

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ET AL.,                     )  
    Plaintiff,                                 )  
    v.   )  
KAREN LUKASIK,                             )  
INDIVIDUALLY AND IN HER                 )  
CAPACITY AS ALGONQUIN                    )  
TOWNSHIP CLERK, ANNA MAY               )  
MILLER AND ROBERT MILLER,               )  
    Defendants.                               )

-----)  
KAREN LUKASIK, INDIVIDUALLY             )  
AND IN HER CAPACITY AS                    )  
ALGONQUIN TOWNSHIP CLERK,               )  
ANNA MAY MILLER AND ROBERT               )  
MILLER,                                     )  
    Defendants/Counter-Plaintiffs,           )  
    v.   )  
ANDREW GASSER,                             )  
    Plaintiff/Counter-Defendant.           )

Case No. 17 CH 000435

-----)  
KAREN LUKASIK, INDIVIDUALLY             )  
AND IN HER CAPACITY AS                    )  
ALGONQUIN TOWNSHIP CLERK,               )  
    Defendant/Third-Party Plaintiff,       )  
    v.   )  
CHARLES LUTZOW,                             )  
    Third-Party Defendant.                 )

**PLAINTIFFS' AMENDED RESPONSE TO MILLER'S 2-619.1 MOTION TO DISMISS**

## Table of Contents

Introduction .....	1
False or Erroneous Statements in Miller’s Motion .....	2
Other Relevant Statements by Robert Miller .....	3
Argument .....	3
A) THE STATUTE AND ITS APPLICATION.....	3
B) PLAINTIFF IS NOT REQUIRED TO PLEAD EVIDENCE. ....	5
C) ELEMENTS OF BREACH OF FIDUCIARY DUTY.....	5
D) ELEMENTS OF CONVERSION .....	6
E) ELEMENTS OF CONSTRUCTIVE FRAUD .....	7
F) EXAMINATION OF PRAYER FOR RELIEF IN EACH COUNT.....	8
G) NO PERSON OR UNIT OF GOVERNMENT HAS THE POWER TO APPROVE OR RATIFY AN UNCONSTITUTIONAL ACT.....	9
H) POWER TO SPEND ROAD DISTRICT FUNDS.....	10
I) STANDING AND NECESSARY PARTY ISSUES RAISED.....	11
J) TOWNSHIP GOVERNMENT VS ROAD DISTRICT GOVERNMENT..	13
K) UNDER DEVELOPED ARGUMENTS ARE WAIVED.....	14
L) PURPORTED FAILURE TO PLEAD LACK OF PUBLIC PURPOSE..	15
Conclusion .....	16

## Table of Authorities

### Cases

<i>Ad-Ex, Inc. v. City of Chicago</i> , 207 Ill. App. 3d 163, 165, 169, 565 N.E.2d 669, 671, 673 (1st Dist. 1990) .....	11
<i>Allen v. Wright</i> , 468 U.S. 737, 743, 104 S. Ct. 3315, 3320, 3327, 82 L. Ed. 2d 556 (1984).....	12
<i>Armstrong v. Guigler</i> , 174 Ill.2d 281, 291, 220 Ill.Dec. 378, 673 N.E.2d 290 (1996). ....	8
<i>Beaton &amp; Assocs., Ltd. v. Joslyn Mfg. &amp; Supply Co.</i> , 159 Ill. App. 3d 834, 844, 512 N.E.2d 1286, 1292 (1987) .....	8
<i>Bender v. Consolidated Mink Ranch, Inc.</i> , 110 Ill.App.3d 207, 213, 65 Ill.Dec. 801, 441 N.E.2d 1315 (1982). ....	7
<i>Brumley v. Touche, Ross &amp; Co.</i> , 123 Ill.App.3d 636, 643-644 (2 <sup>nd</sup> Dist., 1984). ....	15
<i>Commonwealth Edison Co. v. Illinois Commerce Com’n</i> , 398 Ill.App.3d 510 (2nd Dist 2009). ....	14
<i>Devyn Corp. v. City of Bloomington</i> , 2015 IL App. (4th) 140819. 38 N.E. 3d. 1266. ...	15
<i>Elk Grove Twp. Rural Fire Protection Dist. v. Village of Mount Prospect</i> , 228 Ill. App. 3d 228, 234, 592 N.E.2d 549, 553 (1st Dist. 1992) .....	11
<i>Fiala v. Bickford</i> , 43 N.E.3d 1234, 1251 (Ill.App. 2015) .....	5
<i>General Motors Corp. v. Douglass</i> , 206 Ill.App.3d 881, 151 Ill.Dec. 822, 565 N.E.2d 93 (1990), .....	7
<i>Glisson v. City of Marion</i> , 188,111.2d 21 1, 220 (1999). ....	15
<i>Grimes v. Saikley</i> , 388 Ill.App.3d 802, 904 N.E.2d 183 (4 Dist., 2009). ....	14
<i>Howard v. Weitekamp</i> , App. 4 Dist.2015, 404 Ill.Dec. 740, 57 N.E.3d 499 .....	3, 5
<i>In re Thebus</i> , 108 Ill.2d 255, 259, 91 Ill.Dec. 623, 483 N.E.2d 1258 (1985), .....	6

<i>Inland Land Appreciation Fund, L.P. v. Cty. of Kane</i> , 344 Ill. App. 3d 720, 724, 800 N.E.2d 1232, 1236 (2003). ....	10
<i>LaSalle Nat. Tr., N.A. v. Bd. of Directors of the 1100 Lake Shore Drive Condo.</i> , 287 Ill. App. 3d 449, 455, 677 N.E.2d 1378, 1383 (1997). ....	8
<i>Los Angeles v. Lyons</i> , 461 U.S. 95, 102, 103 S.Ct. 1660, 1665, 75 L.Ed.2d 675 (1983)). ....	12
<i>Lyon Fin. Servs., Inc. v. Illinois Paper &amp; Copier Co.</i> , No. 10 C 7064, 2016 WL 147654, at *14 (N.D. Ill. Jan. 13, 2016). ....	11
<i>Lyons v. Ryan</i> , 201 Ill.2d 529 (2002) also found at 780 N.E. 2d 1098 .....	14, 15
<i>Lujan v. Defs. of Wildlife</i> , 504 U.S. 555, 560–61, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351 (1992). ....	13
<i>Maguire v Holcomb</i> , 169 Ill.App.3d at 243–44, 119 Ill.Dec. 932, 523 N.E.2d 688. ....	8
<i>Miller v. Harris</i> , 2 <sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. ....	6
<i>McGovern v. City of Chicago</i> , 281 Ill. 264, 118 N.E. 3 (Ill. 1917)) ....	11
<i>National Bank of Monmouth v. Shunick</i> , 1923, 228 Ill.App. 471. ....	11
<i>Nieberding v. Phoenix Manufacturing Co.</i> , 31 Ill. App. 2d 350 at 356, 176 N.E. 2d 385 at 387(88) 2 <sup>nd</sup> Dist. (1961). ....	15
<i>Obermaier v. Obermaier</i> , 128 Ill.App.3d 602, 607, 83 Ill.Dec. 627, 470 N.E.2d 1047 (1984). ....	7
<i>Pfendler v. Anshe Emet Day School</i> , 81 Ill.App.3d 818, 822, 37 Ill.Dec. 1, 401 N.E.2d 1094 (1980). ....	8
<i>People v Howard</i> , 888 N.E.2d 85, 228 Ill.2d 428 (2008). ....	10
<i>People v. Gersch</i> , 135 Ill.2d 384, 398, 142 Ill.Dec. 767, 553 N.E.2d 281 (1990) ....	10
<i>People v. Mosley</i> , 2015 IL 115872, ¶ 16, 33 N.E.3d 137, 148. ....	10
<i>People ex rel v. McDavid Barrett</i> , 370 Ill. 478 (1939) .....	14, 15



<i>Polikoji v. Levy</i> , 132 Ill. App.2d 492 at 499, 270 N.E. 2d 540 at 547 .....	14
<i>Provenzale v. Forister</i> , App. 2 Dist.2001, 252 Ill.Dec. 808, 318 Ill.App.3d 869, 743 N.E.2d 676. ....	4
<i>Roderick Dev. Inv. Co. v. Cmty. Bank of Edgewater</i> , 282 Ill. App. 3d 1052, 1057, 668 N.E.2d 1129, 1133 (1996).....	7
<i>Sale v. Allstate Insurance Co.</i> , 126 Ill.App.3d 905, 921–22, 81 Ill.Dec. 901, 467 N.E.2d 1023 (1984), .....	7
<i>Sierra Club v. Morton</i> , 405 U.S. 727, 740–741, n. 16, 92 S.Ct. 1361, 1368–1369, n. 16, 31 L.Ed.2d 636 (1972).....	12
<i>Simon v. Eastern Ky. Welfare *561 Rights Organization</i> , 426 U.S. 26, 41–42, 96 S.Ct. 1917, 1926, 48 L.Ed.2d 450 (1976). ....	13
<i>State Security Insurance Co. v. Frank B. Hall and Co.</i> , 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994). ....	8
<i>Stinson v. Physicians</i> , 646 N.E.2d 930, 932 (Ill.App. 1995); .....	5
<i>Tuite v. Corbitt</i> , 2006, 310 Ill.Dec. 303, 224 Ill.2d 490, 866 N.E.2d 114.....	4, 5
<i>Union Stock Yard &amp; Transit Co. v. Mallory, Son &amp; Zimmerman Co.</i> , ..... 157 Ill. 554, 563, 41 N.E. 888 (1895).	6
<i>United States v. Turcotte</i> , 405 F.3d 515 (7th Cir.2005). ....	14
<i>Warth v. Seldin</i> , 422 U.S. 490, 508, 95 S.Ct. 2197, 2210, 45 L.Ed.2d 343 (1975); ..	12
<i>Whitmore, supra</i> , 495 U.S., at 155, 110 S.Ct., at 1723 .....	12
<i>Wood River Township. v. Wood River Township. Hospital</i> , 331 Ill.App.3d 599, 604 (5th Dist., 2002) .....	14
<i>Zeitz v. Vill. of Glenview</i> , 227 Ill. App. 3d 891, 894, 592 N.E.2d 384, 387 (1992). ...	5

Statutes

735 ILCS 5/2-615.....	2, 4, 5
735 ILCS 5/2-619 .....	2
735 ILCS 5/2-619.1 .....	1, 2
605 ILCS 5/6-201.6. ....	3, 11
605 Ill. Comp. Stat. Ann. 5/6-107 .....	12, 13

Exhibit List

- A) 4<sup>th</sup> Amended Complaint
- B) Minutes of Township Meetings
- C) Miller’s Motion to Dismiss 4<sup>th</sup> Amended Complaint.
- D) Miller Motion and Affidavit filed January 16, 2018.

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ET AL.,	)	
Plaintiff,	)	
v.	)	
KAREN LUKASIK,	)	
INDIVIDUALLY AND IN HER	)	
CAPACITY AS ALGONQUIN	)	
TOWNSHIP CLERK, ANNA MAY	)	
MILLER AND ROBERT MILLER,	)	
Defendants.	)	
-----	)	
KAREN LUKASIK, INDIVIDUALLY	)	
AND IN HER CAPACITY AS	)	
ALGONQUIN TOWNSHIP CLERK,	)	
ANNA MAY MILLER AND ROBERT	)	
MILLER,	)	
Defendants/Counter-Plaintiffs,	)	
v.	)	
ANDREW GASSER,	)	
Plaintiff/Counter-Defendant.	)	

Case No. 17 CH 000435

**PLAINTIFFS' AMENDED RESPONSE TO MILLER'S 2-619.1 MOTION TO DISMISS**

NOW COME Plaintiffs, ANDREW GASSER AND THE ALGONQUIN TOWNSHIP ROAD DISTRICT (hereinafter "Gasser" and "Road District" respectively), by and through their attorney, LAW OFFICES OF ROBERT T. HANLON & ASSOCIATES, P.C., with their response to Defendant Robert Miller's (hereinafter "Miller") Combined Motion to Dismiss (hereinafter "Miller's Motion") and state in opposition thereto as follows:

**Introduction:**

Miller's Motion attacks the 4<sup>th</sup> Amended Complaint<sup>1</sup> seeking judgment on the pleadings based on facts not contained in the pleadings but facts outside the pleadings under 2-615(e), and in the alternative under 2-615(a) for failure to state a cause of action and finally 2-619 under the theory that Plaintiffs have no standing.

---

<sup>1</sup> For simplicity in this response, the 4th Amended Complaint is referenced herein in this response simply as the "complaint".

As to Counts I-VI, Miller falsely claims that Gasser is seeking relief for himself when the prayer for relief is clearly in favor of the Road District. Counts VII and VIII of the complaint seek redress for the receipt by Miller of \$47,384 from the Road District for purportedly unpaid sick time when in fact, **Miller acknowledges that the payment from the Road District was erroneous.** Importantly, even if any prayer for relief was confusing, which it is not, paragraph 8 of the Complaint contains this statement “All monetary claims contained herein are those of the Road District.” See Exhibit A, Paragraph 8.

Likewise, Miller’s pleading attempts to confuse the Court with a contention that Counts VII and VIII are combining causes of action. But see Exhibit A - Complaint at paragraph 8. Said paragraph 8 specifically points to the two respective Counts VII & VIII as being pled in the alternative. *Id.*

Finally, Miller also seeks dismissal on the basis of a purported lack of standing or the failure to add necessary parties. Miller’s lack of standing claim is as erroneous as the claim that the complaint seeks monetary damages in favor of Gasser.

Moreover, Miller alleges that additional facts must be pled to the exclusion of all other possible facts. Miller is simply wrong because he can always raise an affirmative defense, but the Road District need not plead the negative of all possible facts.

#### **False or Erroneous Statements in Miller’s Motion**

Each of the following statements in Miller’s Motion are false or erroneous:

- i. Miller’s claim that Counts I-VI seek money to be returned to Andrew Gasser. See Miller’s Motion, Attached hereto as Exhibit C page 2, but see actual Prayer for Relief specifically seeking return of funds to the “Road District”.
- ii. Miller’s claim that all of the counts...ignore the fact that the Highway Commissioner does not have the ability to pay anyone any amount of money. See Miller’s Motion, page

2, but see complaint wherein Miller charged items to a credit card and see 605 ILCS 5/6-201.6 vesting all direction of spending with the Highway Commissioner.

- iii. Commencing on page 2 of Miller's Motion is a claim that Plaintiffs are ignoring the Township Code. In fact, the Township Code governs the Algonquin Township (hereinafter "The Township") and not the Road District.
- iv. Miller's claim that it was impossible for Miller to dispose of assets of the Road District because of board approval. See Miller's Motion, pages 2-3. But see complaint in Counts I-VI. Miller used credit cards to purchase items and it was part of his scheme and artifice to defraud the Road District.
- v. Claim that all of the payments from the Road District were approved by the Algonquin Township Board (hereinafter "Board" or "Township Board"). See Miller's Motion, page 2; but see Exhibit B, series of Meeting Minutes that clearly show no such approval took place. Plaintiff asks the court to take judicial notice of the minutes as a public record.

#### **Other Relevant Statements by Robert Miller**

On January 16, 2018, Miller via his counsel filed the following statement with this court in this case:

First, ... Defendant should have alleged that the sick pay owed Defendant was a liability of the general town and erroneously paid through the road and bridge fund at the time of payment, ...

This statement was incorporated by reference in the complaint and because it is part of the record it is applicable to any motion to dismiss under 2-615. See complaint attached hereto as Exhibit A and Miller's 1-16-18 filing attached as Exhibit D. See also *Howard v. Weitekamp*, App. 4 Dist.2015, 404 Ill.Dec. 740, 57 N.E.3d 499.

#### **ARGUMENT**

##### **A) THE STATUTE AND ITS APPLICATION**

735 ILCS 5/2-615:

2-615(a) and (e) read as follows:

Sec. 2-615. Motions with respect to pleadings. (a) All objections to pleadings shall be raised by motion. The motion shall point out specifically the defects complained of, and shall ask for appropriate relief, such as: that a pleading or portion thereof be

stricken because substantially insufficient in law, or that the action be dismissed, or that a pleading be made more definite and certain in a specified particular, or that designated immaterial matter be stricken out, or that necessary parties be added, or that designated misjoined parties be dismissed, and so forth.

(e) Any party may seasonably move for judgment on the pleadings.

Unlike a motion for summary judgment or a motion for involuntary dismissal that raises an “affirmative matter avoiding the legal effect of or defeating the claim,” a motion to dismiss for failure to state a claim (§2-615) is a motion based on the pleadings rather than the underlying facts. *Provenzale v. Forister*, App. 2 Dist.2001, 252 Ill.Dec. 808, 318 Ill.App.3d 869, 743 N.E.2d 676. A cause of action should not be dismissed, on a Section 2-615 motion with respect to pleadings, unless it is clear that no set of facts can be proved under the pleadings that would entitle the plaintiff to recover. *Tuite v. Corbitt*, 2006, 310 Ill.Dec. 303, 224 Ill.2d 490, 866 N.E.2d 114. All well-pleaded facts and reasonable inferences that can be drawn from those facts are accepted as true, and the court is to interpret the allegations in the complaint in the light most favorable to the plaintiff, on a Section 2-615 motion to dismiss with respect to pleadings. *Tuite v. Corbitt*, 2006, 310 Ill.Dec. 303, 224 Ill.2d 490, 866 N.E.2d 114.

A 2-615 motion to dismiss with respect to the pleadings attacks the legal sufficiency of the complaint, and, in ruling on the motion, courts only consider (1) those facts apparent from the face of the pleadings, (2) matters subject to judicial notice, and (3) judicial admissions in the record. *Howard v. Weitekamp*, App. 4 Dist.2015, 404 Ill.Dec. 740, 57 N.E.3d 499. In this case within the record and as alleged Miller executed an affidavit that the payment he received from the Road District was in error. See Exhibit D. Also see Minutes subject to Judicial Notice attached as Exhibit B. Because Miller has acknowledged that the \$47,384 payment was made to him in error, this Court should not dismiss this cause because his admission demonstrates that he has received Road District assets and retains them knowing that he should not have received

them. Likewise the minutes of the Township Board do not show any approval of any expenses for the Road District as alleged in the Motion to Dismiss.

**B) PLAINTIFF IS NOT REQUIRED TO PLEAD EVIDENCE.**

A pleader is not required to set forth his evidence. *Stinson v. Physicians*, 646 N.E.2d 930, 932 (Ill.App. 1995); accord, *Fiala v. Bickford*, 43 N.E.3d 1234, 1251 (Ill.App. 2015) (reversing dismissal). Dates and times are the sort of evidentiary facts which need not be pleaded. *Fiala*, 43 N.E.2d at 1252. A complaint also may withstand dismissal even where it “may not win any prizes for brevity.” See *Zeitz v. Vill. of Glenview*, 227 Ill. App. 3d 891, 894, 592 N.E.2d 384, 387 (1992).

Here, Miller contends that the complaint ought to be dismissed because Plaintiffs have not pled the exclusion of all possibilities for the use of public funds on Miller’s home in the form of evidence. Accordingly, under *Fiala*, *Zeitz*, and *Stinson*, Miller’s argument ought to be rejected.

**C) ELEMENTS OF A BREACH OF FIDUCIARY DUTY**

Counts I-VI are breach of fiduciary counts. Each of the Counts I-VI pleads the elements of a breach of fiduciary duty. A claim for breach of fiduciary duty must allege two elements: (1) a fiduciary relationship, and (2) a breach of the duties imposed as a matter of law as a result of that relationship. *Miller v. Harris*, 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864.

Any candid examination of the complaint in said Counts I-VI makes it clear that each of the first six counts of the complaint contain the required allegations. While Miller alleges that the counts contain legal conclusions, the facts pled are sufficient to establish not only the fiduciary relationship but also the breach thereof. More particularly, in Count I, Plaintiffs specifically cite to the elements of breach of fiduciary duty with citation to the appellate court. The citation to the appellate court is a statement of fact as to the elements, with its proper

citation. Said citation is not a legal conclusion but rather legal authority. Even if the court were to ignore or even strike the reference to the elements which are presented to aid the court and ultimately the trier of fact in assessing the cause of action, the cause of action is properly pled. This is true as to each count alleging a breach of fiduciary duty, as well as the other counts.

Miller's argument is akin to a person who holds a power of attorney and spends money on himself without consideration to the purpose and intent of the power of attorney and alleges that the expenses were authorized. Here, the Road District funds were to be used specifically for Road District purposes within Algonquin Township, but instead they were used to purchase personal items and give away its assets and even pay money to Robert Miller.

#### **D) ELEMENTS OF CONVERSION**

Count VII is a count for conversion. Conversion is “ ‘any unauthorized act, which deprives a man of his property permanently or for an indefinite time.’ ” *In re Thebus*, 108 Ill.2d 255, 259, 91 Ill.Dec. 623, 483 N.E.2d 1258 (1985), quoting *Union Stock Yard & Transit Co. v. Mallory, Son & Zimmerman Co.*, 157 Ill. 554, 563, 41 N.E. 888 (1895). The essence of conversion is “ ‘the wrongful deprivation of one who has a right to the immediate possession of the object unlawfully held.’ ” *In re Thebus*, 108 Ill.2d at 259, 91 Ill.Dec. 623, 483 N.E.2d 1258, quoting *Bender v. Consolidated Mink Ranch, Inc.*, 110 Ill.App.3d 207, 213, 65 Ill.Dec. 801, 441 N.E.2d 1315 (1982). To sufficiently allege conversion, therefore, a plaintiff must allege (1) the defendant's unauthorized and wrongful assumption of control, dominion or ownership over the plaintiff's personal property, (2) the plaintiff's right in the property, (3) the plaintiff's right to immediate possession of the property, absolutely and unconditionally and (4) the plaintiff's demand for possession of the property. *General Motors Corp. v. Douglass*, 206 Ill.App.3d 881, 151 Ill.Dec. 822, 565 N.E.2d 93 (1990), *Roderick Dev. Inv. Co. v. Cmty. Bank of Edgewater*, 282 Ill. App. 3d 1052, 1057, 668 N.E.2d 1129, 1133 (1996).



In this case, Plaintiffs alleged that Miller caused the Road District to pay him money totaling \$47,381.84; Miller agrees that he was not supposed to be paid these funds from the Road District; and Miller retains those funds. See Miller's Motion to Correct Record filed on January 16, 2018 on this very point attached hereto as Exhibit D. These facts satisfy the first and second elements of the cause for conversion. The third element is satisfied in the allegation shown in paragraph 127 of the complaint. See Complaint Exhibit B attached hereto as Exhibit A. Additionally, the final element is satisfied by way of the allegation in paragraph 128 and Exhibit N to the complaint, which demonstrates the complaint sets forth a correct claim. As a basic maxim in the law a person cannot both acknowledge that he was not entitled to receive money and then contend it is just to keep that money.

**E) ELEMENTS OF CONSTRUCTIVE FRAUD**

Constructive fraud does not require actual dishonesty or intent to deceive. "In a fiduciary relationship, where there is a breach of a legal or equitable duty, a presumption of fraud arises." *Obermaier v. Obermaier*, 128 Ill.App.3d 602, 607, 83 Ill.Dec. 627, 470 N.E.2d 1047 (1984). Also see *Sale v. Allstate Insurance Co.*, 126 Ill.App.3d 905, 921–22, 81 Ill.Dec. 901, 467 N.E.2d 1023 (1984), *LaSalle Nat. Tr., N.A. v. Bd. of Directors of the 1100 Lake Shore Drive Condo.*, 287 Ill. App. 3d 449, 455, 677 N.E.2d 1378, 1383 (1997).

To state a cause of action based on constructive fraud, "the facts constituting the alleged fraud must be set forth in the complaint." *Pfendler v. Anshe Emet Day School*, 81 Ill.App.3d 818, 822, 37 Ill.Dec. 1, 401 N.E.2d 1094 (1980). "The focus of the inquiry is on the nature of the liability and not on the nature of the relief sought." *Armstrong v. Guigler*, 174 Ill.2d 281, 291, 220 Ill.Dec. 378, 673 N.E.2d 290 (1996). Constructive fraud can arise only if there is a confidential or fiduciary relationship between the parties. *Maguire v Holcomb*, 169 Ill.App.3d at 243–44, 119 Ill.Dec. 932, 523 N.E.2d 688. Accordingly, constructive fraud is not the same as

conversion. Importantly, Count VIII is pled in the alternative to the conversion count. See paragraph 8 of the complaint.

When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994). To recover on a constructive fraud claim against defendants, Miller must be shown to have breached the fiduciary duty he owed the Road District, and defendants must be shown to have known of the breach and accepted the fruits of the fraud. See *Beaton*, 159 Ill.App.3d at 844, 111 Ill.Dec. 649, 512 N.E.2d 1286. Clearly, Plaintiffs have established the fiduciary relationship of the Miller defendants to the Road District. Further, the complaint clearly shows that the Millers accepted the fruits of the scheme. Moreover, it is not necessary for Plaintiffs to show that Miller was deceiving himself, rather the scheme imparted harm on the Road District and the Road District's injuries are clearly set forth in the complaint.

#### **F) EXAMINATION OF THE PRAYER FOR RELIEF IN EACH COUNT**

In a erroneous representation, Miller alleges that the Complaint in Counts I-VI seeks relief and monetary damages on behalf of Gasser. This is simply false. On page two of Miller's Motion he makes a claim that Counts I-VI seek the return of money to "ANDREW GASSER". See Miller's Motion, page 2. Truth be had, the prayer for relief seeks remedy for the Road District, not Gasser, individually. The prayer for relief in each of Counts I-VI reads that Plaintiffs seek judgment "in favor of the Road District". See complaint at pages 13, 15, 16, 18, 19, 20, 22, and 28. See Exhibit A.

Nowhere in the prayer for relief does the complaint articulate that Gasser is seeking monetary funds from Miller. Rather, the prayer for relief clearly states that it seeks judgment "in favor of the Road District". It is the Road District that seeks return of its property.

But if the court actually examines the prayer for relief in Counts I-VI it would find that Miller has framed a proverbial “straw man” to fail as opposed to addressing the facts of the case. The “straw man” argument is evident because the purchases were completed with Road District credit cards and the acquisition of gift cards that were purportedly given away were all done outside the scope of any oversight by the Township Board (the Township Board has no authority to regulate the spending of the Road District as it is a separate form of government.).

**G) NO PERSON OR UNIT OF GOVERNMENT HAS THE POWER TO APPROVE OR RATIFY AN UNCONSTITUTIONAL ACT**

As cited in the complaint, the provisions of the Illinois Constitution prohibit the use of public money for non-public purposes. As alleged in the complaint, the use of public money for non-public purposes violates the express terms of the Illinois Constitution. Thus, even if the court were to accept that the Township Board purportedly “approved” the expenditures, then the argument of approval fails because the complained of expenditures were not for a public purpose as alleged. However, the minutes of the various meetings repudiate the claims of Miller. See Group Exhibit B. Miller asserts a claim that each month the Township Board of Trustees purportedly approved Miller’s credit card spending. However, in the Minutes of the various meetings there is no such record of the Board approving any such expenditures, much less the expenditures complained of by the Road District. See Minutes of the Township Board attached hereto as Group Exhibit B. This same allegation of approval brought in Miller’s Motion is without any support whatsoever and is outside the pleadings. Accordingly, Miller’s entire claim that the Township Board could and did approve these illegal expenditures is false and as shown herein is inconsistent with the proper application of law. For purposes of Defendants motion the Court can take judicial notice of the Minutes in considering the motion to dismiss.

Moreover, “It is a well established rule that the powers of the multifarious units of local government in our State, including counties, are not to be enlarged by liberally construing the statutory grant, but, quite to the contrary, are to be strictly construed against the governmental entity. *Inland Land Appreciation Fund, L.P. v. Cty. of Kane*, 344 Ill. App. 3d 720, 724, 800 N.E.2d 1232, 1236 (2003). Nowhere in the statutory scheme for either road districts or township boards did the legislature provide to the township board the power to ratify an action directly contrary to the constitutional prohibition against use of public money for non-public purposes. Article VIII, Section 1 (a), of the Illinois Constitution, provides that “Public funds, property or credit shall be used only for public purposes.” See *People v Howard*, 888 N.E.2d 85, 228 Ill.2d 428 (2008). Whether or not an expenditure has a public purpose is an issue of fact.

Therefore, any action by the Township Board to audit any expense that is for a non-public purpose is a nullity. Miller, having used a credit card to acquire the various items of personal property, could not have relied upon future Board action to ratify his unlawful act. Moreover, any action taken after Miller charged the expenses to ratify his unconstitutional spending is void ab inito. The effect of finding any action unconstitutional is to render that act void ab inito. See *People v. Gersch*, 135 Ill.2d 384, 398, 142 Ill.Dec. 767, 553 N.E.2d 281 (1990) and *People v. Mosley*, 2015 IL 115872, ¶ 16, 33 N.E.3d 137, 148. Even a written contract which is legally prohibited or beyond the power of the entity is absolutely void and cannot be ratified by later action,” *Ad-Ex, Inc. v. City of Chicago*, 207 Ill. App. 3d 163, 165, 169, 565 N.E.2d 669, 671, 673 (1st Dist. 1990) (holding that variance given by Chicago to company pursuant to settlement agreement was void and unenforceable because it was agreed upon without first giving notice and holding a public hearing as required by city ordinance). See also *Elk Grove Twp. Rural Fire Protection Dist. v. Village of Mount Prospect*, 228 Ill. App. 3d 228, 234, 592 N.E.2d 549, 553 (1st Dist. 1992) (citing *McGovern v. City of Chicago*, 281 Ill.

264, 118 N.E. 3 (Ill. 1917)) and *Lyon Fin. Servs., Inc. v. Illinois Paper & Copier Co.*, No. 10 C 7064, 2016 WL 147654, at \*14 (N.D. Ill. Jan. 13, 2016). Whether or not an expenditure has a public purpose is an issue of fact and as an issue of fact it cannot serve as the basis for dismissal of the complaint.

#### **H) POWER TO SPEND ROAD DISTRICT FUNDS**

Unlike the contentions of Defendant that the Treasurer controls the spending of the Road District, that position is inaccurate. Any Highway Commissioner is charged with the duty and responsibility to direct the expenditure of all moneys collected in the District for road purposes and draws warrants on the district treasurer to have them paid. While the statutory duty places the function of the custody of Road District funds in the hands of the Treasurer, the Treasurer is obligated to disburse funds at the direction of the Highway Commissioner. See 605 ILCS 5/6-201.6. The commissioner of highways is the officer authorized under the statute to sign and issue the warrants for payment and when there are ample funds in the hands of the treasurer to pay such warrants they need not be signed by the treasurer. *National Bank of Monmouth v. Shunick*, 1923, 228 Ill.App. 471.

Importantly, Miller alleges that all such spending was “approved” by the Board. Such an allegation is not within the pleadings. Moreover, the motion to dismiss does not contain any such support for any such approval for the complained of expenditures. In fact, the Minutes of the meetings do not reflect any such approval. See Group Exhibit B. In the absence of any approval being in the Minutes, this Court could not take judicial notice of any such position as advanced by Defendant Miller. Therefore, all arguments of Miller claiming approval by the separate Township Board are either false or a nullity. Either way, Miller is not entitled to a dismissal or judgment on the pleadings on a theory of approval by the Township Board.

#### **I) STANDING AND NECESSARY PARTY ISSUES RAISED**

On page 4 of miller's motion, Defendant relies upon *Lyons v. Ryan*, 201 Ill.2d 529 (2002) for the proposition that treasure of the Road District is the proper party to bring this action. *Lyons* dealt with a citizen group seeking to act on behalf of the State of Illinois to impose constructive trusts on funds and benefits alleged to have been illegally received by George Ryan for selling licenses to unqualified drivers. This case is highly distinguishable from the case at bar because in *Lyons*, the public entity was not trying to recover its assets, but rather, citizens apart from the public body were trying to recover assets for the public body. A further reading of *Lyons*, shows that the proper plaintiff in this case is the road district because the party to receive the benefits of a successful action is the Road District. *Lyons* is not a Township Road District case. Nothing in *Lyons* states that the Treasurer of the Road District is a necessary party to an action involving the Road District. Because the legislature authorized the Road District to sue and be sued in its own name the argument of the Defendant and his reliance on *Lyons* fails. See 605 Ill. Comp. Stat. Ann. 5/6-107.

The United States Supreme Court established that the irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an “injury in fact”—an invasion of a legally protected interest which is (a) concrete and particularized, see *Allen v. Wright*, 468 U.S. 737, 743, 104 S. Ct. 3315, 3320, 3327, 82 L. Ed. 2d 556 (1984); *Warth v. Seldin*, 422 U.S. 490, 508, 95 S.Ct. 2197, 2210, 45 L.Ed.2d 343 (1975); *Sierra Club v. Morton*, 405 U.S. 727, 740–741, n. 16, 92 S.Ct. 1361, 1368–1369, n. 16, 31 L.Ed.2d 636 (1972);<sup>1</sup> and (b) “actual or imminent, not ‘conjectural’ or ‘hypothetical,’ loss” *Whitmore*, *supra*, 495 U.S., at 155, 110 S.Ct., at 1723 (quoting *Los Angeles v. Lyons*, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665, 75 L.Ed.2d 675 (1983)). Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be “fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court.” *Simon v. Eastern Ky. Welfare \*561 Rights Organization*, 426

U.S. 26, 41–42, 96 S.Ct. 1917, 1926, 48 L.Ed.2d 450 (1976). Third, it must be “likely” as opposed to merely “speculative” that the injury will be “redressed by a favorable decision.” *Id.*, at 38, 43, 96 S.Ct., at 1924, 1926. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351 (1992).

Defendant’s lack of standing argument fails in every way. First, the Plaintiff in all counts seeking economic remedies is the Road District. It is the Road District that has suffered a pecuniary injury, not one of its officers. Road Districts have been statutorily granted the capacity to sue and be sued in the name of the road district. See 605 Ill. Comp. Stat. Ann. 5/6-107. In this case, the Road District is the Plaintiff seeking the return of its assets, not some third person seeking misappropriated assets to be returned to a third party. What Miller attempts to do here is contend that a specific officer of the Road District is the necessary party to have standing to recover money for the Road District. However, defendant’s position is misplaced because the power to sue is vested in the Road District, not the Treasurer and not the Clerk. If successful, the check that Miller will have to write will be payable to the Road District. In defendant’s motion, Defendant contends the party to whom the benefits of this suit “would be undoubtedly the Treasurer of the Algonquin Township Road District...” In actuality, the treasurer of the Road District will have the obligation to deposit the check into the accounts of the Road District. See 605 Ill. Comp. Stat. Ann. 5/6-107. For example, every bank has a head cashier that is responsible for the maintenance and accounting and custody of money in the bank, but when the bank files suit we do not require that the head cashier be the plaintiff.

#### J) TOWNSHIP GOVERNMENT VS ROAD DISTRICT GOVERNMENT

Commencing on page 2 of Miller’s Motion is a claim that Plaintiffs are ignoring the Township Code. Townships and Road Districts are two separate and distinct units of government. The Township Code has nothing to do with the Road District’s claims in

this case. The Township Code does not control what takes place in a Road District. This is basic Illinois Road District law and Miller misstates both facts and the law in this context.

K) UNDER DEVELOPED ARGUMENTS ARE WAIVED.

“[U]nsupported and underdeveloped arguments are waived.” *United States v. Turcotte*, 405 F.3d 515 (7th Cir.2005). An argument that is undeveloped and unsupported by authority need not be considered by the Court. *Commonwealth Edison Co. v. Illinois Commerce Com’n*, 398 Ill.App.3d 510 (2nd Dist 2009). See also: *Grimes v. Saikley*, 388 Ill.App.3d 802, 904 N.E.2d 183 (4 Dist., 2009).

Within Millers Motion pursuant to 2-619.1 he asserts as a fact that the Township Board “approved” the complained of expenditures. However, he failed to attach to his motion the support for the contention. There is no “approval” in the minutes of the public meetings of Algonquin Township. Moreover there is no statutory provision for the approval of expenditures. Accordingly, under the aforementioned authority, Miller has waived the argument. Additionally, within Miller’s Motion, Defendant cites to six (6) cases. Most, as shown herein, for propositions that are not aligned with the purported conclusion for the meaning of the respective cases. The cases cited are: *Lyons v. Ryan*, *The People ex rel v. McDavid Barrett*; *Polikoff v. Levy*; *Nieberding v. Phoenix Manufacturing Co.*; *Devyn Corp. v. City of Bloomington*; *Brumley v. Touche, Ross & Co.*, *Glisson v. City of Marion*, and *Wood River Township. v. Wood River Township. Hospital*. Miller does not present a fully developed argument as to these cases. Rather, there is a proposition offered for the specific case. However, examination of these cases demonstrates the authority is misplaced in application.



For example Defendant relies upon *Lyons* for the proposition that only the Treasurer of the Road District can advance this action. See Motion at pg 4. However, the court there addressed a citizen group suing on behalf of a public body, not a public body suing to recover its own assets. Thus, *Lyons* is highly distinguishable on the facts and is misapplied in the limited analysis presented. Moreover, *Lyons* deals with recovering illegal outside payments made to former Secretary of State and Governor Ryan for issuances of licenses contrary to statute, which is not present in this case. There, *Lyons* revolved around whether the public body entitled to payment could sue on its behalf or whether third party citizen group could sue to collect on behalf of the public body. Nothing in the motion to dismiss develops any argument that *Lyons* is dispositive to matters in this case without unconnected conclusions. Therefore, the reliance on *Lyons* is underdeveloped, but even if the position had been fully developed, the case actually stands to support the Road District's position that ultimately if a check is written to address the monetary claims, such a check would be payable to the Road District, not Charles Lutzow. Therefore, under *Lyons*, Plaintiff Road District has standing to advance this case. Moreover, Plaintiff Gasser seeks records which are not available to him and if this Court were to make the records available to him, he would be the person that would be able to review the records for use in his statutory authorized position and thus has standing under *Lyons*.

Likewise, under *McDavid Barrett* the court addressed the power of the legislature to approve of gratuitous actions. However, the Road District is not a "home rule unit"<sup>2</sup> and the power of a Highway Commissioner is limited to the grant of statutory authority by the Legislature. Missing from the analysis of the Defendant is the power to give away the assets of the Road District as a legislative act. That power does not exist with any Highway Commissioner. Therefore, the case and its conclusions are misapplied here. In *McDavid Barrett*, it was the state legislature that

---

<sup>2</sup> Illinois' 1970 Constitution created Home Rule Units. "Home rule units may exercise and perform concurrently with the State any power or function of a home rule unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive. However, the Road District is not a home rule unit. See *City of Urbana v. Houser*, 67 Ill. 2d 268, 272-73, 367 N.E.2d 692, 694 (1977).

approved the widow's pension, not a highway commissioner without legislative power making gifts to his family and others. Thus, the Defendant's argument is underdeveloped under *Commonwealth Edison* and *Grimes* and therefore ought to be rejected.

L) Purported Failure to Plead Lack of Public Purpose

Within the Miller Motion there is a contention that the complaint fails to plead facts in connection with a lack of a public purpose. But See complaint at Exhibits A-L. Purchases of Handbags, Disneyland Tickets, personal clothing in various sizes, Gift Cards, Airline tickets for relatives not employed by the Road District including Miller's Grandchild These expenditures demonstrate a lack of a public purpose. Within the 4<sup>th</sup> Amended Complaint the lack of a public purpose is shown in paragraphs 45, 62, 69, 80, 82, 89, 143, and 144. Importantly, a public purpose is an issue of fact and should not be the basis for dismissal here.

**Conclusion/Prayer for Relief**

Wherefore, for the reasons set forth hereinabove, this Court ought to deny Miller's Motion to Dismiss.

Respectfully submitted,

/s/ Robert T. Hanlon  
Robert T. Hanlon

### **PROOF OF SERVICE**

I, Robert T. Hanlon, an attorney, state that I served a copy of **PLAINTIFFS' RESPONSE TO MILLER'S 2-619.1 MOTION TO DISMISS** upon the attorneys referenced in the attached service list at their respective addresses, by depositing the same in the U.S. mail with postage prepaid at the Woodstock, Illinois, U. S. Post Office and via email to their respective email addresses on this **31st** day of **December, 2018**.

/s/Robert T. Hanlon

Robert T. Hanlon, Attorney No. 6286331  
Law Offices of Robert T. Hanlon & Assoc., P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200  
(815) 206-6184 (Fax)  
Email: robert@robhanlonlaw.com

## **SERVICE LIST**

James P. Kelly  
MATUSZEWICH & KELLY, LLP  
101 North Virginia Street, Suite 150  
Crystal Lake, IL 60014  
Fax: (815) 459-3123  
Email: [jpkelly@mkm-law.com](mailto:jpkelly@mkm-law.com)

Thomas W. Gooch, III  
THE GOOCH FIRM  
209 South Main Street  
Wauconda, IL 60084  
Fax: (847) 526-0603  
Email: [gooch@goochfirm.com](mailto:gooch@goochfirm.com)

Steven J. Brody  
STEVEN J. BRODY & ASSOCIATES, LTD.  
15 West Woodstock Street  
Crystal Lake, IL 60014  
Fax: (815) 479-8880  
Email: [steve@sjbrodylaw.com](mailto:steve@sjbrodylaw.com)

David McArdle, Jacob Caudill, R. Mark Gummerson  
**ZUKOWSKI ROGERS FLOOD & McARDLE**  
50 North Virginia Street  
Crystal Lake, IL 60014  
Phone: (815) 459-2050  
Fax: (815) 459-9057  
E-Mails: [dmcardle@zrfmlaw.com](mailto:dmcardle@zrfmlaw.com)  
[jcaudill@zrfmlaw.com](mailto:jcaudill@zrfmlaw.com)  
[mgummerson@zrfmlaw.com](mailto:mgummerson@zrfmlaw.com)

Robert T. Hanlon, Attorney No. 6286331  
Law Offices of Robert T. Hanlon & Assoc., P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200  
(815) 206-6184 (Fax)  
Email: [robert@robhanlonlaw.com](mailto:robert@robhanlonlaw.com)

# Group Exhibit A

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER,	)	
	)	
Plaintiff,	)	
V.	)	CASE NO. 17 CH 000435
	)	
KAREN LUKASIK,	)	
INDIVIDUALLY AND IN HER	)	
CAPACITY AS ALGONQUIN	)	
TOWNSHIP CLERK, ANNA MAY	)	
MILLER AND ROBERT MILLER,	)	
	)	
Defendants,	)	

**NOTICE OF FILING**

TO:

James P. Kelly  
101 N. Virginia Street  
Crystal Lake, IL 60014  
[jpkelly@rnkrn-law.com](mailto:jpkelly@rnkrn-law.com)

Steven J. Brody  
Steven J. Brody & Associates, Ltd.  
15 W. Woodstock Street  
Crystal Lake, IL 60014  
[service@sjbrodylaw.com](mailto:service@sjbrodylaw.com)  
[steve@sjbrodylaw.com](mailto:steve@sjbrodylaw.com)

Thomas W. Gooch, III  
The Gooch Firm  
209 S. Main Street  
Wauconda, IL 60084  
[office@goochfirm.com](mailto:office@goochfirm.com)

David W. McArdle  
Zukowski, Rogers, Flood & McArdle  
50 Virginia Street  
Crystal Lake, IL 60014  
[drncardle@zrfinlaw.com](mailto:drncardle@zrfinlaw.com)

Please take notice On June 15, 2018, before 11:59pm, I filed with the Clerk of the Circuit Court of McHenry County **the Third (3<sup>rd</sup>) and Fourth (4<sup>th</sup>) Amended Complaint**. A copy of which is hereby served upon you by personal delivery.

**ROBERT T. HANLON, attorney for Plaintiff**

BY: /s/ Robert T. Hanlon  
Robert T. Hanlon

**PROOF OF SERVICE BY E-MAIL**

I, Robert T. Hanlon, an attorney, depose and state that I served a copy of the **Third (3<sup>rd</sup>) and Fourth (4<sup>th</sup>) Amended Complaint**, upon the attorneys of record, referenced above, by e-mailing a true and correct copy of same to the addresses shown above on June 22, 2018 and by automatic notice in the I2File system.

**ROBERT T. HANLON, attorney for Plaintiff**

BY: /s/ Robert T. Hanlon  
Robert T. Hanlon

ARDC #6286331  
Law Offices of Robert T. Hanlon & Associates P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER, )  
ALGONQUIN TOWNSHIP ROAD )  
DISTRICT )

V. )

CASE NO. 17 CH 435

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

KAREN LUKASIK, )

CROSS- Gasser, )

V )

CHARLES A. LUTZOW JR., )

Cross- Defendant, )

GASSER, ANDREW )

Counter-Defendant. )

**Katherine M. Keefe**  
Clerk of the Circuit Court  
\*\*\*Electronically Filed\*\*\*  
Transaction ID: 17111168483  
17CH000435  
06/15/2018  
McHenry County, Illinois  
22nd Judicial Circuit  
\*\*\*\*\*

**FOURTH AMENDED COMPLAINT**  
**FOR BREACH OF FIDUCIARY DUTY, CONVERSION,**  
**CONSTRUCTIVE FRAUD, AND AN ACCOUNTING**

NOW COMES Andrew Gasser, Highway Commissioner of Algonquin Township and the Algonquin Township Road District (hereinafter "Road District") by and through their attorney, Robert T. Hanlon, with their complaint against Karen Lukasik, Robert Miller (hereinafter at times "BOB") and Anna May Miller (hereinafter at times "ANNA MAY"), and in support of this Third Amended Complaint states as follows:



## **PARTIES VENUE AND JURISDICTION**

1. Plaintiff, ANDREW GASSER ("GASSER"), is the duly elected Algonquin Township Highway Commissioner. Gasser brings this action in his official capacity as Algonquin Township Highway Commissioner.

2. Plaintiff, ALGONQUIN TOWNSHIP ROAD DISTRICT ("Road District"), is a public body organized under the laws of the State of Illinois.

3. Defendant, KAREN LUKASIK ("LUKASIK"), resides in Algonquin Township, Illinois, and is the duly elected Clerk of Algonquin Township. As the elected Algonquin Township Clerk, LUKASIK is the defacto clerk of the Road District. LUKASIK is a necessary party to this litigation.

4. Defendant, ROBERT MILLER, is the former Algonquin Township Highway Commissioner and resides at 1415 East Main Street Cary, McHenry County, Illinois. Robert Miller's term of Office as Highway Commissioner ended on May 14, 2017. Robert Miller was an agent of the Road District by virtue of his position as Highway Commissioner.

5. Defendant, ANNA MAY MILLER, was formerly employed by the Algonquin Township Road District and resides at 1415 East Main Street Cary in Cary, McHenry County, Illinois. By virtue of Anna May's employment she was an agent of the Road District.

6. This Court has jurisdiction over the disputes and controversies alleged herein on the basis that the claims arose here in McHenry County.

7. Venue is proper in McHenry County because all of the parties to this action reside in McHenry County.

### **SHORT STATEMENT OF THE CASE / INTRODUCTION**

8. This complaint contains nine counts. Counts I - VI are breach of fiduciary duty claims which seek damages against Robert Miller and Anna May Miller. Counts VII is a conversion claim and seeks monetary damages from Robert Miller, Count VIII sounds in constructive fraud and seek damages from Robert Miller, and finally Count IX of this complaint sounds in an accounting and seeks to account for records and assets of the Road District. The Counts sounding in Breach of Fiduciary Duty, Conversion and Constructive Fraud are plead in the alternative to each other. All monetary claims contained herein are those of the Road District. The accounting action seeks to account for Road District Property and the preservation of records.

### **FACTS APPLICABLE TO ALL COUNTS**

9. By statute GASSER has a duty to account for the assets of the Road District or Highway Department. See 605 ILCS 5/6-201.15.

10. In particular, 605 ILCS 5/6-201.15. commands that each elected highway commissioner annually shall make a report in writing, showing the following:

- (1) The amount of road money received by the district and a full and detailed statement as to how and where expended and the balance, if any, unexpended.
- (2) The amount of liabilities incurred and not paid (any undetermined liabilities shall be estimated) and the determined or estimated amount owing to each creditor, who shall be named.
- (3) An inventory of all tools having a present value in excess of \$200, machinery and equipment owned by the district, and the state of repair of these tools, machinery, and equipment.
- (4) Any additional matter concerning the roads of the district the highway commissioner thinks expedient and proper to report.

11. On or about May 15, 2017, Gasser began reviewing physical and electronic records of the Road District, prior to the filing of this suit.

12. Upon information and belief, in the period between the time that BOB lost re-election in the primary election in 2017 and May 15, 2017, BOB hired IT Connection, a computer services company, to forensically wipe Road District Computers, hard drives and servers. BOB instituted steps to pay IT Connection for this service with Road District funds.

13. As used in the preceding paragraph the term “wipe” means the loading and execution of anti-forensic software to erase unallocated space in computer systems where deleted documents could have been retrieved.

14. Upon information and belief, BOB and ANNA MAY participated in the deletion of computer records before the IT Connection installed anti-forensic software on computers of the Road District.

15. The electronic records of the Road District were deleted in part without any destruction order having been obtained from any lawful authority.

16. Despite BOB having served for over 23 years as the Algonquin Township Highway Commissioner, all of his e-mail communications associated with the function of Highway Commissioner were deleted from the computers at the Road District.

17. During BOB’s term as Highway Commissioner he used both CommissionerBob@Hotmail.com” and “BobMiller@MC.net” in connection with the duties and functions of the Road District.

18. Upon information and belief, BOB directed Keith Seda of IT Connection to perform specific acts in association with the deletion of Road District records to prevent their recovery. At BOB’s direction, Keith Seda utilized an anti forensic computer software to

obliterate the data previously contained in the unallocated space on the workstations, servers and respective back-ups to eliminate the records of misconduct at the Road District.

19. At the direction of BOB, Keith Seda removed two back-up hard drives and delivered those hard drives to BOB, before application of the anti-forensic computer software.

20. Plaintiffs made demand upon BOB to return all of the records of the Road District. To date, BOB has turned over absolutely no substantive records of the Road District and is believed to retain assets of the Road District including the hard drives removed from the Road District servers referenced above.

21. None of the computers belonging to the Road District contain any e-mails of either BOB or ANNA MAY. Rather, upon information and belief, Attorney Thomas Gooch, delivered to LUKASIK or her attorneys a flash drive containing what is believed to be selected e-mail correspondences related to the email account Bobmiller@MC.NET. Such e-mails were not kept in the ordinary course of business as a road district record.

22. No correspondences between Business Agents of the International Union of Operating Engineers, Local 150 AFL-CIO ("Local 150") and MILLER exist in the records of the Road District and no correspondence is known to exist between Bob and any Local 150 representative despite Bob having purportedly negotiated a collective bargaining agreement.

23. No records related to bargaining with Local 150 exist within the records of the Road District.

24. Upon Gasser taking office, Local 150 began issuing grievances related to a purported labor agreement.

25. Upon information and belief, BOB used credit cards or convenience cards of the Road District to purchase items for his personal use.

26. BOB in furtherance of a scheme and artifice to convert funds of the Road District presented for payment from the Road District's depository accounts, the full balance on the various cards issued to him. In turn, the total balance shown on the respective cardholder statements were expensed to the Road District. However, numerous purchases were for women's clothing (including skirts, purses/handbags/tote bags, blouses and non-uniform outfits) from various online retailers including but not limited to Prana, Lands' End, Levenger, and Orvis. None of the women's clothing purchases complied with the written clothing allowance policy issued by Bob.

27. BOB was issued a American Express Platinum Business Credit Card to pay for necessary and proper expenses of the Road District.

28. The American Express Platinum Business Credit Card statements associated with the cards used by BOB are addressed to "Algonquin Twnshp Hwy Miller."

29. BOB was issued a Capital One Credit Card from the Road District to pay for necessary and proper expenses of the Road District.

30. As shown in Exhibit A, there are records of the use of the American Express Platinum Business Credit Card for the purchase of an item from Levenger Catalog/Webdelray BCH in the amount of \$384.52, dated November 7, 2014. On the following page of Exhibit A is a search result dated December 9, 2014, identifying a purse with a price of \$329.00 and the name "MILLER" written in by hand.

31. Also shown in Exhibit A is a specific invoice matching the \$384.52 purchase referenced in the paragraph above with the item number AL 13100 GPBK. This item number and invoice match the credit card charge of \$384.52 after tax and shipping were added.

32. After Gasser took office as the Highway Commissioner, a diligent search of the

Premises of Algonquin Township and the premises occupied by the Road District and the Levenger bag depicted in Exhibit A was not located. The Item shown on Exhibit A was not contained in the inventory delivered by Bob to Gasser.

33. Upon information and belief the Levenger bag depicted in Exhibit A is in the possession of BOB and ANNA MAY.

34. Attached hereto as Exhibit B is a copy of Credit Card Charges on the Road District American Express Platinum Credit Card for admission tickets to Disneyland. See Exhibit B. There is no lawful use of Road District Funds to entertain BOB and ANNA MAY and such a use was for the personal benefit of Bob and Anna May. The Costs of the Disneyland admission tickets was ultimately paid for with Road District money.

35. Attached hereto as Exhibit C is a charge to the Capital One Account of the Road District for the purchase of two large sized clothing items, one being a long sleeve "v neck" Merino cardigan sweater. The second being a woman's Colorbook Merino Turtleneck. See Exhibit C. After Gasser took office as the Highway Commissioner, a diligent search of the Premises occupied by the Road District was conducted. The clothing depicted in Exhibit C was not in the Premises occupied by the Road District. The Items depicted on Exhibit C was not contained in the inventory delivered by BOB to GASSER.

36. Attached hereto as Exhibit D there are records of the use of the Road District American Express Platinum Business Credit Card for the purchase of women's clothing including a blouse labeled "Print Drape Ballet", another blouse labeled "a Drop shoulder Tuck", and two more sweaters.

37. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The

clothing depicted in Exhibit D was not in the Premises occupied by the Road District. The Items depicted on Exhibit D was not contained in the inventory delivered by BOB to GASSER.

38. Attached hereto as Exhibit E there are records of the use of the Algonquin Township American Express Platinum Business Credit Card for the purchase of clothing from Prana Living described as only "men's women clothing".

39. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The clothing depicted in Exhibit E was not in the Premises occupied by the Road District.

40. The clothing depicted on Exhibit E was not contained in the inventory delivered by BOB to GASSER.

41. Attached hereto as Exhibit F are records of the use of the Road District American Express Platinum Business Credit Card on June 2, 2016 for the purchase of American Express Gift Cards at jewel totaling \$210.90.

42. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The gift cards shown in Exhibit F were not in the Road District offices or premises.

43. The Item shown on Exhibit F was not contained in the inventory delivered by Miller to Gasser.

44. Attached hereto as Exhibit G there are records of the use of the Road District American Express Platinum Business Credit Card for a purchase at Hooters restaurant in Brookfield Wisconsin.

45. There was no Public Use associated with the purchases at Hooters Restaurant.

46. Upon Information and belief Defendants Miller and ANNA MAY caused to be charged to the Road District accounts, the American Express Platinum Business Credit Card \$348.23 on or about 10/21/2014 for the purchase of: A) Womens' Classic Cashmere Jacquard Cardigan Sweater, 2) a Women's Supima Stripe Pocket Cardigan Sweater, 3) a Women's boiled Wool Walker Coat. Each from Lands End. Attached hereto and incorporated herein as Exhibit H is the Lands End invoice and images from a catalogue associated with the referenced Purchase.

47. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The clothing depicted in Exhibit H was not in the Premises occupied by the Road District. The clothing depicted on Exhibit H was not contained in the inventory delivered by BOB to GASSER.

48. The items shown on Exhibit H was not contained in the inventory delivered by Miller to Gasser.

49. As shown on Exhibit I an e-mail confirmation was sent to Miller for a Apple iPad Air 2 Smart Case.

50. Road District inventory delivered by Miller to Gasser of does not contain either an iPad Air 2 or an iPad Air 2 Smart Case.

51. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and Algonquin Township was conducted and the item shown in Exhibit I was not in the township offices, moreover, no I Pad Air 2 or or iPad Air 2 Smart case has been found in the premises of Algonquin Township after diligent search.



52. Attached hereto as Exhibit J there are records of the use of the Road District American Express Platinum Business Credit Card on July 3, 2014 for the purchase of another Levenger bag in the amount of \$211.44.

53. The item depicted on Exhibit J was not contained on the inventory of Road District delivered by Miller to Gasser.

54. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District or the Algonquin Township Offices was conducted and the Levenger bag shown in Exhibit J was not present.

55. Attached hereto as Exhibit K there are records of the use of the Road District American Express Platinum Business Credit Card to purchase women's clothing from Orvis.

56. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of Algonquin Township was conducted and the item depicted in Exhibit K was not in the Road District offices or premises of the township.

57. The items depicted on Exhibit K were not contained in the inventory delivered by Miller to Gasser.

58. Attached hereto as Exhibit L are records of the use of the Algonquin Township American Express Platinum Business Credit Card to purchase airplane tickets for Rebecca Lee and another person which upon information and belief was the child of Rebecca Lee.

59. Upon information and belief, the additional passenger shown on Exhibit L is the granddaughter of BOB and ANNA MAY.

60. The flight referenced in Exhibit L cost \$375.00 for each passenger from Chicago to New Orleans plus baggage charges. The expense of the airfare referenced in Exhibit L was ultimately paid for with Road District funds.

61. No employment record identifying Rebecca Lee or her minor child as employees of Algonquin Township has ever existed.

62. The payment for air fare in connection with transportation of BOB and ANNA MAY's Daughter and Grandchild is of no public purpose.

63. BOB used an e-mail account(bobmiller@mc.net) at all times relevant to the operation of the Highway Department to conduct the business of the Algonquin Township Highway Department.

64. As shown in Group Exhibit M, the purportedly private e-mail account was used in connection with Road District business. See Group Exhibit M.

65. ANNA MAY used an e-mail account to conduct the business of the Road District. Upon information and belief ANNA MAY deleted all Road District e-mails from the Road District computers.

66. Prior to her election LUKASIK articulated that she intends to destroy various records of Algonquin Township. Lukasik's statement was posted on Facebook and since the initiation of this lawsuit the facebook Post was deleted from Public view.

67. Upon information and belief, Road District credit cards were used by BOB and ANNA MAY to purchase gift cards that were in turn used to purchase personal goods unrelated to the business of the Road District and ultimate payment was charged to the Road District.

68. Upon information and belief, a scheme and artifice was utilized BOB and ANNA MAY to receive additional compensation beyond their respective salaries.

69. No person has the authority to authorize the use of public monies for personal use or any use that is not a public use.

70. Upon information and belief, the pattern and practice of the use of Road District credit cards as described herein above extends many years into the past.

71. Plaintiffs seeks to preserve the records to ascertain if the amounts charged to the Road District served any lawful purpose.

72. Preserving the records of MILLER's and ANNA MAY's e-mails may aid in the investigation and return of assets belonging to the Road District.

**COUNT I – BREACH OF FIDUCIARY DUTY**  
**AGAINST ROBERT MILLER AND ANNA MAY MILLER**

73. Plaintiffs incorporate the allegations of paragraph 1-72 above in this Count I for breach of fiduciary duty.

74. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

75. Both BOB and ANNA MAY were agents of the Road District at all times relevant to this complaint.

76. The agency of ANNA MAY to the Road District arose by virtue of her position as an employee.

77. The agency of BOB to the Road District arose by virtue of his position as the elected Highway Commissioner.

78. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB and Anna May's relationship to the

Road District. The breach of each of their fiduciary duties arose in spending Road District funds for the personal expenses of BOB and ANNA MAY.

79. BOB and ANNA MAY further breached their fiduciary duty to the Road District by receiving the benefits of Road District funds to attend Disneyland as shown in Exhibit B. BOB and ANNA MAY further breached the fiduciary duty owed to the Road District.

80. BOB and ANNA MAY further breached their fiduciary duty to the Road District by using Road District funds to pay for personal expenses of the Road District as identified in Exhibits A-L.

81. Upon information and belief the womens clothing identified in Exhibits A-L are in the possession of Anna May Miller and have not been returned to the Road District despite demand for its return.

82. The purchases identified in Exhibits A-L were misappropriations of Road District funds.

83. As a direct and proximate cause of the breach of the fiduciary duty detailed above, the Road District suffered an injury in that Road District funds were expended upon items of personal property by Bob and Anna May Miller.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller and Anna May Miller in an amount to be determined at trial in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**Count II Breach of Fiduciary Duty**  
**(Delivery of Salt to David Diamond by Bob Miller)**

84. Paragraphs 1- 8 are incorporated in this Count II as if fully restated herein.

85. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

86. BOB was an agent of the Road District at all times relevant to this complaint.

87. Annually, the Road District purchases salt for the purposes of maintaining the Roadways associated with the Road District.

88. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB's relationship to the Road District as the Highway Commissioner responsible for the Road District. The breach of each of his fiduciary duty arose when BOB gave away, without charge, to David Diamond at least two truck-loads of Salt belonging to the Road District to be used at the Illinois Railway Museum.

89. The gift of the Road District's salt to Dave Diamond is believed to have occurred between January 1, 2014 and May 1, 2017.

90. As a direct and proximate cause of the breach of the fiduciary duty detailed above, the Road District suffered an injury in that Road District assets comprised of two truck-loads of salt were given away by BOB and that salt was no longer available for use on the roads of the Road District.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the two truck loads of salt given to David Diamond of the Illinois Rail Way Museum in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**Count III**  
**Breach of Fiduciary Duty – Expenditures on Gift Cards**

91. Paragraphs 1- 8 are incorporated in this Count III as if fully restated herein.

92. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

93. BOB was an agent of the Road District at all times relevant to this complaint.

94. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB's relationship to the Road District as Highway Commissioner. The breach of each of their fiduciary duties arose when BOB purchased gift cards and dissipated those gift cards.

95. On or about June 8, 2008 BOB purchased \$1,250 of gift cards from the Barn Nursery using Road District credit cards which were in turn paid for with Road District money.

96 On or about June 2, 2016, BOB purchased gift cards at a cost of \$210 using Road District credit cards which were in turn paid for with Road District money.

97. BOB did not memorialize in any Road District record who received the respective Gift cards or how they were used.

98. As a direct and proximate cause of the breach of the fiduciary duty in purchasing and delivering gift cards or using said gift cards, the Road District suffered an injury in that Road District assets comprised of the funds spent on the Gift Cards was diverted from the Road District for unauthorized purchases.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of all gift cards acquired by Robert Miller and unaccounted for in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**Count IV**  
**Breach of Fiduciary Duty – Giving Away Cellular Telephones**

99. Paragraphs 1- 8 are incorporated in this Count IV as if fully restated herein.

100. BOB was an agent of the Road District at all times relevant to this complaint.

101. At relevant times to this complaint, the Road District acquired Cellular telephones associated with telephone numbers on the Road District Accounts. Those Cellular phones having been acquired at Road District expense and associated with the following telephone numbers:

847-639-4529
847-878-1613
847-875-0548
847-343-3892
847-343-8732
224-239-7852
847-970-0571
847-516-2528

102. At a point in time between BOB's loss of the Primary election in 2017 and his departing office, BOB conveyed the cellular telephones owned by the Road District to various other persons in a breach of his fiduciary duty.

103. BOB went further in the breach when he re-assigned the telephone numbers shown above in paragraph 102 to individuals including Derek Lee, and Andrew Rosencrans (Family members of Robert Miller).

104. The breach of BOB's fiduciary duty to the Road District arose when BOB gave away the cellular phones of the Road District and transferred the intellectual property of the Road District without compensation to other persons including his own family members.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the cellular telephones given away by Robert Miller in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT V**  
**BREACH OF FIDUCIARY DUTY –**  
**IMPROVEMENTS TO MILLER RESIDENCE AT ROAD DISTRICT EXPENSE**

105. Paragraphs 1- 8 are incorporated in this Count V as if fully restated herein.

106. BOB was an agent of the Road District at all times relevant to this complaint.

107. On or about January 28, 2016, Robert Miller caused to be acquired with road district funds Blink cameras and had said cameras installed in his personal residence located at 1415 Main Street, Cary, Illinois.

108. The Cameras themselves had a cost of \$299 to the Road District.

109. Despite demand to return said Blink Cameras, Defendants Bob and Anna May have retained the Cameras.

110. The road District has no ownership in any improved property or structures. Upon information and belief Defendants BOB and ANNA MAY caused to be expended from Road District funds the sum of \$4,090 from Martenson Decorating on property not belonging to the Road District in the period of time between June 2013 and December 2016.



111. The breach of BOB and ANNA MAY's fiduciary duty to the Road District arose when BOB and ANNA MAY used Road District funds for improvements to their personal residence with the installation of the cameras and expended Road District funds on decorating services when the Road District owns no property for which decorating services would have been lawful.

112. BOB and ANNA MAY have not returned the Blink Cameras to the Road District despite demand.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller and Anna May Miller in an amount to be determined at trial for the amount of Road District funds expended to improve the Defendants residence or others property in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT VI - BREACH OF FIDUCIARY DUTY –**  
**USE OF ROAD DISTRICT FUNDS TO IMPROVE OTHER NON-ROAD DISTRICT**  
**PROPERTY**

113. Paragraphs 1- 8 are incorporated in this Count VI as if fully restated herein.

114. BOB was an agent of the Road District at all times relevant to this complaint.

115. On or about June 12, 2013, and 9/10/2014 BOB caused to be expended with Road District funds repairs to property not owned by the Road District to Behm Paving totaling \$13,644.40. The Road District owns no improved property (real estate with buildings upon it).

116. Between 10/12/2014 and 5/17/2017 BOB caused Road District funds in the amount of 13,644.40 to be used to pay Birch for installation of communications equipment on property not owned by the Road District.

117. The breach of BOB fiduciary duty to the Road District arose when BOB used Road District funds for improvements to property not owned by the Road District.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the funds for improvements to property not owned by the Road District.

B) For such other and further relief as this Court deems just and equitable.

### **COUNT VII** **CONVERSION**

118. Paragraphs 1- 8 are incorporated in this Count VII as if fully restated herein.

119. Robert Miller was elected Highway Commissioner in 1993 or thereabouts.

120. Between 1993 and 2017 Robert Miller prepared an annual report setting forth all of the liabilities of the Road District. In each and every one of those annual reports Robert Miller swore under oath that there were no liabilities of the Road District related to un-paid sick time. There was no mention of any liability of the Road District owed to Robert Miller.

121. The financial audits commencing in 1994 and continuing to 2016 did not reflect any liability of the Road District associated with any claim of Robert Miller to any amounts including unpaid sick time.

122. In April 2017, Robert Miller caused Road District funds to be paid directly to him under a claim that he was entitled to unpaid sick time.

123. On or about January 16, 2018, Robert Miller, via his counsel articulated that he was not entitled to payment of the \$47,381.84 payment by the Road District and that it was an error in which he actually had a claim against Algonquin Township general town fund. See paragraph 2 of Miller's Motion to Correct Record filed in this case on 1/16/18.

124. By way of the admission of Robert Miller in his 1/16/2018 filing, The Road District is entitled to the return of the \$47,381.84 payment Miller contends was paid to him in error.

125. Plaintiffs made demand upon Robert Miller to return the \$47,381.84 payment (which Robert Miller acknowledges was in error).

126. The Road District has a right in the property being the \$47,381.84 erroneously paid to Robert Miller.

127. The Road District has a right to the immediate absolute and unconditional possession of the \$47,381.84.

128. Plaintiffs made demand upon Defendants Robert Miller and Anna May Miller to return to the Road District all of the property shown in Exhibit N. The Road District has a right in the property depicted in Exhibit N.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

- A) Enter judgment against Robert Miller in an amount to be determined at trial in excess of \$47,381.84 in favor of the Road District;
- B) Pre judgment interest on the \$47,381.84 at the statutory rate of interest, in favor of the Road District;
- C) An order commanding Robert and Anna May Miller to return to the Road District all of the assets in their possession thereof to the Road District, or the value of the assets misappropriated by Defendants as this Court determines; and
- D) For such other and further relief as this Court deems just and equitable.

**COUNT VIII**  
**CONSTRUCTIVE FRAUD**

128. Paragraphs 1- 8 are incorporated in this Count VII as if fully restated herein. Counts I-VI (Breaches of Fiduciary Duty) are also fully restated in this Court VIII.

129. Robert Miller was elected Highway Commissioner in 1993 or thereabouts.

Between 1994 and 2017 Each Year BOB prepared a sworn annual report setting forth all of the liabilities of the Road District. In each and every one of those annual reports BOB swore under oath that there were no liabilities of the Road District. No entry in each of the annual reports signed by Robert Miller referenced any liability owed to BOB much less for unused Sick time. A fiduciary relationship existed between Robert Miller and the Road District.

130. The financial audit reports commencing in 1994 and continuing to 2016 did not reflect any liability of the Road District associated with any claim of Robert Miller to unpaid sick time.

131. In April 2017, Robert Miller caused Road District funds to be paid directly to him under a claim that he was entitled to unpaid sick time and personally signed the warrant to allow payment of Road District Funds to be made to him.

132. Within the pleadings of this Case, Robert Miller acknowledged that he was not due any funds from the Road District for his unpaid sick leave and that there was an error in the payment by the Road District to Robert Miller in the amount of \$47,381.84

133. Plaintiffs made demand upon Robert Miller to return the payment.

134. The Road District has a right in the property being the \$47,381.84 erroneously paid to Robert Miller.

135 Robert Miller accepted the fruit of the constructive fraud by continuing to retain the money he acknowledges was paid to him in error.

136. BOB was aware of the breach of his fiduciary duty at the time he accepted the \$47,381.84 payment. On or about March 31,2017 BOB swore under oath that the Road District had no liabilities at all. Any liability if actually owed would have had to been listed on the annual report naming the person that is owed the money by name. See 605 ILCS 5/6-201.15

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) Enter judgment against Robert Miller in an amount to be determined at trial for the value of the cellular telephones given away by Robert Miller in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT IX**  
**ACCOUNTING AND INJUNCTIVE RELIEF**

137. Plaintiffs restate and re-allege the allegations of Counts I-V sounding in a breach of fiduciary duty in this count.

138. In furtherance of his statutory duties, GASSER seeks to account for the assets of the Road District.

139. Both Gasser and the Road District have a need for discovery not only as it relates to the breach of fiduciary duty referenced in Counts I-V, but also as it relates to the misappropriation of funds and bid rigging that plaintiffs believe occurred with respect to a Street Sweeper acquisition. In particular:

a. On 3/15/2017 Kevin Watts of RNow solicited Bob Miller for a Street sweeper providing a brochure.

b. On 3/20/2017 Richard Bakken of Standard Equipment delivered specs to Bob Miller on an Elgin Crosswind Machine.

- c. On 4/04/2017 Richard Bakken revises the Specs and delivers the revised specifications to Bob Miller at Bob's direction.
- d. On 4/07/2017 Bob Miller orders for publication in the Northwest Herald/Shaw Media an advertisement to appear on 4/10/2017.
- e. On 4/10/2017 Northwest Herald Publishes Notice of Invitation for Bids using the language from the Richard Bakken list.
- f. On 4/10/2017 Richard Bakken delivers to Bob Miller another revised spec sheet that is thereafter used as the official bid package spec sheet.
- g. On 4/17/2017 Richard Bakken seeks an "Official Bid Package" and the Official Bid Package is delivered to him using his exact same document as what Richard Bakken prepared at Bob Miller's direction – all the way down to the font used.
- h. On 4/26/2017 Richard Bakken sent an e-mail to Bob Miller with his "official bid" signed and indicating that he will bring an original bid sheet to the meeting for opening the bids later that evening.
- i. On 4/26/2017 the bids were purportedly opened, with the following bids:

Wm Nobbe Co. Regenerative Sweeper	\$253,700.00
Standard Equipment, Elgin Sweeper (Richard Bakken's Company)	\$307,719.25
RNOW, Schwartz	\$267,622.00

140. As opposed to accepting the low bidder, Bob Miller accepted the high bidder under the pretense that the Standard Equipment machine satisfied all of the specifications when in fact it did not.

141. The Road District seeks to account and recover from Defendant Bob unlawful payments made by the Road District while Miller was the Highway Commissioner. Only an accounting will allow sufficient discovery to ascertain if additional breaches of fiduciary duties exist. There is no known identity of the person that ultimately used the gift cards acquired by Robert Miller. It is unknown how many total gift cards were purchased.

142. Article VIII, section 1(a), of the Illinois Constitution, provides that "Public funds, property or credit shall be used only for public purposes." See People v Howard, 888 N.E.2d 85, 228 Ill.2d 428 (2008).

143. Payment of government money for admission to Disneyland serves absolutely no legitimate lawful public purpose in connection with the function of Road District.

144. Payment of government money for purchases of cashmere sweaters serves absolutely no legitimate lawful public purpose in connection with the function of Road District.

145. Use of purportedly private e-mail to conduct the business of Algonquin Township serves absolutely no legitimate purpose and only serves to prevent the public from having access to records that are clearly within the realm of public inquiry.

146. It is the duty of all persons working in government to preserve records of the public body. Robert Miller breached this duty in deleting records and there is a need to discovery what records were destroyed by Robert Miller.

147. Gasser is further responsible for accounting for all of the assets of the office of the Highway Commissioner and the Road District. Obtaining records related to the use of Road District money will allow Gasser to account for all assets of the Road District.

**Authorization and Instigation:** The aforementioned breach of the public trust has occurred with and at the authorization, sanction, advice, encouragement, and/or instigation of MILLER. At present, it is unknown to what extent the conduct referenced herein has taken place. Moreover, the authenticity of the documents delivered is currently being examined.

148. **Damages, Irreparable Injury and Need for Equitable Relief:** If Defendants, LUKASIK, ANNA MAY AND MILLER, and their agents and employees are not restrained from destroying any records related to the Algonquin Township Road District, there is no

adequate remedy at law and the Road District and Gasser, will suffer irreparable harm. Gasser and Road District will suffer additional irreparable harm in that Gasser will be deprived of the very protections afforded under state law for the delivery of records and assets associated with his office. The road district and the people risk the further loss of public records.

149. **Injunction is in the Public Interest:** An injunction is in the public interest because Defendants, LUKASIK, ANNA MAY AND MILLER, have a public duty to preserve the records that they either have had control over or continue to have control over. If they are not so enjoined, the destruction of public records would undermine the rule of law and create a threat to the enforcement of the right of the People to open and honest government.

150. **No Adequate Remedy at Law:** Plaintiffs have no adequate remedy at law. Although there are laws to prevent the destruction of public records, Plaintiffs cannot without the intervention of the Court protect and preserve the government records and the dispute cannot be remedied solely by remedies at law. Further, in the event further government records are either destroyed or concealed, Gasser and the Road District will not be able to ensure the integrity of the records of the Road District. Granting the relief requested herein serves to aid the protections afforded to Plaintiffs. Moreover there is litigation pending with the Operating engineers in which the Road district needs access to the records of the road district to which LUKASIK retains as if they cannot be used or viewed by any but herself. The road District has also been sued by the Edgar County Watch Dogs for failing to comply with FOIA requests and access to the Road District records will be necessary to defend that lawsuit.



151. **Balancing of the Rights, Interests and Injuries:** The balancing of the interests of the parties is entirely in favor of Plaintiffs. This is because the activities which the Plaintiffs seek to restrain are unlawful acts to begin with, and the denial of injunctive relief would serve to require Gasser and the People to suffer additional injury. In fact, Defendants, LUKASIK ANNA MAY AND MILLER, will suffer no injury if restrained from destroying government records because none of the defendants possess the right to destroy government records.

152 **Prior Application:** Prior to the filing of this action, there has been no prior application for injunctive relief to this Court or any other court for or in connection with the violations set forth herein.

153. Illinois law governing townships provides that upon the change of office, the prior office holder shall deliver to the newly elected officer all of the records of office. In particular, 60 ILCS 1155-55 provides:

It is the duty of every person going out of office, whenever required under Section 55-45 or 55-50, to deliver up, on oath, all the records, books, and papers in his or her possession or in his or her control belonging to that office. The oath may be administered by the officer to whom the delivery is to be made. It shall also be the duty of every supervisor and commissioner of highways going out of office, at the same time, to pay over to his or her successor the balance of moneys remaining in his or her hands as ascertained by the trustees of township accounts.

154. The Local Records Act also provides for the preservation of records.

All public records made or received by, or under the authority of, or coming into the custody, control or possession of any officer or agency shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony. 50 ILCS §205/4; see also id. §205/7. (Except as otherwise provided by law, no public record shall

be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.")

155. The Local Records Act defines "public record" as, inter alia, "any ... digitized electronic material ... regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein." Id. §205/3.

156. The Illinois State Archivist's for Local Government Agencies? Further explains that an email or instant message may be a public record under the Local Records Act depending on the information contained? therein; If the information in the definition above of a public record as described in the Local Records Act, then the information is subject to the provisions of the Act regardless of the media the data is maintained the messages have a bearing on actions or decisions taken or not taken, then they would be classified as a public record under the Local Records Act. See Jesse White, Ill. Secretary of State, Ill. State Archives: FAQs for Local Government Agencies.

157. E-mails and text messages sent or received on the "personal" telephone or email accounts that pertain to public business and reflect the policies and decisions, and other information concerning Robert or Anna May Miller's official activities, would be appropriate for preservation, and are public records within the meaning of the Local Records Act. No measures have been taken to preserve these e-mail records, and, upon information and belief, many of MILLER's and ANNA MAY's e-mails have not been preserved

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) Grant an accounting to allow the Plaintiff to account for all of the records

and assets of the Road District.

B) Order Defendants Robert Miller and Anna May Miller to turn over the emails contained on each of their email accounts used while employed by the Algonquin Township to Plaintiff and to the clerk of Algonquin Township.

C) Issue an injunction preventing the destruction of records of the Road District.

D) Order the Algonquin Township Clerk to allow Andrew Gasser access to the Records of the Road District in furtherance of this accounting action.

E) For such other and further relief as this Court deems just and equitable.

Respectfully submitted,

By: /s/Robert T. Hanlon  
Robert T. Hanlon, One of Plaintiffs'  
Attorneys

Robert T. Hanlon, ARDC #6286331  
LAW OFFICES OF ROBERT T. HANLON  
& ASSOCIATES, P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200

Exhibit A  
(Purchase of Purse/Totebag)





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 11/27/14



p. 3/16

Account Ending 5-21007

① Effective March 1, 2015, Cardy will no longer participate in the OPEN Savings program. Any amounts that are charged to your account for Cardy purchases on or after March 1, 2015, will not be eligible for the OPEN Savings benefit.

## Payments and Credits

### Summary

	Total
Payments	\$2,085.49
Credits	\$0.00
Total Payments and Credits	\$2,085.49

### Detail

Payments	Amount
11/18/14 PAYMENT RECEIVED, THANK YOU	\$2,085.49

## New Charges

### Summary

	Total
Charges	\$2,120.50

### Detail

ROBERT J MILLER		
Card Ending 5-21007		
0/29/14	AMAZON MKTPLACEMTSAMZN.COM/BILL WA	\$209.00
	BOOKSTORES	
0/31/14	AROUND THE CLOCK 103 CRYSTAL LAKE IL	\$47.39
	815-452-2100	
1/01/14	AMAZON.COM AMZN.COM/BILL WA	\$79.00
	MERCHANDISE	
1/01/14	MCDONALD'S M7231 ORCAVA IL	\$34.66
	847-639-1181	
1/04/14	WHITEPAGES.COM 800-336-1327 WA	\$19.93
	800-336-1327	
1/27/14	HARBOR FREIGHT TOOLS CRYSTAL LAKE IL	\$121.90
	805-388-1000	
	Description: HARDWARE/TOOLS	
1/27/14	LEVENGER CATALOG/WEB DELRAY BCH FL	\$384.52
	BOOKS/SUPPLIES/GIFTS	
1/1	CHESAPEAKE SEAFOOD SPRINGFIELD IL	\$81.67
	217-522-5220	
	TIP	\$15.00

Continued on reverse



LEVENGER®

Orders: 800-544-0880 • Fax: 800-544-6910  
 Service: 800-545-0242 • E-mail: [eservice@levenger.com](mailto:eservice@levenger.com)  
 International: 561-276-4141 • Fax: 561-274-0263  
[Levenger.com](http://Levenger.com)  
 Click our stores on [Levenger.com](http://Levenger.com) for retail locations.

COUNT# 0072902034 ORDER# P592247700016  
LD BOB MILLER  
3702 HWY 14  
CRYSTAL LAKE, IL 60014

SHIP TO BOB MILLER  
3702 HWY 14  
CRYSTAL LAKE, IL 60014



WHSE LOC	QTY	ITEM #	DESCRIPTION	PRICE EACH	TOTAL PRICE
A080002	1	103100-615	YOU-100-YOU-100-STORE-10000/1000	0.00	0.00
01F750	1	103100-615	YOU-100-YOU-100-STORE-10000/1000	0.00	0.00

1/07/14 408A002N4JAB05A 11/09/14 0001797329 03 01

~~CA GI~~

See important sales tax information on back

FREE HOLIDAY SHIPPING \$100 Purchase

EMAIL SIGN-UP

WHAT'S NEW

CUSTOMER FAVORITES

GIFT GUIDE

OUTLET

LEVENGER

What can we help you find?

SEARCH

My Account

Checkout

800-544-0393

Bag & Items | \$0.00

Oliver Notebooks Pens & Refills Bags Paper Journals & Folios Cases Wallata Collections Reading Desk Accessories iPad

Enjoy 25% off your entire order (no minimum purchase required) [See Details](#)

MORE OPTIONS

Color:

Brown/Black (1)  
Grays/Black (1)  
Oxblood/Black (1)

Select a Category

Women's Bags (1)

We found 1 products for \$13100

Results per page: 48/123

Sort by: [Relevance](#)

Page: 1

mini



Nov

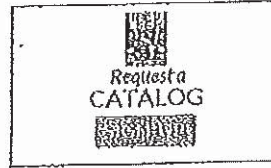
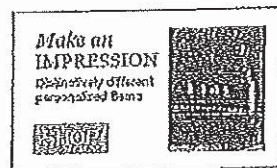
Your Bag, Your Way Tote

Price: \$320.00

1 2 3

Page: 1

someone@example.com Submit



CUSTOMER SERVICE

Contact Us  
Order Status  
FAQs  
Shipping Information  
Returns & Exchanges  
Site Map  
Security & Privacy

ABOUT LEVENGER

About Us  
Inside Levenser  
Quote of the Day  
Careers  
Levenser Videos  
How To's

SHOP

Catalog Quick Order  
Store Locations  
Gift Cards  
Gift Guide  
Product Guide

FOR BUSINESS

Corporate Sales

Connect With Us:



© Copyright Levenser Company 2014. All Rights Reserved

Exhibit B  
(Purchase of Disneyland Tickets)





Platinum Business Credit  
ALBONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 07/27/12



p. 3/11

Account Ending 5-21007

### Payments and Credits

#### Summary

	Total
Payments	\$4,356.63
Credits	\$129.05
Total Payments and Credits	\$4,485.68

#### Detail

	Amount
Payments	
07/15/12 PAYMENT RECEIVED - THANK YOU	\$49.02
07/15/12 PAYMENT RECEIVED - THANK YOU	\$4,307.61
Credits	
07/02/12 THE ORVIS CO CATALOG 600-635-7635 VI CATALOG MERCHANDISE	\$129.05

### New Charges

#### Summary

	Total
Total New Charges	\$6,578.10

#### Detail

	Amount
06/14/12 CRESTLINE CO INC 207-777-7075 ME PROMOTIONS	\$495.22 ✓
06/15/12 CRESTLINE CO INC 207-777-7075 ME PROMOTIONS	\$1,000.25 ✓
06/26/12 THE ORVIS CO CATALOG 600-635-7635 VI MAIL ORDER/SPOURING GDS	\$186.00 ✓
06/27/12 AMERICAN PUBLIC WORKS KANSAS CITY MO 816-472-6100 Description PUBLIC WORKS	\$850.00 ✓
06/29/12 Disneyland Tickets ANAHEIM CA DIRECT MKTG MISC	\$182.00 ✓
06/30/12 PAPA JOHN'S #3760 306ARY IL 0475165000	\$147.34 ✓
07/02/12 COSTCO WHSE #0774 00LAKE UHILL IL 8179603900	\$103.03 ✓
07/02/12 #03496 JEWEL 05000000CARY IL 8476393350	\$35.60 ✓
07/02/12 WAL-MART SUPERCENTER CRYSTAL LAKE IL DISCOUNT STORE	\$316.79 ✓

Total Hwy, Comm  
Prnt

Gatorade, water, coffee

Continued on reverse



Page 1 of 3  
AGES 40+

# Disneyland<sup>®</sup>

1-Day PARK HOPPER® Ticket

EXPIRES THIRTEEN (13) DAYS AFTER: 8/22/2012

Contract # DO173230182102

## How to Use Your Disney's eTicket:

1. THIS IS YOUR TICKET. Please keep it in a safe place and bring it with you when visiting the DISNEYLAND Resort. If you purchased multiple tickets, be sure to print and bring every page as each Disney's ticket page represents an individual ticket.
2. Present your Disney's Ticket at any DISNEYLAND Resort turnstile. You will not need to wait in line to purchase tickets.
3. Once your valid Disney's Ticket has been scanned and voided, you will receive a standard DISNEYLAND Resort ticket to use during the duration of your stay.



## Disney Vacation Club

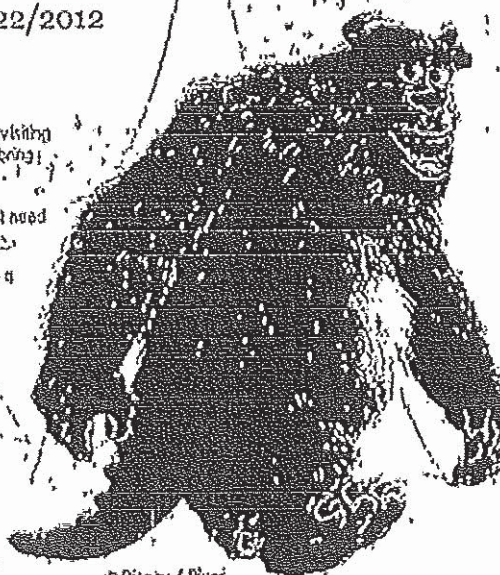
Over 100 variable oscillations with 10 to 200 Hz are available.

## DOWNTOWN DISNEY

## Shop, Dine, And Be Entertained

Should you be looking to make your vacation magical or to spend some time with your special night out, the Downtown Disney District is the answer.

DISNEYLAND® Resort PARK HOPPER® Tickets allow Guests admittance to both DISNEYLAND® Resort theme parks on the same day! Each day of use of a DISNEYLAND® Resort ticket constitutes one full day of use.



© Disney / Pixar

Hand signs and standard ticket are required for same day re-entrance to same Park, and if applicable, crossover to the other Park.

[illegible]

# THIS IS YOUR TICKET

Bring this page with you for Theme Park entrance.

©Disney







## Exhibit C

(a long sleeve “v neck” Merino cardigan and  
Colorbook Merino Turtleneck).



# LANDS' END



DER Customer Number 10826-0853-0 Order Date 01/22/13 Order Number 7592166-1 03

Item Number	Size	Color	Description	Item Status	Price
42426-7A57	L	RII STR	WR LS MER BLND STR VN CRD	IN THIS SHIPMENT	44.99
42399-0A53	L	DGH CLB	WR LS CLRBLK MERINO TNCK	IN THIS SHIPMENT	44.99

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-5800.

Merchandise	Tax	SGR	Gift Box	Total	Cash	Payment	Credit
89.98	5.62			95.60		95.60	

7592166-1 90 13 022

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

BMC ZIP-USPS PARCEL RETURN SVC

4205 6901 9158 9010 0705 5128 3857 46

04 6 3503 09  
PS SUREPOST

NO POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES

610 14 60014 1414 0 007592166

PARCEL SELECT RETURN SERVICE  
NEWSISTICS, INC.  
PERMIT NO: 77001

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
BULK MAIL CENTER 56901

V14

\$6.95 for Return Shipping will reduce your credit from Lands' End

side of this form for instructions) Promotional savings may be deducted from your return. For faster service on orders, call 1-800-800-5800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

## REASON FOR RETURN

SIZE	QUALITY/SATISFACTION	SERVICE	COLOR
10 - SMALL	30 - Defective	40 - Wrong item shipped	50 - Did not like color
11 - Chest	31 - Misjudged size	41 - Monogram not as requested	51 - Color not as shown
12 - Waist	32 - Did not like styling	42 - Fabric/material as requested	52 - Coordinates did not match
13 - Seat/Hip	33 - Did not like fabric	43 - Performance as requested	53 - Did not coordinate with items already own
14 - Overall Length	34 - Fabric/material	44 - Returning a gift	
15 - Sleeve Length	35 - Performance		
16 - Width	36 - Returning a gift		
	37 - Returning a gift		
	38 - Returning a gift		
	39 - Returning a gift		
	40 - Returning a gift		

\* Please indicate reason for return by placing a reason code in space provided above. Reason codes are listed on the back of this form.

Enter Keyword or Item # SEARCH

Our Family of Sites

# LANDS' END®

Women Men Kids Swim Outerwear Shoes School Uniforms For the Home Linenage Sale

FREE SHIPPING WITH A \$50 MINIMUM PURCHASE. Use Promo Code: SPRING 5% 27% Deals

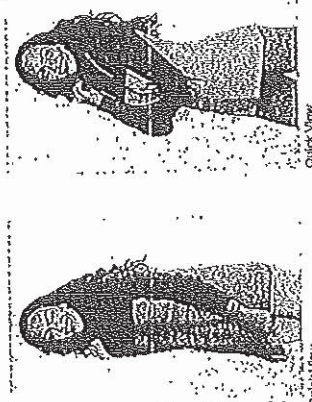
Homepage > search for "422369"

Sort By: Recommended

NARROW SELECTION BY:

- ☒ Specific Size Show All
- ☒ Color Show All
- ☒ Fabric Show All

MATCHING ITEMS



Quick View

Womens Collarback Matinee Turtleneck

Was \$78.00 Now \$44.99

Rating 4.5 out of 5

Sort By: Recommended

SIGN UP

Connect With Us

Get Live Help  
A helpful Customer Care Specialist is just a click or call away.  
Call 1.800.963.4816

Customer Service  
Guaranteed Period  
Contact Us  
FAQs

SERVICES  
Gift Cards  
Men's Grooming & Embroidery  
Shop Your Way Rewards  
Shop Catalogs  
Catalog Requests  
Email Subscription  
Glossary  
Site Map

SPECIALTY SHOPS  
LE Bushwacker Outfitters  
Cable  
Women's Plus Sizes  
Women's Plus Sizes  
School Uniforms  
Swimwear  
International Websites

SHOP OUR E-CATALOG  
Environmentally friendly, easy to shop and always at your fingertips.

TEXT CHAT NOW

COMPANY  
About Us  
The Lands' End Blog  
Careers  
As Seen In  
Sustainability  
Newsroom  
Affiliate Program

POLICIES  
Privacy  
Security  
Shipping  
Returns  
California Transparency Act

LANDS' END  
SHOP YOUR WAY REWARDS  
Make every purchase rewarding. Join today. Earn today. It's free.

Customer Service / Store Locator / Track Order / Gift Cards

Sign In / Create Account SHOPPING BAG 0

Our Family of Sites

Enter Keyword or Item #

SEARCH

# LANDS' END®

Women Men Kids Swim Outerwear Shoes School Uniforms For the Home Luggage Sale

FREE SHIPPING WITH A \$50 MINIMUM PURCHASE. See Promo Code. SPRING & 4th 2706. Mobile

Home » > search for "424207"

NARROW SELECTION BY:

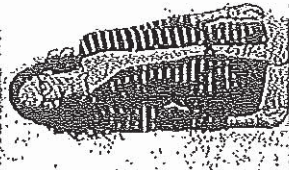
- Specific Size Show All
- Color Show All
- Fabric Show All
- Style Show All

Sort By: Recommended

MATCHING ITEMS



Quick View



Quick View

Women's Long Sleeve Modino  
Blond Stripe Long V-neck Sweater  
Was \$74.00 Now \$44.99  
Rating

Women's Long Sleeve Modino  
Blond Stripe Long V-neck Sweater  
Was \$74.00 Now \$44.99  
Rating

Sort By: Recommended

Items 1 - 2 of 2 - 24 per page

Get Exclusive Offers + News

Connect With Us

SIGN UP

Customer Service  
Guaranteed. Period.®  
Contact Us  
FAQs

SERVICES  
Gift Cards  
Manufacturing & Embroidery  
Shop Your Way Rewards  
Shop Catalogs  
Catalog Requests  
Email Subscription  
Glossary  
Site Map

SPECIALTY SHOPS  
LE Business Outfitters  
Gifts  
Women's Plus Sizes  
Women's Petite Sizes  
School Uniforms  
Swimwear  
International Websites

SHOP OUR E-CATALOG  
Environmentally friendly, easy to shop and always at your fingertips.

SHOP OUR E-CATALOG  
Environmentally friendly, easy to shop and always at your fingertips.

Get Live Help  
A helpful Customer Care Specialist is just a click or call away.  
Call 1.800.963.4816

SHOP YOUR WAY REWARDS®  
Make every purchase rewarding. Join today. Earn today. It's free.

TEXT CHAT NOW

COMPANY  
About Us  
The Lands' End Blog  
Careers  
As Seen In  
Sustainability  
Newsroom  
Affiliate Program

POLICIES  
Privacy  
Security  
Shipping  
Returns  
California Transparency Act



## Exhibit D

(Print Drape Ballet, a Drop shoulder Tuck,  
and two more sweaters)



Indicates posting date  
 Amount  
 Amount

2/13\* PAYMENT RECEIVED - THANK YOU  
 Amount  
 -1,060.38  
 6/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL WA  
 DIRECT MKTG MISC  
 Amount  
 -256.90

New Charges

Summary  
 Total  
 \$2,777.94

New Charges

Detail

ROBERT J MILLER  
 Card Ending 5-21007  
 Amount  
 \$180.05 ✓

1/02/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL WA  
 MERCHANDISE  
 \$85.98 ✓

1/03/13 AMAZON.COM AMZN.COM/BILL WA  
 MERCHANDISE  
 \$73.98 ✓

1/03/13 SHEPLERS INC 800-833-7007 KS  
 CLOTHING/ACC  
 \$495.60 ✓

01/04/13 HARBOR FREIGHT TOOLSCRYSTAL LAKE IL  
 805-388-1000  
 Description  
 HARDWARE/TOOLS  
 \$199.95 ✓

01/04/13 PAYPAL \*CHUMMERT188 4029357733 CA  
 402-935-7733  
 Description  
 PROFESSIONAL SERVICE  
 \$169.99 ✓

01/09/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL WA  
 MERCHANDISE  
 \$256.90 ✓

01/10/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL WA  
 MERCHANDISE  
 \$110.77 ✓

01/10/13 LANDS END INTERNET 9800-332-4700  
 6994018 53595  
 DIRECT MARKETER  
 \$24.95 ✓

01/11/13 YOKES INC 0089 PALO ALTO CA  
 650-515-3633  
 Description  
 COMP RELATED SVC

Continued on reverse

Let us explain about a Backorder: You may have ordered a popular item that's temporarily out of stock. It will be shipped to you on or before the date listed.

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-5800.

Merchandise	Tax	S&H	Gift Box	Total	Cash	Payment	Credit
104.26	6.51			110.77		110.77	

# RETURN FORM

Customer Number 10826-0853-0	Order Type AMERICAN EXPRESS	Order Date 01/09/13	Order Number 6994018-1	Shipment Date 01/10/13
---------------------------------	--------------------------------	------------------------	---------------------------	---------------------------

Reason* Item Number	Size	Color	Description	Price
---------------------	------	-------	-------------	-------

42402-8A61 3634891 001	L	N39 FLO	WR LS PRINT DRAPE BALLE	17.49
42234-9A68 3582676 002	12	MDN DOT	WR DRP SHLDR TUCK BLS	9.79
42427-0A69 3641013 003	M	N39 FLO	WR LS MERINO FLRL CN CAR	45.49
42426-7A67 3653802 005	M	34U STR	WR LS MER BLND STR VN CR	31.49

699401810010089

## REASON FOR RETURN

### SIZE

### COLOR

Please indicate reason for return by placing a reason code in space provided above. Reason codes are listed at right.

TOO SMALL	TOO LARGE	QUALITY/SALE FACTOR	SERVICE
10 - Chest	30 - Defective	40 - Wrong item	50 - Did not like color
11 - Waist	31 - Misjudged size	41 - Wrong item	51 - Color/size shown
12 - Seat/Hip	32 - Did not like styling	42 - Microgram not as requested	52 - Coordinates did not match
13 - Overall	33 - Did not like fabric	43 - Item not as requested	53 - Did not coordinate with items already own
14 - Length	34 - Fabric/texture	44 - Item not as requested	
15 - Sleeve	35 - Performance	45 - Item not as requested	
16 - Overall	36 - Returning a gift	46 - Item not as requested	
	37 - Returned a gift	47 - Item not as requested	
	38 - Returned a gift	48 - Item not as requested	
	39 - Returned a gift	49 - Item not as requested	
	40 - Returned a gift	50 - Item not as requested	
	41 - Returned a gift	51 - Item not as requested	
	42 - Returned a gift	52 - Item not as requested	
	43 - Returned a gift	53 - Item not as requested	
	44 - Returned a gift	54 - Item not as requested	
	45 - Returned a gift	55 - Item not as requested	
	46 - Returned a gift	56 - Item not as requested	
	47 - Returned a gift	57 - Item not as requested	
	48 - Returned a gift	58 - Item not as requested	
	49 - Returned a gift	59 - Item not as requested	
	50 - Returned a gift	60 - Item not as requested	

Return can be made with your packing slip at U.S. Sears stores where Lands' End is sold. Or mail your return using the return label below (see reverse side of this form for instructions). Promotional savings may be deducted from your return. For fastest service on returns, call 1-800-800-5800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

Tear Here For Easy Return Label

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

BMC ZIP-USPS PARCEL RETURN SVC

610 14 60014 1414 0 006994018

PARCEL SELECT RETURN SERVICE

NEWBETTER, INC.

PERMIT NO. 27980

LANDS' END RETURNS

PARCEL RETURN SERVICE

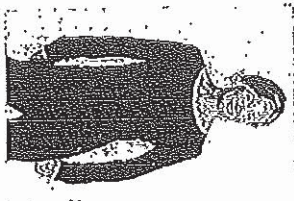
BLUE MAIL CENTER 66901

V14

NO POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES



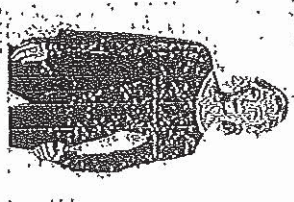
Color  
Show All  
Fabric  
Show All  
Style  
Show All



Quick View



Women's Long Sleeve Plus Dress  
Belmont Top  
Was \$48.00 Now \$24.99  
Rating



Quick View



Women's Long Sleeve Plus Dress  
Belmont Top  
Was \$48.00 Now \$24.99

Sort By: Recommended



Items 1 - 2 of 2 24 per page

Get Exclusive Offers + News

SIGN UP

Connect With Us

Twitter 102K Like 10K

#### Customer Service

Guaranteed Period

Contact Us

FAQs

#### Get Live Help

A helpful Customer Care Specialist is just a click or call away.

Call 1.800.963.4816

TEXT CHAT NOW

#### SERVICES

Clinic Cards

Moneysaving & Embroidery

Shop Your Way Rewards

Shop Catalogs

Catalog Requests

Email Subscription

Classroom

Site Map

COMPANY

About Us

The Land's End Blog

Careers

As Seen In

Sustainability

Newsroom

Affiliate Program

#### SPECIALTY SHOPS

LE Business Outfitters

Gifts

Women's Plus Store

Women's Plus Store

School Uniforms

Swimwear

International Websites

#### POLICIES

Privacy

Security

Shipping

Returns

California Transparency Act



#### SHOP OUR E-CATALOG

Environmentally friendly, easy to shop and always at your fingertips.

#### SHIP YOUR WAY REWARDS

Make every purchase rewarding. Join today. Earn today. It's free.

View Mobile Version

© Copyright 2013 Lands' End

## Exhibit E

(Prana Living described as only “men’s  
Women clothing.)



**Platinum Business Credit Card**

ALGONQUIN TOWNSHIP HWY

ROBERT J. MILLER

Closing Date 11/27/16 Next Closing Date 12/28/16

**OPEN**

Account Ending 5-211

**New Balance** **\$2,705.07**

**Minimum Payment Due** **\$35.00**

**Payment Due Date** **12/22/16**

**Late Payment Warning:** If we do not receive your Minimum Payment Due by the Payment Due Date of 12/22/16, you may have to pay a late fee of up to \$38.00 and your APRs may be increased to the Penalty APR of 29.49%.

**Membership Rewards Points**

Available and Pending as of 10/31/16

**24,744**

For up to date point balance and full program details, visit [membershipewards.com](http://membershipewards.com)

**Account Summary**

Previous Balance \$1,188.50

Payments/Credits \$1,378.70

New Charges \$5,289.52

Fees \$0.00

Interest Charged \$0.00

**New Balance** **\$2,705.07**

**Minimum Payment Due** **\$35.00**

Credit Limit \$22,000.00

Available Credit \$19,294.99

Cash Advance Limit \$3,400.00

Available Cash \$3,400.00

Days In Billing Period 30

**Customer Care**

**Pay by Computer**  
[open.com/pbc](http://open.com/pbc)

**Customer Care** **Pay by Phone**  
1-800-921-6121 1-800-472-9297

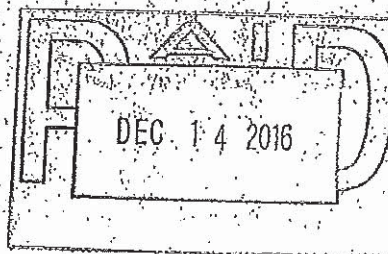
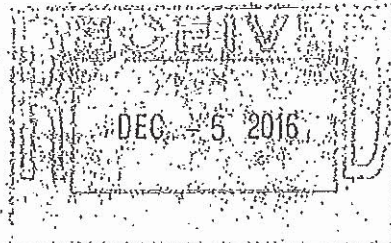
See Page 2 for additional information

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges and each month you pay:	You will pay off the balance shown on this statement in about:	And you will pay an estimated total of:
Only the Minimum Payment Due	10 years	\$4,792
\$92	3 years	\$3,321 (Savings = \$1,471)

If you would like information about credit counseling services, call 1-888-733-4139.

See page 2 for important information about your account.



↓ Please fold on the perforation below, detach and return with your payment ↓





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 11/27/16

OPEN

p. 3/10

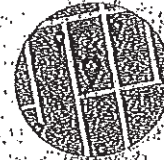
Account Ending 5-21007

NOW THERE ARE MORE PLACES TO SHOP WITH YOUR CARD  
IN THE CHICAGO AREA.

Over 40,000 more places in the Chicago area started  
accepting American Express® Cards between 2013 and 2015.



Check out [shops.innow.com/chicagoblz](http://shops.innow.com/chicagoblz)  
to find local places that now accept your Card.



## Payments and Credits

### Summary

	Total
Payments	\$1,188.51
Credits	\$190.19
Total Payments and Credits	\$1,378.70

### Detail

Indicates posting date

	Amount
Payments	\$1,188.51
7/14/16 PAYMENT RECEIVED - THANK YOU	
Credits	\$190.19
2/1/16 PRANA LIVING	
GARLSBAD CA	
760-566-1070	
Description	
MEN'S WOMEN'S CLOTH	

## New Charges

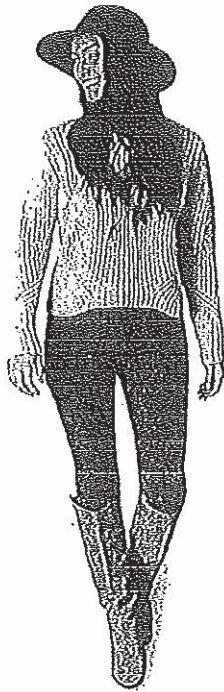
### Summary

	Total
Total New Charges	\$2,895.26

### Detail

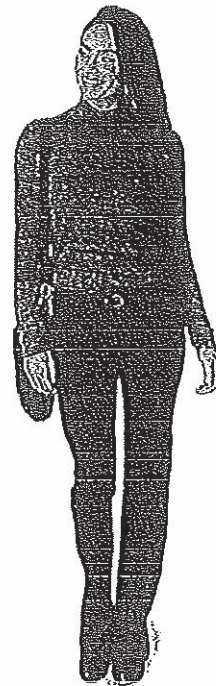
ROBERT J MILLER				Amount
Card Ending 5-21007				
28/16	#03496 JEWEL 000000000574600 8476393599	CARY Koa Marchi Mfg	IL	\$29.77
29/16	PEARL AUTOMATION 000000001 8775199522	SCOTT'S VALLEY	CA	\$499.99
	Description REFER TO RECEIPT			
29/16	DOMINO'S PIZZA 5626631400	CARY	IL	\$141.31
	Description RESTAURANT CHARGES			
30/16	AMAZON.COM MERCHANDISE	AMZN.COM/BILL	WA	\$34.99
12/16	AMAZON.COM MERCHANDISE	AMZN.COM/BILL	WA	\$29.99

Continued on reverse



TRINITY CORD PANT

SHOP NOW



JADA JEAN

SHOP NOW



## WHO ARE YOU SHOPPING FOR?

The drive is there, the ideas are not.  
We've got you covered with our  
Holiday Gift Guide.

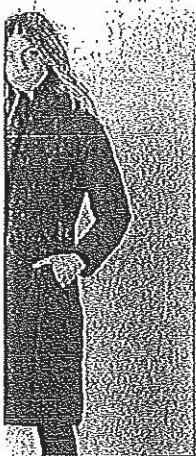
GIFTS FOR HER



## Traveling This Winter?

FIND THE PERFECT COAT, FROM LIGHTWEIGHT TO HEAVYWEIGHT  
FOR YOUR NEXT ADVENTURE.

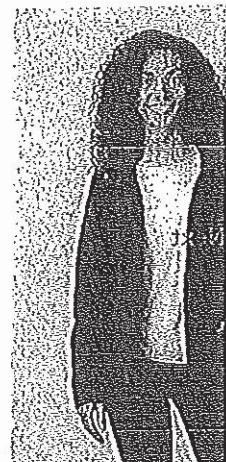
SHOP ALL



MAYVE JACKET



MILLY JACKET

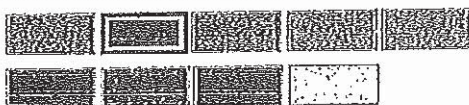


HALLE JACKET



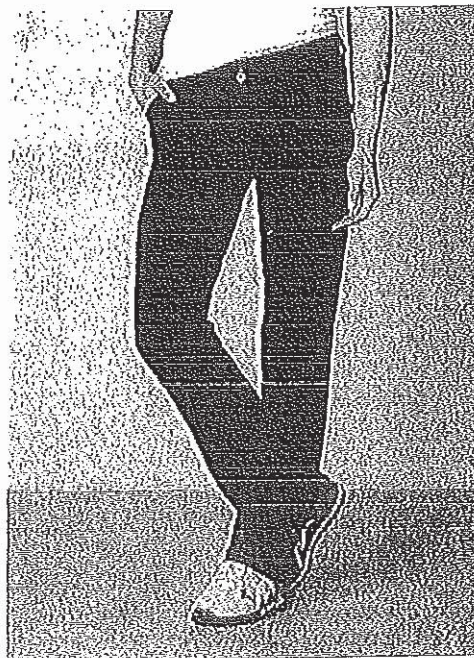
YOUR CURATED STYLES

Next



KARA JEAN  
\$89.00

(620)



HALLE PANT  
\$85.00

(809)

BR  
\$85

CUSTOMER SERVICE

866-915-6457

Contact Us

U.S. Shipping & Delivery

Returns & Exchanges

International Shipping

International Returns

FAQ

PRODUCT INFO

Product Care

Sizing Charts

Gift Cards

DEALER INQUIRIES

INFLUENCER PROGRAM

ABOUT US

Who We Are

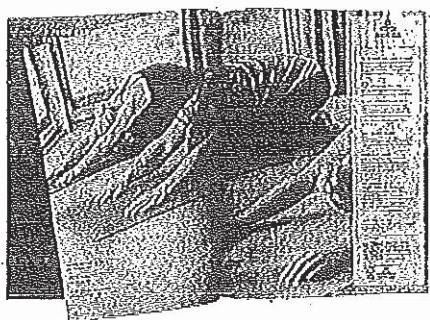
Sustainability

Careers

Press

FIND A STORE

FIND A STORE



## CATALOG

Get up close and personal with our latest looks when you request a prAna catalog.

SHOP DIGITAL CATALOG

 FACEBOOK

 TWITTER

 PINTEREST

 GOOGLE+

 INSTAGRAM

 YOUTUBE

California Notice / Terms of Use / Privacy Policy / Sitemap © prAna 2016

Exhibit F

(Purchase of Gift Cards)





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 06/27/16

OPEN

p. 8/10

Account Ending 5-21007

## Payments and Credits

### Summary

	Total
Payments	-\$1,524.97
Credits	\$0.00
Total Payments and Credits	-\$1,524.97

### Detail

Indicates posting date

	Amount
Payments	-\$1,524.97
06/11/16* PAYMENT RECEIVED - THANK YOU	

## New Charges

### Summary

	Total
Total New Charges	\$4,008.50

### Detail



ROBERT J MILLER  
Card Ending 5-21007

	Amount
05/28/16 DOMINO'S PIZZA CARY IL 5626631400 Description RESTAURANT CHARGES	✓ \$126.34
05/31/16 WXWORX ONLINE ACCT. WXWORX ONLINE A HUNTSVILLE AL 256-319-9679	✓ \$403.01
06/02/16 AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	✓ \$41.97
06/02/16 #03496 JEWEL 000000000674600 CARY IL 8476393599	✓ \$160.90
06/02/16 #03496 JEWEL 000000000674600 CARY IL 8476393599	✓ \$210.90
06/03/16 WHITEPAGES PRO (800)336-1327 WA 800-336-1327	\$19.95
06/05/16 AMAZON MKTPLACE PMTS AMZN.COM/BILL WA BOOK STORES	✓ \$124.49
06/06/16 COSTCO WHSE #0774 000000000990774 LAKE IN THE HILLS IL 8479609909	✓ \$440.00

Continued on reverse

# Jewel-Osco

690 NORTHWEST HWY  
CARY, IL 60013  
Phone: (847) 639-3659  
Store Director: Rich Holenberg

Cashier: Michelle

06/02/16 14:30:5

## MISCELLANEOUS

*A EXPRESS GC 100.00	7675006886	100.00
*GIFT CARD FEE		5.95
*AM EXPRESS GC 50.00	7675006885	50.00
*GIFT CARD FEE		4.95
HOME DEPT GC 50.00	7675006559	50.00
SUBTOTAL		210.90

TOTAL TAX 0.00  
TOTAL 210.90

Amex TENDER 210.90

Acct:XXXXXXXXXX1007

APPRVL CODE: 824445

Cas Ref#: 22593

Cash CHANGE 0.00

NUMBER OF ITEMS

Phone/Gift Card 100.00

XXXXXXXXXXXXXXXX0823

Activation Online to Host

AA APPROVED

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX9749

Activation Online to Host

AA APPROVED

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX9528

Activation Online to Host

AA APPROVED

Trx:59 Oper 315 Term: 99 Store: 3496

06/02/16 14:32:17

Thank You For Shopping At

JEWEL-OSCO

Pharmacy Phone # (847) 639-3652

\*\*\*\*\*

JEWEL STOCK YOUR

BULPEN 2016

NO PARTICIPATING ITEMS

PURCHASED FOR STOCK YOUR

BULPEN TICKETS

\*\*\*\*\*

www.jewel-osco.com

Customer Questions

on Party Trav Orders

1-877-276-9637

\*\*\*\*\*

Your Opinion Matters

We invite you to complete our

CUSTOMER SATISFACTION SURVEY

\*\*\*\*\*

Enter to be a weekly winner

of a \$100 gift card

Go to www.jewelsurvey.com

\*\*\*\*\*



# Jewel-Osco

696 NORTHWEST HWY  
CARY, IL 60013  
Phone # (847) 639-3599  
Store Director Rich Wolanberg

Cashier: Michelle

06/02/16 14:28:22

## MISCELLANEOUS

AM EXPRESS GC 50.00	7675006885	50.00
+GIFT CARD FEE		4.95
A EXPRESS GC 100.00	7675006886	100.00
+GIFT CARD FEE		8.95
SUBTOTAL		160.90
TOTAL TAX		.00

TOTAL 160.90

Amex TENDER 160.90

Acct:XXXXXXXXXX1007

APPROVAL CODE 806238

Cas Refill 22592

Cash CHANGE .00

NUMBER OF ITEMS 4

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX6256

Activation Online to Host

AA APPROVED

Phone/Gift Card 100.00

XXXXXXXXXXXXXXXX0898

Activation Online to Host

AA APPROVED

Trx 58 06/01/16 Term 99 Store # 3496

06/02/16 14:30:14

Thank You For Shopping At  
JEWEL-OSCO

Pharmacy Phone # (847) 639-3652

JEWEL STOCK YOUR  
BULLPEN 2016  
NO PARTICIPATING FILMS  
PURCHASED FOR STOCK YOUR  
BULLPEN TICKETS

www.jewel-osco.com

Customer Questions  
or Party Tray Orders  
1-877-276-9697

Your Opinion Matters  
We invite you to complete our  
CUSTOMER SATISFACTION SURVEY  
Enter to be a weekly winner  
of a \$100 gift card  
Go to: www.jewelsurvey.com

We are prohibited from giving  
refunds or exchanges on Gift Cards  
Gift Cards may take up to  
24hrs to activate

Exhibit G

(Hooters restaurant in Brookfield  
Wisconsin.)



**Platinum Business Credit Card**

ALGONQUIN TOWNSHIP HWY

ROBERT J. MILLER

Closing Date 02/26/16 Next Closing Date 03/28/16

**OPEN**

p. 1/9

Account Ending 5-21007

**New Balance** \$2,528.37  
**Minimum Payment Due** \$35.00  
**Payment Due Date** 03/22/16<sup>†</sup>

**Late Payment Warning:** If we do not receive your Minimum Payment Due by the Payment Due Date of 03/22/16, you may have to pay a late fee of up to \$38.00 and your Purchase APR may be increased to the Penalty APR of 29.49%.

**Membership Rewards® Points**

Available and Pending as of 01/31/16

**25,256**For up to date point balance and full program details visit [membershiprewards.com](http://membershiprewards.com)**Account Summary**

Previous Balance \$1,242.84  
 Payments/Credits -\$1,242.84  
 New Charges +\$2,528.37  
 Fees +\$0.00  
 Interest Charged -\$0.00

**New Balance** \$2,528.37  
**Minimum Payment Due** \$35.00

Credit Limit \$22,000.00  
 Available Credit \$19,471.63  
 Cash Advance Limit \$3,400.00  
 Available Cash \$3,400.00  
 Days in Billing Period 29

**Customer Care**

**Pay by Computer**  
[open.com/ppc](http://open.com/ppc)

**Customer Care** 1-800-521-6121  
**Pay by Phone** 1-800-472-9297

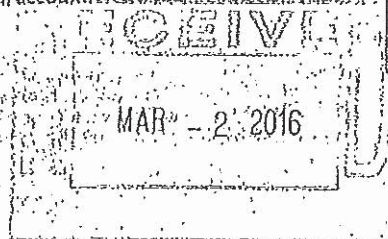
See Page 2 for additional information

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges and each month you pay:	You will pay off the balance shown on this statement in about:	And you will pay an estimated total of:
Only the Minimum Payment Due	10 years	\$4,423
\$87	3 years	\$3,134 (Savings = \$1,289)

If you would like information about credit counseling services, call 1-888-733-4139.

See page 2 for important information about your account.



Please fold on the perforation below, detach and return with your payment ↓

**Payment Coupon**

Do not staple or use paper clips

**Pay by Computer**[open.com/ppc](http://open.com/ppc)**Pay by Phone**

1-800-472-9297

Account Ending 5-21007

Enter 15 digit account # on all payments.  
 Make check payable to American Express.

MB 01 004372 00867 B 26 B



ROBERT J. MILLER  
 ALGONQUIN TOWNSHIP HWY  
 ALGONQUIN TOWNSHIP HWY  
 3702 US HIGHWAY 14  
 CRYSTAL LAKE IL 60014-8204

Payment Due Date

03/22/16

New Balance

\$2,528.37

Minimum Payment Due

\$35.00

☐ Check here if your address or phone number has changed. Note changes on reverse side.

AMERICAN EXPRESS  
 BOX 0001  
 LOS ANGELES CA 90096-8000

\$ 2,528.37  
 Amount Enclosed

000034990990914915 000252837000003500 24 H





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J. MILLER  
Closing Date 02/26/16

OPEN

p. 3/9

Account Ending 5-21007

## Payments and Credits

### Summary

	Total
Payments	\$1,242.84
Credits	\$0.00
Total Payments and Credits	\$1,242.84

### Detail

\*Indicates posting date

	Amount
Payments	\$1,242.84
2/14/16* PAYMENT RECEIVED - THANK YOU	

## New Charges

### Summary

	Total
Total New Charges	\$2,528.37

### Detail

	Amount
2/28/16 BRUNCHCAFEFOXRIVERGROVE FOXRIVERGROVE IL 8475160409 FOOD/BEVERAGE \$163.43 TIP \$25.00	\$188.43 ✓
2/28/16 HOOTERS OF BROOKFIELD LLC 1164 BROOKFIELD WI RESTAURANT Description 502006	\$288.92 ✓
2/29/16 WWW.BLINKFORHOME.COM ANDOVER MA 7819151920	\$299.00 ✓
2/02/16 AMAZON MKTPLACE PMTS AMZN.COM/BILL WA BOOK STORES	\$269.97 ✓
2/03/16 WHITEPAGES PRO (800)336-1327 WA 800-336-1327	\$19.95
2/10/16 GODADDY.COM 480-505-8855 AZ (480)505-8855	\$19.60 ✓
2/11/16 AROUND THE CLOCK REST 103001002340461 CRYSTAL LAKE IL 815-459-2100	\$40.09 ✓

Continued on reverse

## Exhibit H

(Womens' Classic Cashmere Jacquard  
Cardigan Sweater, Supima Stripe Pocket  
Cardigan Sweater, and Women's boiled  
Wool Walker Coat.)



# LANDS' END

135

ORDER				Customer Number	Order Date	Order Number	10
				10826-0853-0	10/21/14	3927547-1	
Item Number	Size	Color	Description	Item Status	Price		
44747-3AE9	L	F24 WIN	WR CLSC CSH LS CNCD JQRD	IN THIS SHIPMENT	156.75		
44688-8AE4	L	BLA STP	WR LS FG STRP PCKT CARD	IN THIS SHIPMENT	59.25		
44374-6AE8	12	NEP BLU	WR BOILED WOOL WALKR COAT	IN THIS SHIPMENT	111.75		

Anna Miller TWSP c.c.

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-6800.

Merchandise	Tax	S&H	Gift Box	Total	Cash	Payment	Credit
327.75	20.48			348.23		348.23	

RETURN FORM				Customer Number	Order Type	Order Date	Order Number	Shipment Date
				10826-0853-0	VISA	10/21/14	3927547-1	10/22/14

Reason*	Item Number	Size	Color	Description	Price
	44747-3AE9	4080398 001	L	F24 WIN WR CLSC CSH LS CNCD JQRD	156.75
	44688-8AE4	4077603 002	L	BLA STP WR LS FG STRP PCKT CARD	59.25
	44374-6AE8	3991726 003	12	NEP BLU WR BOILED WOOL WALKR COA	111.75



3927547110010089

Returns can be made with your packing slip at U.S. Sears stores where Lands' End is sold. Or mail your return using the return label below (see reverse side of this form for instructions). Promotional savings may be deducted from your return. For fastest service on reorders, call 1-800-800-6800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

REASON FOR RETURN

SIZE	QUALITY/SATISFACTION	SERVICE	COLOR
100 - Too Small	30 - Defective	40 - Wrong item shipped	60 - Did not like color
101 - Too Large	31 - Misjudged size	41 - Monogram not as requested	61 - Color not as shown
102 - Chest	32 - Did not like styling	42 - Inseaming not as requested	62 - Coordinates did not match
103 - Waist	33 - Did not like fabric	43 - Item already owned	63 - Did not coordinate with item already owned
104 - Seat/Hip	34 - Fabric/material		
105 - Overall	35 - Performance		
106 - Length	36 - Returning a gift		
107 - Sleeve	37 - Put out of service		
108 - Length	38 - Put out of service		
109 - Width	39 - Put out of service		
110 - Overall	40 - Put out of service		

Tear Here For Easy Return Label

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

USPS PARCEL RETURN SERVICE



9202 3901 0070 5593 1041 34



610 14 60014 1414 0 003927547

PARCEL SELECT RETURN SERVICE

NEWGISTICS, INC.

PERMIT NO: 77000

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
56901

V14

WOMEN

MEN

KIDS

OUTERWEAR

HOME

UNIFORMS

SALE

GIFTS

My Bag 0

Help Center ▾ Store Locator Gift Cards Business Outfitters

Ship To My Account ▾ La

FREE SHIPPING EVERY DAY ON ORDERS \$50+  
\$5 MORE FOR UPS 2 DAY

Enter Keyword or Style #

**30% OFF REG. PRICED ITEMS + 20% OFF SALE** Use Promo Code: CANDY & Pin: 1624. See details.

Home Page > searched for "44747-3ae9"



Women's Classic Cashmere  
Jacquard Cardigan Sweater

[Write a review](#)

\$209.00



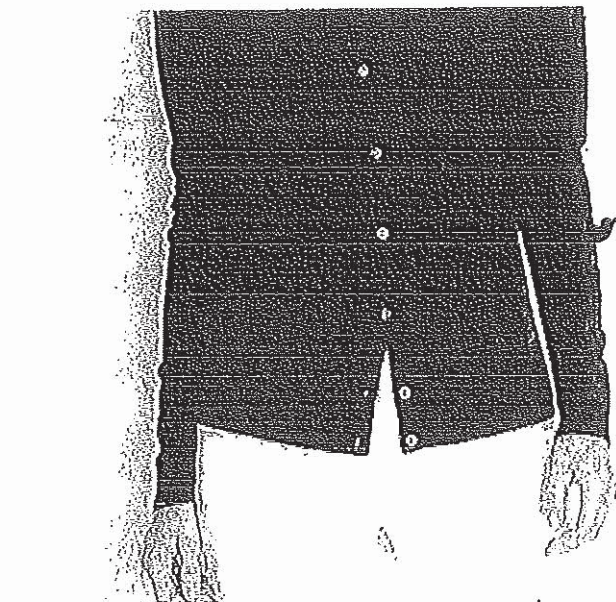
Celestial Blue Windowpane

CUSTOMERS  
ALSO  
BOUGHT



Women's  
3/4-sleeve  
Textured Front  
Top  
\$89.00





IN STOCK

ADD TO BAG



MININE LANDS' END

a cardigans for the most  
style without compromising  
Knit from yarns spun from the  
ers to meet some of the highest  
around. We inspect our cardis  
cess to ensure a prettier, softer

and more comfortable sweater than others you can find.  
Fully fashioned in 100% cashmere.

#### FEATURES

- Intarsia knit design in 100% Inner Mongolian cashmere
- Resists pilling, but feels softer over time
- Fine gauge fabric is easy to layer
- Waist shaping creates a feminine silhouette
- Grosgrain-trimmed underplacket
- Rib crewneck, bottom and cuffs
- Long sleeves
- Mid-hip length

#### MORE INFORMATION

Unfamiliar with a word? [See the Lands' End](#)

[Glossary](#)

[Fit & Size Information](#) | [Item Dimensions \(.pdf\)](#)

Now \$49.99



Women's Petite  
3/4-sleeve  
Supima  
Raglan...  
\$69.00



Women's  
3/4-sleeve  
Supima Texture  
Stripe...  
\$69.00



Women's  
3/4-sleeve Loft  
Blend Cable  
Marl...  
\$69.00



☒ Get Exclusive Offers + News

[Privacy Policy & Contact Info](#)

Email Address

SIGN UP

## **GI FTS**

La

Q

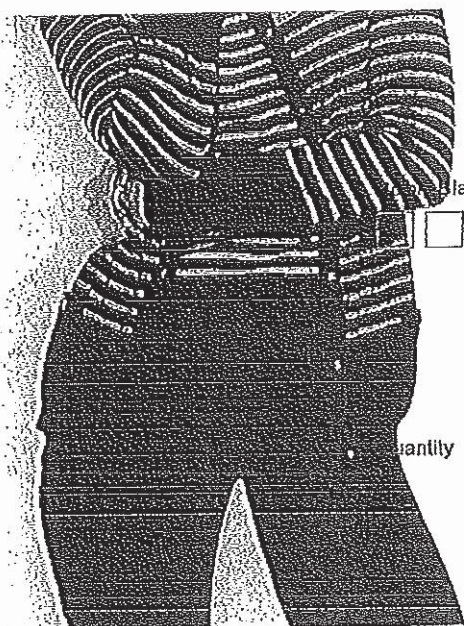
Use Promo Code: CANDY & P.n: 1624. See detail.

calculate your size



Women's Short  
Sleeve Supima  
Stripe Sweater  
\$59.00





M (10-12)

L (14-16)

Black Stripe

SONAL

Quantity 1 ☒ IN STOCK

ADD TO BAG



#### A NEW TAKE ON YOUR FAVORITE SUPIMA® CARDIGAN.

Colorblock stripes, gold anchor buttons, and welt pockets takes your favorite classic crew cardigan into the sharp, feminine sporty look trending this season. The matching short sleeve Jewelneck sweater make this a perfect layered set ready for jeans, chinos or skirts. Made with the best cotton grown in America with superior finishing touches — like fully-fashioned knit construction for perfectly-matched seams and ribbed hems and cuffs that keep their shape — to bring you the softest, best fitting sweaters. The extra-long fibers feel smoother, hold dye better, and last longer than lesser cotton. The perfect weight and style for every day. 100% Supima cotton. Machine wash, dry flat. Imported.

#### FEATURES

- Superior Supima cotton
- Lightweight fine gauge knit
- Contemporary colorblock stripe styling
- Gold anchor buttons
- Functional welt pockets with button detailing
- Pairs with the striped Supima short sleeve Jewelneck
- Falls to the mid hip, approximately 25" in size Medium

#### MORE INFORMATION



Women's Tall Short Sleeve Supima Stripe...  
\$89.00



Women's Petite Supima Stripe Pocket...  
\$79.00



Women's Supima Pocket Cardigan Sweater -...  
\$79.00



WOMEN

MEN

KIDS

OUTERWEAR

HOME

UNIFORMS

SALE

GIFTS


My Bag 0

Help Center ▾ Store Locator Gift Cards Business Outfitters

Ship To  My Account ▾

La

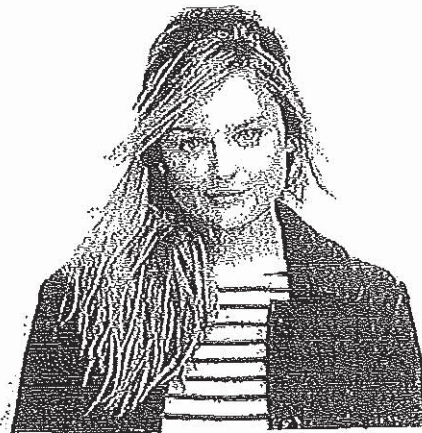
FREE SHIPPING EVERY DAY ON ORDERS \$50+  
\$5 MORE FOR UPS 2 DAY

Enter Keyword or Style # 

**30% OFF REG. PRICED ITEMS + 20% OFF SALE**

Use Promo Code: **CANDY & Pin 1624** [See details](#)

Home Page > searched for "443745ae8"



1 Wool Walker Coat

WS

\$149.00

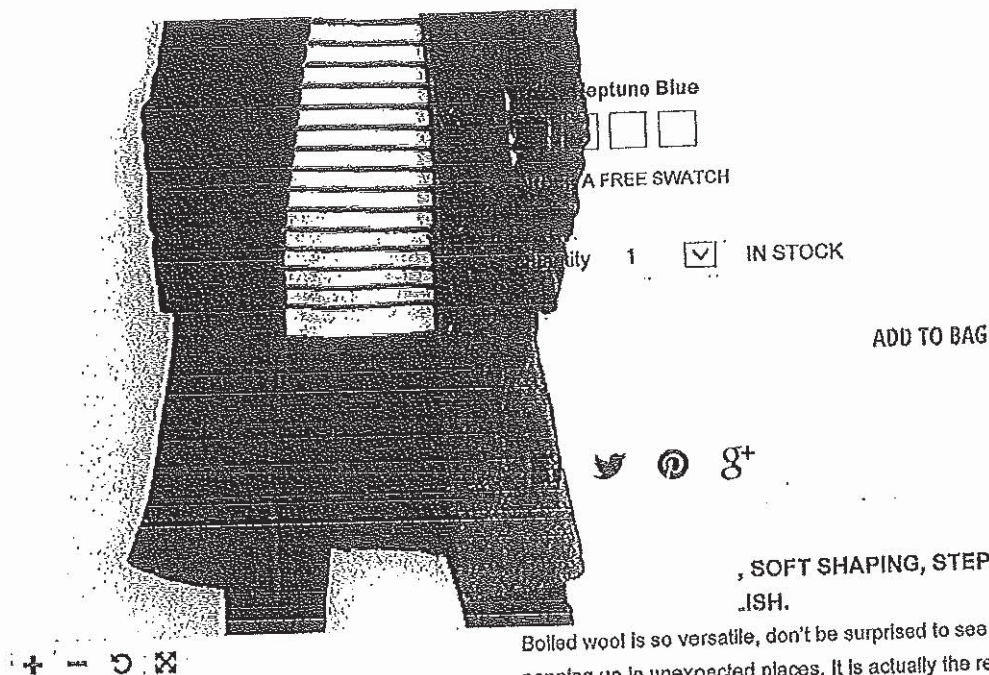
y magazin

CUSTOMERS  
ALSO  
BOUGHT



Women's Luxe  
Wool Car Coat  
\$229.00





Boiled wool is so versatile, don't be surprised to see it popping up in unexpected places. It is actually the result of wool that is knitted, then gently boiled. Lightweight and remarkably warm, this tighter, denser weave, with its unique look and feel, lends itself well to more tailored styles, like this coat. And the soft, felted fabric has natural ease, yet retains its shape beautifully. Plus it's the perfect canvas to showcase such rich colors. And although tailored like a dressier coat for "refined" moments, this coat knows how to keep it casual too. 51% wool/49% rayon. Dry clean. Imported.

#### FEATURES

- Lightweight, soft boiled wool
- Princess seams and back darts for feminine shaping
- Clean front lines provide a smooth drape, prevent bunching
- Back vent allows moving room
- Discreet side pockets
- Fully lined for neatness and comfort
- Above knee
- TEMPERATURE RATING – WARM: +10° to +30° Fahrenheit. Use this as a comfort range for the type of climate you'll be wearing this Boiled Wool Walker Coat in with a typical winter wardrobe. [Learn more](#)

#### MORE INFORMATION

Unfamiliar with a word? [See the Lands' End](#)

[Glossary](#)

[Fit & Size Information](#) | [Item Dimensions \(.pdf\)](#)



Women's  
Tweed Wool  
Car Coat  
\$239.00



Women's Boiled  
Wool Parka  
\$439.00  
Now \$119.99



Women's Boiled  
Wool Hooded  
Parka  
\$149.00



## Exhibit I

(an e-mail confirmation was sent to Robert  
Miller for a Apple iPad Air 2 Smart Case.)

Bob Miller

From: auto-confirm@amazon.com  
Sent: Thursday, October 30, 2014 4:49 PM  
To: Robert J. Miller  
Subject: Your Amazon.com order of "Apple iPad Air 2 SMART CASE...".



[Your Recommendations](#) | [Your Account](#) | [Amazon.com](#)

## Order Confirmation

Order #108-4996804-3387433

Hello Robert J. Miller,


Thank you for shopping with us. We'll send a confirmation once your item has shipped. Your order details are indicated below. If you would like to view the status of your order or make any changes to it, please visit Your Orders on Amazon.com.

Your guaranteed delivery date is:  
**Monday, November 3, 2014**

Your shipping speed:  
**Prime Two-Day Shipping**

Your order will be sent to:  
**Robert Miller  
3702 US Highway 14  
Crystal Lake, IL 60014-8204  
United States**

[Order Details](#)

GET \$70 INSTANTLY when you get the Amazon.com Rewards Visa Card  [Learn more](#)

## Order Details

Order #108-4996804-3387433  
Placed on Thursday, October 30, 2014



Apple iPad Air 2 SMART CASE BLACK **\$79.00**  
Personal Computers  
Sold by Amazon.com LLC



8DB8P7WVKK

amazon.com

Order of October 30, 2014 (Order ID 108-4996804-3387433)

Item	Item Price	Total
Apple iPad Air 2 SMART CASE BLACK Personal Computers (** P-2-H142J2 **) B00009VPG8 388462016964	\$79.00	\$79.00

Payment completes your order.  
Feedback on how we  
did your order? Tell us at  
[amazon.com/packaging](#).

Subtotal	\$79.00
Order Total	\$79.00
Paid via credit/debit	\$79.00
Balance due	\$0.00

is Are Easy! Most items can be refunded, exchanged, or replaced when returned  
inal and unopened condition. Visit <http://www.amazon.com/returns> to start your  
or <http://www.amazon.com/help> for more information on return policies.

Item Subtotal:	\$79.00
Shipping & Handling:	\$0.00
Total Before Tax:	\$79.00
Estimated Tax:	\$0.00
Order Total:	\$79.00

1

## Exhibit J

(purchase of another Levenger bag)



been revolving, interest charges  
 not unpaid. You may pay mo  
 particular rate is requir  
 5 banking system. If two  
 al interest charges. I  
 hunt number. If you  
 le in US dollars.  
 a next day.  
 p.m. loc.

Business Credit Card  
 JIN TWSHP HWY  
 J MILLER  
 Date 07/28/14

OPEN

p. 3/7

MJ

Account Ending 5-21007

## Payments and Credits

57

Price

.00

	Total
Payments	-\$5,217.02
Credits	\$0.00
<b>Total Payments and Credits</b>	<b>-\$5,217.02</b>

Detail	Amount
Payments	-\$5,217.02
07/13/14* PAYMENT RECEIVED - THANK YOU	


## New Charges

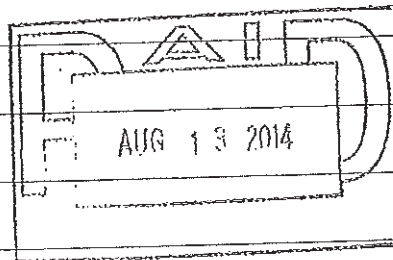
Credit

### Summary

	Total
<b>Total New Charges</b>	<b>\$13,402.15</b>

### Detail

	ROBERT J MILLER Card Ending 5-21007	Amount
06/26/14	NORTHERN TOOL 800-222-5381 MN LIGHT INDUST	\$11,499.99 ✓
06/28/14	DOMINO'S 2974 000002CARY IL 5626631400 Description RESTAURANT CHARGES	\$93.08 ✓
06/28/14	AMAZON MKTPLACE PMTSAMZN.COM/BILL WA BOOK STORES	\$155.04 ✓
07/03/14	LEVINGER CATALOG/WEBDEL RAY BCH FL BOOKS/SUPPLIES/GIFTS	\$211.44 ✓
07/04/14	WHITEPAGES.COM 800-336-1327 WA 800-336-1327	\$19.95
07/09/14	LANDS END INTERNET 9800-332-4700 7744721 53595 DIRECT MARKETER	\$41.44 ✓
07/10/14	SXMSIRIUSXM.COM/ACCT888-635-5144 NY XM SATELITE	\$229.50
07/10/14	AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	\$230.28 ✓
07/17/14	SXMSIRIUSXM.COM/ACCT888-635-5144 NY XM SATELITE	\$49.99
07/18/14	USPS 161344001300740CARY IL 800-2758777	\$294.00 ✓
07/22/14	AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	\$8.99 ✓
07/23/14	ASURION WIRELESS INS866-667-2535 TN 866-667-2535	\$99.00



Print Date  
09/14

Price

9.00

at U.S.  
mail your  
verse  
tional  
For fastest

POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES

SERVICE  
ST NO: 77001

V14

Continued on reverse

MJ



er	57
atus	Price
SHIPMENT	39.00

LEVENGER®

this as much as

ymment	Credit
1.44	
umber	Shipment Date
1-0	07/09/14
	Price
	39.00

ORDER #

0072902034

ORDER #

P590300100017

BOB MILLER  
3702 HWY 14  
CRYSTAL LAKE, IL 60014

SHIP TO

BOB MILLER  
3702 HWY 14  
CRYSTAL LAKE, IL 60014

Click our stores on [Levenger.com](http://Levenger.com) for retail locations.[Levenger.com](http://Levenger.com)

Orders: 800-544-0380 • Fax: 800-544-6910  
Service: 800-545-0242 • E-mail: [cservice@levenger.com](mailto:cservice@levenger.com)  
International: 561-276-4141 • Fax: 561-274-0265

th your packing slip at U.S.  
ds' End is sold. Or mail your  
n label below (see reverse  
instructions). Promotional  
d from your return. For fastest  
all 1-800-800-5800.

# 0014

arges on partial shipments and back orders are prorated so that you pay no additional shipping.  
level orders as soon as they're available, and charge credit card orders only when the merchandise ships.

DESCRIPTION

PRICE EACH

TOTAL PRICE

Tear Here For Easy Return Label

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

USPS PARCEL RETURN SERVICE



9202 3901 0070 5561 9513 95



610 14 60014 1414 0 007744721

PARCEL SELECT RETURN SERVICE  
NEWGISTICS, INC.

PERMIT NO: 77000

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
56901

V14

07/06/14 0001766888 04 01

Net Product \$  
Sales Tax  
Total Shipment \$  
Amt Charged to Card

39.00  
2.00  
41.00  
41.00

See important sales tax information on back

SET 71 05 0-12/7744





Exhibit K  
(Orvis Purchases)



# ORVIS

## Order Summary

Dear Robert Miller,

This shipment includes merchandise from order 050813-417-33 shipped on May 9, 2013. From the Orvis Service Center in Roanoke, Virginia, it has been our pleasure to serve you!

**Ordered By:**  
Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

**Delivered To:**  
Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

RC	QTY	Item Number	Color	Size	Description	Unit Price	Ext. Price	Comment
	1	5R8T-3452	Lturg	M		49.00	49.00	Included in this Carton
	1	6P34-1752	Pk/Bl	M		49.00	49.00	Included in this Carton
	1	3T8Y-1052	Blktn	M		49.00	49.00	Included in this Carton
	1	5T70-0352	Ltocr	M		69.00	69.00	Included in this Carton
					IL Sales Tax		14.67	
					Shipping and Handling		18.95	
					Total amount for this shipment		249.62	

Please write reason code for your return in the RC column:

1-wrong size/fit; 2-item/quality not as expected; 3-product damaged;  
4-overall dissatisfaction; 5-changed my mind; 6-wrong item.

EASY EXCHANGE with Free Standard Shipping - To make an exchange fast, call 1-800-635-7635 anytime and we will waive standard shipping charges. See "Easy Exchange" details on reverse side.

RETURNS MADE EASY - Use the enclosed UPS label and we will simply deduct \$6.95 from your refund. Instructions on reverse side.

Did you know there may be an Orvis Company store near you? Cast a rod, try on a jacket, or just get in touch with the Orvis lifestyle. Our associates are ready to assist you with any of your shopping needs including returns and exchanges. Visit the web at [orvis.com/stores](http://orvis.com/stores) for store locations.

Use this label when making a return.

Page 1 of 1

Keep this for your records

Form 1000 ORVIS-04-09

Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

Please  
Affix  
Postage

Your Account Number: 330861014  
Your Order Number: 050813-417-33  
Your Shipment Number: 0016466675  
Your Carton Number: 00081234560076471462

**The Orvis Company, Inc.**  
1711 Blue Hills Drive  
Roanoke, VA 24012-8693

**Contact Orvis:**  
Phone: 1-800-635-7635

Received 08-26-2018 03:58 PM / Circuit Clerk Accepted on 08-28-2018 09:20 AM / Transaction #17111168280 / Case #17001000435



**ORVIS** Customer Service: 888-235-9753 | Sales | Catalog Quick Order

SHOP OUR ENTIRE LINE SPORTING ADVENTURES PROTECTING NATURE BLOGS

Orvis / Women's Clothing / Tees &amp; Polos

Save up to 40% on our Fulton Dog Bed!

**Tawny Floral Henley**

Celebrate the season in curlicues knit floral Henley shirt.

Other Views

**SUMMER SALE**Annual Swim Sale  
In-Season Savings**FEATURED**Top Rated for Women  
New for Women  
Patties**SHOP BY CATEGORY**Tees & Polos  
Blouses  
Pants  
Shorts  
Skirts  
Sweaters  
Jackets  
Dresses  
Sweatshirts  
Vests  
Footwear  
Sleepwear  
Accessories**SHOP BY COLLECTION**Passport Collection  
Women's Travel Wear  
ExOfficio  
Barbour of England  
Wrinkle-Free Collection  
Great White Shirts  
Featured Favorites  
Gifts for Women  
Women's Fly Fishing  
Made in America**RESOURCES**Sizing Information  
Fabric Information  
Subscribe to RSS

Gift Card

**SHOT AT DARKWATER**Men's Clothing  
Women's Clothing  
Adventures  
Luggage  
Fly Fishing  
Hunting  
Dogs  
Gifts  
Distinctive Home  
Eco-Orvis  
Copyright 2013, The Orvis Company Inc. All Rights Reserved.  
Our Latest  
Top-Rated Products  
View All Products**OUR COMPASS**100% Guaranteed  
Privacy Policy  
Terms & Conditions  
Protecting Nature  
Blogs  
Schools  
Orvis Site Map  
Organizational Sales  
Visit Orvis in the UK  
In-Office Sales  
Mobile Website  
Press Room**CUSTOMER SERVICES**Free Catalogs  
Track Order Status  
Retail Store Locator  
Shipping Information  
Easy Exchanges / Returns  
Orvis Rewards Visa®  
Order Info & Services  
Get on Our Wait List  
Catalog Quick Order  
Share Your Opinion  
Canadian Customers  
Gift CardNext Item number: SI3T8Y1052 **Buy It Now**

Select an Item

• \$49.00 Tawny Floral Henley (SI3T8Y)

☐ Select Options

MEDIUM : In stock

☐ Specify Quantity 

Live Chat is not available.

This item earns **147 POINTS\*** and Standard Shipping is **FREE** with the Orvis Rewards Visa®. [Learn more.](#)  
\*At current prices. Actual points vary if discounts or promotions are applied.

Email this page to a friend

Like 0 Send

Tweet 0

Details Reviews Stories Size Chart

Lavish tawny-helge blossoms on a rich black background add drama to a simple knit floral Henley shirt. Pure jersey-knit cotton. Rounded V-neckline with five-button placket. Agoya-shell buttons. Knit floral Henley shirt in black/tan. Pure cotton. Washable. Imported. Sizes: XS(4), S(6-8), M(10-12), L(14-16), XL(18-20); about 24" long.

Rating: ☐ ☐ ☐ ☐ ☐ 4.6

68 of 66 (77%) reviewers would recommend this product to a friend.

[READ ALL REVIEWS](#)[WRITE A REVIEW](#)**You might also be interested in:**Floral-Print  
Asymmetrical-Draped  
Tee  
★★★★★Printed Boatneck Tee  
★★★★★Freeport Three-  
Quarter-Sleeved  
Ruffle Tee  
★★★★★**100% Satisfaction Guarantee**

FACEBOOK

TWITTER

RSS

PODCAST

YOUTUBE

**Contact Orvis**

Click below to chat now, or contact us at 888-235-9753 or by email.



Customer Service: 888-233-9763 | Stores | Catalog Quick Order

SEARCH

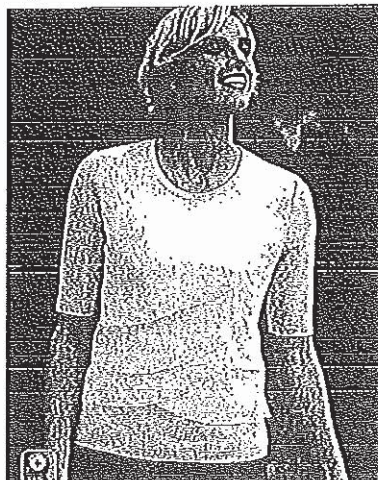
SHOP OUR ENTIRE LINE | SPORTING ADVENTURES | PROTECTING NATURE | BLOGS

Orvis / Women's Clothing / Tees & Polos

Save up to 40% on our Futon Dog Bed!

### Elbow-Sleeved Ruffle-Tiered Tee

Dress up or down for any occasion with this women's ruffled shirt.



Click  
Switches to  
Change  
Color

Next Item number: 515T700352

### Buy It Now

Select an Item

\$69.00 Elbow-Sleeved Ruffle-Tiered Tee (515T70)

Select Options

MEDIUM | In stock

LIGHT OCEAN | In stock

Specify Quantity 1

Add to basket

Live Chat agent now available.

This item earns 207 POINTS\* and Standard Shipping is FREE with the Orvis Rewards Visa\*. [Learn more.](#)

Email this page to a friend

Like 0 Send Tweet 0

SUMMER SALE  
Annual Swim Sale  
In-Season Savings

FEATURED  
Top Rated for Women  
New for Women  
Petites

### SHOP BY CATEGORY

Tees & Polos  
Blouses  
Pants  
Shorts  
Skirts  
Sweaters  
Jackets  
Dresses  
Sweatshirts  
Vests  
Footwear  
Sleepwear  
Accessories

### SHOP BY COLLECTION

Passport Collection  
Women's Travel Wear  
ExOfficio  
Barbour of England  
Wrinkle-Free Collection  
Great White Shirts  
Featured Favorites  
Gifts for Women  
Women's Fly Fishing  
Made In America

### RESOURCES

Sizing Information  
Fabric Information  
Subscribe to RSS

Gift Card

Details Reviews Stories Size Chart

Flirty poly-crepe ruffles crisscross in asymmetrical tiers across the front of this elbow-sleeved women's ruffled shirt. Styled with a body-skimming silhouette, our chic crewneck keeps pace with a dressy skirt or lends a bit of daytime glamour to your jeans-and-a-tee uniform. Women's ruffled shirt in light ocean, pearl, black. Rayon/polyester/spandex. Washable. Imported. Sizes: XS(4), S(6-8), M(10-12), L(14-16), XL(18-20); about 24" long.

Rating: 4.1 / 5

6 of 8 (76%) reviewers would recommend this product to a friend.

[READ ALL REVIEWS](#) [WRITE A REVIEW](#)

### You might also be interested in:



Double-Layer Shirt

★★★★★



Sweetwater Button-Front Shoreline Linen Tee

★★★★★



Yonal Floral-Print Tee

★★★★★

### SHOP BY DEPARTMENT

Men's Clothing  
Women's Clothing  
Adventures  
Luggage  
Fly Fishing  
Hunting  
Dogs  
Gifts  
Distinctive Home  
Sale Orvis  
Copyright 2013, The Orvis Company  
Our Latest  
Top-Rated Products  
View All Products

### OUR COMPANY

100% Guaranteed  
Privacy Policy  
Terms & Conditions  
Protecting Nature  
Blogs  
Schools  
Orvis Site Map  
Organizational Sales  
Visit Orvis in the UK  
Job Openings  
Mobile Website  
Press Room

### WOMEN'S SERVICES

Free Catalogs  
Track Order Status  
Retail Store Locator  
Shipping Information  
Easy Exchanges / Returns  
Orvis Rewards Visa®  
Order Info & Services  
Get on Our Wait List  
Catalog Quick Order  
Share Your Opinion  
Canadian Customers  
Gift Card

100% Satisfaction Guarantee

FACEBOOK  
TWITTER  
RSS  
PODCAST  
YOUTUBE

### Contact Orvis

Click below to chat now, or contact us at 888-233-9763 or by email.

Live Chat

## EXHIBIT L

(Purchase of airline tickets for Rebecca Lee &  
grandchild)



Prepared For  
ROBERT J MILLER  
ALGONQUIN TWSHP HWY

Account Number  
XXXX-XXXXX5-21007

08/01/08  
New Activity continued  
ALGONQUIN TWSHP  
ROBERT J MILLER  
08/01/08  
TP TRANS

New Activity continued

07/30/08	AMERICAN AIRLINES DALLAS, TX AMERICAN AIRLINES From: O HARE FIELD IL To: NEW ORLEANS LA O HARE FIELD IL Ticket Number: 00121453078684 Passenger Name: LEE/REBECCA Document Type: PASSENGER TICKET	Carrier: AA Class: SA Date of Departure: 07/30	375.00
07/30/08	AMERICAN AIRLINES DALLAS, TX AMERICAN AIRLINES From: O HARE FIELD IL To: NEW ORLEANS LA O HARE FIELD IL Ticket Number: 00121453078695 Passenger Name: LEE/REBECCA Document Type: PASSENGER TICKET	Carrier: AA Class: SA Date of Departure: 07/30	375.00
07/30/08	OFFICEMAX, INC. 0584 CRYSTAL LAKE IL OFFICE SUPPLIES 60014		409.93
07/31/08	SPRINT DOWNLOAD&SVC800-639-6111 CO WIRELESS SVC		3.95
07/31/08	BIBIT INTERNET PAYMENTS... www.SAFE-CART.com PTLC-U310708-2		39.90
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078684		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078695		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453071183		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078673		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453071161		9.95

*\$ 2,250.00*

Continued on Page 6

Premium Refunds for TravelAssure and TravelAssure Classic: please consult the table below to determine how to process your refund.

Reason for Refund	How to Process Your Premium Refund for TravelAssure or TravelAssure Classic
Reason other than cancelled trip	(A) You're entitled to a full premium refund. Please deduct the total premium refund amount from your total balance due and return this form with your payment. Make sure you complete the grid on the front indicating the refunds you're requesting.
I cancelled my trip	(B) If you don't expect a credit for your airline ticket charge, you're entitled to a partial* premium refund as follows: • For TravelAssure, please deduct \$10 from your total balance due for each premium charge you'd like refunded. • For TravelAssure Classic, please deduct \$8 from your total balance due for each premium charge you'd like refunded. Make sure you complete the grid on the front of this form indicating the refunds you're requesting, and return it with your payment. (C) If you expect credit for your airline ticket charge, you don't need to fill out this form. You'll automatically receive partial* premium refunds once your ticket has been credited on your American Express account. Refunds will appear as credits on your monthly statement.
Insurance premium was charged for a non-insurable person	(D) If you expect credit for your airline ticket charge, you're entitled to a full premium refund as follows: • For TravelAssure, deduct \$10.95 from your total balance due for each premium charge you'd like refunded. • For TravelAssure Classic, deduct \$11.95 from your total balance due for each premium charge you'd like refunded. Make sure you complete the grid on the front of the form indicating the refunds you're requesting, and return it with your payment. Note: you'll automatically receive the remainder of your premium refund once your airline ticket has been credited on your American Express account. The remainder refunds will appear as credits on your monthly statement. (E) If you don't expect a credit for your airline ticket charge, follow the method outlined in section (A) above.
Premium Refunds for International Medical Protection Deduct the total premium refund amount you're requesting from the total balance due and return this form with your payment. Please complete the grid on the front indicating the refunds you're requesting. If you expect a credit for your airline ticket charge, don't fill this form out. You'll automatically receive refunds once your ticket is credited on your American Express account. Refunds will appear as credits on your monthly statement. If you have any questions about requesting your refund, please call the number on the back of your American Express Card. * For cancelled trips, refunds aren't given for trip cancellation portion of premium since that coverage already went into effect. You'll receive partial refunds of \$10 per TravelAssure and \$8 per TravelAssure Classic charge. You can still submit claims to recover nonrefundable amounts.	

## EXHIBIT M

(E-mails with Robert Miller's e-mail address)

**Bob Miller**

---

**From:** kendal stephens <kendalst@comcast.net>  
**Sent:** Tuesday, July 09, 2013 5:54 PM  
**To:** 'Bob Miller'  
**Subject:** RE: Contact Us From Hit

You guys do a great job!

Thanks a lot  
Kendal Stephens

-----Original Message-----

**From:** Bob Miller [<mailto:bobmiller@mc.net>]  
**Sent:** Friday, June 28, 2013 6:03 PM  
**To:** [kendalst@comcast.net](mailto:kendalst@comcast.net)  
**Subject:** RE: Contact Us From Hit

We noticed and will fix it as soon as we can.

Robert J Miller  
Highway Commissioner  
Algonquin Township Road District  
3702 US Highway 14  
Crystal Lake, IL 60014  
847-639-2700 ex. 6  
[www.algtwsp.com](http://www.algtwsp.com)

-----Original Message-----

**From:** [kendalst@comcast.net](mailto:kendalst@comcast.net) [<mailto:kendalst@comcast.net>]  
**Sent:** Friday, June 28, 2013 7:14 AM  
**To:** [bobmiller@mc.net](mailto:bobmiller@mc.net)  
**Subject:** Contact Us From Hit

Message from Algonquin Township Road District contact us page.  
**Name:** Kendal Stephens  
**Last Name:**  
**Email:** [kendalst@comcast.net](mailto:kendalst@comcast.net)

**Bob Miller**

---

**From:** Clarke Customer Service <service@clarke.com>  
**Sent:** Tuesday, July 02, 2013 2:38 PM  
**To:** bobmiller@mc.net  
**Subject:** Backpack Larviciding Service Completed  
**Attachments:** \_Certification\_.htm



Property Name: Algonquin Township

This is a message from Clarke. This email is to notify you that your backpack larvicide application to mosquito breeding sites was performed on 07/01/2013.

If you have any questions please feel free to contact your control consultant:

George Balls (630) 671-3112 [gballs@clarke.com](mailto:gballs@clarke.com)

Providing Integrated environmental aquatic service and mosquito control.

1-800-323-5727

[www.clarke.com](http://www.clarke.com)

---

For Internal Office Use Only:  
Service Order: T005287211  
Job No: 1  
Job Suffix: 0

# EXHIBIT N





# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

May 7, 2018

Robert Miller  
Anna May Miller  
1415 Main Street  
Cary, Illinois 60013

Re: Demand for return of Algonquin Township Road District Property

Mr. & Mrs. Miller:

Demand is hereby made upon both of you to immediately return to the Algonquin Township Road District all of the following items of property that were paid for by Algonquin Township Road District:

- I. Blink Cameras (installed in Miller Household at Road District Expense in January 2016 or thereabouts) charged to the Road District on 1/28/2016 in the amount of \$299.00
- II. 4 I-Pass Transponders (obtained on Township Paid I-Pass Account)
- III. Credit Cards issued to Algonquin township (The cards themselves)
  - a. American Express card ending in 5-21007
  - b. American Express card ending in 9-01005
  - c. American Express card ending in 9-01013
  - d. Chase Card
  - e. Capital One Card
- IV. Cellular Telephones—previously paid for with Road District funds including:
  - a. Those Cellular phones having been acquired at Road District expense and associated with the following telephone numbers:

(847) 878-1613

(847) 875-0548

(847) 343-3892

(847) 343-8732

(847) 343-3892

(224) 239-7852

(847) 970-0571

Each number was on The road district plan and the Road district plan had paid for the respective phones associated with each of them.



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- V. All computers paid for by Algonquin Township Road District in your possession including but not limited to two hard drives removed from servers located at Algonquin Township Road District at your direction by IT Connection Keith Seda and delivered to you on or about 4/4/2017.
- VI. Computer Tablets
  - a. iPad Air 2
  - b. iPad Air 2 Smart Case
- VII. Hand Tools
  - a. shovels
  - b. saws
  - c. wrenches
  - d. screwdrivers
  - e. hammers
  - f. drills
  - g. sawsalls.
- VIII. Cannon EOS Camera, lenses and tri-pod.
- IX. Credit Card Points/Economic Benefits associated with use of Credit Cards mentioned above in Section III.
- X. Any and all municipal License Plates for Algonquin Township Road District Owned Vehicles.
- XI. All gift cards purchased or otherwise acquired with Road District Funds including but not limited to American Express Gift Cards, Jewel Gift Cards, Barn Nursery Gift Cards, Levenger gift cards. Jewel on 6/2/2016 (\$160.90 & 210.90) Barn Nursery (\$1,250)
- XII. Clothing purchased with Algonquin Township Road District money or credit including but not limited to the following items:
  - a. Two pairs Women's Woolrich Kory Pants purchased (4/12/2011) \$98.00
  - b. Women's Woolrich fisher Island Tee purchased 4/12/2011 \$45.00
  - c. Woman's kordel Capri purchased 4/12/2011 \$55.00
  - d. Sales Tax to purchase clothing on 4/12/11 (\$15.95)
  - e. Cashmere Jacquard Cardigan Sweater.
  - f. Women's Supima Stripe pocket Cardigan Sweater
  - g. Women's boiled Wool Walker Coat
  - h. Women's Print Drape Ballet shirt,
  - i. Men's shirts embossed with the words Algonquin Township Highway Department or the Algonquin Township Road District.



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- j. Women's Drop shoulder Tuck shirt
- k. Womens Mountain Parka (\$99)
- l. Bison Leather belt (\$45)
- m. Two Long sleeve Men's Woolrich polo shirts Extra Large (\$70)
- n. A women's Raeburn II jacket (\$149.00)
- o. A woman's woolrich Mountain laurel Wrap Cardigan (\$135.00)
- p. A woman's Chelsea watch (\$78.00)
- q. A Men's Woolrich fork Long Sleeve Polo shirt (\$35)
- r. A Woman's Woolrich Plateau ridge Tote bag (\$135)
- s. A woman's Woolrich Restless Brook Cartigan (\$99.00)
- t. A Woman's Sheep Sweater (\$78.00)
- u. A Woman's Woolrich Kenyon Sweater (\$69.00)
- v. Woman's Alani Cardigan Sweater (\$89)
- w. Womans's Land's End Fine Gage Performance Cardigan Sweater
- x. General merchandise purchased at the Car Bath Wash in the amount of \$214.80

- XIII. A Levenger leather tote bag paid for with Algonquin Township Road District \$384.52
- XIV. A Levenger leather black leather pad portfolio \$176.37 purchased with Road district funds or credit on 1/19/2012.
- XV. A Levenger Brief bag purchased with Road District funds or credit on 1/19/2012 in the amount of \$211.44.
- XVI. A She\*Shelpers Western Clothing purchased 8/31/2008 \$215.89 (believed to be cowboy boots)
- XVII. Converted funds in the amount of \$47,384 paid to Robert Miller purportedly for sick time accrued prior to 1993 in violation of the Illinois Administrative Code and in contravention of 24 sworn statements of Robert Miller.
- XVIII. Two Truck loads of Salt given away by Bob Miller to the Illinois Railway Museum with a value of at least \$800.
- XIX. Payment of Road District money for meals at Hooters in Brookfield Wisconsin in the amount of \$288.92.
- XX. Payments of Road District money for Airline Tickets for Rebecca Lee in the amount of \$375.00 and associated transaction processing fee of \$9.95.



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- XXI. Payments of Algonquin Township Road District money for airline tickets for the minor child(Children) of Rebecca Lee in the amount of \$375.00 and associated transaction processing fee of \$9.95.
- XXII. Payments of Algonquin Township Road District money for Jose Cuervo in the amount of \$39.33
- XXIII. Payment of Algonquin Township Road District Money for Amazon purchases without receipts totaling \$3,476.28 on the following dates with corresponding amounts.

6/2/2016	\$41.97
6/5/2016	\$124.49
7/10/2014	\$230.28
7/22/2014	\$8.99
6/28/2014	\$155.04
7/10/2014	\$230.28
7/22/2014	\$8.99
4/29/2013	\$87.37
1/2/2013	\$180.05
1/3/2013	\$85.98
1/9/2013	\$169.99
1/10/2013	\$256.90
2/2/2016	\$269.97
2/16/2016	\$159.00
2/17/2016	\$254.97
2/18/2016	\$6.55
2/16/2016	\$502.04
2/26/2016	\$127.42
11/1/2014	\$79.00
11/1/2014	\$79.00
10/29/2014	\$209.00
10/29/2014	\$209.00

- XXIV. Payments of Algonquin Township Road District Money to Martenson Decorating for services at 1415 Main Street, Cary in the amount of \$4,090.00
- XXV. Payments of Road District money for Disneyland Admission in the amount of \$188



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- XXVI. Payments made to Birch totaling \$13,644.40 for the benefit of others and not the Algonquin Township Road District.
- XXVII. Payments made to Behm Paving totaling \$110,062 for the benefit of others and not the Algonquin Township Road District.
- XXVIII. Sporting Goods paid for on 8/11/2008 at Sports Authority in the amount of \$590.68.
- XXIX. Records in your possession and control belonging to the Algonquin Township Road District including but not limited to the following records:
- a. Emails of Robert Miller for the period of time commencing 1/1/2010 and continuing to May 15, 2017
  - b. E-mails of Anna May Miller during that period of time of her employment at the Algonquin Township Road District which were used in the ordinary course of business for the Algonquin township Road District.
  - c. All credit card Statements for the following credit or convenience cards issued to either of you by the Algonquin Township Road District including but not limited to:
    - i. American Express ending in 5-21007
    - ii. American Express ending in 9-01005
    - iii. American Express ending in 9-01013
    - iv. Chase Card
    - v. Capital One Card
  - d. All applications for credit associated with the following credit or convenience cards issued to either of you by the Algonquin Township Road District including but not limited to:
    - i. Applications for American Express ending in 5-21007
    - ii. Applications for American Express ending in 9-01005
    - iii. Applications for American Express ending in 9-01013
    - iv. Applications for Chase Card
    - v. Applications for Capital One
  - e. All Documents electronically removed from Road District Computers in concert with IT Connection/Keith Seda
  - f. All documents reflecting the payroll records of Robert Miller for the period of his employment at the Algonquin Township Road District.





## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- g. All documents that refer or reflect any effort to obtain a destruction order from Illinois Secretary of State during January 1, 2015 thru May 15, 2017.
- h. All receipts of purchases from Amazon.com and paid for by the Road District for the period of 1/1/2010 to May 15, 2017.
- i. All legal opinions billed by Attorney James Kelly to Algonquin Township Road District including but not limited to opinions in the period of 1/1/2010 to May 15, 2017.
- j. Lease agreements by and between Road District and any of its employees for storage of automobiles and ATV's including motorcycles in the period of 1/1/2010 to May 15, 2017.
- k. Any and all records related to the payment of funds to Pear Automation and the location of the actual software purchased with Algonquin Township Road District Money
- l. Any and all Baxter Woodman work product in the period of 1/1/2010 to May 15, 2017 or associated with \$138,000 payment to Baxter Woodman by the Algonquin Township Road District.
- m. Any and all Communications and work product by and between Robert Miller or Anna May Miller and any employee of Birch in the period of 1/1/2010 to 5/15/2017.
- n. Any and all records related to the use of Sam's Club in house Account in name of Algonquin Township Road District in the period of 1/1/2010 to May 15, 2017.
- o. Any and all records related to HR Green Engineering in the period of 1/1/2010 to May 15, 2017.
- p. Any and all records related to Behm Paving including any work product in the period of 1/1/2010 to May 15, 2017.
- q. The monthly bills submitted for payment by Robert Miller against the Road District for the period of 1/1/2010 to May 15, 2017.
- r. Any document related to any of demands for return of any property or purchase or payment identified in this demand letter.



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

Be Blessed,

Andrew Gasser,  
Algonquin Township Highway Commissioner

## Definitions Relating to this Demand letter

1. The definitions herein are intended to govern the meaning of this demand.
2. "You" shall mean either Robert Miller or Anna May Miller or both as context requires.
3. "Person[s]" means any natural person, firm, corporation, partnership, joint venture, organization, association, group, or legal entity.
4. The term "document" shall be construed in its broadest sense. It shall include, but not be limited to, all information retrievable from computer storage, including, but not limited to, electronic mail and electronic files in their native storage format (i.e. ".ppt" for Microsoft PowerPoint), and any printed, typewritten, handwritten, graphic, or recorded matter of any type and description, however and by whomever prepared, recorded, produced, reproduced, disseminated, or made, including, but not limited to, the following: all letters, minutes, notes, telegrams, facsimiles, electronic mail messages, reports, charts, accountant's statements, bank statements, books of account, ledgers, balance sheets, journals, account statements, lists, analyses, information sheets, financial publications, order forms, business records, personal records, financial statements, memoranda, summaries or records of conversations, tape recordings or transcripts, notebooks, data sheets, work sheets, recommendations, audio and videotape records, photographs and slides, statistics, studies, written agreements, checks, receipts, invoices, bills, and other writings, including computer printouts or information stored in



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

5. computer memory banks or on any tapes, discs, or other electrical or mechanical forms or devices, and any draft of any of such material the content of which differs in any respect from the original, in the actual or constructive possession, custody or control of either of you.

6. As used herein, the terms "communicate," "communicated," "communication," "communicate with," or any derivation thereof, shall include any type of communication whatsoever, whether oral or written, including, but not limited to, conversations, discussions, telephone calls, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.

7. "Concerning," "relating to," "relate to," "evidence(s)," or "evidencing" means pertaining to, referring to, reflecting upon, evidencing, discussing, describing, mentioning, summarizing, or connecting in any way logically or factually to, the matter described in the Request.

8. "Statement" means any oral, written, court-reported, recorded or other expression of opinion, and any oral, written, court-reported, recorded, or other description of fact, which pertains to the occurrences alleged in the Complaint to Foreclose Mortgage, or to the damages claimed to have resulted therefrom. When "statement" is used in the context of a Credit Card or Debit card or convenience accounting card the term "Statement" shall mean that record of account issued by the card issuer periodically.



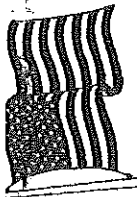
# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

8. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of these Requests for Admission of Facts all information and/or documents which might otherwise be construed to be outside their scope.

9. Reference to the singular shall include the plural and references to the plural shall include the singular.

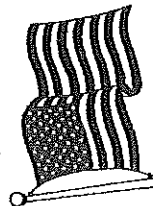
Crystal Lake, IL 60014



Robert Miller  
1415 Main Street  
Cary, Illinois 60013



Andrew Gasser, Highway Commissioner  
Algonquin Township Highway Department  
3702 U.S. Highway 14  
Crystal Lake, IL 60014



Anna May Miller  
1415 Main Street  
Cary, Illinois 60013



# Exhibit B

## MEETING MINUTES BOARD OF TOWN TRUSTEES

**STATE OF ILLINOIS        }**  
**McHENRY COUNTY        }**  
**ALGONQUIN TOWNSHIP    }**

The Board of Township Trustees met at the offices of the Township, 3702 U.S. Highway 14, Crystal Lake, IL 60014-8204 on February 13, 2013 at 7:00 PM. In attendance were:

Supervisor	Dianne L. Klemm
Deputy Clerk	Judith M. Kreklow
Trustee	Lowell A. Cutsforth
Trustee	Linda A. Lance
Trustee	Daniel J. Shea
Trustee	Russell W. Cardelli

Also present: Highway Commissioner Robert J. Miller, Assessor Robert R. Kunz, Jr., and attorney James Kelly.

Supervisor Dianne L. Klemm acting as Chairman and Judith M. Kreklow acting as Deputy Clerk in the absence of Clerk Marc J. Munaretto, the following business was transacted.

Chairman Klemm called the meeting to order promptly at 7:00 PM.

A motion was made by Trustee Shea, seconded by Trustee Cutsforth, to approve the minutes of the regular meeting held on January 9, 2013. Voice Vote: All Ayes – motion carried.

A motion was made by Trustee Lance, seconded by Trustee Cutsforth, to approve the audit of claims for the Town Fund in the amount of \$121,589.06.

Discussion: Trustee Cutsforth asked about the light fixture expense. The explanation given is that the fixtures have been retrofitted with environmentally safe, energy efficient lighting. We will be getting a grant from the Illinois Energy Now-Public Sector Energy Efficiency Program for a portion of the cost.

Roll Call Vote: Trustees Cutsforth-Yes, Lance-Yes, Shea-Yes, Cardelli-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Lance, seconded by Trustee Shea, to approve the audit of claims for the General Assistance Fund in the amount of \$11,043.10. Roll Call Vote: Trustees Cutsforth-Yes, Lance-Yes, Shea-Yes, Cardelli-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Cutsforth, seconded by Trustee Shea, to approve the audit of claims for the Road & Bridge Fund in the amount of \$148,659.52. Roll Call Vote: Trustees Cutsforth-Yes, Lance-Yes, Shea-Yes, Cardelli-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Cutsforth, seconded by Trustee Lance, to approve the audit of claims for the Equipment & Building Fund in the amount of \$39,890.00.

Discussion: Trustee Cardelli questioned the \$6,000 monthly bill for equipment rental. Highway Commissioner Miller responded that the Road District stores salt for the County, State and several municipalities. He rents a front end loader to aid in loading salt. Trustee Cardelli questioned the \$900 rental check paid to the Town Fund. Commissioner Miller explained it is associated with the property and the Sheriff's Sub Station.

Roll Call Vote: Trustees Cutsforth-Yes, Lance-Yes, Shea-Yes, Cardelli-Yes, Klemm-Yes. All Ayes – motion carried.

Audience Participation: Larry Emery wanted to know if the County, State or the municipalities contribute anything to the Township for the salt storage. Commissioner Miller stated they do not. Also in the audience were Anna May Miller, William Bligh, and Pete Gonigam of the First Electric Newspaper.

Reports:

Supervisor:

Reported she has been working with Attorney Lew Matuszewich on refinancing the property loan. She should have more information for the Board next month.

Early voting for the February 26 primary started on Monday, February 11<sup>th</sup>. 24 people voted the first 2 days.

Supervisor Klemm asked the Board if they have any questions pertaining to the IMRF information that was mailed to them. They responded no.

There is information in the Board's packet for the TOI Topics Day in Springfield on May 7.

Trustees: Trustee Shea gave a report on CMAP (Chicago Metropolitan Agency for Planning) and hiring policies.

Clerk: Absent

Highway Commissioner:

Reported that he was hoping the mild winter would continue to save on salt but the recent storms put him back on a normal schedule.

The Road District will not be able to participate in the March 23 C-G Community Showcase due to the election and his employees will be busy that day with election supply distribution & set up. He suggested the Trustees spend time in the Township booth. He will still have his employees bring display items to the high school and come back and pick them up, but will not be able to set up or man the booth.

Assessor: Assessor Kunz reported the appeal process will continue for another 6 weeks.

Attorney: Attorney Kelly had nothing to report.

OLD BUSINESS: None

NEW BUSINESS:

A motion was made by Trustee Lance, seconded by Trustee Cutsforth, to adopt a Resolution for Eagle Scout Andrew Alberth. Voice Vote – All Ayes – motion carried.

Copies of the Proposed Budget & Appropriation Ordinance for the Town Fund and General Assistance Fund were given to the Board. Highway Commissioner Miller did not have his proposed budget for distribution and told the Board he would get them a copy as soon as he has it finalized.

A motion was made by Trustee Shea, seconded by Trustee Cutsforth to set the Town Fund Budget Hearing for Wednesday, April 10, 2013 at 6:45 PM and the Road District Budget Hearing for Wednesday, April 10, 2013 at 6:50 PM. Voice Vote – All Ayes – motion carried.

The motion to adjourn was made by Trustee Lance, and seconded by Trustee Cutsforth, at 7:25 PM. Voice vote – all ayes – motion carried.

Respectively submitted,

Judith M. Kreklow  
Deputy Clerk

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
                                     }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, August 14, 2013 at 7:00 PM. The following were in attendance:

**Supervisor:**       Dianne L Klemm  
**Clerk:**             Charles Lutzow  
**Trustee:**          Dan Shea  
**Trustee:**          Russ Cardelli  
**Trustee:**          Larry Emery  
**Trustee:**          Melissa Sanchez

Also present: Highway Commissioner Robert Miller, Assessor Robert Kunz, Jr. and the township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Clerk, the following business was transacted. The meeting was called to order at 7:00 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held on July 10, 2013.

Voice vote: all ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$113,359.14.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$17,667.06

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$137,927.25.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$155,558.72.

Roll Call: all ayes

**Audience Participation:** None

**Reports:**

**Supervisor:** Supervisor Klemm discussed the Township Topics Day to be held in Springfield September 7, 2013. If anyone is interested in attending, let her know.

**Trustee:** Trustee Cardelli wanted to know about the Senior transportation busses. Highway Commissioner Bob Miller discussed that there are 2 vans, 1 spare, and 1 minivan. The costs are split 50/50 between the Township and the Highway Department and the costs are disclosed on the monthly reports.

Trustee Emery discussed that he had reviewed with the staff and the township is transparent. He would like some improvements to the website to increase the transparency.

Trustee Sanchez would also like some improvements made to the website and suggested some social media be added.

**Clerk:** Nothing to Report.

**Highway Commissioner:**

The annual Touch-A-Truck will be held August 24, 10-2. Highway Commissioner Miller invited everyone. LIONS Club will provide food for reasonable prices.

There has been some concern about the electricity at the township. Com Ed will be converting the township to "Clean" power in the next 10-12 weeks. This will also include lighting/surge protection.

Due to a Federal Government unfunded mandate, the 2-way radios were converted to narrow band. They are used as backup to cell phones.

The roofs are 30 years old and bids were taken this morning for repair. The bids ranged from \$76,000 - \$120,000. Trustee Cardelli questioned the \$7000 cost for the Engineering report.

**Assessor:** Assessor Kunz discussed equalization. He will certify at 1/3 of 1/1/13 values but expects the County Supervisor of Assessments to increase them.

Lake in the Hills Airport is suing Assessor Kunz over a lease agreement. Attorney Kelly said they are filing a motion to dismiss.

**Attorney:** Nothing to Report

**Old Business:** none



***New Business:***

Resolution to authorize the appointment of the Freedom of Information Act Officer for Algonquin Township Clerk Lutzow- motion to approve by Trustee Cardelli, seconded by Trustee Emery.

Roll Call: all aye

Resolution for Eagle Scout Jeffrey Krueger-motion to approve Trustee Cardelli, seconded by Trustee Shea.

Roll Call: all ayes

***Executive Session:*** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Cardelli at 8:03 pm.

Voice Vote: All ayes

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
                                     }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, November 13, 2013 at 7:00 PM. The following were in attendance:

**Supervisor:**     Dianne L Klemm  
**Clerk:**           Charles Lutzow  
**Trustee:**        Dan Shea  
**Trustee:**        Russ Cardelli  
**Trustee:**        Larry Emery  
**Trustee:**        Melissa Sanchez

Also present: Highway Commissioner Robert Miller, Assessor Robert Kunz, Jr. and the township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Clerk, the following business was transacted. The meeting was called to order at 7:00 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held on October 9, 2013.

Voice vote: all ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$133,442.91.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$12,273.70.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$186,409.96.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$90,902.26

Roll Call: all ayes

***Audience Participation:***

Nick Chirikos, Algonquin resident & county board member, expressed his gratitude to Highway Commissioner Miller for addressing the flooding issue in his neighborhood. Algonquin Township is re-ditching the area to prevent the problem in the future.

***Reports:***

**Supervisor:** Supervisor Klemm had nothing to report.

**Trustee:**

Trustee Shea distributed an article from the Daily Herald which discussed how the senior population can be negatively affected by the assessment freezes in a market where home values are declining. Assessor Kunz addresses the concept in his report which follows.

Trustee Emery attended the Township Officials of Illinois (TOI) conference earlier in the week and said it was excellent and he learned a lot that will help him understand and improve his service to the township. He concentrated on the presentations that focused on Audit, Levy and Budget.

Trustee Sanchez also attended the TOI conference and she said it was very informative.

**Clerk:** Nothing to Report.

**Highway Commissioner:**

Algonquin Township will be taking over a private non-dedicated subdivision road in Algonquin from the homeowners association. They issued a check to the Township and paving of the road will commence in Spring 2015.

Highway Commissioner Miller, along with Baxter Woodman, will be discussing changes to the intersection of Silver Lake Rd. and Crystal Lake Avenue with IDOT this week.

The snow this week was one of the earliest Highway Commissioner Miller could remember.

**Assessor:** Assessor Kunz explained how the senior's tax freeze can affect the senior negatively in a declining real estate market.

School district 300 is increasing their tax levy. He also commented that appeals were down nearly half from last year.

**Attorney:** Nothing to Report

***Old Business:***

A motion to discuss and approve the annual audit for fiscal year ended 3/31/13 prepared by CPA firm Brown & Co., LLP was made by Trustee Shea, seconded by Trustee Cardelli.

Trustee Emery had questions about the audit numbers and the management letter. He will schedule time with the staff to clarify his questions.

As per state statute, the Annual Audit & Comptroller's Report was filed with the state comptroller's office and the County Clerk in September.

Voice Vote: Motion Passed

***New Business:***

The tentative levy for Town Fund and Road District was distributed and will be discussed and adopted at the December 11, 2013 meeting.

***Executive Session:*** None

Motion to Adjourn by Trustee Sanchez, seconded by Trustee Shea at 7:45 pm.

Voice Vote: All ayes

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
                                     }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, December 16, 2013 at 7:00 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-Absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez

Also present: Highway Commissioner Robert Miller and the township attorney Lewis Matuszewich.

Dan Shea acting as interim Supervisor and Charles Lutzow acting as Clerk, the following business was transacted. The meeting was called to order at 7:00 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Sanchez, seconded by Trustee Cardelli to accept the minutes of the regular meeting held on November 13, 2013.

Voice vote: all ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Town Fund in the amount of \$104,793.64.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$12,571.76.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$217,602.03.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$82,125.56.

Roll Call: all ayes



**Audience Participation:** None

**Reports:**

**Supervisor:** None

**Trustee:** Trustee Emery followed up on the current audit and levy processes. He would like to take a more active role in 2014.

Trustee Sanchez made a motion to have the staff send Supervisor Klemm a "Get Well" Present. Trustee Emery seconded the motion. Roll Call : All Ayes

**Clerk:** Nothing to Report.

**Highway Commissioner:**

Highway Commissioner Miller reported that the trucks have already been out 5 times to salt and/or plow the roads.

Highway Commissioner Miller sent a truck to Washington IL to assist in the clean up of the community. They were very thankful for the aid.

The Township is experimenting with different blends of salt to find the most effective and cost efficient blend for the conditions. A former employee that is a student is making a documentary on winter storms and has been filming on the premises.

The Electronic recycling program continues to be very successful. There has been a lot of LCDTVs . 30 gaylords of electronics were collected. Recycling is done with Vintage Tech.

**Assessor:** Nothing to Report

**Attorney:** Nothing to Report

**Old Business:**

Acting Supervisor Shea read the tax levy.

A motion to adopt the Town Fund Tax Levy for 2013 in the amount of \$1,578,535.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the General Assistance Tax Levy for 2013 in the amount of \$240,005.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Road & Bridge fund Tax Levy for 2013 in the amount of \$2,576.070.00 was made by Trustee Cardelli, seconded by Trustee Shea. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Social Security Fund Tax Levy for 2013 in the amount of \$71,050.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Illinois Municipal Retirement Fund Tax Levy for 2013 in the amount of \$126,875.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Insurance Fund Tax Levy for 2013 in the amount of \$35,525.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Audit Fund Tax Levy for 2013 in the amount of \$10,150.00 was made by Trustee Cardelli, seconded by Trustee Emery. Roll Call: All Ayes

A motion to adopt the Algonquin Township Road District Equipment & Building Fund Tax Levy for 2013 in the amount of \$1,229,165.00 was made by Trustee Cardelli, seconded by Trustee Sanchez. Roll Call: All Ayes

Acting Supervisor Shea reread the total tax levy amount.

***New Business:***

Acting Supervisor Shea read the Resolution Adopting Rules for Prepayment of Bills prior to the monthly meeting of the Algonquin Township Board.

A motion to adopt "The Resolution Adopting Rules for Prepayment of Bills prior to the monthly meeting of the Algonquin Township Board " was made by Trustee Cardelli, seconded by Trustee Sanchez. Roll Call: All Ayes

The letter from Bob Anderson was presented.

Trustee Emery asked if the township participated in the Illinois Township Commission for Youth.

***Executive Session:*** None

Motion to Adjourn by Trustee Sanchez, seconded by Trustee Cardelli at 7:52 pm.  
Voice Vote: All ayes

Approved:

Date:



## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS        }  
                                     }  
MCHENRY COUNTY        } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, January 8, 2014 at 7:00 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-Absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and the township attorney Lewis Matuszewich.

Dan Shea acting as interim Supervisor and Charles Lutzow acting as Clerk, the following business was transacted. The meeting was called to order at 7:00 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Cardelli, seconded by Trustee Emery to accept the minutes of the regular meeting held on December 16, 2013.

Voice vote: all ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Sanchez to audit the claims of the Town Fund in the amount of \$148,172.59.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$10,602.63.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$140,915.10.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$86,954.72.

Roll Call: all ayes

***Audience Participation:*** None

***Reports:***

**Supervisor:** None

.

**Trustee:** Trustee Emery rode along on one of the Township snow plows and thought it was a great experience. He was impressed by the skills demonstrated by the operator.

**Clerk:** Nothing to Report.

**Highway Commissioner:**

Highway Commissioner Miller reported that the trucks have been out 24 times already this year and that is the number of times they were out last year in total. Some of the equipment has taken a beating and as a result of the storms, there has been a lot of overtime. He is very proud of his crew and the hard work they have put in this year.

**Assessor:** Assessor Kunz reported that they are in the middle of the appeals process and they have have decreased about 1/3 from last year.

**Attorney:** Nothing to Report

***Old Business:***

None

***New Business:***

Trustee Emery discussed having a retreat for the trustees. The idea was met with skepticism by the other board members. Trustee Emery will put together some ideas for review at the next meeting.

***Executive Session:*** None

Motion to Adjourn by Trustee Cardelli, seconded by Trustee Sanchez at 7:37 pm.

Voice Vote: All ayes

Approved:

Date:



## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
                                     }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday April 9, 2014 at 8:20 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez-Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and the township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Clerk, the following business was transacted. The meeting was called to order at 8:20 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held on March 9, 2014.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Town Fund in the amount of \$104,569.68.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$6223.31.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Road and Bridge Fund in the amount of \$138,077.30.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$268,332.35.

Roll Call: all ayes

***Audience Participation:***

None

***Reports:***

**Supervisor:** Dividends from the Liability insurance from TOIRMA were \$4221 for the Township and \$8194 for the Road & Bridges which represents 1/3 of the premium. The township received \$71.26 from the prescription drug card program .

**Trustee:** Trustee Emery pointed out that his training stated that one of the Trustees responsibilities is to amend and revise the Road District Budget. This presented confusion because it appears to be untrue.

Trustee Sanchez-Fischer clarified her Facebook page with regards to the budget.

**Clerk:** Clerk Lutzow reminded everyone to provide a copy of their economic disclosure to him for filing. Also I reminded everyone that I require their Open Meetings Certification. I thanked the Supervisor and the Highway Commissioner for their assistance with early voting.

**Highway Commissioner: None.**

**Assessor:** Assessor Kunz discussed the appeal report that was provided and said in 2015 he will be rebalancing assessments

**Attorney:** Attorney Kelly said they had a new attorney at the firm and they would be providing another training session on General Government that would include discussions on the Medical Marijuana Law, the Concealed Carry Law and FOI.

***Old Business:***

None

***New Business:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to approve the transfer of Appropriations for the Town Fund as follows:

\$10,000 from Legal Services to Salaries

\$20,000 from Printing & Publishing to Salaries

Roll Call: All Ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to approve the transfer of Appropriations for the Road District as follows:

\$1500 from Legal Services to Salaries

\$15,500 from Road Maintenance to Lubricants

\$10,700 from Road Maintenance to Health/Life Insurance

Roll Call: All Ayes

Supervisor Klemm stated that the Budget Hearing for the Town Fund would be prior to the next Board Meeting on May 14, 2014, at 6:45 pm.

***Executive Session:*** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Sanchez-Fischer at 8:49 pm.

Voice Vote: All ayes

Charles A. Lutzow, Jr.  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES BOARD OF TOWN TRUSTEES

**STATE OF ILLINOIS**                   }  
**McHENRY COUNTY**               }  
**ALGONQUIN TOWNSHIP**       }

The Board of Township Trustees met at the offices of the Township, 3702 U.S. Highway 14, Crystal Lake, IL 60014-8204 on June 11, 2014 at 7:00 PM. In attendance were:

Supervisor	Dianne L. Klemm
Deputy Clerk	Judith M. Kreklow
Trustee	Daniel J. Shea
Trustee	Russell W. Cardelli
Trustee	Melissa A. Sanchez
Trustee	Larry Emery

Also present: Highway Commissioner Robert J. Miller, Assessor Robert R. Kunz, Jr., and attorney James Kelly.

Supervisor Dianne L. Klemm acting as Chairman and Judith M. Kreklow acting as Deputy Clerk in the absence of Clerk Charles A. Lutzow, Jr., the following business was transacted.

Chairman Klemm called the meeting to order promptly at 7:00 PM.

A motion was made by Trustee Sanchez, seconded by Trustee Cardelli, to approve the minutes of the Township Budget Hearing & regular meeting held on May 14, 2014. Voice Vote: All Ayes – motion carried.

A motion was made by Trustee Shea, seconded by Trustee Emery, to approve the audit of claims for the Town Fund in the amount of \$104,003.92. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Sanchez, seconded by Trustee Shea, to approve the audit of claims for the General Assistance Fund in the amount of \$14,532.76. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Cardelli, seconded by Trustee Shea, to approve the audit of claims for the Road & Bridge Fund in the amount of \$138,081.42. Discussion: Trustee Cardelli questioned the purchase of the Bobcat. Highway Commissioner explained the purchase.  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Shea, seconded by Trustee Cardelli, to approve the audit of claims for the Equipment & Building Fund in the amount of \$210,429.33. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

Audience Participation: None

Reports:

Supervisor:

- Presented the Board with the letter from CPA Wayne Brown explaining his responsibilities under Government Accepted Auditing Standards.
- Presented the Board with the monthly Coast2Coast Prescription Discount Card report.
- Presented the Board with the results of the Bid Opening on 6/11/14 for the office roof replacement.

Trustees:

- Trustee Shea commented that the lawsuits between municipalities and insurance companies relevant to flooding have been dismissed.
- Trustee Emery commented that after Sen. Jack Franks looked into consolidating units of government, the conclusion showed the only units justified were cemetery districts.

Clerk: Absent – no report.

Highway Commissioner:

- Reported that the bid opening for the 2014 Road Program was awarded to Geske & Co. with a low bid of \$364,000 which was under the engineer's estimate of \$380,000.
- Reported that the proposed roundabout for the intersection at Crystal Lake & Silver Lake Roads has completed Phase I. The Village of Cary has offered to be the lead agency in applying for federal funds; Cary has also committed funds to the project. The Village of Oakwood Hills is also in support of the project.
- The Township received a Certificate of Destruction for the shredding event held June 6<sup>th</sup>. Six tons of paper was shredded.
- Stated he is looking into possibilities of offering recycling for styrofoam blocks & peanuts.
- Every 5 years the 3–6,000 gallon underground gas tanks have to be certified by the State Fire Marshall. This was a 2 week process done by state certified personnel. The tanks passed all tests and are good for another 5 years.

Assessor: Assessor Kunz had no report.

Attorney: Attorney Kelly had no report.

OLD BUSINESS: None

NEW BUSINESS:

A motion was made by Trustee Shea, seconded by Trustee Cardelli, to adopt the Prevailing Wage Ordinances for the Town Fund and the Road District. Discussion: None

Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

The motion to adjourn was made by Trustee Shea, and seconded by Trustee Cardelli, at 7:25 PM. Voice vote – all ayes – motion carried.

Respectively submitted,

Judith M. Kreklow  
Deputy Clerk



## MEETING MINUTES BOARD OF TOWN TRUSTEES

**STATE OF ILLINOIS**                   }  
**McHENRY COUNTY**               }  
**ALGONQUIN TOWNSHIP**       }

The Board of Township Trustees met at the offices of the Township, 3702 U.S. Highway 14, Crystal Lake, IL 60014-8204 on June 11, 2014 at 7:00 PM. In attendance were:

Supervisor	Dianne L. Klemm
Deputy Clerk	Judith M. Kreklow
Trustee	Daniel J. Shea
Trustee	Russell W. Cardelli
Trustee	Melissa A. Sanchez
Trustee	Larry Emery

Also present: Highway Commissioner Robert J. Miller, Assessor Robert R. Kunz, Jr., and attorney James Kelly.

Supervisor Dianne L. Klemm acting as Chairman and Judith M. Kreklow acting as Deputy Clerk in the absence of Clerk Charles A. Lutzow, Jr., the following business was transacted.

Chairman Klemm called the meeting to order promptly at 7:00 PM.

A motion was made by Trustee Sanchez, seconded by Trustee Cardelli, to approve the minutes of the Township Budget Hearing & regular meeting held on May 14, 2014. Voice Vote: All Ayes – motion carried.

A motion was made by Trustee Shea, seconded by Trustee Emery, to approve the audit of claims for the Town Fund in the amount of \$104,003.92. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Sanchez, seconded by Trustee Shea, to approve the audit of claims for the General Assistance Fund in the amount of \$14,532.76. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Cardelli, seconded by Trustee Shea, to approve the audit of claims for the Road & Bridge Fund in the amount of \$138,081.42. Discussion: Trustee Cardelli questioned the purchase of the Bobcat. Highway Commissioner explained the purchase.  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

A motion was made by Trustee Shea, seconded by Trustee Cardelli, to approve the audit of claims for the Equipment & Building Fund in the amount of \$210,429.33. Discussion: None  
Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

Audience Participation: None

Reports:

Supervisor:

- Presented the Board with the letter from CPA Wayne Brown explaining his responsibilities under Government Accepted Auditing Standards.
- Presented the Board with the monthly Coast2Coast Prescription Discount Card report.
- Presented the Board with the results of the Bid Opening on 6/11/14 for the office roof replacement.

Trustees:

- Trustee Shea commented that the lawsuits between municipalities and insurance companies relevant to flooding have been dismissed.
- Trustee Emery commented that after Sen. Jack Franks looked into consolidating units of government, the conclusion showed the only units justified were cemetery districts.

Clerk: Absent – no report.

Highway Commissioner:

- Reported that the bid opening for the 2014 Road Program was awarded to Geske & Co. with a low bid of \$364,000 which was under the engineer's estimate of \$380,000.
- Reported that the proposed roundabout for the intersection at Crystal Lake & Silver Lake Roads has completed Phase I. The Village of Cary has offered to be the lead agency in applying for federal funds; Cary has also committed funds to the project. The Village of Oakwood Hills is also in support of the project.
- The Township received a Certificate of Destruction for the shredding event held June 6<sup>th</sup>. Six tons of paper was shredded.
- Stated he is looking into possibilities of offering recycling for styrofoam blocks & peanuts.
- Every 5 years the 3–6,000 gallon underground gas tanks have to be certified by the State Fire Marshall. This was a 2 week process done by state certified personnel. The tanks passed all tests and are good for another 5 years.

Assessor: Assessor Kunz had no report.

Attorney: Attorney Kelly had no report.

OLD BUSINESS: None

NEW BUSINESS:

A motion was made by Trustee Shea, seconded by Trustee Cardelli, to adopt the Prevailing Wage Ordinances for the Town Fund and the Road District. Discussion: None

Roll Call Vote: Trustees Shea-Yes, Cardelli-Yes, Sanchez-Yes, Emery-Yes, Klemm-Yes. All Ayes – motion carried.

The motion to adjourn was made by Trustee Shea, and seconded by Trustee Cardelli, at 7:25 PM. Voice vote – all ayes – motion carried.

Respectively submitted,

Judith M. Kreklow  
Deputy Clerk

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday April 8, at 7 PM. The following were in attendance:

**Clerk:** Darlene Lutzow-Deputy Clerk  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli-absent  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez-Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz .

Dan Shea acting as Supervisor and Darlene Lutzow acting as Deputy Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Sanchez-Fischer, seconded by Trustee Emery to accept the minutes of the regular meeting held March 11, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Sanchez-Fischer, seconded by Trustee Emery to audit the claims of the Town Fund in the amount of \$103,445.17.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Sanchez-Fischer to audit the claims of the General Assistance Fund in the amount of \$7,432.93.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Sanchez-Fischer to audit the claims of the Road and Bridge Fund in the amount of \$178,362.07.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$219,126.58.

Roll Call: all ayes

### ***Audience Participation:***

none

***Reports:***

**Supervisor:** Trustee Shea, acting as Supervisor reported that Supervisor Klemm is feeling well and may be back to work next week.

**Trustee:** None

**Clerk:** Economic Interest filing is due May 1. Please provide a copy of the completion receipt to the Township Clerk. The electronic filing option is not operational yet.

**Highway Commissioner:**

Highway Commissioner Miller reported that the first bid of the year will be Monday 4/27/15 9 am. The postal food drive will begin 5/9, asphalt prices are up this year and they are looking into doing a tire drive. The electronics recycling this month yielded around 10,000 lbs. of electronics.

Highway Commission Miller asked to have two additional bills approved and paid this month:  
\$674.14-Pro Earth recycling  
\$742.64 Home Depot

A motion to approve and pay the bills was made by Trustee Emery, seconded by Trustee Sanchez-Fischer. Roll Call: All ayes.

**Assessor:** None

**Attorney:** None

**Old Business:** None

***New Business:***

Trustee Emery went over his 6 points to improve the budget for next year.

***Executive Session:*** None

Motion to Adjourn by Trustee Sanchez-Fischer, seconded by Trustee Emery at 7:20 pm. Voice Vote: All ayes

Darlene Lutzow  
Algonquin Township Deputy Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday August 12 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer-absent

Also present: Highway Commissioner Robert Miller and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held July 8, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$128,637.68.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$10,970.29.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$170,621.80.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$101,008.28.

Roll Call: all ayes

***Audience Participation:*** None

### ***Reports:***

**Supervisor:** Nothing to report.



**Trustee:**

Trustee Shea observed that there is a movement to outlaw plastic bags but he feels there is more littering of other types of garbage.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Highway Commissioner Miller would like approval to pay the bill of 7/31/15 that was just received from Accurate Document Destruction for \$1108.80. Motion: Trustee Shea, seconded by Trustee Cardelli.

Roll Call: All ayes

Touch a truck is scheduled for August 22 , 10 – 2. Please come out as it is a great community event.

Highway Commissioner Miller attended the second meeting of the Township Consolidation. He was appointed as the representative for Highway Commissioners but the committee said he was not a voting member and not allowed to sit at the table but was allowed to give comments as a member of the public. He feels that there has been no evidence provided by the committee that would show savings to the taxpayers but there has been evidence provided that shows the townships would have the opportunity to increase the levys.

The next meeting will be prior to the County Board meeting on Tuesday, August 18, 5-7. The public will be able to comment and 4 scenarios will be presented. The Board will vote September 15.

Highway Commissioner Miller has received the 2015 National award for the Professional Manager of the Year Award-Public Right of Way by the American Public Works Association.

**Assessor:** Nothing to report.

**Attorney:** Nothing to report.

**Old Business:** None

**New Business:** None

**Executive Session:** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Cardelli at 7:30 pm. Voice Vote: All ayes

Charles Lutzow  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, December 9, 2015 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kuntz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Cardelli , seconded by Trustee Shea to accept the minutes of the regular meeting held November 12, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$99,983.10.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$14,512.13.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$165,610.97.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$16,336.72.

Roll Call: all ayes

### ***Audience Participation:***

Donna Kurtz, 75 Walkup, Crystal Lake IL, wanted to share info on the Township consolidation. She had some handouts for the Board. She expressed her displeasure that the highest compensated Highway Commissioner in Mchenry County was in Algonquin Township. She also noted that the cost per mile was also significantly higher in

Algonquin Township according to her handout. She also noted that there may be a discrepancy in the roads reported and roads reported as maintained by Algonquin Township.

Cal Skinner, Crystal Lake IL, commented that the next township election may be based on a door to door campaign targeting those residents that are not happy with how much in reserves the Township has and the levy.

Michael Walkup, 5215 Walkup Lane, Crystal Lake IL, does not live in Algonquin Township, but stated there are discrepancies between the charges in Algonquin Township vs other townships in the county. He would like to know the specifics of why the expenses were significantly higher in this township.

Tim Knudsen, 607 Princeton, Crystal Lake IL would like the compensation of all the elected officials in the Township. Supervisor Klemm stated that they were posted on the website. They would make sure they are correct.

Robin Moore, 514 Oakcrest, Cary would like the website updated more often.

### **Reports:**

#### **Supervisor:**

We are in the process of updating the website. Trustee Fischer has some ideas. The updates should be complete in a few months.

#### **Trustee:**

Trustee Shea reiterated the problems at the Waterway District. They have lost 90% of the sales of the dirt they used to sell. They also may need to tear down the building due to the mold.

Trustee Cardelli, thanked Donna Kurtz for the information. He asked Highway Commissioner Miller about the private non-dedicated roads and the services provided.

Trustee Fischer said that they are trying to get the website friendly and more interactive.

Trustee Emery thanked Donna Kurtz for the info. He stated that they are analyzing the reserves and would like to compare to other townships.

**Clerk:** Nothing to report.

#### **Highway Commissioner:**

Highway Commissioner Miller wanted to clarify some of the footnotes on the handout from Donna Kurtz and that they do not necessarily apply to Algonquin Township.

Miller stated that the 2014 Levy that was paid in 2015, after the redistributing to the cities was \$2,905,588.83. He has analyzed the last 5 years of data and determined that the levy amounts have been used. He pointed out that the asset amount stated in the lawsuit against the Township, not only included reserves, but also all the assets of the Township—buildings, vehicles, property, etc. and that it is a misrepresentation.

The Road & Bridge reserve is about 5.4 months carryover which is necessary because of the slow reimbursement from the State and county. The Equipment and Building is higher because it has the funds for next year's road projects and a building for the snow plows. He stated that Algonquin Township roads are more expensive to maintain because they are mainly city roads that require, curbs, lights, markings, gutters, etc. which are required by the cities. It is much different than a rural road with minimal width and gravel shoulders.

**Assessor:**

2015 is a general assessment year. The last 5 years due to the real estate mayhem has been a nightmare to all involved in Real Estate and has been nearly impossible to have proper valuations. Bank sales account for about 20% of current sales. The appeal period is going on right now and it has been very busy and the process is very time consuming.

**Attorney:** Report will be in New Business.

**Old Business:** None

**New Business:**

Attorney Jim Kelly provided a section of the Township lawsuit to the Board. His firm is defending 6 of these similar lawsuits in Cook County at this time. Essentially the lawsuit challenges the accumulation of funds by the various governmental agencies. The suit was filed 11/12/15 and they will be Petitioning to Intervene. They are coordinating with the States Attorney. The Plaintiff asked for a new judge and Judge Caldwell was assigned. The first court date is 2/11/16.

The lawsuit challenges the excess accumulation of funds by Algonquin Township. The plaintiffs have comingled the Road District and the Township which is incorrect and has incorporated assets which are misstated as cash reserves.

Trustee Emery asked if there is a best practice formula for reserves. Attorney Kelly has consulted with the Auditor and they said they would've noted in the audit findings if the reserves were excessive.

Trustee Shea asked if there needed to be an aggrieved party in the county to pursue the lawsuit. Attorney Kelly noted there are around 100 individuals or businesses listed on the lawsuit which are consolidated. They are allowed to file if there is a minimum of 1 property owner in Algonquin Township.

Supervisor Klemm asked for a motion to adopt the Algonquin Township levy for the tax year 2015 collectable in 2016 for \$1,800,380. A motion was made by Trustee Shea, seconded by Trustee Cardelli.

Trustee Cardelli asked if the levy has been reduced by \$100,000. Supervisor Klemm said the funds had been moved to a different fund to address the septic or if we need to join the Cary sewer system. She stated that the levy is flat.

Trustee Emery commented that the General Assistance has been steady. Trustee Emery asked if 13 months of reserves for the Town Fund is too high.

Trustee Shea pointed out about the unfunded mandates coming out of Springfield that can come at any time and also the lawsuit at hand. Insurance doesn't cover everything.

Supervisor Klemm pointed out that the levy was reduced last year and feels a flat levy is necessary this year.

**Roll Call Vote:**

Shea: Y

Cardelli: N

Fischer: Y

Emery: N

Klemm: Y

Supervisor Klemm asked for a motion to adopt the Algonquin Township Road District Levy for the tax year 2015 collectable in 2016 for \$4,048,990. A motion was made by Trustee Shea, seconded by Trustee Cardelli.

Trustee Cardelli feels we have the best equipment and a lot of equipment. He would like to see a massive reduction in the levy. Trustee Emery would like to see a 10% reduction and would like to keep equipment longer and would like to see an apples to apples comparison to other road districts. Trustee Sanchez pointed out that the appropriations don't always match the levy.

Highway Commissioner pointed out that the appropriations don't necessarily mean anything until the budget is compiled. The levy needs to be looked at as an overall picture.

Roll call vote :

Shea: Y

Cardelli: N

Fischer: N

Emery: Y

Klemm: Y

Motion to Adjourn by Trustee Shea, seconded by Trustee Cardelli at 8:24 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday February 11, 2015, at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez-Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and the Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held January 14, 2014.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Sanchez-Fischer to audit the claims of the Town Fund in the amount of \$107,957.78.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$13,890.09.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Sanchez-Fischer to audit the claims of the Road and Bridge Fund in the amount of \$192,976.97.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$24,769.00.

Roll Call: all ayes

### ***Audience Participation:***

none



**Reports:**

**Supervisor:** Trustee Shea, acting as Supervisor reported that the Fox Waterway cannot move into their building because of mold. Supervisor Klemm is in the hospital with an infection in her knee due to her previous surgery.

**Trustee:** Trustee Sanchez-Fischer rode along with Derek Lee and said it was very interesting.

**Clerk:** None

**Highway Commissioner:**

Senator Althoff has informed Highway Commissioner Miller that there is legislation pending to reinstate the electronics recycling program. In the meantime, they have contracted with Office Recycling Solutions to continue the recycling program. A pod will be delivered that will take electronics from 9-3 daily except TVs, and monitors. TVs and monitors will be collected on the last Saturday of the month beginning in March limited to 1 per resident/per month. The company will charge \$.11.5 per/lb.

The roads and salt supply are in good order.

**Assessor:** Last year the IL legislation passed a law that allows counties to claw-back homestead exemptions from homeowners that have wrongfully taken the exemption.

**Attorney:** None

**Old Business:** None

**New Business:**

Regarding the 2015-16 budget, Trustee Emery wanted to know if the trends were the same as last year. Trustee Shea, acting as Supervisor stated that the budget is not precise. Trustee Emery would like to discuss salaries and health insurance further. He would also like to discuss the expansion figures.

Trustee Shea announced that the 2015-16 Budget Discussion-Budget hearing Wednesday, April 8, 2015. Town fund 6:45 pm, Road District 6:50 pm.

**Executive Session:** None

Motion to Adjourn by Trustee Cardelli, seconded by Trustee Sanchez-Fischer at 7:35 pm. Voice Vote: All ayes

Charles A. Lutzow, Jr.  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, January 14, 2015, at 7 PM. The following were in attendance:

**Clerk:** Darlene Lutzow, Deputy Clerk  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli-absent  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez-Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and the Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Darlene Lutzow acting as Deputy Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Shea to accept the minutes of the regular meeting held December 10, 2014.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Sanchez-Fischer to audit the claims of the Town Fund in the amount of \$176,127.92.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Sanchez-Fischer to audit the claims of the General Assistance Fund in the amount of \$50,361.38.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$131,252.41.

Roll Call: all ayes

A motion was made by Trustee Sanchez-Fischer, seconded by Trustee Shea to audit the claims of the Equipment & Building Fund in the amount of \$31,330.24.

Roll Call: all ayes

### ***Audience Participation:***

none

***Reports:***

**Supervisor:** Supervisor Klemm said the AARP tax preparing program was starting up at the township. This is a very popular program.

**Trustee:** Trustee Shea noted that the recent complaint against McHenry Township wasn't their area—it was the state's roads (Rt. 120).

Trustee Emery said he would look into Com Ed's grants for solar panels.

**Clerk:** None

**Highway Commissioner:**

Highway Commissioner Miller asked to have 3 bills totaling \$11,441.28 be approved to avoid being late. Trustee Shea made a motion to pay the bills, seconded by Trustee Emery. Roll call: All Ayes.

He also mentioned the price of fuel has come down significantly: off road diesel: \$2.12, on rd. diesel: \$2.17, gas: \$1.87.

**Assessor:** Hearings for 2014 and 2015 are wrapping up. The volume is down.

**Attorney:** Attorney Kelly reported that they are waiting for a hearing date for the case with Comfort Inn.

***Old Business:*** None

***New Business:***

Supervisor Klemm reported that a Township Newsletter would be going out probably in February.

***Executive Session:*** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Sanchez-Fischer at 7:19 pm. Voice Vote: All ayes

Charles A. Lutzow, Jr.  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday July 8, at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held June 10, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$110,503.44.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$13,864.18.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$128,667.55.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$59,043.91.

Roll Call: all ayes

### ***Audience Participation:***

Rick Mioch, Algonquin, asked about the money available for non-dedicated roads. Commissioner Miller said it is a very complicated issue and he will report briefly later but he should make an appointment to discuss this issue in depth.

### ***Reports:***

**Supervisor:** Nothing to report.

**Trustee:** Trustee Shea analyzed his tax bill and determined that 2% of his tax bill is paid to the Township. However, this is overstated because 50% of the Road and Bridge fund is rebated to the local municipalities.

Trustee Emery asked if the board would be interested in a presentation from Open Gov regarding the financial software he discussed last month. Clerk Lutzow suggested that he have a committee meeting prior to the actual meeting as long as proper notice is given to the public.

Trustee Sanchez reported that she has been working with the Supervisor's office to put together job descriptions for the Township.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Recently the McHenry County Board passed a resolution identifying funds to assist non-dedicated subdivision with upgrades necessary to become part of Township Road Districts. There are 75-100 miles in the County, with the majority of them found within Nunda, McHenry and Algonquin Townships. The Resolution the County Board approved has identified \$8.5 MM to phase these roads into the Townships. Highway Commission Miller believes the cost of improving these roads to incorporate them into the Townships is much higher than the \$8.5MM, the figure is probably over \$100MM. All of the subdivisions will be competing for these dollars. The Highway Commissioner's office sent to the representatives of each non-dedicated road a packet that includes the petitions and other materials explaining the process to make them township roads. They have received quite a few follow up calls about this issue. The department looks forward to working with the County to improve these roads.

**Assessor:** Nothing to report.

**Attorney:** They have hired a new attorney at the firm. The firm will be make case law presentations in Springfield.

**Old Business:** None

**New Business:** None

**Executive Session:** None

Motion to Adjourn by Trustee Cardelli, seconded by Trustee Emery at 7:38 pm. Voice Vote: All ayes

Charles Lutzow  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday June 10, at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Fischer to accept the minutes of the regular meeting held May 13, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Emery, seconded by Trustee Shea to audit the claims of the Town Fund in the amount of \$110,612.85.

Roll Call: all ayes

A motion was made by Trustee Fischer, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$13,485.75.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Fischer to audit the claims of the Road and Bridge Fund in the amount of \$128,488.04.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$5,725.

Roll Call: all ayes

### ***Audience Participation:***

None

### ***Reports:***



**Supervisor:** Nothing to report.

**Trustee:** Trustee Shea reported that the Fox Waterway had a cleanup of the Fox River. Trustee Fischer said she would like to schedule time to meet with Supervisor Klemm to go over job descriptions.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Document shredding was held on Saturday June 6 and it was an overwhelming success. 2 trucks were filled and we had to turn people away.

**Assessor:** Nothing to report.

**Attorney:** Nothing to report.

**Old Business:** None

**New Business:**

A motion to Approve the 2015 Prevailing Wage Ordinance for Algonquin Township and Algonquin Township Road District was made by Trustee Shea, seconded by Trustee Fischer.

Roll call: all ayes

Trustee Emery discussed the possibility of installing a financial analysis software from Open Gov. Supervisor Klemm and Highway Commissioner Miller pointed out that it is very difficult to get coordination with other townships and to get them to agree to also use the system. They may not be big enough or have enough money to afford it. Clerk Lutzow asked how much it cost, Trustee Emery said around \$4000 annually.

Highway Commissioner Miller asked to have a bill of \$751.92 for phone and database work be approved for payment.

A Motion was made to approved by Trustee Shea, seconded by Trustee Cardelli.

Roll Call: All Ayes

**Executive Session:** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Cardelli at 7:30 pm. Voice Vote: All ayes

Charles Lutzow  
Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday March 11, 2015, at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Sanchez-Fischer-absent

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and the Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held February 11, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Town Fund in the amount of \$129,542.75.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$5,725.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$128,744.52.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$26,730.95.

Roll Call: all ayes

### ***Audience Participation:***

none

### ***Reports:***

**Supervisor:** Trustee Shea, acting as Supervisor reported that Supervisor Klemm is having rehabilitation. The newsletter will be mailed on Friday. The AARP tax service to seniors has completed 300 returns and expects to do 200 more. Governor Rauner has decided against the Illinois-Indiana roadway.

**Trustee:** Trustee Emery asked Highway Commissioner Miller about road sign coverage.

**Clerk:** Early voting starts March 23. Weekdays will be 8:30-4, Saturdays 9-noon. No voting on Good Friday. The judges will be rotating this year.

**Highway Commissioner:**

Highway Commissioner Miller reported that the electronics program has been restarted and the new service picked up the first bin recently.

Last year there was a Memorandum of Understanding submitted to PACE to enhance our bus service, but we were not included although many of the surrounding communities were. Highway Commissioner Miller attended the meeting at the Government Center and asked that they reconsider including Algonquin Township in the program and they said they would look at it again.

The salt requisition for next year will be due soon. We used a lot less than last year but would like to lock in the maximum amount allowed at the lowest offer price.

**Assessor:** None

**Attorney:** Jim Kelly reported the Property Tax Appeal Board (PTAB) entered a final decision on the 2011 and 2012, 3 S L Bldg. LLC – Laura Pierson (Foundations Montessori School), appeals for the property on 2651 W. Algonquin Road, Algonquin.

**Old Business:**

Trustee Shea, acting as Supervisor announced that the 2015-16 Budget hearing is set for Wednesday, April 8, 2015 prior to the April monthly meeting. Town Fund Hearing at 6:45 pm; Road District Hearing at 6:50 pm.

Trustee Emery discussed the 5 year trend and some transfers of funds between accounts, including the election services.

**New Business:**

Trustee Shea, Acting as Supervisor asked for a motion to approve the agenda for the Annual Town Meeting to be held on Tuesday, April 14, 2015 at 7 pm. Motion: Trustee Emery, Seconded: Trustee Cardelli. Voice Vote: All ayes

Trustee Shea, Acting as Supervisor asked for a motion to transfer the appropriations for the Town Fund, Town Fund-Assessor and the General Assistance Fund. Motion: Trustee: Emery, Seconded: Trustee Cardelli. Roll Call vote: All Ayes.

**Executive Session:** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Cardelli at 7:29 pm. Voice Vote: All ayes

Charles A. Lutzow, Jr.  
Algonquin Township Clerk

Approved:  
Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday May 13, at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli-absent  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz and Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Emery to accept the minutes of the Town Fund Budget Hearing held April 8, 2015.

Voice vote: All Ayes

A motion was made by Trustee Fischer, seconded Trustee Emery to accept the minutes of the Budget Hearing for the Road District held April 8, 2015.

Voice vote: All Ayes

A motion was made by Trustee Shea, seconded by Trustee Emery to accept the minutes of the regular meeting held April 8, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Emery, seconded by Trustee Fischer to audit the claims of the Town Fund in the amount of \$163,945.61.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Fischer to audit the claims of the General Assistance Fund in the amount of \$15,104.00.

Roll Call: all ayes

A motion was made by Trustee Fischer, seconded by Trustee Shea to audit the claims of the Road and Bridge Fund in the amount of \$225,763.97.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$17,759.64.

Roll Call: all ayes

***Audience Participation:***

None

***Reports:***

**Supervisor:** Trustee Shea, acting as Supervisor reported that Supervisor Klemm could not come because her Dr. has not released her yet.

**Trustee:** Trustee Emery asked Highway Commissioner about the Annexation in Cary. It has no effect on the Township. Trustee Emery discussed his 6-points to improve the budget.

**Clerk:** Don't forget the economic disclosure receipts.

**Highway Commissioner:**

Highway Commission Miller reported they had a Road Project bid opening and Curran came in with the lowest bid which was under the engineering estimate.

The Non-Dedicated Road Program is scheduled to be discussed under new business. There were fewer subdivisions than in the past applying for paving. It may be due to the cumbersome paperwork involved.

**Assessor:** Tax bills have been mailed out. Over half of the activity has been dealing with the Homestead Exemption.

**Attorney:** Attorney Kelly's firm held an education government seminar yesterday and it was well received.

***Old Business:*** None

***New Business:***

A motion to Approve the 2015 Non-Dedicated Road program was made by Trustee Fischer, seconded by Trustee Emery.

Roll call: all ayes

***Executive Session:*** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Fischer at 7:28 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Deputy Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Thursday, November 12 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller and Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held October 14, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Town Fund in the amount of \$123,429.25.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$5,920.30.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Road and Bridge Fund in the amount of \$113,277.24.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$4,299.31.

Roll Call: all ayes

***Audience Participation:*** None

### ***Reports:***

**Supervisor:** Trustee Shea reported that Supervisor Klemm has fractured some bones in her leg.



**Trustee:**

Trustee Fischer went to the TOI meeting and attended some very good sessions.

Trustee Shea reported that the state is planning to freeze levies for 3 years. He also mentioned that the waterway agency has lost state funding and has lost one of its largest customers that bought dirt from them.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Highway Commissioner Miller reported that MFT legislation has been blocked and will not come to vote until next year.

They have fixed the electric panels that were in code violation.

New bins have been put in the front from Green City Project. They donate to food banks and charities and will pay the \$1700/month to have the bins there. The previous vendors did not pay anything to the Township.

**Assessor:** Nothing to report.

**Attorney:** Attorney Kelley also went to the TOI meeting and there were some very good meetings.

**Old Business:** None

**New Business:**

A Motion to Adopt the 2015 Levy for the Town Fund was made by Trustee Cardelli, seconded by Trustee Emery.

Discussion:

Trustee Shea said that essentially there is a 1.8% decrease with a flat no increase levy because that is the rate of inflation.

A Motion to table the vote on the Town Fund to the December meeting was made by Trustee Emery, seconded by Trustee Cardelli

**Roll Call Vote:**

Cardelli-yes

Fischer-yes

Emery-yes

Shea-no

A Motion to Adopt the 2015 Levy for the Road district was made by Trustee Cardelli, seconded by Trustee Shea.

Discussion:

Trustee Emery asked about some of the individual accounts. Highway Commissioner Miller said that the aggregate is the important number. Trustee Shea pointed out that the levy is generally the maximum that you may get and it is likely less.

A Motion to table the vote on the Road District levy until the December meeting was made by Trustee Cardelli, seconded by Trustee Fischer.

Roll Call Vote:

Emery-yes

Fischer-yes

Cardelli-yes

Shea-no

Motion to Adjourn by Trustee Cardelli, seconded by Trustee Fischer at 7:40 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday October 14 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli-absent  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Fischer to accept the minutes of the special meeting and the regular meeting held September 9, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Emery, seconded by Trustee Shea to audit the claims of the Town Fund in the amount of \$150,251.21.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Fischer to audit the claims of the General Assistance Fund in the amount of \$14,543.15.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Fischer to audit the claims of the Road and Bridge Fund in the amount of \$279,534.51.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$160,131.27.

Roll Call: all ayes

***Audience Participation:*** None

***Reports:***

**Supervisor:** Supervisor Klemm noted that the November meeting is scheduled the same as TOI meeting and also Veterans Day. Supervisor Klemm asked for a motion to change the meeting. A motion was made by Trustee Shea, seconded by Trustee Emery.

**Voice Vote:** All Ayes

The meeting scheduled for November 11 has been changed to Thursday, November 12, 7 pm CST.

Supervisor Klemm also noted that the Levy would be voted on at the November meeting.

Supervisor Klemm also noted that Highway Commissioner Miller was featured in the Township Magazine because of his recent awards.

**Trustee:** Trustee Shea said that the new head of the Waterway Agency is Joe Kelly. The Waterway hasn't received it's grants from the State so they are looking of ways to obtain revenue. They are looking at snowmobile registrations.

Trustee Emery mentioned that LITH is discussing a possible TIF district.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Highway Commissioner Miller mentioned that MFT funds have been frozen because the state hasn't passed a budget. MFT funds in Algonquin Township are used for Salt purchases. We have a fund surplus so we should be ok to purchase salt for the winter.

Highway Commissioner Miller mentioned that Dan Shea provided an article on e-recycling. It continues to be a challenge. We have resumed E-recycling and will allow 1 monitor per household. The last e-recycling event of this year will be October 31. We have contracted with an e-recycling company in Elk Grove Village.

**Assessor:** Nothing to report.

**Attorney:** Nothing to report.

**Old Business:** None

**New Business:**

**Executive Session:** None

Motion to Adjourn by Trustee Emery, seconded by Trustee Shea at 7:29 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday September 9 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the special meeting and the regular meeting held August 12, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$109,825.88.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$11,739.04.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Road and Bridge Fund in the amount of \$126,753.28.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$51,705.33.

Roll Call: all ayes

***Audience Participation:*** None

### ***Reports:***

**Supervisor:** Supervisor Klemm wanted to remind everyone about the upcoming TOI conference and to let Judy know if they will be attending so she can make reservations.

**Trustee:** Trustee Shea reported that the Waterways has a new leader.

Trustee Cardelli asked about an employee event held at Lake Julian and wanted to know if alcohol was served.

Trustee Fischer said that she walked in the Lake in the Hills parade and would like more presence in that area.

Trustee Emery would like to have an annual calendar so that the Township can plan what events, parades the Township would be represented at. He would like a meeting maybe in November before the normal meeting.

**Clerk:** Nothing to report.

**Highway Commissioner:**

Highway Commissioner Miller asked permission to add the bill from Curran Construction that was received today and approved by the consultants for the road project in the amount of \$246,510.20.

Highway Commissioner Miller elaborated on the event mentioned by Trustee Cardelli. It is the annual Highway Commissioner meeting that has been held at Lake Julian for about the last 10 years. Highway Dept employees are also invited. Equipment vendors are there to show the latest equipment available.

Touch a Truck was very successful with over 800 people showing up. The shred event was held and it went smoother than the Spring event.

Trustee Shea made a motion, seconded by Trustee Emery to pay the Curran Construction bill in the amount of \$246,510.20.

Roll Call: All Ayes

Highway Commissioner Miller also mentioned he received his National Award.

**Assessor:** Assessor Kunz prepared a Tax Rate comparison that shows the different levy tax rates if Algonquin and Grafton Townships were combined. It shows the levies could be increased higher in the first year if the townships were combined.

**Attorney:** Nothing to report.

**Old Business:** None

**New Business:**

A motion to accept the FY 2014-15 Audit as presented was made by Trustee Cardelli, seconded by Trustee Shea.

Roll Call: All Ayes

**Executive Session:** None

Motion to Adjourn by Trustee Shea, seconded by Trustee Cardelli at 7:31 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:



**MEETING MINUTES-ANNUAL TOWN MEETING  
Town of Algonquin**

STATE OF ILLINOIS        }  
                                     }  
MCHENRY COUNTY        } SS  
ALGONQUIN TOWNSHIP }

The 167<sup>th</sup> Annual Town Meeting of the qualified electors of the Township of Algonquin, County of McHenry, State of Illinois was duly posted and properly called to order by the Clerk of the Township at 7:00 PM on April 12, 2016 at the office of the Township at 3702 Northwest Highway, Crystal Lake, IL.

Town Clerk Lutzow lead the electors in the Pledge of Allegiance.

Town Clerk Lutzow called for nominations from the floor for a Moderator to be elected by electors of the Township for the purpose of conducting the Town Meeting. A motion was made by Tim Shepard, seconded by Larry Emery to nominate Tom McDermott. Clerk Lutzow called for nominations from the floor three times and hearing no other nominations the voice vote was called: Dan Shea asked to close nominations.

Voice Vote: All Ayes

Town Clerk Lutzow administered the Oath of Office to Moderator McDermott.

Town Clerk Lutzow asked for a motion for Compensation for the Moderator. Larry Emery made a motion to pay \$50, seconded by Tim Shepard. Voice Vote: All Ayes

Moderator McDermott asked for a motion to adopt rules governing the Annual Town Meeting entitled "Algonquin Township Annual Town Meeting General Information, Policies and Procedures". Motion made by Darlene Lutzow, seconded by Melissa Fischer.

Voice Vote: All Ayes

Tim Knutsen of Crystal Lake, asked if there could be discussion about the setting of the agenda. Attorney Kelly explained that per the law enacted 3 years ago by the State, items needed to be added by March 1, 2016 to be included in the agenda.

Dan Shea made a motion to waive the reading of the minutes of the 166<sup>th</sup> Annual Town Meeting held on April 14, 2015, seconded by Anna Miller.

Voice Vote: All Ayes

Bob Miller made a motion to approve the 166<sup>th</sup> Annual Town Meeting minutes, seconded by Dylan Stern. Voice Vote: All Ayes

Public Participation:

William Salo of Cary stated that he was happy with the services provided by the township especially the great road plowing and the recycling program. He has been a resident for 21 years.

Tim Knutsen of Crystal Lake is concerned about the increase of taxes in his 21 years in the township although the township increases are less than the overall property tax increase he has experienced. He would like the salaries looked at because the increases are greater than inflation and thinks the township can do better at reducing costs.

Melissa Fischer said that the township board tries its best to be transparent and accountable to the taxpayers.

Old Business: None

New Business:

Moderator McDermott asked for a motion to set the date of the 2017 Annual Town Meeting for April 11, 2017 to be held at the Algonquin Township Office Building at 7 pm. Motion made by Darlene Lutzow, seconded by Dan Shea.

Voice Vote: All Ayes

Moderator McDermott asked for a motion to authorize the Town Board to increase the appropriation of line item Cemetery Expense in the Town Fund by \$5000 for fiscal year 2016-17. This would bring the new appropriation to \$5300 for fiscal year 2016-17. Funds shall come from line item Contingencies. Motion: Darlene Lutzow, Second: Derek Lee. Tim Knutsen asked why this is necessary and Judy Kreklow, assistant to the Supervisor, explained that the law only allows \$300 for Cemetery Expense and it costs more than that to maintain.

Voice Vote: All Ayes

Moderator McDermott asked for a motion to authorize the Board of Trustees and the Road District to provide for mosquito and gypsy moth abatement services in the unincorporated areas of the Township. Motion: Robin Moore, Second: Tim Shepard. Larry Emery asked if this is another law. Robert Miller explained that the amount is in the budget but there needs to be a resolution to spend on the services.

Moderator McDermott asked for a motion to Adjourn. Motion: Dan Shea, Second: Larry Emery  
Voice Vote: All Ayes

Meeting adjourned at 7:18 pm

**RESOLUTION  
16-04-12  
ALGONQUIN TOWNSHIP  
ANNUAL TOWN MEETING**

1. To set the date of the 2017 Annual Town Meeting for April 11, 2017 to be held at the Algonquin Township Office Building at 7 pm.
2. To authorize the Town Board to increase the appropriation of line item Cemetery Expense in the Town Fund by \$5000 for fiscal year 2016-17. This would bring the new appropriation to \$5300 for fiscal year 2016-17.
3. To authorize the Board of Trustees and the Road District to provide for mosquito and gypsy moth abatement services in the unincorporated areas of the Township

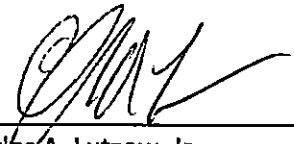
FINAL RESOLUTION: To incorporate all approved motions into a resolution making them a part of the minutes of this 167<sup>th</sup> Algonquin Township Annual town Meeting.

**BE IT FURTHER RESOLVED** that if any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**BE IT FURTHER RESOLVED** that the Clerk of the Township of Algonquin spread this resolution upon the minutes of the 167<sup>th</sup> Annual Town Meeting at which it was adopted.

***Dated this 12<sup>th</sup> Day of April, 2016***

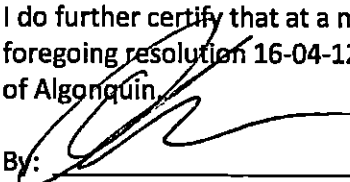
By:   
Thomas McDermott-Moderator

By:   
Charles A. Lutzow, Jr.  
Township Clerk

#### **CERTIFICATION**

I, **Charles A. Lutzow, Jr**, do hereby certify that I am the duly elected, acting and qualified Clerk of the Town of Algonquin, McHenry County, Illinois, and that as such Clerk, I am the Keeper of the records and the minutes and proceedings of the Supervisor and the Board of Trustees of the Town of Algonquin.

I do further certify that at a meeting of the Town of Algonquin, held on the 12th Day of April, 2016, the foregoing resolution 16-04-12 was duly passed by the electors at the Annual Town Meeting of the Town of Algonquin.

By:   
Charles A. Lutzow, Town Clerk  
Town of Algonquin  
McHenry County  
Illinois

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, January 13, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held December 9, 2015.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Town Fund in the amount of \$171,485.27.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$6,499.00.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$123,721.46.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Equipment & Building Fund in the amount of \$260,559.67. An amended motion was made by Trustee Cardelli, to pay for the new truck next month rather than this month, seconded by Trustee Emery.

Roll Call on Amendment:

Emery: N

Fischer: Y

Shea: N

Cardelli: Y

Klemm: N

Motion Failed.

Roll Call on Motion:

Emery: Y

Fischer: Y

Shea: Y

Cardelli: N

Klemm: Y

***Audience Participation:***

Tim Knutsen, 607 Crimson Dr, Crystal Lake IL asked again about the compensation of all the elected officials in the Township because the website has 2013 info. Supervisor Klemm said they were working on that and they would make sure they are correct.

His second request was for a map of the Township roads because the map available shows all roads in the Township. Highway Commissioner Miller stated that McHenry Country Dept. of Transportation was working on an updated list of the roads and on the map he had, the uncolored portions are Township roads. He said he could review the map in his office after the meeting.

***Reports:***

**Supervisor:** AARP is providing free tax preparation and electronic filing for seniors again this year

**Trustee: Nothing to report**

**Clerk:** Clerk Lutzow said that he passed out the dates of the Township Regular meetings as well as the Annual Town meeting. Early voting is scheduled 2/29-3/14/16, 9-noon on Saturdays and 9-4 M-F.

***Highway Commissioner:***

Highway Commissioner Miller said that the truck replacement policy has been 10 years, but since the prices have been going up and the trucks are better, the Township is now holding for a minimum 12 years.

**Assessor:** Assessor Kunz stated that 12/23/15 was last day of appeals. They have around 1500 appeals they are dealing with right now.

**Attorney:** Nothing to report.

***Old Business:*** None

***New Business:***

A motion was made by Trustee Shea, seconded by Trustee Fisher to adopt "An Ordinance Authorizing Serving of Alcoholic Beverages in the Algonquin Township Road District Community Room" by the Crystal Lake Central Booster club for a one time use on March 12, 2016.

Roll Call: All Ayes

Motion to Adjourn by Trustee Fischer, seconded by Trustee Cardelli at 7:24 pm. Voice Vote: All ayes

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, December 14, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-excused absence  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer-7:15 pm

Also present: Township Highway Commissioner Robert Miller, Township Assessor Robert Kunz, and Township attorney Jim Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

Dan Shea congratulated Robert Miller on being elected President of the Township Officials of Illinois and presented him with a plaque from the Township.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held November 9, 2016.

Voice vote: All Ayes.

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Town Fund in the amount of \$111,513.22.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to pay a bill for Matuszewich & Kelly in the amount of \$2752.50 from the Town Fund.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$13,536.02.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to pay a bill for Matuszewich & Kelly in the amount of \$2145.00 from the Road and Bridge Fund.

Roll Call: All ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$148,627.23.



Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Equipment & Building Fund in the amount of \$6,902.42.

Roll Call : all ayes

***Audience Participation:*** None.

***Reports:***

**Supervisor:** Trustee Shea reported Supervisor Klemm has the flu.

**Trustee:** Nothing to Report.

**Clerk:** Nothing to Report.

**Highway Commissioner:** Highway Commissioner Miller reported that there were 2 snowstorms both on weekends which makes it hard on the workers because their works run together and we have to pay overtime, but it went well.

**Assessor:** Nothing to report.

**Attorney:** Attorney Kelly gave an update on the tax objection case. He also gave his opinion and provided in writing an opinion on the conducting of meetings that was questioned last month. The board followed proper procedure.

***Old Business:***

none

***New Business:***

A motion to approve the Ordinance Authorizing the Serving of Alcoholic Beverages in the Algonquin Township Road District Community Room for the Crystal Lake Central Boosters Club was made by Trustee Shea, seconded by Trustee Cardelli.

Roll Call: All Ayes.

A motion was made to adopt the 2016 Levy for the Town Fund was made by Trustee Cardelli, seconded by Trustee Emery.

Trustee Shea noted that the Town Fund was reduced by \$100,000, the General Assistance by \$60,000.

Roll Call: All Ayes

A motion was made to adopt the 2016 Levy for the Road District was made by Trustee, Emery, seconded by Trustee Fischer.

Highway Commissioner Miller stated you need to look at the big picture, trends, projects, etc. to determine the levy. Accumulation of funds are needed for capital projects. The biggest costs are personnel, paving and equipment. Our reduction in the levy has a lot to do with the cost of paving which is directly related to oil prices.

Roll Call: All Ayes

Trustee Fischer reported that MCOG is setting their 2017 legislative agenda.

A motion to adjourn the meeting was made by Trustee Emery, seconded by Trustee Cardelli at 7:40 pm.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, July 13, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commission Robert Miller, Township Assessor Robert Kunz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Fischer to accept the minutes of the regular meeting held June 8, 2016.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Town Fund in the amount of \$135,369.90.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the General Assistance Fund in the amount of \$14,078.26.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$175,361.95.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$894,991.30.

Roll Call :

Emery: Y

Fischer: Y

Shea: Y

Cardelli: N

Klemm: Y

***Audience Participation:***

Nicole Buyer, Algonquin, came to observe but did not care to make comments.

***Reports:***

**Supervisor:** Supervisor Klemm reported that the salary suggestions from the officers and County salary survey will be mailed or emailed to the Trustees before the August meeting.

**Trustee:** Trustee Cardelli asked Assessor Kunz if a property is purchased and the buildings torn down, how long will it take to get the bill reduced. Assessor Kunz said the owners can contact him when they plan to do the teardown.

**Clerk:** Nothing to report.

**Highway Commissioner:** Touch a Truck will be August 20.

**Assessor:** Assessor Kunz reported that an employee has retired and he has reduced the staff from 10 to 7 over the last few years..

**Attorney:** Supervisor Klemm had asked Attorney Kelly to look into the current loans and if there were any payoff penalties and there aren't any. The note balance is \$640,000 and the Township could potentially save \$200,000 in interest expense. Highway Commissioner Miller reported that the Highway Dept. and the Township may pay off the loan because there appears to be sufficient reserves. This will be discussed further.

***Old Business:***

None.

***New Business:***

Trustee Emery would like to have an agreement of what the proper reserve should be.

Trustee Fischer thought that a graph of Township expenditures may be a good item to make available to the public.

Trustee Emery would like to discuss a nepotism policy. Trustee Shea said that if an employee has good performance and loyalty it shouldn't matter. Attorney Kelly said the board only has authority for the Township, and the Township only has 2 employees. Trustee Emery suggested that evaluations take a 3 prong approach. Supervisor Klemm said she does not think it would be fair to subject her employees to an evaluation from anyone but her. Trustee Cardelli asked each department how many employees were relatives.

Trustee Fischer said she would like our website and brochures updated. She asked for an updated from Attorney Kelly on the lawsuit. He said that Friday there will be a filing for a motion to dismiss.

A motion to adjourn by Trustee Cardelli, seconded by Trustee Shea at 8:04 pm. Voice Vote: All Ayes.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, June 8, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Township Assessor Robert Kunz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to accept the minutes of the regular meeting held May 11, 2016.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$112,446.20.

Roll Call: all ayes

A motion was made by Trustee Fischer, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$10,306.66.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$108,920.89.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Equipment & Building Fund in the amount of \$19,621.74.

Roll Call : all ayes

### ***Audience Participation:***

None

**Reports:**

**Supervisor:**

Supervisor Klemm distributed the report of Tax Levy Payments by Month.

Supervisor Klemm mentioned that Trustee Emery has asked to have a meeting of the whole to discuss various topics that affect the Township. Trustee Shea said he was concerned about spending the township's money. Trustee Cardelli asked if this could just be addressed in a regular meeting.

**Trustee:** Trustee Fischer has been working on getting some local businesses to participate in a Job Fair. She has also been viewing the TOI webinars and is seeking sponsorships for the MCOG golf outing.

Trustee Emery reiterated that he would like to discuss the cash flow and the bank reconciliation..

**Clerk:** Nothing to Report.

**Highway Commissioner:**

No report.

**Assessor** Assessor Kunz said some of his staff will be attending a CPR defib class on Friday.

**Attorney:** Attorney Kelly provided an update on the Tax Objection lawsuit. The judge has rejected the motions to dismiss. There will be a third amended complaint which is due 7/15/16.

**Old Business:**

None.

**New Business:**

A motion was made by Trustee Cardelli, seconded by Trustee Shea to pass the resolution for Eagle Scout Nevin Wood of Crystal Lake.

Voice Vote: All Ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to approve the 2016 Prevailing Wage Ordinances for the Township and Road District as required by State Statute 820 ILCS 130/1 et seq.

Roll Call:

Shea-Yes

Emery-No

Fischer-Yes

Cardelli-Yes

Klemm-Yes

A motion to adjourn by Trustee Cardelli, seconded by Trustee Shea at 7:42 pm. Voice Vote: All Ayes.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, May 11, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer-excused absent

Also present: Highway Commissioner Robert Miller, Township Assessor Robert Kunz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Cardelli, seconded by Trustee Shea to accept the minutes of The Budget Hearing for the Town Fund and the Budget Hearing for the Road District both held April 13, 2016 and the regular meeting held April 13, 2016.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$150,653.21.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$14,206.62.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$194,540.47.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Shea to audit the claims of the Equipment & Building Fund in the amount of \$20,391.61.

Roll Call : all ayes

### ***Audience Participation:***

None

### ***Reports:***



**Supervisor:**

Supervisor Klemm said that she had a discussion with Trustee Emery that a meeting will be scheduled to discuss a 4 year plan for the Township. This will be a separate meeting in addition to the regular meeting.

**Trustee:**

Trustee Emery stated that there are a lot of statistics floating out there that may not actually reflect actual performance. We as a township may want to create some "measuring" statistics that are relevant to each office.

Trustee Emery said that he attended the Algonquin Township Republican Central Committee meeting the night before and they discussed transparency, nepotism and patronage.

Trustee Cardelli asked Highway Commissioner if the mulch is properly processed. Highway Commissioner Miller said that through his research that if they double grind the mulch, it will build up enough heat to kill parasites and disease.

**Clerk:** Nothing to Report.

**Highway Commissioner:**

Highway Commissioner Miller said that on April 30 the township offered recycling services for township residents. The lines were backed up all the way to Thornton's and Country Gas. The wait was about 45 minutes. We haven't seen anything like this before and there were 5 loads of electronics. This apparently is a service that is needed and many people were recycling multiple items, not only electronics.

**Assessor** Tax Bills will be released this Friday by the County.

**Attorney:** Attorney Kelly said that the Township settled the last Property Tax case.

**Old Business:**

None.

**New Business:**

A motion was made by Trustee Shea, seconded by Trustee Cardelli to approve the 2016 Non-Dedicated Road Program.

Roll Call: All Ayes

A motion to adjourn by Trustee Shea, seconded by Trustee Emery at 7:26 pm. Voice Vote: All Ayes.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, November 9, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-excused absence  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Township Highway Commissioner Robert Miller, Township Assessor Robert Kunz, and Township attorney Lewis Matuszewich.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held October 12, 2016.

Voice vote: All Ayes.

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$96,703.01.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Fischer to audit the claims of the General Assistance Fund in the amount of \$6,116.41.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Road and Bridge Fund in the amount of \$138,951.89.

Roll Call: all ayes

A motion was made by Trustee Emery, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$5,690.95.

Roll Call : all ayes

### ***Audience Participation:***

Lou Ann Majewski, Algonquin-She suggested that the trustee packets and bills should be available for review ahead of time. She suggested we notify vendors to submit bills earlier. She had come to the Township last Friday and could hardly find a parking space and maybe there could be 1 or 2 restricted spots for conducting Township business.

Mike Lesperance- Nunda Highway Commissioner, said he did not agree with the Board reducing the salary of the Algonquin Township Highway Commissioner. He has worked with many professionals in life that make things look easy, but it is because they are practiced and skilled. He has used Bob Miller as a reference quite often because he is so knowledgeable and no one does the job better than he does.

Lee Jennings, Nunda Township Supervisor, said Bob Miller is a leader of the Townships in the County. He has always been there for all the Townships in the County and is a consummate professional.

***Reports:***

**Supervisor:** Trustee Shea reported that in Lake County there is a movement to have the Fox Waterways taken care of by the State.

**Trustee:** Trustee Fischer is on the legislative committee on MCOG, one of the main issues is road projects.

**Clerk:** Thanked everyone for the help on the Early voting. The judges accommodated the large crowds.

**Highway Commissioner:** Recycling at the end of October was once again very successful and we had to turn people away because the cars back up almost to Thornton's. 1500 TV, 300 monitors and large amounts of paint, antifreeze and other electronics have been collected this year.

The bills are always available for inspection even after the meetings.

In lights of the referendums and the concern for tax burdens he expects to reduce the levy for next year. The levy have been flat for 3 years. They have also trimmed the budget. The Department is in the process of working with McHenry county on agreements to do work on non-dedicated roads.

**Assessor:** 2016 assessments are at the county and he expects release in a few weeks. The Lake county township 6 assessors are suing the county assessor for changing assessments.

**Attorney:** Attorney Matuszewich explained the litigation letter and why it was so time-consuming to defend. See attached.

***Old Business:***

none

***New Business:***

Trustee Cardelli made a motion to rescind the 2017-2021 Compensation Resolution, seconded by Trustee Emery.

Trustee Emery said he would like to analyze how the compensation is figured based on responsibilities and hours. It makes sense to keep the salaries flat. Trustee Shea said there are 3 other townships in the area that you could compare Algonquin Township to. Highway Commissioner pointed out that Elgin Township, which is very similar size, has the following salaries: Highway Commission, \$113,151, Assessor \$110,844, Supervisor \$94,700.

**Roll Call Vote:**

Cardelli-yes

Emery-yes

Fischer-yes

Shea-no

Trustee Emery made the motion to adopt the Resolution of flat compensation for 2017-2021, seconded by Trustee Cardelli.

Trustee Emery thought the supervisor compensation should be lowered to \$55,000 which is a 20% reduction. Trustee Shea said that Supervisor Klemm has been very ill and has done a lot of work from home and the new Supervisor may do things differently. Trustee Emery suggested 4% reduction for Assessor and Highway Commissioner. He stressed there needs to be a process to determine what is fair compensation for each position. Trustee Emery thought the trustee's salaries should be increased to \$5000. Trustee Shea felt the trustee salaries are fair.

Trustee Emery made a motion to amend the Resolution to reduce the Supervisor's compensation to \$55,000, seconded by Trustee Cardelli.

Roll Call:

Emery-yes

Cardelli-yes

Fischer-yes

Shea-no

Trustee Cardelli made a motion to amend the Resolution to reduce the Highway Commissioner's compensation by 4%, seconded by Trustee Fischer.

Highway Commissioner Miller said he felt that a reduction to his salary would be a slap in the face and he provides an excellent service to the community. They have kept the levy flat for 4 years.

Roll Call:

Fischer-yes

Emery-yes

Fischer-yes

Shea-no

Trustee Emery asked if there should be a COLA added.

Roll Call:

Fischer-yes

Emery-yes

Fischer-yes

Shea-yes

Trustee Cardelli made a motion for the Adoption of an Ordinance to regulate the reimbursement of expenses per Illinois Public Act 99-0604, seconded by Trustee Fischer.

Attorney Matuszewich explained the difference between the proposed Ordinance and Resolution.

Trustee Cardelli withdrew the motion, seconded by Trustee Fischer. Motion Withdrawn.

Trustee Cardelli made a motion for Adoption of the Resolution on the Guidelines Establishing the Reimbursement of all travel, Meal, and Lodging Expenses related to official business of officers and employees in the township of Algonquin IL, seconded by Emery.

Roll Call:

Emery: yes  
Fischer: yes  
Shea: yes  
Cardelli: yes

Public Discussion:

Lou Ann Majewski does not think the board runs in accordance with Roberts Rules and the discussions were hard to follow.

Rachel Lawrence of Cary agrees with Lou Ann.

A motion to adjourn the meeting was made by Trustee Cardelli, seconded by Trustee Emery at 8:34 pm.

Charles Lutzow  
Algonquin Township Clerk  
Approved:  
Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, October 12, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Township Assessor Robert Kunz, and Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

Trustee Cardelli asked if he could rescind his vote for the salary increases from the September meeting. Attorney Kelly said that it was not on the agenda and could not be voted on but could be discussed and it can be put on the agenda for next month. He will advise as to the proper wording and procedure.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held September 14, 2016.

Voice vote: Motion passed.

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Town Fund in the amount of \$93,531.79.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$10,411.08.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$133,219.27.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$14,173.47.

Roll Call : all ayes

***Audience Participation:*** None

***Reports:***

**Supervisor:** none

**Trustee:** Trustee Emery announced that he is in the musical Joseph & the Amazing Technicolor Dreamcoat at the Woodstock Opera House.

Trustee Fischer reported that she is on the MCOG legislative committee and wanted to know if anyone had any items of concern.

**Clerk:** Early voting starts October 24. Packets are available for Algonquin Township candidates.

**Highway Commissioner:** none

**Assessor:** Assessor Kuntz reported that he will be retiring after his term ends December 31, 2017.

**Attorney:** No report

***Old Business:***

none

***New Business:***

Trustee Cardelli asked to add to next months agenda to rescind the motion for salaries that was passed in September. Attorney Kelly will provide the proper wording.

A motion to adjourn the meeting was made by Trustee Emery, seconded by Trustee Cardelli at 7:20 pm.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:



## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, October 12, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm-absent  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Township Assessor Robert Kunz, and Township attorney James Kelly.

Dan Shea acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

Trustee Cardelli asked if he could rescind his vote for the salary increases from the September meeting. Attorney Kelly said that it was not on the agenda and could not be voted on but could be discussed and it can be put on the agenda for next month. He will advise as to the proper wording and procedure.

### ***Approval of Minutes:***

A motion was made by Trustee Emery, seconded by Trustee Cardelli to accept the minutes of the regular meeting held September 14, 2016.

Voice vote: Motion passed.

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Town Fund in the amount of \$93,531.79.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the General Assistance Fund in the amount of \$10,411.08.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Emery to audit the claims of the Road and Bridge Fund in the amount of \$133,219.27.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Fischer to audit the claims of the Equipment & Building Fund in the amount of \$14,173.47.

Roll Call : all ayes

***Audience Participation:*** None

***Reports:***

**Supervisor:** none

**Trustee:** Trustee Emery announced that he is in the musical Joseph & the Amazing Technicolor Dreamcoat at the Woodstock Opera House.

Trustee Fischer reported that she is on the MCOG legislative committee and wanted to know if anyone had any items of concern.

**Clerk:** Early voting starts October 24. Packets are available for Algonquin Township candidates.

**Highway Commissioner:** none

**Assessor:** Assessor Kuntz reported that he will be retiring after his term ends December 31, 2017.

**Attorney:** No report

***Old Business:***

none

***New Business:***

Trustee Cardelli asked to add to next months agenda to rescind the motion for salaries that was passed in September. Attorney Kelly will provide the proper wording.

A motion to adjourn the meeting was made by Trustee Emery, seconded by Trustee Cardelli at 7:20 pm.

Charles Lutzow

Algonquin Township Clerk

Approved:

Date:

## MEETING MINUTES-BOARD OF TOWN TRUSTEES

STATE OF ILLINOIS       }  
MCHENRY COUNTY       } SS  
ALGONQUIN TOWNSHIP }

The board of Town Trustees met at the office of the Township at 3702 Northwest Highway, Crystal Lake IL on Wednesday, September 14, 2016 at 7 PM. The following were in attendance:

**Clerk:** Charles Lutzow  
**Supervisor:** Dianne Klemm  
**Trustee:** Dan Shea  
**Trustee:** Russ Cardelli  
**Trustee:** Larry Emery  
**Trustee:** Melissa Fischer

Also present: Highway Commission Robert Miller, Township Assessor Robert Kunz, and Township attorney James Kelly.

Dianne Klemm acting as Supervisor and Charles Lutzow acting as Township Clerk, the following business was transacted. The meeting was called to order at 7 PM.

### ***Approval of Minutes:***

A motion was made by Trustee Shea, seconded by Trustee Fischer to accept the minutes of the regular meeting held August 10, 2016.

Voice vote: All Ayes

### ***Audit of Bills & Treasurer's Report:***

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Town Fund in the amount of \$275,448.84.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the General Assistance Fund in the amount of \$12,378.82.

Roll Call: all ayes

A motion was made by Trustee Shea, seconded by Trustee Cardelli to audit the claims of the Road and Bridge Fund in the amount of \$169,782.54.

Roll Call: all ayes

A motion was made by Trustee Cardelli, seconded by Trustee Shea to audit the claims of the Equipment & Building Fund in the amount of \$223,270.99.

Roll Call : all ayes

***Audience Participation:*** None

***Reports:***

**Supervisor:** . We had a cabinet donated by the Cary Public Library, they are remodeling. She reminded the board that unless she appoints someone specifically, you cannot say you are speaking for the supervisor or on behalf of the Township.

**Trustee:** Trustee Shea reported that the Waterway continues to have financial problems because the State is not funding the projects that have been completed.

Trustee Emery talked about a TOI webinar on Prevailing Wage that he thought would be good to listen to Wednesday September 21, noon.

Trustee Fischer said the MCCOG candidate forum meeting will be September 28 at the Holiday Inn.

**Clerk:** Election packets are available in the office of the Clerk. Filing begins 11/21/16 for the February 28, 2017 Republican Primary. 10/24/16 early voting begins for the November 8, 2016 General Election. The township Attorney has put in writing that you need at least 30 signatures.

**Highway Commissioner:** Highway Commissioner Miller said that the Highway Dept. and the Township are paying off the loan, half was included in this month's bills.

Trout Valley asked if we could look into maintaining their roads and we will begin meetings on this. The County has taken on additional non-dedicated roads and they will be meeting to decide how they will be maintained. Algonquin Township may be asked to fix and maintain some of these roads. It is a very complex issue and will take time to resolve.

The shred event was last week. Touch a Truck was a great success and it turned out to be a great day. Electronics recycling continues to be popular—TVs and Monitors are still a big item. We were collecting Styrofoam but we no longer have a recycler so that program is closed. We will now use the area for the Rotary collect a coat program.

**Assessor:** 2016 Assessment role will be completed by the end of the month. The Homestead & Senior exemption verification is very time consuming

**Attorney:** No report

***New Business:***

Supervisor Klemm made a motion to transfer \$150,000 to line item 5812.001 Loan-Property Principle to pay off the loan. The motion was seconded by Trustee Cardelli.

Roll Call: All Ayes

***Old Business:***

A motion to approve the 2017-21 elected official salaries increase of 1.5% for the first year and flat thereafter and IMRF will no longer be available to elected officials was made by Trustee Shea, seconded by Trustee Cardelli.

Trustee Emery thought there may be a reason to increase the Trustee compensation. There was discussion, but no one agreed with his idea.

Roll Call:

Cardelli-Yes

Shea-Yes  
Emery-no  
Fischer-no  
Klemm-yes

Supervisor Klemm recognized Richard Alexander of Cary from the audience. He said he used to work for Grafton Township. He thought it was unfair for Trustee Emery to request an increase to the Trustee salary but not approve the motion for the proposed elected official salaries.

A motion to adjourn the meeting was made by Trustee Shea, seconded by Trustee Cardelli at 7:55 pm.

Charles Lutzow  
Algonquin Township Clerk  
Approved:  
Date:

# Exhibit C

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER )

Plaintiff, )

V. )

CASE NO. 17 CH 435

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

---

KAREN LUKASIK, )

Cross-Plaintiff, )

V. )

CHARLES A. LUTZOW JR., )

Cross-Defendant, )


ANDREW GASSER, )

Counter-Defendant )

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on August 7, 2018 we filed with the Clerk of the Circuit Court of McHenry County, Illinois, the attached: ***Defendant, Robert Miller's Combined Motion Brought Pursuant to 735 ILCS 5/2-619.1.***

  
Thomas W. Gooch, III



**PROOF OF SERVICE**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that she served a copy of the foregoing to whom it is addressed via email and I2File E-File System from Wauconda, Illinois on August 7, 2018 by 5:00 p.m.



THOMAS W. GOOCH, III  
THE GOOCH FIRM  
209 South Main Street  
Wauconda, Illinois 60084  
847-526-0110  
[gooch@goochfirm.com](mailto:gooch@goochfirm.com)  
[office@goochfirm.com](mailto:office@goochfirm.com)  
ARDC No. 3123355

## **Service List**

### **Attorney for Plaintiff**

Robert T. Hanlon  
Law Offices of Robert T. Hanlon & Associates, P.C.  
131 E. Calhoun Street  
Woodstock, IL 60098  
[robert@robhanlonlaw.com](mailto:robert@robhanlonlaw.com)  
[cherylj@robhanlonlaw.com](mailto:cherylj@robhanlonlaw.com)

### **Attorney for Defendant Karen Lukasik**

David McArdle  
Mark Gummerson  
Zukowski, Rogers, Flood & McArdle  
50 N. Virginia St  
Crystal Lake IL 60014  
[dmcardle@zrfmlaw.com](mailto:dmcardle@zrfmlaw.com)  
[mgummerson@zrfmlaw.com](mailto:mgummerson@zrfmlaw.com)  
[hharkins@zrfmlaw.com](mailto:hharkins@zrfmlaw.com)

### **Attorney for Defendant Anna May Miller**

Steven Brody  
Steven J. Brody & Associates, Ltd.  
15 W. Woodstock Street  
Crystal Lake IL 60014  
[Steve@sjbrodylaw.com](mailto:Steve@sjbrodylaw.com)

### **Attorneys for Defendant Algonquin Township**

James Kelly  
101 N. Virginia Street Suite 150  
Crystal Lake IL 60014  
[jpkelly@mkm-law.com](mailto:jpkelly@mkm-law.com)  
[maselvey@mkm-law.com](mailto:maselvey@mkm-law.com)

**IN IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS**

**Katherine M. Keefe**  
Clerk of the Circuit Court  
\*\*\*Electronically Filed\*\*\*  
Transaction ID: 17111182030  
17CH000435  
08/08/2018  
McHenry County, Illinois  
22nd Judicial Circuit  
\*\*\*\*\*

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER )  
 )  
Plaintiff, )  
v. )  
 )  
KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )  
 )  
Defendants, )

Case No.: 2017 CH 00435

---

KAREN LUKASIK, )  
 )  
Cross-Plaintiff, )  
v. )  
 )  
CHARLES A. LUTZOW JR., )  
 )  
Cross-Defendant, )  
 )  
ANDREW GASSER, )  
 )  
Counter-Defendant )

**DEFENDANT'S COMBINED MOTION TO DISMISS BROUGHT PURSUANT TO 735  
ILCS 5/2-619.1**

NOW COMES your Defendant, ROBERT MILLER, by and through his attorneys, THE GOOCH FIRM, and as and for his Motion as aforesaid, states to the Court the following:

**INTRODUCTION**

This Motion attacks the Fourth Amended Complaint and all of its Counts seeking a dismissal of all Counts in the form of a Judgment on the pleadings pursuant to 735 ILCS 5/2-615(e). Alternatively, Defendants seek the Court to dismiss all Counts pursuant to 735 ILCS 5/2-615(a) for failure to state a cause of action. Additionally, Defendant seeks a dismissal based on the

lack of standing pursuant to 735 ILCS 5/2-619. Further dismissal is sought in the alternative pursuant to 735 ILCS 5/2-615 for the failure to join necessary parties.

Defendants complaints with the Fourth Amended Complaint are similar to Defendants Complaints with all the other Complaints filed in this action. At best, they are hodge podge of allegations set forth mainly in conclusionary form in the first seventy-two (72) paragraphs. If not conclusionary then constitute the pleading of claimed evidence.

Counts I through VI are now alleged breaches of fiduciary duty seeking money to be returned to ANDREW GASSER. The Counts, as argued below, lack the essential allegations that Defendant MILLER actually obtained the money or spent the money. Such an allegation would fly in the face of existing statutes.

Count VII likewise for conversion is a Count lacking in the necessary elements and Count VIII is a duplicate seeking the same relief for the same issue of sick pay only under a constructive fraud theory. As argued below, constructive fraud is a breach of fiduciary duties.

Finally, Count IX combines two causes of action. Something the Court has previously warned Plaintiff over it seeks to combine causes of action for an accounting with injunctive relief.

All of the Counts ignore the Township Code enforced in the State of Illinois and ignore the fact that the Highway Commissioner does not have the ability to pay anyone any amount of money rather it is the town Board of Trustees, which first approve the expenditure. Only after that approval has been given by the Board does the Treasurer pay it. Plaintiffs have chosen to ignore these statutes and have ignored any necessary allegations indicating that MILLER avoided the Board of Trustees and the Treasurer and paid the money out directly without following the statutes.

As argued below, such allegations would be impossible as Plaintiff is well aware that there has been compliance with the aforesaid procedures making the previous Board necessary parties if the Court allows this matter to proceed.

## **ARGUMENT**

### **I.**

#### **MOTION TO DISMISS SEEKING JUDGMENT ON THE PLEADINGS PURSUANT TO 735 ILCS 5/2-615(e) AS TO COUNTS I, II, III, IV, V, VI, VII, VIII**

Counts I through VIII all seek the return of funds allegedly spend by ROBERT MILLER without public benefit. After numerous attempts to plead various causes of action based on the same operative facts, Plaintiff continues to ignore the actual facts and continues to refuse to make necessary allegations. All of which are fatal to these Counts based on the theory as contained in this argument.

Township government has frequently been seen as containing checks and balances on everyone's authority. What the Plaintiff overlooks and refuses to allege, is the necessary steps which must be taken before a Township or a Township Road District can spend money. In fact, Plaintiff fails to point out any statute giving the Highway Commissioner sole authority to spend money.

The law is quite clear that the Highway Commissioner does not have custody of the Road District funds but rather the Road District Treasurer has custody of the funds. 605 ILCS 5/6-205. The supervisor serves as the treasurer. 60 ILCS 1/70-60.

In previous pleadings, the Plaintiff has suggested that the Treasurer must pay out those funds upon the order of the Highway Commissioner. However, the Plaintiff has failed to point out the remaining languages of the statute which provides that no bill should be paid, or monies paid over until "...the Board of Town Trustees or Highway Board of Auditors as the case may be, has

examined and audited the claims or charges upon which such order is drawn....” 605 ILCS 5/6-205.

The Township Code is equally strict when addressing the powers of the Township Board. 60 ILCS 1/80-10 very clearly states that the Township Board shall meet for the purpose of examining and auditing the Township and Road District accounts “....before any bills...are paid....”.

In the aforesaid Counts, in each and every instance, Plaintiff has chosen to ignore the fact that all of the complained of expenditures received the legislative approval of the Township Board of Trustees formally known as a Board of Auditors. Plaintiff would have this Court believe that Defendant MILLER simply spent the money. In fact, Defendant MILLER presented the bills, if the statutes were followed, to the Board of Trustees who gave their legislative approval.

What is lacking in these Counts is an allegation that rather than following the prescribed statute, Defendant ROBERT MILLER somehow subverted and spent the money without obtaining the legislative approval of the Township Board of Trustees. Such allegations are essential to maintain the causes of action for breaches of the fiduciary duty. As without those allegations, the Court must presume that the law was followed. In fact, many cases of the common law set forth the broad legal presumption that a public official performs the functions of his office according to law and that he does his duty. See *Lyons v. Ryan*, 201 Ill.2d 529 (2002) also found at 780 N.E. 2d 1098. The quote set forth herein is found at 201 Ill.2d 529 at 539. In *Lyons v. Ryan*, supra, the Supreme Court made it clear that a real party of interest is a person or entity entitled to the benefits if the action is successful. Which in this case would be undoubtedly the Treasurer of the Algonquin Township Road District and/or the Board of Trustees being the legislative party paying the money out to third-parties. This of course begs the questions as to whether the Road District and its

Commissioner has the ability to maintain this lawsuit otherwise. However, the necessary allegations are lacking in the Counts contained within this section of the argument to allege Plaintiff is the real party in interest and in fact such allegations would be impossible to make.

Plaintiff has also failed to make the proper allegations that the accounts of the Board District were never 'audited as required by statute. 60 ILCS 1/80-20 requires that Townships receiving revenue in excess of \$850,000 during any physical year, not including road funds, to have the accounts and all records of the Township thoroughly audited by a Certified Public Accountant within six (6) months after the close of each fiscal year. Which must contain, when complete, the Accountant's report and recommendations. Presumptively, if MILLER had in fact taken and spent this money without legislative approval, such an allegation would be contained in the Counts srought to be dismissed. The failure to contain such an allegation is fatal to the causes of action which Plaintiff has attempted to set forth herein. In fact, such allegations are impossible to make. A fact well known to Plaintiff.

In summary, the allegations of the aforesaid Counts are not only lacking in detail and vague, but they lack the necessary allegation that ROBERT MILLER actually took control of the money without first having the legislative body approve his spending of the money. Such allegations are essential and such allegations have been ignored by Plaintiff and repeatedly ignored by Plaintiff. Such that this Court should grant judgment on the pleadings based strictly on the failure to allege the necessary material facts. There have been numerous grants of amendment given to Plaintiff and warnings that the Plaintiff needed to set forth valid causes of action. The Plaintiff persists in refusing to do so and should suffer the consequences of his failure.

Alternatively, if this Court is disinclined at this juncture to grant judgment on the pleadings, the Defendant makes the same operative allegations contained in this argument and moves this



Court to strike and dismiss the aforesaid Counts due to the failure to state a cause of action. Said dismissal should be with prejudice and is brought pursuant to 735 ILCS 5/2-615(a).

**II.  
MOTION FOR JUDGMENT ON THE PLEADINGS AND DISMISSAL BASED ON 735  
ILCS 5/2-615(e)**

There are separate and distinct reasons for the dismissal of Counts I through VIII other than as contained in argument I contained above. This argument is made separately to prevent confusion and to provide the Court with an alternative reason to dismiss the Complaint.

Plaintiff has failed to plead a lack of public purpose for any of the aforesaid expenditures other than in a conclusionary fashion. They argue no ultimate material facts showing that any of the purchases, contained therein, were not to some extent a public benefit. *The People ex rel v. McDavid Barrett*, 370 Ill. 478 (1939) illustrates the issue clearly. *Barrett*, supra stands for the proposition that the Courts should not become involved in issues which require a determination of what is for the public good and what are public purposes. *Barrett*, supra involved issues of taxes and appropriations in the granting of widow benefits for the deceased Circuit Judges. The Court clearly set forth that a determination of what is for the public good and what are public purposes are questions for the legislative body which must first decide it. The Court went on to indicate that in so doing, the legislative body is vested with large discretion, which the Courts cannot control unless its action is evasive of or contrary to some prohibition. The Court went on to find that limitation resting in theory only on the vague ground of doubt for which the people have been satisfied to leave the judgment, patriotism and sense of justice of their representatives are not within the control of Courts. See 370 Ill. 478 at 482, 19 N.E. 2d 356 at 359. The *Barrett* Court went on to hold "...in determining whether or not the sovereign power is used in the public interests, the judgment of the legislature is to be accepted, in the absence of a clear showing that

the purported public purpose is but an evasion and that the purpose is, in fact, private, 370 Ill. 478 at 482, 19 N.E. 2d 356 at 359. Applying this holding to the facts of this case then one should find in determining whether or not the approval and payment of a bill is in the public interests the judgment of the Township Board of Trustees is to be accepted in the absence of a clear showing that the purported public purpose is but an evasion and that only a private person was benefited.

It appears therefore, that *Barrett* is an absolute prohibition on the Plaintiff's attempts to second guess the Board of Trustees and reverse with this Court's assistance the findings of the Board of Trustees and approval of the bills. Unless, and only unless, the Plaintiff can allege that the Board of Trustees never approved payment of the bills in question and somehow Defendant MILLER was able to obtain the money by circumventing the Board of Trustees.

Interestingly, Plaintiff ignores and refuses to allege that the purchases of the personal property were not part of clothing allowances or compensation to an employee and refuses to allege in the case of "*Decorating*" and "*Paving*" that the work was done on property while not owned by the Algonquin Township Road District was not occupied by the Road District.

**III.  
MOTION TO DISMISS PURSUANT TO 735 ILCS 5/2-615(e) OR ALTERNATIVELY  
MOTION TO STRIKE AND DISMISS PURSUANT TO 735 ILCS 5/2-615(a) FOR  
FAILURE TO STATE A CAUSE OF ACTION**

This section of the argument addresses Count IX which is a combination of numerous allegations accusing Defendant MILLER of "bid rigging", failure to produce records and accounting for those records, unknown relief regarding the so called "bid rigging" and finally an injunction against destruction of records.

The Court should be aware that the injunction issues have previously been dealt with and a Order remains in effect preventing all parties from disposing of any public record.

The law is also quite clear and well known to the Courts and practitioners, that causes of action are to be pled in separate Counts. That in and of itself would cause the striking of Count IX. However, this Count, in its various forms, has previously been stricken in all of the previous Complaints. Although this Count is more comprehensive than others, it still lacks the necessary detail and combines causes of action. At this juncture proceeding, Count IX should be dismissed with prejudice either by 735 ILCS 5/2-615(a) or with judgment on the pleadings due to a grossly insufficient pleading violating numerous rules which Plaintiff has been previously warned of, pursuant to 735 ILCS 5/2-615(e).

Contrary to Plaintiffs assertions during previous arguments before this Court, there is no rule of law which allows a petition for injunctive relief to be combined with other causes of action. The issuance of an injunction is clearly defined and set forth at 735 ILCS 5/11-101 *et seq.* The aforesaid Injunction Act requires specificity in any type of injunction order entered. Therefore, it stands to reason that the petition for injunction requires the same specificity which is wholly lacking herein. Nowhere has the aforesaid Act allowed the combining of a petition for injunctive relief with any other cause of action.

As to the request for an accounting, paragraph 141 of Count IX clearly shows the true reasons for the accounting. Plaintiff seeks a fishing expedition to see if he could plead additional breaches of fiduciary duties and for no legitimate reason. Further, an accounting can never be used as a substitution for discovery based on a proper and valid complaint. The same issue exists in Count IX as in other Counts. Plaintiff ignores the fact that it was the Board of Trustees of the Township who approved all of the bills set forth in Count IX and not Defendant MILLER. Alternatively, Plaintiff fails to allege that MILLER circumvented the Township Act and somehow approved bills himself without submitting them to the Township Board.

Plaintiff alleges in paragraphs 143 and in following paragraphs that certain payments were made for absolutely no legitimate lawful public purpose. However, such allegations are nothing more than conclusions and ignore the finding set forth above in *The People ex rel v. McDavid Barrett*, 370 Ill. 478 (1939) where the Court discussed public purposes and found it should be left to the legislative body to make that determination. The Complaint is devoid of any allegation that the Board of Trustees, then sitting, powers were circumvented by Defendant MILLER and consequently they did not approve the aforesaid bills as being for a public purpose or at least a partial public purpose.

For reasons known only to Plaintiff, much of Count IX diverges into Plaintiff's interpretation of "big rigging" which at best is a conclusionary statement and is more designed to attempt to inflame the public by reading the Complaint and possibly this Court. However, the Plaintiff ignores and misquotes the statutes regarding bidding by public agencies and alleges that Defendant ROBERT MILLER did not accept "the low bidder" (paragraph 140). Plaintiff fails to point out that the statutes in question require a public body to accept the bid of the "lowest responsible bidder" (emphasis added). Such a failure is fatal to whatever purpose the allegations have been made in Count IX and judgment should be entered accordingly on that issue.

Based on the allegations of Count IX, judgment on the pleadings should be entered. Plaintiff seeks much more than a financial accounting in Count IX. Seemingly, it would require an accounting as to a sweater or purse purchase by Levenger by producing the item in question. By Plaintiff's own allegations, he already has a copy of the bill and the credit card statement what more could be sought? Likewise, two loads of salt theoretically, would involve bringing two loads of salt for Plaintiff to exam, an impossibility. In fact, it is quite clear that an accounting is only a

statement of receipts and disbursements to and from a particular source. *Polikoft v. Levy*, 132 Ill. App.2d 492 at 499, 270 N.E. 2d 540 at 547. Not a request for materials or records.

At the present time, Plaintiff in his capacity as the Algonquin Township Highway Commissioner has complete and unfettered access to the annual audits prepared by an independent accountant and to the financial records of the Township and Road District including the approval of all bills submitted by Defendant ROBERT MILLER. There is no need for this type of accounting sought by Plaintiff. It is in fact unnecessary and a Court will not order such an equitable accounting where it is unnecessary. *Nieberding v. Phoenix Manufacturing Co.*, 31 Ill. App. 2d 350 at 356, 176 N.E. 2d 385 at 387(88) 2<sup>nd</sup> Dist. (1961). Plaintiff is then unable to establish there is no alternative means to obtain the records he seeks and instead resorts to conclusionary language about the potential destruction of records none of which were ever in his custody or in MILLER's custody as the Highway Commissioner but rather in the custody of the Township Clerk. Utilizing only conclusionary language, the Plaintiff fails to properly establish that he lacks an adequate remedy at law which would cause any type of equitable relief. See *Devyn Corp. v. City of Bloomington*, 2015 IL App. (4<sup>th</sup>) 140819. 38 N.E. 3d. 1266. In equally confusing fashion, the Plaintiff has chosen to inject the issue of allegedly missing records into his Complaint for financial accounting and for injunctive relief.

The Plaintiff again has an adequate remedy simply by seeking from the custodian of records production of all the alleged records that Plaintiff maintains he does not have. In fact, the Clerk of the Township is the official custodian and keeper of the records, as this Court (*J. Caldwell*) has previously found, a request FOIA would satisfy.

Further, Plaintiff fails to allege and cannot allege that any records that were deleted were in fact records of the Township. The Local Records Act, 50 ILCS 205/3 requires only the

preservation of records made, produced or executed by any officer of the public entity in connection with the transaction of public business. It does not require the preservation of personal documents and the Complaint fails to allege that MILLER destroyed anything other than personal documents. In fact, the destruction of other such documents is specifically allowed by 50 ILCS 205/9 which allows the destruction of other records.

For all the reasons aforesaid, Count IX should be dismissed and should be dismissed with prejudice or judgment on the pleadings should be granted.

**IV.  
735 ILCS 5/2-615(a) MOTION TO DISMISS FOR FAILURE TO JOIN  
NECESSARY PARTIES**

The treasurer and board of trustees are necessary parties to this action filed by the Plaintiff. Plaintiff alleges a breach of fiduciary duties against Defendant ROBERT MILLER for alleged improper spending however, ROBERT MILLER contends that all of the payments made were approved by the treasurer and board of trustees under the Township Code.

A necessary party is an individual or entity having a present, substantial interest in the matter being litigated, and in whose absence complete resolution of the subject matter in controversy cannot be achieved without affecting that interest. (internal citation omitted) *Brumley v. Touche, Ross & Co.*, 123 Ill.App.3d 636, 643-644 (2<sup>nd</sup> Dist., 1984).

Joining the treasurer and board of trustees is required. "A necessary party is one whose presence in a lawsuit is required for any of three reasons: (1) to protect an interest which the absentee has in the subject matter which would be materially affected by a judgment entered in his absence; (2) to reach a decision which will protect the interests of those who are before the court; or (3) to enable the court to make a complete determination of the controversy". (internal citations omitted) *Brumley v. Touche, Ross & Co.*, *supra*, at 644.

In this case joining the treasurer and board of trustees is required for two reasons. First, to properly reach a decision which will protect the interests of those who are before the Court. The board and treasurer must be added as necessary parties to protect the interests of ROBERT MILLER. Second, the board and treasurer must be added to enable the court to make a complete determination of the controversy against ROBERT MILLER.

Here, under the Township Code 60 ILCS 1/80-10, the township board examines and audits the road district accounts and approves the bills, before any bills are actually paid. ROBERT MILLER's bills and expenses were approved and paid. If Plaintiff has issues with the approval of the expenses and bills paid by ROBERT MILLER, Plaintiff should have joined the required parties that approved the bills and expenses by ROBERT MILLER. However at this point, five Complaints later, Plaintiff has failed to do this, and at this point Plaintiff's Fourth Amended Complaint must be stricken for failing to join the necessary required parties.

As of the time Defendant ROBERT MILLER left office, the Township had properly accepted all audits through the fiscal year ending February 28, 2015. ROBERT MILLER believes subsequent audits have been completed. See 50 ILCS 310/2 for audit requirements and 50 ILCS 310/5 for the required content of an audit.

"In any event, the non-joinder of parties is not grounds for the dismissal of a complaint unless a reasonable opportunity is provided to add them as parties." (emphasis added) (internal citation omitted) *Brumley v. Touche, Ross & Co., supra*, at 644. In this case, there has been ample opportunities to add the treasurer and board of trustees to Plaintiff's Complaint. In fact, Plaintiff has had five (5) opportunities to add these necessary parties and has failed to do so. Therefore, because of the numerous reasonable opportunities that Plaintiff has had to join the necessary parties and has not done so, is grounds for dismissal of Plaintiff's Fourth Amended Complaint.



V.

**735 ILCS 5/2-619(a)(9) MOTION TO DISMISS BASED ON STANDING**

Section 735 ILCS 5/2-619 allows for the involuntary dismissal of an action based upon certain defects or defenses.

Section 619(a)(9) states, "[t]hat the claim asserted against defendant is barred by other affirmative matter avoiding the legal effect of or defeating the claim." 735 ILCS(a)(9).

The phrase "affirmative matter" is defined as "something in the nature of a defense that negates the cause of action completely or refutes crucial conclusions of law or conclusions of material fact contained in or inferred from the complaint." *Glisson v. City of Marion*, 188,111.2d 211, 220 (1999). "Lack of standing is an 'affirmative matter' that is properly raised under section 2-619(a)(9)." *Id.*

In Plaintiff's Fourth Amended Complaint, Plaintiff is bringing the action "in his official capacity as Algonquin Township Highway Commissioner." (See Fourth Amended Complaint attached hereto without exhibits as **Exhibit A**, ¶1.)

Plaintiff lacks standing to bring this action as the Highway Commissioner. The lack of standing is an affirmative matter that negates a cause of action completely. *Wood River Township v. Wood River Township. Hospital*, 331 Ill.App.3d 599, 604 (5<sup>th</sup> Dist., 2002).

Plaintiff cites to 605 ILCS 5/6-201.15, however this statute does not provide standing to Plaintiff to bring suit. This statute states that an annual report must be made and does not give rise to any claims against ROBERT MILLER.

The Township Code is clear. The supervisor of the Township is the treasurer of both the Township and the Road District. If an accounting of the assets of the Township was required, it

would be the responsibility of the Treasurer and not the Highway Commissioner to seek it. See 60 ILCS 1/70-60.

In this case, the Clerk of Algonquin Township is the custodian of all records of the Township. Thus any cause of action for missing documents is owed by the custodian of the records, not Plaintiff. Also, 60 ILCS 1/55-45 provides insight into 60 ILCS 1/55-40 in that it clarified that the demand is to be made of “any person having charge of those books and papers”.

Section 60 ILCS 1/75-5 makes it clear that the Township Clerk “shall have the custody of all records, books, and papers of the township”.

*Lyons v. Ryan*, 324 Ill.App.3d 1094 (1<sup>st</sup> Dist., 2001) is factually similar to the instant case, and the case was dismissed based on lack of standing.

Lyons as a private citizen and Illinois taxpayer and the Better Government Association as a political watchdog group on behalf of or for the benefit of the State of Illinois, brought this action against Ryan, a private official. Plaintiffs were seeking to impose constructive trusts on funds and benefits that were allegedly illegally received by the Defendants in the form of donations and solicitations during fundraising campaigns, while working as the Illinois Secretary of State. The Complaint alleged that the Defendants concealed their actions through obstruction of evidence. The Defendants filed a motion dismiss arguing that the Plaintiffs lacked standing to bring the Complaint on behalf of the State. See *Lyons v. Ryan, supra*, generally.

In Defendants’ motion they state that the Attorney General is the State’s only legal representative in the courts and that neither the legislature nor the judiciary may deprive the Attorney General of his inherent powers under the Illinois Constitution to direct the legal affairs of the State. *Id.*, at 1101-1102.

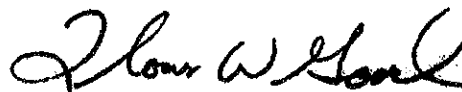
The Supreme Court has consistently stated that the public interest is not served by allowing certain government agencies or private persons to assume the inherent powers of the Attorney General. It is clear under Illinois law that a state taxpayer generally cannot stand in the shoes of the Attorney General. *Id.*, at 1107-1108. The Appellate Court affirmed the trial court's granting Defendants' motion to dismiss based on lack of standing. The Supreme Court affirmed. *Lyons v. Ryan*, 201 Ill.2d 529 (Ill, 2002).

Similarly, GASSER cannot stand in the shoes of the Township Board of Trustees, Township Clerk or Road District Treasurer to bring this cause of action and this case must be dismissed based on lack of standing.

WHEREFORE, your Defendant, ROBERT MILLER, prays this Honorable Court to dismiss Plaintiff ANDREW GASSER's Fourth Amended Complaint with prejudice and for any other relief deemed equitable and just.

Respectfully submitted by,

THE GOOCH FIRM, on behalf of Defendant,  
ROBERT MILLER,



---

Thomas W. Gooch, III

THE GOOCH FIRM  
209 S. Main Street  
Wauconda, IL 60084  
847-526-0110  
[gooch@goochfirm.com](mailto:gooch@goochfirm.com)  
[office@goochfirm.com](mailto:office@goochfirm.com)  
ARDC No.: 3123355

IN THE CIRCUIT COURT OF THE 22ND JUDICIAL CIRCUIT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER, )  
ALGONQUIN TOWNSHIP ROAD )  
DISTRICT )

V. )

CASE NO. 17 CH 435

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

KAREN LUKASIK, )

CROSS- Gasser, )

V )

CHARLES A. LUTZOW JR., )

Cross- Defendant, )

GASSER, ANDREW )

Counter-Defendant. )

**Katherine M. Keefe**  
Clerk of the Circuit Court  
\*\*\*Electronically Filed\*\*\*  
Transaction ID: 17111168483  
17CH000435  
06/15/2018  
McHenry County, Illinois  
22nd Judicial Circuit  
\*\*\*\*\*

**FOURTH AMENDED COMPLAINT**  
**FOR BREACH OF FIDUCIARY DUTY, CONVERSION,**  
**CONSTRUCTIVE FRAUD, AND AN ACCOUNTING**

NOW COMES Andrew Gasser, Highway Commissioner of Algonquin Township and the Algonquin Township Road District (hereinafter "Road District") by and through their attorney, Robert T. Hanlon, with their complaint against Karen Lukasik, Robert Miller (hereinafter at times "BOB") and Anna May Miller (hereinafter at times "ANNA MAY"), and in support of this Third Amended Complaint states as follows:

## **PARTIES VENUE AND JURISDICTION**

1. Plaintiff, ANDREW GASSER ("GASSER"), is the duly elected Algonquin Township Highway Commissioner. Gasser brings this action in his official capacity as Algonquin Township Highway Commissioner.

2. Plaintiff, ALGONQUIN TOWNSHIP ROAD DISTRICT ("Road District"), is a public body organized under the laws of the State of Illinois.

3. Defendant, KAREN LUKASIK ("LUKASIK"), resides in Algonquin Township, Illinois, and is the duly elected Clerk of Algonquin Township. As the elected Algonquin Township Clerk, LUKASIK is the defacto clerk of the Road District. LUKASIK is a necessary party to this litigation.

4. Defendant, ROBERT MILLER, is the former Algonquin Township Highway Commissioner and resides at 1415 East Main Street Cary, McHenry County, Illinois. Robert Miller's term of Office as Highway Commissioner ended on May 14, 2017. Robert Miller was an agent of the Road District by virtue of his position as Highway Commissioner.

5. Defendant, ANNA MAY MILLER, was formerly employed by the Algonquin Township Road District and resides at 1415 East Main Street Cary in Cary, McHenry County, Illinois. By virtue of Anna May's employment she was an agent of the Road District.

6. This Court has jurisdiction over the disputes and controversies alleged herein on the basis that the claims arose here in McHenry County.

7. Venue is proper in McHenry County because all of the parties to this action reside in McHenry County.

### **SHORT STATEMENT OF THE CASE / INTRODUCTION**

8. This complaint contains nine counts. Counts I - VI are breach of fiduciary duty claims which seek damages against Robert Miller and Anna May Miller. Counts VII is a conversion claim and seeks monetary damages from Robert Miller, Count VIII sounds in constructive fraud and seek damages from Robert Miller, and finally Count IX of this complaint sounds in an accounting and seeks to account for records and assets of the Road District. The Counts sounding in Breach of Fiduciary Duty, Conversion and Constructive Fraud are plead in the alternative to each other. All monetary claims contained herein are those of the Road District. The accounting action seeks to account for Road District Property and the preservation of records.

### **FACTS APPLICABLE TO ALL COUNTS**

9. By statute GASSER has a duty to account for the assets of the Road District or Highway Department. See 605 ILCS 5/6-201.15.

10. In particular, 605 ILCS 5/6-201.15. commands that each elected highway commissioner annually shall make a report in writing, showing the following:

- (1) The amount of road money received by the district and a full and detailed statement as to how and where expended and the balance, if any, unexpended.
- (2) The amount of liabilities incurred and not paid (any undetermined liabilities shall be estimated) and the determined or estimated amount owing to each creditor, who shall be named.
- (3) An inventory of all tools having a present value in excess of \$200, machinery and equipment owned by the district, and the state of repair of these tools, machinery, and equipment.
- (4) Any additional matter concerning the roads of the district the highway commissioner thinks expedient and proper to report.

11. On or about May 15, 2017, Gasser began reviewing physical and electronic records of the Road District, prior to the filing of this suit.

12. Upon information and belief, in the period between the time that BOB lost re-election in the primary election in 2017 and May 15, 2017, BOB hired IT Connection, a computer services company, to forensically wipe Road District Computers, hard drives and servers. BOB instituted steps to pay IT Connection for this service with Road District funds.

13. As used in the preceding paragraph the term “wipe” means the loading and execution of anti-forensic software to erase unallocated space in computer systems where deleted documents could have been retrieved.

14. Upon information and belief, BOB and ANNA MAY participated in the deletion of computer records before the IT Connection installed anti-forensic software on computers of the Road District.

15. The electronic records of the Road District were deleted in part without any destruction order having been obtained from any lawful authority.

16. Despite BOB having served for over 23 years as the Algonquin Township Highway Commissioner, all of his e-mail communications associated with the function of Highway Commissioner were deleted from the computers at the Road District.

17. During BOB’s term as Highway Commissioner he used both CommissionerBob@Hotmail.com” and “BobMiller@MC.net” in connection with the duties and functions of the Road District.

18. Upon information and belief, BOB directed Keith Seda of IT Connection to perform specific acts in association with the deletion of Road District records to prevent their recovery. At BOB’s direction, Keith Seda utilized an anti forensic computer software to

obliterate the data previously contained in the unallocated space on the workstations, servers and respective back-ups to eliminate the records of misconduct at the Road District.

19. At the direction of BOB, Keith Seda removed two back-up hard drives and delivered those hard drives to BOB, before application of the anti-forensic computer software.

20. Plaintiffs made demand upon BOB to return all of the records of the Road District. To date, BOB has turned over absolutely no substantive records of the Road District and is believed to retain assets of the Road District including the hard drives removed from the Road District servers referenced above.

21. None of the computers belonging to the Road District contain any e-mails of either BOB or ANNA MAY. Rather, upon information and belief, Attorney Thomas Gooch, delivered to LUKASIK or her attorneys a flash drive containing what is believed to be selected e-mail correspondences related to the email account Bobmiller@MC.NET. Such e-mails were not kept in the ordinary course of business as a road district record.

22. No correspondences between Business Agents of the International Union of Operating Engineers, Local 150 AFL-CIO ("Local 150") and MILLER exist in the records of the Road District and no correspondence is known to exist between Bob and any Local 150 representative despite Bob having purportedly negotiated a collective bargaining agreement.

23. No records related to bargaining with Local 150 exist within the records of the Road District.

24. Upon Gasser taking office, Local 150 began issuing grievances related to a purported labor agreement.

25. Upon information and belief, BOB used credit cards or convenience cards of the Road District to purchase items for his personal use.



26. BOB in furtherance of a scheme and artifice to convert funds of the Road District presented for payment from the Road District's depository accounts, the full balance on the various cards issued to him. In turn, the total balance shown on the respective cardholder statements were expensed to the Road District. However, numerous purchases were for women's clothing (including skirts, purses/handbags/tote bags, blouses and non-uniform outfits) from various online retailers including but not limited to Prana, Lands' End, Levenger, and Orvis. None of the women's clothing purchases complied with the written clothing allowance policy issued by Bob.

27. BOB was issued a American Express Platinum Business Credit Card to pay for necessary and proper expenses of the Road District.

28. The American Express Platinum Business Credit Card statements associated with the cards used by BOB are addressed to "Algonquin Twnshp Hwy Miller."

29. BOB was issued a Capital One Credit Card from the Road District to pay for necessary and proper expenses of the Road District.

30. As shown in Exhibit A, there are records of the use of the American Express Platinum Business Credit Card for the purchase of an item from Levenger Catalog/Webdelray BCH in the amount of \$384.52, dated November 7, 2014. On the following page of Exhibit A is a search result dated December 9, 2014, identifying a purse with a price of \$329.00 and the name "MILLER" written in by hand.

31. Also shown in Exhibit A is a specific invoice matching the \$384.52 purchase referenced in the paragraph above with the item number AL 13100 GPBK. This item number and invoice match the credit card charge of \$384.52 after tax and shipping were added.

32. After Gasser took office as the Highway Commissioner, a diligent search of the

Premises of Algonquin Township and the premises occupied by the Road District and the Levenger bag depicted in Exhibit A was not located. The Item shown on Exhibit A was not contained in the inventory delivered by Bob to Gasser.

33. Upon information and belief the Levenger bag depicted in Exhibit A is in the possession of BOB and ANNA MAY.

34. Attached hereto as Exhibit B is a copy of Credit Card Charges on the Road District American Express Platinum Credit Card for admission tickets to Disneyland. See Exhibit B There is no lawful use of Road District Funds to entertain BOB and ANNA MAY and such a use was for the personal benefit of Bob and Anna May. The Costs of the Disneyland admission tickets was ultimately paid for with Road District money.

35. Attached hereto as Exhibit C is a charge to the Capital One Account of the Road District for the purchase of two large sized clothing items, one being a long sleeve "v neck" Merino cardigan sweater. The second being a woman's Colorbook Merino Turtleneck. See Exhibit C. After Gasser took office as the Highway Commissioner, a diligent search of the Premises occupied by the Road District was conducted. The clothing depicted in Exhibit C was not in the Premises occupied by the Road District. The Items depicted on Exhibit C was not contained in the inventory delivered by BOB to GASSER.

36. Attached hereto as Exhibit D there are records of the use of the Road District American Express Platinum Business Credit Card for the purchase of women's clothing including a blouse labeled "Print Drape Ballet", another blouse labeled "a Drop shoulder Tuck", and two more sweaters.

37. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The

clothing depicted in Exhibit D was not in the Premises occupied by the Road District. The Items depicted on Exhibit D was not contained in the inventory delivered by BOB to GASSER.

38. Attached hereto as Exhibit E there are records of the use of the Algonquin Township American Express Platinum Business Credit Card for the purchase of clothing from Prana Living described as only "men's women clothing".

39. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The clothing depicted in Exhibit E was not in the Premises occupied by the Road District.

40. The clothing depicted on Exhibit E was not contained in the inventory delivered by BOB to GASSER.

41. Attached hereto as Exhibit F are records of the use of the Road District American Express Platinum Business Credit Card on June 2, 2016 for the purchase of American Express Gift Cards at jewel totaling \$210.90.

42. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The gift cards shown in Exhibit F were not in the Road District offices or premises.

43. The Item shown on Exhibit F was not contained in the inventory delivered by Miller to Gasser.

44. Attached hereto as Exhibit G there are records of the use of the Road District American Express Platinum Business Credit Card for a purchase at Hooters restaurant in Brookfield Wisconsin.

45. There was no Public Use associated with the purchases at Hooters Restaurant.

46. Upon Information and belief Defendants Miller and ANNA MAY caused to be charged to the Road District accounts, the American Express Platinum Business Credit Card \$348.23 on or about 10/21/2014 for the purchase of: A) Womens' Classic Cashmere Jacquard Cardigan Sweater, 2) a Women's Supima Stripe Pocket Cardigan Sweater, 3) a Women's boiled Wool Walker Coat. Each from Lands End. Attached hereto and incorporated herein as Exhibit H is the Lands End invoice and images from a catalogue associated with the referenced Purchase.

47. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and the offices of Algonquin Township was conducted. The clothing depicted in Exhibit H was not in the Premises occupied by the Road District. The clothing depicted on Exhibit H was not contained in the inventory delivered by BOB to GASSER.

48. The items shown on Exhibit H was not contained in the inventory delivered by Miller to Gasser.

49. As shown on Exhibit I an e-mail confirmation was sent to Miller for a Apple iPad Air 2 Smart Case.

50. Road District inventory delivered by Miller to Gasser of does not contain either an iPad Air 2 or an iPad Air 2 Smart Case.

51. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District and Algonquin Township was conducted and the item shown in Exhibit I was not in the township offices, moreover, no I Pad Air 2 or or iPad Air 2 Smart case has been found in the premises of Algonquin Township after diligent search.

52. Attached hereto as Exhibit J there are records of the use of the Road District American Express Platinum Business Credit Card on July 3, 2014 for the purchase of another Levenger bag in the amount of \$211.44.

53. The item depicted on Exhibit J was not contained on the inventory of Road District delivered by Miller to Gasser.

54. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of the Road District or the Algonquin Township Offices was conducted and the Levenger bag shown in Exhibit J was not present.

55. Attached hereto as Exhibit K there are records of the use of the Road District American Express Platinum Business Credit Card to purchase women's clothing from Orvis.

56. After Gasser took office as the Highway Commissioner, a diligent search of the Premises of Algonquin Township was conducted and the item depicted in Exhibit K was not in the Road District offices or premises of the township.

57. The items depicted on Exhibit K were not contained in the inventory delivered by Miller to Gasser.

58. Attached hereto as Exhibit L are records of the use of the Algonquin Township American Express Platinum Business Credit Card to purchase airplane tickets for Rebecca Lee and another person which upon information and belief was the child of Rebecca Lee.

59. Upon information and belief, the additional passenger shown on Exhibit L is the granddaughter of BOB and ANNA MAY.

60. The flight referenced in Exhibit L cost \$375.00 for each passenger from Chicago to New Orleans plus baggage charges. The expense of the airfare referenced in Exhibit L was ultimately paid for with Road District funds.

61. No employment record identifying Rebecca Lee or her minor child as employees of Algonquin Township has ever existed.

62. The payment for air fare in connection with transportation of BOB and ANNA MAY's Daughter and Grandchild is of no public purpose.

63. BOB used an e-mail account(bobmiller@mc.net) at all times relevant to the operation of the Highway Department to conduct the business of the Algonquin Township Highway Department.

64. As shown in Group Exhibit M, the purportedly private e-mail account was used in connection with Road District business. See Group Exhibit M.

65. ANNA MAY used an e-mail account to conduct the business of the Road District. Upon information and belief ANNA MAY deleted all Road District e-mails from the Road District computers.

66. Prior to her election LUKASIK articulated that she intends to destroy various records of Algonquin Township. Lukasik's statement was posted on Facebook and since the initiation of this lawsuit the facebook Post was deleted from Public view.

67. Upon information and belief, Road District credit cards were used by BOB and ANNA MAY to purchase gift cards that were in turn used to purchase personal goods unrelated to the business of the Road District and ultimate payment was charged to the Road District.

68. Upon information and belief, a scheme and artifice was utilized BOB and ANNA MAY to receive additional compensation beyond their respective salaries.

69. No person has the authority to authorize the use of public monies for personal use or any use that is not a public use.

70. Upon information and belief, the pattern and practice of the use of Road District credit cards as described herein above extends many years into the past.

71. Plaintiffs seeks to preserve the records to ascertain if the amounts charged to the Road District served any lawful purpose.

72. Preserving the records of MILLER's and ANNA MAY's e-mails may aid in the investigation and return of assets belonging to the Road District.

**COUNT I – BREACH OF FIDUCIARY DUTY**  
**AGAINST ROBERT MILLER AND ANNA MAY MILLER**

73. Plaintiffs incorporate the allegations of paragraph 1-72 above in this Count I for breach of fiduciary duty.

74. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

75. Both BOB and ANNA MAY were agents of the Road District at all times relevant to this complaint.

76. The agency of ANNA MAY to the Road District arose by virtue of her position as an employee.

77. The agency of BOB to the Road District arose by virtue of his position as the elected Highway Commissioner.

78. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB and Anna May's relationship to the

Road District. The breach of each of their fiduciary duties arose in spending Road District funds for the personal expenses of BOB and ANNA MAY.

79. BOB and ANNA MAY further breached their fiduciary duty to the Road District by receiving the benefits of Road District funds to attend Disneyland as shown in Exhibit B.

BOB and ANNA MAY further breached the fiduciary duty owed to the Road District.

80. BOB and ANNA MAY further breached their fiduciary duty to the Road District by using Road District funds to pay for personal expenses of the Road District as identified in Exhibits A-L.

81. Upon information and belief the womens clothing identified in Exhibits A-L are in the possession of Anna May Miller and have not been returned to the Road District despite demand for its return.

82. The purchases identified in Exhibits A-L were misappropriations of Road District funds.

83. As a direct and proximate cause of the breach of the fiduciary duty detailed above, the Road District suffered an injury in that Road District funds were expended upon items of personal property by Bob and Anna May Miller.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller and Anna May Miller in an amount to be determined at trial in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.



**Count II Breach of Fiduciary Duty**  
**(Delivery of Salt to David Diamond by Bob Miller)**

84. Paragraphs 1- 8 are incorporated in this Count II as if fully restated herein.

85. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

86. BOB was an agent of the Road District at all times relevant to this complaint.

87. Annually, the Road District purchases salt for the purposes of maintaining the Roadways associated with the Road District.

88. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB's relationship to the Road District as the Highway Commissioner responsible for the Road District. The breach of each of his fiduciary duty arose when BOB gave away, without charge, to David Diamond at least two truck-loads of Salt belonging to the Road District to be used at the Illinois Railway Museum.

89. The gift of the Road District's salt to Dave Diamond is believed to have occurred between January 1, 2014 and May 1, 2017.

90. As a direct and proximate cause of the breach of the fiduciary duty detailed above, the Road District suffered an injury in that Road District assets comprised of two truck-loads of salt were given away by BOB and that salt was no longer available for use on the roads of the Road District.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the two truck loads of salt given to David Diamond of the Illinois Rail Way Museum in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**Count III**  
**Breach of Fiduciary Duty – Expenditures on Gift Cards**

91. Paragraphs 1- 8 are incorporated in this Count III as if fully restated herein.

92. When a principal-agent relationship is present, a fiduciary relationship arises as a matter of law. *State Security Insurance Co. v. Frank B. Hall and Co.*, 258 Ill.App.3d 588, 595, 196 Ill.Dec. 775, 630 N.E.2d 940 (1994).

93. BOB was an agent of the Road District at all times relevant to this complaint.

94. A claim for breach of fiduciary duty must allege two elements: a fiduciary relationship, and a breach of the duties imposed as a matter of law as a result of that relationship. [Miller v. Harris](#), 2<sup>nd</sup> Dist. (2013) 985 N.E.2d 671, 368 Ill.Dec. 864. Here, Plaintiffs have alleged the existence of a fiduciary relationship by virtue of BOB's relationship to the Road District as Highway Commissioner. The breach of each of their fiduciary duties arose when BOB purchased gift cards and dissipated those gift cards.

95. On or about June 8, 2008 BOB purchased \$1,250 of gift cards from the Barn Nursery using Road District credit cards which were in turn paid for with Road District money.

96 On or about June 2, 2016, BOB purchased gift cards at a cost of \$210 using Road District credit cards which were in turn paid for with Road District money.

97. BOB did not memorialize in any Road District record who received the respective Gift cards or how they were used.

98. As a direct and proximate cause of the breach of the fiduciary duty in purchasing and delivering gift cards or using said gift cards, the Road District suffered an injury in that Road District assets comprised of the funds spent on the Gift Cards was diverted from the Road District for unauthorized purchases.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of all gift cards acquired by Robert Miller and unaccounted for in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**Count IV**  
**Breach of Fiduciary Duty – Giving Away Cellular Telephones**

99. Paragraphs 1- 8 are incorporated in this Count IV as if fully restated herein.

100. BOB was an agent of the Road District at all times relevant to this complaint.

101. At relevant times to this complaint, the Road District acquired Cellular telephones associated with telephone numbers on the Road District Accounts. Those Cellular phones having been acquired at Road District expense and associated with the following telephone numbers:

847-639-4529
847-878-1613
847-875-0548
847-343-3892
847-343-8732
224-239-7852
847-970-0571
847-516-2528

102. At a point in time between BOB's loss of the Primary election in 2017 and his departing office, BOB conveyed the cellular telephones owned by the Road District to various other persons in a breach of his fiduciary duty.

103. BOB went further in the breach when he re-assigned the telephone numbers shown above in paragraph 102 to individuals including Derek Lee, and Andrew Rosencrans (Family members of Robert Miller).

104. The breach of BOB's fiduciary duty to the Road District arose when BOB gave away the cellular phones of the Road District and transferred the intellectual property of the Road District without compensation to other persons including his own family members.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the cellular telephones given away by Robert Miller in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT V**  
**BREACH OF FIDUCIARY DUTY –**  
**IMPROVEMENTS TO MILLER RESIDENCE AT ROAD DISTRICT EXPENSE**

105. Paragraphs 1- 8 are incorporated in this Count V as if fully restated herein.

106. BOB was an agent of the Road District at all times relevant to this complaint.

107. On or about January 28, 2016, Robert Miller caused to be acquired with road district funds Blink cameras and had said cameras installed in his personal residence located at 1415 Main Street, Cary, Illinois.

108. The Cameras themselves had a cost of \$299 to the Road District.

109. Despite demand to return said Blink Cameras, Defendants Bob and Anna May have retained the Cameras.

110. The road District has no ownership in any improved property or structures. Upon information and belief Defendants BOB and ANNA MAY caused to be expended from Road District funds the sum of \$4,090 from Martenson Decorating on property not belonging to the Road District in the period of time between June 2013 and December 2016.

111. The breach of BOB and ANNA MAY's fiduciary duty to the Road District arose when BOB and ANNA MAY used Road District funds for improvements to their personal residence with the installation of the cameras and expended Road District funds on decorating services when the Road District owns no property for which decorating services would have been lawful.

112. BOB and ANNA MAY have not returned the Blink Cameras to the Road District despite demand.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller and Anna May Miller in an amount to be determined at trial for the amount of Road District funds expended to improve the Defendants residence or others property in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT VI - BREACH OF FIDUCIARY DUTY –**  
**USE OF ROAD DISTRICT FUNDS TO IMPROVE OTHER NON-ROAD DISTRICT**  
**PROPERTY**

113. Paragraphs 1- 8 are incorporated in this Count VI as if fully restated herein.

114. BOB was an agent of the Road District at all times relevant to this complaint.

115. On or about June 12, 2013, and 9/10/2014 BOB caused to be expended with Road District funds repairs to property not owned by the Road District to Behm Paving totaling \$13,644.40. The Road District owns no improved property (real estate with buildings upon it).

116. Between 10/12/2014 and 5/17/2017 BOB caused Road District funds in the amount of 13,644.40 to be used to pay Birch for installation of communications equipment on property not owned by the Road District.

117. The breach of BOB fiduciary duty to the Road District arose when BOB used Road District funds for improvements to property not owned by the Road District.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) enter judgment against Robert Miller in an amount to be determined at trial for the value of the funds for improvements to property not owned by the Road District.

B) For such other and further relief as this Court deems just and equitable.

### **COUNT VII** **CONVERSION**

118. Paragraphs 1- 8 are incorporated in this Count VII as if fully restated herein.

119. Robert Miller was elected Highway Commissioner in 1993 or thereabouts.

120. Between 1993 and 2017 Robert Miller prepared an annual report setting forth all of the liabilities of the Road District. In each and every one of those annual reports Robert Miller swore under oath that there were no liabilities of the Road District related to un-paid sick time. There was no mention of any liability of the Road District owed to Robert Miller.

121. The financial audits commencing in 1994 and continuing to 2016 did not reflect any liability of the Road District associated with any claim of Robert Miller to any amounts including unpaid sick time.

122. In April 2017, Robert Miller caused Road District funds to be paid directly to him under a claim that he was entitled to unpaid sick time.

123. On or about January 16, 2018, Robert Miller, via his counsel articulated that he was not entitled to payment of the \$47,381.84 payment by the Road District and that it was an error in which he actually had a claim against Algonquin Township general town fund. See paragraph 2 of Miller's Motion to Correct Record filed in this case on 1/16/18.

124. By way of the admission of Robert Miller in his 1/16/2018 filing, The Road District is entitled to the return of the \$47,381.84 payment Miller contends was paid to him in error.

125. Plaintiffs made demand upon Robert Miller to return the \$47,381.84 payment (which Robert Miller acknowledges was in error).

126. The Road District has a right in the property being the \$47,381.84 erroneously paid to Robert Miller.

127. The Road District has a right to the immediate absolute and unconditional possession of the \$47,381.84.

128. Plaintiffs made demand upon Defendants Robert Miller and Anna May Miller to return to the Road District all of the property shown in Exhibit N. The Road District has a right in the property depicted in Exhibit N.

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

- A) Enter judgment against Robert Miller in an amount to be determined at trial in excess of \$47,381.84 in favor of the Road District;
- B) Pre judgment interest on the \$47,381.84 at the statutory rate of interest, in favor of the Road District;
- C) An order commanding Robert and Anna May Miller to return to the Road District all of the assets in their possession thereof to the Road District, or the value of the assets misappropriated by Defendants as this Court determines; and
- D) For such other and further relief as this Court deems just and equitable.

**COUNT VIII**  
**CONSTRUCTIVE FRAUD**

128. Paragraphs 1- 8 are incorporated in this Count VII as if fully restated herein. Counts I-VI (Breaches of Fiduciary Duty) are also fully restated in this Court VIII.

129. Robert Miller was elected Highway Commissioner in 1993 or thereabouts.

Between 1994 and 2017 Each Year BOB prepared a sworn annual report setting forth all of the liabilities of the Road District. In each and every one of those annual reports BOB swore under oath that there were no liabilities of the Road District. No entry in each of the annual reports signed by Robert Miller referenced any liability owed to BOB much less for unused Sick time. A fiduciary relationship existed between Robert Miller and the Road District.

130. The financial audit reports commencing in 1994 and continuing to 2016 did not reflect any liability of the Road District associated with any claim of Robert Miller to unpaid sick time.

131. In April 2017, Robert Miller caused Road District funds to be paid directly to him under a claim that he was entitled to unpaid sick time and personally signed the warrant to allow payment of Road District Funds to be made to him.

132. Within the pleadings of this Case, Robert Miller acknowledged that he was not due any funds from the Road District for his unpaid sick leave and that there was an error in the payment by the Road District to Robert Miller in the amount of \$47,381.84

133. Plaintiffs made demand upon Robert Miller to return the payment.

134. The Road District has a right in the property being the \$47,381.84 erroneously paid to Robert Miller.



135 Robert Miller accepted the fruit of the constructive fraud by continuing to retain the money he acknowledges was paid to him in error.

136. BOB was aware of the breach of his fiduciary duty at the time he accepted the \$47,381.84 payment. On or about March 31, 2017 BOB swore under oath that the Road District had no liabilities at all. Any liability if actually owed would have had to be listed on the annual report naming the person that is owed the money by name. See 605 ILCS 5/6-201.15

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) Enter judgment against Robert Miller in an amount to be determined at trial for the value of the cellular telephones given away by Robert Miller in favor of the Road District.

B) For such other and further relief as this Court deems just and equitable.

**COUNT IX**  
**ACCOUNTING AND INJUNCTIVE RELIEF**

137. Plaintiffs restate and re-allege the allegations of Counts I-V sounding in a breach of fiduciary duty in this count.

138. In furtherance of his statutory duties, GASSER seeks to account for the assets of the Road District.

139. Both Gasser and the Road District have a need for discovery not only as it relates to the breach of fiduciary duty referenced in Counts I-V, but also as it relates to the misappropriation of funds and bid rigging that plaintiffs believe occurred with respect to a Street Sweeper acquisition. In particular:

a. On 3/15/2017 Kevin Watts of RNow solicited Bob Miller for a Street sweeper providing a brochure.

b. On 3/20/2017 Richard Bakken of Standard Equipment delivered specs to Bob Miller on an Elgin Crosswind Machine.

- c. On 4/04/2017 Richard Bakken revises the Specs and delivers the revised specifications to Bob Miller at Bob's direction.
- d. On 4/07/2017 Bob Miller orders for publication in the Northwest Herald/Shaw Media an advertisement to appear on 4/10/2017.
- e. On 4/10/2017 Northwest Herald Publishes Notice of Invitation for Bids using the language from the Richard Bakken list.
- f. On 4/10/2017 Richard Bakken delivers to Bob Miller another revised spec sheet that is thereafter used as the official bid package spec sheet.
- g. On 4/17/2017 Richard Bakken seeks an "Official Bid Package" and the Official Bid Package is delivered to him using his exact same document as what Richard Bakken prepared at Bob Miller's direction – all the way down to the font used.
- h. On 4/26/2017 Richard Bakken sent an e-mail to Bob Miller with his "official bid" signed and indicating that he will bring an original bid sheet to the meeting for opening the bids later that evening.
- i. On 4/26/2017 the bids were purportedly opened, with the following bids:

Wm Nobbe Co. Regenerative Sweeper	\$253,700.00
Standard Equipment, Elgin Sweeper (Richard Bakken's Company)	\$307,719.25
RNOW, Schwartz	\$267,622.00

140. As opposed to accepting the low bidder, Bob Miller accepted the high bidder under the pretense that the Standard Equipment machine satisfied all of the specifications when in fact it did not.

141. The Road District seeks to account and recover from Defendant Bob unlawful payments made by the Road District while Miller was the Highway Commissioner. Only an accounting will allow sufficient discovery to ascertain if additional breaches of fiduciary duties exist. There is no known identity of the person that ultimately used the gift cards acquired by Robert Miller. It is unknown how many total gift cards were purchased.

142. Article VIII, section 1(a), of the Illinois Constitution, provides that "Public funds, property or credit shall be used only for public purposes." See People v Howard, 888 N.E.2d 85, 228 Ill.2d 428 (2008).

143. Payment of government money for admission to Disneyland serves absolutely no legitimate lawful public purpose in connection with the function of Road District.

144. Payment of government money for purchases of cashmere sweaters serves absolutely no legitimate lawful public purpose in connection with the function of Road District.

145. Use of purportedly private e-mail to conduct the business of Algonquin Township serves absolutely no legitimate purpose and only serves to prevent the public from having access to records that are clearly within the realm of public inquiry.

146. It is the duty of all persons working in government to preserve records of the public body. Robert Miller breached this duty in deleting records and there is a need to discovery what records were destroyed by Robert Miller.

147. Gasser is further responsible for accounting for all of the assets of the office of the Highway Commissioner and the Road District. Obtaining records related to the use of Road District money will allow Gasser to account for all assets of the Road District.

**Authorization and Instigation:** The aforementioned breach of the public trust has occurred with and at the authorization, sanction, advice, encouragement, and/or instigation of MILLER. At present, it is unknown to what extent the conduct referenced herein has taken place. Moreover, the authenticity of the documents delivered is currently being examined.

148. **Damages, Irreparable Injury and Need for Equitable Relief:** If Defendants, LUKASIK, ANNA MAY AND MILLER, and their agents and employees are not restrained from destroying any records related to the Algonquin Township Road District, there is no

adequate remedy at law and the Road District and Gasser, will suffer irreparable harm. Gasser and Road District will suffer additional irreparable harm in that Gasser will be deprived of the very protections afforded under state law for the delivery of records and assets associated with his office. The road district and the people risk the further loss of public records.

149. **Injunction is in the Public Interest:** An injunction is in the public interest because Defendants, LUKASIK, ANNA MAY AND MILLER, have a public duty to preserve the records that they either have had control over or continue to have control over. If they are not so enjoined, the destruction of public records would undermine the rule of law and create a threat to the enforcement of the right of the People to open and honest government.

150. **No Adequate Remedy at Law:** Plaintiffs have no adequate remedy at law. Although there are laws to prevent the destruction of public records, Plaintiffs cannot without the intervention of the Court protect and preserve the government records and the dispute cannot be remedied solely by remedies at law. Further, in the event further government records are either destroyed or concealed, Gasser and the Road District will not be able to ensure the integrity of the records of the Road District. Granting the relief requested herein serves to aid the protections afforded to Plaintiffs. Moreover there is litigation pending with the Operating engineers in which the Road district needs access to the records of the road district to which LUKASIK retains as if they cannot be used or viewed by any but herself. The road District has also been sued by the Edgar County Watch Dogs for failing to comply with FOIA requests and access to the Road District records will be necessary to defend that lawsuit.

151. **Balancing of the Rights, Interests and Injuries:** The balancing of the interests of the parties is entirely in favor of Plaintiffs. This is because the activities which the Plaintiffs seek to restrain are unlawful acts to begin with, and the denial of injunctive relief would serve to require Gasser and the People to suffer additional injury. In fact, Defendants, LUKASIK ANNA MAY AND MILLER, will suffer no injury if restrained from destroying government records because none of the defendants possess the right to destroy government records.

152 **Prior Application:** Prior to the filing of this action, there has been no prior application for injunctive relief to this Court or any other court for or in connection with the violations set forth herein.

153. Illinois law governing townships provides that upon the change of office, the prior office holder shall deliver to the newly elected officer all of the records of office. In particular, 60 ILCS 1155-55 provides:

It is the duty of every person going out of office, whenever required under Section 55-45 or 55-50, to deliver up, on oath, all the records, books, and papers in his or her possession or in his or her control belonging to that office. The oath may be administered by the officer to whom the delivery is to be made. It shall also be the duty of every supervisor and commissioner of highways going out of office, at the same time, to pay over to his or her successor the balance of moneys remaining in his or her hands as ascertained by the trustees of township accounts.

154. The Local Records Act also provides for the preservation of records.

All public records made or received by, or under the authority of, or coming into the custody, control or possession of any officer or agency shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony. 50 ILCS §205/4; see also id. §205/7. (Except as otherwise provided by law, no public record shall

be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.")

155. The Local Records Act defines "public record" as, inter alia, "any ... digitized electronic material ... regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein." Id. §205/3.

156. The Illinois State Archivist's for Local Government Agencies? Further explains that an email or instant message may be a public record under the Local Records Act depending on the information contained? therein; If the information in the definition above of a public record as described in the Local Records Act, then the information is subject to the provisions of the Act regardless of the media the data is maintained the messages have a bearing on actions or decisions taken or not taken, then they would be classified as a public record under the Local Records Act. See Jesse White, Ill. Secretary of State, Ill. State Archives: FAQs for Local Government Agencies.

157. E-mails and text messages sent or received on the "personal" telephone or email accounts that pertain to public business and reflect the policies and decisions, and other information concerning Robert or Anna May Miller's official activities, would be appropriate for preservation, and are public records within the meaning of the Local Records Act. No measures have been taken to preserve these e-mail records, and, upon information and belief, many of MILLER's and ANNA MAY's e-mails have not been preserved

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

A) Grant an accounting to allow the Plaintiff to account for all of the records

and assets of the Road District.

B) Order Defendants Robert Miller and Anna May Miller to turn over the emails contained on each of their email accounts used while employed by the Algonquin Township to Plaintiff and to the clerk of Algonquin Township.

C) Issue an injunction preventing the destruction of records of the Road District.

D) Order the Algonquin Township Clerk to allow Andrew Gasser access to the Records of the Road District in furtherance of this accounting action.

E) For such other and further relief as this Court deems just and equitable.

Respectfully submitted,

By: /s/Robert T. Hanlon  
Robert T. Hanlon, One of Plaintiffs'  
Attorneys

Robert T. Hanlon, ARDC #6286331  
LAW OFFICES OF ROBERT T. HANLON  
& ASSOCIATES, P.C.  
131 East Calhoun Street  
Woodstock, IL 60098  
(815) 206-2200

Exhibit A  
(Purchase of Purse/Totebag)





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 11/27/14



p. 3/16

Account Ending 5-21007

① Effective March 1, 2015, Cardy will no longer participate in the OPEN Savings program. Any amounts that are charged to your account for Cardy purchases on or after March 1, 2015, will not be eligible for the OPEN Savings benefit.

## Payments and Credits

### Summary

Total

Payments	\$2,085.49
Credits	\$0.00
Total Payments and Credits	\$2,085.49

### Detail

Payments	Amount
11/18/14 PAYMENT RECEIVED, THANK YOU	\$2,085.49

## New Charges

### Summary

Total

Charges	\$2,120.50
---------	------------

### Detail

ROBERT J MILLER	
Card Ending 5-21007	
	Amount
0/29/14 AMAZON MKTPLACEMTSAMZN.COM/BILL WA	\$209.00
BOOKSTORES	
0/31/14 AROUND THE CLOCK 103 CRYSTAL LAKE IL	\$47.39
815-452-2100	
1/01/14 AMAZON.COM AMZN.COM/BILL WA	\$79.00
MERCHANDISE	
1/01/14 McDONALD'S M7231 ORCAV	\$34.66
847-639-1181	
1/04/14 WHITEPAGES.COM 800-336-1327 WA	\$19.93
800-336-1327	
1/27/14 HARBOR FREIGHT TOOLS CRYSTAL LAKE IL	\$121.90
800-388-1000	
Description:	
HARDWARE/TOOLS	
1/27/14 LEVENGER CATALOG/WEB DELRAY BCH FL	\$384.52
BOOKS/SUPPLIES/GIFTS	
1/1 CHESAPEAKE SEAFOOD SPRINGFIELD IL	\$81.67
217-522-5220	
TIP	\$15.00

Continued on reverse



# LEVINGER®

Orders: 800-544-0880 • Fax: 800-544-6910  
 Service: 800-544-0242 • E-mail: [cservice@levenger.com](mailto:cservice@levenger.com)  
 International: 561-276-4141 • Fax: 561-274-0263  
[Levenger.com](http://Levenger.com)  
 Click our stores on [Levenger.com](http://Levenger.com) for retail locations.

COUNT# 0072902034 ORDER# P592247700016  
 LD( BOB MILLER  
 3702 HWY 14  
 CRYSTAL LAKE, IL 60014

SHIP TO BOB MILLER  
 3702 HWY 14  
 CRYSTAL LAKE, IL 60014



On purchase of partial shipments and back orders are prorated when you pay for all items in the order. If you pay for a partial shipment, the prorated amount will be applied to the back order. If you pay for a partial shipment, the prorated amount will be applied to the back order. If you pay for a partial shipment, the prorated amount will be applied to the back order.

WHSE LOC	QTY	ITEM #	DESCRIPTION	PRICE EACH	TOTAL PRICE
1A080002	1	103100-610	YOU ARE YOU 100% 100% 100% 100%	329.00	329.00
1A080002	1	103100-610	YOU ARE YOU 100% 100% 100% 100%	0.00	0.00

1/07/14 408A002N4JAB05A 11/09/14 0001797329 03 01

CA Q1

New Product	329.00
Sales Tax	2.62
Shipping	2.90
100% Satisfaction	334.52
Anti-Static Bag	334.52

See Important sales tax information on back

Search Result

Page 1 of 1

FREE HOLIDAY SHIPPING \$100 Purchase

EMAIL SIGN-UP

WHAT'S NEW

CUSTOMER FAVORITES

GIFT GUIDE

OUTLET

LEVENGER

What can we help you find?

SEARCH

My Account

Checkout

800-544-0393

Reg & Rem | \$0.00

Oliver Notebooks Pens & Refills Bags Paper Journals & Folios Cases Wallata Collections Reading Desk Accessories iPad

Enjoy 25% off your entire order (no minimum purchase required) [See Details](#)

MORE OPTIONS

Color:

Brown/Black (1)

Grays/Black (1)

Oxblood/Black (1)

Select a Category

Women's Bags (1)

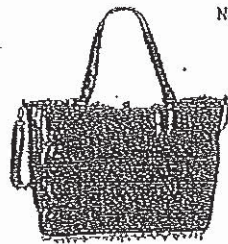
We found 1 products for \$13100

Results per page: 48/123

Sort by:

Page: 1

miuoe



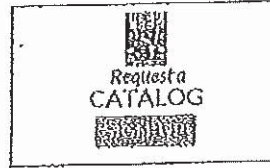
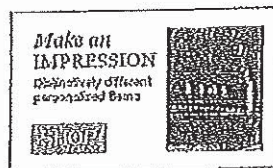
Your Bag, Your Way Tote

Price: \$320.00

NEW

Page: 1

Submit



CUSTOMER SERVICE

Contact Us

Order Status

FAQs

Shipping Information

Returns & Exchanges

Site Map

Security & Privacy

ABOUT LEVENGER

About Us

Inside Levenser

Quote of the Day

Careers

Levenser Videos

How To's

SHOP

Catalog Quick Order

Store Locations

Gift Cards

Gift Guide

Product Guide

FOR BUSINESS

Corporate Sales

Connect With Us:



LEVENGER BLOG

LEVENGER BLOG

LEVENGER PRESS

WINTER NEWS



© Copyright Levenser Company 2014. All Rights Reserved

<http://www.levenser.com/Search/SearchResult.aspx>

12/9/2014

Exhibit B  
(Purchase of Disneyland Tickets)





Platinum Business Credit  
ALBONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 07/27/12



p. 3/11

Account Ending 5-21007

### Payments and Credits

#### Summary

	Total
Payments	\$4,356.63
Credits	\$129.05
Total Payments and Credits	\$4,485.68

#### Detail

	Amount
Payments	
07/15/12* PAYMENT RECEIVED - THANK YOU	\$49.02
07/15/12* PAYMENT RECEIVED - THANK YOU	\$4,307.61
Credits	
07/02/12 THE ORVIS CO CATALOG 600-635-7635 VI CATALOG MERCHANDISE	\$129.05

### New Charges

#### Summary

	Total
Total New Charges	\$6,578.10

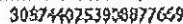
#### Detail

	Amount
06/14/12 CRESTLINE CO INC 207-777-7075 ME PROMOTIONS	\$495.22 ✓
06/15/12 CRESTLINE CO INC 207-777-7075 ME PROMOTIONS	\$1,000.25 ✓
06/26/12 THE ORVIS CO CATALOG 600-635-7635 VI MAIL ORDER/SPOURING GDS	\$186.00 ✓
06/27/12 AMERICAN PUBLIC WORKS KANSAS CITY MO 816-472-6100 Description PUBLIC WORKS	\$850.00 ✓
06/29/12 Disneyland Tickets ANAHEIM CA DIRECT MKTG MISC	\$182.00 ✓
06/30/12 PAPA JOHN'S #3760 30CARY IL 0475165000	\$147.34 ✓
07/02/12 COSTCO WHSE #0774 00LAKE UHILL IL 8179603900	\$193.93 ✓
07/02/12 #03496 JEWEL 0500000CARY IL 8476393350	\$35.60 ✓
07/02/12 WAL-MART SUPERCENTER CRYSTAL LAKE IL DISCOUNT STORE	\$316.79 ✓

Total Hwy, Comm, Prnt

Gatorade, water, coffee

Continued on reverse



Page 1 of 3  
AGES 10+

## RESORT

EXPIRES THIRTEEN (13) DAYS AFTER: 8/22/2012

Contract # DO176330162102

## How to Use Your Disney's eTicket:

1. THIS IS YOUR TICKET. Please keep it in a safe place and bring it with you when visiting the DISNEYLAND Resort. If you purchased multiple tickets, be sure to print and bring every page as each Disney's Offlot page represents an individual ticket.
2. Present your Disney's Offlot at any DISNEYLAND Resort turnstile. You will not need to wait in line at ticket purchase lines.
3. Once your valid Disney's Offlot has been scanned and voided, you will receive a standard DISNEYLAND Resort ticket to use during the duration of your stay.



## Disney Vacation Club

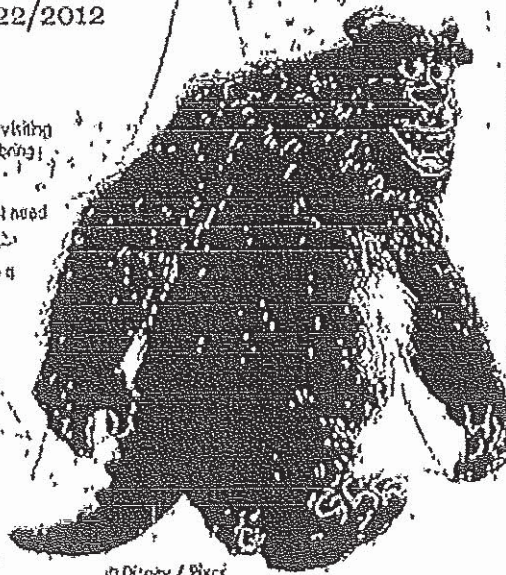
Over 100 variable oscillations with 10 to 20  
wavelengths for you!

# DOWNTOWN DISNEY

## Shop, Dine, And Be Entertained

Whether you're looking to make your vacation magical or to spend some time with your past night out, the Downtown Disney District is the answer.

DISNEYLAND® Resort PARK HOPPER® Tickets allow Guests admittance to both DISNEYLAND® Resort theme parks on the same day! Each day of use of a DISNEYLAND® Resort Ticket constitutes one full day of use.



to Disney / Pixar

Hand signs and standard ticket are required for same day re-entrance to same Park, and if applicable, crossover to the other Park.

[illegible]

# THIS IS YOUR TICKET

Bring this page with you for Theme Park entrance.

©Disney







## Exhibit C

(a long sleeve “v neck” Merino cardigan and  
Colorbook Merino Turtleneck).



# LANDS' END



DER Customer Number 10826-0853-0 Order Date 01/22/13 Order Number 7592166-1 03

Item Number	Size	Color	Description	Item Status	Price
42426-7A57	L	RII STR	WR LS MER BLND STR VN CRD	IN THIS SHIPMENT	44.99
42399-0A53	L	DGH CLB	WR LS CLRBLK MERINO TNCK	IN THIS SHIPMENT	44.99

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-5800.

Merchandise	Tax	SGR	Gift Box	Total	Cash	Payment	Credit
89.98	5.62			95.60		95.60	

7592166-1 90 13 022

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

BMC ZIP-USPS PARCEL RETURN SVC

4205 6901 9158 9010 0705 5128 3857 46

04 6 3503 09  
PS SUREPOST

NO POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES

610 14 60014 1414 0 007592166

PARCEL SELECT RETURN SERVICE  
NEWSISTICS, INC.  
PERMIT NO: 77001

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
BULK MAIL CENTER 56901

V14

\$6.95 for Return Shipping will reduce your credit from Lands' End side of this form for instructions) Promotional savings may be deducted from your return. For faster service on orders, call 1-800-800-5800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

## REASON FOR RETURN

SIZE	QUALITY/SATISFACTION	SERVICE	COLOR
10 - SMALL	30 - Defective	40 - Wrong item shipped	50 - Did not like color
11 - Chest	31 - Misjudged size	41 - Monogram not as requested	51 - Color not as shown
12 - Waist	32 - Did not like styling	42 - Fabric/material as requested	52 - Coordinates did not match
13 - Seat/Hip	33 - Did not like fabric	43 - Performance as requested	53 - Did not coordinate with items already own
14 - Overall Length	34 - Fabric/material	44 - Returning a gift	
15 - Sleeve Length	35 - Performance		
16 - Width			

\* Please indicate reason for return by placing a reason code in space provided above. Reason codes are listed on the back of this form.

Enter Keyword or Item # SEARCH

# LANDS' END

Women Men Kids Swim Outerwear Shoes School Uniforms For the Home Linenage Sale

FREE SHIPPING WITH A \$50 MINIMUM PURCHASE. Use Promo Code: SPRING 5% 27% Deals

Homepage > search for "422369"

Set By: Recommended

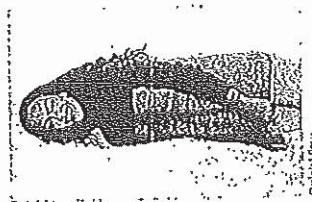
NARROW SELECTION BY:

Specific Size Show All

Color Show All

Fit Show All

MATCHING ITEMS



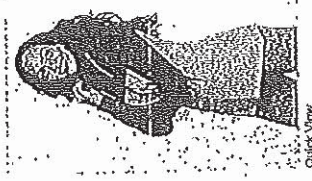
Quick View



Women's Contabuck Matino Turtleneck

Was \$78.00 Now \$44.99

Rating 4.5 out of 5



Quick View



Women's Contabuck Matino Turtleneck

Was \$78.00 Now \$44.99

Set By: Recommended

SIGN UP

Connect With Us

Twitter 10.3K Like 1.1K

Get Live Help  
A helpful Customer Care Specialist is just a click or call away.  
Call 1.800.963.4816

Get Exclusive Offers + News  
Customer Service  
Guaranteed Period  
Contact Us  
FAQs

SERVICES  
Gift Cards  
Men's Grooming & Embroidery  
Shop Your Way Rewards  
Shop Catalogs  
Catalog Requests  
Email Subscription  
Gift Registry  
Size Map



SHOP OUR E-CATALOG  
Environmentally friendly, easy to shop and always at your fingertips.

SHOP YOUR WAY REWARDS  
Make every purchase rewarding. Join today. Earn today. It's free.



POLICIES  
Privacy  
Security  
Shipping  
Returns  
California Transparency Act

COMPANY  
About Us  
The Lands' End Blog  
Careers  
As Seen In  
Sustainability  
Newsroom  
Affiliate Program

TEXT CHAT NOW

Customer Service / Store Locator / Track Order / Gift Cards

Sign In / Create Account SHOPPING BAG 0

Our Family of Sites

Enter Keyword or Item #

SEARCH

# LANDS' END®

Women Men Kids Swim Outerwear Shoes School Uniforms For the Home Luggage Sale

FREE SHIPPING WITH A \$50 MINIMUM PURCHASE. See Promo Code. SPRING & 4th 2706. Details

Home » > search for "424207"

NARROW SELECTION BY:

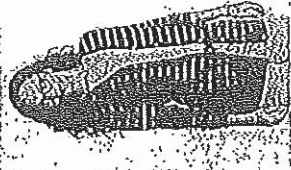
- Specific Size Show All
- Color Show All
- Fabric Show All
- Style Show All

Sort By: Recommended

MATCHING ITEMS



Quick View



Quick View

Women's Long Sleeve Modest  
Blond Stripe Long V-neck Sweater  
Was \$74.00 Now \$44.99  
Rating

Women's Long Sleeve Modest  
Blond Stripe Long V-neck Sweater  
Was \$74.00 Now \$44.99  
Rating

Sort By: Recommended

Items 1 - 2 of 2 - 24 per page

Get Exclusive Offers + News

Connect With Us

Twitter Facebook Like Email

Customer Service  
Guaranteed. Period.®  
Contact Us  
FAQs

Get Live Help  
A helpful Customer Care Specialist is  
just a click or call away.  
Call 1.800.963.4816

TEXT CHAT NOW

SERVICES  
Gift Cards  
Manufacturing & Embroidery  
Shop Your Way Rewards  
Shop Catalogs  
Catalog Requests  
Email Subscription  
Glossary  
Site Map

SPECIALTY SHOPS  
LE Business Outfitters  
Gifts  
Women's Plus Sizes  
Women's Petite Sizes  
School Uniforms  
Swimwear  
International Websites



SHOP OUR E-CATALOG  
Environmentally friendly, easy to shop and  
always at your fingertips.



SHOP YOUR WAY REWARDS®  
Make every purchase rewarding. Join  
today. Earn today. It's free.

COMPANY  
About Us  
The Lands' End Blog  
Careers  
As Seen In  
Sustainability  
Newsroom  
Affiliate Program

POLICIES  
Privacy  
Security  
Shipping  
Returns  
California Transparency Act

## Exhibit D

(Print Drape Ballet, a Drop shoulder Tuck,  
and two more sweaters)



Indicates posting date	Amount
ments	-\$1,060.38
2/13* PAYMENT RECEIVED - THANK YOU	Amount
its	-\$256.90
6/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL W/A	
DIRECT MKTG MISC	
<b>New Charges</b>	
Summary	Total
	\$2,777.94
<b>Detail</b>	
ROBERT J MILLER	Amount
Card Ending 5-21007	o \$180.05 ✓
1/02/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL W/A	
MERCHANDISE	o \$85.98 ✓
1/03/13 AMAZON.COM AMZN.COM/BILL W/A	
MERCHANDISE	\$73.98 ✓
01/03/13 SHEPLERS INC 800-833-7007 KS	
CLOTHING/ACC	\$495.60 ✓
01/04/13 HARBOR FREIGHT TOOLSCRYSTAL LAKE IL	
805-388-1000	
Description	
HARDWARE/TOOLS	\$199.95 ✓
01/04/13 PAYPAL *CHUMMERT188 4029357733 CA	
402-935-7733	
Description	
PROFESSIONAL SERVICE	o \$169.99 ✓
01/09/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL W/A	
MERCHANDISE	o \$256.90 ✓
01/10/13 AMAZON MKTPPLACE PMTSAMZN.COM/BILL W/A	
MERCHANDISE	\$110.77 ✓
01/10/13 LANDS END INTERNET 9800-332-4700	
6994018 53595	
DIRECT MARKETER	o \$24.95 ✓
01/11/13 YOKES INC 0089 PALO ALTO CA	
650-515-3633	
Description	
COMP RELATED SVC	

Continued on reverse

Let us explain about a Backorder: You may have ordered a popular item that's temporarily out of stock. It will be shipped to you on or before the date listed.

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-5800.

Merchandise	Tax	S&H	Gift Box	Total	Cash	Payment	Credit
104.26	6.51			110.77		110.77	

# RETURN FORM

Reason\* Item Number

Size

Color

Description

Price

Customer Number  
10826-0853-0

Order Type  
AMERICAN EXPRESS

Order Date  
01/09/13

Order Number  
6994018-1

Shipment Date  
01/10/13

42402-8A61	3634891 001	L	N39 FLO	WR LS PRINT DRAPE BALLE	17.49
42234-9A68	3582676 002	12	MDN DOT	WR DRP SHLDR TUCK BLS	9.79
42427-0A69	3641013 003	M	N39 FLO	WR LS MERINO FLRL CN CAR	45.49
42426-7A67	3653802 005	M	34U STR	WR LS MER BLND STR VN CR	31.49

699401810010089

## REASON FOR RETURN

SIZE QUALITY/SALE FACTOR SERVICE COLOR

\*Please indicate reason for return by placing a reason code in space provided above. Reason codes are listed at right.

10 - Small	20 - Chest	30 - Defective	40 - Wrong item	50 - Did not like color
11 - Waist	21 - Waist	31 - Misprinted size	41 - Microgram not shipped	51 - Color piece shown
12 - Seat/Hip	22 - Seat/Hip	32 - Did not like styling	42 - Microgram not as requested	52 - Color piece shown
13 - Overall	23 - Overall	33 - Fabric/merchandise	43 - Item not as requested	53 - Did not coordinate with items already own
14 - Sleeve	24 - Sleeve	34 - Fabric/merchandise	44 - Item not as requested	54 - Did not coordinate with items already own
15 - Length	25 - Length	35 - Returning a gift	45 - Item not as requested	55 - Did not coordinate with items already own
16 - Width	26 - Width	36 - Returning a gift	46 - Item not as requested	56 - Did not coordinate with items already own
17 - Overall	27 - Overall	37 - Returning a gift	47 - Item not as requested	57 - Did not coordinate with items already own

Return can be made with your packing slip at U.S. Sears stores where Lands' End is sold. Or mail your return using the return label below (see reverse side of this form for instructions). Promotional savings may be deducted from your return. For fastest service on returns, call 1-800-800-5800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

Tear Here For Easy Return Label

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

BMC ZIP-USPS PARCEL RETURN SVC

610 14 60014 1414 0 006994018

PARCEL SELECT RETURN SERVICE

NEWBETICS, INC.

PERMIT NO. 27980

LANDS' END RETURNS

PARCEL RETURN SERVICE

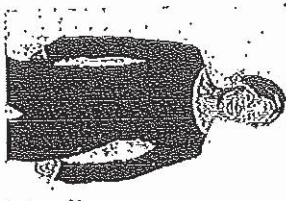
BLUE MAIL CENTER 66901

V14

NO POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES



Color  
Show All  
Fabric  
Show All  
Style  
Show All



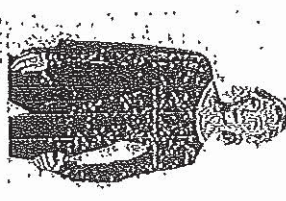
Click View



Women's Long Sleeve Plus Drape  
Bulwark Top

Was \$48.00 Now \$24.99

Rating



Click View



Women's Long Sleeve Plus Drape  
Bulwark Top

Was \$48.00 Now \$24.99

Sort By: Recommended

Get Exclusive Offers + News

SIGN UP

Connect With Us

Customer Service  
Guaranteed. Period.  
Contact Us  
FAQs

Get Live Help

A helpful Customer Care Specialist is  
just a click or call away.

Call 1.800.963.4816

TEXT CHAT NOW

#### SERVICES

Clinic Cards

Moneysaving & Embroidery

Shop Your Way Rewards

Shop Catalogs

Catalog Requests

Email Subscription

Classroom

Site Map

COMPANY

About Us

The Land's End Blog

Careers

As Seen In

Sustainability

Newroom

Affiliate Program

#### SPECIALTY SHOPS

LE Business Outfitters

Gifts

Women's Plus Store

Women's Plus Store

School Uniforms

Swimwear

International Websites

#### POLICIES

Privacy

Security

Shipping

Returns

California Transparency Act



#### SHOP OUR E-CATALOG

Environmentally friendly, easy to shop and  
always at your fingertips.



SHOP YOUR WAY REWARDS  
Make every purchase rewarding. Join  
today. Earn today. It's free.

Items 1 - 2 of 2 24 per page

Twitter 102K | Like 10K

View Mobile Version

© Copyright 2013 Lands' End

## Exhibit E

(Prana Living described as only “men’s  
Women clothing.)



**Platinum Business Credit Card**

ALGONQUIN TOWNSHIP HWY

ROBERT J. MILLER

Closing Date 11/27/16 Next Closing Date 12/28/16

**OPEN**

Account Ending 5-211

**New Balance** **\$2,705.07**

**Minimum Payment Due** **\$35.00**

**Payment Due Date** **12/22/16**

**Late Payment Warning:** If we do not receive your Minimum Payment Due by the Payment Due Date of 12/22/16, you may have to pay a late fee of up to \$38.00 and your APRs may be increased to the Penalty APR of 29.49%.

**Membership Rewards® Points**

Available and Pending as of 10/31/16

**24,744**

For up to date point balance and full program details, visit [membershipewards.com](http://membershipewards.com)

**Account Summary**

Previous Balance \$1,188.50  
 Payments/Credits \$1,378.70  
 New Charges \$5,289.52  
 Fees \$0.00  
 Interest Charged \$0.00

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges and each month you pay:	You will pay off the balance shown on this statement in about:	And you will pay an estimated total of:
Only the Minimum Payment Due	10 years	\$4,792
\$92	3 years	\$3,321 (Savings = \$1,471)

If you would like information about credit counseling services, call 1-888-733-4139.

See page 2 for important information about your account.

**New Balance** **\$2,705.07**  
**Minimum Payment Due** **\$35.00**

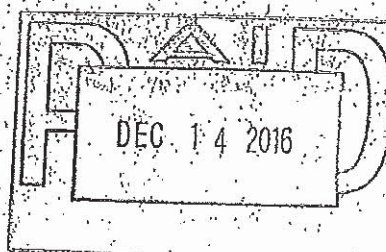
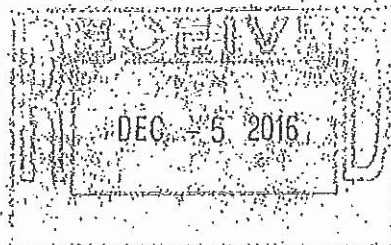
Credit Limit \$22,000.00  
 Available Credit \$19,294.99  
 Cash Advance Limit \$3,400.00  
 Available Cash \$3,400.00  
 Days in Billing Period 30

**Customer Care**

**Pay by Computer**  
[open.com/pbc](http://open.com/pbc)

**Customer Care Pay by Phone**  
 1-800-921-6121 1-800-472-9297

See Page 2 for additional information.



↓ Please fold on the perforation below, detach and return with your payment ↓





Platinum Business Credit Card  
 ALGONQUIN TOWNSHIP HWY  
 ROBERT J MILLER  
 Closing Date 11/27/16

OPEN

11/27/2016

p. 3/10

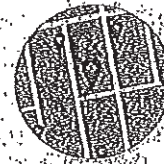
Account Ending 5-21007

# NOW THERE ARE MORE PLACES TO SHOP WITH YOUR CARD IN THE CHICAGO AREA.

Over 40,000 more places in the Chicago area started  
accepting American Express® Cards between 2013 and 2015.



Check out [shops.innow.com/chicagobiz](http://shops.innow.com/chicagobiz)  
to find local places that now accept your Card.



## Payments and Credits

### Summary

	Total
Payments	\$1,188.51
Credits	\$190.19
Total Payments and Credits	\$1,378.70

### Detail

Indicates posting date

	Amount
Payments	\$1,188.51
7/14/16 PAYMENT RECEIVED - THANK YOU	
Credits	\$190.19
2/1/16 PRANA LIVING	
GARLSBAD CA	
760-566-1070	
Description	
MEN'S WOMEN'S CLOTH	

## New Charges

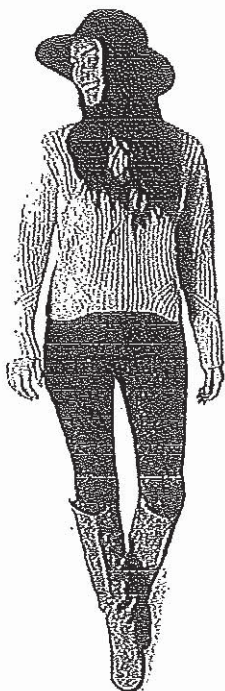
### Summary

	Total
Total New Charges	\$2,895.26

### Detail

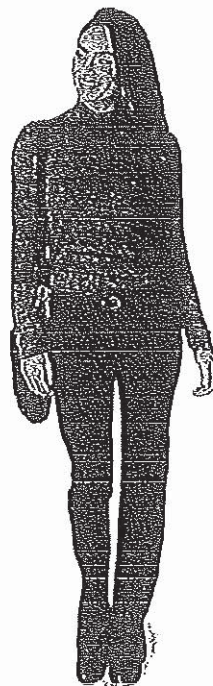
ROBERT J MILLER				Amount
Card Ending 5-21007				
28/16	#03496 JEWEL 000000000574600	CARY	IL	\$29.77 ✓
	8476393599	Koa Marchi Mfg	CA	\$499.99 ✓
29/16	PEARL AUTOMATION 0000000001	SCOTT'S VALLEY	CA	
	8775199522			
	Description			
	REFER TO RECEIPT			
29/16	DOMINO'S PIZZA	CARY	IL	\$141.31 ✓
	5626631400			
	Description			
	RESTAURANT CHARGES			
30/16	AMAZON.COM	AMZN.COM/BILL	WA	\$34.99 ✓
	MERCHANDISE			
12/16	AMAZON.COM	AMZN.COM/BILL	WA	\$29.99
	MERCHANDISE			

Continued on reverse



TRINITY CORD PANT

SHOP NOW



JADA JEAN

SHOP NOW



## WHO ARE YOU SHOPPING FOR?

The drive is there, the ideas are not.  
We've got you covered with our  
Holiday Gift Guide.

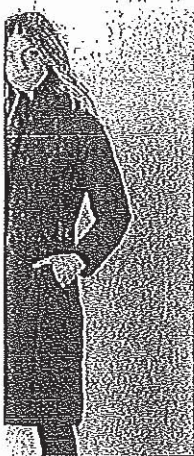
GIFTS FOR HER



## Traveling This Winter?

FIND THE PERFECT COAT, FROM LIGHTWEIGHT TO HEAVYWEIGHT  
FOR YOUR NEXT ADVENTURE.

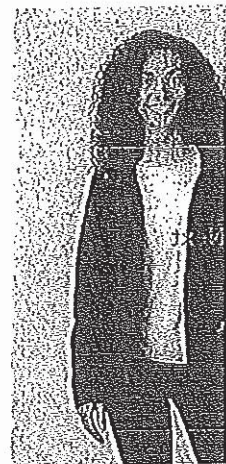
SHOP ALL



MAYVE JACKET



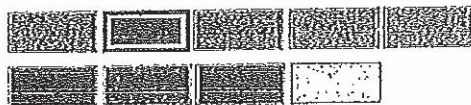
MILLY JACKET



HALLE JACKET

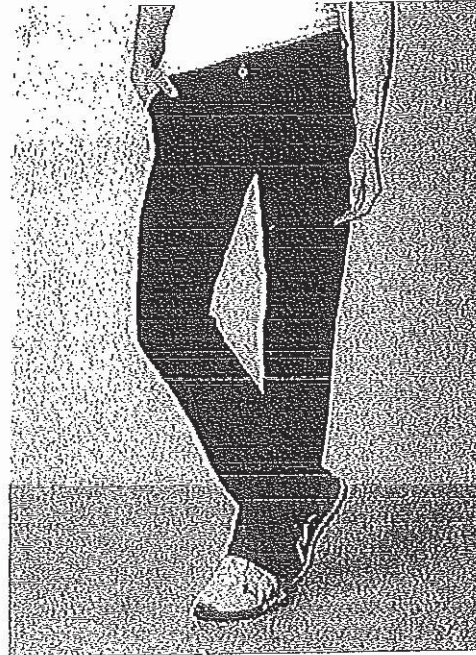
YOUR CURATED STYLES

Next



KARA JEAN  
\$89.00

(620)



HALLE PANT  
\$85.00

(809)

BR  
\$85

CUSTOMER SERVICE

866-915-6457

Contact Us

U.S. Shipping & Delivery

Returns & Exchanges

International Shipping

International Returns

FAQ

PRODUCT INFO

Product Care

Sizing Charts

Gift Cards



DEALER INQUIRIES

INFLUENCER PROGRAM

ABOUT US

Who We Are

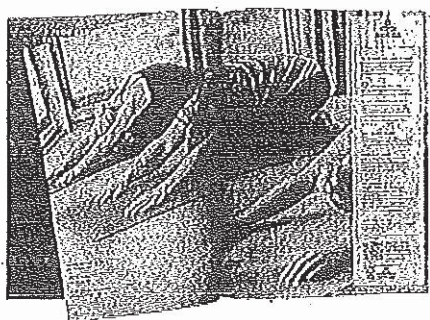
Sustainability

Careers

Press

FIND A STORE

FIND A STORE



## CATALOG

Get up close and personal with our latest looks when you request a prAna catalog.

SHOP DIGITAL CATALOG

 FACEBOOK

 TWITTER

 PINTEREST

 GOOGLE+

 INSTAGRAM

 YOUTUBE

California Notice / Terms of Use / Privacy Policy / Sitemap © prAna 2016

Exhibit F

(Purchase of Gift Cards)





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J MILLER  
Closing Date 06/27/16

OPEN

Account Ending 5-21007

p. 8/10

## Payments and Credits

### Summary

	Total
Payments	-\$1,524.97
Credits	\$0.00
Total Payments and Credits	-\$1,524.97

### Detail

Indicates posting date

	Amount
Payments	-\$1,524.97
06/11/16** PAYMENT RECEIVED - THANK YOU	

## New Charges

### Summary

	Total
Total New Charges	\$4,008.50

### Detail



ROBERT J MILLER  
Card Ending 5-21007

	Amount
05/28/16 DOMINO'S PIZZA CARY IL 5626631400 Description RESTAURANT CHARGES	✓ \$126.34
05/31/16 WXWORX ONLINE ACCT. WXWORX ONLINE A HUNTSVILLE AL 256-319-9679	✓ \$403.01
06/02/16 AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	✓ \$41.97
06/02/16 #03496 JEWEL 000000000674600 CARY IL 8476393599	✓ \$160.90
06/02/16 #03496 JEWEL 000000000674600 CARY IL 8476393599	✓ \$210.90
06/03/16 WHITEPAGES PRO (800)336-1327 WA 800-336-1327	\$19.95
06/05/16 AMAZON MKTPLACE PMTS AMZN.COM/BILL WA BOOK STORES	✓ \$124.49
06/06/16 COSTCO WHSE #0774 000000000990774 LAKE IN THE HILLS IL 8479609909	✓ \$440.00

Continued on reverse

# Jewel-Osco

690 NORTHWEST HWY  
CARY, IL 60013  
Phone: (847) 639-3659  
Store Director: Rich Holenberg

Cashier: Michelle

06/02/16 14:30:5

## MISCELLANEOUS

*A EXPRESS GC 100.00	7675006886	100.00
*GIFT CARD FEE		5.95
*AM EXPRESS GC 50.00	7675006885	50.00
*GIFT CARD FEE		4.95
HOME DEPT GC 50.00	7675006559	50.00
SUBTOTAL		210.90

TOTAL TAX 0.00  
TOTAL 210.90

Amex TENDER 210.90

Acct:XXXXXXXXXX1007

APPRVL CODE: 824445

Cas Ref#: 22593

Cash CHANGE 0.00

NUMBER OF ITEMS

Phone/Gift Card 100.00

XXXXXXXXXXXXXXXX0823

Activation Online to Host

AA APPROVED

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX9749

Activation Online to Host

AA APPROVED

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX9528

Activation Online to Host

AA APPROVED

Trx: 59 Oper: 315 Term: 99 Store: 3496

06/02/16 14:32:17

Thank You For Shopping At

JEWEL-OSCO

Pharmacy Phone: # (847) 639-3652

\*\*\*\*\*

JEWEL STOCK YOUR

BULPEN 2016

NO. PARTICIPATING ITEMS

PURCHASED FOR STOCK YOUR

BULPEN TICKETS

\*\*\*\*\*

www.jewel-osco.com

Customer Questions

on Party Trav Orders

1-877-276-9637

\*\*\*\*\*

Your Opinion Matters

We invite you to complete our

CUSTOMER SATISFACTION SURVEY

\*\*\*\*\*

Enter to be a weekly winner

of a \$100 gift card

Go to www.jewelsurvey.com

\*\*\*\*\*



# Jewel-Osco

696 NORTHWEST HWY  
CARY, IL 60013  
Phone # (847) 639-3599  
Store Director Rich Wolanberg

Cashier: Michelle

06/02/16

14:28:22

## MISCELLANEOUS

AM EXPRESS GC 50.00	7675006885	50.00
+GIFT CARD FEE		4.95
A EXPRESS GC 100.00	7675006886	100.00
+GIFT CARD FEE		8.95
SUBTOTAL		160.90
TOTAL TAX		.00

TOTAL 160.90

Amex TENDER 160.90

Acct:XXXXXXXXXX1007

APPROVAL CODE 806238

Cas Refill 22592

Cash CHANGE .00

NUMBER OF ITEMS 4

Phone/Gift Card 50.00

XXXXXXXXXXXXXXXX6256

Activation Online to Host

AA APPROVED

Phone/Gift Card 100.00

XXXXXXXXXXXXXXXX0898

Activation Online to Host

AA APPROVED

Trx 58 06/01/16 Term 99 Store # 3496

06/02/16 14:30:14

Thank You For Shopping At  
JEWEL-OSCO

Pharmacy Phone # (847) 639-3652

JEWEL STOCK YOUR

BULLPEN 2016

NO PARTICIPATING ITEMS

PURCHASED FOR STOCK YOUR

BULLPEN TICKETS

www.jewelosco.com

Customer Questions

or Party Tray Orders

1-877-276-9697

Your Opinion Matters

We invite you to complete our

CUSTOMER SATISFACTION SURVEY

Enter to be a weekly winner

of a \$100 gift card

Go to: www.jewelsurvey.com

We are prohibited from giving  
refunds or exchanges on Gift Cards  
Gift Cards may take up to  
24hrs to activate

Exhibit G

(Hooters restaurant in Brookfield

Wisconsin.)



**Platinum Business Credit Card**

ALGONQUIN TOWNSHIP HWY

ROBERT J. MILLER

Closing Date 02/26/16 Next Closing Date 03/28/16

**OPEN**

p. 1/9

Account Ending 5-21007

**New Balance** \$2,528.37  
**Minimum Payment Due** \$35.00  
**Payment Due Date** 03/22/16<sup>†</sup>

**Late Payment Warning:** If we do not receive your Minimum Payment Due by the Payment Due Date of 03/22/16, you may have to pay a late fee of up to \$38.00 and your Purchase APR may be increased to the Penalty APR of 29.49%.

**Membership Rewards® Points**

Available and Pending as of 01/31/16

**25,256**For up to date point balance and full program details visit [membershiprewards.com](http://membershiprewards.com)**Account Summary**

Previous Balance \$1,242.84  
 Payments/Credits -\$1,242.84  
 New Charges +\$2,528.37  
 Fees +\$0.00  
 Interest Charged -\$0.00

**New Balance** \$2,528.37  
**Minimum Payment Due** \$35.00

Credit Limit \$22,000.00  
 Available Credit \$19,471.63  
 Cash Advance Limit \$3,400.00  
 Available Cash \$3,400.00  
 Days in Billing Period 29

**Customer Care**

**Pay by Computer**  
[open.com/ppc](http://open.com/ppc)

**Customer Care** 1-800-521-6121  
**Pay by Phone** 1-800-472-9297

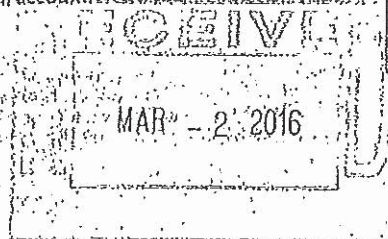
See Page 2 for additional information

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges and each month you pay:	You will pay off the balance shown on this statement in about:	And you will pay an estimated total of:
Only the Minimum Payment Due	10 years	\$4,423
\$87	3 years	\$3,134 (Savings = \$1,289)

If you would like information about credit counseling services, call 1-888-733-4139.

See page 2 for important information about your account.



Please fold on the perforation below, detach and return with your payment ↓

**Payment Coupon**

Do not staple or use paper clips

**Pay by Computer**[open.com/ppc](http://open.com/ppc)**Pay by Phone**

1-800-472-9297

Account Ending 5-21007

Enter 15 digit account # on all payments.  
 Make check payable to American Express.

MB 01 004372 00867 B 26 B



ROBERT J. MILLER  
 ALGONQUIN TOWNSHIP HWY  
 ALGONQUIN TOWNSHIP HWY  
 3702 US HIGHWAY 14  
 CRYSTAL LAKE IL 60014-8204

Payment Due Date

03/22/16

New Balance

\$2,528.37

Minimum Payment Due

\$35.00



Check here if your address or  
 phone number has changed.  
 Note changes on reverse side.



AMERICAN EXPRESS  
 BOX 0001  
 LOS ANGELES CA 90096-8000

\$ 2,528.37  
 Amount Enclosed

000034990990914915 000252837000003500 24 H





Platinum Business Credit Card  
ALGONQUIN TOWNSHIP HWY  
ROBERT J. MILLER  
Closing Date 02/26/16

OPEN

p. 3/9

Account Ending 5-21007

## Payments and Credits

### Summary

	Total
Payments	\$1,242.84
Credits	\$0.00
Total Payments and Credits	\$1,242.84

### Detail

\*Indicates posting date

	Amount
Payments	\$1,242.84
2/14/16* PAYMENT RECEIVED - THANK YOU	

## New Charges

### Summary

	Total
Total New Charges	\$2,528.37

### Detail

	Amount
ROBERT J MILLER Card Ending 5-21007	
2/28/16 BRUNCHCAFEFOXRIVERGROVE FOXRIVERGROVE IL 8475160409 FOOD/BEVERAGE \$163.43 TIP \$25.00	\$188.43 ✓
2/28/16 HOOTERS OF BROOKFIELD LLC 1164 BROOKFIELD WI RESTAURANT Description 502006	\$288.92 ✓
2/29/16 WWW.BLINKFORHOME.COM ANDOVER MA 7819151920	\$299.00 ✓
2/02/16 AMAZON MKTPLACE PMTS AMZN.COM/BILL WA BOOK STORES	\$269.97 ✓
2/03/16 WHITEPAGES PRO (800)336-1327 WA 800-336-1327	\$19.95
2/10/16 GODADDY.COM 480-505-8855 AZ (480)505-8855	\$19.60 ✓
2/11/16 AROUND THE CLOCK REST 103001002340461 CRYSTAL LAKE IL 815-459-2100	\$40.09 ✓

Continued on reverse

## Exhibit H

(Womens' Classic Cashmere Jacquard  
Cardigan Sweater, Supima Stripe Pocket  
Cardigan Sweater, and Women's boiled  
Wool Walker Coat.)



LANDS' END

135

## ORDER

Customer Number  
10826-0853-0Order Date  
10/21/14Order Number  
3927547-1

10

Item Number	Size	Color	Description	Item Status	Price
44747-3AE9	L	F24 WIN	WR CLSC CSH LS CNCD JQRD	IN THIS SHIPMENT	156.75
44688-8AE4	L	BLA STP	WR LS FG STRP PCKT CARD	IN THIS SHIPMENT	59.25
44374-6AE8	12	NEP BLU	WR BOILED WOOL WALKR COAT	IN THIS SHIPMENT	111.75

Anna Miller  
TWSP  
C.C.

On behalf of everyone at Lands' End, thank you for your order. We hope you love getting this as much as we love sending it... see you soon! Questions? Please call 1-800-800-6800.

Merchandise	Tax	S&H	Gift Box	Total	Cash	Payment	Credit
327.75	20.48			348.23		348.23	

TOTAL:

Customer Number	Order Type	Order Date	Order Number	Shipment Date
10826-0853-0	VISA	10/21/14	3927547-1	10/22/14

## RETURN FORM

Reason*	Item Number	Size	Color	Description	Price
	44747-3AE9	4080398 001	L	F24 WIN WR CLSC CSH LS CNCD JQRD	156.75
	44688-8AE4	4077603 002	L	BLA STP WR LS FG STRP PCKT CARD	59.25
	44374-6AE8	3991726 003	12	NEP BLU WR BOILED WOOL WALKR COA	111.75



3927547110010089

Returns can be made with your packing slip at U.S. Sears stores where Lands' End is sold. Or mail your return using the return label below (see reverse side of this form for instructions). Promotional savings may be deducted from your return. For fastest service on reorders, call 1-800-800-6800.

ORIG

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

Please indicate reason for return by placing a reason code in space provided above Reason codes are listed at right.

SIZE	QUALITY/SATISFACTION	SERVICE	COLOR
100 - Small 101 - Too Large 102 - Chest 103 - Waist 104 - Seat/Hip 105 - Overall 106 - Length 107 - Sleeve 108 - Length 109 - Width 110 - Overall	30 - Defective 31 - Misplaced size 32 - Did not like styling 33 - Did not like fabric 34 - Fabric/material 35 - Performance 36 - Returning a gift 37 - Put out of season 38 - On the back of this form	40 - Wrong item shipped 41 - Monogram not as requested 42 - Inseaming not as requested 43 - With item already own	60 - Did not like color 61 - Color not as shown 62 - Coordinates did not match 63 - Did not coordinate with item already own

Tear Here For Easy Return Label

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

USPS PARCEL RETURN SERVICE



9202 3901 0070 5593 1041 34



610 14 60014 1414 0 003927547

PARCEL SELECT RETURN SERVICE

NEWGISTICS, INC.

PERMIT NO: 77000

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
56901

V14

WOMEN

MEN

KIDS

OUTERWEAR

HOME

UNIFORMS

SALE

GIFTS

My Bag 0

Help Center ▾ Store Locator Gift Cards Business Outfitters

Ship To My Account ▾ La

FREE SHIPPING EVERY DAY ON ORDERS \$50+  
\$5 MORE FOR UPS 2 DAY

Enter Keyword or Style #

**30% OFF REG. PRICED ITEMS + 20% OFF SALE**

Use Promo Code: CANDY & Pin: 1624. See details.

Home Page > searched for "44747-3ae9"



Women's Classic Cashmere  
Jacquard Cardigan Sweater

[Write a review](#)

\$209.00



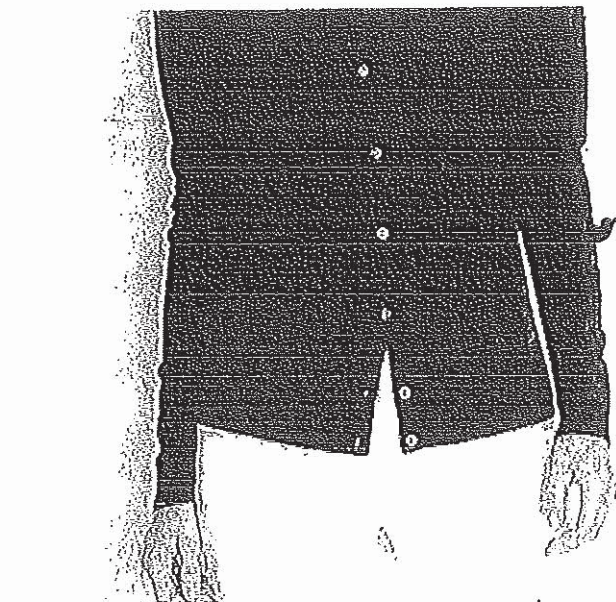
Celestial Blue Windowpane

CUSTOMERS  
ALSO  
BOUGHT



Women's  
3/4-sleeve  
Textured Front  
Top  
\$89.00





IN STOCK

ADD TO BAG



MININE LANDS' END

a cardigans for the most  
style without compromising  
Knit from yarns spun from the  
ers to meet some of the highest  
around. We inspect our cardis  
cess to ensure a prettier, softer

and more comfortable sweater than others you can find.  
Fully fashioned in 100% cashmere.

#### FEATURES

- Intarsia knit design in 100% Inner Mongolian cashmere
- Resists pilling, but feels softer over time
- Fine gauge fabric is easy to layer
- Waist shaping creates a feminine silhouette
- Grosgrain-trimmed underplacket
- Rib crewneck, bottom and cuffs
- Long sleeves
- Mid-hip length

#### MORE INFORMATION

Unfamiliar with a word? [See the Lands' End](#)

[Glossary](#)

[Fit & Size Information](#) | [Item Dimensions \(.pdf\)](#)

Now \$49.99



Women's Petite  
3/4-sleeve  
Supima  
Raglan...  
\$69.00



Women's  
3/4-sleeve  
Supima Texture  
Stripe...  
\$69.00



Women's  
3/4-sleeve Loft  
Blend Cable  
Marl...  
\$69.00



☒ Get Exclusive Offers + News

[Privacy Policy & Contact Info](#)

Email Address

SIGN UP

WOMEN

MEN

KIDS

OUTERWEAR

HOME

UNIFORMS

SALE

GIFTS

My Bag 0

Help Center ▾ Store Locator Gift Cards Business Outfitters

Ship To My Account ▾

La

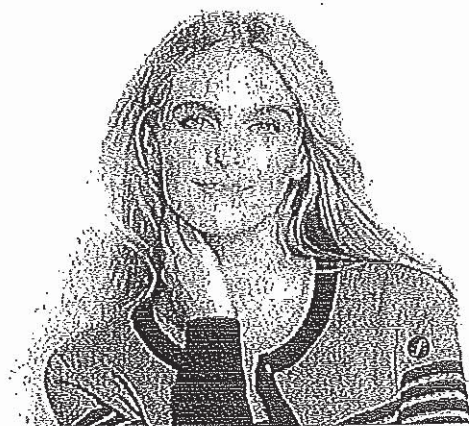
FREE SHIPPING EVERY DAY ON ORDERS \$50+  
\$5 MORE FOR UPS 2 DAY

Enter Keyword or Style #

**30% OFF REG. PRICED ITEMS + 20% OFF SALE**

Use Promo Code: CANDY & Pn: 1624. See details

Home Page > searched for "44088-8as4"



Women's Supima Stripe Pocket  
Cardigan Sweater

VS

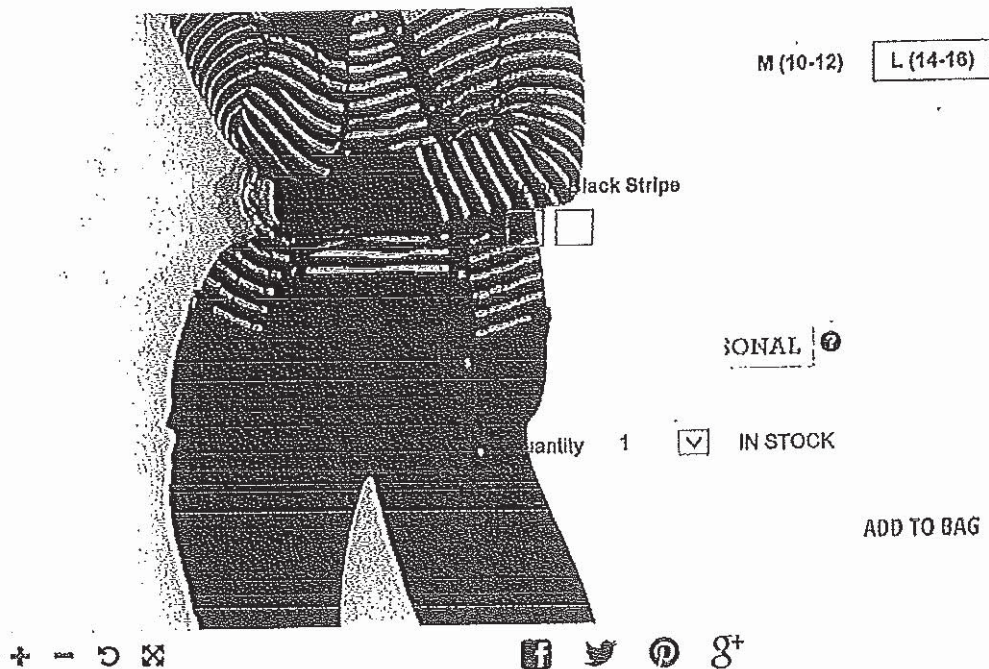
\$79.00

[Calculate your size](#)

CUSTOMERS  
ALSO  
BOUGHT



Women's Short  
Sleeve Supima  
Stripe Sweater  
\$59.00



M (10-12)

L (14-16)

SONAL

Quantity 1 ☒ IN STOCK

ADD TO BAG



Women's Tall Short Sleeve Supima Stripe...  
\$89.00



Women's Petite Supima Stripe Pocket...  
\$79.00



Women's Supima Pocket Cardigan Sweater -...  
\$79.00

#### A NEW TAKE ON YOUR FAVORITE SUPIMA® CARDIGAN.

Colorblock stripes, gold anchor buttons, and welt pockets takes your favorite classic crew cardigan into the sharp, feminine sporty look trending this season. The matching short sleeve Jewelneck sweater make this a perfect layered set ready for jeans, chinos or skirts. Made with the best cotton grown in America with superior finishing touches — like fully-fashioned knit construction for perfectly-matched seams and ribbed hems and cuffs that keep their shape — to bring you the softest, best fitting sweaters. The extra-long fibers feel smoother, hold dye better, and last longer than lesser cotton. The perfect weight and style for every day. 100% Supima cotton. Machine wash, dry flat. Imported.

#### FEATURES

- Superior Supima cotton
- Lightweight fine gauge knit
- Contemporary colorblock stripe styling
- Gold anchor buttons
- Functional welt pockets with button detailing
- Pairs with the striped Supima short sleeve Jewelneck
- Falls to the mid hip, approximately 25" in size Medium

#### MORE INFORMATION



WOMEN

MEN

KIDS

OUTERWEAR

HOME

UNIFORMS

SALE

GIFTS

My Bag 0

Help Center ▾ Store Locator Gift Cards Business Outfitters

Ship To My Account ▾

La

FREE SHIPPING EVERY DAY ON ORDERS \$50+  
\$5 MORE FOR UPS 2 DAY

Enter Keyword or Style #

**30% OFF REG. PRICED ITEMS + 20% OFF SALE**

Use Promo Code: **CANDY & Pin 1624** [See details](#)

Home Page > searched for "443745ae8"



1 Wool Walker Coat

WS

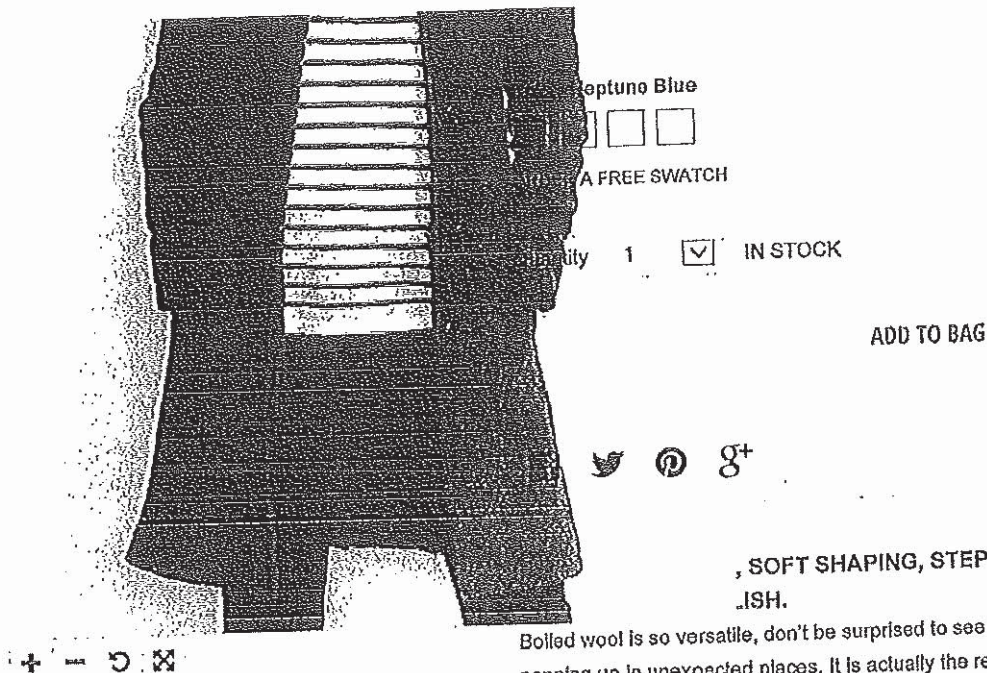
\$149.00

y magazin

CUSTOMERS  
ALSO  
BOUGHT



Women's Luxe  
Wool Car Coat  
\$229.00



, SOFT SHAPING, STEP  
ISH.

Boiled wool is so versatile, don't be surprised to see it popping up in unexpected places. It is actually the result of wool that is knitted, then gently boiled. Lightweight and remarkably warm, this tighter, denser weave, with its unique look and feel, lends itself well to more tailored styles, like this coat. And the soft, felted fabric has natural ease, yet retains its shape beautifully. Plus it's the perfect canvas to showcase such rich colors. And although tailored like a dressier coat for "refined" moments, this coat knows how to keep it casual too. 51% wool/49% rayon. Dry clean. Imported.

#### FEATURES

- Lightweight, soft boiled wool
- Princess seams and back darts for feminine shaping
- Clean front lines provide a smooth drape, prevent bunching
- Back vent allows moving room
- Discreet side pockets
- Fully lined for neatness and comfort
- Above knee
- TEMPERATURE RATING – WARM: +10° to +30° Fahrenheit. Use this as a comfort range for the type of climate you'll be wearing this Boiled Wool Walker Coat in with a typical winter wardrobe. [Learn more](#)

#### MORE INFORMATION

Unfamiliar with a word? [See the Lands' End](#)

[Glossary](#)

[Fit & Size Information](#) | [Item Dimensions \(.pdf\)](#)



Women's  
Tweed Wool  
Car Coat  
\$239.00



Women's Boiled  
Wool Parka  
\$439.00  
Now \$119.99



Women's Boiled  
Wool Hooded  
Parka  
\$149.00





## Exhibit I

(an e-mail confirmation was sent to Robert  
Miller for a Apple iPad Air 2 Smart Case.)

Bob Miller

From: auto-confirm@amazon.com  
Sent: Thursday, October 30, 2014 4:49 PM  
To: Robert J. Miller  
Subject: Your Amazon.com order of "Apple iPad Air 2 SMART CASE...".



[Your Recommendations](#) | [Your Account](#) | [Amazon.com](#)

## Order Confirmation

Order #108-4996804-3387433

Hello Robert J. Miller,


Thank you for shopping with us. We'll send a confirmation once your item has shipped. Your order details are indicated below. If you would like to view the status of your order or make any changes to it, please visit Your Orders on Amazon.com.

Your guaranteed delivery date is:  
**Monday, November 3, 2014**

Your shipping speed:  
**Prime Two-Day Shipping**

Your order will be sent to:  
**Robert Miller  
3702 US Highway 14  
Crystal Lake, IL 60014-8204  
United States**

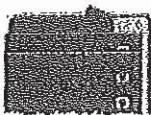
[Order Details](#)

GET \$70 INSTANTLY when you get the Amazon.com Rewards Visa Card  [Learn more](#)

## Order Details

Order #108-4996804-3387433

Placed on Thursday, October 30, 2014



Apple iPad Air 2 SMART CASE BLACK  
Personal Computers  
Sold by Amazon.com LLC

**\$79.00**

amazon.com



8DB8P7WVKK

Order of October 30, 2014 (Order ID 108-4996804-3387433)

Item	Item Price	Total
Apple iPad Air 2 SMART CASE BLACK Personal Computers (** P-2-H142J2 **) B00009YVPG8 388462016964	\$79.00	\$79.00

Payment completes your order.  
Feedback on how we  
helped your order? Tell us at  
[amazon.com/packaging](#).

Items Are Easy! Most items can be refunded, exchanged, or replaced when returned in original and unopened condition. Visit <http://www.amazon.com/returns> to start your return or <http://www.amazon.com/help> for more information on return policies.

Item Subtotal:	\$79.00
Shipping & Handling:	\$0.00
Total Before Tax:	\$79.00
Estimated Tax:	\$0.00
Order Total:	\$79.00

1

## Exhibit J

(purchase of another Levenger bag)

been revolving, interest charges  
 not unpaid. You may pay mo  
 particular rate is requir  
 5 banking system. If two  
 al interest charges. I  
 hunt number. If you  
 le in US dollars.  
 a next day.  
 p.m. loc.  
 19

Business Credit Card  
 JIN TWSHP HWY  
 J MILLER  
 Date 07/28/14

OPEN

p. 3/7

MJ

Account Ending 5-21007

## Debits and Credits

57

Price

.00

	Total
Payments	-\$5,217.02
Credits	\$0.00
<b>Total Payments and Credits</b>	<b>-\$5,217.02</b>

Detail	Amount
Payments	-\$5,217.02
07/13/14* PAYMENT RECEIVED - THANK YOU	

## New Charges

Credit

### Summary

	Total
<b>Total New Charges</b>	<b>\$13,402.15</b>

### Detail

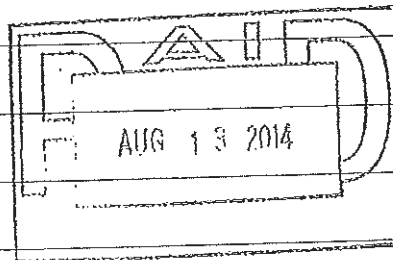
	Amount
06/26/14 NORTHERN TOOL 800-222-5381 MN LIGHT INDUST	\$11,499.99 ✓
06/28/14 DOMINO'S 2974 000002CARY IL 5626631400 Description RESTAURANT CHARGES	\$93.08 ✓
06/28/14 AMAZON MKTPLACE PMTSAMZN.COM/BILL WA BOOK STORES	\$155.04 ✓
07/03/14 LEVINGER CATALOG/WEBDEL RAY BCH FL BOOKS/SUPPLIES/GIFTS	\$211.44 ✓
07/04/14 WHITEPAGES.COM 800-336-1327 WA 800-336-1327	\$19.95
07/09/14 LANDS END INTERNET 9800-332-4700 7744721 53595 DIRECT MARKETER	\$41.44 ✓
07/10/14 SXMSIRIUSXM.COM/ACCT888-635-5144 NY XM SATELITE	\$229.50
07/10/14 AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	\$230.28 ✓
07/17/14 SXMSIRIUSXM.COM/ACCT888-635-5144 NY XM SATELITE	\$49.99
07/18/14 USPS 161344001300740CARY IL 800-2758777	\$294.00 ✓
07/22/14 AMAZON.COM AMZN.COM/BILL WA MERCHANDISE	\$8.99 ✓
07/23/14 ASURION WIRELESS INS866-667-2535 TN 866-667-2535	\$99.00

Print Date  
09/14

Price

9.00

at U.S.  
mail your  
verse  
tional  
For fastest



POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES

SERVICE  
ST NO: 77001

V14

Continued on reverse



\_\_\_\_\_









4  
0014

Orders: 800-544-0380 • Fax: 800-544-6910  
 Service: 800-545-0242 • E-mail: [cservice@leventr.com](mailto:cservice@leventr.com)  
 International: 561-275-6141 • Fax: 561-274-0255  
**Leventr.com**  
 Click our stores on [Leventr.com](http://Leventr.com) for retail locations.

*[The following section contains faint, illegible markings and bleed-through from the reverse side of the page.]*

22:LET17

1 AL11015 BRN

Majorca Briefbag - Brown

199.00

199.00

07/06/14 0001766888 04 01

Net Proceeds	\$	159,100
Sales Tax		11,100
Total Shipments	\$	170,200
Amt Charged to Dr		170,200

See important sales for July 1956 in Enclosure

**Tear Here For Easy Return Label**

ROBERT MILLER  
3702 US HIGHWAY 14  
CRYSTAL LAKE IL 60014

USPS PARCEL RETURN SERVICE



9202 3901 0070 5561 9513 95



610 14 60014 1414 0 007744721

NO POSTAGE  
NECESSARY IF  
MAILED IN THE  
UNITED STATES

PARCEL SELECT RETURN SERVICE

NEWGISTICS, INC.

PERMIT NO: 77000

LANDS' END RETURNS  
PARCEL RETURN SERVICE  
56901

V14

EMAIL SIGN-UP

WHAT'S NEW

CUSTOMER FAVORITES

GIFT GUIDE

OUTLET

LEVINGER

What can we help you find?

SEARCH

My Account

Checkout

800-544-0380

Bag 0 items | \$0.00

[Circa Notebooks](#) [Pens & Refills](#) [Bags](#) [Paper](#) [Journals & Folios](#) [Cases](#) [Wallets](#) [Collections](#) [Reading](#) [Desk Accessories](#) [iPad](#)
Take 25% off your entire order during our Back to School, Back to Work Event [See Details](#)[Home](#) > Majorca Briefbag

Click arrows &lt; &gt; for more images and roll over to zoom in

[Shipping Information](#)[Customer Service](#)[Easy Returns](#)[Corporate Pricing](#)**THE LEVINGER GUARANTEE**

We promise to deliver quality and value in every Levenger product. If you are not 100% satisfied, please let us know and we'll make it right.

**Majorca Briefbag**

Price: \$219.00

841

Tweet

Like 6

★★★★★ [Read all reviews](#) | [Write a review](#) 39

10 of 10 (100%) customers would recommend this product to a friend.

Item: AL11015

In stock for immediate delivery

**1. CHOOSE COLOR****2. CHOOSE QUANTITY**

1

**3. SHIP TO**☒ Me☐ Other:Add Complimentary Note ☐[Add to Bag >](#)**YOU MIGHT ALSO LIKE**Fortunata Tote  
Price: \$219.00St. Tropez Leather Tote Bag  
Price: \$199.00Levenger Tech Backpack  
Price: \$239.00**PRODUCT DESCRIPTION**

Our most popular women's leather briefcase

You could well find the trim Majorca leather briefbag replacing your handbag and your briefcase. Legal-size files fit in the gusseted main compartment. The organizational panel in front has a key fob and pockets for your smartphone, business cards, 3 x 5 cards and two pens.

Now in silky, textured leather

The Majorca is now crafted in softly textured full-grain leather with a silky-soft hand, *au naturel* to bring out the natural expressiveness of the grain.

- Can accommodate your iPad, Kindle, Nook or other electronic reader, and legal- or letter-sized files
- Inside zippered pocket for valuables
- Double zippers allow for full expansion
- Dual padded handles
- Detachable, adjustable shoulder strap with extra padding and a drop length of 10 to 18 inches
- Gusseted main compartment for larger items
- Organizational section in front for smaller items
- Two slots hold pens
- Silky, textured, *au naturel* full-grain leather
- Nickel hardware
- 16W x 3 1/2D x 11 1/2H; 2 pounds

Our slim Majorca Briefbag is all business...and all beauty

**ADD YOUR REVIEW**

★★★★★

Great Upscale Briefbag!, July 31, 2014  
By [Susan29](#) (read all my reviews)Function: ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐Quality: ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐Style: ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Choose A Sort Order





Exhibit K

(Orvis Purchases)



# ORVIS

## Order Summary

Dear Robert Miller,

This shipment includes merchandise from order 050813-417-33 shipped on May 9, 2013. From the Orvis Service Center in Roanoke, Virginia, it has been our pleasure to serve you!

**Ordered By:**  
Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

**Delivered To:**  
Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

RC	QTY	Item Number	Color	Size	Description	Unit Price	Ext. Price	Comment
	1	5R8T-3452	Lturg	M		49.00	49.00	Included in this Carton
	1	6P34-1752	Pk/Bl	M		49.00	49.00	Included in this Carton
	1	3T8Y-1052	Blktn	M		49.00	49.00	Included in this Carton
	1	5T70-0352	Ltocr	M		69.00	69.00	Included in this Carton
					IL Sales Tax		14.67	
					Shipping and Handling		18.95	
					Total amount for this shipment		249.62	

Please write reason code for your return in the RC column:

1-wrong size/fit; 2-item/quality not as expected; 3-product damaged;  
4-overall dissatisfaction; 5-changed my mind; 6-wrong item.

EASY EXCHANGE with Free Standard Shipping - To make an exchange fast, call 1-800-635-7635 anytime and we will waive standard shipping charges. See "Easy Exchange" details on reverse side.

RETURNS MADE EASY - Use the enclosed UPS label and we will simply deduct \$6.95 from your refund. Instructions on reverse side.

Did you know there may be an Orvis Company store near you? Cast a rod, try on a jacket, or just get in touch with the Orvis lifestyle. Our associates are ready to assist you with any of your shopping needs including returns and exchanges. Visit the web at [orvis.com/stores](http://orvis.com/stores) for store locations.

Use this label when making a return.

Page 1 of 1

Keep this for your records

Form 1000 ORVIS-04-09

Robert Miller  
3702 Us Hwy 14  
Crystal Lake, IL 600148204

Please  
Affix  
Postage

Your Account Number: 330861014  
Your Order Number: 050813-417-33  
Your Shipment Number: 0016466675  
Your Carton Number: 00081234560076471462

The Orvis Company, Inc.  
1711 Blue Hills Drive  
Roanoke, VA 24012-8693

Contact Orvis:  
Phone: 1-800-635-7635  
[service@orvis.com](mailto:service@orvis.com)

Received 08-08-2018 03:59 PM / Circuit Clerk Accepted on 08-08-2018 02:28 PM / Transaction #17111182280 / Case #17041000435



**ORVIS** Customer Service: 888-235-9753 | Sales | Catalog Quick Order

SHOP OUR ENTIRE LINE SPORTING ADVENTURES PROTECTING NATURE BLOGS

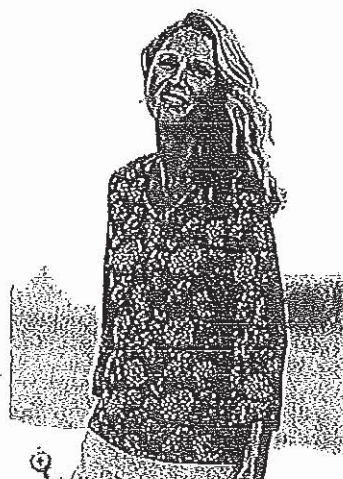
Orvis / Women's Clothing / Tees &amp; Polos

Save up to 40% on our Fulton Dog Bed!

**Tawny Floral Henley**

Celebrate the season in curlicues kni floral Henley shirt.

Other Views

**SUMMER SALE**Annual Swim Sale  
In-Season Savings**FEATURED**Top Rated for Women  
New for Women  
Patties**SHOP BY CATEGORY**

Tees & Polos  
Blouses  
Pants  
Shorts  
Skirts  
Sweaters  
Jackets  
Dresses  
Sweatshirts  
Vests  
Footwear  
Sleepwear  
Accessories

**SHOP BY COLLECTION**

Passport Collection  
Women's Travel Wear  
ExOfficio  
Barbour of England  
Wrinkle-Free Collection  
Great White Shirts  
Featured Favorites  
Gifts for Women  
Women's Fly Fishing  
Made In America

**RESOURCES**

Sizing Information  
Fabric Information  
Subscribe to RSS

Gift Card

Details Reviews Stories Size Chart

Levish tawny-helge blossoms on a rich black background add drama to a simple kni floral Henley shirt. Pure jersey-knit cotton. Rounded V-neckline with five-button placket. Agoya-shell buttons. Kni floral Henley shirt in black/tan. Pure cotton. Washable. Imported. Sizes: XS(4), S(6-8), M(10-12), L(14-16), XL(18-20); about 24" long.

Rating: ★★★★★ 4.6

68 of 66 (77%) reviewers would recommend this product to a friend.

[READ ALL REVIEWS](#)[WRITE A REVIEW](#)**You might also be interested in:**

Floral-Print Asymmetrical-Draped Tee ★★★★★	Printed Boatneck Tee ★★★★★	Freeport Three-Quarter-Sleeved Ruffle Tee ★★★★★

Next Item number: SI3T8Y1052

**Buy It Now**

Select an Item

• \$49.00 Tawny Floral Henley (SI3T8Y)

☒ Select OptionsMEDIUM : In stock ☒ Specify Quantity [Add to basket](#)

Live Chat is not available.



This item earns **147 POINTS\*** and Standard Shipping is **FREE** with the Orvis Rewards Visa\*. [Learn more.](#)

\*At current prices. Actual points vary if discounts or promotions are applied.

Email this page to a friend

Like 0 Send

Tweet 0

**SHOP AT BARKER**

Men's Clothing  
Women's Clothing  
Adventures  
Luggage  
Fly Fishing  
Hunting  
Dogs  
Gifts  
Distinctive Home  
Eco-Orvis  
Copyright 2013, The Orvis Company Inc. All Rights Reserved.  
Our Latest  
Top-Rated Products  
View All Products

**OUR COMPANY**

100% Guaranteed  
Privacy Policy  
Terms & Conditions  
Protecting Nature  
Blogs  
Schools  
Orvis Site Map  
Organizational Sales  
Visit Orvis in the UK  
In-Office Sales  
Mobile Website  
Press Room

**CUSTOMER SERVICES**

Free Catalogs  
Track Order Status  
Retail Store Locator  
Shipping Information  
Easy Exchanges / Returns  
Orvis Rewards Visa®  
Order Info & Services  
Get on Our Wait List  
Catalog Quick Order  
Share Your Opinion  
Canadian Customers  
Gift Card

**100% Satisfaction Guarantee**

FACEBOOK  
 TWITTER  
 RSS  
 PODCAST  
 YOUTUBE

**Contact Orvis**

Click below to chat now, or contact us at 888-235-9753 or by email.

[Direct](#)



Customer Service: 888-235-9763 | Stores | Catalog Quick Order

SHOP OUR ENTIRE LINE SPORTING ADVENTURES PROTECTING NATURE BLOGS

Orvis / Women's Clothing / Tees & Polos

Save up to 40% on our Futon Dog Bed!

**Elbow-Sleeved Ruffle-Tiered Tee**  
Dress up or down for any occasion with this women's ruffled shirt.

Other Views

Click Switches to Change Color

**SUMMER SALE**  
Annual Swim Sale  
In-Season Savings

**FEATURED**  
Top Rated for Women  
New for Women  
Petites

**SHOP BY CATEGORY**  
Tees & Polos  
Blouses  
Pants  
Shorts  
Skirts  
Sweaters  
Jackets  
Dresses  
Sweatshirts  
Vests  
Footwear  
Sleepwear  
Accessories

**SHOP BY COLLECTION**  
Passport Collection  
Women's Travel Wear  
ExOfficio  
Barbour of England  
Wrinkle-Free Collection  
Great White Shirts  
Featured Favorites  
Gifts for Women  
Women's Fly Fishing  
Made in America

**RESOURCES**  
Sizing Information  
Fabric Information  
Subscribe to RSS

Gift Card

Next Item number: **515T700352**

**Buy it Now**

Select an Item  
\$69.00 Elbow-Sleeved Ruffle-Tiered Tee (515T70)

Select Options  
MEDIUM: In stock  
LIGHT OCEAN: In stock

Specify Quantity: 1

**Add to basket**

Live Chat agent now available.

This item earns 207 POINTS\* and Standard Shipping is FREE with the Orvis Rewards Visa\*. [Learn more.](#)

Email this page to a friend

Like 0 Send Tweet 0

**Details Reviews Stories Size Chart**

Flirty poly-crepe ruffles crisscross in asymmetrical tiers across the front of this elbow-sleeved women's ruffled shirt. Styled with a body-skimming silhouette, our chic crewneck keeps pace with a dressy skirt or lends a bit of daytime glamour to your jeans-and-a-tee uniform. Women's ruffled shirt in light ocean, pearl, black. Rayon/polyester/spandex. Washable. Imported. Sizes: XS(4), S(6-8), M(10-12), L(14-16), XL(18-20); about 24" long.

Rating: 4.1 / 5.0  
6 of 8 (76%) reviewers would recommend this product to a friend.  
[READ ALL REVIEWS](#) [WRITE A REVIEW](#)

**You might also be interested in:**

Double-Layer Shirt  
★★★★★

Sweetwater Button-Front Shoreline Linen Tee  
★★★★★

Yonal Floral-Print Tee  
★★★★★

**SHOP BY DEPARTMENT**  
Men's Clothing  
Women's Clothing  
Adventures  
Luggage  
Fly Fishing  
Hunting  
Dogs  
Gifts  
Distinctive Home  
Sale Orvis  
Copyright © 2013, The Orvis Company Inc. Since 1936, Our Latest  
Top-Rated Products  
View All Products

**OUR COMPANY**  
100% Guaranteed  
Privacy Policy  
Terms & Conditions  
Protecting Nature  
Blogs  
Schools  
Orvis Site Map  
Organizational Sales  
Visit Orvis in the UK  
Job Openings  
Mobile Website  
Press Room

**WOMEN'S SERVICES**  
Free Catalogs  
Track Order Status  
Retail Store Locator  
Shipping Information  
Easy Exchanges / Returns  
Orvis Rewards Visa®  
Order Info & Services  
Get on Our Wait List  
Catalog Quick Order  
Share Your Opinion  
Canadian Customers  
Gift Card

**100% Satisfaction Guarantee**

**Contact Orvis**  
Click below to chat now, or contact us at 888-235-9763 or by email.

[Live Chat](#)

FACEBOOK  
TWITTER  
RSS  
PODCAST  
YOUTUBE

## EXHIBIT L

(Purchase of airline tickets for Rebecca Lee &  
grandchild)



Prepared For  
ROBERT J MILLER  
ALGONQUIN TWSNHP HWY

Account Number  
XXXX-XXXXX5-21007

08/01/08  
New Activity continued  
ALGONQUIN TWSNHP  
ROBERT J MILLER  
08/01/08  
TP TRANS

New Activity continued

07/30/08	AMERICAN AIRLINES DALLAS, TX AMERICAN AIRLINES From: O HARE FIELD IL To: NEW ORLEANS LA O HARE FIELD IL Ticket Number: 00121453078684 Passenger Name: LEE/REBECCA Document Type: PASSENGER TICKET	Carrier: AA Class: SA Date of Departure: 07/30	375.00
07/30/08	AMERICAN AIRLINES DALLAS, TX AMERICAN AIRLINES From: O HARE FIELD IL To: NEW ORLEANS LA O HARE FIELD IL Ticket Number: 00121453078695 Passenger Name: LEE/REBECCA Document Type: PASSENGER TICKET	Carrier: AA Class: SA Date of Departure: 07/30	375.00
07/30/08	OFFICEMAX, INC. 0584 CRYSTAL LAKE IL OFFICE SUPPLIES 60014		409.93
07/31/08	SPRINT DOWNLOAD&SVC800-639-6111 CO WIRELESS SVC		3.95
07/31/08	BIBIT INTERNET PAYMENTS... www.SAFE-CART.com PTLC-U310708-2		39.90
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078684		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078695		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453071183		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453078673		9.95
08/01/08*	TRANSACTION PROCESSED BY AMERICAN EXPRESS TRAVEL DELAY TKT NO. 00121453071161		9.95

*\$ 2,250.00*

Continued on Page 6

Premium Refunds for TravelAssure and TravelAssure Classic: please consult the table below to determine how to process your refund.

Reason for Refund	How to Process Your Premium Refund for TravelAssure or TravelAssure Classic
Reason other than cancelled trip	(A) You're entitled to a full premium refund. Please deduct the total premium refund amount from your total balance due and return this form with your payment. Make sure you complete the grid on the front indicating the refunds you're requesting.
I cancelled my trip	(B) If you don't expect a credit for your airline ticket charge, you're entitled to a partial* premium refund as follows: • For TravelAssure, please deduct \$10 from your total balance due for each premium charge you'd like refunded. • For TravelAssure Classic, please deduct \$8 from your total balance due for each premium charge you'd like refunded. Make sure you complete the grid on the front of this form indicating the refunds you're requesting, and return it with your payment. (C) If you expect credit for your airline ticket charge, you don't need to fill out this form. You'll automatically receive partial* premium refunds once your ticket has been credited on your American Express account. Refunds will appear as credits on your monthly statement.
Insurance premium was charged for a non-insurable person	(D) If you expect credit for your airline ticket charge, you're entitled to a full premium refund as follows: • For TravelAssure, deduct \$10.95 from your total balance due for each premium charge you'd like refunded. • For TravelAssure Classic, deduct \$11.95 from your total balance due for each premium charge you'd like refunded. Make sure you complete the grid on the front of the form indicating the refunds you're requesting, and return it with your payment. Note: you'll automatically receive the remainder of your premium refund once your airline ticket has been credited on your American Express account. The remainder refunds will appear as credits on your monthly statement. (E) If you don't expect a credit for your airline ticket charge, follow the method outlined in section (A) above.
Premium Refunds for International Medical Protection Deduct the total premium refund amount you're requesting from the total balance due and return this form with your payment. Please complete the grid on the front indicating the refunds you're requesting. If you expect a credit for your airline ticket charge, don't fill this form out. You'll automatically receive refunds once your ticket is credited on your American Express account. Refunds will appear as credits on your monthly statement. If you have any questions about requesting your refund, please call the number on the back of your American Express Card. * For cancelled trips, refunds aren't given for trip cancellation portion of premium since that coverage already went into effect. You'll receive partial refunds of \$10 per TravelAssure and \$8 per TravelAssure Classic charge. You can still submit claims to recover nonrefundable amounts.	

## EXHIBIT M

(E-mails with Robert Miller's e-mail address)

**Bob Miller**

---

**From:** kendal stephens <kendalst@comcast.net>  
**Sent:** Tuesday, July 09, 2013 5:54 PM  
**To:** 'Bob Miller'  
**Subject:** RE: Contact Us From Hit

You guys do a great job!

Thanks a lot  
Kendal Stephens

-----Original Message-----

**From:** Bob Miller [<mailto:bobmiller@mc.net>]  
**Sent:** Friday, June 28, 2013 6:03 PM  
**To:** [kendalst@comcast.net](mailto:kendalst@comcast.net)  
**Subject:** RE: Contact Us From Hit

We noticed and will fix it as soon as we can.

Robert J Miller  
Highway Commissioner  
Algonquin Township Road District  
3702 US Highway 14  
Crystal Lake, IL 60014  
847-639-2700 ex. 6  
[www.algtwsp.com](http://www.algtwsp.com)

-----Original Message-----

**From:** [kendalst@comcast.net](mailto:kendalst@comcast.net) [<mailto:kendalst@comcast.net>]  
**Sent:** Friday, June 28, 2013 7:14 AM  
**To:** [bobmiller@mc.net](mailto:bobmiller@mc.net)  
**Subject:** Contact Us From Hit

Message from Algonquin Township Road District contact us page.  
**Name:** Kendal Stephens  
**Last Name:**  
**Email:** [kendalst@comcast.net](mailto:kendalst@comcast.net)

**Bob Miller**

---

**From:** Clarke Customer Service <service@clarke.com>  
**Sent:** Tuesday, July 02, 2013 2:38 PM  
**To:** bobmiller@mc.net  
**Subject:** Backpack Larviciding Service Completed  
**Attachments:** \_Certification\_.htm



Property Name: Algonquin Township

This is a message from Clarke. This email is to notify you that your backpack larvicide application to mosquito breeding sites was performed on 07/01/2013.

If you have any questions please feel free to contact your control consultant:

George Balls (630) 671-3112 [gballs@clarke.com](mailto:gballs@clarke.com)

Providing Integrated environmental aquatic service and mosquito control.

1-800-323-5727

[www.clarke.com](http://www.clarke.com)

---

For Internal Office Use Only:  
Service Order: T005287211  
Job No: 1  
Job Suffix: 0

# EXHIBIT N



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

May 7, 2018

Robert Miller  
Anna May Miller  
1415 Main Street  
Cary, Illinois 60013

Re: Demand for return of Algonquin Township Road District Property

Mr. & Mrs. Miller:

Demand is hereby made upon both of you to immediately return to the Algonquin Township Road District all of the following items of property that were paid for by Algonquin Township Road District:

- I. Blink Cameras (installed in Miller Household at Road District Expense in January 2016 or thereabouts) charged to the Road District on 1/28/2016 in the amount of \$299.00
- II. 4 I-Pass Transponders (obtained on Township Paid I-Pass Account)
- III. Credit Cards issued to Algonquin township (The cards themselves)
  - a. American Express card ending in 5-21007
  - b. American Express card ending in 9-01005
  - c. American Express card ending in 9-01013
  - d. Chase Card
  - e. Capital One Card
- IV. Cellular Telephones—previously paid for with Road District funds including:
  - a. Those Cellular phones having been acquired at Road District expense and associated with the following telephone numbers:

(847) 878-1613

(847) 875-0548

(847) 343-3892

(847) 343-8732

(847) 343-3892

(224) 239-7852

(847) 970-0571

Each number was on The road district plan and the Road district plan had paid for the respective phones associated with each of them.





# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- V. All computers paid for by Algonquin Township Road District in your possession including but not limited to two hard drives removed from servers located at Algonquin Township Road District at your direction by IT Connection Keith Seda and delivered to you on or about 4/4/2017.
- VI. Computer Tablets
  - a. iPad Air 2
  - b. iPad Air 2 Smart Case
- VII. Hand Tools
  - a. shovels
  - b. saws
  - c. wrenches
  - d. screwdrivers
  - e. hammers
  - f. drills
  - g. sawsalls.
- VIII. Cannon EOS Camera, lenses and tri-pod.
- IX. Credit Card Points/Economic Benefits associated with use of Credit Cards mentioned above in Section III.
- X. Any and all municipal License Plates for Algonquin Township Road District Owned Vehicles.
- XI. All gift cards purchased or otherwise acquired with Road District Funds including but not limited to American Express Gift Cards, Jewel Gift Cards, Barn Nursery Gift Cards, Levenger gift cards. Jewel on 6/2/2016 (\$160.90 & 210.90) Barn Nursery (\$1,250)
- XII. Clothing purchased with Algonquin Township Road District money or credit including but not limited to the following items:
  - a. Two pairs Women's Woolrich Kory Pants purchased (4/12/2011) \$98.00
  - b. Women's Woolrich fisher Island Tee purchased 4/12/2011 \$45.00
  - c. Woman's kordel Capri purchased 4/12/2011 \$55.00
  - d. Sales Tax to purchase clothing on 4/12/11 (\$15.95)
  - e. Cashmere Jacquard Cardigan Sweater.
  - f. Women's Supima Stripe pocket Cardigan Sweater
  - g. Women's boiled Wool Walker Coat
  - h. Women's Print Drape Ballet shirt,
  - i. Men's shirts embossed with the words Algonquin Township Highway Department or the Algonquin Township Road District.



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- j. Women's Drop shoulder Tuck shirt
- k. Womens Mountain Parka (\$99)
- l. Bison Leather belt (\$45)
- m. Two Long sleeve Men's Woolrich polo shirts Extra Large (\$70)
- n. A women's Raeburn II jacket (\$149.00)
- o. A woman's woolrich Mountain laurel Wrap Cardigan (\$135.00)
- p. A woman's Chelsea watch (\$78.00)
- q. A Men's Woolrich fork Long Sleeve Polo shirt (\$35)
- r. A Woman's Woolrich Plateau ridge Tote bag (\$135)
- s. A woman's Woolrich Restless Brook Cartigan (\$99.00)
- t. A Woman's Sheep Sweater (\$78.00)
- u. A Woman's Woolrich Kenyon Sweater (\$69.00)
- v. Woman's Alani Cardigan Sweater (\$89)
- w. Womans's Land's End Fine Gage Performance Cardigan Sweater
- x. General merchandise purchased at the Car Bath Wash in the amount of \$214.80

- XIII. A Levenger leather tote bag paid for with Algonquin Township Road District \$384.52
- XIV. A Levenger leather black leather pad portfolio \$176.37 purchased with Road district funds or credit on 1/19/2012.
- XV. A Levenger Brief bag purchased with Road District funds or credit on 1/19/2012 in the amount of \$211.44.
- XVI. A She\*Shelpers Western Clothing purchased 8/31/2008 \$215.89 (believed to be cowboy boots)
- XVII. Converted funds in the amount of \$47,384 paid to Robert Miller purportedly for sick time accrued prior to 1993 in violation of the Illinois Administrative Code and in contravention of 24 sworn statements of Robert Miller.
- XVIII. Two Truck loads of Salt given away by Bob Miller to the Illinois Railway Museum with a value of at least \$800.
- XIX. Payment of Road District money for meals at Hooters in Brookfield Wisconsin in the amount of \$288.92.
- XX. Payments of Road District money for Airline Tickets for Rebecca Lee in the amount of \$375.00 and associated transaction processing fee of \$9.95.



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- XXI. Payments of Algonquin Township Road District money for airline tickets for the minor child(Children) of Rebecca Lee in the amount of \$375.00 and associated transaction processing fee of \$9.95.
- XXII. Payments of Algonquin Township Road District money for Jose Cuervo in the amount of \$39.33
- XXIII. Payment of Algonquin Township Road District Money for Amazon purchases without receipts totaling \$3,476.28 on the following dates with corresponding amounts.

6/2/2016	\$41.97
6/5/2016	\$124.49
7/10/2014	\$230.28
7/22/2014	\$8.99
6/28/2014	\$155.04
7/10/2014	\$230.28
7/22/2014	\$8.99
4/29/2013	\$87.37
1/2/2013	\$180.05
1/3/2013	\$85.98
1/9/2013	\$169.99
1/10/2013	\$256.90
2/2/2016	\$269.97
2/16/2016	\$159.00
2/17/2016	\$254.97
2/18/2016	\$6.55
2/16/2016	\$502.04
2/26/2016	\$127.42
11/1/2014	\$79.00
11/1/2014	\$79.00
10/29/2014	\$209.00
10/29/2014	\$209.00

- XXIV. Payments of Algonquin Township Road District Money to Martenson Decorating for services at 1415 Main Street, Cary in the amount of \$4,090.00
- XXV. Payments of Road District money for Disneyland Admission in the amount of \$188



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- XXVI. Payments made to Birch totaling \$13,644.40 for the benefit of others and not the Algonquin Township Road District.
- XXVII. Payments made to Behm Paving totaling \$110,062 for the benefit of others and not the Algonquin Township Road District.
- XXVIII. Sporting Goods paid for on 8/11/2008 at Sports Authority in the amount of \$590.68.
- XXIX. Records in your possession and control belonging to the Algonquin Township Road District including but not limited to the following records:
- a. Emails of Robert Miller for the period of time commencing 1/1/2010 and continuing to May 15, 2017
  - b. E-mails of Anna May Miller during that period of time of her employment at the Algonquin Township Road District which were used in the ordinary course of business for the Algonquin township Road District.
  - c. All credit card Statements for the following credit or convenience cards issued to either of you by the Algonquin Township Road District including but not limited to:
    - i. American Express ending in 5-21007
    - ii. American Express ending in 9-01005
    - iii. American Express ending in 9-01013
    - iv. Chase Card
    - v. Capital One Card
  - d. All applications for credit associated with the following credit or convenience cards issued to either of you by the Algonquin Township Road District including but not limited to:
    - i. Applications for American Express ending in 5-21007
    - ii. Applications for American Express ending in 9-01005
    - iii. Applications for American Express ending in 9-01013
    - iv. Applications for Chase Card
    - v. Applications for Capital One
  - e. All Documents electronically removed from Road District Computers in concert with IT Connection/Keith Seda
  - f. All documents reflecting the payroll records of Robert Miller for the period of his employment at the Algonquin Township Road District.



## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

- g. All documents that refer or reflect any effort to obtain a destruction order from Illinois Secretary of State during January 1, 2015 thru May 15, 2017.
- h. All receipts of purchases from Amazon.com and paid for by the Road District for the period of 1/1/2010 to May 15, 2017.
- i. All legal opinions billed by Attorney James Kelly to Algonquin Township Road District including but not limited to opinions in the period of 1/1/2010 to May 15, 2017.
- j. Lease agreements by and between Road District and any of its employees for storage of automobiles and ATV's including motorcycles in the period of 1/1/2010 to May 15, 2017.
- k. Any and all records related to the payment of funds to Pear Automation and the location of the actual software purchased with Algonquin Township Road District Money
- l. Any and all Baxter Woodman work product in the period of 1/1/2010 to May 15, 2017 or associated with \$138,000 payment to Baxter Woodman by the Algonquin Township Road District.
- m. Any and all Communications and work product by and between Robert Miller or Anna May Miller and any employee of Birch in the period of 1/1/2010 to 5/15/2017.
- n. Any and all records related to the use of Sam's Club in house Account in name of Algonquin Township Road District in the period of 1/1/2010 to May 15, 2017.
- o. Any and all records related to HR Green Engineering in the period of 1/1/2010 to May 15, 2017.
- p. Any and all records related to Behm Paving including any work product in the period of 1/1/2010 to May 15, 2017.
- q. The monthly bills submitted for payment by Robert Miller against the Road District for the period of 1/1/2010 to May 15, 2017.
- r. Any document related to any of demands for return of any property or purchase or payment identified in this demand letter.



# ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

Be Blessed,

Andrew Gasser,  
Algonquin Township Highway Commissioner

## Definitions Relating to this Demand letter

1. The definitions herein are intended to govern the meaning of this demand.
2. "You" shall mean either Robert Miller or Anna May Miller or both as context requires.
3. "Person[s]" means any natural person, firm, corporation, partnership, joint venture, organization, association, group, or legal entity.
4. The term "document" shall be construed in its broadest sense. It shall include, but not be limited to, all information retrievable from computer storage, including, but not limited to, electronic mail and electronic files in their native storage format (i.e. ".ppt" for Microsoft PowerPoint), and any printed, typewritten, handwritten, graphic, or recorded matter of any type and description, however and by whomever prepared, recorded, produced, reproduced, disseminated, or made, including, but not limited to, the following: all letters, minutes, notes, telegrams, facsimiles, electronic mail messages, reports, charts, accountant's statements, bank statements, books of account, ledgers, balance sheets, journals, account statements, lists, analyses, information sheets, financial publications, order forms, business records, personal records, financial statements, memoranda, summaries or records of conversations, tape recordings or transcripts, notebooks, data sheets, work sheets, recommendations, audio and videotape records, photographs and slides, statistics, studies, written agreements, checks, receipts, invoices, bills, and other writings, including computer printouts or information stored in





## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

5. computer memory banks or on any tapes, discs, or other electrical or mechanical forms or devices, and any draft of any of such material the content of which differs in any respect from the original, in the actual or constructive possession, custody or control of either of you.

6. As used herein, the terms "communicate," "communicated," "communication," "communicate with," or any derivation thereof, shall include any type of communication whatsoever, whether oral or written, including, but not limited to, conversations, discussions, telephone calls, interviews, letters, memoranda, negotiations, agreements, understandings, correspondence, telexes, telegrams or any other exchange of information of any kind, whether oral, written, electronic, or otherwise.

7. "Concerning," "relating to," "relate to," "evidence(s)," or "evidencing" means pertaining to, referring to, reflecting upon, evidencing, discussing, describing, mentioning, summarizing, or connecting in any way logically or factually to, the matter described in the Request.

8. "Statement" means any oral, written, court-reported, recorded or other expression of opinion, and any oral, written, court-reported, recorded, or other description of fact, which pertains to the occurrences alleged in the Complaint to Foreclose Mortgage, or to the damages claimed to have resulted therefrom. When "statement" is used in the context of a Credit Card or Debit card or convenience accounting card the term "Statement" shall mean that record of account issued by the card issuer periodically.



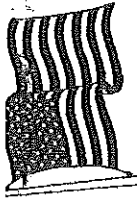
## ALGONQUIN TOWNSHIP HIGHWAY DEPARTMENT

3702 U.S. Hwy 14, Crystal Lake, IL 60014

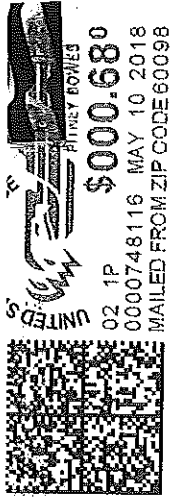
8. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of these Requests for Admission of Facts all information and/or documents which might otherwise be construed to be outside their scope.

9. Reference to the singular shall include the plural and references to the plural shall include the singular.

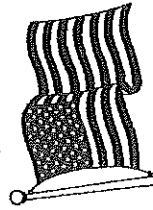
Crystal Lake, IL 60014



Robert Miller  
1415 Main Street  
Cary, Illinois 60013



Andrew Gasser, Highway Commissioner  
Algonquin Township Highway Department  
3702 U.S. Highway 14  
Crystal Lake, IL 60014



Anna May Miller  
1415 Main Street  
Cary, Illinois 60013

# EXHIBIT D

(Miller Motion and  
Affidavit filed January 16, 2018.)

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER )

Plaintiff, )

V. )

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

KAREN LUKASIK, )

Cross-Plaintiff, )

V. )

CHARLES A. LUTZOW JR., )

Cross-Defendant, )

ANDREW GASSER, )

Counter-Defendant )

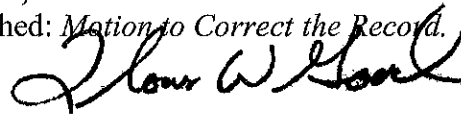
**Katherine M. Keefe**  
Clerk of the Circuit Court  
\*\*\*Electronically Filed\*\*\*  
Transaction ID: 17111127998  
17CH000435  
01/16/2018  
McHenry County, Illinois  
22nd Judicial Circuit  
\*\*\*\*\*

CASE NO. 17 CH 435

NOTICE OF FILING

TO: SEE ATTACHED SERVICE LIST

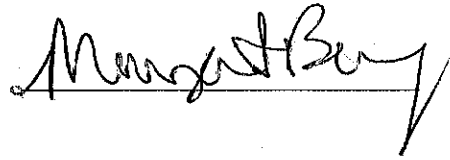
PLEASE TAKE NOTICE that on **January 15, 2018** we filed with the Clerk of the Circuit Court of McHenry County, Illinois, the attached: *Motion to Correct the Record.*



Thomas W. Gooch, III

PROOF OF SERVICE

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedures, the undersigned certifies that she served a copy of the foregoing to whom it is addressed via email from Wauconda, Illinois on January 15, 2018 by 5:00 p.m.

A handwritten signature in black ink, appearing to read "Margaret Berg", written over a horizontal line.

THOMAS W. GOOCH, III  
THE GOOCH FIRM  
209 South Main Street  
Wauconda, Illinois 60084  
847 526 0110  
[gooch@goochfirm.com](mailto:gooch@goochfirm.com)  
[office@goochfirm.com](mailto:office@goochfirm.com)  
ARDC No. 3123355



THE UNITED STATES OF AMERICA  
IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER )

Plaintiff, )

V. )

CASE NO. 17 CH 435

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

---

KAREN LUKASIK, )

Cross-Plaintiff, )

V. )

CHARLES A. LUTZOW JR., )

Cross-Defendant, )

ANDREW GASSER, )

Counter-Defendant )

**SERVICE LIST (as of 1.5.18):**

**David McArdle & Mark Gummerson**

[dmcardle@zrfmlaw.com](mailto:dmcardle@zrfmlaw.com) & [hharkins@zrfmlaw.com](mailto:hharkins@zrfmlaw.com)

[mgummerson@zrfmlaw.com](mailto:mgummerson@zrfmlaw.com)

Zukowski, Rogers, Flood & McArdle

50 N. Virginia St

Crystal Lake IL 60014

**Steven Brody**

[Steve@sjbrodylaw.com](mailto:Steve@sjbrodylaw.com)

Steven J. Brody & Associates, Ltd.

15 W. Woodstock Street

Crystal Lake IL 60014

**James Kelly**

[jpkelley@mkm-law.com](mailto:jpkelley@mkm-law.com)

[maselvey@mkm-law.com](mailto:maselvey@mkm-law.com)

101 N. Virginia Street Suite 150

Crystal Lake IL 60014

**Robert Hanlon**

[robert@robhanlonlaw.com](mailto:robert@robhanlonlaw.com)

[Cherylj@ROBHANLONLAW.COM](mailto:Cherylj@ROBHANLONLAW.COM)

131 East Calhoun Street

Woodstock IL 60098

IN THE CIRCUIT COURT OF THE 22<sup>ND</sup> JUDICIAL COURT  
MCHENRY COUNTY ILLINOIS

**Katherine M. Keefe**  
Clerk of the Circuit Court  
\*\*\*Electronically Filed\*\*\*  
Transaction ID: 17111127998  
17CH000435  
01/16/2018  
McHenry County, Illinois  
22nd Judicial Circuit  
\*\*\*\*\*

ANDREW GASSER, ALGONQUIN )  
TOWNSHIP ROAD COMMISSIONER )

Plaintiff, )

V. )

CASE NO. 17 CH 435

KAREN LUKASIK, )  
INDIVIDUALLY AND IN HER )  
CAPACITY AS ALGONQUIN )  
TOWNSHIP CLERK, ANNA MAY )  
MILLER AND ROBERT MILLER, )

Defendants, )

---

KAREN LUKASIK, )

Cross-Plaintiff, )

V. )

CHARLES A. LUTZOW JR., )

Cross-Defendant, )

ANDREW GASSER, )

Counter-Defendant )

**MOTION TO CORRECT RECORD**

NOW COMES your Defendant, ROBERT MILLER, by and through his attorneys,  
Thomas W. Gooch, III of THE GOOCH FIRM, and as and for his Motion as aforesaid states the  
following:

1. Defendant recently filed a Reply Brief to his Motion to Dismiss due to Lack of Standing  
which contains two errors.


2. First, Defendant alleged that the sick pay raised in Plaintiff's Response was paid from the general town fund. Defendant should have alleged that the sick pay owed Defendant was a liability of the general town and erroneously paid through the road and bridge fund at the time of payment, for sick days earned when MILLER was not an elected official, but was an employee.

3. Defendant also alleged in his Reply Brief that he had filed in April of 2017 the Annual Report and Inventory, more than 30 days before the annual town meeting. MILLER, in fact, filed the Annual Report and Inventory within the 30-day period before the annual town meeting, as required by statute.

WHEREFORE your Defendant, ROBERT MILLER prays this Honorable Court correct the record accordingly.

Respectfully submitted by,

THE GOOCH FIRM, on behalf of ROBERT  
MILLER, Defendant,



---

Thomas W. Gooch, III

THE GOOCH FIRM  
209 S. Main Street  
Wauconda, IL 60084  
847-526-0110  
[gooch@goochfirm.com](mailto:gooch@goochfirm.com)  
[office@goochfirm.com](mailto:office@goochfirm.com)  
ARDC No.: 3123355