

Kildimo,
Miltown Malbay,
Co. Clare
16th December 2015

Mr. Paul Kenny,
Pensions Ombudsman,
Lincoln House,
Lincoln place,
Dublin 2

Your ref. P.O.149319890
Hunter Advertising Pension Scheme

Dear Mr. Kenny,

I refer to your Final Determination under the above reference.

You state (5.15) that "IPT was historically the corporate trustee of the scheme (there were not any individual trustees) but this was only the case until 2007) when the scheme was wound up and ceased to exist." But you do not indicate how IPT divested themselves of responsibility for the scheme without informing me – one of the beneficiaries? And this point would be of considerable interest to me.

At 5.22 you quote IPT "The administration of the plan was carried out by Mercer". I believe this statement to be untrue, at least in respect of the period while I was an active member (employed by Hunter Advt. Ltd. I do not know if I previously sent you a copy of the attached 'Explanatory Booklet', which clearly states that the plan was 'devised and administered by Irish Pensions Trust Ltd.' I should also mention that, at the time, I was the financial director of Hunter Advertising and in that capacity I dealt with the administration of the pension scheme. In that connection I dealt with IPT ONLY regarding the administration of the scheme.

You also state that IPT sent you a copy of the Trust Deed and Rules (5.23). I have twice requested a copy of the trust deed and rules from IPT but they have not favoured me with a reply.

I believe that the Trust Deed may indicate a liability from IPT to me for breach of trust and/or other reasons. I am therefore submitting another complaint form for this and it is attached, please let me know if you can attend to this? My desire is to obtain a copy of the Trust deed, which may guide me in any further course of action!

In section 8 of the Final Determination you direct that "within 21 days . . . Friends First must make retirement options available . . ." It seems strange to me, and a contravention of natural justice, that Friends First, who you find guilty on two counts of "maladministration" are being directed to decide the 'penalty' that they themselves should suffer!

In this context I also note your (John Sheehan) comment by email on 12-2-2015, that the "... trustees have taken a very legalistic and, in my view, unhelpful approach to their responsibilities ..."

Is it your intention to 'audit' any retirement benefit options which might be made available by Friends First, on foot of your direction?

Friends First have not made retirement options available as directed in your final determination, do you see any further role in the matter for your office?

A copy letter to me from Friends First dated 4th December (but making no reference to your final determination) and my reply thereto are enclosed, for your information.

Yours,

Donal De Barra