

## MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Timothy McDaid

DATE: June 18, 2012

PERAC has recently taken action pursuant to 840 CMR 1.03, Prohibition Against Certain Persons Holding Certain Positions, with respect to Timothy McDaid, former Executive Director of the Maynard Retirement Board (MRB).

The Commission, at its meeting of June 14, 2012, based on the conviction of Timothy McDaid for the offenses set forth in *Commonwealth v. McDaid*, MICR2010-01270 (Middlesex Superior Court, November 2, 2011), voted to prohibit Mr. McDaid from engaging in any capacity with any Massachusetts public pension system.

The relevant terms of 840 CMR 1.03 state:

“No individual who...has been convicted of ...embezzlement, fraud, grand larceny...or a crime in which any of the foregoing is an element... shall serve or be permitted to serve... as a member, administrator, officer,...employee...of a board.”

That regulation prohibits Mr. McDaid from serving on, being employed by or providing services to **any** retirement board. The regulations establish a prohibition from serving in the following capacities:

“(1) As a member, administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee or representative in any capacity of a board.

(2) As a consultant, manager or provider of goods or services to a board.

(3) In any capacity that involves decision making authority or control of the monies, funds, assets or property of any system”.

For these reasons, the Commission prohibits Mr. McDaid from engaging in any capacity with Massachusetts public pension systems pursuant to 840 CMR 1.03. Further, on the basis of “best interests of the systems” no regulatory action will be taken with respect to any firm, partnership, entity, consulting arrangement or individual association with which Mr. McDaid is involved. Any such firm, partnership, company, entity, consulting arrangement or other individual association connected with Mr. McDaid that fails to disclose Mr. McDaid’s involvement shall be subject to sanctions under Chapter 32, Section 21A.

