

BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Recalculation of Benefits
of:

PAUL G. MAST,

Respondent.

Case No. 2010-0825

OAH No. 2015030996

**TELEPHONIC TRIAL SETTING
CONFERENCE ORDER**

A telephonic trial setting conference in the matter entitled above was held on May 20, 2016, before Susan L. Formaker, Presiding Administrative Law Judge, Office of Administrative Hearings, at Los Angeles, California. The trial setting conference was held in lieu of a prehearing conference, which had been requested by petitioner.

The following appearances were made: Jeffrey R. Rieger, Attorney at Law, for petitioner; respondent Paul G. Mast represented himself.

The following order is issued:

1. **ISSUE ON REMAND.** On May 9, 2016, Marguerite Seabourn, Assistant Chief Counsel for the California Public Employees' Retirement System (CalPERS), notified the Office of Administrative Hearings in writing that the CalPERS Board of Administration had not adopted the Proposed Decision issued by Administrative Law Judge Julie Cabos-Owen on February 10, 2016, and had requested that the Administrative Law Judge receive and consider additional evidence regarding the issue of whether staff may recover or recoup any overpayments that may have been made to the member. During the telephonic trial setting conference, the parties agreed that the proposed decision had been rejected and this matter had been remanded by the Board of Administration for the California Public Employees' Retirement System to the Office of Administrative Hearings for the taking of additional evidence and argument regarding the following issue: Whether the agency may recover or recoup any overpayments that may have been made to respondent, and if so, how much may be recovered or recouped.

2. **LODGING OF RECORD.** By no later than June 3, 2016, and pursuant to Government Code section 11517, subdivision (c)(2)(D), and California Code of Regulations, title 1, section 1050, subdivision (a), petitioner shall lodge the record in this matter, including the transcript of the previous administrative hearing held on November 30, 2015, all exhibits identified and/or received into evidence, and any other papers that are a part of the record,

with the Office of Administrative Hearings, 320 West 4th Street, Suite 630, Los Angeles, California. During the telephonic trial setting conference, the parties agreed that petitioner would provide respondent with a copy of the transcript from the hearing and serve a copy of the letter accompanying the materials that will be lodged with the Office of Administrative Hearings. The letter will identify the materials being lodged.

3. BRIEFING OF ISSUE ON REMAND. By **no later than June 10, 2016**, petitioner shall file and serve a brief regarding the issue on remand, along with the documentary evidence petitioner intends to introduce on remand and a statement as to whether petitioner intends to introduce testimony on remand. The brief shall be limited to 25 pages, not including copies of documentary evidence or other exhibits. By **no later than July 12, 2016**, respondent shall file and serve his brief regarding the issue on remand, along with the documentary evidence respondent intends to introduce on remand and a statement as to whether respondent intends to introduce testimony on remand. The brief shall be limited to 25 pages, not including copies of documentary evidence or other exhibits.

4. TELEPHONIC STATUS CONFERENCE. A telephonic status conference will be held before an Administrative Law Judge with the Office of Administrative Hearings on **July 15, 2016, at 11:00 a.m.** Petitioner's counsel shall initiate the telephonic status conference call by calling the Office of Administrative Hearings at (213) 576-7200. The purpose of the telephonic status conference will be to discuss whether a hearing on remand will be necessary, whether the parties have been able to stipulate to any factual matters, whether further briefing is necessary, and any other matters that may promote an orderly and expeditious consideration of this matter on remand.

5. HEARING. The hearing in this case will commence at **1:30 p.m. on August 19, 2016**, at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California. If they have not already done so, the parties shall immediately notify all potential witnesses of the hearing dates in order to assure that the witnesses will be available to appear on the current hearing date. A witness will not be regarded as unavailable for the purpose of a continuance of the hearing if a party has failed to notify the witness of the hearing date promptly.

6. The agency must comply in all other respects with California Code of Regulations, title 1, section 1050, subdivision (a). If petitioner has not already done so, petitioner shall promptly serve on respondent a copy of the remand package filed with the Office of Administrative Hearings on May 9, 2016.

7. No later than 10 days from the date of this order, the agency shall serve its notice of hearing on remand on all other parties. A copy shall be filed with the calendar clerk at the Office of Administrative Hearings.

8. All documents may be filed with OAH's Los Angeles office electronically at LAXFilings@dgs.ca.gov. When filing a document electronically, please do not file a hard copy of the same document by any other means, such as personal delivery or mail. Before

filing any document electronically, review OAH's electronic filing and naming guidelines on the OAH website at www.dgs.ca.gov/oah. To ensure that OAH will accept an electronic filing, the filing must comply with the guidelines.

9. An administrative law judge may impose sanctions and/or certify the record for contempt, if a party fails to comply with the requirements of any order or any other law applicable to this proceeding. (See Gov. Code, §§ 11455.10-11455.30.)

10. Proceedings before the Office of Administrative Hearings may be governed by the Administrative Procedure Act (Gov. Code, §§ 11370-11529) and regulations relating to general APA hearing procedures (Cal. Code Regs., tit. 1, §§ 1000-1050). Parties to proceedings before the Office of Administrative Hearings should refer to these statutes and regulations for applicable procedures and requirements.

DATED: May 20, 2016

DocuSigned by:
Susan Formaker
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SUSAN L. FORMKAER
Presiding Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE

Case Name: Mast, Paul G.

OAH No.: 2015030996

I, Yolanda Parker, declare as follows: I am over 18 years of age and am not a party to this action. I am employed by the Office of Administrative Hearings. My business address is 320 West Fourth Street, Suite 630, Los Angeles, CA 90013. On May 23, 2016, I served a copy of the following document(s) in the action entitled above:

TELEPHONIC TRIAL SETTING CONFERENCE ORDER

to each of the person(s) named below at the addresses listed after each name by the following method(s):

Paul Mast

[REDACTED]
[REDACTED]

Via U. S. Mail


Marguerite Seabourn, Assistant Chief Counsel
CalPERS , Legal Office
P.O. Box 942707
Sacramento, Ca 94229-2707
Via Fax 916-795-3659

Jeffrey R. Rieger, Attorney at Law
Reed Smith LLP
101 Second Street, 18th Fl., Suite 1800
San Francisco, CA 94105-3659
Via Fax 415-391-8269

☒ **United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above, and placed the envelope or package for collection and mailing, in accordance with the Office of Administrative Hearings' ordinary business practices, in Los Angeles, California. I am readily familiar with the Office of Administrative Hearings' practice for collecting and processing documents for mailing. Correspondences are deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid. [☐ by certified mail].

☒ **Fax Transmission.** Based upon agreement of the parties to accept service by fax transmission, I personally transmitted the above-described document(s) to the person(s) at the fax number(s) listed above, from fax machine number (916) 376-6324, pursuant to Government Code section 11440.20 and California Code of Regulations, title 1, section 1008, subdivision (d).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Los Angeles, California on May 23, 2016.

DocuSigned by:

0009E445483841R

Yolanda Parker, Declarant