

BRANT TOSH, 5/16/13, Sligh, et al. v. ASPRS, et al.

1 viewed Glenn as -- as one -- as everyone else that's in --  
2 that's attached to that system, and --

3 Q To which system?

4 A To the retirement system.

5 Q But not the Deferred Retirement Option Plan?

6 MS. BELL: Objection as to form.

7 BY MR. NEWELL:

8 Q My question is did you -- do you -- did you then or do you  
9 now believe that you had a fiduciary duty to members of the  
10 Deferred Retirement Option Plan? Are you one of their  
11 trustees?

12 A Yes. Yes, sir.

13 Q Okay. And as a trustee, do you believe that you owe a  
14 duty of loyalty to the beneficiaries of the plan that you sit  
15 as a trustee -- as a trustee over?

16 A Yes.

17 Q All right. And you understand that Lt. Sligh and my other  
18 clients seek to have money paid from the system to them because  
19 they believe they have been improperly paid interest rates?

20 A Yes.

21 Q And if that were -- if the judge were to agree with that,  
22 that would be increased money coming out of the fund. Correct?

23 A That is correct.

24 Q And so, is the reason why you voted to deny his request  
25 because you didn't want more money to come out of the

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1 retirement system to go to Lt. Sligh?

2 A Well, I tried to view it and base my decision on what was  
3 best for everyone involved. And, of course, you know, I  
4 hopefully have benefits coming to me one day as all the  
5 troopers who are working, just like Glenn and the rest of them,  
6 and -- and I didn't want to do anything to jeopardize any  
7 future benefits paid to Glenn or anyone else, so I was trying  
8 to do whatever was best for the system as a whole.

9 Q So you felt like it was in Lt. Sligh's best interest to  
10 deny him the increased benefits in the DROP because, if he  
11 lives long enough, he would be more likely to benefit from the  
12 system on the long term, is that what you're saying?

13 A Well, maybe not looking at Glenn individually but looking  
14 at Glenn as part of the system, maybe as a member he's being  
15 affected differently than all of the other members, but I just  
16 tried to look at the system as a whole and do what was best for  
17 it.

18 Q Right.

19 A And which would have some impact on Glenn and everyone  
20 else, it's just I tried to do what was best for the system.

21 Q It would have a negative impact on Lt. Sligh as a member  
22 of the DROP?

23 A On that individual issue it could. Of course, if the  
24 system is not there, it could even have a more negative impact  
25 on him.