

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.)
)
 NATHAN BENJAMIN MYERS,)
)
 Respondent-Candidate)

No. **19-EB-ALD-057**

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 duly qualified candidates appear on the ballot for said office.

3. The Objector makes objections, as hereinafter stated in Paragraphs 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 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,

BOARD OF ELECTION COMMISSIONERS
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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.

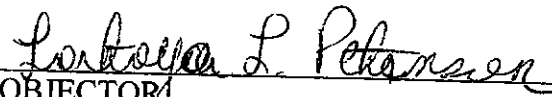
7. Instead of filing the required Receipt for Statement of Economic Interests, the Respondent-Candidate filed with his Nomination Papers a receipt evidencing filing of a Statement of Financial Interests with the Chicago Board of Ethics, in violation of the Illinois Governmental Ethics Act, and the Illinois 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,


OBJECTOR

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@michaeldorfllaw.com

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 Shore Avenue
Chicago, IL 60626

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
FOR THE CITY OF CHICAGO
5:00 P.M. PETITION FILING

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Statement of Candidacy

Receipt for Statement of Economic Interests

Loyalty Oath (This document is optional.)

Are the Nominating Papers bound?

If yes, describe how they are bound: Shedaces

Was Election Board photo taken of Nominating Papers?

Number on Last Page of Petition 437

Received From Nathan Benjamin Myers Phone1 773 968-8512

Address 1102 W. North Shore Avenue Phone2 (if available) 773 761-6688

Email 1 Ben@1f.org

Signature of person submitting petition [Redacted] Date 11/26/18

The following 2 items will be included on the Chicago Election Board's web site and candidate lists.

1. Campaign Phone 773 968-8512 2. Campaign Email Ben@1f.org

For Election Board Employee to Complete

Notice of Campaign Finance & Disclosure Requirements Given: In Person By Mail

Received By [Redacted] Date 11/26/18

Original: Keep with Petition

Copy: For Candidate

EXHIBIT B

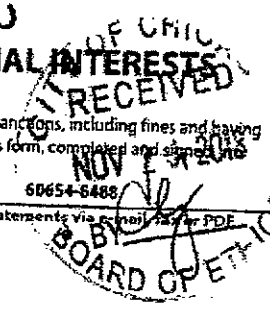
OF CHICAGO



740 N. Sedgwick, Ste. 500
Chicago, IL 60654-8488
(312) 744-9660

2018 STATEMENT OF FINANCIAL INTERESTS

To avoid a violation of the Governmental Ethics Ordinance and sanctions, including fines and having your name and violation being made public, you must return this form, completed and signed, no later than the close of business Thursday, May 31, 2018 to:
Board of Ethics 740 N. Sedgwick, Ste. 500 Chicago, IL 60654-8488



Please complete this form, sign it and then mail / deliver it to the Board of Ethics. We cannot accept Statements via e-mail or PDF formats. Please answer all 16 questions and sign and date your form before returning it.
- 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, indicate the appropriate income, compensation or capital gain by writing in the appropriate category letter:
A= \$25,000 or more B= \$5,000 - \$24,999 C= less than \$5,000
NOTE: for security reasons, filers in the Chicago Fire and Police Departments, Inspector General's Office, Civilian 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-flats, etc.

Last Name: Myers First Name: Nathan Middle Initial: Benjamin

Mailing Address: 1102 W. North Shore Ave. City: Chicago State: Illinois Zip: 60626

City Department/Board or Commission: none Title: n/a
ALDERMAN 49TH WARD

1. In 2017, were you employed by any governmental unit other than the City of Chicago? Yes No

If YES, list the name of each governmental unit

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 No

If YES, for each organization provide the following information: (see note above):

Name & Address: Type of Organization: Your Position: + Amount of Income, 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 No

If YES, provide the following for each person or entity to which you provided services:

Name: Nature of Service: Government Unit With Which Person or Entity Did Business: + Amount of Income, 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? I had no spouse or domestic partner in 2017. Yes No

If YES, provide the following for each person or entity to which Spouse/ Domestic Partner provided services.

Name: Nature of Services: Government Unit With Which Person or Entity Did Business: + Amount of Income, 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*, business 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, provide the following information about the entity in which you/spouse/domestic partner have a financial interest

Name: Nature of Services: Government Unit With Which Person Did Business: + Amount of Income, By Category: Name of Person or Entity to which Services were provided:

6. In 2017, did you have a financial interest* in any person* doing business* with the City? (Note: common stock interests in publicly held companies that represent less than 1/2 of 1% (.05%) of the company's outstanding common stock, or time or demand deposits in financial institutions, or endowments, policies or annuities purchased from insurance companies, need not be disclosed.) Yes No

If YES, provide the following for each person:

Name: Title or Description of Position You Held in This Person:

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7. In 2017, did you have a financial interest in any person* conducting business in Chicago? (Note: common interests in publicly held companies that represent less than 1/2 of 1% (.05%) of the company's outstanding common stock, or time or demand deposits in financial institutions, or endowments, policies or annuities purchased from insurance companies, need not be disclosed.) Yes No

If YES, provide the following for each person:

Name Type / Instrument of Ownership

8. 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 residence? Yes No

If YES, identify the asset(s) sold (including the address or legal description of the real estate) and the appropriate Category of the amount of gain realized for each identified asset (see note at top of form).

+ Amount of gain, By Category

9. Do you currently have a financial interest* in real estate located in the City of Chicago, other than your principal place of residence? Include all forms of direct or indirect ownership, such as partnerships or trusts whose corpus consists primarily of real estate. (If your principal place of residence is in a multiple-unit or mixed-use building in which you have a financial interest*, answer "yes" to this question.) Yes No

If YES, identify the real estate by address (see note at top of form for filers from certain departments), including zip code, or, if there is no address, by legal description:

1542-44 W. Jonquil; and 7650-56 and 1507-11 W. Jonquil Terr., Chicago, Illinois 60626

10. In 2017, did you receive from any person* (other than relatives* or a domestic partner*) one or more gifts having an aggregate value in excess of \$250.00? Yes No

If YES, identify the person or persons from whom you received such gifts:

11. In 2017, did you receive any improper gift* that you disposed of in accordance with Section 2-156-144 of the Governmental Ethics Ordinance? Yes No

If YES, identify the improper gift(s), the donor(s) if known, and method of disposal:

12. Do you currently have a financial interest* in any person* or entity who in 2017 applied to the City of Chicago for a license or franchise, or any permit for annexation, zoning or rezoning of real estate? Yes No

If YES, list the name of the person(s) in which you have the financial interest and describe the City action requested (including the nature of the application sought or the action requested):

Name Action Requested

13. If you currently owe or anyone owes you more than \$5,000.00, did the debtor, creditor or guarantor of the debt do business* with or do work for the City of Chicago in 2017? (Do not include: (1) debt instruments issued by financial institutions whose normal business includes the making of loans of the kind you received in accordance with other terms and conditions standard for such loans at the time the debt was contracted, if the loans are made at the prevailing rate of interest; or (2) debt instruments issued by publicly held corporations and purchased by you on the open market at the price available to the public.) I neither owe or am owed more than \$5,000.00 Yes No

If YES, provide the following information:

Name of Debtor, Creditor or Guarantor Is the Person a Debtor, Creditor or Guarantor Type of Debt Instrument

14. Do you now serve on any board or commission either as a volunteer or for compensation (include non-City boards or commissions)? Yes No

If YES, provide the Name(s) of board(s) and your position(s) on the board(s):
The Lincoln Foundation, president

15. Do you currently have a relative* or domestic partner* who is registered as a lobbyist with the City's Board of Ethics? Yes No

If YES, name the lobbyist(s) and the lobbyist's relationship to you:
Name(s) Relationship

16. Do you currently have a relative* or domestic partner* who is an employee or full- or part-owner of a City contractor*? Yes No

If YES, name the relative(s) or domestic partner(s), his/her/their relationship to you, the City contractor(s), and his/her /their position with the contractor(s):
Name(s)/relationship(s) Contractor(s) Position(s)

VERIFICATION: I declare that I have examined this Statement of Financial Interests form, including any accompanying documents, and to the best of my knowledge and belief it is true and complete. I understand that knowingly filing a Statement containing false or misleading information, or failing to file by the deadline, can result in fines, removal from office or employment, including discharge, in accordance with applicable rules, regulations and ordinances of the City of Chicago.

 11/19/18

EXHIBIT C

Michael Dorf

From: Christina Lynch (County Clerk) <Christina.Lynch@cookcountyil.gov>
Sent: Friday, November 30, 2018 1:54 PM
To: Michael Dorf
Cc: FOIA CClerk
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@michaeldorf.com>
Sent: Wednesday, November 28, 2018 2:42 PM
To: FOIA CClerk
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@michaeldorf.com
www.michaeldorf.com

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