

<b>Matter of Baldeo v Addabo</b>
2025 NY Slip Op 35336(U)
April 30, 2025
Supreme Court, Queens County
Docket Number: Index No. 709115/2026
Judge: Kevin J. Kerrigan
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Short Form Order and Judgment

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE KEVIN J. KERRIGAN Special Election Part  
Justice

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In the Matter of the Application of  
Albert Baldeo, as Objector, Voter, and  
Aggrieved Candidate,

Index Number:  
709115/2026

Mot. Seq.: 1

Petitioner,  
- against -

Joseph P. Addabbo, Jr.

Respondent Candidate.

and

The Board of Elections of the City of  
New York,

Respondent,

For a Judgment pursuant to CPLR Article 78,  
Election Law Article 16, and CPLR§ 3001  
declaring that Respondent Candidate  
Joseph P. Addabbo, Jr. has not-established  
and has not maintained a bona fide residence  
within the New York State 15th Senatorial  
District for the twelve months immediately  
preceding the election as required by Article III,  
§ 7 of the New York State Constitution;  
declaring that Respondent is constitutionally  
ineligible to hold or seek the office of  
New York State Senator for the 15th Senatorial  
District; declaring that any future designating  
or nominating petitions filed on his behalf  
are null and void ab initio; and enjoining  
the New York City Board of Elections from  
accepting, processing, certifying, or placing  
on the ballot any such candidacy.

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The following papers numbered 1-26 to read on this petition  
for an order and judgment declaring that Respondent, Joseph P.  
Addabbo, Jr. has not established and maintained a bona fide  
residence within the 15<sup>th</sup> Senatorial District for the twelve months  
preceding the election pursuant to Article III, Section 7 of the  
New York State Constitution.

**FILED & RECORDED**  
4/30/2026  
2:51 pm  
COUNTY CLERK  
QUEENS COUNTY

Papers  
Numbered

Petition-Order to Show Cause-Exhibits..... E1-13  
Answer in Special Proceedings..... E22  
Supporting Papers-Exhibits..... E23-26

Upon the foregoing papers and after a trial held on the record, and after due deliberation thereon, it is hereby ORDERED and ADJUDGED that the petition is hereby dismissed.

By way of background, Petitioner commenced the instant special proceeding on March 30, 2026 by filing of the petition contemporaneously with the accompanying order to show cause. The order to show cause was signed by the Honorable Tracy Catapano-Fox on March 31, 2026 and assigned to this Court. Thereafter, this Court set this matter down for a trial, which took place on the record on April 28, 2026 and April 29, 2026.

Respondent, Joseph P. Addabbo, Jr., is the current New York State Senator for the 15<sup>th</sup> Senatorial District. The issue on this petition is whether he maintains a bonafide residence in the 15<sup>th</sup> Senatorial District as required by the New York State Constitution. Petitioner, Albert Baldeo, brings the instant special proceeding, alleging that Senator Addabbo's primary residence is located outside of the 15<sup>th</sup> Senatorial District, in Howard Beach, Queens, rather than within the relevant Senatorial District in Ozone Park, Queens.

Pursuant to Article III, Section 7 of the New York State Constitution, "[n]o person shall serve as a member of the legislature unless he or she is a citizen of the United States and has been a resident of the state of New York for five years, and, except as hereinafter otherwise prescribed, of the assembly or senate district for the twelve months immediately preceding his or her election" (see NYS Const. Art. III §7). Pursuant to Section 1-104, subsection 22 of the New York Election Law, the term residence "shall be deemed to mean that place where a person maintains a fixed, permanent and principal home and to which he, wherever located, always intends to return (NY Election Law 1-104[22]). The Court of Appeals has held that an individual is permitted to maintain more than one bona fide residence (see People v. O'Hara, 96 N.Y.2d 378 [2001] citing Matter of Gallagher v. Dinkins, 41 A.D.2d 946 [2d Dept. 1973]).

For the purposes of this trial, the Court declined to accept any evidence to refute Senator Addabbo's place of residence that fell outside the time frame stated in Article III, Section 7 of the Constitution, or beyond the twelve months immediately preceding the election. Thus, the Petitioner was required to establish that from

November 4, 2025 up until the present day, Senator Addabbo did not maintain a residence in the 15<sup>th</sup> Senatorial District. Evidence stemming from investigations spanning two to three years prior to the current election year were therefore not permitted.

At trial, Counsel for Petitioner called Clint Campbell, CEO of Campbell Investigating Group, as well as Senator Addabbo to testify in his case-in-chief. Petitioner and Respondent both introduced several items of evidence. The following facts were adduced at trial. Senator Addabbo resided in at the Ozone Park address located at 132-43 86<sup>th</sup> Street in Ozone Park ("Ozone Park address") from the time of his birth in 1964 up until he was married in 1998. At that time, he and his wife purchased a home approximately 10 doors down, where they lived up until the last few years, when they purchased the home located at 159-38 85<sup>th</sup> Street in Howard Beach ("Howard Beach address"). After the most recent redistricting, the Howard Beach address became outside of the 15<sup>th</sup> Senatorial District. At that point, Senator Addabbo claims that he moved back to the Ozone Park address and has maintained a residence there ever since.

Campbell testified on April 28, 2026 that he was retained by Petitioner to surveil the Ozone Park and Howard Beach addresses as it related to Senator Addabbo and to monitor Senator Addabbo's activities with respect to both addresses. He was hired and began his investigation in October of 2025 and ceased his investigation in March of 2026. Throughout the course of his investigation, Campbell was provided with dates and times solely by the Petitioner regarding where and when to surveil Senator Addabbo. At the conclusion of his investigation, Campbell prepared a report. Notably, the report was not admitted into evidence, over objection, after a finding by the Court that some of its contents constituted inadmissible hearsay. Notwithstanding, testimony by Campbell regarding his personal observations throughout the course of his investigation was permitted. Campbell testified that he personally surveilled Senator Addabbo approximately 30 times from October 20, 2025 up until March 7, 2026. As noted supra, the Court only considered the surveillance conducted from November 4, 2025 onward. Campbell testified that he would perform surveillance in two to four hour increments, sometimes longer, depending on his client's request. During the relevant time period, he never observed Senator Addabbo at the Ozone Park address. He did observe Senator Addabbo at the Howard Beach address on multiple occasions during the relevant time period. Pursuant to a Department of Motor Vehicles search, Campbell observed what he concluded was Senator Addabbo's vehicle at the Howard Beach address emerge on several mornings and return later in the evening. In the evenings, Campbell would remain at the Howard Beach address for 1-2 hours before he left. He also observed Senator Addabbo on multiple occasions emerge from the Howard Beach address in the morning before departing in his vehicle. He was often directed by Petitioner to leave the Howard

Beach address after Senator Addabbo left and go to the Ozone Park address to ascertain whether Senator Addabbo would travel to Ozone Park after departing Howard Beach. Campbell testified that he never observed Senator Addabbo do so.

The Court reiterates that Campbell's report was not entered into evidence. With regard to specific dates, Campbell testified that he made the foregoing observations on November 1, 2025, November 3, 2025, and December 24, 2025. As stated above, the Court has only considered the specific December 24, 2025 observation. On cross-examination, Campbell testified that he did not know what Senator Addabbo's movements consisted of after he left the Howard Beach address at night or during the times he was not conducting surveillance. Campbell never spoke to Senator Addabbo's neighbors in either the Ozone Park or Howard Beach address. Nor did he knock on the doors to either residence to determine who would answer or who even was present.

Senator Addabbo testified at trial on April 29, 2026. Senator Addabbo has served as the State Senator for the 15<sup>th</sup> Senatorial District for 17 years. He testified that he has resided at the Ozone Park address since the relevant redistricting. The Ozone Park address is owned by him as the Trustee of the Addabbo Family Premises Trust. He personally pays the bills for the Ozone Park address on behalf of the Trust. Senator Addabbo filled out a "change of employment status" form with the New York State Senate, wherein Senator Addabbo listed his address as the Ozone Park address as of October 15, 2025. Senator Addabbo's W2 Wage and Tax Statement lists his address in Ozone Park. Respondent's Exhibit B, 1-13, were collectively marked and testified to by Senator Addabbo. The contents include a variety of general mail with the Senator's name sent to the Ozone Park address. The mail consists of car lease bills, telephone bills, bank statements, other various utility bills, as well as correspondence from the Board of Elections.

The most significant determination in deciding whether a residence complies with the Election Law is whether the individual manifests an "express intent [to be and remain a resident], coupled by physical manifestation, without an aura of sham" (see Gallagher, 41 A.D.2d at 947). More than one residence, however, is permitted and an individual may "choose one for the purposes of voting or public office, provided that there are legitimate, significant, and continuing attachments to the dwelling" (see Ferguson v. McNab, 60 N.Y.2d 598 [1983]; see also Matter of Gashi v. Branda, 216 A.D.3d 854 [2d Dept. 2023]; Matter of Stavisky v. Koo, 54 A.D.3d 432 [2d Dept. 2008]; Matter of Stewart v. Chautauqua County Bd. Of Elections, 14 N.Y.3d 139 [2010]). The crucial determination for the Court is whether an address is used solely for the purpose of holding a public office in circumvention of residency requirements. It was the Petitioner's burden to establish by clear and convincing

evidence that the Respondent, Joseph P. Addabbo, Jr. did not reside in the 15<sup>th</sup> Senatorial District (see Matter of Stavisky, 54 A.D.3d at 433). Clear and convincing evidence is established where a party satisfies the trier of fact that the evidence makes it highly probable that what he or she claims is what actually happened (see id.).

The Court concludes that Petitioner failed to establish by clear and convincing evidence that Senator Addabbo does not reside at the Ozone Park address. It is well-settled that an individual may maintain more than one residence under the Election Law. Where an individual has legitimate, sufficient contacts with two residences and has established a "continuity of conduct," the individual is entitled to choose between those two legitimate residences (see O'Hara, 96 N.Y.2d 378 [2001]; Berman v. Weinstein, 64 A.D.2d 940 [2d Dept. 1978]). The Court's inquiry is primarily whether the individual has attempted to utilize a sham address for the purpose of circumventing the Election Law requirements thereof. In order to determine the existence of a sham address, the Court must evaluate the individual's contacts with the relevant address.

Here, Petitioner failed to establish that Senator Addabbo does not have sufficient contacts with the Ozone Park address, such that he is not entitled to choose between the two legitimate residences for the purposes of the Election Law. Senator Addabbo has been affiliated with the Ozone Park address for nearly his entire life. Even disregarding the affiliation with the Ozone Park address during his youth and prior to his marriage, he maintains sufficient contacts currently. These contacts establish that the address was not contrived solely for the purpose of running for office in the 15<sup>th</sup> Senatorial District. Initially, the Court credits Senator Addabbo's testimony that he resides at the Ozone Park address. This testimony was never disputed. Indeed, testimony was never elicited regarding Senator Addabbo's schedule, his comings and goings from either address, or where he typically sleeps at night. Additionally, there was documentary evidence establishing Senator Addabbo's residence in Ozone Park, such as his vehicle registration and mail consisting of a variety of bills and bank statements. He testified that his personal belongings are located there and he receives personal items, such as Amazon packages, by mail to that address. Neither Campbell's testimony, nor the evidence submitted by Petitioner established otherwise. Indeed, Campbell solely testified to three specific days or surveillance where Senator Addabbo was not present at the Ozone Park address but was present at the Howard Beach address: November 1, 2025, November 3, 2025, and December 24, 2025. The Court again reiterates, that for the purpose of these proceedings the only relevant date was December 24, 2025. Campbell did testify, after refreshing his recollection from his report, to other instances where Senator Addabbo was not observed at the Ozone Park address and was observed at the Howard

Beach address. However, that testimony was general and non-specific, in that he did not establish dates and times certain.

Moreover, it is of concern to this Court that the surveillance conducted by Campbell was not random. Indeed, Campbell conceded that the dates, times, and length of the surveillance were entirely dictated by the Petitioner. Campbell had no personal knowledge of Senator Addabbo's schedule, or when, for example, he may be required to be in Albany to fulfill his duties as Senator. No additional evidence supported the contention that Senator Addabbo did not maintain a residence at the Ozone Park address during the relevant time period.

As previously noted, Senator Addabbo is entitled to choose between the two legitimate residences he retains for the purposes of running for public office pursuant to the Election Law. At trial, Petitioner's case sought to invalidate the Senator's contacts with the Ozone Park address in light of the contacts with the Howard Beach address. However, such is not the law. Petitioner is entitled to maintain contacts with both, and in doing so, he is entitled to choose between the two for Election Law purposes. In sum, the evidence on this record establishes that Senator Addabbo permissibly maintains two residences within Queens County. It was Petitioner's burden to establish, through clear and convincing evidence, a significant burden, that Senator Addabbo did not have legitimate, significant, and continuing attachments with the Ozone Park address, within the 15<sup>th</sup> Senatorial District. He failed to do so. Rather, the record establishes that the Ozone Park address is Senator Addabbo's place of residence where he has consistently maintained a continuing attachment, without an "aura of sham," in compliance with the Election Law and the New York State Constitution (see Gallagher v. Dinkins, 41 A.D.2d 946 [2d Dept. 1973]).

Accordingly, it is hereby ORDERED and ADJUDGED that the petition is hereby dismissed, and that Respondent candidate, Joseph P. Addabbo, Jr. is constitutionally eligible to seek the office of New York State Senator from the 15<sup>th</sup> Senatorial District, that his petitions for said candidacy are not null and void, and that the Board of Elections may accept process, certify and place his name on the ballot.

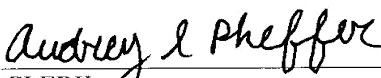
The foregoing constitutes the DECISION, ORDER, and JUDGMENT of this Court. Respondent may enter judgment accordingly.

Dated: April 30, 2025

**FILED & RECORDED**  
4/30/2026  
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KEVIN J. KERRIGAN, J.S.C.

  
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