

# DAVIS, COWELL & BOWE, LLP

Counselors and Attorneys at Law

## San Francisco

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Steven L. Stemerman (CA, NV)  
Richard G. McCracken (CA, NV)  
W. David Holsberry (CA, NV)  
Elizabeth Ann Lawrence (CA, NV, AZ)  
Andrew J. Kahn (CA, NV, AZ)  
John J. Davis, Jr. (CA)  
Florence E. Culp (CA, NV)  
Kristin L. Martin (CA, NV, HI)  
Eric B. Myers (CA, NV)  
Paul L. More (CA, NV, MA)  
Sarah Varela (CA, AZ, NV)  
Sarah Grossman-Swenson (CA, NV)  
Elizabeth Q. Hinckle (CA)  
Yuval Miller (CA)  
Kyrsten Skogstad (CA, AZ)  
David L. Barber (CA)  
  
Robert P. Cowell (1931-1980)

of counsel:  
Philip Paul Bowe (CA)

## McCracken, Stemerman & Holsberry

1630 S. Commerce Street, Suite A-1  
Las Vegas, Nevada 89102  
702.386.5107  
Fax 702.386.9848

May 12, 2014

*VIA EMAIL (dlow@oaklandnet.com) and U.S. MAIL*

David Low  
Oakland Police & Fire Retirement System  
150 Frank H. Ogawa Plaza, 3rd Floor  
Oakland, CA 94612-2012

Re: *Status of Public Records Act Request (Nov. 22, 2013 Request)*

Dear Mr. Low:

I am writing to follow up on our prior correspondence regarding the Public Records Act request made on November 22, 2013, by the Retired Oakland Police Officers Association.

On December 26, 2013, you stated "not available" in response to all requests except Request #2 (see prior correspondence, enclosed here). It is unclear from this response whether a search was made, whether the records do not exist, or whether the System is claiming some basis for not releasing the records. Please clarify your response.

As we noted in our letter from May 9, 2014, sections 4.2 and 4.4 of the Oakland Police & Fire Retirement System Contract with New York Life require regular communications between the two entities. We have also enclosed an example of a communication responsive to our Requests. Please provide us with an update on the search for all documents responsive to all Requests.

Please give me a call at 415-597-7200 ext. 2099 if you have any questions or would like to discuss further. Thank you for your time and assistance.

Very truly yours,



Sarah Grossman-Swenson

Encl.

## Yien Saelee

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**From:** Low, David <DLow@oaklandnet.com>  
**Sent:** Thursday, December 26, 2013 9:53 AM  
**To:** Yien Saelee  
**Subject:** RE: Public Records Act Request Follow-up re Oakland Police & Fire Retirement System  
**Attachments:** PRR 20131122 NYLife Annuity Report 2000-Present.xls

Yien,

Attached here is the reply to the Public Records Request made to the Oakland Police and Fire Retirement System:

1. Copies of any and all correspondence and documents reflecting communications between the Oakland Police & Fire Retirement System ("PFRS") and New York Life Insurance Company ("New York Life") regarding annuities first purchased in approximately 1985-86 ("New York Life Annuities"), from January 1, 1997 to the present. Not Available
2. Copies of all records of payments to PFRS related to the New York Life Annuities, and/or made pursuant to the New York Life Contract, from January 1, 1997 to the present. Responded to ROPOA in PRR #944 (spreadsheet attached)
3. Copies of any and all correspondence between New York Life and PFRS, relating to or referring to status changes for annuitants named in the New York Life Annuities and New York Life Annuity Contract, including any attachments, appendixes or exhibits thereto, from January 1, 1997 to the present. Not Available
4. Copies of all correspondence between Tier Jenkins and New York Life, or any other person or entity, regarding the New York Life Annuities, from January 1, 2000, to the present. Not Available
5. Copies of all correspondence between Yvonne Hudson and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 1997, to the present. Not Available
6. Copies of all correspondence between Walter Johnson and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 1985, to the present. Not Available
7. Copies of all correspondence between David Low and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 2000, to the present. Not Available

Sincerely,

DAVID LOW  
Retirement Systems  
City of Oakland  
150 Frank Ogawa Plaza, Ste 3332  
Oakland CA 94612  
p: 510.238.7295 f: 510.238.7129  
[dlow@oaklandnet.com](mailto:dlow@oaklandnet.com)

---

**From:** Yien Saelee [<mailto:ysaelee@dcbsf.com>]  
**Sent:** Monday, December 23, 2013 10:30 AM  
**To:** Low, David  
**Cc:** David Holsberry  
**Subject:** Public Records Act Request Follow-up re Oakland Police & Fire Retirement System

Dear Mr. Low,

Please see attached for correspondence regarding the above-referenced matter.

Regards,

Yien

Yien Saelee  
Assistant to Eric B. Myers and John J. Davis, Jr.

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San Francisco, CA 94105  
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DAVIS, COWELL & BOWE LLP

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December 23, 2013

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**McCracken, Stemerman  
& Holsberry**

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Via U.S. Mail and E-mail (dlow@oaklandnet.com)

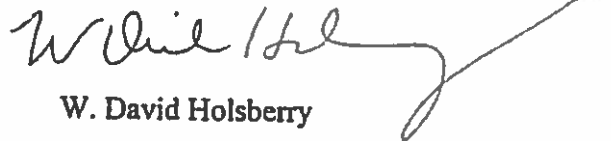
Oakland Police & Fire Retirement System  
c/o David Low  
Lionel Wilson Building  
150 Frank H. Ogawa Plaza, 3rd Floor  
Oakland, CA 94612-2021

Re: November 22, 2013 Public Records Act Request

To Whom It May Concern:

Enclosed is a copy of our November 22, 2013 Public Records Act request served on your organization. There has been no response within the statutory time limitation; that violation is not waived. Please inform me immediately when the requested records will be provided.

Very truly yours,



W. David Holsberry

WDH:ys  
Encl.

# DAVIS, COWELL & BOWE, LLP

Counselors and Attorneys at Law

November 22, 2013

## San Francisco

595 Market Street, Suite 1400  
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415.597.7200  
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Via certified mail and e-mail (dlow@oaklandnet.com)

Oakland Police & Fire Retirement System  
c/o David Low  
Lionel Wilson Building  
150 Frank H. Ogawa Plaza, 3rd Floor  
Oakland, CA 94612-2021

Re: *Public Records Act Request*

To Whom It May Concern:

Our firm is counsel to the Retired Oakland Police Officers Association (ROPOA).

Under the California Public Records Act, we are requesting the following Oakland Police & Fire Retirement System documents, preferably in electronic format:

1. Copies of any and all correspondence and documents reflecting communications between the Oakland Police & Fire Retirement System ("PFRS") and New York Life Insurance Company ("New York Life") regarding annuities first purchased in approximately 1985-86 ("New York Life Annuities"), from January 1, 1997 to the present.
2. Copies of all records of payments to PFRS related to the New York Life Annuities, and/or made pursuant to the New York Life Contract, from January 1, 1997 to the present.
3. Copies of any and all correspondence between New York Life and PFRS, relating to or referring to status changes for annuitants named in the New York Life Annuities and New York Life Annuity Contract, including any attachments, appendixes or exhibits thereto, from January 1, 1997 to the present.
4. Copies of all correspondence between Tier Jenkins and New York Life, or any other person or entity, regarding the New York Life Annuities, from January 1, 2000, to the present.

DAVIS, COWELL & BOWE, LLP

Oakland Police & Fire Retirement System

November 22, 2013

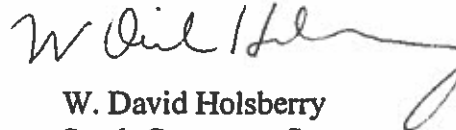
Page 2

5. Copies of all correspondence between Yvonne Hudson and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 1997, to the present.
6. Copies of all correspondence between Walter Johnson and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 1985, to the present.
7. Copies of all correspondence between David Low and New York Life or any other person or entity regarding the New York Life Annuities, from January 1, 2000, to the present.

We would prefer documents in electronic format, produced to [wdh@dcbsf.com](mailto:wdh@dcbsf.com). In the event that documents are not available in electronic format, we agree in advance to pay \$100 for copying. If we are likely to exceed that amount, please contact us at (415) 597-7200 or [wdh@dcbsf.com](mailto:wdh@dcbsf.com) to approve additional copying expenses.

We look forward to your response. Thank you for your time and assistance.

Very truly yours,



W. David Holsberry  
Sarah Grossman-Swenson

07/25/2011 15:52:53



169 Lackawanna Avenue  
Parsippany, N.J. 07054

July 25, 2011

Mr. Teir Jenkins  
City of Oakland  
150 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612

RE: GA-04020  
City of Oakland

Dear Mr. Jenkins:

As of 06/30/2011, \$861,349 of monthly benefits remains in force under this contract. The value of the statutory reserves held to cover New York Life Insurance Company's liabilities for these benefits is \$59,180,663.

Note that these guaranteed nonparticipating annuities were purchased from NYLIC by City of Oakland in 1985 under a single premium group annuity contract. It is important to note that the guarantee made by NYLIC is to pay all benefits as specified in the contract.

The value of such benefits as of 06/30/2011 based on a new money rate of 3.15% would be approximately \$97 million.

Please call me at 973-394-3218 if you have any questions.

Sincerely,

  
Janet Chow  
Guaranteed Products Client Services