Message from Bill Howard, General Counsel

The new year brings new challenges, and an opportunity to reflect on the year ahead. A perennial challenge for SUNY is navigating the complex legislative and regulatory setting. Senior Counsel Mike Morgan works with system and campus clients and attorneys, as well as external agencies and private entities, to prepare legislation for consideration. From authorization to lease property to tuition and budgetary matters to student affairs and safety issues, the Office of General Counsel works closely with Government Relations and other offices, and is involved in the technical aspects of ensuring that proposed legislation advances SUNY’s interests in a careful way.

Best wishes for a Happy and Healthy New Year!

Topics Newly Added to Compliance Site:

- Project Sunlight
- Workplace Violence Checklist
- Select Agent Regulations
- NCAA Athletics Compliance
- Non-Discrimination in Employment

A.D.A. Hearing Impaired Provisions

By Will Versfelt, Attorney Fellow

The September 2010 A.D.A. revisions specify new standards for building and design access. Please click here for a summary of these standards focusing on access for hearing-impaired persons. It describes assistive listening systems, lays out the A.D.A. standards, and addresses different ways to comply.
Stony Brook Successful in Defending Hotel
By Susan Blum, Senior Counsel in Charge

The Appellate Division issued its anticipated decision in the Stony Brook hotel case dismissing the appeal by the Stony Brook Environmental Conservancy and affirming the dismissal of the case by a Suffolk County trial court. Plaintiffs originally initiated the action against SUNY under the State Finance Law seeking a judgment that the Stony Brook Foundation Realty's sublease to a private developer to build the hotel was an unlawful disposition of State property. The lower court dismissed the complaint for lack of standing.

On appeal, the Appellate Division, 2nd Department distinguished between the presentation of a legitimate challenge to the disposition of State property and an argument that used a disposition of property as a pretext to challenge a governmental decision. The Court held that the plaintiffs here were not really challenging the unlawful disposition of State property but the manner in which SUNY chose to construct and operate the hotel.

Since the lease complied with the original legislation, plaintiffs did not have standing to maintain an action under the Finance Law. The Court went the extra mile in explaining its rationale, making the case a very difficult one in which to mount a successful appeal.

Renewable Energy on SUNY Campuses
By Geraldine Gauthier
Associate Counsel

Campuses have seen increased activity on energy projects, particularly solar photovoltaics. This is due to an expansion and modification of the Customer-Sited Tier of the Public Service Commission’s Renewable Portfolio Standard and the “NY-Sun Initiative” being funded through 2013 by NYSERDA. Please consult campus counsel on all such solicitations. Attorneys Kingsley Osei and Geraldine Gauthier are working with Capital Facilities to prepare a guidance document on this specialty form of contracting.

OGC Sidebar:
Kingsley Osei is an Associate Counsel and Chair of the OGC Contracts Practice Group. Prior to joining SUNY, he was an attorney at H.E.S.C. and practiced in Ghana.

Favorite part of the job?
Meeting and helping system and campus clients. Working on new and unexplored legal issues that require you to think outside of the box.

Most interesting recent project?
Working with the New York State Independent System Operator (which monitors the reliability of the power system and coordinates the daily distribution of electricity) to resolve a complicated transactional matter resulting in significant savings for the University.

How does practicing law in New York compare to Ghana?
Even though both are common law jurisdictions with an adversarial judicial process, pretrial discovery in litigation is given less prominence in Ghana than in New York.