

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

Objections of: HECTOR VILLAGRANA)
)
)
 To the Nomination) No.: 19-EB-ALD-117
 Papers of: BYRON SIGCHO-LOPEZ)
) Rel.: 19-EB-ALD-126
 Candidate for the office of Alderman for the)
 25th 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 HECTOR VILLAGRANA (“Objector”) to the nomination papers (“Nomination Papers”) of BYRON SIGCHO-LOPEZ, candidate for the office of Alderman for the 25th 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 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 Monday, December 10, 2018 and was continued from time to time.

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

6. The Objector 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 Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objector and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the BYRON SIGCHO-LOPEZ and his Attorney, Andrew Finko.

7. The Objector, HECTOR VILLAGRANA, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 10, 2018 and at no time did the Objector or any person purporting to represent the Objector appear.

8. The Electoral Board finds that the Cook County Sheriff attempted to serve the Objector with a copy of the Objector's Petition and with a copy of the Call to the Monday, December 10, 2018 hearing in this cause on December 7, 2018 (7:10 pm). The return of the Sheriff's office indicated that the reason that the Objector was not served was "No Contact."

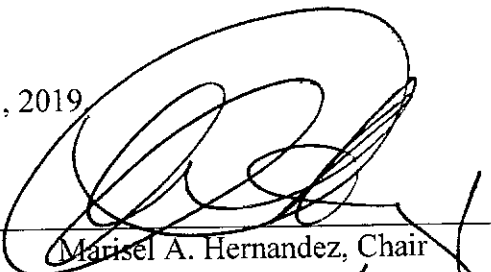
9. The initial hearing was continued to December 13, 2018 at 10:30 a.m. to allow for additional service upon the Objector of notice of hearing. Review of the case file evidenced an electronic return of service of the Call upon the Objector, who signed for the service of the Call on December 7, 2018.

10. The Electoral Board finds that the Objector, HECTOR VILLAGRANA, did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve him with a copy of the Call by the means of service specified in the statute.

11. Therefore, the Electoral Board finds that the Objector, HECTOR VILLAGRANA, is in default, that the Objections are dismissed.

IT IS THEREFORE ORDERED that the Objections of HECTOR VILLAGRANA to the Nomination Papers of BYRON SIGCHO-LOPEZ, candidate for the office of Alderman for the 25th Ward of the City of Chicago, are hereby DISMISSED. However, the Electoral Board further finds that another Objector's Petition was timely filed against the Candidate's Nomination Papers and that matter remains pending before the Board (19-EB-ALD--126). Due to the other pending objection, the Board is not able in the present matter to determine whether the Candidate's Nomination Papers are valid.

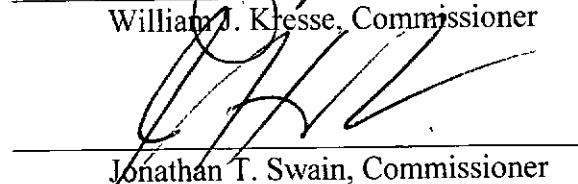
Dated: Chicago, Illinois, on Tuesday, January 8, 2019



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 DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATION PETITIONS OF CANDIDATES FOR THE FEBRUARY 26, 2019, MUNICIPAL GENERAL ELECTION FOR MAYOR, CLERK, TREASURER AND ALDERMAN IN THE CITY OF CHICAGO

HECTOR VILLAGRANA,)
)
 Petitioner(s) – Objector(s))
) 19 EB ALD 117
)
 BYRON SIGCHO-LOPEZ,)
) Hearing Officer: Christopher J. Agrella
 Respondent – Candidate.)
)

HEARING OFFICER’S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing officer on December 10, 2018, set on the Call for 11:00 a.m.

At 11:20 a.m. the first call of the case took place, at which time Mr. Andrew Finko, Esq. filed his appearance on behalf of the candidate as well as tendering an executed non-disclosure agreement. The objector did not appear. The matter was passed once and recalled at approximately 11:30 a.m. Objector did not appear at this recall of the case.

At that time the hearing officer examined the official file for service. The file did not contain any evidence as to the status of service of the Call upon objector. As such, the matter was continued to December 13, 2018, at 10:30 a.m. to clarify status of service and/or permit a second service effort to be attempted upon objector.

On December 13, 2018, at 10:30 a.m., the case was recalled. The candidate again appeared through counsel, Mr. Andrew Finko, Esq. Objector did not appear. A review of the case file evidenced an electronic return of service of the Call upon objector, who signed for the service of the Call on December 7, 2018, several days prior to the December 10, 2018, initial Call of the case. Separate from the non-appearance of objector at the hearing itself, the case file failed to

contain any appearance on behalf of the objector.

At that juncture the hearing officer marked the nomination petition of the candidate as Exhibit A, the objection as Exhibit B, the proof of service of the Call upon objector as Exhibit C, and the appearance of the candidate as Exhibit D. All were accepted into evidence without objection by candidate's counsel.


With no appearance by the objector, the hearing officer entertained the oral motion of candidate's counsel for default and dismissal of the objection. Given that the objector, having filed the objection in the first instance, is in a unique position to know these proceedings would be coming on to be heard, coupled with the proof of actual notice of the Call and two missed hearing dates, this hearing officer recommends the Board grant the candidate's motion, that Hector Villagrana be defaulted and the objections in this case be struck and dismissed.

Note, however, that a separate objection, 19 EB ALD 126, *Raul Hernandez v. Byron Sigcho-Lopez*, is still ongoing, such that a default and dismissal of the instant objection does not conclude all objections against Mr. Sigcho-Lopez's nomination papers.

WHEREFORE your hearing officer recommends to this Board that it adopt the above findings, decisions and recommendations of the hearing officer and that the Board default objector Hector Villagrana and dismiss the instant objection.

Christopher J. Agrella
Hearing Officer
330 East Main Street
Suite 205
Barrington, Illinois 60010
Office: (847) 381-6800
Fax: (847) 381-6866

Respectfully Submitted,



Christopher J. Agrella – Hearing Officer