DEFAULT-ALD

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

Objections of: Denise Brown	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-245
Papers of: Javier Diaz	)	
	)	Related Cases: 11-EB-ALD-046,
	)	11-EB-ALD-083, 11-EB-ALD-293
Candidate for the office of	)	
Alderman of the 16th 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 Denise Brown ("Objector") to the nomination papers ("Nomination Papers") of Javier Diaz, candidate for the office of Alderman of the 16th 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 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 6, 2010 and was continued from time to time.

5. The Electoral Board assigned this matter to Hearing Officer Mary Celeste Meehan for further hearings and proceedings.

6. The Objector 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 Objector and the name of the Candidate. The following persons, among others, answered and were present at such hearing: the Candidate, Javier Diaz, pro se.

7. The Objector, Denise Brown, did not appear on the first day of hearings, December 6, 2010. However, she was given telephonic notice of the next hearing date by a clerk of the Board. Additionally, she was personally served with a copy of the Call by a clerk of the Board on December 9, 2010.

8. Objector failed to appear on the December 14, 2010, the date set for further hearing.

9. The Hearing Officer has recommended, and the Board finds, that the Objector has a duty to follow her own case and that she knew of the scheduled hearing date.

10. Therefore, the Electoral Board finds that the Objector has abandoned her Objections in this matter by failing to attend the hearing conducted in this cause and said Objections should be dismissed for want of prosecution.

IT IS THEREFORE ORDERED that the Objections of Denise Brown to the Nomination Papers of Javier Diaz, candidate for election to the office of Alderman of the 16th Ward of the City of Chicago, are hereby dismissed for want of prosecution.

Dated: Chicago, Illinois, on January 3, 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.