

**Maryland 529  
Board Meeting Minutes**

**January 30, 2023  
11:00 AM – 11:20 AM  
Held via: Video Conference**

**Board Members/Designees Present via  
Conference Call**

Geoffrey Newman, Secretary of Higher  
Education’s Designee, Interim Board  
Chair  
Ellen Herbst, Chancellor of University  
System of Maryland’s Designee,  
Secretary  
Carol Beatty, Secretary of Maryland  
Department of Disabilities  
Dereck Davis, Maryland Treasurer  
Justin Dayhoff, Designee for the  
Superintendent of Maryland State  
Department of Education  
Brooke Lierman, Maryland Comptroller  
Capathia P. Campbell  
Dave Erculiani

**Board Members/Designees Absent**

Joanna Pratt

**Staff, Representatives and Guests**

Anthony Savia, Executive Director  
Bette Ann Mobley, Director of ABLE  
Maria Dodge, Director of Operations  
Kelly Nelson, ABLE Outreach Manager  
Francesca Nelson, Marketing Outreach  
Meghan Marek, Assistant Attorney General  
Laura Atas, State Treasurer’s Office  
Ben Seigel, Office of the Comptroller  
Brad Rustin, Nelson Mullins  
Brad Moody, Nelson Mullins  
Erin Kolmansberger, Nelson Mullins  
Gina Greenwood, Nelson Mullins  
Members of the Public

**Maryland 529 Board Meeting**

Mr. Newman opened the meeting at 11:00 AM. He noted a correction on the agenda which should have referenced 12/19 and not 12/16/22 for the minutes to be approved.

In accordance with the Open Meetings Act, the meeting began with a statement summarizing the closed session held at the end December 19, 2022 Board meeting at which the Maryland 529 Board voted unanimously, among those in attendance, to move into closed session at 4:25 pm to hear advice of legal counsel. Those in attendance for the closed session included Board Members: Peter Tsirigotis, Geoff Newman, Ellen Herbst, Treasurer Dereck Davis, Justin Hayes and Capathia Campbell. Also in attendance were Anthony Savia, Meghan Marek, Maria Dodge, and outside legal consultants: Brad Rustin, Brad Moody, Gina Greenwood, and Erin Kolmansberger.

During the meeting the Board heard advice of counsel on the Maryland Prepaid College Trust Minimum Benefit calculation issue and voted to confirm the calculation so that Manual Account Review Reports could begin to be distributed. The closed session adjourned at approximately 5pm.

- **Minutes**

Mr. Newman asked for comments on the minutes from the December 1, 2022 Board meeting’s open session. There being none and upon motion duly made and seconded, it was

**RESOLVED**, that the minutes from the December 1, 2022 Board meeting’s open session

are hereby approved.

The vote was unanimous among those voting with Comptroller Lierman abstaining, as she was not at the meeting.

Mr. Newman asked for comments on the minutes from the December 8, 2022 Board meeting's open session. There being none and upon motion duly made and seconded, it was

**RESOLVED**, that the minutes from the December 8, 2022 Board meeting's open session are hereby approved.

The vote was unanimous among those voting with Comptroller Lierman abstaining, as she was not at the meeting.

Mr. Newman asked for comments on the minutes from the December 19, 2022 Board meeting's open session. There being none and upon motion duly made and seconded, it was

**RESOLVED**, that the minutes from the December 19, 2022 Board meeting's open session are hereby approved.

The vote was unanimous among those voting with Secretary Beatty, Comptroller Lierman and Justin Dayhoff abstaining, as they were not at the meeting.

- **Update on Manual Review Process**

Mr. Rustin, Ms. Kolmansberger, and Board Member Campbell joined the meeting during this update at approximately 11:10 AM.

Mr. Savia provided an update on the manual review process. He reported that there have been 575 account forms submitted for review. He noted that the review will include research of the old Banner system as there are notes on accounts that are not attached in the new system and part of the process is to review everything. They have reviewed 492 accounts with approximately 80 more forms being received in the last two weeks. The team is responding to incoming emails, including those that are received via the online portal. All questions should be directed to the MPCT assistance email address.

Mr. Newman noted that there were six account holders that submitted written questions for the Board and that these questions are being reviewed. Someone will get back to those account holders after their accounts are reviewed.

- **Brian Savoie – Account Holder**

Mr. Newman noted that the Board has invited Mr. Savoie to make a three-minute presentation. In response to Mr. Savoie's request to show his slide presentation, Mr. Newman indicated that since the presentation wasn't submitted until last night, it will be distributed to the Board for review, but will not be part of the meeting exhibits.

Mr. Savoie presented that parents did understand what they purchased and that they were all not confused after reading the annual reports and disclosures. He said that it was reported at the Senate hearing that the business rules were approved by the Board, were implemented and were used in the August 2021 letter to account holders. These rules were also interpreted the same way by the account holders and no additional Articles IX letter was sent in October 2022. He said that Article IX does not permit any reduction to benefits and that such a notification would allow account holders the option to cancel contracts within 60 days. He indicated that the manual calculation letter describes the Board's vote as a substantive amendment to the disclosure, which is what created the problem. He said the vote was harmful to families with children in college now. He noted that the issuance of a Title IX letter by the Board would make the Board part of the solution. He hopes that everyone can move to a more interactive process in the future.


- **Update from House and Senate Briefings**

Mr. Savia presented a summary and background of the testimony provided to the House and Senate Committees and the memo submitted in answer to their questions. These included: number of affected accounts, the total dollar amount involved, demographics, tax implications, financial penalties, timing of the next board meeting (today's meeting), Board member compensation, and a timeline. The testimony explained defined benefits and two charts were submitted with demographic information for the 575 accounts holders and a sample of what account holders saw on their year-end statements between 2019-2021. These were provided at the Committee briefing and have been uploaded to the Board portal.

- **Closed Session (11:20 AM)**

Mr. Newman asked if there was a motion to move into closed session to hear advice of counsel with respect to responding to a complaint under the Open Meetings Act as well as to discuss specific account holder information. There being no discussion regarding the statement and upon motion duly made by Ms. Herbst and seconded by Treasurer Davis, it was unanimously

**RESOLVED** that the Board move into closed session to discuss matters exempt from the Open Meetings Act, as being confidential personal financial information of certain account holders and matters otherwise not subject to disclosure under law.

Approved:  \_\_\_\_\_  
Ellen Herbst, Board Secretary

Date: 3/29/2023

Exhibit:

- 1- Agenda
- 2A- Minutes Open Session (12/1/22, 12/8/22, 12/19/22)