

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of March 24, 2011**

MINUTES

On March 24, 2011 Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:15 a.m. in the Board's Conference Room.

Present: Paula Weiss
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes
Ronald Stagliano
John Reilly
Veronica Pankey
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions
Joshua Stein, Benjamin Hinerfeld – Law Department
Andrew Thomas – Fire Department
Wayne Pollack – Citizen of Philadelphia
Bob Warner – Daily News
Anne Marie Daley – Paralegal Intern for Hilary Cornell
Will Greene – Loop Capital Markets

John Reilly made a motion to approve the minutes of February 24, 2011. Ronald Stagliano seconded the motion.

The motion to approve the Minutes of February 24, 2011 carried unanimously 8-0.

CONSIDERATION OF (116) PENSION APPLICATIONS AND (106) WITHDRAWAL APPLICATIONS

Carol Stukes made a motion to approve. Hilary Cornell seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS

Case of Joseph Kennish, Application for Service-Connected Disability Benefits – Plan "A"

This is an application by Joseph Kennish, former Paramedic, Fire Department, for Service-Connected Disability Benefits in Plan "A".

Ms. Kennish sustained injuries to his knee and ankle while working when he was walking up the stairs. His right knee buckled and he fell down the stairs. His dates of injury are June 8, 2001 and October 6, 2009.

John Reilly made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Lydia Anagbogu, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Lydia Anagbogu, former Police Officer for Service-Connected Disability Benefits in Plan “B”.

Ms. Anagbogu sustained injuries to her foot and ankle when she responded to a radio call. She slipped down some steps of the location. The date of injury is October 24, 2008.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Constance Anderson, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Constance Anderson, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Anderson sustained a foot injury on July 2, 2006. During an arrest, a struggle ensued causing her to fall down a flight of stairs and the offender landed on top of her left foot.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Guy Colville, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Guy Colville, former Police Officer for Service-Connected Disability Benefits in Plan “B”.

Mr. Colville sustained his injury while working when he was attempting to make an arrest. There was a struggle and he injured his right hand. The date of injury is September 22, 2008.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Michael Durkin, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Michael Durkin, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Durkin was involved in an accident while responding to an emergency call in his police vehicle. He sustained injuries to his shoulder, neck and back on May 25, 2007.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried 4-0-4.

Case of Russell L. Ferrante, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Russell L. Ferrante, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Ferrante sustained injuries to his back, leg, foot and neck while working when he was lifting heavy boxes. His back locked on him and he slipped and fell. His dates of injury are September 21, 2007 and April 10, 2008.

Mr. Stagliano stated that Dr. McCoy and Dr. Allon both determined that Mr. Ferrante’s injuries are due solely.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-3-1.

Case of Stephen Hand, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Stephen Hand, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Hand sustained injuries to his neck, head, shoulders and knee responding to an emergency call when he was involved in car accident. His date of injury is November 1, 2007.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-1-3.

Case of Marianne Martinelli, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Marianne Martinelli, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Martinelli sustained injuries to her neck, back and head when she was involved in a motor vehicle accident. Her date of injury is April 10, 2004.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried 4-0-4.

Case of Sharon Quinn, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Sharon Quinn, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Quinn sustained the injury when her police vehicle was struck by an intoxicated driver. She was knocked unconscious and succumbed to a coma for three days with severe back injury. Her date of injury is December 20, 2003.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Walter Kryszczak, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Walter Kryszczak, former Semi-Skilled Laborer, Streets Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Kryszczak sustained an arm injury while operating a roller machine. His date of injury is March 23, 2009.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Joseph Jesus, Application for Service-Connected Disability Benefits – Plan “Y”

This is an application by Joseph Jesus, former Deputy Sheriff for Service-Connected Disability Benefits in Plan “Y”.

Mr. Jesus sustained injuries to his knee while attending his self-defense training. The date of injury is December 3, 2007.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS AS COMMON-LAW SPOUSE

Case of Lewis Demby, Deceased, Application for Survivorship Benefits as Common Law Spouse - Plan "J"

This an application by Rose Demby, for survivorship benefits in Plan "J"

Lewis Demby, Sanitation Worker for the Streets Department, died October 5, 2010. He retired effective February 20, 1988. At the time of his retirement, Mr. Demby elected Survivorship Option #4 and elected Rose Demby, wife, for pension and Life Insurance.

On December 9, 1997, Lewis Demby married Rose Lee Hawkins, submitted is a copy of the marriage certificate. Additional documents were also submitted by Rose Demby in support of her Common-Law marriage.

If approved, Mrs. Demby would be entitled to a survivorship benefit in the amount of \$818.10.

Carol Stukes made a motion to approve. Ronald Stagliano seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Edgar Gaskin, Deceased, Application for Survivorship Benefits as Common Law Spouse - Plan "D"

This is an application by Maryanne Gaskin, as common-law spouse of Edgar Gaskin, for survivorship benefits in Plan D.

Edgar Gaskin, former police officer, died August 1, 2010. Submitted is a copy of his death certificate.

Edgar Gaskin retired on September 7, 1985. He elected survivorship Option #4 naming Maryanne Gaskin (nee Berry) as his life insurance beneficiary. Maryanne and Edgar were married on September 6, 1985. Attached is a copy of their marriage certificate.

In a sworn statement, Mrs. Gaskin states they met and starting dating in the 1970s. In 1982 they bought a home together "in common-law status". They have no children from this marriage.

Mrs. Gaskin has submitted the following:

1. Letter from Attorney June C, Cipressi itemizing the documents submitted
2. Edgar Gaskin's divorce decree from June Gaskin dated February 1983
3. Notarized statements from friends listed below who knew Maryanne and Edgar:
 - a. Sandra Mangeri
 - b. Vera Wright
 - c. Alan Berry
 - d. Sandra Robinson
 - e. Sheila Wigfall
4. Documents establishing Edgar Gaskin's address from 1983 to 1985
5. A bank document showing both names

If approved, Mrs. Gaskin will receive a lifetime monthly survivorship benefit in the amount of \$625.00.

Ronald Stagliano made a motion to send to a hearing panel for additional information. John Reilly seconded the motion.

The motion to send to a hearing panel carried unanimously 8-0.

Case of Frank Hawkins, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan "J"

This is an application by Dorothy Harrison, as common-law spouse of Frank Hawkins, for survivorship benefits in Plan "J".

Frank Hawkins, former Laborer for the Streets Department, died on November 12, 2010. Submitted is a copy of his death certificate.

Frank Hawkins retired effective September 20, 1996. At the time of his retirement, Mr. Hawkins elected Survivorship Option #4 naming Dorothy Harrison, common law wife, as his pension beneficiary and as beneficiary of his life insurance.

In two sworn statements, Ms. Harrison states that she met Frank Hawkins in 1968 and that they lived together since 1970. Mr. Hawkins and Dorothy Harrison had one child together born in 1982. Ms. Harrison also submitted documents and statements in support of her Common-Law marriage.

If approved, Ms. Harrison will receive a lifetime, monthly benefit of \$595.09.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION TO APPEAL ADMINISTRATIVE DENIAL TO CHANGE SURVIVORSHIP OPTION

Case of Charles Quigley, Request to Appeal Administrative Denial to Change Survivorship Option - Plan "Y"

Mr. Quigley retired with a Separation Service pension in Plan "Y" effective May 29, 2008.

At the time of his interview, he chose Survivorship Option #2 and named his, now ex-spouse, Patricia Ann Quigley. Enclosed is a copy of the Divorce Decree.

In a letter dated January 28, 2011, Mr. Quigley's attorney wrote a letter to the Board requesting that Mr. Quigley be allowed to change his option from Option #2 to Option #1. He states that the reason for this request is that the Quigleys were divorced on January 14, 2011 and they both waived their rights to each other's pension benefits. Enclosed is the copy of the Settlement Agreement dated November 9, 2010, which includes a waiver of rights. (See page 13, #8)

The Board sent a letter to Mr. Quigley's attorney on February 10, 2011 administratively denying his request. The letter references §22-702 of the Code, which states that the members option choice is irrevocable and that any re-designation must take place within a year of the survivors death. Since Mr. Quigley's spouse is not deceased, he may not change his option.

In a letter dated February 11, 2011, Mr. Quigley's attorney sent a letter to the Board appealing the administrative denial. His attorney references the Settlement Agreement and claims that Mr. Quigley was not told that his option selection was irrevocable.

Also included are the following:

1. A copy of the "Memorandum of Understanding" dated June 18, 2008, signed by Mr. Quigley.
2. A copy of the "Election of Survivorship Option and Survivorship Designation dated June 18, 2008, signed by Mr. Quigley.

If approved, Mr. Quigley's lifetime monthly pension would be increased from \$891.40 to \$1,031.65.

Carol Stukes asked what happens if there is a legal agreement from a spouse to waive pension benefits. Mr. Quigley picked Option 2 and his request to change the option was denied.

Joshua Stein stated it would follow the rule as if no one is listed as a survivor or beneficiary.

Hilary Cornell made a motion to deny. Carol Stukes seconded the motion.

The motion to deny carried unanimously 8-0.

REQUEST TO ACCEPT AS TIMELY HER APPLICATION TO PURCHASE PENSION CREDIT RECEIVED AFTER HER OFFICIAL DROP ENTRY DATE

Case of A. Maxine Ohringer, Request to Accept as Timely Her Application to Purchase Pension Credit Received After Her Official DROP Entry Date

A. Maxine Ohringer is a member of Plan J.

Her application to purchase pension credit for her prior employment with Temple University, from 7/11/78 through 11/18/83, was dated 11/30/10. However, verification of her dates of employment, employment type and vested status was not received until 12/14/10. She entered DROP effective 12/13/10. Therefore, in accordance with §22-310(5)(k), her application was administratively denied. Her timely appeal of the administrative denial is attached.

Ms. Weiss asked who caused the delay.

Mr. Bielli stated it was Temple University who delayed verifying her employment, assuming Ms. Ohringer is correct in saying that she made the request to Temple, but it was not a Pension Board issue.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 5-3.

OLD BUSINESS

Case of Brenda Berry-Wilkins- Pension Disqualification

This case was **approved to disqualify pension** at the November 19, 2009 Board Meeting. A Hearing Panel was held on February 16, 2011.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend denial. (Disqualify pension)
 Ms. Celia O'Leary: Recommend denial. (Disqualify pension)
 Ms. Carol Stukes: Recommend denial. (Disqualify pension)

The history of the case is as follows:

Brenda Berry-Wilkins retired effective September 29, 2005 from DROP with 29 years, 10 months, and 16 days credited services. She receives \$2449.61 monthly.

On September 25, 2009, the Board received notice from Inspector General, Amy Kurland that Mrs. Wilkins pled guilty to theft of federal program funds and witness tampering. Mrs. Wilkins is scheduled to be sentenced on February 25, 2010.

On September 28, 2009 the Board requested advice from the Law Department regarding

Mrs. Wilkins pension rights.

On October 5, 2009 the Board received advice from Deputy City Solicitor, Arris Murphy (copy attached). Mrs. Murphy advised that Mrs. Wilkins was found guilty of the following:

1. Count one – Theft of Federal Program Funds, in violation of 18 U.S.C. §666(a);
2. Count two – Witness Tampering in violation of 18 U.S.C. §1512(b)(1); and pled no contest to;
3. Count three – Making a False Statement in violation of 18 U.S.C. §1001.

Mrs. Murphy advised that Mrs. Wilkins was convicted of offenses that trigger the forfeiture and disqualification provisions of the State Forfeiture Act and the Retirement Code. Accordingly, Mrs. Wilkins is disqualified from eligibility for a pension benefit.

Celia O’Leary made a motion to deny. Carol Stukes seconded the motion.

The motion to deny carried unanimously 8-0.

Case of Cheryl M. Banks, Deceased, Application for Survivorship Benefits on Behalf of a Minor Child – Plan “J”

This case was **deferred to a Hearing Panel** at the January 28, 2011 Board Meeting. A Hearing Panel was held on February 16, 2011.

The Hearing Panel votes are as follows:

Mr. James Leonard: Recommend approval.
 Ms. Celia O’Leary: Recommend approval.
 Ms. Carol Stukes: Recommend approval.

The history of the case is as follows:

This is an application by Jamillah White to receive Survivorship benefits on behalf of a minor child in Plan J.

Cheryl M. Banks, a Clerk Typist for the Police Department, was hired on July 9, 1990, retired on August 26, 2006 and died on November 9, 2006. She chose survivorship option 4 at retirement. On her “Designation of Beneficiary for Pension Benefits” form dated September 11, 2006 she designated Fareed Banks, relationship son, as her survivor.

Jamillah White was awarded sole physical and legal custody of Fareed Banks in a court order dated December 8, 2010. In her notarized statement, Ms. White states that Fareed has resided with her since October 2006, since her aunt (Cheryl Banks) was unable to care for Fareed due to her own illness. In her second notarized statement, Ms. White states that Ms. Banks had no other minor children at the time of her death.

If approved, Jamillah White will receive a monthly benefit of approximately \$488.32 on behalf of her cousin, Fareed Banks, until he turns eighteen on June 18, 2011 when the benefit will be terminated.

Carol Stukes made a motion to approve. Celia O’Leary seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Sandra Miles, Application for Service-Connected Disability Benefits – Plan “J”

This case was **denied** at the August 5, 2010 Board Meeting. A Hearing Panel was held on November 17, 2010.

The Hearing Panel votes are as follows:

- Mr. Brian Albert: Recommend denial.
Employee never claimed a work related injury for her condition.
Treatment and subsequent surgery was through or referred by her primary physician. She voluntarily retired and her condition is not due solely to her work.
- Mr. John Reilly: Recommend denial.
Deny the petitioner, Sandra Miles, her request for a service-connected disability pension.
- Ms. Carol Stukes: Recommend approval.
The employee’s injury is work related. There is no report that actually states that the employee’s other problems are a direct cause of her injury.

The history of the case is as follows:

This is an application by Sandra Miles, former Data Service Support Clerk, Water Revenue, for Service-Connected Disability Benefits in Plan “J”.

Ms. Miles sustained the injury while carrying out her work duties throughout the course of her employment. Her date of injury is in 2002.

Ms. Miles is 60 years of age. She has 18 years, 5 months and 19 days of credited service. She is not receiving Workers’ Compensation. She is currently receiving a Service/DROP Pension Benefit in the amount of \$1,533.85. Ms. Miles separated effective June 20, 2009 and applied for Service-Connected Disability Benefits on December 4, 2009. If approved, Ms. Miles would receive an estimated monthly benefit of \$2,000.00, which may be subjected to an offset of workers compensation benefits.

Ms. Stukes said the City doesn’t have any proof that she didn’t put a claim in for her condition. Medical records were requested from the department three times but staff was told the department didn’t have any. She stated the City has a records retention policy and is confused

how they didn't have records. She believed records had to be retained for three years after an employee retires. Ms. Miles testified that she had a work related injury which the department knew about and her supervisor was aware she went to the doctor for her condition.

Mr. Albert referred to page 19 of the Notes of Testimony where Ms. Miles was asked if she ever reported her condition as a work related injury and she said she did not.

Harvey Rice asked if she had any proof that her condition was reported

Ms. Cornell stated that when there is a work related injury and an employee makes a claim they are told to see a network doctor. Ms. Miles' physicians are not network physicians. She went to a doctor in New Jersey.

Ms. O'Leary stated that the departments keep records for one year after the audit is done then they are not required to keep them. Notes are attached to payroll records which are kept for a year.

Mr. Reilly stated he also contacted Ms. Riley to find out about missing records but there weren't any which is why he voted to deny.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 4-3-1.

Case of Margaret Kaufmann, -Appeal of Denial of Administrative Application for Service-Connected Disability- Plan "J"

This case was **denied** at the October 21, 2010 Board Meeting. A Hearing Panel was held on February 2, 2011.

The Hearing Panel votes are as follows:

Mr. Brian Albert: Recommend denial.
Her attorney argued that any award of Worker's Compensation would "convert" her initial pension application, since she was receiving a pension. He argued that no further application was necessary (even though she did complete another application on 5/19/2010 – beyond one year from her 3/8/2008 retirement date). I do not accept his logic. An application does not remain open or pending after a pension is awarded. In addition, the worker's compensation award was for the period 4/13/2007 to 1/4/2008. So even though this was adjudicated after her separation, the period of the award ended more than 2 months before her retirement. Because the period of this award predated her retirement (even though paid subsequently), there is no basis for converting her pension benefit to a service connected pension.

Mr. James Leonard: Recommend approval.

Ms. Carol Stukes: Recommend approval.

The history of the case is as follows:

This is a request by Margaret Kaufmann to appeal the denial of her administrative Service-Connected Disability application.

Margaret Kaufmann retired from DROP on 03/01/2008. Staff was informed by Ms. Kaufmann that she had received a one-time payment of Worker's compensation following her retirement.

Margaret Kaufman applied for Service-connected Disability on 05/19/2010.

Upon review of the Decision Rendered received from Comp Services, it was determined that the one-time payment was for the period from April 13, 2007 to January 4, 2008, prior to her March 1, 2008 retirement.

Ms. Kaufmann was notified that her application could not be processed because she was not receiving Workers' Compensation and another pension benefit. Ms. Kaufmann was also advised that she could petition the Board to allow her to apply for Service-connected disability beyond the 1 year filing deadline.

In her letter to Executive Director, Francis X. Bielli, dated August 6, 2010; Ms. Kaufmann stated that her one-time payment of Workers' Compensation for the period of March 3, 2007 to January 5, 2008 was not approved until April 19, 2010 and was not received until May 20, 2010. She asks that her case be reconsidered and that her application be permitted.

Carol Stukes made a motion to approve. Veronica Pankey seconded the motion.

The motion to approve carried 5-3.

NEW BUSINESS

- **Executive Director's Report** – Mr. Bielli stated that Joauna Riley has a brief discussion regarding the medical panel.

Ms. Riley stated she is requesting approval for Dr. Berman to become the Co-Medical Director. The Co-Chair name has been changed to Co-Medical Director. Dr. Berman is one of the applicants that applied within the Request for Proposal (RFP) process last year. A background search was done and there aren't any liens or delinquencies on Dr. Berman or his organization. The Medical Sub-committee met and recommended his approval. In addition, the Board has heard some of the complaints from the doctors on the medical panel and they are trying to address the issue. They are developing and will later issue a survey to applicants to see how the doctors are treating them. They will also issue a survey to the doctors to see how they can be helped and give them the appropriate tools to make that process work for them, as well as for the Pension Board.

Ms. Weiss added that a survey from the applicants will also provide statistical data to learn from. They can also learn from the doctors surveys how the process can better work for everyone.

Ms. Cornell stated that Dr. Berman is currently performing independent medical evaluations (IME's) in the disability program. He also performs them in the heart and lung program. She would have to speak with Barry Scott to determine if that would be a problem, however she didn't think there would be. The issue with some of the other physicians is that they were treating patients, not performing the IME's. She said it isn't a problem for herself but it may be for the Board Trustees.

Ms. Riley stated that she checked it out and if a doctor has treated a patient they would never send that patient to any of the doctors on the panel. That is why there are two co-chairs and an alternate. There is always a doctor in the wings in the case a patient has seen that doctor before. In the event that someone slips through they would be sent back and the doctor would not be allowed to issue a report.

John Reilly felt there was a problem with Dr. Berman being a Co-Medical Director since Dr. Berman worked for workers' compensation in the past.

Ms. Stukes said that all the doctors used to see employees in some form or another. When she became a Board member they were using Women's Medical Hospital. A lot of District Council 33 employees went to Women's Medical to see their primary doctor and those same doctors gave opinions on disabilities cases.

Ms. Weiss addressed the issue and said one of the things that may help sort this out going forward is when the RFP process begins for the next fiscal year Mr. Bielli is going to be broadening the net for recruitment. He has a list of other places to recruit doctors for the medical panels and some ideas for reaching out to new populations which may result in some fresh faces this year. There has been trouble in the past trying to get people to do this so the same doctors are being recycled through workers' compensation and the service-connected disability benefit programs.

Ms. Stukes added that another problem is that some of the doctors are located so far out that it's almost impossible for the member to get there.

Ms. Cornell agreed and stated that after 25 years she has seen the same faces and they keep butting up against the same issue.

Mr. Bielli stated that some of those issues he can't guarantee won't arise again but they have already identified a handful of organizations to recruit from, and he and Ms. Riley have some ideas about possible recruitment type seminars that may result in responses from new doctors.

Mr. Stagliano stated as long as Dr. Berman understands what his position is in this relationship he can live with it for a couple months.

Brian Albert made a motion to select Dr. Arnold Berman and Dr. Michael McCoy as Co-Medical Directors. Carol Stukes seconded the motion.

The motion to approve Dr. Arnold Berman and Dr. Michael McCoy as Co-Medical Directors carried unanimously 8-0.

Mr. Stagliano thanked Ms. Riley for her work with the disability process and stated she has done a great job. Recently, they had a police officer who was shot in the late 1980's and developed some serious complications as a result of that shooting. Thanks to Ms. Riley who retrieved the old records, which wasn't easy, the City accepted the injury.

Mr. Bielli stated that the Pension Board's Budget Testimony is scheduled for April 18, 2011. For the Board's records, in the folders is the memo of the City transfer of money to the Pension Fund. There is also a Wall Street Journal article the Board may find interesting.

Mr. Stagliano reported that the Poplar case which is on Mr. Bielli's Status Report will be going back to the arbitrator in the Fall.

FYI

- **Litigation Summary** – Mr. Stein stated since he sent the litigation report over there is one update. Under Commonwealth Court, Garrick vs. Board of Pensions, Commonwealth Court granted a motion to dismiss followed by Common Pleas Court for Ms. Garrick's failure to file. There were also a few service-connected disability cases added.

The Securities Litigation Update was also handed out.

Ronald Stagliano made a motion to adjourn. Brian Albert seconded the motion.

The motion to adjourn carried unanimously 8-0.