

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

Objections of: GINA ZUCCARO and)
MONIQUE COOK-BEY)
)
To the Nomination) No.: 19-EB-MUN-016
Papers of: PETER GARIEPY)
)
Candidate for the office of)
City Treasurer 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 GINA ZUCCARO and MONIQUE COOK-BEY (“Objectors”) to the nomination papers (“Nomination Papers”) of PETER GARIEPY, candidate for the office of City Treasurer 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 Terence Flynn 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, GINA ZUCCARO and MONIQUE COOK-BEY, and/or their Attorney, JAMES P. NALLY; and the Candidate, PETER GARIEPY, and/or his Attorney, ROSS D SECLER.

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 12,500.

B. The remaining number of signatures deemed valid as a result of the records examination total 14,020.

13. The Electoral Board finds that the number of valid signatures appearing on the Candidate's nominating petition following completion of the records examination exceeds the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of City Treasurer for the City of Chicago.

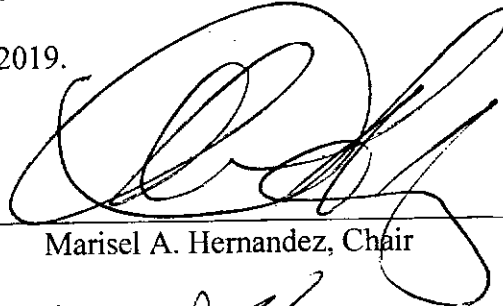
14. The Hearing Officer has tendered to the Electoral Board a report and recommended decision. Based upon the evidence presented, the Hearing Officer found that the Candidate's Nomination Papers contained 14,020 valid signatures, which exceeds by 1,520 the minimum number of valid signatures required by law to be placed upon the ballot as a candidate for the office of City Treasurer for 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.

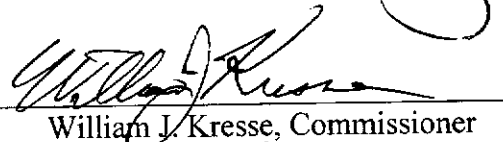
16. For the reasons stated above, the Electoral Board finds that the Candidate has a sufficient number of valid signatures on his nominating petitions and that the Nomination Papers of PETER GARIEPY are, therefore, valid.

IT IS THEREFORE ORDERED that the Objections of GINA ZUCCARO and MONIQUE COOK-BEY to the Nomination Papers of PETER GARIEPY, candidate for the office of City Treasurer for the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of PETER GARIEPY, candidate for the office of City Treasurer for the City of Chicago, SHALL be printed on the official ballot for the General Municipal Election to be held on Tuesday, February 26, 2019.

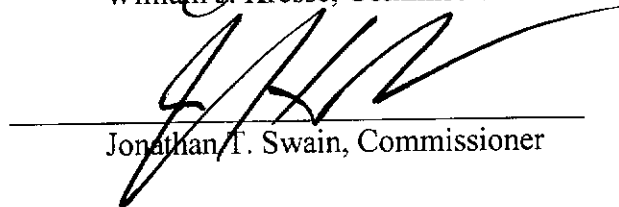
Dated: Chicago, Illinois, on Friday, January 25, 2019.



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 NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF TREASURER OF THE CITY OF CHICAGO, ILLINOIS, TO BE VOTED UPON AT THE FEBRUARY 26, 2019 MUNICIPAL GENERAL ELECTION

Gina Zuccaro and Monique Cook-Bey,)	
)	
Petitioners – Objectors)	
)	
v.)	19 – EB – MUN – 016
)	
Peter Gáriepy,)	Summary: Candidate 1520 signatures
)	above the minimum; Objector
Respondent – Candidate)	will not filed a Rule 8 Motion.

Report and Recommendation

- 1) This matter was assigned to Hearing Officer Terence Flynn. At the initial status in the matter, on 12/10/18, Attorney James Nally appeared for Objector and Attorney Ross Secler (later assisted by Mary Norwell, all of Odelson's Office) appeared for the Candidate. The main objection was a traditional signature one and therefore a Rule 6 directive was executed. The was one, non-dispositive motion regarding "first-in-time" signatures that should await the Rule 6 results and a briefing schedule was ordered.
- 2) At subsequent statuses of 12/27/18, 12/27/18 and 1/3/19, the Rule 6 examination had not been concluded. On 1/5/19, Candidate filed a "Motion to Suspend the Rule 6 Exam". That motion was denied by written order on 1/6/19 and the Order is of Record.
- 3) A telephone status with all counsel was held on Saturday, 1/12/19. The in-person status set for Monday, 1/14/19, was changed to a telephone status due to still-incomplete Rule 6. The Board was notified to cancel court reporter.
- 4) Telephone and/or email status conferences, rather than in-person statuses, between counsel and this Hearing Officer were held on 1/14, 1/15, 1/16, 1/17 and 1/18, without final Rule 6 results being available.

- 5) On January 22, 2019, at 5:57 p.m., the final Rule 6 results were available and served upon all parties. The Rule 6 results showed the Candidate 1520 signatures above the required minimum of 12,500 for the Office of Treasurer.
- 6) Based on those findings, this Hearing Officer emailed both counsel. Counsel for the Objectors emailed back: "The Objectors will not file a Rule 8 and will stand on the results of the records exam." The emails are attached as Exhibit 1 to this Report and Recommendation.
- 7) Finding of Fact: Therefore, based upon the findings of the Rule 6 exam and the statement of the Objectors' counsel standing on those results – thus no rebuttal is offered to the Rule 6 results – the Candidate has exceeded the minimum signature requirement.

Recommendation:

Based upon the above findings, it is the recommendation that the name Peter Gariepy *should* appear on the ballot for the office of Treasurer of the City of Chicago in the February 26, 2019 Municipal General Election.

Dated: 1/22/19

s/ Terence Flynn
Hearing Officer

19 - EB-MUN-016 RECOMMENDATION 1/23/2019 8:30 am

Re: MUN-16

From: James Nally (jpnlaw@att.net)

To: rsecler@odelsonsterk.com; terence.flynn@att.net

Date: Tuesday, January 22, 2019, 9:04 PM CST

Exhibit 1
MUN-16

The Objectors will not file a Rule 8 and will stand on the results of the records exam.

On Tuesday, January 22, 2019, 6:39:29 PM CST, Terence Flynn <terence.flynn@att.net> wrote:

Dear Counsel:

Now that the Rule 6 is finally in, with over 15,000 objections sustained, certainly there can be no claim of frivolous or bad faith objections. Similarly, however, with over 1500 signatures above the minimum, let me know how you wish to proceed, if at all.

If Rule 8's are filed, I will want to schedule the hearing, if at all possible, Thursday. We should have a conference call tomorrow morning - 11:00 a.m. - unless I hear otherwise from you.

Best,
Terence Flynn