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STATE OF NEW JERSEY
CIVIL UNION REVIEW COMMISSION

FORMAL MEETING
TRANSCRIPT OF PROCEEDINGS

LOCATION: 140 East Front Street, 6th Floor
Trenton, New Jersey

DATE: Wednesday, July 18, 2007

TIME: 1:00 p.m. to 2:25 p.m.

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1 P R E S E N T :

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3 FRANK VESPA-PAPALEO, ESQ., Chair

4 STEVEN GOLDSTEIN, Vice Chair

5 BARBARA G. ALLEN, ESQ.

6 REV. CHARLES BLUSTEIN ORTMAN

7 ROBERT BRESENHAN, JR.

8 BARBRA CASBAR SIPERSTEIN

9 PATRICK DEALMEIDA, AAG

10 SHEILA KENNY, ESQ.

11 STEPHEN J. HYLAND, ESQ.

12 JOSEPH A. KOMOSINSKI

13 ERIN O'LEARY, ESQ.

14 REV. KEVIN E. TAYLOR

15 BEAR ATWOOD

16 ESTELLE BRONSTEIN

17 BEN MEISTRICH

18 C.J. GRIFFIN

19 NICOLE BROWN

20

21

22

23

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1 MR. VESPA-PAPALEO: We're still
2 waiting for Ms. Siperstein and Reverend Taylor,
3 but we'll move on and start the meeting. I know
4 that they are planning to attend.

5 So why don't we start up. Ben, do
6 you have the notice?

7 MR. MEISTRICH: Yes. Call to order.
8 In compliance with Chapter 231 of the public laws
9 of 1975, notice of this meeting was given by way
10 of annual notice filed with the Secretary of
11 State, the Press of Atlantic City, Camden Courier
12 Post, New Jersey Journal, the Trenton Times, the
13 Asbury Park Press, The Record, and the Star
14 Ledger.

15 Call to order New Jersey Civil Union
16 Review Commission, Barbara Allen, Charles Blustein
17 Ortman, Robert Bresenhan, Jr., Barbra Casbar
18 Siperstein, Patrick DeAlmeida, Steven Goldstein,
19 Sheila Kenny, Joseph Komosinski, Stephen Hyland,
20 Erin O'Leary, Kevin Taylor, Frank Vespa-Papaleo.

21 MR. VESPA-PAPALEO: It looks like
22 everyone is here either by phone or in person
23 except for Siperstein and Taylor. Why don't we do
24 the flag salute.

25 (Whereupon, the Pledge of Allegiance

1 was recited.)

2 MR. VESPA-PAPALEO: We've done the
3 roll call.

4 MR. HYLAND: I'm sorry. I couldn't
5 hear for a second.

6 MR. VESPA-PAPALEO: All right. We
7 just did the flag salute. Now, we're on No. 4 on
8 the agenda. Has everybody gotten a copy of the
9 agenda in your packets? It's a pink paper. And I
10 just want to get a motion to approve the agenda or
11 revise it in any way so we can move forward on it.

12 MS. KENNY: I'll make a motion to
13 approve the agenda.

14 MR. DEALMEIDA: Second.

15 MR. VESPA-PAPALEO: So Sheila Kenny
16 moved it and Patrick DeAlmeida second it.

17 All in favor of the agenda say aye.

18 THE MEMBERS: Aye.

19 MR. VESPA-PAPALEO: No one opposed,
20 so this is the agenda.

21 All right. In your packet in, I
22 think, light pink -- we have multiple pink shades
23 here -- are the minutes from the last meeting in
24 June. Hopefully, you've had an opportunity to
25 review it. Has anyone had an opportunity and want

1 to make any revisions to it? Or is it okay to
2 move approval of the minutes? Anyone want to make
3 a motion to approve the minutes or otherwise
4 revise it in any way?

5 MR. DEALMEIDA: So moved.

6 MR. VESPA-PAPALEO: Moved by Patrick
7 DeAlmeida.

8 I need a second on that.

9 MR. KOMOSINSKI: Second.

10 MR. VESPA-PAPALEO: Second by Joe
11 Komosinski.

12 All in favor of the minutes from
13 June, say aye.

14 THE MEMBERS: Aye.

15 MR. VESPA-PAPALEO: Anyone oppose?

16 REV. ORTMAN: Abstention.

17 MS. O'LEARY: I was not here either.

18 MR. VESPA-PAPALEO: So we have
19 abstentions from Rev. Taylor --

20 REV. ORTMAN: No, Ortman.

21 MR. VESPA-PAPALEO: Ortman, I'm
22 sorry.

23 MR. BRESENHAN: Frank, I was not
24 there, so should I -- this is Bob Bresenhan. Do I
25 need to abstain?

1 MR. VESPA-PAPALEO: You don't need
2 abstain if you read the --

3 MR. BRESENHAN: I did read the
4 notes.

5 MR. VESPA-PAPALEO: It's up to you.
6 I did send you a copy of the transcript, so it is
7 up to you if you want to abstain or not.

8 MR. BRESENHAN: Then I vote in
9 favor. Okay.

10 MR. VESPA-PAPALEO: So we have Erin
11 O'Leary abstaining and Barbara Allen.

12 Did somebody say something?

13 Those on the phone, please feel free
14 to speak up. We don't want to miss anything. We
15 don't want to miss you at all.

16 Let's move on to the election of the
17 Commission Secretary. I think it's helpful if we
18 had somebody in that position to assist us in
19 generating any public formal communication that we
20 might have to do in terms of dealing with notices
21 to the press, et cetera, to assist our staff. So
22 I would like nominate Steve Hyland to serve in
23 that capacity if he agrees to accept such
24 assignment. That's who I'd like to nominate.

25 Are there any seconds to nominate

1 Steve Hyland?

2 MR. GOLDSTEIN: Second.

3 MR. VESPA-PAPALEO: Seconded by
4 Steve Goldstein.

5 Any other nominations for secretary?

6 Seeing none, all in favor of Steve
7 Hyland as Secretary of the Commission, say aye.

8 THE MEMBERS: Aye.

9 MR. VESPA-PAPALEO: Any opposed?

10 Okay. Congratulations Stephen.

11 MR. HYLAND: I guess.

12 MR. VESPA-PAPALEO: Steve, your pay
13 gets doubled to serve as Secretary of the
14 Commission from what you're getting paid now, so
15 it's really good.

16 MR. HYLAND: At least I hope I get a
17 better parking spot.

18 MR. VESPA-PAPALEO: Let's move on
19 to, I guess, the chair's report. Commissioner
20 Siperstein is here. So welcome.

21 I'm going to pass around a few
22 items, and that way -- I'm going to pass them all
23 out now. And these are color coded so that
24 they're simpler to deal with. I'll go through
25 those in a minute.

1 MR. HYLAND: Frank?

2 MR. VESPA-PAPALEO: Yes.

3 MR. HYLAND: This is Stephen Hyland.

4 May I make a suggestions that all things that are
5 sent out as attachments should be sent out as a
6 PDF. A number of things were sent to me in a
7 strange format that I can't read.

8 MR. VESPA-PAPALEO: Yes. I
9 apologize. That will happen in the future. I
10 didn't have PDF program on my computer here in
11 Trenton, AND that's why you didn't get it in a PDF
12 this morning, but you will in the future.

13 MR. HYLAND: Okay, great.

14 MR. VESPA-PAPALEO: I apologize for
15 that.

16 What I do have here that I'm passing
17 out, the first item is a public -- I'll get you a
18 copy you as well. The blue sheet is a public
19 contact list of the Commission members, who's on
20 the Commission, and it has the phone number of the
21 Commission, the address and all that. Basically,
22 it's our Division on Civil Rights address here in
23 Trenton. It's to our attention, and we'll make
24 sure that we gather any information. It has our
25 fax number. We've set up an e-mail account, an

1 e-mail address for the Commission which will try
2 to centralize -- Reverend, Taylor welcome.

3 REV. TAYLOR: Thank you.

4 MR. VESPA-PAPALEO: And we'll also
5 have a website a web page up probably within the
6 next month. That's one item which list the
7 Commission members in what capacity or from which
8 department they represent.

9 I've also provided a copy of the --
10 it's on a white sheet of paper, double sided, the
11 committees for the Commission.

12 There's also on a gold colored sheet
13 a draft -- we'll talk about that during new
14 business. I just wanted to hand it out. That's a
15 form I'd like to use to start collecting the data.

16 On a pink sheet of paper, there is a
17 short report of the Civil Union complaints that so
18 far are at the Division on Civil Rights. And
19 that's what I handed out, okay?

20 So the contact list, feel free to
21 hand that out. We're going to post it on the
22 website.

23 The committee list is I want to
24 mention to you at this point. I did send around
25 recently, per your request, information about some

1 committees so we can get some of the work done.
2 And we've set up four committees. I want to make
3 sure I'm not missing something. I know all of you
4 gave input on how to set this up and what the
5 committee should do and who would like to be on
6 them. So that's what this list represents, the
7 appointments to the four committees. But I
8 welcome any more input before we kind of vote on
9 this committee so that I can make sure we're not
10 missing something. We have our Financial Impact
11 Committee, that's one of the key things that the
12 Commission is responsible to review; a Legislative
13 Committee to review and come up with potential
14 recommendations for legislative provisions, which
15 Sheila Kenny has agreed to chair; the Reporting
16 Committee will assist in the collection and
17 analysis of the data that we're collecting and
18 ultimately trying to draft the reports that go to
19 Legislature and Governor; and then the Liaison
20 Committee will really serve as the Commission's
21 liaison with various entities to make sure that we
22 get all the input that's required under the
23 statute from business communities, from clergy, et
24 cetera.

25 Any recommendations or any

1 additions? Anybody want to serve on other
2 committees than what's here?

3 MR. HYLAND: Frank, it's Steve
4 Hyland. Is the Liaison Committee going to be
5 working with the judiciary?

6 MR. VESPA-PAPALEO: The Liaison
7 Committee will work with the judiciary, yes,
8 ensuring that we get input from them as to how the
9 Act is being implemented at the judiciary.

10 MR. HYLAND: Well, it should go back
11 the other way also in terms of making sure that
12 the Act is reflected in the rules and that
13 appropriate rules are being passed. I mean, the
14 rules haven't been changed yet, clearly.

15 MR. VESPA-PAPALEO: No, they haven't
16 been. We can add that on, Stephen. That has not
17 -- I mean, I didn't explicitly state everything
18 because this is kind of a work in progress. But
19 we'll make sure that that gets in there as a
20 function of the committees.

21 Any other thoughts?

22 I guess we don't really need to take
23 a vote on this. If anyone has additional changes
24 or thoughts as we go along, please just let me
25 know and we'll consider those.

1 The next item is you is you see my
2 -- it's a very short report on pink paper of the
3 four complaints to date as this morning that have
4 been filed with our Division on Civil Rights
5 alleging civil union discrimination. Two of them
6 were filed back in late June. Actually, they're
7 the same complainant but against two different
8 entities. And then the other two are the
9 complaints against the Ocean Grove Camp Meeting
10 Association, which has been reported in the press.
11 Those are to date the only four verified
12 complaints that have been filed with our agency,
13 which means they then get investigated.

14 In the case of Ocean Grove, the
15 parties have all requested to sit down in
16 mediation, and that is scheduled for next Friday
17 the 27th.

18 Any I questions on those?

19 Next is -- I told you the gold page
20 is something we can discuss during new business.
21 This is a draft of sort of an inquiry form that
22 I'd like to discuss with you all.

23 We do have some hearing dates
24 scheduled. We're going to probably need a vote
25 for that by the end of the meeting, but I just

1 wanted to throw those out. We can discuss that at
2 new business as well. But we have obtained a
3 location for meeting on -- these are Wednesdays as
4 well but in the evening so they'd be available to
5 people that work during the day. September 26th
6 would be in New Brunswick at the New Jersey Law
7 Center, which is the headquarters for the State
8 Bar Association. And October 24th hearing would
9 be up in Newark at Essex County College. I don't
10 know the room number yet. The location is
11 tentative on that one.

12 MR. GOLDSTEIN: Frank, what's the
13 date of the first hearing again? I'm so sorry.

14 MR. VESPA-PAPALEO: The first
15 hearing is September 26th, Wednesday.

16 MR. GOLDSTEIN: What time?

17 MR. VESPA-PAPALEO: I've booked it
18 for many hours, so we can -- you all can tell me
19 what time you think we should start this. I was
20 thinking 6, 6:30-ish. Does 6:00 work? Maybe from
21 6 to 8, something like that. And then we have it
22 later if we need to extend it.

23 REV. ORTMAN: These are the same
24 dates that were anticipated.

25 MR. VESPA-PAPALEO: These were the

1 same dates that I had e-mailed a few weeks back,
2 yes. And I just got word that they were okayed.
3 So September 26th, 6 p.m. to 8 p.m. in New
4 Brunswick at the New Jersey Law Center. And the
5 other date is October 24, which is a Wednesday.
6 We can do the same time, I guess. This is at
7 Essex County College in Newark. That one is
8 tentative because the Board has to vote on giving
9 us that room later this week, but we don't expect
10 any problem. So I can confirm all that probably
11 next week. We'll send out a public notice like we
12 do to all the newspapers to make sure that there
13 is plenty of notice.

14 REV. ORTMAN: Having tried lots of
15 different meetings at church, 7:30 is when people
16 come.

17 MR. VESPA-PAPALEO: 7:30?

18 REV. ORTMAN: That's been what has
19 worked for us best.

20 MR. VESPA-PAPALEO: All right.

21 MS O'LEARY: Maybe we need to extend
22 it then, allow the 6, you know we can get our act
23 together for that period of time if it's quiet and
24 then extend it beyond 8.

25 MR. VESPA-PAPALEO: Like 6 to 9.

1 MS. SIPERSTEIN: Or 6:30. Because
2 people are still getting home from work or trying
3 to have a little bit of dinner.

4 MS. ATWOOD: You're going to have
5 two groups of people. People who are going to
6 come straight from work and they'll be happy if it
7 starts at 6 or 6:30, and people who have to go
8 home first, feed their children, feed their
9 families, figure out which one of them is coming
10 actually, pick up the babysitter, and they're be
11 happy if it's 7:30. So if you make it -- if it's
12 clear in the announcement that people can come to
13 sign up to give testimony but they don't have to
14 be there -- if you want to come and give
15 testimony, you don't have to walk in the door the
16 minute it starts.

17 MR. VESPA-PAPALEO: Should we make
18 it 6:30 to 8:30 as the published time and then we
19 can put in the notice, you know, you're welcome to
20 attend at any time?

21 REV. TAYLOR: Maybe that will land
22 us somewhere in a happy medium.

23 MR. HYLAND: How about a meeting in
24 South Jersey?

25 MR. VESPA-PAPALEO: That was Steve

1 Hyland. I'm going repeat some of your telephone
2 questions for the court reporter to be able to
3 understand. A south Jersey meeting.

4 REV. TAYLOR: Hearing.

5 MR. VESPA-PAPALEO: Hearing. You
6 tell me if you want to have a third hearing and we
7 want to do it in South Jersey. The other option
8 is in every six-month period we could do one
9 that's always in New Brunswick and then switch, so
10 one time we do it in the north, the next time we
11 do it in the south. You tell us.

12 MS. SIPERSTEIN: I think if you're
13 doing north, central, you really have to do south.

14 REV. TAYLOR: Yes. We have to
15 schedule in November.

16 MR. VESPA-PAPALEO: Do you think we
17 can fit another one in in October? I mean,
18 November we're getting into Thanksgiving and we
19 have to kind of -- we need about a month, at
20 least, to kind of gather all the testimony so we
21 can sort through it and write the report by
22 December, which is why I wasn't trying to schedule
23 any hearings in the month of November so that we
24 have enough time. But maybe I can try to find
25 something in the first week of November.

1 MR. GOLDSTEIN: Frank. I would
2 agree with Steve Hyland. So many of the
3 complaints that we're hearing are in South Jersey.
4 There's substantial population interest
5 particularly in areas like Moorestown and
6 Collingswood. I know it might be tough for some
7 members of the Committee, but even if we did it
8 within days of the Essex County hearing something
9 in South Jersey, I think it's only fair.

10 REV. TAYLOR: It may be grueling,
11 but we have to. That's probably where it's most
12 needed, I would think.

13 MS. SIPERSTEIN: So maybe somewhere
14 in between the September 26th and October 24th.
15 Spread it out 2 weeks, every two weeks have it.
16 And it would keep the interest. If somebody
17 missed one for some reason, they could attend the
18 other. So you have three within a month or
19 four-week period, roughly, it looks like. That
20 would make more sense.

21 MR. VESPA-PAPALEO: Okay. I'll call
22 the woman who is helping us find these locations.
23 She does this for the Attorney General's Advocacy
24 Clinic so she's got the contacts with the colleges
25 and so on. Because we're trying to find free

1 locations.

2 MR. HYLAND: I can recommend Camden
3 County College campus in Cherry Hill. There's a
4 substantial campus in Blackwood.

5 MR. VESPA-PAPALEO: In Blackwood,
6 yes, we had that conference. Okay.

7 MS ATWOOD: That was accessible,
8 too.

9 MR. VESPA-PAPALEO: In terms dates,
10 if we want to do it between September and late
11 October dates, you want to try October 3rd or
12 October 10th?

13 REV. TAYLOR: October 10 is what?

14 MR. VESPA-PAPALEO: These are
15 Wednesdays.

16 REV. TAYLOR: The 10th is not as
17 grueling for me. The 3rd, is total complications.

18 MR. HYLAND: What are the high holy
19 days?

20 MR. VESPA-PAPALEO: We're checking
21 now. I don't have that on my Blackberry.

22 MS. ATWOOD: They are in September
23 this year.

24 MR. MEISTRICH: I think the 26th is
25 after Yom Kippur.

1 MR. VESPA-PAPALEO: I know the two
2 meeting dates don't conflict with the high holy
3 days; we checked that. But I don't know about the
4 third day.

5 REV. ORTMAN: It's in September.

6 MS. SIPERSTEIN: It's September.
7 It's earlier this year. Roshashana is the evening
8 of the 12th. So that means Yom Kippur should be
9 on a Thursday evening -- Friday evening, the
10 evening of the 21st.

11 REV. TAYLOR: Let's try for the
12 10th.

13 MR. VESPA-PAPALEO: So we can try
14 for the 10th, okay.

15 MS ATWOOD: How about Columbus.

16 MS. SIPERSTEIN: Columbus day is
17 Monday, so that's not --

18 MR. VESPA-PAPALEO: What I'll do is
19 I'll check after the meeting if we can find a
20 location for the 10th of October in Cherry Hill,
21 Camden County area, and then I'll report back to
22 you. So what I'll do is I'll wait before -- we
23 can probably get this worked out this week or next
24 week. So I'll wait to send the notices out so we
25 can do them all at once so people know ahead of

1 time all three dates.

2 MR. DEALMEIDA: Frank, I suggest
3 that we do more than the standard public meeting
4 notice, please. Maybe our Liaison Committee can
5 help with that to distribute the notice directly
6 to entities.

7 MR. VESPA-PAPALEO: Good idea.
8 Did you hear that, Stephen?

9 MR. HYLAND: I did.

10 MR. VESPA-PAPALEO: Your committee
11 already has an assignment.

12 We will do that. And so that we
13 will have all three. So we'll just make that
14 standard. Every time we do hearings, we'll do a
15 north, central, and south.

16 One item which I did not hand out
17 but I just wanted to part of the Chair's report,
18 report on this so you can anticipate this if it's
19 something you want to do. The Division on Civil
20 Rights is working on a special project to assist
21 employers to make sure that they have the tools to
22 assess their policies and practices to make sure
23 that they are complying with the law, with the
24 Civil Union Act. So what we're doing is we're
25 creating a self-assessment tool that will give to

1 employers that they can use on their own. It
2 doesn't get sent back to us, but it really is sort
3 of a checklist of things to look for. It doesn't
4 just focus on civil unions, but because we've had
5 so many changes in the law even in regard to
6 gender identity or expression, sexual orientation,
7 we put it all together into one. So what I would
8 like to invite -- if the Commission wants to, I
9 can share a draft copy, and if the Commission
10 would like to offer suggestions as to the civil
11 union piece, since this Commission doesn't speak
12 on other issues, we would certainly invite that so
13 that we make sure that we tie that in. So I could
14 present that to you at the next meeting, just so
15 you know that ahead of time.

16 MS. SIPERSTEIN: That would be
17 helpful.

18 MR. VESPA-PAPALEO: And then the
19 final item is -- I'll just pass these out as well.
20 This is something perhaps for a future meeting.
21 One of the items that the Commission is
22 responsible for is collecting and analyzing data
23 from same sex couples who have entered into civil
24 unions. And I just had a preliminary conversation
25 with someone who heads up the Monmouth University

1 Polling Institute to see if perhaps they might be
2 able to offer some assistance in collecting data
3 from those who are in civil unions. And so the
4 thought is maybe that organization can assist in
5 -- with their expertise, assist in collecting data
6 about how a civil union is working for those who
7 are in the civil unions already. That would be
8 something, I think, for one of the committees to
9 look at. But my thought is, you know, if you want
10 to look into this, we can invite this person to
11 the next meeting and see what they really do. I
12 don't know enough about the organization and its
13 effectiveness, but --

14 MR. GOLDSTEIN: Frank, I have a
15 quick question for Commissioners. How public are
16 civil union records? I know it's a question
17 privacy as to whether the couples want to be
18 contacted, but are the names public for us to
19 contact, or is that considered very private?

20 MR. HYLAND: This is Steve Hyland.
21 I believe that they are to be treated the same way
22 as marriage records, which I understand are
23 available. I know that there's been some
24 regulation proposed to make some of these records
25 less -- more private, but I'm not sure that that's

1 ever been passed.

2 MR. KOMOSINSKI: This is Joe
3 Komosinski, the State Registrar. The records are
4 not public in the fact you can't come in and get
5 information or copies of the records. The press
6 is allowed to come in and review them, redacted
7 records. We do consider information on the record
8 to be confidential. So it's not carte blanche
9 that you have access to the full record. So we
10 would remove if the general public or someone
11 wanted it to be that record, it would not contain
12 any address information, which is the only --
13 other than their name is the only identifying
14 information. There's no phone number that's
15 collected on the actual certificate and license.

16 MR. HYLAND: But somebody can search
17 for a particular person's name to see if they are
18 married or in a civil union, correct?

19 MR. KOMOSINSKI: Not through the
20 State. Not through Vital Records. In order to be
21 able to obtain a copy of that record or verify if
22 that record exists, you have to be able to
23 identify that record by the names of the
24 individuals, the date and place that the event
25 occurred. So if they can't identify the record,

1 then they can't get a copy. You can't call in and
2 say, "I want to find out if there's a marriage or
3 a civil union on file for a particular person."

4 MR. HYLAND: Okay.

5 MR. VESPA-PAPALEO: So in terms of
6 this issue with polling them or surveying them, we
7 would have to really carefully work through, you
8 know, probably notifying them well ahead of time
9 to see if they want to participate in a polling or
10 a survey or something like that. But I'm just
11 talking conceptionally having an outsider --

12 MS. O'LEARY: How do we notify them
13 if we're not permitted to have their addresses?

14 MR. KOMOSINSKI: I have their
15 addresses. I can from my office notify them.

16 MR. VESPA-PAPALEO: Well, perhaps
17 that could be a request of the Commission, because
18 the Commission has to deal with state agencies to
19 collect data. Maybe a formal request from the
20 Commission to the registrar to do this in a way
21 that obviously comports with the law.

22 MR. DEALMEIDA: That would probably
23 be within Joe's statutory authority to share the
24 information with us as far as names and address.
25 And if we sent it out with an opt in provision,

1 they call the polling company if they want to opt
2 in to being polled, we should be okay.

3 MR. VESPA-PAPALEO: All right.
4 Should we invite this guy in to the next meeting
5 to tell us a little more about what they really
6 do? Are you all okay with that, if he's even
7 available? It's August, so I don't know what
8 their availability is.

9 MS. O'LEARY: Do we also have to
10 comply -- I mean, I presume that there would be a
11 fee attached to this.

12 MR. VESPA-PAPALEO: I'm sure there
13 would be, but --

14 MS. O'LEARY: And maybe a bid
15 requirement?

16 MR. DEALMEIDA: There may be a bid
17 requirement. We also don't have an
18 appropriations, so we don't have money to pay
19 anyone if we were to sign a contract. So that's a
20 question we have to address.

21 MR. GOLDSTEIN: Along those lines,
22 if there are people who transportation and they
23 can provide there own transportation or they give
24 funding for it, is that allowed.

25 MR. DEALMEIDA: I'm sorry. Who

1 provides the transportation?

2 MR. GOLDSTEIN: First of all, let's
3 say people willing to pay themselves, the same
4 people. Let's we have people who want to fly from
5 Massachusetts to talk about their experience.

6 REV. ORTMAN: Steve, can you get
7 closer to your speaker phone.

8 MR. GOLDSTEIN: Can you hear me now?

9 MR. VESPA-PAPALEO: Yes.

10 MR. GOLDSTEIN: I'm sorry.

11 So the question is, how -- suppose,
12 for example, somebody wants to testify in a civil
13 rights organization or other entity is willing to
14 pay for their travel. Is that allowed?

15 MR. VESPA-PAPALEO: You mean like to
16 a hearing?

17 REV. TAYLOR: If somebody's prepared
18 to come from out of town.

19 MR. DEALMEIDA: If somebody else, if
20 some non-government entity want's to pay for them
21 to come here, that's perfectly permissible. We
22 wouldn't have any reason to inquire how somebody
23 got to the meeting.

24 MR. GOLDSTEIN: Like a 501K3
25 not-for-profit or some staff we're not going to

1 get much in time for the next hearing to ask to
2 bring people in as a Commission, so I just wanted
3 to check.

4 MR. VESPA-PAPALEO: I would not
5 count on us having -- even if we had an
6 appropriation, there are very, very broad
7 restrictions on the use of that money for travel,
8 even for state employees, never mind outsiders who
9 aren't even employed by the State. So I would say
10 we shouldn't even think of that option being
11 available.

12 REV. TAYLOR: I think his concern
13 was if they get here and then something in the law
14 prohibits from being here.

15 MR. VESPA-PAPALEO: No, I don't
16 think there's anything prohibiting a private
17 person from showing up to the hearing and getting
18 their travel paid by whoever they work with or
19 their organization.

20 MS. SIPERSTEIN: Perhaps, Frank, in
21 that same vein, we're talking the possibility of
22 polling; we don't have funds. But if we found,
23 say, a 510C3 that could give us a grant to do
24 polling, would that be something that could be
25 done? I'm just -- as a conjecture.

1 MR. VESPA-PAPALEO: I think we'd
2 have to probably look into that and do the
3 research.

4 MS. SIPERSTEIN: If it's from a
5 legitimate 501C3.

6 MR. VESPA-PAPALEO: What we'll do is
7 we'll check that out with the Attorney General's
8 Office for the next meeting, because there are a
9 lot of restrictions even on the receipt of
10 donations to state agencies. We'll sort through
11 that and report back.

12 MR. DEALMEIDA: Generally donations
13 to any state entity have to go through the general
14 fund and be appropriated back out.

15 MS. SIPERSTEIN: So it would be much
16 more directed to do it directly --

17 REV. TAYLOR: That could be the
18 donation, the information.

19 MS. SIPERSTEIN: But the Commission,
20 if that were done through a separate 501C3, we
21 would -- as long as we're happy with the
22 methodology and everything, we would accept the
23 findings of the poll.

24 MR. VESPA-PAPALEO: I mean, the
25 Commission has to vote on the findings on what

1 they, I think, believe is accurate or inaccurate.
2 But I think we would -- I mean, we're going to be
3 able to welcome testimony and information from
4 anyone, you know, and I think that's part of the
5 process. So whether it's from a reputable polling
6 firm, company, or even just somebody doing their
7 own little survey on a street corner, all of that
8 really is contemplated for our discussion here.
9 So that might be one thing for groups to look at.

10 REV. ORTMAN: Are we anticipating
11 that there is going to be a budget for the
12 Commission?

13 I mean, why would we talk with a
14 vendor about vending?

15 MR. VESPA-PAPALEO: We anticipate
16 that there will be monies available to the
17 Commission but, you know, the Legislature has
18 finished their budget for '08, so it's just too
19 late because of when we started this. But
20 promises have been made that certain costs are
21 being covered. For example, the court reporters
22 and the telephone conferencing and all that, those
23 are being budgeted through our budget, through the
24 Division on Civil Rights budget right now. But
25 with any expenditure, it has to go -- there's a

1 very deliberate process. Anything has to go
2 through -- whether it's this Commission or whether
3 it's the Division on Civil Rights, you know, wants
4 to use a polling company, for example, there's a
5 very strict procedure for doing that. All I'm
6 suggesting is we bring him in to learn. If it's
7 even something we want to do. It may be that it
8 doesn't really get us what we want and then we say
9 no thanks. But if it does, then we can take the
10 next step of inquiring how do we do this.

11 MS. KENNY: Actually, a poll might
12 be later down the road after the law's been in
13 place for a year, because you're following people
14 who anticipate entering into a civil union. That
15 will enter until October or Christmas time or
16 whatever. We'll have more.

17 MR. DEALMEIDA: There's a peculiar
18 aspect about our charge. Since we have to report
19 every six months, the law is new, we're going to
20 be reporting on very little data the first time
21 and second time, too, really. It's not until the
22 end that we'll have an appreciable amount of
23 information. The polling person may tell us that
24 the poll wouldn't be valuable only in the first
25 six months of the statutes.

1 MS. SIPERSTEIN: It's worth finding
2 out.

3 MR. VESPA-PAPALEO: From my brief
4 discussion from him, and it was getting a little
5 more complex than I was comfortable with, but in
6 terms of the polling that the institute does, they
7 have, I guess, regular quarterly poles that they
8 pole throughout the state on myriad issues. And
9 what they do for clients is they can add in
10 certain numbers of questions each time they go out
11 with a poll. So while they may be polling on, you
12 know, what's the state of affairs in New Jersey?
13 And then they would add questions from Department
14 of Treasury on are with your rebate checks coming
15 back in time, things like that. So they can add
16 specific questions to their already existing
17 polls, and that's a less expensive alternative
18 than them creating something from whole cloth.
19 But these are questions we can certainly ask. If
20 there are other polling institutes that you think
21 we should invite in, let me know. This one, they
22 happened to send a letter a year ago and it was
23 still in a pile on my desk, so I called. That's
24 the only reason why went to this. I don't know
25 this guy from anyone else. So if you have others,

1 please send them my way and we'll invite them in.

2 That's all I have from my report.

3 Sorry that it took so long.

4 How about now we go around and get
5 some of our other reports. Let's start with the
6 Vice Chair, Steve Goldstein. Do you have any
7 report?

8 MR. GOLDSTEIN: As everybody knows,
9 the big news since our last meeting was the UPS
10 story that was on the front page of the Ledger.
11 There is no update on that. It was an interesting
12 UPS story. UPS is hardly alone, but I guess
13 because of the placement of where it was in the
14 State's largest newspaper that really captured
15 public imagination. If anything, it's accelerated
16 the number of public complaining that there's
17 similar situations. And as of today, 191 couples
18 have complained to Garden State Equality, couples
19 actually that they too are in situations like the
20 UPS situation. So do we know the number of
21 couples that are in civil union as of today?

22 MR. VESPA-PAPALEO: That will be in
23 Joe's report, which I think will be next.

24 MR. GOLDSTEIN: There's nothing to
25 report other than 191 couples contacting Garden

1 State Equality.

2 MR. VESPA-PAPALEO: Thank you,
3 Steven, for the most long distance report.

4 Joe.

5 MR. KOMOSINSKI: I'll pass this
6 around. I'll share it with you. Our total so far
7 as of today, we have 1,359 couples that have
8 entered into a civil union; 850 of those are
9 female-female couples, and 509 of those are
10 male-male couples. For reaffirmations of civil
11 union, there are 48. There's a breakdown, 7 from
12 Massachusetts, 28 that were in Vermont, 12 from
13 Canada, 1 from Amsterdam.

14 MR. GOLDSTEIN: What was that again,
15 7 from Massachusetts?

16 MR. KOMOSINSKI: Seven had entered
17 into a civil union or entered into another
18 relationship in Massachusetts, 28 from Vermont, 12
19 from Canada, and 1 from Amsterdam, for a total of
20 48.

21 And then since the inception of the
22 Civil Union Act, implementation of that, there
23 have been 14 domestic partnerships that have been
24 registered, five of those were female-female
25 couples that were over the age of 62, and 9 of

1 those were male-female couples over the age of 62.

2 I am still waiting to get
3 information back from the other states as far as
4 how many New Jersey residents have entered into
5 unions in their state, so I hope to have that for
6 the next meeting.

7 MR. DEALMEIDA: Joe, can we
8 determine how many people in domestic partnerships
9 converted their partnerships to civil unions?

10 MR. KOMOSINSKI: Not at this time
11 because our computer system hasn't been updated to
12 allow us to enter civil union data. We're working
13 on that now. So right now, it's all manual
14 physical count versus being able to do any data
15 analysis. So, hopefully, in the next couple
16 months we should be able to look at those numbers.

17 MR. HYLAND: I know that I talked to
18 Patrick DeAlmeida about this earlier in the week.
19 Has anybody sent out the notices to the domestic
20 partners that are required under the statute?

21 MR. KOMOSINSKI: The notice that we
22 gave, we gave notice in the paper as public
23 notice. We didn't send out specific notices to
24 each couple for a couple different reasons. One
25 is that we didn't retain their -- we didn't enter

1 their address information to our database, so we
2 would have to do that manually. The other one was
3 a concern that if a couple had moved and were not
4 public about their relationship and we sent a
5 notice to their previous address that the new
6 tenant or someone would get that notice. So I
7 know Patrick and I have talked about if we need to
8 do something further, but at this point, that's
9 the notice that we've given.

10 MR. DEALMEIDA: We've also put
11 notice in the New Jersey Register.

12 MR. KOMOSINSKI: Right.

13 MR. VESPA-PAPALEO: Joe, do you have
14 a rough idea of how many people have become
15 registered domestic partners total?

16 MR. KOMOSINSKI: I don't have that
17 number off the top of my head. I can send that as
18 a e-mail to everyone before the next meeting when
19 I get back to the office.

20 MR. VESPA-PAPALEO: All right.
21 Thank you.

22 Any questions for Joe?

23 Let's go around the table. If
24 anyone has a report, feel free to offer whatever
25 you'd like.

1 Barbara.

2 MS. SIPERSTEIN: Nothing yet.

3 MR. VESPA-PAPALEO: Reverend Ortman.

4 REV. ORTMAN: Nothing.

5 MR. VESPA-PAPALEO: Mr. Bresenhan.

6 MR. BRESENHAN: Yes, Frank. Calling

7 in from Time Square. I know Steven is in

8 Jerusalem. Anyway, the one thing that I did speak

9 to you about briefly, and I just wanted raise the

10 awareness was there still seems to be a little bit

11 of a breakdown within the state as far as -- I got

12 a call from a couple who got their homestead

13 rebate for an amount and there was nowhere to fill

14 in domestic partner or civil unions or anything

15 like that. It was still married, single, and I

16 think that was basically it. Just so that we

17 reiterate the Department through us if they are

18 correcting documents and amending documents if

19 need be for this situation.

20 MR. DEALMEIDA: This is Patrick

21 DeAlmeida. I think that the homestead rebate form

22 reflects the tax filing status for 2006. There

23 were no joint filings for civil union couples in

24 2006 because the statute took effect in '07 so

25 that probably explains the single, married. It's

1 probably a filing status question, but I'll pull
2 up one of notices and take a look.

3 MR. KOMOSINSKI: I know that's one
4 of the things that we notified the local
5 registrars with regard to taxes, because we saw
6 that with domestic partnership, that many people
7 wanted to file it for the previous year and the
8 tax forms didn't address that. So it was factor
9 of the fact that you're filing last year's taxes
10 and you couldn't enter that relationship until
11 this year.

12 MR. DEALMEIDA: There were no joint
13 tax filings for domestic partners, only for civil
14 union partners, so that will start with the '07
15 tax year, the returns that are filed in April '08.

16 MR. VESPA-PAPALEO: But, Bob, that's
17 a good thing to put on the to-do list to check the
18 latter part of next year to make sure that
19 Treasury prepares the forms with that in mind. So
20 we'll put that on the list. Thank you for
21 reporting that.

22 MR. BRESENHAN: Very good. And
23 also, Frank, I am going to drop off the call.
24 Thank you, everyone.

25 MR. VESPA-PAPALEO: Thank you. Take

1 care.

2 MR. HYLAND: This is Stephen Hyland.
3 Along that line, I would question whether or not
4 even though it wasn't provided to domestic
5 partnerships whether or not the Lewis decision
6 kind of mandates that it should be required or
7 that it should be provided, at least up until
8 there was a status provided.

9 MR. DEALMEIDA: If I could address
10 that. That question is pending in the Appellate
11 Division in the Quatro case, a couple sought to
12 file a joint tax return for '06 based on a
13 Canadian marriage that they entered in '03. We
14 had argument in end of May; waiting for a
15 decision. So the Appellate Division will provide
16 with us a guidance on that question shortly.

17 MR. HYLAND: Okay. I wasn't aware
18 of that.

19 MR. DEALMEIDA: It kind of snuck in.
20 It was an emergent appeal. I did the brief in a
21 few days and argued it. It get a whole lot of
22 attention, but it's up there.

23 MR. VESPA-PAPALEO: Okay.

24 Ms. Siperstein.

25 MS. SIPERSTEIN: Nothing at this

1 time.

2 MR. VESPA-PAPALEO: Reverend Taylor.

3 REV. TAYLOR: Nothing.

4 MR. VESPA-PAPALEO: Patrick.

5 MR. DEALMEIDA: Nothing to report.

6 MR. VESPA-PAPALEO: Sheila Kenny.

7 MS. KENNY: I have nothing to

8 report. We have not been getting -- the

9 Department of Banking and Insurance, we have not

10 been getting complaints. And most of the

11 complaints, I think, that have been highlighted in

12 newspaper articles are policies that aren't

13 regulated by the State. But the Department is

14 willing to look into someone's coverage and see if

15 it falls within state regulated plan at any time.

16 So if these 191 complaints need to be looked at

17 further, the Department of Banking and Insurance

18 can do that.

19 MR. GOLDSTEIN: That's great. In

20 fact, we will contact couples. We are encouraging

21 couples to complain to Garden State Quality which

22 is a voluntary organization. We hope they do. We

23 notice that there is still this great fear of

24 folks.

25 MR. VESPA-PAPALEO: It's hard to

1 hear you again, Steven.

2 MR. GOLDSTEIN: I'm sorry. There's
3 still a great fear of folks or confusion of folks
4 wanting to a complaint, formal complaints to the
5 government. Even the UPS couple has not yet filed
6 a complaint. So for whatever reason no
7 correlation between -- there's no correlation
8 between the number of folks who have filed
9 complaints in government and those who actually
10 have experienced some real world discrimination.
11 We tell couples don't be afraid to complain to the
12 government, and they're scared even though it's a
13 very friendly, wonderful government we have in New
14 Jersey.

15 MR. HYLAND: This is Steve Hyland.
16 That seems to be a question of education and
17 getting that information out there. That might be
18 something that GOC is really hooked into being
19 able to do.

20 MR. GOLDSTEIN: We're aggressive in
21 telling people, "Look, please complain to
22 government, not just us." And they're afraid of
23 retributions. We'll keep chipping away at it.
24 We're trying really hard.

25 MS. KENNY: And maybe this

1 Commission can develop some guidelines for the
2 citizen to know who to complain to. The
3 department that I work for, people are complaining
4 about UPS. Well, we don't regulate an employer;
5 we have no jurisdiction over them. So we wouldn't
6 be the appropriate person if you're complaining
7 about UPS and so and so forth. I mean, it can be
8 very complicated and overwhelming to the average
9 person and they don't really have -- it's a
10 full-time job to figure out who you need to direct
11 your issue to. And maybe through our work here,
12 we can clarify some of that.

13 MR. VESPA-PAPALEO: I think that's a
14 great idea. I think there's a real need for that.
15 We have enough people on here that really can tap
16 into getting that information out. And I think
17 that's part of developing the right process so we
18 collect the right kind of information and can
19 translate that into some action.

20 MS. KENNY: Or if there's FAQs on
21 the website for this Commission a few months from
22 now, saying, "I have a problem with my insurance;
23 who do I call?" I have a problem with my
24 employer; who do I call?" Maybe make it more
25 easier that way.

1 REV. TAYLOR: If we could do
2 something to set that up. Steven Kyles Civil
3 Union, let him ask a bunch of questions and make
4 it really people friendly.

5 MR. VESPA-PAPALEO: Maybe give him
6 examples of common questions, so people can --

7 REV. TAYLOR: And simply stated, you
8 know what I mean. Make them paragraph long and
9 people are going to be like, "I don't understand."

10 "Went to doctor and they wouldn't
11 treat me; what do we do?"

12 "We want to get married and they
13 won't let us; what do we do?"

14 MR. VESPA-PAPALEO: Okay. Well, I
15 know the Civil Rights staff can certainly help
16 with that and with this Commission maybe try to
17 develop the right kinds of examples for FAQs that
18 we can put on-line.

19 Just so you know, the website stuff,
20 we're probably about a month or two away getting
21 that just because there's a process for us to go
22 through as that to develop that.

23 REV. TAYLOR: By the first hearing,
24 so not so bad.

25 MR. VESPA-PAPALEO: Erin, anything.

1 MS. O'LEARY: Nothing to report.

2 MR. VESPA-PAPALEO: Steve Hyland,
3 anything?

4 MR. HYLAND: Oh, yeah, of course.
5 Several things. I've had -- one client has told
6 me an incident where they went to the Department
7 of Motor Vehicles to register a name change
8 pursuant to their civil union and they got a very
9 odd response. The one partner was required to put
10 his name first -- they wanted to hyphenate their
11 names -- and the other partner was required to do
12 it exactly the reverse. So they would have been
13 Adams-Jones would have been one of them, and the
14 other would have been Jones-Adams. Apparently,
15 this is something that's also done for married
16 couples, so it's not an issue of dispirit
17 treatment, it's just a clumsy name change issue at
18 the DMV and probably should be looked at in terms
19 of some form of regulation.

20 Another area is in the area of
21 judgement of name change in general or getting
22 some form of a name change in general. As many of
23 you know, the federal government is refusing to
24 accept a civil union certificate as proof of a
25 name change. And I was interested as to whether

1 or not we could see if we can get some sort of
2 short-circuited procedure for getting a judgment
3 of name change issued when either marriage or a
4 civil union takes place. Such a judgment would
5 probably be accepted by different federal agencies
6 like passport, the State Department for getting
7 passports and things like that.

8 Then there's some other types of
9 things that maybe with the Liaison Committee we
10 can talk to the judiciary about getting some of
11 these things done in a short circuited way so that
12 same sex couples are not required to go through
13 the extra expense of, for example, of formal name
14 change, something that a married couple doesn't
15 have. I realize it's not the fault of the State.
16 But I think that the State needs to help support
17 all of its citizens and facilitate, at least,
18 these types of things. So that was one issue.

19 Another had to do with the future of
20 domestic partnership and whether we started to
21 think about that, because that's one of the
22 mandates of the Commission. And I'm thinking that
23 maybe we need to have a series of hearings at some
24 point or another on whether that should be
25 continued as a status for seniors or even for

1 couples who are otherwise prohibited from marrying
2 or entering into a civil union in some states.

3 And if that's not enough, the other
4 thing has to do with in the area of elder law we
5 get the federal government kind of sticking its
6 finger on top of the State as far as areas,
7 particularly Medicaid. And I think we need to be
8 looking at how regulations either can be drafted
9 in a way to avoid the effective DOMA or maybe some
10 other options in terms of providing Medicaid.

11 I have looked at Vermont's
12 situation, and one of the things that they've done
13 is they've taken the position that when they are
14 providing Medicaid to a same sex couple in a civil
15 union, it is strictly coming out of state funds so
16 that they don't have any interference with the
17 federal government.

18 So that's enough for today, I would
19 think.

20 MS. SIPERSTEIN: Steven, as far as
21 -- a couple things. As far as the domestic
22 partnership, that's one of the things I thought
23 would be part of the Liaison Committee as we reach
24 out to AARP and other senior groups to consider
25 the viability of keeping domestic partnerships for

1 seniors.

2 The other question I had
3 specifically as far as the name change at the DMV,
4 I've done some work with the DMV. I know one of
5 the old problems was a lack of consistency among
6 the individual offices. So you could perhaps
7 e-mail us some of the specifics, you know, with
8 something I could certainly go back and talk to
9 Sharon or Sean at the DMV and get the exact
10 policy.

11 MR. HYLAND: Okay. That would be
12 useful. Because this was in the office near
13 Asbury Park.

14 MR. DEALMEIDA: Steve, this is
15 Patrick. I've been looking through the statute
16 since you brought that up and I finally found it.
17 I thought it was specifically addressed in here,
18 and it is, that the right of a spouse to a sir
19 name change is one of the rights for a civil union
20 couple. So it should be exactly the same. I
21 don't see how DMV can ask any couple to hyphenate
22 their names. They're doing it anyway.

23 MR. HYLAND: Patrick, they're not
24 requiring them to hyphenate the name, but they're
25 doing it in a strange way if the couple wants to

1 hyphenate the name. So one partner if their
2 maiden name is Johnson, then they would become
3 Johnson-Smith and the other partner whose maiden
4 name is Smith would become Smith-Johnson.

5 MR. DEALMEIDA: And they're not
6 giving anybody a problem if they just want to
7 become Johnson? If they were Smith and they want
8 to become Johnson, that's okay?

9 MR. HYLAND: Yes. That's okay.
10 They're not giving them any the problems at all on
11 that. They said, we can do that it that way.
12 It's the hyphenation apparently that's being done
13 the same way for opposite sex married couples.
14 And it just seems strange that a couple can't
15 choose one form of a hyphenated name and have the
16 same for both couples.

17 MR. DEALMEIDA: It seems odd to me
18 that DMV would have the authority to tell people
19 what their last name would be. They're really
20 just a recording agency for your driver's license.
21 They shouldn't be dictating to you what your name
22 is. It would come from somewhere else.

23 MR. KOMOSINSKI: With the local
24 registrars it's the exact opposite. We recommend
25 that if they do hyphenate that they use the same

1 order of hyphenation because so it appears the
2 same way. It's a direct conflict of what we do.
3 If the couple presented and said, no, we want it
4 to be listed different, we would allow that. We
5 just recommend that you do it to make it for ease
6 but we wouldn't dictate to them, because, again it
7 is their name and it's an assumption of a name, so
8 they would have that right.

9 MR. VESPA-PAPALEO: That sounds like
10 a good opportunity to assist in working through
11 the Liaison Committee. DMV would be one of the
12 top agencies to connect with and kind of work
13 through these issues.

14 I've heard rumblings when domestic
15 partnership came out that there were issues about
16 having to show documentation at the time, and I
17 think it was worked out. There was an issue back
18 when domestic partnership began before civil
19 unions were around that when somebody went to
20 certain MVC offices. And now they have the four
21 or five-point check for your name, six points
22 whatever, 18 points, whatever it is, that one of
23 the things that they would accept is a marriage
24 certificate and some were not accepting domestic
25 partnership certificates. And I did have a

1 conversation at the time, and they did address it
2 in that office. But it is one of those where it's
3 an education issue and there was no regulation
4 that prohibited them from looking at a domestic
5 partnership certificate. It's just someone didn't
6 know that that was acceptable. So communicating
7 with them would be great.

8 Stephen, with regard to your
9 question about domestic partnership and its
10 viability going forward, that is actually one of
11 the functions of the Legislative Committee, which
12 you're on. It's to actually specifically focus --
13 the last item of the Civil Union Commission is to
14 review Domestic Partnership Act to see whether or
15 not there are recommendations to change it in any
16 way, keep it or not.

17 Any other reports before we move on?

18 REV. ORTMAN: Question on that.

19 MR. VESPA-PAPALEO: Yes.

20 REV. ORTMAN: In the regular
21 hearings that are going to be held, there's no
22 reason preclude conversation about domestic
23 partnership, right?

24 MR. VESPA-PAPALEO: No, not at all.

25 I think that should be included. What I think we

1 could do at the next meeting is maybe go through
2 some -- I don't want to say we want to direct what
3 will happen at the hearings, but it would be
4 helpful to maybe list a few items to give people
5 some guidance as to what the items that the
6 Commission has jurisdiction over. We have to be
7 very careful to make sure that we focus on what
8 the Legislature said we're allowed to focus on and
9 nothing more and nothing less, and the public
10 certainly doesn't necessarily know that. So we
11 will make sure that we share that with them. So
12 we definitely want to get some of that domestic
13 partnership stuff out there.

14 Then let's move forward to a
15 mis-numbered agenda here, what should be No. 9,
16 new business. This is the gold sheet. We talked
17 at the last meeting, several of you had requested
18 that we try to develop some process, some written
19 form that we can use and share with people,
20 especially state agencies and organizational
21 groups to kind of report problems, questions that
22 they hear about. So this was developed by Bear
23 Atwood, actually. It's a permutation of the form
24 she developed for our office at the Division. I
25 just wanted to share with you and see what you

1 think. Let me know. What do you think?

2 Patrick.

3 MR. DEALMEIDA: I have one
4 suggestion. Where it says name of inquirer,
5 perhaps we put "not required" to help address the
6 question of those who are fearful of retaliation.

7 MS. SIPERSTEIN: You just want to
8 put optional?

9 MS. O'LEARY: For some of our
10 organizations, though, the inquirer themselves
11 probably would be confidential. Like, for
12 instance, we have a DYFS situation, the fact that
13 there exists a DYFS case would be confidential so
14 we wouldn't even put the name.

15 MR. DEALMEIDA: Same thing probably
16 for the Tax Department if they got anything.

17 MR. VESPA-PAPALEO: Well, should we
18 even --

19 MR. DEALMEIDA: Do we need the name
20 of the inquirer?

21 MR. VESPA-PAPALEO: Do we need that?
22 I mean, I don't know if we need it. I mean, we
23 put it in here so that if it's something that we
24 have some ability to help with, we can communicate
25 to them, but that's not necessarily something we

1 have to do.

2 MS. O'LEARY: I think we leave it in
3 and put in there optional, or maybe we use another
4 word like "optional" or "not required." I'll
5 think of something.

6 MR. DEALMEIDA: Well, would we reach
7 out to people -- well, I guess this is going to
8 come from an agency.

9 MR. VESPA-PAPALEO: The goal would
10 be like each agency has it or whoever does, you
11 know, communicating with the public would have
12 these and then they would send it into us.

13 MR. DEALMEIDA: We're also going to
14 give it to private groups?

15 MR. VESPA-PAPALEO: We would give it
16 to private groups, too.

17 MR. DEALMEIDA: So there might be a
18 hesitation there. If they turn this in, we
19 wouldn't want to then give this to an agency to
20 say follow-up with this person. If they haven't
21 reached out to an agency, they may have done that
22 intentionally.

23 MR. VESPA-PAPALEO: Maybe I can
24 focus it a little bit more. The very end of the
25 first paragraph, I put in this Commission has no

1 power to investigate civil union complaints, what
2 it's charged with so that this information will be
3 used for data collection and analysis only. But
4 maybe most won't read that. Maybe I can make that
5 a little bigger.

6 Bear, you have a thought?

7 MS. ATWOOD: Well, in terms of the
8 name contact information, some of the people who
9 have called into our agency have clearly gotten
10 the word from advocacy groups, which is great,
11 that, you know, if there's something going on, let
12 the Division on Civil Rights know. And sometimes
13 they said, "I don't want you to do anything. I
14 want you to have my contact information." They
15 want to know that they've gotten their issue into
16 -- you know, a couple of them have said "into the
17 permanent record." So there may be people who
18 really will want to be able to know and will
19 frankly want to be able to follow-up, you know,
20 did their form get received.

21 REV. TAYLOR: That is going to be
22 really tricky.

23 MR. VESPA-PAPALEO: Well, you know
24 what? Maybe I can put in something at the very
25 beginning that all this information is optional.

1 The critical piece that we are looking for is what
2 are the types of issues people are having. It
3 really doesn't matter who it is that's having them
4 because if one person is having them, then that's
5 a problem. So it doesn't matter who the person
6 is, so long as we know what the problem is and we
7 can then address it. I can put optional, not
8 required, on all of those.

9 MS. BRONSTEIN: I was just going to
10 suggest, maybe if you put the name of inquirer at
11 the bottom and then move to sentence to right
12 before the name so that people read that sentence
13 and then choose to put their name or not.

14 MR. VESPA-PAPALEO: Sure.

15 Maybe I could just move that whole
16 section to the very bottom, because that really is
17 not the most important -- the important part is
18 the nature of the inquiry and what it is that
19 we're getting.

20 Anything else that this should have
21 or not have?

22 MS. O'LEARY: Well, I'm just
23 thinking from a state agency perspective. This
24 isn't going to be as easy as just dropping it off
25 to our communications people, just from our

1 perspective, when I think about how my
2 organization works. So if we want to -- I think
3 before approving this, I would like to spend a
4 little more time thinking about how to best get
5 the information from the state agencies we want
6 the information from. Do you know what I mean?
7 In other words, I was thinking to myself, you know
8 there might be a DYFS client who says to a DYFS
9 case worker, "How is a civil union going to affect
10 this situation?" There's no way that our
11 communications department or anyone will really
12 know about it. So to think about how the
13 organizations actually collect information and
14 also how easy it is to kind of get a larger
15 organization of 6,000 employees kind of in tuned
16 to something. So I offer that as a piece of
17 information.

18 For instance, when I send out an
19 e-mail when civil union law passed to all of our
20 staff saying, you know, the new law is passed,
21 here's how it's going to affect your practice,
22 here is what you do. And some people would e-mail
23 back with questions. So it was already in their
24 heads. They're already thinking proactively.

25 I like this idea, I just worry a

1 little bit from a state agency perspective how to
2 put it into operation where it will be meaningful
3 for us, which is what our goal is.

4 REV. TAYLOR: I think that the point
5 that you bring up that is so pertinent is that
6 when you're talking about something like, you
7 know, concerns about children, you know exactly
8 which agency to go to. I think it's going to be
9 imperative for something like this to stay here.
10 Then the Liaison Committee make sure that this
11 form gets out to all of the civil organizations
12 and they funnel back in. But if this starts
13 trickling to too many state agencies, then it
14 becomes kind of mixed -- you're going make
15 children's issues are coming here. You know what
16 I mean? It's going force all the other agencies
17 into this agency as opposed to, "Here, everybody
18 take a copy." That's how the craziness with the
19 hyphenation of name happened.

20 MS. O'LEARY: So the inquiry -- I'm
21 just trying to get this. When I first saw this
22 form, I thought to myself, well, how does this a
23 apply to me? Would I be telling the Civil Union
24 Commission, "At the Department of Children and
25 Families we've received 17 inquiries in the last

1 two months about this and this is how we received
2 them." I'm not sure if that's what the goal of
3 this form was, or if we were talking more about
4 using this form to get people to actually make the
5 inquiry to us as opposed to tracking inquiries
6 that have been made.

7 MS. ALLEN: We're just trying to get
8 a sense of what kind of issues people are having.
9 I don't think we really are collecting how many
10 times people ask the same question. We just want
11 to know what questions are coming in. Because I
12 can see at Human Services, which is bigger than --
13 it's the largest government agency. We have
14 16,000 employees. We have divisions of Medicaid
15 and Public Welfare and, you know, so many areas
16 with questions like this come in child support. I
17 mean, children is not just at DCF. We have child
18 support, we have Medicaid that pays for children's
19 medical care. We have so many different areas
20 that this can affect, and I can see questions
21 coming in from a gazillion places, you know.

22 MS. KENNY: Isn't more just figuring
23 how each department can capture internally what
24 issues are coming into them so they can in turn
25 report to us?

1 MR. VESPA-PAPALEO: I think it would
2 be much simpler for us as the Commission if we had
3 one person at each department, the chief of
4 staff's office, whoever, to periodically capture
5 this data, whatever the data is, and then report
6 it to us. But knowing the numerous things that
7 everyone does on a daily basis, to add yet another
8 duty to someone who already has lots of things to
9 do, I thought maybe it's easier if we just kind of
10 not require them to have to do that additional
11 step and maybe we can do it directly through here.
12 But if there's a suggestion that maybe we go to
13 the chiefs of staff at each department say, "Hey,
14 this is what we want to get. Can you figure out
15 what the best ways to implement this?"

16 Maybe some departments will say, "Go
17 ahead, we'll circulate this because we're a small
18 enough department." And others will say, "Why
19 don't we collect the data and then every quarter
20 we'll report it to you."

21 I don't really personally care one
22 way or the other how it's done. We just, I think,
23 have to collect data so we can appropriately
24 advise the Legislature and the Governor as to how
25 this law is being implemented, which is ultimately

1 what we have to do.

2 MR. DEALMEIDA: I just want to add,
3 with these forms, once they get into the hands of
4 a government official, they're going to be a
5 government record subject to disclosure under the
6 Open Public Records Act. And although we would
7 redact personal information, there's always a
8 possibility someone will forget that exception and
9 release this information if there's an OPRA
10 request.

11 MS. O'LEARY: How would we redact?
12 I don't even know how we would redact the name
13 under my OPRA requirements.

14 MR. DEALMEIDA: You wouldn't have a
15 name on there, right?

16 MR. VESPA-PAPALEO: So maybe we take
17 that all out. Maybe we take it all out, you know,
18 in terms of the date and the address and that
19 personal information, because that's really not
20 what we're looking for. What we're really looking
21 for is what's happening, what are the problems.

22 MR. DEALMEIDA: I think the danger
23 of the personal information is that people will
24 think this is a request for government agency to
25 act with respect to their complaint and they may

1 not want that and they might be reluctant to give
2 information they would otherwise give.

3 MS. O'LEARY: I think for the
4 government agencies, let me just say this, maybe
5 there's a better way to approach it. The only
6 reason I say that is -- and it's partially an
7 operational issue. Even if you said to my chief
8 of staff or if you said to me, "Gather this
9 information," the thought of gathering this
10 information from whether Barbara has what 16,000,
11 we have 7,000 people, when we have case workers,
12 their main focus is child protection. Those are
13 the policies they need to know. It would just be
14 mayhem if I sent this out to my organization.

15 So I guess part of me wonders, you
16 know, I'm the contact person in my agency for the
17 person who sent out the e-mail to say, "If you
18 have any questions or concerns regarding the
19 policies or procedures related to the civil union
20 implementation, please contact me and reach my
21 office if you have an issue related to it." So I
22 guess, for me, I expect that I will know if
23 something is happening within my organization
24 around it. Now, that's not always a perfect
25 world, I want to tell you. But I think we need to

1 think about how we handle government organizations
2 and what we're expecting from them to get what we
3 want from the government organization most
4 realistically. That's what I'm trying to get at.

5 MS. KENNY: My department already
6 has a way that we record complaints and collect
7 data, so it would be tapping into what we have.

8 MS. ALLEN: It would be really hard
9 at Human Services. We have offices from the top
10 of the state to the bottom of the state. We have
11 district offices, regional offices, psychiatric
12 hospitals, developmental centers, Medicaid
13 district offices. I mean, it's just, you know,
14 amazingly large.

15 Maybe some kind of a -- on either
16 the intranet for people in side or the internet
17 for people outside to tap into a box where, you
18 know, like you have a little click on now for OPRA
19 if you want more information about OPRA or you
20 want to get the OPRA form, you have a click-on box
21 for civil union questions or civil union
22 inquiries, civil union complaints, whatever
23 category you want to put it in, but you have a
24 place for people to kind of record where the
25 issues are. Maybe that would work better to have

1 a place internally and a place externally.

2 REV. TAYLOR: You could always
3 modify it like, nj.state.gov site so that civil
4 union is kind of somewhere prominent so that
5 people don't feel like it's buried up under
6 something. Because the point you made, Patrick,
7 just leaped the opposite in my head. Not only
8 could this form be perceived as a request for
9 information from a governmental agency that people
10 are afraid of, people might also think, "I told
11 the government agency so if something's gone I
12 filled out the form, I told you people and nothing
13 happened."

14 MS. ALLEN: I think there is a big
15 danger with that. I think it might be better --
16 and I don't know if it's done -- I don't know
17 enough about computer to know if somebody clicked
18 on that site if it traced who they are, but I
19 think there's less likelihood that would happen.

20 REV. TAYLOR: It's not he easy.

21 MS. ALLEN: Right, it wouldn't be
22 easy.

23 REV. TAYLOR: The government sites
24 already have so many firewalls.

25 MS. O'LEARY: I suggest that we put

1 the expectation on each person who's representing
2 the department at least at this table to be able
3 suggestion as to how to handle it within their own
4 department. For instance, Sheila says, "Oh, we
5 have a kind of system that I know is going to make
6 sense."

7 I'm sitting here thinking, well, we
8 have a constituent relations hotline. I have a
9 directors hotline. I could ask each of them to
10 trace any issues that come up relevant to.

11 And Barbara, you could do some
12 thinking on your end.

13 I think the other folks out there,
14 taxation crowd, I guess, isn't at this table. The
15 Liaison Committee would need to think of how to
16 approach them in a way. And I just think for the
17 most effective way to do it, we have to think of
18 how to work with them instead of handing something
19 and say, "You have to implement this," because we
20 want to get the information out of them
21 ultimately. So how do we get that and most
22 effectively and operationally? So I'll take that
23 as my task to go back at least from the Children
24 and Family's perspective and think about how I'm
25 going to keep track of what's happening within my

1 organization from the perspective of the civil
2 union implementation.

3 MR. VESPA-PAPALEO: Why don't we
4 make that an assignment for all of us for the next
5 meeting to come back some suggestions. This is
6 just a starting point so we can have that
7 discussion. But we do need a process and a
8 legitimate process.

9 Now, we use something similar to
10 this at this Division, but maybe I misspoke. This
11 is not a form that people from the public would
12 fill out and send in. This is a form -- something
13 like this is a form that my staff has so when
14 they're talking to constituent about something and
15 they get an inquiry about civil union, my own
16 staff fills out the form, then faxes to one
17 central person so that we can keep a log of the
18 kind of inquiries we get. So this is not made for
19 the public, because that's what we have public
20 testimony for. But one of the -- the second item
21 that we have to do is collect information about
22 the Act's effectiveness from members of the
23 public, state agencies and private and public
24 sector businesses. So this is an attempt to
25 collect data from state agencies that we have a

1 little more control over. So we want to make sure
2 we do it the right way, but not necessarily --
3 this would not necessarily be a form for the
4 public to be filling out.

5 MS. ALLEN: If somebody had a
6 problem with somebody in our Medicaid office,
7 getting something they needed or somebody in the
8 child support unit was rude to somebody who called
9 up about child support issue and it was a civil
10 union issue, something like that. They want to
11 register a concern about how a particular matter
12 handled. We're not necessarily going to hear that
13 from the people within who was complained to.
14 We're not going know that maybe there's an issue
15 in child support or there's an issue with Medicaid
16 or there's an issue in a welfare office unless the
17 members of the public were dealing with the State
18 Department of Human Services tell us.

19 MS. ATWOOD: I think partly, though,
20 what we need to collect is not just -- not where
21 there's been a problem like you just described,
22 but where somebody comes into a state agency and
23 they say -- you know, you start to work on it, and
24 they say, "Oh, and I'm in a civil union," and it's
25 the agency looking at, does that raise issue for

1 us that we don't know proceed with this. It's
2 more does the staff person realize this is a place
3 we're not quite sure how to --

4 MS. ALLEN: I'm not clear from
5 reading this, because you say data
6 collection/inquiry form, what it is you're seeking
7 to collect in the way of when you say data. What
8 is it you're looking for? It sounds like you
9 don't really almost what you're looking for.
10 You're just kind of trying to find out where the
11 issue are coming up in this area. And it could be
12 anywhere. And unless somebody tells us, we're not
13 going to know.

14 MR. VESPA-PAPALEO: Well, what I put
15 in here is, this includes questions you received
16 from your employees, constituents, customers,
17 human services professionals and others about how
18 the civil union law works, challenges civil union
19 couples may have in terms of employment,
20 insurance, and other matters --

21 MS. ALLEN: This is pretty broad. I
22 mean, you're talking about employment issues,
23 which is a whole separate category, where somebody
24 says, "I asked for a leave of absence or family
25 medical leave to take care of my partner, and the

1 person said 'Show me your marriage certificate or
2 your civil union certificate,' and I felt that
3 wasn't right for them do that."

4 I mean, it's just kind of mixing up
5 so many different areas.

6 MR. VESPA-PAPALEO: Because I'm
7 trying to cover every department in one form. If
8 I would make it just for DOBI, I would say
9 Insurance.

10 MS. ALLEN: But every department has
11 employees in state government who are going be
12 affected by this as well as employees of every
13 other private or public sector agency. So this is
14 pretty all encompassing. I mean, you can't
15 collect data on every possible -- I think we've
16 got to have categories or some way for people to
17 kind of know where the inquiry is going.

18 MR. HYLAND: This is Steven Hyland.
19 May I make a suggestion that we can reach out to
20 Vermont. They had a similar Commission to ours, I
21 think with a similar purpose. And although the
22 Commissions, I think, subsequently disbanded, it
23 still might be some information there that could
24 give us an idea of how they were handling a lot of
25 same issues.

1 MR. GOLDSTEIN: The Liaison
2 Committee is happy to reach out.

3 MS. O'LEARY: I think also it's
4 incumbent upon, at least from my perspective at
5 DCF, it's incumbent upon me to come back and say,
6 "This isn't going to work organization, but this
7 other thing will." I just need to think about it
8 a little bit. It's a little different than Civil
9 Rights because you guys get calls about this exact
10 thing. Our world is so very different than just
11 kind of being the receptor of civil right issues.
12 We kind of have, you know, some of the other
13 things going on. But I think that there's going
14 to be a way for my organization to be able to at
15 least anecdotally be able to have an idea of what
16 issues are getting raised, if any, to us which can
17 include any issues or questions regarding
18 implementation or whatever, civil unions, please
19 direct them to Office of Legal. And then --
20 because I've gotten a feel, like I said, I know
21 were brewing, so...

22 MR. VESPA-PAPALEO: Okay. So we
23 will make it our point for the next meeting to
24 come back with some thoughts about how your
25 respective departments or agencies or

1 organizations can collect valuable information
2 that this Commission needs.

3 We passed out last time the statute.
4 That's the data we need, the information that's in
5 there, and nothing more and nothing less. And we
6 need to be able -- as difficult it will be to get
7 this from some staff, our responsibility is to do
8 it in a way that's easy. And maybe it's a
9 checklist, maybe it's something different for each
10 department. For all I know, other departments may
11 already be collecting this and we just don't know
12 that. That will be part of the Liaison
13 Committee's function. So thank you for that
14 discussion on that.

15 We talked about the hearing dates
16 for September and October and we'll try to set up
17 a third one.

18 Any other new business anybody would
19 like to bring up?

20 MR. HYLAND: I'm going to have to
21 get off the call very quickly. Do we have a
22 meeting date, first of all, for the next meeting?
23 Secondly, introduce some sort of resolution or
24 something on behalf of Bear Atwood who is leaving
25 the State in recognition all of the great work

1 that she's done in this area over the years and
2 how much we'll miss her.

3 MS. ATWOOD: Thank you, Stephen.

4 MR. VESPA-PAPALEO: I think we all
5 second that, Stephen, those thoughts about Bear.
6 I don't want to get into private stuff, but Bear
7 is leaving for a red state and she's going down to
8 make the State of Mississippi more progressive, so
9 they have no idea what they're in store for in
10 Mississippi with Bear going down there.

11 MR. HYLAND: Bear, we all love you.
12 And by the time you finish with Mississippi,
13 that's going to be the most navy blue state. We
14 all love you. What you have done for civil rights
15 in this State over your decade plus has been
16 extraordinary, and we would not be in this
17 position today, however, imperfect but still
18 better than most states, if it were not for you.
19 God bless you.

20 MS. ATWOOD: Thanks. I'm going to
21 Mississippi I will do my best.

22 MS. SIPERSTEIN: They will know that
23 you're there.

24 MR. VESPA-PAPALEO: If they don't
25 already.

1 Any other new business?

2 Steven Hyland, your question about
3 the meetings. I'll send you out another notice,
4 but August 15 is the next meeting here. It's the
5 third Wednesday of every month at 1 o'clock here.
6 But the 15th of August is the next one.

7 Any old business?

8 If no old business, then I'll have a
9 motion to adjourn from someone.

10 MS. O'LEARY: Motion.

11 REV. TAYLOR: Second.

12 MR. VESPA-PAPALEO: Thank you very
13 much.

14 (Deposition concluded at 2:25 p.m.)

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C E R T I F I C A T E

I, Lisa C. Bradley, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

LISA C. BRADLEY, CCR, RPR
CCR NO. 30XI00228700