

**Rolly Waller**  
**for DuPage County Board**

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**Date:**

Sept. 29, 2016

**To:**

Executive Inspector General Maggie Hickey  
Office of Executive Inspector General for the Agencies of the Illinois Governor  
69 West Washington Street  
Suite 3400  
Chicago, Illinois 60602

**Complaint before the Office of Executive Inspector General  
for the Agencies of the Illinois Governor**

**Jurisdiction:**

The jurisdiction of the Office of Executive Inspector General for the Agencies of the Illinois Governor extends to the governor, the lieutenant governor, and all officers and employees of, and vendors and others doing business with, executive branch state agencies.

This complaint involves the executive appointments of a county public guardian and public administrator, with the advice and consent of the Illinois Senate through the recommendation of The Governor's Office of Executive Appointments.

(755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

Sec. 13-1. Appointment and term of public administrator and public guardian.) Except as provided in Section 13-1.1, before the first Monday of December, 1977 and every 4 years thereafter, and as often as vacancies occur, *the Governor, by and with the advice and consent of the Senate, shall appoint in each county a suitable person to serve as public administrator and a suitable person to serve as public guardian of the county.*

## **Introduction:**

On Aug. 1, 2012, attorney Donald E. Puchalski of Addison, was appointed Public Guardian of DuPage County and on Aug. 8, 2014, he was appointed Public Administrator of DuPage County. Both appointments were made through The Governor's Office of Executive Appointments with the advice and consent of the Illinois Senate and final approval of the Illinois Governor. Mr. Puchalski continues to hold these positions to the present day.

In addition to holding the offices of Public Guardian and Public Administrator, Mr. Puchalski has since 2005 continuously served as an elected County Board Member of DuPage County, Dist. 1. Mr. Puchalski is currently running for re-election to the County Board in the 2016 General Election.

The Illinois Public Officer Prohibited Activities Act clearly prohibits a member of a county board, during his/her term, from being appointed to or accepting any other public office. The enumerated exceptions do not refer to the offices of Public Guardian nor to the Public Administrator. ( 50 ILCS 105/1) (from Ch. 102, par. 1)

Further, Mr. Puchalski serves on the board within DuPage County – the same jurisdiction where he serves as public guardian and public administrator. Mr. Puchalski's county board position should have disqualified him as a suitable candidate for the office of either Public Guardian or Public Administrator.

This complaint alleges that it is illegal for a county board member to serve as public guardian and public administrator, and calls for immediate action.

## **Background:**

I am the Democratic candidate for DuPage County Board Dist. 1 in the 2016 General Election. My opponent is Mr. Puchalski.

When I became aware of my opponent holding all three public offices, I believed this was another example of cronyism and triple dipping. I also believed that it was a conflict of interest, as he, as a County Board member, votes on the funding for the Circuit Court, which determines payments to be made to the Public Guardian and Public Administrator, and the Court Clerk's office.

However, the more I learned and the more research I did, I realized that it was more than an ethical issue. It is a legal issue. In fact, it is illegal under the Illinois Public Officer Prohibited Activities Act. This matter goes beyond the political arena. It is a matter for your agency and for the courts.

My purpose in submitting this complaint is that your office refer this matter to the appropriate agency to take legal action and remove Mr. Puchalski from the offices of

Public Guardian and Public Administrator unless he immediately resigns his position as an elected DuPage County Board member.

**Summary:**

This complaint is against Donald E. Puchalski, a licensed and practicing Illinois attorney. He has practiced as an attorney in state and local public positions for most of his 37-year career. As such, he should know that under the Illinois Public Officer Prohibited Activities Act, he is prohibited from holding all three public offices simultaneously.

Mr. Puchalski's campaign website has a detailed and up-to-date listing of all of his public service, professional experience and community involvement. Glaringly, his service as the current DuPage Public Guardian and Public Administrator is not listed at the time of this submission.

Likewise, the DuPage County website's biographical page for Mr. Puchalski has a detailed and up-to-date listing of all of his public service, professional experience and community involvement. Yet, nothing is mentioned on this page of him being the DuPage Public Guardian for four years and Public Administrator.

These omissions suggest that Mr. Puchalski knew that he was violation of the Illinois Public Officer Prohibited Activities Act.

I urge your Office to take the following action:

- a. Issue an immediate call for Mr. Puchalski to resign his positions as Public Administrator and Public Guardian;
- b. Recommend changes to the nominating process so that these illegal appointments do not happen again in any County of this great State of Illinois;
- c. Recommend that the Illinois legislature adopt changes to the appointment process for the offices of Public Guardian and Public Administrator to remove it from the political arena so that individuals dedicated to public service and serving the public full time will fill these important public offices.

Please confirm your receipt of this complaint and your intended course of action.

Respectfully,

Mr. Rolly Waller

## **Supporting Documentation**

Mr. Puchalski's campaign website has a detailed and up-to-date listing of all of his public service, professional experience and community involvement. His service as the current DuPage Public Guardian and Public Administrator is not listed at the time of this submission.

<http://donpuchalski.com/index.php/about-don>

The DuPage County website's biographical page for Mr. Puchalski has a detailed and up-to-date listing of all of his public service, professional experience and community involvement. Yet, nothing is mentioned on this page of him being the DuPage Public Guardian for four years and Public Administrator at the time of this submission.

<http://www.dupageco.org/CountyBoard/Puchalski/>

The Communications/Public Relations department of DuPage County Board routinely sends out news releases to the media of board members' accomplishments and noteworthy events, yet no such news releases were sent. Media stories of Puchalski's appointments cannot be found.

<http://www.dupageco.org/countynews.aspx?fid=1229>

The Communications/Public Relations department of DuPage County Board also makes frequent postings on the Board's Facebook page of board members' accomplishments and noteworthy events; postings of Mr. Puchalski's appointments cannot be located.

<https://www.facebook.com/dupagecounty/?fref=ts>