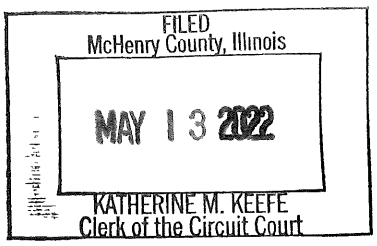
IN THE CIRCUIT COURT OF THE 22nd JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

WILLIAM BROGAN and JOEL BRUMLICK, Petitioners, v. 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. 22 MR 73



MEMORANDUM DECISION AND ORDER

This matter comes before the Court for consideration of "Objectors' Petition For Judicial Review of an Electoral Board Decision" ("Petition For Judicial Review") filed on April 19, 2022. The Petitioners-Objectors ("Petitioners") seek review and reversal of the Finding and Order of the McHenry County Officers Electoral Board ("Electoral Board") of April 14, 2022 denying Petitioners' objection to nomination papers of Antonio "Tony" Colatorti ("Colatorti") to run for the office of McHenry County Sheriff.

The Court has reviewed and considered the Court Record, which consists of the Administrative Record and Report of Proceedings (volumes 1 and 2). In addition, the Court has reviewed and considered the written briefs of the parties consisting of: "Objectors' Memorandum in Support of Their Petition for Judicial Review" ("Petitioners' Memorandum") filed April 28, 2022; "Candidate's Memorandum in Opposition to Objectors Petition for Judicial Review"

("Colatorti's Memorandum") filed May 3, 2022; and "Objectors' Reply Memorandum in Support of their Petition for Judicial Review" ("Reply Memorandum") filed May 4, 2022. The Court has also considered oral arguments of counsel for the parties presented at the non-evidentiary hearing of May 11, 2022.

The Court will not set forth all of the testimony and evidence contained in the Court Record as that information is in the record and known to the parties but will summarize same in this Memorandum Decision and Order.

ISSUE PRESENTED

Petitioners contend that Colatorti should be removed from the ballot as ineligible to be elected or appointed to the office of sheriff. Specifically, Petitioners argue that Colatorti does not qualify under the Illinois Counties Code because he does not possess "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) Colatorti contends he does have a certificate and therefore is qualified to run for sheriff. The Board found that Colatorti has such a certificate and therefore denied the objection to his nomination papers.

STANDARD OF REVIEW

For purposes of judicial review, an electoral board is treated as an administrative agency. Cinkus v. Stickney Mun. Officers Electoral Bd. 228 Ill. 2d 200, 209 (2008). The Cinkus Court explained the standard of review of the decision of an administrative agency as follows:

> "An administrative agency's findings and conclusions on questions of fact are deemed *prima facie* true and correct. In examining an administrative agency's factual findings, a reviewing court does not weigh the evidence or substitute its judgment for that of the agency. Instead, a reviewing court is limited to ascertaining whether such findings of fact are against the manifest weight of

evidence. An administrative agency's factual determinations are against the manifest weight of the evidence if the opposite conclusion is clearly evident. *City of Belvidere, 181 Ill. 2d at 204*; see *Reyes v. Bloomingdale Township Electoral Board, 265 Ill. App. 3d 69, 72, 638, N.E.2d 782, 202 Ill. Dec. 914 (1994)*; *Dillavou, 260 Ill. App. 3d at 131* (collecting cases). In contrast, an agency's decision on a question of law is not binding on a reviewing court. For example, an agency's interpretation of the meaning of the language of a statute constitutes a pure question of law. Thus, the court's review is independent and not deferential. *City of **[*211]** Belvidere, 181 Ill. 2d at 205*; see *Reyes, 265 Ill. App. 3d at 72.*

Mixed questions of fact and law "are 'questions in which historical facts are admitted or established, the rule of law is undisputed, and the issue is whether the facts satisfy the statutory standard, or to put **[***13]** it another way, whether the rule of law is applied to the established facts is or is not violated.'" *American Federeation of State, County, & Municipal Employees, 216 Ill. 2s at 577*, quoting *Pulman-Standard v.s Swint, 256 U.S. 273, 289 n.19, 72 L. Ed 2d 66, 80, n.19, 102 S. Ct. 1781, 1790 n.19 (1982)*" Cinkus, p. 210-211.

SUMMARY OF EVIDENCE AT BOARD HEARING

On April 14, 2022, the Board conducted an evidentiary hearing on Petitioners' Objection.

Colatorti was called as an adverse witness by Petitioners' counsel. Of note, he was asked the following questions and gave the following responses:

> "Q: Now you don't have a certificate that is like this that says Illinois Law Enforcement Training and Standards Board that says that you completed the Minimum Standards Course, do you?
> A: I have a certificate, yes.
> Q: I know you have a certificate, but you don't have one that says that you completed the Minimum Standards Course, do you?
> A: I have a certificate that says I passed for law enforcement. I'm a certified law enforcement officer, yes." (ROP00199)

Colatorti was then questioned by the Petitioners' counsel regarding documents commonly described as waiver forms. An example of such a document is found at R00128-29. Colatorti explained these were documents related to going from part-time to full time status. (ROP00210–214) Colatorti explained the documents and process further under questions by his counsel. (ROP216–219)

After Colatorti's motion for directed finding was denied, Colatorti's counsel called John Keigher as a witness. Keigher has been working for the Illinois Law Enforcement Training and Standard Board (ILETSB) since 2009, first as a contract attorney; then since 2017 as chief legal counsel. (ROP00247-249). Keigher was tendered and accepted as an expert on law enforcement training certification through ILETSB without objection. (ROP00250-251)

Keigher testified that the number of training hours currently required to be a full-time police officer (560) is the same for part time officers. (ROP00252). Likewise, the training hours required of full time and part time officers in 1999[1] (400) was the same. (ROP00252-253) He explained that to his knowledge there is no difference between the full and part-time officers' test (ROP00253) and that the tests were substantively the same back in 1999. (ROP00254)

Colatorti received his training at North East Multi-Regional Training, Inc. (NEMRT), an approved training provider according to Keigher. (ROP00254-255). He elaborated that the training provided by the NEMRT in 1999 met all the criteria of Section 7 of the Police Training Act. (ROP0257)

Keigher testified the phrase "Minimum Standards Basic Law Enforcement Officers Training Course" is not defined in the administrative rules. (ROP00258). He explained that the certificate issued to an officer that has successfully completed a Minimum Standards Basic Law Enforcement Officer Training Course, whether the officer is full or part-time, does not to his knowledge state anywhere on the certificate that the officer has completed the Minimum Standards Basic Law Enforcement Officers Training Course. (ROP00259-260) He further testified he is unaware of any such

[1] 1999 is the year Colatorti obtained his certificate.

certificate in the State of Illinois that specifically says on its face that the officer has completed the Minimum Standards Basic Law Enforcement Officer Training Course. (ROP00260)

Keigher testified that Colatorti is currently a certified law enforcement officer in the State of Illinois. (ROP00261). Further, Colatorti's current status is inactive as he is not currently employed as a police officer. (ROP00261). Being inactive status is not an indication that an individual is not certified. (ROP261-262). All that would be required to bring an individual back to active status would be employment by a law enforcement agency confirmed by documentation forwarded to ILETSB. (ROP00262)

Keigher's direct exam concluded with the following exchange regarding the certificate Colatorti contends puts him in compliance with 55 ILCS 5/3-6001.5:

> "Q: What do you recognize that exhibit to be?
> A: This is a certificate from the Law Enforcement Training Standards Board indicating completion of the State's Certification Exam.
> Q: Okay. Now, Mr. Keigher, what is your professional opinion to a reasonable degree of professional certainty whether Exhibit A, 2-B evidences Mr. Colatorti's successful completion of the Minimum Standards Basic Law Enforcement Officer Training Course?
> A: It asserts that fact." (ROP00263-264)

Under cross examination, Keigher confirmed the curriculum part-time training and full time training curriculum is basically the same. The only difference is that "the statute allows six months for a full-time officer to complete their training and eighteen months for the part-time officer, so inherent there is an indication that the part-time training will take longer." (ROP00265)

ANALYSIS

As referenced above, Petitioners contend Colatorti is not qualified to run for sheriff under the provisions of 55 ILCS 5/3-6001.5, which states:

"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 federal government. This paragraph does not apply to a sheriff currently serving on the effective date of this amendatory Act of the 101st General Assembly."

The Electoral Board's determination as to whether Colatorti is qualified to run for sheriff would seem simple: either Colatorti possesses the certificate described in 55 ILCS 5/3-5001.5, or he does not. It is undisputed that the certificate Colatorti contends places him in compliance with 55 ILCS 5/3-6001.5, (Exhibit B, R0087), does not contain specific language on its face "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." Rather, it states in relevant part:

"By the authority of the State of the Status of Illinois, the Illinois Law Enforcement Training and Standards Board awards this certificate to Antonio Colatorti and hereby certifies the fulfillment of all requirements as prescribed by Chapter 50 Paragraph 705/8.2 of the Illinois Compiled Statutes and is qualified as a Law Enforcement Officer Part-Time."

It is instructive that the certificate for Robb Tadelman, Colatorti's opponent, (Exhibit A, R0086), cited by Petitioners as an example of compliance with 55 ILCS 5/3-6001.5, also does not contain language on its face "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". (The

Tadelman certificate is virtually identical to the Colatorti certificate, the only differences the dates of issuance - May 20, 1999 for Colatorti; April 1, 2004 for Tadelman - and from part of the following language from Tadelman's certificate: "and hereby certifies the fulfillment of all requirements as prescribed by Chapter 50 Paragraph 705 of the Illinois Compiled Statutes and is qualified as a Law Enforcement Officer".) In sum, the sole substantive differences between the two are that the Tadelman certificate references Chapter 50, Paragraph 705/8.1, whereas the Colatorti certificate references Chapter 50 Paragraph 705/8.2, and Tadelman's certificate does not contain the describer "Part-Time" after "Law Enforcement Officer".

The language in Tadelman and Colatorti's certificates is consistent with other such certificates in Illinois. Keigher, chief legal counsel for ILETSB, testified that to his knowledge the certificates issued by ILETSA do not state specifically that the officer has completed the Minimum Standards Basic Law Enforcement Officers Training Course.

Keigher's testimony regarding that makes perfect sense given that the requirement set out in 55 ILCS 5/3 – 6001.5, paragraph (4) only became effective January 1, 2022[2]. Thus, certificates issued to officers prior to the amendment to 55 ILCS 5/3-6001.5 would not contain language attesting that the officer complied with paragraph 4 of 55 ILCS 5/3-6001.5 because that provision did not exist. Prior to that amendment, there was no provision requiring sheriffs have any law enforcement training. The purpose of such certificates was (and remains) to confirm that the officer has completed the necessary training and testing requirements to be certified as a law enforcement officer, whether full or part-time, not that the individual is qualified to serve as sheriff.

2. The amendment to 55 ILCS 5/3-6001.5 was part of the comprehensive bill (PA 101-0652) commonly referred to as "SAFE-T Act", which was signed into law by Governor Pritzker on February 22, 2021; the amendment to 55 ILCS 5/3-6001.5 stated an effective date of January 1, 2022.

It is clear that if 55 ILCS 5/3-6001.5 is interpreted as requiring that to qualify to run for or be a sheriff an individual must produce a certificate "attesting to his or her successful completion of the Minimum Standards Basic Law Enforcement Officers Training as prescribed by the Illinois Enforcement Training Standards Board" on its face, neither Colatorti, Tandelman, or any other individual would be qualified to run for or be a sheriff. That would be an absurd result and it is well settled that statutes should not be read or interpreted in such a manner as to lead to an absurd result. Nowak v. City of Country Club Hills, 2011 IL 111838, ¶21.

Thus, extrinsic evidence is needed to determine whether an individual such as Colatorti 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". Here, Colatorti produced such evidence through the testimony of Keigher, chief legal counsel for ILETSA, who gave unequivocal opinion testimony that Colatorti possesses such a certificate. That opinion was unrebutted; in fact, Petitioners' counsel chose not to cross examine on this issue.

Notwithstanding Keigher's testimony, Petitioners claim that Colatorti's training was not in conformity with 20 Ill. Adm. Code 1720.10 (b), which states: "[t]he Minimum Standards Basic Law Enforcement Officers Training Course shall consist of concentrated study which is continuous and full time". Since Colatorti's training was not continuous and full time, Petitioners argue, he did not possess the mandatory certificate required by the Counties Code.

Petitioners' reasoning is flawed, for several reasons. First, Colatorti sought to be certified as a part time officer. Thus, he had 18 months to complete his training versus the six month period required of a full time officer per Keigher. (ROP0265) Therefore, the

requirement that the instruction be continuous and full time would not apply. More significantly, Colatorti did receive the certificate; an argument that he should not have is irrelevant to these proceedings. Neither the Electoral Board nor this Court has the authority to review the decision of ILETSB. 55 ILCS 5/3-6001.5 only requires that a candidate for sheriff has a certificate attesting to completion of the Minimum Standards Basic Law Enforcement Officers Training Course, not a hearing on whether the awarding of such a certificate was erroneous.

Petitioners also point to documents in the record referred to as "Request For Waiver of Minimum Training Standards" such as the one filed with ILETSA on March 31, 2009 (R00128-129) on behalf of Colatorti by his then employer. Petitioners argue that if Colatorti had completed the Minimum Standards Basic Law Enforcement Officers Training Course, why would he be applying for a "Waiver of Minimum Training Standards"? A legitimate question, however, Petitioners ignore the language in the request for waiver that states that it is sought because of Colatorti's "successful completion of the Illinois Basic Part-Time Basic Course (STTAR/PEP) prescribed by the Board" (R00128) and in fact he received such a waiver because of his "successful completion of Basic Recruit training and the State Certificate Exam or Part-Time Basic Training Course (STTAR/PEP included) course and the State Certificate Exam." (R00129) Such waiver requests appear to be used when an officer starts with a new law enforcement agency (i.e. R00128-129) or when the officer seeks to transition from being categorized as part-time to full-time.

The essence of Petitioners' case appears to be that because Colatorti has only been certified as a part-time officer, he does not possess the certificate mandated by 55 ILCS 5/3-6001.5. That position is not in conformity with a plain reading of 55 ILCS 5/3-

6001.5. If the legislature wanted to require certification as a full-time police officer as a prerequisite to being sheriff, they could have stated such a requirement. They did not. Rather, the legislature required that to be eligible to be sheriff the individual must possess "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". Keigher gave unrebutted testimony that Colatorti possesses such a certificate. He also gave uncontradicted testimony that the training curriculum and hours and certification exam are for all intents and purposes the same for part-time and full-time officers.

Petitioners argue that because the only section of the Illinois Police Training Act that specifically references the phrase "Minimum Standards Basic Law Enforcement Training Course" is Section 8.1, which applies to training requirements for full-time officers, only candidates such as Tadelman who possess a certificate allowing them to function as full-time officers can establish compliance with 55 ILCS 5/3-6001.5; candidates such as Colatorti who possesses a certificate allowing him to function as a part-time officer cannot.

Petitioners' interpretation of 55 ILCS 5/3-6001.5 leads to an absurd result. If Colatorti had successfully completed a substantially similar training program to that of the Minimum Standards Basic Law Enforcement Training Course set out in Section 8.1 of the Police Training Act of another state or the federal government, he would be qualified to run for sheriff. How would he go about doing that? By showing that the training course he successfully completed was a similar content and the same number of hours as the courses required of full time officers in Section 8.1 of the Police Training

Act. Colatorti can obviously do so since not only was his testimony and that of Keigher unrebutted that the part-time training course he successfully completed was the same curriculum and number of hours as the full time course, that testimony is in line with the requirements of Section 8.2 of the Police Training Act, which states:

> "The part-time police training course referred to in this Section shall be of the similar content and same number of hours as the courses for full-time officers and shall be provided by Mobile Team In-Service Training Units under the Intergovernmental Law Enforcement Officer's In-Service Training Act or by another approved program or facility in a manner prescribed by the Board."
>
> 50 ILCS 705(8.5(c) (emphasis added)

Under Petitioners' "logic", if Colatorti had taken the exact same training courses in Iowa instead of Illinois, he would be qualified to run for sheriff. That leads to an absurd result.

Time and time again, Petitioners attempt to distinguish the certificates of Tadelman and Colatorti by continuously claiming that Tadeleman's training was "continuous and full time" whereas Colatorti's was "sporadic". Petitioners' harping on the phrase "continuous and full time" derives from Section 1720.10 of the Illinois Administrative Code which states in part: "The Minimum Standards Basic Law Enforcement Officers Training Course shall consist of concentrated study which is continuous and full time." 20 Ill Adm Code 1720.10 (b). Petitioners argue in their Memorandum, "[b]oth the candidate and the candidate and the candidates' expert testified that the candidate took several different classes, which were not "continuous and full time" in the way a police academy is… The candidate testified that he only attended classes three days a week, only for 16 hours a week, and that he took five different classes over many months, which he believed cumulatively was 'the course'."
(Petitioners' Memorandum, p. 12)

In their citations to 20 Ill Adm Code 1720.10, Petitioners exclude subparagraph (f), which states: "As a general rule, the Board will not ceritify any course of training that is not at least 30 hours in length, with training to cover not less than 6 hours each day on consecutive days. Given that nowhere in Section 1720.10 is "continuous and full time" defined, and that a course can be as little as 30 hours (well below the total minimum hours) and need only consist of the two consecutive days of six hours of training to qualify and perhaps less than that as an exception to the general rule, Petitioners are making an assumption that Colatorti's training was not "continuous and full time".

However, even assuming that Colatorti's training was not "continuous and full time", that fact is irrelevant to the proceedings here.

The intent of the Illinois legislature in amending 55 ILCS 5/3-6001.5 was to require that elected or appointed sheriffs' have certain minimum law enforcement training, not that they receive training in a specific location or complete it in a certain time period. Petitioners' counsel explained the purpose of that amendment to 55 ILCS 53-6001.5 to the Electoral Board as follows:

> "Well, so we had situations prior to the adoption of this public act where people had no law enforcement background at all were winning as Sheriff, and so there was no – they were supervising people who were required to have these certification." (ROP00292)

It should be noted that Petitioners' counsel went on to argue that the amendment required full-time training while acknowledging 55 ILCS 5/3-6001.5(4) did not specifically state that.

If the Illinois legislature had wanted to make certification as a full time law enforcement officer a prerequisite to qualifying to be sheriff, they could and would have said so. In her closing argument to the Electoral Board Petitioners' counsel pointed out

"that when the General Assembly acts they are aware of other laws that they've already passed" (ROP00293) in support of her position that if the legislature would have wanted to include certifications for part-time officers under 55 ILCS 5/3-6001.5 they would have said so. That argument, however, turns the rule of statutory construction on its head. 55 ILCS 5/3-6001.5 makes no reference to part-time or full-time certification. Statutes should be read as a whole, given their plain meaning, and not be construed so as to lead an absurd result. MD Elect. Contrs, Inc., V. Abrams, 228 Ill. 2d 209. 291 (2008); Nowak, Ibid.)

As the general assembly is presumed to be aware of other laws that they've already passed, then they would be aware when they passed the amendment to 55 ILCS 5/3-6001.5 that Section 8.2 of the Police Training Act required part-time training courses to "be of similar content and the same number of hours as the courses for full-time officers". Thus, the legislature knew when it enacted the amendment to 55 ILCS 5/3-6001.5 that part-time law enforcement officer trainees in Illinois would receive the same training that full time law enforcement officer trainees would receive under Section 8.1. Further, knowing that, the legislature specifically allowed similar training programs of other states or the federal government to render a sheriff candidate qualified. The part-time officer training courses are codified under Section 8.2 of the Police Training Act to be a substantially similar training program to that under Section 8.1, and thus clearly fit under the umbrella of allowable certifications necessary to qualify as a candidate for sheriff.

It bears repeating that the certificates issued to Tadelamn, Colatorti, and all other law enforcement officers by ILETSB under the Police Training Act were not created to establish compliance with 55 ILCS 5/3-6001.5, which did not even exist, but rather to

certify that the law enforcement officer had received the requisite training and passed the applicable exam to be designated as either a part-time or full-time police officer in the State of Illinois.

The Petitioners make a second argument, that, "The Electoral Boardd was Illegally Constituted because a Conflicted Member Appointed his Own Proxy" (Petitioner's Memorandum, p. 21)[3].

The crux of Petitioners' argument is that the McHenry County State's Attorney, who normally would have sat on the Electoral Board pursuant to 10 ILCS 5/10-9(2), was disqualified from sitting as he had donated money to Colatorti's campaign and vice versa. Rather than sitting on the Electoral Board, Kenneally appointed a proxy, Lisle Stalter, an assistant state's attorney from Lake County. Petitioners' position was explained to the Electoral Board by one their attorneys as follows:

> "Our motion to disqualify sought to disqualify the state's attorney as well, and the state's attorney designee is still sitting on this board. And we - - a disqualified state's attorney shouldn't be sitting on the - - appointing designees or be involved with this process whatsoever. I don't have a problem with the designee – the person that was designated personally, but Section 10-9 of the Electoral Code provides a procedure to replace disqualified members to fill their vacancies with public members, which is what's going to happen for the vacancies for the other members. And that is - - if the chief judge wants to do that for the state's attorney's position as well and fill with the same person, I don't suppose we have a problem with that." (ROP0034-35)

Besides the fact that Petitioners' counsels' argument appears to be the epitome of exalting form over substance through his suggestion that Ms. Salter would have been acceptable if she had been appointed by the Chief Judge but is somehow not because she was appointed as a proxy by the Sate's Attorney, it is not supported by the facts or the applicable law. Petitioners introduced no evidence demonstrating that Stalter was biased,

[3] Colatorti argues Petitioners have waived this argument by not referencing it in their Petition for Judicial Review, however, Petitioners raised it at the hearing before the Electoral Board, thus, this Court shall consider it.

had any pecuniary interest in the proceedings, would be a witness, or was otherwise subject to disqualification. In fact, Petitioners' counsel agreed that Stalter would be fair and impartial. (ROP00104). Rather, Petitioners argue that Kenneally was subject to disqualification, thus, Stalter, as his proxy, should have been disqualified as well.

Petitioners' reasoning is flawed and not supported by the law. Petitioners' motion to disqualify Kenneally only would have been relevant if Kenneally had remained a part of the proceedings. He never was a part of the proceedings, having appointed a proxy before any hearings commenced. Furthermore, as explained by Stalter, while the law is unsettled, a Rule 23 decision seems to indicate campaign contributions do not serve as a basis to disqualify an electoral board member. (ROP00109-110) Thus, it is far from given that Kenneally would have been subject to disqualification. More significantly, Petitioners have not provided any authority that a proxy of an electoral board member who may have been subjected to disqualification had he or she remained on the Electoral Board is somehow automatically disqualified. Finally, the Court notes that the Decision of the Electoral Board was unanimous. Thus, Stalter's vote did not alter the outcome.

The key finding of the Electoral Board that served as the lynchpin for its decision denying the objection Petition, and what is subject to judicial review, is No. 26(a), as follows:

> "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)"

This court determines that the above finding by the Electoral Board involved a mixed question of law and fact. As such, Petitioners' would have to establish that it was clearly erroneous. That they have failed to do. However, even if the above finding was to

be considered as solely a conclusion of law, and thus given no deference, this Court would (and does) affirm such a finding.

ORDER

For the above stated reasons, the Decision of the McHenry County Officers Electoral Board is affirmed and this case is dismissed.

Entered: _____

KEVIN G. COSTELLO
JUDGE