

ATTACHMENT C

RESPONDENT'S ARGUMENT

(Submitted)

Attachment C



SACRAMENTO
SAN FRANCISCO

Lina Balciunas Cockrell
lina@majlabor.com
direct: 916.551.3342

December 29, 2021

VIA FACSIMILE AND FEDEX
(916) 795-3972

Ms. Cheree Swedensky
Assistant to the Board
CalPERS Executive Office
Lincoln Plaza North
400 Q Street, Room 3340
Sacramento, CA 95811

**Re: Argument of Larry Kosmont for the Board re: Proposed Decision in the
Matter of the Appeal of Membership Eligibility, Case No. 2020-0903**

Dear Ms. Swedensky:

The undersigned represents respondent Larry Kosmont in the above-referenced matter. We urge the Board to adopt the Proposed Decision issued by administrative law judge David B. Rosenman on or about November 24, 2021. The sole issue in this case was whether, as the Interim City Administrator for the City of Montebello in 2011-2012, Mr. Kosmont worked the minimum number of hours required for membership eligibility pursuant to Government Code section 20305(a). Judge Roseman found that, based on the evidence presented, Mr. Kosmont easily met the statutory requirement. The Board should give deference to the findings of the trier of fact, who received the evidence and witnessed the testimony at the hearing and adopt the Proposed Decision.

Very truly yours,

MESSING ADAM & JASMINE LLP

A handwritten signature in black ink, appearing to read "Lina Balciunas Cockrell", is written over a light gray grid background.

Lina Balciunas Cockrell

LBC:jpd
00117015-3

MESSING ADAM &
JASMINE LLP

235 MONTGOMERY ST.
SUITE 828
SAN FRANCISCO, CA
94104

415.266.1800 MAIN
415.266.1128 FAX

MAJLABOR.COM

12/29/2021 7:28PM (GMT-05:00)