



July 7, 2011

STATEMENT REGARDING *THE PRESS-ENTERPRISE CO. v. SBCERA*
COURT ORDER REQUIRES SBCERA TO RELEASE MEMBER RECORDS

This afternoon, the SBCERA Board of Retirement agreed to release member records to *The Press-Enterprise* as required by a trial court order entered on June 23, 2011. *The Press-Enterprise* requested the following: *the names and annual payment for retired members receiving at least \$90,000 in annual retirement benefits through the San Bernardino County Employees' Retirement Association.*

The Press-Enterprise initially submitted a Public Records Act request for these records on August 5, 2010. Following this request, on August 9, 2010 the SBCERA Board of Retirement unanimously approved the release of all monthly retirement allowances of SBCERA's retirees and beneficiaries, as well as their last employer and last job position, if available. However, the names of retired members and beneficiaries were not released.

This decision not to release the names was in accordance with California's County Employees' Retirement Act of 1937, section 31532, which states "...*individual records of members shall be confidential and shall not be disclosed to anyone except insofar as may be necessary for the administration of this chapter or upon order of a court of competent jurisdiction, or upon written authorization by the member.*"

In response, *The Press-Enterprise Co.* filed a lawsuit against SBCERA on August 10, 2010. On May 6, 2011, the San Bernardino County Trial Court ordered SBCERA to release all member information requested by *The Press-Enterprise Co.* including member names.

Per the court order, SBCERA is required to release these records. The records, as requested in the order, have been provided to *The Press-Enterprise*. All SBCERA members impacted by the release of this information will be notified as soon as possible.