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Office of the Mayor
Gavin Buckley, Mayor
160 Duke of Gloucester Street
Annapolis, MD 21401-2517

June 9, 2021

To: Alderpersons, City of Annapolis

From: Mayor Gavin Buckley

Re: Police and Fire Retirement Commission reappointment

Pending your approval, I would like to reappoint Mr. Joseph Semo to the Police and Fire Retirement Commission. Mr. Semo has served on this board since 1989 and currently serves as chair.

Joseph Semo
Feder, Semo, Clark & Bard, PC
1350 Connecticut Avenue NW
Suite 600
Washington, D.C. 20036
202-955-8305

Mr. Semo's term will expire on 6/30/2024. A copy of his resume is attached.

Thank You.

GB/hrr

Reviewed by: Public Safety Committee

 Favorable Unfavorable

Committee Chair

Date

JOSEPH SEMO
SEMO LAW GROUP
1307 NEW HAMPSHIRE AVE., NW - SUITE 400
WASHINGTON, DC 20036

PHONE: 202 833 7366

FACSIMILE: 202 478 0919

LEGAL EXPERIENCE

Counsel with respect to executive compensation, non-qualified deferred compensation arrangements, and restrictive covenants.

All aspects of employee benefits including plan design (pension, welfare, and nonqualified compensation plans), compliance issues (tax and labor), multiemployer plan representation, institutional investment issues (e.g., security lending agreements and investment management agreements), prohibited transaction class exemptions, multiple employer welfare plan issues, provider contracts (e.g., PPO contracts, third party administration contracts, auditor engagements, consulting agreements and software licensing), ESOPs (as counsel both for corporate sponsor and for lender), and fiduciary issues.

Litigation of various employee benefit cases on contractual and fiduciary matters, withdrawal liability claims, contribution cases and breach of trust. Other general business cases litigated have concerned the defense of civil RICO allegations arising from alleged breach of confidentiality obligations and government securities fraud.

Recently completed AHLA mediation training program and offering services to mediate disputes arising from employment and from executive compensation programs, as well as commercial contracts.

PROFESSIONAL AND COMMUNITY ACTIVITIES

Chairman, City of Annapolis Police and Fire Retirement Commission, Annapolis, Maryland (1/11/1989 - __).

Executive Director, National Employee Benefits Institute (1991-2003).

Board of Directors, Partnership for Jewish Life & Learning (2003 - 2010).

Board of Directors, Employment Justice Center (2003 - 2011); President (11/2004 - 11/2006);

Treasurer (1999-2007) and Past President-Wharton School Club of Washington, D.C. (1988 and 1989). Treasurer, University of Pennsylvania, Mid-Atlantic Regional Advisory Board (1996-1999); Washington President's Council, University of Pennsylvania (1994); Awarded Joseph Wharton Award for Service (38th Annual Award - June 2003)

Member ABA Labor Section, Employee Benefit Committee; Co-Chair of Legislative and Administrative Oversight Subcommittee (1997-2002); Co-Chair of MEWA Subcommittee (1995 - 1999); Past Co-Chair of Welfare Plan Subcommittee of ABA Labor Section, Employee Benefit Committee; Past Co-Chair of Plan Design Subcommittee; Member of Fiduciary Responsibility Subcommittee (1999-2003). Contributing author to Committee's publication, Employee Benefit Law. Former member to Montgomery County High Technology Council.

EDUCATION

1976 J.D. - National Law Center, George Washington University, Washington, D.C.

1973 B.S. Ec. - Wharton School (cum laude), University of Pennsylvania, Philadelphia, Pennsylvania

COURT ADMISSIONS

Member of District of Columbia, Maryland, Virginia, and Wisconsin (inactive) Bars. Also admitted to several federal district courts, Circuit Courts, and the United States Supreme Court.

PERSONAL

Born: June 6, 1951, Married — Two Children

Languages: Spanish (conversational)

Honorable Discharge - U.S. Army Reserve, Captain - Quartermaster Corp.

PUBLICATIONS

"Insurance Protection for ERISA Funds", Co-Author with Brian L. Smith (IFEBP-Benefits Magazine) April 2013.

"Independent Adviser: Lose the Illusion" (Corporate Board Member Magazine) May 31, 2007.

"New Requirements Now Effective for the Board Compensation Committee: Now Is the Time to Perform a Self Assessment and Obtain Independent Counsel" (Corporate Board Member Magazine) April 10, 2007.

Contributing author, ABA Section of Labor and Employment Law, Employee Benefits Law (1991 & Supps.) and updates for the ABA Labor Section Employee Benefits Committee provided thereafter; Co-author, "The Multiemployer Pension Plan Amendments Act of 1980: Explanation, Analysis, Recommendations and Suggested Amendments to Multiemployer Plans," 362 BNA Pension Reporter, October 5, 1981. Author, "ERISA Preemption, A Comparison of Wayne Chemical, Inc. vs. Columbus Agency Services Corp. and Dawson vs. Wheland," 3 Journal of Pension Planning and Compliance 368, September 1977. "Salary Reduction SEPs Can Be a Low-Cost Employee Benefit," 49 Taxation for Accountants, August, 1992; "Benefits Legislation in the New Congress," Milliman & Robertson Perspectives, March, 1995; "Salary Reduction SEPs Can be a Low-Cost Employee Benefit," Tax Ideas, March, 1995.

(September 2002 - "Trustee/Attorney Client Privilege Expectation");

International Foundation of Employee Benefit Plans - 47th Annual Employee Benefits Conference (October 2001 - "Ethical Considerations for Attorneys");

The Columbia and Wharton Business School Clubs of Washington, D.C. (May 21, 2001 - Negotiating Strategies to Protect Your Career in Today's Job Market);

The 2nd Annual Public Funds Summit (January 2001-"Scrutinizing the Fiduciary Obligations of a Board of Trustees");

International Foundation of Employee Benefit Plans - 46th Annual Employee Benefits Conference (November 2000 - "Legislative Developments in Health Care");
Mid-Atlantic Actuarial Club (September 2000 - "An Overview of Pension Legislation") (Bethesda, Maryland);

National Employee Benefits Institute Fall Conference (September 2000 - "Overview of Legislative Deliberations of the 106th Congress");

The Third Annual Institutional Capital Investing Forum (September 2000 - "Fiduciary Responsibility: Liability and Ethics") (Washington, D.C.);

Absolute Returns Strategies Summit (April 2000 - "Managing [Investment] Risk") (Hamilton, Bermuda);

The Third Annual Equity Investment Strategies Summit (September 1999 - "Focus On Risk Management")(Miami, Florida);

Sixth Annual Fire and Police Pension Funds Forum (September 1998 - "Legislative/Washington Update")(Miami, Florida);

National Coordinating Committee for Multiemployer Plans Annual Conference - 1998;

American Bar Association 1990 Annual Convention (on Severance Arrangements - Real Property Section Program);

Emerging Business Committee of the Corporation, Finance and Securities Section of the D.C. Bar panel on Advising Emerging Businesses - Critical Employment Issues (Nov. 14, 1989);

No-Load Mutual Fund Association programs, "How to Start and Operate a Mutual Fund" (Blue Sky Compliance);

American University Law School Federal Regulation Program (on ERISA); and

IRA (Individual Retirement Account) Hotline Seminar Series (suggesting how financial institutions might establish IRS products to generate fee based income; sponsored by the Laux Publishing Company).

PRESENTATIONS

Lecturer on various employee benefit and other legal issues including:

International Foundation of Employee Benefit Plans – 61st Annual Employee Benefits Conference (November 2015 - “Best Practices in the New Cyberworld”)

International Foundation of Employee Benefit Plans – 60th Annual Employee Benefits Conference (October 2014 - “Cyber Liability Insurance”)

International Foundation of Employee Benefit Plans – 58th Annual Employee Benefits Conference (November 2012 - “Insurance for ERISA Funds”)

International Foundation of Employee Benefit Plans – 57th Annual Employee Benefits Conference (October 2011 - “Hot Topics”)

International Foundation of Employee Benefit Plans – 55th Annual Employee Benefits Conference (November 2009 - “The Role of Consultants/Managers – What Are They Really Doing For You”)

The Alternative Investing Summit East (April 15, 2007-Panelist: “The Role of Alternative Investments in the Asset Allocation Process”) (Lansdowne, Virginia);

The Ninth Annual Alternative Investing Summit (December 4, 2006-Panelist: “Fund of Funds, A New Perspective”) (Laguna Niguel, California);

International Foundation of Employee Benefit Plans - 52nd Annual Employee Benefits Conference (October 2006 - “Ask the Attorneys”)

The Seventh Annual Institutional Capital Investing Forum (October 2004 - Moderator/Participant: “Pension Fund Executive Roundtable”) (Washington, D.C.);

CompTel/Ascent Alliance Annual Conference (February 2004 - “Employee Benefits”) (Anaheim, CA);

University of Chicago Dept. Of Anesthesia & Critical Care and Medical Business Solutions, LLC - Fifth Annual anesthesia Billing and Management Seminar 2004 (April 2004 - “Looking Out for #1: Exploring Employee Benefits”)

International Foundation of Employee Benefit Plans - 49th Annual Employee Benefits Conference (November 2003 - “Domestic Partner Benefits”)

The Sixth Annual Institutional Capital Investing Forum (October 2003 - “Migration from Investor to Shareholder - The Changing Interest of Large Institutional Investors”) (Washington, D.C.);

Mid-Atlantic Actuarial Club (9/2003 - “An Overview of Pension Legislation”) (Silver Spring, Maryland);

International Foundation of Employee Benefit Plans - 48th Annual Employee Benefits Conference

ERISA REPORTED CASES LITIGATED

American Med. Sec. v. Bartlett, 111 F.3d 358 (4th Cir. 1997).

Filed Amicus *Curiae* on behalf of National Employee Benefits Institute, supporting position of appellant, that state law was preempted by ERISA where self-insured health plan was involved, without regard to the attachment point at which stop loss insurance was obtained.

Sheppard & Enoch Pratt Hosp. v. Travelers Ins. Co., 32 F.3d 120 (4th Cir. 1994).

Establishing that the court should limit the record with respect to an ERISA claim denial, to the record that was before the administrator.

Barry v. Trustees of the Int'l Ass'n Full-time Salaried Officers and Employees of Outside Local Unions and District Counsels (Iron Workers) Pension Plan, 404 F. Supp. 2d 145 (D.D.C. 2005).

Corporation and its directors allegedly involved in wrongful stock transactions were not ERISA fiduciaries to employee benefit plan stockholder.

Washington Area Carpenters' Welfare Fund v. Overhead Door Co., 681 F.2d 1 (D.D.C. 1982).

Enforcement of contributions due to ERISA plan under pre-hire agreement.

Cross v. Bragg, 329 Fed. Appx. 443(4th Cir. 2009).

Local Union No. 666, IBEW v. Stokes Elec. Serv., 1999 U.S. Dist. LEXIS 22201 (E.D. VA.), *rev'd*, 225 F.3d 415 (4th Cir. 2000).

United Mine Workers 1985 Constr. Workers Pension Trust v. Denral, Inc., 1987 U.S. Dist. LEXIS 16024 (D.D.C.).

Dennis v. Board of Trustees, 625 F. Supp. 976 (M.D. PA. 1986).

Dennis v. Board of Trustees, 620 F. Supp. 572 (M.D. PA 1985).

Vernau v. Zelenople Super Duper, 39 Fed. R. Serv. 2d (Callaghan) 1345 (W.D. PA. 1984)

Corley v. Hecht Co., 1983 U.S. Dist. LEXIS 18791 (D.D.C.).

Laborers' Dist. Council Trust Fund No. 2 v. General Concrete Constr. Corp., 1980 U.S. Dist. LEXIS 9550 (D.D.C.).

Washington Area Carpenters' Welfare Fund v. Overhead Door Co., of Metropolitan Washington, 488 F. Supp. 816 (D.D.C. 1980).

Leonard v. Drug Fair, Inc., No. 78-1335., 1979 U.S. Dist. LEXIS 9045 (D.D.C.).

Retail Store Employees. Union Local 400 v. A&P, 480 F. Supp. 88 (D. MD. 1979).

OTHER REPORTED CASES

Weil v. Markowitz, 264 U.S. App. D.C. 381 (1987).

Silverman v. Weil, 662 F. Supp. 1195 (D.D.C. 1987).

Liquor Salesmen's Union v. NLRB, 214 U.S. App. D.C. 188 (1981).

National Latex Products Co. v. United States, 4 C.I.T. 110; 1982 Ct. Intl. Trade LEXIS 2000.

Riegert v. Commonwealth, 218 Va. 511 (1977).

Hurdle v. Prinz, 218 Va. 134 (1977)