

RESOLUTION No. 37385

Authorize the City Attorney to institute legal proceedings to recover overpaid benefits in the sum of \$69,631 (Resolution)

WHEREAS, the Bureau of Fire and Police Disability and Retirement (FPDR) was paying a monthly death benefit to Joan M. Souders, widow of an FPDR Member; and

WHEREAS, the benefit to Joan M. Souders was being paid via direct deposit into a joint account held by Joan M. Souders and her son, Matt Souders; and

WHEREAS, in September of 2016, FPDR learned that Joan M. Souders had passed away on December 25, 2013 through a death notification service that FPDR utilized; and

WHEREAS, Matt Souders did not contact the FPDR offices prior to September of 2016 to notify them that his mother had passed away; and

WHEREAS, because notification of her death was not received until 2016, the benefit to Joan M. Souders continued for almost three years after her passing causing an overpayment of benefits in the amount of \$69,630.70; and

WHEREAS, Joan M. Souders' benefits were received and retained by her son, Matt Souders, who was not an eligible beneficiary under the FPDR Plan; and

WHEREAS, FPDR's Administrative Rule 5.4.07 allows the FPDR Director to "request full recoupment of any benefits paid for the period after the date of the Member's or eligible payee's death from the estate of such Member or eligible payee or from such other persons from whom the Director determines recovery to be appropriate;" and

WHEREAS, when FPDR became aware of the death of Joan M. Souders, attempts to collect the overpayment from Matt Souders were unsuccessful; and

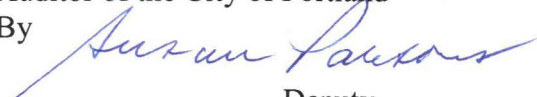
WHEREAS, Council believes it is fair and equitable for FPDR to seek legal action to collect the overpayment.

NOW, THEREFORE, BE IT RESOLVED, the City Attorney is authorized to institute legal proceedings against Matt Souders, and any other potentially responsible party, to seek recovery of overpaid benefits in the sum of \$69,630.70 and to pursue to conclusion those proceedings in any higher court, and in furtherance or resolution of such proceedings, is authorized to make any stipulation, agreement or admission as in her judgment may be in the best interest of the City.

Adopted by the Council: SEP 12 2018

Mayor Ted Wheeler
Prepared by: Sam Hutchison
Date Prepared: August 17, 2018

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Agenda No.
RESOLUTION NO.

37385

Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: <i>Commissioner Dan Saltzman</i></p>	<p>CLERK USE: DATE FILED <u>SEP 04 2018</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p style="text-align: center;"><i>Mary Hull Caballero</i> By: _____ Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">Sep 12, 2018 Rescheduled to Sept 12, 2018 at 3:00 PM</p>
<p>Mayor—Finance & Administration – Wheeler</p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Fish</p>	
<p>Position 3/Affairs - Saltzman <i>Dan Saltzman</i></p>	
<p>Position 4/Safety - Eudaly</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: Fire & Police Disability & Retirement Bureau Head: Samuel Hutchison</p>	
<p>Prepared by: Samuel Hutchison/kk Date Prepared: 8/20/2018 <i>SAH</i></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>Jag</i></p>	
<p>Council Meeting Date: September 12, 2018</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input type="checkbox"/>	