



NAHO News

December 2015

Message from the PRESIDENT

Successful 2015 Conference In Scottsdale, Arizona

It is with mixed emotions that I write my last conference report as your president. During the last four years NAHO has grown in popularity, national standing and membership. As we saw at the awards banquet on Tuesday evening, the number of members who attain and retain certification each year continues to grow. NAHO continues to automate its processes to improve member services and it will soon launch its presence on social media sites.

This year NAHO held its annual professional development conference at the Chaparral Suites Resort in the beautiful desert city of Scottsdale, AZ. Thanks to the incoming president and conference committee chair the conference was once again a huge success with good attendance, an impressive faculty roster and an exceptional selection of substantive course offerings. Several new participants became NAHO members and several more embarked on the prestigious certification program.

I wish to thank the registration team that assisted Emily Waymire to welcome our members, the merchandise table team that



Norman Patenaude (NH)

assisted Linda Snow and Andrea Boardman with the displays, the conference publicity promotion team that assisted Jo Murphy to promote the conference, the faculty recruitment team that assisted Janice Deshais to assemble an outstanding cast of instructors for so many courses and to organize the social gatherings.

The outdoor patio setting for the welcome reception on Sunday evening was nothing shy of spectacular. That was followed on Monday by addresses from the Chief Justice of the Arizona Supreme Court and the Solicitor General from the Attorney General's office, three days of training sessions with outstanding presenters and the awards banquet at which members were recognized for their special contributions to NAHO.

I will pass the gavel to the new president, Janice Deshais,

Vice President Janice Deshais presents President Patenaude with a "Permanent Gavel" to thank him for his Service as President.

on January 1, 2016 and I know that the new officers and directors will continue to move NAHO forward. Some of them have already started to work on the next conference that will be held in Portland, OR September 11-14, 2016. I congratulate them on their election and I remain available to help the organization in any way that I can. Finally, I wish to express my sincere gratitude to all the NAHO members for their support of the organization and their attendance at the annual conferences. It is for the members that NAHO exists.

With my warmest regards,
Norman J. Patenaude, CALJ
President



Play Ball! Arizona Supreme Court Chief Justice Reflects on Umpiring and Judging

Janice Deshais (CT)

In a notable opening address, Chief Justice W. Scott Bales gave attendees – and baseball fans – an interesting take on our roles as hearing officials. Titled his talk “Close Calls: Umpires and Judges,” Justice Bales reflected on the work of umpires and judges and shared his thoughts on the similarities and differences between them. Despite differing degrees of expectations regarding fairness, he stressed that judges and umpires each have a critical role to play in the courtroom or hearing room and on the baseball diamond and that these differences can illustrate the level of impartiality that must be provided by hearing officials.

Umpires and judges must enforce the rules fairly. However, for a judge, being fair is more complicated than just calling balls and strikes. Citing the NAHO Code of Ethics, Section III, Bales stressed that the idea of fairness reaches into the realm of impartiality for judges, who must avoid not only actual but also apparent bias. Umpires, in a somewhat more relaxed rule, must avoid “familiarity;” however, judges

must avoid the implicit biases that can impact and affect decision-making. While empirical evidence has shown that umpires can be affected by strike count when judging a pitch and may be subject to a “status bias” if a pitcher is an ace, judges must take steps to avoid implicit biases by being self-aware, being engaged and motivated to be fair, and by understanding that the context in which a decision is made can have the force of bias.

Judges must understand the importance of “process fairness.” Even if a decision of an umpire is 100% correct, a decision (the outcome) is questioned if that umpire was not in position to see the play (the process). Judges and hearing officials must also “be in position to see every play” and attend to the process that led up to their decision.

Bales summed up his address by noting that being fair is far more difficult for judges than for umpires. Umpires can call objectively, call balls and strikes, call them as they see them as part of a process, or, if they are totally subjec-

tive, argue that pitches “ain’t nothing ‘til I see them.” A judge has a more complex task to achieve fairness. It should not matter who the home team is and who is the visiting club. Judges must recognize their biases, attend to the process, make difficult close calls, and strive to incorporate their knowledge of the process to make impartial decisions. While we can’t just tell parties to “play ball” and just count the strikes and balls to make our decision, judges and hearing officials must remember that we officiate the hearing process to enforce the rules fairly for all players.



Chief Justice W. Scott Bales and President Patenaude

Solicitor General Speaks at Luncheon

Janice Deshais (CT)

Solicitor General John Lopez opened his address at the annual luncheon by noting that the “wild west” seemed to be an appropriate venue for the NAHO conference as it reflects the unique challenges hearing officers face in providing due process. Appointed early this year, Lopez said that he has gained substantial insight and appreciation for the work of hearing officials, as his office provides advice to boards and commissions regarding administrative proceedings. He believes affording due process is a fundamental challenge. Lopez noted the “lofty ethical goals” of the NAHO Code of Ethics, and explained the protocols used in his office to keep the prosecutorial and advisory functions separate.



Solicitor General John Lopez and President Patenaude

Lopez described the reasons why he believes the work of hearing officials is so important. Because regulatory authority is predominant in our country and most disputes are heard in administrative forums, he stressed that the only contact most Americans will have with the legal system is through contact with hearing officials. Lopez reminded us that we are the legal system for most people and our decisions are the final word in the disputes that affect their lives.

Lopez closed his remarks with positive news, citing a recent study of the Arizona Office of Administrative Hearings that reported that 92% of participants in administrative hearings viewed the process favorably, regardless of the results of their cases. Lopez told us to never forget that our essential task is to provide due process in challenging circumstances and, although the outcome of our decisions may disappoint some, our civility and professionalism in delivering a fair process must never waiver.

Ad Hoc Committee to Address Possible Modification of NAHO Certification Process

Toni Boone (OR)

One of the most valuable attributes of NAHO membership is the ability to obtain professional certification. However, it has long been known that our certification is not recognized as valid or legitimate by many state and federal agencies because there is no quantification of knowledge prior to issuance of certification. All that is required for certification is class attendance, which does not demonstrate any level of competence in the field of administrative law. If NAHO certification is deemed to be largely meaningless by a significant segment of the professional world in which we must work, it is incumbent upon the NAHO Board of Directors to try to increase its intrinsic value.

An Ad Hoc Committee has been formed to review certification requirements with the goal of clarifying the present requirements

and strengthening certification requirements going forward. The Committee is investigating the possibility of initiating testing prior to certification. If testing is initiated, it is anticipated that satisfactory completion of the test would be added to the present certification requirements and would be the final step in the certification process.

At present, the Committee is considering implementation of a multiple-choice test that would be administered online and would be electronically graded. If a question is missed, the person taking the test would be directed to educational materials on the NAHO website that would provide the correct answer. Persons applying for certification would be allowed to take a test more than once; however, the second and/or subsequent tests would not be identical to the first.

Test questions would cover the nine subject matter areas that are mandatory for certification: Administrative Law, Conduct and Control of Administrative Hearings, Credibility, Diversity or Multiculturalism, Due Process, Ethics, Evidence, Legal Research and Decision Writing. The questions would be prepared by the presenters who provide instruction on these subjects at NAHO Professional Development Conferences.

Among the questions the Committee will be addressing are: How many questions will the test entail? What score will be considered a “passing” test score? How many times would a person be allowed to take the test? What software and/or online platform will be used to administer the test?

After studying the modification of certification requirements and investigating the possibility of implementing testing, the Committee will make recommendations to the NAHO’s Board of Directors. No changes will be made to the certification process without review by the Board and the express approval of the Board.

NAHO RECOGNIZES MEMBERS FOR OUTSTANDING SERVICE AT ANNUAL BANQUET

Clayton Mansfield (PA)

Outgoing President Norm Patenaude recognized several individual members for their service and contributions to NAHO at our Annual Meeting in Scottsdale, AZ on October 27, 2015.

Michael Blain received a Special Assistance Award for his work as Chair of the Certification Committee. As Michael himself said in our December



Michael Blain receives the Special Assistance Award

2014 newsletter, the process of obtaining the designation of CALJ or CHO through NAHO requires work, dedication, effort and time. NAHO, in turn, recognized Michael’s work, dedication, effort and time in leading the Certification Committee through a record number of applications in 2015. Michael, or “just plan Blain” as he’s known in his email messages, is a Hearing Officer for the Florida Dept. of Highway Safety & Motor Vehicles in Tallahassee, FL.

A Special Assistance Award was presented to Brian Ford for his service on the Technology Committee. NAHO is transitioning to a new web site and developing a social media presence. Brian’s efforts have had considerable influence in moving NAHO forward in this process. Norm and the Board of Directors congratulated Brian for his vision and leadership.



Brian Ford receives the Special Assistance Award

Wendy Moen received an Outstanding Service Award. Wendy produces our Pre and Post Conference Newsletters. She additionally designs the NAHO Conference Brochures every year as well as the faculty biographies document. Wendy Moen is an invaluable part of Conference publicity!

Bonny Fetch received The Truett DeMoisey Award for Professionalism. Truett was one of NAHO’s early presidents and a visionary leader. This award recognizes a member who demonstrates ethical behavior and the

highest ideals of professionalism. For many years, Bonny has been the face of NAHO. She joined NAHO in 1991 and served on the Board since 2002. Bonny served as our President from 2008 through

2011. She has been a Certified Administrative Law Judge since 2003. While she has retired from the North Dakota Office of Administrative Hearings, she continues to be an active NAHO member. At the 2015 Conference, she presented seminars for Managers of Hearing Officials and was one of the panelists for our seminar on, “A Dynamic Approach to Handling Ethics Problems.” Her expertise and dedication makes her truly deserving of the award.

The Bill Kane award is presented by the Board of Directors to an individual who has made unique and invaluable contributions to NAHO. This year, the Board recognized Sharon Kulp



Bonny Fetch Receives the Truett R. DeMoisey Professionalism Award

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A Conference is More than Just Books and Classes

Jo Murphy (TN)

Another conference has come and gone. How does it happen so quickly? This year NAHO Conference attendees gathered in the sunny, warm climate of enchanting Scottsdale, Arizona. Temperatures were just about perfect during both the day and night.

Hearing officials from all over the United States participated in informative and innovative classes to assist them improve their skills as administrative adjudicators. Of course, there is another valuable side to this gathering. The social aspect is a perfect way to network with attendees from different states and/or agencies. This is a great learning tool that helps you gather information regarding how your colleagues do their jobs. You'll be able to take these ideas back to your workplace, share them, and put some new techniques into practice.

The Chaparral Suites hotel really knows how to pull out all the stops by providing over the top hospitality with comfortable suites and a long list of amenities. Attendees began each day with a complimentary cooked to order breakfast buffet. At the beginning of every evening, we were treated to a social reception. This event was also sponsored by the hotel. While the stars sparkled in the sky,



Sunday Night Reception at the Paloma Garden, Chaparral Suites

colleagues gathered around the pool to catch up with old friends and meet new ones. This was a perfect time to continue learning by networking with other hearing officials.

Of course, NAHO continued with its own brand of entertainment in addition to the special treats provided by the hotel. Sunday evening attendees gathered in the lovely Paloma Garden for a reception Southwestern style. With the sound of water falling from an incredible fountain, beautiful flowers and candlelit tables, happy faces indulged in a scrumptious taco bar laden with food the chefs of the Southwest know how to do best. Good times did not stop there. Monday's luncheon was a nice break between sessions in the lovely Hacienda Room. Good food continued with a light sandwich menu and wonderful speaker who will be discussed elsewhere in the newsletter. Last but not least, the Tuesday evening banquet provided another excellent time to socialize. We met again in the lovely Paloma Garden for drinks and appetizers.

While munching on a large display of cheeses and roasted vegetables networking continued with lots of laughter and smiles. We then moved inside to the Hacienda Room to finish the evening with a wonderful dinner before closing the evening with awards.

New Apparel Items Were Conference "Best Sellers"

Toni Boone (OR)

For several years, NAHO has offered a variety of apparel items for purchase, at nominal prices, branded with NAHO's logo. There were two new merchandise items available for the recent Scottsdale Professional Development Conference: a durable structured twill baseball-style cap embroidered with the NAHO logo and t-shirts with a simple NAHO logo screen-printed on front. The caps and the t-shirts were available in both burgundy and navy. While both items were popular, the t-shirts outsold the caps by a wide margin.

NAHO lapel pins were also popular items to the extent that our supply was almost depleted. New lapel pins will be available at next year's conference.

One of the more well-liked merchandise items at every NAHO conference is our computer/document bag with a zipper closure. There were a limited number of these cases available for sale at the Scottsdale conference and they sold out quickly.

As usual, custom-embroidered NAHO jackets, shirts and blouses in a wide variety of colors and sizes were available for special order. If you were among the many NAHO members who ordered embroidered apparel items, be on the lookout for the arrival of your merchandise. The special orders have been placed with NAHO's vendor and are in the process of being filled. As soon as the embroidery is completed, the items will be shipped to you.

Yes, it was a busy time, but everyone had to squeeze in "Old Town Scottsdale" as well as the opportunity to experience some of Scottsdale's fabulous restaurants, shopping and art. Many attendees even extended their stay and traveled outside the city to visit places such as Sedona, old west towns and nearby Indian ruins. It was a great conference filled with some of the best education a hearing official can experience and a little fun thrown in on the side.

Mark your calendars and save the date for 9/11/2016 through 9/14/16 to attend next year's conference in Portland, Oregon. The conference will be held in the beautiful, newly renovated Marriott Portland Downtown Waterfront Hotel. It will be another great year for learning in a beautiful city.

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NAHO RECOGNIZES MEMBERS FOR OUTSTANDING SERVICE AT ANNUAL BANQUET

Sharon has been involved with NAHO almost since its inception and has served on many committees, including 22 years of service on the Board of Directors, and is a past President.



Sharon Kulp Receives the Bill Kane Award

The President's Award was presented to Janice Deshaies. During her tenure as Vice President, she took on the enormous responsibility of successfully planning every detail of our annual professional development conference. Jan works with planning the curriculum, choosing the faculty, overseeing registration, negotiating with the hotel about conference facilities and hotel arrangements, and performed yeoman's work in dealing with the many issues large and small that arise behind the scenes. As Norm's successor, she will continue our efforts to expand and strengthen the organization.



Vice-President Deshaies receives the President's Award

Closing Address: Cybersecurity and Privacy in the Internet of Things

Janice Deshais (CT)

Derek Bambauer, Professor of Law at the University of Arizona, closed the 2015 Conference with a fascinating presentation on the rise of the Internet of Things, its consequences for security and privacy, and the role lawyers and those of us in the legal field can play in managing this technological transition. Bambauer offered some reasons for hope, other reasons for pessimism, and a different way of thinking about the problem by defining relevant privacy and security questions as ones of information rather than infrastructure. This article is an abridged version of the address and much of the text reflects the actual words of the Professor.

The Humble Icebox

Professor Bambauer began by using an example of a technology well-known to all members of this audience to show the positive and negative impacts of technological changes. He characterized the “humble icebox” as the “paradigmatic example of the Internet of Things.”

He noted that refrigerator technology has experienced slow progress but no real revolution and, although there have been some improvements such as chilled water and ice, the “transformational moment” for the refrigerator came with the addition of two new pieces of equipment: a microprocessor and a network connection. The “Fridge of the Future” will detect that you are running low on beer and transmit an order to the supermarket for you to pick up and will work with your phone or PC to schedule service. However, this quantum leap in refrigerator features is not all positive. Your new fridge might leak data, revealing that you actually drink Milwaukee’s Best instead of craft microbrews; it could be vulnerable to malicious changes to code, causing the fridge to run too hot or too cold or not at all; and it could provide an entry point for hackers to access not merely your selection of cold cuts, but your banking information, home security system settings, and health data. Those risks, Bambauer noted, seem daunting just to make fewer runs to buy groceries.



Derek Bambauer, Professor of Law at The University of Arizona, Closes the 2015 Conference

Bambauer acknowledged that there is no universally-accepted definition for “The Internet of Things,” and suggested we think of this concept as that which results when you connect devices to the network that are not normally networked – like thermostats and cars. He noted that computers grew into networked objects and gave birth to the smartphone and now we are beginning to connect machines that were not originally intended to be networked. These devices not only collect information, but send and receive it. Thus, your thermostat can share the temperature of your living room with you via a smartphone app and can take instructions on whether to raise or lower it. But, the information traveling outwards from the device to the Net creates privacy problems, and data traveling to the device creates security problems. The Internet of Things thus increasingly becomes a distributed sensor network, capable of reporting data that can be aggregated, analyzed, and searched. This accelerates the defining characteristic of the Net more generally, which is that it causes the cost of information to plummet for both good and ill.

Implications for privacy and security
Professor Bambauer highlighted a few of

the challenges presented by the Internet of Things. Networked devices will, in some meaningful sense, be rogues. They will not be exclusively under our control as hackers have already managed to exploit everything from US military drones to air conditioning systems to cars to insulin pumps. Governments are using similar measures to effectuate control over key systems and manufacturers want to retain rights over the code that lives within the devices. The Internet of Things will also involve devices that have not just virtual but physical effects, as drones can crash and heaters can turn on and off, significantly expanding the scope of possible effects from software errors or attacks.

Communication over the Internet is also increasingly intended for machine and not human consumption. A GE airplane engine that transmits data back to corporate headquarters is feeding information into an algorithm rather than displaying it for a human. This isn’t problematic in itself, but it means that it is harder to understand what is occurring on the network merely by examination. This will require lawyers to be increasingly technologically literate and prepared to work across disciplinary boundaries to achieve objectives.

These issues are also inherently international. Devices cross national boundaries as readily as their carriers do and data is routed across the network based on cost and convenience rather than on conventional state borders. The falling cost of information means that Internet data spills readily across national borders. We are past the point of thinking that cyberspace is a place in itself, entirely apart from terrestrial sovereigns and rules; the strength of the efforts to force Internet information to conform to those rules demonstrate the scale of the challenge. This will force us to think beyond U.S. law and to work with colleagues abroad.

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Closing Address: Cybersecurity and Privacy in the Internet of Things

Cautious Optimism

Bambauer noted that there are a number of reasons for some optimism about the impact of the Internet of Things. First, the actual development of the Internet as we currently conceptualize it should give us confidence. The advent of easily shared, stored, searched, and archived information via personal computers was predicted to destroy creative industries by undermining copyright law. There were fears that the Internet would enable cybercriminals to operate beyond the reach of law enforcement, would make privacy obsolete, and would lead to a race to the top, or bottom, in terms of indecent content online. The sky, however, has yet to fall. Hollywood continues to produce roughly the same number and quality of movies, music, and musicals. The FBI shut down the Silk Road despite encryption. Privacy norms have adjusted, and we are increasingly comfortable revealing some measure of sensitive information to connect with others via social media. Stark predictions about the harm that networked computers would cause have been overblown so far.

Second, while harms are straightforward to predict, benefits tend to be much more elusive. The 1990s conception of the “Information Superhighway” was essentially a combination of basic cable television and the public library. Users entered the scene as passive consumers, benefiting primarily if not solely from increased access to content. Yet, the great revolution made possible by the Net is user-generated content. An Apple laptop has the capabilities of the average sound recording studio, movie editing booth, and desktop publishing company of fifteen years ago. People have used the Internet not just to watch Netflix, but to create fan fiction films, build open source operating systems, write the world’s largest and arguably best encyclopedia, and build complex social connections and movements via Facebook and Twitter. Humans are poor at predicting how they will benefit from technology but quite good at actually reaping those advantages. So, if

the past is any guide, we should be cautiously optimistic about how the Internet of Things will affect us.

Thoughtful Pessimism

Bambauer asked us to consider some reasons for pessimism. First, we have not yet created robust legal or technological systems to mediate how the increased flow of information will be shared and used. America relies fundamentally on “notice and consent.” Notice presumes, unrealistically, that consumers bother to read through privacy policies, terms of use, and the like, even though this information is thousands of words long, written for lawyers, and presented when the user does not want to read an agreement. Similarly, consent presumes that users can predict how the information they reveal will be used and can calculate a cost-benefit analysis for that decision. As yet, no model used by any country serves to effectively balance protection and innovation.

Second, the Internet and the devices attached to it are highly insecure and likely to remain that way. Cybersecurity has been identified as a top US policy priority since 1997, yet federal legislation has consistently ignored substantive requirements to concentrate on voluntary public-private partnerships and liability shields for firms that share data. Bambauer believes we are unlikely to see an effective effort to address widespread insecurity without some sort of significant focusing event and that cybersecurity on the Internet is likely to continue to be under-regulated.

Third, the spread and speed of information across the Internet will continue to pressure constitutional and statutory fault lines in privacy law. Both wiretapping statutes and Fourth Amendment protections turn on whether information is public or private – on whether the source of the data has a reasonable expectation of privacy. Changing technology influences judgments made about this value and will require a framework for deciding when our privacy is placed unacceptably at risk, and why.

Finally, we do not know how resilient the Internet of Things is going to be as we do not know what will happen to all of these devices if connectivity is cut. Internet routing can be severed by hostile action from nation states, by earthquakes, by dropped anchors, and even by sharks and we have not done sufficient testing of the infrastructure’s capacity to resist and recover disruption even in vital sectors such as financial services. Bambauer stressed that a focus on resilience is critical for the success of the Internet of Things.

The Information Problem

Bambauer said it is useful to re-conceptualize cybersecurity not as an infrastructure challenge, but as an information problem that presents three key issues for cybersecurity: access to data, alteration of data, and accuracy of data. Those who are authorized must be able to access data, but access must be denied to unauthorized users. Authorized users must be able to change data, but unauthorized change must be prevented. Lastly, systems must ensure that users are presented with, or can update, the most up-to-date, valid information.

To enable the positive aspects of access and alteration, Bambauer suggests a concentration on the hardware. Information should be stored “inefficiently” at multiple locations and be accessible by many pathways to increase the difficulty for attackers seeking to cut off access and alter data. The challenge is that this recommendation demonstrates inherent tradeoffs between cybersecurity goals: this protection for positive access and alteration may worsen risks to negative access and alteration and complicate the evaluation of data integrity. Bambauer also suggests a focus on mitigating harm from cyberattacks and espionage, rather than preventing intrusions, which is nearly impossible.

Professor Bambauer proposes that we concentrate upon the ever-increasing amount of information that flows through the Internet of Things and the decreasing cost of that information, rather than the devices that connect to it. This shift will unsettle a wide array of legal regimes and will have important ramifications for both privacy and security. He stresses that focusing our efforts on regulating the information that flows through the network, rather than on the configuration of the network itself, is best in striving for effective cybersecurity and privacy policy.

BOARD OF DIRECTORS ELECTED FOR NEW TERM

NAHO held an election in June-July of this year to elect Board members to serve the 2016-2017 term. The Nominating Committee was comprised of Andrea Boardman (CT) as Chair, Michael Blain (FL), and Bonny Fetch (ND). Norm Patenaude served in an advisory capacity. This is the first year that electronic ballots were used, in addition to the traditional paper ballots. A total of 284 ballots were sent to members eligible to vote. The ballot deadline was July 30, 2015. 73 ballots were returned. The following individuals were elected and form the **new Board for the 2016-2017 term:**

President	Janice B. Deshais (CT)
Vice-President	Toni Boone (OR)
Treasurer	Linda Snow (TX)
Secretary	Jo Murphy (TN)

Regional Representatives:

Central Region	Joseph Rubenstein (MN)
Northeast Region	Clayton Mansfield (PA)
Southeast Region	Gregory L. Ozment (FL)
Southwest Region	Kayla Adams (TX)
Western Region	Eric Moody (ID)
Mountain Region	Peter Halbach (ND)

Norman Patenaude, outgoing President, will serve on the Board as the Immediate Past-President. An At-large member, to be appointed by the incoming President and confirmed by the Board, will round out the full twelve-member Board.

Three members will be leaving the Board the end of December 2015 after completing long terms and devoting years of service. NAHO owes a debt of gratitude to these retiring members:

Andrea White Lee is a native of Detroit, Michigan. In 1985, Andrea received her law degree with honors from Wayne State University Law School. Andrea worked in the private and corporate sector in Michigan. In 1991, she was appointed Assistant Attorney Gen-



Andrea White Lee receives an Appreciation Plaque as she retires from the NAHO Board of Directors



President Patenaude passes the gavel to President Elect Deshais for the 2016-2017 term.

2016 -2017 Board Being Sworn-In

eral for the Commonwealth of Virginia. Andrea has been a Deputy Commissioner for the Virginia Workers' Compensation Commission since 1992. In 2008, Andrea served as Acting Director of the Commission's Customer Assistance Department. Currently, Andrea presides over workers' compensation hearings in Tappahannock, Virginia and Lawrenceville, Virginia; she adjudicates "on-the-record" hearings; and she serves as a Mediator.

Andrea has been active with NAHO since the conference in Williamsburg, Virginia in 1995. She has served on the NAHO Board of Directors for 10 years as Board Secretary and Member at Large.

Andrea has been honored to receive several awards from NAHO. In 2006, she received the President's Award for Exceptional Service. In 2008, Andrea received the Truett R. DeMoisey Professionalism Award. And, in 2011 and 2012, Andrea received NAHO's Outstanding Service Awards.

Andrea has served as a workshop presenter, Roundtable facilitator, and monitor for NAHO conferences in Durham, North Carolina; Bismarck, North Dakota; Orlando, Florida; and Scottsdale, Arizona.

Andrea has enjoyed working at the registration table at NAHO conferences and greeting attendees, especially new NAHO members and first time conference attendees. In her spare time, Andrea facilitates a women's ministry. Andrea enjoys traveling in the United States and abroad. In 2016, Andrea and her family are planning a trip to Italy.

Andrea Boardman first became a NAHO member in 2006 and has consistently remained a member since 2008. Andrea has attended every NAHO Conference since the Orlando Conference in 2008. Over the years,



Andrea Boardman receives an Appreciation Plaque as she retires from the NAHO Board of Directors

she's served NAHO as the Northeast Regional Representative, Secretary, Treasurer, Newsletter Editor and chaired the 2015 Nominating Committee. Andrea served as a Monitor at the Charleston, South Carolina and the Scottsdale, Arizona conferences. Andrea received the Truett R. DeMoisey Professionalism Award in 2012.

Andrea is a graduate of the University of Connecticut and retired on October 1, 2014 as a Hearing Officer with the State of Connecticut, Department of Social Services, after over 36 years of service.

Andrea stated she treasures the NAHO friendships she's made over the years and will miss you all, so please feel free to stay in contact. It is with great gratitude that she leaves service to NAHO. She thanks everyone connected to NAHO for their friendship. She appreciates the skills she learned from the faculty and presenters which she was able to take back to her position as a Hearing Officer. Andrea's advice to new Hearing Officers is to attend a NAHO Conference. Many states do not specifically train Hearing Officers in such complete detail, and a NAHO Conference is an excellent vehicle to develop these skills and share experiences. Andrea firmly believes NAHO made her a better Hearing Officer.

Please don't count Andrea out, you may see her at a future NAHO Conference, or involved in a different aspect of NAHO from time to time. After catching up on a few things, Andrea is looking at some local volunteer opportunities. She is looking forward to spending more time with her husband Bob, and their Golden Retriever, Gracie. She also looks forward to having more time to devote to reading, walking, cooking, gardening and to her love of travel, both in the US and in Europe. Andrea wishes you all the best until the next time we meet. Happy, Healthy New Year!

Bonny M. Fetch, a graduate of the University of Texas at Austin, was an Administrative Law Judge with the North Dakota Office of Administrative Hearings for 23 years until she retired in October 2014. Prior careers consisted of being a mental health therapist, personnel specialist with the State of North Dakota Central Personnel System, and television artist while attending college. In 1976, she was commissioned

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A WORD FROM GRANDMOTHER SPIDER

Bonny M. Fetch (ND)

I think most hearing officers would agree that our work is stressful and often tedious, leaving too little time for relaxation, much less reflection on what we have accomplished and what we envision for our future and what we would like to do. As I have heard from many hearing officers during the NAHO Conferences over the years, they often feel like they are on an endless treadmill trying to catch up with holding hearings and writing decisions, always facing deadlines. Criticism seems plentiful, and appreciation or value seldom found. Too much outgo and not enough input. Writing has always been a good outlet for me. Those of you who have been NAHO members for a few years have probably read some of my articles in previous newsletters. Through those articles, which included a poem or two from time to time, I have attempted to lead, motivate, and inspire hearing officers in ways which differ from the ordinary and often boring stream of information we are all subjected to. To that end, I offer this poem. I hope you will enjoy reading it, and beyond that, I hope you will find a glimmer of inspiration.

As the young woman walked
her feet easily found the way,
it was the same path she walked every day.
Her mind wandered,
taking her from the boredom of her
everyday routine.
Then her eyes caught something new,
shiny and wonderful,
a spider's web, large and lustrous,
and in the center a large gray spider,
the hub of her creation.
She had woven a work of art.

That night a storm broke
and as the young woman heard its fury
she thought of the delicate web
and imagined its tattered threads
flapping unanchored in the wind.

Next day when she passed the spot
where the magnificent web had hung
she slowed in awe as she saw the web,
larger than before.
The spider had worked diligently
to restore the broken network.

It seemed made of pure silver
and as she watched, it grew in size
until she could see nothing else.
Transported out of time,
she became part of the web.
As the gray spider approached
it shimmered in her sight and changed shape.
The spider was no more,
it had become an ancient woman.

The old woman answered her unspoken
question.
I am Grandmother Spider,
and I have always been.
I am as old as the beginning of time
and I will be until the end of time.

The young woman ventured,
Grandmother, this web is so beautiful,
but why do you weave it
when it can be so easily destroyed.

Because it is all the Spider can do,
she has no other purpose.
Each day you walk the same path
though it brings you no joy.
You weave a web of security
but it is a lifeless web,
a snare that keeps you entangled.

Look around.
You will see there are many paths
and they all converge on you.
When your time here is over
the question you will be asked
is not whether you were good or bad
but what did you do with the talents you were
given.

Search for your truths
and do what you must,
but find the path that will make you happy
for a life without joy
is a life without worth.

The words burned in the young woman's mind.
She looked around,
the web and the old woman were gone.
A large gray spider disappeared under some
leaves.

She began walking,
and while she thought of the old woman's
words,
her feet took her in a new direction.

NAHO MEMBERSHIP NEWS

NAHO announces new group membership fees. The membership fee for groups of 25 or more persons from a single agency, who join NAHO at the same time shall be \$35.00 per person. The membership fee for groups of 25 or more persons from a single agency who renew their NAHO membership at the same time shall be \$25.00 per person.

In addition, if a membership is not active for over one year, the member will be considered an inactive member and their name will be removed from the NAHO mailing list. So, keep your membership active and don't miss out on important NAHO and administrative hearing articles and news.

Renewals for memberships that expire on December 31, 2015, have been sent. If a member does not know when his or her membership expires, they can proceed to the website's "member only" section for clarification.

NAHO and NJC Scholarships Awarded

Toni Boone (OR)

As a part of NAHO's mission to "improve the administrative hearing process... by providing training [and] continuing education," the NAHO Board of Directors annually awards a scholarship to a NAHO member to attend an upcoming Professional Development Conference. The scholar-ship recipient selected just prior to the 2015 conference was Christy Nicholson, a hearing official with the North Carolina Department of Human Services.

There were also two \$500 scholarships to the National Judicial College that were awarded via drawing at General Membership meeting. The recipients of the NJC scholarships were Cora Graves and Nita Murray-Grier. These scholarships are good toward any resident (Reno-based) National Judicial College course or toward any on-line course offered by NJC.

NAHO Hearing Official (HO) and Administrative Law Judge (CALJ) Certification 2015

Michael G. Blain, CHO (FL)

2015 has been a very good year for the NAHO Certification program.

Seven Judges completed the requirements for initial certification as a CHO or CALJ. An additional thirteen completed the requirements for recertification. These efforts led to twenty judges having their certificates presented by NAHO President Norman Patenaude during the 2015 Annual Professional Development Conference in Scottsdale, AZ.



CERTIFICATION RECIPIENTS: L to R: Cindy Antrim Rutledge (GA), Cora Graves (GA), Heyward Hinton, (SC)(accepting for Kay Hutson (SC) and Kathleen Nadobny (SC), Clayton Mansfield (PA), Norma Wuebker (NV) and Gregory L. Ozment (FL) (accepting for Samantha Simpkin (FL)

In addition to those Judges receiving their certificates at the conference, there were an additional two applications submitted that are currently being processed and two additional applications have been received since the close of the conference that are in the review process.

Obtaining initial certification as a CALJ or CHO requires years of work and dedication. In order to obtain initial certification an applicant must have accumulated a minimum of eight years of a combination of education and experience as a hearing official. The applicant must also have received a total of fifty-two hours of training in specific areas of study. Upon attaining the required experience and training the applicant must submit a completed application along with

the required application fee.

Upon receiving the application it undergoes a preliminary screening by the Chair of the Certification Committee. Upon passing the initial screening the application is forwarded to the full membership of the Certification Committee. If the application receives a favorable vote by the full membership, it is forwarded to the NAHO Board of Directors for a vote. The Board's vote is the final decision. The results of the vote are relayed to the applicant. All applications approved by the Board of Directors are presented their certificate at the next Annual Professional Development Conference.

Certification is valid for a three year period. Prior to expiration of the three year certification period a member must have completed a minimum of twelve hours of continuing training or have attended at least one Annual Professional Development Conference during the three year period and submit an application for recertification.

Members attaining certification during 2015 were: Cindy Antrim Rutledge (GA), Cora Graves (GA), Kay Hutson (SC), Clayton Mansfield (PA), Kathleen Nadobny (SC), Samantha Simpkins (FL) and Norma Wuebker (NV).

Members attaining recertification during 2015 include: David Baumann (ID), Michael Blain (FL), Toni Boone (OR), William Culleton (PA), Bonny Fetch (ND), Karen Gorman (CA), Peter Halbach (ND), Aubrey Lee (VI), Lorinna Metro (FL), Eric Moody (ID), Zandra Petersen (VI), Cathy Skidmore (PA) and Monika Weiss (TX).



RECERTIFICATION RECIPIENTS: Front L to R: Toni Boone (OR), Gregory L. Ozment (FL) accepting for Lorinna Metro (FL), David Baumann (ID), Bonny Fetch (ND), and Karen Gorman (CA). Back L to R: Eric Moody (ID), Peter Halbach, (ND) Michael Blain (FL), Zandra Petersen (VI) and Aubrey Lee (VI).

The 2015 Certification Committee is comprised of: Richard Murrell (TN), Member, Jimmy Stokes (GA), Member, Robert Pullman-Miles (CA), Member, Eric Moody (ID), Member and Michael G. Blain (FL), Chair.

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BOARD OF DIRECTORS

the first woman officer in the North Dakota Army National Guard. Bonny also served as a Public Service Commissioner in 2012 upon appointment by the Governor of North Dakota to fill an unexpired term. Bonny found the experience as a regulator to be very interesting and notes it added a whole new perspective to her diverse experience. Bonny is a long-time member and supporter of NAHO.

Bonny is a long-time member and supporter of NAHO. She first became a member in 1991. She attended her first NAHO Conference in 1993 in Rapid City, South Dakota. She has served on the Board since 2002, first serving one year of an unexpired term and then a full term as Mountain Region Representative. She went on to serve four years as Vice-President and then two terms as President, in 2008-2009 and 2010-2011. During that time, she wrote many newsletter articles aimed at enhancing and encouraging professionalism and ethics for hearing officials. Bonny believes in mentoring and was a hands-on President, taking part in every Committee. During her four years as Immediate Past-President, she has remained very active on the Board and on Committees.

Bonny has a passionate interest in preserving NAHO's history. She has done extensive research of NAHO's archives and wrote the History of NAHO which can be found on the website under the "About Us" tab. As she puts it, "I like to know what happened in the past to shape the organization that NAHO is today."

Bonny has been a presenter at NAHO Conferences, teaching courses in ethics, communication, effects of social media in the hearings process, and high profile hearings. She has been a Certified Administrative Law Judge through NAHO since 2003. Bonny has been the recipient of several NAHO awards, but the one she treasures most is the Truett R. DeMoisey Professionalism Award, which she received twice, in 2014 and 2015. Receiving the award twice is unprecedented, and Bonny considers that a "crowning achievement". NAHO has been an important part of Bonny's professional ALJ career, and more than likely, she will not become inactive in NAHO.

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Portland Selected As 2016 Conference Site

Toni Boone (OR)
Portland Skyline

Portland, Oregon, was unanimously chosen by the NAHO Board of Directors for the 2016 Professional Development Conference. Why Portland? What distinguishes it from the rest of America's urban destinations? Everything.

There's a definite and distinctive liveliness to Portland—an enthusiastic sort of vitality that you can sense. Yet Portland is also laid-back and is uncommonly friendly for an urban space. Its residents will cheerfully recommend sights to see, places to eat and give you directions to get there.

Portland is clean and green—even downtown, the air is clean and clear. Unlike other cities, it has limitless trees, shrubs and, in particular, countless roses. You don't have to leave the city to find nature. Nature is everywhere. But if you're looking for a specific form of nature, Portland has that, too. Whether you prefer a beautifully manicured garden or an urban wilderness in which to hike (populated by elk, no less) Portland has it. If you want more "nature" than that, the Pacific coast is a short drive to the west and the Columbia River Gorge, with its beautiful waterfalls, is a short drive to the east.

What does Portland have for the average consumer of foods and beverages? A couple of the city's nicknames, Beervana and Brewtopia, are indicative

of the 58 quality microbreweries found there. Ten downtown tasting rooms offer a fine selection of wines from Oregon's 453 wineries. But Portland's food scene may be its biggest attractions these days due to the "locavore" movement—using ingredients that are caught, raised, grown or foraged locally. The city's best culinary choices often involve fresh-caught crab or salmon accompanied by freshly picked fruits and vegetables.

There's a wealth of artistic and educational offerings in Portland. Within its thriving cultural community you'll find opera, symphonies, theater, ballet and art exhibitions of all kinds. Whatever your taste, you can count on relatively affordable ticket prices and on finding a majority of the audience casually dressed. The Portland Art Museum, the Oregon Historical Society and the Oregon Museum of Science and Industry are popular

attractions with both locals and tourists.

Portland is easy to navigate. The city's 200-foot-long blocks are quite walkable. There's also an extensive system of buses, streetcars and light-rail trains, making it easy to visit destinations like Washington Park. Notable attributes of this 410-acre park are over 15 miles of hiking trails, the International Rose Test Garden, the Oregon Holocaust Memorial, the Hoyt Arboretum, the Oregon Zoo (with more than 2,000 animals in natural or semi-natural habitats) and the Portland Japanese Garden (the mostly highly ranked Japanese garden in North America).

NAHO's conference venue is the Portland Marriott Downtown Waterfront. This newly renovated hotel overlooks the Willamette River and is directly across the street from the Tom McCall Waterfront Park.

Portland's a great place to visit so, save the date! Mark your calendars for the 2016 NAHO Professional Development Conference, September 11 through 14, in Portland.



Oregon Beach: Near Otter Cove



Multnomah Falls