DEFAULT

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

Objections of: MARLA BLAIR	)	
	)	
	)	
To the Nomination	)	No.: 23-EB-ALD-033
Papers of: PAUL PEARSON	)	
	)	
Candidate for the office of Alderperson for	)	
the 4th Ward, City of Chicago	)	

FINDINGS AND DECISION

The duly constituted Electoral Board, consisting of the Board of Election Commissioners for the City of Chicago, Commissioners Marisel A. Hernandez, William J. Kresse and June A. Brown, organized by law in response to a Call issued by Marisel A. Hernandez, Chair of said Electoral Board, for the purpose of hearing and passing upon objections ("Objections") of MARLA BLAIR ("Objector") to the nomination papers ("Nomination Papers") of PAUL PEARSON, candidate for the office of Alderperson for the 4th Ward ("Candidate") at the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023, having convened on Friday, December 9, 2022, at 4:00 p.m., 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 were duly and timely filed.

2. The Electoral Board was legally constituted under the laws of the State of Illinois.

3. A Call to the hearing on said Objections was duly issued by the Chair 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 or service was waived.

4. A public hearing held on these Objections commenced on Monday, December 12, 2022 and was continued from time to time. The Electoral Board assigned this matter to Hearing Officer Edmundo Cuevas for further hearings and proceedings.

5. 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 Objector, MARLA BLAIR through her attorney, MICHAEL J KASPER.

6. The Candidate, PAUL PEARSON, did not answer to the call nor did he appear at the hearing. The case was called again at least two more times at least 15 minutes apart on Monday, December 12, 2022, and at no time did the Candidate or any person purporting to represent the Candidate appear.

7. The Electoral Board finds that the Cook County Sheriff attempted to serve the Candidate with a copy of the Objector's Petition and with a copy of the Call to the Monday, December 12, 2022 hearing in this case on December 10, 2022 at 7:25 p.m., The return of the Sheriff's office indicated that the reasons that the Candidate was not served was "No Contact - Def not home per male resident." The Candidate was also sent a copy of the Call to the Monday, December 12, 2022, meeting by certified mail. A signed receipt acknowledging receipt of the certified mail item has been returned by the Postal Service with notation that it was left with an individual. A true and correct copy of the Board's ledger showing that the certified mail item was delivered to the Postal Service was admitted into evidence.

8. The initial hearing was continued to December 16, 2022, at 2:00 p.m. to allow for additional service upon the Candidate of a copy of the Objections and notice of hearing. The Cook County Sheriff again attempted to serve the Candidate with a notice of continued hearing for the December 16, 2022 hearing on December 15, 2022. The Sheriff's return of service indicated that the reason the Candidate was not served on these occasions was "MOH refused to accept papers". A copy of the notice of continued hearing was also sent to the Candidate by certified mail, return receipt requested, The receipt was returned to the Board by the Postal Service stating "We regret to inform you that we were unable to locate any delivery information in our records for your item".

9. The Electoral Board finds that the Candidate, PAUL PEARSON did not appear at any of the duly called meetings and hearings conducted in this matter after numerous attempts to serve the Candidate with a copy of the Call and the Objector's Petition by the means of service specified in the statute.

10. A candidate cannot evade the effects of a duly filed objection to his or her nomination papers by simply being unavailable for service of papers nor should the objections be rendered moot by virtue of the fact that a candidate cannot be found by the statutory methods of service. If this were permitted, candidates would simply go into "hiding" until the objection process had run its course, thereby frustrating the statutory scheme for testing whether the candidate is eligible to be on the ballot.

11. 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.

12. Therefore, the Electoral Board finds that the Candidate, PAUL PEARSON 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 MARLA BLAIR to the Nomination Papers of PAUL PEARSON, candidate for the office of Alderperson for the 4th Ward, are hereby SUSTAINED and said Nomination Papers are hereby declared INVALID and the name of PAUL PEARSON, candidate the office of Alderperson for the 4th Ward, SHALL NOT be printed on the official ballot for the Municipal General and Alderperson Elections to be held on Tuesday, February 28, 2023.

Dated: Chicago, Illinois, on Friday, January 13, 2023.

Marisel A. Hernandez, Chair

William J. Kresse, Commissioner

June A. Brown, 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 BOARD FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO THE NOMINATING PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF ALDERMAN OF THE FOURTH (4th) WARD OF THE CITY OF CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS TO BE VOTED UPON AT THE FEBRUARY 28, 2023, MUNICIPAL GENERAL ELECTION

MARLA BLAIR **Objector/Petitioner,**	)	
v.	)	**23-EB-ALD-033**
PAUL PEARSON, **Candidate/Respondent**	)	

HEARING OFFICER'S REPORT AND RECOMMENDED DECISION

1. The Candidate, PAUL PEARSON, filed his Nomination Papers for election to the office of Alderman of the 4th Ward of the City of Chicago, to be voted upon at the Municipal General Election to be held on February 28, 2023.
2. The Objector, MARLA BLAIR, through her attorney, MICHAEL KASPER, filed a timely petition objecting to the Nomination Papers of the Candidate on the basis of insufficient valid signatures to meet the 473 valid signature requirement due to the following objections:
    a. The nomination papers contained the names of persons who were not registered voters or registered voters at the addresses shown;
    b. The nomination papers contained the names of people who did not sign the papers in their own proper person, whose signatures were not genuine;
    c. The nomination papers contained sheets with the names of people whose addresses were not in the 4th ward;

d. The nomination papers contained petition sheets with addresses either missing or incomplete;

e. The nomination papers contained petition sheets where signers signed more than one time.

3. In addition, the Objector's petition objected to the overall validly of the nominating papers due to:

a. A lack of page numbering on the petition pages.

b. A lack of binding of any form.

c. A to a failure to file a receipt from the Cook County Clerk demonstrating that the Candidate filed a Statement of Economic Interest with the Cook County Clerk as required by law.

d. A failure by the Candidate to file a Statement of Economic Interest with the Cook County Clerk prior to the close of the petition filing period.

4. The initial case management hearing occurred on December 12, 2022. The Candidate did not appear at the initial case management hearing. The Objector, thru his attorney, Michael Kasper, was present. At this initial hearing, a status hearing was set for December 16, 2022 at 2:00PM for status of service on the Candidate.

5. At the December 16 status hearing, the Candidate was not present and the Objector thru his attorney was present. The hearing was delayed to confirm receipt of proof of service to the Candidate. John Powell, a Senior Supervisor for the Chicago Board of Election Commissioners, attempted for approximately an hour to get the proof of service from the Sheriff's office. In the meantime, John Powell called the phone listed for the Candidate

and left a voice message. The Sheriff's office ensured that the proof of service would be emailed "shortly" to John Powell, but the email was continued to be delayed.

6. Based on the Candidate's lack of availability when Mr. Powell called his phone number and the sheriff's "assurance" that we would get the proof of service "shortly", I held the meeting. The Objector thru Mr. Kasper requested that the Candidate be found in default and wished to continue the hearing on the petition. I found the Candidate was in default and agreed that the Objector's petition be sustained regarding the objections to the lack of Statement of Economic Interest and lack of Receipt. I also found the objections remaining objections to be moot.
7. At approximately 5:15PM, John Powell emailed to inform me that the Candidate returned the phone call and that the Candidate stated he was never aware of any objections against him. Based on this information, I requested another hearing on the matter to be set for December 23, 2022, and for notice to be sent to all parties.
8. Due to Chicago weather and winter storm warnings, all election hearings were cancelled between December 22 thru December 26. As such, I attempted to communicate with the Candidate to reschedule a new hearing. Through various text messages, the Candidate informed me that he was out of town visiting family for the holidays and would not be back until January 1, 2023.
9. On December 29, I emailed the Electoral Board to send service to the Candidate and to conduct service via telephone to the Candidate, as well. The hearing was set for January 3, 2023 at 6:00PM. Mario Garcia, a clerk with the Electoral Board, emailed to inform me that he spoke to the Candidate to inform him about the hearing date, time, and location.

Shortly after receiving the email from Mario Garcia, the Candidate called me and informed me that he did speak with Mr. Garcia and confirmed the details for the hearing.

10. Mr. Kasper, attorney for the Objector, was notified of the new hearing date as well.
11. On January 3, 2023, I waited until 6:15PM to start the hearing. At that time, the Candidate was not present. Mr. Kasper was not present but communicated his reason for his unavailability. At the hearing, I restated Mr. Kasper's objections listed in the petition and I requested that Mario Garcia testify under oath and on the record regarding his communication with the Candidate. Due to the Candidate not appearing, I reaffirmed my recommendations from the December 16, 2022 hearing.

CONCLUSION

Based on the foregoing, it is my recommendation that the objections in the Objector's petition be sustained, that the nominating papers of PAUL PEARSON for the officer of Alderman in the 4th Ward of the City of Chicago be deemed invalid, and that the name of PAUL PEARSON for said office be removed from the ballot for the February 28, 2023 Municipal Election.

Respectfully submitted,

Date: January 4, 2023

/s/ Edmundo Cuevas_____
Edmundo Cuevas, Hearing Officer