

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

Objections of: WAYNE GRZYWACZ)
)
)
)
)
To the Nomination) No. 08-EB-RGA-02
Papers of: FRANCISCO 'FRANKIE'
RODRIGUEZ)
)
)
Candidate for the office of Representative)
in the General Assembly, 2nd District,)
State of Illinois, Democratic Party)

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners Langdon D. Neal, Richard A. Cowen, and Marisel A. Hernandez, organized by law in response to a Call issued by Langdon D. Neal, Chairman of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of WAYNE GRZYWACZ ("Objector") to the nomination papers ("Nomination Papers") of FRANCISCO 'FRANKIE' RODRIGUEZ, candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 2nd District, State of Illinois ("Candidate"), having convened on November 20, 2007, at 10:00 a.m., at 69 W. Washington Street, 8th Floor Conference Room, 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 herein were duly and timely filed.

2. The said Electoral Board has been legally constituted according to the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chairman 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 November 20, 2007 and was continued from time to time.

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

6. The Objector and the Candidate were directed by the Electoral Board to appear before the Hearing Examiner for a hearing on the date and at the time designated on the Electoral Board's docket. The following persons, among others, were present at such hearing: the Objector, WAYNE GRZYWACZ, appearing by counsel, Michael J. Kasper; and the Candidate, FRANCISCO 'FRANKIE' RODRIGUEZ, appearing pro se.

7. The Hearing Examiner ordered that an examination of the 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 Examiner directed all parties to appear and be present, either personally and/or by their authorized representatives during the records examination.

9. The Candidate or his duly authorized representative(s) was present during the examination of the registration records.

10. The Objector or his duly authorized representative(s) 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 results of the registration records examination is contained in the Electoral Board's file in this case and is available for inspection upon request of a party.

12. The Electoral Board has considered all evidence and arguments tendered by the parties.

13. The Electoral Board finds that:

A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500;

B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 809;

C. The number of signatures deemed invalid because of objections sustained total 280;

D. The remaining number of signatures deemed valid total 529;

14. 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 official ballot as a candidate for nomination of the Democratic Party to the office of Representative in the General Assembly for the 2nd District, State of Illinois.

15. The Electoral Board finds, therefore, that paragraph(s) 5-9 of the Objector's Petition are sustained in part and overruled in part as more fully indicated in the results of the records examination.

16. For the reasons stated above, the Electoral Board finds that the Nomination Papers of FRANCISCO 'FRANKIE' RODRIGUEZ are valid.

IT IS THEREFORE ORDERED that the Objections of WAYNE GRZYWACZ to the Nomination papers of FRANCISCO 'FRANKIE' RODRIGUEZ, candidate for nomination of the Democratic Party, to the office of Representative in the General Assembly for the 2nd Representative District, State of Illinois, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of FRANCISCO 'FRANKIE' RODRIGUEZ, candidate for nomination of the Democratic Party, to the office of Representative in the General Assembly for the 2nd Representative District, State of Illinois, SHALL be printed on the official ballot for the General Primary Election to be held on February 5, 2008.

Dated: Chicago, Illinois, this 30th day of November, 2007.



Langdon D. Neal, Chairman



Richard A. Cowen, Commissioner



Marisel A. Hernandez, 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 10 days after the decision of the Electoral Board.

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

WAYNE GRZYWACZ,)	
)	
Petitioner - Objector,)	
)	
v.)	No. 08 EB RGA 02
)	
FRANCISCO "FRANKIE" RODRIGUEZ,)	Democratic Rep 2 nd Rep. District
)	
Respondent - Candidate.)	

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter first came before the hearing examiner on November 20, 2007. It was set on the call for 11:00 a.m., and at 11:00 a.m. the matter was first called for hearing. The objector appeared through counsel, Michael Kasper, Esq., and the candidate appeared individually. Each filed their appearances and acknowledged receipt of a copy of the rules.

The official file contained the original petition papers of the candidate and the objections of the objector, which the hearing examiner marked as Group Exhibit A and Group Exhibit B, respectively. The proof of service of notice of the call was marked as Group Exhibit C, and the appearances of the parties were marked as Group Exhibit D. Group Exhibits A through D were accepted into evidence without objection.

The objection, Group Exhibit B, raised a line by line signature allegation or challenge, incorporating a standard index recapitulation sheet exhibit.

The parties were informed at this initial hearing date of the briefing schedule for any preliminary motions, and both sides indicated they probability would not be filing

any such motions, and in fact no such motions were ever filed.

The matter was immediately scheduled for a record examination, and the parties each received notice of the start of the record examination before the initial hearing concluded. In addition, the hearing examiner informed each side of the change in the Rule 8 procedure, which each side acknowledged.

The hearing examiner concluded the initial hearing at this juncture with the admonition that he would be recalling the matter upon the completion of the record examination. Shortly thereafter, after having an opportunity to confer with board staff as to the probable timing of the record examination, the hearing examiner had the board staff contact each side and schedule a status date for November 28, 2007, at 1:00 p.m.

On November 23, 2007, the record examination was completed. On November 24, 2007, each side received formal notice of the results by phone message and a faxed copy of a Record Examination Results summary sheet. Subsequently thereafter a tabulation error was discovered and the record examination results were recalculated. On November 26, 2007, the re-totaled, final Record Examination Results were completed, and each side received formal notice of the results by phone message and a faxed copy of the re-totaled Record Examination Results summary sheet.

No prejudice was occasioned either side by the initial tabulation error or the recalculation of these record examination results.

On November 28, 2007, at 1:00 p.m. the case was recalled, Objector appeared through counsel, Michael Kasper, Esq., and the candidate appeared individually.

At this point the hearing officer formally accepted into evidence as Exhibit E the

November 26, 2007, re-totaled, Record Examination Results, and read into evidence the following results:

Number of Signatures on Petition:	809
Number of Objections Overruled:	108
Number of Objections Sustained:	280
Number of Signatures Invalid Because of Circulator:	0
Number of Valid Signatures:	529
Minimum Signature Requirement:	500

These record examination results were was accepted into evidence without objection by either side.

At this point the hearing examiner inquired of the objector's counsel whether objector intended to offer any additional evidence in this matter by way of a Rule 8 statement. Objector's counsel declined to proceed further, and rested objector's case. Upon inquiry, the candidate stated that he had nothing further, and rested his defense.

At this juncture the hearing examiner indicated his intent to enter a recommended decision on the record, and inquired of each party whether either side wished to offer anything further in support of their case. Receiving a negative response from both sides, the hearing officer stated on the record that his recommendation to the board would be to overrule the objection, and for the candidate's name to appear on the ballot.

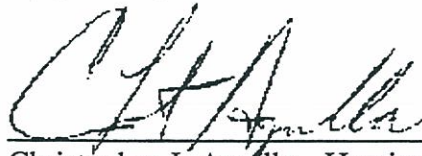
There being no other matters at issue, the hearing examiner concluded the case.

This hearing examiner recommends to the Board that it adopt the above findings, decisions and recommendations of the hearing examiner, that the Board further overrule

the objection and declare that said nomination papers are sufficient and valid in law and fact, further finding that the nomination papers are in conformity and possess at least the minimum number of validly collected signatures of qualified and duly registered voters of the 2nd Representative District of the State of Illinois (500) for said office, and that this Board further declare that the name of the candidate, Francisco "Frankie" Rodriguez, appear and be printed on the ballot as a Democratic candidate for election to the office of State Representative for the 2nd Representative District of the State of Illinois, to be voted upon at the February 5, 2008, General Primary Election.

Christopher J. Agrella
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Respectfully Submitted,



Christopher J. Agrella - Hearing Examiner