

Minutes of NYSALJA Board Meeting December 29, 2003

Prepared by Anne Murphy

Location of Meeting: Home of Judge Catherine Bennett

The meeting was called to order at Judge Bennett's home at 6:52 p.m. Marc Zylberberg, Christine Traskos, James Horan, James Hinds, William Myers, Catherine Bennett in attendance.

Copy of the minutes of the last Board Meeting was presented and distributed including changes and corrections. Motion made to accept the minutes of the meeting, as corrected, unanimously passed.

Marc Zylberberg presented the Treasurer's Report. He handed out financial materials and noted that the balance sheets did not show six additional checks which had been subsequently deposited. These checks would increase the checking account balance by \$270, with the total cash on hand to be \$7498.21 plus the \$270. He stated that seven payments of \$35 or \$245 needed to be sent to NAALJ. Taking that into account the total current balance as of December 29, 2003, is \$7523.31. Interest earned amounted to \$22.86. There is one outstanding check which has not been reconciled, beyond the six noted above. Motion made to receive the Treasurer's report, as amended, unanimously passed. A copy of the accounts was distributed.

Judge Bennett reviewed the current accounts in light of the closing balances for the last period (ended 9/20/03), and reconciled the September balances with the December balances.

The next item on the agenda was the Membership Update, Marc Zylberberg noted that there are 67 members, of which 66 are paid members and one is honorary. In December he had made an e-mail distribution to approximately 100 individuals, reminding them that their membership had lapsed, and including information about the organization. The ongoing confusion with respect to paying dues with NAALJ directly, which payments were not necessarily transmitted to NYSALJ was noted. At some point in the future, Board members are going to be asked to directly contact individuals who have not paid. There was general agreement on this strategy,

although some discomfort with cold calling was expressed. A membership list was distributed.

ALJ Institute 2003 Recap. Judge Bennett received a report from the Law School on the overall financial results for the Institute. Income from 56 participants was \$10,850.00; expenses, \$9,596.00; net profit \$1,254.00. Costs were kept low: only one speaker was paid a fee beyond travel expenses, printing and mailing expenses were limited to out-of-pocket costs. The profit is divided evenly between the Law School and NAALJ. The only troublesome expense was the Continuing Education cost, \$10/credit; however, the customary charge is \$20/credit apparently. On the average, participants received twelve credits for their participation. There was a suggestion that the Law School be approached for a more favorable sharing of the cost amount, or for some accommodation commensurate with the fact that many speakers and participants came from our membership and/or organization.

The question was presented whether, as a cost-saving measure, NYSAALJ could itself become an accredited CLE provider. Judge Bennett noted that based on her research, in order to qualify as a provider an organization is required to demonstrate detailed activities over three years. She also noted that the association with the Law School was an asset with respect to such requirements. Others volunteered to speak with their agencies with respect to requirements for agencies providers.

The website has been updated with pictures from the Orlando conference. There was discussion of the website contract and the cost of maintenance of the site. In August 2002, the organization paid \$1500 to have the website set up by the Law School. The school has been maintaining the site. Marc Zylberberg noted that the costs of maintenance should not be as high as the start-up costs, particularly since most update information is provided by e-mail every few months. Judge Bennett suggested we research other providers. For example, NAALJ offers the same service for less money. However, there has not been a timely response to our inquiries to the individual who does it for NAALJ. President Bennett felt that the cost of the website might be too high. She believes that our ALJ Institute connection with the Law School might enable us to renegotiate the costs.

The next item discussed was the past November ballot

proposal to amend the New York City Charter to establish a uniform code of professional conduct for administrative law judges who preside over proceedings in the various City tribunals. While Judge Bennett noted that the proposal was defeated, she noted that it was difficult to determine the impetus for the proposal. There was suggestion that it was an initiative of the Mayor's office, or at least wanted to demonstrate that the office supported a change. Judge Bennett suggested perhaps that NYAALJ could be helpful to the process, but others felt that it might not be helpful. Judge Bennett suggested that this would be a good e-mail piece.

The e-mails from Judge Bennett were applauded, as informative and a welcome alternative to newsletters. The wish was expressed to continue the process beyond Judge Bennett's tenure in the event that subsequent presidents did not have internet access.

Government Law Center 25th Anniversary Dinner. The GLC event was a resounding success, and was attended by several NYAALJ members, as well as significant government officials and legislative individuals. NYAALJ was prominently displayed in the materials as a sponsor. The Law School sent President Bennett a letter thanking the association for its support. She has the program for everyone's review.

Judge Bennett next discussed agency contacts for new members. Michael Danziger has suggested that the Environmental Control Board ALJs would be good contacts/potential members. She has suggested developing a packet of information for a mailing (the Orlando conference materials, the announcement for the Toronto summer mid-year, a NAALJ Journal, newsletters, website addresses, etc.), similar to the packet and cover letter she prepared for ECB (and which she shared with the group). She is scheduled to visit ECB in the next couple months. She would also like to present this information to other agencies, including OATH, NYS Division of Parole, etc. Members of the committee also made suggestions. There was a general discussion of the ALJ "culture" in different agencies, particularly with respect to agencies discouraging participation in groups like NYSALJ, and a more specific discussion of OATH. The members also discussed perceptions of formality vs. informality in administrative proceedings and dispute resolution.

Various upcoming conferences were discussed. Judge

Bennett noted that Gregory Ogden from Pepperdine sent a box of Fall 2002 issues of the NAALJ journal. She is going to have information packets made up for anyone who needs them.

It was then discussed whether it would still be feasible to have the next ALJ Institute in June. While there was general support among the members to have another institute, June was considered too soon. Concern was expressed that we have more control over the program, etc. At the same time there was a suggestion to circulate information about the Toronto Conference (June 20th - 23rd) and international aspects of administrative law. The other conference mentioned NAALJ/CALJ/NJC mediation training.

There was a discussion of the tax-exempt status of NYSALJ, particularly with respect to sales and use taxes.

The inquiry from a former president of NYALJA with respect to obtaining grade classification information and the experience of the upgrades given to the Department of Health ALJs was discussed. Upon research within the DOH, Counsel's office was unwilling to share the written justifications for the upgrades. There was a request for NYAALJ to put in a FOIL request to obtain the documentation. It was resolved that the agency that made the inquiry (OTDA) should make their own FOIL request.

It was agreed that the next Board meeting would be held on February 19, 2004, at the offices of the NYS Health Department, 5 Penn Plaza, New York, NY.

The meeting was adjourned.