

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
BOARD OF TRUSTEES MEETING
MEETING OF APRIL 11, 2012**

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*
Acting Cabinet Secretary Ross Taylor
Joseph Bunn, Esquire
Joe Lynch
Todd Murray
Sergeant Tony Payne

Trustees not present:

Thomas Bradley
Captain Michael Corsaro
Drema Evans
David Fletcher
Andrew Richardson, Esquire

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
Andrew Wyne, Great West Outreach Officer
Craig Slaughter, WVIMB Executive Director
Steve Stockton, CPRB Chief Compliance Officer
Cindy Boyd, CPRB Project Manager
Barbara Haddad, CPRB IT Manager
Alysia Miller, CPRB Paralegal
Eric Stringer, CPRB IT Specialist
Melody Bailey, CPRB Actuarial Analyst
Lisa Trump, CPRB PERS Manager
Caroline Brady, CPRB PERS Assistant Manager

Brittany Smith, CPRB TRS Staff
Darden Greene, CPRB Chief Financial Officer
Tracy Batman, CPRB Accounting Staff
Torie Williams, CPRB PERS Staff
Don Parr, Deloitte & Touche
Charles Ray Lewis, II, Appellant
Constance Gastop Lewis, Wife of Appellant
Misty Peal, WVEA
Jay Waugh

Tab #1: Approval of the February 23, 2012 Meeting Minutes

Mr. Shawver made a motion to approve the February 23, 2012 minutes of the CPRB. The motion was seconded by Mr. Lynch. The motion carried unanimously. The minutes are located behind Tab #1.

Tab# 2: Reports of the Chairman and Executive Director

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

1. Director Fleck reviewed with the Board the February and March 2012 Teachers' Retirement System (TRS) and Public Employees Retirement System (PERS) retirement numbers and estimates for the CPRB.
2. Director Fleck introduced Steve Stockton to the Board, he announced Steve is our new Chief Compliance Officer who is an attorney and brings with him experience with the Attorney General's office and the IRS. The Board welcomed Mr. Stockton to the CPRB.
3. Director Fleck reported to the Board the annual statements for EMSRS, JRS, MPFRS, PERS, Plan A, and Plan B are being mailed out. The PERS Pension Press is in the front of the board book.
4. Director Fleck reviewed with the Board the status update on the CPRB Computer System Project RFP.
5. Director Fleck reported on the CPRB Data Cleansing Project.
6. Director Fleck reported to the Board on the current delinquent employers. He reported that some of those delinquent employers are: Town of Pratt Water Works, Green Acres, The City of Mullins and Enlarged Hepzibah PSD.
7. Director Fleck reported to the Board on the eligibility of participation in EMSRS for the Harrison County Emergency Squad.
8. Director Fleck reviewed with the Board the TDC Reality Investing Statistics as of February 2, 2012. He reported the total assets are at \$311,074,289.

9. Director Fleck reviewed with the Board the TDC Educational Meetings that were held throughout the state by Great West for January and February 2012. He reported there were a total of 22 meetings held; group attendance was 21; onsite individual sessions were 92 and 129 for distribution and other counseling.
10. Director Fleck reported on the completed TRS Experience Study for the period of 2005 through 2010. Chairman Wyant asked Director Fleck if he would have Harry Mandel make a presentation on the TRS Experience Study at the next Board Meeting.
11. Director Fleck reviewed with the Board the PERS Outreach meetings that will begin on April 30, 2012. He reported there will be 10 seminars offered and will be held at various locations throughout the state.
12. Director Fleck informed the Board the DSRS Web Contribution System went live on March 26, 2012. He reported there are 48 of 55 counties using the system and staff will continue to encourage the counties that are not using it to start using this system.
13. Director Fleck informed the Board there is an article in the Quotes, Notes & Anecdotes monthly newspaper about the CPRB and Planning for Retirement.
14. Executive Director Fleck reviewed with the Board the CPRB February and March 2012 Financials. He announced that as of March 31, 2012 the CPRB is at 42% of budget.
15. Director Fleck reported to the Board there was a media release from the National Institute on Retirement Security. (NIRS) The report announced that the national report shows that West Virginia retirees are valuable contributors to the state economy.
16. Executive Director Fleck informed the Board that Harry Mandel, Board Actuary and Melody Bailey, Actuarial Assistant attended the 2012 Enrolled Actuaries Meeting which was held in Washington, D.C., March 25th through March 28th. This was for actuarial continuing education and instruction of relevant actuarial concepts.
17. Executive Director Fleck reported to the Board on the update on the IRS Normal Retirement Age Regulations. He reported when this goes into effect, it will set the normal retirement age at 62 years old or 50 years old for public safety officers. There is a bill in Congress, House Resolution 3561, that would permit service based retirements for government pension plans.

18. Executive Director Fleck reviewed with the Board all of the 2012 legislation that passed that would affect pensions and several bills that did not pass. This information is on a spreadsheet behind Tab #2. 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 Returns for the month of February 29, 2012. The WVIMB investment return report is behind Tab #3.

Tab #4: Consideration of Current Disability Retirement Applications

Acting Chairman Todd Murray reported that the Disability Committee met on April 10, 2012 and makes the following recommendations to the full Board:

System	Approved	Denied	Total
EMSRS	1	0	1
PERS	12	4	16
TDC	4	0	4
TRS	7	0	7
TDC/TRS Transfers	5	0	5
TOTAL	29	4	33

Mr. Lynch made a motion the Board accept the Disability Committee's recommendations concerning the disability retirement applications. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Acting Chairman Murray made a motion on behalf of the Committee to discontinue the PERS disabilities of Ronnie Adkins, Dorothea Henderson, Carl Kostelac and Betty Simms, effective May 1, 2012, and give staff the authority to reinstate the disability annuity prospectively if submission of appropriate medical re-certification is supplied to PERS within one year. The motion was seconded by Mr. Lynch. The motion carried unanimously. The disability list is behind Tab #4.

Tab #5: Consideration of Appeals to Hearing Officer - Jack DeBolt

Mr. Shawver made a motion the Board go into Executive Session to discuss a medical retirement appeal and legal issues as allowed by West Virginia Code §6-9A-4. The motion was seconded by Mr. Bunn. The motion carried unanimously. The Board went into Executive Session at 10:21 a.m.

The Chairman reconvened the Public Session of the April 11, 2012 meeting of the Consolidated Public Retirement Board from Executive Session at 11:41 a.m. Chairman Wyant stated the Board was in Executive Session to discuss a medical retirement appeal and legal issues as allowed by West Virginia Code §6-9A-4. He announced there were no decisions made during Executive Session. The Board will return to Tab #5, Consideration of Appeals to Hearing Officer.

Hearing Officer DeBolt addressed the appeals of David K. Beatty, Noel Clemmer, Jr., Thomas J. Montague, James B. Huffman, III, William E. Smith and Kenneth R. Miller on whether or not the individual Applicants are entitled to service credit in PERS for the period commencing July 1, 1996. It is recommended the request of the individual Applicants to have restored to them service credit assertedly earned after July 1 1996, be denied.

Sergeant Payne made a motion to accept the recommendation of the Hearing Officer and deny the appeals of David K. Beatty, Noel Clemmer, Jr., Thomas J. Montague, James B. Huffman, III, William E. Smith and Kenneth R. Miller. The motion was seconded by Mr. Bunn. There was discussion on the motion. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Charles R. Lewis, II, on whether or not the Applicant is entitled to service credit for co-op employment in 1967, 1968 and 1969. It is recommended that the request of Charles R. Lewis, II, to retain service credit for co-op employment in 1967, 1968 and 1969 be denied.

Mr. Bunn made a motion to accept the recommendation of the Hearing Officer and deny the appeal of Charles R. Lewis, II for service credit for co-op employment in 1967, 1968 and 1969. The motion was seconded by Sergeant Payne. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Steve A. Mullenax on whether or not the

Applicant is mentally or physically incapacitated from employment within the meaning of and with the character of proof required by §162-2-3.2.a of the Code of State Rules; and whether or not, in lieu of disability retirement benefits, the Applicant is entitled to be paid the differential between his present employment and his previous employment from which he asserts he is now incapable of accomplishing. It is recommended the request of Steve A. Mullenax for disability benefits, either total or partial, from the Public Employees Retirement System be denied.

Mr. Murray made a motion the Board accept the recommendation of the Hearing Officer and deny the appeal of Steve A. Mullenax for disability benefits from the Public Employees Retirement System. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of William G. Warman on whether or not the Applicant is entitled to a full year of service credit for the 2008-2009 fiscal year. It is recommended the request of William G. Warman for additional service credit in the Teachers' Retirement System for fiscal year 2008-2009 be denied.

Mr. Murray made a motion the Board accept the recommendation of the Hearing Officer and deny the appeal of William G. Warman for additional service credit in the Teachers' Retirement System for the fiscal year 2008-2009. The motion was seconded by Mr. Lynch. The motion carried unanimously.

Tab #6: Work in Progress Reports from Legal Counsel

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

Ms. Legato reported to the Board on the case of James Valentine. She reported on the appeal of Mr. Valentine. On March 26, 2012 Judge Matish entered an Order Reversing the Board's Final Order. Ms. Legato asked the Board if they wanted to appeal Judge Matish's Order.

Chairman Wyant asked the Board if there was a motion to appeal the Order, and none was heard. The report of the In-House Legal Counsel is 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. The report of the Outside Counsel is behind Tab #6.

Executive Director Fleck reviewed with the Board the status reports from BRIM Counsel regarding the case of Dawn Colette Bland v. State of West Virginia; and the case of Cheryl Dougherty v. Ramona Cerra, et al. The BRIM reports are located behind Tab# 6.

Tab #7: Committee Updates

Executive Director Fleck reviewed the February 17, 2012 minutes of the Computer Systems Update Committee Meeting with the Board.

Acting Cabinet Secretary Taylor asked Director Fleck if the CPRB computer system would be on-line by April 2013. Director Fleck announced that it would not be on-line by that date.

Chairman Wyant announced he would like to make a correction from the February 29, 2012 Board Meeting; he stated he appointed Acting Cabinet Secretary Taylor to the Computer Systems Update Committee, he wanted to clarify he is adding Mr. Taylor as an ad-hoc member to that committee.

Acting Cabinet Secretary Taylor reported to the Board the Internal Audit Committee met yesterday and discussed dual military service in PERS and areas to audit in the future. The minutes of the November 8, 2011 Internal Audit Committee Meeting are behind Tab #7. The Committee Updates are located behind Tab # 7.

Tab #8: Other, Old Business

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

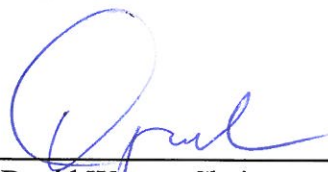
Tab #9: Other, New Business

Chairman Wyant announced there is a PERS Military Service Credit Petition before the Board for Mr. Gerald Lee Parsons. Executive Director Fleck explained the Petition to the Board; he announced that Mr. Parsons is requesting additional Military Service Credit for three months from April through June of 1991.

Ms. Stout made a motion the Board approve the PERS Military Service Credit Petition for Gerald Lee Parsons. Acting Cabinet Secretary Taylor 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 adjourned the April 11, 2012 public meeting of the West Virginia Consolidated Public Retirement Board at 12:14 p.m.



David Wyant, Chairman
Consolidated Public Retirement Board



Jeffrey E. Fleck, Executive Director
Consolidated Public Retirement Board