

BEFORE THE BOARD OF ELECTION COMMISSIONERS OF THE CITY OF CHICAGO AS THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE 49TH WARD OF THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 26, 2019 MUNICIPAL GENERAL ELECTION

LATOYA L. PETERSON,)		
Petitioner-Objector,)		
VS.)	No.	19-EB-ALD-057
NATHAN BENJAMIN MYERS,)		
Respondent-Candidate)		

VERIFIED OBJECTOR'S PETITION

Latoya L. Peterson, hereinafter sometimes referred to as the "Objector", states as follows:

- 1. Objector Latoya L. Peterson resides at 7350 N. Damen Ave. #3, Chicago IL 60645, and is a duly qualified, legal and registered voter at that address in the 49th Ward of the City of Chicago, County of Cook, State of Illinois.
- 2. The Objector's interest in filing this Petition is that of voters desirous that the laws governing the filing of nomination papers for the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois are properly complied with, and that the laws governing the filing of nomination papers for the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois are properly complied with, and that the laws governing the filing of nomination papers for the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois are properly complied with, and that the laws governing the filing of nomination papers for the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois are properly complied with, and that the laws governing the filing the control of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Cook, State of Illinois are properly complied with a state of the City of Chicago, County of Chicago, Chicag
- 3. The Objector makes objections, as hereinafter stated in Paragraphs 57 8 of this Petition, to the purported nomination papers (herein referred to as the "Nomination Papers") of Nathan Benjamin Myers, (hereinafter referred to as "Respondent-Candidate") as a candidate for election to the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois, to be voted on at the Municipal General Election on February 26, 2019. The Objector states that the Nomination Papers are insufficient in fact and law for the reasons stated below.
- 4. Pursuant to Section 10-3.1 of the Illinois Election Code, 10 ILCS 5/10-3.1, and Section 21-28(a) of the Revised Cities and Villages Act of 1941, 65 ILCS 20/21-28(a), nomination papers for candidates for the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois, to be voted for at the Municipal General Election to be held February 26, 2019,

must contain the signatures of not fewer than 473 qualified voters of the 49th Ward of the City of Chicago, County of Cook, State of Illinois collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and be otherwise executed in the form provided by law. The Nomination Papers purport to contain a sufficient number of the signatures of such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.

- 5. The Respondent-Candidate failed to file a Statement of Economic Interests with the Cook County Clerk in relation to his candidacy, as required by Section 4A-101 of the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101, and Section 10-5 of the Illinois Election Code, 10 ILCS 5/10-5, and accordingly, the Nomination Papers are invalid in their entirety. A response from the Cook County Clerk to a Freedom of Information Act request made by Objector's Counsel, confirming this allegation is attached as Exhibit C.
- 6. The Respondent-Candidate failed to file a receipt with his Nomination Papers evidencing the filing of a Statement of Economic Interests with the Cook County Clerk in relation to his candidacy, as required by Section 10-5 of the Illinois Election Code, 10 ILCS 5/10-5, and accordingly, the Nomination Papers are invalid in their entirety. A copy of the Receipt for Nomination Papers issued by the Chicago Board of Election Commissions, and signed by the Respondent-Candidate, which indicates that no Receipt for Statement of Economic Interests was filed, is attached hereto and incorporated herein as Exhibit A.
- 7. Instead of filing the required Receipt for Statement of Economic Interests, the Respondent-Candidate filed with his Nomination Papers a receipt evidencing filing of a Statement of Financial Interests with the Chicago Board of Ethics, in violation of the Illinois Governmental Ethics Act, and the Illinois Election Code. A copy of the defective receipt is attached hereto and incorporated herein as Exhibit B. Such filing has consistently been held by the Chicago Board of Election Commissioners to be insufficient in such decisions as *Henning v. Persons*, 07-EB-ALD-050 (2007) and *Woods v. Healy*, 03-EB-ALD-023 (2003).
- 8. The Respondent-Candidate filed a Statement of Candidacy in which the Respondent-Candidate swore under oath that he "filed (or I will file before the close of the petition filing period) a Statement of Economic Interests as required by the Illinois Governmental Ethics Act...." The Respondent-Candidate did not file such Statement of Economic Interests and therefore the Statement of Candidacy is false and perjurious, and the Nomination Papers are invalid in their entirety.
- 9. Because of the above-listed irregularities and insufficiencies in the Nomination Papers, the Nomination Papers are invalid in their entirety.

WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district, to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Nathan Benjamin Myers shall not appear and be not printed on the ballot for election to the office of Alderman of the 49th Ward of the City of Chicago, County of Cook, State of Illinois, to be voted on at the Municipal General Election on February 26, 2019.

Respectfully submitted,

Michael C. Dorf

The Law Offices of Michael C. Dorf, LLC Attorney for Objector 8170 McCormick Blvd. Suite 221 Skokie, IL 60076 (312) 781-2806 - direct

(773) 218-7260 – mobile

mdorf@michaeldorflaw.com

VERIFICATION

State of Illinois)	
County of Cook) ss.	
The undersigned, being first duly sworn, deposes and states that the undersigned is one of the Objectors in the above Verified Objector's Petition; that s/he has read the same and knows the contents thereof; and that matters alleged therein are true to the best of the undersigned's knowledge and belief. Local Language OBJECTOR	
Subscribed and sworn to before me, a Notary Public, by LA751A L. PETERON O December 2, 2018.	בני
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NOTARY PUBLIC	
MICHAEL STATE OF 387 1200 A	
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EXHIBIT A



Receipt for Nomination Papers — City of Chicago For the February 26, 2019 Municipal Election Board of Election Commissioners for the City of Chicago Lance Gough, Executive Director

Name of Candidate Nathan Benjamin Myers	
Address 1102 W. North Shove Avenue	
Chicago, IL 60676	
Office on Desister	
Office on Petition Alderman, Ward 49 City Clerk City Treasurer Mayor	
Filing Ticket Number 48	
Are these items included? (Mark Yes or No) BOARD OF ELECTION COMMISSIONERS Yes No FOR THE CITY OF CHICAGO)
Statement of Candidacy 5:00 P.M. PETITION FILING	į
Receipt for Statement of Economic Interests	
Loyalty Oath (This document is optional.)	
Are the Nominating Papers bound? If yes, describe how they are bound: Sheclaces	
Was Election Board photo taken of Nominating Papers?	
Number on Last Page of Petition 437 Received From Nathru Buyanin Myers Phone 1773 968-8512	
Address 107 W- North Shar Avenue Phone 2 (if available) 773 761-66	29
Email 1 Revolfore	<u> </u>
signature of person submitting petition.	*
The following 2 items will be included on the Chicago Election Board's web site and candidate lists	
Campaign Phone 773 968-85/2. Campaign Email Bend H. org	·
For Election Board Employee to Complete	
otice of Campaign Finance & Disclosure Requirements Given: In Person By Mail	
eceived By Date 11/26/18	
Original: Keep with Petition Copy: For Candidate	

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2018 STATEMENT OF FINANCIAL IN

740 N. Sedgwick, Ste. 500 Chicago, IL 60654-8488

To avoid a violation of the Governmental Ethics Ordinance and sanctions, your name and violation being made public, you must return this form, co fater than the close of business Thursday, May 31, 2018 to:

(312) 744-9660 Board of Ethics 740 N. Sedgwick, Ste. 500 Chicago, IL Please complete this form, sign it and then mail / deliver it to the Board of Ethics.. We cannot eccept Statements via a 60654-6488/ formats. Please answer all 16 questions and sign and date your form before returning a if you need more room, please attach and label extra sheets. Terms with an asterisk(") are defined on the instruction sheet + in questions 2-5 & 8, molicate the appropriate income, compensation or capital gain by writing in the appropriate category letter: B= \$5,000 - \$24,999 Co less than \$5,000 NOTE: for security reasons, filers in the Chicago Fire and Police Departments, Inspector General's Office, Civilion Office of Police Accountability and Office of Emergency Communications and building and health inspectors need not disclose the address of business(es), organizations or property in questions 2 or 9; for question 9, however, they must list the number and types of properties owned; for example; two 6-flots, etc. Last Name: Myers First Name: Nathan Middle Initial Benjamin Mailing Address: 1102 W. North Shore Ave. City: Chicago State: Minol Zip: 60626 City Department/Board Title, n/a ກວກຄ of Commissions LDERMAN 49TH WARD 1. In 2017, were you employed by any governmental unit other than the City of Chicago? ∏ Yes **⊠** No IF YES, has the name of tern jeveramental usat 2. In 2017, did you serve as an employee, officer, director, associate, partner, or proprietor or in any advisory capacity for any professional, business or other organization (other than your City employment or appointment) from which you received or derived income of more than \$1,000:00? ☐ Yes X No If YES, for each organization provide the followingunion: (see note above) Nome & Type of Your Address: Amount of broom Organization: Position By Category 3. In 2017, did you receive compensation in excess of \$5,000.00 for professional*, business or other services rendered to a person* or entity doing business' with the City of Chicago, the Chicago Transit Authority, Chicago Board of Education, Chicago Park District, Chicago City Colleges, or Metropolitan Pier and Exposition Authority? Yes X No If YES, provide the following for each person or entity to which you provided services: Nature of Name Amount of Incor Service Person or Entity Did Business By Category 4. In 2017, did your spouse or domestic partner* receive compensation or payment in excess of \$5,000.00 for professional*, business, employment, work or other services rendered to a person* or entity doing business* with the City of Chicago, the Chicago Transit Authority, Chicago Board of Education. Chicago Park District. Chicago City Colleges, or Metropolitan Pier and Exposition Authority?

[1] I had no spouse or domestic partner in 2017. Yes X No If YES, provide the following for each person or entity to which Spouse/Domestic Partner provided services. Nature of Government Unit 1985 Whee - Amount of Income, Services Person or Entity Did Business By Category 5. In 2017, did any entity in which you OR your spouse or domestic partner* have a financial interest* receive compensation in excess of \$5,000.00 for professional pusiness or other services rendered to any person* or entity doing business * with the City of Chicago, the Chicago Transit Authority. Chicago Board of Education, Chicago Park District, Chicago City Colleges, or Metropolitan Pier and Exposition Authority? Yes 🗵 No If YES, growing the following information about the entity in which yourspouse/domestic partner have a financial interest Name of Person or Entity to whic vices were provided Nature of Government Unit With Services Which Person Did Busine Amount of Income. By Category 6. In 2017, did year have a financial interest" in any person" doing business" with the City? (Note: common stock interests in publicly held companies that

represent less that (1/2 of 1% (.05%) of the Company's outstanding common stock, or time or demand deposits in financial institutions, or endor policies or annually purchased from insurance companies, need not be disclosed.)

☐ Yes

Title or Description of Position You Held in This Person

区 %

H To

Name

the following for each person:

realized for each identified asset (see noce at top of form) Amount of gain, by	In 2017, did you realize a capital gain of \$5,000.00 or more from the sale of any capital asset other than your principal place of globence? If YES, Identify the asset(1) sold (including the address or legal description of the real estate) and the appropriate Canegory of the amount of garresized for each identified asset (see note at top of form). De you gazzered have a financial interest in real estate located in the City of Chicago, other than your principal place of residence? Include a more of decidence in clinical conversity, and a partnership to a total whose comput consists principal place of residence? Include a more of decidence in the City of Chicago, other than your principal place of residence? Include a didence is in a multiple-unit or mixed-use budding in which you have a financial interest. In some year to this question. July Yes identify the real estate by address (see note at top of form for liters from certain departments), including alp code, or, if there is no add indicates in a multiple-unit or mixed-use budding in which you have a financial interest. In some year to this question. July Yes, identify the real estate by address (see note at top of form for liters from certain departments), including alp code, or, if there is no address that the part of the partnership of the address (see note at top of form for liters from certain departments), including alp code, or, if there is no address year to the partnership on the partnership of the address (see note at top of form for liters from certain departments), including alp code, or, if there is no address year to the partnership or partnership on the address (see note at top of form for liters from certain departments), including alpha code, or, if there is no addressing the partnership or the partnership or partnership or a decidence of the partnership or partnership or a decidence of the partnership or partnership or partnership or a decidence of the partnership or partnership or partnership or partnership or a decidence of the financial	Name i. In 201 esidenc				npany's outstanding rom insurance compi				Y	E 🔀
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EXHIBIT C

Michael Dorf

From:

Christina Lynch (County Clerk) < Christina.Lynch@cookcountyil.gov>

Sent:

Friday, November 30, 2018 1:54 PM

To: Cc:

Michael Dorf FOIA CCClerk

Subject:

Re: FOIA Request for Filed Statement of Economic Interest

Mike,

I've searched our records but, as of today's date 11/30/18, have not found a Candidate Statement of Economic Interests for Nathan Benjamin Myers.

Best,

Christina T. Lynch Staff Attorney Cook County Clerk, David Orr 69 W. Washington St., Suite 500 Chicago, IL 60602 312.603.6886 direct 773.531.3317 mobile 312.603.9786 fax www.cookcountyclerk.com

From: Michael Dorf < mdorf@michaeldorflaw.com Sent: Wednesday, November 28, 2018 2:42 PM

To: FOIA CCClerk

Subject: FOIA Request for filed Statement of Economic Interest

To the FOIA Officer:

Please accept for filing and processing the attached Freedom of Information Act request seeking a copy of a filed Candidate Statement of Economic Interests as described in the request.

Please let me know if you need any further information.

Thank you for your consideration.

Respectfully submitted,

Michael C. Dorf

The Law Offices of Michael C. Dorf, LLC 8170 McCormick Blvd.
Suite 221
Skokie, IL 60076
(312) 781-2806 (direct)
(773) 218-7260 – mobile mdorf@michaeldorflaw.com www.michaeldorflaw.com

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