



FUCHS & ROSELLI, LTD.

July 9, 2019

Steven M. Ruffalo
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Via Email and Federal Express

nmogk@d41.org

Nancy Mogk
District 41 School Board
Recording Secretary
793 North Main Street
Glen Ellyn, IL 60137

Re: Stephanie Clark – Response to Disputed Claims of Robert Bruno/School Dist. 41.

Dear Ms. Mogk:

Please provide a complete copy of this letter to all sitting members of the School Board for Glen Ellyn School District 41 in advance of the Board's special meeting I am told will be convened on the evening of July 10, 2019. In my capacity as legal counsel to Ms. Clark in the above captioned dispute and any litigation which may ensue, I am also requesting that this letter be read into the record in open session so that the record of proceedings accurately includes the contents of this letter and the statements of fact provided herein.

Prior to being sworn into office, Ms. Clark took an oath to faithfully serve as a District 41 School Board member during her term which spanned between April 2015 and April 2019. Having proudly served as President of the Board, Ms. Clark has administered this same oath to many of the currently sitting Board Members. Ms. Clark is proud of her record of public service on this Board and has, at all times throughout her Board tenure, adhered to that oath, the Code of Conduct, all applicable Policies, laws and regulations governing her conduct as a School Board member.

Presently, President Bruno claims that Ms. Clark acted inappropriately when in April of 2019 (while still a sitting School Board Member) she used a Google archival platform installed and supplied by District 41 for use by all School Board Members to

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attempt to copy and archive certain emails she authored and received. Ms. Clark wished to use the archive tool in order to preserve the selected emails should a record of them ever be needed to defend the District, herself or her fellow Board Members. When Ms. Clark's attempt to archive this handful of emails resulted in an archived file containing far more than those she sought to copy, she immediately deleted the entire archive file and all of its contents. She has kept no portion of this file and instead securely deleted the entire file, as she has repeatedly advised President Bruno and the School Board's counsel Mr. Faulkner. Unpersuaded and driven by something other than the actual facts at hand, Mr. Bruno now insists that Ms. Clark jump through hoops of his own making – or face the specter of litigation. Twice Ms. Clark has submitted her written requests that the School Board appoint her legal counsel as provided for in the School Code which affords legal counsel for the defense and indemnifies current and former Board Members facing claims of this type. Twice President Bruno has knowingly ignored her written requests and failed to take any Board action on her requests and instead has insisted that she will not be provided legal defense or reimbursement pending formal action by the Board. Given President Bruno's election to ignore these requests, Ms. Clark has been forced to retain me as her legal counsel and seeks complete reimbursement for all fees expended in her defense in this inquest and in any litigation which may ensue, all as part of the School District's clear duty to defend and indemnify her.

The background surrounding President Bruno's unending obsession with Ms. Clark reveals a clear motive to muzzle Ms. Clark. Since her School Board term ended this past April, Ms. Clark has been vocal in her opposition to many political decisions that have been made by this Board and has openly questioned the path and direction that current Board leadership has taken the District down. While always respectful in her dissent, Ms. Clark has a fundamental right to espouse her opinions, speak and associate freely and to participate in the governance of a School Board that she herself led as President during her term. Although such acts should be welcomed as they are legally protected elements of free speech, Ms. Clark has, since the first month following her departure from the Board, been singled out by President Bruno who has seen fit to subject her to his own unreasonable demands all without any recognized legal authority for doing so. Indeed, Bruno has seen fit to author over a dozen emails including four demand letters all mandating unique requests of her not made of any other former School Board members. Sadly, this pattern of correspondence has escalated to include several threats to file suit against Ms. Clark if she does not bend to President Bruno's will, demanding that she sign a factually false and inaccurate sworn statement crafted by School Board legal counsel. This demand letter was supplied to Ms. Clark at 5:00 pm on June 26th with Bruno's edict that if she signed and returned the sworn statement to him by 1:00 pm on June 27th, he would then cancel the pending Board meeting/inquest to be impaneled against her.

In response to these demands, Ms. Clark has repeatedly responded to Mr. Bruno's correspondence and has actually met with him and the School Board's counsel on the

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morning of June 26th during which she fully explained that she has done nothing wrong, nothing unlawful and nothing to violate any policies or laws at any time during her Board tenure. Oddly, in this meeting Mr. Faulkner, who served as the Board's legal counsel throughout Ms. Clark's term on the Board, not only failed to advise or defend her but instead acted as if he was counsel opposed to her, even though the duty to defend her from such claims as a former Board member was clear and free from doubt. Just as Ms. Clark made abundantly clear to Bruno and Faulkner on the morning of June 26th, let the record reflect that she has not and will not engage in any conduct that if taken would violate her oath, any policies or laws to which she is duty bound to adhere.

However you chose to proceed, please understand that Ms. Clark will not be signing the false sworn statement or any other manufactured artifice that President Bruno or Attorney Faulkner have or will put before her as she has no legal obligation to do so. If Ms. Clark's position as such and her vocal dissent over the current Board leadership causes you to initiate litigation against her, then please know that I will happily defend her, seek full reimbursement of all of my fees and costs from District 41 and assert all of the claims and defenses she has based on what has transpired thus far in this very sad episode in our history of District 41 School Board governance.

Very truly yours,

Fuchs & Roselli, Ltd.

A handwritten signature in black ink, appearing to be "S. M. Ruffalo", written over a faint background of the firm's name.

Steven M. Ruffalo

SMR/lg

cc: Todd Faulkner

jtf@franczek.com