

## **Building Officials Association of New Jersey, Inc.**

### **LEGAL FUND – GUIDELINES**

1. Only members of the Building Officials Association of New Jersey, Inc. in good standing are eligible for legal fund assistance. Applicant must be code enforcement official holding a current license under the New Jersey Uniform Construction Code.
2. This Fund shall operate on a fiscal-year basis, as per BOANJ General Fund.
3. There shall be a one year waiting period from the time initial membership in BOANJ.
4. The purpose of the LEGAL FUND is to assist a member in defraying any legal expenses incurred in the defense of his/her official position. It is not intended to pay all legal cost.
5. The maximum amount of money to be allocated for any case shall be \$1,000.00. The LEGAL FUND ADVISORY COMMITTEE shall have the power to exceed this amount by a unanimous vote of said committee. No payments will be made until the case is completed.
6. If the allocated amount in any given year exceeds the amount available in the FUND, the LEGAL FUND ADVISORY COMMITTEE shall so advise the Executive Committee of Building Officials Association of New Jersey, Inc., and the deficit shall be underwritten by funds from the Association general Treasury as a loan to the LEGAL FUND, re-payable by the end of the FUND'S next fiscal year.
7. A member must contact his/her Regional Chapter Representative, or the President of Building Officials Association of New Jersey, Inc., to seek aid.
8. A member shall have the privilege of selecting his/her own attorney, providing said attorney meets with the approval of the LEGAL FUND ADVISORY COMMITTEE, which shall take into account the attorney's familiarity with municipal and state law, and the Uniform Construction Code.
9. At the conclusion of a case, a full report and briefs of any legal proceedings shall be turned over to the LEGAL FUND ADVISORY COMMITTEE.
10. The LEGAL FUND ADVISORY COMMITTEE shall meet as needed. In any case, there shall be an annual meeting of the LEGAL FUND ADVISORY COMMITTEE held in Atlantic City during League of Municipalities Conference Week.
11. The LEGAL FUND ADVISORY COMMITTEE shall consist of three (3) members of Building Officials Association of New Jersey, Inc., who have been members in good standing of the Association for a minimum of three (3) years. The term of office for each member shall be for a three-year period, with one member of said COMMITTEE being elected each year, at the annual meeting in November.
12. Any vacancy in the LEGAL FUND ADVISORY COMMITTEE that occurs during the FUND'S fiscal year shall be filled by appointment by the president until the next annual meeting, when election shall be held for the unexpired term.
13. Any member of the Building Officials Association of New Jersey, Inc. who has been a member in good standing for a minimum of three (3) years and is also a current member of the LEGAL FUND ADVISORY COMMITTEE by making written application the Secretary of Building Officials Association of New Jersey, Inc. prior to September 1<sup>st</sup> of said year. Any names submitted shall be

turned over to the Nominating Committee and included on the ballot according to the election rules contained in the By-Laws of the Building Association of New Jersey, Inc.

14. The LEGAL FUND ADVISORY COMMITTEE shall elect its own Chairman. The other two members shall become Secretary and Treasurer, to maintain the Committee records and correspondence.
15. Funds administered by the LEGAL FUND ADVISORY COMMITTEE shall be deposited in a separate bank account. The records of the Treasurer shall be audited annually by an accountant appointed by the Executive Committee of Building Official Association of New Jersey, Inc. The depository bank account shall be named as Trustee of the LEGAL FUND. Any administrative cost so incurred shall be disbursed from the LEGAL FUND.

For additional information, contact the President of Building Officials Association of New Jersey, Inc.

Draft 09/26/2007

#### LEGAL FUND- BUILDING OFFICIALS OF NEW JERSEY INC.

##### PURPOSE:

It is the intent of this fund to provide working code officials who may be exposed to penalties, fines or sanctions brought upon by State, Municipal Local enforcing agencies, Third parties or any associations related to code enforcement with funding for legal representation based upon the potential impact that a decision may have on code enforcement.

##### APPLICATION FOR FUNDS:

Any member who is good standing with BOANJ and has been a member for at least one full year is eligible for consideration. The legal fund committee will review all applications for legal funds.

##### LEGALFUND COMMITTEE:

The legal fund committee will be comprised of three members in good standing of BOANJ, elected by general membership vote. Members will serve for a one-year terms, which expires on 31 December. Members may be reappointed for a period not to exceed one year. Any vacancies created by the

termination of membership, resignation or failure to maintain membership in good standing will be filled by appointment of the BOANJ President for the unexpired term.

#### OBLIGATION OF FUND RECIPIENT:

In the event that a judgment is made for the recipient or monies are awarded it will be the fund recipient's obligation to reimburse the legal fund for all monies given by the fund. If a judgment or money is awarded the recipient of the fund that represents a portion of monetary restitution, the recipient of the fund will obligate to reimburse the legal fund that percentage that was awarded by the fund. In the event no monetary award or restitution is made, the recipient of the fund will not be obligated to reimburse the legal fund.

#### REVIEW OF LEAGAL FUND COMMITTEE:

Requests for legal funding less that (\$3,000.00) three thousand dollars may be granted immediately and without BOANJ Executive Board approval provided the committee votes unanimously. IN the event the review committee does not make a unanimous vote, the application will require review and approval by the Executive Board.

Any additional funding requests that may be made by the same member in any one calendar year or any additional requests that will result in the cumulative total exceeding (\$3,000.00) three thousand dollars will require a majority approval vote by both the review committee and the Executive Board. In the event that an applicant has not been a member of the legal fund for at least one calendar year the review committee will have sole authority to waive this requirement and award up to (\$3,000.00) three thousand dollars.

#### APPEAL OF REVIEW COMMITTEE DECISION:

Appeal of a determination of denial by the legal review committee must be made in writing to the President of BOANJ within (10) ten days of the date of the determination. The Executive Board of BOANJ will review all appeals. The Executive Board will make a final determination of all appeals.

Draft 09/26/2007