DEFAULT-ALD

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

Objections of: GEORGE A. KWAK	)	
	)	
To the Nomination	)	
Papers of: SERGIO LOPEZ	)	No.: 03-EB-ALD-083
	)	
Candidate for the office of	)	
Alderman of the Twelfth 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, Theresa M. Petrone, and Richard A. Cowen, 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 A. KWAK ("Objector") to the nomination papers ("Nomination Papers") of SERGIO LOPEZ, candidate for the office of Alderman of the Twelfth Ward of the City of Chicago ("Candidate") to be elected at the Municipal General Election to be held on February 25, 2003, having convened on December 30, 2002, at 10:00 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. The Electoral Board assigned this matter to Hearing Examiner BARBARA GOODMAN for further hearings and proceedings.

5. The Objector and the Candidate were directed by the Electoral Board's Call served upon them to appear before the Hearing Examiner on the date and at the time designated in the Call. A public hearing held on these Objections commenced on January 2, 2003. The following persons, among others, were present at such hearing; the Objector, George A. Kwak, by counsel; and the Candidate, Sergio Lopez, by counsel.

6. The Candidate proceeded to file a motion to strike and dismiss, which was granted and

resulted in striking and dismissing a portion of the Objections.

7. A notice to produce was filed by the Objector compelling the appearance of the Candidate at hearing and, in addition, requesting numerous documents in the Candidate's possession. However, the Candidate failed to appear for the hearing and failed to comply with the notice to produce. Attorneys for the Candidate stated that the Candidate could not be located in order to be served with the notice to produce.

8. The Objector moved to default the Candidate pursuant to Rule 1 of the Electoral Board's rules of procedure for failing to appear and for failing to comply with the notice to produce documents.

9. The Hearing Examiner reviewed the Objector's Petition and concluded that the Objections, taken as true, would be sufficient to invalidate the Candidate's Nomination Papers aside from the issue of residency. The Hearing Examiner recommends, therefore, that the Candidate be defaulted, that the Objections (aside from the issue of residency) be sustained and that the Candidate's Nomination Papers be declared invalid.

10. The Electoral Board hereby adopts the Hearing Examiner's recommended findings and conclusions of law and finds that the Candidate, SERGIO LOPEZ, 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 GEORGE A. KWAK to the Nomination Papers of SERGIO LOPEZ, candidate for election to the office Alderman of the Twelfth Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of SERGIO LOPEZ, candidate for election to the office of Alderman of the Twelfth Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 25, 2003.

Dated: Chicago, Illinois, this Seventh day of February, 2003.

Langdon D. Neal, Chairman

Theresa M. Petrone, Commissioner

Richard A. Cowen, 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.