

**IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
MCHENRY COUNTY, ILLINOIS**

WILLIAM BROGAN and JOEL BRUMLICK,)
)
Petitioners-Objectors,)
vs.)
)
ANTONIO "TONY" COLATORTI, Candidate,)
SAMUEL J.H. WEYERS, STEVEN J. CUDA)
and LISLE STALTER, in their capacity as)
members of the McHenry County Officers Electoral)
Board, the MCHENRY COUNTY OFFICERS)
ELECTORAL BOARD, a quasi-adjudicative)
body, and JOE TIRIO, McHenry County Clerk,)
in his capacity as the Local Election Authority,)
)
Respondents.)

Case No. 22MR000073

Judicial Review of an Electoral
Board decision

**OBJECTORS' PETITION FOR JUDICIAL REVIEW
OF AN ELECTORAL BOARD DECISION**

The Petitioners-Objectors, WILLIAM BROGAN and JOEL BRUMLICK, (the "Petitioners"), by and through their attorney, Keri-Lyn J. Krafthefer and the law firm of ANCEL GLINK, P.C., bring this petition for judicial review pursuant to 10 ILCS 5/10-10.1 against the MCHENRY COUNTY OFFICERS ELECTORAL BOARD, its members SAMUEL J.H. WEYERS, STEVEN J. CUDA and LISLE STALTER, in their capacity as members of the McHenry County Municipal Officers Electoral Board, JOE TIRIO, McHenry County Clerk, in his capacity as the Local Election Authority and ANTONIO "TONY" COLATORTI, Candidate, and in support thereof, state as follows:

1. Respondent-Candidate ANTONIO "TONY" COLATORTI ("the Candidate") filed nomination papers to run for the nomination of the Republican Party for the office of McHenry County Sheriff for the June 28, 2022 General Primary Election. He resides at 333 N. River Road in the Village of Algonquin, McHenry County, Illinois.

NOTICE
THIS CASE IS ~~17554089~~ SET FOR A SCHEDULING CONFERENCE IN COURTROOM
7/19/2022
IBD ON _____, AT IBD. FAILURE TO APPEAR MAY RESULT IN
THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.

2. Petitioner-Objector WILLIAM BROGAN resides at 2711 Whiting Court, in the City of McHenry, McHenry County, Illinois 60050 and is a duly qualified, legal and registered voter at that address.

3. Petitioner-Objector JOEL BRUMLICK resides at 1314 W. Lincoln Road, in the City of McHenry, McHenry County, Illinois 60051 and is a duly qualified, legal and registered voter at that address.

4. Objectors WILLIAM BROGAN and JOEL BRUMLICK filed an Objectors' Petition challenging the Candidate's nomination papers because the Candidate does not meet the qualifications to run for sheriff under the Illinois Counties Code because he does not possess a certificate from the Illinois Law Enforcement Training Standards Board indicating that he completed the Minimum Standards Basic Law Enforcement Officers Training Course.

5. The Respondent MCHENRY COUNTY OFFICERS ELECTORAL BOARD ("the Electoral Board") is the quasi-adjudicative body whose decision is at issue here and who is vested with the responsibility to prepare the administrative record.

4. Respondents SAMUEL J.H. WEYERS, STEVEN J. CUDA and LISLE STALTER are the members of the Respondent Electoral Board, named only in their official capacity as such.

5. Respondent JOE TIRIO, the McHenry County Clerk, has the duty to certify the names of the candidates and print the ballots for the election as the Local Election Authority. He is named in his official capacity for purposes of relief only.

6. Section 7-10 of the Illinois Election Code requires a petition for nomination

...must include as a part thereof, a statement of candidacy for each of the candidates filing, or in whose behalf the petition is filed. This statement shall set out the address of such candidate, the office for which he is a candidate, shall state that the candidate is a qualified voter of the party to which the petition relates and is qualified for the office specified . . . and shall be subscribed and sworn to by such candidate by some officer authorized to take acknowledgement of deeds in the State.

10 ILCS 5/7-10 (emphasis added).

7. The Illinois Counties Code provides, in pertinent part, as follows:

Sec. 3-6001.5. Sheriff qualifications. A person is not eligible to be elected or appointed to the office of sheriff, unless that person meets all of the following requirements:

- (1) Is a United States citizen.
- (2) Has been a resident of the county for at least one year.
- (3) Is not a convicted felon.
- (4) Has a certificate attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board or a substantially similar training program of another state or the federal government.

55 ILCS 5/3-6001.5 (emphasis added).

8. Pursuant to Title 20, Section 1720.10 of the Illinois Administrative Code, “The Minimum Standards Basic Law Enforcement Officers Training Course shall consist of concentrated study which is continuous and full time.” Ill.Admin.Code, Title 20 §1720.10.

9. Notwithstanding that both the Candidate and an expert called by the Candidate both testified that the classes the Candidate took were not continuous or full time as required by the administrative regulations, the Electoral Board found that the classes taken by the Candidate were “similar” and that the Candidate should be permitted to run for office even though the Candidate does not possess the certificate specified in 55 ILCS 5/3-6001.5(4).

10. Specifically, the Electoral Board made a legal finding that, “Based on the testimony of the Candidate and Mr. Keigher, the Candidate meets the qualifications required to run for Sheriff. The candidate has successfully completed the Minimum Standards Basic Law Enforcement Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board, and has obtained the certificate required by 55 ILCS 5/3-6001.5(4).”

11. There were no factual issues in dispute, but Electoral Board erroneously relied on legal conclusions of the witnesses about the course completion, instead of adhering to the requirements in the Illinois Administrative Code. Because the classes taken by the Candidate did

not satisfy the legal requirements of the Counties Code and the Administrative Code, the Electoral Board's decision was erroneous.

12. The Candidate should not be permitted to run for office because he has not satisfied the requirements of the Illinois Counties Code.

13. The Electoral Board erroneously found that the Candidate was qualified to run for office as a matter of law, when he did not possess the mandatory certificate required by the Counties Code because he had not taken a Minimum Standards Basic Law Enforcement course that was continuous and full time, when the uncontroverted testimony and evidence was that the classes he took were not continuous or full time as required by the Administrative Code.

14. In part, the Electoral Board was confused regarding its role, as demonstrated by the comment of Respondent Steve Cuda who expressed that he viewed the role of the Electoral Board as being to find ways to permit candidates to run for office, which is not the proper role of an electoral board by law. See 10 ILCS 5/10-10.

15. On April 14, 2022, the Electoral Board issued a "Findings and Order," denying the Objectors' Petition and ruling that the Candidate's name would remain on the ballot for nomination of the Republican Party to the office of McHenry County Sheriff for the General Primary Election on June 28, 2022. A copy of the Electoral Board's decision is attached hereto as "Exhibit A."

16. The Objectors are aggrieved by the final decision of the Board that overruled the Objectors' Petition.

17. The decision of the Board should be reversed as it is clearly erroneous and contrary to law.

18. The Candidate is not qualified because he did not complete a Minimum Basic Standards Law Enforcement course that was continuous and full time. He does not possess a

certificate indicating that he did. He, therefore, does not meet the qualifications under the Illinois Counties Code and his statement of candidacy is false.

19. Therefore, the Electoral Board's decision to deny the Objectors' Petition should be reversed, and the Candidate's name should be removed from the ballot for the General Primary Election to be held on June 28, 2022.

WHEREFORE, Petitioners-Objectors pray that this petition be granted, that this Honorable Court enter its judgment reversing the Electoral Board's decision and enter its order finding that the Candidate's name should be removed from the ballot for the General Primary Election to be held on June 28, 2022, and for such further and other or different relief as the court deems just.

Respectfully submitted,

**WILLIAM BROGAN and JOEL
BRUMLICK, Petitioners-Objectors**



By: _____
One of their Attorneys

Keri-Lyn J. Krafthefer
Scott A. Puma
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EXHIBIT A

April 14, 2022 Findings and Order of the McHenry County Officers Electoral Board

7. The Candidate, ANTONIO "TONY" COLATORTI was present and represented by Kevin Chrzanowski and Troy Owens, who were also present.

8. The convened Electoral Board adopted Rules of Procedure for Hearing and Passing Upon Objections to Nomination Papers of Candidates;

9. At the hearing on March 28, 2022, the Objectors filed a Motion to Disqualify the County Clerk and the State's Attorney as Electoral Board Members, the Candidate filed a Motion to Strike and Dismiss the Objector's Petition; and the Objectors filed a Motion to Order Production of Documents Prior to Further Hearing;

10. A briefing schedule was set on the Objectors' Motion to Disqualify Electoral Board Members and the Electoral Board continued the hearing to April 1, 2022;

11. On March 29, 2022 the Candidate filed a Motion to Disqualify Circuit Court Clerk or her designee from the Electoral Board;

12. On March 30, 2022 Objectors filed a proposed Agreed Order regarding the pending Motions to Disqualify filed by Objectors and the Motion to Disqualify filed by the Candidate;

13. The Electoral Board reconvened on April 1, 2022 and, at the hearing, Electoral Board members Joseph Tirio and Debra Schmitt recused themselves and the hearings were continued to April 5, 2022 for further proceedings;

14. On April 1, 2022 James S. Cowlin, Chief Judge of the 22nd Judicial Circuit Court, McHenry County, Illinois appointed Steven J. Cuda and Samuel J.H. Weyers to the McHenry County Electoral Board;

15. The reconstituted Electoral Board reconvened on April 5, 2022;

16. The Objectors' Motion to Disqualify asserted that McHenry County State's Attorney Kenneally should be disqualified from serving on the Electoral Board or appointing a designee because: on August 4, 2016, the Candidate contributed \$500.00 to the to Citizens for Patrick Kenneally, a political committee organized to support the candidacy of Patrick D. Kenneally for McHenry County State's Attorney; as of March 28, 2022, the Candidate listed the endorsement of State's Attorney Kenneally on the Candidate's website; and Patrick D. Kenneally cannot serve or designate an assistant to serve on the Electoral Board due to risk of bias. After conducting a hearing concerning the Objectors' Motion to Disqualify, the reconstituted Electoral Board denied the Objectors' Motion to Disqualify State's Attorney Patrick Kenneally, with member Stalter abstaining;

17. The reconstituted Electoral Board denied as moot the proposed order on the motions to disqualify;

18. Further proceedings on April 5, 2022, included issuance of subpoenas, briefing schedules set on the Motion to Strike and Dismiss; setting deadlines for filing memorandums of law, and parties' agreement on exchanging discovery;

19. The Objectors timely filed a Response to the Motion to Strike and Dismiss, the Candidate timely filed a Reply in support of the Motion to Strike and Dismiss and the parties timely filed Memoranda of Law; and

20. The Electoral Board hearing was continued to April 14, 2022 for ruling on the Motion to Strike and Dismiss the Objection and, if needed, hearing on the Objection Petition.

PRELIMINARY MOTION TO STRIKE AND DISMISS OBJECTION
PETITION, FINDINGS AND ORDER

21. On April 14, 2022, the reconstituted Electoral Board conducted a hearing concerning the Candidate's Motion to Strike and Dismiss, then determined the Candidate's argument was essentially a factual denial of the Objection to the Nominating Petition and denied the Motion to Dismiss.

SUMMARY OF PROCEEDINGS

22. The Electoral Board then heard evidence. The Objectors called the Candidate to testify as an adverse witness. After the Candidate testified, certain exhibits, as set forth in the record, were admitted into evidence. The Objectors then rested their case in chief;

23. The Candidate moved for a directed finding. After hearing argument from the parties, the Electoral Board denied the Candidate's motion for a directed finding;

24. In the Candidate's case in chief, the Candidate called John Keigher, Chief Legal Counsel of the Illinois Law Enforcement Training Standards Board, to testify. Mr. Keigher was qualified to testify as an expert witness with respect to law enforcement training in the State of Illinois; and

25. After Mr. Keigher testified, the Candidate rested his case in chief. The parties presented closing argument, after which the Electoral Board moved to deny the Objector's Objection to the Candidate's Nominating Petition.

FINDINGS

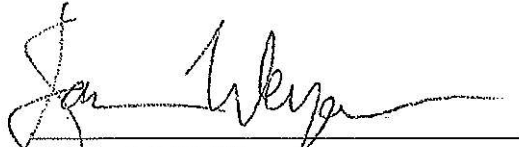
26. The Electoral Board made the following findings:

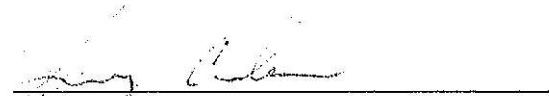
- a. Based on the testimony of the Candidate and Mr. Keigher, the Candidate meets the qualifications required to run for Sheriff. The candidate has successfully completed the Minimum Standards Basic Law Officers Training Course as prescribed by the Illinois Law Enforcement Training Standards Board, and has obtained the certificate required by 55 ILCS 5/3-6001.5(4);
- b. The Objectors' argument that the Candidate's "inactive" status as reflected on the Illinois Law Enforcement Training Standards Board's website was waived because such argument was not included in the Objection to the Nominating Petition; and
- c. Any other findings of the Electoral Board are included in the record.

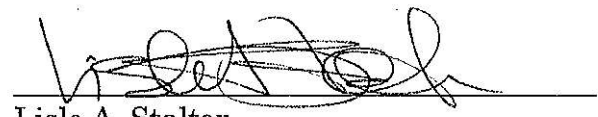
WHEREFORE, IT IS HEREBY ORDERED that the Objection to the Nominating Petition is denied and ANTONIO "TONY" COLATORTT's name shall remain on the ballot for nomination of the Republican Party to the office of McHenry County Sheriff for the General Primary Election on June 28, 2022.

IT IS FURTHER ORDERED that this is a final administrative order with no just reason to delay either its enforcement or appeal.

THE PARTIES ARE FURTHER ADVISED THAT A CANDIDATE OR OBJECTOR AGGRIEVED BY THE DECISION MAY SECURE JUDICIAL REVIEW OF SUCH DECISION IN THE CIRCUIT COURT. THE PARTY SEEKING JUDICIAL REVIEW MUST FILE A PETITION WITH THE CLERK OF THE CIRCUIT COURT WITHIN FIVE DAYS OF THE DECISION.



Samuel J.H. Weyers
Appointed Member and Chairman

Steven J. Cuda
Appointed Member of the Electoral Board

Lisle A. Stalter
Assistant State's Attorney
Lake County State's Attorney's Office

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Petitioners-Objectors,)	
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ANTONIO "TONY" COLATORTI, Candidate,)	Case No. _____
SAMUEL J.H. WEYERS, STEVEN J. CUDA)	
and LISLE STALTER, in their capacity as)	
members of the McHenry County Officers Electoral)	Judicial Review of an Electoral
Board, the MCHENRY COUNTY OFFICERS)	Board decision
ELECTORAL BOARD, a quasi-adjudicative)	
body, and JOE TIRIO, McHenry County Clerk,)	
in his capacity as the Local Election Authority,)	
)	
Respondents.)	

OBJECTORS' PROOF OF SERVICE
OF PETITION FOR JUDICIAL REVIEW

To: Attached Service List

I, Keri-Lyn J. Krafthefer, certify that the Petition for Judicial Review in this matter filed by the law firm of Ancel Glink, P.C., on behalf of Petitioners-Objectors, WILLIAM BROGAN and JOEL BRUMLICK, was served upon the individuals listed on the attached service list by sending a copy of same to said individuals via certified mail, as required by Section 10 ILCS 5/10-10.1, proper postage prepaid this 19th day of April, 2022.

[X] Under penalties as provided by law,
Pursuant to 735 ILCS 5/1-109, the
statements set forth herein are true
and correct



Keri-Lyn J. Krafthefer

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Scott A. Puma
Attorneys for Objectors
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SERVICE LIST

MCHEMRY COUNTY OFFICERS ELECTORAL BOARD

in care of the McHenry County Clerk

667 Ware Road, Suite 107

Woodstock, Illinois 60098

SAMUEL J.H. WEYERS

Chairman, McHenry County Officers Electoral Board

in care of the McHenry County Clerk

667 Ware Road, Suite 107

Woodstock, Illinois 60098

STEVEN J. CUDA

Chairman, McHenry County Officers Electoral Board

in care of the McHenry County Clerk

667 Ware Road, Suite 107

Woodstock, Illinois 60098

LISLE STALTER

Chairman, McHenry County Officers Electoral Board

in care of the McHenry County Clerk

667 Ware Road, Suite 107

Woodstock, Illinois 60098

JOE TIRIO

McHenry County Clerk/Local Election Authority

667 Ware Road, Suite 107

Woodstock, Illinois 60098

ANTONIO "TONY" COLATORTI

333 N. River Road

Algonquin, Illinois 60102




JAMES A. CAMPION

Special Assistant States Attorney for the

McHenry County Officers Electoral Board

8600 US Hwy 14, Suite 107

Crystal Lake, IL 60012

Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY		Thank you for using Return Receipt Service
 9590 9266 9904 2136 0105 93		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee X		
1. Article Addressed to: MCHENRY COUNTY OFFICERS ELECTORAL BOARD In care of the McHenry County Clerk 667 Ware Road, Suite 107 Woodstock, IL 60098		B. Received by (Printed Name) C. Date of Delivery		
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:		
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2136 0105 90		Reference Information		
		3. Service Type: <input checked="" type="checkbox"/> Certified Mail 1610610 0000 <input type="checkbox"/> Certified Mail Restricted Delivery		
PS Form 3811, Facsimile, July 2015		Reference Information		
		Keri-Lyn J. Krafthefer		
Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY		Thank you for using Return Receipt Service
 9590 9266 9904 2136 0106 09		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee X		
1. Article Addressed to: Samuel J.H. Weyers, Chairman McHenry County Officers Electoral Board in care of the McHenry County Clerk 667 Ware Road, Suite 107 Woodstock, IL 60098		B. Received by (Printed Name) C. Date of Delivery		
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:		
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2136 0106 06		Reference Information		
		3. Service Type: <input checked="" type="checkbox"/> Certified Mail 1610610 0000 <input type="checkbox"/> Certified Mail Restricted Delivery		
PS Form 3811, Facsimile, July 2015		Reference Information		
		Keri-Lyn J. Krafthefer		
Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY		Thank you for using Return Receipt Service
 9590 9266 9904 2136 0106 23		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee X		
1. Article Addressed to: Steven J. Cuda, Chairman McHenry County Officers Electoral Board in care of the McHenry County Clerk 667 Ware Road, Suite 107 Woodstock, IL 60098		B. Received by (Printed Name) C. Date of Delivery		
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:		
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2136 0106 20		Reference Information		
		3. Service Type: <input checked="" type="checkbox"/> Certified Mail 1610610 0000 <input type="checkbox"/> Certified Mail Restricted Delivery		
PS Form 3811, Facsimile, July 2015		Reference Information		
		Keri-Lyn J. Krafthefer		



9590 9266 9904 2136 0106 47

1. Article Addressed to:

Lisle Stalter, Chairman
McHenry County Officers Electoral Board
in care of the McHenry County Clerk
667 Ware Road, Suite 107
Woodstock, IL 60098

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2136 0106 44

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2136 0106 61

1. Article Addressed to:

Joe Tirio
McHenry County Clerk/Local Election Authority
667 Ware Road, Suite 107
Woodstock, IL 60098

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2136 0106 68

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2136 0106 85

1. Article Addressed to:

ANTONIO "TONY" COLATORTI
333 N. River Road
Algonquin, IL 60102

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2136 0106 82

PS Form 3811, Facsimile, July 2015

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Reference Information

3. Service Type:

☒ Certified Mail 1610610.0000☐ Certified Mail Restricted Delivery

Reference Information

Keri-Lyn J. Krafthefer

Thank you for using Return Receipt Service

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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If YES, enter delivery address below: ☐ No

Reference Information

3. Service Type:

☒ Certified Mail 1610610.0000☐ Certified Mail Restricted Delivery

Reference Information

Keri-Lyn J. Krafthefer

Thank you for using Return Receipt Service

COMPLETE THIS SECTION ON DELIVERY

A. Signature

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X

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Reference Information

3. Service Type:

☒ Certified Mail 1610610.0000☐ Certified Mail Restricted Delivery

Reference Information

Keri-Lyn J. Krafthefer

Thank you for using Return Receipt Service



9590 9266 9904 2136 0106 92

1. Article Addressed to:

JAMES A. CAMPION
Special Assistant States Attorney for the
McHenry County Officers Electoral Board
8600 US Hwy 14, Suite 107
Crystal Lake, IL 60012

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2136 0106 99

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A. Signature

☐ Agent

X

☐ Addressee

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C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

Reference Information

3. Service Type:

☒ Certified Mail 1610610.0000☐ Certified Mail Restricted Delivery

Reference Information

Keri-Lyn J. Krafthefer

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