

**EXHIBIT "H"**

1 LOCAL 983 ELECTION COMMITTEE  
2 125 BARCLAY STREET, NEW YORK, NEW YORK 10007  
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6 APPELLATE HEARING REGARDING ELECTION OF MAY 15, 2023  
7 BEFORE THE LOCAL 983 ELECTIONS BOARD

8 DATE: June 2nd, 2023  
9 TIME: 10:00 a.m. to 10:38 a.m.  
10 PLACE: Zoom Videoconference  
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13 BEFORE: Philip Ryan, RPR  
14 Notary Public, State of  
15 Florida at Large  
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APPEARANCES:  
(All appearances via Zoom videoconference)  
ATTORNEY/S FOR APPELLANT NOE JOLIFIER  
ADVOCATES FOR JUSTICE CHARTERED ATTORNEYS  
ARTHUR Z. SCHWARTZ, ESQUIRE  
225 Broadway - Suite 1902  
  
ATTORNEY/S FOR ELECTIONS COMMITTEE  
  
ANZALONE & LESCHINS  
PRESTON A. LESCHINS, ESQUIRE  
950 3rd Avenue - 32nd Floor  
New York, NY 10022  
  
Also Present:  
(For election committee)  
Robin Roach, Esquire, General Counsel DC37  
Hanan Kolko, Esquire, Cohen, Weiss and Simon, LLP  
  
PANEL  
JOSEPH ORO, Chairperson  
RAYMOND PUELLO  
ARIAS GALVANES  
  
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P-R-O-C-E-E-D-I-N-G-S

CHAIRMAN ORO: It's now 10:15. We are going to start the meeting.

MR. LESCHINS: Mr. Ryan, you can start recording your minutes. Go ahead.

CHAIRMAN ORO: All right. My name is Joseph Oro. I'm the election chairperson. I'm starting the meeting. It's approximately 10:15 a.m. in the morning, on June 2nd, 2023. All right. I am stating that here we are today, June 2nd, 2023, for a hearing on an appeal of the Local 983 election, which took place on May 15th, 2023.

I would like to take an attendance on who is on at this moment, and who is about to speak, and stuff like that. I like to take an attendance on who is at the hearing at the moment.

So myself, Joseph Oro, elections committee chairperson. I have a committee representative with me, Raymond Puello. And AG, you on?

MR. GALVANES: Yeah, I'm here.

CHAIRMAN ORO: Arias Galvanes is also election committee. He's on.

MR. LESCHINS: Okay. Counsel for the election committee Preston Leschins is present as well.

MS. ROACH: Mr. Chairman, can you hear me?

1 CHAIRMAN ORO: Yes.

2 MS. ROACH: This is Robin Roach, general  
3 counsel for District Counsel 37. And my office  
4 also functions as counsel to the election  
5 committee.

6 CHAIRMAN ORO: Thank you.

7 MR. KOLKO: Good morning. My name is Hanan,  
8 H-A-N-A-N, last name Kolko, K-O-L-K-O, from the  
9 firm Cohen, Weiss and Simon, and we work with the  
10 election committee as well. Thanks.

11 CHAIRMAN ORO: Thank you.

12 MR. SCHWARTZ: Noe?

13 MR. JOLIFIER: Noe Jolifier, candidate for the  
14 983 election.

15 CHAIRMAN ORO: Where do you work out of,  
16 Mr. Jolifier?

17 MR. JOLIFIER: Yes, I have Arthur, which is  
18 present, the authorized representative with us.

19 MR. SCHWARTZ: He wants to know your division.

20 CHAIRMAN ORO: Division. Where do you work  
21 out of? Hello? Traffic?

22 MR. SCHWARTZ: He works for the New York City  
23 Police Department.

24 MR. JOLIFIER: New York City Police  
25 Department, yes.

1           CHAIRMAN ORO: And who was the other gentleman  
2 with you?

3           MR. SCHWARTZ: Arthur Schwartz, attorney for  
4 Mr. Jolifier. And for the court reporter, that's  
5 N-O-E. J-O-L-I-F-E-R.

6           MR. JOLIFIER: J-O-L-I-F-I-E-R.

7           CHAIRMAN ORO: All right. That's who you  
8 mentioned a minute ago; right? There's no other  
9 person; right?

10          MR. JOLIFIER: No. For now no, yes.

11          CHAIRMAN ORO: Okay. Thank you.

12          MR. LESCHINS: Now, Mr. Chairman, if I may,  
13 because the Zoom is coming in on my administrative  
14 account, we have a total of eight participants at  
15 this hearing; is that correct?

16          CHAIRMAN ORO: At this moment, yes.

17          MR. LESCHINS: Okay. There's no one present  
18 who hasn't given their appearance; is that correct?

19          CHAIRMAN ORO: Yes.

20          MR. LESCHINS: Okay.

21          CHAIRMAN ORO: Of course the court reporter.  
22 So that will be nine.

23          MR. SCHWARTZ: There's only eight boxes on the  
24 screen.

25          MR. LESCHINS: Yeah. It's eight, including

1 the court reporter.

2 CHAIRMAN ORO: Right. Including myself. And  
3 I got them both on the same thing.

4 Okay. I guess we can start the hearing. All  
5 right. So as I stated a little earlier, we are  
6 here for a hearing on appeal of Local 983's  
7 election, which took place on May 15th, based on a  
8 protest filed by Brother Jolifier Noe. Sorry if I  
9 pronounce your name wrong. Jolifier Noe, N-O-E, I  
10 believe, dated on May 22nd, 2023. So anybody like  
11 to speak?

12 MR. SCHWARTZ: His name is --

13 CHAIRMAN ORO: Jolifier Noe. N-O-E.

14 MR. SCHWARTZ: Right.

15 CHAIRMAN ORO: Again, sorry about that if I  
16 got it wrong. It's J-O-L-I-F-E-R, Noe.

17 MR. JOLIFIER: I'm sorry. Make a correction.  
18 J-O-L-I-F-I-E-R.

19 CHAIRMAN ORO: So F-I-E-R.

20 MR. JOLIFIER: That's correct.

21 CHAIRMAN ORO: Thank you.

22 MR. JOLIFIER: You're welcome.

23 MR. SCHWARTZ: Am I allowed to speak? Every  
24 Local has a different rule.

25 CHAIRMAN ORO: Yes.

1 MR. SCHWARTZ: So I'm going to start and  
2 then -- then we can follow up. So the appeal has  
3 several aspects to it. The first is that the Local  
4 983 Constitution, which I actually drafted, says,  
5 at Article 8, called elections code. Elections  
6 shall be conducted by secret written ballot at a  
7 meeting of the Local. Members must be present to  
8 vote. It says members must be present to vote.  
9 And that was adopted because of various  
10 indiscretions and illegalities that were occurring  
11 in elections in DC37 and in Local 983, with ballots  
12 being steamed open, and people putting ballots into  
13 elections for people that hadn't voted. And this  
14 election was held. 79 percent of the people who  
15 voted, voted, according to the report, voted by  
16 either by telephone or in some electronic, other  
17 electronic method. So that it was an express  
18 violation of -- of Article 8.

19 The excuse that was used was that COVID is  
20 rampant in the city, and we can't have people  
21 coming to a voting place. The voting system that  
22 was used prior to this year had people coming --  
23 the meeting was, basically, declared to be from a  
24 start time, whether it was 6 a.m. to 9 p.m. or 6 to  
25 7 p.m. No gatherings. There has been no



1 prohibition on -- in fact, Broadway shows are  
2 functioning, movie theaters are functioning, Locals  
3 are having meetings, and there was nothing going on  
4 in the city on May 15th, 2023, that would make it  
5 unsafe for them, as the Local 983, to come one by  
6 one into a voting place and vote. The public has  
7 been doing that since 2020. 2020.

8 There was a -- there's been primaries and  
9 elections in that manner held over New York State  
10 since June 23rd, 2020. And there's nothing that  
11 would have prohibited Local 983 from doing the  
12 same. So that's -- that's point number one.

13 Point number two is state voting was utilized.  
14 And the -- the -- AFSCME election code requires --  
15 there's never been state -- there's no provision  
16 for state voting in the Local 983 Constitution, and  
17 it has never been utilized before.

18 The AFSCME Constitution says, or the AFSCME  
19 Election Code says that what is not proper is to  
20 change from a method used previously to a new  
21 method after nominations have taken place.

22 If a change from one method to another is  
23 desirable, the new procedure should be approved by  
24 membership vote before nominations begin. There  
25 was no such approval. That's violation number two.

1 Violation number three. In the provisions  
2 for -- for electronic voting in the AFSCME  
3 Constitution and Election Code, it says official  
4 observers designated by the candidates are entitled  
5 to view the preparation and mailing of ballot  
6 credential packets and for the count or tabulation  
7 of electronic votes, either in person or by video.

8 Mr. Jolifier was not notified of when  
9 credential packets were sent out, and, in fact,  
10 credential packets were not sent out. People got a  
11 notice of some sort that said they had to call a  
12 certain number in order to get a voting credential.  
13 So that -- and he was not even present when that  
14 was mailed out, if it was mailed out. We're not  
15 sure that it was mailed out because there was no --  
16 nobody present. So that -- that -- that provision  
17 was violated.

18 The notice of elections. I'm not sure if --  
19 Noe, you can tell me? Was it received by mail or  
20 by e-mail?

21 MR. JOLIFIER: He was -- there was sent by  
22 certain people in e-mail first. Then they started  
23 receiving it by mail. But it's not everybody who  
24 receive it by mail.

25 MR. SCHWARTZ: Right. So there was also no --

1 the AFSCME Constitution requires, and the Election  
2 Code requires that candidates be notified of the  
3 date of the mailing of the notice of elections, and  
4 they're entitled to review the list of who it's  
5 sent to, and be present at that mailing.

6 There was no notice to the appellant of when  
7 the mailing was going to happen. And it was done  
8 without him being allowed to be present.

9 With respect to the voting system that was  
10 used itself, which involved people being able to  
11 call a certain number during -- even as they were  
12 about to vote, give some kind of personal  
13 information over the telephone and get a pin.

14 That was a wholly inappropriate method of  
15 doing electronic voting because the recipient of  
16 the phone call had no way of knowing who was  
17 calling, had no way of checking whether the person  
18 giving that information was the person who was  
19 getting a pin number, and there was no -- no  
20 ability on the part of the candidates to observe  
21 that process. There's no -- there was no paper  
22 record of requests for pin numbers. There was only  
23 a telephone call to a phone number. That's wholly  
24 inappropriate, and it lacks the safeguards of a  
25 fair election. It's an inappropriate way to give

1 out pin numbers.

2 The voting system that was used was never  
3 tested in front of the candidates. It simply  
4 occurred on the day of the vote. There was no  
5 invitation. There was no candidates meeting.  
6 There was no invitation to see how the system was  
7 going to work. There was no test of the system,  
8 and the -- which is also violation of the AFSCME  
9 election manual.

10 Finally, the notice of -- not finally. The  
11 method by which people were allowed to ask for pin  
12 numbers in the field, just by making a telephone  
13 call, made it possible for voters to be -- to be  
14 requested by incumbent officers -- or not incumbent  
15 officers. By anybody -- to get a pin number, and  
16 then watch them vote.

17 There was no privacy. There was no assurance  
18 of privacy.

19 Mr. Jolifier, he can talk about stories about  
20 people being called into rooms and being told call  
21 this number, get your pin, vote, by officers of the  
22 union.

23 And, finally, going back to the slate, the  
24 notice of elections. The notice is supposed to  
25 list the -- not the names of the candidates but the

1 positions being voted for. All the -- all the  
2 notice said is notice of elections. And then it  
3 said the elections will be held in the following  
4 manner. That also violated the election, the  
5 AFSCME Election Code.

6 So based on -- now Mr. Jolifier can add -- oh,  
7 and then there was one other thing that we added  
8 in. There was a candidate, I think named Martinez,  
9 that was on the ballot for a trustee position who  
10 was not a member of Local 983. She had been  
11 promoted before the election and is a member of the  
12 supervisors' Local. So maybe Mr. Noe --

13 MR. JOLIFIER: Yes.

14 MR. SCHWARTZ: -- can take over from there?

15 MR. JOLIFIER: Thank you so much. Not only I  
16 will call that as illegal, the election was run by  
17 the person who conducted the election as an  
18 officer. The error, the people who decide to do  
19 whatever they want.

20 Example. After the vice president of the  
21 Local 983 -- Robbins, Marvin -- declared that  
22 election was illegal. And not only he said that it  
23 was illegal. He, Mr. Marvin, calling people who  
24 retired 10, 12 years ago to come down and help on  
25 the telephone or computer, to help them win this

1 election.

2 The president of the election, of the Local  
3 983, Mr. Puleo participate on that same day on a  
4 Zoom call, making people who should not be voting,  
5 voting on this day.

6 So all these things -- and didn't permit me to  
7 see the mailing address, didn't permit me to have  
8 any idea how the election was going. And not only  
9 that, they was capable to call over the telephone,  
10 give them pin number like that, Mr. Officer, which  
11 is not part of the election.

12 And the committee of the election let that  
13 happen is because they know what was going on all  
14 along. As Mr. Marvin said, it was illegal because  
15 the way they was doing it, and accept that.

16 But the Constitution of 983 is explained us  
17 very simple how to conduct an election. It must be  
18 done in person, by write-in ballot. I do not  
19 understand how they are going to come under a  
20 decision to do all these things in front of  
21 people's eyes, and expected after to say well, they  
22 have an election.

23 That's the reason why we come to that point to  
24 have -- to appeal the election. First of all,  
25 since 14 years ago, they get in power, which we are

1           supposed to have elections every three years. They  
2           never have one. Why? Who give them the power to  
3           say okay, we are not going to have an election?  
4           How can that happen? And at the moment that they  
5           decide to have the election, they say I'm not going  
6           to let you see the mailing address. You're not  
7           going to be involved. I will give you what I want.  
8           And that doesn't call it an election.

9           It's hard to say that today, we sit down here  
10          to discuss the illegal activity. The president and  
11          the vice president and member of the committee  
12          knows that. They accept it. They go along with it  
13          and say well, we conduct an election.

14          I'm going to stop right now, and I'll come  
15          back again if anybody wants me to come back.

16          MR. SCHWARTZ: That's our presentation.

17          CHAIRMAN ORO: Thank you.

18          MR. SCHWARTZ: Are there any witnesses from  
19          any other members, like who are candidates here?  
20          There doesn't seem to be any other candidates  
21          present; right?

22          CHAIRMAN ORO: Not at this time. Speak up and  
23          give your name and location that you work out of or  
24          you're affiliated with.

25          MR. SCHWARTZ: So is that it?

1 MR. LESCHINS: I guess that that's it,  
2 Mr. Chairman. Unless you have other issues that  
3 you wish to raise, you're free to conclude the  
4 meeting, I would imagine.

5 CHAIRMAN ORO: This meeting was for their  
6 hearing. So if they have no other thing to say or  
7 have any other person to speak up, I will call this  
8 meeting as ending approximately at 10:35 a.m.,  
9 then, on June 2nd, 2023. If there is no other  
10 people to speak up for anything, this meeting --  
11 for the hearing, it has been heard, and I thank  
12 everyone that's participating today. I have  
13 nothing further to say.

14 MR. JOLIFIER: Mr. Chairman, before you end,  
15 please.

16 CHAIRMAN ORO: Go ahead.

17 THE WITNESS: Okay. You just ending the  
18 meeting without letting us know what will be your  
19 decision on that matter? Because this matter is a  
20 serious matter. We need to know.

21 MS. ROACH: The committee will deliver -- I'm  
22 sorry, Brother Noe. The committee will deliberate  
23 and present its findings to the membership. You  
24 will know. You will be assured of that.

25 They do not have to make a decision on the



1 spot. So give the committee the opportunity to  
2 review what you've presented and arrive at its  
3 decision, but a decision is not necessary at this  
4 moment.

5 MR. SCHWARTZ: Robin, when you say to the  
6 membership, are they going to call a membership  
7 meeting?

8 MS. ROACH: Yes.

9 MR. SCHWARTZ: In person or telephone?

10 MS. ROACH: I don't know how the membership  
11 meeting will be conducted, but a membership meeting  
12 will be conducted.

13 MR. JOLIFIER: Out of respect, for the last 10  
14 years, the membership meeting, they never open to  
15 the members. He open to a few people who agree to  
16 accept, to go along with them. For example, none  
17 of the people was allowed to go in the membership  
18 meeting when they called --

19 MS. ROACH: Brother Noe, I can't address that.  
20 But what I can tell you is the process is for the  
21 committee to hear you, hear any evidence you have.  
22 If you have witnesses, to present those witnesses,  
23 and to deliberate on the matter, and give a report  
24 to the membership. That's the process.

25 MR. SCHWARTZ: One of the requests we have,

1 because I think the membership gets to vote on the  
2 report of the election committee.

3 MS. ROACH: Correct.

4 MR. SCHWARTZ: Is that there be notice to the  
5 members of this meeting. That not -- not that it  
6 just be held without anybody knowing when, where,  
7 or how.

8 MS. ROACH: Of course there will be notice to  
9 the members.

10 MR. SCHWARTZ: Is it going to be noticed  
11 anywhere but in the DC37 newspaper that nobody  
12 gets?

13 MS. ROACH: As far as I know, notice of union  
14 meetings are sent via the customary process of a  
15 union postcard with an agenda.

16 MR. SCHWARTZ: Okay. Just please make sure  
17 that happens so that people can be present. Thank  
18 you.

19 CHAIRMAN ORO: So, again, Joseph Oro, chairman  
20 of the committee. Is there anybody else on to  
21 speak? If not, I am going to end the meeting at  
22 now 10:38 a.m., on June 2nd, 2023.

23 (At 10:38 a.m. the proceedings are concluded.)  
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1 STATE OF FLORIDA )  
2 COUNTY OF PASCO )

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I, Philip Ryan, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true record of my stenographic notes.

Dated this 6th day of June, 2023.



PHILIP RYAN, RPR

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