

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS**

<p>MAYNARD CROSSLAND, <span style="float:right">Plaintiff,</span>  v.  ALONZO MONK, and JULIE CELLINI, PAMELA DANIELS, J. DOUGLAS DONENFELD, EDWARD M. GENSON, LAURIE ANN HOFFMAN, ELIZABETH I. SMITH, and ROGER TAYLOR, as members of the Board of Trustees of the Historic Preservation Agency  <span style="float:right">Defendants.</span></p>	<p style="text-align:center">No.:</p>          <p style="text-align:center">JURY DEMANDED</p>
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**COMPLAINT**

Now comes Maynard Crossland, by and through his attorney, Carl R. Draper of Feldman, Wasser, Draper & Benson, and for his Complaint against defendants Alonzo Monk, and Julie Cellini, Pamela Daniels, J. Douglas Donenfeld, Edward M. Genson, Laurie Ann Hoffman, Elizabeth I. Smith, and Roger Taylor, states as follows:

1. At all times relevant to the matters set forth herein, Maynard Crossland was director of the Illinois Historic Preservation Agency (hereinafter, "IHPA").
2. In accordance with statutes of the State of Illinois, the Historic Preservation Agency was created by the Historic Preservation Agency Act. That Act additionally established a Board of Trustees composed of seven members. 20 ILCS 3405/1.

3. At the time of the events alleged in this Complaint, Alonzo ('Lon') Monk was Chief of Staff in the Office of the Governor.
4. At the time of the events alleged in this Complaint, defendants, Julie Cellini, Pamela Daniels, J. Douglas Donenfeld, Edward M. Genson, Laurie Ann Hoffman, Elizabeth I. Smith, and Roger Taylor were each members of the Board of Trustees for the IHPA. They are appointed to office by the Governor of Illinois with the advice and consent of the Illinois Senate.
5. At all times relevant to the matters set forth herein, Robert Coomer was an employee of IHPA serving as Division Manager of Historic Sites. Among his responsibilities was oversight of various local, State facilities under the direction and control of the IHPA, including the Cahokia Courthouse.
6. At all times relevant to the matters set forth herein, Molly McKenzie was the site manager of the Cahokia Courthouse and was the wife of State Representative Thomas Holbrook.
7. Beginning at some time during the year 2000, Robert Coomer became aware that donations received at the Cahokia Courthouse were not being properly collected by the IHPA, and instead were being diverted by Molly McKinzie and not deposited with the Treasurer of the State of Illinois as required by law.

8. At that time, there was in force and effect a statute of the State of Illinois requiring all donations received at state historic sites to be deposited into a special fund of the State Treasury known as the Illinois Historic Sites Fund. 20 ILCS 3401/15.
9. Other provisions of State Finance Law make it the duty of all officers, agents, of any public body, including the IHPA, to keep an account of all receipts of all monies, donations, or things of value received by them on forms prescribed by the State Treasurer, and delivered to the State Treasurer. See 30 ILCS 20/1 and 30 ILCS 230/1 et seq. The failure of public officials subject to the statutes cited above to keep detailed itemized accounts of monies as required by those laws are guilty of crimes ranging between a petty offense, and a Class 4 felony. 30 ILCS 230/5; 30 ILCS 20/6; 30 ILCS 230/2(b).
10. At all times relevant to the matters alleged in this Complaint, there was in force and effect a provision of the Illinois Criminal Code declaring it to be official misconduct for any public officer or employee to intentionally or recklessly fail to perform any mandatory duty required by law. 720 ILCS 5/33-3. Commission of official misconduct is punishable by forfeiture of office or employment and constitutes a Class 3 felony.
11. In late 2003, plaintiff Crossland discovered that donations being received at the Cahokia Courthouse were not appearing on a list of deposits to the agency, and specifically to the Illinois Historic Sites Fund.

12. Upon learning of this, plaintiff directed Robert Coomer to take action about the failure of the Cahokia Courthouse site to report donations. After receiving such directions, Robert Coomer failed to take the action as directed.
13. Thereafter, plaintiff directed an internal auditor of the IHPA to visit the site and conduct an audit of the funds at that location. Upon arrival at the Cahokia Courthouse site, Site Manager Molly McKenzie refused the auditor access to the records. Subsequently, plaintiff sent a team of auditors who in fact did conduct an audit of the financial records for the Cahokia Courthouse site.
14. During the same time frame from late 2003, to present, plaintiff had received directions from officers or employees of the Office of Governor of the State of Illinois to create a new job position at IHPA for Molly McKenzie. Direction for the creation of that job came primarily from Laura Norton, an employee responsible for personnel matters. On information and belief, the direction to create this position for Molly McKenzie was done at the direction and approval of other high ranking officials in the Office of the Governor of the State of Illinois, including, but not limited to, Mr. Joseph Cini.
15. Upon completion of the audit by internal auditors, on information and belief, the head of the Internal Audit Division met with defendant Alonzo

(“Lon”) Monk, Chief of Staff in the Office of the Governor and reported the audit findings.

16. Among other facts learned by plaintiff Crossland, or discovered in the audit, Molly McKenzie was claiming excessive amounts of overtime pay reporting hours worked that did not appear to be credible.
17. At or about the time that plaintiff was under direction to appoint Molly McKenzie to the new position created for her, the auditors turned over information concerning audit findings about the missing funds from the Cahokia Courthouse site, and other facts to the Inspector General of the State of Illinois.
18. In addition, plaintiff Crossland directed the auditors to turn over their findings to the Illinois Executive Inspector General for further investigation and enforcement.
19. In early 2003, Scott Doubet together with Laura Norton, officials from the Office of the Governor, came to plaintiff’s office with the organization chart for the Historic Preservation Agency. On that organization chart were red “X” marks on some positions which Scott Doubet explained were the persons that the Governor’s office wanted fired. The red “X’s” were on positions held that were protected by civil service rights under the Personnel Code and were positions that were protected from political considerations in employment under the consent decree in *Rutan v.*

*Illinois Republican Party.*

20. Plaintiff Crossland questioned the reason for the firings and was told by Scott Doubet that it was because those persons were Republicans.
21. Plaintiff Crossland refused to cooperate in firing those employees despite the direction from the Office of the Governor.
22. Scott Doubet, Laura Norton, and other high ranking officials from the Office of the Governor including Sam Flood at other times pressured plaintiff Crossland and other officials at the Historic Preservation Agency to hire individuals supported by the Governor's office without compliance with Rutan protections against unlawful patronage hiring.
23. Plaintiff's resistance to the hiring pressure and his reporting of financial mismanagement were reported to Alonzo Monk in the Office of the Governor.
24. On information and belief, Alonzo Monk directed the board of director defendants in this cause to fire plaintiff Crossland from his position as Executive Director in August 2004.
25. Due to plaintiff's participation in reporting the fiscal irregularities described above and due to his resistance to participation in unlawful, political employment transactions, the defendants directed plaintiff to resign from his position as Executive Director of IHPA in August, 2004.
26. After determining that the defendants would seek the resignation of plaintiff Crossland, defendants decided to appoint Robert Coomer to the position of Executive Director.

27. On or about August 27, 2004 plaintiff was forced to resign his position as Executive Director of the Historic Preservation Agency.

## **COUNT I**

### **ILLINOIS WHISTLE BLOWERS ACT**

1 – 27. Plaintiff adopts paragraphs 1 – 27 above as allegations of this Count.

28. There was in force and effect a statute known as the State Officials and Employees Ethics Act which includes protection for Whistle Blower Protection at 5 ILCS 430/15-5.

29. That Act provides in relevant part:

Sec. 15-10. Protected activity. An officer, a member, a State employee, or a State agency shall not take any retaliatory action against a State employee because the State employee does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation.

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency, or other State employee.

(3) Assists or participates in a proceeding to enforce the provisions of this Act.

(5 ILCS 430/15-10)

30. The remedies under the Act provide:

Sec. 15-25. Remedies. The State employee may be awarded all remedies necessary to make the State employee whole and to prevent future violations of this Article. Remedies imposed by the court may include, but are not limited to, all of the following:

(1) reinstatement of the employee to either the same

position held before the retaliatory action or to an equivalent position;

(2) 2 times the amount of back pay;

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys' fees.

(5 ILCS 430/15-25)

31. Defendants, in violation of the Whistle Blower Protections of the State Officials and Employees Ethics Act, caused plaintiff's employment to be terminated due to his reporting of unlawful misconduct as set forth above.

Wherefore, plaintiff Maynard Crossland respectfully prays that this court enter judgment for him and against the defendants and ordering:

(1) reinstatement of the plaintiff to the position held before the retaliatory action ;

(2) 2 times the amount of back pay;

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights;

and (5) the payment of reasonable costs and attorneys' fees.

Plaintiff further prays that he be awarded his costs and such other relief as this court deems just.

## **COUNT II**

## **COMMON LAW RETALIATORY DISCHARGE**

1 – 27. Plaintiff adopts paragraphs 1 – 27 above as allegations of this Court.

[paragraphs 28 – 31 intentionally omitted.]

32. There is a public policy of the State of Illinois to comply with the final Order of the United States District Court issued in *Rutan v. Illinois Republican Party* to make employment determinations for non-policy making employees without regard to political influence or association.

33. The actions of plaintiff in refusing to comply with demands or resisting directives from officials in the Office of the Governor to make employment decisions in violation of the Rutan principles were taken in conformity with Illinois public policy.

34. Defendants caused the termination of plaintiff's employment in realization for his resistance to the unlawful hiring practices described above.

35. The termination of plaintiff's employment was done in violation of Illinois public policy and is contrary to law.

Wherefore, plaintiff Maynard Crossland respectfully prays that this court enter judgment for him and against the defendants and ordering:

(1) reinstatement of the plaintiff to the position held before the retaliatory action;

(2) damages for the lost salary or other benefits proximately caused by the defendants'; and

(3) the reinstatement of full fringe benefits and seniority rights.

Plaintiff further prays that he be awarded his costs and such other relief as this court deems just.

PLAINTIFF DEMANDS A TRIAL BY A JURY OF TWELVE PERSONS.

Maynard Crossland, Plaintiff

By:

\_\_\_\_\_  
Carl R. Draper, #03128847

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the attached instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters as the undersigned certifies as aforesaid that he/she verily believes the same to be true.

DATED:

**RULE 222(b) AFFIDAVIT**

The undersigned, being first duly sworn upon his oath, deposes and says:

1. I am an adult resident of Sangamon County, Illinois, and under no legal disability.
2. I am the attorney for the Plaintiff in the above-captioned lawsuit.
3. That the total money damages sought by Plaintiff in the above-captioned lawsuit, exclusive of interest and costs, exceeds \$50,000.00.

Further Affiant sayeth naught.

Carl R. Draper

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2006.

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Notary Public