

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

1020 S. Spring Street
PO Box 4187
Springfield, Illinois 62708-4187
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 W. Randolph Street, Ste 14-100
Chicago Illinois 60601-3232
312/814-6440
Fax: 312/814-6485



BOARD MEMBERS
Bryan A. Schneider, Chairman
Wanda L. Rednour, Vice Chairman
Patrick A. Brady
John R. Keith
William M. McGuffage
Albert S. Porter
Jesse R. Smart
Robert J. Walters

EXECUTIVE DIRECTOR
Daniel W. White
November 9, 2010

Mark Stern
1115 S Gables Blvd
Wheaton, IL 60189

NOTICE TO PARTIES

Dear Political Committee Officer/Representative,

Please be advised that your pending Complaint for Violation of the Campaign Disclosure Act, case number 10 CD 080 will be presented to the Board at its November 2010 meeting. Attached for your review is a copy of the Hearing Examiner's recommendation in the matter. Failure of the complainant to appear at the Board meeting may result in dismissal of the complaint. **Please be aware that the enclosed recommendation is the Hearing Examiner's opinion *only*, and will not necessarily be the final decision by the Board.**

The meeting will begin at 10:30 AM on Tuesday, November 23, 2010 and will be held at 1020 S Spring Street, Springfield IL. You may also attend the meeting via Video Conference at our Chicago office, located in the James R Thompson Center, 100 W Randolph, Suite 14, 100.

Any Motions regarding this matter must be made in writing and received by the General Counsel no later than four (4) days before the date of the meeting. If you have any further questions please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rupert T. Borgsmiller".

Rupert T. Borgsmiller
Assistant Executive Director

RTB: sk

RESPONDENTS CASE-IN-CHIEF

The Respondent was represented by Ken Florey at the closed preliminary hearing. Also attending was Mark Nowak, the chairman for Supporters of College of DuPage.

The respondent, Ken Florey, apologized for someone not getting back to Mr. Stern and said you have to understand it is a crazy time of year. Mr. Florey then indicated that this was an inadvertent error that the signs did not have an attribution of source. The issue has since been addressed by the committee. The committee has prepared labels and affixed them on the signs that had not been distributed and those that have already been placed in yards. The labels say paid for by Supporters of College of DuPage. The respondent believes this corrective action taken by the committee would resolve this matter. The Supporters of College of DuPage is a group of volunteers and they just made an honest mistake. Furthermore, the committee did have the permission of another assistant manager, Michael Apps, to place the sign in the window at Walgreens.

CONCLUSIONS AND RECOMMENDATIONS

The Closed Preliminary Hearing was held on November 1, 2010. The D-4 alleges that the Supporters of College of DuPage violated 10 ILCS 5/9-9.5 by failing to include the attribution of source on yard signs.

The Respondent admitted that the committee paid for the signs and the attribution of source was not originally placed on the signs. I recommend that the complaint be found to have been filed upon justifiable grounds, having a basis in fact and law; however, since the facts are not in dispute, I do not believe the matter should proceed to a public hearing. Rather, I recommend that the Board issue an order that any repeat violation of disclosures in political communications would subject the committee to a penalty not exceeding \$5K for failure to comply with a Board Order.



Andy Nauman – Hearing Examiner

November 1, 2010