

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MISSOURI STATE EMPLOYEES RETIREMENT SYSTEM,
RESPONDENT**

vs.

**RAYMOND E. SALVA, SR.,
APPELLANT**

DOCKET NUMBER WD79289

DATE: AUGUST 30, 2016

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Jennifer M. Phillips, Judge

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Thomas
H. Newton, Judge

Attorneys:

Nicolas Taulbee, for Respondent

Raymond E. Salva, Jr., for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM, RESPONDENT

v.

RAYMOND E. SALVA, SR., APPELLANT

WD79289

Jackson County, Missouri

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick, Judge and Thomas H. Newton, Judge

Raymond Salva, Sr. appeals the summary judgment entered in favor of the Missouri State Employees' Retirement System (MOSERS) on MOSERS's claim for money had and received seeking to recover retirement benefits paid to Salva under a disqualification provision contained in article XIII, section 3.12 of the Missouri Constitution. The judgment is affirmed.

AFFIRMED.

Division Three holds:

- (1) Where Salva's felony, rather than conviction, occurred while he was in office, he was a public official subject to article XIII, section 3.12.
- (2) Where Salva did not have a vested right to retirement benefits at the time of the effective date of section 3.12 and he committed a felony while in office after that date, section 3.12, as applied to Salva, did not operate retrospectively in violation of the Missouri Constitution.

Opinion by: Victor C. Howard, Judge

Date: August 30, 2016

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