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

Objections of: JASON C. ERVIN)	
)	
)	
)	
To the Nomination)	No. 08-EB-WC-35
Papers of: ALVIN C. DELK)	
)	
)	
Candidate for the Office of Ward)	
Committeeman for the 28th Ward of the)	
City of Chicago, Republican 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 JASON C. ERVIN ("Objector") to the nomination papers ("Nomination Papers") of ALVIN C. DELK, candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party ("Candidate"), having convened on November 26, 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 26, 2007 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Examiner Kelly McCloskey Cherf for further hearings and proceedings.

6. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the assigned Hearing Examiner on November 26, 2007, at the time and location designated in the Electoral Board's docket.

7. The Hearing Examiner conducted an initial hearing of this case on November 26, 2007 at 11:00 a.m.. The Objector, appearing by counsel, James P. Nally, was present. The Candidate did not respond to the call of the case on three occasions and was not otherwise present either in person or through an attorney.

8. The Electoral Board finds that the Candidate, ALVIN C. DELK, was served with a copy of the Electoral Board's Call to the November 26, 2007 meeting by a deputy Cook County Sheriff on November 21, 2007 at 7:11 a.m. at the address shown on the Candidate's Nomination Papers, 4902 W. Adams, Chicago, Illinois.

9. The Electoral Board finds that the Candidate, ALVIN C. DELK, did not appear at the duly called meeting of the Electoral Board nor at the initial hearing conducted in this matter after having been duly served with a copy of the Call and having been notified of the meeting and hearing in this cause as required by law.

10. The Electoral Board further finds that the Objector's petition, on its face, contained sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

11. Therefore, the Electoral Board finds that the Candidate, ALVIN C. DELK, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

IT IS THEREFORE ORDERED that the Objections of JASON C. ERVIN to the Nomination papers of ALVIN C. DELK, candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of ALVIN C. DELK, candidate for election to the office of Ward Committeeman for the 28th Ward of the City of Chicago, Republican Party, SHALL NOT 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.

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

Objections of: Jason C. Ervin)	
)	
To the Nomination of Papers of:)	
Alvin C. Delk)	
)	No. 08-EB-WC-35
Candidate for Republican Committeeman)	
Of the 28 th Ward)	

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HEARING EXAMINER'S REPORT AND RECOMMENDATION

This matter coming before the duly constituted Electoral Board, consisting of Chicago Board of Election Commissioners, and before the undersigned Hearing Examiner, the Hearing Examiner hereby makes the following Report and Recommendation:

1. The Candidate filed Nomination Papers as a Candidate for the Republican Committeeman of the 28th Ward. Such Nomination Papers consisted of: a) Statement of Candidacy; and b) a Nomination Petition Sheet.
2. The Objector's Petition to the Nomination Papers of the Candidate was timely filed on November 16, 2007.
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.
4. On November 21, 2007, the Cook County Sheriff personally served the Objector with the Call and the Electoral Board's proposed Rules of Procedure.
5. On November 21, 2007 at 7:11 a.m., the Cook County Sheriff by Deputy Dyson 3981 personally served the Candidate with a copy of the Call, the Objector's Petition and the Electoral Board's proposed Rules of Procedure.

6. The initial hearing on these Objections was called on November 26, 2007 at approximately 11:00 a.m. at which time James P. Nally appeared on behalf of the Objector. No one appeared on behalf of the Candidate.

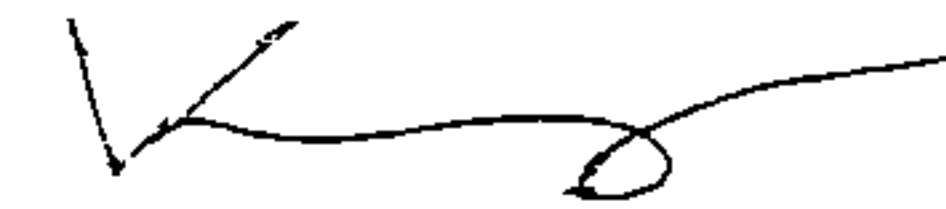
7. The case was called again at approximately 11:30 a.m. at which time James P. Nally appeared on behalf of the Objector. No one appeared on behalf of the Candidate.

8. The case was called again at approximately 11:45 a.m. at which time James P. Nally appeared on behalf of the Objector. No one appeared on behalf of the Candidate.

9. The Hearing Examiner has reviewed the Objector's Petition and the Objections therein and finds that that the Objections, which if accepted as true, would invalidate the Candidate's Nomination Papers.

10. The Hearing Officer recommends that the Candidate be defaulted and his name not be printed on the ballot as a candidate for election to the office of the Republican Ward Committeeman of the 28th Ward in the City of Chicago, County of Cook, State of Illinois for the General Primary Election to be conducted on February 5, 2008.

Date: November 28, 2007



Kelly McCloskey Cherf
Hearing Examiner