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**COUNTY OF SULLIVAN  
BOARD OF ELECTIONS**  
SULLIVAN COUNTY GOVERNMENT CENTER  
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March 25<sup>th</sup>, 2014

**NOTICE OF DETERMINATION**

On March 11<sup>th</sup>, 2014 Post Registration Challenge Affidavits were filed by ANITA HOPPE against the following:

Residents of 137 Main Street, Bloomingburg, NY to wit: Yossi Adler, Pinchas Braver, Samuel Erps, Moishe Fekete, David Fried, Hershel Green, Mordechai Greenfeld, Benjamin Gross, Shloime Klein, Shmuel Klein, Yitzchok Klein, Issac Kohn, Yaakov Landau, Isaac Lebovitz, Joel Lebowitz, Avraham Lichtenstadter, Aron Samet, Simon Schnitzler, Yaacov Sebbag, Abraham Stern, Chaim Stern, Mendel Stern, Moishy Stern, Duvi Strohli, Meilich Teitelbaum, Israel Wagschal, Levi Zafir and Haim Zuckerman

AND

Residents of 99 Main Street to wit: David Berger, Rut Berger and Eliezer Rabinowitz

AND

Residents of 105 Main Street to wit: Benzion Goldman, Boruch Goldman, Devorah Goldman, Joel Klein, Roseh Klein, Frieda Vogel and Levi Vogel

AND

Residents of 32 High Street to wit: Cheskel Grunhut and Gittel Grunhut

AND

Residents of 117 Main Street to wit: David Teitelbaum and Ruchel Teitelbaum

AND

Residents of 107 Godfrey Road to wit: Peninah Lamm, Roberta Lamm, Samuel Lamm, Shalom Lamm and Tina Lamm

AND

Resident(s) of 84 Main Street to wit: Harold Baird

AND

Residents of 24 Winterton Road to wit: Esther Berger, Lazar Berger, Miriam Berger and Naftuli Berger

AND

Residents of 160 Main Street to wit: Gitl Fallowitz and Joel Fallowitz

AND

Residents of 93 Main Street to wit: Chana Friedman, Moses Friedman, Shaindle Friedman, Joseph Landau, Mindel Landau, Moses Landau, Joel Spielman and Yenty Spielman

AND

Residents of 12 Hickory Court to wit: David Friedman, Jacob Friedman, Judy Friedman, Malkie Friedman, Yitta Friedman, Zalman Friedman, Brucha Goldstein and Joel Goldstein

AND

Residents of 78 Main Street to wit: Joseph Gluck, Mordechai Gluck, Sendey Gluck, Chaim Goldberger, Isaac Moskowitz, Samuel Reich, Chaim Sofer, Pinchas Sofer, Sholom Sofer, Isaac Weiss and Jennifer Williams

AND

Resident(s) of 11 Winterton Road to wit: David Friedman

AND

Residents of 97 Main Street to wit: Mendel Kornbluh, Mendel Tunk and Sholom Young

AND

Residents of 26 Winterton Road to wit: Hershel Green, Aron Karpen, Berl Karpen, Chaim Karpen, Chana Karpen, Esther Karpen, Feigy Karpen, Pearl Karpen, Rachel Karpen, Shabsie Karpen, Shemay Karpen, Zev Karpen, Nathan Levy, Baruch Masri and Aaron Rabiner

AND

Residents of 30 North Street (in fact North Road) to wit: David Jungreis, Esther Mermelstein, Joseph Mermelstein, Usher Mermelstein

AND

Residents of 101 Main Street to wit: Kenneth Nakdimen, Mordechai Nakdimen, Shelly Nakdimen, Shevi Nakdimen, Shlomo Nakdimen and Joseph Wasserman

AND

Residents of 10 Hickory Court to wit: Aron Klein, Bashy Klein, Bracha Klein, Gitty Klein, Manya Klein, Moshe Klein, Yosef Klein, Malka Neiman, Mendy Neiman

AND

Residents of 142 Main Street to wit: Chaim Rosenbaum, Malka Rosenbaum and Lipa Goldstein

AND

Residents of 14 Winterton Road to wit: Berish Rosenberg, Jacob Rosenberg, Moses Rosenberg, Reize Rosenberg, Shifra Smilowitz, Shrage Smilowitz

AND

Residents of 8 Hickory Court to wit: Raizy Rottenstein Schwimmer, Joel Schwimmer, Boruch Teitelbaum, Chana Teitelbaum, Schla Teitelbaum, Zissy Teitelbaum, Gitty Weiser, Jacob Weiser, Hendy Weissmandl and Issac Weissmandl

AND

Residents of 31 High Street to wit: Brian Shaw and Rebecca Shaw

AND

Residents of 8 Winterton Road to wit: Abraham Greenfeld, Hendel Greenfeld, Devorah Smilowitz, Miriam Smilowitz, Moshe Smilowitz, Shulem Smilowitz, Yidel Smilowitz

AND

Residents of 13 Winterton Road to wit: Hindy Smilowitz, Zev Smilowitz

**All challenged voters were notified of the challenge via certified mail and issued a questionnaire to be completed and returned to the Sullivan County Board of Elections.**

**With respect to the residents of 137 Main Street, the Commissioners do hereby concur that:**

- 1) All Notices and Questionnaires mailed to 137 Main Street on February 21<sup>st</sup>, 2014 and dates thereafter were returned to the Sullivan County Board of Elections as undeliverable.
- 2) On February 28<sup>th</sup>, 2014 Yaacov Landau's name appeared on a Duplicate voter list indicating that he had re-registered to vote in Rockland County.
- 3) On March 7<sup>th</sup>, 2014 new registrations for all 137 Main Street residents were hand delivered by Frank Taylor. These new registrations indicated apartment numbers for most of the 137 Main Street residents as the registrants had "forgotten" to include apartment numbers on the original registrations dated February 17<sup>th</sup>, 2014. By all appearances apartments seem to have been assigned in alphabetical order.
- 4) On March 7<sup>th</sup>, 2014 'completed' questionnaires for all challenged residents were hand delivered by Frank Taylor. Each indicated that they had resided at 137 Main Street for one (1) month and included a boiler plate lease with Bloomingburg Rentals, LLC, none of which included apartment numbers. No other verification of residency in Sullivan County was submitted.
- 5) On March 7<sup>th</sup>, 2014 letters from all residents of 137 Main Street indicating their respective apartment numbers were delivered to the Board of Elections by Frank Taylor. None of the letters were signed.
- 6) On March 12<sup>th</sup>, 2014 registration forms for all residents of 137 Main Street were hand delivered by Frank Taylor along with a letter from Village Clerk Susan Berentsen indicating that she had received the registration forms on Friday, March 7<sup>th</sup> 2014. Upon further inspection the Sullivan County Board of Elections confirmed that these registration forms were altered photocopies of those dated February 17<sup>th</sup> 2014 and that they included apartment numbers that do not appear on the originals for that date.
- 7) On March 21<sup>st</sup>, 2014 copies of the original questionnaires were hand delivered to the Board of Elections on behalf of Isaac Kohn, Simon Schnitzler, Yaacov Sebbag and Levi Zafir inclusive of (unsigned) statements affirming that they spend holidays and the Sabbath in Bloomingburg.

**With respect to the residents of 99 Main Street and 105 Main Street and 117 Main Street the Commissioners do hereby concur that:**

- 1) The original questionnaires mailed on February 25<sup>th</sup>, 2014 were returned to the Board of Elections as undeliverable.
- 2) That the questionnaires received on March 6<sup>th</sup> from Benzion Goldman and Boruch Goldman included a Change of Address card, a boiler plate lease with Bloomingburg Rentals, LLC and unsigned affidavits refuting Mr. Kahrs' allegations.
- 3) No documentation was submitted by Devorah Goldman, Joel Kelin, Roseh Klein or Frieda Vogel.

**With respect to the residents of 32 High Street the Commissioners do hereby concur that:**

Gittel Grunhut returned a questionnaire indicating residency of one (1) month but with no verification of same. Also attached was an unsigned affidavit refuting the claims made by Mr. Kahrs and citing Wilkie v Delaware Board of Elections for choosing to register from a Bloomingburg address. Cheskel Grunhut is employed as a TUTOR (sic) in Brooklyn. Also attached was a renter's insurance quote dated February 26<sup>th</sup>, 2014.

**With respect to the residents of 107 Godfrey Road, the Commissioners do hereby concur that:**

Questionnaires forwarded to Peninah Lamm, Roberta Lamm, Samuel Lamm, Shalom Lamm and Tina Lamm, were returned to the Board of Elections on March 3<sup>rd</sup>, 2014.

PENINAH LAMM – is married, living and working in Israel but intends to have her driver's license address changed from 330 Elm Street, West Hempstead, NY to 107 Godfrey Road.

ROBERTA LAMM – is a full time student in Israel who will be changing her driver's license address from 330 Elm Street, West Hempstead, NY to 107 Godfrey Road.

SAMUEL LAMM – is a full time student at Yeshiva University who spends weekends at 207 (sic) Godfrey Road and who has notified the DMV of his change of address.

SHALOM LAMM – rents a home at 330 Elm Street, West Hempstead, NY as well as 107 Godfrey Road in Bloomingburg and asserts his right to vote from the residence of his choosing as per Wilkie v Delaware County Board of Elections.

- Challenger Cracolici had provided a copy of sworn testimony by Mr. Lamm dated December 13<sup>th</sup>, 2013 in which Mr. Lamm asserts that he lives in West Hempstead, NY. A report submitted by the Sheriff's department indicated that 107 Godfrey Road appears to be an office at which no one is in residence.

TINA LAMM – claims residency at 107 Godfrey Road for 2 months, has notified the DMV of her change of address and asserts her right to vote from the residence of her choosing as per Wilkie v Delaware County Board of Elections.

**With respect to the resident of 84 High Street, the Commissioners do hereby concur that,** by his own admission, HAROLD BAIRD did not live at 84 High Street and had contacted the Board of Elections on March 17<sup>th</sup> to notify them that for that reason he would not be voting in Tuesday's election.

**On March 21<sup>st</sup>, 2014** "completed" questionnaires, submitted on photocopies\*, (\*all of those originally forwarded on March 13<sup>th</sup> were returned to our office as undeliverable) were hand delivered to the Board of Elections on behalf of Chaim and Malka Rosenbaum (142 Main Street), Mendel Tunk and Mendel Kornbluh (97 Main Street), Joel and Raizy Schwimmer (8 Hickory Court), David and Rut Berger (99 Main Street), Baruch Goldman and Levi Vogel (105 Main Street), Kenneth, Mordechai, Shelly and Shevi Nakdimen and Joseph Wasserman (101 Main Street), and Chaim, Esther, Pearl and Zev Karpen (26 Winterton Road). Most if not all had (unsigned) statements attached indicating that the registrants spend holidays and the Sabbath in Bloomingburg.

On March 24<sup>th</sup> 2014 "completed" questionnaires were hand delivered to the Board of Elections on behalf of David Berger, Rut Berger and Eliezer Rabinowitz (99 Main Street), David Friedman Jacob Friedman, Judy Friedman, Malkie Friedman, Yitta Friedman, Joel Goldstein (12 Hickory Street), David Friedman (11 Winterton Road), Lipa Goldstein (142 Main Street), Abraham Greenfeld, Hendel Greenfeld, Devorah Smilowitz, Miriam Smilowitz, Moshe Smilowitz, Shulem Smilowitz, Yidel Smilowitz (8 Winterton Road), Cheskel Grunhut (32 High Street), Aron Karpen, Chaim Karpen, Feigy Karpen, Rachel Karpen, Shabsie Karpen, Shemaya Karpen, Baruch Masri, Aron Rabiner, (26 Winterton Road), Joseph Landau (93 Main Street), Esther Mermelstein, Joseph Mermelstein, Usher Mermelstein (30 North Road), Berish Rosenberg, Moses Rosenberg, Reize Rosenberg, Shifra Smilowitz, Shrage Smilowitz (14 Winterton Road), Hindy Smilowitz, Zev Smilowitz (13 Winterton Road), Chana Teitelbaum, Schla Teitelbaum, Gitty Weiser, Jacob Weiser, Hendy Weissmandl, Isaac Weissmandl (8 Hickory Court), and Sholom Young (97 Main Street).

All of the registrants above indicate that they have at least one other residence and that they spend holidays and the Sabbath in Bloomingburg. Some are employed, either on a full time or part time basis, in Brooklyn. (Sholom Young is the exception; he has 1 residence in Brooklyn and 2 in Lakewood, NJ and is not employed). No other substantive documentation was included.

Of the 148 registrants herein challenged 49 did not return questionnaires or submit any documentation supporting their claims of residency.

#### **IN MAKING THEIR DECISION:**

In addition to the documentation provided by the challenger, inclusive of dated and sworn eye witness testimony, and the completed questionnaires submitted by the registrants or lack thereof, the Commissioners reviewed the reports submitted by Detective Sgt. Gorr and Detective Browne of the Sullivan County Sheriff's Department who conducted investigations at the addresses in question. The Commissioners also drove by the addresses in question at various times of the day and on various days of the week during the 30 days next preceding the Village election. It was also of note to the Commissioners that at no time did any one of the challenged voters personally appear at the Board of Elections. All registrations and challenge information were delivered by one of three couriers, all of whom declined to indicate who they were working for.

It is the contention of the challenger that the voters named in the challenge have failed to meet the 30 day next preceding residency requirement for the purposes of establishing eligibility to vote in the March 18<sup>th</sup> Village election adding further that the registrants' lack of presence in the village prior to election day has cast an aura of sham concerning each of the above referenced registrants. The Commissioners are in agreement that while as of mid-March, some if not most of the registrants appear to be establishing roots in the Village of Bloomingburg, there is insufficient evidence to substantiate that they had done so in a timely fashion so as to duly qualify them as eligible to vote in the March 18<sup>th</sup>, 2014 Village election.

**As such, the challenge is granted.**