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ATTORNEY GENERAL

N.Y.S. DEPARTMENT OF LAW

THE BULLETIN

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*To: Jill Combiere
From: Daddy*

**NEW HOUSING LAW APPLICABLE
TO OLD CORPORATIONS**

**CONSTITUTIONAL RIGHTS HELD
NOT TO HAVE BEEN IMPAIRED**

Fruhling v. Amalgamated Housing Corp. and Joseph P. McMurray, as Commissioner of Housing of the State of New York. Supreme Court, New York County, November 12, 1959 (Handled by Daniel Cohen, Assistant Attorney General).

In 1931 the plaintiff, David Fruhling, purchased stock in Amalgamated Housing Corporation. Amalgamated is a co-operative housing enterprise organized in 1927 pursuant to the then existing State Housing Law of 1926. It operates various apartment houses in the Bronx which were built from 1927 to 1951.

On March 6, 1958, Amalgamated wrote plaintiff and all of its other stockholders, requesting that each one answer a questionnaire with regard to stockholders' income and file the same with Amalgamated. The stated purpose of the questionnaire was to determine whether or not the stockholder would be required to pay a surcharge upon his rent. A stockholder failing to return the questionnaire would receive an automatic increase in his rent of 25 percent.

Plaintiff refused to file the questionnaire with Amalgamated and on May 29, 1958, he received a notice that his rent was increased from \$62.40 per month to \$78.80 per month, an increase of 25 percent.

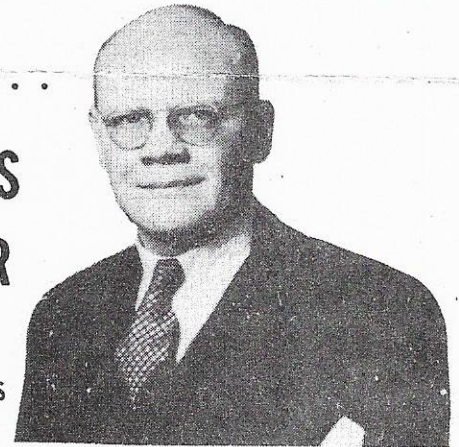
The Commissioner of Housing had compelled the Amalgamated Corporation to issue the questionnaire pursuant to Section 182(3) of the Public Housing Law since Amalgamated was a limited dividend cooperative housing project wherein rents were fixed at a rate which wage earners can afford to pay, and not in excess of the rates sanctioned by the State Commissioner of Housing and prescribed by the Public Housing Law."

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presenting...

**P. HODGES
COMBIER**

BY NATHAN HARRIS



Had defective eyesight not prevented his appointment to Annapolis, it is quite possible that Hodges Combiere today would be a high-ranking Naval officer rather than chief of the Trusts and Estates Bureau. Throughout his legal career, however, he has maintained his interest in military and naval strategy and tactics.

For example, in June, 1941 (six months before Pearl Harbor) he wrote to Secretary of the Navy Frank Knox urging that the U. S. Pacific Fleet double its patrol and scouting activities to guard against a Japanese surprise attack. Receipt of the letter was acknowledged - nothing more. In September, 1942 the New York Herald Tribune published his analysis of why an invasion of North Africa was the next logical step in the prosecution of World War II. We now know that this operation was in the final planning stages when the letter was published.

A native New Yorker, Hodges was born here in 1902, and is a graduate of the New York University School of Law. While at NYU, he distinguished himself as Chairman of the Student Board and as one of the founders of the New York University Law Review. This has since become one of the outstanding undergraduate publications of its type. Hodges was called upon by Dean Arthur T. Vanderbilt to assist in reorganizing the student editorial board after the end of World War II.

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PRESENTING - P. HODGES COMBIER*Continued from page 1*

Hodges Combiere began his legal career in the employ of a New York attorney for a Chicago investment banking firm. In 1926, he joined the legal staff of the Lawyers Title and Guaranty Company, and in 1929 moved to the offices of the National Surety Company. When this company was liquidated and reorganized as a corporation in 1933, he was appointed Assistant Counsel to State Superintendent of Insurance Louis H. Pink, as liquidator. In 1938 he went with the firm of Duncan and Mount, American counsel for Lloyds of London, and was appointed to the staff of the Law Department by Attorney General Goldstein on December 1, 1945.

At the time of his appointment, Trusts and Estates was a section of the Litigation Bureau with only two attorneys as its staff. Since that time, the staff and case-load having more than tripled, Attorney General Lefkowitz designated the section a Bureau of the New York office of the Department of Law, and named Hodges its chief. Briefly, the Bureau acts in the name of the Attorney General pursuant to the Tilden Act (Personal Property Law § 12 and Real Property Law § 113), and is the statutory representative of the ultimate indefinite beneficiaries of all trusts of a charitable nature.

Among the many cases he has handled, Hodges remembers two with particular pride. In one action begun in April, 1946 he succeeded in annulling the corporate charter of the Knights and Women of the Ku Klux Klan, Inc. This notorious society had obtained a charter as a fraternal organization through a subterfuge. By voiding its charter, the Klan was made subject to the provisions of the Walker Law of 1923. This statute forbids the use of robes and masks, but applies only to unincorporated societies.

In another action, Hodges successfully defended certain provisions of the will of the late Clifford B. Harmon against attack by relatives of the decedent. It was this will that established a trust for aviation's most coveted award, the Harmon International Trophies. Because of his fine work in this case and his continuous interest in military aviation, Hodges is now chairman of the committee that nominates prospective recipients of the awards. Among his fellow-members are such famous persons as General Carl A. Spaatz, General Curtis Le May, General "Jimmy" Doolittle, Vice Admiral Rosendahl, Major Alexander De Seversky, Jacqueline Cochrane, and Igor Sikorsky.

"Besides my work, my chief relaxations these days are horseback riding and bridge," Hodges says. He has been an active Republican worker since his days as simultaneous Vice President of the Young Republican Club of Brooklyn and member of the Board of Governors of the Young Republican

AROUND THE OFFICE

THE FOLLOWING CHANGES IN THE ATTORNEY GENERAL'S STAFF ARE ANNOUNCED:

FREDERICK J. KAYE

Assistant Attorney General --
Litigation & Claims Bureau
Albany Resigned April 24, 1960

THOMAS J. BOURKE

Confidential Investigator --
Litigation & Claims Bureau
Albany Appointed April 7, 1960

GEORGE MANTZOROS

Assistant Attorney General -- Litigation Bureau
N.Y.C. Appointed March 31, 1960

ROBERT J. ZITZER

Junior Attorney -- Appeals and Opinions Bureau
Albany Resigned March 31, 1960

SHAKE THEIR HANDS*Continued from page 2*

From Hon. MacNeil Mitchell, Senator, Albany New York dated April 11, 1960, addressed to Daniel M. Cohen, Assistant Attorney General:

"Thank you very much for your letter of March 30th with a copy of the very comprehensive and excellently prepared brief prepared by you on behalf of the Housing Commission in the Fruhling case. I am delighted that you were thoughtful enough to send me this and it will form a most helpful and instructive part of our Housing Committee Library.

"Keep up the good work and my best wishes to you in connection with the various appeals on which you have been engaged in aid of our housing cause."

From Hon. Miles F. McDonald, Justice of the Supreme Court of the State of New York, Brooklyn, N.Y. dated March 11, 1960.

"Just a note to express my sincere thanks for the efficient service rendered to me by your office in connection with the Article 78 proceeding under the title of Lorberblatt v. McDonald.

"As usual, Irving Rollins' services were intelligent, efficient and successful. He is a capable lawyer and one in whom I have complete confidence. Of course, you know, he used to be an assistant of mine . . ."

Club of New York. He has been a district captain for thirty-two years, and is presently a Vice President of the Ninth Assembly District Republican Club and a member of its executive committee. Like any proud father, he is always quick to display snapshots of his twin daughters, Jill and Betsy.