

1/11/2019

**11119 - 2 LEB**

ANNETTE FAKLIS MORIARTY, C.S.R.



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PRESENT:

MAYOR CHRISTOPHER PECAK, Chair;

MR. DANIEL PORTER,  
Member;

ROBBINS SCHWARTZ  
BY: MS. KATHLEEN ELLIOTT  
631 East Boughton Road  
Suite 200  
Bolingbrook, Illinois 60440-3098  
(630) 929-3639  
Dfreeman@robbins-schwartz.com

Representing the Village of Lisle.

1           MAYOR PECAK: We will proceed without  
2 the sound system. So I'd like to call to order  
3 the Municipal Officers Electoral Board for the  
4 Village of Lisle to consider five cases today.

5           Mayor Pecak is here; Dan Porter is here;  
6 and our village attorney is here.

7           The first item on our agenda I'd like to  
8 turn over to the Village Attorney is Case Number  
9 2019-2, case of Irena Binkiene against Cathy  
10 Cawiezel.

11           MS. ELLIOTT: Just for a matter of  
12 record, the third member of the Electoral  
13 Commission was originally Clerk Rhondike, who  
14 resigned from office last Monday night, effective  
15 last Tuesday.

16           To make up for that, we went back to the  
17 chief judge of the Circuit to ask for a second  
18 public member to be appointed. The chief judge  
19 on January 9th did appoint Mr. Jonathan Nusgart  
20 of Oak Park as the second public member. He was  
21 unable to be here today due to being in a  
22 deposition. However, he will present for the  
23 next hearing on next Friday.

24           So I just wanted everybody to be aware of

1 what had transpired since the last hearing. It's  
2 not something that was being anticipated.

3 The first case Binkiene versus Cawiezel, I  
4 see that pursuant to both our rules adopted and  
5 the state election code, a vote of the board of  
6 election commissioners is required to authorize  
7 the issuance of a subpoena.

8 So we have your subpoena. And I notice  
9 that it's for records of the filing of the  
10 electronic -- of the Economic Interest statement.  
11 That is what you alleged in your objection.

12 Does anyone have any objections to the  
13 subpoena being issued?

14 I would recommend that the Board make a  
15 motion to approve the issuance of a subpoena.

16 MR. PORTER: I would make a motion to  
17 approve the issuance of the subpoena.

18 MR. PECAK: Second.

19 All in favor say aye.

20 (Chorus of ayes.)

21 Any opposed?

22 (No opposition.)

23 Hearing none, motion pasts.

24 MS. ELLIOTT: At the end of all of

1 these hearings the Mayor will, as a chair, will  
2 sign those subpoenas. And he can wait and we  
3 will have to make copies and we will give them to  
4 you.

5 I would want to advise all parties that  
6 subpoenas -- under the election code, subpoenas  
7 are to be served in the manner provided by Civil  
8 Practice Act, which would be the sheriff.

9 The sheriff does charge a fee for the  
10 service of those subpoenas. I'm not aware of the  
11 exact cost, but I believe it's around \$45 per  
12 subpoena. Just for informational purposes.

13 Yes?

14 MR. ZEMENAK: I am attorney John  
15 Zemenak, who was recently retained to represent  
16 Trustee Cawiezel. And I have no objection to  
17 the subpoena. But I just request the ability to  
18 see the documents that are produced in response  
19 to this subpoena.

20 MS. ELLIOTT: I can have the Clerk's  
21 Office forward you what they produced.

22 MR. ZEMENAK: And I will forward an  
23 appearance to you.

24 MS. ELLIOTT: Please include cell

1 phone number and email address because of the  
2 expedited nature of these hearings.

3 MS. MAJAUSKAS: And for me, too. And  
4 just for the record, I am Davia Majauskas on  
5 behalf of Irena Binkiene.

6 MS. ELLIOTT: Okay. Thank you.

7 MAYOR PECAK: Any public comments?

8 (No public comment.)

9 Hearing none, let's go to next case.

10 (End of Proceedings.)

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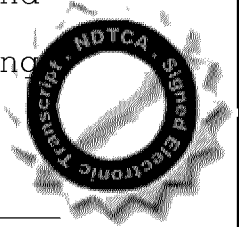
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 ) SS:  
 2 COUNTY OF DUPAGE )

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 6 and that she reported in shorthand the  
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 10 contains the proceedings given at said hearing

11 Annette Faklis Moriarty



12 Annette Faklis Moriarty, CSR

13 LIC. NO. 084-02318

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1/11/2019

**11119 - 3 LEB**

ANNETTE FAKLIS MORIARTY, C.S.R.

BEFORE THE VILLAGE OF LISLE  
MUNICIPAL OFFICERS ELECTORAL BOARD

IN THE MATTER OF THE            )  
OBJECTIONS OF:                    )  
                                      )  
MARK BOYLE                         )  
                                      )  
                  Objector,            )    No. 2019-3  
                                      )  
                  VS.                    )  
                                      )  
JOHN GERGITS,                     )  
                                      )  
                  Candidate.         )

REPORT OF PROCEEDINGS taken at the hearing  
of the above-entitled matter before the  
Municipal Officers Electoral Board in Council  
Chambers, Village of Lisle, 925 Burlington  
Avenue, Lisle, Illinois, 60532, on the 11th day  
of January 2019, at the hour of 2:10 p.m.

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PRESENT:

MAYOR CHRISTOPHER PECAK, Chair;  
MR. DANIEL PORTER,  
Member;

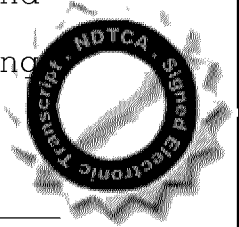
ROBBINS SCHWARTZ  
BY: MS. KATHLEEN ELLIOTT  
631 East Boughton Road  
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Representing the Village of Lisle.



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13 Annette Faklis Moriarty, CSR

14 LIC. NO. 084-02318  
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1/11/2019

**11119 - 4 LEB**

ANNETTE FAKLIS MORIARTY, C.S.R.

BEFORE THE VILLAGE OF LISLE  
MUNICIPAL OFFICERS ELECTORAL BOARD

IN THE MATTER OF THE )  
OBJECTIONS OF: )  
 )  
MARK BOYLE )  
 )  
Objector, ) No. 2019-4  
 )  
VS. )  
 )  
SARAH SAYED SADAT, )  
 )  
Candidate. )

REPORT OF PROCEEDINGS taken at the hearing  
of the above-entitled matter before the  
Municipal Officers Electoral Board in Council  
Chambers, Village of Lisle, 925 Burlington  
Avenue, Lisle, Illinois, 60532, on the 11th day  
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PRESENT:

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Member;

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BY: MR. KATHLEEN ELLIOTT  
631 East Boughton Road  
Suite 200  
Bolingbrook, Illinois 60440-3098  
(630) 929-3639

Representing the Village of Lisle.

1           MAYOR PECAK: Next case is the case  
2 of Mark Boyle against Sarah Sayed Sadat, Case  
3 Number 2019-4.

4           MR. JACOBSON: Jeffrey Jacobson on  
5 behalf of the Candidate.

6           MS. ELLIOTT: Did either parties have  
7 any objection to the rules?

8           MR. BOYLE: I'm fine with them.

9           MR. JACOBSON: I do have an  
10 objection, that the creation of the Electoral  
11 Board is by statute. And the law of the Illinois  
12 Supreme Court is set forth. And they also said  
13 you don't even need rules of procedure because of  
14 statute and that's what you're supposed to do.

15           However, the rule -- the law does require  
16 the Electoral Board on the first page shall adopt  
17 rules and procedures.

18           By adopting them now, we have changed  
19 whatever rules and procedures you had because you  
20 haven't had any and you're allowed to not have  
21 any.

22           And now you are creating rules and  
23 procedures that are supposedly going to do  
24 something different.

1 MS. ELLIOTT: No. I believe that the  
2 rules were adopted at the last hearing. But  
3 people requested time to review them.

4 MR. JACOBSON: I don't recall on the  
5 record any rules being adopted. Because the  
6 objection was on Exhibit A. I don't know if  
7 you've looked at the Rules of Procedures. It  
8 refers to Bulldog Village.

9 And the Rules of Procedures has referred to  
10 stuff on Bulldog Village. And this clearly isn't  
11 Bulldog Village. It's Lisle.

12 And the rules and procedures if they were  
13 enacted, aren't correct. They refer to attorneys  
14 that have nothing to do this and a city that  
15 doesn't exist.

16 And so that would have been my objection  
17 initially. But I don't know -- and I apologize.  
18 I don't know why you keep talking.

19 But if the rules were enacted, then it  
20 doesn't really matter. But that's my point. And  
21 you don't need rules and procedures because the  
22 statute sets forth what you need to do and we  
23 don't have any subpoenas.

24 And so that's my objection to the Rules and

1 Procedures.

2 MS. ELLIOTT: Did you file a written  
3 objection?

4 MR. JACOBSON: You can do what you  
5 want, but I'm just telling you that's my  
6 objection to it.

7 MS. ELLIOTT: I recommend a motion  
8 that the objection to the rules be denied.

9 MR. PORTER: I would move to deny the  
10 objection of the rules.

11 MAYOR PECAK: I second.

12 All those in favor, say aye.

13 (Chorus of ayes.)

14 Any opposed?

15 (No opposition.)

16 Hearing none, motion passes.

17 MS. ELLIOTT: I'm going to make an  
18 announcement that will effect all these cases  
19 just so you're aware of it.

20 The Board is going to issue their own  
21 subpoenas for the records of the signatures that  
22 are challenged in the objections. Those records  
23 will then be here at village Hall, and we will  
24 notify both parties immediately when they come in

1 and get their copies of those so they can prepare  
2 for the hearings.

3 I'm going to ask that the deputy clerk send  
4 out some forms that I have. They are suggestive  
5 forms. One is for the Objectors and one is for  
6 the Candidates.

7 And after you reviewed the signature cards,  
8 if you are an Objector and you wish to withdraw  
9 any of your particular objections to each line,  
10 you can do that. And you don't have to withdraw  
11 all your objections for that particular signature  
12 if you made more than one. You would just list  
13 it.

14 And conversely if a candidate has an  
15 opportunity to review these records and they are  
16 no longer contesting the objection to that  
17 signature, if they would list it.

18 The reason why we are doing this is we hope  
19 to expedite the hearings. If something is no  
20 longer being contested, that would just make it  
21 that much more smoothly.

22 Again, we are not requiring that anybody do  
23 this. We are setting these out when ask that you  
24 consider doing them to streamline the hearings.

1           So I would ask Christine if she could put  
2 these out and you can take those. And she will  
3 be notifying me as soon as we have the signature  
4 records available.

5           MR. JACOBSON: So I would like to  
6 clarify it. So he has objected to five  
7 signatures. So four of them we agree with; they  
8 are duplicates. I don't know if this will help.

9           MS. ELLIOTT: You can fill that out  
10 and it would be helpful.

11          MR. JACOBSON: So I just want to make  
12 sure this is for the record. So there is only  
13 one signature that's in dispute. And the  
14 candidate had like 150 additional signatures  
15 anyway. So I don't know. That is going to be an  
16 exhausting process. But I just -- we don't need  
17 to check.

18          MS. ELLIOTT: Your case is middle and  
19 other cases have more.

20          MR. JACOBSON: It's just one that we  
21 are in dispute of.

22          MS. ELLIOTT: If you could fill that  
23 out today and give it back to us, then that will  
24 change what we subpoena from the Electoral Board.

1 That would be very helpful. Thank you.

2 MAYOR PECAK: Any other action? Any  
3 public comment in this case? Hearing none, go on  
4 to the next case.

5 (End of Proceedings.)

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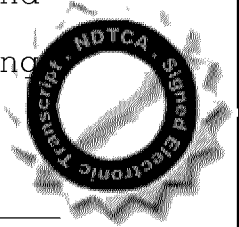
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14 LIC. NO. 084-02318

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1/11/2019  
**1119-6 LEB**

ANNETTE FAKLIS MORIARTY, C.S.R.

BEFORE THE VILLAGE OF LISLE  
MUNICIPAL OFFICERS ELECTORAL BOARD

IN THE MATTER OF THE )  
OBJECTIONS OF: )  
 )  
IRENA BINKIENE )  
 )  
 Objector, ) No. 2019-6  
 )  
 VS. )  
 )  
CHARLES REGO, )  
 )  
 Candidate. )

REPORT OF PROCEEDINGS taken at the hearing  
of the above-entitled matter before the  
Municipal Officers Electoral Board in Council  
Chambers, Village of Lisle, 925 Burlington  
Avenue, Lisle, Illinois, 60532, on the 11th day  
of January 2019, at the hour of 2:20 p.m.

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PRESENT:

MAYOR CHRISTOPHER PECAK, Chair;

MR. DANIEL PORTER,  
Member;

ROBBINS SCHWARTZ  
BY: MR. KATHLEEN ELLIOTT  
631 East Boughton Road  
Suite 200  
Bolingbrook, Illinois 60440-3098  
(630) 929-3639

Representing the Village of Lisle.

1           MAYOR PECAK: Next case is the case  
2 of Irena Binkiene against Charles Rego, Case No.  
3 2019-6.

4           MS. ELLIOTT: Again, there are  
5 subpoenas requested by the Objector. These  
6 subpoenas -- I'm not clear on the face of them,  
7 how they relate to you specifically, the  
8 objections that you filed. It does not appear  
9 that -- the objections, if I understand them  
10 correctly -- and you can correct me if I'm  
11 wrong -- was that the Circulators did not sign  
12 these in front of the notary.

13           MS. MAJAUSKAS: Correct. Notary.  
14 One notary.

15           MS. ELLIOTT: So you have subpoenaed  
16 the notary and who else?

17           MS. MAJAUSKAS: The Circulator.

18           MS. ELLIOTT: Okay. And --

19           MS. MAJAUSKAS: It is my client's  
20 contention that the notary was handed a stack of  
21 nomination papers or candidate papers. She  
22 signed off on them and handed them back. That's

1 why I need the notary and I need the circulators  
2 to make sure that they were all in the same room  
3 together.

4 If I have one, it doesn't do me much good  
5 because it's a pattern of invalid notarization.

6 MS. ELLIOTT: So that's basically  
7 your subpoena?

8 MS. MAJASKAS: That's correct.

9 MS. ELLIOTT: Candidate, do you have  
10 a response?

11 MR. REGO: I filed a motion under  
12 these exact issues. This needs to be ruled on.  
13 And depending on how it's ruled on, I will give  
14 you a response.

15 MS. ELLIOTT: I believe at the last  
16 hearing an objection was filed in one of the  
17 cases, and it was continued until the date of the  
18 hearing. And that's what I would recommend that  
19 the Board --

20 MR. REGO: Because the issue I put  
21 before the Board is germane to my objections and  
22 subpoenas.

1 MS. MAJAUSKAS: At this point, I  
2 received the motion about 15 minutes ago. I'm  
3 not prepared to move forward without reading it  
4 properly and researching the information  
5 properly. So I couldn't proceed together anyway.

6 MR. REGO: We found out about this  
7 hearing 48-and-a-half hours ago.

8 MS. ELLIOTT: I understand that these  
9 are expedited hearings and notice periods are  
10 short.

11 MR. REGO: I think one of my  
12 arguments too, was her client filed verified  
13 complaints. So her client basically certified  
14 that she has information and offered no  
15 information if any of it's true.

16 MS. ELLIOTT: She is not required to  
17 do that at this time.

18 MR. REGO: So she can just go on a  
19 fishing expedition? I think in general terms for  
20 the future of elections you're going on a very  
21 slippery slope. If someone could file objections  
22 and then file all these subpoenas and say hey,

1 you know, based on my -- whatever is in my head,  
2 I object and here's my objection, I'm going to  
3 file the subpoenas. You're setting up a very  
4 scary precedent.

5 MS. ELLIOTT: Well, I don't think the  
6 Board should assume at this point that the  
7 verified Complaint is not true. So I think they  
8 are entitled to subpoenas --

9 MR. REGO: But I think there has to  
10 do more than supposition. She has offered  
11 nothing.

12 MR. PORTER: I'm sorry. We are not  
13 here on the motion to dismiss, we're not here for  
14 a hearing on anything but the subpoenas today.

15 MR. REGO: And I object to issues in  
16 the subpoenas.

17 MR. PORTER: I would move to approve  
18 the subpoena, the issuance of the subpoena.

19 MAYOR PECAK: I second. All in favor  
20 say aye.

21 (Chorus of ayes.)

22 The motion passes.

1 MS. ELLIOTT: Again, the subpoenas  
2 will be available shortly after the end of the  
3 hearing. Thank you.

4 (End of Proceedings.)  
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1/11/2019  
**1119-8 LEB**

ANNETTE FAKLIS MORIARTY, C.S.R.

BEFORE THE VILLAGE OF LISLE  
MUNICIPAL OFFICERS ELECTORAL BOARD

IN THE MATTER OF THE )  
OBJECTIONS OF: )  
 )  
IRENE BINKIENE )  
 )  
 Objector, ) No. 2019-8  
 )  
 VS. )  
 )  
MARK PATRICK BOYLE )  
 )  
 Candidate. )

REPORT OF PROCEEDINGS taken at the hearing  
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Municipal Officers Electoral Board in Council  
Chambers, Village of Lisle, 925 Burlington  
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Representing the Village of Lisle.

1           MAYOR PECAK: Last case is Irena  
2 Binkiene versus Mark Patrick Boyle, 2019-8.

3           MS. ELLIOTT: I note again that you  
4 filed subpoenas based on the invalid  
5 notarization.

6           Again, the notary and the Circulator  
7 is in question.

8           MS. MAJAUSKAS: Yes, it's actually  
9 the same notary as in the other case and mostly  
10 the same Circulator as in the other case. Hence,  
11 putting the two cases together kind of makes my  
12 objection relatively stronger rather than keeping  
13 them separate. But they are mostly the same.

14           I think Mr. Rego had an extra three because  
15 Mr. Boyle failed to notarize four pages.

16           MS. ELLIOTT: Did you have an  
17 objection to the issuance of the subpoenas?

18           MR. BOYLE: I submitted an objection.  
19 Hearsay; where's the burden of proof on -- it was  
20 the day before we were going to submit. It was a  
21 hectic day. We had people in and out.

22           My wife is one of the people that's being

1 subpoenaed. I'm not sure if she signed it at  
2 10:00 o'clock in the morning or 10:00 o'clock at  
3 night. There was a churn going through with the  
4 help of a lot of people, including the notary.  
5 So I was surprised when they came out of left  
6 field like this.

7 And in another way, I'm not. There is a  
8 history lesson. I want to get this on the  
9 record. That the group filing -- and I'm using  
10 the word "group" sort of loosely -- has filed  
11 objections in the last two years against a former  
12 mayor, a former trustee, a former clerk --

13 MS. MAJAUSKAS: Objection. A,  
14 motivation has not come into the hearing  
15 whatsoever; B, my client has not filed against --

16 MR. BOYLE: You have seven different  
17 people. They're just sitting there, grinding  
18 along. The other thing I will say is I just  
19 found out -- and I don't have all the details --  
20 that I think there is a personal vendetta.

21 MS. MAJAUSKAS: Again, my objection  
22 is personal --

1           MR. BOYLE: A relative of hers was  
2 trying to be arrested, who is --

3           MS. ELLIOTT: That's way beyond the  
4 scope of this hearing.

5           MS. MAJASKAS: What can I say at  
6 this point. I don't know what he's talking  
7 about.

8           MR. BOYLE: I can say anything I  
9 want; okay.

10          MS. MAJASKAS: Well, I object to  
11 that.

12          MR. BOYLE: A fireman goes there to  
13 do a life safety -- it all gets back to life  
14 safety issues. And we're going to make a big  
15 deal out of this, if that's the way it's going  
16 these days. It's a life-safety issue. The  
17 fireman goes over there and you try to --

18          MS. ELLIOTT: Mr. Boyle --

19          MR. BOYLE: They try to arrest the  
20 fireman. There is a relationship between the  
21 notary and the fireman. I'm wondering if that's  
22 what's happening there.

1 MS. ELLIOTT: If you want to bring  
2 this up at the hearing, that's fine. But at this  
3 time I would recommend that you make a motion.

4 MR. PORTER: You said there was an  
5 objection to the subpoena filed or to the  
6 petition filed?

7 MR. BOYLE: I filed an objection to  
8 the subpoena.

9 MS. MAJASKAS: I received nothing.

10 MR. PORTER: I have not seen  
11 anything.

12 MR. BOYLE: Motion to dismiss. I'm  
13 sorry.

14 MR. PORTER: So that would be toward  
15 the petition for objection, not towards the  
16 subpoenas. So as it pertains to the subpoenas  
17 here today, I'm going to move that we approve the  
18 issuance of the subpoenas.

19 MR. PECAK: I second. All in favor  
20 say aye.

21 (Chorus of ayes.)

22 Motion passes.



1 MS. ELLIOTT: Again, they will be  
2 available at the end.

3 MS. MAJASKAS: I would just ask for  
4 a copy of the motion to dismiss. I don't have a  
5 copy. And I'm sure I will get one.

6 Just to clarify, all the signature  
7 verifications on all the cases presented today  
8 will be done by the Board. I know you said it in  
9 another case. I wanted to clarify.

10 MS. ELLIOTT: In all cases, yes.

11 MR. BOYLE: And you will do that  
12 signature verification?

13 MS. ELLIOTT: We want the records  
14 available. And each side will have those  
15 signatures available --

16 MR. BOYLE: To do it themselves.

17 MS. ELLIOTT: To make their case next  
18 Friday. And the Board will review them as well  
19 as part of the hearing.

20 MR. REGO: I just have one question  
21 about that. If someone is not in the list, is  
22 there a form that you fill out or someone

1 verified -- so there's a name not in the list.

2 MS. ELLIOTT: If it is not in the  
3 objection --

4 MR. REGO: So if a line is objected  
5 to, a line issue is objected to, because that  
6 name is not a registered voter --

7 MS. ELLIOTT: Right.

8 MR. REGO: Is there a verification  
9 made that if someone says yeah, that person does  
10 not appear on the role.

11 MS. ELLIOTT: I'm assuming that we  
12 will get back from the DuPage Election Collision  
13 is that no record exists, not a registered voter  
14 at that address.

15 MR. REGO: So they're not going to  
16 send the whole role over like this. I have the  
17 whole role right here. (Indicating.)

18 MS. ELLIOTT: No.

19 MR. REGO: What are they going to  
20 send over?

21 MS. ELLIOTT: We will attach a copy  
22 of the portions of the objections that lists what

1 signatures are objected to.

2 MR. REGO: Thank you.

3 MAYOR PECAK: Public comment?

4 MS. ELLIOTT: I just want to  
5 indicate. We had amendments to the Electoral  
6 Board rules. That was only put on here so we  
7 didn't have a section to the Rules, and we found  
8 no reason to amend them. We are not going to do  
9 that. So you don't need to cover that.

10 MAYOR PECAK: Any public comment in  
11 anything related today?

12 (No public comment.)

13 Hearing none, any new business for  
14 today? Hearing none, I move to adjourn.

15 MR. PORTER: Second.

16 MAYOR PECAK: All in favor say aye.

17 (Chorus of ayes.)

18 We are adjourned for today. Thank  
19 you.

20 (End of Proceedings.)

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1 STATE OF ILLINOIS )  
 ) SS:  
 2 COUNTY OF DUPAGE )

3 I Annette Faklis Moriarty, being first  
 4 duly sworn, on oath says that she is a court  
 5 reporter doing business in the County of DuPage;  
 6 and that she reported in shorthand the  
 7 proceedings of said hearing, and that the  
 8 foregoing is a true and correct transcript of  
 9 her shorthand notes so taken as aforesaid, and  
 10 contains the proceedings given at said hearing.

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Annette Faklis Moriarty, CSR  
 LIC. NO. 084-02318