

Dallas Public Fraud Prevention Services

Anonymous Hotline Reporting

POB 455
Addison, TX 75001-0455

www.dpfps.org

November 15, 2003

Mr. Teodoro J. Benavides
Dallas City Manager
1500 Marilla Street, Room 4EN
Dallas, Texas 75201-6390

**RE: Texas Public Information Act – Open Records Request
Dallas Police & Fire Pension System
ID # 0301-021**

**SECOND REQUEST
12/02/03**

Dear Mr. Benavides:

On January 13, 2000, February 8, 2001, and December 12, 2002, the Board of Trustees for the Dallas Police & Fire Pension System unanimously approved hourly rate increases for its outside legal counsel, Lawson Fields & Calhoun, P.C. ([Exhibit "A"](#), [Exhibit "B"](#), [Exhibit "C"](#)).

Pursuant to the Texas Public information Act (Texas Open Records Act), Chapter 552, Texas Government Code, please identify all competitive bids evaluated by the Board of Trustees prior to its unanimously approval of the aforementioned mentioned hourly rate increases. Please include the following for each competitive bid considered by the Board of Trustees:

1. Name of the competing law firm;
2. Competing law firm's address;
3. Date of competitive bid; and
4. Proposed competitive billing rates.

Please note that we are requesting that your office compile information responsive to this Open Records Request. Copies of documents are preferred, but should documents responsive to this request no longer be available, please note that there is also considerable knowledge within the Board to include the Chairman who has served the Board of Trustees continuously since 1983 ([Exhibit "D"](#)).

Please advise should you have comments or require additional information. Thank you.

Respectfully,

Columbus A. Alexander, III, CPA
Certified Fraud Examiner
www.dpfps.org

cc: Honorable Mayor Laura Miller
Shirley A. Acy, City Secretary

Regular Board Meeting
Thursday, January 13, 2000

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The meeting recessed at 1:26 p.m.

The meeting reconvened at 1:35 p.m.

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10. **TEXPERS and NCPERS reports**

Mr. Tettamant reported on current developments relating to TEXPERS and NCPERS.

After discussion, a motion was made by Mr. Shaw to receive and file the TEXPERS and NCPERS reports. The motion was seconded by Mr. Edge and unanimously approved by the Board.

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11. **Amendment to the contract for legal counsel with Lawson & Fields, P.C.**

Lawson & Fields, P.C., the System's outside legal counsel, has requested an hourly rate adjustment. The last adjustment was in 1997.

After discussion, a motion was made by Mr. Edge to approve the requested contract rate adjustment for Lawson & Fields, P.C., subject to the final approval of the Administrator. The motion was seconded by Mr. Shaw and unanimously approved by the Board.

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12. **Special request of Michael Barnett.**

In accordance with the terms of Section 551.071 of the Texas Government Code, the Board went into a closed executive legal session at 12:47 p.m.

The meeting was reopened at 1:15 p.m.

The Board found that based on the facts presented to the Board, the provisions of the Combined Plan give Michael Barnett no rights. Mr. Barnett alleges that the lack of timeliness and completeness of the information given him by the City Secretary as representative of this Board denied him the opportunity to make a rational choice regarding his pension rights in March 1974. He has threatened legal action against the System. The System has potential defenses to his claim. In order to avoid the expense and uncertainty of litigation with Mr.

6. **IRS determination letters:**

- a. System Employees Money Purchase Plan
- b. Combined Pension Plan
- c. City of Dallas 401(k) Plan

Mr. Tettamant stated that Mr. Fields, the System's attorney, has advised that it is appropriate for the System now to apply for an IRS determination letter for the System employees' Money Purchase Plan to ensure that it is a qualified plan. Mr. Tettamant reported that the System has received the IRS determination letters for the Combined Pension Plan and the City of Dallas 401(k) Plan.

After discussion, Mr. Edge made a motion to (a) authorize Lawson & Fields to proceed with the tax qualification process for the System employees' Money Purchase Plan, (b) receive and file the IRS determination letter for the Combined Pension Plan, and (c) receive and file the IRS determination letter for the 401(k) Plan. Mr. Tomasovic seconded the motion, which was unanimously approved by the Board.

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7. **Contract rate adjustment requested by Lawson & Fields, P.C.**

Lawson and Fields, P.C., the System's outside legal counsel, has requested an hourly rate adjustment. The last adjustment was in January 2000.

After discussion, Mr. Edge made a motion to approve the requested contract rate adjustment for Lawson & Fields, P.C. Mr. McCollum seconded the motion, which was unanimously approved by the Board.

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8. **Akard Place 2001 Budget**

In accordance with the Terms of Section 551.072, Texas Government Code, the Board went into a closed executive real estate session at 2:15 p.m.

The meeting was reopened at 2:20 p.m.

Mr. Tettamant, Messrs. Fitzenhagen and Yagmur, Ms. Tucker and Ms. Mullis discussed the proposed 2001 operating budget for Akard Place.

**Regular Board Meeting
Thursday, December 12, 2002**

7. Resolution in support of a constitutional amendment (continued)

After discussion, Mr. Edge made a motion to approve the resolution proposed by TEXPERS in support of a constitutional amendment to protect public pensions in Texas. Messrs. Tomasovic and Shaw jointly seconded the motion, which was unanimously approved by the Board.

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8. Billing rates for Lawson, Fields, McCue, Lee, & Campbell, P.C. for 2003

Mr. Tettamant stated that Lawson, Fields, McCue, Lee, & Campbell, P.C., the System's outside legal counsel, has requested an hourly rate adjustment. The last adjustment was in February 2001.

After discussion, Mr. Wachsman made a motion to approve the requested contract rate adjustment for Lawson, Fields, McCue, Lee, & Campbell, P.C. Mr. Mays seconded the motion, which was unanimously approved by the Board.

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9. Request of Elisabetha Buhk, widow of Marvin A. Buhk, pensioner, for survivor benefits

Mr. Tettamant briefed the Board that Mrs. Elisabetha Buhk is the widow of retired police officer Marvin A. Buhk. At its regular meeting on June 13, 2002, the Board denied Mrs. Buhk's appeal of a staff decision to deny her survivor benefits after the death of her husband in August 2001. Mrs. Buhk, along with her legal representative, Janet Randle, appeared before the Board at its October 10, 1002 meeting to appeal the Board's earlier decision. The Board took no action on Mrs. Buhk's request at this meeting with the understanding that Mrs. Buhk and her attorney intended to return at a later meeting to respond to issues and concerns raised by the Board in regard to the appeal. Mrs. Buhk and her attorney now have prepared a formal argument in support of Mrs. Buhk's claim to survivor benefits and seek to continue the appeal of the denial of benefits.

Mrs. Buhk's attorney, Ms. Randle, presented her argument in support of Mrs. Buhk's claim to survivor benefits and the appeal of the Board's earlier denial of survivor benefits.

In accordance with the terms of Section 551.071 of the Texas Government Code, the meeting was closed to the public at 2:12 p.m. for an executive legal session.

The meeting was reopened at 12:25 p.m.

**Regular Board Meeting
Thursday, January 9, 2003**

7. Legal issues

- a. Police Officer and Firefighter pay lawsuits
- b. Update on legal action in reference to Attorney General's opinion regarding open records request
- c. Jim Gholston v. Dallas Police & Fire Pension System
- d. Hancock Agricultural Investment Group litigation regarding patent rights to apple trees
- e. Park Police

In accordance with the terms of Section 551.071 of the Texas Government Code, the meeting was closed to the public at 2:23 p.m. for an executive legal session.

Discussions were held with legal counsel regarding the above items.

The meeting was reopened at 3:05 p.m.

Mr. Davenport, the System's General Counsel, reported that the City Attorney's office has responded to the Park Police's attorney concerning their claims of alleged discriminatory treatment. The City has denied their request.

After discussion, Mr. Edge made a motion to receive and file the legal briefings. Mr. Tomasovic seconded the motion, which was unanimously approved by the Board.

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8. Billing rates for Lawson, Fields, McCue, Lee, & Campbell, P.C. for 2003

Mr. Tettamant stated that at its December 12, 2002 meeting, the Board approved an hourly rate adjustment for the services of Lawson, Fields, McCue, Lee, & Campbell, P.C., the System's outside legal counsel. Lawson, Fields, McCue, Lee, & Campbell, P.C., has requested the adjustment be revised to provide for the inclusion of an additional associate (Nicole LeBoeuf) and a correction to the rate for another associate (Deborah Wakefield).

After discussion, Mr. Wachsman and Mr. Mays jointly made a motion to approve the requested revision to the contract rate adjustment for Lawson, Fields, McCue, Lee & Campbell, P.C. Mr. Edge seconded the motion, which was unanimously approved by the Board.

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Gerald Brown Biography

Mr. Brown has served continuously on the Board of Trustees since 1983. He currently serves as Chairman of the Board of Trustees and is a member of the Administrative Advisory Committee. He has served the citizens of Dallas, Texas since 1975 as a firefighter, currently holding the rank of Lieutenant.

Lt. Brown is an active member of the Texas Association of Public Employee Retirement Systems (TEXPERS), the National Conference on Public Employee Retirement Systems (NCPERS), and has served as an Advisory Board member of the Real Estate Investments for Pension Funds. He has been a speaker at numerous pension seminars and conferences. He attended the University of Texas at Arlington.

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**THIRD REQUEST
12/07/03**

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**FOURTH REQUEST
12/15/03**

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