



NAHO News

July 2011

ADMINISTRATIVE ADJUDICATION: Keeping Focused in Challenging Times. CONFERENCE PREVIEW EDITION

The 2011 NAHO Professional Development Conference will be held in spectacular Santa Fe, New Mexico from November 13 to 16, 2011. *Be part of it!*

Janice Deshais (CT), Editor

Think it's too early to start planning to attend? Think again! This newsletter is intended to give you all the information you need to start making arrangements to come to the 2011 conference.

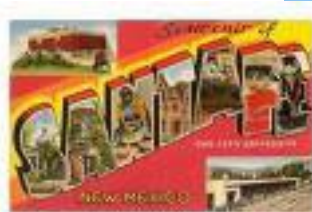
We all know how fast time flies and now that summer is here, autumn -- and the registration deadline for the conference -- will be right around the corner. You know your calendar will be full by fall, so now is the time to put the November conference on your schedule. Registration is now open! Go to www.NAHO.org and register today!

Think mid-November is too late to visit Santa Fe? The locals tell me that although the nights can be cool at that time, the aroma of burning mesquite in restaurant fireplaces make the coolness welcome. Also, the reduced tourist crowds, the sunny and bright days and the pre-holiday mood make this time of year very special.

The site of the conference is the historic and charming La Fonda hotel on the plaza -- where all the action is. This could not be a more perfect location. The hotel staff is informative and helpful and dedicated to making your visit to Santa Fe terrific. If you (or your family)

have never been to "The City Different" now is the time to go. Not only will you enjoy several days of professional development and networking, but you will have a chance to explore one of the most special and unique places in the country. Free time has been incorporated in the conference schedule this year, so even if you can only come for the days of the conference, you will have time to visit local indoor and outdoor shopping venues, unique art and craft galleries, wonderful restaurants and fascinating museums. Native American artisans and food vendors surround the plaza in small outdoor markets; they will welcome you and your interest in their wares. Be sure to bring your holiday shopping list!

The theme of this year's conference is *ADMINISTRATIVE ADJUDICATION: Keeping Focused in Challenging Times*. In this time of fiscal challenges and learning to do more with less, this theme is not only relevant but timely. Along with more traditional training NAHO is known for, the Conference will provide you with tips and tools to deal with the morale-reducing, stress-inducing impacts



of budget cuts, increased workloads and even layoffs.

This newsletter includes information about featured speakers at the Conference and provides details on some courses that will be offered. Be sure to read the description of the New Mexico History Museum, the site of the welcome reception on Sunday evening. A special new feature of NAHO News will also debut in this special edition, a "Spotlight on New NAHO Members" to introduce us all to our colleagues who are becoming part of NAHO.

Explore all the information about the Conference available on the NAHO website. Registration is OPEN! Register on-line today at www.NAHO.org.

I hope you enjoy this special newsletter and look forward to seeing you at the Conference!



Certification Committee Mid-Year Report: 2011 Conference to Feature Certification Information Session

Ramona Collingsworth (TX)

The Certification Committee consists of Barbara Ann Macdonald (TX), Cynthia Staggs (OH), co-chair Linda Snow (TX), and lead co-chair Ramona Collingsworth (TX). Earlier this year, the Committee issued 19 renewal notices to individuals whose certifications will expire December 31, 2011. Five applications for initial certification are currently under committee review and one recertification has met final Board approval. In addition, the committee has responded to inquiries about the certification program, completed application reviews, worked with the NAHO Librarian to assign course classifications, and consulted with President Bonny Fetch on significant issues requiring resolution.



Individuals seeking certification or recertification recognition at the 2011 Conference in Santa Fe should submit complete applications postmarked by September 2, 2011. For applicants wishing to receive certification or recertification for calendar year 2011, the application deadline is December 31, 2011.

The Certification Committee will be conducting an information session during the 2011 Conference for NAHO members interested in pursuing certification or renewing their certification.

Detailed information about certification program requirements, application forms, fees, and committee contacts is also available in the Certification section on the NAHO website at www.NAHO.org.

IMPORTANT CHANGES FOR NAHO MEMBERSHIP

Eric Moody (ID)

At its June meeting, the NAHO Board approved changing the number of members who could be entitled to a reduced fee when renewing their membership. Previously, ten or more members submitting a renewal application and fees at the same time were eligible for the \$30.00 reduced rate. The new policy provides that five members are now qualified for the reduced rate. The policy also applies when there are five or more new members applying for NAHO membership or a combination of five or more new and renewal applications.

Remember, your NAHO membership runs from January to December. For those members whose membership will be expiring this year, a renewal notice will be sent to you in November. Your application and annual fees will be due by December 31, 2011.

Please email any questions or concerns regarding your NAHO membership to nahomembership@gmail.com.

NAHO Election 2011

Andrea Boardman (CT)

Election time is quickly approaching for those interested in serving on the NAHO Board of Directors. The Nominating Committee has set a deadline of July 22, 2011, for submitting nominations to a committee member. A brief biographical information sheet must also be submitted to one of the Nominating Committee members by July 22, 2011.

The elected positions include President, Vice-President, Secretary and Treasurer. There are also six Regional Representatives and six Alternate Regional Representatives. The six regions are Northeast, Central, Southeast, Southwest, Western and Mountain. All NAHO members nominated

for an elected office must be a NAHO member in good standing. Associate members are not eligible to serve on the Board. All NAHO Board members are elected to serve a two-year term. For this election, the term is January 1, 2012 through December 31, 2013. Board members must be available for monthly telephone conference call meetings. The Board meets in person immediately before and after the Professional Development Conference. Board members must also serve on various committees and help at the annual Conference.

Ballots will be mailed to NAHO members by September 16, 2011, and in accordance with the By-Laws, must be returned to the Committee Chairman postmarked no later than October 17, 2011. The Nominating Committee will open and



canvass the ballots within ten days and report and certify the results to the President. The newly elected Board members will be installed at this year's Professional Development Conference in Santa Fe, New Mexico. Please feel free to contact any of the Nominating Committee members if you would like additional information about serving on the Board.

The Nomination Committee members are:

Hugo M. Franco, Chairman
hfranco@azdes.gov

Andrea Lee, Member
Andrea.Lee@workcomp.virginia.gov

LindaJo Nicholson, Member
ljoft@yahoo.com



CONFERENCE KEYNOTE AND LUNCHEON SPEAKERS: NEW MEXICO'S CHIEF JUSTICE, CHIEF JUDGE AND ATTY GENERAL: OH MY!

NAHO will continue its practice of giving conference attendees the chance to hear distinguished keynote and luncheon speakers. The speakers for the 2011 Conference are New Mexico's highly-regarded Attorney General and two distinguished members of the New Mexico judiciary, the Chief Justice of the State Supreme Court and the Chief Judge of the State's Court of Appeals.

On Monday, the opening session of the conference will feature remarks by Attorney General Gary King. Attendees will be treated at luncheon that same day to a historical review of colonial and frontier justice by Chief Justice Charles Daniels. Chief Judge Celia Foy Castillo of the New Mexico Court of Appeals will present the closing keynote on Wednesday on the importance of hearing officers to the administrative of justice, providing inspiration for all NAHO members!

Attorney General Gary King



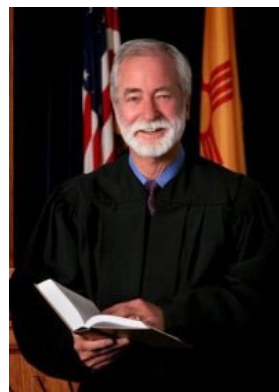
Elected in 2006, Attorney General King is a lawyer, former legislator and a scientist. He holds a degree in chemistry from New Mexico State University and a Ph.D. in organic chemistry from Colorado University at Boulder. He received his JD from the University of New Mexico.

The Attorney General served for 12 years in the New Mexico State Legislature. During 10 years as the Chairman of the Consumer and Public Affairs Committee, he used his leadership position to work vigorously on

health care, environmental and civil rights issues. In 1998, Atty General King became the Policy Advisor to the Assistant Secretary for Environmental Management at the U.S. Department of Energy and, within a year, was serving as the Department's Director of the Office of Worker and Community Transition. While at the DOE, he developed and implemented a program fostering cooperation between federal, state, local and Native American governments to enhance cleanup activities.

Attorney General King has been a long-time active participant in his local community, including service as Chair of the Legal Services Committee of the New Mexico State Bar Association, Chairman of the New Mexico Mining Commission and membership on the Environmental Advisory Board to the Federal Aviation Administration. Dr. King was also of counsel with Law and Resource Planning Associates, a water and natural resource law firm.

Chief Justice Charles Daniels



Justice Daniels was recommended for the Supreme Court by the bipartisan Judicial Selection Commission and subsequently appointed by Governor Bill Richardson in October 2007. He was unopposed in the 2008 primary and general elections, and was elected to continue in the position. In April of 2010, he was selected by his fellow Justices to serve as Chief Justice until April 2012.

A New Mexico resident since childhood, Justice Daniels is a graduate of the Albuquerque public school system and served five years in the United States Air Force. Justice Daniels received his bachelor's degree from the University of Arizona magna cum laude; his law degree from the University of New Mexico, where he was editor-in-chief of the law review and graduated first in his class; and a master of laws degree from Georgetown University, where he was selected to be a Prettyman Fellow and was awarded a Certificate of Proficiency in Trial Advocacy.

During his 38 years as a lawyer, Justice Daniels combined frequent classroom teaching, primarily at the UNM School of Law, with an active courtroom practice in a wide range of civil and criminal cases. He has served as chair of the Supreme Court's Evidence and Uniform Jury Instructions committees and as a member of its lawyer Disciplinary Board. He has been honored by the Albuquerque Bar Association, the New Mexico Bar Association and received the Roscoe Pound Foundation's National Trial Advocacy Teacher of the Year award.

Chief Judge Celia Foy Castillo



Judge Castillo will present "Hearing Officers – On the Front Line" as the closing keynote address at the 2011 Conference. Judge Castillo was first elected in 2000 to the New Mexico Court of Appeals, the intermediate appeals court for the State.

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Official NAHO Products Available at 2011 Conference

Toni Boone (NV)

At the upcoming professional development conference in Santa Fe, NAHO members will be able to place an order to obtain apparel and other items branded with NAHO's logo. Among the apparel items that will be available are polo shirts, sweatshirts and fleece vests and jackets. A variety of colors and sizes will be available.



NAHO will also be offering a sturdy woven computer case with a zipper closure. Both the apparel and the computer case will have the NAHO logo embroidered on them and embroidered personalization will be available for an additional charge.



You'll see members of the NAHO Board of Directors wearing the new branded merchandise at the upcoming conference. There will also be a booth at which you will be able to see samples of the apparel and other merchandise and place your order for available products. NAHO also plans to offer NAHO merchandise through its website in the near future.

NAHO Expanding Year-Round Training Capability

Toni Boone (NV)

The National Association of Hearing Officials has long been a leader in providing professional training for administrative adjudicators. NAHO's annual professional development conferences are regularly attended by hearings officials from throughout the United States and from some foreign countries. Yet NAHO recognizes that administrative hearings referees have training and instructional needs year round. NAHO has an extensive library of digital video discs that may be rented for a nominal fee on a diverse number of subjects.



In the very near future, NAHO hopes to offer both on-line instruction and specialized on-site instruction for agency adjudicators through the NAHO Speakers' Bureau.

The Instructional Taskforce is in the process of ascertaining areas of need for training and also in identifying potential speakers for the NAHO Speakers' Bureau. Toward that end, an "Instructional Needs Survey" has been created.



In an effort to expand NAHO's year-round training capabilities, NAHO established an Instructional Taskforce in 2010. The Instructional Taskforce, with the help of

the NAHO Board of Directors, is working toward establishing two additional methods of providing year-round instruction for NAHO members.

The Instructional Taskforce will be asking conference attendees to complete these surveys at the upcoming conference in Santa Fe. Once the survey results have been tabulated, the information will be utilized to finalize NAHO's plans to offer year-round training in addition to NAHO's DVD library. The Instructional Taskforce hopes that NAHO will be able to offer both on-line training and on-site training through the NAHO Speakers' Bureau as early as 2012.



Speakers *{continued from page 3}*

Judge Castillo will serve as Chief Judge from 2011 to 2013.

Born and raised in southern New Mexico, Judge Castillo graduated from Saint Mary's College in Notre Dame, Indiana with a BA in Spanish and education. She taught English in Madrid, Spain, and then Spanish in Gallup, New Mexico. After receiving her JD from the University of New Mexico, Judge Castillo clerked for New Mexico Court of Appeals Judge Mary Walters before working as a research analyst for the Legislative Education School Study Committee. Judge Castillo first practiced law in Santa Fe and then moved to Silver City, where she joined the family law firm of Foy, Foy, and Castillo. From 1996 to 2000, she also taught classes as an adjunct professor in business law and education law at Western New Mexico University before being elected to the New Mexico Court of Appeals.

Judge Castillo served as Chair of the Personnel Rules Committee for a number of years and is now the Chair of the Judiciary's Budget Committee. In 2008, the New Mexico State Bar recognized Judge Castillo for Outstanding Judicial Service.

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www.DesignAZ.net

SANTA FE MUSEUMS: A SPECIAL TREAT

Santa Fe is home to four wonderful museums in two locations – on the Plaza or on Museum Hill. The concierge at the La Fonda will have maps to guide you to any of these treasures. All are open Tuesday to Sunday from 10:00 AM to 5:00 PM. Admission is reasonable (\$9.00 for adults, but check with the museum to verify); two feature free admission on Friday evenings. *Take advantage and enjoy!*



the place to take in a free lecture and start your explorations.

Free Fridays 5:00 PM to 8:00 PM
www.NMHistoryMuseum.org

On Museum Hill in Santa Fe (a longer walk from the La Fonda)

Museum of Indian Arts & Culture
 12,000 years of Southwestern Native

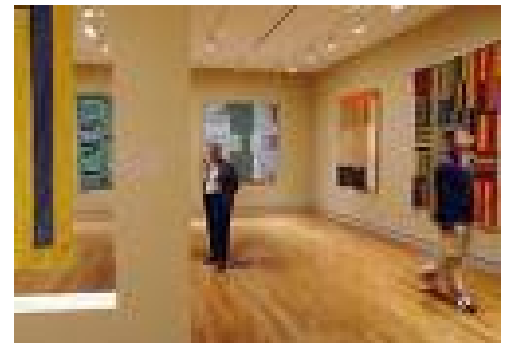
American cultural history is presented in an exhibition of over 1,000 objects and artifacts that tell the stories of creation, centuries of survival and everyday life in today's world. Also featured are changing exhibitions developed from the museum's collection of 10 million archaeological artifacts and traditional Native American art objects and a continuing display of 500 Pueblo ceramic pieces from ancient times to today.

The museum also presents artist demonstrations, dances, family events and educational programs. The museum gift shop features authentic Indian jewelry, pottery, textiles and other items made by local artists and fiction and non-fiction books by Native American authors.

www.IndianArtsandCulture.org

Museum of International Folk Art

This museum houses more than 135,000 objects, the largest collection of traditional folk art in the world, exploring cultures through their traditional arts. Exhibitions include folk art of Latin America mountain villages, metalwork of West Africa, intricate textiles of Eastern Europe and the shadow-puppet tradition of Java. Curators travel the globe to conduct field research, find folk artists and document vibrant cultural traditions.



Special events feature artists' demonstrations, hands-on workshops and ongoing music and dance performances. The museum shops carry diverse works from artisans all over the world – unique dolls, toys, masks, textiles, jewelry, world music and books, all reflecting the fascinating story of international folk art.

www.InternationalFolkArt.org

On the Plaza in Downtown Santa Fe (an easy walk from the La Fonda)
New Mexico Museum of Art

Housed in a charming example of Spanish Pueblo Revival architecture, this nearly 100-year old museum showcases Southwest art in an array of media and cultures. It is the place to go to appreciate the unique artistic nature of New Mexico.

The museum features works by Native American, Hispanic and European-American artists that illustrate the changing aesthetic ideals that have evolved within Southwestern art over the last 125 years. Galleries display changing exhibitions often drawn from the museum's collections of photography and contemporary art. Visitors can walk through the sculpture gardens and courtyard.

Free Fridays 5:00 PM to 8:00 PM
www.NMArtMuseum.org



New Mexico History Museum/Palace of the Governors

The site of the NAHO Welcome Reception on Sunday, November 13, 2011, the Palace of the Governors features four hundred years of history. The New Mexico History Museum, a significant addition to the Palace, expands the scope of exhibits, which blend ancient artifacts, historical photographs, modern-day films and up-to-date computer interactive displays.

Stories range from the State's earliest Native peoples to Spanish colonists, Mexican settlers, riders on the Santa Fe Trail, railroad builders, artists, outlaws and more. The shady Palace courtyard is

National Judicial College Faculty Member to Teach at Conference: Judge Anthony Baratta Will Conduct Three Courses

Toni Boone (NV)

Judge Anthony Baratta, Associate Chief Administrative Judge for the Atomic Safety and Licensing Board Panel, Washington, D.C., will be presenting three classes during NAHO's 2011 professional development conference in Santa Fe: "Overview of Environmental Law," "Legal Research: An Introduction," and "Handling and Admissibility of Scientific, Technical and Electronic Evidence." (See course descriptions, below.) Judge Baratta has served as associate chief ALJ since August of 2003. Previously, he served as a professor and chair of the Nuclear Engineering Program for Penn State University.

Judge Baratta earned his Bachelor of Arts and Bachelor of Science degrees from Columbia University and his Ph.D. from Brown University. The author of *Introduction to Nuclear Engineering*, 3rd Edition, *Three Mile Island--25 Years Later*, and numerous technical publications, Judge Baratta has served as a faculty member at The National Judicial College in Reno, Nevada since 2008. Judge Baratta also served 30 years in the Naval Reserve and retired with the rank of Captain.

NAHO is fortunate to have Judge Baratta contributing to the conference. He is looking forward to attending both for Santa Fe's unique historical and cultural background and to interact with other hearing officers at the conference. He values such interactions and believes they provide valuable insight and learning experiences that help him to perform his job as an ALJ. Judge Baratta is a follower and devotee of Penn State athletic programs. He enjoys sailing and he also raises oysters in his back yard.

Courses to be conducted by Judge Baratta

Overview of Environmental Law

West's Law Dictionary defines environmental law as an amalgam of state and federal statutes, regulations, and common-law principles covering air pollution, water pollution, hazardous waste, the wilderness, and endangered wildlife. Impacting virtually every aspect of our lives, environmental litigation revolves around six doctrines: nuisance, trespass, negligence, strict liability, prior appropriation, and riparian rights. This course will provide an overview of these principles

and examine some of the governing statutes. It will also discuss some of the trends in dealing with environmental law through other than adjudicatory processes.

Legal Research: An Introduction

The purpose of legal research is to find "authority" that will aid in finding a solution to a legal problem. This class will provide an outline of the process, define certain terminology, identify the principle sources of case law and do a demonstration of how to perform legal research using Westlaw online.

Handling and Admissibility of Scientific, Technical & Electronic Evidence

Scientific testimony is often used in complex cases to support a parties' position. This course will look at general admissibility using the Daubert and Frye standards. Particular emphasis will be placed on handling expert testimony involving complex computer calculations using proprietary software and methods. Included will be a discussion of when motions to compel might be appropriate as well as approaches to be used when examining scientific evidence.

2011 Scholarship to Assist NAHO Member in Attending Conference in Santa Fe

The 2011 NAHO Scholarship Committee consists of Hugo M. Franco (AZ), Chairman, Andrea Boardman (CT) and Toni Boone (NV). The NAHO Board of Directors has authorized one scholarship to assist NAHO members in attending the 2011 Annual Professional Development Conference in Santa Fe, NM, November 13-15, 2011. Applicants **MUST** be NAHO members. Scholarships cover the total conference registration fee, including conference meals. Scholarships do **NOT** cover travel and lodging costs.

Applicants must submit a letter to the NAHO Scholarship Committee with the following information:

- Indicate whether you are a NAHO member in good standing, or that you have applied to become a NAHO member. Verify your status by listing your membership number or by providing the date of your membership application.
- State your employment information (employer, job title, how long you have been a hearing official).
- Indicate whether you will be receiving any funding from your state or employer to attend the conference. If you will not be receiving any funding, please provide a letter from your supervisor/employer stating that you will not be receiving any funding.

- Indicate whether you are working on obtaining NAHO certification.
- Indicate whether you have previously received a NAHO scholarship.

Applications **MUST BE RECEIVED BY SEPTEMBER 9, 2011** to be considered. Only complete applications will be considered. Send your letter of application and supporting information by regular mail or by e-mail to:

**Hugo M. Franco, Chairman
DES Appeals Board
1951 W. Camelback Rd., Suite 465
Phoenix, AZ 85015
hfranco@azdes.gov**

SHOPPING ON THE PLAZA: THE NATIVE AMERICAN ARTISANS PROGRAM

Janice Deshais (CT)

One of the most interesting sights, and a symbol of shopping heaven, you will see as you walk along the historic Plaza in Santa Fe is a long row of colorful blankets spread in front of an adobe wall. A closer look at the scene under a timber roof will reveal beautiful jewelry, pottery and crafts displayed for sale. This is the Portal of the Palace of the Governors, which has historically been a location where native and other New Mexicans have gathered to buy, sell and trade goods since the building's earliest days in 1610.

Since 1979, the Regents of the Museum of New Mexico have reserved the Portal for use by New Mexico Native Americans to display and sell their handmade jewelry and arts and crafts. The Native American Artisans Program is committed to preserving New Mexico's Native American culture and lifestyle. For



example, participants maintain the traditional blanket-on-the-ground display and selling custom. Program participants are certified and hold fast to high standards, assuring that the goods you purchase are handmade, authentic and of the finest quality.

On any given day, there will be a variety of vendors who gain one of the coveted 68 spaces in the Portal via a lottery. You will have a chance to meet members of New Mexico's 23 tribes and pueblos and view and purchase their traditional wares. In addition to handmade spectacular jewelry and other works of arts and crafts, traditional food items may even be available. (If homemade oven bread is for sale, be sure to treat yourself!)

The following buying tips and etiquette guidelines are offered by the Artisans Program (with my editorial comments based on my experiences). I hope these will help you enjoy your shopping!

- Please ask permission before taking photographs or filming. (Most vendors are very willing if you are not disruptive or in the way of other buyers.)
- Please do not step on or behind an artisan's selling space. (Remember, these items are on the ground!)
- Most artisans accept cash or credit cards; some accept checks, including traveler's checks.
- Always make sure you get the artisan's name and contact information or business card; you may wish to order more items or have an item repaired.
- Artisans have no fixed selling space or schedule when they will be selling. (My advice: If you see something you like, don't wait to buy it!)
- Feel free to talk to the artisans and ask questions. They will tell you about their work, themselves and their tribal traditions. (This can



be interesting and a lot of fun!)

- All items must be handmade. Machine or factory-made items are not allowed.
- All silver must be sterling and all stones must be natural. (Some stones may be "stabilized" with hard, clear acrylics. Sellers are very willing to explain this process.)
- Bargaining is not recommended. The seller might offer you a lower price, especially if you are buying several items, but do not make an offer first. (Some artisans are insulted if you try to bargain – remember that this is not a touristy bargaining venue.)
- If you do like to bargain, some of the other vendors set up in the areas outside of the Portal (usually off the Plaza) may bargain with you. (Remember, however, that these vendors not be participants in the Artisans Program.)
- Finally, enjoy viewing all there is to see and be sure to purchase something wonderful!

SPOTLIGHT ON NEW NAHO MEMBERS

Janice Deshais (CT)

Members of NAHO serve as hearing officials in many capacities and in many places -- even the U.S. Virgin Islands. NAHO News is the perfect place to draw attention to the diversity of NAHO membership through this spotlight on our newest members. If you are a new member I may be asking you for a brief bio of yourself for future issues. You can also contact me if you would like to be included in this feature at janice.deshais@ct.gov. Welcome new members!

Wendy Bumberra

Administrative Law Judge

Pennsylvania Department of Public Welfare



Wendy began working for the Commonwealth of Pennsylvania as an Intermittent Intake Interviewer at the Department of Labor and Industry in 1992. She transferred to the Department of Public Welfare in 1996, beginning her career there as an Income Maintenance Caseworker and serving as a Supervisor beginning in 1998.

Wendy became an Administrative Law Judge in 2007, and currently conducts hearings for programs administered by the Department, including cash assistance, SNAP, Medicaid, LIHEAP, nursing home care, and waiver services.

Born and raised in Erie, Pennsylvania, Wendy studied at the Edinboro University of Pennsylvania. Her two children and two grandsons are her greatest joys in life and she also enjoys photography, walking with her Shiloh Shepherd dog Liam and the occasional road trip in her 2004 GTO. Wendy originally joined NAHO in 2007 when she became an ALJ, then became a "lapsed member" and rejoined in 2011. She is looking forward to meeting and talking with people she has read about in past newsletters (and on the website) and possibly attending a conference in the near future to further her professional development.

Debby J. Butler

Administrative Hearing Officer

North Carolina Department of Motor Vehicles



Debby conducts Driver's License Hearings, which are Refusal hearings, DWI Restoration Hearings, Alcohol Concentration Hearings, and Pre-Hearings. She has recently been trained to conduct Safety Inspection and Emission Station Hearings and Dealer Hearings. At the DMV since January 1995,

Debby became an Administrative Hearing Officer III in May 2001 and conducted Liability Insurance Hearings until being promoted in June 2009 to her current position because of her experience.

Debby has received extra training from the National Judicial College (NJC) in 2003 and in March 2011. Based in Concord, NC, her work

covers 3 counties: Cabarrus, Union and East Mecklenburg County. Married for 35 years, Ms. Butler has two adult daughters, a Chihuahua named Bandit, 4 "grand-dogs," and many "wonderful friends." She joined NAHO after the March 2011 NJC training at the request of NAHO members Judge Toni Boone (NV) and Phil Snow (NC). Debby says she looks forward to being an active part of NAHO!

Ursula L. Clemons

Presiding Administrative Law Judge

California Occupational Safety and Health Appeals Board (OSHAB)



Prior to her appointment as Presiding ALJ for the Southern California OSHAB, Ursula conducted administrative hearings for OSHAB, adjudicating appeals from private and public sector employers and employees regarding alleged violations of workplace safety and health laws and regulations. Previously, she was an enforcement litigation

attorney at various California State entities for 13 years.

Ursula received her B.S. from the University of Southern California and her JD from Whittier College School of Law. In her spare time, Ursula likes to travel, attend live performances, exercise, go to the movies and read for pleasure. Spending time with family and close friends is also a priority. Eager to participate in NAHO, Ursula says "NAHO provides an opportunity for members to enrich their professional lives, keep abreast of important issues and network in an atmosphere of warm collegiality while promoting social justice."

Elizabeth Sul-Celline

Administrative Law Judge

Pennsylvania Department of Public Welfare



Elizabeth has been an ALJ with the Pennsylvania Department of Public Welfare Bureau of Hearings and Appeals since August of 2007. Prior to this, she was an Income Maintenance Caseworker for the Department. She was a Casework Supervisor for the Commonwealth's Department of Public Welfare from 2002

until she became an ALJ in 2007.

Elizabeth has a BA in Criminal Justice, a BA in Political Science, and a Masters degree in Public Administration from Gannon University in Erie, Pennsylvania. In her spare time, Elizabeth enjoys traveling and scuba diving with her husband. She also likes to go camping, an activity that includes Bella, her Jack Russell terrier. Elizabeth has joined NAHO to continue educating herself beyond the trainings offered by her own agency and hopes to attend the 2011 professional development conference in Santa Fe! We hope so too!

From the President

By Bonny M. Fetch, NAHO President

I Love a Good Challenge – Keeps Me On My Toes

Remember that famous 1960's tune, *The Times They Are a-Changin'*? It is one of Bob Dylan's most famous songs, and according to Wikipedia, "many felt that it captured the spirit of social and political upheaval that characterized the 1960s." It applies to the times today as well. These are definitely changing, challenging times. Almost every direction one turns, there is anxiety, unrest, and fear of the bottom dropping out. State budgets are tight or broke and there have been drastic cutbacks of employees, which have affected many of our colleagues. In some states, hearing functions have been restructured so that whole divisions are eliminated, in others, cutbacks have left fewer hearing officers having to handle more cases. In still others, employees are forced to take furloughs because the legislature has failed to enact a budget or there is a budget shortfall. Some states have cut pay or not provided pay raises in an effort to stretch the budget. And yet, the work must get done and employees strain ever harder to keep up because unemployment is not an option. Sobering thoughts, if not downright depressing.

I'm going to take a little segue at this point and talk about another challenge. You have read or heard about the Missouri River flooding. Since it covers several states, some of you have probably experienced it first-hand. I live in Bismarck, the capital city of North Dakota, which is on the banks of the Missouri. Two months ago I had no idea that we would be facing a major flood. And not one that would come and go in a few days, but one which will take homes, businesses, trees and land underwater and keep it there the whole summer. Hard to comprehend. The six Missouri River dams spanning several states were supposed to prevent that from ever happening. But heavy snowfall in the mountains and record rainfall upriver in Montana, among other things, combined to make a disaster inevitable. After the initial shock and disbelief, Bismarck set to work to meet the challenge to minimize the damage which was coming.



Bonny M. Fetch (ND)

The community pitched in and volunteers picked up gloves and shovels and headed to several sites and made hundreds of thousands of sandbags (no easy task). Those whose homes were in harm's way worked feverishly with the assistance of friends, family, and non-relative volunteers to clear out furniture and belongings, sometimes to the bare walls and floors, and built ring dikes of sandbags, bales, or dirt and plastic surrounding their homes. All the while, we devoured information daily, sometimes hourly, about projections of the release of water flows. I learned what cfs (cubic feet per second) means, and found out the lot my home is built on is 1880 feet above sea level (I am in no danger of this flood). Many, like me, took frequent drives along the river and to favorite vantage points overlooking the river, to see first-hand how fast the water was rising. In the meantime, I went and made sandbags as often as I could until they said, finally, there were enough and the sites closed. The frantic pace everyone had been working at suddenly slowed down, and an eerie sort of feeling settled in, best described as an underlay of anxiety, waiting for what was to come, with an overlay of hopefulness that the preparations would be successful in protecting as much as possible. Now, the flood has come. Some have lost their homes, others are holding their breath day to day. But all the hard work is paying off for the city and for a great many who will come through with minimal or no damage.

This flood experience got me to thinking about how Bismarck is dealing with this overwhelming challenge and whether there are certain stages which might correlate to dealing with other challenges. I identified five stages which I think apply to successfully dealing with challenges, no matter how big or small they might be. To illustrate, these stages apply whether the challenge might be an impending flood or cutbacks in funding and possible loss of a job.

- 1. Prepare** – This is critical, it involves gathering the best information available about the situation, determining options, and taking action to avert or minimize damage and optimize results. It also involves mental preparation and placing yourself in the best possible position to meet the challenge.
- 2. Endure** – Having prepared to the best of your ability, this involves letting nature take its course, so to speak. This does not mean you do nothing, it means you gauge the situation as it unfolds, take corrective action when necessary, and bear up if the worst happens.
- 3. Reflect** – This is a period of analysis, figuring out what went well, what did not go well, and what to do differently or better if the same situation were to occur again.
- 4. Recover** – This is a stage of acceptance, forgiveness, and healing. It is a time of purging, accepting what happened, ridding yourself of guilt or doubts that you may not have done the right thing or may not have done all you can, forgiving others for what they may have done to cause the situation, letting go of the anger or shame or any other unhelpful or destructive feelings, and finally, taking positive steps to feel better and move forward.
- 5. Rebuild** – Having come through the first four stages, you are at a point where you no longer dwell on what was. You decide your future and you rebuild accordingly.

With all the challenges our jobs entail, even in the best of times, it seemed appropriate to structure this year's conference to "*Keeping Focused in Challenging Times*". The various sessions will help you PREPARE (the critical first stage) to meet the challenges of your profession and deal with the stresses of constantly changing priorities, increasing expectations, and decreasing resources. Depending on your particular circumstances, you may find information, tools, and support to help you deal with other stages you may be experiencing. Now, more than ever, it is important to take care of ourselves. And what better place than in beautiful Santa Fe in the company of your colleagues. *I hope to see you there in November.*