	JRS E	hment G Exhibit 29 1 of 4	
	1 2 3 4	PAUL G. MAST (CA Bar No. 28390) Telephone:	
	5 6 7	Respondent	
	8 9 10	BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM	
	11 12 13 14 15 16	In the matter of the Amount of Proper) AGENCY CASE NO. 2010-0825 Benefits Payable to) OAH NO. 2015-030996 PAUL G. MAST, Judge, Ret.) NOTICE OF DEFENSE) Hearing Date: August 31, 2015) Hearing Location: Los Angeles, CA) Settlement Conf: None Scheduled	
	17 18 19 20 21 22	RESPONDENT PAUL G. MAST HEREBY: 1. DENIES BY WAY OF DEFENSE, each and every allegation in the Statement of Issues, unless otherwise admitted herein.	
	23 24 25 26 27	 2. Objects to the Statement of Issues upon the ground that it does not state acts or omissions upon which the agency may proceed. 3. Object to the form of the Statement of Issues on the ground that it is so indefinite or uncertain that the respondent cannot identify the transaction or prepare a defense. 	
•	28	defense. 1 EXHIBIT NOTICE OF DEFENSE	

Attachment G JRS Exhibit 29 Page 2 of 4

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4. Presents a new matter by way of "defense": That the Petitioner failed to pay Respondent retirement benefits pursuant to Government Code Section 75033.5 for the period from May 28, 1992 through May 27, 1995. Further, that Petitioner failed in its fiduciary duty to advise Respondent of his rights to retirement benefits for said period. Said right to retirement benefits include **vested** Cost of Living Adjustments as provided 5 for in that certain Settlement Agreement attached as Exhibit A to the Statement of Issues, as well as provided for in Olson v. Cory, I, (1980) 27 Cal.3d 532, 636 P.2 532. Further, said unpaid retirement benefits bear interest at 10% from the date each benefit payment was due, pursuant to Olson v. Cory, II (1982), 184 Cal. Rptr. 325, Code of Civil 9 Procedure, §§ 3287, 3289 compounded daily as provided by law.

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11 5. That Petitioner purports to file this Statement of Issues pursuant to an Appeal of a denial or miscalculation of retirement benefits, dated May 31, 2011, which said 13 Appeal was subsequent to a Determination Letter of Petitioner dated May 4, 2011, which was subsequent to a Claim presented by Respondent on September 1, 2010 (eight 15 months and 3 days earlier). Despite many requests by Respondent nothing was ever 16 done by Petitioner, no request for a hearing or any filing with the Office of 17 Administrative Hearings or any other action was taken after the Appeal was filed. 18 Respondent must state, however, that sometime in 2012, the attorney for Petitioner 19 asked Respondent if he wanted this matter set for hearing. Respondent stated that the 20 matter was old and needed a new claim started, however that if Respondent wanted to 21 pursue it, he would advise the attorney for Petitioner. Nothing further was done after 22 that telephone conversation]. That the Claim letter, the Determination Letter, and the 23 Appeal are old and outdated, and should not proceed at this time.

6. That other than an analysis of the computation of retirement benefits and interest due to Respondent, nothing further in the Statement of Issues is properly before this tribunal.

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NOTICE OF DEFENSE

Attachment G JRS Exhibit 29 Page 3 of 4

7. The case before the Office of Administrative Hearings in 1995 and 1996
 resulted in a Settlement Agreement attached as Exhibit A to the Statement of Issues.
 Respondent specifically denies that he at any time violated the non-disclosure statement
 in said Settlement Agreement. Respondent must point out, even though Respondent did
 not realize it at the time, that as a fiduciary pursuant to Article 16, Section 17 of the
 California Constitution, Petitioner was precluded from insisting upon or entering into
 any such non-disclosure agreement, thus rendering said statement moot.

8. Respondent admits the provisions of Paragraph 2 of the Statement of Issues, except that the date he became a member of JRS should read November 5, 1965. Respectfully,

March 29, 2015

Paul G	Mast
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Paul G. Mast

NOTICE OF DEFENSE

	Attachment G JRS Exhibit 29					
	Page	4 of 4				
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		Filed OAH				
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	1	PROOF OF SERVICE				
	2	In the matter of the Amount of Proper Benefits Payable to Paul G. Mast I am a resident of the State of California, over the age of eighteen years, not a party to				
	3	this proceeding. My residence address is Marci Mast, see a set of the set of				
	4	On March 29, 2015, I served the following document(s) by the method indicated below:				
	5	NOTICE OF DEFENSE				
	7	by e-mailing the document(s) listed above				
	8	Jeff Rieger Harvey L. Leiderman, Esq.				
	9	Reed Smith LLP				
	10	"Rieger, Jeffrey R." <jrieger@reedsmith.com></jrieger@reedsmith.com>				
	11	I declare under penalty of perjury under the laws of the State of California that the				
	12	above is true and correct. Executed on March 29, 2015 at Irvine, CA.				
	13					
	14	Marci G Mast Marci Mast				
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		NOTICE OF DEFENSE				