



## Board of Administration Agenda Item 10

March 16, 2016

**ITEM NAME:** Full Board Hearing Final Decision – In the Matter of the Calculation of Final Compensation of TIMOTHY BACON, Respondent, DARRYL HURT, Respondent, and CITY OF RIVERSIDE, Respondent.

**PROGRAM:** Employer Account Management Division

**ITEM TYPE:** Action

**ACTION REQUIRED:** Adopt Final Decision

This matter came before the Board for a Full Board Hearing on February 18, 2016. At that time, the Board determined to adopt its own decision in the matter. Pursuant to the Board's decision, staff prepared the Final Decision (see Attachment C). The track changes version of the Final Decision is included with this agenda item (see Attachment B). 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 December 16, 2015, meeting, the Board of Administration requested a Full Board Hearing in connection with the appeals of respondents Timothy Bacon and Darryl Hurt. The Board of Administration considered the Proposed Decisions of the Administrative Law Judge 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 February 18, 2016, the Board conducted a Full Board Hearing on this matter. Counsel for respondents Timothy Bacon, Darryl Hurt, the City of Riverside and CalPERS were present and presented oral argument. After considering the entire record as well as oral argument, the Board voted to deny respondents Timothy Bacon's and Darryl Hurt's appeals 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 application appeals of respondents Timothy Bacon and Darryl Hurt; RESOLVED FURTHER that this Final Decision shall be effective immediately upon the Board's adoption.

## **ATTACHMENTS**

Attachment A: Original Proposed Decisions  
Attachment B: Track Changes – Final Decision  
Attachment C: Final Decision

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Deputy Executive Officer  
Customer Services and Support