

**MINUTES OF THE  
WV CONSOLIDATED PUBLIC RETIREMENT BOARD  
BOARD OF TRUSTEES MEETING  
MEETING OF NOVEMBER 9, 2011**

A meeting of the West Virginia Consolidated Public Retirement Board (CPRB) of Trustees was held at the Board Conference Room, 4101 MacCorkle Avenue, SE, Charleston, West Virginia 25304, and was called to order at 10:01 a.m. by Chairman David Wyant.

Roll Call was taken and trustees present were:

David Wyant, Esquire, Chairman  
Jeffrey Shawver, Esquire, *representing Governor Earl Ray Tomblin*  
Mack Parsons, *representing Auditor Glen Gainer*  
Diana Stout, *representing Treasurer John Perdue*  
Thomas Bradley  
Joseph Bunn, Esquire  
Captain Michael Corsaro  
Drema Evans  
David Fletcher  
Todd Murray  
Sergeant Tony Payne  
Andrew Richardson, Esquire

Trustees not present:

Cabinet Secretary Robert Ferguson  
Joe Lynch

A quorum was present. Due notice had been posted.

Also in attendance were:

Jeffrey E. Fleck, CPRB Executive Director  
Terasa L. Miller, CPRB Deputy Director  
Candi Moore, CPRB Executive Assistant  
Jeaneen Legato, Esquire, CPRB General Counsel  
Lenna Chambers, Esquire, Bowles Rice McDavid Graff and Love  
Jack DeBolt, Esquire, Hearing Officer  
Kris Morton, Great West Regional Manager  
Andrew Wyne, Great West Outreach Officer  
Craig Slaughter, Executive Director WVIMB  
John Galloway, Gibbons & Kawash, A.C.  
Eric Stringer, CPRB IT Specialist  
Harry Mandel, CPRB Board Actuary  
Melody Bailey, CPRB Actuarial Analyst  
Annamarie Short, CPRB Internal Auditor  
Cindy Boyd, Computer Project Manager  
Lisa Trump, CPRB PERS Manager  
Caroline Brady, CPRB PERS Assistant Manager  
Brittany Smith, CPRB TRS Staff

Darden Greene, CPRB Chief Financial Officer  
Torrie Williams, CPRB PERS Membership  
Deana Gose, CPRB Uniform Services Manager  
Barbara Haddad, CPRB IT Manager  
Eric Stringer, CPRB IT Staff  
Alysia Miller, CPRB Paralegal  
Doug Spencer, with George Denkins, Appellant  
Rick Monahan, representing George Denkins, Appellant  
George Denkins, Appellant  
Tim McDaniel's  
Shawn McDaniel's

**Tab #1: Approval of the September 28, 2011 Meeting Minutes**

Mr. Shawver made a motion to approve the September 28, 2011 minutes of the CPRB. The motion was seconded by Mr. Fletcher and the motion carried unanimously. The minutes are located behind Tab #1.

**Tab# 2: Reports of the Chairman and Acting Executive Director**

The Board heard the report from Executive Director Jeffrey Fleck which included the following information:

1. Director Fleck announced to the Board the 2011 Code Supplements are in the front sleeve of your board books.
2. Director Fleck reviewed with the Board the September and October 2011 retirement numbers and estimates for the CPRB.
3. Director Fleck announced to the Board that CPRB's employee Patricia Bowgren was chosen as the October 2011 Employee of the Month for the Department of Administration.
4. Director Fleck informed the Board we have a new employee in our Loans Department - Sherry McCormick.
5. Director Fleck informed the Board Candi Moore has accepted the permanent position of Executive Assistant with the CPRB.
6. Director Fleck reported to the Board the TDC/TRS Fall Outreach Meetings held throughout the state had a total of 558 in attendance.
7. Director Fleck reviewed with the Board on the TDC Educational Meetings.
8. Director Fleck reviewed with the Board the trip report for Darden Greene, CFO, who attended the Public Pension Financial Forum (P2F2) Conference in Portland, Oregon.
9. Director Fleck reviewed with the Board the CPRB September and October 2011 Financials.

10. Executive Director Fleck announced to the Board that our financial audit has been completed. John Galloway with Gibbons & Kawash will be giving his report to the full Board today.
11. Executive Director Fleck informed the Board CPRB is utilizing the IRS Letter Forwarding Program with the Internal Revenue Service. CPRB provides the IRS with social security numbers of member's that staff are unable to find and the IRS in-turn mails a letter to the last address on their file. If CPRB and the IRS cannot locate them, their information is forwarded to the Treasurer's office and will go into the Unclaimed Property Division. Executive Director Fleck's report is located behind Tab #2.

**Tab #3: Plans Investment Data**

West Virginia Investment Management Board (WVIMB) Executive Director Craig Slaughter reviewed with the Board the Plans Investment Data for the months of August and September 2011.

Kris Morton of Great West reviewed the TDC Investment data with the Board. The Plans Investment Data reports are behind Tab #3.

*Secretary Ferguson arrived at 10:19 a.m.*

**Tab #4: Gibbons & Kawash Financial Audit – John Galloway**

Mr. John Galloway reviewed with the Board the audit Gibbons & Kawash conducted on the CPRB Financial Statements ending June 30, 2011. He reported to the full Board this was a clean audit. Mr. Galloway announced the appreciation from Gibbons & Kawash to the CPRB staff for their help and patience while they were here conducting their audit.

Mr. Richardson made a motion to accept the financial audit report by Gibbons & Kawash. The motion was seconded by Mr. Shawver. The motion carried unanimously. The audit of Gibbons & Kawash is located behind Tab 4.

**Tab #5: Consideration of Current Disability Retirement Applications**

Ms. Evans reported to the Board the Disability Committee met on November 8, 2011 and makes the following recommendations to the full Board:

<b>System</b>	<b>Approved</b>	<b>Denied</b>	<b>Total</b>
<b>PERS</b>	11	2	13
<b>TDC</b>	5	1	6
<b>TRS</b>	5	1	6
<b>TDC/TRS Transfers</b>	8	0	8
<b>TOTAL</b>	<b>29</b>	<b>4</b>	<b>33</b>

Captain Corsaro moved the Board accept the Disability Committee's recommendations concerning the disability retirement applications. The motion was seconded by Mr. Fletcher. The motion carried unanimously. The disability list is behind Tab #5.

**Tab #6: Consideration of Appeals to Hearing Officer – Jack DeBolt**

Secretary Ferguson made a motion the Board go into Executive Session to discuss medical issues, less than honorable service (LTHS), litigation issues, contractual matters and commercial competition as allowed by West Virginia Code §6-9A-4. The motion was seconded by Mr. Fletcher. The motion carried unanimously. The Board went into Executive Session at 10:24 a.m.

The Chairman reconvened the Public Session of the November 9, 2011 meeting of the Consolidated Public Retirement Board from Executive Session at 12:01 p.m. Chairman Wyant stated the Board was in Executive Session to discuss medical issues, less than honorable service (LTHS), litigation issues, contractual matters and commercial competition. He announced there were no decisions made during Executive Session. The Board will return to Tab #6, Appeals from the Hearing Officer, Jack DeBolt.

Hearing Officer DeBolt addressed the appeal of Alfred George Denkins on whether or not the Applicant is currently able to perform the duties of a State Trooper. It is recommended Alfred George Denkins annuity be restored and he be paid such sums that he would have been entitled.

Sergeant Payne made a motion to accept the recommendation of the Hearing Officer and Alfred George Denkins' annuity be restored and he be paid such sums that he would have been entitled. The motion was seconded by Mr. Bradley. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Francis Eugene Hyre on whether or not the Applicant has been and continues to be eligible to include his second-job compensation as a part of his compensation for retirement system purposes as a member of PERS. It is recommended the request of Francis Eugene Hyre to include his Kingwood Water Works compensation since 2008 as PERS earnings for the purpose of contributions and final average salary computation be denied.

Ms. Evans made a motion to accept the recommendation of the Hearing Officer and deny the appeal of Francis Eugene Hyre. The motion was seconded by Secretary Ferguson. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Ronald C. Jones on whether or not the Applicant's health has sufficiently improved so that he can currently adequately perform the duties of a State Trooper. It is recommended that the decision to terminate the duty-related Plan A partial disability benefits of Ronald C. Jones be vacated, that such benefits be restored and that he be paid such benefits that he has been deprived of in the interim.

Secretary Ferguson made a motion to accept the recommendation of the Hearing Officer and Ronald C. Jones benefits to be restored and that he be paid such benefits that he has been deprived of in the interim. The motion was seconded by Sergeant Payne. The motion carried unanimously.

Secretary Ferguson made a motion the Board allow Executive Director Fleck to retain another hearing officer for the CPRB. The motion was seconded by Mr. Richardson. The motion carried unanimously.

**Tab #7: Work in Progress Reports from Legal Counsel**

**In-House Legal Counsel Presentation – Jeaneen Legato, Board Counsel:**

In-House Legal Counsel Jeaneen Legato reviewed her report with the Board on all pending legal matters. She reported on Administrative, Circuit Court, Supreme Court and LTHS cases.

Ms. Legato brought two Less Than Honorable Service Cases before the full Board.

She reviewed the LTHS case of Michael Scyoc for disqualification. It is recommended by Legal Counsel to file a petition to disqualify Michael Scyoc for Less Than Honorable Service.

Captain Corsaro made a motion for Board Counsel to file a petition to disqualify Michael Scyoc for Less Than Honorable Service. The motion was seconded by Mr. Murray. The motion carried unanimously.

Ms. Legato then reviewed the case of Nancy Bowen-Kerr for LTHS disqualification. It is recommended by Legal Counsel to file a petition to disqualify Nancy Bowen-Kerr for Less Than Honorable Service.

Captain Corsaro made a motion for Board Counsel to file a petition to disqualify Nancy Bowen-Kerr for Less Than Honorable Service. The motion was seconded by Mr. Fletcher. The motion carried unanimously. The report of the In-House Legal Counsel is behind Tab #7.

**Outside Legal Counsel Presentation – Lenna Chambers, Bowles Rice:**

Outside Legal Counsel, Lenna Chambers reported to the Board on all pending legal matters before the Circuit Court, Supreme Court, U.S. District Court, U.S. Bankruptcy Courts and Administrative and QDRO matters.

Outside Counsel, Lenna Chambers recommended the Board approve Executive Director Fleck to execute the Green Acres Settlement Agreement documents.

Mr. Richardson made a motion the Board approve Executive Director Fleck to execute the Green Acres Settlement Agreement documents. The motion was seconded by Ms. Evans. The motion carried unanimously. The report of the Outside Legal Counsel is behind Tab #7.

Chairman Wyant announced there are reports behind Tab 7 from MacCorkle, Lavender & Sweeney, regarding Dawn Colette Bland v. State of West Virginia, and from Pullin, Fowler, Flanagan, Brown & Poe, regarding Cheryl Dougherty v. Ramona Cerra.

*Sergeant Payne departed the meeting at 12:23 p.m.*

**Tab #8: Committee Updates**

**Computer Systems Update Committee**

Mr. Fletcher reviewed the report from the Computer Systems Update Committee with the Board. Mr. Fletcher made a recommendation the Board approve the Technical Scoring of the

Computer Systems Update Committee.

Captain Corsaro made a motion to accept the recommendation of the Computer Systems Update Committee and approve the Technical Scoring of the Computer Committee. The motion was seconded by Ms. Evans. The motion carried unanimously.

Mr. Fletcher announced the Computer Systems Update Committee requests the Board's approval for a Change Order in the amount of \$200.00 an hour, for a maximum of \$12,000.00, for L.R. Wechsler to assist the Computer Committee an additional 60 hours during the "Best and Final Offer" stage of the RFP.

Ms. Evans made a motion the Board approve the request of the Computer Systems Update Committee for the Change Order in the amount of \$200.00 an hour, for a maximum of \$12,000.00, for L.R. Wechsler to assist the Computer Committee for an additional 60 hours with "Best and Final Offer" stage of RFP. The motion was seconded by Mr. Fletcher. The motion carried unanimously.

Mr. Fletcher made a motion the Board allow Mr. Frank Stark from the Office of Technology to continue working on the computer system project on an ongoing basis now that his services have exceeded \$25,000.00. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Barbara Haddad reported to the Board there are 92 items currently being reviewed regarding data cleansing for the computer system project.

Chairman Wyant thanked everyone who has worked so hard on the Computer Systems Update Committee.

#### **Internal Audit Committee**

Chairman Wyant postponed the report of the Internal Audit Committee until the December 14, 2011 Board Meeting at the request of Secretary Ferguson since he was unable to attend the meeting.

Ms. Stout announced to the Board the TDC Investment Policy Review Committee will

meet on November 18, 2011 at 11:00 a.m. and will have recommendations to bring before the Board at the December 14, 2011 Board Meeting.

**Tab #9: EMSRS Actuarial Valuation Results – Harry Mandel**

Mr. Mandel reviewed his recommendations of the EMSRS Actuarial Valuation Results with the full Board. Mr. Mandel, Board Actuary, recommended the Board's acceptance of the July 1, 2011 Actuarial Valuation for EMSRS and acceptance of the recommendation to maintain the employer contribution rate at 10.5% of payroll for FY2013.

Mr. Richardson made a motion the Board accept the recommendation of the Board Actuary and accept the July 1, 2011 Actuarial Valuation for EMSRS. The motion was seconded by Mr. Murray. The motion carried unanimously.

Mr. Fletcher made a motion the Board accept the recommendation of the Board Actuary to maintain the employer contribution rate at 10.5% of payroll for FY2013. The motion was seconded by Captain Corsaro. The motion carried unanimously.

**Tab #10: MPFRS Actuarial Valuation Results – Harry Mandel**

Mr. Mandel reviewed the MPFRS Actuarial Valuation Results with the full Board and recommended the Board accept the July 1, 2011 Actuarial Valuation for MPFRS and accept the recommendation to maintain the member and employer contribution rates at 8.5% of payroll for FY2013.

Secretary Ferguson made a motion to accept the recommendation to maintain the member and employer contribution rates at 8.5% of payroll for FY2013. Ms. Evans seconded the motion. The motion carried unanimously.

Mr. Richardson made a motion the Board accept the July 1, 2011 Actuarial Valuation for MPFRS. Mr. Fletcher seconded the motion. The motion carried unanimously.

**Tab #11: Other, Old Business**

Chairman Wyant asked if there was any old business to bring before the Board and none was heard.



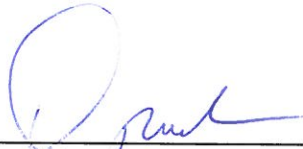
**Tab #12: Other, New Business**

Chairman Wyant announced to the Board there was a PERS Military Service Credit Petition for Stephen Hill for the months of April, May and June of 1991.

Mr. Richardson made a motion to approve the PERS Military Service Credit Petition for Stephen Hill for the months of April, May and June of 1991. Captain Corsaro seconded the motion. The motion carried unanimously.

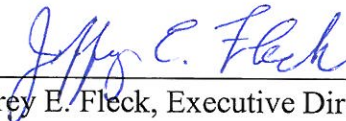
Chairman Wyant asked if there was any other new business to bring before the Board and none was heard. Chairman Wyant then announced the next Board Meeting will be Wednesday, December 14, 2011.

Chairman Wyant adjourned the public meeting of the West Virginia Consolidated Public Retirement Board at 12:40 p.m.



---

David Wyant, Chairman  
Consolidated Public Retirement Board



---

Jeffrey E. Fleck, Executive Director  
Consolidated Public Retirement Board