DEFAULT-ALD

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

Objections of: Tom Courtney and John Courtney	)	
To the Nomination Papers of: Mckenzie C. Dyhr-Arnold	)	No.: 11-EB-ALD-171
	)	Related Case: 11-EB-ALD-277
Candidate for the office of Alderman of the 27th 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 Tom CourtneyJohn Courtney ("Objectors") to the nomination papers ("Nomination Papers") of Mckenzie C. Dyhr-Arnold, candidate for the office of Alderman of the 27th 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 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 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Edna Turkington for further hearings and proceedings. Upon motion of the Objector, the matter was reassigned to Hearing Officer Barbara Goodman by order of James Scanlon, the Board's General Counsel.

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, Tom Courtney and John Courtney, by attorney James Nally, and the Candidate McKenzie C. Dhyr-Arnold, pro se.

7. The Electoral Board finds that the Candidate, Mckenzie C. Dyhr-Arnold, did not appear at the subsequent hearing set for the purpose of hearing of the objections.

8. 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.

9. Therefore, the Electoral Board finds that the Candidate, Mckenzie C. Dyhr-Arnold, 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 Tom Courtneyand John Courtney to the Nomination Papers of Mckenzie C. Dyhr-Arnold, candidate for election to the office of

Alderman of the 27th Ward of the City of Chicago, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of Mckenzie C. Dyhr-Arnold, candidate for election to the office of Alderman of the 27th Ward of the City of Chicago, SHALL NOT be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 7, 2011.

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 BOARDFOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATION PAPERS OF CANDIDATES FOR THE FEBRUARY 22, 2011 MUNICIPAL GENERAL ELECTION IN THE CITY OF CHICAGO

TOM COURTNEY and JOHN COURTNEY Objectors	)	11 EB ALD 171
McKENZIE C. DHYR- ARNOLD Candidate	)	

BOARD OF ELECTION
POLLING PLACE DEPT
2010 DEC 22 P 12: 35

HEARING EXAMINER'S REPORT AND RECOMMENDED DECISION

This matter was first heard on December 6, 2010. Candidate appeared pro se and although Objector filed an appearance through counsel James Nally. Mr. Nally did not appear at the time scheduled for the hearing due to numerous first day scheduling conflicts. The parties were given the opportunity to file preliminary motions and the matter was continued to December 13, 2010. No preliminary motions were filed.

On December 13, 2010, the objector appeared through additional counsel James Bizzieri and the candidate failed to appear. Candidate was contacted via telephone by George Munoz, employee of the Chicago Board of Elections, wherein the candidate indicated that he did not intend to appear at the hearing to defend

the objections.

Objector's counsel moved for a judgment of default against the candidate. The Objector's petition alleged that the nominating papers were insufficient in that they contained less than the required number of valid signatures which would be established in a records examination. The objector's petition further alleged that there were various other defects in the nominating papers, which taken as true, would invalidate the nominating papers.

Inasmuch as the candidate had notice of the hearing and chose not to attend, it is my recommendation that the motion for default judgment against the candidate be granted. Additionally, inasmuch as the Objector's Petition contains sufficient allegations to invalidate the nominating papers, it is my recommendation that the Objections be sustained and that the candidate's nominating papers be deemed invalid. It is my further recommendation that the name of candidate McKenzie C. Dhyr-Arnold for the office of Alderman of the 27th Ward of the City of Chicago not appear on the ballot at the February 22, 2011 Municipal General Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman, Hearing Examiner
12/21/10