

HEARINGS RELATING TO
SPECIFICATIONS OF OBJECTIONS ON
CERTIFICATES OF NOMINATIONS FOR
JUSTICE OF THE NYS SUPREME COURT
HELD ON FRIDAY, OCTOBER 3, 2008
AT 11:00 A.M.
42 BROADWAY, 6th FLOOR HEARING ROOM
NEW YORK, NY 10004

P R E S E N T: President James Sampel
 Secretary Frederic Umane

Marcus Cederqvist, Executive Director
George Gonzalez, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Joseph LaRocca, Coordinator, Candidate Records Unit
Thomas Sattie, Ballot Coordinator, Candidate Records Unit
Michael Neglia, Candidate Records Unit
Beth Fossella, Coordinator, Voter Registration
Randie Rosen, Temporary Attorney
John Courtney, Temporary Attorney

GUEST: Jerry Koenig
 Alan Flacks

President Sampel called the meeting to order 11:10 A.M.

The President announced that the Commissioners of Elections, pursuant to the provisions of Rule J5 of the Board's 2008 Petition Hearing Rules, scheduled this hearing to hear the Specifications of Objections to the Certificates of Nomination filed by Judicial Convention held in the 13th Judicial District, nominating candidates for

the November 4, 2008 General Election for New York State Supreme Court Judge.

The General Counsel called the calendar for Hearings relating to Specifications of Objections RH2, RH3, and RH4.

The General Counsel recommended that the Committee of the Commissioners of Elections [President Sampel and Secretary Umane] dismiss Specification of Objections #RH-2, objections filed by Lisa Buono to the Certificate of Nomination and Minutes of the Democratic Judicial Convention, 13th Judicial District, Richmond County. Following the General Counsel's report, John Haggerty Jr. representing the Objector, advised that Ms. Buono withdraws her objections, which was unanimously authorized by the Commissioners' Committee.

The General Counsel recommended that the Commissioners dismiss Specification of Objections #RH-3 (1) and (2), the objections filed by Carol Virga to the Certificate of Nomination and Minutes of the Conservative Judicial Convention, 13th Judicial District, Richmond

County.

President Sampel moved to adopt the Counsel's report with respect to Specification of Objection #RH-3(1). Secretary Umame stated that he is constrained to vote in favor of the Counsel's report because of Justice Sherwood decision. Secretary Umame seconded the motion, which was adopted unanimously by the Commissioners.

With respect to Specification #RH-3(2) which sets forth a claim of fraud, the General Counsel recommended that the Board does not rule on such "specs" in accordance with Rule H8 of both the Board's Designating and Independent Nominating Petition Rules. This recommendation was adopted unanimously.

The General Counsel recommended that the Commissioners dismiss Specification of Objections #RH-4, the objections filed by Maryann Cappello to the Certificate of Nomination and Minutes of the Working Families Judicial Convention, 13th Judicial District, Richmond County.

President Sampel moved to adopt the Counsel's report on the Specification of Objection #RH-4(1). Secretary Umane seconded the motion, which was adopted unanimously.

President Sampel moved to adopt the Counsel's report on Specification of Objection #RH-4(2). Secretary Umane seconded the motion. The motion failed by a vote of 1 in favor (President Sampel) 1 opposed (Secretary Umane).

The Board declined to rule on Specification of Objection #RH-4(3), pursuant to the provisions of Rule H7.

The President adjourned the Hearings on Specification of Objections relating to the Certificates of Nomination for Justice of the Supreme Court in the State of New York. Secretary Umane seconded the motion, which was adopted unanimously.

The next regular Commissioner's meeting is scheduled for Tuesday, October 7, 2008 at 1:30 P.M.