

1 NEW JERSEY CIVIL UNION REVIEW COMMISSION

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4 IN RE: :

5 New Jersey Civil Union :

6 Review Commission Meeting :

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8 B E F O R E:

9 NEW JERSEY CIVIL UNION REVIEW COMMISSION

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11 New Jersey Civil Union  
12 Review Commission  
13 140 East Front Street - 6th Floor  
14 Trenton, New Jersey 08625  
15 Wednesday, August 15, 2007  
16 Time Noted: 1:06 p.m.

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## 1 C O M M I S S I O N M E M B E R S :

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3 J. FRANK VESPA-PAPALEO, ESQ., CHAIRMAN

4 STEVEN GOLDSTEIN, VICE CHAIR

5 STEPHEN HYLAND, ESQ., SECRETARY

6 BARBARA ALLEN, ESQ.

7 BARBRA CASBAR SIPERSTEIN

8 PATRICK DeALMEIDA, ESQ.

9 REVEREND KEVIN E. TAYLOR, (VIA TELEPHONE)

10 SHEILA KENNY, ESQ.

11 JOE KOMOSINSKI

12 REVEREND CHARLES BLUSTEIN ORTMAN

13

14 ALSO PRESENT:

15 RALPH MENENDEZ

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1                   CHAIRMAN VESPA-PAPALEO: In compliance with  
2 Chapter 231 in the Public Law of 1975, notice of this  
3 meeting was given by way of annual notice filed with the  
4 Secretary of State, Press of Atlantic City,  
5 Courier-Post, Jersey Journal, the Trenton Times, Asbury  
6 Park Press, the Record, and The Star-Ledger.

7                   Roll call?

8                   MR. MENENDEZ: Barbara Allen?

9                   MS. ALLEN: Present.

10                  MR. MENENDEZ: Charles Blustein Ortman?

11                  MR. BLUSTEIN ORTMAN: Present.

12                  MR. MENENDEZ: Robert Bresenhan?

13                  Barbra Casbar Siperstein?

14                  MR. GOLDSTEIN: She's here. She's just  
15 parking.

16                  MR. MENENDEZ: Patrick DeAlmeida?

17                  MR. DeALMEIDA: Present.

18                  MR. MENENDEZ: Steven Goldstein?

19                  MR. GOLDSTEIN: Here.

20                  MR. MENENDEZ: Shelia Kenny?

21                  Joe Komosinski?

22                  MR. KOMOSINSKI: Present.

23                  MR. MENENDEZ: Stephen Hyland?

24                  MR. HYLAND: Present.

25                  MR. MENENDEZ: Erin O'Leary?

1 MS. ALLEN: She's not present today.

2 MR. MENENDEZ: Kevin Taylor?

3 MR. TAYLOR: Present.

4 MR. MENENDEZ: Frank Vespa-Papaleo?

5 CHAIRMAN VESPA-PAPALEO: Present.

6 Okay. Why don't we do the flag salute?

7 Thank you all.

8 (Shelia Kenny entered the room.)

9 CHAIRMAN VESPA-PAPALEO: I'm not sure if you  
10 all have the correct version of the agenda, but it has  
11 to be approved before we go forward.

12 Do you have one that now says No. 4,  
13 Approval of Agenda?

14 THE COMMISSION: No.

15 CHAIRMAN VESPA-PAPALEO: Okay. So this is  
16 the incorrect one that's in your packet. There's  
17 nothing dramatically different, but just to be clear for  
18 the record, this revised version actually has No. 4,  
19 Approval of Agenda, No. 5, Approval of Minutes, No. 6,  
20 Chairperson's Report, No. 7, Commissioners' Report, No.  
21 8, New Business, No. 9, Old Business, and then  
22 Adjournment.

23 Any problems with that? Everyone okay with  
24 moving forward with that as the agenda?

25 Any objections I should say?

1                   Okay. Hearing none, we'll go forward.

2                   May I have a motion to approve the minutes  
3 from the July meeting?

4                   MR. HYLAND: So moved.

5                   MS. CASBAR SIPERSTEIN: Second.

6                   CHAIRMAN VESPA-PAPALEO: Okay. Hyland moved  
7 it and Siperstein second it.

8                   All in favor?

9                   THE COMMISSION: Aye.

10                  CHAIRMAN VESPA-PAPALEO: Any opposed?

11                  None.

12                  Okay. So the minutes are approved.

13                  Okay. I'll go through my report.

14                  We now do have a website page available. It  
15 just went up last night. We'll make some changes to it  
16 so we finally have a little bit of web presence and  
17 we'll be sure to post, we already posted the agendas and  
18 the minutes from the past meetings. The dates of all  
19 the meetings.

20                  MS. CASBAR SIPERSTEIN: I saw that on the  
21 link in the e-mail that you had sent, it didn't work.  
22 And by putting H T and L after whatever you did, that  
23 worked. So I had to go on the regular website.

24                  REVEREND BLUSTEIN ORTMAN: But the link  
25 through the regular website --

1 MS. CASBAR SIPERSTEIN: Yeah. But the link  
2 on your e-mail did not.

3 CHAIRMAN VESPA-PAPALEO: Let's just, we'll  
4 be sure to speak one at a time for the court reporter  
5 purposes.

6 So the website is up and running. If you  
7 have any recommendations for additional changes to that,  
8 please go ahead and just e-mail me and we'll do that.  
9 The Attorney General's web person has kindly put that  
10 together for us.

11 MS. CASBAR SIPERSTEIN: Regarding the  
12 website, as I said, I checked it out, you had with  
13 Kevin's picture, you had someone else's description.

14 CHAIRMAN VESPA-PAPALEO: Okay. We will make  
15 those revisions as we go along. We literally just put  
16 it together yesterday, and I apologize for any other  
17 mistakes.

18 And those that were not here at the last  
19 meeting, at the end of the meeting, we have our camera,  
20 so we'll take some pictures and head shots, or if you  
21 have an electronic picture of your face, you can e-mail  
22 to us and that will work just as well. Just make sure  
23 it's yours and not someone else's.

24 The other item that is in on the website  
25 now, it's also in your packet, and I have a bunch of

1 extra copies is the public hearings. Under old  
2 business, we can talk about the hearings and sort of  
3 what the structure might be that you want to have at  
4 these hearings, but we did put together the form, at  
5 least the announcement, and we also advertised it in the  
6 various daily papers around the State, as well as the  
7 Law Journal and the New Jersey Lawyer, and the AG will  
8 issue a press release sometime in September.

9 We are making sure that all three hearings  
10 have a, there's a north, central and south, the same  
11 amount of time, same kind of structure, and we have  
12 arranged to make sure that it's accessible to persons  
13 with disabilities as well, so there will be sign  
14 language interpretation as well as CART, which is a  
15 visual display of open captioning.

16 MR. HYLAND: First of all, if you can make  
17 sure that we get a copy of the final brochure in a PDF  
18 format.

19 CHAIRMAN VESPA-PAPALEO: Yes. It actually  
20 is on the website now. You can download the PDF of it.

21 MR. HYLAND: And the other thing, are  
22 arrangements going to be made for any kind of public  
23 broadcasting?

24 CHAIRMAN VESPA-PAPALEO: I doubt it. It's  
25 hard enough, the arrangements that we made already with

1 the staff we have, and I'm not sure that each of these  
2 facilities really has that capability. I don't know.  
3 It's not something that I would recommend doing. It's  
4 really staff intensive to put together what we put  
5 together, to add that element will be a burden on my  
6 staff. If it's something that you want to do, we'll  
7 look into it.

8 MS. KENNY: Will there be a court reporter  
9 there?

10 CHAIRMAN VESPA-PAPALEO: Yes. Oh, yes.  
11 There will be a court reporter taking a record, as well  
12 as somebody doing the open captioning, which is not  
13 quite the same as a court reporter.

14 REVEREND BLUSTEIN ORTMAN: Are we going to,  
15 is there a requirement for a public meeting that we're  
16 going to be putting out press releases?

17 CHAIRMAN VESPA-PAPALEO: The AG will issue a  
18 press release in early September. The AG's office,  
19 press office, announcing the hearings and attaching a  
20 copy of this, and we've done the public notices to the  
21 papers. But we're really encouraging any of you that  
22 have access to lists of organizations, please feel free  
23 to distribute it. And that's what we talked about a few  
24 months ago, I know certainly one person at the table  
25 here who gets the word out pretty quickly.

1 MR. GOLDSTEIN: There will be people.

2 CHAIRMAN VESPA-PAPALEO: But if you have any  
3 website's, organizations, any of the state agencies, if  
4 you can put a link to it, great. We'll send it out to  
5 our e-mail list, which is a couple of thousand  
6 recipients. It's open to the public. Anybody who wants  
7 to come, businesses and so on. And we also have that  
8 one committee, the Liaison Committee, which is going to  
9 be in charge of really going to get the word out.

10 We will also, well, we can discuss the  
11 details of that, you know, the hearings later, if you  
12 like, in terms of whether we want to have a mechanism  
13 for people that can't attend that want to send us  
14 electronic testimony or stuff like that.

15 But to continue with the report, I'm going  
16 to hand out now our most updated list of investigations  
17 that have been, are at the Division on Civil Rights.  
18 There are currently five open investigations involving  
19 civil union discrimination, and two involving domestic  
20 partnership discrimination. I didn't report the DP  
21 cases last month, I'll start reporting those on there  
22 since that is really relevant to what the Division is  
23 doing.

24 And as you can see, there's one new one that  
25 was filed yesterday against a YMCA up in North Jersey

1 alleging denial of membership to a civil union couple.  
2 And you're aware of the Ocean Grove cases and the other  
3 ones that I've reported previously. And these, again,  
4 these are just the investigations that are in my agency.  
5 These are not the panoply of complaints that the public  
6 have had regarding the civil union issues or domestic  
7 partnership. These are the investigations that we're  
8 doing currently.

9           Just so everybody is aware, if you haven't  
10 read about it, I have been sued in my official capacity  
11 as a Director of the Civil Rights Division by the Ocean  
12 Grove Camp Meeting Association regarding the powers of  
13 the agency to investigate two of the matters that have  
14 previously been reported. And the Division of Law,  
15 which is our law firm is representing the Division in  
16 this case. And that is the end of my report.

17           Any questions for me?

18           Okay. Steven, your report from the vice  
19 chair?

20           MR. GOLDSTEIN: This week the organization  
21 Garden State Equality is going to be releasing a poll on  
22 the six month anniversary of the Civil Union Law, and  
23 I'm happy to share with you some of the results,  
24 actually, share any of the results today. Bear with me.

25           The first, one of the questions was, If

1 public officials in New Jersey come to the conclusion  
2 that civil unions for gay couples have not worked to  
3 provide equality under the law, and that the way to fix  
4 the law is to give gay couples the same right to marry  
5 as heterosexual couples. Would you be fine with that or  
6 would you be upset by that?

7 62.5 percent said fine with that. 31.1  
8 percent said upset by that.

9 Regardless of where you stand on the issue  
10 of allowing gay couples to marry, do you agree or  
11 disagree that gay couples will be allowed to get married  
12 in New Jersey in a couple of years any way?

13 Agree that that will happen in a couple of  
14 years anyway, 61.2 percent disagree. 28.3 percent.

15 Which of the following do you think is most  
16 likely to happen to legislators if they were to allow  
17 gay couples to marry?

18 Those legislators would not be reelected,  
19 20.8 percent. Nothing would happen to legislators  
20 because people care about other issues more, 71.8  
21 percent.

22 The final couple of questions, New Jersey  
23 allows gay couples to enter into civil unions, but not  
24 marry. Do you agree or disagree that New Jersey should  
25 give gay couples the same freedom to marry

1 as heterosexual couples?

2 48.1 said yes, the same right to marry.

3 44.6 percent said no.

4 But if you reworded the question with three  
5 choices, Which of the following comes closest to your  
6 own point of view, (A) If gay couples want to marry, let  
7 them. It will ensure equality and will not effect  
8 marriages of heterosexual couples. (B) Allow gay  
9 couples to enter into civil unions but not marriage.  
10 Allowing gay couples to marry will hurt the institution  
11 of marriage. Or (C) Do not allow gay couples to marry  
12 or enter into civil unions.

13 48 percent said (A) Let gay couples marry.  
14 30 percent said (B) Allow civil unions, but not  
15 marriage. And 20 percent of New Jersey said, Do not  
16 allow gay couples to marry or enter into civil unions.  
17 So that poll will be released in the next day or so.

18 REVEREND BLUSTEIN ORTMAN: Do you have a  
19 sample?

20 MR. GOLDSTEIN: Zogby -- Garden State  
21 Equality Commission, Zogby had nothing to do with data  
22 collection. 803 likely New Jersey voters were polled  
23 from August 8th through August 10, 2007. The margin of  
24 error is 3.5 percent.

25 MR. HYLAND: Statewide?

1 MR. GOLDSTEIN: Statewide.

2 And you know, Zogby told them to ask the --  
3 look, we're aware that anybody could ask questions in  
4 different ways. So the baseline question is marriage  
5 equality to civil unions, ask it a couple of ways and  
6 we'll release both ways. So in one way it was narrow  
7 with a three point difference, and one way it was an 18  
8 point difference. I think when you look at the poll,  
9 and it's on our website, gardenstateequality.org, the  
10 difference in the wording was when you put in the  
11 concept of threat to the institution of marriage, New  
12 Jerseyans don't buy that at all. They actually, when  
13 you insert that argument, they giggle.

14 And really, the upshot is, regardless,  
15 voters are saying regardless of whether they're for or  
16 against marriage equality, they're ready for a change.  
17 If that's what the legislature comes up with. The  
18 bottom line is that the opponents of marriage equality,  
19 they don't feel that intensely about it, and they're  
20 ready. Even the opponents might not be for marriage  
21 equality, but they're ready for the change if it  
22 happens.

23 MS. CASBAR SIPERSTEIN: I think there was  
24 another statistic in there about people that would  
25 actually perhaps boycott or economically affect the

1 companies that did discriminate.

2 MR. GOLDSTEIN: 35 percent of people said  
3 that they would be less inclined to do business with a  
4 company like UPS that until recently, that until  
5 recently, did not provide equal rights and benefits to  
6 same sex, to gay employees, civil unions, which I  
7 thought was a huge statistic.

8 CHAIRMAN VESPA-PAPALEO: Thank you, Steven.  
9 Stephen Hyland?

10 MR. HYLAND: I wanted to follow-up with one  
11 of the issues with the name change that I mentioned last  
12 meeting. I am informed and have experienced now that  
13 the Social Security Administration is accepting New  
14 Jersey civil union certificates as proof of a name  
15 change. I've had several clients of mine that have now  
16 gone down and obtained changes on their social security  
17 cards based upon primary proofing being the civil union  
18 certificate. I also found that in the Social Security  
19 POMS, which is their operating manual, that they accept,  
20 in fact, they reprimanded somebody in Connecticut who  
21 refused to accept the Connecticut civil union as proof  
22 of a name change in that state.

23 So it appears that the policy of the Social  
24 Security Administration is to allow civil union  
25 certificates and marriage certificates, by the way for

1 Massachusetts, to be used as proof of a name change.

2                   Unfortunately that collides with some of the  
3 other federal agencies, for example, the State  
4 Department which refuses to allow same sex couples in  
5 civil unions to have their passports be issued in their  
6 new name based upon a civil union certificate or same  
7 sex marriage certificate.

8                   Their official policy for the State  
9 Department is that they will only accept those documents  
10 as a secondary proof of a long-term name change, which  
11 is sort of difficult to follow. I would imagine that  
12 would only allow somebody from Vermont to show that they  
13 have been using that name for a significant period of  
14 time.

15                   So I think we still have the issue of doing  
16 something at the state level to simplify the process of  
17 obtaining some form of state judgment of name change so  
18 that the couples can expedite the name changes for  
19 federal purposes. And I would suggest that we should  
20 look into some type of expedited procedure, be able to  
21 go to, for example, any of the county courts and obtain  
22 a judgment of name change by just showing proof that  
23 within a certain amount of time you have entered into a  
24 civil union or another recognized relationship in New  
25 Jersey that entitles you to the name change.

1                   CHAIRMAN VESPA-PAPALEO: Any questions for  
2 Stephen? Thank you very much, sir.

3                   MS. CASBAR SIPERSTEIN: As far as the  
4 driver's license, motor vehicle. You had mentioned that  
5 at the last meeting, and I thought that you were going  
6 to send me some information.

7                   MR. HYLAND: You're right, and I did not do  
8 that, so I will get that to you.

9                   MS. CASBAR SIPERSTEIN: I need an excuse to  
10 call motor vehicle.

11                  MR. DeALMEIDA: You can send that to me as  
12 well.

13                  CHAIRMAN VESPA-PAPALEO: Okay. Let's  
14 continue on so that we don't forget Reverend in Los  
15 Angeles. Reverend Taylor, would you like to, do you  
16 have a report?

17                  REVEREND TAYLOR: No. We have done six  
18 civil unions since our last meeting and we have one next  
19 weekend.

20                  MR. GOLDSTEIN: When are you coming back?

21                  REVEREND TAYLOR: Friday.

22                  MR. GOLDSTEIN: Next week we'll get  
23 together.

24                  CHAIRMAN VESPA-PAPALEO: Okay. Any  
25 questions for the Reverend?

1 REVEREND TAYLOR: I do notice that someone  
2 brought to your attention that my picture is besides  
3 someone's bio?

4 CHAIRMAN VESPA-PAPALEO: Yes.

5 REVEREND TAYLOR: Does that mean you don't  
6 have a bio for me or that you don't need one?

7 MR. MENENDEZ: We'll check and get back to  
8 him.

9 CHAIRMAN VESPA-PAPALEO: We'll follow-up,  
10 Reverend, I'm not sure.

11 REVEREND TAYLOR: Okay.

12 MR. HYLAND: It means that you have  
13 accomplishments that we are unaware of.

14 CHAIRMAN VESPA-PAPALEO: I mean when there  
15 is human involvement, there may be human error.

16 REVEREND TAYLOR: Absolutely. Absolutely.

17 MS. CASBAR SIPERSTEIN: I was surprised to  
18 find that you live in Vineland.

19 REVEREND TAYLOR: Yeah.

20 CHAIRMAN VESPA-PAPALEO: Sorry about that.

21 REVEREND TAYLOR: Oh, please, not a problem.

22 CHAIRMAN VESPA-PAPALEO: Okay. Patrick?

23 MR. DeALMEIDA: The UPS issue, I'm sure  
24 everyone is aware that the Governor issued a letter to  
25 the CEO of UPS asking for the company to change its

1 position. The company decided to change its position  
2 about a week later now offering health benefits to civil  
3 union partners in New Jersey.

4           And last week the Appellant Division issued  
5 a decision in Quarto versus Adams and the issue there  
6 was whether a couple married in Canada in 2003 could  
7 file a joint tax return in 2006 in New Jersey. The  
8 Division of Taxation position was that joint filings are  
9 effective for tax years 2007 and forward. And previous  
10 tax years weren't open for joint filing. The Appellant  
11 Division agreed with it on that very narrow issue. The  
12 court agreed to limit its holding to a question of the  
13 2006 tax year and not other areas of law were  
14 retroactive or either retroactive by a condition of a  
15 civil union or recognition of a foreign same sex  
16 marriage as of the date of the marriage. Those  
17 questions may come up in other contexts. And that's it.

18           MR. HYLAND: Patrick, is there any  
19 indication that any of the other organizations such as  
20 FedEx, et cetera, are going to change their policy based  
21 upon the Governor's position?

22           MR. DeALMEIDA: Not that I'm aware of.

23           REVEREND BLUSTEIN ORTMAN: Is there any  
24 awareness of their policy?

25           MR. HYLAND: I understand that FedEx does

1 not recognize civil unions as making it eligible,  
2 although their Kinko division does.

3 MS. CASBAR SIPERSTEIN: As well as DHL does  
4 not.

5 MR. HYLAND: DHL does not also.

6 Can we get some kind of a reading from them  
7 as to whether or not they --

8 MR. DeALMEIDA: I'll see what I can find  
9 out.

10 MR. GOLDSTEIN: We have two complaints from  
11 DHL to date. Garden State Equality has received 241  
12 complaints, two of which are from civil union employees  
13 of DHL in New Jersey saying the company, even after the  
14 UPS came to light, DHL is not budging.

15 REVEREND BLUSTEIN ORTMAN: When Garden State  
16 gets complaints, does Garden State encourage people to  
17 register their complaints with the attorney general's  
18 office?

19 MR. GOLDSTEIN: (Inaudible).

20 REVEREND BLUSTEIN ORTMAN: Major discrepancy  
21 in lists.

22 MR. GOLDSTEIN: And Land of Legal has well  
23 over a hundred complaints.

24 CHAIRMAN VESPA-PAPALEO: Well, I'm not sure  
25 it's a discrepancy in lists. It's just that until we

1 get a complaint filed with us, we don't initiate an  
2 investigation. So it's not that they're different  
3 lists, it's just that we're calling them different  
4 things.

5                   When I report our numbers, those are  
6 investigations because those are people that came in and  
7 actually took a step to file a complaint. But those  
8 don't talk about the calls we get, the requests we get  
9 from people. The complaints people make to other  
10 organizations or maybe the other state agency where they  
11 might have a problem. I'm talking about just the  
12 complaints that open up an investigation. We have a  
13 process. And this is for any kind of case, whether it's  
14 race or religion or age, people have to come here and  
15 file and that opens up the investigation. So until that  
16 happens, I don't call it a complaint because, when I use  
17 the word "complaint," I'm just using what's in our  
18 statute, but I'm not using the vernacular word of  
19 complaint. There are certainly hundreds and hundreds of  
20 complaints, but looking at the vernacular definition of  
21 complaint, but we don't apply staff resources to  
22 investigate those because there's nothing to  
23 investigate. We have a live body.

24                   MS. CASBAR SIPERSTEIN: Would you have an  
25 idea of how many different incidents or perhaps an

1 inactive pipeline to be a formal complaint or you  
2 don't --

3 CHAIRMAN VESPA-PAPALEO: No, I don't know.

4 MS. CASBAR SIPERSTEIN: So it could be  
5 considerably more?

6 CHAIRMAN VESPA-PAPALEO: It could be. I  
7 mean, it could be, but we don't, the Division on Civil  
8 Rights gets about 20,000 inquiries a year. So we don't  
9 track all the inquiries. We track them once somebody  
10 actually files a complaint, because we couldn't possible  
11 track 20,000 inquiries. So we get many inquiries about  
12 civil union issues. Civil union discrimination, race,  
13 age, all the other types, so until somebody comes in to  
14 file the formal complaint, which requires certain  
15 paperwork, we don't consider it a formal complaint. But  
16 a formal complaint is not the only way people show their  
17 discomfort or displeasure or problems that they have.  
18 Obviously they can go to court. People that, in New  
19 Jersey, unlike other jurisdictions, if somebody's rights  
20 have been violated under our anti-discrimination law,  
21 they are not required to come to our agency to file a  
22 complaint, so that's unique. They actually have the  
23 option of coming to our office. They also have the  
24 option of going straight to court or going to their  
25 Union or filing a grievance. There are a lot of

1 different avenues. They can go to an advocacy group  
2 which may file lawsuits on their behalf. So we're just  
3 really one of the places they can come to.

4 MR. DeALMEIDA: I'm not aware of any  
5 litigations between individuals and private employers  
6 concerning the civil union statute.

7 CHAIRMAN VESPA-PAPALEO: I'm not either.  
8 I'm not aware of it.

9 MR. DeALMEIDA: We would generally become  
10 aware of it on new issues.

11 MR. HYLAND: I'm aware of one that you and I  
12 have discussed with an individual who was let go from  
13 her job which when her employer found out that she was  
14 initiating a civil union dissolution. Somebody who had  
15 been in a prior, a Vermont civil union and was  
16 terminating that, and her employment was terminated. I  
17 believe they're going to take that as a private  
18 complaint, although I didn't recommend it.

19 CHAIRMAN VESPA-PAPALEO: Just so you know  
20 too, there are, and I don't want to get in to a  
21 discussion about it, but there are reasons people go to  
22 different venues. And sometimes it's just a convenience  
23 of their client. And sometimes it's certain remedies  
24 might be available if a private person goes to court  
25 that are not available if they come to the Division on

1 Civil Rights. For example, punitive damages is a remedy  
2 that's not available if you come to the Division on  
3 Civil Rights. It is available if you go privately. So  
4 there may be some very legitimate reasons why people  
5 don't want to file a complaint, because they may not get  
6 exactly what they're seeking necessarily.

7 MR. GOLDSTEIN: In a heartbreaking case, we  
8 got a call this week from a member of the U.S. Military  
9 who lives in New Jersey what wants to get civil union,  
10 who desperately needs to get civil union for economic  
11 circumstances to protect his or her partner and cannot  
12 because of, Don't ask, don't tell. Because what the  
13 Civil Union Law does is it segregates gay couples into  
14 this category of civil union. If they were married, and  
15 gay and straight couples, everybody got married, at  
16 least the Federal Government, which has a Don't ask,  
17 don't tell policy, would have to (inaudible) through the  
18 materials. But once you're civil union, unlike the  
19 Domestic Partnership Law, straight couples can't get  
20 civil union. This person asked for advice, and it was  
21 heartbreaking. And this person very much wants to serve  
22 his country, despite his rights denied.

23 The other phenomenon is, it has to do with  
24 press, why people come to Garden State Equality or Land  
25 of Legal, it has to do with press, because every time

1 there's a major story and one of our organizations is  
2 quoted, people go, Oh, now I know where to go. And  
3 ironically, when the UPS story broke, the complaints we  
4 got spiked hugely because people saw the names of the  
5 organizations that they could go to. You might think,  
6 oh, the opposite might happen because, gee, maybe UPS is  
7 setting an example and other companies now are not going  
8 to discriminate like this, the opposite, we got a spike  
9 in complaints because people knew where to go.

10 CHAIRMAN VESPA-PAPALEO: But Patrick, to get  
11 back to Patrick's report, are there any, I'm not aware  
12 of any from my office, are there any reports of  
13 individuals coming forward asking similar action like  
14 what happened at UPS or --

15 MR. DeALMEIDA: Not that I am aware of. It  
16 hasn't been communicated to me. I can acquire to see if  
17 we heard from somebody else.

18 MR. HYLAND: The problem is that there's a  
19 reporting mechanism from the Division of Civil Rights  
20 that gives us some formal statistics as far as cases of  
21 discrimination that are actionable. And then we have  
22 informal reporting mechanisms, and I don't know how we  
23 can pull those into a statistical picture that gives us  
24 an idea of what's happening under what violations we're  
25 seeing, et cetera. If people are filing cases, that's

1 one thing, because that's a hard fact. If they're  
2 reporting to an organization like Land or Garden State  
3 Equality, then we have the problem of how do we  
4 formalize that process in such a way that we can capture  
5 that information and still maintain the privacy. I  
6 don't know what the answer is to that.

7 MR. GOLDSTEIN: Some of the couples, and we  
8 really, we beg them, because to us the notion, we have  
9 honest conversations with people, when people complain  
10 to us we say the following, Look, some politician is  
11 ludicrously going to say that because you didn't  
12 complain to a Government Commission, this didn't really  
13 exist. We go public too with this. Because they trust  
14 us to maintain their privacy. In fact, many of these  
15 couples when we speak to reporters, they negotiate with  
16 reporters, Please don't mention my employer, please  
17 don't do this, please don't do that. There's not the  
18 trust of Government. The good news is at the hearings  
19 in September or October, many of them are going to come  
20 forth. The people, there's a huge fear out there. It's  
21 huge. And we beg them we tell them the law of  
22 discrimination protects you explicitly. So we, one by  
23 one, we say you got to come forward. So you'll see them  
24 in the hearings.

25 CHAIRMAN VESPA-PAPALEO: Anything else with

1 Patrick's report?

2 Okay. Thank you, Patrick.

3 Babs, would you like?

4 MS. CASBAR SIPERSTEIN: Nothing at this  
5 time.

6 CHAIRMAN VESPA-PAPALEO: Okay. Reverend  
7 Ortman?

8 REVEREND BLUSTEIN ORTMAN: I'm on vacation.  
9 I recommend it.

10 CHAIRMAN VESPA-PAPALEO: Okay. Barbara?

11 MS. ALLEN: Yeah. At the last meeting the  
12 issue of Medicaid coverage came up for people. And I  
13 did ask the Division of Medical Assistance and Health  
14 Services to give me a report on how the law has affected  
15 Medicaid services.

16 I'm think I'm just going to read this into  
17 the record, so I don't paraphrase or misstate anything.

18 The Federal Defense of Marriage Act of 1996  
19 limits the definition of spouse to a person of the  
20 opposite sex who is a husband or a wife. That's one  
21 United States code seven. It is that definition which  
22 applies to the Medicaid Program. On February 19, 2007,  
23 New Jersey Law 2006, Chapter 103, which legalizes  
24 same-sex unions, becomes effective. However, given that  
25 parties to a civil union are not quote/unquote married

1 and are not of opposite genders, they do not meet the  
2 federal laws definition of spouse and thus services  
3 provided to these couples under the Medicaid Program  
4 would not qualify for federal matching funds. Although  
5 the civil union legislation will not have much of an  
6 impact on New Jersey Family Care, it will on other  
7 Medicaid programs in that if the State decides to cover  
8 these individuals, it will have to do so using State  
9 funds only.

10           The following is a brief outline of the  
11 program impacts: The community Medicaid, including  
12 Medicaid only, New Jersey Care, special Medicaid  
13 Programs and Supplemental Security Income. If Medicaid  
14 determines that one member of a civil union is eligible  
15 for one of the above programs using the current spousal  
16 methodology, the State will have to pay for that  
17 person's services using state funds only.

18           Institutional Medicaid, including home and  
19 community based services. Institutional Medicaid allows  
20 a community spouse to protect assets through a variety  
21 of financial arrangements so that the community spouse  
22 does not become impoverished. However, these  
23 protections would not be available for a partner in a  
24 civil union to use.

25           New Jersey Family Care - New Jersey

1 Administrative Code 10:78 defines an eligible adult as a  
2 parent, either natural or adoptive, or a caretaker of  
3 children up to the age of 19. Because Medicaid covers  
4 caretakers without regard to the caretakers relationship  
5 with another adult, the fact that a parent entered into  
6 a civil union would not be relevant to an eligibility  
7 determination.

8 Out of those programs, Family Care is the  
9 only one that really is not affected. But any of those  
10 other Medicaid Programs, they would have to use State  
11 funds only because of the federal definition.

12 MR. DeALMEIDA: Has there been a decision as  
13 to whether they will use State funds only?

14 MS. ALLEN: You know, I have to get back to  
15 Medicaid on that. I believe that they determined that  
16 they will, but I don't want to confirm that without  
17 speaking to them.

18 REVEREND BLUSTEIN ORTMAN: The Federal  
19 Government would pay that in Massachusetts?

20 MR. DeALMEIDA: No, they would not.

21 MR. HYLAND: No. In fact, Massachusetts is  
22 having to pass a law right now, or attempting to pass a  
23 law that would require the state to provide the same  
24 coverage to couples who are same sex married couples, as  
25 they do for heterosexual married couples who would

1 otherwise have the same redemption.

2 Vermont is taking the position as what I'm  
3 hearing here, that when it has to do with a civil union  
4 couple, that they designate the funds as being strictly  
5 state funds, so therefore, they don't come under the  
6 federal regulation. And, therefore, be exempted out.

7 I'm a little bit unclear though of what  
8 you're saying as far as the community assets, because  
9 the default property ownership in civil union couples  
10 now is tenants by the entirety. And there's going to be  
11 a big question there as to whether under certain federal  
12 areas they are going to view that as, they're going to  
13 defer to the state definition, which would include such  
14 couples, or whether they're going to view it as a joint  
15 tenancy or tenants in common, in which case there would  
16 be no protection associated with tenants by the  
17 entirety. That's a disturbing area because that is  
18 going to create some real Medicaid planning problems.

19 MS. ALLEN: Are there any issues in that  
20 area though in terms of purchasing a property for civil  
21 union couples and having the deed listed as tenants by  
22 the entirety as opposed to joint tenants?

23 MR. HYLAND: I'm not sure that there's any  
24 problem. The clients that I have who are in civil  
25 unions are buyers purchasing property now and having the

1 property titled as tenants by the entirety, which is the  
2 default or in existing situations transferring  
3 reconveying title to themselves as tenants by the  
4 entirety to get that form of protection. But there's a  
5 real question, for example, if one of the members of  
6 such a couple went into bankruptcy, federal bankruptcy  
7 law requires that a married couple, both spouses have to  
8 be filing, but they don't recognize the same thing for  
9 same sex couples even if they were in a marriage. And  
10 the problem becomes then how would the bankruptcy court  
11 view the property. I think we're going to have the same  
12 type of issue as how would it be viewed in terms of the  
13 ownership of the land, ownership of the property where  
14 you have a community spouse who is in a civil union and  
15 another spouse who is in a nursing home, whether they  
16 are going to take that into consideration or not. And  
17 my suggesting would be that we work with the members of  
18 the elder law section of the New Jersey State Bar  
19 Association. There's a lot of great expertise there to  
20 see if we can evaluate the issue and then also come up  
21 with some recommendations, and I know that they would be  
22 interested in doing so. It may require some legislative  
23 changes in an area which would impact whatever the  
24 decision ends up being, whether we still do civil unions  
25 or whether we go to same sex marriage in New Jersey

1 we're still going to have the same problem.

2 CHAIRMAN VESPA-PAPALEO: Stephen, I'm  
3 wondering if you might be able to contact whoever the  
4 chair or policy director for that section of the State  
5 Bar is to be sure that they're invited to come and  
6 testify so they can at least, to at least they can  
7 explain what the dilemma might be so we can get that  
8 into the record.

9 MR. HYLAND: Okay.

10 CHAIRMAN VESPA-PAPALEO: Thank you.

11 MR. GOLDSTEIN: Just for the record, one of  
12 the people that we've invited to the hearings are a  
13 couple of experts from Massachusetts on ERISA law, which  
14 is the predominant problem here in New Jersey for the  
15 courts in New Jersey. ERISA has been a problem in  
16 Massachusetts with regard to couples and same sex  
17 marriages, and it's a very different story in  
18 Massachusetts even than in New Jersey.

19 CHAIRMAN VESPA-PAPALEO: Okay. Anything  
20 else, Barbara?

21 MS. ALLEN: No. I'll check back with our  
22 Medicaid folks and get back to see how this has been  
23 implemented and what issues came up.

24 CHAIRMAN VESPA-PAPALEO: Okay. Right now  
25 that's the analysis of the Department and how it's

1 looking at these issues. No decision has been made  
2 after that.

3 MS. ALLEN: I do need to check back. The  
4 person that I needed to talk to was not able to give me  
5 the full length position. I will get more information  
6 for the next meeting.

7 CHAIRMAN VESPA-PAPALEO: Thank you very  
8 much.

9 MR. HYLAND: Barbara, can you e-mail that  
10 position paper to me? I can get it to Peggy and some of  
11 the other members of the law section?

12 MS. ALLEN: Sure.

13 CHAIRMAN VESPA-PAPALEO: Okay. Joe?

14 MR. KOMOSINSKI: I have two handouts. One  
15 is on the current status of registrations of civil  
16 unions, and the next is on the information from other  
17 states.

18 So currently there are 1,514 civil unions  
19 which have been registered to date. The reaffirmation  
20 of civil union is a total of 49. And at the last  
21 meeting they asked for information regarding domestic  
22 partnerships. And as of this point, the 2004  
23 information, the information on domestic partnership,  
24 there are a total of 4,939 domestic partnerships,  
25 registered and the 2007 number includes the 14 which has

1 registered after the civil union.

2 Any questions on those numbers?

3 MR. HYLAND: Is that an increase over the  
4 prior?

5 MR. KOMOSINSKI: Yes. There's a steady  
6 increase. The last report was --

7 MR. HYLAND: 1300 and something.

8 MR. KOMOSINSKI: 1359. That's in a month.

9 MR. HYLAND: We've had several hundred.

10 MR. KOMOSINSKI: Yes.

11 MS. CASBAR SIPERSTEIN: Hudson County  
12 remains the only county where there are more male  
13 couples than female couples.

14 MR. KOMOSINSKI: Yes.

15 REVEREND BLUSTEIN ORTMAN: Would you have  
16 any way of knowing if the 14 new domestic partnerships  
17 are seniors?

18 MR. KOMOSINSKI: Yeah. The 14 new domestic  
19 partnerships are seniors.

20 MR. HYLAND: They'd have to be.

21 MR. KOMOSINSKI: They'd have to be. That's  
22 why they're broken up separately. That number did not  
23 change.

24 MR. HYLAND: We have no way of capturing  
25 people who enter into a domestic partnership that's

1 recognized by the New Jersey Domestic Partnership Act in  
2 some other locality and then trying to figure out  
3 whether it's actually qualifying or not.

4 MS. CASBAR SIPERSTEIN: There was some talk  
5 about California, they have a domestic partnership, but  
6 I believe the rights are very, very similar.

7 MR. HYLAND: We recognize that as a civil  
8 union in New Jersey. Its states like Maine, for  
9 example, has a limited domestic partnership, Washington  
10 State has a limited domestic partnership. Oregon will  
11 be having a domestic partnership that's equivalent to  
12 California. So I'm going to assume that's going to be  
13 viewed as a civil union here, but we also have the local  
14 registries. And whether or not those are still  
15 recognized, at one point we were recognizing, for  
16 example, domestic partnerships entered into in Key West  
17 as being a New Jersey domestic partnership. And other  
18 localities like that, including I believe, the New York  
19 City Domestic Partner Registry.

20 And so to follow on question to that is,  
21 what happens if somebody who would otherwise not be  
22 eligible to enter into a domestic partnership in New  
23 Jersey registers in one of those registries, do we  
24 recognize that as domestic partnership that's valid, or  
25 do we, or it's invalid, and that may be a good question

1 for the Attorney General's office.

2 MR. DeALMEIDA: It sounds like a good  
3 question.

4 CHAIRMAN VESPA-PAPALEO: Any further  
5 questions for Joe?

6 Thank you very much for this very helpful  
7 report, Joe.

8 MR. KOMOSINSKI: And the second report is on  
9 reaching out to the other jurisdictions regarding their  
10 unions and how many were residents of New Jersey.

11 California does not collect information on  
12 residency or gender, so they can't identify how many are  
13 same sex couples or how many couples are from New  
14 Jersey.

15 Connecticut does not have data available.  
16 They have no funding for implementation. There's a  
17 manual process.

18 Hawaii has four reciprocal beneficiary  
19 relationships that indicated that one was a resident of  
20 New Jersey.

21 Maine is working on their report and has not  
22 finalized it.

23 Massachusetts is working on getting  
24 authorizations to release their data to us. They  
25 haven't released it publically.

1 Vermont has had 280 individuals that one or  
2 both were residents in New Jersey. Within the first  
3 four years there were 242. Over the next 3 years, 38,  
4 and thus in 2007 there have been none.

5 As far as Canada, the information that's  
6 there, most of them, there were no responses from  
7 several territories. Two of the territories, Manitoba  
8 and Nova Scotia don't collect residency data, so they  
9 couldn't respond. And British Columbia had 18 during  
10 the four-year period indicating that they were from New  
11 Jersey.

12 CHAIRMAN VESPA-PAPALEO: Okay.

13 Any other questions for Joe?

14 Thank you very much, sir.

15 MR. KOMOSINSKI: And the last thing I want  
16 to say, the flyer on the hearings was sent to all the  
17 registrars offices to be posted in their office.

18 CHAIRMAN VESPA-PAPALEO: Great. Thank you.

19 REVEREND BLUSTEIN ORTMAN: Are they mandated  
20 to post?

21 MR. KOMOSINSKI: Yes.

22 CHAIRMAN VESPA-PAPALEO: Okay. Next report,  
23 Shelia?

24 MS. KENNY: I have nothing to report this  
25 month.

1                   CHAIRMAN VESPA-PAPALEO: Okay. All right.  
2 I didn't miss anybody, did I?

3                   Okay. Then let's move on to new business.

4                   I'm going to hand out the remaining copies I  
5 have. I handed these out the last meeting. We have  
6 invited to come and talk a little, Patrick Murray, the  
7 Director of the Monmouth University Polling Institute to  
8 see if the Institute has any thoughts about whether or  
9 not they can assist the Commission in our mission.

10                  Welcome. Feel free to come closer if you'd  
11 like.

12                  MR. MURRAY: Thank you for inviting me here  
13 to discuss some of the services that we can offer to  
14 fulfill your obligations on this statute, specifically  
15 with regard to directing information from members of the  
16 public, but also from agencies and private sector and  
17 businesses and organizations as well.

18                  I looked through the statute, I also had an  
19 initial conversation with the Chairman and put together  
20 an informal proposal, and this is not set in stone, but  
21 to give you an idea of some of the kinds of things we  
22 can do and approximate costs of doing those kinds of  
23 things.

24                  The Polling Institute at Monmouth University  
25 has been around for, we're just coming up on our second

1 anniversary. Our mission is to provide clear guidance  
2 and a study of public opinions on policy issues. But we  
3 really wanted to focus on making an impact in New  
4 Jersey, and this is what we do. So a lot of the public  
5 stuff that we do is really our focus, but we also do  
6 contract research for state agencies and non-profit  
7 organizations as well.

8 I came to Monmouth University from Rutgers.  
9 I've been at Eagleton for awhile, at Eagleton Poll, as  
10 well as with the Survey of Research Institute, so my  
11 background is really heavily in policy as well as in  
12 polling the survey research. And I personally over the  
13 course of that time have worked for every state agency  
14 in New Jersey. And currently at Monmouth University we  
15 started working with state agencies to understand the  
16 whole process in dealing with that as well.

17 To talk about some of the things  
18 specifically that we can do in meeting your needs for  
19 the Commission, one, is obviously to conduct a survey of  
20 couples who have entered into civil unions. You were  
21 just talking today about the complaints that you  
22 received and definition of complaint, formal complaints,  
23 informal complaints, where they go to. And some people  
24 may choose not to go to the Commission even to start an  
25 informal proceeding, court proceeding or some other kind

1 of proceeding. So using that numeration regardless of  
2 where you get that from doesn't provide you with the  
3 full picture of what's going on. And in order to do  
4 that you need to actually go out to the couples  
5 themselves and find out the whole list of rights and  
6 obligations and benefits and responsibilities that are  
7 listed in the law as to being equal to those married  
8 couples, and you can see whether they encounter any  
9 issues, difficulties or otherwise with obtaining those  
10 rights and benefits.

11 So what we could do is from the ever growing  
12 list of civil unions is to call a representative sample  
13 to interview that representative sample and it can be  
14 done a number of different ways, by mail, by telephone,  
15 internet, depending on what kind of contact information  
16 we have on the civil union registration to find out  
17 these issues. And we would be very careful with this  
18 too, because obviously this is a political issue as well  
19 as a policy issue. And we want to make sure that the  
20 data that we collect represents true experiential data  
21 of those couples and not an opinion data of what should  
22 be, but what is actually going on. So we're very  
23 careful in the way we phrase questions and we're very  
24 careful in how we go about asking questions making sure  
25 we're collecting accurate data as possible in terms of

1 doing that, that gives whoever the commission is able to  
2 use their data for, it gives you much more backing in  
3 terms of the accuracy and reliability of what is  
4 collected. We also do this very independently. We work  
5 with the Commission to formulate the topics and go  
6 through the lists of things that we need to cover, but  
7 at the end of the day one of the things we need to do,  
8 we have final say over the way the questions are raised,  
9 over the methodology, that way what you get back to you  
10 is truly an independent reading of what's going on out  
11 there. And we do that for two reasons, one is it  
12 protects our own reputation, that's what we do. And  
13 two, it gives more credibility to your use of that data,  
14 whatever we may say, and so that's one of the things  
15 that we do.

16 I think based on what's going on today and  
17 in order to get enough information that a sample of 400  
18 couples would be adequate to gather enough information  
19 to understand what's going on in the spectrum. And that  
20 cost can go up and down depending what modes we use, how  
21 long the questionnaire is and how many different topics  
22 we would cover.

23 Now, that provides one part of the answer  
24 that you're probably looking for, and that is what are  
25 the difficulties that civil union couples are or are not

1 encountering. But it doesn't answer the other part of  
2 the question which is, Are they receiving the benefits  
3 equal to those of married couples. And the only way to  
4 do that to is do a matched sample of married couples,  
5 those would be couples who were married at the same  
6 time, registered out of the same places, same age range,  
7 so they face generally the same kinds of issues in terms  
8 of getting insurance and other kinds of benefits through  
9 work, issues of providing health care, hospitalization,  
10 all of those things. And so if we do a match sample of  
11 those married couples so that you can actually compare  
12 the difficulties that married couples have, difficulties  
13 that they have to achieve those or obtain those rights  
14 and benefits. And then you have a direct comparison,  
15 what's going on in civil unions and what's going on  
16 with, an equal cohort representative, equal cohort of  
17 married couples.

18 Now, an easy way to do that would simply be  
19 to do a poll, a telephone poll of married couples. But  
20 that would be married couples that have been married  
21 over several years, different ages and so forth, and  
22 that wouldn't be comparable to what's going on with  
23 civil union couples. But it would be a matched sample  
24 as well from the marriage license registration list,  
25 from those same towns and areas which we would be able

1 to get the age and that kind of information which would  
2 enable us to match it. So that would provide you with  
3 that set of, we have the first survey how many civil  
4 union couples are experiencing difficulties in what  
5 areas. And then also we would be able to say how much  
6 more are those difficulties or are not than the same  
7 issues that married couples of different sexes encounter  
8 when they're looking for the same types of benefits.

9           And the other area that we're looking into  
10 is also looking at a survey of public and private  
11 entities that would be affected, large employers,  
12 insurance, small employers, state agencies, local  
13 agencies, local offices, do they understand what the  
14 rules are at the state with how to deal with those  
15 things. And we're really looking in two areas here, is  
16 do they have, have they had experience with civil union  
17 couples, first of all, and then also, do they have  
18 processes in place to deal with those? Do they  
19 understand what they need to do? Are those processes  
20 the same or different then if they were dealing with a  
21 married couple? They might have to develop a parallel  
22 as you know some type of parallel process, and then what  
23 would that impact be? We could also use that to collect  
24 some rough financial information from private  
25 organizations on the costs that they would incur to do

1 this. But if we wanted to use the survey itself,  
2 because there are a number of different ways to get the  
3 cost information, economic forecast and estimates to do  
4 that and make those forecasts based on the number of  
5 civil union couples you have. You can also use a survey  
6 to do that as well. It would just have to be a larger  
7 survey than the one that would given to generate the  
8 process, we would need a larger survey to collect enough  
9 accurate when your talking about dollars of making  
10 estimates to a full population, you would need a  
11 slightly larger survey to have a better sense of what's  
12 going on.

13 Also, in the handout that I gave you, was  
14 that we could also do a general population study. I  
15 didn't see that specifically in the, in your obligations  
16 as a Commission to studying, but it was mentioned in  
17 some discussions and mentioned in terms of members of  
18 the public, and that could be done very  
19 cost-effectively. We do quarterly polls of the State of  
20 New Jersey, and some of those, and we have clients from  
21 both the public and private sector who attach questions  
22 to those polls as they go on. And it's very cost  
23 effective, you don't have to mount your own poll. You  
24 can add a few questions at a low cost to get a general  
25 implementation of the act or potential changes to it.

1 So that's in a nutshell.

2 MR. DeALMEIDA: Can I ask you a question  
3 about the 400, estimated 400 couples, that's only a  
4 third of the universe of couples.

5 MR. MURRAY: Right.

6 MR. DeALMEIDA: If we weren't able to access  
7 that on couples, because I'm not certain that we can  
8 access that information from the material that the State  
9 Registrar has, the personal data, sufficient to contact  
10 them. If it was a smaller universe, how would that  
11 effect the poll?

12 MR. MURRAY: In terms of the sample size?  
13 Well, the reason why I said 400, is because in case  
14 there are, we need to look at the differences by age and  
15 differences between male couples and female couples.  
16 The larger the sample that we can get, we can look at  
17 how this is more likely to affect people who come in to  
18 a civil union with children already or people with  
19 different genders. So it impacts the ability to cut the  
20 sample down to sub sample.

21 Now, a sample of 200 or so would be fine in  
22 terms of just saying this is what's going on with a full  
23 population of civil unions. We just wouldn't be able to  
24 drill down a little further. I guess the question I  
25 have for you is, we don't have address information on

1 everybody who registers to --

2 MR. KOMOSINSKI: It's not public  
3 information.

4 MR. MURRAY: Okay.

5 MR. DeALMEIDA: State law might prevent us  
6 from sharing that information.

7 MR. HYLAND: Is it possible to send out  
8 notice of the study and invite people to participate?

9 MR. KOMOSINSKI: That's one question we  
10 have. The concern there being that, first of all, we  
11 don't capture their address information electronically.  
12 It would be a manual process. And the second one is  
13 that with the what right of privacy, for example, if a  
14 couple has moved to an apartment, to a house, if that  
15 notice went to the apartment, that right of privacy,  
16 that's one of the things we discussed with that.

17 We also, although we collect the age, we  
18 don't capture the age on the marriage or the civil  
19 union, so we wouldn't be able to give you data on  
20 specifics for that on age groups.

21 CHAIRMAN VESPA-PAPALEO: What's exactly the  
22 relevance of capturing the age? I'm just thinking in  
23 terms of same sex couples who have never before had a  
24 right to have a relationship recognized by the  
25 Government, I don't know if this is true or not, I would

1     assume probably are on average older than those who can  
2     married, like Brittany Spears, any time they want to.  
3     And so, how relevant is the age when statistically same  
4     sex couples might very well be older couples.

5                   MR. MURRAY:  That's the relevance.  Is that  
6     if we were doing a match count of what the differences  
7     are in terms of obtaining benefits and then your sample  
8     of married couples was a lot younger, they're a lot less  
9     likely to have children already in the household, then  
10    their experiences are going to be a lot different than  
11    an elder married couple who are likely more to have  
12    children.  When you're doing a match sample you want to  
13    make sure that the experiences of the married couple are  
14    going to be the similar type, that you're asking for the  
15    same type of benefits as a civil union couple.

16                   CHAIRMAN VESPA-PAPALEO:  Just assuming for  
17    argument sake that we can work through the issue of  
18    privacy rights and obtain for you a poll of people for  
19    civil union that want to participate in this, what's the  
20    best mechanism?  Is there surveys on paper, internet,  
21    phone surveys?

22                   MR. MURRAY:  The best mechanism is phone.  
23    But that's going to be the most difficult to get  
24    information.

25                   MR. KOMOSINSKI:  And that's going to be an

1 item I definitely don't have. I mean, we could look at  
2 again to, even if we didn't reach out to them  
3 specifically in a mailing, if we made a public  
4 announcement that we were allowing civil union couples  
5 to reach out to us. We would verify if they have a  
6 civil union on file, that way they can provide whatever  
7 contact information they wanted on that as well.

8 MR. DeALMEIDA: If hypothetically law  
9 prevented us from sending those, would the poll be  
10 affected by having an opting provision to notice the  
11 public; would that skew the results?

12 MR. MURRAY: It would skew the results. I  
13 mean, because you would be much more likely to get  
14 couples who have issues. You wouldn't know whether  
15 that's true and representative or if it wouldn't be  
16 representative. And so not only would you not know  
17 what's representative of civil union couples or whether  
18 they would have a harder time or equal time than married  
19 couples in the same situation.

20 MR. DeALMEIDA: Would you have a suggestion  
21 on how else we could get individuals to participate?

22 MR. MURRAY: Well, we could try the opting  
23 issue is very difficult. I mean, because of the  
24 population, in terms of the full population in the State  
25 of New Jersey is small. You'd have to try to find

1 another method encompass everybody and that would be  
2 like finding a needle in a haystack without being able  
3 to do that. In some respects, if you can't get passed  
4 the privacy issues, maybe obviously you have to walk in  
5 there with a caveat that, here are some of the things we  
6 don't have, we do know it's representative of "X" number  
7 of couples, which may not be the experience of everybody  
8 to have a civil union. The experience of X percent of  
9 the X percent being the number of people who actually  
10 responded to the survey.

11 And then another way to do with trying to  
12 match it to the married couples, telephone pole, that's  
13 a little easier to do. Although it wouldn't be a direct  
14 match of people married at the same time. So you can  
15 get people by doing a general confidential telephone  
16 poll, are they married, how long have they been married,  
17 have they been married just for five years or less and  
18 then asking them the same type of questions. And that  
19 cost would go up because you're calling a lot of people  
20 to find some people who have been married more recently.

21 MR. DeALMEIDA: Do you envision this to be  
22 residents in New Jersey because we do offer civil unions  
23 to non-residents. I'm not sure if the Commission  
24 extends upon non-residents or not?

25 MR. MURRAY: You can do it either way.

1 Because, again, we're dealing with pretty much the same  
2 list. You would make that decision.

3 MR. DeALMEIDA: That might change the  
4 results. Someone from Pennsylvania who got a New Jersey  
5 civil union, if the whole State wouldn't recognize it,  
6 they would have, our legislature couldn't address that,  
7 so it might not be as useful for us.

8 REVEREND BLUSTEIN ORTMAN: I think in that  
9 case we ought to keep it strictly to New Jersey.

10 MR. DeALMEIDA: It would only effect New  
11 Jersey residents. Do you have any -- I don't know  
12 whether you could assist us with the sixth charge and  
13 evaluating the impact on the state in having civil  
14 unions?

15 MR. MURRAY: Yes. For part of it, yes. But  
16 you definitely need to bring somebody in who can do the  
17 economic modeling in there with it. But, yes, I've  
18 worked with economists who do service both businesses  
19 and private and public to determine, to do some modeling  
20 costs of increasing their extension of benefits or  
21 whatever it happens to be.

22 MR. DeALMEIDA: Actually, it's the cost of  
23 having civil unions rather than marriage. It's not the  
24 cost of having civil unions. It's the cost of having a  
25 distinction, I think really is a much finer point.

1                   MR. MURRAY: That's actually an easier  
2 question to research.

3                   MR. DeALMEIDA: Because your report was  
4 about the effectiveness of the statute, and that is one  
5 of the things. Number two, but we also have to look at  
6 the difference between the civil union and marriage the  
7 way that affects the couples.

8                   MR. MURRAY: Right. Right.

9                   MR. DeALMEIDA: Narrow down that point as  
10 well.

11                  MR. MURRAY: And that was the whole purpose  
12 also of doing the match sample.

13                  MR. DeALMEIDA: To see the distinction.

14                  MR. MURRAY: Yes.

15                  CHAIRMAN VESPA-PAPALEO: When doing those  
16 comparisons, is it, do you have to use the same medium  
17 that is if you survey folks using the telephones, do you  
18 have to survey married couples on the telephone?

19                  MR. MURRAY: You do run in to issues if you  
20 change the mode of interviewing, and you have to make a  
21 judgment of whether you can make that. There can be  
22 some significant mixes in particularly with poor  
23 populations and health benefits and health issues. We  
24 do see that, if you ask the same group of people by  
25 telephone or where they can fill it out themselves, you

1 do get a different set of responses. But not in every  
2 case. Some cases you don't. A lot of major studies,  
3 for example, a consumer company studies are done part by  
4 mail and part by phone.

5 MR. DeALMEIDA: I was saying in order to  
6 have an effective survey, you can do both A and B, you  
7 can't just have A of your suggestions.

8 MR. MURRAY: Yes. I mean, B really does  
9 underline that issue of the difference between civil  
10 union and marriage.

11 MR. DeALMEIDA: C is a separate?

12 MR. MURRAY: C, yes, would be something  
13 separate.

14 CHAIRMAN VESPA-PAPALEO: Can you explain a  
15 little bit what was not on here, but you mentioned  
16 towards the end in terms of the quarterly polling that  
17 you do, and how could we, let's say that we were unable  
18 to get funding for something as expensive as A, B and C,  
19 how could we utilize that fourth option to help us?

20 MR. MURRAY: Well, that's a poll of the  
21 general public of New Jersey. So you'd have to think  
22 about looking through all of the things you're supposed  
23 to cover what feedback of the general public, what  
24 information could the general public provide.

25 CHAIRMAN VESPA-PAPALEO: And that would be

1 phone polling?

2 MR. MURRAY: That would be telephone polling  
3 about 800 residents.

4 CHAIRMAN VESPA-PAPALEO: So there would be  
5 two or three questions added in those quarterly polls or  
6 how many questions typically would apply in --

7 MR. MURRAY: Anywhere from two or three up  
8 to 10 or 12.

9 MR. DeALMEIDA: That's 800 residents?

10 MR. MURRAY: Yes. 800 adult residents.

11 CHAIRMAN VESPA-PAPALEO: The likelihood of  
12 us capturing civil union residents.

13 MR. MURRAY: Almost null.

14 In fact, I did a poll back in February. It  
15 wasn't about civil unions, but it was about  
16 relationships and so we asked people in relationships,  
17 we asked them the gender of their partner. And we got  
18 about five percent of those in relationships, about 60  
19 percent of all adults, five percent said they were in a  
20 same sex relationships.

21 MS. CASBAR SIPERSTEIN: What would be the  
22 variance percentage in a poll of that kind?

23 MR. MURRAY: The sampling margin there is  
24 3.5 percent.

25 MR. DeALMEIDA: Would the anecdotal

1 testimony that we get at our public hearings be a use to  
2 you?

3 MR. MURRAY: In formulating the questions,  
4 yes, not the data itself.

5 MR. GOLDSTEIN: Just to follow up on what  
6 Patrick Murray said, the Zogby poll that Garden State  
7 Equality Commission polled 803 couples, I think two  
8 percent of the people described themselves as civil  
9 union or domestic partners. So I think that's 2 or 3  
10 couples out of 803, that doesn't mean that there's two  
11 percent gay people in the state, but it's so hard.

12 CHAIRMAN VESPA-PAPALEO: Thank you very  
13 much. Any other questions?

14 MR. DeALMEIDA: I have one other question.  
15 What do you see is the time span in the time we engage  
16 your organization that we have your report?

17 MR. MURRAY: A typical time span would be  
18 about 12 weeks to get the final report. We can move  
19 very quickly, we can get our sample together very  
20 quickly, the privacy issues have to be dealt with or --

21 MR. DeALMEIDA: Would it be beneficial for  
22 you to have the testimony from the public hearings to  
23 help formulate the questions?

24 MR. MURRAY: Absolutely, yes.

25 MR. HYLAND: How would you, I mean this

1 report is going to be attacked one way or the other?

2 MR. MURRAY: Uh-huh.

3 MR. HYLAND: So how would you deal with this  
4 in terms of bias, et cetera, somebody is not going to be  
5 agreeing with whatever the results are.

6 MR. MURRAY: Yes. And it wouldn't be the  
7 first time that I've been in that position. We've  
8 established a reputation as being an independent, as  
9 being an independent voice, independent measure of the  
10 voice of the public. And we stake our reputation on  
11 that. And as we say, these are the terms of the  
12 agreement. And in the end we have final say over the  
13 questions. We have final say over the final report. If  
14 you release any part of the report you have to release  
15 the full report and we stand by what we say. I've been  
16 in that position where I've had to go up and talk in  
17 front of the public or the press about that, and I can  
18 only say that we did our best to do what was objective  
19 and I always welcome to get somebody else, another  
20 respective survey researcher to take a look at --

21 MR. DeALMEIDA: Is Monmouth a State  
22 University?

23 MR. MURRAY: No. It's private.

24 CHAIRMAN VESPA-PAPALEO: If you can, can you  
25 share with us any public agency, state, city, whatever,

1 agency that you might have had contracts or are  
2 currently doing work for?

3 MR. MURRAY: Currently right now I'm working  
4 with the Commission for the Blind, which is the  
5 Department of Human Service. I know Monmouth as a  
6 University has dealt with other agencies as well, and I  
7 personally have dealt with every state agency, at least  
8 division, over the 14 years.

9 MS. ALLEN: How are the contracts awarded to  
10 you?

11 MR. MURRAY: Well, it depends. In many  
12 cases, in fact, I would say most cases, the amount of  
13 money involved in the contract is small and below a  
14 threshold by which you have to go through a formal  
15 bidding process. The contracts for the Commission of  
16 the Blind was they sought three bids they were required  
17 to seek three bids, and I forget what the threshold was,  
18 \$25,000 or below \$25,000, and that's how they went about  
19 it. I have done it through the formal bid process as  
20 well. But, as you know, that's an extremely lengthy  
21 process.

22 MS. ALLEN: Which individual you dealt with  
23 with the Commission of the Blind, was it Frank?

24 MR. MURRAY: No. Frank did the paperwork.  
25 I didn't deal with him directly. I dealt with Joe Tasko

1 (ph). He's now retired. But John Walsh down there is  
2 my contact right now.

3 CHAIRMAN VESPA-PAPALEO: Any other  
4 questions? Okay.

5 MR. MURRAY: Feel free to contact me if you  
6 come up with any questions at any time.

7 CHAIRMAN VESPA-PAPALEO: We'll evaluate this  
8 since it's just a concept even, we haven't decided  
9 whether the concept is something that we can do, but we  
10 thank you for taking the time to come in and teach us  
11 what the polling is about.

12 MR. MURRAY: My pleasure.

13 CHAIRMAN VESPA-PAPALEO: Thank you very  
14 much.

15 Okay. Any other discussion about that that  
16 you want to have at this time?

17 MR. DeALMEIDA: Where are we looking to do  
18 this as far as time frame goes, before the next report?

19 CHAIRMAN VESPA-PAPALEO: My thought would be  
20 after the first report, so we kind of see where things  
21 are, and at least get the benefit of the first round of  
22 the public hearings to be able to come up with the right  
23 kind of questions, whether we do that or whether we do  
24 something else, but that's my thought. I don't know  
25 what you all think about that.

1                   MR. DeALMEIDA: That would increase the poll  
2 of couples.

3                   MS. ALLEN: Where would we get the money  
4 from?

5                   MR. HYLAND: Out of your budget.

6                   CHAIRMAN VESPA-PAPALEO: Anybody want to  
7 donate money?

8                   MR. GOLDSTEIN: In all seriousness, it's  
9 something for the Commission would decide, the money  
10 would be there. That's something the money would be  
11 there for sure.

12                  MR. HYLAND: Can I ask, Joe, whether in the  
13 meantime if there's some way we're going to run in to  
14 this problem in trying to get people to survey. Is  
15 there some way we can include in the licensing process  
16 of checking off or something that people can opt into  
17 being available for these type of studies in the future?

18                  MR. KOMOSINSKI: Yes. That's one of the  
19 things I was thinking of. Regardless of, I know they  
20 said if you opt in, it impacts your results. But even  
21 if they call me and I elect not to participate, so I'm  
22 not opting in, you're really only getting people that  
23 are opting in to it. We could put something out to new  
24 registrations to say, just put a sheet for the new  
25 registrations to say, Would you be interested in

1 participating in a survey regarding civil union?

2 MS. ALLEN: It wouldn't be civil unions. It  
3 would be people getting married.

4 MR. KOMOSINSKI: Yes. We can put a check  
5 box on there for, yes, regarding whether it's civil  
6 union or marriage, and we would then be able to pick  
7 from those people and we can scale down and say are they  
8 married or are they in a civil union and what's their  
9 age factor.

10 MR. HYLAND: Part of that I think is  
11 including materials that go along with applying for a  
12 license that explains what's been being done, why this  
13 information is being captured, and the fact that it's  
14 anonymous in nature, that, you know, yes, you will  
15 receive, you know, you'll be contacted by somebody, but  
16 maybe it would be somebody that we can design a process  
17 that can be assured anonymity.

18 CHAIRMAN VESPA-PAPALEO: Yes. We'd have to  
19 really sort through those details even to, presuming  
20 that some of this information might be available under  
21 the Open Public Records Act, you know, in terms of the  
22 data we give over to the contractor, we want to make  
23 sure that we look through that and don't divulge  
24 information that we should be divulging. But I think we  
25 can probably save that for a later day and do some of

1 that research internally.

2           And you know, what I would like to do maybe  
3 at the next meeting, put this on as an agenda item so we  
4 can spend the time to think about, maybe we don't need  
5 to do all of this, maybe we can do something a little  
6 smaller. And how could be get the word out. We  
7 certainly have access to a lot of people and we do the  
8 same thing maybe in terms of getting the word out about  
9 the future of opting into a program like this by just  
10 spreading the word to people at our public hearings and  
11 the newspapers and so on.

12           REVEREND BLUSTEIN ORTMAN: It remains  
13 anecdotal as opposed to empirical that way though.

14           CHAIRMAN VESPA-PAPALEO: No. But what I  
15 mean is if we go forward and say we're going to  
16 commission a survey getting the word out to people who  
17 might want to participate, we do that throughout our  
18 relationships with the community. You know, maybe give  
19 people an 800 number, like they do if you want to  
20 participate in a drug test, to survey some new  
21 medications, do things like that, you can call this  
22 number and participate. You'll have to still qualify,  
23 but we can probably set some stuff up if we need to. I  
24 find that very informative. I don't know enough about  
25 how polls are put together or how effective they are,

1 but it seems quite interesting.

2 MS. ALLEN: What I was going to say, I'm not  
3 sure we would get the same level of interest from  
4 married couples as civil union couples. You know,  
5 because what's the purpose for answering questions for  
6 them? If they're not being discriminated against, if  
7 they're receiving the health benefits from their  
8 partners, if they can walk into work and say I need a  
9 family leave to take care of my sick spouse, these  
10 aren't issues for some people who are married, then I  
11 don't know how much interest there would be in  
12 participating. What would be the incentive to respond  
13 to the survey? What is the survey about? New  
14 experiences of married couples, I mean...

15 MS. KENNY: I don't think they tell you what  
16 the survey --

17 MS. ALLEN: But if you're asking at the time  
18 someone is registering for a marriage license, if you  
19 will be interested in participating in a survey --

20 MS. KENNY: I think they'd be enthused.  
21 They're getting married. Yes, sure I'll check that off.  
22 I mean they're just checking it off when they go and get  
23 their marriage license.

24 MS. ALLEN: I mean, what are we telling  
25 them? You have to say to them some degree of reason for

1 the survey.

2 MS. CASBAR SIPERSTEIN: Just want to make  
3 sure you're getting the proper benefits as a married  
4 couple.

5 MS. ALLEN: I just, you know, it's strictly  
6 my opinion. I think that you may not get the same level  
7 of participation or interest from heterosexual or  
8 married couples as you would from people in civil unions  
9 who have more at stake, who have an interest in seeing  
10 equality and we're just not experiencing the same world.

11 MS. KENNY: I think you would. I think if  
12 you just said something, would you be interested in  
13 participating in a survey on marriage in New Jersey or  
14 something for the State of New Jersey, I mean, vaguely  
15 worded, I don't know why people, some people are private  
16 and they would say no, they don't want to be contacted.  
17 I mean other --

18 CHAIRMAN VESPA-PAPALEO: We might be able to  
19 do marriage/civil union issues, something generic. We  
20 may also capture people honestly that may have been  
21 married previously and now are in a same sex civil  
22 union. We might have the benefit of experiencing both  
23 of those to kind of give us some insight. I think that  
24 might make sense to me. The group that is most  
25 interested in getting their issue because it's so new,

1 you know, are going to be the ones most likely to opt  
2 in. But we could probably do it in a way in that we  
3 really do the outreach to the married community.

4 MS. ALLEN: I mean, everything that he was  
5 talking about concerning the same number of people, I  
6 mean, there's no guarantee that you're not going to get  
7 300 civil union couples responding or a 100 married  
8 couples responding, and the numbers or the age groups or  
9 whatever it is that he needs to compare are not  
10 necessarily going to correlate in anyway. It seems very  
11 unscientific to me.

12 MS. CASBAR SIPERSTEIN: I would probably  
13 agree that the percentage of opposite sex couples  
14 filling this out would be much less, like probably the  
15 total number considering the population of same sex to  
16 opposite sex, it would probably even it out. I think it  
17 would not be unreasonable to --

18 CHAIRMAN VESPA-PAPALEO: Well, we don't know  
19 I guess. And we probably internally would have to look  
20 a little more in-depth as to how we would do this. So  
21 we have to really first commit ourselves to studying how  
22 we would get the data, enough data for them to look at  
23 it, or whoever it is to look at it.

24 MR. KOMOSINSKI: Well, I think if we posted  
25 again generically enough, are you willing to participate

1 in a survey, for us to do that and put out a notice with  
2 them to determine whether or not they're going to  
3 participate is low cost, it's easy for us to look then  
4 at the numbers and say okay, we got 1,000 same sex  
5 couples and two heterosexual couples, the survey is not  
6 going to work.

7 Or if we look at it and say, we have some  
8 comparable numbers. We have 400 of each group that we  
9 can look at. We may have to cut out some of the age  
10 specific calculations that we want to look at based on  
11 the information that we get. But we could for little to  
12 no money find out what that pool of people are within  
13 the next whatever, over the next three, four whatever  
14 month period that would be able to participate in that  
15 survey.

16 REVEREND BLUSTEIN ORTMAN: You would need to  
17 start getting that ASAP in order to build up a group of  
18 people.

19 MR. DeALMEIDA: How many marriage licenses  
20 do we issue ever month?

21 MR. KOMOSINSKI: I don't know because of the  
22 fact they're done at the local level. But typically for  
23 a given year we register roughly 52000 marriages a year.

24 MR. HYLAND: Let me throw out something,  
25 because we're focusing on the voluntary or the opting in

1 issue here, but it's a mandatory duty of the Commission  
2 to collect the information about the recognition and  
3 treatment of -- I'm sorry, and evaluating the effect on  
4 same sex couples, including the financial impact to the  
5 State.

6 So to what extent does that give the State  
7 through this Commission the right to obtain that  
8 information as opposed to seeking to get people to  
9 volunteer to participate in this? I mean, it's a  
10 statute. It's a legislative mandate. Not a suggestion.

11 MR. DeALMEIDA: That's a legal question. I  
12 can hypothetically say, yes, that doesn't give the State  
13 the authority to violate the privacy rights. We can  
14 collect the information in other ways. We don't have to  
15 have a poll. We can have hearings. If there is privacy  
16 rights, I don't know that there is, if we can't send  
17 these notices, we have to come up with another way. I  
18 think that would be pretty easy to justify sending  
19 notices to couples.

20 And even from going beyond the legal  
21 question, I don't know if the Commission would want to  
22 send those notices, because of the potential that some  
23 people who have the notices received at their former  
24 addresses or at the current address, they may not want  
25 people to know that they've been married.

1                   CHAIRMAN VESPA-PAPALEO: I think it would  
2 benefit the Commission, would it be possible for the  
3 next meeting to get a legal position as to the privacy  
4 from the DAG office?

5                   MR. DeALMEIDA: I can try. September 19th  
6 is the next, right, I can try. Okay. If not the  
7 October meeting.

8                   MR. DeALMEIDA: We have a lot of advise  
9 requests pending.

10                  MS. ALLEN: Some of them we've been waiting  
11 for for a long time.

12                  Do we need ethics opinion about accepting  
13 money to pay for the poll?

14                  CHAIRMAN VESPA-PAPALEO: Yes. We talked  
15 briefly at the last meeting. And if I remember  
16 correctly, Patrick, it was that I'm not sure that the  
17 Commission could really accept any funds from anyone.  
18 However, if an outside organization wished to commission  
19 their own poll or anything else, they can certainly do  
20 that and report it to our body here.

21                  MS. KENNY: But then does that open the  
22 possibility that anybody could run their own poll? We  
23 would have to accept and consider, you know --

24                  CHAIRMAN VESPA-PAPALEO: Good question.  
25 Barbara?

1                   MS. ALLEN: I just wanted to let you know  
2                   that there is something under the State Ethics Law  
3                   called a joint venture, which allows state agencies to  
4                   enter into partnerships with private entities to carry  
5                   on a state purpose, and so that might be an avenue to  
6                   explore.

7                   Generally a joint venture starts, I don't  
8                   know if you have your own ethics liaison officer, you  
9                   probably do, with a presentation to the ethics liaison  
10                  officer with the joint venture that you're participating  
11                  and a description of how it would benefit the State and  
12                  the mission and all that. And I think there is an  
13                  opportunity to do that. It wouldn't be a donation. It  
14                  would be a partnership between the State and a private  
15                  entity to carry out a State mission. So I think that  
16                  might be a way that you could do this.

17                  CHAIRMAN VESPA-PAPALEO: Well, I completely  
18                  agree. We certainly will need to do an ethics review  
19                  before we engage anybody.

20                  MS. CASBAR SIPERSTEIN: I like the idea of  
21                  that joint venture, would a formal motion, do we have to  
22                  make so we could look in to that possibility?

23                  CHAIRMAN VESPA-PAPALEO: I don't think we  
24                  need a motion. We can certainly, we'll look into that  
25                  I'll contact our ethics liaison officer and we'll

1 discuss that concept with them.

2 MR. KOMOSINSKI: Question, going back to  
3 what Stephen said earlier, if we do that joint venture  
4 depending on who we do that with, does that then open it  
5 up for argument to say that the results were slanted in  
6 one direction or another based on that entity?

7 CHAIRMAN VESPA-PAPALEO: I think that's a  
8 political question, yes. But I think that would be the  
9 case no matter what.

10 On the other hand, you know, even if a group  
11 did a poll, any group could do a poll and present it to  
12 the Commission. We can take anybody's information. It  
13 doesn't mean we have to accept it as, you know, as  
14 something we'll put into the final report. But if  
15 somebody comes to us at the public hearing and says  
16 here's a report and I want to, you know, here's the  
17 polling results, I want to report this to the  
18 Commission, you know, that's something we have to  
19 accept.

20 MR. DeALMEIDA: And joint venture would be  
21 with another entity to hire an independent polling, so  
22 it wouldn't be that the other entity conducted a poll, I  
23 would think.

24 MS. ALLEN: Correct.

25 MR. KOMOSINSKI: I was talking more --

1 MS. ALLEN: Right. And I think his  
2 perception is you have to go through the Ethics  
3 Committee as an officer, and I think ultimately you do  
4 have to go through the Ethics Commission to have a joint  
5 venture sanctioned.

6 CHAIRMAN VESPA-PAPALEO: Yes. We will  
7 definitely look into that. Our office does a lot of  
8 joint venture stuff. It's a lengthy, but very  
9 deliberate process. So we will make sure -- actually  
10 our former ethics liaison officer, who now is wearing  
11 that hat because our new one is on vacation, Estelle, I  
12 should have introduced you, this is Estelle Bronstein,  
13 our attorney, and Ralph Menendez.

14 MS. ALLEN: Have you done these, Estelle,  
15 joint ventures?

16 MS. BRONSTEIN: Yes.

17 CHAIRMAN VESPA-PAPALEO: Ad nauseam, yes.

18 MS. BRONSTEIN: Ad nauseam, yes. Not in  
19 this kind of circumstances. We've done it in more event  
20 type of things. But, yes, and I think that from my  
21 memory of the process, it always has to be approved by  
22 the State Ethics Commission if it goes there.

23 MS. ALLEN: Okay.

24 MS. BRONSTEIN: If they saw something that  
25 they thought was a problem they would let us know.

1                   CHAIRMAN VESPA-PAPALEO: The good thing is  
2 we have a few months in terms of those details. We have  
3 enough time in the next month or two to look at the  
4 ethics issues of this.

5                   Okay. Any other questions on this?

6                   MR. HYLAND: Yes. Speaking about the  
7 report?

8                   CHAIRMAN VESPA-PAPALEO: Yes.

9                   MR. HYLAND: When is the first quarterly  
10 report?

11                  CHAIRMAN VESPA-PAPALEO: The first biannual  
12 report is in December, six months, I mean we don't have  
13 an exact date, but I'm assuming by mid December or  
14 certainly by the end of that month. And that's what  
15 we've indicated to the governor's office on the  
16 leadership.

17                  MR. HYLAND: I'm sure they're looking  
18 forward to it.

19                  CHAIRMAN VESPA-PAPALEO: I think so.

20                  Okay. Then let's move on to the public  
21 hearings. You have the notice. I have extra flyers, if  
22 anybody wants those. I will also e-mail you the PDF, if  
23 you'd like. It's also on the civil rights website as  
24 well. We have a two-hour time slot set aside. So these  
25 are announced for 6:30 to 8:30, so we have reserved the

1 place for a bit longer just in case we need some extra  
2 time.

3 Any thought about, you know, the format?  
4 How you would like to see this go? I mean, I'm assuming  
5 I think we should have a time limit so that we certainly  
6 can give everybody a chance to speak or at least submit  
7 some written comments.

8 MR. DeALMEIDA: Are we going to have  
9 speakers sign up?

10 CHAIRMAN VESPA-PAPALEO: Yes. I think we  
11 definitely will need to do that so we can follow-up with  
12 them, if they have concerns so we can actually follow-up  
13 with, and I can develop a list to work with the Liaison  
14 Committee to set that up.

15 MR. DeALMEIDA: Are there going to be some  
16 form complaints available if they want to file a  
17 complaint?

18 CHAIRMAN VESPA-PAPALEO: I'll have one of  
19 our investigators there we actually don't have forms  
20 that are posted on the website. We actually do an  
21 actual intake with them, so we can certainly do that.  
22 Actually we can do a pre-complaint form so we can  
23 follow-up with them if they want to put that down.

24 Any other thoughts about the time limit?  
25 You know, we can be flexible. Five minutes, the most,

1 two minutes?

2 MS. KENNY: Yeah. And we'll see --

3 CHAIRMAN VESPA-PAPALEO: I think it will be  
4 helpful to kind of get there, you know, here are the  
5 parameters of how we're going to operate tonight.  
6 Everybody gets five minutes. There are written  
7 complaint forms, if you want to. We'll have to  
8 follow-up with you on some thing, and you know, we'll be  
9 flexible if you need to be.

10 REVEREND BLUSTEIN ORTMAN: And you'll be  
11 chairing the meeting?

12 CHAIRMAN VESPA-PAPALEO: I'll be chairing  
13 the meeting, yes.

14 MS. KENNY: We can kind of push some people  
15 along. Sometimes we say five minutes, but some people's  
16 testimony might be, we need more time, and it would be  
17 valuable for us to hear it through.

18 REVEREND BLUSTEIN ORTMAN: Do we need a  
19 structure for altering the time limitation?

20 CHAIRMAN VESPA-PAPALEO: Why don't we, I can  
21 have sort of a timekeeper. I'll get a stopwatch, and  
22 just to give people a little bit of notice of how much  
23 time they have, I'll have somebody there with a card so  
24 they know they have one minute left. We're not going to  
25 interrupt someone testimony, but we can't afford for

1 people to go on for 30 minutes.

2 MS. KENNY: I think maybe we should all be  
3 there early, I don't know, if we have a pre-meeting at  
4 6 o'clock, so it starts towards 6:30. It sounds like  
5 there could be a lot of people.

6 CHAIRMAN VESPA-PAPALEO: Should we just meet  
7 on site at 6 o'clock? I'll make sure we have some sort  
8 of little room so we can convene.

9 MR. DeALMEIDA: Maybe we should agree to  
10 limit questions from the Commission.

11 MR. KOMOSINSKI: We can follow-up with them.  
12 If we allow them five minutes to talk and we have  
13 questions for 20 minutes.

14 CHAIRMAN VESPA-PAPALEO: Now, is this an  
15 issue if individuals want to testify or present  
16 information to us, but they'll want to reveal their  
17 identity talking about, you know, a sensitive area for  
18 some people and maybe some issues that come about with  
19 the licenses, should we have some mechanism to permit  
20 testimony if the person doesn't want to give us their  
21 name and address?

22 MS. CASBAR SIPERSTEIN: If they show up, I  
23 think there has to be some way maybe afterwards, if  
24 they're going to make some sort of public statement,  
25 perhaps give their name and address perhaps privately.

1 Is there some kind of vehicle, so it would not  
2 necessarily be in the public record, I don't know.

3 CHAIRMAN VESPA-PAPALEO: We can them just  
4 write in, our records, our sign-in could have their  
5 address or e-mail, whatever they want to give us or  
6 phone number to contact you should need to communicate  
7 additional information to you, and make it optional on  
8 the form.

9 MR. DeALMEIDA: If he don't, they don't.

10 CHAIRMAN VESPA-PAPALEO: Maybe it's not  
11 going to be an issue. I just want to be prepared for  
12 that if somebody says I don't really want to give you my  
13 name. I'll say, all right, fine. Just give us your  
14 testimony. If you want to give it to us privately,  
15 that's fine. I mean, we take complaints at the  
16 Division, using people's initials or fictitious names,  
17 you know, domestic abuse issues, minors, et cetera, we  
18 could probably do the same thing.

19 Okay. Anything else?

20 MR. HYLAND: I think we also have to keep in  
21 mind that there could be people there as there were at  
22 the hearings on civil unions who are emotionally hostile  
23 to the idea of any form of rights for same sex couples,  
24 let alone, I think we're focusing on the issue of civil  
25 unions versus marriage. And there's going to be a

1 certain element that are going to be there that I think  
2 are going to be absolutely hostile period.

3 REVEREND BLUSTEIN ORTMAN: And so we allow  
4 them to give testimony as to how their relationship has  
5 been injured.

6 MS. CASBAR SIPERSTEIN: Yes. It says  
7 clearly to testify about the effectiveness of the act.  
8 So if they're clearly off base, I think we --

9 MR. HYLAND: I think at what point do we cut  
10 them off --

11 MS. CASBAR SIPERSTEIN: You'll have to use  
12 judgment.

13 CHAIRMAN VESPA-PAPALEO: I think that's a  
14 time issue. I mean, that's why we need a time  
15 limitation. If somebody wants to get up there and use  
16 it as an opportunity to say all this same sex  
17 relationship are wrong, illegal, immoral, they have a  
18 right to say that. I mean, this is a public hearing.  
19 And I'm not comfortable telling them they can't say  
20 that, I don't think. And I think that's their testimony  
21 that Civil Union Act does not work because of what it  
22 does to, you know, whatever their belief system is, for  
23 example. And I think we need to very seriously take  
24 that information and not cut off people that want to say  
25 that, whether we agree with it or not. And I think we

1 just got to stick with the time limit, and I'll be sure  
2 to tell folks when the time is up and if they need more  
3 time we'll look around the room, and if we have time  
4 we'll give time. If we don't, we won't.

5 REVEREND BLUSTEIN ORTMAN: How about some  
6 standards of civility though? In other words, that  
7 might not be much people that want to give five-minute  
8 testimony or being opposed if there were protests if we  
9 allow the meeting to go on.

10 CHAIRMAN VESPA-PAPALEO: Hecklers?

11 REVEREND BLUSTEIN ORTMAN: If testimony is  
12 hateful as opposed to informative.

13 MR. KOMOSINSKI: Even if it was hateful  
14 testimony, I guess if there's someone there because  
15 there often tends to be, that wouldn't allow the other  
16 people there five minutes to speak, how do we address  
17 that individual or that group of individuals?

18 CHAIRMAN VESPA-PAPALEO: Well, each of the  
19 places has security. That's the, actually, New  
20 Brunswick does not because it's not a Government  
21 facility. We count them all you know, there's a police  
22 offer there. Camden County College has their campus  
23 security there, so we'll alert them to that.

24 REVEREND BLUSTEIN ORTMAN: Public address  
25 system and recording?

1                   CHAIRMAN VESPA-PAPALEO: Yes. Those all  
2                   have, that's why we chose these locations. They're used  
3                   for these kinds of functions. The only one that will be  
4                   a little tight probably will be Nutley Township Hall.  
5                   The room is very large, however, we'll be seating where  
6                   the Town, members of the Town Commission sits, and  
7                   they're non-moveable structures. So we'll just squeeze  
8                   in there. They all have microphones. There's recording  
9                   equipment, the Bar Association, which is the first  
10                  hearing has, it's a large, you know, the main  
11                  auditorium, it's a large auditorium with a dais for us  
12                  to sit on, and we will make sure that their microphones  
13                  in the aisles and also that they are of appropriate  
14                  height for anybody that might be in a wheelchair user,  
15                  for example.

16                  MS. CASBAR SIPERSTEIN: Being a public  
17                  hearing, will we anticipate press as well?

18                  CHAIRMAN VESPA-PAPALEO: I'm sure, yes. We  
19                  certainly will get the word out. The attorney general's  
20                  office will get the word out, but I'm sure there will be  
21                  press.

22                  MR. GOLDSTEIN: There will be press.

23                  CHAIRMAN VESPA-PAPALEO: And I'm sure there  
24                  will be, I expect there will be people who want to come  
25                  just to watch and don't want to testify. So that's why

1 we've gotten places that we hope are big enough in size  
2 for those folks who want to come.

3 REVEREND BLUSTEIN ORTMAN: That's why we  
4 call them a town meeting.

5 CHAIRMAN VESPA-PAPALEO: Right. Rightfully  
6 other thought, okay.

7 The final item I have on here, we started to  
8 talk about at the last meeting, which is how do we  
9 collect data, one of the charges is to access how the  
10 acts been implemented at the State? And do we need to  
11 have some formalized mechanisms to collect data from  
12 departments, or give another grant to the government,  
13 like the judiciary or the legislature or not.

14 REVEREND BLUSTEIN ORTMAN: Erin had talked  
15 about trying to rewrite, I think, in the text that you  
16 handed out last time and she was in the hospital shortly  
17 after that.

18 CHAIRMAN VESPA-PAPALEO: I had thought as a  
19 result of that meeting maybe another avenue to use is to  
20 make a request to the Commission for all of the  
21 Department Heads that we will be asking twice a year to  
22 collect information that will assist information and  
23 then leave it to them to use their own mechanism because  
24 they are also very different and just ask them to issue  
25 a written letter to us as to how the acts been

1 implemented at their department. I think that would  
2 probably be a simple way to do it and also give a  
3 flexibility that the agencies need to do what they need  
4 to do.

5 Does anybody have any problem with that?

6 MR. DeALMEIDA: Send something to cabinet  
7 members?

8 CHAIRMAN VESPA-PAPALEO: Yes.

9 MR. DeALMEIDA: And commission independent  
10 authorities as well that have some authorities.

11 CHAIRMAN VESPA-PAPALEO: I didn't think of  
12 that. I thought the cabinet, I figured AOC.

13 MS. ALLEN: What universities and state  
14 college?

15 MR. DeALMEIDA: I got a list of everyone we  
16 represent.

17 MS. ALLEN: That would be good.

18 MR. DeALMEIDA: There's lots of entities  
19 floating around.

20 REVEREND BLUSTEIN ORTMAN: It's a long list.

21 MS. ALLEN: It's a long list.

22 CHAIRMAN VESPA-PAPALEO: I'm not clear  
23 whether or not the statute in asking for state agency  
24 information is requested of the legislature since this  
25 is a Commission of the legislature. I'll look in to

1 that because I think we should, if we have that  
2 authority should ask the legislature the things that  
3 we're asking other branches.

4 MS. ALLEN: Does it say executive branch?

5 CHAIRMAN VESPA-PAPALEO: I don't think it's  
6 limited to the executive branch. State agency, I mean  
7 the senate is a state agency, right, I mean?

8 MR. DeALMEIDA: You mean how they're  
9 implementing it with respect to their employees?

10 CHAIRMAN VESPA-PAPALEO: Their employees,  
11 right.

12 MR. DeALMEIDA: We can try it. They might  
13 not want to answer it.

14 CHAIRMAN VESPA-PAPALEO: Right. We can send  
15 it out.

16 REVEREND BLUSTEIN ORTMAN: We'll just say  
17 non-compliant.

18 CHAIRMAN VESPA-PAPALEO: And I certainly  
19 will send it to the Administrative Office of the Courts  
20 so we'll get that perspective as well.

21 All right. Any other issues before we  
22 adjourn?

23 Okay. I will not be at the next meeting in  
24 September. I actually have to be out of town in  
25 Atlanta, but I may or may not be able to call in

1       depending on when I have to speak down there.

2                       Just for the record, I'm going on my  
3       vacation time, paying my own way.  But it's a Human  
4       Rights Conference Action, I'm speaking about Civil Union  
5       and JOBT Rights issues around the country.  Stephen  
6       spoke at it last year.

7                       So I'll report about the work of this  
8       commission down there in terms of it's existence and  
9       what it does.  And if there's no other questions, let's  
10      adjourn the meeting.

11                      Is there a motion to adjourn?

12                      REVEREND BLUSTEIN ORTMAN:  Moved.

13                      MS. CASBAR SIPERSTEIN:  Second.

14                      CHAIRMAN VESPA-PAPALEO:  Okay.  All in  
15      favor?

16                      THE COMMISSION:  Aye.

17                      CHAIRMAN VESPA-PAPALEO:  Okay.  We're  
18      adjourned.

19                      (TIME NOTED:  2:55 p.m.)

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C E R T I F I C A T E

I, TAMMY L. ENSANA, a Certified Court Reporter  
(License No. XI 02227) and Notary Public of the State of  
New Jersey, do hereby certify the foregoing to be a true  
and accurate transcript of my original stenographic  
notes taken at the time and place hereinbefore set  
forth.

\_\_\_\_\_

TAMMY L. ENSANA, CSR

Dated: September 17, 2007.