

STATE OF CONNECTICUT  
SERC PURCHASING AND RELATED MATTERS SUBCOMMITTEE

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JUNE 30, 2020 MEETING  
HELD VIA ZOOM  
CONVENED AT 2:37 p.m.

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Trustees:

Peter Adomeit  
Janet Andrews  
Sandra Fae Brown-Brewton  
Carl Chisem  
Robert Coffey

Also Present:

Cindy Cieslak, General Counsel, Rose Kallor  
Michael Rose, General Counsel, Rose Kallor  
Colin Newman, Retirement Services Division  
John Herrington, Retirement services Division  
Dawn Lapan

Karen Vibert, LSR #00064

1 (Proceedings commenced at 2:37 p.m.)

2 MR. ADOMEIT: I'll call the meeting to  
3 order. The first item on the agenda will be  
4 Dawn Lapan.

5 MS. CIESLAK: It looks like Ms. Lapan has  
6 connected to our audio.

7 Ms. Lapan, can you hear us?

8 MS. LAPAN: I can hear you, yes. Can you  
9 here me?

10 MS. CIESLAK: Yes. In this meeting, we have  
11 the Chairman, Peter Adomeit, Trustee Bob Coffey,  
12 Trustee Sandra Fae Brown-Brewton, Trustee  
13 Carl Chisem and Trustee Janet Andrews. Also present  
14 are Cindy Cieslak and Michael Rose, general counsel  
15 to the Retirement Commission, John Herrington and  
16 Colin Newman from the Retirement Services Division.

17 Ms. Lapan, because we are conducting  
18 this meeting virtually, I am going to ask everyone  
19 that when they speak to announce themselves and  
20 who's speaking. That way you know who is speaking.  
21 Just to let you know, Ms. Lapan, the meeting is also  
22 being recorded pursuant to the governor's executive  
23 order for virtual public meetings.

24 MS. LAPAN: Okay.

25 MS. CIESLAK: Chairman Adomeit, you can

1 proceed as you normally would.

2 MR. ADOMEIT: All right. Well, my normal  
3 procedure would be to call you on you, Ms. Cieslak,  
4 to present the case. Go ahead.

5 MS. CIESLAK: I will defer to Colin Newman  
6 to present the case. MR. NEWMAN: So this is the  
7 case of Dawn Lapan. She had requested  
8 reconsideration of the Commission's decision from  
9 May 30th -- I'm sorry. At its meeting of  
10 June 20th -- I'm sorry. At its meeting of May 30,  
11 2019.

12 So, this is regarding her husband,  
13 James Lapan, and Ms. Lapan's request to receive a  
14 benefit under the hundred percent contingent  
15 annuitant option.

16 Mr. Lapan's husband, James Lapan,  
17 passed away suddenly on February 28, 2018, at  
18 age 60. He had accrued approximately 37 and a half  
19 years of service as a Tier 1 member of the State  
20 Employees Retirement System. Pursuant to the  
21 statutes, Ms. Lapan was eligible to receive a  
22 pre-retirement death benefit.

23 So the Division received  
24 communication from Mr. Lapan's employer regarding  
25 the events that occurred on February 28, 2018,

1 wherein they -- it was stated that, in fact, an  
2 option form had been signed by Mr. Lapan prior to  
3 his death, and that form -- the signature on that  
4 form was witnessed by two individuals within that  
5 office. The matter was forwarded to this body, the  
6 Purchasing Subcommittee, and primarily because the  
7 agency -- the individuals wouldn't substantiate the  
8 events that occurred.

9           This matter went before this  
10 Subcommittee on January 17, 2019, where it was  
11 determined that the two individuals that had  
12 witnessed the signature -- it was requested that  
13 statements from them were to be sought. Both  
14 individuals that -- both of those individuals  
15 refused to provide anything further so the matter  
16 went back before -- went before this body again  
17 where it was recommended that a denial of the claim  
18 of the hundred percent contingent annuitant option  
19 should occur as there wasn't enough evidence to  
20 grant a waiver. This recommendation from this body  
21 was accepted by the Commission at its June -- at its  
22 May 30, 2019 meeting.

23           Ms. Lapan, upon receiving the  
24 decision of the Commission in December of 2019,  
25 requested a reconsideration of the Commission's

1 decision, and with her request for reconsideration,  
2 she provided an additional document which was  
3 another contingent annuitant -- a hundred percent  
4 contingent annuitant option form that appeared to  
5 show that Mr. Lapan was indeed preparing for his  
6 retirement and that his intention was to select that  
7 particular option for her. The reconsideration was  
8 forwarded to the Legal and Personnel Subcommittee,  
9 who, at their June 10, 2020 meeting, recommended  
10 that this matter be reconsidered by the Retirement  
11 Commission and be referred back to the  
12 Subcommittee -- to this Subcommittee.

13 At its June 19, 2020 meeting, the  
14 Commission voted unanimously to accept that  
15 recommendation, which was to accept Ms. Lapan's  
16 appeal for reconsideration and that the matter be  
17 referred back to this Subcommittee of Purchase and  
18 Service-Related Matters. And that's where we are  
19 today.

20 MR. ADOMEIT: Do we have any additional  
21 information since this was discussed at the  
22 Commission meeting?

23 MR. NEWMAN: we don't have any -- well, the  
24 additional information that was reviewed at the  
25 Commission meeting basically is the only additional

1 information that's been provided.

2 MS. CIESLAK: I think it would be  
3 appropriate at this time for the trustees to review  
4 the additional information, and then if they have  
5 any questions for Ms. Lapan, she is available, and  
6 alternatively, if the Committee needs any further  
7 information, it can then make motions for that  
8 further information.

9 MR. NEWMAN: I should have identified  
10 that the additional documentation to be reviewed is  
11 Exhibit L in your packet.

12 MR. COFFEY: I would like to ask  
13 Mrs. Lapan if she would like to tell us about this  
14 document that we're reviewing and how that relates  
15 to her claim.

16 MS. LAPAN: Sure, no problem.

17 Basically, Colin kind of went over  
18 everything with you. I was presented with the forms  
19 signed by management -- witnessed, excuse me, by  
20 management with the State, and then when it was  
21 declined or denied -- excuse me -- I started going  
22 through, looking to see if my husband had anything  
23 else that I could find, and I did find a document  
24 where he had started to fill out his retirement  
25 papers, and at that point in time I was like, you

1 know, I didn't think I had anything, and I said,  
2 Okay. Now I have found this document, let me send  
3 it in and see. Because when I first met with them  
4 back in December of 2018, I think it was -- it was  
5 December, I think we had the first meeting, one of  
6 the questions she said to me was, How do we know  
7 that's what your husband's wish was? So when I  
8 found that document, I was like, Okay. Well, it  
9 shows what his intent was going to be at the time.

10 So that's why I submitted it, because  
11 that was one of the questions. And one of the other  
12 things asked -- whether it was legal or not to ask,  
13 I don't know, but they asked me what I was doing  
14 with my retirement. My husband and I had agreed  
15 that I was going to do the hundred percent  
16 retirement, not with the State but with the company  
17 I was with, to show that it was -- we were doing the  
18 same in both cases.

19 MR. COFFEY: Did he discuss this document  
20 with you or is this something that you found in his  
21 papers?

22 A Well, I found it in his papers, but it is  
23 something we had discussed, because back in 2016, he  
24 had asked for his retirement numbers, which he had  
25 gotten from Marie Rodriguez, that on June 2nd, at

1 9:18 a.m., actually, because he forwarded the email  
2 and we had discussed his retirement at that time.

3 Then our daughter came up and said  
4 she was getting married, so we decided to wait until  
5 after her wedding and all the bills were paid for,  
6 and then he would retire. Well, the wedding was in  
7 September of 2017, so he was going to retire in the  
8 spring of 2018. Unfortunately he, you know, became  
9 ill at work on February 28th of 2018.

10 So we had discussed, you know, our  
11 plans as husband and wife and as a family, what our  
12 retirement was going to be like. We had talked  
13 about mine, we had talked about his. We had made  
14 decisions about what we were going to do in both  
15 cases together.

16 MR. COFFEY: And you had talked  
17 specifically about planning to retire in the fall --  
18 I'm sorry -- the spring of 2018 --

19 MS. LAPAN: Yes.

20 MR. COFFEY -- and taking the 100 percent  
21 spousal option?

22 MS. LAPAN: That is correct, yes.

23 MR. COFFEY: Is there a reason why the  
24 signature isn't dated?

25 MS. LAPAN: Because he didn't -- hadn't

1 picked his actual date yet for retirement. He was  
2 waiting, you know. I said, When are you going to  
3 retire? He said, It's going to be -- one day, I'll  
4 just come home one day and tell you I'm done, and it  
5 will be in the spring of 2018. That's what he said.  
6 I'm just going to surprise you and say okay, I'm  
7 done. I've retired and I'm going to enjoy my life.  
8 Well, he never got to do that, unfortunately.

9 MR. COFFEY: All right. Thank you.

10 MS. LAPAN: You're welcome.

11 MR. ADOMEIT: Are there any more questions  
12 from anyone?

13 MR. HERRINGTON: I have a question.

14 MR. ADOMEIT: Go ahead, John.

15 MR. HERRINGTON: Ms. Lapan, just to follow  
16 up on Trustee Coffey's question, when do you recall  
17 having that conversation with your husband regarding  
18 his desire to retire in the spring of 2018?

19 MS. LAPAN: Well, as I had mentioned, he  
20 actually was looking to do it in 2016, as I had  
21 said, and we had talked about it then. Then I said,  
22 my daughter decided to get married, so we were --  
23 you know, he was working through to pay the bills  
24 for the wedding and then he said he would retire  
25 after that, after the wedding. He goes, When the

1 bills are paid, he said, We'll -- I'll retire in the  
2 spring of 2018 once the bills were paid.

3 MR. HERRINGTON: So those are  
4 conversations that you had sometime around that 2016  
5 time?

6 MS. LAPAN: Yes. We did it in '16, then  
7 we did it after the wedding in '17, too.

8 MR. HERRINGTON: When was the wedding?

9 MS. LAPAN: The wedding was September of  
10 2017.

11 MR. HERRINGTON: Okay. Thank you.

12 MR. ADOMEIT: Are there any more questions  
13 of anyone?

14 MR. COFFEY: Mrs. Lapan, generally in  
15 cases such as this, we are looking for specific  
16 information about the retiree's, you know, plans for  
17 retirement, their date -- expected date of  
18 retirement and their choice with respect to the  
19 spousal option, and you've discussed that with us.  
20 Ordinarily, we would be looking for some  
21 corroborating evidence, evidence from the agency  
22 itself with respect to discussions that may have  
23 occurred there, or other family members that were  
24 involved in the discussions, and generally speaking  
25 we are looking for affidavits from folks who can

1 talk about, you know, specifically when somebody was  
2 intending to retire and when -- you know, what  
3 decision they were making with regard to the spousal  
4 option. Is there anything more along those lines  
5 that you could provide to us?

6 MS. LAPAN: Well, I mean, as far as  
7 financials, what we were doing financially, I mean,  
8 that was definitely discussed between us because it  
9 would be not like our daughter's business, you know,  
10 it's not her concern. As we would say, that's our  
11 problem or concern and our decision, not hers.

12 Now, I can't say he had told her, you  
13 know, his plans to retire. He would tell her the  
14 same thing. You know, I'm just going to come home  
15 one day in the spring and say, I am done. I know  
16 she would testify to that because he said it to her  
17 multiple times, you know.

18 Like I said, as far as like what the  
19 discussion was, the options, that would not be  
20 something that we would have discussed with one of  
21 our children, nor outside family members. That's  
22 our personal business. It's not the business of  
23 other friends or family.

24 MR. COFFEY: I understand.

25 MR. ADOMEIT: Any further questions?

1 Okay. Hearing none, Ms. Cieslak?

2 MS. CIESLAK: I believe the other three  
3 matters on the agenda all have written legal  
4 opinions, so if there are no further questions on  
5 the James Lapan matter, we can certainly move on to  
6 the other matters to be discussed, and those three  
7 matters do have legal opinions, so you have the  
8 option to go into executive session to discuss those  
9 legal opinions.

10 MR. ADOMEIT: Okay. Thank you. So is  
11 there a motion to go into executive session on the  
12 other three? Reilly, Shannon, or Antwi?

13 MR. CHISEM: I make the motion.

14 MR. COFFEY: I'll second it.

15 MR. ADOMEIT: All in favor say aye.

16 MS. BROWN-BREWTON: Which matter are we  
17 going in on?

18 MR. ADOMEIT: We move on all three in this  
19 Subcommittee. It would be -- Antwi would be the  
20 first one to be discussed.

21 MS. BROWN BREWTON: okay.

22 MR. ADOMEIT: All in favor say aye.

23 Opposed nay. The ayes have it.

24 MS. CIESLAK: All right, Ms. Lapan.

25 Actually, before we go into executive

1 session, Mr. Chisem, is your motion to invite legal  
2 counsel and members of the Retirement Division into  
3 executive session for the purpose of providing  
4 additional information relating to these matters?

5 MR. CHISEM: Yes.

6 MS. CIESLAK: Ms. Lapan, we are entering  
7 executive session, so the individuals who were not  
8 invited into executive session for discussing the  
9 legal opinions on the other matters will be removed  
10 from the meeting right now, so I wanted to let you  
11 know that you will be placed back into the waiting  
12 room.

13 MS. LAPAN: Okay. Thank you.

14 MR. ADOMEIT: Thank you.

15 (the Subcommittee was in executive session  
16 from 2:56 p.m. until 3:49 p.m.)

17 MS. CIESLAK: Ms. Lapan, we are back in  
18 full session. Are you there?

19 MS. LAPAN: I'm here. Yes, I am.

20 MS. CIESLAK: As a reminder to the  
21 trustees, our recording is on for the public  
22 session. Please announce your name when speaking.

23 MR. ADOMEIT: All right. Is there anyone  
24 wanting to discuss the Lapan matter?

25 MR. COFFEY: I would move that we deny the

1 request and recommend to the Commission to deny the  
2 request in the Lapan matter based on the belief that  
3 the information that we have in front of us is not  
4 consistent with the standards that we have set with  
5 regard to information needed to be clear about the  
6 retiree's intended date of retirement. I base that  
7 on the fact that the information we have is that the  
8 retiree said that he would announce at some future  
9 time when would he retire, but we have no  
10 information about, you know, the specificity of that  
11 date, so I believe we haven't met the standard.

12 MR. ADOMEIT: All right.

13 MS. BROWN-BREWTON: I second that motion.

14 MR. ADOMEIT: Thank you. Is there any  
15 further discussion? All in favor of the motion  
16 signify by saying aye. Opposed nay? The ayes have  
17 it.

18 Okay. Moving on, the Antwi matter.  
19 Are we ready to make a recommendation on that case?

20 MS. BROWN-BREWTON: I make a motion to  
21 deny Mister -- to make a recommendation to the  
22 Commission to deny Mr. Antwi's request.

23 MR. COFFEY: I'll second that.

24 MR. ADOMEIT: Thank you both. Is there  
25 any further discussion? Hearing none, all in favor

1 say aye. Opposed nay. The ayes have it.

2 Moving on to the Reilly matter.

3 MS. BROWN-BREWTON: I make a motion to  
4 make a recommendation to the Retirement Commission  
5 to deny Ms. Reilly's request -- Mr. Reilly's  
6 request.

7 MR. COFFEY: I'll second.

8 MR. ADOMEIT: Is there any further  
9 discussion? Hearing none, in all favor say aye.  
10 All opposed nay. The ayes have it.

11 Moving on to Shannon. Is there any  
12 motion on Shannon?

13 MR. COFFEY: I move that we deny -- we  
14 recommend to the Commission that it deny  
15 Ms. Shannon's request for, you know, Tier 1  
16 coverage.

17 MS. BROWN-BREWTON: I second that motion.

18 MR. ADOMEIT: Okay. Is there any further  
19 discussion? Hearing none, all in favor say aye.  
20 Opposed nay. The ayes have it.

21 MS. ANDREW: I said nay.

22 MR. ADOMEIT: Let me do that one more  
23 time. All in favor say aye. Opposed signify by  
24 saying nay.

25 MS. CIESLAK: Peter, do you want to take a

1 roll call vote?

2 MR. ADOMEIT: I think so, because I  
3 couldn't hear.

4 MS. ANDREWS: I think I'm the only one that  
5 opposed that motion due to the reason -- I just think  
6 it's reasonable that she was in Tier 1. She was  
7 making contributions, even if it wasn't done  
8 correctly.

9 MR. ADOMEIT: I'm just trying to figure  
10 out who voted. Let's do a roll call, then. All in  
11 favor, please?

12 Bob Coffey?

13 MS. BROWN-BREWTON: Aye.

14 MR. COFFEY: Aye.

15 MR. ADOMEIT: Okay. Anyone else?

16 MS. ANDREWS: Nay.

17 MR. ADOMEIT: Carl?

18 MR. CHISEM: Aye.

19 MR. ADOMEIT: Janet Andrews?

20 MS. ANDREWS: Nay.

21 MR. ADOMEIT: It's three to one. Motion  
22 carries. Thank you all very much.

23 Any further discussion? I think  
24 we're through with the agenda.

25 MR. COFFEY: I'll move we adjourn.

1 MR. CHISEM: Second.

2 MR. ADOMEIT: All in favor say aye. Nay?  
3 The dog can't vote. The ayes have it.

4 MS. LAPAN: Sorry about that.

5 MR. ADOMEIT: That's okay. I have one,  
6 too.

7 All right. I guess we are adjourned  
8 now. Thank you all very much. It's been an  
9 enlightening meeting today. I appreciate it.

10 (Concluded at 3:55 p.m.)

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<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 8:1  <b>accept</b> 5:14,15  <b>accepted</b> 4:21  <b>accrued</b> 3:18  <b>accurate</b> 18:6  <b>actual</b> 9:1  <b>additional</b> 5:2,20  5:24,25 6:4,10  13:4  <b>adjourn</b> 16:25  <b>adjourned</b> 17:7  <b>Adomeit</b> 1:10 2:2  2:11,25 3:2 5:20  9:11,14 10:12  11:25 12:10,15,18  12:22 13:14,23  14:12,14,24 15:8  15:18,22 16:2,9  16:15,17,19,21  17:2,5  <b>affidavits</b> 10:25  <b>age</b> 3:18  <b>agency</b> 4:7 10:21  <b>agenda</b> 2:3 12:3  16:24  <b>agreed</b> 7:14  <b>ahead</b> 3:4 9:14  <b>alternatively</b> 6:6  <b>ANDREW</b> 15:21  <b>Andrews</b> 1:11 2:13  16:4,16,19,20  <b>announce</b> 2:19  13:22 14:8  <b>annuitant</b> 3:15  4:18 5:3,4  <b>Antwi</b> 12:12,19  14:18  <b>Antwi's</b> 14:22  <b>appeal</b> 5:16  <b>appeared</b> 5:4  <b>appreciate</b> 17:9  <b>appropriate</b> 6:3  <b>approximately</b> 3:18  <b>asked</b> 7:12,13,24  <b>audio</b> 2:6  <b>available</b> 6:5  <b>aye</b> 12:15,22 14:16  15:1,9,19,23</p>	<p>16:13,14,18 17:2  <b>eyes</b> 12:23 14:16  15:1,10,20 17:3</p> <p style="text-align: center;"><b>B</b></p> <p><b>back</b> 4:16 5:11,17  7:4,23 13:11,17  <b>base</b> 14:6  <b>based</b> 14:2  <b>basically</b> 5:25 6:17  <b>belief</b> 14:2  <b>believe</b> 12:2 14:11  <b>benefit</b> 3:14,22  <b>bills</b> 8:5 9:23 10:1,2  <b>Bob</b> 2:11 16:12  <b>body</b> 4:5,16,20  <b>BREWTON</b> 12:21  <b>Bristol</b> 18:1,21  <b>BROWN</b> 12:21  <b>Brown-Brewton</b>  1:11 2:12 12:16  14:13,20 15:3,17  16:13  <b>business</b> 11:9,22,22</p> <p style="text-align: center;"><b>C</b></p> <p><b>call</b> 2:2 3:3 16:1,10  <b>Carl</b> 1:12 2:13  16:17  <b>carries</b> 16:22  <b>case</b> 3:4,6,7 14:19  <b>cases</b> 7:18 8:15  10:15  <b>certainly</b> 12:5  <b>certify</b> 18:6  <b>Chairman</b> 2:11,25  <b>children</b> 11:21  <b>Chisem</b> 1:12 2:13  12:13 13:1,5  16:18 17:1  <b>choice</b> 10:18  <b>Cieslak</b> 1:14 2:5,10  2:14,25 3:3,5 6:2  12:1,2,24 13:6,17  13:20 15:25  <b>Cindy</b> 1:14 2:14  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