

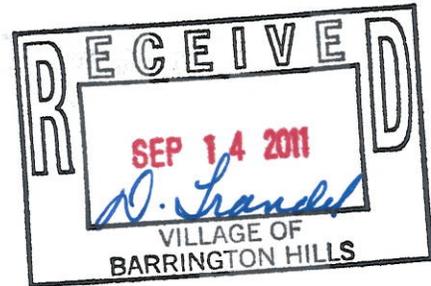


David M. Stieper  
10304 Braeburn Road  
Barrington Hills, IL 60010-9622  
(847) 458-7081

September 14, 2011

**Via Hand Delivery**

Delores Trandel  
Village Clerk  
Village of Barrington Hills  
112 Algonquin Road  
Barrington Hills, ILs 60010-5199



**Re: Request to Postpone Zoning of Commercial Boarding**

Dear Ms. Trandel:

At the prior Village Board of Trustees' meeting, Village President, Robert A. Abboud recommended that I put my concerns regarding zoning of commercial boarding and the conflict of interest by President Abboud and certain Village Board members in writing. In this regard, enclosed please find this writing which I would ask that you distribute to Mr. Abboud and each of the members of the Village Board prior to the next Village Board meeting. Also enclosed in this package please find:

1. Cover letter to Friends and Neighbors of Barrington Hills dated August 26, 2011;
2. Letter to Village attorney Douglas Wambach dated August 23, 2011;
3. The Amended Verified Complaint entitled James J. Drury et al v. Benjamin B. LeCompte et al., Case No. 11 CH 03852;
4. Subpoena for Records upon Village President Robert A. Abboud in the above identified lawsuit.

As stated in the enclosure, the Drury Complaint which forms the basis of the conflict of interest can also be found on the website, [www.preservebarringtonhills.com](http://www.preservebarringtonhills.com). If I can be of further assistance to you or the Village Board, please feel free to contact me. Thank you in advance for timely attention to the foregoing.

Sincerely,

David M. Stieper

August 26, 2011

Dear Friends and Neighbors:

I would ask that you please review my attached letter and join me in upholding the integrity of our Village Zoning process by requesting our elected officials postpone zoning of commercial boarding now until the Oakwood Farm litigation is finalized. Our Village President and three board members are undertaking this task in the face of a patent and irreconcilable conflict of interest. No matter where you stand on the issue of commercial boarding, allowing elected officials to undertake adopting an ordinance under these circumstances is beyond the pale of decent and acceptable Village government.

Please help me and others in defending the integrity of our zoning process by making your voice be heard on this most important issue. Please visit [www.preservebarringtonhills.com](http://www.preservebarringtonhills.com)

David Stieper

Attorney, former chairman and member of  
The Village of Barrington Hills Plan Commission.



**David M. Stieper**  
10304 Braeburn Road  
Barrington Hills, IL 60010-9622  
(847) 519.7970

August 26, 2011

**BARRINGTON HILLS VILLAGE LEADERSHIP HAS AN *IRRECONCILABLE CONFLICT OF INTEREST*.**

**A CALL TO POSTPONE ZONING OF COMMERCIAL BOARDING UNTIL THE OAKWOOD FARM LITIGATION IS COMPLETELY ADJUDICATED.**

Dear Friends and Neighbors:

Now pending in the Chancery Division of the Circuit Court of Cook County is the lawsuit entitled *James J. Drury III et al v. Benjamin B. LeCompte et al.* under case number 11 CH 03852 (the "Lawsuit"). Core factual allegations in the Amended Verified Complaint ("Complaint")(includes in excess of 100 pages of exhibits) filed in the Lawsuit claim certain named individuals of the Barrington Hills Riding Club<sup>1</sup>, Village President, Robert A. Abboud ("Abboud") and Barrington Hills resident Dr. Benjamin LeCompte ("LeCompte") engaged in a course of conduct culminating in a *quid pro quo*. The alleged scheme articulated in detail in the *Drury* Complaint states in return for LeCompte's \$15,000.00 donation to the Abboud endorsed candidates, Joseph Messer ("Messer"), Patti Meroni ("Meroni") and Karen Selman ("Selman") campaigning for office of Village Trustee under the moniker "Save 5 Acres", the Village would legalize LeCompte's commercial horse boarding activities on his property, Oakwood Farm of Barrington Hills LLC ("Oakwood Farm").

The *Drury* Complaint alleges on February 10, 2011, LeCompte gave three campaign donations of \$5,000.00 each to Messer, Meroni and Selman which were endorsed directly by these three candidates into the bank account of "Save 5 Acres" without identifying the source of this money [LeCompte] in violation of Illinois election law disclosure requirements.<sup>2</sup> On March 15, 2011, the *Drury*

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<sup>1</sup> Barrington Hills Riding Club member and former chairman of the Barrington Hills Equestrian Commission, Daniel Lundmark emailed LeCompte informing him of what Abboud needed in the affidavit to bring LeCompte under the Village's Home Occupation Ordinance stating, "*Hopefully this will work*", See *Cmplt.* Ex. LEC 0253, Ex. LL. at 124, which is attached hereto. The Complaint further alleges, Paddy McKeivitt arranged a meeting between Abboud and LeCompte because McKeivitt was concerned with Oakwood Farm's compliance with the Home Occupation Ordinance. This meeting took place on President's day at the Village Hall attended by Abboud, Lundmark, McKeivitt and LeCompte to discuss Oakwood Farm's compliance with the Home Occupation Ordinance. See *Cmplt.* ¶58 and ¶59.

<sup>2</sup> On June 14, 2011, The Illinois State Board of Elections in the case of *In the Matter of: George Schuppert v Save 5 Acres, Jason Elder, Daniel Lundmark, Karen Rosene, John Rosene, F.M. Eich, Patti Meroni, Karen*

Complaint alleges the Village of Barrington Hills made good on its promise to LeCompte through a letter<sup>3</sup> issued in the name of Barrington Hills building inspector, Donald Schuman ("Schuman") stating that Oakwood Farm complied with the Village's Home Occupation Ordinance. It is worth noting that the Schuman letter was neither prepared by nor signed by Schuman. There is an affidavit attached to the Complaint by former Village Trustee, Beth Mallon ("Beth") stating under oath that 6 days after issuance of the Schuman letter, Schuman told Beth that he did not think Oakwood Farm was a home occupation.

The representations contained in the Schuman letter is a 180 degree change of position by Abboud<sup>4</sup> and The Village of Barrington Hills highlighted in the lawsuit entitled *Benjamin LeCompte et al v Zoning Board of Appeals for the Village of Barrington Hills*, Case No. 09 CH 934 wherein the Illinois Appellate Court upheld the Village's longstanding position that commercial boarding on Oakwood Farm was neither "agricultural" nor "home occupation." This Appellate Court decision is consistent with the legal opinion of Barrington Hills' Village Attorney Douglas Wambach who opined in a letter dated February 15, 2011, "*It is and has been the Village's position that Oakwood Farm does not comply with the requirements of the home occupation provisions of the Village's zoning code.*"<sup>5</sup>

The question is why was the Schuman letter issued by the Village?<sup>6</sup> Who prepared the Schuman letter? Why did the Village of Barrington Hills through representation contained in the Schuman letter suddenly reverse its position regarding commercial horse boarding activities on Oakwood Farm? The *Drury* Complaint infers the

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*Selman, Joseph Messer and Benjamin LeCompte, case no. 11 D 006 held that the respondents violated §9-25, and §9-8.5 of the Illinois Election Code in that candidates, Messer, Meroni and Selman made contributions to "Save 5 Acres" in the name of another [LeCompte] and the \$15,000.00 contribution was in excess of the amount permitted by law. [It should be noted that a \$5,000 donation was made by LeCompte to the author of this document who complied with Illinois Election Law disclosure and maximum contribution requirements.]*

<sup>3</sup> The Schuman letter dated March 15, 2011 prepared on Village letterhead addressed to Dr. and Mrs. LeCompte states in its entirety: "*The Building Department has received and examined your affidavit dated March 4, 2011. You have asked [us] to consider the use of Oakwood Farm as a Home Occupation. The affidavit states the terms by which the use is a Home Occupation. Similarly, you submitted an employee register in support of the extent of your employee's hours.[next paragraphs] Your Home Occupation pertains to boarding and training of horses, which is a use specifically referenced in subsection (g) of Section 5-34(D)(3) of the Zoning Ordinance. Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home Occupation.*"

<sup>4</sup> In the Village of Barrington Hills newsletter dated February 2008, Abboud wrote: "*However, several properties have attempted to operate commercial scale equestrian operations on properties not zoned for this activity. The Village has enforced this area of zoning code in the past and will continue to do so in the future. The effort ensures the protection of surrounding properties, protects health and safety, and prevents traffic congestion.*"

<sup>5</sup> See, *Drury* Complaint. Ex. CC ¶15

<sup>6</sup> *Drury* Cmpl. ¶77 alleges, on May 21 2011, Abboud acknowledged he alone decided to issue the Schuman letter

Schuman letter was part of a *quid pro quo* between Abboud, certain named individuals of the Barrington Hills Riding Club and LeCompte? The *Drury* Complaint infers \$15,000.00 was secretly paid to "Save 5 Acres" by LeCompte in return for legalization of his commercial horse boarding operation on Oakwood Farm by the Village.

If this is so, the "pay to play" scheme articulated in the *Drury* Complaint in the opinion of this lawyer rises to criminal conduct. The scandalous allegations of Village government corruption in the *Drury* lawsuit are only allegations at this juncture which at the end of the day must be proved in court. The question is will Abboud and the Village Board allow *Drury* to get his day in court? *Drury* filed his lawsuit under the Adjacent Landowners Act, 65 IL.CS 5/11-13-15, seeking to enforce the prior cease and desist order issued by the Village of Barrington Hills enjoining commercial boarding activities on Oakwood Farm. Since Abboud and the Village Board have inexplicably turned a blind eye to enforcement of the Village's cease and desist order the Illinois Municipal Code permits an affected landowner like *Drury* to step into the shoes of the Village. This is what *Drury* has chosen to do in the Lawsuit.<sup>7</sup>

In the midst of all this, Abboud and the Village Board have made zoning of commercial boarding a top priority. So interested is the Village Board in finalizing commercial hoarding legislation that at the July 25<sup>th</sup> Village Board meeting, at Abboud's request, the Village Board took the unprecedented action of scheduling a joint meeting between the Village Board and all of the members of the Zoning Board of Appeals ("ZBA") to discuss the most recent proposed draft of the commercial boarding ordinance. In deference to the language of the Village Code and the Village's longstanding policy of maintaining independence between the ZBA and Village Board, Abboud (with approval of the Village Board) in order to maintain control over and expedite zoning of commercial horse boarding is in the process of merging the Village Board and ZBA on this issue. Could it be the primary motivation behind hastily getting commercial boarding zoned is to render *Drury's* lawsuit *moot* avoiding the necessity of Abboud, Messer, Meroni, Selman, Lundmark, McKevitt and possibly others allegedly involved in the "pay to play" scheme to subvert our zoning laws to testify under oath in court?

If we allow zoning of commercial horse boarding to proceed now, there is a high likelihood that LeCompte's lawyer (with the blessing of Abboud and the Village Board) will bring a motion in court claiming *Drury's* lawsuit is no longer viable. This is because commercial horse boarding on Oakwood Farm will no longer be an illegal activity if we now allow zoning to be enacted on commercial horse boarding activities in Barrington Hills.

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<sup>7</sup> Abboud did state at the Village Board meeting dated July 25, 2011 that the Village Board would be pursuing a fine against LeCompte for failing to comply with the Board's Cease and Desist letter dated January 8, 2008. The Village of Barrington Hills has expended tax payer funds of almost \$200,000.00 on the Oak Wood Farm litigation.

Given the unseemly allegations of corruption by certain of our elected Village Officials in the *Drury* Complaint, how can the argument possibly be made by Abboud and the Village Trustees that they are putting the interests of Barrington Hills' residents above their own self-interest when it comes to zoning of commercial horse boarding? This patent conflict of interest hovering over the commercial horse boarding zoning process cannot be resolved until the *Drury* Lawsuit is completely adjudicated. Due to this irreconcilable conflict of interest, Abboud, Messer, Meroni and Selman are legally and ethically incapable of undertaking any process or making any determination concerning zoning matters relating to commercial horse boarding in Barrington Hills.

No matter where you stand on the issue of commercial horse boarding,<sup>8</sup> the residents of Barrington Hills deserve that this most important issue, which affects all of us, be carefully deliberated and ultimately decided by Village Officials whose purpose is in no way impeded or influenced by collateral litigation. I humbly call upon all fair minded residents of Barrington Hills to appear before the Village Board and demand Abboud and the Village Board cease further deliberation of zoning on commercial horse boarding until final resolution of the *Drury* lawsuit. The integrity of our Village legislative process along with fundamental notions of fair play and honesty deserves no less. Please join me saying "no; not now to zoning of commercial horse boarding in Barrington Hills."

If you would like to examine the *Drury* Complaint with exhibits, please go to [www.preserveharringtonhills.com](http://www.preserveharringtonhills.com). I look forward to seeing you at future Village Board meetings and joining many of us who are determined to stop this process.

David Stieper

*Attorney, former Chairman and member of  
the Village of Barrington Hills Plan  
Commission*

***"Never apologize for showing feeling. When you do so, you apologize for truth"***

**Edmund Burke**

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<sup>8</sup> During my campaign for Village Trustee, I supported promulgation of reasonable commercial horse boarding legislation guided by strict "special use" principles.

affidavit

3/1/11 3:27 PM

From: Dan Lundmark <dan@manarchy.com>  
To: cblecompte@aim.com  
Subject: affidavit  
Date: Tue, Mar 1, 2011 12:15 pm



Hi,  
Here is the exact language Bob used as to what needs to be in your affidavit.

- you understand that the village views your property as primarily residential.
- you are subject to the home occupation ordinance.
- you have modified your practices to be compliant with the home occupation ordinance.
- your buildings are in compliance with the village building code.

Hopefully, this will work.

Dan

**EXHIBIT 1**

03/18/11 17:01 FAX 847 861 3000

VILLAGE BARRINGTON HILLS

0002

President  
ROBERT G. ABBODD

Treasurer  
FRITZ GOHL, Pro-Tem  
WALTER E. SMITHE  
STEVEN E. KNOOP  
BETH MALLEN  
ELAINE M. RAMESH  
JOSEPH S. MESSER

KAREN S. SELMAN, Clerk  
DOLores G. TRANDEL, Deputy Clerk



112 ALBONQUIN ROAD  
BARRINGTON HILLS, ILLINOIS 60010-5188  
www.barringtonhills-il.gov

TELEPHONE  
(847) 581-3000

FAOSIMILE  
(847) 581-3050

Via Fax and U.S. Mail

March 15, 2011

Dr. & Mrs. LeCompte  
350 Bateman Road  
Barrington Hills, IL 60010

Dear Dr. & Mrs. LeCompte,

The Building Department has received and examined your affidavit dated March 4, 2011. You have asked to consider the use of Oakwood Farm as a Home Occupation. The affidavit states the terms by which the use is a Home Occupation. Similarly, you submitted an employee register in support of the extent of your employee's hours.

Your Home Occupation pertains to boarding and training of horses, which is a use specifically referenced in subsection (g) of Section 5-3-4(D)3 of the Zoning Ordinance. Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home Occupation.

Sincerely,

Don Schurman

Building and Code Enforcement Officer

847-581-3003

A HOME RULE COMMUNITY

**S** TIEPER LAW OFFICES, LTD.  
**ATTORNEYS AT LAW**

2500 West Higgins Road, Suite 1200  
Hoffman Estates, Illinois 60169-7243

Tel: 847.519.7970  
Fax: 847.519.7971  
david@stieperlaw.com

August 23, 2011

**Via Electronic and U.S. Mail**

*DWAMBACH@burkelaw.com*

Douglas Wambach  
Burke, Warren, MacKay & Serritella, P.C.  
330 N. Wabash, 22<sup>nd</sup> Floor  
Chicago, Illinois 60611

**Re: James J. Drury III et al v Benjamin B. LeCompte et. al.  
Case No. 11 CH 3852**

Dear Mr. Wambach:

For many weeks I have been vocal (and will continue to be if necessary) at Village Board meetings concerning the obvious material conflict of interest Village President Robert Abboud ("Abboud"), Village Trustees, Joseph Messer ("Messer"), Patti Meroni ("Meroni") and Karen Selman ("Selman") are engaging in by participating in the zoning of commercial boarding in Barrington Hills. This conflict of interest is grounded in the core allegations in the Drury Amended Complaint ("Complaint") concerning activities by these elected officials rising to the level of "pay of play" and "quid pro quo". In fact, Abboud has already been served with a subpoena Duces Tecum in the above identified lawsuit requesting he produce personal records and e-mails. Abboud misrepresented to the residents last night at the Village Board meeting when he stated that he had not been served with a subpoena as if this has any relevance to the conflict issue.

I continuously raise this conflict of interest to Abboud, the Village Board and you as our Village attorney that by zoning commercial boarding Drury's cause of action brought under the Adjacent Landowners Act, 65 ILCS 5/11-13-15, will be rendered moot. If this occurs, Abboud, Messer, Meroni and Selman will avoid having to testify regarding their role, if any, in the scandalous allegations in the Complaint. The obvious question we the residents of Barrington Hills are asking when it comes to commercial boarding does Abboud, Messer, Meroni and Selman have the best interests of the residents of Barrington Hills in mind or their own self interests? Irrespective, this conflict

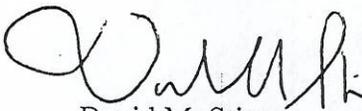
Douglas Wambach  
Burke, Warren, MacKay & Serritella, P.C.  
August 23, 2011  
Page 2

renders each of them incapable of undertaking the issue of commercial boarding until the Drury lawsuit is completely adjudicated.

When I raised this concern with you yet again at the Village Board meeting dated August 22, 2011, you admitted that you were not familiar with the allegations in the Complaint. Based upon your admission of ignorance, I have taken it upon myself to furnish you with a copy of the Complaint and exhibits. I am confident after your review of the Complaint you will inform Abboud, Messer, Meroni and Selman of their irretrievable conflict of interest and obligation to recuse themselves when it comes to zoning of commercial boarding until the Drury lawsuit is completely adjudicated.

Should Abboud, Messer, Meroni and Selman refuse, I trust you and your law firm will uphold its fiduciary obligation to the residents of Barrington Hills and withdraw from further participation in the zoning of commercial boarding. I appreciate the difficult position you find yourself, but we both know as attorneys when a conflict of this nature arises an attorney has an obligation to the community at large ensuring the local legislative process is not in any way corrupted. If you find it necessary, I will be happy to discuss this matter with you.

Respectfully,



David M. Stieper

Enclosures – Via Electronic Mail only  
DMS/dms



boarding operation of Defendants at Oakwood Farm violates the zoning ordinances of the Village of Barrington Hills.

2. On June 30, 2011, the Illinois Appellate Court affirmed the Circuit Court's ruling that Defendants are not in compliance with the Village Zoning Code. The Rule 23 Order is attached hereto as Exhibit 1. Relevant portions of the Appellate Court's Order include the following:

The LeComptes are the beneficial owners of approximately 130 acres of property located at 350 Bateman Road, in the Village of Barrington Hills, Illinois. . . . The property consists of a single-family residence where the LeComptes reside with a stable and a riding arena, which is approximately 30,000 square feet, and there are 60 stalls for the horses and other buildings.

(Ill. App. Ct. Order at 2, Ex. 1.)

Oakwood Farm is located in a residential district of the Village zoned R-1. The preamble to section 5-5-2 of the Village's Zoning Code provides (1) that agriculture is a permitted use for land located in an R-1 zoned district; (2) that other than accessory uses – uses incidental to and on the same or an adjacent zoning lot or lots under one ownership – only one of the enumerated permitted uses may be established on a zoning property; and (3) that no building or zoning lot shall be devoted to any use other than a use permitted in the zoning district. *Village of Barrington Hills Zoning Ordinance* § 5-5-2 (April 1, 1963).

(*Id.* at 3.)

During the hearing, the LeComptes admitted that they were using their property for the commercial boarding of horses. . . .

The attorney for the Village, Doug Wambach, argued that the commercial boarding of horses is not a permitted use in an R-1 zoned district. He also argued that, according to the definition of agriculture in section 5-2-1 of the Zoning Code, only the breeding and raising of horses is a permitted use in an R-1 zoned district and horse boarding is not. He further argued that the drafters of the Zoning Code intended that the permitted uses in an R-1 zoned district would be compatible with each other and that Oakwood Farm's commercial boarding facility was not compatible with the other single-family residences in the R-1 zoned district.

(*Id.* at 4.)

At the conclusion of the hearing, the Zoning Board made the following findings: (1) that the LeComptes are operating a commercial boarding facility in an R-1 zoned district; (2) that the commercial boarding of horses is not a permitted agricultural use in an R-1 zoned district; and (3) that because the commercial boarding of horses is not a permitted agricultural use, section 5-3-4(A), does not apply. Finally, the Zoning Board denied the LeComptes' petition to overturn the Village's order to cease and desist using Oakwood Farm for the commercial boarding of horses.

(*Id.* at 5.)

The LeComptes have admitted that they were engaged in the commercial boarding of horses on their property.

(*Id.* at 5-6.)

B. The Rules of Statutory or Ordinance Construction

...

The rules of statutory construction apply to municipal ordinances, like the Village's Zoning Code. *Pooh-Bah Enterprises, Inc. v. County of Cook*, 232 Ill. 2d 463, 492 (2009). When construing a zoning ordinance, "[e]ffect should be given to the intention of the drafters by concentrating on the terminology, its goals and purposes, 'the natural import of the words used in common and accepted usage, the setting in which they are employed, and the general structure of the ordinance.'" *Cosmopolitan Nat. Bank v. Cook County*, 103 Ill. 2d 302, 313 (1984). The best indication of legislative intent is the statutory language, given its plain and ordinary meaning. *Lauer v. American Family Life*, 199 Ill. 2d 384, 388 (2002).

(*Id.* at 7.)

E. Using Stables for the Commercial Boarding of Horses Does Not Comport With the Village's Zoning Code

Next, the LeComptes argue that using their stables for the commercial boarding of horses comports with the Village's Zoning Code. We disagree. The Zoning Code defines a "stable" as "[a] detached accessory building the primary use of which is the keeping of horses." *Village of Barrington Hills Zoning Ordinance* §5-2-1 (added February 27, 2006). We note, however, that the Zoning Code also defines an accessory building as "subordinate to and serves a principal building or principal use." *Village of Barrington Hills Zoning Ordinance* §5-2-1 (added April 1, 1963). Although the stable may be an accessory building, the LeComptes are not using the stable as an accessory building that is subordinate to

a principal building or use. Therefore, because the LeComptes' are using the stable for the commercial boarding of horses, which is a primary use and not a subordinate use, it is a use that does not comport with the Village's Zoning Code.

(*Id.* at 11-12.)

F. Viewed in its Entirety, the Zoning Code Supports the Zoning Board's Decision

The LeComptes also argued that the Village intended for residents to commercially board horses. In order to determine the intent of the Village when it enacted the Zoning Code, we must consider the Zoning Code in its entirety. *Orlak v. Loyola University Health System*, 228 Ill. 2d 1, 8 (2007), citing *Perry*, 224 Ill. 2d at 323.

Several sections of the Zoning Code support the conclusion that its drafters did not intend for the commercial boarding of horses to be a permitted primary use in an R-1 zoned district. For example, section 5-1-2 explains the "intent and purpose" of the Zoning Code and provides that it is "[t]o promote and protect the public health, safety, \* \* \* convenience and the general welfare of the people. \* \* \* [P]revent congestion \* \* \* overcrowding of \* \* \* residential, \* \* \* areas \* \* \* from harmful encroachment by incompatible \* \* \* inappropriate uses." *Village of Barrington Hills Zoning Ordinance* § 5-1-2 (April 1, 1963).

In addition, subsection 5-3-4(D) entitled "home occupation" explains that the residential tranquility of the neighborhood must remain paramount when a business is conducted from the principal building. *Village of Barrington Hills Zoning Ordinance* § 5-3-4(D) (added June 26, 2006). Subsection 5-3-4(D)(2) defines home occupation in pertinent part as "any lawful business, \* \* \* occupation \* \* \* conducted from a principal building or an accessory building in a residential district that is incidental and secondary to the principal use of such dwelling unit for residential occupancy purposes." *Village of Barrington Hills Zoning Ordinance* § 5-3-4(D)(2) (added June 26, 2006). A home occupation must be conducted in a manner that (1) "provide[s] peace, quiet and domestic tranquility within all residential neighborhoods," (2) "guarantee[s] \* \* \* freedom from [the] possible effects of business or commercial uses," and (3) cannot "generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation." *Village of Barrington Hills Zoning Ordinance* § 5-3-4(D)(3)(e) (added June 26, 2006).

The record reveals that commercial boarding at Oakwood Farm caused a significant increase in the traffic and noise in the neighborhood and resulted in complaints by the surrounding property owners. The record also reveals that Oakwood Farm's primary purpose is the commercial boarding of horses which is a use that is not incidental and secondary to residential occupancy. While the Zoning Code does permit the boarding and training of horses as a home occupation, it must be done in a manner that maintains the peace, quiet and

domestic tranquility within all residential neighborhoods in an R-1 zoned district. See *Village of Barrington Hills Zoning Ordinance* § 5-3-4(D)(3)(g) (added June 26, 2006). We find that the commercial boarding of horses does not comport with the overall intent of the Zoning Code. Therefore, the Zoning Board's decision was not clearly erroneous.

(*Id.* at 12-13.)

The Illinois Appellate Court Order held that the use of the land at Oakwood Farm for the commercial boarding of horses is not agriculture as defined in section 5-2-1 of the Zoning Code and that since the commercial boarding of horses is not agriculture under section 5-5-2(A) of the Zoning Code, it is not a permitted use in a R-1 zoned district in the Village. (Ex. 1 at 17.)

#### Nature Of Action

3. This matter arises out of the LeComptes' operation of an illegal commercial horse boarding operation on their property, also known as Oakwood Farms, at 350 Bateman Road, Barrington Hills, Illinois, and Plaintiffs' repeated attempts to have the Village of Barrington Hills ("Village") enforce its zoning laws prohibiting that unlawful operation.

4. In late 2007, Plaintiffs informed the Village that the LeComptes were operating a commercial horse boarding operation at 350 Bateman Road, Barrington Hills, Illinois in violation of Village zoning laws. The Village issued a cease and desist letter requesting that the LeComptes cease operation in January 2008.

5. The LeComptes unsuccessfully appealed that Village decision to the Village Zoning Board of Appeals and the Circuit Court of Cook County, which both affirmed the Village cease and desist letter.

6. In February 2010, the Defendants sought review by the Illinois Appellate Court and the Village has filed an opposition to that brief. On June 30, 2011, the Illinois Appellate Court entered a Rule 23 Order denying the Defendants' appeal.

7. At no time since issuing the cease and desist letter in January 2008, however, has the Village enforced the terms of that cease and desist letter and shut down the illegal commercial horse boarding facility operation which is still ongoing at the LeComptes' property in Barrington Hills, Illinois.

8. Plaintiffs have asked Village representatives to enforce the cease and desist letter and shut down the Defendants' illegal commercial boarding operation.

9. The Village has not honored Plaintiffs' requests that the Village shut down the illegal commercial horse boarding operation at the LeComptes' property and enforce its zoning laws and the Order of the Circuit Court of Cook County entered January 15, 2010 and Illinois Appellate Court Order dated June 30, 2011, prohibiting Defendants from operating a commercial horse boarding facility in a residential area in the Village.

10. As a result, Plaintiffs bring this legal proceeding and seek an Order pursuant to the Adjacent Landowner Statute, 65 ILCS 5/11-13-15, enjoining Defendants from operating a commercial horse boarding operation on their property in violation of Village zoning laws.

#### Parties

11. James J. Drury III resides at the property located at 7 Deepwood Road in the Village of Barrington Hills, Illinois ("Drury Property") that is adjacent to the LeCompte property at 350 Bateman Road that houses the unlawful commercial horse boarding operation. Title to the

Drury Property is held in the Peggy D. Drury Declaration of Trust U/A/D 02/04/00 and Mr. Drury is authorized to act as an agent on behalf of the trust in this matter.

12. Michael J. McLaughlin resides at and is the owner of property located at 2 Deepwood Road in the Village of Barrington Hills, Illinois ("McLaughlin Property") that is adjacent to the LeCompte property at 350 Bateman Road that houses the unlawful commercial horse boarding operation.

13. Benjamin B. LeCompte and Cathleen B. LeCompte are the beneficial owners of property located at 350 Bateman Road in the Village of Barrington Hills, Illinois that houses a commercial horse boarding operation. This property is adjacent to the Drury and McLaughlin Properties. Title to the LeCompte property is held in trust under the name "Benjamin B. LeCompte, Cathleen B. LeCompte, and North Star Trust Co., as Successor Trustee of Harris Bank Barrington N.A., as Trustee Under Trust Number 11-5176" ("LeCompte Property").

#### **Jurisdiction And Venue**

14. Personal jurisdiction over the LeComptes and North Star Trust Co. is proper because they are citizens of Illinois, and they own the subject property which is located in Barrington Hills, Illinois.

15. Venue is proper in this Court pursuant to 735 ILCS 5/2-101 because the Defendants are residents of Cook County joined in good faith and with probable cause for the purpose of obtaining a judgment against them. Furthermore, the cause of action arises out of actions that took place, in whole or in part, in Cook County, including the LeComptes' operation of a commercial horse boarding operation.

### Facts

16. Defendants are the owners of property located at 350 Bateman Road in Barrington Hills, Illinois, also known as Oakwood Farm, on which they run a commercial horse boarding operation.

17. Mr. Drury lives on property adjacent to, and less than 1200 feet away from, Oakwood Farm where Defendants' commercially board horses. He has been authorized to bring this legal proceeding on behalf of the trust that holds title to this property.

18. Mr. McLaughlin also owns and lives on property that is adjacent to, and less than 1,200 feet away from Oakwood Farm where Defendants commercially board horses.

19. Oakwood Farm consists of approximately 130 acres of land and is improved with a single family residence where the LeComptes reside, a stable and riding arena complex containing approximately 30,000 square feet and stalls for up to 60 horses together with other accessory buildings.

20. The LeComptes organized Oakwood Farm of Barrington Hills, LLC, ("Oakwood"), an Illinois limited liability company for the purpose of operating a commercial boarding facility at Oakwood Farm.

21. At various times the LeComptes board 40 to 50 or more horses and charge a fee for people to board horses at Oakwood Farm.

22. Many of the horses boarded at Oakwood Farm are trained to participate in horse shows as hunters or jumpers.

23. The LeComptes and Oakwood Farm continue to operate a website advertising boarding, riding, training, and lessons for fees at Oakwood Farm. See Oakwood Farms of Barrington LLC, <http://www.oakwoodfarmsofbarringtonllc.com> (last visited July 5, 2011).

24. Oakwood Farm and the LeComptes' commercial horse boarding operation are located in an area that is designated for residential purposes as an R-1 Zoning District.

25. In 2005-2006, the Village Board of Trustees ("Board") directed the Village Zoning Board of Appeals ("ZBA") to amend the Village Zoning Code relating to home occupations. (Johnson Aff. ¶ 3, Ex. BB.) As part of this amendment process, the Village needed to address horse boarding since such activity was not a permitted use of residential zoning and was not permitted as an agricultural activity. (Schueppert Aff. ¶ 3., Ex. AA))

26. Mr. George Schueppert, Trustee Chairman of the Village's Zoning Committee, presented a draft of the home occupation amendment to the Board. The Board was willing to include horse boarding as a permitted home occupation, but did not want unlimited hours for employee and machinery operations. Dan Lundmark and Mr. Schueppert drafted the 8am-8pm (or sunset) hours limitation to be included in the proposed amendment. Mr. Wambach (Village Counsel), advised the Board that the hourly limitation language for horse boarding possibly conflicted with the unlimited hours for other home occupations. Thus additional language was necessary to show that the hours for horse boarding operations were strictly a limiting factor compared to the unlimited hours of other home occupations, and was not intended to exclude horse boarding from the other requirements of the home occupation amendment. Mr. Wambach added the language at the beginning of subsection (g), "Notwithstanding anything to the contrary contained in this subsection (D)" to accomplish this goal. Mr. Wambach assured the Board that

the "Notwithstanding" language was added as a limitation on horse boarding, but not an elimination of compliance with the other requirements of section 5-3-4(D). (Ex. AA ¶¶ 2, 4.)

27. On June 19, 2006 the ZBA unanimously agreed to the language currently in section 5-3-4(D) and recommended that the Board pass the amendment to the Village Zoning Code. (Ex. BB ¶ 5; Knight Aff. ¶ 6, Ex. DD.) This amendment, enacted June 26, 2006, added rules and regulations pertaining to home occupations, including an Intent and Purpose paragraph:

The intent of this subsection is to provide peace, quiet and domestic tranquility within all residential neighborhoods within the village and in order to guarantee to all residents freedom from nuisances, fire hazards, excessive noise, light and traffic, and other possible effects of business or commercial uses being conducted in residential districts. It is further the intent of this subsection to regulate the operation of a home occupation so that the general public will be unaware of its existence. A home occupation shall be conducted in a manner which does not give an outward appearance nor manifest characteristics of a business which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent or character of the residential district.

(Exhibit N; Ex. BB ¶ 3.)

28. At the time of this amendment, Byron Johnson was a member of the ZBA. It was Mr. Johnson's understanding that, in addition to all the other requirements set forth in section 5-3-4(D) which apply to all home occupations including horse boarding, the additional specific time limitations in (g) would apply only to the boarding of horses. (Ex. BB ¶¶ 2, 4.)

29. In 2006 the ZBA and Board understood that a horse boarding home occupation needed to comply with the entire section 5-3-4(D) and was also further subject to the time limitations set forth in section 5-3-4(D)(3)(g). (Ex. AA ¶¶ 2, 5, Ex. BB ¶ 4.) Jonathan Knight, ZBA Chairman, and Walter E. Smithe, Village Trustee, also verify this fact. (Knight Aff. ¶ 5, Ex. DD; and Smithe Aff. ¶¶ 3-6, Ex. EE).

30. In late 2007, Plaintiffs complained to the Village that Defendants were boarding horses on their property for a commercial purpose in violation of Village zoning laws which substantially affected Plaintiffs and the neighbors due to the intense use, noise, traffic and nuisance created.

31. Section 5-5-2 of the Village Zoning Code allows certain permitted uses but prohibits other business operations including commercial horse boarding in a residentially zoned district and provides that only the following uses are permitted uses of Defendants' property: (1) single-family detached dwellings; (2) agricultural; (3) signs as regulated by Section 5-5-11 of the Village Zoning Code; and (4) "accessory uses" as set forth in the Code. *See* Ex. L attached.

32. At the December 17, 2007 Village Board of Trustees meeting, there were open discussions regarding Oakwood Farm and the commercial horse boarding operation that was ongoing at that location. (Beth Mallen Affidavit, Ex. CC ¶ 3.)

33. On January 8, 2008 there was a special meeting of the Board. During that meeting, there was discussion of the commercial horse boarding at Oakwood Farm and the Board authorized issuance of a cease and desist letter to the LeComptes. (Ex. CC ¶ 4.)

34. Since the commercial boarding of horses is not a permitted use in a residential district, like the district where Defendants' property is located, the Village issued a cease and desist letter to the LeComptes on January 10, 2008, requesting that the LeComptes immediately cease and desist use of the property for the non-permitted use of commercial boarding of horses. *See* Ex. B attached. The January 10, 2008 letter stated: "It has come to the attention of the Village that your property located at 350 Bateman Road (the 'Property') is currently being used as a commercial horse boarding facility in violation of the Village Zoning Code...The Village

hereby requests that you immediately cease and desist use of the Property for the non-permitted use” and notified the LeComptes of their right to appeal to the Village Zoning Board of Appeals (“ZBA”) (Ex. B.)

35. In February 2008 Trustee Schueppert issued a “Trustee Update” in the quarterly Village Newsletter, published to keep residents aware of Village events, administration, and legislation. The Update referenced horse boarding, the HOO and subsection (g):

**The intent of this language was not to denigrate the overall spirit of the home occupation ordinance, but to supplement it by making the language specific as it related to this activity. It was clearly intended that the boarding of horses was to be conducted in such a manner so as not to violate the provision in the ordinance that “It is further the intent of this subsection to regulate the operation of a home occupation so that the general public will be unaware of its existence. A home occupation shall be conducted in a manner which does not give an outward appearance nor manifest characteristics of a business which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units or infringe upon or change the intent or character of the residential district.” (Ex. AA ¶ 5; Ex. Z, emphasis added.)**

36. At a March 17, 2008 ZBA hearing regarding Oakwood Farm, the following testimonial exchange occurred regarding whether Oakwood Farm was a home occupation:

**“Mr. [Byron] Johnson (ZBA Member): ... Does this facility come under our home occupation rules?”**

**Dr. LeCompte: No, I have never come under home occupation that I’m aware.”**

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**Mr. Johnson: Well, again, I don’t want to spend a lot of time on this now but eventually there is a section in the home occupation that talks about boarding of horses.**

**Dr. LeCompte: That’s for home occupation. I’m not a home occupation.”**  
(Ex. FF, pp. 88-89, emphasis added.)

37. Rather than comply with the Village code and the cease and desist letter (Ex. B), the LeComptes appealed the Village cease and desist letter to the Village Zoning Board of Appeals pursuant to Section 10-5-5 of the Village Code (Ex. O.) The ZBA took up the matter in hearings held on August 13, 2008 and August 28, 2008 and heard testimony and arguments presented on the issue.

38. Dr. LeCompte testified under oath at the ZBA hearing on August 13, 2008:

**Dr. LeCompte:** This home occupation ordinance came up because what was happening is people who lived on principally permitted single-family dwelling parcels, not agricultural, single-family dwelling had barns. Had barns with six, seven, eight stalls and they wanted to board horses so they say, yeah, you can board horses under home occupation but there are a lot of things you've got to do here. You can't be really obvious from the street or you can't have employees before 8:00 o'clock in the morning, can't be anything after 8:00 o'clock at night, so forth. We never claimed to be a home occupation. We have been a farm from day one. I could never – I would never even come to this Board and say I'm a home occupation. (Ex. V pp. 68-69, emphasis added, ZBA Hearing August 13, 2008 re LeCompte appeal.)

His testimony "You can't be really obvious from the street" is consistent with and an admission that a horse boarding home occupation must comply with the entire Section 5-3-4(D) including the Intent paragraph: "It is further the intent of this subsection to regulate the operation of a home occupation so that the general public will be unaware of its existence." (Ex. N.)

39. Dr. LeCompte admitted there are 45 horses at Oakwood Farm and the predominant use is horse boarding. (Ex. V, p. 78, 86.) Mr. Wambach stated:

The fact is that if you allow very intense uses like boarding of horses, it provides a lot of traffic in and out, employees coming and going, people coming and going to groom their horses, ride their horses. That is not what was supposed to be allowed in a R1 district. (Ex. V, p. 82.)

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**Mr. Wambach:** Again, I think that the home occupation definition, you know, allows for people to board horses in a residential area. Again, when

this was done, the intent was to allow people who had barns may have had four, five stalls but only had a horse or two to take in a couple from neighbors or whatever but it didn't allow, I mean, again, if you look at the whole preamble and all of the things that go into the home occupation ordinance, you know, it was not supposed to be disruptive to the neighborhood. It was not supposed to provide excessive traffic, noise and those types of things, which clearly a 60 to 70 stall boarding facility is not what the home occupation ordinance ever contemplated. Clearly, that's much more intense than somebody that had a four or five stall barn that had two or three extra horses in it that they accommodated neighbors or friends in allowing that kind of boarding. (Ex. V, pp. 94-95, emphasis added.)

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Mr. Wambach: All I can tell you, and if you'd like I can ask Mr. Kosin [Director of Administration] to testify to the fact is that the Village – the reason we did the home occupation ordinance is it came to our attention that there were a number of people who were doing this small boarding. . . . [A]t least the intention is, the discussions that I participated in, and I was the primary draftsman along with Mr. Schueppert and Mr. von Meier of my office in connection with that and the hearings that we had and he attended the, you know, the Board level and at the ZBA was that we were going to open up for the first time in the Village's history to have boarding of horses on a very limited scale, okay. . . . [T]he intent was to allow this limited boarding to accommodate these people that may have had a lot that was an undersized lot because it was a grandfathered lot that didn't have enough space to build their own barn but they moved out here to have horses.

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So it was never – it was not intended – I mean, clearly from the language in there about traffic and noise and, you know, disruption of the adjoining neighborhoods, I mean, the idea was it was supposed to be low key, small, not a lot of traffic. (Ex. V pp. 119-21, emphasis added.)

40. On August 28, 2008, the ZBA hearing regarding Oakwood Farm continued and relevant excerpts of the testimony are set forth below:

Mr. Wambach: Oakwood Farm's commercial boarding facility is not compatible with the single-family residences in the Village in that area. Traffic, parking, lighting are just some of the activities that destroy the tranquility of residential neighborhoods. Those activities are all inherent in the use of Oakwood Farms as a commercial boarding operation and should not be permitted in a residential district. (Ex. W, p. 42, emphasis added.)

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Mr. Johnson [ZBA member]:...I came on the Zoning Board right before we amended the Home Occupation rules and. . . the direction that we received from the Board of Trustees at that time was that they did not want to open up the rules to large-scale boarding of horses. So that's where I've operated

from. And when you look at the rules as far as when we put in the intent and purpose it says as part of the amendment, the intent and purpose section was added that was designed to make it clear that the conduct of any home occupation, including the boarding of horses, was not to infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes or infringe upon or change the intent or character of the residential area. (Ex. W, pp. 57-58, emphasis added.)

41. On November 4, 2008 the ZBA issued a decision upholding the cease and desist letter (Ex. B) and denying the appeal filed by the LeComptes. (Ex. C.)

42. Defendants appealed the ZBA's decision to the Circuit Court of Cook County on January 9, 2009 by filing a Complaint for Administrative Review. (Ex. Q.) During the Court hearing on November 24, 2009, counsel for Defendants, Mr. Michaels was asked by Judge Arnold for his "understanding of the term 'home occupations.'" Mr. Michaels responded: "**Home occupations, running a business out of a house.**" (Ex. X, p. 11, emphasis added.) The LeComptes' commercial horse boarding operation is not being run out of their house but out of 30,000+ square feet of separate boarding facilities that dwarf the size of their house.

43. Counsel for Defendants also confirmed to Judge Arnold that Oakwood Farm does not qualify under the home occupation ordinance:

**"Mr. Michaels:...The village adopted a couple years ago -- and I forget the specific year -- approximately two to three years ago, adopted a home occupation ordinance that addressed amongst other things a homeowner or property owner's right to board under certain conditions and restrictions up to four horses I believe was the number. (Ex. X, p. 10, emphasis added)**  
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**There was early discussion in the hearing as to whether the LeComptes were looking to meet the home occupation classification. They stated, no, this does not qualify as a home occupation. That's never been on the table as a point of discussion. (Ex. X, pp. 12-13, emphasis added.)**

**THE COURT: For home occupation land owners who board horses, that means they have their private freestanding dwelling on the land, right?**

**MR. MICHAELS:** Right.

**THE COURT:** And they have a stable or two in which they board horses, right?

**MR. MICHAELS:** Yes.

**THE COURT:** In contrast your property is a farm.

**MR. MICHAELS:** Correct. (Ex. X, p. 18, emphasis added)

44. After the parties fully briefed and argued the matter, Judge Nancy J. Arnold of the Circuit Court of Cook County issued a Memorandum Opinion and Order on January 15, 2010, affirming the decision of the ZBA and finding that the Village's cease and desist letter was appropriate. *See* Ex. D attached.

45. On February 9, 2010, Defendants filed a notice of appeal ("Appeal") of Judge Arnold's decision to the Appellate Court of Illinois, First Judicial District.

46. The Village filed an opposition brief in the Appeal which stated, *inter alia*, that Defendants' "Commercial Horse Boarding Operation Does Not Comport With The Village Zoning Code" because Defendants' "horse boarding operation generates intense use, traffic and noise ill-suited" to a residentially zoned district.

47. On May 19, 2010, Joseph von Meier ("von Meier"), partner with Mr. Wambach, Village Attorney, stated regarding horse boarding and the HOO:

**At the time, larger facilities were operating in the village in a manner that exceeded the scope of the Home Occupation Ordinance. One of those facilities, Oakwood Farms, was operating in a fashion that caused a disturbance to its neighbors. The Village had always taken the position that commercial boarding constituted a business and was not a permitted use in the village's residential zoning districts other than as referenced under the Home Occupation Ordinance. . . . Small scale boarding is permitted within the**

context of the Home Occupation Ordinance. **Large scale commercial boarding is not permitted in the village or the village's residential zoning districts.**

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The Home Occupation Ordinance can be found at Section 5-3-4(D) of the village code. Specifically, Section 5-3-4(D)(3)(g) provides that the boarding of horses in a stable and the training of horses and their riders is a permitted home occupation, subject to the provisions of Section 5-3-4(D). This means that horse boarding is currently permitted so long as it does not violate the terms of the Home Occupation Ordinance which provide, for example: No home occupation shall generate significantly greater vehicular or pedestrian traffic than is typical of residences in the surrounding neighborhood of the home occupation. . . . The overriding purpose of the Home Occupation Ordinance is to guarantee that the residents will be free from nuisances such as excessive noise, light and traffic to such an extent that the general public will be unaware of the home occupation's existence. Further, that the home occupation does not give the outward appearance nor manifest characteristics of a business. Many of the large horse boarding facilities currently operating in the village cannot meet the stringent requirements of the Home Occupation Ordinance and thus are in violation. (Ex. GG pp. 8-10, emphasis added, May 19, 2010 ZBA meeting.)

Mr. von Meier's statements as Village Attorney clearly establish that a horse boarding home occupation must comply with the entire Section 5-3-4(D), not just subsection (g).

48. Plaintiffs have requested that the Village enforce the terms of the cease and desist letter and shut down the illegal commercial horse boarding operation on Defendants' property. The Village has refused to do so.

49. On December 17, 2010, counsel for Mr. Drury sent a letter to the Village attorney requesting that "the Village take all necessary actions to immediately enforce the cease and desist Order by no later than December 31, 2010 (almost three years after its issuance) and take all steps necessary to recover all fines assessed against the LeComptes since January 10, 2008." See Ex. E which is incorporated herein and made a part hereof.

50. A Village attorney presented Mr. Drury's December 17, 2010 letter to the Village Board of Trustees for consideration during the Executive Session of the Village Board meeting held on December 20, 2010.

51. On December 20, 2010, Mr. Drury and his counsel appeared at the meeting of the Village Board of Trustees and counsel requested the Village to shut down and close the unlawful commercial boarding facility being operated by the LeComptes. The Village Board took the matter under advisement.

52. By letter dated January 7, 2011, the Village Board has determined that no further legal action will be taken to shut down the LeComptes' illegal commercial boarding operation while the Appeal is pending. *See* Ex. F which is incorporated herein and made a part hereof.

53. On February 10, 2011, Dr. LeCompte gave three campaign contributions of \$5,000 each to Village Trustee candidates Trustee Joe Messer, Patty Meroni, and Village Clerk Karen Selman. On February 14, 2011, Mr. Messer, Ms. Meroni, and Ms. Selman each transferred their respective \$5,000 contribution received from Dr. LeCompte to Save 5 Acres, a Village political action committee.

54. During the February 14, 2011 ZBA meeting, Mr. von Meier, reiterated the points made on May 19, 2010 (§ 47 *supra*) regarding horse boarding as a home occupation and concluded: **"But the horse boarding business was supposed to comply with the rest of the Home occupation requirements."** (Ex. HH, pp. 18-20, emphasis added.)

55. On February 14, 2011, Defendants wrote a letter to Mr. Wambach claiming Oakwood Farm was a home occupation under subsection (g) of the HOO. (Ex. H.) On February

15, 2011, Mr. Wambach responded, **“It is and has been the Village’s position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village’s zoning code.”** (Ex. I, emphasis added.) Mr. Wambach had the authority to issue this decision as a Village officer (Village Attorney).

56. On February 15, 2011, Defendants’ attorney Ken Michaels sent a letter to the Village demanding that “the Village either support the LeComptes in the efforts by Messrs. Drury and McLaughlin to shut down Oakwood Farm, or, alternatively to shut down all equestrian farms that board even one horse.” (LEC 0363-0364.)

57. A second letter from Mr. Wambach, Village Attorney, also dated February 15, 2011 was emailed to counsel for the LeComptes on February 18, 2011 which contained the exact same language as in the original February 15, 2011 letter (Ex. I and Ex. I-1.)

58. According to Dr. LeCompte’s deposition, he learned on February 18, 2011 of the February 15, 2011 letter(s) from Mr. Wambach (Ex. I and Ex. I-1). On February 19 or 20, 2011, Dr. LeCompte had a phone conversation with Paddy McKeivitt (Village of Barrington Hills Riding Club) who was concerned with Oakwood Farm’s compliance with the HOO and wanted to arrange a meeting with President Abboud to discuss the issue in more detail. Dr. LeCompte agreed to a meeting with President Abboud. (Ex. LL at pp. 67-68, 92-97, 100-101.)

59. Dr. LeCompte testified in his deposition that he met at Village Hall on February 21, 2011 (which was closed for President’s Day) with President Abboud, Dan Lundmark (former head of the Village Equestrian Commission), and Paddy McKeivitt to discuss Oakwood Farm’s compliance with the HOO. Dr. LeCompte and Messrs. McKeivitt and Lundmark told President

Abboud that Oakwood Farm only needed to comply with subsection (g) of the HOO. President Abboud stated he would get back to them. (Ex. LL, pp. 101-05.)

60. On February 28, 2011 President Abboud responded to an email from Village residents Jane and Edward Dowling who were "...VERY MUCH AGAINST permitting commercial operations within all R1 residential zoned properties of Barrington Hills." President Abboud responded (copying Village Trustees, Attorney, ZBA and other officials):

**I can assure you that I will not support any changes to our residential zoning regulations that support commercial activities beyond that currently provided for in the intent of the Home Occupation Code (5-4-4(D)(sic) of the Village Code...** (Ex. II, emphasis added.)

61. On March 1, 2011 Dr. LeCompte received a call from Dan Lundmark. Mr. Lundmark said President Abboud would like an affidavit stating facts regarding Oakwood Farm's compliance with subsection (g) of the HOO. Dr. LeCompte asked Mr. Lundmark to email him what the Affidavit needs to say. (Ex. LL at 121-22, 125.)

62. On March 1, 2011, Mr. Lundmark emailed Dr. LeCompte advising him of what needed to be in the affidavit, stating, "Hopefully, this will work." (LEC 0253, Ex. LL at 124.)

63. On March 4, 2011, the LeCompte Affidavit (LEC 001-2) was reviewed by Dan Lundmark and then delivered to the Village. (Ex. LL, pp. 140-141.) An Oakwood Farm employee register allegedly showed compliance with the 8am-8pm HOO time restrictions for horse boarding (LEC 0003-0006). Based upon this fact alone, Defendants now claimed compliance for the first time with the HOO for their commercial horse boarding operation.

64. Sometime prior to March 10, 2011, Wendi Frisen, Manager of Municipal Services (not Don Schuman, Building and Zoning Officer) inspected Oakwood Farm in light of the March 4, 2011 Affidavit. (Ex. LL. at 142-45.)

65. On March 14, 2011, Dr. LeCompte called Wendi Frisen in the morning and later around 4:00 p.m. called Robert Kosin to inquire about the status of Oakwood Farm as a home occupation. Mr. Kosin advised he would get back to Dr. LeCompte after a meeting was held to discuss the matter. (Ex. LL at 148-50.)

66. Later in the evening of March 14, 2011, Dr. LeCompte attended a political fundraiser. At this fundraiser President Abboud made a public comment to the effect that, "...as of this afternoon or something, we just signed off on Dr. LeCompte being a home occupation" but he did not identify who at the Village signed off. (Ex. LL at 212-17.)

67. A month and a half after this Lawsuit was originally filed on January 31, 2011, Defendants produced a letter ("Schuman Letter") bearing the date of March 15, 2011 claiming Oakwood Farm "appears" to be in compliance with subsection (g) of the Home Occupation Ordinance ("HOO"). The position stated in this letter, specifically that Oakwood Farm "appears" to be a home occupation, is totally contrary to the Village's official and longstanding position that Oakwood Farm is not a home occupation and that a horse boarding home occupation must comply with the entire HOO, not just subsection (g) found therein.

68. Plaintiffs subsequently learned through discovery that the Schuman letter was not, in fact, issued or signed by Don Schuman, the Village Building and Code Enforcement Officer, nor was it issued through the normal processes and procedures of the Village Zoning Code. Instead, it came about as a result of a secret meeting at the Village Hall when the offices were

closed on President's Day, February 21, 2011. The scheme to seek to overturn almost six years of precedent regarding the intent, purpose, and interpretation of the HOO was developed beginning in February 2011 after the Lawsuit was filed. One of the goals of the scheme was to undermine and hopefully obtain a dismissal of this Lawsuit. The scheme was orchestrated by Defendant Benjamin LeCompte ("Dr. LeCompte") and two friends (Patrick McKeivitt and Dan Lundmark) with similar horse boarding interests and Village President Robert Abboud ("Abboud"). This closed door meeting was arranged shortly after Dr. LeCompte donated \$5,000 each to three candidates for Village Trustee who were supported by President Abboud in a hotly contested Village election and after Village Attorney, Doug Wambach ("Wambach"), wrote a letter to counsel for Dr. LeCompte on February 15, 2011 refuting Dr. LeCompte's February 14, 2011 letter claiming Oakwood Farm was now in compliance with the HOO. Mr. Wambach succinctly stated: **"It is and has been the Village's position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village's Zoning Code."** (Ex. I "Wambach Letter") (emphasis added). President Abboud and Robert Kosin (Director of Administration) were copied on the Wambach Letter. The LeComptes NEVER filed an appeal of the Wambach Letter as required by Section 5-10-5 of the Village Code. The Schuman Letter was subsequently issued in violation of appeal procedures established by the Village Code (Ex. O).

69. As a result of the covert meeting on February 21, 2011, unbeknownst to and without approval of any Village Trustee, Village Attorney or the ZBA, President Abboud unlawfully arranged to have the Schuman Letter signed and initialed by another unauthorized Village employee, Dolores Trandel, deputy Village Clerk whose boss was Karen Selman, a candidate for Village Trustee who received a \$5,000 campaign contribution from Dr. LeCompte

shortly before the February 21, 2011 secret meeting. Don Schuman did not sign or authorize the so-called "Schuman Letter." In fact, Don Schuman admitted to Trustee Beth Mallen on March 21, 2011 (six days after the date of the Schuman letter) that he did NOT think Oakwood Farm was a home occupation (Mallen Aff. ¶ 12, Ex. CC).

70. On March 18, 2011 (three days after the Schuman Letter) there was a hearing before the State Board of Elections ("SBOE") regarding the campaign donations made by Dr. LeCompte to the three candidates (Messer, Selman and Meroni). Dr. LeCompte testified:

Dr. LeCompte: ...Now what I'm presently doing now is I'm boarding and training horses pursuant to the Home Occupation Provision in the code, Section 543(d)3(g). (Ex. KK, p. 30.)

71. Village Trustee Joseph Messer in sworn testimony on March 18, 2011 at the SBOE hearing (3 days after the Schuman Letter) disagreed with Dr. LeCompte:

Q. . . . We heard testimony earlier about Mr. LeCompte's boarding operations. Are you aware of Mr. LeCompte's boarding operations?

A. Yes, I am.

Q. Do you have a position on Mr. LeCompte's boarding operations?

**A. Well, I have a position on all of the significant boarding operations in the Village of Barrington Hills, and that is that they do not fit within the Home Occupation Ordinance, and it's not possible to fit those operations within that section of the ordinance.** (Ex. KK, pp. 88-89, emphasis added.)

72. On March 21, 2011 Trustee Beth Mallen went to Village Hall to meet with Don Schuman to discuss Village setbacks for buildings. Beth Mallen raised the issue with Don Schuman whether Oakwood Farm complied with the HOO. Don Schuman told Beth Mallen that he did not think that Oakwood Farm was a home occupation. (Ex. CC ¶ 12.)

73. During the Village Trustees meeting on March 28, 2011 the Schuman letter was apparently discussed in executive session. However, the Trustees did not take a vote on nor make a determination that the Schuman letter was a "final and official decision" of Mr. Schuman. The Trustees did not authorize sending a letter with the "determination" contained in the Lynch letter dated March 29, 2011. (Ex. CC ¶ 13.)

74. Furthermore, at no time during the Trustees meeting on March 28, 2011 or any time prior thereto did President Abboud ever advise Trustee Mallen, or to her knowledge any other Trustees, that he had a meeting on February 21, 2011 or on any other date with Dr. LeCompte, Mr. McKevitt, and Mr. Lundmark to discuss whether Oakwood Farm is a home occupation; nor did President Abboud tell them that on or before March 1, 2011 he communicated to Mr. Lundmark what needed to be included in an affidavit from the LeComptes regarding compliance of Oakwood Farm with the HOO; nor to Ms. Mallen's knowledge did President Abboud provide a copy of the March 4, 2011 LeCompte affidavit or a copy of the March 15, 2011 Schuman letter to her as a Trustee. (Ex. CC ¶ 14.)

75. On March 29, 2011, Village counsel sent a letter stating "...the Village of Barrington Hills has made a determination that the letter of Donald Schuman, the Building and Code Enforcement Officer, dated March 15, 2011 to Dr. and Mrs. LeCompte represents a final and official decision of the aforesaid officer" ("Lynch Letter"). The person(s) at the Village who made this "determination" has not yet been identified.

76. Neither the Schuman Letter nor the Lynch Letter were ever reviewed by, authorized, or approved by the Village Board of Trustees prior to issuance of those letters. During the April 25, 2011 Village Trustees meeting, the Trustees did not subsequently authorize

or approve the issuance of the Schuman Letter or the Lynch Letter. The "determination" in these letters that "it appears that the use of Oakwood Farm is a Home Occupation" is totally in contradiction with the intent, purpose, and interpretation of the HOO. (Ex. CC ¶ 15.) Instead, the letter dated February 15, 2011 from Mr. Wambach (Ex. I) accurately sets forth the Village's longstanding position on commercial horse boarding operations at Oakwood Farm: "It is and has been the Village's position that Oakwood Farms does not comply with the requirements of the home occupation provisions of the Village's zoning code." (Ex. CC ¶ 15.)

77. Plaintiffs have recently learned that during the May 23, 2011 Village Board meeting President Abboud acknowledged in the open session that he interpreted the HOO and alone decided to issue the Schuman Letter. (See Affidavit of Michael Hannigan attached as Ex. OO.) However, President Abboud's interpretation of the Village Code and decision to issue the Schuman Letter is contrary to Village Ordinances which do NOT authorize the President to interpret Village Ordinances. (See Village Code § 1-5-4 attached as Ex. PP.) Village Counsel Wambach correctly pointed out to President Abboud during that Board meeting that President Abboud did NOT have the authority to interpret Village ordinances. (See Ex. OO, PP.)

78. President Abboud decided to issue the Schuman Letter and then attempted to cover up his decision by ordering Dolores Trandel, an unauthorized deputy clerk, to sign Mr. Schuman's name and initial it "dt". If President Abboud truly believed he had the authority to issue the letter then he would have signed the letter. President Abboud's instruction to Dolores Trandel to sign and initial the Schuman Letter unequivocally demonstrates his acknowledgement that he had no legal authority to have the Schuman Letter issued. Any action taken by President Abboud, who was copied on the Wambach Letter, to arrange for the issuance of the Schuman

Letter was unlawful and not in compliance with Village law or procedures. The Schuman letter was developed by illegal means and is void.

79. Additional Facts Testified to by Dr. LeCompte in Deposition:

**Regarding compliance with the Home Occupation Ordinance:**

Q. And is it your position that you have to comply with all of Section 5-3-4(D), or that you only have to comply with Section 5-3-4(D)(3)(g) in order to be a home occupation for your equestrian operation?

A. For equestrian operations, as it states here, boarding and training of horses, you only have to comply with 5-3-4(D)(3)(g). (Ex. LL at 26.)

**Regarding the hourly restrictions of subsection (g) and changes to the operations:**

A. Well, those hourly constraints are the only parameters required by 5-3-4(D)(3)(g), and so those are the only changes we made. (Ex. LL at 45.)

**Regarding the number of employees at Oakwood Farm and HOO, Dr. LeCompte admitted there were five (5) employees at Oakwood Farm and Oakwood Farm was not in compliance with section 3.a.(2) of the HOO which contains a two (2) employee limit:**

Q. All right. So going back to Exhibit N, Section 3.a.(2), you would agree with me that your horse boarding operation is not in compliance with 3.a.(2), correct?

A. It would not be in compliance with 3.a.(2), whether Trino was part time or full time, so yes, it's not.

\*\*\*

A. I have just acknowledged that I am not in compliance with 3.a.(2). (Ex. LL at 33-37, emphasis added; see also LEC 0003-0006.)

**Dr. LeCompte read the Trustee Update in his file (LEC 0837-8, Ex. Y), and admitted:**

Q. Okay. And does this trustee update by Mr. Schueppert agree or disagree with the position that you have taken that all you need to do is comply with (D)(3)(g)?

A. Well, it disagrees with my position. (Ex. LL at 229, Ex. Z.)

80. On June 30, 2011, the Illinois Appellate Court affirmed the Circuit Court's ruling that Defendants are not in compliance with the Village Zoning Code. The Rule 23 Order is

attached hereto as Exhibit 1. The ruling by the Illinois Appellate Court is dispositive of the issues in this case.

**Cause of Action**

**Count I: Violation of the Adjacent Landowner Statute**

81. Plaintiffs reallege and restate each and every allegation in paragraphs 1 through 37 as though fully set forth herein.

82. Plaintiffs bring this suit pursuant to the Adjacent Landowner Statute, 65 ILCS 5/11-13-15, seeking an injunction in order to prevent Defendants' ongoing violation of Village zoning laws.

83. The Adjacent Landowner Statute provides that:

In case any building or structure, including fixtures, is constructed, reconstructed, altered, repaired, converted, or maintained, or any building or structure, including fixtures, or land, is used in violation of an ordinance or ordinances adopted under Division 13, 31 or 31.1 of the Illinois Municipal Code, or of any ordinance or other regulation made under the authority conferred thereby, the proper local authorities of the municipality, or any owner or tenant of real property, within 1200 feet in any direction of the property on which the building or structure in question is located who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding (1) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use, (2) to prevent the occupancy of the building, structure, or land, (3) to prevent any illegal act, conduct, business, or use in or about the premises, or (4) to restrain, correct, or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time suit is begun, by serving a copy of the complaint on the chief executive officer of the municipality, no such action may be maintained until such notice has been given.

In any action or proceeding for a purpose mentioned in this

section, the court with jurisdiction of such action or proceeding has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes set forth above.

If an owner or tenant files suit hereunder and the court finds that the defendant has engaged in any of the foregoing prohibited activities, then the court shall allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.

An owner or tenant need not prove any specific, special or unique damages to himself or his property or any adverse effect upon his property from the alleged violation in order to maintain a suit under the foregoing provisions.

65 ILCS 5/11-13-15 (emphasis added). *See* Ex. G.

84. Defendants have been and are currently using their property for commercial horse boarding in violation of Village zoning laws.

85. Plaintiffs' real properties are adjacent to and located within 1200 feet of Defendants' property where the illegal commercial horse breeding violation is occurring.

86. Plaintiffs have been substantially affected by Defendants' violation of law and have been subject to noise, traffic and other irritants attendant with the illegal commercial horse boarding business operated on Oakwood Farms at 350 Bateman Road, Barrington Hills, Illinois.

87. On several occasions, Plaintiffs have sought to have the Village enforce its zoning laws by shutting down the LeComptes illegal commercial horse boarding business but the Village has refused to do so and has not adequately protected the interests of Plaintiffs or the landowners' adjacent to the LeComptes property.

88. The purpose of the Adjacent Landowner Statute “is to afford relief to private landowners in cases where municipal officials are slow or reluctant to act, or where their actions do not protect the landowners’ interests.” See *Dunlap v. Village of Schaumburg*, 395 Ill. App.3d 629, 638, 915 N.E.2d 890, 898 (1st Dist. 2009). Plaintiffs have an independent legal right to bring this lawsuit under the Adjacent Landowner Statute.

89. Plaintiffs seek an immediate injunction enjoining the operation of the illegal commercial horse boarding operation at 350 Bateman Road, Barrington Hills in accordance with the Adjacent Landowner Statute.

90. Pursuant to the Adjacent Landowner Statute by agreement with counsel for the Village of Barrington Hills, Plaintiffs have served a copy of this Amended Verified Complaint on George J. Lynch, Counsel for the Village of Barrington Hills, on behalf of Mr. Robert Abboud, the chief executive (President) of Barrington Hills, Illinois.

91. Plaintiffs have no adequate remedy at law and have suffered irreparable harm as a result of Defendants’ unlawful conduct and will continue to suffer irreparable harm unless the LeComptes are enjoined pursuant to the Adjacent Landowner statute from operating a commercial horse boarding operation on their property in violation of the Village zoning laws.

**Prayer For Relief**

WHEREFORE, Plaintiffs respectfully request that this Court enter the following relief against the Defendants:

(a) enter an injunction enjoining Defendants from further use of Oakwood Farms and their property at 350 Bateman Road, Barrington Hills, Illinois as a commercial horse boarding operation in violation of Village of Barrington Hills zoning laws;

(b) order Defendants to remove all commercially boarded horses from Oakwood Farm and their property at 350 Bateman Road, Barrington Hills, Illinois no later than seven (7) days after issuance of this Court's order;

(c) order Defendants to stop advertising in any media (print, Internet, radio, television, etc.) for commercial horse boarding at Oakwood Farms or 350 Bateman Road, Barrington Hills, Illinois;

(d) enter an injunction enjoining Defendants from charging a fee for or boarding any horses on Oakwood Farms or at 350 Bateman Road, Barrington Hills, Illinois that are not owned by Benjamin B. LeCompte or Cathleen B. LeCompte;

(e) enter an injunction enjoining Defendants from operating a facility on Oakwood Farms or at 350 Bateman Road, Barrington Hills, Illinois that trains horses that are not owned by Benjamin B. LeCompte or Cathleen B. LeCompte;

(f) enter an injunction enjoining Defendants from operating any facility on Oakwood Farms or at 350 Bateman Road, Barrington Hills, Illinois relating to horses that is a non-permitted use or in violation of the laws of Barrington Hills, Illinois;

(g) order Defendants to appear in Court within fourteen (14) days after the entry of this Order to provide evidence to the Court of Defendants' compliance with this Order;

(h) award Plaintiffs reasonable attorney's fees, court costs, and expenses incurred in connection with this matter and specifically provided for in the Adjacent Landowner Statute, 65 ILCS 5/11-13-15;

(i) grant Plaintiffs such other and further relief that the Court may deem just and appropriate.

Dated: July 2, 2011

Respectfully submitted,

**JAMES J. DRURY III AND  
MICHAEL J. MCLAUGHLIN**

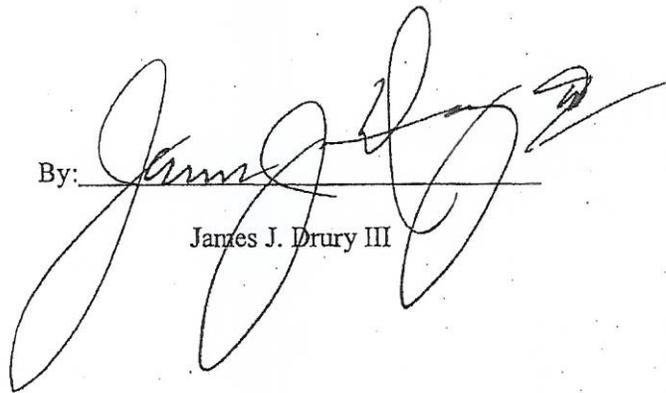
By: Stephen C. Schulte  
One of Their Attorneys

Stephen C. Schulte  
Christopher H. St. Peter  
Winston & Strawn LLP  
35 West Wacker Drive  
Chicago, Illinois 60601  
(312) 558-5600  
(312) 558-5700 (fax)  
Firm I.D. 90875

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 foregoing Verified Complaint for Injunctive and Other Relief are true and correct except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true to the best of his knowledge, information and belief.

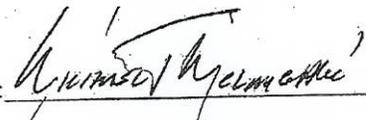
By: \_\_\_\_\_

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'James J. Drury III'.

James J. Drury III

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 foregoing Verified Complaint for Injunctive and Other Relief are true and correct except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true to the best of his knowledge, information and belief.

By:   
Michael J. McLaughlin

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused a copy of the foregoing Amended Verified Complaint for Injunctive and Other Relief to be served upon:

Kenneth A. Michaels Jr.  
Bauch & Michaels, LLC  
53 West Jackson Blvd., Suite 1115  
Chicago, IL 60604

George J. Lynch, Esq.  
Burke, Warren, MacKay & Serritella, P.C.  
330 North Wabash Avenue  
22<sup>nd</sup> Floor  
Chicago, Illinois 60611  
Counsel for Village/Robert Abboud

via U.S. Mail and email this 8<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_



CERTIFICATE OF SERVICE

I, Stephen C. Schulte, an attorney on oath and counsel for Plaintiffs James J. Drury III and Michael J. McLaughlin, hereby certify that on this 6<sup>th</sup> day of May, 2011, I caused the foregoing Subpoenas for Records to be served on the attorneys listed below via email and U.S. Mail.

Kenneth A. Michaels Jr.  
Bauch & Michaels, LLC  
53 W. Jackson Blvd., Suite 1115  
Chicago, IL 60604  
Office: 312-558-5000  
Fax: 312-427-5709

George J. Lynch, Esq.  
Burke, Warren, MacKay & Serritella, P.C.  
330 North Wabash Avenue  
22<sup>nd</sup> Floor  
Chicago, Illinois 60611

  
Stephen C. Schulte

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

JAMES J. DRURY III, as Agent of the Peggy D. Drury Declaration of Trust U/A/D 02/04/00, and MICHAEL J. McLAUGHLIN, Plaintiff/Petitioner

No. 11-CH-03852

BENJAMIN B. LECOMPTE, CATHLEEN B. LECOMPTE, et al., Defendant/Respondent

SUBPOENA IN A CIVIL MATTER (For Testimony and/or Documents)

To: Robert G. Abboud 13 Country Oaks Lane Barrington Hills, Illinois 60010

- 1. YOU ARE COMMANDED to appear to give your testimony before the Honorable ... in Room ... at ... m.
2. YOU ARE COMMANDED to appear and give your deposition testimony before a Notary Public at: ... in Room ... at ... m.
3. YOU ARE COMMANDED to mail the following documents in your possession or control to Stephen C. Schulte, Esq., Winston & Strawn LLP at 35 West Wacker Drive, Chicago, Illinois 60601, on or before May 13, 2011 at 9:00 a. m. (THIS IS FOR RECORDS ONLY. THERE WILL BE NO ORAL INTERROGATORIES.): PRODUCE ALL DOCUMENTS ON RIDER ATTACHED AS EXHIBIT A

Description continued on attached page(s). YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU TO PUNISHMENT FOR CONTEMPT OF THIS COURT.

Notice to Deponent: 1. The deponent is a public or private corporation, partnership, association, or governmental agency. The matter(s) on which examination is requested are as follows:

Description continued on attached page(s). (A nonparty organization has a duty to designate one or more officers, directors, or managing agents, or other persons to testify on its behalf, and may set forth, for each person designated, the matters on which that person will testify. Ill. Sup. Ct. Rule 206.)

2. The deponent's testimony will be recorded by use of an audio-visual recording device, operated by (Name of Recording Device Operator)
3. No discovery deposition of any party or witnesses shall exceed three hours regardless of the number of parties involved in the case, except by stipulation of the parties or by order upon showing that good cause warrants a lengthier examination. Ill. Sup. Ct. Rule 206(d).

Atty. No. 90875 Pro Se 99500
Name: Stephen C. Schulte, Esq., Winston & Strawn LLP
Atty. for: Plaintiffs James J. Drury III and Michael J. McLaughlin
Address: 35 West Wacker Drive
City/State/Zip: Chicago, Illinois 60601
Telephone: 312-558-5890

Issued by: Stephen C. Schulte Signature

Attorney
Clerk of Court

Date:

I served this subpoena by mailing a copy, as required by Ill. Sup. Ct. Rules 11, 12 and 204(a)(2), to via Fed Ex to Robert G. Abboud (address above) by certified mail, return receipt requested (Receipt # ) on May 5, 2011
I paid the witness \$ 20.00 for witness and mileage fees.

I served this subpoena by handing a copy to on
I paid the witness \$ for witness and mileage fees.
Margaret A. Senica (Signature of Server) Margaret A. Senica (Print Name)

RIDER – EXHIBIT A

1. All emails sent or received by you during the period February 1, 2011 to the present relating to:
  - (a) Boarding of horses;
  - (b) Home Occupation Ordinance of Village of Barrington Hills;
  - (c) Amendment(s) to Village of Barrington Hills Ordinances;
  - (d) Meeting on February 21, 2011 at Village Hall;
  - (e) Email dated March 1, 2011 from Dan Lundmark (attached as Exhibit 2);
  - (f) Meeting at Chessie's on March 14, 2011;
  - (g) The letter and drafts of the letter attached hereto as Exhibit 1 dated March 15, 2011;
  - (h) 350 Bateman Road, Barrington Hills, Illinois;
  - (i) Oakwood Farm;
  - (j) Cease and Desist Order for 350 Bateman Road, Barrington Hills, Illinois;
  - (k) Benjamin LeCompte;
  - (l) Cathleen LeCompte;
  - (m) Don Schuman;
  - (n) Robert Kosin
  - (o) Dolores Trandel;
  - (p) Wendi Frisen;
  - (q) Robert G. Abboud
  - (r) Patrick (Paddy) McKevitt;
  - (s) Dan Lundmark;
  - (t) Steve Knoop
  - (u) John Rosene

- (v) Joseph Messer
- (w) Karen Selman
- (x) Patty Meroni
- (y) James Drury
- (z) Michael McLaughlin

2. All documents prepared, received or reviewed by you dated during the period February 1, 2011 to the present relating to:

- (a) Boarding of horses;
- (b) Home Occupation Ordinance of Village of Barrington Hills;
- (c) Amendment(s) to Village of Barrington Hills Ordinances;
- (d) Meeting on February 21, 2011, at Village Hall;
- (e) Email dated March 1, 2011 from Dan Lundmark (attached as Exhibit 2);
- (f) Meeting at Chessie's on March 14, 2011;
- (g) The letter and drafts of the letter attached hereto as Exhibit 1 dated March 15, 2011;
- (h) 350 Bateman Road, Barrington Hills, Illinois;
- (i) Oakwood Farm;
- (j) Cease and Desist Order for 350 Bateman Road, Barrington Hills, Illinois;
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- (l) Cathleen LeCompte;
- (m) Don Schuman;
- (n) Robert Kosin;
- (o) Dolores Trandel;
- (p) Wendi Frisen;

- (q) Robert G. Abboud
- (r) Patrick (Paddy) McKevitt;
- (s) Dan Lundmark;
- (t) Steve Knoop
- (u) John Rosene
- (v) Joseph Messer
- (w) Karen Selman
- (x) Patty Meroni
- (y) James Drury
- (z) Michael McLaughlin

3. All land line and cell phone numbers, records, bills and records showing your land line and cell phone numbers and land line phone number and cell phone numbers of the persons listed below, and the identity of your phone company for both land line and cell phones, for the period February 1, 2011 to the present regarding, relating to, reflecting or involving any phone calls relating to the items in Paragraph Number 1(a-j) above with any of the persons listed below

- (a) Robert G. Abboud
- (b) Patrick (Paddy) McKevitt
- (c) Dan Lundmark
- (d) Steve Knoop
- (e) John Rosene
- (f) Benjamin B. LeCompte
- (g) Cathleen LeCompte
- (h) Joseph Messer
- (i) Karen Selman
- (j) Patty Meroni
- (k) Don Schuman
- (l) Robert Kosin
- (m) Dolores Trandel
- (n) Wendi Frisen

4. All text messages sent or received by you during the period February 1, 2011 to the present relating to the topics listed in Paragraph Number 1(a-j) and with the persons listed in Paragraph Number 1(k-x).

03/15/11 17:01 FAX 847 551 3050

VILLAGE BARRINGTON HILLS

002

President  
ROBERT G. ABBODD

Trustees  
FRITZ GOHL, Pro-Tem  
WALTER E. SMITHE  
STEVEN E. KNOOP  
BETH MALLEN  
ELAINE M. RAMESH  
JOSEPH S. MESSER

KAREN S. SELMAN, Clerk  
DOLORES G. TRANDEL, Deputy Clerk



112 ALBONQUIN ROAD  
BARRINGTON HILLS, ILLINOIS 60010-5199  
www.barringtonhills-ll.gov

TELEPHONE  
(847) 551-3000

FAOSIMILE  
(847) 551-3050

Via Fax and U.S. Mail

March 15, 2011

Dr. & Mrs. LeCompte  
350 Bateman Road  
Barrington Hills, IL 60010

Dear Dr. & Mrs. LeCompte,

The Building Department has received and examined your affidavit dated March 4, 2011. You have asked to consider the use of Oakwood Farm as a Home Occupation. The affidavit states the terms by which the use is a Home Occupation. Similarly, you submitted an employee register in support of the extent of your employee's hours.

Your Home Occupation pertains to boarding and training of horses, which is a use specifically referenced in subsection (g) of Section 5-3-4(D)3 of the Zoning Ordinance. Based on the information in your affidavit, it appears that the use of Oakwood Farm is a Home Occupation.

Sincerely,

  
Don Schuman

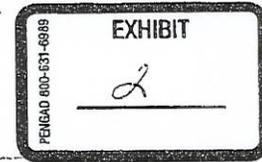
Building and Code Enforcement Officer

847-551-3003

affidavit

3/1/11 3:27 PM

**From:** Dan Lundmark <dan@manarchy.com>  
**To:** cblecompte@aim.com  
**Subject:** affidavit  
**Date:** Tue, Mar 1, 2011 12:15 pm



Hi,  
Here is the exact language Bob used as to what needs to be in your affidavit.

- you understand that the village views your property as primarily residential.
- you are subject to the home occupation ordinance.
- you have modified your practices to be compliant with the home occupation ordinance.
- your buildings are in compliance with the village building code.

Hopefully, this will work.

Dan