

EXECUTIVE ORDER No. 84

January 26, 2006

COORDINATOR OF ADMINISTRATIVE JUSTICE

WHEREAS, the City's system of administrative justice is divided among many agencies that perform administrative adjudications; and

WHEREAS, in the conduct of administrative adjudications, the City's administrative tribunals are not subject to consistent standards relating to ethics and professionalism, recruitment and training of administrative law judges and hearing officers, use of technology such as information management and case management, or other management standards; and

WHEREAS, the development of consistent standards could enhance the professionalism, efficiency, transparency, accountability and enhance the public's understanding of, and access to, the City's administrative justice system; and

WHEREAS, creation of a Coordinator of Administrative Justice would facilitate the development of such standards;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered that:

Section 1. There is established in the Executive Office of the Mayor the position of Coordinator of Administrative Justice. With regard to City administrative tribunals, the Coordinator shall, after consultation with affected agency and tribunal heads, and to the extent not inconsistent with law:

- (a) advise and assist the Mayor in the coordination of policies, plans, procedures and operations common to the management of administrative tribunals;
- (b) review the annual resource allocations for administrative tribunals and programs related to the City's administrative justice system and recommend to the Mayor budget priorities among such programs;

- (c) request and receive reports from individual administrative tribunals concerning their performance, including case management and enforcement and appropriate use of technology, and recommend and facilitate implementation of policies to improve tribunal efficiency for administrative law judges, hearing officers and the public. The content of such reports and any such policies for reform shall be established by the Coordinator;
- (d) assist the City Chief Administrative Law Judge, in consultation with other tribunal chief administrative law judges, in the development and delivery of programs for the training and professional development of administrative law judges and hearing officers through the Administrative Judicial Training Institute to be established and managed by the Office of Administrative Trials and Hearings;
- (e) develop and promote programs of alternative dispute resolution appropriate for use by administrative tribunals;
- (f) develop educational materials to assist the public in understanding the City tribunal system and how to access it, including through the use of www.nyc.gov, other City websites, and 311;
- (g) conduct meetings from time to time with various stakeholder groups whose members appear before administrative tribunals; and
- (h) perform such other duties as the Mayor may assign.

§ 2. Affected agencies and administrative tribunals shall provide such assistance and cooperation as deemed appropriate by the Mayor and the Coordinator.

§ 3. For purposes of Sections 1 and 2 of this Order, the term “administrative tribunals” shall include the following tribunals or tribunals within the following agencies: the Department of Consumer Affairs, Department of Health and Mental Hygiene, Office of Administrative Trials and Hearings, Environmental Control Board, Tax Commission, Tax Appeals Tribunal, Parking Violations Bureau, Taxi and Limousine Commission, Board of Standards and Appeals, Loft Board, Civil Service Commission, Police Department, Department of Education, New York City Housing Authority (“NYCHA”) and such additional administrative tribunals as the Mayor shall designate. The Conflicts of Interest Board, Board of Collective Bargaining, Campaign Finance Board, and Civilian Complaint Review Board are not administrative tribunals for the purposes of Sections 1 and 2 but may receive technical assistance from the Coordinator upon request. The application of the provisions of Sections 1 and 2 of this Order affecting the Department of Education and NYCHA shall be contingent upon the written concurrence of the Chancellor of Education and the NYCHA Chair.

§ 4. Consistent with Section 13-a of the Charter, as adopted by vote of the electors of the City at the general election held on November 8, 2005, the Coordinator, acting on behalf of the Mayor, and the City Chief Administrative Law Judge shall jointly promulgate, and may from time to time jointly amend, rules establishing a code or codes of professional conduct governing the activities of all administrative law judges and hearing officers in City tribunals, except to the extent that such promulgation would be inconsistent with law. Prior to promulgating or amending any such rules, the Coordinator and City Chief Administrative Law Judge shall consult with the Conflicts of Interest Board, the Commissioner of Investigation and affected agency and administrative tribunal heads. An administrative law judge or hearing officer shall be subject to removal or other disciplinary action for violating such rules in the manner that such administrative law judge or hearing officer may be removed or otherwise disciplined under law. Further, such rules may set forth additional sanctions or penalties for violations of such rules to the extent consistent with law.

§ 5. The Coordinator shall report to the Deputy Mayor for Legal Affairs.

§ 6. This Order shall take effect immediately, and shall be filed with the City Clerk who shall forward it to the City Record for publication.

Michael R. Bloomberg
Mayor