DEFAULT-ALD

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

Objections of: OLIVIA GONZALEZ	)	
	)	
To the Nomination	)	
Papers of: LAURA L. GARCIA	)	No.: 03-EB-ALD-165
	)	
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 OLIVIA GONZALEZ ("Objector") to the nomination papers ("Nomination Papers") of LAURA L. GARCIA, 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 to appear before the Hearing Examiner on the date and at the time designated in the Trial Call. In the Hearing Examiner's absence, a case management conference was conducted by the Board's General Counsel, James M. Scanlon. The case management conference was held on these Objections on January 2, 2003. The following persons, among others, were present at such hearing; the Objector, Olivia Gonzalez, pro se; and the Candidate, Laura L. Garcia, pro se. Both the Objector and the Candidate filed written appearances with the Board. However, the Candidate indicated that she had not been served by either the

Sheriff's office or by certified mail with a copy of the Objector's Petition or with a copy of the Electoral Board's Rules of Procedure. Mr. Scanlon provided the candidate with copies of both documents and the matter was continued to January 6, 2003 so that the Candidate could have an opportunity to review the Objector's Petition and so that the parties could retain legal counsel should they desire to do so.

6. On January 6, 2003, the Hearing Examiner conducted a hearing in this matter. The Objector appeared in person and indicated that she had hired counsel who was unavailable for that day's hearing. The Candidate failed to appear in person or by counsel. The hearing was continued to January 10, 2003 and a records examination was ordered.

7. At the hearing on January 10, 2003, the Objector appeared in person but the Candidate again failed to appear. The Objector moved for a finding of default.

8. The Hearing Examiner reviewed the Objector's Petition and determined that if all of the objections were taken as true, there would be sufficient allegations to invalidate the Nomination Papers. Accordingly, the Hearing Examiner has recommended that the motion for default be granted and that the Objections be sustained.

9. The Electoral Board, having reviewed the applicable law and having considered the evidence and argument submitted and the Hearing Examiner's report of recommended findings and conclusions of law, hereby adopts the Hearing Examiner's recommended findings.

9. Therefore, the Electoral Board finds that the Candidate, LAURA L. GARCIA, 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 OLIVIA GONZALEZ to the Nomination Papers of LAURA L. GARCIA, 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 LAURA L. GARCIA, 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 Fourteenth day of January, 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.