeering activity..."

88. Each of the individual Board of Review Defendants is a “person” as defined in Title 18, United States Code, Section 1961(3) and used in Title 18, United States Code, Section 1961(c).
89. The Cook County Board of Review is employed as a racketeering “enterprise” as defined in Title 18, United States Code, Section 1961(4) and used in Title 18, United States Code, Section 1962(c).
90. The Defendants employ the Cook County Board of Review as a racketeering enterprise to institutionalize bribery and pay for play as the mandatory regime in the County of Cook for adjudicating tax appeal claims.
91. The Cook County Board of Review is an enterprise that has an enormous impact on interstate commerce and is engaged in activities that affect interstate commerce.
92. The individual defendants were at all relevant times employed by or associated with the Cook County Board of Review.
93. The Defendants and others, misrepresented, concealed, and hid, and caused to be misrepresented, concealed and hidden, the purposes and acts done in furtherance of the Cook County Board of Review Enterprise.
94. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consist of the following acts:

Racketeering Act #1 – BRIBERY (720 ILCS 5/33-1(e))

95. Defendant Joseph Berrios committed the following acts, any one of which alone constitutes the commission of Racketeering Act #1.
- a) In or about June 13, 2007, July 23, 2007 and November 8, 2007, January 18, 2008, June 23, 2008 and August 1, 2008, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to

commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney A knowing that the property tendered into five separate campaign funds of Joseph Berrios, was tendered pursuant to an understanding that Joseph Berrios and the other Defendants and unnamed staff would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- b) In or about March 30, 2007, August 3, 2007, November 8, 2007, January 18, 2008, April 4, 2008, and August 6, 2008, in Chicago in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B knowing that the property tendered into five separate campaign funds of Joseph Berrios, was tendered pursuant to an understanding that Joseph Berrios and the other Defendants and unnamed staff would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.
- c) In or about November 18, 2005, July 12, 2006, October 23, 2006, March 30, 2007, June 13, 2007, November 8, 2007, January 18, 2008, April 4, 2008 and July 14, 2008, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph

Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney C knowing that the property tendered into five separate campaign funds of Joseph Berrios, was tendered pursuant to an understanding that Joseph Berrios and the other Defendants and unnamed staff would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- d) In or about November 11, 2005, July 21, 2006, October 4, 2006, March 19, 2007, July 23, 2007, November 9, 2007, April 2, 2008, August 6, 2008 and February 27, 2009, among other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D knowing that the property tendered into five separate campaign funds of Joseph Berrios, was tendered pursuant to an understanding that Joseph Berrios and the other Defendants and unnamed staff would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

96. Defendant Larry R. Rogers, Jr. committed the following acts, any one of which alone

constitutes the commission of Racketeering Act #1.

- a) In or about August 30, 2004, May 19, 2005, December 2, 2006, March 27, 2007, October 25, 2007, February 5, 2008, June 10, 2008, August 9, 2008, February 17, 2009, June 9, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B knowing that the property tendered into the campaign funds of Larry R. Rogers, Jr., was tendered pursuant to an understanding that Larry R. Rogers, Jr. and the other Defendants and unnamed staff would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.
- b) In or about November 23, 2004, September 21, 2005, December 19, 2005, December 2, 2006, March 27, 2007, September 9, 2007, October 20, 2007, June 10, 2008, October 30, 2008, and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney C knowing that the property tendered into the campaign funds of Larry R. Rogers, Jr., was tendered pursuant to an understanding that Larry R. Rogers, Jr. and the other Defendants and unnamed staff would improperly influence the performance of acts

related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

c) In or about August 24, 2004, January 24, 2006, March 30, 2006, September 28, 2006, November 27, 2006, March 27, 2007, September 12, 2007, October 24, 2007, September 23, 2008, November 26, 2008, March 6, 2009, June 8, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D knowing that the property tendered into the campaign funds of Larry R. Rogers, Jr., was tendered pursuant to an understanding that Larry R. Rogers, Jr. and the other Defendants and unnamed staff would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

d) In or about August 30, 2004, May 19, 2005, September 20, 2005, December 28, 2005, July 29, 2007, September 15, 2006, November 28, 2006, August 21, 2007, February 3, 2008, June 10, 2008, September 9, 2008, February 18, 2009, June 9, 2009, July 2, 2009, September 30, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means

to commit bribery when he agreed to accept property, namely political contributions, from Attorney A knowing that the property tendered into the campaign funds of Larry R. Rogers, Jr., was tendered pursuant to an understanding that Larry R. Rogers, Jr. and the other Defendants and unnamed staff would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

97. Defendant Brendan F. Houlihan committed the following acts, any one of which alone constitutes the commission of Racketeering Act #1.

- a) In or about May 18, 2008 and November 18, 2009, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney A knowing that the property tendered into the campaign funds of Brendan F. Houlihan was tendered pursuant to an understanding that Brendan F. Houlihan and the other Defendants and unnamed staff would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.
- b) In or about May 18, 2008, December 17, 2008 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts involving bribery, conspired to commit bribery and attempted to commit

bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D knowing that the property tendered into the campaign funds of Brendan F. Houlihan was tendered pursuant to an understanding that Brendan F. Houlihan and the other Defendants and unnamed staff would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- c) In or about December 15, 2008 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B knowing that the property tendered into the campaign funds of Brendan F. Houlihan was tendered pursuant to an understanding that Brendan F. Houlihan and the other Defendants and unnamed staff would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(e), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

Racketeering Act #2 – BRIBERY (720 ILCS 5/33-1(d))

98. Defendant Joseph Berrios committed the following acts, any one of which alone constitutes the commission of Racketeering Act #2.

- a) In or about June 13, 2007, July 23, 2007 and November 8, 2007, January 18, 2008, June 23, 2008 and August 1, 2008 in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney A, which he was not authorized by law to accept, knowing that the property was tendered into five separate campaign funds of Joseph Berrios, with the intent that Joseph Berrios and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.
- b) In or about March 30, 2007, August 3, 2007, November 8, 2007, January 18, 2008, April 4, 2008 and August 6, 2008, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B, which he was not authorized by law to accept, knowing that the property was tendered into five separate campaign funds of Joseph Berrios, with the intent that Joseph Berrios and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in

violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

c) In or about November 18, 2005, July 12, 2006, October 23, 2006, March 30, 2007, June 13, 2007, November 8, 2007, January 18, 2008, April 4, 2008 and July 14, 2008, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney C, which he was not authorized by law to accept, knowing that the property was tendered into five separate campaign funds of Joseph Berrios, with the intent that Joseph Berrios and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33- 1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

d) In or about November 11, 2005, July 21, 2006, October 4, 2006, March 19, 2007, July 23, 2007, November 9, 2007, April 2, 2008, August 6, 2008 and February 27, 2009, among other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Joseph Berrios committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D, which he was not authorized by law to accept, knowing that the property was tendered

into five separate campaign funds of Joseph Berrios, with the intent that Joseph Berrios and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Joseph Berrios' official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

99. Defendant Larry R. Rogers, Jr. committed the following acts, any one of which alone constitutes the commission of Racketeering Act #2.

a) In or about August 30, 2004, May 19, 2005, December 2, 2006, March 27, 2007, October 25, 2007, February 5, 2008, June 10, 2008, August 9, 2008, February 17, 2009, June 9, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Larry R. Rogers, Jr., with the intent that Larry R. Rogers, Jr. and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

b) In or about November 23, 2004, September 21, 2005, December 19, 2005, December 2, 2006, March 27, 2007, September 9, 2007, October 20, 2007, June 10, 2008, October 30,

2008, and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney C, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Larry R. Rogers, Jr., with the intent that Larry R. Rogers, Jr. and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- c) In or about August 24, 2004, January 24, 2006, March 30, 2006, September 28, 2006, November 27, 2006, March 27, 2007, September 12, 2007, October 24, 2007, September 23, 2008, November 26, 2008, March 6, 2009, June 8, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Larry R. Rogers, Jr., with the intent that Larry R. Rogers, Jr. and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County

Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- d) In or about August 30, 2004, May 19, 2005, September 20, 2005, December 28, 2005, July 29, 2007, September 15, 2006, November 28, 2006, August 21, 2007, February 3, 2008, June 10, 2008, September 9, 2008, February 18, 2009, June 9, 2009, July 2, 2009, September 30, 2009 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Larry R. Rogers, Jr. committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney A, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Larry R. Rogers, Jr., with the intent that Larry R. Rogers, Jr. and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Larry R. Rogers Jr.'s official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

100. Defendant Brendan F. Houlihan committed the following acts, any one of which alone constitutes the commission of Racketeering Act #2.

- a) In or about May 18, 2008 and November 18, 2009, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of

Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney D, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Brendan F. Houlihan with the intent that Brendan F. Houlihan and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

- b) In or about May 18, 2008, December 17, 2008 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney A, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Brendan F. Houlihan with the intent that Brendan F. Houlihan and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.
- c) In or about December 15, 2008 and at other times, in Chicago, in the Northern District of Illinois Eastern Division, and elsewhere, Brendan F. Houlihan committed acts

involving bribery, conspired to commit bribery and attempted to commit bribery, with unnamed members of his staff and other Defendants and used the Cook County Board of Review as a means to commit bribery when he agreed to accept property, namely political contributions, from Attorney B, which he was not authorized by law to accept, knowing that the property was tendered into the campaign funds of Brendan F. Houlihan with the intent that Brendan F. Houlihan and the other Defendants and unnamed individuals would improperly influence the performance of acts related to Brendan F. Houlihan's official role as Commissioner of the Cook County Board of Review, namely, the awarding of lucrative real estate tax reductions in violation of 720 ILCS 5/33-1(d), 35 ILCS 200/9-145 et. seq. (specifically notes 30, 22-35), 720 ILCS 5/8-2 and 720 ILCS 5/8-4.

Racketeering Act #3 – MONEY LAUNDERING

101. Defendant Joseph Berrios committed the following acts, any one of which alone constitutes the commission of Racketeering Act #3.
- a) In or about March 6, 2002, April 5, 2004, January 7, 2010 and continuing until the present, Defendant Joseph Berrios, by the employment of his official position as Commissioner of the Cook County Board of Review, accumulated in excess of \$3,000,000 in personal advantage in the form of campaign contributions from real estate tax appeal attorneys that appeared before him, which funds were procured by means of extortion, intimidation and bribery in violation of Title 18, United States Code, Section 1951(a)(2), 720 ILCS 5/12-6, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-2.
 - b) On February 17, 2009, December 29, 2008 and June 18, 2008 and on many other occasions Joseph Berrios spent his campaign contributions on personal expenditures for which he did not pay Federal income tax. Throughout this entire period, Joseph Berrios

spent in excess of \$352,281 of the proceeds of campaign contributions received by the aforementioned unlawful activity on personal expenditures like meals with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986, such activity constituting the act of the laundering of monetary instruments in violation of Title 18, United States Code, Section 1956(a)(1)(A)(ii).

102. Defendant Larry R. Rogers, Jr. committed the following acts, any one of which alone constitutes the commission of Racketeering Act #3.

a) In or about November 23, 2004, May 19, 2005, September 21, 2005 and continuing until the present, Defendant Larry R. Rogers, Jr., by the employment of his official position as Commissioner of the Cook County Board of Review, accumulated close to a million dollars in campaign contributions from real estate tax appeal attorneys that appeared before him, which funds were procured by means of extortion, intimidation and bribery in violation of Title 18, United States Code, Section 1951(a)(2), 720 ILCS 5/12-6, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-2.

b) On January 17, 2008, November 13, 2007 and March 15, 2006, as on many other occasions Larry R. Rogers, Jr. spent his campaign contributions on personal expenditures for which he did not pay Federal income tax. Throughout the period of Larry R. Rogers Jr. being a Commissioner of the Cook County Board of Review, he spent in excess of \$133,165 of the proceeds of campaign contributions received by the aforementioned unlawful activity on personal expenditures like meals and shopping with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986, such activity constituting the act of the laundering of monetary instruments in violation of Title 18, United States Code, Section 1956(a)(1)(A)(ii).

Racketeering Act #4 – HONEST SERVICES

103. Defendants Larry R. Rogers, Jr. and Scott M. Guetzow conspired to and did commit the following acts, any one of which alone constitutes the commission of Racketeering Act #4.
- a) As employees and public officials of the County of Cook, Larry R. Rogers, Jr. and Scott M. Guetzow each owe a duty of honest services to the people of State of Illinois and the people of the County of Cook in the performance of their public duties, which are partially codified in the Cook County Ethics Ordinance at Sec. 2-571.
 - b) In and about August 18, 2006, October 15, 2007, December 21, 2007, July 18, 2008, July 29, 2008, December 23, 2008 and December 22, 2009, Larry R. Rogers, Jr. and Scott M. Guetzow conspired with each other and others to devise and participate in a scheme to defraud the people of the State of Illinois and the County of Cook of the honest services of Scott M. Guetzow. They accomplished this theft of services in furtherance of which the mails and interstate wire communications would be used by mailing of checks and use of the telephone on above enumerated dates, in violation of Title 18, United States Code, Sections 1341, 1343 and 1346; all in violation of Title 18, United States Code, Section 1349 when they used campaign contributions from real estate tax appeal attorneys that appeared before them, procured by means of extortion, intimidation and bribery in violation of Title 18, United States Code, Section 1951(a)(2), 720 ILCS 5/12-6, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-2.-to have Scott Guetzow paid for political consulting work in the aggregate amount of \$21,150.56 while he was ostensibly working as a full-time County employee, also in violation of Cook County Ethics Ordinance at Sec. 2-583 et. seq., and 720 ILCS 5/33-3(b).
 - c) In and about December 22, 2009, Larry R. Rogers, Jr. conspired with others to devise

and participate in a scheme to defraud the people of the State of Illinois and the County of Cook of the honest services of William O'Shields. Larry R. Rogers, Jr. accomplished this theft of services in furtherance of which the mails and interstate wire communications would be used by mailing of a check and use of the telephone on December 22, 2009 in violation of Title 18, United States Code, Sections 1341, 1343 and 1346; all in violation of Title 18, United States Code, Section 1349 when he used campaign contributions from real estate tax appeal attorneys that appeared before him, procured by means of extortion, intimidation and bribery in violation of Title 18, United States Code, Section 1951(a)(2), 720 ILCS 5/12-6, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-2.-to have William O'Shields paid for political consulting work, while he was ostensibly working as a full-time County employee, also in violation of Cook County Ethics Ordinance at Sec. 2-583 et. seq., and 720 ILCS 5/33-3(b).

104. Defendants Joseph Berrios and Thomas A. Jaconetty conspired to and did commit the following acts, any one of which alone constitutes the commission of Racketeering Act #4.

a) In and about January 28, 2004, February 13, 2006, December 29, 2006, December 10, 2007, December 28, 2007, May 27, 2008, October 27, 2008, January 11, 2010 Joseph Berrios and Thomas Jaconetty conspired with each other and others to devise and participate in a scheme to defraud the people of the State of Illinois and the County of Cook of the honest services of Thomas A. Jaconetty. They accomplished this theft of services in furtherance of which the mails and interstate wire communications would be used in violation of Title 18, United States Code, Sections 1341, 1343 and 1346; all in violation of Title 18, United States Code, Section 1349 when they used campaign contributions from real estate tax appeal attorneys that appeared before them, procured

by means of extortion, intimidation and bribery in violation of Title 18, United States Code, Section 1951(a)(2), 720 ILCS 5/12-6, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-2.-to have Thomas A. Jaconetty paid for work, while he was ostensibly working as a full-time County employee, also in violation of Cook County Ethics Ordinance at Sec. 2-583 et. seq., and 720 ILCS 5/33-3(b).

Racketeering Act #5 -EXTORTION

105. Defendant Joseph Berrios committed the following acts, any one of which alone constitutes the commission of Racketeering Act #5.

- a) In or about March 30, 2007, April 4, 2008 and November 7, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Joseph Berrios did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Joseph Berrios attempted to obtain and did obtain property in the form of political contributions for the benefit of Joseph Berrios from Attorney A, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.
- b) In or about June 13, 2007, June 19, 2008 and October 29, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Joseph Berrios did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Joseph Berrios attempted to obtain and did obtain property in the form of political contributions for the benefit of Joseph Berrios from Attorney B, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.

- c) In or about March 8, 2006, July 10, 2007 and June 19, 2008 in the Northern District of Illinois, Eastern Division, and elsewhere, Joseph Berrios did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Joseph Berrios attempted to obtain and did obtain property in the form of political contributions for the benefit of Joseph Berrios from Attorney C, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.
- d) In or about March 17, 2006, January 23, 2008 and October 15, 2008 in the Northern District of Illinois, Eastern Division, and elsewhere, Joseph Berrios did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Joseph Berrios attempted to obtain and did obtain property in the form of political contributions for the benefit of Joseph Berrios from Attorney D, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.

106. Defendant Larry R. Rogers, Jr. committed the following acts, any one of which alone constitutes the commission of Racketeering Act #5.

- a) In or about November 23, 2004, August 20, 2007, October 30, 2008 and September 30, 2009, in the Northern District of Illinois, Eastern Division, and elsewhere, Larry R. Rogers, Jr. did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Larry R. Rogers, Jr. attempted to obtain and did obtain property in the form of political contributions for the benefit of Larry R. Rogers, Jr. from Attorney B, under color of official right, in violation of Title 18, United States Code,

Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.

- b) In or about May 29, 2005, March 16, 2006, February 3, 2008 and September 9, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Larry R. Rogers, Jr. did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Larry R. Rogers, Jr. attempted to obtain and did obtain property in the form of political contributions for the benefit of Larry R. Rogers, Jr. from Attorney C, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4.
- c) In or about September 14, 2005, July 24, 2006, August 24, 2007 and June 10, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Larry R. Rogers, Jr. did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Larry R. Rogers, Jr. attempted to obtain and did obtain property in the form of political contributions for the benefit of Larry R. Rogers, Jr. from Attorney D, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.
- d) In or about November 23, 2004, March 16, 2006, March 27, 2007 and October 30, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Larry R. Rogers, Jr. did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Larry R. Rogers, Jr. attempted to obtain and did obtain property in the form of political contributions for the benefit of Larry R. Rogers, Jr. from

Attorney A, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.

107. Defendant Brendan F. Houlihan committed the following acts, any one of which alone constitutes the commission of Racketeering Act #5.

- a) In or about May 18, 2009 and December 17, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Brendan Houlihan did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Brendan Houlihan attempted to obtain and did obtain property in the form of political contributions for the benefit of Brendan Houlihan from Attorney A, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.
- b) In or about May 18, 2008, in the Northern District of Illinois, Eastern Division, and elsewhere, Brendan Houlihan did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Brendan Houlihan attempted to obtain and did obtain property in the form of political contributions for the benefit of Brendan Houlihan from Attorney D, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.
- c) In or about November 2, 2009, in the Northern District of Illinois, Eastern Division, and elsewhere, Brendan Houlihan did attempt to commit extortion, which extortion would

obstruct, delay, and affect commerce, in that Brendan Houlihan attempted to obtain and did obtain property in the form of political contributions for the benefit of Brendan Houlihan from Attorney B, under color of official right, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4 in that said attorney was led to believe that if he did not contribute, his clients' results before the Board of Review would be effected.

Racketeering Act #6 –EXTORTION OF PLAINTIFF

108. Defendant Joseph Berrios committed the following acts, any one of which alone constitutes the commission of Racketeering Act #6.

a) In or about May, 2008 and again on February, 2009, in the Northern District of Illinois, Eastern Division, and elsewhere, Joseph Berrios did attempt to commit extortion, which extortion would obstruct, delay, and affect commerce, in that Joseph Berrios attempted to obtain property and personal advantage in the form of political consulting work *gratis* for the benefit of Joseph Berrios from the Plaintiff, under color of official right, and induced by the wrongful use of actual and threatened fear of economic and reputational harm, in violation of Title 18, United States Code, Sections 1951(a) and 2, and 720 ILCS 5/12-6(a)(6) and 720 ILCS 5/8-4.

109. Defendants pattern of racketeering activity has continued for the last decade, and based on past conduct, which continues to the present, the pattern of racketeering activity will most likely continue into the future with no discernable end.

110. All of the aforementioned predicate acts were done in the furtherance of an enterprise through which the Defendants sought to subvert justice for personal gain.

111. Defendants have employed the Cook County Board of Review as a racketeering enterprise through all of the aforementioned predicate acts. Specifically, under the guise

of holding public offices at the Board of Review and thus cloaked beneath a veil of legitimacy, they have filled their campaign coffers, enriched their lifestyles and accumulated political power. The Defendants have used the fact that there is virtually no statutory check or balance on their functions as Commissioners of the Cook County Board of Review to employ the Board of Review as means to unabashed self-dealing and corruption that is contrary to the law.

112. In doing so, the Defendants created an almost pure pay to play system at the Cook County Board of Review; those who contributed the most could expect the highest reductions (and therefore the highest amounts of money pursuant to their contingency fee arrangements with their clients). Those who did not contribute, by contrast, could not expect substantial justice to be reached.

113. In the Plaintiff's case, in retaliation for his refusal to pay in to the system through political contributions, and in part due to his specific refusal to give in to the aforementioned pressure applied to him by Defendant Berrios, Plaintiff was scapegoated.

114. The Defendants used their unchecked power and the veil of public office to ban the Plaintiff, publicly slander him, and make him a political scapegoat thereby destroying his businesses, reputation and ability to make a living in Chicago- simply because they knew they could.

115. Each of the Defendants played some part in directing the enterprise's affairs.

116. Each of the Defendants agreed to join the conspiracy and to commit predicate acts with the knowledge that such acts were not only in violation of Cook County Ethics rules, Illinois Statutes and common decency, but were also part of a pattern of racketeering activity.

117. Plaintiff's real estate tax consulting business was irrevocably harmed by the pay

for play regime and the racketeering activity of the Defendants in violation of Title 18, United States Code, Section 1962 in that as a direct and proximate cause of the Defendants' complained of activities, Plaintiff suffered damages to his business and property including; 1) because of the fact that the Plaintiff refused to participate in the pay to play system that would have compromised his integrity and the internal integrity of his consulting business, his real estate consulting business became non-operable; and 2) Plaintiff was publicly banned from Board of Review making it impossible for him to successfully attract clients, retain clients or run his real estate tax consulting business or maintain his governmental consulting business.

118. Not only has the Plaintiff's real estate tax consulting business and his governmental consulting business been destroyed but also his ability to make a living, along with other substantial economic injury as a result of his being banned from the Cook County Board of Review because he refused to be complicit in the employment of the Cook County Board of Review as an enterprise for illegal activity.

Proposed Count and additional language ends here.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Honorable Court:

- A. Enter judgment for the Plaintiff and against the Defendants for the stated violations of 42 U.S.C. § 1983 et. Seq., and under RICO, 18 U.S.C. § 1961, et. Seq., the First, Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States as incorporated and applied to state governments, 720 ILCS 5/33-1(d), 720 ILCS 5/33-1(e), 720 ILCS 5/8-4 and 720 ILCS 5/8-2.

- B. Award Plaintiff reasonable attorney fees and cost of suit;
- C. Award Plaintiff treble damages for violation of RICO under 18 U.S.C. § 1964;
- D. Award Plaintiff compensatory and punitive damages where applicable; and
- E. Grant such other and further relief, as this Court deems equitable and just.

Respectfully submitted,

July 29, 2010

/s/R. Tamara de Silva

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VII. JURY DEMAND

Plaintiff demands a jury to hear and decide all issues of fact.

Respectfully submitted, July 29, 2010

/s/R. Tamara de Silva

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