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## Election Controversy Continues Board hires Top Election Attorney to Battle Stromfeld

By Michael Kohn

North Shore Towers officials have hired one of the state's leading election experts to fight Dianne Stromfeld's litigation seeking a new board of directors' election, after the board announced last month there would not be a recount in the race where she was narrowly defeated.

"I'm just troubled that people try to litigate what they can't win at the polls," Steven R. Schlesinger, managing partner of Jaspian Schlesinger Hoffman LLP, said. "I'm hard pressed to believe that the American Arbitration Association caused an election to be thrown...I believe the election was run by an honest organization giving an honest count."

Stromfeld responded to Schlesinger's employment by asking, "Why was Goliath hired to come in and try to slay David? What does North Shore Towers have to hide?"

Residents discussed the controversy at the Shareholders Association's "Democracy at the Towers" meeting, Wednesday, July 18th at the Towers on the Green. Stromfeld, who lost fourth place to Chuck Robbins by less than one apartment's shares, told the audience she was speaking out, "because the process of that election was not honorable."

"I have no problem with losing an election, but every election I have ever been in, to my knowledge, has been run fairly and honestly, and in accordance to whatever bylaws and rules and regulations the organization had in place," she said. "Unhappily, I can not say that about the recent election at North Shore Towers."

Stromfeld hired a top specialist in co-op law, who represents several of the largest co-op developments in metropolitan New York, Geoffrey Mazel, of Hankin, Handwerker & Mazel, PLLC. "It appears that there were numerous violations of the bylaws in the handling of this election, and gross irregularities that were not addressed," Mazel wrote in his legal brief.

Among Stromfeld's charges, she states that voter's signatures were never verified on ballots, and can be improperly submitted by non-owners including apartments held in

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irrevocable trusts. She would like to see the management company mandate notarized signatures for election verification.

"You can sign your ballot Mickey Mouse and it will be counted," she said. "Our bylaws are very specific, you have to be the shareholders of record, the owner of the apartment, in order to legally cast a ballot—that was not done." Schlesinger responded, "Absent an objection to a signature, there's no requirement to independently verify each signature."

Stromfeld also claims that according to NST by-laws inspectors did not properly certify the election on June 21st when the ballots were counted.

"I don't see any judge saying something certified by the American Arbitration Association, as opposed to the little old lady inspectors, or whoever you guys had, is not going to stand," Schlesinger said. "There has to be something that would change the outcome of an election in order to have an election overturned, not the absence of a formality."

Shareholders of record on May 21st had the right to vote according to the co-op's bylaws, Stromfeld said, but the annual notice of elections instead stated shareholders of record as of the close of business Thursday, April 26th will be entitled to vote at the meeting. "This precluded shareholders who closed between April 26 and May 21 from the opportunity to vote, as should have been their right," she said.

"Ladies and gentlemen, we have an illegal election," Stromfeld said at the Association's meeting.

Schlesinger said the record date can be formally adopted by the board not more than

30 days before an election, or it is automatically fixed by issuance of first notice when the ballots and first order of election were issued. "Miss Stromfeld and her lawyers just aren't reading the provision correctly, and I think it's clear to anyone who reads it," he said. "...They're ignoring the fact that the first notice went out on April 26th. They're relying on the reminder notice from May."

The controversy reached Queens Supreme Court on Tuesday, Aug 7th, with a return scheduled for August 28th, when the judge is back from vacation. A motion to dismiss the case will be made by Schlesinger at the next court date, who stated, "I think what they have is a non-starter."

The attorney said they have agreed to provide access to ballots for a hand recount, and if that yielded a new result a court ordered count would then be required. The only thing he could see happening at that point would be a court ordered runoff between Stromfeld and Robbins, which he said was doubtful.

"I do not want a recount, because a recount will not clean up the election process," Stromfeld said. "...We're still left next year with unverified signatures, and we have no precedent for making sure that the date of the ownership of the shares is correct."

Co-op officials agreed to turn over election documents to Stromfeld, but she questioned why they had to wait to get to court for some. "They forced us to go into court, and forced NST to spend money for a special counsel they really didn't need at this point, because there's no reason Errol Brett could not have represented NST until a judge said he had to recuse himself."