

IN THE CIRCUIT COURT OF THE 18<sup>TH</sup> JUDICIAL CIRCUIT  
DuPAGE COUNTY, ILLINOIS

CARLA BURKHART AND HERRICANE  
GRAPHICS, INC.,

Plaintiff,

vs.

EDGAR COUNTY WATCHDOGS, INC., *et al.*,

Defendants.

Case No. 15 L 001244

**PLAINTIFFS' RESPONSE TO  
MOTION TO DISMISS OF CLAIRE BALL**

**NOW COME** the Plaintiffs, CARLA BURKHART (“Burkhart”) and HERRICANE GRAPHICS, INC. (“HGI”), by and through their attorneys, GRIFFIN | WILLIAMS LLP, and for their response in opposition to the Motion to Dismiss Pursuant to 735 ILCS 5/2-619.1 filed by the Defendant, CLAIRE BALL (“Ball”), state as follows:

**Introduction**

This lawsuit emanates from a targeted campaign of defamation committed by Kirk Allen (“Allen”) and Edgar County Watchdogs, Inc. (“ECWI”) in concert with Kathy Hamilton and Adam Andrzejewski. As conceived, the campaign sought to spread lies and hysteria surrounding the circumstances that were unfolding at the College of DuPage (“COD”) to cement Hamilton’s power in the April 2015 election and propel her political career. Ball, an otherwise ordinary, if not naïve candidate for the COD Board of Trustees, dipped her toes in the water also and recklessly adopted the accusations of Allen in accusing Plaintiffs of engaging in a pay to play scheme. Ball’s accusations were published in an interview with the Illinois Herald and on her website, [www.claireballforillinois.com](http://www.claireballforillinois.com).<sup>1</sup>

<sup>1</sup> The website content has since been replaced, but both publications are attached hereto as Exhibit A.

Ball not only parroted the pay to play accusations in her responses during the Illinois Herald interview, her website also separately targeted Plaintiffs. The website content was as follows:

“The executive staff at COD has been using no-bid contracts in a blatant pay-to-play scheme in order to reward those connected individuals willing to participate. Many of the recipients of those contracts are also on the College of DuPage’s Foundation Board (Herricane Graphics, Robbins & Schwartz and Marquardt & Company, just to name a few) which shows a clear conflict of interest and is a breeding ground for fraud.”

Ball, like Allen and ECWI, tries to backtrack from her prior statements and characterizes her comments as an indictment on no-bid contracts between COD and COD Foundation members. However, the plain language used on her website not only accuses Plaintiffs of engaging in a pay to play scheme, but characterizes the no-bid contracts as part of the pay to play scheme, not the sum total of the scheme itself as Ball suggests. Further, according to the website, while the scheme involved COD Foundation members, it was not limited thereto – i.e. “[M]any of the recipients....” Ball’s supposed explanation is unnatural in the context of the recognized meaning of “pay to play” and “espouse[s] a naïveté unwarranted under the circumstances.” *Tuite v. Corbitt*, 224 Ill.2d 490, 505, 866 N.E.2d 114, 310 Ill.Dec. 303 (Ill. 2006).

Ultimately, Ball became an eager and willing participant in the firestorm that was the COD election and her comments accusing the Plaintiffs of engaging in a pay to play scheme were not only improper, they were defamatory lies. Plaintiffs never paid one dime or performed any service to obtain COD contracts in any sort of a *quid pro quo*. Ball and the others have absolutely no evidence to support their accusations, so she now seeks dismissal under the Illinois

Citizen Participation Act (the “Act”) while characterizing her accusations as the truth or an opinion. Ball’s Motion should be denied.<sup>2</sup>

### Argument

**A. The Plaintiffs’ Complaint That Genuinely Seeks Damages For Business Losses Was Filed Nearly A Year After Ball’s Comments Were Made And Only After Ball Lost Her Election Bid.**

The Supreme Court’s decision *Sandholm v. Kuecker*, 2012 IL 111443, ¶ 1, 962 N.E.2d 418, 356 Ill.Dec. 733 (Ill. 2012) precludes defendant from obtaining relief under the Act.

In *Sandholm*, the Supreme Court determined that the legislature intended the Act “to target only meritless, retaliatory SLAPPs and did not intend to establish a new absolute or qualified privilege for defamation.” *Sandholm*, 2012 IL 111443 at ¶ 50. In accordance with this determination, the Supreme Court interpreted the phrase “ ‘based on, relates to, or is in response to’ ” in Section 15 of the Act to mean “*solely* based on, relating to, or in response to ‘any act or acts of the moving party in furtherance of the moving party’s rights of petition, speech, association, or to otherwise participate in government.’ ” (Emphasis in original.) *Sandholm*, 2012 IL 111443 at ¶ 45. The Court expounded, “[s]tated another way, where a plaintiff files suit genuinely seeking relief for damages for the alleged defamation or intentionally tortious acts of defendants, the lawsuit is not solely based on defendant's rights of petition, speech, association, or participation in government. In that case, the suit would not be subject to dismissal under the Act.” *Sandholm*, 2012 IL 111443 at ¶ 45. The Court concluded that the plaintiff’s lawsuit was not solely based on, related to, or in response to the acts of the defendants in furtherance of their rights of petition and speech because the “true goal” of the plaintiff’s lawsuit was not to chill participation in government or stifle political expression, but to seek damages for the personal

---

<sup>2</sup> To the extent Ball’s motion attacks the legal sufficiency of Plaintiffs’ Complaint or otherwise asserts affirmative matters outside of the Act, Plaintiffs refer the Court to their arguments in Plaintiffs’ Response To Section 2-619.1 Motion To Dismiss Of Edgar County Watchdogs And Kirk Allen.

harm to his reputation from the defendants' alleged defamatory and tortious acts. *Sandholm*, 2012 IL 111443 at ¶ 57.

Under *Sandholm*, a lawsuit may only be dismissed under the Act if:

(1) the defendants' acts were in furtherance of their right to petition, speak, associate, or otherwise participate in government to obtain favorable government action; (2) the plaintiffs' claims are solely based on, related to, or in response to the defendants' "acts in furtherance"; and (3) the plaintiffs fail to produce clear and convincing evidence that the defendants' acts were not genuinely aimed at solely procuring favorable government action. *Id.* ¶ 43.

Merely because defendants' activities are the kind that the Act is designed to protect does not necessarily mean that plaintiff's lawsuit is a SLAPP. The next step in the analysis is to determine whether plaintiff's claim is "solely based on" defendants' protected acts. *Sandholm* stated that a lawsuit is not "solely based on" protected acts and therefore is not subject to dismissal under the Act if "a plaintiff files suit genuinely seeking relief for damages for the alleged defamation or intentionally tortious acts of defendants." *Sandholm*, 2012 IL 111443 at ¶ 45.

Under *Sandholm*, there are two required showings to prove that a lawsuit is a SLAPP solely based on, related to or in response to a protected act. The movant must show that the lawsuit is (1) retaliatory and (2) meritless. *Sandholm*, 2012 IL 111443 at ¶ 43-5. To determine retaliatory intent, the two factors most helpful to consider are (1) the proximity in time of the protected activity and the filing of the complaint and (2) whether the damages requested are a good faith estimate of the injury sustained. *Sandholm*, 2012 IL 111443 at ¶ 43-5.

#### **1. Plaintiffs' Claims Are Not Retaliatory.**

In the instant case, Plaintiffs waited to file their Complaint for nearly a year after Ball gave the Illinois Herald interview and published her website content. In fact, Ball had already removed her website content when this lawsuit was filed and moved on to her race for Illinois Comptroller. In addition, the Complaint was filed more than 8 months after she lost the Board of

Trustee election in April of 2015 and seemingly removed herself from the COD debate. There is absolutely no temporal proximity to the filing of the lawsuit and Ball's protected activity. Absent such proximity, no reasonable conclusion can be drawn that the lawsuit was designed to inhibit or enjoin Ball from engaging in protected activity.

In addition, the alleged damages are a good faith estimate of the injury sustained. Plaintiffs have each pled one Count against Ball for defamation for an eventual award in an amount in excess of \$50,000 and punitive damages of more than \$1,000,000. However, under Illinois law, a plaintiff is only entitled to one recovery for one wrong. *Dratewska-Zator v. Rutherford*, 2013 IL App (1<sup>st</sup>) 122699, ¶ 33, 996 N.E.2d 1151, 375 Ill.Dec. 95 (1<sup>st</sup> Dist. 2013). In other words, Plaintiffs cannot obtain a double recovery. At the pleading stage, it is not possible to know what portion of the alleged damages will be attributable to Burkhart or HGI stemming from the tortious acts. Two counts are asserted so that a jury can later decide. Regardless, the alternative Counts do not seek a total judgment of more than \$2,000,000 on their face as Ball suggests, but a recovery in excess of \$50,000 and punitive damages of more than \$1,000,000.

Moreover, the damages alleged in the Complaint include actual economic damages of \$200,000 alone in 2015 relative to lost sales, the expectation that similar losses will result in 2016 and beyond, damages for loss of reputation and goodwill and punitive damages. In fact, it is entirely likely that Plaintiffs' business will fail as a result of the unrelenting cloud of corruption the Defendants' defamation has created and to which Ball has contributed. In quantifying the Plaintiffs' losses, they are entitled to credit for lost sales as well as credit for lost goodwill, or value, in their business. Assuming *arguendo* that Plaintiffs would only be entitled to losses for 2015 and not beyond, their lost sales would be approximately \$200,000 and the lost

business value, or goodwill, would likely be in excess of \$200,000 (assuming a 1 x multiplier of gross sales in relation to business value is a conservative estimate). Thus, one year of the Plaintiffs' losses would include actual, economic damages of not less than \$400,000. Assuming Plaintiffs losses continue and cannot be mitigated, these damages will increase significantly.

In addition, the \$400,000 figure does not account for loss of reputation. In a defamation *per se* lawsuit, damages to reputation are presumed and where such a presumption has been coupled with proof of actual damages, Illinois courts have affirmed awards of in excess of \$1,000,000 for loss of reputation alone. See *Leyshon v. Diehl Controls North America, Inc.*, 407 Ill.App.3d 1, 12-3, 946 N.E.2d 864, 349 Ill.Dec. 368 (1<sup>st</sup> Dist. 2010)(approving an award of \$2,000,000 for loss of reputation). In addition, as discussed in *Leyshon*, courts have recognized the propriety of a multiple of three times actual damages when awarding punitive damages. *Leyshon v. Diehl Controls North America, Inc.*, 407 Ill.App.3d at 13-24 (approving an award of \$6,000,000 in punitive damages).

Thus, based upon 2015 economic losses alone, Plaintiffs have conservatively alleged compensatory damages of more than \$400,000 and punitive damages in excess of \$1,000,000 and provided a good faith, factual basis to sustain a damages award of nearly \$1,500,000 in compensatory damages and \$4,500,000 in punitive damages.

## **2. Plaintiffs' Claims Are Not Meritless.**

With respect to their burden to prove Plaintiffs' claims are meritless, Ball does nothing more than rest on her argument that her Illinois Herald interview is not actionable. As fully discussed in Plaintiffs' Response To Section 2-619.1 Motion To Dismiss Of Edgar County Watchdogs And Kirk Allen, Plaintiffs' claims appropriately alleged tortious conduct against Ball for her accusations of Plaintiffs engaging in a criminal, pay to play scheme. Regardless, as

recognized by *Sandholm*, merely arguing that a claim is not sufficiently pled as a matter of law is not adequate to carry the defendant's burden. *Sandholm*, 2012 IL 111443 at ¶ 55-8; See also *Ryan v. Fox Television Stations, Inc.*, 2012 IL App (1<sup>st</sup>) 120005 at ¶ 26. Rather, Ball must bring forth affirmative evidence to establish undisputed facts that disprove Plaintiffs' claim which is presumed legally sufficient under a Section 2-619 review. Ball has not even attempted to do so. The Affidavit of Ball and her Motion does not even address her website content and provides no evidence to establish the veracity of her claims claims that Plaintiffs engaged in a pay to play scheme.

In the end, however, the ultimate holding in *Sandholm* cannot be overcome by the Defendants. When the defendant's acts cause actual injury to the plaintiffs and a lawsuit properly seeks redress for those acts, the lawsuit cannot, as a matter of law, be considered "solely based on" protected acts. As detailed in *August v. Hanlon*, 2012 IL App (2d) 111252, ¶ 30, 975 N.E.2d 1234, 363 Ill.Dec. 925 (2<sup>nd</sup> Dist. 2012), when a pleading alleges economic damages for the harm to plaintiff's reputation and the relief sought by plaintiff is, in part, compensatory in nature, the defendant cannot prove that a complaint is "*solely* based on" protected acts. Further, as recognized in *Ryan v. Fox Television*, even where a lawsuit appears retaliatory and lacks actual damages, it will not be considered a SLAPP unless the claims are also meritless and the defendants bring forth undisputed evidence that disproves the plaintiff's claims. *Ryan v. Fox Television Stations, Inc.*, 2012 IL App (1<sup>st</sup>) 120005 at ¶ 23-6.

Regardless of Ball's arguments, the fact remains that Plaintiffs do not seek to enjoin or prevent her from engaging in protected acts, but to be compensated for the damages wrought by her tortious acts.

**3. Ball's Acts Were Not Genuinely Aimed At *Solely* Procuring Favorable Government Action.**

To the extent the burden of proof in this analysis shifts to Plaintiffs, which it should not under the *Sandholm* standard, the professed purpose of Ball as stated in her Motion was to end no-bid contracts between COD and COD Foundation members. Her accusations that Plaintiffs engaged in criminal acts served no purpose in this endeavor. Indeed, her website content distinguishes the no-bid contracts as part of, not the sum total of the pay to play scheme and extend the scheme to others not affiliated with the COD Foundation.

Moreover, Ball's acts cannot be viewed as solely designed to obtain favorable government outcome. Ball is seemingly an opportunist that craves the spotlight. It appears that before the last ballots were even counted in the COD election, Ball remade her website into a campaign for Illinois Comptroller, lost her interest in COD and moved on. Ultimately, Ball's statements we made for the purpose of being elected, not to serve or effect change.

**Conclusion**

As explained in *Sandholm*, a lawsuit is not "solely based on" protected acts under the Act if "a plaintiff files suit genuinely seeking relief for damages for the alleged defamation or intentionally tortious acts of defendants." *Sandholm*, 2012 IL 111443 at ¶ 45. In this case, Plaintiffs have filed suit against Ball and others for their role that spread defamatory, criminal accusations against the Plaintiffs that litter the internet to this day and have ruined the Plaintiffs' business. The Motion should be denied.

**WHEREFORE**, the Plaintiffs, CARLA BURKHART and HERRICANE GRAPHICS, INC. request that the Motion to Dismiss be denied and for such other and further relief as is deemed equitable and just.



CARLA BURKHART & HERRICANE  
GRAPHICS, INC.,

By: \_\_\_\_\_

One of Their Attorneys

A handwritten signature in blue ink, appearing to be 'CB', is written over the signature line.

Joshua M. Feagans/6286141  
Griffin Williams LLP/27822  
501 W. State, Ste. 203  
Geneva, IL 60134  
630-524-2563 (t)  
630-262-0644 (f)

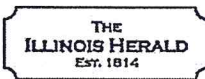
*"My only special interest is you!"*

[Home](#) | [Issues](#) | [Events](#) | [Media](#) | [Get to Know Claire](#) | [Contact](#) | [Volunteer](#)



Claire Ball is a 32 year old homeowner with a Masters in Accounting. She is married and the proud parent of two cats.

CLAIRE BALL IS  
ENDORSED BY:



## ON THE ISSUES:

### COD ISSUES AND STANCE

Membership on the Board of Trustees of the College of DuPage is a position that must maintain trust and accountability. As a Trustee you are responsible for providing oversight on all matters, and making judgments and informed decisions with the best interests of the public in mind. As a Trustee on the board for the College of DuPage, I call for honesty and transparency in all matters. I will stand up for and represent the interests of DuPage taxpayers at all times.

### AUDITING THE COLLEGE OF DUPAGE

The audits that have been done on various areas of COD have not been adequate. A company can get a "clean" (unmodified being the actual classification) audit report and still be dirty. For example, Enron did so for years, using confusing and questionable accounting methods, data manipulation, collusion and misdirection until their house of cards collapsed. There will never be rules in place to provide absolute assurance that a company is free from fraud and error – that's why an audit report specifically states that it only provides *reasonable assurance*. What can and should be done at the College of DuPage is to have several different audit firms conduct separate audits with a broader scope, *inclusive of an audit on internal control*, and lower thresholds of materiality. Materiality is key in auditing because it tells the auditor at what starting point (in dollars, ratios, etc.) things become important to look at. Checking the invoice for a \$500 purchase from a supplies company is not as important as the invoice for a \$5,000 purchase from a supplies company, and I think changes to the thresholds of materiality and scope of audits will show much different results than what has previously been made public.

### TRANSPARENCY

There have been major transparency issues with the College of DuPage affecting both the taxpayers and Board of Trustees. As exposed in the media, executives at COD have pushed through hundreds of thousands of dollars of questionable funds that have only benefited them, without proper Board approval. Using an Imprest account, whereby invoices less than \$15K can be lumped together and shown as one line item for expedited payment, they have hidden their lavish spending habits from what are supposed to be the watchful eyes of the Board of Trustees. Contracts have been awarded to companies that have people serving on the Foundation Board, creating a clear conflict of interest, and the legality of these contracts, including the President's contract of employment, has been called into question. Such actions result in higher taxes, lower quality of services for students and faculty, and the destruction of the reputation of a valuable community college. Proper transparency – revised policies to close loopholes and clear any claims of confusion, and actual oversight by the Board of Trustees is what is needed.

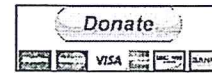
### NO-BID CONTRACTS

Proper accounting is to have multiple bids on projects that are large in dollar amount and/or long in duration. The bidding process helps to create both a justification for the vendor that is finally chosen and a trail of documentation to backup the justification. The safeguards that are established through this process - multiple bids that reflect pricing, scope of work, and timing - show that the best vendor for the job was selected. Without such safeguards the opportunity for fraud and manipulation is huge. The executive staff at COD has been using no-bid contracts in a blatant pay-to-play scheme in order to reward those connected individuals willing to participate. Many of the recipients of these contracts are also on the College of DuPage's Foundation Board (Herricane Graphics, Robbins & Schwartz and Marquardt & Company, just to name a few) which shows a clear conflict of interest and is a breeding ground for fraud. The guidelines for no-bid contracts are very narrow as to when they are allowed to be used, and College of DuPage should use them only when justifiably necessary. If elected as a Trustee I would put forth proposals to end no-bid contracts except in the most rare of cases, and policy changes to strengthen the controls surrounding the selection of vendors for all projects to bring back the oversight that the Board of Trustees should be providing.

### PRESIDENT BREUDER

I believe President Breuder needs to be removed from the position of president of College of DuPage. He has abused the authority entrusted in him by the Board. He has spent hundreds of thousands of dollars on lavish perks for himself and many allies, wine and dining at the College's Waterleaf restaurant. He has spent tens of thousands of COD dollars for personal expenses such as his private shooting club memberships, satellite phones while out of the country on vacations, double-dipping on mileage reimbursement, the list goes on and on. He has helped to funnel millions

## Support our Campaign



## Like and Share

Claire Ball for College of DuPage Trustee  
Like 429

Claire Ball for College of DuPage Trustee  
9 hrs

Despite not winning last Tuesday night, I had a great time at the Election Night Party with friends, family, and supporters. Thank you to EVERYONE!!!

Facebook social again

EXHIBIT

tabbles

A

or dollars through no-bid contracts to well-connected foundation board members. He received a vote of no confidence from the full-time DuPage faculty members, and this was not the first such vote he has been bestowed in his career. He has shown blatant disregard for the Board of Trustees by sleeping during the Board meetings, pushing through expenses without proper board approval, even aggressively pressuring them to follow his agenda, instead of the abiding by the duly enacted rules of the Board. As a member of the Board of Trustees I will ask for his immediate resignation. I am not the first to recommend this.

At least that was my stance until the January Board meeting. Having learned about the "addendum" to his contract that the board approved (6-1) that gives him more than double his base salary along with other perks, my position has changed – slightly. My support remains for his removal as president of COD, but I think he should have been dismissed without compensation, since he has already taken so much of the taxpayers' hard-earned money. The "addendum" should be ruled void and not enforced – the details of the contract were not released with any time for anyone to give any sort of review, the questions remain as to the validity of his original contract, and if anything his behavior and conduct over his tenure has been disgraceful to the reputation of the College of DuPage.

I believe he should be dismissed without this "golden parachute" and will work towards that goal with the rest of the Board of Trustee members as well as find a replacement that will bring integrity and competency back to the position of president.

#### MAIN GOAL

My main goal for running is to bring integrity back to the College of DuPage Board of Trustees. The position of trustee is tasked with overseeing the highest level of management in an institution, for the greater good of the people, ultimately paying the bills, and representing the people most affected by the decisions coming from management. In COD's case, a trustee should always have the best interests of the taxpayers, students, and faculty in mind, and not the perks of the executive staff.

The current board members have shown an alarming level of complacency to an executive staff that has filled their pockets and those well connected to them through the use of fraud and manipulation. The actions of this board – censuring one of their own who raised legitimate questions concerning executive decisions and actions – ignoring concerned citizen's questions and requests, rushing through the approval process on items that no one has any information on, has shown these people to be failures in performing their duties as your trustees. They have proven they cannot uphold the responsibilities of the office and do not deserve the trust or respect of the people who elected them to that office.

I am asking for your support so that I can sit on this board and bring integrity back to the College of DuPage Board of Trustees. Please vote for me on April 7<sup>th</sup>.

[Home](#) | [Issues](#) | [Events](#) | [Media](#) | [Get to Know Claire](#) | [Contact](#) | [Volunteer](#)


*Paid for by the Friends of Claire Ball. Not paid for by any corporation or union.  
© Copyright 2014 – 2015 - The Friends of Claire Ball. All rights reserved.*

*Established 1814 - Covering Chicago, Cook County, Illinois*

Like 170 people like this. Be the first of your friends.

Follow Illinois Herald

Follow on Tumblr

 +6 Recommend this on Google

Follow @IllinoisHerald

Share 9

Share |

January 14, 2015

## Illinois Herald endorses Reformer at College of DuPage

By Mark Wachtler

January 14, 2015. Addison, IL. (ONN) It's been a bad year for the corruption-plagued College of DuPage Board of Trustees. Current Board members have been exposed by taxpayer watchdogs for stuffing their pockets with millions of dollars in school money. They've been held up by national news outlets as some of the most corrupt public officials in America. They had a multi-million-dollar state grant revoked. And now, a corruption-busting libertarian is running for a seat on the College of DuPage Board. Meet Claire Ball - accountant, reformer, and candidate for College of DuPage Board of Trustees.



*Claire Ball, reform candidate for College of DuPage Board of Trustees. Image courtesy of ClaireBallForIllinois.com.*

THE ILLINOIS HERALD  
EST. 1814

- [Home](#)
- [About](#)
- [Contact](#)
- [Articles](#)
- [Donate](#)
- [Corruption](#)
- [Friends](#)

Subscribe

Enter your email address

Subscribe

**Mark Wachtler (Illinois Herald):** First, thank you for taking the time to talk to us and tell Illinois Herald readers about your campaign Claire. Can you tell us a little about yourself?

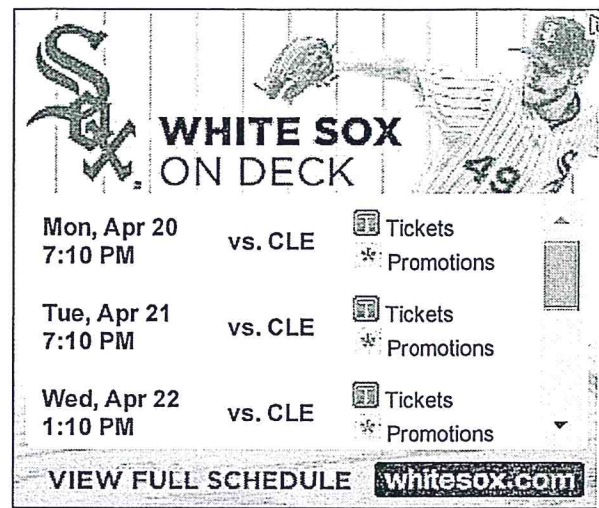
**Claire Ball (candidate):** Thank you Mark, I appreciate the chance to discuss what should be a very exciting challenge. I'm a 32-year-old accountant and homeowner living in Addison. I have many passions and am happy to say that accounting is among them. I received my Bachelor's and Master's degrees in Accounting and Finance and plan to have my CPA (Certified Public Accountant) certification in 2015, and my CFE (Certified Fraud Examiner) certification after that. I enjoy yoga, writing fiction, shooting, watching classic movies, and thrift store browsing. My husband and I are members of the Silent Film Society of Chicago. I also love to be outside hiking, biking, camping or road-tripping, and am always up for an adventure. I am married and we're the proud servants of two cats. I've been with my husband Brian for over 12 years. He's my campaign manager, and we support each other in everything we do. And the cats walk all over us.

**Illinois Herald:** As staunch independents here at the Illinois Herald, most of the candidates we support are first-time citizen-candidates. Is this the first elective office you've ever run for?

**Claire Ball:** Yes it is. While I have gotten more interested in politics over the last few years, nothing has sparked me to run for anything until I read about, and looked into, what is going on at the College of DuPage.

**Illinois Herald:** Why are you running for one of the College of DuPage Board of Trustee seats?

**Claire Ball:** When I first heard about the financial shenanigans going on at the College of DuPage I was appalled, just as any honest hardworking taxpayer would be. The more I heard about the attitude and actions of most of the current board members, from the ridiculous censure of Kathy Hamilton to Trustee Diane McGuire's Nazi comments, the more I wanted to do something about it. When the Chair of the Board of Trustees refuses to revise the college's policies on transparency and spending in light of the millions of dollars being fraudulently paid out, it is time to get people on the Board who will take action. I don't want COD to go down the road of so many of our state institutions with an ever-growing history of fraud, misappropriation and corruption.



The graphic features the White Sox logo on the left and a baseball player in a batting stance on the right. The text 'WHITE SOX ON DECK' is prominently displayed in the center. Below this, a schedule is listed for three consecutive days: Monday, April 20 at 7:10 PM; Tuesday, April 21 at 7:10 PM; and Wednesday, April 22 at 1:10 PM. Each game is listed as 'vs. CLE'. To the right of each game listing are icons for 'Tickets' and 'Promotions'. At the bottom of the graphic, there is a button that says 'VIEW FULL SCHEDULE' and a logo for 'whitesox.com'.

---

**Illinois Herald:** What are your thoughts on the long list of corruption and financial mismanagement accusations against current Board members as exposed by OpenTheBooks.com and reiterated nationally by outlets like Forbes and the Wall Street Journal?

**Claire Ball:** I think these accusations need to be thoroughly investigated and deserve more mainstream media scrutiny than they have received. I believe a thorough and detailed audit, one laying out every dollar and tracing every transaction, should be done, and the Board of Trustees should be leading the charge to make that happen. Unfortunately, that will not happen with the current lineup of Board members, I believe. When over \$26 million dollars can be funneled through an imprest spending account, and the Board is "surprised" but unwilling to take action, it is clearly an intentional lack of oversight on their part.

**Illinois Herald:** There are 14 candidates facing off to fill 3 open seats. Considering 2 are current Board members, one is a past Board member, one is a former politician, one is a bank executive, and one is the dad of a current Board member - what differences do you see between yourself and the other candidates?

**Claire Ball:** Oh, where to start. First, let me say that I can't speak to the motivations of my fellow candidates - I can only talk about my own. I am an accountant, and my motivations come from a desire to bring transparency and accountability to the position, to help stop the fraud and restore the trust of the taxpayers. I think my background in accounting lends me a strong advantage over other choices, not only from the understanding of accounting principles but also in standing ground over decision making. It's something I do every day at my accounting job at a large telecommunications company. I am not a politician. I have no ambitions to create political dynamics of my



## Online RN-BSN Program

RNs, Earn Your BSN Online in as Few as 3 Semesters. Learn More.



### Most Popular Illinois Herald Articles

1. [Illinois GOP sends Armed Thugs to Libertarians Homes](#) (23,679)
2. [Illinois takes over Private Pension Systems](#) (11,522)
3. [Cook County Jail at Crisis Point](#) (3,335)
4. [700 Emails bust CNN's Chicagoland as State Propaganda](#) (2,214)
5. [Shire Pharma says No, won't save Dying 6 year-old](#) (1,801)

own. I am a libertarian, and believe strongly in honesty and integrity in all facets of life and government. I believe in fiscal and personal responsibility, and the freedom of every individual to pursue their happiness without intruding on anyone else's freedoms.



**Illinois Herald:** According to OpenTheBooks.com, "It now appears CoD has a sophisticated pay-to-play scheme with Board members of its supporting community foundation. Payments from CoD to CoD Foundation Board members or their affiliated companies total \$192 million since 2010." How do you feel about this extremely obvious and extremely profitable conflict of interests?

**Claire Ball:** Pay-to-play is alive and well in Illinois, and it is certainly not surprising that this level of corruption is going on. But it is dismaying to think that it could be so widespread and rampant at a community college. Over \$400K in payments to Herricane Graphics, \$465K to the law firm Robbins, Schwartz, Nicholas, Lifton & Taylor, \$330K to Wight & Company - and all three happen to have executives on COD's foundation Board? You don't have to be an accountant to see how corrupt that is, but maybe you need to be one to do something about it. Community colleges are such a valuable resource for people trying to better themselves, and to hear that the people entrusted with the job of managing that resource are so arrogantly and callously abusing that trust is alarming.

**Illinois Herald:** Just for the record, do you own any companies that are currently collecting millions of dollars in no-bid contracts from the College of DuPage like so many of the other current Board members do?

**Claire Ball:** Let me check my Swiss bank accounts... no.

**Illinois Herald:** For The Good Of Illinois and Reboot Illinois have both called CoD Board Vice Chair Kathy Hamilton the lone honest and reform-minded member of the CoD Board of Trustees. If elected next month, do you see yourself as a second 'reformer' allied with Kathy? Or as an impartial Board member unconnected to either the establishment members or the reformers?

**Claire Ball:** I support Kathy and everything she's done so far. And as a fellow accountant, she and I see eye-to-eye on how a lot of things should be done, such as actual transparency in the books, greater scrutiny and analysis on where the money is going, and better controls over all areas of finance. That being said, I am neither a tea-party Republican nor an Illinois machine Democrat. I am a libertarian, and if a time should come where I have to stand on my libertarian principles of freedom and personal responsibility against any other trustee members, I will not hesitate to do so.



**Illinois Herald:** Politically speaking, I understand you're an independent, a



Libertarian to be specific. Is that correct and is the April ballot non-partisan or will your party affiliation be listed on the ballot?

**Claire Ball:** This is a non-partisan race, so I will not be listed as a Libertarian on the ballot. However, I am still very much a lower-case libertarian, and I do have official endorsements from the Libertarian Party of Illinois and the DuPage Libertarians.

**Illinois Herald:** Do you think it will help or hurt your campaign that you're not connected to one of the two establishment parties? What unique qualities would a libertarian bring to the CoD Board of Trustees?

**Claire Ball:** I think it will completely help my campaign being unconnected to either established parties. Who better to look over the books of the Republicans and Democrats than a libertarian? As a third party candidate, I am not beholden to any larger group pressuring me to do things I would not normally do, that go against my values and principles. More and more people today identify politically with independents, and I am not afraid to run on that.

**Illinois Herald:** Do you have a campaign website or a campaign Facebook page people can go to for more information or to volunteer to help your campaign?

**Claire Ball:** I sure do! On Facebook, it's [ClaireBallForIllinois](#) and the campaign website is at [ClaireBallForIllinois.com](#).

On behalf of the Illinois Herald, I just want to thank Claire Ball, candidate for College of DuPage Board of Trustees, for taking the time to talk to us.

### **Illinois Herald endorses Claire Ball for College of DuPage Board of Trustees**

The Illinois Herald is proud to endorse Claire Ball for the College of DuPage Board of Trustees. Her experience, honesty and passion for reform are exactly what the scandal-plagued College of DuPage needs. Her admiration for community colleges shows she is in touch with the people who use them and depend on them, unlike some of the current Board members who's passions include funnelling school funds to companies they own. The College of DuPage needs a Board member like Claire Ball and we urge voters to cast their vote for her on April 7, 2015.

#### **Recent Illinois Herald articles:**

[Green and Socialist removed from Chicago Council races](#)

[Emanuel targets Chicago's favorite Alderman](#)

[Chicago Mayoral Candidates finalized at 5. Aldermanic recap](#)

[SBA helping Rich instead of Small Businesses](#)

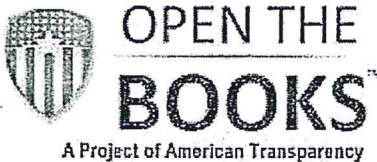
#### **Related Illinois Herald articles:**

[Accused DuPage Officials claim they are like Holocaust Victims](#)

[Illinois Comptroller Candidates and Endorsement](#)

[Illinois GOP sends Armed Thugs to Libertarians Homes](#)

[IL Libertarian Party looks to build on recent Notoriety](#)



**Illinois Herald -  
Independent news for  
independent thinkers  
and independent  
voters!**

IN THE CIRCUIT COURT OF THE 18<sup>TH</sup> JUDICIAL CIRCUIT  
DUPAGE COUNTY, ILLINOIS

CARLA BURKHART and HERRICANE  
GRAPHICS, INC.,

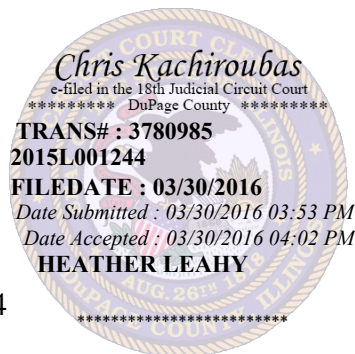
Plaintiffs,

vs.

Case No. 2015 L 001244

EDGAR COUNTY WATCHDOGS, INC.,  
KIRK ALLEN,  
ADAM ANDRZEJEWSKI,  
KATHY HAMILTON, and  
CLAIRE BALL,

Defendants.



**NOTICE OF FILING**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on the 30<sup>th</sup> day of March, 2016, the undersigned, on behalf of the Plaintiff, Carla Burkhart, caused to be electronically filed via the i2file Internet Case Filing System in the above-entitled cause with the DuPage County Circuit Court Clerk, **Plaintiffs' Response to Motion to Dismiss of Claire Ball** before 5:00 p.m. A copy of which is attached and served upon you.

GRIFFIN|WILLIAMS LLP

By: /s/ Joshua M. Feagans

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, hereby certify that I caused the foregoing **Notice of Filing and Plaintiffs' Response to Motion to Dismiss of Claire Ball** to be served on the above parties by depositing a copy of same in the U.S. Mail, in Geneva, Illinois postage prepaid before 5:00p.m. on March 30, 2015.

/s/ Joshua M. Feagans

Joshua M. Feagans / 6286141  
Kristin N. Stone / 6314084  
Griffin Williams LLP / 27822  
501 W. State, Ste. 203  
Geneva, IL 60134  
630-524-2563 (t) / 630-262-0644 (f)



**SERVICE LIST**

*Attorneys for Edgar County Watchdogs, Inc., Kirk Allen, and Claire Ball*

Shawn M. Collins

Robert L. Dawidiuk

Jeffrey M. Cisowski

THE COLLINS LAW FIRM, P.C.

1770 Park Street, Suite 200

Naperville, Illinois 60563

*Attorney for Adam Andrzejewski*

Peter Breen

Law Office of Peter Breen, P.C.

19 South LaSalle Street, Suite 604

Chicago, Illinois 60603

*Attorneys for Kathy Hamilton*

Frank J. Favia, Jr.

Nisha Chandran

Sidley Austin LLP

One South Dearborn

Chicago, Illinois 60603