

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

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Objections of: Felix Cardona and Luis G. Collazo )  
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To the Nomination ) No.: 14-EB-RGA-29  
Papers of: James K. Muscarello )  
 ) (Rel. 14 EB-RGA-30)  
Candidate for the nomination of the )  
Democratic Party for the office of )  
Representative in the General Assembly for the )  
39th Representative District, State of Illinois )

**FINDINGS AND DECISION**

The duly constituted Electoral Board, consisting of Board of Election Commissioners for 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 Felix Cardona and Luis G. Collazo (“Objectors”) to the nomination papers (“Nomination Papers”) of James K. Muscarello, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 39th Representative District of the State of Illinois (“Candidate”) at the General Primary Election to be held on March 18, 2014, having convened on December 16, 2013, 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 Objectors 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 16, 2013 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Frank A. Tedesso 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 Hearing Schedule. On such date and time, the Hearing Officer called the case by calling aloud the case number, the name of the Objectors and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Objectors, Felix Cardona and Luis G. Collazo, by their attorney, Thomas A. Jaconetty.

7. The Candidate, James K. Muscarello, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on December 16, 2013 and at no time did the Candidate or any person purporting to represent the Candidate 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 December 16, 2013 hearing in this cause. The return of the Sheriff's office indicated that the reason that the Candidate was not served was "No Contact." The Candidate was also sent a copy of the Call to

the December 16, 2013 meeting by certified mail, and U.S. Postal Service records indicate a receipt acknowledging receipt of the certified mail item was signed on December 11, 2013 at 12:10 p.m., prior to the scheduled December 16 hearing.

9. The Electoral Board finds that the Candidate, James K. Muscarello, did not appear at the duly called meeting and hearing conducted in this matter after being served with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

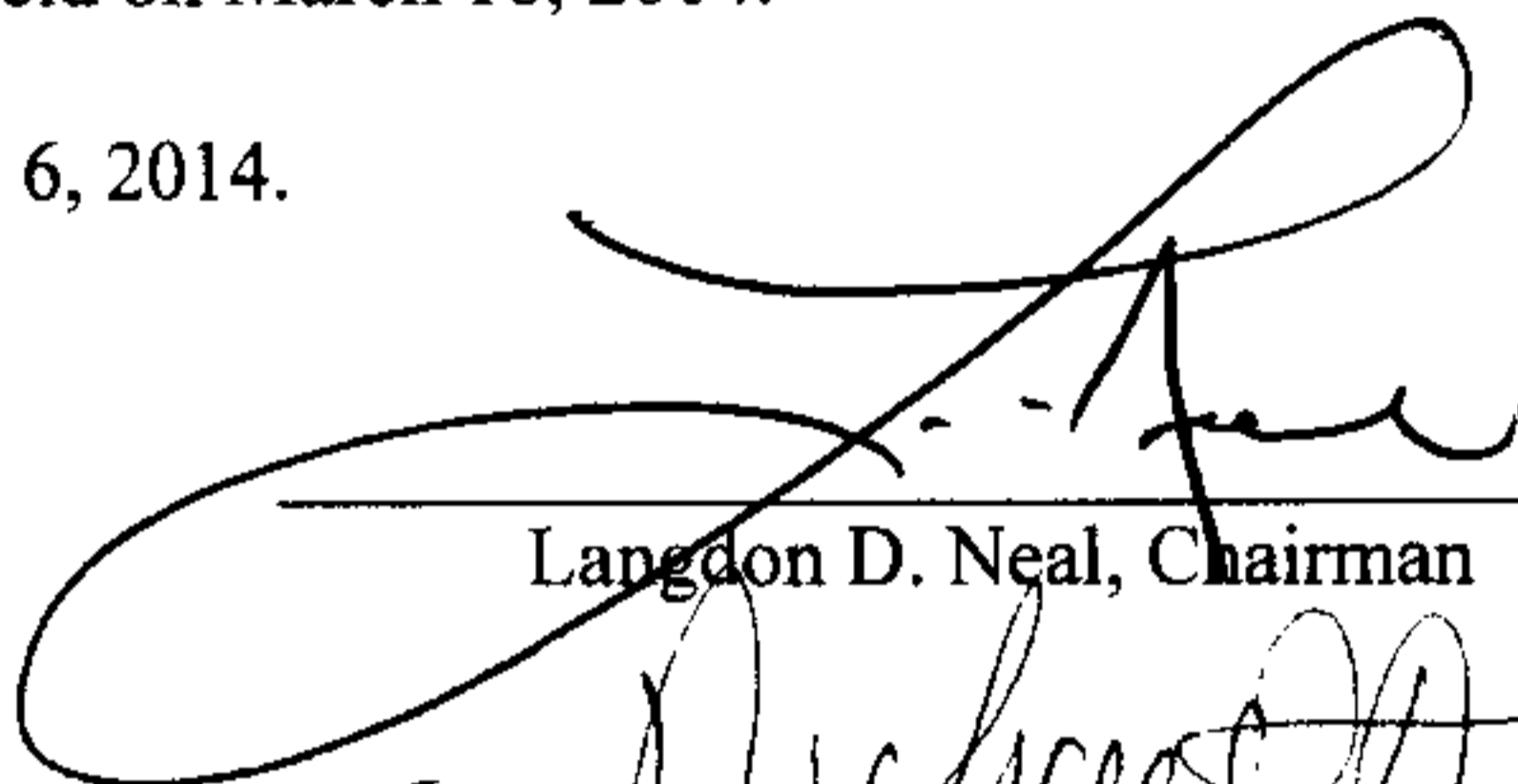
10. The Electoral Board further finds that the Objector's petition, on its face, contains sufficient allegations, if accepted as true, to invalidate the Candidate's Nomination Papers.

11. Therefore, the Electoral Board finds that the Candidate, James K. Muscarello, is in default, that the Objections are sustained, and that the Candidate's Nomination Papers are invalid.

12. The Electoral Board also finds that a similar result has occurred with regard to objections filed in related case number 14-EB-RGA-30.

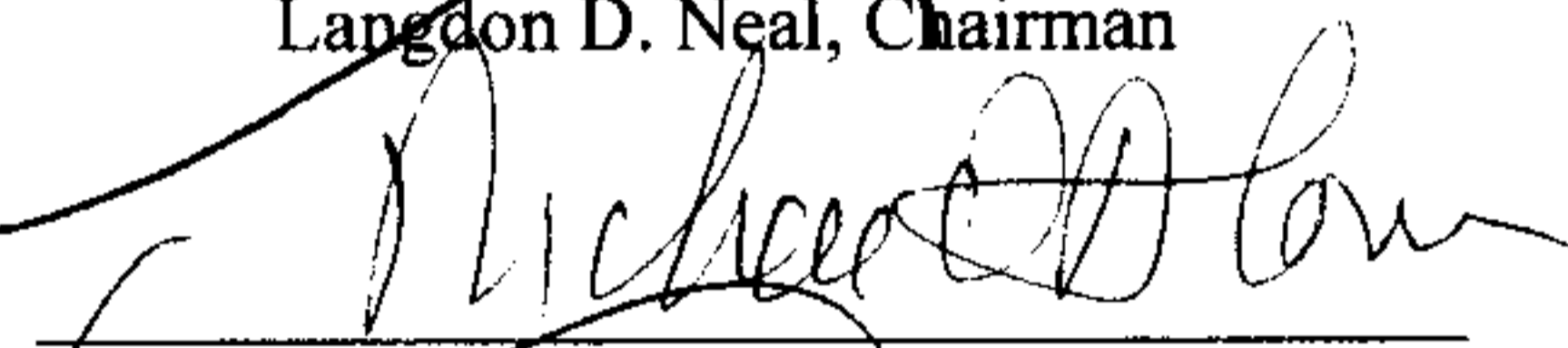
IT IS THEREFORE ORDERED that the Objections of Felix Cardona and Luis G. Collazo to the Nomination Papers of James K. Muscarello, candidate for nomination of the Democratic Party for the office of Representative in the General Assembly for the 39th Representative District of the State of Illinois ("Candidate") at the General Primary Election to be held on March 18, 2014, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of James K. Muscarello, candidate for the nomination of the Democratic Party for the office of Representative in the General Assembly for the 39th Representative District of the State of Illinois, SHALL NOT be printed on the official ballot for the General Primary Election to be held on March 18, 2014.

Dated: Chicago, Illinois, on January 6, 2014.



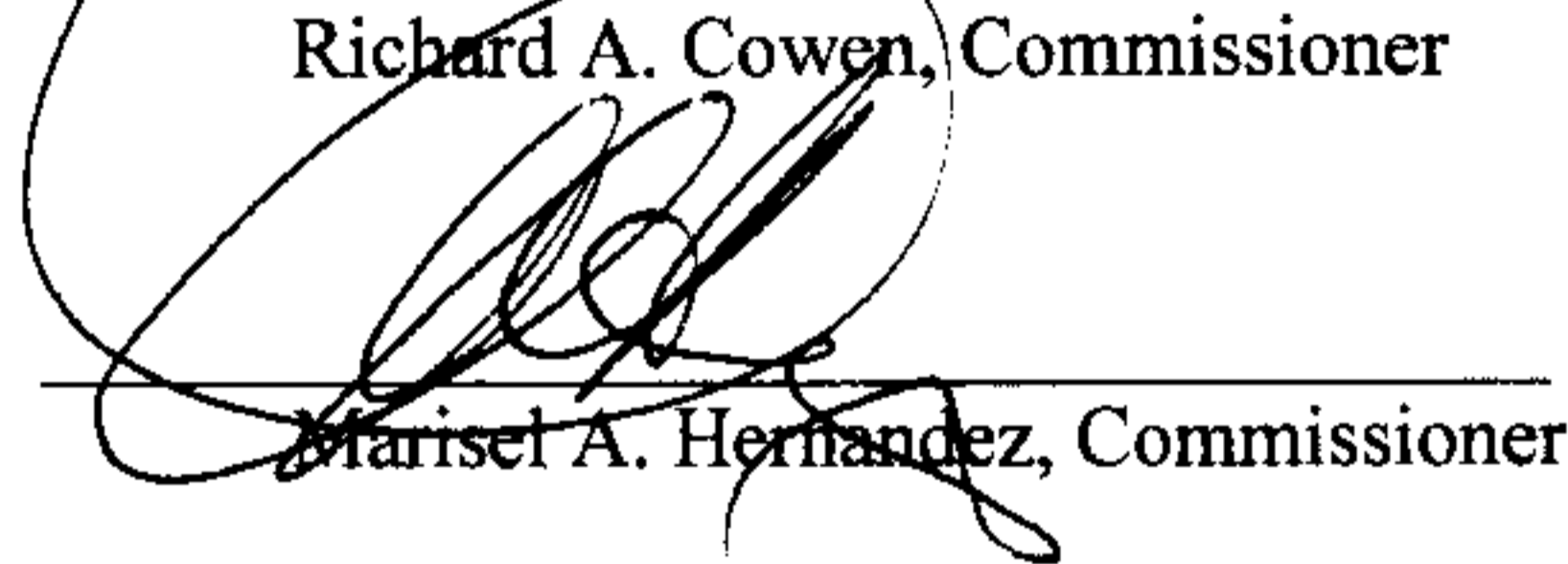
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Langdon D. Neal, Chairman



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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.