



# **Employees' Retirement Board Of Rhode Island Monthly Meeting Minutes Date of Meeting: October 11, 2007**

The Monthly Meeting of the Retirement Board was called to order at 9:15 a.m., Thursday, October 11, 2007 in the 8<sup>th</sup> Floor Conference Room, 40 Fountain Street, Providence, RI.

## **I. Roll Call of Members**

The following members were present at roll call: Gary R. Alger; Daniel L. Beardsley; Frank R. Bennell, Jr.; Rosemary Booth Gallogly; Michael R. Boyce; General Treasurer Frank T. Caprio; M. Carl Heintzelman; John P. Maguire; John J. Meehan; Linda C. Riendeau; Susan K. Rodriguez, and James P. Yancy

Also in attendance: Frank J. Karpinski, ERSRI Executive Director and Attorney William E. O'Gara, Board Counsel.

Recognizing a quorum, Treasurer Caprio called the meeting to order.

## **II. Approval of Minutes**

On a motion by Gary R. Alger and seconded by Frank R. Benell, Jr., it was unanimously **VOTED: To approve the minutes of the September 12, 2007 meeting of the Employees' Retirement System of Rhode Island Board.**

## **III. Chairman's Report**

Treasurer Caprio informed the Board that as of the close of business on October 10<sup>th</sup>, the pension fund had a market value of \$8.641 billion. He told the Board that up to this point there were also outflows of \$150 million. That said, the Treasurer told the Board that the fund increased a total of about \$1 billion in only 9 ½ months.

Treasurer Caprio then verified that the Board was in receipt of a study performed by the actuary, Gabriel, Roeder, Smith and Company (GRS) dated September 24, 2007. He reminded the Board that this study was requested by the Administration. It was an analysis that made projections illustrating the impact of freezing participation in ERSRI. The Treasurer told the Board that the study would not be discussed at the meeting.

## **IV. Executive Director's Report**

Director Karpinski apprised the Board that the matter of *Helen Swallow v. ERSRI* would not be heard. Ms. Swallow informed the system on October 10<sup>th</sup> that she would not be able to attend and would like the matter to be heard at a later date. The Director recommended to the Board that they consider a policy limiting the number of times members can postpone hearings. He said there is a significant effort by staff to prepare

the information as well as costs involved with scheduling stenographers and mailing the information to Board members. Most importantly, he said Board members expend significant time to review the plethora of information to no avail if the hearing is cancelled.

Ms. Booth Gallogly asked how soon members are notified of the hearing. Director Karpinski said that notices are sent at least 15 days prior to the Board meeting. He said the recent cancellations have been communicated to ERSRI only a few days before the Board meeting and generally because opposing counsel developed scheduling conflicts.

Director Karpinski then apprised the Board that the annual financial audit was in progress and financial statements are scheduled to be issued in mid November.

The Director then informed the Board that the staff is in the process of data collection for the CEM study that was commissioned last month. He said representatives from CEM will be meeting with ERSRI staff to review the questions and gain an understanding of the system.

Lastly, the Director provided the Board with the pension application processing report for the month of September 2007.

## **V. Administrative Decisions**

### **Administrative Appeals**

#### **William Maloney v. ERSRI**

Included in Board Members books was the decision, exhibits and supporting information for the matter of *William Maloney v. ERSRI*. The Treasurer asked if there were any briefs or additional information, consistent with regulation number 4, Rules of Practice and Procedure for Hearings, to be submitted to the Board at the present time. Mr. Maloney did not have any additional documentation. Attorney O'Gara then provided a synopsis of the William Maloney matter. He apprised the Board that Mr. Maloney was being presented by Attorney William C. Maaia. There being a stenographer present, the parties presented their cases.

At the conclusion of the hearing, a motion was made by Frank R. Benell, Jr. and seconded by Gary R. Alger to uphold the decision of the hearing officer denying Mr. Maloney's request for service credits. A roll call vote was taken. The following members voted Yea: Gary R. Alger; Daniel L. Beardsley; Frank R. Benell, Jr.; Rosemary Booth Gallogly; General Treasurer Frank T. Caprio; M. Carl Heintzelman; Susan K. Rodriguez and James P. Yancy. The following members voted Nay: Michael R. Boyce; John P. Maguire; John J. Meehan and Linda C. Riendeau.

There being 12 votes cast, 8 voted in the affirmative and 4 nay, consistent with Rhode Island General Laws §36-8-6, *Votes of Board – Record of proceedings*, there being a majority vote of the members present and voting at which a quorum is present, it was

**VOTED: To affirm the decision of the hearing officer denying service credits in the matter of *William Maloney v. ERSRI*.**

## **Disability Appeals**

### **Beatriz Maldonado v. ERSRI**

The Treasurer confirmed that included under separate cover, Board members had the findings of fact as concluded by the Disability Subcommittee, the transcript from the appeal to the Disability Subcommittee, medical and supporting information for the matter Beatriz Maldonado v. ERSRI. The Treasurer asked if there were any briefs or additional information, consistent with regulation number 4, Rules of Practice and Procedure for Hearings, to be submitted to the Board at the present time. Attorney Coaty told the Board that he has submitted a motion for reconsideration on behalf of Beatriz Maldonado to appear before the Board via videotape, telephonic or teleconferencing, being that his client was unable to attend the hearing. There being a stenographer present, the parties presented their cases.

At the conclusion of the discussion, a motion was made by Gary R. Alger and seconded by Frank R. Benell, Jr. to deny Attorney Coaty's request to allow Ms. Maldonado to appear before the board via videotape, telephonic or teleconferencing. A roll call was taken. The following members voted Yea: Gary R. Alger; Daniel L. Beardsley; Frank R. Benell, Jr.; Rosemary Booth Gallogly; General Treasurer Frank T. Caprio; M. Carl Heintzelman; Susan K. Rodriguez and James P. Yancy. The following members voted Nay: Michael R. Boyce; John J. Meehan and Linda C. Riendeau.

John P. Maguire recused himself from the matter.

There being 11 votes to cast 8 voted in the affirmative and 3 nay, consistent with Rhode Island General Laws §36-8-6, *Votes of Board – Record of proceedings*, there being a majority vote of the members present and voting at which a quorum is present, it was

**VOTED: To deny a request to allow Ms. Maldonado to appear before the board via videotape, telephonic or teleconferencing.**

Attorney Coaty told the Board he would take his matter to Superior Court with an Interlocutory appeal. The Treasurer then asked for a motion to continue the matter until the System hears from the Court on the matter. On a motion made by Michael R. Boyce and seconded by John J. Meehan and Linda C. Riendeau it was unanimously

**VOTED: To continue the matter until the System hears from the Court.**

### **Helen Swallow v. ERSRI**

Neither Mrs. Swallow nor her Attorney was present. Members of the Board again expressed their concerns regarding preparation for the matter. Then on a motion by Daniel L. Beardsley and seconded by Frank R. Benell, Jr. it was unanimously

**VOTED: To continue the matter of Helen Swallow v. ERSRI.**

### **Kathy Guilmette-Cipriano v. ERSRI**

The Treasurer confirmed that included under separate cover, Board members had the findings of fact as concluded by the Disability Subcommittee, the transcript from the appeal to the Disability Subcommittee, medical and supporting information for the matter of Kathy Guilmette-Cipriano v. ERSRI. The Treasurer asked if there were any briefs or additional information, consistent with regulation number 4, Rules of Practice and Procedure for Hearings, to be submitted to the Board at the present time. Mrs.

Guilmette-Cipriano did not have any additional documentation. Attorney O’Gara then provided a synopsis of the Kathy Guilmette-Cipriano matter. He apprised the Board that Mrs. Guilmette-Cipriano was being presented by Attorney Harry J. Hoopis. There being a stenographer present, the parties presented their cases.

At the conclusion of the hearing a motion was made by Frank R. Benell, Jr. and seconded by Gary R. Alger to uphold the decision of the Disability Subcommittee denying Kathy Guilmette-Cipriano’s application for disability benefits. A roll call was taken. The following members voted Yea: Gary R. Alger; Daniel L. Beardsley; Frank R. Benell, Jr.; Rosemary Booth Gallogly; Michael R. Boyce; General Treasurer Frank T. Caprio; M. Carl Heintzelman; John P. Maguire; John J. Meehan; Linda C. Riendeau; Susan K. Rodriguez and James P. Yancy. It was then unanimously

**VOTED: To uphold the decision of the Disability Subcommittee denying Kathy Guilmette-Cipriano’s application for disability benefits.**

## **VI. Approval of September pensions as presented by ERSRI**

On a motion by Michael R. Boyce and seconded by John J. Meehan, it was unanimously

**VOTED: To approve the September pensions as presented by ERSRI.**

## **VII. Legal Counsel Report**

Attorney William O’Gara informed the Board that the October legal report was in their Board book and that there was no new legal news to report to the Board.

## **VIII. Committee Reports**

**Disability Subcommittee:** The Disability Subcommittee recommended the following actions on disability applications as a result of its October 5, 2007 meeting for approval by the full Board:

	<b>Name</b>	<b>Membership Group</b>	<b>Type</b>	<b>Action</b>
1.	Patricia Plante	State	Accidental	Table
2.	Ivone Santilli	State	Accidental	Table
3.	Jeannine Corey-Baino	Municipal	Ordinary	Approve
4.	Robert Jacques	State	Ordinary	Approve
5.	Joanne Label	Teacher	Ordinary	Deny
6.	Julian Moquete	Teacher	Ordinary	Approve
7.	Kimberly Peterson	State	Ordinary	Approve
8.	Karen Pucella	State	Ordinary	Approve
9.	Michael Marcello	Municipal	Reconsideration -Accidental	Table

<b>Name</b>	<b>Membership Group</b>	<b>Type</b>	<b>Action</b>
10. Deborah Perito	State	Reconsideration -Accidental	Table
11. William Macera	Municipal	Ordinary	Deny
12. George Barrett, Jr.	State	Accidental	Deny
13. Juvita DaRosa	State	Ordinary	Deny
14. Lucille Desjardins	State	Accidental	Tabled
15. Gayle Leonard	State	Accidental	Tabled

On a motion by Michael R. Boyce and seconded by Gary R. Alger and Frank R. Benell, Jr. it was unanimously

**VOTED: To approve the recommendation of the Disability Subcommittee meeting of Friday October 5, 2007 on item 6.**

John P. Maguire recused himself from item 6.

On a motion by Michael R. Boyce and seconded by Gary R. Alger it was unanimously

**VOTED: To approve the recommendation of the Disability Subcommittee meeting of Friday, October 5, 2007 on items 1 through 5, 7 through 10, and 12 through 15.**

On a motion by Michael R. Boyce and seconded by Gary R. Alger it was unanimously

**VOTED: To approve the recommendation of the Disability Subcommittee meeting of Friday, October 5, 2007 on item 11.**

James P. Yancy recused himself from item 11.

## **IX. New Business**

Mr. Maguire made a reference to the study from GRS dated September 24, 2007 that was approved for review at the May 9, 2007 Board meeting. He queried Director Karpinski on some related tables in the study. Messrs. Beardsley and Maguire then asked the Director who the contact person would be for any questions regarding the study. Director Karpinski informed the Board that he would be the point person for questions.

## **X. Adjournment**

There being no other business to come before the Board, on a motion by Gary R. Alger and seconded by Michael R. Boyce, the meeting adjourned at 10:45 a.m.

Respectfully submitted,

**Frank J. Karpinski**  
Executive Director