



COMMONWEALTH OF PENNSYLVANIA  
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM

Mailing Address  
PO Box 125  
Harrisburg PA 17108-0125

Toll-Free - 1-888-773-7748  
(1-888-PSERS4U)  
Local - 717-787-8540

Building Location  
5 North 5th Street  
Harrisburg PA

Web Address: [www.psers.state.pa.us](http://www.psers.state.pa.us)

**VIA CERTIFIED MAIL AND FIRST CLASS MAIL**

July 22, 2009

Ross A. Scarantino  
[REDACTED]

RE: United States v. Ross Scarantino, United States District  
Court Middle District of Pennsylvania, Criminal Case No.  
3:CR-09-16  
PSERS File No. [REDACTED] (Pension Forfeiture)

Dear Mr. Scarantino:

This letter is to notify you that the Public School Employees' Retirement System ("PSERS") has received documentation from the United States District Court Middle District of Pennsylvania indicating that you have pled guilty to an offense(s) covered by the Public Employee Pension Forfeiture Act ("Forfeiture Act"). 43 P.S. §§ 1311 *et seq.*

The right of a person to receive retirement benefits from PSERS is subject to forfeiture as provided by the Forfeiture Act. The Forfeiture Act states that all benefits payable to a public employee (including school district employees) must be forfeited if the employee is convicted of, pleads guilty to, or no defense (*nolo contendere*) to a crime related to public office or public employment enumerated in the Forfeiture Act.

Due to the operation of the Forfeiture Act, any right you may have accrued to receive benefits from PSERS for service rendered up to the date of your plea of guilty or no contest, or the date of sentencing upon your conviction following trial, whichever is earlier, has been forfeited. According to court records received by PSERS you entered a guilty plea on May 12, 2009.

The offenses to which you pled guilty or were convicted and sentenced include violation of 18 U.S.C. § 666(a)(1)(b), corrupt receipt of reward for official action concerning program receiving federal funds. The Forfeiture Act provides that, in addition to the crimes enumerated in the Forfeiture Act, all substantially the same federal crimes are covered by the Forfeiture Act. 43 P.S. § 1312. In this case, the federal crime of corrupt receipt of reward for official action concerning program receiving federal funds is substantially the same as bribery in official and political matters. 18 Pa.C.S. § 4701.

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You are hereby advised that the service and benefits which have been forfeited are ineligible for retirement coverage should you later gain public employment and qualify for membership or multiple service membership in PSERS.

Following the date of your guilty plea, PSERS may withhold the contributions you made, and the statutory interest applied thereto, for the purpose of paying any fine imposed upon you, or for restitution of any funds misappropriated from the school district or political subdivision. 43 P.S. § 1313(d).

Because the Court has not yet issued its sentencing order, PSERS will withhold any remaining contributions you have made to PSERS and statutory interest for the purpose of any fines and restitution the court may Order. If the amount you owe in fines and restitution is less than your contributions and interest, the balance of any remaining contributions only, will be remitted to you. In any event, you are responsible for all restitution payments to the School District Ordered by the Court. If the Court does not order fines and restitution, or upon evidence that such fines and restitution have been paid by you, PSERS will refund any remaining contributions without interest to you.

If you wish to appeal this decision, your Request for Administrative Hearing must be received at the offices of PSERS within 30 days of the date of this letter. *See*, 1 Pa.Code §§ 31.11, 31.15, 33.31, 33.34 and 35.20. If your Request for Administrative Hearing is not received by PSERS within the 30-day period, you will no longer have the right to administratively appeal the decision.

Your Request for Administrative Hearing should be addressed as follows:

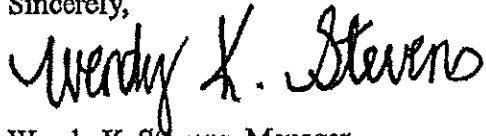
Appeal Docket Administrator  
Public School Employees' Retirement System  
5 North 5<sup>th</sup> Street  
P.O. Box 125  
Harrisburg, PA 17108

Instructions and the form Request for Administrative Hearing are enclosed with this letter. If you choose to file a Request for Administrative Hearing, please read those instructions and follow them carefully.

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If you have any further questions, please contact PSERS' Office of Chief Counsel at (717) 720-4674.

Sincerely,



Wendy.K. Stevens, Manager  
Bureau of Benefits Administration

Certified Mail No. 7002 2410 0001 2371 6554  
Enclosures

cc: Pittston Area School District (w/ encl.) Certified Mail No. 7002 2410 0001 2371 6547  
Frank W. Nocito, Esq. (w/ encl.) Certified Mail No. 7002 2410 0001 2371 6561  
(Criminal Case Attorney for Member, Ross Scarantino)  
PSERS Office of Chief Counsel  
Member File