

**MINNESOTA TEACHERS RETIREMENT ASSOCIATION**  
**Minutes of the Board of Trustees**  
**July 16, 2018 Special Meeting**

Board President Martha Lee Zins called the meeting to order at 1:30 p.m. Those attending in addition to Zins were:

Board members: Denise Anderson (via phone), Will Baumann (via phone), Mary Broderick (via phone), Paul Moore, Joel Stencil (via phone), Mary Supple and Marshall Thompson

TRA Staff: Carol Diedrich

Legal Representative: Ian Welsh

Others: Marcia Menth, Kathryn Woodruff

Called to order at 1:30 p.m. Zins took a roll call to identify those present and those by phone.

In person: Zins, Moore, Supple, Thompson, Welsh, Woodruff, Menth, and Diedrich  
Via Phone: Broderick, Stencil, Baumann, and Anderson.

Outline Process of Today's meeting

Welsh explained to the board the procedures to follow on an In Forma Pauperis (IFP).

The board has to consider five criteria:

1. The board must determine whether or not L.Kuehne's appeal to the Court of Appeals is frivolous.
2. The board has to determine whether or not if L. Kuehne is receiving public assistance.
3. The board has to determine whether or not L. Kuehne is represented by an attorney on behalf of a civil legal services program or a volunteer attorney program based on indigency.
4. The board has to determine whether or not that L. Kuehne's income is less than 125% of the Federal Poverty Guidelines.
5. The Board may also find that L. Kuehne can't afford her appeal and the costs associated with it. If so, there are 2 options to consider:
  1. Assess a \$75 fee
  2. Some partial payment of the fees

Welsh described the first criteria – Frivolity - followed by discussion by members of the Board and counsel.

After discussion by the Board and counsel, Broderick moved that the Board find that the appeal is not frivolous. The motion was seconded by Supple and was passed unanimously by a roll call vote.

Welsh described the second criteria – Public Assistance – followed by discussion by members of the Board and counsel.

After discussion by the Board and counsel, Thompson moved that we find L. Kuehne receives no Public Assistance. The motion was seconded by Moore and was passed unanimously by a roll call vote.

Welsh described the third criteria – Indigency – followed by discussion by members of the Board and counsel.

After discussion by the Board and counsel, Thompson moved that we find that she is not represented by an attorney based on Indigency under the statutory definition. The motion was seconded by Moore and passed unanimously by a roll call vote.

Welsh described the fourth criteria – Federal Poverty Guidelines – followed by discussion by members of the Board and counsel.

After discussion by the Board and counsel, Thompson moved that we find L. Kuehne's income does not meet the Federal Poverty Guidelines. The motion was seconded by Supple and passed unanimously by a roll call vote.

Welsh described the fifth criteria – Determine whether or not L. Kuehne cannot pay all the required fees and costs associated with her appeal – followed by discussion by members of the Board and counsel.

After discussion by the Board and counsel, Thompson moved that in our judgement L. Kuehne has the assets necessary to pay for her appeal. The motion was seconded by Broderick.

Moore moved that the board finds that L. Kuehne is able to pay all of the fees, costs, and security for cost associated with her appeal. The motion was seconded by Supple. Zins asked the Board if there was any objection to this motion being substituted for the motion originally stated – hearing none we will process this as the main motion. The motion passed unanimously by a roll call vote.

Welsh directed the Board to proceed with an Order incorporating the findings.

Broderick moved to authorize counsel to draft the order consistent with the findings the Board made today. To modify the Order on TRA page red 26 that it points out the not-frivolous portion but then to follow the motions that the Board has passed earlier in this meeting and to write that up and submit that to the appropriate body to submit this to. The motion was Seconded by Thompson and passed unanimously by a roll call vote.

Welsh informed the Board of the process that can be taken by L. Kuehne moving forward.

#### **8. Date of next meeting**

Thursday, August 9, 2018 at 9:30 a.m.

#### **Adjourn**

On a motion by Supple, seconded by Moore and a unanimous vote the meeting adjourned at 2:37 p.m.

Attest:

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Martha Lee Zins  
President