

**BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**

Thomas A. Witt,
Petitioner-Objector,

vs.

Allison L. Harned,
Respondent-Referendum Petitioner.

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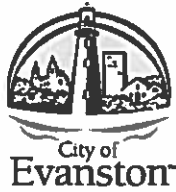
No. 18-MOEB-EV-02

CALL

SHERIFF OF COOK COUNTY, Please serve:

1. Stephen H. Hagerty
Mayor
Lorraine H. Morton Civic Center
2100 Ridge Avenue
Evanston, IL 60201
2. Devon Reid
City Clerk
Lorraine H. Morton Civic Center
2100 Ridge Avenue
Evanston, IL 60201
3. Thomas A. Witt
Objector
2312 Hartrey Avenue
Evanston, IL 60201
4. Allison L. Harned
Petitioner
1515 Greenwood Street
Evanston, IL 60201
5. Ann Rainey
Alderman
1209 Hull Terrace
Evanston, IL 60202





**THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**

August 21, 2018

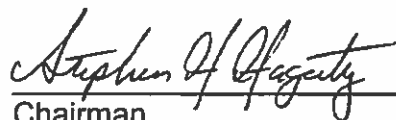
4:00 p.m.

Lorraine H. Morton Civic Center, 2100 Ridge Avenue,
Lighthouse Conference Room, Room 2402

AGENDA

PLEASE TAKE NOTICE that Stephen H. Hagerty, City of Evanston Mayor; Devon Reid, City Clerk; and Ann Rainey, City of Evanston Alderman, constituting the Municipal Officers Electoral Board for the hearing and passing on of objections to a petition to place a public question on the November 6, 2018 ballot related to the Harley Clark Mansion in the City of Evanston, to be voted on by the electors of the City, will hold a meeting of the Municipal Officers Electoral Board, which is required by law to meet and pass on objections to a petition to place a public question, to be voted on at the Gubernatorial General Election to be held on November 6, 2018.

1. CALL TO ORDER
2. ROLL CALL
3. REVIEW OF RULES
4. CASE NO. 18-MOEB-EV-01
5. CASE NO. 18-MOEB-EV-02
6. CASE NO. 18-MOEB-EV-03
7. ADJOURNMENT OR RECESS



Chairman
Municipal Officers Electoral Board



**CITY OF EVANSTON
MUNICIPAL OFFICERS ELECTORAL BOARD
2018 Municipal Elections**

RULES OF PROCEDURE

1. Appearance by an objector or by a petitioner at the hearing on objections may be in person (*pro-se*), or by counsel admitted and in good standing to the bar of the Supreme Court of Illinois. On the Appearance form each Party must provide the Board with electronic mail addresses and telephone numbers at which that party can be reached at any time during the day and at night. If a Party chooses not to be represented by counsel, that Party may proceed *pro se* and must perform the functions otherwise to be performed by counsel. Due to the expedited nature of the hearings, failure by any Party to monitor or be available at the addresses/numbers provided may result in a waiver of rights. Non-attorneys cannot appear on behalf of or represent another party in Electoral Board proceedings.

2. On the date set in the Call, both the objector and the original petitioner are required to be present in person or by counsel and may be required to present their cases.

3. After the Board convenes, it will be in session continuously until all objections are disposed of. The Board may recess from time to time. The Board may grant continuances on objections but may not grant resetting of initial hearings on objections. The Board retains sole discretion regarding scheduling matters for its consideration. The Board may schedule proceedings in a case to extend beyond the initial day set for hearing. A quorum of the Board is two (2) members. The Board may, on the day of the initial hearing of a case or thereafter, assign any part of a case to a Hearing Officer to conduct proceedings, hear evidence and arguments, recommend findings of law and fact, and report to the Board. The Hearing Officer does not have the power to make final findings or issue a final decision.

4. Electoral Board Powers. The Electoral Board will conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements, and ensure the development of a clear and complete Record. The Board has all necessary powers to conduct a fair and impartial hearing, including, but not limited to the following:

- a. administer oaths and affirmations;
- b. regulate the course of hearings, set the time and place for continued hearings, set times for filing of documents, provide for the taking of testimony by evidence deposition if necessary, and in general conduct proceedings according to the recognized principles of administrative law and these rules;
- c. examine the witnesses and direct the witnesses to testify, limit the number of times any witness may testify, limit repetitive testimony, and set reasonable limits to the amount of time that each witness may



- testify; the Board members and the Board's attorney may also examine witnesses;
- d. rule on offers of proof and receive relevant evidence;
 - e. direct parties to appear and confer for the settlement or simplification of issues and otherwise conduct prehearing conferences;
 - f. dispose of procedural requests or similar matters;
 - g. require the parties to prepare written briefs and proposed findings of fact and conclusions of law;
 - h. consider and rule on all motions presented in the course of the proceedings;
 - i. consider such evidence as may be submitted, including, but not limited to, documentary evidence, affidavits, and oral testimony;
 - j. prepare the Record of its proceedings; the City Clerk or his designee will serve as ex officio Clerk of the Board and keep minutes of the Board's proceedings;
 - k. adopt Rules of Procedure, such Rules which will apply to Board hearings convened in all 2018 hearings;
 - l. the Board shall as a matter of procedure consider and count all signatures that are filed in excess of the statutory maximum for any elected office; and
 - m. enter any order that further carries out the purpose of these Rules.

5. Case Management Conference. The Board may direct the parties or their attorneys to appear at a conference with the Board or its attorney at any time, for the purpose of considering the following:

- a. the formation and simplification of the issues;
- b. the possibility of obtaining admissions of fact and genuineness of documents to avoid unnecessary proof;
- c. the limitation of the number of witnesses;
- d. the preparation and submission of written briefs ;
- e. scheduling of hearings on motions;
- f. a proposed plan and schedule of discovery; and
- g. any other matters that may aid in the disposition of the objections.

6. Order of Presentation. The Board will hear first preliminary motions in the nature of a motion to dismiss under Section 2-615 of the Illinois Code of Civil Procedure. The Board may, in its discretion, reserve rulings on any matter pending further hearings.

The objector must first present his/her case-in-chief after consideration of such preliminary motions. The objector bears the burden of presenting evidence sufficient to support a decision sustaining the objection. The applicable evidentiary threshold on issues of fact will be a "preponderance of the evidence." The Board, in its discretion, may entertain a motion for a directed finding at the close of the objector's case-in-chief. After the conclusion of the objector's case-in-chief, the original petitioner may present his/her case-in-chief.

At the close of the original petitioner's case-in-chief, the objector may offer a case in rebuttal. Matters in rebuttal will be strictly limited to matters raised by the issues then before the Board. Surrebuttal is not permitted.

7. In the interest of brevity, the Board may terminate evidence or argument on repetitive matters or matters plainly beyond the scope of the case. The Board may refuse to hear, with or without an objection of a party, evidence or argument it determines not germane to the electoral board hearing. The Board may alter the order of proof in order to expedite the hearing.

8. Within the parameters of the law, the Board will only consider written objections and the written specifications of such objections to the original petitions, as set forth in the objector's petition. The objector's petition cannot be amended. No answer or response to the objector's petition need be filed. The objector's motivation or personal knowledge of the factual basis for the objections is not relevant to the Board and will not be considered. The objector does not need to prove that the objector is a registered voter in the City of Evanston. The original petitioner may raise the lack of the objector's standing or eligibility as an affirmative defense in his/her own case-in-chief.

If the original petitioner fails to appear at a hearing, a default judgment may be entered against the original petitioner, and the objections contained in the original petitioner's petition shall be confessed against the original petitioner upon a determination by the Board that the objector's petition sets forth valid grounds for the removal of the original petitioner's name from the ballot. If an objector fails to appear at a hearing, the Board may, in its sole discretion, default the objector and dismiss the objection. The Board has the sole discretion as to grant or deny a motion to withdraw an objection or objections. The Board may, in its sole discretion, require a preliminary showing of proof on the validity of any objection or may order a partial check of some portion of the allegations of an objection.

9. The objector does not need to prove that the objector is a registered voter within the City of Evanston. The original petitioner may raise the lack of the objector's standing or eligibility as an affirmative defense in his/her own case-in-chief. The objector's motivation or personal knowledge of the factual basis for the objections is not relevant to the Board and shall not be considered.

10. All arguments of counsel and evidence must be confined to the points raised by the objections and specifications, if any, to the objector's petition, and by the objector's petition and specifications with respect to the nomination papers. The parties will be limited to 10 minutes each for the presentation of their case, unless the Board, in its sole discretion, extends the period of presentation.

If a Party is represented by Counsel, all questions and statements made on the Record at any hearing can only be made by Counsel.

The Chair of the Electoral Board, with the assistance of the Board's attorney, will make all necessary rulings, subject to appeal. The Board may overrule the Chair's rulings by a majority vote of the Board.

The Chair has the power to maintain order and decorum during any hearing. Public comment may be permitted during any hearing, in the discretion of the Board. Any comment will be restricted solely to the validity of the Petition and the objections. Because the Board must consider objections within a limited time, examination of witnesses and evidence will be subject to the Board's discretion.

All evidence must be relevant, probative, and material. The strict rules of evidence will not apply. For matters not covered by these Rules, the Board will generally follow the rules of practice in effect in the Circuit Court of Cook County, Illinois and the Illinois Code of Civil Procedure. Because of the expedited nature of these proceedings, the Board will not be bound by such rules in all particulars. Mandatory discovery is not permitted. All testimony, if any, will be given under oath.

11. The Board will provide a certified court reporter for all hearings, but not for record checks. The Board may waive this requirement at any time without notice. The Board will not cause a transcript to be prepared unless it needs a transcript for a particular purpose. If a petition for judicial review of the Board's decision is filed, the Board will provide a Record to the Court as provided by the Administrative Review Law. Any party may purchase a transcript from the court reporter at his/her own expense.

12. If the objections to the nomination papers, or sufficient part thereof, are sustained, the nomination papers will be held invalid, and the Board will state its ruling and findings in a written decision, noting the objections which it sustained. A decision may be executed by members of the Board in counterparts. If the objections or a sufficient part thereof, are overruled, the nomination papers will be held valid, and the Board will state its findings in a written decision. In the event that the Board is sitting with only two members, and the two members do not agree as to the validity of any objection, that objection will not be sustained.

13. The inspection of any actual records of the Election Official of the City of Evanston will be restricted to members of the Board or Counsel, or representatives of the Parties and the Board's attorney.

14. Subpoenas. At the request of any party, the Chair may issue subpoenas requesting the attendance of witnesses and subpoenas *duces tecum* requiring the production of such books, papers, records, and documents as may be evidence of any matter before the Board. The party must serve the subpoena, with the appropriate fee, in the same manner as for subpoenas used in the Circuit Court of Cook County.

15. If any person served with a Board subpoena fails to honor it, the Board may seek judicial enforcement of the subpoena as provided by law.

16. Failure to Follow Directives. Failure to adhere to these Rules can be suitable grounds for dismissal of the objector's petition, or entry of a default against any Party.

17. Decision. The Board will state its findings in a written decision, noting the objections that were sustained. The Board will not default an original petitioner until after a finding that the objections constitute sufficient grounds for removal from the ballot.

18. The Board designates Michelle L. Masoncup, Corporation Counsel of the City of Evanston, as its attorney. The Board's attorney is authorized and directed to appear on behalf of MOEB at the Cook County Circuit Court if a petition for judicial review is filed, and directed to defend the MOEB in any litigation that may arise. The Board directs the City of Evanston to pay the reasonable and necessary costs of the Board's operation, including attorneys' fees, court reporting fees, and similar expenses, from its general funds. The Board authorizes its attorney to appoint and assign a Hearing Officer to any case, if necessary, and to take other actions to assist the Electoral board as deemed necessary and appropriate consistent with these Rules.

19. Record Checks. The Board, in its discretion and when applicable, may order a record check to be conducted. The record check shall be used to initially determine the validity of most standard objections to individual signatures and circulators. At the record check, election documents and objections shall be compared with the permanent voter registration records of the local election authority by employees of the election authority acting under the direction and supervision of this Board, if possible, and if not, then by the Board or its agent(s) or designee(s). If the records of the election authority are stored on a computer database, the records check may utilize the computerized records in lieu of or in addition to the originals. The record check shall determine the validity of the following general types of objections:

- a. whether the signer of an election document is a registered voter at the address shown beside his/her signature;
- b. whether the signature on an election document is genuine;
- c. whether the signer of an election document is registered at an address within the relevant political subdivision or district involved; and
- d. whether a petition signer signed the document more than once.

20. The objector and original petitioner shall have the right to have an attorney and one designated representative (watchers) present at the record check. If the designated representative is the objector or original petitioner, that party shall not be entitled to any additional watchers other than the attorney. The record check will proceed at the scheduled time. The failure of any party to appear at the comparison shall not delay or cause the record check to be rescheduled. Failure of any party to appear at a record check shall result in that party being defaulted. The results of the record check shall be noted by the election authority's clerks on a form provided by the Board. Failure or refusal of the watcher to sign the form does not affect the accuracy of the form. Blank copies of the form used shall be furnished to each watcher on request,

so that the watcher may note the results of the comparison. The election authority or the Board's representative(s) may order a watcher removed for misconduct that materially hampers the businesslike proceedings of the record check. If a watcher is removed, the record check will proceed immediately without that watcher.

21. A watcher may orally object to the findings of the clerk at the time the clerk enters his/her ruling on the form. This objection shall also be noted by the clerk. FAILURE TO OBJECT TO A FINDING OF THE CLERK AT THE RECORD CHECK SHALL BAR THE PARTY FROM OBTAINING A CHECK OF ANY OTHER ELECTION AUTHORITY RECORDS RELATING TO THAT SIGNATURE AND ALSO FROM PRESENTATION OF ANY FURTHER EVIDENCE OR ARGUMENT BEFORE THE BOARD WITH RESPECT TO THE ISSUE CONSIDERED AT THE RECORD CHECK.

22. Timing of Objections to Record Checks. Any party may object to the results of the record check by filing a written request for further hearing before the Board. This request shall indicate the specific name(s) objected to by sheet and line of the election document and the ground(s) for the request. This request shall be filed no later than 24 clock hours following the clerk's ruling on the last signature examined at the record check. The request shall be filed with the Board and served on the other parties to the case. No request will be considered if the party did not make an objection to the election authority's finding at the time of the election authority's clerk entered his/her finding on the form.

23. At any subsequent record check objection hearing before the Board, the ruling made by the clerks shall be deemed valid, and the moving party shall have the burden of demonstrating that the ruling was incorrect by a preponderance of the evidence.

24. Any party filing any document must give notice of that filing by serving a copy of that notice of filing and document to all other parties to the case. If a party or his/her attorney has a fax machine or document scanner, service may be made to the fax machine or by email transmission. Service must be done in a manner reasonably calculated to provide actual and timely notice to the party. The party filing the document must file a sworn Proof of Service with the Board. The Proof of Service shall set forth the time, date and manner of service. The Proof of Service must be filed with the ex officio clerk or his/her designee during regular office hours, or with the Board in open session. Copies of any documents filed with the ex officio clerk must also be sent by hand delivery or fax transmittal to Ms. Masoncup at 847.448.8009. They must also be emailed to mmasoncup@cityofevanston.org. All Parties are encouraged to assent to service of all documents and Board notices via electronic mail.

Adopted: August 13, 2018

Electoral Board

Chair, Mayor Stephen H. Hagerty

**CITY OF EVANSTON
OFFICE OF THE CITY CLERK**

In re the Matter of the "Harley Clarke Mansion"

CERTIFICATE OF FILING

A Petition to place a Public Question on November 6th 2018 Ballot

In the Matter regarding the parcel of City Property, including the building structures, commonly known as the Harley Clarke Mansion, pursuant to the provisions of the Illinois Election Code, please find attached the notarized Signature Sheets in support of placing the following public question on the November 6, 2018 ballot -

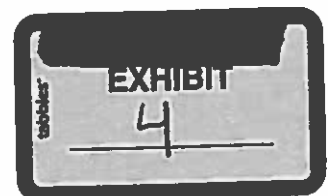
"Shall the City of Evanston protect from demolition and preserve the landmark Harley Clarke buildings and gardens next to Lighthouse Beach, for use and access as public property, consistent with the Evanston Lakefront Master Plan, at minimal or no cost to Evanston taxpayers?"

PROPONENT:



Allison L. Harned
1515 Greenwood Street
Evanston, IL 60201
773.354.9353
saveharleyclarke@gmail.com

Dated 7/25/2018



RECEIVED
DATE: 08/13/18 9:55
MUNICIPAL CORP 2401A/121
C

OBJECTION TO PETITION TO SUBMIT PUBLIC QUESTION TO A REFERENDUM

To the City Clerk of the City of Evanston, Illinois:

I hereby certify that I am a registered voter residing in the City of Evanston and that I have the following objection to the language of the proposed advisory referendum question pertaining to the Harley-Clarke mansion.

The proposed referendum question states: ""Shall the City of Evanston protect from demolition and preserve the landmark Harley Clarke buildings and gardens next to Lighthouse Beach, for use and access as public property, consistent with the Evanston Lakefront Master Plan, at minimal or no cost to Evanston taxpayers?" [emphasis added]

This question as propounded is misleading because it omits information that would be essential for a reasonable voter to understand what he or she is voting on, namely the fact that there is not now, nor has there ever been, a plan presented to the City of Evanston that would allow the Harley-Clarke buildings and gardens to be preserved and maintained as public property at minimal or no cost to Evanston taxpayers. The Tawani proposal for a hotel was not pursued after citizen opposition to it arose and it is no longer available as an option; the State of Illinois proposal to create an environmental education center never got to the point of being finalized due to the lack of funding for it after a change in State administrations; and the most recent proposal submitted by Evanston Lakehouse and Gardens was rejected by the City Council within the past several months.

The proposed referendum question makes about as much sense as asking voters whether they'd like the City Council to approve distributing \$500 in cash to each resident "at minimal or no cost to Evanston taxpayers". By asking Evanston voters to express their views on something which has been decidedly proven to be illusory over a period of several years, the referendum question will not provide any useful guidance to the City Council and in fact is much more likely to muddy the waters surrounding this public policy issue. This is particularly true because there has been an enormous amount of public input already on this matter, and it stretches credulity to think that our elected representatives are unaware of the views of Evanston residents thereon or the advantages and disadvantages of pursuing one outcome or another for the Harley-Clarke buildings and gardens.

Dated: August 13, 2018



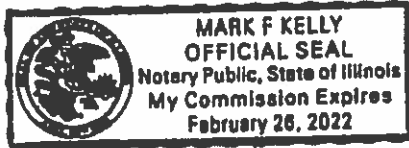
Thomas A. Witt

STATE OF ILLINOIS)
County of Cook) SS

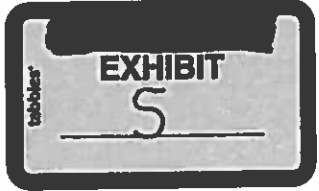
The person whose name is subscribed to the above petition personally appeared before me on 8/13/18, 2018 and upon his oath stated that the same is true and correct to the best of his knowledge.



(Signature of Person Authorized to Administer Oaths in Illinois)



(Title)

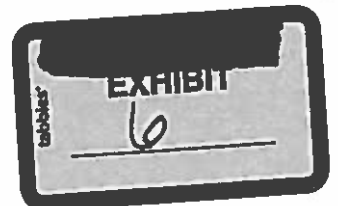


**BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**

In re Objections)	
of Thomas A. Witt)	2018 MOEB EV 02
to the Petition for Advisory Referendum)	
of Allison Harned, et al., Proponents)	
_____)	
)	
In re Objections)	
of Rosemary O’Neil, et al.)	2018 MOEB EV 03
to the Petition for Advisory Referendum)	
of Allison Harned, et al., Proponents)	

**MOTION FOR RECUSAL, OR IN THE ALTERNATIVE,
EXCUSAL OF ANN RAINEY**

ALLISON HARNED, *et al.*, petitioners for and proponents of an advisory referendum question to be placed on the ballot at the November 6, 2018, general election (hereinafter referred to as the “Petitioners”), come before the Evanston Municipal Officers Electoral Board by and through their counsel, JOHN J. WALSH III, and request the recusal, or in the alternative, excusal of Ald. Ann Rainey (“Rainey”) from the Electoral Board hearing on August 21, 2018, of the two above-encaptioned objections to Petitioners’ petition. Rainey’s longstanding public and private opposition to preservation for public use of the property that is the subject of the referendum question, and her history of advocacy, support—even private fund-raising for the demolition of the buildings on the property—suggest the presence of an unacceptable bias against the Petitioners and the proposition at issue such that she cannot be a fair and impartial judge of the issues presented, consistent with the due process rights of the Petitioners. In support of this Motion, Petitioners state as follows:



FACTS

1. The two objections to be heard by the Evanston Municipal Board of Elections, or electoral board, on August 21, 2018, address the merits of an underlying proposition which is well-understood among Evanston voters as addressing the issue of the buildings on the property at 2603 Sheridan Road, Evanston, generally referred to in recent years as the “Harley Clarke” property¹ after the owner who commissioned the structures and gardens in the 1920s.

2. The Harley Clarke house and grounds are of historical and architectural significance. The properties include a 37,700 square-foot mansion built in 1927 in the relatively rare French Eclectic style, a coach house with attached greenhouse, and landscape features designed by pioneering landscape architect Jens Jensen. The house was the last lakefront mansion of its size built in Evanston before the Great Depression, and upon completion won a design award from the Evanston Art Commission. The property, the only publicly-owned lakefront mansion on the North Shore, is an official City of Evanston landmark. The City of Evanston cited the house in its application to the U. S. Department of the Interior for designation of the Northeast Evanston Historic District, terming the house, in the City’s Statement of Significance, a “prominent structure ... of excellent integrity,” and terming the property “the grandest French Eclectic style house in the District.” Several pages are devoted to the structures in Cohen & Benjamin, *NORTH SHORE CHICAGO: HOUSES OF THE LAKEFRONT SUBURBS 1890-1940* (Acanthus Press, 2004). Evanston’s most visible architecture and design group, Design Evanston, included Harley Clarke in its Evanston-sesquicentennial publication of Hartzell, Hoppe, *et al.*, *EVANSTON: 150 YEARS, 150 PLACES* (2013).

¹ The property has sometimes been referred to as “the Evanston Art Center,” for the not-for-profit corporation that was the tenant of the main house during approximately 1966-2015 under a lease with the City of Evanston.

3. For years, the greatest public foe of public ownership and use of the Harley Clarke structures has been Ald. Ann Rainey, who was also a critic of the Art Center and its lease. After the Art Center moved from the property in 2015, Rainey opposed the City Council's moving forward with plans to fix up the building. In doing so, she used a parliamentary maneuver which "tabled" indefinitely another alderman's motion to devote funds to that effort, while conflating the funding for repairs, which would come from the city's bonded capital improvement budget, with funding for general operations, some of which was funded with State of Illinois contributions.

4. Between 2015 and 2017, many citizens urged restoration of the property through a city lease to a non-profit. In 2015, a not-for-profit corporation, Evanston Lakehouse & Gardens (hereinafter "Lakehouse"), sought a lease in order to rehabilitate the property for public use and access. An online city survey that followed hearings on the subject produced results showing a large majority favored adaptive reuse of the property for public use, either through government or nonprofit management, while a minority (12%) favored outright demolition. The City Council referred the matter to committee in the fall of 2016. Two city committees studied possibilities for the property and in June, 2017, recommended leasing to Lakehouse and dedicating \$250,000 of City funds to stabilizing the property through repairs of some of the building code violations cited by City staff. A majority of the City Council then voted to put the lease out to a formal Request for Proposal (RFP) process, which occurred in summer, 2017. Lakehouse's 104-page Response to RFP, including a business plan and proposal, was filed on October 9, 2017. It was ruled to be the only responsive submission to the RFP, and it was sent to the City Council for consideration during its meeting on November 13, 2017. It can be found on the City of Evanston's website at <https://www.cityofevanston.org/home/showdocument?id=29088>.

5. On November 12, 2017, Rainey described the committee-recommended proposal for adaptive reuse, and the RFP process resulting in Lakehouse's proposal, a "fiasco" and advised a demolition supporter how she was going to vote, a day before the City Council meeting (*i.e.*, she had already made up her mind to oppose it, before hearing from citizens and her Council colleagues who might speak on the subject). See Exhibit A, attached (Rainey email of 11/12/17 to Jeff Coney).

6. The following night, on November 13, 2017, the City Council accepted Lakehouse's proposal by a voice vote of 7-2 and directed the City Manager to begin lease negotiations with Lakehouse. Rainey did not oppose the Motion.

7. During the next several months, while the Lakehouse group worked with the City to negotiate a lease under the belief that the City supported its plan, a small lobbying group headed by and primarily composed of residents in the Harley Clarke neighborhood ("the demolition proponents") engaged in private efforts to oppose the Lakehouse proposal through misstatements about the plan, coupled with a direct offer of cash to the City for demolition of the buildings and restoration of the gardens on the property and the man-made dunes at the west edge of the beach, below the property. Rainey worked hand-in-hand with the demolition group in that effort, including her own personal efforts at fund-raising to support their proposal. See Exhibit B, attached [Rainey email of 6/5/18 to Lane Howard (" . . . so I am out beating the bushes for a few small contributions")].

8. On April 9, 2018, a motion to approve the lease which ELHG had negotiated with City staff failed by a vote of 6-3. Thereafter, Rainey began meeting with the demolition proponents to coordinate response to a possible motion to reconsider, and further strategy.

9. At the Council meeting on May 29, 2018, Rainey suggested that City staff draft a resolution to negotiate a demolition agreement with the private group of demolition proponents. She followed her public comments with an email to staff the next day May 30, copying the leaders of the demolition group with whom she had been speaking. (See Rainey's 5/30/18 e-mail to the City Manager, Council members, Nicole Kustok and Jeff Coney attached as Exhibit C.) In addition, Rainey closed that email by stating, "Time to move forward; the offer is limited . . . We have a gift, let s (*sic*) be gracious and accept it."

10. At the June 18, 2018 City Council meeting, Rainey sponsored a resolution to authorize the City Manager to negotiate a contract with the demolition proponents to demolish the Harley Clarke buildings.

11. On July 24, 2018, after a City Council meeting the previous evening, Rainey assured one of the demolition supporters, in reference to moving forward with a Memorandum of Understanding and a demolition agreement, "We will all work hard to make this happen." (7/24/18 email to Jeff Coney, marked as Exhibit D).

12. During that July 23 meeting, Rainey had again spoken as the most ardent supporter of demolition, describing the historic, landmark building as a "bundle of bricks," and commenting on the city landmark, "There is nothing special about (this building)." (Videotape of the 7/24/18 Council meeting at 2:10:06.)

13. Both of the objections before the Electoral Board on August 21, 2018, address the substantive merit of preservation, as opposed to demolition, and one—the Rosemary O'Neil objection—is brought by donors and supporters of the demolition effort. Three of the four objectors who signed that objection are neighbors of the Harley Clarke property. A copy of the objection is attached as Exhibit E.

14. The fourth objector on O’Neil’s objection—the only one with an address in Rainey’s 8th Ward—is Matt Rodgers, who was the chairperson of Rainey’s 2016-17 re-election campaign committee (see Illinois “Sunshine” excerpt, attached as Exhibit F) and a paid political consultant to her campaign committee (see excerpt from Rainey’s campaign disclosure, second quarter report, attached as Exhibit G). On his professional *curriculum vitae*, Rodgers states that he “managed (campaign) operations . . . and *advised* Ald. Ann Rainey (see Exhibit H, attached) (emphasis added). On his *c.v.*, he also describes himself as “(v)olunteering” for Rainey’s campaign, though public records confirm that he was actually a paid campaign consultant.

ARGUMENT

The Election Code contains no specific direction as to recusal of a Board member, but it does provide for the filling of vacancies on an electoral board, obviously contemplating circumstances that might make a member’s service “impracticable.” However, fundamental concepts of due process and fairness dictate that candidates and proponents of referenda must have ballot submissions reviewed without bias or prejudice. An unacceptable risk of bias deprives petitioners of their constitutional rights, and a decision by Electoral Board members with such risk renders that Board’s decision reversible. See *Anderson v. McHenry Township*, 289 Ill. App. 3d 830 (2nd Dist. 1997). Rather than have a court impose a ruling or dictate the make-up of the Board, a member with such bias, or whose appearance of bias rises to the level of an appearance of impropriety, should not participate in the decision.

The concept of due process applies to administrative hearings, and the parties are guaranteed the right to a fair and impartial tribunal. *Anderson v. McHenry Township*, 289 Ill. App. 3d at 832. The Delaware Supreme Court was recently presented with such a situation,

arising from an administrative hearing involving the Coastal Resources Management Council of the City of Providence, Rhode Island. As is the law in Illinois as stated in the *Anderson*, the Delaware Supreme Court stated that “(w)hen an administrative agency carries out a quasi-judicial function, it has an obligation of impartiality on par with that of judges. Under the Fourteenth Amendment, administrative tribunals must not be ‘biased or otherwise indisposed from rendering a fair or impartial decision.’ ” *Champlin’s Realty Associates v. Tikoian*, 989 A.2d 427, 443 (R.I. S.Ct. 2010). That court further stated: “(s)ignificantly, an agency adjudicator must not become an ‘advocate or participant. (citation omitted) To maintain public confidence in the fairness of the agency’s decision making, an agency adjudicator also must not prejudge a matter before the agency.” *Id.*

Rainey is ill-suited to sit in judgment of objections to a referendum proposition on preservation vs. demolition of the Harley Clarke property where the objections seek to delve into the substantive merits of the proposition rather than the typical objections to compliance with Election Code requirements. Rainey’s years-long opposition to preservation and adaptive reuse of the Harley Clarke property, and her support of demolition—to the extent of *actively fundraising* in support of the demolition proponents—goes well beyond a simple political stance. She was the chief opponent on the City Council of one or more proposals for public preservation of the property, and she spearheaded the effort to instead shift to a proposal for demolition. She has actively collaborated with demolition supporters for *months* on public relations and insider maneuvering. She has afforded introductions and entrée to the demolition group. She has demeaned, and perpetrated misstatements about, preservation supporters. At this point there is no discernible distinction between the demolition proponents and Ald. Ann Rainey.

If a judge or elected official made remarks about a group of people as derogatorily as Ald. Rainey's remarks equating an historic, official city landmark to a "bundle of bricks," and if that judge or elected official actively helped in "beating the bushes" (Rainey's word in her 6/5/18 email to Lane Howard, attached as Exhibit B), there is no question that that official would be disqualified from adjudicating, say, a referendum on the civil rights of the insulted group.


Ald. Rainey's hostility to preservation of Harley Clarke, and its supporters, and her inextricable involvement with demolition advocacy and fund-raising, and the presence of her campaign chairperson and paid political consultant Matt Rodgers as one of the objectors in the O'Neil objection, constitute a wholly unacceptable risk of bias in the resolution of a referendum objection, where the principal objections attempt to go to the merits of the issue itself rather than to the form or sufficiency of the petition to place on the ballot. In sitting on this Board in light of these conflicts, Rainey is also likely in breach of the Code of Ethics of the City of Evanston, which emphasizes the "importance of independent judgment and impartiality to the proper functioning of City government . . ."

Rainey must recuse herself, or in the alternative, if she refuses to do so, then the remaining Electoral Board members must act to excuse her. For this Board to do anything less would leave an indelible taint on these proceedings that would constitute an abuse of discretion by the Board and, likely, reversible error.

WHEREFORE, for all of the above reasons, the petitioners ask that Ald. Ann Rainey recuse herself from sitting in judgment on these proceedings, and further ask that if she refuses or declines to do so, that the remaining Electoral Board members act to excuse her from sitting in judgment on these proceedings, and instead, to bring in the next longest serving member of the

City Council, Ald. Melissa Wynne, to be seated as a member of the Evanston Municipal Officers
Electoral Board in place of Ald. Rainey.

ALLISON HARNED, *et al.*

By: 
John J. Walsh III

Attorney at Law
One S. Wacker Drive, Suite 2500
Chicago, IL 60606
312-578-7668

Thank you for your support. See you on 4/9

Jeff

On Sun, Nov 12, 2017 at 12:01 PM, Ann Rainey <arainey@cityofevanston.org> wrote:

Of course I know who you are! You are really late to this fiasco. FYI, I am voting no tomorrow night.

On Sat, Nov 11, 2017 at 12:57 PM, Jeff Coney <[REDACTED]> wrote:

Alderman Rainey,

Apologies. Below I made an erroneous statement - my bad.

I realize that we are actually not one of your constituents, but nevertheless your a key decision maker here and we ask for your support.

Thank you.

Jeff

----- Forwarded message -----

From: Jeff Coney [REDACTED]

Date: Sat, Nov 11, 2017 at 12:51 PM

Subject: Fwd: Evanston Lighthouse Dunes Project

To: arainey@cityofevanston.org

Alderman Rainey,

I am hoping you remember me. I was and still am good friends with Coleen Burrus. We have met more than once.

I am writing now related to Monday night's meeting.

My wife and I are 28 year residents of the 7th ward. We love it .

We have watched the discussion progress regarding Harley Clarke progress perhaps staying on the sidelines longer than we should have.

Over the past week, we have become aware of the Evanston Lighthouse Dunes Project - we are now ready to jump in with both feet.

As one of your constituents, we ask that at Monday night's meeting, this group be given 60 days to develop a more thought out proposal.

We are convinced that this idea makes the most long-term sense for our community. If more time is given, we will both work actively with others to create a compelling vision.

Happy to discuss further with you.

Thank you very much.

Jeff Coney
[REDACTED]
[REDACTED]



Ann

From : "Ann Rainey"
To : "Judy fisk"
Subject : Fwd: Harley Clarke

Ann

Ann Rainey | 847-989-0229



Evanston
Sent from my iPhone

Begin forwarded message:

From: Lane Howard [REDACTED]
Date: June 6, 2018 at 11:03:32 AM CDT
To: Ann Rainey <arainey@cityofevanston.org>
Subject: Re: Harley Clarke

Hi Ann!

Yes, it's been a while. Still having some issues recovering from my head injury in the fall, so I've been a little low key.

John and I are also in support of deconstructing Harvey Clark. It is a beautiful old building, but it's past the point of saving I believe. We'd be happy to contribute \$100 to help with the costs associated with the deconstruction and renewal of the dunes.

Let me know when I need to provide he finds, and if we can support in any other ways.

Hope to see you soon!

Lane Howard

Sent from my iPhone

On Jun 5, 2018, at 5:16 PM, Ann Rainey <arainey@cityofevanston.org> wrote:

Hi Lane - Have not seen you in a while!

As you know the HC issue is now out of control. The Lakehouse people did not fulfill their obligation due to lack of capacity and are conducting a campaign to be allowed to be given another chance.

On the 18th we are going to consider a resolution to remove the house and coach house, restore the dunes, grass, clean up the brush and yard and the garden. All of this is being financed by contributions of a small group that waited to come forth until the Lakehouse people proved they were unable to perform. Once the council voted not to sign the agreement with them the group came forth with their offer.

Although they have sufficient funds to finance the effort (things will definitely come up), they want to be able to say they have financial support from all the wards. Currently, short 8th and 3rd Ward so I am out beating the bushes for a few small contributions. Can your family help with a small donation? We have 2 so far Let me know. Thanks, Lane.

For info about the Harley Clarke building - take a look.

<https://www.cityofevanston.org/Home/ShowDocument?id=39017>

Ann



Date : 5/30/2018 2:45:57 PM
From : "Ann Rainey"
To : "Wally Bobkiewicz" , "City Council"
Cc : "Nicole Kustok" , "Jeff Coney"
Subject : Re: May 29, 2018 reference for next council meeting

Please note Jeff's name is correctly spelled Coney



Ann Rainey | 847-989-0229



On Wed, May 30, 2018 at 2:39 PM, Ann Rainey <arainey@cityofevanston.org> wrote:

Mayor Hagerty and Members of the Council, I request that the city manager assign staff to prepare a resolution for the Council's consideration at the next council meeting that directs the manager to meet with the citizens represented by Nicole Kustok and Jeff Coney to begin the process that will result in the city's acceptance of their generous financial support leading to the immediate restoration of the dunes to their natural state, to the removal of the house and coach house and the restoring of key elements of Jens Jensen's historic 1920s garden and integrating them into the natural landscape while clearing and expanding the parkland and beach for the enjoyment of all.

Time to move forward; the offer is limited.
END

We have a gift, let's be gracious and accept it.



Ann Rainey | 847-989-0229



From : "Jeff Coney"
To : "Ann Rainey"
Subject : Re: Continuing On

Thanks, Ann

On Tue, Jul 24, 2018 at 10:50 AM, Ann Rainey <arainey@cityofevanston.org> wrote:
Thanks Jeff we will all work hard to make this happen.



Ann Rainey [847-989-0229](tel:847-989-0229)



Evanston
Sent from my iPhone

On Jul 24, 2018, at 10:48 AM, Jeff Coney <[REDACTED]> wrote:

Judy/Ann/Peter,

Thank you for your support last night. Not sure I would want to sit through a meeting like that on a regular basis. :)

We will work with Erika to hopefully tie-down the cost numbers tightly before the 2nd amendment is signed.

We are committed to moving forward.

Jeff

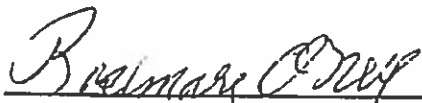


We the undersigned formally object to the following referendum:

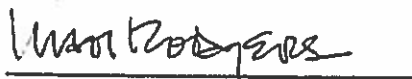
Shall the City of Evanston protect from demolition and preserve the landmark Harley Clarke buildings and gardens next to Lighthouse Beach for use and access as public property, consistent with the Evanston Lakefront Master Plan, at minimal or no cost to Evanston taxpayers?

The referendum should be stricken from the ballot because it is vague, unclear, irrelevant and misleading. Our objection is based on the following grounds-

1. The referendum is vague because it fails to define or specify the meaning of "minimal" cost to Evanston taxpayers, preventing voters from determining what they are actually casting their ballots for or against. Without this information, voters cannot assess what impact their decision will have on city services, property taxes and other budgetary issues.
2. The referendum is unclear because it fails to inform voters that the cost to rehabilitate the Harley Clarke building is estimated to be more than \$5 million and that the fundraising efforts over the past five years to collect that amount have substantially missed the target. Additionally, the referendum fails to identify who, other than Evanston taxpayers, would be responsible for any financial liability should the necessary money beyond "minimal" not be available.
3. The referendum is irrelevant because the Evanston City Council has already voted on July 23, 2018, to authorize the City Manager to enter into an agreement with Evanston Lighthouse Dunes to fund demolition of the buildings and restore the landscape. This agreement, ordered by Evanston voters' elected representatives, is in full force and effect and pre-dates the circulation of petitions for the referendum.
4. The referendum is misleading because it cites the Evanston Lakefront Master Plan without noting that the Plan assumed continued control of the site by the already-relocated Evanston Art Center, not by a successor organization with an entirely different agenda.
5. The referendum is also misleading because it fails to identify the substantial public benefits, including expanded public beach access, restored dunes and gardens that actually are consistent with the Evanston Lakefront Master Plan, and significant cost savings, that demolishing the building would create.


Rosemary O'Neil, 2044 Sheridan Road

8/13/18
Date


Matt Rodgers, 133 Clyde Avenue

8-13-18
Date


Paula Twilling, 2664 Sheridan Road

8/13/18
Date

RECEIVED
BY: Emmanuel Batayola
DATE: 08/13/2018


David Leitschuh, 645 Central Street
621 DUL

8/13/18
Date





FORM

D-1

STATEMENT OF ORGANIZATION

For Office Use Only

STATE BOARD OF ELECTIONS

2010 JUL 13 3:03

All name and complete mailing address of Political Committee:

RAINEY FOR ALDERMAN COMMITTEE
1209 Hull Ter #2
EVANSTON, IL 60202

mail Address: annrainey8@gmail.com

Check here if Address Change

POLITICAL COMMITTEE IDENTIFICATION NO: Candidate 18461 -12

DATE COMMITTEE CREATED: July 1, 2010 2 AMOUNT OF FUNDS AVAILABLE FOR CAMPAIGN EXPENDITURES AS OF CREATION DATE: \$1,349.50

NEW COMMITTEE REACTIVATING AMENDMENT (MUST BE FILED WITHIN 10 DAYS OF ANY CHANGES)

POLITICAL COMMITTEE'S DESIGNATION:

ALL COMMITTEES CHOOSE ONE

- CANDIDATE POLITICAL COMMITTEE * POLITICAL ACTION COMMITTEE POLITICAL PARTY COMMITTEE
BALLOT INITIATIVE COMMITTEE INDEPENDENT-EXPENDITURE-ONLY PAC **

* For purposes of contribution limits and reporting requirements a single Candidate Political Committee supporting a candidate for multiple offices elected at different elections must designate an election cycle by listing the appropriate office. This office is:

** May not make direct contributions or coordinated expenditures

POLITICAL COMMITTEE'S AREA OF ACTIVITY, SCOPE AND PARTY AFFILIATION:

A - THIS COMMITTEE WILL PRIMARILY OPERATE IN THE FOLLOWING COUNTY(IES) OR DISTRICT(S): (not applicable if operating statewide or supporting/opposing statewide candidates or ballot initiatives)

Cook

B - POLITICAL PARTY AFFILIATION: Nonpartisan

C - NAME AND ADDRESS OF EACH SPONSORING ENTITY:

PURPOSE(S) OF THE POLITICAL COMMITTEE

REELECT ANN RAINEY ALDERMAN 8TH WARD EVANSTON

CANDIDATE(S) THE COMMITTEE IS SUPPORTING OR OPPOSING.

Table with 4 columns: NAME AND ADDRESS, SUPPORT/OPOSE, OFFICE, PARTY AFFILIATION. Row 1: ANN RAINEY, SUPPORTS, ALDERMAN, Nonpartisan.



NAME OF POLITICAL COMMITTEE
RAINEY FOR ALDERMAN COMMITTEE

POLITICAL
COMMITTEE
IDENTIFICATION NO:
Candidate 18461

REQUIRED COMMITTEE OFFICERS

POSITION	NAME	MAILING ADDRESS, DAYTIME PHONE NUMBER, AND EMAIL ADDRESS
Chairperson	Matt Rodgers	133 Clyde Ave. Evanston, IL 60202 7738488372 mattrodgers67@comcast.net
Treasurer	Ronald Watson	116 RIDGE AVE Evanston, IL 60202 8477338607 mandalay @att.net

**POSITION, NAME, & MAILING ADDRESS OF EACH CUSTODIAN OF THE COMMITTEE'S BOOKS
AND ACCOUNTS.**

POSITION	NAME	MAILING ADDRESS, DAYTIME PHONE NUMBER, AND EMAIL ADDRESS
----------	------	---

**LIST OF ALL FINANCIAL INSTITUTIONS AND OTHER REPOSITORIES OF THE COMMITTEE
FUNDS.**

NAME	MAILING ADDRESS AND PHONE NUMBER
FIRST BANK AND TRUST	820 Church St EVANSTON, IL 60201

**DISPOSITION OF RESIDUAL FUNDS IN THE EVENT OF DISSOLUTION OR TERMINATION OF THE
COMMITTEE:**

TRANSFER TO A CHARITABLE ORGANIZATION-disburse funds to local PTA committees

VERIFICATION: BALLOT INITIATIVE COMMITTEES ONLY

DECLARE THAT THIS BALLOT INITIATIVE COMMITTEE IS FORMED FOR THE PURPOSE OF SUPPORTING OR OPPOSING A QUESTION OF PUBLIC
POLICY. ALL CONTRIBUTIONS AND EXPENDITURES OF THE COMMITTEE WILL BE USED FOR THE PURPOSE DESCRIBED IN THIS STATEMENT OF
ORGANIZATION. THE COMMITTEE MAY ACCEPT UNLIMITED CONTRIBUTIONS FROM ANY SOURCE, PROVIDED THAT THIS BALLOT INITIATIVE
COMMITTEE DOES NOT MAKE CONTRIBUTIONS OR EXPENDITURES IN SUPPORT OF OR OPPOSITION TO A CANDIDATE OR CANDIDATES FOR
NOMINATION FOR ELECTION, ELECTION, OR RETENTION, AND FAILURE TO ABIDE BY THESE REQUIREMENTS SHALL DEEM THIS COMMITTEE IN

PRINTED AND WRITTEN SIGNATURE OF COMMITTEE CHAIRPERSON

DATE

VERIFICATION: INDEPENDENT EXPENDITURE COMMITTEES ONLY

DECLARE THAT (i) THIS INDEPENDENT EXPENDITURE COMMITTEE IS FORMED FOR THE EXCLUSIVE PURPOSE OF MAKING INDEPENDENT
EXPENDITURES. (ii) ALL CONTRIBUTIONS AND EXPENDITURES OF THE COMMITTEE WILL BE USED FOR THE PURPOSE DESCRIBED IN THE
STATEMENT OF ORGANIZATION. (iii) THE COMMITTEE MAY ACCEPT UNLIMITED CONTRIBUTIONS FROM ANY SOURCE PROVIDED THAT THE
INDEPENDENT EXPENDITURE COMMITTEE DOES NOT MAKE CONTRIBUTIONS TO ANY CANDIDATE POLITICAL COMMITTEE, POLITICAL PARTY
COMMITTEE OR POLITICAL ACTION COMMITTEE. AND (iv) FAILURE TO ABIDE BY THESE REQUIREMENTS SHALL DEEM THE COMMITTEE IN

PRINTED AND WRITTEN SIGNATURE OF COMMITTEE CHAIRPERSON

DATE

NAME OF POLITICAL COMMITTEE
RAINEY FOR ALDERMAN COMMITTEE

POLITICAL
COMMITTEE
IDENTIFICATION NO:
Candidate 18461

VERIFICATION: ALL POLITICAL COMMITTEES

I DECLARE THAT THIS STATEMENT OF ORGANIZATION (INCLUDING ANY ACCOMPANYING SCHEDULES AND STATEMENTS) HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS A TRUE, CORRECT, AND COMPLETE STATEMENT OF ORGANIZATION AS REQUIRED BY ARTICLE 9 OF THE ELECTION CODE. I UNDERSTAND THAT WILLFULLY FILING A FALSE OR INCOMPLETE STATEMENT IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$1001 AND UP TO \$5000.

PRINTED AND WRITTEN SIGNATURE OF TREASURER OR CANDIDATE RONALD WATSON - *Ronald Watson* DATE 12-5-16

THE ILLINOIS STATE BOARD OF ELECTIONS REQUIRES THE DISCLOSURE OF INFORMATION THAT IS NECESSARY IF YOU QUALIFY AS A POLITICAL COMMITTEE AS OUTLINED UNDER PUBLIC ACT 78-1183. WILLFUL FAILURE TO FILE OR WILLFUL FILING OF FALSE OR INCOMPLETE INFORMATION REQUIRED BY THIS ARTICLE SHALL CONSTITUTE A BUSINESS OFFENSE SUBJECT

ALL POLITICAL COMMITTEES RETURN TO:

STATE BOARD OF ELECTIONS
2329 S. MACARTHUR BLVD
SPRINGFIELD IL 62704-4503
fax: 217-557-5630

STATE BOARD OF ELECTIONS
JAMES R THOMPSON CENTER
100 W. RANDOLPH ST, STE 14-100
CHICAGO IL 60601-3232
fax: 312-814-6485

e-mail: D1@ELECTIONS.IL.GOV (D-1s ONLY)

Label

D-2 Quarterly Report
4/1/2017 to 6/30/2017

This report has 3 itemized Expenditures totaling \$1,213.62

Print this list

Received By	Address	Amount	Expended By	Purpose / Beneficiary
Office Depot	2255 Howard Street Evanston, IL 60202	\$21.79 4/1/2017	Expenditure Rainey for Alderman	Brochures RAINEY FOR ALDERMAN COMMITTEE
Office Depot	2255 Howard Street Evanston, IL 60202	\$191.83 4/2/2017	Expenditure Rainey for Alderman	Palm cards RAINEY FOR ALDERMAN COMMITTEE
Rodgers, Matt	133 Clyde Ave. Evanston, IL 60202	\$1,000.00 4/29/2017	Expenditure Rainey for Alderman	Consulting RAINEY FOR ALDERMAN COMMITTEE

Records 1 to 3 of 3

Return to Previous Page

PSV-PUBWEB1



Matt Rodgers

email
mattrodgers67@comcast.net
web
mattrodgersportfolio.com
mobile
773.848.8372

Awards

Gold Design of the Times Award
Design of the Times
Consumer Electronics: Sprint
Holiday Standee, 2013

Silver ADDY Award
Chicago Advertising Federation
Special Event Material Campaign: United
10 Million Mile Celebration, 2012

LeoIntel Finalist
Leo Burnett
Branding: DePau University
Brand Guidelines Redesign, 2009

Education

DePauw University
Interpersonal Communication & Rhetoric
1985-1988

Interests

If you want to start a conversation about my interests and hobbies, ask me:

"What's the difference between a Cardigan corgi and a Pembroke corgi?"

"Which of my ancestors were famous, and which were infamous?"

"How does Richard Wagner's concept of *Gesamtkunstwerk* relate to exponential marketing?"

"Why do I think there is a huge gap between using social media and creating content for it?"



Employment

Matt Rodgers Design & Marketing
Insurance designer and marketing consultant, Aug 2008-present

Leo Burnett/Arc Worldwide
A globally active advertising agency based in Chicago, Jan 2005-Aug 2008
Lead creative execution and message hierarchy of Sprint Next Generation retail experience in Columbus, Ohio and Palo Alto, Calif. concept stores, adapted future store design and function based on customer input. Developed efficiencies in MyVingPlus elite credentials kit, allowing for increased personalization while reducing costs leading to a more than \$1.2 million savings for the client.

Accounts: Sprint, United Management, Dairy University, Walmart, Whirlpool Corp., McDonald's, MillerCoors, Sara Lee, RMA Insurance, USA & Executive Pilots

DOB Chicago
A full-service advertising agency, Feb 2000-Jan 2005

Scheduled workflow and served as liaison between the Studio and production, creative and account management teams. Assisted in establishing standard operating procedures to ensure consistent deliverables across a team of artists.

Accounts: Annuals: Bush (Chicago), Tribune, Dell Computers, Emerson Electric, The Home Depot, Home Depot, McDonald's, State Farm Insurance Companies & US Optum, Procter & Gamble (Dett, Eclair, etc.)

National Restaurant Association Educational Foundation
The training and certification leader in the restaurant & hospitality industry, Jan 1997-Aug 1998

Supervised the conceptualization, development and production of marketing and communications materials for an international association which provides training tools to the foodservice and hospitality industry. Organized and managed the foundation's intellectual properties, protecting domestic and international trademarks and copyrights for over 20 brands.

Stop AIDS Chicago
Not for profit HIV/AIDS prevention education organization, Oct 1993-Jun 1998

Assisted the director of development and executive director in planning and executing an aggressive fundraising program for HIV prevention. Organized and promoted two of Chicago's largest HIV fundraisers—Dance for Life, a concert featuring top Chicago dance companies, and Dining Out for Life, a night uniting more than 100 restaurants to fight HIV.

Indiana Cares
Not for profit which provides direct assistance to persons with HIV/AIDS, Oct 1993-Jun 1998

Developed communications and advertising to raise funds for direct assistance to persons living with HIV/AIDS.

Volunteering

Mudlark Theater Company
Not for profit children's theater organization, Dec 2010-present

Serve on development and marketing committees and co-chair of the annual fundraiser for a not for profit organization which develops self-confident, socially aware youth.

Ann Rainey for Alderman
Political campaign to reelect a former alderman, Oct 2010-May 2011

Managed operations, directed communications and advised for Ald. Ann Rainey.

St James Cathedral
Cathedral church of the Episcopal Diocese of Chicago, Sep 2007-Apr 2011

Worked with communications consultant and web programmer to redesign a responsive website and develop marketing and communications for Chicago's Episcopal cathedral. Provided brand guidelines and photography for collateral materials to increase membership and raise awareness of cathedral events.

City of Evanston
A home rule city of 26,000 citizens immediately north of Chicago, Oct 2011-Jun 2016

Served as liaison between Zoning Board and Economic Development, a subcommittee of city council that reviews requests from businesses, organizations and developers for financial assistance from the city. Reviewed applications for zoning variances, approval of decisions from zoning staff and recommendations for special uses in Evanston. Appointed to two five-year terms on ZBA by mayor and city council and named chair in Oct. 2014.

The Damien Center
Not for profit resource organization serving persons with HIV/AIDS, Mar 1997-Mar 1998

Founded in 1987, The Damien Center is Indiana's oldest and largest AIDS service organization and serves more than 4,000 individuals affected and infected by HIV/AIDS through a comprehensive, innovative approach to HIV care and prevention.

**BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**

In re Objections)	
of Thomas A. Witt)	2018 MOEB EV 02
to the Petition for Advisory Referendum)	
of Allison Harned, et al. , Proponents)	
_____)	

MOTION TO DISMISS

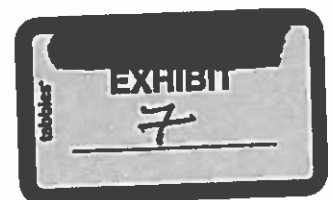
ALLISON HARNED, *et al.*, Petitioners for and proponents of an advisory question to be placed on the ballot at the November 6, 2018, general election (hereinafter, the "Petitioners") by and through their counsel, JOHN J. WALSH III, ask this Board to dismiss the objection of Thomas A. Witt for failure to comply the statutory requirements of the Illinois Election Code, 10 ILCS 5/10-8(B). In support of this Motion to Dismiss, Petitioners state as follows:

1. Thomas A. Witt filed an Objection to Petition to Submit Public Question to a Referendum with the Evanston City Clerk's office on August 13, 2018, at 9:55 a.m. A copy of the Petition is attached as Exhibit A. In the first paragraph of the Petition, Witt identifies himself as a "registered voter residing in the City of Evanston ." He does not state any further identifying information about himself.

2. Witt's Objection further states some of his own personal and political views regarding the referendum issue. However, his objection also fails to state what relief he seeks from the Electoral Board in filing it, which is another statutory requirement. 10 ILCS 5/10-8(B).

3. Section 10-8 of the Election Code requires that further identification of the objector be stated in his objection. Subsection B of Section 10-8 requires the following:

"The objector's petition shall give the objector's name and residence address and shall state fully the nature of the objections to the . . . petitions in question, and shall state the interest of the objector and shall state what relief is requested of the electoral board." 10 ILCS 5/10-8(B).



Will has failed to meet this statutory mandate.

4. The Illinois Appellate Court has considered this issue and has held that the “residence address” requirement of Section 10-8 of the Election Code is *mandatory* and not directory. *Pochie v. Cook County Officers Electoral Board*, 289 Ill. App. 3d 585, 588, 682 N.E. 2d 258 (1st Dist., 1997), citing *Pullen v. Mulligan*, 138 Ill. 2d 21 (1940). The Appellate Court affirmed the dismissal of Pochie’s objection for failure to disclose her residence address in her objection. 289 Ill. App. 3d at 589.

5. Witt as an objector also fails to state in his Objection what relief he seeks from this Electoral Board. For that additional reason, Witt’s objection also fails to meet the statutory requirements of Section 10.8 of the Election Code. 10 ILCS 5/10-8(B).

6. Witt as an objector has failed to satisfy a mandatory requirement of Section 10-8(B) of the Election Code in failing to state his residence address within the City of Evanston. The Appellate Court in *Pochie* stated that the burden of searching voter registration records should not be placed on a candidate (or a petitioner) to determine whether or not an objector is registered in a district. 289 Ill. App. 3d at 588. His objection must be dismissed.

WHEREFORE, for all of the above reasons, Petitioners, Allison Harned, *et al.*, ask this Electoral Board to dismiss the objection of Thomas A. Witt.

ALLISON HARNED, *et al.*

By: _____


John J. Walsh III

Attorney at Law
One S. Wacker Drive, Suite 2500
Chicago, IL 60606
312-578-7668

RECEIVED

OBJECTION TO PETITION TO SUBMIT PUBLIC QUESTION TO A REFERENDUM

NOTE: 08/13/2018 9:55
MAYORAL COPY/1/Edgton
Gor

To the City Clerk of the City of Evanston, Illinois:


I hereby certify that I am a registered voter residing in the City of Evanston and that I have the following objection to the language of the proposed advisory referendum question pertaining to the Harley-Clarke mansion.

The proposed referendum question states: ""Shall the City of Evanston protect from demolition and preserve the landmark Harley Clarke buildings and gardens next to Lighthouse Beach, for use and access as public property, consistent with the Evanston Lakefront Master Plan, at **minimal or no cost to Evanston taxpayers?**" [emphasis added]

This question as propounded is misleading because it omits information that would be essential for a reasonable voter to understand what he or she is voting on, namely the fact that there is not now, nor has there ever been, a plan presented to the City of Evanston that would allow the Harley-Clarke buildings and gardens to be preserved and maintained as public property at minimal or no cost to Evanston taxpayers. The Tawani proposal for a hotel was not pursued after citizen opposition to it arose and it is no longer available as an option; the State of Illinois proposal to create an environmental education center never got to the point of being finalized due to the lack of funding for it after a change in State administrations; and the most recent proposal submitted by Evanston Lakehouse and Gardens was rejected by the City Council within the past several months.

The proposed referendum question makes about as much sense as asking voters whether they'd like the City Council to approve distributing \$500 in cash to each resident "at minimal or no cost to Evanston taxpayers". By asking Evanston voters to express their views on something which has been decidedly proven to be illusory over a period of several years, the referendum question will not provide any useful guidance to the City Council and in fact is much more likely to muddy the waters surrounding this public policy issue. This is particularly true because there has been an enormous amount of public input already on this matter, and it stretches credulity to think that our elected representatives are unaware of the views of Evanston residents thereon or the advantages and disadvantages of pursuing one outcome or another for the Harley-Clarke buildings and gardens.

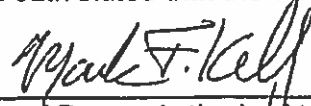
Dated: August 13, 2018



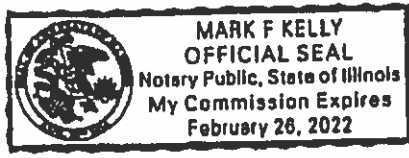
Thomas A. Witt

STATE OF ILLINOIS)
County of COOK) SS

The person whose name is subscribed to the above petition personally appeared before me on 8/13/18, 2018 and upon his oath stated that the same is true and correct to the best of his knowledge.



(Signature of Person Authorized to Administer Oaths in Illinois)



(Title)




Evanston City Clerk's Office

City Clerk's Office
2100 Ridge Avenue
Evanston, IL 60201
(847)-448-8189

RECEIPT OF PUBLIC ADVISORY QUESTION OBJECTION

Name of Objector: THOMAS A. WITT

3 Numbers of copies submitted

 Photo of objection

Main Contact Signature: Thomas Witt

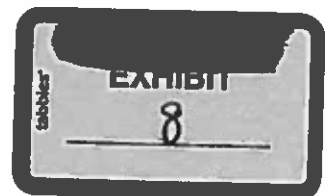
Mailing Address: 2312 HARTREY AVE

Phone: 630-240-9023

Date Received: 8/13/18

Time: 9:55 A.M.

Received by: Eduardo Gomez



**BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**

Thomas Witt,)
Petitioner-Objector,)
vs.) No. 18-MOEB-EV-02
Allison L. Harned,)
Respondent-Referendum Petitioner;)

ELECTORAL BOARD FINDINGS AND ORDER

Present before the Board: Petitioner(s) Respondent(s) ___ Petitioner's Counsel Respondent's Counsel

THIS MATTER having come before the City of Evanston Electoral Board, the Electoral Board having jurisdiction and being fully advised on the premises,

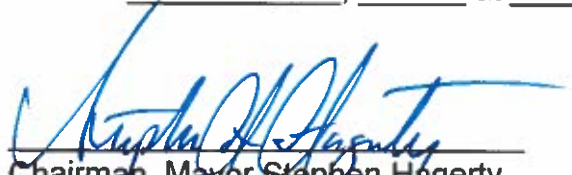
IT IS HEREBY ORDERED:

___ Petitioner-Objector's petition is sustained.

Petitioner-Objector's petition is not sustained/ overruled.
Motion to Dismiss is granted.

___ This matter is entered and continued until _____, _____ at _____
a.m./p.m. in Room _____.

Dated: August 21, 2018



Chairman, Mayor Stephen Hagerty
Municipal Officers Electoral Board

Member, Clerk Devon Reid
Municipal Officers Electoral Board



Member, Ald. Ann Rainey
Municipal Officers Electoral Board

