

Schenectady County SPCA Buys New Truck With Proceeds of Suit

By Justin Mason

Credit the state Department of Education for funding the brand new 2013 Chevy Tahoe purchased by the Schenectady County Society for the Prevention of Cruelty to Animals.

The department's protracted legal battle with the SPCA resulted in the state Court of Appeals awarding \$50,045 to the Colonie-based law firm of Tully Rinckey in April 2012. The law firm then turned the funds over to the SPCA, which used the money to purchase the truck

The truck replaces the SPCA's old police cruiser, which had more than 110,000 miles on the odometer. The aging vehicle was in a perpetual state of disrepair, said David Dean, who replaced law firm partner Mathew Tully as the SPCA's chief last year.

"We have a growing team of volunteer law enforcement officers," he said Thursday. "But if we can't promptly respond to reports of animal abuse because the car is in the shop, then the strength of our force is weakened."

The original SPCA lawsuit against the education department stemmed from a 2008 Freedom of Information request for the business addresses of local veterinarians and vet technicians. The state agency, however, rejected this request, claiming that some of the licensed professionals in its database had listed their residential addresses, which it didn't consider part of the public record.

The education department maintains a database containing licensing information for nearly 800,000 registered individuals working in 47 professions across the state, according to the ruling. These vocations include certified public accountants, dentists, doctors, nurses, psychologists, social workers and veterinarians, among others. Individuals are required to provide the Education Department with a mailing address where they can receive licensing information. Failing to do so can result in a finding of professional misconduct.

The SPCA then requested only the business addresses of the vets, but the education department again refused. This time, the agency indicated it couldn't distinguish between the business and residential addresses of its licensees.

Tully Rinckey sued the education department on behalf of the SPCA in state Supreme Court in Albany County, but was unsuccessful. The case then landed at the Appellate Division of the state Supreme Court, which ruled in favor of the SPCA.

The education department appealed this ruling at the state Court of Appeals in 2011, and was again unsuccessful. Ultimately, the court ordered the agency to release the names, addresses and telephone numbers of all the requested license holders.

The law firm represented the SPCA pro bono. Still, the firm relied on more than 500 hours and 15 employees to litigate the case, said Greg Rinckey, a managing partner and the SPCA's

deputy chief.

“If the state had just turned over the list we had been asking for, they wouldn’t have had to pay anything,” he said. “It was a waste, quite honestly, of taxpayer dollars.”