

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

---

Objections of: RENEE G ELMS, PETER )  
RIVERA, RENEE M WOZNIAK, MARIA G )  
OREGEL and EVELYN RAZO )

To the Nomination ) No.: 19-EB-ALD-099  
Papers of: BERTO AGUAYO )  
Candidate for the office of )  
Alderman of the 15th Ward of the City of )  
Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and Jonathan T. Swain, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections (“Objections”) of RENEE G ELMS, PETER RIVERA, RENEE M WOZNIAK, MARIA G OREGEL and EVELYN RAZO (“Objectors”) to the nomination papers (“Nomination Papers”) of BERTO AGUAYO, candidate for the office of Alderman of the 15th Ward of the City of Chicago (“Candidate”) at the General Municipal Election to be held on Tuesday, February 26, 2019, having convened on Monday, December 10, 2018, at 8:30 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 were duly and timely filed.
2. The Electoral Board was legally constituted under the laws of the State of Illinois.

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

4. A public hearing was held on these Objections commencing on Monday, December 10, 2018 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Martin Greene for further hearings and proceedings.

6. The Objectors and the Candidate were directed by the Electoral Board to appear before the Hearing Officer on the date and at the time designated in the Call. The following persons, among others, were present at or filed appearances during such hearing; the Objectors, RENEE G ELMS, PETER RIVERA, RENEE M WOZNIAK, MARIA G OREGEL and EVELYN RAZO, and/or their Attorney, JAMES P. NALLY; and the Candidate, BERTO AGUAYO, and/or his Attorney, PERICLES ABBASI.

7. The Hearing Officer ordered that an examination of the voter registration records be conducted by clerks and agents under the Board's direction and supervision, in accordance with the laws of Illinois and the rules of the Board.

8. The Hearing Officer directed all parties to appear and be present, either personally and/or by their authorized representatives during this records examination.

9. The Candidate and/or his duly authorized representative was present during the examination of the registration records.

10. The Objectors and/or their duly authorized representative was present during the examination of the registration records.

11. The examination of the registration records was completed and the Electoral Board hereby adopts and incorporates by reference the results of the records examination conducted by its clerks and agents. The written report of the result of the registration records examination is contained in the Board's file in this case and a copy has been provided or made available to the parties.

12. The results of the records examination indicate that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 473.

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 2,136.

C. The number of signatures deemed invalid because of objections sustained as a result of the records examination total 1092.

D. The remaining number of signatures deemed valid as a result of the records examination total 1,044, said number being 571 signatures above the statutory minimum.

13. A motion pursuant to Rule 8 of the Board's Rules of Procedure was filed by the Candidate and subsequently withdrawn by the Candidate.

14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 1,044 valid signatures, which exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of Alderman for the 15th Ward of the City of Chicago, and that the Candidate's Nomination Papers should be found valid.

15. The Electoral Board, having considered the evidence and arguments tendered by the parties and the Hearing Officer's report of recommended findings and conclusions of law, hereby adopts the Hearing Officer's recommended findings and conclusions of law.

16. For the reasons stated above, the Electoral Board finds that the Candidate's Nominating Papers contain a sufficient number of valid signatures that the Nomination Papers of BERTO AGUAYO are, therefore, valid.


IT IS THEREFORE ORDERED that the Objections of RENEE G ELMS, PETER RIVERA, RENEE M WOZNIAK, MARIA G OREGEL and EVELYN RAZO to the Nomination Papers of BERTO AGUAYO, candidate for the office of Alderman for the 15th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of BERTO AGUAYO, candidate for the office of Alderman for the 15th Ward of the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



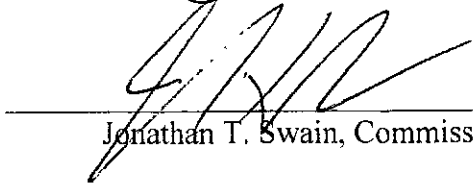
---

Marisel A. Hernandez, Chair



---

William J. Kresse, Commissioner



---

Jonathan T. Swain, 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.

**BEFORE THE BOARD OF ELECTION COMMISSIONERS  
FOR THE CITY OF CHICAGO**

---

Renee G. Elms, Peter Rivera, Renee M. Wozniak, Maria Oregel and Evelyn Razo	) ) ) )	<b>Case No. 19-EB-ALD-099</b>
Objector(s)	)	
vs.	)	Hearing Officer: Martin P. Greene
Berto Aguayo, Candidate	) )	

---

**HEARING OFFICER'S FINAL REPORT AND RECOMMENDED DECISION**

In the matter of Petitioners-Objectors, Renee G. Elms, Peter Rivera, Renee M. Wozniak, Maria Oregel and Evelyn Razo ("Objectors") regarding the Nomination Papers of Respondent-Candidate, Berto Aguayo, for the nomination for the Office of Alderman, 15<sup>th</sup> Ward of the City of Chicago, State of Illinois ("Candidate") to be voted upon during the upcoming Municipal General Election on February 26, 2019 (election), the hearing having convened on December 10, 2018, Martin P. Greene, Esq., the duly appointed Hearing Officer, hereby makes the following Final Report and Recommended Decision to the Board of Election Commissioners of the City of Chicago ("CBEC" or the "Board"):

Objectors filed a Verified Objector's Petition objecting to the sufficiency of the Candidate's nomination papers for various reasons stated primarily in Paragraphs 2 through 9 of his Petition, to wit:

2. "Signer Not Registered at Address Shown..."
3. "Signature not genuine signature of registered voter..."
4. "Signer resides out of district..."
5. "Signer's Address missing or incomplete..."
6. "Signer sign (SIC) petition more than once at sheet/line indicated..."
7. "Nomination papers contain the names of persons who signed the nomination petition of another candidate for the same office prior to signing the nomination petition for this candidate..."

8. "Nomination Papers contain numerous sheets circulated by individuals whose sheets demonstrate a pattern of fraud...Cutberto Aguayo, aka Berto Aguayo..."
9. "Nomination Papers contain less than 473 validly collected signatures..."

The Objector's Petition was filed on December 3, 2018. An initial status hearing took place on December 10, 2018. Counsel for the Candidate, Pericles Abbasi, was present as was the Candidate, Berto Aguayo. James Nally appeared for the Objectors. The record reflects that the Call for the Hearing was posted at the offices of the Chicago Board of Election Commissioners on or about December 5, 2018. All parties, either personally or through counsel filed a Receipt of Call on December 5, 2018. At the status December 10, 2018, hearing the Hearing Officer encouraged the parties to read the Rules of Procedure, had the parties exchange email addresses, outlined the proceedings, described anticipated exhibits and asked Objector's counsel to summarize the objections; which was done.

On December 10, 2018, a record examination directive was issued setting the record examination for December 18, 2018.

On December 15, 2018, Counsel for Objectors requested that a subpoena be issued for the appearance of "Cutberto Aguayo, Jr." On December 17, 2018, the Hearing Officer recommended the issuance of said subpoena.

A status hearing was held on December 18, 2018. At that time the parties indicated to the Hearing Officer that the records examination was not yet complete. The matter was set for further status.

A status hearing was held on December 21, 2018. At that time the parties indicated to the Hearing Officer that the records examination was not yet complete. Counsel for

the Candidate requested and was granted leave to file a motion pursuant to Rule 1(b)(xvi).

Objector was given leave to respond. The matter was set for further status.

The parties timely filed their pleadings regarding the Rule 1(b)(xvi) Motion, on December 23 and 24, 2018, respectively.

A status hearing was held on December 26, 2018. At that time the parties indicated to the Hearing Officer that the records examination was in progress but unfinished. The matter was set for further status.

On December 28, 2018 at 4:57:02 PM, the records examination was completed and the final records examination results were served upon the parties. The final results of the records examination were as follows:

Signatures Required	473
Total Pages	261
Total Signatures	2136
Total Objections	2217
Total Ruled On	2217
Total Remaining	0
Total Sustained	1380
Total Overruled	837
For Review (Candidate)	1239
For Review (Objector)	520
Total Valid Signatures	1044
Total Unchallenged Signatures	586

The results of the records examination were that the Candidate filed 571 signatures greater than the required minimum.

On December 29, 2018, the Candidate filed a Rule 8 Motion. No Rule 8 Motion was filed by Objectors.

A final status hearing was held on January 2, 2019. At that time the parties elected to stand on the results of the records examination. Candidate's Counsel stated he would withdraw his pending motions. On January 2, 2019, Candidate withdrew his Rule 1(b)(xvi) Motion and his Rule 8 Motion. The Hearing Officer indicated he would make his findings and recommendations based upon the then current record.

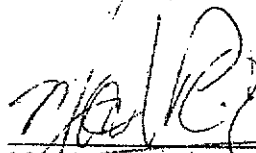
#### **RECOMMENDED DECISION**

Because of the foregoing, the Hearing Officer hereby makes the following Recommended Decision for consideration by the Commissioners:

1. That according to the Final Petition Summary Report there were 586 unchallenged signatures and, further, that the Candidate had 571 signatures greater than the required minimum of 473, and;
2. That the Respondent-Candidate's name SHOULD BE INCLUDED on the ballot for the office of Alderman of the 15<sup>th</sup> Ward of the City of Chicago during the upcoming election of February 26, 2019.

Dated: Chicago, Illinois on January 5, 2019.

Respectfully submitted,



Martin P. Greene, Hearing Officer