

MINUTES OF THE REGULAR MEETING OF THE BOARD OF RETIREMENT

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

300 N. LAKE AVENUE, SUITE 810, PASADENA, CA

9:00 A.M., SEPTEMBER 3, 2014

PRESENT: Yves Chery, Chair
Alan Bernstein, Vice Chair (Arrived at 9:22 a.m.)
William de la Garza, Secretary
Marvin Adams
Vivian H. Gray
David L. Muir (Alternate Retired)
Ronald A. Okum
William R. Pryor (Alternate Member)
Les Robbins
Mark Saladino
Shawn R. Kehoe (Arrived at 9:08 a.m.)

STAFF ADVISORS AND PARTICIPANTS

Gregg Rademacher, Chief Executive Officer
Robert Hill, Assistant Executive Officer
JJ Popowich, Assistant Executive Officer
Robb Van Der Volgen, Chief Counsel

STAFF ADVISORS AND PARTICIPANTS (Continued)

Dr. Vito Campese, Medical Advisor

Ricki Contreras, Division Manager
Disability Retirement Services

Jorja Frank, Senior Staff Counsel

Vickie Neely, Specialist Supervisor
Disability Retirement Services

Tamara Caldwell, Specialist Supervisor
Disability Retirement Services

I. CALL TO ORDER

The meeting was called to order by Chair Chery at 9:00 a.m., in the Board Room of Gateway Plaza.

II. PLEDGE OF ALLEGIANCE

Mr. Adams led the Board Members and staff in reciting the Pledge of Allegiance.

III. APPROVAL OF THE MINUTES

A. Approval of the Minutes of the Special Meeting of August 4, 2014

Mr. Pryor made a motion, Mr. de la Garza seconded, to approve the minutes of the special meeting of August 4, 2014. The motion passed unanimously.

IV. PUBLIC COMMENT

There were no requests from the public.

V. CONSENT AGENDA

Mr. Saladino made a motion, Mr. Adams seconded, to approve the following agenda items. The motion passed unanimously.

- A. Ratification of Service Retirement Application Approvals.
- B. Ratification of Survivor Benefit Application Approvals.
- C. Requests for an administrative hearing before a referee.
(Memo dated August 25, 2014)
- D. For information only as submitted by Ricki Contreras, Manager, Disability Retirement Services regarding the Application Processing Time Snapshot.
(Memo dated August 25, 2014)
- E. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: Dismiss with prejudice the appeal for an earlier effective date in the case of **Gary S. Morgan**. (Memo dated August 6, 2014)
- F. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: Dismiss with prejudice the appeal for service-connected disability retirement in the case of **David A. Toupal**. (Memo dated August 21, 2014)
- G. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: Dismiss with prejudice the appeal for service-connected disability retirement in the case of **Debra L. Warren**. (Memo dated August 21, 2014)
- H. Recommendation as submitted by Marvin Adams, Chair, Disability Procedures & Services Committee: That the Board approve the preparation and dissemination of a short series of articles titled "The Pension Perspective" designed to educate Panel Physicians regarding difficult pension issues and law. (Memo dated August 21, 2014)

V. CONSENT AGENDA (Continued)

- I. Recommendation as submitted by Marvin Adams, Chair, Disability Procedures & Services Committee: That the Board approve Ben Benham, M.D. (Board Certified Dermatologist) to the LACERA Panel of Physicians for the purpose of examining disability retirement applicants. (Memo dated August 21, 2014)

VI. GOOD OF THE ORDER
(For information purposes only)

Ms. Contreras introduced and welcomed James P. Harris as the new Disability Department liaison. Mr. Harris has joined the Division as a 120-day Retiree and will be working with the team on Return to Work and disability processes.

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT CALENDAR

Safety Law Enforcement
Service-Connected Disability Applications

On a motion by Mr. de la Garza, seconded by Ms. Gray, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
226C	CATHERINE A. PENS
227C	DAVID J. PHILIPPON

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

Safety Law Enforcement (Continued)
Service-Connected Disability Applications

<u>APPLICATION NO.</u>	<u>NAME</u>
229C*	ROBERT J. BENOIT
230C*	BEATRIZ R. KRAFT
231C	KEVIN G. BLAKE
232C	MICHAEL E. MILLER
233C	JAMES L. RITENOUR
234C**	DEVIN J. FREEMAN (DEC'D)
235C*	ROBERT B. NORRIS
236C	JEANNI M. LAVALLETTE

* Granted SCD – Employer Cannot Accommodate

** Granted SCD – Survivor Benefits

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

Safety-Fire, Lifeguard
Service-Connected Disability Applications

On a motion by Mr. Pryor, seconded by Chair Chery, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
1616A	RONALD P. TURIGLIATTO
1617A	SEAN A. MCAFEE
1618A	DAVID GALINDO

General Members
Service-Connected Disability Applications

On a motion by Mr. de la Garza, seconded by Chair Chery, the Board of Retirement approved a service-connected disability retirement for the following named employees who were found to be disabled for the performance of their duties and have met the burden of proof:

<u>APPLICATION NO.</u>	<u>NAME</u>
2446B	FAITH B. DUFFEY
2447B	AARON C. NELSON
2448B *	CAROL A. DEHERRERA

* Granted SCD Retroactive - Employer Cannot Accommodate

VII. DISABILITY RETIREMENT APPLICATIONS ON CONSENT
CALENDAR (Continued)

General Members

Non Service-Connected Disability Applications

On a motion by Mr. de la Garza, seconded by Mr. Pryor, the Board of Retirement approved, a non service-connected disability retirement for the following named employees who were found to be disabled for the performance of his duties:

<u>APPLICATION NO.</u>	<u>NAME</u>
4321*	ADELINE UMBOH
4322	HERBERT J. TERRELL

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED
SESSION

(Mr. Kehoe arrived at 9:08 a.m.)

A. Applications for Disability

Chair Chery said that the Board would handle those cases that were pulled off the Consent Calendar first. (Mr. Bernstein arrived at 9:22 a.m.)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
228C – DAVID R. DIAZ	Mr. Kehoe made a motion, Mr. de la Garza seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720.

* Granted NSCD - Retroactive

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

A. Applications for Disability (Continued)

(Mr. Bernstein arrived at 9:22 a.m.)

APPLICATION NO. & NAME

BOARD ACTION

228C – DAVID R. DIAZ (Continued)

Mr. Saladino made a substitute motion, Mr. Robbins seconded, to grant a non-service connected disability. The motion passed (roll call) with Messrs. Saladino, Bernstein, Okum, Robbins, de la Garza, Chair Chery voting yes; and Messrs. Kehoe, Adams and Ms. Gray voting no.

6759A – GENOVIEVE GOMEZ-LOZANO

Ms. Gray made a motion, Mr. Bernstein seconded, to grant a non-service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

6760A – SHEILA M. JONES

Mr. Adams made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6761A – CHANDRA Y. TROWER

Mr. Kehoe made a motion, Ms. Gray seconded, to grant a service-connected disability retirement pursuant to Government Code Section 31720. The motion passed (roll call) with Messrs. Kehoe, Bernstein, Adams, Robbins, de la Garza, Chair Chery and Ms. Gray voting yes; and Messrs. Saladino and Okum voting no.

6762A – ROYCEANNE JOHNSON

Mr. Pryor made a motion, Mr. Adams seconded, to deny a service-connected disability retirement since employer can accommodate.

Mr. Saladino made a substitute motion, Chair Chery seconded, to refer back to staff for additional information. The motion passed unanimously.

6763A – SABAH ZUWAYLIF

This item was pulled at the request of staff for further development.

6764A* – MARIA R. PEREZ

Mr. Saladino made a motion, Mr. Okum seconded, to grant a non- service connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6765A – RENE M. CENDEJAS	Mr. Kehoe made a motion, Mr. Adams seconded, to refer back to staff for additional information. The motion passed unanimously.
6766A – THERASA A. BRANDT	Mr. Saladino made a motion, Mr. Bernstein seconded, to deny a service-connected disability retirement without prejudice to find the applicant not permanently incapacitated. The motion passed unanimously.
6767A – VELMA B. DYER	Mr. de la Garza made a motion, Mr. Okum seconded, to deny a service-connected disability retirement find the applicant not permanently incapacitated. The motion passed unanimously.
6768A – MARIBEL L. DELA ROSA	Mr. Okum made a motion, Ms. Gray seconded, to grant a non service-connected disability retirement pursuant to Government Code Section 31720. The motion passed unanimously.

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

A. Applications for Disability (Continued)

<u>APPLICATION NO. & NAME</u>	<u>BOARD ACTION</u>
6769A – IRENE J. JIMENEZ	Mr. Kehoe made a motion, Mr. Saladino seconded, to refer back to staff for additional information. The motion passed unanimously.
6770A* – OLIVIA SHELMON	Mr. Saladino made a motion, Mr. Okum seconded, to deny a service-connected disability retirement without prejudice since the employer can accommodate. The motion passed unanimously.
207C – PATRICK L. GOMEZ	Mr. Kehoe made a motion, Mr. Okum seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.
6552A* – MARIAN E. PAEZ	Mr. de la Garza made a motion, Mr. Pryor seconded, to deny a service-connected disability retirement and find the applicant not permanently incapacitated. The motion passed unanimously.

* Applicant Present

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

A. Applications for Disability (Continued)

APPLICATION NO. & NAME

BOARD ACTION

6756A – RICHARD E. MCCLUNG (DEC'D)

Mr. Saladino made a motion, Chair Chery seconded, to deny a service-connected disability retirement survivor benefit. The motion passed unanimously.

714B – MIA M. DOEVE

Mr. Kehoe made a motion, Mr. Bernstein seconded, to continue the member's service-connected disability retirement. The motion passed unanimously.

B. Referee Reports

APPLICATION NO. & NAME

BOARD ACTION

Jorge Martinez – Steven R. Pingel for appellant
Francis J. Boyd for respondent

Case was not heard and set aside as the applicant's attorney was unable to appear. Staff consented to hold the matter over until next month.

(Mr. Robbins stepped out of the Boardroom at 10:12 a.m.)

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION (Continued)

C. Staff Recommendations

1. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services regarding: Payment of Invoices for the Month of August 2014. (Memo dated August 25, 2014)

Mr. Okum made a motion, Mr. Bernstein seconded, to approve the recommendation. The motion passed unanimously.

2. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: That the Board reject for processing the application for service-connected disability retirement in the case of **Salwa Abouelnasr**. (Memo dated August 21, 2014)

Mr. Saladino made a motion, Mr. Adams seconded, to approve the recommendation. The motion passed unanimously.

3. Recommendation as submitted by Jorja L. Frank, Senior Staff Counsel: That the Board grant Referee David Rosenman fees in the amount of \$12,100 for services provided in the matter of member **Cindy Shaw**. (Memo dated August 5, 2014)

(Mr. Robbins re-entered the Boardroom at 10:15 a.m.)

Mr. Kehoe made a motion, Chair Chery seconded, to approve the recommendation. The motion passed unanimously.

VIII. DISABILITY RETIREMENT CASES TO BE HELD IN CLOSED SESSION

C. Staff Recommendations (Continued)

4. Recommendation as submitted by Ricki Contreras, Manager, Disability Retirement Services: That the Board adopt the Proposed Findings of Fact and Conclusions of Law granting **Louise Hicks-Taylor** a service-connected disability retirement. (Memo dated August 26, 2014)

Mr. Bernstein made a motion, Ms. Gray seconded, to approve the recommendation. The motion passed unanimously

Green Folder Information (Information distributed in each Board Members Green Folder at the beginning of the meeting)

1. Retirement Board Listing dated September 3, 2014.

IX. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:17 a.m.

WILLIAM DE LA GARZA, SECRETARY

YVES CHERY, CHAIR