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March 13, 2009

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Re: Office of Property Rights Ombudsman

Dear Senator Slossberg and Representative Spallone:

I am writing to express my support for the Office of Property Rights Ombudsmen and its first and current occupant, Robert Poliner.

You are well aware of the reasons why this office needed to be created. Those needs have not changed despite our economic downturn. I realize all possible savings must be explored, but the Governor's proposed budget suggests elimination of an office that is performing an extremely valuable service for taxpayers at a very small expense.

I have only had one occasion to deal Mr. Poliner. I represented a client who received a condemnation notice for a small portion of his business property. Unfortunately, the Department of Transportation refused to acknowledge the impact that the taking of this small portion of the property would have on the remainder of the property which is dedicated to my client's business operations. This is known as "severance damages" and the Department and its appraiser were unwilling to acknowledge the claim in any meaningful way, despite being provided with other appraisals incurred at my client's expense.

The parties were \$150,000 apart in their positions and the matter ended up in court.

There is a statutory procedure where court action can be suspended to attempt mediation with the Ombudsman. I expected this mediation to be similar to a pretrial settlement conference in Superior Court where a judge spends anywhere from 30 minutes to a couple of hours listening to the parties, learning about the case and making a settlement recommendation. Mr. Poliner did much more than this. He first requested that the parties provide him with any and all communications, appraisals, etc. regarding the case. He then met with the parties individually. He then visited the site and spent several hours learning about my client's business operations and the impact the taking would have. He kept in nearly constant communication with both sides and formulated a list of issues which included not only the claim for damages but a number of operational matters regarding

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the way in which the construction would proceed which would have a large impact on my client's business.

When the parties were unable to resolve their differences directly he scheduled a mediation session at the Department of Transportation with all decision makers in the room. He then spent 4-5 hours with the parties, refining their positions and making recommendations that eventually led to a settlement.

This is a case that would have taken many days if not a week or more of judicial resources and it was clearly headed in that direction before Mr. Poliner's office got involved. If he can settle one case like this a month (and I'm sure he can) he will be more than paying for the cost of his office, not to mention his other beneficial duties. The benefits he brings to taxpayers who are understandably confused and disillusioned when a large State bureaucracy condemns their property cannot be quantified, but they are very real.

For these reasons I strongly urge you to appropriate sufficient funds so that the Office of Ombudsman is not eliminated just as it is beginning to show real benefits for the citizens of our State.

Should you wish me to explain my position further please feel free to contact me.

Very truly yours,



Robert J. Reeve

RJR/sjv