



## **Agenda Item 10**

December 16, 2015

**ITEM NAME:** Full Board Hearing Final Decision – In the Matter of the Calculation of Final Compensation of BRUCE MALKENHORST, SR., Respondent, and CITY OF VERNON, Respondent.

**PROGRAM:** Employer Account Management Division

**ITEM TYPE:** Action

**ACTION REQUIRED:** Adopt Final Decision

This matter came before the Board for a full hearing on November 18, 2015. At that time, the Board determined to adopt its own decision in the matter. Pursuant to the board's direction, staff prepared the Final Decision (see Attachment B). A track changes version of the Final Decision is included with this agenda item (see Attachment A). This Decision must be adopted by the Board in order to become effective. Adoption cannot be delayed due to the "100 day rule" in the Administrative Procedure Act.

### **PROCEDURAL SUMMARY**

At its September 17, 2015, meeting, the Board of Administration requested a Full Board Hearing in connection with the appeal of Respondent Bruce Malkenhorst, Sr. The Board of Administration considered the Proposed Decision of the Administrative Law Judge (ALJ) and concluded not to adopt it, but instead to decide the matter itself on the record after affording the parties the opportunity for further argument.

On November 18, 2015, the Board conducted a Full Board Hearing on this matter. Counsel for Mr. Malkenhorst and CalPERS were present and presented oral argument. After considering the entire record, as well as oral argument, the Board voted to deny Mr. Malkenhorst's appeal in full.

### **BOARD'S RESOLUTION**

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System adopts Attachment B as the Final Decision of the Board concerning the appeal of Bruce Malkenhorst, Sr.; RESOLVED FURTHER that this Final Decision shall be effective immediately upon the Board's adoption.

**ATTACHMENTS**

Attachment A: Track Changes – Final Decision  
Attachment B: Final Decision

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Deputy Executive Officer  
Customer Services and Support