

New Jersey Commission on Civil Rights  
Division on Civil Rights-6th Floor  
Walter Lucas Commission Conference Room  
140 East Front Street, Trenton, NJ

**Meeting Minutes: June 18, 2007**

**PRESENT:** Chairperson Frank Vespa-Papaleo; Vice Chair Steven Goldstein; Commissioners: Patrick De Almeida, Barbra Casbar Siperstein, Ann Gunning (for Erin O'Leary), Sheila Kenny, Joe Komosinski (by telephone) Kevin E. Taylor,.

**GUEST:** Stephen Hyland

**STAFF:** Commission Liaison, Esther H. Nevarez, Special Assistant Bear Atwood, Intern C. J. Griffin.

**CALL TO ORDER:**

**Chairperson Vespa-Papaleo** called the meeting to order at 1:05 p.m. in compliance with the Open Public Meetings Act. Present at the Call to Order were: Vice Chair; Steven Goldstein Commissioners: Steven Goldstein, Barbra Casbar Siperstein, Kevin E. Taylor, Patrick De Almeida, Sheila Kenny, Joe Komosinski (by telephone).

**FLAG SALUTE**

**APPROVAL OF MINUTES:**

**Director Vespa-Papaleo** asked for a motion to approve the proposed Agenda for the organizing meeting of the Civil Union Review Commission. Commissioner Kenny moved to adopt the agenda as presented. Commissioner Casbar Siperstein seconded the motion. The motion passed unanimously.

**ELECTIONS:**

**Commissioner DeAlmeida** nominated Frank Vespa-Papaleo to the position of Chairman. Commissioner Casbar Siperstein seconded the motion. There were no other nominations. The vote was unanimous.

**Commissioner Taylor** nominated Steven Goldstein for the position of Vice-Chair. Commissioner Casbar Siperstein seconded the motion. There were no other nominations. The vote was unanimous.

**LEGISLATIVE MANDATE REVIEW:**

**Chairperson Vespa-Papaleo** reviewed the seven specific responsibilities which the commission has to fulfill over the next three years:

1. Evaluate the implementation, operation and effectiveness of the Civil Union Act;
2. Collect Information about the Act's effectiveness from members of the

public, state agencies, private and public sector, businesses and/or organizations;

3. Determine whether additional protections are needed;
4. Collect information about the recognition and treatment of civil unions by other states and jurisdictions, including the procedures for dissolution;
5. Evaluate the effect on same sex couples, their children and other family members of being provided civil unions rather than same sex marriage;
6. Evaluate the financial impacts on the state of same sex couples being provided civil union rather than marriage;
7. Review the Domestic Partnership Act and make recommendations whether this act should be repealed.

**Chairperson Vespa-Papaleo** stated that the Commission had to report to the State Legislature every six months. Hence the first report is due in December. To get started he presented a resolution setting the meeting dates for the rest of the year.

**MOTION:** Commissioner Kenny moved to adopt the resolution setting the Commission's meeting dates for the third Wednesday of every month at 1:00 p.m. to be held at the Division on Civil Rights-6th Floor; Walter Lucas Commission Conference Room, 140 East Front Street, Trenton, NJ. Commissioner Taylor seconded the motion. Motion passed unanimously.

#### **COMMISSIONERS' REPORTS:**

**Chairperson Vespa-Papaleo** reported that the Division had two civil union cases that were filed June 13, 2007. Both cases were from Monmouth County.

The Division is averaging 100 inquiries a month, 90% regarding benefits and the rest are on a variety of issues. Most of these inquiries are made by calling the five regional offices.

Chairperson Vespa-Papaleo suggested that the Commissioners who represent a government agency try to develop mechanisms to track these inquiries so that an accurate accounting can be given to the Legislature.

**Vice Chairperson Goldstein** reported that Garden State Equality, a New Jersey Lesbian, Gay, Bisexual, Transgender, Intersex group has received 148 complaints from couples who say their employers are denying them and their spouse employment benefits. Of the 148 couples, 84 are female couples and 64 are male couples. In other words, roughly 13% of the registered couples are being denied benefits but offered that they are too afraid of retaliation to file complaints at the Division on Civil Rights.

**Commissioner Komosinski** reported that as June 15, 2007 there had been 1092 civil unions reported; 671 of those unions were female couples, 421 were male couples. There were 40 reaffirmations of civil union. (Reaffirmations are couples that have entered into a civil union in another state reaffirming their commitment in New Jersey; couples who reaffirm do not have to wait the 72 hour period.)

Discussion ensued on whether Commissioner Komosinski could reach out to other states and Canada to determine how many New Jersey couples made commitments out of state. Commissioner Komosinski agreed to gather that data.

**Commissioner DeAlmeida** reported that the Attorney General had issued two formal

opinions interpreting the civil union statute. The opinion issued January 10, 2007, states that anyone who regularly solemnizes marriages, must also be regularly available to solemnize civil unions. The second opinion, issued on February 16, 2007, states that same sex marriages, civil unions, domestic partnership and similar relationships from other states and foreign nations will be recognized by the state of New Jersey up to the limit that New Jersey sets forth; i.e. a California “domestic partnership”, a Vermont “Civil Union” and a Massachusetts “Marriage” will be all be recognized as a civil union.

#### **ADMINISTRATIVE ISSUES:**

**Chairperson Vespa-Papaleo** recommended that a schedule be set for public meetings throughout New Jersey and preferably after work hours to try to increase attendance.

**Stephen Hyland** recommended that the Commission schedule some of the public meetings in the southern part of the state.

**Commissioner Kenny** suggested that once the public meetings were scheduled that they along with interim reports should be posted on the internet. Additionally, she suggested that people could submit testimony directly to the web page.

**Commissioner Taylor** agreed enthusiastically with Commissioner Kenny’s suggestion because anonymity might allow the Commission to hear from people who might be concerned about retribution.

**Vice Chairperson Goldstein** agreed that a lot of folks want to testify before the Commission but have been asking to what extent their identity can be obscured.

**Chairperson Vespa-Papaleo** concurred but wants to insure that the web site is not a place where people can engage in improper conduct by making libelous or slanderous comments. As long as they stick to testimony, an internet mechanism can be provided.

**Commissioner DeAlmeida** suggested that the group be organized into subgroups to tackle each of the seven mandates.

**Chairperson Vespa-Papaleo** suggested that the Commission be ready to discuss this at the next meeting.

Discussion ensued on whether the Commission had the funds to hire staff or experts; and whether the Commission would liaise with other organizations such as the State Bar Association.

**Chairperson Vespa-Papaleo** said he would research the matter of a budget and get back to the Commission.

**Commissioner DeAlmeida** reported that there was no budget set aside for the work of this Commission.

**Chairperson Vespa-Papaleo** stated that the costs of that meeting were being absorbed by the Division on Civil Rights, which currently has severe budget constraints.

**Stephen Hyland** asked for clarification on the AG's guidelines in regard to e-mails between members of the Commission.

**Commissioner DeAlmeida** stated that anything put in e-mail could be deemed part of the public record; but he agreed that he would bring guidelines on this issue to the next meeting.

**ADJOURNMENT:**

**MOTION:** Commissioner Casbar Siperstein moved to adjourn the meeting at 1.57 p.m. Commissioner Taylor seconded the motion. Motion passed unanimously.

**NEXT MEETING: July 18th, 2007 1 PM**

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Walter A. Lucas Commission Conference Room  
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Trenton, NJ