

NAUPA Committee Webinar



What We'll Be Covering...

* = state members only

- Audit Community*
- Communications Committee
- Education Committee
- Fraud Community*
- Legal Committee
- Uniformity Committee
- Virtual Currency Committee
- Claims / Reporting Community* & Others...



unclaimed.org/member

A Network of the National Association of State Treasurers



NATIONAL ASSOCIATION OF
UNCLAIMED PROPERTY ADMINISTRATORS

About ▾

Learn ▾

Find and Claim ▾

Report ▾

Membership ▾

Contact ▾

Membership

Government Member Resources



Government Member Resources

As an employee of a dues-paying state government office, you are a NAUPA member and have a number of resource available to you upon login to our secure database.

Access Government Member's Website

Issues Logging In?



Use our Fiscal Year 2022 Annual Report to showcase the great work of these programs nationwide.

States returned over \$4 Billion dollars last fiscal year!



NATIONAL ASSOCIATION OF
UNCLAIMED PROPERTY ADMINISTRATORS



NATIONAL ASSOCIATION OF
STATE TREASURERS



Strategic Plan 2023-2027

PURPOSE/MISSION

NAUPA facilitates collaboration among administrators in their efforts to reunite unclaimed property with its rightful owner.

VISION

As the foremost authority on unclaimed property, NAUPA will lead a coalition of administrators to reunite all recoverable unclaimed property with its rightful owner.

VALUES

Stewardship: NAUPA members are informed, committed, and obligated to recovering, safeguarding, and returning unclaimed property to and protecting the interests of its rightful owners.

Integrity: NAUPA members act in a manner that continually earns and justifies the trust of those we serve.

Professionalism: NAUPA members ethically execute their duties and responsibilities, treat others with respect and fairness, and strive to enhance their expertise and understanding of unclaimed property issues.

STRATEGIC PRIORITIES

1. Assist states in **asserting their legal authority**
2. Influence **key policy decisionmakers** at all levels of government on the value and importance of unclaimed property framework
3. Strengthen **member communications, education, and engagement**
4. **Increase utilization** of the unclaimed property framework for both reporting and claiming

2023 – 2027 Strategic Plan

PRIORITY/GOAL/OBJECTIVE/TASK	Description	Due Date	Lead
1	Assist states in asserting their legal authority		
1.1	Be the utmost authority on emerging types of unclaimed property (virtual currency, pre-need, sports betting, retirement accounts) after Federal legislators provide definition to enable states to appropriately conduct business		
1.1.1	Create and enact a proactive approach to leverage collective NAUPA insights and positions to benefit state's understanding and establishment of protocols	End of 2024	Legal/Virtual Currency
1.1.1.1	Identify and recruit subject matter experts (to include audit firms and big state representation from Audit Committee) and create ad-hoc committee		
1.1.1.2	Collect and consolidate viewpoints and formalize a perspective on each property type (using pre-need as an example)		
1.1.1.3	Draft a white paper on virtual currency including definitions and procedural options with national context		
1.1.1.4	Distribute the document and make available in the NAUPA Legal resource library		
1.1.1.5	Determine frequency for updating/revising the document		
1.1.1.6	Measure success by the number of states adopting virtual currency statute language		
1.2	Publish viewpoints and direction to states on what you need to know and do	End of 2024	Legal/Education
1.2.1	Create a directory of NAUPA topics and issues we track/need resources for		
1.2.1.1	Identify existing resources to utilize (i.e.: Kelmar training)		
1.2.1.2	Sort them into a prioritized list		
1.2.1.3	Utilize NAUPA members and Corporate Affiliates to draft issue papers		
1.2.1.4	Distribute the documents and make available in the NAUPA Legal resource library		
1.2.1.5	Publish on NAUPA member site		
1.2.1.6	Conduct webinar to share perspective, offer best practices and answer state questions		
1.2.2	Utilize ad-hoc committee and resulting work to engage new generation of member participation	End of 2023	Legal/VC
1.2.2.1	Share the virtual currency issue paper and other resources to all NAUPA members to encourage participation in the association		
1.2.2.2	Measure success by increase in working group members/committee participation		
1.2.2.3	Conduct virtual Meet and Greet session with individual states		
1.2	Build Federal legislative awareness of emerging issues and NAUPA viewpoint		
1.2.1	Actively participate in annual NAST outreach day each February	2/1/2025	Legal/Staff
1.2.1.1	Determine Legal Committee messaging to include in NAUPA's National Unclaimed Property Day outreach		
1.2.1.2	Develop collateral to include in state materials		
1.2.1.3	Measure success of messaging through its use among members and amount of earned media		
1.2.1.4	Revise as needed to target current issues or increase effectiveness		
1.3	Educate states on issues which could impact their legal authority		
1.3.1	Feature legal updates in new newsletter, member communications, incorporate into mentorship program	End of 2024	Legal/Comms
1.3.1.1	Determine Legal Committee's messages for the quarter/year		
1.3.1.2	Push that messaging throughout the time period in member onboarding/mentors/communications		
1.3.1.3	Encourage states to sign up and utilize internal communications and resources (Resource libraries, committee meeting attendance, NAST daily newsletter, and NAUPA Quarterly newsletter)		
1.3.1.4	Encourage states to sign up and utilize external communications and resources (Kelmar weekly update)		
1.3.1.5	Monitor the use of our messaging externally and increased member awareness (click through rates)		
1.3.2	Produce and add to resource library: NAUPA position statements, Directory of expert state reps as resources, Relevant court cases with summary notes, Key points from Kelmar presentation, Typical audit staff tactics resource	6/30/2024	Legal/Staff
1.3.2.1	Secure and update as necessary documents for resource library		
1.3.2.2	Post documents to resource library		
1.3.2.3	Share information and link to resource library with members on regular basis		
1.3.3	Have committee chair conduct webinar with overview on resources available	End of 2023	Education/Staff
1.3.3.1	Assemble presentation and announce invitation to annual webinar		
1.3.3.2	Conduct webinar on annual basis		
1.3.4	Recruit and provide resources (state lawyers – program lawyers and AGs, big state talent, financial expertise, vendors, local law firms) necessary for states to respond to legal challenges. Use effort to engage up and coming state staff members	End of 2024	Legal/Staff
1.3.4.1	Create contact information for SMEs on identified NAUPA Legal issues		
1.3.4.2	Distribute and maintain the list		
1.3.4.3	Engage state staff with the opportunity to contribute expertise or contacts to the list		
1.3.4.4	Monitor the list for growth of contacts and increased state use of resources for response		
2	Influence key policy decisionmakers at all levels of government on the value and importance of unclaimed property framework		
2.1	Pursue administrative and legislative federal action to remove or prevent new or existing federal preemptions of unclaimed property programs/laws (Savings Bonds, ERISA and challenges to UP constitutionality)		
2.1.1	Conduct proactive earned media effort targeting business and legal media outlets to publish stories on value of UP framework to undercut arguments	End of 2025	Legal/Comms
2.1.1.1	Determine Legal Committee messaging to business and legal media outlets		
2.1.1.2	Develop collateral to provide that messaging		
2.1.1.3	Measure success of messaging through the amount of earned media		
2.1.1.4	Revise as needed to target current issues or increase effectiveness		

State Auditors Community*

Presented By
Danielle Anthony



Who, When, What

- Who Should Join – Audit and compliance staff. The group touches on topics that may also be helpful for holder reporting staff.
- When Do We Meet –
 - The Auditors Community meets the 3rd Thursday of the month @ 11 AM PST.
 - The Stall Tactics subcommittee meets the 4th Thursday at 9 AM PST.
 - The Third Party Review subcommittee meets the 2nd Thursday @ 10 AM PST.



State Auditors Community – Cont.

- What Are We Working on
 - The State Auditors Community serves as a meeting space for State auditors/compliance employees to meet and discuss VDAs, third party audit programs, specific ongoing audits, trends in litigation impacting audits, etc.
 - The Stall Tactic subcommittee is working on a document that gives states background on and suggestions on how to react to legal arguments sent by holders and holder advocates to the States. The arguments serve to attempt to cancel or stall an audit.
 - The Third Party Auditor review is creating an audit program to serve as a sort of peer review process to ensure that audit vendors are conducting audits in accordance with contracts with the State and that State's laws.



State Auditors Community – Cont.

- What's Next (Strategic Plan goals)
 - The audit community doesn't have specifically designated goals from the strategic plan.
 - However, the audit community seeks to inform one another of issues that impact States' ability to enforce their laws and ensure compliance with their laws.
 - The subcommittees are working to get through existing projects and continue to collect information that would impact those projects (such as newly arising stall tactics, litigation that would render the work moot, etc.)



Communications Committee

Presented By Chair, Laura Hudson



Who should join?

- Communications/marketing staff
- Unclaimed property staff who promote program
- Others in unclaimed property interested in ideas



When do we meet?

Second Tuesday of each month

2pm(ET) 1pm(CT) 12pm (PM MT) 11am (PT)



What are we working on?



STRATEGIC PRIORITIES (in order)

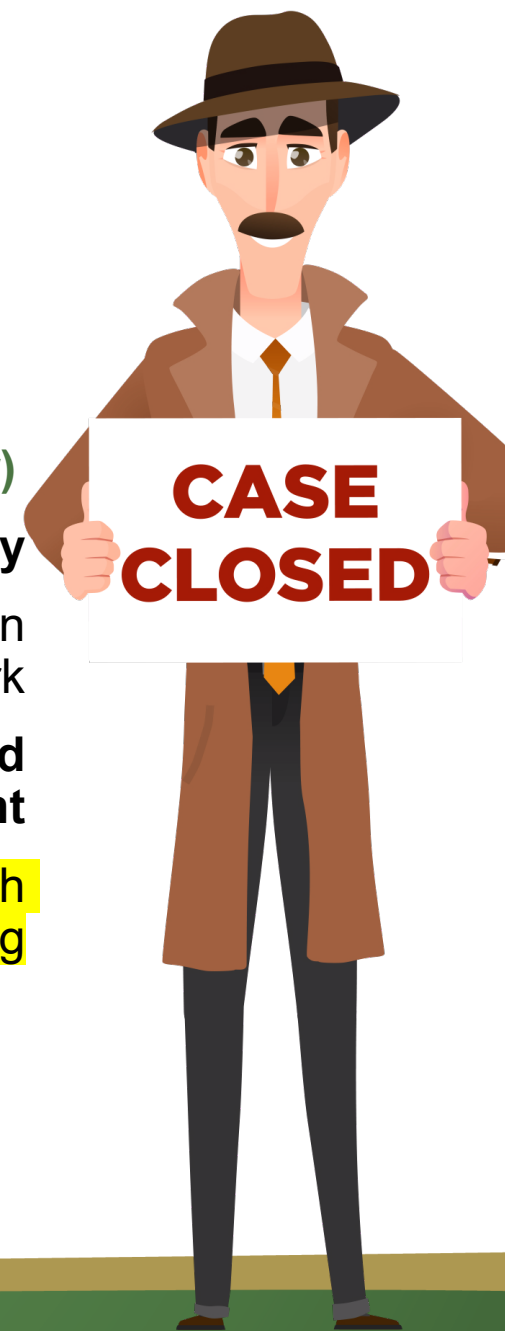
- Assist states in **asserting their legal authority**
- Influence **key policy decisionmakers** at all levels of government on the value and importance of unclaimed property framework
 - **Strengthen member communications, education, and engagement**
- **Increase utilization** of the unclaimed property framework for both reporting and claiming



What's next?

STRATEGIC PRIORITIES (in order)

- Assist states in **asserting their legal authority**
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Education Committee

Presented By
Jeff Chetkauskas,
State of Maine,
Education Committee Chair

Meets the third Thursday of each month.
3 p.m. ET
2 p.m. CT
1 p.m. MT
12 p.m. PT



The Purpose and Members of the Education Committee

- Gather, organize and present information on multiple subjects relating to unclaimed property.
- Include participants who are NAUPA members, including State/District staff and at times corporate affiliate staff.
 - Open to individuals looking to help guide or create the materials to share information.
- Benefit members, state officials, holders, claimants and other interested parties.



What is the Committee Working On?

2022-2023 accomplishments:

Webinars to members and holders

Plan and host webinars to bring more educational material to the members

- Post previous webinars to NAUPA resource library for current and future use.

Record and present a Holder Education Webinar

- Presented each summer and winter to align with state reporting periods
- Include state representatives for a Q&A portion each session



What is the Committee Working On?

2022-2023 accomplishments:

Updated and released the comprehensive survey for states

- Last performed in 2011.

Prepared and edited an Enrich guide for Unclaimed Property for 2022's National Unclaimed Property Day

- It was turned into a learning course for 2023's National Unclaimed Property Day.

Complete an annual review of TMTS proposals to select the sessions presented

- Keep promising ideas for future webinars.



What is next for the Education Committee?



Prepare more webinars resources to interested parties for Unclaimed Property to inform membership of current topics



Help develop a platform and resources to echo trending topics from other NAUPA committees.



Collaborate statistical data from states to show program's success



Encourage regions to promote participation of more staff members within NAUPA



Conduct annual webinar to promote upcoming NAUPA projects



Multi-State Fraud Group*

Presented By
Catherine Hom

Who are we?

Investigators



Supervisors,
Managers, and
Administrators



Employees
that work
claims



When do we meet?

MONTH						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY

Monthly
2nd Tuesday

NOTES: 8 a.m. PST

What do we do?

SHARE NEW TIPS AND
TOOLS FROM OTHER
STATES IN ORDER TO
COMBAT FRAUD!

DEMONSTRATIONS OF
ACTUAL FRAUD
DOCUMENTS,
LEARNING FROM EACH
OTHER.

PROVIDE POINT OF
CONTACT FOR FRAUD
IN PARTICIPATING
STATES.

SHARE RECENT FRAUD
TRENDS STATES ARE
SEEING.



Ready to Join our amazing group?

- Email : CatherineH@dor.wa.gov
- Email : Jeremy@statetreasurers.org

Legal Committee



Presented By:
G. Allen Mayer &
Jamie Mowat Young



Who, When, What

- Attorneys involved in unclaimed property – whether in your agency or (perhaps) your attorney general's office
- Second Friday at 1p/12p/11a/10a E/C/M/P via ZOOM
- Updates on Legislation, Litigation, Rules
- Working on articles, presentations, legislation, Amicus briefs, SURCH, fighting barbarians at the gates...





Unclaimed Property Litigation as of February 10, 2023
Claims on States' Failure to Pay Interest/Violation of Due Process & Takings

1. *Gazza v. Woods* (2:22-cv-1310)
U.S. District Court for the District of Arizona
Plaintiffs' counsel: Greiner & Associates PLLC
Tiffany & Bosco PA
Paul LLP
Endeavor Law
- 2a. *Cole-Kelly v. Yee* (4:22-cv-2841) (3 California cases likely to be consolidated)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Law Offices of Samuel Kohnhauer
Law Offices of Brian David
- 2b. *Coté v. Office of the California State Controller* (4:22-cv-4056)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman
- 2c. *Sykes v. Office of the California State Controller* (4:22-cv-4056)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman
3. *Peters v. Yee* (4:22-cv-2841)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman
4. *Kneeling v. Yee* (4:22-cv-2841)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman
5. *Light v. Yee* (4:22-cv-2841)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman
6. *Schulz v. Yee* (4:22-cv-2841)
U.S. District Court for the Northern District of California
Plaintiffs' counsel: Wolf Haldenstein Adler Freeman & Herz
Arthur Sussman

Filing # 132719912 E-Filed 08/

IN T

UNITED INSURANCE
AMERICA; THE RE
INSURANCE COM
SAVINGS LIFE INS
and RESERVE NA
INSURANCE COM

PETITION

v.

JIMMY PATRONIS
in capacity as Chief F
of the State of Flor
FLORIDA DEPART
FINANCIAL SERVICE

RESPONSE

AMICUS BRIEF OF THE NATIONAL ASSOCIATION
OF UNCLAIMED PROPERTY ADMINISTRATORS
IN SUPPORT OF JIMMY PATRONIS AND THE FLORIDA
DEPARTMENT OF FINANCIAL SERVICES

STATE OF MICHIGAN
IN THE COURT OF APPEALS

THE WALT DISNEY COMPANY
Plaintiff-Appellee,

v.

RACHAEL EUBANKS, in her capacity as
THE STATE TREASURER FOR THE
STATE OF MICHIGAN
Defendant-Appellant,

Court of Appeals No. 360291
Oakland County Circuit Court
No. 2021-189464-CZ

Unclaimed Property Programs
Live and Well



NATIONAL ASSOCIATION OF
UNCLAIMED PROPERTY ADMINISTRATORS
THROUGH ITS AFFILIATED
PROFESSIONAL GROUPS
FOR LEAVE

Amicus Curiae National Association
of Unclaimed Property Administrators
pursuant to MCR 7.312(H) and MCR 7.312(I)
captioned case.

In support of its Motion, NAUPA states:
1. NAUPA is a non profit organization
Association of State Treasurers, Inc.
property administrators representing a
Commonwealth of Puerto Rico, U.S. V.
governmental entities (collectively "state")

Written Statement on Transfers of Uncashed Checks from ERISA Plans
to State Unclaimed Property Programs

Before the U.S. Department of Labor
2019 Advisory Council on Employee Welfare and
Pension Benefit Plans

August 28, 2019
Washington, DC

state

Volume 101, Number 6 ■ August 9, 2021

§ ____ Unclaimed cryptocurrency

(a) The treasurer shall, in accordance with _____, adopt such regulations as are necessary for the for the method of delivery, transfer, maintenance, and sale of cryptocurrency that is presumed abandoned.

(b) The treasurer may decline to accept cryptocurrency deemed abandoned if the treasurer, in his or her discretion, determines that the cryptocurrency is not freely transferable, is of nominal value, or the value is less than the estimated expenses of maintenance, notice, or sale of the property.

(c) The treasurer may, in his or her discretion, direct a holder of cryptocurrency to sell cryptocurrency in conjunction with its reporting. A holder that sells cryptocurrency at the direction of the treasurer shall be entitled to the protections provided under _____, provided that the holder has complied with the notice provisions of _____ and has otherwise acted in good faith.

NAUPA

Unclaimed Property Authority

Uniform Unclaimed Property Acts

Uniform Law Commission (ULC)
promulgated the Uniform
Disposition of Unclaimed
Property Act (UDUPA) in 1954
updates in 1966, 1981, and

ULC promulgated the
Revised Uniform Unclaimed
Property Act (RUUPA) in 2016



Uniformity and Standardization

Chair: John Gabriel, Director of Unclaimed Property, Tennessee
Vice Chair: Allen Martin, Deputy Treasurer, North Carolina



Uniformity and Standardization

- **Purpose:** Encourage and facilitate uniformity among state, vendor, and holder communities
- **Members:** State and Corporate Affiliate staff associated with various aspects of holder reporting and claims processing
- **Meetings:** Every Other Wednesday – 2 PM ET



Uniformity and Standardization

- **Task:**
 - Maintain the NAUPA Standard File Format
 - Owner Relationship Codes and Definitions (past project)
 - New NAUPA III File Format (project started 2018)
 - Explore feasibility of unclaimed property reporting clearing house (2023-2027 Strategic Plan)
 - Other assignments/projects to promote consistency



Virtual Currency Committee

Presented By Eric Eichler and Marisol
Pereira



Who, When, What



Who Should Join? State staff whose responsibilities include virtual currency or who are interested in learning about this industry



When Do We Meet? Monthly, and ad-hoc with other industry groups, such as UPPO



What Are We Working on? Committee has developed information and best practices, draft legislation and rule making language



What's Next (Strategic Plan goals)? We will develop a white paper and continue to measure success



What

- Developed draft legislation and rule making language

§ ____ Unclaimed cryptocurrency

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- (b) The treasurer may decline to accept cryptocurrency deemed abandoned if the treasurer, in his or her discretion, determines that the cryptocurrency is not freely transferable, is of nominal value, or the value is less than the estimated expenses of maintenance, notice, or sale of the property.
- (c) The treasurer may, in his or her discretion, direct a holder of cryptocurrency to sell cryptocurrency in conjunction with its reporting. A holder that sells cryptocurrency at the direction of the treasurer shall be entitled to the protections provided under _____, provided that the holder has complied with the notice provisions of _____ and has otherwise acted in good faith.



What

- Developed information
 - Matrix of State's virtual currency statutes, legislation, rules

State	Dormancy	Legislation, Statute, Rule	Liquidate or Deliver
Delaware	5 years	§ 1133 When property presumed abandoned § 1152 Payment or delivery of property to State Escheator	Liquidate
Illinois	5 years	765 ILCS 1026/15-603 Sec. 15-603 Payment or delivery of property to administrator	Liquidate
<i>Indiana</i>		<i>Proposed rule: IC 32-34-1.5-87</i>	
Kentucky	3 years	§ 393A.010 When property presumed abandoned § 393A.330	Liquidate
New York	5 years	§ 1319 Unclaimed Virtual Currency	Deliver
<i>Ohio</i>	<i>5 years</i>	<i>Pending: Ohio House Bill 348</i>	<i>Liquidate</i>
West Virginia	3 years	§36-8-2 Presumptions of abandonment §36-8-8 Payment or delivery of abandoned property	Liquidate
Wisconsin		177.0307 Virtual currency	Liquidate



Future

- NAUPAs Strategic Plan includes virtual currency
 - Strategy 3: Draft a white paper on virtual currency including definitions and procedural options with national context – collaborate with Legal/Virtual Currency workgroups
 - Strategy 6: Measure success by the number of states adopting virtual currency statute language – collaborate with Legal/Virtual Currency workgroups



Claims and Reporting Communities*

Last Tuesday of the Month

Claims: 1:00 pm

Reporting: 2:00 pm



Claims and Reporting Communities

- Open Discussion and Q&A with Claims / Reporting staff around the country
- Who should join? State members working in either topical area
- Communal Document to add topics throughout the month
- National topics, Forum Posts, Open Discussion
- Want to Join? Email jeremy@statetreasurers.org



Other Meetings

NAUPA Executive Committee

2023 NAUPA Executive Committee



President
Hon. John Murante
Treasurer
State of Nebraska



Senior Vice-President
Patti Wilson
Director of Unclaimed Property
Washington Department of Revenue



Secretary-Treasurer
Meaghan Aguirre
Director of Unclaimed Property
Nebraska Treasury



Immediate Past President
Kathleen Lobell
Director of Unclaimed Property
Louisiana Department of Treasury

Bi-Monthly Regional Administrator Meeting

Regional Vice Presidents

Southern Region
Allen Martin
Deputy Treasurer
North Carolina Department of State Treasurer

Western Region
Bianca Gardelli
Program Director, Unclaimed Property Division
Colorado State Treasury

Midwestern Region
Amy Hendrix
Director of Unclaimed Property
Indiana Office of the Attorney General

Eastern Region
Tom McAnespie
Director of Abandoned Property
New Hampshire State Treasury



Questions?

