

#10295

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS, )  
ex rel. Kimberly M. Foxx, State's )  
Attorney of Cook County, Illinois, )  
 )  
Plaintiff, )

2017CH03966  
CALENDAR/ROOM 12  
TIME 00:00  
Injunction

vs. )

NO: )

DERRICK LEE, individually, d/b/a Team )  
DQ: Pageant Prep & Image Consulting, )  
and d/b/a Miss Illinois United States )  
Organization; )  
 )  
Defendant. )

2017 MAR 20 AM 11:23  
CIRCUIT COURT OF COOK COUNTY ILLINOIS CHANCERY DIVISION

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

NOW COMES the Plaintiff, the People of the State of Illinois ex rel. KIMBERLY M. FOXX, State's Attorney of Cook County, Illinois, and complains of DERRICK LEE, individually, d/b/a Team DQ: Pageant Prep & Consulting, and d/b/a Miss Illinois United States Organization (hereinafter also referred to as "Derrick Lee") for violations of the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1 et seq.) (hereinafter also referred to as the "Consumer Fraud Act").

I. BRIEF SUMMARY

1. Derrick Lee is a beauty pageant promoter and consultant. In 2015, Derrick Lee was the state director and licensee for Illinois of the Miss United States Organization. In this capacity, Derrick Lee was obligated to conduct a beauty pageant to select Illinois titleholders for

entry into the national Miss United States Pageant and to do so at his own cost. Derrick Lee hosted his pageant at the Copernicus Center in Chicago, Illinois, on March 29, 2015.

2. Derrick Lee devised a "Miss Photogenic" competition to be held before his pageant to raise monies to pay for various expenses of the pageant and to make an unspecified donation to the Ann & Robert H. Lurie Children's Hospital of Chicago. However, at all times, Derrick Lee intended to use the majority of monies raised by the Miss Photogenic competition for his own benefit.

3. Derrick Lee never obtained the authorization of the Ann & Robert H. Lurie Children's Hospital to raise funds on its behalf or to use its name, likeness, or logo in conjunction with the Miss Photogenic competition. Derrick Lee never submitted the necessary paperwork to the Hospital to obtain such authorizations. Derrick Lee also omitted to inform anyone at the Hospital that he intended to use the majority of monies raised by the Miss Photogenic competition for his own benefit.

4. Throughout March of 2015, Derrick Lee promoted the Miss Photogenic competition on Facebook and by word-of-mouth. Derrick Lee misrepresented that he was authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf and that all or most of the monies raised by the Miss Photogenic competition would be donated to the Hospital. Derrick Lee also induced innocent third parties to make these same misrepresentations. Derrick Lee used the name, likeness, and logo of the Ann & Robert H. Lurie Children's Hospital without its permission. In his promotions, Derrick Lee also omitted to disclose that he intended to use the majority of monies raised by the Miss Photogenic competition for his own benefit and that the Hospital was not the sole beneficiary of the competition.

5. Members of the public relied on Derrick Lee's misrepresentations and omissions, and over 75 persons contributed approximately \$3,000 in total to the Miss Photogenic competition. Over 6 months after the Miss Photogenic competition, on or about October 13, 2015, Derrick Lee provided only \$100 of the monies raised by the competition to the Ann & Robert H. Lurie Children's Hospital.

## **II. ENFORCEMENT OF THE CONSUMER FRAUD ACT BY THE STATE'S ATTORNEY**

6. Kimberly M. Foxx, State's Attorney of Cook County, Illinois (hereinafter also referred to as the "State's Attorney" or the "People") is bringing this action in the public interest for and on behalf of the People of the State of Illinois.

7. Unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretenses, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with the intent that others rely upon the concealment, suppression or omission of such material fact, in the conduct of any trade or commerce, are unlawful under the Consumer Fraud Act. See 815 ILCS 505/2.

8. Unfair or deceptive acts or practices are unlawful under the Consumer Fraud Act regardless of whether any person has in fact been misled, deceived, or damaged. See 815 ILCS 505/2.

9. Whenever the State's Attorney has reason to believe that any person is using, has used, or is about to use any method, act, or practice declared by the Consumer Fraud Act to be unlawful, and that proceedings would be in the public interest, the State's Attorney may bring an action in the name of the People of the State of Illinois against such person to restrain by

preliminary or permanent injunction the use of any such method, act or practice. See 815 ILCS 505/7.

10. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction; revocation, forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in the State; appointment of a receiver; dissolution of domestic corporations or associations; suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution. See 815 ILCS 505/7.

11. The Court may impose a civil penalty in a sum not to exceed \$50,000 against any person found to have engaged in any method, act or practice declared unlawful by the Consumer Fraud Act. See 815 ILCS 505/7.

12. In the event the Court finds the method, act, or practice declared unlawful by the Consumer Fraud Act to have been conducted with the intent to defraud, the Court has the authority to impose a civil penalty in a sum not to exceed \$50,000 per violation. See 815 ILCS 505/7.

### **III. JURISDICTION AND VENUE**

13. This Court has jurisdiction over Derrick Lee because the activities alleged in this Complaint have been conducted by the Defendant in Illinois.

14. Venue for the Complaint lies in Cook County, Illinois, because the activities alleged in this Complaint have been conducted by Derrick Lee in part in Cook County, Illinois.

### **IV. DERRICK LEE**

15. At all relevant times, Derrick Lee was a resident of Illinois.

16. At all relevant times, Derrick Lee was a beauty pageant promoter and consultant.

17. Derrick Lee engaged in the activities subsequently described in the People's Complaint under his own name and under his assumed business names of (i) Team DQ: Pageant Prep & Consulting and the (ii) Miss Illinois United States Organization.

18. At all relevant times, Derrick Lee formulated, directed, and controlled the business activities and practices of (i) Team DQ: Pageant Prep & Consulting and the (ii) Miss Illinois United States Organization.

## **V. ORIGIN OF THE MISS PHOTOGENIC COMPETITION**

19. The Miss United States Organization is one of the largest beauty pageant programs in the United States available for young ladies and women. The Organization conducts an annual national pageant each year that includes contestants from all 50 states.

20. In 2015, Derrick Lee was the state director and licensee for Illinois of the Miss United States Organization.

21. Derrick Lee was contractually obligated by the Miss United States Organization to conduct a beauty pageant to select Illinois titleholders for entry into the national Miss United States Pageant and to do so at his own cost.

22. Derrick Lee conducted his beauty pageant, under the auspices of the Miss Illinois United States Organization, on March 29, 2015, at the Copernicus Center in Chicago, Illinois.

23. At all relevant times, Derrick Lee was aware of significant expenses related to his beauty pageant and that many of these expenses needed to be paid in advance of the event.

24. Derrick Lee devised a "Miss Photogenic" competition to be held before his beauty pageant.

25. At all relevant times, Derrick Lee formulated, directed, and controlled the Miss Photogenic competition.

26. At all relevant times, Derrick Lee intended the Miss Photogenic competition as a means of raising monies to pay for some of the expenses of his beauty pageant and to make a donation of an undetermined amount to the Ann & Robert H. Lurie Children's Hospital.

27. At all relevant times, Derrick Lee intended to use the majority of the monies raised by the Miss Photogenic competition to pay the various expenses incurred by his beauty pageant.

28. At all relevant times, Derrick Lee intended that the Ann & Robert H. Lurie Children's Hospital would not be the sole beneficiary of the Miss Photogenic competition.

#### **VI. DERRICK LEE'S COMMUNICATIONS WITH THE HOSPITAL BEFORE AND DURING THE COMPETITION**

29. The Ann & Robert H. Lurie Children's Hospital of Chicago (formerly Children's Memorial Hospital) is a not-for-profit, pediatric specialty hospital located in Chicago, Illinois. The Hospital has more than 1,200 physicians on its medical staff and 4,000 employees. The Hospital maintains the largest number of pediatric specialties in the Midwest. Physicians and staff at the Hospital provide highly specialized care for more than 100,000 children each year from every state and many foreign countries.

30. At all relevant times, Nicole Loughran was the Family Life Center Coordinator at the Ann & Robert H. Lurie Children's Hospital.

31. On March 1, 2015, Derrick Lee sent an e-mail to Nicole Loughran. Derrick Lee informed Nicole Loughran that he would like to make a donation, “through contestant fundraising,” to the Hospital on the behalf of the Miss Illinois United States Organization. A true and correct copy of Derrick Lee’s email of March 1, 2015, to Nicole Loughran is attached and incorporated into the People’s Complaint as **Exhibit A**.

32. On March 2, 2015, Nicole Loughran sent a reply e-mail to Derrick Lee. Nicole Loughran sought additional information about the proposed donation to the Hospital. A true and correct copy of Nicole Loughran’s email of March 2, 2015, to Derrick Lee (with redactions of Nicole Loughran’s telephone number and e-mail address) is attached and incorporated into the People’s Complaint as **Exhibit B**.

33. On March 2, 2015, Derrick Lee sent a reply e-mail to Nicole Loughran. Derrick Lee informed Nicole Loughran that “proceeds from the fundraiser” at his March 29, 2015, beauty pageant would be the source of the donation to the Hospital. Derrick Lee also stated that the winner of the beauty pageant would present a check to Nicole Loughran a week after the pageant. A true and correct copy of Derrick Lee’s email of March 2, 2015, to Nicole Loughran (with redactions of Nicole Loughran’s telephone number and e-mail address) is attached and incorporated into the People’s Complaint as **Exhibit C**.

34. On March 3, 2015, Nicole Loughran sent a reply e-mail to Derrick Lee. Nicole Loughran informed Derrick Lee that her colleague, Kaelyn Tucker, would assist him with the donation. A true and correct copy of Nicole Loughran’s email of March 3, 2015, to Derrick Lee (with redactions of Nicole Loughran’s telephone number and e-mail address) is attached and incorporated into the People’s Complaint as **Exhibit D**.

35. At all relevant times, Kaelyn Tucker was the Development Coordinator of the Circle of Friends at the Ann & Robert H. Lurie Children's Hospital of Chicago Foundation.<sup>1</sup> The Circle of Friends is the third-party fundraising program at the Hospital that offers support to third-parties during the fundraiser and helps to coordinate a donation check presentation at the conclusion of the fundraising effort.

36. On March 3, 2015, Kaelyn Tucker sent an e-mail and an attachment to Derrick Lee. A true and correct copy of Kaelyn Tucker's email of March 3, 2015, to Derrick Lee (with redactions of Kaelyn Tucker's telephone number and e-mail address) and its attachment are attached and incorporated into the People's Complaint as **Exhibits E and F1-F4**, respectively.

37. Kaelyn Tucker's attachment included a (i) Community Fundraiser Guidelines and Logo Release Form and a (ii) Community Fundraiser Proposal and Waiver. **See Exhibits F3 and F4.**

38. Kaelyn Tucker asked Derrick Lee to read the attachment and to sign and return the Community Fundraiser Proposal and Waiver to her. **See Exhibit F4.**

39. Kaelyn Tucker informed Derrick Lee that she could quickly "approve" the fundraiser and send the Hospital's logo after he signed and returned the Community Fundraiser Proposal and Waiver to her. **See Exhibit E.**

40. On or about March 3, 2015, Derrick Lee read Kaelyn Tucker's e-mail of March 3, 2015, and the included attachment.

41. In the alternative to paragraph 40 of the People's Complaint, Derrick Lee had read Kaelyn Tucker's e-mail of March 3, 2015, and the included attachment before the conclusion of the Miss Photogenic competition.

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<sup>1</sup>References to the Ann & Robert H. Lurie Children's Hospital in the People's Complaint shall also be deemed to include the Ann & Robert H. Lurie Children's Hospital Foundation.



42. Derrick Lee never signed the Hospital's Community Fundraiser Proposal and Waiver.

43. Derrick Lee never submitted a signed Community Fundraiser Proposal and Waiver to Kaelyn Tucker or any other person affiliated with the Ann & Robert H. Lurie Children's Hospital.

44. The Ann & Robert H. Lurie Children's Hospital imposes certain requirements upon third-party fundraisers, and these requirements are identified in the Community Fundraiser Guidelines and Logo Release Form. **See Exhibit F3.**

45. In part, the Hospital requires third party fundraisers to inform the public of any net amounts that will be donated to the Hospital. **See Exhibit F3.**

46. In part, the Hospital requires third party fundraisers to state clearly in event materials the exact percentage that the Hospital would receive if it is not the sole beneficiary of the event. **See Exhibit F3.**

47. In part, the Hospital requires third party fundraisers to remit proceeds within 30 days from the date of the fundraising event. **See Exhibit F3.**

48. On or about March 3, 2015, Derrick Lee was aware of each of the third-party fundraising requirements described in paragraphs 45, 46, and 47 of the People's Complaint.

49. In the alternative to paragraph 48 of the People's Complaint, Derrick Lee was aware of each of the third-party fundraising requirements, described in paragraphs 45, 46, and 47 of the People's Complaint, before the conclusion of the Miss Photogenic competition

50. Derrick Lee never informed Nicole Loughran, Kaelyn Tucker, or any other person affiliated with the Ann & Robert H. Lurie Children's Hospital:

(a) that he intended to use the majority of the monies raised by the Miss Photogenic competition for his own benefit; or

(b) that he intended to use the majority of monies raised by the Miss Photogenic competition to pay the various expenses incurred by his beauty pageant; or

(c) that the Hospital was not the sole beneficiary of the monies received by the Miss Photogenic competition.

51. At all relevant times, Derrick Lee believed that the Ann & Robert H. Lurie Children's Hospital would not authorize him to raise funds on its behalf or to permit its name, likeness, or logo to be associated with the Miss Photogenic competition if he disclosed the information, described in subsections (a)-(c) of paragraph 50 of the People's Complaint, to the Hospital.

52. The Ann & Robert H. Lurie Children's Hospital never authorized Derrick Lee to raise funds on its behalf or to use its name, likeness, or logo in conjunction with the Miss Photogenic competition, and Derrick Lee knew that the Hospital had not given him any such authorizations.

53. Derrick Lee had no further e-mail or other communications with Nicole Loughran, Kaelyn Tucker, or any other person affiliated with the Ann & Robert H. Lurie Children's Hospital between March 4 and March 31, 2015.

## **VII. DERRICK LEE'S ORAL MISREPRESENTATIONS DURING THE COMPETITION**

54. On or about March 2, 2015, Derrick Lee conducted at least one rehearsal at the Chicago Dance Center in Chicago, Illinois, for his upcoming beauty pageant.

55. Derrick Lee represented to one or more contestants and family members who were present at this rehearsal that "all" of the monies contributed to the Miss Photogenic competition would be provided to the Ann & Robert H. Lurie Children's Hospital.

### VIII. DERRICK LEE'S WRITTEN MISREPRESENTATIONS DURING THE COMPETITION

56. In March of 2015, Derrick Lee maintained a personal Facebook page and one or more Facebook pages for the Miss Illinois United States Organization.

57. In March of 2015, Derrick Lee composed and placed postings about the Miss Photogenic competition on his personal Facebook page and on the various Facebook pages of the Miss Illinois United States Organization.

58. In March of 2015, Derrick Lee knew that members of the public were viewing the postings about the Miss Photogenic competition on his personal Facebook page and on the various Facebook pages of the Miss Illinois United States Organization.

59. On March 2, 2015, Derrick Lee composed and submitted a posting to the Facebook page for the Petite Miss, Little Miss & Pre-Teen Illinois United States (of the Miss Illinois United States Organization). A true and correct copy of Derrick Lee's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit G**.

60. In this Facebook posting, Derrick Lee stated, in part, "The Miss Illinois United States PHOTOGENIC VOTE is NOW OPEN!! Please go to [www.missillinoisus.com](http://www.missillinoisus.com) and vote for your favorites! Only \$1 per vote and proceeds will go to the Ann & Robert H. Lurie Children's Hospital of Chicago." See **Exhibit G**.

61. In this Facebook posting, Derrick Lee also stated that the winner of the Miss Photogenic competition would present the donation in person to the Hospital one week after the pageant. See **Exhibit G**.

62. In this Facebook posting, Derrick Lee also featured a photograph of the entrance of the Ann & Robert H. Lurie Children's Hospital that included its name and logo of a child's hand. See **Exhibit G**.

63. On March 2, 2015, Derrick Lee composed and submitted another posting to the Facebook page for the Miss Illinois United States Organization. A true and correct copy of Derrick Lee's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit H**.

64. In this Facebook posting, Derrick Lee stated, in part, "The Miss Illinois United States PHOTOGENIC VOTE is NOW OPEN!! Please go to [www.missillinoisus.com](http://www.missillinoisus.com) and vote for your favorites! Only \$1 per vote and proceeds will go to the Ann & Robert H. Lurie Children's Hospital of Chicago." **See Exhibit H**.

65. In this Facebook posting, Derrick Lee also stated that the winner of the Miss Photogenic competition would present the donation in person to the Hospital one week after the pageant. **See Exhibit H**.

66. On March 8, 2015, Derrick Lee composed and submitted a posting to his personal Facebook page. A true and correct copy of Derrick Lee's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit I**.

67. In this Facebook posting, Derrick Lee stated, in part, "Go to [www.missillinois.com](http://www.missillinois.com) and vote for Miss Photogenic. Only \$1 per vote and proceeds go to our friends at Lurie." **See Exhibit I**.

68. In this Facebook posting, Derrick Lee also stated that the winner of the Miss Photogenic competition would present the donation in person to the Hospital after the pageant. **See Exhibit I**.

69. In this Facebook posting, Derrick Lee also featured a photograph of an interior space at the Hospital. **See Exhibit I**.

70. On March 20, 2015, Derrick Lee composed and submitted a posting to his personal Facebook page. A true and correct copy of Derrick Lee's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit J**.

71. In this Facebook posting, Derrick Lee featured photographs of the three contestants in the lead for the Miss Photogenic competition and stated, in part, "There's still time to vote. [www.missillinois.com](http://www.missillinois.com) – Winner announced at the pageant finals on March 29<sup>th</sup>!!" See **Exhibit J**.

#### **IX. REPRESENTATIONS MADE DURING THE COMPETITION BY VARIOUS THIRD PARTIES**

72. During the Miss Photogenic competition, Derrick Lee was aware that some contestants and their family members were encouraging persons on their individual Facebook pages to cast votes in the Miss Photogenic competition.

73. During the Miss Photogenic competition, Derrick Lee also was aware that some of these contestants and their family members were representing, expressly or by implication, that all or most of the monies raised by the competition would be contributed to the Ann & Robert H. Lurie Children's Hospital.

74. Ciara Evans, Saavedra Lewis, Chassidy Spencer, Nicole Saineghi, and Jenna Rae Mills were contestants in the Miss Photogenic competition. Felicia Sewell and Leila Gemmellaro Console were family members of other contestants.

75. On March 2, 2015, Ciara Evans composed and submitted a posting to her personal Facebook page. A true and correct copy of Ciara Evans' Facebook posting is attached and incorporated into the People's Complaint as **Exhibit K**.

76. In this Facebook posting, Ciara Evans, stated, in part, “What a fun way to raise a donation for The Ann & Robert H. Lurie Children’s Hospital of Chicago! Every dollar you donate will equal a vote.” **See Exhibit K.**

77. On March 2, 2015, Saavedra Lewis composed and submitted a posting to her personal Facebook page. A true and correct copy of Saavedra Lewis’ Facebook posting is attached and incorporated into the People’s Complaint as **Exhibit L.**

78. In this Facebook posting, Saavedra Lewis stated, in part, “So the total amount you’re willing to donate will not only go towards the Ann & Robert H. Lurie Children’s Hospital of Chicago but the number will also count as Votes’ towards my entry into the Miss Illinois United States Organization Miss Photogenic contest.” **See Exhibit L.**

79. On March 2, 2015, Chassidy Spencer composed and submitted a posting to her personal Facebook page. A true and correct copy of Chassidy Spencer’s Facebook posting is attached and incorporated into the People’s Complaint as **Exhibit M.**

80. In this Facebook posting, Chassidy Spencer, stated, in part, “Each vote is only \$1.00, however, all proceeds will be donated to the Ann and Robert Lurie Children’s Hospital.” **See Exhibit M.**

81. On March 3, 2015, Felicia Sewell composed and submitted a posting to her personal Facebook page. A true and correct copy of Felicia Sewell’s Facebook posting is attached and incorporated into the People’s Complaint as **Exhibit N.**

82. In this Facebook posting, Felicia Sewell, stated, in part, “Only \$1 per vote and proceeds will go to the Ann & Robert H. Lurie Children’s Hospital of Chicago.” **See Exhibit N.**

83. On March 7, 2015, Nicole Saineghi composed and submitted a posting to her personal Facebook page. A true and correct copy of Nicole Saineghi's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit O**.

84. In this Facebook posting, Nicole Saineghi, stated, in part, "\$1 per vote and all proceeds are donated to the Ann and Robert Lurie's Children's Hospital of Chicago!" See **Exhibit O**.

85. On March 7, 2015, Jenna Rae Mills composed and submitted a posting to her personal Facebook page. A true and correct copy of Jenna Rae Mills' Facebook posting is attached and incorporated into the People's Complaint as **Exhibit P**.

86. In this Facebook posting, Jenna Rae Mills, stated, in part, "Vote as many times as you'd like, the more the better as each \$ goes to Lauri's Children's Hospital!" See **Exhibit P**.

87. On March 9, 2015, Nicole Saineghi composed and submitted a posting to her personal Facebook page. A true and correct copy of Nicole Saineghi's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit Q**.

88. In this Facebook posting, Nicole Saineghi, stated, in part, "Every vote counts and goes to help the children at the Ann and Robert Lurie's Children's Hospital!" See **Exhibit Q**.

89. On March 11, 2015, Jenna Rae Mills composed and submitted a posting to her personal Facebook page. A true and correct copy of Jenna Rae Mills' Facebook posting is attached and incorporated into the People's Complaint as **Exhibit R**.

90. In this Facebook posting, Jenna Rae Mills, stated, in part, "All the proceeds go to Ann & Robert Lurie's Children's Hospital!" See **Exhibit R**.

91. On March 23, 2015, Leila Gemmellaro Console composed and submitted a posting to her personal Facebook page. A true and correct copy of Leila Gemmellaro Console's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit S**.

92. In this Facebook posting, Leila Gemmellaro Console, stated, in part, "All proceeds go to Ann and Robert Luries Children's Hospital!" **See Exhibit S**.

93. On March 23, 2015, Leila Gemmellaro Console shared her Facebook posting with Derrick Lee. **See Exhibit S**.

94. On March 24, 2015, Leila Gemmellaro Console composed and submitted a posting to her personal Facebook page. A true and correct copy of Leila Gemmellaro Console's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit T**.

95. In this Facebook posting, Leila Gemmellaro Console, stated, in part, "Every vote is worth \$1, and all proceeds go to Luries children's hospital!" **See Exhibit T**.

96. On March 24, 2015, Leila Gemmellaro Console shared her Facebook posting with Derrick Lee. **See Exhibit T**.

97. On March 28, 2015, Leila Gemmellaro Console composed and submitted a posting to her personal Facebook page. A true and correct copy of Leila Gemmellaro Console's Facebook posting is attached and incorporated into the People's Complaint as **Exhibit U**.

98. In this Facebook posting, Leila Gemmellaro Console, stated, in part, "Every vote is worth \$1, and all proceeds go to Luries children's hospital!" **See Exhibit U**.

99. On March 28, 2015, Leila Gemmellaro Console shared her Facebook posting with Derrick Lee. **See Exhibit U**.



100. During the Miss Photogenic Competition, Derrick Lee was aware that Ciara Evans, Saavedra Lewis, Chassidy Spencer, Nicole Saineghi, Jenna Rae Mills, Felicia Sewell, and Leila Gemmellaro Console had made the above representations on Facebook.

#### **X. DERRICK LEE'S OMISSIONS BEFORE AND DURING THE COMPETITION**

101. Derrick Lee did not disclose the following information to any member of the public in any manner before or during the Miss Photogenic competition:

- (a) that he had failed to submit the necessary paperwork to obtain the authorization and approval from the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;
- (b) that he had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;
- (c) that he had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to use its name, likeness, or logo in conjunction with the Miss Photogenic competition;
- (d) that the Ann & Robert H. Lurie Children's Hospital was not the sole beneficiary of the monies raised by the Miss Photogenic competition;
- (e) that he intended to use the majority of proceeds raised by the Miss Photogenic competition to pay various expenses incurred by his beauty pageant; and
- (f) that he intended to use the majority of proceeds raised by the Miss Photogenic competition for his own benefit.

#### **XI. DERRICK LEE'S INTENT**

102. At all relevant times, Derrick Lee intended that pageant contestants, family members and their friends would rely on his and third-party representations and omissions about the Miss Photogenic competition.

103. At all relevant times, Derrick Lee further intended that pageant contestants, family members and their friends would be induced to believe that he was authorized by the Ann & Robert H. Lurie Children's Hospital to raise funds on its behalf and that all or most of the monies contributed to the Miss Photogenic competition would be provided to the Hospital.

## **XII. OVERVIEW OF THE MISS PHOTOGENIC COMPETITION**

104. At all relevant times, Derrick Lee maintained the website for the Miss Illinois United States Organization at [www.missillinois.com](http://www.missillinois.com), and he composed and was aware of the content on this website.

105. The Miss Photogenic competition took place on the website of the Miss Illinois United States Organization at [www.missillinois.com](http://www.missillinois.com) from March 2 to March 28, 2015.

106. Each contestant in Derrick Lee's upcoming beauty pageant of March 29, 2015, was also a contestant in the Miss Photogenic competition.

107. A photograph of each contestant in the Miss Photogenic competition was featured on the website of the Miss Illinois United States Organization from on or about March 2 to March 28, 2015.

108. Members of the public cast one or more votes on the website of the Miss Illinois United States Organization for the contestant or contestants in the Miss Photogenic competition that they considered to be the most photogenic person or persons.

109. Each vote for the Miss Photogenic competition cost \$1.

110. At all relevant times, Derrick Lee was the sole owner of PayPal Account #1911794942908204828, and he maintained this PayPal account under his assumed business name of Team DQ: Pageant Prep & Image Consulting.

111. Members of the public paid for each vote for the Miss Photogenic competition by making an online payment via PayPal into Derrick Lee's PayPal Account #1911794942908204828.

112. Members of the public paid thousands of dollars in total into Derrick Lee's PayPal Account #1911794942908204828 to cast votes in the Miss Photogenic competition.

113. Over 75 persons contributed approximately \$3,000 in total to the Miss Photogenic competition.

### **XIII. REPRESENTATIVE TRANSACTION WITH AN ILLINOIS RESIDENT (KIMBERLY TRIANI)**

114. The paragraphs in the People's Complaint which follow regarding Kimberly Triani and Connie Larson are included to provide specific examples of the Defendant's violations of the Consumer Fraud Act and are not meant to be exhaustive of the Defendant's unlawful activities. The People reserve the right to prove that other persons have been misled or deceived as a result of the Defendant's unlawful practices.

115. At all relevant times, Kimberly Triani was an Illinois resident.

116. On or about March 2, 2015, Derrick Lee hosted a rehearsal for his upcoming beauty pageant at the Chicago Dance Center in Chicago, Illinois.

117. At this rehearsal, Derrick Lee represented to Kimberly Triani, Connie Larson, and other persons present that "all" of the monies contributed to the Miss Photogenic competition would be provided to the Ann & Robert H. Lurie Children's Hospital.

118. On or about March 2, 2015, Kimberly Triani accessed and viewed the Facebook page of Derrick Lee, and she read Derrick Lee's Facebook posting of March 2, 2015, that is described in paragraphs 59-62 of the People's Complaint.

119. On or about March 3, 2015, Kimberly Triani accessed and viewed the Facebook page of contestant Ciara Evans and she read Ciara Evans' Facebook posting of March 2, 2015, that is described in paragraphs 75-76 of the People's Complaint.

120. On or about March 7, 2015, Kimberly Triani accessed and viewed the Facebook page of Felicia Sewell, and she read Felicia Sewell's Facebook posting of March 3, 2015, that is described in paragraphs 81-82 of the People's Complaint.

121. On or about March 7, 2015, Kimberly Triani accessed and viewed the Facebook page of Nicole Saineghi, and she read Nicole Saineghi's Facebook posting of March 7, 2015, that is described in paragraphs 83-84 of the People's Complaint.

122. At all relevant times, neither Derrick Lee nor any other person had informed Kimberly Triani that:

(a) Derrick Lee had failed to submit the necessary paperwork to obtain the authorization and approval from the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;

(b) Derrick Lee had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;

(c) Derrick Lee had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to use its name, likeness, or logo in conjunction with the Miss Photogenic competition;

(d) the Ann & Robert H. Lurie Children's Hospital was not the sole beneficiary of the monies raised by the Miss Photogenic competition;

(e) Derrick Lee intended to use the majority of proceeds raised by the Miss Photogenic competition to pay various expenses incurred by his beauty pageant; and

(f) Derrick intended to use the majority of proceeds raised by the Miss Photogenic competition for his own benefit.

123. Derrick Lee intended that Kimberly Triani would rely on the above representations and omissions.

124. Kimberly Triani relied on the above representations and omissions, and Kimberly Triani believed that Derrick Lee was authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf and that all of the monies raised by the Miss Photogenic competition would be donated to the Hospital.

125. On or about March 11, 2017, Kimberly Triani furnished Connie Larson with \$10 to cast votes in the Miss Photogenic competition on the behalf of Connie Larson's daughter.

126. Kimberly Triani would not have furnished any monies to the Miss Photogenic competition if she knew at the time that Derrick Lee was not authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf and that all of the monies raised by the Miss Photogenic competition would not be donated to the Hospital.

#### **XIV. REPRESENTATIVE TRANSACTION WITH AN ILLINOIS RESIDENT (CONNIE LARSON)**

127. At all relevant times, Connie Larson was an Illinois resident.

128. Connie Larson's daughter was a contestant in the Miss Photogenic competition.

129. On or about March 2, 2015, Derrick Lee hosted a rehearsal for his upcoming beauty pageant at the Chicago Dance Center in Chicago, Illinois.

130. At this rehearsal, Derrick Lee represented to Connie Larson, Kimberly Triani, and other persons present that "all" of the monies contributed to the Miss Photogenic competition would be provided to the Ann & Robert H. Lurie Children's Hospital.

131. Prior to March 14, 2015, Connie Larson accessed and viewed the Facebook page of contestant Saavedra Lewis, and she read Saavedra Lewis' Facebook posting of March 2, 2015, that is described in paragraphs 77-78 of the People's Complaint.

132. Prior to March 14, 2015, Connie Larson accessed and viewed the Facebook page of contestant Chassidy Spencer and she read Chassidy Spencer's Facebook posting of March 2, 2015, that is described in paragraphs 79-80 of the People's Complaint.

133. Prior to March 14, 2015, Connie Larson accessed and viewed the Facebook page of Felicia Sewell, and she read Felicia Sewell's Facebook posting of March 3, 2015, that is described in paragraphs 81-82 of the People's Complaint.

134. Prior to March 14, 2015, Connie Larson accessed and viewed the Facebook page of Nicole Saineghi, and she read Nicole Saineghi's Facebook posting of March 7, 2015, that is described in paragraphs 83-84 of the People's Complaint.

135. Prior to March 14, 2015, neither Derrick Lee nor any other person had informed Connie Larson that:

(a) Derrick Lee had failed to submit the necessary paperwork to obtain the authorization and approval from the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;

(b) Derrick Lee had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf;

(c) Derrick Lee had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to use its name, likeness, or logo in conjunction with the Miss Photogenic competition;

(d) the Ann & Robert H. Lurie Children's Hospital was not the sole beneficiary of the monies raised by the Miss Photogenic competition;

(e) Derrick Lee intended to use the majority of proceeds raised by the Miss Photogenic competition to pay various expenses incurred by his beauty pageant; and

(f) Derrick intended to use the majority of proceeds raised by the Miss Photogenic competition for his own benefit.

136. Derrick Lee intended that Connie Larson would rely on the above representations and omissions.

137. Connie Larson relied on the above representations and omissions, and Connie Larson believed that Derrick Lee was authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf and that all of the monies raised by the Miss Photogenic competition would be donated to the Hospital.

138. On or about March 11, 2015, Kimberly Triani furnished Connie Larson with \$10 to cast votes in the Miss Photogenic competition on the behalf of Connie Larson's daughter.

139. On March 14, 2015, Connie Larson accessed the website of the Miss Illinois United States Organization at [www.missillinois.com](http://www.missillinois.com) and then cast 25 votes in the Miss Photogenic competition at a total cost of \$25 on the behalf of her daughter.

140. On March 14, 2015, Connie Larson paid \$25 for the 25 votes in the Miss Photogenic competition by making an online payment via PayPal into Derrick Lee's PayPal Account #1911794942908204828. A true and correct copy of a receipt for Connie Larson's March 14, 2015, payment of \$25 to the Miss Photogenic competition is attached and incorporated into the People Complaint as **Exhibit V**.

141. On or about March 14, 2015, Derrick Lee's PayPal Account #1911794942908204828 received Connie Larson's payment of \$25 (exclusive of PayPal transaction fees).

142. Connie Larson would not have furnished any monies to the Miss Photogenic competition if she knew at the time that Derrick Lee was not authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf and that all of the monies raised by the Miss Photogenic competition would not be donated to the Hospital.

## **XV. DERRICK LEE'S COMMUNICATIONS WITH THE HOSPITAL AFTER THE COMPETITION**

143. On March 31, 2015, Kaelyn Tucker sent an e-mail to Derrick Lee. Kaelyn Tucker informed Derrick Lee that she knew that his Illinois beauty pageant had taken place during the prior week and inquired about his past offer to make a donation to the Hospital. A true and correct copy of Kaelyn Tucker's email of March 31, 2015, to Derrick Lee (with redactions of Kaelyn Tucker's telephone number and e-mail address) is attached and incorporated into the People's Complaint as **Exhibit W**.

144. On March 31, 2015, Derrick Lee sent a reply mail to Kaelyn Tucker. Derrick Lee informed Kaelyn Tucker that he had completely overlooked her previous e-mail (of March 3, 2015). Derrick Lee promised to contact Kaelyn Tucker during the following week to make arrangements for the new titleholders to present a donation to the Hospital. Derrick Lee also promised to submit a signed Community Fundraiser Proposal and Waiver to the Hospital. A true and correct copy of Derrick Lee's email of March 31, 2015, to Kaelyn Tucker is attached and incorporated into the People's Complaint as **Exhibit X**.

145. On March 31, 2015, Kaelyn Tucker sent a second e-mail and an attachment to Derrick Lee. A true and correct copy of Kaelyn Tucker's second email of March 31, 2015, to Derrick Lee (with redactions of Kaelyn Tucker's telephone number and e-mail address) and its attachment are attached and incorporated into the People's Complaint as **Exhibits Y and Z1-Z4**, respectively.

146. Kaelyn Tucker's attachment included a (i) Community Fundraiser Guidelines and Logo Release Form and a (ii) Community Fundraiser Proposal and Waiver. **See Exhibit Z3-Z4**.

147. Kaelyn Tucker asked Derrick Lee to sign and return the Community Fundraiser Proposal and Waiver to her. **See Exhibit Y**.



148. On or about March 31, 2015, Derrick Lee received and read Kaelyn Tucker's e-mail and the included attachment.

149. Derrick Lee never signed the Hospital's Community Fundraiser Proposal and Waiver.

150. Derrick Lee never submitted a signed Community Fundraiser Proposal and Waiver to Kaelyn Tucker or any other person affiliated with the Ann & Robert H. Lurie Children's Hospital.

151. Thereafter, Derrick Lee did not contact Kaelyn Tucker or any other person affiliated with the Ann & Robert H. Lurie Children's Hospital to make arrangements for his Illinois pageant titleholders to present a donation to the Hospital.

#### **XVI. DERRICK LEE'S \$100 DONATION TO THE HOSPITAL**

152. As of October 12, 2015, Derrick Lee had not remitted any monies from the Miss Photogenic competition to the Ann & Robert H. Lurie Children's Hospital.

153. On and before October 12, 2015, Derrick Lee was aware of criticism from one or more members of the public regarding his purported failure to remit any monies from the Miss Photogenic competition to the Hospital.

154. On October 13, 2015, Derrick Lee submitted a donation of \$100 to the Ann & Robert H. Lurie Children's Hospital.

155. As of the date of the filing of the People's Complaint, Derrick Lee had not provided any additional monies or proceeds from the Miss Photogenic competition to the Ann & Robert H. Lurie Children's Hospital.

156. Derrick Lee used the majority of the monies raised by the Miss Photogenic competition to pay various expenses incurred by his Illinois beauty pageant.

157. Derrick Lee used the majority of the monies raised by the Miss Photogenic competition for his own benefit.

158. Consequently, the Ann & Robert H. Lurie Children's Hospital was not the sole beneficiary of the Miss Photogenic competition.

## **XVII. OFFENSE**

### **COUNT I**

#### **VIOLATIONS OF THE CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT BY DERRICK LEE**

1. The State's Attorney incorporates by reference and realleges herein paragraphs 1-158.

159. By taking part in the aforementioned conduct, Derrick Lee engaged in the following deceptive practices in the course of trade or commerce in Cook County, Illinois:

(a) The Defendant misrepresented, expressly or by implication, that he was authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf. This deceptive activity is a violation of paragraph 510/2(a)(5) of the Uniform Deceptive Trade Practices Act [815 ILCS 510/2(a)(5)] and paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(b) The Defendant misrepresented, expressly or by implication, that the Miss Photogenic competition was a fundraising event that had been authorized by the Ann & Robert H. Lurie Children's Hospital. This deceptive activity is a violation of paragraph 510/2(a)(5) of the Uniform Deceptive Trade Practices Act [815 ILCS 510/2(a)(5)] and paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(c) The Defendant misrepresented, expressly or by implication, that all or most of the monies provided to the Miss Photogenic competition would be contributed to the Ann & Robert H. Lurie Children's Hospital. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(d) The Defendant made the following material omissions in conjunction with the Miss Photogenic competition.

(i) The Defendant omitted to disclose that he had failed to submit the necessary paperwork to obtain the authorization from the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(ii) The Defendant omitted to disclose that he had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to raise any monies on its behalf. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(iii) The Defendant omitted to disclose that he had not secured the authorization of the Ann & Robert H. Lurie Children's Hospital to use its name, likeness, or logo in conjunction with the Miss Photogenic competition. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(iv) The Defendant omitted to disclose that the Ann & Robert H. Lurie Children's Hospital was not the sole beneficiary of the monies raised by the Miss Photogenic competition. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(v) The Defendant omitted to disclose that he intended to use the majority of proceeds raised by the Miss Photogenic competition to pay various expenses incurred by his Illinois beauty pageant. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

(vi) The Defendant omitted to disclose that he intended to use the majority of proceeds raised by the Miss Photogenic competition for his own benefit. This deceptive activity is a violation of paragraph 505/2 of the Consumer Fraud Act [815 ILCS 505/2].

160. Derrick Lee made, or knowingly permitted other innocent persons to make, the above misrepresentations and omissions with the intent that members of the public would rely on the misrepresentations and omissions.

161. Members of the public relied on the above misrepresentations and omissions and were induced to believe that Derrick Lee was authorized by the Ann & Robert H. Lurie Children's Hospital to raise monies on its behalf.

162. Members of the public relied on the above misrepresentations and omissions and were induced to believe that all or most of their contributions to the Miss Photogenic competition would be donated to the Ann & Robert H. Lurie Children's Hospital.

163. Members of the public relied on the above misrepresentations and omissions and sustained losses when the monies that they contributed to the Miss Photogenic competition were subsequently used by Derrick Lee for his own benefit and not provided to the Ann & Robert H. Lurie Children's Hospital.

## COUNT I

### PRAYER FOR RELIEF

**WHEREFORE, the State's Attorney prays that this Court grant the following relief against Derrick Lee.**

A. Enter an order finding that the Defendant has engaged in deceptive practices in the course of trade or commerce in Cook County, Illinois, in violation of the Consumer Fraud Act.

B. Enter an order temporarily restraining the Defendant from committing any further violations of the Consumer Fraud Act, including but not limited to, the acts and practices specified in Count I of the People's Complaint.

C. Enter an order preliminarily and permanently enjoining the Defendant from committing any further violations of the Consumer Fraud Act, including but not limited to, the acts and practices specified in Count I of the People's Complaint.

D. Enter an order requiring the Defendant to pay restitution to all members of the public and the Ann & Robert H. Lurie Children's Hospital that were harmed by his violations of the Consumer Fraud Act.

E. Enter an order assessing a \$50,000 civil penalty against the Defendant.


F. In the alternative, in the event the Court finds that the Defendant engaged in unlawful acts under the Consumer Fraud Act with the intent to defraud, enter an order against the Defendant assessing a \$50,000 civil penalty per violation of the Consumer Fraud Act.

G. Enter an order assessing court costs for this proceeding against the Defendant.

H. Enter an order granting such other relief that this Court deems necessary.

**Respectfully submitted,**

**KIMBERLY M. FOXX**  
State's Attorney of Cook County

By: 

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Assistant State's Attorney

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