

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: The Nomination Petition of :  
Frank Shimkus for the Office of :  
State Representative for the 113th :  
District : No. 112 M.D. 2008

Joseph Pilchesky and Joanne Pilchesky, :  
 :  
 Petitioners :

In Re: Nomination Petition of Frank :  
Andrews Shimkus, Candidate for the :  
Democratic Nomination in the :  
General Assembly from the 113th :  
District : No. 142 M.D. 2008

Kevin Murphy, :  
 :  
 : Heard: February 28, 2008  
 :  
 Petitioner :

**BEFORE: HONORABLE RENÉE COHN JUBELIRER, Judge**

**OPINION NOT REPORTED**

**MEMORANDUM OPINION  
BY JUDGE COHN JUBELIRER**

**FILED: March 14, 2008**

Joseph and Joanne Pilchesky (Pilcheskys) and Kevin Murphy (collectively, Objectors) have filed objections to the Nomination Petitions of Frank Shimkus (Candidate) for the Democratic nomination for representative in the General Assembly for the 113<sup>th</sup> Legislative District. We consolidate the two filings for the purpose of this opinion.

Objectors allege that Candidate's Affidavit (Affidavit), Statement of Financial Interests (SOFI) and Nomination Petitions are defective because Candidate indicated on all of them an address, which is not his true residence, in order to deceive the public. Specifically, Pilcheskys allege that Candidate provided a false address to deflect negative attention because Candidate, who is also a pastor, was living with his fiancée to whom he was not married.<sup>1</sup> Pilcheskys also allege that Candidate's SOFI is defective because Candidate intentionally failed to list his two other professions, insurance agent and pastor, and that he also failed to indicate that he is self-employed as a pastor. In opposition to the allegation that his address indicated on his Nomination Petitions, Affidavit and SOFI was a defect, Candidate contends that he indicated the correct address because he: occasionally stayed at the address in question; received mail at the address in question; notified his employer that his residence was the address in question; and changed his voter registration information to indicate his residence as the address in question. Nomination petitions are presumed to be valid, and objectors bear the heavy burden of demonstrating that a candidate's nomination petition is invalid. In re Nomination Petition of Pippy, 711 A.2d 1048, 1057 (Pa.

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<sup>1</sup> Pilcheskys allege more specifically that Candidate provided a false address:

to deflect unwanted and controversial political attention from the fact that the Candidate/Pastor and Gabrielle Prutisto, his fiancée who is nearly thirty (30) years his junior, had purchased a lavish, expensive new home together in which to live while they were not married, and afterward, as to avoid public disgrace and humiliation, and therefore avoid the public's and church parishioner's moral and ethical scrutiny via media and internet exposure, and therefore to avoid substantial loss of voter confidence and public trust, and therefore to avoid loss of votes and serious potential of loss of election.

(Pilcheskys' Petition to Set Aside Nomination Petition of Shimkus at ¶ 51.)