

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

THE RETIREMENT BOARD OF THE
EMPLOYEES' RETIREMENT SYSTEM
OF THE STATE OF RHODE ISLAND

V.

JOHN W. CARD

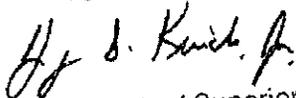
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C.A. No. PC 2008-8257

ORDER

The above-entitled action came on for hearing in this Honorable Court on April 1, 2010, on Plaintiff's Motion for Judgment on the Pleadings pursuant to Rule 12(c) of the Superior Court Rules of Civil Procedure, Ms. Justice Gibney, Presiding Justice of the Superior Court, presiding. After hearing thereon and in consideration thereof, it is hereby Ordered as follows:

1. The Court has considered Plaintiff's Complaint and Defendant's Answer, and has determined that each of the relevant facts alleged by the Plaintiff has been admitted by the Defendant. Accordingly, the Plaintiff's Motion for Judgment on the Pleadings is granted;
2. Pursuant to R.I.G.L. §36-10.1-1 *et seq.*, the Rhode Island Public Employee Pension Revocation and Reduction Act, the Court has reviewed and considered the necessary factors set forth in the Act in order to be able to address the Defendant's entitlement to a public pension, in light of the factual information alleged in the Plaintiff's Complaint and admitted in Defendant's Answer;
3. Pursuant to R.I.G.L. §36-10.1-3(c)(1), the Court has determined that:
 - a. The Defendant plead guilty to a crime related to his public employment; and
 - b. The Defendant's public pension benefits should be revoked in full.
4. In reaching its decision herein, the Court has considered the Defendant's conduct, as alleged in Plaintiff's Complaint and admitted in Defendant's Answer, in light of the factors set forth in R.I.G.L. §36-10.1-3(c)(2), including the following:
 - a. The Court has considered that honorable public service is presumed and required under title 36, under title 16, under title 45, under title 8, under chapter 30 of title 28, under chapter 43 of title 31, and under Chapter 28 of title 42;


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Providence, Rhode Island

- b. The Court has considered the severity of the crime related to Defendant's public employment, to which the Defendant has plead guilty;
- c. The Court has considered the degree of public trust reposed in the Defendant by virtue of his public employment; and
- d. The Court has considered the facts as alleged by the Plaintiff and admitted by the Defendant, and in light of the statutory factors necessary for consideration of the issue has concluded that the Defendant has forfeited his right to pension benefits as a result of his conduct;

- 5. The Court therefore Orders that Defendant's pension benefits be revoked in full;
- 6. The Court has not been made aware of any outstanding judgment or orders rendered by any court of competent jurisdiction, for the payment of restitution for losses incurred by any person as a result of the Defendant's crime related to his public employment. Accordingly, pursuant to R.I.G.L. §36-10.1-4, the Plaintiff shall return Defendant's contributions to him forthwith;
- 7. Judgment may enter in favor of the Plaintiff and against the Defendant consistent with the terms of this Order.

Entered as an Order of the Court this 1st day of April, 2010.

ENTER:

Per Order,

Gibney, PJ
Gibney, Presiding Justice

Dawn M. White
Clerk

Submitted by,

Michael P. Robinson
Michael P. Robinson (#6306)
SHECHTMAN HALPERIN SAVAGE, LLP
1080 Main Street
Pawtucket, RI 02860-4847
Tel: (401) 272-1400
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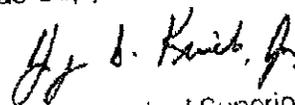
John S. Kenick, Jr.
Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1st day of April, 2010, a true and accurate copy of the within Order was served via hand delivery, to Michael K. Marran, Esq., 321 South Main Street, Suite 200, Providence, RI 02903.

A handwritten signature in black ink, appearing to be "J. S. K...", written over a horizontal line.

True Copy Attest

A handwritten signature in black ink, appearing to be "J. S. K...", written in a cursive style.

Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

THE RETIREMENT BOARD OF THE
EMPLOYEES' RETIREMENT SYSTEM
OF THE STATE OF RHODE ISLAND

VS.

MICHAEL AYER

C.A. No.: PC11-0817

JUDGMENT

Pursuant to the Order of this Honorable Court, Final Judgment hereby enters as follows:

1. Final Judgment hereby enters in accordance with the terms of the Order of this Honorable Court;

2. Any and all retirement or other benefits accrued by Defendant in connection with his public office or employment and his membership in the Employees' Retirement System of the State of Rhode Island ("ERSRI"), to which he might otherwise be entitled, are forthwith and henceforth revoked in their entirety pursuant to the provisions of R.I.G.L. §36-10.1-1, *et seq.*, and Defendant shall be precluded at any point in the future from restoring any monies to ERSRI representing contributions related to his revoked pension, and from receiving any credit or other pension benefit whatsoever from ERSRI or the Retirement Board;

3. The contributions being held by the Retirement Board in connection with Defendant's public service and membership in ERSRI shall be paid to Defendant forthwith, less the amount of \$1,536.00, which shall be paid forthwith to the Clerk of the Superior Court in satisfaction of the outstanding amounts due and owing to the Providence Superior Court in connection with the matter of *State of Rhode Island v. Michael Ayer*, P2-2010-1916A.

SUPERIOR COURT
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HENRY S. KINCH JR., CLERK

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4. The balance of the remaining contributions being held by the Retirement Board in connection with Defendant's public service and membership in ERSRI after payment of the sums referenced in Paragraph 3 hereof, shall be returned to Defendant forthwith.

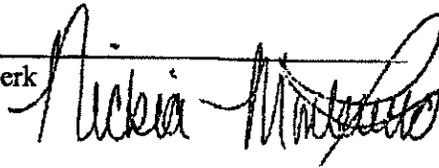
Entered as a Judgment of the Court on this 4th day of August, 2014.

ENTER:

Per Order,

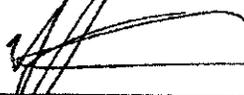


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Clerk
Nickia M. Monteiro, Deputy Clerk

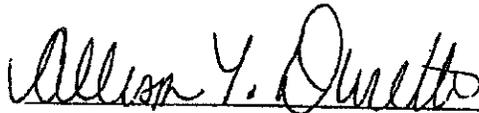
Presented by:



Michael P. Robinson, Esq. (#6306)
Matthew R. Shechtman, Esq. (#8397)
Shechtman Halperin Savage, LLP
1080 Main Street
Pawtucket, RI 02860
(401) 272-1400 Telephone
(401) 272-1403 Facsimile
mrobinson@shslawfirm.com
mshechtman@shslawfirm.com

CERTIFICATION

I hereby certify that I mailed a true and accurate copy of the within *Judgment* to *pro se* Defendant Michael Ayer, 31 Memorial Drive, Stoughton, MA 02072 on this 29th day of July 2014 by first class mail postage prepaid.



Allison Y. Durett

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

THE RETIREMENT BOARD OF THE)
EMPLOYEES' RETIREMENT SYSTEM)
OF THE STATE OF RHODE ISLAND)

VS.)

MICHAEL AYER)

C.A. No.: PC11-0817

ORDER

The above-entitled matter came before this Honorable Court for hearing on the 22nd day of July, 2014 on the Plaintiff's Motion for Summary Judgment, and after hearing thereon, and in consideration thereof, it is hereby:

ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff's Motion for Summary Judgment is hereby **GRANTED** and Final Judgment shall enter in accordance with the terms set forth herein;

2. Based upon the Court's consideration of the relevant statutory factors, any and all retirement or other benefits accrued by Defendant in connection with his public employment and his membership in the Employees' Retirement System of the State of Rhode Island ("ERSRI"), to which he might otherwise be entitled, shall forthwith and henceforth be revoked pursuant to the provisions of R.I.G.L. §36-10.1-1, *et seq.* and Defendant shall be precluded at any point in the future from restoring any monies to ERSRI representing contributions related to his revoked pension, and from receiving any credit or other pension benefit whatsoever from ERSRI or the Retirement Board;

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HENRY S. FINCH JR., CLERK
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3. The Court hereby finds that Defendant has an outstanding fine against him in the amount of \$1,536.00 in the matter of *State of Rhode Island v. Michael Ayer*, P2-2010-1916A, in connection with his criminal conviction.

4. The Court hereby finds that there are no other outstanding judgments or orders rendered by any court of competent jurisdiction for the payment of restitution for losses incurred by any person as a result of Defendant's crimes related to his public office or employment, other than the outstanding fine against him identified in Paragraph 3 hereof.

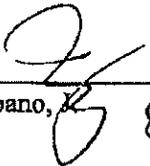
5. The contributions being held by the Retirement Board in connection with Defendant's public service and membership in ERSRI shall be returned to Defendant forthwith, less the amount of \$1,536.00, which shall be paid forthwith to the Clerk of the Superior Court in satisfaction of the outstanding amounts due and owing to the Providence Superior Court in connection with the matter of *State of Rhode Island v. Michael Ayer*, P2-2010-1916A.

~~6~~ Final Judgment may enter in favor of the Plaintiff and against the Defendant consistent with the terms of this Order.

Entered as an Order of the Court this 4th day of AUGUST, 2014.

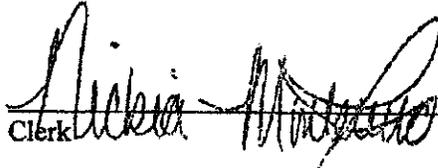
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Per Order:



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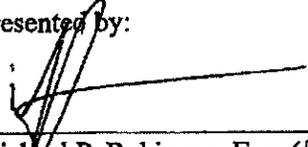
8-4-14



Clerk

Nickia M. Monteiro, Deputy Clerk

Presented by:



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mrobinson@shslawfirm.com
mshechtman@shslawfirm.com

CERTIFICATION

I hereby certify that I mailed a true and accurate copy of the within *Order to pro se* Defendant Michael Ayer, 31 Memorial Drive, Stoughton, MA 02072 on this 2nd day of July 2014 by first class mail postage prepaid.

