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## **APPENDIX A**

VIRGINIA:

### **IN THE CIRCUIT COURT OF HALIFAX COUNTY**

SAMMIE TODD MOSER,  
Appellant,

v.

Case No. CL23000285-00

THE HALIFAX COUNTY BOARD  
OF SUPERVISORS, *et. al.*  
Respondents.

Came the parties on April 5, 2023, by counsel, on the Appellant, Sammie Todd Moser's, appeal of a determination by the Halifax County Board of Supervisors pursuant to Virginia Code § 51.1-124.13 that the Appellant's felony embezzlement convictions arose from misconduct occurring on or after July 1, 2011, in a position in which Appellant was a member covered for retirement purposes under a retirement plan administered by the Virginia Retirement System. The Court has considered the record of proceedings before the Halifax County Board of Supervisors, the transcript of the proceedings before the Halifax County Board of Supervisors, and the briefs and the arguments of counsel. For the reasons stated on the record in open court, which decision has been transcribed and is attached hereto and incorporated herein, and for the reasons articulated in the briefs

and arguments presented by the Halifax County Board of Supervisors, which briefs and arguments are hereby adopted by the Court, and otherwise finding it appropriate to do so, it is hereby ADJUDGED and ORDERED that the determination by the Halifax County Board of Supervisors is hereby affirmed and Appellant's appeal is hereby dismissed.

The Clerk of Court is directed to remove this matter from the active docket of this Court and send attested copies of this Order to all counsel of record.

ENTERED: 4/19/23

/s/  
Judge J. Leyburn Mosby, Jr.

WE ASK FOR THIS:

/s/  
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*Counsel for Respondent The Halifax County  
Board of Supervisors*

SEEN AND objected to:

/s/

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## APPENDIX B

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 17th day of August, 2023*

Sammie Todd Moser,  
Appellant,

against      Record No. 230308  
                  Circuit Court No. CL23000285-00

Halifax County Board of Supervisors, et al.,  
Appellees.

From the Circuit Court of Halifax County

Finding that the order appealed from is not an appealable order, the Court dismisses the petition for appeal filed in the above-styled case. Code § 51.1-124.13(A) ("The employer's determination may be appealed in a manner consistent with subsection B, and no further proceedings shall follow the decision of the circuit court."); Code § 51.1-124.13(B) (stating the decision of the circuit court "shall be final and shall not be appealable").

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

/s/

Deputy Clerk

## APPENDIX C

Code of Virginia  
Title 51.1. Pensions, Benefits, and Retirement  
Chapter 1. Virginia Retirement System

### **§ 51.1-124.13. Loss of benefits; certain felony convictions.**

A. No person shall be entitled to any of the benefits of this title as provided in this section if (i) he is convicted of a felony and (ii) the person's employer determines that the felony arose from misconduct occurring on or after July 1, 2011, in any position in which the person was a member covered for retirement purposes under any retirement system administered by the Board. Prior to making any such determination, the employer shall give the person reasonable prior written notice and provide an opportunity to be heard. The employer's determination may be appealed in a manner consistent with subsection B, and no further proceedings shall follow the decision of the circuit court. The employer's determination shall become final 10 calendar days after the date of the initial determination if no appeal is filed, or the date of the decision of the circuit court if an appeal is filed. A reversal by the circuit court of the employer's determination shall render the determination null and void.

B. Proceedings for review of the determination of the employer may be made by the member filing a notice of appeal within five workdays of receipt of the

determination. Within five workdays thereafter, the employer shall transmit, to the clerk of the circuit court in the jurisdiction where the employer is located, a copy of the record. The court, on motion of the member, may issue a writ of certiorari requiring the employer to transmit the record on or before a certain date. Within 30 days of receipt of such records, the court, sitting without a jury, shall hear the appeal on the record and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the determination of the employer or may reverse or modify the determination. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the court shall be final and shall not be appealable. The circuit court hearing shall be at no cost to the Commonwealth or the member.

C. The Board shall implement the relinquishment of benefits under this title as soon as practicable after the employer notifies the Board of its final determination that the member's felony conviction arose from misconduct in any position in which the member was a member in service.

D. If the person is or becomes a member in service after relinquishment of benefits under subsection C, he shall be entitled to the benefits under this title based solely on his service occurring after the relinquishment.

E. Notwithstanding any provision of law to the contrary, any service credit lost from relinquishment of benefits under subsection C shall be ineligible for subsequent purchase.

F. The governing body of any locality served by a constitutional officer shall be considered that officer's employer for purposes of this section.

2011, c. 483; 2012, cc. 56, 349.

## **APPENDIX D**

### **EMPLOYER REQUEST FOR FORFEITURE OF MEMBER BENEFITS**

VIRGINIA RETIREMENT SYSTEM  
P.O. Box 2500 • Richmond, Virginia 23218-2500  
Toll Free 1-888-VARETIR (827-3847)  
Fax 804-786-9718  
*www.varetire.org*

1. Social Security Number
2. Employer Code

Complete this form to notify VRS that a member has been convicted of a felony for misconduct associated with the member's performance of job duties and that all VRS related benefits must be forfeited. This form is submitted to VRS after any appeals the member may make in regards to the termination of employment are closed.

Additional information about employer responsibilities is attached.

#### **PART A. MEMBER INFORMATION**

3. Name (First, Middle Initial, Last)
4. Address (Street, City, State and Zip+4)

#### **PART B. EMPLOYER AUTHORIZATION**

The member referenced above has been convicted of a felony for misconduct associated with the member's performance of job duties with this employer.

I understand that submitting this form will cancel the following:

- 1) Payment of all future VRS retirement benefits including the health insurance credit.
- 2) Basic group life insurance. This also makes the member ineligible to convert the policy, if it has not already been converted to a personal policy and the member has not already retired.
- 3) Optional group life insurance, if it has not already been converted to a personal policy.
- 4) Retiree health insurance eligibility.
- 5) Eligibility to receive any Defined Contribution Plan funds paid by a VRS-participating employer.
- 6) Virginia Sickness and Disability Program (VSDP) or Virginia Local Disability Program (VLDP) benefits if the member is receiving benefits at the time of notification of the conviction.
- 7) Any open VSDP or VLDP long-term care claims and the right to retain future coverage.

I certify that, pursuant to *Code of Virginia* §

51.1-124.13, the employee was provided notice of this employer's determination and an opportunity to be heard regarding this employer's decision. I certify further that any appeals process was completed and a final determination was made.

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Authorized Signature

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Date

## APPENDIX E

Code of Virginia  
Title 19.2. Criminal Procedure  
Chapter 22.2. Miscellaneous Forfeiture Provisions

**§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

A. The following property shall be subject to lawful seizure by any officer charged with enforcing the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character; used in substantial connection with (a) the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute marijuana in violation of subdivisions (a)(2), (a)(3) and (c) of § 18.2-248.1, or (c) a drug-related offense in violation of § 18.2-474.1; (ii) everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 or for a controlled substance or marijuana in violation of § 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property. Under the provisions of clause (i), real

property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years.

B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.).

Code 1950, § 18.1-346; 1960, c. 358; 1970, c. 650; 1972, c. 799; 1973, c. 171; 1975, cc. 14, 15, § 18.2-249; 1976, c. 132; 1979, c. 435; 1982, c. 462; 1985, c. 569; 1986, cc. 449, 485; 1988, cc. 575, 753; 1989, cc. 638, 690; 1993, c. 825; 1999, c. 269; 2004, c. 995; 2011, cc. 384, 410; 2014, cc. 674, 719.