

**MINUTES OF GENERAL MEMBERSHIP MEETING**  
**Wednesday, February 12, 2020 @ 11:05 am**

The February 2020 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  
Secretary Kenneth Seguin  
Treasurer Crista Walker  
Director Boux Bland  
Director Dale Erves  
Director Louis Felini  
Vice President Elect Sally Lannom

Absent:

Director Elect Joe Richtsmeier  
Communications Director Carol Richtsmeier  
DFR Advisor Larry Williams

1. President Elliston called the meeting to order and introduced Mr Floyd McLendon, US Navy (Ret.) who is a Democratic candidate for the US House of Representatives, District 32. Mr McLendon spoke for a few minutes about his candidacy.
2. President Elliston led the membership in the Pledge of Allegiance.
3. Director Erves delivered the invocation.
4. The minutes from the December 2019 meeting had been previously posted on the DPROA website. A motion was made by member Jess Lucio to accept the minutes as posted; seconded by member Jim Freeman. Motion carried by acclamation with none opposed.
5. The minutes from the January 2020 meeting had been previously posted on the DPROA website. A motion was made by member Larry Eddington to accept the minutes as posted; seconded by member Jim Freeman. Motion carried by acclamation with none opposed.
6. President Elliston introduced attorney Kirk Pittard who spoke to the membership about the *Degan* case in which the Fifth Circuit Court of Appeals in New Orleans asked two questions of the Texas Supreme Court (TSC). The TSC rendered a split opinion (6-2) which was then transmitted to the Fifth Circuit. That decision favored the Dallas Police & Fire Pension System defendants and did not find that the annuitization of DROP accounts violated Article 16 Section 66 of the Texas Constitution in reducing or impairing benefits. The dissenting opinion which supported Mr Pittard's and the DPROA's position was rendered by Justice Paul Green (Place 5) and Justice Jeffrey Boyd (Place 7). Mr Pittard said that the majority opinion recognized DROP as a protected benefit. Mr Pittard felt that the only scenario in which the TSC would rule in DPROA's favor would be if benefits were reduced as was done in the 1937 *Trammel* case, prior to Article 16 Section 66 becoming law. At this point, Mr Pittard felt that the strongest argument he can make in the federal system will be that the annuitization was a violation of the "taking clause" of the 5<sup>th</sup> Amendment to the US Constitution. He is required to file a brief on his position to the Fifth Circuit by February 24, 2020. He expects to make an oral argument before a panel of three justices. In theory, the case could go to the US Supreme Court but there is only a slim chance of that occurring. Mr Pittard then opened a Question & Answer session with the membership.
7. President Elliston stated there was no new information from attorney George Vie regarding the Texas Pension Review Board (PRB) case. The current status is that the TSC issued a stay order about allowing the taking of a deposition from a PRB representative.
8. Director Bland stated that per the monthly lobbyist report from the Ratliff Company was that the big issue likely to occur in the state legislature will be the state teachers pension.
9. President Elliston advised that on January 22, 2020, he and Director Bland had attended a Meet & Greet function at Del Frisco's restaurant, 2323 Olive Street, with DPFPS Board Members Gilbert

Garcia and Mark Malveaux. There was a crowd of about 25 people. Also in attendance were representatives from other First Responder employee groups.

- Mr Garcia is trying to arrange a meeting with Mayor Johnson and the leadership of the retiree associations.
10. President Elliston encouraged the membership to keep track of deductions from their monthly pension deposits to ensure dues are being properly deducted and recorded.
  11. President Elliston advised that the DPROA website is being upgraded for technology reasons by Bluebird Creative Company. Treasurer Walker also asked technician Alex Klinedinst to keep access open for members through February 29.
  12. President Elliston stated that he had not received any update from DPA President Mike Mata about sending information to eligible DPA members on the Annual Adjustment lawsuit. There is supposed to be an ad in the next issue of *The Shield* magazine about the lawsuit.
  13. President Elliston reported that Mr Bryan Slaton had received the endorsement of the DPROA in his candidacy for the Texas House seat currently filled by Representative Dan Flynn. There was a recent Republican Forum on February 10 at the Canton Civic Center in which both candidates appeared.
  14. President Elliston reminded the membership that the board is still looking for a volunteer to replace Treasurer Crista Walker whose term is expiring in March but has agreed to remain on the board until a replacement can be found.
  15. Treasurer Walker gave the monthly Treasurer's Report. She advised that there was:
    - \$609,357.84 TOTAL in both the checking and money market accounts.
    - All of the original \$200,000 contracted agreement with the Feldman firm has been paid.
    - There is still \$148,392.59 reserved for Feldman fees.
    - There are 792 dues-paying members + whatever may have arrived in the mail.
  16. Director Erves reported that he and member Tom Payne were in attendance when member Joe Thompson provided testimony in a Dallas civil lawsuit involving Mr Dan Lowe with regard to investments by DPFPS and a company identified as RED.
  17. Vice President Walker reminded the membership of his candidacy for election as the Precinct 1 Commissioner in Rockwall County. The primary election will be in March 2020.
  18. Director Erves led a prayer for member Richard Moore on his medical diagnosis and treatment, and the family of member M.E. Jones who recently lost his daughter.
  19. The next General Membership meeting is scheduled for March 11, 2020 at the DPA.

The meeting was adjourned at 12:10 pm.

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Kenneth E. Seguin  
Secretary