

BY TERRY SULLIVAN

*Extended litigation surrounding the 1996 murder of a young Miami woman in a south suburban hotel raises troubling questions about the security practices of some innkeepers*

# A Safe Room



**ON DECEMBER 9, 1996**, a 33-year-old Miami woman named Nan Toder checked into the Hampton Inn in south suburban Crestwood. She had come to Chicago to be trained for a new job, and she was excited about the opportunity—she would be working in the wholesale floral business in Florida representing Vans Floral Products, the Alsip company that supplies many of the Midwest's large grocery store chains.

John-Campbell Barmmer, who would be her boss in Florida, had made the arrangements with the Crestwood Hampton Inn. The hotel, at 133rd and Cicero, sits in an industrial area—just south of the Cal-Sag Channel, near Interstate 294—next door to a pub and across the street from an adult daycare center and a small petroleum company. An off-track betting site is

down the street. It would be an unlikely spot for a vacation, but it was only a mile or so from the offices of Vans, and Barmmer considered it a safe place. He had stayed there himself when visiting the company's home office. "They had a security guard—an off-duty, real policeman—in the lobby," he recalls. "They had inside access, no room doors on the outside."

Nan Toder was security conscious, too. She habitually locked the dead bolt on hotel room doors and placed her luggage tight up against the door. She liked to work out every day—she was an aerobics instructor—and she made a point of asking a desk clerk at the Hampton Inn to recommend a local gym that was safe.

That week in December, she had a busy schedule, four days spent in meetings and visiting local customers and often ending late. On all but one night she skipped dinner with colleagues and went to a nearby Gold's Gym. On Thursday night, December 12th, she had finished work and gone to the gym, stopped to pick up a salad at a Wendy's restaurant, and returned to her hotel just before 9 p.m. She left a wake-up call for five the next morning—she had a breakfast with the company president scheduled before her flight back home. She talked for 15 minutes with her mother back in Mount Lebanon, Pennsylvania, ate dinner, and went to sleep, not forgetting to wedge her luggage against the door to the corridor.

FIFTEEN MONTHS BEFORE NAN Toder checked into the hotel, a man named Christopher Richee applied for a job there as the maintenance manager. Richee had grown up in Burbank, about 10 miles north of the

*▲ Nan Toder (above) was murdered at this hotel in Crestwood (inset). The gruesome case puzzled investigators for years.*

hotel, and he still lived there in a room fashioned inside the attached garage of his mother's home. He was a young man, 27 at the time he applied for the job, with a past that included arrests for theft and illegal use of weapons. (Local police would later investigate him in connection with arson and burglary cases, and for the alleged stalking of a former girlfriend.) He had been fired from a nearby amusement center on suspicion of burglary. He was hired at the Hampton Inn without a criminal background check.

And sometime after midnight, in the early morning hours of Friday, December 13, 1996, he let himself into Nan Toder's room and murdered her. Autopsy reports and trial records indicate that he manually choked her, and bound her feet and hands with telephone cord. He bludgeoned her at least seven times with a machete. She may have still been alive when he strangled her with a pair of her pantyhose. Richee's motive, according to Tom Weatherald, the Illinois State Police investigator in charge of the case, was to see if he could get away with it.

And he nearly succeeded. Weatherald says Richee fancied himself a master criminal and he planned the murder carefully. He knew that on that Friday new room locks were to be installed that would leave a computer trail; the preceding night would be his last opportunity to enter a guest's room undetected. He had shaved off all his body hair earlier in the week, according to a girlfriend's testimony at his trial, presumably to reduce the risk that he would leave behind evidence for DNA testing. Illinois State Police investigators think he pulled the wires from an alarm on a rear door, disabling the device that would have alerted people to his exit. They also suspect he disabled the bedside lamp in Toder's room.

He contrived an excuse—taking a burrito to a night clerk—to return to the hotel after 11 that night; he had never before been seen there outside of working hours. Forensic evidence suggests that he damaged the keyed lock on the room's main door to lead police to think that that door had been the murderer's entry point. The authorities think he actually entered the room from a door connecting to the room next to Toder's; evidence suggests that he tampered with the dead bolt on that door. Months after the murder, the police determined that the room's inside security latch

had been filed down, possibly by Richee in an effort to further convince police the murderer had entered through the room's main door. Richee was seen around 11:30 p.m. on the night of the murder working at a computer terminal containing guest information. He was also seen entering Toder's room after police had been called the next morning, but before the maid and housekeeping manager had told anyone where the body had been found—perhaps to relock the connecting room door, police believe.

"It was a real whodunit," Weatherald recalls. "[The murderer] went so far as to plant [misleading] DNA with a bloody towel [presumed to have been left by a previous guest] because, I think, this was just after the O. J. trial and it was in the news." Weatherald describes Richee as "cold and cunning."

The case was hampered early on because some investigators were not immediately aware that the main door had been blocked by luggage—hotel employees had pushed it out of the way to enter the room. (After all his elaborate preparations, investigators believe, Richee had not seen the luggage in front of the door, which was in a darkened alcove.)

The murder had the elements of a classic locked room mystery. Police suspected Richee early on, but were unable to amass evidence for an arrest. They might never have done so had he not continued to commit crimes. James Velasco—a Chicago attorney who would later represent the Toder family—says the investigators were relentless, because they knew Richee to be a "really, really, really bad guy," he says, "a thief and burglar who used police radios, stalked women, took steroids, kept guns, and, perhaps not least of all, was known to have ridiculed police as inept." The day before the murder he had bragged to his boss that, as a boy, he had enjoyed pulling the wings off birds and throwing cats in tree shredders.

The break came in May 1999, after more than two years of investigation by the Markham State's Attorney's Office, the State's Attorney's Cold Case Unit, and the Illinois State Police. Police arrested a friend of Richee's, a fellow criminal who, under questioning, implicated Richee in other crimes. The friend also told them that on the Monday following the murder, as police were following Richee to his home to conduct a search, Richee had called him on a cell phone and asked him

to climb through the window of Richee's room and remove a bloody towel. The friend did so, he later testified, and disposed of the towel in a dumpster behind a local school on 82nd Street in Burbank. (It was never found.)

Richee was arrested in mid-1999 on charges of burglary (the crimes in which the friend had implicated him), convicted, and sentenced in March 2000 to a seven-year term in prison. He later pleaded guilty to harassment of a witness and got another seven years. Finally, last November, almost six years after the murder of Nan Toder, Richee went on trial for the slaying. The evidence against him in the lengthy proceeding was circumstantial—he owned a machete that was missing; the Toder murder had similarities to other crimes he had committed; he was uniquely placed to plan and carry out the crime. Richee himself did not testify. The jury convicted him after deliberating for less than five hours. Richee is currently serving life without parole, and he is appealing his conviction.

#### **ALL OF WHICH IS JUST PART OF THE STORY**

The ongoing part, and the part that sounds a cautionary note for anyone checking into a hotel, is the question of who is responsible for security in hotels—for guests' safety, for hiring, firing, and background checks, and for putting master keys into the hands of men like Chris Richee.

Sol and Lin Toder, Nan's parents, are retired in Pennsylvania. After the murder, along with Vans Floral Products, they offered a \$50,000 reward for finding Nan's killer; the Toders later increased that to \$100,000. (It was never collected.) After waiting nearly two years (and despite persistent cautioning by police that a lawsuit might interfere with the murder investigation), they also filed suit against the Crestwood Hampton Inn and other parties for having failed to take minimal steps to protect their daughter.

They hired James Velasco, then a partner in a small firm and today in private practice. Velasco says that the law in Illinois places serious responsibilities on innkeepers. Like most states, Illinois does not have a specific statute on the books regarding the protection of hotel guests. "Who is there to push for such legislation?" Velasco asks. Hotel guests are not an organized group. Rather, the responsibility is laid out in case law, which in fact is stronger in Illinois than the case law in

most states. Velasco quotes *Fortney v. Hotel Rancroft*, from 1955: “A guest, who is either asleep in his room or about to enter his room, should not be subjected to the risk of an assault by a stranger. A guest has a right to rely upon the innkeeper doing all within his power to avoid or prevent such an assault, and to that end should be required to exercise a high degree of care.”

Exercising a high degree of care would almost certainly require running background checks on potential employees who would have access to all guest rooms, Velasco argues. That much seems clear. What is not so clear is who, exactly, is the innkeeper in this case. It took nearly five years for anyone to admit it out loud.

### THE CRESTWOOD HAMPTON INN WAS

owned at the time of the murder (it has since been sold) by Crestwood Motel Partners, itself a limited partnership owned by the Albanese Development Corporation, a Springfield, Illinois, group that included the well-known Albanese family of Springfield and a number of other investors. Since the 1970s, the company has developed or managed 11 hotels in central Illinois, but today owns just three, all downstate. In 1992 it bought the hotel out of bankruptcy—it had been built as a Days Inn but never opened—and gained a franchise as a Hampton Inn. A spokesman at Albanese Development, which is headed by Dennis S. Albanese, would not comment for this article.

At the time of the murder, the Hampton Inn chain was owned by Promus Hotels; Promus owned 13 Hampton Inns outright, managed five, and licensed franchises to all the others, some 550 at the time. Promus also owned Embassy Suites, Hampton Inn & Suites, and Homewood Suites. Three years after the murder, the Hilton Hotels Corporation bought Promus.

The key defendants in the Toders’ lawsuit were Albanese Development and Promus. (Hilton was not a named defendant.) Albanese Development owned and ran the hotel; Promus, as the franchiser, provided marketing, signage, a brand identity, a national reservations system, and a large book of rules and regulations on running the hotel. In return, Promus received a one-time lump sum payment plus 4 percent of the room revenues.

Promus carefully monitored Albanese Development’s operation of the hotel—at

least concerning most things. Promus’s *Standards Manual* for a Hampton Inn included a requirement that mattresses be rotated “quarterly according to the rotation schedule on the mattress. Box springs must be rotated bi-annually.” The rules mandated what information would be in the welcome letter to be placed on every guest’s pillow. They specified the door lock systems and set minimums for the number of irons and ironing boards available. They required desk clerks to welcome guests to the Hampton Inn and to mention the free Continental breakfast. Promus provided computer and video training for staff members, and Promus inspection teams checked the asphalt in the parking lot, the vinyl wallpaper, and the cereals served at breakfast. In short, Promus micromanaged, by means of inspections and the *Standards Manual*. The company’s goal, according to a deposition by Ted Raynor, the senior counsel for Hilton, speaking on behalf of Promus, was “a consistency across the brand.” Promus enforced the rules by means of the threat of revoking the license agreement. The Crestwood Hampton Inn had been rated “marginal” in at least two prior inspections.

Promus did not require security or background checks for potential employees of the franchisee, though it did have such controls in hotels it owned or managed directly. The company’s representatives testified at length in depositions that security was a “day-to-day” issue and not the concern of the Hampton Inns corporate entity. Indeed, the *Standards Manual* lists security issues as “recommendations” and “guidelines.”

James Velasco says that is because “security gets litigated—people end up in court.” He adds, “What the desk clerk says when he hands someone a key is not a ‘day-to-day’ operation in their view, but security is.”

When he applied for the job at the Crestwood Hampton Inn, Christopher Richee filled out an application with a Hampton Inn logo. The application asks the applicant’s permission to check his background. Steven Gebhardt, then the director of operations for Albanese Development, interviewed Richee. In his deposition, Gebhardt said he made one phone call to an employer listed by Richee, Sunset Lakes Apartments, in Justice, Illinois. Gebhardt said he thought Sunset Lakes said it would rehire Richee, but Gebhardt didn’t recall whom he talked to; there are no notes.

Velasco points out that Richee had

worked at Sunset Lakes, but that the apartment complex had been owned by Lincoln Properties, which had actually employed Richee. Mark Odette, his supervisor at Lincoln Properties, who was also listed on the application, says he was never contacted. Gebhardt did not contact another employer Richee listed, Hollywood Park, in Crestwood, which had fired him. Gebhardt did no criminal background check.

When asked about the basis of the lawsuit in a telephone interview, Hilton’s Ted Raynor said, “If you followed the murder trial you know who was convicted. He didn’t work for Hampton Inn; he didn’t work for Promus. . . . We didn’t hire him, we didn’t fire him. We recommend that they do background checks; we don’t require it.”

But does Hilton intend to require them of franchisees in the future?

“No, we don’t want to get in the business of managing their employees,” Raynor said.

Don’t most people think of security as far more important than many of the things that Promus did require?

“We disagree on that,” the lawyer said.

### SO WHO WAS THE INNKEEPER? THE PRESS

release issued when the hotel opened in 1992 is on Hampton Inn stationery. It says, “Hampton Inn, the national chain of value-priced hotels serving business and leisure travelers, today announced the official opening of its new hotel at 13330 South Cicero in Crestwood, Ill.”

“Hampton Inn” is the name on the large sign outside the hotel; the “100% Satisfaction Guarantee” is made by Hampton Inn in ads and fliers; its name is on the door and on the welcome letter on guests’ pillows. Hampton Inn is the place to call to make a reservation, and “Hampton Inn” is the name on the bill. In the Crestwood hotel, there was a small sign near the front desk advising guests that the facility was independently owned and operated by Albanese Development Corporation; another, similar sign hung near the pop machine. A guest would have had to be unusually alert to pay them any attention. Nobody, Velasco says, would ever have thought he or she was staying at the Albanese Inn.

The Crestwood Hampton Inn had a history of petty crime. According to the manager’s deposition and police reports, there was at least one instance of drug trafficking; a porn film had been shot in the hotel; and cars were stolen from the parking lot. It hired security guards, but,

according to Velasco, did not train them, or bond them, as Promus “suggested.” It rejected television surveillance as too expensive. It was free to decline these measures because they were only Promus suggestions, not requirements.

The distinction between suggestions and requirements was important. The Crestwood hotel was not free to ignore Promus’s requirements, as Brenda Randazzo, the general manager at the time of the murder (and an investor), indicated in her deposition:

Velasco: “If something was criticized in a quality assurance inspection and that was not brought up to standard, what would happen to the hotel?”

Randazzo: “In reality they could turn off your computers and you would no longer exist as a Hampton Inn.”

Later in the deposition she was asked: “And security was not part of the Hampton Inn standards for which they could turn off the computer—is that correct?”

Randazzo: “Correct.”

The collected depositions in the Toder lawsuit fill many boxes. They include seemingly endless debate as to what is or is not a “day-to-day” issue, who was or was not responsible for carpets, toilets, and guests’ security. And they are filled with contentiousness. Velasco can be abrasive, even sarcastic. He can antagonize witnesses and lawyers, but can also sometimes annoy them enough to make them drop their guard. Velasco claims that at one point in a deposition Ted Raynor did just that.

Velasco: “Would there be a concern if employees used rooms for criminal purposes at franchised hotels?”

Raynor: “What the franchisee’s employees do at that hotel is the responsibility of the franchisee.”

Q: “Okay.”

A: “It’s not something we would be primarily concerned about.”

Q: “And even if it affects the guests?”

Robert Comfort (outside counsel for Promus): “Objection—argumentative.”

Raynor: “I’m not sure if I understand your question. If a franchisee is doing something unauthorized in its room, it seems to me that would be a concern for the franchisee.”

Velasco: “Okay. Was Nan Toder a guest of Hampton Inn?”

A: “Yes.”

Q: “Was she a guest of Promus?”

A: “In some way, yes.”

With that comment, Velasco claims, the parent company also became the innkeeper, with the attendant responsibilities, for purposes of the lawsuit.

**THIS PAST APRIL, AFTER FIVE YEARS OF** litigation, Promus and its attorneys decided to settle out of court without admitting any responsibility. Robert Comfort, of Johnson & Bell, said in a phone interview about the case: “I can’t talk about it without permission. All I can say is that Promus didn’t pay anything in the settlement.”

That is true, as far as it goes. The payment was made on behalf of the defendants by St. Paul Fire and Marine Casualty. The settlement was for \$1,618,750 each from Crestwood Motel Partners and Albanese Development, \$1,156,250 from Promus, and \$231,250 from Brenda Randazzo, the manager. The total was \$4.625 million—all from a \$5-million insurance policy that Albanese Development had carried as a Promus requirement, not a suggestion. Velasco and the Toders had earlier rejected an offer that included a confidentiality clause.

“For years [the franchisers] denied Toder was a guest,” Velasco says today. “For a month after they admitted the obvious, they continued to deny she was their guest. [The company] says, in cases like the Crestwood Hampton Inn, that it has no guests. What if [it] had its way? If Nan Toder wasn’t their guest, they would indeed have no guests—because no customer would stay in a place that denied all responsibility for them. Nobody would be afforded the protection that Illinois case law demands of an innkeeper toward its guests. Who cares about the free breakfast if you don’t live to eat it? They don’t offer free burial services.”

Most national chains, including Hampton Inns, have mandated security requirements and personnel practices for hotels they own or manage directly. For guests, the question is, When are you staying in one of their hotels, and when are you staying in an “independently owned and

operated” hotel with the recognizable name on it but, perhaps, lower security standards—hotels operating with hiring and security “suggestions” rather than requirements? Hilton’s 2002 annual report (representing Hilton Hotels, Hilton Garden Inns, Doubletree, Embassy Suites, Homewood Suites by Hilton, Hampton Inns, and a few others) lists 135 hotels as owned, leased, or in joint ventures, and another 201 as managed; the report lists another 1,721 franchised locations, operated by independent owners.

Jane Locke, a Loyola University of Chicago School of Law faculty member who teaches personal injury law, says the innkeeper status is an important issue. “It’s not an obvious liability, but there’s . . . the notion of ‘apparent agency,’” she notes. “If the guest is relying on the concept of a Hampton Inn, the brand, then it’s appropriate to reach up the chain to them. If you’re selling a brand that’s worth anything, you’re selling uniformity and people are going to hold you to that.”

**THESE DAYS SOL AND LIN TODER GO TO** meetings of Parents of Murdered Children and work on the campaign to turn common sense into a law. “I’m not asking for 100 percent foreseeability,” Sol Toder says. “I was in business for 47 years. I know it’s not possible.” (Toder owned an auto recycling business.) But he argues that basic safeguards should be required of hotels. The Toders do not need the money from the settlement; their other daughters, Nan’s two sisters, do not want the money. They are interested, they say, in reforming the hotel industry, in campaigning for what they are calling “Nan’s Law”—legislation that would protect hotel guests by requiring background checks of hotel employees and other security regulations. They have enlisted friends to run a Web site ([www.nanslaw.org](http://www.nanslaw.org)).

John-Campbell Barmmer, Nan Toder’s boss, is still in the flower business in Florida. He is still devastated by her death. And a few weeks after the murder, he got another shock—a bill for \$357.12 for Nan Toder’s stay at the hotel. He did not pay it. ■