

**ATU LOCAL 1596 PENSION FUND
MINUTES OF MEETING HELD
OCTOBER 26, 2010**

Board Members Present:

Robert Doane – Union Appointee
Frank Luna – Chairman, Union Appointee
Lisa Darnall - Secretary, LYNX Appointee
Bert Francis - LYNX Appointee
Edward Johnson - LYNX Appointee

Others Present

None

Via Teleconference

Nick Schiess - Plan Administrator
Robert Sugarman - Plan Attorney
Nadine Schaal – Attorney for LYNX

Agenda Item	Discussion	Decision	Status	Follow-up
1.	The meeting was called to order at 11:09 A.M. in Conference Room 637, Lynx Central Station, 455 N. Garland Av. Orlando, FL 32801.			
2.	Robert Sugarman reviewed the details of his proposal submitted at the last meeting to prepare a submission for a favorable Tax Determination Letter from the Internal Revenue Service for a fee of \$8,500 plus an additional \$1,000 filing fee charged by the Service. He explained that the fee was comparatively low because of the economies of scale realized from his firm filing on behalf of many clients. Mr. Sugarman discussed the advantages of operating within Internal Revenue Service guidelines including exemption from income taxes and pre-tax contributions for active employees. He reported that the Internal Revenue Service had expressed a renewed interest in governmental pension plans, which might result in increased scrutiny and fines and penalties for items found to be out of compliance. Mr. Sugarman advised that the Internal Revenue Service had extended the deadline for on-cycle 2011 filing until January 31, 2011 thereby allowing an open window for filing with greater leniency expected on violations. He then discussed the risks of delaying the filing.			

	<p>Nadine Schaal recommended proceeding with filing for a favorable Tax Determination Letter.</p> <p>Mr. Sugarman discussed the necessity of restating the Plan Document before filing for the Tax Determination Letter. He explained that a restatement would combine the Plan Document and all the subsequent Amendments. A discussion arose regarding whether to exclude Amendment Six within the restatement. It was noted that proposed Amendment Ten contained language necessary to bring the Plan into compliance with Internal Revenue Service guidelines and therefore the same language must be inserted into the restated Plan Document even though Amendment Ten had not been adopted. Mr. Sugarman discussed two options regarding the restated Plan Document. The first option involved preparing the restatement by cutting and pasting the language within the various amendments into the existing Plan Document at no fee to the Plan. The second option was to thoroughly review all the language within the Plan Document and amendments and revise any ambiguous language. Because this second option was far more involved, a fee of \$5000 was proposed. The Board discussed both options noting that the current language within the Plan appeared to be sufficient and no significant issues had arisen from ambiguous language.</p>	<p>Robert Doane made a motion to authorize Sugarman & Susskind to file for a favorable Tax Determination Letter on behalf of the Plan for a fee of \$8,500 and a \$1,000 application fee and authorize Robert Sugarman and Frank Luna to execute any documents necessary in this regard. Bert Francis seconded the motion, approved by the Trustees 5-0.</p> <p>Edward Johnson made a motion to authorize Sugarman & Susskind to prepare a restated Plan Document excluding Amendment Six using the cutting and paste method. Lisa Darnall seconded the motion, approved by the Trustees 5-0.</p>	<p>Open</p> <p>Open</p>	<p>Sugarman & Susskind</p> <p>Sugarman & Susskind</p>
	<p>Nick Schiess reported that an Application for Disability Benefits had been received from Vernita Quinones. He explained that usually disability applicants have already been awarded disability benefits from the Social Security Administration, which makes the determination of disability very easy for the Trustees. Mr. Schiess reported that Ms. Quinones had not been awarded disability benefits from the Social Security Administration. Robert Sugarman advised that the determination of disability by Social Security Administration was a lengthy process often taking well over a year. He explained that the alternative process was to gather medical records and possibly the performance of an independent medical</p>	<p>The Board noted that this issue had not been specifically referenced on the Agenda for this meeting and directed the Administrator to schedule another teleconference meeting to address this issue.</p>	<p>Open</p>	<p>PRC</p>

	exam, all of which represented a cost to the Plan. Mr. Sugarman and Mr. Schiess requested direction from the Board on whether to proceed with the proposed alternative process.			
	The meeting adjourned at 11:55 A.M.			

Respectfully submitted,

Secretary