

1/18/2019

**IN THE MATTER OF THE OBJECTIONS OF: IRENA BINKIENE
VS. MARK PATRICK BOYLE**

2019-8

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. 2019-8
)
 VS.)
)
MARK PATRICK BOYLE,)
)
 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 18th day
of January 2019, at the hour of 9:00 p.m.

1
2 PRESENT:

3 MAYOR CHRISTOPHER PECAK, Chair;

4 MR. DANIEL PORTER,
Member;

5 MR. JONATHAN D. NUSGART,
6 Member.

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

11 Appeared for the Village of Lisle;

12 MS. DAIVA M. MAJAUSKAS,
Attorney at Law,
13 134 N. LaSalle Street,
Chicago, Illinois 60602,

14 Appeared for the Objector, Irena Binkene;

15 MR. MARK PATRICK BOYLE
16 Candidate,
17 Appeared pro Se.
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I N D E X

WITNESSES:

Ms. Catherine Draut	7
Mr. Joseph Accurso	10

1 MAYOR PECAK: We will move on to the
2 next case, Irena Binkene versus Mark Patrick
3 Boyle. Is there anyone present for the Objector?

4 MS. MAJAUSKAS: Davia Majauskas
5 present for the Objector.

6 MAYOR PECAK: Anyone present on
7 behalf of the Candidate?

8 Let the record show that Mark Boyle is
9 present. We will also enter for the record for
10 2019-8, the following documents: the call,
11 return of service of call on the Objector, return
12 of service on call on the Candidate, the original
13 verified Objector's petition and receipt of
14 objection, the original receipt for filing of
15 nominating papers, and the original nominating
16 papers consisting of a statement for receipt for
17 filing of statement for economic interests, and a
18 petition signature pages.

19 At this time, I will turn over the hearing
20 to the Board's attorney, Kathleen Elliott.

21 MS. ELLIOTT: Was there a motion to
22 dismiss on file for this?

1 Mr. Boyle, you filed a motion to dismiss?
2 Do you want to state anything in favor -- in
3 support of that motion?

4 MR. BOYLE: It's a duplicate of what
5 we just heard at the previous hearing.

6 MAYOR PECAK: Anything that needs to
7 be presented for the record?

8 MS. ELLIOTT: It's up to him.

9 MAYOR PECAK: Counsel, do you have
10 anything?

11 MS. MAJAUSKAS: At this point I think
12 it should be overruled in that the evidence --
13 all the evidence does not have to be put into the
14 petition and it should be denied.

15 MEMBER PORTER: Following a motion
16 and an argument being in that the previous
17 hearing and our ruling should be the same. The
18 previous hearing should be denied -- I move to
19 deny a motion to dismiss at this time.

20 MEMBER NUSGART: Second.

21 MAYOR PECAK: We have a motion and a
22 second. All in favor say aye.

1 (Chorus of ayes.)

2 Any opposed? Hearing none, the motion
3 carries.

4 MS. ELLIOTT: Pursuant to previous
5 discussions, I believe we're going to try to have
6 all the witnesses that are present possibly
7 testify. So, counsel, if you want to call the
8 witnesses you subpoenaed at this time and proceed
9 with the case?

10 MS. MAJAUSKAS: Yes. And before I do
11 so, I think as a point of order Mr. Boyle
12 indicated during the Rego hearing that he was
13 withdrawing certain sheets as well. I'm not sure
14 if that's the case.

15 MR. BOYLE: That is the case. They
16 would be different numbers than the Rego case.
17 But they would be the same Circulators. And
18 those would be -- let me go through it: Sheet
19 No. 9, 23, 29, 31, 32, 36, 38, 39.

20 MS. MAJAUSKAS: 32 -- I'm sorry -- 36
21 and 39?

22 MR. BOYLE: Yes, ma'am.

1 CATHERINE DRAUT,
2 called as a witness herein, was examined and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MAJAUSKAS:

6 Q Okay. Will you state your name for the
7 record.

8 **A Catherine Draut.**

9 Q And are you a notary in the State of
10 Illinois?

11 **A I am.**

12 Q And how long have you been a notary?

13 **A 25 years.**

14 Q And did you have occasion to notarize
15 several independent Candidate petitions on
16 behalf of Mr. Mark Boyle?

17 **A I did.**

18 Q And if I show you Page Number 35,
19 Catherine -- bear with me one second. Sheet
20 Number 9; is there your signature as a notary?

21 **A It is.**

22 Q And is that notary for Brad Headitch?

1 **A Yes.**

2 Q And I will try and streamline this as much
3 as I can; I know it's getting late. You
4 testified on the Charles Rego hearing that you
5 have never met him; is that the same testimony
6 in this case?

7 **A Correct.**

8 Q And Roger Lioni. Is it your testimony that
9 you have never met -- personally met Roger
10 Lioni?

11 **A Correct.**

12 MEMBER NUSGART: Counsel, which sheet
13 is that?

14 MS. MAJAUSKAS: I'm sorry. 23.

15 BY MS. MAJAUSKAS:

16 Q Joseph Accurso. Is it your testimony that
17 you have never personally met Mr. Accurso?

18 **A Correct.**

19 MEMBER NUSGART: Which sheet?

20 MS. MAJAUSKAS: 31.

21 BY MS. MAJAUSKAS:

22 Q And now moving onto Sheet No. 32, Mr.

1 Robert Klaeren. Is it your testimony that you
2 have never personally met Mr. Robert Klaeren?

3 **A Yes.**

4 Q And that is your signature as the notary;
5 correct?

6 **A Yes.**

7 MS. MAJAUSKAS: That's all I have for
8 this witness.

9 MS. ELLIOTT: Any Cross?

10 MR. BOYLE: The only comment I would
11 add is --

12 MS. ELLIOTT: No. This is the time
13 to ask questions of the witness.

14 MR. BOYLE: No, I'm fine for now.

15 MS. MAJAUSKAS: No further questions
16 of this witness. Thank you.

17 I would call Mr. Brad Hedich. He's
18 not in the courtroom. I think that might be all
19 I have.

20 I would call Joseph Accurso.
21
22

1 (Witness sworn.)

2 JOSEPH ACCURSO,
3 called as a witness herein, was examined and
4 testified as follows:

5

6 DIRECT EXAMINATION

7 BY MS. MAJAUSKAS:

8 Q Please state your full name for the record?

9 A **Joe Accurso.**

10 Q And did you collect petitions for
11 Mr. Boyle?

12 A **I did.**

13 Q And after you collected the petition, did
14 you sign the petition?

15 A **Yes.**

16 Q And then without having it notarized, did
17 you turn it into Mr. Boyle?

18 A **I did.**

19 Q Yes?

20 A **Yes.**

21 Q And so you did not sign this in front of a
22 notary?

1 both regular mail and certified mail. And I have
2 sent the information both regular mail and
3 certified mail. And I have the information --
4 leaving him the subpoena with his son, Bobby
5 Klaeren, who was approximately 20 years' old,
6 6-foot tall, 240 pounds, with black hair.

7 MR. BOYLE: May I add, my
8 understanding is that he is a 12-year old
9 autistic boy. So I'm not sure where we're at.
10 So I have heard different accounts for that.

11 MS. MAJAUSKAS: I also have a photo
12 that was taken of Mr. Bobby Klaeren that shows
13 him much older than 12 years' old. He was
14 also --

15 MEMBER PORTER: We will enter that
16 into the record.

17 MS. ELLIOTT: If you want to submit
18 it, that's fine.

19 MEMBER PORTER: And if he's not here
20 tonight, I think we can proceed.

21 MS. MAJAUSKAS: Exhibit 1 is the
22 affidavit, the subpoena, with the check written

1 out to Robert Klaeren in the sum of \$21 \$20 being
2 the witness fee, and \$1 being the mileage fee at
3 20 cents a mile, the subpoena, and then the photo
4 of the person purported to be Bobby Klaeren.

5 May I approach?

6 MS. ELLIOTT: Could you give that to
7 the clerk. Do you mind making copies of that,
8 and we will put it in. Thank you.

9 MS. MAJAUSKAS: And pursuant to
10 Illinois State statute, I would submit that if
11 Robert Klaeren were called to testify, he would
12 testify substantially in the same way that he
13 copied or he collected the signatures.

14 He signed the affidavit without being in
15 the presence of a notary, turned it into
16 Mr. Boyle or Mr. Rego, and that was the end of
17 it. There was no signature in front of the
18 notary.

19 That will be all the witnesses I have.

20 MS. ELLIOTT: Mr. Boyle, do you have
21 any witnesses that are here that you wish to call
22 at this time?

1 MR. BOYLE: Not at this time. Can we
2 dismiss anyone that is subpoenaed that is still
3 sitting in the courtroom?

4 MS. ELLIOTT: Are there people that
5 have been submitted that haven't been called?

6 MR. BOYLE: Yes.

7 MAYOR PECAK: Who has been subpoenaed
8 and not called?

9 MR. BOYLE: Did you rest then?

10 MS. MAJAUSKAS: I would rest. I
11 believe the numbers with the withdrawals put
12 Mr. Boyle under -- and the non-notarized
13 signature pages put him under 208.

14 MS. ELLIOTT: I understand. There
15 hasn't been a filing ruling on either of those.

16 MS. MAJAUSKAS: That's fine.

17 MS. ELLIOTT: Do I have a motion to
18 continue the hearing until --

19 MS. MAJAUSKAS: If I may, I forgot
20 one thing. I would also resubmit the Time
21 affidavit that I submitted in the Rego case.
22 I don't have extra copies. The deputy clerk is

1 making them for me.

2 So with that submission, I will get a copy
3 to Mr. Boyle.

4 MS. ELLIOTT: All right. Thank you.

5 MEMBER PORTER: I would move to
6 continue this matter until January 29th at
7 7:00 p.m., here in this room.

8 MEMBER NUSGART: Second.

9 MAYOR PECAK: We have a motion and a
10 second? All in favor say aye.

11 (Chorus of ayes.)

12 Any opposed?

13 Hearing none, the hearing is recessed until
14 the 29th.

15 MEMBER PORTER: I would move to
16 adjourn.

17 (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



11
12 Annette Faklis Moriarty

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