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NOTICE OF HEARING

February 10, 2009

**TO: Vincent J. Messina, Jr., Esq., 267 Carleton Avenue, Suite 301, Central Islip, NY 11722, Fax #: (631) 650-1207
COUNSEL FOR JOHN A. TABACCO, CANDIDATE**

**Christopher Nally, Esq., 432 Forest Avenue, Staten Island, NY, 10301, Fax #: (718) 816-7669
COUNSEL FOR JOHN W. VITUCCI, OBJECTOR**

**RE: IN THE MATTER OF THE OBJECTIONS OF JOHN W. VITUCCI TO THE INDEPENDENT NOMINATING PETITIONS OF JOHN A TABACCO, CANDIDATE OF THE NO TAX INDEPENDENT BODY FOR MEMBER OF THE CITY COUNCIL, 49TH COUNCIL DISTRICT
Specification of Objection # RH-11**

Pursuant to the provisions of Rule J6 of the Independent Nominating Petition Rules for February 2009 City Council Special Elections, **NOTICE** is hereby given that the Board of Elections in the City of New York, at its public meeting held this date unanimously determined to reconsider the actions taken by its Committee on February 3, 2009 regarding the February 5, 2009 AMENDED CLERKS' REPORT in the above captioned matter.

The Board unanimously designated a Committee composed of President Umane and Commissioners Araujo, Silie & Stupp to reconsider said Amended Clerk's Report at a

HEARING

on

THURSDAY, FEBRUARY 12, 2009 AT 9:30 AM

(or as soon thereafter as the parties may be heard)

at the

**Commissioners' Hearing Room
42 Broadway, 6th Floor, New York, NY 10004.**

The Commissioners directed that this Notice be sent to each of the Counsel of Record for the parties in this proceeding, and advise you that you (or other authorized representative of the respective parties to this proceeding) may appear at said Hearing in accordance with the provisions of Rule J of the Board's Independent Nominating Petition Rules for February 2009 City Council Special Elections.

At this Hearing the Commissioners' Committee will hear from both the candidate and objector with respect to the merits of the findings in the Amended Clerks' Report on the above-referenced specifications.

This Notice of Hearing is issued by direction of
The Commissioners of Elections in the City of New York:

By: _____
Steven H. Richman, General Counsel

Note: *This Notice of Hearing is being sent via fax to the number provided by each Counsel on their respective Notice of Appearance filed this date and to the office address listed on said notice of appearance.*