

January 8, 2003
Vol. XXV
Issue 1

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79-50567

DEPARTMENT OF STATE
Division of Administrative Rules

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NEW YORK STATE

REGISTER

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State agencies must specify in each notice the last date on which they will accept public comment. Agencies always accept public comment for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, and for 30 days after publication of a Notice of Revised Rule Making. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice; and comment must be accepted for at least five days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies accept comment through close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on Saturday, February 22, 2003
- the 30-day period expires on Friday, February 7, 2003

ADJUDICATORY REPORTS

Office of Temporary and Disability Assistance
Office of Legal Affairs
Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report for the period ending November 30, 1990, detailed the initial steps taken to comply with the Order, including changes in organization structure, office regulations and practices, and in hearing procedures. Those provisions remain in effect.

The Order (Section V) requires that the report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." The following statistics on Article 78 proceedings are from the period commencing December 1, 2002 through November 30, 2002.

Cases opened:	419
Cases closed:	303

The closed cases resulted in the following outcomes:

Stipulation of settlement:	95
Decisions favorable to the Office:	109
Withdrawn or abandoned by the petitioner:	64
Decisions adverse to the Office:	35

Reasons for adverse decisions:

Mistake of law as applied to facts:	14
Record deficient:	21