

HEARINGS RELATING TO
DESIGNATING PETITIONS FILED
FOR THE SEPTEMBER 13, 2012 PRIMARY ELECTION
HELD ON TUESDAY, JULY 31, 2012
AT 10:00 A.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Maria R. Guastella
 Secretary Frederic M. Umame

Commissioners Araujo, Barrera, Dent, Polanco, Schacher, Sipp, Soumas,
Stupp

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Director, Campaign Finance Enforcement Reporting
Troy Johnson, Coordinator, Candidate Records Unit
Valerie Vazquez, Director, Communications and Public Affairs
Joel Bermejo, Temporary Contract Attorney, OGC
Giacomo Kmet, Temporary Contract Attorney, OGC
Byron Zinonos, Legal Student Intern, OGC
Jeffrey Lederman, Legal Student Intern, OGC
Shanette Brown, Administrative Associate, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Ryan Deahn, Administrative Assistant, Candidate Records Unit
Natalie Dubovici, Administrative Associate, Candidate Records Unit
Maryrose Sattie, Deputy Chief Clerk, Brooklyn Office
Marie Lynch, Deputy Chief Clerk, Queens Office
Robert Pataky, Administrative Associate, Queens Office
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Abe Fuchs
 John Scandalios
 Vanel

Sunny Halem
Alexander Rabb
Frank Bolz
Chris Bolz
Hersh Paretch
Rachel Gordon
Vladimir Charles
Donnie Whitehead
JoAnn Whitehead
Aaron Jenkins
H.T. Berger
Vince Tabone
Gene Berardelli
Nicollete V. Merridy
Dymitra Etienne
A.J. Ehrlich
John M. Matthew
Gary Paul Gilbert
Juan Pagan
Bob Conroy
Do Lee
Sarah Steiner
Michael Duerla
Raman
Andrew Ciccaroni
Aaron Maisel
John Haggerty
Joseph Hayon
Alberto Torres, for Messer Lee
Robert Burns
Alex Low, for Christopher Barron
Jermaine Gorman
Colin L.
John Diffley
Conde & Glaser LLP, for Storobin
Martin E. Connor, for Avella & Stavisky
Shueng Liu, for World Journal
Jerry Skurnick
Stella L.
Yvonne

Herman
Isaac Baskin
Kraus
J.D. Kim
Frank Carone
Susan Mauro
Jeff Friedman
Joy Simmons
Jesse Hamilton
Barbara Taylor
Martin Flores Vargara
Belal Malik
Sesin Choi, Citizens Union
Al Roundtree, NYDLC
Monica Bartley
A.B. Britton, KLC USA
John D. Smith
David M. K.
Alan Flacks, Member of NY County Democratic Committee
Mariana Blume

President Guastella called the meeting to order at 10:00 A.M.

President Guastella announced that the Commissioners would conduct the Hearings on Designating Petitions filed for the September 13, 2012 Primary Election and stated the procedures to be followed during the Hearings.

President Guastella called upon Mr. Richman to call the calendar for the Hearings.

Mr. Richman reported that in accordance with the Commissioners' direction, notice was given to all interested and necessary parties concerning today's Public Hearings to consider the Board's staff Preliminary Findings of Prima Facie Defects, Candidate Enrollment Issues, as well as Specifications of Objections, and other concerns relating to the September 13, 2012 Primary Election.

Mr. Richman called for the Hearings on Queens County Prima Facie matters.

Mr. Richman presented the Counsel's Report on Queens County. In selected instances, there were appearances by candidates and/or their representatives which are noted on the Counsel's Report on file at the Board. Commissioner Araujo moved to adopt the Counsel's Report on Queens County. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Johnson presented the CRU Prima Facie Report for Queens County. In selected instances, there were appearances by candidates and/or their representatives which are noted on the CRU Prima Facie

Report on file at the Board. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Specification 137. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Declination QN 313. Commissioner Schacher seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 208, 209, 311, 312, 313, 320, 321, 322, 323, 324, 325, 831, 832, 833, 834, 835, 836, 874, 875, 962, 963, 964, 965, 966, 967, 968, 971, 972, and 973. Commissioner Schacher seconded the motion with Commissioner Stupp abstaining. The motion was adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 958. Secretary Umame seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 959. Secretary Umame seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 1203. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 222.

Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Polanco moved to adopt the CRU Prima Facie Report regarding Proof of Service for Specification 13-1. Commissioner Araujo seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Proof of Service for Specification 75-1. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Authorization and Acceptance for candidate Michael G. Miller. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Designating Petition QN 980. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the CRU Prima Facie Report regarding Authorization and Acceptance for candidate Anthony P. Zunziato. Commissioner Stupp seconded the motion, which was unanimously adopted.

Mr. Johnson presented the Candidate Enrollment Issues Report for Queens County. There was an appearance by Frank Bolz, Esq. on behalf

of Murdoch Matthew, a candidate for the 34th Assembly District Democratic Male County Committee. Mr. Bolz presented a copy of Murdoch Matthew's voter registration card. Commissioner Araujo moved to delete Mr. Matthew's name from the Candidate Enrollment Issues Report. Commissioner Stupp seconded the motion, which was unanimously adopted. Commissioner Araujo moved to adopt the report as amended. Commissioner Stupp seconded the motion, which was unanimously adopted.

President Guastella noted that Commissioners Schacher, Dent and Polanco joined the meeting.

Mr. Denkberg presented the Queens County Clerk's Reports on Specifications of Objections. In selected instances, there were appearances by candidates and/or their representatives which are noted on the Clerk's Reports on file at the Board. Commissioner Stupp recused herself from consideration of Specification of Objections Nos. QN106-1, QN114-1, QN114-2, and QN114-3. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

The Commissioners recessed the Hearings for thirty (30) minutes.

After recess, President Guastella reconvened the Hearings and stated the procedures to be followed during the Hearings.

President Guastella noted that Commissioner Soumas joined the meeting.

Mr. Richman called for the Hearings on Kings County Prima Facie matters.

Mr. Savino presented the Counsel's Report on Kings County. There were no appearances. Commissioner Schacher moved to adopt the Counsel's Report. Commissioner Dent seconded the motion, which was unanimously adopted.

Mr. Johnson presented the CRU Prima Facie Report for Kings County. There were no appearances. Commissioner Schacher moved to adopt the report. Commissioner Schacher seconded the motion, which was unanimously adopted.

Mr. Richman presented the Kings County Clerk's Reports on Specifications of Objections. In selected instances, there were appearances by candidates and/or their representatives which are noted on the Clerk's Reports on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

It was noted that Kings County Petitions KG1202354, KG1202355 and KG1202356, the Petition of Elias J. Weir for Member of State Senate District, 19th SD, contained sheets of photocopied petitions which is a fraudulent matter. Mr. Richman stated that per past practice, these fraudulent matters are referred to the respective District Attorney's Office. Commissioner Soumas moved to refer Kings County Specification of Objections 102-1 to the New York County and Kings County District Attorney's Offices. Commissioner Schacher seconded the motion, which was unanimously adopted.

Mr. Richman presented the Counsel's Report on Specification of Objections #45. There were appearances by Frank Carone, Esq. on behalf of the Objector, and Sarah Steiner, Esq. on behalf of the Candidate. Commissioner Dent moved to adopt the Counsel's Report. Commissioner

Soumas seconded the motion, which was unanimously adopted.

Commissioners Schacher and Dent thanked the Brooklyn Office for their hard work during the petition filing cycle.

Mr. Johnson announced that he will conduct the random draw for the order of the ballots next Tuesday following the Commissioners' Meeting. A public notice will be posted on the Board's website and at the Front Counters.

Secretary Umane moved to direct Mr. Richman to request that the New York City Law Department represent the Commissioners in the Ognibene v. BOE action in Federal Court. Commissioner Araujo seconded the motion, which was unanimously adopted.

President Guastella moved to adjourn the Hearings. Secretary Umane seconded the motion, which was adopted unanimously.

The next stated meeting of the Commissioners is scheduled for Tuesday, August 7, 2012 at 1:30 P.M.