

Minutes of Executive Session
November 14, 2018 @ 11:00 AM

Commissioners Present: Chairman Philip Y. Brown, Commissioners Timothy Dooling, Kathy Fallon, Kate Fitzpatrick, James Machado, Robert McCarthy, and Jennifer Sullivan.

PERAC Staff Present: Executive Director Joseph Connarton, Deputy Executive Director Joseph Martin, General Counsel and Deputy Director John Parsons, Deputy General Counsel and Managing Attorney Judith Corrigan, Senior Associate General Counsel Ken Hill, Compliance Officer Tom O'Donnell, Compliance Counsel Derek Moitoso, Associate General Counsel Patrick Charles, Compliance Analyst Cheryl Johnson, and Senior Executive Assistant Kim Boisvert.

Litigation discussion took place regarding James Castro, board member of the Attleboro Retirement Board, and the filing of his Statement of Financial Interests ("SFI"). The Commission voted to remove him and other noncompliant filers on September 12, 2018. Each retirement board member was notified that they could no longer serve on any retirement system. Mr. Castro appealed to DALA. Mr. Castro has since filed a satisfactory SFI according to Chapter 176. Staff has inquired if the Commission would reconsider the removal and allow Mr. Castro the right to remain as a board member.

Discussion ensued regarding Mr. Castro's right to stay until the appeal has been heard through DALA, this matter being precedent setting, and the question of why the Commission is even revisiting this matter.

Commissioner Sullivan made a motion to reconsider the decision of removal. Commissioner Dooling seconded the motion and a roll call vote was taken as follows: Commissioners Timothy Dooling YES, Kathy Fallon NO, Kate Fitzpatrick YES, James Machado NO, Robert McCarthy NO, Jennifer Sullivan YES, and Chairman Philip Brown NO, the motion failed.

Litigation discussion took place regarding the *O'Leary* matter and the decision of CRAB regarding a partial stay. CRAB's most recent decision allows a stay for those members already retired. The decision also provides that no further retirement contributions shall be collected on unused vacation pay for active members, and the calculation of benefits to future retirees shall not include unused vacation pay. This partial stay shall remain in effect until the completion of all judicial review. The only opportunity to change this decision right away would be by the Legislature.

A roll call vote was taken to adjourn the Executive Session and reconvene in open session at 11:40 AM and was recorded as follows: Chairman Philip Brown YES, Commissioners Timothy Dooling YES, Kathy Fallon YES, Kate Fitzpatrick YES, James Machado YES, Robert McCarthy YES, and Jennifer Sullivan YES, and the motion was adopted.

Approved:



Philip Y. Brown, Chairman
Public Employee Retirement Administration Commission