

**CITY OF PHILADELPHIA  
BOARD OF PENSIONS AND RETIREMENT  
Meeting of December 8, 2011**

**MINUTES**

On December 8, 2011 Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:10 a.m. in the Board's Conference Room.

Present: Paula Weiss  
Ronald Stagliano  
Harvey Rice  
Brian Albert  
Carol Stukes  
Anne Kelly King  
John Reilly  
Veronica Pankey  
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions  
James Leonard, Christopher DiFusco – Law Department  
Joshua Stein, Benjamin Hinerfeld – Law Department  
Sumit Handa – Board of Pensions, Investment Unit  
Andrew Thomas – Fire Department  
Chester Skaziak – Retiree  
Michael Hinkelman - Philadelphia Daily News  
Wayne Pollock

Paula Weiss stated that the first order of business was the consideration of the Minutes of October 27, 2011.

John Reilly made a motion to approve the Minutes of October 27, 2011. Carol Stukes seconded the motion.

**The motion to approve the Minutes of October 27, 2011 carried unanimously 7-0.**

**CONSIDERATION OF (121) PENSION APPLICATIONS AND (100) WITHDRAWAL APPLICATIONS**

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

**The motion to approve carried unanimously 7-0.**

**APPLICATIONS FOR SERVICE-CONNECTED DISABILITY BENEFITS****Case of Stephanie Robison, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Stephanie Robison, former Fire Service Paramedic, Fire Department, for Service-Connected Disability Benefits in Plan “A”.

Ms. Robison sustained back injuries on January 8, 2006 when she was pushed, punched and kicked by a patient. She sustained the second injury on July 15, 2007 while attempting to restrain a patient and the final injury on March 21, 2009 when she was trying to lift a patient and fell off the steps between the first and second floor.

Ronald Stagliano made a motion to approve. Veronica Pankey seconded the motion.

**The motion to approve carried unanimously 7-0.**

**Case of Kevin Clanton, Application for Service-Connected Disability Benefits – Plan “B”**

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

Mr. Clanton sustained the injury on November 4, 2008 while working when he was driving and was involved in an auto accident. He was injured again on January 10, 2010 while working when he slipped and fell onto the ice. Mr. Clanton sustained injuries to his elbow and shoulder.

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

**The motion to approve carried unanimously 7-0.**

**Case of Marc Jurowicz, Application for Service-Connected Disability Benefits – Plan “B”**

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

Mr. Jurowicz sustained the injury while working inside the Operations Room where he slipped and injured his back. His date of injury is January 3, 2008.

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

**The motion to approve carried unanimously 7-0.**

**Case of Peter Luca, Application for Service-Connected Disability Benefits – Plan “B”**

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

Mr. Luca sustained injuries to his back and elbow while in foot pursuit of a suspect when he slipped and fell on wet cobblestone. His date of injury is November 15, 2006.

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

**The motion to approve carried unanimously 7-0.**

**Case of Alexis Maldonado, Application for Service-Connected Disability Benefits – Plan “B”**

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

Mr. Maldonado sustained the injury while engaging in a physical altercation with a defendant, and on another assignment Mr. Maldonado slipped on some ice while on a transportation call. The nature of Mr. Maldonado’s disability is limited mobility due to lower back pain and weakness in both legs. His dates of injury are August 8, 2007 and February 6, 2009.

Mr. Albert stated that Dr. McCoy’s report seems to say two different things and asked for clarification on the report and conclusion.

Hilary Cornell made a motion to table for 30 days. Brian Albert seconded the motion.

**The motion to table for 30 days carried unanimously 7-0.**

**Case of Christina Williams, Application for Service-Connected Disability Benefits – Plan “B”**

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

Ms. Williams sustained injuries to her back, neck and leg while attempting to place handcuffs on a disorderly suspect when she felt a pull in her neck and back. Her date of injury is June 5, 2009.

Ronald Stagliano made a motion to send the case directly to a hearing panel. John Reilly seconded the motion.

**The motion to send directly to a hearing panel carried unanimously 7-0.**

**Case of Michael D. Crego, Application for Service-Connected Disability Benefits – Plan “J”**

This is an application by Michael D. Crego, former Machinery and Equipment Mechanic, Water Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Crego injured his right knee while working in 1995 and reinjured the same knee on November 9, 2011.

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

**The motion to approve carried unanimously 7-0.**

**Case of Glenda Singletary, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Glenda Singletary, former Social Work Services Manager I, Department of Human Services, for Service-Connected Disability Benefits in Plan “Y”.

Ms. Singletary sustained the injury when she was attacked by a juvenile that she was in the process of transporting. She suffered injuries to her back, psychiatric problems, and chronic neck pain. Her dates of injury are December 11, 2002 and September 27, 2010.

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

**The motion to deny carried 3-0-4.**

**Case of Bruce Wiley, Application for Service-Connected Disability Benefits – Plan “Y”**

This is an application by Bruce Wiley, former Pre-Trial Warrant Investigator, First Judicial District, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Wiley sustained the injury while on an arrest call his patrol vehicle was rear ended, spun out of control, and landed on the opposite side of the road.

The nature of Mr. Wiley’s disability is limited mobility due to severe pain in lower back and legs. His date of injury is February 23, 2010.

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

**The motion to deny carried 3-0-4.**

**Case of Marion Storey (Biddle), Active Employee, Application for Common Law Benefits - Plan "J"**

This is an application by Marion Storey (Biddle), to name David C. Biddle as the named survivor under option 4 claiming common law.

Marion Storey (Biddle) states that she and David C. Biddle decided that they were married on October 13, 1990 and began to share that information with "everyone". Marion Storey changed her name to Storey Biddle on her social security card in 1990, when she and David C. Biddle began to file joint taxes. In 1991 Marion Storey (Biddle) and David C. Biddle purchased a home together and gave birth to their first child. Their second child was born in 1995.

Marion Storey (Biddle) has applied for DROP and wants to ensure that she will be able to name David C. Biddle as a survivor and he would receive a monthly benefit under option 4 without any problems at the time of retirement.

Also submitted is the following:

1. City of Philadelphia City Administered Health Plans Common-Law Marriage Statement
2. Common ownership of real property Philadelphia Mortgage Corp.
3. Common ownership of motor vehicle Certificate of Title for Vehicle
4. Birth Certificate for Jesse Biddle showing David C. Biddle and Marion Storey as parents
5. Birth Certificate for Conor Biddle showing David C. Biddle and Marion Storey as parents
6. Joint bank statement from Valley Green Bank
7. Line of credit from Wells Fargo
8. Tax Returns from 2007 and 2010
9. Water Revenue Bureau Bill
10. Office of Property Assessment Search

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

**The motion to approve carried unanimously 7-0.**

**Case of Walter Barnes, Deceased, Application for Survivorship Benefits as Common Law Spouse – Plan "J"**

This is an application by Virginia Barnes, as common-law spouse of Walter Barnes, for survivorship benefits in Plan "J".

Walter Barnes, former Laborer for the Streets Department who retired effective May 12, 1981, died on July 16, 2011. At the time of his retirement Mr. Barnes elected Survivorship Option #4.

The following documents have been submitted:

- A baptismal certificate for Zachary R. Barnes listing Walter Barnes and Virginia Ladson as Mother and Father dated September 23, 1984.
- A marriage certificate for Walter Barnes and Virginia Ladson dated February 4, 1995
- A statement from Denise Lewis dated February 7, 2006.
- A statement from Rev. Dr. Mary Duff dated February 21, 2006.
- A statement from Valerie Burton dated February 22, 2006.
- A statement from Zachary R. Barnes dated April 4, 2006.
- A sworn statement requesting validation of his common-law marriage dated April 26, 2006.
- A death certificate for Walter R. Barnes dated July 16, 2011.

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

**The motion to approve carried 4-2-1.**

### **Case of James Lynch, Application for Reinstatement of Pension Benefits – Plan “J”**

This is an application by James Lynch, former Real Estate Property Evaluator 3, Board of Revision of Taxes, for Reinstatement of Pension Benefits in Plan “J”.

Mr. Lynch received monthly Service Retirement pension benefits of \$3,815.84 effective August 7, 2006 until January 31, 2008.

The Board of Pensions terminated his pension benefits at the Board Meeting held on February 21, 2008 upon recommendation from the Law Department. The Law Department advised that as James F. Lynch pled guilty to and had been sentenced for conspiracy to commit honest services fraud; he was disqualified under state law and by the governing ordinance of the Retirement System.

Mr. Lynch appealed his disqualification to the Court of Common Pleas (“CCP”) and on June 16, 2010, the CCP denied the appeal of Mr. Lynch and upheld the decision of the Board of Pensions.

Separately, Mr. Lynch challenged his criminal conviction before the United States District Court for the Eastern District of Pennsylvania. On August 31, 2011, Mr. Lynch’s appeal of his conviction was granted, and the conviction was vacated. Mr. Lynch’s attorney provided a certified copy of the order vacating the conviction, as well as correspondence from the Office of the U.S. Attorney indicating the decision would not be challenged.

Under the Pennsylvania Forfeiture Act, and specifically 43 P.S. §1313(b), Mr. Lynch is entitled to reinstatement as a member of the pension system and to receive payment retroactive to the point of disqualification. Such payment should be without interest.

Attached are the following reports

1. Order regarding case of Lynch v. Board of Pensions, June Term – 2008, No. 001978 with all supporting documentation.

Mr. Lynch is 60 years of age. He has 31 years, 11 months and 25 days of credited service. He is not receiving workers' compensation benefits.

Mr. Bielli stated that as a result of the Enron case the Supreme Court made a decision about the Honest Services Fraud law in general, that people who were convicted or pled guilty would have an opportunity to challenge their convictions.

Ms. Stukes asked if the reinstatement was without interest and if it included health and welfare benefits. Mr. Bielli explained staff would coordinate with District Council 47 and Mr. Lynch would be entitled to the remainder of the five year health and welfare benefit. The reinstatement would be retroactive to the date of suspension and would not include interest. Mr. Lynch has already been in the Office and filled out paperwork in anticipation of the reinstatement of benefits which will be ready for the mid-December payroll.

Carol Stukes made a motion to approve. John Reilly seconded the motion.

**The motion to approve carried unanimously 7-0.**

## **PENSION DISQUALIFICATIONS**

### **Case of Sean Alivera - Pension Disqualification and Termination of Benefits, Plan "B"**

Sean Alivera was hired with the City of Philadelphia, Police Department on April 17, 2000. After attaining 10 years, 5 months and 18 days of credited service, Mr. Alivera separated effective October 5, 2010. He is not collecting a Pension Benefit at this time.

On November 2, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Sean Alivera on (5) five counts involving the HOBBS Act including Manufacture, Delivery or Possession with Intent to Manufacture or Deliver, Robbery-Threat Immed. Ser. Injury, Conspiracy, Kidnapping for Ransom and Official Oppression-Arrest Search.

Mr. Alivera worked as a City employee with the Department of Police where he robbed cash and drugs from an undercover police officer posed as a drug courier. For these crimes, Mr. Alivera was found guilty to various counts as outlined in the agreement, attached to this memorandum.

On November 23, 2011, Christopher DiFusco, Divisional Deputy City Solicitor, opined the crimes committed by Mr. Alivera trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Alivera is disqualified from pension eligibility.

Mr. DiFusco advises the Board must vote on the following:

- Whether Sean Alivera should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Christopher DiFusco, Divisional Deputy City Solicitor dated November 23, 2011.
2. Request from Inspector General Amy Kurland, dated November 2, 2011.
3. Order and supporting documentation signed June 15, 2011.

Ronald Stagliano made a motion to permanently disqualify and terminate from pension eligibility. John Reilly seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

Harvey Rice made a motion to retain contributions to pay Court ordered fines and restitution. Brian Albert seconded the motion.

**The motion to retain contributions to pay Court ordered fines and restitution carried unanimously 7-0.**

#### **Case of Christopher Luciano - Pension Disqualification and Termination of Benefits, Plan "B"**

Christopher Luciano was hired with the City of Philadelphia, Police Department on February 12, 2007. After attaining 3 years, 7 months and 23 days of credited service, Mr. Luciano separated effective October 5, 2010. He is not collecting a Pension Benefit at this time.

On November 2, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Christopher Luciano on (5) five counts involving the HOBBS Act including Manufacture, Delivery or Possession with Intent to Manufacture or Deliver, Robbery-Threat Immed. Ser. Injury, Conspiracy, Kidnapping for Ransom and Off'l Oppression-Arrest Search.

Mr. Luciano worked as a City employee with the Department of Police where he robbed cash and drugs from an undercover police officer posed as a drug courier. For these crimes, Mr. Luciano pled guilty to the various counts as outlined in the agreement, attached to this memorandum.

On November 29, 2011, Christopher DiFusco, Divisional Deputy City Solicitor, opined the crimes committed by Mr. Luciano trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Luciano is disqualified from pension eligibility.

Mr. DiFusco advises the Board must vote on the following:



- Whether Christopher Luciano should be permanently disqualified and terminated from pension eligibility, and
- Whether Mr. Luciano's pension contributions should be retained for payment of any applicable outstanding court-ordered fines and restitution.

Attached are the following:

1. Opinion from Christopher DiFusco, Divisional Deputy City Solicitor dated November 29, 2011.
2. Request from Inspector General Amy Kurland, dated November 2, 2011.
3. Order and supporting documentation signed September 23, 2011.

Brian Albert made a motion to permanently disqualify and terminate from pension eligibility and retain pension contributions to pay Court ordered fines and restitution. Hilary Cornell seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility and retain pension contributions to pay Court ordered fines and restitution carried unanimously 7-0.**

#### **Case of Malaika Mebane - Pension Disqualification and Termination of Benefits, Plan "B"**

Malaika Mebane was hired with the City of Philadelphia, Police Department on June 22, 1998. After attaining 11 years, 3 months and 25 days of credited service, Mr. Mebane separated effective October 17, 2009. He is not collecting a Pension Benefit at this time.

On November 2, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Malaika Mebane on (2) two counts, including Involuntary Deviant Sexual Intercourse and Institutional Sexual Assault.

Mr. Mebane worked as a City Police Officer, and while on duty as a cell block guard at the 35th District precinct, forced a female prisoner to perform sexual acts on him. Mr. Mebane was arrested for this incident, and pled guilty, as outlined in the attached memorandum from the Law Department.

On November 10, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Mebane trigger the forfeiture and disqualification provisions of the Philadelphia Code. Therefore, based on the above-mentioned crime, Mr. Mebane is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Malaika Mebane should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Joshua Stein, Deputy City Solicitor dated November 10, 2011.
2. Request from Inspector General Amy Kurland, dated November 2, 2011.
3. Order and supporting documentation signed November 12, 2011.

Ms. Weiss stated that Mr. Mebane's contributions were already withdrawn.

Brian Albert made a motion to permanently disqualify and terminate from pension eligibility. Ronald Stagliano seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

**Case of Dana Poindexter - Pension Disqualification and Termination of Benefits, Plan "Y"**

Dana Poindexter was an employee with the City of Philadelphia's Department of Human Services. After attaining sixteen years, five months and nine days of credited service, Mr. Poindexter separated effective August 18, 2008. He is not collecting a Pension Benefit at this time.

On May 14, 2010, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Dana Poindexter one count of Endangering the Welfare of Children, one count of Recklessly Endangering Another Person, and one count of Perjury.

Mr. Poindexter worked as a DHS Social Worker, and as part of his duties, was assigned to assess and report on Danieal Kelley, a young girl who had Cerebral Palsy and was unable to care for herself. Mr. Poindexter, on separate occasions, either failed to properly assess the abuse that Danieal Kelley faced in her home, or filed false or misleading reports about her status. Following Danieal Kelley's unnatural death, several individuals, including Mr. Poindexter, were convicted for their involvement, as outlined in the attached memorandum from the Law Department.

On November 10, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Poindexter trigger the forfeiture and disqualification provisions of the Philadelphia Code and Pennsylvania Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Poindexter is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Dana Poindexter should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Joshua Stein, Deputy City Solicitor dated November 10, 2011.
2. Request from Inspector General Amy Kurland, dated November 2, 2011.
3. Order and supporting documentation signed November 12, 2011.

Harvey Rice made a motion to permanently disqualify and terminate from pension eligibility. Hilary Cornell seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

Ronald Stagliano made a motion to retain contributions to pay Court ordered fines and restitution. Brian Albert seconded the motion.

**The motion to retain contributions to pay Court ordered fines and restitution carried unanimously 7-0.**

#### **Case of Anthony Scarcia - Pension Disqualification and Termination of Benefits, Plan "Y"**

Anthony Scarcia was hired by the City of Philadelphia's Department of Licenses and Inspections on October 1, 2005. After attaining two years, eight months and one day of credited service, Mr. Scarcia separated effective September 4, 2009. He is not collecting a Pension Benefit at this time.

On November 21, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Anthony Scarcia on sixteen counts, including; Burglary, theft by Unlawful taking, Conspiracy, Sales to ineligible Transferee, Receiving Stolen Property, Official Oppression-Arrest, Perjury and Trespassing.

Mr. Scarcia worked as an L&I employee with the Community Life Improvement Program, which was tasked with cleaning up deteriorated properties. During his employment, Mr. Scarcia, along with a number of other L&I employees, began removing and keeping personal property from City residents, in violation of City policy and positive law. Mr. Scarcia was charged in connection with three incidents, and pleads guilty to various counts as outlined in the attached memorandum from the Law Department.

On November 30, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Scarcia trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Scarcia is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Anthony Scarcia should be permanently disqualified and terminated from pension eligibility, and

- Whether Mr. Scarcia's pension contributions should be retained for payment of any applicable outstanding court-ordered fines and restitution.

Attached are the following:

1. Opinion from Joshua Stein Deputy City Solicitor dated November 30, 2011.
2. Request from Inspector General Amy Kurland, dated November 21, 2011.
3. Order and supporting documentation signed October 28, 2011.

Ms. Weiss stated that Mr. Scarcia has already withdrawn his contributions so only one motion was needed.

Brian Albert made a motion to permanently disqualify and terminate from pension eligibility. Ronald Stagliano seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

#### **Case of Lamont Williams - Pension Disqualification and Termination of Benefits, Plan "Y"**

Lamont Williams was hired by the City of Philadelphia's Department of Licenses and Inspections on May 3, 2001. After attaining 8 years, 7 months and 13 days of credited service, Mr. Williams separated effective December 16, 2009. He is not collecting a Pension Benefit at this time.

On November 21, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Lamont Williams on nineteen counts, including; Burglary, theft by Unlawful taking, Conspiracy, Sales to ineligible Transferee, Receiving Stolen Property, Official Oppression-Arrest, Perjury and Trespassing.

Mr. Williams worked as an L&I employee with the Community Life Improvement Program, which was tasked with cleaning up deteriorated properties. During his employment, Mr. Williams, along with a number of other L&I employees, began removing and keeping personal property from City residents, in violation of City policy and positive law. Mr. Williams was charged in connection with three incidents, and plead guilty to various counts as outlined in the attached memorandum from the Law Department.

On November 30, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Williams trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Williams is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Lamont Williams should be permanently disqualified and terminated from pension eligibility, and
- Whether Mr. Williams's pension contributions should be retained for payment of any applicable outstanding court-ordered fines and restitution.

Attached are the following:

1. Opinion from Joshua Stein Deputy City Solicitor dated November 30, 2011.
2. Request from Inspector General Amy Kurland, dated November 21, 2011.
3. Order and supporting documentation signed October 28, 2011.

Harvey Rice made a motion to permanently disqualify and terminate from pension eligibility. Brian Albert seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

Brian Albert made a motion to retain contributions to pay Court ordered fines and restitution. Harvey Rice seconded the motion.

**The motion to retain contributions to pay Court ordered fines and restitution carried unanimously 7-0.**

#### **Case of Algie Cuffee, Jr. - Pension Disqualification and Termination of Benefits, Plan "Y"**

Algie Cuffee, Jr. was hired with the City of Philadelphia, Managing Director's Office on December 19, 2005. After attaining 3 years, 0 months and 19 days of credited service, Mr. Cuffee, Jr. separated effective January 7, 2009. He is not collecting a Pension Benefit at this time.

On October 28, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Algie Cuffee, Jr. on (10) ten counts involving the HOBBS Act including Corrupt Organizations, Receiving Stolen Property, Sales to Ineligible Transferee, Perjury, Oppression—Arrest Search and Conspiracy.

Mr. Cuffee, Jr. worked as a City employee with the Managing Director's Office where he was arrested for stealing property from five houses in Philadelphia, from June 2006 until January 2008. For the crime as above-mentioned, Mr. Cuffee, Jr. entered into a negotiated guilty plea to various counts as outlined in the agreement, attached to this memorandum.

On November 30, 2011, Joshua Stein, Divisional Deputy City Solicitor, opined the crimes committed by Mr. Cuffee, Jr. trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Cuffee, Jr. is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Algie Cuffee, Jr. should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Joshua Stein, Deputy City Solicitor dated November 30, 2011.
2. Request from Inspector General Amy Kurland, dated October 28, 2011.
3. Order and supporting documentation signed October 27, 2011.

Hilary Cornell made a motion to permanently disqualify and terminate from pension eligibility. Brian Albert seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

Ronald Stagliano made a motion to retain contributions to pay Court ordered fines and restitution. Brian Albert seconded the motion.

**The motion to retain contributions to pay Court ordered fines and restitution carried unanimously 7-0.**

#### **Case of William Roldan- Pension Disqualification and Termination of Benefits, Plan “Y”**

William Roldan was hired with the City of Philadelphia, Managing Director’s Office on November 17, 2003. After attaining 3 years, 3 months and 1 day of credited service, Mr. Roldan separated effective August 25, 2007. He is not collecting a Pension Benefit at this time.

On November 22, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of William Roldan on (10) ten counts involving the HOBBS Act including Corrupt Organizations, Receiving Stolen Property, Sales to Ineligible Transferee, Perjury, Oppression–Arrest Search and Conspiracy.

Mr. Roldan worked as a City employee with the Managing Director’s Office where he was arrested for stealing property from five houses in Philadelphia, from June 2006 until January 2008. For the crime as above-mentioned, Mr. Roldan entered into a guilty plea to various counts as outlined in the agreement, attached to this memorandum.

On November 30, 2011, Joshua Stein, Divisional Deputy City Solicitor, opined the crimes committed by Mr. Roldan trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Roldan is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether William Roldan should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Joshua Stein, Deputy City Solicitor dated November 30, 2011.
2. Request from Inspector General Amy Kurland, dated November 22, 2011.
3. Order and supporting documentation signed November 22, 2011.

Harvey Rice made a motion to permanently disqualify and terminate from pension eligibility. John Reilly seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

#### **Case of Tyrone Wiggins- Pension Disqualification and Termination of Benefits, Plan “D”**

Tyrone Wiggins was hired with the City of Philadelphia, Police Department on March 3, 1986. After attaining 23 years, 8 months and 16 days of credited service, Mr. Wiggins separated effective November 19, 2009. He is collecting a Service Retirement Pension Benefit at this time.

On November 18, 2011, Inspector General Amy Kurland wrote to Executive Director Francis Bielli, and provided documentation concerning the conviction of Tyrone Wiggins on (8) eight counts involving the HOBBS Act including Rape-Forcible Compulsion, Aggravated Assault, Statutory Sexual Assault, Corruption of Minors and Simple Assault.

Mr. Wiggins worked as a City employee with the Police Department where he was arrested for having sex with a minor for over an eight year period. For the crime as above-mentioned, Mr. Wiggins was found guilty to various counts as outlined in the agreement, attached to this memorandum.

On November 30, 2011, Joshua Stein, Deputy City Solicitor, opined the crimes committed by Mr. Wiggins trigger the forfeiture and disqualification provisions of the Philadelphia Code and the Public Employees Pension Forfeiture Act. Therefore, based on the above-mentioned crime, Mr. Wiggins is disqualified from pension eligibility.

Mr. Stein advises the Board must vote on the following:

- Whether Tyrone Wiggins’s benefit be immediately suspended and,
- Whether Tyrone Wiggins should be permanently disqualified and terminated from pension eligibility

Attached are the following:

1. Opinion from Joshua Stein, Deputy City Solicitor dated November 30, 2011.

2. Request from Inspector General Amy Kurland, dated November 18, 2011.
3. Order and supporting documentation signed November 18, 2011.

Brian Albert made a motion to suspend current pension benefits. Ronald Stagliano seconded the motion.

**The motion to suspend current pension benefits carried unanimously 7-0.**

Brian Albert made a motion to permanently disqualify and terminate from pension eligibility. Harvey Rice seconded the motion.

**The motion to permanently disqualify and terminate from pension eligibility carried unanimously 7-0.**

## NEW BUSINESS

**Executive Director's Report** – Mr. Bielli stated that the DROP application process is going well. Staff is tracking all of the people who are subject to the stipulations of District Councils 33 and 47. A notice letter has been finalized and will be given to all applicants that will be affected by the stipulation, explaining what it means. The people subject to the Stay are DC 33 and DC 47 with the exception of Local 2186. Everyone else is subject to the new DROP.

Mr. Stagliano was concerned that staff can administer all of the different plans which may end up getting changed anyway.

Mr. DiFusco stated that around Thanksgiving, the State Supreme Court ruled on a case involving Act 111 Bargaining which said essentially, that pension benefits are subject to collective bargaining. They mirrored an older decision that cities and municipal governments besides Philadelphia were waiting for. That decision will have an impact on the analysis going forward.

Mr. Leonard added that ultimately, it is a labor and employment issue and the Courts will play that out and the Pension Board will follow that rule accordingly.

Mr. Bielli stated that Clifton Gunderson is completing their work and the Board will receive a copy of everything when it is done. He stated he was at a meeting where he met a member of the Board of the GAO who said they received a large number of responses regarding the proposed GASB changes. The GAO Board is still going over all responses and it isn't close to a decision.

Mr. Bielli passed out the Mayor's Executive Order No. 3-11, which is a prohibition of acceptance of gifts by City officers and employees. The Board is also subject to Act 44, 704(a) concerning gifts, lodging, travel, entertainment, money, services and loans for any official employee or fiduciary municipal pension system. Mr. Bielli reminded the Board to be cognizant of the rules during the holiday season. If anyone had questions they could contact the Law Department or the Ethics Board.



A discussion ensued as to which Order the Board should follow. Mr. Bielli said the Board is subject to Act 44 and may also be subject to the Mayor's Executive Order and other State Ethics rules. Mr. Leonard stated that more than one order can apply and if anyone had any questions they could contact the Law Department first.

Mr. Reilly passed out the brochure for the 2012 NCPERS Legislative Conference to be held in February.

- **FYI**

- a. Litigation Summary – Joshua Stein reported on the current litigation cases. The Candito case, which was filed in the trial division in October, 2011, has been suspended pending a hearing panel in front of the Board, which will be held January 11, 2012.

EXECUTIVE SESSION – An Executive Session was not held.

Harvey Rice made a motion to adjourn. Brian Albert seconded the motion.

**The meeting adjourned at 9:32 a.m.**