

HEARINGS RELATING TO  
DESIGNATING PETITIONS FILED  
FOR THE SEPTEMBER 13, 2012 PRIMARY ELECTION  
HELD ON MONDAY, JULY 30, 2012  
AT 10:00 A.M.  
42 BROADWAY, 6<sup>th</sup> FLOOR, COMMISSIONERS' HEARING ROOM  
NEW YORK, NY 10004

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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  
Michael Neglia, Administrative Associate, Candidate Records Unit  
Michael Carmicino, Administrative Associate, Candidate Records Unit  
Shanette Brown, Administrative Associate Candidate Records Unit  
Natalie Dubovici, Administrative Associate Candidate Records Unit  
Timothy Gay, Deputy Chief Clerk, Manhattan Office  
Gregory Lehman, Chief Clerk, Manhattan Office  
Anthony Ribustello, Deputy Chief Clerk, Bronx Office  
Marricka Scott-McFadden, Deputy Chief Clerk, Bronx Office  
Charles S. Webb, III, Counsel to the Commissioners  
Steven B. Denkberg, Counsel to the Commissioners

GUEST:       Iris Fernandez  
                  David Rosado, for Jose Valez

Stanley Schlein  
Pedro Garcia, for Maxi Rivera  
Tom McNeil  
Mathew Chapman  
Vanel  
David Belmont  
Robert Gross  
Bilal Malik  
Michael Zumbaskas  
Victor Daly Rivera  
Melba Feliberty, for Daniel Figuero  
Adam Bermudez  
Victor M. Pichardo  
Ricky M.  
J. Skurnik  
A. Cohen  
K. Nkemmah  
Clement Lee  
H. Berger  
D. Dale  
Maximino Rivera  
Juana Valentin  
Egidio Sementa  
Garth Marchant

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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 Richmond County Prima Facie matters.

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

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

Mr. Johnson presented the CRU Prima Facie Report for New York County. There were no appearances. Commissioner Araujo moved to adopt the report. Secretary Umame seconded the motion, which was unanimously adopted.

Mr. Johnson presented the Candidate Enrollment Issues Report for New York County. There were no appearances. Secretary Umame moved to adopt the report. Commissioner Araujo seconded the motion, which was unanimously adopted.

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

Mr. Richman presented the New York County Clerk's Report on Specifications of Objections. There was an appearance by a candidate and/or their representative which is noted on the Clerk's Report on file at the Board. The Commissioners' determinations are reflected on each Clerk's Report acted upon.

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

Mr. Johnson presented the CRU Prima Facie Report for Bronx 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 Barrera moved to adopt the report. President Guastella seconded the motion, which was unanimously adopted.

Mr. Johnson presented the Democratic Candidate Enrollment Issues Report for Bronx County. There was an appearance by Stanley Schlein, Esq. on behalf of Lawrence Heller, a candidate for the 81<sup>st</sup> Assembly District Democratic County Committee. Mr. Schlein requested for the Board to verify Lawrence Heller's registration. The Commissioners moved this matter to second call. Secretary Umame moved to adopt the Candidate Enrollment Issue Report with the exception of the 81<sup>st</sup> Assembly District County Committee Member. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Johnson presented the Conservative and Independence Candidate Enrollment Issue Report for Bronx County. There were no appearances. Secretary Umane moved to adopt the report. Commissioner Barrera seconded the motion, which was unanimously adopted.

Mr. Richman presented the Counsel's Report on Bronx County Specification of Objections 8-1. There were appearances by Stanley Schlein, Esq., on behalf of Jose Rivera, and Ricardo Martinez. Commissioner Barrera moved to adopt the Counsel's Report. Commissioner Polanco seconded the motion, which was unanimously adopted.

Mr. Richman presented the Counsel's Report on Bronx County Specification of Objections 56-1. There was an appearance by Stanley Schlein, Esq. Commissioner Polanco moved to reject the Counsel's Report. Commissioner Barrera seconded the motion. In a roll call vote, there were six (6) in favor (Guastella, Araujo, Barrera, Dent, Polanco, Soumas) and four (4) opposed (Umane, Schacher, Sipp, Stupp). The motion was adopted. Commissioner Barrera moved to adopt the Specification of Objections 56-1 as submitted. Commissioner Polanco

seconded the motion. In a roll call vote, there were six (6) in favor (Guastella, Araujo, Barrera, Dent, Polanco, Soumas), two (2) opposed (Sipp, Stupp) and two (2) abstaining (Umane, Schacher). The motion was adopted.

Mr. Richman presented the Specification of Objections for Bronx County. 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.

President Guastella announced second call for the Bronx County Candidate Enrollment Issue concerning candidate Lawrence Heller for the 81<sup>st</sup> Assembly District Democratic County Committee. Bronx Board Staff conducted a search in the AVID voter registration system and found that Lawrence Heller is not a registered voter in Bronx County. Secretary Umane moved to adopt the remainder of the Democratic Candidate Enrollment Issues Report for Bronx County. Commissioner Barrera seconded the motion, which was unanimously adopted. The candidate will not appear on the ballot.

Secretary Umane moved to adjourn the Hearings. Commissioner Sipp seconded the motion, which was adopted unanimously.