

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 7:00 a.m. to 5:00 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236

PUBLIC NOTICE

Buffalo and Fort Erie Public Bridge Authority

The Buffalo and Fort Erie Public Bridge Authority is soliciting proposals from administrative service agencies, trustees and financial organizations in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Margaret McCarthy, Corporate Administrator, Buffalo and Fort Erie Public Bridge Authority, Peace Bridge Plaza, Buffalo, NY 14213, 716-884-6744, ext. 231

All proposals must be received no later than 30 days from this date of publication.

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for February 2009 will be conducted on February 10 commencing at 9:30 a.m. and February 11 at 9:30 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at (www.nyn.suny.edu).

For further information, contact: Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Building, Albany, NY 12239 (518) 473-6598

PUBLIC NOTICE

Division of Criminal Justice Services Certification

I, DENISE E. O'DONNELL, Commissioner of the Division of Criminal Justice Services (Division), do hereby repeal existing Part

6051 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is complete and accurate. Accordingly, I hereby promulgate the following regulations which have been recommended by the Division's identification and intelligence unit.

NOW, THEREFORE, be it known that the following rules and regulations, which are exempt from the provisions of the State Administrative Procedure Act pursuant to State Administrative Procedure Act § 102(1), are duly adopted pursuant to the authority vested in me by Executive Law § 837(13) and shall be effective on January 8, 2009.

Section 1. Part 6051 of Title 9 of the New York State Official Compilation of Codes, Rules and Regulations is hereby repealed.

§ 2. The following Part 6051 of Title 9 of the New York State Official Compilation of Codes, Rules and Regulations is hereby adopted.

Denise E. O'Donnell
Commissioner

Dated: January 8, 2009

Part 6051

Access to Criminal History Record Information and Fees for Conducting Criminal History Record Searches

§ 6051.1 *Security, privacy, and limitations on access.* (a) *The Division of Criminal Justice Services (DCJS) shall safeguard the security and privacy of criminal history record information (CHRI) and shall not release CHRI in any form that can be identified with the subjects of such CHRI, except in the following circumstances:*

(1) *When explicitly authorized by a New York statute which specifically authorizes the release of CHRI.*

(2) *When the release of such information is necessary or appropriate to allow a governmental entity within or without the State to implement or comply with a federal statute or regulation, or criminal justice site security policy; a statute of this or another State; or a local law or ordinance of a municipality or political subdivision of this State. Determining whether to release CHRI under this paragraph in particular cases is within the Commissioner's discretion. The Commissioner may consider whether intrusions on privacy outweigh the public need that the provision in question be implemented or followed.*

(3) *In connection with applications of persons who are required to access DCJS or Federal Bureau of Investigation (FBI) criminal justice information systems or data; engaged in the process of capturing fingerprints for submission to DCJS or the FBI for criminal history background checks; or responsible for reviewing the results of such fingerprint-based background checks.*

(4) *When the CHRI concerns a person whose background is being reviewed in connection with executive branch appointment or nomination to a State or judicial office that is not otherwise covered by Civil Service Law § 50(4).*

(5) *For background checks conducted pursuant to statute, DCJS may, unless otherwise precluded by state statute, notify the print contributor of subsequent arrests of the subject individual.*

(6) *When CHRI is requested by a qualified agency as defined in Executive Law § 835(9) for an authorized criminal justice function as defined in Executive Law § 835(10) of such agency.*

(7) When an individual requests a copy of his or her own CHRI pursuant to Part 6050 of this chapter.

(8) When in the Commissioner's judgment such release is required in an emergency, or for compelling considerations of public safety, or for other case of extraordinary need.

(b) Release of sealed CHRI data shall be made in accordance with Criminal Procedure Law § § 160.50, 160.55, and 725.15.

(c) CHRI, may be released for bona fide research purposes pursuant to Executive Law § 837(4)(e).

(d) Statistical summaries of CHRI may be released for public dissemination pursuant to Executive Law § 837(4)(a).

§ 6051.2 Access procedure. Access to CHRI shall be accomplished by execution of a written use and dissemination agreement between DCJS and the agency or organization seeking access, or upon such terms and conditions as DCJS deems necessary and appropriate. Except where otherwise provided by statute, DCJS shall have sole discretion in determining the manner in which services provided shall be furnished.

§ 6051.3 Fees. (a) Pursuant to Executive Law § 837(8-a), DCJS shall charge the following fees when it conducts a fingerprint-based search of its criminal history records and returns a report thereon in connection with applications for employment, licenses, or permits:

(1) A basic fee of \$25.

(2) A surcharge in such an amount as authorized by the New York State Legislature.

(b) An additional fee for service shall be added when expressly required by Federal statute, rule or regulation, including additional fees required when submitting an application for processing by the Federal Bureau of Investigation.

(c) The required fee must accompany the applicant's fingerprint submission or application upon which the search request is predicated, except as provided in General Business Law § 359-e(12), or unless otherwise provided by DCJS.

(d) Payment for services shall be made by electronic transfer of funds; postal money order; Western Union, Integrated Payment Systems, bank, American Express, or Travelers Express money orders; corporate check; or governmental check, unless otherwise provided by agreement. Bank money orders must be issued by a bank chartered in the United States, must be payable in U.S. funds, and must be valid for at least 90 days from the date of issuance. A \$25 service charge may be imposed for all checks that are returned due to insufficient funds. The commissioner of DCJS, or his or her designee, may refuse to accept a certain form of payment if, on prior requests, that form of payment has been uncollectible. Remittance shall be made payable to DCJS and directed to the Civil Identification Bureau, 4 Tower Place, Albany, NY 12203.

(e) The commissioner of DCJS, or his or her designee, may waive any fee or portion thereof.

PUBLIC NOTICE

Education Department

In accordance with the standing of the Board of Regents and the Commissioner of Education as the nationally recognized accrediting agency for purposes of Title IV and other Federal funds for Rabbi Isaac Elchanan Theological Seminary located in New York City, and Globe Institute of Technology located in New York City, the State Education Department hereby gives notice that the Board of Regents has taken the following actions:

On December 16, 2008, renewed institutional accreditation to Rabbi Isaac Elchanan Theological Seminary for a period of five years, beginning December 8, 2008, and ending December 30, 2013 with the requirement that within one year of Regents action the Seminary provide a report documenting implementation of the 16 recommendations in the compliance review report.

On December 16, 2008, extended institutional accreditation to Globe Institute of Technology with condition for a period of 60 days, until February 16, 2009 to allow time to conduct an in-depth financial review of the institution.

PUBLIC NOTICE

New York State Energy Research and Development Authority

On March 18, 2009 the New York State Energy Research and Development Authority ("NYSERDA") will be participating in a regional auction for the sale of carbon dioxide allowances under the Regional Greenhouse Gas Initiative ("RGGI") in accordance with the CO₂ Allowance Auction Program (Title 21 NYCRR Part 507). The auction will be conducted on March 18, 2009, from 9 a.m. ET until 1 p.m. ET. In this auction, NYSEDA will be making available for sale 12,422,161 allowances from the 2009 Allocation Year, and 776,385 allowances from the 2012 Allocation Year. All parties are eligible to participate in this auction provided they become qualified and meet all other participation requirements. Applications for participation are due January 29, 2009. Complete details on the March 18, 2009 auction, including the auction schedule, participation requirements, and auction documents can be found at: www.rggi.org. The NYSEDA contact person regarding the New York CO₂ Allowance Auction Program is Kevin Hale, who can be contacted at rggi@nyserd.org.

SALE OF FOREST PRODUCTS

NOTICE OF SALE

Cortland Reforestation Area Nos. 9 and 10

Contract No. X006884

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice of the following:

Sealed bids for 470.5 MBF more or less of softwood timber; 135.7 cords more or less of mixed softwood/hardwood/pulpwood, located on Cortland Reforestation Areas No. 9 and 10, Stands A-14, 17, 18, 32 and B-12, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Feb. 12, 2009.

For further information, contact: Henry Dedrick, Jr., Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095