



Employees' Retirement System of Rhode Island

Sent via U.S. First Class Mail and Certified Mail Return Receipt Requested

ERSRI Board:

March 31, 2015

91 7108 2133 3934 8296 6197

Seth Magaziner
General Treasurer
Chair

Chief Robert Warren
Coventry Fire District
571 Washington Street
Coventry, RI 02816

William B. Finelli
Vice Chair

Gary R. Alger

RE: Paul Labbadia

Daniel L. Beardsley

Dear Chief Warren:

Frank R. Benell, Jr.

Roger P. Boudreau

Enclosed please find an invoice in the amount of \$80,497.08, which reflects Coventry Fire District's (CFD) cost for the contributions plus interest to be paid for Mr. Labbadia's service credit for his employment from 2009 through 2014.

Michael R. Boyce

Mark A. Carruolo

Michael DiBiase

Payment must be made no later than 30 days by direct payment of the accrued past service liability as set forth in the invoice. If the CFD fails to remit the employer's contributions, the unpaid balance will be added to the CFD's unfunded liability. As a result, this could cause an increase in the Town's future contribution rates in order to satisfy this funding requirement.

John P. Maguire

John J. Meehan

Thomas A. Mullaney

Claire M. Newell

Thank you for your attention to this matter.

Louis M. Prata

Sincerely,

Jean Rondeau



Frank J. Karpinski
Executive Director

Frank J. Karpinski
Executive Director

Enclosure

Cc: Paul Labbadia
John J. DeSimone, Esq.
Robert Catalfamo, Tax Collector, Coventry Fire District

Employees Retirement System of Rhode Island

50 Service Avenue

Warwick, Rhode Island 02886-1021

Telephone: (401) 462-7600/ Fax: (401) 462-7691

In-State Toll Free: (800) 752-8088

TDD: (401) 521-8980

Web Site: www.ersri.org

Frank J. Karpinski, Executive Director

Employer share

INVOICE

Coventry Fire District
571 Washington Street
Coventry, RI 02816

Statement Date:	Payment Due Date*:
3/30/15	4/30/15

Social Security Number

TRANSACTION INFORMATION		DOLLAR AMOUNT
Code / Description of Service / Dates / Amount of Time to be Purchased		
Employer share of contributions for Paul Labbadia from 2009-2014		
Total Time = 6 Years 0 Months 0 Days		
For ERSRI office use only	Cost to Purchase	\$ 80,497.08
	Interest Due, if any	
	TOTAL AMOUNT DUE	\$ 80,497.08

*If you do not provide payment by the due date, interest charges must be recomputed. **ERSRI will only compute interest charges once a year**, so it is advisable that you send your check by the due date to avoid a delay.

Checks should be made payable to "Employees Retirement System."

SERVICE LEGEND			
30	Prior State Service	36	Educational Leave
31	Prior Teaching Service	37	Personal Leave
32	Prior Municipal Service/Participating	38	Out-of-State Teaching Service
33	Prior Municipal Service/Non-Participating	39	In-State Teaching Service
34	Military Service	40	Miscellaneous
35	Sick Leave	41	Withdrawals



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Frank J. Karpinski
Executive Director

Sent via U.S. First Class Mail and Certified Mail Return Receipt Requested

March 31, 2015

91 7108 2133 3934 8296 6180

John J. DeSimone, Esq.
DeSimone Law Offices
735 Smith Street
Providence, RI 02908

RE: Paul Labbadia – Call System Service Credit

Dear Attorney DeSimone:

I am writing with respect to the above matter to inform you of the Employees' Retirement System of Rhode Island's (ERSRI) actions to be taken given a determination made by North Providence Mayor Charles Lombardi regarding the communication you provided on Mr. Labbadia's behalf from prior members of the North Providence Call Fire Department.

Call System Service Credit

Please be advised that with all information for service credit, ERSRI relies on the information provided by employers to be complete and valid. If a subsequent conflict/question with information is presented to ERSRI on any prior correspondence or data, we will request confirmation from the originating employer.

Accordingly, we received a response from Mayor Lombardi confirming that the final factual determination of Call System service is that Mr. Labbadia served from January 22, 1982 through August 31, 1989. The basis for their decision as noted in their response letter of February 12, 2015 is that (1) the Town of North Providence rules and regulations both in print and in practice did not allow anyone to serve as a member of the Call System prior to age 16 and that Mr. Labbadia turned 16 on January 22, 1982; (2) their records clearly reflect that in July 1982 Mr. Labbadia received his first remuneration as documented within the records they provided to our office; (3) statements to the effect that Mr. Labbadia may have been in the station with family prior to age 16 are irrelevant to qualification for eligible service time.

In light of the determination made by the employer, Mr. Labbadia was not eligible to purchase call system service credit from 1980-1981 and thus it will be necessary to remove that year from his total years of service yielding him 19 years 3 days of

service credit and thereby rendering him ineligible for a service retirement from the Town of North Providence Fire Department in April 2007.

Pension Benefits from North Providence Fire Department

Mr. Labbadia started collecting a retirement benefit from MERS in April 2007, which has since been suspended. As noted, since he was not eligible to collect a pension benefit at that time due to the reduction in service credit no longer making him eligible, it will be necessary for Mr. Labbadia to refund the total amount he received in pension benefits through his date of termination from employment with the Coventry Fire District. The total amount paid to Mr. Labbadia that will need to be recouped is \$51,711.65.

Retirement Contributions

Given that Mr. Labbadia has been regularly employed by the Coventry Fire District (CFD) as Chief since February 20, 2008, it will be necessary pursuant to RIGL §45-21-8 that he be considered an active member of the Municipal Employees Retirement System (MERS) during his employment with CFD. Accordingly, members are required by RIGL §45-21-41 to contribute to the retirement system and pursuant to RIGL §45-21-42, the employer must also make contributions on the members behalf.

The enclosed bill reflects the amount of contributions Mr. Labbadia would have paid including the accrued interest had contributions been deducted from his compensation starting at his date of hire. Using Mr. Labbadia's contract at a starting salary of \$70,000 and an assumed 2.5% increase in pay per year, Mr. Labbadia would owe contributions of \$37,161.49 plus accrued interest of \$7,468.97.

The employer's cost, Coventry Fire District, for Mr. Labbadia's service credit is computed at full actuarial cost, less Mr. Labbadia's contributions plus interest. This amounts to \$80,497.08. Coventry Fire District's bill will be sent to the District under separate cover.

Pension Revocation

Please be advised that pursuant to the Rhode Island Public Employee Pension Revocation and Reduction Act should Mr. Labbadia be convicted of or plead guilty

or nolo contendere to any crime related to his public employment, the retirement board shall at that time consider revocation of his pension.

I trust that this information clarifies the required actions on the part of ERSRI. Should you wish to discuss any of these actions, please feel free to contact me.

Thank you.

Sincerely,



Frank J. Karpinski
Executive Director

Enclosure

cc: Mr. Paul Labbadia 91 7108 2133 3934 8296 6173
Chief Robert Warren, Coventry Fire District
Robert Catalfamo, Tax Collector, Coventry Fire District
Charles A. Lombardi, Mayor and Public Safety Officer, Town of North
Providence
Chief Leonard Albanese, North Providence Fire Department

Employees Retirement System of Rhode Island

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Frank J. Karpinski, Executive Director

INVOICE

Paul Labbadia

Coventry, RI 02816

Statement Date:	Payment Due Date*:
3/30/15	4/30/15

Social Security Number

TRANSACTION INFORMATION	DOLLAR AMOUNT
Code / Description of Service / Dates / Amount of Time to be Purchased	
Employee contributions for employment with the Coventry Fire District from 2009 – 2014.	
Total Time = 6 Years 0 Months 0 Days	
For ERSRI office use only	
Cost to Purchase	\$ 37,161.49
Interest Due, if any	7,468.97
TOTAL AMOUNT DUE	\$ 44,630.46

*If you do not provide payment by the due date, interest charges must be recomputed. **ERSRI will only compute interest charges once a year**, so it is advisable that you send your check by the due date to avoid a delay.

Checks should be made payable to "Employees Retirement System."

SERVICE LEGEND			
30	Prior State Service	36	Educational Leave
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TOWN OF
NORTH PROVIDENCE



STATE OF
RHODE ISLAND

CHARLES LOMBARDI
Mayor

OFFICE OF THE MAYOR
2000 Smith Street
North Providence, RI 02911
Phone 232-0900
Fax 232-3434

Sent via Email and First Class Mail

Frank Karpinski
Executive Director
Employees Retirement System of Rhode Island

February 12, 2015

Dear Director Karpinski,

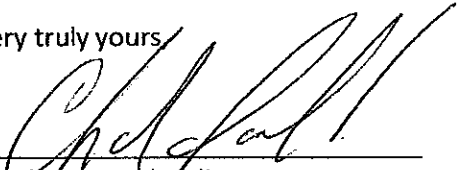
This communication is to confirm that the final factual determination of Call System Credit for Paul Labbadia is that he served from January 22, 1982 through August 31, 1989 for a total of 7 years and 7 months. Therefore, he was only eligible to purchase 2 years of service credit.

State Law 45-21.2-16 entitles members of the North Providence Fire Department Call System to purchase service credits on a 3 years served for 1 year of credit scale. The Town of North Providence rules and regulations both in print and by practice did not allow anyone to serve as a member of the Call System prior to age 16. Mr. Labbadia turned 16 on January 22, 1982 and the records clearly reflect that in July of 1982 he received his first remuneration as documented within the records.

In reference to the emails sent on Mr. Labbadia's behalf, they have no bearing on the actual time served. Statements to the effect that Mr. Labbadia may have been in the station with family prior to age 16 are irrelevant to qualification for eligible service time.

Furthermore, after a Pre Suspension Hearing of Post-Retirement Benefits was held on December 18, 2014, the Town of North Providence terminated all post retirement benefits including COLA and health insurance because it has been factually determined that he was ineligible for these benefits.

Very truly yours



Charles A. Lombardi,
Mayor and Public Safety Director

Copies:

Vincent Ragosta, Esq. Labor counsel
Leonard A. Albanese Jr., Chief, North Providence Fire Department
Anthony Gallone, Esq. Town Solicitor



Employees' Retirement System of Rhode Island

Sent Via U.S. First Class Mail and Email: mlanni@northprovidenceri.gov

ERSRI Board:

February 11, 2015

Seth Magaziner
*General Treasurer
Chair*

Mayor Charles Lombardi, Director of Public Safety
North Providence Fire Department
1951 Mineral Spring Avenue
North Providence, RI 02904

William B. Finelli
Vice Chair

Gary R. Alger

Daniel L. Beardsley

RE: Paul Labbadia

Frank R. Benell, Jr.

Dear Honorable Mayor Lombardi:

Roger P. Boudreau

Michael R. Boyce

We are writing to seek a final determination from you with respect to Mr. Paul Labbadia's time period for service with the North Providence Fire Department Call System.

Mark A. Carruolo

Michael DiBiase

John P. Maguire

As you are aware Paul Labbadia retired from the North Providence Fire Department (NPPFD) in April 2007 with 20 years of service. The 20 years of service was attained through 17 years of contributing service and 3 years of Call System time. Mr. Labbadia purchased Call System service credit pursuant to Rhode Island General Law §45-21.2-16 based on the information provided by the NPPFD which stated that he had been a member of the North Providence Call System from January 1979 until August 1989. As you know, the NPPFD recently provided ERSRI with documentation that indicates there were no records available for review from 1980 and 1981 from which to confirm service of Mr. Labbadia during that time and therefore he did not have the required 9 years of Call Time that enabled him to purchase the 3 years of service credit which allowed him to retire in 2007. Below is a list of the information received by the Employees' Retirement System of Rhode Island (ERSRI) from the NPPFD from May 1996 through November 2014:

John J. Meehan

Thomas A. Mullaney

Claire M. Newell

Louis M. Prata

Jean Rondeau

Frank J. Karpinski
Executive Director

- November 11, 2014
Letter and spreadsheet of official department records from Chief Albanese indicating that Mr. Labbadia served on the NPPFD Call System from July 1, 1982 through August 31, 1989 and that the information in the letter from Chief Catanzaro in 2001 to ERSRI was not supported by the Department records.

- November 11, 2014
Email and attachments including official North Providence Fire Department Call System Remuneration records from July 1, 1975 through August 30, 1989 from Chief Albanese. This information included reveals Paul Labbadia's remuneration received only from January 1, 1982 through August 30, 1989.
- November 24, 2014
Letter with copies of station records from Chief Albanese clarifying discrepancies and indicating his findings upon review of their call system service records for Paul Labbadia as records reported in 1996 consistent with time served and that the compensation amounts were inaccurate. He indicated that the letter from Chief Catanzaro from 2001 contained information which was not consistent with the department records.
- February 5, 2001
Letter from NPFDF Chief Steven Catanzaro indicating Paul Labbadia was a member of the Call System from January 1979 through August 31, 1989 and that the compensation was a flat \$500.
- Verification of Prior/Probationary Time form signed by the Finance Director dated May 1, 1996 indicating dates of 1/1/82 through 12/31/89 as Call Time.

Recently, Mr. Labbadia's attorney, John J. DeSimone, Esq. submitted statements to ERSRI from prior members of the North Providence Volunteer Fire Department/North Providence Fire Department Call System, each providing their recollection of their association with Mr. Labbadia beginning in 1980. They are enclosed for your review.

- Email dated January 5 from Vincent Matrumalo
- Letter dated January 12, 2015 from Donald Martone
- Letter dated January 5, 2015 from John C. Wheeler

In all instances, where ERSRI relies on the employer to provide information such as a retirement system member's salary, compensation, dates of hire,

status of employment, etc., ERSRI accepts the information provided by the employer as true and accurate unless other conflicting information is received in which case the employer is asked to weigh the conflicting information and make a final determination.

In this matter, ERSRI is in receipt of conflicting information regarding *Call System Credit* for Mr. Labbadia during 1980 and 1981 as described above.

We request that you kindly review the enclosed documentation submitted to ERSRI by Attorney DeSimone, weigh the conflicting information, and provide us with a final factual determination.

We look forward to your prompt response.

Sincerely,



Frank J. Karpinski
Executive Director

Enclosures

Cc: John J. DeSimone, Esq. jjd@desimonelaw.net
Paul Labbadia
Chief Leonard A. Albanese, Jr. firechief@northprovidenceri.gov

1/5/2015

Verizon | MyVerizon 2.0 | Verizon Message Center - Chief Paul Labbadia


Verizon Message Center

Monday, Jan 5 at 9:01 AM

From: [REDACTED]
To: [REDACTED]
Subject: Chief Paul Labbadia

To Whom It May Concern,

I have followed the events surrounding Chief Paul Labbadia in the news, and I feel compelled to assist in the quest for the truth. I retired as a Deputy Chief from The Cranston Fire Department in 2009 after 27 years of service. Prior to that, I was a volunteer/call firefighter in the Town of North Providence from early 1978 through the spring of 1982. I don't think I could swear to, or prove the exact dates of my tenure, as record keeping then was not what it is now. I assume that to be the case with Chief Labbadia as well, so I will try to help with your timeline.

During my time with the NPF, I can recall Chief Labbadia being at the station and participating in drills and other activities that all the other firefighters did. Unfortunately, it is impossible to give exact dates, but I can say with certainty that his tenure goes back some time prior to January of 1981. I know this because my father passed away on January 11, 1981 while I was on duty. Chief Labbadia was one of my fellow firefighters who was there for me at that time and helped me through it. I am sure he was involved in the FD for some time prior to this event, but it is difficult to say how long.

For what it is worth, I feel that with the word of co-workers like myself who remember Chief Labbadia's earliest public service, to the Chief, Mayor, and Town Council who approved his retirement papers, that this would be enough proof for you to continue to honor his retirement benefits as spelled out in the contract under which he retired.

Thank You,

Vincent A Matrumalo
[REDACTED]

North Providence, RI 02911

January 5, 2015

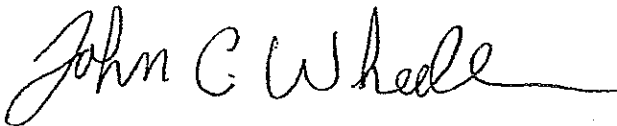
To Whom It May Concern:

I am writing this letter on behalf of Paul Labbadia formerly of the North Providence Fire department.

My name is John Wheeler. I began with the North Providence Fire Department in 1980 as a volunteer. I was introduced to Paul during my first training session in January of that year. I completed my training in 1981 and subsequently joined the North Providence Fire Department Call System.

I served with Paul during my time on the call system. We were eventually appointed to the newly developed permanent department in 1989. We developed a professional as well as personal relationship during this time. Paul proved to be a great firefighter and I had the privilege of working with him until his retirement from the North Providence Fire department.

Regards.

A handwritten signature in black ink that reads "John C. Wheeler". The signature is written in a cursive style with a long horizontal flourish at the end.

John C. Wheeler
Retired Director of Safety and Training
North Providence Fire Department

January 12, 2015

To Whom It May Concern:

I have known Paul Labbadia since 1980 when he was a Junior Member of the Centerdale Fire Department. He was always there with his father, Chief Carmine Labbadia and his two older brothers, Michael and Larry.

When I was transferred to Station 2 in Fruit Hill to be District Chief, he came to the First Aid and CPR training classes which was given by myself and Capt. Pat Ruggiano. Paul also attended our firefighting drills.

If any further information is needed, please feel free to contact me.

Sincerely,



Donald Martone

Johnston, RI 02919

From: Kerri [mailto:kat@desimonelaw.net]
Sent: Tuesday, January 13, 2015 2:02 PM
To: Karpinski, Frank
Cc: jjd@desimonelaw.net
Subject: Letters re On Call Service for Paul Labbadia

Dear Mr. Karpinski,

In response to your letter dated November 21, 2014, attached please find correspondence from John Wheeler, Retired Director of Safety & Training, North Providence Fire Department and Vincent Matrumalo supporting Mr. Labbadia's call service prior to 1981.

Very Truly Yours,

John J. DeSimone, Esquire



This email is free from viruses and malware because avast! Antivirus protection is active.

From: Kerri [mailto:kat@desimonelaw.net]
Sent: Friday, January 16, 2015 11:11 AM
To: Karpinski, Frank
Subject: Letters re On Call Service for Paul Labbadia

Dear Mr. Karpinski,

In follow-up to the letters from Mr. Wheeler and Mr. Matrumal that my office emailed on Tues., January 13, 2015, attached please find a letter from Donald Martone.

Thank you

From: Kerri [mailto:kat@desimonelaw.net]
Sent: Tuesday, January 13, 2015 2:02 PM
To: 'Frank Karpinski (fkarpinski@ersri.org)'
Cc: 'jjd@desimonelaw.net'
Subject: Letters re On Call Service for Paul Labbadia

Dear Mr. Karpinski,

In response to your letter dated November 21, 2014, attached please find correspondence from John Wheeler, Retired Director of Safety & Training, North Providence Fire Department and Vincent Matrumalo supporting Mr. Labbadia's call service prior to 1981.

Very Truly Yours,

John J. DeSimone, Esquire



This email is free from viruses and malware because avast! Antivirus protection is active.