

STATE OF CONNECTICUT
STATE EMPLOYEES RETIREMENT COMMISSION
LEGAL & PERSONNEL SUBCOMMITTEE MEETING

MARCH 9, 2022 MEETING
HELD VIA ZOOM
CONVENED AT 8:33 a.m.

Present:

Chairman Peter Adomeit
Trustee Michael Carey
Trustee Robert Coffey
Trustee Michael O'Brien
Trustee Claude Poulin
Commission Counsel Michael Rose (Rose Kallor, LLP)
Commission Counsel Cindy Cieslak (Rose Kallor, LLP)
Commission Tax Counsel Bruce Barth (Robinson & Cole LLP)
John Herrington, Retirement Services Division Director

TRANSCRIPTIONIST: Karin A. Empson

1 (Proceedings commenced at 8:33 a.m.)

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5 CHAIRPERSON ADOMEIT: All right. This is the
6 March 9th, if I've got it right, meeting of the
7 Connecticut State Employees Retirement Commission
8 subcommittee on legal and personnel matters.

9 And, Cindy, do you have the attendance,
10 please?

11 MS. CIESLAK: Good morning. This is Cindy
12 Cieslak. Present today we have Chairman Peter Adomeit;
13 Trustee Robert Coffey; Trustee Michael Carey; Trustee
14 Michael O'Brien; Trustee Claude Poulin; John
15 Herrington, Retirement Services Division Director;
16 General Counsel for the Retirement Commission from Rose
17 Kallor, Michael Rose; and Cindy Cieslak, myself; and
18 Tax Counsel for the Retirement Commission, Bruce Barth
19 from Robinson & Cole.

20 CHAIRPERSON ADOMEIT: Thank you. We will
21 need a motion, please, to approve the agenda.

22 MR. O'BRIEN: Move we approve the agenda.
23 Michael O'Brien.

24 MR. COFFEY: Bob Coffey, second.

25 CHAIRPERSON ADOMEIT: Peter Adomeit. All in

1 favor, say aye.

2 UNIDENTIFIED SPEAKERS: Aye.

3 CHAIRPERSON ADOMEIT: Opposed, nay. The ayes
4 have it.

5 Okay. New business is Items 1, 2, 3 and 4 in
6 executive session. So we need to a motion to go into
7 executive session.

8 MR. O'BRIEN: Michael O'Brien. I move we go
9 into executive session.

10 MR. COFFEY: Bob Coffey, second.

11 CHAIRPERSON ADOMEIT: All in favor, say aye.

12 MR. COFFEY: This will be on all the items
13 and inviting the individuals required to have
14 conversation about these items.

15 CHAIRPERSON ADOMEIT: Okay.

16 MR. KALLOR: Let's specify that.

17 MS. CIESLAK: Mister-

18 CHAIRPERSON ADOMEIT: (Inaudible) Bruce Barth
19 and John Herrington.

20 Did I miss anybody?

21 MR. KALLOR: Rose and Cieslak. Did you get
22 us?

23 CHAIRPERSON ADOMEIT: I did.

24 MR. KALLOR: Okay. Sorry.

25 CHAIRPERSON ADOMEIT: Or I hope I did.

1 Okay. That was included in the motion.

2 MR. COFFEY: Yep.

3 CHAIRPERSON ADOMEIT: Okay. Let's go to Item
4 Number 9, Ronald Johnson.

5 MS. CIESLAK: Chairman Adomeit, would you
6 like to call the motion before we go into executive
7 session?

8 CHAIRPERSON ADOMEIT: Okay. Sorry about
9 that. All in favor, say aye.

10 UNIDENTIFIED SPEAKERS: Aye.

11 CHAIRPERSON ADOMEIT: Opposed, nay. The ayes
12 have it.

13 (The Subcommittee was in executive session
14 from 8:34 a.m. until 9:09 a.m.)

15 CHAIRPERSON ADOMEIT: Now out of executive
16 session. Is there a motion to be made? No, Mike, you
17 muted yourself, Michael Carey.

18 MR. CAREY: Yes, I was letting my coworker
19 know that I was here because I was the only one here
20 until she just stepped in. So she heard noises and
21 wanted to know what that was, and it's just me.

22 Since I'm talking, this is Mike Carey, in the
23 Latham matter, I would move that we recommend to the
24 full commission that we accept the petition for a
25 declaratory ruling.

1 MR. O'BRIEN: Michael O'Brien, second.

2 CHAIRPERSON ADOMEIT: Is there any further
3 discussion on the motion? Hearing none, all in favor,
4 say aye.

5 UNIDENTIFIED SPEAKERS: Aye.

6 CHAIRPERSON ADOMEIT: Opposed, nay.

7 (Inaudible) unanimous. The ayes have it.

8 Okay. I think that exhausts the motions. Am
9 I correct?

10 MR. CAREY: I think we have one in the Vogt
11 matter; no?

12 CHAIRPERSON ADOMEIT: Did we want to?
13 Because what was the upshot?

14 MR. COFFEY: To remand it for a
15 reconsideration.

16 CHAIRPERSON ADOMEIT: Okay.

17 MR. COFFEY: This is Bob. I move that we
18 recommend to the Commission that it remand the Vogt
19 matter to the MEB on the reconsideration decision to
20 consider the additional evidence submitted on December
21 6th and December 11, or if that information has already
22 been considered, to amend the decision to reflect the
23 information and review and provide the rationale
24 explaining why the additional information does not
25 entitle the member to a service-connected disability.

1 I also want to add to that that we recommend
2 to the Commission that it add the additional sentence
3 to the standard letter that indicates that even though
4 the appeal rights have been exhausted at the MEB, that
5 a person may have appeal rights to the full Commission
6 on, you know, procedural matters.

7 CHAIRPERSON ADOMEIT: Okay. Is there a
8 second?

9 MR. O'BRIEN: O'Brien, second.

10 CHAIRPERSON ADOMEIT: Any further discussion?
11 Michael Rose? You're muted. Michael Rose, you're
12 muted.

13 MR. ROSE: Just a suggestion. Now that
14 there's discussions on the table, just a suggestion
15 with respect to Trustee Coffey's motion. Would you
16 want to ask them to address it in light of all the
17 factors rather than just that one document? Because
18 what I'm concerned about is if they just have that one
19 document in front of them and that's the only piece of
20 evidence that they're looking at, a reviewing court, or
21 this attorney on review may hyperfocus on that
22 document. That document is not the record. That's one
23 piece of evidence. So (inaudible)-

24 MR. COFFEY: I agree. I'll accept that as a
25 friendly amendment to the motion. But I think you're

1 right. It should be considered in light of all of the
2 evidence.

3 MR. ROSE: That's exactly - that's the phrase
4 I was going to use, whether this document, in light of
5 all of the evidence, warrants the modification.

6 MR. COFFEY: Correct.

7 MR. ROSE: Okay.

8 CHAIRPERSON ADOMEIT: Cindy, did you get all
9 that down?

10 MS. CIESLAK: I did.

11 CHAIRPERSON ADOMEIT: I'm sorry (inaudible).

12 MS. CIESLAK: Yes, we are all set with the
13 minutes.

14 CHAIRPERSON ADOMEIT: All right. Okay. Any
15 further discussion? Hearing none, all in favor, say
16 aye, or raise your hand.

17 UNIDENTIFIED SPEAKERS: Aye.

18 CHAIRPERSON ADOMEIT: Unanimous. The ayes
19 have it.

20 Okay. Any further discussion on any of these
21 items? Michael Rose?

22 MR. ROSE: Sorry, just one other - since we
23 are going to have this working group, I would just
24 suggest that after this meeting is over, we just
25 schedule a time to get going because it's going to

1 sneak up on us real quick.

2 CHAIRPERSON ADOMEIT: All right.

3 MR. ROSE: On Latham.

4 CHAIRPERSON ADOMEIT: Okay. Good suggestion.

5 I guess there's no old business; is there?

6 Okay, hearing none, time for adjournment.

7 I'll need a motion.

8 MR. O'BRIEN: Michael O'Brien. I move we
9 adjourn.

10 MR. COFFEY: Bob Coffey, second.

11 CHAIRPERSON ADOMEIT: All in favor, say aye,
12 or raise your hand.

13 UNIDENTIFIED SPEAKERS: Aye.

14 CHAIRPERSON ADOMEIT: Unanimous. The ayes
15 have it.

16 Okay, thank you all very much.

17 MR. CAREY: Thanks, everybody.

18 UNIDENTIFIED SPEAKER: Thank you.

19 (Adjourned at 9:15 a.m.)

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I, Karin A. Empson, do hereby
certify that the preceding pages are an accurate
transcription of the Connecticut State Employees
Retirement Commission, Legal & Personnel Subcommittee
meeting held electronically via Zoom, conducted at 8:33
a.m. on March 9, 2022.

Karin A. Empson

Karin A. Empson

04/12/2022

Date