

COMMISSIONERS' SUBCOMMITTEE HEARING
RELATING TO A JUDICIAL CANDIDACY IN QUEENS COUNTY
IN THE CITY OF NEW YORK
HELD ON THURSDAY, SEPTEMBER 9, 2021 AT 12:00 P.M.
42 BROADWAY, 6th FLOOR, COMMISSIONERS' HEARING ROOM
NEW YORK, NY 10004

PRESENT: President Frederic M. Umane
 Secretary Miguelina Camilo
 Commissioner Jose Miguel Araujo
 Commissioner Michael Michel

Hemalee J. Patel, General Counsel
Raphael Savino, Deputy General Counsel

GUEST: None

President Umane called the meeting to order at 12:25 P.M.

At the August 24, 2021 Commissioners' Meeting, the Commissioners unanimously designated a Subcommittee consisting of the Commissioners' Executive Committee and Queens Commissioners to conduct this Hearing concerning the judicial candidacy of Daniel Kogan in Queens County for two (2) nominations for two (2) separate Public Offices. Notice of the Hearing was sent to the candidate's representatives as required. There were no appearances.

Ms. Patel provided a summary of the issue. Candidate Daniel Kogan filed sufficient petition signatures in March 2021 to qualify for the Republican and Conservative Party ballot lines for Civil Court Judge in the 4th Municipal District, Queens County. On August 11, 2021, Mr. Kogan was nominated as the Republican Party candidate for Supreme Court in the 11th Judicial District, Queens County. A Certificate of Nomination was duly filed with the Board on August 12, 2021. The Conservative Party of Queens County did not hold a Judicial Convention and Mr. Kogan was not nominated for Supreme Court on the Conservative Party line. On August 16, 2021, Mr. Kogan filed a Certificate of Declination for his Republican Party nomination for Civil Court. He did not file a Certificate of Declination for the Conservative Party line. On September 1, 2021, Mr. Kogan filed a Certificate of Declination for the Conservative Party line for Civil Court, but it was filed late. Candidates may not run for two (2) incompatible offices at the same time. Ms. Patel reported that there are no court cases on this exact fact pattern, but a number of courts which addressed late Certificates of Declination have held that a candidate may not be on the ballot for the second nominated seat and may only be on the ballot for the original position. The Legal Department's bipartisan recommendation is that candidate Daniel Kogan should be allowed to remain on the ballot lines for Civil Court Judge in the 4th Municipal District, Queens County, but not for Supreme Court Judge in the 11th Judicial District, Queens County, as his candidacy for Supreme Court is void without a

timely Certificate of Declination. After discussion, President Umane moved to adopt the Legal Department's bipartisan recommendation. Commissioner Araujo seconded the motion, which was unanimously adopted. Notice of this decision will be sent to the candidate.

The next stated meeting of the Commissioners is scheduled for Tuesday, September 14, 2021 at 1:30 P.M.

President Umane adjourned the meeting.