

**MASSACHUSETTS WORKERS' COMPENSATION
ADVISORY COUNCIL MINUTES**

May 14, 2003
Department of Industrial Accidents
600 Washington Street, 7th Floor
Boston, MA 02111

Present: Chairman Thomas M. Jones. CM: Antonio Frias (Inez Leonardo); Robert Banks; Frank Fanning; Alan S. Pierce; Edmund C. Corcoran, Jr.; Jeanne-Marie Boylan; Carol Falcone.

Also Present: Karen Gibbons (WCRIBM); Ann Conway (Tillinghast); Manolis Bardis (Tillinghast).

Advisory Council Staff: Andrew Burton; Ann Helgran.

Absent: CM: Bruce Cochrane; Stephen Sampson; John Perry; Department of Economic Development; Department of Labor and Workforce Development.

Agenda: Actuarial Review of Rate Filing - SRB & Attorney General

Ann Conway & Mr. Bardis, Tillinghast Towers-Perrin

Action Items

- Minutes - April, 2003

Miscellaneous

Judicial Interviews - Executive Session

9:10 AM - Fred A. Taub - *Reappointment to AJ*

9:30 AM - Richard Heffernan - *Reappointment to AJ*

9:50 AM - Robert F. Gabriele - *Appointment to AJ*

10:10 AM - Herbert C. Dike - *Appointment to AJ*

10:30 AM - Charles M. Furcolo - *Appointment to AJ*

10:50 AM - James LaMothe, Jr. - *Reappointment to AJ*

11:10 AM - Mark D. Horan - *Appointment to AJ*

Chairman Jones conducted today's meeting.

ACTUARIAL REVIEW OF RATE FILING

Chairman Jones updated Council Members about the current status of the insurance rate filing. He informed the Council that the rate filing was still before the Commissioner of Insurance.

Chairman Jones introduced Ms. Conway and Mr. Bardis from Tillinghast Towers-Perrin.

Ms. Conway and Mr. Bardis came before the Council to discuss the second draft of their analysis of the Workers' Compensation Rating and Inspection Bureau's rate filing.

Ms. Conway distributed an outline of their review of the Attorney General's and State Rating Bureau's Filings (attached to minutes). She stated that they were unable to submit a final report to the Advisory Council until they receive an outstanding piece (underwriting profit) from the Attorney General and State Rating Bureau. Ms. Conway stated that she expected this piece of the filing to be submitted later in the day. Ms. Conway proceeded to review the report with Council Members.

Chairman Jones suggested that Tillinghast submit a final report at next week's judicial appointment meeting. Council members agreed.

ACTION ITEMS

Motion made to accept the Minutes for the meeting held on April 9, 2003.

MMS - passed.

MISCELLANEOUS

Chairman Jones suggested that the next meeting of the Advisory Council be held on Thursday, May 22nd at 2:00 p.m. Council Members agreed that Ms. Conway should submit and present the final report at the beginning of next meeting before adjourning into Executive Session to review the remainder of the judicial candidates. Chairman Jones announced to Council Members the resignation of William Carnes as Vice Chairman.

EXECUTIVE SESSION - JUDICIAL APPOINTMENTS

Chairman Jones asked for a motion to adjourn to Executive Session for

Judicial Appointment Interviews.

Motion made to adjourn to Executive Session.

MMS - passed.

Council Meeting adjourned to Executive Session to interview prospective candidates for the position of Administrative Judge in order to fulfill the Advisory Council's statutory role in rating judicial nominees pursuant to its authority under M.G.L., c.23E, §9.

Council Members were given a list of candidates who had been recommended for appointment by the Nominating Panel. Each candidate was interviewed by the Council and asked to reply to specific questions.

Chairman Jones asked Council Members to rate the candidates as *highly qualified, qualified or not qualified*. He stated that upon completion of the interviews, letters would be sent to the Governor advising him of the Council's position regarding the appointment of Judges.

Fred A. Taub

[Reappointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Motion made that he be rated "**Highly Qualified.**"

MMS - passed.

Motion made that the cover letter to Governor Mitt Romney state for the record that the Council is in agreement that Administrative Judge Fred A. Taub be appointed to a 6-year Administrative Judge term, in lieu of his current position as a 1-year recall Administrative Judge. It should be further stated for the record that in the interim, the Council agrees that Judge Taub should be immediately reappointed to his 1-year recall Administrative Judge position, as to avoid a lapse in salary and state service.

MMS - passed.

Richard Heffernan

[Reappointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Motion made that he be rated "**Highly Qualified.**"

MMS - passed.

Robert F. Gabriele

[Appointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Herbert C. Dike

[Appointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Charles M. Furcolo

[Appointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

James LaMothe, Jr.

[Reappointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Motion made that he be rated "**Highly Qualified.**"

MMS - passed.

Mark D. Horan

[Appointment to Administrative Judge]

Motion made that he be rated "**Qualified.**"

MMS - passed.

Motion made that he be rated "**Highly Qualified.**"

MMS - did not pass.

Motion made that the Council discuss this candidates credentials for "Highly Qualified" at the next judicial meeting.

MMS - passed.

Motion made to adjourn.

MMS - passed.

Meeting adjourned 11:45 a.m.

The next regular meeting of the Advisory Council: May 22, 2003 at 2:00 PM, Division of Industrial Accidents, 7th Floor Conference Room, at 600 Washington Street, Boston, MA 02111.