

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

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Objections of: Earl M. Browder )  
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To the Nomination ) No.: 11-EB-ALD-001  
Papers of: Manny Roman )  
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Candidate for the office of )  
Alderman of the 18th Ward, City of Chicago )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners of the City of Chicago 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 Earl M. Browder (“Objector”) to the nomination papers (“Nomination Papers”) of Manny Roman, candidate for the office of Alderman of the 18th Ward of the City of Chicago (“Candidate”) to be elected at the Municipal General Election to be held on February 22, 2011, having convened on December 6, 2010, at 9:00 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 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 December 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Lynne R. Ostfeld 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 Hearing Officer on the date and at the time designated in the Hearing Schedule. The following persons, among others, were present at such hearing: the Objector, Earl M. Browder, by attorney, Aljonon Coleman; the Candidate, Manny Roman, pro se.

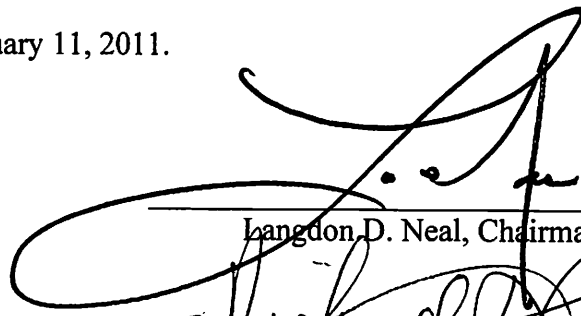
7. The Hearing Officer has tendered to the Electoral Board his report and recommended decision. The Hearing Officer recommends that the Objections to the Candidate's Nomination Papers be overruled and that the Nomination Papers be declared valid.

8. The Electoral Board, having reviewed the record of proceedings in this matter and having considered the report and recommendations of the Hearing Officer, as well as all argument and evidence submitted by the parties, hereby adopts the Hearing Officer's recommended findings and conclusions of law. A copy of the Hearing Officer report and recommendations is attached hereto and is incorporated herein as part of the decision of the Electoral Board.

9. For the reasons stated above, the Electoral Board overrules the Objections to the Candidate's Nomination Papers and finds that the Candidate's Nomination Papers are valid.

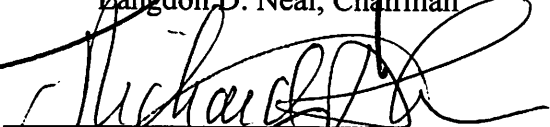
IT IS THEREFORE ORDERED that the Objections of Earl M. Browder to the Nomination Papers of Manny Roman, candidate for election to the office of Alderman of the 18th Ward of the City of Chicago, are hereby OVERRULED and said Nomination Papers are hereby declared VALID and the name of Manny Roman, candidate for election to the office of Alderman of the 18th Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 11, 2011.



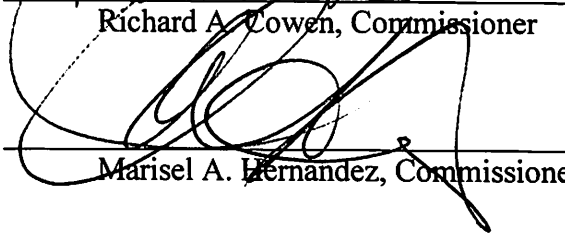
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Langdon D. Neal, Chairman



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Richard A. Cowen, Commissioner



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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 5 days after service of the decision of the Electoral Board.



substantial compliance with the Election Code, that the use of a name or nickname was permissible, that he had 496 valid signatures from registered voters in the 18th ward with 265 required, and that his petitions were properly notarized. He attached as exhibits a copy of the following documents: (1 a) a lender's closing instructions dated 10/17/03 for 7801 S. St. Louis; (1 b) warranty deed dated 10/17/03 for 7801 S. St. Louis; (1 c) his driver's license issued 2/03/05 at 7801 S. St. Louis in the name of Manuel Angel Roman; (1 d) an envelope dated 4/3/08 addressed to Manuel A. Roman at 7801 S. St. Louis; (e) a letter dated 4/3/08 addressed to Manuel A. Roman at 7801 S. St. Louis; (2 a) a "Google" page with reference to Mr. Manny Roman who does construction work; (2 b) a letter dated 11/16/10 from the IRS to the Manny Roman Campaign Account at 7801 S. St. Louis; (2 c) a check dated 11/10/10 to Manny Roman and sent to Manuel Roman at 7801 S. St. Louis; (2d) an envelope dated 10/15/10 addressed to Manny Roman at 7801 S. St. Louis; (2 e) a letter dated 9/27/10 addressed to Manny Roman at 7801 S. St. Louis; (2 f) a blank check from the "Manny Roman, Campaign Account, 7801 S. Saint Louis".

5. The Hearing Officer entered a briefing schedule on the Motion to Strike by which the Objector was to respond by 5:00 p.m. on December 8, 2010, and the Candidate was to reply by 5:00 p.m. on December 10, 2010. The hearing on the motion was set for December 13, 2010 at 10:00 a.m.

6. No records examination was ordered.

7. The Objector did not file a written response.

8. At the reconvened hearing, the Hearing Officer determined that the allegations in the Motion to Strike and Dismiss were to be taken as true because the Objector had not filed a written response. The Objector objected to this ruling and claimed his right to argue his position orally had been denied to him. The Hearing Officer offered him the opportunity to make his oral argument but the Objector refused to go forward, stating that the Hearing Officer had already made a ruling. The Objector further stated that he did not know that he would be held to filing a written response because the Hearing Officer had stated that the rules of civil procedure would not be strictly enforced. The Hearing Officer responded that she had made it clear at the first case management conference on December 6, 2010, that the parties needed to adhere to the briefing schedule and that she had, further, asked them if they had copies of the CBOE Rules of Procedure, which they needed to comply with.

9. Although the hearing was scheduled to treat the Motion to Strike and Dismiss, the Candidate brought two witnesses with him. Because the hearing had not been scheduled to submit testimony, and because there was no advance notice that witnesses would be present, they were not allowed to offer testimony. However, they were allowed to make an offer of proof as to what they would say if they were called. The Hearing Officer asked the Objector's counsel if he wished to question the two potential witnesses and he declined. One witness was a man for whom the Candidate had done construction work who came to state that he had known the Candidate for many years as Manny Roman. The other was the woman who had notarized the Candidate's nomination papers, which he had circulated, who came to confirm that she had notarized the papers and had done so properly.

### **Findings of Fact and Conclusions of Law**

10. Rule 5 (ii) of the Rules of Procedure of the Chicago Board of Election Commissioners states:

"(ii) A response, if any, to the motion, **must be made in writing** and filed with the Electoral

Board and served upon the other parties in the case by 5:00 p.m. on the second business day after the initial hearing." (emphasis added)

11. The Objector failed to comply with this requirement.

12. Without a written response from the Objector, the Hearing Officer held the Candidate's statements and evidence, as contained in his Motion to Strike and Dismiss, to be unrefuted.

13. Pursuant to the Candidate's written statements and evidence attached to his Motion to Strike and Dismiss, he resided at 7801 S. St. Louis, Chicago and had resided there since at least February 3, 2005. He voted there under the name of Manuel A. Roman Sr., pursuant to the certified CBOE documents submitted by the Objector. He has been known since birth to many by the nickname of "Manny Roman". He collected every one of the 496 valid signature on his nomination papers and signed the sworn statement in front of the notary public who notarized his signature. He complied, fully or substantially, with the requirements to be a candidate for Alderman of the 18th Ward, City of Chicago.

14. A candidate is allowed to use his given name or a nickname by which he is commonly known, or a combination thereof, on his nomination papers. 10 ILCS 5/10-5.1.

15. The Hearing Officer recommends that this Board find that the Nomination Papers of MANUEL A. ROMAN, SR., a/k/a MANNY ROMAN be declared to be VALID for the reasons stated above.

16. The Hearing Officer recommends that this Board order that the name of MANUEL A. ROMAN, SR., a/k/a MANNY ROMAN BE printed on the ballot for the Aldermanic Election, 18<sup>th</sup> Ward, City of Chicago, to be held on February 22, 2011, for the reasons stated above.

Dated: Chicago, Illinois, this 19th day of December, 2010.

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Lynne R. Ostfeld, Hearing Officer

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