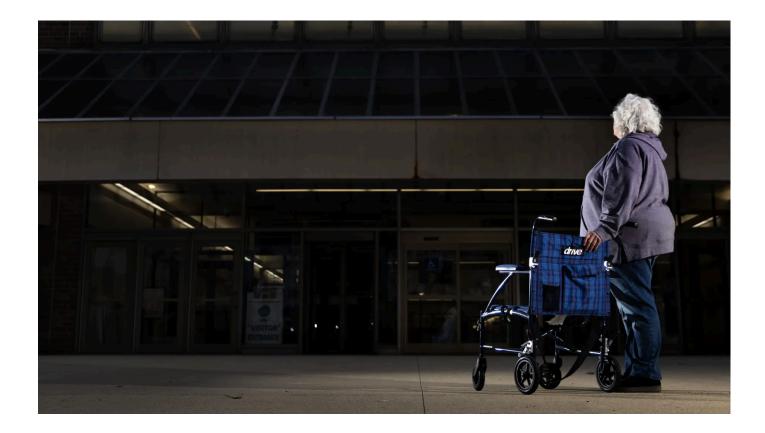
Patients reported sexual abuse by medical providers. Health care systems let them keep working.

'If they just would have believed me, this wouldn't have happened to another woman.'



By LISA SCHENCKER | lschencker@chicagotribune.com | Chicago Tribune and EMILY HOERNER | ehoerner@chicagotribune.com | Chicago Tribune UPDATED: June 14, 2024 at 6:42 PM CST



"Susan" stands with her late mother's wheelchair on Feb. 5 at the Skokie Courthouse, where her mother testified about being sexually assaulted by a nurse at Glenbrook Hospital. (Stacey Wescott/Chicago Tribune)

Editor's note: This story includes descriptions of sexual abuse and assault.

When a woman came to the Illinois Bone & Joint Institute complaining of hip and groin pain, X-ray technician Karol Ruszczyk put his hand between her legs, touching her vaginal area over her clothes.

At Glenbrook Hospital in Glenview, nurse David Giurgiu had a heavily medicated, 76-year-old patient perform oral sex on him from her hospital bed.

At Chicago's Jackson Park Hospital and Medical Center, a patient reported that worker Titus Snelling had rolled her wheelchair into an elevator and, when they were alone, began kissing her up and down her neck.

All three of the victims complained to the hospitals and health care systems that employed the workers. All three of those systems allowed the employees to continue working. And all three workers were later charged with abusing additional patients.

Over the course of a yearlong investigation, the Tribune found that well-known Illinois health systems have allowed workers accused of abusing patients to keep providing care.

The failures to respond adequately to abuse allegations had devastating consequences for the victims, who felt betrayed by medical systems they had trusted with their health and safety.

While some medical systems in other states have reckoned publicly with their failures, Illinois health care providers have quietly settled lawsuits, entered into confidentiality agreements with patients and often refused to acknowledge wrongdoing. Efforts by state government to hold providers accountable have fallen short, largely leaving hospital systems to decide on their own how to balance patient safety with their reputations and financial interests. Loopholes in state laws leave many providers without meaningful oversight, other laws lack teeth, and one law that would help document and track adverse events at hospitals has yet to be implemented 16 years later.

Illinois law does require hospitals to report allegations of patient abuse to state health officials, but those that fail to do so face few consequences, even in cases where the health care worker went on to face abuse allegations from additional patients. In many cases, the only real consequences health systems appeared to face came from lawsuits filed by victims.

Tribune reporters identified allegations of patient sexual abuse in Illinois by obtaining and reviewing thousands of pages of medical board disciplinary findings, arrest records, police reports, Illinois Department of Public Health investigations, civil and criminal court documents and by analyzing state data. The Tribune filed 50 Freedom of Information Act requests and conducted more than three dozen interviews.

In all, the Tribune identified 52 health care workers accused of sexual misconduct with patients in Illinois over the last decade. At least 27 of those workers faced allegations from multiple patients in recent years, the Tribune found. The true numbers are almost certainly higher, since many allegations are not reported to law enforcement or to the state.

In one of the most egregious cases, dozens of women have alleged that former NorthShore University HealthSystem gynecologist Dr. Fabio Ortega sexually assaulted them during exams over three decades. According to police and court records, NorthShore — now known as Endeavor Health — allowed him to continue working after receiving complaints from patients and even after it knew police were investigating him. Ortega eventually pleaded guilty to sexually abusing two patients, and he has been sued — along with Endeavor and his former employer, Swedish Hospital in Chicago — by at least 30 women. The hospital, formerly known as Swedish Covenant, is now part of Endeavor. Women told the Tribune they suffered for years after they were abused by medical providers.

The patient who was assaulted by emergency department nurse Giurgiu at Glenbrook Hospital — also part of Endeavor Health was afraid of being in any room alone after the abuse, according to her daughter. She wouldn't sleep in her own bed.

The Tribune is using the pseudonyms Mary and Susan for the two women because the Tribune generally does not identify victims of sexual abuse or assault without their permission.

"She was a very strong-willed person who just started crumbling," Susan said of her mother.

Mary, who died in 2022, was devastated again when she learned that Giurgiu had allegedly abused another patient about nine months later. It wasn't until the second allegation that Glenbrook fired him.

"That made everything worse," Susan said. "She was like, 'If they just would have believed me, this wouldn't have happened to another woman.""

Representatives of Endeavor Health, the Illinois Bone & Joint Institute and Jackson Park Hospital would not answer questions from the Tribune about their handling of patients' specific allegations. Endeavor and Illinois Bone & Joint both stressed their commitment to patient safety.

"The past events you discuss are incredibly upsetting and heartbreaking," Endeavor said in a statement, adding that the hospital system continues to improve its processes to support the reporting of abuse allegations. "We acknowledge trust is earned and will always look for opportunities to demonstrate our commitment to the highest standards of safety and quality in our care."

'I just want to die, I just want to die'

Mary's nightmare began on Thanksgiving night in 2018, when she took a spill that landed her in the Glenbrook Hospital emergency department with a broken femur, court and medical records show. Susan stayed with Mary until early the next day, when her mother finally persuaded her to go home and rest, Susan said.

Between 4:30 and 5:50 a.m., according to a state investigation, the injured woman was visited three times by Giurgiu, a 25-yearold registered nurse. The visits ranged in length from eight to 20 minutes.

Later that day, Mary was transferred to Skokie Hospital for surgery. Susan said she noticed a change in her mother after the operation; Mary was refusing to eat and crying uncontrollably, she said.

The nurses at the hospital noticed too. Days after the surgery, a nurse wrote in Mary's chart that the patient began "shaking and crying" when talking about an earlier incident. Several hours later another nurse wrote that Mary was "weepy throughout the day" and that the elderly woman had "reported an alleged event" at Glenbrook Hospital.

In a later police interview, Mary recalled telling hospital staff, "I just want to die, I just want to die," and "I don't want to live anymore," court records show. The hospital put her on suicide watch.

Susan would soon learn what was causing her mother such agony: The nurse had assaulted Mary while she was alone and in pain, engaging her in oral sex when she was unable to consent.

Glenbrook Hospital officials launched a brief internal investigation into Mary's allegation, led by the hospital's vice president of nursing and clinical operations, according to the state's investigation. Susan also went to the police.



The 76-year-old woman sexually assaulted by nurse David Giurgiu in 2018 at Glenbrook Hospital had been taken to the emergency department with a broken femur. (Stacey Wescott/Chicago Tribune)

Endeavor Health did not answer Tribune questions about what its investigation into Giurgiu consisted of, nor whether Giurgiu worked with patients during that time. But state records show that two days after Mary reported the abuse, hospital officials told Mary and her family that the hospital had found the allegation was not substantiated.

The hospital found that no other patient had ever complained about Giurgiu, and other staff had not witnessed anything inappropriate, according to state records.

Police also suspended their investigation after running out of leads, police records show.

With the police investigation at a dead end, and Glenbrook Hospital moving on from Mary's allegation, Giurgiu continued working with patients.

About nine months later, another woman came forward with a disturbingly similar account of being sexually abused by the nurse after receiving pain medication in the emergency department, according to police and court records.

This time, the hospital fired Giurgiu, a police report states. Hospital officials also alerted the police and the Illinois Department of Public Health.



David Giurgiu (Illinois Department of Corrections) Giurgiu initially denied the allegations to police. Then police told Giurgiu they had taken clothing samples from the patient and planned to test them for Giurgiu's semen, according to a police report. At that point, police noticed a change in Giurgiu's demeanor. He soon admitted to both incidents, the report states, and said he'd engaged in sexual activity with a third patient, also after the interaction

with Mary. He told police the activity was all consensual.

In September 2019, Giurgiu was charged in the incident involving Mary and the one that occurred nine months later. He was convicted in September 2022 on one count of aggravated criminal sexual assault and three counts of aggravated criminal sexual abuse in the attack on Mary. Prosecutors dismissed the charges involving the other known victim after Giurgiu was convicted and sentenced. Giurgiu is now in prison, sentenced to decades behind bars.

Giurgiu did not respond to a request for comment.

The state health department investigated Endeavor's response to the allegations and found the hospital had failed to report Mary's allegations to the state within 24 hours and had not adequately investigated Mary's claims, according to a state report the Tribune obtained through a public records request.

The agency noted in its findings that the hospital investigation had focused on one interaction between Mary and the nurse when others were present — a catheter insertion — but failed to take into account the three times Giurgiu was seen on hallway surveillance video entering and exiting Mary's room alone. It also found the hospital had not offered Mary the opportunity for a sexual assault examination.

Maria Knecht, who was vice president of nursing and clinical operations at the time of the investigation, has since been promoted and took over as Glenbrook Hospital president this year. Endeavor Health did not make Knecht available for an interview and would not answer questions about Giurgiu, including whether the hospital ever put him on leave or restricted his duties after the allegations by Mary.

In a plan of correction submitted to the state, Endeavor detailed measures it planned to take at Glenbrook, such as updating "processes to ensure compliance with reporting of sexual abuse allegations to the state," addressing "gaps" in the investigation process by establishing an oversight committee, and developing a checklist for reviewing patient assault allegations. But the corrective plan "does not constitute an admission that a deficiency exists or that one was cited correctly," Endeavor wrote.

Responding to Tribune questions, Endeavor said in a January statement that it thoroughly reviews sexual abuse allegations and that providers are required to have a chaperone present or be removed from care if an investigation is underway. Endeavor did not answer questions about when the chaperone policy started and whether a chaperone accompanied Giurgiu while the hospital was investigating Mary's allegations.

"The provider's alleged conduct is a fundamental betrayal of our mission and our patients' trust," Endeavor said.

After allegations, more harm

When a patient reports sexual abuse by a hospital employee or medical staff member, several things are supposed to happen under Illinois law.

For one, the hospital should report the allegation to the Illinois Department of Public Health within 24 hours so state officials can investigate. It should also take prompt action to ensure the patient's safety, which can include "removing suspected violators from further patient contact" while hospital officials conduct an internal review. Yet the Tribune identified at least 10 instances in the last decade where a patient had alleged sexual misconduct at a hospital but the incident does not appear in the state's database for abuse allegations reported by hospitals.

For example, when Rush University Medical Center fired nurse Thomas Trunk in 2016 after a patient alleged sexually inappropriate conduct, it notified the state agency that had the power to take action against the nurse's license. But the hospital did not notify the Illinois Department of Public Health, the agency that could have investigated Rush's response to the allegations. Trunk was later convicted of battery after a home health care patient accused him of sexual abuse, in a separate incident.

A Rush spokesperson would not say why the hospital did not contact the health department, saying Rush could not "speak to details that led to a decision in a personnel matter." Trunk did not respond to requests for comment sent to his attorneys.

In the case of nurse technician Titus Snelling, court records show that a female patient alleged in October 2016 that he began flirting with her and kissing her neck while he was supposed to be wheeling her to her room.

The patient immediately told other hospital workers what had happened, Cook County prosecutors later said. But Jackson Park did not report the allegation to the Department of Public Health, state officials confirmed, and Snelling continued to work with patients.

About four months after that incident, in February 2017, Snelling was supposed to transport another patient to her room. Instead, he rolled her to a dark room in an unused part of the hospital, inappropriately touched her under her gown and put his mouth on her toes, prosecutors said.

Only after receiving that complaint did Jackson Park Hospital fire Snelling. As Chicago police investigated, hospital officials acknowledged that another patient had also previously made an allegation against Snelling.

Snelling later received a 10-year prison sentence related to the most recent incident after a Cook County judge found him guilty of aggravated kidnapping in 2019 following a bench trial. From the Western Illinois Correctional Center, Snelling told the Tribune that Jackson Park Hospital investigated the October patient's complaint and cleared him to return to work about three days later. After the February complaint, the hospital's nursing director spoke with Snelling again, referenced some security video, and fired him, according to Snelling. He denied he abused any patients and said he is working to overturn his conviction.

Jackson Park Hospital, which also did not report the February incident to the state, did not answer the Tribune's questions about its failures to report, whether it changed Snelling's duties after the first patient spoke out, and whether and how it investigated Snelling.



Jackson Park Hospital kept nurse technician Titus Snelling on the job after a patient complained about his behavior. He was fired after another patient alleged abuse; Snelling is now in prison. (Stacey Wescott/Chicago Tribune)

Margo Brooks, the hospital's vice president of development, said the hospital would not comment "due to patient privacy and hospital policy against commenting on pending or past litigation." The patient from the February incident reached a settlement in 2021 for an undisclosed amount after filing a lawsuit contending the hospital had failed to protect her from abuse by Snelling.

In most cases, there's no reason a hospital can't fire a worker after a single complaint as long as the worker is an at-will employee, said Bill Tarnow, a Chicago-based partner and chair of the labor and employment group at law firm Neal, Gerber & Eisenberg. That's the case even if the hospital can't prove definitively that the worker acted inappropriately, he said. The hospital also is free to change a worker's duties in almost all cases, such as by requiring them to work with a chaperone or prohibiting them from working with female patients, pending further investigation and review.

Illinois Rep. Kelly Cassidy, D-Chicago, said patients at hospitalbased practices in particular have an expectation that the infrastructure is designed to help and support them and that hospitals operate with strong oversight. When that accountability is lacking, she said, it is "doubly disappointing."

"You would hope that a hospital organization or health care provider organization would be more invested in rooting out bad apples," Cassidy said. "As we've seen in the priesthood and school systems and police departments, it's easier to just hide bad behavior and hope it goes away."

In response to the Tribune's investigation, the state health department said it is now working with Cassidy on legislation that would "create financial penalties for hospitals that fail to report sexual abuse cases by staff" to the department. The legislation would also require doctors offices and satellite clinics to report abuse allegations involving health care workers to the state under the same rules that now apply to hospitals.

The department has also said it will review hospitals' abuse reporting policies to ensure they align with state regulations, and is following up with the hospitals that did not report allegations, as identified by the Tribune, "to seek more information regarding the allegations of patient abuse occurring in those facilities."

Poor transparency, little accountability

In 2005, Illinois legislators handily passed a bill meant to improve the health care system by addressing so-called never events: unthinkable incidents such as leaving an item inside the body during surgery — or the sexual abuse of a patient.

The law directed the Illinois Department of Public Health to create a reporting system in which hospitals and surgery centers would report these events, discuss the root causes of the incidents and outline how they would be prevented in the future.

The system was supposed to be operational by 2008 and accompanied by annual reports summarizing the events, causes and solutions. Facilities that didn't comply could be sanctioned.

But this important attempt to improve transparency has floundered for nearly two decades. The state hasn't created the reporting system, and has not published any of the required reports.

By contrast, the Minnesota Department of Health has been publishing an annual public report on adverse events, including sexual assaults, in hospitals since 2005. Members of the public can also look up adverse events, by hospital, on the department's website.

Mike Claffey, a state health department spokesperson, said a lack of funding initially delayed the law's implementation, followed by unsuccessful requests for proposals to build the reporting system. The COVID-19 pandemic also delayed the process, he said, but the department is now preparing a new request for proposals to establish the online reporting system and database.

Sen. Karina Villa, who leads the Illinois Senate Public Health Committee, called it "devastating" to hear that the 2005 law has yet to be implemented.

"This is a top priority," said Villa, D-West Chicago. "We need to make sure we're protecting people in the state when they're going in for care. ... We need to make sure we're addressing this issue with the department and if funds are needed ... the General Assembly needs to have a clear understanding as to what kinds of funds they're needing."



State Sen. Karina Villa, heading to her Springfield office on Feb. 7, said it was devastating to learn that a 2005 law that would help document and track adverse events at hospitals has yet to be implemented. (Stacey Wescott/Chicago Tribune)

Even when the state found a hospital had failed to protect patients, Tribune reporting showed there was sometimes little required beyond a promise from the hospital that it would do better next time.

Early last year, the Illinois Department of Public Health found that Ascension Mercy hospital in Aurora had failed to protect its patients from abuse. The agency's investigation involved a case in which three adolescent girls reported to hospital staff that a doctor had touched them inappropriately.

A hospital committee quickly held a hearing and decided to take the doctor out of the behavioral health unit, where the girls were being treated, and put him into the hospital's nursery to care for younger patients, state records show. The doctor went on a leave of absence roughly a month after the hospital learned of the first patient's allegations, according to the health department's investigation.

The hospital's vice president of patient safety and quality later told the state health department: "Retrospectively, (the doctor) should've been removed from service at the hospital, including the nursery, during the investigation."

Yet the hospital faced few significant consequences for the error. Although the state health department placed Ascension Mercy hospital in "immediate jeopardy," a distinction that had the potential to cost the hospital millions in lost Medicare dollars, the sanction lasted only one day.

The agency dropped the jeopardy ruling after the hospital developed a plan to promptly remove providers from patient care following allegations in the future.

Ascension Illinois spokesperson Tim Nelson said in a statement that Ascension takes "all allegations seriously, following state and regulatory guidelines to address and investigate." Nelson would not answer specific questions about the hospital's response to the patient allegations.

"We can assure the patients and communities we serve they can expect the safest and highest quality care possible," the Ascension statement said.

The Illinois Department of Public Health said in a statement that if a hospital's plan of correction did not include removing alleged abusers from patient care, the plan would not be accepted and the hospital could lose federal funding.

"To be clear: no health care worker who is accused of sexually abusing a patient should be allowed near patients unless and until they have been cleared of such allegations," the department said in a statement.

Less oversight outside hospitals

Health care systems and providers that are not hospitals are subject to even less state oversight.

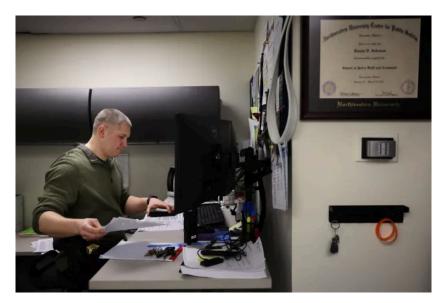
A woman had been a patient for two decades at the Illinois Bone & Joint Institute, a large orthopedic group practice, when she went to an institute facility in Morton Grove to be seen for a knee injury in March 2018.

During her appointment, X-ray technician Karol Ruszczyk began rubbing the inside of her thigh and touched the outside of her vagina, she told police.

While Morton Grove police were investigating, they discovered from Ruszczyk's personnel file that he had been accused of a similar incident 16 days earlier.

Police contacted the previous patient, who said she had gone to an Illinois Bone & Joint Institute office in Des Plaines for help with hip and groin pain when Ruszczyk began touching her inappropriately.

Ruszczyk would go on to plead guilty in 2019 to aggravated criminal sexual abuse of both patients and was sentenced to 24 months of probation. Efforts to reach Ruszczyk for comment were unsuccessful.



In 2018, Morton Grove police Commander Dennis Johnson was one of the detectives who investigated patients' allegations against X-ray technician Karol Ruszczyk. (Stacey Wescott/Chicago Tribune)



X-ray technician Karol Ruszczyk pleaded guilty in 2019 to aggravated criminal sexual abuse of two Illinois Bone & Joint Institute patients, one at this Des Plaines office and another in Morton Grove. (Stacey Wescott/Chicago Tribune)

The Illinois Bone & Joint Institute and Ruszczyk reached a settlement with the second patient, who contended in a lawsuit that the institute had failed to prevent her abuse because it took no action in response to the earlier allegation other than making a note in Ruszczyk's file.

But the state health department never investigated the institute's handling of these incidents — it is not responsible for doing so. The institute is not a hospital, so it was not required to report either patient's allegation to the state health department, a loophole that also applies to places such as independent clinics and doctors offices.

An attorney for Illinois Bone & Joint would not answer any questions about the incidents involving Ruszczyk, citing patient privacy laws and a need to "preserve confidentiality."

"IBJI is committed to provide an environment safe for its patients and its staff," the attorney said in an October statement. Owners of medical corporations and other types of health care companies can theoretically lose their ability to operate if they fail to quickly remove an employee who has engaged in unethical professional conduct. But if an employee is fired for abusing a patient, there is no requirement that they work to understand how the misconduct was able to occur or how to prevent similar situations in the future, according to the laws that govern those businesses.

In 2016, a longtime patient of Dr. Sheldon Levine arrived at the MedPlus S.C. clinic offices in Hazel Crest for an appointment. The doctor began conducting a breast exam where he aggressively rubbed the patient's nipples and exposed his penis to the patient before she fled from the exam room, according to court records.

A day later, records show, the patient told police what happened. The doctor was charged, he was indefinitely suspended from the practice, and he then resigned. A Cook County judge later found Levine guilty of battery and public indecency.

The patient also sued the medical practice, alleging it failed to protect her from the abuse. Testimony showed that another patient had reported to police that Levine had touched her inappropriately about six months earlier.

MedPlus administrator John Saldanha acknowledged in a deposition that the clinic made little effort to understand how the incidents were able to happen, aside from asking staff whether anyone else had been in the room during the appointment that led to the criminal conviction and whether the patient had complained.

"Whatever happened is not my problem," Saldanha testified after being asked whether he had questioned the doctor about the allegations. He said he did not contact the victim either, stating that "there was no reason for me to interfere, to call after what happened. It's not my duty, it's not my job to do."

Saldhana died in early 2023, and his wife — the owner of the medical corporation — did not respond to a request for comment. Levine reached a settlement with the patient and has also since died. "As employers, we have a responsibility to respond to sexual assault in our workplaces," said Carrie Ward, CEO of the Illinois Coalition Against Sexual Assault. "If that doesn't happen, how are we protecting the future survivors of sexual violence?

"We want reporting mechanisms, internal policies and procedures about who someone goes to when something has happened to them," Ward said. "We want intervention to happen at the earliest possible level, and we want investigations to be serious and sincere."

Irreparable damage

Mary, who was assaulted by Giurgiu at Glenbrook Hospital, didn't live to see him sentenced to prison time for assault and abuse. But two months before her death in 2022, Mary was able to testify in court about what happened to her.

"She was a brave soul and she did what she needed to do," Susan said. That day, Susan told her mom she was a superhero. Her mom requested a strawberry milkshake after leaving court.

Testifying felt like a small victory amid years of torment. In some ways, Mary blamed herself for the second assault, Susan said. If only she had been able to convince hospital officials and police that she'd been attacked, maybe the second incident wouldn't have happened, Mary thought.

"Knowing what she was living with, she couldn't bear the thought of anyone else experiencing the same fate. This reality caused her to withdraw from life even further," Susan wrote in a statement she read at Giurgiu's sentencing. "The damage caused by her abuser and the struggle to be believed, was irreparable. She was gone."



At the sentencing of nurse David Giurgiu at the Skokie Courthouse, Susan read a statement on behalf of her late mother. "The damage caused by her abuser and the struggle to be believed, was irreparable," she said. (Stacey Wescott/Chicago Tribune)

Meanwhile, though Glenbrook Hospital submitted a plan of correction to the state that detailed new processes for handling abuse allegations, it's unclear whether the other seven traditional hospitals under Endeavor implemented similar systems.

In 2022 a patient at a different Endeavor facility, Highland Park Hospital, alleged that a male nurse had touched her inappropriately following a breast reduction surgery, according to police records.

That patient reported the incident to police and the hospital, police records show. But the hospital did not report the complaint to the state health department within 24 hours, or at all, state officials confirmed.

According to a police report, Highland Park Hospital conducted a 24-hour investigation on the nurse's day off before determining the allegations were "unsubstantiated." A hospital official told police the nurse was doing a head-to-toe skin assessment and the nurse had said that if he made contact near her vaginal area, it was accidental, according to the police report.

Police forwarded the case to the Lake County state's attorney's office. In January 2023, the office told police they had decided not to pursue charges because of insufficient evidence.

Endeavor Health did not answer the Tribune's questions about how the hospital handled this specific allegation, including why Highland Park didn't report the allegation to the state health department. According to police records, hospital officials determined the incident "did not meet the definition of abuse in the Hospital Licensing Act," the law that requires the disclosure of patient abuse allegations to the state.

In an emailed statement, Endeavor said it is required to report "only substantiated reasonable allegations of abuse" to the state's health department and it relies on police investigators' determinations of whether allegations are "unfounded."

Under state law, a hospital employee who has "reasonable cause to believe that any patient with whom he or she has direct contact has been subjected to abuse in the hospital" must report those allegations to a designated administrator, who then is required to notify the state. The law does not require that allegations first be substantiated.

The patient who came forward about the Highland Park Hospital nurse said she remains haunted by the incident. "Is this how my life is going to be for the rest of my life, that I don't trust anyone?" she wonders.

She's also frustrated that Endeavor didn't do more to protect her and other patients.

"It's sad and ridiculous that it has to take so many victims before they'll believe them," she said.

DePaul University student Samantha Moilanen contributed to this report.

Read part two:

Failure to protect: Flawed state oversight lets doctors accused of abuse continue to see patients

Help the Chicago Tribune report on medical misconduct

The Tribune hopes to continue reporting on how hospitals and other medical institutions respond when patients report instances of sexual misconduct by health care providers.

If you have information to share, please fill out this form. Responses will not be published without your permission.

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Are you reaching out as a patient or a provider? (required)

Patient

Please summarize the incident that was reported, including the hospital system or medical office where it occurred. Be as detailed or as general as you are comfortable. (required)



To whom did you report the incident? Please describe the response you received. (required)

Have you kept any records related to the incident, such as a written complaint, medical records or emails with hospital officials? (required)

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Is there anything else you think we should know?

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