

No. 122802

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IN THE  
SUPREME COURT OF ILLINOIS

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<p>ERIC GREGG,</p> <p style="text-align: center;">Plaintiff-Petitioner,</p> <p style="text-align: center;">v.</p> <p>BRUCE RAUNER, Governor of Illinois,</p> <p style="text-align: center;">Defendant-Respondent,</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Petition for Leave to Appeal from the Appellate Court, Fifth District, No. 5-16-0474</p> <p>There heard on Appeal from the Circuit Court of Saline County, No. 15-L-29</p> <p>Hon. Todd Lambert Judge Presiding</p>
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**BRIEF OF PETITIONER ERIC GREGG**

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ORAL ARGUMENT REQUESTED

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## NATURE OF THE CASE

After trial the court determined the Governor was factually mistaken with regards to one of the two stated grounds of removal, it determined the other conduct alleged as a cause for Gregg's removal did not constitute the constitutional prerequisite grounds for removal: malfeasance, neglect of duty, or incompetence. Having deliberated on evidence adduced at trial, the court declared the Governor's removal of Gregg was wrongful and not permissible under Article V, § 10 of the Illinois Constitution or 730 ILCS 5/3-3-1(c). C416. On September 23, 2016 a Judgment Declaring Rights was issued that held Gregg was wrongfully removed by Governor Rauner from the Illinois Prisoner Review Board. C411-C417. Further, the court found the wrongful termination caused the loss of salary and pension benefits that Gregg would have otherwise received. In tandem with the issuance of the Judgment Declaring Rights the trial court issued a preliminary injunction enjoining the Governor from interfering with or preventing Gregg from exercising his appointed duties with the IPRB or appointing a replacement for Gregg's seat on the IPRB. C409-C410. In defiance of the Preliminary Injunction, the Governor's office refused to allow Gregg to execute his board duties. C430-C436. By an Order of October 18, 2016, a stay of the Judgment Declaring Rights was issued pending appeal. As a precondition to granting the stay the Governor agreed, first, that should Gregg prevail in sustaining the Judgment on appeal, that upon issuance of the mandate, Gregg is to be immediately reinstated to his seat on the IPRB with full salary and benefits, and, second, Gregg's salary and pension benefits owed for the period from October 2, 2015 to the date of reinstatement would be paid. C448.

Gregg has been illegally denied the privilege of serving on the IPRB since October 2, 2015. The Governor has refused to allow Gregg to serve on the IPRB during the pendency of appeal. Gregg's appointed term on the IPRB will end in January 2019. To blunt the effect of the Governor's continuing constitutional tort, Gregg respectfully requests this Court affirm the trial court Judgment Declaring Rights and Order Granting Preliminary Injunction.

### **ISSUES PRESENTED FOR REVIEW**

Whether Plaintiff was entitled to judicial review of his removal by Governor Rauner from the Illinois Prisoner Review Board.

Whether the lower court's finding that Governor Rauner's stated reasons for removal did not satisfy the Constitutional and statutory grounds should be affirmed.

### **STATEMENT OF JURISDICTION**

Illinois Supreme Court Rules 315 and 317 confers jurisdiction on this Court. Review is appropriate as a matter of right under S.C.R. 317 and permissive review under S.C.R. 315 is appropriate.

### **CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED**

"The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." Ill. Const. art. V, §10 (1970).

"Any member may be removed by the Governor for incompetence, neglects of duty, malfeasance or inability to serve." 735 ILCS 5/3-3-1 (c).

### **STATEMENT OF FACTS**

The plaintiff, Eric Gregg (hereinafter "Gregg"), filed a complaint against the defendant, Illinois Governor Bruce Rauner, to challenge Defendant's removal of Gregg

from the Illinois Prisoner Review Board (IPRB). C12. Following a trial on Gregg's complaint, the circuit court concluded that Gregg was wrongfully terminated and entered an injunction prohibiting Governor Rauner from interfering or preventing Gregg from exercising his appointed duties with the IPRB and barring Governor Rauner from appointing Gregg's replacement. C411-C417.

In May 2012, Governor Patrick Quinn nominated Gregg to be a member of the IPRB. C297. At that time, the Governor's office provided Gregg with a Statement of Economic Interest form to complete. C297. This form related to any income and any gifts received by Gregg in 2011. C297. On May 20, 2012, Gregg signed, dated, and returned the completed form. C297, C309. Due to a serious health condition which required surgery and a prolonged period of recuperation Gregg was not able to assume the duties of office during 2012. T40.

On April 26, 2013, Governor Quinn officially appointed Gregg to the IPRB. C297 Gregg immediately began his duties as a Board member and received a salary. C297. The Office of Governor Quinn filed the Statement of Economic Interest dated May 20, 2012 with the Illinois Secretary of State upon Gregg's appointment. C297-C298. The Statement of Economic Interest filed on April 26, 2013 applied to reporting year 2011. C298. Gregg did not file a Statement of Economic Interests that applied to calendar year 2012. C298.

In September 2013, during Governor Quinn's administration, Charles Will, former Harrisburg City Treasurer, notified senior Legal Advisor Daryl Jones in the Illinois Department of Corrections that Gregg had failed to list income and the gift of a

medical lift chair received in 2012 on his Statement of Economic Interests (which reported gifts and income received in 2011). C298.

Charles Will stated Gregg was elected mayor of Harrisburg in 2011 and did not resign from his employment as mayor until July 2013. C311. It was Charles Will's understanding that after Gregg's April 26, 2013 appointment to the IPRB he was prohibited from engaging in any other employment. C311. The letter also referenced documents indicating Charles Will was involved in paying for a medical chair on April 4, 2013, which was delivered directly to Gregg's residence. C312.

The IPRB's legal counsel, Ken Tupy, conducted an investigation regarding the accuracy and circumstances surrounding the Statement of Economic Interest filed on April 26, 2013, but signed by Mr. Gregg on May 20, 2012. C299. After the investigation, neither the IPRB nor the Governor's office took any action. C299.

Prior to Gregg's confirmation hearing, Mr. Tupy, in his capacity as Legal Council for IPRB, called upon Gregg to respond to the allegations raised by Charles Will. T43. Gregg explained after his appointment to the IPRB he donated money received while still serving as mayor to an organization called Operation Now and the Harrisburg Soccer Boosters Organization. T48. The salary checks were donated publicly and disclosed to Mr. Tupy and Mr. Monreal, Chairperson of IPRB. T48. Gregg also provided Mr. Tupy with documentary evidence that income his wife received from the Southern Illinois Energy Group was solely received by her and did not flow through Gregg. T49. After Mr. Tupy's investigation, Gregg testified that he was never notified by Governor Quinn's office, the IPRB, the Secretary of State, or any other agency within the state he was required to file a Statement of Economic Interest for year 2012. T44.

On November 7, 2013, the Illinois Senate confirmed Gregg's appointment for a six-year term to end on January 21, 2019. C298. From April 26, 2013 to October 2, 2015, Gregg performed his duties as a member of the IPRB and timely filed a Statement of Economic Interest for the reporting years 2013 and 2014. C298.

Gregg did not receive any notification while he served on the IPRB of a non-filing for a Statement of Economic Interest applicable to the 2012 reporting year from the Office of the Secretary of State or any other State governmental body. C298.

On December 8, 2014, Gregg filed for Chapter 13 bankruptcy. C299. The parties have stipulated to the authenticity of the bankruptcy documents. C314-C350. On December 22, 2014, Gregg's bankruptcy attorney electronically filed Form 22C-1 entitled "Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period." C299, C352-C362. Form 22C-1 indicated that Gregg had received a net monthly income of \$4,027 from operating a business. C352-C362.

On July 14, 2015 the Office of Executive Inspector General received an anonymous complaint alleging Mr. Gregg had filed an untruthful Statement of Economic Interest. C299.

On August 18, 2015, Ken Tupy informed Governor Rauner's office of a letter from Beth Hundsdorfer, a reporter for the Belleville News Democrat ("BND"), in which she inquired whether the \$4,027 net monthly income listed as being earned by Gregg on one of his bankruptcy filings constituted a violation of 730 ILCS 5/3-3-1 which prohibits IPRB members from engaging in any other business or employment. C299. Ms. Hundsdorfer questioned whether any action could be taken to "correct this violation." C366. On the same day, Ken Tupy informed Chasity Boyce, Legal Counsel to Governor

Rauner, by e-mail that Eric Gregg had informed him the \$4,027 per month was from his wife's company and that he was required to list it in the bankruptcy. C300. Ms. Boyce's replied that the matter had been flagged for the Governor's comments and the press should not be addressed until the "Governor's office clears it up." C368.

On August 19, 2015, the Governor's Press Secretary, Catherine Kelly, issued a statement by email to Beth Hundsdorfer of the BND that the "administration is investigating the additional income listed on Eric Gregg's bankruptcy filing documentation and will determine any necessary action upon the conclusion of that investigation." C371.

On August 31, 2015, Ken Tupy informed the Governor's legal counsel, Chasity Boyce, by email that Gregg indicated the income listed in the bankruptcy filing was from his wife's business. C300. Included in the email to the Governor's office was information which Gregg had provided to Ken Tupy in November 2013 showing Gregg had no ownership of his wife's business, Southern Illinois Energy Group, and that Gregg had ceased working for MidAmerican Energy Company before the time he was appointed as a member of the IPRB. C300.

A senior sales manager of MidAmerican, Mark Jacobs, stated in writing provided to IPRB that prior to April 2013 he had worked with Mr. Gregg. C379. In mid-April, Jacobs was informed by Gregg that Gregg would no longer be able to work with MidAmerican due to his appointment to the Board. C379. The letter stated since the time Gregg recused himself, Jacobs had been working with Eric's wife, Patti Gregg, and daughter, Paige Burk, under the agent name of Southern Illinois Energy Group. C379.



In August 2015, Gregg's bankruptcy attorney, Brad Olson, filed an amended Form 22C-1, which attributed the monthly business income to Gregg's wife. C300. On September 22, 2015, Brad Olson provided Jason Barclay, General Counsel of the Governor, with a letter stating the inaccuracies in the bankruptcy filing were due to a clerical error which listed some of Gregg's wife's income as Gregg's income. C301. Olson informed Barclay the clerical error had been corrected by amendment. C301. Olsen's letter also referenced other portions of the bankruptcy filing that had correctly listed the income in question as being that of Patti Gregg. C301. On September 16, 2015, Gregg received a letter from Jason Barclay, General Counsel for Office of the Governor. C300. The letter advised Gregg to the following:

“[T]he Governor's office has received allegations that during your current term on the Prisoner Review Board, you have violated the terms of your appointment. Specifically, the allegations are that your April 2013 appointment to the Prisoner Review Board, on December 22, 2014, you filed for bankruptcy reporting a salary of \$157,020.000. . . . This information was listed in the column requiring disclosure if income derived from “a business, profession or farm.”. . . [A] review of the Illinois Comptroller's website indicates that at the time of your bankruptcy filing . . . your average monthly salary was \$7,157.00.

In addition, it has been alleged that, on April 26, 2013, you filed an inaccurate Statement of Economic Interest with the Secretary of State. Specifically you wrote “none” on question 8 of the statement, which requires filers to “list the name of any entity from which a gift or gifts . . . valued singly or in the aggregate in excess of \$5,000, was received during the preceding year.”

. . . [P]ress accounts report that you received, during the 2012 calendar year, at least two gifts, valued at \$1,100 and “about \$5,000.”(See:“Governor's Office Investigating Whether Parole Board Member Earned Prohibited Income,” *Belleville News Democrat*, 8/22/2015).” C381.

In September 2015, Gregg responded to the Governor's request by letter. C300. Gregg explained that his bankruptcy attorney had inadvertently placed his wife's

business's income in "[his] column" on the bankruptcy filing, and that his attorney had acknowledged the clerical error and had filed an amended form to correct the error. C384. The letter also addressed the allegations that he had filed an inaccurate Statement of Economic Interests. C385. Gregg informed the Governor's office that the Statement of Economic Interests was completed on May 20, 2012 for the reporting year of 2011 and that the time period the Statement of Economic Interest concerned was completed before he received the medical lift chair as a gift. C385.

On October 2, 2015, Governor Rauner terminated Gregg's appointment with the IPRB for malfeasance, incompetence, and neglect of duty. C397 C297. The letter stated it is a violation of federal bankruptcy law to knowingly and willfully. . . make[] any materially false, fictitious, or fraudulent statement or representation" under 18 U.S.C. § 1001 and Gregg may have done so on his Form 22C. C305. The letter further stated Gregg's Statement of Economic Interest filed with the Secretary of State was false and may constitute a Class A misdemeanor under 5 ILCS 420/4A-107. C306. The letter alleged this conduct was "a sufficient basis" to remove Gregg, pursuant to Article V, Section 10 of the Illinois Constitution. C306.

Gregg received his last payment from the Board on October 2, 2015. T56. At the time of Gregg's testimony he had lost \$78,727 in income. T56. Gregg had also entered into an agreement with the State Retirement System to revest his account with \$3,000 automatic withdraws from his monthly salary for monies previously withdrawn. T57. Since Governor Rauner removed Gregg from the Board on October 2, 2015, as a result no payments have been made to the Retirement System and the Retirement System now seeks to recover \$44,000 from Gregg. T58.

## STANDARD OF REVIEW

Whether Gregg's removal by the Governor from the IPRB is judicially reviewable presents a pure question of law. The *de novo* standard is applied when pure questions of law are at issue. *Reliable Fire Equipment Co. v. Arredondo*, 2011 IL 111, 871, ¶13. The factual grounds relied upon by the trial court in reaching its declaration that the Governor's stated grounds for removal of Gregg did not satisfy constitutional or statutory grounds was based on facts stipulated by the parties and undisputed testimony of a witness whose credibility was not in issue. C411-C417. Where, as here, the underlying facts are not in dispute and the credibility of witnesses was not implicated at trial, the Illinois Supreme Court may consider the review of the lower court's decision *de novo*. *Brunton v. Kruger*, 2015 IL 117663 ¶72, 32 N.E.3d 567, 580 (2015) ("When the facts are not in dispute and the credibility of witnesses is not implicated, the question of whether waiver has taken place is a legal one..."); *People v. Bannister*, 232 Ill.2d 52, 66 (2008) ("Because the facts of this case are not in dispute, the issue is a question of law and our review is *de novo*").

## ARGUMENT

### **LUNDING v. WALKER INTERPRETED ARTICLE V, SECTION 10 OF THE 1970 ILLINOIS CONSTITUTION TO REQUIRE SPECIFIC CAUSE FOR THE GOVERNOR TO REMOVE AN APPOINTEE SERVING ON A QUASI-JUDICIAL BODY AND PERMITTED JUDICIAL REVIEW TO PREVENT MISAPPLICATION OF THE GOVERNOR'S CONSTITUTIONAL REMOVAL AUTHORITY**

The Illinois Prisoner Review Board (IPRB) is an independent quasi-judicial agency created by the legislature. Its members are appointed by the Governor with consent of the legislature. *See* 730 ILCS 5/3-3-1(a). Gregg was appointed by Governor Pat Quinn and confirmed by the Illinois Senate for a six-year term ending on January 21,

2019. Governor Rauner removed Gregg from the IPRB by letter notification on October 2, 2015. The letter set out accusations which the Governor asserted satisfied the constitutional prerequisites to authorize removal; the Governor concluded Gregg's acts amounted to malfeasance, neglect of duty, and incompetence. Gregg sought judicial review requesting a declaration the Governor's act of removal was wrongful. The Governor filed a Motion to Dismiss Gregg's complaint contending the court lacked jurisdiction to review the Governor's removal of Gregg:

"because Plaintiff's position on the Prisoner Review Board (PRB) is part of the executive branch of state government; the PRB was not designed by the state legislature to be politically independent. Thus, the case upon which Plaintiff relies for relief, *Lunding v. Walker*, 65 Ill.2d 516 (1976), does not apply." C63-C64.

The trial court denied the Governor's Motion to Dismiss Gregg's declaratory judgment action. The trial court concluded judicial review was constitutionally permissible as:

"The Prisoner Review Board, though part of the executive branch, is a quasi-judicial board which is independent of the executive branch. *Lunding v. Walker*, 65 Ill.2d 516 (1977) therefore applies. Plaintiff has alleged a proper cause of action for judicial review." C4-C5 (*see* June 9, 2016 Docket Entry; *see also* Judgment Declaring Rights at Pg. 3 para. 2.)

The trial court found Gregg's right to judicial review of the Governor's cause for removal was firmly established by the principles announced by the Illinois Supreme Court in *Lunding v. Walker*, 65 Ill.2d 516 (1976).

Article V, Section 10 of the 1970 Illinois Constitution provides: "The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." In a case decided over a century ago interpreting the 1870 Illinois Constitution, the Illinois Supreme Court held that the Governor's

determination that there was cause for removal was not subject to judicial review. *Wilcox v. People ex rel. Lipe*, 90 Ill. 186, 207 (1878). The practical effect of the *Wilcox* holding was that officers of the executive branch appointed by the Governor served at the Governor's pleasure. In *Lunding*, the Illinois Supreme Court revisited *Wilcox v. People ex rel. Lipe* in light of the new 1970 Illinois Constitution. The court held under the 1970 Illinois Constitution, a member appointed by the governor to a body whose duties include quasi-judicial functions, if removed by the governor, is entitled to judicial review of the Governor's exercise of constitutional removal authority. *Lunding supra* at 520.

Lunding was a member of the State Board of Elections. The Governor removed Lunding from his part-time appointed position for 'neglect of duty' based on Lunding's refusal to file a financial disclosure statement. The trial court entered a temporary restraining order preventing Lunding's removal and an appeal was taken.

The Supreme Court examined the governor's removal authority under Article V, §10 of the 1970 Illinois Constitution which provides: "The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." Ultimately, the Supreme Court upheld the TRO as appropriate after determining the 1970 Illinois Constitution, unlike the 1870 Illinois Constitution, was not to be interpreted as conveying to the governor unfettered removal authority. After examining the constitutional debates and persuasive federal authority the Court found: "to subject a neutral, bipartisan, and independent board to the unbridled whim of the Governor under the *Wilcox* rule would destroy its purpose and efficacy. . . [and] the adequacy of the cause cited by the Governor is judicially reviewable" *Lunding*, 65 Ill.2d at 527. The touchstone of the decision to allow judicial review of the governor's

power to remove appointees who discharge quasi-judicial functions was to secure the neutrality and integrity of the governmental body in the exercise of its discretion. Therefore, the determinative factual issue in this case is whether the legislature intended to endow the IPRB with independence and neutrality so as to allow the IPRB members discretion to discharge their quasi-judicial functions with fairness, neutrality, and integrity.

*Lunding* acknowledged that removal powers in the Illinois Constitution were intended to provide the Governor with power to remove equal to the Constitutional removal power enjoyed by the President. *Id.* at 520-21 citing, *Ramsay v. VanMeter*, 300 Ill. 193, 201-03 (1921). In light of the nexus between removal authority in the Federal and State constitutions, the *Lunding* Court found persuasive a trilogy of federal cases, decided after *Wilcox*, that addressed the limits of the President's constitutional removal power. *Lunding*, 65 Ill.2d at 521-25 (discussing *Meyers v. United States*, 272 U.S. 52 (1926); *Humphrey's Executor v. United States*, 295 U.S. 602 (1935); *Weiner v. United States*, 357 U.S. 349 (1958)). *Humphrey's Executor* found the President's constitutional power to remove an appointed member of the Federal Trade Commission, in the face of a congressional limitation of removal only for cause, was limited because of the nature of the duties performed by the agency; more specifically, the fact the agency performed quasi-judicial duties. *Id.* citing, *Humphrey's Executor*, 295 U.S. at 628-31. The rationale behind the limitation of the President's removal power as to appointed members who must render independent deliberative rulings is self-evident; "one who holds office only during the pleasure of another cannot be depended upon to maintain an attitude of independence against the latter's will." *Id.* at 527, citing *Humphrey's Executor*. Finding

the federal jurisprudence compelling, the Illinois Supreme Court adopted the Supreme Court's reasoning in regards to quasi-judicial bodies; that the Governor did not enjoy unfettered removal authority under the 1970 Illinois Constitution.

Therefore, to summarize the Federal law on removals by the President: 'Within the executive branch itself, the President must be master, with the complete removal power recognized the Myers case. All officers in the ordinary departments are executive officers within Myers, regardless of the nature of the functions which they perform. Such result is justified by the power of the Congress, at any time, to remove quasi-judicial authority from a department and vest it in an independent agency, whose members would be insulated from unfettered removal under Humphrey-Wiener.' 2 B. Schwartz, A Commentary on the Constitution of the United States 55 (1963)

*Lunding*, 65 Ill.2d at 524.

*Lunding* examined the debates of the 1970 Illinois Constitutional Convention and found support for the premise that the Governor's removal power was intended to remain unfettered and, therefore, not subject to judicial review, only where an appointee exercises executive authority and is directly responsible to the Governor.

However, *Lunding* interpreted the drafters intent was to require the Governor to satisfy the specific constitutional grounds set out in the 1970 Constitution in order to remove members of a state body that discharged quasi-judicial duties. *Id.* at 525-27. During the Convention debates, Delegate Netsch proposed that the removal section be amended to read: "The governor may remove any officer whom he appoints." The amendment was designed to assure the Governor's power to remove would be absolute. 3 Record of Proceedings, Sixth Illinois Constitutional Convention 1325. In explaining her proposed amendment, Delegate Netsch stated:

(T)he courts have already held that the inclusion of the language 'for incompetence, neglect of duty, or malfeasance in office' is for all practical purposes superfluous, because whenever the governor uses one of those

*magic words*, the Illinois Supreme Court has held...that no one may challenge the law governor's judgment...

*Lunding*, 65 Ill.2d at 525 citing *1970 Constitutional Debates*, 3 Proceedings 1325. (Emphasis added).

The Supreme Court interpreted Delegate Netsch's 'magic words' statement as a reference to *Wilcox*. *Lunding*, 65 Ill.2d at 526. The *Lunding* court found the rationale put forth by Delegate Orlando, which led to defeat the Delegate Netsch's amendment, embodied the drafter's true intent:

Now, one of the areas where we felt that this provision would help was in those agencies of state government which are classified as **quasi-judicial**. We felt that by leaving this provision in there we wouldn't have the governor just arbitrarily reaching in there and dismissing them and creating some kind of a political connotation. He would have to justify the removal of such type of individual under this provision, and this is one of the reasons why it was left in this fashion, rather than as has been suggested by Delegate Netsch.

*Lunding*, 65 Ill.2d at 525-26 (emphasis added) citing *1970 Constitutional Debates*, 3 Proceedings 1326.

A general principle of constitutional interpretation is that the meaning of a constitutional provision depends on the common understanding of the citizens who, by ratifying the constitution, gave it life. *Committee for Educational Rights v. Edgar*, 174 Ill.2d. 1, 13 (1996). This understanding is best determined by referring to the common meaning of the words used. *League of Women Voters of Peoria v. Peoria County*, 121 Ill.2d 236, 243 (1987) citing *Kalodimos v. Village of Morton Grove*, 103 Ill.2d 483, 492-93 (1984).

*Lunding* too examined how the removal power provision of the 1970 Constitution was explained to the Illinois voters during ratification:

Further, the "official Text with Explanation," which was submitted to the voters, stated: "this is a slight revision of Article V, Section 12 of the 1870



Constitution. It means that the Governor may remove for proper cause any officer he appoints.

*Lunding*, 65 Ill.2d at 526 (emphasis added) citing *1970 Constitutional Debates*, 7 Proceedings 2709.

Given the language of the explanation provided to Illinois voters for the ratification of the 1970 Constitution, *Lunding* concluded: “We cannot believe that the voters who adopted the 1970 Constitution believed that ‘for proper cause’ included the arbitrary and unfettered whim of the Governor.” *Id.*

**THERE IS NO “WILCOX RULE” UNDER THE 1970 ILLINOIS CONSTITUTION, NOR IS *LUNDING* LIMITED TO APPOINTEES WHOSE DUTIES ARE EXCLUSIVELY QUASI-JUDICIAL**

The Appellate majority asserted the “*Wilcox* rule” prevents Gregg from judicial review under *Lunding* because not all of the IPRB’s statutory duties were quasi-judicial:

Thus, the exercise of some quasi-judicial duties by itself is insufficient to remove an agency from *Wilcox*’s general rule of judicial non-reviewability and place it within the *Lunding* exception. “An entity with quasi-judicial powers is not, as a matter of law, a quasi-judicial body at all times.” *Parrillo, Weiss & Moss v. Cashion*, 181 Ill.App.3d 920, 926 (1st Dist. 1989).

Op. at ¶25.

The Majority reliance on *Parrillo*, a case which did not involve the constitutional removal power of the Governor, does not support the Majority’s holding that judicial review only extends to appointees to agencies whose duties are solely quasi-judicial. *Parrillo* examined quasi-judicial functions in the context of defamation actions, as statements made during a quasi-judicial proceedings are subject to an absolute privilege. *Parrillo, Weiss & Moss*, 181 Ill.App.3d at 926.

By asserting that *Lunding* is a narrow exception to the “*Wilcox* rule,” the Appellate majority failed to recognize *Lunding* interpreted the governor’s constitutional

removal power under the 1970 Constitution while *Wilcox* interpreted this power under the 1870 Constitution. *Lunding* found the *Wilcox* interpretation of the governor's removal power under 1870 Illinois Constitution was not applicable to the 1970 Illinois Constitution. *Lunding* held with the adoption of the 1970 Illinois Constitution the governor no longer wields unfettered and unreviewable removal authority invoked by repeating 'magic words' contained in the 1870 Constitution: malfeasance, incompetence, or neglect of duty. *Lunding* allows Gregg to seek judicial review of Governor Rauner's removal authority under the 1970 Illinois Constitution. The *Wilcox* rule has no bearing on Gregg's right to judicial review because *Wilcox* does not apply to the 1970 Illinois Constitution.

Recent U.S. Supreme Court decisions have reaffirmed the rationale of *Humphrey's Executor* that lend support to permitting judicial review of the cause for removal of an appointee from a quasi-judicial office. *Free Enterprise Fund v. Public Co. Acctg. Oversight Bd.*, 561 U.S. 477, 486 (2010). *Free Enterprise* emphasized "this Court has repeatedly upheld 'for cause' provisions where they restrict the President's power to remove an officer with adjudicatory responsibilities. *Id.* at 533 citing *Humphrey's Executor*, 295 U.S. at 623-628; *Wiener*, 357 U.S. at 355; *Schor*, 478 U.S. at 854. Federal jurisprudence on the limits of constitutional removal power, which has helped shape Illinois law, has long held the right to judicial review extends to appointed officers sitting on agencies even if only part of their duties are quasi-judicial:

This Court has long recognized the appropriateness of using "for cause" provisions to protect the personal independence **of those who even only sometimes engage in adjudicatory functions.** *Humphrey's Executor*, *supra*, at 623-628, 55 S.Ct. 869; see also *Wiener*, *supra*, at 355-356, 78 S.Ct. 1275; *Morrison*, 487 U.S., at 690-691, and n. 30, 108 S.Ct. 2597; *McAllister v. United States*, 141 U.S. 174, 191-201, 11 S.Ct. 949, 35 L.Ed.

693 (1891) (Field, J., dissenting). ...Indeed, as early as 1789 James Madison stated that "there may be strong reasons why an" executive "officer" such as the Comptroller of the United States "should not hold his office at the pleasure of the Executive branch" if one of his "principal dut[ies]" "partakes strongly of the judicial character." 1 Annals of Congress 611-612; cf. *ante*, at 3156, n. 6. *Free Enterprise*, Supra at 3173 (emphasis added).

Certainly the IPRB performs administrative tasks in relation to clemency petitions which are not quasi-judicial in nature, but there is no escaping the fact that the IPRB was intended by the legislature to be an independent quasi-judicial Board. There is no basis to hold *Lunding* is a 'narrow exception to the *Wilcox* rule' and neither did *Lunding* limit judicial review only to appointees who served on agencies whose duties are exclusively quasi-judicial in nature. As noted above analogous federal jurisprudence regarding the President's removal authority allows that judicial review is available to an appointed officer even if only some of his duties are quasi-judicial in nature. *Id.*

#### **THE IPRB WAS CREATED BY THE LEGISLATURE TO SERVE AS AN INDEPENDENT, QUASI-JUDICIAL BODY**

The Appellate Court majority opinion concluded, "Although we recognize that the IPRB does perform some quasi-judicial functions, those duties do not make the IPRB a quasi-judicial agency for which political independence is necessary for the integrity of its processes." Op. at ¶25. To the contrary, one need look no further than the IPRB's mission statement to determine the Board's quasi-judicial nature: The IPRB's "mission is to function under statutory authority as a quasi-judicial body with a primary focus on public safety." ([www.illinois.gov/prb](http://www.illinois.gov/prb) (last visited Feb. 14, 2018)). Further, the IPRB's statutory structure, duties, and administrative rules evidence the legislature created the IPRB to function as an independent, quasi-judicial entity to ensure the Board could discharge its quasi-judicial duties as a fair and impartial tribunal.

The legislative responsibilities of the IPRB consist of two separate and distinct functions: 1) to process and make recommendations as to clemency petitions in which the Board has no power to grant a pardon, reprieve, or commutation, but merely to submit a recommendation to the Governor, who is free to accept or reject the recommendation and 2) to conduct administrative duties as an independent quasi-judicial tribunal. *People ex rel. Abner v. Kinney*, 30 Ill.2d 201, 205 (1964); see also; *Hill v. Walker*, 241 Ill.2d 479, 486 (2011) (IPRB “is an administrative agency created by the legislature” that determines, *inter alia*, “whether an eligible inmate should be granted or denied parole”); 730 ILCS 5/3-3-1(a)(1), (1.5), (2), (3),(4), (5) (West 2014); *People ex rel. McGee v. Hill*, 350 Ill. 129, 134 (1932) (Board of Pardons and Paroles is vested with “quasi-judicial power”); *Brown v. Duncan*, 361 Ill.App.3d 125, 131 (1st Dist. 2005) (“Quasi-judicial hearings are those which concern agency decisions affecting a small number of people on individual grounds based on a particular set of disputed facts that have been adjudicated.”); *Parrillo, Weiss & Moss v. Cashion*, 181 Ill.App.3d 920, 926 (1st Dist. 1989) (a quasi-judicial body exercises judgment and discretion, hears and determines facts and decisions, makes binding orders and judgments, affects personal rights of private persons, and imposes penalties).

The appellate court found it compelling that *Lunding* noted the Board of Elections is mandated by the Illinois Constitution not to allow any political party to have a majority of members on the Board of Elections. Op. at ¶ 17, citing *Lunding* at 526. The appellate court seized on the fact the IPRB was not created to have an equal number of members from each power as indicia the legislature did not create the IPRB to be politically independent. The fact of the Board of Elections had a mandatory balanced

political membership was not outcome determinative in *Lunding*. Indeed, the federal cases that *Lunding* employed to examine the President's constitutional removal power concerned commissions created by Congress whose membership was not composed of equal membership of both political parties. *Lunding*, 65 Ill.2d at 522 citing *Humphrey's Executor*, 295 U.S. at 624-28 (1935) (allowed judicial review of removal of a member of the bipartisan five member Federal Trade Commission) and *Wiener*, 357 U.S. at 350 (1958) (finding judicial review applicable to the three member War Crimes Commission). Applying the *Lunding* analysis, federal and state trial courts have granted judicial review of removal authority of members of commissions established by the Illinois General Assembly that were bipartisan but did not require an equal division of board members from each political party. *Kosoglad v. Porcelli*, 132 Ill.App.3d 1081, 1088 (1st Dist.1985) (the Board of Fire and Police Commissioners the was created so that no more than two of its three members were of the same political party); *Ford v. Blagojevich*, 282 F.Supp.2d 898, 905 (C.D. Ill. 2003)(the Illinois Workers' Compensation Commission consists of 10 members with no more than 6 members of the same political party). The Illinois Legislature's intent to bestow independence on the IPRB is evidenced by mandatory bipartisan membership with no more than eight of its fifteen appointed members being of the same political party. 730 ILCS 5/3-3-1 (West 2014).

The IPBR exercises all six powers that have been recognized under Illinois law differentiating a quasi-judicial body from one that performs merely administrative functions: (1) the power to exercise judgment and discretion; (2) the power to hear and determine or to ascertain facts and decide; (3) the power to make binding orders and judgments; (4) the power to affect the personal or property rights of private persons; (5)

the power to examine witnesses, to compel the attendance of witnesses, and to hear the litigation of issues on a hearing; and (6) the power to enforce decisions or impose penalties. *Kalish v. Illinois Education Association*, 157 Ill.App.3d 969, 971-72 (1st Dist., 1987) citing *Thomas v. Petrulis*, 125 Ill.App.3d 415, 419-20 (2nd Dist. 1984). A quasi-judicial body need not possess all six powers; however, the more powers it possesses, the more likely the body is acting in a quasi-judicial manner. *Id.* at 972.

The 1970 Illinois Constitution provides that executive branch agencies will submit an annual report to the Governor. Ill. Const. 1970, art. V, § 19. The scope and magnitude of the quasi-judicial duties performed by the IPRB are best summarized in the IPRB's annual report:

Prior to February 1, 1978, the Illinois Prisoner Review Board ...was a division of the Illinois Department of Corrections ... known as the Parole and Pardon Board. Today the Board is a quasi-judicial entity that makes decisions concerning adult and juvenile prison inmate matters...the greater part of the Board's time is employed in holding parole revocation hearings, consisting of technical and new sentence revocations...The hearings can be complex fact-finding affairs involving attorneys on both sides of the questions, witness testimony, cross-examinations, and volumes of documentary evidence. This kind of hearing and reviewing activity at both juvenile and adult institutions is at the heart of the Board's duties. ... The Board also reviews IDOC's recommendations for revocation of inmate good conduct credits when there has been an alleged violation of institutional rules. The Board provides a hearing to permit an inmate to make a defense against the allegation, before deciding whether to revoke these credits. More than 2,800 such hearings are conducted each year.

Finally, the Board carries out specialized juvenile parole hearings at eight juvenile institutions each month under provisions of the Juvenile Court Act. These hearings mirror the adult hearings described above, but are conducted pursuant to different laws than those observed in the adult hearings...

*State of Illinois Prisoner Review Board, 39<sup>th</sup> Annual Report, (2015),*  
<https://www.illinois.gov/prb/Documents/prb15anirpt.pdf>.

To fairly discharge the quasi-judicial functions assigned to the IPRB by the legislature requires IPRB members exercise their discretion independent of outside influences. The nature of quasi-judicial tasks the legislature assigned the IPRB include:

- Conduct hearings to revoke or grant parole for those eligible;
- Conduct hearings to decide conditions of parole;
- Conduct hearings to decide conditions of mandatory supervised release;
- Conduct hearings to decide aftercare release;
- Decide cases brought by the Department of Corrections with respect to sentence credits;
- Conduct hearings to decide release dates of certain prisoners;
- Conduct hearings and decide cases brought by the Department of Corrections against a prisoner for court dismissal of a frivolous lawsuit;
- Conduct hearings and decide whether to grant certificates of relief from disabilities or certificates of good conduct;
- Conduct hearings and decide at the sole discretion of the Board, the eligibility for sealing of official records of authorities and courts;
- Conduct hearings and decide recommendation of expungement for U.S. Armed Forces and National Guard;
- Conduct hearings and decide parole and after care release of those committed to the Department of Juvenile Justice.

*See 730 ILCS 5/3-3-2(a)(1-11).*

Empowered by the legislature as a rule making body, the IPRB has enacted rules which are strong indicia of the independent, quasi-judicial nature of the Board. 730 ILCS 5/3-3-2(d). In Parole Release hearings IPRB Rules provide all witnesses are to be sworn, for the hearing officer to make evidentiary rulings, and for post hearing deliberation where the panel deliberates and issues a decision based solely on the weight and credibility of the evidence presented at hearing. 20 Ill. Admin. Code §1610.40 (2016). In Parole Revocation hearings the IPRB is required to give notice in writing of the conditions allegedly violated, provide a hearing within ten days of the detention, allow for defense counsel, to issue subpoenas to allow parolees to compel presence of witnesses, administer the oath, grant the right of the parolee to present evidence, allow

the parolee to cross examine witnesses, and the Board members are then required to base their decision on sworn testimony of witnesses. 20 Ill. Admin. Code §1610.40 (2016). The Prisoner Review Board exhibits all of the hallmarks of independence required by statute and rule to conduct quasi-judicial hearings and to deliberate and decide those hearings based solely upon the evidence and testimony produced at hearing.

The Legislative intent to create a politically independent Prisoner Review Board is further evidenced by statutory requirements that require specialized qualifications to serve on the Board, terms of Board members which exceed the term of the appointing Governor, limiting the number of Board members of any political party to 8 of 15 to assure a non-partisan board, statutory limits on removal of Board members except for specific cause (“Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve”). 730 ILCS 5/3-3-1.

That the IPRB functions as an independent, quasi-judicial, body is clearly evidenced by legal obligations assumed by the IPRB to settle federal class actions brought by prisoners and parolees. The IPRB entered into a settlement of a class action brought by the class of parolees who while on parole/Mandatory Supervised Release were subject to parole revocation proceedings conducted by the IDOC and IPRB. *Morales v. Findley*, 13-cv-07572 Doc.134 filed: 1/13/17 in the U.S. Dist Ct. for the Northern Distr. of Ill. (Eastern Div.). Pursuant to an October 2016 settlement agreement the IPRB agreed to provide a variety of due process protections, including evidentiary and adjudication standards, that were needed to comport to federal constitutional due process standards. *Id.* Doc. 134, at p.3. The Final Settlement Agreement required each of the IPRB board members serving on the review panel to exercise independent judgment



through evaluation of the reliability and credibility of the evidence presented at the final revocation hearing. *Id.* The IPRB settlement assures the Board's parole revocation procedures were in compliance with constitutional due-process requirements announced by the Supreme Court of the United States as necessary to protect the liberty interest of parolees subject to revocation of parole. See *Morrissey v Brewer*, 408 U.S. 471, 482 (1972) (protecting parolees liberty interests by providing "a neutral and detached hearing body").

The appellate court majority's assertion that "executive influence" permeates the IPRB's quasi-judicial functions such that the IPRB is a tool of the Governor's office is belied by the *Morales* settlement, and others like it, in which the IPRB's role is to assure fair and neutral due process. To fulfill its role as a "neutral and detached hearing body," IPRB members must be free to fairly and impartially issue parole revocation decisions based solely on each member's determination of witness credibility of testimony presented at an IPRB parole revocation hearing.

**NOTWITHSTANDING THE IPRB ROLE IN PROCESSING CLEMENCY PETITIONS AND ISSUING NON-BINDING RECOMMENDATIONS, THE IPRB ACTS AS AN INDEPENDENT, QUASI-JUDICIAL BODY TO WHICH *LUNDING* APPLIES**

The Governor maintains the IPRB was not created by the legislature as an independent body because the legislature assigned the IPRB the duty of processing and issuing non-binding recommendations to assist the Governor in the exercise of his exclusive clemency power. "Thus, the IPRB acts as an advisor to the Governor, and the IPRB's relationship to the Governor in the executive clemency process establishes that it is not an independent agency but a traditional part of the executive branch." Op. 22.

1970 ILLINOIS CONSTITUTION, ARTICLE V, SECTION 12: “The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses on such terms as he thinks proper. The manner of applying therefore may be regulated by law.” The Governor’s longstanding power to grant pardons or other relief to convicted persons was continued from the 1870 Constitution, but made more flexible by allowing such grants “on such terms as he thinks proper” to allow conditional pardons. *See* Record of Proceedings, Sixth Illinois Constitutional Convention, vol. VI, p. 390 (explanation of Proposal No. 1 of Executive Committee). As allowed by the second sentence, a section in the Unified Code of Corrections regulates procedures for applying for clemency. 730 ILCS 5/3-3-13.

However, in designating the IPRB as the body which serves as the vehicle for a prisoner to process an application for pardon the legislature did not endow or diminish the power of clemency bestowed to the Governor alone by the 1970 Illinois Constitution. The IPRB’s role in processing clemency petitions is ministerial. The fact the IPRB makes non-binding recommendations for the Governor’s review does not empower the IPRB to participate in the governor’s exercise of constitutional clemency power to issue or deny. The IPRB’s clemency recommendations do not limit nor direct the Governor’s removal power. The Governor is free to accept or reject the recommendation or not take any action. 730 ILCS 5/3-3-13(e). Making a recommendation to the Governor is not the exercise of executive power.

During Convention debate on what would become Article V, Section 12, the following discussion occurred:

Mr. J. Parker: The General Assembly has authority to act on the question of parole, but they would not have any effect on the governor's exercise of his power of granting pardons . . .

Mr. Friedrich: The governor could now and can pardon everyone in Stateville, including those in death row, and can continue to do it under this [constitution]. He has complete authority in this area.

3 Record of Proceedings, Sixth Illinois Constitutional Convention 1332 (May 28, 1970) (providing verbatim transcripts of the convention).

Executive clemency, pardon, or commutation of sentence is power held solely by the Governor, and is not shared by the IPRB. As permitted by the Constitution, the legislature tasked the IPRB to provide the procedure by which requests for clemency can be brought before the governor. The IPRB is tasked by the legislature to take applications, gather information, conduct hearings, and make a non-binding advisory recommendation to the Governor on whether to grant or deny clemency, pardon, or commutation of a sentence.

Illinois courts have interpreted the clemency provision in line with the view of its drafters, consistently holding that the governor's power to grant clemency after conviction is exclusive and not subject to limitation by the legislature or the courts. "We grant that the power to grant reprieves, commutations and pardons is vested exclusively in the Governor, and cannot be usurped by the legislature or this court." *People ex rel. Gregory v. Pate*, 31 Ill.2d 592, 595 (1964). Such power is subject only to the limitation that the legislature may establish the manner of applying therefor. *People ex rel. Symonds v. Gualano*, 124 Ill.App.2d 208, 220 (1st Dist. 1970) citing *People ex rel. Smith v. Jenkins*, 325 Ill. 372, 156 N.E. 290 (1927). The IPRB has no role in the exercise of executive clemency power, rather it provides a process by which clemency petitions are placed before the governor. 730 ILCS 5/3-3-13(a); 20 Ill. Admin. Code §1610.180(a).

The IPRB has no power to require the governor to act on a petition for clemency, nor does the governor have to give any weight to the IPRB recommendation should he decide to address a clemency petition.

The Governor exaggerated the scope of the IPRB's role by as an "advisor." The Annual Report of the Prisoner Review Board evidences the Board's function is defined by quasi-judicial duties. In its Annual Report the Board characterizes its role as "a quasi-judicial entity that makes decisions concerning adult and juvenile prisoner inmate matters." The number of quasi-judicial hearings dwarf clemency petitions processed. In 2015 the Board deliberated in over 43,500 parole and juvenile hearings while processing only 559 Executive Clemency hearings for the Governor's review equating to less than 1.4% of the Prisoner Review Board hearings in 2015 involved processing clemency petitions. See "*State of Illinois Prisoner Review Board, 39th Annual Report*" pgs. 4, 7 (2015) <https://www.illinois.gov/prb/Documents/prb15anlrpt.pdf>.

The Appellate Majority posited: "Unlike the Board of Elections and the Industrial Commission, there is no indication that the legislature intended the IPRB to be a neutral, bi-partisan board whose duties require absolute freedom from the Executive branch." Op.22. As *Lunding* granted judicial review in relation to the Governor's removal of a member of the Board of Elections, which is an executive branch agency, there is no requirement that the availability of judicial review of the grounds of removal must be predicated on "absolute freedom from the Executive branch."

The Appellate court limits availability of judicial review provided by *Lunding* to governmental bodies which were created to have "absolute freedom from the Executive branch." Independence does not equate to having absolutely no relationship with the

Executive branch. The fact the IPRB is assigned by statute to aid the Governor's exercise of clemency powers does not justify a conclusion that the legislature did not provide the IPRB with the independent stature required to fairly discharge its quasi-judicial duties. This fact is demonstrated by the IPRB's relationship to the Department of Corrections. The IPRB was established by the legislature to be independent of the Department of Corrections. 730 ILCS 5/3-3-1(a). The IPRB remains independent of the Department of Corrections despite its role as a board of review for the Department's revocation of inmates' good-conduct credits. *Lucas v. Taylor*, 349 Ill.App.3d 995, 1001 (4th Dist. 2004); 730 ILCS 5/3-3-1(a)(2) (West 2002). Just as the IPRB involvement with the Department of Corrections by reviewing revocation and restoration of good-conduct credits does not place the IPRB under the control or influence of the DOC, the fact "the IPRB acts as an agent of the executive branch... in the exercise of traditional [clemency] executive power" does not support the majority's finding that the IPRB was not created to act independently in carrying out its quasi-judicial functions. Op. at ¶28.

*Lunding* adopted the view expressed in *Humphrey's* and *Wiener* that the "most reliable factor for drawing an inference regarding the constitutional power of removal... is the nature of the function that Congress vested in the agency the removed appointee served." *Lunding*, 65 Ill.2d at 524. Members of the IPRB exercise no power vested by the Illinois Constitution in the Governor. The IPRB is the legislature's creation and exercises authority conferred by the enabling legislation, not from the Executive branch. The tasks performed by the IPRB are independent of those performed by the Governor. No advice and consent role exists between the Governor and the IPRB. As noted in *Humphrey's Executor* with regard to Congressional creation of the Federal Trade Commission: "Such

a body cannot in any proper sense be characterized as an arm or an eye of the executive. Its duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control.” *Humphrey’s Executor*, 295 U.S. at 628. Unlike the postmaster in *Myers v. United States*, whose duties were solely executive, the Supreme Court held that because the Federal Trade Commission carried out quasi-judicial functions the President’s cause of removal of Commissioners was subject to review. *Id.* An officer with solely executive duties “is merely one of the units in the executive department and, hence, inherently subject to the exclusive and illimitable power of removal by the Chief Executive, whose subordinate and aid he is.” *Id.* at 627. “Congress did not wish to have hang over the Commission the Damocles’ sword of removal by the President for no reason other than that he preferred to have on that Commission men of his own choosing.” *Wiener*, 347 U.S. at 356.

Contrary to the Governor’s depiction of the role of the Prisoner Review Board as a tool of the executive, it is well settled the Prisoner Review Board is a quasi-judicial creature of statute and receives its authority from the General Assembly, not the executive. “That a state has no duty to establish a parole system is well-established in Illinois.” *Harris v. Irving*, 90 Ill.App.3d 56, 61 (5th Dist. 1980). In Illinois, the Prisoner Review Board’s authority is granted by the General Assembly, and it is in nature a gift that can be changed at the discretion of the legislature. *Id.*, at 62. “It is clear that ‘parole is a part of the legislative function of establishing a penological system and providing rules to govern the care and discipline of inmates. Parole does not end or in any way affect the prisoner’s sentence but is a correctional device authorizing the service of the sentence outside the penitentiary.’” *Id.* The Prisoner Review Board’s primary function is to grant

or deny parole then set conditions for such parole if granted among the numerous other quasi-judicial duties provided by the general assembly.

**GRANTING JUDICIAL REVIEW OF GOVERNOR RAUNER'S REMOVAL OF GREGG FROM THE IPRB DOES NOT CONSTITUTE A VIOLATION OF SEPARATION OF POWERS PRINCIPLES**

Article 2, Section 1 of the 1970 Illinois Constitution provides for separation of powers between the branches of government: "The legislative, executive and judicial branches are separate. No branch shall exercise powers properly belonging to another." Article 2 declares some principles regarding the powers of the state government and of its parts in relation to one another. These fundamental principles of separation of powers have existed in the governments of the United States and all the states from the earliest times. Illinois courts have often said that it does not prohibit all exercises by one branch of the kinds of powers usually found in other branches. See *City of Waukegan v. Pollution Control Bd.*, 57 Ill.2d 170, 311 N.E.2d 146 (1974); *People v. Bainter*, 126 Ill.2d 292, 533 N.E.2d 1066 (1989). But separation of powers prohibits any of the three branches from coercing or controlling the actions of another. *City of Waukegan*, 57 Ill.2d at 175.

In *Free Enterprise Fund* the Supreme Court confirmed judicial review of the President's removal grounds of an appointed member serving on a quasi-judicial, executive branch agency does not violate the separation of powers principle. *Free Enterprise Fund*, 561 U.S. at 486. The Court noted the separation-of-powers principle does not grant the President an absolute authority to remove *any and all* Executive Branch officials at will. Rather, Congress, in consideration of the nature of the office, its function, or its subject matter, may, consistent with the Constitution, limit the President's

authority to remove an officer from his post. *Id.* at 516 (citing *Humphrey's Executor*, 295 U.S. 602, overruling in part *Myers*, *supra*). In relation to application of the separation of powers provision to the judicial review granted in *Humphrey's Executor*, the Court confirmed that "the essence of the decision in *Myers*" which prevented review of the President's grounds for removal of the Postmaster, was the principle that the Constitution prevents Congress from '*draw[ing] to itself . . . the power to remove or the right to participate in the exercise of that power.*'" *Free Enterprise Fund*, 561 U.S. at 486. Separation-of-powers jurisprudence focuses on the danger of one branch's *aggrandizing its power* at the expense of another branch" (emphasis added). *Id.* citing *Morrison v. Olson*, 487 U.S. 654, 686 ("The analysis contained in our removal cases is designed *not to define rigid categories* of those officials who may or may not be removed at will by the President," but rather asks whether, given the "functions of the officials in question," a removal provision "interfere[s] with the President's exercise of the 'executive power'"); *Humphrey's Executor*, 295 U.S. 602 (1935) (upholding statute where such aggrandizing was absent); *Wiener*, 357 U.S. 349 (1958); *Myers*, *supra*, (striking down statute where Congress granted *itself* removal authority over Executive Branch official).

In *Nixon v. Administrator of General Services*, the Supreme Court made clear that the separation of powers clause analysis relies on "determining whether the Act disrupts the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions." *Nixon v. Administrator of General Services*, 433 U.S. 425, 443 (1977). The Court said the same in *Morrison*, where it upheld a restriction on the President's removal power. *Morrison*, 487 U.S. at 691 ("[T]he real question is whether



the removal restrictions are of such a nature that they impede the President's ability to perform his constitutional duty, and the functions of the officials in question must be analyzed in that light"). Separation of powers analysis in Illinois jurisprudence utilizes the same principles. *City of Waukegan*, 57 Ill.2d 170 (1974).

Gregg's judicial review of his removal from the IPRB by Governor Rauner does not violate the principle of separation of powers embodied in the Illinois constitution. Gregg sought judicial review after Governor Rauner exercised his removal power. Judicial review neither interfered with Governor Rauner's exclusive power to remove governor appointees nor does judicial review *aggrandize* removal power to the judicial branch.

**POST-LUNDING AMENDMENTS TO THE UNIFIED CODE OF CORRECTIONS SUPPORT THE CONCLUSION THAT THE LEGISLATURE INTENDED THAT THE GOVERNOR'S REMOVAL OF AN IPRB APPOINTEE FOR CAUSE WOULD BE JUDICIALLY REVIEWABLE**

730 ILCS 5/3-3-1(c) allows the Governor to remove any member of the IPRB for specific causes of "incompetence, neglect of duty, malfeasance or inability to serve." 730 ILCS 5/3-3-1(c) (West 2014). With the exception of the words "inability to serve", the statutory causes enumerated in the statute which permit the Governor to remove an IPRB board member mirror those of Ill. Const. 1970, art. V, § 10 ("remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor"). It is reasonable to infer the legislature, being cognizant of the *Lunding*, grafted into the empowering legislation the specific causes which authorize the Governor to remove an appointee as set out in the 1970 Illinois Constitution. By amending the statute to incorporate the express constitutional causes discussed in *Lunding* the legislature assured that the members of the IPRB, which the legislature intended to be an

independent quasi-judicial body, would be afforded judicial review of the grounds employed by the Governor to affect removal of an IPRB member.

Prior to January 11, 1989, the effective date of P.A. 85-1433 which amended the last sentence of subsection (c) the statute, provided the Governor with removal authority for “cause shown.” *See* 730 ILCS 5/3-3-1(c) Historical and Statutory Notes (West 2017).

“Where statutes are enacted after judicial opinions are published, it must be presumed that the legislature acted with knowledge of the prevailing case law.” *Exelon Corp. v Ill Dept of Revenue*, 376 Ill.App.3d 918, 922 (1st Dist. 2007) quoting *Burrell v. Southern Truss*, 176 Ill.2d 171, 176 (1997). Illinois law has long recognized that an amendment to an unambiguous statute indicates a legislative intention to change the law, and it is presumed that every amendment is made for some purpose; courts must give effect to the amended law in a manner consistent with the amendment. *Kosglad v Porcell* 132 Ill.App.3d, 1081, 1086 (1985) citing *People v Youngbey* 82 Ill.2d 556, 563 (1980).

**THE GOVERNOR’S ARGUMENT THAT HIS CAUSE FOR EXERCISING CONSTITUTIONAL REMOVAL POWER IS ENTITLED TO “SUBSTANTIAL DEFERENCE” SUCH THAT A JUDICIAL REVIEW OF THE CAUSE SHOULD NOT BE LIMITED TO THE PLAIN MEANING OF THE GROUNDS FOR REMOVAL SPECIFIED IN THE CONSTITUTION AND STATUTE IS WITHOUT LEGAL SUPPORT.**

The Trial Court’s Judgment Declaring Rights concluded that “Plaintiff was wrongfully terminated by the Defendant from his appointment to the Illinois Prisoner Review Board” the declaration was based on the trial court’s finding that the evidence clearly demonstrated: “the Defendant was factually incorrect in his determination that, for the reasons he stated, Plaintiff’s Statement of Economic Interests was false. Further, Plaintiff’s bankruptcy filing does not equate to malfeasance, neglect of duty, or incompetence.” *See* Judgment Declaring Rights at Pg. 6-7. The trial court properly

applied the language contained in the Illinois Constitution and the enabling statute for the Illinois Prisoner Review Board in coming to its decision that removal was improper. The Illinois Constitution provides that, “The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor,” and the Illinois Prisoner Review Board statute states, “Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.” See Ill. Const. Art. V. Sec. 10; *see also* 730 ILCS 5/3-3-1 (c).

Having no factual basis in the evidence to argue Gregg committed acts which constitute cause for removal (acts of malfeasance, neglect of duty or incompetence in the discharge of his Board duties) the Governor claims his decision to remove for any cause is entitled to “substantial deference,” and should not be “reversed unless it is arbitrary, unreasonable, or unrelated to the requirements of service.” *See* Appellant’s Brief at Pg. 22. The Governor seeks to breathe life back into the *Wilcox* rule by employing “magic words” with no factual basis.

Defendant cites *Kosoglad v. Porcelli*, 132 Ill.App.3d 1081 (1st Dist. 1985) in support of an argument that the Governor is to be given deference to remove appointed board members for any rationale cause; there is no support there. *See* Appellant's Brief at pg. 22. In *Kosoglad*, a member of the Board of Fire and Police Commissioners was removed by the Village Board upon a majority vote. *Id.* at 1085. The applicable removal statute and village ordinance in *Kosoglad* provided:

Members [of the Board of Fire and Police Commissioners] shall not be subject to removal, **except for cause**, upon written charges, and after an opportunity to be heard within 30 days in his or her own defense, before a regular meeting of the governing body of the municipality for which they have been appointed. A majority vote of the elected members of such governing body shall be required to remove any such member from office.

See Id. at 1085.

The Appellate Court noted “cause” was not defined by the statute, therefore, the “local governing body” had broad discretion in defining the adequacy of cause sufficient to support removal. The *Kosoglad* case is simply not applicable where the Governor’s power of removal is expressly limited to specific cause set out in both the Constitution and applicable statute.

The broad “for cause” language discussed in *Kosoglad* which afforded the village board discretion to define the type of conduct that would constitute sufficient cause to remove a Commissioner cannot be equated to the specific language of the Illinois Constitution and empowering statute which condition the Governor’s removal power to acts constituting neglect of duty, incompetence, or malfeasance in office. *See*: Ill. Const. Art. V. Sec. 10 and 730 ILCS 5/3-3-1(c). It cannot reasonably be argued that language allowing removal based on acts constituting “neglect of duty, incompetence, or malfeasance in office” can be ignored as superfluous on judicial review because the Governor should be granted “substantial deference”.

**DE NOVO REVIEW OF THE RECORD REVEALS THE TRIAL COURT’S DECLARATION OF RIGHTS WAS PREMISED EXCLUSIVELY ON THE PARTIES’ STIPULATION OF FACTS AND THE UNDISPUTED TESTIMONY OF A WITNESS WHOSE CREDIBILITY WAS NOT AT ISSUE.**

After bench trial, the trial court reaffirmed that its application of the analytical framework established in *Lunding v. Walker*, 65 Ill.2d 516 (1976) permitted judicial review of Governor Rauner’s stated grounds for removal of Gregg from the IPRB. After considering the evidence presented at trial the trial court entered a declaratory judgment that the removal was not supported by any of the requisite causes allowing the exercise of

the Governor's removal authority under sec. 10, Art. V of the 1970 Illinois Constitution or the Unified Code of Corrections. 730 ILCS 5/3-3-1(c).

The court relied on the analytical approach utilized in post-*Lunding* cases where identical definitions of cause were examined. *Johnson v. Macon County Board*, 104 Ill.App.3d 885, 433 N.E.2d 707 (4<sup>th</sup> Dist. 1982); *Maddox v. Williamson County Board of Commissioners*, 131 Ill.App.3d 816, 475 N.E.2d 1349 (5<sup>th</sup> Dist. 1985); and *Black's Law Dictionary*. *Johnson* reviewed the removal of a county supervisor of highways for neglect of duty and malfeasance under a statute that conditioned removal for "incompetence, neglect of duty or malfeasance in office." Ill.Rev.Stat.1987, ch.121, 5-201. The court recognized the acts supporting removal had to be intentional and must relate to the discharge of official duties:

The general rule seems to be that to warrant the removal of an officer for malfeasance in office, the malfeasance must have direct relation to, and be connected with, the performance of official duties, and amount to willful and intentional neglect and failure to discharge the duties of the office.... It also appears that malfeasance, as a ground for removal of a public officer, generally must have reference to evil conduct or an illegal deed or the performance of an act by an officer in his official capacity that is wholly illegal and wrongful... that to constitute sufficient neglect of duty to justify removal, the neglect of duty must be a substantial failure to perform the official duties of the office.

*Johnson*, 433 N.E.2d at 711-712 (citing 63 Am.Jur.2d Public Officers and Employee sec. 190 (1972)); *see also*, *Maddox v. Williamson County Board*, 475 N.E.2d 1349, 131 Ill.App.3d 816, 86 Ill.Dec. 782 (5<sup>th</sup> Dist. 1985).

In *Maddox*, the trial court's review of the grounds for termination of an appointed tax assessor resulted in a finding the stated conduct failed to satisfy the statutory criteria for cause:

[T]he trial court determined, from the facts before it on review of the Board's order of dismissal, that none of the five reasons stated for

plaintiff's dismissal could be legally construed to be malfeasance in office . . . We agree with this assessment since the plaintiff's conduct did not any way involve evil wrongdoing or illegal activity in connection with the duties of her office . . . to constitute 'neglect of duty' sufficient to warrant removal from office, the conduct complained of must have been a substantial failure to perform the official duties of the office . . . 'Malfeasance', as a ground for removal of a public officer, generally must have reference to evil conduct or an illegal deed or the performance of an act by an officer in his official capacity that is wholly illegal or wrongful.

*Id.* at 1355 citing *Johnson v. Macon County Board*, 104 Ill.App.3d 885 (4<sup>th</sup> Dist. 1982).

The trial court relied on the stipulation of the parties to determine whether the stated grounds for removal satisfied the elements of cause set out by the legislature and the constitution. Based on the stipulation of facts the trial court rejected as factually inaccurate the Governor's accusation that Gregg's Statement of Economic Interest signed in May 2012 for the reporting year 2011 was false for failing to list a gift he received in the year 2012. The Statement of Economic Interest challenged as false was filed in 2013 but had been prepared in May 2012 reporting Gregg's interest from the year 2011. The trial court correctly found from the evidence that the Governor's accusation that the Statement was false was "simply inaccurate and does not form the basis of removal." The failure to file a Statement of Economic Interest for the year 2012 (though not expressly stated as grounds for removal in the Governor's termination letter) also failed to provide a legally sufficient basis for removal. The trial court noted the stipulation of the parties that neither the Secretary of State nor any other agency has notified Plaintiff of his failure to file for 2012 as a result, pursuant to 5 ILCS 420/4a-105(c), Gregg could not legally be removed from office for failure to file a Statement of Economic Interests for the 2012 reporting year. The statute requires that removal based on non-filing of the Statement of Economic Interest cannot occur unless and until the person who is required to file is

notified by certified mail from the Secretary of State of such failure and more than thirty (30) days lapses thereafter without the filing the Statement. 5 ILCS 420/4a 105(c).

The court found no basis in the evidence to support the Governor's allegation that Gregg had intentionally filed a false bankruptcy form:

"In respects to the bankruptcy documents, Plaintiff's bankruptcy attorney testified it was he who made the error on form 22C-1 by placing the income from Plaintiff's wife into the column which reflected Plaintiff's income...Brad Olson testified the filing was done by him electronically by interesting into his computer the information concerning Plaintiff's income and his wife's income...Mr. Olson testified it was inconsequential to the bankruptcy court whether such income was place in Plaintiff's column of his wife's column since the family's income was considered as a whole. The mistake, however, was his and not Plaintiff's...When the mistake was brought to his attention, he corrected it by filing an amended form 22C-1." C415.

Gregg's bankruptcy attorney, Brad Olson, testified that in two other sections of the bankruptcy filing the income of Gregg's wife was correctly assigned to her. Based on the stipulation of fact and credible testimony, the trial court properly found the bankruptcy form had no connection to the discharge of Gregg's duties on the Prisoner Review Board and, though it contained an inadvertent scrivener's error made by the bankruptcy attorney in the bankruptcy schedule, did not constitute malfeasance, incompetence or neglect of duty. Moreover, as the trial court noted constitutional grounds for removal require acts that have a nexus with the duties of office and clearly, the filing of a bankruptcy has no relationship to the execution of Gregg's duties as an IPRB member. C415. See: *Maddox v. Williamson County Board*, 475 N.E.2d 1349, 131 Ill.App.3d 816, 86 Ill.Dec. 782 (5<sup>th</sup> Dist. 1985).

### CONCLUSION AND PRAYER FOR RELIEF

Eric Gregg, prays this court reverse the Appellate Court decision which held the removal of Petitioner from the IPRB is not judicially reviewable; and affirm the trial court Judgment Declaring Rights that Governor Rauner did not have constitutional or statutory cause to remove Eric Gregg from the Illinois Prisoner Review Board or, alternatively, to reverse the Appellate Court and remand the case to the Appellate Court with directions.

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**CERTIFICATE OF COMPLIANCE**

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under rule 342(a) is 38 pages.

WINTERS, BREWSTER, CROSBY and SCHAFER LLC

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**CERTIFICATE OF MAILING**

I hereby certify that on the 22<sup>nd</sup> day of February, 2018, I electronically filed the Brief of Petitioner, Eric Gregg, with the Clerk of the Supreme Court using the electronic filing system which will send notification of such to the following, and also via email:

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Thomas F. Crosby

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NOTICE  
Decision filed 09/08/17. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2017 IL App (5th) 160474

NO. 5-16-0474

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

---

ERIC E. GREGG,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Saline County.
	)	
v.	)	No. 15-L-29
	)	
BRUCE RAUNER, Governor of Illinois,	)	Honorable
	)	Todd D. Lambert,
Defendant-Appellant.	)	Judge, presiding.

---

JUSTICE WELCH delivered the judgment of the court, with opinion.  
Justice Barberis concurred in the judgment and opinion.  
Justice Overstreet dissented, with opinion.

### OPINION

¶ 1 The plaintiff, Eric Gregg, filed a complaint against the defendant, Illinois Governor Bruce Rauner (Governor Rauner), to challenge his removal from the Illinois Prisoner Review Board (IPRB). Governor Rauner moved to dismiss the complaint, arguing, in pertinent part, that his decision to remove Gregg from the IPRB was not judicially reviewable. The trial court denied the motion to dismiss, finding that Governor Rauner's decision was reviewable under the Illinois Supreme Court's decision in *Lunding v. Walker*, 65 Ill. 2d 516 (1976), because the IPRB is a quasi-judicial board, independent from the executive branch. Following a trial on Gregg's complaint, the court concluded that Gregg was wrongfully

terminated and entered an injunction prohibiting Governor Rauner from interfering or preventing Gregg from exercising his appointed duties with the IPRB and barring Governor Rauner from appointing Gregg's replacement. For the reasons that follow, we reverse and remand for further proceedings.

¶ 2 In May 2012, Governor Patrick Quinn nominated Gregg to be a member of the IPRB. At that time, the Governor's office provided Gregg with a statement of economic interests form to complete, which related to his income and any gifts he had received in 2011. On May 20, 2012, Gregg returned the completed form in which he wrote "None" in the space provided to identify any gift valued over \$500.

¶ 3 Gregg was not appointed to the IPRB until April 26, 2013, because he was recovering from an illness. Upon his appointment, the Governor's office filed his May 2012 statement of economic interests form with the Illinois Secretary of State's office. He did not complete a statement of economic interests form for calendar year 2012.

¶ 4 In September 2013, during Governor Quinn's administration, Charles Will notified a senior legal advisor in the Illinois Department of Corrections that Gregg had failed to list income and a gift received on his statement of economic interests form. According to Will, Gregg had received a medical lift chair as a gift on April 4, 2013, which was not reported on his statement of economic interests form. Ken Tupy, the IPRB's legal counsel at the time, investigated these complaints, but neither the IPRB nor the Governor's office took any action. On November 7, 2013, the Illinois Senate approved Gregg's appointment for a six-year term to end on January 21, 2019.

¶ 5 On December 8, 2014, Gregg filed for Chapter 13 bankruptcy. On December 22, 2014, his bankruptcy attorney filed a form entitled “Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period,” which indicated that Gregg had received a net monthly income of \$4027 from operating a business. Gregg signed the document under penalty of perjury, declaring that the information on the form was true and correct.

¶ 6 Tupy received a letter from a Belleville News-Democrat reporter, inquiring as to whether the \$4027 net income listed on Gregg’s bankruptcy filing constituted a violation of section 3-3-1(b) of the Unified Code of Corrections (730 ILCS 5/3-3-1(b) (West 2014)), which prohibits IPRB members from engaging in any other business or employment.

¶ 7 In August 2015, Gregg’s attorney filed an amended Chapter 13 statement of current monthly income form, which attributed the monthly business income to Gregg’s wife. On September 16, 2015, Gregg received a letter from Jason Barclay, General Counsel for the Governor’s Office, informing him that the Governor’s office had received complaints that he had violated the terms of his appointment by receiving outside income and by filing an inaccurate statement of economic interests form.

¶ 8 On September 20, 2015, Gregg sent a letter to Barclay, explaining that his bankruptcy was triggered due to delinquent medical bills, that his bankruptcy attorney had inadvertently placed his wife’s business’s income in “[his] column” on the bankruptcy filing, and that his attorney had acknowledged the clerical error and had filed an amended form to correct the error. The letter also addressed the allegations that he had filed an inaccurate statement of economic interests form. Specifically, the letter explained that a community fundraiser was

held on his behalf to offset the cost of his medical bills; that the raised funds were placed in an account with a local church, and he did not have access to the account; that he did not know how much each person had contributed; that the statement of economic interests form was completed on May 20, 2012, during his illness and recovery but before he received the medical lift chair as a gift; and that the information from the Belleville News-Democrat appeared to be supplied by an individual who was terminated from his city employment while Gregg was mayor.

¶ 9 On October 2, 2015, Governor Rauner terminated Gregg's appointment with the IPRB for malfeasance or complete incompetence and neglect of duty, explaining that Gregg's response acknowledged and constituted an admission that he had filed a false statement under oath in federal bankruptcy proceedings and that his 2012 statement of economic interests form—which included a verification that the information contained therein was true, correct, and complete—was incorrect.

¶ 10 Gregg then filed a complaint, seeking a declaration that his removal was not for cause and requesting an injunction reinstating him. Governor Rauner filed a motion to dismiss the complaint, arguing, among other things, that his decision to remove Gregg from the IPRB was not judicially reviewable because the IPRB is part of the executive branch of government and his decisions with respect to boards under this authority are not subject to judicial review. On June 9, 2016, the trial court entered an order by docket entry, finding that Governor Rauner's decision to remove Gregg was reviewable under the Illinois Supreme Court's decision in *Lunding v. Walker*, 65 Ill. 2d 516 (1976), because the IPRB, though a

part of the executive branch, is a quasi-judicial board that is independent of the executive branch.

¶ 11 Following the trial held on Gregg's complaint, the trial court entered a written order on September 26, 2016, reiterating its previous decision that Governor Rauner's decision to remove Gregg from the IPRB was judicially reviewable and concluding that Gregg was wrongfully terminated because his conduct did not constitute malfeasance, neglect of duty, or incompetence and, thus, did not amount to "cause" under article V, section 10, of the Illinois Constitution (Ill. Const. 1970, art. V, § 10) or section 3-3-1(c) of the Unified Code of Corrections (730 ILCS 5/3-3-1(c) (West 2014)). Governor Rauner appeals.

¶ 12 On appeal, Governor Rauner argues that his decision to remove Gregg from the IPRB is not judicially reviewable. Alternatively, he argues that Gregg's removal for cause was valid. Because we conclude that the Governor's removal authority is not judicially reviewable, we need not address Governor Rauner's alternative argument.

¶ 13 The Illinois Constitution grants the Governor the authority to nominate and, with the advice and consent of the Illinois Senate, to appoint "all officers whose election or appointment is not otherwise provided for." Ill. Const. 1970, art. V, § 9(a). The Governor also has the authority to "remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." Ill. Const. 1970, art. V, § 10. Also, the statute creating the IPRB allows the Governor to remove any member "for incompetence, neglect of duty, malfeasance or inability to serve." 730 ILCS 5/3-3-1(c) (West 2014).

¶ 14 The Illinois Supreme Court set forth the general rule that once the Governor has determined that he has a basis to remove someone for incompetence, neglect of duty, or



malfeasance, separation of powers prohibits the courts from questioning the Governor's determination of cause. *Wilcox v. People ex rel. Lipe*, 90 Ill. 186, 205 (1878). In making this decision, the court noted that not only does the Illinois Constitution divide the three distinct branches of government, but it also expressly prohibits the exercise of any of the power properly belonging to one by either of the others. *Id.*

¶ 15 In *Lunding*, the supreme court revisited the *Wilcox* decision in light of the 1970 Illinois Constitution<sup>1</sup> and concluded that a member of a board that required complete independence from executive control to perform his quasi-judicial obligations is entitled to seek judicial review of the Governor's exercise of his constitutional removal authority. *Lunding*, 65 Ill. 2d at 518, 527-28. There, plaintiff, who was a member of the State Board of Elections (Board of Elections), which is charged with the supervision of election laws and administration of registration, was removed from his part-time appointed position by the Governor for "neglect of duty." *Id.* at 518, 527-28. The court analogized a trilogy of federal cases<sup>2</sup> that defined the limits of the President's removal power and determined that the Governor should have greater discretion to remove an official "[w]ithin the executive branch itself" than those whose tasks require absolute freedom from executive control. *Id.* at 523-24.

¶ 16 The court concluded that, because of the unique character of the Board of Elections, the Governor could only remove a board member for cause and that the determination of the

<sup>1</sup>The removal provision set forth in the 1970 Illinois Constitution was carried over from the 1870 Constitution with only minor changes. The delegates at the 1970 Constitutional Convention recognized the *Wilcox* rule when determining the Governor's removal authority.

<sup>2</sup>The three federal cases discussed by *Lunding* are *Myers v. United States*, 272 U.S. 52 (1926), *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), and *Wiener v. United States*, 357 U.S. 349 (1958).

adequacy of cause is judicially reviewable. *Id.* at 518-19. In support of its decision that the Governor's removal power should not be absolute, the court examined the constitutional debates at the 1970 Constitutional Convention where the delegates discussed the creation of the Board of Elections. *Id.* at 526-27. The court found that the delegates contemplated that the Board of Elections would be a highly independent board and not amenable to political influence or discipline in the discharge of their official duties. *Id.* at 527. In other words, the court concluded that the Board of Elections was to be nonpartisan and neutral because the integrity of the election process required neutrality in the administration of elections. *Id.* at 526-27.

¶ 17 The court further noted that the Board of Elections—unlike most other State agencies, boards, and commissions—is constitutionally mandated and that the Illinois Constitution requires that no political party shall have a majority of members on the Board of Elections. *Id.* at 526. The court concluded that if the *Wilcox* holding were extended and applied to the removal of the Board of Elections' members, “the political independence of that body envisioned by the delegates to the constitutional convention and sought to be achieved by the legislature would be jeopardized.” *Id.* at 527. The court recognized the *Wilcox* rule and reiterated that the Governor's judgment to remove an appointed officer would not be subject to judicial challenge where the removed executive officer was directly responsible to the Governor. *Id.* at 525-27. However, where the appointed officer needed independence to discharge quasi-judicial duties, cause for removal was judicially reviewable. *Id.* Accordingly, the court concluded that, because the Board of Elections was constitutionally mandated and politically independent, the Governor could remove its members only for cause and that the

decision of what constituted cause was judicially reviewable. *Id.* at 527-28. The court limited its holding to “this particular factual setting.” *Id.* at 529.

¶ 18 Applying the *Lunding* exception, the court in *Ford v. Blagojevich* concluded that members of the Illinois Industrial Commission (Industrial Commission) are entitled to the same protection from removal at the Governor’s whim as members of the Board of Elections. *Ford v. Blagojevich*, 282 F. Supp. 2d 898, 905 (C.D. Ill. 2003). The court concluded that, although the Industrial Commission is not constitutionally mandated, the legislative act establishing it indicates an intention to create a neutral, bipartisan board whose duty is to administer the Worker’s Compensation Act. *Id.* The court noted that the Industrial Commission has a balance of membership politically and that it is charged with reviewing arbitrator decisions in worker’s compensation cases, which requires it to assess witness credibility, resolve conflicts in evidence, weigh evidence, draw reasonable inferences from the evidence, and determine questions of fact. *Id.* Thus, the court concluded that because “political independence was the primary factor” the *Lunding* court relied upon and those “same strong considerations for political independence” exist in the case before it, the Industrial Commission members can only be removed for cause, and a Governor’s removal decision is subject to judicial review. *Id.*

¶ 19 Here, finding *Lunding* dispositive, the trial court concluded that members of the IPRB are entitled to the same protection from removal as the members of the Board of Elections and that Governor Rauner’s decision to remove Gregg for cause was subject to judicial review. We disagree.

¶ 20 Like the Industrial Commission, the IPRB is not constitutionally mandated. Section 3-3-1 of the Unified Code of Corrections (730 ILCS 5/3-3-1 (West 2014)) establishes the IPRB, and the procedures employed by the IPRB in carrying out their duties are set forth in section 1610.10 of the Illinois Administrative Code (20 Ill. Adm. Code 1610.10 *et seq.* (2014)). The IPRB is independent of the Department of Corrections and consists of 15 members appointed by the Governor with advice and consent of the Senate. 730 ILCS 5/3-3-1(a), (b) (West 2014). The members must have five years of actual experience in one or a combination of the enumerated fields, which include penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, and other behavioral sciences. 730 ILCS 5/3-3-1(b) (West 2014). At least six of the appointed members must have at least three years experience in “juvenile matters.” 730 ILCS 5/3-3-1(b) (West 2014). No more than 8 of the 15 IPRB members may be members of the same political party. 730 ILCS 5/3-3-1(b) (West 2014).

¶ 21 The IPRB’s primary functions consist of the following: being the paroling authority for sentenced persons, the board of review for revocation of sentence credit cases or reduction in credit cases, the board of review and recommendation for the Governor’s exercise of executive clemency, the authority for establishing release dates for certain prisoners, the authority for setting conditions for parole and mandatory supervised release (MSR) and determining whether a violation of parole or MSR conditions warrants revocation or the imposition of other sanctions, and the authority for determining whether an aftercare release condition violation warrants revocation. 730 ILCS 5/3-3-2 (West 2014).

¶ 22 Gregg argues that the IPRB is a quasi-judicial body that requires independence from executive control to fulfill its statutory duties. We disagree. Unlike the Board of Elections and the Industrial Commission, there is no indication that the legislature intended the IPRB to be a neutral, bipartisan board whose duties require absolute freedom from the executive branch. The IPRB is authorized to set release dates for certain prisoners, and those decisions are not subject to judicial review. 730 ILCS 5/3-3-2.1(a), (h)(3) (West 2014). “The [IPRB] grants parole as an exercise of grace and executive discretion as limited or defined by the Illinois General Assembly in duly adopted legislation.” 20 Ill. Adm. Code 1610.50(a) (2014). In making parole decisions, the IPRB is not bound by strict rules of evidence, may hear witness testimony as well as testimony from the inmate, and may consider documentary evidence. 20 Ill. Adm. Code 1610.40(b) (2014).

¶ 23 Quasi-judicial proceedings adjudicate disputed facts in a particular case. *Walters v. Department of Labor*, 356 Ill. App. 3d 785, 789 (2005). Rather than an objective adjudication of the facts, the parole-release decision is a subjective determination based on the available relevant information, which is not limited to facts admitted at the parole hearing. 20 Ill. Adm. Code 1610.50(a), (b) (2014). The parole hearing is meant “to gather information and views” and “is not an adversarial proceeding.” 20 Ill. Adm. Code 1610.40(a) (2014). The parole decision differs from traditional judicial decision-making in that the decision “involves a synthesis of record facts and personal observation filtered through the experience of the decisionmaker.” (Internal quotation marks omitted.) *Harris v. Irving*, 90 Ill. App. 3d 56, 61 (1980). Thus, the IPRB’s parole decision-making authority is a policy

determination as to whether parole is justified rather than a quasi-judicial adjudication of the facts.

¶ 24 Also, regarding the IPRB's executive clemency power, the IPRB serves as a "board of review and recommendation for the exercise of executive clemency by the Governor." 730 ILCS 5/3-3-1(a)(3) (West 2014). The Governor's executive clemency powers are extremely broad and cannot be controlled by either the courts or the legislature. *People ex rel. Madigan v. Snyder*, 208 Ill. 2d 457, 473 (2004). Although the IPRB advises the Governor regarding clemency petitions, the Governor's clemency decisions are left wholly to his discretion. Once the Governor makes a decision on a clemency application, he communicates that decision to the IPRB. 730 ILCS 5/3-3-13(d) (West 2014). Thus, the IPRB acts as an advisor to the Governor, and the IPRB's relationship to the Governor in the executive clemency process establishes that it is not an independent agency but a traditional part of the executive branch.

¶ 25 Although we recognize that the IPRB does perform some quasi-judicial functions, those duties do not make the IPRB a quasi-judicial agency for which political independence is necessary for the integrity of its processes. If the exercise of some judicial functions were sufficient to fall within the *Lunding* exception, the exception would quickly subsume the *Wilcox* rule. Thus, the exercise of some quasi-judicial duties by itself is insufficient to remove the agency from *Wilcox*'s general rule of judicial nonreviewability and place it within the *Lunding* exception. "An entity with quasi-judicial powers is not, as a matter of law, a quasi-judicial body at all times." *Parrillo, Weiss & Moss v. Cashion*, 181 Ill. App. 3d 920, 926 (1989).

¶ 26 In support of his argument that the IPRB is an agency that requires complete executive independence, Gregg analogizes the IPRB to the Federal Trade Commission (Commission), which is the subject of the United States Supreme Court's decision in *Humphrey's Executor v. United States*, 295 U.S. 602 (1935). The issue in *Humphrey's* was whether the President's removal power was limited to removal for cause. *Id.* at 619. The Court evaluated the Commission's duties—which included issuing complaints, giving notice of hearings, issuing written reports, and issuing cease and desist orders—and concluded that the Commission “is an administrative body created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standard therein prescribed, and to perform other specified duties as a legislative or as a judicial aid.” *Id.* at 620, 628. Thus, the Court found that such a body could not be characterized “as an arm or an eye of the executive.” *Id.* at 628.

¶ 27 The Court further concluded that the Commission was meant to be nonpartisan; that it must, from the very nature of its duties, act with entire impartiality; that it was charged with the enforcement of no policy except the policy of law; and that its duties were neither political nor executive but predominantly quasi-judicial and quasi-legislative. *Id.* at 624. Thus, the Court concluded that the congressional intent was to “create a body of experts who shall gain experience by length of service—a body which shall be independent of executive authority, except in its selection, and free to exercise its judgment without the leave or hindrance of any other official or any department of the government.” (Emphasis omitted.) *Id.* at 625-26. Accordingly, the Court determined that no removal could be made during the

prescribed term for which the officer is appointed, except for one or more of the causes set forth in the applicable statute. *Id.* at 632.

¶ 28 The IPRB is distinguishable from the Commission because the IPRB acts as an agent of the executive branch by performing executive functions and aids in the exercise of traditional executive power. Also, the IPRB is not an agency that requires complete freedom from executive control to perform its statutory obligations. *Lunding* created a narrow exception to the *Wilcox* rule for appointed board members who required complete political independence to discharge their statutory obligations because executive influence would undermine the decisions made in the exercise of those obligations. Because the IPRB does not fall within the *Lunding* exception, we conclude that its members are removable by virtue of the Governor's removal power set forth in the Illinois Constitution (Ill. Const. 1970, art. V, § 10), and section 3-3-1(c) of the Unified Code of Corrections (730 ILCS 5/3-3-1(c) (West 2014)), and that a removal decision is not subject to judicial review.

¶ 29 For the foregoing reasons, we reverse the judgment of the circuit court of Saline County and remand for further proceedings in accordance with this decision.

¶ 30 Reversed and remanded.

¶ 31 JUSTICE OVERSTREET, dissenting.

¶ 32 For the following reasons, I respectfully dissent. The authority of the Governor to appoint members of the IPRB does not arise from section 9 of the Illinois Constitution, which involves appointments "not otherwise provided for." Ill. Const. 1970, art. V, § 9(a).



Instead, the appointment and the removal of members of the IPRB are provided for in section 3-3-1 of the Unified Code of Corrections. See 730 ILCS 5/3-3-1(b) (West 2014) (IPRB “shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate”); 730 ILCS 5/3-3-1(c) (West 2014) (“Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.”). The Governor’s authority to appoint and remove members of the IPRB is consistent with the IPRB’s role as board of review and recommendation for the exercise of executive clemency by the Governor. 730 ILCS 5/3-3-1(a)(3) (West 2014). However, this task is but one of the functions of the IPRB. Indeed, the supreme court has described the responsibilities of the IPRB as “two separate and distinct functions. One is to act as the Governor’s agent in hearing applications for executive clemency, in which the Board has no power to grant a pardon, reprieve or commutation, but merely to submit a recommendation to the Governor, who is free to accept or reject the recommendation.” *People ex rel. Abner v. Kinney*, 30 Ill. 2d 201, 205 (1964); see also 730 ILCS 5/3-3-1(a)(3) (West 2014). “The other is when it sits as an administrative body with the power to make final decisions in parole matters. The latter power has been granted it by the legislature.” *Kinney*, 30 Ill. 2d at 205; see also *Hill v. Walker*, 241 Ill. 2d 479, 486 (2011) (IPRB “is an administrative agency created by the legislature” that determines, *inter alia*, “whether an eligible inmate should be granted or denied parole”); 730 ILCS 5/3-3-1(a)(1), (1.5), (2), (4), (5) (West 2014).

¶ 33 With regard to the IPRB’s role as an administrative body with the power to make final decisions in parole matters, the legislative language reveals an intent to create an independent board that is quasi-judicial in nature, tasked with hearing and deciding parole

matters. See *People ex rel. McGee v. Hill*, 350 Ill. 129, 134 (1932) (Board of Pardons and Paroles is vested with “quasi-judicial power”); *Brown v. Duncan*, 361 Ill. App. 3d 125, 131 (2005) (“Quasi-judicial hearings are those which concern agency decisions affecting a small number of people on individual grounds based on a particular set of disputed facts that have been adjudicated.”); *Cashion*, 181 Ill. App. 3d at 926 (a quasi-judicial body exercises judgment and discretion, hears and determines facts and decisions, makes binding orders and judgments, affects personal rights of private persons, and imposes penalties). The IPRB is tasked with hearing and deciding aftercare release for juveniles adjudicated delinquent; reviewing cases involving revocation, suspension, or reduction of sentence; establishing release dates; setting conditions for parole, mandatory supervised release, and aftercare release; and determining whether a violation of those conditions warrants revocation. See 730 ILCS 5/3-3-1(a)(1), (1.5), (2), (4), (5) (West 2014); see also 730 ILCS 5/3-3-2(a)(1)-(11) (West 2014) (IPRB shall, *inter alia*, conduct hearings and decide conditions, time of discharge, and revocation of parole and mandatory supervised release; conduct hearings and impose sanctions for violations of parole, mandatory supervised release, and aftercare release; conduct hearings and decide time and conditions of aftercare release; conduct hearings and decide cases for violations of Department of Corrections rules with respect to sentence credits; and conduct hearings and decide release dates for certain prisoners). Indeed, the IPRB’s “mission is to function under statutory authority as a quasi-judicial body with a primary focus on public safety” ([www.illinois.gov/prb](http://www.illinois.gov/prb) (last visited Aug. 23, 2017)). See *Rodriguez v. Illinois Prisoner Review Board*, 376 Ill. App. 3d 429, 430 (2007) (court may take judicial notice of information department has provided on its official website). The

parole considerations before the IPRB are to be adjudicated on the merits of each claim by a body free from control or coercive influence. See *Lunding*, 65 Ill. 2d at 524.

¶ 34 Like the State Board of Elections in *Lunding* and the Industrial Commission in *Ford*, the IPRB was established to be neutral, bipartisan, and independent in the performance of its significant responsibilities. See 730 ILCS 5/3-3-1(a) (West 2014) (IPRB is independent of the Department of Corrections); 730 ILCS 5/3-3-1(b) (West 2014) (no more than 8 of 15 IPRB members may be members of the same political party). The legislative action in providing for neutral bipartisan membership on the IPRB (730 ILCS 5/3-3-1(b) (West 2014)), coupled with the awarding of specific terms to its members (730 ILCS 5/3-3-1(c) (West 2014)), are strong considerations for political independence for the IPRB. See *Lunding*, 65 Ill. 2d at 527-28; *Ford*, 282 F. Supp. 2d at 905. This need for political independence to discharge quasi-judicial duties supports the conclusion that the members of the IPRB can only be removed for cause, *i.e.*, “incompetence, neglect of duty, malfeasance or inability to serve” (730 ILCS 5/3-3-1(c) (West 2014)), and a Governor’s decision removing an IPRB member is subject to judicial review. See *Ford*, 282 F. Supp. 2d at 905; see also *Kosoglad v. Porcelli*, 132 Ill. App. 3d 1081, 1088 (1985) (because the Board of Fire and Police Commissioners, like State Board of Elections in *Lunding*, was intended by the General Assembly to be “ ‘neutral, bipartisan[,] and independent,’ ” the statutory scheme authorized judicial review of the adequacy of the cause for removal of its members). Thus, I would conclude that the adequacy of the cause for removal cited by the Governor is judicially reviewable.

2017 IL App (5th) 160474

NO. 5-16-0474

IN THE  
APPELLATE COURT OF ILLINOIS  
FIFTH DISTRICT

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ERIC E. GREGG,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Saline County.
	)	
v.	)	No. 15-L-29
	)	
BRUCE RAUNER, Governor of Illinois,	)	Honorable
	)	Todd D. Lambert,
Defendant-Appellant.	)	Judge, presiding.

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**Opinion Filed:**                      **September 8, 2017**

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**Justices:**                      Honorable Thomas M. Welch, J.

Honorable John B. Barberis, J.,  
Concurred  
Honorable David K. Overstreet, J.,  
Dissented

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<b>Attorneys for Appellant</b>	Lisa Madigan, Attorney General, State of Illinois, David L. Franklin, Solicitor General, Brett E. Legner, Deputy Solicitor General, 100 West Randolph Street, 12th Floor, Chicago, IL 60601
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<b>Attorney for Appellee</b>	Thomas F. Crosby, Winters, Brewster, Crosby, and Schafer, LLC, 111 West Main, P.O. Box 700, Marion, IL 62959
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IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT  
SALINE COUNTY, ILLINOIS

ERIC GREGG,

*Plaintiff,*

-vs-

BRUCE RAUNER, Governor of Illinois,

*Defendant.*

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No. 15-L-29



**JUDGMENT DECLARING RIGHTS**

THIS MATTER having come before the Court on the Second Amended Complaint filed herein by the Plaintiff. The Plaintiff, Eric Gregg, was present with his attorney, Thomas Crosby. The Defendant, Bruce Rauner, was represented by Assistant Attorney General Deborah Barnes. The matter proceeded to hearing on Count II of Plaintiff's Second Amended Complaint. The Court, having received testimony from witnesses and accepted exhibits into evidence, and having heard the arguments of counsel, now finds it is fully advised in the premises and rules as follows:

1. The parties have filed herein a Stipulation Of Facts. For purposes of this Judgment, the following facts, which are either contained in the Stipulation or were presented through testimony of witnesses at the hearing in this cause, are pertinent to the Court's analysis:

a) In 2012, Plaintiff was notified by then-Governor Pat Quinn of his anticipated appointment to the Illinois Prisoner Review Board (hereinafter "IPRB").

b) Thereafter, Plaintiff received a Statement of Economic Interests form from Governor Quinn's office which he completed and signed on May 20, 2012. He then returned that completed form to Governor Quinn's office.

c) On April 26, 2013, Plaintiff was in fact appointed by Governor Quinn to the IPRB. On the same date, Governor Quinn's office filed with the Secretary of State the Statement of Economic Interests completed and signed by Plaintiff on May 20, 2012.

d) Plaintiff received a lift chair and proceeds from a fund raiser in 2012. Those gifts were not listed on the Statement of Economic Interests signed by Plaintiff. Plaintiff also failed to list income he received in 2011 from Mid American Energy. Finally, Plaintiff failed to list income received by his spouse for 2011.

e) The parties agree the Statement of Economic Interests signed by Plaintiff on May 20, 2012, and filed on April 26, 2013, applied to calendar year 2011. Plaintiff was not even required to file such a form for calendar year 2011 since he was not appointed to the IPRB until 2013. Plaintiff has not filed a Statement of Economic Interests for the calendar year 2012. Plaintiff has not received any notice from the Secretary of State or any other governmental body that such a filing is required of him.

f) On November 7, 2013, Plaintiff was confirmed by the Senate as a member of the IPRB.

g) On December 8, 2014, Plaintiff filed a Voluntary Petition with the U.S. Bankruptcy Court for the Southern District of Illinois pursuant to chapter 13 of the U.S. Bankruptcy Code. In that Petition, which was signed under penalties of perjury, Plaintiff listed average monthly income from operating a business, profession or farm in the amount of \$4,027.00.

h) As a member of the IPRB, Plaintiff was prohibited from receiving income from a business or other employment pursuant to 730 ILCS 5/3-3-1.

i) In August, 2015, a downstate newspaper began making inquiries concerning discrepancies in Plaintiff's bankruptcy documents and the Statement of Economic Interests signed by Plaintiff on May 20, 2012.

j) Thereafter, Plaintiff filed an amended Form 22C-1 with the bankruptcy court on August 21, 2015. Plaintiff's attorney, Brad Olson, testified an error was made by him and his office while completing online forms for the bankruptcy filing. He testified that income that should have been attributed to Plaintiff's wife was placed in a column indicating Plaintiff's income.

k) Governor Rauner, through general counsel Jason Barclay, terminated Plaintiff from the IPRB pursuant to a letter dated October 2, 2015. In that letter, Mr. Barclay cited Plaintiff's false bankruptcy filing and the false Statement of Economic Interests as the reason for Plaintiff's termination "pursuant to Article V, Section 10 of the Illinois Constitution."

2. This Court has already determined that the decision of the Governor to remove the Plaintiff as a member of the IPRB is judicially reviewable. (See the Court's docket entry of June 9, 2016, citing *Lunding v. Walker*, 65 Ill.2d 516 (Ill. 1977)).

3. The Illinois Constitution allows a Governor to "remove for incompetency, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." Article V, §10.

4. Additionally, the statute creating the IPRB allows the Governor to remove any member from the board "for incompetency, neglect of duty, malfeasance or inability to serve." 730 ILCS 5/3-3-1(c).

5. There is no doubt that, when filed, Plaintiff's Statement of Economic Interest and original schedule 22C-1 filed with the bankruptcy court were inaccurate and not true. Whether said

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documents were intentionally false, constituted inadvertent mistakes or were the result of a gross failure to attend to detail, said documents were clearly untrue. The question for this Court is whether those documents are sufficient to form the basis for removal of the Plaintiff from the IPRB.

6. In respects to the Statement of Economic Interest, Plaintiff was not appointed to the IPRB until April, 2013. Presumably, Plaintiff's name was submitted to the Senate for confirmation at the same time, though Plaintiff was not actually confirmed until November, 2013. Therefore, Plaintiff was required to file such Statement upon his appointment to the IPRB pursuant to 5 ILCS 420/4a-105. Plaintiff did file a Statement of Economic Interests upon being appointed, but said Statement was dated May 20, 2012. When Plaintiff signed the Statement, he was required to list his interests for the preceding calendar year, or 2011. The gifts complained of by Defendant were not received by Plaintiff until calendar year 2012. Therefore, factually, one of the reasons given by the Defendant for termination - that Plaintiff's Statement was false because it failed to list gifts received by him in 2012 - is simply inaccurate and does not form the basis of removal.

Plaintiff has not filed a Statement for 2012. The parties agree neither the Secretary of State nor any other agency has notified Plaintiff of his failure to file for 2012. Pursuant to 5 ILCS 420/4a-105(c), removal from office for failure to file a Statement of Economic Interests cannot occur unless and until the person who is required to file is notified by certified mail from the Secretary of State of such failure and more than thirty (30) days lapses thereafter without filing the Statement.

Though the Statement filed by Plaintiff was false due to Plaintiff's failure to list income he received in 2011 from MidAmerican Energy as well as income his wife received that year, it was not false for the reason stated by Defendant - failure to list gifts received in 2012. Until the hearing in this matter on September 16, 2016, no mention had ever been made in this court by Defendant or his



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representatives concerning such income. The Court can therefore infer that Defendant was unaware of such income and did not state Plaintiff's failure to list the same on his Statement as a reason for his termination.

7. In respects to the bankruptcy documents, Plaintiff's bankruptcy attorney testified it was he who made the error on form 22C-1 by placing the income from Plaintiff's wife into the column which reflected Plaintiff's income. Brad Olson testified the filing was done by him electronically by inserting into his computer the information concerning Plaintiff's income and his wife's income. Mr. Olson testified it was inconsequential to the bankruptcy court whether such income was placed in Plaintiff's column or his wife's column since the family's income was considered as a whole. The mistake, however, was his and not Plaintiff's. When the mistake was brought to his attention, he corrected it by filing an amended form 22C-1.

The question therefore becomes whether Plaintiff's bankruptcy filing amounts to malfeasance, neglect of duty or incompetence.

"Malfeasance" is defined as "evil doing; ill conduct. The commission of some act which is positively unlawful. Comprehensive term including any wrongful conduct that affects, interrupts or interferes with the performance of official duties." *Black's Law Dictionary*. Clearly, based on the facts of this case, Plaintiff's filing of a false bankruptcy document is not an "evil doing" or "ill conduct." Plaintiff's attorney testified that the error was his fault and not the Plaintiff's and was a result of input error into an electronically filed document.

Further, courts have construed the meaning of "malfeasance" in a termination setting as requiring some connection or nexus with the terminated employee's employment. In *Johnson v. Macon County Board*, 104 Ill.App.3d 885, 433 N.E.2d 707 (4<sup>th</sup> Dist. 1982), the court held that in

order to remove a public employee from office for malfeasance evidence must show that the "evil conduct" occurred in the performance of an act within the employee's official capacity. Our appellate court has adopted the reasoning of *Johnson* in *Maddox v. Williamson County Board of Commissioners*, 131 Ill.App.3d 816, 475 N.E.2d 1349 (5<sup>th</sup> Dist. 1985). In other words, in order to terminate Plaintiff for malfeasance, Defendant must show that such malfeasance resulted from Plaintiff's performance of an act with the IPRB. Clearly, filing a bankruptcy document in Plaintiff's personal bankruptcy case had nothing at all to do with fulfilling his duties with the IPRB.

Both courts in *Johnson, supra* and *Maddox, supra* held that, like malfeasance, "neglect of duty" must relate to the performance of the official duties of the employee's office. Filing a bankruptcy document did not relate to Plaintiff's official duties with the IPRB.

Finally, "incompetence" generally means incapacity to perform duties, or disability preventing fulfillment of duties. Here, an error in completing an electronic form unrelated to the duties of a member of the IPRB is not incompetence under any meaning of that word.

8. In sum, the Defendant was factually incorrect in his determination that, for the reasons he stated, Plaintiff's Statement of Economic Interests was false. Further, Plaintiff's bankruptcy filing does not equate to malfeasance, neglect of duty or incompetence.

9. The Court therefore declares that the conduct of the Plaintiff upon which Defendant relied to remove him from the IPRB did not constitute cause under Article V, §10 of the Illinois Constitution or 730 ILCS 5/3-3-1(c) and such removal was not permissible for the reasons stated.

10. Plaintiff testified he has suffered the loss of his salary from the IPRB as a result of his termination. Plaintiff testified he lost \$78,027.00 in salary since his termination in October, 2015. Further, Plaintiff would have been entitled to pension contributions from the State Retirement

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System as a result of his state employment. Plaintiff has lost the right to those contributions as well.

**IT IS THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:**

A. Plaintiff was wrongfully terminated by the Defendant from his appointment to the Illinois Prisoner Review Board.

B. Plaintiff has lost his salary and pension contributions which he otherwise would have received as a result of the wrongful termination.

ENTER: SEPT. 26, 2016

  
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TODD D. LAMBERT, JUDGE

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IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT  
SALINE COUNTY, ILLINOIS

ERIC GREGG,

*Plaintiff,*

-VS-

BRUCE RAUNER, Governor of Illinois,

*Defendant.*

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No. 15-L-29

**FILED**  
SEP 28 2016

CLERK OF THE CIRCUIT COURT  
SALINE COUNTY, STATE OF ILLINOIS

**ORDER VACATING IN PART AUGUST 26, 2016 ORDER**  
**AND**  
**ORDER GRANTING PRELIMINARY INJUNCTION**

On August 26, 2016, this Court entered an Order denying Plaintiff's request for injunctive relief. The reasons for said denial were Plaintiff's failure to meet his burden to prove those things necessary to obtain said relief, namely: (1) a clearly ascertainable right in need of protection; (2) irreparable harm in the absence of injunctive relief; (3) no adequate remedy at law; and (4) a likelihood of success on the merits.

On September 16, 2016, this Court conducted a hearing on Count II of Plaintiff's Second Amended Complaint during which testimony was presented and exhibits were received. Additionally, the parties presented a Stipulation Of Facts in which they agreed upon certain facts in this matter.

Contemporaneously with this Order, the Court is entering a Judgment Declaring Rights in which the Court finds that Defendant wrongfully terminated Plaintiff from his position with the Illinois Prisoner Review Board, which caused, and is still causing, Plaintiff to lose his salary and pension benefits.

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Prior to the aforesaid hearing and receiving the testimony and exhibits received in evidence, Plaintiff had not proven a likelihood of success on the merits. Clearly, as a result of the Court's Judgment, Plaintiff was successful on the merits.

The Court finds Plaintiff has proven more than a "fair question" as to all elements necessary for injunctive relief and therefore VACATES that portion its order of August 26, 2016 which denied injunctive relief.

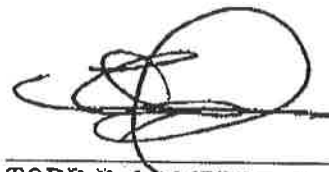
The Court GRANTS Plaintiff's request for injunctive relief and enters a preliminary injunction restraining Defendant and/or his agents from:

(1) interfering with or preventing Plaintiff from exercising his appointed duties with the Illinois Prisoner Review Board;

(2) appointing a replacement for Plaintiff as a member of the Illinois Prisoner Review Board.

**IT IS SO ORDERED**

ENTER SEPT. 24, 2016



TODD D. LAMBERT, JUDGE

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
SALINE COUNTY, ILLINOIS

ERIC E. GREGG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 15-L-29
	)	
BRUCE RAUNER, Governor of Illinois,	)	
	)	
	)	
	)	
Defendants.	)	

**STIPULATION OF FACTS**

1. That all factual findings supporting Governor Rauner's decision to terminate Mr. Gregg were expressly set forth in the October 2, 2015 termination letter of general counsel Jason Barclay. A true and correct copy of the October 2, 2015 letter is attached as Exhibit A.
2. In May of 2012, when then-Governor Quinn nominated Plaintiff to be a member of the Prisoner Review Board, the Governor's office provided Plaintiff with a Statement of Economic Interests form to complete.
3. On May 20, 2012 Plaintiff completed and returned a Statement of Economic Interests form which related to his income and gifts for the year 2011. A true and correct copy of the 2011 reporting year Statement of Economic Interests is attached as Exhibit B.
4. On April 26, 2013, then Governor Quinn appointed Plaintiff to the Illinois Prisoner Review Board, and Plaintiff immediately commenced his duties as a Board member and received salary for same.
5. On April 26, 2013 Governor Quinn appointed Plaintiff to the Illinois Prisoner Review Board, and the Governor's office filed with the Illinois Secretary of State's office the

Statement of Economic Interests form Plaintiff provided the Governor's office in May of 2012 relating to calendar year 2011. See Exhibit B.

6. The Statement of Economic Interests form filed on April 26, 2013 applied to calendar year 2011. See Exhibit B.
7. Plaintiff did not file a Statement of Economic Interests that applied to calendar year 2012.
8. On November 7, 2013, the Illinois Senate approved Eric Gregg's appointment for a six-year term to end on January 21, 2019.
9. From April 26, 2013 to October 2, 2015, Plaintiff performed his duties as a member of the Illinois Prisoner Review Board.
10. Plaintiff timely filed a Statement of Economic Interests for the reporting years 2013 and 2014.
11. That at no time after Plaintiff's appointment to the Illinois Prisoner Review Board did he receive notification of the non-filing of a Statement of Economic Interests applicable to the 2012 reporting year from the Office of the Secretary of State or any other State governmental body.
12. In September 2013 during Governor Quinn's administration, Charles Will, former Harrisburg City Treasurer, notified a senior Legal Advisor in the Illinois Department of Corrections that Mr. Gregg had failed to list a gift of a lift chair received in 2012 on the Statement of Economic Interest which was filed with the Secretary of State's Office in April 2013. A true and correct copy of the September 27, 2013 e-mail is attached as Exhibit C.
13. Ken Tupy was the legal counsel for the Illinois Prisoner Review Board in 2013 at the time of Mr. Will's complaint and conducted an inquiry regarding the accuracy and

circumstances surrounding the filing of the Statement of Economic Interest filed on April 26, 2013 but signed by Mr. Gregg on May 20, 2012.

14. After Ken Tupy's 2013 investigation into the accuracy of the Statement of Economic Interest filed in April 2013, no action was taken by the IPRB or the Office of Governor.
15. On December 8, 2014, Gregg filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Illinois. A true correct copy of the December 8, 2014 bankruptcy petition is attached as Exhibit D.
16. On December 22, 2014, Gregg's bankruptcy attorney electronically filed Form 22C-1, entitled "Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period." A true and correct copy is attached as Exhibit E.
17. On July 14, 2015 an anonymous complaint was received by the Office of Executive Inspector General that Mr. Gregg had filed an untruthful Statement of Economic Interest form. A true and correct copy of the July 14, 2015 Anonymous Complaint is attached as Exhibit F.
18. On August 18, 2015, Ken Tupy acting as Legal Counsel for the Prisoner Review Board, informed Governor Rauner's office of a letter inquiry from Beth Hundsdorfer, a reporter for the Bellville News Democrat in which she inquired whether \$4,027 net monthly income listed as being earned by Mr. Gregg on one of his bankruptcy filings constituted a violation of 730 ILCS 5/3-3-1 which prohibits Board members from engaging in any other business or employment. A true and correct copy of the August 18, 2015 e-mail is attached as Exhibit G.

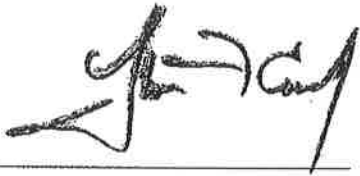


19. On August 18, 2015, the Governor's Office began receiving multiple e-mails from the Belleville News Democrat concerning bankruptcy filings by members of the Illinois Prisoner Review Board including Eric Gregg in which the newspaper asked whether an investigation was being initiated by Governor Rauner's office.
20. On August 18, 2015, IPRB Legal Counsel Ken Tupy informed Chasity Boyce by e-mail that Eric Gregg had informed him the \$4000 per month was from his wife's company and that he was required to list it in the bankruptcy. A true and correct copy of the August 18, 2015 e-mail is attached as Exhibit H.
21. On August 19, 2015, the Governor's Press Secretary, Catherine Kelly, issued a statement by e-mail to Beth Hundsdorfer of the BND that the administration is investigating the additional income listed on Eric Gregg's bankruptcy filing. A true and correct copy of the August 19, 2015 e-mail is attached as Exhibit I.
22. On August 21, 2015 Plaintiff's bankruptcy attorney filed an amended form 22C. A true and correct copy of the Amended Form 22C-1 is attached as Exhibit J.
23. On August 31, 2015, Ken Tupy informed Governor's associate general counsel, Chasity Boyce, by e-mail that Eric Gregg indicated the income listed in the bankruptcy filing was from his wife's business. A true and correct copy of the August 31, 2015 e-mail is attached as Exhibit K.
24. On September 16, 2015, Plaintiff received a letter from Jason Barclay, General Counsel for Office of the Governor. A true and correct copy of the September 16 letter is attached as Exhibit L.
25. On September 20, 2015, Plaintiff responded to the Governor's request by letter. A true and correct copy of the September 16 letter is attached as Exhibit M.

26. On September 22, 2015, Eric Gregg provided an additional response concerning the circumstances surrounding Statement of Economic Interest. A true and correct copy of the September 22 letter is attached as Exhibit N.
27. On September 22, 2015, Brad Olsen, Eric Gregg's bankruptcy attorney responded to Mr. Barclay stating that inaccuracies in the bankruptcy filing were due to a clerical error which listed some of Mr. Gregg's wife's income as being that of Mr. Gregg and informed that the clerical error had been corrected by amendment. Mr. Olsen's letter also referenced other portions of the bankruptcy filing that had correctly listed the income in question as being that of Patti Gregg. A true and correct copy of the September 22 letter is attached as Exhibit O.
28. On October 2, 2015, the Governor's office sent a letter to Plaintiff which stated the factual grounds supporting the Governor's act of removal. See Exhibit A.
29. On October 5, 2015, Plaintiff's counsel sent an e-mail to Jason Barclay. A true and correct copy of the October 5, 2015 e-mail is attached as Exhibit P.
30. On October 7, 2015, the Governor's office sent a letter to Plaintiff counsel. A true and correct copy of the October 7, 2015 letter is attached as Exhibit Q.
31. The parties agree that the following marked exhibits are accurate copies of the indicated documents:
- A. October 2, 2015 letter from Jason Barclay to Plaintiff.
  - B. Plaintiff Statement of Economic Interests for 2011 Reporting Year.
  - C. September 27, 2013 E-mail from Charles Will to Daryl Jones.
  - D. Eric Gregg Bankruptcy Petition dated December 8, 2014.
  - E. Original Form 22-C filed December 22, 2014.

- F. August 28, 2015 e-mail from Craig Findley to Ed Murphy and Chasity Boyce.
- G. August 18, 2015 E-mail from Beth Hundsdorfer to Ken Tupy.
- H. August 18, 2015 E-mail from Ken Tupy to Chasity Boyce.
- I. August 19, 2015 E-mail from Catherine Kelly to Beth Hundsdorfer.
- J. Amended 22-C filed August 21, 2015.
- K. August 31, 2015 Email from Ken Tupy to Chasity Boyce.
- L. September 16, 2016 letter from Jason Barclay to Plaintiff.
- M. September 20, 2015 response letter from Plaintiff to Jason Barclay.
- N. September 20, 2015 supplemental response letter from Plaintiff to Jason Barclay.
- O. September 22, 2015 response letter from Brad Olson to Jason Barclay.
- P. October 5, 2015 e-mail from Thomas F. Crosby to Jason Barclay.
- Q. October 7, 2015 letter from Jason Barclay to Thomas F. Crosby.

BY: \_\_\_\_\_



Thomas F. Crosby  
Attorney for Plaintiff

BY: \_\_\_\_\_

Deborah Barnes  
Attorney for Defendant

**OFFICE OF THE GOVERNOR**

207 STATE HOUSE  
SPRINGFIELD, ILLINOIS 62706

**BRUCE RAUNER**  
GOVERNOR

October 2, 2015

Mr. Eric Gregg  
15 Gregg Lane  
Harrisburg, Illinois 62946

Dear Mr. Gregg:

I received your September 20, 2015 letter, and effective immediately, we are terminating your appointment to the Illinois Prisoner Review Board pursuant to the Governor's removal authority in Article V, Section 10 of the Illinois Constitution.

Your September 20, 2015 letter acknowledges, and therefore, constitutes an admission that the Form 22C you filed in U.S. Bankruptcy Court for the Southern District of Illinois on December 8, 2014, and the Statement of Economic Interests filed with the Illinois Secretary of State on April 26, 2013 were both false.

Your Form 22C filing was signed by you "under penalty of perjury" and declared that the "information on this statement and in any attachments is true and accurate." Your Statement of Economic Interests was signed by you under a verification that states that it "is a true, correct and complete statement" and that you understood "that the penalty for filing a false or incomplete statement shall be a fine not to exceed \$1,000 or imprisonment." You were a member of the Illinois Prisoner Review Board at the time both forms were filed with information that you now admit was false.

Your false bankruptcy filing may constitute a violation of 18 U.S.C. § 1001 that says it is unlawful to "knowingly and willfully . . . make[] any materially false, fictitious, or fraudulent statement or representation." 18 U.S.C. § 1621 says that "whoever . . . in any declaration, certificate, verification, or statement under penalty of perjury . . . willfully subscribes as true any material matter which he does not believe to be true is guilty of perjury." And 18 U.S.C. § 152(2) states that a person who "knowingly and fraudulently makes a false oath or account in or in



Office of the Governor  
October 2, 2015  
Page 2 of 2

**PRIVILEGED & CONFIDENTIAL  
ATTORNEY WORK PRODUCT  
CLIENT COMMUNICATION**

relation to any case under title 11 [of the United States Code]" is subject to a fine and imprisonment. Your conduct may constitute violations of other state and federal laws.

Additionally, it is not a defense that at the time you signed your Statement of Economic Interests it was truthful, but it was false more than 11 months later when it was formally filed with the Secretary of State. The Illinois Governmental Ethics Act is clear that it was your legal obligation, not the Governor's Office, to file your own Statement of Economic Interests and that the additional obligation to ensure that the statement is truthful and complete comes at the time of filing the document, not simply when you sign it. (See 5 ILCS 420/4A-107). This conduct, too, may constitute a Class A misdemeanor under 5 ILCS 420/4A-107.

Whether your conduct constitutes willful criminal violations or whether your belated efforts to correct that conduct are sufficient to cure any possible criminal violations is for law enforcement officials to decide. Our review of the conduct, your supporting information, and your admissions constitute a sufficient basis for your removal pursuant to Article V, Section 10 of the Illinois Constitution.

Please cooperate with legal counsel at the Illinois Prisoner Review Board to ensure the proper return of any property or other information in your possession that belongs to the State.

Sincerely,



Jason Barclay  
General Counsel

# STATEMENT OF ECONOMIC INTERESTS TO BE FILED WITH THE SECRETARY OF STATE

(Type or Hand Print Name and Address in the blank space)



Eric Eugene Gregg

**FILED**  
INDEX DEPARTMENT

APR 26 2013

IN THE OFFICE OF  
SECRETARY OF STATE

*Illinois Prisoner Review Board*

(Each Office or Position of Employment for which this Statement is Filed)  
(Full Post Office Address to which Notification of an Examination of this Statement should be Sent)

## GENERAL DIRECTIONS

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

Business Entity

Instrument of Ownership

*None*

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of \$1,200 was derived during the preceding calendar year.

Name

Address

Type of Practice

*None*

3. List the nature of professional services rendered (other than to the State of Illinois) to each entity from which income exceeding \$5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

*None*



41050

-2-

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of \$5,000 or more was realized during the preceding calendar year.

None

5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

Lobbyist

Legislative Matter

Client or Principal

None

6. List the name of any entity doing business in the State of Illinois from which income in excess of \$1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution nor any debt instrument need be listed.

Entity

Position Held

None

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

Mayor of Hannsburg, Ill. 62946

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.

None

## VERIFICATION

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

INDEX DEPARTMENT

APR 26 2013

IN THE OFFICE OF  
SECRETARY OF STATEMay 20, 2012  
(Date)

NOTE: This statement is to be filed in the Office of the Secretary of State, Ethics Section, Index Department, 111 East Monroe, Springfield, Illinois 62756

A-36

**Boyce, Chasity**

**From:** Murphy, Ed  
**Sent:** Wednesday, October 07, 2015 11:57 AM  
**To:** Boyce, Chasity  
**Subject:** FW: Supporting Documents  
**Attachments:** gregg fax from medicine shop.pdf; gregg medicine shop invoice.pdf; gregg charge to cfw credit card.pdf

---

**From:** Tupy, Ken  
**Sent:** Wednesday, September 23, 2015 3:22 PM  
**To:** Murphy, Ed  
**Subject:** FW: Supporting Documents

Ed:

Here is the original information.

Ken

---

**From:** Jones, Daryl  
**Sent:** Monday, September 30, 2013 9:57 AM  
**To:** Tupy, Ken  
**Subject:** FW: Supporting Documents

Per our conversation, please find the documents attached.

Thank you,

Daryl Jones  
 Senior Legal Advisor  
 Illinois Department of Corrections

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**From:** Charles F. Will [mailto:cwillone@frontier.com]  
**Sent:** Friday, September 27, 2013 2:58 PM  
**To:** Jones, Daryl  
**Subject:** RE: Supporting Documents

Mr. Jones,

Thank you for your prompt response to my call.

As further explanation, Eric Gregg was elected as Mayor and took office in May of 2011. On or about April 26, 2013, Mr. Gregg was appointed to the Prison Review Board by Gov. Quinn. It is my understanding that pursuant to rules in place for the DOC, such appointment required that Mr. Gregg file a statement of economic interest with the Illinois Secretary of State and that such member not be engaged in other employment. Mr. Gregg did not resign his employment as Mayor until July 2013.





Please see the attached documents regarding this matter. The first document, Gregg fax from medicine shop, is the fax cover sheet that was sent to me at my office as city treasurer on 4/13/12. The sender, Scott, was the sales person at the Medicine Shoppe who handled the transaction.

The second document, Gregg medicine shop invoice, is the invoice included with the fax and the document from which I paid for the chair. Please note that the chair was delivered directly to the Gregg residence at 15 Gregg Lane in Harrisburg.

The third document, Gregg charge to cfw credit card, shows the entry on my credit card account. My account is set up on "auto-pay" which means that my account is paid in full each month by an ACH charge to my bank account at Legence Bank. I have not included a copy of the statement showing the charge to my bank account but I can supply that if you wish.

Please note that I received \$100 in currency from Ron Crank, former City of Harrisburg Finance Commissioner and now Mayor of Harrisburg, toward the purchase of this chair. I received no other contributions toward the purchase.

I will look forward to further discussions with you. Mr. Gregg's statement of economic interest is on file with the Secretary of State and may be obtained on line. I had a copy but have turned it over to another investigating agency along with the similar county filings and in reference to other matters.

Please let me know what additional information I may supply or how I can further assist in this matter.

Charles F. Will  
1220 Borders Lane  
Harrisburg, IL 62946  
618-499-1693 (cell)  
618-252-5145 (residence)

---

**From:** Jones, Daryl [<mailto:Daryl.Jones@doc.illinois.gov>]  
**Sent:** Friday, September 27, 2013 1:32 PM  
**To:** 'cwillone@frontier.com'  
**Subject:** Supporting Documents

Mr. Will,

As per our telephone conversation today, this is my email address. If you have the opportunity, I would appreciate any supporting documentation regarding the situation you brought to my attention.

Thank you,

Daryl Jones  
Senior Legal Advisor  
Illinois Department of Corrections

B1 (Official Form 1) (04/13)

United States Bankruptcy Court Southern District of Illinois		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): <b>Gregg, Eric E.</b>		Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): <b>FDBA Southern IL Energy Group</b>		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all): <b>xxx-xx-1374</b>		Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): <b>15 Gregg Lane Harrisburg, IL</b>		Street Address of Joint Debtor (No. and Street, City, and State):
ZIP Code <b>62946</b>		ZIP Code
County of Residence or of the Principal Place of Business: <b>Saline</b>		County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):
ZIP Code		ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):		
<b>Type of Debtor</b> (Form of Organization) (Check one box) <input checked="" type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (if debtor is not one of the above entities, check this box and state type of entity below.)	<b>Nature of Business</b> (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other	<b>Chapter of Bankruptcy Code Under Which the Petition is Filed</b> (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input checked="" type="checkbox"/> Chapter 13
<b>Chapter 15 Debtors</b> Country of debtor's center of main interests:  Each country in which a foreign proceeding by, regarding, or against debtor is pending:	<b>Tax-Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	<b>Nature of Debts</b> (Check one box) <input checked="" type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> Debts are primarily business debts.
<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		<b>Chapter 11 Debtors</b> Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,490,925 (amount subject to adjustment on 4/01/16 and every three years thereafter). Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
<b>Statistical/Administrative Information</b> <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.		THIS SPACE IS FOR COURT USE ONLY
<b>Estimated Number of Creditors</b> <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000		
<b>Estimated Assets</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		
<b>Estimated Liabilities</b> <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input checked="" type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion		



B1 (Official Form 1)(04/13)

Page 2

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): <b>Gregg, Eric E.</b>	
<b>All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet)</b>			
Location Where Filed: <b>- None -</b>	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
<b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)</b>			
Name of Debtor: <b>- None -</b>	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
<b>Exhibit A</b>  (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)  <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		<b>Exhibit B</b>  (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).  <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> <b>/s/ Brad Olson</b>            Signature of Attorney for Debtor(s)  <b>Brad Olson</b> </div> <div style="text-align: center;"> <b>December 8, 2014</b>            (Date)         </div> </div>	
<b>Exhibit C</b> Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No.			
<b>Exhibit D</b> (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input checked="" type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
<b>Information Regarding the Debtor - Venue</b> (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
<b>Certification by a Debtor Who Resides as a Tenant of Residential Property</b> (Check all applicable boxes) <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)  <div style="margin-left: 40px;">           _____            (Name of landlord that obtained judgment)         </div>  <div style="margin-left: 40px;">           _____            (Address of landlord)         </div> <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

B1 (Official Form 1)(04/13)

Page 3

**Voluntary Petition***(This page must be completed and filed in every case)*

Name of Debtor(s):

Gregg, Eric E.

**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.  
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Eric E. GreggSignature of Debtor Eric E. Gregg

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

December 8, 2014

Date

**Signature of Attorney\***X /s/ Brad Olson

Signature of Attorney for Debtor(s)

Brad Olson

Printed Name of Attorney for Debtor(s)

LAW OFFICE OF BRAD OLSON

Firm Name

144 SOUTH DIVISION  
CARTERVILLE, IL 62918

Address

Email: bradolson@bradolsonlaw.com618-985-5262 Fax: 618-985-5962

Telephone Number

December 8, 2014

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

**Signature of a Foreign Representative**

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

**Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

Address

X

Date

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both, 11 U.S.C. §110; 18 U.S.C. §156.

B ID (Official Form I, Exhibit D) (12/09)

**United States Bankruptcy Court**  
Southern District of Illinois

In re Eric E. Gregg

Debtor(s)

Case No.

Chapter

13

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
CREDIT COUNSELING REQUIREMENT**

**Warning:** You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

*Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.*

☒ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* \_\_\_\_\_

**If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.**

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

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Best Case Bankruptcy

B 1D (Official Form 1, Exhibit D) (12/09) - Cont.

Page 2

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

**I certify under penalty of perjury that the information provided above is true and correct.**

Signature of Debtor: /s/ Eric E. Gregg  
Eric E. Gregg

Date: December 8, 2014

B6 Summary (Official Form 6 - Summary) (12/14)

**United States Bankruptcy Court**  
**Southern District of Illinois**

In re Eric E. GreggDebtor

Case No. \_\_\_\_\_

Chapter 13

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	50,000.00		
B - Personal Property	Yes	4	11,725.00		
C - Property Claimed as Exempt	Yes	2			
D - Creditors Holding Secured Claims	Yes	1		89,900.00	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedules E)	Yes	2		10,000.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	2		38,166.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	2			4,000.00
J - Current Expenditures of Individual Debtor(s)	Yes	2			5.00
Total Number of Sheets of ALL Schedules		18			
Total Assets			61,725.00		
Total Liabilities				138,066.00	



B 6 Summary (Official Form 6 - Summary) (12/14)

**United States Bankruptcy Court  
Southern District of Illinois**

In re Eric E. Gregg

Debtor

Case No. \_\_\_\_\_

Chapter 13

**STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

- ☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	10,000.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	0.00
Student Loan Obligations (from Schedule F)	0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	0.00
<b>TOTAL</b>	<b>10,000.00</b>

State the following:

Average Income (from Schedule I, Line 12)	4,000.00
Average Expenses (from Schedule J, Line 22)	5.00
Current Monthly Income (from Form 22A-1 Line 11; OR, Form 22B Line 14; OR, Form 22C-1 Line 14)	0.00

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		900.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	10,000.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		0.00
4. Total from Schedule F		38,166.00
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		39,066.00



B6A (Official Form 6A) (12/07)

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE A - REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Residence: five bedroom, one and one-half bath on one acre with 30x60 pole barn, Location: 15 Gregg Lane, Harrisburg IL 62946 Joint with spouse total value \$100,000.00		J	50,000.00	81,000.00

Sub-Total &gt; 50,000.00 (Total of this page)

Total &gt; 50,000.00

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

B6B (Official Form 6B) (12/07)

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petitioner is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		US currency	-	100.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Farmer's State Bank checking 200 checking 1000	-	600.00
Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		furn 1000; 3TV/2DVD 350; W/D 100; Refrig 25; freezer 25; kitchen goods 50; 3 computer 150 joint with spouse total value	-	850.00
		lift chair	-	100.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		misc coin collection	-	500.00
6. Wearing apparel.		misc apparel	-	250.00
7. Furs and jewelry.		Mason Ring and misc ring	-	600.00
8. Firearms and sports, photographic, and other hobby equipment.		golf clubs 50; 410 shot gun 50; misc fishing equip 25; piano 25	-	150.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		term life through work	-	0.00
10. Annuities. Itemize and name each issuer.	X			
Sub-Total > (Total of this page)				3,050.00

3 continuation sheets attached to the Schedule of Personal Property

B6B (Official Form 6B) (12/07) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		Pension and Comp. through State of Illinois	-	Unknown
13. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.		Lu Ann Walker Maddox Breach of Contract Division of Business		0.00
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			

Sub-Total > 0.00  
(Total of this page)

Sheet 1 of 3 continuation sheets attached  
to the Schedule of Personal Property

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B6B (Official Form 6B) (12/07) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	NONE	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		2011 Hyundai Sonata 60,000 miles Joint with spouse total value \$8,000	J	4,000.00
		2000 Ford Ranger 4x4, extended cab with 115,000 miles joint with spouse total value \$2000	J	1,000.00
		2004 Pontiac Grand Am 120,000 miles joint with spouse total value \$800	-	400.00
		1999 Mercury Sable joint with spouse total value \$750	-	375.00
		8x12 Wood Floor utility trailer	-	600.00
26. Boats, motors, and accessories.		10' jon boat no engine, no trailer	-	100.00
27. Aircraft and accessories.	X			
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.		misc. DJ equipment	-	2,000.00
30. Inventory.	X			

Sub-Total > 8,475.00  
(Total of this page)

Sheet 2 of 3 continuation sheets attached  
to the Schedule of Personal Property

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B6B (Official Form 6B) (12/07) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
31. Animals.		1 dog	-	0.00
32. Crops - growing or harvested. Give particulars.	X			
33. Fanning equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.		riding lawn mower joint with spouse total value \$200	J	100.00
		misc hand tools and yard equip joint with spouse total value \$200	J	100.00

Sub-Total > 200.00  
 (Total of this page)  
 Total > 11,725.00

(Report also on Summary of Schedules)

Sheet 3 of 3 continuation sheets attached  
 to the Schedule of Personal Property

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B6C (Official Form 6C) (4/13)

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

Debtor claims the exemptions to which debtor is entitled under:

(Check one box)

☐ 11 U.S.C. §522(b)(2)☒ 11 U.S.C. §522(b)(3)☐ Check if debtor claims a homestead exemption that exceeds \$155,675. (Amount subject to adjustment on 4/1/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<b>Real Property</b>			
Residence: five bedroom, one and one-half bath on one acre with 30x60 pole barn. Location: 15 Gregg Lane, Harrisburg IL 62946 Joint with spouse total value \$100,000.00	735 ILCS 5/12-901	15,000.00	100,000.00
<b>Cash on Hand</b>			
US currency	735 ILCS 5/12-1001(b)	100.00	100.00
<b>Checking, Savings, or Other Financial Accounts, Certificates of Deposit</b>			
Farmer's State Bank checking 200 checking 1000	735 ILCS 5/12-1001(b)	600.00	1,200.00
<b>Household Goods and Furnishings</b>			
TV 1000; 3TV/2DVD 350; W/D 100; Refrig 25; Freezer 25; kitchen goods 50; 3 computer 150 joint with spouse total value	735 ILCS 5/12-1001(b)	850.00	1,700.00
lift chair	735 ILCS 5/12-1001(e)	100.00	100.00
<b>Books, Pictures and Other Art Objects; Collectibles</b>			
misc coin collection	735 ILCS 5/12-1001(b)	500.00	500.00
<b>Wearing Apparel</b>			
misc apparel	735 ILCS 5/12-1001(a)	250.00	250.00
<b>Furs and Jewelry</b>			
Mason Ring and misc ring	735 ILCS 5/12-1001(a)	500.00	500.00
<b>Firearms and Sports, Photographic and Other Hobby Equipment</b>			
golf clubs 50; 410 shot gun 50; misc fishing equip 25; piano 25	735 ILCS 5/12-1001(b)	150.00	150.00
<b>Interests in Insurance Policies</b>			
term life through work	215 ILCS 5/238	0.00	0.00
<b>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</b>			
Pension and Comp. through State of Illinois	735 ILCS 5/12-1006	Unknown	Unknown
<b>Automobiles, Trucks, Trailers, and Other Vehicles</b>			
2000 Ford Ranger 4x4, extended cab with 115,000 miles joint with spouse total value \$2000	735 ILCS 5/12-1001(c)	2,400.00	2,000.00

1 continuation sheets attached to Schedule of Property Claimed as Exempt

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B6C (Official Form 6C) (4/13) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**  
(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
2004 Pontiac Grand Am 120,000 miles joint with spouse total value \$800	735 ILCS 5/12-1001(b)	400.00	800.00
8x12 Wood Floor utility trailer	735 ILCS 5/12-1001(b)	600.00	600.00
<u>Boats, Motors and Accessories</u> 10' jon boat no engine, no trailer	735 ILCS 5/12-1001(b)	100.00	100.00
<u>Machinery, Fixtures, Equipment and Supplies Used in Business</u> misc. DJ equipment	735 ILCS 5/12-1001(d)	1,500.00	2,000.00
<u>Other Personal Property of Any Kind Not Already Listed</u> misc hand tools and yard equip joint with spouse total value \$200	735 ILCS 5/12-1001(b)	100.00	200.00

Total: **23,150.00** **110,200.00**

Sheet 1 of 1 continuation sheets attached to the Schedule of Property Claimed as Exempt

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Best Case Bankruptcy

B6D (Official Form 6D) (12/07)

In re **Eric E. Gregg**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No.			<b>First Mortgage</b> Residence: five bedroom, one and one-half bath on one acre with 30x60 pole barn. Location: 15 Gregg Lane, Harrisburg IL 62946 Joint with spouse total value \$100,000.00					
<b>Farmers State Bank</b> <b>1106 W. DeYoung</b> <b>Marion, IL 62959</b>	X		Value \$ 100,000.00				69,000.00	0.00
Account No.			<b>2011 Hyundai Sonata</b> 60,000 miles Joint with spouse total value \$8,000					
<b>Farmers State Bank</b> <b>1106 W. DeYoung</b> <b>Marion, IL 62959</b>	X		Value \$ 8,000.00				8,900.00	900.00
Account No.			<b>Second Mortgage</b> Residence: five bedroom, one and one-half bath on one acre with 30x60 pole barn. Location: 15 Gregg Lane, Harrisburg IL 62946 Joint with spouse total value \$100,000.00					
<b>Farmers State Bank</b> <b>1106 W. DeYoung</b> <b>Marion, IL 62959</b>	X		Value \$ 100,000.00				12,000.00	0.00
Account No.								
			Value \$					
Subtotal (Total of this page)							89,900.00	900.00
Total (Report on Summary of Schedules)							89,900.00	900.00

0 continuation sheets attached



B6E (Official Form 6E) (4/13)

In re **Eric E. Gregg**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$12,475\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$6,150\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,775\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☒ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

1 continuation sheets attached

B6E (Official Form 613) (4/13) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

# **SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS** (Continuation Sheet)

**Taxes and Certain Other Debts  
Owed to Governmental Units**

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R R	H U S B A N D  W I F E  J O I N T  C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
								AMOUNT ENTITLED TO PRIORITY
Account No.			Past due income tax					
ILLINOIS DEPARTMENT OF REVENUE BK UNIT LEVEL 7-425 100 RANDOLPH STREET Chicago, IL 60601							2,000.00	0.00
Account No.			past due income taxes					
INTERNAL REVENUE SERVICE PO Box 7346 Philadelphia, PA 19101-7346							8,000.00	0.00
Account No.								
Account No.								
Account No.								
Subtotal							10,000.00	0.00
(Total of this page)							10,000.00	10,000.00
Total							10,000.00	0.00
(Report on Summary of Schedules)							10,000.00	10,000.00

Sheet 1 of 1 continuation sheets attached to  
Schedule of Creditors Holding Unsecured Priority Claims

B6F (Official Form 6F) (12/07)

In re **Erlc E. Gregg**

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor." Include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM, IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No.			attorney for Lu Ann Walker Maddox				0.00
Barrett, Twomey, Broom, Hughes & Hoke PO Box 3747 Carbondale, IL 62902-3747		-					
Account No.			Debtor's attorney				0.00
Brandon Schmidt & Goffinet P.O. Box 3898 Carbondale, IL 62902		-					
Account No.			assignee unknown				135.00
Cash-Pro, Inc P.O. Box 5469 Evansville, IN 47716		-					
Account No.			medical				38,031.00
Deaconess Hospital Medical Billing 600 Mary St. Evansville, IN 47714		-					
				Subtotal			38,166.00
				(Total of this page)			

1

continuation sheets attached

1 continuation sheets attached

B6F (Official Form 6F) (12/07) - Cont.

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	
		H W J C						
Account No.  Harrisburg Medical Center 100 Dr. Warren Tuttle Drive Harrisburg, IL 62946			medical				0.00	
Account No.  Kirstin M. Schaefer PO Box 349 Harrisburg, IN 47240			attorney for Collection Associates				0.00	
Account No.  Lu Ann Walker Maddox 102 N. Gumm Harrisburg, IL 62946			alleged breach of contract				0.00	
Account No.  Ohio Valley Medical Center 2000 Eoff St. Wheeling, WV 26003			medical				Unknown	
Account No.  								
Sheet no. <u>1</u> of <u>1</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)  Total (Report on Summary of Schedules)	0.00   38,166.00

B6G (Official Form 6G) (12/07)

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,  
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.  
State whether lease is for nonresidential real property.  
State contract number of any government contract.

0

continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

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Best Case Bankruptcy

B6H (Official Form 611) (12/07)

In re Eric E. Gregg

Case No. \_\_\_\_\_

Debtor

**SCHEDULE H - CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Patricia Gregg 15 Gregg Lane Harrisburg, IL 62946	Farmers State Bank 1106 W. DeYoung Marion, IL 62959
Patricia Gregg 15 Gregg Lane Harrisburg, IL 62946	Farmers State Bank 1106 W. DeYoung Marion, IL 62959
Patricia Gregg 15 Gregg Lane Harrisburg, IL 62946	Farmers State Bank 1106 W. DeYoung Marion, IL 62959

0

continuation sheets attached to Schedule of Codebtors

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Best Case Bankruptcy

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B6 Declaration (Official Form 6 - Declaration). (12/07)

**United States Bankruptcy Court**  
**Southern District of Illinois**In re Eric E. Gregg

Debtor(s)

Case No.

Chapter

13**DECLARATION CONCERNING DEBTOR'S SCHEDULES****DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 20 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date December 8, 2014Signature /s/ Eric E. GreggEric E. Gregg  
Debtor

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

B7 (Official Form 7) (04/13)

**United States Bankruptcy Court  
Southern District of Illinois**

In re Eric E. Gregg

Debtor(s)

Case No.

Chapter

13

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. If the answer to an applicable question is "None," mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

**DEFINITIONS**

**"In business."** A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

**"Insider."** The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any persons in control of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(2), (31).

**1. Income from employment or operation of business**

None  
☐

State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT  
\$0.00

SOURCE  
2014  
State of Illinois

\$0.00

2013  
State of Illinois

**2. Income other than from employment or operation of business**

None  
☒

State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the two years immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT

SOURCE



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2

**3. Payments to creditors**None ☐ *Complete a. or b., as appropriate, and c.*

a. *Individual or joint debtor(s) with primarily consumer debts:* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within 90 days immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
Farmers State Bank 1106 W. DeYoung Marion, IL 62959	monthly payment	\$0.00	\$69,000.00
Farmers State Bank 1106 W. DeYoung Marion, IL 62959	monthly payment	\$0.00	\$8,900.00
Farmers State Bank 1106 W. DeYoung Marion, IL 62959	monthly payment	\$0.00	\$12,000.00

None ☒ b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within 90 days immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$6,225\*. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and credit counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments and other transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
------------------------------	------------------------------	-----------------------------------	--------------------

None ☒ c. *All debtors:* List all payments made within one year immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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**4. Suits and administrative proceedings, executions, garnishments and attachments**

None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
Collection Associates vs. Debtor	collection	Vanderburgh County, IN	pending
Lu Ann Walker vs. Eric Gregg 12-L-53	breach of contract	Sallne County, IL	pending

None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

\* Amount subject to adjustment on 4/01/16, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

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NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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**5. Repossessions, foreclosures and returns**

None



List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
---	--	--------------------------------------

**6. Assignments and receiverships**

None



a. Describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
------------------------------	-----------------------	-----------------------------------

None



b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
----------------------------------	--	------------------	--------------------------------------

**7. Gifts**

None



List all gifts or charitable contributions made within one year immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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**8. Losses**

None



List all losses from fire, theft, other casualty or gambling within one year immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
--------------------------------------	--	--------------

B7 (Official Form 7) (04/13)

**9. Payments related to debt counseling or bankruptcy**

- None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within one year immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYER IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
LAW OFFICE OF BRAD OLSON 144 SOUTH DIVISION CARTERVILLE, IL 62918	12/8/14	\$150.00

**10. Other transfers**

- None ☒ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within two years immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
None <input checked="" type="checkbox"/> b. List all property transferred by the debtor within ten years immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.		

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY

**11. Closed financial accounts**

- None ☒ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING

**12. Safe deposit boxes**

- None ☒ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within one year immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY

**13. Setoffs**

- None ☒ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF

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**14. Property held for another person**

None



List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
---------------------------	-----------------------------------	----------------------

**15. Prior address of debtor**

None

If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
---------	-----------	--------------------

**16. Spouses and Former Spouses**

None

If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

None



a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
-----------------------	---------------------------------------	----------------	-------------------

None



b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
-----------------------	---------------------------------------	----------------	-------------------

None



c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
---------------------------------------	---------------	-----------------------

B7 (Official Form 7) (04/13)

6

**18. Nature, location and name of business**

None



a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within six years immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL-SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
------	--	---------	--------------------	-------------------------------

None



b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME

ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within six years immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor, or self-employed in a trade, profession, or other activity, either full- or part-time.

(An individual or joint debtor should complete this portion of the statement only if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)

**19. Books, records and financial statements**

None



a. List all bookkeepers and accountants who within two years immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS

DATES SERVICES RENDERED

None



b. List all firms or individuals who within the two years immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME

ADDRESS

DATES SERVICES RENDERED

None



c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME

ADDRESS

None



d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within two years immediately preceding the commencement of this case.

NAME AND ADDRESS

DATE ISSUED

B7 (Official Form 7) (04/13)

7

**20. Inventories**

None



a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY

INVENTORY SUPERVISOR

DOLLAR AMOUNT OF INVENTORY  
(Specify cost, market or other basis)

None



b. List the name and address of the person having possession of the records of each of the inventories reported in a., above.

DATE OF INVENTORY

NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY  
RECORDS**21. Current Partners, Officers, Directors and Shareholders**

None



a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS

NATURE OF INTEREST

PERCENTAGE OF INTEREST

None



b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS

TITLE

NATURE AND PERCENTAGE  
OF STOCK OWNERSHIP**22. Former partners, officers, directors and shareholders**

None



a. If the debtor is a partnership, list each member who withdrew from the partnership within one year immediately preceding the commencement of this case.

NAME

ADDRESS

DATE OF WITHDRAWAL

None



b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the commencement of this case.

NAME AND ADDRESS

TITLE

DATE OF TERMINATION

**23. Withdrawals from a partnership or distributions by a corporation**

None



If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the commencement of this case.

NAME & ADDRESS  
OF RECIPIENT,  
RELATIONSHIP TO DEBTORDATE AND PURPOSE  
OF WITHDRAWALAMOUNT OF MONEY  
OR DESCRIPTION AND  
VALUE OF PROPERTY**24. Tax Consolidation Group.**

None



If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within six years immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION

TAXPAYER IDENTIFICATION NUMBER (EIN)

B7 (Official Form 7) (04/13)

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**25. Pension Funds.**

None ☐ If the debtor is not an individual, list the name and federal taxpayer-identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within six years immediately preceding the commencement of the case.

NAME OF PENSION FUND

TAXPAYER IDENTIFICATION NUMBER (EIN)

\*\*\*\*\*

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date December 8, 2014

Signature /s/ Eric E. Gregg  
Eric E. Gregg  
Debtor

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*

**United States Bankruptcy Court  
Southern District of Illinois**

In re Eric E. Gregg

Debtor(s)

Case No.

Chapter

13

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$	<u>4,500.00</u>
Prior to the filing of this statement I have received	\$	<u>150.00</u>
Balance Due	\$	<u>4,350.00</u>

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

**Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.**

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.**

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: December 8, 2014

/s/ Brad Olson

**Brad Olson  
LAW OFFICE OF BRAD OLSON  
144 SOUTH DIVISION  
CARTERVILLE, IL 62918  
618-985-5262 Fax: 618-985-5962  
bradolson@bradolsonlaw.com**



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ILLINOIS  
NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b)  
OF THE BANKRUPTCY CODE**

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a joint case (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

**1. Services Available from Credit Counseling Agencies**

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

**2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors**

**Chapter 7: Liquidation (\$245 filing fee, \$75 administrative fee, \$15 trustee surcharge: Total Fee \$335)**

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

**Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$75 administrative fee: Total Fee \$310)**

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the

**Bankruptcy Code.**

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

**Chapter 11: Reorganization (\$1,167 filing fee, \$550 administrative fee: Total Fee \$1,717)**

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

**Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$75 administrative fee: Total Fee \$275)**

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

**3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials**

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

B 201B (Form 201B) (12/09)

**United States Bankruptcy Court  
Southern District of Illinois**

In re Eric E. Gregg

Debtor(s)

Case No.

Chapter

13

**CERTIFICATION OF NOTICE TO CONSUMER DEBTOR(S)  
UNDER § 342(b) OF THE BANKRUPTCY CODE**

**Certification of Debtor**

I (We), the debtor(s), affirm that I (we) have received and read the attached notice, as required by § 342(b) of the Bankruptcy Code.

Eric E. Gregg

Printed Name(s) of Debtor(s)

X /s/ Eric E. Gregg

Signature of Debtor

December 8, 2014

Date

Case No. (if known) \_\_\_\_\_

X \_\_\_\_\_

Signature of Joint Debtor (if any)

Date

**Instructions:** Attach a copy of Form B 201 A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) **only** if the certification has **NOT** been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

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Best Case Bankruptcy

**United States Bankruptcy Court  
Southern District of Illinois**

In re Eric E. Gregg

Debtor(s)

Case No.  
Chapter13

**VERIFICATION OF CREDITOR MATRIX**

The above named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of my/our knowledge and that it corresponds to the creditors listed in my/our schedules.

Date: December 8, 2014/s/ Eric E. GreggEric E. Gregg  
Signature of Debtor

Case 14-41338-lkg Doc 1 Filed 12/08/14 Page 36 of 37

Barrett, Twomey, Broom, Hughes  
& Hoke  
PO Box 3747  
Carbondale, IL 62902-3747

Brandon Schmidt & Goffinet  
P.O. Box 3898  
Carbondale, IL 62902

Cash-Pro, Inc  
P.O. Box 5469  
Evansville, IN 47716

Deaconess Hospital  
Medical Billing  
600 Mary St.  
Evansville, IN 47714

Farmers State Bank  
1106 W. DeYoung  
Marion, IL 62959

Harrisburg Medical Center  
100 Dr. Warren Tuttle Drive  
Harrisburg, IL 62946

ILLINOIS DEPARTMENT OF REVENUE  
BK UNIT LEVEL 7-425  
100 RANDOLPH STREET  
Chicago, IL 60601

INTERNAL REVENUE SERVICE  
PO Box 7346  
Philadelphia, PA 19101-7346

Kirstin M. Schaefer  
PO Box 349  
Greensburg, IN 47240

Lu Ann Walker Maddox  
102 N. Gumm  
Harrisburg, IL 62946

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Ohio Valley Medial Center  
2000 Eoff St.  
Wheeling, WV 26003

Patricia Gregg  
15 Gregg Lane  
Harrisburg, IL 62946

## Fill in this information to identify your case:

Debtor 1 Eric E. Gregg

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Illinois

Case number 14-41338  
(if known)

## Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

- ☐ 1. Disposable Income is not determined under 11 U.S.C. § 1325(b)(3)
- ☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3)
- ☐ 3. The commitment period is 3 years.
- ☒ 4. The commitment period is 5 years.

☐ Check if this is an amended filing

## Official Form 22C-1

## Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

12/14

as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

## Part 1: Calculate Your Average Monthly Income

## 1. What is your marital and filing status? Check one only.

☐ Not married. Fill out Column A, lines 2-11.☒ Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ 7,157.00	\$ 1,901.00
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filed in.	\$ 0.00	\$ 0.00
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filed in. Do not include payments you listed on line 3.	\$ 0.00	\$ 0.00
5. Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ 4,027.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from a business, profession, or farm	\$ 4,027.00	
	Copy here ->	\$ 4,027.00
6. Net income from rental and other real property		
Gross receipts (before all deductions)	\$ 0.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from rental or other real property	\$ 0.00	
	Copy here ->	\$ 0.00



Debtor 1 Eric E. GreggCase number (if known) 14-41338

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ 0.00	\$ 0.00
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:		
For you	\$ 0.00	
For your spouse	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 0.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.		
10a.	\$ 0.00	\$ 0.00
10b.	\$ 0.00	\$ 0.00
10c. Total amounts from separate pages, if any.	+ \$ 0.00	\$ 0.00
11. Calculate your total current monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.	\$ 11,184.00	\$ 1,901.00
		\$ 13,085.00
		Total average monthly income

**Part 2: Determine How to Measure Your Deductions from Income**

12. Copy your total average monthly income from line 11. \$ 13,085.00

13. Calculate the marital adjustment. Check one:

☐ You are not married. Fill in \$0 on line 3d.

☐ You are married and your spouse is filing with you. Fill in 0 in line 13d.

☒ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

In line 13a-c, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 on line 13d.

13a. \$

13b. \$

13c. +\$

13d. Total \$ 0.00

Copy here=> 13d. 0.00

14. Your current monthly income. Subtract line 13d from line 12. \$ 13,085.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here=> \$ 13,085.00

Multiply line 15a by 12 (the number of months in a year)

15b. The result is your current monthly income for the year for this part of the form \$ 157,020.00



Debtor 1 **Eric E. Gregg**Case number (if known) **14-41338****16. Calculate the median family income that applies to you. Follow these steps:**

16a. Fill in the state in which you live.

IL

16b. Fill in the number of people in your household.

5

16c. Fill in the median family income for your state and size of household.

16c. \$ 91,646.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

**17. How do the lines compare?**17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3. Do NOT fill out Calculation of Disposable Income (Official Form 22C-2).*17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Disposable Income (Official Form 22C-2). On line 39 of that form, copy your current monthly income from line 14 above.***Part 3: Calculate Your Commitment Period Under 11 U.S.C. §1325(b)(4)****18. Copy your total average monthly income from line 11.**18. \$ 13,085.00**19. Deduct the marital adjustment if it applies.** If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a.

19a. \$ 0.00

Subtract line 19a from line 18.

19b. \$ 13,085.00**20. Calculate your current monthly income for the year. Follow these steps:**

20a. Copy line 19b here

20a. \$ 13,085.00

Multiply by 12 (the number of months in a year).

x 12

20b. The result is current monthly income for the year for this part of the form

20b. \$ 157,020.00

20c. Copy the median family income for your state and size of household from line 16c

\$ 91,646.00**21. How do the lines compare?**☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years. Go to Part 4.*☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years. Go to Part 4.***Part 4: Sign Below**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

**X /s/ Eric E. Gregg****Eric E. Gregg**

Signature of Debtor 1

Date **December 22, 2014**

MM/DD/YYYY

If you checked line 17a, do NOT fill out or file Form 22C-2.

If you checked line 17b, fill out Form 22C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

## Fill in this information to identify your case:

Debtor 1 Eric E. Gregg

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Illinois

Case number 14-41338  
(if known)

☐ Check if this is an amended filing

## Official Form 22C - 2

### Chapter 13 Calculation of Your Disposable Income

12/14

To fill out this form, you will need your completed copy of *Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period* (Official Form 22C-1).

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which additional information applies. On the top any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Deductions from Your Income**

The Internal Revenue Service (IRS) issues National and Local Standards for certain expense amounts. Use these amounts to answer the questions in lines 6-15. To find the IRS standards, go online using the link specified in the separate instructions for this form. This information may also be available at the bankruptcy clerk's office.

Deduct the expense amounts set out in lines 6-15 regardless of your actual expense. In later parts of the form, you will use some of your actual expenses if they are higher than the standards. Do not include any operating expenses that you subtracted from income in lines 5 and 6 of Form 22C-1, and do not deduct any amounts that you subtracted from your spouse's income in line 13 of Form 22C-1.

If your expenses differ from month to month, enter the average expense.

Note: Line numbers 1-4 are not used in this form. These numbers apply to information required by a similar form used in chapter 7 cases.

**5. The number of people used in determining your deductions from income**

Fill in the number of people who could be claimed as exemptions on your federal income tax return, plus the number of any additional dependents whom you support. This number may be different from the number of people in your household.

5

**National Standards** You must use the IRS National Standards to answer the questions in lines 6-7.

- 6. Food, clothing, and other items:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for food, clothing, and other items. \$ 1,780.00
- 7. Out-of-pocket health care allowance:** Using the number of people you entered in line 5 and the IRS National Standards, fill in the dollar amount for out-of-pocket health care. The number of people is split into two categories--people who are under 65 and people who are 65 or older--because older people have a higher IRS allowance for health care costs. If your actual expenses are higher than this IRS amount, you may deduct the additional amount on line 22.

Debtor 1 Eric E. GreggCase number (if known) 14-41338**People who are under 65 years of age**

7a. Out-of-pocket health care allowance per person \$ 60

7b. Number of people who are under 65 X 5

7c. Subtotal. Multiply line 7a by line 7b. \$ 300.00 Copy line 7c here=> \$ 300.00

**People who are 65 years of age or older**

7d. Out-of-pocket health care allowance per person \$ 144

7e. Number of people who are 65 or older X 0

7f. Subtotal. Multiply line 7d by line 7e. \$ 0.00 Copy line 7f here=> \$ 0.00

7g. Total. Add line 7c and line 7f \$ 300.00 Copy total here=> 7g. \$ 300.00

**Local Standards** You must use the IRS Local Standards to answer the questions in lines 8-15.

Based on information from the IRS, the U.S. Trustee Program has divided the IRS Local Standard for housing for bankruptcy purposes into two parts:

**Housing and utilities - Insurance and operating expenses**  
**housing and utilities - Mortgage or rent expenses**

To answer the questions in lines 8-9, use the U.S. Trustee Program chart.

To find the chart, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

8. **Housing and utilities - Insurance and operating expenses:** Using the number of people you entered in line 5, fill in the dollar amount listed for your county for insurance and operating expenses. \$ 615.00

9. **Housing and utilities - Mortgage or rent expenses:**

9a. Using the number of people you entered in line 5, fill in the dollar amount listed for your county for mortgage or rent expenses. 9a. \$ 732.00

9b. Total average monthly payment for all mortgages and other debts secured by your home.  
 To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

Name of the creditor	Average monthly payment
<u>Farmers State Bank</u>	\$ <u>650.00</u>
<u>Farmers State Bank</u>	\$ <u>100.00</u>

9b. Total average monthly payment \$ 750.00 Copy line 9b here=> -\$ 750.00

9c. Net mortgage or rent expense.

Subtract line 9b (total average monthly payment) from line 9a (mortgage or rent expense). If this amount is less than \$0, enter \$0.

9c. \$ 0.00 Copy line 9c here=> \$ 0.00

10. If you claim that the U.S. Trustee Program's division of the IRS Local Standard for housing is incorrect and affects the calculation of your monthly expenses, fill in any additional amount you claim. \$ 0.00

Explain why: \_\_\_\_\_

Debtor 1 Eric E. GreggCase number (if known) 14-4133811. **Local transportation expenses:** Check the number of vehicles for which you claim an ownership or operating expense.

- ☐ 0. Go to line 14.  
☒ 1. Go to line 12.  
☐ 2 or more. Go to line 12.

12. **Vehicle operation expense:** Using the IRS Local Standards and the number of vehicles for which you claim the operating expenses, fill in the *Operating Costs* that apply for your Census region or metropolitan statistical area. \$ 212.0013. **Vehicle ownership or lease expense:** Using the IRS Local Standards, calculate the net ownership or lease expense for each vehicle below. You may not claim the expense if you do not make any loan or lease payments.Vehicle 1 Describe Vehicle 1: 2011 Hyundai Sonata 60,000 miles Joint with spouse total value \$8,00013a. Ownership or leasing costs using IRS Local Standard 13a. \$ 517.00

13b. Average monthly payment for all debts secured by Vehicle 1.

Do not include costs for leased vehicles.

To calculate the average monthly payment here and on line 13e, add all amounts that are contractually due to each secured creditor in the 60 months after you filed for bankruptcy. Then divided by 60.

Name of each creditor for Vehicle 1

Average monthly payment

Farmers State Bank\$ 250.00Copy 13b  
here =>-\$ 250.00

13c. Net Vehicle 1 ownership or lease expense

Subtract line 13b from line 13a. If this amount is less than \$0, enter \$0.

13c. \$ 267.00Copy net  
Vehicle 1  
expense  
here =>\$ 267.00

Vehicle 2 Describe Vehicle 2:

13d. Ownership or leasing costs using IRS Local Standard 13d. \$ 0.00

13e. Average monthly payment for all debts secured by Vehicle 2. Do not include costs for leased vehicles.

Name of each creditor for Vehicle 2

Average monthly payment

\$

Copy 13e  
here =>-\$ 0.00

13f. Net Vehicle 2 ownership or lease expense

Subtract line 13e from line 13d. If this amount is less than \$0, enter \$0.

13f. \$ 0.00Copy net  
Vehicle 2  
expense  
here =>\$ 0.0014. **Public transportation expense:** If you claimed 0 vehicles in line 11, using the IRS Local Standards, fill in the *Public Transportation* expense allowance regardless of whether you use public transportation. \$ 0.0015. **Additional public transportation expense:** If you claimed 1 or more vehicles in line 11 and if you claim that you may also deduct a public transportation expense, you may fill in what you believe is the appropriate expense, but you may not claim more than the IRS Local Standard for *Public Transportation*. \$ 0.00

Debtor 1 Eric E. GreggCase number (if known) 14-41338**Other Necessary Expenses** In addition to the expense deductions listed above, you are allowed your monthly expenses for the following IRS categories.

16. **Taxes:** The total monthly amount that you will actually owe for federal, state and local taxes, such as income taxes, self-employment taxes, social security taxes, and Medicare taxes. You may include the monthly amount withheld from your pay for these taxes. However, if you expect to receive a tax refund, you must divide the expected refund by 12 and subtract that number from the total monthly amount that is withheld to pay for taxes.  
Do not include real estate, sales, or use taxes. \$ 2,464.00
17. **Involuntary deductions:** The total monthly payroll deductions that your job requires, such as retirement contributions, union dues, and uniform costs.  
Do not include amounts that are not required by your job, such as voluntary 401(k) contributions or payroll savings. \$ 1,517.00
18. **Life Insurance:** The total monthly premiums that you pay for your own term life insurance. If two married people are filing together, include payments that you make for your spouse's term life insurance. Do not include premiums for life insurance on your dependents, for a non-filing spouse's life insurance, or for any form of life insurance other than term. \$ 0.00
19. **Court-ordered payments:** The total monthly amount that you pay as required by the order of a court or administrative agency, such as spousal or child support payments.  
Do not include payments on past due obligations for spousal or child support. You will list these obligations in line 35. \$ 0.00
20. **Education:** The total monthly amount that you pay for education that is either required:  
as a condition for your job, or  
for your physically or mentally challenged dependent child if no public education is available for similar services. \$ 0.00
21. **Childcare:** The total monthly amount that you pay for childcare, such as babysitting, daycare, nursery, and preschool.  
Do not include payments for any elementary or secondary school education. \$ 0.00
22. **Additional health care expenses, excluding insurance costs:** The monthly amount that you pay for health care that is required for the health and welfare of you or your dependents and that is not reimbursed by insurance or paid by a health savings account. Include only the amount that is more than the total entered in line 7.  
Payments for health insurance or health savings accounts should be listed only in line 25. \$ 300.00
23. **Optional telephone and telephone services:** The total monthly amount that you pay for telecommunication services for you and your dependents, such as pagers, call waiting, caller identification, special long distance, or business cell phone service, to the extent necessary for your health and welfare or that of your dependents or for the production of income, if it is not reimbursed by your employer.  
Do not include payments for basic home telephone, internet and cell phone service. Do not include self-employment expenses, such as those reported on line 5 of Official Form 22A-1, or any amount you previously deducted. +\$ 0.00
24. **Add all of the expenses allowed under the IRS expense allowances.**  
Add lines 6 through 23. \$ 7,455.00

**Additional Expense Deductions** These are additional deductions allowed by the Means Test.  
Note: Do not include any expense allowances listed in lines 6-24.

- 25.
- Health insurance, disability insurance, and health savings account expenses.**
- The monthly expenses for health insurance, disability insurance, and health savings accounts that are reasonably necessary for yourself, your spouse, or your dependents.

Health insurance \$ 315.00Disability insurance \$ 0.00Health savings account + \$ 0.00Total \$ 315.00 Copy total here=> \$ 315.00

Do you actually spend this total amount?

☐ No. How much do you actually spend?☒ Yes \$ \_\_\_\_\_

- 26.
- Continued contributions to the care of household or family members.**
- The actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses. \$
- 0.00

- 27.
- Protection against family violence.**
- The reasonably necessary monthly expenses that you incur to maintain the safety of you and your family under the Family Violence Prevention and Services Act or other federal laws that apply. \$
- 0.00

By law, the court must keep the nature of these expenses confidential.

Debtor: **Eric E. Gregg**Case number (if known) **14-41338**

28. **Additional home energy costs.** Your home energy costs are included in your non-mortgage housing and utilities allowance on line 8.

If you believe that you have home energy costs that are more than the home energy costs included in the non-mortgage housing and utilities allowance, then fill in the excess amount of home energy costs.

You must give your case trustee documentation of your actual expenses, and you must show that the additional amount claimed is reasonable and necessary.

\$ 0.00

29. **Education expenses for dependent children who are younger than 18.** The monthly expenses (not more than \$156.25\* per child) that you pay for your dependent children who are younger than 18 years old to attend a private or public elementary or secondary school.

You must give your case trustee documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in lines 6-23.

\* Subject to adjustment on 4/01/16, and every 3 years after that for cases begun on or after the date of adjustment.

\$ 0.00

30. **Additional food and clothing expense.** The monthly amount by which your actual food and clothing expenses are higher than the combined food and clothing allowances in the IRS National Standards. That amount cannot be more than 5% of the food and clothing allowances in the IRS National Standards.

To find a chart showing the maximum additional allowance, go online using the link specified in the separate instructions for this form. This chart may also be available at the bankruptcy clerk's office.

You must show that the additional amount claimed is reasonable and necessary.

\$ 0.00

31. **Continuing charitable contributions.** The amount that you will continue to contribute in the form of cash or financial instruments to a religious or charitable organization. 26 U.S.C. § 170(c)(1)-(2).

\$ 100.00

32. **Add all of the additional expense deductions**

Add lines 25 through 31.

\$ 415.00

#### Deductions for Debt Payment

33. **For debts that are secured by an interest in property that you own, including home mortgages, vehicle loans, and other secured debt, fill in lines 33a through 33g.**

To calculate the total average monthly payment, add all amounts that are contractually due to each secured creditor in the 60 months after you file for bankruptcy. Then divide by 60.

#### Mortgages on your home:

		Average monthly payment
33a. Copy line 9b here	=>	\$ <u>750.00</u>
33b. Copy line 13b here	=>	\$ <u>250.00</u>
33c. Copy line 13e here	=>	\$ <u>0.00</u>

Name of each creditor for other secured debt	Identify property that secures the debt	Does payment include taxes or insurance?	
33d. <u>-NONE-</u>		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
33e. _____		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____
33f. _____		<input type="checkbox"/> No <input type="checkbox"/> Yes	\$ _____

+ \$ \_\_\_\_\_

- 33g. **Total average monthly payment. Add lines 33a through 33f**

\$ 1,000.00

Copy total here=&gt;

\$ 1,000.00

Debtor 1 Eric E. GreggCase number (if known) 14-41338

34. Are any debts that you listed in line 33 secured by your primary residence, a vehicle, or other property necessary for your support or the support of your dependents?

- ☒ No. Go to line 35.  
☐ Yes. State any amount that you must pay to a creditor, in addition to the payments listed in line 33, to keep possession of your property (called the *cure amount*). Next, divide by 60 and fill in the information below.

Name of the creditor	Identify property that secures the debt	Total cure amount	Monthly cure amount
<u>-NONE-</u>		\$ _____ + 60 = \$ _____	
		Total \$ <u>0.00</u>	Copy total here=> \$ <u>0.00</u>

35. Do you owe any priority claims such as a priority tax, child support, or alimony - that are past due as of the filing date of your bankruptcy case? 11 U.S.C. § 507.

- ☐ No. Go to line 36.  
☒ Yes. Fill in the total amount of all of these priority claims. Do not include current or ongoing priority claims, such as those you listed in line 19.

Total amount of all past-due priority claims \$ 10,000.00 + 60 = \$ 166.66

36. Are you eligible to file a case under Chapter 13? 11 U.S.C. § 109(e).  
 For more information, go online using the link for *Bankruptcy Basics* specified in the separate instructions for this form. *Bankruptcy Basics* may also be available at the bankruptcy clerk's office.

- ☐ No. Go to line 37.  
☒ Yes. Fill in the following information.

Projected monthly plan payment if you were filing under Chapter 13

\$ 1,000.00

Current multiplier for your district as stated on the list issued by the Administrative Office of the United States Courts (for districts in Alabama and North Carolina) or by the Executive Office for United States Trustees (for all other districts).

X 7.00

Average monthly administrative expense if you were filing under Chapter 13

\$ 70.00

Copy total here=> \$ 70.00

37. Add all of the deductions for debt payment.  
 Add lines 33g through 36.

\$ 1,236.66

#### Total Deductions from Income

38. Add all of the allowed deductions.

Copy line 24, All of the expenses allowed under IRS expense allowances	\$ <u>7,455.00</u>
Copy line 32, All of the additional expense deductions	\$ <u>415.00</u>
Copy line 37, All of the deductions for debt payment	+\$ <u>1,236.66</u>

Total deductions

\$ 9,106.66

Copy total here=> \$ 9,106.66

Debtor 1 Eric E. GreggCase number (if known) 14-41338**Part 2: Determine Your Disposable Income Under 11 U.S.C. § 1325(b)(2)**39. Copy your total current monthly income from line 14 of Form 22C-1, Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period \$ 13,085.0040. Fill in any reasonably necessary income you receive for support for dependent children. The monthly average of any child support payments, foster care payments, or disability payments for a dependent child, reported in Part I of Form 22C-1, that you received in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child. \$ 0.0041. Fill in all qualified retirement deductions. The monthly total of all amounts that your employer withheld from wages as contributions for qualified retirement plans, as specified in 11 U.S.C. § 541(b)(7) plus all required repayments of loans from retirement plans, as specified in 11 U.S.C. § 362(b)(19). \$ 0.0042. Total of all deductions allowed under 11 U.S.C. § 707(b)(2)(A). Copy line 38 here. => \$ 9,106.66

43. Deduction for special circumstances. If special circumstances justify additional expenses and you have no reasonable alternative, describe the special circumstances and their expenses. You must give your case trustee a detailed explanation of the special circumstances and documentation for the expenses.

**Describe the special circumstances****Amount of expense**43a. attorney fees \$ 72.0043b. income tax \$ 1,386.0043c. \$           43d. Total. Add lines 43a through 43c. \$ 1,458.00 Copy 43d here=> \$ 1,458.0044. Total adjustments. Add lines 40 through 43d. => \$ 10,564.66 Copy total here=> \$ 10,564.6645. Calculate your monthly disposable income under § 1325(b)(2). Subtract line 44 from line 39. \$ 2,520.34**Part 3: Change in Income or Expenses**

46. Change in income or expenses. If the income in Form 22C-1 or the expenses you reported in this form have changed or are virtually certain to change after the date you filed your bankruptcy petition and during the time your case will be open, fill in the information below. For example, If the wages reported increased after you filed your petition, check 22C-1 in the first column, enter line 2 in the second column, explain why the wages increased, fill in when the increase occurred, and fill in the amount of the increase.

Form	Line	Reason for change	Date of change	Increase or decrease?	Amount of change
<input type="checkbox"/> 22C-1				<input type="checkbox"/> Increase	
<input type="checkbox"/> 22C-2				<input type="checkbox"/> Decrease	\$ <u>          </u>
<input type="checkbox"/> 22C-1				<input type="checkbox"/> Increase	
<input type="checkbox"/> 22C-2				<input type="checkbox"/> Decrease	\$ <u>          </u>
<input type="checkbox"/> 22C-1				<input type="checkbox"/> Increase	
<input type="checkbox"/> 22C-2				<input type="checkbox"/> Decrease	\$ <u>          </u>
<input type="checkbox"/> 22C-1				<input type="checkbox"/> Increase	
<input type="checkbox"/> 22C-2				<input type="checkbox"/> Decrease	\$ <u>          </u>



Case 14-41338-lkg Doc 18 Filed 12/22/14 Page 11 of 11

Debtor 1 Eric E. GreggCase number (if known) 14-41338**Part 4: Sign Below**

By signing here, under penalty of perjury you declare that the information on this statement and in any attachments is true and correct.

**X** /s/ Eric E. GreggEric E. Gregg  
Signature of Debtor 1Date December 22, 2014  
MM/DD/YYYY

**Boyce, Chasity**

---

**From:** Findley, Craig  
**Sent:** Friday, August 28, 2015 10:46 AM  
**To:** Murphy, Ed; Boyce, Chasity  
**Subject:** Mr Gregg

The Office of the Executive Inspector General forwarded today an anonymous complaint against Mr. Eric Gregg dated July 14, 2015.

The complainant said: *Mr. Gregg has had to fill out the Secretary of State Economic Disclosure Form. He does not tell the truth about his income on this form.*

*People are afraid to call in a complaint about Mr. Gregg. Even filed anonymously, he will know it could be someone out of a group of 2-30 people.*

*After a tornado hit the city of Harrisburg, the state stepped in with money to help. There was a local bidder from another county. The bidder from the other county offered a lower bid, but the money was rewarded to the local person. It was only changed when Mr. Gregg, the mayor at the time, was called out on this.*

I assume you are aware of this, and that the EIG considers the matter closed upon their referral to PRB, but I wanted you to know of this contact.

No reply is planned unless I am instructed otherwise.

cf



**Boyce, Chasity**

---

**From:** Tupy, Ken  
**Sent:** Tuesday, August 18, 2015 3:44 PM  
**To:** Boyce, Chasity  
**Subject:** FW: Eric E. Gregg

I got this email.

I talked with Eric Gregg. He says the 4,000 per month is from his wife's company that he had to list in his bankruptcy.

Should I call the reporter? She is calling Eric Greg.

Ken

**From:** Hundsdorfer, Beth [<mailto:bhundsdorfer@bnd.com>]  
**Sent:** Tuesday, August 18, 2015 10:35 AM  
**To:** Tupy, Ken  
**Subject:** Eric E. Gregg

Dear Mr. Tupy,

My name is Beth Hundsdorfer, a reporter for the Belleville News-Democrat. We talked last week about Vonetta Harris, who is a member of the Illinois Prisoner Review Board.

I am inquiring about board member Eric E. Gregg. Gregg filed bankruptcy in 2014. In that bankruptcy, he listed \$4,027 net monthly income from a business, profession or farm. Illinois 730 ILCS 5/3-3-1 which you told me last week governs the board states: "each member of the board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit nor engage in any other business, employment or vocation." Is Mr. Gregg violating the law by collecting \$4,000 a month as listed in his bankruptcy? What action can be taken to correct this violation?

If you have any questions, please contact me via email or by phone.

Thank you.

Beth Hundsdorfer  
 Reporter  
 Belleville News-Democrat  
 120 S. Illinois St.  
 Belleville, IL 62222  
 618.239.2570  
 618.670.7592



**Boyce, Chasity**

**From:** Tupy, Ken  
**Sent:** Tuesday, August 18, 2015 3:47 PM  
**To:** Boyce, Chasity  
**Subject:** RE: Eric E. Gregg

OK. I told him not to talk to them until the Governor's office clears it.

---

**From:** Boyce, Chasity  
**Sent:** Tuesday, August 18, 2015 3:46 PM  
**To:** Tupy, Ken  
**Cc:** Kelly, Catherine  
**Subject:** RE: Eric E. Gregg

Flagging for GOV comms and deferring to them.

---

Chasity A. Boyce  
 O: 312-814-6778  
 M: 312-995-3382

---

**From:** Tupy, Ken  
**Sent:** Tuesday, August 18, 2015 3:44 PM  
**To:** Boyce, Chasity  
**Subject:** FW: Eric E. Gregg

I got this email.

I talked with Eric Gregg. He says the 4,000 per month is from his wife's company that he had to list in his bankruptcy.

Should I call the reporter? She is calling Eric Greg.

Ken

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**Sent:** Tuesday, August 18, 2015 10:35 AM  
**To:** Tupy, Ken  
**Subject:** Eric E. Gregg

Dear Mr. Tupy,

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I am inquiring about board member Eric E. Gregg. Gregg filed bankruptcy in 2014. In that bankruptcy, he listed \$4,027 net monthly income from a business, profession or farm. Illinois 730 ILCS 5/3-3-1 which you told me last week governs the board states: "each member of the board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit



nor engage in any other business, employment or vocation." Is Mr. Gregg violating the law by collecting \$4,000 a month as listed in his bankruptcy? What action can be taken to correct this violation?

If you have any questions, please contact me via email or by phone.

Thank you.

Beth Hundsdorfer  
Reporter  
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618.239.2570  
618.670.7592

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**From:** Kelly, Catherine  
**To:** Hundsdorfer, Beth  
**Subject:** RE: Eric E. Gregg  
**Date:** Wednesday, August 19, 2015 5:09:08 PM

---

Hi, Beth:

The administration is investigating the additional income listed on Eric Gregg's bankruptcy filing documents and will determine any necessary action upon the conclusion of that investigation.

Thanks,  
ck

**From:** Hundsdorfer, Beth [mailto:bhundsdorfer@bnd.com]  
**Sent:** Wednesday, August 19, 2015 1:41 PM  
**To:** Kelly, Catherine  
**Subject:** Eric E. Gregg

My name is Beth Hundsdorfer, a reporter for the Belleville News-Democrat. My reporting partner George Pawlaczyj talked last week about Vonetta Harris, who is a member of the Illinois Prisoner Review Board.

I am inquiring about board member Eric E. Gregg. Gregg filed bankruptcy in 2014. In that bankruptcy, he listed \$4,027 net monthly income from a business, profession or farm. Illinois 730 ILCS 5/3-3-1 which you told me last week governs the board states: "each member of the board shall serve on a full-time basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit nor engage in any other business, employment or vocation." Is Mr. Gregg violating the law by collecting \$4,000 a month as listed in his bankruptcy? What action can be taken to correct this violation?

If you have any questions, please contact me via email or by phone.

Thank you.



Beth Hundsdorfer  
Reporter  
Belleville News-Democrat  
120 S. Illinois St.  
Belleville, IL 62222  
618.239.2570  
618.670.7592

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## Fill in this information to identify your case:

Debtor 1 Eric E. GreggDebtor 2  
(Spouse, if filing)United States Bankruptcy Court for the: Southern District of IllinoisCase number 14-41338  
(if known)

## Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).☐ 3. The commitment period is 3 years.☒ 4. The commitment period is 5 years.☐ Check if this is an amended filing

## Official Form 22C-1

Amended Chapter 13 Statement of Your Current Monthly Income  
and Calculation of Commitment Period

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

## Part 1: Calculate Your Average Monthly Income

## 1. What is your marital and filing status? Check one only.

☐ Not married. Fill out Column A, lines 2-11.☒ Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ <u>7,157.00</u>	\$ <u>1,901.00</u>
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ <u>0.00</u>	\$ <u>0.00</u>
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ <u>0.00</u>	\$ <u>0.00</u>
5. Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ <u>4,027.00</u>	
Ordinary and necessary operating expenses	-\$ <u>0.00</u>	
Net monthly income from a business, profession, or farm	\$ <u>4,027.00</u>	
	Copy here -> \$ <u>0.00</u>	\$ <u>0.00</u>
6. Net income from rental and other real property		
Gross receipts (before all deductions)	\$ <u>0.00</u>	
Ordinary and necessary operating expenses	-\$ <u>0.00</u>	
Net monthly income from rental or other real property	\$ <u>0.00</u>	
	Copy here -> \$ <u>0.00</u>	\$ <u>0.00</u>



Debtor 1 Eric E. GreggCase number (if known) 14-41338

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ 0.00	\$ 0.00
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:		
For you	\$ 0.00	
For your spouse	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 0.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.		
10a.	\$ 0.00	\$ 0.00
10b.	\$ 0.00	\$ 0.00
10c. Total amounts from separate pages, if any.	+ \$ 0.00	\$ 0.00

11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

11,184.00	+	1,904.00	=	13,085.00
\$ 7,157.00		\$ 5,928.00		\$ 13,085.00
Total average monthly income				

**Part 2: Determine How to Measure Your Deductions from Income**

12. Copy your total average monthly income from line 11.

\$ 13,085.00

13. Calculate the marital adjustment. Check one:

- ☐ You are not married. Fill in 0 on line 3d.
- ☐ You are married and your spouse is filing with you. Fill in 0 on line 13d.
- ☒ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

In lines 13a-c, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 on line 13d.

13a.	\$	
13b.	\$	
13c.	+\$	

13d. Total

\$ 0.00

Copy here=&gt; 13d. 0.00

14. Your current monthly income. Subtract line 13d from line 12.

14. \$ 13,085.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here=&gt;

15a. \$ 13,085.00

Multiply line 15a by 12 (the number of months in a year).

x 12

15b. The result is your current monthly income for the year for this part of the form.

15b. \$ 157,020.00



Debtor 1 Eric E. GreggCase number (if known) 14-41338**16. Calculate the median family income that applies to you. Follow these steps:**

16a. Fill in the state in which you live.

IL

16b. Fill in the number of people in your household.

5

16c. Fill in the median family income for your state and size of household.

16c. \$ 91,646.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

**17. How do the lines compare?**17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3. Do NOT fill out Calculation of Disposable Income (Official Form 22C-2).*17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Disposable Income (Official Form 22C-2). On line 39 of that form, copy your current monthly income from line 14 above.***Part 3: Calculate Your Commitment Period Under 11 U.S.C. §1325(b)(4)**

18. Copy your total average monthly income from line 11.

18. \$ 13,085.00

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a.

19a. -\$ 0.00

Subtract line 19a from line 18.

19b. \$ 13,085.00**20. Calculate your current monthly income for the year. Follow these steps:**

20a. Copy line 19b

20a. \$ 13,085.00

Multiply by 12 (the number of months in a year).

x 12

20b. The result is your current monthly income for the year for this part of the form

20b. \$ 157,020.00

20c. Copy the median family income for your state and size of household from line 16c

\$ 91,646.00**21. How do the lines compare?**☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years. Go to Part 4.*☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years. Go to Part 4.***Part 4: Sign Below**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

X /s/ Eric E. GreggEric E. Gregg

Signature of Debtor 1

Date August 21, 2015

MM/DD/YYYY

If you checked 17a, do NOT fill out or file Form 22C-2.

If you checked 17b, fill out Form 22C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

**Boyce, Chasity**

---

From: Tupy, Ken  
Sent: Monday, August 31, 2015 4:58 PM  
To: Boyce, Chasity  
Subject: FW: Eric Gregg  
Attachments: ericgregg.pdf

Chasity:

Here is what Eric Gregg sent me regarding the business. He indicates it is his wife's business.

Ken

I meant to say being played out. Sorry.

Eric E. Gregg  
15 Gregg Lane  
Harrisburg, Illinois 62946  
618-926-5063  
[egregg06@yahoo.com](mailto:egregg06@yahoo.com)

Hello Chairman Findley and Ken,

I hope the attached email helps and provides some clarification. Once again, this is an old story be played out with the new administration. If there is a need to contact Mark Jacobs with MidAmerican Energy, please do so. Also, my attorney Brad Olson is making the appropriate amendments to my paperwork in order to reflect what is accurate.

I appreciate everyone's help. Eric



Eric E. Gregg  
 15 Gregg Lane  
 Harrisburg, Illinois 62946  
 618-926-5063  
[egregg06@yahoo.com](mailto:egregg06@yahoo.com)

On Sunday, November 3, 2013 6:10 AM, "Jacobs, G Mark" <[GMJacobs@midamerican.com](mailto:GMJacobs@midamerican.com)> wrote:

My apologies Nichole. I had an error in your email address the first time. Below is a message I sent this morning.

**Mark Jacobs C.E.M.**  
 Sales Manager  
 Unregulated Retail Services



320 LeClaire St.  
 P.O. Box 4350  
 Davenport, IA 52801

A POWERFUL  
 ENERGY  
 RESOURCE

Office: (563) 333-8580  
 Fax: (563) 333-8749  
 Cell: (563) 343-1248  
 email: [gmjacobs@midamerican.com](mailto:gmjacobs@midamerican.com)

*Unregulated Retail Services is a division of MidAmerican Energy Company offering unregulated products and services.*

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---

**From:** Jacobs, G Mark  
**Sent:** Sunday, November 03, 2013 8:07 AM  
**To:** 'Ken.Tupy@Illinois.gov'; 'Adam.Monreal@Illinois.gov'; 'Nichole.Damhoff@Illinois.gov'  
**Cc:** Eric E. Gregg ([egregg06@yahoo.com](mailto:egregg06@yahoo.com))  
**Subject:** Eric Gregg

Ken, Adam & Nichole,  
 I wanted to provide to you information about MidAmerican Energy Company's working relationship with Eric Gregg. I am the manager for our independent sales agent channel. Prior to April 2013, I

had worked with Eric Gregg as an independent sales agent for our company. It was approximately mid-April 2013 when Eric informed us he would no longer be able to work with MidAmerican Energy because of his appointment to the Illinois Prisoner Review Board. Since that time we have been working with Eric's wife, Patti Gregg and his daughter Paige Burk under the agent name of Southern Illinois Energy Group.

**Mark Jacobs C.E.M.**  
Sales Manager  
*Unregulated Retail Services*



320 LeClaire St.  
P.O. Box 4350  
Davenport, IA 52801

**A POWERFUL  
ENERGY  
RESOURCE**

Office: (563) 333-8580  
Fax: (563) 333-8749  
Cell: (563) 343-1248  
email: [gmiacobs@midamerican.com](mailto:gmiacobs@midamerican.com)

*Unregulated Retail Services is a division of MidAmerican Energy Company offering unregulated products and services.*

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# OFFICE OF THE GOVERNOR

JRTC, 100 W. RANDOLPH, SUITE 16-100  
CHICAGO, ILLINOIS 60601

**BRUCE RAUNER**  
GOVERNOR

September 16, 2015

Mr. Eric Gregg  
15 Gregg Lane  
Harrisburg, IL 62946

Re: Allegations Against Eric Gregg, Member of the Illinois Prisoner Review Board

Dear Mr. Gregg:

Please be advised that the Governor's Office has received allegations that during your current term on the Prisoner Review Board, you have violated the terms of your appointment. Specifically, the allegations are that following your April 2013 appointment to the Prisoner Review Board, on December 22, 2014, you filed for bankruptcy reporting a salary of \$157,020.00. The Statement of Monthly Income, filed in conjunction with your bankruptcy petition, indicates your "average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing" totaled \$11,184. (See Exhibit A, Gregg Chapter 7 Statement of Monthly Income, at p. 2 - 3). This information was listed in the column requiring disclosure of income derived from "a business, profession or farm." The bankruptcy petition requires a declaration that the information provided is true and correct, which you provided. (See Exhibit B, Relevant Portions of Gregg Bankruptcy Petition). However, a review of the Illinois Comptroller's website indicates that at the time of your bankruptcy filing, and for the six months prior, your average monthly salary from the State of Illinois was \$7,157.00.

In addition, it has been alleged that, on April 26, 2013, you filed an inaccurate Statement of Economic Interests with the Secretary of State. Specifically, you wrote "none" on question 8 of the statement, which requires filers to "list the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year." (See Exhibit C, Gregg 2012 Statement of Economic Interests). The Statement of Economic Interests requires a declaration that the information provided is correct and complete, which you provided. However, press accounts report that you received, during the 2012 calendar year, at least two gifts, valued at \$1,100 and "about \$5,000." (See Exhibit D, "Governor's Office Investigating Whether Parole Board Member Earned Prohibited Income," *Belleville News Democrat*, 8/22/2015).



**Office of the Governor**

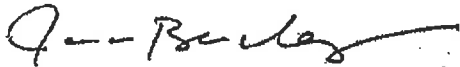
September 16, 2015

Page 2 of 2

Illinois law prohibits members of the Prisoner Review Board from holding any additional "...office or position of profit" and from "engag[ing] in any other business, employment or vocation." Illinois law requires "Persons whose appointment to office is subject to confirmation by the Senate" to file annual statements of economic interests, and such statements must be complete and correct. The Prisoner Review Board performs functions critical to the criminal justice system in Illinois. As such, and in order to provide an opportunity to respond to the allegations, please provide our office with a written statement responding to the allegations herein within one (1) week, on or before **September 24, 2015**. Your written statement should include any facts or relevant items of evidence that would help us evaluate the validity of these allegations. We will evaluate the statement upon receipt and determine whether any further action should be taken related to these allegations.

Should you have any questions in the meantime, please do not hesitate to contact me. Thank you, in advance, for your attention to this notice and these requests.

Sincerely,



Jason Barclay  
General Counsel  
Office of the Governor

September 20, 2015

Mr. Jason Barclay  
General Counsel  
Office of the Governor  
JRTC, 100 West Randolph, Suite 16-100  
Chicago, Illinois 60601

Dear Mr. Barclay:

I would first like to thank you for allowing me to address the issues of concern with my appointment and employment with the Illinois Prisoner Review Board. I am truly honored and consider it a privilege to serve on the Board and will continue to work very hard in my position and for Governor Rauner through my term of 2019.

On December 22, 2014, I filed for Chapter 13 Bankruptcy Protection, with a 100 percent payback plan over 5 years. On December 2, 2015, I will be going to Federal Court in Benton, Illinois to finalize the bankruptcy. I filed due to medical bills I had accrued during my illness in 2012 and extended hospital stays and surgeries. When the bankruptcy documentation was filed by my attorney, Brad Olson, he inadvertently placed the income of a company that I had formed called the Southern Illinois Energy Group along with the income listed in my column for the Illinois Prisoner Review Board. This was a mistake he acknowledged early on and said it would be amended in order to be correct. The proceeds from the Southern Illinois Energy Group should have been placed in my wife Patti's column as a non-filing spouse. The bankruptcy documents have been amended and filed with the Federal Bankruptcy Court in Benton, Illinois. Exhibit A, which is attached, is the corrected and filed copy of my bankruptcy documents. Mr. Olson also discussed this matter with IPRB Legal Counsel Ken Tupy and shared with him that it was his mistake. Mr. Tupy will verify this if needed. Mr. Olson also assured me that since my case was ongoing, it was not an issue to amend the documentation. I have also included documentation showing my wife as the owner of the Southern Illinois Energy Group DBA in Exhibit B. Included are filings with the Saline County Clerk's Office along with notification in the local newspaper. My wife has a bank account with Farmer's State Bank in Harrisburg, Illinois for the Southern Illinois Energy Group and she is the only name on the account. She is also the only one with signature authority. Since she was not incorporated, she was advised that it was not necessary to file with the Secretary of State's Office. Also included in Exhibit B is an email from Mark Jacobs, Sales Manager for MidAmerican Energy Company, that



notifies IPRB Legal Counsel Ken Tupy, former Chairman Adam Monreal and Personnel Officer Nichole Damhoff concerning me severing my ties as an Authorized Sales Agent with the company. The email addresses the fact that I stopped working for the company when I was appointed to the Illinois Prisoner Review Board in April of 2013.

In regards to my Statement of Economic Interests filed on April 26, 2013, the paperwork was filed that day due to Governor Quinn appointing me to the Illinois Prisoner Review Board. The Statement of Economic Interests was filed by the staff of Governor Quinn to the Secretary of State's Office on my behalf. I did not file it that day. I had completed the Statement of Economic Interests on May 20, 2012, which was the year before, during my illness and recovery, but it was prior to the lift chair purchase and the community fundraiser held on my behalf. IPRB Legal Counsel Ken Tupy can verify that this is true and correct. When this issue was first raised and addressed by Governor Quinn's Administration in 2013, shortly after my appointment, it was discovered what had happened and why my Statement of Economic Interests did not reflect the lift chair or fundraiser, or whether or not it needed to be. It was also determined that many people donated to the lift chair, not just one individual, as well as the fundraiser which was held on my behalf. The fundraiser was conducted by many people in our area and the finances were placed in an account with a local church. I did not have access to the account. The purpose of the event was for the people of the community and area to help offset some of my medical bills. As the Mayor of Harrisburg I was paid \$800 dollars per month and it did not come with healthcare. This was done on my behalf and I have never known who donated what, or the amount they donated. As far as the lift chair, I never knew how much it cost. I did however, on multiple occasions, offer to pay Mr. Charlie Will, Harrisburg's former city treasurer, all of his contribution toward the chair back to him. He declined many times and never shared with me the amount he contributed.

I would like to address the articles appearing in the Belleville News Democrat. The information being supplied to them is coming from Mr. Will and apparently Mrs. Lu Maddox. I know Mrs. Maddox has family in the area which is about 120 miles from Harrisburg, Illinois. Both of these individuals were fired during my time as Harrisburg's Mayor. Mr. Will was fired for not doing his job as city treasurer and Mrs. Maddox was fired as a Tax Increment Finance Consultant for the city. Mr. Will also sued the city for lost time and pay. He lost his case. I also had a business relationship with Mrs. Maddox which I severed on February 28, 2012, the day before the devastating Leap Day Tornado in Harrisburg, Illinois. As pointed out in the Belleville News Democrat, Mrs. Maddox is suing me, alleging that she was my business partner and protesting my bankruptcy. Both of these individuals, along with a few others continue to attack me



9/20/2015

Untitled document - Google Docs

and my family, before and since my appointment to the Illinois Prisoner Review Board. These individuals are filled with hate and revenge. These individuals, along with a few others, were dealt with appropriately during my time as mayor. The BND reporters attempt to contact me almost daily, but under the advice of IPRB Legal Counsel Ken Tupy, I have not talked with them. After reading some of their stories that tend to leave out factual information and the truth, I am sure I will not be talking with them. No other local media outlets have pursued this story or contacted me since the initial story ran in the BND concerning the Governor's Office looking into it.

I would like to conclude by saying that in my 35 years of community service, from coaching high school sports, serving on many boards and from serving being as a mayor, my ethics or integrity have never been questioned. I have been honored many times for my work and for being a community volunteer. I plan to continue to serve my community and area for the rest of my life. In 2012, as the Mayor of Harrisburg, I helped lead our community back after the devastating tornado, which claimed 8 of our lives, injured hundreds and destroyed the southern end of our community. I accomplished this while overcoming a catastrophic illness which almost claimed my life. I shared this with you because it is very hard to be attacked by these few individuals with an agenda after knowing what my wife and I have been through in our lives.

I trust that I have answered the issues of concern through this letter. However, if you should have any further questions, I am more than willing to meet with you anytime, or anywhere to further discuss this entire matter. I truly hope this is finally put to rest.

Again, thank you for reaching out to me and letting me set the record straight. If I can be of any service, please do not hesitate to call on me.

Sincerely,

Eric E. Gregg-Illinois Prisoner Review Board Member  
15 Gregg Lane  
Harrisburg, Illinois 62946  
(618)926-5063  
egregg06@yahoo.com



**LAW OFFICE OF  
BRADLEY P. OLSON**



ATTORNEYS AT LAW

Bradley P. Olson

September 22, 2015

Office of the Governor  
Attention: Mr. Jason Barclay  
JRTC, 100 W. Randolph, Suite 16-100  
Chicago, IL 60601

**Re: Eric Gregg**

Dear Mr. Barclay:

I am in receipt of a letter dated September 16, 2015, addressed to Mr. Gregg. I have been retained to represent Mr. Gregg in a Chapter 13 Bankruptcy. Mr. Gregg, primarily due to medical expenses, filed for Chapter 13 Bankruptcy protection on December 8, 2014. Mr. Gregg's bankruptcy schedules require him to list his current monthly household income on "Schedule I". Schedule I correctly listed his income from the Illinois Prisoner Review Board and his spouse's income as from the Harrisburg School District and the Southern Illinois Energy Group. The schedules also require Mr. Gregg to list his household income from the last six months on "Form 22C". Originally Mr. Gregg filed the Form 22C placing the income from the Southern Illinois Energy Group in the column for himself and not his spouse. This was an error in drafting and proof reading the schedules and was corrected once the error was brought to Mr. Gregg's attention by filing with the United States Bankruptcy Court and amended Form 22C on August 21, 2015.

For your convenience, I have attached a copy of Mr. Gregg's schedule I and the amended Form 22C.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

  
Bradley P. Olson

BPO:lw  
Enclosures

☐ 144 S. Division . Carterville, IL 62918 . (618) 985-5262 . Fax (618) 985-5962 . Toll Free (888) 985-5262  
☐ 101 E. DeYoung . Marion, IL 62959 . (618) 997-5262 . Fax (618) 997-5268  
Email: [bradolson@bradolsonlaw.com](mailto:bradolson@bradolsonlaw.com)  
website: [bradleyolsonlaw.com](http://bradleyolsonlaw.com)

EXHIBIT

**N**  
A-103

## Fill in this information to identify your case

Debtor 1 Eric E. GreggDebtor 2  
(Spouse, if filing)United States Bankruptcy Court for the: SOUTHERN DISTRICT OF ILLINOISCase number 14-41338  
(If known)

Check if this is:

- ☐ An amended filing
- ☐ A supplement showing post-petition chapter 13 income as of the following date:

MM / DD / YYYY

12/13

## Official Form B 61

## Schedule I: Your Income

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

## Part 1: Describe Employment

## 1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

Debtor 1

- ☒ Employed
- ☐ Not employed

Occupation

II Prisoner Review Board Member

Employer's name

State of Illinois

Employer's address

319 E. Madison Street Suite A  
Springfield, IL 62701

Debtor 2 or non-filing spouse

- ☒ Employed
- ☐ Not employed

Teacher's aid

Harrisburg School District Unit 3

Harrisburg, IL 62946

How long employed there?

1.5 years

23 years

## Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ 7,157.00	\$ 1,901.00
3. Estimate and list monthly overtime pay.	+\$ 0.00	+\$ 0.00
4. Calculate gross income. Add line 2 + line 3.	\$ 7,157.00	\$ 1,901.00

Debtor 1 Eric E. GreggCase number (if known) 14-41338

Copy line 4 here

## 5. List all payroll deductions:

- 5a. Tax, Medicare, and Social Security deductions  
 5b. Mandatory contributions for retirement plans  
 5c. Voluntary contributions for retirement plans  
 5d. Required repayments of retirement fund loans  
 5e. Insurance  
 5f. Domestic support obligations  
 5g. Union dues  
 5h. Other deductions. Specify: \_\_\_\_\_

	For Debtor 1	For Debtor 2 or non-filing spouse
4.	\$ 7,157.00	\$ 1,901.00

5a.	\$ 2,157.00	\$ 307.00
5b.	\$ 1,432.00	\$ 0.00
5c.	\$ 0.00	\$ 0.00
5d.	\$ 0.00	\$ 85.00
5e.	\$ 315.00	\$ 0.00
5f.	\$ 0.00	\$ 0.00
5g.	\$ 0.00	\$ 0.00
5h. +	\$ 0.00	\$ 0.00

## 6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.

6.	\$ 3,904.00	\$ 392.00
----	-------------	-----------

## 7. Calculate total monthly take-home pay. Subtract line 6 from line 4.

7.	\$ 3,253.00	\$ 1,509.00
----	-------------	-------------

## 8. List all other income regularly received:

- 8a. Net income from rental property and from operating a business, profession, or farm  
 Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.  
 8b. Interest and dividends  
 8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive  
 Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.  
 8d. Unemployment compensation  
 8e. Social Security  
 8f. Other government assistance that you regularly receive  
 Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.  
 Specify: \_\_\_\_\_  
 8g. Pension or retirement income  
 8h. Other monthly income. Specify: Southern II Energy Group

8a.	\$ 0.00	\$ 0.00
8b.	\$ 0.00	\$ 0.00
8c.	\$ 0.00	\$ 0.00
8d.	\$ 0.00	\$ 0.00
8e.	\$ 0.00	\$ 0.00

8f.	\$ 0.00	\$ 0.00
8g.	\$ 0.00	\$ 0.00
8h. +	\$ 0.00	\$ 2,393.00

## 9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.

9.	\$ 0.00	\$ 2,393.00
----	---------	-------------

## 10. Calculate monthly income. Add line 7 + line 9.

Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.

10.	\$ 3,253.00	+	\$ 3,902.00	=	\$ 7,155.00
-----	-------------	---	-------------	---	-------------

## 11. State all other regular contributions to the expenses that you list in Schedule J.

Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.

Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J.

Specify: \_\_\_\_\_

11. +\$ 0.00

## 12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies

12.	\$ 7,155.00
-----	-------------

Combined monthly income

## 13. Do you expect an increase or decrease within the year after you file this form?

☐ No.☒ Yes. Explain:

Debtors income will be reduced due to self employment being greatly reduced.

Fill in this information to identify your case:

Debtor 1 Eric E. GreggDebtor 2  
(Spouse, if filing)United States Bankruptcy Court for the: Southern District of IllinoisCase number 14-41338  
(if known)

Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).☐ 3. The commitment period is 3 years.☒ 4. The commitment period is 5 years.☐ Check if this is an amended filing

## Official Form 22C-1

Amended Chapter 13 Statement of Your Current Monthly Income  
and Calculation of Commitment Period

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

## Part 1: Calculate Your Average Monthly Income

1. What is your marital and filing status? Check one only.

☐ Not married. Fill out Column A, lines 2-11.☒ Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2. Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ 7,157.00	\$ 1,901.00
3. Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ 0.00	\$ 0.00
4. All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ 0.00	\$ 0.00
5. Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ 4,027.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from a business, profession, or farm	\$ 4,027.00	
	Copy here -> \$ 4,027.00	\$ 0.00
6. Net income from rental and other real property		
Gross receipts (before all deductions)	\$ 0.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from rental or other real property	\$ 0.00	
	Copy here -> \$ 0.00	\$ 0.00

Debtor 1 Eric E. GreggCase number (if known) 14-41338

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
7. Interest, dividends, and royalties	\$ 0.00	\$ 0.00
8. Unemployment compensation	\$ 0.00	\$ 0.00
Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:		
For you	\$ 0.00	
For your spouse	\$ 0.00	
9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act.	\$ 0.00	\$ 0.00
10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism. If necessary, list other sources on a separate page and put the total on line 10c.		
10a.	\$ 0.00	\$ 0.00
10b.	\$ 0.00	\$ 0.00
10c. Total amounts from separate pages, if any.	+ \$ 0.00	\$ 0.00

11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B:

11,484.00	1,801.00	
\$ 7,157.00	\$ 5,928.00	\$ 13,085.00
		Total average monthly income

**Part 2: Determine How to Measure Your Deductions from Income**

12. Copy your total average monthly income from line 11.

\$ 13,085.00

13. Calculate the marital adjustment. Check one:

- ☐ You are not married. Fill in 0 on line 13d.
- ☐ You are married and your spouse is filing with you. Fill in 0 in line 13d.
- ☒ You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column-B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

In lines 13a-c, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 on line 13d.

13a.	\$	
13b.	\$	
13c.	+\$	

13d. Total

\$ 0.00

Copy here=&gt; 13d. 0.00

14. Your current monthly income. Subtract line 13d from line 12.

14. \$ 13,085.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here=&gt;

15a. \$ 13,085.00

Multiply line 15a by 12 (the number of months in a year).

x 12

15b. The result is your current monthly income for the year for this part of the form.

15b. \$ 157,020.00

Debtor 1 Eric E. GreggCase number (if known) 14-41338**16. Calculate the median family income that applies to you. Follow these steps:**

16a. Fill in the state in which you live.

IL

16b. Fill in the number of people in your household.

5

16c. Fill in the median family income for your state and size of household.

16c. \$ 91,646.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

**17. How do the lines compare?**17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3. Do NOT fill out Calculation of Disposable Income (Official Form 22C-2).*17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Disposable Income (Official Form 22C-2). On line 39 of that form, copy your current monthly income from line 14 above.***Part 3: Calculate Your Commitment Period Under 11 U.S.C. §1325(b)(4)**

18. Copy your total average monthly income from line 11.

18. \$ 13,085.00

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a.

19a. \$ 0.00

Subtract line 19a from line 18.

19b. \$ 13,085.00**20. Calculate your current monthly income for the year. Follow these steps:**

20a. Copy line 19b

20a. \$ 13,085.00

Multiply by 12 (the number of months in a year).

x 12

20b. The result is your current monthly income for the year for this part of the form

20b. \$ 157,020.00

20c. Copy the median family income for your state and size of household from line 16c

\$ 91,646.00**21. How do the lines compare?**☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years. Go to Part 4.*☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years. Go to Part 4.***Part 4: Sign Below**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

X /s/ Eric E. GreggEric E. Gregg

Signature of Debtor 1

Date August 21, 2015

MM/DD/YYYY

If you checked 17a, do NOT fill out or file Form 22C-2.

If you checked 17b, fill out Form 22C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.



## Fill in this information to identify your case:

Debtor 1 Eric E. Gregg

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Illinois

Case number 14-41338  
(if known)

## Check as directed in lines 17 and 21:

According to the calculations required by this Statement:

- ☐ 1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).
- ☒ 2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).
- ☐ 3. The commitment period is 3 years.
- ☒ 4. The commitment period is 5 years.

☐ Check if this is an amended filing

## Official Form 22C-1

## Amended Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period

12/14

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

## Part 1: Calculate Your Average Monthly Income

1 What is your marital and filing status? Check one only.

☐ Not married. Fill out Column A, lines 2-11☒ Married. Fill out both Columns A and B, lines 2-11

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write 0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse
2 Your gross wages, salary, tips, bonuses, overtime, and commissions (before all payroll deductions).	\$ 7,157.00	\$ 1,901.00
3 Alimony and maintenance payments. Do not include payments from a spouse if Column B is filled in.	\$ 0.00	\$ 0.00
4 All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support. Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Include regular contributions from a spouse only if Column B is not filled in. Do not include payments you listed on line 3.	\$ 0.00	\$ 0.00
5 Net income from operating a business, profession, or farm		
Gross receipts (before all deductions)	\$ 4,027.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from a business, profession, or farm	\$ 4,027.00	
	Copy here -> \$ 4,027.00	\$ 0.00
6 Net income from rental and other real property		
Gross receipts (before all deductions)	\$ 0.00	
Ordinary and necessary operating expenses	-\$ 0.00	
Net monthly income from rental or other real property	\$ 0.00	\$ 0.00
	Copy here -> \$ 0.00	\$ 0.00





Debtor 1 Eric E. Gregg

16. Calculate the median family income that applies to you. Follow these steps:

16a. Fill in the state in which you live. IL16b. Fill in the number of people in your household. 5

16c. Fill in the median family income for your state and size of household.

16c. \$ 91,646.00

To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

17. How do the lines compare?

17a. ☐ Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3)*. Go to Part 3. Do NOT fill out *Calculation of Disposable Income* (Official Form 22C-2).17b. ☒ Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3)*. Go to Part 3 and fill out *Calculation of Disposable Income* (Official Form 22C-2). On line 39 of that form, copy your current monthly income from line 14 above.**Part 3: Calculate Your Commitment Period Under 11 U.S.C. §1325(b)(4)**18. Copy your total average monthly income from line 11. 13,085.0018. \$ 13,085.00

19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13d.

If the marital adjustment does not apply, fill in 0 on line 19a.

19a. \$ 0.00

Subtract line 19a from line 18.

19b. \$ 13,085.00

20. Calculate your current monthly income for the year. Follow these steps:

20a. Copy line 19b

20a. \$ 13,085.00

Multiply by 12 (the number of months in a year).

x 12

20b. The result is your current monthly income for the year for this part of the form

20b. \$ 157,020.00

20c. Copy the median family income for your state and size of household from line 16c

\$ 91,646.00

21. How do the lines compare?

☐ Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years*. Go to Part 4.☒ Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years*. Go to Part 4.**Part 4: Sign Below**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct

X /s/ Eric E. Gregg  
Eric E. Gregg  
Signature of Debtor 1Date August 21, 2015  
MM/DD/YYYY

If you checked 17a, do NOT fill out or file Form 22C-2

If you checked 17b, fill out Form 22C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above

09/23/2015 14:16 16182532094

WEST SIDE SCHOOL

PAGE 02/02

September 22, 2015

Mr. Jason Barclay  
General Counsel  
Office of the Governor  
JRTC, 100 West Randolph, Suite 16-100  
Chicago, Illinois 60601

Dear Mr. Barclay:

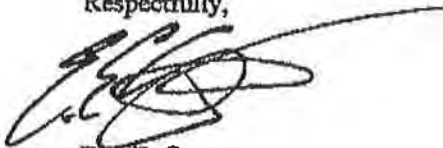
I would like to bring the following information to your attention. Please look at the dates on the Economic Interests Statement in question. I meant to point this out more thoroughly in my first response.

I completed and signed this Statement of Economic Interest on May 20, 2012. In reference to #8, the form states "gift or gifts received during the preceding calendar year", which would have been 2011. My "None" answer was true and correct for 2011. I was never given or asked to file another statement in 2013. It was filed by the Governor's Office on April 26, 2013.

Also, please note that I had completed the Statement of Economic Interests form on May 12, 2012, which was during my illness and recovery. The lift chair was purchased with donations around that time, but before the June 23, 2012 fundraiser. In my original response, I had stated the lift chair was purchased after I completed the form.

Thank you again for your assistance with this matter.

Respectfully,



Eric E. Gregg  
Illinois Prisoner Review Board  
15 Gregg Lane  
Harrisburg, Illinois 62946  
(618)926-5063  
egregg06@yahoo.com



**Boyce, Chasity**

**From:** Barclay, Jason  
**Sent:** Monday, October 05, 2015 5:10 PM  
**To:** Boyce, Chasity; Holzrichter, Mitch  
**Subject:** FW: Eric Gregg: Constitutional Grounds for Removal from Illinois Prisoner Review Board  
**Importance:** High

Lets set a time to discuss tomorrow.

---

**From:** Tom Crosby [<mailto:tcrosby@winterslaw.com>]  
**Sent:** Monday, October 05, 2015 4:10 PM  
**To:** Barclay, Jason  
**Cc:** Tom Crosby  
**Subject:** Eric Gregg: Constitutional Grounds for Removal from Illinois Prisoner Review Board  
**Importance:** High

Dear Mr. Barclay,

This firm has been contacted by Eric Gregg, Harrisburg, Illinois concerning the letter you issued on October 2, 2015 by which the Governor exercised "removal authority in Article V, Section 10 of the Illinois Constitution" to effect an immediate termination of Mr. Gregg's tenure on the Illinois Prisoner Review Board. The letter fails to state the constitutional or statutory basis for the termination. 730 ILCS 5/3-3-1 (c): "Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve." ; Illinois Constitution Art. V, Section 10 provides: "The Governor may remove for incompetence, neglect of duty, or malfeasance in office any officer who may be appointed by the Governor." Please state which of the statutory grounds setting out the allowable grounds for dismissal for cause the Governor is relying on to support Mr. Gregg's termination.

Your letter recites conduct concerning the clerical error in the Chapter 13 bankruptcy filing which is being construed by the Governor as conduct which "constitute a sufficient basis for your removal pursuant to Article V, Section 10 of the Illinois Constitution. This finding ignores the submission of Mr. Gregg's bankruptcy attorney which categorically proves the discrepancy was an "error in drafting and proof reading the schedules and was corrected". The fact that the Schedule I of the same bankruptcy filing demonstrates that Mr. Gregg did not receive any income outside his salary as a member of the Illinois Prisoner Review Board and establishes that the Form 22C-1 listing of monthly income sources was in error when outside income was assigned to Mr. Gregg instead of his wife, the non-filing spouse. The ambiguity caused by the inconsistency in the bankruptcy filing led to an amendment of the form 22C-1 that brings it into conformity with Schedule I. The termination letter failed to cite to the November 3, 2013 communication from MidAmerican Energy Company addressed to the Illinois Prisoner Review Board's Chairman and legal counsel which attests that income after mid April 2013 was paid only to Mr. Gregg's wife; Mr. Gregg was appointed by then Governor Quinn to the Board on April 26, 2013.

What your letter fails to set out is whether the "conduct" described was found by the Governor to constitutes either "incompetence" and/or "neglect of duty" and/ or "malfeasance in office". Recital of a constitutional grounds as a finding has always been and remains a legal prerequisite for exercise of the constitutional power of removal. *Wilcox v. The People ex rel. Lipe*, 90 Ill. 186 (1878).



This follows our telephone conversation earlier today in which you reaffirmed the Governor is not inclined to reconsider his termination decision. Mr. Gregg made me aware of your office's offer to allow Mr. Gregg to resign to avoid the embarrassment inherent in the Governor's public accusations of misconduct. As Mr. Gregg is confident he did nothing to deserve to be terminated he will be pursuing judicial review of the Governor's actions. Please inform me if the Governor will be clarifying the constitutional grounds he is invoking to justify Mr. Gregg's termination.

Respectfully,

Thomas F. Crosby  
Winters, Brewster, Crosby and Schafer LLC  
111 West Main, P.O. Box 700  
P.O. Box 700  
Marion, IL 62959  
Phone: (618) 997-5611  
Fax: (618) 997-6522

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## OFFICE OF THE GOVERNOR

207 STATE HOUSE  
SPRINGFIELD, ILLINOIS 62706

BRUCE RAUNER  
GOVERNOR

October 7, 2015

Mr. Thomas Crosby  
Winters, Brewster, Crosby and Shafer LLC  
111 West Main  
P.O. Box 700  
Marion, Illinois 62959

Re: Response to October 5, 2015 Inquiry

Dear Mr. Crosby:

I am writing in response to your October 5, 2015 phone call and correspondence challenging Eric Gregg's removal from the Illinois Prisoner Review Board.

At the outset, you misrepresented the holding in *Wilcox v. The People ex rel. Lipe*, 90 Ill. 186 (1878). My October 2, 2015 letter specifies that the Governor terminated Mr. Gregg pursuant to his legal authority in Article 5, Section 10 of the Illinois Constitution. During our phone call, you acknowledged that you were familiar with that constitutional provision, which expressly provides that the Governor may remove any gubernatorial appointee for "incompetence, neglect of duty, or malfeasance."

The *Wilcox* court found that the Governor has complete discretion in the manner and method used to remove an appointee under a similar provision in the 1870 Illinois Constitution. In fact, the *Wilcox* court stated that the Governor may "determine, himself, whether the cause of removal exists, from the best lights he can get, and no mode of inquiry being prescribed for him to pursue, it rests with him to adopt that method of inquiry and ascertainment as to the charge involved which his judgment may suggest as the proper one, acting under his official responsibility..." *Id.* We provided Mr. Gregg with an opportunity to respond to allegations against him. After consulting with counsel, Mr. Gregg responded in detail to those allegations. We considered Mr. Gregg's response and then provided Mr. Gregg with a comprehensive written



Office of the Governor

October 7, 2015

Page 2 of 3

explanation of the factual basis for which he was being removed. Courts have confirmed that process satisfies and exceeds the procedural requirements for removal under the Illinois Constitution. See *Adams v. Walker*, 492 F. 2d 1003 (7th Cir. 1974); *Ford v. Blagojevich*, 282 F. Supp. 2d 898, 904 (C.D. Ill. 2003).

My October 2, 2015 letter also made clear why Mr. Gregg's conduct met the constitutional standard for "incompetence, neglect of duty, or malfeasance." He acknowledged, and now you have confirmed on his behalf, that Mr. Gregg filed a false statement under oath in federal bankruptcy proceedings. As you point out, that bankruptcy filing conflicts with representations made to the Illinois Prisoner Review Board, and as filed, would disqualify Mr. Gregg from state service for receiving outside income. Additionally, the petition improperly lists the value of the gift received by Mr. Gregg. Mr. Gregg either knowingly signed a false statement in violation of one or more of the federal laws cited in my October 2, 2015 letter, or he signed a federal bankruptcy document under penalty of perjury without reviewing it. He would have known that a federal judge was going to rely upon his certification of the information in that document, which contained statements that directly conflicted with his agents' representations to the Prisoner Review Board about his receipt of outside income. Under either formulation, Mr. Gregg's conduct constitutes either malfeasance or complete incompetence and neglect of duty. This conduct alone is sufficient for removal.

Additionally, you make no mention in your correspondence of the false Statement of Economic Interests Mr. Gregg acknowledged that was filed. Your client's prior explanation is entirely inadequate. There is no dispute that the value of the chair exceeded the \$500 threshold. Question 8 on the Statement of Economic Interests requires disclosure of any entity "from which a gift or gifts . . . valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year." (See Gregg 2012 Statement of Economic Interests). The document he signed in May, 2012 would have required him to disclose gifts received in 2011. He was obligated prior to May 1, 2013 to file a Statement of Economic Interests disclosing all gifts received in 2012. His 2012 statement filed in 2013 was then false and once again, signed by him as being truthful under the penalty of perjury. Mr. Gregg either allowed Governor Quinn's office to file his 2012 Statement of Economic Interests in 2013 knowing that it was false, or he neglected to file an accurate Statement of Economic Interests in 2013 to disclose gifts he received in 2012 altogether. As my October 2, 2015 letter makes clear, it was Mr. Gregg's legal obligation - not the duty of the Governor's Office - to ensure that he filed a timely and accurate Statement of Economic Interests in 2013. (See 5 ILCS 420/4A-101). While Mr. Gregg has made efforts to correct a portion of his false bankruptcy filing, he has made no attempts to correct his false Statement of Economic Interests. Here again under either formulation, Mr. Gregg's conduct was either intentional, and therefore would constitute malfeasance, or complete incompetence and neglect of duty. This conduct alone would also be sufficient for removal. Taken with his false statements under oath in federal bankruptcy proceedings, Mr. Gregg's multiple acts of wrongful conduct constitute solid grounds for his removal.

As I made clear in our phone conversation, the Governor will not reconsider his decision simply because you have threatened legal action. We are prepared to fully defend the Governor's action and the legal basis for taking that action.

Office of the Governor  
October 7, 2015  
Page 3 of 3

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Barclay", with a stylized flourish at the end.

Jason Barclay  
General Counsel

A-117



## Record Sheet

NATURE OF CASE:

15-L-29

vs Eric E. Gregg

Attorney

Bruce Rauner &amp; Craig Findley

DATE CIR-D	JUDGE & REPORTER		COSTS
6/9/16	Amos (1)	<p>Case reviewed. Before the Court all several motions filed by Ds. The Court, having reviewed said motions, as well as suggesting memoranda in support and opposition, finds as follows:</p> <p>(1) Granted Motion to Dismiss Combined Complaint and Objection to Request for Trial and Preliminary Injunction:</p> <p>(a) D Rauner's 52-615 Motion is DENIED. Rauner argues Court fails to allege a cause of action because his decision to remove it from the Prisoner Review Board is not subject to judicial review. The Court disagrees. The Prisoner Review Board, though part of the executive branch, is a quasi-judicial board which is independent of the executive branch.</p>	

CONTINUED

## Record Sheet

15-L-29

NATURE OF CASE: \_\_\_\_\_

vs ERIC E. Gregg

Attorney

Bruce Rauner &amp; Craig Findley

DATE Ctrl-D	JUDGE & REPORTER		COSTS
	CONT'D.	LUNDING V. WAXEL, (65 Ill.2d 516	
	(2)	(1977) therefore applied. It has	
		alleged a proper cause of action	
		for judicial review.	
		(b). Δ Findley's 52-615	
		Motion is GRANTED. It fails	
		in his Complaint to allege a cause	
		of action against said Δ.	
		(c) Δ's 52-615 Motion	
		alleging It does not have a property	
		interest in his position and	
		therefore failed to allege a cause	
		of action is DENIED.	
		(d) Δ's objection to It's request	
		for injunctive relief is SUSTAINED.	
		It cannot, as proven, has not, established	
		all of the 4 elements necessary	
		to be entitled to injunctive relief.	
		Specifically, It has failed to allege	
		immediate, irreparable harm;	
		further, It has failed to sufficiently	
		Continued	



No. 122802

IN THE  
SUPREME COURT OF ILLINOIS

ERIC GREGG,

Plaintiff-Petitioner,

v

BRUCE RAUNER, Governor of Illinois,

Defendant-Respondent,

) Petition for Leave to Appeal  
) from the Appellate Court,  
) Fifth District, No. 5-16-0474

) There heard on Appeal  
) from the Circuit Court  
) of Saline County,  
) No. 15-L-29

) Hon. Todd Lambert  
) Judge Presiding

Verified Statement of Out-of-State Attorney Pursuant to Supreme Court Rule 707

I, TIMOTHY JAMES CROSBY, submit this Verified Statement pursuant to Illinois Supreme Court Rule 707.

1. My full name is TIMOTHY JAMES CROSBY. The address of offices from which I practice law and related email address and telephone numbers are as follows:

Berke, Berke & Berke  
420 Frazier Avenue  
Chattanooga, TN 37405  
Phone: (423) 266-5171  
Email: tim@berkeattys.com

2. I represent the Plaintiff, ERIC GREGG, in the above mentioned cause.

3(a). I have not filed any other appearance pursuant to this rule during this calendar year.

3(b). I have not received a registration number from the ARDC.

4(a). On May 2, 2017, I was admitted to practice law in list the State of Tennessee under my full name, Timothy James Crosby, at which time I was given license number BPR# 03559.

4(b). I attach a letter or certificate of good standing for each of the jurisdictions listed in paragraph 4(a) above.

5. I have no office or other presence in Illinois for the practice of law.

6. I submit to the disciplinary authority of the Supreme Court of Illinois;

7. I have undertaken to become familiar with and to comply, as if admitted to practice in Illinois, with the rules of the Supreme Court of Illinois, including the Illinois Rules of Professional Conduct and the Supreme Court Rules on Admission and Discipline of Attorneys, and other Illinois law and practices that pertain to the proceeding;

(8) The full name, business address and ARDC number of the Illinois attorney with whom I have associated in the matter is:

Thomas Francis Crosby III, ARDC 312883, WINTERS, BREWSTER, CROSBY & SCHAFER, LLC., 111 W Main, P.O. Box 700, Marion, IL 62959

9. I certify that I have served this Statement upon the parties below and that these parties are all entitled to service under this rule:

Thomas F. Crosby  
Winters, Brewster, Crosby & Schafer, LLC  
111 W Main  
P.O. Box 700  
Marion, IL 62959  
Email: [tcrosby@winterslaw.com](mailto:tcrosby@winterslaw.com)

Kolby R. Smithpeters  
The Smithpeters Law Firm LLC  
2 North Vine Street, 6<sup>th</sup> Floor  
Harrisburg, IL 62946  
Email: [ksmithpeters@smithpeterslaw.com](mailto:ksmithpeters@smithpeterslaw.com)

Brett E. Legner  
Deputy Solicitor General  
100 W. Randolph, 12<sup>th</sup> Floor  
Chicago, IL 60601  
Email: [blegner@catg.state.il.us](mailto:blegner@catg.state.il.us)

## Verification

I verify the accuracy and completeness of each of the above statements.

By: 

Timothy J. Crosby

*Supreme Court of Tennessee*  
*Certificate of Good Standing*

*I, James M. Hivner, Clerk of the Supreme Court of the State of Tennessee,  
do hereby certify that*

*Timothy James Crosby*

*is a licensed and practicing attorney of the Courts of this State, having been  
admitted to practice on May 2, 2017, and is presently in good standing. The  
Supreme Court is the Court of last resort in Tennessee.*

*In testimony whereof, I have set my hand and affixed the seal of the Court on  
this the 15th day of February, 2018.*

*James M. Hivner*  
*Clerk of the Supreme Court of Tennessee*

By: *Kitty Martin*  
*Kitty Martin, D.C.*



**CERTIFICATE OF FILING/SERVICE BY MAIL**

The undersigned certifies that a copy of the above and foregoing instrument was mailed by depositing the same in a U.S. Post Office Box in the City of Marion, Illinois, postage fully prepaid and addressed to:

Thomas F. Crosby  
Winters, Brewster, Crosby & Schafer, LLC  
111 West Main  
P.O. Box 700  
Marion, IL 62959

Kolby R. Smithpeters  
The Smithpeters Law Firm LLC  
2 North Vine Street, 6<sup>th</sup> Floor  
Harrisburg, IL 62946

Brett E. Logner  
Office of the Attorney General  
Deputy Solicitor General  
100 West Randolph Street  
12th Floor  
Chicago, IL 60601

I further certify that I have electronically delivered the foregoing Verified Statement to the following:

Email: [Rule707@iandl.org](mailto:Rule707@iandl.org)

Email: [tcrosby@winters.law.com](mailto:tcrosby@winters.law.com)

Email: [ksmithpeters@smithpeterslaw.com](mailto:ksmithpeters@smithpeterslaw.com)

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[blegner@atg.state.il.us](mailto:blegner@atg.state.il.us)



Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.





No. 122802

IN THE  
SUPREME COURT OF ILLINOIS

**ERIC GREGG,**

**Plaintiff-Petitioner**

v

**BRUCE RAUNER, Governor of Illinois,**

### Defendant-Respondent

**Petition for Leave to Appeal  
from the Appellate Court,  
Fifth District, No. 5-16-0474**

**There heard on Appeal  
from the Circuit Court  
of Saline County,  
No. 15-L-29**

**Hon. Todd Lambert**  
**Judge Presiding**

### ENTRY OF APPEARANCE

**COMES NOW**, Timothy J. Crosby, of the law firm of BERKE, BERKE & BERKE, and hereby enters his appearance on behalf of Plaintiff-Petitioner, Eric Gregg. A Rule 707 Statement filed with the Illinois Attorney Registration and Disciplinary Commission is attached hereto as Exhibit A.

**BERKE, BERKE, & BERKE**

BY

Timothy J. Crosby

**Timothy J. Crosby**  
**BERKE, BERKE & BERKE**  
**Attorney at Law**  
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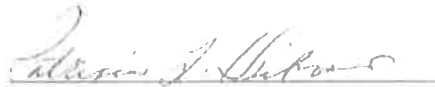
**CERTIFICATE OF FILING/SERVICE BY MAIL**

The undersigned certifies that on February 20, 2018, I served the foregoing NOTICE OF FILING and ENTRY OF APPEARANCE upon counsel listed above by enclosing copies thereof in envelopes, addressed as shown, with First Class postage prepaid, and depositing them in the U.S. Mail Depository at Marion, Illinois:

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.



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**Hon. Todd Lambert**  
**Judge Presiding**

### ENTRY OF APPEARANCE IN SUPPORT OF TIMOTHY J. CROSBY

**COMES NOW**, Thomas F. Crosby, WINTERS, BREWSTER, CROSBY and SCHAFER, LLC, and hereby enters his appearance in support of Timothy J. Crosby, and his ENTRY OF APPEARANCE under Rule 707.

**WINTERS, BREWSTER, CROSBY and SCHAFFER, LLC**

**BY: /s/**

Attorney for Plaintiff-Appellant  
ARDC No. 312883

**Thomas F. Crosby**  
**Winters, Brewster, Crosby & Schafer, LLC**  
**111 W Main**  
**P.O. Box 700**  
**Marion, IL 6259**  
**Email: [tcrosby@winterslaw.com](mailto:tcrosby@winterslaw.com)**

**CERTIFICATE OF FILING/SERVICE BY MAIL**

The undersigned certifies that on February 20, 2018, I served the foregoing NOTICE OF FILING and ENTRY OF APPEARANCE IN SUPPORT OF TIMOTHY J. CROSBY upon counsel listed above by enclosing copies thereof in envelopes, addressed as shown, with First Class postage prepaid, and depositing them in the U.S. Mail Depository at Marion, Illinois:

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 Deputy Solicitor General  
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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.



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