

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
BOARD OF TRUSTEES MEETING
MEETING OF OCTOBER 9, 2024**

A meeting of the West Virginia Consolidated Public Retirement Board (“CPRB”), Board of Trustees, was held on Wednesday, October 9, 2024 at 601 57th Street SE, Charleston, West Virginia, 25302. Due notice had been posted.

Call to Order

The meeting was called to order at 10:02 a.m. by Joseph Bunn, Chairman.

Roll Call:

Trustees participating:

Joseph G. Bunn, Chairman
Mike McKown, Vice Chairman
Garner Marks, *representing Governor James C. Justice, II*
Jeffrey Waybright, *representing State Auditor John B. McCuskey*
Lindsay Marchio, Deputy Counsel, *representing State Treasurer Riley Moore*
Sarah Long, *CFO, Department of Administration*
Bill Barker
Rhonda Bolyard
Daniel Cart
Michael Corsaro
Brad Mankins
Beth Morgan
Jeff Vallet

Trustees absent:

Woodrow Brogan
Larry Cole
D. Todd Murray
Dominique Ranieri

A quorum was present.

Others present:

Jeffrey E. Fleck, CPRB Executive Director
Kimberly Pauley, CPRB Executive Assistant
Terasa Miller, CPRB Deputy Director

Jeaneen Legato, Esquire, CPRB General Counsel
Patricia Bowgren, CPRB IT Staff
Tina Baker, CPRB Internal Auditor
Ken Woodson Jr., CPRB Board Actuary
David Arreaga, Actuarial Analyst Trainee
Gabriele Wohl, Bowles Rice
Craig Slaughter, WVIMB
Chris Meadows, Empower
Lindsey Atkins, CPRB Outreach Officer
Anne Charnock, Hearing Examiner
Cindy Adkins, CPRB HR Manager
Jenn Dills, CPRB Administrative staff
Tim Abraham, CPRB, Compliance officer

TAB 1
APPROVAL OF THE AUGUST 28, 2024 MINUTES

Chairman Bunn stated that he would entertain a motion to approve the minutes of the August 28, 2024 meeting of the CPRB Board of Trustees.

Mr. Waybright made a motion that the Board approve the minutes of the August 28, 2024 meeting minutes. Mr. Vallet seconded the motion. The motion was adopted.

The minutes were located behind Tab #1 of the Board materials.

TAB 2
REPORT OF THE EXECUTIVE DIRECTOR

Chairman Bunn recognized Jeffrey Fleck, Executive Director, to give his report to the Board which included the following information:

1. **Recognition of Employees** – Director Fleck began by announcing that Lindsey Atkins, CPRB Outreach Officer was named as the November Employee of the month. Director Fleck praised Lindsey for going above and beyond to help our retirees navigate through the process of retiring. Mr. Fleck congratulated Ms. Atkins for her well-deserved award.
2. **New Employee**- Director Fleck welcomed Jennifer Dills to CPRB administrative staff.
3. **CPRB Operational Metrics** – Director Fleck reviewed the metric charts for October 2023 and 2024, he announced that since last year, there has been improvement in the average processing time of retirements. He stated that the annual average number of days to first check has been reduced from 36 days to 29 days in PERS and in TRS it was cut from 44 days to 36 days. Director Fleck thanked the CPRB staff for their efforts in getting these retirements processed so efficiently.
4. **TDC Statistics** – Director Fleck stated that the TDC Plan, which has been closed to new enrollees, has 3,473 participants and the total plan assets were \$746,040,478 as of August 31, 2024.

5. ***Delinquent Employers*** – Director Fleck reported that Green Acres Regional Center continues to make payments according to the settlement agreement bringing their delinquent balance down to \$55,163.95 from the original amount of over \$600,000.
6. ***Contract Renewals-*** Bowles Rice Contract
Director Fleck informed the Board that the first contract renewal with Bowles Rice needs Board approval.

Chairman Bunn stated that he would entertain a motion to renew the Bowles Rice legal Services Contract.

Mr. Waybright made a motion to renew the Bowles Rice Legal Services Contract.

The motion was seconded by Mr. Vallet. The motion was adopted.

Director Fleck reviewed the second contract renewal for Empower with the same terms and conditions and asked for Board approval.

Chairman Bunn stated that he would entertain a motion to renew the Empower Contract.

Ms. Marchio made a motion to renew the Empower Contract.

The motion was seconded by Mr. Barker. The motion was adopted.

Director Fleck informed the Board that the last contract renewal is with Mahantech a contracting company that we utilize for additional IT staff as needed. Mr. Fleck stated that this contract is for two contractors at the hourly rate of \$72.00 will also need Board approval.

Chairman Bunn stated that he would entertain a motion to renew the Mahantech Contract for two Contractors at the hourly rate of \$72.00 for each contractor.

Mr. Barker made a motion to renew the Mahantech Contract.

The motion was seconded by Mr. Waybright. The motion was adopted.

7. ***Monthly Financials*** – Director Fleck stated that financial reports for the months of August and September are in his report. He reported that the period ending September 30, 2024 shows that the agency is operating below budget at 81% of budget for the first three months.
8. ***Outreach update-*** Director Fleck informed the Board of several upcoming seminars on September 10, 26 & 30th He reviewed the October dates and noted that a copy of all seminar dates are posted on the CPRB Website. Director Fleck thanked Ms. Atkins for her efforts.
9. ***Senate Bill 439-*** Director Fleck reviewed all provisions in Senate Bill 439 that the West Virginia Legislature passed on March 9, 2024. He reviewed the 911 PERS to EMSRS transfer information. Director Fleck announced that the bill did pass, and the transfer will take place in January 2025.
10. ***Retiree Self Service & Member Self Service***

Director Fleck reviewed the retiree self-service and members self-service. Mr. Fleck informed the Board that since the last Board meeting in August that there were 7,680 members registered and now there are 12,389 so in just a short amount of time the numbers have grown by over 5,000 members signing up and utilizing the CPRB self-service website. Director Fleck offered to answer questions from the Board and a brief discussion was heard.

The Executive Directors report is located behind tab #2 of the Board materials.

TAB 3 PLANS INVESTMENT DATA

WVIMB Report—Craig Slaughter

Chairman Bunn recognized Craig Slaughter, of the WV Investment Management Board, to give an update on the Plans Investment Data.

Mr. Slaughter started by reviewing the returns through August 31, 2024 saying that he was bringing good news today with the first quarter of the fiscal year being up across the board with August providing us a 1.1.% return for the month. He explained why all the markets have been doing so well and mentioned that the Federal Reserve System (FED) had a fifty-point rate cut that suggests that they will achieve a soft landing. He mentioned that inflation moderated at 2.5% and markets continue to do well. Mr. Slaughter explained that the economy has slowed but didn't go into a recession. Mr. Slaughter finished by stating that the Investment Management Board's mantra is to always keep a diversified portfolio.

Mr. Slaughter asked if there were any questions from the Board. There was a brief discussion among the Board members.

Empower Report—Chris Meadows, Empower Retirement

Chairman Bunn recognized Chris Meadows of Empower Retirement who gave an update on the TDC Plan.

Mr. Meadows updated the Board on the TDC outreach sessions. He reported that he had conducted 808 educational counseling sessions and 335 distribution counseling sessions since the beginning of the year for a total of 1,143 sessions year to date.

Mr. Meadows reviewed all mailers that went out to the plan participants including Q3 Plans, Features & Highlights, Q3 Newsletter and many more.

Mr. Meadows updated the Board on the TDC investment performance. He began by saying that the third quarter proved to be successful with every major category showing positive gains. He informed the Board that positive economic data set the stage for a robust equity market over the last three months. Mr. Meadows stated that inflation rates continued to subside over the summer. Mr. Meadows reviewed the economic overview as of August 30, 2024 with the S&P

500 gaining 6% with the year to date 22%. He mentioned that mid cap and small cap stocks both returned at 9% for three months.

Mr. Meadows stated that foreign stocks came in with a gain of 7% and he explained that bonds had some declining interest rates that pushed fixed income indices into positive territories for the year as the Bloomberg aggregate bond index advanced more than 5% bringing its year to date to 4.5%. Mr. Meadows informed the Board that the funds in the lineup continue to perform well with the exception of the Western asset core plus bond and he noted that it has been put on the watch list.

Mr. Meadows then asked if there were any questions. There was a brief discussion.

The Plans Investment Data, TDC Educational Meeting reports, TDC Outreach materials and the TDC Investment Report were located behind Tab #3 of the Board materials.

TAB 4 APPEALS FOR CONSIDERATION

Chairman Bunn recognized Anne Charnock, Hearing Officer, to review the appeal of Mr. Chet Burgess. Ms. Charnock explained that this matter concerns the applicant's eligibility to receive a PERS retirement annuity when he never left the employment of a PERS participating employer. Ms. Charnock also explained the issue is whether the Board properly revoked Mr. Burgesses retirement annuity upon discovering that he never left employment with a PERS participating employer.

Based upon the Findings of Fact and Conclusions of Law, Hearing Examiner Charnock recommended that Mr. Burgesses appeal of the Board's decision to deny the appeal and be affirmed and the appeal be denied.

Chairman Bunn stated that he would entertain a motion to accept and approve the recommendation of Hearing Officer Charnock that the appeal of Chet Burgess be denied.

Mr. Corsaro made a motion to accept the recommendation of Hearing Officer Charnock to deny the appeal of Chet Burgess . Mr. Vallet seconded the motion. The motion was adopted.

Ms. Charnock, Hearing Officer, reviewed the appeal of James Robert Hendricks. Ms. Charnock explained the issue of the case presented in this appeal is whether he could purchase military service credit for his military service. The military service credit was not timely filed.

Based upon the Findings of Fact and Conclusions of Law, Hearing Examiner Charnock recommended that Mr. Hendricks appeal of the Board's decision to deny him the opportunity to purchase military service be affirmed and his appeal be denied.

Chairman Bunn stated that he would entertain a motion to accept and approve the recommendation of Hearing Officer Charnock that the appeal of James Robert Hendricks be denied.

Mr. Vallet made a motion to accept the recommendation of Hearing Officer Charnock to deny the appeal of James Robert Hendricks. Mr. Vallet seconded the motion. The motion was adopted.

Ms. Charnock began to review the appeal of Stacey Redmond and explained that this matter concerns the applicant's eligibility to receive disability retirement benefits. Ms. Charnock also explained the issue is whether the applicant is eligible to receive disability retirement benefits although the Board evaluator found she is not eligible.

Based upon the Findings of Fact and Conclusions of Law, Hearing Examiner Charnock recommended that Ms. Redmond appeal of the Board's decision to deny the appeal and be affirmed and the appeal be denied.

Chairman Bunn stated that he would entertain a motion to accept and approve the recommendation of Hearing Officer Charnock that the appeal of Stacey Redmond be denied.

Mr. Corsaro made a motion to accept the recommendation of Hearing Officer Charnock to deny the appeal of Stacey Redmond. Mr. Barker seconded the motion. The motion was adopted.

TAB 5 LEGAL COUNSEL REPORTS

Report of In-House Legal Counsel – Jeaneen Legato

Chairman Bunn recognized Jeaneen Legato, In-house Legal Counsel, to give her report to the Board.

Ms. Legato updated the Board on the Dondi Stemple case and explained that oral argument was heard on September 25, 2024 and a decision should be rendered soon.

Ms. Legato stated that she had two Less Than Honorable Service cases to review. She began by stating that on September 3, 2024 Melissa Beavers a PERS member and a former Berkeley County deputy clerk entered a guilty plea to seven felony offenses involving embezzlement, forgery, uttering and forgery of a public record. Ms. Beavers used her position of employment with the clerk's office to embezzle money from the Clerks office and expedite her divorce with forged documents and forged notary signature. Ms. Legato informed the Board that sentencing is scheduled for December 9, 2024 in the Circuit Court of Berkeley County before Judge Steven Redding.

Ms. Legato recommended that the PERS membership and retirement annuity of Melissa Beaver be terminated for rendering Less Than Honorable Service.

Chairman Bunn stated that he would entertain a motion to approve the recommendation of in-house legal counsel, Jeaneen Legato regarding Less Than Honorable Service.

Mr. Waybright made a motion that the Board approve the recommendation to terminate the PERS membership and retirement annuity of Melissa Beavers for rendering Less Than Honorable Service. Mr. Vallet seconded the motion. The motion was adopted.

Ms. Legato then reviewed her second case and stated that on March 29, 2023 Suzette Wagner a PERS retiree and former chief tax & fee collector for the city of Clarksburg entered a plea of guilty to the felony offense of embezzlement in the Circuit Court of Harrison County. Ms. Legato stated that she used her position of employment to embezzle over \$85,000 from the city of Clarksburg. On June 2, 2024 Judge McCarthy sentenced her to 1-10 years to be served on home confinement and to pay restitution in the amount \$85,348 to the city of Clarksburg and \$39,607 to the State Auditor's office. Ms. Legato recommended that the PERS membership and retirement annuity of Timothy Priddy be terminated for rendering Less Than Honorable Service.

Chairman Bunn stated that he would entertain a motion to approve the recommendation of in-house legal counsel, Jeaneen Legato regarding Less Than Honorable Service.

Mr. Waybright made a motion that the Board approve the recommendation to terminate the TRS membership and retirement annuity of Suzette Wagner for rendering Less Than Honorable Service. Mr. Barker seconded the motion. The motion was adopted.

Ms. Legato then offered to answer questions. There were none.

Report from Outside Legal Counsel -Gabriele Wohl -Bowles Rice

Chairman Bunn recognized Gabriele Wohl, Outside Legal Counsel, to give her report to the Board.

Ms. Wohl reported on the ongoing pending case *Clark/Division of Natural Resources (DNR)*. Ms. Wohl stated that Judge Bailey entered a Certified Order on March 21, 2024 staying this matter until the certified questions have been decided by the Supreme Court of Appeals and a decision is certified back to Circuit Court. The Order directed the parties to prepare a joint appendix of the record, which was filed with the Circuit Court on April 5, 2024. The Supreme Court filed its Scheduling Order on May 3, 2024. She reported the deadline for Petitioners to file their brief is July 2, 2024. CPRB's brief is due August 1, 2024, and Petitioners' reply brief was due August 6, 2024 and we are now just waiting for Judge Bailey to render her decision.

Ms. Wohl then offered to answer questions. There were none.

The reports of the In-House and Outside Legal Counsel were located behind Tab #5 of the Board materials.

**TAB 6
COMMITTEE REPORTS**

Disability Review Committee – Michael Corsaro

Chairman Bunn recognized Mr. Corsaro to give the report of the Disability Review Committee. Mr. Corsaro reported that the Committee had met on Monday, August 27, 2024 and he thanked the staff for working so hard to get all the disability applications processed, and ready for the staff’s recommendations of disability retirement applications and made the following recommendations to the Board for their approval:

System	Approved Total Duty	Denied Total Duty	Approved Total Non-Duty	Denied Total Non-Duty	Total
DSRS	1	0	0	0	1
PERS	0	5	3	1	9
TDC	0	1	0	0	1
TRS	0	2	0	0	2
TOTALS	1	8	3	1	13

Chairman Bunn stated that he would entertain a motion to accept the recommendation of the Disability Review Committee.

Mr. Vallet made a motion that the Board accept and approve the Disability Review Committee’s recommendation concerning the disability retirement applications. The motion was seconded by Mr. Waybright. The motion was adopted.

Accounting & Audit Committee- Jeff Waybright

Chairman Bunn recognized Mr. Waybright to give the report of the Accounting and Audit Committee. Mr. Waybright started by informing the Board that the Committee met on Tuesday October 8, 2024 and reviewed the Annual Audit presentation in great detail. Mr. Waybright recognized the audit partner, Lealan Miller of Eide Bailly to give his report.

Mr. Miller stated that CPRB undergoes an annual audit and that it went very well, as expected. He reminded the Board of the October 15, 2024, deadline to submit financial statements to the Division of Finance. He praised Ms. Cooper and her team for their efforts and requested that the Board approve the issuance of the audited financial statements with the understanding that minor typographical changes may be needed.

Mr. Miller reported to the Board that it had been a successful audit, and he anticipates that it will be a clean unmodified opinion attached to the financial statements. Mr. Miller stated there are no concerns moving forward.

Chairman Bunn stated that he would entertain a motion to approve the June 30, 2024 CPRB financial audit in their current form with the caveat that management is empowered to make typographical modifications necessary to finalize the report.

Ms. Long made a motion that the Board adopt the June 30, 2024 CPRB financial audit. Ms. Marchio seconded the motion. The motion was adopted.

**TAB 7
OLD BUSINESS**

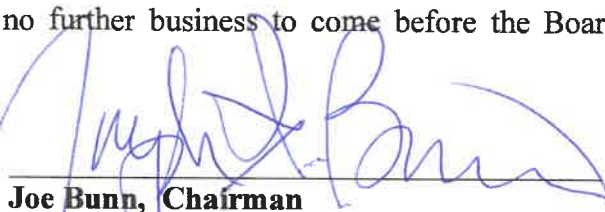
Chairman Bunn inquired as to any old business to come before the Board. None was heard.

**TAB 8
NEW BUSINESS**

Director Fleck reminded everyone that the last Board meeting will be at 11:00 am on December 11, 2024 and that fiduciary training will be presented by Tom Heywood with Bowles Rice and will be held one hour prior to the meeting. He also informed the Board that the meeting will be held in the Canaan Valley Conference room (1041) on the first floor.

ADJOURNMENT

Chairman Bunn stated there being no further business to come before the Board, the meeting was adjourned at 10:56 a.m.



Joe Bunn, Chairman
WV Consolidated Public Retirement Board



Jeffrey E. Fleck, Executive Director
WV Consolidated Public Retirement Board