

BOND

GOVERNMENT AND REGULATORY AFFAIRS

Bond, Schoeneck & King has been providing New York State administrative, legislative and regulatory representation to our clients for more than 70 years. We understand how the Legislature and the regulatory agencies work. With that knowledge, we chart action plans to meet our client's individual needs. If a client's problem requires a legislative solution, we will draft a bill, and shepherd it through the Legislature. Sometimes a regulatory solution is available, in which case we will seek the adoption of an appropriate regulation. Other times, the client's needs may require negotiation with a state agency. And, there will be those instances when, despite best efforts, litigation against the agency must be pursued.

Being a full-service firm is one of the things that differentiates us from many other firms that are engaged in lobbying or other regulatory work. As lawyers, we understand the impact that legislative and regulatory action can have on our clients. When combined with our lengthy experience in government and regulatory affairs, we know how to craft and present solutions, not just identify problems. We can and do draw on the many talents in the firm to craft those solutions. We also work for the long term. We were here yesterday and will be here tomorrow. We address immediate problems immediately, but avoid sacrificing long-term goals to short-term solutions.

Our Albany office was founded in 1973 specifically to provide governmental representation to our clients. Today, our Albany office has 28 lawyers engaged in the general practice of law, but governmental representation remains a prime focus. Members of our group work closely with government agencies and the Legislature. Members of the group have held government positions themselves. They are active in the American, state and county bar associations, as well as other professional organizations. Members of the group belong to both major political parties, but, as a part of our practice, we maintain close working relationships with members of both parties, in both legislative houses and with the executive agencies.

Bond's government and regulatory affairs services include:

- Face to face meetings with the Governor's Office, legislators, cabinets and staffs
- Monitoring bills introduced during legislative session
- Drafting and amending legislation
- Preparing memoranda in support of or in opposition to legislation
- Reviewing and tracking progress of bills on a daily basis
- Preparing and filing bi-monthly lobbying reports
- Production of legislative reports
- Working with State agencies and authorities in the preparation and promulgation of rules and regulations
- Representation of clients before regulatory agencies and in administrative proceedings
- Representation in licensing and permitting matters
- Challenging agency actions in court
- Representation of clients against governmental actions in court
- Negotiation of government contracts
- Contract challenges
- Navigation of government regulatory framework
- Appropriation requests
- Business / political advice

About Bond, Schoeneck & King

Bond serves individuals, companies and public-sector entities in a broad range of areas.

With more than 300 lawyers and 14 offices, we represent clients in manufacturing; agribusiness; commercial lending and real estate and construction; energy; health care and long term care as well as municipalities, school districts, higher education and other exempt and nonprofit organizations. We maintain 10 offices across New York; and one each in Boston; Kansas City; Naples; and Newark.

Bond is committed to understanding our clients' needs and providing comprehensive, practical, high-quality and responsive solutions. We strive to maintain the highest professional and ethical standards, and to provide leadership in community activities, pro-bono work and service to the Bar.

For more information, visit bsk.com.

Selected Accomplishments

Helping A Hospital System Secure Funding For New Construction.

We successfully represented a hospital system in preserving a \$300 million appropriation in the 2015-2016 New York State Budget. The funds will be used to build a modern, consolidated hospital campus. As the project takes shape and progresses, Bond will continue to provide guidance to this client in meeting requirements from various state offices and agencies for meeting grant criteria and securing the release of these funds.

Cutting Paperwork and Red Tape for Small Brewers. Small craft brewers in New York were needlessly burdened by a law requiring that they file informational sales and use tax returns for beer which they sold directly to retailers even though the law provided that it was the retailer who would collect and pay the tax. This obscure law consumed inordinate amounts of time for small brewers who were required to gather detailed information from customers and then fill out and file onerous paper work. On behalf of the New York State Brewers Association, Bond drafted legislation repealing the law, successfully guided it through Senate and Assembly passage and approval by the Governor during the 2015 legislative session.

Assembling Needed Resources for Job Developers. Bond lawyers in our government and regulatory affairs, business and public finance practices work together to assist businesses and local economic development agencies in accessing assistance from New York State economic development programs. We have successfully advised and guided clients in negotiations which have yielded hundreds of millions of dollars in grants, loans, reduced taxes and tax credits, as well as low cost electrical power to support both the retention and expansion of existing businesses and the creation of new businesses and job opportunities. These clients represent a wide array of projects, including businesses engaged in manufacturing, aerospace, high tech and healthcare.

Clearing the Way to Receive New York State Tax Refunds by Check. Our government and regulatory affairs practice, working on behalf of its clients, the Financial Service Centers of New York, Inc. and H & R Block, Inc., drafted and garnered passage of Chapter 479 of the Laws of 2011, which establishes the Taxpayer Refund Act and affirms the right of New York taxpayers to receive personal income tax refunds by paper check.

In the Fall of 2010, the Department of Taxation and Finance issued a request for proposal (RFP) to provide personal income tax refunds exclusively by direct deposit or debit card. We urged Comptroller DiNapoli to reject award of the contract, and he did so. The Department of Taxation and Finance issued a second RFP. We then drafted legislation and encouraged Senator Hugh Farley (R-Niskayuna) and Assemblyman N. Nick Perry (D-Brooklyn) to introduce it to permit New York taxpayers a choice of personal tax refund methods – (a) direct deposit, (b) debit card or (c) paper check. Over the Department of Taxation and Finance's strong objections, we were able to convince Governor Andrew Cuomo to sign the bill into law.

Helping New York State's Automotive Dealers. The New York Vehicle and Traffic Law has long included the Motor Vehicles Franchised Dealer Act. This Act attempts to strike a balance in the franchisor / franchisee relationship between motor vehicle manufacturers and their dealers.

Automotive manufacturers routinely run programs and promotions to enhance their product line-up. Very often manufacturers look to franchised dealers to contribute to the costs of these programs even if the dealer does not wish to participate in the program.

On behalf of our client, the New York State Automobile Dealers Association, we were able to have Senator Martin Dilan (D-Brooklyn) and Assemblyman David Gantt (D-Rochester) introduce S.1347 / A.1191 which would require that a franchisor first obtain a dealer's actual consent to participate in a program or promotion if the dealer must make a financial contribution to that program. Governor Cuomo signed the bill into law on June 23, 2011 as Chapter 548 of the Laws of 2011.

Food Service Contract Invalidated. Our client, a major food service company, was the low bidder on bid solicitation for a school district food service contract. The school district, however, invalidated the bid and issued a new solicitation that included a provision designed to disqualify our client. On the re-bid, the school district awarded the contract to the existing food service client. We filed a bid protest with the Commissioner of Education on our client's behalf. After a full briefing on the protest, the Commissioner invalidated the contract award and ordered the school district to award the food service contract to our client.

Joinder Bill. Our client, an association of collection agencies, frequently found that the costs of collections on small accounts were prohibitive. On many delinquent accounts, the court costs and attorneys' fees would preclude the economical use of the courts for collection purposes. To address the problem, we prepared and secured the passage of legislation that would permit the collection claims of several creditors to be brought in the same action against a single creditor, so long as the creditors are represented by the same attorney. By aggregating claims, claims that were formerly uneconomical to collect, could be pursued for collection.

Contacts:

Hermes Fernandez
518.533.3209
hfernandez@bsk.com

Matthew A. Young
518.533.2301
myoung@bsk.com

Gabriel S. Oberfield
646.253.2360
goberfield@bsk.com

Roger Bearden
518.533.3217
rbearden@bsk.com

