

**BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO
AS A DULY CONSTITUTED ELECTORAL BOARD**

Objections of: NEFTALIE GONZALEZ)
)
)
To the Nomination) No.: 15-EB-ALD-023
Papers of: ROBERT MARTINEZ)
)
Candidate for the office of)
Alderman of the 22nd Ward, City of Chicago)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of NEFTALIE GONZALEZ (“Objector”) to the nomination papers (“Nomination Papers”) of ROBERT MARTINEZ, candidate for the office of Alderman of the 22nd Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014, at 9:00 a.m., in Room 800, 69 West Washington Street, Chicago, Illinois, and having heard and determined the Objections to the Nomination Papers in the above-entitled matter, finds that:

1. Objections to the Nomination Papers of the Candidate herein were duly and timely filed.
2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman of the Electoral Board and served upon the members of the Electoral Board, the Objector and the Candidate, by registered or certified mail and by Sheriff's service, as provided by statute.

4. A public hearing held on these Objections commenced on December 8, 2014 and was continued from time to time.

5. The Electoral Board originally assigned this matter to Hearing Officer Joe Ponsetto; however, the case was reassigned to Hearing Officer Mary Celeste Meehan for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, NEFTALIE GONZALEZ, pro se; the Candidate, ROBERT MARTINEZ, by his attorney, Frank Avila. Anish Parikh later filed an appearance on behalf of the Objector.


7. The Hearing Officer has tendered to the Electoral Board her report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and dismissed and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

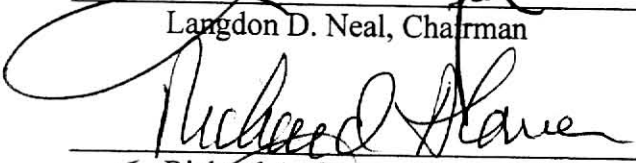
9. For the reasons stated above, the Electoral Board overrules and dismisses the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

IT IS THEREFORE ORDERED that the Objections of NEFTALIE GONZALEZ to the Nomination Papers of ROBERT MARTINEZ, candidate for election to the office of Alderman of the 22nd Ward of the City of Chicago, are hereby OVERRULED AND DISMISSED and said Nomination Papers are hereby declared VALID and the name of ROBERT MARTINEZ, candidate for election to the office of Alderman of the 22nd Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

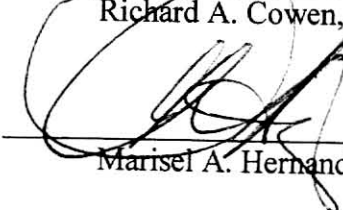
Dated: Chicago, Illinois, on December 19, 2014.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, Commissioner

NOTICE: Pursuant to Section 10-10.1 of the Election Code (10 ILCS 5/10-10.1) a party aggrieved of this decision and seeking judicial review of this decision must file a petition for judicial review with the Clerk of the Circuit Court of Cook County within 5 days after service of the decision of the Electoral Board.

THE BOARD OF ELECTION COMMISSIONERS
FOR THE CITY OF CHICAGO

NEFTALIE GONZALEZ)
 Objector) Case No. 15-EB-ALD-023
)
vs.)
)
ROBERT MARTINEZ) Hearing Officer MEEHAN
 Candidate)

FINDINGS AND RECOMMENDED DECISION OF HEARING OFFICER

This matter came to be heard on December 11, 2014 at 11:05 a.m. for evidentiary hearing. Present was the Objector Neftalie Gonzalez, Objector's Attorney Anish Parikh, the Candidate Robert Martinez, and Attorney for Candidate Frank Avila. Hearing Officer Mary C. Meehan finds and recommends as follows:

Upon inspection by the Hearing Officer and the parties, it was agreed and became absolutely clear the Objector's Petition submitted by Neftalie Gonzalez in objection to Candidate Robert Martinez's nominating papers for the Office of Alderman of the 22nd Ward in the City of Chicago, State of Illinois, is insufficient in fact and law for the following reasons:

1. The minimum number of valid signatures required by law to be placed on the ballot for the office in question is 473, (65 ILCS 20/21-28a).
2. The number of signatures submitted by the Candidate is 1527, as per the petition summary report.
3. The number of objections to signatures made by the Objector in his petition is 908.
4. The number of signatures which would be remaining had all the objections been upheld in favor of the Objector, would be 727 which is 254 signatures over the statutory required minimum of 473.

RECOMMENDED DECISION

In applying the law to the facts, the Hearing Officer renders a decision based upon all the evidence. The Objector bears the burden of proof. The Objector clearly failed to meet his

burden. The Hearing Officer finds and recommends the Candidate Robert Martinez has met his requirement of valid signatures under the law for nomination to the Office of Alderman for the 22th Ward, in the City of Chicago, State of Illinois. For reasons stated above, the Hearing Officer recommends the Electoral Board dismiss the Objection and find that the Nominating Papers of Robert Martinez valid.

ENTERED THIS 12th day of December 2014.



Mary C. Meehan
Hearing Officer