OBJWD-ALD

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

Objections of: Victor Franco Jr.	)	
	)	
	)	
To the Nomination	)	No.: 11-EB-ALD-313
Papers of: Ricardo Muñoz	)	
	)	
Candidate for the office of	)	
Alderman of the 22nd 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 Victor Franco Jr. ("Objector") to the nomination papers ("Nomination Papers") of Ricardo Muñoz, candidate for the office of Alderman of the 22nd Ward in 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 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 Travis Richardson 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, Victor Franco Jr., pro se; and the Candidate, Ricardo Muñoz, by attorney, Richard K. Means.

7. The Electoral Board finds that on December 6, 2010, the Candidate filed his motion to strike the Objector's Petition and served it upon the Objector at the December 6 hearing. The Objector never filed a response to the Candidate's motion to strike the Objections nor did the Objector appear at the subsequently held hearing on December 10, 2010.

8. The Hearing Officer recommends that the Objector be defaulted for failing to appear at the December 10, for failing to respond to the motion to strike the Objector's Petition and for failing to prosecute his Objections and that the Objector's Petition be dismissed.

9. The Electoral Board adopts the recommended findings and conclusions of law and the Objector is hereby defaulted and the Objector's Petition is hereby dismissed.

10. The Electoral Board further finds that there are no additional Objections filed against the Candidate's Nomination Papers.

IT IS THEREFORE ORDERED that the Objections of Victor Franco, Jr., are DISMISSED, the Nomination Papers of the Candidate are declared VALID and the name of Ricardo Muñoz, candidate for election to the office of Alderman of the 22nd Ward of the City of Chicago, SHALL be printed on the official ballot for the Municipal General Election to be held on February 22, 2011.

Dated: Chicago, Illinois, on January 18, 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.