

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

Objections of: CHEYAKA HUGHES)
)
)
To the Nomination) No.: 19-EB-ALD-133
Papers of: SHELLY QUILES)
) Rel.: 19-EB-ALD-115
Candidate for the office of Alderman for the)
5th 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 CHEYAKA HUGHES (“Objector”) to the nomination papers (“Nomination Papers”) of SHELLY QUILES, candidate for the office of Alderman for the 5th 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 Thomas F. Arends 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 SHELLY QUILES, pro se.

7. The Objector, CHEYAKA HUGHES, neither answered the call nor appeared at the hearing.. The case was called again no less than two additional times at 15 minute intervals 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 Candidate 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 three separate occasions: December 8, 2018 (3:16 pm), December 20, 2018 (4:20 pm) and on December 22, 2018 (4:47 pm). The return of the Sheriff's office indicated that the reason that the Objector was not served was "Other Reason - Common Door Secure All Bells (4) Rang, no response". The Objector was also sent a copy of the Call to the December 10, 2018 meeting by certified mail, but a signed receipt acknowledging receipt of the certified mail item was never been returned by the Postal Service. However, a true and correct copy of the Board's ledger showing that the certified mail item was delivered to the Postal Service was admitted as Exhibit C-3.

9. The initial hearing was continued to December 17, 2018 to allow for additional time to serve the Objector with notice of the hearing. The Cook County Sheriff again attempted to serve the Objector with a notice of continued hearing for the December 28, 2018 hearing on, December 20, 2018 (4:20 pm) and on December 22, 2018 (4:47 pm) The Sheriff's return of service indicated that the reasons the Objector was not served on these occasions were "listed on mailbox, "Common Door secure, All bells (4) rang, no response" "secured door, no buzzer listing" A copy of the notice of continued hearing was also sent to the Objector by certified mail, return receipt requested, but no receipt was returned to the Board by the Postal Service.

10. The Hearing Officer subsequently became unavailable, was relieved of his duties and, pursuant to Electoral Board Rule 23, the matter was reassigned to General Counsel Adam Lasker.

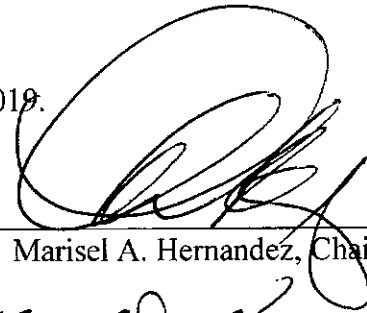
11. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of General Counsel Adam Lasker, as well as all argument and evidence submitted by the parties, hereby adopts General Counsel Adam Lasker's recommended findings and conclusions of law. A copy of General Counsel Adam Lasker's Final Report and Recommended Decision is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

12. Therefore, the Electoral Board finds that the Objector, CHEYAKA HUGHES, is in default and that the Objections are dismissed with prejudice.

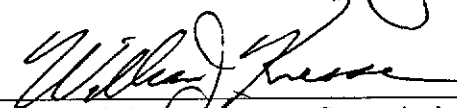
IT IS THEREFORE ORDERED that the Objections of CHEYAKA HUGHES to the Nomination Papers of SHELLY QUILES, candidate for the office of Alderman for the 5th Ward of the City of Chicago, are hereby DISMISSED. However, due to a pending related case against the same Candidate (19-EB-ALD-115), no determination can be made as to whether the

Candidate's name should be printed upon the ballot at General Municipal Election to be held on February 26, 2019 election.

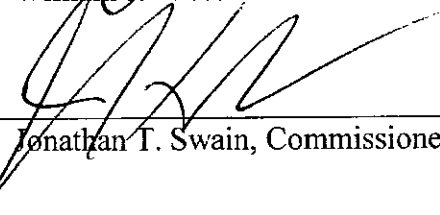
Dated: Chicago, Illinois, on Tuesday, January 8, 2019.



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**

CHEYAKA HUGHES,)	
)	
Objector,)	
)	
vs.)	No. 19-EB-ALD-133
)	(Rel.: 19-EB-ALD-115)
SHELLY QUILES,)	
)	
Candidate.)	

FINAL REPORT AND RECOMMENDED DECISION

This matter was first assigned to Hearing Officer Thomas Arends and was first heard on December 10, 2018. The Objector was not present and the Candidate appeared *pro se*. There was no evidence in the record as to whether service upon the Objector was accomplished by the sheriff or by certified mail. The Hearing Officer therefore continued the matter for a status hearing on on December 17.

At the December 17 hearing, the Candidate appeared *pro se* but the Objector again was not present. The record still did not contain evidence of service upon the Objector, so the Hearing Officer ordered that the Electoral Board make another attempt at serving the Objector by the sheriff and certified mail. Another status hearing was scheduled for December 28.

At the December 28 hearing, the Candidate appeared *pro se* and the Objector again failed to appear. The Hearing Officer granted the Candidate’s request for a default judgment against the Objector and he informed the Candidate that the Hearing Officer’s final written report and recommended decision would soon be issued.

Due to the unavailability of the Hearing Officer to timely submit a final report and recommended decision, on January 6, 2019, the Electoral Board’s general counsel relieved the Hearing Officer of his duties and reassigned this matter to himself as the substituted hearing

officer for purposes of reviewing the case file and submitting this Final Report and Recommended Decision, as authorized by Electoral Board Rule 23.

The general counsel finds that under Rule 12, it is appropriate in this matter to enter a default judgment against the Objector, who has failed to attend hearings on December 10, 17 and 28 despite the Electoral Board's multiple attempts to perform statutory service by the sheriff and certified mail. The Electoral Board has previously defaulted parties with or without evidence of service when the required attempts at service have been fulfilled and the party consistently fails to attend hearings without any other communication to the Board. See, for example, *McCulough v. Hunter*, 08-EB-SS-04 (CBEC 2007), and *Glatstein v. Beacham*, 15-EB-ALD-029 (CBEC 2014).

WHEREFORE, it is the general counsel's recommendation that the Electoral Board enter a default judgment against the Objector and dismiss the Objector's Petition with prejudice. However, due to a pending related case against this same Candidate (No. 19-EB-ALD-115), no determination can be made in this matter as to whether the Candidate's name is entitled to be printed upon the ballot for the February 26, 2019, election.

Respectfully submitted,

/s/ Adam W. Lasker
General Counsel