

**PALM TRAN ATU LOCAL 1577
MINUTES OF MEETING HELD
AUGUST 23, 2012**

Chairperson Dwight Mattingly called the meeting to order at 10:00 A.M. in the Dale R. Smith Conference Room at the Palm Tran North Facility, 3201 Electronics Way, West Palm Beach, Florida.

TRUSTEES

Dwight Mattingly
Frank Stanzione
Nancy Bolton
Liz Bloeser

OTHERS PRESENT

Chad Little, Freiman Little Actuaries
Burgess Chambers, Burgess Chambers & Associates
Robert Sugarman, Sugarman & Susskind
Nick Schiess, Pension Resource Center
Bonni Jensen, Law Office of Perry & Jensen
John Murphy, Palm Tran
Carolyn Morgan

HEARING ROBERT MORGAN ELECTION OPTIONAL FORM OF PAYMENT

The Board convened a hearing to determine whether the Spousal Consent Form that retiree Robert Morgan submitted upon retirement was valid. It was noted that a 50% joint and survivorship benefit was the normal form of payment and Mr. Morgan was only permitted to make his selection of a life only optional form of payment if he provided a valid spousal waiver of survivorship benefits.

Mr. Morgan was not present at the meeting. Plan Administrator Nick Schiess confirmed that he was provided notice of the meeting and was also informed of the meeting and encouraged to attend the meeting during a telephone conversation. Carolyn Morgan appeared before the Board and was sworn in to testify under oath.

Robert Sugarman reviewed the documentation submitted by both Ms. Morgan alleging that her signature upon the Spousal Consent Form dated October 7, 2008 submitted by Mr. Morgan was a forgery and from Mr. Morgan alleging that he did not forge her signature. It was noted that the Notary Public that had certified Ms. Morgan's signature had later disclosed that he had not actually witnessed the execution of the Spousal Consent Form but instead had notarized an unsigned Form. Ms. Morgan testified under oath that she had not executed the Spousal Consent Form dated October 7, 2008.

After a lengthy discussion, **Liz Bloeser made a motion, that based upon the unchallenged testimony of Carolyn Morgan, to determine that she did not execute the Spousal Consent Form dated October 7, 2008, and absence of any contrary proof presented at the meeting by Robert Morgan, who did not appear before the Board after receiving notification of the hearing, find that the Spousal Consent Form dated October 7, 2008 was not valid and therefore Mr. Morgan's retirement benefits shall be revised retroactively and prospectively to the normal form of retirement of a 50% joint and survivorship benefit with his spouse Carolyn Morgan to be the joint annuitant for as long as she remains his spouse and thereafter only if court ordered or re-designated by Robert Morgan with Mr. Morgan's benefits to be**

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revised effective September 1, 2012 and direct the Plan Administrator to negotiate repayment of all retroactive overpayments. The motion was seconded and carried 4-0.

ADJOURNMENT

The meeting was adjourned at 10:31 A.M.

Secretary