

**MINUTES OF GENERAL MEMBERSHIP MEETING**  
**Thursday, August 15, 2019 @ 11:00 am**

The August 2019 General Membership meeting of the Dallas Police Retired Officers Association took place at the Dallas Police Association, 1412 Griffin Street East, Dallas, TX 75215.

Present: President David Elliston  
Vice President Dwight Walker  
Treasurer Crista Walker  
Director Louis Felini  
Director Dale Erves

Absent: Secretary Ken Seguin  
Director Boux Bland  
DFR Advisor Larry Williams  
Communications Director Carol Richtsmeier

Discussion:

1. President David Elliston called the meeting to order without the Pledge of Allegiance as the flag had been removed from the room.
2. Director Dale Erves delivered the invocation.
3. The minutes from the July 2019 meeting had been previously posted on the DPROA website. A motion was made by member Ray Ball to accept the minutes as posted; seconded by member Glen Bradshaw. Motion carried by acclamation with none opposed.
4. President Elliston discussed the DPROA vs. Texas Pension Review Board (PRB) case initial hearing he and Director Erves attended in Austin. Judge Laura Livingston, who presided over the hearing, has been on the bench for over 20 years. She was very straight to the point, matter-of-fact, and was able to cut through to the heart of the matter.
  - The attorney for the Attorney General's office tried to give the judge background starting in 2017, when the legislature changed the pension law which changed the way the pension system calculates some of its benefits
  - The judge interjected "So they were denied benefits they were entitled to?" The attorney responded, "Well, their benefits changed."
  - The judge told the attorney that the state needed to determine who had jurisdiction because if she didn't have it, then she didn't need make a ruling on whether or not a protective order could be granted (a tactic to prevent DPROA from suing the state PRB). She asked why that wasn't done first.
  - The attorney advised that the DPROA filed the motion to depose the PRB chairman and the state wanted to protect that until it could file the motion regarding jurisdiction
  - The judge asked when the case was filed. The attorney responded five months earlier, which caused the judge to ask why the state didn't file the motion immediately if it didn't believe the correct entity was being sued. The attorney

advised they were working behind the scenes to keep the courts out of it and trying to get the DPROA to go sue the correct body.

- Attorney George Vie was present to represent the DPROA and explained to the judge that the reason for seeking depositions was because the state attorneys were being unresponsive. The judge advised that Mr. Vie wasn't understanding the point either as the DPROA needed to have the motion on the plea first so jurisdiction could be determined. Mr. Vie advised that this is what he hoped to accomplish which was to get the state to a hearing.
  - The judge directed both parties to get together and come up with a date for a hearing on the motion to plea to determine who has jurisdiction and include in that the intent to depose Mr. Josh Magee, and it will all be done at one time. The hearing will be held in Travis County
5. President Elliston discussed that attorney Kirk Pittard's reply in the Degan case was posted on the website for review and he didn't have anything else to add for discussion. President Elliston mentioned the 60-page Amicus Brief filed in the Degan case by member Tom Payne which is also on the website for review and footnoted to where he got all of his information. This brief is very informative, especially for anyone reviewing the case for the first time.
  6. Status of the Pension election -- President Elliston advised that Mayor Eric Johnson wanted to keep the former mayor's current selection of people on the pension board and has asked to extend their terms until he can better understand who the people are and what the issues are. President Elliston believes this is a good thing and it will provide stability to the board.
  7. President Elliston discussed the recent DPFPS election and that the three candidates endorsed by the DPROA (Robert French, Gilbert Garcia, Tina Patterson) were all elected.
  8. President Elliston discussed reopening the Annual Adjustment lawsuit participation. The DPROA board believes it did everything within its power to reach as many people as possible, but still couldn't get the addresses, contact information, etc. for all retirees. Since the participation period ended on May 31, the board has been contacted by some retirees wishing to join the lawsuit. The board does not see a downside in reopening participation and allowing others to join the organization and fund the lawsuit. This would not change the dynamics of the lawsuit since the DPROA is the Plaintiff. The Executive Board proposed that the dues would be prorated to June 1<sup>st</sup> and new members would pay \$157.50 for seven months, plus the \$400 lawsuit participation fee, which would make it \$557.50 as the joining fee. Although the lawsuit is fully funded, this will bring more money into the organization and demonstrate how many members are impacted by the annual adjustment. President Elliston asked those in attendance how many would be in favor of opening up participation. All present voted in favor with none opposed. Beginning January 1, 2020, participation will be reopened for a period of three months (January 1 – March 31) with the provision that new members catch up with their dues retroactive to June 1, 2019, and pay the \$400 lawsuit participation fee.
  9. Treasurer Walker gave the monthly treasurer's report. Available funds as of 7/31/19 are \$291,571.91 that are non-designated, while \$262,800.00 are designated funds for the Annual Adjustment lawsuit. A current bill from attorney David Feldman for \$2,800 is due for July. DPROA has already paid \$150,000 of the \$200,000 contracted amount with Mr. Feldman, and there is currently a balance of \$50,000 remaining which is due in

January 2020. The trips the board members make to Austin are paid for out-of-pocket but if you want to donate to funds for this purpose, feel free to designate it on your donation as “for travel.” Treasurer Walker encouraged everyone to go to auto-deduction for monthly membership payment. It makes it easier for everyone and there is not a long delay in making the deposit as we only make trips twice a month to the post office box.

10. Director Erves announced that the polo-shirts have arrived and he is taking new orders for both men and women in any size.
11. President Elliston discussed user error in accessing the DPROA website.
12. President Elliston discussed the pension system going back to recover money from 42 members who were overpaid from their pension annuity, as there may have been some confusion that they were recovering overpayments from DROP annuities. Vice President Walker gave an example that a member could die, and the state would be delayed in notification resulting in full payments continuing to be made.
13. Motion to adjourn the meeting made by Al Castleman, seconded by Jim Freeman. Motion carried by acclamation with none opposed.

The meeting was adjourned at 11:46 am.

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Louis C. Felini

Director (Acting Secretary)