



November 4, 2009

Carol Sears, Acting Chairperson
Actuarial Board for Counseling and Discipline
1850 M Street, NW
Suite 300
Washington, DC 20036-5805

RE: Request for detail – Your letter to me dated October 23, 2009 – Complaint made against Hartman/Anker

Dear Carol:

I am in receipt of your letter to me as Complainant in a matter regarding David G. Hartman and Robert A. Anker. In this letter you informed me that the complaints I made in my very extensive a detailed letter to the ABCD dated July 20, 2009 had been dismissed.

As you know, I had very extensively documented my complaints and would appreciate it if you can provide (while not divulging any confidential information) the reasoning used by the ABCD to conclude that the actions I detailed did not constitute violations of the Code. In particular it would be interesting for future reference to know your considerations with respect to the summarization of my complaints contained in my original letter and restated again below:

These actions by Hartman and Anker would seem to be in violation of the Code for the following reasons:

- In the First Instance, with respect to their distribution of information on a “conviction” associated with Bruce Schobel, Hartman and Anker appear to have knowingly violated New Jersey State Law. In addition, Hartman’s and Anker’s attribution of a “conviction” to Bruce Schobel is a knowingly false statement. (By association, the other signatories to the email may also be guilty of a Code violation.)*
- In the Second Instance, Hartman seems to have made a frivolous claim of no merit. Hartman assumes as fact that defamation of character actually occurred – a result that neither the SoA nor Bruce Schobel admit to despite the Arbitrators’ Award and which was, technically, not the conclusion reached by the Arbitrators’ Award document.*
- In both instances, Hartman and Anker (and by association the other signatories) appear to have made false statements to the Academy Board about Bruce Schobel.*

As I noted in my original complaint, I am member of the AAA **Council on Professionalism** and Chair of the **Committee on Professional Responsibility**, I have a great appreciation for and understanding of the Code and Standards of Practice and the role they play in our profession. I would be very interested in learning more about how the ABCD applied their knowledge of the Code in this circumstance and learn more about the reasoning applied by the ABCD in its careful consideration of this matter.

Communication

While I understand that the ABCD would prefer to operate privately, there is no requirement placed on a complainant to keep confidential the nature of the complaint he or she has made.

In fact, “supporting the actuarial profession in fulfilling its responsibility to the public” as is required by the Code, may in many circumstances require that complaints either be publicly acknowledged or discussed precisely to better serve the profession. I believe this is recognized by the ABCD and applied when apparent actuarial misconduct is publicly known or suspected.

As you probably know, I disclosed by publication on my website the complaint you have apparently summarily dismissed in your October 23, 2009 letter. For your information, there has been a great deal of interest in this matter as during the months of September and October 2009 the complaint received a total of 5,144 hits/downloads. It continues to be of interest.

There will be, no doubt, a great deal of interest in the ABCD decision with respect to this complaint and I would like to be able to provide to those who have expressed an interest in this matter more than the form letter dismissal you have provided. I believe that the ABCD process would be more respected if you would provide additional reasoning as to why the actions I described in my complaint did not “describe credible apparent or probable material violations of the Code of Professional Conduct (Code) that the ABCD should inquire into and possibly investigate.”

Without the benefit of your reasoning, the weight of the arguments I made would seem to heavily against such a determination by the ABCD. Please recognize that I don’t expect nor request that you provide in a fuller description of your decision any confidential information or any information at all not already contained in the body of my complaint. I would only like to know your reasoning as to why you concluded that the actions I have detailed in my complaint are either not apparent, material violations of the Code or do not deserve further investigation.

Thanks,



Tom Bakos, FSA, MAAA

Cc: Tom Griffin