

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

---

Objections of: GEORGE BROWN	)	
	)	
	)	
To the Nomination	)	No.: 15-EB-ALD-021
Papers of: CURTISS LLONG BEY	)	
	)	
Candidate for the office of	)	
Alderman of the 9th 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 GEORGE BROWN ("Objector") to the nomination papers ("Nomination Papers") of CURTISS LLONG BEY, candidate for the office of Alderman of the 9th Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 24, 2015, having convened on December 8, 2014, 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 8, 2014, and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Yamil E. Colon 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, GEORGE BROWN, by his attorney, Luke J. Keller; and the Candidate, CURTISS LLONG BEY, pro se.

7. Among the Objections filed is the allegation that the Candidate's petition sheets are fraudulent and false because the Candidate, who signed as the circulator for each of the Candidate's 66 petition sheets, did not witness each and every individual personally sign their name to the petition in his presence. Therefore, Objector contends, there is a pattern of fraud and false swearing in the Circulator's affidavit, invalidating each and every sheet circulated by him.

8. The Hearing Officer conducted an evidentiary hearing, at which time the Candidate was examined and testified under oath regarding this circulation of the petition sheets.

9. 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 testimony that he witnessed all of the signatures that he swore to have witnessed was not credible and thus called into question the integrity of all of his petition sheets. Accordingly,

the Hearing Officer found an apparent pattern of fraud and false witnessing and, under *Fortas v. Dixon*, 462 N.E.2d 615 (1984), of the petitions he circulated should be invalidated and the Objections be sustained.

10. “It is the responsibility of the trier of fact to assess the credibility of the witnesses and the weight of their testimony, resolve conflicts in the evidence and draw reasonable inferences from the evidence ....” *People v. McCulloch*, 404 Ill.App.3d 125, 131-132, 936 N.E.2d 743 (2<sup>nd</sup> Dist. 2010). Here, the Hearing Officer, who had the opportunity and the responsibility to assess the credibility of the Candidate as a witness, found that his testimony incredible.

11. When a circulator falsely swears that all the signatures were gathered in his or her presence a pattern of fraud, false swearing and a total disregard for the mandatory requirements of the Election Code has been established. When such a pattern is established, all sheets circulated by that individual should be stricken in their entirety. An electoral board “relies on the honesty of the circulator who swears that he witnessed each signature whenever the Board counts the signatures toward the number required for nomination.” *Harmon v. Town of Cicero Municipal Officers Electoral Board*, 371 Ill.App.3d 1111, 1116, 864 N.E.2d 996, 1002 (1<sup>st</sup> Dist. 2007). “If the evidence supports a finding that the circulator lied under oath, it further supports a decision to refuse to count any signatures that circulator purportedly witnessed,” *Id.*, citing *Fortas v. Dixon*, 122 Ill.App.3d at 701, 462 N.E.2d 615 (1<sup>st</sup> Dist. 1984) and *Canter v. Cook County Officers Electoral Board*, 170 Ill.App.3d at 369, 523 N.E.2d 1299 (1<sup>st</sup> Dist. 1988).

12. 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. A copy of

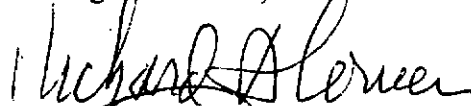
the Hearing Officer's report is attached hereto and is incorporated herein and made a part of the Electoral Board's decision in this case.

13. For the reasons stated above, the Electoral Board finds that the Candidate's Nomination Papers are invalid.

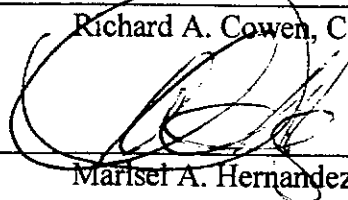
IT IS THEREFORE ORDERED that the Objections of GEORGE BROWN to the Nomination Papers of CURTISS LLONG BEY, candidate for election to the office of Alderman of the 9th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of CURTISS LLONG BEY, candidate for election to the office of Alderman of the 9th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 24, 2015.

Dated: Chicago, Illinois, on January 5, 2015.

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

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

GEORGE BROWN,	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	NO. 15 EB-ALD 021
	)	
CURTIS LLONG BEY,	)	
	)	
Respondent- Candidate.	)	

**HEARING OFFICER'S REPORT AND RECOMMENDATION**

This matter came to be heard initially on December 10, 2014. The Objector, Mr. George Brown, was represented by Odelson & Sterk, Ltd.. The Candidate, Mr. Curtis Llong Bey, appeared *pro se*. After the initial Case Management Conference, the Candidate was granted time to respond in writing to the Objector's Petition. The matter was then set for hearing on December 16, 2014.

**ISSUES RAISED**

The Objector's Petition alleged that the Candidates nomination papers were not lawful in that they contained a variety of defects including: invalid State Of Economic Interest ("SOEI") as not specifying the unit of government, and not containing the Candidate's address; invalid Statement of Candidacy because SOEI is not filed as required by law; and that the Petition Sheets are fraudulent and false since the Candidate/Circulator did not witness each and every individual personally sign their names.

**FACTS AND EVIDENCE PRESENTED BY THE PARTIES**

The evidence presented consisted of the Nomination Papers of the Candidate contained in the Board of Elections File and the testimony of the Candidate.

After each party made an opening statement outlining the issues raised in their Petitions and Motions. The candidate was called to testify.

The majority of the Candidate's testimony related to his method of collecting petition signatures and whether he witnessed each and every signature, since he was the only circulator of his petitions.

The Candidates Petition Sheets consisted of 66 pages and approximately 900 signatures. The first 47 pages bore a notary date of October 1, 2014; pages 48-50 bore the notary date of October 11, 2014; pages 51-63 bore the notary dates of October 1, 2014; and pages 63-66 bore the notary date of October 3, 2014. All 66 sheets were signed by the Candidate as the Circulator.

The Candidate testified that he went door to door collecting all 900 signatures and that all of them are valid. In support of this contention, he testified that he came to the offices of the Board of Elections and verified the validity of all of his signatures. He thus concluded that all of his signatures were valid.

Mr. Llong Bey testified that he began collecting signatures for his petition in August 2014. However, he could not say what date in August he began collecting signatures. When pressed further on the question of when he began collecting signatures, he stated that he could not recall. Later he wasn't sure whether or not it was during the first week of August, 2014.

Mr. Llong Bey testified that he stopped collecting signatures on October 1, 2014. He stated that is why the sheets are all stamped (notarized) at the same time. But the Petition Sheets were notarized on the dates outlined above, not all on October 1, 2014.

The Candidate was questioned on no less than 20 instances where there appeared signature discrepancies relating to similar handwriting; repeat signatures; printed signatures and cursive signatures.

Mr. Llong Bey was evasive in many answers to the repeated question of whether he witnessed each signature at specific pages and lines of petition sheets where the

handwriting of certain signatures appeared similar; were repeated; or contained other discrepancies. At times, he responded that he did not look at the faces of each and every person signing the petitions and many times he responded that he did not remember specifically witnessing the signature. On one particular question as to whether two signatures of the same person appeared printed or signed, he stated that one appeared printed but that he couldn't be sure because he may have a problem with his eyes.

Mr. Llong Bey testified that at times, if he did not like the handwriting of some of the people signing, he himself would write in their addresses to insure legibility. His testimony was that on various instances, he wrote the address of the signator on the petition sheets. Mr. Llong Bey also admitted that some signatures he did not know who the individuals were and did not question who they were. When asked whether he witnessed a specific signature that appeared twice on the same sheet, he stated that he could not recall. Likewise, Mr. Llong Bey did not have a satisfactory explanation for whether he witnessed certain signatures with similar handwriting that resided in the same location.

Mr. Llong Bey testified that he placed a "dot" next to the name on the petition sheet, for every signature that he could vouch for their validity, and that he saw the individual sign, and he checked the signatures with record sheets. However, in reviewing the Candidate's petition sheets, not all signatures have "dots" next to the signatures. Based on the Candidates statement that he validated the signatures on his Petition Sheets with a "dot" next to the name, he creates the logical inference that those signatures that do not contain a "dot" are not valid, or are at least questionable.

The Candidate circulated all 66 pages of his petition sheets, containing approximately 900 signatures according to his petition sheets, and according to his testimony.

However, his inconsistent and contradictory testimony was not credible. His testimony about whether he witnessed the repeat and similar handwriting signatures on the petition sheets was not satisfactory or credible.

Further, there is the question of whether or not the Candidate may have violated 10 ILCS 5/10-5 of the Election Code by collecting signatures prior to the permitted date of August 26, 2014. The Candidate's testimony evidences that he did not even know the date for commencing the collection of signatures. He had no specific recollection of when he began, and was not sure if it was during the early part of August.

Subsequently, he corrected himself and testified that it may have been two days after the commencement date, but again he did not know that date.

### **CASE REVIEW AND FINDINGS**

The Candidate's inconsistent and contradictory testimony about his witnessing the approximate 900 signatures contained in his petition sheets; the loss of memory about certain key facts; and various admissions make his testimony not credible.

There are simply too many discrepancies that challenge the Candidate's testimony about witnessing each and every one of the 900 signatures contained in his petition sheets. These same discrepancies of false swearing as the Circulator raise a pattern of fraud which brings into question the integrity of the totality of the petitions. Therefore, because it is doubtful that the Candidate witnessed each and every signature which he has sworn to have witnessed, all of the petitions circulated should be invalidated.

*Fortas v. Dixon*, 462 N.E.2d 615, (1984).

### **CONCLUSIONS AND RECOMMENDATION**

It is doubtful, that Mr. Long Bey witnessed all of the signatures which he has sworn to have witnessed in his Petition Sheets. His testimony was not credible and thus called



into question the integrity of all his Petition Sheets. There is an apparent pattern of fraud and false witnessing in his Petitions.

Therefore, the Objector's Petition is sustained and it is recommended that the Candidates' name should be excluded from the February 24, 2015 election ballot.

Respectfully Submitted,

S/ Yamil E. Colón

Hearing Officer

December 28, 2014