AMENDMENT NO. 17-3
TO THE
RULES AND REGULATIONS
OF THE
MEBA TRAINING PLAN

At their August 2017 meeting, the Trustees of the MEBA Training Plan (the “Plan”) approved changes to the Plan’s Rules and Regulations as set forth below:

1. Effective August 24, 2017, Article I shall be amended to add a new Section 14 to read as follows:

Section 14 Overpayments

In the event an officer is reimbursed for tuition expenses and/or related registration fees (“Benefits”) in excess of the amount to which he was entitled pursuant to the appropriate rules, Regulations and interpretations of the Plan, whether on the basis of the Plan’s error or the error or false statements of the officer or a third party, the officer is required to reimburse the Plan in full and the Plan shall be entitled to recover any such Benefits. Future benefit payments, if any, shall be made on the correct and appropriate basis.

The Plan has a constructive trust, lien, and/or equitable lien by agreement in favor of the Plan on any overpaid Benefits received by the officer or a representative of the officer (including an attorney) that is due to the Plan under this Section, and any such amount is deemed to be held in trust by the officer for the benefit of the Plan until paid to the Plan. By accepting Benefits from the Plan, the officer consents and agrees that a constructive trust, lien, and/or equitable lien by agreement in favor of the Plan exists with regard to any overpayment, and in accordance with that constructive trust, lien, and/or equitable lien by agreement, the officer agrees to cooperate with the Plan in reimbursing it for all of its costs and expenses related to the collection of those Benefits.

Any refusal by the officer to reimburse the Plan for an overpaid amount will be considered a breach of the officer’s agreement with the Plan that the Plan will provide the Benefits available under the Plan and the officer will comply with the rules of the Plan. By accepting Benefits from the Plan, the officer affirmatively waives any defense the officer may have in any action by the Plan or Trustees to recover overpaid amounts or amounts due under any other rule of the Plan, including but not limited to
a statute of limitations defense or a preemption defense, to the extent permissible under applicable law.

If the officer refuses to reimburse the Plan for any overpaid amount, the Plan has the right to recover the full amount owed by any and all methods which include, but are not necessarily limited to, offsetting the amounts paid against any future Benefits otherwise payable to or on behalf of such officer.

The Plan also may recover any overpaid Benefits by pursuing legal action against the party to whom the Benefits were paid. In the event it is necessary for the Trustees to file suit against an officer or other party in order to collect any amount owed to the Plan arising out of or related to an overpayment or erroneous payment, such officer or other party shall reimburse the Trustees for all reasonable attorneys’ fees and costs of suit, and other professional fees and costs expended in connection with the Trustees’ collection of any amounts owed to the Plan or the enforcement of any of the Plan’s rights to reimbursement. In the event of legal action, the officer shall also be required to pay interest at the rate determined by the Trustees from time to time from the date the officer becomes obligated to repay the Plan through the date that the Plan is paid the full amount owed. The Plan has the right to file suit against the officer in any state or federal court that has jurisdiction over the Plan’s claim.

In the case of a deceased officer, the Plan’s rights apply to the decedent’s estate and the estate is required to comply with the Plan’s rules and procedures to the same extent as an officer.

Effective Date: August 24, 2017
Language Approved: August 24, 2017

H. M. Ainline, Chairman
Edward Hanley, Secretary