

PUBLIC MEETING MINUTES FOR CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD ARIZONA DEPARTMENT OF CORRECTIONS



February 6, 2025



A public meeting of the Corrections Officer Retirement Plan Local Board for the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR) was convened **Thursday, February 6, 2025, at 10:00 a.m.** at the **Arizona Department of Corrections, 1831 West Jefferson, Phoenix, Arizona, 85007**, in the Training Room, on the 2nd floor.

The Board may discuss/vote on items at any time, the Board may enter into Executive Session pursuant to A.R.S. § 38-431.03 (A) (2) to obtain legal advice and pursuant to A.R.S. § 38-431.03 (A) (3) to discuss details of a confidential nature.

Present at the meeting were the following individuals:

Randall Lowe, Chairman	Michael McCarville, Board Member
Judy Frigo, Board Member (Conferenced in)	Brian Bernal, Board Member
Kyle Cummings, Assistant Attorney General	Sandra Moreno, Board Secretary, Retirement Specialist
Karen Ray, Board Secretary, Retirement Specialist	
Guests	
Kelly Smith, Benefits Manager	

I. CALL TO ORDER – CORP Local Board Meeting was called to order by Chairman Randall Lowe at 10:00 a.m.

ROLL CALL TAKEN

1. The individuals listed in the above table were present.

II. APPROVAL OF MINUTES

1. Approval of Public Meeting Minutes for January 2, 2025.

MOTION 02-06-01	
Motion:	To approve the Public Meeting Minutes for January 2, 2025.
Moved by:	Judy Frigo
Seconded by:	Michael McCarville
Discussion:	
In Favor:	Frigo – aye, - McCarville – aye, - Bernal - aye, Lowe – aye
Motion:	Passed

III. REQUEST TO REMAIN IN ASRS/CORP:

The following applications have been filed and are presented for Local Board consideration:

1. **Suzette Rico Leyva** is requesting to remain in ASRS; she has 22.110 years of service. She accepted a CORP position as a Correctional Education Program Teacher, effective January 13, 2025.
2. **Alexandria Bailey** is requesting to remain in CORP; she has 17.399 years of service. She was transferred from a CORP position within ADCRR to an ASRS position within ADCRR as a Human Resources Supervisor, effective January 4, 2025.

MOTION 02-06-02	
Motion:	Approval of requests by Suzette Rico Leyva to remain in ASRS, and Alexandria Bailey to remain in CORP.
Moved by:	Judy Frigo
Seconded by:	Michael McCarville
Discussion:	
In Favor:	Frigo - aye, - McCarville – aye, - Bernal – aye, - Lowe – aye
Motion:	Passed

IV. RETURN TO WORK RETIREE REQUESTING TO RETAIN PENSION:

The following requests were presented for Local Board consideration:

1. **Cassandra Penner** retired from CORP effective March 29, 2024. She returned to work in a full-time CORP position as a Correctional Officer II, effective January 6, 2025. She is requesting to retain her CORP Pension. An Alternate Contribution Rate is required.

MOTION 02-06-03	
Motion:	Board Member Frigo made a motion for Cassandra Penner to continue to receive the CORP pension with Alternate Contribution Rate.
Moved by:	Judy Frigo
Seconded by:	Michael McCarville
Discussion:	
In Favor:	Frigo - aye, - McCarville – aye, - Bernal – aye, - Lowe – aye
Motion:	Passed

V. GENERAL DISCUSSION:

1. Next Board Meeting will be on Thursday, March 6, 2025.
Chairman Lowe asked if anyone had a conflict with this meeting date, and there was no response.

2. Discussion and questions regarding Assistant Attorney General's Supreme Court Rule 42 Notice of Representation letter to the Board.

AAG Cummings explained that he requested the Board Secretaries place this matter on the Agenda just so the Board could discuss or ask any questions they may have. AAG Cummings further explained that just a little bit ago the Supreme Court of Arizona amended the ethical rules that control the conduct of lawyers in Arizona, and part of those updates were that government lawyers, such as assistant attorneys general and county attorneys need to provide their clients with notices of representation, basically laying out the scope and pertinent details of their duties. AAG Cummings further explained that, practically speaking, his duties do not change and it's just a new requirement of the ethical rules that government lawyers have to follow. AAG Cummings also stated that if the Board has any questions about the scope of his representation of the Board, then they can go into Executive Session for that legal advice.

Chairman Lowe stated that the letter just basically outlines AAG Cummings representing the Board, "assuming that it's not the AG's Office that's going against the Board and there could be potential conflict that we would have to settle."

AAG Cummings stated that if there was any conflict, then they would figure out what to do at that time because such situations are so fact-specific.

Board Member McCarville asked if this was anything they needed to elevate to the ADCRR General Counsel as an FYI to help.

AAG Cummings stated that technically speaking the Board is a separate entity from the ADCRR, so the letter constitutes an attorney-client communication. AAG Cummings further stated that if the Board wants to, it certainly could decide to disclose the letter, but that would constitute giving away an attorney-client privileged communication.

Board Member McCarville stated "Okay."

AAG Cummings further stated it is the Board's decision as they are the client and control how and what to disclose.

Chairman Lowe stated the letter does not change any dynamic, it just outlines AAG Cummings' defined role in the Board.

AAG Cummings responded, "Yes."

Chairman Lowe responded, "So, no issues there."

VI. CALL TO PUBLIC

No public comment. Chairman Lowe adjourned the meeting at 10:07 A.M.

Transcribed on **February 10, 2025**

Karen Ray, Board Secretary, Retirement Specialist