

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

The State of Rhode Island by and
Through its Attorney General
Patrick C. Lynch,
The Employees Retirement System
Of Rhode Island by and
Through its Chairman Paul J. Tavares

vs.

Marjarie R. Yashar

C.A. No. *PC 06-1866*

COMPLAINT FOR DECLARATORY RELIEF

1. Plaintiff Patrick C. Lynch is the Attorney General of the State of Rhode Island and the Chief Law Enforcement officer of the State of Rhode Island and brings this action in his official capacity.

2. Plaintiff Paul J. Tavares is the General Treasurer of the State of Rhode Island and the Chairman of the Employees Retirement System of Rhode Island and brings this action in his official capacity.

3. Defendant Marjarie R. Yashar is a resident of the State of Rhode Island and a former Judge of the Rhode Island Administrative Adjudication Court.

4. In or about July, 1985 Defendant Yashar was appointed a Judge of the Rhode Island Traffic Tribunal (now the Administrative Adjudication Court). On or about September 27, 2005 Defendant Yashar voluntarily resigned from service as a Judge of the Administrative Adjudication Court. For a period beginning February 1, 2005, approximately eight (8) months prior to September 27, 2005, and continuing to September 26, 2005, Defendant Yashar voluntarily requested that she be separated from service as a Judge of the Administrative Adjudication Court without pay. Her request was granted, she was placed on leave without pay status and for said period of approximately eight (8) months she did not serve as a Judge of the Administrative Adjudication Court or perform any services or duties associated with said position. By her own request for that eight (8) month period she was not paid and was voluntarily separated from all responsibilities of said position.

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5. Based on the foregoing facts and her voluntary separation from service, Judge Yashar has served as a Judge of the Administrative Adjudication Court for a period of approximately nineteen (19) years and six (6) months and she is entitled to a pension based on that period of service. Judge Yashar, however, claims she is entitled to a pension based on service as a Judge of the Administrative Adjudication Court for a period exceeding twenty (20) years, which includes the time she was voluntarily separated from service at her own request.

6. A controversy now exists and the Plaintiffs seek a declaration of all parties' rights and a judgment that Defendant Yashar is entitled to a pension based on her actual service as a Judge of the Administrative Adjudication Court for a period less than twenty (20) years. Plaintiffs further seek a declaration that Defendant Yashar's pension be reduced in accordance with the foregoing facts and that she be ordered to repay to the State any overpayments she has received from the date of her retirement to the date her pension is properly reduced.

WHEREFORE, Plaintiffs request that this Court issue a Declaratory Judgment finding:

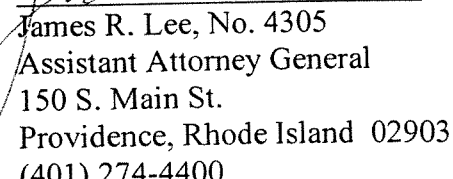
1. That Defendant Yashar is entitled to a pension based on her actual service as a Judge of the Administrative Adjudication Court, which is a period less than twenty (20) years.

2. That Defendant Yashar's pension be reduced in accordance with the foregoing facts and her voluntary separation from service and that she be ordered to repay to the State any overpayments she has received from the date of her retirement to the date her pension is properly reduced.

Respectfully submitted,

PLAINTIFF


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PLAINTIFF

PAUL J. TAVARES
GENERAL TREASURER

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