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**NEW YORK STATE**

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**REGISTER**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 60-day period expires on March 31, 2013
- the 45-day period expires on March 16, 2013
- the 30-day period expires on March 1, 2013

# ADJUDICATORY REPORTS

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Office of Temporary and Disability Assistance  
Administrative Adjudication Report of New York State  
Office of Legal Affairs  
Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, and reconfirmed by Executive Order No. 2 issued by Governor Andrew Cuomo on January 1, 2011, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report published on January 30, 1991, detailed the steps taken to comply with the Order, including any changes in organizational 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, 2010 through November 30, 2012.

Cases opened:	159
Cases closed: <sup>1</sup>	38
The closed cases resulted in the following outcomes:	
Stipulation of settlement:	16
Decisions favorable to the Office:	13
Withdrawn or abandoned by the petitioner:	3
Decisions adverse to the Office:	4
Reasons for adverse decisions:	
Mistake of law as applied to facts:	2
Record deficient:	2

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<sup>1</sup> Due to a server failure and the subsequent partial recovery of data during the reporting period, complete case closing statistics are not available for the reporting period. Instead, the case closing statistics are from March 2012 through November 2012. Please note that because of the incomplete data recovery, there are two closed cases without reportable outcomes.