

**BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO**

**IN THE MATTER OF CHARGES FILED AGAINST** )  
**POLICE AGENT ALBERT WENDT,** ) **No. 13 PB 2840**  
**STAR No. 13635, DEPARTMENT OF POLICE,** )  
**CITY OF CHICAGO,** )  
 ) **(CR No. 1042143)**  
**RESPONDENT.** )

**FINDINGS AND DECISION**

On August 23, 2013, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Agent Albert Wendt, Star No. 13635 (hereinafter sometimes referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct:

- Rule 1: Violation of any law or ordinance.
- Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 25: Failure to actually reside within the corporate boundaries of the City of Chicago.
- Rule 26: Failure to provide the Department with a current address and telephone number.

The Police Board caused a hearing on these charges against the Respondent to be had before Jacqueline A. Walker, Hearing Officer of the Police Board, on June 10 and June 17, 2014.

Following the hearing, the members of the Police Board read and reviewed the record of the proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered its findings and decision.

## POLICE BOARD FINDINGS

The Police Board of the City of Chicago, as a result of its hearing on the charges, finds and determines that:

1. The Respondent was at all times mentioned herein employed as a police agent by the Department of Police of the City of Chicago.

2. The written charges, and a Notice stating when and where a hearing on the charges was to be held, were served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. Throughout the hearing on the charges the Respondent appeared in person and was represented by legal counsel.

4. The Respondent, Police Agent Albert Wendt, Star No. 13635, charged herein, is **not guilty** of violating, to wit:

Rule 1: Violation of any law or ordinance,  
in that the Superintendent did not prove by a preponderance of the evidence the following charge:

From at least in or around 2010 to at least on or about April 9, 2011, or for some time period therein, Police Agent Wendt resided at [xxxx] Park Plaine, Park Ridge, Illinois, in violation of the Municipal Code of Chicago, Chapter 2-152, Section 050, thereby violating any law or ordinance.

The Respondent presented convincing testimony from several witnesses who resided in the vicinity of [xxxx] West Argyle, Chicago, or who have relatives who live in this area, the address claimed by the Respondent, that Respondent resided at the Argyle address, which is within the city limits of Chicago. These witnesses include: Anthony Beckman, a member of the Norridge Police Department; Chicago Police Officer Hugh Fogle; Oscar Polanco, an employee

of the Department of Aviation for the City of Chicago; Cliff Parrington, a retired Chicago Police Department detective; and Connie and Frank Ruscitti, who own the building at [xxxx] West Argyle, Chicago. All these witnesses testified that they knew Respondent to live at the Argyle address, having seen him on several occasions at the location, having visited him at his apartment at this location, and having seen him around the neighborhood doing community activities.

Furthermore, the Respondent presented additional witnesses who resided in the vicinity of [xxxx] Park Plaine, Park Ridge, Illinois, whose testimony was uncontradicted, that the Respondent did not live at the Park Ridge address, but rather Respondent's girlfriend, Mary Rizkallah, lived alone at the Park Ridge address, even though Respondent often visited Rizkallah at her house. Rizkallah has been Respondent's girlfriend since 1999.

These witnesses included: Paul Polk, a retired member of the Park Ridge Police Department; Peter Christy a retired mechanical engineer, who has lived in Park Ridge for over 40 years and has been a neighbor of Rizkallah; Mushtaq Khan, a former resident of the neighborhood at Park Plaine, Park Ridge; and Mary Rizkallah. These witnesses gave convincing testimony that Respondent did not live at the Park Ridge address, but rather Rizkallah lived there alone.

5. The Respondent, Police Agent Albert Wendt, Star No. 13635, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following

charge:

Count I: From at least in or around 2010 to at least on or about April 9, 2011, or for some time period therein, Police Agent Wendt failed to actually be a resident of the City of Chicago in that he resided at [xxxx] Park Plaine, Park Ridge, Illinois, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

6. The Respondent, Police Agent Albert Wendt, Star No. 13635, charged herein, is **not guilty** of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department,

in that the Superintendent did not prove by a preponderance of the evidence the following charge:

Count II: From at least in or around 2010 to at least on or about April 9, 2011, or for some time period therein, Police Agent Wendt failed to provide the Department with written notification of his address and/or telephone number at his residence of [xxxx] Park Plaine, Park Ridge, Illinois, thereby impeding the Department's efforts to achieve its policy and goals or bringing discredit upon the Department.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

7. The Respondent, Police Agent Albert Wendt, Star No. 13635, charged herein, is **not guilty** of violating, to wit:

Rule 25: Failure to actually reside within the corporate boundaries of the City of Chicago, in that the Superintendent did not prove by a preponderance of the evidence the following

charge:

From at least in or around 2010 to at least on or about April 9, 2011, or for some time period therein, Police Agent Wendt resided at [xxxx] Park Plaine, Park Ridge, Illinois, thereby failing to actually reside within the corporate boundaries of the City of Chicago.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

8. The Respondent, Police Agent Albert Wendt, Star No. 13635, charged herein, is **not guilty** of violating, to wit:

Rule 26: Failure to provide the Department with a current address and telephone number, in that the Superintendent did not prove by a preponderance of the evidence the following charge:

From at least in or around 2010 to at least on or about April 9, 2011, or for some time period therein, Police Agent Wendt failed to provide the Department with written notification of his address and/or telephone number at his residence of [xxxx] Park Plaine, Park Ridge, Illinois, thereby failing to provide the Department with a current address or telephone number.

See the findings set forth in paragraph no. 4 above, which are incorporated here by reference.

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**POLICE BOARD DECISION**

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts the findings set forth herein by the following votes:

By votes of 8 in favor (Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney) to 0 opposed, the Board finds the Respondent **not guilty** of violating Rule 1, Rule 2, Rule 25, and Rule 26.

As a result of the foregoing, the Board, by a vote of 8 in favor (Carney, Foreman, Conlon, Eaddy, Fry, McKeever, Rodriguez, and Sweeney) to 0 opposed, hereby determines that cause exists for restoring the Respondent to his position as a police agent with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective November 5, 2013.

**NOW THEREFORE, IT IS HEREBY ORDERED** that the Respondent, Police Agent Albert Wendt, Star No. 13635, as a result of having been found **not guilty** of the charges in Police Board Case No. 13 PB 2840, be and hereby is **restored** to his position as a police agent with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective November 5, 2013.

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Demetrius E. Carney, Ghian Foreman, William F. Conlon, Michael Eaddy, Rita A. Fry, Susan L. McKeever, Elisa Rodriguez, and Rhoda D. Sweeney.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 21<sup>ST</sup> DAY OF AUGUST, 2014.

Police Board Case No. 13 PB 2840  
Police Agent Albert Wendt

Attested by:

/s/ DEMETRIUS E. CARNEY  
President  
Police Board

/s/ MAX A. CAPRONI  
Executive Director  
Police Board

**DISSENT**

The following members of the Police Board hereby dissent from the Findings and Decision of the majority of the Board.

[None]

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THESE FINDINGS AND DECISION

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

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GARRY F. McCARTHY  
Superintendent of Police