

RICHARD WEISS, 5/13/13, Sligh, et al. v. ASPRS et al.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

LT. GLENN SLIGH, et al. PLAINTIFFS,
vs. No. 60CV-2012-344
ARKANSAS STATE POLICE RETIREMENT DEFENDANTS.
SYSTEM, et al.

ORAL DEPOSITION OF RICHARD WEISS

TAKEN MONDAY, MAY 13, 2013

A P P E A R A N C E S:

ON BEHALF OF THE PLAINTIFFS:

C. BURT NEWELL, ESQ.
Bachelor & Newell
211 Hobson Avenue Post Office Box 1620
Hot Springs, Arkansas 71902-1620

ON BEHALF OF THE DEFENDANTS:

PATRICIA VAN AUSDALL BELL, ESQ.
Assistant Attorney General
323 Center Street, Suite 1100
Little Rock, Arkansas 72201

ALSO PRESENT: JAY WILLS, ESQ., on behalf of APERS, GAIL STONE,

WHITSON COURT REPORTING

(501) 455-1170

Quality Court Reporting and Videography Since 1980



COPY

RICHARD WEISS, 5/13/13, Sligh, et al. v. ASPRS, et al.

1 A The appropriation bill is authorizing money to go some
2 place.

3 Q Right.

4 A Okay?

5 Q Right.

6 A Regular salaries, it's authorizing that to be paid into a
7 payroll account of the employee.

8 Q From where, though? That's my question.

9 A Well, it comes from the treasury through this fund and a
10 lot of times into subfunds.

11 Q Right. From the State General Treasury, the 22 percent of
12 the active member payroll goes into the State Police Retirement
13 System?

14 A Uh-huh. Which is also in the State Treasury. You just
15 move it from one fund to another fund within the treasury.

16 Q But it's a -- but it's a trust fund?

17 A Yeah.

18 Q So it's not a part of the General State Treasury?

19 A Yeah, it is.

20 Q But it can't be -- as a trust fund it has the supervisors
21 of the trustees, correct?

22 A Restate your question, please.

23 Q The Arkansas State Police Retirement System is a -- is a
24 trust fund, is it not?

25 A Yes, sir. But not -- and -- and it's within the state

RICHARD WEISS, 5/13/13, Sligh, et al. v. ASPRS, et al.

1 which is a separate plan, retirement plan from the general
2 retirement plan. Is that right?

3 MS. BELL: Objection to form.

4 THE WITNESS: It is a subfund of that fund.

5 BY MR. NEWELL:

6 Q Right. But it -- it's -- the money that is held in trust
7 for those DROP members is still within the state police fund,
8 which is in -- within the APERS fund, which is within the
9 general treasury?

10 A Yeah, that's correct.

11 Q But for the purposes of accounting or accountability, at
12 any given time, a member of one of those plans, can -- can see
13 what his or her plan looks like, right?

14 A Uh-huh.

15 Q There is a separate account?

16 A I believe that's correct.

17 MS. BELL: Objection as to form.

18 (WHEREUPON, there was a brief interruption.)

19 BY MR. NEWELL:

20 Q Do you believe that the retirement benefits that are
21 offered to public employees in Arkansas, including the state
22 police officers, are an important incentive to hire those --
23 those persons?

24 A Yes, I do.

25 Q Was that a -- was that an important factor for you as a

RICHARD WEISS, 5/13/13, Sligh, et al. v. ASPRS, et al.

CERTIFICATE

STATE OF ARKANSAS)

COUNTY OF PULASKI)

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for the aforesaid county and state, do hereby certify that the witness, Richard Weiss, was duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained therein; that the testimony of said witness was taken by me in Stenotype and was thereafter reduced to typewritten form by me or under my direction and supervision; that the foregoing transcript is a true and accurate record of the testimony given, to the best of my understanding and ability.

IN ACCORDANCE with Rule 30(e) of the Rules of Civil Procedure, review of the transcript was not requested by the deponent or any party thereto.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the

1 action that affect or has a substantial tendency to affect
 2 impartiality, that requires me to relinquish control of an
 3 original deposition transcript or copies of the transcript
 4 before it is certified and delivered to the custodial attorney,
 5 or that requires me to provide any service not made available
 6 to all parties to the action.

7 SIGNED AND SWORN this 24th day of
 8 May 2013.



Susan B. Whitson

12 SUSAN B. WHITSON, CCR, LSC#158
 13 NOTARY COMMISSION #12388076
 14 NOTARY PUBLIC IN AND FOR
 15 PULASKI COUNTY, ARKANSAS

16
 17 My Commission Expires: June 4, 2022.

18
 19 ---o---

20
 21
 22
 23
 24
 25