



# NAHO News

August 2014

## Message from the PRESIDENT

I have the pleasure of inviting you to attend the 2014 National Association of Hearing Officials Annual Professional Development conference in historic Charleston, South Carolina from November 16th - 19th. This annual convocation of hearing officials and faculty promotes the advancement of knowledge in our world of adjudicatory hearings, offers training on a variety of related subjects and allows for the exchange of ideas and experiences.

According to its promotional sites, Charleston is one of America's most beautifully preserved cities with its cobblestone streets, antebellum homes and harbor front – it is described as a step back in time and the cultural capital of the south! For two years in a row Conde' Nast Traveler's Readers' Choice Awards named Charleston as the top city in America!

The city is known for its rich history, well-preserved architecture, celebrated restaurants and mannerly people. Local attractions include old plantations, Fort Sumter where the War Between the States began, the aircraft carrier Yorktown, beaches, golf courses, art galleries, fashion boutiques, antique shops and museums. At the annual membership meeting on Tuesday afternoon, November 18, you will be asked to approve proposed changes to the by-laws, the minutes from the 2013 meeting and the annual financial report.

The board selected the conference venue at the Doubletree Hotel with special care because of its location in the historic district and its proximity to shops, bars, restaurants, City Market, King Street, Rainbow Row, Waterfront Park and High Battery and you travel in the district by horse-drawn carriage. The conference planning committee, under the leadership of the Vice-President, has put together an im-

pressive program of training and special events.

The conference officially begins with a welcome reception on Sunday evening and the following three days of academic programming will feature opening and closing addresses that anchor workshops on pre-hearing conferences, decision writing, management of high volume hearings, basics of evidence and rulings, building an administrative record, ethical considerations, judicial review and many more selections. The conference also provides an opportunity for members to earn several credits toward certification as a hearing officer or administrative law judge and the chance to earn CLE credits in your respective states. In addition to stimulating and educational programs, there will be many opportunities to relax and get to know your colleagues from across the country.



{Photos courtesy of [www.explorecharleston.com/](http://www.explorecharleston.com/)}

The registration fee includes the Sunday evening reception, all classes, the Monday luncheon with guest speaker, morning and afternoon breaks, and the Tuesday evening awards banquet.



Norman Patenaude (NH)

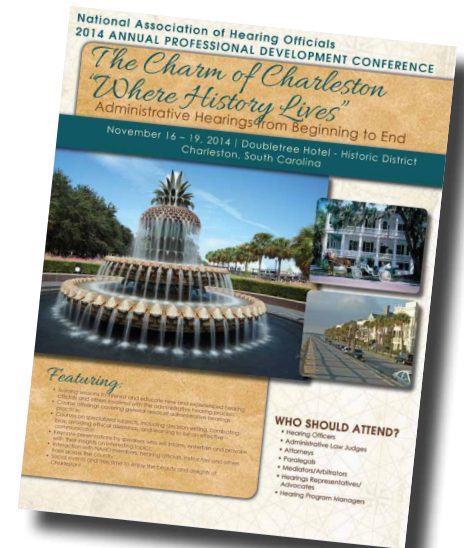
The knowledge that you will acquire at the conference will be interesting and helpful to your professional growth. Visit our website for the conference brochure listing the program of classes and events as well as how to register online and reserve your accommodations.

I look forward to greeting y'all in Charleston!

**Norman J. Patenaude, CALJ**

**President**

2014  
Conference  
Registration  
is coming soon!



Watch the  
website,  
**[www.naho.org](http://www.naho.org)**  
for the  
Conference  
Brochure!

## Official NAHO Products Available at 2014 Conference

*Toni Boone (Nevada)*

NAHO offers a variety of items for purchase, at nominal prices, branded with NAHO's logo. As it would be impractical, if not impossible, to carry a large inventory of items from conference to conference each year, NAHO members will again be able to place an order to obtain apparel and other items embroidered with NAHO's logo at the upcoming conference in Charleston. Among the apparel items available for order are polo shirts, button-collar shirts, sweatshirts and fleece vests and jackets in a wide variety of colors and sizes. NAHO will also be offering a sturdy woven computer case with a zipper closure.

There will be a number of new items available

for purchase at the Charleston conference. NAHO will have new collar/lapel pins for purchase, including pins with the CHO (Certified Hearing Officer) or CALJ (Certified Administrative Law Judge) designation under the NAHO logo. NAHO will also be offering two new tops for its female members—a V-neck tee-shirt with  $\frac{3}{4}$  sleeves and a dressier button-front blouse. All apparel items and computer cases may be personalized with the member's name, initials, and agency or certification status below the embroidered NAHO logo.

One of the most popular apparel items at every NAHO conference is the souvenir conference tee-shirt. We will again have a colorful, custom-designed tee-shirt commemorating our 2014 Charleston conference available for

immediate purchase. The tee-shirt will have a design unique to our conference venue and would make a wonderful souvenir of your visit to the Charleston area.

The upcoming conference in Charleston promises to be the best conference yet. We hope that you will attend. If you do, please stop by the merchandise booth to see the items that are available for purchase or that may be ordered. In the meantime, NAHO merchandise may be ordered year round by contacting the chair of the Merchandise Committee, Toni Boone. You may contact her via email at [tboone@dmv.nv.gov](mailto:tboone@dmv.nv.gov).

## Scholarships Available for 2014 Professional Development Conference

*Toni Boone (Nevada)*

The NAHO Board of Directors has authorized a limited number of scholarships to NAHO members to attend the 2014 Professional Development Conference in Charleston, November 16-19. These NAHO scholarships cover the total conference registration fee and all group meals that are a part of the conference. NAHO scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. Applicants for the NAHO scholarships must be members in good standing of NAHO.

The National Judicial College is also offering two scholarships to attend NAHO's upcoming conference. The NJC scholarships will cover the entire conference registration fee and all group meals that are a part of the conference. NJC scholarships do not cover travel expenses, lodging expenses or meals that are not provided as a part of the conference. In order to apply for an NJC-sponsored scholarship to attend NAHO's upcoming conference, you must be an alumnus of the National Judicial College in addition to being a member in good standing of NAHO.

Those interested in applying for either or both scholarships must submit a letter to the NAHO Scholarship Committee with the following information:

- You must verify that you are a member in good standing of NAHO or have applied to become a NAHO member. Your status may be verified by listing your NAHO membership number or by providing the date of your membership application.
- Employment information (employer, job title, length of time 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 or recertification.
- Indicate whether you have previously received a scholarship to attend a NAHO professional development conference and the year you received the scholarship.
- If you are applying for an NJC scholarship, please indicate the title of the last NJC course you completed, the location of the course and the year of completion.

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Letters of application must be received by October 1, 2014, to be considered. Only application letters which provide all of the above information will be considered. Send your letter of application and any supporting information by regular mail or by e-mail to:

**Toni Boone, Administrative Law Judge, Office of Administrative Hearings,  
Department of Motor Vehicles  
2701 E. Sahara Avenue, Las Vegas, Nevada 89104  
tboone@dmv.nv.gov**

## NAHO CERTIFICATION COMMITTEE 2014

*Katherine Flores (Wyoming)*

Your 2014 NAHO Certification Committee consists of Barbara McDonald, Eric Moody, Richard Murrell, Robert Pullen-Miles, Linda Snow, Jimmy Stokes, and chairperson Katherine Flores. The committee was ably led by Linda Snow for several years, and this year of transition has brought both challenges and opportunities. With your input and input from the board, we have begun revising the application for certification to more closely reflect the requirements.

A bit of history: In 1995 NAHO initiated a certification program for hearing officials. This program is dedicated to developing uniform standards of excellence and professionalism for hearing officials and administrative law judges across the country. Certification provides concrete evidence of your personal commitment to the hearing process.

All NAHO members nominated for an elected office must be members in good standing. Associate members are not eligible to vote or serve on the Board. A member may not serve more than two consecutive terms in any office.

### **Objectives for the certification program include:**

- 1) Developing uniform standards of excellence and professionalism for hearing officials/administrative law judges.
- 2) Strengthening the administrative hearing process nationwide.
- 3) Providing fair and impartial judging to the public and the agencies served.
- 4) Establishing curriculum of core courses to be completed as a requirement for certification.

5) Complying with fair hearing requirements and promote due process in hearings.

5) Enhancing professional and employer recognition as hearing officials/administrative law judges.

To apply for certification, please go to <http://naho.org>. You'll find information about the certification program, along with an application. Please follow the instructions carefully to expedite your request. Include verification for the courses you list – transcript or certificate. Scan or mail to the chairperson, Katherine Flores. The entire committee will review your request before submitting the request to the NAHO board.

If you want to receive recognition for your status as a Certified Hearing Official or Certified Administrative ALJ at the November conference, submit all materials by September 15, 2014.

## 2014 CONFERENCE HOTEL DOUBLETREE BY HILTON HOTEL & SUITES



*Jo Murphy (Tennessee)*

The site for the 2014 National Association of Hearing Officials Annual Professional Development Conference is the lovely DoubleTree by Hilton Hotel and Suites. Experience the hotel that

is the lovely DoubleTree by Hilton Hotel and Suites. Experience the hotel that turns travel into a human experience, beginning with a warm chocolate chip cookie at check in. All attendees will enjoy a large two room suite stocked with all of the comforts of home before starting your conference and city of Charleston adventure.

The hotel is conveniently located in the heart of the Historic District across the street from the newly renovated Charleston City Market and a couple of blocks from the Charleston Harbor. Many of the city's attractions and famed restaurants are only steps away.

The hotel's comfortable meeting facilities are conveniently located on one floor with direct access to the Palmetto Courtyard. Plans are being made to hold our Sunday Evening Reception and Banquet Social Hour under a tent in the courtyard.



*{Photos courtesy of [www.explorecharleston.com](http://www.explorecharleston.com)}*

The deadline to receive the conference rate of federal per diem of \$137.00 (plus taxes) is Wednesday, October 15, 2014. Attendees have two options for making a reservation. They can call 1-877-408-8733 and provide the three letter code (AHO) so the group block will pull up. The second option is to register online at [www.charlestdoubletree.com](http://www.charlestdoubletree.com) and enter the same three letter code under group code section. A credit card will be required when making reservations in order to guarantee the room. If a guest cancels their room within 48 hours prior to arrival they will be charged one night's room and tax. In addition, if the guest is already at the DoubleTree and decides to change the departure date they will also be charged a fee in the amount of 50% of the guest's room rate. Current valet parking fee is \$25.00 a day for hotel guests with unlimited in and out privileges.



## THE CHARM OF CHARLESTON - WHERE HISTORY LIVES

*Jo Murphy (Tennessee)*



*{Photos courtesy of www.explorecharleston.com}*

The first half of this year's conference theme, The Charm of Charleston "Where History Lives", is a perfect description for the beautiful city of Charleston, South Carolina. We're very excited to be hosting the 2014 National Association of Hearing Official's Annual Professional Development Conference in the location named the #1 U.S. city by Conde' Nast Traveler Reader's Choice awards three years in a row. Travel and Leisure named Charleston the best U.S. city for tourists last year.

Charleston is the oldest and second largest city in the southeastern State of South Carolina. Founded in 1670 as Charles Towne in honor of King Charles II of England, Charleston adopted its present name in 1783. Known for its rich history, well-preserved architecture, celebrated restaurants, mannerly people, and coastal location, Charleston has been a destination city for many years.

Exploring the city is fascinating. You could visit for weeks and not run out of things to do. Take nice long walks in the residential areas and soak in the serenity of peaceful gardens that surround the historical houses. Walk along Bay Street to Battery Park and take in a beautiful sunset surrounded by antebellum houses. Watch the birds flying and boats coming and going in Charleston Harbor. If you aren't a walker, jump on a carriage and ride in a slow pace all around the city, or check out the "Dash Trolley" that is a free service. You just hop-on and hop-off at your destination.

Are you hungry yet? This city is a culinary delight. Try the best grits you'll ever have, prepared in ways you never imagined. Not sure about grits, check out festive dockside oyster roasts, high-end restaurants, outdoor cafés, fresh from the dock seafood. The list goes on and on. Every meal is an event in itself.

How about touring one or more of the historic houses? You can even see the house where the order was given to fire the first shots of the Civil War. Maybe you want to venture further out of town to check out a plantation (there are several), or visit old Charles Town, the original city. You could go even further and visit one of several nearby beaches.

Is it time to venture back towards downtown? Take a boat ride out to Fort Sumter on your way. Now it may be time to take in a little shopping. Maybe even do a little holiday shopping.

The City Market across the street from the hotel is a fabulous place to pick up some Charleston souvenirs.

You may want to check out some of the clothing at some of the King Street Boutiques. You can also browse in the numerous antique shops nearby.



*{Photos courtesy of www.explorecharleston.com}*

The climate is mild throughout the year with averages in the 60's and 70's during November. Come and join us for the conference November 16th through 19th. After the Conference opening session on Sunday morning, you will have the afternoon to explore Charleston at your leisure. You might also consider extending your time in this wonderful place for a nice vacation after enjoying an exciting Conference curriculum.

## NAHO LIBRARY IS OPEN FOR BUSINESS

*Clayton Mansfield, (Pennsylvania)*

At the annual training conferences, NAHO makes video recordings of faculty workshops on topics that include evidence, recent developments in administrative law, credibility, decision writing, and much more. You can access this NAHO member benefit for your own professional development and to meet NAHO certification requirements.

Some of the available titles include:

Handling & Admissibility of Scientific, Technical & Electronic Evidence  
Justice versus Prejudice and You  
High Volume Hearings  
Hearing Security

All current NAHO members have library privileges. To request a video, send a Library Loan Request (form available at [www.naho.org/members/library](http://www.naho.org/members/library)), a copy of your current membership card, a \$22 rental fee, and a refundable \$25 deposit to the librarian.

**Clayton Mansfield**  
**Chair, NAHO Library Committee**  
**600 Arch St., Rm. 6448**  
**Philadelphia, PA 19106**

Please allow 5 business days for processing and mailing.

We'd also like to hear from you on how to make the NAHO Library more accessible and relevant. We are investigating making seminars available on demand through our web site, and other enhancements. If you have suggestions, send an email to the librarian at [clayton.mansfield@irs.gov](mailto:clayton.mansfield@irs.gov).

## HIGHLIGHTS OF THE CONFERENCE CURRICULUM: ADMINISTRATIVE HEARINGS FROM BEGINNING TO END

*Janice Deshais (Connecticut)*

This year's curriculum reflects the Conference theme, Administrative Hearings from Beginning to End. Sessions will be offered in the order of a typical hearing process, with early courses that are relevant to the pre-hearing preparatory stage, followed by training that impacts the conduct of a hearing, ending with courses that will enhance post-hearing skills and considerations. Of course, since many skills and interests are not tied to any particular stage of the process, special topics will also be featured along the way!

### Sunday, November 16, 2014

The Conference will begin at 9:30 am with a very special 90-minute presentation on the timely and important topic of hearing room security, Prevention and Preparation for Hearing Room Violence. Judge Paul Burch of the South Carolina Circuit Court, Fourth Judicial Circuit, a former police officer before and well-known and highly regarded speaker on hearing room security, will describe actual incidents, the lessons that can be learned from these events, and steps we can take to prevent and/or mitigate such incidents in our own hearing rooms.

### Monday November 17, 2014

The **Opening Address** of the Conference, **NAHO – From the Beginning**, will be presented by Bonny M. Fetch, Administrative Law Judge and NAHO Immediate Past President. A member of NAHO almost from its beginnings 28 years ago, Bonny will share NAHO's story, covering its historical highlights and the people who have been integral to NAHO's advancement over the years. Not a boring history lesson! Come learn about our past, understand our mission, and explore our future!

The pre-hearing phase of the hearing process will be featured on Monday morning with courses such as **Setting the Stage: Opening the Hearing and Other Essential First Steps**, **Evidence Fundamentals**, and **Due Process Primer: What Every Hearing Officer Needs to Know**.

Three special presentations will be featured on Monday afternoon. The first, **The Mediation of Administrative Disputes**, will consider how mediation can be used even if an agency doesn't provide mediation services, the ethical issues for a hearing official to serve as a mediator and where mediation skills can be obtained. The second



*{Photos courtesy of [www.explorecharleston.com](http://www.explorecharleston.com)}*

session is called **The Human Factor: Dealing with Emotional Hearing Participants**. Many hearing officials preside at hearings that impact people's lives; emotions are therefore a part of the proceeding. This session will explore how hearing officials can manage this "human factor" in hearings and handle the stress that comes with being the hearing officer in these situations. A panel will also offer advice on how to make sure the emotional factor does not impact the hearing process and decision-making. A third session, **A Hearing Official's How-To on Creating or Improving Your In-House Legal Research Database**, will feature hearing officials who will explain the in-house systems they use, the benefits of those systems and how you can develop or improve your own research databases. Not a course for techies, this session will cover two kinds of databases: 1) an in-house compendium of rulings and decisions of agency hearing officers and ALJs that others in the agency can access and use for research; and 2) a database that stores appellate court case law from your states that is pertinent to the work of your agency. This is a low-tech do-it-yourself approach to creating or improving these resources.

### Tuesday November 18, 2014

Tuesday will feature the several courses to improve our ability to conduct a hearing. The morning will feature **Effective Listening**, an in-depth examination of how listening skills or their absence, can affect the hearing process, a panel presentation, **Ethics: A Proactive Approach to Handling Ethical Problems**, in which Bonny Fetch will led a panel of experienced hearing officials and a law professor will discuss actual ethical issues they have faced and how they handled them, offering practical advice to help you avoid foreseeable ethical dilemmas, and the perennial favorite bench skills course: **How to Conduct and Control Your Hearing** by NAHO regular Attorney Jim Gerl, who will reveal his Eight Rules for conducting a hearing. In this advanced evidence session, **Ruling on Objections**, NAHO faculty favorites ALJ Toni Boone and retired Oregon Supreme Court Justice "Mick" Gillette will offer advice on this element of hearing management that seems to cause great anxiety.

Have you ever wanted to watch how others handle a difficult pre-hearing conference? **Twists and Turns on the Path to Hearing: A Tale of a Pre-Hearing Conference** will feature several NAHO faculty

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members, all experienced hearing officials, who will illustrate a conference and provide tips on how to handle a conference that goes from bad to worse.

Professor Gregory Ogden of the Pepperdine University School of Law will offer a new and fascinating course this year of hearing officials who have to deal with this difficult aspect of hearings management. **Privileged Communication and Confidentiality** will discuss the nature and types of privileged communication; the required steps to assert privileges; the waiver of privileges; and confidentiality and protective orders that shield confidential data and proprietary information from disclosure.

The afternoon will feature two popular sessions that emphasize post-hearing skills. Paul Keeper, ALJ from the Texas Office of Administrative Hearings and NAHO's favorite writing instructor, has been invited back to present this year's writing course. **That's Not What I Said! Writing Your Decision to Survive Appellate Review**, will focus on the details of administrative decision-writing, particularly from the perspective of surviving judicial review. Another well-regarded class, **Understanding Appellate Review and Judicial Precedent**, team taught by Boone and Gillette, will discuss exactly what appellate review means and entails. If you have ever read an opinion from a reviewing court regarding a case you heard and wondered what how on earth they could have reached that conclusion, this class is for you.

Another special session on Tuesday afternoon will feature a NAHO member, hearing officer and social work doctoral candidate. In this session, **Who Are We? An Analysis of Hearing Officials and Our Perceptions of Our Roles**, Karen Brown will provide some preliminary findings from her dissertation study about hearing officers who conduct welfare hearings and their perceptions of their roles. Karen hopes to enlighten individuals about welfare hearing officers and the critical role that they play in public assistance administration. Come share your opinions and insights!

### **Wednesday November 19, 2014**

Wednesday morning will feature two special sessions that will interest every attendee and apply throughout the hearing process. All hearing officials deal with persons from other cultures, however, it is impossible to learn the values, communication processes, social boundaries and customs of every other cultural group with whom we might interface. **Combating Bias Via Cross Cultural Understanding** presents practical methods for meeting and communicating appropriately with a person of another culture, even without knowledge of that culture. Larry Geller, a well-known NAHO faculty member, will team teach the second part of **Becoming a More Effective Communicator**. Building on the communication skills covered in the first part of the course on Monday morning (which is not a pre-requisite), this course is a more in-depth look at the ways hearing officials communicate and targets key elements to confidence and effectiveness as a communicator.

A final special offering on Wednesday, **The Affordable Care Act: Policy and the Fair Hearing Process** will be taught by two instructors with combined experience from Medicaid program eligibility determination, health and human service training delivery, and fair hearing processes. This course will provide an overview of Medicaid policy changes brought about by the ACA and provide statistical data regarding Medicaid appeals, trends seen during the first several months of hearings, and real hearing scenarios. Bring your ACA questions and be prepared share your experiences with your peers.



*{Photos courtesy of [www.explorecharleston.com](http://www.explorecharleston.com)}*

The **Closing Address** of the Conference, **Stress Management for Harried Hearing Officials**, will be presented by Adam Fisher, Esq. Attorney Fisher, who has lectured on stress management for the last thirteen years throughout the United States to over 5,500 people, will share the fundamentals of stress management with attendees, who will leave this session and the Conference with over 100 suggestions for reducing stress.

**More details about the curriculum and the Conference will be featured in the 2014 Conference Brochure. Look for it online at [www.naho.org](http://www.naho.org).**

## A CONCISE OVERVIEW OF NAHO'S HISTORY

*Bonny M. Fetch (North Dakota)*  
*Immediate Past-President*

I really like McCullough's description of history. I have been a member of NAHO since 1991 and have served on the Board the past 12 years. I have experienced some of NAHO's growing pains and have been privileged to know and work with some of the early members of the organization. I will fully disclose right now that I am a history buff and an avid observer of human nature. So for me, the history of NAHO is fascinating. It is the success story of a small association which came from humble beginnings, but through the vision of its early leaders and hard work and dedication of time and personal resources of members willing to serve on the Board through the years, it has grown to earn an enviable place among national organizations of its kind. I hope you will find it interesting as well.

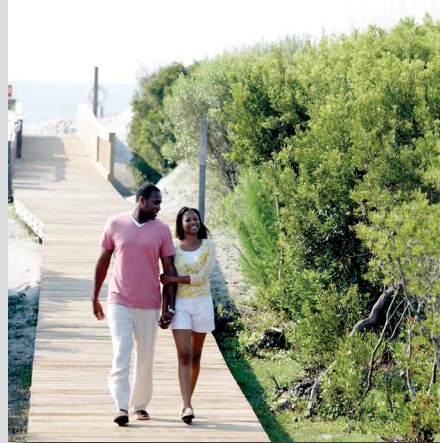
NAHO's beginnings go back as far as 1986. The New Hampshire Department of Health and Human Services collaborated with the National Judicial College in hosting the 1986 Conference in Bedford, New Hampshire. At that conference, hearing officials informally discussed the need to establish an organization for the purpose of gathering and sharing information and providing for continuing education of hearing officials. NAHO was officially formed the following year, in 1987. NAHO was incorporated as a non-profit organization in the state of Kentucky. The conference that year was held in Merrimack, New Hampshire, again co-sponsored by the New Hampshire Department of Health and Human Services and the National Judicial College. At a meeting on September 21, 1987, attendees officially established a hearings association and voted to affiliate with the American Public Welfare Association (APWA). William Kane, Chief, Fair Hearings Division, Department of Income Maintenance in Connecticut, was elected the first president to serve in 1987 and 1988. Representatives from Connecticut and Massachusetts met to draft the first bylaws and to name the association. The name those founders chose is the name we still have today, the National Association of Hearing Officials (NAHO).

NAHO's first conference was held in 1988, hosted by the National Judicial College in

Reno, Nevada. Conference 1989 was held in Cincinnati, Ohio, in association with the National Judicial College. Conference 1990 was held in San Antonio, Texas, hosted by the Texas Department of Human Services. The theme of Conference 1990 was "No Room for Bias." Still developing as an association, NAHO adopted a Code of Ethics for Hearing Officials that year.

*"History is who we are and why  
 we are the way we are."*

*-David McCullough*



*{Photos courtesy of [www.explorecharleston.com](http://www.explorecharleston.com)}*

Conference 1991, "Scales of Justice" was held in Mystic, Connecticut. In October 1991, NAHO published its first newsletter. Conference 1992, "We Hold These Rights" was held in Greensboro, North Carolina. "Justice in Transition" was the theme for Conference 1993 which was held in Rapid City, South Dakota.

Conference 1994, "Due Process" was held in New Orleans, Louisiana. NAHO took two more major steps forward that year. First, a committee was formed to develop a certification program for Hearing Officials and Administrative Law Judges for the purpose of developing uniform standards of excellence and professionalism. Second, NAHO established a library of seminars filmed at the South Dakota conference and appointed the first Librarian.

In 1995, NAHO sponsored its first joint conference with the National Association of Administrative Law Judges (NAALJ). Conference 1995, "Administrative Law: Working Together"

## Conference Registration will begin August 1!

*Janice Deshais (Connecticut)*

It's almost time!! Registration for the 2014 Conference will begin on August 7 and will close on November 7, 2014. The best way to register for the Conference is online at [www.naho.org](http://www.naho.org). You will also be able to register by mail by printing the registration form, which will be posted on the website when registration begins, and mailing it with accompanying payment.

The full Conference registration fee is \$420.00 for NAHO members and \$460.00 for non-members. The fee for NAHO members from our Conference host state of South Carolina is \$395.00; the fee for South Carolinians who are not NAHO members is \$435.00. In addition to enjoying the Conference curriculum offerings, a full conference registration fee includes the welcome reception on Sunday, November 16, 2014; the luncheon on Monday, November 17, 2014; the banquet on Tuesday, November 18, 2014; and coffee, tea, and bagels, pastries or muffins Monday through Wednesday before the first sessions of the day.

Partial registration is available at \$100.00 per session or \$200.00 per day. Partial registration does not include the reception, luncheon, banquet or morning coffee and breakfast treats. Partial registrants are invited to join any event at the guest rate in addition to the partial registration fee.

Guests are welcome at any event. The guest fee for the Sunday reception is \$25.00, the luncheon fee is \$30.00, the banquet is \$45.00 and each "breakfast" is \$10.00.

Payment for full or partial registration, including walk-in registration must be made only by purchase order, payment voucher, or credit card. NAHO will not bill an agency for an attendee after the Conference and cannot make any exceptions to this policy. Also, if your agency needs any information or materials to process payment, you must inform NAHO at the time of registration.

All this information and additional details about registration will be included in our Conference Brochure, which will be sent to members and posted online soon!! Watch your email and keep watching **[www.naho.org](http://www.naho.org)**.

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was held in Williamsburg, Virginia. The first applications for certification were accepted that year and NAHO certified thirteen Hearing Officials (CHOs) and one Administrative Law Judge (CALJ). NAHO returned to San Antonio, Texas, for Conference 1996, “Administrative Hearings: The Next Generation.” Conference 1997 was held in Seattle, Washington, and the theme was “Access into Justice: The Administrative Hearing.” Conference 1998, “Professionalism in Administrative Law” was held in Louisville, Kentucky.

From that time to the present, the annual conference has been held in the following locations:

1999 – Santa Fe, New Mexico  
 2000 – Norfolk, Virginia  
 2001 – The conference was scheduled to be held in Fort Worth, Texas, on September 23- 26, 2001, but was canceled due to the events of September 11, 2001.  
 2002 – Anchorage, Alaska  
 2003 – Minneapolis, Minnesota  
 2004 – Fort Worth, Texas  
 2005 – Durham, North Carolina  
 2006 – Bismarck, North Dakota  
 2007 – Santa Fe, New Mexico  
 2008 – Orlando, Florida  
 2009 – Boise, Idaho  
 2010 – Nashville, Tennessee  
 2011 – Santa Fe, New Mexico  
 2012 – San Antonio, Texas  
 2013 – St. Paul, Minnesota

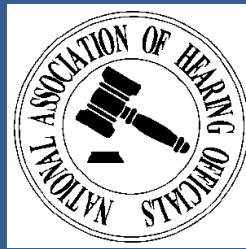
The conference will be held this year in Charleston, South Carolina.

What I have provided in this article is an introduction to NAHO’s history, a factual skeleton of some of the highlights of its inception and early development. There is much more, too much to relate in the limited space here.

Back to the quote from David McCullough at the beginning of this article, how can we understand and be proud of who we are today without knowing where we came from and how the organization has evolved and transformed to keep up with ever changing needs of its members? Knowledge of NAHO’s development and evolution is the key to stability and continuity. While we forge ahead to incorporate new ways to carry out NAHO’s mission to improve the

administrative hearing process through promoting professionalism and by providing training, continuing education, a national forum for discussion of issues, and leadership concerning administrative hearings, we also need to keep in mind that we are the trustees of NAHO’s legacy.

*Hear more about NAHO’s history at this year’s conference in Charleston, South Carolina, when I will expand on how NAHO was formed and take you behind the scenes to look at the people who have been integral to the development and advancement of NAHO through the years, from the early founders of the organization to the present.*



*To register for the*  
**2014 ANNUAL  
 PROFESSIONAL  
 DEVELOPMENT  
 CONFERENCE**  
*visit the*  
**NAHO website at**  
**www.naho.org**

## WHO ARE WE? AN ANALYSIS OF HEARING OFFICIALS AND OUR PERCEPTIONS OF OUR ROLES

Andrea Boardman (Connecticut)

The 2014 NAHO Professional Development Conference has a unique opportunity in store for Hearing Officers. Karen R. Brown, a Hearing Officer with the State of Connecticut, Department of Social Services will be presenting a session at the Conference about her study of Hearing Officers. Brown is a PhD. candidate with the University of Connecticut, School of Social Work. The study involves describing Hearing Officers that conduct welfare hearings and exploring their perceptions of their roles. In this session, Brown will be describing her study and presenting preliminary findings from the research. Participants will have the opportunity to ask questions about the study. Brown will provide initial findings of hearing officer demographics, professional training experiences, and job perceptions. Pete Hemenway will be the moderator of this session.

Brown’s interest in studying Hearing Officers stems from her own experience as a hearing officer and the importance of hearings as part of welfare benefit administration; yet little is known about them and their roles. Hearing Officers have the awesome, yet challenging task of reviewing agency actions to correct errors. Limited research has been conducted on administrative law judges and their role perceptions; however, nothing has been done on Hearing Officers and their perceptions about their jobs.

Brown’s sample will be comprised of Hearing Officers who conduct welfare hearings (SNAP, Medicaid, OASDI, State Supplement/cash assistance, Managed Care, child support, child care, housing, Social Work, any Social Services administered program) with at least a Bachelor’s degree.

You will also have the opportunity to converse with Karen R. Brown, whom I’ve come to know as a thoughtful and dedicated Hearing Officer as well as an awesome individual.



## NAHO BY-LAWS AND POLICIES

*Andrea Lee (Virginia)*

The By-laws and Policies Committee is comprised of Andrea Lee, Chairperson (VA), Bonny Fetch (ND), and Joseph Rubenstein (MN) and Ronald Truss (AL). The Committee updates the General Procedures Manual and the General Policy Manual. The Committee also drafts and reviews proposed By-laws changes and amendments and presents them to the membership for approval.

The NAHO General Procedures Manual and the NAHO General Policy Manual are designed to be user-friendly resources for board members for technical and historical assistance. The manuals are comprised of procedures and policies not otherwise addressed by the Conference Planning Manual or the Budget Manual. Both manuals are used in conjunction with the NAHO By-laws.

### **Procedures Manual**

The NAHO General Procedures Manual consists of procedures drafted by NAHO committees. The Procedures Manual was initially approved by the NAHO Board at the 2011 Mid-year meeting. The Procedures Manual is updated as needed by a vote of the Board.

### **Policy Manual**

The NAHO General Policy Manual is comprised of general policies adopted by the Board since January 2004. The Policy Manual was initially approved by the NAHO Board at the 2009 Annual Board Meeting. The Policy Manual is updated by a vote of the Board at the Mid-year Board Meeting and at the Annual Board Meeting. The procedure to update the General Policy Manual is as follows:

-Approximately two months prior to the Mid-year Board Meeting and the Annual Board Meeting, the Committee will request from the Board any suggested changes to the General Policy Manual.

-Approximately one month prior to the Mid-year Board Meeting and the Annual Board Meeting, the Committee will review all minutes since the last update and review suggested changes from Board members.

-The Committee will submit the proposed changes to the Board for review at the monthly

teleconference Board meeting prior to the Mid-year Board Meeting and the Annual Board Meeting. After review, the Committee will make necessary changes/corrections to the proposed policy changes.

-At the Mid-year Board Meeting and at the Annual Board Meeting, the Board will vote on any change to the NAHO General Policy Manual.

-After the Mid-year Board Meeting and the Annual Board Meeting, the Committee will update the General Policy Manual.

### **By-laws**

Article VIII, Section 1 of the By-laws provides that the By-laws may be amended by the majority vote of members attending the Annual Meeting held at the Annual Conference. Thirty (30) days prior to the Annual Conference, the members of record will be sent notice of the recommended amendments.

At any time during the year, the Committee accepts and reviews proposed By-laws amendments and proposed changes to the By-laws from any NAHO member. The procedure to amend the By-laws is outlined in the General Procedures Manual. The general procedure is as follows:

-Approximately, three months prior to the NAHO Annual Membership Meeting, the By-laws Committee Chairperson will ask the webmaster or Membership Chairperson to send notice to the membership requesting proposed By-laws changes or amendments. The membership is requested to respond to the By-laws Chairperson within thirty (30) days.

-The By-laws Chairperson presents all proposed By-laws changes or amendments to the Committee for review.

-Approximately two months before the Annual Membership Meeting, the proposed By-laws changes or amendments are brought to the NAHO Board for review. The By-laws Committee will recommend proposed By-laws changes or amendments to the Board. A vote

is taken by the Board to present the proposed By-laws changes or amendments to the NAHO Membership.

-Approved By-laws changes or amendments are incorporated into the By-laws and placed on the NAHO website.



## NAHO News

### Newsletter Credits:

**Editor:** Andrea Boardman (Connecticut)

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## Rafael F. Garbalosa, First Elected President of the National Association of Hearing Officials

This NAHO Newsletter Editor has had the pleasure of knowing Rafael F. Garbalosa for most of her 36 year career with the State of Connecticut, Department of Social Services. Rafael has the reputation of being an excellent Hearing Official and later, Hearing Supervisor. He is respected and admired for his strong character and standards. Since his retirement from State service, Rafael has been dearly missed by his former co-workers. It is my pleasure to see Rafael now and again and I thank him for agreeing to this interview. *Andrea Boardman.*

### ***1. What professional positions related to hearings have you held and for how long?***

I worked for 6 years as an Eligibility Services Worker. I then worked as a Fair Hearings Officer for 14 years. I was promoted to Fair Hearings Supervisor and worked in that capacity for 8 years until my retirement in 2006.

### ***2. How and when did the idea of establishing a National Association of Hearing Officials come about? Who was key in establishing the National Association of Hearing Officials and laying the groundwork for the organization?***

In 1981, William “Bill” Kane, Chief of Fair Hearings in the Connecticut Department of Income Maintenance (renamed later Department of Social Services), explored whether there was interest amongst hearing officers of all the States for networking and sharing their concerns and solutions to problems common to all hearing officers. He discussed the issue with Linda Wolf, Associate Director of the American Public Welfare Association (APWA) and in March 1983 APWA issued a newsletter “State Fair Hearings Exchange” that contained news and technical material submitted by hearing officials.

In 1985 Stephen R. Davis, Administrator of the Office of Fair Hearings of the New Hampshire Division of Human Services attended a conference for welfare hearings officers sponsored by the National Judicial College (NJC) and the Michigan Department of Social Services. He offered to have his agency sponsor a joint conference with the NJC in New Hampshire for 1986. Conference ’86 is held in Bedford, NH.

At Conference ’86 participants expressed an interest in forming an association of hearing officers. To that end Stephen Davis and Bill Kane jointly issued a letter to hearing officers across the country asking whether “you have interest in the formation of an organization to further the education and professional status of public assistance adjudicators?” Conference ’87 is held in Merrimack, NH again co-sponsored by the New Hampshire Division of Human Services and the NJC. At this conference a meeting was held for those interested in forming a hearings association. Those attending the meeting decided to form an association for hearing officers affiliated with APWA and to hold Conference ’88 in Reno, Nevada co-sponsored by the NJC and the

newly formed association of hearing officials.

Bill Kane and Stephen Davis shared the goal of bringing together hearing officials to share ideas, information, and receive training and were key in establishing NAHO. Bill had the vision of an association for hearing officers and worked tirelessly towards that goal. Stephen helped make that vision a reality



*Rafael F. Garbalosa, First Elected President of the National Association of Hearing Officials*

by providing the resources and gathering place to discuss and enact the establishment of the association by organizing Conference ’86 and Conference ’87. They had the good fortune to have the support of countless dedicated hearing officers and their staff from throughout the country that shared and gave freely of their ideas and time. The assistance of the NJC and the APWA provided the know-how, resources, and prestige necessary for a fledgling association to get off the ground. Also vital to the establishment of the association were the state agencies which understood the value of skilled hearing officers and provided the ability for them to attend the conferences and be members of NAHO. The combined effort of all these players made NAHO a reality.

### ***3. I understand that you served as the first NAHO President. What was it like to be elected and serve as the first National Association of Hearing Officials President?***

Actually the first president of the association was Bill Kane who was chosen to that office by those attending the meeting at Conference ’87 wherein the association was formed. The by-laws and name of the association (NAHO) were officially approved at Conference ’88. I was the first president elected under those by-laws.

Being elected to serve as president of NAHO was one of the proudest and most fulfilling moments of my professional career. I was honored by the confidence that the NAHO members had bestowed on me. Serving as president of NAHO was challenging and exciting. The challenge was to build on the foundation that had been laid by Bill and Stephen and many others and create a structure that would withstand any rough weather ahead. It was exciting to have met with many different people from across the nation working towards one common goal. I was president in 1990 and 1991 and the success of those two years was mainly due to the help and advice of my executive board (Travis E. Benford (TX), Pat A. Shelby (NC), Truett R. DeMoisey (KY), Zelda C. Epley (NC), Tom Burkizer (SC), Bill Kane (CT), **Garth Patterson (AK), Karen E. Cooley (MS), Jenny J. Flaherty (IA), Jenifer M. Fox (CT), Laurence H. Geller (CA), Sandy Hood**

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Garth Patterson (AK), Karen E. Cooley (MS), Jenny J. Flaherty (IA), Jenifer M. Fox (CT), Laurence H. Geller (CA), Sandy Hood (AR), Bob Krogstad (SD), Jane V. DeLeon (TX), Margaret E. Owens (TX), Donna L. Burns (TX), Hugo M. Franco (AZ), Carole Shotwell (WY), Susan M. VanCise (CT), Virginia G. Donovan, Conference '91 coordinator (CT), Judy Alper (FL), Bill Wilson (DC)) and so many others.

***4. Where was the first NAHO Conference held? How was that first conference planned and how did that conference turn out?***

The first NAHO conference “Conference ’88” was held jointly with the NJC on its campus in Reno, Nevada during November 13-16, 1988. I was chairperson of the conference planning committee. The other members of the committee were Judith M. Dillahunty (VA), James J. Dillon, Jr. (RI), Peter J. Lansdowne (AZ) and Alan Lemery (RI). We modeled the conference after the previous two conferences held in New Hampshire. The committee sent surveys to hearing officers in all 50 states and territories asking for their input and suggestions as to the topics that should be covered at Conference ’88. Based on the results of that survey the agenda for the conference was established. The National Judicial College provided resources and assistance such as registration, facilities for the conference, assembling and printing of the conference notebooks, and securing faculty. Our first conference was highly successful and established NAHO as the new organization for training of hearing officials.

***5. What were some of the things related to NAHO that you were responsible for implementing?***

I was responsible for the implementation of the NAHO logo, the NAHO Newsletter (Jane V. DeLeon (TX), Editor), and the Code of Ethics (Anne L. Hicks (VA), Committee Chairperson).

***6. How long were you involved with NAHO and which Conferences did you attend?***

I was actively involved with NAHO from its inception in 1987 through 1993. I attended Conference ’87 and NAHO conferences in ’88, ’89, ’90, ’91, ’92, and ’93. As a function of being a past-president NAHO granted me lifetime membership in the association.

***7. Do you still stay current with NAHO’s activities and Conferences?***

Yes, mainly by reading the newsletters that are posted on the NAHO website.

***8. How do you envision NAHO’s future?***

Since its inception in 1987, NAHO has been true to its mission of “providing training, continuing education, a national forum for discussion of issues, and leadership concerning administrative hearings.” I envision NAHO to continue to be the leading national association for hearing officials as long as it continues to honor that mission.

***9. How did NAHO make you a better Hearing Officer and later a Supervisor of Hearing Officers? 4. Where was the first NAHO Conference held? How was that first conference planned and how did that conference turn out?***

The NAHO conferences exposed me to a wide breadth of knowledge and experience. But beyond the technical training that I received at the conference training sessions the sharing of information between the conference participants was invaluable. I remember that the training sessions on decision writing and appellate review refined and improved my ability to issue clear and concise decisions and actually made for a timely and effective process, not only for myself, but for all the parties involved. As a supervisor I shared the knowledge I had obtained at the conferences with the hearing officers that I supervised. It made for better hearing officers and elevated the quality of our work (and made my life a lot easier-lol).

***10. Do you have any advice for NAHO members?***

Learning is a life-long pursuit. Continue to seek out educational opportunities in administrative law, and about the programs administered by your agency, and the issues you adjudicate. It is important to continue to be active in NAHO and attend its conferences; they provide an excellent venue where you can share and learn from other hearing officers and experts in their field.

In your hearings develop the record by staying focused on the issue(s), ask questions, and take good notes. In your decisions stay focused on the issue, be brief and concise but not vague, your decision should be fully supported by your findings of fact and conclusions of law. Limit any discussion to unusual situations that might later give rise to questions.

My final advice is to go and have a fulfilling career but remember that there is a whole other life waiting for you, so retire as soon as you can and go have a ball.

***11. Are you still in contact with some individuals from NAHO’s early days?***

About once or twice a year the Connecticut retired hearing officers get together to share our stories of retirement and to catch-up on the latest news about the agency. All of them were involved in NAHO’s early days.

***12. What are you doing now?***

Family and working around the house take up about half of my time. The other half is devoted to acting on stage and film. I have been in many local stage productions, a few off-off Broadway productions, a few student films, and even was a background actor in an episode of 30 Rock (for some reason they only filmed me from the neck down and then for only a few seconds. It was great though to be on the same soundstage as Alec Baldwin, always cracking jokes with us but prepared and serious when the cameras rolled). My lovely wife Kathy and I enjoy traveling, spending time with the family, going to the movies and Broadway shows, and dancing the night away.

***-Rafael F. Garbalosa, July 6, 2014***