

HAYSKAR, WALKER, SCHWERER, DUNDAS & McCAIN, P.A.
ATTORNEYS AT LAW

GARRISON M. DUNDAS
STEPHEN G. HAYSKAR
STEVEN R. McCAIN (1949-2016)
ROBERT V. SCHWERER
JAMES T. WALKER

RENAISSANCE FINANCIAL CENTER
130 SOUTH INDIAN RIVER DRIVE, SUITE 304
FORT PIERCE, FLORIDA 34950
TELEPHONE: (772) 461-2310
FAX (772) 461-6790

July 8, 2020

Keith Stephens, Chair
Board of Trustees for the
Fort Pierce Retirement System
100 North U.S. Highway One
Fort Pierce, FL 34950

RE: Overpayments to Retirants

Dear Keith:

This letter is addressed to you in your capacity as Chair of the Board of Trustees for the Fort Pierce Retirement System and, through you, to the respective members of the Board itself. The purpose of this letter is to acquaint the Board with the status of ongoing collection efforts regarding certain overpayments made to the accounts of retirants subsequently discovered to have been deceased while such payments continued to be made. A detailed staff report on the subject is enclosed. It identifies the accounts in question, initial and outstanding balances, and efforts made to effect recovery.

The scope of this Board's interest in the subject is defined by Board Rule 17(3) which provides as follows:

(3) In the event the secretary finds that there has been an unauthorized taking, conversion or appropriation of retirement benefits by any person other than the intended retirant or beneficiary, the secretary shall immediately investigate and then report the matter to the Board. The Board shall consider the fiduciary interest of the retirement system, shall take appropriate steps to secure recovery of all such monies, and shall further determine whether such unauthorized person be referred for criminal prosecution.

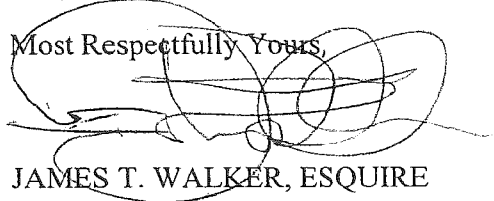
Of the four (4) collection accounts presently open, the largest involves one Richard Brown. As reflected on the attached report, he owes \$5,606.53 on a judgment which was obtained against him in the sum of \$11,306.53. That judgment remains of record and is a lien against any properties owned by him in St. Lucie County. It seems reasonable to believe that at some point Mr. Brown will be needing to clear that record should there be interest in disposition of any properties currently held in his name.

The further sum of \$5,290.80 is thought to be owed by one Regina Smith - - she held power of attorney which gave her access to the retirant's checking account so it is inferred perhaps, that she was the one who would have had access to payments being deposited to that account following retirant's death. Ms. Smith seems to move around quite a bit and there remains ongoing effort to establish contact.

One Ms. Geneva Davis Malone is thought to owe the system \$460.86. There have been several expressions of intent by Ms. Malone to pay the money but no actual follow through.

Thanking the Board for its attention in the matter, I am shall ever continue to remain, as always

Most Respectfully Yours,

A handwritten signature in black ink, appearing to read "James T. Walker", is written over the typed name. The signature is somewhat scribbled and overlaps the text below it.

JAMES T. WALKER, ESQUIRE

JTW/dam

Attachment

cc: Johnna Morris, City Financial Director (via email with attachment)
Pete Sweeney, City Attorney (via email with attachment)
Robert V. Schwerer, Esquire

MEMORANDUM

TO: James T. Walker
FROM: Debra McCain, Legal Assistant
RE: Fort Pierce Retirement – Overpayment of Retirement Monies
DATE: 7/8/2020

STATUS OF OVERPAYMENT OF RETIREMENT

CITY OF FORT PIERCE V. RICHARD “RICKY” BROWN

8/30/19 Final Judgment entered on 8/30/19 and certified copy of FJ recorded at OR Book 4327, Page 2791
10/17/19 Mr. Brown paid \$5,500.00 and HWSD&M, P.A. issued check to City on 10/17/19
11/12/19 Mr. Brown paid \$200.00 in cash which was placed in HWSD&M, P.A Trust Account

FJ AMOUNT TOTAL AMOUNT OWED:	\$	11,306.53
Less payment of	(\$	5,500.00)
Less payment of	(\$	200.00)
CURRENTLY DUE:	\$	5,606.53

LAST COMMUNICATION RECEIVED:

1/14/2020 Mr. Brown called and stated that he would be in the office in or around January 28, 2020 to make a payment towards his balance due
6/23/20 Mr. Walker sent certified mail letter to Ricky Brown requesting him to respond. Green card was returned signed – date of delivery being 6/26/20
7/8/20 Our office has received no communication from Mr. Brown as of this date.

CITY OVERPAYMENT FOR RETIREE – GEORGE COLLINS

9/18/19 JTW sent Certified Mail – Return Receipt Requested letter to Calvin B. Collins requesting reimbursement for overpayment

TOTAL OWED:	\$	894.72
10/22/19 Paid	(\$	400.00)
12/5/19 Paid	(\$	150.00)
1/2/20 Paid	(\$	50.00)
1/30/20 Paid	(\$	50.00)
3/6/20 Paid	(\$	100.00)
3/23/20 Paid	(\$	144.00)
CURRENTLY DUE:	\$.72

