

September 7, 2020

Honorable Mayor Deborah Frank Feinen
City Manager Dorothy Ann David
City Attorney Fred Stavins
Council Member Fourman

NOTICE TO CEASE AND DESIST

On September 5th and 6th 2020, Councilwoman Clarissa Nickerson Fourman;

I. Published false statements on an unprivileged third party website with 41,073 members, the defamatory statements include, but are not limited to the following libel statements about R.T. Finney:

- A. "...is a child murderer."
- B. "...used your police badge to kill a child"
- C. "You a man who participated in the murder of a young black man in our community"

II. These statements allege a criminal act was committed by R.T. Finney in a case that was reviewed, defended, and disposed of by the Illinois State Police, City of Champaign Legal and Third Party Review, the Champaign County States Attorneys Office, and the Department of Justice of the United States in 2009 and 2010. All of these agencies have found that no criminal offense was committed by R.T. Finney.

III. Ms. Fourman communicated in writing false statements to an unprivileged website, "Spotted in Chambana", communicating false statement to over 41,000 residents in Champaign County with the intended purpose of damaging the reputation of R.T. Finney. (See attached screen shots)

IV. Ms. Fourman is at fault knowing that these statements are in fact false. That she has access as a City Council member to easily research these false assertions by utilizing the City of Champaign Legal Department, who addressed this allegation in 2009 and 2011 and prepared a legal response to this specific allegation. Even without using the City's Legal Department, Ms. Fourman could easily review the plethora of news articles and legal documents concerning this allegation. Ms. Fourman indicates that she is a paralegal by trade, indicating that she is an individual who is employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. Paralegals perform tasks requiring knowledge of the law and legal procedures. Ms. Fourman is keenly aware of legal research methods and the elements of defamation in the State of Illinois.

V. Ms. Fourman is City of Champaign Council member and represents the City of Champaign on her Facebook page in numerous posts about her position representing the City of Champaign. This Facebook page was used to convey the libel statements to the “Spotted in Chambana” site. Ms. Fourman used this format to make libelous statements about R.T. Finney in her position as a City of Champaign Council member in that her Facebook page provides no indication that it is personal.

VI. Ms. Fourman is willfully negligent by her libelous publication as a City Council member and as an individual and damaged the reputation of R.T. Finney who is a respected professional in the community and has spent his life building a positive reputation. Nevertheless, Ms. Fourman has been maliciously spreading inaccurate and unfounded information that is damaging to the personal and professional character of R.T. Finney. R.T. Finney provides law enforcement consulting services throughout the State of Illinois and the allegation of criminal accusations has/will cause damage to his livelihood and reputation in this field. R.T. Finney had to change his name on Facebook because of the feedback of her libelous allegations.

Under the Laws of the State of Illinois, it is unlawful for an individual to make deliberate statements that intend to harm a person’s reputation without factual evidence or based on hearsay.

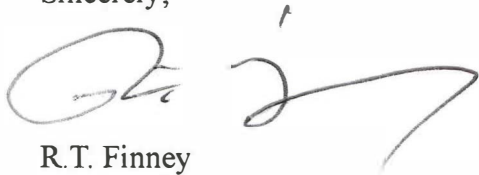
VII. Ms. Fourman is aware of the numerous reviews and investigations that were conducted in this matter and did not republish a reputable news service, and in fact these were her own words, nor did she provide any substantial truth documentation in her allegations, nor do these allegations rise to opinion or fair comment privilege. Ms. Fourman indicated that R.T. Finney is a “child murderer”, that R.T. Finney “used your police badge to kill a child” and that R.T. Finney “a man who participated in the murder of a young black man in our community”. She has presented these as factual statements as a City of Champaign City Council Member and individual.

This document serves as a complaint against Council Member Foreman. My intent of this pre-suit letter is to inform Ms. Fourman that this conduct shall cease and desist and the following actions shall occur:

1. Ms. Foreman be made fully aware of the lengthy and thorough investigations that occurred concerning this incident and my undisputed role in the event, in the event she is unaware.
2. Ms. Fourman provide me with a letter of apology concerning the allegations of committing a criminal act as alleged above that is suitable to me.
3. Further defamation, slanderous or libel allegations cease and desist.
4. Her immediate removal of these allegations on Facebook and the “Spotted in Chambana” website.
5. Unless otherwise agreed, these conditions shall be completed on or before September 21, 2020.

If you, Ms. Fourman, do not comply with this cease and desist letter within the aforementioned time-period then a lawsuit may be filed in the proper jurisdiction seeking monetary damages as well as pursuing all available legal remedies for your defamation. I am most certainly open to discussion concerning this issue.

Sincerely;

A handwritten signature in black ink, appearing to read 'R.T. Finney', with a long, sweeping horizontal stroke extending to the right.

R.T. Finney
City of Champaign

From: [RT Finney](#)
To: [Frederick Stavins](#)
Cc: [Deborah Frank Feinen](#)
Subject: Fwd: Council Member Fourman
Date: Sunday, September 13, 2020 12:16:41 PM
Attachments: [Fourman C and D Screen shots.pdf](#)

Fred;

Just to provide context to the results of Foreman's defamatory language. At 10:30 this morning, (September 13), as Connie and I sat at the patio of Espresso Royale at the Crossing, I heard someone speak loudly to me, in front of other customers, that they were surprised that I was still around after killing Kiwane Carrington. I turned and saw Brian Dolinar sitting behind us. My wife and I both stated to please leave us alone. He continued by stating that he was surprised that I would stay in Champaign now that it's out there again. He continued to talk about how everyone knows it was me that "put him in the ground" and I shouldn't be around. All of this was loud enough for the other 6 or 7 people present to hear. At one point he indicated that it was on social media again. Her comments have clearly made it more dangerous for my family to be in public. These comments align with a statement from Fourman that was eventually deleted from the Spotted in Champaign site (I wasn't fast enough to screenshot it) that indicated that like "Darren Wilson" I should just go away. Eluding to the Ferguson Mo. officer who killed Micheal Brown.

Begin forwarded message:

From: RT Finney <[REDACTED]@gmail.com>
Subject: Fwd: Council Member Fourman
Date: September 8, 2020 at 7:12:10 PM CDT
To: frederick.stavins@champaignil.gov

Fred,

The highlighted screen shots covered the targeted language. I will send a clean copy without the highlights. Sorry for the mix up.

RT

Sent from my iPhone

Begin forwarded message:

From: RT Finney <[REDACTED]@gmail.com>
Date: September 7, 2020 at 2:07:25 PM CDT
To: Deb.Feinen@champaignil.gov

Cc: dorothy.david@champaignil.gov,
frederick.stavins@champaignil.gov
Subject: Council Member Fourman

Mayor,

I take no pleasure in this action, however, I can no longer allow this misinformation to continue. I have family, friends, and clients that read this and wondered why this is allowed to continue. Obviously, I am open to an amicable resolution.

RT

9:07

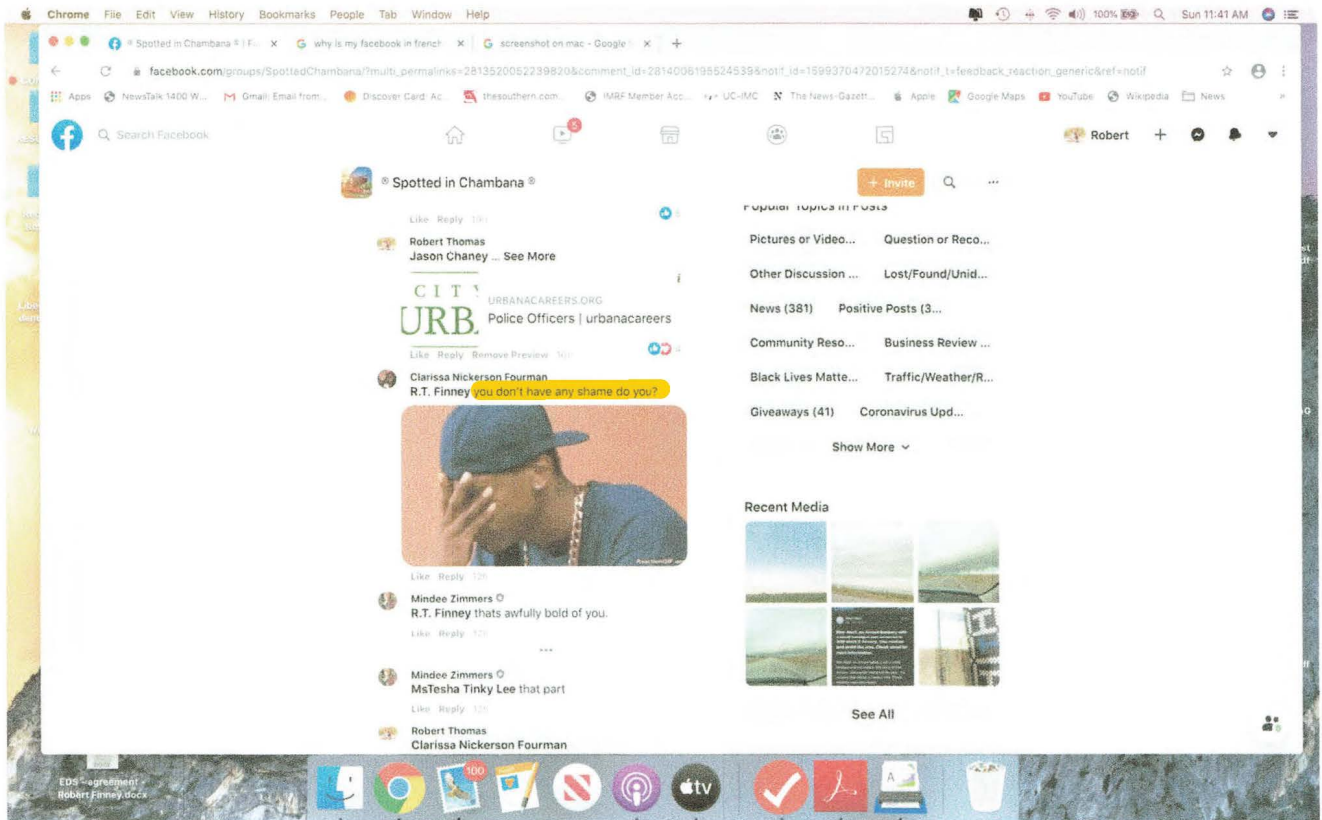
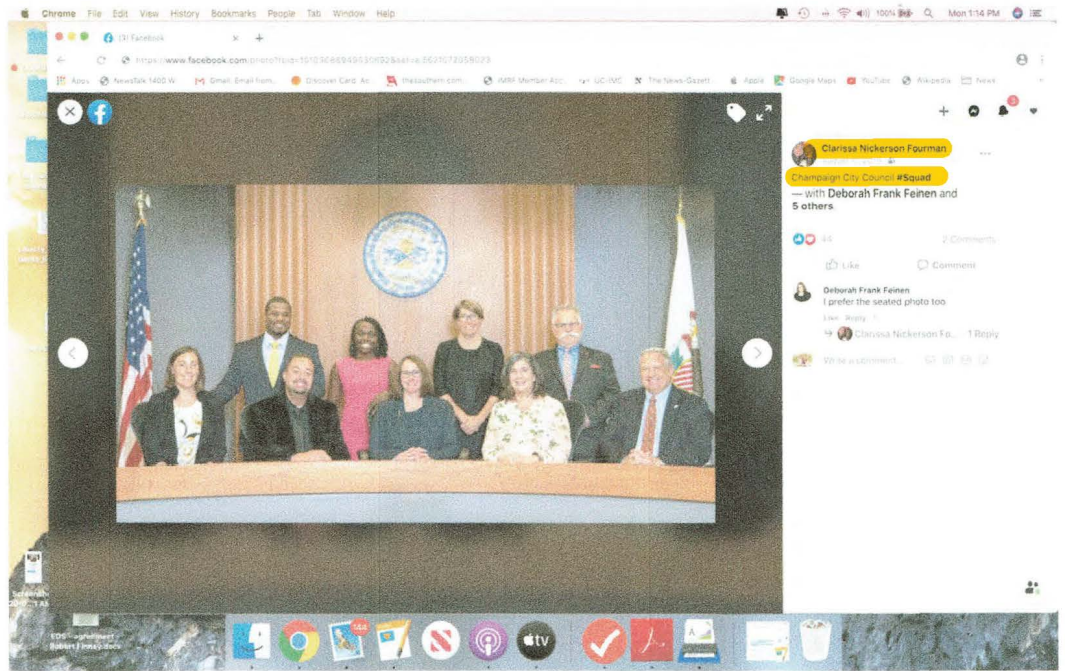


Clarissa Nickerson Fourman

Paralegal by day. Accidental Politician by night. Midwest Living. Dream Chasing. Mama to 6. Capricorn.

Add Friend

- Lives in Champaign, Illinois
- From Champaign, Illinois
- Joined August 2006
- See Clarissa's About Info



Chrome File Edit View History Bookmarks People Tab Window Help

facebook.com/groups/SpottedChambana/?multi_permalink=2813520052239620&comment_id=2814006195524539¬if_id=1599370472015274¬if_t=feedback_reaction_generic&ref=notif

Search Facebook

Spotted in Chambana

Like Reply 12h

Mindee Zimmers
R.T. Finney thats awfully bold of you.

Like Reply 12h

Mindee Zimmers
MsTesda Tinky Lee that part

Like Reply 12h

Robert Thomas
Clarissa Nickerson Fourman
I think you missed the point. Be the change you want to see. I encourage young men to serve.

Like Reply 11h

Robert Thomas
MsTesda Tinky Lee
Learn the facts.

Like Reply 11h

Clarissa Nickerson Fourman
R.T. Finney Naw. I saw your point. You a man who participated in the murder of a young black man in our community, saw a black man say something about the police and your response was for him to apply. You ain't got no shame, but you got audacity don't... See More

Like Reply 11h

Robert Thomas
Clarissa Nickerson Fourman
We need young black men as police officers. Sorry you don't see that. Do better.

Like Reply 11h

+ Invite

Popular topics in this group

- Pictures or Video...
- Question or Reco...
- Other Discussion ...
- Lost/Found/Unid...
- News (381)
- Positive Posts (3...
- Community Reso...
- Business Review ...
- Black Lives Matte...
- Traffic/Weather/R...
- Giveaways (41)
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ED9-agreement - Robert Finney.docx

Spotted in Chambana

+ Invite

- Like Reply 11h
Robert Thomas
Clarissa Nickerson Fourman
 We need young black men as police officers. Sorry you don't see that. Do better.
- Like Reply 11h
Clarissa Nickerson Fourman
 R.T. Finney That's funny, I should do better but you used your police badge to kill a child. Now tell your Mama to do better.
- Like Reply 11h
Mindee Zimmers
 Don't twist the narrative here.
- Like Reply 11h
Robert Thomas
Mindee Zimmers
 ?
- Like Reply 5h
Bob Mullins
Clarissa Nickerson Fourman no reason for shame. Again had the suspect complied with officer direction, he would be alive today
- Like Reply 4h
Amanda Dixon
Bob Mullins Suspect? You mean the child who wasn't even old enough to obtain a driver's license...? The child who joins the numbers of the other countless lives that have been taken for simply going into your own residence? Get outta here.

ABOUT

Spotted in Chambana® is for funny and or informative posts about the Chambana area.
 Direct Link to Group: See More

Private
 Only members can see who's in the group and what they post

Visible
 Anyone can find this group.

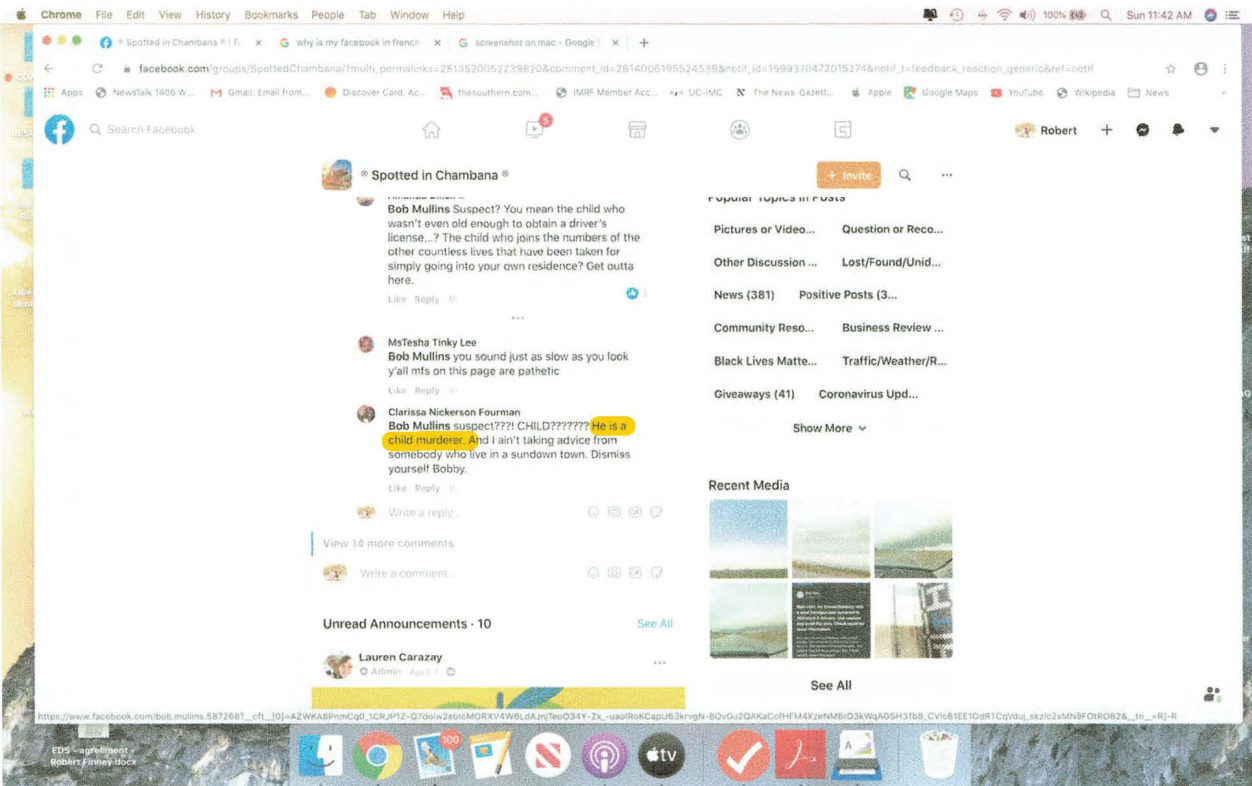
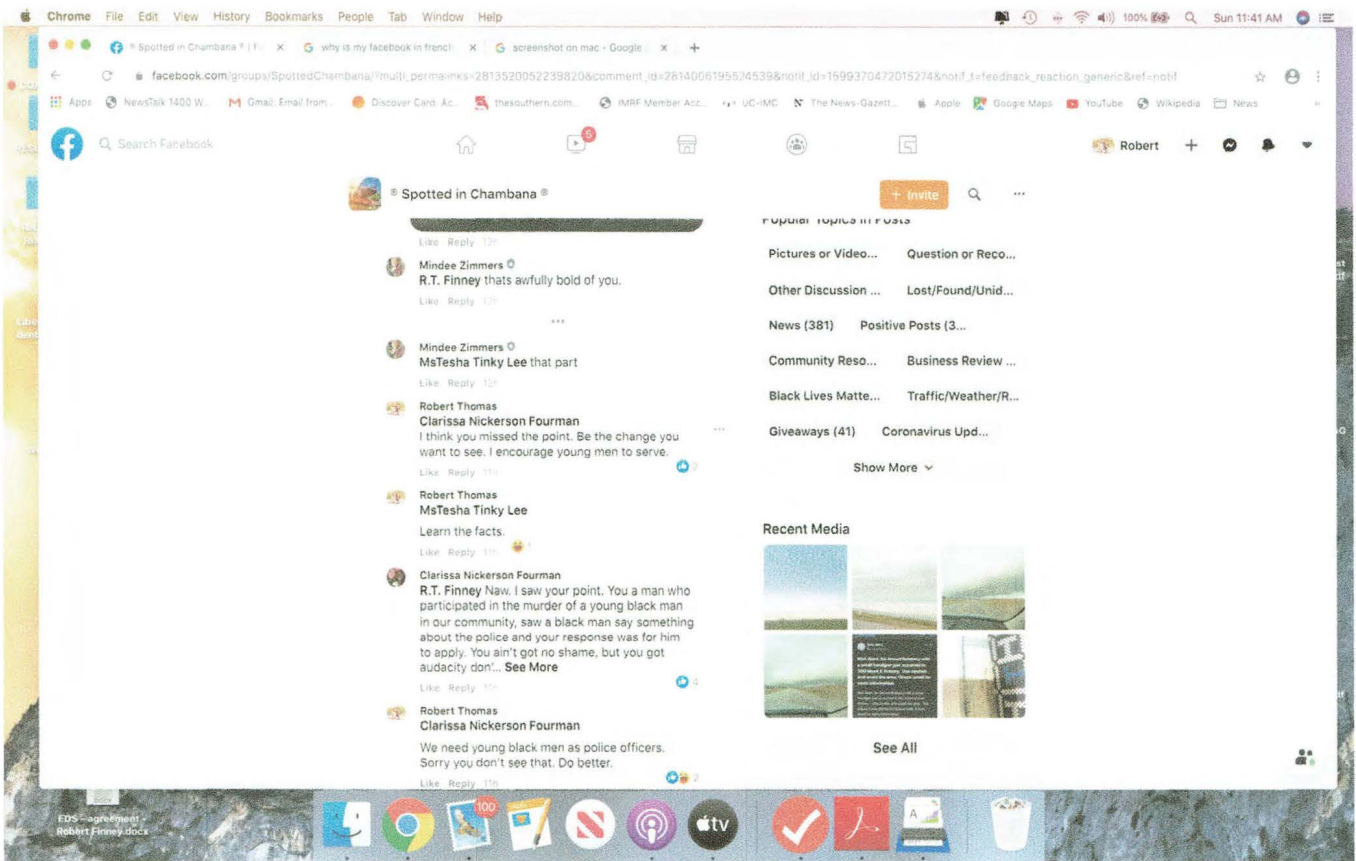
Champaign, Illinois · Urbana, Illinois · Savoy, Illinois

Social Learning Group

Popular Topics in Posts

- Pictures or Video... Question or Reco...
- Other Discussion ... Lost/Found/Unid...
- News (381) Positive Posts (3...)
- Community Reso... Business Review ...
- Black Lives Matte... Traffic/Weather/R...
- Giveaways (41) Coronavirus Upd...

Show More





Legal Department • 102 N Neil St • Champaign IL 61820 • (217) 403-8765 • fax (217) 403-8755 legaldepartment@champaignil.gov

Frederick C. Stavins, City Attorney
Jennifer L. Bannon, Assistant City Attorney
Kathryn Cataldo, Assistant City Attorney
Thomas S. Yu, Assistant City Attorney

September 14, 2020

Clarissa Nickerson Fourman
Sent Via Email Only: cnickfour@gmail.com

Dear Ms. Fourman:

A letter was sent to yourself, me, the City Manager, and the Mayor on September 7, 2020. The letter was sent by R.T. Finney and was titled “Notice to Cease and Desist”. The letter appears to concern statements made as part of comments on a local website. Mr. Finney alleges that you made certain defamatory statements concerning him. These are detailed in his letter attached hereto.

Mr. Finney indicated in his letter that you made those comments concerning him in your capacity as a Council Member of the City of Champaign. I have informed Mr. Finney that you were speaking in your capacity as a private citizen and that your alleged statements did not reflect the position or policies of the City nor do those statements reflect your role as a Council Member. (See attached letter to Mr. Finney dated September 14, 2020.) He alleged that your Facebook page purports to be an officially sanctioned page of the City. Of course, it is not. The City exercises no control over your private Facebook page or any of your statements made on that page or statements that you make in your private capacity in any social media endeavor.

If you do need more information concerning the 2009 events or the City’s actions or investigations concerning this matter, City staff stands ready to provide more information to you. We are not in the position to provide legal advice to you regarding Mr. Finney’s letter, what we consider a private legal matter. I do strongly suggest that you consult with legal counsel to address Mr. Finney’s letter.

It is our hope that you will work to conclude this matter on a personal level so that each party benefits from the resolution.

Sincerely,

Frederick C. Stavins

Frederick C. Stavins

City Attorney

FCS/ml

Enclosure

cc: R.T. Finney Via Email Only: [REDACTED] [gmail.com](mailto:[REDACTED]@gmail.com)



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Frederick C. Stavins, City Attorney
Jennifer L. Bannon, Assistant City Attorney
Kathryn Cataldo, Assistant City Attorney
Thomas S. Yu, Assistant City Attorney

September 14, 2020

R.T. Finney
Sent Via Email Only: [REDACTED]@gmail.com

Dear Mr. Finney:

I am responding to your letter of September 7, 2020 which was addressed to Council Member Clarissa Fourman. You addressed the letter to Council Member Clarissa Fourman, myself, the City Manager, and the Mayor. Your letter concerned alleged defamatory Facebook comments posted by Ms. Fourman as part of a series of statements allegedly made by her on a particular website.

I want to clarify to you that neither this website nor the Facebook page appearing under her name have any connection to the City of Champaign, i.e. the governmental entity where you previously served as the Police Chief.

Additionally, the statements you allege were made by Ms. Fourman on this website are not a reflection of the City's position or policies. The statements do not constitute any part of her legislative activities on behalf of the City. There are no pending actions of the City directly related to the events of 2009 to which you indicate that she is referencing. (See attached letter to Ms. Fourman dated September 14, 2020.)

Ms. Fourman appears to be writing in her capacity as a private citizen and not as a Council Member, as you indicated in your letter. She does not identify herself as writing as a Council Member or writing or stating opinions on behalf of the City.

The City has no control over the actions that Ms. Fourman takes in her private capacity. You have alleged that certain actions were taken by the City in response to the death of Kiwane Carrington in 2009. These are matters of public record.

Since we do not represent Clarissa Fourman in her private capacity, we are unable, from our office, to provide legal advice as may be appropriate in order for her to respond to your

letter. If you have information that would contradict any statements that I have asserted above, please respond to this letter with such facts.

It is our hope that you will work to conclude this matter on a personal level so that each party benefits from the resolution.

Sincerely,

Frederick C. Stavins

Frederick C. Stavins

City Attorney

FCS/ml

Enclosure

cc: Clarissa Nickerson Fourman Via Email Only: cnickfour@gmail.com