



OFFICE OF THE COMPTROLLER
STATE OF ILLINOIS

Susana A. Mendoza
COMPTROLLER

May 21, 2018

Mr. Ken Hurst
Roth Fioretti
311 S. Wacker Drive, Suite 2470
Chicago, IL 60606

Dear Mr. Hurst:

I am writing in response to the protest letters submitted on behalf of the City of Harvey of amounts withheld from the City pursuant to the Section 3-125 of the Illinois Pension Code, 40 ILCS 5/3-125, and 74 Ill. Admin. Code 295.

The Harvey Police Pension Fund (Pension Fund) submitted a Statement of Notification to this office on January 29, 2018 certifying pursuant to 40 ILCS 5/3-125(c) and 74 Ill. Admin. Code 295.300(b) that the City of Harvey failed to transmit Pension Fund contributions required by the Pension Code. All certification requirements contained at 74 Ill. Admin. Code 295.300(c) have been met by virtue of the finality of the judgement in the litigation in the action entitled *Board of Trustees of the Harvey Police Pension Fund v. City of Harvey*, No. 06 CH 15469. Having received this properly effectuated Statement of Notification, the Office of the Comptroller is statutorily bound to withhold and remit to the Pension Fund the payments that are the subject of this protest. Therefore, the Office of the Comptroller must deny the City of Harvey's protest. Please note that the Office of the Comptroller is not charged with the discretion to consider hardships imposed on the City.

Initial disbursements of state funds in the amount of \$2,300,424.04 will be mailed hard-copy from the Office of the Comptroller prior to the close of business on Wednesday May 23, 2018. Municipal home rule sales taxes are not state funds for purposes of Section 3-125 of this Article of the Pension Code and shall therefore be released according to standard procedure.

Very truly yours,

A handwritten signature in cursive script that reads "Marvin Becker".

Marvin Becker
Assistant Comptroller of Operations

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