

CONTINUATION OF HEARINGS ON DESIGNATING PETITIONS
AND RELATED MATTERS FOR THE
SEPTEMBER 13, 2016 PRIMARY ELECTIONS
IN THE CITY OF NEW YORK
HELD ON WEDNESDAY, AUGUST 3, 2016
AT 10:00 A.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: Secretary Frederic M. Umane

Commissioners Jose Araujo, John Flateau, Lisa Grey, Michael Michel,
Michael Rendino, Alan Schulkin, Simon Shamoun, Rosanna Vargas

Georgea Kontzamanis, Operations Manager
Pamela Perkins, Administrative Manager
Steven H. Richman, General Counsel
Raphael Savino, Deputy General Counsel
Bilal Malik, Contract Attorney, Office of the General Counsel
Cali P. Madia, Contract Attorney, Office of the General Counsel
Zarije Asani, Law Student Intern, Office of the General Counsel
Troy Johnson, Coordinator, Candidate Records Unit
Rayvon Weaver, Project Coordinator, Candidate Records Unit
Michael Neglia, Administrative Associate, Candidate Records Unit
Shanette Brown, Administrative Assistant, Candidate Records Unit
Raquel Torres, Administrative Assistant, Candidate Records Unit
Matthew Graves, Administrative Associate, Candidate Records Unit
Michael Carmicino, Administrative Associate, Candidate Records Unit
Valerie Vazquez-Diaz, Director, Communications & Public Affairs
Anthony Andriulli, Deputy Chief Clerk, Staten Island Office
Lisa Sattie, Administrative Associate, Staten Island Office
Brendaliz Candelaria, Deputy Chief Clerk, Bronx Office
Rocco Cirotti, Administrative Associate, Bronx Office
Salvatore Barrera, Acting Chief Clerk, Brooklyn Office
Daniel Ortiz, Acting Deputy Chief Clerk, Brooklyn Office
Gregory Lehman, Chief Clerk, Manhattan Office
William Anthony Allen, Deputy Chief Clerk, Manhattan Office
Kenneth Moltner, Counsel to the Commissioners
Steven B. Denkberg, Counsel to the Commissioners

GUEST: Dewd Sherod
Elana Shryan
Tamika Covington
Tamika Mapp
Richard Soto
Robert Gruit
Sheryl Fetik
Mike Hong, Press
Alan Vargas
Jeanine Johnson
Silverman Leonard
Arthur Greig
John Bal
Jonathan Harkay
Keith
Lenny Markel
Robert Morgan
Alan Flacks, Member of NY County Democratic Committee
Ronald Green
Ethan Rosenbaum
Brian Kochisary
Pharoah Walker
Maya Pierdelly
Jeff Feldman
Rob Arciero, for John Tabacco
Johny Rivera
Victor Jarod
Dennis Houdak
Xianey
James McClelland
Michael Farrow
Raphael Pierre
Ting Ting O, NTD TV
Ehrlich, for Cymbrowitz
J. Whitehead, for S. Menjvar
Skurnik
John Tabacco
T. Sikhiseli
Sarah Steiner
Danniel Maio

S. Schlein
M. Connor
Juan Pagan
Albert Durren
Charlotte Olcay
John W. Carroll
Richard Luthmann
Robert Zahn
Terry Goldman
Jerry Goldfeder
Oswatt Flynn, for George Tiskeli
Ronit D. Appel, Esq., for Steven M. Appel
Alan Goldston, for Nylissa Whitaker
Frank Morano, for Phil Straniere
Chris Nalley, for Harold Wagner
Manual Ortega
Shemene Minter
Gmo Philpotts
Aaron Ward
Louis Marlon

Secretary Umame called the meeting to order at 10:00 A.M.

Secretary Umame announced that the Commissioners will conduct the continuation of Hearings on challenges to designating petitions for State and Local Offices as well as Party Positions to be contested in the September 13, 2016 Primary Election.

Secretary Umame 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 Richmond County. The Calendar was posted for the public as required.

The Staten Island Chief Clerk and Deputy Chief Clerk submitted a report that the following Specifications of Objections have been determined to fall under Rule H-12 of the Board's Designating Petition and Opportunity to Ballot Petition Rules:

- Objector Frank P. Aversa – RH274, RH277, RH252, RH258, RH83, RH89, RH107, RH113, RH125, RH130, RH144, RH177, RH127, RH136, RH173, RH176, RH99, RH105, RH120, RH123, RH36, RH60
- Objector Samuel T. Pirozzolo, Jr. – RH6, RH10, RH14, RH27, RH48, RH51, RH55, RH68, RH73, RH81, RH158, RH187, RH194, RH204, RH211, RH227, RH228
- Objector Robert J. Zahn – RH5, RH7, RH11, RH16, RH18, RH20, RH56, RH59, RH226, RH230, RH188, RH198, RH104, RH108, RH117, RH121, RH80, RH84

In accordance with the Staten Island Commissioners' Committee, on the recommendation of the Chief Clerk and Deputy Chief Clerk, they have advised that these Specifications should not be worked. There were

appearances by a candidate and/or their representative which is noted on the H-12 Report on file at the Board. After discussion, Commissioner Araujo moved for the full Board to confirm the H-12 Report. Commissioner Michel seconded the motion, which was unanimously adopted.

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

Mr. Richman called the combined CRU/Legal Prima Facie Report for Richmond County. In selected instances, there were appearances by a

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

Mr. Richman called the Candidate Enrollment Issues Report for Bronx County which was called and placed on second call at yesterday's Hearings. 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.

Stanley Schlein, Esq. made an application for the Commissioners to declare Dr. Roscoe C. Brown Jr. as deceased, therefore, a vacancy in the Bronx County Democratic Committee exists, and that the Certificate of Substitution filed in July to be deemed valid. Mr. Schlein submitted an obituary for Dr. Roscoe C. Brown Jr. After discussion, Secretary Umane moved to change the voter status to deceased for Dr. Roscoe C. Brown. In a roll call vote, with six (6) in favor (Araujo, Flateau, Schulkin, Shamoun, Umane, Vargas) and three (3) opposing (Grey, Michel, Rendino), the motion was adopted. Commissioner Grey noted that she opposed because the Board requires a Death Certificate

and does not want to set a precedent to accept obituaries in the future. Commissioner Vargas noted that she voted in favor for this case only due to Commissioner Flateau's personal knowledge of the deceased. The Commissioners urged Mr. Schlein to obtain and submit a Death Certificate to the Board as soon as possible. Commissioner Flateau moved to adopt the Certificate of Substitution. Commissioner Araujo seconded the motion. In a roll call vote, with seven (7) in favor (Araujo, Flateau, Michel, Schulkin, Shamoun, Umane, Vargas) and two (2) opposing (Grey, Rendino), the motion was adopted.

Ms. Torres called the Candidate Enrollment Issues Report for Queens County which was placed on second call at yesterday's Hearing. 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. Graves called the Candidate Enrollment Issues Report for Kings County. There were no appearances. The Commissioners' determinations are reflected on the Candidate Enrollment Issues Report on file at the Board.

Mr. Richman called the Counsel's Report on Specification of Objection KG-92. There were appearances by a candidate and/or their representative which is noted on the Counsel's Report on file at the Board. Commissioner Shamoun recused himself on this matter. Commissioner Rendino moved to adopt the Counsel's Report. Commissioner Flateau seconded the motion, with Commissioner Shamoun recusing himself. The motion was adopted.

Mr. Richman called the Counsel's Report on Specification of Objection KG-104 and KG-107. There were appearances by a candidate and/or their representative which is noted on the Counsel's Report on file at the Board. Commissioner Shamoun recused himself on this matter. After discussion, Commissioner Rendino moved to adopt the Counsel's Report. Commissioner Vargas seconded the motion, with Commissioner Shamoun recusing himself. The motion was adopted.

Mr. Graves called the combined CRU/Legal 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/Legal Prima Facie Report on file at the Board. The Commissioners'

determinations are reflected on the CRU/Legal Prima Facie Report on file at the Board.

The Brooklyn Acting Chief Clerk and Acting Deputy Chief Clerk reported that the following Specifications of Objections have been determined to fall under Rule H-12 of the Board's Designating Petition and Opportunity to Ballot Petition Rules: No. 6 and No. 110. In accordance with the Brooklyn Commissioners' Committee, on the recommendation of the Acting Chief Clerk and Acting Deputy Chief Clerk, they have advised that these Specifications should not be worked. After discussion, Commissioner Fleteau moved for the full Board to confirm the H-12 Report. Commissioner Rendino seconded the motion, which was unanimously adopted.

Mr. Richman called 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.

Mr. Richman requested for a Cover Sheet Review Committee meeting to review one (1) matter. Secretary Umane and Commissioner Schulkin volunteered to serve as the Committee.

Secretary Umane moved to recess the Hearings for 45 minutes. The motion was seconded, and unanimously adopted.

Following recess, Secretary Umane reconvened the Hearings on Designating Petitions.

Secretary Umane called all Kings County matters that were placed on second call. The Commissioners' determinations are reflected on each Clerks' Report acted upon which are on file at the Board.

Mr. Richman called the combined CRU/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 Prima Facie Report on file at the Board. The Commissioners' determinations are reflected on the Prima Facie Report on file at the Board.

Secretary Umame called all matters that were placed on third call. The Commissioners' determinations are reflected on each Clerks' Report acted upon which are on file at the Board.

Mr. Johnson called 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.

Mr. Moltner called 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' Reports on file at the Board. The Commissioners' determinations are reflected on each Clerks' Report acted upon.

Mr. Richman presented two (2) Counsel's Reports for New York County for Specifications of Objections #16-1 and #17-1. Since the Specifications of Objections #16-1 and #17-1 were dismissed on the Prima Facie Calendar, the Counsel's Reports on those two (2) Specifications were deemed moot.

Secretary Umane adjourned the Hearings and convened a Cover Sheet Review Committee meeting.

Following the matter that was reviewed by the Cover Sheet Review Committee, Secretary Umane reconvened the Hearings on Designating Petitions, and called all matters that were placed on third call.

Specifications of Objections Nos. BX-71 and KG-111 were placed on the Calendar for Friday, August 5, 2016 at 11:00 A.M. Commissioner Araujo and Commissioner Michel will serve as the Commissioners' Committee to act on both matters on behalf of the Board. With respect to Specifications of Objections No. KG-111, candidate George Tsikhiseli and objector Joshua Ehrlich both agreed to waive the 24 Hour Rule, and to reconvene and review the submitted List of Exceptions with two (2) clerks tonight and/or tomorrow in the Brooklyn Office, and to return on Friday, August 5, 2016 at 11:00 A.M. to present their findings.

Secretary Umane moved to adjourn the Hearings. The motion was seconded, and unanimously adopted.

The Hearings on designating petitions and related matters will continue on Friday, August 5, 2016 at 11:00 A.M.