

BERKS COUNTY EMPLOYEE'S RETIREMENT FUND MINUTES
MAY 16, 2013

Chairman Christian Leinbach called the meeting to order at 9:30 a.m. Attending were Sandy Graffius, Secretary, Nelson Long, CPA, Treasurer and member Kevin Barnhardt. The following County staff attended: Alan Miller, Solicitor, Suzanne Baer, Pension Coordinator and Grazyna Nykiel, Senior Government Accountant. Coreen Thomas, representative of UFCW also attended.

The minutes of the April 27, 2013 meeting were approved as presented.

The Board received the following communications:

Correspondence:

Bank statements

April, 2013 statement from SEI Trust Company account 15963-C

April, 2013 statement from National Penn Bank for checking
Account 216784425

Solicitations:

General: None

Conferences: None

Old Business: None

New Business:

Following a discussion and review of facts, the Board agreed to immediately terminate future pension benefits to the former Recorder of Deeds, Ella Antoine. It was moved by Mr. Barnhardt moved, seconded by Mr. Long to accept the following resolution:

1R12

BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Berks County Employee's Retirement Fund Board hereby agrees Whereas former Recorder of Deeds Elba Antoine was sentenced May 3, 2013 on her guilty plea of federal mail fraud, wire fraud and intentionally filing false tax returns charges resulting from her illegal actions when she was the Recorder of Deeds of Berks County;

Whereas the Pennsylvania Public Employee Pension Forfeiture Act provides for the disqualification and forfeiture of pension benefits if a public official is convicted or pleads guilty to any crime related to public office or public employment;

Whereas the solicitor to the Retirement Fund Board has opined that Elba Antoine's guilty plea to the aforementioned federal charges constitutes proper justification to disqualify her from any future pension benefits; and

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Whereas, calculations by the Retirement fund Board's actuary conclude that monthly pension payments to Ms. Antoine prior to her guilty plea have in fact returned all of Ms. Antoine's member contributions made during her time in public office,

NOW, THEREFORE, Resolved and Be It Resolved that Elba Antoine is hereby disqualified from receiving any future pension benefits from the Berks County Employees' Retirement Fund and further that the Pension Fund Coordinator is authorized to take any and all necessary steps to effectuate this resolution.

Motion carried.

Mr. Barnhardt motioned, seconded by Mr. Long for Alan Miller, Solicitor, to explore legal options to recoup any of the County portion of pension payments made to Ms. Antoine for the period of time from when she left office as the Berks County Recorder of Deeds until her guilty plea in May, 2013 and report the results at the next Board meeting. Motion carried.

The Board authorized the disbursements on motion by Ms. Graffius and second by Mr. Barnhardt. Motion carried.

Annuities and refunds for May, 2013

Annuities	\$1,007,446.30
Refund	<u>\$ 307,528.03</u>
Total	\$ 1,314,974.33

Meeting adjourned at 9:40 a.m.