

**ATTACHMENT C**

**RESPONDENT(S) ARGUMENT(S)**

RECEIVED

NOV 18 2021

CalPERS Legal Office

Dwain Moore [REDACTED]  
[REDACTED]  
[REDACTED]

November 12, 2021

Ref. No. 2021-0255

OAH No. [REDACTED]

Cheree Swedensky, Assistant to the Board  
CalPERS Executive Office  
P. O. Box 942701  
Sacramento, CA 94229-2701

**Subject: Respondent's Argument**

Dear Cheree Swedensky, Assistant to the Board:

Please objectively and thoroughly review my, Dwain Moore's appeal and entire case for clarification and factual assurance so that I am assured that my case decision was fair, accurate, and "carefully reviewed" as written by former CalPERS employee Julia Watson. Also, please explain how you can be certain that the retirement plan as singularly written in the Non-CalPERS power of attorney form refers to CalPERS, because Dwain Moore had at least one other additional substantial retirement plan that Dathan Moore cashed out prior to cashing out Dwain Moore's CalPERS pension. So, since "CalPERS" was not named anywhere on the document, not even once, nor does this Non-CalPERS power of attorney form refer to all of Dwain Moore's retirement plans, but rather one singular retirement plan. So, it's very concerning that CalPERS employees failed to request clarification as to which specific and singular "retirement plan" to which this document refers. I Dwain Moore have sworn that I would have never relinquished my CalPERS pension to Dathan Moore.

**Facts:**

1. I Dwain Moore was not given the opportunity to see the completed page 1 of the non-CalPERS power of attorney form dated April 23, 1996, listing my assets. I Dwain Moore subsequently filed a complaint with the CA Secretary of State's Office on the notary.
2. The name "CalPERS" is not listed anywhere on this power of attorney form, however what's listed is "Retirement plan [singular] transactions." This is defined as transactions within one, a singular retirement plan. This power of attorney form also does not include any specific retirement account plan, nor any retirement account numbers. Dwain Moore had more than one "retirement plan" that was even more substantial than his CalPERS pension -Dathan Moore also depleted - so CalPERS employees clearly failed to do their due diligence and they assumed, without any clarification, that the Non-CalPERS outside power of attorney form referred to Dwain Moore's

CalPERS pension.

3. By contrast, this same Non-CalPERS power of attorney form does in fact precisely list Dwain Moore's several banking accounts via each specific bank, and via each specific account number for each separate bank. This includes "Golden One Credit Union, 1108 O Street, Sacramento, California, Account No: 567314662-9. Bank of America, Elk Grove Branch Savings Account No: 08388-00011. San Jose Credit Union, Account No. 567314662."

4. Julia Watson, nor any CalPERS employee made any attempts to contact Dwain Moore, or any of his family to verify or clarify any information on the Non-CalPERS outside Power of Attorney form.

5. Julia Watson, nor any CalPERS employee made any attempts to verify any information Dathan Moore included in his letter required to submit with the power of attorney form.

Please explain why none of the plethora of "red flags" throughout the issuance of my CalPERS pension to my brother Dathan Moore were not addressed, verified, or questioned? Especially after Julia Watson writes that a "careful" review was made. **Did she not notice that "CalPERS" is not listed anywhere on the Non-CalPERS power of attorney form? Not even once? She also failed to question if Dwain Moore had any other retirement plans, especially important because the Non-CalPERS power of attorney form clearly indicates a single retirement plan, and Dwain Moore had more than one retirement plan.** Please see definitions of retirement plan and pension and you will clearly realize that Dwain Moore's CalPERS employees **did not do their due diligence by giving Dathan Moore, Dwain Moore's CalPERS pension when the name "CalPERS" is not specifically listed or included on the Non-CalPERS power of attorney form, and by assuming that the singularly indicated "retirement plan" refers to CalPERS, especially when Dwain Moore had more than one "retirement plan"** however, Dathan Moore used this Non-CalPERS outside power of attorney form to take out all of Dwain Moore's retirement plans.

How could almost two decades pass before I was made aware of this depletion of my CalPERS pension? Whenever Dathan Moore would visit me in prison, he assured me that all of my assets were intact, and that upon my parole, **I was left to believe I would have several million dollars in assets. The California Parole Board also believed that I would be receiving my CalPERS pension upon my parole.** Dathan Moore never informed me that CalPERS gave him my pension. And, even after my over a decade of faithful employment for the state of California, CalPERS never informed me or any member of my family, so I had no knowledge, reason, or opportunity to appeal until I went to CalPERS in 2015.

Had CalPERS employees simply addressed or followed up on irregularities such as verifying information in the letter Dathan Moore submitted, contacting any of my siblings (9 in total) or parents, notice that the account name and numbers on the power of attorney form are complete for my three bank accounts, but incomplete for my "retirement plan", when I had more than one, excluding the name "CalPERS" and account number, etc. So, had CalPERS employees completed a "careful review" and simply noticed just one of Dathan Moore's untruthful and deceptive statements in the documents he submitted, this would have triggered additional reviews, to

subsequently realize that they should definitely not give him my CalPERS pension.

I find it disturbing that after being aware of all of these red flags, Ms. Canaan, AGPA for CalPERS stated under oath that she would still process the Non-CalPERS power of attorney form the same way in 2021 as was done in 1997. I asked here at least three times, because I have yet to learn of any business that never updates or revises their policies when deficiencies or flaws are found. And a plethora of red flags were explained. So, according to Ms. Canaan, in 2021, any person can submit a notarized Non-CalPERS power of attorney form to her, and she would process it, giving them all of the CalPERS members money without reviewing any of the required letter they submitted with the power of attorney form; without verifying if the CalPERS member had any additional retirement plan as "CalPERS" is not listed anywhere on the power of attorney form, and ; without making any attempts to contact the over a decade state of California employed CalPERS member;

I hope that the CalPERS board members will be objective and realize that CalPERS absolutely failed to do their due diligence by giving Dathan Moore an additional "retirement plan" - my CalPERS pension, which is not specifically mentioned on the Non-CalPERS power of attorney form he used. CalPERS processed this in 1997 and neither Dathan Moore nor CalPERS informed me, as I factually did not find out until I went to CalPERS in person in 2015.

Sincerely yours,



Dwain D. Moore

**Copies to all my concerned associates, friends, family, and CalPERS members, including, but not limited to:**

Dr. David Moore, Bobbie Moore Hall, Beverly Moore, Bronda Moore, Don Moore, Daryll Moore, Dr. Trina Moore Southall, Patrick Southall, Richard Whetstone, Pierre Parayno, Anthony and Casey Cheshire, Pastors Ray and Jane Waters, Gerald Bohn, MD. Dr. Phil Zimbardo, Stanford University, Anthony Mack, Olaniyan Akyeem, Glen Spellman, Edie and Cleo O'Guinn, Pastor Jonathan Anderson, Dr. John Matheson, Dr. Senator Richard Pan, and many others.

**Attachment: First page of the Uniform Statutory POA Form Dathan Moore submitted to CalPERS (missing the name "CalPERS" and singularly stating "Retirement plan transactions") that was used to withdraw Dwain Moore's pension from CalPERS, even though Dathan Moore first withdrew Dwain Moore's retirement plan from a separate source.**

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Cheree Swedensky, Assistant to the Board  
CalPERS Executive Office  
P. O. Box 942701  
Sacramento, CA 94229-2701

**Subject: Appeal Refund of Accumulated Member Contributions and Interest Issued to Designated Attorney-in-Fact of Dwain D. Moore, Respondent.**

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COPY

UNIFORM STATUTORY FORM POWER OF ATTORNEY  
California Civil Code 2475

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT (CALIFORNIA CIVIL CODE SECTIONS 2475-2499.5, INCLUSIVE). IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, DWAIN DARIUS MOORE, appoint DATHAN O. MOORE, as my agent (attorney-in-fact)

to act for me in any lawful way with respect to the following subjects:

- o Real property transactions.
- o Tangible personal property transactions.
- o Stock and bond transactions.
- o Banking and other financial institution transactions.
- o Business operating transactions.
- o Personal and family maintenance.
- o Retirement plan transactions.
- o Tax matters.

I did not read, initial, or sign this page. "Broad and Sweeping" Powers!

Singular (one) retirement plan - Not mentioning "College"

DATHAN O. MOORE is specifically granted powers relating to my bank and credit union

accounts to deposit, transfer and withdraw funds. The accounts are identified below:

- o Golden One Credit Union, 1108 O Street, Sacramento, California, Account No: [REDACTED]
- o Bank of America, Elk Grove Branch Savings Account No [REDACTED]
- o San Jose Credit Union, Account No [REDACTED]

Bank names and accounts individually listed.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party has actual knowledge of the revocation. I agree to indemnify the third party for any claims that arise against the third



CERTIFIED MAIL®

DMAIN DARRUS M...  
[Redacted]



7021 0950 0000 7475 0403

METRO



1028



94229

U.S. POSTAGE PAID  
FCM LETTER  
LOC JUST GROVE, GA  
30246  
NOV 12, 21  
AMOUNT

\$3.75

R2304IN117027-14

Opened in Error  
CALPERS  
Sacramento, CA

Ref No. 2021-0255

Cherée Swedenstij, Asst to the Board  
CALPERS Executive Office  
PO Box 942701  
SACRAMENTO, CA 94229-2701

exec  
11/17

94229-2701



RECEIVED

RECEIVED

NOV 1 8 2021

Legal Office

DWAIN DARRUS MORRIS



11/17  
EXEC

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



7021 0950 0000 7475 0533



1028



94229

ATLANTA METRO 301

U.S. POSTAGE PAID  
FOCAL ST GROVE, GA  
NOV 2 21

\$3.75  
R2304/N117028-8



NOV 12 2021

866-999-30248

Cherel Suedensky, Asst to the Board  
CALPERS EXECUTIVE OFFICE  
P.O. Box 942701  
SACRAMENTO, CA 94229-2701

94229-2701

