

SUGARMAN & SUSSKIND

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Robert A. Sugarman ♦
Howard S. Susskind
David E. Robinson
Kenneth R. Harrison, Sr.
D. Marcus Braswell, Jr.

♦ Board Certified Labor
& Employment Lawyer

136
2801 Ponce De Leon Boulevard
Suite 750
Coral Gables, Florida 33134
(305) 529-2801
Broward 327-2878
Toll Free 1-800-329-2122
Facsimile (305) 447-8115

City of Tampa Firefighters' and Police Officers' Pension Fund

Forfeiture of Public Pension Benefits
October 29, 2003

By: Robert A. Sugarman

FORFEITURE CHECKLIST

- Is the Board of Trustees aware of the conviction or termination, either from
 - a notice received from the Florida Commission on Ethics, or
 - having reason to believe that benefits are required to be forfeited

- Does member have a vested benefit?

- Was member convicted or terminated
 - If *convicted*, was it by
 - ◇ adjudication of guilt, or
 - ◇ guilty or nolo plea, or
 - ◇ jury guilty verdict
 - If *terminated*
 - ◇ was it due to a *specified offense* and
 - ◇ did member *admit* it

- Was conviction or termination due to a *specified offense*
 - embezzlement of public funds, or
 - theft from member's public employer, or
 - bribery in connection with employment, or
 - Chapter 838 felony, or
 - any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

- Did the Board
 - give the member notice of the forfeiture proceedings, and
 - hold a hearing, and
 - determine whether benefits should be forfeited, and, if so
 - enter an order forfeiting benefits

- If forfeiture ordered
 - determine if any benefits paid out in excess of accumulated contributions, if so
 - demand payment of excess amount from member
 - if not paid, consider legal action