

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

2006 MAR 13 AM 10:36

BARBARA A. MCKINZIE,)
PLAINTIFF,)
V.)
ALPHA KAPPA ALPHA, SORORITY, INC.)
DEFENDANT.)

COUNTY DEPARTMENT OF ROCK
COUNTY DEPARTMENT OF CHANCERY DIV.
CLERK

NO.

060104

COMPLAINT

NOW COMES, BARBARA A. MCKINZIE, Plaintiff, by and through her attorneys, ZIPPORAH J. LEWIS & ASSOCIATES, and complain against Alpha Kappa Alpha Sorority, Inc., Defendant, and in support of Plaintiff's request for injunctive relief states as follows:

COUNT I

1. Alpha Kappa Alpha Sorority, Inc, (hereinafter referred to as "AKA") is a not for profit organization authorized to do business in Illinois with its principal corporate headquarters located at 5656 So. Stony Island, Chicago, IL.
2. AKA is a member organization with members worldwide.
3. Barbara A. McKinzie is an Illinois resident.
4. Barbara A. McKinzie is the First Vice President of AKA and has been a member of AKA for 33 continuous years.
5. That Ms. McKinzie is the incoming President of AKA, with her installation as President to occur in mid July 2006.

COUNT II

FACTS

1. During the relevant period in question, AKA was and is governed by an eighteen (18) member Board of Directors referred to as the Directorate (hereinafter Board).
2. That from March 2, 2006 through March 5, 2006 the Board met during a regularly scheduled meeting in Detroit, Michigan.
3. That prior to the meeting, the members of the Board each received a copy of the Notice of Meeting and Agenda. (See Exhibit #1 attached to and incorporated herein by reference)
4. That Ms McKinzie participated in all scheduled meetings of the Board that was held March 2nd, 3rd, and the 4th.
5. That on the evening of March 4th Ms. McKinzie was notified of an emergency that required her to leave the meeting and travel to Louisiana.
6. That upon being told that the Ms. McKinzie and another member of the Board would be leaving the meeting early, the President of AKA informed Ms. McKinzie that she would be presenting information the following day to the Board concerning a complaint that the President had received from a vendor of AKA alleging financial misconduct by Ms. McKinzie during Ms McKinzie's term as Treasurer of AKA in 2002.
7. That prior to this brief meeting, Ms. McKinzie had not received any notice of a complaint having been filed against her or that it would be the subject of any portion of the Board's agenda.
8. That the Agenda mailed to each Board member notified the members of the purpose of each Executive Session except Sunday's session when the complaint was presented. (See Exhibit #1 attached to and incorporated herein by reference)

9. That when the Board convened on Sunday morning March 5, 2006, only 16 members of the 18 members of the Board were present. The President of AKA informed the Board of a written complaint that the President had received from a vendor, alleging that Ms. McKinzie had extorted him during her term as Treasurer of the Organization with his complaint suggesting that Ms. McKinzie be suspended and resign as Vice President of the Organization. (See Exhibit #2 attached to and incorporated herein by reference)
10. That the alleged misconduct occurred in 2002 during Ms. McKinzie's term as Treasurer of AKA and was reported to the President as far back as November or December of 2005. However, the President did not bring it to the attention of the Board until March 5, 2006.
11. That prior to the Board meeting, the President had initiated an investigation into the complaint by having the attorney for the Organization meet with the complainant. In addition to meeting with the complainant, the Attorney also examined certain financial records that were provided by the complainant that consisted of three cancelled checks written by the complaining party to Ms. McKinzie.
12. That Ms. McKinzie was neither made aware of the complaint nor put on notice that she was being investigated nor was she interviewed by the attorney and given an opportunity to defend herself against the allegation prior to the matter being presented to the Board.
13. That during the meeting of the Board on March 5, 2006, the attorney reported his concerns regarding the staleness of the complaint as well as the motivation behind the Complaint in that the Complainant had expressed his concerns to the Attorney that Ms. McKinzie did not intend to retain the complainant's services as a travel consultant when she became President.
14. That in spite of the concerns expressed by the Attorney for the Organization and the fact that Ms. McKinzie had not received notice of the complaint nor been allowed to defend herself against the allegation during the investigation conducted by the Attorney, the Board, none the less,

moved to place Ms. McKinzie on Withdrawal of Privileges (Suspension) pending the outcome of yet another investigation which amounted to a second investigation of the complaint. The Motion received nine (9) affirmative votes to Withdraw Privileges and (6) nay votes. The President did not participate in the vote but stated on the record that she was in favor of imposing the Withdrawal of Privileges.

15. That the result of placing Ms. McKinzie on Withdrawal of Privileges was equivalent to suspending and removing her office in that Ms. McKinzie was notified in a letter from the President dated March 8, 2006 that she could not engage in any activities related to her position as Vice President of the Organization. The specific restrictions are contained in the letter. (See Exhibit #3 attached to and incorporated herein by reference)
16. That the Organization has adopted a Constitution and Bylaw as its governing authority along with Robert's Rules of Order, latest edition.
17. That neither the Organization's documents nor Robert's Rules of Order, the Organization's parliamentary authority, contain provisions that authorize or permit the removal of an Officer of the organization during an investigation.
18. That even if the action was allowed, the motion did not receive the requisite number of affirmative votes to remove Ms. McKinzie from office.
19. That AKA's Constitution and Bylaws and parliamentary authority require any motion or action that infringes upon, denies, or in any manner interferes with membership rights or results in the removal from office, must be passed with a two-thirds (2/3) vote of the Board.
20. That no less than ten (10) affirmative votes were required to meet the two-thirds (2/3) requirement and the Board's action was based on nine (9) affirmative votes, which is less than the required two-thirds (2/3) votes necessary for the motion to pass. Therefore, based on AKA's Constitution and Bylaws, the motion regarding imposing Withdrawal of Privileges clearly did not pass. (See Exhibit #4 attached to and incorporated herein by

reference)

21. That the Board's action imposing the Withdrawal of Privileges was punitive, negligent and denied Ms. McKinzie her due process rights. That the action is in direct violation of and not supported by AKA's Constitution and Bylaws, the governing documents of the organization.
22. That upon learning of the Board's action, Ms. McKinzie requested that the vote be rescinded and that she be reinstated. The President did not respond to her request.
23. That in addition to Ms McKinzie's efforts to get the improper action set aside, 9 additional members of the 18 Board members contacted the President to request that a special meeting be convened after realizing that the action was improper and was in violation to the Organizations Constitution and Bylaws. The President refused to call such meeting. (See Exhibit #5 attached to and incorporated herein by reference)
24. That the Board's action violated it own rules and is therefore clearly null and void on its face. That the Board's action allowed a punitive action to be imposed prior to any determination of the veracity of the complaint or that the complaint has sufficient merit to warrant further action.
25. That Ms McKinzie's efforts to seek redress within the Organization have been summarily denied and Ms McKinzie has no other remedy available within the Organization. (See Exhibit #6 attached to and incorporated herein by reference)
26. That as a result of the Board's action, Ms McKinzie has been grievously and irreparably harmed both professionally, emotionally and in her ability to perform the duties of her current position of First Vice President.
27. That in spite of what the Agenda stated, the Board did not vote to go into Executive Session and as a result, the complaint and statements made by the President against Ms. McKinzie have libeled and slandered Ms. McKinzie causing irreparable damages to her reputation as a member of the Organization, as the Organization's incoming President and has cast


suspicion on her profession as a Certified Public Accountant.

28. That the Board's actions to remove her from office has severely impacted her ability to prepare for the her term of office as President and to perform other administrative duties in that she has been prohibited from engaging in all activities on behalf of the organization which includes attending previously scheduled meetings with prospective donors and college officials that cannot be rescheduled.
29. That the Committee that has been assembled by the President to conduct a second investigation of the matter has been assembled in violation of the Organization's Constitution and Bylaws.

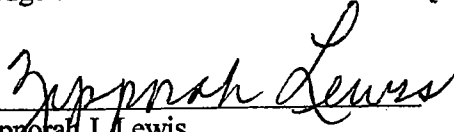
Wherefore, based on the foregoing, Barbara McKinzie, prays that the Court grant the following relief:

1. Determine that the Board's Action regarding Ms McKinzie's Withdrawal of Privileges is deemed null and void and is therefore stayed.
2. That the Committee appointed to investigate the allegation be dismissed.
3. That the Board cease and desist in any and all actions taken on and subsequent to March 5, 2005 vote.
4. That the record of the proceeding be sealed and the minutes be expunged relative to the deliberation and vote taken.
5. That the Defendant be responsible for any and all costs, including but not limited to attorneys' fees, incurred in this matter.
6. Any other actions the Court may deem fit and just.

Respectfully submitted,


Zipporah J. Lewis & Associates

I certify, pursuant to 735 ILCS 5/2-605, that I have read the foregoing Complaint for Injunctive Relief and that I have knowledge of the matters set forth herein and stated such matters are true and correct.


Zipporah J. Lewis

Attorney No. 14323
Zipporah J. Lewis & Associates
203 North LaSalle Street, Suite 2100
Chicago, Illinois 60601
312 263 130



Alpha Kappa Alpha Sorority, Incorporated
Directorate Meeting
March 2-5, 2006
Marriott- Renaissance Hotel -Detroit, Michigan

Agenda

Thursday, March 2, 2006

2:00 p.m.	Executive Session Call To Order Meditation Roll Call Expulsion Hearings	Nicolet Soror Linda M. White Soror Cynthia Finch Soror Carolyn House Stewart
5:00 p.m.	Adjourn	
6:00 p.m.	Dinner Grace	Duluth Soror Berna Greer
8:00 p.m.	Directorate Meeting Call to Order Roll Call Minutes Officer Reports Supreme Basileus Archives Connection Program Executive Director	Nicolet Soror Linda M. White Soror Carolyn House Stewart Soror Linda M. White Soror Phyllis Robinson Soror Ferial Bishop Soror Juanita Sims- Doty Soror Betty James
9:00 p.m.	Regional Director Concerns	
10:00 p.m.	Adjournment	

Friday, March 3, 2006

8:00 a.m.	<i>Continental Breakfast</i> Grace	Duluth Soror Rachel Mallory
9:00 a.m.	Tour of Convention Center/Hotels	Hotel Staff
12:30 p.m.	<i>Lunch</i> Grace	Duluth Soror Candice Calhoun
2:00 p.m.	Voting Demonstration	Brule
2:30 p.m.	Directorate Meeting Continues	Nicolet
	Committee Reports	
	First Supreme Anti-Basileus	Soror Barbara McKinzie
	Nominating Committee	Soror Gail Atley
5:00 p.m.	<i>Recess</i>	
6:00 p.m.	<i>Dinner</i> Grace	Duluth Soror C. Edith Booker
8:00 p.m.	<i>Directorate Meeting Resumes</i>	Nicolet
	Standards/Boule Workshops	Soror DeVera Redmond
	Diamond/Golden Sorors	Soror Martha Logan
	Corporate Partners	Soror Rita Wilson
10:00 p.m.	<i>Recess</i>	

Saturday, March 4, 2006

8:00 a.m.	<i>Continental Breakfast</i> Grace	Duluth Soror Erica Horton
9:00 a.m.	Committee Reports Continue	Nicolet
	Constitution	Soror Rachel Ashburn Mallory
	Human Resources	Soror Martha Beard
	Second Supreme Anti-Basileus	Soror Nekeidra Brown
	Undergraduate Activities	
	Membership	Soror Alana Broady
10:15 am	<i>Break</i>	

Saturday, March 4, 2006 Continued

10:30 a.m.	Tamiouchos Finance Building and Properties Protocol	Soror Berna Greer Soror Alison H. Alexander Soror Yvonne Perkins
12:00 p.m.	Lunch Grace	Duluth Soror Irene McCollom
2:00 p.m.	Executive Session (Hearings)	Nicolet
6:00 p.m.	Dinner Grace	Coach Insignia Steakhouse Mariott Renaissance Top Floor Soror Tari Bradford
8:00 p.m.	Executive Session Continues (Hearings) Honorary Members Graduate/Undergraduate Concerns Technology Old Business New Business Announcements Adjournment	Soror Conchetta White Fulton Soror C. Edith Booker Soror Claire Carey
10:00 p.m.		

Sunday, March 5, 2006

8:00 a.m.	Breakfast Grace	Duluth Soror Joy Elaine Daley
10:00 a.m.	Executive Session	Nicolet
12:00 p.m.	Departure	

Linda M. White
President
Alpha Kappa Alpha Sorority, Incorporated
5656 South Stony Island Avenue
Chicago IL 60637

Linda,

After I made all the necessary arrangements for the 2002 Alpha Kappa Alpha Post Boule Tour, Ms. Barbara A. McKinzie, Supreme Tamiouchous 1998-2002, told me that as financial officer for Alpha Kappa Alpha Sorority, Inc., she had to audit the trip making sure that I did not overcharge travelers. She also stated that since she had to check my work, she was being a consultant for and that I would have to pay her based on the amount of travelers. She also stated that if I did not agree to this she had the authority not sign the checks payable to me for my services and someone else would do the trip. I met with Ms. McKinzie in the second floor conference room at the Alpha Kappa Alpha Corporate office. I had prices for the trip and made the decision on which tour operators I would use. During the meeting with Ms. Mc Kinzie insisted that I call each supplier so that she could audit my work. The two suppliers that I choose were American Airlines and EC Tours (Miriam Palacio). After almost two hours of her rudeness and screaming at the suppliers she told me that the fares I had were the best and I could do the Post Boule Tour and I was to pay her for her work. Most of the checks that I received required two signatures. Ms. Mc Kinzie told me to have Evelyn gave me the AKA checks that required her signature. I would meet Ms. Mc Kinzie give her the checks she would sign my check and I give her my personal check for her fee for the audit. I would return the AKA checks to Evelyn the next day. I know that this is not standard procedure. Ms. Mc Kinzie had no right to ask me for a commissions. She used me to extort monies from the sorority. I am now being audited by the internal revenue service because I refuse to pay taxes on that \$20, 114.00 that Ms. Mc Kinzie extorted. I believe that this matter she be given to the board of directors at Alpha Kappa Alpha, Ms. Mc Kinzie should be confronted about this matter, resign as Vice President and suspended from the sorority.

Truthfully submitted
David Carpenter
David Carpenter
Travel Consultant
773-721-1676-h

12/15/05 - Talked with Charles Albert...

EXHIBIT 2

528200200110A0201020 89458020 2005873 22566 204522
 2316 E 70TH PLACE
 CHICAGO, IL 60649
 DATE *May 29, 2002*
 PAY TO THE ORDER OF *Barbara McKinzie* \$ *8104.00*
Eight thousand one hundred four and 00/100
 SHOREBANK
 CHICAGO, ILLINOIS 60649
 ACCOUNT NO. *David Reynolds*
 ⑆071004226⑆ ⑆3000008550⑆ 0105 ⑆0000810400⑆
 ⑆071004226⑆ ⑆3000008550⑆ 0105 ⑆0000810400⑆

ORA Debits - 05/31/2002 - 205

NY 02 30
 SHOREBANK CHICAGO
 CHICAGO, ILLINOIS 60649
 ⑆071004226⑆ ⑆3000008550⑆ 0105 ⑆0000810400⑆
 ⑆071004226⑆ ⑆3000008550⑆ 0105 ⑆0000810400⑆
 POSITION 11
 071004226
 0000810400
 ⑆071004226⑆ ⑆3000008550⑆ 0105 ⑆0000810400⑆

ORA Debits - 05/31/2002 - 205

EXHIBIT 2

6272002001110030914039 79168020 7-22026070 04183 025919

DAVID CARPENTER 2316 E 70TH PLACE CHICAGO, IL 60649

PAY TO THE ORDER OF *Barbara McKinzie* \$ 10,000.00

Remittance to 10/18/02

SHOREBANK CHICAGO, ILLINOIS 60606

ALBANI *David Carpenter*

⑆071000134⑆ ⑆3000008550⑆ 0268 ⑆0004001000⑆

BAR 000120-07/02/2002-268-810, 020.00-82-12000220

070102 01 1200224
SHOREBANK CHICAGO
SHOREBANK CHICAGO

071000134
BANK OF AM
CHICAGO IL 11/22/02
05441963

*Spokane Valley
David L. Carpenter
110030416838*

BAR 000120-07/02/2002-268-810, 020.00-82-12000220

EXHIBIT 2

