BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

)	(CR Nos. 1038078
STAR No. 14024, DEPARTMENT OF POLICE, CITY OF CHICAGO,)	
POLICE OFFICER JOHNATHAN M. MAYNARD,)	No. 12 PB 2793
IN THE MATTER OF CHARGES FILED AGAINST)	

FINDINGS AND DECISION

On April 5, 2012, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Johnathan M. Maynard, Star No. 14024 (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 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 5: Failure to perform any duty.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 10: Inattention to duty.
- Rule 14: Making a false report, written or oral.
- Rule 18: Engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment.
- Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession.
- Rule 24: Failure to follow medical roll procedures.
- Rule 28: Being absent from duty without proper authorization.

The Police Board caused a hearing on these charges against the Respondent to be had

before Thomas E. Johnson, Hearing Officer of the Police Board, on August 28 and 29, 2012.

Following the hearing, the members of the Police Board read and reviewed the record of

proceedings and viewed the video-recording of the testimony of the witnesses. Hearing Officer

Johnson 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 officer 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 Officer Johnathan M. Maynard, Star No. 14024, charged

herein, is **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:

<u>Count I</u>: On or about November 2, 2007, Police Officer Maynard, while on convalescent-duty status, engaged in "lube" wrestling at Hydrate Nightclub, which was not permitted by his

convalescent-duty status and/or was inconsistent with his duty restrictions, thereby impeding

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the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

There is no dispute that Officer Maynard engaged in "lube" wrestling at the Hydrate Nightclub on the date in question, as there is a video-recording of the wrestling, as well as the testimony of Tina Jacobs, who was present and made the video-recording. Officer Maynard does not deny that he wrestled on the night in question or that the wrestling violated the physical restrictions placed upon him while he was on convalescent duty. Officer Maynard contends that on November 2, 2007, he had been cleared to return to work on November 5, 2007, and had completed his physical therapy. However, his treating physician stated that Officer Maynard should continue light duty until November 5, 2007 (see Superintendent Ex. No. 17).

Consequently, the Board finds that on November 2, 2007, Officer Maynard remained on convalescent duty, and therefore by engaging in the wrestling Officer Maynard failed to follow or participate in the treatment plan for recuperation recommended by his treating physician, and thereby violated the terms of General Order 98-02, Section IV-C-3 (now known as Employee Resource E03-01, Section III-C-3).

- 5. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **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:

<u>Count II</u>: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard, while on convalescent-duty status, engaged in secondary employment which involved duties and/or activities not permitted by his convalescent-duty status and/or that were inconsistent therewith, in that he worked as a fill-in

security person and/or "bouncer" at the Hydrate Nightclub and/or Halsted's Bar and Grill, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board credits the convincing testimony of Slawomir Kotwa, the chief operating officer of both the Hydrate Nightclub and Halsted's Bar and Grill, who testified that Officer Maynard served as a paid employee at these locations. While Officer Maynard was not issued a W-2, as his wages did not exceed the amount required for a W-2, the Board believes Mr. Kotwa when he testified that Officer Maynard worked at these establishments for pay, and was not merely helping out in exchange for drinks or because he was friends with Mr. Kotwa. Further, Mr. Kotwa credibly testified that Officer Maynard worked security at these establishments, which included working the door and dealing with unruly guests. Based on the employment records of the business, Mr. Kotwa confirmed that Officer Maynard worked at the Hydrate Nightclub on June 22, 2008 and August 9, 2008. On these dates Officer Maynard was on convalescent duty with restrictions. Officer Maynard's security work at the nightclub required activities not permitted by his convalescent-duty status, and he thereby violated General Order 89-08, Section IV-K, and General Order 08-01, Section IV-K (now known as Employee Resource E01-11, Section IV-J).

Officer Maynard also worked at Hydrate on June 28, 2009, and August 8, 2009, while he was on the medical roll and prohibited from working altogether by General Order 89-08, Section IV-K, and General Order 08-01, Section IV-K (now known as Employee Resource E01-11, Section IV-J).

Officer Maynard worked at the Halsted Bar and Grill on October 31, 2009, while on convalescent duty with restrictions, and this work as a security employee was inconsistent with his duty restrictions.

In addition to his violation of the rules governing secondary employment while on the medical roll and convalescent duty, Officer Maynard worked at a prohibited place of employment. All officers are prohibited from working secondary employment at an establishment whose primary business is the sale of liquor. The evidence established that the Hydrate Nightclub was an establishment which was engaged primarily in the business of liquor sales, and Officer Maynard's work there violated General Order 89-08, Section IV-H, and General Order 08-01, Section IV-H (now known as Employee Resource E01-11, Section IV-G).

- 6. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **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:

<u>Count III</u>: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard engaged in secondary employment at Hydrate Nightclub and/or Halsted's Bar and Grill, one or both of which are in the primary business of liquor sales, in that he worked as a fill-in security person and/or "bouncer," thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

- 7. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **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:

<u>Count IV</u>: On or about June 28, 2009, and/or August 8, 2009, Police Officer Maynard, while on the medical roll, engaged in secondary employment at Hydrate Nightclub, in that he worked as a fill-in security person and/or "bouncer," thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

- 8. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **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:

Count V: From on or about June 1, 2010, through on or about July 6, 2010, or on one or more dates therein, Police Officer Maynard, scheduled for certain physical therapy appointments, (a) failed to attend one or more such scheduled physical therapy sessions, and/or (b) reported off from his assigned unit for the purported purpose of attending certain physical therapy sessions which were never scheduled and/or were rescheduled and/or were cancelled and/or were not attended by him, and/or (c) failed to report back to his unit after non-scheduled and/or rescheduled and/or cancelled therapy sessions, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

The Board finds that the Department's Attendance & Assignment sheets, Check Off sheets, information as to when Officer Maynard logged off his computer, and the testimony of Sergeants Young and Kwasinski establish that Officer Maynard was present at Unit 376 on at

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least June 1, 4, 10, 22, 28, and July 5, 2010, and further that he was scheduled to leave, and did,

in fact, leave purportedly for physical therapy on those dates. Further, these department records

and these witnesses establish that Officer Maynard did not return to work on those dates, after

leaving, and did not report a change in plans or seek compensatory time off during those dates.

The Board finds the testimony of Angela Carey, the Novacare physical therapy employee

responsible for scheduling, to be very convincing. Based on her records, she established that on

the above dates, Officer Maynard's physical therapy was cancelled by him or re-scheduled by

Novacare, and in the latter case, Officer Maynard was notified in advance of the re-scheduling.

As such, the Board finds that Officer Maynard left work and did not attend physical therapy

sessions on the dates indicated, but was nonetheless paid for the day. The Board further finds that

Officer Maynard left work under false pretenses, and that his failure to attend the physical

therapy sessions violated General Order 98-02, Section IV-C-3 (now known as Employee

Resource E03-01, Section III-C-3).

9. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged

herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

<u>Count I</u>: On or about November 2, 2007, Police Officer Maynard, while on convalescent-duty status, failed to participate in the treatment plan for recuperation recommended by his treating physician, in that Officer Maynard engaged in "lube" wrestling at Hydrate Nightclub, in

violation of Employee Resource E03-01, Section III-C-3 and/or General Order 98-02, Section

IV-C-3.

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

- 10. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
 - Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count II: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard engaged in secondary employment at Hydrate Nightclub and/or Halsted's Bar and Grill, one or both of which are in the primary business of liquor sales, in that he worked as a fill-in security person and/or "bouncer," in violation of Employee Resource E01-11, Section III-G, General Order 08-01, Section IV-H, and/or General Order 89-08, Section IV-H.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

- 11. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
- Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

<u>Count III</u>: On or about June 28, 2009, and/or August 8, 2009, Police Officer Maynard, while on the Department's medical roll, engaged in secondary employment at Hydrate Nightclub, in that he worked as a fill-in security person and/or "bouncer," in violation of Employee Resource E01-11, Section III-J, Employee Resource E03-01, Glossary Terms 9.B, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

12. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

<u>Count IV</u>: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard, while on convalescent-duty status, engaged in secondary employment which required and/or involved activities not permitted by his convalescent-duty status, in violation of Employee Resource E01-11, Section III-J, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

- 13. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
 - Rule 6: Disobedience of an order or directive, whether written or oral,

in that:

Count V: From on or about June 1, 2010, through on or about July 6, 2010, or on one or more dates therein, Police Officer Maynard, scheduled for certain physical therapy appointments, failed to participate in the treatment plan for recuperation recommended by his treating physician in that Officer Maynard (a) failed to attend one or more such scheduled physical therapy sessions, and/or (b) reported off from his assigned unit for the purported purpose of attending certain physical therapy sessions which were never scheduled and/or were rescheduled and/or were not attended by him, and/or (c) failed to report back to his unit after non-scheduled and/or rescheduled and/or cancelled therapy sessions, in violation of Employee Resource E03-01, Section III-C-3, and/or General Order 98-02, Section IV-C-3.

14. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

Count I: On or about December 7, 2010, during a statement given to Investigator Michael Cruz of the Medical Integrity Unit, Police Officer Maynard stated that he "never had actual employment" at Hydrate Nightclub and/or Halsted's Bar and Grill on North Halsted, Chicago, or stated words to that effect, despite a statement from the management and/or owner of both establishments that Officer Maynard had worked as a "fill-in" security person on one or more dates from on or about June 22, 2008, through on or about October 31, 2009, and Officer Maynard thereby made a false report, written or oral.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference. The Board finds that Officer Maynard made intentional false statements on December 7, 2010, when he stated repeatedly that he "never had actual employment" at Hydrate Nightclub and at Halsted's Bar and Grill.

15. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 14: Making a false report, written or oral,

in that:

<u>Count II</u>: From on or about June 1, 2010, through on or about July 6, 2010, or for some period of time therein, Police Officer Maynard reported off, and/or failed to report to, his assigned unit for the purported and/or represented and/or communicated purpose of attending physical therapy sessions which were never scheduled and/or were rescheduled and/or were cancelled and/or were not attended by him, and Officer Maynard thereby made a false report, written or oral.

16. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 18: Engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment,

in that:

From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard worked as a fill-in security person and/or "bouncer" at Hydrate Nightclub and/or Halsted's Bar and Grill, one or both of which are taverns or retail liquor establishments, thereby engaging directly or indirectly in the ownership, maintenance, or operation of a tavern or retail liquor establishment.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

17. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession,

in that:

Count I: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard engaged in secondary employment at Hydrate Nightclub and/or Halsted's Bar and Grill, one or both of which are in the primary business of liquor sales, in that he worked as a fill-in security person and/or "bouncer," in violation of Employee Resource E01-11, Section III-G, General Order 08-01, Section IV-H, and/or General Order 89-08, Section IV-H.

18. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession,

in that:

Count II: On or about June 28, 2009, and/or August 8, 2009, Police Officer Maynard, while on the Department's medical roll, engaged in secondary employment at Hydrate Nightclub, in that he worked as a fill-in security person and/or "bouncer," in violation of Employee Resource E01-11, Section III-J, Employee Resource E03-01, Glossary Terms 9.B, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

- 19. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
 - Rule 23: Failure to obey Department orders concerning other employment, occupation, or profession,

in that:

<u>Count III</u>: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard, while on convalescent-duty status, engaged in secondary employment which required and/or involved activities not permitted by his convalescent-duty status, in violation of Employee Resource E01-11, Section III-J, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

- 20. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
 - Rule 24: Failure to follow medical roll procedures,

in that:

<u>Count I</u>: On or about November 2, 2007, Police Officer Maynard, while on convalescent-duty status, engaged in activities inconsistent with the treatment plan for recuperation recommended by his treating physician and/or with his duty restrictions, in that he engaged in "lube" wrestling at Hydrate Nightclub, in violation of Employee Resource E03-01, Section III-C-3, and/or General Order 98-02, Section IV-C-3.

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

- 21. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:
 - Rule 24: Failure to follow medical roll procedures,

in that:

Count II: On or about June 28, 2009, and/or August 8 2009, Police Officer Maynard, while on the Department's medical roll, engaged in secondary employment at Hydrate Nightclub, in that he worked as a fill-in security person and/or "bouncer," in violation of Employee Resource E01-11, Section III-J, Employee Resource E03-01, Glossary Terms 9.B, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

22. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 24: Failure to follow medical roll procedures,

in that:

Count III: From on or about June 22, 2008, through on or about October 31, 2009, or on one or more dates therein, Police Officer Maynard, while on convalescent-duty status, engaged in secondary employment which required and/or involved activities not permitted by his convalescent-duty status, in violation of Employee Resource E01-11, Section III-J, General Order 08-01, Section IV-K, and/or General Order 89-08, Section IV-K.

See the findings set forth in paragraph no. 5 above, which are incorporated here by reference.

23. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

Rule 24: Failure to follow medical roll procedures,

in that:

Count IV: From on or about June 1, 2010, through on or about July 6, 2010, or on one or more dates therein, Police Officer Maynard, scheduled for certain physical therapy appointments, failed to participate in the treatment plan for recuperation recommended by his treating physician in that Officer Maynard (a) failed to attend one or more of such scheduled physical therapy sessions, and/or (b) reported off from his assigned unit for the purported purpose of attending certain physical therapy sessions which were never scheduled and/or were rescheduled and/or were not attended by him, and/or (c) failed to report back to his unit after non-scheduled and/or rescheduled and/or cancelled therapy sessions, in violation of Employee Resource E03-01, Section III-C-3, and/or General Order 98-02, Section IV-C-3.

See the findings set forth in paragraph no. 8 above, which are incorporated here by reference.

24. The Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, charged herein, is **guilty** of violating, to wit:

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Rule 5: Failure to perform any duty,

Rule 10: Inattention to duty, and

Rule 28: Being absent from duty without proper authorization,

in that:

From on or about June 1, 2010, through on or about July 6, 2010, or on one or more dates therein, Police Officer Maynard, scheduled for certain physical therapy appointments, reported off from, and/or failed to report to, his assigned unit for the purported and/or represented and/or communicated purpose of attending certain physical therapy sessions which were never scheduled and/or were rescheduled and/or were cancelled and/or were not attended by him, and/or he failed to report back to his unit after non-scheduled and/or rescheduled and/or cancelled therapy sessions.

See the findings set forth in paragraph no. 8 above, which are incorporated here by reference.

25. The Police Board has considered the facts and circumstances of the Respondent's conduct, the evidence presented in defense and mitigation, and the Respondent's complimentary and disciplinary histories, copies of which are attached hereto as Exhibit A.

The Board determines that the Respondent must be discharged from his position due to the serious nature of the misconduct of which it has found him guilty. The Respondent plainly violated, on multiple occasions, the rules that govern when an officer is on convalescent-duty status and on the medical roll. In addition, he violated these rules by working at a prohibited place of employment—a tavern or retail liquor establishment. Moreover, it is clear that the Respondent tried to cover up his violations by making false statements to the Medical Integrity Unit.

Chicago police officers receive full pay and benefits when they are on convalescent-duty

status or when they are absent from work due to injury or illness. The Respondent repeatedly

shirked his duty to follow the rules, thereby undermining the integrity of the process for

providing officers with these important benefits.

Based on the extensive number and nature of the Respondent's violations of the rules, the

Board finds that the Respondent is a flagrant abuser of the medical roll, convalescent-duty, and

secondary-employment programs. The Board finds that this behavior renders the Respondent

unfit to be a Chicago police officer. Based on his repeated disregard for his responsibilities to

the Department and to the public, allowing the Respondent to remain on the job would seriously

undermine the Department's mission and operations.

The Board finds that the Respondent's conduct is sufficiently serious to constitute a

substantial shortcoming that renders his continuance in his office detrimental to the discipline

and efficiency of the service of the Chicago Police Department, and is something which the law

recognizes as good cause for his no longer occupying his office.

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 a unanimous vote.

As a result of the foregoing, the Police Board, by a unanimous vote, hereby determines

that cause exists for discharging the Respondent from his position as a police officer with the

Department of Police, and from the services of the City of Chicago.

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NOW THEREFORE, IT IS HEREBY ORDERED that the Respondent, Police Officer Johnathan M. Maynard, Star No. 14024, as a result of having been found **guilty** of charges in Police Board Case No. 12 PB 2793, be and hereby is **discharged** from his position as a police officer with the Department of Police, and from the services of the City of Chicago.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS $18^{\rm th}$ DAY OF OCTOBER, 2012.

- /s/ Demetrius E. Carney
- /s/ Scott J. Davis
- /s/ Melissa M. Ballate
- /s/ William F. Conlon
- /s/ Ghian Foreman
- /s/ Rita A. Fry
- /s/ Susan L. McKeever
- /s/ Johnny L. Miller
- /s/ Elisa Rodriguez

Attested by:

/s/ Max A. Caproni Executive Director Police Board

DISSENT

Th	ne following	members o	of the Poli	ce Board	hereby	dissent	from th	ne Finding	s and
Decision	of the majori	ty of the B	oard.						

[None]

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _______, 2012.

SUPERINTENDENT OF POLICE

> Report Date: 04 Apr 2012 Report Time: 0742 Hrs

Information Services Division Data Warehouse

Produced by: PC0U989

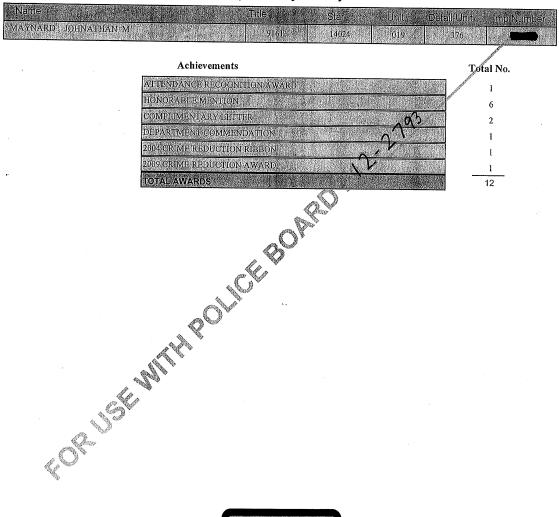
Chicago Police Department

Personnel Division

*Only for active personnel



Complimentary History



CR# 1038078/1038301



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