

HEARINGS ON DESIGNATING PETITIONS AND RELATED MATTERS
FOR THE SEPTEMBER 10, 2015 PRIMARY ELECTION
HELD ON WEDNESDAY, JULY 29, 2015
AT 10:00 A.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Michael Michel
 Secretary Bianka Perez

Commissioners Jose Araujo, John Flateau, Maria R. Guastella, Alan Schulkin, Michael Rendino, Simon Shamoun, Frederic M. Umame

Dawn Sandow, Deputy Executive Director
Pamela Perkins, Administrative Manager
Georgea Kontzamanis, Operations Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
James Barron, Temporary Contract Attorney, OGC
Victor Montemayor, Law Student Summer Intern, OGC
Troy Johnson, Coordinator, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Rayvon Weaver, Administrative Assistant, Candidate Records Unit
Shanette Brown, Administrative Assistant, Candidate Records Unit
Diane Rudiano, Chief Clerk, Brooklyn Office
Betty Ann Canizio, Deputy Chief Clerk, Brooklyn Office
Gregory Lehman, Chief Clerk, Manhattan Office
Alvin Samuels, Administrative Associate, Manhattan Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: A. Maslow
 A. Barksdale
 Pierre Alcantara
 Angel Cruz
 J.R. Roth
 R.M.
 M. Nieves
 E. Valentin

M.J. Dillon
Phyllis Waisman
James McClelland
Dennis Houdek, Esq.
David Baily
D. Lee
S. Steiner
John Rodriguez
Paul Reyes
John D. Smith
Robert Lizardo
Jerry Skurnik
Jason Cruz, for Lisa Headley
T. Pilar DeJesus
William King
Gerald Kahn
Cris Cruz
Rita M.
LaMon Bland
A. Greig
E. Scott
Cory Haber
Jeanine Johnson
Matthew Williams
Peggy Morales
Madison Lopez, for Peggy Morales
Herman Hall
Andrew Tulloch
Harry Rodriguez
Martin Connor
Alan Flacks, Member of NY County Democratic Committee
Jenifer R.
Sylvia Tyler
Ta-Tanisha James
Marie Guardiola
Susan Russell
Diem Boyell
Robert Jackson
Xavier Perez
Kate Doran, LWVNYC
Cathy Gray

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

President Michel announced that the Commissioners will conduct the Hearings on challenges to designation petitions for State and Local Offices as well as Party Positions to be contested in the September 10, 2015 Primary Election.

President Michel stated the procedures to be followed during the Hearings and called upon Mr. Richman to call the Calendar for the Hearings.

Mr. Richman called the Calendar for the Hearings on Designating Petition matters for Kings County. He noted that the Calendar was posted for the public as required.

Mr. Richman presented the Legal Prima Facie Report for Kings County. There were no appearances. The Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board.

Mr. Graves presented the Candidate Records Unit (CRU) Prima Facie Report for Kings County. In selected instances, there were

appearances by a candidate and/or their representative which is noted on the CRU Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Based on a CRU Prima Facie Report matter, Commissioner Schulkin moved to remove Prima Facie Specifications of Objections from the Calendar where the only purported defect is that the Primary/General/Special election event was not circled on the General Objection form, but the election date is specified. Commissioner Flateau seconded the motion. In a roll call vote, with seven (7) in favor (Araujo, Flateau, Guastella, Michel, Rendino, Schulkin, Shamoun) and one (1) opposed (Perez), the motion was adopted. The Commissioners determined that this is not a defect and should not be included in the Calendar in the future. Commissioner Shamoun requested to streamline the Board's Petition Rules in the future.

Mr. Graves presented the Candidate Enrollment Issues Report for Kings County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Candidate Enrollment Issues Report on file at the Board. The Commissioners'

determinations are reflected on the Candidate Enrollment Issues Report on file at the Board.

The Brooklyn Chief Clerk and Deputy Chief Clerk submitted a memorandum to the Commissioners stating that the following Specifications of Objections have been determined to fall under Rule H12 of the Board's Designation Petition and Opportunity to Ballot Petition Rules: 26-1, 29-1, 31-1, 36-1, 58-1, 62-1, 85-1, and 86-1. In accordance with the Brooklyn Commissioners' Committee, on the recommendation of the Chief and Deputy Chief Clerk, they have advised that these Specifications should not be worked. Commissioner Flateau moved to adopt the Brooklyn Chief Clerk and Deputy Chief Clerk's memorandum. Commissioner Shamoun seconded the motion, which was unanimously adopted.

Mr. Richman presented the Clerks' Reports for Kings County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Clerks' Report on file at the Board. The Commissioners' determinations are reflected on each Clerks' Report acted upon.

For future Petition Hearings, the Commissioners requested for staff to compile one (1) folder per borough containing all Calendars clipped together in the order that they will be called to diminish confusion.

Commissioner Shamoun and Flateau thanked the Brooklyn Office staff for their hard work during the petition cycle.

President Michel moved to convene a 30 minute break. The motion was seconded, and unanimously adopted.

Following the 30 minute break, President Michel reconvened the Hearings on Designating Petition Matters.

President Michel noted that Commissioner Umane joined the meeting.

Mr. Richman called the Calendar for the Hearings on Designating Petition matters for New York County. He noted that the Calendar was posted for the public as required.

Mr. Richman presented the Legal Prima Facie Report for New York County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Legal Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the Legal Prima Facie Report on file at the Board.

Mr. Johnson presented the Candidate Records Unit (CRU) Prima Facie Report for New York County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the CRU Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the CRU Prima Facie Report on file at the Board.

Mr. Graves presented the Candidate Enrollment Issues Report for New York County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Candidate Enrollment Issues Report on file at the Board. The Commissioners' determinations are reflected on the Candidate Enrollment Issues Report on file at the Board.

Mr. Richman reported that there was a request for a re-hearing for a Cover Sheet Review Committee determination. Gregory C. Soumas, Esq. made an application to the Commissioners concerning candidates Georgette Gittens for Female District Leader and Gerald Kahn, for Male District Leader, both for the 67th Assembly District, Part A, Democratic Party, to reconsider the Commissioners' Cover Sheet Review Committee's prior determinations relating to these candidacies. Mr. Soumas submitted exhibits to the Commissioners. After hearing Mr. Soumas' testimony, Commissioner Schulkin's motion, amended by Commissioner Umane, was to reconsider the Commissioners' Cover Sheet Review Committee's initial determination relating to these candidacies and to deem valid the original Cover Sheet filed on July 7, 2015 and that there was no need to file an Amended Cover Sheet. In a roll call vote of six (6) in favor (Araujo, Rendino, Michel, Schulkin, Shamoun, Umane), one (1) opposed (Perez), and one (1) abstention (Flateau), the motion was adopted. The candidates were restored to the ballot.

Dennis Houdek, Esq. requested for a re-hearing for a Cover Sheet Review Committee determination and made an application to the Commissioners concerning candidate Peter McCoy, District Leader, 76th Assembly District, Part South, Republican Party, to not accept the printer's

error letters submitted on July 10, 2015 and July 13, 2015. After hearing Mr. Houdek's testimony, Commissioner Umane moved to reconsider the Commissioners' Cover Sheet Review Committee's determination and to not accept the printer's error letters. The motion was seconded and by a vote of six (6) in favor (Michel, Araujo, Rendino, Shulkin, Shamoun, Umane), one (1) opposed (Perez), and one (1) abstention (Flateau), the motion was adopted. The candidate was restored to the ballot.

The Manhattan Chief Clerk and Deputy Chief Clerk submitted a memorandum to the Commissioners stating that the following Specifications of Objections have been determined to fall under Rule H12 of the Board's Designation Petition and Opportunity to Ballot Petition Rules: 18-2, 82-1, 82-2, 83-1, 83-2, 84-1, 84-2, 85-1, 85-2, 86-1, 86-2, 88-2, 89-1, and 89-2. In accordance with the Manhattan Commissioners' Committee, on the recommendation of the Chief and Deputy Chief Clerk, they have advised that these Specifications should not be worked. Commissioner Umane moved to adopt the Manhattan Chief Clerk and Deputy Chief Clerk's memorandum. Commissioner Schulkin seconded the motion, which was unanimously adopted.

Mr. Moltner presented the Clerks' Reports for New York County. In selected instances, there were appearances by a candidate and/or their representative which is noted on the Clerks' Report on file at the Board. The Commissioners' determinations are reflected on each Clerks' Report acted upon.

Commissioners Umane and Schulkin thanked the Manhattan Office staff for their hard work during the petition cycle.

President Michel moved to adjourn the Hearings. The motion was seconded, which was unanimously adopted.