

**Registrars of Voters Employees' Retirement System
Minutes of the Special Meeting of the Board of Trustees
September 14, 2012**

The Special Meeting of the Board of Trustees for the Registrars of Voters Employees' Retirement System was held at the Secretary of State's Office at 8585 Archives Avenue in Baton Rouge, Louisiana.

Call to Order

The Chairman of the Board, Robert Poche, called the meeting to order at 10:09 a.m.

Invocation and Pledge of Allegiance

Linda Rodrigue offered an invocation and John Moreau led the Pledge of Allegiance.

Roll Call

Lorraine Dees called the roll. Board members present were: Dennis DiMarco, Charlene Menard, John Moreau, Robert Poche, Linda Rodrigue, and Dwayne Wall. Board members absent were Representative J. Kevin Pearson and Senator Elbert Guillory. A quorum was present.

Others present included Greg Curran (representing Actuary and Administrators, G. S. Curran & Company, Ltd.), Lorraine Dees (System Director), Denise Akers (Legal Counsel), Beverly Ellison (Confidential Assistant to Mr. Robert Poche), Stephanie Little (House Retirement Attorney, representing Representative J. Kevin Pearson), Margaret Corley (Senate Retirement Attorney, representing Senator Elbert Guillory), and Elaine Lamb.

Without objection, Chairman Poche asked the Vice Chairman, Mr. John Moreau, to take over direction of the meeting.

Public Comments

Mr. Moreau asked if there were any public comments. Hearing none, the meeting continued.

Discussion related to receipt of qualifying forms for the election of a Board member with term to begin January 1, 2013, and all necessary actions related to such election

Ms. Akers explained to the Board that the issue at hand was whether or not Mr. Poche had submitted timely his notice of candidacy for a position on the Board of Trustees. She reviewed the rule that the Board had passed regarding submission of qualifying forms and explained that the rule should be read literally unless there was a precedent for doing otherwise. Ms. Akers explained that the Board needed to determine if Mr. Poche had submitted his notice of candidacy in writing, and that, in her opinion, the rule did not require that his notice be received, only that it be submitted. Ms. Akers indicated that the Board should hear testimony from Mr. Poche and Ms. Ellison and then discuss the facts before reaching a decision on the matter. She noted that the Board had decided that future qualifying forms should be sent via certified mail with a return receipt requested, but that this requirement did not apply to Mr. Poche's recent application.

Mr. Poche told the Board that it had always been his intention to run for a position on the Board, and that he had discussed this intention with Mr. DiMarco and Ms. Dees. He explained that he had asked his confidential assistant, Ms. Beverly Ellison, to fill out his qualifying form immediately

after he received it via email from Ms. Dees. Mr. Poche stated that Ms. Ellison completed the application, which he then signed and gave back to her with instructions to send it to Ms. Dees on July 23, 2012. He explained that it was his policy to keep a copy of all personal paperwork in a file in his office, and that Ms. Ellison had placed a copy of his application in this file.

Ms. Ellison introduced herself to the Board and stated that Mr. Poche had asked her to submit his qualifying form right away. She explained that she had mailed the application to Ms. Dees on July 23, 2012 and that she was almost positive that she had also faxed the document to Ms. Dees on the same day. Ms. Ellison explained that her office had recently begun using a new fax machine, and that this machine had been set up only to indicate errors and not to provide fax confirmations. She further explained that the fax machine automatically deleted fax activity after thirty days, and she therefore could not provide confirmation that the fax had been sent.

In response to a question from Ms. Akers, Ms. Ellison stated that she had used a pre-printed label to address the envelope to Ms. Dees. Ms. Dees explained that she had advised Ms. Ellison to contact the parish council office to attempt to obtain a copy of the phone bill, which could show which numbers had been dialed by the fax machine. Ms. Ellison stated that she had contacted the parish office, but that they had not sent her any information. In response to a question from Ms. Dees, Ms. Ellison replied that she had not used a cover sheet when she had faxed Mr. Poche's application. Ms. Dees explained to the Board that she had retrieved a copy of the log from her fax machine and that it did not show that any faxes had been received from Mr. Poche's office. Ms. Menard noted that Ms. Dees had sent a copy of the fax log to each Board member and she asked that the log be included with the minutes of the meeting. Ms. Dees added that she had received an application from one candidate other than Mr. Poche who was interested in running for the Board position.

Ms. Corley pointed out that the letter that Ms. Dees had sent to all members of the Retirement System stipulated that candidates for office must submit an original application via mail, and that no email, fax, or hand deliveries would be accepted. Ms. Akers explained that the acceptable method of delivery was a point for the Board to decide upon.

Mr. Poche stated that he had not been informed until five minutes before the beginning of the last Board meeting that his application had not been received. He explained that, once he had been informed of the situation, he had called Ms. Ellison to ask her to look in his files. He reasoned that if the application had not been sent to Ms. Dees, Ms. Ellison would not have found a copy of it in the file. He reiterated that his office had sent the application.

Ms. Akers asked Mr. Poche and Ms. Ellison if either of them had called Ms. Dees to confirm that she had received the application, and they both stated that they had not. Mr. DiMarco asked Mr. Poche if the form in his file was an original or a copy, and Mr. Poche replied that it was a copy and that the original had been mailed. Mr. Moreau asked Ms. Ellison if she recalled the address that was on the pre-printed label, and she stated that she did not remember; Mr. Poche explained that it had come from the pre-printed label sheet from the State. Mr. Moreau asked Ms. Dees if her office address had changed recently, and she stated that it had not. Ms. Dees explained that her office staff was aware that they should give her any mail that could possibly pertain to the Retirement System and that she was confident that they had not received Mr. Poche's application. She added that she had not made any calls to anyone regarding the Board position.

Mr. Poche, Ms. Dees, and Ms. Ellison voluntarily stepped out of the meeting to allow the Board to discuss the matter of Mr. Poche's qualifying form. Ms. Akers suggested to the Board that they should base their decision upon whether or not there was sufficient proof that Mr. Poche had submitted his application in writing. Ms. Corley and Ms. Little pointed out that if the Board chose to accept "submission" instead of "receipt" of Mr. Poche's application, they left the door open for any number of people to claim that they had submitted an application that had not been received. Ms. Corley explained that it was her opinion that the Board's only two options were to accept the other candidate's application (which had been received) or to re-open the application process. Mr. DiMarco stated that he liked the idea of re-opening the application period, but that this was not an option under the current rules.

The Board discussed how they would have handled the situation if Mr. Poche had been a member of the general public instead of a current Trustee. Ms. Akers reminded the Board that it did not matter that Mr. Poche had previously discussed his intention to run for office, and that the question at hand was whether or not Mr. Poche had provided sufficient evidence that he had submitted his application in writing. The Board discussed the fact that Mr. Poche had been unable to produce evidence in the form of a fax confirmation, fax log, cover letter, correspondence log, or phone bill, and that neither Mr. Poche nor Ms. Ellison had followed up with Ms. Dees to confirm that she had received the application. Ms. Akers added that Ms. Dees had produced a fax log to prove that she had not received Mr. Poche's application via fax. Mr. DiMarco noted that the only proof that had been given was the testimony of Mr. Poche and Ms. Ellison.

In response to a question from Mr. Moreau, Ms. Akers explained that Mr. Poche did not have an obligation to show due diligence by confirming that Ms. Dees had received his application, but that it would have been a good idea for him to have done so. Ms. Rodrigue pointed out that the Board had met on July 24, 2012 and that Mr. Poche could have asked Ms. Dees if she had received his application at that time. Mr. Moreau asked the two newest Board members, Mr. Wall and Ms. Menard, if they had submitted qualifying forms for their Board positions. They both replied that they had mailed the forms per the instructions and then followed up with Ms. Dees to confirm that she had received them. Ms. Menard stated that she felt that the Board needed to follow the rule and that doing otherwise would not be fair to any other association members who wanted to run for office. Mr. Moreau reminded the Board that they had received an application from another candidate who had followed the proper submission procedures.

Mr. Poche, Ms. Ellison, and Ms. Dees returned to the meeting. Ms. Dees reported to the Board that on July 31, 2012 she had received one application for candidacy postmarked timely on July 26, 2012 from Ms. Sandra Thomas. She stated that Ms. Thomas' application was the only application that she had received. Ms. Akers explained that Mr. Poche had asked the Board to consider finding that his application had been submitted timely in accordance with the general election procedures, based on the testimony that he had offered during the current meeting. Mr. DiMarco made a motion that, based on Mr. Poche's testimony that his application had been mailed, the Board accept Mr. Poche's application for candidacy for election. There was no second to the motion; the motion therefore failed.

Upon motion by Mr. Poche and second by Ms. Menard, the Board voted unanimously to declare Ms. Sandra Thomas elected to the Board of Trustees for a four-year term. Upon motion by Mr. Wall and second by Ms. Rodrigue, the Board voted unanimously to authorize Ms. Thomas to attend the upcoming LAPERS conference to obtain the continuing education credits necessary to be a voting member of the Board beginning in January 2013. Ms. Dees pointed out that Ms.

Thomas was not yet a Board member and asked if ROVERS could legally pay for her LAPERS conference expenses. In response to a question from Ms. Akers, Ms. Dees stated that the Board had previously authorized another future Board member to attend training. After discussion of the matter, upon motion by Mr. Wall and second by Ms. Rodrigue, the Board voted unanimously to allow Ms. Thomas to attend LAPERS at the Board's expense in order to obtain her continuing education hours. Ms. Dees stated that she would register Ms. Thomas for the conference.

Mr. Poche apologized for putting the Board in an uncomfortable position and stated that he did have a desire to serve on the Board and that he hoped that the Board members would continue to work well together. Mr. Moreau stated that the Board had looked at the procedures from every angle, and that it had been difficult for them to come to the conclusion that they could not accept Mr. Poche's application.

Adjourn

Upon motion by Ms. Rodrigue and second by Ms. Menard, the meeting was adjourned at 11:09 a.m.