

# **NOTICE OF CHARGES AND OPPORTUNITY TO BE HEARD**

January 5, 2022

**VIA ELECTRONIC MAIL and/or HAND DELIVERY**

Robert Cruz, Board Member  
Board of Education  
Oak Lawn Community High School District 229  
[cruzin1279@hotmail.com](mailto:cruzin1279@hotmail.com)

Dear Mr. Cruz,

You are hereby notified that cause exists pursuant to The School Code, 105 ILCS 5/10-11(5), The Election Code, 10 ILCS 5/25-2(5), and Board of Education (“Board”) of Oak Lawn Community High School District 229 (“OLCHS”) Policy Manual 2:70, to conduct a hearing to determine whether a vacancy should be declared in your elected position as Board Member of the Board of Oak Lawn Community High School, School District 229, for a four-year term (“Elected Office”) due to the following:

## **STATEMENT OF CHARGES**

Robert Loehr, President of the Board of OLCHS, brings the following charges against Robert Cruz (“Member Robert Cruz”), a Member of the Board of Education of Oak Lawn Community High School, School District 229, in Cook County, Illinois:

1. As a Board Member, you failed to faithfully perform your official duties when you violated your Board Member Official Oath of Office multiple times, as specified in The School Code, 105 ILCS 5/10-16.5 and other statutory violations alleged herein, OLCHS Policy 2:80, and other Board Policy violations as alleged herein.
2. As a Board Member you violated The Board Member Code of Conduct; OLCHS Policy 2:80-E Exhibit.

3. As a Board Member you committed official misconduct prohibited by 720 ILCS 5/33-3(a).
4. As a Board Member you violated 50 ILCS 5/3(a) and 105 ILCS 5/10-9 by having an interest in the litigation filed against OLCHS, District 229, and referred to as Case No. 2021-COMS-000031 and Case No. 2021-CV-5311.
5. As a Board Member you committed multiple offenses involving multiple violations of official Oath of Office and other statutes; which, if convicted by a majority of OLCHS, District 229, would cause a vacancy in office, under 105 ILCS 5/10-11, 10 ILCS 5/25-2(5), and OLCHS Policy 2:70.

### **BILL OF PARTICULARS**

The Particulars supporting the charges are as follows:

1. You were elected as a Board Member of OLCHS, District 229, in April, 2021.
2. You were sworn in and signed your Oath of Office on April 28, 2021.
3. You filed a lawsuit, *Robert Cruz v. Jay R. Pritzker, et al.*, Case No. 2021-COMS-000031, individually and in your official capacity as a member of the Board of OLCHS, District 229, on August 19, 2021, in the Circuit Court of Cook County, against the Governor and the State Superintendent of Schools after the Board discussed adhering to the Governor's mask mandate policy, in prior meetings, to comply with Illinois Law.
4. You failed to abide by Resolution 2122-01, which provides that OLCHS does not support litigation against the Governor nor the State Superintendent. The Resolution also stated that OLCHS, District 229 would follow all directives from ISBE, IDPH, and the Governor.
5. You failed to abide by 105 ILCS 5/10-20.20, which states that a board member should protect school districts from lawsuits; and, in defiance of state law, filed another lawsuit against your own school district.

6. You created a conflict of interest and/or an appearance of impropriety when you sued OLCCHS, consequently causing them to incur in excess of \$25,000 to defend the litigation, which was ultimately dismissed by the Federal Court.
7. You became an “interested” board member when you asked for attorney fees from OLCCHS. District 229, in your second lawsuit pursuant to 42 USCS § 1988, creating a conflict of interest, in violation of The School Code, 105 ILCS 5/10-9 and The Public Officer Prohibited Activities Act ,50 ILCS 105/3(a).
8. After acknowledging that you should have informed the Board of your intention to sue the Governor and the State Superintendent in OLCCHS, District 229’s name, on August 23, 2021, you dismissed the first lawsuit and filed a new lawsuit, *Robert Cruz and Scot Jones v. Jay R. Pritzker, the Director of the Illinois State Board of Education, and Oak Lawn Community High School District 229 School Board*, Case No. 2021-CV-5311, in your individual capacity against OLCCHS, District 229 on September 2, 2021, creating a conflict of interest, an appearance of impropriety, multiple violations of your sworn Oath of Office, and violating the Code of Conduct of OLCCHS, District 229.
9. You spoke at the Lyons Township High School Board of Education Meeting held on November 15, 2021 and made remarks that created an impression that you were acting in the capacity of a Board Member of OLCCHS, District 229, without first discussing remarks or informing the Board of your intention to speak in your capacity as a Board Member, or the Board taking action in appointing you as their spokesperson, in violation of state statutes and board policy.
10. You failed to seek change through ethical and constructive channels as you swore to in Oath of Office and as set forth in Board Policy, which caused a loss in school assets, as

well as bringing the school's reputation into disrepute, when you filed a lawsuit without informing the Board or Superintendent of OLCCHS, District 229 of your plan to do so, or discussing your actions, or asking the Board to authorize litigation.

11. You again brought the OLCCHS, District 229, into disrepute and intentionally misrepresented serious facts concerning the school district when you issued a press release on December 14, 2021, promoting a mask optional approach in schools and stating untruths concerning an alleged increase in suicide and violence in OLCCHS, District 229.
12. You failed to abide by the statutes of the State of Illinois, your Oath of Office, and the Board's Code of Conduct by using your status as a Board Member for personal gain and/or publicity for further monetary and political office (Congressman) and creating conflict of interests and an appearance of impropriety. Such violations include, but are not limited to:
  - a. Issued a press release on December 14, 2021, with letterhead that stated, "Rob Cruz for Congress", while simultaneously promoting yourself as a Board Member of OLCCHS, District 229, and inviting parents to attend the school board meeting to show their support for you.
  - b. Your actions caused multiple articles to be written to address your actions as a Board Member against OLCCHS, District 229, creating negative media attention to the District.
  - c. Misrepresentation to the public and OLCCHS, District 229, when you stated in your Board Member of OLCCHS, District 229, candidacy questionnaire, support for including the mandatory wearing of masks on school property, yet after being elected filed two lawsuits adamantly opposing the Illinois Department of Public Health and the Governor's guidelines to use masks due to COVID-19.

13. Your conduct violated your Oath of Office, other statutes, and OLCHS, District 229, Board Policy Manual and has placed OLCHS and its Board Members in a bad light.

**On January 12, 2022 at 6:30 p.m.**, the Board will consider Resolutions to declare your Elected Office vacant due to violating your Official Oath of Office and other state statutes referenced above; A Resolution of Censure; And/or Resolution requesting the Regional Superintendent to remove you from office for willfully failing to perform your official duties. Prior to consideration of these Resolutions, you will be provided an opportunity to be heard at the **January 12, 2022**, meeting. This opportunity will be done in person at OLCHS, District 229, **9400 Southwest Highway, Oak Lawn, IL 60453 in the Board of Education Room 119, or Media Center, Room 114** depending on the number of attendees.

You must submit to me, by **5:00 p.m. on January 11, 2022**, any documentation or other evidence that you may be presenting at the January 12, 2022 meeting to refute the charges and otherwise defend the allegations herein. You may e-mail the documents to me or deliver them to the Superintendent's office by close of business day on January 11, 2022.

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Robert Loehr, President, Board of Education  
Oak Lawn Community High School District 229

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Dated

## **EXHIBIT LIST**

EXHIBIT A: Robert Cruz's Signed Official Oath

EXHIBIT B: Member Robert Cruz Lawsuit filed August 19, 2021

EXHIBIT C: OLCHS Resolution No. 2122-01 passed on August 23, 2021

EXHIBIT D: August 23, 2021 Board Meeting Minutes

EXHIBIT E: Member Robert Cruz Lawsuit filed September 2, 2021

EXHIBIT F: Lyons Township High School Board Meeting Transcript of Board Member Robert Cruz and clip

EXHIBIT G: Member Robert Cruz December 14, 2021 Press Release

EXHIBIT H: Candidacy Questionnaire of Member Robert Cruz

EXHIBIT I: Member Robert Cruz Article of Running for Congress

EXHIBIT J: Judge Sharon Johnson Coleman Memorandum Opinion and Order