



ILLINOIS STATE POLICE
Office of the Director

JB Pritzker
Governor

Brendan F. Kelly
Director

February 26, 2021

The Honorable JB Pritzker
Governor of Illinois
207 State House
Springfield, Illinois 62706

Dear Governor Pritzker:

In accordance with 430 ILCS 65/11, a report listing “all final decisions by a court of this State upholding, reversing, or reversing in part, any administrative decisions made by the Department of State Police” concerning the Firearm Owners Identification (FOID) Card Act must be submitted to you and the General Assembly. The Illinois State Police (ISP) received 27 relevant decisions from the Illinois courts during calendar year 2020, with respect to FOID card litigation. Enclosed is a summary of those cases, including information regarding two cases that remain pending on appeal.

Please feel free to contact me should you have any questions pertaining to this information.

Very respectfully,

Brendan F. Kelly
Director

Enclosure

cc: House Minority Leader James Durkin
Senate President Don Harmon
Senate Minority Leader Dan McConchie
House Speaker Emanuel "Chris" Welch

ILLINOIS STATE POLICE
Firearm Owners Identification Card Act – Report of Court Decisions
430 ILCS 65/11(c)

Petitions for Relief Brought Under 430 ILCS 65/10

In 27 relevant cases, the petitioner sought relief from the relevant firearm prohibition and/or an order directing ISP to issue a FOID card in the Circuit Court under the provisions of 430 ILCS 65/10, although several were incorrectly styled as complaints for administrative review. One case sought a writ of mandamus. Of the Section 10 cases, the court denied or dismissed the petitioner's request for issuance of a FOID card in 15 instances. One case remains pending on plaintiff's appeal.

Gene Adams v. Illinois State Police and Cook County State's Attorney -- Gene Adams was convicted of Possession of a Controlled Substance in 1991. His FOID card application was denied as issuance is contrary to federal law. He filed a Petition in Cook County seeking relief. On July 7, 2020, the case was dismissed with prejudice. ISP decision upheld.

Michael Andreas v. Brendan F. Kelly, Acting Director Illinois State Police -- Michael Andreas was convicted of Price-Fixing Conspiracy in 1996. His FOID card application was denied as issuance is contrary to federal law. Mr. Andreas filed a Complaint seeking relief in Macon County. On February 25, 2020, the case was dismissed with prejudice. ISP decision upheld.

Daniel R. Dreger v. Illinois State Police -- Daniel R. Dreger was arrested for Domestic Battery/Physical Contact in 2018. His FOID card was revoked as issuance is contrary to federal law. The charge was dismissed on April 27, 2018, and expunged on October 5, 2018. Mr. Dreger filed an Administrative FOID appeal on October 6, 2018, but had not received a response. Mr. Dreger filed a Complaint in Cook County. On January 15, 2020, Cook County dismissed the case. ISP decision upheld.

Shane Dugger v. Robert A. Matos Ex Rel, Illinois State Police -- Shane Dugger alleges Special Agent Robert Matos filed an Emergency Petition for Firearms Restraining Order on March 22, 2019, and the ex parte Petition was granted and an order issued. ISP voluntarily dismissed the case on March 25, 2019. Mr. Dugger alleged ISP had not returned his FOID card to him. He filed a Petition in Fulton County seeking relief. On March 31, 2020, the case was dismissed without prejudice. ISP decision upheld.

David K. Fuller v. Illinois State Police -- David Fuller was convicted of Burglary in 1979. Mr. Fuller's FOID card application was denied as issuance is contrary to federal law. He filed a Motion to Restore Firearm Rights in Cook County seeking relief. On November 14, 2017, Cook County granted the Cook County State's Attorney's motion to dismiss Fuller's Section 10 petition on the grounds that it was untimely filed. Mr. Fuller appealed. On February 15, 2019, the Judgement of the circuit court was reversed and the cause remanded for further proceedings on the merits. On March 27, 2019, a Mandate was issued. Case is presently stayed. ISP decision remains upheld for now.

Robert Ivener v. Illinois State Police, Cook County State's Attorney -- Robert Ivener was convicted of Possession of a Controlled Substance in 1995. His FOID card application was denied as issuance is contrary to federal law. Mr. Ivener filed a Petition seeking relief in Cook County. On February 20, 2020, the case was dismissed. ISP decision upheld.

Jason G. R. Moss v. Illinois State Police -- Jason G. R. Moss alleges his FOID card was revoked due to a drug charge in Iroquois County. Mr. Moss alleges his record was incorrectly tainted with that of another individual with a criminal history and that he has no criminal record. Mr. Moss alleged he made numerous attempts to turn in his FOID card and rectify the situation with the ISP Bureau of Identification, but these went unanswered. He filed a Complaint in Lake County seeking relief. On July 1, 2020, ISP was ordered to issue Mr. Moss a FOID card within 25 days. The case was dismissed with prejudice. ISP decision upheld.

Calvin D. Powell v. Illinois State Police -- Calvin D. Powell was convicted of an Illinois Vehicle Code felony in 1987. His FOID card application was revoked as issuance is contrary to federal law. Mr. Powell filed an administrative FOID appeal with ISP on July 13, 2019. Mr. Powell's Concealed Carry License was also revoked. Mr. Powell filed a Complaint in Cook County seeking relief. On August 18, 2020, the case was dismissed. ISP decision upheld. Mr. Powell filed an amended complaint. ISP has since processed Mr. Powell's administrative appeal, relief was granted, and his FOID card issued. Mr. Powell's amended complaint remains pending.

Kurt S. Richter v. Illinois Department of State Police -- Kurt S. Richter appealed Director Schmitz's November 2, 2018, order denying his Petition for Issuance of a FOID card. He filed for an entry of a Judgment reversing the Administrative Decision in Jackson County. On January 16, 2020, the case was dismissed as moot due to the death of the plaintiff. ISP decision upheld.

Joseph P. Savino v. People of the State of Illinois, Illinois State Police -- Joseph P. Savino was convicted of Aggravated Sexual Abuse and Possession of Child Pornography in 1990. His FOID card application was revoked as issuance is contrary to federal law. Mr. Savino filed a Notice of Claim of Unconstitutionality and a Petition for Administrative Review in DuPage County seeking relief. On October 16, 2020, the case was dismissed as moot. ISP decision upheld.

Steven Paul Schabacker v. State's Attorney of Will County, Illinois -- Steven Paul Schabacker was convicted of Aiding an Offender to Avoid Arrest-Harbor/Conceal and Threats of Violence (Terroristic Threats) in 1993, in Minnesota. His FOID card application was denied as issuance is contrary to federal law. Mr. Schabacker filed a petition in Will County seeking relief. The Will County State's Attorney filed an Objection and Answer to the Petition for Relief. On July 7, 2020, the case was dismissed without prejudice. ISP decision upheld.

James J. Shelton v. Illinois State Police, Jonathon E. Monken, Director -- James J. Shelton was convicted of Fraud-Illegal Use of Credit Cards in 1981. His FOID card was revoked as issuance is contrary to federal law. He filed a Complaint in Lawrence County seeking relief. On December 22, 2020, the case was dismissed for lack of subject matter jurisdiction. ISP decision upheld.

Edwards v. Siemonsma -- Douglas Siemonsma was the subject of an Order of Protection that expired on November 2, 2020. His FOID was revoked as issued is contrary to federal law. On November 5, 2018, St. Clair County entered an order directing ISP to return Mr. Siemonsma's FOID card. On January 15, 2020, St. Clair County granted ISP's motion to stay and vacated the November 5, 2018, order. ISP decision upheld.

Michael Sternal v. Illinois State Police -- Michael Sternal admitted to drug use in 2019. His FOID card application was denied and his concealed carry license application was revoked as issuance is contrary to federal law. He requested a FOID Appeal on June 10, 2019. Mr. Sternal filed a

Complaint in Cook County seeking relief. On December 15, 2020, the case was dismissed. ISP decision upheld.

The court granted relief and/or directed ISP to issue a FOID card to the petitioner in 12 instances. In 11 of those cases, ISP determined that the Courts had proper authority to grant relief and did not oppose the orders. In one case, relief was granted over ISP's objection, and one appeal filed by ISP is pending.

Nicholas F. Brandt v. Department of State Police, Brendan F. Kelly, Director -- Nicholas F. Brandt was convicted of Aggravated Assault in 2013. His FOID card application was denied as issuance is contrary to federal law. Mr. Brandt alleged he filed an appeal with ISP and did not receive a response. Mr. Brandt filed a Petition in McLean County seeking a Writ of Mandamus to grant him an administrative hearing. Mr. Brandt was issued a FOID card. On May 20, 2020, the case was dismissed without prejudice. ISP decision reversed without objection.

Thomas D. Brown v. People of the State of Illinois, Illinois State Police -- Thomas Brown was convicted of Infliction of Corporal Injury: Spouse/Cohabitant in California in 2001. His FOID card was revoked as issuance is contrary to federal law. Mr. Brown filed a Petition for Administrative Review in Putnam County seeking relief. On May 31, 2018, Putnam County ordered ISP to issue a FOID card to Mr. Brown. ISP decision reversed. ISP filed an appeal that is still pending.

Lisa G. Gales (fka Lisa G. Gieselmann) v. Randolph County State's Attorney and Illinois State Police -- Lisa G. Gales was convicted of Battery in 1990. Her FOID card application was denied as issuance is contrary to federal law. Ms. Gales filed a Notice of Hearing and Amended Petition in Randolph County seeking relief. On October 26, 2020, ISP was ordered to issue a FOID card to Ms. Gales. ISP decision reversed without objection.

Roderick Louis Jeffery v. Illinois State Police -- Roderick Jeffery was convicted of an unknown offense over 13 years ago. His FOID card application was denied as issuance is contrary to federal law. He filed an Administrative Review Complaint in Cook County seeking relief. On March 9, 2020, Cook County granted relief to Mr. Jeffery. ISP decision reversed without objection.

Shawna L. Johnson v. Illinois State Police (FOID Card Revocation) -- Ms. Shawna Johnson was convicted of Battery/Great Bodily Harm in 2001. Her FOID card was revoked as issuance is contrary to federal law. Ms. Johnson filed a Notice of Hearing and Petition for Review of Denial of FOID card in Wabash County seeking relief. On January 20, 2016 - ISP's motion to dismiss was denied. ISP filed an appeal. The ISP/Director of ISP to reinstate and reissue to petitioner a FOID card, instant. On January 24, 2020, The Illinois Supreme Court affirmed in part and vacated in part the Judgment of Wabash County. Per Jordan Adams, ISP will need to issue the FOID card. ISP decision reversed without objection.

Edward Keltner v. Cass County State's Attorney -- Edward Keltner was convicted of a misdemeanor crime of Domestic Battery in 2006. His FOID card was denied as issuance is contrary to federal law. On October 4, 2019, Cass County entered an order directing ISP to issue a FOID card to Edward James Keltner, III, without restrictive language. On November 2, 2020, the October 4th order was vacated, and replaced with a new order in which the prohibition on Keltner's right to possess firearms under Illinois law remained removed and the right to possession of firearms was properly restored. ISP was ordered to issue a FOID to Mr. Keltner. ISP decision reversed without objection.

Seth D. Martinez v. Illinois State Police -- Seth D. Martinez was convicted of Mob Action in 1994. His FOID card application was denied as issuance is contrary to federal law. He filed a Complaint in Cook County seeking relief. On September 24, 2020, ISP was ordered to issue a FOID card to Mr. Martinez. ISP decision reversed without objection.

David Mosley v. People of the State of Illinois -- Mr. David Mosley was convicted of Unlawful Possession of Cannabis (felony) in 1994. As a result, Mr. Mosely's FOID card was revoked as issuance is contrary to federal law. On October 8, 2019, Kankakee County entered an order directing ISP to issue a FOID card to Mr. Mosley. ISP decision reversed without objection.

Eli Moye, Jr. v. Winnebago County State's Attorney's Office -- Eli Moye, Jr. was convicted of Battery in 1970, now a Domestic Battery offense. His FOID card was revoked and his (CCL) application was denied as issuance is contrary to federal law. He filed a petition in Winnebago County seeking relief. On October 6, 2020, ISP was ordered to issue a FOID card to Mr. Moye. ISP decision reversed without objection.

Igor A. Rubchinsky v. Illinois State Police -- Igor A. Rubchinsky was convicted of Reckless Conduct in 2017. He alleged his FOID card and Concealed Carry License cards were revoked, and he filed an administrative FOID appeal with no response from ISP. He filed a Complaint in Cook County seeking relief. On July 15, 2020, the case was dismissed with prejudice. Mr. Rubchinsky received his FOID and CCL. His initial prohibitor was a six-month court supervision sentence with a term that he not possess a firearm, which he recently successfully completed. ISP decision reversed without objection.

In Re the Revocation of Richard D. Shank of a Firearm Owners Identification Card -- Richard D. Shank was convicted of Battery in 1978. His FOID card application was revoked as issuance is contrary to federal law. Mr. Shank filed a Petition in Lee County seeking relief. On November 9, 2020, ISP was ordered to reissue a FOID card to Mr. Shank. ISP decision reversed without objection.

Andrew James Stolp v. Schuyler County State's Attorney -- Andrew James Stolp was convicted of Battery/Bodily Harm in 2007. His FOID card was revoked as issuance is contrary to federal law. On July 31, 2020, Schuyler County ordered ISP to issue a FOID card to Mr. Stolp. ISP decision reversed without objection.