

ATTACHMENT C

RESPONDENT'S ARGUMENT

Lisa Frantz

Lisa I. Frantz
 Agency Case Number:
 2022-0563
 Office of Administrative Hearing Number:
 2023020206



I have included documents to substantiate the listed CalPERS failures in their Fiduciary Duty, and while the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents MUST be considered in their ENTIRETY for a COMPLETE understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of CalPERS FAILING in their Fiduciary Duty by limiting a pensioner's/survivor's ONLY opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including ALL the FACTS of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING Government Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as Of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED] Les and Lisa were married at the time of Les' passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burned-of-proof has been met for the above condition (1), which requires the domestic



partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were **NOT** legally able to register their Domestic Partnership with the state, but they were subsequently **MARRIED!!!** Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS

FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the PROPERTY OF THE PENSIONERS, NOT CalPERS, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

During the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of



Lisa Frantz

the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.



MATTHEW G. JACOBS, GENERAL COUNSEL
MEHRON ASSADI, ATTORNEY, SBN 328486
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Lincoln Plaza North, 400 "Q" Street, Sacramento, CA 95811
P. O. Box 942707, Sacramento, CA 94229-2707
Telephone: (916) 795-3675
Facsimile: (916) 795-3659
Email: Mehron.Assadi@calpers.ca.gov
Attorneys for California Public Employees' Retirement System

BOARD OF ADMINISTRATION

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Appeal of Post-Retirement Survivor Allowance Payable Upon the Death of Leslie H. Zoeller, by) AGENCY CASE NO. 2022-0563
)
) OAH NO. 2023020206
)
LISA I. FRANTZ,) CALPERS' CLOSING BRIEF
)
Respondent.)
) Hearing Date: March 6, 2025
) Hearing Location: Los Angeles, Remote
)
)
)
)
)
)

Table of Contents

I. Introduction and Issue	1
II. Parties	1
III. Burden of Proof	1
IV. Statement of Facts	2
V. CalPERS' Determination is Correct	2
A. The Domestic Partnership at Issue Was Not Registered Until Long After Decedent Began Retirement	3
B. Decedent and Respondent Would Not Have Qualified to Be Registered as Domestic Partners Prior to Decedent's Retirement	4
C. CalPERS Did Not "Violate its own Procedures" by Refusing to Give Respondent a Blank Affidavit of Domestic Partnership for Survivor Continuance Form	4
D. Respondent's Argument that She is a Putative Spouse is Irrelevant	5
VI. Respondent's Arguments are Improperly Raised in This Forum	6
A. The Office of Administrative Hearings ("OAH") Lacks the Authority to Find Any Law Unconstitutional	7
B. Respondent Has Already Lost This Argument in Both Probate and Family Law Court	8
C. Only the Secretary of State Can Give Respondent the Relief She Seeks	10
VII. Why Official Notice Should Be Taken of CalPERS Exhibit Number 27	11
VIII. Conclusion	12

1 **I. INTRODUCTION AND ISSUE**

2 This appeal is limited to the issue of whether Respondent is eligible for the Post-retirement
3 Survivor Allowance ("PRSA") benefit as Decedent's surviving domestic partner.

4 **II. PARTIES**

5 Leslie Zoeller ("Decedent") was formerly employed by the City of Gardena and the City of
6 Beverly Hills as a Police Officer. By virtue of his employment Decedent was a local safety member
7 of CalPERS. On May 18, 2009, Decedent and Lisa Frantz ("Respondent") filed a Statement of
8 Domestic Partnership with the County of Los Angeles. On [REDACTED], they married.

9 CalPERS is the government agency charged with administering the PERL. CalPERS is an
10 entity created wholly by statutes codified in the PERL, which grant CalPERS certain powers.
11 CalPERS has no authority other than that granted by statute. It has the authority to pay benefits to a
12 member only when the statutes authorize it, and then only in the amount authorized. (*Hudson v.*
13 *Posey* (1967) 255 Cal.App.2d 89).

14 **III. BURDEN OF PROOF**

15 CalPERS denied Respondent's application for the PRSA benefit because she was ineligible
16 to receive it. Respondent appealed. Once CalPERS notified Respondent that her application was
17 denied, the burden shifted to Respondent as the applicant seeking benefits to establish that she is
18 entitled to the PRSA benefit by a preponderance of the evidence. (Evid. Code §664).

19 In *McCoy v. Board of Retirement*, the court of appeal considered the issue of burden of
20 proof in an administrative hearing concerning retirement benefits and found as follows:

21 As in ordinary civil actions, the party asserting the affirmative at an
22 administrative hearing has the burden of proof, including both the
23 initial burden of going forward and the burden of persuasion by a
preponderance of the evidence,

24 ((1986) 183 Cal. App. 3d 1044, 1051).

25 In the absence of a statutory provision to the contrary, the applicant for a benefit has the
26 burden of proof as the moving party to establish a right to the claimed entitlement or benefit, and
27 that burden is unaffected by the general rule that pension statutes are to be liberally construed.
28 (*Glover v. Board of Retirement* (1989) 214 Cal. App. 3d 1327, 1332). For all the foregoing reasons,

Respondent has the burden of proof, and the standard is preponderance of the evidence. (*McCoy, supra* at p. 1051).

2002...2004 is NOT ACCURATE...see EXHIBIT A Section V.

IV. STATEMENT OF FACTS

Decedent was employed by the City of Gardena as a Police Officer from March 19, 1973, to January 4, 2004. On his application for service retirement (SR). He designated Respondent as his allowance, and he listed her as his surviving spouse. Respondent registered partnership at the time Decedent applied for service retirement.

On May 18, 2009, Decedent and Respondent applied to the Registrar – Recorder/County Clerk's Office of the Angeles County Code Chapter 2.210. (Exh. 18).

On [REDACTED] Decedent and Respondent registered partnership.

On [REDACTED], Decedent passed away.

On August 29, 2021, Respondent submitted an application for Survivor Benefits. (Exh. 3). On this application, Respondent

acknowledged that the date of marriage was [REDACTED]. CalPERS reviewed

Respondent's application and determined that Respondent was eligible for some benefits, including an ongoing [REDACTED] [REDACTED] is NOT ACCURATE...Les died on this date see EXHIBITS B and C, as well as above.

benefit because Respondent was not married to Decedent at least one year prior to Decedent's

retirement. On May 6, 2022, CalPERS notified Respondent of its determination and advised her of her appeal rights. (Exh. 6). On May 23, 2022, Respondent appealed. (Exh. 7).

V. CALPERS' DETERMINATION IS CORRECT

Eligibility for the PRSA is governed in part by California Government Code section 21626.5, which states:

(a) For purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if either:

(1) The domestic partnership was registered for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

(2) The member retired prior to January 1, 2006, and **both the member and his or her domestic partner, who currently are in a state-registered domestic partnership**, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, **the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.**

they were Married, which is, at least, equal to a DP

(emphasis added). Respondent cannot meet the requirements of either section.

CalPERS' determination that Decedent is not entitled to receive the PRSA benefit pursuant to Gov. Code **4 January 2002...November 2, 2001 is NOT ACCURATE...this is the date that Les submitted his Service Retirement documents see EXHIBIT A Section V.**

A. Government Code section 21626.5(a)(1) requires that the domestic partnership at issue be registered for one year prior to Decedent's service-retirement date. This requirement is not met. Decedent service retired on **November 2, 2001**. The parties filed their Statement of Domestic Partnership with the County of Los Angeles on May 18, 2009.

B. Decedent and Respondent would not have qualified to be registered as domestic partners during the relevant time period, which is at least one year prior to Decedent's service-retirement date. This is because until 2020, there was an age requirement for entering into a state-registered domestic partnership.

C. CalPERS did not "violate its own procedures" as Respondent claims, by refusing to provide her with a blank Affidavit of Domestic Partnership for Survivor Continuance form.

FALSE STATEMENT...CalPERS was made aware in the 12 January 2022 letter (attached), of the fact they they were not legally able to register their DP, and they married [REDACTED]...this was five months prior to the CalPERS' 6 May 2022 denial letter, yet CalPERS refused to offer the Affidavit when requested. Lisa met the requirements for the Affidavit. This is an egregious failure in Fiduciary Duty. see EXHIBITS D and Q.

A. **The Domestic Partnership**
began Ret

disputed

The following facts are undisputed: Decedent service retired in **2001**. The parties filed their Statement of Domestic Partnership with the County of Los Angeles in **2009**. Government Code section 21626.5(a)(1) specifies that the domestic partnership must be registered for one year prior to the member's service retirement date. **4 January 2002...2001 is NOT ACCURATE see EXHIBIT A Section V.**
Respondent **, Effective as of: January 1998 per the original DP EXHIBIT E, or 19 November 1999 per the amended DP EXHIBIT BB, which was one year, one month and 15 days prior to Les' retirement date of 4 January 2002. EXHIBIT A Section V.**

1 cannot be treated as a surviving spouse for purposes of being eligible for the PRSA benefit.
2 Respondent's appeal should be denied.

3 **B. Decedent and Respondent Would Not Have Qualified to Be Registered as Domestic**
4 **Partners Prior to Decedent's Retirement**

5 It is ^{disputed}undisputed that at the time of Decedent's retirement in 2001, there was an age
6 requirement for entering into a domestic partnership registered with the California Secretary of
7 State which required at least one person to be over ^{4 January 2002...2001 is NOT ACCURATE}41 years of age (see EXHIBIT A Section V.
8 1999, ch. 588 (A.B. 26) § 2, eff. Jan. 1, 2000). This restriction remained in effect until the law was
9 changed by the legislature in 2020. (Family Code § 297). It is undisputed that when Decedent
10 began SR, he was 50 years old, and Respondent was 40 years old. Both parties were therefore too
11 young to qualify for a registered domestic partnership with the California Secretary of State before
12 Respondent began SR.

13 Domestic partnership as the term is used in Government Code section 21626.5 requires that
14 the domestic partnership be registered with the California Secretary of State, pursuant to Family
15 Code section 297(b). As the age requirement for entering into a state-registered domestic
16 partnership was in place at the time of Decedent's retirement, this requirement could not possibly be
17 met.

18 **C. CalPERS Did Not "Violate its own Procedures" by Refusing to Give Respondent a**
19 **Blank Affidavit of Domestic Partnership for Survivor Continuance Form**

20 CalPERS' witness, Ms. Shayne Day-Bolar, carefully explained CalPERS' procedures for
21 determining who should be sent a blank Affidavit of Domestic Partnership for Survivor
22 Continuance form pursuant to section 21626.5(a)(2). As the code clearly explains, the only people
23 an Affidavit applies to are those in a situation where both (1) the member retired prior to
24 January 1, 2006, and (2) the member and their domestic partner are "currently in a state-registered
25 domestic partnership." If they are not currently in a state-registered domestic partnership, the
26 Affidavit does not apply. ^{They were MARRIED, which is, at least, equal to a DP}

1 As Ms. Day-Bolar explained, part of CalPERS' review upon receipt of a request for the
2 Affidavit is to inquire as to whether the parties were in a state-registered domestic partnership.
3 Here, they were not, so the Affidavit was not sent to Respondent despite her request.

4 **D. Respondent**

5 CalPERS

6 and then only in

7 contends that she

8 specifically governs

9 spouses. Absent

10 the PRSA benefit

They were MARRIED for three years, eight months and four days at the time of Les' death. see EXHIBITS B and C.

Day-Bolar is not qualified to make determinations as evidenced by her lack of discerning that marriage is, at least, equal to a DP. Day-Bolar actually testified that she, when interpreting 21626.5 a, considers domestic partnerships are equal to marriage, yet she did not apply the same standard for this review.

This is another egregious example of CalPERS' failure in their Fiduciary Duty by NOT having qualified employees in positions of decision making, or in making legal interpretations. see EXHIBIT D.

11 To do as Respondent requests would enlarge CalPERS' authority beyond what has been

12 granted by the Legislature. CalPERS may pay Respondent only that which it is statutorily

13 authorized to pay. The CalPERS Board has a fiduciary duty of trustee to its trust fund and all

14 beneficiaries. CalPERS cannot expand that authority without legislative mandate. To grant

15 Respondent's request would be to grant CalPERS powers that were not ceded to it by the

16 Legislature. The grant of power was to administer a plan based upon specific statutory retirement

17 criteria. To find Respondent eligible to receive the PRSA would be to allow CalPERS to

18 unilaterally alter the statutory criteria without the benefit of enabling statutory authorization. That

19 is the task of the Legislature, not the Board.

20 Respondent claims that CalPERS is somehow violating Family Law section 2251 by not

21 both recognizing her as a putative spouse and for not giving her the PRSA benefit because of that

22 determination. Section 2251 governs the status of putative spouses with respect to the division of

23 community or quasi-community property, and only in the context of a marriage that has been

24 deemed void or voidable. (Family Code section 2251 ["If a determination is made that a marriage is

25 void or voidable and the court finds that either party or both parties believed in good faith that the

26 marriage was valid, the court shall: (1) Declare the party or parties, who believed in good faith that

27 the marriage was valid, to have the status of a putative spouse."]) Here, no court has ever found

28 that the marriage between Respondent and Decedent was void or voidable, and no court has found

1 that there was ever a good faith belief by either Respondent or Decedent that they were married
2 before the date of their legal marriage in on [REDACTED]. In fact, during the hearing,
3 Respondent testified that she did not believe she was legally married to Decedent until

4 [REDACTED].

5 **VI. RESPONDENT'S ARGUMENTS ARE IMPROPERLY RAISED IN THIS FORUM**

6 Undaunted, Respondent brings a novel constitutional law argument. Respondent is claiming
7 that the California Secretary of State was legally obligated to accept an attempt the parties made
8 before his retirement regarding retroactively registering as domestic partners. Respondent claims
9 both that the age requirement in effect at the time was unconstitutional (Family Code, former § 297
10 Stats. 1999, ch. 588 (A.B. 26) § 2, eff. Jan. 1, 2000), and that the Secretary of State is obligated to
11 retroactively accept and register a domestic partnership which was in effect since the year 2000.
12 Bootstrapping on those statements, Respondent argues because the Secretary of State is improperly
13 refusing to register a retroactively dated domestic partnership, CalPERS has a fiduciary duty to

14 grant Respondent the PRSA benefit. She is wrong.

15 She attempts to use the *Obergefell* case to support her argument.

16 Brief, Master B204 ["The County of Los Angeles petitioned the court to

17 register their Domestic Partnership in 2009 and in 2010, and the court

18 all states which prohibited opposite sex Domestic Partnerships.

19 United States Constitutional laws and outlawed all such laws.

20 Court also determined that the unconstitutionality of the laws was

21 retroactive to the date of formation of the Domestic Partnerships.

22 Ct. 2584 (2015)]"). However, she includes no specific legal authority.

23 *Obergefell* does not say what Respondent claims it says and does not make a single reference to

24 domestic partnerships. (See generally, *Obergefell v. Hodges* (2015) 576 U.S. 644).

25 *Obergefell v. Hodges* is NOT relevant to this case...that argument is for the Secretary of
26 State to retroactively register DP's, and CalPERS was NOT a party to the case
27 (reference the attached 2 May 2025 email of CalPERS' acknowledgement of not being
28 a party); therefore, VI A, B and C are irrelevant arguments.

constitutional law arguments may not be considered in an administrative law hearing. Second, (B)

there is a clear *res judicata* issue, as Respondent has already attempted to force the Secretary of

1 State to accept the retroactively dated domestic partnership in both probate court and family law
2 court and failed in both forums. Third, (C) only the California Secretary of State has the statutory
3 authority to register a domestic partnership, so insofar as Respondent is demanding CalPERS
4 recognize the existence of a non-existent state-registered domestic partnership, CalPERS does not
5 have the statutory authority to do so.

6 **A. The Office of Administrative Hearings ("OAH") Lacks the Authority to Find Any Law**

7 **Unconstitutional**

8 Interesting that Mehron added this explanation of Administrative Hearings limited
9 or authority, in light of the fact that on 20 February 2025, the United States Department
10 A Of Justice, Solicitor General, officially declared; Administrative Courts are
11 au unconstitutional and unlawful, and their days are numbered. The DOJ will no longer
12 defend these for-profit tribunals masquerading as courts of law (see attached
13 2025.02.20 letter from the DOJ). The letter specifically addresses the ALJ's having
14 their protections from removal removed.

15 Also, Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take
16 your property, children, or freedom without a jury trial.

17 We are NOT asking this Administrative Court to make a constitutional ruling, rather
18 ex we are asking this Administrative Court to uphold the Family Code as written, NOT
19 as "interpreted" by CalPERS non-attorney bureaucrats.

20 Of particular note: The United States Supreme Court, in their 28 June 2024 ruling of
21 the Loper Bright Enterprises v. Raimondo, 603 U.S. 369 (2024) 22-451, and 28 June
22 2024 Relentless, Inc. v. Department of Commerce, 22-1219 (overruling of the
23 Chevron Deference case), removed the powers of bureaucratic agencies to
24 "interpret" law, nor create law and regulations. ONLY the Legislative Branch of
25 government can create laws and regulations, and in many cases, interpret their laws
26 for clarity. ONLY the Judicial Branch of government can interpret law. The Executive
27 Branch and it's governmental and non-governmental agencies may not create laws
28 and regulations.

29 The Administrative Courts are within the Executive Branch, NOT the Judicial Branch
30 of government; therefore, Administrative Courts are akin to "asking the fox to watch
31 the hen house".

32 CalPERS making claimants go through a constitutionally questionable, for-profit
33 Administrative Hearing process, which is NOT Binding on the CalPERS Board, is yet
34 another example of CalPERS' failure in their Fiduciary Duty to the claimants. see
35 EXHIBIT D.

36 ///

1 **B. Respondent Has Already Lost This Argument in Both Probate and Family Law Court**

2 Respondent already lost these arguments in probate court in Los Angeles County,
3 demanding that a court order be issued requiring the California Secretary of State to allow for a
4 retroactively dated domestic partnership between her and Decedent. The probate court denied her
5 arguments:

6 Petitioner contends that developments in the law since 2000 have
7 shown that California's statutory age restriction on domestic
8 partnerships for opposite sex couples was unconstitutional. She
9 contends that this court therefore not only can but must deem her a
10 registered domestic partner of decedent effective January 1, 1998,
11 when she contends that began [sic] living together – which is two years
 prior to when California even started to allow registration of domestic
 partnerships -- or at the latest January 3, 2001, a year prior to decedent's
 retirement date.

12 (Exhibit 26, Master A167). The probate court carefully explained why Respondent's arguments
13 were meritless:

14 At the heart of petitioner's July 16, 2024, supplemental brief as well as
15 the underlying petition is what appears to be either a misunderstanding
16 or a mischaracterization of the decision of the U.S. Supreme Court in
17 *Obergefell v. Hodges*, 576 U.S. 644 (2015). In the July 16, 2024,
18 supplemental brief, petitioner contends that *Holguin* "is simply no
19 longer good law" because, "in June, 2015 the United State Supreme
20 Court made its ruling that Domestic Partnerships among opposite-sex
21 couples must be permitted in every state, and must be permitted
22 retroactively because any prior refusal to do so violated the Fourteenth
23 Amendment." **Petitioner generically cites *Obergefell* but provides**
24 **no pin cite, presumably because the Supreme Court held nothing**
25 **remotely like that in *Obergefell*.**

26 The U.S. Supreme Court in *Obergefell* recognized *marriage* equality
27 as the law of the land for all couples regardless of their genders, not
28 domestic partnership equality for all couples regardless of their ages.
 The notion that *Obergefell* created some constitutional right to
 retroactive registration of domestic partnerships in California, let
 alone nationwide as petitioner contends, finds no support on the
 face of *Obergefell* or in any other case petitioner has cited in
 support of her petition. Many U.S. states do not register domestic
 partnerships at all or give legal rights to domestic partners. [...]
 Petitioner's generic citation to *In re Marriage Cases*, 43 Cal.4th 757
 (2008) is likewise inapposite to the question presented by
 petitioner's petition, namely whether this court must or even can

1 **grant the relief petitioner seeks: a court-effected retroactive**
2 **registration of a domestic partnership.**

3 The fact that the California Legislature eliminated the age restriction
4 on registration of domestic partnerships for opposite sex couples after
5 decedent retired does not, in this court's view, amount to some sort of
6 concession by the State that the prior age restriction was
7 unconstitutional.

8 [...]

9 This court is similarly unconvinced that the prior age restriction on
10 registration of opposite sex domestic partnerships and its implications
11 under CALPERS's requirements for eligibility for a survivor's
12 continuance amount to a violation of petitioner's constitutional rights.
13 Petitioner has downplayed throughout these proceedings the
14 significance of what she is asking this court to do [...]

15 (Exhibit 26, Master A168-69, emphasis added).

16 Undeterred, Respondent made the same argument again, but this time in family law court in
17 Los Angeles County, where again her Request for Orders establishing a domestic partnership was
18 denied. (Verified Request for Orders to Establish a Domestic Partnership, Exh. 27, Master A154-
19 A158; Order, Exh. 27, Master A160 ["After reviewing the court file and considering the
20 evidence/arguments presented, the Court adopts its tentative ruling as the order of the Court as
21 follows: Petitioner's request for order filed on September 12, 2023 is denied, without prejudice"];
22 Notice of Ruling on Request for Orders to Establish a Domestic Partnership, Exh. 27, Master A162-
23 A163). Respondent is appealing the probate court decision, and Respondent's Opening Brief for
24 that appeal is due April 30, 2025. Counsel for Respondent has confirmed that Respondent is not
25 appealing the family law court's decision.

26 Res judicata (issue preclusion) prevents parties from reasserting the same claim or issue
27 after a final judgment on the merits has been rendered by a court of competent jurisdiction.
28 (*Mycogen Corp. v. Monsanto Co.* (2002) 28 Cal.4th 888, 896-97). The California Supreme Court
clearly explains how issue preclusion applies:

Issue preclusion prohibits the relitigation of issues argued and decided
in a previous case, even if the second suit raises different causes of
action. (*Mycogen, supra*, 28 Cal.4th at p. 896, 123 Cal.Rptr.2d 432, 51
P.3d 297.) Under issue preclusion, the prior judgment conclusively

1 resolves an issue actually litigated and determined in the first action.
2 (*Boeken, supra*, 48 Cal.4th at p. 797, 108 Cal.Rptr.3d 806, 230 P.3d
3 342.) There is a limit to the reach of issue preclusion, however. In
4 accordance with due process, it can be asserted only against a party to
5 the first lawsuit, or one in privity with a party. (*Bernhard v. Bank of
America, supra*, 19 Cal.2d at p. 812, 122 P.2d 892.)

6 Issue preclusion differs from claim preclusion in two ways. First, issue
7 preclusion does not bar entire causes of action. Instead, it prevents
8 relitigation of previously decided issues. **Second, unlike claim
preclusion, issue preclusion can be raised by one who was not a
party or privy in the first suit.** *Vandenberg v. Superior Court* (1999)
9 21 Cal.4th 815, 828, 88 Cal.Rptr.2d 366, 982 P.2d 229.) “Only the party
10 *against whom* the doctrine is invoked must be bound by the prior
11 proceeding. [Citations.]” (*Ibid.*) In summary, issue preclusion applies:
12 (1) after final adjudication (2) of an identical issue (3) actually litigated
13 and necessarily decided in the first suit and (4) asserted against one who
14 was a party in the first suit or one in privity with that party. (*Lucido v.
Superior Court* (1990) 51 Cal.3d 335, 341, 272 Cal.Rptr. 767, 795 P.2d
15 1223; *Vandenberg*, at p. 828, 88 Cal.Rptr.2d 366, 982 P.2d 229;
16 *Teitelbaum Furs, supra*, 58 Cal.2d at p. 604, 25 Cal.Rptr. 559, 375 P.2d
17 439.)

18 (*DKN Holdings LLC v. Faerber* (2015) 61 Cal. 4th 813, 824-25
19 (2015), emphasis added).

20 Since Respondent already received a final judgment in Los Angeles family law court on an identical
21 issue and it is now being asserted against Respondent, issue preclusion applies.

22 **C. Only the Secretary of State Can Give Respondent the Relief She Seeks**

23 Respondent’s appeal for the PRSA benefit necessarily requires a finding that she was effectively
24 in a retroactively dated state-registered domestic partnership. Only the Secretary of State has
25 authority over such determinations. Family Code section 297 governs who is eligible to enter into a
26 domestic partnership, and states, “[a] domestic partnership shall be established in California when
27 both persons file a Declaration of Domestic Partnership with the Secretary of State pursuant to this
28 division.” (Family Code § 297(b)).

Clearly, this is not the forum to resolve what is fundamentally a dispute between Respondent and the Secretary of State. Respondent acknowledged this fact by seeking relief first from the Secretary of State to recognize a domestic partnership between herself and Decedent, second by seeking relief in probate court, and third by seeking relief in family law court. She has lost every time. Her appeal should be denied here too.

VII. WHY OFFICIAL NOTICE SHOULD BE TAKEN OF CALPERS EXHIBIT NUMBER 27

See the attached email, dated 2 May 2025, stating CalPERS' acknowledgement that they are not a party to the Superior Court cases; therefore, Mehron cannot enter the Superior Court cases in his Closing Brief.

The rulings made by both Courts were NOT based upon the MERITS of the case, rather the rulings were based upon the Court's jurisdictional authority to rule on the case. The case is now on appeal.

administrative law proceedings. It states in its entirety:

In reaching a decision official notice may be taken, either before or after submission of the case for decision, of any generally accepted technical or scientific matter within the agency's special field, and of **any fact which may be judicially noticed by the courts of this State.** Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the agency.

(Government Code section 11515, emphasis added).

In California, courts can take judicial notice of certain facts and records under Evidence Code sections 451 and 452. Evidence Code section 452(d) permits courts to take notice of "Records of (1) any court of this state or (2) any court of record of the United States or of any state of the United States." Each of the documents that CalPERS requests official notice be taken of are records from the Los Angeles Superior Court. Thus, official notice may be taken of them.

///
///
///

Both attorneys agreed, and the Judge stated, that the Closing Briefs would be limited to 10 (ten) pages.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VIII. CONCLUSION

This case presents the very straightforward issue of someone being ineligible for a survivor benefit due to timing. For all the foregoing reasons, CalPERS' determination should be upheld. Respondent's appeal should be denied.

Both attorneys agreed, and the Judge stated, that the Closing Briefs would be limited to 10 (ten) pages.

Date Mehron has not followed simple instructions. Mehron also failed to accurately note basic FACTS, such as critical dates and marital status at the time Les completed his service retirement documents (see the attached documents which show Lisa as Fiance or Friend). Mehron and Day-Bolar also failed to consistently acknowledge the equivalence of Domestic Partnerships to Marriage, and visa-versa.

Day-Bolar and Mehron also testified that Les stated he was married at the time of his retirement, and they attempted to enter into evidence a fabricated "screen shot" document (which was not admitted) to "prove" Les stated he was married at the time of his retirement, and therefore, was "paid too much" because he was paid as married rather than single. They attempted, under oath, to accuse Les of misrepresenting his marital status at the time of his retirement, and they implied that the benefit amount must be reduced. The attached retirement documents clearly show that Lisa was his fiance or friend, as well as the boxes "checked" NO for his marital status at his time of retirement. The estimated benefit to be paid, based upon his NOT being married at the time of his retirement, is within a few dollars of the actual benefit that Les was paid. This is borderline SLANDEROUS against Les and Lisa...CalPERS has the SAME documents that Lisa has...they KNOWINGLY, under oath, attempted to discredit Les and Lisa.

The lack-of-care Mehron demonstrates with his "typos" of facts, the slanderous testimony from Day-Bolar and Mehron regarding Les misrepresenting his marital status at the time of his retirement, as well as CalPERS' lack of understanding of the consequences and the limits placed upon bureaucratic interpretation of laws, by the Chverion Deference case are GLARING examples of CalPERS' EGREGIOUS FAILURE IN THEIR FIDUCIARY DUTY. see EXHIBIT D.

As Fiduciaries, CalPERS must, at a minimum, verify that everything testified to, and written is ACCURATE!!! As well as care enough about the case to submit a written Opening Brief prior to the hearing, as is customary with ANY court case. see EXHIBIT D.

PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is: California Public Employees' Retirement System, Lincoln Plaza North, 400 "Q" Street, Sacramento, CA 95811 (P.O. Box 942707, Sacramento, CA 94229-2707).

On April 3, 2025, I served the foregoing document described as:

CALPERS' CLOSING BRIEF - In the Matter of the Appeal of Post-Retirement Survivor Allowance Payable Upon the Death of Leslie H. Zoeller, by LISA I.

FRANTZ, Respondent. Case No. 2022-0563; OAH No. 2023020206.

on interested parties in this action by placing ___ the original XX a true copy thereof enclosed in sealed envelopes addressed and/or e-filed as follows:

Law Offices of Jeffrey A. Slott, APC
Jeffrey A. Slott
15760 Ventura Blvd., Suite 700
Encino, CA 91436
[jslott@aol.com](mailto:jslot@aol.com)

Office of Administrative Hearings
320 W. Fourth St., Ste. 630
Los Angeles, CA 90013

COURT

ATTORNEY FOR LISA FRANTZ

(Via OAH Secure e-File)

(Via e-mail)

Lisa I. Frantz



(Via e-mail)

- [**XX**] **BY ELECTRONIC TRANSMISSION:** I caused such document(s) to be sent to the addressee(es) at the electronic notification address(es) above. I did not receive within a reasonable time of transmission, any electronic message, or other indication that the transmission was unsuccessful.
- [**XX**] **BY ELECTRONIC FILING:** I caused such documents to be e-Filed via OAH SECURE e-FILE.

Executed on April 3, 2025, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Deb Jo Wooten
NAME


SIGNATURE



Service Retirement Election Application



Important: Mail or deliver your application to CalPERS no more than 90 days before your retirement date. Your effective retirement date cannot be earlier than the first of the month in which your application is received.

Section A - Member Information

Social Security Number	LESIE	H.	ZOELLER
	First Name	Middle Initial	Last Name
Mailing Address	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Date of Birth
City			Home Phone
State	ZIP	Work Phone	

Section B - Retirement Information

Retirement Date	01/04/2002	City of BEVERLY HILLS
		Employer
POLICE OFFICER ASSIGNED TO DETECTIVES		
Position Title (Do Not Abbreviate)		

Temporary Annuity - I elect to have my monthly allowance modified for life to provide for an additional Temporary Annuity allowance.

☐ Yes ☒ No

If yes, I elect to receive Temporary Annuity until age (59½ or whole age 60 to 68) _____ in the amount of \$ _____ .00 per month.

Final Compensation Period: _____ / ____ / ____
(If any period is higher than last 12 or 36 months.) From To

Other California Public Retirement Systems: ☐ Yes ☒ No If yes, complete the section below.

Name of System _____ Date of Retirement _____

Dates of Service Credited: _____ / ____ / ____
From To

Name: LESLIE H. ZOELLER

Social Security Number: [REDACTED]

Section C - Option Election

I elect the following retirement payment option (check only one).

☐ **Unmodified Allowance.** I understand this is the highest monthly allowance payable to me, with no benefits payable upon my death (except the Survivor Continuance Benefit, if applicable). There is no return of contributions.

☐ Option 1 ☐ Option 2 ☒ Option 2W ☐ Option 3 ☐ Option 3W

☐ **Option 4 (Please check one of the following)**

☐ Option 2W & Option 1 Combined

☐ Option 3W & Option 1 Combined

☐ Specific Dollar Amount to Beneficiary \$ _____.00 ☐ Specific Percentage to Beneficiary ____%

☐ Reduced Allowance for Fixed Period of Time _____ (% or \$ Amount) Through ____/____/____

Beneficiary Information

[REDACTED] LISA J. FRANZE ☐ Male ☒ Female
Beneficiary's Social Security Number Name

[REDACTED] FIANCEE
Date of Birth Relationship

[REDACTED]
Mailing Address City State ZIP

☐ Multiple Lifetime Beneficiaries (complete information below)

Social Security Number	Name	Date of Birth ____/____/____
Social Security Number	Name	Date of Birth ____/____/____
Social Security Number	Name	Date of Birth ____/____/____

I understand that my election is irrevocable and that by electing Option 2W, 3W, or 4, I forfeit my right to an increase in my allowance based on the conditions described in *A Guide to Completing Your CalPERS Service Retirement Election Application*.

Section D - Retired Death Benefit

Lump Sum Retired Death Benefit Beneficiary

[REDACTED] LISA J. FRANZE FIANCEE
Beneficiary's Social Security Number Name Relationship

[REDACTED]
Mailing Address City State ZIP

The person listed above will receive the Lump Sum Retired Death Benefit that is payable upon my death. I understand that I may change this beneficiary at any time and that any change in my marital status or the birth or adoption of a child automatically revokes this designation.

Name: LESLIE H. BOELLER Social Security Number: [REDACTED]

Section E - Survivor Continuance

Please answer all four questions and complete the information for each section answered "yes".

Are you currently married? ☐ Yes ☒ No Date of marriage: / /

Spouse's Social Security Number Name ☐ Male ☐ Female
Date of Birth / /

Do you have any natural or adopted unmarried children under 18? ☒ Yes ☐ No

Child's Social Security Number Full Name Date of Birth / /
Child's Social Security Number Full Name Date of Birth / /

Do you have any unmarried children who were disabled prior to their 18th birthday and are still disabled? ☐ Yes ☒ No

Child's Social Security Number Full Name Date of Birth / /
Child's Social Security Number Full Name Date of Birth / /

Are your parents dependent upon you for one-half of their support? ☐ Yes ☒ No

Parent's Social Security Number Full Name Date of Birth / /
Parent's Social Security Number Full Name Date of Birth / /

Section F - Employer Certification (to be completed by employer)

01/03/01 01/03/01
Employee's Last Day on Payroll Employee's Separation Date

Balance of Unused Sick Leave Days on Employee's Date of Separation (show as days) N/A
Balance of Educational Leave Days on Date of Separation (show as days) N/A

I hereby certify, under the penalty of perjury, that the above information is true, complete, and correct to the best of my knowledge.

Joyce Monts Benefits ADMIN 11/1/01
Employer Signature Position Title Date
Joyce Monts [REDACTED]
Printed Name Employer Phone Number

Name: LESLIE H. ZOELLER Social Security Number: [REDACTED]

Section G - Tax Withholding Election

Federal Tax Withholding Election (Please make one election only.)

- ☐ Do Not Withhold Federal Income Tax.
- ☐ Withhold Federal Income Tax in the amount of \$ _____ .00 (monthly).
- ☒ Withhold Federal Income Tax Based on the Tax Tables for:
- ☐ A Married Individual With _____ Tax Withholding Exemptions. (Enter 0 or a Number)
- ☒ A Single Individual With 5 Tax Withholding Exemptions. (Enter 0 or a Number)
- ☐ In addition to the amount withheld based on the Tax Tables, Withhold \$ _____ .00 (monthly).

State of California Tax Withholding Election (DE4P) (Please make one election only. This is optional for out-of-state residents.)

- ☐ Do Not Withhold State of California Income Tax.
- ☐ Withhold State of California Income Tax in the Amount of \$ _____ .00 (monthly).
- ☒ Withhold State of California Income Tax Based on the Tax Tables for:
- ☐ A Married Individual With _____ Tax Withholding Exemptions. (Enter 0 or a Number)
- ☒ A Single Individual With 4 Tax Withholding Exemptions. (Enter 0 or a Number)
- ☐ In Addition to the Amount Withheld Based on Tax Tables, Withhold \$ _____ .00 (monthly).
- ☐ Withhold State of California Income Tax in the Amount of 10 Percent of the Federal Income Tax Withholding Amount.

Section H - Member Signature & Notary

I hereby certify, under the penalty of perjury, that the information submitted hereon is true and correct to the best of my knowledge. I understand that to cancel this application I must notify CalPERS before the mailing of my first retirement allowance check.

☐ I am not married.

Leslie H. Zoeller
Member's Signature

11/03/2001
Date

Spouse's Signature

1/1
Date

State of _____

County of _____

On 10/2/01 before me, Leslie Zoeller, personally known to me or

☒ proven to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Notary Seal

Witness my hand and official seal OR authorized CalPERS representative signature.

[Signature]
Representative's Signature

BSH
Position Title

11/2/01
Date

457 DESIGNATION OF BENEFICIARY FORM

ICMA Retirement Corporation
Attn: Records Management Unit
P.O. Box 98150
Washington, DC 20090-8150



- Use this form to designate your beneficiary(ies) for your retirement account.
- Please complete a separate form for each employer plan account.

1 Participant Information	<p>30 3349 CITY OF BEVERLY HILLS CA</p> <p>Employer Plan Number _____ Employer Plan Name _____ State _____</p> <p>Social Security Number _____ Daytime Phone Number: _____</p> <p>Name of Participant _____</p> <p>Last _____ First _____ M.I. _____</p>
2 Beneficiary Designation	<p>Your designation of beneficiary (ies) tells us who should receive the accumulated value of your account if your death should occur before completing distribution of your account. If no primary beneficiary (ies) lives longer than you, benefits will be paid to your contingent beneficiary (ies). If none of your primary or contingent beneficiaries are living at the time of your death, the proceeds will be paid to your estate. If this form is not signed, the beneficiary (ies) designation you select will not be valid. If a valid form is not filed, benefits will be paid to your estate at the time of your death.</p> <p>PLEASE NOTE: If a Social Security number is not provided and RC cannot locate the named beneficiary, the account balance will be paid to your estate.</p> <p>Primary Beneficiary (ies)</p> <p>Name/Relationship: Lisa Brantz Brantz SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Contingent Beneficiary (ies)</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>Name/Relationship: _____ SSN: _____ Birthdate: _____ % of Benefit*: _____</p> <p>* Please use whole percentages</p> <p>Please write additional beneficiaries on a separate piece of paper and attach it with this form.</p>
3 Participant Authorization	<p>Participant's Signature: _____ Date: 12/19/06</p>

IMPORTANT-REMEMBER TO PRINT LEGIBLY IN BLACK OR BLUE INK

ICMA Retirement Corporation • Attn: Records Management Unit • P.O. Box 98150 • Washington, DC 20090-8150 • Toll Free 1-800-669-7400

PARTICIPANT COPY

457 Withdrawal Form—Payment Date Selection

ICMA Retirement Corporation
Attn: Records Management Unit
P.O. Box 98150
Washington, DC 20090-8150

VP

- Use this form to select your 457 withdrawal payment date only. If you wish to select both a payment date and payment schedule, you must also complete page 2.
- Complete and sign and submit to your employer.
- Once selected, the payment date CANNOT be changed unless your plan allows for a one-time postponement.

1 Employee Information & Payment Date Selection

All information
in this Box
Must be
Completed
to Avoid a
Delay in
Processing.

302347 CITY OF GLENVIEW HILLS CA
Employer Plan Number Employer Plan Name State

Social Security Number

Daytime Phone Number:

Name of Participant

ZOELLER

LESLIE

H

Last

First

M.I.

Date of Birth:

Last Day of Employment:

Beginning Distribution Payment Date

Month Day Year

01 03 2003

01 30 03

Month Day Year

Month Day Year

Month Year

☒ Check box if this is a new address

Permanent Address:

City

State

Zip Code

For state tax purposes, please declare your
intended residency state **IF DIFFERENT** from
the state noted under the permanent
address section:

(State)

Mailing Address for Payments (if different from permanent address)
NOTE: If scheduled installment payments are to be directly deposited to
your bank, attach a completed 457 Direct Deposit Authorization Form.

City

State

Zip

2 Request for Annuity Information

☐ Check here to receive more detailed information on the RC Income for Life Annuity Program.

3 Participant Authorization for page 1

As required by law and under penalty of perjury, I certify that the Social Security Number (Taxpayer Identification Number) I provided for myself is correct. By signing below, I verify that I have read the instructions at the top of this page.

Participant Signature:

Date

Submit your request to your employer for authorization prior to sending this form to ICMA-RC.

4 Employer Authorization For Employer's Use Only

Employer's Signature: Date

Name of Employer Authorized Official (Please Print):

Employer Authorized Official's Title:

Send payment to:

- ☐ Employee
- ☐ Employer
- ☐ Other Administrator
- ☐ Direct Deposit

IMPORTANT-REMEMBER TO PRINT LEGIBLY IN BLACK OR BLUE INK

ICMA Retirement Corporation • Attn: Records Management Unit • P.O. Box 98150 • Washington, DC 20090-8150 • Toll Free 1-800-669-7400

FRM570VP-017-199904

PARTICIPANT COPY

CHANGE FORM

VP

- Use this form to make changes to your RC account. Please print legibly in ink.
• Please check all appropriate boxes: ☐ Change of Name (must attach legal document) ☐ Change in Address
☐ Change in Beneficiary ☐ Change in Contribution Amount ☐ Change in Allocation of Future Contributions

1	Employer Plan Number	Employer Plan Name	State
	108316	CITY OF SEVERLY HILLS	CA
Information in this box must be completed	Social Security Number	Name of Participant	
	[REDACTED]	WELLS, LESLIE	M

2 Change in Personal Information	Sex	Home Phone Number	Date of Birth	Marital Status
	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="text"/>	Month Day Year	<input type="checkbox"/> Married <input type="checkbox"/> Single
Change in Work Information	New Mailing Address			
	<input type="text"/>			
	Street			
	<input type="text"/>			
	City	State	Zip Code	
	Job Title			
	Date Employed/Rehired	Rehired?	Work Phone Number	
	Month Day Year	<input type="checkbox"/> Check if yes	() -	
			Area Code	

3 Amount of Future Contributions	I authorize my employer to deduct a voluntary contribution of _____ % or \$ _____ from my pay per pay period.
	Voluntary deductions will change on _____. My current annual salary is \$ _____.
	<i>For Employer Use: The employer will contribute _____ % or \$ _____. The employee will contribute _____ % or \$ _____.</i>

4 Change in Allocation of Future Contributions	<p>Allocate in percentages among fund choices. Allocation percentages must total 100 percent. If the allocation total does not add up to 100 percent then the remainder will be allocated to the PLUS Fund. If no selection is given, your contribution will be allocated to the default fund selected by your employer. Use whole percentages (e.g., 50 percent, not 33 1/3 percent). Do not use fixed dollar amounts.</p> <p>Fill in the boxes at right with codes of the fund(s) you want to invest in. A list of funds and codes are on the back of the form.</p> <p>SEE BACK OF FORM OR INVESTMENT OPTIONS SHEET FOR FUND CODES</p>																																																																																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">EMPLOYER ACCOUNT</th> <th colspan="4" style="text-align: center;">EMPLOYEE ACCOUNT</th> </tr> <tr> <th style="width: 12.5%;">Code</th> <th style="width: 12.5%;">Percent</th> <th style="width: 12.5%;">Code</th> <th style="width: 12.5%;">Percent</th> <th style="width: 12.5%;">Code</th> <th style="width: 12.5%;">Percent</th> <th style="width: 12.5%;">Code</th> <th style="width: 12.5%;">Percent</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td colspan="4" style="text-align: right;">TOTAL = 100%</td> <td colspan="4" style="text-align: right;">TOTAL = 100%</td> </tr> </tbody> </table>	EMPLOYER ACCOUNT				EMPLOYEE ACCOUNT				Code	Percent	Code	Percent	Code	Percent	Code	Percent																																																									TOTAL = 100%				TOTAL = 100%			
EMPLOYER ACCOUNT				EMPLOYEE ACCOUNT																																																																													
Code	Percent	Code	Percent	Code	Percent	Code	Percent																																																																										
TOTAL = 100%				TOTAL = 100%																																																																													

State law, local law, or your employer may place restrictions on investment in these funds.

Name	Relationship to you	Social Security Number (if available)	% of benefit
Primary Beneficiaries:			
Lisa Frenette	Mother	[REDACTED]	
Contingent Beneficiaries, if any:			
[REDACTED]			

6 Authorized Signatures	<p>I acknowledge that I have received and read the current ICMA Retirement Trust's <i>Retirement Investment Guide</i> and the <i>Vantagepoint Prospectus</i>. If allocating by model portfolio, I acknowledge that I have read <i>Portfolios for Your Future</i>. I understand that the Retirement Corporation has established required procedures for telephone and Internet transfers that include personal identification numbers, passwords, recording of instructions, and written confirmations. If allowed by my employer and in the event I choose to transfer funds by telephone or Internet, I agree that neither the ICMA Retirement Trust, the ICMA Retirement Corporation, ICMA-RC Services, LLC, nor Vantagepoint Transfer Agents, LLC, will be liable for any loss, cost, or expense for acting upon any telephone or Internet instructions believed by it to be genuine and in accordance with the required procedures.</p>			
	<p><i>[Signature]</i></p> <p>Participant Signature</p>	<p>12/1/10</p> <p>Date</p>	<p></p> <p>Employer Signature (if required)</p>	<p></p> <p>Date</p>

INSTRUCTIONS

The 401 Employee Change Form enables you to change information in your qualified plan account. If employer approval is required, submit the completed form to ICMA-RC after obtaining your employer's signature. A confirmation of address changes and allocation changes will be mailed to you within 3 business days of execution. Review your confirmation and quarterly statement to confirm the accuracy of the changes. If you discover a discrepancy, contact our Customer Services staff at 1-800-669-7400 immediately. All discrepancies must be reported within 120 days following the end of the quarter. Failure to do so may result in the inability to adjust your account.

1. ESSENTIAL INFORMATION

Please complete this section carefully. The information must be completed in order to process your requested changes. If you are reporting a name change, please enter your new name into the "name of participant" line in Part 1, and attach a copy of one of the following: driver's license, Social Security card, marriage certificate or court order.

2. CHANGE IN PERSONAL AND WORK INFORMATION

Use this section to change the mailing address for your statements and other important account information.

3. AMOUNT OF FUTURE CONTRIBUTIONS

If allowed by your employer's plan, enter the total percentage or dollar amount that you wish to voluntarily contribute to your account (voluntary contributions are not tax deferred.) You have two methods by which to change your voluntary contributions. You can contribute a percentage or specific dollar amount of your compensation. A specific dollar amount of your compensation. Many use the percentage method because as your salary increases, the amount you contribute also increases. A dollar amount of your compensation means your contribution remains constant even as your salary increases. *To the employer: Please complete the employer contribution and mandatory or matching contribution area.*

4. ALLOCATION OF FUTURE CONTRIBUTIONS

You must provide us with allocation instructions for both your employee account and your employer account. For each account type, you may design your own portfolio with any number of funds. Use Fund Codes from below. State law, local law or your employer may place restrictions on investment in certain funds.

5. BENEFICIARY CHANGE

Use this section to change your beneficiary(ies). If this form is not signed, the new beneficiary(ies) designation you selected will not be valid. If a valid form is not filed, then at the time of your death, benefits will be paid to the beneficiary(ies) named on your 401 Employee Enrollment Form or your most recent valid Employee Change Form. If no valid form is on file at the time of your death, then benefits will be paid as outlined in your employer's plan document. **PLEASE NOTE:** If a Social Security number is not provided and we cannot locate the named beneficiary, the account balance will be paid to the participant's estate.

BENEFICIARY DESIGNATION - *Single Participants*

Your designation of beneficiary(ies) tells us who should receive the accumulated value of your account if you die before full distribution of your account. If no primary beneficiary(ies) lives longer than you, the benefits will be paid to your contingent beneficiary(ies). If none of your primary or contingent beneficiaries are living at the time of your death, the proceeds will be paid as outlined in your employer's plan document.

BENEFICIARY DESIGNATION - Married Participants

Your spouse will be the primary beneficiary for 50 percent of your account. You may name your spouse as beneficiary for up to 100 percent of your account. You may also waive naming your spouse as beneficiary for any part of your account and name someone else as beneficiary. However, if you waive naming your spouse as beneficiary, your spouse must consent to this waiver.

Your employer's plan may require that your spouse be the beneficiary for more than 50 percent of your account. If this is the case, the waiver and consent rules mentioned above still apply. If you are unsure which provision applies to you, check with your employer or our Customer Services staff. Complete details about waiving this benefit, including the required waiver and consent forms, are available from our Customer Services staff at 1-800-669-7400.

6. AUTHORIZED SIGNATURES

Once you have completed this form, sign and submit it for your employer's approval, if required. Send the first copy to us, your employer keeps the second copy and the third copy is for your records.

Fund Codes

Trust Family of Funds		Mutual Fund Series		Series/Social Responsibility Fund	
Aggressive Opportunities Fund	MA	Series/Momentum Growth Fund		(Neuberger Berman	
International Fund	MD	(American Century Ultra Fund)	29	Socially Responsive Trust)	55
Growth Fund	MG	Series/Aggressive Growth Fund		Series/Special Situations Fund	
Growth & Income Fund	MJ	(Putnam Voyager Fund)	21	(Gabelli Value Fund)	27
Equity Income Fund	MM	Series/Capital Appreciation Fund		Series/Value Fund	
Asset Allocation Fund	MP	(Fidelity Magellan [®] Fund)*	32	(American Century Value Fund)	39
U.S. Treasury Securities Fund	MT	Series/Large Company Growth Fund		Series/Balanced Income Fund	
Money Market Fund	MW	(MFS Massachusetts Investors		(Fidelity Puritan [®] Fund)	24
VantageTrust PLUS Fund	71	Growth Stock)	48	Series/Balanced Fund	
		Series/Growth Fund		(Vanguard Wellington Fund)	31
		(Fidelity Blue Chip Growth Fund)	22	Series/Foreign	
Overseas Equity Index Fund	WC	Series/Contrarian Growth Fund		(Putnam International Growth Fund)**	89
Mid/Small Company Index Fund	WE	(Fidelity Contrafund)**	33		
Broad Market Index Fund	WH	Series/Growth and Income Fund			
500 Stock Index Fund	WL	(Fidelity Growth & Income Portfolio)**	23		
Core Bond Index Fund	WN				
				Model Portfolio Funds	
				Long-Term Growth Fund	84
				Traditional Growth Fund	83
				Conservative Growth Fund	82
				Savings Oriented Fund	8

* Available only to employer plans established prior to October 1, 1997.

* Available only to employer plans established prior to April 1, 1958

Available to employer plans July 1, 1999



CalPERS Retirement Allowance Estimate Request

The purpose of this form is to request an estimate of potential future benefit amounts that will assist you with your financial planning. **This form is not an application for retirement.**

Part 1 - Member Information (please print)

[Redacted] <u>EDLER, LESLIE H.</u> [Redacted]	
Social Security Number	Name Date of Birth
[Redacted]	
Mailing Address	City State ZIP
[Redacted]	
Home Phone	Work Phone

Part 2 - Estimate Information

<u>01/04/02</u>	<u>CITY OF BEVERLY HILLS</u>
Projected Retirement Date	Employer
Type of Estimate for Retirement Allowance <input checked="" type="checkbox"/> Service <input type="checkbox"/> Disability <input type="checkbox"/> Industrial Disability	

Part 3 - Beneficiary Information

<u>LISA FRANTE - FRIEND</u>	[Redacted]
Relationship	Date of Birth

Part 4 - Survivor Continuance Information

- A. Will you have been married at least one year prior to your tentative retirement date? ☐ Yes ☒ No
- B. Do you have any unmarried children under age 18 or disabled prior to age 18? ☒ Yes ☐ No
- C. Are either or both of your parents dependent on you for at least 1/2 of their support? ☐ Yes ☒ No

Part 5 - Retirement Options

CalPERS will provide you an estimate for the Unmodified Allowance and Options 1, 2, 2W, 3, and 3W. If these do not meet your needs, you may request ONE of the approved Option 4 types listed below.

- ☐ Option 2W & Option 1 combined
- ☐ Option 3W & Option 1 combined
- ☐ Multiple Lifetime Beneficiaries: (birthdates) _____
- ☐ Reduced Allowance for Fixed Period of Time: \$ _____ .00 or _____ %; Duration: _____
- ☐ Specific % to Beneficiary: _____ %
- ☐ Specific \$ Amount to Beneficiary: \$ _____ .00

Part 6 - Temporary Annuity

To request a temporary annuity estimate, complete the information below:

Desired Age for Temporary Annuity to Stop (59 1/2 or whole age 60 to 68): _____ Amount: \$ _____ .00

Part 7 - Other California Public Retirement Systems

Are you a member of another public retirement system other than Social Security or military? ☐ Yes ☒ No

If Yes, Name of System: _____ Estimated Final Compensation Amount: \$ _____ .00

Instructions for Completing Form

Part 1 through Part 3 must be completed to process your estimate request. If you have any questions please call the number listed on the front of this form.

Part 1 – Member Information

Name: Provide your first, middle initial, and last name.

Social Security Number: Provide your Social Security number.

Birth Date: Provide month, day, and complete year.

Mailing Address: Provide the mailing address where you wish to receive your estimated retirement allowance.

Telephone Number(s): Provide us your home and/or work number in case we need to reach you.

Part 2 – Estimate Information

Employer: Provide the name of your current or last employer you were with under the California Employees' Retirement System.

Projected Retirement Date: List your projected retirement date. The minimum retirement age for service retirement for most CalPERS members is age 50 with five years of CalPERS service credit. State members under the Second Tier retirement plan must be 55 years old with 10 years of service credit. There are some exceptions to these requirements.

Type of Estimate for Retirement Allowance: Select the type of retirement estimate you wish to receive. Not all CalPERS members are eligible for an Industrial Disability retirement. Please contact your Personnel Office for information on eligibility.

Part 3 – Beneficiary Information

A beneficiary is any person(s) you designate to receive a benefit after your death. If you would like to provide a lifetime monthly benefit to a beneficiary, we will need their date of birth.

Relationship to You: A beneficiary might be a spouse, child, friend, etc.

Beneficiary Birth Date: Provide month, day, and complete year.

Part 4 – Survivor Continuance Information

Survivor Continuance is an employer-paid benefit payable to an eligible dependent upon your death. To be an eligible survivor you must be married for at least one year prior to your retirement date; an unmarried child who is under age 18 or disabled prior to age 18; or a parent dependent on you for at least 1/2 of their support.

Part 5 – Retirement Options

Option 4 allows you to choose a more customized allowance to best suit your needs, as long as the amount to your beneficiary(s) is not more than the benefit provided under Option 2W. For additional information, please refer to **Retirement Option 4** (PERS-PUB-18).

Part 6 – Temporary Annuity

Temporary Annuity is an additional monthly income you may choose to augment your pension from CalPERS. **If you take a disability retirement, a Temporary Annuity is not available.** The benefit is payable from your retirement date to a specific age that you select – 59½ or any whole age from 60 to 68. You can also name the dollar amount you wish to receive (within certain limitations). It is important to note that this benefit is not free. Your CalPERS monthly lifetime retirement allowance is reduced to pay for your Temporary Annuity. For additional information, please refer to **Temporary Annuity** (PERS-PUB-13).

Part 7 – Other California Public Retirement Systems

Reciprocity is an agreement CalPERS has with many public retirement systems that allows movement from public employer to public employer within a specified time limit, without losing valuable retirement and related benefit rights. For additional information, please refer to **When You Change Retirement Systems** (PERS-PUB-16).

CalPERS Web Site

You have taken an important step in planning your retirement by requesting an estimate of your retirement allowance. You may obtain additional information on all programs administered by CalPERS by logging on to our web site at www.calpers.ca.gov. In addition, this site includes a Retirement Planning Calculator; you enter some personal information, and the calculator provides an estimate of your monthly retirement benefit.



Member Services Division
P.O. Box 942717
Sacramento, CA 94229-2717
(800) 352-2238 Fax (916) 231-7878
Telecommunications Device For
The Deaf - (916) 326-3240

MEMBER INFORMATION

Date: 09/27/2001

Social Security Number: [REDACTED]

Your Date of Birth: [REDACTED]

Beneficiary Date of Birth: [REDACTED]

Leslie H Zoeller
[REDACTED]

Dear Leslie H Zoeller:

This is an estimate of your Service Retirement. An estimate is a calculation of potential future benefits based on the following assumptions:

- Current pay rates reported by the employer
- Current retirement law
- Information provided by you

The following information was used to calculate your retirement estimate for 01/04/2002 :

Employer Name	Years of Service	Formula/ Benefit Factor	% of Final Compensation	Final Compensation
** Beverly Hills City Of	25.997	3% @ 50/ 3.000	76.443	\$ 5,524.75
Gardena City Of	2.910	3% @ 50/ 3.000	8.557	\$ 5,524.75

Final Compensation is your highest average monthly pay rate for the last consecutive 12 or 36 months of employment based on your employers' contract. The final compensation dollar amount shown is unmodified. If a member contributes to Social Security they will need to subtract \$133.33 from their final compensation to obtain the dollar amount that was used to calculate the estimate. Any change in the information will result in a different benefit calculation.

PLEASE SEE IMPORTANT INFORMATION ON NEXT PAGE

Options available if you retire on 01/04/2002 with 28.907 Years of Service	Your monthly allowance at age 50.00 (per month for life)	Your beneficiary's monthly allowance after your death (per month for life unless unmodified allowance or option 1 has been selected)	Your monthly allowance upon the death of your beneficiary (per month for life)
UNMODIFIED ALLOWANCE	\$ 4,696	Retired Death Benefit	\$ 4,696
Option 1	\$ 4,672	Your remaining contributions*	\$ 4,672
Option 2	\$ 4,503	\$ 2,155	\$ 4,696
Option 2W	\$ 4,515	\$ 2,167	\$ 4,515
Option 3	\$ 4,535	\$ 1,123	\$ 4,696
Option 3W	\$ 4,602	\$ 1,127	\$ 4,602

In addition to the retirement date you requested, we have provided you with an additional estimate based on your date of birth:

Options available if you retire on 12/02/2002 with 29.808 Years of Service	Your monthly allowance at age 51.00 (per month for life)	Your beneficiary's monthly allowance after your death (per month for life unless unmodified allowance or option 1 has been selected)	Your monthly allowance upon the death of your beneficiary (per month for life)
UNMODIFIED ALLOWANCE	\$ 4,505	Retired Death Benefit	\$ 4,505
Option 1	\$ 4,477	Your remaining contributions*	\$ 4,477
Option 2	\$ 4,311	\$ 2,058	\$ 4,505
Option 2W	\$ 4,324	\$ 2,072	\$ 4,324
Option 3	\$ 4,403	\$ 1,075	\$ 4,505
Option 3W	\$ 4,410	\$ 1,078	\$ 4,410

PLEASE SEE IMPORTANT INFORMATION ON NEXT PAGE

* Option 1 provides that after your death, your beneficiary will receive a lump sum payment of the remainder of your contributions. The total contributions of \$251,280.04 will be reduced by \$1,875.81 for each month that you received an allowance. Your contributions will be reduced to zero in approximately 11.16 years.

SURVIVOR CONTINUANCE: A continuing allowance of \$2,348.02 will be paid upon your death to an eligible survivor in addition to any payment under the option you elect.

A lump sum benefit of \$500 will be paid to your beneficiary upon your death regardless of the option elected at retirement.

While completing your estimate we have noticed that you have special compensation involved in your payroll. Special Compensation is additional income you might receive for uniform allowance, holiday pay, longevity pay, etc. and is reported separately from your base pay. Please be aware that we will only include compensation that has been reported by your employer to date. Any special compensation not yet reported by your employer has not been included in your estimate.

** Safety limit applied.

CALPERS WEB SITE

You have taken an important step in planning your retirement by requesting an estimate of your retirement allowance. You may obtain additional information on all programs administered by CalPERS by logging on to our web site at <http://www.calpers.ca.gov>. In addition, this site includes a retirement planning calculator; by entering some personal information, the calculator provides an estimate of your monthly retirement benefit.

PLEASE SEE IMPORTANT INFORMATION ON NEXT PAGE

Explanation of Optional Settlements

All Payments Provide a Lifetime Allowance to the Member

If there is any change in your retirement date, birth date or beneficiary's birth date, credited service time or compenstion, the allowances payable will differ from the allowance shown on your estimate.

Unmodified - The Unmodified Allowance is the highest monthly allowance paid to you each month for life. Upon your death, there is no monthly allowance* or return of member contributions to your beneficiary.

Option 1 - The Option 1 Allowance is slightly less than the Unmodified Allowance but provides that if there are any member contributions remaining at the time of your death the balance would be paid to your beneficiary in a lump sum. There will be contributions remaining for approximately 9 to 11 years. The Option 1 Allowance does not provide for a monthly allowance* to a beneficiary after the member's death.

Option 2 - The Option 2 Allowance is the lowest monthly allowance payable to you for life. Selecting this option provides that upon your death the same monthly allowance will continue to be paid to your designated beneficiary for life. If your named beneficiary predeceases you, your monthly allowance will increase (or pop-up) to the present value of the Unmodified Allowance.

Option 2W - The Option 2W Allowance is slightly higher than the Option 2 Allowance. Upon your death, your named beneficiary will continue to receive the same monthly allowance for life. However, if your named beneficiary predeceases you, your monthly allowance will remain the same.

Option 3 - The Option 3 Allowance provides for a higher monthly allowance to you than the Option 2 or 2W Allowances. Upon your death, your named beneficiary will receive ½ of your monthly allowance for life. If your named beneficiary predeceases you, your monthly allowance will increase (or pop-up) to the present value of the Unmodified Allowance.

Option 3W - Option 3W is slightly higher than the Option 3 Allowance. Upon your death, your named beneficiary will continue to receive ½ of your monthly allowance for life. However, if your named beneficiary predeceases you, your monthly allowance will remain the same.

Option 4 - Under Option 4, the law allows you to customize the amount of allowance you want to provide, as long as the amount to your beneficiary is not more than the amount provided under Option 2W. Please refer to Retirement Option 4 (PERS-PUB-18) for examples of the types of Option 4 allowances that are currently available.

***Explanation of Survivor Continuance**

Survivor Continuance is a monthly benefit paid for by your employer to your eligible survivor upon your death. This benefit is provided to all State and School employees. Public Agencies can provide this benefit to their employees by contract amendment. If payable to a spouse, the benefit will continue for lifetime regardless of remarriage.

In addition to the amounts payable under the option selected, your beneficiary will receive a retired member lump sum death benefit.

Fiduciary Duties of Public Retirement System Trustees

Presentation to the CalPERS Board of Administration

January 17, 2023

Ashley K. Dunning

Partner, Co-Chair of Public Pensions and Investments Group



Overview

- What is a Fiduciary
- Five Basic Fiduciary Duties
- Delegation of Fiduciary Duty


What is a Fiduciary?

■ Definition:

- Restatement 3d Trusts and IRC §4975(e)(3): A fiduciary is any person who exercises discretionary authority or control over management or disposition of plan assets, renders investment advice for a fee or other compensation or has discretionary authority or responsibility for plan administration.
- Key Concept—if you exercise any discretion over the administration or investments, you are likely a fiduciary and fiduciaries must act with a very high standard of care and loyalty.

Every person that Lisa Frantz interacted with at CalPERS is a fiduciary. and is bound by this Restatement 3d Trusts and IRC Section 4975(e)(3)

Definition of Fiduciary

- Fiduciary definition is often described as “functional”—if you do things that make you a fiduciary then you are one, even if you did not intend to be or even if there are contractual provisions that say you are not.
 - So beware of the “inadvertent fiduciary”— e.g., an employee whose efforts to be helpful may stray into fiduciary territory
 - People and entities are fiduciaries as the result of their relationships to others.
 - The term “fiduciary” generally applies to a “person who occupies a position of peculiar confidence to another,” such as attorneys to clients regarding specific engagement and employees to employers with respect to employment, etc. (discussed later)
 - Appointing a fiduciary makes you a fiduciary with respect to that appointment.
 - Requires ongoing monitoring of the fiduciary you appointed (discussed later)
- 

Examples of Fiduciaries

- The Board and its Committees, with respect to their responsibility to administer CalPERS in the overall best interest of its members and beneficiaries regarding CalPERS' trust purposes
- Individual members of the Board and in-house staff who have discretionary authority or control over the investment of assets and administration and management of the plan, with respect to those responsibilities



Examples of Non-Fiduciaries

- The employer as “settlor”/plan sponsor
- Recordkeeper (at least over some functions)
- Auditors



Five Basic Duties of a Public Retirement Board Fiduciary


- Duty of loyalty
- Duty of prudence
- Duty to diversify investments
- Duty to assure competency of retirement system assets to pay promised benefits
- Duty to administer plan in accordance with plan terms and applicable law



Fiduciary Duty of Loyalty: Exclusive Benefit and Primary Duty Rules

- Under the California Constitution (Article XVI, Section 17) and the Public Employees' Retirement Law (Gov. Code sec. 20150), a fiduciary must discharge its duties:
 - Solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries
- Under both constitutional and statutory law, the Board's duty to its participants and beneficiaries "shall take precedence over any other duty." In trust law, this is referred to as the "primary duty" rule.
- Constitutional and statutory obligations of "minimizing employer contributions" and "defraying reasonable expenses" of administering the system are secondary to the primary duty. Note that duty to employer is not a "fiduciary" duty.

Fiduciary Duty of Loyalty

- Putting the plan sponsor's, union's, etc. interests ahead of the overall best interests of plan participants and beneficiaries in the security of their vested retirement benefits is a breach of duty.
 - Basically a conflict-of-interest rule—fiduciaries cannot have conflicting loyalties. A fiduciary has a duty not to use or deal with trust assets for the fiduciary's profit, the benefit of a third person, including that of the plan sponsor/settlor, or for any other purpose unconnected with the trust. (*O'Neal v Stanislaus County Employees' Retirement Association*, 8 Cal.App.5th 1184, 1209, 1218 (2017) ("O'Neal").)
- 

Fiduciary Duty of Loyalty: Conflicting Interests Among Various Members and Beneficiaries

- Can be complex and crosscutting.
- Determinations of priorities among members and beneficiaries must serve the *overall best interest of members and beneficiaries of the retirement system* with respect to topics of concern to the trust purpose.
- Appropriate balance may not be obvious when the interests within the member and beneficiary groups are not the same.



Fiduciary Duty of Loyalty: Conflicting Interests Among Various Members and Beneficiaries (cont.)

- Dissimilar interests among beneficiaries are built into most trusts.
- Trust law has evolved to grant trustees a fair measure of discretion to balance those competing beneficiary interests.

See Rest. 3d Trusts, §§ 50, 183 comment a, and 232; *Estate of Bissinger*, 212 Cal.App.2d 831, 833 (no liability where trustee bank “acted reasonably, prudently, in good faith and in the exercise of its best judgment . . . and with the intention of being fair to both the income and remainder beneficiaries”); and IIIA Fratcher, Scott on Trusts, § 232, p. 7 (4th ed. 1988) (“The trustee, however, ordinarily has considerable discretion in preserving the balance between beneficiaries”).

CalPERS fiduciaries may NOT “look for ways” to use the Conflicting Interests statutes in order to justify their failure in Fiduciary Duty.

Fiduciary Duty of Loyalty: Not an “agent” for another

- Trustees are not permitted to administer the retirement system as an “agent” for the party that appointed, or subgroup of members that elected, that individual to the Board.
- On the contrary, the California Constitution, Art. XVI, Sec. 17 (Prop. 162) seeks to prevent such political “meddling” or “interference” by others and mandates loyalty to the overall best interest of members and beneficiaries.
 - See generally *NLRB v. Amax Coal Co.*, 453 U.S. 322 (1981) (no “dual loyalties”); *Hittle v. Santa Barbara CERA*, 39 Cal. 3d 374 (1985) (traditional fiduciary duties apply to public retirement system trustees); *Claypool v. Wilson*, 4 Cal.App.4th 646, 676-7 (1992) (Cal. Const., art. XVI, sec. 17 imports the existing law of trusts).



Fiduciary Duty of Loyalty: Collateral Interests?

- Collateral interests of Board members?
 - The strict duty of loyalty in trust law ordinarily prohibits the trustee from . . . investing in a manner that is intended to serve interests other than those of the beneficiaries or the purposes of the settlor. *Thus, for example, in managing the investments of a trust, the trustee's decisions ordinarily must not be motivated by a purpose of advancing or expressing the trustee's personal views concerning social or political issues or causes.*

Rest. 3d Trusts, *supra*, § 227, p. 12, comment c (emphasis added).




Fiduciary Duty of Loyalty: Hypothetical No. 1

- Devon is a member of the Board of Administration. Devon also is an active member of CalPERS and works for the State of California in the information technology (“IT”) department. The Board is considering replacing CalPERS’ pension administration system and is determining whether to do an RFP for an outside consultant or to pay for State IT department personnel to advise on the matter. Sam votes to retain the IT department personnel for the work.



Fiduciary Duty of Loyalty: Hypothetical No. 2

- The Board also is consulting with its actuary on the appropriate assumed rate of return for CalPERS. The CalPERS actuary recommends reducing the rate by 50 basis points, which would raise employee contribution rates substantially. Devon objects to the recommendation on the grounds that employee contribution rates should not be raised because they cannot afford the increase. Fellow Board member Marie, who also sits on a City Council of a City that is a contracting employer in CalPERS, objects to the same recommendation on the grounds that the City cannot afford the increase.
- 

Fiduciary Duty of Care

- Under Article XVI, Section 17, a fiduciary must discharge its duties:
 - “With the care, skill, prudence, and diligence then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims”
- Courts have interpreted the duty of prudence to be a “prudent fiduciary with experience” standard.
 - The question is whether the fiduciary, at the time it made the decision, employed the appropriate methods. (*California Ironworkers Field Pension Trust v. Loomis Sayles & Company*, 259 F.3d 1036, 1043 (9th Cir. 2001).)



Fiduciary Duty of Care: the “Prudent Fiduciary with Experience”

- Good faith is not enough.

- An “abuse of discretion occurs when a trustee acts from an improper even though not dishonest motive, such as when the act is undertaken in good faith but for a purpose other than to further the purposes of the trust, or more specifically, the purpose for which the power was granted.” (O’Neal, *supra*, 8 Cal. App.5th at p. 1209 (quoting Rest. 3d Trusts §87, com. c, p. 244).)

- Example—

- The Board, sympathetic to an ailing member, whom the competent medical evidence demonstrates is not eligible for a disability pension, instructs staff to grant the member a disability pension.

The fiduciary **MUST ASSURE** that **EVERY POSSIBLE** option has been **THOROUGHLY** reviewed and considered **BEFORE** rendering a decision.

Fiduciary Duty of Care: the “Prudent Fiduciary with Experience”

■ Skill required of trustees

- The “prudence standard is ‘not that of a prudent lay person, but rather that of a prudent fiduciary with experience dealing with a similar enterprise’.” *Whitfield v. Cohen*, 682 F. Supp. 188, 194 (S.D.N.Y. 1998) (quoting *Marshall v. Snyder*, 1 Empl.Ben. Cases (BNA) 1878, 1886 (E.D.N.Y. 1979)).
- Courts may probe the thoroughness of a fiduciary’s analysis and basis for its decisions, rather than simply deferring to a determination that a fiduciary may make. See *Howard v. Shay*, 100 F.3d 1484, 1488 (9th Cir. 1996), cert. denied, 520 U.S. 1237.
- A fiduciary need not be the expert, but may need to consult an expert. When using experts, the fiduciary may take into consideration the advice of experts but the fiduciary is still ultimately responsible. (*Donovan v. Mazzola*, 716 F.2d 1226, 1235 (9th Cir. 1983).)


Fiduciary Duty of Care: Procedural Prudence

- Duty of prudence does not require a fiduciary to guarantee specific outcomes, but does requires use of a prudent process
- Sometimes referred to as “procedural prudence”—the ability to demonstrate that the fiduciary followed a prudent process in making a fiduciary decision
- Highlights the importance of documenting fiduciary considerations and decision-making
- Note, however, that substantively, a prudent decision may be neither “arbitrary” nor “capricious,” and deliberations by fiduciaries should illustrate the relationship between the information presented and the action taken, if any

"This is how we always do it", may NOT be an example of procedural prudence. The decision making process MUST be ACCURATELY documented.

Procedural Prudence (cont.)

■ What does procedural prudence look like?

- Acting consistently with laws and plan governance documents, which include Board policies and procedures (and making sure the plan governance documents match each other).
 - To the extent fiduciary duty is delegated, periodic and systematic monitoring.
 - Documented decision-making
 - What did you consider?
 - Where did you get information?
 - Who did you talk to?
 - What did you conclude?
 - Agendas, staff/consultant supporting materials, minutes, resolutions detailing facts, findings and conclusions are all ways to document procedural prudence.
- 

Fiduciary Duty of Care: Substantive Prudence

■ Skill required of trustees


- Courts may probe the thoroughness of a fiduciary's analysis and basis for its decisions, rather than simply deferring to a determination that a fiduciary may make. *See Howard v. Shay*, 100 F.3d 1484, 1488 (9th Cir. 1996), cert. denied, 520 U.S. 1237.
- “In fulfilling his duties, a trustee is held to ‘the prudent investor rule,’ which requires that the trustee ‘invest and manage trust assets as a prudent investor would’; that is, by ‘exercis[ing] reasonable care, skill, and caution,’ and by ‘reevaluat[ing] the trust's investments periodically as conditions change.’” *Tibble v. Edison Int'l*, 843 F.3d 1187, 1197 (9th Circ. 2016) [quoting A. Hess, G. Bogert & G. Bogert, *Law of Trusts and Trustees* § 684, 145-46 (3d ed. 2009) [hereinafter *Bogert 3d*]] *Bogert 3d* § 684.]

Fiduciary Duty of Care: Maintenance of Retirement System Confidential Information

- As a Board member, trustees will receive confidential information of CalPERS:
 - Confidential investment information
 - Confidential attorney-client privileged information
 - Confidential member, including health, information.
- Imperative that Board members not disclose that confidential information of the Board, CalPERS or a third party, and the privilege is not that of a single Board member's to waive.



Fiduciary Duty of Care: Consult with Experts

- “To the extent necessary or appropriate to the making of informed investment judgments by the particular trustee, care also involves securing and considering the advice of others [such as legal, actuarial and investment counsel] on a reasonable basis.” Rest. 3d Trusts, *supra*, § 227, p. 15, comment d.
 - The implicit corollary to the duty to consult with experts is that if a fiduciary fails to follow the advice of its professional consultants, it must demonstrate an informed, reasonable, and prudent rationale for failing to do so.
 - Another implicit corollary is that expert advice from a reasonable source should provide the basis for a Board’s decision to take an alternative course of action on a topic within that area of expertise (e.g., investment, actuarial, legal).
- 

Fiduciary Duty of Care:

Examples of Pitfalls for Fiduciaries

- How have fiduciaries gotten in trouble?
 - Not doing what the laws and governance documents say
 - Governance documents should be both frequently reviewed and updated.
 - Having no record of what was considered/who was consulted
 - Fiduciaries may have consulted with experts, but if it is not in the agenda, minutes, resolutions, etc., generally does not help.
 - Having no record of what decision was made
 - Even maintaining the status quo can be a fiduciary decision to be documented.
 - Having a record of the decision but the decision itself was deemed, by a court, to be unreasonable.

CalPERS Board fails their Fiduciary Duty, BY DECIDING TO ACT AGAINST an Administrative Judge's ruling. The Administrative Judge is the Court chosen by CalPERS.

 - Example: Paying for retail-class fund shares when less expensive institutional-class fund share were available to the investor with no difference other than cost.

Fiduciary Duty of Care: Hypothetical

- A member of the Board became fascinated with cryptocurrency and asked the Board's investment consultant to speak with the Board about potential investment opportunities for CalPERS in that asset. The investment consultant presented on the topic and discouraged the Board from allocating any material portion of the trust fund to cryptocurrency because of valuation and accessibility concerns. The Board hired another investment advisor to opine on the same topic, and that advisor urged the Board to commit 10% of CalPERS assets to cryptocurrency, and the Board did so. The following year, cryptocurrency lost 25% on average in a year when other investments in the asset classes from which CalPERS had transferred funds for the new investment allocation grew by 10% on average during the same period.
- 

Fiduciary Duty of Care: Hypothetical cont.

- Documenting procedural process is important. It may help to answer the following questions: Why did the second investment advisor recommend investing in cryptocurrency? Did the second investment advisor's experience and skills warrant following its advice?
- Being able to explain the substantive rationale for the action also is important. Was the second investment advisor's advice reasonable when given—were appropriate factors fully considered?



Duty to Diversify Investments

- Under Article XVI, Section 17, a fiduciary must “diversify the investments of the system so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so.”
- ERISA is the federal law that governs private sector retirement plans, and it does not apply to governmental plans, like CalPERS. Some guidance may, however, be drawn from fiduciary analyses in cases decided under ERISA, subject to distinctions as between defined benefit and defined contribution plans, and with respect to different plan terms and other laws that may apply.



Duty to Diversify Investments (cont.)

- Under ERISA, the “duty to diversify is not measured by hard and fast rules or formulas. Congress has instructed that ‘[t]he degree of investment concentration that would violate this requirement to diversify cannot be stated as a true percentage, because a prudent fiduciary must consider the facts and circumstances of each case.’” (*In re Unisys Sav. Plan Litig.*, 74 F.3d 420, 438 (3d Cir. 1996) (citing 1974 U.S. Code Cong. & Admin News 5038, 5085).)
- Diversification is generally considered based on the plan’s entire portfolio.
 - Give appropriate consideration to diversification within an individual manager’s mandate. (See *California Ironworkers*, 259 F.3d at 1044; *In re: Unisys Sav. Plan Litig.*, 74 F.3d at 438.)
- Factors to be considered in ERISA cases include “(1) the purposes of the plan; (2) the amount of the plan assets; (3) financial and industrial conditions; (4) the type of investment, whether mortgages, bonds or shares of stock or otherwise; (5) distribution as to geographic location; (6) distribution as to industries; [and] (7) the dates of maturity.” (*In re Unisys Sav. Plan Litig.*, 74 F.3d at 438 quoting 1974 U.S. Code Cong. & Admin. News 5038, 5085.)

Divestment mandates?

■ Statutorily-provided divestment

- “The *Legislature* may by statute continue to prohibit certain investments by a retirement board where it is in the public interest to do so, and *provided that the prohibition satisfies the standards of fiduciary care and loyalty required of a retirement board pursuant to this section.*”

Cal. Const., art. XVI, § 17(g) (emphasis added).



Duty to Control Actuarial Services and Assure “Competency” of Assets

- Under Article XVI, Section 17 of the California Constitution, the Board:
 - “consistent with the exclusive fiduciary responsibilities vested in it, shall have the sole and exclusive power to provide for actuarial services in order to assure the competency of the assets of the public pension or retirement system.”
- In *O’Neal*, petitioners challenged various board of retirement decisions relating to the actuarial methodologies and transfers of funds among reserves authorized by the board of retirement.
- *O’Neal* concluded that the retirement board had not violated its fiduciary duty of care by making certain actuarial decisions that resulted in lowering the employer contribution rate (such as permitting negative amortization), though it deferred a final decision on that topic with respect to the alleged breach of the duty of loyalty (discussed further below).
 - *O’Neal*, *supra*, 8 Cal. App. 5th at pp. 1209, 1221, n. 10.

Duty to Act in Accordance with Plan Documents and Other Applicable Law

- Fiduciaries have a duty to administer plans in accordance with plan terms and applicable law. (See *San Diego City Firefighters, Local 145 v. Board of Administration of the San Diego City Employees' Retirement System*, 206 Cal.App.4th 594, 629 (2012).)
- “As an initial guideline, a trustee ‘has a duty to administer the trust, diligently and in good faith, in accordance with the terms of the trust and applicable law.’” (*O’Neal, supra*, at p. 1209, quoting Rest. 3d Trusts, §76, accord, Prob. Code, §16000]”)



Delegation of Fiduciary Duty

- “A trustee has a duty personally to perform the responsibilities of the trusteeship except as a prudent person might delegate those responsibilities to others. In deciding whether, to whom and in what manner to delegate fiduciary authority in the administration of a trust, and thereafter in supervising agents, the trustee is under a duty to the beneficiaries to exercise fiduciary discretion and to act as a prudent person would in act in similar circumstances.”

Rest. 3d Trusts, *supra* (Prudent Investor Rule, § 171, adopted in 1992) (emphasis added).



Delegations by Board of Administration, Committees and Staff

- When the Board, Committees or Staff delegate their fiduciary duties, the delegees generally become fiduciaries to the extent of those delegated duties.
- Effective delegation is a key component of fiduciary risk management.
- Appointing a fiduciary is itself a fiduciary function, so when doing so:
 - Act solely in the overall best interest of participants and beneficiaries
 - Apply the required standard of care, skill, prudence and diligence required by the fiduciary standard of care



Prudent Delegation

- **Prudence** is the key to delegation as to all aspects of the topic:
 - Whether to delegate;
 - How to delegate;
 - To whom a task is delegated; and
 - How to supervise.



Prudent Delegation (cont.)

- Fiduciary responsibilities do not end with the selection of the delegate; ongoing monitoring is required as well. (See Rest. 3d Trusts §80 com. d2.) (“The trustee has a duty to act with prudence in supervising or monitoring the agent’s performance and compliance with the terms of the delegation.”)
- Also establish process for monitoring service providers.
 - For example, develop quarterly review checklist.



Processes to Demonstrate Fiduciary Compliance

- Recognize that although Courts afford Board's broad discretion in decision-making, "exclusive authority" is not absolute discretion
- Avoid "abuse of discretion"
 - Process important – make sure record reflects that process: minutes reflecting deliberation, written materials provided by expert consultants
 - Education, inquiry, disclosure of reasons for action, reflecting due consideration to overall best interest of members and beneficiaries
 - Active independent actuarial oversight
 - Active independent investment oversight
 - Legal consultation and compliance with applicable law



Fiduciary Goal

- The Board and its delegees must use *informed judgment* and *act in the overall best interest of system members/beneficiaries* in a manner that is *consistent with applicable laws* when exercising its plenary authority over administration and investments, and its actions in that regard *may not be “arbitrary” or “capricious”* and must be *rationally related to the information* presented to the Board.



Questions?



Thank You!



Ashley K. Dunning

Co-Chair Public Pensions & Investment Group
Nossaman LLP

50 California Street, 34th Floor, San Francisco, CA 94111
415.398.3600

adunning@nossaman.com



Lisa I. Frantz

Agency Case Number:

2022-0563

Office of Administrative Hearing Number:

2023020206



I [REDACTED] Beverly Hills Police Department Lieutenant retired, as well as Leslie Zoeller's Commanding Officer, have reviewed the included documents, and I am appalled by CalPERS blatant failure in their fiduciary duty, and I am in solidarity with Lisa Frantz as well as with Leslie Zoeller with whom I proudly served with in the Beverly Hills Police Department. While the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents MUST be considered in their ENTIRETY for a COMPLETE understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of FAILING in Fiduciary Duty by limiting a pensioner's/survivor's ONLY opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including ALL the FACTS of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING Government Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED] Les and Lisa were married at the time of Les'

passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burden-of-proof has been met for the above condition (1), which requires the domestic partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were **NOT** legally able to register their Domestic Partnership with the state, but they were subsequently **MARRIED!!!** Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the **PROPERTY OF THE PENSIONERS, NOT CalPERS**, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

During the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a

Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.

Lisa I. Frantz

Agency Case Number:

2022-0563

Office of Administrative Hearing Number:

2023020206



I [REDACTED], Beverly Hills Police Detective Commander retired, have reviewed the included documents, and I am appalled by CalPERS blatant failure in their fiduciary duty, and I am in solidarity with Lisa Frantz as well as with Leslie Zoeller with whom I proudly served with in the Beverly Hills Police Department. While the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents MUST be considered in their ENTIRETY for a COMPLETE understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of FAILING in Fiduciary Duty by limiting a pensioner's/survivor's ONLY opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including ALL the FACTS of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING State Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED]. Les and Lisa were married at the time of Les'

passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burden-of-proof has been met for the above condition (1), which requires the domestic partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

*The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.*

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to the receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were NOT legally able to register their Domestic Partnership with the state, but they were subsequently MARRIED!!! Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the **PROPERTY OF THE PENSIONERS, NOT CalPERS**, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

Per the transcript of the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a

Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.

Lisa I. Frantz
Agency Case Number:
2022-0563
Office of Administrative Hearing Number:
2023020206



I [REDACTED] **Beverly Hills Police Department Assistant Police Chief retired**, have reviewed the included documents, and I am appalled by CalPERS blatant failure in their fiduciary duty, and I am in solidarity with Lisa Frantz as well as with Leslie Zoeller with whom I proudly served with in the Beverly Hills Police Department. While the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents **MUST** be considered in their **ENTIRETY** for a **COMPLETE** understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of **FAILING** in Fiduciary Duty by limiting a pensioner's/survivor's **ONLY** opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including **ALL** the **FACTS** of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING Government Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED] Les and Lisa were married at the time of Les'

passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burden-of-proof has been met for the above condition (1), which requires the domestic partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were **NOT** legally able to register their Domestic Partnership with the state, but they were subsequently **MARRIED!!!** Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the **PROPERTY OF THE PENSIONERS, NOT CalPERS**, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

During the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a

Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.

Lisa I. Frantz

Agency Case Number:

2022-0563

Office of Administrative Hearing Number:

2023020206



I [REDACTED] **City of Beverly Hills Director of Human Resources retired**, have reviewed the included documents, and I am appalled by CalPERS blatant failure in their fiduciary duty, and I am in solidarity with Lisa Frantz as well as with Leslie Zoeller with whom I proudly worked with in the Beverly Hills Police Department. While the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents **MUST** be considered in their **ENTIRETY** for a **COMPLETE** understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of **FAILING** in Fiduciary Duty by limiting a pensioner's/survivor's **ONLY** opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including **ALL** the **FACTS** of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING Government Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED]; Les and Lisa were married at the time of Les'

passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burden-of-proof has been met for the above condition (1), which requires the domestic partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were **NOT** legally able to register their Domestic Partnership with the state, but they were subsequently **MARRIED!!!** Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the **PROPERTY OF THE PENSIONERS, NOT CalPERS**, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

During the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a

Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.

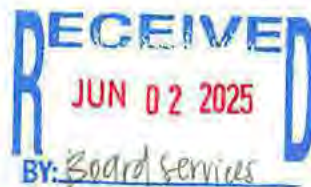
Lisa I. Frantz

Agency Case Number:

2022-0563

Office of Administrative Hearing Number:

2023020206



I [REDACTED], Beverly Hills Police Department Lieutenant retired, have reviewed the included documents, and I am appalled by CalPERS blatant failure in their fiduciary duty, and I am in solidarity with Lisa Frantz as well as with Leslie Zoeller with whom I proudly served with in the Beverly Hills Police Department. While the documents exceed the six-page limit noted in the guidelines published by CalPERS as included with the Proposed Decision from the Administrative Judge, the documents MUST be considered in their ENTIRETY for a COMPLETE understanding of the issues. CalPERS placing an arbitrary number of pages for a written statement to the Board is an example of CalPERS FAILING in their Fiduciary Duty by limiting a pensioner's/survivor's ONLY opportunity to communicate to the Board. Fiduciary Duty requires the Board to allow the pensioner's/survivor's opportunity to make a comprehensive statement including ALL the FACTS of their case. For the Board to render a final decision without reviewing the attached documents will be a failure in Fiduciary Duty by the CalPERS Board of Directors. Remember...

FIDUCIARIES ARE HELD TO THE HIGHEST LEVEL OF CARE AND RESPONSIBILITY AS DEFINED IN STATE AND FEDERAL LAW!!!

THE FIDUCIARIES WITHIN CalPERS HAVE A FUDICARY DUTY ONLY TO THE PENSIONERS/SURVIVORS, NOT CalPERS, THE GOVERNMENTS PAYING INTO THE PENSIONS, THE STATE AND FEDERAL GOVERNMENTS, NOR ANY OTHER AGENCIES!!!

CalPERS EGREGIOUS FIDUCIARY DUTY FAILURES resulting in damages to Lisa Frantz...

CalPERS STAFF INTERPRETING Government Code 21626.5 (a)1 and (a)2 in DELIBERATE DEFIANCE of the United States Supreme Court Rulings for the following two cases:

28 June 2024, Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 22-451

28 June 2024, Relentless, Inc. v. Department of Commerce, 22-1219

The combined cases commonly referred to the overturning of the Chevron Deference.

State Code 21626.5

(a) For the purposes of Section 21624, 21626, 21627, 21629, or 21630, a surviving domestic partner shall be treated in the same manner as a surviving spouse if **either:**

(1) The domestic partnership was **registered** for one year prior to the member's service retirement date or at the disability retirement date and continuously until the date of the member's death.

Les and Lisa entered into their Registered Domestic Partnership effective as of 19 November 1999, and remained in the Domestic Partnership until their marriage on [REDACTED]; Les and Lisa were married at the time of Les'

passing. Les retired January 2002, four years after Les and Lisa entered into their Registered Domestic Partnership; therefore, the burden-of-proof has been met for the above condition (1), which requires the domestic partnership to have been "registered for one year prior to the member's service retirement..."

Please note: the means and methods of registration for the domestic partnership are not defined; therefore, the Los Angeles County Registered Domestic Partnership meets the "registered" requirement.

- (2) The member retired prior to January 1, 2006, and both the member and his or her domestic partner, who currently are in a **state-registered** domestic partnership, sign an affidavit stating that, at the time prescribed by the retirement system for married spouses to qualify for survivor continuance, the member and the domestic partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code.

The burden-of-proof has been met for the above condition (2), because Les and Lisa were **CURRENTLY MARRIED** at the time of Les' passing however, CalPERS denied Lisa the opportunity to complete the Affidavit of Domestic Partnership for Survivor Continuance, and had a registered Domestic Partnership prior to their marriage which qualified them as domestic partners pursuant to Section 297 of the Family Code without the original discriminatory language.

Please note; the spirit of this condition is for same sex domestic partners to receive the same rights and benefits of married partners; hence the specificity of state registered domestic partnership.

The non-attorney staff, staff attorneys, nor consultant attorneys have the authority to interpret law!!! Allowing NON-ATTORNEY staff members to interpret the State Code who admittedly, under oath during the Administrative Hearing, purposely overlook 21626.5(a)1 of the State Code, WHICH UNDOUBTEDLY QUALIFIES LISA to receive the spousal continuance of Les' pension benefit. THE STAFF INTERPRETATION, AND DELIBERATELY IGNORING THE FIRST CONDITION OF THE STATE CODE IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS SELECTIVELY APPLYING CalPERS RULES BY DENYING Lisa Frantz the opportunity to submit an Affidavit of Domestic Partnership for Survivor Continuance.

Les and Lisa **UNDENIABLY** met the CalPERS published rule;

"If you retired before it was legally possible to register your partnership but have since registered, your partner may still be considered an eligible survivor. If this is your situation, contact us as soon as possible to request an Affidavit of Domestic Partnership for Survivor Continuance form. CalPERS will determine if your domestic partner is an eligible survivor."

Les and Lisa were **NOT** legally able to register their Domestic Partnership with the state, but they were subsequently **MARRIED!!!** Robert Ball stated that CalPERS had already denied Lisa's request for survivor continuance, so there was no reason to send her the Affidavit of Domestic Partnership for Survivor Continuance.

DENYING THE SURVIVOR CONTINUANCE WITHOUT OBTAINING COMPREHENSIVE CASE INFORMATION, DOCUMENTATION AND FACTUAL EVIDENCE...A DELIBERATE, EGREGIOUS FAILURE OF FIDUCIARY DUTY, AS WELL AS IN DIRECT DEFIANCE OF THE U.S. SUPREME COURT AND CalPERS PUBLISHED GUIDELINES resulting in DAMAGES to Lisa Frantz!!!

CALPERS REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS, RATHER THAN SUPERIOR COURT in DELIBERATE DEFIANCE of the U.S. Department of Justice, U.S. Solicitor General and Federal Courts.

In a letter published 20 February 2025 from the United States Solicitor General officially declared; Administrative Courts are unconstitutional and unlawful, and their days are numbered. Justice Gorsuch has made it clear: No judge, agency, or bureaucrat can take your property, children, or freedom without a jury trial.

The pensions managed by CalPERS are the **PROPERTY OF THE PENSIONERS, NOT CalPERS**, and as such, the pensioners have the right to assign their property to those THEY choose.

REQUIRING PENSIONERS/SURVIVORS TO APPEAL TO AN ADMINISTRATIVE HEARING PROCESS IS NOT ONLY A FAILURE IN FIDUCIARY DUTY, THIS IS IN DIRECT DEFIANCE OF THE U.S. DEPARTMENT OF JUSTICE, THE U.S. SOLICITOR GENERAL AND THE FEDERAL COURT resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF LYING UNDER OATH!!!

During the Administrative Hearing, the CalPERS witness testified under oath that Leslie Zoeller fraudulently stated in his retirement documents that Lisa Frantz was his spouse. She further testified that Leslie Zoeller received a higher pension payment as married than he would have received as single.

This testimony is ABSOLUTELY FALSE!!! The attached retirement documents clearly note Lisa Frantz as FIANCE or FRIEND!!!

CalPERS staff LYING UNDER OATH is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL, resulting in DAMAGES to Lisa Frantz!!!

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING!!!

The CalPERS witness testified under oath that a SCREENSHOT was proof that Leslie Zoeller noted he was married at the time of his retirement. Fortunately, the Administrative Hearing Judge did not allow the screenshot document to be entered into evidence because there was no contextual basis for the screenshot, nor was the CalPERS witness able to explain the contextual basis of the screenshot document.

CalPERS STAFF FABRICATING EVIDENCE and the CalPERS ATTORNEY ATTEMPTING TO SUBMIT A FABRICATED DOCUMENT INTO EVIDENCE DURING THE ADMINISTRATIVE HEARING is not only a FAILURE IN FIDUCIARY DUTY, THIS IS ILLEGAL resulting in DAMAGES to Lisa Frantz!!!

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES!!!

The CalPERS attorney did not bother to submit a Brief prior the Administrative Hearing, and his Closing Brief was wrought with factual errors, misrepresentations and blatant LIES!!! As a

Fiduciary, the CalPERS attorney is held to the highest standard of professionalism in his representation of CalPERS; his lack of preparedness and Closing Brief are NOT examples of the highest level of professionalism, and as such, are an egregious failure in his Fiduciary Duty. Of all the Fiduciaries within CalPERS, the attorney is required by law to perform to the highest level of professionalism.

CalPERS ATTORNEY SUBMITTING A SLOPPILY WRITTEN CLOSING BRIEF, WROUGHT WITH FACTUAL ERRORS, MISREPRESENTATIONS AND LIES is not only a DELIBRATE, EGREGIOUS FAILURE IN FIDUCIARY DUTY, PUBLISHING LIES IS ILLEGAL, which result in DAMAGES to Lisa Frantz!!!

CalPERS Board of Directors, please explain, clearly and concisely how the above issues are not EGREGIOUS FAILURES IN THE CalPERS FIDUCIARY DUTY.

While the CalPERS staff and attorneys have failed to DIRECTLY address these egregious failures in the CalPERS Fiduciary Duty, the California Superior Court will hold CalPERS accountable for the damages caused to Lisa Frantz that are a direct result of CalPERS failure in their Fiduciary Duty.