

**MINUTES OF THE  
WV CONSOLIDATED PUBLIC RETIREMENT BOARD  
BOARD OF TRUSTEES MEETING  
MEETING OF AUGUST 13, 2014**

A meeting of the West Virginia Consolidated Public Retirement Board (CPRB) Board of Trustees was held in the CPRB Conference Room at 4101 MacCorkle Avenue, SE, Charleston, West Virginia 25304, and was called to order at 11:09 a.m. by Chairman David Wyant.

Roll Call was taken.

Trustees present were:

David Wyant, Esquire, Chairman  
Joseph Garcia, Esquire, *representing Governor Earl Ray Tomblin*  
David Fletcher, *representing Auditor Glen Gainer III*  
Donna Lipscomb-Spano, *representing Cabinet Secretary Ross Taylor*  
Diana Stout, *representing Treasurer John Perdue*  
Joe Lynch  
C. Jeffrey Vallet

Trustees not present:

Thomas Bradley  
Joseph Bunn, Esquire  
Captain Michael Corsaro  
D. Todd Murray  
Andrew Richardson, Esquire

A quorum was present.

Due notice had been posted.

Also in attendance were:

Jeffrey E. Fleck, CPRB Executive Director  
Terasa Miller, CPRB Deputy Director  
Candi Moore, CPRB Executive Assistant  
Jeaneen Legato, Esquire, CPRB General Counsel  
Jack DeBolt, Esquire, Hearing Officer  
Lenna Chambers, Esquire, Bowles Rice  
Tom Sauvageot, Investment Officer, WVIMB  
Andrew Wyne, Great West Retirement Services, Outreach Officer  
Eric Sanderson, Great West Retirement Services  
Tom Zacharias, Deloitte  
Jerry McClure, Appellant  
Allen E. Tackett, Appellant

Misty Peal, WVEA  
Phil Kabler, Charleston Gazette  
Harry Mandel, CPRB Actuary  
Melody Bailey, CPRB Actuary Analyst  
Heather Drake, CPRB Administrative Assistant  
Darden Greene, CPRB CFO  
John Beane, CPRB Chief IT Officer  
Annamarie Short, CPRB Internal Auditor  
Steve Stockton, CPRB Compliance Officer  
Barbara Moss, CPRB TRS Assistant Manager  
Eric Stringer, CPRB IT Staff  
Chris Bush, CPRB Uniformed Services  
Caroline Brady, CPRB PERS Manager

**Tab 1: Approval of the July 2, 2014 Meeting Minutes**

Mr. Fletcher made a motion to approve the July 2, 2014 minutes of the CPRB. The motion was seconded by Ms. Lipscomb-Spano. The motion carried unanimously.

The minutes are located behind Tab 1.

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

Chairman Wyant announced he was appointing Mr. Vallet to the Actuarial Assumptions Review Committee.

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

1. Executive Director Fleck reported the June 2014 and July 2014 Teachers' Retirement System (TRS) and Public Employees Retirement System (PERS) retirement and estimate numbers. He reported for June there were 108 TRS Estimates and 46 Retirements and in PERS there were 173 Estimates and 86 Retirements. He reported for July there were 149 TRS Estimates and 24 Retirements and in PERS there were 242 Estimates and 142 Retirements.
2. Executive Director Fleck reviewed the Teachers' Defined Contribution (TDC) 2014 Educational Meetings with the Board. He announced there have been a total of 44 meetings so far this year with 561 participants.
3. Executive Director Fleck reported on the TDC Reality Investing statistics. He announced that Reality Investing had a total of 4,830 participants and \$399,953,580 in total assets.

4. Executive Director Fleck reviewed the delinquent employers list with the Board.

*Joe Bunn arrived to the meeting at 11:11 a.m.*

5. Executive Director Fleck reported on the Computer Update with the Board. He announced the Computer Project was already at 8% of completion.
6. Executive Director Fleck updated the Board on the Military Service Credit. He announced that the CPRB sent a letter out to 15,000 retirees informing them of the Service Credit.
7. Executive Director Fleck reviewed with the Board the summer edition of the 2014 Financial Footnotes.
8. Executive Director Fleck informed the Board there were no public comments made to the Legislative Rules and we have sent them to the Secretary of State's Office.
9. Executive Director Fleck reported on the June and July 2014 CPRB Financials; he reported we are at 66% of budget and the reason we are below budget is because money is still being set aside to pay for the new Computer Project.
10. Executive Director Fleck announced to the Board that all Fiduciary Training forms need to be signed, dated and given back to Candi Moore, Executive Assistant after the Board Meeting today.

The Report of the Executive Director is located behind Tab 2.

### **Tab 3: Plans Investment Data**

Tom Sauvageot, Investment Officer of the West Virginia Investment Management Board (WVIMB) reviewed with the Board the Plan's Investment Returns for the period ending June, 30 2014.

*Cabinet Secretary Ross Taylor arrived at 11:18 a.m.*

Eric Sanderson of Great West reported that the John Hancock/New Millennium fund availability will begin September 1, 2014 and notices have been sent out to all participants.

The Plan's Investment Data reports are located behind Tab 3.

**Tab 4: Consideration of Current Disability Retirement Applications**

Mr. Garcia reported the Disability Committee met on August 12, 2014, and the Committee makes the following recommendations to the Board:

<b>System</b>	<b>Approved</b>	<b>Denied</b>	<b>Total</b>
<b>EMSRS</b>	1 Total Duty***	0	1 Total Duty***
<b>PERS</b>	11	2	13
<b>TDC</b>	2	0	2
<b>TRS</b>	2	0	2
<b>TRS/TDC Transfers</b>	4	0	4
<b>TOTAL</b>	<b>20</b>	<b>2</b>	<b>22</b>

\*\*\*Conditioned upon a 6 month re-exam by a CPRB Physician other than the initial examining physician.

Mr. Bunn made a motion the Board accept the Disability Committee’s recommendations concerning the disability retirement applications as well as the EMSRS 1 Total Duty that is conditioned upon the 6 month re-exam by a CPRB Physician other than the initial examining physician. The motion was seconded by Mr. Vallet. Mr. Lynch recused himself from the vote. The motion carried unanimously.

The disability list is located behind Tab 4.

**Tab 5: Consideration of Appeals to Hearing Officers – Jack DeBolt**

Hearing Officer DeBolt reviewed with the Board the Appeal of Mingo County Commission Sheria Maynard on whether or not Mingo County, upon proffer of payment by Ms. Maynard of the employee contribution share for PERS participation during the period in question, is obligated to pay the Board the employer contribution share plus interest on the employer and employee contribution share; whether or not Mingo County is obligated to pay the Board the employee contribution share for PERS participation during the period in question and whether or not this Board has jurisdiction to decide any claims arising between Mingo County and Ms. Maynard.

Hearing officer DeBolt recommended that in order for Sheria Maynard to acquire service

credit for the period in question that she pay the Board the employee contributions on her lost back pay and that Mingo County be required to pay the Board the employer contribution for Ms. Maynard's lost back pay plus interest on both employee and employer contributions.

Mr. Vallet made a motion the Board accept the Hearing Officer's recommended decision that Sheria Maynard pay the Board the employee contributions on her lost back pay and that Mingo County be required to pay the Board the employer contribution for Ms. Maynard's lost back pay plus interest on both employee and employer contributions. Mr. Garcia seconded the motion. There was discussion on the motion. The motion carried unanimously.

Hearing Officer DeBolt reviewed with the Board the Appeal of Allen E. Tackett on how much, if any, military service credit the Applicant is entitled to in addition to that already previously awarded.

Hearing officer DeBolt recommended the Board to provide additional military service credit to Allen E. Tackett, but deny the other requests made by Mr. Tackett as stated in the Recommended Decision.

Ms. Stout made a motion the Board accept the Hearing Officer's Recommended Decision, to provide additional military service credit to Allen E. Tackett, but deny the other requests made by Mr. Tackett as stated in the Recommended Decision. Mr. Bunn seconded the motion. There was discussion on the motion. The motion carried unanimously.

The Appeals are located behind Tab 5.

**Tab 6: Work in Progress Reports from In-House Legal Counsel – Jeaneen Legato**

In-House Legal Counsel, Jeaneen Legato presented her report to the Board on all pending legal matters. She reported on all current Administrative, Circuit Court, Supreme Court and Less than Honorable Service (LTHS) cases.

Ms. Legato reviewed the case of *Valentine v. CPRB* with the Board. Ms. Legato reported to the Board that this case was now settled.

Ms. Legato reviewed the case of *Arden J. Curry, II v. CPRB* with the Board. Ms. Legato announced to the Board that the Circuit Court had issued an Order affirming the Board's *Final Order*.

Ms. Legato reviewed with the Board on the *CPRB v. John C. Johnson* case from her report. Ms. Legato reported to the Board that this case has been withdrawn.

The report of the In-House Legal Counsel is located behind Tab 6.

**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 reported to the Board on the Patricia Jones v. CPRB case. She reported there was a Summary Judgment filed and is now pending in Circuit Court.

Ms. Chambers reported on the case of James Owens v. CPRB. Ms. Chambers announced James Owens failed to file an appeal before the 30 days were up. As a result, this matter is concluded.

The report of Outside Legal Counsel is located behind Tab 6.

Chairman Wyant announced the Board did not receive a report from Pullin, Fowler, Flanagan, Brown & Poe; the BRIM Counsel on the Cheryl Dougherty, et al. v. CPRB et al. case for this Board Meeting.

**Tab 7: Committee Updates**

**Accounting and Investment Committee**

Chairman Bunn announced to the Board, the Accounting and Investment Committee met this morning. He informed the Board that the TDC Plan has implemented a new website for participants. He informed the Board that the Fee Holiday has now expired.

Chairman Bunn informed the Board that the A & I Committee has reviewed the RFQ for the Financial Auditing and the Committee voted and recommended it to the full Board for their approval.

Mr. Bunn made a motion that the Board approve and award the RFQ to Gibbons & Kawash for the Financial Auditing for the amount of 249,800.00. The motion was seconded by Ms. Stout. There was discussion on the motion. The motion carried unanimously.

The minutes of the A & I Committee are located behind Tab #7.

**Tab 8: Other, Old Business**

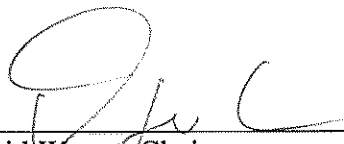
Chairman Wyant asked if there was any old business to bring before the Board. None was heard.

**Tab 9: Other, New Business**

Chairman Wyant asked if there was any new business to bring before the Board. Chairman Wyant announced the passing of Gene Davis, a former Board member. Chairman Wyant stated that Gene Davis was a great Board member and he will be missed.

Chairman Wyant asked if there was any other new business to bring before the Board. None was heard.

Chairman Wyant adjourned the August 13, 2014 meeting of the West Virginia Consolidated Public Retirement Board at 12:02 p.m.

  
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David Wyant, Chairman  
Consolidated Public Retirement Board

  
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Jeffrey E. Fleck, Executive Director  
Consolidated Public Retirement Board