

Bennington Trustees of the Trust Funds  
Meeting Minutes  
November 3, 2015  
Draft Copy

Trustees Present: Valerie Germain, Dave Parker, and Mark Mackesy

Agenda:

1. Requests for Reimbursement
2. Mackensen SEC Notice
3. Other

1. Requests for Reimbursement:

The Cemetery Trustees requested \$27.01 for stonework which was completed in the Sunnyside Cemetery on Lot #113 Row C, Amos Martin. The amount of \$27.01 is to be reimbursed to the Town and credited to the Cemetery Trustee budget in the CE Sone/Tree/Maintenance line item (account #01-4195-3-440). The request will come out of the Sunnyside Cemetery Perpetual Care Fund of Amos Martin.

The Trustees of Trust Funds approved the request.

Action Item: The secretary will fax the appropriate paperwork to Mackensen & Company for a distribution.

The GEP Dodge Library Trustees requested \$964.34 from the Library Capital Reserve fund for work which was completed on the roof of the library by Gerard A. Leone Slate & Copper Roofing and Jeff Rose in September. The total amount is to be reimbursed to the Town of Bennington.

The Trustees of Trust Funds approved the request.

Action Item: The secretary will fax the appropriate paperwork to Mackensen & Company for a distribution.

2. Mackensen SEC Notice

The Trustees received an email from the Town's Auditor, Vachon & Clukay indicating that a Cease and Desist order had been issued by the Securities and Exchange Commission (SEC) against Mackensen and Company Inc. and Warren Mackensen on September 3, 2015. Upon review of the SEC document by the Bennington Trustees the violation was a "matter concerning misleading advertisements" under the Advisers Act of 1940.

A telephone call was made to Jared H. Brock at MCI by the Trustees' secretary prior to the meeting to acquire additional information regarding the violation. It was confirmed that Warren Mackensen had sent out marketing materials using portfolio that did not have adequate disclosure. Warren sold MCI in 2012, stepped down as president then left the firm in 2015.

The SEC document can be read in its entirety on the MCI homepage at <http://www.mackensen.com/>

The Trustees had received an updated policy and information of the SEC violation at the end of September. The Trustees discussed the SEC violation and unanimously decided to take the following actions:

- 1) Contact Terry Knowles at the Department of Revenue - Charitable Trusts Division
  - 2) Email Vachon & Clukay (Town Auditors) to clarify the Cease and Desist order was for misleading marketing advertisements
  - 3) Keep the Town's Trust Funds and CRF's with MCI, managed and invested by National Advisor's Trust Company, at this time. We will set up a meeting once we have heard back from Terry Knowles to determine a future course of action.
3. Other - Valerie and Mark need to request mileage from June's Trustee of Trust Funds Annual Seminar in June.

There being no other business at hand, the meeting adjourned at 8 p.m.

Respectfully submitted,

Valerie Germain

Secretary,  
Trustee of Trust Funds